



May 11, 2015

Rising S Farms DBA Mirage Farms, LLC
2347 E. 300 North
St. Anthony, ID 83445

RE: Violation of the Montana Solid Waste Management Act [CVID #18376]

To Whom It May Concern:

On May 4, 2015, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality (DEQ) received a report that approximately 70,000 pounds of granular fertilizer was spilled onto the road surface, barrow pit, and a small amount spilled into Taylor Creek, along Highway 191, mile marker 33.8, Gallatin County, Montana.

This letter is to inform you that the release of fertilizer 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). Additionally, the release of fertilizer into Taylor Creek constitutes a violation of the Water Quality Act (WQA).

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; and
- Waste is defined as useless, unwanted, or discarded materials in any physical form. *See* ARM 17.50.502(41).

Under the WQA:

- It is unlawful to place or cause to be placed any wastes where they will cause pollution of any state waters. *See* Section 75-5-605(1)(c), (MCA). State waters is defined as a body of water, irrigation system, or drainage system, either surface or underground. *See* Section 75-5-103(34), MCA.

Since the fertilizer was in granular form, ENFD does not require the collection of soil samples to demonstrate adequate removal contaminated media.

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

- By June 11, 2015, complete assessment and remedial actions including proper disposal of all impacted media and submit a statement certifying impacted media was properly disposed of. The statement should include a brief discussion on actions implemented to mitigate environmental impacts, cleanup activities, and disposal information.

DEQ's Spill Management and Reporting Policy is available online at:
http://deq.mt.gov/enf/Reports/SpillPolicy_2012.pdf.

If you have questions related to this matter or feel the information provided to DEQ regarding this spill is not accurate, please contact me at the telephone number or email address listed below.

Sincerely,



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

cc via email: Gallatin County DES
Gallatin County Sanitarian
Joe Radonich, Montana Department of Transportation