



Pollution Incident Prevention Plan (PIPP) and Part 5 Rules Informational Packet



Water Resources Division

Michigan.gov/Part5

Contents

Overview.....	2
Summary of Part 5 Rules	4
Acronyms Used in Publication	3
What Facilities are Subject to the Part 5 Rules?	5
Answers to Commonly Asked Questions About Part 5 Rules	11
Pollution Incident Prevention Plan Completeness Review Checklist	15
Additional Information to Use when Preparing a PIPP and Completing the Checklist.....	19

Overview

Michigan’s [Part 5, Spillage of Oil and Polluting Materials administrative rules \(Part 5 Rules\)](#) promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451 (NREPA), contain spill prevention, containment, and notification requirements for the storage of salt, oil, and other regulated polluting materials. General information regarding Part 5 can be found on the [Part 5 Rules: Management or Spillage of Oil and Polluting Materials Web page](#).

Effective August 31, 2001, the Part 5 Spillage of Oil and Polluting Materials administrative rules promulgated pursuant to Part 31, Water Resources Protection, of the NREPA MCL 324.3101 *et seq.* were revised. The previous rules were rescinded, and new rules (R 324.2001 through R 324.2009) promulgated to address release prevention planning, secondary containment, surveillance, and release reporting requirements. When a rule is referenced in this document, it will list Rule and a number that corresponds with the above citations. For example, Rule 1 is R 324.2001.

Oversight of these rules is performed by the Water Resources Division (WRD) of the Michigan Department of Environment, Great Lakes, and Energy (EGLE). This informational packet addresses the requirements overseen by the WRD, clarifications of interpretations regarding oils managed under federal spill prevention, control, and countermeasure (SPCC) regulations and submittal of notices and certifications, along with discussion about potential relationships with some other regulations.

Acronyms Used in this Publication

AST	Above Ground Storage Tank
AWR	Annual Wastewater Report
CAA	Clean Air Act
CAS	Chemical Abstracts Service Number
CERCLA	Comprehensive Environmental Response, Compensation and Recovery Act
CIS	Michigan Department of Consumer and Industry Services
EGLE	Michigan Department of Environment, Great Lakes, and Energy
USEPA	United States Environmental Protection Agency
ICP	Integrated Contingency Plan
HAZWOPER	Hazardous Waste Operations and Emergency Response
LARA	Michigan Department of Licensing and Regulatory Affairs
LEPC	Local Emergency Planning Committee
LQG	Large Quantity Generator
MCL	Michigan Compiled Laws
MIOSHA	Michigan Occupation Safety and Health Act
MMD	Materials Management Division
SDS	Safety Data Sheet
PE	Professional Engineer
PEAS	Pollution Emergency Alerting System
PIPP	Pollution Incident Prevention Plan
RCRA	Resource Conservation and Recovery Act
SPCC	Spill Prevention, Control, and Countermeasure
TMQ	Threshold Management Quantity
TRI	Toxic Chemical Release Inventory
TRQ	Threshold Reportable Quantity
UST	Underground Storage Tank
WRD	Water Resources Division

Summary of Part 5 Rules

1. Part 5 applies to temporary or permanent land-based industry, plant, establishment, storage site, firm, or other facility that receives, uses, stores, ships, manufactures or processes Polluting Materials in excess of Threshold Management Quantities and which is so situated that loss of polluting materials could directly or indirectly reach surface or groundwaters of this state, including any facility which discharges through a public sewer system.
2. Part 5 does not apply to recreational marinas, oil field petroleum or brine storage facility, installations of oil-containing electrical equipment, or transportation related facilities as defined by 40 CFR Part 112.
3. Polluting materials are oil, salt, any Table 1 compound included in Rule 9, and any compound or product that contains 1 percent or more, by weight, of these materials [based on the safety data sheet (SDS) formulation information].
4. Salt includes sodium chloride, potassium chloride, calcium chloride, magnesium chloride, and solutions or mixtures of these compounds in either solid or liquid form.
5. Threshold management quantity (TMQ) for both indoor and outdoor use, storage, and other management areas are listed:
 - Oil – Total \geq 1320 gallons, single tanks \geq 660 gallons.
 - Salt – Solid \geq 5 tons, liquid \geq 1,000 gallons.
 - Table 1 Compounds – Indoors \geq 2,200 pounds (lbs), outdoors \geq 440 lbs.

Exceeding these TMQs and meeting facility definitions will determine if a Pollution Incident Prevention Plan (PIPP) must be prepared, if containment is required, and if other Part 5 Rules must be met.

6. Descriptive conditions and threshold reporting quantity (TRQ) for polluting materials which if exceeded, or occur, require spills or releases to be reported are listed:
 - Oil – To the ground \geq 50 lbs; To waters of the state are any quantity that causes a sheen, turbidity, foams, solids, or deposits in the receiving waterbody.
 - Salt – Solid \geq 50 lbs; Liquid \geq 50 gallons.
 - Table 1 Compounds listed in the Part 5 Rules (R 324.2009)– Chemical specific TRQs
7. The rules include facility exemptions from certain requirements if they meet specified conditions or are subject to other identified regulations. These exemptions include:
 - Small containers (indoors) < 10 gallons or 100 lbs.
 - On-land or oil storage facility subject to SPCC plans.
 - On-land or oil storage facility subject to Part 111, Hazardous Waste Management, of the NREPA.

- On-land or oil storage facility that manages flammables and combustibles subject to the Fire Prevention Code, Act 207 of 1941.
 - On-land or oil storage facility that owns or manages underground storage tanks subject to Part 111, Hazardous Waste Management, of the NREPA/ Part 213, Leaking Underground Storage Tanks, of the NREPA.
 - On-land or oil storage facility subject to Part 615, Supervisor of Wells, of the NREPA.
8. Rules require the PIPP to be kept at the facility and available for inspection. Within 30 days of completing the plan, the facility must provide notification that it is in full compliance with the Part 5 Rules to the WRD district office that oversees the area where the facility is located. In addition, the facility must notify the [Local Emergency Planning Committee \(LEPC\)](#) and [local health department](#) that the plan has been completed and is available upon request. The facility must submit a copy to a requesting agency within 30 days of receiving a request.
9. The rules require the plans to be evaluated every three years or after any release that requires implementation of the plan. The plan must be updated whenever there are changes to personnel, processes, or procedures identified in the plan. The facility must re-notify EGLE, the LEPC, and the local health department and recertify compliance when the plans are updated.
10. The rules clarify the definition of on-land and oil storage facilities and include exemptions for some types of facilities.
11. The rules provide information about secondary containment requirements. Required holding capacity is consistent with the hazardous waste regulations, e.g., not less of the total volume of the tanks or containers within the secondary containment structure or provide a capacity of 100 percent of the largest single tank or container within the secondary containment structure, whichever is larger.

What Facilities are Subject to the Part 5 Rules?

Review the administrative rules and ask the following questions when determining if the Part 5 Rule requirements for a PIPP, containment, surveillance, and release reporting apply.

1. Does the facility meet the definition of an oil storage or on-land facility per Rule 1(f) or (g)?

An oil storage or on-land facility excludes recreational marinas, installations of oil containing electrical equipment, oil storage facilities, oil field petroleum or oil field brine storage facility, and transportation related facilities as defined in [40 CFR Part 112](#).

- A. Recreational marinas are places where private pleasure boats are located. A commercial marina includes places where commercial boats and ships (commercial charter and fishing boats, freighters, cruise ships, ferries, etc.) are located.

- B. The electrical equipment must be in active use to be exempted from the Part 5 Rules. The volume of oil in electrical equipment in storage (non-energized electrical equipment) must be counted if it does not meet the small container exemptions in Rule 3(1). Examples of equipment include electrical transformers, capacitors, reclosures, voltage regulators, rectifiers, etc.
- C. Transportation related facilities includes some onshore and offshore facilities and equipment used for handling or transferring oil in bulk from vessels, pipelines, highway vehicles and railroad cars used for interstate and intrastate commerce. Call 312-353-8200 to discuss this transportation related determination with USEPA Region V. See the [WRD operational guidance regarding railroad and truck unloading areas](#).

2. Does the facility have polluting materials that meet the small container exemption or are regulated by another program listed in Rule 3?

When looking at the conditional exemptions under Rule 3, keep in mind that a facility may have some polluting materials exempted, and still have other polluting materials in amounts that are subject to the Part 5 Rules.

- A. Polluting materials in small containers that:
 - ✓ do not individually exceed 10 gallons, or 100 pounds, AND
 - ✓ are managed indoors, AND
 - ✓ the facility has adequate safeguards to prevent releases.

