



STATE OF VERMONT  
*Agency of Natural Resources*

---

# Salvage Yard Rule

*Effective Date: September 1, 2015*



---

## Waste Management and Prevention Division

Department of Environmental Conservation

1 National Life Drive – Davis 1

Montpelier, VT 05620-3704

Tele: (802) 828-1138

Fax: (802) 828-1011

A copy of these rules and other information are available  
at the Vermont Salvage Yard Program website:

<https://dec.vermont.gov/waste-management/salvage-yards>

**SALVAGE YARD MANAGEMENT RULES  
TABLE OF CONTENTS**

**SUBCHAPTER 1: GENERAL PROVISIONS**

26-101. Authority.....	1-1
26-102. Purpose .....	1-1
26-103. Statutory Requirement.....	1-1
26-104. Fees.....	1-1
26-105. Severability.....	1-1
26-106. Incorporation by Reference .....	1-1
26-107. Signatories to Permits and Reports .....	1-1
26-108. Emergency and Corrective Actions .....	1-2

**SUBCHAPTER 2: DEFINITIONS .....2-1**

**SUBCHAPTER 3: PERMITTING**

26-301. Permitting.....	3-1
26-302. Threshold Activities; Limitation of Risk .....	3-7
26-303. Financial Assurance .....	3-8
26-304. Materials Removal Plan .....	3-9
26-305. Operator Training .....	3-11

**SUBCHAPTER 4: OPERATING STANDARDS AND FACILITY CLOSURE**

26-401. Siting Requirements.....	4-1
26-402. Screening .....	4-2
26-403. Vehicle Processing .....	4-2
26-404. Tire Management .....	4-3
26-405. Vehicle Fluid; Hazardous Waste Management .....	4-4
26-406. Inspection and Self-Certification .....	4-4
26-407. Facility Closure; Cost Estimate .....	4-6

## **Subchapter 1 – General Provisions**

### **§ 26-101. Authority**

These rules are adopted by the Secretary of the Agency of Natural Resources pursuant to the authority granted by **24 V.S.A. § 2248(b)**.

### **§ 26-102. Purpose**

These rules establish procedures and standards to protect human health and the environment by ensuring the safe, proper, and sustainable operation of salvage yards in Vermont. These rules apply to any person who owns or operates a salvage yard in Vermont as that term is defined in **subchapter 2 of these rules**.

### **§ 26-103. Statutory Requirement**

A person who obtains a permit in accordance with these rules shall have satisfied the requirement of **24 V.S.A. § 2242(a)(2)** to obtain a certificate of registration prior to operating, establishing, or maintaining a salvage yard.

### **§ 26-104. Fees**

Fees related to salvage yards are established in **3 V.S.A. § 2822(j)**.

### **§ 26-105. Severability**

The provisions of these rules shall be severable. If any provision of these rules is invalid or if any application of these rules to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

### **§ 26-106. Incorporation by Reference**

When reference is made herein to CFR titles, their parts, subparts, or sections, the reference is to titles of the Code of Federal Regulations as they existed on the effective date of this rule.

### **§ 26-107. Signatories to Permits and Reports**

- (a) The following individuals shall be co-applicants to a salvage yard permit application (if different parties):
  - (1) The salvage yard owner;
  - (2) The salvage yard operator; and
  - (3) The owner of the property on which the salvage yard is located.
- (b) Permit applications and all reports requested or required by the Secretary shall be signed by each applicant or by a duly authorized representative of the applicant.

- (c) A person is a duly authorized representative for purposes of **subsection (b) of this section** only if:
  - (1) the authorization is made in writing and is signed by the salvage yard applicant;
  - (2) the authorization states that the applicant has delegated the legal authority for the representative to sign on behalf of the applicant; and
  - (3) the written authorization is submitted to the Secretary.
- (d) If an authorization described in **subsection (c) of this section** no longer meets the requirements of that subsection, a new authorization satisfying the requirements of **subsection (c) of this section** shall be submitted to the Secretary prior to or together with any documents signed by the new authorized representative.
- (e) Any person signing a document pursuant to **subsection (b) of this section** shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who operate the salvage yard, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

#### **§ 26-108. Emergency and Corrective Actions**

- (a) All discharges of hazardous waste and releases of hazardous material that meet any of the criteria in this subsection shall be immediately reported to the Secretary by the owner or operator of a salvage yard or by the person or persons exercising control over such waste. Reporting under this section shall be achieved by calling the **Waste Management & Prevention Division** at (802) 828-1138, Monday through Friday, 7:45 to 4:30, or by calling the **Department of Public Safety, Emergency Management Division** at (800) 641-5005, 24 hours/day.
  - (1) A discharge of hazardous waste or release of hazardous material that exceeds 2 gallons;
  - (2) A discharge of hazardous waste or release of hazardous material that is less than or equal to 2 gallons and poses a potential or actual threat to human health or the environment.
  - (3) A discharge of hazardous waste or release of hazardous material that equals or exceeds its corresponding reportable quantity as specified under **40 CFR § 302.4**.
- (b) All discharges or releases required to be reported pursuant to **subsection (a) of this section** shall be managed according to the emergency and corrective actions

requirements of the **Vermont Hazardous Waste Management Regulations § 7-105 (Emergency and Corrective Actions)**. A copy of these rules may be found on the Secretary's website at <http://www.anr.state.vt.us/dec/wastediv/rcra/regs.htm>. A paper copy of those regulations shall be made available upon request.

## Subchapter 2 – Definitions

All terms not defined herein shall have the meaning given them in **24 V.S.A. § 2241**.

**“Annual vehicle throughput”** means the number of motor vehicles processed by a salvage yard on an annual basis. Annual vehicle throughput shall include the total number of motor vehicles taken in or received and disposed of by a salvage yard during the period of one year.

