



Instructions for Completing the No Exposure Certification for the Discharge of Stormwater Associated with Industrial Activity

Use these instructions to complete the No Exposure Certification for the Discharge of Stormwater Associated with Industrial Activity (DEP-PED-REG-014NE). These instructions are not a substitute for the requirements of any relevant permit, statutes, or regulations. You should review all applicable laws prior to completing the certification form. Remember, it is your responsibility to comply with all applicable laws.

Any questions regarding the No Exposure Certification should be directed to the Water Permitting and Enforcement Division at 860-424-3018.

Introduction

Industrial activities are required to obtain permit coverage for stormwater discharges pursuant to Section 22a-430b of the Connecticut General Statutes. The *General Permit for the Discharge of Stormwater Associated with Industrial Activity* (general permit), issued August 23, 2010 (effective October 1, 2011), covers the discharge of stormwater associated with industrial activities. Industrial activities eligible for this permit coverage are defined in Section 2 of the general permit.

Who May File a No Exposure Certification

Category (10) of the definition of industrial activity identifies certain industrial activities that require coverage under the general permit only if there are materials and activities exposed to stormwater. Industrial activities identified in category (10) that can certify to a condition of no exposure may utilize the no exposure exemption described in Section 3(d) of the general permit.

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, snowmelt, run-on and run-off. 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 including recyclables. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product including recyclables.

Industrial activities that want to utilize the no exposure exemption must submit a *No Exposure Certification for the Discharge of Stormwater Associated with Industrial Activity* (No Exposure Certification Form - DEP-PED-REG-014NE). The exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation or stormwater run-on, the facility is not eligible to file the No Exposure Certification.

By signing and submitting the No Exposure Certification, the operator is certifying that a condition of no exposure exists at the facility or site and is obligated to maintain that condition or to register for the general permit.

Obtaining and Maintaining the No Exposure Exclusion

The No Exposure Certification Form must be used to certify that a condition of no exposure exists at the industrial facility or site described on the form. The form must be re-submitted when the general permit is reissued, typically every five years.

The facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. The facility operator is responsible for inspecting the site on a regular basis to confirm that a condition of no exposure continues to exist. The DEEP strongly recommends a minimum of quarterly site inspections. If on-site conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must immediately: 1) comply with the conditions of the general permit, i.e., submit a general permit registration form and prepare a stormwater pollution prevention plan, or 2) submit an individual discharge permit application.

Failure to maintain the condition of no exposure or obtain coverage under an NPDES permit can lead to the unauthorized discharge of pollutants to waters of the state, resulting in possible enforcement action and penalties.

Be aware that even if you certify to a condition of no exposure, the DEEP can still request additional information to evaluate your certification; require the submittal of stormwater sample data; and/or require you to apply for an individual or general permit if it is determined that your discharge may be contributing to the violation of, or interfering with the attainment or maintenance of, water quality standards, including designated uses.

The No Exposure Certification Form

Part I: Certification Types

Select the appropriate box to specify if the registration is for a new certification of no-

exposure (with an expired certification), a new certification of no-exposure or a new certification for no-exposure for a facility previously registered under the General Permit for the Discharge of Stormwater Associated with Industrial Activity. For a new certification of no-exposure (with an expired certification) please provide a previous application number. If the registration is a new certification of no-exposure select whether or not you are on a site where industrial activity has been previously located and select whether or not you are proposing a new industrial activity on a site where industrial activity has not been previously located.

Part II: Fee Information

A certification fee of \$250.00 is to be submitted with each No Exposure Certification that you are submitting. The fee is non-refundable and shall be paid by check or money order payable to the Department of Environmental Protection.

Part III: Registrant Information

1. Registrant/ Client Name:

- Provide the full, legal *company/firm* name. If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on such registration. If identifying an *individual*, provide the full legal name (include title and suffix) in the following format: Title (Ms, Dr, etc.); First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.).
- Select one of the following registrant types from the drop down: Individual, Business Entity, Federal Agency, State Agency, or Municipality.
- Select one of the following *Business Types* from the drop down: Corporations, Limited Liability Companies-LLC, Limited Liability Partnerships-LLP, Limited Partnerships-LP, Partnerships (General Partnerships-

GP), Statutory Trusts, other (if other, specify type in the space provided) or N/A (non-applicable).

