

# NO EXPOSURE CERTIFICATION

## for Exclusion from WPDES Industrial Storm Water Permitting

Form 3400-188 (R 8/10) Page 1 of 4

**Notice:** This No Exposure Certification form is authorized by s. NR 216.21(3), Wis. Adm. Code. Submittal of this form is required for industries listed within subchapter II of ch. NR 216, Wis. Adm. Code, where the facility has no exposure of materials or operations that could contaminate storm water. This certification must be submitted to the Department every five years. Failure to properly submit a completed No Exposure Certification to the Department at least every five years may result in forfeitures up to \$10,000 per day, pursuant to s. 283.91(2), Wis. Stats. Personally identifiable information on this form may be used for other water quality program purposes.

Submission of this **No Exposure Certification** constitutes notice that the entity identified in Section I does not require permit authorization for its storm water discharges associated with industrial activity under subch. II of ch. NR 216, Wis. Adm. Code, 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 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, 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.
- 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 applying for the no exposure exclusion. In addition, the exclusion from WPDES 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 1 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 s. NR 216.21(3), Wis. Adm. Code.

**All information must be provided on this form. Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on page 3-4. Please read the instructions prior to filling out this form and type or clearly print your answers to all questions.**

### I. Facility/Operator Contact Information

Name	Last	First	M.I.	Telephone	Fax (if available)
Company or Organization Name			E-mail Address (if available)		
Mailing Address1			Mailing Address2		
City		State		Zip Code	

### II. Facility/Site Location Information

Facility Name \_\_\_\_\_

---

Street Address \_\_\_\_\_ County \_\_\_\_\_

---

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

WISCONSIN

Location: \_\_\_\_\_ Town: \_\_\_\_\_ Range \_\_\_\_\_  East Section: \_\_\_\_\_ Quarter \_\_\_\_\_ Quarter/Quarter: \_\_\_\_\_  
 West \_\_\_\_\_

---

Total size of site associated with industrial activity(Acres) \_\_\_\_\_

---

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Is the facility located on Indian Lands?
<input type="checkbox"/>	<input type="checkbox"/>	Is this a Federal facility?
<input type="checkbox"/>	<input type="checkbox"/>	Was the facility or site previously covered under a WPDES storm water permit?

---

If yes, enter Facility ID (FID) and/or FIN Number (if known):  
 FID: \_\_\_\_\_ FIN: \_\_\_\_\_

---

SIC/Activity Codes: Primary \_\_\_\_\_ Secondary (if applicable) \_\_\_\_\_

---

Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion?  
 If yes, indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority 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

**III. 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                       |  |
| <input type="checkbox"/> | <input type="checkbox"/> | 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 properly 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 the 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   |

**IV. Certification & Signature**

**This form must be signed by an official representative of the permitted facility, in accordance with s. NR 216.22(7), Wis. Adm. Code. See instructions on page 4. If this form is not signed, or is found to be incomplete, it will be returned.**

**NO EXPOSURE CERTIFICATION for Exclusion from WPDES Industrial Storm Water Permitting:**

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 WPDES 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 this document (except as allowed under s. NR 216.21(3)(c), Wis. Adm. Code).

I understand that I am obligated to submit a No Exposure Certification form once every five years to the Department 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 the Department, and 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 WPDES 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 violations.

Signature of Authorized Representative	Telephone Number (include area code)		
Type or Print Name	Company Name		
Position Title	Mailing Address – PO Box, Street or Route		
Date Signed	Municipality	State	ZIP Code

## INSTRUCTIONS

### Who May File a No Exposure Certification

Wisconsin law under subch. II of ch. NR 216, Wis. Adm. Code, prohibits point source discharges of storm water associated with industrial activity to waters of the State without a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. However, WPDES permit coverage is not required for discharges of storm water associated with industrial activities if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site. Storm water discharges from construction activities identified in subch. III of NR ch. 216, Wis. Adm. Code, 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 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. A facility that has submitted a No Exposure Certification form should routinely inspect its facility to verify that it continues to operate in a condition of "no exposure."

