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STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT

NEW MEXICO ENVIRONMENT DEPARTMENT,
Complainant,

v. **No. DWB 08-29 (CO)**

SANTA TERESA INDUSTRIAL PARK,
Respondent.

STIPULATED FINAL ORDER

Pursuant to the authority vested under the Environmental Improvement Act ("EIA"), NMSA 1978, §§ 74-1-1 *et seq.*, and the Environment Department Adjudicatory Procedures Regulations, 20.1.5 NMAC, the Secretary of New Mexico Environment Department ("NMED") hereby issues this Stipulated Final Order to resolve the proceedings relating to the Administrative Compliance Order No. DWB 08-29 (CO).

The Water and Wastewater Infrastructure Development Division of NMED and the Santa Teresa Industrial Park ("Respondent") have entered into a Settlement Agreement pursuant to 20.1.5.600.B NMAC. This Settlement Agreement retains in its entirety Administrative Compliance Order No. DWB 08-29 (CO), but amends the dates within the compliance schedule, as provided in Attachment 1.

The parties admit the jurisdictional allegations of the Compliance Order, and consent to the relief specified, including the assessment of the stated civil penalty for failure to take the corrective action specified in the Order, if any.

IT IS THEREFORE ORDERED that the Settlement Agreement is hereby approved and

the Respondent shall comply with the terms and conditions of the Settlement Agreement, which are hereby incorporated into this Stipulated Final Order.

BY: _____ DATE: 9/15/08

Ron Curry, Secretary
New Mexico Environment Department

Approved by:

_____

Jennifer Hower
Assistant General Counsel
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City Attorney
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Compliance Schedule for Administrative Compliance Order NO. 2008-CO-009, Santa Teresa Industrial Park, PWS# NM3594007

- By March 30, 2009, respondent shall have conducted a PER determine what options it has available to enable long term compliance with the provisions of 20.7.10.100 NMAC, incorporating 40 C.F.R. § parts 141 and 143. This PER study shall include all options to return to compliance, an estimate of capital costs for each option, and an estimate of the time frame for completing construction, modification or repair to the System necessary under each option. Also to be considered in the study shall be any alternative water supply options the Respondent may deem appropriate. Respondent shall provide NMED with a copy of the PER for review, comments and approval.

- Following the approval of the PER by NMED, respondent shall immediately pursue funding in order to implement the engineering design selected to return the water system to compliance.

- By September 27, 2009, respondent shall have secured funding to implement a solution identified in the PER such that full compliance is achieved with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *Maximum Contaminate Levels for inorganic contaminants,* Arsenic exceedance. The Department appreciates the current financial information that you have provided, but the water system will need to fully secure the entire funding requirements by September 27, 2009 date.

- No later than December 2010, Respondent shall be in full compliance with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *Maximum Contaminate Levels for inorganic contaminants,* Arsenic exceedance.