

Memo

To: Prineville Planning Commission
From: Scott Edelman, Planning Director
Date: August 10, 2011
Re: Additional Information Regarding Towing Yards and Wrecking Yards

Background

At the Planning Commission meeting on August 2nd, the Commission discussed whether towing yards should be added as a use in the M-1 (light industrial) and C-2 (general commercial) zones as the updated zoning ordinance only allows them in the M-2 (heavy industrial) zone. The question came up as a result of Jay Krider, who owns Dave's Towing, recently purchased a property in the C-2 zone with the intention of moving his business to that site. After significant discussion, the Planning Commission determined they needed additional information related to how towing companies are regulated by other agencies before deciding whether or not to proceed with an amendment to the zoning ordinance. The primary concern stated at the meeting was potential environmental impacts, particularly due to the proximity of the Crooked River to Mr. Krider's site. The Planning Commission also briefly discussed wrecking yards, which are currently allowed in the C-2 zone.

Information

I first contacted Mr. Krider to gain an understanding of which agencies he is required to go through for any permitting or compliance. He indicated that the two agencies that regulate towing companies are the Oregon Department of Motor Vehicles (DMV) and the Oregon State Police. However, these agencies are not concerned with environmental impacts but security (i.e. fencing requirements) and the way vehicles are impounded, released and otherwise processed. Mr. Krider stated that DEQ does not require any permits nor do they conduct inspections but would investigate if they were notified of a potential environmental threat. He also stated that he is not licensed to dismantle vehicles, which is a primary difference between a towing yard and a wrecking yard. Wrecked vehicles are kept on the lot until it is determined whether they will be released to a person, resold as an abandoned vehicle, or taken to a wrecking yard.

After speaking with Mr. Krider, I contacted Brian Allen of DEQ who confirmed that the agency does not directly monitor towing yards and would only investigate if a DEQ staff member saw a potential violation or one was reported to them. Mr. Allen indicated that any business is required to contact the Oregon Emergency Response System for any oil spill of over 42

gallons or of any amount if it goes directly into a water body. He also stated that a towing yard would be required to obtain a permit if they stored over 100 tires on site.

Mr. Allen also confirmed that wrecking yards face much more scrutiny from DEQ since they dismantle cars and store parts and fluids on site (Wrecking yards are allowed to store up to 1500 tires onsite without getting a special permit). He indicated that wrecking yards are required to maintain detailed records of vehicles that are dismantled as well as the amount of fluids kept on site. However, there is no regular inspection conducted by DEQ and these records are usually only reviewed if a violation is suspected. If over 1320 gallons of total hazardous liquids are stored on site, a spill contingency plan signed by a professional engineer would be required. As a follow-up to our conversation, Larry Brown (a co-worker of Mr. Allen) sent me an email detailing state and federal rules and regulations under which auto recyclers (which includes wrecking yards) are subject to. I am attaching that email for your information.

Finally, I contacted Krista Ratliff who manages DEQ's stormwater quality permitting and monitoring. She indicated that towing yards do not fall under the requirements of a stormwater discharge permit (called a 1200z permit); however, wrecking yards do. This is a relatively extensive permit. This is a 101-page permit which deals with many types of industrial uses and includes detailed requirements for planning, monitoring, reporting and overall compliance. Due to the size, I am not including it as an attachment but if you are interested it can be viewed at the following web address:

<http://www.deq.state.or.us/wq/stormwater/docs/PN1200ZNdraft.pdf>.

Summary

In regard to where towing yards are allowed, the Planning Commission should be aware that there is very limited oversight from the federal and state level in regard to potential environmental issues. Therefore, any enforcement and precautionary regulations should be included in the City zoning ordinance. The Commission should take this into consideration in determining whether to allow this use in the M1 and/or C2 zone.

In regard to wrecking yards, these do appear to be much more regulated but the impact of the use is potentially much more hazardous than towing yards. While we do have a wrecking yard currently located in the C2 zone, the Commission should consider both the potential impacts as well as the state/federal regulations in determining whether this truly is an appropriate use in the general commercial zone.

Scott Edelman

From: BROWN Larry <BROWN.Larry@deq.state.or.us>
Sent: Wednesday, August 03, 2011 3:44 PM
To: Scott Edelman
Subject: Auto Wrecking yards...

Hi Scott:

Brian Allen mentioned that you were looking for state requirements of auto wreckers. This information may be of interest to you....

Hope this helps....

