



October 12, 2016

Jared Brown  
Bozeman Builders Group, Inc.  
d/b/a BBG Contractors  
P.O. Box 307  
Three Forks, MT 59752

Via email: [jbrown@bbgcontractors.com](mailto:jbrown@bbgcontractors.com)

**Re: September 23, 2016 diesel fuel and hydraulic oil spill in violation of the Montana Solid Waste Management Act. [CVID 19423]**

Dear Mr. Brown:

On September 23, 2016, the Enforcement Division (ENFD) of the Montana Department of Environmental Quality received information that an estimated eight gallons of diesel fuel and approximately 40 gallons of hydraulic fluid from a BBG Contractors (BBG) owned forklift spilled to the ground at 96 N. Star Lane in Bozeman, Gallatin County, Montana. Reportedly the spill occurred on asphalt with some of the spilled petroleum hydrocarbon products flowing to adjacent soils.

As of the date of this letter, ENFD has not received any written documentation that indicates the site has been fully assessed and/or that all petroleum hydrocarbon-impacted soil/media has been removed and properly disposed.

This letter is to inform BBG that the spill of diesel fuel and hydraulic fluids to the environment is an improper disposal of a solid waste and therefore constitutes a violation of the Montana Solid Waste Management Act (SWMA).

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.
- Contaminated soil means soil, rocks, dirt, or earth that has been made impure by contact, commingling, or consolidation with petroleum hydrocarbons. *See* ARM 17.50.502(8).
- Waste is defined as useless, unwanted, or discarded materials in any physical form. *See* ARM 17.50.502(41).
- Contaminated soils are Group II wastes that require disposal at a Class II solid waste management system. *See* ARM 17.50.503.

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

- By November 12, 2016, hire a qualified environmental consultant and complete assessment and remedial actions, including proper disposal of all petroleum hydrocarbon-impacted soil/media. It is recommended that a copy of this letter be provided to your environmental consultant and they contact me prior to initiating on-site activities. A list of environmental consulting firms is located at: <http://deq.mt.gov/land/lust/consultantlist>
- By February 12, 2017, submit a cleanup report meeting ENFD's Standardized Cleanup Report (Report) format. Please refer to the Report for information on submitting the cleanup report to ENFD.

The Standardized Cleanup Report format, ENFD's Soil Sampling Guidance and DEQ's Spill Management and Reporting Policy can be accessed on ENFD's web site under Policy & Resources at: <http://deq.mt.gov/DEQAdmin/ENF>. Please note that cleanup reports not submitted in the Standardized Cleanup Report format or providing all requested information will not be accepted by ENFD.

**If the total volume of spilled diesel fuel and hydraulic fluid that migrated to adjacent soils is documented to be less than 25 gallons, please contact me as soon as possible as site assessment and report requirements will change.**

If you have questions related to this matter, have difficulty accessing the above-referenced ENFD documents/links or feel the reported information is not factually accurate, please contact me at either [dkenney@mt.gov](mailto:dkenney@mt.gov) or the telephone number listed below. Please reference CVID 19423 on the cleanup report and on any future correspondence related to this incident.

Sincerely,



Daniel R. Kenney  
Enforcement Specialist  
[Enforcement Division](#)  
(406) 444-1453; fax (406) 444-1923

cc via email: Gallatin County DES  
Gallatin County Environmental Health