- Provide the Secretary of State Business ID Number.
 - Provide the mailing address including the street address, city/town, state, and zip code.
 - Provide a business phone number where the registrant’s contact person can be contacted during the daytime business hours.
 - Provide the name of the specific individual (Contact Person) within the company whom DEEP may contact.
 - Provide an accurate company email address. The email address may be used for future correspondence from the DEEP to your business.
 - If applicable, provide an additional phone number, other than the one provided as the “*Business Phone*”, where the contact person can also be contacted.
2. Registrant’s interest – select the appropriate box(es).
 3. If applicable, provide specific contact information for billing matters.
 - 4a. If applicable, provide specific information for primary or on-site contacts.
 - 4b. If applicable, provide specific information for an onsite contact if the registrant is out of state.
 5. If applicable, provide specific contact information for consultants you have authorized as a consultant, engineer, attorney or other individual to act for you during the processing of this registration. Select one of the following consultant types from the drop down: Architect, Attorney, Biologist, Consultant, Engineer,

Professional Engineer, Environmental Consultant, General Contractor, Surveyor, other (if other, specify type in the space provided).

Part IV: Site Information

1. Name of site:

This should be the name by which the facility is commonly known and/or uniquely identified. The information given as the “Street Address or Location Description should be the address of the property at which the activity/ proposed activity takes place. Include the street address and municipality. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example, “on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road.”

2. SIC Code:

The Standard Industrial Classification Code (SIC) of the company determines in part whether the company is subject to this permit. (For additional information, refer to the definition of “industrial activity” in Section 2 of the General Permit). Because this number was originally used for federal financial reporting, consult your company’s accounting department to determine your code. A search of the Internet will also produce lists of SIC codes (which are four characters long). Provide a description of your SIC code category.

Part V: Supporting Documents

Select the appropriate box for each attachment being submitted as verification that the applicable attachment(s) has been submitted.

Please label the attachment as referenced in the registration form and these instructions and be sure to include the name of the facility operator.

Attachment A: United States Geological Survey Topographic Quadrangle Map

Submit, as Attachment A, an 8 ½” x 11” copy of the relevant portion or a full-sized original of a United States Geological Survey Quadrangle Map, at a scale of 1:24,000, indicating the exact location of the project site and proposed activities. The quadrangle name and facility operator’s name should be noted on the copy of the map submitted.

Attachment B: Analytical Data (optional)

Submit, as Attachment B, a summary of existing stormwater quality data for the site.

Part VI: No Exposure Checklist

Select “Yes” or “No” as appropriate to identify any materials or industrial activities that may be exposed to precipitation now or in the foreseeable future. If you answer “yes” to **ANY** of the questions (1) through (13) 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 maintain coverage under the general permit or an individual stormwater discharge permit. After submitting a registration and completing a Stormwater Pollution Prevention Plan, you can opt to institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure. *Answers to questions commonly asked about filling out this checklist have been provided at the end of this document.*

Part VII: No Exposure Certification

After the registration has been completed it must be reviewed and signed by both the registrant and the individual(s) who actually prepared the registration, (e.g. consultants, professional engineers, surveyors, soil scientists, etc.). By their signature, they certify that, to the best of their knowledge and belief, the information contained in the registration, including all attachments, is true, accurate and complete.

The certification of the registration package shall be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president, or his agent;
3. For a limited liability company (LLC): by a manager, if management of the LLC is vested in a manager(s) in accordance with the company’s “Articles of Organization”, or by a member of the LLC if no authority is vested in a manager(s);
4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such registrant authorized by law.

A registration will be considered insufficient unless all required signatures are provided.

Affirmative Action, Equal Employment Opportunity and Americans with Disabilities

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to requirements of the Americans with Disabilities Act. Any person with a disability who may need information in an alternative format may contact the agency's ADA Coordinator at 860-424-3194, or at deep.hrmed@ct.gov. Any person with limited proficiency in English, who may need information in another language, may contact the agency's Title VI Coordinator at (860) 4234-3035, or at deep.aao@ct.gov. Any person with a hearing impairment may call the State of Connecticut relay number - 711. Discrimination complaints may be filed with DEEP's Title VI Coordinator. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

ADDITIONAL GUIDANCE AND FREQUENTLY ASKED QUESTIONS....

What is the Definition of No Exposure?

No exposure means all industrial materials and activities are protected by a storm-resistant shelter, with certain exceptions noted below, to prevent exposure to rain, snow, snowmelt, run-on, and/or runoff.