Sincerely,

Lawrence (Larry) Brown REHS
Environmental Health Specialist
Solid Waste - Eastern Region Bend Office
Phone: (541) 633-2025
Fax: (541) 388-8283

Auto recyclers are subject to rules and regulations enforced by several state and federal agencies, such as:

- 1) ODOT'S Division of Driver and Motor Vehicles (DMV): They license dismantlers, towing companies and dealers, and have a process for licensing which involves a LUCS from the local jurisdiction. The DMV website has information on this process: <http://www.oregon.gov/ODOT/DMV/dealers/wrecker.shtml> Also, any of these guys in Salem should be able to give you contact information for the Business Regulation Investigator who covers Lake Co. They are great to partner with on site investigations of such entities...
 - a. Chris Ratliff, Section Manager (503) 945-5283
 - b. Ron Kramer, Chief Investigator (503) 945-5496
 - c. Chuck Hoffman, Supervisor of the Business License Unit (503) 945-5052
- 2) OR-OSHA: they have general health and safety requirements, but have specific concerns about:
 - a. Uninspected block walls (potential crush hazard).
 - b. Puncturing gas tanks causing an explosion.
 - c. Torching off catalytic converters.
 - d. Stacking cars unsafely.
 - e. Poorly maintained electric hand tools.
 - f. Inadequate restroom and drinking water facilities.
 - g. Inadequate training on heavy equipment
- 3) DEQ: of course they need to comply with SW and HW rules. Specific concerns:
 - a. Tires (number and storage).
 - b. Mismanagement of automotive fluids (spills).

- c. Lack of or inadequate HW determinations and management (Hg, air bags, batteries, solvents, etc.)
 - d. Ignorance of HW generator category and requirements.
 - e. Container labeling, management and maintenance.
 - f. Open burning of prohibited materials
 - g. Dismantlers are also subject to stormwater discharge permit requirements as “Motor Vehicle Parts, Used” businesses (SIC code 5015).
 - h. Some dismantlers are also involved in scrap metal salvage, and may fall under stormwater discharge permit requirements as “Scrap and Waste Materials” businesses (SIC code 5093).
 - i. Some dismantlers also operate “sweat furnaces” for aluminum recovery, which may fall under state and/or federal AQ regulations.
- 4) State Fire Marshall: enforces the Oregon State Fire Code
(2010): http://www.ecodes.biz/ecodes_support/Free_Resources/Oregon/Oregon_main.html
- a. Chapter 1: Scope and Administration – requires an operational permit for “wrecking yards, junk yards and waste material-handling facilities.”
 - b. Chapter 25: Tire Rebuilding and Tire Storage - imposes strict tire storage requirements w/o distinction between waste and used tires.
 - c. Chapter 26: Welding and Other Hot Work.
 - d. Chapter 34: Flammable and Combustible Liquids - regulates above-ground storage of such liquids
- 5) EPA: enforces parts of the Clean Air Act:
- a. CAA Section 608 (40 CFR Part 82, Subpart F) established requirements for the servicing and evacuation of refrigeration equipment containing ozone-depleting compounds (CFCs and HCFCs). This applies to dismantlers scrapping appliances.
 - b. CAA Section 609 (U.S. Code 7671h) gave EPA authority to establish requirements to prevent the release of refrigerants from Motor Vehicle Air Conditioners (MVACs) during servicing and to require its recycling.
 - c. The contact for this program is Katie McClintock in Seattle, Region 10 (vCard attached).
- 6) EPA also enforces Clean Water Act CWA Section 311(j)(1)(C) may require a dismantler to have a Spill Prevention, Control, and Countermeasure (SPCC) Plan if:
- a. They are considered “non-transportation related;”
 - b. They have aggregate aboveground petroleum storage of 1,320 gal. or more, or underground storage of 42,000 gal. or more; and,
 - c. There is a reasonable expectation of a discharge into or upon navigable waters of the U.S. or shoreline.

Here are links to several fact sheets on DEQ’s website which contain information you may find pertinent and useful;

- 1) Used Oil Generators: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/UsedOilGenerators.pdf>
- 2) Used Oil Space Heaters: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/UsedOilSpaceHeaters.pdf>
- 3) Used Oil Transporters and Collection Facilities:
<http://www.deq.state.or.us/lq/pubs/factsheets/hw/UsedOilTransporters.pdf>
- 4) Used Oil Burner & Marketer: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/UsedOilBurner.pdf>
- 5) Management of Waste Batteries Under the Universal Waste Rule: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/ManagementWasteBatteries.pdf>
- 6) Air Bag Management: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/AirBagManagement.pdf>
- 7) Managing Mercury Switches: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/MercurySwitches.pdf>
- 8) Used Antifreeze: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/UsedAntifreeze.pdf>