

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

In re ALBUQUERQUE)
BERNALILLO COUNTY WATER)
UTILITY AUTHORITY)
Permit No. NM0022250)
_____)
NPDES Appeal No. 26-01M

MOTION TO STAY PERMIT LIMITATIONS FOR TOTAL DISSOLVED SOLIDS

COMES NOW, the Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”), by and through its undersigned counsel, and pursuant to 40 CFR § 124.16, respectfully requests the Environmental Appeals Board grant a stay on permit limitations for Total Dissolved Solids (“TDS”) pending final agency action.

ABCWUA NPDES Permit No. NM 0022250 takes effect on February 1, 2026. ABCWUA intends to seek review of permit conditions related to limitations for TDS (*see* Part I.A. Limitations and Monitoring for Outfall 001). Because ABCWUA was granted a 45-day extension of time to file its Appellate Brief in the above captioned matter,¹ the stay is requested to provide the additional time from the effective date of the new permit to the filing of the ABCWUA's Appellate Brief on February 23, 2026.

The ABCWUA respectfully requests that a stay be granted regarding the contested limitation for TDS that would be automatically granted pursuant to 40 CFR § 124.16(a)(1). Additionally, this filing may serve as notice to the Environmental Appeals Board and other interested parties that that ABCWUA is not contesting any additional permit limitations in Permit No. NM 0022250.

¹ Order Granting Extension of Time to File Brief, (filed 1/06/2026).

ABCWUA sought the positions of the interested parties in the underlying proceeding and received the following responses: EPA Region 6 opposes the relief requested because they understand the permit conditions were already stayed upon appeal, New Mexico Environment Department takes no position, and the Pueblo of Isleta does not object. No other party provided a position.

DATE: January 16, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing Motion to Stay Permit Limitations was sent on January 16, 2026 to the following persons in the manner indicated.

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