

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Bureau of Solid Waste Management
625 Broadway, Albany, New York 12233-7260
P: (518) 402-8678 | F: (518) 402-9024
www.dec.ny.gov

Middletown Carting, LLC
~~Mike Cuomo~~
83-85 Industrial Place Ext.
Middletown, NY 10940

MAY 16 2018



Dear Mike Cuomo:

Re: Issuance of a Notice of Violation (NOV) – Middletown Carting LLC
[36J17]
Vehicle Dismantling Facility

This letter serves to provide you with a Notice of Violation (NOV) setting forth the specific actions that constitute the violation(s) of ECL Section 27-2303 and 6 NYCRR Part 360. Vehicle Dismantling Facility (VDF) Mandatory Annual Reports Including Self-Certifications are due to the New York State Department of Environmental Conservation (DEC) no later than 60 days after the first day of January following each year of operation. As the owner and/or operator of a Vehicle Dismantling Facility you are required by law to annually file a report. This NOV is issued because you failed to submit a Mandatory Annual Report Including Self-Certification for the 2017 operating year by March 2, 2018.

DEC staff must receive your facility's annual report within fourteen (14) days of this letter's date. If the annual report is not received by the date specified above, DEC will commence an enforcement action against you which may include an enforcement hearing. Failure to submit can result in a penalty of up to \$1,000 per violation and an additional penalty of up to \$1,000 for each day that the violation continues.

Follow the directions below to complete the annual report submission process. Further instructions can be found on the Annual Report Form:

1. The 2017 annual report forms are available online at:
<http://www.dec.ny.gov/chemical/52706.html>.
2. Complete the fillable pdf form(s) applicable to your facility or facilities, OR Download the forms applicable to your facility or facilities, and fill out the form(s) by hand.
3. Print the form(s) double-sided.
4. Sign the form(s).



Department of
Environmental
Conservation

ACTIVE CONSTRUCTION AND DEMOLITION (C&D) DEBRIS LANDFILL ANNUAL/QUARTERLY REPORT

Submit the Annual Report no later than March 1, 2018

A. This annual report is for the year of operation from January 01, 2017 to December 31, 2017

B. Quarterly Report for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

SECTION 1 – FACILITY INFORMATION

FACILITY INFORMATION			
FACILITY NAME:			
FACILITY LOCATION ADDRESS: <i>83-85 Industrial Place</i>	FACILITY CITY: <i>Middletown</i>	STATE: <i>Ny</i>	ZIP CODE: <i>10940</i>
FACILITY TOWN:	FACILITY COUNTY: <i>Orange</i>	FACILITY PHONE NUMBER: <i>845-343-</i>	
FACILITY NYS PLANNING UNIT: (A list of NYS Planning Units can be found at the end of this report). <i>7046331 MS DMV</i>			NYSDEC REGION #: <i>3</i>
360 PERMIT #:	DATE ISSUED:	DATE EXPIRES:	NYS DEC ACTIVITY CODE OR REGISTRATION NUMBER: <i>36517</i>
FACILITY CONTACT: <i>John Carbone</i>	<input type="checkbox"/> public <input checked="" type="checkbox"/> private	CONTACT PHONE NUMBER:	CONTACT FAX NUMBER:
CONTACT EMAIL ADDRESS:			
OWNER INFORMATION			
OWNER NAME: <i>John Carbone</i>	OWNER PHONE NUMBER:	OWNER FAX NUMBER:	
OWNER ADDRESS: <i>671 Bloomingburg Road</i>	OWNER CITY: <i>Bloomingburg</i>	STATE: <i>Ny</i>	ZIP CODE:
OWNER CONTACT:	OWNER CONTACT EMAIL ADDRESS:		
OPERATOR INFORMATION			
OPERATOR NAME: <i>same as owner</i>	<input checked="" type="checkbox"/> same as owner		<input type="checkbox"/> public <input checked="" type="checkbox"/> private
PREFERENCES			
Preferred address to receive correspondence: <input checked="" type="checkbox"/> Facility location address <input type="checkbox"/> Owner address <input type="checkbox"/> Other (provide):			
Preferred email address: <input type="checkbox"/> Facility Contact <input checked="" type="checkbox"/> Owner Contact <input type="checkbox"/> Other (provide):			
Preferred individual to receive correspondence: <input type="checkbox"/> Facility Contact <input checked="" type="checkbox"/> Owner Contact <input type="checkbox"/> Other (provide):			

Did you operate in 2017? Yes; Complete this form.

