



### Bishops Lodge Discharge Permit FAQ

#### What is a discharge permit?

Discharge permits allow the discharge of treated wastewater into ground and surface water. Discharge permits contain limits on what can be legally discharged, include monitoring and reporting requirements that must be met, and identify other provisions to ensure that the discharge does not hurt water quality or people's health. In essence, a discharge permit translates general requirements of state and federal laws and regulations into specific provisions tailored to the operations of each facility and its discharge.

#### What permits has Bishop's Lodge applied for?

Bishop's Lodge is applying for two different permits: one for surface water discharge and one ground water discharge. Because Bishop's Lodge is upgrading its wastewater treatment system, it is applying for a ground water discharge permit renewal and modification (DP-75) that regulates discharge from the new system to onsite subsurface irrigation and one surface water discharge permit (NPDES permit NM0031233) that will regulate discharge from the new system to the Little Tesuque Creek. Bishop's Lodge's newly constructed wastewater treatment plant is a Membrane Bioreactor that can treat wastewater to a very high degree and would produce a much better quality of effluent than the current 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](https://www.epa.gov/sites/default/files/2019-08/documents/membrane_bioreactor_fact_sheet_p100il7g.pdf).

#### What government agencies regulate these permits?

Ground water permits are regulated by the New Mexico Environment Department (NMED) Ground Water Quality Bureau under New Mexico state law, so the permit process for DP-75 will follow the requirements of 20.6.2 NMAC (The New Mexico Ground and Surface Water Protection Regulations). These regulations set specific standards for pollutants that ensure the water being discharged 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/>.

In New Mexico, surface water discharge permits are issued and regulated by the U.S. Environmental Protection Agency (EPA) under section 402 of the federal Clean Water Act, also known as the National Pollution Elimination Discharge System (NPDES) program. However, NMED has a role in the permit process. When EPA issues a draft surface water discharge permit, the State (NMED) evaluates the proposed discharge for potential water quality impacts.

Based on that evaluation, NMED issues a certification under section 401 of the Clean Water Act to ensure that the permitted activity will comply with state law and regulations and submits the certification to EPA. You can learn more about the NPDES permitting program at: <https://www.epa.gov/npdes/npdes-permit-basics>.

### How do these permit processes work?

For Bishop's Lodge groundwater permit DP-75, the application has been submitted and NMED is now in the process of drafting the renewal and modification discharge permit. Once a draft is finalized, NMED will issue a second public notice, which will begin a public comment for a minimum of 30-days. You can read more about the specific steps in the groundwater permit process here: <https://www.env.nm.gov/gwqb/permitting-and-public-notice-process-faqs/>. You may request to be notified when the public comment period by email Avery Young [Avery.Young@env.nm.gov](mailto:Avery.Young@env.nm.gov).

For the Bishop's Lodge surface water permit, NPDES permit No. NM0031233, NMED first completed an anti-degradation analysis, which evaluated the existing quality of Little Tesuque Creek and potential water quality impacts from the proposed discharge. The analysis guided proposed updates to the wastewater treatment system at Bishop's Lodge which would ensure any water discharged keep pollutants at non-degrading levels. You can view the NMED anti-degradation analysis here: <https://www.env.nm.gov/public-notices/> or <https://www.epa.gov/nm/bishops-lodge-wastewater-treatment-facility-draft-npdes-permit-no-nm0031233>.

### If approved, what will the permits allow Bishop's Lodge to do?

The discharge permits would allow Bishop's Lodge to discharge treated wastewater into ground and surface water. Specifically, the proposed permits would allow Bishop's Lodge to collect domestic wastewater, treat, filter, and disinfect the wastewater using the upgraded treatment plant, and discharge the treated effluent (treated wastewater) to Little Tesuque Creek, or reuse the treated effluent on-site.

### 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. Public comments can strengthen a permitting decision by providing the agency with facts or perspectives that were lacking in the original draft. All submitted comments are entered into the public record for the proposed permit and the agency is required to consider relevant public comments when making its final decision on whether to issue, modify, revoke and reissue, terminate, or deny a permit.