This would apply to retail stores and facilities that use products in small amounts, or in small containers, and meet all the rule conditions. This exemption would include small lead acid batteries containing sulfuric acid, and smaller capacitors, ballasts, or other items containing small amounts of oils under **storage** conditions. Batteries used for forklifts or hi-lows usually do not meet this exemption because they exceed this size and are often used outdoors

- B. The conditional exemption in Rule 3(1)(b) is no longer applicable to oils because the USEPA revised 40 CFR 112 in 2002 and the Part 5 Rules adopt the 1997 Spill Prevention, Control and Countermeasure (SPCC) regulations (40 CFR Part 112) version. See discussion under point 3.B. regarding oil TMQs.
- C. [Flammable and combustible liquids](#) under the Michigan Fire Protection Code regulations overseen by LARA. This would include liquids with flashpoints below 200 degrees Fahrenheit stored in certain aboveground storage tanks and containers and underground storage tanks. See the regulations regarding if the flammable and combustible materials on-site fall under these regulations. If the tank or container is exempted under these regulations, for example process tanks, then it will be necessary to determine if the liquid is a polluting material and the facility meets or exceeds TMQs. Direct questions about storage tank regulations to the MMD District Office.

- D. [Petroleum and hazardous substances](#) under the underground storage tank regulations overseen by the LARA. Regulated substances in UST include substances listed in Section 112 of Part A of Title I of the [federal Clean Air Act](#) (CAA), hazardous substances listed in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum based substances that meet specific conditions and include motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, and petroleum solvents. This would also include delivery pipelines in subdivisions from a large UST that supplies those homes. See the storage tank regulations (link provided above) for more specific definitions and the federal [List of Lists](#) which includes the CERCLA and CAA substances. If the tank or container is exempted under these regulations, for example: process tanks, then it is necessary to determine if the liquid is a polluting material that exceeds TMQs. Direct questions about storage tank regulations to LARA.
- E. [Hazardous waste](#) managed under regulations overseen by the MMD. This would include both federal and Michigan listed and characteristic hazardous wastes managed by generators, transporters, and treatment, storage and disposal facilities. Contact the MMD District Office regarding questions about hazardous waste regulations.
- F. Polluting materials at [oil and natural gas](#) exploration sites overseen by EGLE's Oil, Gas, and Minerals Division (OGMD) regulations. This would include materials at well sites that are regulated under Part 615, Supervisor of Wells, of the NREPA. Brine and petroleum at oil and gas sites are excluded under the Part 5 facility definition.
- G. Note that [liquid industrial wastes](#) are not specifically exempted in Rule 3, so it will be necessary to determine if the waste is subject to the Part 5 Rules. It will depend on the concentration of the waste and if it exceeds 1 percent of polluting materials and the volume exceeds the TMQ. If the products originally used contained 1 percent or more of a polluting material, it would be necessary to calculate if the polluting materials concentration in the waste would exceed 1 percent.

3. Does the facility have polluting materials in regulated TMQs per Rule 2(f)?

See Rule (2)(a) for what is, or isn't, a polluting material. Polluting materials include oils, salt, and chemicals listed in Rule 9 and mixtures containing more than 1 percent of these materials. Rule 2(a)(v) exempts manufactured items from polluting materials, and these would not be included in calculating the TMQ. Manufactured item is defined in Rule 1(d). Some common manufactured items that would be excluded would include rolls of steel, formed metal products, and scrap metal.

A good place to start identifying all the polluting materials on-site is by looking at the safety data sheets (SDS) the facility must have to meet the MIOSHA regulations. Use the SDS information to identify if there are polluting materials on-site and to compile the inventory that must be listed in the PIPP (see [Section IV](#)). Walk through the facility to see where the materials are stored and used and determine if the storage and use conditions listed on the SDS are being followed.

A. Salt:

- ✓ **Any location** that has 1000 gallons or more of salt in liquid form.
- ✓ **Any location** that has 5 tons or more of salt in solid form. This would include salt and sand mixtures that contain 1 percent or more of salt.

It is necessary to include salt located anywhere on the contiguous property except for:

- Small containers that meet the exemption in Rule 3(1)(a), or
- Brine storage facilities exempted in Rule 1(f) and (g) because they are part of an oil field petroleum facility.

For more salt storage information, utilize the [Salt and Brine Storage Guidance](#).

Salt includes:

- Sodium chloride
- Potassium chloride
- Calcium chloride
- Magnesium chloride
- Solutions or mixtures of these compounds

B. Oil or non-exempt fuel storage areas with **Aboveground Holding Capacity** of the following amounts:

- Larger than 660 gallons holding capacity in any single tank or container, or
- 1,320 gallons or larger total capacity of all oil tanks, drums, and other containers anywhere on-site.

1) Some examples of capacity volumes and materials that need to be included when calculating the TMQ for Part 5 Rules:

- a. Capacity of all containers of oil that do not meet the small container exemption would be included when calculating the Part 5 Rule TMQ.
- b. Products and liquid industrial by-product containing 1 percent or more regulated oils would be included. Examples of these types of oils that need to be evaluated include facilities with oil water separators and restaurants with grease trap or interceptor vessels with capacity of greater than 660 gallons in size or have capacity to have 1320 gallons or more of all oils on site. Oils that are below the Part 5 or SPCC oil TMQs and contain 1 percent or more of other polluting materials, for example zinc, would need to be included in the discrete area TMQ calculations discussed below.
- c. Storage tanks located in a vault would be considered an aboveground tank if it does not come into contact with soil and would need to be counted if meet the TMQ. This is consistent with the USEPA's position with SPCC.

Oil in any form or kind includes:

- Animal fats
- Fuel oil
- Gasoline
- Oil mixed with waste
- Oil refuse
- Oily sludges
- Petroleum
- Synthetic oils
- Used oil

- 2) Some examples of oil capacity volumes and materials not included when calculating the TMQ for Part 5 Rules:
- a. Molten or liquid asphalt is not considered oil under the Part 5 Rules. The federal SPCC regulation does include asphaltic cement (commonly called tar).
 - b. Oils that meet the conditional exemptions listed in Rule 3.
 - c. Oil containing mobile hydraulic devices because it is transportation related.
 - d. Installations of oil containing electrical equipment, because the oil is excluded in the definitions in Rule 1(f) and (g), but those oils may be included under SPCC regulations. The volume of oil in electrical equipment in storage (non-energized electrical equipment) must be counted towards Part 5 TMQ if it does not meet the small container exemption in Rule 3(1). Examples of equipment include electrical transformers, capacitors, reclosures, voltage regulators, rectifiers, etc.

NOTE: Due to the language in the definitions of facility in Rule 1 and the changes in federal SPCC requirements, it has been determined that the exemption in Rule 3(1)(b) for oil is no longer applicable. It has been determined that oil storage facilities that meet, or are above, oil TMQ would only be subject to surveillance requirements in Rule 4, use and indoor storage requirements in Rule 5(3), and release reporting as required by Rules 2 and 7. Releases that must be reported under Part 5 Rules are different from the federal release reporting requirements. Oil storage facilities are not subject to the requirements for a PIPP in Rule 6 and secondary containment in Rule 5(1) and (2). However, a facility may be required to prepare and implement a SPCC plan, have secondary containment, and meet additional requirements under the federal [SPCC regulations](#) overseen by the USEPA if a site has 1320 gallons or more storage capacity of all oils on-site and a release could reach navigable waters. It is not necessary to include containers less than 55 gallons when calculating federal TMQ. Oils may also be subject to the tank and flammable and combustible liquid regulations as noted previously.

- C. Materials listed in Rule 9 at on-land facility's *discrete* storage or use areas if in the following amounts:
- ✓ 2200 pounds (1000 kilograms) or more in indoor locations
 - ✓ 440 pounds (200 kilograms) or more at outdoor locations

The list of polluting materials can be found in Table 1 of the Part 5 Rules (R 324.2009). The list is sorted alphabetically but also includes the Chemical Abstracts Service (CAS) number. It is recommended that the CAS number be taken into consideration when making a determination for your site as a chemical could have several different synonyms and a particular name may not be included on the list even though the CAS number is listed under a synonym. Also check Rule 9 by the material name since there are polluting materials that do not have a CAS number listed.

Facilities may have separate locations, which would be considered discrete areas, where polluting materials listed in Rule 9 are used or stored in amounts over the TMQ. For example, there could be distinct points on a long process line where polluting materials are used, or there could be both outdoor and indoor storage areas. See Rule 1(c) for the definition of “indoors.” A totally enclosed storage shed would be considered “indoors.” A storage tank located in a vault would be considered an aboveground tank if it does not come into contact with soil. A company should not artificially designate an area as a discrete location to avoid the regulations. When determining if an area is “discrete,” consider if a release from that area would impact a different discrete area. If the answer is “yes, there would be an impact,” then they are not two separate discrete areas.

When reviewing the materials listed in Rule 9:

- Note the pounds listed in the table are threshold reporting quantities (TRQs) and are NOT used for calculating TMQs. The listed weight is to be used to determine if a release must be reported.
 - It is recommended to first look for chemicals by the chemical abstracts service (CAS) number since a chemical could have several different synonyms and a particular name may not be included on the list even though the CAS number is listed under a synonym.
 - Also check Rule 9 by the material name since there are polluting materials that do not have a CAS number listed.
 - Add the amount of ALL the nonexempt polluting materials located in a discrete area, and if applicable, include the weights of polluting materials that are in mixtures as noted in point D below. It is not necessary to include the smaller containers (less than 10 gallons or less than 100 pounds), or other exempted materials in Rule 3 IF all the conditional exemptions are met.
- D. Any compound or product that contains one percent or more by weight, of any of the above listed materials (oils, salts, and chemicals listed in Rule 9) based on SDS information.

