



## **Amigos Bravos Joins Lawsuit to Assure Cleanup of Hazardous Waste Sites**

*Action will make polluters pay for cleanup –  
Taxpayers could save billions*

Amigos Bravos joined with the Idaho Conservation League, Sierra Club, and Great Basin Resource Watch to take action making it harder for mining and other polluting industries to skip out on costly cleanups by declaring bankruptcy. The public interest law firm Earthjustice is representing us in a federal lawsuit that will assure that polluters pay for cleanup of hazardous waste sites.

The lawsuit aims to close a gap between two federal laws governing hazardous waste cleanup: the Superfund law and the Resource Conservation and Recovery Act (RCRA).

When the Superfund law was passed in 1980, lawmakers gave EPA five years to put financial assurance regulations in place. More than 20 years later, EPA has done next to nothing. Although many industries that handle hazardous materials are subject to bonding requirements under RCRA, hardrock mining and other polluting industries fall through the gap between the two laws.

The filing of legal action came on the heels of the US House of Representative's approval of the Hardrock Mining and Reclamation bill – which aims to reform the Mining Laws of 1872. Among other things, the bill requires operators of gold, silver, and other hardrock mines to post a bond to cover future cleanup costs before receiving a permit to mine on public lands. However, EPA does not have regulations in place that allow it to require bonding.

This new effort will pick up where the House-approved measure leaves off, ensuring that mines on private lands (in addition to public lands) be subject to federal bonding requirements. The legal challenge will also affect other polluting industries like coal waste sites, metal finishers, and wood treatment facilities.

“The worst offenders declare bankruptcy, opting to clear their plate of financial obligations and skip town,” said Earthjustice attorney Lisa Evans. “Residents are left with poisoned soil and water; taxpayers are stuck with a hefty cleanup bill.”

The Environmental Protection Agency (EPA) ranks the mining industry as the nation's top toxic polluter, reporting more toxic releases annually than any other industry. The industry generates more than 2 billion pounds of toxic waste each year, and has polluted more than 40 percent of western watershed headwaters. But current regulations make it easy for mine operators to walk away from sites contaminated with cyanide, lead, arsenic, mercury, and other toxins used and unearthed in the mining process.

In 2004, the EPA reported that 63 hardrock mining sites were listed as Superfund sites, with an estimated cleanup cost of \$7.8 billion. Of that, \$2.4 billion was expected to come from taxpayers. Another 93 mining sites were being eyed for inclusion on the Superfund list.

One of those Superfund sites is the Molycorp/Chevron Mining molybdenum

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## **Holding LANL Accountable**

In early October, Amigos Bravos and its partners in Communities for Clean Water (CCW) met with Los Alamos National Laboratory (LANL) to discuss our Clean Water Act (CWA) lawsuit and LANL's cleanup of its toxic legacy. Management at LANL has apparently been stunned by the threat of our lawsuit. The Department of Justice, representing LANL and the Department of Energy, has also expressed its desire to avoid legal action.

The meeting was arranged through the Department of Justice. In attendance were LANL attorneys and lab Environment Department staff, representatives from the US Environmental Protection Agency (EPA), and Amigos Bravos and CCW member-organization staff. The purpose of the two-day meeting was to showcase LANL's efforts to implement cleanup and monitoring, to discuss the EPA's Individual Stormwater Permit, and to discuss the 60-Day Notice of Intent to Sue LANL under the CWA.

The first day was devoted to a tour of LANL's facilities, looking at LANL's cleanup. LANL has stated repeatedly that it has made significant improvements in monitoring its discharges and in cleaning up toxic sites at the lab. Amigos Bravos and its partners came away from the tour with a different opinion. We visited several sites and noted the following:

\* *Site Remediation.* A site by the airport was heavily re-vegetated with

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## After 60-year Absence River Otters Will Return in 2008

A native New Mexican, once found in streams and rivers throughout the state, will have to wait one more year before returning to New Mexico's rivers.

This Fall, the New Mexico Department of Game and Fish, the U.S. Bureau of Land Management, and New Mexico Friends of River Otters, a coalition of citizens, agencies, and conservation organizations dedicated to restoring otters to the state, had been working with the state of Oregon to obtain otters for release in New Mexico. Unfortunately, efforts to trap otters in Oregon were unsuccessful, and the reintroduction has been postponed until next year.

