



# NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM NDPDES STORMWATER PERMITTING

NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY  
SFN 52314 (08/2021)

FOR DEPT. USE ONLY

Application Number

Date Received

Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its stormwater discharges associated with industrial activity 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 products, 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 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 NDPDES 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 A 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 REQUESTED ON THIS FORM MUST BE PROVIDED.

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

## A. Facility Contact Information

1. Name of Facility	2. Facility Contact	3. Email Address	4. Telephone Number
5. Mailing Address	6. City	7. State/Province	8. ZIP Code

## B. Facility / Site Location Information

9. Facility Name	10. Facility Address	11. City	12. State	13. ZIP Code
Location	14. Latitude	15. Longitude		
	16. Section	17. Township	18. Range	19. Quarter
20. Current or Previous NDPDES Permit Number (if applicable)	21. Primary Standard Industrial Classification code (SIC)	22. Total size of site associated with industrial activity (acres)	23. Have you paved or roofed over a formerly exposed pervious area in order to qualify for the no exposure exclusion?	
24. If yes to 23, how many acres?				

### 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.**

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
2. Materials or residuals on the ground or in stormwater inlets from spills/leaks?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.Materials or products from past industrial activity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.Material handling equipment (except adequately maintained vehicles)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.Materials or products during loading/unloading or transporting activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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
7.Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8.Materials or products handled/stored on roads or railways owned or maintained by the discharger?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.Application or disposal of process wastewater (unless otherwise permitted)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11.Particulate matter or visible deposits or 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"/> Yes	<input type="checkbox"/> No

### 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	Title
Signature	Date

## Instructions

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### 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) 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 jurisdictions where the North Dakota Department of Environmental Quality 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 the completed no exposure certification form to:

North Dakota Dept. of Env. Quality  
Division of Water Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324

### Completing the Form

Please 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 through the department's web site at:

[https://deq.nd.gov/WQ/2\\_NPDES\\_Permits/7\\_Stormwater/stw.aspx](https://deq.nd.gov/WQ/2_NPDES_Permits/7_Stormwater/stw.aspx)

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

#### Section A. Facility Operator Information

1. 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.

2. Provide the name of the contact person for the facility.

3. Provide the email address of the facility contact.

4. Provide the telephone number of the facility operator.

5-8. 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 B. Facility/Site Location Information

9. Enter the official or legal name of the facility or site.

10-13. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Route 9 and 55]), city, county, state, and zip code. Do not use a P.O. Box number.

14-15. The latitude and longitude of the approximate center of the facility or site in Decimal Degrees. Latitude and longitude may be obtained using Google Earth or accessing the [North Dakota Geographic Information System](#).

16-19. Enter the legal land description to the nearest 1/4, 1/4, 1/4 section.

20. Enter the stormwater NPDES permit number the facility was previously covered under, if applicable. If this is a new facility leave blank.

21. Enter the 4-digit SIC code which identifies the facility's primary activity, and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be found at: [www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html).

22. Enter the total size of the site associated with industrial activity in acres. Acreage may be determined by dividing square footage by 43,560, as demonstrated in the following example.

Example: Convert 54,450 square feet (sf) to acres  
Divide 54,450 sf by 43,560 sf per acre  
 $54,450 \text{ sf} \div 43,560 \text{ sf/acre} = 1.25 \text{ acres}$

23. Select "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure.

24. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.

#### Section C. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure conditions 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. Certification Statement

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) 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
- (ii) 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 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.