

## Dairy rule hearings end with a proposal

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Bureau

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Like nearly half of permitted dairies. Big Sky has had issues with groundwater contamination. The Vado dairy is currently in abatement. (Lauren Villagran/Albuquerque Journal)

The dispute over the so-called dairy rule ended before the hearings had barely begun.

On Monday, the dairy industry and clean-water advocates reached an agreement with the state on changes to the dairy rule governing how dairies dispose of wastewater. Both sides say they gained some and lost some in the proposed settlement, which must be approved by the Water Quality Control Commission.

Hearings scheduled to last all week in Roswell were called off after four-and-a-half hours, thanks to the agreement hammered out during the previous six days, according to attorneys for the dairy industry and citizens' coalition.

"It was something that came together very quickly," said Dal Moellenberg, attorney representing the Dairy Industry Group for a Clean Environment. "After we had all turned in the testimony before the hearing and people were reading it closely, perhaps the light went on and we realized we weren't as far apart as we thought we were."

The location of monitoring wells and frequency of inspection reports, and the use of clay versus synthetic liners in wastewater lagoons, were among the sticking points. The dairy industry had requested greater flexibility on both issues.

The settlement grants dairies — and the Environment Department charged with enforcing the rule — more flexibility in determining the location and number of wells used to monitor groundwater contamination. It also permits, under certain circumstances, the use of a two-foot clay “liner” beneath wastewater lagoons instead of mandating use of a synthetic liner in all cases.

Clay costs nearly half as much as a synthetic liner, according to Walter Bradley, business and government director with Dairy Farmers of America.

But the settlement requires monitoring wells be placed uphill and downhill of potential pollution sources, and dairies are required to submit quarterly reports on groundwater contamination. If pollution is found in groundwater, dairy farmers will have to upgrade their wastewater lagoons from clay to a synthetic liner, or from a synthetic liner to a “double” liner, according to Dan Lorimier, conservation coordinator for the Sierra Club’s Rio Grande chapter.

“There is a remediation time schedule if a clay-lined lagoon is leaking, which gives us less heartburn,” he said. “If they aren’t working, we’ll know about it.”

The new dairy rule “is less prescriptive yet equally protective of groundwater,” Trais Kliphuis, NMED director of environmental protection programs, said in a statement.

By enabling “site-specific discretion” for NMED, the new rule “will reduce the administrative burden” on NMED, she said.