



Environmental Permitting of Junkyards (2010)

Salvage yards process hazardous materials and can have an adverse impact on the environment if owners are not using safe environmental practices. Vermont law (most recently Act 56 and Act 93) requires these safe practices of any salvage yard selling, storing, or processing scrap metal and to individuals keeping four or more “junk vehicles” (scrapped vehicles, with no registration, held for longer than 90 days). Vermont law requires salvage yard owners have a Certificate of Location from their town. In addition, Vermont’s Agency of Natural Resources regulates salvage yards’ environmental impact.

Agency of Natural Resources -Jonathan Wood, Secretary 241-3600 jonathan.wood@state.vt.us

Department of Environmental Conservation (Commissioner Justin Johnson) – the Commissioner’s office directly houses Environmental Enforcement and Environmental Assistance. The junkyards program is within Environmental Enforcement whose responsibility it is to license junkyards.

Salvage Yards Compliance and Inspection - John Brabant, State Inspector 241-3390 john.brabant@state.vt.us

General Junk Yard License-

Requirements: Owners are required to register with the Agency of Natural Resources and obtain a Certificate of Registration from the Agency. The law makes it illegal to deliver vehicles or operate a mobile salvage vehicle crusher at a salvage yard that does not hold a certificate of registration.

The Certificate requires that:

- The certificate is displayed at the entrance of the salvage yard.
- The salvage yard is setback 100 feet from streams, rivers, and wetlands and 300 feet of a potable water supply.
- The salvage yard operator drains vehicles of fluids including antifreeze, oil, brake fluid, fuel, refrigerants, and transmission fluid a) immediately if the fluids are leaking or the car is going to be crushed b) within 365 days after the vehicle is first stored if the car is not leaking.
- At least annually, the salvage yard operator attends a training held by the Agency of Natural Resources to remain current in their understanding of best management practices, environmental standards, and federal, state, and local requirements for salvage yards.
- The operator complies with existing federal and state environmental regulations and obtains additional state and local permits.

Enforcement: Salvage yards out of compliance are subjected to fines of \$500. Who is responsible for enforcement? A town/city attorney, enforcement officer with the Dept. of Natural Resources, solid waste management attorney, or the local legislative officer/municipal officer. Concerns? First contact your local government, or state inspector John Brabant 241-3390 john.brabant@state.vt.us

Additional State Regulations-

Hazardous waste generators: Hazardous wastes that can be found in salvage yards includes petroleum, crude oil, mercury, motor oil, antifreeze, large amounts of wiper fluid, car batteries, brake fluid, gasoline, tires, carburetor cleaners, rags used to work with hazardous chemicals, and degreaser.

Requirements: Salvage yards are required to notify ANR of Hazardous Waste Activity using the Vermont Hazardous Waste Handler Site ID form and pay a \$100 fee per year. Salvage yards have different requirements based on the amount of hazardous waste they generate.

- “Conditionally Exempt Generators” produce less than 220 pounds of hazardous waste per month,
- “Small Quantity Generators” produce less than 2,200 pounds,
- “Large Quantity Generators” produce more than 2,200 pounds.

Every size salvage yard must follow the Vermont Hazardous Waste Management Regulations, including:

- labeling all drums of hazardous waste and identifying the contents,
- recycling all lead-acid batteries,
- refraining from crushing cars during rain and snow storms,
- collecting mixed fluids while crushing vehicles,
- keeping all hazardous waste covered on a surface that will not leak,
- ensuring hazardous waste containers are kept in good condition, and
- disallowing the waste to freeze or leak.

“Small” and “Large Quantity Generators” are also required to inspect all hazardous waste containers daily and keep a log and inventory of the materials, place warning signs on the hazardous waste, produce a hazardous waste manifest before shipping, and keep all hazardous waste 50 feet from the property line. “Conditionally Exempt Generators” may ship and store hazardous waste themselves, and there is no limit on the amount of time the materials can be stored. “Small Quantity Generators” may only store hazardous waste for 180 days, and “Large Quantity Generators” for 90 days.