If conditions change resulting in the exposure of materials and activities to storm water, the facility operator must obtain coverage under a WPDES storm water permit immediately. Any conditionally exempt discharger who anticipates changes in circumstances shall submit a Notice of Intent form to the Department 14 or more working days prior to the change of circumstances and in accordance with s. NR 216.22, Wis. Adm. Code.

### Completing the Form

You must type or clearly print your answers to all questions. One No Exposure Certification form must be completed for each facility or site for which you are seeking to certify a condition of "no exposure". Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the Department.

Additional guidance on no exposure certification can be accessed at US EPA's website:

<http://cfpub.epa.gov/npdes/stormwater/exposure.cfm> or contact the Department Storm Water Program at: 608-267-7694.

---

#### Section I. Facility/Operator Contact 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 contact information for 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 II. 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 geographical description of the approximate center of the facility or site in Town-Range-(East or West)-Section-Quarter-Quarter/Quarter format. Note: This information can be found on property tax statements, plat maps, Wisconsin Atlas and Gazetteer, and online with Wisconsin DNR Surface Water Data Viewer at: <http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=SurfaceWaterViewer>
6. Indicate whether the facility was previously covered under a WPDES storm water permit. If so, include the Facility ID Number (FID) and/or FIN.
7. Enter the 4-digit SIC code which identifies 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 or online at: <http://www.osha.gov/pls/imis/sicsearch.html>
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 54,450 ft<sup>2</sup> to acres  
Divide 54,450 ft<sup>2</sup> by 43,560 square feet per acre:  
54,450 ft<sup>2</sup> | 43,560 ft<sup>2</sup> /acre = 1.25 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.

**Section III. 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 coverage under a WPDES storm water permit if you have not already done so. 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 IV. Certification & Signature**

Wisconsin statutes provide severe penalties for submitting false information on this application form. State regulations require this application to be signed in accordance with the signatory requirements of s. NR 216.22 (7), Wis. Adm. Code:

1. For a corporation, by a principal executive officer of at least the level of Vice President, or a duly authorized representative having overall responsibility for the operation covered by this permit.
2. For a unit of government, a principal executive officer, a ranking elected official or other duly authorized representative.
3. For a partnership, by a general partner; for a sole proprietorship, by the proprietor.
4. For a limited liability company, by a member or manager.

**Mailing Addresses**

Unless otherwise directed by the Department, mail the completed No Exposure Certification form to the Wisconsin DNR (WDNR) office associated with the county of the facility site location as follows:

<b>NORTHERN REGION (NOR)</b>				
Ashland	Douglas	Langlade	Rusk	WDNR Superior Service Center 1701 N. 4TH Street Superior, WI 54880 715-392-7988
Barron	Florence	Lincoln	Sawyer	
Bayfield	Forest	Oneida	Taylor	
Burnett	Iron	Polk	Vilas	
		Price	Washburn	
<b>NORTHEAST REGION (NER)</b>				
Brown	Green Lake	Marquette	Outagamie	WDNR Northeast Regional Headquarters 2984 Shawano Avenue Green Bay, WI 54313-6727 920-662-5100
Calumet	Kewaunee	Menominee	Shawano	
Door	Manitowoc	Oconto	Waupaca	
Fond du Lac	Marinette	Oneida Reservation	Waushara	
			Winnebago	
<b>WEST CENTRAL REGION (WCR)</b>				
Adams	Crawford	La Crosse	Portage	WDNR Wausau Service Center 5301 Rib Mountain Road Wausau, WI 54401 715-359-4522
Buffalo	Dunn	Marathon	St. Croix	
Chippewa	Eau Claire	Monroe	Trempealeau	
Clark	Jackson	Pepin	Vernon	
	Juneau	Pierce	Wood	
<b>SOUTH CENTRAL REGION (SCR)</b>				
Columbia	Grant	Jefferson	Rock	WDNR South Central Regional Headquarters 3911 Fish Hatchery Road Fitchburg, WI 53711 608-275-3266
Crawford	Green	LaFayette	Sauk	
Dane	Iowa	Richland		
Dodge				
<b>SOUTHEAST REGION (SER)</b>				
Kenosha	Ozaukee	Sheboygan	Washington	WDNR Southeast Regional Headquarters 2300 N. Martin Luther King Drive Milwaukee, WI 53212 414-263-8500
Milwaukee	Racine	Walworth	Waukesha	