

ABANDONED VEHICLES ON TRIBAL LANDS: APPROACHES AND CASE STUDIES



This webinar is provided as part of the U.S. EPA Waste & Materials Management Training Series for Tribes and is developed and supported by the EPA Region 9 Tribal Solid Waste Program.

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INTRODUCTIONS AND WELCOME

Presenters

- Deirdre Nurre, EPA
- David Stitzhal, Full Circle Environmental
- Guests from Tohono O'odham Nation

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ACKNOWLEDGEMENT

- Morongo Band of Mission Indians: Dana Morey
- Resighini Rancheria: Moonchay Dowd
- Yurok Tribe: Koiya Tuttle, Kori Ellien, Tonya Lindsay
- Hoopa Valley Tribe: Brian McCaughey, Ken Norton
- Tohono O'odham Nation: Sheila Chavez, Rayleen Ortega, Earl Bautista, Paul Andrew, Cornelius Antone
- Kashia Band of Pomo Indians of Stewart Point Rancheria: Nina Hapner
- Big Valley Band of Pomo Indians of Big Valley Rancheria: Sarah Ryan
- La Jolla Band of Luiseno Indians: Rob Roy
- Big Pine Paiute Tribe of the Owens Valley: Sally Manning
- Sault Ste. Marie Tribe of Chippewa Indians: Shannon Lovin
- Susanville Indian Rancheria: Tim Keesey
- EPA Office of Regional Counsel Mimi Newton

•••• TRAINING AGENDA

Day I:

- Section I: Abandoned Vehicle Concerns
- Section II: *Vehicle Accumulation and Abandonment*
- Section III: *Removing Abandoned Vehicles*

Day II:

- Section IV: Abandoned Vehicle Codes & Ordinances
- Section V: Tribal Vehicle Abandonment Prevention & Enforcement Programs
- Section VI: *Resources for Tribes*

ABANDONED VEHICLES: BROAD DEFINITION FOR TODAY'S WEBINAR

OUR FOCUS: Problematic accumulation and storage of automobiles and RVs

- Too many
- Improper use
- Unknown ownership
- Left in the wrong place
- Presents risk to health and environment





Photo: Ryan McGilchrist commons.wikimedia.org

SECTION I: ABANDONED VEHICLE CONCERNS

- Vehicle Abandonment Trends
- Abandoned Vehicle Concerns

•••• VEHICLE ABANDONMENT TRENDS: TRIBES ARE NOT ALONE

Local

'No one focuses on the pain here': Inside Oakland's abandoned car epidemic

Ariana Bindman

March 16, 2021 | Updated: March 16, 2021 4 a.m.

Sen. Maile Shimabukuro: Abandoned cars on Oahu is an "epidemic"

Posted February 9, 2018 5:12 p.m. EST



Ge RIVERDALE PRESS

Epidemic of abandoned cars hits Riverdale area

Posted June 15, 2018

Abandoned vehicles a 'problem': Omaha receives more than 4,000 complaints a year

Jessica Wade - Sep 14, 2020 🔎

ABANDONED VEHICLE CONCERNS: WHY ARE WE HERE?

Management Concerns

- <u>Blight</u> abandoned vehicles attract continued accelerated dumping
- <u>Risk to People</u> hazardous environment for those who occupy unsafe cars or RVs for temporary shelter or illegal activities
- <u>Attractive Nuisance</u> can attract curious kids, teens; people sometimes set them on fire

- <u>Cost</u> risk and expense of removing vehicles from remote locations
- <u>Time</u> requires staff hours and specialized skills for tribal staff who need to locate and confront potentially responsible persons
- Legal Challenges many legal implications of tribe assuming responsibility for vehicles for which they don't hold title

ABANDONED VEHICLE CONCERNS: WHY ARE WE HERE?

