

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

**WATER PROTECTION DIVISION, NEW
MEXICO ENVIRONMENT DEPARTMENT,**

Complainant,

**WQCC No. 20-08 (CO)
ADMINISTRATIVE COMPLIANCE ORDER**

vs.

CANNON AIR FORCE BASE,

Respondent.

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 Cannon Air Force Base issued on January 9, 2020 ("Administrative Compliance Order").

1. In accordance with 20.1.3.22(B) NMAC, the Water Protection Division of the New Mexico Environment Department ("NMED") and Cannon Air Force Base (collectively "the Parties") have entered into a Settlement Agreement, which agreement is attached hereto and made a part hereof as Attachment 1 ("Settlement Agreement").

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 Settlement Agreement at its regularly scheduled meeting on September 8, 2020, and after due deliberation unanimously voted to approve the Settlement Agreement.

4. The Settlement Agreement is a compromise of a disputed claim and resolves the Administrative Compliance Order issued to Cannon Air Force Base and the violations of the WQA and the Regulations alleged in the Administrative Compliance Order.

5. In accordance with 20.1.3.22(B)(1) NMAC, for the purposes of this adjudicatory proceeding, Cannon Air Force Base admits the jurisdictional allegations of the Administrative Compliance Order (Attachment 1, paragraph 14) and consents to the relief specified, including payment of an administrative fee specified in paragraph 15 of the Settlement Agreement.

IT IS THEREFORE ORDERED:

- A. The Settlement Agreement is hereby approved upon the signature of the Parties; and
- B. 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 13th day of September, 2020.

**Jennifer
Pruett**

Digitally signed by
Jennifer Pruett
Date: 2020.09.13
18:05:36 -06'00'

Jennifer J. Pruett, Chair
Water Quality Control Commission

Submitted by:
**Christopher
Atencio**

Digitally signed by
Christopher Atencio
Date: 2020.09.22 15:58:27
-06'00'

Christopher N. Atencio
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Ave. NE, Ste. 1000
Albuquerque, NM 87102
(505) 222-9554
christopher.atencio@state.nm.us

Andrew P. Knight
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Ave. NE, Ste. 1000
Albuquerque, NM 87102
(505) 222-9540
andrew.knight@state.nm.us
Attorneys for the Water Protection Division

COON.MARK.E.1
252306044

Digitally signed by
COON.MARK.E.1252306044
Date: 2020.09.23 14:16:22 -04'00'

Maj. Mark E. Coon, Regional Counsel
AFLOA/JACE-ER
1492 First Street, Ste. 213
Dobbins Air Reserve Base, Georgia 30069
(678) 655-9535
mark.coom@us.af.mil
Attorney for Cannon Air Force Base

Certificate of Service

I hereby certify that on 9/23/20 a copy of the **Stipulated Final Order** was emailed to the persons listed below. A copy will be mailed first class upon request.

Mark E. Coon, Regional Counsel
AFLOA/JACE-ER
1492 First Street, Ste. 213
Dobbins Air Reserve Base, Georgia 30069
(678) 655-9535
Mark.coon@us.af.mil
Counsel for Cannon Air Force Base

Christopher Atencio
Andrew Knight
New Mexico Environment Department
121 Tijeras Ave, NE #1000
Albuquerque, NM 87102
Christopher.atencio@state.nm.us
Andrew.knight@state.nm.us
Co-Counsels for the New Mexico Environment Department

Robert F. Sánchez
New Mexico Office of the Attorney General
408 Galisteo St.,
Santa Fe, NM 87501
rfsanchez@nmag.gov
Counsel for the Water Quality Control Commission

Max Shepherd
1413 Adams St. NE
Albuquerque, NM 87110
Max.shepherd@comcast.net
Hearing Officer


Pamela Jones, Commission Administrator
Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2428
Email: pamela.jones@state.nm.us