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## REGULATION

### Ticketing Violators

For the last three years, the Environmental Enforcement Officers have been empowered with the ability to “ticket” minor solid waste and open burning violators. Legislation recently expanded jurisdiction for this ticketing authority. Fines can now go as high as \$3,000. Exactly which programs and which violations have not yet been determined. The Agency will roll-out this new ticketing procedure once rule making is completed.

For more information:

[Sec. 57. 10 V.S.A. § 8019 is added to read: § 8019. ENVIRONMENTAL TICKETING](#)

(a) The secretary and the board each shall have the authority to adopt rules for the issuance of civil complaints for violations of their respective enabling statutes or rules adopted under those statutes that are enforceable in the judicial bureau pursuant to the provisions of chapter 29 of Title 4. Any proposed rule under this section shall include both the full and waiver penalty amounts for each violation. The maximum civil penalty for any violation brought under this section shall not exceed \$3,000.00 exclusive of court fees.

(b) A civil complaint issued under this section shall preclude the issuing entity from seeking an additional monetary penalty for the violation specified in the complaint when any one of the following occurs: the waiver penalty is paid, judgment is entered after trial or appeal, or a default judgment is entered.

Notwithstanding this preclusion, the agency and the board may issue additional complaints or initiate an action under chapter 201 of this title, including a monetary penalty when a violation is continuing or is repeated, and may also

bring an enforcement action to obtain injunctive relief or remediation and, in such additional action, may recover the costs of bringing the additional action and the amount of any economic benefit the respondent obtained as a result of the underlying violation in accordance with subdivisions 8010(b)(7) and (c)(1) of this title.

[Also amended: Sec. 58. 4 V.S.A. § 1102 - § 1102. JUDICIAL BUREAU; JURISDICTION](#)  
[Sec. 59. 4 V.S.A. § 1106 - § 1106. HEARING, and Sec. 60. 4 V.S.A. § 1107- § 1107. APPEALS](#)

### Significant Changes to Stage II Vapor Recovery Requirements

The VT House and Senate passed a new law that makes a number of significant changes to the requirements concerning Stage II vapor recovery controls at gasoline dispensing facilities (GDFs). These requirements can be found in Section 5-253.7 of the [Air Pollution Control Regulations](#). Listed below are the most significant provisions of the new law (10 V.S.A. §583, a portion of H.83):

- 1) Effective January 1, 2013, the Stage II vapor recovery regulations for GDFs are repealed, and GDFs equipped with Stage II systems can discontinue use of their systems at that time.**
- 2) Prior to January 1, 2013, a GDF that meets either of the following criteria does not need to install Stage II vapor recovery controls:

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- a. A newly constructed GDF that begins operation after May 1, 2009. This provision refers to a brand new installation and not a rebuild, even a complete rebuild, of an existing GDF.
- b. An existing GDF that pumps 400,000 gallons or more for the first time beginning with the 2009 calendar year.

3) Prior to January 1, 2013 if they meet either of the following criteria:

- a. Subject to verification and approval by the Agency, an existing GDF that, after May 1, 2009, conducts excavation for the installation or repair of any below-ground component of the Stage II vapor recovery system, including gasoline storage tanks.

This exemption applies where the excavation is to repair a vapor leak in underground vapor recovery piping or where excavation to the top of the underground storage tank is required to install a component or repair a tank top fitting. For example, replacement of a submersible pump sump would qualify to exempt a GDF from the Stage II regulation; however, repair of a vapor leak in the vent line at a location away from the tank top would not.

This exemption also applies where a GDF is undergoing modification or reconstruction involving excavation such that the existing vapor recovery piping would need to be replaced.

