



No Exposure Certification

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No Exposure

- Certification that replaces permit
- No inspection requirements
- No monitoring requirements
- No stormwater pollution prevention plan (SWPPP)
- Still subject to all of the regulations, just provides a special permitting status

Forms and Regulations



Short History

- 1990 Phase I Stormwater Regulations
- Light industry exempt if not exposed
- No exemption for other industries
- 1992 the exemption was remanded
- Revised to current structure, but not applicable for states until adopted in rule
- EPA form needed

Missouri Original Rule Filed 1991

- No exposure appears in current form in 2002
- Adopted use of EPA form



Existing Regulation 10 CSR 6.200(B)

...The following are exempt from stormwater permit regulations:

16. A stormwater permit under this rule may be excluded for industrial activities that do not expose materials to stormwater. No exposure exists if the industrial materials and activities are protected from rain, snow, snowmelt, and/or runoff and the operator meets the requirements under parts A.(I) through B.(III)

Proposed Regulation 10 CSR 6.200(C)

No Exposure Certification. A stormwater permit under this rule may be excluded for industrial activities that do not expose materials to stormwater. No exposure exists if the industrial materials and activities are protected from rain, snow, snowmelt, and/or runoff and the operator meets the requirements under paragraph C(1) and subparagraph (C)2.C.

Content of Regulation not Changing

- Industrial materials and activities must be protected by storm resistant shelter.
 - Prevent contact with precipitation or runoff
- Materials and activities include but are not limited to
 - Material handling
 - Machinery
 - Raw materials
 - Intermediate products
 - By-products
 - Final products
 - Waste products
- Final products meant to be used outdoors are excluded



Material Handling

- Storage
- Loading/unloading
- Transportation
- Conveyance of raw material, intermediate, final or waste product

To Permit or not to Permit

- If you have a regulated Standard Industrial Classification (SIC) Code you must have permit or No Exposure Certification (NEC)
- SIC Code – chosen on the basis of principal product or services rendered at an establishment... determined by share of value added at the establishment



Steps to No Exposure

- Site assessment
 - Use the rules and guidance
- Be prepared for inspection
- Submit Form
- Renew every five years
 - No reminders provided

Form Was Recently Changed

C. 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 exclusion.**

	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 stormwater	<input type="checkbox"/>	<input type="checkbox"/>
2. Materials or residuals on the ground or in stormwater 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 stormwater 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 stormwater outflow	<input type="checkbox"/>	<input type="checkbox"/>

D. Certification Statement

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 NPDES stormwater permitting.

I certify under penalty of law that there are no discharges of stormwater 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 NPDES 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 NPDES 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 NPDES permit prior to any point source discharge of stormwater 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.

Print Name: _____

Print Title: _____

Signature: _____

Date: / /
Mo Day Year

Email: _____

5. ADDITIONAL INFORMATION

5.1 Does the discharge(s) for which you are seeking an exclusion discharge to a combined sewer system? Yes No
 If yes, provide the name of the combined sewer system entity _____

5.2 Does the discharge(s) for which you are seeking an exclusion discharge through a Municipal Separate Storm Sewer System (MS4)? Yes No
 If yes, provide the name of the MS4 entity _____

5.3 Primary SIC Code of Facility _____ Other SIC Codes _____
 (Optional) Primary NAICS Code of Facility _____

5.4 Provide an attached list of **any** materials that are stored outside and exposed to stormwater including wood pallets, empty storage barrels, waste disposal containers (except for a secured covered dumpster). Materials other than final product such as raw material or by-product of your industrial activities that can be mobilized by stormwater do not qualify for no exposure exclusion.

5.5 Attach a 1:1,000 aerial photograph (preferred) or USGS topographic map showing the location of the facility. Indicate on the map the facility, the property boundaries of the facility, the receiving water body, any septic tanks/lateral lines, stormwater basins, the location of items stored outside, and all outfall locations.