Human & Environmental Health Concerns

- <u>Risks to Surface Water</u> Engine fluids in storm drains, streambeds
- <u>Risks to Groundwater</u> Dumping of fluids onto soil
- <u>Risks to Air</u> Vehicle fires and toxic residual material from burning and burned-out vehicles



 Other Human Health Risks – Illegal electrical and sewage connections, uncontrolled waste, safety issues such as mold, inadequate heat, fire risk

•••• CONTAMINANTS OF CONCERN

Vehicle Components	Potential Contaminant	Proper Disposal	
Switches and lamps	Mercury	Licensed metal recycler that reclaims mercury	
Fluids such as gear oil, power steering fluid, transmission oil, brake fluid, used oil	Hydrocarbons, polyethylene glycol, solvents, polychlorinated biphenyl compounds (PCBs)	Used oil or fluids recycler	
		Recycle through scrap metal	
Filters	Fuel, transmission oil, used oil	recycler or landfill	
Lead-acid batteries	Lead, battery acid	Battery recycler	
Wheel weights	Lead	Lead recycler	
Battery cables	Lead	Lead recycler	
Air conditioning units	Chlorofluorocarbons, other refrigerants	Certified technicians or certified reclamation facilities	

CONTAMINANTS OF CONCERN, CONTINUED

Vehicle Components	Potential Contaminant	Proper Disposal
Undeployed air bags	Sodium azide	Properly deploy prior to shredding and scrap with the vehicle. <i>Note: Anyone who detonates air bags should</i> <i>receive training in order to do so safely. Another</i> <i>option would be a tribal rule that mandates air</i> <i>bag detonation and removal to be completed by</i> <i>properly trained contractors.</i>
Brake shoes and clutches	Asbestos	Certified landfill
Waste tires	Polynuclear aromatic hydrocarbons	Waste-tire processor
Closed refrigerated tractor trailers	Interior is a nitrogen-rich, oxygen depleted atmosphere	Ventilate all tractor trailers prior to entering



Photo: Forest & Kim Starr commons.wikimedia.org

SECTION II: VEHICLE ACCUMULATION AND ABANDONMENT OVERVIEW

- Vehicle Abandonment Definitions
- Patterns of Vehicle Accumulation
- Special Cases: Stolen Vehicles & Property Inside Abandoned Vehicles
- Case Study: Land Status Issue Skenandore Site

- Arizona: Vehicle, trailer or semitrailer that is subject to registration and has been abandoned on public or private property, whether lost, stolen, abandoned or otherwise unclaimed
- **Nevada:** Vehicle discarded on public lands, or on public or private lands which owner does not claim within 15 days of notification
- California: Vehicle left on a highway, public or private property in such inoperable or neglected condition that it may be reasonably concluded that the owner intends to relinquish all further rights or interests in it. An abandoned vehicle includes a public nuisance vehicle. CA also has definitions for "dismantled vehicle" and "inoperative vehicle."

- Big Pine: Vehicle ... left unattended on tribal lands without valid license plate, registration or proof of ownership. AND Junk vehicle: any wrecked, dismantled, inoperative, or discarded vehicle or parts thereof ...
- Susanville: Any vehicle present on tribal street, highway, alley or other non-assigned tribal lands for longer than 72 consecutive hours or which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate said vehicle safely ...
- Yurok: any vehicle ... on Tribal land, any public roadway, or the property of another either without the consent of the owner ... or in such a manner that it creates a public nuisance. ... Abandoned if there is no visible current registration ... and/or no license plates. The fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

VEHICLE ACCUMULATION AND ABANDONMENT PATTERNS

Common Causes

- Residents acquiring vehicles for resale or repair, then leaving them to disintegrate
- Residents acquiring RVs and cars for temporary housing
- Storage of property and/or waste in vehicles
- Tribal and non-tribal persons abandoning cars on tribal lands, sometimes in inaccessible areas like canyons, riverbeds
- Unknown persons abandoning stolen vehicles
- Residents storing vehicles that hold memories

LOCATION OF ABANDONMENT IMPACTS STRATEGY OPTIONS

- Vehicles on trust land (most basic category)
- Vehicles on informal (revocable) residential assignments
- Vehicles on fee land
- Vehicles on allotment land (most difficult category)



