

Storm Water No Exposure Certification

For Exclusion from WYPDES Industrial Storm Water Permitting

State of Wyoming

Department of Environmental Quality



Discussion and Purpose:

The attached No Exposure Certification may be used by any industrial facility regulated under the Wyoming Pollutant Discharge Elimination System (WYPDES) storm water program where industrial activities and materials are completely sheltered from storm water. Regulated industrial activities include those activities covered under general storm water permits WYR000000 (industrial activities) and WYR320000 (mineral mining). Construction activities are not eligible for a No Exposure Certification. This exclusion also does not apply to discharges of process wastewater.

Submission of a No Exposure Certification constitutes notice that the facility does not require coverage under the industrial or mineral mining storm water permit because industrial materials and activities are not and will not be exposed to precipitation, snow melt and/or run on. (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.) A facility that submits this no exposure certification must be in compliance with Wyoming Water Quality Regulations found in Chapter 2, Section 6(g)(iii).

A separate form must be completed for each facility qualifying for the no exposure certification. Additionally, this no exposure certification is only available on a facility-wide basis. Individual outfalls from a facility are not eligible.

If conditions change at a facility covered under this exclusion such that industrial materials and activities are or will be exposed to storm water then the exclusion is no longer valid and the facility must immediately seek coverage under the appropriate storm water permit.

No exposure certifications must be renewed every five years. A facility that does not renew its no exposure certification must secure coverage under an appropriate storm water permit if the regulated activity is still occurring at the site or if materials from that activity remain at the site.

Instructions for Completing the No Exposure Certification:

- Item 1: Provide the name of the facility operator. This is the entity (company, organization, or individual) that has day-to-day supervision and control of activities occurring at the site. Also indicate who the Legally Responsible Official (LRO) for the Operator is and provide the name, mailing address, telephone, and emails for the for that individual (see LRO specifications at the end of this document). The operator may also provide the name and contact information for a local facility contact. The local contact is a person who is familiar with the facility and will be the first contact for the WDEQ for questions or to arrange an inspection.

- Item 2: Provide the street address of the facility, if available. A facility latitude and longitude in decimal degrees to five places is now required. The quarter/quarter, section, township and range of the facility can also be provided, but is not required. Also provide a list of Standard Industrial Classification (SIC) codes for all activities regulated under the Storm Water Program.
- Item 3: Provide the name of the nearest defined drainage(s) which could receive runoff from the authorized facility, whether it contains water or not. Include bodies of water such as lakes and wetlands where applicable. Please note if your discharge will be to a municipal storm sewer and provide the name of the drainage the storm sewer discharges to.
- Item 4: Please provide a very short description of the type of industrial activity occurring at this site.
- Item 5: If you currently have coverage under a WYPDES industrial or mineral mining storm water permit list the authorization number. Your coverage under the storm water permit will be terminated (ended) as of the date this form is received by DEQ.
- Item 6: Complete the no exposure checklist by checking either yes or no for each item. **If you answer “yes” to any checklist item your facility is not eligible for the no exposure exclusion from storm water permitting.**

The following information must be used when determining your answers for the questions in the no exposure checklist.

What is the definition of “no exposure?”

No exposure means, for the checklist, that a **storm resistant shelter** is in place to prevent exposure to rain, snow, snowmelt and/or runoff. Storm resistant shelters include completely roofed and walled buildings or structures, as well as structures with only a top cover but not side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water.

There are circumstances where permanent, uninterrupted sheltering of industrial activities or materials is not possible. Under such conditions, materials and activities may be sheltered with temporary covers (e.g., tarpaulins) until permanent enclosure can be achieved. In general, temporary sheltering of industrial materials and activities will only be allowed during facility renovation or construction or in similar short-term conditions. However, under all circumstances the operator must reasonably believe that there will be no exposure of pollutant sources to storm water.

Can secondary containment outside qualify for the no exposure exclusion?

In general, secondary containment that is adequately engineered to prevent any failure, leakage or overflow such that there would simply be no discharge from that area of the facility qualifies for the no exposure exclusion. Please note that disposal of any water or liquids collected from the containment must be accomplished in accordance with state regulations (e.g.; discharged in compliance with another WYPDES discharge permit.)

What are industrial materials?

