

NOTICE OF HEARING  
NEW MEXICO ENVIRONMENT DEPARTMENT

The New Mexico Environment Department (NMED) has scheduled a public hearing to consider the approval of the ground water Discharge Permit Renewal and Modification Application, DP-699, as submitted by Mr. John Ruch, Ruch Dairy, 5518 East Avenue D, Lovington, New Mexico 88260-9538. Discharge Permits are issued pursuant to New Mexico Water Quality Control Commission (WQCC) Regulations. The public hearing will be held on Tuesday, November 16, 2010, 6:00 p.m. at the Bob Moran Hall - Multi Purpose Room, New Mexico Junior College Campus, 5317 Lovington Highway, Hobbs, New Mexico.

In Discharge Permit Application DP-699, Ruch Dairy proposes to renew and modify the Discharge Permit for the discharge of up to 40,000 gallons per day (gpd) of agricultural wastewater. Previously, wastewater was discharged from the milking parlor to a concrete-lined sump and then pumped to three clay-lined lagoons for storage. Wastewater was land applied by center pivot sprinkler and flood irrigation to 145 acres of irrigated cropland under cultivation. The modification consists of decreasing the land application area from 145 to 100 acres of center pivot irrigated cropland under cultivation, and replacing the existing clay-lined lagoons with a synthetically lined lagoon system. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at 9111 State Highway 18 (a.k.a. Lovington Highway), approximately one mile northwest of Humble City, in Sections 26 and 27, Township 17 South, Range 37 East, Lea County. Ground water beneath the site is at a depth of approximately 60 feet and has a total dissolved solids concentration of approximately 560 milligrams per liter.

All interested persons will be given a reasonable opportunity at the public hearing to submit relevant evidence, data, views or arguments orally or in writing, and to examine persons who testify at the hearing. Any person who wishes to present technical evidence at the hearing shall, no later than 5:00 pm Tuesday, November 2, 2010, file a Statement of Intent to Present Technical Testimony with the Hearing Clerk, Sally Worthington, NMED, Harold Runnels Building, 2<sup>nd</sup> floor, Room N-2150, P.O. Box 5469, Santa Fe, NM, 87502-5469. Persons filing a Statement of Intent shall also serve a copy on the Department and the applicant. The Statement of Intent shall include: the name of the person filing the statement; whether the person supports or opposes the proposed discharge permit application; the name of each witness; an estimate of the length of the direct testimony of each witness; a list of exhibits, if any, to be offered into evidence at the hearing; and a summary or outline of the anticipated direct testimony of each witness. Any person who does not file a Statement of Intent may present a general non-technical statement in support or opposition of the proposed discharge permit approval at any time before or at the hearing.

The hearing will be conducted pursuant to 20.6.2.3110 NMAC (WQCC Regulations, Public Hearing Participation) and 20.1.4 NMAC (Permit Procedures- Environment Department). A copy of these rules may be obtained by contacting the Ground Water Quality Bureau at (505) 827-2900. The NMED Secretary will approve, conditionally approve, or disapprove the proposed Discharge Permit based on the administrative record for the Discharge Permit application, including the applicable information provided during the public hearing.

NMED will make an audio recording of the hearing proceedings. Although not required by applicable regulations, a written transcript of the hearing proceedings may be prepared. If a written transcript is prepared, any parties requesting transcript copies will bear the full cost of preparation of the copies.

Any interested person may examine the administrative record for the proposed Discharge Permit application from 8:00 a.m. to 5:00 p.m. at the NMED Ground Water Quality Bureau, Harold Runnels Building, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM 87502-5469, (505) 827-2900. Any interested person may obtain an electronic copy of the administrative record for the proposed Discharge Permit application from 8:00 a.m. to 5:00 p.m. at the NMED Hobbs Field Office, 726 E. Michigan #165, Hobbs, NM, 88240, (575) 393-4302 or the NMED Ground Water Quality Bureau, Harold Runnels Building, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM 87502-5469, (505) 827-2900.

If you are an individual with a disability requiring assistance, auxiliary aid, e.g., Sign Language Interpreter, or a Spanish language translator at this hearing, please contact Judy Bentley, Human Resources Bureau, NMED, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, (505) 827-9872 by November 5, 2010. TTY users please access Ms. Bentley's number via the New Mexico Relay Network at 1-800-659-8331.