

Justin S. Greene
Commissioner, District 1

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Anna T. Hamilton
Commissioner, District 4

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County Manager

June 28, 2024

Ms. Evelyn Rosborough
U.S. Environmental Protection Agency
NPDES Review Section (6WD-PN)
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
Rosborough.evelyn@epa.gov

RE: Request to Extend Comment Period for Ninety (90) Days and Hold a Public Hearing for Bishop's Lodge Wastewater Treatment Facility – Draft NPDES Permit No. NM0031233

Dear Ms. Rosborough,

This letter is in regard to Draft NPDES Permit No. NM0031233 (Draft Permit) for Bishop's Lodge Resort (Resort) Wastewater Treatment Facility, which is located within Santa Fe County (County). The County is a local government having jurisdiction over the area where the Resort's Wastewater Treatment Facility will be located. Generally, New Mexico law grants the County such powers within its jurisdiction that are necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of its inhabitants. In accordance with such jurisdiction, the Board of County Commissioners (Board) of the County respectfully requests an extension of the comment period for ninety (90) days and a formal public hearing regarding the Draft Permit.

The Board appreciates the Environmental Protection Agency's (EPA) leadership on issues we hold dear in our community: clear air and water, ecological stability. The ~50-year history of the EPA is a great example of the role that government has in supporting our local communities and folks downstream and downwind that otherwise might not realize the impacts that a project might have on them.

That said, the Board is concerned about the limited awareness and available time that the community around Tesuque, New Mexico, has had to assess and respond to the Draft Permit. [Public Notice: Bishop's Lodge Wastewater Treatment Facility – Draft NPDES Permit No. NM0031233](#) published June 1, 2024.

The Board is requesting additional time for the comment period and a formal public hearing on the Draft Permit. While some outreach and notification was made by the Resort, it is clear that the community has had too little time and too little information to respond within the short time period provided.

As you know, Tesuque Creek is a small stream that comes out of the mountains at the Resort. The small size of this stream make its character fragile and sensitive to a discharge that this permit would allow. Our community would like to protect the Tesuque Creek as much as possible.

Many of our community members are hearing about this now, with only two to three weeks available to gather information, properly assess and comment on this. The outreach by the Resort was very limited and the scope of this permit is too large for the Community to collect information, assess it and develop a position with recommendations that could work for all involved.

This proposed discharge will impact a diverse set of communities near and far. Just within 15 miles downstream of this location and fed by this creek, there are four Native American pueblos, multiple traditional communities and land grants; all of which are “at-risk”, underserved or communities of color and need protection.

There are a number of additional issues and alternatives that we hope to be able to assess in the (hopefully extended) comment period, including:

1. **Ecological Balance:** The Tesuque Creek and the downstream Rios are small waterways that are rare in our area. This waterway provides one of the only wetlands in the area and any foreign water discharge could have ecological and environmental impacts that need more study. There are migratory birds that stop and breed along this corridor and other wildlife that use the waterway as their home.
2. **Discharge Quality:** Current effluent standards might contaminate the basin in irreversible ways. This impacts nearby wells, four Native American pueblos, area farmers and the multiple acequias (irrigation ditches), all of which should be contacted and given information and an opportunity to respond.;
3. **Increase in River Volume:** The impact that additional flows might have on the culverts, acequias (irrigation ditches), water crossings and bridges downstream of the Resort. The County, NM Department of Transportation, three Native American pueblos, and dozens of homeowners have river crossings that could be impacted by this and should analyze the impacts;
4. **On-site Retention:** The viability for the Resort to retain its effluent on site for use in irrigation, leach-fields and/or direct injection should be evaluated. This would remove the need to discharge into the river/creek addressing the concerns in items 3 & 4 above. Regulation would be by the state of New Mexico Environment Department.

This is a complex issue. We understand this and recognize that more time is needed to inform, assess and respond to the Draft Permit.

The Board respectfully requests an extension of the comment period for ninety (90) days with a public hearing held to help inform our diverse community and gather support or opposition to the proposal. The County is willing to assist and coordinate with the regional communities, stakeholders and regulators to make sure any hearing is as successful as possible.

Thank you for your consideration of this request.

Sincerely,

Hank Hughes, Chair
Santa Fe County Board of County Commissioners

This letter has been sent to:

Federal Regulators and Representation

- EPA Administrator – Region 6
- Congresswoman Teresa Leger Fernandez
- Senator Ben Ray Lujan
- Senator Martin Heinrich

New Mexico Regulators and Representation

- Governor Michelle Lujan Grisham
- NMED Secretary James Kenney
- NMED Water Quality – Susan Luacas Kamat
- NMDOT Secretary Ricky Serna
- NMDOT District 5 Engineer Paul Brasher
- OSE Chief Engineer – Mike Hammond (or interim)
- OSE Regional Watermaster – Anne Ruthstrom
- NM Representative Andrea Romero
- NM Senator Peter Wirth

Regional Stakeholders and Jurisdictions

- Governor Milton Herrera – Pueblo of Tesuque
- Governor Janelle Roybal – Pueblo of Pojoaque
- Governor Chris Moquino – San Ildefonso Pueblo
- Governor Nathaniel Porter – Nambe Pueblo
- Tesuque Valley Association – Lynn Pickard
- Jacona Land Grant – David Montoya
- Acequias along the Rio Tesuque and to the Rio Grande