**“Agency”** means the Vermont Agency of Natural Resources.

**“Closure”** means the set of activities that a salvage yard must complete upon cessation of salvage yard operations to ensure protection of human health and the environment as prescribed by the salvage yard’s permit or by the Secretary. The timing of closure shall be defined in the salvage yard’s closure plan unless otherwise prescribed by the Secretary.

**“Crusher”** means any mechanical device used to crush or compact junk motor vehicles. This includes stationary and mobile crushers, balers, and other mechanical equipment.

**“Discharge”** means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a waste into or on any land or water, or into the air.

**“Groundwater”** means water below the land surface, but does not include surface waters within the meaning of **10 V.S.A. § 1251(13)**.

**“Hazardous material”** means all petroleum and toxic, corrosive, or other chemicals and related sludges included in any of the following:

- (A) Any substance defined in **§ 101(14)** of the **Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)**, as amended;
- (B) Petroleum, including crude oil or any fraction thereof; or
- (C) Hazardous waste, as defined by this subchapter.

“Hazardous material” does not include herbicides when applied consistent with good practice conducted in conformity with federal, State, and local laws and regulations and according to manufacturer’s instructions. Nothing in this definition shall affect the authority granted and the limitations imposed by 10 V.S.A. § 6608a.

**“Hazardous waste”** means, for the purposes of these regulations, any waste subject to regulation as hazardous waste under the **Vermont Hazardous Waste Management Regulations**.

**“Motor vehicle”** shall be defined as in **23 V.S.A. § 4(21)**.

**“Permit”** means a certificate of registration as required by **24 V.S.A. § 2242(a)(2)**.

**“Person”** means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the state of Vermont or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.

**“Release”** means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the State, or into waters outside the jurisdiction of the State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the State.

**“Salvage yard”** means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. “Salvage yard” also means any outdoor area used for operation of an automobile graveyard. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs. It does not mean a certified solid waste facility where scrap metal is containerized upon receipt or after refrigerant removal.

**“Solid waste”** means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges which are point sources subject to permits under the **Water Pollution Control Act, 10 V.S.A. chapter 47.**

**“Storage”** means the containment or maintenance of wastes on site, either temporarily or for a prolonged duration of time.

**“Used oil”** means any petroleum product that has been refined from crude oil (in whole or in part), or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. Used oil is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees (F). Used oil includes oils used as lubricants, heat transfer fluids, hydraulic fluids, and for other similar uses, but does not include materials derived from crude or synthetic oils that are used as fuels (e.g., gasoline, jet fuel and diesel fuel), cleaning agents or solvents (e.g., naphtha or mineral spirits).

**“Waste”** means a material that is discarded or is being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

**“Waters”** means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs and all bodies of surface waters, artificial or natural, which are contained within, flow through or border upon the state or any portion of it.

## Subchapter 3 – Permitting

### § 26-301. Permitting

(a) General Requirements.

- (1) Permit. No person shall establish, operate, or maintain a salvage yard without first obtaining a permit from the Secretary pursuant to these rules. A copy of the permit shall be displayed at all times in a clearly visible location in the proximity of each entrance to the salvage yard. A permit shall be valid for a period of time as determined by the Secretary, but for no more than five years from the date of issuance.
- (2) Change of ownership. Salvage yard permits are not transferable or assignable and do not run with the land. Prior to the transfer of ownership of a salvage yard, the current owner shall provide written notification to the prospective owner of the existence of these rules. A copy of the written notification shall be sent to the Secretary. A new owner must obtain a permit from the Secretary under this section before operating or maintaining the salvage yard.
- (3) Change to yard or operation. The permittee shall notify the Secretary of any change to a salvage yard or salvage yard operations that may affect the information provided in the permit or any term or condition of the permit. The Secretary may require additional information to be submitted by the permittee concerning the change. Upon receipt of a notification made under this section, and after receipt of any additional information requested by the Secretary under this section, the Secretary may determine that an amendment to the salvage yard permit pursuant to **subdivision (d)(2) of this section** is required.

(b) Permits; Procedure.

- (1) First-time and renewal permits applications. Applications for a first-time and renewal permits to operate a salvage yard shall be submitted to the Secretary and shall include the following:
  - (A) A salvage yard permit application form, provided by the Secretary, and completed in accordance with the form's instructions and the signature requirements of **§ 26-107 of these rules**;
  - (B) The annual permit fee as required under **3 V.S.A. § 2822(j)**;
  - (C) A copy of the valid certificate of approved location on file with the Secretary as required under **24 V.S.A. § 2242(a)(1)**, or a reference to a current certificate of approved location on file with the Secretary;
  - (D) A site map of the salvage yard, or reference to a current site map of the salvage yard on file with the Secretary, that clearly indicates the

size of the salvage yard (expressed in acres) and the location of all property boundaries, and is of a sufficient resolution to indicate the following:

- (i) The location of all buildings on the salvage yard site, and the use of each of those buildings;
  - (ii) All existing or proposed fencing, gates, and entrances to the salvage yard;
  - (iii) The location and approximate dimensions (expressed in feet) of any area used or proposed to be used for vehicle or scrap metal storage, vehicle dismantling, vehicle crushing, vehicle fluid removal, and vehicle fluid storage;
  - (iv) The location and approximate dimensions (expressed in length by width by height) of any area used or proposed to be used for tire storage;
  - (v) The approximate distance (expressed in feet) from the salvage yard property boundary of any town roads, highways, or interstate or primary highways;
  - (vi) The approximate location of all surface waters or wetlands within the salvage yard property boundary, as well as the approximate location and distance (expressed in feet) of any surface waters or wetlands located within 100 feet of the salvage yard property boundary; and
  - (vii) Any other information that the Secretary may require.
- (2) Renewal applications. In addition to the requirements in **subdivision (b)(1) of this section**, applications for renewal permits to operate a salvage yard shall include the following:
- (A) A copy of the inventory or list of all vehicles managed or stored at the salvage yard during the duration of the existing permit term, as required by **§ 26-403(b) of these rules**;
  - (B) By January 1, 2017 and annually thereafter:
    - (i) a copy of the annual self-certification of compliance required by **§ 26-406(b) of these rules** (or reference to the current self-certification of compliance on file with the Secretary);
    - (ii) a closure plan and cost estimate for closure required by **§ 26-407, subsections (b) and (c) of these rules**, respectively, and
    - (iii) for facilities that conduct any (one or more) of the thresholds activities specified in **§ 26-302(c) of these rules**:

