



# NO EXPOSURE CERTIFICATION

for Exclusion from AZPDES Industrial Stormwater Permitting

**A COMPLETE AND ACCURATE FORM MUST BE SUBMITTED TO:**  
Arizona Department of Environmental Quality; Surface Water Section / Stormwater Program  
1110 West Washington, 5415A-1; Phoenix, Arizona 85007

Operators who submit this No Exposure Certification (NEC) are giving ADEQ notice that their facility does not require permit coverage for 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 that prevents 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 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 AZPDES 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 B 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).

### A. TYPE OF SUBMITTAL (check one)

This is a **new NEC** (see Instructions regarding situations that require a new NEC.)

If you checked this item, complete all remaining sections of this form.

This is a **revision** of a previously issued NEC.

If you checked this item, enter your current tracking # AZRNE \_\_\_ - \_\_\_\_\_. Provide the Facility Name in Part C.3. and enter only the information being revised in Sections B through F. Complete all items in Section G and have this document signed by the authorized signatory.

This is a **5 year resubmittal** of a previously issued NEC.

If you checked this item, enter your current tracking # AZRNE \_\_\_ - \_\_\_\_\_. Complete all remaining sections of this form.

### B. FACILITY OPERATOR INFORMATION

- Operator Business Name: \_\_\_\_\_
- Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: |\_\_| |\_\_| Zip Code: \_\_\_\_\_
- Phone (include area code): \_\_\_\_\_ Fax (include area code): \_\_\_\_\_
- Operator Contact Name : \_\_\_\_\_ 5. E-mail: \_\_\_\_\_

### C. FACILITY / SITE LOCATION INFORMATION

- Facility Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_
- Phone (include area code): \_\_\_\_\_ Fax (include area code): \_\_\_\_\_
- Facility Name: \_\_\_\_\_
- Facility address or site physical location: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ State: AZ Zip Code: \_\_\_\_\_
- Provide the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds:  
Latitude: |\_\_| |\_\_|° |\_\_| |\_\_|' |\_\_| |\_\_|". |\_\_| |\_\_|" Longitude: |\_\_| |\_\_| |\_\_|° |\_\_| |\_\_|' |\_\_| |\_\_|". |\_\_| |\_\_|"  
(Degrees, minutes, seconds) (Degrees, minutes, seconds)
- The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:  
Primary SIC: |\_\_| |\_\_| |\_\_| |\_\_| Secondary SIC (if applicable): |\_\_| |\_\_| |\_\_| |\_\_| OR Activity Code: |\_\_| |\_\_|
- Total size of site associated with industrial activity: \_\_\_\_\_ acres

**D. 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".) A "yes" answer to any of these questions (1) through (11) means the facility is 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.	_____	_____
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.	_____	_____

**E. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NOTIFICATION**

Does your facility discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? \_\_\_\_\_ YES \_\_\_\_\_ NO

If Yes, name the MS4 operator: \_\_\_\_\_

\_\_\_\_\_ If yes, I certify that I will provide a copy of the No Exposure Certification document to the operator of the local Municipal Separate Storm Sewer System (MS4) into which the facility discharges. I understand that I must allow the AZPDES permitting authority or MS4 operator to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request.

**F. FEES**

Pursuant to Arizona Administrative Code R18-14-109, the fee for submitting a new No Exposure Certification (NEC) form is \$1,250.00. The initial NEC approval is valid for five (5) years. You must resubmit the NEC form once every five (5) years.

\_\_\_\_\_ I confirm that I am including the fee of \$1,250.00 for submitting a new NEC form (forms submitted without payment for the correct fee are considered incomplete and will be returned).

\_\_\_\_\_ No fee is required; this is a 5 year NEC resubmittal for Tracking Number AZRNE \_\_\_\_ - \_\_\_\_\_ .

\_\_\_\_\_ No fee is required; this is a revision of a previously issued No Exposure Certification. Tracking Number: AZRNE \_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_ No fee is required; the operator is an Arizona state agency and is exempt from AZPDES Fees.

**G. CERTIFICATION BY AUTHORIZED SIGNATORY**

Pursuant to A.R.S. § 41-1030:

(1) ADEQ shall not base a licensing decision, in whole or in part, on a requirement or condition not specifically authorized by statute or rule. General authority in a statute does not authorize a requirement or condition unless a rule is made pursuant to it that specifically authorizes the requirement or condition.

