

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

Date: Wednesday, April 18, 2007

From: Eric Delgado

Subject: Final POLREP

BMG Arroyo

Jicarilla Apache Nation Reservation, NM

Latitude: 36.5220100

Longitude: -106.8554500

POLREP No.:	3	Site #:	
Reporting Period:		D.O. #:	
Start Date:	4/16/2007	Response Authority:	OPA
Mob Date:	4/16/2007	Response Type:	Emergency
Demob Date:		NPL Status:	Non NPL
Completion Date:		Incident Category:	Removal Assessment
CERCLIS ID #:		Contract #	
RCRIS ID #:		Reimbursable Account #	
FPN#	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 18 April 2007, one BMG worker continued to use a propane torch to burn the patches of contaminated vegetation. A water truck was staged with water to provide fire suppression if necessary. Equipment operators used an excavator and front end loader to remove the contaminated soil in the arroyo and directly upgradient of the arroyo. The soil was transported to the BMG landfarm. At the tank battery, several personnel worked to remove the free oil in the secondary containment of the heater tank. Equipment operators used a front end loader and excavator to remove the contaminated soil inside and outside of the secondary containment. Equipment operators also added soil to the earthen containment berms around the heater tank and the storage tanks to improve the capacity of the secondary containment.

Throughout the day, one operator used a road grader to maintain the integrity of the unimproved roads.

Planned Removal Actions

BMG will continue improve the secondary containment around the tank battery. Workers will also continue to excavate contaminated soil along the spill pathway and around the tank battery.

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 continued to question 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. The RRT convened and agreed that EPA is the lead federal agency to inland oil spills regardless if the spill occurred on a reservation.

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

