

**Medina, Joyce, NMENV**

**From:** Matt. Meyers [peaceenlightenment@yahoo.com]  
**Sent:** Saturday, April 03, 2010 9:42 AM  
**To:** Medina, Joyce, NMENV  
**Subject:** Docket Number: WQCC 09-13 (R)



Ms. Joyce Medina  
Board Administrator  
New Mexico Water Quality Control Commission

Dear Ms. Medina,

Greetings and very best wishes to you, from Las Cruces.

I am writing to you in regards to the Proposed Amendment to 20.6.2 NMAC (Dairy Regulations), to request the most rigorous due diligence of the New Mexico Water Quality Control Commission to protect New Mexico's drinking water from any and all pollution emanating from our State's dairy industry.

After clean air, which is our most important and constantly necessary nutrient, water is the second most essential nutrient for the sustenance of life. With all due respect to the products of our dairy industry, drinking water is much more essential to human health and survival than bovine milk, (or beef).

There can be no more important public mandate than the scrupulous protection of the quality and quantity of our drinking water, through strong and effective groundwater discharge permit regulations.

Please honor this importance of our drinking water, in your regulation of the effluent of the dairy industry. The separation of manure-pollution from our drinking water, is a fundamental requisite for the public health and survival of the people of New Mexico.

Thank you so very much for your consideration of these comments.

Sincerely,

Matt. Meyers, M.P.H.  
3388 Estrada Road  
Las Cruces, N.M. 88005

**Medina, Joyce, NMENV**

**From:** Ivona McCrary [IMcCrary@burtcpa.com]  
**Sent:** Monday, April 05, 2010 8:24 AM  
**To:** Medina, Joyce, NMENV  
**Subject:** Groundwater & the dairy industry



I think that it is incumbent on our regulators to chose the best available technology with regards to ground water protection...Our state is particularly vulnerable to any water degradation because of its scarcity. Please bring all of the science to bear on a solution to this potential problem. We have the luxury of the finest minds in the world @ our fingertips...let's parley that into a win/win situation for both the dairy farmer and the urban users.

**Ivona R. McCrary, CPA**  
Burt & Company CPAs, LLC  
4001 Indian School Road, NE, Suite 321  
Albuquerque, NM 87110  
(505) 265-6604  
(505) 268-9931 FAX

**IRS Circular 230 Disclosure:** To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another party any tax-related matters addressed in this communication

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Dear Joyce Medina,

I recently moved down to New Mexico from the Midwest, land of 10,000 lakes and have been involved in the dairy industry for over 30 years.

I have a genuine concern about the New Mexico Environment Department proposed new regulations on New Mexico's dairies. I will not be able to attend upcoming hearing on April 13<sup>th</sup> so this letter expresses my concerns.

It appears that the NMED will try to mandate changes that will regulate the dairy industry out of the state of New Mexico. Call on your neighbors to the north Minnesota, Wisconsin, Michigan and Iowa and find out how their Water Control Commissions and Environmental Departments have worked harmoniously with the dairy industry and protected their water resources.

Where is the scientific foundation for these proposed changes?

Has NMED done any studies on the economic impact these proposed regulations would have on the dairies themselves and the state of New Mexico?

Therefore, be it resolved that it is in the public interest to sustain and develop the dairy industry in the State of New Mexico, and NMED's proposed regulations are contrary to this public interest.

Thank you for sharing my concern.

Regards,

Aaron Cansler

Water Quality Control Commission  
c/o Joyce Medina  
1190 St Francis Drive  
PO Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

Your desire to maintain clean water in our state is shared by the dairymen of New Mexico. However, the proposed rules by NMED would severely hurt the economy of New Mexico without providing any clear environmental benefits.

Your proposed regulations are stricter than any other state without having any scientific basis behind them. It's interesting to note that NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity and farming before larger dairies were even established.

The economic toll of the new regulations would be an added burden to dairymen who are already suffering from the worst financial hardship in decades. Many of these businesses would have to close because they couldn't afford to meet these requirements.

Please consider the consequences of NMED's proposal. Don't regulate the dairy industry out of the state!

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Anderson', written over a horizontal line.