Many facilities have products which are mixtures of different chemicals, oils, or salts. Use the SDS to identify what polluting materials are in the products/materials on-site that have one percent or more by weight of the listed polluting materials in the formulation. When calculating TMQs, include the total weight of a container’s contents if the mixture exceeds one percent or more by weight of polluting materials. If the SDS lists the information as proprietary, contact the manufacturer and/or supplier to see if they will provide a determination if their product contains listed chemicals and if so, the weight per container so you can calculate the amount you have on-site. In some situations, you may want to contact the supplier to see if it is possible to revise the product formulation to eliminate or reduce the amount of the polluting material. Liquid Industrial By-Products containing more than one percent of polluting materials would also need to be included when calculating TMQs.

4. Is there potential for substantial harm to the waters of the state if there's a release?

If so, EGLE may require the facility to comply with the Part 5 Rules per Rule 3(2) if it determines there isn't adequate environmental protection at the site. This may apply if the facility has less than the applicable TMQ of polluting materials, or meets one of the conditional exemptions, or the facility does not meet the definition of on-land facility or oil storage facility.

Answers to Commonly Asked Questions About Part 5 Rules

1. Can PIPPs be combined with other emergency plans?

Yes, Rule 6(3) allows development of an Integrated Contingency Plan (ICP), but it must contain ALL the information required by the different planning regulations *and* it is allowable under the other regulations. It is not mandatory to combine the different plans but is recommended so a facility has a single point of reference if there is an emergency. See the [ICP plan guidance](#) for combining state and federal planning requirements.

Common environmental plans a facility often combines with a PIPP include:

- Federal SPCC plan if the facility has met federal oil storage conditions discussed previously. If the facility has oil, see note above under Section II, point B. If the facility has both oils and other polluting materials, the ICP can combine the SPCC plan for the oils and the PIPP information which addresses the other polluting materials if those TMQs have been met or exceeded. Go to [USEPA's SPCC Web site](#) or contact the USEPA SPCC Regional Contact at 734-214-4898 about SPCC requirements.
- Hazardous waste contingency plan if the facility is a large quantity generator (LQG) of hazardous waste. An LQG must prepare a written contingency plan which can be combined with a PIPP. This combined plan is NOT submitted to EGLE unless requested, but it must be submitted to other entities as required under the hazardous waste regulations. See the MMD guidance for "[Contingency Plan and Emergency Procedures for Large Quantity Generators](#)." Small quantity generators of hazardous waste do not have to prepare a written plan but are required to post emergency information and have arrangements made with emergency responders. Additional information can be obtained by calling 800-662-9278 or from a [MMD district office](#) staff member.
- Storm water pollution prevention plan (SWPPP) if the facility is subject to the storm water discharge regulations. A sample [storm water pollution prevention plan](#) for industrial facilities is available from the [Water Resources Division district office](#). Also see the USEPA's storm water publication "[Spill Prevention and Control Measures](#)" for information.

Look at existing response plans the facility may already have. Even if it is determined the facility is not subject to the Part 5 Rules or other environmental planning regulations, it probably still has to have some type of emergency response or action plan under [MIOSHA regulations](#) overseen by the Michigan Department of Consumer and Industry Services (CIS). Information contained in a PIPP and other plans is not only useful to the facility, but information could be used by LEPCs developing community response plans under SARA Title III regulations and by local fire departments meeting their emergency planning requirements. See the Michigan State Police publication "[Critical Incident Protocol – A Public and Private Partnership](#)" for community and facility joint planning information.

2. Is there a specific format required when preparing a PIPP or ICP, or a template or sample plan available?

EGLE has not prepared a sample PIPP, but there is a checklist available beginning on page 10. If you are combining a PIPP with other state and federal plans, there is cross reference template available in the [ICP guidance](#). You may want to review that guidance even if you are only preparing a PIPP because it provides emergency planning elements to consider. Sample PIPPs are not provided because a PIPP should be specific to the company's processes, materials, facility layout, and capabilities. The Part 5 Rules are intended to help a facility prevent releases from occurring, and if an emergency occurs the facility should have the information in the PIPP to respond quickly and thoroughly. An effective plan should reduce cleanup costs if there is a release, and the plan is properly developed and implemented.

3. Are we required to hire a professional engineer to prepare a PIPP?

No. The owner or operator is required to ensure a PIPP has been prepared, maintained, and the facility operated in accordance with it. A PIPP may be written by the owner, operator, manager, other employees capable of doing it, or the facility may hire an environmental consultant, engineer, or other personnel. A Professional Engineer (PE) does NOT need to certify a PIPP. However, if a PIPP is combined with a SPCC plan, federal regulations require a Professional Engineer to certify that the SPCC plan has been prepared in accordance with good engineering practices.

When deciding who will prepare the plan, ask *"Who in-house knows enough about the facility and planning to prepare a PIPP and can they help meet the other Part 5 rule requirements, or do we need outside help?"* Whether the PIPP is developed in-house or by outside resources, review the draft PIPP and ask, *"Can our employees understand it?"* and *"Is this what we will REALLY do?"* If the answer is no, then redo the PIPP. Keep the PIPP as simple as possible, yet include all the necessary information.

4. Do past pollution incidents have to be included in the PIPP?

No, but it is good to evaluate past and potential incidents at your business or at similar facilities. Consider the loading and unloading procedures, normal operating processes, monitoring and inspection practices, available spill response equipment and supplies, existing secondary containment structures, and other means to keep releases from reaching surface waters and groundwater and wastewater treatment plants. Consult all employees and develop a list of possible pollution incidents that you should consider when developing the PIPP. Discuss with plant safety personnel how techniques used in accident prevention programs may be useful in identifying potential environmental problems. Develop spill control measures to prevent recurrence of past incidents and which address the most probable types of pollution incidents that could now possibly occur.

5. Are there other Part 5 rule requirements besides preparing a PIPP?

Yes, if you're subject to preparing a PIPP, you are also subject to meeting the other applicable Part 5 Rules including containment, surveillance, and release reporting.

6. Are there specific employee training requirements?

Not under the Part 5 Rules, but other regulations contain training requirements include the hazardous waste regulations and the CIS Hazardous Waste Operations and Emergency Response (HAZWOPER) standard and federal SPCC regulations. It is recommended the company train employees what their role is under the PIPP and conduct practice drills. Drills can help determine if the plan works as anticipated and to reinforce training. As another reinforcement to training, the facility may want to post a summary of the plan at appropriate places in the facility (e.g., cafeteria, areas with high spill potential, meeting rooms) that lists the designated coordinators and how to contact them, location of spill response kits, evacuation routes, and phone numbers of regulatory agencies that need to be contacted in the event of a reportable spill. Small quantity generators of hazardous waste are required to post emergency information by telephones.

7. When calculating TMQs and TRQs, are the polluting materials counted the same?

No. When determining TMQs listed in Rule 2(f), count the total pounds of all the pure products and mixtures containing 1 percent or more of an individual polluting material that is not exempted by a definition in Rule 1 or as a conditional exemption in Rule 3. For oils and salts, it would be the total amount on the contiguous site. For the other polluting materials listed in Rule 9, it would be the total amount of all the containers in the discrete area.

Rules 2 and 9 identify the TRQ in pounds for a particular polluting material. It is not the amount of a release of a mixture containing polluting materials. It is necessary to calculate the TRQs for mixtures containing 1 percent or more polluting materials in the product or liquid industrial waste (see page 6). Mixtures that contain less than 1 percent of individual polluting materials, but if added together would be more than 1 percent, would NOT be included in calculations. For example, a mixture containing $\frac{3}{4}$ percent acetone and $\frac{3}{4}$ percent benzene for a total of 1.5 percent would NOT be included.

8. Are secondary containment requirements in the Part 5 Rules the same as other regulations?

Not necessarily. A facility needs to determine which regulations apply to the materials on-site. If there are materials that are regulated under more than one regulation, then meet the stricter requirements. Additional information regarding secondary containment can be found in EGLE's [Secondary Containment Guidance Document](#). If you are unsure of the requirements or interpret a conflict between the regulations, discuss those issues with the regulating agencies.

9. What is considered “adequate surveillance” and a “timely manner” as referenced in Rule 4?

A “timely manner” is intended to mean before a release could reach the waters of the state, be it surface water or groundwater. “Adequate surveillance” would need to be some type of inspection schedule or other means to detect releases before they can reach the waters of the state. If the company is only open Monday through Friday, it does not mean there has to be inspections on weekends, but if a release occurred during that time, then the facility may not meet the time limitations identified in Rule 2 (b) which would relieve them from release reporting requirements contained in Rule 7.

10. What other resources are available to help prepare emergency plans?

Links to numerous resources are listed throughout this publication. Additional planning information is available from the [State Police, Emergency Management & Homeland Security Division](#) or call 517-284-3745 for various resources including the [Local Emergency Planning Workbook](#). It provides guidance on how to build a site emergency team, conduct a hazard analysis, perform a capability assessment, how to implement a plan, and more. Also see the federal MIOSHA guidance document on [How to Plan for Workplace Emergencies and Evacuations.](#) The [Office of Regulatory Reform](#) has links to Michigan rules referenced in this packet. EGLE's [Emergency Planning website](#) and [Water Resources Division](#) website may also provide additional resources.

