



September 13, 2017

Ben Crossman
NorthWestern Energy, LLC
11 E. Park St
Butte, MT 59701

via email: ben.crossman@northwestern.com

**Re: September 2, 2017 transformer oil spill in violation of the Montana Solid Waste Act.
[CVID 20132]**

Dear Mr. Crossman:

On September 2, 2017, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that an estimated 45 gallons of non-PCB (<50 PPM PCB) transformer oil spilled to the ground near 17524 Bozeman Hill Road in Bozeman, Gallatin County, Montana.

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 the transformer oil-impacted soils have been cleaned up and properly disposed.

This letter is to inform NorthWestern Energy, LLC (NorthWestern) that the spill of transformer oil 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 NorthWestern complete the following corrective action:

- By December 13, 2017, complete assessment and remedial activities, and submit a cleanup report meeting ENFD's Standardized Cleanup Report (Report) format. Please refer to the Report for information on submitting the cleanup report.

The 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.

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 or the telephone number listed below. Please reference CVID 20132 on the report and 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