



**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
RIPDES PROGRAM**

**NO EXPOSURE CERTIFICATION EXCLUSION
FROM RIPDES INDUSTRIAL STORM WATER PERMITTING**

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, snowfall, 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 operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water 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 RIPDES 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 Rule 31(h) of the RIPDES Regulations.

ALL INFORMATION MUST BE PROVIDED ON THIS FORM.

Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on pages 5 through 7.

A. Facility Operator Information

1. Name: _____ 2. Phone: _____
2. Mailing Address:
 - a. Street: _____
 - b. City: _____ c. State: _____ d. Zip Code: _____

B. Facility/Site Location Information

1. Facility Name: _____
2. a. Street Address: _____
 - b. City: _____ c. County: _____
 - d. State: _____ e. Zip Code: _____
3. Is the facility located on Indian lands? YES NO

4. Is this a Federal facility? YES NO
5. a. Latitude: _____ b. Longitude: _____
6. a. Was the facility or site previously covered under a RIPDES Storm water permit?
YES NO
- b. If yes, enter RIPDES permit number: _____
7. SIC/Activity Codes: Primary: _____ Secondary (if applicable): _____
8. Total size of site associated with industrial activity: _____ acres
9. a. Have you paved or roofed over formerly exposed, pervious area in order to qualify for the no exposure exclusion? YES NO
- b. If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, RIPDES may use this information in considering whether storm water discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.
- Less than one acre One to five acres More than five acres

Completing questions (10) and (11) of this section does not disqualify you for the no exposure exclusion. However, RIPDES may use this information in considering whether storm water discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.

10. a. Do you make use of tarpaulins to protect materials or products stored outdoors from exposure to storm water? YES NO
- b. If yes, please provide a description of the materials/products: _____

- c. Description of use of materials/products: _____

- d. How often do you access the materials/products? _____
- e. Length of time for the use of tarpaulins: _____
- f. Description of inspections and preventive maintenance of tarpaulins: _____

- g. Proximity of the materials/products to storm water drains and surface water bodies including wetlands: _____

11. a. Have any spills and/or chronic leaks of significant materials occurred at the facility in the three years prior to the submission of the No Exposure Certification? YES NO
- b. If yes, please provide a list of spills and/or chronic leaks: (refer to Attachments if necessary)

c. Please provide the cause of each spill and/or chronic leak:

d. Description of actions taken to respond to each release:

e. Description of the actions taken to prevent similar spills or leaks in the future:

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.**

| | 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 storm water | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Materials or residuals on the ground or in storm water inlets from spills/leaks | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Materials or products from past industrial activity | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Material handling equipment (except adequately maintained vehicles) | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Materials or products during loading/unloading or transporting activities | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. 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 discharge of pollutants) | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Materials or products handled/stored on roads or railways owned or maintained by the discharger | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Application or disposal of process wastewater (unless otherwise permitted) | <input type="checkbox"/> | <input type="checkbox"/> |
| 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 storm water outflow | <input type="checkbox"/> | <input type="checkbox"/> |

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 RIPDES storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in the document (except as allowed under Rule 31(h)(2) of the RIPDES Regulations).

I understand that I am obligated to submit a no exposure certification form once every five years to RIPDES 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 RIPDES, 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 RIPDES permit prior to any point source discharge of storm water 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 violators.

Print Name: _____

Print Title: _____

Signature: _____

Date: _____

INSTRUCTIONS FOR THE NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM RIPDES STORM WATER PERMITTING

Who May File a No Exposure Certification?

The RI Water Quality Regulations prohibit the discharge of pollutants into waters of the State except as in compliance with the provisions of RIGL Chapter 46-12 and pursuant to the terms and conditions of an approval issued by DEM. Rule 31 (a)(1)(ii) of the RIPDES Regulations require a permit for point source discharges of storm water from industrial activity. However, RIPDES permit coverage is not required for discharges of storm water associated with industrial activities identified in RIPDES Regulations Rule 31(b)(15)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

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 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 storm water, the facility operator must obtain coverage under an RIPDES storm water permit immediately.

