***QUESTIONS SUBMITTED TO UMED ON 7/22/25 & 7/23/25***

***BY KSFR News Team***

***Responses received from NMED on 7/23/25***

***Question 1: Why does the recent court decision matter to other SF area communities - as well as communities statewide - who care about how wastewater discharges affect the quality of their drinking water?***

***[2 separate responses received from NMED]***

The recent Supreme Court decision protects communities by keeping with the science-

based methods NMED regulates wastewater discharges with. The decision also allows the matter to proceed through the administrative process, which gives a voice to the individuals who want to comment on the matter.

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The decision also allows the matter to proceed through the administrative process, which gives a voice to the individuals who want to comment on the matter. The Supreme Court decision confirmed that NMED is correct in applying the Groundwater Quality Regulations requiring a discharge permit to Bishop’s Lodge rather than utilizing the Liquid Waste Regulations that are designed for residential and small commercial operations with limited discharges.

***Question 2: What are the key differences between wastewater discharge being***

***regulated under the LWDT regs and the GSWP regs?***

***[2 separate responses received from NMED]***

The Liquid Waste regulations are very prescriptive regulations meant to regulate small

amounts of wastewater (less than 5,000 gallons per day) coming from single family homes. After installing a liquid waste system, the owner does not have to provide NMED any monitoring reports for any aspect of the discharge — they only contact the department when they plan to replace the system, repair a portion of the system, or modify it somehow.

The GSWP regulations accomplish a higher level of protection and gives NMED

considerable deference to make sure those protections are in place through a site-

specifically designed discharge permit. The GSWP regulations have no limit on discharge amounts.

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Ground Water and Surface Water Protection (GWSP)regulations accomplish a higher level of protection and give NMED considerable deference to make sure those protections are in place through a site-specifically designed discharge permit.  Under a discharge permit, there are strict sampling, monitoring, and reporting requirements. Additionally, discharge permits must be renewed every five years, and the department may require a modification at any time it is determined that conditions have changed, or other issues or concerns are identified regarding the efficacy of the permit.

***Question 3: What agency or entity is responsible for “monitoring” the wastewater***

***discharge if a permit is issued under the GSWP regs?***

NMED GWQB Pollution Prevention staff are responsible for receiving monitoring reports

and reviewing them for compliance with the permit. Bishop’s Lodge is the permittee and is responsible for completing the requirements identified in the discharge permit.

***Question 4: What, if any, role does the local community have in participating in the monitoring activity? Is the local community allowed to hire its own qualified***

***wastewater engineers to conduct independent monitoring of the wastewater***

***discharge at BL? If so, how are these efforts coordinated?***

A groundwater discharge permit places monitoring requirements on the permittee, not the community. NMED does not have the authority to require or allow third parties to conduct independent monitoring of the wastewater discharge at Bishops Lodge. The community does have the right, under the Water Quality Act and corresponding regulations, to participate in permitting actions, including renewals and modifications, by providing public comment on draft permits. These comments may include additional proposed conditions for the permit.

***Question 5: Are PFAs and other “forever” chemicals/contaminants part of the***

***monitoring protocol? Can the local community influence, in any way, the chemicals being monitored if the permit is issued?***

Bishop’s Lodge completed testing of their influent for PFAS and the results did not find any evidence of its presence. In its current state, the draft discharge permit does not include ongoing monitoring for PFAS. Again, members of the public do have the right to participate in permitting actions by providing public comment on draft permits, which may include additional proposed conditions for the permit. NMED did not receive any proposed additional conditions during the public comment period for the draft permit nor the public hearing for Bishops Lodge.

***Question 6: Given concerns expressed to date by some Tesuque area residents, how does NMED propose to continue to interact with the local Tesuque community if a permit is approved?***

The current groundwater discharge permit is protective and fulfills state regulations that are protective of groundwater. NMED is available during the permit term for community

members to report any noncompliance they observe.

***Question 7: Is there a statutory or regulatory limit on the gallons/day of discharge***

***that are regulated under LWDT? [how many gallons/day] and under the GSWP? [how many gallons/day]***

The regulatory limit in the LWDT is 5,000 gallons per day. There is no limit under the GSWP regulations for gallons per day of discharge. The GSWP regulations exempt those discharges that fall under the requirements of the LWDT regulations (5k gpd), but do have oversight for smaller industrial discharges.

***Question 8: Is quarterly “testing” by the entity responsible for the wastewater***

***discharge the primary or only form of monitoring to ensure that contaminants are***

***not seeking into groundwater, etc. Is any other tools being used to ensure***

***contaminants do not migrate outside the discharge area?***

The system that Bishops Lodge is utilizing is a membrane bioreactor that includes multiple stages of treatment with a final ultraviolet disinfection process. The technology used in the wastewater treatment plant includes some of the most advanced treatment types available and produces an extremely high quality of effluent.

In addition, Bishop’s Lodge currently has three monitoring wells and a fourth monitoring

well is required by the draft discharge permit to be installed 120 days after the issuance of the permit. Sampling of the effluent and the monitoring wells is required by the discharge permit along with reporting of wastewater volumes and wastewater treatment plant sludge handling. Additional and more frequent sampling is required for the wastewater being used for irrigation onsite as well.

***Question 9: Are there any cases [current or recent past] where the testing approach used under the GSWP regs has not been effective? Someone cited “La Cienega” as a problem case there the community is currently dealing with contaminated ground water? In other words, - does ED think the current GSWP regs adequately protect human health and the environment.***

The current GSWP regulations adequately protect human health and the environment. The investigation at the Air National Guard Readiness Center, Santa Fe airport and La Cienega is ongoing and is not comparable to Bishops Lodge.

***Question 10: It is alleged that NMED does NOT require that all required***

***chemicals/contaminants get routinely tested by the owner of BL - what testing is***

***required under this permit?***

NMED requires testing of the effluent and monitoring wells for four indicator contaminants: Total Dissolved Solids, Chloride, Nitrate and Total Kjeldahl Nitrogen (TKN). NMED uses these indicator contaminants to determine if the treatment system is working and if the discharge is affecting groundwater. In addition to the above, the permit requires Bishop’s Lodge to test and monitor the above ground irrigation water for Fecal coliform (or E. coli), Biological Oxygen Demand (BOD), Turbidity, and UV transmissivity.