

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

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The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

Contact: Matthew Maez, Communications Director
New Mexico Environment Department
505.670.8911 | matthew.maez@env.nm.gov

NMED provides update on asphalt emulsion spill near Pinos Altos

SILVER CITY — New Mexico Environment Department (NMED) confirms that professional clean-up of the asphalt emulsion spill in Jaybird Canyon near Meadow Creek along New Mexico Highway 15 is underway. R. Marley, LLC, the trucking company responsible for the spill, hired an environmental and regulatory compliance consultant to ensure the clean-up is effective and efficient. On-site meetings took place with NMED, the U.S. Forest Service, the responsible party, and their consultant in the morning of Thursday, October 6 and are ongoing daily.

The company is acquiring equipment and materials for the clean-up and deployed the first workers yesterday afternoon. Up to a dozen workers are anticipated to be deployed on the site each day, including through the holiday weekend, until cleanup is complete. An estimated timeline for clean-up activities will be based on response activities that began on October 5.

Asphalt emulsion is a combination of asphalt, water, and an emulsion agent. The emulsion is what binds the asphalt, oil and water, which don't naturally mix on their own. Emulsions typically contain between 55-75% asphalt. In addition to the asphalt and water, asphalt emulsions contain 0.1-0.2% of an emulsifier, or "soap," which functions to stabilize the emulsion. These soaps are similar to soaps and detergents used in household cleaning and personal care. According to the product's Safety Data Sheet, there is "no known adverse effect to human health" and it is "not expected to be harmful to aquatic organisms."

Drivers are encouraged to avoid gathering or parking near the area of the spill on Highway 15, as there will be trucks and potentially heavy equipment, as necessary, for clean-up along the small, two-lane highway. The cleanup crew will need as much room as possible to complete this work. For personal safety and to enable the clean-up process to proceed efficiently, members of the public are asked to avoid gathering at the area of the spill.

On Monday, Sept. 26, a truck owned by R. Marley, LLC overturned, resulting in asphalt emulsion flowing down Jaybird Canyon, a tributary to Meadow Creek, which was not reported by the company as is required. NMED was notified one week after the spill by the New Mexico Department of Transportation and community members.

Once notified, NMED took immediate action and is working with the U.S. Forest Service, and the responsible party and their contractors and consultants to remediate the site. Within a few hours of learning of the spill NMED sent a staff member to the site and contacted R. Marley, LLC to initiate next steps. NMED staff are actively engaged in the ground response, remediation plan reviews, violation investigations and other necessary actions. NMED staff will be on site today to identify the extent of the

impacted area and to evaluate water quality upstream and downstream of the spill for pH, specific conductance, salinity, and other data.

Environmental emergencies and spills of oil, toxic substances, hazardous substances, or other contaminants in New Mexico must be reported to the Environment Department as soon as possible and within 24 hours at 505-827-9329 (for emergencies) and for non-emergencies at either 866-428-6365 (voicemail 24-hour per day) or 505-476-6000 (during business hours from 8 a.m. to 5 p.m.).

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