Total Dissolved Solids/Clean Water Act: Albuquerque, New Mexico Water Utility Authority U.S. EPA Environmental Appeals Board Motion to Stay Permit Limits



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

01/21/2026

The Albuquerque Bernalillo County Water Utility Authority ("Authority") has filed a pleading before the United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("EAB") styled:

MOTION TO STAY PERMIT LIMITATIONS FOR TOTAL DISSOLVED SOLIDS ("Motion").

See NPDES Appeal No. 26-01M.

The Authority previously filed a Notice of Appeal and Motion for Extension of Time in order to, as it describes, "complete a diligent assessment of the Permit's requirements."

The Notice of Appeal states that the Authority is seeking:

… 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.

The previously referenced Motion states that the Authority's NPDES Permit takes effect on February 1st. The Authority intends to seek a review of Permit conditions related to limitations for Total Dissolved Solids ("TDS"). The 45-day extension of time to file its appellate brief is stated to be requested to provide additional time from the effective date of the new Permit to the filing of the Authority's appellate brief on February 23rd. Therefore, it asks that a stay be granted regarding the contested limitation for TDS that it states would be automatically granted pursuant to 40 CFR § 124.16(a)(1).

The Authority states it is not contesting any other additional Permit limitations.

A copy of the Notice of Appeal, Motion, and Order Granting Extension of Time can be found here.