Photo: Accord14 commons.wikimedia.org



•••• CASE STUDY: LAND STATUS ISSUE – SKENANDORE SITE, NEVADA



- Unauthorized vehicle dismantling site on allotment land
- EPA enforcement order did not induce owner to cease operation
- BIA stated by letter that Washoe tribe had no authority over his activities on allotment land
- No business lease
- Ensure such an operation is set up as a business, with a business lease from tribe or BIA
- If you can show that money changed hands, you can demonstrate that it is a business

•••• SPECIAL CASES: PROPERTY INSIDE ABANDONED VEHICLES

- Does property inside the vehicles have the same legal status?
- No evidence that it does
- If needed, quitclaim deed can release ownership



•••• SPECIAL CASES: MOBILE METH LABS

Field Identification Tips

- Look out for chemical products including drain cleaner, cold packs, pseudoephedrine tablets (Sudafed or other cold tablets), lithium batteries
- Strong or irritating pungent odors (Ammonia/Solvents)
- Distinctive trash such as pseudoephedrine "bubble" packaging, battery casings from disassembled lithium batteries, HCL generators (plastic bottles with tubing), plastic jugs, 5gallon jugs,



Safety precautions around mobile meth labs

SPECIAL CASES: MOBILE METH LABS, CONTINUED

Field Identification Tips

- Containers altered from their original use, i.e., gas tanks (like the kind attached to a grill) with retrofitted valves
- Spent one pot reactions with different powders, liquids, and pieces inside disposable containers, i.e., plastic drink bottles
- Butane honey oil extraction: a growing risk



Safety precautions around mobile meth labs

SPECIAL CASES: STOLEN VEHICLES

- Tribe's responsibility for stolen vehicles
- How to notify owners
- When does a stolen vehicle become an abandoned vehicle
- Vehicle theft strategy: Resignini Rancheria





SECTION III: REMOVING ABANDONED VEHICLES

- Metals Market Conditions
- Vehicle Collection and Disposal Options
- *Resources for Automotive Recycling and Pricing*
- Planning Your Collection Program
- Case Study: Vehicle Removals at Tohono O'odham

- The economics of the recycling industry influence the way end-of-life vehicles are processed in the U.S.
- Automakers are working on cost-effective solutions to improve recycling rates for junked cars and trucks
- **Dismantlers** prioritize removing those components for which commodity prices make separate processing economical
- Shredding companies choose their technologies to maximize recycling revenue, which may impact whether other materials are captured

AUTOMOBILE SCRAPPING: INTERNATIONAL MARKET CONDITIONS

- Prices fluctuate based on markets, industry demand, and time/seasonality
- Current international conditions:
 - China's economy has slowed, and the country is recycling more internally
 - Created a drop in demand for imported metals
 - These factors led to overproduction of China's domestic steel, which dropped prices worldwide
 - U.S. has placed import tariffs on steel
- Resources
 - Scrap yards have gone from paying consumers \$400 for the average car to between \$50 and \$100 (2019) <u>https://www.junkcarmedics.com/blog/scrap-car-prices-per-ton/</u>
 - Average price paid ranged from Ford Taurus at \$136 to Toyota Corolla at \$512. (2019) https://www.junkcarmedics.com/blog/scrap-car-prices-per-ton/

AUTOMOBILE SCRAPPING: DOMESTIC MARKET CONDITIONS

- In the U.S., almost 100% of automobiles are recycled, with over \$32 billion in annual sales
- Approximately 86% of a car's material content is recycled, reused or used for energy recovery
- More than 15 million tons of steel are recycled from automobiles annually, the equivalent of approximately 12 million cars
- There are more than 7,000 vehicle dismantlers and 350 car shredders in North America



AUTOMOBILE SCRAPPING: DOMESTIC MARKET CONDITIONS

Guidance for Maximizing Value of Scrapped Vehicles:

- Do not wait to sell
- You get more if the vehicle is drivable
- You get more for salvageable parts
- Avoid contingent or conditional payment; get paid up front
- Do not overlook other cost factors: towing, driver's wage, gas costs, paperwork efficiency & quantity (e.g. title transfer, liens), dismantling costs