No; Complete and submit Sections 1 and 18. If you no longer plan to operate and wish to relinquish your permit/registration associated with this solid waste management activity, also complete the "Inactive Solid Waste Management Facility or Activity Notification Form" located at:

<http://www.dec.ny.gov/chemical/52706.html> .

SECTION 2 - END-OF-LIFE VEHICLES (ELVs) PROCESSED

• Provide the number of ELVs received from January 1 to December 31:

1420

• Provide the number of ELVs crushed and/or removed from the facility from January 1 to December 31:

1310

• Provide the number of ELVs stored at the facility as of December 31:

315

• Provide the highest number of ELVs stored at the facility at any one time from January 1 to December 31:

306

• Provide the approximate area used for the storage of vehicles (acres): _____ acres

• Provide the names of scrap metal processors to which you sold or sent decommissioned ELVs:

- 1) James Metal Management
- 2) _____
- 3) _____

If your facility has received 25 or fewer ELVs during the year AND stored no more than 50 ELVs at any one time check this box and complete only sections 3, 4, and 11.

If not, leave this box blank.

→→ Please, write "Not Applicable" on sections that do not pertain to your facility.

If your facility has not processed or stored ANY ELVs during the year, check this box and complete only section 8.

If not, leave this box blank.

→→ Please, write "Not Applicable" on sections that do not pertain to your facility.

IF NEITHER OF THESE DESCRIPTIONS APPLIES TO YOUR FACILITY, COMPLETE THE ENTIRE FORM BELOW:

SECTION 3 - WASTE FLUIDS RECOVERED

Complete this table by reporting volumes of End-of-Life Vehicle (ELV) waste fluids managed at the facility during the reporting period. Qualitative responses (i.e. √'s or X's) are not acceptable. Report only fluids generated from dismantling operations (not general car repair, etc.)

Waste Fluid Recovered	Fluid Volume				Destination Name & Address (Indicate permitted facility or permitted Part 364 transporter accepting waste fluids.)
	Used on-site (oil heater, etc.)	Stored on-site at year-end	Sold/ Recycled off-site	Disposed off-site*	
Refrigerant (pounds)					
Used Oil** (gallons)			1180		Advanced Waste Oil Recovery
Diesel Fuel (gallons)			195		D/O
Gasoline (gallons)			2595		D/O
Engine Coolant/ Antifreeze (gallons)			795		D/O
Window Washing Fluid (gallons)			36		D/O
Other (specify)					

* Any fluids disposed must undergo a hazardous waste determination and proper handling, storage and disposal if hazardous.

** Includes Engine Oil, Transmission Fluid, Axle Fluids, Hydraulic Fluid, Power Steering Fluid, Brake Fluid, etc.

SECTION 4 - SCRAP METAL

Complete this table by reporting the amount of metal received, stored and sent off site, by the facility, during the reporting period.

Material Types	Received (tons)	Stored On Site (tons)	Sent Off Site (tons)	Destination		
				NYS Planning Unit (or state if other than New York)	To Scrap Metal Processor	
Ferrous Scrap Metal	3,790	1,406	2,112	Simms Metal	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Aluminum Scrap Metal	9.15	2.85	5.5	Simms Metal Curcio Recycle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lead Weights					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Non - Ferrous Scrap Metal	5.10	N/A	5.10	Simms Metal Curcio Recycle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Other (specify):					Yes <input type="checkbox"/>	No <input type="checkbox"/>
					Yes <input type="checkbox"/>	No <input type="checkbox"/>

SECTION 5 - MERCURY SWITCHES COLLECTED

Provide the number of mercury-containing devices recovered. Including but not limited to hood & trunk lighting switches (H&TS) and antilock brake assemblies (ABS).