From now until September 30th, the public is invited to provide comment(s) they want considered as NMED drafts the section 401 permit certification. The public may also provide comment(s) to EPA on the proposed NPDES permit, as well as request a public hearing on a draft NPDES permit by submitting a written statement to EPA describing the issues proposed to be raised at the hearing. A public hearing will be held if EPA finds that there is significant public interest or at its discretion. EPA is also consulting with affected Tribal Governments during the extended public comment period for the draft NPDES permit.

When the public comment period is concluded, EPA is required to respond to all significant comments and explain any changes made to the draft permit in a “response to comments.” EPA will review the state’s certification as well as public comment to determine whether to approve the permit.

### How do I submit a public comment?

When submitting public comments, please be aware you are contributing to the public record for the agency to consider and provide a high-level response to along with all other submitted comments. Submitting a public comment is not how to receive immediate responses to questions or concerns. You can read more about submitting comments and “making your voice heard” at: <https://www.epa.gov/sites/default/files/2014-04/documents/making-your-voice-heard.pdf>.

There are currently two active public comment processes regarding Bishop’s Lodge that you may submit comment on:

NMED 401 Certification of the Bishop's Lodge Resort Wastewater Treatment Facility NPDES permit. **Submit public comments here:** <https://nmed.commentinput.com/?id=fDBPA4SUZ> or <https://www.env.nm.gov/public-notice/>

Bishop's Lodge Wastewater Treatment Facility - Draft NPDES Permit No. NM0031233

**See public comment instructions here:** <https://www.epa.gov/nm/bishops-lodge-wastewater-treatment-facility-draft-npdes-permit-no-nm0031233-0>

General inquiries such as questions regarding the permit process can be directed to Michael Bowers [michael.bowers2@env.nm.gov](mailto:michael.bowers2@env.nm.gov). Technical inquiries on the surface water permit can be directed to Susan A. Lucas Kamat [Susan.LucasKamat@env.nm.gov](mailto:Susan.LucasKamat@env.nm.gov) and technical inquiries on the ground water permit can be directed to Avery Young [Avery.Young@env.nm.gov](mailto:Avery.Young@env.nm.gov).

### How are pollutants addressed in the proposed Bishop’s Lodge permits?

For both ground and surface water discharge permits, any pollutants in the discharged water must be within acceptable limits and not pose a risk to human health or the environment. NMED’s anti-degradation analysis confirms that the proposed draft permit meets all current surface water quality standards for Little Tesuque Creek and downstream waters (with the inclusion of permit limitations and additional treatment to remove copper and zinc), which include standards that protect for domestic water supply, aquatic life, irrigation, livestock watering, wildlife habitat, and recreational uses.

The proposed surface water permit includes effluent limitations and reporting for pH, biological oxygen demand (BOD), total suspended solids (TSS), E. coli bacteria, total residual chlorine, copper, and zinc, as well as monitoring and reporting requirements for aluminum and Per- and poly-fluoroalkyl substances (PFAS) (limits set by 20.6.4 NMAC). The draft permit also includes whole effluent toxicology (WET) testing for 7-day chronic No Observed Lethal Effect Concentration (NOEC) freshwater to evaluate New Mexico’s narrative toxic pollutant standard.

Bishop's Lodge will be required to monitor according to the schedule included in the NPDES permit. Data will be reported to EPA and NMED electronically and is available at the EPA Enforcement and Compliance History Online (ECHO) website at: <https://echo.epa.gov/>.

For the proposed groundwater permit, 20.6.2 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 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 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, TSS, BOD, and ultraviolet (UV) transmissivity.

### If permit violations occur, what agency will be responsible for enforcement?

Both the ground and surface water discharge permits will require Bishop's Lodge to sample its discharge and notify NMED and EPA of these results, including when the facility is not in compliance with the requirements of either permit. EPA and/or NMED also will send inspectors to Bishop's Lodge to determine if they are complying with the conditions and requirements imposed under their permits.

If Bishop's Lodge violates a New Mexico groundwater standard or permit condition, the NMED-Ground Water Quality Bureau has the authority to enforce. If Bishop's Lodge violates the NPDES permit conditions and requirements, EPA has the authority to enforce. If Bishop's Lodge violates New Mexico's surface water quality standards, the NMED-Surface Water Quality Bureau has the authority to enforce. Enforcement can include fines based on the level of contamination.