Pollution Incident Prevention Plan Completeness Review Checklist

This checklist is provided to help identify that the minimum requirements included in Rule 324.2006 are addressed in the PIPP along with a few recommended items to include. Include components that are specific to the facility’s pollution prevention methods and emergency response. It is not required to provide the information in the order presented. This checklist does not include all requirements that may be needed to be included if preparing an Integrated Contingency Plan (ICP) as that will vary with the other planning regulation requirements.

In the Plan?

I: Facility identification information [Rule 6(1)(a)]

Yes	No	N/A	Identify the following information about the facility:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Facility name
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Facility owner
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Mailing address
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Street address (if different from mailing address)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Facility telephone number
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. 24-Hour emergency telephone number(s) Recommend listing coordinator’s office, home, cell phone, etc.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Designated spill prevention and control coordinator <i>Recommended:</i> include an alternate contact.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Name of person(s) responsible for on-site spill prevention and control (if different from coordinator) <i>Recommended:</i> Include an alternate contact.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Procedures that will be used to alert individuals within the facility of an emergency at the site: <ul style="list-style-type: none"> a. Spill prevention and control coordinator b. Person(s) responsible for on-site spill prevention and control if different from coordinator c. Other people in the facility about the emergency
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Map showing facility relative to the surrounding area, including thoroughfares

II: Notification Procedures to Entities Outside of Facility [Rule 6(1)(b) and Part 31 Section]

			Identify the reporting procedures that will be used to notify entities off-site. At a minimum, include notification to the following:
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Michigan Department of Environmental Quality a. PEAS Hotline 800-292-4706 b. District office during business hours (recommended)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. U.S. Coast Guard - National Response Center 800-424-8802
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. 911 or if that service is not available, contact your community's primary public safety answering point
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Local emergency planning committee (check Yes if covered by calling 911)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Local fire department (check Yes, if covered by calling 911)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Local law enforcement agency (e.g. police, sheriff's department, state police) (check Yes, if covered by calling 911)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Municipal wastewater treatment plant if facility served by that plant
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Spill clean-up contractor, or consulting firm, or both
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Other local, state, and/or federal agencies or entities that you may be required to report releases under other regulations (required if preparing an ICP that has additional reporting requirements)

III: Spill Control and Cleanup Procedures [Rule 6(1)(c)]

			Identify information about how the facility will control spills and conduct cleanups of releases:
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Inventory and location of spill control and clean-up equipment (type and quantity) a. Equipment available on-site b. Equipment available off-site
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Procedures for response and cleanup
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Procedures for characterization and disposal of recovered materials

IV: Polluting Material Inventory [Rule 6(1)(d)]

			Include information about polluting materials typically on-site in quantities exceeding TMQs during the preceding 12 months:
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Polluting Material(s) by: a. Chemical name b. Product name (e.g. trade name) c. Chemical Abstracts Service (CAS) number
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Location of the Safety Data Sheets (SDS) for these polluting materials

V: Site Plan (Facility map) [Rule 6(1)(e)]

Yes	No	N/A	Include information about polluting materials typically on-site in quantities exceeding TMQs during the preceding 12 months:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Aboveground and underground storage tanks
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Floor drains (know where these floor drains lead to)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Loading and unloading areas, docks
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Sumps (sump pumps)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. On-site water supply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Containment structures for solid polluting materials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Secondary containment structures for liquid polluting materials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Other storage and use areas of polluting materials that do not exceed TMQs (recommended)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Other relevant site structures

VI: Outdoor Secondary Containment for Liquid Polluting Materials [Rule 6(1)(f)]

Yes	No	N/A	Include information about on-site, outdoor secondary containment structures used for liquid polluting materials exceeding TMQs:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Location(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Design and construction data including: <ul style="list-style-type: none"> a. Dimensions b. Construction materials (and types of coatings) used c. Holding capacity d. Amount of polluting material stored in that structure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. How spilled polluting materials will be captured and removed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Provisions for physical security of secondary containment structure, such as: <ul style="list-style-type: none"> a. Signage b. Gates & Fences c. Barriers d. Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Precipitation management (rain or storm water and snow accumulation) procedures <ul style="list-style-type: none"> a. Characterization of collected precipitation b. Disposal procedures c. Copies of permits or exemptions authorizing discharge (i.e. from EGLE, local wastewater treatment plant)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Inspections and maintenance procedures

VII: Other Control Mechanisms and Facility Security [Rule 6(1)(g) & (h)]

			Include the following information if it has not already been addressed in the plan:
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Other control mechanisms at facility to prohibit or control releases
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Provisions for general facility physical security

VIII: Plan Preparation, Submittal, and Update Requirements [Rule 6(2)–(5)]

			Complete PIPP or ICP, review and update as necessary, and submit notifications:
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. PIPP completed when facility meets TMQs
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Plan is kept at the facility and available for inspection
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Notification that PIPP or ICP has been prepared and certification of compliance with Part 5 Rules sent to WRD district office within 30 days of completing the PIPP or ICP
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Notification sent to LEPC that plan is completed and available upon request
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Notification sent to local health department that the plan is completed and available upon request
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Copy of plan submitted to a requesting agency within 30 days after receiving the request
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Plan is evaluated every three years and after any release requiring implementation of the plan
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Plan is updated if any facility personnel, processes, or procedures that were included in the plan occur, or other changes are necessary to maintain compliance with rules
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Recertification and re-notification of updates are sent to WRD district office , LEPC , and local health department
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Plan is modified within 30 days of receipt, or other EGLE provided response timeframe, of the EGLE’s request to modify the plan if found to be incomplete or inadequate; submit re-notification and recertification

Additional Information for Preparing a PIPP and Completing the Checklist

I: Facility identification information [Rule 6(1)(a)]

- 1 – 6** Include basic information about the facility location, who owns it, and contact information.
- 7 & 8** Identify the designated spill prevention and control coordinator and who is responsible for on-site spill prevention and response if they are different people. It is recommended alternate person(s) be designated for these responsibilities in case the primary people are unavailable. The primary contacts may be gone on vacation, out sick, or have their own personal obligations and not be available to respond to an emergency at work. Consider who will be responsible for notifying people at the facility of an emergency. Responsible personnel should have the authority to contract for and obtain any necessary emergency services without delay.
- 9** Identify how people at the facility will be made aware of the emergency (e.g., alarms, flashing lights, public announcement system, pagers, etc.). If it is necessary to evacuate the building when an emergency occurs, it is recommended that someone be responsible for taking time cards and guest book, if the company uses them, to aid in identifying who was in the building when the emergency occurred. Note that evacuation plans may be required under MIOSHA regulations and large quantity generators must include evacuation routes under the hazardous waste regulations.
- 10** Include a map of the facility relative to the surrounding area, including thoroughfares. Include information critical to emergency response. It is recommended to include all roads or access routes that emergency responders could use when responding to a release or that may need to be closed to the public if a significant release occurred. Local planning agencies may already have base maps of existing features in your area. Although not specifically required by the Part 5 Rules, you may want to include on the map any sites in the immediate area that could be negatively impacted by releases:
- Community drinking water wellheads. If your community has a designated wellhead protection program, they will have the area delineated. Contact that program if you don't know if your facility is in the designated area. Outline the protected area on your map. If you don't know your local contact, contact EGLE's Drinking Water and Environmental Health Division at 517-203-9631 for [wellhead protection program](#) information. Private drinking water wells and their recharge areas located in the immediate vicinity. You can utilize the [EGLE Water Well Viewer](#) or contact your [local health department](#) for this type of information. Health departments are usually listed in phone books under the government section.
 - Streams, drainage ditches, lakes, wetlands, and other water bodies nearby the facility. Several mapping sites of existing features are available on the Internet. For example, see the [EGLE Wetlands Map Viewer](#) or [USEPA EnviroMapper](#) which includes county maps and data about USEPA-regulated sites, US Census demographics, and street-level maps.

- Local planning agencies also have this type of information available.
- Other environmental sensitive areas including endangered or protected species. The Michigan Department of Natural Resources has some information on the [Threatened and endangered species list webpage](#) or call 517-284-9453.
- Nearby public sites like schools, daycare centers, nursing homes, hospitals, museums, etc., that may need to be notified of releases that could present danger to them. The [local emergency management programs contacts](#) may have this information readily available. If you do not know your LEPC contacts, call Michigan State Police, Emergency Management & Homeland Security Division, at 517-224-6349 or email EGLE-SARA@Michigan.gov.

