



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

OCT 09 2018

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Donna Bends

[REDACTED]

[REDACTED] MT 59101-1826

Re: Resource Conservation and Recovery Act (RCRA) Inspection
U.S. EPA ID # MTR000211649

Dear Ms. Bends:

A U.S. Environmental Protection Agency RCRA inspection of a site located ¼ mile south of Lodge Grass, Montana in Big Horn County was conducted on July 10, 2018, by inspector Annette Maxwell. Nigel Stewart of the Crow Tribe Environmental Program accompanied Ms. Maxwell on the inspection. The inspection scope focused on the site's compliance with the RCRA requirements for solid and hazardous waste including RCRA §7003.

A copy of the inspection report detailing areas of concern is enclosed.

Please address the following items within **30 days** of receipt of this letter:

- 1) Please ensure that the 20 waste drums observed during the inspection are properly transported for reuse, reclamation/recycling, or disposal at a facility authorized to perform that activity.
- 2) Please provide photograph documentation of the area showing that the drums have been removed from the site.
- 3) If oil or other leaked substances are present, please collect and properly dispose of contaminated soil. Please provide documentation of the disposition of any such remediated soil.
- 4) Additionally, please submit copies of receipts, manifests, bills of lading, and/or other documentation demonstrating where and how the waste was transported and reused, reclaimed/recycled, or disposed. The documentation must account for all the waste observed during the inspection (20 drums).

In order to address the numbered items above, please submit documentation demonstrating compliance with these concerns to:

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

If you require clarification of this request, please contact me at (303) 312-6068.

Thank you for your efforts to protect human health and the environment. I look forward to working with you to address these issues and appreciate your time and assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "A Maxwell", is positioned above the typed name.

Annette Maxwell, RCRA Inspector
RCRA Technical Enforcement Program
U.S. EPA Region 8

Enclosure

1. Inspection Report

cc: Connie Howe, Director, Crow Tribe Environmental Protection Program

**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: July 10, 2018

Arrival Time: 1:10 pm

Departure Time: 1:21 pm

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

Other Attendees:

1. Nigel Stewart, Crow Tribe Environmental Program

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

OPENING CONFERENCE

No opening conference was conducted because no site representatives were present at the time of the 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 blocked vehicular access to the site. A site aerial map is included in Appendix A: Site Map.

Surrounding Land Use: The site is located approximately ¼ mile south of Lodge Grass, MT on the Crow Reservation. The Little Bighorn River lies approximately 500 feet east of the residential structure. Land use surrounding the site is primarily agricultural. Old Highway 87 borders the property to the west.

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 was occurring. The drums appeared in a somewhat deteriorated state, with signs of rust forming. See Appendix B: Photo Log, photos: 0851 – 0857.

Inspection Logbook No.: 2018-0040 Page: 10

CLOSING CONFERENCE

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

INSPECTION FOLLOW-UP

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.

On August 8, 2018, I spoke by phone with Ms. Donna Bends and explained my concerns regarding the presence of the drums and their apparent deteriorated state, including that they appeared to be leaking. Ms. Bends acknowledged that she would take steps for sending the drums to appropriate authorized disposal with documentation demonstrating where it went.

On August 20, 2018, I again spoke by phone with Ms. Bends, who stated that the drums contained used oil that had been generated by a neighbor from ordinary engine oil changes. She said that she was working with the generator, who she declined to identify, to have the oil transported by the generator to an authorized reuse, reclamation/recycling, or disposal facility, and would provide copies of documentation demonstrating the ultimate disposition of the oil.

Outstanding Concerns or Deficiencies:

Ms. Bends is requested to ensure and document that the 20 drums observed during the inspection are properly transported for proper reuse, reclamation/recycling, or disposal at a facility authorized to perform that activity. Ms. Bends is requested to submit copies of receipts, manifests, bills of lading, and/or other documentation demonstrating where and how the waste was transported and reused, reclaimed/recycled, or disposed. The documentation must account for all the waste observed during the inspection (20 drums). If oil or other leaked substances are present, Ms. Bends is requested to collect and properly dispose of contaminated soil. Photograph documentation of the area is requested to be provided showing that the drums have been removed from the site.

SIGNATURES

Lead Inspector:  Date: 10/3/2018
Annette Maxwell, RCRA Inspector

Supervisor:  Date: 10/4/2018
Aaron Urdiales, Director, RCRA/CERCLA Technical Enforcement Program

Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long 45.305631, -107.359759
Date of Inspection: July 10, 2018

APPENDIX A: SITE MAP



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long 45.305631, -107.359759
Date of Inspection: July 10, 2018

APPENDIX B: PHOTO LOG

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

Photo 1: DSCN0851, 7/10/2018 1:14 pm, shows 4 of 20 drums surrounded by vegetation



Facility Name: Lodge Grass Drum Site

Facility Location: Lat/Long 45.305631, -107.359759

Date of Inspection: July 10, 2018

Photo 2: DSCN0852, 7/10/2018 1:14 pm, shows 12 of 20 drums surrounded by vegetation and some in rusting condition



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long 45.305631, -107.359759
Date of Inspection: July 10, 2018

Photo 3: DSCN0853, 7/10/2018 1:14 pm, shows 15 of 20 drums surrounded by vegetation and some in rusting condition



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long 45.305631, -107.359759
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Photo 4: DSCN0854, 7/10/2018 1:16 pm, shows 4 of 20 drums, one with waste liquid (oil) on top of drum, two fallen onto their sides, with stressed vegetation



Facility Name: Lodge Grass Drum Site
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Photo 5: DSCN0855, 7/10/2018 1:16 pm, shows 3 of 20 drums, one fallen onto its side, with dead vegetation due to apparent container leakage



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Photo 6: DSCN0856, 7/10/2018 1:16 pm, shows 20 drums, some in rusting condition



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Photo 7: DSCN0857, 7/10/2018 1:16 pm, shows stressed and dead vegetation due to apparent container leakage

