



July 7, 2025

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Permit No. NM0022250

Re: National Pollutant Discharge Elimination System (NPDES) authorization to discharge to waters of the United States, Permit No. NM0022250 (Albuquerque Bernalillo County Water Utility Authority)

Amigos Bravos is a non-profit organization whose mission is to protect and restore water quality in New Mexico. The mission of the New Mexico Acequia Association is to protect our water and our acequias, grow healthy food for our families and communities, and honor our cultural heritage. Strong application and enforcement of NPDES permits is a critical component of our work to protect clean water and the people that depend upon clean water in New Mexico.

The following questions and comments, submitted on behalf of our two organizations, are in response to the request for public comment on the *Albuquerque Bernalillo County Water Utility Authority (ABCWUA)*. Amigos Bravos appreciates the opportunity to engage with the EPA during this permit revision process. Overall, we support the EPA's changes from the previous permit listed on page 3 of the "NPDES Permit NM0022250 Fact Sheet". We have several concerns around the amount of public outreach and questions about water quality effluent limit decisions stated in this permit draft.

Detailed comments addressing water quality and public outreach concerns are explained in detail below.

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1. Bypass, Overflow, and Upset

We ask that community members impacted by bypasses, upsets, or other spills be notified of the event within 24 hours and be advised about protective actions. Please add community members within a five mile radius of any bypass, upset or other spill as parties to be notified according to Part III (D) 7, “Twenty Four Hour Reporting.” It is important for all impacted communities, in addition to NMED, to be directly notified about events that risk exposure to toxins and bacteria. Notification could include (but not be limited to) press releases including details about the event, recommended protective actions that community members can take, and description and timeline of cleanup efforts; this press release could be sent to local television, radio, and newspapers; also sent to all local school, hospital, and library administrators for posting, and also to community members in NMED’s database.

We ask that you make the ABCWUA’s Overflow Emergency Response Plan an addendum to the permit, available online, and we also ask that it contain a process for notifying impacted community members within a five-mile radius of the event within 24 hours.

We feel that this is necessary in light of the history of upset, overflow, and bypass events during which residents felt neither informed about the event and the cleanup plan, nor advised by EPA or NMED about protective measures they could take. For example, students, parents, and community members were not notified about the 90,000 gallon sewage spill at Harrison Middle School earlier in 2025. This is especially egregious in the South Valley of Albuquerque, deeply impacted by the cumulative impacts of air, land, and water pollution and environmental racism.

2. Mercury Minimization Plan

We ask that the “Mercury Minimization Plan” referred to in (Part I “Fact Sheet”) be added as an addendum to the permit, or that a link be included in the permit whereby residents can locate the Plan. We have not been able to locate it, and we would like an opportunity to review and comment on its contents.

3. Sludge Reuse

Ensuring the safety of biosolids from ABCWUA is of crucial importance to New Mexico communities; these biosolids are currently being used to cap toxic mine waste piles at the Chevron molybdenum mine in Questa, and are [available to Bernalillo County residents at a low cost to use for compost](#). Residents are not informed of where these biosolids come from. We are concerned that they contain PFAS, and potentially other toxins.

We propose that the permitted use of these biosolids for mine remediation be paused until an analysis of the PFAS contents can be *published*. We also propose that the biosolids not be made publicly available for farming, gardening, and other domestic uses until such a study can be published, made public, and the public be informed of the origin of these biosolids. Annual Sewage Sludge reports should be available to the public and a link must be provided in the permit fact sheet, and should include PFAS analytes.

4. Pretreatment Industry list

The facility has 66 significant industrial users (SIUs) stated in the application. The permittee is required to develop/revise and implement a full pretreatment program pursuant to 40 CFR 403.8.

Part II, Appendix C (4)(a) “Contributing Industries and Pretreatment Requirements” states that the ABCWUA must provide to the EPA:

An updated list of all significant industrial users and identify which Industrial Users are Non-Significant Categorical Industrial Users (NSCIUs) or Middle Tier CIUs. The list must also identify: - Industrial Users subject to categorical Pretreatment Standards that are subject to reduced monitoring and reporting requirements under 40 CFR 403.12(e)(2) & (3), - Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR part 414), Petroleum Refining (40 CFR part 419), and Pesticide Chemicals (40 CFR part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6). - Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5). - General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same, for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii). - Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403.12 (b), (e) and (h).

We ask that all of the information above be made available to the public. If such information is available, we were not able to locate it, and we ask that it be linked to in the permit, or be included as an appendix.

In addition, and particularly in light of the cumulative impacts of environmental injustices in the South Valley, we ask that non-compliance and enforcement events to any of these 66 facilities be reported to the public.

5. In Section 5f (Page 12) of the Fact Sheet, it is stated that “*However, the POIWQS has not been updated since the last permit renewal process, EPA continues allowing ABCWUA to collect more ambient data in this permit term instead of establishing the new above limits for TDS, chlorides, sulfates and other parameters specified in the permit Part I.F.2.*” The two tables in this section clearly show that the ABCWUA is out of compliance with current Pueblo of Isleta water quality standards. There is no reason to wait for the POI Water Quality Plan to be updated to establish the “new above limits for TDS, chlorides, and sulfates”. 40 CFR 122.44(d) section iii states clearly that effluent limitations need to be added for these three pollutants. The language from the regulations is provided here:

40 CFR 122.44(d)(iii) *When the permitting authority determines, using the procedures in paragraph (d)(1)(ii) of this section, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a State numeric criteria within a State water quality standard for an individual pollutant, the permit must contain effluent limits for that pollutant.*

6. In Section 5c (Page 9) of the Fact Sheet, it is unclear why the application was deemed to have demonstrated Sufficient Sensitive Method Requirements for the pollutants in the table. The tested results are from a different method that is listed as sufficiently sensitive, and the date provided in the SSM column is an MDL, not a tested result. Please show the actual additional data (if that is the case) that was provided to show that tested results are meeting current EPA, NMED, and POI water quality standards.

Thank you for your time and consideration. If you have any questions, please contact us at 505-795-2106 or email sknopp@amigosbravos.org.

Sincerely,

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