(2) Prohibited licensing decisions may be challenged in a private civil action. Relief may be awarded to the prevailing party against ADEQ, including reasonable attorney fees, damages, and all fees associated with the license application.

(3) ADEQ employees may not intentionally or knowingly violate the requirement for specific licensing authority. Violation is cause for disciplinary action or dismissal, pursuant to ADEQ's adopted personnel policy. ADEQ employees are still afforded the immunity in A.R.S. §§ 12-821.01 and 12-820.02.

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 AZPDES industrial stormwater permitting. I understand that I am obligated to submit a no exposure certification form once every five (5) years to the AZPDES permitting authority.

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 must obtain coverage under an AZPDES permit prior to any such point source discharge of stormwater from the facility.

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.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

E-Mail Address (optional): \_\_\_\_\_ Phone: \_\_\_\_\_

**Certifier's Address**

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: |\_\_\_\_|\_\_\_\_| Zip Code: \_\_\_\_\_



# INSTRUCTIONS

## for the NO EXPOSURE CERTIFICATION

### for Exclusion from AZPDES Stormwater Permitting

#### Who May File a No Exposure Certification

Federal law at 40 CFR 122.26, which is incorporated by reference under A.A.C. R18-9-A905(A)(1)(c), prohibits point source discharges of stormwater associated with industrial activity to waters of the U.S. without an Arizona Pollutant Discharge Elimination System (AZPDES) permit. The discharges of stormwater associated with industrial activities are 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, then the facility is eligible for a No Exposure Certification. The No Exposure Certification form requires that facilities meet 11 conditions in order to be eligible for the no exposure exclusion.

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 must be re-submitted once every five years.

The industrial facility operator must maintain a condition of no exposure at the 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 immediately obtain coverage under an AZPDES stormwater permit.

#### Where to File the No Exposure Certification Form (NEC)

No Exposure Certification forms must be mailed or delivered to:

Arizona Department of Environmental Quality  
Surface Water Section / Stormwater Program  
1110 West Washington, 5415A-1  
Phoenix, Arizona 85007

#### Completing the Form

Please type or print. You may abbreviate if necessary. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Make sure all applicable questions are addressed and a photocopy is made for your facility records before sending the completed form to the above address. If you have any questions about this form, you may call (602) 771-7614.

#### Section A. Type of Submittal

Check one item in Section A of the form to indicate the type of submittal you are making.

- For a new NEC, complete all remaining sections of the form.
- For a revision of a previously issued NEC, enter your current tracking number in the spaces provided. Provide the facility name in Part C.3. and enter only the information being revised in Parts B through F. Complete the Certification section (Part G) and have the form signed by the authorized signatory.
- For a 5 year resubmittal of a NEC, enter the NEC tracking number and complete all remaining sections of the form.

**NOTE:** The following situations require a new NEC with \$1,250 fee (see Section F, below): first-time NEC submittal, change of Operator, Operator's legal name change, or facility relocation.

#### Section B. 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 the 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 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, including renewal notices.
3. Provide the telephone and fax numbers of the operator.
4. Provide the name of the individual who will act as a contact for the operator.
5. Provide the e-mail address of the contact person (optional).

#### Section C. Facility/Site Location Information

1. Provide the name and title of the person who is responsible for meeting the terms and conditions of the no exposure exclusion. Persons who meet the contact designation are: president, owner, plant or site manager, general manager, facilities manager, production manager, safety manager, environmental director, and EHS Director, or someone who performs similar decision-making functions for the facility.
2. Provide the telephone and fax numbers of the responsible person described in Section C.1.
3. Enter the official or legal name of the facility or site.
4. Enter the facility street address (If no street address exists, provide a geographic description of the location of the site.), city, state, zip code, and county. Do not use a P.O. Box number.
5. Enter the latitude and longitude of the approximate center of the facility or site in degrees (°), minutes ('), and seconds ("). Latitude and longitude can be obtained by accessing ADEQ's GIS Mapping system at: <http://gisweb.azdeq.gov/arcgis/emaps/?topic=impaired>, from United States Geological Survey (USGS) quadrangle or topographic maps, or by calling 1-(888) ASK-USGS. **NOTE:** latitude and longitude in decimal form cannot be processed. Please ensure you provide these coordinates in degrees/minutes/seconds
6. Enter the 4-digit SIC code or the Activity Code that identifies the facility's primary activity and, if applicable, a second 4-digit SIC code identifying the facility's secondary activity. SIC codes and Activity Codes can be obtained from the Handbook of Standard Industrial Classifications, 1987, or from the Internet at <http://www.osha.gov/pls/imis/sicsearch.html>.
7. 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 54,560 ft<sup>2</sup> to acres