RESOURCES FOR AUTOMOTIVE RECYCLING AND PRICING

GENERAL INFORMATION

- Call a local scrap metal recycler and request current prices for heavy and light steel
- Recycle Net provides pricing for scrap metal, automotive recycling, and tires and rubber: <u>http://www.recycle.net/price/</u>
- End-of-Life Vehicle Solutions provides general information and materials: <u>http://www.elvsolutions.org/</u>

RECYCLING INFORMATION

- Global Recycling Network: <u>http://www.grn.com/a/view/2010.html</u>
- Recycle In Me: <u>https://www.recycleinme.com</u>

STEEL RECYCLING AND PRICES:

- Steel Recycling Institute: <u>https://www.steel.org/sustainability/</u>
- Steel on the Net: <u>https://www.steelonthenet.com/price-forecasts.html</u>

SCRAP METAL RECYCLING AND PRICES:

- Institute of Scrap Recycling Industries, Inc. (ISRI): <u>http://www.isri.org/</u>
- North American Scrap Metal Network: <u>http://www.scrapspot.com/</u>

Option 1: *Tribe collects and processes vehicles and sells scrap metal to a metal scrapping company*

Pros	Cons
May get a higher price for the scrap metal if no services are provided, such as crushing the cars or removing fluids.	Requires trained and experienced tribal staff to process the vehicles. Tribe is responsible for proper disposal of all fluids and hazardous materials.

Option 2: Tribe collects and transports all vehicles and contracts with a metal recycler for hazardous waste removal, crushing, and recycling

Pros	Cons
removed and disposal.	The price obtained for scrap metal may be lower because costs might include
Less trained and/or experienced tribal	services for crushing cars or removing fluids.

COMMON OPTIONS FOR VEHICLE COLLECTION AND DISPOSAL

Option 3: Tribe contracts for all transport, car crushing, hazardous waste removal, and metal recycling

Pros	Cons
	The cost to pay for all activities may be greater than the price obtained for the
Tribal staff only needs to provide oversight of activities occurring on tribal lands.	scrap metal.

STEP 1: PLANNING YOUR COLLECTION PROGRAM

- Assign a program coordinator
- Create a health and safety plan for all activities
- Determine needs for contractor/scrapper
- Create an outreach plan for the community
- Determine which components the tribe will perform, and which components will be contracted

Training Ideas for Tribe Staff:

- 40-Hour HAZWOPER
- Freon/coolant extraction
- Airbag deployment and removal
- Heavy machinery operation

STEP 2: IDENTIFYING ABANDONED VEHICLES FOR COLLECTION

ABANDONED VEHICLES CAN BE IDENTIFIED FOR COLLECTION THE FOLLOWING WAYS:

- Owner of the vehicle requests removal
- A community member requests removal of an abandoned vehicle
- Tribal staff observes abandoned vehicle
- In public right-of-way
- In an illegal dump
- In open range area

For each abandoned vehicle identified, collect the following basic information, which will be used in step 3:

- Map coordinates to identify the location of the vehicle
- Photograph of vehicle
- Vehicle Identification Number (VIN) (typically on dash, door, or frame)

STEP 2: DEVELOP A VEHICLE INVENTORY

CREATE A TRACKING SYSTEM TO RECORD:

- Number of vehicles collected
- Location collected from
- Type of vehicle
- Whether it was abandoned, donated, etc.