Concerns?: Contact your local government, or Lynn Metcalf, Chief of the Hazardous Waste Management 802-241-3898 lynn.metcalf@state.vt.us.

Hazardous Materials Spill- Salvage yards use chemicals, and work with hazardous materials that, if spilled, could seep into groundwater and cause serious dangers to human health, and the environment. Therefore, The Department of Environmental Conservation-Hazardous Waste Division sets forth criteria salvage yards must follow if a spill occurs.

Requirements: If a spill is more than 2 gallons, or is less than 2 gallons but poses a threat to safety or the environment, the spill must be reported to the Hazardous Materials Spills hotline 1-800-641-5005, and the Spill Response Team will assist both on and off-site if necessary. If the spill is less than 2 gallons, the spill must be stopped at the source, contained with a barrier, and prevented from entering drains, drainage ditches, and waterways. The salvage yard responsible for the spill is required to clean it up and ensure the area is safe. The Waste Management Division suggests that salvage yards develop a spill plan and train employee about what to do in the event of a spill, transfer liquids using drip trays, and store all material on impervious surfaces to avoid spills.

Concerns?: First contact your local government, or Lynn Metcalf, Chief of the Hazardous Waste Management Section 802-241-3898 lynn.metcalf@state.vt.us.

Solid waste permit- Salvage yards that store solid waste that may harm the environment. For example, salvage yards storing large amount of tires may present a fire hazard.

Requirements: Regulators are working on what types and amounts of solid wastes are going to be allowed in salvage yards. However, salvage yard owners stockpiling a large amount of solid waste like tires (example, over 1,500) may need a solid waste permit.

Concerns?: First contact your local government, or Dennis Fekert, Solid Waste Section of the Waste Management Division 241-1493.

Underground storage tank monitoring- Leaking underground storage tanks can threaten groundwater and cause explosive gas to accumulate under buildings. Therefore, ANR requires tank owners to register for an Underground Storage Tank Permit. Salvage yards storing gasoline, diesel, kerosene, and used oil in an underground storage tank must register it with the agency. Wastewater tanks, storm water tanks, and tanks with fuel oil used exclusively to heat the premises are exempt. New tanks, those currently in use, and those no longer in service all must register with the agency. The salvage yard owner must also register with the local recording office to put the tank into the land record.

Requirements: The registration includes details of the tank owner, operator, and contact person, the name and location of the facility, a plan for the tank's removal, a map of the area, and proof that in the event of a spill the owner can be made financially responsible for the cost of an environmental clean-up. If the agency believes a tank poses a threat, they may order the owner to demonstrate the tank's integrity. The registration lasts 5 years and costs \$100 per tank, per year.

Concerns?: First contact your local government, or June Reilly, Underground Storage Tank Permit Administrator 802-241-3871 june.reilly@state.vt.us. List of registered tanks by town-www.anr.state.vt.us/dec/wastediv/ust/tankintr.htm

Mercury switch reporting- Mercury is having a devastating environmental impact in rivers and lakes throughout the United States. Salvage yards contribute to this problem when they crush cars without first removing mercury switches from vehicles. The Comprehensive Mercury Management Plan applies to salvage yards in VT.

Requirements: ANR is required to provide training for removing mercury switches (found in lights and brakes) and to provide storage containers and recycling service to vehicle scrappers free of charge. Before the vehicle is processed, crushed, or shredded, the vehicle scrapper must collect, store, and handle the switches. The salvage yard owners are also required to either submit a report to ANR annually with the number of switches removed or provide a log of the removal to ANR if they request a copy.

