



## Part 5 Rules: Spillage of Oil and Polluting Materials

Matt Goddard  
DEQ, Water Resources Division  
586-753-3780  
goddardm@michigan.gov

### Overview

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

### Part 5 Rules – Applicability

- WHO is regulated?
  - Temporary or Permanent
  - Land-based facility
  - Receives, uses, stores, ships, manufactures or processes **Polluting Materials** in excess of **Threshold Management Quantities**.
- WHO is not regulated?
  - Exemptions:
    - Recreational marinas
    - Oil Fields – petroleum & brine storage
    - Transportation related facilities (as defined by 40 CFR Part 112)
    - Electrical equipment
- WHAT is regulated?
  - Polluting Materials
    - Oil
    - Salt
    - Table 1 Compounds
  - Threshold Management Quantities
    - Oil – Storage Capacity
      - Total 1,320 gallons, single tanks >660 gallons
    - Salt
      - Solid – 5 tons
      - Liquid – 1,000 gallons
    - Table 1 Compounds
      - Indoors – 2,200 lbs
      - Outdoors – 440 lbs
- WHAT is not regulated?
  - Manufactured Items - solids
  - Small containers (indoors) < 10 gallons or 100 lbs
  - Oils subject to SPCC
  - Hazardous Waste subject to Part 111
  - Flammables & Combustibles subject to Act 207, Fire Prevention Code
  - Underground storage tanks subject to Part 211/213
  - Oil & Gas production wells subject to Part 615

## Facility Type

- On-land facility – Salt and Chemicals
  - Surveillance
  - Secondary Containment
    - Including Use area and Indoor Storage
  - Pollution Incident Prevention Plan
  - Release Reporting
- Oil Storage Facility – Oil
  - Oil Storage Facilities must comply with *portions* of Part 5:
    - Surveillance
    - Use Area & Indoor Storage Only
    - 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.
- Secondary Containment
  - Salt and Chemicals
  - Liquids – outdoor storage
  - Liquids – indoor storage & use areas
  - Solids
- Liquid outdoor storage (On-land)
  - Compatible & Impervious
  - Greater of 10% total volume or 100% of largest tank
  - Surveillance, leak detection, and precipitation removal
- Indoor storage & use areas (On-land and Oil Storage)
  - Designed, constructed & maintained to prevent a release, directly or indirectly, to waters of the state.
- Solids (On-land)
  - No discharge
  - Stream/Wetland isolation – 50 ft
  - 100 year floodplain
- Pollution Incident Prevention Plan [PIPP] (On-land only)
  - Basic facility info
  - Detailed site map
  - Emergency notification procedures
  - Spill control and cleanup procedures
  - Polluting material inventory
  - Secondary containment description
  - Precipitation management
  - Security measures
- PIPP Notification
  - DEQ WRD District Office
  - County Health Department
  - LEPC
- PIPP Updates
  - Review/Revise every 3 years
  - Review/Revise after any release
  - Re-notify DEQ, HD, LEPC

- 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
- 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
- Release Reporting – What is *not* a Release?
  - 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
- Release reporting – Threshold Reporting Quantities (TRQs)
  - Oil
    - To the ground >50 lbs
    - To Waters of the State – Any quantity that causes a sheen
  - Salt
    - Solid > 50 lbs
    - Liquid > 50 gallons
  - Table 1 Compounds
    - Chemical Specific TRQs

#### Enforcement

- 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.
- The maximum fine imposed by the court shall be not more than \$25,000.00 per day of violation.

#### Updates

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

#### Part 5 Summary

- Is the facility is regulated (Who and What)
  - What is the nature of the business?
  - Any exemption?
  - What materials?
  - How much?
- Regulated Thresholds
  - Solid salt >5 tons
  - Liquid salt >1,000 gal
  - Oil storage *capacity* >1,320 gal or one tank >660 gal
  - Listed Chemicals
    - Indoors > 2,200 lbs
    - Outdoors > 440 lbs
- What are the Requirements
  - Surveillance (On-land and Oil)
  - Secondary Containment (On-land)
    - Use area and Indoor Storage also applies to Oil Storage facility
  - Pollution Incident Prevention Plan (On-land)
  - Release Reporting (On-land and Oil)

## Part 5 Resources

- Part 5 Rules
- POG – Operational Guidance (Oil, Railcars, etc)
- PIPP & Part 5 Rules Information Packet
- Salt & Brine Storage Guidance
- Guide to Salt Storage Requirements for Small Commercial Snow Removal Services
- Release Notifications Requirements in Michigan
- Website
- Part 5 Staff
  - Melinda Steffler (Program Coordinator) 586-753-3788, SE Michigan
  - Ryan Schwarb 586-753-3771, SE Michigan
  - Matt Goddard 586-753-3780, SE Michigan
  - Ryan Blazic 231-876-4477, Cadillac
  - Randy Conroy 906-236-1362, Upper Peninsula
  - Stephanie Kammer 517-897-1597, Lansing
  - Ken Leanin 269-567-3572, Kalamazoo
  - Keith Noble 989-894-6282, Saginaw Bay
  - Jeff Surfus 517-780-7921, Jackson
  - Keith Zahn 616-356-0244, Grand Rapids

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