



December 15, 2017

Dan Coberly
Swift Transportation Company Inc.
2200 S 75th Ave
Phoenix, AZ 85043

Re: December 7, 2017 diesel spill in violation of the Montana Solid Waste Management Act. [CVID 20310]

Dear Mr. Coberly:

On December 7, 2017, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that an estimated 100 gallons of diesel fuel spilled to the environment when a Swift Transportation Company semi-truck struck the center divider near mile marker 316.6 on Interstate 90 in Gallatin County, MT.

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-affected media has been removed and properly disposed of.

This letter is to inform Swift Transportation Company Inc. 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.

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

- By January 17, 2018, hire a qualified environmental consultant and complete assessment and remedial actions, including proper disposal of all diesel-impacted media. It is recommended that a copy of this letter be provided to your environmental consultant and they contact me prior to initiating on-site activities.

As this incident occurred on a public right-of-way, an encroachment permit (Permit) may be required. For information on obtaining a Permit, please contact the [Montana Department of Transportation Maintenance Area Office](#).

- By March 21, 2018, submit a cleanup report meeting ENFD's Standardized Cleanup Report format. Please refer to the Report for information on submitting the cleanup report to ENFD.

The Standardized Cleanup Report format, ENFD's Soil Sampling Guidance, a list of environmental consulting firms and DEQ's Spill Management and Reporting Policy 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.

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 leea.anderson@mt.gov or the telephone number listed below. Please reference CVID **20310** on the cleanup report and on future correspondence related to this incident.

Sincerely,



Leea Anderson
Enforcement Specialist
Enforcement Division
(406) 444-2711; fax (406) 444-1923

cc: Joseph Radonich- Montana Department of Transportation
Gallatin County DES
Lori Christenson-Gallatin County Sanitarian