

New Dairy Regulations

New Mexico's dairies contribute about \$2 billion to the state economy, counting both direct and indirect benefits. New Mexico's dairies have the largest average herd size of any state and New Mexico is among the top producers per animal. These large operations are commonly referred to as CAFOs (Concentrated Animal Feeding Operations)

Unfortunately, at least 2/3 of the state's dairies have violated state groundwater quality standards for nitrates; the percentage is higher if other contamination is included. In addition, dairies in the state have caused significant surface contamination. For example, every dairy in the Las Cruces area "Dairy Row" is currently under EPA abatement plans for stormwater runoff. Some dairies in the state have been cited for misusing antibiotics in animals sold off as food. And there are widespread issues with insects and dust from dairies.

One and a half years ago, New Mexico's dairy operators asked for new permit rules, claiming that they needed clarity and flexibility from the New Mexico Environment Department (NMED). For nearly a year, representatives of the dairy industry, the NMED, conservationists, consumer health advocates, and members of the public met to create rules that seek to balance dairy industry operational needs and protection of our drinking water from dairy contamination.

Unfortunately, it quickly became clear that powerful special interests within the dairy industry are working against solving this balancing act – to the detriment of everyone, including New Mexico's dairy families.

Dairy Farmers of America

Representatives of two large dairy associations, Dairy Farmers of America (DFA) and Dairy Producers of New Mexico, joined to form the Dairy Industry Group for a Clean Environment (DIGCE).

In truth, DIGCE should be called the "Dairy Industry Group for Contradicting Everything", since they are fighting every aspect of the proposed regulations, including proposals for things that are already standard practice on most New Mexico dairies. Even some of their expert witnesses have publicly disagreed with DIGCE's hard-line positions on the proposed new rules.

DFA's participation in this process is problematic. DFA collects and markets over a third of all U.S. milk and owns and operates its own hauling companies, processing plants, and distribution centers. Their size gives them the power to manipulate prices.

In New Mexico, DFA is part owner of Clovis-based Southwest Cheese, one of the largest cheese processors in the country (an Irish company owns 50%). Dairy farmers market their milk through either DFA or Select Milk Producers (another owner) if they wish to sell to Southwest Cheese.

In 2006, DFA settled a federal lawsuit alleging bid-rigging on school milk contracts in the southeastern U.S. In 2008, DFA was fined \$12 million by the Commodity Futures Trading Commission for attempting to manipulate the price of Class III milk futures at the Chicago Mercantile Exchange. This year, DFA

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Stormwater Pollution in the Middle Río Grande

People get really excited when it rains here: the smell in the air as the storm approaches, the cooling temperature, the way everything feels after a good rain has blown through.

Maybe some people think about the runoff from the rain, the stormwater running in arroyos or down the street. Just like the signs on the curbs around Albuquerque say: "Drains to River".

Which is a good thing in a natural setting. Stormwater runoff brings nutrients and sediment – key ingredients for life – to the river.

However, in an urban or heavily agricultural area, stormwater can dump industrial and agricultural chemicals into the river.

This contamination is referred to as Non-Point Source (NPS) pollution. That is, there is not a specific "point" – like a pipe – that the pollution comes from. Typical non-point sources are runoff from agricultural fields and urban runoff from hard surfaces, like roads and parking lots.

North Diversion Channel

In the Albuquerque reach of the Middle Río Grande (which runs from the Otowi gage near Pojoaque to San Marcial just above Elephant Butte), researchers think they have identified a significant source of pollution, although one that blurs the line between point and non-point.

The North Diversion Channel is part of the extensive system of natural and concrete arroyos that make up the Albuquerque

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140 Volunteers Participate in Annual River Cleanup



As part of National River Cleanup 2010, local citizens banded together to tackle pollution in Taos area *ríos*. Amigos Bravos, Friends of the Wild Rivers, coordinated with Centinel Bank Taos, Water Sentinels-Rios de Taos, the Forest Service, and Rocky Mountain Youth Corp to conduct trash cleanups at 6 sites as well as one tree planting at an additional site.

The six sites that were cleaned up include Rio Pueblo de Taos, Rio Hondo Park (Taos Land Trust Land), Rio Grande del Rancho, Rio Fernando, Cabresto Creek in Questa, and Taos Valley Overlook.

Amigos Bravos also led a watershed hike and trash pick-up along the lower portion of the Rio Pueblo de Taos as part of our Rio Pueblo de Taos Watershed Planning Project.

This year there were over 140 volunteers, hundreds of bags of trash, and a whole pickup truck filled with cans and bottles to be recycled. Multiple tires, pipes, building materials and an old computer were pulled out of the river or from nearby trails or riparian areas.

