



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

August 20, 2020

Ref: 8ENF-RO-R

VIA UNITED PARCEL SERVICE

And duplicate

VIA UNITED STATES POSTAL SERVICE

Ms. Donna Bends

Montana 59101-1826

Re: Lodge Grass Drum Site, U.S. EPA ID No. MTR000211649, Site location latitude/longitude: 45.305631, -107.359759

Dear Ms. Bends:

On August 14, 2020, the U.S. Environmental Protection Agency (EPA) received notice from you via text message that you intend to address the 20 abandoned drums of used motor oil located on your property near Lodge Grass, Montana. EPA appreciates this notice. It is imperative that disposal be conducted in a manner that protects human health and the environment. EPA is concerned that improper re-use or disposal may lead to loss of knowledge of the whereabouts of the drums or their contents, damage to equipment should the contents be used as a fuel or fuel component (including due to contamination or degradation), violation of environmental laws related to any re-use or disposal, and harm to human health or the environment.

If you are unable to perform a proper disposal via the following steps due to insufficient funds or resources, please contact EPA in order to discuss the possibility of an EPA-led removal under Comprehensive Environmental Response, Compensation, and Liability Act.

Follow-up action from you is necessary to address the drums, including the following:

1. Contact an authorized used oil transporter to arrange for removal and proper handling of the drums and their contents.
 - a. Montana Department of Environmental Quality maintains a list of authorized Used Oil Collectors at the following website:
https://deq.mt.gov/Portals/112/Land/Hazwaste/Documents/HAZ_Used_Oil_Collectors.pdf
 - b. Note that the transporter will need contact information for the original generator to verify the drum contents.
 - c. Also note that according to Title 40 of the Code of Federal Regulations Section 279.24, generators must ensure that their used oil is transported only by transporters who have

obtained EPA identification numbers specifying that activity.

- d. Used oil transporters and/or disposal facilities may require that the drum contents be sampled and analyzed prior to transport in order to verify the contents and determine whether degradation has occurred to the extent that used oil may no longer be classified as recyclable.
2. When arranging removal of the drums and their contents, ask if the used oil transporter can also remove the contaminated soil. If not, make separate arrangements to dig up the surrounding contaminated soil, place the contaminated soil in a container that can be closed, and transport it to a disposal facility such as a municipal transfer station or landfill. Please note that waste transported to a solid waste transfer station or landfill may require prior approval in order to ensure that the facility can accept the waste.
3. Move or cut the fallen tree that blocks the driveway, or provide instructions to go around the tree, to allow the used oil transporter access to the drums.
4. Within 14 days of receiving documentation from the used oil transporter that the used oil has been removed, provide a copy of that documentation to me via mail or email. This should include receipts, manifests, bills of lading, or other documentation and account for all of the 20 drums.
5. Within 14 days of the removal of the used oil, please provide photographs via mail or email that show the drums have been removed. If you are unable to provide such photographs, please notify me so that we may schedule a follow-up site visit.

EPA also requests that, if available, you provide contact information to EPA for the original generator so that we can verify the contents of the drums and, if necessary, seek their assistance in proper disposal.

Please contact me by phone, email, or mail **within 7 days of receipt of this letter** to confirm that the above steps have been initiated, or to request an alternate timeline if you are unable to begin the steps within 7 days.

Upon completion of these actions please submit the requested documentation to:

Annette Maxwell
U.S. EPA Region 8, 8ENF-RO-R
1595 Wynkoop Street
Denver, CO 80202-1129

or

maxwell.annette@epa.gov

If you are unable to perform these steps, please contact me immediately at (303) 312-6068.

Failure to complete work necessary to protect health and the environment may result in the issuance of an enforcement order under Section 7003 of the Resource Conservation and Recovery Act that may carry stipulated penalties of up to \$15,173 per day.

Thank you for your assistance in addressing this concern. I look forward to hearing from you and appreciate your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Annette Maxwell', with a stylized, cursive script.

Annette Maxwell
RCRA Enforcement Branch
U.S. EPA Region 8

cc: Connie Howe, Crow Tribe Environmental Protection Program
Melissa Passes, Bureau of Indian Affairs
Clifford Serawop, Bureau of Indian Affairs
Amelia Piggott, U.S. EPA
Craig Myers, U.S. EPA