- (a) copies of documentation verifying the financial mechanism or mechanisms used to maintain financial assurance as required by **§ 26-303 of these rules**; or
    - (b) a materials removal plan that complies with the requirements of **§ 26-304 of these rules**.
  - (3) The Secretary shall post a draft first-time permit application on the Agency website for 30 days for the purpose of providing the public with an opportunity to review and submit written comments. The Secretary shall consider all comments before granting or denying the permit.
  - (4) The Secretary may deny an application for a permit for any of the following reasons:
    - (A) Non-compliance with any requirements of these rules or a salvage yard permit;
    - (B) Non-compliance with the terms of a certificate of approved location issued by the legislative body of the governing municipality;
    - (C) Misrepresentation of any fact related to the salvage yard's operations or activities that would trigger additional requirements under these rules; or
    - (D) Falsification of any record required to be maintained or submitted to the Secretary by the permittee under these rules.
  - (5) If an application is denied on any of the reasons set forth in **subdivision (b)(4) of this section**, a written decision denying the permit and specifying the reasons for denial shall be sent to the applicant within 30 days of the Secretary's decision.
  - (6) When issuing a draft or final permit, the Secretary may impose any conditions, requirements, or restrictions as deemed necessary to ensure compliance with applicable statutes, regulations, or protect human health and the environment.
- (c) Permit Renewal.
- Prior to the expiration date of an existing salvage yard permit, the permittee shall apply for renewal of the permit by submitting a completed copy of the application form provided and shall include all other required information as provided for in **subdivision (b)(2) of this section**. If a permittee has submitted an administratively complete application for a renewal permit at least 30 days prior to the expiration of the existing permit, the terms of the existing permit shall remain in force and effect until final determination on the application has been made by the Secretary.
- (d) Permit Amendment.

- (1) The Secretary may amend an existing salvage yard permit upon:
    - (A) a written request by the permittee that contains facts and reasons supporting an amendment; or
    - (B) the Secretary's own motion and determination of any cause listed in **subdivision (d)(2) of this section**.
  - (2) Amendments to a permit may be made for cause, which shall include:
    - (A) notification of a change to the salvage yard or salvage yard operations made by a permittee under **subdivision (a)(3) of this section**;
    - (B) a change in the amount or type of financial mechanism used to meet the financial assurance requirements of **§ 26-303 of these rules** (if applicable);
    - (C) a change in an approved materials removal plan as required by **§ 26-304** (if applicable);
    - (D) information received by the Secretary that was not available when the permit was issued (other than revised regulations or guidance) and that justifies the addition of new or different permit conditions;
    - (E) the standards or regulations on which the permit was based have been changed by statute, regulation, or by judicial decision, after the permit was issued; or
    - (F) an error identified in the permit.
  - (3) Prior to issuance of an amended permit, the permittee shall submit any new or updated information required under **subdivision (b) of this section**, including any difference in the permit fee that applies as a result of any change in salvage yard operations.
  - (4) The Secretary may rely on any information submitted by the permittee in determining whether an amendment is appropriate, and may require a permittee to submit an updated permit application form.
  - (5) If the Secretary determines that permit amendment is appropriate, only the conditions subject to the amendment shall be reopened. Until amendments are granted or denied in whole or in part, all terms and conditions of the existing permit shall remain in full force and effect.
  - (6) The Secretary may make *de minimis* modifications to a permit without following the procedure set forth in these rules where the Secretary finds that a change to a salvage yard or salvage yard operations poses no threat to human health or the environment.
- (e) Suspension or Revocation.

- (1) Authority. The Secretary may suspend or revoke a permit upon his or her own motion or upon receipt of a written petition for suspension or revocation.
- (2) Petition for suspension or revocation. Petitions for revocation or suspension shall be addressed to the Secretary, and shall include the following information:
  - (A) The name, address, and telephone number of the petitioner;
  - (B) A statement of the petitioner's interest in the matter;
  - (C) The alleged basis for suspension or revocation of the permit, along with any facts in support of such suspension or revocation under these rules; and
  - (D) The signature of the petitioner.
- (3) Bases for suspension or revocation. The following shall be bases for suspension or revocation of a permit:
  - (A) Violation of a permit condition;
  - (B) Violation of or failure to comply with the provisions of these rules or any authorizing statutes;
  - (C) False or misleading information submitted in support of a permit application;
  - (D) A petition to revoke submitted by a municipality based on the expiration or violation of the municipality's certificate of approved location issued pursuant to **24 V.S.A. § 2255**.
  - (E) A petition to suspend or revoke submitted by the permittee; or
  - (F) A determination by the Secretary that the suspension or revocation of a permit is necessary to prevent:
    - (i) actual substantial harm to the public health, public safety, or the environment; or
    - (ii) an imminent and substantial threat of harm to the public health, public safety, or the environment.
- (4) Notice of suspension or revocation. The Secretary shall provide notice of the suspension or revocation to the permittee. Except as provided in **subdivision (e)(5) of this section**, such notice shall be provided at least 14 days prior to the date when the suspension or revocation takes effect. The notice shall include:
  - (A) the legal authority for the proposed action;

