|  |  |  |
| --- | --- | --- |
| DEQLOGOB2 | Nebraska Department of Environmental QualityNo Exposure Certification for Conditional Exclusion from NPDES Industrial Storm Water Permitting | Form Approved06/01/2016 |
| Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its storm water discharges associated with industrial activity in the State of Nebraska due to the existence of a condition of no exposure. This form must be submitted at least once every five years. The Department recommends that reviews be conducted at least semi-annually to ensure that the facility maintains a condition of no exposure. It is the responsibility of the owner/operator of the facility to ensure compliance with the no exposure condition. Significant potential penalties exist for failure to comply with the NPDES regulations. Additional reporting may be required for facilities that discharge through a permitted MS4 or Combined Sewer.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 intended for outdoor use, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A No Exposure Certification must be provided for each qualified facility. In addition, exclusion from NPDES permitting is available on a facility-side basis only, not for individual outfalls.By signing and submitting this No Exposure Certification form, the entity in Section A is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and condition of 40 CFR 122.26(g). ALL INFORMATION MUST BE PROVIDED ON THIS FORM. PROVIDE ORIGINAL SIGNATURE IN INK. DO NOT SUBMIT COPIES. **Detailed instructions for completing and submitting this form are provided on pages 3 and 4.** |
|  |
| **A. Facility Operator Information** |
| 1. | Name: |       |  |
| 2. | IRS Employer Identification Number (EIN): | *(The only alternative to having the EIN on file with the Department is for the owner(s) or chief officer of the corporation to submit a United States Citizenship Attestation Form).* |
|  |  |       |  |
| 3. | Mailing Address: *(All correspondence will be mailed to this address)* |
|  | Street or P.O. Box: |       |  |
|  | City: |       | State: |    | Zip code: |       |  |  |
|  | Phone: |       | E-mail *(optional)*: |       |  |
|  |  |
|  |
| **B. Facility Information** |
| 1. | Facility Name: |       |  |
| 2. | Street / Location: |       |  |
|  | City: |       | County: |       |  |
|  | Zip code: |       |  |  |
| 3. | Identify the coordinates of the main entrance to the facility from the public roadway: |
|  | Latitude: |       | ° N | Longitude:  |       | ° W |
|  | *Use decimal degrees (Example: 40.812731, 96.703264)* |
| 4. | Has this facility previously been issued an Industrial Stormwater Authorization or individual permit? |
|  |  | [ ]  YES | List number(s) *(if known)*: |       |  |
|  |  | [ ]  NO |  |
| 5. | Enter the facility’s 4-digit SIC or 6-digit NAICS code(s):  |       |  |
|  |  |

|  |
| --- |
| **C. Exposure Checklist** |
| Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check “Yes” or “no” in the appropriate box.) **If you answer “Yes” to any of Questions (1) through (11), you are not eligible for the no exposure conditional 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 | **[ ]**  | [ ]  |
| 2. | Materials or residuals on the ground or in stormwater inlets from spills/leaks. | [ ]  | [ ]  |
| 3. | Materials or products from past industrial activity | [ ]  | [ ]  |
| 4. | Material handling equipment (except adequately maintained vehicles) | [ ]  | [ ]  |
| 5. | Materials or products during loading/unloading or transporting activities | [ ]  | [ ]  |
| 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) | [ ]  | [ ]  |
| 7. | Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers | [ ]  | [ ]  |
| 8. | Materials or products handled/stored on roads or railways owned or maintained by the discharger | [ ]  | [ ]  |
| 9. | Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) | [ ]  | [ ]  |
| 10. | Application or disposal of process wastewater (unless otherwise permitted) | [ ]  | [ ]  |
| 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 | [ ]  | [ ]  |
| **D. Municipal Separate Storm Sewer Systems** | Yes | No |
| 1. | Does your facility discharge stormwater into a regulated Municipal Separate Storm Sewer System (MS4*)*? *(See Attachment 6, List of MS4s.)* | [ ]  | [ ]  |
|  |  If yes, name of MS4 operator: *(e.g.: City of Fremont, Offutt AFB)* |  |  |
|  |
|  |
| **E. Certification** |
| *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.* |
| 1. | Print Name: |       |  |
|  | Title: |       |  |
|  | Signature: |  | Date: |       |  |
|  | E-mail: |       | *(optional)* |  |
|  |  |  |
| 2. | Follow-up Contact |  |
|  | Print Name: |       |  |
|  | Company: |       |  |
|  | Phone: |       |  | E-mail: |       |  |
|  |

**Instructions for Completing the
No Exposure Certification for Conditional Exclusion from the NPDES Stormwater Permitting**

**Who May File a No Exposure Certification**

Federal law at 40 CFR Part 122.26 and State regulations (NDEQ Title 119) prohibit point source discharges of stormwater associated with industrial activity to waters of the U.S. without a NPDES permit. However, NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 40CFR 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.

