Bishop's Lodge Resort Discharge Permit FAQ

What is a discharge permit?

Discharge permits allow the discharge of treated wastewater into ground and surface water. Discharge permits provide limits on what can be legally discharged. A permit also includes monitoring and reporting requirements that must be met. Other requirements ensure the discharge does not damage water quality or people's health or adversely affect designated uses of water. In essence, a discharge permit translates general requirements of state and federal laws into specific provisions tailored to the operations of each facility and its discharge.

What permits has Bishop's Lodge Resort applied for?

Bishop's Lodge Resort has applied for two different permits: one for surface water discharge and one for groundwater discharge. Because Bishop's Lodge Resort is upgrading and improving its wastewater treatment system, it is applying for a ground water discharge permit renewal and modification of its existing permit (DP-75) that regulates the discharge of treated wastewater for onsite irrigation and to a subsurface low-pressure dosed disposal field, which pumps treated wastewater throughout the entire field ensuring even distribution.

Bishop's Lodge Resort's newly constructed wastewater treatment plant is a Membrane Bioreactor that can treat wastewater to a very high degree and produces a much better quality of effluent than the previous system. More information on this type of treatment system can be found here: https://www.epa.gov/sites/default/files/2019-08/documents/membrane_bioreactor_fact_sheet_p100il7g.pdf.

The U.S. Environmental Protection Agency (EPA) has paused further action on the application for a surface water discharge water (i.e., NPDES permit) to Little Tesuque Creek. During this pause, the EPA will not issue a revised draft permit for public comment, will not schedule a public hearing, nor make any final decisions regarding issuance of a permit. If the Bishop Lodge Resort NPDES permit process is restarted, EPA will conduct consultation with affected Tribal Governments, draft a new proposed permit, and conduct a new public comment period. Information on the draft EPA-issued NPDES permit can be found at: https://www.epa.gov/nm/bishops-lodge-wastewater-treatment-facility-draft-npdes-permit-no-nm0031233.

Which government agencies regulate this type of permit?

Under New Mexico state law, New Mexico Environment Department (NMED) Ground Water Quality Bureau regulates ground water discharge permits.

The DP-75 permit process will follow the requirements of 20.6.2 NMAC (The New Mexico Ground and Surface Water Protection Regulations). These regulations establish

specific standards for pollutants that ensure the discharge of treated wastewater remains protective of human health and the environment. You can read more about these regulations at: https://www.srca.nm.gov/parts/title20/20.006.0002.html and about ground water permitting more generally at: https://www.env.nm.gov/gwqb/permits.

How does the permitting process work?

The ground water permitting process is regulated under 20.6.2 NMAC and 20.1.4 NMAC, which requires a public notice for the application received, a technical review of the application and proposed discharge activities, a public notice of the proposed draft discharge permit, and a public hearing, if requested. For Bishop's Lodge Resort groundwater permit DP-75, NMED notified the public of the groundwater discharge permit renewal and modification application (Public Notice #1 or PN1) in May 2024. NMED published the draft DP-75 permit (Public Notice #2 or PN2) and opened the 30-day public comment period on September 20, 2024, and closed on October 21, 2024. The public notice and draft permit are available on NMED Public Notice webpage at: https://www.env.nm.gov/public-notices/. Learn more about the specific steps in the groundwater permit process here: https://www.env.nm.gov/gwqb/permitting-and-public-notice-process-faqs/.

What is the public comment period?

Public comment is a process that allows any interested person to submit written input on a draft permit to the permitting agency. These comments can strengthen a permitting decision by providing the agency with facts or perspectives that may have been missing in the original draft. All submitted comments are entered into the public record for the proposed permit and the agency is required to consider public comments when making its final decision on whether to issue, modify, revoke, reissue, terminate, or deny a permit. The public comment period for the proposed draft of DP-75 closed in October 2024.

If approved, what will the permit allow Bishop's Lodge Resort to do?

The discharge permit will allow Bishop's Lodge Resort to continue to discharge treated wastewater into groundwater. Specifically, the proposed permit, currently issued as a draft, allows Bishop's Lodge Resort to collect domestic wastewater, treat, filter, and disinfect the wastewater using the upgraded treatment plant, and discharge the treated effluent (treated wastewater) to groundwater via the subsurface low-pressure dosed disposal field or to reuse the treated effluent on-site for irrigation.

How are pollutants addressed in the draft Bishop's Lodge Resort permit (DP-75)?

For the draft groundwater permit, 20.6.2.3103 NMAC sets groundwater limits on pollutants that must be met in the discharge. A typical discharge permit for a domestic wastewater facility and already a requirement for Bishop's Lodge Resort is quarterly sampling of treated effluent for Total Kjeldahl Nitrogen (TKN [a measure of organic

nitrogen]), nitrate, total dissolved solids (TDS), and chloride since these are the pollutants that are typical for domestic wastewater and are indicators for potential treatment issues. A typical discharge permit that authorizes treated effluent to be reused for irrigation purposes requires weekly or monthly sampling for E. coli bacteria, total suspended solids, biochemical oxygen demand (BOD), and ultraviolet (UV) transmissivity.

If permit violations occur, what is the enforcement process?

The groundwater discharge permit will require Bishop's Lodge Resort to sample its discharge and notify NMED of these results, including when the facility is not in compliance with the requirements of the permit. NMED will send inspectors to Bishop's Lodge Resort to determine if it is complying with the conditions and requirements imposed under its permit. If Bishop's Lodge Resort violates a New Mexico groundwater standard or permit condition, the NMED-Ground Water Quality Bureau has the authority to enforce compliance with fines and other penalties based on the amount and duration of contamination or noncompliance. If Bishop's Lodge Resort violates New Mexico's surface water quality standards, the NMED-Surface Water Quality Bureau has the authority to enforce, as well. Enforcement can include fines based on the level and duration of the contamination.