- (B) a brief statement of the facts upon which the proposed action is based;
  - (C) the effective date of suspension or revocation of the permit; and
  - (D) notification of the permittee's right to, within 30 days of receipt of the written notification, request a hearing to present information in response to the notice for suspension or revocation.
- (5) Finding of harm; threat of harm. If the Secretary determines that immediate suspension or revocation of a salvage yard permit is necessary to prevent actual substantial harm or an imminent and substantial threat of harm to the public health, public safety, or the environment under **subdivision (e)(3)(F) of this section**, the suspension or revocation shall become effective upon the receipt of the Secretary's notice under **subdivision (e)(4) of this section**. The suspension or revocation shall be effective until any requested hearing has been completed and a final decision issued by the Secretary.
- (6) Hearing; request. Upon request for a hearing made within 30 days of receipt of the Secretary's notice of suspension or revocation, the Secretary shall hold a hearing on the petition for suspension or revocation of the permit. The failure to request a hearing within 30 days of receipt of the Secretary's notice shall constitute a waiver of the right to a hearing on the petition.
- (7) Party status. The Secretary shall determine the right of the petitioner or any other persons requesting party status to participate in the proceedings. In determining party status, the Secretary shall consider whether a person or his or her property is directly affected by the permitted salvage yard or the salvage yard's operations. The Agency and the municipality in which the salvage yard is located shall automatically be parties to the proceedings.
- (8) Burden; admissibility of evidence. The hearing in a contested case shall be conducted by a hearing officer appointed by the Secretary. The burden of establishing that the permit should be suspended or revoked shall be upon the party petitioning for suspension or revocation of the permit. The admissibility of evidence in proceedings under this section shall be determined under the criteria set forth in **3 V.S.A. § 810**.
- (9) Recording. Upon request of a party, a hearing held under this section shall be transcribed by a qualified stenographer or recorded on an electronic sound device. If a transcription by a stenographer is requested, the request shall be made in writing at least 10 days prior to the scheduled hearing. Costs shall be borne by the requesting party. The requesting party shall provide one copy of the transcript to the Secretary without costs; other parties wishing to obtain a copy of the transcript shall reimburse the requesting party on a prorated basis.
- (10) Examination of evidence; decision and order. The examination of evidence, decision, and order shall be governed by the provisions of **3 V.S.A. §§ 811 and 812**. The final decision shall be made by the Secretary within 30 days

after the close of the hearing. This decision shall constitute the final decision of the Secretary. Copies of the decision shall be sent to the permittee, other parties, and the legislative body of the municipality.

**§ 26-302. Threshold Activities; Limitation of Risk**

- (a) Purpose. This section establishes requirements and procedures for salvage yards to limit the risk posed to public health, public safety, and the environment posed by certain activities conducted at the salvage yard.
- (b) Applicability. As of January 1, 2017, all salvage yards that conduct any of the threshold activities specified in **subsection (c) of this section** shall be required to:
  - (1) obtain financial assurance in an amount sufficient to ensure that, upon abandonment of a salvage yard or upon cessation or interruption of salvage yard operations, adequate funds are available to ensure that no actual harm or threat of harm to human health or the environment remains pursuant to section **§ 26-303 of these rules**; or
  - (2) remove such materials to below specified threshold levels pursuant to an approved materials removal plan pursuant to section **§ 26-304 of these rules**.
- (c) Threshold Activities. A salvage yard shall comply with the requirement of **subsection (b) of this section** if the salvage yard accumulates tires, used oil, hazardous waste, or a combination thereof, in the following amounts:
  - (1) Tires. Management or storage of tires in an amount greater than the salvage yard's annual vehicle throughput multiplied by a factor of four.

Example: A salvage yard that has an annual vehicle throughput of 100 motor vehicles may manage or store up to 400 tires (100 vehicles × 4 tires) on the salvage yard site without being required to comply with § 26-302(b).
  - (2) Used oil. Management or storage of used oil (in gallons) in an amount greater than the salvage yard's annual vehicle throughput multiplied by a factor of one and a half. This shall not include salvage yards that manage used oil stored on site under an approved Spills Prevention, Controls, and Countermeasures (SPCC) Plan through the United States Environmental Protection Agency.

Example: A salvage yard that has an annual vehicle throughput of 100 motor vehicles may manage or store up to 150 gallons (100 vehicles × 1.5 gallons) of used oil on the salvage yard site without being required to comply with § 26-302(b).
  - (3) Hazardous waste. Management or storage of more than 300 gallons of hazardous waste.

### § 26-303. Financial Assurance

- (a) **Applicability.** As of January 1, 2017, a permittee of a salvage yard that conducts any of the threshold activities specified in **§ 26-302(c) of this rule** shall be required to obtain financial assurance pursuant to this section, unless such permittee obtains an approved plan to remove such materials in accordance with **§ 26-304 of these rules**.
- (b) **Amount.** Financial assurance shall be maintained in an amount equal or greater to the amount of the cost estimate for closure as determined by the procedure set forth in **§ 26-407 of these rules**.
- (c) **Financial Mechanism.** Financial assurance shall be established by one of the financial mechanisms or a combination of the financial mechanisms provided for in **40 C.F.R. § 265.143**. The Secretary may draw on any or all of the financial mechanisms used to provide for financial assurance for closure. The financial mechanism or combination of financial mechanisms shall comply with the requirements of **40 CFR § 265.143** and shall otherwise:
  - (1) be valid and enforceable under Vermont law;
  - (2) not allow cancellation without first allowing the Secretary to draw funds; and
  - (3) be used only for salvage yard closure activities, including proper disposal or recycling of all tires, hazardous waste, and used oil.
- (d) **Completion of Obligation.** Within 60 days of certification of closure submitted to the Secretary pursuant to **§ 26-407(a)(4) of these rules**, the Secretary shall notify the permittee in writing that the permittee is no longer required to maintain financial assurance for closure activities.
- (e) **Notice of Change or Termination.** A permittee shall notify the Secretary in writing of any anticipated change in or termination of the financial mechanism used to demonstrate financial assurance at least 60 days prior to the date of the anticipated change or termination. Upon receiving verification that the new financial mechanism is in place, the Secretary may require a permit amendment pursuant to **§ 26-301(d) of these rules**.
- (f) **Evidence of Financial Assurance.** A permittee shall maintain documentation of all financial mechanisms used to maintain financial assurance as required by this section. Such documentation shall be made available to the Secretary for review within 24 hours of a request by the Secretary.
- (g) **Inability to Maintain Financial Assurance.** Where a salvage yard that conducts any of the threshold activities in **§ 26-302(c) of these rules** is unable to maintain financial assurance in accordance with this section, the permittee shall submit a materials removal plan for approval in accordance with **§ 26-304 of these rules**.

