



February 3, 2017

Arvydas Mikutavicius  
Extra Transportation, Inc.  
6174 Knoll Lane Court Unit 302  
Willobrook, IL 60527

Via email: arvydas79@yahoo.com

**Re: January 31, 2017 diesel fuel spill in violation of the Montana Solid Waste Management Act. [CVID 19619]**

Dear Mr. Mikutavicius:

On January 31, 2017, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that 2 gallons of diesel fuel from an Extra Transportation, Inc. (ETI) vehicle spilled to the ground near mile marker 284 on Interstate 90 in 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 ETI 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.

Arvydas Mikutavicius  
Extra Transportation, Inc.  
February 3, 2017  
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 properly disposed. Please include the latitude and longitude of the spill location in decimal degrees with your statement.

Please submit the above-requested statement by February 20, 2017, 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 19619 on any 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