Alan Anderson  
Anderson Dairy  
1192 NM 236  
Portales, NM 88130



*Richard L. Park, D.V.M.*

1133 MESA LOOP NW  
LOS LUNAS, NM 87031  
TELEPHONE: 866-1900  
FAX: 866-1762



March 29, 2010

Water Quality Control Commission  
c/o Joyce Mdina, WQCC Administrator  
PO Box 5469  
Santa Fe, NM 87502

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am very concerned about the proposed rules submitted by the NMED for dealing with the dairy industry. As a 100% dairy practicing veterinarian I am worried that these proposed rules would have severe negative implications for New Mexico without providing any clear environmental benefit.

Without establishing a necessary scientific foundation, NMED would impose strict new requirements, including requiring a double-liner system for wastewater impoundments similar to those required by hazardous wastes – a requirement not held in any other state. It would also ban clay liners which have been recently adopted in neighboring states.

They would also require existing dairies to upgrade well monitoring, even before evidence that any drinking water has been impacted. Indeed, most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. NMED themselves have identified septic systems as the largest polluter of ground water, dairies less than 3%.

We estimate the NMED's proposed regulations to cause a combined economic impact on the dairy industry to be over \$2 billion annually, potentially resulting in the closure of up to half of New Mexico's existing dairies.

I would encourage the Water Quality Control Commission to carefully consider the effect of the proposed regulations on the dairy industry without providing any clear environmental benefit.

Sincerely,

Richard L. Park  
Veterinarian



## **PLAINSMEN COMMODITY BROKERS**

P.O. Box 1020  
CLOVIS, NEW MEXICO 88101-1020  
plainsmen@dishmail.net

575-683-3333  
FAX: 575-683-3336  
CELL: 575-693-1056

April 5, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

In turn, NMED also proposes to require existing dairies to upgrade to meet the costly requirements for new dairies without scientifically demonstrating any meaningful protection to groundwater. No evidence that any drinking water well could be impacted is required before the new requirements are imposed. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

Vance Dewbre

Plainsmen Commodity Brokers  
P.O. Box 1020  
Clovis, New Mexico 88101

April 5, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

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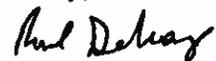
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NMED requires monitor wells that are close to impoundments (50 ft). These monitor wells can and have caused ground water contamination. It makes no sense to drill wells that can be a direct conduit to ground water. Other neighboring states do not approve of monitor wells for that reason. Even EPA says indiscriminant use of monitor wells may cause ground water contamination.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simply put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

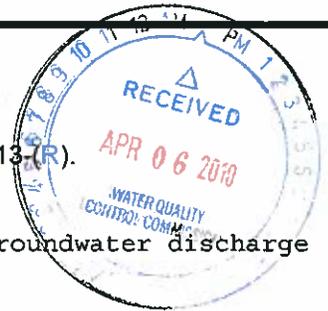
A handwritten signature in black ink, appearing to read "Rick Schaap". The signature is written in a cursive style with a large initial 'R'.

Rick Schaap  
Rockview Dairy  
12923 N Knowles  
Hobbs NM 88242

## Medina, Joyce, NMENV

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**From:** Barbara Fix [baafix@earthlink.net]  
**Sent:** Tuesday, April 06, 2010 7:43 PM  
**To:** Medina, Joyce, NMENV  
**Subject:** Re: Proposed Amendment to 20.6.6 NMAC, Docket WQCC 09-13 (R).



Please give the Commission my comments in support of the proposed groundwater discharge regulations for the dairy industry.

I write as a citizen, as someone who wants all the groundwater she and others drink to be safe and clean, and as a regular consumer of milk. Without regulation many in the dairy industry will continue to dispose of wastes in a manner that will jeopardize the future (and present) availability of clean groundwater. Without regulation those who pollute will have a competitive advantage. Conscientious and honorable dairy people should not be penalized for their decency.

I want to be able to drink milk without feeling guilty about encouraging an enterprise that harms others. Milk for the public to consume and clean groundwater should not be mutually exclusive alternatives. We can have both, with proper regulation and we'll all be the better for it.

Thank you.