5.6 Is the facility causing an adverse impact on water quality due to major changes at the site to achieve no exposure? For example, constructing new buildings/shelters or constructing structures to prevent run-on in a formerly vegetated area. Yes No
 If yes, please indicate approximately how much area was paved or roofed over. The department may use this information in considering whether stormwater discharges from your site are likely to have an adverse impact on water quality, in which you could be required to obtain permit coverage.
 Less than 1 acre 1 to 5 acres More than 5 acres

6. NO EXPOSURE CERTIFICATION CHECKLIST

The purpose of this checklist is to 1) help you determine whether the exposure of industrial activities, materials, and equipment to stormwater has been eliminated at the facility, and 2) help department staff evaluate the adequacy of your compliance activities and NEC. For the purpose of this checklist, "outdoors" are areas of the facility that are not beneath permanent roofed structures.

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? Please answer all questions by checking "Yes" or "No."

6.1 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	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.2 Materials or residuals on the ground or in stormwater inlets from spills or leaks	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.3 Materials or products from past industrial activity	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.4 Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.5 Materials or products during loading/unloading or transporting activities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.6 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)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.7 Materials contained in open, deteriorated or leaking storage drums, barrels, tank, and similar containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.8 Materials or products handled/stored on roads or railways owned or maintained by the facility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.9 Waste Material (except waste in covered, non-leaking containers [e.g., dumpsters])	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.10 Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.11 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 stormwater outflow	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you answer "Yes" to any of these questions, you are not eligible for the no exposure exclusion.

760-2628 (04-18)



No Difference in the Questions Why Change?



- EPAs Form and Guidance say they only apply to EPA

Differences

- **Gathers additional information**
 - Continuing Authority
 - MS4 and combined sewer information
 - Requires map and list of materials outside
- **Clarify where the forms go**
 - Anything regarding a site-specific permit should go to Jefferson City
- **Accompanying policy change on inspections**
 - May see a site visit, but it is no longer standard operating procedure

Form Questions

- Yes/No are any of the following exposed to precipitation now or in future?
 - Using, storing, or cleaning industrial machinery or equipment and areas where residuals from using, storing or cleaning industrial machinery or equipment remain
 - Materials or residuals on the ground or in stormwater inlets from spills or leaks
 - Materials or products from past industrial activity
 - Materials or products during loading/unloading or transporting
 - Materials contained in open, deteriorated or leaking storage drums, barrels, tanks or other containers

Form Questions continued

- Materials or products handled/stored on roads or railways owned or maintained by the facility
- Waste material (except what is covered)
- Application or disposal of process wastewater (unless otherwise permitted)
- Particulate matter or visible deposits or residuals from roof stacks or vents not otherwise regulated (air quality control permit) and evident in the stormwater outflow



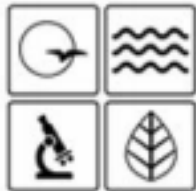
Forms Provide Some Guidance

- Industrial materials or activities include, but are not limited to...
- Provide storm-resistant shelter
- Not needed for:
 - Containers must be tightly sealed, banded no taps or valves, not deteriorating
 - Adequately maintained vehicles
 - Final products that will not be mobilized by stormwater

New Guidance Provided with Form

8/31/2018

Pub 2729



Missouri Department of Natural Resources

GUIDANCE FOR NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM STORMWATER PERMIT REQUIREMENTS

Water Protection Program fact sheet

04/2018

Division of Environmental Quality Director: Ed Galbraith

PUB02729

No exposure means all the materials and activities at a facility are indoors or protected from exposure to rain, snow, snowmelt and runoff. If that describes your facility, you can apply to be excluded from stormwater permitting. This guidance provides information on Missouri's No Exposure Certification for exclusion from the permitting requirements for the discharge of stormwater regulated under the National Pollution Discharge Elimination System and the Missouri Clean Water Law. This guidance is not all-inclusive and only provides examples. There may be other industrial activities and industrial materials at your facility that are not identified in this document.

