

Washtenaw County Pollution Prevention Regulation: Inspection Guidance

The Washtenaw County Health Department has a duty to protect the public health, and to prevent and control environmental hazards. The Washtenaw County Pollution Prevention Regulation (P2) requires regular inspections of facilities which manufacture, use, or store more than 55 gallons or 450 pounds of toxic, hazardous, or polluting substances. These inspections are conducted annually, unless the facility qualifies for Reduced Frequency Inspection Status.

Section 1 - Employee Hazard Communication

In the event an imminent health or safety hazard to employees is present, and an employer is uncooperative in addressing the hazard, a written referral will be forwarded to the appropriate agency to gain compliance.

1.1 Safety Data Sheets (SDS) available to employees

Facilities that manufacture, use, or store hazardous materials must make Safety Data Sheets (SDS) (formerly known as Material Safety Data Sheets or MSDS) available to employees to communicate the hazards of chemical products. This information can assist employees in protection from hazards associated with the materials, and can also provide guidance on spills or releases. An SDS file or database should be created, kept current, and made available to employees. An SDS can be obtained from the material manufacturer or supplier. For specific information about SDS and Employee Hazard Communication Standard requirements, contact the Michigan Occupational Safety and Health Administration (MIOSHA) at 517-284-7720.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Required by state and federal Worker Right-to-Know (WRTK) laws.

Inspection Items:

1. SDS are available to employees.
2. SDS reasonably match the types of materials stored on site.
3. SDS sheets are kept reasonably current.
4. SDS are to be stored in an area accessible by employees or signs posted indicating how employees can access SDS.
5. Inspectors do not require or collect copies of SDS.

1.2 Employees receive HAZCOM training

Facilities must properly train employees in the safe handling and use of hazardous materials, as well as appropriate actions to take in the event of a chemical spill or release. The Michigan Worker Right-to-Know (WRTK) Law requires this training to be formalized and documented. MIOSHA has the authority to impose heavy fines where training requirements have not been met. To comply with these requirements, maintain documentation of new employee training and annual refresher training for all employees. For assistance with this training, contact MIOSHA at 517-284-7720, or appropriate trade associations.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Required by state and federal WRTK and hazard communication laws.

Inspection Items:

1. Recommend that formal training is available to employees at larger (over 20 employees) facilities.
2. Recommend that informal training is conducted at smaller facilities that do not store large amounts of hazardous materials.
3. Recommend that documentation of training be maintained for all new employees.
4. Recommend that documentation of annual training for all employees be maintained.
5. Recommend that facilities conduct chemical awareness training as well as spill prevention and response training.

Section 2 - Waste Management

In the event illegal waste disposal practices are occurring and are considered a major problem, a written referral will be forwarded to the appropriate agency to gain compliance.

2.1 Proper hazardous waste management

Proper management of hazardous waste within the facility is a fundamental component of the County P2 regulation and involves the safe storage and accurate labeling of hazardous waste containers. Hazardous wastes must be labeled, stored, transported, and manifested in accordance with all state and federal laws.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.2; Part 111 of Michigan Act 451, P.A. 1994.

Inspection Items:

1. Hazardous waste containers properly labeled according to:
 - a. Waste type.
 - b. Accumulation date.
 - c. EPA Hazardous waste codes, if applicable.

2.2 Manifests available and complete

Copies of all waste manifests must be maintained, organized, and be made available upon request.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: NO

Legal Standard: Required by Act 451, P.A.1994.

Inspection Items:

1. Hazardous waste disposal/manifest records.
2. Recommend retaining on-site for a minimum of 3 years after the shipment date, or as required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Environmental Assistance Center at 800-662-9278.

2.3 Proper non-hazardous waste management

Proper management of non-hazardous waste involves the safe storage and accurate labeling of waste containers. All non-hazardous waste must be properly managed, with documentation maintained on site.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Part 121 of Michigan Act 451, P.A. 1994.

Inspection Items:

1. Non-hazardous waste containers properly labeled according to waste type.

2.4 Accurate waste inventory

Maintaining accurate records of toxic, hazardous, and polluting materials is necessary to ensure emergency personnel have reliable information when a response is necessary. This is also a good business tool, since conducting an inventory may reveal potentially unsafe practices or unnecessary amounts of costly materials. Use the Waste Material Inventory form to report these waste materials.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 3.1

Inspection Items:

1. Submittal of a Waste Materials Inventory (page 4) of the P2 Status Sheet packet within the last 5 years.
2. Waste Materials Inventory matches chemical inventory observed during inspection.