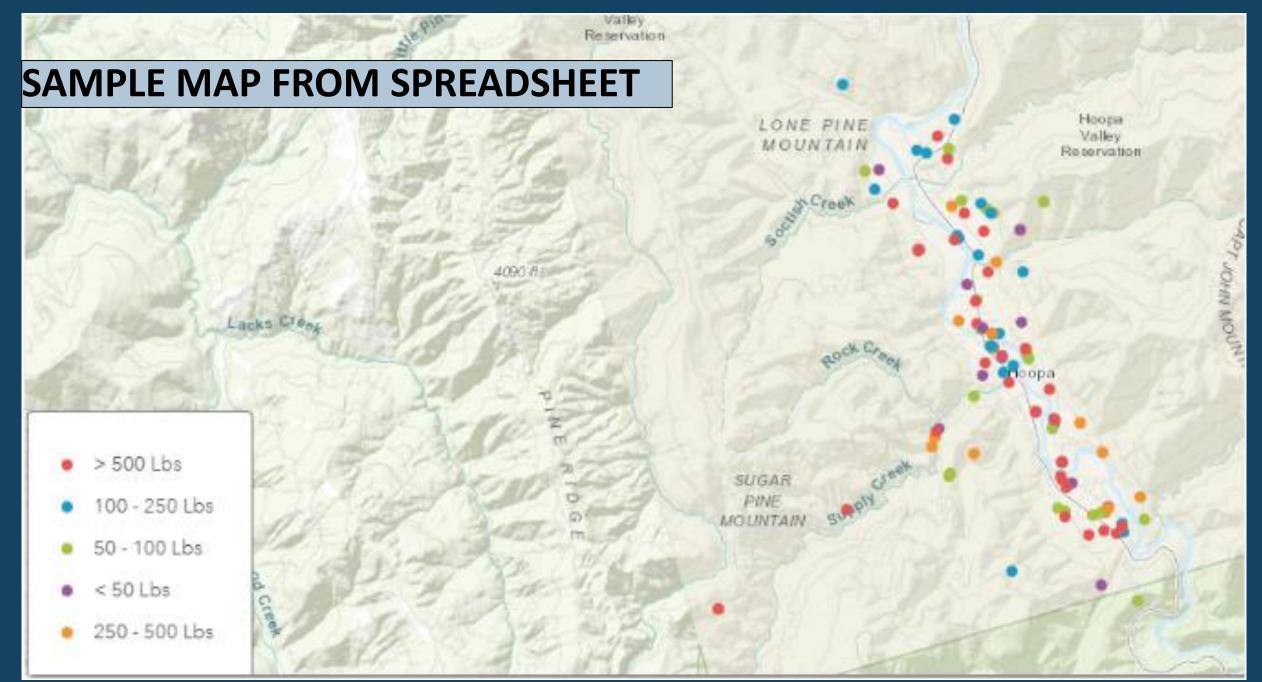
Photo: IFCAR commons.wikimedia.org

HOOPA VALLEY TRIBE EXAMPLE

- Hoopa staff developed interactive ARC-GIS reporting tool with customized forms to assist compliance, enforcement
- Captures vehicle data & photos, inputs data using all IHS/STARS open dump reporting fields
- This year: approximately 400 vehicles at start of 2020, down to 200 at start of 2021. Funding for 184 vehicle removals in 2021; process is underway.
- Accomplishments greatly assisted by tracking systems in reporting tool
- Next steps: kiosk-based system for public to report code violations anonymously at a central location

Tip: Basic or more advanced spreadsheet tools can help track abandoned auto issues over time

		Distance from	Distance							
Condition of site	W	waterbody	from homes	Fre	L	ev	Hazard Fact	ors	Notes (Optional)	CreationD
									Campbell field	
				•••			,7,8,9,1	1	residence	10/3/2018
HOOPA SAMPLE SPREADSHEET						Hostler field below VFW along				
									river bar illegal burning solid	
OpenDump-Surfac	4	>1000	<1000	We	F	rei	5/18/20)19	waste treated lumber and	10/9/2018
									Relative Compboll residence	
4-bc3e-4416-8f3c-11	2	>1000	>5000	We	F	req	luent		pine creek rd. illegal burning.	10/9/2018
									lower Campbell field	
OpenDump-Surfac	3	>1000	<1000	No	F	rei		2	area 1 dumped truck camper.	10/9/2018
									Haz Mat site Agency field next	
OpenDump-Buried	5	51-1000	>5000	No	N	or	1,5,16,18		to school transportation yard.	*****
									Campbell field housing complex	
OpenDump-Surfac	2	>1000	<1000	No	Li	ttl		18	housing 9 bags of trash was left	******
OpenDump-Surface	5	51-1000	<1000	We	FI	rei	1,2,4,7,9,14		Element resident Pine Creek	******
-b576-4878-be15-0c	1	>1000	<1000	We	Li	ttl		18	illegal burning Reflerren pine	11/6/2018
									residence Tish	
									tang rd. house hold trash and	
OpenDump-Surfac	2			No	F	rei		11	medical waste scattered into	*****



