

**United States Environmental Protection Agency**  
**Region VI**  
**POLLUTION REPORT**

**Date:** Tuesday, April 17, 2007

**From:** Eric Delgado

**Subject:** BMG Arroyo

Jicarilla Apache Nation Reservation, NM

Latitude: 36.5220100

Longitude: -106.8554500

<b>POLREP No.:</b>	2	<b>Site #:</b>	
<b>Reporting Period:</b>		<b>D.O. #:</b>	
<b>Start Date:</b>	4/16/2007	<b>Response Authority:</b>	OPA
<b>Mob Date:</b>	4/16/2007	<b>Response Type:</b>	Emergency
<b>Demob Date:</b>		<b>NPL Status:</b>	Non NPL
<b>Completion Date:</b>		<b>Incident Category:</b>	Removal Assessment
<b>CERCLIS ID #:</b>		<b>Contract #</b>	
<b>RCRIS ID #:</b>		<b>Reimbursable Account #</b>	
<b>FPN#</b>	E07614		

#### **Site Description**

On 16 April 2007, Benson Montin Greer Drilling (BMG) notified the National Response Center of a crude oil spill. Approximately 80 bbls of oil was discharged when a heating process tank overflowed. The crude oil flowed over the secondary containment, down an unpaved road and into a dry unnamed arroyo. The arroyo is a tributary of Rio Chama. The incident occurred on the Jicarilla Apache Reservation land in Rio Arriba County, New Mexico. EPA mobilized OSC Delgado and its START contractor to the site to conduct on-scene monitoring.

#### **Current Activities**

On 17 April 2007, five BMG workers continued to use propane torches to burn the patches of contaminated vegetation. A vacuum truck was staged with water to provide fire suppression if necessary. Equipment operators used a front end loader and dump trucks to remove the excavated contaminated soil staged on site. The soil was transported to the BMG landfarm located at the BMG field office. In the afternoon, several of the workers were directed to use hand shovels to conduct minor excavation of the contaminated soil along the smaller spill pathways.

EPA and START conducted an SPCC inspection on the tank battery where the spill occurred.

An archeologist arrived on site to conduct a survey of the impacted area. The survey did not find any archeological sensitive areas.

#### **Planned Removal Actions**

BMG will continue to remove the staged contaminated soil and transport the soil to the BMG owned landfarm. Workers will also continue to use propane torches to remove the contaminated vegetation and to use hand shovels to remove the contaminated soil along the minor spill pathways.

#### **Next Steps**

EPA will continue to coordinate with BMG and Jicarilla Apache Nation natural resource trustees.

#### **Key Issues**

The Jicarilla Apache Nation Environmental Protection Office representatives questioned which parties (EPA, BLM, or the Jicarilla Apache Nation trustees) have the authority to respond, direct, and oversee response cleanup actions on reservation land. EPA OSC Delgado cited the NCP and communicated that the OSC has the authority and responsibility to respond to spills that release or threaten to release to waters of the US regardless if the spill is on reservation land. OSC Delgado requested that the Regional Response Team (RRT) to convene to discuss and clarify the issue.

This is the third spill this year by BMG that EPA and START have responded to.