Amigos Bravos has been an active participant and has helped organize and facilitate the efforts of New Mexico Friends of River Otters. Amigos Bravos will continue to work with New Mexico Friends of River Otters in 2008 and will also be developing a citizen monitoring program once the otters have been reintroduced.

River otters are highly social, playful, semi-aquatic members of the weasel family. They are believed to have once inhabited the Gila, upper and middle Río Grande, Mora, San Juan, and Canadian river systems and occasionally were mentioned in the journals of early settlers.

There have been no confirmed sightings of river otters in the state since 1953. Decades of trapping and habitat loss are believed to be two factors in their disappearance. Current regulations require trappers to release any otters caught in traps.

Twenty states, including Arizona, Colorado, and Utah, have successfully reintroduced river otters. River otters and other predators play important roles in keeping communities of native species robust and diverse.

The State Game Commission

## Personal Care Products – Impacts to our Rivers

Over the past several years, Amigos Bravos, Friends of the Wild Rivers, has become more and more concerned about the growing evidence of substantial negative impacts on our water systems from pharmaceuticals and personal care products (PPCPs).

The US Geological Survey has found PPCPs in nearly every water supply that they have tested. Many people believe that they don't have to worry about what they flush down the toilet and wash down the drain because they think that all of this water gets treated and cleaned before it is discharged into our rivers. This is not the case for PPCPs. Our sewage treatment plants are typically effective at treating for things like fecal coliform, E.coli. and nutrients, but they do not remove many of the chemicals found in PPCPs.

Increasingly, we are seeing negative impacts from these chemicals impacting aquatic systems downstream of sewage treatment plants. One common problem is male fish turning into hermaphrodites (having both female and male sex organs). Chemicals found to induce this trait in males include octylphenol and nonylphenol (both alkyl phenols, which are commonly used in detergents, toiletries, lubricants, and spermicides); bisphenol-A (the building block of polycarbonate plastics); DDT (the common pesticide, banned in the U.S. but still widely used in some industrializing parts of the world); and Arachlor 1221 (one of the 209 varieties of PCBs, or polychlorinated biphenyls – common industrial chemicals now banned in the U.S. but still widely found in the environment). Arachlor 1221 was a type of PCB found in stormwater running off of burned residential areas in Los Alamos after the Cerro Grande fire.

Prescription drugs are another major source of the contamination found in our rivers. Since our bodies often only absorb a fraction of the drug that we are taking, the rest ends up in our urine and feces and ultimately in our rivers. Another source of pharmaceuticals in our rivers is from the common practice of flushing unused prescription drugs down the toilet. The White House Office of National Drug Control Policy (ONDCP), the Department of Health and Human Services (HHS), and the Environmental Protection Agency (EPA) have jointly released new guidelines for disposing prescription drugs, urging consumers to discard prescription drugs in the trash by mixing the drugs with “an undesirable substance, such as used coffee grounds or kitty litter” and avoiding flushing unused pills down the drain.

Parabens used in many personal care products such as soaps, shampoos, Omoisturizers, and sunscreen are also finding their way to our rivers and streams. The EPA has reported that parabens – methyl, propyl, butyl, and ethyl (alkyl-p-hydroxybenzoates) – are endocrine disruptors. The EPA also stated “continual

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directed the Department of Game and Fish in 2006 to initiate efforts to restore otters to state waters. A Department study identified several rivers as suitable restoration sites, including the Upper Río Grande, White Rock Canyon, and Middle Río Chama in the Río Grande Basin; and the Upper Gila, Lower Gila, and Lower San Francisco rivers in the Gila River Basin.

Next year's efforts will focus on reintroducing otters in the Upper Río Grande and Gila river systems.

