

Part 5 Rules

Spillage of Oil and

Polluting Materials

Ryan Blazic

DEQ Water Resources Division

Cadillac District Office

231-876-4477

Overview

- n Promulgated under Part 31, Water Resources Protection, of the NREPA
- n Self-implementing
- n No discharges authorized = no permits issued
- n Secondary containment requirements
- n Spill Notification Requirements
- n Spill Prevention and Control Requirements

Part 5 Rules - Applicability



Who Is Regulated & What Materials are Regulated

Part 5 Rules - Applicability (Who)

Who is regulated?

- n Temporary or Permanent
- n Land-based facility
- n Receives, uses, stores, ships, manufactures or processes ***Polluting Materials*** in excess of ***Threshold Management Quantities***.

Part 5 Rules – Applicability (Who)

Who is not regulated?

Exemptions:

- Recreational marinas
- Oil Fields – petroleum & brine storage
- Transportation related facilities (as defined by 40 CFR Part 112)
- Electrical equipment

Part 5 Rules – Applicability (What)

What is regulated?

Polluting Materials:

- n Oil
- n Salt
- n Table 1
Compounds



Part 5 Rules – Applicability (What)

- Oils

- Petroleum
- Fuel Oil
- Oily sludges
- Oil mixed w waste
- Synthetic oil

- Grease
- Oil refuse
- Hydraulic oil
- Vegetable oils

- Salts

- sodium chloride
- potassium chloride
- calcium chloride

- magnesium chloride
- solutions or mixtures of these salts

Part 5 Rules – Applicability (What)

Table 1: Polluting Materials

<u>Name</u>	<u>CAS</u>	<u>(TRQ - lbs.)</u>
Acetaldehyde, trichloro-	75876	(500)
Acetamide	60355	(10)
Acetic acid	64197	(500)
Acetic anhydride	108247	(500)
Acetone	67641	(500)
Acetonitrile	75058	(500)
...

Part 5 Rules – Applicability (What)

Threshold Management Quantities:

- n Oil – Storage Capacity
 - n Total 1,320 gallons, single tanks >660 gallons
- n Salt
 - n Solid – 5 tons
 - n Liquid – 1,000 gallons
- n Table 1 Compounds
 - n Indoors – 2,200 lbs
 - n Outdoors – 440 lbs

Part 5 Rules – Applicability (What)

What is not regulated?

Exemptions:

- n Manufactured Items - solids
- n Small containers (indoors) < 10 gallons or 100 lbs
- n Oils subject to SPCC
- n Hazardous Waste subject to Part 111
- n Flammables & Combustibles subject to Act 207, Fire Prevention Code
- n Underground storage tanks subject to Part 211/213
- n Oil & Gas production wells subject to Part 615

Part 5 Rules - Facility Type

- n On-land facility – Salt and Chemicals
- n Oil Storage Facility - Oil



Part 5 – On-Land Facility

On-land facilities (Salt and Chemicals)

- n Surveillance
- n Secondary Containment
 - n Including Use area and Indoor Storage
- n Pollution Incident Prevention Plan
- n Release Reporting

Part 5 – Oil Storage Facility

- n Oil Storage Facilities must comply with *portions* of Part 5:
 - n Surveillance
 - n Use Area & Indoor Storage Only
 - n Release Reporting

Part 5 Requirements

Surveillance (Oil and On-land)

- Maintain adequate surveillance of processes and storage areas to detect and respond to spills to prevent release to waters of the state.

Part 5 Requirements

Secondary Containment

- n Salt & Chemicals

- n Liquids – outdoor storage

- n Liquids – indoor storage & use areas

- n Solids

Part 5 Requirements

Secondary Containment

- Liquid outdoor storage (On-land)
 - Compatible & Impervious
 - Greater of 10% total volume or 100% of largest tank
 - Surveillance, leak detection, and precipitation removal



NO SWIMMING

1203

Showered

Winston
BIG BULL

383

217

**GASOLINE
KEEP FIRE AWAY
FLAMMABLE LIQ**

**NO SMOKING
50 FT**



Part 5 Requirements

Secondary Containment

- n Indoor storage & use areas (On-land and Oil Storage)
 - n Designed, constructed & maintained to prevent a release, directly or indirectly, to waters of the state.





