



VT Salvage Yard Program Newsletter 2018

WHAT'S NEW WITH THE VERMONT SALVAGE YARD PROGRAM AND WHERE WE ARE HEADED?

This is the 2018 Newsletter from the VT Department of Environmental Conservation Salvage Yard Program. In this Newsletter, you will find an overview of program updates and some reminders. Highlighted issues are: Inventory and; Materials Removal Plans.

STAFFING CHANGE: Perhaps the biggest piece of program news is that **Shawn Donovan** has left the program for another program in the Waste Management and Prevention Division (WMPD). Shawn did a great job getting the program off the ground after it was transferred to WMPD. Shawn did it all: conducted inspections at each permitted facility; investigated a large number of complaints of unpermitted salvage yards; hosted annual meetings; helped draft the Salvage Yard Rules; assisted with the creation of our database and file structure; and helped bring enforcement actions. Shawn also played a large part in establishing a professional and cooperative working relationship with the Salvage Yard industry.

Vince Chiorgno (say “key or’ no”) has taken up the reins from Shawn and has been all over the State conducting inspections and investigating complaints. Vince is a native Vermonter from Bennington County, and has been with the WMPD since 2013. He has been to about 30% of the permitted facilities this year, so you may have already met him.

In 2017 we added 4 permitted facilities, bringing the state-wide total to 58. We have conducted inspections at 20 permitted facilities with a total of 8 violations and investigated 38 unpermitted salvage yard complaints. All this in addition to numerous follow visits to old complaints, getting permits out, and managing enforcement cases.

MERCURY SWITCH REMINDER:

Mercury Switch reminder: Vermont Salvage Yard Rules § 26-403(d) states: “Batteries and mercury-added vehicle switches shall be removed from vehicles prior to crushing.” Please visit <http://elvsolutions.org>, email elvsbuckets@usecology.com or call 877-225-3587 to obtain a bucket for your switches or information on where to send your filled bucket.

Vehicle Inventory and Tire Removal Plans



We noticed that during the 2017 inspections, many facilities with large tire piles lacked written tire removal plans and required Vehicle Inventory documentation. These tools are intended to ensure a facility does not leave behind hazardous waste, oil or tires after closing or exceeding the allowed amounts while operating.

Vehicle inventory documentation is mandatory for all facilities. The State needs this data to determine whether a yard is playing by the rules and has the allowable number of tires. All facilities that exceed the amount of tires allowed are required to have either a Tire Removal Plan or Financial Assurance.

The Vehicle Inventory must include the following information:

- a. The make, model, year and vehicle identification number (VIN) for all vehicles managed or stored on site;
- b. The dates (where applicable) each vehicle was received by the salvage yard; drained of fluids; crushed; transported to an end facility; and; identification of the facility that received the vehicles.

How Much am I Allowed to Have?

To avoid cases where large quantities of materials of concern – **tires, hazardous waste, or used oil** – are accumulated and stored for long periods of time, the Rules sets limits.

Owners can have the following amounts of:

Tires = 4x vehicle throughput (Example: 4 tires x 100 vehicles throughput = 400 tires)

Used oil = 1.5 gallons x vehicle throughput (Example: 1.5 gallons x 100 vehicles = 150 gallons)

Hazardous waste = 300 gallons (approximately six 55-gallon drums).

What Happens if I Have Too Much?

The Salvage Yard Rules allow for excess tires, used oil or hazardous waste to stay on site if certain conditions are met:

1. Approved Materials Removal Plan: The Plan must detail a removal schedule that will result in compliance within two years. The Plan must be approved by the Agency, and the owner must provide periodic reports of progress. Visit website for form: http://dec.vermont.gov/sites/dec/files/wmp/documents/Materials_Removal_Plan.pdf
2. Financial Assurance: if an owner does not want to remove excess materials, they must demonstrate they have funds set aside to cover the cost of proper disposal of the excess materials. Financial Assurance can be complicated and costly!
3. Used oil in quantities greater than the threshold can be stored on-site if a facility has an approved Spill Prevention Controls and Countermeasures (SPCC) Plan. The SPCC program is an US EPA program, and requires storage and release response provisions. <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

UNPERMITTED SALVAGE YARDS

38 INSPECTIONS
32 VIOLATIONS

In 2017, the Vermont Salvage Yard Program responded to 38 complaints of illegal salvage throughout the State. During the property inspections we observed the following common violations:

- Fully operational salvage yard facilities *without* the required permits
- Hazardous waste storage issues such as unlabeled drums, open containers, outdoor storage of vehicle fluids, etc.
- Storing more than three junk vehicles
- Outdoor storage of scrap metal



ENFORCEMENT CASES

While the Salvage Yard Program tries to work with property owners to correct violations outside of court, some cases must go through Environmental Court in order to reach compliance. This is due to one or more of several reasons: the violations have been repeated; the violations posed a significant threat to human health or the environment; the responsible party is missing agreed upon timelines for compliance actions; or the responsible party is not responding to notices. In these cases, the Program has no recourse except to take the case to Court. If a case goes to Court, the responsible party usually must pay a fine AND come into compliance.

In 2017, the Program had nine cases where a court order with a penalty was assessed. Penalties ranged from \$3,000 to \$25,000. Here's a breakdown of the types of cases/status:

1. Four facility owners have paid fines and ceased operations. Two of the yards are in the process of having junk vehicles and materials removed.
2. Three facility owners have paid fines and obtained permits. They have been inspected and were operating in compliance with the Salvage Yard Rules at the time of inspection.
3. Two facility owners have not paid their penalty nor removed vehicles from their property.

All enforcement settlement agreements and orders are subject to public review. A draft settlement gets posted to the Agency web page for 30 days for public view and comment. Once the comment period is done and any comments reviewed, an action becomes final. You can see both proposed and final actions by visiting this web site: <https://anrweb.vermont.gov/DEC/DEC/enf.aspx>

In addition to the cases described above, the Program is taking action against several other property owners for unpermitted salvage yard operations. These cases are on-going; once finalized they will be posted as described above.

CHANGE TO PERMIT RENEWAL PROCESS

Due to recent legislation, there is a significant change to the permit renewal process. Under requirements outlined in Act 150 of 2017, ALL salvage yard permit renewals must be posted for public comment on the Environmental Notice Bulletin (ENB) web site for 30 DAYS before they become final. This new system is easier for you to access and makes it easier for the public to see what's going on in their communities.

What this means to you is that you must submit your renewal materials (application, changed maps/diagrams, and permit fee) at **least 30 days prior** to the permit expiration date. If you do not submit a permit renewal 30 days prior, you run the risk of operating without a permit for a period of time. Please note there could also be delays if a commenter requests a public hearing (we must honor the request).

As usual, we will send out **permit renewal reminder postcards**, but this year look for them in April instead of May (if your permit runs July 1 to June 30 every year).

If you have any questions, please feel free to contact us: marc.roy@vermont.gov or vincent.chiorgno@vermont.gov, or visit our webpage: <http://dec.vermont.gov/waste-management/salvage-yards>