Funding for the reintroduction effort is being provided by the generous contributions of many New Mexican citizens (including many Amigos Bravos supporters), agencies, and foundations, including the Thaw Trust and Earth Friends Wildlife Foundation. \*

## Strategic Planning Retreat

From November 9-11, Amigos Bravos staff and Board members, along with about 25 representatives from community organizations, met at the Ghost ranch in Abiquiu for a strategic planning retreat. The Strategic Plan that comes out of the retreat will guide our work as we begin our 20th year – *Yes! We are celebrating 20 years.*

Amigos Bravos uses the strategic planning process to evaluate our past performance and develop a Strategic Plan for 3-4 years. Our staff, Board, and community-based advisors take stock of what was achieved over the previous years, determine the organization's strengths and capabilities, and match those skills with the needs of upcoming challenges facing New Mexico's rivers and the communities that depend on them. The strategic planning process lays out the overall goals and specific activities for the coming term and provides the basis for a set of criteria for determining what activities Amigos Bravos should undertake. Any new initiatives are screened through these Criteria, the Board and key staff, and representatives from organizations with whom we work or might work.

The strategic planning retreat overwhelmingly reinforced our commitment to address social justice issues that create a disproportionate burden of impacts from pollution on Hispanic communities and Native nations. The work we will undertake over the next 3-4 years will be guided by answering the following questions foremost:

- \* What are the implications of the proposed actions for impacted communities, particularly traditional Native nation and Hispanic land-based communities routinely left out of consideration by agencies and decision makers?
- \* What can Amigos Bravos do to ensure that community concerns are being addressed by Amigos Bravos, our partners, regulatory agencies, and policymakers?
- \* And most importantly, how can Amigos Bravos support and enhance the health,

sustainability, and resource needs of impacted communities?

Citizen action is critical to passing good policy, preventing bad policy, and holding polluters accountable. Long-term, sustainable change occurs when citizens and community groups become engaged in the political process and come together in effective coalitions to confront the power of entrenched industries and the inability or unwillingness of regulators and policymakers to act in the public interest.



*L.to r.: Marian Naranjo, Miguel Angel, Michael Coca, Joshua Kussius, Natasha Trott, Leanne Leith, Robin Collier, Erik Schlenker-Goodrich, Jon Klingel*



*Strategic Planning Retreat I. to r.: Dave Henderson, Paul Robinson, Linda and Richard Deertrack, Daniel and Linda Gomez*

One of the most interesting proposals to come out of the strategic planning process was the idea of creating "Conjunctive Coalitions." In New Mexico, surface water and ground water are supposed to be treated as a single entity – "conjunctively" – since impacts on one will eventually impact the other. Participants in the planning process urged us to reach out to groups working on any aspect of water, not just surface water quality, which is our main focus. We have termed these relationships "conjunctive coalitions." There is already tremendous pressure on all water resources across the state. It makes sense to us that in the effort to build good policy and bold civic action we expand our work with communities to include all water issues. The water cycle itself encompasses all forms of water.

In the future, we will not be able to ignore a single drop of the lifeblood of our communities. \*

**Support the businesses  
who support us**

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 Wollens Quality Homes, LLC, Santa Fe  
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**On behalf of our Board of Directors and Staff, we  
 acknowledge with gratitude the following membership  
 contributions received during the past quarter (8/10-12/17/07).**

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**\$1,000+**

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**Amigos Bravos Staff Retreat, 5/30/07, Mable Dodge Luhan House, Taos**  
 Top row l. to r.: Executive Director Brian Shields, Albuquerque Projects Director Lucy Sanchez;  
 Middle row: IT and Database Manager Kenneth Seal, Administration and Publications Betsy Wolf,  
 Special Assistant to the Executive Director Sawnie Morris;  
 Bottom row: Facilitator Roberto Chené, Office and Outreach Assistant Linda Gomez, Clean Water Circuit Rider and  
 Policy Analyst Rachel Conn, Grants and Communication Michael Jensen, holding the camera - facilitator Lucy Moore

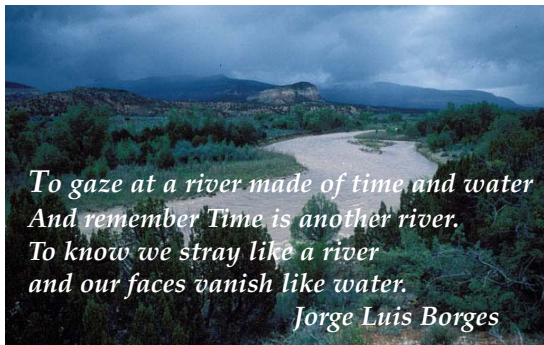
# Calendar of Events:

