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(O'Donnell absent)

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**ORDER APPROVING SCRAP METAL
RECYCLING FACILITIES RULES**

ORDERED, that the Scrap Metal Recycling Facilities Rules attached hereto are hereby approved.

**Proposed Scrap Metal Recycling Facilities Rules
To be Promulgated by the
Department of Planning and Urban Development
Pursuant to the
Scrap Metal/Recycling Facilities Ordinance**

The following rules are promulgated pursuant to Section 31-9 of the Scrap Metal Facilities Ordinance and all terms, conditions and requirements in that ordinance are hereby incorporated by reference.

Rule #1 Baseline Testing:

- (a) An environmental waste baseline exploration and sampling plan is required which shall include the location of soil sampling and groundwater sampling locations to establish waste baseline environmental conditions at the site.
- (b) A minimum of three on-site surficial soil samples, on the upper six (6) inches and three Geoprobe-installed or conventionally-installed overburden monitoring wells are required for all sites.
- (c) The Department shall determine the number and location of soil samples and monitoring wells after reviewing the waste baseline exploration and sampling plan.
- (d) Initial waste baseline evaluation of the scrap metal recycling facility requires a waste management compliance audit of the facility by a qualified professional and the results of the audit shall be submitted to the City of Portland for evaluation prior to issuance of the license for the facility.

Rule #2 Soil Testing:

- (a) Initial waste baseline testing shall consist of three on-site and two off-site soil samples collected according to a sampling plan developed by a qualified environmental professional and submitted to the Department for review and approval as part of the application.
- (b) The three on-site samples shall be taken from soils in the principle outdoor work areas, i.e., in which metals to be recycled are received, processed and stored. The two off-site samples shall be taken in areas that are downgradient from the principal work areas with respect to surface runoff and/or are adjacent to property boundaries at which metals to be recycled are received, processed or stored. The soil samples shall represent a composite of the upper six-inches of soil at the sampling location.
- (c) The soil samples shall be analyzed for volatile organic compounds (EPA Method 8260), semivolatile organic compounds (EPA Method 8270), PCBs (EPA Method 8082), the eight RCRA metals (EPA Methods 3010/6010), diesel-range organics (MDEP Method 4.1.25), and gasoline-range organics (MDEP Method 4.2.17).
- (d) The criteria for evaluation of soil samples shall be the Maine DEP Remedial Action Guidelines for Soils (RAGS) of May 20, 1997.
- (e) The City of Portland reserves the right to request split samples of soil taken as part of the licensing procedure. The split samples taken by the City of Portland shall be analyzed by an independent laboratory in order to provide corroboration of results.

Subsequent to receiving results of waste baseline soil sampling, the City may require additional sampling at the metal recycling facility or off-site and/or a plan for remediation of contaminated soils at on-site or off-site locations.

Rule #3 Groundwater Testing:

- (a) Initial waste baseline testing shall consist of three on-site overburden monitoring wells installed by Geoprobe or conventional hollow-stem auger drilling methods. The location and the rationale for the location of the three monitoring wells shall be developed by a qualified environmental professional and submitted to the Department for review and approval as part of the application.
- (b) The three monitoring wells shall be located so as to monitor groundwater emanating from the principle outdoor work areas, i.e., areas in which metals to be recycled are received, processed and stored. Ten-foot well screens in the monitoring wells shall be placed so as to intersect the groundwater table. Groundwater samples shall be taken from the three monitoring wells in according with MDEP Low-Flow Groundwater Sampling Guidance, June 1996.
- (c) The water samples shall be analyzed for volatile organic compounds (EPA Method 8260), semivolatile organic compounds (EPA Method 8270), PCBs (EPA Method 8082), the eight RCRA metals (EPA Methods 6010/7470), diesel-range organics (MDEP Method 4.1.25), and gasoline-range organics (MDEP Method 4.2.17).
- (d) The criteria for evaluation of water samples shall be the Maine DEP Maximum Exposure Guidelines (MEGs) of January 20, 2000 and the Procedural Guidelines for Establishing Action Levels and Remediation Goals for the Remediation of Oil-Contaminated Soil and Groundwater in Maine, March 13, 2000.
- (e) The City of Portland reserves the right to request split samples of groundwater taken as part of the licensing procedure. The split samples taken by the City of Portland shall be analyzed by an independent laboratory in order to provide corroboration of results.

