



May 3, 2016

Dave Kiefer
Roberge Transport, Inc.
3-5916-44 St.
Lloydminster, AB T0V LV7
CANADA

RE: Violation of the Montana Solid Waste Management Act [CVID #19114]

Dear Mr. Kiefer,

On April 20, 2016, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality (DEQ) received a report that approximately 20 gallons of gasoline spilled from a semi-truck fuel tank onto the pavement along Interstate 90, near mile marker 305, Gallatin County, Montana.

This letter is to inform you that the spill of diesel at the above-referenced location 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; and
- Waste is defined as useless, unwanted, or discarded materials in any physical form. *See* ARM 17.50.502(41).

Due to the size of the spill and because the fuel remained on a paved surface, ENFD will not require the collection of soil samples to demonstrate adequate removal of the impacted media unless the release threatens state waters.

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

- By June 3, 2016, complete assessment and remedial actions including proper disposal of all impacted media and submit a statement certifying impacted media was properly disposed at a permitted solid waste disposal facility. The statement should include a brief discussion on actions implemented to mitigate environmental impacts, cleanup activities, and disposal information.

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If you have questions related to this matter or feel the information provided to DEQ regarding this spill is not accurate, please contact me at the telephone number or email address listed below.

Sincerely,



Shasta Steinweden
Environmental Enforcement Specialist
Enforcement Division
(406) 444-3109; fax (406) 444-1923
email: ssteinweden@mt.gov

cc via email: Gallatin County DES
Gallatin County Sanitarian