

Part 5 Rules: Spillage of Oil and Polluting Materials

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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

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

- 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

Table 1: Polluting Materials

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

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?

Exemptions:

- 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
- Oil Storage Facility - Oil
- Part 5 – On-Land Facility

On-land facilities (Salt and Chemicals)

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

Oil Storage Facility

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.

Containment

- Salt & Chemicals
 - Liquids – outdoor storage
 - Liquids – indoor storage & use areas
 - Solids
- Oil
 - Liquids – indoor storage & use areas
- 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 (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

- Exemptions:
 - Permitted discharges
 - Air Emissions
 - <1,000 gallons of Polluting Material into secondary containment
 - < 55 gallons oil
 - If effectively cleaned-up immediately
- 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.

Part 5 Resources

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

Part 5 Contacts

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