***A checklist has been prepared that can be used to describe proposed work to a GDF. The checklist is available through the Air Division. The GDF owner should obtain Agency approval before removing or disconnecting any Stage II vapor recovery equipment.***

b. Subject to verification and approval by the Agency, an existing GDF that, after May 1, 2009, replaces all of its existing gasoline dispensers with new gasoline dispensers that support triple data encryption standard (TDES) usage or replaces one or more of its gasoline dispensers pursuant to a plan to achieve full TDES compliance. A GDF owner wishing to seek exemption from the Stage II regulation under this provision will need to provide the Agency with information about the dispensers to be installed, documenting that they support TDES and, if all dispensers are not being replaced, that those being replaced are part of a plan to achieve full TDES compliance. As above, the GDF owner should obtain Agency approval before removing or disconnecting any Stage II vapor recovery equipment.

- 3) Within two years of January 1, 2013, or of the Agency's determination that the Stage II vapor recovery regulations do not apply to a GDF, whichever is earlier, the GDF will need to decommission its Stage II vapor recovery system, including below-ground components, according to methods approved by the Agency. The Agency is currently developing the methods to properly

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decommission a Stage II system and when completed will make this information available to GDF owners and contractors who work on GDFs.

If you have questions about these regulation changes or need your copy of the checklist, contact Dave Shepard at 241-3857 or [dave.shepard@state.vt.us](mailto:dave.shepard@state.vt.us)

## **Salvage Yard Legislation & Compliance Program** **Effective July 1<sup>st</sup> 2009**

24 V.S.A. Chapter 61, subchapter 10 has been amended significantly. It transfers the salvage yard licensing requirements to the Department of Environmental Conservation (DEC) from the Department of Motor Vehicles, and requires the DEC to perform a study and incorporate environmental compliance and oversight to VT's salvage yards.

By January 15, 2010, the DEC must submit to the house and senate committees on natural resources and energy and the house committee on fish, wildlife and water resources a **proposed program for the regulation and permitting of salvage**. The report will include (in brief):

(1) A summary of how salvage yards are regulated in the state, including the number of licensed yards; the number of unlicensed yards; and other environmental and land use requirements that a salvage yard is required to meet.

(2) A summary of how other New England states regulate salvage yards.

(3) A recommendation of how to regulate all environmental requirements for salvage yards under one program.

(4) A recommendation for how to regulate the storing of salvage motor vehicles for noncommercial purposes, including a threshold number of stored salvage motor vehicles that would trigger a permit.

(5) Environmental standards for the operation of salvage yards, including environmental best management practices.

Our newly appointed Salvage Yard Compliance Specialist is going to be "inspecting" VT salvage yards and getting a better picture of our salvage yard universe starting July 1<sup>st</sup>, 2009.

The inspector position is located in the Compliance & Enforcement Division. John Brabant, formerly of the Solid Waste Division, has taken on the role of the Salvage Yard Compliance Specialist. John can be reached at 241-3390 or [john.brabant@state.vt.us](mailto:john.brabant@state.vt.us)

The Enforcement Division is accepting complaints from municipal officials as well as the public concerning environmental compliance at salvage yards. Complaints concerning salvage yards should be directed to the Compliance & Enforcement Division by calling 802-241-3820.

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The Enforcement Division is creating a **Salvage Yard Task Force** to be made up of salvage yard owners, municipal officials, concerned citizens, environmental groups, and staff.

If you have any interest in joining this task force and helping shape the look of salvage yard compliance in VT, please contact Gary Kessler, Compliance & Enforcement Division Director at 802-241-3820.

**Battery Recycling Alert!**  
**New Rule effective January 2010**

US Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) is concerned that many persons who ship batteries for recycling or disposal do not appreciate the hazards posed by batteries during transportation. PHMSA has documented numerous shipments that were not in compliance with requirements in the Hazardous Materials Regulations (HMR, 49 CFR Parts 171-180).

Common violations and safety problems noted during these investigations include:

1. Large numbers of used batteries, of many different types, are collected in large containers that do not adequately prevent damage to the batteries or

prevent their release during transportation.



