

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re ALBUQUERQUE)
BERNALILLO COUNTY WATER)
UTILITY AUTHORITY) Appeal No. _____
Permit No. NM0022250)
_____)

NOTICE OF APPEAL

The Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”) seeks review of National Pollutant Discharge Elimination System (“NPDES”) Permit No. NM0022250 issued by the United States Environmental Protection Agency Region 6 Water Division (“EPA”) to the ABCWUA on December 9, 2025.

ABCWUA is including the attached motion for extension of time in order to complete a diligent assessment of the permit's requirements. If the motion is not granted, ABCWUA will supplement this filing with the requisite appellate brief on January 8, 2026, as required by 40 C.F.R. § 22.30.

DATE:January 5, 2026

Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE

I certify that copies of the foregoing Notice of Appeal was sent on January 5, 2026 to the following persons in the manner indicated.

By Email:

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ATTACHMENT

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

MOTION FOR EXTENSION OF TIME

The Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”) requests that the Environmental Appeals Board grant a 45-day extension of time, until February 23, to file its Appellate Brief in the above-captioned matter.

ABCWUA received its authorization to discharge on December 9, 2025, which superseded and replaced the previous NPDES Permit No. NM0022250, effective December 1, 2019. Pursuant to 40 C.F.R. § 124.19(a)(3), a petition for review must be filed with the Clerk of the Environmental Appeals Board within 30 days after the Regional Administrator serves notice of the issuance of a National Pollutant Discharge Elimination System (“NPDES”) Permit, or January 8, 2025.

ABCWUA respectfully requests an extension of time to complete its appeal of the permit conditions. This request is necessitated by the 2025 year-end holiday season, during which mandated administrative closures and reduced staffing levels significantly constrained the ABCWUA's ability to conduct the necessary technical and legal evaluations. Given the complexity of the permit conditions and the importance of ensuring a thorough and accurate filing, the intervening holiday schedule has deprived ABCWUA of the consecutive business days required to finalize its review. This request is made in good faith and not for the purpose of undue delay,

but rather to ensure that the final submission reflects a complete and diligent assessment of the permit's requirements.

Granting this extension will not result in prejudice to any party, as the permit is a reissuance of an existing authorization and is not scheduled to become effective until February 1, 2026. Because the status quo remains protected by the current permit, a brief delay in the review process will not impact operations or regulatory oversight.

ABCWUA has attempted to confer with the interested parties in the underlying proceeding and received the following responses: New Mexico Environment Department, EPA Region 6, and the Pueblo of Isleta do not oppose the relief requested in this motion for extension of time. No response was received from Amigos Bravos or the New Mexico Acequia Association despite multiple attempts to obtain their position. ABCWUA requests an order granting the extension prior to the current January 8th deadline and expedited responses as necessary if any party opposes the relief requested.

DATE:January 5, 2026

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