- January 11 (Friday)**     **New Mexico Water Dialogue 14th Annual State Wide Meeting**, Indian Pueblo Cultural Center, 2401 12th Street NW, Albuquerque, see [www.nmwaterdialog.org](http://www.nmwaterdialog.org)
- January 15 (Tuesday)**     **30-day session of the New Mexico State Legislature** opens, deadline for introducing bills is 1/30/07.
- Jan. 17-19 (Thurs.-Sat.)**     **Quivira Coalition 7th Annual Conference**, *Building Resilience: Creating Hope in an Age of Consequences*, Marriott Pyramid, Albuquerque, [www.quiviracoalition.org](http://www.quiviracoalition.org)
- January 18 (Friday)**     **Third Annual Environmental Justice Awareness Day**, State Capitol Rotunda, 10:30am to 2:00pm
- Jan. 24-45 (Thurs.-Fri.)**     **Law of the Rio Grande - Ground Water, Surface Water, Climate Change and More**, 8th Annual Conference, Hyatt Regency Albuquerque, NM, see [www.cle.com/rio](http://www.cle.com/rio)
- January 29 (Tuesday)**     **Gila River Day**, State Capitol Rotunda, 1:30pm - 3:00pm

**Amigos Bravos' Capital Reserve Fund** is our insurance against hard times. The Capital Reserve Fund is money set aside to ensure that the organization can survive cash flow shortages in the annual operating budget. It can only be accessed for certain purposes, such as meeting payroll or for emergency capital outlay. There are strict guidelines on when and how money from the fund can be used. Any use of money from the Fund requires approval from the Board of Directors. This Fund is a hedge against hard times, ensuring that Amigos Bravos will stay healthy and able to pursue its mission.

Our Capital Reserve account was opened in March 1998 with a \$15,000 grant from the Ruth Mott Fund. Thanks to the many generous contributions of our members, including recent ones from Shelley Cohen, Paul and Dawn Fleischer, Annette McClure, Virginia Maclovia, Allen and Mary Anne Sanborn, and Jo and Stanton Hirsh, the interest-bearing account now has a balance of \$74,809. Our goal is to have \$150,000 in the account by the end of 2008. Please consider making a contribution to the Capital Reserve Fund. \*

**By including Amigos Bravos in your will...  
...you could protect a river for years**



**CONFIDENTIAL REPLY**

To explore a bequest to Amigos Bravos, please complete this form and return it, marked confidential, to Brian Shields, Executive Director, Amigos Bravos.

- I have included Amigos Bravos in my will.
- Please send information on how to include Amigos Bravos in my will.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_ Best time to call \_\_\_\_\_

*Help us save the Río Grande*  
**Join Amigos Bravos!**

- \$1,000 River Angel      \$125 Business Membership
- \$500 River Guardian      \$100 River Advocate
- \$250 River Steward      \$35 Friend of the Wild Rivers
- Other \_\_\_\_\_

I want to make a donation to the **Amigos Bravos Capital Reserve Fund**.

Amigos Bravos is a 501 (c)(3) organization.  
 Your membership donation is fully tax-deductible.

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## Holding LANL Accountable

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noxious plants rather than native plants; a second site was well-designed in terms of its berm for diverting runoff and its revegetation; the third site had what appeared to be recently thrown up straw bales, leading CCW participants to conclude that the work had just been done for the tour.

\* *Site Sampling.* One site had a sampling unit whose pipe did not appear to be functional; a second sampling site installed by LANL had a two-pipe system to collect a split sample for LANL and for the New Mexico Environment Department. The LANL unit appeared to have a broken pipe, which one CCW participant remembered being broken three years ago on an earlier tour; LANL has many reports from this sampling site.

In general, we were not impressed by the tour. We assumed that LANL would show us the best of their cleanup work. If this is the best, we are deeply concerned about the rest of the work they have completed or are planning to complete.

The second day was a meeting with LANL attorneys and staff, the Department of Justice, and the EPA. LANL's concern was essentially to get Amigos Bravos and CCW to drop the legal action. The EPA was at the meeting to discuss the upcoming Individual Stormwater Permit (ISP), which will regulate how LANL needs to deal with this serious issue. The lab's site is heavily contaminated with a wide variety of toxics. Probably the most serious is PCBs, which have been found in the soil at levels 25,000 times over the state standard for human health.

