



December 17, 2018

RMN Enterprise Inc
Delynn Nedrow
337 Salem Ave
Rexburg ID 83440

RE: Violation of the Montana Solid Waste Management Act [CVID #21057]

Dear Ms. Nedrow:

The Enforcement Program (ENF) of the Montana Department of Environmental Quality (DEQ) received a report of a semi-truck accident, involving a RMN Enterprise truck, that resulted in the loss of approximately 68,080 pounds of asphalt. The accident occurred on December 10, 2018, along Interstate 90, near mile marker 309, Gallatin County, Montana.

As of the date of this letter, ENF has not received any written documentation that indicates the site has been fully assessed and the contaminated soils have been cleaned up and properly disposed of.

This letter is to inform you that the spill of asphalt 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).

In accordance with 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
- 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, ENF requests that the following corrective actions be conducted:

- By January 17, 2019, complete assessment and remedial actions, including proper disposal of all impacted media.

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 at:

http://www.mdt.mt.gov/mdt/organization/maint_sites.shtml

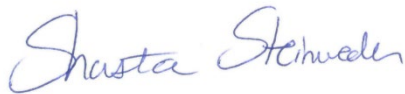
- By March 17, 2019, submit a cleanup report meeting ENF's Standardized Cleanup Report (Report) format. The Report can be submitted by email or by using Montana's File Transfer Service (FTS). For information and instructions on using FTS, please visit <https://transfer.mt.gov/Home/Instructions>

DEQ's Standardized Cleanup Report, Soil Sampling Guidance, and Spill Reporting Policy can be accessed on ENF'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 will no longer be accepted by ENF.

Please reference **CVID 21057** on any future correspondence related to this incident.

If you have questions related to this matter or feel the information provided to ENF regarding this spill is not factually accurate, please contact me at either ssteinweden@mt.gov or the telephone number listed below.

Sincerely,



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

cc via email: Gallatin County Sanitarian
Gallatin County DES
Joe Radonich, MDT
Ken Custer, Idaho Asphalt