Truck explosion due to improper battery transport

2. Outer packages are not marked and labeled as required to indicate that they contain batteries; the shipments are not described as required on accompanying shipping documents.

3. No action is being taken to prevent a short circuit\*, such as **separating the batteries by placing each one in a separate plastic "baggie" or taping the terminals of the battery.**

\* Short circuit: the accidental contact between two points in an electrical circuit that have a potential difference.

These types of violations appear to have directly led to a November 2006 incident in which a shipment of used, rechargeable lead acid batteries caused a fire that completely destroyed the vehicle transporting the batteries.

PHMSA has also investigated two additional parcel carrier delivery truck fires. These incidents occurred in April

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and of July 2008. Both of these incidents involved batteries destined for recycling. (see photos).

**All batteries** are subject to requirements in the HMR because they have two types of hazards: (1) the chemicals or other materials contained in the battery, and (2) the electrical potential of the battery.

**All batteries** must be packaged for transportation in a manner that prevents short circuiting and damage to the battery or its terminals. This may be achieved by packing each battery in fully enclosed inner packaging's made of non conductive material or separating the batteries from each other and other conductive material in the same package and pack to prevent damage and shifting while in transport.

On January 14, 2009, PHMSA published a Final Rule in the Federal Register under Dockets HM-215J and HM-224D titled "Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices...", ***compliance with the amendments adopted in this final rule will be required beginning January 1, 2010, with a voluntary compliance date of January 1, 2009.***

This final rule:

- Requires reporting of incidents involving batteries and battery-powered devices that result in a fire, violent rupture, explosion, or dangerous evolution of heat. Immediate notice is limited to air transport of batteries and battery-powered devices.
- Clarifies the requirement that batteries and battery-powered devices and

vehicles be offered for transportation and transported in a manner that prevents short-circuiting, the potential of a dangerous evolution of heat, damage to terminals, and, in the case of transportation by aircraft, unintentional activation.

- Includes several examples of packaging methods that meet the requirement to be packed in a manner that prevents short circuits.

More detailed information on the requirements in the HMR governing the shipment of batteries and additional guidance are available on DOT's Hazmat Safety web site:

[www.phmsa.dot.gov/hazmat](http://www.phmsa.dot.gov/hazmat)

Still have questions? Contact the Hazardous Materials Information Center at **1-800-467-4922** (Washington, DC).



Truck explosion due to improper battery transport

## **What's Your EnviroQ?**

**(answers on last page)**

1. How many tons of road salt are used each year in the United States?
  - a. 500,000 tons

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- b. 2 million tons
  - c. 11 million tons
  - d. 97 million tons
2. What type of trash takes up the most space in United States landfills?
- a. plastic
  - b. metal
  - c. paper
  - d. yard waste
3. In the case of an oil or chemical spill, who you gonna call?
- a. Ghost Busters
  - b. the Marines
  - c. National Response Center
  - d. your Mom

## WORKSHOPS

### EPA Auto Body Workshops

\* **New Air Regulations** \*  
**Takes Effect January 2010**

A Workshop of the US Environmental Protection Agency, Region I and the VT Department Environmental Conservation.

Doors open at 8:00 am at all locations  
**All Workshop Times: 8:30-12:00**  
Workshop Dates and Locations:

#### Williston

**Monday – July 27<sup>th</sup>**

VT Technical College  
201 Lawrence Place – Blair Park  
Building Number - Conference Rm 215  
<http://web.vtc.edu/users/cac02250/WillistonDrivingDirections.pdf>  
or [Google Map Link](#)

#### Rutland

**Tuesday - July 28<sup>th</sup>**

US Forest Service  
231 North Main Street (Route 7)  
433-5569  
Rochester & Middlebury conference rooms  
[Google Map Link](#)

#### White River Junction

**Wednesday – July 29<sup>th</sup>**

VA Medical Center  
215 North Hartland Road  
Building 44 / Room 103-A  
[Google Map Link](#)

Register with the VT DEC's Environmental Assistance Office - Judy Mirro, Business Assistance Program **1-800-974-9559, ext 2**  
Or [judy.mirro@state.vt.us](mailto:judy.mirro@state.vt.us)

**Sponsored by** the VT Department of Environmental Conservation (DEC), the VT Auto Body Association, and the VT Small Business Development Center.