Amigos Bravos has been pressing the EPA to set very stringent standards for LANL in the ISP. Neither LANL nor the EPA would discuss details of the ISP at the meeting and the date for release of the draft ISP has been steadily pushed back as LANL requests extensions to prepare its information. However, the EPA recently said they expect the draft ISP to be released in late January. We have requested a lengthy public comment period to allow for a thorough review of this important document.

For the past four years, Amigos Bravos and its partners have documented and publicized the presence of PCBs, chromium, radionuclides, perchlorates, and other toxics in LANL's canyons, the Río Grande watershed, and the regional drinking water aquifer. We have shown that fast-moving toxins can reach the river through springs within 26 years; that LANL toxins threaten the drinking water aquifer in Los Alamos County; that Santa Fe's drinking water from the Buckman well field and the river are threatened, and that LANL's monitoring well program is fatally flawed and cannot provide reliable data on the scope of toxic pollution.

### *Accomplishments*

Despite our disappointment with LANL's progress to date, Amigos Bravos and its partners in CCW have made tremendous progress over the last two years. Our most important achievement has been greatly increasing the public and public officials' awareness of the extent of toxic contamination at LANL and the failure of LANL to accept responsibility for its own cleanup.

We have helped to focus media attention on the issue of toxic discharges from LANL and the lab's failure to meet its obligations under the Consent Order and we have helped strengthen the ability and willingness of the New Mexico Environment Department to confront LANL. By their own admission, Amigos Bravos and its partners have encouraged NMED to write better permits and do an overall better job in protecting water at LANL.

The new environmental cleanup manager at LANL recently stated that the Consent Order with the State – mandating a full assessment and cleanup of the lab – is attainable and that compliance means “being perfect” in fulfilling the

lab's cleanup obligations. We would like to believe this is LANL's intent. However, based on the evidence so far, we are still greatly concerned with the on-going problems with stormwater runoff and contamination of drinking water at LANL and are moving ahead with our work to ensure that drinking water, cultural practices and health of surrounding Pueblo nations, and the Río Grande watershed are protected from the impacts of LANL's toxic legacy. \*

*Thousands have lived without love; none without water.*

—W.H. Auden

## PCB Levels Off The Charts

Ongoing research into water quality in the canyons at Los Alamos National Laboratory show extremely high levels of PCBs. While the lab would have the public believe that high levels of PCBs are typical throughout the state, and therefore the violations on the Lab's property are nothing to be worried about, the levels found at the Lab are substantially higher than other places in the state. The Lab's own sampling data show levels of PCBs in stormwater over 25,000 times the water quality standard that is protective of human health. Data collected by the New Mexico Environment Department supports this finding. Amigos Bravos research shows the next highest levels of PCBs found in the state outside of the Lab's property are in the Santa Fe River, where a stormwater sample showed levels of PCBs 1,400 times over the limit. The majority of samples taken on the mainstem of the Río Grande do not exceed water quality standards. When samples on the mainstem do exceed water quality standards, they are found at levels on average between 3 and 14 times over the standard. \*

## Local Water Sampling Show Some Signs for Concern

Amigos Bravos conducted a joint water quality sampling project on the Río Hondo and Río Pueblo de Taos with Sierra Club's Water Sentinels – Rios de Taos chapter – and Rivers and Birds. During May 2007, very high *E. coli* results were obtained from two sites in the lower Río Hondo and two sites in the lower Río Pueblo de Taos. These results exceeded water quality standards that are safe for swimming (called "primary contact"). All other samples taken in the Río Hondo, Río Fernando de Taos, and Río Pueblo met water quality standards for all tested constituents.

The sampling project was initiated by Sentinels/Rios de Taos, who contacted Amigos Bravos in 2005 with concerns about insufficient data to accurately assess the health of the Río Hondo, Río Fernando, and Río Pueblo de Taos watersheds. Specifically, there was some concern about nutrient loading in the upper Río Hondo. Sentinels contacted Rivers and Birds in Arroyo Seco to invite them and the youth they work with to participate in the project.

With Amigos Bravos' assistance, Sentinels identified sampling locations and developed a monitoring plan. National representatives from Sierra Club's Water Sentinels program traveled to Taos and gave several trainings to the Sentinels/Rios de Taos' volunteers. Sentinels/Rios de Taos initiated surface water quality sampling

with assistance from Amigos Bravos and Rivers and Birds. Sampling was conducted in the Taos NM area between February 2007 and July 2007 with 8 sites in the Río Hondo, 3 sites in the Río Pueblo de Taos, and 3 sites in the Río Fernando de Taos.