2.5 Proper storage of waste materials

Proper waste storage at the facility is essential in preventing accidental releases to the environment and exposure of these substances to employees.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Part 121 of Michigan Act 451, P.A. 1994.

Inspection Items:

1. Waste containers properly labeled according waste type.
2. Appropriate secondary containment provided for waste containers.
3. Incompatible wastes are stored in separate areas.

Section 3 - Underground Storage Tank Management

In the event there are unregistered tanks or no use monitoring procedures in place, a written referral will be forwarded to the appropriate agency to gain compliance.

3.1 Proper registration of underground storage tanks (USTs)

While the P2 Regulation does not regulate USTs, the primary purpose of the County P2 Program is to prevent pollution before it occurs. USTs have the potential to cause widespread contamination if not monitored and managed properly. Contact the EGLE Environmental Assistance Center at 800-662-9278 to register any USTs that are not currently registered with the State of Michigan.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Michigan Act 451, P.A. 1994.

Inspection Items:

1. Documentation of registration for tanks greater than or equal to 220 gallons.

3.2 Proper leak detection monitors

If no mechanism exists to detect leaks from the underground storage tank system, contact the EGLE Environmental Assistance Center at 800-662-9278 to discuss leak detection requirements.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Natural Resources and Environmental Protection Act, 1994 PA 451.

Inspection Items:

1. Electronic/interstitial monitoring; or
2. Inventory control meter(s).

3.3 Leak detection system tested

The underground storage tank leak detection system must be regularly tested. This leak detection system should be tested at a frequency as recommended by the manufacturer and as required by state and federal underground storage tank laws.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Natural Resources and Environmental Protection Act, 1994 PA 451.

Inspection Items:

1. Records of leaks detection system testing.

3.4 Volume and usage records maintained

Records of underground storage tank material(s), volumes, and usage must be available. These records must be maintained, available, and reviewed on a regular basis to help with the early detection of a leak.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Natural Resources and Environmental Protection Act, 1994 PA 451.

Inspection Items:

1. Records of UST volume and usage.

Section 4 - Emergency Planning

In the event of continued non-compliance, a written referral will be forwarded to the appropriate agency to gain compliance.

4.1 Proper emergency plan on file

One of three emergency plans may be required, depending on the type and volume of stored materials or waste: 1) Spill Prevention Control and Countermeasures Plan (SPCC); Pollution Incident Prevention Plan (PIPP); or Hazardous Materials Management Plan (HMMP).

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation; Michigan Act 451, P.A. 1994; Title 40, Code of Federal Regulations Part 112 (40 CFR part 112).

Inspection Items:

1. **SPCC Plan:** Federal requirement for non-transportation related facilities with above ground storage of over 660 gallons in a single container **or** an aggregate capacity of over 1,320 gallons **or** over 42,000 gallons of underground storage, and there is a reasonable expectation of a discharge to navigable waters.
2. **PIPP Plan:** State requirement for facilities with above ground storage equal to or greater than 40,000 gallons of oil, salt in solid form (5 ton threshold), or liquid form (1,000 gallon threshold); or other polluting materials listed in R. 320.2009 with a threshold of 440 pounds for outside storage, or 2,200 pounds for inside storage.
3. **HMMP Plan:** Local P2 requirement for facilities storing over 500 gallons of a polluting material and which are exempt from SPCC or PIPP requirements.

4.2 Accurate emergency plan on file

Accurate emergency plans are necessary to allow emergency response personnel to take safe and appropriate actions when necessary. Review and update the plan regularly, paying particular attention to emergency phone numbers, structural changes, secondary containment, and employee training.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation; Michigan Act 451, P.A. 1994; Title 40, Code of Federal Regulations Part 112 (40 CFR part 112).

Inspection Items:

1. Contact names and phone numbers are valid.
2. Procedures which prevent releases to the environment and those for containment, cleanup, and mitigation.

Section 5 - Community Right-to-Know - Hazardous Material Reporting

In the event of continued non-compliance, a written referral will be forwarded to the appropriate agency to gain compliance.