II: Notification Procedures to Entities Outside of Facility [Rule 6(1)(b)]

- 1 – 9** Include the process of making people outside of the facility aware of an incident whenever there are reportable releases, or you need emergency response. When developing the notification procedure, consult with your [LEPC](#) and local responders about the best way to communicate with the local authorities and what information they want reported.
- ✓ Identify who is notified and how (e.g., phone call, fire alarms, etc.).
 - Rule 6(1)(b) identifies at a minimum who must be contacted. Calling the Pollution Emergency Alerting System (PEAS) at 800-292-4706 will satisfy the notification requirement to EGLE as required by the Part 5 rules. The PEAS operators during normal office hours will take the information and relay it to the appropriate EGLE staff or they may provide the option of you calling the local EGLE district office that oversees the area where the reportable release occurred. You may want to identify the local district office number for the Water Resources Division as well as the PEAS in case you need to talk to EGLE staff directly for more information.
 - A listing of the [Michigan State Police posts](#) by the community and county they serve is available on the Internet.
 - If you are preparing an ICP and are subject to other release reporting regulations, determine if there are additional notification requirements than those listed in the Part 5 Rules. You will need to review the specific regulations or facility permits for details. Also check if there are any local requirements that require reporting to the wastewater treatment facility, local health department, drinking water department, hospitals, etc. If the company is subject to SARA Title III, remember you will need to notify all LEPCs that may potentially be affected by a release at the facility. Include these additional entities that require reporting information in your ICP.
 - ✓ Include the timeframe to submit the initial notification and the follow-up written report.
 - Rule 7 requires reporting as soon as practicable after detection of a release that exceeds the TRQ during any 24-hour period. Rule 4 requires adequate surveillance at a facility so a release can be detected in a “timely manner.” Timely is intended to mean before a release could reach the waters of the state. A follow-up written

report is required within 10 days of the release. Submit the written report to EGLE, WRD Division Director, PO Box 30458, Lansing, Michigan 48909-7958. If you submitted a written release report under another EGLE requirement, such as a NPDES permit condition, and the report contains the information required in Rule 7(2) it is not necessary to submit an additional report to the WRD.

- If you are subject to the SPCC regulations and do not have to prepare a PIPP for any other polluting materials, remember that you must report oil releases as required in Rule 7 to EGLE in addition to meeting the federal reporting requirements per Rule 3(1)(b). The Part 5 Rules reporting criteria are different than federal reporting criteria and need to be included in the SPCC. In addition, if you are subject to SPCC regulations and were required to report an oil release per federal requirements, you are also required to provide the state that information per 40 CFR 112.7(4)(c) within 60 days.
- ✓ If specific forms are required to be used for reporting releases.
 - Reporting releases under the Part 5 rules does not require a specific form. A [generic report form](#) is available on the Internet for Part 5 reporting purposes and for meeting other regulations that do not require specific forms. A suggestion is to make copies of the form after filling in the basic facility contact information and then finish completing the form with the applicable information after a release occurs. If you prepared an ICP, some regulations require [specific report forms](#) to be used when initially reporting a release or spill and for follow-up reports. These forms are identified on the reporting summary table referenced above.
- ✓ When a release would be reportable.

It is recommended the plan identify the conditions when a release is reported as described in Rules 2(b) and (g) to help employees determine when they must report a release. There are two broad steps when determining release reporting under the Part 5 rules:

First – Determine when a spill, leak, or discharge at the site would not be considered a “release” per Rule 2(b) and would not require reporting under the Part 5 rules. Remember release reporting may still be required under other planning regulations if doing an ICP, or other regulations or permitting conditions the facility is subject to.

Example 1: a 50 gallon oil spill was cleaned up within 24 hours of the release, AND the oil did not reach the public sewer system or to waters of the state. This would not be reported as a release per Rule 2(b)(ii).

Example 2: 55 pounds of lubricating oil spilled (approximately 6 gallons) onto the ground and it was not cleaned up within 24 hours after the spill. This would require reporting per Rule 2(g).

Example 3: polluting materials were discharged into a permitted waste treatment plant with prior approval by the waste treatment authority. This is not considered a release per Rule 2(b)(v). This would apply to wastewater treatment plants issued either a NPDES or Michigan groundwater discharge permit and to federally permitted release as allowed under CERCLA.

Example 4: 30 gallons of oil were released into a river and it was immediately and effectively cleaned up. This would not require reporting per Rule 2(b)(iii) if the effective recovery using containment booms, spill pads, or other means resulted in NO visible oil, film, sheen, or discoloration escaping the containment area. It would be reportable under federal regulations if it meets the flowchart conditions.

Example 5: a release of air contaminants occurred. It would not be considered a Part 5 release per Rule 2(b)(iv) if it meets the definition of air contaminant in Section 324.5501(a) [dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof]. It may be reportable under the air regulations.

See Attachment A for the Part 5 Spill Reporting Flow Chart.

Second – Determine the amount of a release of polluting materials that would require reporting:

- Use your polluting materials inventory that is required by Rule 6(1)(d) and identify TRQ for the polluting materials. See Rule 2(g) for definition of TRQ. Any quantity of oil, or polluting material listed in Rule 9, that is released to waters of the state would require reporting if it caused unnatural turbidity, color, visible sheens, oil films, foams, solids, or deposits in the receiving water body per Rule 2(g). “Waters of the state” include groundwater, lakes, rivers, streams, and other watercourses and waters within the jurisdiction of the state and the Great Lakes bordering Michigan.
- Look up the TRQ listed in Rule 9 to identify the amount of a reportable release for those polluting materials. This TRQ is only the amount of a particular material released that is listed in Rule 9, not the full amount of mixture containing 1 percent or more of polluting material. This is different than the TMQ which uses the total amount of mixtures that contain 1 percent or more of polluting materials. Releases of fine mineral fibers do not have to be reported under the Part 5 Rules.

When looking at Rule 9:

- This table of polluting materials is a combination of chemicals contained in the state’s Critical Materials Register compiled by the Water Resources Division and the federal CERCLA list. Different regulations refer to different chemical lists. Synonyms of the chemical names may be listed so it is recommended to check lists using both the CAS number in addition to the name since some materials may not have a CAS number listed.

- Remember a facility may have to meet other regulations that require release reporting in addition to the Part 5 rule requirements. Prior approved releases to the publicly owned treatment plant (POTW) would not be reportable to EGLE, but if there is a release that exceeds the TRQ that was not approved by the wastewater treatment plant authorities, it would require reporting to both the POTW and EGLE. The facility may also have permit conditions that require releases to be reported.
- If doing an ICP and you've calculated different reporting amounts as required by the different regulations, you may want to create a table that lists when a specific volume of release has to be reported to a local, state, or federal agency. The TRQ listed in Rule 9 may have a different TRQ than what is listed in other regulations requiring release reporting. For example, xylene (mixed isomers), CAS #1330207, has a 10# TRQ under Rule 9, a 100# RQ under the current federal CERCLA, and 1000# RQ under Part 201, Environmental Remediation, of the NREPA. Reporting releases under Part 201, are overseen by EGLE Remediation and Redevelopment Division. The Michigan Part 201 regulations reference the July 1, 2001 CERCLA Table 302.4 list of hazardous substances and final reportable quantities. There are also USEPA reporting requirements based on the RQs listed in the current CERCLA Table 302.4. A regulated substance in underground storage tank also includes hazardous substances on the current CERCLA list. The [List of Lists](#) contains reportable quantities and threshold planning quantities for some federal regulations.
- For liquid polluting materials, it would be helpful to calculate the smallest volume (e.g., tablespoons, quarts, gallons) of materials kept on-site that meets the reportable quantities. If you have a mixture of polluting materials, use these basic steps to calculate the reportable amount for each of the polluting materials. Example calculations are available in [Chapter 6 of the Michigan Facilities' Guide to SARA Title III, Emergency Planning and Release Reporting](#).
 - Use the specific gravity or relative density from the SDS and multiply it by the weight of water (8.33 lb/gal) to equal the weight of the mixture in pounds per gallon. If the SDS has ranges listed, calculate the reportable amount for the low and high end of the listed ranges.
 - Take the TRQ in pounds from Rule 9 and divide it by the weight of the mixture as calculated in the step above and divide it by the weight percentage for the individual polluting material (this should be listed on the SDS or available in a chemical dictionary) to get the volume of the polluting materials that would require reporting if released.
 - If the mixture has additional polluting material ingredients, calculate the reportable quantities for each of them. Results: Report releases of mixtures using the lowest calculated volume.

- Consider how a release may affect other regulatory requirements.

Although not part of the release reporting requirements under the Part 5 Rules and not required to be in a PIPP, a facility should consider how a release may affect other regulations. This may include submitting a [Toxic Chemical Release Inventory \(TRI\) under SARA Title III, Section 313](#), filing an Annual Wastewater Report (AWR) under Part 31, Water Resources Protection, of the NREPA, as amended, or other requirements such as permit conditions. Call 517-284-7272 for more TRI information. Call 517-373-6565 for more information about the AWR. Call the Division or agency that issued the permit regarding questions about permit requirements.

If a facility is required to submit a written release report to EGLE under another regulation or permit condition, it is not necessary to submit another duplicative release report to EGLE Waste Management Division as noted in Rule 7 if the first report contains all the information required by Rule 7(2).

Remember, written Part 5 release reports now go to the Water Resources Division.

III: Spill Control and Cleanup Procedures [Rule 6(1)(c)]

The PIPP must contain information about how the facility will control releases and how it will respond and clean up if a release occurs. This includes the following three broad categories of information:

1 List all spill control and response equipment.

Include an inventory and location of spill control and cleanup equipment available on and off-site in the PIPP that would be used to respond to an incident at the facility.

