



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

**SUSANNE MILLER, DIRECTOR, BUREAU OF REMEDIATION & WASTE
MANAGEMENT**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D 1165

**AN ACT TO CREATE A FUND FOR SAFE DISPOSAL OF HAZARDOUS FLUIDS
FROM SALVAGE YARDS**

SPONSORED BY REPRESENTATIVE CLUCHEY

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

April 7, 2025

Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, I am Susanne Miller, Director of the Bureau of Remediation and Waste Management at the Department of Environmental Protection, speaking in opposition to L.D. 1165.

LD 1165 requires that a new Vehicle Fluid Waste Fund be established under Title 38 to help owners of automobile graveyards properly dispose of fluids extracted from motor vehicles deposited in automobile graveyards and to reimburse the Department for costs

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

in administering the fund. Revenue would be obtained for this fund from the sales of any new automobiles beginning January 1, 2026. Funds would be used to reimburse permitted automobile graveyard owners or operators who dispose of extracted vehicle fluids provided that documentation is available to demonstrate both the costs of disposal, and that the fluids are disposed of properly. The bill requires the Department to engage in rulemaking to develop details of the program.

For purposes of this bill, automobile graveyards follow the meaning in 30-A M.R.S. § 3752, Section 1, which is a yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, including areas used for automobile dismantling, salvage and recycling operations. Leaks or releases of fluids from automobile graveyards are already prohibited under several statutes that the Department administers including:

- 38 M.R.S. § 423-A Discharge of waste from motor vehicles,
- 38 M.R.S. § 543 Pollution and corruption of waters and lands of the state prohibited,
- 38 M.R.S. § 1306 (3) Prohibition, discharge of hazardous waste,
- 38 M.R.S. § 1306 (5) Control of fluids from motor vehicles at junkyards, automobile graveyards, and automobile recycling businesses, and
- 38 M.R.S. § 413 Waste discharge licenses required.

Additionally, municipalities are already required and authorized under Title 30-A, Chapter 183, Subchapter 1 to issue a permit prior to any establishment of an automobile graveyard. Specifically, under 30-A M.R.S. §3754-A (5), all automobile graveyards “must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water.” Moreover, automobile dismantling businesses must remove fluids from non-operating vehicles within 180 days of receipt. Automobile graveyards storing over 1,320 gallons of oil may also be required to comply with the Federal Spill Prevention, Control and Countermeasures Program under 40 CFR § 112.

This bill is well-intentioned, as the Department does receive several complaints and inquiries about leaking vehicle fluids at automobile graveyards each year. When an inquiry or complaint is received, it is often dispatched to the Department's Oil and Hazardous Materials Responders to visit the site. This is the same team that responds to marine oil spills, home heating oil spills, hazardous material spills, or any other releases that occur around the state on any given day. Depending on the nature of the complaint, a Responder will visit the facility in question to look for evidence of a discharge or release to the environment. If releases of fluids are evident, the Responder will work to address the release, and as necessary will coordinate with other Department specialists for any follow up actions. Department staff typically work with the automobile graveyard owner or operator to immediately clean up any spills and leaks, take measures to prevent any future releases, conduct sampling if necessary to ensure nearby water sources are not impacted, and if warranted follow up with enforcement actions.

In some cases, Responders find no evidence of any leaking materials. When that happens, Responders may refer the site to the Department's Industrial Stormwater Program. This program has the authority to work with automobile graveyards as they are included in the types of facilities covered under Maine's Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP). The Department also works with the municipality, generally the Code Enforcement Officer as municipalities have authorities pertaining to these types of facilities.

Because operators of automobile graveyards are not exempt from an existing list of Federal, State, and municipal laws, the Department does not believe there is a need to set up a stand-alone fund to reimburse operators for complying with the law. Operators should already be in compliance and should be managing vehicles they accept in accordance with existing laws. This should already be a cost of doing business incorporated into business operations. As such, the Department suggests that a more

appropriate way to pay the costs of preventing releases of fluids at these facilities is for these businesses to adjust their fees when they accept vehicles into their possession to cover operating costs.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, either now or at work session.