

Understanding When to Report Spills

to comply with the Industrial Storm Water Permit

Michigan Department of Environmental Quality (MDEQ)
Water Resources Division (WRD)
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First, some regulations and definitions to understand...

The Part 5 rules, Spillage of Oil and Polluting Materials, are promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). These rules became effective August 31, 2001. The specifics regarding the Part 5 rules are described in the Michigan Administrative Rules: 324.2001 to 324.2009. The information below is found in the Part 5 rules.

POLLUTING MATERIALS are limited to the following items:

- Oil
- Salt
- Any material specified in table 1 in Rule 324.2009
- Any compound or product that contains 1%, or more, by weight, of any material listed above (oil, salt, or any material specified in table 1 in Rule 324.2009) based on material safety data sheet formulation information for the compounds or products.
- "Polluting material" does not include manufactured items.

THRESHOLD REPORTING QUANTITY means any of the following:

Oil definition: Oil of any type and in any form is covered, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.

- For releases of oil to the surface of the ground, 50 pounds.
- For releases of oil to the waters of the state, any quantity that causes unnatural turbidity, color, visible sheens, oil films, foams, solids, or deposits in the receiving waterbody.

Salt definition: "Salt" means sodium chloride, potassium chloride, calcium chloride, and magnesium chloride, and solutions or mixtures of these compounds in solid or liquid form.

- For release of salt to the surface of the ground, or waters of the state, 50 pounds in solid form, unless the use is authorized by the department for deicing purposes, or 50 gallons in liquid form, unless authorized by the department as a dust suppressant or deicing agent or permitted under part 31 of the act. NOTE: See Rule 323.2210(b) in the Part 22 groundwater quality rules about applications for deicing and dust control. Discuss requirements with Water Resources Division Groundwater discharge program district staff.

Other polluting materials definition: See table 1 in Rule 324.2009.

- For releases of all other polluting materials to the surface of the ground, or waters of the state, the quantity specified in table 1 in Rule 324.2009, or any quantity that causes unnatural turbidity, color, visible sheens, oil films, foams, solids, or deposits in the receiving waterbody.

Spilled **POLLUTING MATERIALS** that meet the **THRESHOLD REPORTING QUANTITY** criteria described above needs to be reported per the requirements in the National Pollutant Discharge Elimination System (NPDES), Wastewater Discharge General Permit, Storm Water, from Industrial Activity and/or with Required Monitoring (General Permit).

General Permit Reporting Requirement for POLLUTING MATERIALS:

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated in the COC, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660). Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventive measures taken, or a schedule for completion of measures to be taken, to prevent reoccurrence of similar releases.

Now, the reporting requirements for spills that do not meet the criteria described above...

Industrial materials that are associated with the deemed regulated industrial activity on a regulated industrial site are considered to be **SIGNIFICANT MATERIALS**. The General Permit defines significant materials as:

- Any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (See 40 CFR 372.65); any chemical the facility is required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials (as defined above); Hazardous Wastes as defined in Part 111 of the Michigan Act; fertilizers; pesticides; and waste products such as ashes, slag, sludge, and plant and animal wastes that have the potential to be released with storm water discharges. Below are a couple event scenarios that are intended to help describe what is required to be reported by the permittee.

Small Event Scenario

A quantity of significant material is spilled. The spilled material is isolated to a manageable area and did not enter the on-site storm water conveyance system. The spilled material is cleaned up and disposed of properly. Case closed.

Reporting Requirements: None needed.

Medium Event Scenario

A quantity of significant material is spilled. The spilled material has entered the on-site storm water conveyance system. An investigation is performed, and the spilled material did not migrate off site to the municipal storm sewer system or to the surface waters of the state. The spilled material is cleaned up and disposed of properly. The spilled material is removed from the impacted on-site storm water conveyance system, and the system is cleaned appropriately. Case closed.

Reporting Requirements: A written report of the incident is to be filed with the Storm Water Pollution Prevention Plan (SWPPP) file and retained on-site for three (3) years.

Large Event Scenario

A quantity of significant material is spilled. The spilled material has entered the on-site storm water conveyance system. An investigation is performed, and there is reason to believe that the spilled material did migrate off site to the municipal storm sewer system or to the surface waters of the state.

Reporting Requirements: This would be considered an unpermitted discharge and a non-compliance event. Therefore, the General Permit requires that verbal notification to the district office be made within 24 hours the permittee became aware of the non-compliance event. Though the General Permit language states verbal notification within 24 hours, immediate verbal notification is highly recommended. A written report of the incident is required to be submitted to the district office within five (5) days. The written report shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times; or if not corrected, the anticipated time the non-compliance is expected to continue, and the steps taken to reduce, eliminate, and prevent recurrence of the non-complying discharge. The DEQ Spill/Release Report found in the DEQ SWPPP Template is recommended to be used for the written report. This report is also required to be filed with the SWPPP file and retained on-site for three (3) years.

Given the information within this document, if there are any questions regarding spill reporting as it relates to the Industrial Storm Water Program, or what is required by the NPDES General Permit, contact your DEQ WRD district compliance staff.