STEP 3: CHECK OWNERSHIP STATUS

If vehicles are not on tribal land, or the metals recycler you are working with requires compliance with state regulations, you may need to consult with your state or local department of motor vehicles. Also, a local sheriff's department may be able to determine whether a vehicle belongs to a tribal or non-tribal member if they are provided with the vehicles VIN numbers.

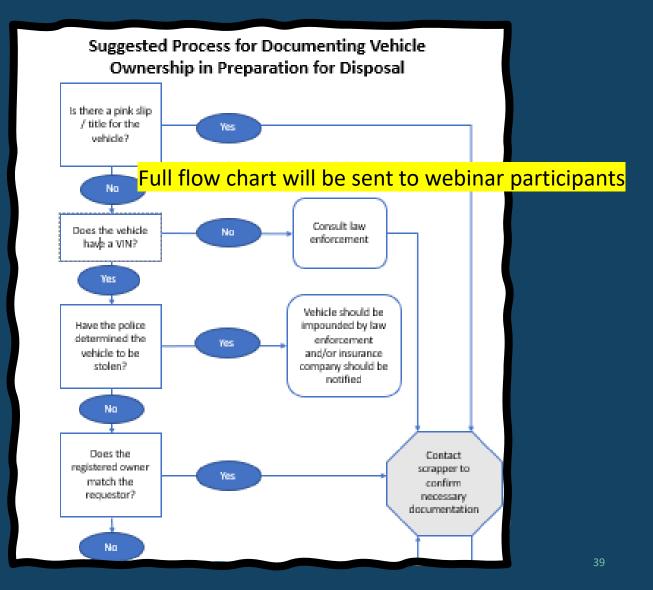
SITUATIONS VARY BY TRIBAL LAND STATUS, BY STATE AND BY RECYCLER – SO CALL AROUND

- California: Requires a lien sale (California Civil Codes 3071 & 3072) for abandoned vehicle removed.
 - How to conduct a lien sale in California: <u>http://www.dmv.ca.gov/pubs/brochures/howto/htvr7.htm</u>
- Arizona: <u>www.azdot.gov</u>
 - Requires an abandoned vehicle inspection or the title to the vehicle for removal
- Nevada: <u>www.nevadadot.com</u>
 - Private landowners must contact local law enforcement and/or towing services for removal of an abandoned vehicle

STEP 4: COMPLETING APPROPRIATE PAPERWORK

IF NO OWNER IS APPARENT

- **Option 1:** If there is a title for the vehicle, contact the owner to have the title signed over to the tribe.
- **Option 2:** *If there is no title, research the VIN.*
- Option 3: If a vehicle is owned by someone who is not going to return for the vehicle and the vehicle has been abandoned for a period of time as set by the tribe or tribal ordinance, then a tribal ordinance may require the vehicle to be removed.



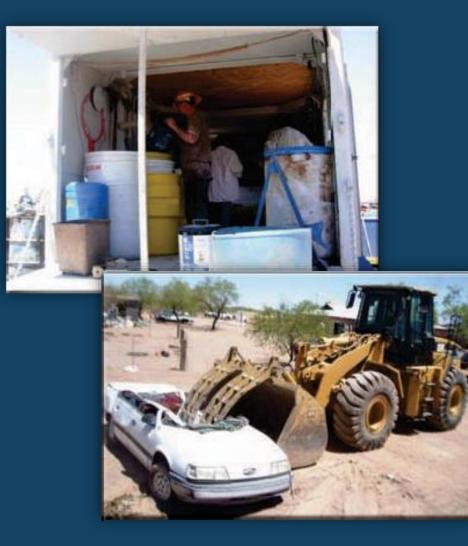
STEP 4: COMPLETING APPROPRIATE PAPERWORK, CONTINUED