Divide 54,450 ft<sup>2</sup> by 43,560 square feet per acre:  
 $54,450 \text{ ft}^2 / 43,560 \text{ ft}^2/\text{acre} = 1.25 \text{ acres}$ .

#### Section D. Exposure Checklist

Check "Yes" or "No," as appropriate, to describe the exposure condition at your facility. A "Yes" answer to **ANY** of the questions (1) through (11) in this section means that a potential for exposure exists at the site and the operator will not be able to certify to a condition of no exposure. Instead, coverage must be obtained under an AZPDES stormwater permit. After obtaining permit coverage, a facility may institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, after which the operator may certify to a condition of no exposure.

#### Section E. Municipal Separate Storm Sewer System (MS4) Responsibility

1. Indicate whether stormwater from the site will be discharged into a 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, or other public body, used to collect or convey stormwater.

If the answer is "Yes," identify the name of the MS4 operator on the line provided. For reference, see the list of regulated large and small MS4s below.

2. Provide a copy of the No Exposure Certification document to the MS4 if the site has the potential to discharge into the MS4 (see list of MS4s below).

**Section F. Fees**

A \$1,250 fee is due at the time the operator submits a new NEC form to the department, which covers ADEQ's cost of administering this aspect of the program. The No Exposure Certification is valid for five years, after which operators must resubmit the NEC. There is currently no fee for a 5 year resubmittal, for revising an existing NEC, or for an NEC submitted by an Arizona State agency.

Additional information about the ADEQ water quality protection service fees, including FAQs, may be found at: <http://www.azdeq.gov/enviro/water/permits/fees.html>

**Section G. Certification by Authorized Signatory**

Please be aware that State statutes provide for severe penalties for a violation of any provision listed in A.R.S. §§ 49-261 through 49-263.01.

1. Printed Name, Signature, Title, and Date: Appendix B.9 of the general permit requires 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 officer or ranking elected official.

2. Provide the e-mail address of the signatory (optional).
3. Provide the telephone number of the signatory.
4. Provide the mailing address of the signatory (P.O. Box numbers may be used). Include the city, state, and zip code.

**NOTE:** Operators cannot delegate the responsibility for signature authority to a consultant, agent, or any other third party.

**Municipal Separate Storm Sewer Systems (MS4)**

(Large\* and Small)

Municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. A municipal separate storm sewer system is:

1. Owned or operated by a state, city, town, district, association, or other public body having jurisdiction over disposal or sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Not a combined sewer; and
4. Not part of a Publicly Owned Treatment Works (POTW).

Apache Junction	Douglas	Mesa*	Sedona
Arizona Dept. of Transportation*	El Mirage	Mohave County	Sierra Vista
Avondale	Flagstaff	Nogales	South Tucson
Arizona State University	Fountain Hills	Northern Arizona University	Surprise
Buckeye	Gilbert	Oro Valley	Tempe*
Camp Verde	Glendale*	Paradise Valley	Tolleson
Carefree	Goodyear	Peoria	Tucson*
Casa Grande	Guadalupe	Phoenix*	University of Arizona
Cave Creek	Lake Havasu	Pima County*	Veterans Hospital – Phoenix
Chandler	Litchfield Park	Pinal County	Veterans Hospital – Tucson
Coconino County	Luke Air Force Base	Prescott	Yavapai County
Cochise County	Marana	Prescott Valley	Youngtown
Cottonwood	Maricopa County	Queen Creek	Yuma
Davis Monthan Air Force Base	Marine Corps Air Station – Yuma	Scottsdale*	Yuma County