



July 19, 2016

Jason Veitch  
Republic Services  
8600 Huffine Lane  
Bozeman, MT 59718

Via email: [jveitch@republicservices.com](mailto:jveitch@republicservices.com)

**Re: June 28, 2016 diesel fuel spill in violation of the Montana Solid Waste Management Act. [CVID 19258]**

Dear Mr. Veitch:

On June 28, 2016, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that between 10 and 15 gallons of diesel fuel spilled from a Republic Services (Republic) vehicle to a hard-packed gravel driveway located at 1272 Cottontail Road in Gallatin Gateway, Gallatin County, Montana.

As of the date of this letter, ENFD has not received any written documentation that indicates the diesel fuel-affected media has been cleaned up and properly disposed.

This letter is to inform Republic 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.

Republic Services

July 19, 2016

Page 2

As the spill was less than the reportable quantity of 25 gallons, ENFD does not require the collection of soil samples to demonstrate adequate removal of affected soils. However, ENFD does require a statement certifying the spill site was cleaned up and affected media was properly disposed. In addition, as the spill appears to have occurred on a private driveway, please provide a signed statement from the legal landowner indicating they are satisfied Republic's cleanup actions.

Please submit the above-requested statement by August 15, 2016, via email or to:

Daniel R. Kenney  
Enforcement Division  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

If you have questions related to this matter 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 19258 on the cleanup report and on any 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