Barbara Fix  
610 Alicia St.  
Santa Fe 887505  
505-989-8654

**Medina, Joyce, NMENV**

**From:** Sydney Walter [sydmusai@swcp.com]  
**Sent:** Tuesday, April 06, 2010 4:58 PM  
**To:** Medina, Joyce, NMENV  
**Cc:** daniel.lorimier@sierraclub.org  
**Subject:** dairy industry regulations



Dear Ms Medina,

We, in NM have the right to safe, clean water. In arid New Mexico, every source of water needs to be protected. When the Water Quality Control Commission holds hearings to decide on the new regulations, I hope to see the strongest regulations put in place, the one proposed by the coalition of community based organizations. These strong regulations are necessary, fair, will provide accountability.

***It's inconceivable that a \$2 billion dollar industry should avoid being held responsible for taking care of it's manure waste; the NMED and Community Coalition proposals will help ensure that the dairy industry – especially the CAFO megafarms – stop polluting our groundwater!***

***Sincerely,  
Sydney Walter***

**Medina, Joyce, NMENV**

**From:** Susanna de Falla [susdefalla2005@yahoo.com]  
**Sent:** Tuesday, April 06, 2010 3:47 PM  
**To:** Medina, Joyce, NMENV  
**Subject:** Dairy Regulations Docket Number WQCC 09-13(R)



Dear Administrator Medina:

The New Mexico Water Quality Control Commission is currently considering new regulations for the dairy industry. In the past, the dairy industry has damaged the quality of the state's drinking water with contamination, which has affected underground sources for the public's drinking water.

Ninety percent of New Mexico's drinking water comes from underground sources. This is an invaluable resource which needs to be protected from this industry's careless damage.

Dairies in New Mexico produce 5.6 millions gallons of manure each day -- waste which may be leaking into the groundwater and contaminating our drinking water. However, the dairy industry continues to refuse to accept this responsibility. So the Commission needs to work to strengthen regulations to control this public health issue, and preserve our rights to safe, clean drinking water. Thank you for your work to modify regulations which have failed in the past to control this injury to public rights and health.

Sincerely, Susanna de Falla

Susanna de Falla

Albuquerque, New Mexico 87108

"If we don't fight hard enough for the things we stand for,  
at some point we have to recognize that we don't really stand for them."

Paul Wellstone

## Medina, Joyce, NMENV

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**From:** Patrick Hanson [daedalus@cybermesa.com]  
**Sent:** Tuesday, April 06, 2010 1:19 PM  
**To:** Medina, Joyce, NMENV  
**Subject:** Dairy Regulations, WQCC 09-13(R)



6 April 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
PO Box 5469  
Santa Fe NM 87502  
<mailto:joyce.medina@state.nm.us>joyce.medina@state.nm.us

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my support for the New Mexico Environment Department proposal for new dairy industry permit regulations as well as the additional safeguards for New Mexico's groundwater provided by the proposal from the Community Coalition. Together, the proposals will help keep our precious waters clean and will hold the dairy industry accountable for its manure waste.

There are some smaller family-run dairies in New Mexico, but the New Mexico dairy interests opposing new regulations are dominated by large CAFOs. This is strange because it was the dairy industry that got the Legislature to require new regulations in the first place. Now it seems the industry doesn't like what New Mexico's citizens and the Environment Department have proposed after many months of meetings across the State.

New Mexico has the largest number of animals per dairy of any state and they produce a huge amount of manure every day. Environment Department records show that two-thirds of all dairies are already violating New Mexico's groundwater standards. So, clearly the current regulations are not working and we urgently need new ones. We cannot allow any waters in New Mexico become polluted or be impacted by even greater pollution.

Meeting the new requirements will not place an unreasonable burden on the industry. The industry boasts that it provides \$2 billion dollars to the State. Environmental costs are minor compared to feed, buildings, equipment, and animals. Most of the so-called "environmental" costs are actually things any CAFO has to do, such as build and maintain manure lagoons. On the other hand, local and state governments and the public are already paying the costs of dairies, such as more water treatment, health impacts from exposure to dairy pollution, lower property values, and impacts on tourism. It's only fair that the dairy industry - especially the megafarms and CAFOs - be responsible and accountable.

I urge the Water Quality Control Commission to carefully consider all of the benefits of the NMED and Community Coalition proposals. We all have a right to clean water.