051021

QC
QUALITY
CARRIERS

Top Industry Pay
Experienced Drivers Needed

Success Begins Here

- Excellent Programs
- Business Advantages

866-208-8050
Call Us Today!



Part 5 Requirements

Secondary Containment

- n Solids (On-land)
 - n No discharge
 - n Stream/Wetland isolation – 50 ft
 - n 100 year floodplain





Bureau of Corrections
1000 West 10th
Lincoln, NE 68502



State Department
of Transportation



Part 5 Requirements

Pollution Incident Prevention Plan (On-land only)

- n Basic facility info
- n Detailed site map
- n Emergency notification procedures
- n Spill control and cleanup procedures
- n Polluting material inventory
- n Secondary containment description
- n Precipitation management
- n Security measures



Part 5 Requirements

PIPP Notification

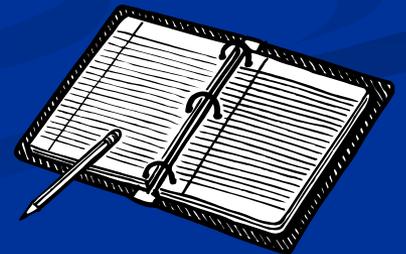
- DEQ WRD District Office
- County Health Department
- LEPC



Part 5 Requirements

PIPP Updates

- Review/Revise every 3 years
- Review/Revise after any release
- Re-notify DEQ, HD, LEPC



Part 5 Requirements

Release Reporting (On-land and Oil)

- Report All Releases over ***Threshold Reporting Quantities***
 - Call PEAS 1-800-292-4706
 - 9-1-1
 - Written Report – 10 days



Part 5 Requirements

Release Reporting – What is a Release?

Release defined under Part 201:

Spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, disposing, or abandonment...into the environment

Part 5 Requirements

Release Reporting – What is not a Release?

Exemptions:

- Permitted discharges
- Air emissions
- <1,000 gallons of Polluting Material into secondary containment
- < 55 gallons oil to ground or water
 - If effectively cleaned-up immediately

Part 5 Requirements

Release Reporting

Threshold Reporting Quantities (TRQs)

