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# Used Oil/Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Montana Automobile Dealership Enter into Consent Agreement

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") and High Plains Motors, Inc., ("High Plains") entered into a Combined Complaint and Consent Agreement ("CA") addressing alleged used oil and hazardous waste regulations violations.

High Plains is stated to be the operator of an automobile dealership and service center located on privately held land within the exterior boundaries of the Four Peck Indian Reservation.

EPA conducted a Resource Conservation Recovery Act ("RCRA") Compliance Evaluation Inspection ("CEI") on July 28<sup>th</sup> and 29<sup>th</sup> at the High Plains Automobile Dealership ("Dealership"). An EPA representative allegedly observed the following during the CEI:

- Approximately 24 unlabeled containers located in an outdoor storage yard identified by a Dealership representative as containing used oil
- 10 unlabeled containers located indoors in the shop area identified by a Dealership representative as containing used oil
- 3 unlabeled tanks identified by a Dealership representative as being for the storage of used oil
- Releases to the soil of what appeared to be used oil
- 2 unlabeled containers located in an outdoor storage yard identified by a Dealership representative as containing paint solvent waste
- Approximately 49 containers of an oil/water/anti-freeze mixture
- Evidence of evaporation of lacquer thinner in small open containers

The CA states that the High Plains Dealership is a generator of solid waste as defined in 40 C.F.R. § 260.10 and 261.2.

During the CEI a representative of the automobile dealership allegedly informed the EPA representative that High Plains had not made hazardous waste determinations for the paint solvent waste, the oil/water/anti-freeze mixture or the lacquer thinner previously identified in the CA.

The CA alleges the following violations:

- Failure to comply with used oil requirements

- Failure to make hazardous waste determinations
- Treatment of hazardous waste without authorization

High Plains neither admits nor denies the alleged violations.

The CA assesses a civil penalty of \$5,358. The CA also provides that High Plains will complete a Supplemental Environmental Project (“SEP”) which would include the following elements:

- Development and implementation of a Junk Vehicle Recycling Program on the Fort Peck Indian reservation
- The SEP will be completed by October 31, 2018
- High Plains total expenditure for the SEP should be no less than \$17,272

[A copy of the CA can be downloaded here.](#)