Sincerely,

Patrick A. Hanson  
162 Tesuque Village Rd  
Santa Fe NM 87506  
<daedalus@cybermesa.com>

**Medina, Joyce, NMENV**

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**From:** POMEROY BUDLONG [pbudlong@msn.com]

**Sent:** Wednesday, April 07, 2010 8:34 PM

**To:** Medina, Joyce, NMENV

**Subject:** of the Proposed Amendment to 20.6.2 NMAC (Dairy Regulations) Docket Number: WQCC 09-13 (R).

Water is becoming a more and more precious commodity and something that needs to be protected. Whatever you do, please think of the FUTURE. We've felt the effects of drought here and we've certainly heard about it from California to Georgia. Drought and growing population demand means we have to do our best to protect what we have.

Thank you,  
Pamela Budlong  
224 Princeton drive  
Las Cruces, NM 88005





**FARM CREDIT  
OF NEW MEXICO**



April 6, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). Farm Credit of New Mexico has been involved in financing dairies since 1980 and we currently have in excess of \$470 million in dairy operating and mortgage loans. With the current dairy operations suffering through one of the most depressed milk price period (going on 15 months), it would be very difficult for them to tackle another costly issue. Furthermore, the trickle down affect to the general agricultural sector, rural communities and banking industries could be devastating should dairymen incur the additional expense.

Our dairy clients have worked very hard in the past to assure they do not contaminate the water sources in which we all share and value. They consistently abide by all the requirements that have been set forth by NMED, but I do not believe it is necessary to force them to incur more cost when other states do not even have the stringent requirements that New Mexico has prior to these proposed changes.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Please do not regulate our dairy industry out of the state!

Should you have any questions or wish to discuss, please call me at 505-875-6073.

Sincerely,

Alfred E. Porter, Jr., President  
Farm Credit of New Mexico, ACA  
P.O. Box 94330  
Albuquerque, NM 87199



# JOHNSON, MILLER & CO.

Certified Public Accountants  
A Professional Corporation

An Independent Member Of BDO Seidman Alliance

Hobbs, New Mexico  
Midland, Texas  
Odessa, Texas

April 6, 2010



Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



# JOHNSON, MILLER & CO.

Certified Public Accountants  
A Professional Corporation

An Independent Member of BDO Seidman Alliance

Mike Wischkaemper, CPA

225 E. Bender Blvd.  
Hobbs, New Mexico 88240  
(575) 393-2171 Ext. 112  
(575) 397-4301 Fax  
(806) 441-8583 Cell  
mike\_wischkaemper@jmcpcpa.com



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

In turn, NMED also proposes to require existing dairies to upgrade to meet the costly requirements (\$300,000 to \$500,000) for new dairies without scientifically demonstrating any meaningful protection to groundwater. No evidence that any drinking water well could be impacted is required before the new requirements are imposed. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts.

NMED requires monitor wells that are close to impoundments (50 ft). These monitor wells can and have caused ground water contamination. It makes no sense to drill wells that can be a direct conduit to ground water. Other neighboring states do not approve of monitor wells for that reason. Even EPA says indiscriminant use of monitor wells may cause ground water contamination.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the



**JOHNSON, MILLER & CO.**

Certified Public Accountants

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Hobbs, New Mexico

Midland, Texas

Odessa, Texas

state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

Mike Wischkaemper  
Johnson, Miller & Co.  
225 E Bender Blvd  
Hobbs, NM 88240



# JOHNSON, MILLER & CO.

Certified Public Accountants

A Professional Corporation

An Independent Member Of BDO Seidman Alliance

Hobbs, New Mexico  
Midland, Texas  
Odessa, Texas

April 6, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

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**JOHNSON, MILLER & CO.**

*Certified Public Accountants*

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Hobbs, New Mexico

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

*Debbie Davidson*  
Debbie Davidson

Johnson, Miller & Co.

