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**Environment Department Reaches Settlement Agreement with City of Rio Rancho
Concerning Chamisa Hills Golf and Country Club**

Agreement Requires City to Install Monitoring Wells to Detect Potential Groundwater Contamination

(Santa Fe, NM) The New Mexico Environment Department reached a settlement agreement with the City of Rio Rancho today concerning groundwater quality requirements related to ponds at the Chamisa Hills Golf and Country Club.

The agreement halts legal actions between the department and the city pending the outcome of groundwater tests at the golf course. The agreement is the result of discussions between the department and the city regarding a compliance order issued by the department against the city and a lawsuit filed by the city against the department.

“Our main priority related to Chamisa Hills has been to protect groundwater quality for residents of Rio Rancho,” said New Mexico Environment Department Secretary Ron Curry. “It’s unfortunate that this issue has taken so long to move toward resolution. I commend City Manager James Jimenez and Mayor Tom Swisstack for their efforts to bring this issue to a close. I sincerely hope that no matter what these wells uncover, the city will continue to work cooperatively with the department to protect groundwater.”

The agreement requires that the city install two monitoring wells at the golf course within six months of the agreement. Samples from those wells will show whether accumulated solids in ponds and possible damage to liners in ponds have caused exceedances of state groundwater quality standards for nitrate, total dissolved solids and chloride. If samples from those wells show no signs of contamination, the department will terminate the city’s Ground Water Quality Permit for the golf course and immediately reissue the permit to the Country Club. If samples from those wells show groundwater has been contaminated, the department will make the necessary efforts to work with the city to define the source and extent of the contamination. If the contamination is attributed to discharges at the golf course, the department and the city will attempt to negotiate a plan for abatement of the contamination. If the department and City are unsuccessful in the negotiations, the Department and City can resume their litigation.

The agreement requires the city to submit a plan for the well installations and groundwater monitoring within 30 days. The city must install the wells adjacent to the east and west ponds. The city must submit at least two

quarterly groundwater samples to the department at least three months apart.

The department issued a notice of violation to the city in January of 2008, requiring the city to investigate the condition of ponds where the city was making discharges of effluent under its state permit.

The city subsequently filed a lawsuit against the department that stated it was not responsible for contamination at the golf course. Wastewater has been discharged from the city to the golf course since 1982. The city assumed responsibility for that permit in 1995.

The department issued a compliance order with a proposed penalty of \$579,750 to the city in February for violating its state permit. The order alleged the city violated its discharge permit by failing to inspect liners of ponds at the club, neglecting to submit to the department a corrective action plan detailing damage to pond liners and illegally discharging wastewater from the city to unpermitted ponds.

The agreement states the department maintains its position that the city is responsible for the abatement of groundwater contamination from discharges into ponds at the golf course. The agreement also states that the city maintains its position that it is not responsible for defining the nature and extent or abatement of groundwater contamination from the golf course.

If wells samples show groundwater contamination exists, the agreement requires that the department and the city give the other 30 days notice prior to taking legal action regarding issues related to the golf course.

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