

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

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

Appeal No. 26-01M

NOTICE OF PERMIT WITHDRAWAL

On December 9, 2025, the Environmental Protection Agency, Region 6 (EPA) issued a municipal wastewater permit to the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) under the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program. In response to comments, the final permit includes a limit for Total Dissolved Solids (TDS) that was not included in the draft permit noticed for public comment.

On January 6, 2026, ABCWUA filed a Notice of Appeal with the Environmental Appeals Board (EAB), along with a motion asking for a 45-day extension of time in which to file its supporting brief. The EAB granted the motion for extension of time.

On February 23, 2026, ABCWUA filed its brief in support of its appeal, asserting, among other things, that EPA's inclusion of TDS limits in the final permit that were not included in the draft permit violated ABCWUA's and the public's due process rights, that EPA's use of federal drinking water standards to establish water quality-based effluent limitations to meet New Mexico and Pueblo of Isleta (POI) water quality standards (WQS)

was improper, and that EPA erred in its calculation that ABCWUA's discharge had the reasonable potential to violate POI WQS.

Upon further consideration of the permit and of the issues raised in the appeal, EPA has determined to withdraw the permit, consistent with 40 C.F.R 124.19(j). Accordingly, EPA hereby withdraws Permit No. NM0022250, issued to ABCWUA on December 9, 2025, and provides notice to the Board, ABCWUA and interested parties.

Respectfully submitted,

DATE: April 22, 2026



Elizabeth Renea Ryland
Assistant Regional Counsel
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2012
(214) 665-2130
Ryland.Renea@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Notice of Permit Withdrawal* in the matter of Albuquerque Bernalillo County Water Utility Authority, NPDES Appeal No. 26-01M, were sent on April 23, 2026, to the following persons in the manner indicated.

By Email:

For ABCWUA:

Keith Herrmann
Nann Winter
John Stomp
Christopher Melendrez
Danielle Shurn
kherrmann@stelznerlaw.com
nwinter@stelznerlaw.com
jstomp@stelznerlaw.com
cmelendrez@abcwua.org
dshurn@abcwua.org

For Amigos Bravos:

Sarah Knopp
Shannon Romeling
sknopp@amigosbravos.org
Sromeling@amigosbravos.org

For Pueblo of Isleta:

Ramona Montoya
Lindsay Cutler
Ramona.Montoya@isletapueblo.com
Lindsay.Cutler@isletapueblos.com

For New Mexico Environment Department:

Jason Martinez
Brecken Scott
Jason.Martinez2@env.nm.gov
brecken.scott@env.nm.gov

For New Mexico Acequia Association:

Vidal Gonzales
vidal@lasacequias.org

By:



Jenny Coleman
Assistant Regional Counsel
U.S. EPA, Region 6
Coleman.Jenny@epa.gov