Common Sources of Exposure & Solutions

- Sheltered materials cannot be windblown
- Covered dumpsters allowed if not leaking
- Transfer of Liquids (including fueling)
 - Solutions
 - Storm resistant shelter
 - Top cover and impervious pads
 - Overhangs or door skirts allowed if elevated 2'
 - Cover with a tarp during transport
 - Avoid loading/unloading in the rain
 - Drainage and spill management prevention BMPs



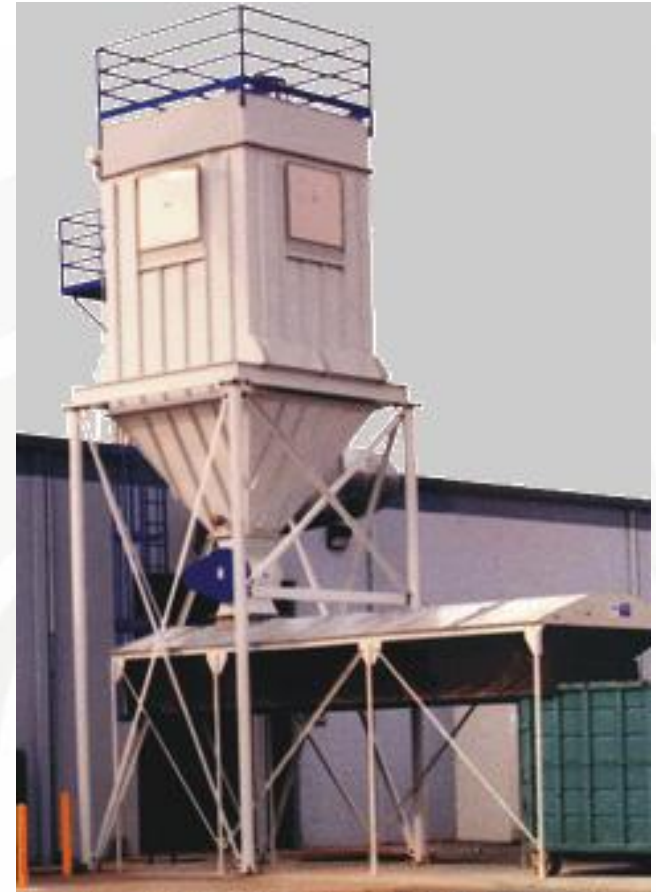
Other Potential Exposure Considerations

- Trash Compactors – inspect and maintain to maintain no exposure
- Bag Houses – preventive maintenance is a must in making sure that leaks or spills do not develop, conveyance systems an issue
- Nitrogen Gas Storage and Generation – maintain good condition of lubricated compressors and valves
- Aboveground Storage Tanks and Secondary Containment...



Bag Houses

- Form is clear
 - Regulated by an air permit
- Guidance is cryptic
 - Preventive maintenance is a must
- Rule is silent
- Inquiries result in what-ifs and maybes
 - Is dust mobilized during routine maintenance?



Applies to the Whole Facility

- Cannot be applied to one outfall



Aboveground Storage Tanks

- Transportation sector facilities (SIC 40, 41, 42, 43, 44, 45, 5171) are eligible if:
 - No leaking piping, pumps or other equipment
 - Double-walled tanks eligible
 - Recommended that tanks be surrounded by physical containment
 - Adequately engineered containment can qualify
- No mention of non-transportation sector ASTs
 - Always applicable

ASTs at Transportation Facilities

- ASTs not in direct support of facility operations, but rather used for fueling vehicles such as automobiles and forklifts is considered routine maintenance and not eligible for NEC
- Retail fueling or fueling activities conducted at but not associated with the operation of transportation facilities is not considered vehicle maintenance





Fueling at Transportation Facilities

- All fueling is vehicle maintenance if in support of the operation of the transportation activity
- All fueling regardless of maintenance or BMPs is considered exposure
 - Possible exception if covered and on impervious surface that prevents run-on

5171 – Petroleum Bulk Stations and Terminals

- **MO-G35**
- Under 6.200 Stormwater Regulations all bulk terminals are regulated
- Guidance says eligible for NEC if:
 - Transfer of petroleum to a distribution tanker from an AST (not maintenance)
 - Fueling tanker is maintenance

MO-G35 –

All facilities with tanks 20,000-250,000 gallons

- Discharge of water from secondary containment, collection basins or sumps at facilities that have AST containing pre-consumer or post-consumer petroleum products, ethanol or biodiesel.
- Characterized as process wastewater

What Do You Do Here?



Don't Forget Your Housekeeping

Still subject to inspection
by state and local
authorities



Thank you

Questions?

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