



NOTICE OF PUBLIC HEARING NEW MEXICO ENVIRONMENT DEPARTMENT

In accordance with 20.6.2.3108(N) and 20.1.4.200(C)(2) NMAC, New Mexico Environment Department (NMED) provides this public notice of a hybrid public hearing associated with a condition of the draft groundwater discharge permit renewal (Discharge Permit, DP-706, or Renewal) for the Rajen Dairy (Facility) beginning at 9:00 a.m. on September 19, 2023, and continuing until 5:00 p.m. The hearing will be held both virtually and in person at the Clovis-Carver Public Library located at 701 N Main St, Clovis, NM 88101. The link to the virtual platform for the hearing, including how to join by telephone, can be found on the NMED Calendar at <https://www.env.nm.gov/events-calendar/>. The draft Discharge Permit was prepared in response to a discharge permit application renewal submitted by Randy Vander Dussen (Permittee). The hearing is held in response to a Request for Hearing submitted by the Permittee and members of the public, to address a permit condition within the Draft DP-706. The hearing officer will provide opportunities for oral statements or non-technical testimony from members of the public at the hearing.

Name and address of the Permittee: Rajen Dairy, Randy Vander Dussen, Owner, 948 Curry Road O, Clovis, 88101.

Location of the discharge: The Facility is located approximately five miles west of Clovis, in Sections 17, 20, and 29, Township 02N, Range 35E, in Curry County.

Quality, quantity, and flow characteristics of the discharge: The draft Discharge Permit authorizes the discharge of up to 200,000 gallons per day of dairy wastewater from the production area to a combination wastewater and stormwater impoundment for storage, prior to land application by center pivot irrigation to up to 877 acres of irrigated cropland under cultivation. Potential contaminants from this type of discharge include nitrogen compounds. The discharge may contain water contaminants with concentrations above the standards of 20.6.2.3103 NMAC and may contain toxic pollutants as defined in 20.6.7(T) NMAC.

Depth to groundwater: Groundwater most likely to be affected is at a depth of approximately 370 feet and has a pre-discharge total dissolved solids concentration of 350 milligrams per liter.

Hearing procedures: The hearing will be conducted pursuant to the NMED's Permit Procedures regulations, 20.1.4 NMAC, and the NMED Ground and Surface Water Protection regulations, 20.6.2.3110 NMAC. Any member of the public may attend the hearing and present relevant non-technical testimony, orally or in writing, and to examine witnesses testifying at the hearing. The Hearing Officer will accept non-technical or general public comments in writing prior to the beginning of the hearing or in writing or verbally while the hearing record is open. Members of the public who wish to provide nontechnical or

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | www.env.nm.gov/gwqb/

general comment are encouraged to submit their comments in writing by using NMED's Public Comment Portal, including relevant evidence, data, views, arguments, written statements in lieu of oral testimony at the hearing, or public comment. Access the Public Comment Portal via a link on the Department's docketed matters web page <https://nmed.commentinput.com/?id=UBSJ634Pc> . To be a party or to present technical testimony, a person must follow the procedures specified below.

Entry of Appearance Required to be a Party: Any person who wishes to be a party to the hearing shall file with the Hearing Clerk, and serve upon all other parties of record, including NMED and the Permittee, an *Entry of Appearance* on or before **September 9, 2023**.

Statement of Intent to Present Technical Testimony required: Any person who wishes to present technical evidence, data, or testimony at the hearing shall file with the Hearing Clerk and serve on the Permittee, NMED, and all other parties of record a *Statement of Intent to Present Technical Testimony* on or before **September 9, 2023** pursuant to 20.6.2.3110(C) NMAC. A timely filed Statement of Intent shall be considered an Entry of Appearance. The Statement of Intent must comply with the requirements in 20.1.4.300 NMAC and 20.6.2.3110(C) NMAC and shall include: the name of the person filing the statement, whether the person filing the statement supports or opposes the proposed Permit, the name/address/affiliation/work background/educational background of each witness, the estimated length of direct testimony of each witness, a list of exhibits to be offered into evidence at the hearing with a copy of each exhibit that is not already part of the Record Proper, a list of all technical materials – and information where the material can be obtained – relied upon by each witness in making a technical statement of fact or opinion and an explanation of the basis for such an opinion, and the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion. Failure to file a timely Entry of Appearance or Statement of Intent to Present Technical Testimony shall preclude a person from being a party to the proceeding and from presenting technical testimony but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

Final determination on Permit by NMED: The Secretary of NMED will make a final determination approving, conditionally approving, or disapproving the draft Discharge Permit based on the Administrative Record for the permit application, public comment, and the public hearing.

Documents filed with Hearing Clerk: All documents that need to be filed with the Hearing Clerk shall be emailed to: Madai Corral, Hearing Clerk, Madai.corral@env.nm.gov , Telephone: (505) 490-5803.

Documents served on NMED: All documents that need to be served on NMED shall be sent to Andrew Knight, NMED Office of General Counsel, 121 Tijeras Avenue NE, Ste 1000, Albuquerque, NM 87102, or andrew.knight@env.nm.gov

Transcripts of hearing: Pursuant to 20.6.2.3110(J) NMAC, NMED will make an audio recording of the hearing. If any person requests a certified copy of the written transcript or audio recording, the requestor shall pay the cost of the transcription or audio copying.

Further information and NMED contact: For further information on DP-706 and the public hearing or to obtain a copy of the draft Discharge Permit, the Public Involvement Plan (PIP), submit comments, or request to be placed on a mailing list for future notices for this Facility, please contact Ms. Sarah F. Schnell, NMED Ground Water Quality Bureau (GWQB), P.O. Box 5469, Santa Fe, NM 87502-5469, by telephone at

(505) 660-8368, or at sarah.schnell@env.nm.gov. The GWQB will accept comments and statements of interest regarding the Draft Permit Condition and will create a facility-specific mailing list for persons who wish to receive future notices.

NMED maintains a facility-specific mailing list for persons wishing to receive notices for permitting actions associated with this Facility. To be placed on this mailing list contact Ms. Sarah F. Schnell.

NMED maintains a facility specific PIP for each permitting action so the agency may plan for providing public participation opportunities and information that may be needed for the community to participate in a permitting process. The PIP may be viewed online at <https://www.env.nm.gov/public-notices/>. The Administrative Record may be viewed at the GWQB located at 1190 St. Francis Drive, Suite N2300, Santa Fe, NM 87505.

How to request accommodations: If any person requires assistance, an interpreter, or auxiliary aid to participate in this process or if you are a non-English speaker or do not speak English well and would like to request assistance, please contact Ms. Sarah F. Schnell by telephone at (505) 660-8368 or submit a written request to Ms. Schnell at least ten (10) calendar days prior to the hearing at NMED GWQB, P.O. Box 5469, Santa Fe, NM 87502-5469, or sarah.schnell@env.nm.gov. Requested interpretation services during the meeting and accommodations or services for persons with disabilities will be arranged to the extent possible. Please note that Spanish interpretation services will be provided during this proceeding. Arrangements may be made for document translation or interpretation related to the permitting process as necessary and as resources allow. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling NMED.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.