Subsequent to receiving results of waste baseline groundwater sampling, the City may require additional sampling at the metal recycling facility or off-site and/or a plan for remediation of contaminated groundwater at on-site or off-site locations.

Rule #4 Dismantling Motor Vehicles and Other Items Containing Waste:

The dismantling of items containing waste shall take place in a building with an impervious floor and appropriate equipment and containers to properly extract and store waste and recover any spilled or escaped waste in compliance with state and federal laws.

Upon receiving a motor vehicle, the battery shall be removed and located in such a ways as to ensure the battery's contents will not spill onto the ground.

When any engine lubricant, transmission fluid, brake fluid and/or engine coolant is removed from a vehicle, those fluids shall be drained into watertight containers which shall be kept covered and secured by containment in a storage building designed to contain spills. Any fluids from the motor vehicle shall be stored, recycled or disposed of according to all applicable federal and state laws. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

Rule #5 Storage and Handling of Waste:

Waste shall be stored and handled pursuant to and in compliance with state law and applicable regulations of the Maine Department of Environmental Protection and any amendments thereto.

Hazardous substances and hazardous waste, including PCBs, solvents, and degreasers, and mercury and special wastes, including petroleum-related products shall be received, handled, processed, stored and disposed of in accordance with State of Maine Hazardous Waste Management Rules (06-96 DEP, January 23, 2001) and Solid Waste Management Regulations (Chapter 405, September 1, 1999).

Rule #6 Setback Requirement; Visual Screening and Limitation on the Height of Piles of Metal or Other Material.

In no event shall the scrap metal recycling facility be located closer than 100 feet from a public road. The setback provision shall apply to temporary or permanent storage, weighing, or processing areas for any metal or material within the scrap metal recycling facility, but shall not apply to any driveways or administrative buildings, and shall not apply to the fences or screening which may be established to keep the facility screened from ordinary view, except such fences or screening must be outside the public road right-of-way. For the purposes of the Rules, the term "from a public road" shall mean from the far side of any immediately adjacent public road.

Visual impact standards can be met through storage, setback, or screening, or a combination thereof; however, the screening shall in no case exceed 15 feet in height and any piles of metal or other material shall not exceed 20 feet in height.

(a) *Fencing.* Fences shall be so located and of sufficient height to completely screen the metal recycling facility and any piles of material within the facility from ordinary view. The minimum height of any fence is six feet, although the actual height must be sufficient to accomplish the complete screening from ordinary view but in no case may the height of the fence exceed 15 feet. All fences shall be well constructed and maintained. All fences shall be uniform in appearance, erected in a workmanlike manner, and constructed of sound, undamaged material.

(b) *Plantings.* Screening may be accomplished through the planting and/or maintenance of trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen the metal recycling facility from ordinary view throughout the calendar.

(c) *Natural or man-made screening.* Screening may be accomplished by use of the following natural or man-made screens provided the scrap metal recycling facility is completely screened from ordinary view.

- (1) *Hills, gullies, or embankments.* Where man-made, such screens must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance; or
- (2) Building or other installations; or
- (3) A combination of the above.

If buildings or other installations are used, they are not subject to the 15 foot height limitation on fences or other types of screening.

Rule #7 Exemption from Specific Requirements:

The following requirements shall not apply to facilities existing on or before the effective date of this Ordinance.

- (a) Rule 6, 100' setback requirement.

O:/Gary/Scrap Metal Rules

Orders:\ Scrap yard rules