Industrial materials are any materials that are directly related to an industrial activity covered by the storm water regulations (refer to Chapter 2 of the Wyoming Water Quality Rules and Regulations or to Attachment A to this form for a list of SIC codes regulated under the storm water program) and 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. Materials not related to industrial activity are not included, such as office products or cafeteria wastes.

Do fueling areas require storm resistant shelters to qualify for no exposure?

Yes. Facilities that fuel on site must have fuel stations designed to minimize storm water exposure. To qualify fueling areas must have cover, such as a canopy. Fueling areas must also be designed to prevent storm water run-on to further minimize pollutant loading.

What industrial materials do not require a storm resistant shelter?

While the intent of the no exposure exclusion is to promote a condition of permanent no exposure, a storm-resistant shelter is not required for the following industrial materials:

Materials stored in drums, barrels, tanks and similar containers intended for the outdoor storage of the contained material, that meets the requirements of item “A” below. Containers, racks and other transport platforms (e.g., pallets) used with the drums, barrels and other containers can be stored outside provided they are contaminant free.

Final products built and intended for use outdoors (e.g., new cars), provided the final products have not deteriorated or are otherwise a potential source of contaminants. Types of final products **not** qualifying for a certification of no exposure include:

Products that can be mobilized in storm water discharges, such as rock salt.

Products that may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants, such as junk cars or stock piled train rails.

“Final” products that are actually “intermediate” products. Intermediate products are those used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors). Even if the intermediate product is final for a manufacturer and destined for incorporation in a final product intended for use outdoors, these products shall not be exposed because they may be chemically treated or are insufficiently impervious to weathering.

Item 7: This form must be signed and dated by a Legally Responsible Official as described at the end of this document.

3.	Name of the nearest defined drainage(s) which could receive runoff from the authorized facility, whether it contains water or not. Include bodies of water such as lakes and wetlands where applicable.

4.	Briefly describe the regulated industrial activity conducted at this facility:

5. Is this facility currently covered by a WYPDES storm water discharge permit?
 Yes **No**

If you answered **YES** to the question above, what is your authorization number?

WYR ___ ___ ___ ___ ___

If you are currently covered, this form will be used to terminate (end) your coverage. A separate Notice of Termination (NOT) does not need to be submitted.

6. Exposure Checklist: Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? Please check "yes" or "no" for each item A through J below. **Please note that if you answer "yes" to any of these questions your facility is not eligible for the no exposure certification.**

	Exposure Checklist	Yes	No
A.	<p>Industrial Machinery and Equipment Industrial machinery and equipment, which includes any machinery and/or equipment, that is directly related to an industrial activity covered by the storm water regulations (see Attachment A), may not be stored where exposed to storm water. In addition, areas with residuals from using, storing or cleaning industrial machinery or equipment must not remain and be exposed to storm water. The following exceptions are allowed.</p> <p>a. Drums, barrels, tanks and similar containers intended for the outdoor storage of the contained material or previously contained material, 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), and are not otherwise a source of pollutants. The addition of material to or withdrawing of material from these containers while outside is deemed exposure and, as such, not allowed under the exclusion provisions. Containers, racks and other transport platforms (e.g., wooden pallets) used with the drums, barrels, etc., can be stored outside providing they are contaminant free.</p>		

	Exposure Checklist	Yes	No
	<p>b. Adequately maintained vehicles used in material handling may be exposed to storm water. This includes adequately maintained vehicles and vehicles awaiting maintenance, such as trucks, automobiles, forklifts, pallet jacks, carts, dollies or other general-purpose vehicles at the industrial site that are not industrial machinery and that are not leaking contaminants or are not otherwise a source of industrial pollutants.</p> <p>Is there now, or in the foreseeable future, any industrial machinery or equipment stored, used or cleaned where exposed to storm water; or are there any areas where residuals from using, storing or cleaning industrial machinery are exposed to storm water?</p>		
B.	<p>Materials and Residuals</p> <p>Industrial materials and residuals may not exist on the ground or within the storm water collection system (i.e., storm water inlets and storm sewers). Residuals include any material that may be mobilized by storm water, such as oil and chemical stains and contaminated soils.</p> <p>Are there now, or in the foreseeable future, any materials or residuals on the ground or within the storm water collection system that are exposed to storm water?</p>		
C.	<p>Materials and Products from Past Industrial Activity</p> <p>Are the now, or in the foreseeable future, any materials or products from past industrial activities exposed to storm water?</p>		
D.	<p>Loading, Unloading and Transportation</p> <p>Are there now, or in the foreseeable future, any materials or products that are exposed to storm water during loading, unloading or transporting activities?</p>		
E.	<p>Outdoor Storage</p> <p>Are there now, or in the foreseeable future, any materials or products stored outdoors, except for final products intended for outdoor use (see above)?</p>		
F.	<p>Drums, Barrels, Tanks and Similar Containers</p> <p>Are there now, or in the foreseeable future, any materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers that are exposed to storm water?</p>		
G.	<p>Storage on Roads and Railways</p> <p>Are there now, or in the foreseeable future, any materials or products handled/stored on roads or railways owned or maintained by the discharger that are exposed to storm water?</p>		

