

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

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

No. WQCC 13-08(R)



DIGCE'S UNOPPOSED MOTION TO CONTINUE HEARING

Petitioner Dairy Industry Group for a Clean Environment, Inc. (DIGCE) moves to continue the hearing in this matter, currently set for the Commission's March 2014 meeting. The reasons for this motion are set forth below. Counsel for DIGCE has consulted with Mr. Block, counsel for the Coalition, who advises that "the Coalition will not oppose granting a continuance." Counsel for DIGCE also has consulted with counsel for the Environment Department, which supports a continuance.

DIGCE filed the Petition in this matter in August 2013. The Petition proposes certain amendments to the Dairy Rule, 20.6.6 NMAC. At its September 10, 2013 meeting, the Commission accepted the Petition and set a hearing for the Commission's March 2014 meeting.

At the September 2013 meeting, the Environment Department appeared through counsel and indicated that it intended to take certain steps with regard to the Petition, including the formation of an advisory board for the Department to obtain further input or discussion on the rule changes proposed in the Petition. The Department has not yet announced the anticipated advisory process regarding the Petition. Moreover, based on the Department's reports to the Commission regarding dairy rule implementation, DIGCE understands that the Department is still attempting to fill open positions on its agricultural team who implement the dairy rule. Also, the unanticipated delay in the WQCC hearing on the Copper Rule Motion for Stay has further contributed to the need for a delay in the hearing.

*Motion Granted.
Butch Jorgate
Chair, WQCC
February 5, 2014*

DIGCE supports the Department's intention to seek further advice regarding the Petition, but does not believe that there is sufficient time to establish and complete an advisory process and for the parties to prepare for a public hearing on the petition in time for a hearing in March 2014. DIGCE has consulted with counsel for the Environment Department and understands that the Department anticipates being able to convene and complete an advisory process and that pre-hearing procedures can be scheduled in time for a hearing on the Petition to be held in November 2014.

For these reasons, DIGCE moves to continue the hearing currently set for March 2014 and suggests that a hearing be rescheduled on this matter for November 2014.

Respectfully Submitted,

DAIRY INDUSTRY GROUP FOR A CLEAN
ENVIRONMENT, INC.



Dalva L. Moellenberg, Esq.
Anthony (T.J.) J. Trujillo, Esq.
Gallagher & Kennedy, P.A.
1239 Paseo de Peralta
Santa Fe, New Mexico 87501
Phone: (505) 982-9523
Fax: (505) 983-8160
DLM@gknet.com
AJT@gknet.com