IF THE OWNER OF THE VEHICLE REQUESTS REMOVAL

 Owner fills out an authorization form and signs the title of the vehicle over to the tribe (or contractor)

2	VEHICLE REI	MOV	AL W	ORK	ORI	DER FC	DRM		
Work Order #	10								
Requested By:				To	Today's Date:				
Phone Number:				Re	Request By Date:				
Village/Location:				Al	Alternative Contact:				
# of Vehicles Requested:				Al	Alternative Contact Phone #:				
	14.50		E INFO e for Er		200000				
Make:	Model		1000	0	olor	·		Year:	
Vehicle Identification Number (VIN)					License Plate:				
Reason for Removal (Circle As Appropriate) A. No longer want B. In way of construction F. Owner Incarcerated G. Other (Describe)		C. Taking		ing up	space	D.	Does not work/	nın E. Owner Deceased	
Does the Requestor have a Title for the vehicle?			Yes		No				
Does the Requestor own the vehicle?			Yes		No	If "No", explain			
Does the Requestor have permission or remove the vehicle					Yes	D No	8		
Location/GPS:									
Please pro	ovide a map of th	e vehio	cle loca	tion o	n the l	back of tl	nis Order Form		
I, [NAME aforementioned vehicle(s), after having], hereby give the given the [TRIB								
Authorization Signature:				Date:					
Tribal Authority Representative Signature						_	Date:		
 Annaly and a particular products of a property of a property of the particular property. 							an operation of the second sec		

STEP 5: TRANSPORTING THE VEHICLES - STORAGE



CONSIDER

 How and where the vehicle(s) will be transported

TIPS FOR CHOOSING A CENTRALIZED STORAGE AREA

- Area should be dry and flat
- Surrounded by fencing and locked when not in use
- Precautions should be taken to reduce vandalism and trespassing
- Work with other tribal programs to share storage area and equipment

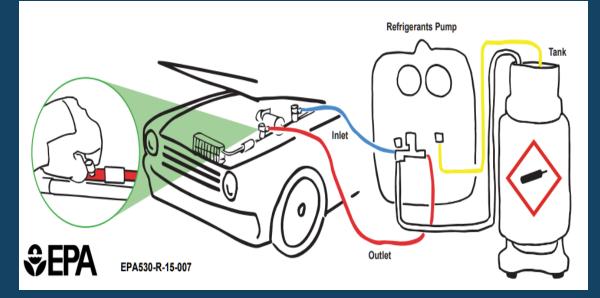
STEP 5: TRANSPORTING THE VEHICLES



Staging cars along a paved road for processing

•••• STEP 6: PROCESSING THE VEHICLES

- Tribe or contractor should have a hazardous waste management plan
- In areas where fluid removal and storage will take place, maintain a spill kit with the following:
 - Absorbent material
 - Oil dry (an oil absorbent)
 - Shovel and broom
 - Disposal bags, extra barrels/drums, or other containers
 - Safety glasses
 - Disposable gloves and rubber gloves
 - Rolls of heavy plastic



STEP 6: PROCESSING THE VEHICLES, CONTINUED

REMOVAL OF HAZARDOUS WASTE FROM VEHICLES

- Training
- Removal of fluids
- Removal of waste

Learn More:

- Auto Dismantler Handbook- Oregon DEQ https://www.oregon.gov/deq/FilterDocs/hwautodismantlerhandbook.pdf
- Sample spill prevention plan City of South Tacoma https://www.tpchd.org/home/showpublisheddocume nt?id=888



STEP 6: PROCESSING THE VEHICLES, CONTINUED

PRIOR TO CRUSHING, PROCESS THE VEHICLES

- Remove fluids and place them in secondary containers
- Remove the tires from the rims in order to recycle the rims with the vehicles
- Remove components that may be recycled (i.e., catalytic converters, batteries)
- Remove mercury switches
- Remove and dispose of gasoline tanks