There is No Charge for these workshops  
We ask only that you pre-register for seating set-up.

*Please leave your shop name, your phone number, number of attendees, and workshop location you are planning to attend.*

#### **In this workshop, you will:**

- Learn about the new federal regulations for emissions from spray-painting operations
- Learn about the requirements for training
- Learn to be a Green Facility Manager

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- Learn about reduction or elimination of coatings that contain toxic metals
- Learn how to reduce the amount of paint you use, reduce waste, and save
- Learn how to reduce worker and neighborhood exposure to toxic paint fumes and solvents
- Obtain a certification that you have completed the new rules training required under the federal regulation
- Review of other state and federal regulations pertaining to auto body shops

If you wish to discuss the workshop with the EPA, please feel free to contact:  
Roy Crystal, Assistance & Pollution Prevention Office, Office of Environmental Stewardship  
At either 617-918-1745 or [crystal.roy@epa.gov](mailto:crystal.roy@epa.gov)

## Integrated Contingency Plans (ICP)

*what you should know*

The IPC provides a way to consolidate multiple plans that a facility may have prepared to comply with various regulations, into one functional response emergency plan.

Which Agency's are involved with the ICP Guidance?

Five different agencies signed the ICP Guidance: The EPA, the Coast Guard, the Occupational Safety and Health Administration (OSHA), the Pipeline Safety of the Department of Transportation (DOT), and the Minerals Management Service (MMS) in the Department of the Interior.

The ICP Guidance is to:

- Provide a mechanism for consolidating multiple facility response plans into one plan that can be used during an emergency.
- Improve coordination of planning and response activities within the facility and with public and commercial responders.
- Minimize duplication and simplify plan development and maintenance

Rather than a regulatory initiative, the ICP document is guidance. It presents a sample contingency plan outline that addresses requirements of the following federal regulations:

- Coast Guard Facility Response Plan Regulation
- DOT / Pipeline Response Plan Regulation
- EPA Oil Pollution Prevention Regulation - Spill Prevention, Control, and Countermeasures (SPCC) Plan
- OSHA regulations and standards for hazardous waste operations and emergency response (1910.120) and process safety management of highly hazardous chemicals (1910.120)
- MMS Facility Response Plan Regulation
- EPA Risk Management Planning Regulation
- RCRA Contingency Planning Requirement (RCRA, Superfund and Emergency Planning and Community Right-to-Know Act (EPCRA))

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## What VT facilities may want to utilize the ICP?

Hospitals  
Fuel Dealers  
Universities, Colleges  
Ski Areas  
Food Manufacturers  
Car Dealerships  
Small & Large Quantity Generators  
Granite and other Quarries  
Paving operations  
Facilities' with 10 or more employees

## Why use the "One Plan" if it isn't required?

EPA will be doing targeted inspections in the coming year and many facilities don't realize they trigger more than one planning requirement. Make your regulatory life simpler by using the ICP guidance.

### *Want to Learn More?*

### **Look for our Fall 2009 workshop announcements**

Can't wait? Visit:

[www.epa.gov/emergencies/guidance.htm#oneplan](http://www.epa.gov/emergencies/guidance.htm#oneplan)

## **Understanding Environmental Regulations**

It is not easy to understand environmental regulations. There are State Statutes, Department of Environmental Conservation (DEC) Policies, Federal Regulations, and DEC regulations (delegated by the Federal Government).