225 E Bender Blvd

Hobbs, NM 88240

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502

Ricky Morris  
581 CR 14  
Clovis, N.M.  
88101

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

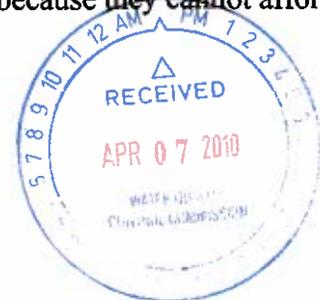
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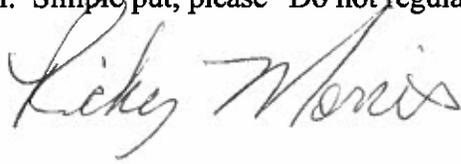
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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

A handwritten signature in cursive script that reads "Ricky Morris". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Ricky Morris  
Rt box 260  
Clovis NM 88101

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



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In turn, NMED also proposes to require existing dairies to upgrade to meet the costly requirements (\$300,000 to \$500,000) for new dairies without scientifically demonstrating any meaningful protection to groundwater. No evidence that any drinking water well could be impacted is required before the new requirements are imposed. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts.

NMED requires monitor wells that are close to impoundments (50 ft). These monitor wells can and have caused ground water contamination. It makes no sense to drill wells that can be a direct conduit to ground water. Other neighboring states do not approve of monitor wells for that reason. Even EPA says indiscriminant use of monitor wells may cause ground water contamination

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,



Craig Albin  
2508 N. Prince #312  
Clovis NM 88101

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

Bar N Bar Trucking  
946 Curry Rd 29  
Clovis NM 88101

A handwritten signature in cursive script, appearing to read "Steve Kied".

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502-5469

**W** Dennis W West  
408 E. 17th Ln  
Portales, NM 88130



As you know, the New Mexico Environment Department is proposing new regulations for dairy operation permits. I have a small dairy operation in Roosevelt County that will be put out of business by these regulations. There are parts of the proposed regulation that will be impossible for my operation to comply with and I will not be able to renew the discharge permit.

This dairy has been in operation for over 40 years and to my knowledge it has not caused any problems. If you approve these proposed new regulations I will be required to make unnecessary operation changes that I can not finance and it will force me out of business. My property will be severely de-valued as a result and I will be facing bankruptcy. I have 22 employees who will lose the job their families depend on and they will be put on unemployment or public assistance since there are very few other jobs available in these bad economic times.

I need your help, please do not adopt these regulations. I know there are other family owned dairy operations that are facing this same situation. I sincerely hope that a State regulating body will not force a tax paying business to close in these bad times. There must be a more sensible way of doing what is really needed.

Please reject these proposed regulations. My business survival depends on it.

*Thank you,  
Dennis West*

*dba - Bright Horizon Dairy*

April 4, 2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502

Dan Visser  
1271 SR 288  
Cloves, NM 88101

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

A handwritten signature in cursive script that reads "Dan Visser". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Dan Visser  
Dutch Valley Farms  
Clovis, NM 88101

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,



Eddie Schaap  
North Point Dairy  
2049 SR 209  
Clovis NM 88101

Date 4/5/10

Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

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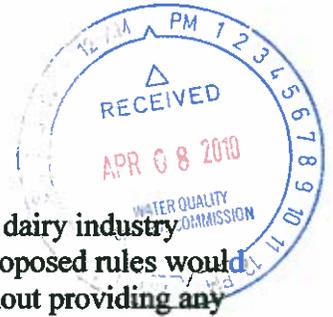
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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

Van der Ploeg Family,  
Mid Frisian Dairy  
507 Curry Road 8  
Clovis N.M. 88101



April 5, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

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NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially

result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,



Art F Schaap  
Highland Dairies  
650 Curry Rd O  
Clovis, NM 88101

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

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NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

A handwritten signature in cursive script that reads "Bou Boles". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Bou Boles  
2079 SR 209  
Clovis NM 88101

**Day Star Dairy  
1369 CR 7  
Clovis, NM 88101  
575-683-3008**



March 24, 2010

Water Quality Control Commission  
C/O Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
PO Box 5469  
Santa Fe, NM 87502

RE: Dairy Regulations, WQCC 09-13( R )

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

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In turn, NMED also proposes to require existing dairies to upgrade to meet the requirements for new dairies if any ground water quality standards are exceeded in monitoring wells located a the dairies. No evidence that any drinking water well could be impacted is required before the new requirements are imposed, Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of groundwater impacts.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry estimates that its combined economic impact to the state is over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of the New Mexico's existing dairies because they cannot afford to meet all the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please do not regulate our dairy industry out of the state!