## § 26-304. Materials Removal Plan

- (a) **Applicability.** As of January 1, 2017, a permittee of a salvage yard that conducts any of the threshold activities specified in **§ 26-302(c) of these rules** shall be required to submit a plan to remove such materials in accordance with this section, unless such permittee has obtained financial assurance pursuant to **§ 26-303 of these rules**.
- (b) **Plan to Remove Materials.** A materials removal plan shall be designed to ensure the reduction of tires, used oil, and/or hazardous waste managed or stored on the salvage yard site (through proper removal and disposal) so that the salvage yard, by a date approved by the Secretary that is no more than two years from the date of plan approval, and at any point in time thereafter, will not conduct any of the threshold levels identified in **§ 26-302(c) of these rules** for that salvage yard. A materials removal plan shall include at a minimum:
  - (1) A description of the work required to reduce the amount of tires, used oil, and/or hazardous waste managed or stored on site to amounts below the threshold levels identified in **§ 26-302(c) of these rules** for that salvage yard;
  - (2) A summary of all proposed labor, equipment and materials, and testing necessary to complete the work identified in **subdivision (b)(1) of this section**;
  - (3) A schedule for the completion of all work required by the plan. The schedule shall:
    - (A) identify all tasks to be performed and/or completed under the plan and a timeline for completing the work;
    - (B) provide milestones for the reduction in quantity of any and all tires, hazardous waste, and/or used oil as a result of the work performed under the plan; and
    - (C) identify the date by which the work under the removal work plan will be complete, so that the salvage yard will not conduct any of the threshold levels identified in **§ 26-302(c) of these rules**. The schedule shall demonstrate the ability to complete all work outlined in the plan within two years from the date of plan approval. A schedule for completion that requires longer than two years from the date of approval of the plan shall be denied.
- (c) **Review; Approval.** Materials removal plans shall be reviewed by the Secretary prior to approval. Compliance with an approved materials removal plan and dates for submission of semi-annual reports pursuant to **subsection (e) of this section** shall become a condition of the permit issued to the salvage yard.

- (d) **Plan Amendment.** An approved materials removal plan may be amended upon written request by the permittee. The written request shall identify which item(s) in the approved materials removal plan are proposed to be amended, and shall provide justification for the proposed amendment(s). A materials removal plan shall not be amended less than 90 days before the date plan by which all work shall be completed as specified in the approved plan. If the amendment request requires the amendment of any existing or addition of any new permit conditions, the Secretary may require the permittee to submit a permit amendment request under **§ 26-301(d) of these rules.**
- (e) **Semi-annual Reports.** A permittee operating under an approved materials removal plan shall submit reports to the Secretary summarizing the completion of tasks identified in the plan. Reports submitted under this section shall be submitted twice annually by dates prescribed by the Secretary, and shall be submitted in electronic form on dates established by the Secretary. Reports shall include:
- (1) a description of all tasks conducted or completed during the period being reported;
  - (2) the starting and ending quantities of waste materials (tires, hazardous waste, used oil) identified in the materials removal plan for the period being reported. The report shall indicate whether the milestones for reduction of materials has been met for that period as set forth in the materials removal plan;
  - (3) if a milestone for a period is not met, the report shall include a description of the reasons or circumstances that prevented achievement of the milestone, and shall describe any remediation required to ensure attainment of that period's milestone and all future milestones.
  - (4) the signature of the permittee or other authorized representative in accordance with the signature and certification requirements of **§ 26-107 of these rules**; and
  - (5) copies of all documentation that verify proper disposal or removal of the materials identified in the materials removal plan (e.g., DOT shipping papers, transport receipts, disposal invoices, uniform hazardous waste manifests).
- (f) **Notification of Completion.** Within 30 days of completion of the approved materials removal plan, the permittee shall submit to the Secretary certification that the work required to be performed under the plan has been completed in accordance with the approved plan and all terms of the Secretary's approval of the plan, and these rules. The certification shall be signed by the permittee in accordance with **§ 26-107 of these rules.**
- (g) **Records.** The permittee shall maintain records demonstrating compliance with the approved materials removal plan. Records shall be maintained for at least three years, and shall be submitted to the Secretary upon request.

### § 26-305. Operator Training

- (a) On-Site Emergency Information. There shall be at least one person at the salvage yard during normal operation hours that has been trained in the following areas:
  - (1) The emergency actions to be taken in response to a discharge of hazardous waste or release of hazardous material;
  - (2) The locations and proper use of emergency shut-off switches, spill cleanup equipment and safety equipment;
  - (3) The location of posted emergency response information, including phone numbers for reporting spills, discharges, releases, and other emergencies.
  
- (b) Annual Training Workshop. At least once annually, the owner or operator of a salvage yard shall attend a training workshop conducted by or approved by the Agency regarding the requirements of **24 V.S.A. chapter 61, subchapter 10** and these rules, best management practices, existing and proposed environmental standards, and other applicable federal, State, or municipal requirements. Compliance with this section shall be documented by a written record of the owner's or operator's attendance at one or more annual trainings conducted under this section.

