



# No Exposure Certification for Exclusion from APDES Storm Water Permitting

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 Alaska identified in Section II under ADEC's Storm Water Multi-Sector General Permit (MSGP) 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, snowmelt, 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 APDES 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, 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 40 CFR 122.26(g), adopted by reference at 18 AAC 83.010(b)(3).

## ALL INFORMATION MUST BE PROVIDED ON THIS FORM.

Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on page 3.

Section I. Facility Operator Information	
Organization:	Contact Person:
Mailing Address:	Street (PO Box):
	City: State: Zip:
	Phone: Fax (optional): Mobile:
	Email:
Section II. Facility Location Information	
Facility Name:	
Location Address:	Street: Borough or Similar Government Subdivision
	City: State: Zip:
	Latitude: Longitude: Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> USGS Topographic Map <input type="checkbox"/> Other: If you used a USGS Topographic map, what was the scale?
Estimated area of industrial activity at your site exposed to storm water: (acres)	
Is this a federal facility? <input type="checkbox"/> Yes <input type="checkbox"/> No      Is this facility located on Indian Lands? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Permit Tracking #: \_\_\_\_\_

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as define in MSGP:	Primary SIC Code: _____ or Primary Activity Code: _____
Was the facility or site previously covered under an NPDES or APDES storm water permit? <input type="checkbox"/> Yes <input type="checkbox"/> No	
a. If Yes, enter the NPDES or APDES permit number or tracking number: _____	
Have you paved or roofed over a formerly exposed pervious area in order to qualify for the no exposure exclusion? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority may use this information in considering whether storm water discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.	
<input type="checkbox"/> Less than one acre <input type="checkbox"/> One to five acres <input type="checkbox"/> More than five acres	

### Section III. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" of "No" in the appropriate box.)		
<b>If you answer "Yes" to any of these questions, (1) through (11), you are not eligible for the no exposure exclusion.</b>	Yes	No
(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.	<input type="checkbox"/>	<input type="checkbox"/>
(2) Materials or residuals on the ground or in storm water inlets from spills/leaks.	<input type="checkbox"/>	<input type="checkbox"/>
(3) Materials or products from past industrial activity.	<input type="checkbox"/>	<input type="checkbox"/>
(4) Material handling equipment (except adequately maintained vehicles).	<input type="checkbox"/>	<input type="checkbox"/>
(5) Materials or products during loading/unloading or transporting activities.	<input type="checkbox"/>	<input type="checkbox"/>
(6) Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants).	<input type="checkbox"/>	<input type="checkbox"/>
(7) Materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, and similar containers.	<input type="checkbox"/>	<input type="checkbox"/>
(8) Materials or products handled/stored on roads or railways owned or maintained by the discharger.	<input type="checkbox"/>	<input type="checkbox"/>
(9) Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]).	<input type="checkbox"/>	<input type="checkbox"/>
(10) Application or disposal of process wastewater (unless otherwise permitted).	<input type="checkbox"/>	<input type="checkbox"/>
(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 storm water outflow.	<input type="checkbox"/>	<input type="checkbox"/>

### Section VIII. 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 APDES storm water permitting under DEC Multi-Sector General Permit.

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 (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the APDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the APDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an APDES 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 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.

\_\_\_\_\_  
Printed Name of Authorized Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Email

## Instructions for the No Exposure Certification for Exclusion from APDES Storm Water Permitting

### Who May File a No Exposure Certification

Federal law at 40 CFR Part 122.26, adopted by reference at 18 AAC 83.010(b)(3), prohibits point source discharges of storm water associated with industrial activity to waters of the U.S. without an Alaska Pollutant Discharge Elimination System (APDES) permit. However, APDES permit coverage is not required for discharges of storm water associated with industrial activities identified at 40 CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Storm water discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

### 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 herein. This certification is only applicable in jurisdictions where DEC is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at 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 APDES storm water permit immediately.

### Completing the Form

You must type or print in appropriate areas only. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Additional guidance on completing this form can be accessed at DEC's Storm water Program website:

<http://dec.alaska.gov/water/wnpssc/stormwater/index.htm>.

Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to this address.

### Section I. Facility Operator Information

- Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager.
- Provide the telephone number of the facility operator.
- Provide the email address of the facility operator.
- Provide the mailing address of the operator (P.O. Box numbers may be used). Include the city, state, and zip code. All correspondence will be sent to this address.

### Section II. Facility/Site Location Information

- Enter the official or legal name of the facility or site.
- Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, state, zip code, and borough or similar government subdivision. Do not use a P.O. Box number.
- Indicate whether the facility is located on Indian Lands.
- Indicate whether the industrial facility is operated by a department or agency of the Federal Government (see also Section 313 of the Clean Water Act).
- Enter the latitude and longitude of the approximate center of the facility or site. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, among others.
- Indicate whether the facility was previously covered under an NPDES or APDES storm water permit. If so, include the permit number or permit tracking number.
- List the four-digit Standard Industrial Classification (SIC) code and/or two character activity code that best describes the primary industrial activities performed by your facility. Your primary industrial activity includes any activities performed on-site which are:
  - (1) identified by the facility's one SIC code for which the facility is primarily engaged; and

- (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes.

- Enter the total size of the site associated with industrial activity in acres. Acreage may be determined by dividing square footage by 43,560.
- Check "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (e.g., 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 condition at your facility. If you answer "Yes" 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 APDES 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 Information

The Certification of No Exposure, must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the Certification, a responsible corporate officer means:
  - (A) a 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
  - (B) the manager of one or more manufacturing, production, or operating facilities, if
    - (i) the manager is authorized to make management decisions that 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 statutes and regulations;
    - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
    - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
  - (A) the chief executive officer of the agency; or
  - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated Certification form will not be considered valid exclusion from permit coverage.

### Where to File Certification form

Please submit the Certification to DEC as follows:

**If you file by mail, please submit the original form with a signature in ink. DEC will not accept a photocopied signature. Remember to retain a copy for your records.**

**Certifications sent by mail:**

**Alaska Dept. of Environmental Conservation**  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501  
Phone: (907) 269-6285