Sincerely,

Todd J. Teune  
Owner Day Star Dairy

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

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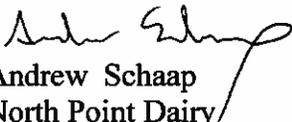
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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

  
Andrew Schaap  
North Point Dairy  
2049 SR 209  
Clovis NM 88101

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

KAYLA SCHAAP

Kayla Schaap  
2049 SR 209  
Clovis NM 88101

04/04/2010  
Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502



Re: Dairy Regulations, WQCC 09-13(R)

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

A handwritten signature in cursive script that reads "Steven Schaap". The signature is fluid and includes a long, sweeping horizontal stroke at the end.

Steven Schaap  
2049 SR 209  
Clovis NM 88101



## MAYOR'S OFFICE

200 East Broadway  
Hobbs, New Mexico 88240



April 7, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P. O. Box 5469  
Santa Fe, NM 87502

Re: Dairy Regulations, WQCC 09-13 (R)

Dear Commissioners:

Although the Hobbs City Commission has not had an opportunity to consider this issue, I am writing to express my personal opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

I am advised that NMED also proposes to require existing dairies to upgrade to meet the costly requirements for new dairies without scientifically demonstrating any meaningful protection to groundwater. No evidence that any drinking water well could be impacted is required before the new requirements are imposed. Most dairies in Lea County are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts.

To my knowledge, NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually. If

NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they simply cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal and to balance the benefits against the potential adverse consequences of the proposed regulations.

Thank you for considering this letter.

THE CITY OF HOBBS

A handwritten signature in blue ink that reads "Gary Don Reagan". The signature is written in a cursive style with a large initial "G".

GARY DON REAGAN  
Mayor

GDR/ab

# City of Portales

100 West First Street  
Portales, New Mexico 88130

Phone 575-356-6662  
Fax 575-356-3158



April 7, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, New Mexico 87502

**RE: Resolution of Support for the Dairy Industry Group**

Dear Water Quality Control Commission:

The Portales City Council, during the regularly scheduled meeting on Tuesday, April 6, 2010, unanimously approved Resolution #09-10-56 of Support for the Dairy Industry Group. A copy of the resolution has been enclosed for your review.

Sincerely,

A handwritten signature in blue ink that reads "Nicole Thornton".

Nicole Thornton  
Community Affairs Coordinator  
City of Portales

Enclosure

**RESOLUTION #09-10-56**  
**RESOLUTION OF SUPPORT FOR THE DAIRY INDUSTRY GROUP**



**WHEREAS**, the New Mexico Environment Department (NMED) has proposed new regulations for New Mexico's dairies that could deal a crippling blow to dairies across the state; and

**WHEREAS**, NMED has not provided the economic impact or reasonableness of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the proposed regulations; and

**WHEREAS**, the New Mexico dairy industry has an estimated economic impact on the state's economy of over \$2 billion; and

**WHEREAS**, the economic activity generated by dairies is critical for counties and municipalities where these dairies are located; and

**WHEREAS**, the New Mexico Water Quality Control Commission (WQCC) has scheduled a hearing on NMED's proposed regulations in Santa Fe, New Mexico, on April 13, 2010, and the WQCC will consider oral or written public comments as part of the proceeding;

**WHEREAS**, NMED's proposed regulations would substantially increase environmental compliance costs for New Mexico's dairies; and

**WHEREAS**, NMED's proposed regulations should reflect the best and economically feasible science for environmental protection within the dairy industry; and

**WHEREAS**, dairy producers recognize that water protection is vital, but the methods required for such protection under the proposed regulations must be proven, using sound science, to be effective and achievable; and

**WHEREAS**, dairies already are struggling with historic low milk prices, and if these proposed regulations are adopted, it could potentially result in closure of up to half of New Mexico's existing dairies who cannot afford to meet all of the new requirements; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Portales opposes NMED's proposed regulations dealing with the dairy industry to be considered on April 13, 2010, before the WQCC; and

