

**BEFORE THE WATER QUALITY CONTROL COMMISSION  
FOR THE STATE OF NEW MEXICO**



**In the Matter of:** )  
 )  
**PROPOSED AMENDMENT** )  
**TO 20.6.6 NMAC (Dairy Rule)** )

**WQCC 12-09 (R) and  
WQCC 13-08 (R)**

**THIRD NOTICE OF ERRATA RE EXHIBIT "A" TO THE  
JOINT MOTION TO ADOPT THE PROPOSED AMENDMENTS TO THE  
DAIRY RULE**

COMES NOW Dairy Industry Group for a Clean Environment, Inc. (hereinafter "DIGCE") hereby submits this Third Notice of Errata to the Joint Motion to Adopt the Proposed Amendments to the Dairy Rule and the Proposed Statement of Reasons that was filed with the Water Quality Control Commission on April 24, 2015. This Notice identifies additional errors for correction in Exhibit A (Stipulated amended rule language proposed by DIGCE in the Second Petition to Amend 20.6.6 NMAC (hereinafter ("Dairy Rule")). These corrections are made for internal consistency within the proposed rule amendments. Counsel for DIGCE has consulted with counsel for all parties and there are no objections to this Notice and the attached corrections. If the Commission chooses to accept the rule amendments and the corrections made herein, DIGCE recommends that they be incorporated into a revised Exhibit A, along with any other changes made by the Commission, to be submitted to the State Records Center for publication.

DATED this 11<sup>th</sup> day of May, 2015.

Respectfully submitted,

GALLAGHER & KENNEDY, P.A.



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**CERTIFICATE OF SERVICE**

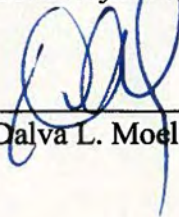
I certify that a copy of the Notice of Errata was served on the following by e-mail on the 11<sup>th</sup> day of May, 2015:

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**CHANGES TO AMENDED RULE LANGUAGE CONTAINED IN  
EXHIBIT "A" TO THE JOINT MOTION TO ADOPT THE PROPOSED  
AMENDMENTS TO THE DAIRY RULE AND THE PROPOSED  
STATEMENT OF REASONS**

**EXHIBIT "A" as filed with Second Notice of Errata, page 47**

**Change to Section 20.6.6.25.G(2) NMAC:**

Language in the Current Stipulation:

(2) The total nitrogen concentration of wastewater and stormwater obtained from the corresponding quarterly analyses collected pursuant to Subsection C of this section and Subsection D of 20.6.6.24 NMAC.

Replace with the following corrected language:

(2) The total nitrogen concentration of wastewater and stormwater obtained from the corresponding quarterly or annual analyses collected pursuant to Subsection C of this section and Subsection D of 20.6.6.24 NMAC.

**EXHIBIT "A" as filed with Second Notice of Errata, Page 51**

**Change to Section 20.6.6.27.B(1)(a):**

Language in the Current Stipulation:

(a) A corrective action plan shall be submitted within 120 days of the ~~subsequent sample analysis date of the fourth of the consecutive sampling events~~ unless a petition for variance is filed in accordance with Subparagraph (c) of this paragraph. The corrective action plan shall describe any repairs or changes in practices made to address the cause of the exceedance, and propose source control measures and a schedule for implementation. The implementation schedule shall include a schedule of all proposed corrective action activities and the date that corrective action will be completed. The department shall approve or disapprove the corrective action plan within 60 days of receipt. If the corrective action plan proposes actions to correct deficiencies with the liner, the proposed actions shall include the following items.

Replace with the following corrected language:

(a) A corrective action plan shall be submitted within 120 days of the ~~subsequent sample analysis date~~ of postal notice from the department that action is required under this subsection unless a petition for variance is filed in accordance with Subparagraph (c) of this paragraph. The corrective action plan shall describe any repairs or changes in practices made to address the cause of the exceedance, and propose source control measures and a

schedule for implementation. The implementation schedule shall include a schedule of all proposed corrective action activities and the date that corrective action will be completed. The department shall approve or disapprove the corrective action plan within 60 days of receipt. If the corrective action plan proposes actions to correct deficiencies with the liner, the proposed actions shall include the following items.

**EXHIBIT "A" as filed with Second Notice of Errata, Page 51**

**Change to Section 20.6.6.27.B(2)(a)(iii):**

Language in the current stipulation:

(iii) The permittee may investigate potential sources of contamination that may have caused a standard(s) to be exceeded. If such an investigation indicates that the source of the contamination is not the impoundment intended to be monitored by the well, the permittee may petition within 120 days of the subsequent sample analysis date for a variance from the requirements of this section in accordance with 20.6.2.1210 NMAC. It is the permittee's burden to prove any claim that the source of the contamination is not the impoundment intended to be monitored by the well. If the variance is denied the permittee shall submit a corrective action plan meeting the requirements of Sub-subparagraph (i) of this subparagraph within 60 days of the denial.

Replace with the following corrected language:

(iii) The permittee may investigate potential sources of contamination that may have caused a standard(s) to be exceeded. If such an investigation indicates that the source of the contamination is not the impoundment intended to be monitored by the well, the permittee may petition within 120 days of the ~~subsequent sample analysis date~~ of postal notice from the department that action is required under this subsection for a variance from the requirements of this section in accordance with 20.6.2.1210 NMAC. It is the permittee's burden to prove any claim that the source of the contamination is not the impoundment intended to be monitored by the well. If the variance is denied the permittee shall submit a corrective action plan meeting the requirements of Sub-subparagraph (i) of this subparagraph within 60 days of the denial.