



ARKANSAS
Department of Environmental Quality

**NO EXPOSURE CERTIFICATION
For Exclusion from NPDES Stormwater Permitting**

The enclosed form may be used to request a No Exposure Exclusion from Industrial Stormwater permitting requirements as outlined in Part 1.8 of ARR000000. **Only** a copy of the attached authorized Request Form will be accepted by this Department. A condition of No Exposure exists at an industrial facility when all industrial materials and activities are protected from exposure to rain, snow, snowmelt, and/or runoff (See 40 CFR 122.26(b)(14)(i) – (ix) and (xi)).

Anyone seeking a No Exposure Exclusion must perform the following:

- complete all sections of the No Exposure Certification Form.
- Sign the Certification in Section VIII.
- submit the following to the Department:

| | Complete No Exposure Certification Form | Initial Permit Fee |
|---------------|--|---------------------------|
| New Applicant | Yes | Yes* |
| Renewal | Yes | No |

* Required by APCEC Regulation No. 9. Subsequent annual fees of \$200.00 per year will be billed by the Department. Failure to remit the required permit fee may be grounds for the Director to deny coverage under this general permit, and to require the owner or operator to apply for an individual NPDES permit.

Return the completed forms to:

Arkansas Department of Environmental Quality
Permits Branch, Water Division
5301 Northshore Drive
North Little Rock, AR 72118

Or by or by electronic mail (Complete documents (NOI and/or SWPPP) must be submitted in Adobe Acrobat format (.pdf) to: Water-permit-application@adeq.state.ar.us. **Notice of Coverage (NOC) will not be issued until payment has been received by ADEQ.**

NOTE: DO NOT LEAVE BLANK SPACES IN THE NOTICE OF INTENT. IF ANY QUESTION DOES NOT APPLY, MARK "N/A" IN THE SPACE PROVIDED.

For additional information please contact: General Permits Engineer
Ph.: (501) 682-0623
Fax: (501) 682-0910



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Instructions for the No Exposure Certification for Exclusion from NPDES Stormwater Permitting

Who May File a No Exposure Certification?

Federal law at 40 CFR Part 122.26 prohibits point source discharges of stormwater associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 40 CFR 122.26(b)(14)(i) – (ix) and (xi) of 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 jurisdictions where ADEQ 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.

How to Determine Latitude and Longitude:

If a physical address is known go to www.terra-server-usa.com and proceed with the following steps:

1. Select Advanced Find
2. Select Address
3. Input address
4. Click on Aerial Photo
5. Click on the Info link at the top of the page
6. Note the Latitude and Longitude are in Decimal Coordinates.
7. Go to www.geology.enr.state.nc.us/gis/latlon.html to convert coordinates to Degrees, Minutes, and Seconds.

NOTE: If a physical address does not exist you may find the coordinates in the Legal Description of the property.

Signatory Requirements:

The information contained in this form must be certified by a **responsible official** as defined in the “signatory requirements for permit applications” (40 CFR 122.22). Responsible official is defined as follows:

Corporation, a principal officer of at least the level of vice president, treasurer

Partnership, a general partner

Sole proprietorship: the proprietor

Municipal, state, federal, or other public facility: principal executive officer, or ranking elected official

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Application Type: **New** **Renewal** **Permit No. ARR00** _____

I. PERMITTEE/OPERATOR INFORMATION

| | |
|-----------------------------------|---|
| Permittee (Legal Name)*: _____ | Operator Type: |
| Permittee Mailing Address: _____ | <input type="checkbox"/> STATE <input type="checkbox"/> PARTNERSHIP |
| Permittee City: _____ | <input type="checkbox"/> FEDERAL <input type="checkbox"/> CORPORATION** |
| Permittee State: _____ Zip: _____ | <input type="checkbox"/> SOLE PROPRIETORSHIP |
| Permittee Telephone Number: _____ | <input type="checkbox"/> PUBLIC |
| Permittee Fax Number _____ | <input type="checkbox"/> OTHER: _____ |
| Permittee E-mail Address _____ | **State of Incorporation: _____ |

* The legal name of the Permittee must be identical to the name listed with the Arkansas Secretary of State.

II. INVOICE MAILING INFORMATION (if different from facility mailing address)

| | |
|--------------------------------|-------------------------|
| Invoice Contact Person: _____ | City: _____ |
| Invoice Mailing Company: _____ | State: _____ Zip: _____ |
| Invoice Mailing Address: _____ | Telephone: _____ |

III. FACILITY INFORMATION

| | |
|--|-------------------------|
| Facility Name (if different from Permittee): _____ | |
| Facility Physical Address: _____ | Contact Person: _____ |
| Facility County: _____ | Contact Title: _____ |
| Facility City: _____ Zip: _____ | Telephone Number: _____ |
| Directions to the Facility: _____ | Fax Number _____ |
| AFIN (if known): _____ | Email Address: _____ |

Is mailing address different from facility address? Yes No If yes, provide mailing address in the space provided.

Mailing Address: _____ City: _____ State: _____ Zip: _____

Type of Business: _____ Facility SIC Code(s): _____ NAICS Code (s): _____

Facility Latitude: * _____ degrees _____ minutes _____ seconds * Facility coordinates should be

Facility Longitude: * _____ degrees _____ minutes _____ seconds taken at the entrance to the facility.

IV. NO EXPOSURE EXCLUSION CERTIFICATION

Submission of this No Exposure Certification constitutes notice that the entity identified in Section I does not require permit authorization for its stormwater discharges associated with industrial activity in the State as identified in 40 CFR 122.26(b)(14)(i) – (ix) and (xi) 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:

1. 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;
2. Adequately maintained vehicles used in material handling; and

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3. Final products, other than those products that would be mobilized in stormwater 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 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, 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).

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 the questions (a) through (k), you are not eligible for the No Exposure Exclusion. If you answer “No” to questions (a) through (k) and “Yes” to question (l), determination of a No Exposure Exclusion will be made on a case-by-case basis.**

| | Yes | No |
|--|----------------------------|--------------------------|
| a. 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"/> |
| b. Are materials or residuals on the ground or in stormwater inlets from spills/leaks. | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Are materials or products from past industrial activity exposed. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Is material handling equipment exposed (except adequately maintained vehicles). | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Are materials or products during loading/unloading or transporting activities exposed. | <input type="checkbox"/> | <input type="checkbox"/> |
| f. 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"/> |
| g. Materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, and similar containers. | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Materials or products handled/stored on roads or railways owned or maintained by the discharger. | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Waste materials exposed (except waste in covered, non-leaking containers [e.g., dumpsters]). | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Application or disposal of process wastewater (unless otherwise permitted). | <input type="checkbox"/> | <input type="checkbox"/> |
| k. 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"/> |
| l. Allowed non-stormwater discharges go through any outfall(s). | <input type="checkbox"/> * | <input type="checkbox"/> |

* List all allowed non-stormwater discharges going through Outfall: _____

V. FACILITY PERMIT INFORMATION

List any permits from the Water Division that the facility may have coverage under.

NPDES Individual Permit No.: AR00
 NPDES General Construction Stormwater Permit No.: ARR15
 NPDES Non-Stormwater General Permit No.: ARG
 No Discharge Permit No.: _____
 List any permits the facility has from another division within ADEQ: _____

VI. 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

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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.”

Typed or Printed Name: _____ Title: _____
Signature: _____ Date: _____

VII. COGNIZANT OFFICIAL

Cognizant Official Printed Name: _____ Title: _____
Cognizant Official Signature: _____ Telephone: _____
Cognizant Official E-mail: _____