## Subchapter 4 – Operating Standards and Facility Closure

### § 26-401. Siting Requirements

- (a) No person shall establish, operate, or maintain a salvage yard within 1,000 feet of the nearest edge of the right-of-way of an interstate or primary highway system that is visible from the main travelled way thereof during any season of the year.
- (b) Notwithstanding **subsection (a) of this section**, a salvage yard may be operated within 1,000 feet of the nearest edge of the right-of-way of the interstate and primary highway system or within 100 feet of the nearest edge of the right-of-way of a state or town road, provided that the area in which the salvage yard is located is zoned for industrial use under authority of state law, or if not zoned for industrial use under state law, is used for industrial activities as determined by the State Transportation Board with the approval of the United States Secretary of Transportation.
- (c) A salvage yard shall not be sited or operated within:
  - (1) 100 feet of the nearest edge of the right-of-way of a State or town road;
  - (2) 100 feet of a navigable water, as that term is defined in **10 V.S.A. § 1422**;
  - (3) a flood hazard area or river corridor;
  - (4) 300 feet of a potable water supply, as that term is defined in **10 V.S.A. § 1972**, unless:
    - (A) The water supply provides water to the salvage yard; or
    - (B) The Agency of Natural Resources approves management practices or remedial measures to prevent contamination of the potable water supply
  - (5) 100 feet of a Class I or Class II wetland as those terms are defined in **10 V.S.A. § 902**.
- (d) The prohibitions in **subsection (c) of this section** shall not apply to a valid certificate of registration or salvage yard permit issued under **24 V.S.A. subchapter 10** before July 1, 2010. Any expansion of a salvage yard site or operations as of the effective date of these rules shall comply with the prohibitions in **subsection (c) of this section**.
- (e) For any first-time salvage yard permit issued on or after the effective date of these rules, the permitted salvage yard shall not be sited or operated in the following areas:
  - (1) The Source Protection Area of a public community water system or public non-transient, non-community (NTNC) water system using a groundwater source;

- (2) Within 300 feet of a transient, non-community (TNC) groundwater sources;
- (3) Within Zone 1 or Zone 2 of a Source Protection Area of a public community water system or NTNC water system using a surface water source, except that the Secretary may, on a case-by-case basis make a determination that a salvage yard may be sited in Zone 2 of a source protection area of a water system using a surface water source.

**§ 26-402. Screening**

- (a) All salvage yards shall be screened by a fence, vegetation, or other artificial means used for screening, which effectively screens the salvage yard from public view year round. All screens shall have a gate at each entrance that shall be closed except during business hours.
- (b) Notwithstanding **subsection (a) of this section**, where approved in the certificate of approved location issued by the legislative body of the governing municipality, and where the topography, natural growth of timber, or other natural barrier screens the salvage yard from view in part, a permittee shall be required to screen only those parts of the salvage yard not fully screened year-round.
- (c) Fences, gates, and artificial means used for screening shall be kept in good repair, and shall not be used for advertising signs or other displays which are visible from the main travelled way of an interstate, primary highway, state, or town road.
- (d) Except while being transported onto or off of the salvage yard site, all junk managed, stored, or deposited in a salvage yard, including junk that is being loaded or off-loaded for transport, shall be kept within the fenced enclosure. All processing of salvage materials shall be performed within the fenced enclosure.

**§ 26-403. Vehicle Processing**

- (a) No person shall deliver junk vehicles to or operate a crusher at a salvage yard that does not have a valid permit under these rules.
- (b) A permittee shall maintain a current inventory or list of all vehicles managed or stored in the salvage yard. The list shall include the following information:
  - (1) The make, model, year, vehicle identification number (VIN) for all vehicles managed or stored on site;
  - (2) The salvage yard's annual vehicle throughput. This shall require the dates (where applicable) that each vehicle managed or stored on site was:
    - (A) received by the salvage yard;
    - (B) drained of fluids;
    - (C) crushed; and

- (D) transported to an end facility; and
- (3) Identification of the facility that received the vehicles transported off-site.
- (c) The inventory or list required by **subsection (b) of this section** and any supporting documentation shall be maintained at the salvage yard for at least three years and shall be made available for inspection by the Secretary upon request.
- (d) Batteries and mercury-added vehicle switches shall be removed from vehicles prior to crushing. All mercury-containing devices shall be managed in accordance with the **Vermont Hazardous Waste Management Regulations, subchapter 9 (Universal Waste Management Standards)**.
- (e) Motor vehicles shall be drained of all fluids prior to crushing and within 365 days of receipt of the motor vehicle by the salvage yard, except that a vehicle with visible signs of leaking fluids shall be drained immediately.
- (f) Vehicle fluids shall be managed according to **§ 26-405 of these rules**. The fluids that shall be drained, collected, and stored under this subdivision include antifreeze, oil, brake fluid, fuel, refrigerants, and transmission fluid.
- (g) Vehicles shall be drained and crushed:
  - (1) in the areas designated on the current salvage yard site map for vehicle crushing; and
  - (2) on or over a surface that is designed to retain seepage or draining fluids and that is designed to prevent releases or discharges to groundwater or surface waters, or other releases or discharges to the environment; or
  - (3) by using a crusher with an on-board fluid-recovery and storage system that prevents releases or discharges to ground water or surface waters, or other releases or discharges to the environment.
- (h) The requirement under **subsection (e) of this section** to drain vehicles within 365 days of receipt shall not apply to a permitted salvage yard that, as of January 1, 2010, is conducting business, the primary activity of which is the handling of total loss vehicles from insurance companies.

