

## SALTED SAND PILES

The Commissioner of the Department of Environmental Conservation, Jeff Wennberg, recently received a letter from the federal Environmental Protection Agency (EPA) that holds some surprising news for local governments. The letter states that highway maintenance garages do not fall within the definition of stormwater discharges associated with industrial activity under EPA's stormwater regulations. It further states that the Multi-Sector General Permit (MSGP) does not specifically address "sanded salt piles," nor does it require entities to enclose or cover "salted sand piles." The MSGP permit does require *regulated entities* to evaluate potential pollutant sources from all areas, including storage areas, and to implement measures to prevent or minimize the exposure of those pollutant sources to stormwater.

This is an important development for cities and towns because the requirement to cover salted sand piles represents a significant unfunded mandate on them. Vermont Agency of Natural Resources staff and municipal officials agree that, in many cases, covering a salted sand pile is not the best use of scarce public dollars to reduce runoff into rivers and streams. In fact, we are told that, in some instances, the more worrisome issue for Vermont is filtration down into the groundwater instead of runoff to streams.

In MS4 areas (cities and towns subject to federal Phase II regulations, including Burlington, Essex, Shelburne, Winooski, Essex Jct., Colchester, Milton and Rutland), EPA recommends that municipalities at least consider "controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, storage yards, maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas..." (40 C.F.R. § 122.34 (b) (6) (ii)).

Each municipality in Vermont should soon receive a letter from Commissioner Wennberg that explains the EPA's clarification, and indicates that municipalities will not automatically be required to cover their salted sand piles in order to prevent stormwater runoff. Instead, municipalities should consider where their salted sand piles are relative to water bodies in the community and whether stormwater runoff from them will impact those streams. There may be other, less expensive remedies to keep the runoff out of the streams, or more pressing stormwater runoff problems that need to be addressed elsewhere in your community.

If you would like a copy of the EPA's letter, please contact Karen Horn at [khorn@vlct.org](mailto:khorn@vlct.org).

- *Karen Horn, Director, VLCT Legislative and Membership Services*

***VLCT News, July 2005***