

# VT Salvage Yard Program Newsletter

## 2019 End of the Year Updates

This is the 2019 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 issue: Tire Removal Plans.

Since January of 2019 we have added 4 permitted facilities, bringing the state-wide total to 65. We have conducted inspections at 15 permitted facilities with a total of 8 violations and investigated 52 unpermitted salvage yard complaints. In addition, we conducted numerous follow-up visits on old complaints, got annual permits out, and managed enforcement cases.

### Vehicle Inventory and Tire Removal Plans



“Most of the salvage yard owners I talk to know they have to get rid of tires, but it’s just a low priority”, says Salvage Yard Program inspector Vince Chiorgno. “I explain to them why it has to be a “higher” priority.”



During the 2019 inspections some facilities with large tire piles lacked written tire removal plans and required Vehicle Inventory Documentation. These tools are intended to help ensure a facility does not leave behind hazardous waste, oil or tires after closing or exceeding the 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 an allowable number of tires. All facilities that exceed the number of tires allowed are required to have either a Tire Removal Plan or Financial Assurance.

The Vehicle Inventory must include the following information to allow the State to determine **throughput**:

- 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. NOTE: the number of vehicles brought in MINUS the number of vehicles that left the site equals **throughput**.

### How Much am I Allowed to Have?

To avoid cases where large quantities of **tires** are accumulated and stored for long periods of time, the Rules set accumulation limits. Owners can have four tires on-site for each vehicle that passed through the facility in the previous year. This allows a manageable tire pile for a salvage yard that removes tires only prior to shipping a vehicle off-site for shredding/crushing/further processing. So, if 100 vehicles were taken in by the facility during the year *AND* 100 vehicles left the site, a tire pile of 400 is allowed.

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

If 100 vehicles were taken in by the facility but only 50 left, 200 tires would be allowed in the tire pile.

### What Happens if I Have Too Much?

Many yards have so-called “legacy” tire piles. These are tires that were accumulated in the past with the expectation they would be worth something one day as technologies for their use developed. To date, those technologies have yet to arrive, and tire piles a fire pose risk as well as provide breeding grounds for mosquitos.

If you have too many tires, you have two options: make a plan and start disposing on a schedule, or; put money aside to cover the cost for disposing in the future. These options are described below:

1. Approved Tire 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](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!

Several facilities have begun implementing tire removal plans, and we are very appreciative of their efforts!!!

If you have a large quantity of tires (100 or more), contact one of the Salvage Yard staff for a copy of a list of tire haulers/recyclers permitted to work in Vermont (contact information at the bottom of Page 4), or visit the website <https://dec.vermont.gov/content/tires>. **Please do not contract with an unpermitted tire hauler.**



52 INSPECTIONS  
48 VIOLATIONS

## Unpermitted Salvage Yards

**In 2019, the Vermont Salvage Yard Program responded to XX 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.

This year, the Program had four cases where a court order with a penalty was assessed. Penalties ranged from \$3,000 to \$12,000. Here's a breakdown of the types of cases/status:

1. Three facility owners have paid fines and ceased operations. One property has been completely cleaned up; the second is 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. One facility owner has not paid their penalty nor removed vehicles from their property.

In addition to these cases, we continue to work on cases where judgements have been issued but compliance problems remain. These cases demand a great deal of staff and legal time. One such case, which was found to be in violation in 2016, has recently been brought into compliance; however, six such cases remain.

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.

## **PERMIT RENEWALS**

This year seven facilities opted for multi-year permits. Under the Rules, we may issue permits for up to five years. Issuing a multi-year permit reduces the handling for both the permit applicant and the State, and the notice to adjoining property owners. If you wish to obtain a multi-year permit for your next renewal, you must submit the entire permit fee. We can issue the multi-year permit for as many years as your Certificate of Approved Location from the town allows.

Please note the public notice requirements put in place last year are still applicable, and 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. What this means to you is that you must submit your renewal materials (application, changed maps/diagrams, and permit fee) at **least 31 days prior** to the permit expiration date. If you do not submit a permit renewal 31 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**; look for them in April (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](mailto:marc.roy@vermont.gov), [vincent.chiorgno@vermont.gov](mailto:vincent.chiorgno@vermont.gov), [wendy.edwards@vermont.gov](mailto:wendy.edwards@vermont.gov) or visit our webpage: <http://dec.vermont.gov/waste-management/salvage-yards>