5.1 Chemical inventory submitted

One of the most fundamental components of the P2 Regulation is the requirement that chemical inventories of all toxic, hazardous, or polluting substances be submitted for all regulated facilities. Oils, solvents, fuels, compressed gases, etc., are included as potential polluting or hazardous materials and must be reported annually when stored in aggregate quantity of more than 5 gallons/40 pounds/100ft³. Use the forms included in the Washtenaw County Pollution Prevention Program Status Sheet packet to report these materials.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 3.1

Inspection Items:

1. Business Information Sheet (page 1) of P2 Status Sheet packet submitted by March 1 with maximum storage inventory for the prior calendar year, or checked “no change” from previous status sheet.
2. New Manufacturer Inventory - Fresh Chemical (page 2); Toxic, Hazardous, or Polluting Materials Inventory - Fresh Chemical (page 3); and, Waste Materials Inventory (page 4) of the P2 Status Sheet packet submitted a minimum of once every 5 years.
3. Compare inventory on site with substances reported; no major discrepancy.

5.2 Chemical inventory accurate

Accuracy of the information submitted with status sheets is very important to assist in properly managing toxic, hazardous, or polluting substances. This information also affects the accuracy of emergency plans.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 3.1

Inspection Items:

1. Compare inventory on site with substances reported; no major discrepancy (\pm 55 gallons).

5.3 Last site plan accurate

Current and accurate emergency plans are necessary to allow emergency response personnel to take safe and appropriate actions should an emergency occur. Failure to have an accurate site plan puts the public, emergency response personnel, and the environment at risk.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 3.2

Inspection Items:

1. Contact names and phone numbers are valid.
2. Procedures in place which prevent releases to the environment and those for containment, cleanup, and mitigation.

5.4 Accurate Tier II reporting

Tier II reporting is a federal requirement and is part of Title III of the Superfund Amendments and Reauthorization Act (SARA). Its purpose is to identify the amount and location of hazardous materials stored at a facility. The reporting requirements vary depending on the hazardous material. To comply with these rules, a Tier II report for chemicals over 10,000 lb. and/or extremely hazardous substances must be completed. For additional information, contact EGLE Environmental Assistance Center at 800-662-9278.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: Federal RCRA

Inspection Items:

1. Review forms for accuracy with chemical inventories.

5.5 P2 Program signs posted

Signage provided by the County P2 Program is intended to assist emergency personnel in making a safe and proper emergency response at a facility.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 4.3

Inspection Items:

1. P2 Program signs placed on appropriate exterior doors and/or windows of the facility.
2. Inspector will maintain a supply of self-stick signs and provide to facility contact, as necessary.

Section 6 - Illicit Discharges

In the event of continued non-compliance, a written referral will be forwarded to the appropriate agency to gain compliance.

6.1 Possible illicit air discharge

An air discharge may require permitting by EGLE. Contact the EGLE Environmental Assistance Center at 800-662-9278 to determine if an air discharge permit is required.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. Mechanical ventilation over chemical tanks, spray booths, etc.
2. Obvious air quality concerns.
3. Appropriate air quality permits on file, as needed.

6.2 Possible discharge to storm drain

If a potential discharge to storm drains exists, the discharge must be immediately eliminated or approved by the agency managing the storm water system.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. Staining of discharge pipes, oily sheen, etc. in retention/detention ponds; other obvious concerns.
2. Appropriate National Pollutant Discharge Elimination System (NPDES) permits on file, as needed.

6.3 Possible illicit discharge to surface water

If a potential discharge to surface water exists, the discharge must be immediately eliminated or approved by the EGLE Surface Water Division. For additional information, contact EGLE Environmental Assistance Center at 800-662-9278.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. Staining of discharge pipes, oily sheen, etc. in retention/detention ponds; other obvious concerns.
2. Appropriate NPDES permits on file, as needed.
3. Outdoor vehicle washing in close proximity to surface water.

6.4 Possible illicit discharge to soil/groundwater

If soil contamination exists and it appears to be the result of improper management practices, the discharge to the ground surface must be immediately discontinued. Additionally, the contaminated soil must be managed in accordance with applicable state regulations. Any contamination of groundwater must be immediately reported to the EGLE Environmental Assistance Center at 800-662-9278.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. Stain/residue in sinks.
2. Non-sanitary wastes discharging to an on-site disposal system.
3. Potential or existing soil contamination, particularly at outdoor material storage areas.