Concerns?: First contact your local government or Lynn Metcalf, Chief of the Hazardous Waste Management Section 802-241-3898 lynn.metcalf@state.vt.us

Water Quality Division

Construction general permits -The Multi-Sector General Permits (MSGP) are issued by the DEC and are storm water pollution prevention permits. Salvage yard owners will need a MSGP if they are operating on more than one acre. The

MSGP covers all discharges of storm water from facilities that may have a negative impact on water, like discharges from salvage yards that may contain oil, lead, or other hazardous chemicals. The construction or expansion of a salvage yard has different permitting requirements based on the specifics of the site, including soils and slopes. General permits are available for low-risk, and moderate risk sites. Special risk projects or sites located in a watershed impaired for storm water will need an Individual Discharge Permit.

Requirements: The requirements of the permit are based on the Clean Water Act, which ANR administers in VT. The salvage yard must examine their impact on pollution, reduce the risk of storm water at the facility contaminating water, and test storm water discharges for pollution yearly. The permit includes the plan the salvage yard will use for monitoring the storm water pollution in the future. To comply with the permit, the salvage yard will need to conform to the standards of the Vermont Erosion Prevention and Sediment Control Plan, and Vermont Water Quality Standards. The permitting process includes a 10 day public comment period and requires an engineering feasibility study.

Concerns?: Contact your local government, or Pete LaFlamme, Director of Water Quality Division-241-3765
pete.laflamme@state.vt.us

Storm water discharge permit- Storm water run-off from salvage yards may contain hazardous materials that may enter waterways. Storm Water permits are issued by ANR and are required for salvage yards with impervious surfaces or paved or unpaved parking surfaces. The permit stands for 5 years, and provides guidelines for collecting fluids and hazardous materials from cars. Each salvage yard should have a storm water management system they are required to inspect annually and submit findings to the Agency.

Requirements: Salvage yard owners are required to catch leaking fluids and minimize exposure to rain and snow. The permit process has a public comment, public hearing component. Owners are also required to follow the Storm Water Prevention Plan agreed to in their Multi-Sector General Permit, and are at risk being denied the permit in the future if they do not.

Concerns?: Contact your local government, or Pete LaFlamme, Director of Water Quality Division-241-3765
pete.laflamme@state.vt.us

Water Supply Division

Source Permit- If a salvage yard uses a water source that has 10 or more service connections, that is, 10 or more homes or businesses use the same source, the owner must apply for a Source Permit with the Water Quality Division of the Agency of Natural Resources.

Requirements: The salvage yard must receive Testing Approval through an on-site examination conducted by a hydrogeologist or an engineer to test the impact on the water supply. The permit application also includes a Source Evaluation Report that studies the impact on the area's groundwater. Other requirements include providing a map of the location, a list of nearby land use activities, and a site inspection conducted by the Water Quality division. Before the permit is approved, all of the landowners who use the water source must be notified, and the application must be published in a local newspaper. Before the agency issues the permit, the public may submit written comments, or request a public hearing.

Concerns?: First contact your local government, or Gary Schultz, Director of the Water Quality Division- 241-3434 gary.schultz@state.vt.us.

Air Pollution Division

Air pollution permits- Salvage yards may contribute to air pollution by burning hazardous materials, smelting, or burning spent oil in an unsafe manner. If the salvage yard smelts or burns on-site, they must notify the Vermont Hazardous Waste Management Division and apply for a Vermont Hazardous Waste Handler Site I.D. Form.

Requirement: Vermont Air Pollution Control Regulations 5-201 and 5-202 apply to salvage yards, and require owners to get a permit if they are burning in the open. Section 5-201 does not allow a salvage yard to burn tires, rubber, or waste oil without a Vermont Air Pollution Control Permit. If burning causes a nuisance, effects safety, or damages public health ANR should revoke the permit, or refuse to re-issue it in the future. Salvage yard owners also need permission from the local fire warden before burning in their jurisdiction.

Concerns? First contact your local government, or Environmental Analyst Philip Etter 802-241-3840. Phil.etter@anr.state.vt.us

Wastewater

Direct discharge permit-Salvage yards can easily contaminate groundwater if wastewater used for processing cars is discharged on the ground. If a salvage yard discharges wastewater onto the property or in a drain, the Wastewater Treatment Division will require the owner to obtain an Industrial Discharge Permits for “non sanitary” water. Salvage yards’ discharge is likely considered “non-sanitary” because it is often mixed with oil and other hazardous materials.

