



August 7, 2017

Adam Lang, Safety
Halvor Lines, Inc.
217 Grand Ave.
Superior, WI 54880

via email: alang@halvorlines.com

Re: July 19, 2017 diesel fuel spill in violation of the Montana Solid Waste Management Act. [CVID 20036]

Dear Mr. Lang:

On July 25, 2017, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that an estimated 50 gallons of diesel fuel from a Halvor Lines, Inc. (Halvor) vehicle spilled to the environment near mile marker 66 on US Highway 191 in Gallatin County, Montana. It was further reported that Hanser's Wrecker Company responded to the spill.

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

This letter is to inform Halvor 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.

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

- By November 8, 2017, 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 Standardized Cleanup Report format and ENFD's Soil Sampling Guidance 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 Standardized Cleanup Report format or providing the requested information will not be accepted by ENFD.

****NOTE****

Effective January 1, 2018, ENFD will only accept electronic copies of the Standardized Cleanup Report (Report). Reports should be in .PDF format and submitted via email or the [Montana File Transfer Service](#). Please note that state email is limited to 10 megabytes.

It is recommended that a copy of this letter be provided to your insurance company.

If you have questions related to this matter, have difficulty accessing the above-referenced ENFD documents/links or feel the reported information is not factually accurate, please contact me at either dkenney@mt.gov or the telephone number listed below. Please reference CVID 20036 on the cleanup report and 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
Hanser's Wrecker Company
Premium Environmental Services