

SENATE MEMORIAL 12

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding

A MEMORIAL

REQUESTING THE DEPARTMENT OF ENVIRONMENT TO REPORT ON THE EFFECTIVENESS OF THE DAIRY RULE IN PROTECTING NEW MEXICO'S GROUND WATER RESOURCES.

SRC → ~~WHEREAS, the New Mexico dairy industry is the largest economic generator in the state's agricultural sector but involves high risks to ground water quality by concentrating and confining dairy herds; and~~ ← SRC

.219604.1AIC March 2, 2021 (2:29pm)

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WHEREAS, in 2009, the New Mexico legislature passed Senate Bill 206, sponsored by Senator Clinton D. Harden, Jr., which amended the Water Quality Act to require the water quality control commission to adopt new industry-specific discharge permit rules for the dairy industry and "to specify in the regulations the measures to be taken to prevent water pollution and to monitor water quality"; and

WHEREAS, on December 22, 2009, the department of environment submitted a petition for regulatory change to the water quality control commission to amend the Ground and Surface Water Protection Regulations, 20.6.2 NMAC, to include new rules for the dairy industry; and

WHEREAS, public hearings were held on the proposed amendment on April 13 through 16, 2010 and June 8 through 17, 2010, where the participants included the department of environment, the dairy industry group for a clean environment and the New Mexico citizens dairy coalition, whose members include amigos bravos, the Caballo concerned citizens group, Rio Valle concerned citizens, food and water watch and the sierra club Rio Grande chapter; and

WHEREAS, the dairy rulemaking process continued for five years with stakeholder meetings, public hearings and an advisory committee where the general public, the ground water quality bureau of the department of environment, the dairy industry group for a clean environment and the New Mexico

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citizens dairy coalition met and crafted the language of the dairy rule, reaching final agreement in 2015; and

WHEREAS, in 2015, the water quality control commission adopted the amendments to the Water Quality Act agreed to by the stakeholders and presented to them by the department of environment; and

WHEREAS, the department of environment currently lacks a comprehensive reporting and analysis system for New Mexico's approximately one hundred eighty dairies and therefore cannot assess the overall impact of the dairy rule on New Mexico's ground water that is supported by statistics; and

WHEREAS, under earlier administrations, the department of environment developed and maintained a spreadsheet of all dairy ground water discharge permits that could now be broadened and updated to allow the necessary comparative overview; and

WHEREAS, five years of implementation by the regulating agency and the industry is sufficient time to acquire statistical evidence and compile a meaningful and comprehensive review and report of the effectiveness of the dairy rule in protecting New Mexico's ground water resources; and

WHEREAS, this statistical information is a critical tool for the regulating agency, the New Mexico dairy industry, the New Mexico legislature and the public to understand the impacts of current dairy regulations on New Mexico's ground water quality;

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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the department of environment be requested to compile a report with the following elements:

SRC→~~A. the name and location of each dairy in New Mexico;~~

~~B. the compliance or noncompliance with New Mexico's ground water quality standards for each contaminant~~←SRC SRC→~~listed in the dairy rule's quarterly ground water monitoring report;~~←SRC

SRC→~~C.~~←SRC SRC→~~A.~~←SRC a statistically supported analysis of how many plastic liners have been installed or inspected;

SRC→~~D.~~←SRC SRC→~~B.~~←SRC a statistically supported analysis of how many meters have been installed; SRC→and←SRC

SRC→~~E.~~←SRC SRC→~~C.~~←SRC a statistically supported analysis of how many monitor well inspections have taken place; SRC→and←SRC

SRC→~~F. the number and identity of dairies that have expanded operations while executing a compliance action plan or remediation effort; and~~

~~G. the number and identity of all abandoned or inactive dairies in New Mexico; and~~←SRC

BE IT FURTHER RESOLVED that the findings and conclusions of the report be reported to the appropriate interim legislative committee by November 1, 2021; and

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BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of environment, the SRC→~~president~~ of←SRC SRC→dairy farmers of America, the dairy farmers of New Mexico,←SRC the dairy industry group for a clean environment and the SRC→~~director of the~~←SRC New Mexico citizens dairy coalition.

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