



MICHELLE LUJAN GRISHAM
GOVERNOR

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CABINET SECRETARY

Via Electronic Mail

May 7, 2024

Chris Kaplan
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Cameron Lee
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Brent Larsen
Permitting Section Manager
U.S. Environmental Protection Agency
Region 6 (WDPE)
1201 Elm Street
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Re: State of New Mexico Antidegradation Review, National Pollutant Discharge Elimination System Proposed Permit Number NM0031233, Bishop's Lodge Resort Wastewater Treatment Facility, Proposed New Discharge

Dear Chris Kaplan, Cameron Lee, Gary Lee, and Brent Larsen:

Water quality standards include a framework and methodology known as "antidegradation" for deciding if, when, and how water quality may be degraded. Antidegradation applies to all activities with the potential to adversely affect water quality or existing uses or designated uses, including any new point source discharges. The New Mexico Environment Department (NMED), acting under authority delegated by the Water Quality Control Commission, implements water quality standards in the State of New Mexico, including the antidegradation policy and implementation plan. As such, NMED "requires the highest and best degree of wastewater treatment practicable and commensurate with protecting and maintaining the designated uses and existing water quality." (20.6.4.8(B) New Mexico Administrative Code, or NMAC).

Bishop's Lodge Resort and their contractors are proposing a new point source discharge from an onsite wastewater treatment facility (WWTF). This new point source discharge will treat commercial domestic and industrial wastewater generated from the Bishop's Lodge Resort operations. Bishop's Lodge Resort proposes to discharge to Little Tesuque Creek (Rio Tesuque to headwaters), assessment unit ID NM-2118.A_34. The Bishop's Lodge Resort WTF initial antidegradation review, dated March 25, 2024, was calculated using a proposed maximum design flow rate of 70,000 gallon per day. In an email dated April 5, 2024, Lee & Company LLC confirmed with NMED and EPA that the Bishop's Lodge Resort WWTF maximum design flow rate would be 60,000 gallons per day. The antidegradation review is re-evaluated at a design capacity of 60,000 gallons per day.

Little Tesuque Creek is a classified perennial water of the state described in 20.6.4.121 NMAC as "...all perennial reaches of tributaries to the Rio Grande in Santa Fe County unless included in other segments and excluding waters on tribal lands." Designated uses of this segment include domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, primary contact, and public water supply on Little Tesuque Creek.

Pursuant to New Mexico's antidegradation regulations and procedures, the Department's Surface Water Quality Bureau (SWQB) conducted an antidegradation review of Bishop's Lodge proposed WWTF and discharge to Little Tesuque Creek.

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SWQB evaluated water quality data from the bureau's Upper Rio Grande monitoring surveys in 2001, 2009, and 2017-2018 to determine baseline water quality and assimilative capacity of the receiving water (20.6.4.121 NMAC). SWQB also evaluated data provided in the NPDES permit application and in NMED groundwater discharge permit 75 (DP-75) monitoring reports to estimate the proposed effluent discharge concentrations.

As a result of the antidegradation review, SWQB concludes that the proposed discharge of copper and zinc may result in "significant degradation" as defined in New Mexico's Antidegradation Policy Implementation Procedure and characterized by the baseline water quality evaluation. A summary of the calculations and results are attached. The antidegradation review process is complete.

Please reach out to SWQB to discuss the facility's ability to address the significant degradation findings through the design of treatment scheme(s) to lower copper and zinc concentrations and loading in the effluent. Additionally, it is recommended Bishop's Lodge Resort, and their contractors, schedule a meeting with USEPA Region 6 and SWQB to discuss the next steps regarding the NPDES permitting process. Effluent limitations for copper and zinc are necessary in the NPDES permit to protect water quality in the receiving water.

SWQB is still evaluating whether additional monitoring is needed during the actual discharge of effluent, and will provide those requirements, if necessary, in the State's Clean Water Act Section 401 certification. SWQB will continue to work with USEPA Region 6 to ensure effluent limitations are protective of state water quality standards. Furthermore, it should be noted that this segment of Little Tesuque Creek has a protective Total Maximum Daily Load (TMDL) for aluminum; therefore, alum should not be used as a flocculant in any treatment schemes to remove copper or zinc.

If you have any questions about this letter or the SWQB antidegradation review, please contact Susan A. Lucas-Kamat, SWQB Point Source Regulation Program Manager, at 505-946-8924 or susan.lucaskamat@env.nm.gov.

Sincerely,

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/ enclosures)

Tung Nguyen, USEPA (6WDPE) via email nguyen.tung@epa.gov
Susan A. Lucas Kamat, Program Manager, NMED SWQB, susan.lucaskamat@env.nm.gov
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CITATIONS: 20.6.4.8 NMAC Antidegradation Policy and Implementation Plan
20.6.4.121 NMAC Rio Grande Basin
Statewide Water Quality Management Plan and Continuing Planning Process
(WQMP/PPP) Appendix A, Antidegradation Policy Implementation Procedure for
Regulated Activities
40 C.F.R. §131.12 Antidegradation policy and implementation methods