Stormwater 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 the State of Nebraska where NDEQ 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 stormwater, the facility operator must obtain coverage under an NPDES stormwater permit immediately.

**Where to File the No Exposure Certification Form**

 **Mail Address: Location Address:**

NPDES Permits & Compliance Section NPDES Permits & Compliance Section

Nebraska Department of Environmental Quality Nebraska Department of Environmental Quality

PO Box 98922 1200 ‘N’ Street, The Atrium, Suite 400

Lincoln, NE 68509-8922 Lincoln, NE 68508

* **When filing the NOI, please submit the original with a signature in ink – do NOT send copies or faxes.**

If you have questions, please contact NPDES Program of the Nebraska Department of Environmental Quality (NDEQ) at (402) 471-4220.

**Completing the No Exposure Certification Form**

To complete this form, type or print in the appropriate areas only. Please make sure you complete all questions, and make a photocopy for your records before you send the completed original form to the address above. If using the electronic fillable form, please note that you will not be able to save a copy of the completed form unless you have the appropriate software to do so. ***Print a copy prior to closing the form***.

**Section A. Facility Operator Information**

1. Provide the legal name of the firm, public organization, person or any other public entity that operates the facility described in this application. This may or may not be the same name as in Section B. DO NOT use a manager’s name. The operator is the legal entity that controls the operation of the facility. Do not use a colloquial name.
2. Provide the Employer Identification Number (EIN) from the Internal Revenue Service, commonly referred to as your taxpayer ID number. The only alternative to having the EIN on file with the Department is for the owner(s) or chief officer of the company to complete and file a United States Citizenship Attestation Form (available on the Department’s website).
3. Provide the operator’s mailing address, telephone number, and email address (optional). Correspondence will be sent to this address, so a P.O. Box is acceptable.

**Section B. Facility Information**

1. Enter the facility’s official or legal name. This may or may not be the same name as in Section A.
2. Enter the street address, including city, state, zip code, county of the actual physical location of the facility. Do not use a P.O. Box. If no street address is available, give exact directions (e.g., “east side of Hwy. 87, 0.5 miles north of County Road D”).
3. Provide the facility latitude and longitude in degrees decimal format (e.g., 40.812593, 96.703398). You can obtain your facility’s latitude and longitude though online mapping tools, Global Positioning System (GPS) receivers, or U.S. Geological Survey quadrangle or topographic maps, among other methods. For consistency, take measurements or identify the location of the facility’s main entrance from the public road.
4. List the number(s) of any previous Industrial Storm Water (ISW) Authorizations or individual permits issued for this facility. ISW Authorization numbers begin with NER and are followed by 6 digits, e.g. NER012345. Individual permit numbers begin with NE and are followed by 7 digits, e.g. NE0123456.
5. List the four-digit Standard Industrial Classification (SIC) or the equivalent six-digit North American Industry Classification System (NAICS) code(s) for the facility’s activities that require permit coverage. The industrial activity that requires permit coverage may or may not be the primary activity of the facility. Appendix D of the ISW-GP has a list of activities covered by the General Permit.

**Section C. 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 NPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

**Section D. Municipal Separate Storm Sewer Systems**

1.a Indicate whether stormwater from your site will be discharged into a regulated municipal separate storm sewer system (MS4). An MS4 is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, storm drains, curbs and gutters, ditches and man-made channels, owned or operated by a state, city, town, county, association or other public body, used to collect or convey stormwater.

1.b. To determine if the MS4 to which you discharge is regulated, refer to Attachment 6 of the General Permit. If you check “Yes” then identify the name of the MS4 operator on the line provided. If you answered “Yes” to this question, a copy of this form may be required to be submitted to the operator of the MS4.

**Section E. Certification**

1. Enter certifier’s printed name, title and email address. Sign and date the form. 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
	+ 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
	+ 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 limited liability company***: by a member of the company as set out in its articles of incorporation, by a principal executive officer, or by the facility manager as described above;
* ***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. A principal executive officer of a Federal agency includes: the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency

2. If this form was prepared by someone other than the certifier (for example, by the facility’s compliance specialist or a consultant prior to the certifier’s signature), include the name, organization, phone number and email address of the form preparer. During the administrative process prior to authorization, this individual may be contacted for clarification.