In May, the highest levels of *E. coli* were found in the two Río Hondo samples farthest downstream. *E. coli* levels approximately a quarter mile downstream from the crossing with highway 238 were greater than 1,000 cfu/100ml; *E. coli* concentration near the confluence with the Río Grande close to the John Dunn Bridge was 895 cfu/100ml. Both of these samples were well above the water quality standard in the Río Hondo that is protective for swimming: 410 cfu/100ml.

Sampling conducted in July did not find *E. coli* water quality standard violations in any of the sites sampled except for a site in the Río Pueblo de Taos near the confluence with the Río Grande, where *E. coli* concentrations were found at levels slightly over the standards. *E. coli* was not detected in the Río Hondo above Valdez towards the Village of Taos Ski Valley in any of the samples collected over the 6 month sampling period. None of the other parameters tested for, including pH, conductivity, and nitrate showed water quality standard violations in any of the samples, although several of the samples were at the limit for Temperature. High temperatures are an ongoing concern in many New Mexico rivers, something which Climate Change is likely to worsen.

Possible sources of the high levels of *E. coli* in the lower sections of both the Río Pueblo and Río Hondo watersheds are leaking septic tanks, a common water quality problem in New Mexico, and livestock impacts. The high levels in May could be due to seasonal runoff from snowmelt and not typical of year-round concentrations. Amigos Bravos believes that further investigation and sampling is merited. \*

## Personal Care Products

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introduction of these benzoates (parabens) into sewage treatment systems and directly to recreational waters from the skin leads to the question of risk to aquatic organisms.”

Another concern with cleaning supplies and personal care products are small bits of plastic that are used as exfoliants. Once plastic gets into our waterways, it is there for thousands of years. The smaller the piece of plastic, the more insidious it is, as it infiltrates the food chain at all levels from filter feeders to the larger fish that eat those filter feeders. Plastic serves as a sponge for toxic chemicals, so often by the time aquatic organisms have ingested the plastic, the particles have already absorbed a variety of toxic chemicals.

What we can do as consumers:

- Buy paraben free soaps, shampoos, moisturizers and sunscreens.
- Make sure that your facial scrub uses “natural exfoliants” rather than plastic based exfoliants.
- Do not flush your unused prescriptions down the toilet.
- Don't buy detergents or soaps that contain alkyl phenols. \*

## Cleanup of Hazardous Waste Sites

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mine near Questa, New Mexico. Amigos Bravos has long called for Molycorp to take responsibility for the toxins it released during the mine's 40-year history, contaminating the Red River and nearby groundwater aquifers. Under New Mexico state regulations, after much of the damage was already done, the company agreed in 2002 to set aside \$152 million for cleanup. According to a report prepared for Amigos Bravos by Jim Kuipers and Associates, cleanup costs at the Questa mine could reach \$400 million – with the public having to pay the difference if Chevron Mining walks away from the site.

We hope this legal action – by requiring that polluters set aside money for cleanup of hazardous waste – will encourage mine operators to act more responsibly. \*



*Friends of  
the Wild  
Rivers*

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## Rural Policy Network Meets in New Mexico

On November 28 and 29, 2007, the Southwest Regional Network of the national Rural People, Rural Policy (RPRP) program met to share their policy priorities critical to their rural area. The meeting was held in Albuquerque, NM, and hosted by Amigos Bravos and New Mexico Voices for Children.

In this meeting, Amigos Bravos staff spoke of our work to win Congressional passage of the 1872 Mining Reform Act and the Clean Water Restoration Act, as well as our efforts in New Mexico to ensure that the State has the authority to protect all waters of the State and our successful campaign to save the Valle Vidal.

Amigos Bravos is the only environmental organization in the country participating in the RPRP initiative, which includes 56 organizations. The large regional and national RPRP network will enable Amigos Bravos to extend our reach to ensure that environmental issues, especially the critical importance of clean water, have a central place in any policies for sustainable rural communities.

In our Spring Bulletin, we will discuss the work we have been doing to bring awareness of environmental justice issues to the RPRP Network. ✨