

Regulatory Non-Compliance

The New Mexico Environment Department (NMED) has not enforced the Liquid Waste Regulations (LWR) designed to protect public health and prevent water contamination. These regulations require that any on-site waste treatment system must safely contain and treat waste on the same lot where it is generated, with strict limitations on effluent discharge rates. Bishop's Lodge Resort's proposal violates these rules, creating significant risks for nearby water sources and residents.

Violations of Liquid Waste Regulations

The draft permit violates fundamental LWR safeguards designed to prevent contamination and protect human health as this:

1. Does not adhere to any of the three permissible options for untreated waste discharge or either of the two permissible options for treated waste discharge under 20.7.3.201(B) & (C) NMAC.
2. Does not maintain individual lot owner accountability for waste disposal, circumventing 20.7.3.201(A) NMAC, which holds each property owner responsible for safe waste management.
3. Is not compliant with on-site disposal requirements, as it aggregates liquid waste from 83 private lots and the resort into a single 30,000 gallons per day (gpd) system, exceeding the 5,000 gpd limit per system under 20.7.3.302(C) NMAC.
4. Does not meet disposal field requirements, proposing a 2,500 sq. ft. leach field (10 times smaller than required) within 100 feet of Little Tesuque Creek in a FEMA flood zone, violating setbacks, absorption area, and soil condition regulations.