STEP 6: PROCESSING THE VEHICLES, CONTINUED

WHEN CONTRACTING FOR VEHICLE PROCESSING AND CRUSHING, CONSIDER REQUESTING THE FOLLOWING IN YOUR RFP

- Site safety plan
- Site cleanup plan
- Spill mitigation and prevention plan
- Business licenses
- Proof of insurance/liability
- Crushing and removal plan
- Does vendor take refuse?
- Does vendor remove oil-stained soils?
- How will the contractor handle fluids, mercury, switches, batteries, and tires?

Tip: Make sure to confirm that all contractors and subcontractors have the appropriate certifications and licenses

STEP 7: CRUSHING THE VEHICLES

- If crushing occurs on tribal land, it should take place over an appropriately lined or concrete area (can be a paved road)
- Arrange for a large dumpster
- Try to plan crushing activities during mild weather conditions

Make sure to post a sign on the fence of the vehicle storage yard stating the following:

- "No Trespassing"
- The name of the tribal authority
- Contact information, including a phone number



STEP 8: CLEANUP

- If the crushing occurs at the metal recycler, no cleanup plan is needed
- If the vehicles are collected and crushed on tribal land, ensure that a cleanup plan is followed







STEP 9: EVALUATION, RECORDKEEPING, AND REPORTING

EVALUATION

- Evaluate your program to provide information for future abandoned vehicle collection events. Consider evaluating each step of the process.
 RECORDKEEPING
- Recordkeeping is valuable in case questions arise about individual vehicles.

REPORTING

• Once the program is complete, make sure you report the success of the program to the community, to the tribal council, and to any agency that may have contributed funds to the cleanup.

•••• CASE STUDY: VEHICLE REMOVALS AT TOHONO O'ODHAM

NEEDS

 Removal of non-operating vehicles for residents, and abandoned cars

CONSTRAINTS

- Managing program entirely inhouse
- Metals recycler an hour away
- Large land area = long distances

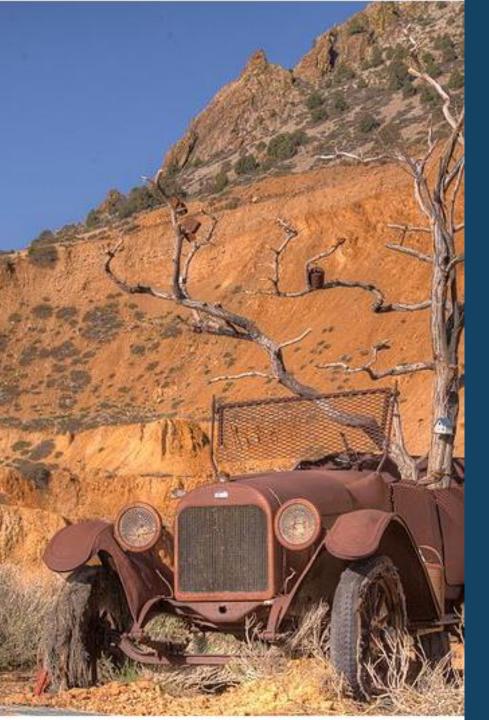


- Tribe removes cars with owners' cooperation and mandates request forms
- Tribe mandates proper change in title before removal
- Tribe scraps cars at transfer station and/or crushes vehicles for transport
- Assistance from tribal fire department helps scrap vehicles
- Tribe removes haz waste, protocols are followed
- Scrapped vehicle transported to Tuscon
- Inspection program for unknown vehicles
- Car auction concept attempted: not feasible

•••• PREVIEW: MAY 18 WEBINAR

- Case Studies: Yurok Tribe, Resighini Rancheria, Big Valley Band of Pomo Indians
- Abandoned Vehicle Codes & Ordinances
- Tribal Vehicle Abandonment Prevention & Enforcement Programs
- Resources for Tribes





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▶ Please submit an evaluation!



Presentation will be emailed after today's session