

Attachment 2 No Exposure Certification Guidance and Checklist

Disclaimer: This checklist was developed for guidance purposes only to assist Industrial Storm Water permit applicants to identify potential for No Exposure Certification (NEC). Completion of this checklist is not a requirement for certification and is not intended to be used as a substitute for an electronic submittal for NEC via the Department website. The use of this form does not relieve the permittee from further review or enforcement action by the Nebraska Department of Environment and Energy (NDEE).

A NEC must be provided electronically 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 conditional exclusion. You must submit a NEC to the Department once every five years, or upon reissuance or replacement of this permit, and maintain 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 (including the storage, loading and unloading, transportation or conveyance of any raw material, intermediate, final or waste product), industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. 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 intended for outdoor use, other than products that would be mobilized in storm water discharges (e.g., rock salt).

NDEE recommends reviews be conducted at least semi-annually to ensure that the facility maintains a condition of no exposure. It is the responsibility of the owner/operator of the facility to ensure compliance with the no exposure condition. Significant potential penalties exist for failure to comply with the NPDES regulations. Additional reporting may be required for some facilities which discharge through a permitted MS4.

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, you are not eligible for the no exposure conditional exclusion.**

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"/> Yes <input type="checkbox"/> No
Materials or residuals on the ground or in storm water inlets from spills/leaks	<input type="checkbox"/> Yes <input type="checkbox"/> No
Materials or products from past industrial activity	<input type="checkbox"/> Yes <input type="checkbox"/> No
Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Materials or products during loading/unloading or transporting activities	<input type="checkbox"/> Yes <input type="checkbox"/> No
Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/> Yes <input type="checkbox"/> No
Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/> Yes <input type="checkbox"/> No
Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/> Yes <input type="checkbox"/> No
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"/> Yes <input type="checkbox"/> No