



IOWA DEPARTMENT OF NATURAL RESOURCES

NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM NPDES STORM WATER PERMITTING

Submission of this No Exposure Certification Form constitutes notice that the entity identified in this document does not require a permit authorization for its storm water discharges associated with industrial activity under Iowa’s Storm Water General Permit 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 Form must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES storm water 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 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).

ALL INFORMATION MUST BE PROVIDED ON THIS FORM. PLEASE SEE THE INSTRUCTIONS FOR ADDITIONAL INFORMATION.

A. Facility and Location Information

Facility Name: _____

Has this facility ever had a NPDES storm water permit? (Check One) Yes No

If yes, list authorization number or permit number: _____

Facility SIC Code: _____ Facility NAICS Code: _____

Facility Address/Location: _____

City: _____ County: _____ State: _____ Zip Code: _____

Give the Facility Location by Quarter Section, Section, Township, and Range:

¼ Section: _____ Section: _____ Township: _____ Range: _____

B. Contact/Operator Information

Contact Person: _____

Company Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Email: _____

C. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? Check either "Yes" or "No" to each question. **If you answer "Yes" to any of these questions one (1) through eleven (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 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	<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 non-leaking containers that are covered by a storm resistant shelter, if your dumpsters are not stored inside a shelter you must answer yes)	<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"/>

D. Signature and 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 storm water permitting.

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 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 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 known violations.

NAME (print or type)

TITLE AND COMPANY NAME OF SIGNATORY

SIGNATURE

DATE

Submit this form to: npdes.mail@dnr.iowa.gov

INSTRUCTIONS FOR THE NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM NPDES STORM WATER PERMITTING

FOR APPLICANT USE ONLY – DO NOT SUBMIT

General Information:

A. Who May File a No Exposure Certification:

In accordance with the Clean Water Act, all industrial facilities that discharge storm water meeting the definition of storm water associated with industrial activity must apply for coverage under a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES 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.

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.

B. Definition 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.

C. Obtaining and Maintaining the No Exposure Exclusion:

This form is used to certify that a condition of no exposure exists at the industrial facility described herein. Please note:

- This certification is only applicable where Iowa is the NPDES permitting authority.
- This certification must be resubmitted once every five years.
- A condition of no exposure must be maintained at a 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 NPDES storm water permit immediately.

D. Completing the Form:

One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Keep a copy of the completed certification form for your records.

Form Sections:

Section A. Facility and Location Information:

1. Enter the official or legal name of the facility or site.
2. Indicate whether the facility was previously covered under an NPDES storm water permit. If so, include the permit number.
3. Enter the 4-digit SIC code and the 6-digit NAICS code which identify the facility’s primary activity, if applicable. SIC and NAICS codes can be obtained from the NAICS Association website at: <https://www.naics.com/>.
4. Enter the complete street address of the facility or site. If no street address exists, provide a geographic description [e.g., Intersection of Highway 9 and 55th Avenue], city, county, state, and zip code. Do not use a PO Box number.
5. Give the facility location by ¼ Section location (i.e. NW), Section Number, Township, and Range,

Section B. Contact and Operator Information:

1. Provide the legal name of a contact person, firm, public organization, or other entity that owns or 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.
2. Provide the mailing address, phone number, and email address of the contact person. Include the city, state, and zip code. Correspondence will be sent to this address.

Section C. Exposure Checklist:

Check either “Yes” or “No” as appropriate to describe the exposure conditions at your facility. **If you answer “Yes” to ANY of the questions one (1) through eleven (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 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 D. Signature and Certification Statement:

State statutes provide for penalties for submitting false information on this form. This form must be signed in accordance with subrule 567 IAC 64.3(8) of the Iowa Administrative Code as follows:

- 64.3(8) *Identity of signatories of operation permit applications.* The person who signs the application for a permit shall be:
- a. *Corporations.* In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions; or (2) The manager of manufacturing, production or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. *Partnerships.* In the case of a partnership, a general partner.
 - c. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
 - d. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes: (1) The chief executive officer of the agency, or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.
 - e. *Storm water discharge associated with industrial activity from construction activities.* In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

Form Submittal and Questions:

- A. **Where to File the No Exposure Certification Form:** Email the completed form to: npdes.mail@dnr.iowa.gov
- B. **Questions Regarding this Form:** Direct questions regarding no exposure certification and NPDES general storm water permits to the Storm Water Coordinator at david.schelling@dnr.iowa.gov.