

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

**GROUND WATER QUALITY BUREAU,  
NEW MEXICO ENVIRONMENT DEPARTMENT,**

**Complainant,  
vs.**

**WQCC No. 20-04 (CO)**

**ACME HOMETOWN CLEANERS,  
SANDY AND RETHA OCHOA, PROPERTY OWNERS,**

**Respondents.**

**STIPULATED FINAL ORDER**

Pursuant to the authority of the Water Quality Control Commission ("Commission") under the Water Quality Act ("WQA"), NMSA 1978, §§ 74-6-1 to 17, the Ground and Surface Water Protection Regulations ("Regulations"), 20.6.2 NMAC, and 20.1.3.22(B)(1) NMAC, the Commission hereby approves this Stipulated Final Order resolving between the parties the Administrative Compliance Order issued by the Secretary of the New Mexico Environment Department ("NMED"), acting through his designee, the Director of the Water Protection Division, to ACME Hometown Cleaners on November 20, 2019 ("Administrative Compliance Order").

1. In accordance with 20.1.3.22(B) NMAC, the Water Protection Division of the NMED and ACME Hometown Cleaners (collectively "the Parties") have entered into a Settlement Agreement, which is attached to this Stipulated Final Order as Attachment 1.

2. Under 20.1.3.22(B)(1) NMAC: “The [C]ommission may approve a stipulated final order signed by all parties. The stipulated final order shall include all the terms and conditions agreed to by the parties, and shall state that, for the purpose of this proceeding, the respondent admits the jurisdictional allegations of the compliance order and consents to the relief specified, including the assessment of the stated civil penalty, if any.”

3. The Commission met to consider the proposed Settlement Agreement between the Parties at its regularly scheduled meeting on September 8, 2020, and after due consideration unanimously voted to approve that Settlement Agreement with two additional conditions.

4. The Settlement Agreement between the Parties, and all its terms and conditions, is incorporated into this Stipulated Final Order as if fully set forth herein with two additional conditions.

5. The Parties verbally agreed to these two additional conditions required by the Commission at its September 8, 2020 meeting:

a. In paragraph 18 of the Settlement Agreement: Respondents shall submit the proposed location of the monitoring well to the Department for approval prior to installation.

b. In paragraph 21 of the Settlement Agreement: Respondents shall submit the proposed location of the monitoring well, if one required, to the Department for approval prior to installation.

6. The Settlement Agreement is a compromise of a disputed claim and resolves the Administrative Compliance Order and the violations of the WQA and the Regulations alleged in the Administrative Compliance Order.

7. In accordance with 20.1.3.22(B)(1) NMAC, for the purposes of this adjudicatory proceeding, ACME Hometown Cleaners admits the jurisdictional allegations of the Administrative Compliance Order and consents to the relief specified, including the assessment of the civil penalty specified in paragraphs 24 and 46, respectively, of Attachment

**IT IS THEREFORE ORDERED:**

A. The Settlement Agreement is hereby approved, with the two additional conditions set forth in paragraph 5 of this Stipulated Final Order;

B. This Stipulated Final Order is approved upon signature by the Parties; and

C. The Parties shall comply with the terms and conditions of the Settlement Agreement, which are hereby incorporated into and made a part of this Stipulated Final Order as if fully set forth herein.

Dated this 13<sup>th</sup> day of September, 2020.

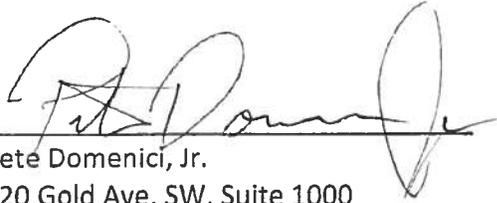
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Jennifer J. Pruett, Chair  
Water Quality Control Commission

Submitted by:

Christopher Atencio Digitally signed by Christopher Atencio  
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*Attorney for ACME Hometown Cleaners*

## Certificate of Service

I hereby certify that on 9/23/20 a copy of the foregoing Stipulated Final Order was emailed to the persons listed below. A copy can be mailed via U.S. first-class mail upon request.

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