

Guest Column by Allyson Siwik

State should take over oil spill cleanup

The New Mexico Environment Department finally issued a notice of noncompliance with the New Mexico Water Quality Act last week to R. Marley Trucking for its unreported Sept. 26 discharge of approximately 2,000 gallons of asphalt emulsion into Jaybird Canyon, in the upper Gila River watershed.

The lack of action by the trucking company, State Police and N.M. Department of Transportation led to an 11-day gap before any official on-the-ground action was taken. Had the spill been reported to the Environment Department within 24 hours, as the law requires, the asphalt emulsion material could have been contained.

by M.E. Sprengelmeyer

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lumn was originally published Oct. Communicator, Santa Rosa. M.E. eyer now lives in Asheville, N.C. He ighed at ErstHap@hotmail.com.

We encourage the Environment De- partment to pursue penalties against the company and any other respon- sible parties to the maximum extent permitted by law, given the serious harm to the environment caused by the spill.

Ongoing minimization of the effects of the spill — due to asphalt emulsion not technically being classified as a hazard- ous material — enabled the lack of action by all parties involved. The delayed official clean- up activity, coupled with unprecedented rainfall, mobilized the material far down- stream, causing ex- tensive environmental damages that are likely to be long-term. The asphalt emulsion coated the streambed from bank to bank, and the thick, gooey material still poses a threat to aquatic species and other wildlife.

If animals or birds get the material on their feet or bodies, they may ingest this harmful sub- stance, likely leading to death. Reports of dead snakes, squirrels and invertebrates have already emerged.

If it weren't for a local commu- nity whistleblower, the spill might never have been reported, and the volunteer cleanup initiated. In a classic case of "the fox guarding the henhouse," relying on R. Marley Trucking for remediation is inappropriate, given their inability to follow the law and their lack of experience with cleanup efforts.

The public expected a professional cleanup crew to be employed, yet there are reports of worker safety issues and low wages given to un- trained agricultural crews. There are continuing reporting discrepancies in the number of workers and amount of time the trucking company has been on-site cleaning up.

Additionally, the company has carried out sloppy housekeeping of the cleanup site, thus increasing the potential for reintroduction of asphalt material to the environment. Finally, there are recent

reports of additional emulsion contam- ination in the creek below the terminus of R. Marley's efforts.

There are still questions that need to be answered, and more work that needs to be done.

We still don't know the nature and extent of the contamination. What are the specific chemical constituents

that were released, and how toxic are they?

What is the longer-term ecological risk of the discharge of asphalt emulsion in the envi- ronment?

We recommend that the Environment Department take over future phases of the cleanup, with close at- tention paid to minimiz- ing additional damage to the site and on-site housekeeping. Transpare- ncy and frequent pub- lic communications of site conditions, progress made and the long-term effects of the spill will be critical.

Information about long-term monitoring of the soil and water will be key to under- standing the environ- mental risks posed by the persistence of

asphalt emulsion in the watershed. We also recommend that check dams be strengthened and expanded from bank to bank in places to capture the asphalt material, including close, ongoing monitoring to ensure proper function and regular disposal of trapped material.

Going forward, a well-thought-out restoration plan must be a priority. Areas of the canyon damaged during the cleanup and trails created by work crews will need to be addressed to prevent erosion and further degrada- tion of the stream banks. Bringing the watershed back to full ecological integrity must be the goal.

Allyson Siwik is executive director of the Gila Resources Information Proj- ect. Patrice Mutchnick of Heart of the Gila, Donna Stevens of the Upper Gila Watershed Alliance and Todd Schulke of the Center for Biological Diversity also contributed to this column.

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