Use the process of developing a PIPP to look critically at the facility to determine if it has the means to protect the environment and human health from releases. Look at all of the facility's property, including the office areas, storage buildings, process lines, loading/unloading trucking areas, and other indoor and outdoor areas. Identify what control and response equipment and material is already on-site, where it is located, whether or not it is appropriate for the types of materials on-site and the types of releases you may have, whether it has been maintained properly, and consider what else may be needed to respond to an emergency. Contact suppliers and emergency response contractors to determine the availability of any additional response supplies necessary for controlling and removing pollution hazards. Consider the following:

- Are there inventory control methods at the facility that could be used to determine if there is a release? What mechanisms are used to track material from receipt to disposal or shipment of product off-site?
- Who is responsible for product loss reporting to management?

- What would happen to the manufacturing process if there is a power failure? Are protection systems fail-safe upon loss of electrical power? Investigate the possibility of reactant materials being lost during an extended power failure and identify steps that must be taken to provide containment or safe handling of those materials.
- What potential effect is there from floods, employee strikes, and vandalism?
- Have environmental consequences of equipment breakdowns been evaluated? Investigate the availability of spare parts. Consider keeping on hand critical parts that are not readily available. A company with on-site treatment should consider having duplicate treatment units available when it is not feasible to shut down the process lines in the event of treatment equipment failure.
- Is the facility in compliance with other environmental and health and safety regulations? For example, are product storage tanks properly constructed, installed, and maintained? Do they have proper coatings and corrosion protection? Are special safety devices (pressure relief vents, leak detection monitoring, overfill protection, check valves, etc.) working properly? Do you have tanks properly registered, if required? Discuss tank requirements with the MMD.

2 Identify the response and cleanup procedures.

Identify in the PIPP how the facility will initially respond when a release is discovered; procedures how to assess the situation including identification of incident type, hazards involved, severity of the problem, and resources threatened; what initial measures need to be taken including discharge/release control, containment, and initial recovery activities; and how releases will be cleaned up. Also consider when would the “emergency” be considered over, and what additional things need to be done (e.g. accident investigation, plan review, response critique, written follow-up reports). Start by reviewing past spills and releases and how they were handled and information from HAZWOPER training. Were previous situations handled appropriately? Consider the following:

- What polluting materials are now on-site?
- What potential causes of spills exist (e.g. containers being ruptured by forklifts, spills from loading/ unloading trucks or transfer piping disconnecting, overfilling or leaking tanks, power failures, natural disasters, etc.)?
- What spill pathways exist that could carry a release to another area (e.g. where do floor drain(s) and storm sewers lead to, where do drainage ditches flow to, where does material go from the dock area)?
- What are the best release control and cleanup procedures for the facility’s situations based upon what the facility is actually capable of doing in response to a release, and whether or not services from nearby emergency response contractors or local emergency responders are needed?

Consider the following control and cleanup methods:

- ✓ Physical cleanup of dry materials include the use of brooms, shovels, sweepers, or plows.
 - ✓ Mechanical means include vacuum cleaning systems and pumps;
 - ✓ Chemical cleanups can be achieved with the use of sorbents, gels, and foams. Sorbents are compounds that immobilize materials by surface absorption or adsorption in the sorbent bulk. Gelling agents interact with the spilled chemicals by concentrating or congealing to form a rigid or viscous material conducive to a mechanical method. Foams are mixtures of air and aqueous solutions of proteins and surfactant-based foaming agents. The primary purpose of foams is to reduce the vapor concentration above the spill surface, thereby controlling the rate of evaporation.
- Will you have a contractor respond? If a contractor is necessary, make arrangements for prompt performance of contractual services on short notice. Identify potential circumstances when the contractor would be needed at the site and what types of spills can employees handle at the facility. It is recommended that several different companies be interviewed and evaluated to determine if they can assist your company before an emergency occurs. If so, get written documentation of what emergency response arrangements they will provide. Companies servicing an area can often be found in the yellow pages under “Environmental and Ecological Services.”
 - Will employees respond to a spill? Make sure they have adequate training and proper personal protection equipment. Call the CIS [Consultation Education and Training Division](#) at 517-322-1809 for specific requirements for personal protection equipment and HAZWOPER training requirements. They can also provide information about the MIOSHA Hazard Communication and [Employee Right-to-Know regulations about hazardous chemicals in the workplace and other health and safety standards.](#)
 - Is emergency control and response adequately covered in employee training programs involved with both manufacturing processes and waste handling? Training programs required under other regulations may not provide your employees with what they need to know in responding to an emergency relating to polluting materials. Determine if additional training is necessary and whether training can be conducted by knowledgeable in-house staff. If not, you may need to contract with a training provider outside of your company. Consider how the facility notifies the trainer when a new employee is hired and when an employee is transferred into a position which requires additional training. Programs should address the hazards of accidental spills, the importance of preventative measures, and procedures for notifying supervisory personnel of accidents that might result in discharges of pollutants. Training should also include the prevention of situations where the

improper arrangement of valves, physical impact, cross connections, and negligence in routine inspection could cause the loss of pollutants. Consider holding mock drills of pollution incidents and emergency response activities. This will help identify if your plan is adequate and also provide employees an opportunity to practice response measures before a real emergency occurs.

3 Properly characterize and dispose of all recovered materials and generated wastes.

Generators of waste must determine what kind of waste is generated from a release and cleanup activities so they can ensure the waste will be properly handled and disposed. It will be necessary to determine if it is hazardous waste regulated under Part 111, Hazardous Waste Management, of the NREPA, a liquid industrial waste regulated under Part 121, Liquid Industrial By-Products, of the NREPA, or a solid waste regulated under Part 115, Solid Waste Management, of the NREPA. This determination can be done by either knowledge of the waste, where available and appropriate, or by testing samples. Some federal hazardous waste characterization guidance is available at <https://www.clu-in.org/> and [Hazardous Waste | USEPA](#). Direct questions about waste characterization, management, or disposal to your consultant or to the MMD district office.

Consider how a spill cleanup could possibly affect your hazardous waste generator or liquid industrial waste generator status. For facilities that already have site identification numbers, it may be necessary to change the hazardous waste generator status to a different category because of the additional amount of cleanup wastes. If this occurs, the facility will have different regulations they must meet. If there are questions about the requirements, call your MMD district office for information. If the site does not have a site identification number, one will need to be obtained before shipping hazardous waste, or liquid industrial waste which includes used oil being recycled. Unless it is an emergency situation, it will be necessary to submit the [EQP 5150 “Site Identification Number”](#) form to obtain a site identification number or update a previous notification to the MMD. Call 517-284-9278 or to obtain a printed copy. The MMD will issue Emergency Site Identification Numbers only when emergency spills require immediate clean up and transportation to protect human health and the environment. Call the Hazardous Waste Management and Tracking Unit at 517-284-6546 during normal business hours and ask for the Manifest Unit Supervisor. Contact PEAS at 800-292-4706 if an emergency identification number is needed for situations after hours.

Identify [permitted and registered transporters](#) available to transfer or evacuate oil, liquid industrial waste, or hazardous wastes away from the facility site in case of an emergency. Look in the telephone book yellow pages under the headings “Waste Reduction Disposal, and Recycling Services” or “Environmental and Ecological Services” for companies that service your area. A standby working arrangement for contracted emergency services would be desirable. Shipments of liquid industrial or hazardous waste off-site will require the use of a waste manifest and subsequent record keeping requirements and [state](#) and [federal hazardous materials transportation](#).

There are other resources available to find information for the above requirements including:

- www.epa.gov/oilspill for information from the USEPA about oil spill prevention, response and cleanup.
- [Chemical Accident Prevention Publications | USEPA](#) for information about chemical accident prevention.
- [CAMEO Chemicals | NOAA](#) for numerous links to chemical databases and fact sheets.
- [Vendor Details \(epa.gov\)](#) or use Internet search engines to find different vendors of environmental equipment.
- [Emergency Response Guidebook \(ERG\) | PHMSA \(dot.gov\)](#) for link to the 2020 Emergency Response Guidebook useful for first responders and getting information about responding to chemical related emergencies.
- [Chemical Hazards and Toxic Substances - Additional Resources | Occupational Safety and Health Administration \(osha.gov\)](#) for a database of human health effects that may result from exposure to various substances found in the environment.

IV. Polluting Material Inventory [Rule 6(1)(d)]

When determining what chemicals and volumes are on-site for the inventory purposes, note the SDS information regarding how materials should be stored, along with their general properties such as reactivity, flammability, etc. Use this information when deciding the location of these materials on-site and how this may impact your site plan in the next section.

- 1 Once you have any kind of polluting material that meets or exceeds the threshold management quantities listed in Rule 2(f) during the preceding 12 months, list those polluting materials in the PIPP. Include oils and salts if their total amounts located anywhere on the site exceed TMQ, and materials listed in Rule 9 that are located in discrete areas that were either individually, or the total volume of different polluting materials located in the same area added together, exceeds either 440 pounds if the discrete area is outdoors or 2200 pounds if stored indoors. Include the polluting material's product name, chemical name, and chemical abstract service (CAS) number.

It is not required to include the small containers that meet the conditional exemption in Rule 3(1), or the amount of polluting materials, but you may want to include them in the inventory so emergency responders are aware what is all present and in what amounts. If you have some products that are only on-site occasionally but have amounts of polluting materials that exceed TMQ, list them in the inventory with a note clarifying they are not always present.