H&TS 0
(Number)

ABS _____
(Number)

Indicate permitted facility or permitted transporter accepting mercury containing devices:

S.G. Industrial Mercury Program

Note: Use additional 8.5" x 11" sheets as needed.

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SECTION 6 - LEAD-ACID BATTERIES COLLECTED

Provide the number of lead-acid batteries recovered and their disposition.

Number of Lead-Acid Batteries collected from ELVs

2,182

Indicate permitted facility or permitted transporter accepting lead-acid batteries:

Revere Smelting / Middletown NY

Any materials disposed must undergo a hazardous waste determination and proper handling, storage and disposal if hazardous.

SECTION 7 - WASTE TIRES COLLECTED

Number of waste tires stored on-site:

5/0

as of December 31

Number of used tires available for sale on-site:

250

as of December 31

Number of used tires sold:

4/0

during operating year

Number of waste tires shipped off-site for recycling, disposal, other:

1,900

during operating year

Indicate name of facility(ies) accepting waste tires:

MA144 Robert Gate Inc. d.b.a. Bob's Tire
78 Brook Street
New Bedford, MA 02740

SECTION 8 - PROBLEMS

Were any problems encountered during the reporting period (e.g., specific occurrences which have led to changes in facility procedures)?

Yes No If yes, attach additional sheets identifying each problem and the methods for resolution of the problem.

SECTION 9 - CHANGES

Were there any changes from approved reports, plans, specifications, and permit conditions?

Yes No If yes, attach additional sheets identifying changes with a justification for each change.

SECTION 10 – COMPLIANCE CERTIFICATION

As of December 31, 2016:

Waste Management Compliance Checklist	Date of Return to			
	NA	Yes	No	Compliance
1. If your facility stores LESS THAN 1,000 tires, check NA. If your facility stores MORE THAN 1,000 tires, do you have a PART 360 permit for tire storage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is a system in place to control vegetation and prevent it from encroaching onto fire access lanes or driveways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Have you recorded the date of receipt for all end-of-life vehicles received?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Are the end-of-life vehicle records available on-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Have all end-of-life vehicles been inspected, upon arrival, for leaking fluids and unauthorized wastes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Have all observed leaks been remedied or contained?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Does your facility have a written Contingency Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Are facility personnel trained to implement the Contingency Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does your Contingency Plan include actions to be taken in the event of the following?				
9a. Fire.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9b. Spill or release of vehicle waste fluids.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9c. Unauthorized material received at facility.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Are spills of waste fluids, if any occur, reported to the NYSDEC Spills Hotline within two hours of detection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Are all vehicle residues prevented from migrating from or running off your property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Is dust controlled to prevent interference with facility operations or from leaving facility site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Are vectors (mosquitoes, rats, mice, etc.) controlled to prevent interference with facility operations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Are waste fluids kept from being discharged onto the ground or into surface waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Is access to your facility controlled by: fences, gates, sign and/or natural barriers (not vehicles)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15a. Are the access controls working (i.e. controlling access)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Are fluids drained from end-of-life vehicles on a pad constructed of concrete or equivalent material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Are you doing the following with your concrete (or equivalent surface) pad that is used for vehicle dismantling, fluid draining, crushing, etc.?				
17a. Cleaning daily.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17b. Cleaning spills as they occur.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17c. Collecting and properly disposing of absorbent materials.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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Waste Management Compliance Checklist	Date of Return to			
	NA	Yes	No	Compliance
18. Have the following wastes been drained, removed, deployed, collected and/or stored following best management practices, prior to vehicle crushing or shredding?				
18a. Fluids (including engine oil, transmission fluid, transaxle fluid, front and rear axle fluid, brake fluid, power steering fluid, coolant, and fuel).		✓	✓	
18b. Lead acid batteries.		✓	✓	
18c. Mercury switches or other mercury containing devices, if any.		✓	✓	
18d. Refrigerants, if any.		✓	✓	
18e. Air bags.		✓	✓	
18f. PCB capacitors, if any.	✓			
19. Are fluids stored separately & in containers that are compatible with their contents?		✓	✓	
20. Are fluids stored in closed containers?		✓	✓	
21. Are containers which contain waste fluids in good condition and not visibly leaking?		✓	✓	
22. Are containers clearly and legibly labeled to describe their contents?		✓	✓	
23. Are containers stored on a bermed pad constructed of concrete or equivalent material?		✓	✓	
24. Are lead-acid batteries stored upright and off the ground?		✓	✓	
25. Are lead-acid batteries covered to protect them from precipitation?		✓	✓	
26. Are all lead-acid batteries sent for recycling within one-year of receipt?		✓	✓	
27. Are leaking lead-acid batteries, if any are encountered, stored in leak-proof containers separated from intact batteries?		✓	✓	
27a. Are provisions in place to absorb any acid leakage?		✓	✓	
28. Are mercury switches and other mercury containing devices stored in appropriate, labeled containers and then sent for recycling?		✓	✓	
29. Are PCB capacitors, if any are encountered, removed and stored in appropriate, labeled containers for recycling or disposal?	✓			
30. Is used oil stored in accordance with local building codes, local fire codes, and the NYS Uniform Fire Prevention & Building Code?		✓	✓	
31. If sent off-site, is used oil transported via a permitted hauler?		✓	✓	
32. If you do not burn used oil onsite check NA for 32a., 32b., 32c. If you do, then answer 32a., 32b., 32c:				
32a. Is used oil burned in a used oil space heating unit, with a maximum capacity of 0.5 million BTU's per hour or less?			✓	
32b. Do on-site space heaters burn only used oil that is generated on-site or received from household do-it-yourself generators?			✓	
32c. Are combustion gases from used oil space heaters vented to the outside ambient air?			✓	

