

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



**NEW MEXICO ENVIRONMENT DEPARTMENT,
GROUNDWATER QUALITY BUREAU,**

Complainant,

No. WQCC 17-07(A)

v.

**ABEL VILLALPANDO D.B.A. CREEKSIDE DAIRY,
CREEKSIDE DAIRY, L.L.C.**

Respondent.

FINAL ORDER

Pursuant to authority vested under the Water Quality Act (“WQA”), NMSA 1978, §§ 74-6-1 through -17, and pursuant to the Ground and Surface Water Protection Regulations (“Regulations”), 20.6.2 NMAC, and 20.1.3.21(D) NMAC, the New Mexico Water Quality Control Commission (“WQCC”) hereby issues this Final Order in the matter of the Administrative Compliance Order (“ACO”) issued by the New Mexico Environment Department (“NMED”) to Abel Villalpando, doing business as Creekside Dairy, Creekside Dairy LLC (“Respondent”) in Dexter, New Mexico on September 22, 2017 (GWQB 17-02 (CO)).

On October 12, 2017, Respondents requested a hearing before the WQCC pursuant to NMSA 1978, Section 74-6-10(G). The WQCC appointed a hearing officer in this matter who conducted a properly noticed public hearing on April 10, 2018. On August 14, 2018, the WQCC met to deliberate and reach a final decision. Upon review of the ACO, Respondent’s answer, Respondent’s request for hearing, the administrative record in this case, the parties’ proposed findings of facts and conclusions of law, the hearing officer’s recommendation and proposed order,

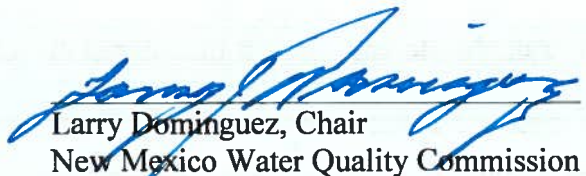
the WQA, and the Regulations, the WQCC found that NMED had proven by a preponderance of the evidence that Respondents committed the violations set forth in the ACO and adopted the hearing officer's proposed recommendation and proposed order. Pursuant to NMSA 1978, Section 74-6-10 and 20.1.3.21(D) NMAC, the WQCC hereby orders that the ACO, including the civil penalty issued by NMED to Respondent be upheld.

Pursuant to 20.1.3.21(E) NMAC, the Respondent is required to pay the full amount of the civil penalty assessed in the final order within 60 days after receipt of the final order. Payment shall be made by a cashier's check or certified check, payable to the State of New Mexico, in the amount of \$226,800 and mailed (certified) to the following address:

Attn: Pam Castaneda, Commission Administrator
Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502

As set forth in NMSA 1978, Section 74-6-7 and 20.1.3.21(F) a person who is adversely affected by a compliance order approved by the WQCC may appeal to the New Mexico Court of Appeals within 30 days of the date of the final order. However, the filing of an appeal does not stay any action or payment of penalty required by the final order, unless otherwise ordered by the commission or a court.

IT IS SO ORDERED.


Larry Dominguez, Chair
New Mexico Water Quality Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **Final Order** was sent via the stated methods below to the following parties on August 17, 2018:

Via hand delivery and email:

Christopher N. Atencio
Assistant General Counsel
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Via First Class U.S. Mail and email:

Abel Villalpando
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Dexter, New Mexico 88230
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Counsel for the Water Quality Control Commission



Pam Castañeda, Commission Administrator

