

Does your facility qualify for the No Exposure Certification?



Obtaining NEC Coverage

A Discharger must electronically certify and submit NEC Permit Registration Documents (PRDs) via State Water Resources Control Board's (State Water Board's) Storm Water Multi-Application and Report Tracking System (SMARTS) to obtain NEC coverage. This conditional exclusion does not become effective until the PRDs are submitted and the annual fee is paid. Upon receipt of the annual fee, the Discharger will electronically receive an NEC acceptance notification via SMARTS, which will include a Waste Discharge Identification (WDID) number.

A Discharger must maintain a condition of "No Exposure" at the facility for the conditional exclusion to remain applicable. The Discharger must annually electronically re-certify the NEC via SMARTS to confirm that the conditions of "no exposure" are being maintained.



What is the No Exposure Certification?

A discharger is conditionally excluded from specific permit requirements if the Discharger can certify that a condition of "No Exposure" exists at the industrial facility.

A condition of "No Exposure" means that a Discharger's industrial activities and materials are not exposed to storm water. Industrial storm water discharges from construction and land disturbance activities are ineligible for the NEC coverage.

Dischargers who file valid NECs in accordance with these instructions are not required to implement Best Available Technology Economically Achievable / Best Conventional Pollutant Control Technology and comply with the Storm Water Pollution Prevention Plan (SWPPP) and monitoring requirements of the General Permit.

State Water Resources Control Board

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Photo source: www.pca.state.mn.us

Typical No Exposure Facility

Definition of No Exposure

a. No Exposure means all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.

b. Industrial materials and activities include, but are not limited to, material-handling equipment or activities; industrial machinery; raw materials, intermediate products, by-products, and final products; or waste products.

c. Material handling activities include storage, loading and unloading, transport, or conveyance of any raw material, intermediate product, by-product, final product, or waste product.

d. Final products intended to be used outdoors (e.g., automobiles) typically pose little risk of polluting storm water since not typically contaminated with pollutants that become mobilized by contact with storm water. Final products are exempt from the requirement for protection by a storm-resistant shelter to qualify for no exposure. Similarly, containers, racks, and other transport platforms (e.g., wooden pallets) used for the storage or conveyance of final products may also be stored outside if pollutant-free or pollutants do not mobilize via contact with storm water.

e. Storm-resistant shelters include: (1) completely roofed and walled buildings or structures, (2)

structures with only a top cover (no side coverings) supported by permanent supports, provided material within the structure is not subject to wind dispersion (sawdust, powders, etc.) or track-out.

“Light industry” facility dischargers who were excluded from coverage under the previous permit and who meet the no exposure conditions must submit the NEC on or before October 1, 2015. Dischargers who have not submitted an NEC or applied for permit coverage by this due date will be considered out of compliance and subject to Water Board enforcement.

Dischargers who have NOI coverage may register for NEC coverage at any time following completion of facility changes. NEC coverage is available on a facility-wide basis only, not for individual drainage areas or discharge locations. Generally, if any exposed industrial materials or activities exist, or have a potential to exist, anywhere at a facility, NEC coverage is not applicable to the facility. If the Regional Water Board determines that a facility does have exposure or the facility’s storm water discharges have a reasonable potential to cause or contribute to an exceedance of applicable water quality objectives/standards, the Regional Water Board can deny NEC coverage

NOT an example of No Exposure

(moving intermediate products or raw materials
NOT intended to be outdoors)



Photo source: www.thompsonhardwoods.com

NEC Checklist

The Discharger must certify that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitations:

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;
2. Materials or residuals on the ground or in storm water 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, i.e., new cars, where exposure to storm water 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, i.e., dumpsters);
10. Application or disposal of processed wastewater (unless already covered by an NPDES permit); and
11. Particulate matter or visible deposits of residuals from roof stacks/vents evident in the storm water outflow.