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NEWS RELEASE

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NM Natural Resources Trustee and Fronk Oil Co. Reach Settlement Over Cimarron River Spill

Oil Pollution Act settlement brings \$150,000 for resource restoration

CIMARRON – New Mexico Natural Resources Trustee Maggie Hart Stebbins today announced a settlement with Texas-based Fronk Oil Company that resolves an Oil Pollution Act claim for natural resource injuries following a 2016 accident that released diesel and gasoline into the Cimarron River. Under the settlement agreement, Fronk Oil will pay \$150,000 to implement restoration projects that benefit fish, habitat, soil, water, and other natural resources injured, destroyed, or lost as a result of the fuel spill.

On Dec. 27, 2016, a Fronk Oil tanker truck carrying petroleum products overturned in icy winter conditions on U.S. Hwy 64, releasing approximately 1,100 gallons of unleaded gasoline and diesel fuel into a section of the Cimarron River located in the Colin Neblett Wildlife Management Area of the Cimarron Canyon State Park. The spill killed fish and macroinvertebrates in the river and contaminated water, soils and sediments. A 1.5 mile section of the river downriver from the release was closed to public access for several months. Fronk Oil cleaned up the spill under the oversight of the New Mexico Environment Department that involved capture of the fuel and removal of contaminated soils and sediments. Today's settlement will compensate New Mexicans for lost natural resources and for the months during which the spill area was closed for fishing and other recreational uses.

"This settlement ensures that the damage to fish and aquatic habitat caused by the fuel spill is restored and holds accountable those who were responsible for the spill. New Mexico residents were directly impacted by the contamination and this settlement will compensate for the losses they have suffered," said Hart Stebbins. "I thank the leadership at Fronk Oil for honoring the company's obligations following the accident and their willingness to work with us to reach a fair resolution to this case."

Counsel for Fronk Oil, Jerry D. Worsham II of the Cavanagh Law Firm, emphasized that Fronk Oil immediately and fully cooperated with State and Federal authorities in responding to the weather-related accident. "Fronk incurred more than \$300,000 in cleanup costs during the five-month remediation effort and our prompt response allowed the Cimarron River to fully reopen for recreation by Memorial Day 2017," said Mr. Worsham. "Fronk Oil regrets the accident and has taken seriously our corporate responsibility to make things right," he added. "Fortunately, there does not appear to be any long-term impact on the fish, macroinvertebrates, water, soils and/or sediment in the Cimarron River and we're pleased that the settlement proceeds will support ongoing improvements to the recreation opportunities on the Cimarron River."

Settlement funds will be used exclusively to plan and implement restoration projects in the area of the spill. The New Mexico Office of the Natural Resources Trustee is drafting a restoration plan that will govern how the settlement dollars will be spent. Once complete, the restoration plan will be released for public comment before restoration work begins.

The proposed settlement, filed today in the U.S. District Court for the District of New Mexico, is subject to public comment and to approval by the court.

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About Office of the Natural Resources Trustee (ONRT): *The ONRT is a state agency created by statute to ensure that New Mexico's natural resources that have been injured by the release of hazardous substances are restored for the full benefit of New Mexicans. The ONRT assesses injury to natural resources caused by the contamination and then seeks compensation from the responsible parties for restoration of those injured resources. The funds through settlements are used to restore, replace, or acquire the equivalent of injured, destroyed or lost natural resources and the services they provide. For more information about the ONRT, visit www.onrt.state.nm.us.*

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