	Exposure Checklist	Yes	No
H.	<p>Industrial Waste Material</p> <p>Industrial waste materials, like other industrial materials, may not be stored where exposed to storm water. However, if the material is stored in a sealed container, such as those described above, or in a covered, non-leaking container such as a lidded dumpster, that does not allow exposure to storm water, outdoor storage is allowed.</p> <p>Lidded dumpsters must be completely covered and materials must not be allowed to drain from any holes in the bottom nor be lost in loading onto a garbage truck. Industrial refuse and trash that is stored uncovered, however, is considered exposed.</p> <p>Waste materials that are not related to an industrial activity, such as office supplies and cafeteria wastes, are not included in the definition of industrial waste materials and, although such wastes should be managed to prevent water quality impacts, are not included in this certification.</p> <p>Are there now, or in the foreseeable future, any industrial waste materials that are exposed to storm water?</p>		
I.	<p>Unpermitted Application or Disposal of Process Wastewater</p> <p>Is there now, or in the foreseeable future, any application or disposal of process wastewater exposed to storm water, unless otherwise permitted under a WYPDES discharge permit?</p>		
J.	<p>Roof Stacks and Vents</p> <p>Is there now, or in the foreseeable future, any particulate matter or visible deposit of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an Air Quality Division permit) and evident in the storm water outflow?</p>		

7. Authorized Signature

Certification:

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 state WYPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under paragraph 6 (a) (vi) (B)) of Chapter 2 of the Wyoming Water Quality Rules and Regulations.

I understand that I am obligated to submit a no exposure certification form once every five (5) years to the administrator and, if requested, to the operator of the local MS4 into which this facility discharges (where applicable). I understand that I must allow the administrator, 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 a state WYPDES permit prior to any point source discharge of storm water 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 upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Additionally, I certify that I have secured and shall maintain permission for Department of Environmental Quality personnel and their invitees to access the permitted facility, including (i) permission to access the land where the facility is located, (ii) permission to collect resource data as defined by Wyoming Statute § 6-3-414, and (iii) permission to enter and cross all properties necessary to access the facility if the facility cannot be directly accessed from a public road.

Printed Name of Person Signing

Title

Signature of Applicant

Date

Telephone

Legally Responsible Officials (LROs) authorized to sign this No Exposure Certification are the following:	
For corporations:	<i>A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates.</i>
For partnerships:	<i>A general partner.</i>
For a sole proprietorship:	<i>The proprietor.</i>
For a municipal, state, federal or other public facility:	<i>Either a principal executive officer or ranking elected official.</i>

"Any person who knowingly makes any false statement, representation, or certification in any application . . . shall, upon conviction, be fined not more than ten thousand dollars (\$10,000) per day for each violation or imprisoned for not more than one (1) year, or both."

Mail or hand deliver this application to:

WYPDES Permits Section
DEQ/WQD
200 West 17th Street
Cheyenne, WY 82002

DEQ use only:	
Date check rec'd:	
Check amount:	
Permit term:	
Approval	

Attachment A

Facilities Required to Obtain Storm Water Discharge Permits

Under the Wyoming Pollutant Discharge Elimination System (WYPDES)

The Standard Industrial Classification (SIC) code(s) for a facility determines if a permit is required and, if so, which permit is required. SIC codes are usually assigned according to the primary activity, though there are some exceptions as noted below. They are often assigned for insurance purposes or when a business registers as a corporation. There are a number of internet sites that can assist a business owner in determining their SIC code. Department personnel can also assist companies in determining their SIC code.

(Note that the Wyoming Department of Environmental Quality will continue to use the SIC codes and not the newer system known as the North American Industry Classification (NAICS) as long as federal regulation still uses the older SIC system.)

