

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
RESOURCE CONSERVATION AND RECOVERY ACT**

BASIC INFORMATION

Facility Name: Lodge Grass Drum Site
RCRA ID: MTR000211649

Facility Location: 45.305631, -107.359759

Notification Status: Non-notifier

Facility Contact: Donna Bends,
[REDACTED]

Date of Inspection: May 15, 2019

Arrival Time: 9:30 am

Departure Time: 10:00 am

Lead Inspector: Annette Maxwell, U.S. EPA RCRA Inspector

Type and Purpose of Inspection: Compliance Evaluation Inspection
RCRA Section 7003 Inspection

Facility Type: Abandoned drum site; Facility located on Tribal land

Applicable Regulations to Inspection: RCRA Section 7003

Inspection Type: Unannounced Inspection; EPA Inspection

General Facility and Process Description: The site includes a single-family residential structure that was not in use at the time of the inspection. In addition, a large tree blocks vehicular access to the site. A site aerial map is included in Appendix A: Site Map. Based on information obtained from the Bureau of Indian Affairs, the responsible party for the site is Ms. Donna Bends, who has identified the contents of the drums to be used oil from vehicle engines generated by a neighbor. Ms. Bends has not provided information to EPA regarding the identity of the used oil generator, but stated that the used oil was placed onto the property with her permission.

Surrounding Land Use: The site is located approximately ¼ mile south of Lodge Grass, Montana, on the Crow Reservation. The Little Bighorn River lies approximately 500 feet east of the residential structure. This river is used as a source of drinking water for the Crow Reservation, and the Lodge Grass site is upstream of the water supply intake. Land use surrounding the site is primarily agricultural. The I-90 Frontage Road (Old Highway 87) borders the property to the west.

OPENING CONFERENCE

No opening conference was conducted because no site representatives were present at the time of the inspection.

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TOUR INFORMATION

Areas of the facility toured: The drum storage area was located outdoors on the ground (no improved surface) approximately 80 feet northeast of the residential structure. In this area I observed 20 drums that all appeared to contain liquids. Based on the appearance of the ground including distressed vegetation and the appearance of an oily film in the area around the drums, it appeared that some level of leaking or spillage has occurred. The drums appeared in a somewhat deteriorated state, with rust on most of the drums. I observed that one drum was open (not closed at the bung hole), two with bulging tops, and none labeled with the words "Used Oil." See Appendix 2: Photo Log, photos: 1159-1183.

Inspection Logbook No.: 2019-0028 Pages: 3-4.

CLOSING CONFERENCE

No closing conference was conducted because no site representatives were present.

ADDITIONAL INFORMATION

During a prior inspection conducted on July 10, 2018, I observed the drums present at the site and in a similar condition as that observed in the May 2019 inspection. Verbal and written contact were made with Ms. Donna Bends following that inspection in an effort to ensure that the drums be appropriately managed and disposed in order to prevent releases to the environment. During an August 20, 2018 phone call, Ms. Bends identified the contents of the drums to be used oil from automotive oil changes.

After the inspection on May 15, 2019, I spoke with Crow Environmental Protection Program (CEPP) Director, Connie Howe, who expressed that CEPP shares the EPA's concern that release from the drums could affect the Crow Tribe's drinking water distribution system, because the site is upstream of the system intake on the Little Bighorn River, and that CEPP remains supportive of the EPA's efforts to address the concern.

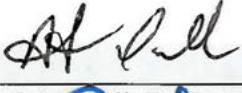
Based on the unattended and inaccessible condition of the site and deteriorated condition of the drums, the drums are in an "abandoned" status. Abandoned used oil is a solid waste subject to regulation under RCRA, including (but not limited to) RCRA §7003.


Outstanding Concerns or Deficiencies:

The unattended used oil storage and degraded container state as indicated by rust is a concern because of the potential for container failure and release to the environment. Further, the close proximity to the Little Bighorn River and the potential for a release to reach the water supply intake for the Crow Reservation is of additional concern.

