

Junkyards Revisited

Junkyards. Everyone can think of one they know that needs to be addressed because of state or local regulatory infractions. Now there is a report that verifies your anecdotal evidence. And it may result in some new ways of dealing with junkyards in your community.

Last spring the Agency of Natural Resources asked a staff member of the Solid Waste Division to investigate the status of junkyards in Vermont. Craig Ruberti undertook that investigation and produced an informative report last summer.

While the report does not do justice to municipal efforts to regulate junkyards under the current statutes, it does provide a lot of information about the nature of junkyards in Vermont. It also traced the history of efforts to address junkyards and offered recommendations for action. According to the report there are currently 84 junkyards in Vermont licensed by the Agency of Transportation (VTrans). The purpose of such licensure is to screen them from public view of the highway system. However, since 1981, the Agency of Transportation has had just \$1 in its annual budget to handle junkyards.

The history of efforts to address junkyard issues is spotty. Resources have not been allocated to the issue in almost 20 years. The Agency of Transportation and Agency of Natural Resources have not been able to devise effective monitoring or regulation of the industry. Local efforts to enforce junkyard ordinances or regulate junkyards have often failed in the courts.

Ruberti visited 12 of the licensed facilities during the course of his study. As a result of his site visits, research of practices in other states, and complaints lodged with the Agency of Natural Resources, Ruberti developed six classifications of junkyard. They are:

1. *Automobile Metal Recycler* – receives automobiles for the purpose of disposing of them for scrap value (steel). The vehicles are stored and crushed at some point to be delivered to a shredder. White goods (washing machines, refrigerators, etc.) and scrap metal may also be handled.

2. *Scrap Metal Recycler* – does not deal with vehicles. Receives various types of metal for scrap value. White goods may be handled. Material is hauled off site in containers.

3. *Used Parts Dealer* – receives wrecked vehicles to cannibalize parts for resale. Crushing of car hulks is accomplished on or off-site.

4. *Automobile Mechanic/Rebuilder* – repairs vehicles and also buys old vehicles to keep for parts or repair for resale. Crushing may or may not be done.

5. *Salvage Pool* – receives cars from insurance companies that have been declared a total loss. Some vehicles are purchased and others received at no cost. The vehicles are left on-site with no removal of fluids except gas. Cars are sold by auction to dealers with licenses. Used parts businesses are the most frequent clients. There is only one site in the state.

6. *Household Scrap Collector* – collects metals from various products. Homeowner may sell scrap pieces on occasion but does not run a legal permitted place of business. Livelihood may center around or be subsidized by sale of their “junk.” This type of operation falls under the legal junkyard definition if four or more junked vehicles are stored on the property. There are an estimated 2,000 such sites in Vermont.

The Agency of Natural Resources’ main concern with junkyards is the potential or environmental contamination from fluids that are not drained or not completely drained and leak into the ground from the vehicles. The fluids that are most often collected are antifreeze, engine oil and gasoline. Other fluids that must be handled include freon/CFCs, parts cleaning solvents, brake/ steering/transmission fluids, and windshield washer fluid. Stormwater runoff from a junkyard is also a concern as it may contain some or all of these fluid wastes. Estimated total waste fluid generated in one year in Vermont from junkyards is 102,000 gallons.

Other types of waste include batteries, air bag cartridges, tires and rubber, glass, plastics, metals and mercury switches. An estimated 18,000 mercury switches can be found in salvaged vehicles in Vermont each year, and the potential exists for 32-40 pounds of mercury to be released to the environment from those vehicles each year.

More than anything else, the environmental issues will probably drive the Legislature to finally take action on junkyards. This report provides a good background for legislators. It recommends an information and outreach program to junkyard owners as well as targeted enforcement, potentially including junkyards under the solid waste rules and a clear definition of a junkyard.

While environmental impact is a key consideration for local governments, public safety around junkyards and their visual impact are equally important at the local level. The Town of Weathersfield has adopted a solid waste ordinance that addresses junkyards. They believe this approach will be more effective than adopting an ordinance under the junkyard section of the statutes as there are more specific enforcement provisions under the solid waste statutes. Their ordinance also cites authority under the Enumeration of Powers (24 V.S.A. 2291 (12) and (14)) to address solid waste and nuisances.

You may contact Karen Horn, Director, VLCT Membership and Legislative Services, for copies of the Agency of Natural Resources' report or the Weathersfield ordinance. Please also watch the VLCT *Weekly Legislative Report* for proposed legislation that may result from this report.

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JUNKYARD DEFINED What constitutes a junkyard is often dependent on “the eyes of the beholder.” However, state law does define them in 24 V.S.A. § 2241 (7) as follows: “*Junkyard*” means any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. “*Junkyard*” also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping four or more junk motor vehicles which are visible from any portion of a public highway. However, the term does not include a private garbage dump or a sanitary landfill which is in compliance with Section 2202 of this title and the regulations of the secretary of human services. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.”