For purposes of the storm water regulations industrial facilities owned or operated by municipalities are classified as the SIC they most closely resemble. For example, a compost manufacturing facility run by a city is classified as an SIC 2875 which does require permit coverage.

The table below lists industries by their SIC code. A two digit code, such as 14, means that all industries under that heading (1411 to 1499) require storm water permit coverage.

SIC Code	Industry Type	Notes	Permit Type
10	Metal mining and milling	(a) (c)	I
12	Coal mining	a)	I
13	Oil and gas extraction (except)	(f) (g)	L, S or I
1389	Oil and gas field services, not elsewhere classified		I
14	Mineral mining, does not include fuels or metals	(a)	M
NA	Construction	(e)	L or S
20	Food and kindred products		I
21	Tobacco products		I
22	Textile mills		I
23	Apparel and other finished products made from fabrics and similar material		I
24	Lumber and wood products, except furniture	(c)	I
25	Furniture and fixtures		I
26	Paper and allied products		I
27	Printing, publishing and allied industries		I
28	Chemicals and allied products		I
29	Petroleum refining and related industries (except)		I
2951	Asphalt batch plants	(b)	I, M, L or S
30	Rubber and miscellaneous plastics products		I
31	Leather and leather products		I
32	Stone, clay, glass and concrete products	(b) (c)	I, M, L or S

SIC Code	Industry Type	Notes	Permit Type
33	Primary metals industries		I
34	Fabricated of metal products, except machinery and transportation equipment		I
35	Industrial and commercial machinery and computer equipment		I
36	Electronic and other electrical equipment and components, except computer equipment		I
37	Transportation equipment		I
38	Measuring, analyzing and controlling instruments: photographic, medical and optical goods; watches and clocks		I
39	Miscellaneous manufacturing industries		I
40	Railroad transportation	(d)	I
41	Local and suburban transit and interurban highway passenger transportation	(d)	I
42	Motor freight transportation and warehousing	(d)	I
43	US Postal facilities	(d)	I
44	Water transportation	(d)	I
45	Transportation by air	(d)	I
4911	Steam electric power generation (all fuel types)	(e)	I
4952	Wastewater treatment plants (with a design flow of 1.0 MGD or more or are required to have an approved pretreatment program under 40 CFR 403)	(e)	I
4953	Hazardous waste treatment, storage or disposal facilities; incinerators (including boilers and industrial furnaces) that burn hazardous waste; and active or inactive landfills, land application sites or open dumps with industrial waste and without a stabilized final cover.	(e)	I
5015	Motor vehicle parts, used	(c)	I
5093	Scrap and waste materials	(c)	I
5171	Petroleum bulk stations and terminals	(d)	I

Notes:

- (a) For this SIC code a storm water permit is only required if runoff has come into contact with active or inactive mining operations or with overburden, raw material, intermediate products, finished products, byproducts or waste products.
- (b) There are several ways to permit portable asphalt or concrete batch plants. Portable asphalt or concrete batch plants may be covered separately under an industrial permit that will follow the facility to new locations. Such facilities at mineral mines may also be covered under the site's mineral mining permit. Facilities at construction sites that serve only one construction site may be covered under either the small or large construction permits.
- (c) Some or all industries under this SIC code are required to periodically sample and analyze their storm water runoff for specific pollutants. See Part 6 of the industrial permit for information.
- (d) Only those facilities that have vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or activities that are otherwise identified in the table above are required to get storm water permit coverage.
- (e) For most facilities covered by storm water regulations SIC codes are used to indicate the primary function of the facility. SICs marked by this note are covered under storm water regulations regardless of what other activities occur at the site.

- (f) Construction of an oil and gas facility requires a construction storm water permit any time surface disturbance will be one acre or more or if the facility is part of a larger common plan of development that will ultimately disturb one or more acres.
- (g) Storm water from oil and gas facilities engaged in exploration, production, processing, treatment, or transmission are not subject to regulation under an industrial storm water permit unless the facility has had a discharge of storm water since 11/16/87 resulting in a discharge of a reportable quantity for which notification was required (industrial permit, Part 2.11) or has a storm water discharge which contributes to a violation of a water quality standard.

Permit Types:

- M Mineral mining (does not include coal or metals)
- I Industrial
- L Large construction (disturbances of 5 or more acres)
- S Small construction (disturbances of at least 1 acre up to, but not including, 5 acres)

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