

U.S. EPA Environmental Appeals Board Petition for Review: Land & Cattle Company August 22nd Challenge to New Mexico City/Village's NPDES Permit



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

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The Rio Hondo Land & Cattle Company ("Rio Hondo") filed an August 22nd Petition for Review ("Petition") before the United States Environmental Protection Agency Environmental Appeals Board challenging certain terms and conditions of a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit issued to the Village of Ruidoso and the City of Ruidoso Downs (collectively "Ruidoso").

Rio Hondo states that the NPDES permit authorizes Ruidoso to discharge effluent from its wastewater treatment plant ("WWTP") into a water quality impaired reach of the Rio Ruidoso in Lincoln County, New Mexico.

Rio Hondo states that it will demonstrate that the EPA re-issued NPDES permit has significantly relaxed water quality based effluent limitations for nutrients. It further argues that such decision is based on clearly erroneous findings of fact and conclusions of law.

The Petition states that Rio Hondo will demonstrate:

1. that the EPA's deletion of concentration limits for phosphorous and nitrogen from the 2017 NPDES permit constitutes illegal antibacksliding
2. that the subject permit's mass loading limitation for nutrients is impermissibly based on a Total Maximum Daily Load that is irrational, arbitrary, and capricious.

[A copy of the Petition can be downloaded here.](#)