



April 2, 2020

McKee Foods Corporation
PO Box 750
Collegedale, TN 37315-0750

Re: March 18, 2020 motor oil spill in violation of the Montana Solid Waste Management Act [CVID 22142]

To Whom It May Concern:

The Enforcement Program (ENF) of the Montana Department of Environmental Quality (DEQ) received information that 30 gallons of motor oil spilled to the environment due to a truck accident on Interstate 90 East, Mile Marker 292, in Gallatin County, Montana.

This letter is to inform McKee Foods Corporation that the spill of motor oil 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).
- A person may not dispose of solid waste without a license from the department. *See* Section 75-10-221(1) 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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On March 27, 2020, a cleanup report was received by ENF from Hanser's Environmental & Remediation which provided additional information and detailed the cleanup activities. It was determined that approximately 10-12 gallons of motor oil were released to the road surface and surrounding area. Absorbents and absorbent pads were used to mitigate the oil in the area; the contaminated absorbent and pads were placed in a drum and disposed of at the Logan Landfill in Gallatin County, Montana. The spill site was sprayed with EnviroClean after contaminated material was removed.

Based on the information provided, ENF is closing the file. If you have any questions, please contact me at the email address listed below.

Sincerely,



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Enforcement Specialist
Enforcement Program
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cc via email: Gallatin County DES
Gallatin County Environmental Health
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