This was the fourth consecutive year of a successful partnership with Centinel Bank and Water Sentinels of Taos to organize this river cleanup event. Centinel Bank, as the lead organizer, has been wonderful to work with and this year as in previous years they sponsored a cookout to feed the tired and hungry volunteers. ❖



Jim White, Centinel Bank Cleanup Coordinator, Kris Edwards, Richard Holmes, U.S. Forest Service, Questa Ranger District



*Above: volunteers from the Rio Pueblo watershed hike and cleanup led by Amigos Bravos
Left: Volunteers of all ages enjoy the barbeque hosted by Centinel Bank after the cleanup*



The 15th Annual Raffle for the Río was a Tremendous Success

The Amigos Bravos Board of Directors and Staff wish to express our heartfelt thanks to everyone who purchased raffle tickets and donated their time, energy, and/or business products to help make the 15th annual *Raffle for the Río*, once again, a remarkable community accomplishment. We send a special and grateful thanks to **Julia Bortz Pyatt**, our extraordinary **Raffle Outreach Coordinator**,



Volunteer Sarah Pyatt, Raffle Outreach Coordinator Julia Bortz Pyatt, and volunteer, Melia Paulden

to **Brad Hockmeyer and Paddy Mac** at **KTAO-FM** radio for terrific coverage on the day of the raffle,



and to **Sally and Art Mayer (above)** for hosting a fabulous Raffle for the Río party. Special thanks also to Amigos Bravos youth volunteers, **Sarah Pyatt, Melia Paulden, Snowflower Romero**, and **Madison Vanderlingen**.

To the winner of the 2010 Raffle for the Río, long-time Amigos Bravos member **Bonnie Cooper** of Ranchos de Taos, we say Congratulations! May you and Cindy have a wonderful time in Peru! ❖



And a Good Time Was Had by All at the raffle party hosted by Sally and Art Mayer



Above: Nicola Ulibarri, 2009 staff, and longtime volunteer Kristen Ulibarri

Below: Board President Peggy Nelson, Sally Mayer, Executive Director Brian Shields





Intern's Relections _____ - *Louis Holbrook*

My experience with Amigos Bravos this summer has been extremely valuable and has helped me explore and shape my focus for the future. I am a Southern Methodist University (SMU) student graduating in December 2010 with Environmental Studies and Economics majors. As part of my education, I planned to come to Taos and work with a conservation group in order to get a taste for a career in the environmental sector.

And wow, did I get more out of the experience than I could have imagined!

My internship with Amigos Bravos allowed me to see the workings of a non-profit group "guided by social justice principles and dedicated to preserving and restoring the ecological and cultural integrity of New Mexico's waters," and just how much passion and dedication goes into pursuing that goal.

Prior to the internship, I ignorantly envisioned Amigos Bravos as an organization that picks up trash along the Río Grande; I was very wrong! Not only does it address current issues concerning water quality in the Río Grande and all water bodies in the state, it also works to remedy problems in the past that affect today's water quality, and to prevent possible future complications.

Through the internship, I met many extremely interesting people and saw much of New Mexico that I would otherwise not have seen. I learned not only about the different avenues, countless variables, and extremely layered processes of protecting and restoring water-bodies, but also came to develop an appreciation and fascination for northern New Mexico. In just seven weeks with Amigos

Bravos I have developed a new appreciation for the fundamental necessity of water. I have learned more about non-profits, water quality protection and restoration, made more contacts and friendships, and grown to love the landscape and rivers of New Mexico. This truly is the Land of Enchantment. ❖

On behalf of our Board of Directors and Staff, we acknowledge with gratitude the following contributions received during the past five months (3/01/10-07/21/10).

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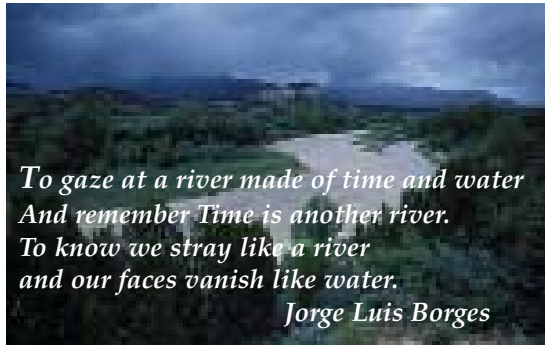
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**By including Amigos Bravos in your will...
...you could protect a river for years**



*To gaze at a river made of time and water
And remember Time is another river.
To know we stray like a river
and our faces vanish like water.
Jorge Luis Borges*

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

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Metropolitan Area Flood Control Authority (AMAFCA). It runs north parallel to I-25 and empties into the river about 2.5 miles upstream of the Alameda Bridge and the San Juan-Chama Drinking Water Project diversion structure, which supplies drinking water to customers of the Albuquerque Bernalillo County Water Utility Authority (WUA).

Over the last two years, several separate reviews of pollution in the Río Grande have zeroed in on the North Diversion Channel as a likely source of a wide range of contaminants.

About two years ago, Amigos Bravos reviewed the water quality monitoring data from the pilot drinking water treatment plant. The WUA had 14 months of frequent water quality monitoring in the river – an unprecedented amount of monitoring.