Waste Management Compliance Checklist	Date of Return to			Compliance
	NA	Yes	No	
33. Is waste oil kept from being mixed with brake cleaner, carb cleaner, antifreeze, solvents, gasoline, or degreasers?		✓		
34. Are sludges from sumps and oil/water separators stored in covered, closed and labeled containers?		✓		
35. Are sludges properly recycled or disposed?		✓		
36. Are used oil filters properly drained, crushed or dismantled?		✓		
37. Are drained oil filters properly recycled or disposed?		✓		
38. If your facility does not require an SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharge, check NA for 38a, 38b, 38c. If your facility requires an SPDES MSGP answer 38a, 38b, 38c:		✓		
38a. If required by the SPDES MSGP, has a Stormwater Pollution Prevention Plan been prepared for this facility?		✓		
38b. Is the information provided in the facility's original Notice of Intent or Termination submission for the SPDES MSGP still accurate and up to date?		✓		
38c. Has the facility's Annual Certification Report for the SPDES MSGP been submitted within the previous year?		✓		
39. If your facility does not handles cleaning solvents, degreasers, battery acids or non-vehicle wastes write NA. If these materials are handled at your facility, what is the maximum amount of this material that your facility generates in any calendar month?				<p>NA pounds</p> <p>NA gallons</p>

Do you have any other Environmental Conservation Law or regulatory violations?
 (Attach additional sheets as necessary.)

COMMENTS? (Attach additional sheets if necessary)

SECTION 11 - SIGNATURE AND DATE BY OWNER, OPERATOR, OR RESPONSIBLE REPRESENTATIVE

Owner, Operator, or Responsible Representative must sign, date and submit one completed form with an original signature to the appropriate Regional Office (See attachment for Regional Office addresses and Solid Waste Contacts.)

The Owner, Operator, or Responsible Representative must also submit one copy by email, fax or mail to:

New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Permitting and Planning
625 Broadway
Albany, New York 12233-7260
Fax 518-402-9041
Email address: SWMFannualreport@dec.ny.gov

I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have the authority to sign this report form pursuant to 6 NYCRR Part 360. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

John Carbone
Signature
6/19/17
Date
John Carbone
Name (Print or Type)
Owner
Title (Print or Type)
sales@middletowncutting.com
Email (Print or Type)
83-85 Industrial Pkwy #4 Middletown
Address City
NY 10940
State and Zip
845-343-8011
Phone Number

John Carbone 6/14/18
John Carbone Owner

Same

ATTACHMENTS: YES NO