**§ 26-404. Tire Management**

- (a) Applicability. This section shall apply to the management of tires that are not mounted on vehicles.
- (b) Tire Storage; Management. A salvage yard that manages or stores tires outdoors shall store such tires in piles that are:
  - (1) confined to the areas designated on the current salvage yard site map for storage of tires;

- (2) no more than 25 feet wide, and no more than 15 feet high;
  - (3) separated by fire lanes that are at least 25 feet wide; and
  - (4) accessible to fire trucks and other emergency vehicles.
- (c) Records of Shipments. Salvage yards shall maintain records of all shipments of tires sent to an authorized tire recycling or disposal facility. These records shall be retained at the salvage yard for three years, and shall be made available to the Secretary upon request.

**§ 26-405. Vehicle Fluid; Hazardous Waste Management**

- (a) Fluids drained pursuant to **§ 26-403 of these rules** shall be managed in accordance with the **Vermont Hazardous Waste Management Regulations** where those regulations apply, and stored in containers and/or tanks on an impervious surface within a structure that protects the containers and/or tanks from precipitation.
- (b) All containers and tanks used to accumulate or store drained fluids shall be:
- (1) stored in the areas designated on the current salvage yard site map for storage of drained vehicle fluids;
  - (2) kept in good condition;
  - (3) compatible with the fluid stored in them;
  - (4) clearly labelled or marked to identify the contents;
  - (5) kept closed except when fluids are being added or removed; and
  - (6) stored where they can be inspected for leaks. This shall mean that the label or marking is visible and that the container or tank can be accessed by an individual without moving the container or tank or any nearby items out of the way first.

**§ 26-406. Inspection and Self-Certification**

- (a) Weekly Inspection.
- (1) Inspections of the salvage yard shall be conducted on a weekly basis by or under the direction of the permittee. Inspections shall determine compliance with the following provisions:
    - (A) All containers and tanks used to accumulate or store hazardous waste, hazardous material, used oil, or other vehicle fluids shall be inspected for compliance with **§ 26-405 of these rules**;

- (B) If the salvage yard operates a crusher on site, the crusher pad and/or crushing area shall be visually examined for cracks, standing fluids or liquids, or other indications of a spill or leak; and
  - (C) All tire piles shall be inspected for compliance with **§ 26-404(b) of these rules.**
- (2) The results of all inspections conducted pursuant to this section shall be documented in an inspection log. All entries in the log shall be dated, initialled by the person(s) that conducted the inspection, and shall indicate the results of the inspection (whether the salvage yard met compliance with the inspection items specified in **subdivision (a)(1) of this section**). The inspection log shall be maintained at the salvage yard for three years and shall be made available for review by the Secretary upon request.
  - (3) Any indication of a discharge of hazardous waste or release of hazardous material discovered or suspected as a result of an inspection shall be reported and managed in accordance with **§ 26-108 of these rules.**
- (b) Self-Certifications.
- (1) On an annual basis and by a date determined by the Secretary, the permittee shall inspect the salvage yard for compliance with these rules. A self-certification checklist, including a list of the areas to be inspected under this section, shall be provided by the Secretary.
  - (2) Permittees shall report the results of inspections conducted pursuant to **subsection (b)(1) of this section** to the Secretary by:
    - (A) submitting a signed copy of the self-certification checklist completed by the date set forth in **subdivision (b)(1) of this section**; or
    - (B) completing the electronic self-certification checklist available through the Secretary’s website by the date set forth in **subdivision (b)(1) of this section.**
- (c) Noncompliance with Rules. Any noncompliance with these rules that is discovered as a result of an inspection conducted under this section shall be corrected by the permittee immediately. For violations that cannot be corrected by the self-certification date set forth by the Secretary in **subdivision (b)(1) of this section**, the permittee shall complete and submit a “Return to Compliance” form in accordance with **subsection (d) of this section.**
- (d) Return to Compliance.
- (1) If a salvage yard is unable to achieve compliance by the self-certification date set forth by the Secretary in **subdivision (b)(1) of this section**, the permittee shall report on a “Return to Compliance” form provided by the Secretary and submit the form to the Secretary. The form shall include, at a minimum, a description of the deficiencies unable to be corrected by the self-

certification date, the steps that will be taken by the permittee to correct the deficiencies as soon as reasonably possible, and a schedule for completing those steps.

- (2) The Secretary shall review the completed "Return to Compliance" form and shall either accept or reject the proposed corrective steps and/or schedule for completion and shall notify the permittee of its decision.
  - (3) Based on the type of deficiencies identified in the completed "Return to Compliance" form, the Secretary may impose any additional corrective steps and/or require a different schedule for completion if the Secretary believes that the proposed corrective actions steps and/or schedule will not achieve compliance in a period of time that is most protective of human health or the environment. The Secretary shall notify the permittee of any modifications to the proposed corrective steps and/or schedule for completion and the Secretary's reasons for those modifications.
  - (4) The Secretary may conduct a follow-up inspection of the salvage yard to ensure that the required corrective steps are being taken by the permittee within the required schedule for completion.
- (e) Notification. Within five business days of correcting any deficiencies, the permittee shall notify the Secretary in writing that compliance has been achieved.

#### **§ 26-407. Facility Closure; Cost Estimate**

- (a) Facility Closure.
  - (1) Upon ceasing of salvage yard operations, the permittee shall, within 90 days after cessation of salvage operations, close the site in accordance with the salvage yard's approved closure plan.
  - (2) Salvage yards must be closed in a manner that:
    - (A) minimizes the need for further maintenance;
    - (B) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the release of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the groundwater, surface water, or to the atmosphere; and
    - (C) complies with the closure requirements of this section.
  - (3) An extension of the 90-day closure period may be granted on a case-by-case basis. Request for an extension under this section shall be made no later than 30 days prior to the end of the closure period. Requests shall be made in writing to the Secretary, shall provide reasons supporting the request for extension, and shall set forth a timeline for completion of all closure requirements.

