

STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY
195 North 1950 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801) 536-4300

NEC

No Exposure Certification (NDC) Form for Exclusion from the UPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity; No. UTXN00000

An industrial facility with a SIC code that requires coverage but does not discharge storm water to waters of the state may formally opt for an exclusion. By definition, a discharge to waters of the state includes discharges to surface water or groundwater (*UAC R317-8-1.5(59)*). A no discharge exclusion is obtained by completing and submitting this form with appropriate supporting documentation to demonstrate that no storm water can discharge from the site via surface runoff or sub-surface infiltration. This exclusion is available on a facility-wide basis only and is not applicable to individual outfalls.

Discharges composed entirely of storm water are not storm water discharges associated with industrial activity if there is "no exposure" of industrial materials and activities to rain, snow, snow melt and runoff, and the discharger satisfies the conditions in Part III of this certification.

"No exposure" means that industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snow melt, and runoff. Industrial materials or activities include 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.

To qualify for this exclusion, the operator of the discharge must:

1. Provide a storm-resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff;
2. Complete and sign, according to *Part VII.K* of the MSGP, a certification that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility;
3. Submit the signed certification to the *Director* once every five years;
4. Allow the *Director* or authorized representative to inspect the facility to determine compliance with the "no exposure" conditions;
5. Allow the *Director* or authorized representative to make any "no exposure" inspection reports available to the public upon request; and
6. For facilities that discharge through an MS4, upon request, submit a copy of the certification of no exposure to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

To qualify for this exclusion, storm resistant shelter is not required for:

1. Drums, barrels, tanks, and similar containers that are tightly sealed, meaning banded or otherwise secured and without operational taps or valves, provided those containers are not deteriorated and do not leak;
2. Adequately maintained vehicles used in material handling; and
3. Final products, other than products that would be mobilized in storm water discharge e.g., rock salt.

This conditional exclusion from the requirement for a UPDES permit is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be no exposure discharges, individual permit requirements should be adjusted accordingly

If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, and runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

The *Director* retains the authority to require permit authorization and deny this exclusion upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

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 INFORMATION:

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 INFORMATION:

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**

Municipal Separate Storm Sewer System (MS4) Operator Name: _____ N/A

Was the facility or site previously covered under a UPDES stormwater permit? Y N

If yes, what is the most current UPDES Permit Number? Permit No. UTR _____

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 Regulated Sector: _____ Primary SIC Code: _____

Co-Located Sector or Activity Code: _____ Co-Located SIC Code: _____

Co-Located Sector or Activity Code: _____ Co-Located SIC Code: _____

Co-Located Sector or Activity Code: _____ Co-Located SIC 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 storm water; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Materials or residuals on the ground or in storm water inlets from spills or leaks; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Materials or products from past industrial activity; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Materials handling equipment, except adequately maintained vehicles; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 5. Materials or products during loading and unloading or transporting activities; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 6. Materials or products stored outdoors, except final products intended for outside use, (i.e. new cars, where exposure to storm water does not result in the discharge of pollutants); | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 8. Materials or products handled or stored on roads or railways owned or maintained by the discharger; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 9. Waste material, except waste in covered and non-leaking containers such as dumpsters; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 10. Application or disposal of process wastewater, unless otherwise permitted; and | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 11. Particulate matter or visible deposits or residuals from roof stacks or vents not otherwise regulated, (i.e. under an air quality control permit), and evident in the storm water outflow. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

IV. CERTIFICATION INFORMATION

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 identified in this document.

I understand that I am obligated to submit a no exposure certification form once every five years to the Division of Water Quality and understand that I must obtain coverage under a UPDES permit prior to 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 gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Title: _____

Signature: _____

Date: _____

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 a NEC is by completing it electronically on the NPDES eReporting Tool (NeT) Storm Water Database: <https://cdx.epa.gov/>. If you submit a waiver from electronic reporting, in accordance with *Part 1.I* of the permit, you may also submit 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:

1. 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
2. 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.