The WUA data showed a huge spike in radionuclides and other contaminants, including sediment, nutrients, and metals. The WUA said it was the result of stormwater, but didn't seem concerned with what the source might be. An examination of stream gage data didn't reveal any unusual activity on the river itself, but the gage on the North Diversion Channel showed a sharp rise in stream flow just ahead of the event.

Around the same time, a graduate student in the Biology Department at UNM, Dave van Horn, began a long-term study of sediments, nutrients and dissolved oxygen in the river, setting out continuous recording data sondes at four bridges on the Río Grande from Bernalillo south.

His data clearly show periodic spikes in sediment and nutrients and a corresponding drop in the levels of dissolved oxygen in the river. He narrowed down the likely culprit to the North Diversion Channel. He speculates that water collects at the end of the Channel in an area known as "The Bathtub" and concentrates there until a large stormwater event pushes material into the river.

In April this year, the New Mexico Environment Department (NMED) DOE Oversight Bureau – which is monitoring the Río Grande for evidence of possible impacts from Los Alamos National Laboratory (LANL) during stormwater events – released a report that documents extremely high levels of PCBs in the water above the WUA drinking water project.

The NMED analysis indicates that the PCBs detected just below the North Diversion Channel outfall are not related to the PCBs detected near LANL just above the Buckman drinking water diversion. In addition, the levels detected near LANL were all below surface water quality standards, while the samples analyzed in Albuquerque exceeded those standards at levels "unheard of" in New Mexico.

Even the "base flow" sample from below the North Diversion Channel – taken when there was no stormwater flow – exceeded stormwater samples taken in the Santa Fe area.

The Oversight Bureau believes the source of the PCBs is the North Diversion Channel and is focusing efforts on identifying specific locations that might contribute to flows in the Channel.

Clean Water Act

The North Diversion Channel looks like a "point" – it is a discrete point of discharge into the river – but the AMAFCA system simply collects stormwater runoff from the mountains and urban hardscape. Trying to decide what to do is difficult.

When the Clean Water Act (CWA) was passed in the early 1970s, the major issue was point sources: waste pouring into lakes and rivers from pipes at industrial sites and wastewater treatment plants. Even then, non-point sources

were recognized as significant sources of pollution.

However, the CWA was written to exempt most non-point sources from the same regulatory framework applied to point sources, opting instead for the use of what are called Best Management Practices: things like stream buffers or those plastic barriers put up around construction sites.

Now, 35 years after the CWA began, NPS pollution is recognized as the major source of water pollution.

In the case of the North Diversion Channel, efforts are underway by AMAFCA, NMED, and others to isolate sources of contaminants that find their way into the North Diversion Channel. Once specific sources are identified, federal agencies can act to implement ways to halt as many sources as possible.

But all this will take a long time, even under the best of circumstances.

There is one good lesson in all of this, however. Without good data, we don't know if a problem exists and we can't fix it. The identification of the North Diversion Channel as a likely source of significant contamination into the Río Grande came about because of an unusually high level of monitoring done in the river.

Citizens should press their legislators – at the state and federal level – to ensure that agencies have the funds to conduct much more extensive monitoring than they can currently sustain. ❖



*Friends of
the Wild
Rivers*

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New Dairy Regulations

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became the subject of a class-action lawsuit in 11 states by 10,000 dairy farmers, who allege that DFA depressed their prices.

Dairy producers saw their milk price drop by nearly 50 percent between 2007 and 2009, even while DFA thrived. During that same two-year period, the retail price of fresh whole milk fell less than half as fast as farmers' prices did, and the price that consumers paid for cheddar cheese actually increased by nearly six percent.

These same powerful special interest groups are the ones fighting the fair and necessary rules that dairy farmers asked for.

The proposed regulations would provide clear and predictable permitting for dairy farmers, while offering protection for local communities and New Mexico's fragile waters. Most dairies are already doing much of what the proposed regulations call for, such as using synthetic liners and installing monitoring wells.

However, DIGCE just says "No" to every attempt to come to an agreement for New Mexico's communities and environment. DIGCE claims that dairy prices are so low the regulations would put dairies out of business.

They don't mention that feed and feed-related costs account for 50% of operating costs, or that dairy prices are always in a cyclical pattern of boom and bust because the industry can't keep its supply in balance with demand, or that the biggest issue threatening dairy survival is the financial crisis drying up lending, or that the largest part of "regulatory" costs come from installing waste lagoon liners and monitoring wells that are a necessary consequence of using the CAFO method.

Hearings

The Water Quality Control Commission held hearings in May and June this year. Amigos Bravos and a coalition of community organizations agreed with much of the NMED proposal, with the addition of several recommendations that would strengthen groundwater protection, make it easier to identify dairy-produced contamination (which would make it easier for dairies to defend themselves when pollution came from other sources), and require some sort of financial assurance for cleanup (which might also help dairies get loans, if banks know that contaminant cleanup wouldn't risk the operation).

The WQCC will make a decision on the proposed regulations in mid-September. ❖