- (4) Within 60 days of closure, the permittee shall submit to the Secretary certification that closure was completed in accordance with the specifications of the approved closure plan and these rules. The certification must be signed by the permittee in accordance with **§ 26-107 of these rules**. The Secretary may also require certification of closure to be made by an independent professional engineer licensed in the State of Vermont.
- (5) All records that demonstrate compliance with the closure requirements of this subchapter shall be maintained by the permittee for at least three years. The permittee shall make such records available to the Secretary upon request.

(b) Closure Plan.

- (1) Submission requirement. As of January 1, 2017, the permittee shall submit a written plan for closure of the salvage yard as part of any first-time or renewal application for a salvage yard permit. Closure plans may be submitted on a form prepared by the Secretary, and shall satisfy the requirements of **subdivision (b)(2) of this section**. Closure plans shall be updated and resubmitted annually with a salvage yard renewal application.
- (2) Closure plan; requirements. A closure plan shall identify the steps necessary to close the salvage yard at any point during its intended life in a manner that meets the standards specified in **subdivision (a)(2) of this section**. The closure plan shall include, at a minimum:
  - (A) A description of the work necessary to properly close the salvage yard. This shall include:
    - (i) the maximum number of tires to be stored or managed on-site at any one time over the active life of the salvage yard, and a detailed description of the method(s) to be used during closure to remove and transport all tires from the salvage yard and transport them to an off-site facility for proper management or disposal;
    - (ii) the maximum amount of used oil (in gallons) to be stored or managed on site at any one time over the active life of the salvage yard, and a detailed description of method(s) to be used to ensure that all used oil is managed in accordance with **subchapter 8 of the Vermont Hazardous Waste Management Regulations** (including how the used oil will be properly removed and transported to an off-site facility for proper management or disposal); and
    - (iii) the types and maximum amounts of each type of hazardous waste to be stored or managed on-site at any one time over the active life of the salvage yard, an estimate of the types and amounts of hazardous waste likely to be generated from closure

activities, and a detailed description of the method(s) to be used during closure to ensure that all such wastes are managed in accordance with the **Vermont Hazardous Waste Management Regulations** (including how the hazardous waste will be properly removed and transported to an off-site facility for proper management or disposal).

- (B) A schedule for closure, including the time required to complete each work item or phase in the closure plan, the total amount of time required to complete all closure activities, and the expected date of completion of all closure activities.
  - (3) Review and approval. Closure plans shall be approved by the Secretary. Compliance with an approved closure plan shall become a condition of the salvage yard's permit issued under these rules.
  - (4) Amendment of closure plan. An amended closure plan shall be submitted for approval by the Secretary whenever:
    - (A) changes are made to the salvage yard operations, activities, or site conditions that will affect the work required by the approved closure plan; or
    - (B) there is a change in the expected date of closure of the salvage yard.
  - (5) Closure plan amendment; submission. A closure plan amendment shall be submitted along with any permit amendment request when a permit amendment is required as a result of any change in the salvage yard's operations, activities, or design. If a permit amendment is not needed to authorize the change in the salvage yard's operations, activities, or design, a closure plan amendment shall be submitted within 60 days after the change in plans or design occurs.
- (c) Closure Cost Estimate.
- (1) As of January 1, 2017, all salvage yards required to prepare a closure plan under **subsection (b) of this section** shall also maintain a written estimate of the total third-party costs of closing the salvage yard in accordance with the closure plan. The cost estimate shall identify the costs required for a third-party contractor to complete the specified items and activities identified in the closure plan at the point in the life of the salvage yard when closure would be most expensive, representing a worse-case scenario for closure of the salvage yard. For purposes of this section, a third party is a party who is neither a parent nor a subsidiary of the owner or operator.
  - (2) A cost estimate shall be prepared by the permittee pursuant to **subdivision (b)(3) of this section**. The cost estimate shall incorporate the average current market rates for proper tire, used oil, and hazardous waste disposal, as determined by the Secretary, for all services required to close the facility

as specified in **§ 26-407(a)(2) of these rules**. The average current market rates for services shall be posted to the Agency's website, and shall be updated by the Secretary at least every two years.

- (3) The closure cost estimate for a salvage yard shall be calculated as follows:
  - (A) Tires. Salvage yards that manage or store tires on-site shall multiply the maximum number of tires identified in the closure plan pursuant to **subdivision (b)(2)(A)(i) of this section** by the average current market rate for proper removal and disposal of tires, as determined by the Secretary;
  - (B) Used oil. Salvage yards that manage or store used oil on-site shall multiply the number of gallons of used oil identified in the closure plan pursuant to **subdivision (b)(2)(A)(ii) of this section** by the average current market rate for proper removal and disposal of used oil, as determined by the Secretary.
  - (C) Hazardous waste. Salvage yards that generate, manage, or store hazardous waste on-site shall multiply the amount of each type of hazardous waste identified in the closure plan pursuant to **subdivision (b)(2)(A)(iii) of this section** by the average current market rate for proper removal and disposal of hazardous waste, as determined by the Secretary.
  - (D) Total cost. The total cost estimate for the salvage yard shall equal the combined totals of **subdivisions (3)(A), (3)(B), and (3)(C) of this section**.
- (4) The closure cost estimate shall not incorporate any salvage value that may be realized from the sale of materials stored on-site (e.g. scrap metal, solid waste, etc.) facility structures or equipment, land, or other assets associated with the salvage yard at the time of closure.
- (5) Cost estimates shall be revised whenever a change in the closure plan increases the cost of the closure cost estimate. A cost estimate may be revised at any time during the active life of the facility if a change in the closure plan required by **subsection (b) of this section** decreases the closure cost estimate.
- (6) The permittee shall keep a copy of the latest closure cost estimate prepared in accordance with this section at the salvage yard during the operating life of the facility.