	<b>WATER RESOURCES DIVISION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: June 4, 2003	Subject: Part 31 - Part 5 Rules for Railcars and Trucks		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
Revised Date:	Program Name: Groundwater Discharge Permits Program Surface Water Quality Program		Type: <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Policy and Procedure
Reformatted Date: April 21, 2014	Number: WRD-035	Page:1 of 2	

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**NOTE: This policy was previously numbered Part 5 Rules Operational Guidance (POG #1) for Railcars and Trucks.**

**PURPOSE:** Provide guidance for transportation, storage, and use areas of polluting materials in railcars and trucks at oil storage and on-land facilities in accordance with the Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**BACKGROUND:**

- A. The DEQ's Water Resources Division is responsible for implementing the Part 5 Rules, which were substantially revised and placed into effect on August 31, 2001, and additional release reporting requirements added by Section 3111(b) of Part 31 effective June 15, 2004.
- B. Railcars and trucks receive and ship polluting materials, and the rules require clarification as it relates to transportation, storage, and use areas.
- C. The Part 5 Rules contain requirements for both storage and use areas.
- D. The railcar and truck use at a facility is typically one of three types:
  - 1. Transportation
  - 2. Storage
  - 3. Use Area

Transportation is covered under Title 49, Transportation, of the Code of Federal Regulations.

**GUIDANCE:**

- A. For the purposes of clarifying this rule, the Water Resources Division considers the following:

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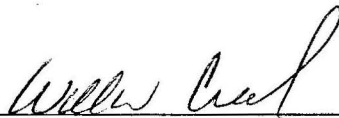
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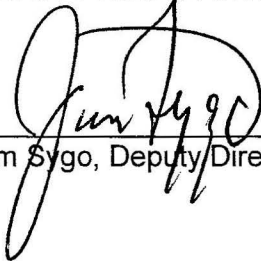
1. Transportation: Generally, railcars and trucks at a facility are considered in transport unless it is connected to the facility for purposes of loading or unloading.
2. Storage: For railcars and trucks located on the facility premises, a system is required to minimize the time railcars and trucks are kept on site; however, after 90 days, a railcar or truck will be considered "storage" and require secondary containment as described in Rule 5 of the Part 5 Rules.
3. Use Areas: Loading and unloading is a one-time event over a short duration where the contents of the railcar or truck are emptied into storage of sufficient capacity to contain the volume of the railcar or truck. These operations occur in areas that are considered "use areas" as defined in Rule 2(h) of the Part 5 Rules and the secondary containment requirements in Rule 5(3) of the Part 5 Rules, which, in essence, requires the area to ". . . be designed, constructed, maintained, and operated to prevent the release of polluting materials. . ." However, any other mode of loading and unloading (e.g., prolonged unloading or multiple withdrawals over an extended period of time) is considered "storage" and requires secondary containment requirement in Rule 5 of the Part 5 Rules.

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