Where to File the No Exposure Certification Form

Mail the completed no exposure certification form to:

Rhode Island Department of Environmental Management
Office of Water Resources
RIPDES Program
235 Promenade Street
Providence, RI 02908

Any questions regarding the No Exposure Certification Form should be directed to Margarita Chatterton at (401) 222-4700 extension 7605, or Greg Goblick at extension 7265.

Completing the Form

You must type or print, using uppercase letters, in appropriate areas only. Enter only one character space (i.e., between the marks). Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words. 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 RIPDES web site at www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/index.htm. 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 telephone number of the facility operator.
3. 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

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

2. Enter the complete street address (if no street address exists, provide a geographic description (e.g., intersection of Routes 9 and 55), city, county, state, and zip code. Do not use a P.O. Box number.
3. Indicate whether the facility is located on Indian Lands.
4. Indicate whether the industrial facility is operated by a department or agency of the Federal Government (see also Section 313 of the Clean Water Act).
5. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from United States Geological Survey (USGS) quadrangle or topographic maps by calling 1-(888) ADK-USGS, or by accessing EPA's web site at <http://www.epa.gov/owm/sw/industry/index.htm> and selecting Latitude and Longitude Finders under the Resources/Permit section.

Latitude and longitude for a facility in decimal form must be converted to degrees (°), minutes ('), and seconds (") for proper entry on the certification form. To convert decimal latitude or longitude to degrees/minutes/seconds, follow the steps in the following examples.

Example: Convert decimal latitude 45.1234567 to degrees (°), minutes ('), and seconds (").

- a) The numbers to the left of the decimal point are the degrees: 45°.
- b) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006: $1234 \times 0.006 = 7.404$.
- c) The numbers to the left of the decimal point in the result obtained in (b) are the minutes: 7'.
- d) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result obtained in (b) by 0.06: $404 \times 0.06 = 24.24$. Since the numbers to the right of the decimal point are not used, the result is 24".
- e) The conversion for 45.1234567 = 45° 7' 24".

6. Indicate whether the facility was previously covered under an RIPDES storm water permit. If so, include the permit number.
7. Enter the 4-digit SIC code which identified the facility's primary activity, and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be obtained from the Standard Industrial Classification Manual, 1987.
8. 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 54,500 ft² to acres

Divide 54,500 ft² by 43,560 square feet per acre:
 $54,450 \text{ ft}^2 \div 43,560 \text{ ft}^2/\text{acre} = 1.25 \text{ acres}$.

9. Check "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. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.
10. Check "Yes" or "No" as appropriate to indicate whether you make use of tarpaulins for protection of materials and/or products stored outdoors. If yes, please include a description of materials and/or products, description of the use of materials and/or products (i.e., loading and unloading practices, outdoor processing activities, potential for significant dust or particulate matter generating while accessing materials and/or products), if tarpaulins are being used temporarily, please describe length of time for their use and frequency of use of tarpaulins and frequency of handling of materials and/or products, description of inspections and maintenance of tarpaulins and descriptions of existing structural features that control or minimize the exposure of materials and/or products to storm water, and proximity of the materials and/or products to storm water drains and surface water bodies including wetlands.

11. Check "Yes" or "No" as appropriate to indicate if any spills and/or chronic leaks of significant materials has occurred at your facility in the three years prior to the date of the submission of the no exposure certification. Significant materials include but are not limited to: raw materials; fuels; solvents; detergents; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to RCRA Section 313; fertilizers; pesticides; and waste products, such as ashes, slag, and sludge. If yes, also provide a list of spills and/or chronic leaks, the cause of each spill and/or chronic leaks, the actions taken to respond to each release, and the actions taken to prevent similar such releases in the future.

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 RIPDES storm water permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of storm water exposed to industrial activity, and then certify to a condition of no exposure.

Section D. Certification Statement

Federal statutes provide for server 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 or executive or ranking elected official.