6.5 Possible illicit discharge to sanitary sewer

Discharges to the municipal sanitary sewer may violate local sanitary discharge requirements. Contact the local wastewater treatment plant to determine discharge requirements.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. Stain/residue in sinks.
2. Non-sanitary wastes discharging to the municipal sanitary sewer system.
3. Potential or existing soil contamination, particularly at outdoor material storage areas.

6.6 Other illicit discharge

If a potential discharge of hazardous materials exists, the discharge must be immediately eliminated or approved by EGLE.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. Other discharges.

6.7 Indoor air quality concerns

If poor indoor air quality exists, it is advised this situation be investigated, and steps taken to ensure MIOSHA air quality standards are being met.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: None.

Inspection Items: N/A

Section 7 – Chemical Storage and Housekeeping

In the event of continued non-compliance, a written referral will be forwarded to the appropriate agency to gain compliance.

7.1 Adequate secondary containment

Toxic, hazardous or polluting materials must be stored in a way to prevent accidental releases to the air, groundwater, or surface water. The method of secondary containment must be approved by this office, and any new secondary containment structure may require Building and/or Fire Department approval. Requirements from these agencies should be determined and containment plans submitted to this office for approval, prior to installation, so improper design and unnecessary expenditure is avoided.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Act 451, P.A. 1994.

Inspection Items:

1. 110% of the volume of the largest container, or;
2. 100% of the volume of the largest container, plus displacement, or;
3. 150% of the total stored volume of CMR materials.
4. Building as secondary containment.

7.2 Floor drains properly located

The location of floor drains within the facility may act as a spill pathway and result in contamination of ground or surface water. Floor drains that appear to create a pathway for spilled or released materials must either be plugged or isolated to assuredly prevent hazardous materials from escaping the building.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: None.

Inspection Items:

1. Proximity of toxic, hazardous, or polluting materials to floor drains.
2. Written authorization from wastewater treatment plant operator allowing storage of certain chemicals near floor drains.

7.3 Appropriate compatible storage

Compatible storage of chemicals reduces the potential for accidental release to the environment and exposure of workers to hazards. Incompatible materials are not to be stored adjacent to each other. Review hazardous material storage practices and ensure that incompatible materials are isolated from each other.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: None.

Inspection Items:

1. No acids with alkalies; oxidizers with water, etc.
2. Specific labeling regarding compatibility.

7.4 Appropriate flammable storage

Proper storage of flammable materials is important for both fire prevention and environmental release prevention. Flammable products must be stored in approved flammable material storage containers and/or in flammable rated storage lockers.

Requirement for Reduced Frequency of Inspection: YES

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Michigan Fire Prevention Code, Section 29.5.

Inspection Items:

1. Proper containers and warning labels.
2. Recommend fire extinguishers are tagged and tested by a fire protection business annually.

7.5 Appropriate compressed gas storage

Unsecured compressed gas cylinders pose a significant safety threat. Compressed gas cylinders must be stored in a safe manner to prevent an accidental release to the atmosphere, fires, and injury to workers.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: YES

Legal Standard: County P2 Regulation, Section 5.4; Federal 49 CFR parts 171-179 and 14 CFR part 103.

Inspection Items:

1. Stored compressed gas cylinders are chained to a wall with valve covers in place.
2. In-use compressed gas cylinders are otherwise secured to prevent damage.

7.6 Appropriate housekeeping and labeling

Facilities with good housekeeping and proper labeling is often a sign that management and employees have a good grasp on pollution prevention practices. Proper container labeling and organization is essential to a problem-free operation.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: None.

Inspection Items:

1. Neat and orderly recordkeeping, chemical storage, and work areas.
2. All material and waste containers accurately labeled.

7.7 Appropriate absorbent materials

Providing absorbent materials for cleaning up spills helps prevent or minimize releases to the environment. A sufficient supply of absorbent material should be stored adjacent to work areas to contain minor spills.

Requirement for Reduced Frequency of Inspection: NO

Specifically Required by the County P2 Regulation: NO

Legal Standard: None.

Inspection Items:

1. Accessibility of absorbent material.
2. Absorbent material appropriate for the stored material.
3. Staff knowledgeable as to the kinds and size of spills to attempt clean-up activities.