Storm-resistant shelters include completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any stormwater run-on and subsequent runoff of storm water.

Industrial materials and 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.

The Department does not consider heating, venting, and air conditioning (HVAC) equipment associated with non-process operations of the building to be industrial machinery under the definition of no exposure. However, these items, if not properly maintained, may contribute pollutants to your stormwater runoff. You are responsible for inspecting and adequately maintaining such HVAC equipment to ensure that it is not a potential source of contaminants to stormwater.

Please note that the No Exposure Certification does not authorize the discharge of any type of wastewater.

Material handling activities include storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, by-product, final product or waste product.

Who May File a No Exposure Certification?

Only those industrial activities contained in category (10) of the definition of industrial activity in Section 2 of the general permit may utilize the no exposure exemption. See Appendix A of this document for a listing of the eligible SIC codes.

What industrial materials/activities do not require a storm resistant shelter?

- A lidded dumpster containing waste materials, as long as the lid provides complete coverage for the container, drain plugs are intact, the dumpster is in sound, watertight condition. The dumpster must be covered when not in use.
- Adequately maintained vehicles, such as trucks, automobiles, forklifts, trailers or other general purpose vehicles found onsite—but not industrial machinery—which are not leaking or are not otherwise a potential source of contaminants.
- Final products built and intended for use outdoors (e.g., new cars), provided the final products have not deteriorated or are not otherwise a potential source of contaminants.

Can a site qualify for the no exposure exemption if there are roof stacks and/or vents?

Particulate emissions from roof stacks/vents do not cause a condition of exposure, provided they are in compliance with other applicable environmental protection programs (e.g., air quality control programs) and do not have the potential to cause storm water contamination. Visible deposits of particles or residuals from roof stacks/vents which could be mobilized and discharged with storm water runoff, are considered exposed. Exposure also occurs when, as a result of particulate emissions, pollutants can be seen being “tracked out” or carried on the tires of vehicles.

How can dust/particle collectors meet the no exposure criteria?

Bag house and other dust/particle collectors can be eligible for the no exposure exemption if the bag house/collector and associated collection containers are enclosed or sheltered by a roof, and there is no evidence of deposition around the collection vessel. The DEEP strongly recommends regular inspections of such collectors to insure that the condition of no exposure is maintained.

Can a site with an existing registration under the general permit and historical target goal exceedances utilize the no exposure exemption?

There is no exclusion in the general permit for previously registered sites with stormwater discharges that had pollutants in excess of the stormwater benchmarks (previously called target goals). However, in such cases, prior to accepting your no exposure certification, the DEEP *may* require the submittal of additional information regarding facility stormwater management practices and/or require an investigation into potential sources of stormwater pollution including the collection of additional stormwater samples.

Inspections

In order to maintain a condition of no exposure, the DEEP **strongly recommends** that a designated individual, familiar with the general permit and the requirements of the no exposure certification, regularly inspect the site to confirm that site conditions and best management practices continue to ensure a condition of no exposure. Documentation of such inspections should be maintained on site.

SIC	Except	Classification
20		Food & Kindred Products
21		Tobacco Products
22		Textile Mill Products
23		Apparel & Other Products Made from Fabrics & Similar Materials
2434		Wood Kitchen Cabinets
25		Furniture & Fixtures
265		Paperboard Containers & Boxes
267		Converted Paper & Paperboard Products, Except Containers & Boxes
27		Printing, Publishing & Allied Industries
283		Drugs
285		Paints, Varnishes, Lacquers, Enamels, & Allied Products
30		Rubber & Misc. Plastics Products
31		Leather & Leather Products
	311 (not eligible)	Leather Tanning & Finishing
323		Glass Products, Made of Purchased Glass
34		Fabricated Metal Products, Except Machinery & Transportation Equipment
	3441 (not eligible)	Fabricated Structural Metal
35		Industrial & Commercial Machinery & Equipment
36		Electronic & Other Electrical Equipment & Components Except Computer Equipment
37		Transportation Equipment
	373 (not eligible)	Ship & Boat Building & Repairing
38		Measuring, Analyzing & Controlling Instruments; Photographic, Medical & Optical Goods; Watches & Clocks
39		Misc. Manufacturing Industries
4221		Farm Product Warehousing & Storage
4222		Refrigerated Warehousing & Storage
4225		General Warehousing & Storage