Requirements: If the water goes through a municipal plant, the Wastewater Management Division (WWMD), the plant operator, and the administrator of the local sewer ordinance must be notified of the discharge, and the salvage yard may need to apply for a pre-treatment permit. The municipality may require the wastewater goes through an oil/water separator before it is processed at the plant. If the wastewater is discharged into a septic system, dry well, or holding tank, the Regional Office will review the process, and determine whether the discharge is allowed.

Concerned?: First contact your local government, or the main office of the Wastewater Management Division 802-241-3822 and they can get you in touch with your regional office.

Underground injection control permit- Storm water and wastewater that salvage yards pump underground may contain hazardous chemicals. Therefore, if the salvage yard pumps wastewater or storm water into an injection well or another underground disposal unit the Wastewater Management Division will require that the owner apply for an Underground Injection Control Permit. The Underground Injection Control Program issues a permit that lasts 5 years and must be renewed. To apply, the salvage yard must submit a location map, a site plan, and present a monitoring and reporting plan.

Requirements: The salvage yards must follow the monitoring and reporting plan they agreed to or risk being denied the permit in the future.

Concerns?: First contact your local government, or Jeff Fehrs, Environmental Analyst, Department of Solid Waste Management (802) 241-3831 jeff.fehrs@state.vt.us.

Fish and Wildlife- Threatened and endangered species receive special protection in Vermont. The Non-Game and Natural Heritage Program of Vermont Fish and Wildlife Department issues a permit that salvage yards will have to apply for if their land use disturbs endangered or threatened species.

Concerns?: If a salvage yard encroaches on an area hosting an endangered or threatened species, contacts: for threats to animals- Mark Ferguson, Department of Fish and Wildlife-802-241-3667 mark.ferguson@anr.state.vt.us. For plants- Bob Popp, Department of Fish and Wildlife- 802-476-0127 bob.popp@anr.state.vt.us.

Enforcement- If a salvage yard is out of compliance with their permits or do not have the permits they need, the Secretary of the Agency of Natural Resources may issue a written warning. The warning identifies the statute, rule, or permit in violation and has several options to correct the problem. The Secretary may also levy a fine, stay the permit until the salvage yard complies, bring a judicial proceeding, force a work stoppage, or accept an assurance from the violator that the violation will be discontinued. The salvage yard owner has to take financial responsibility for restoring the environment to its condition before the violation occurred.

Land Use Permit

Act 250- Salvage yard owners must apply to their regional District Commission for an Act 250 permit if the salvage yard is more than one acre and the salvage yard is located in an area that does not have both permanent zoning and subdivision bylaws. The Agency of Natural Resources also reviews all Act 250 permits.

Requirements: The application considers the effects of the salvage yard on the town and region, wildlife, agriculture, energy, water, air quality, educational facilities, endangered species, soil erosion, waste disposal, wetlands, forest soils, and transportation, among others. The Commission also certifies that the salvage yard has all other environmental permits required to run their business before the Act 250 permit is granted.

Concerns?: First call your local government, or Michael Zahner, Executive Director of the Natural Resources Board-802-828-3309 michael.zahner@state.vt.us.

Additional Resources: The Agency of Natural Resources operates a website with Best Management Practice Guides for Junkyards, and fact sheets with more information: www.anr.state.vt.us/dec/ead/sbcap/salvage/resources.htm.

Salvage yard owners: The Environmental Assistance Office is available to guide you through the permitting process, visit www.anr.state.vt.us/dec/assist.htm or call Judy Mirro, Environmental Compliance Officer at the Small Business Compliance Assistance Program- 241-3745 judy.mirro@state.vt.us.

Local permit assistance is also available, to search for the permit specialist in your area, go to: www.anr.state.vt.us/dec/ead/pa/index.htm or call Jennifer Bryan, Permit Coordinator- (802) 241-4228 jennifer.bryan@state.vt.us