



April 22, 2016

Adam Werts  
C.R.England, Inc.  
4701 W 2100 S  
Salt Lake City, UT 84120

Via email: adam.werts@crengland.com

**Re: April 14, 2016 diesel fuel spill in violation of the Montana Solid Waste Management Act.  
[CVID 19102]**

Dear Mr. Werts:

On April 14, 2016, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that approximately 100 gallons of diesel fuel from a C.R.England, Inc. (CRE) vehicle spilled to the ground near Highway 191 and Twin Antler Drive in Gallatin County, Montana. It was further reported that Hanser's Environmental and Remediation (Hanser's) was contacted, on behalf of CRE by Environmental Response & Training Solutions (ERTS), to remediate the spill site.

As of the date of this letter, ENFD has not received any written documentation that indicates the site has been fully assessed and/or that all diesel-affected media has been removed and properly disposed of.

This letter is to inform CRE that the spill of diesel fuel to the environment is an improper disposal of a solid waste and therefore constitutes a violation of the Montana Solid Waste Management Act (SWMA).

Under the SWMA and the Administrative Rules of Montana (ARM):

- It is unlawful to dispose of solid waste except as permitted. *See* Section 75-10-212, Montana Code Annotated (MCA).
- Disposal is defined as the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land. *See* Section 75-10-203(3), MCA.
- Contaminated soil means soil, rocks, dirt, or earth that has been made impure by contact, commingling, or consolidation with petroleum hydrocarbons. *See* ARM 17.50.502(8).
- Waste is defined as useless, unwanted, or discarded materials in any physical form. *See* ARM 17.50.502(41).
- Contaminated soils are Group II wastes that require disposal at a Class II solid waste management system. *See* ARM 17.50.503.

Adam Werts  
C.R.England, Inc.  
April 22, 2016  
Page 2

In order to return to compliance, ENFD requests that the following corrective actions be conducted:

- By May 31, 2016, complete assessment and remedial actions, including proper disposal of all diesel-impacted media. It is recommended that a copy of this letter be provided to your insurance company and environmental consultant. The consultant should contact me prior to initiating on-site activities.

As this incident occurred on a public right-of-way, an encroachment permit (Permit) may be required. For information on obtaining a Permit, please contact the [Montana Department of Transportation Maintenance Area Office](#) or the [Gallatin County Road and Bridge Department](#).

- By July 31, 2016, submit a cleanup report meeting ENFD's Standardized Cleanup Report (Report) format. Please refer to the Report for information on submitting the cleanup report to ENFD.

The Report format, ENFD's Soil Sampling Guidance and DEQ's Spill Management and Reporting Policy can be accessed on ENFD's web site under Policy & Resources at: <http://deq.mt.gov/DEQAdmin/ENF>. Please note that cleanup reports not submitted in the Report format or providing the requested information will not be accepted by ENFD.

If you have questions related to this matter, have difficulty accessing the above-referenced documents/links or feel the reported information is not factually accurate, please contact me at either [dkenney@mt.gov](mailto:dkenney@mt.gov) or the telephone number listed below. Please reference CVID 19102 on future correspondence related to this incident.

Sincerely,



Daniel R. Kenney  
Enforcement Specialist  
[Enforcement Division](#)  
(406) 444-1453; fax (406) 444-1923

cc via email: Gallatin County DES  
Gallatin County Environmental Health  
Montana Department of Transportation  
Hanser's Environmental and Remediation  
Environmental Response & Training Solutions