- 2 Include where the SDS for these materials are located. If you have questions about SDS retention, contact CIS Consultation, Education, and Training Division at 517-322-1809.

V: Site Plan [Rule 6(1)(e)]

1 - 8 Develop a facility site design plan that identifies relevant site structures and the storage and use areas where polluting materials are located. This design plan should provide details about the facility site that are not necessarily included on the facility map required by Rule 6(1)(a). Consider the design and construction of indoor and outdoor areas and how it prevents releases from reaching the sewer systems, groundwater, and surface water as required by Rule 5(3) and (4). At a minimum, identify storage tanks, floor drains, loading and unloading areas, sumps, and on-site water supplies, and any other relevant structures that would be affected by a release or could be the source of a release. It is recommended to include shut-off valves, vents, connecting piping from storage tanks to process lines, the locations of response equipment and material, and other structures or devices that may provide prevention or response measures.

Sewer system means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, actually used or intended for use by the public for the purposes of collecting, conveying, or transporting domestic and industrial waste to a treatment facility.

Make sure solid polluting materials are not stored within 50 feet of designated [wetlands](#) or shore or bank of any lake or stream.

Also, when storing solid polluting materials outdoors, the containment must be designed and constructed to remain effective during a 100-year flood. [Information about 100-year floodplains](#) and how to request an [estimated 100-year flood elevation](#) is available from the Hydrologic Studies and Floodplain Management Unit, Field Operations Support Section, Water Resources Division 517-256-4458.

VI: Outdoor Secondary Containment For Liquid Polluting Materials [Rule 6(1)(f)]

The PIPP must include specific information about the engineering controls that have been used to meet the performance standards for outdoor containment structures for liquids as required by Rules 5(1) and (2). See Rule 2(d) for the definition of secondary containment structure. If you have questions if something is outdoors, look at the definition of “indoors” in Rule 1(c) and determine if it meets all those conditions. Also consider containment to prevent releases from escaping loading and unloading areas. See the [WRD operational guidance](#) regarding railroad and truck unloading areas. Include the following in the PIPP:

- 1** Where the containment structure is located.
Information about isolation distances and other storage recommendations and requirements are often included on the SDS. Check with the fire department for any local isolation distance requirements if you have flammable or combustible materials, or reactive or high-risk chemicals.
- 2** What design, size, and construction materials were used for polluting material in that area?

The Part 5 Rules allow flexibility in meeting containment requirements. Choose the best means to manage polluting material so if a release occurs, it can be contained. Make sure the construction material is compatible with the stored material and it is impervious per Rule 5(2)(a). Unsealed concrete or concrete blocks are not impervious surfaces. Minimum holding capacity is described in Rule 5(2)(b). It may be necessary to increase the size to contain collected precipitation.

A consideration often overlooked is how to provide squirt protection in case containers holding liquids are punctured or ruptured. Use engineering calculations to calculate the potential distance a material can squirt, or a general rule of thumb for determining squirt distance for containers is to measure the tallest height of the containers and use that measurement as the minimum distance between the stored containers and the edge of the containment area. Other areas often overlooked are loading/unloading docks. There must be some provision made to prohibit any spilled material in a dock area from entering sewers, drainage systems, and surface water and groundwater.

Review the [*“Guide to Understanding Secondary Containment Requirements in Michigan”*](#) which summarizes other regulations requiring secondary containment. Printed copies are available by calling 800-662-9278 or from your local district office. There may be additional containment requirements if your facility is subject to the [Storm Water Program](#) requirements and/or the [federal SPCC regulations](#).

3 Description how spilled materials will be collected and properly handled and disposed of.

If the collected materials cannot be used on-site, identify how the waste will be characterized and handled as required by the waste regulations. See Section III.3 of this document for Liquid Industrial By-Product and waste information.

4 What security measures are being taken.

Include a description of any means to restrict access to the secondary containment area including fences, gates, and other barriers. This could also include signage stating restricted access, no smoking, etc.

5 How will collected precipitation be managed?

Rule 5(2)(c) allows collected precipitation from secondary containment structures to be discharged at the site if there has not been a release, the drainage is in compliance with other regulations, the valves are kept closed except during the removal, and the discharge is under direct supervision of qualified person.

The Part 5 Rules do not require the “qualified person” be a certified storm water operator, but if the facility is subject to the storm water regulations, then they would need to have a certified storm water operator. The discharge must also be in compliance with the facility’s storm water NPDES and other permit requirements. Discuss these storm water requirements with the WRD Storm Water Program staff district office.

The discharge cannot be, or become, injurious, and not cause runoff to, ponding on, or flooding of adjacent property. It also cannot cause erosion or cause nuisance conditions. R 323.2210 [Rule 2210(d)] of the [Part 22 Groundwater Quality Rules](#), overseen by the WRD, allows discharges from secondary containment without a groundwater discharge permit if the storm water does not contain any leaks or spills and is inspected to ensure compliance with other discharge standards. The discharge must also meet the [Part 4, Water Quality Standards](#) rules overseen by the WRD. When doing a visual inspection before discharging, consider odor, color of any discharges, turbidity, floatable matter, deposits or stains. See the USEPA Storm Water Management Fact Sheet [“Visual Inspection”](#), and discuss additional pollution prevention plan information with the WRD Storm Water Program staff.

If the liquid precipitation will be hauled off-site in quantities greater than 55 gallons, then the [Part 121, Liquid Industrial By-Products, of the NREPA](#) regulations must be met, including using a [permitted and registered transporter](#) and meeting manifesting requirements, etc. If shipments are 55 gallons or less, then the Part 121 Section 324.12103(4) requirements must be met. See [Chapter 2 of the “Michigan Manufacturers’ Guide to Environmental Regulations”](#) for more information.

- 6** How the facility will regularly inspect and maintain the secondary containment structures. Consider designing a checklist identifying what employees should minimally look for when doing inspections or doing maintenance activities. For example, one item may be checking the valves are closed at all times except when precipitation is removed as required by Rule 5(2)(c)(ii). Other items may include general observations like looking for any vegetation impacts or staining that may indicate a release occurred or structural damage or problems with the security around the area. A particular polluting material may have other specific storage requirements that should be inspected. Include schedules how often inspections and maintenance activities will be done. When establishing your inspection schedules, consider Rule 5(2)(c) requirements and the time restrictions in Rule 2(b)(i) for exemption from reporting releases into secondary containment.

VII: Other Control Mechanisms and Facility Security [Rule 6(1)(g)& (h)]

- 1** Identify in the PIPP what other kinds of control measures the facility has which have not been previously addressed elsewhere in the plan. Rule 4 requires facilities to have surveillance of all manufacturing processes, treatment systems, storage areas, and other such areas containing polluting materials. “Adequate surveillance” does not require a company to conduct inspections at the facility on days they are normally closed. However, if a release did occur and was not detected in time, the facility may not qualify for any of the exemptions listed in Rule 2(b) and may have to report the release. Detection of losses in a “timely manner” is intended to mean before a release could reach waters of the state.

Control measures could include preventative maintenance and testing programs to minimize mechanical failures. If so, include a description and an inspection or testing schedule for those programs. Depending on the polluting materials on-site and how they are stored, you may want to review applicable technical standards or codes from

organizations such as the American Petroleum Institute (API), National Fire Protection Association (NFPA), Steel Tank Institute (STI), National Association of Corrosion Engineers (NACE), and the International Codes Committee (ICC).

Although the Part 5 Rules do not require documentation of facility inspections, it is recommended that appropriate records are kept to document and identify actions taken, people involved, and dates and times of inspections and maintenance activities. Other regulations may require inspection documentation. For example, large quantity generators must keep written records of their inspections of hazardous waste accumulation areas.

2 General facility security could involve a variety of measures that deal with potential threats from vandalism, arsonists, terrorism, bomb threats, etc. and may also be affected by what types of polluting materials are on-site. Contact the [State Police, Emergency Management & Homeland Security](#) at 517-284-3821 for more information how to deal with these types of situations.

- Identify what type of general facility physical security systems are in-place (e.g. lights, fences, gates, security guards, motion monitoring equipment, etc.).
- Is there adequate lighting for the facility grounds?
- What kind of surveillance is used at the site? Do you have video cameras, access or equipment alarms, and/or use security staff? Depending on the polluting materials on site, is it necessary for security spot checks of personnel and vehicles entering and leaving the facility? What is the frequency of checking that tampering hasn't occurred in areas with polluting materials? Especially look at storage areas, transfer pipelines or areas, loading and unloading areas, tanks, containment structures, and shipping containers.
- Are there various methods of getting security messages to employees such as newsletters, bulletin boards, or other types of communication within the physical plant and company vehicles (cell phones, satellite tracking, radios, etc.)? Is the system capable of reaching all key personnel?
- Has the adequacy of locks and other protective measures been checked? Are you familiar with vendors that service your facility?
- What kind of precautions have you taken against cyber-attacks? Could computer hackers access critical information from outside the facility?
- Are there procedures to report suspicious activities?

