

NEC

NO EXPOSURE CERTIFICATION for Exclusion from UPDES Storm Water Permitting
SEE PAGE 4 FOR INSTRUCTIONS

Submission of this No Exposure Certification constitutes notice that the entity identified in Section I does not require permit authorization for its storm water discharges associated with industrial activity in the State of Utah due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from UPDES permitting is available for a facility-wide basis only and is not applicable to individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity in Section I is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of Utah Administrative Code (UAC) R317-8-3.9.

ALL INFORMATION MUST BE PROVIDED ON THIS FORM AND THE \$150 FEE SUBMITTED.

Is the facility located in Indian Country? Yes No

If yes, do not complete this NEC, instead submit an application for coverage under a storm water permit to EPA Region VIII.

By indicating "Yes" below, I understand that I am obligated to submit a no exposure certification form once every five years to the Utah Division of Water Quality and understand that I must obtain coverage under a UPDES permit if no exposure conditions can no longer be maintained.

Yes No

I. OWNER INFORMATION Check here if Operator Information is the same as Owner Information

Owner Name: _____ **Status of Owner** (circle one): **Federal Public State Private**

Address: _____

City: _____ **State:** _____ **Zip:** _____

OWNER POINT OF CONTACT:

First Name: _____ **Last Name:** _____ **Phone:** _____

Title: _____ **Email:** _____

OPERATOR INFORMATION (Do not fill out if Operator is same as Owner)

Operator Name: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

OPERATOR POINT OF CONTACT:

First Name: _____ **Last Name:** _____ **Phone:** _____

Title: _____ **Email:** _____

II. FACILITY INFORMATION

Facility Name: _____

Address: _____ County: _____

City: _____ State: _____ Zip: _____

Latitude: _____ Longitude: _____

Specify Coordinate System (circle one): Decimal Degrees or Degrees Minutes Seconds

Was the facility or site previously covered under a UPDES stormwater permit? Yes No

If yes, enter UPDES Permit numbers: _____

Identify the 4-digit Standard Industrial Classification code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP.

Primary SIC Code: _____ OR Primary Activity Code: _____

Co-Located SIC Code: _____ OR Co-Located Activity Code: _____

Total size of the site associated with industrial activity (to the nearest quarter acre): _____

Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the No Exposure exclusion?

Yes No

If yes, please indicate approximately how much area was paved or roofed over.

Less than 1 acre

1 to 5 acres

more than 5 acres

III. EXPOSURE CHECKLIST

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box). If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the No Exposure Certification.

- 1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater: Yes No
- 2. Materials or residuals on the ground or in stormwater inlets from spills/leaks: Yes No
- 3. Materials or products from past industrial activity: : Yes No
- 4. Material handling equipment (except adequately maintained vehicles): Yes No
- 5. Materials or products during loading/unloading or transporting activities: Yes No
- 6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants): Yes No
- 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers: Yes No
- 8. Materials or products handled/stored on roads or railways owned or maintained by the discharger: Yes No
- 9. Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]): Yes No
- 10. Application or disposal of process wastewater (unless otherwise permitted): Yes No
- 11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow: Yes No

V. CERTIFICATION

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of “no exposure” and obtaining an exclusion from UPDES storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document.

I understand that I am obligated to submit a no exposure certification form once every five years to the Utah Division of Water Quality and understand that I must obtain coverage under a UPDES permit prior at any point source discharge of storm water from the facility.

Additionally, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Print Name: _____

Title: _____

Email: _____

Date: _____

For office use only:

Enter the contact information of user who transcribed the information from the paper form into the NEC application

Name: _____

Organization: _____

Email: _____ Phone: _____

INSTRUCTIONS

No Exposure Certification (NEC) For Exclusion from UPDES Storm Water Permitting

OBTAINING AND MAINTAINING THE NO EXPOSURE EXCLUSION

This form is used to certify that a condition of no exposure exists at the industrial facility or site described and must be re-submitted at least once every five years. The industrial facility operator must maintain a condition of no exposure its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to storm water, the facility operator must obtain coverage under an UPDES storm water permit immediately.

Where To File NEC Form The preferred method of submitting an NEC is by completing an NEC electronically on the NPDES eReporting Tool (NeT) Storm Water Database: <https://cdx.epa.gov/>. If the database option is not available for you, you can submit a PDF via the Electronic Documents Submission on the main Division of Water Quality website waterquality.utah.gov or email a PDF to wqinfodata@utah.gov. You may also mail a paper form to the following address:

**Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870**

Fees The fee is \$150.00 for the five-year certification period. The fee is paid on-line by VISA/MASTERCARD/echeck or by mailing a check.

Completing the form You must type or print legibly. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Please make sure you have addressed all applicable questions. If mailing, please make sure to make a photocopy for your records before sending the completed form to the above address.

SECTION I – OWNER AND OPERATOR INFORMATION

Supply the legal name(s) of the person(s), firm(s), public organization(s), or any other entity(ies) that qualifies as the owner of the project (see permit definitions). Do the same for the operator that conducts facility operations at the permitted site. The owner and the operator of the project may be the same.

Enter the complete address and telephone number of the owner and operator and a point of contact person and number for each.

SECTION II – FACILITY INFORMATION

Enter the facility name of the site and complete street address, including city, state and ZIP code. The latitude and longitude of the facility must be included to the approximate center of the site. Specify which coordinate system is used, either Decimal Degrees or Degrees Minutes Seconds.

Indicate whether the facility was previously covered under an UPDES storm water permit. If so, include the permit number. Enter the 4-digit SIC code or 2-digit activity code which identifies

the primary activity, and second 4-digit SIC code identifying the facility secondary activity, if applicable.

Activity codes are:

AD1 – Other stormwater discharges designated by the Director
HZ – Hazardous Waste Treatment, Storage, or Disposal Facilities
LF – All landfill, land application sites and open dumps
SE – Steam electric generating facilities
TW – Treatment works treating domestic sewage

Enter the total size of the site associated with industrial activity to the nearest quarter acre.

Check “Yes” or “No” as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.

SECTION III – EXPOSURE CHECKLIST

Check “Yes” or “No” as appropriate to describe the exposure conditions at your facility. If you answer to ANY of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an UPDES storm water permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of storm water exposed to industrial activity, and then certify to a condition of no exposure.

SECTION IV – CERTIFICATION STATEMENT

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.