**BE IT FURTHER RESOLVED** that it is in the public interest to sustain and develop the dairy industry in the State of New Mexico, and NMED's proposed regulations are contrary to this public interest; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the Governor of the State of New Mexico, each member of the New Mexico House of Representatives and the

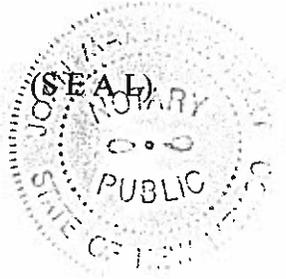
New Mexico State Senate who represent Roosevelt County and New Mexico Congressional delegation and transmitted to the WQCC as part of the public comment for the rulemaking hearing.

Done this 6<sup>th</sup> day of April 2010.

THE CITY OF PORTALES, NEW MEXICO

By: \_\_\_\_\_

MAYOR



ATTEST:

  
City Clerk

DEL NORTE DAIRY  
PO BOX 167  
MESQUITE NM88048



April 5, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environmental Department. These proposed rules would have many severe negative implications for New Mexico within the dairy industry.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico. Requiring dairies to install expensive double-liner systems for wastewater, where they have not been required for dairies in the past has not been proven to benefit the environment. About 15 years ago a 300 foot deep irrigation well was established north of Del Norte, Mountain View and Bright Star dairies and has been sampled with the results running above standards.

In turn, NMED also proposes to require existing dairies to upgrade to meet the costly requirements for new dairies without scientifically demonstrating any meaningful protection to groundwater. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming and where only deeper, clean aquifers are used for drinking water. These dairies were established in the early 1970's with low income housing coming in closer to the dairies in the past 20 years. A sewer system was put in place less than 10 years ago to accommodate their needs. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts. We believe contamination is coming from across I-10 where septic waste had been dumped for years where there were no liners in place to protect the ground water.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it ever estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements. Costly renovations would be detrimental to all those involved in the dairy industry putting many jobs on the line and will impact the community more than we will know.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simply put, please **DO NOT REGULATE OUR DAIRY INDUSTRY IN OUR STATE!**

Sincerely,

A handwritten signature in blue ink that reads 'Tim Hyde'.

Tim Hyde  
Del Norte Dairy  
Partner



April 5, 2010

Water Quality Control Commission  
c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simply put, please **DO NOT REGULATE OUR DAIRY INDUSTRY IN OUR STATE!**

Sincerely,

John DeRuyter  
Mountain View Dairy  
Partner

**Mountain View Dairy**

PO Box 345 • Mesquite NM 88048 • P 575.233.2029 F 575.233.3841



April 5, 2010

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c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
P.O. Box 5469  
Santa Fe, NM 87502

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I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simply put, please **DO NOT REGULATE OUR DAIRY INDUSTRY IN OUR STATE!**

Sincerely,

Jerry Settles  
Del Oro Dairy  
Partner





PO Box 10

Mesquite NM 88048

P 575.233.3620

F 575.233.1138



April 5, 2010

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c/o Joyce Medina, WQCC Administrator  
1190 St. Francis Drive  
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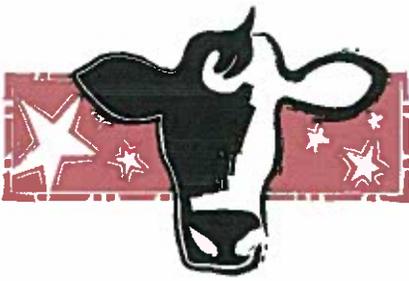
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Sincerely,

George Segura  
Big Sky Dairy  
Partner



April 5, 2010

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Sincerely,

Edward DeRuyter  
Bright Star Dairy  
Partner



Sunset Dairy

PO Box 10 • Mesquite NM 88048 • P 575.233.3620 F 575.233.1138



April 5, 2010

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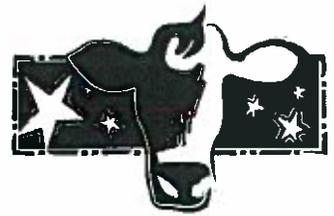
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Walter Ludwig  
Del Norte Dairy  
Partner