The regulations and rules are most often written in legal ease and challenging to interpret. That's where the DEC Environmental Assistance Office can help. The Small Business and Municipal Compliance Assistance Programs are able to assist you when trying to comply with environmental regulations and keep you up-to-date on new regulations that may effect your business or industry operations.

Our Outreach Programs help implement solutions that make sense for businesses and municipalities to keep them in compliance.

Our Programs have worked to reduce the regulatory burden for businesses and municipalities through better environmental management.

Whether it is sector specific or a general overview of regulations, permit assistance, workshops, onsite visits, publications, research services, hotline or email - the Environmental Assistance Office can offer you assistance complying with state and federal environmental regulations.

Our programs are voluntary, confidential, and come to you at no cost. Whether you require assistance with Air, Water or Waste... we can help.

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As always, feel free to contact any of us at the  
**Environmental Assistance Office**  
for support with your environmental inquiry.

Judy Mirro  
Business Assistance  
[judy.mirro@state.vt.us](mailto:judy.mirro@state.vt.us)

John Daly  
Municipal Assistance  
[john.daly@state.vt.us](mailto:john.daly@state.vt.us)

Paul VanHollebeke  
Pollution Prevention (P2)  
[paul.vanhollebeke@state.vt.us](mailto:paul.vanhollebeke@state.vt.us)

Permit Assistance  
[www.anr.state.vt.us/dec/ead/pa/index.htm](http://www.anr.state.vt.us/dec/ead/pa/index.htm)

**800-974-9559**  
[www.eaovt.org](http://www.eaovt.org)

For more information and best management practices:

[http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet\\_results&view=specific&bmp=106](http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=106)

or contact John Daly, municipal compliance assistance program.

2. What type of trash takes up the most space in United States landfills?

**c. paper**

The trash most commonly found in municipal landfills is plain old paper—on average, it accounts for more than 40 percent of a landfill's contents.

Newspapers, which can be recycled, can take up as much as 13 percent of the space in US landfills and deteriorates very slowly in a landfill. Research has shown that, when excavated from a landfill, newspapers from the 1960s can be intact and readable.

What can you do? Reduce. Read the paper online or find other ways to dispose of your old newspapers, such as backyard composting. For more information visit any composting web site or see:

[www.css.cornell.edu/compost/faq.html#newspaper](http://www.css.cornell.edu/compost/faq.html#newspaper)

3. In the case of an oil or chemical spill, who you gonna call?

**c. the National Response Center**

To report an oil or chemical spill to *waters of the state*, call **1-800-424-8802** and the VT DEC Spills Team at **1-800-641-5005**. An environmental emergency is a sudden threat to the public health, or the well-being of the

**EnviroQ Answer Key:**

1. How many tons of road salt are used each year in the United States?

**c. 11 million tons**

More than 11 million tons of salt are applied to roads in the US annually. As ice and snow melt, or rain falls, the salt is washed into the surrounding soil. Salt also enters ground water from improperly protected storage stockpiles.

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environment, from the release or potential release of oil, radioactive materials, or hazardous chemicals. Environmental emergencies may happen from transportation accidents, events at facilities using or manufacturing chemicals, or as a result of natural or man-made disasters. They can be large spills in the ocean or small spills along a neighborhood street. While there are many serious environmental problems EPA is concerned with, an emergency response generally focuses on a sudden, immediate threat.

For more information read our Spills Fact Sheet at:

[www.anr.state.vt.us/dec/ead/sbcap/pdf/fs\\_spills\\_wm.pdf](http://www.anr.state.vt.us/dec/ead/sbcap/pdf/fs_spills_wm.pdf)

or

visit the EPA website:

[www.epa.gov/epahome/violations.htm](http://www.epa.gov/epahome/violations.htm)



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Need to locate past Environmental E-Newsletters?

They can now be found online at:  
[www.eaovt.org/sbcap/newsletters.htm](http://www.eaovt.org/sbcap/newsletters.htm)