VIII: Plan Preparation, Submittal, and Update Requirements [Rule 6(2)-(5)]

1 & 2 PIPPs and ICPs are required to be kept at the facility and available for inspection. DO NOT SUBMIT A COPY OF THE PLAN TO EGLE, MICHIGAN STATE POLICE, OR USEPA UNLESS REQUESTED. If an ICP was prepared, submit copies of the plan as required by the other planning regulations. Plans are not submitted to EGLE as noted in the Michigan Department of Agriculture's Regulation No 641 Commercial Fertilizer Bulk Storage and Regulation No. 640 Commercial Pesticide Bulk Storage.

- 3** Within 30 days of completing or updating the PIPP, or an ICP, submit a written notification of completion or update of the plan, and a certification the facility is in compliance with the Part 5 Rules to the [Water Resources Division District Office](#) which oversees the county where the facility is located. Whoever signs the certification needs to have authority on behalf of the facility to certify compliance. The department does not require a specific form to be used to meet this requirement. Following is sample certification language that may be used, but is not required to be used:

“Under penalty of law, this certifies that (company name) at (site address) is in full compliance with the Part 5 administrative rules pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). A copy of the Pollution Incident Prevention Plan (PIPP) [or Integrated Contingency Plan (ICP) if prepared] may be requested by [include who and how to contact to request a copy].” Include a signature, title, date, and mailing address if different than the site address.

- 4 & 5** Within 30 days of completing the PIPP, or an ICP, notify both of the following that you prepared a plan:

- [Local Emergency Planning Committee](#)
- [Local Health Department](#)

One recommendation is to submit a letter explaining you are notifying them as required by the Part 5 Administrative Rules pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451) that your company has completed a PIPP or ICP. Although not required by the rules, check if the local agency would like a copy of the polluting material inventory that is included in the plan submitted with their notification. Due to security issues some facilities may not want to include the list. You may notify these entities by calling them but keep written documentation when you called and who you spoke to. If the local entities know what material is on-site, it may help them decide if they will request a copy of your plan. Make sure to provide your company’s name, site address (and mailing address if different), and who to contact to request a copy of the plan.

Discuss with your local responders if they use any system in your community where facilities place response information in a location on-site so that the fire department or other first responders can easily access it if called to the site when no one is there. The spill prevention and control coordinator may also want to keep a copy or summary of the plan available in their vehicle’s glove box or somewhere outside of the facility so they have access to it in case there is a situation when they can’t get to a plan kept on-site. However, consider any security concerns if you do this.

- 6** Provide a copy of the PIPP, or ICP, within 30 days after receiving a request from EGLE, LEPC, or local health department. You may be required to submit a copy if requested by an agency or an ICP may be required to be sent to entities under other regulations. For example, an ICP containing hazardous waste contingency planning must be submitted to local entities.
- 7 & 9** The PIPP, or ICP, must be evaluated every three years or after any release that required implementation of the plan, whichever is more frequent. If no changes are necessary, it is suggested that a record be kept of who evaluated the plan and review date. It will be necessary to resubmit a notification and certification of Part 5 rule compliance to EGLE, local emergency planning committee, and local health department of any updates (see items 3, 4, and 5 above).
- 8 & 9** The PIPP, or ICP, must be updated when there are changes to facility personnel, processes, or procedures identified in the plan, or whenever a change is necessary to maintain compliance with the Part 5 Rules. This would include changes to the polluting materials inventory that is part of the PIPP. It will be necessary to submit a re-notification and recertification of Part 5 rule compliance to EGLE, local emergency planning committee, and local health department of updates (see items 3, 4, and 5 above).
- 10** If EGLE determines the PIPP, or ICP, is incomplete or inadequate, then the facility must modify the plan and resubmit the notifications and certifications as noted above within 30 days after receipt of the department's request, unless a longer response time is authorized by EGLE.

IX: Pollution Incident Report (this section is not included on the checklist) [Rule 7]

Facilities with reportable releases under the Part 5 Rules must notify EGLE as soon as practicable after detection of the release by calling the PEAS [see above summary for Rule 6(1)(b)]. Oil storage facilities subject to SPCC regulations must also report releases of oil per Rule 3(1)(b).

A written report must be submitted to EGLE WRD Division Director, PO Box 30273, Lansing, MI 48909-7773 within ten days after the release. You may use the form [EQP 3465 "Spill or Release Report"](#) available on the Internet, or you can submit a written report containing the information in Rule 7(2).

In addition, you must meet other regulations requiring reporting. See section under Rule 6(1)(b) for more information.

If a release occurs and is reportable, the company needs to meet the following:

1. Releases exceeding threshold reporting quantities are called into PEAS
2. Written report is submitted to WRD within 10 days after release. Include
 - a. Cause of release
 - b. Discovery of release
 - c. Response measures taken or schedule for completion of measures to be taken, or both
 - d. Measures taken to prevent recurrence of similar releases
3. Releases were reported as required under other regulations

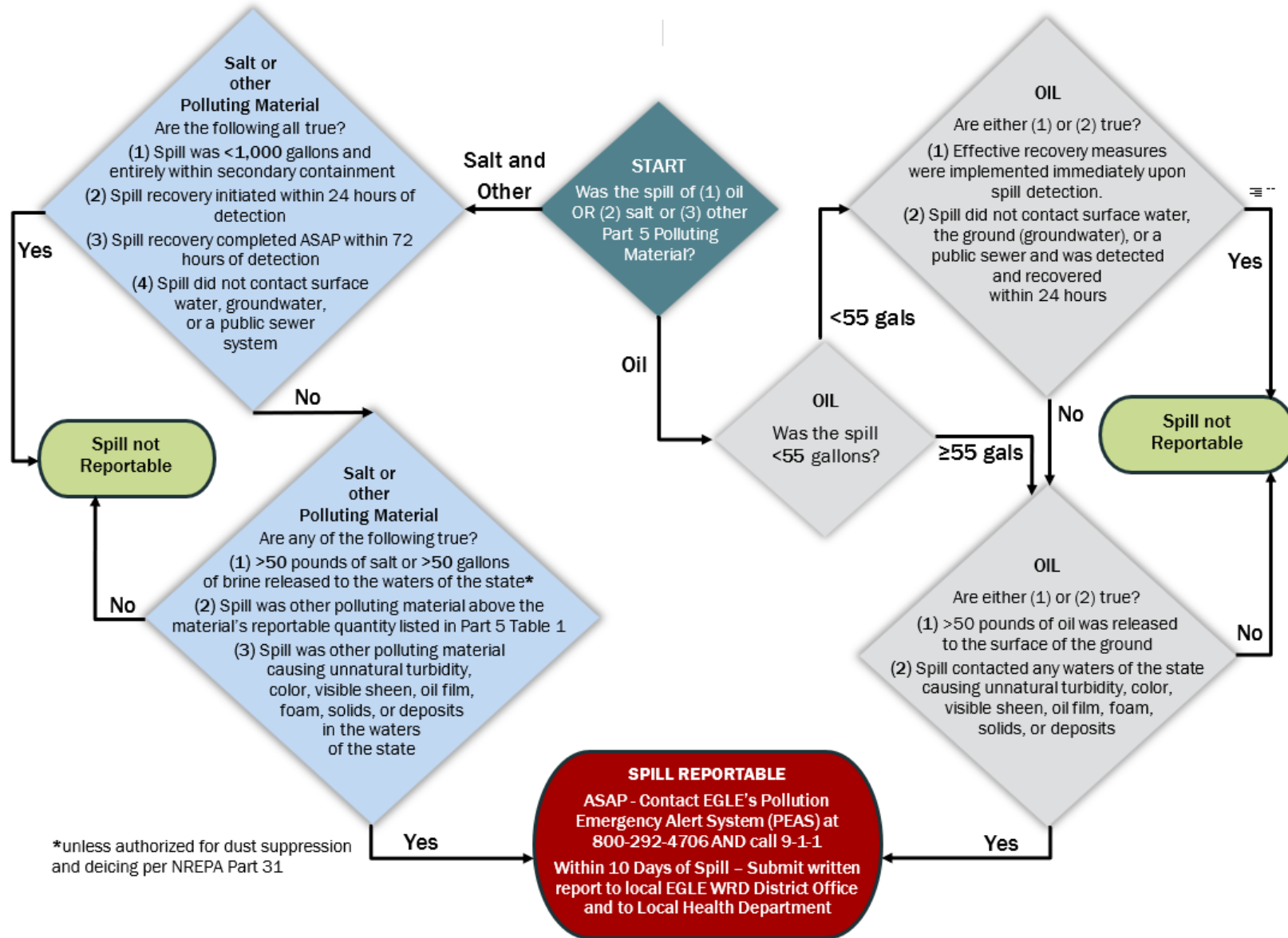
If you have questions about the Part 5 rule requirements or preparing the plan, call the contacts listed on the [Part 5 Rules: Management or Spillage of Oil and Polluting Materials Web site](#). If you have questions about an Integrated Contingency Plan (ICP), contact the agency overseeing the regulation you are combining into one plan.

This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.

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To request this material in an alternate format, contact EGLE-Accessibility@Michigan.gov or 800-662-9278.

Part 5 Spill Reporting Requirements Flow Chart



**PIPP AND PART 5 – INFORMATIONAL PACKET
ATTACHMENT A**