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SIGNATURES

Lead Inspector:  Date: 5/30/2019
Annette Maxwell, RCRA Inspector

Supervisor:  Date: 6/5/2019
Kimberly S. Opekar, Deputy Director
Enforcement and Compliance Assurance Division

APPENDICES AND ATTACHMENTS

- Appendix 1 – Site Map
- Appendix 2 – Photograph Log

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Date of Inspection: May 15, 2019

APPENDIX 1 – SITE MAP



Facility Name: Lodge Grass Drum Site
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APPENDIX 2 – PHOTOGRAPH LOG

Photographer: Annette Maxwell
Camera Model and ID: Nikon Coolpix S7000, B00227

Photo 1159, DSCN1159.jpg, 5/15/2019 9:37 am, photo of driveway leading to area where drums are located. A fallen tree blocks vehicle access to the site. Photo taken facing east.



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Photo 1160, DSCN1160.jpg, 5/15/2019 9:38 am, photo of driveway beyond (east of) the fallen tree with drums visible in background.



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Photo 1161, DSCN1161.jpg, 5/15/2019 9:39 am, photo of drums near eastern end of driveway.



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Photo 1162, DSCN1162.jpg, 5/15/2019 9:39 am, photo of drums, showing all 20 drums. Photo taken facing north/northeast.



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Photo 1163, DSCN1163.jpg, 5/15/2019 9:40 am, photo of westernmost section of drums. Photo includes two drums on their sides and one drum with a bulging top.



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Photo 1164, DSCN1164.jpg, 5/15/2019 9:40 am, photo central section of drums, including two drums with bulging tops (one of which was also shown in photo 1163).



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Photo 1165, DSCN1165.jpg, 5/15/2019 9:40 am, photo of easternmost section of drums.



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Photo 1166, DSCN1166.jpg, 5/15/2019 9:40 am, photo of all 20 drums, taken facing south.



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Photo 1167, DSCN1167.jpg, 5/15/2019 9:41 am, photo of all 20 drums, taken facing southeast.



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Photo 1168, DSCN1168.jpg, 5/15/2019 9:41 am, photo of drum labeling.



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Photo 1169, DSCN1169.jpg, 5/15/2019 9:41 am, photo of stressed vegetation in between drums.



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Photo 1170, DSCN1170.jpg, 5/15/2019 9:42 am, photo of all 20 drums, taken facing west. Uninhabited green residential structure and partially fallen-down additional structure included in photo background.



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Photo 1171, DSCN1171.jpg, 5/15/2019 9:42 am, photo of an open drum.



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Photo 1172, DSCN1172.jpg, 5/15/2019 9:42 am, photo of spilled or leaked oily-looking waste on ground on north side of drum area.



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Photo 1173, DSCN1173.jpg, 5/15/2019 9:42 am, photo of spilled or leaked oily-looking waste on ground on north side of drum area



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Photo 1174, DSCN1174.jpg, 5/15/2019 9:46 am, photo of spilled or leaked oily-looking waste on ground on north side of drum area.



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Photo 1175, DSCN1175.jpg, 5/15/2019 9:46 am, photo of spilled or leaked oily-looking waste on ground on north side of drum area.



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Photo 1176, DSCN1176.jpg, 5/15/2019 9:46 am, photo of spilled or leaked oily-looking waste on ground on north side of drum area, facing toward lower-elevation area located approximately 15 feet to the north of the drums.



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Photo 1177, DSCN1177.jpg, 5/15/2019 9:50 am, photo of all 20 drums, taken facing west.



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Photo 1178, DSCN1178.jpg, 5/15/2019 9:51 am, photo of drum label.



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Photo 1179, DSCN1179.jpg, 5/15/2019 9:51 am, photo of drum label.



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Photo 1180, DSCN1180.jpg, 5/15/2019 9:51 am, photo of drum label.



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Photo 1181, DSCN1181.jpg, 5/15/2019 9:51 am, photo of stressed vegetation.



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Photo 1182, DSCN1182.jpg, 5/15/2019 9:52 am, photo of drum label.



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Photo 1183, DSCN1183.jpg, 5/15/2019 9:52 am, photo of drum with no labels.