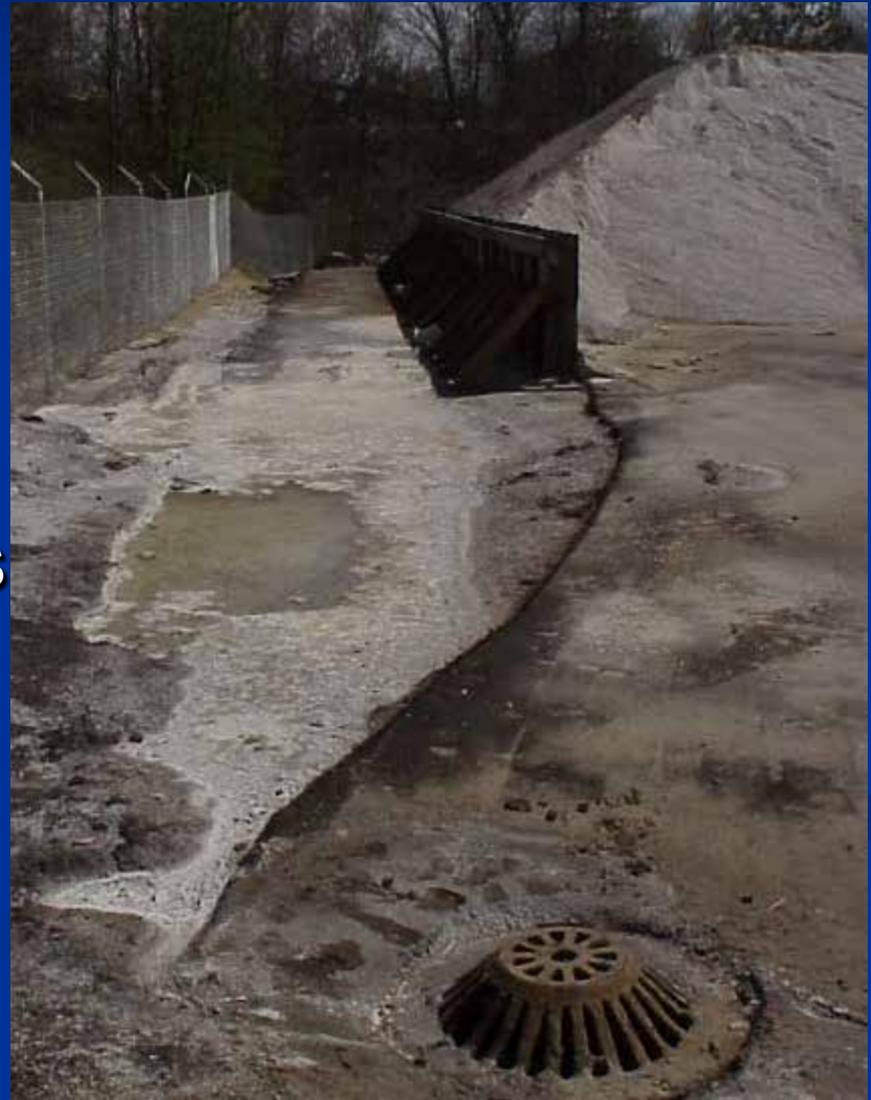
n Oil

- n To the ground > 50 lbs
- n To Waters of the State – Any quantity that causes a sheen

Part 5 Requirements

Release Reporting - TRQs

- n Salt
 - n Solid > 50 lbs
 - n Liquid > 50 gallons



Part 5 Requirements

Release Reporting - TRQs

- Table 1 Compounds
 - Chemical Specific TRQs



Enforcement

- n A person who violates any provision of this part is subject to the procedures and penalties prescribed in sections 3112, 3114, 3115, and 3115a of Part 31 of the NREPA.
- n The maximum fine imposed by the court shall be not more than \$25,000.00 per day of violation.



UPDATES

- n Office of Regulatory Reinvention (ORR) 2011 Recommendations
- n Part 5 Stakeholders Group formed and meetings held in 2013
- n Legislative action required

Part 5 Summary

Is the facility is regulated (Who and What)

- n What is the nature of the business?
- n Any exemption?
- n What materials?
- n How much?

Part 5 Summary

Regulated Thresholds

- n Solid salt >5 tons
- n Liquid salt >1,000 gal
- n Oil storage *capacity* >1,320 gal or one tank >660 gal
- n Listed Chemicals
 - n Indoors > 2,200 lbs
 - n Outdoors > 440 lbs

Part 5 Summary

What are the Requirements?

- n Surveillance (On-land and Oil)
- n Secondary Containment (On-land)
 - n Use area and Indoor Storage also applies to Oil Storage facility
- n Pollution Incident Prevention Plan (On-land)
- n Release Reporting (On-land and Oil)

Part 5 Resources

- n Part 5 Rules
- n POG – Operational Guidance (Oil, Railcars, etc)
- n PIPP & Part 5 Rules Information Packet
- n Salt & Brine Storage Guidance
- n Guide to Salt Storage Requirements for Small Commercial Snow Removal Services
- n Release Notifications Requirements in Michigan
- n Website
- n Part 5 Staff

Part 5 Contacts

- n Melinda Steffler (Program Coordinator) 586-753-3788, SE Michigan
- n Ryan Schwarb 586-753-3771, SE Michigan
- n Matt Goddard 586-753-3780, SE Michigan
- n Ryan Blazic 231-876-4477, Cadillac
- n Randy Conroy 906-236-1362, Upper Peninsula
- n Stephanie Kammer 517-897-1597, Lansing
- n Ken Leanin 269-567-3572, Kalamazoo
- n Keith Noble 989-894-6282, Saginaw Bay
- n Jeff Surfus 517-780-7921, Jackson
- n Keith Zahn 616-356-0244, Grand Rapids

Questions?

