



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 05 2019

Ref: 8ENF-RO-R

VIA UNITED PARCEL SERVICE

Ms. Donna Bends

Montana 59101-1826

Re: Resource Conservation and Recovery Act (RCRA) Inspection
Lodge Grass Drum Site, U.S. EPA ID No. MTR000211649

Dear Ms. Bends:

This letter follows up on our September 4 and September 5, 2019, phone calls to discuss the 20 drums located on your property in Big Horn County, Montana. You previously identified the drums as containing used oil from automotive oil changes. The EPA does not have information related to the person or company who generated the oil. The drums are of concern for impacts to the environment because of the potential for leaks and release of the used oil, possibly even to the nearby Little Bighorn River, a public drinking water source.

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

1. Contact an authorized used oil transporter to request pickup and proper handling of the drums.
 - 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 may need information regarding 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.**
2. When arranging pickup of the drums, ask if the transporter can also remove the contaminated soil. If not, make separate arrangements to dig up the visible extent of spilled oil, 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 from the operator in order to ensure that the facility can accept the waste.
3. Move the fallen tree from the driveway, or provide instructions to go around the tree, to allow

the transporter access to the drums.

4. Upon receiving documentation from the transporter that the used oil has been removed, provide a copy of that documentation to me via mail or email. This may include receipts, manifests, bills of lading, or other documentation and should account for the 20 drums.
5. Within 30 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.

To confirm that you have addressed the numbered items above, please submit requested documentation to:

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

or

maxwell.annette@epa.gov

Please contact me by email within **14 days** of receiving this letter to confirm the above steps have been initiated. If you are unable to perform these steps, please call 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 and the assessment of penalties.

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

Sincerely,



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

Enclosures

1. May 15, 2019 Inspection Report
2. Copy of October 9, 2018 EPA Letter

cc: Connie Howe, Director, Crow Tribe Environmental Protection Program
Clement Cummins, Bureau of Indian Affairs

**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.

Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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.

Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

SIGNATURES

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

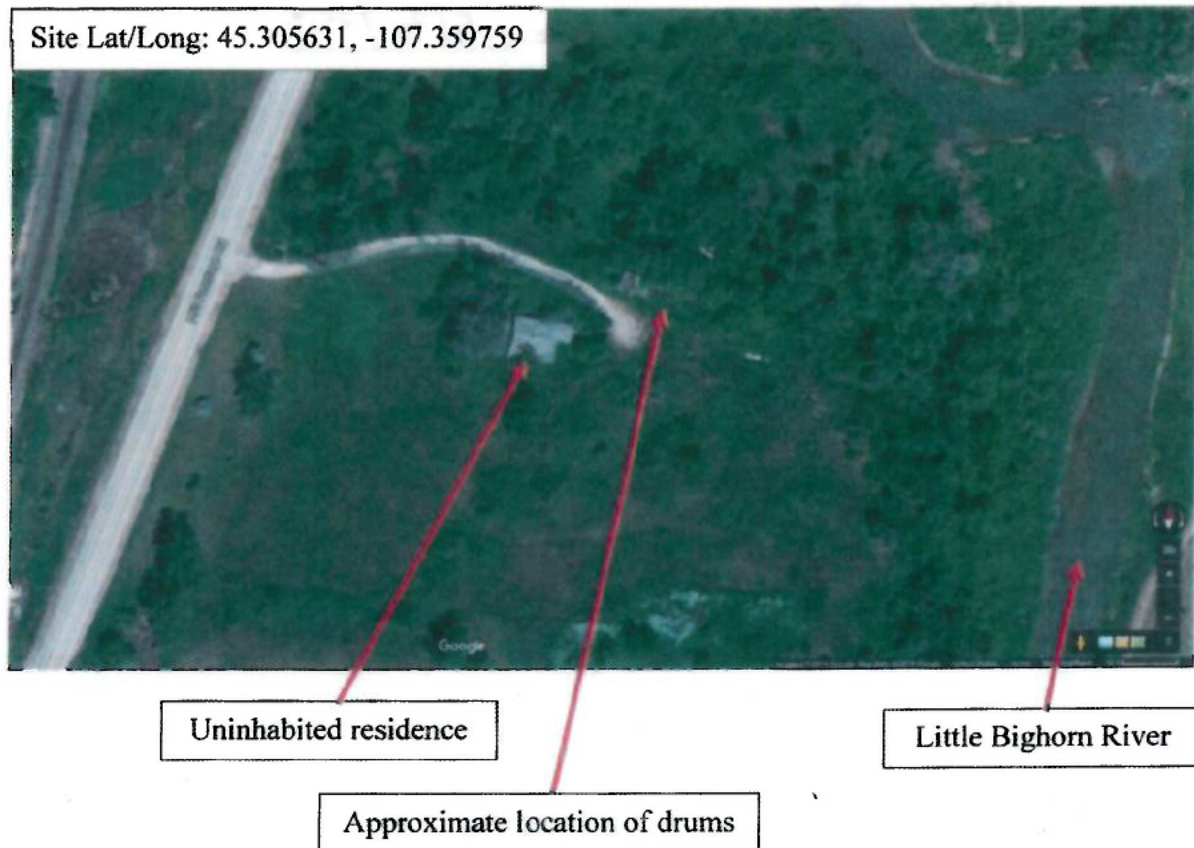
Supervisor:  Date: 6/5/2019
Kimberly S. Opekar, Deputy Director
Enforcement and Compliance Assurance Division

APPENDICES AND ATTACHMENTS

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

Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

APPENDIX 1 – SITE MAP



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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.



Facility Name: Lodge Grass Drum Site
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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.



Facility Name: Lodge Grass Drum Site
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Photo 1161, DSCN1161.jpg, 5/15/2019 9:39 am, photo of drums near eastern end of driveway.



Facility Name: Lodge Grass Drum Site
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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.



Facility Name: Lodge Grass Drum Site
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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.



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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).



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site

Facility Location: Lat/Long: 45.305631, -107.359759

Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site

Facility Location: Lat/Long: 45.305631, -107.359759

Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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.



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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.



Facility Name: Lodge Grass Drum Site

Facility Location: Lat/Long: 45.305631, -107.359759

Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
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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.



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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.



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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.



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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



Facility Name: Lodge Grass Drum Site
Facility Location: Lat/Long: 45.305631, -107.359759
Date of Inspection: May 15, 2019

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





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OCT 09 2018

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Donna Bends

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 "Annette Maxwell", written in a cursive style.

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