

**PAG-03  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT FOR DISCHARGES OF  
STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY  
NO EXPOSURE CERTIFICATION INSTRUCTIONS**

**Attach the No Exposure Certification application to the PAG-03 NOI (3800-PM-BCW0083b), along with the NOI fee (\$500.00) and other attachments required by the NOI.**

Persons discharging stormwater associated with industrial activity in Pennsylvania have three options to comply with NPDES application and permit coverage requirements:

1. Submit a Notice of Intent (NOI) for coverage under the PAG-03 General Permit and, if eligible, receive approval from DEP for stormwater discharges under the General Permit.
2. Submit an individual NPDES permit application and receive the individual NPDES permit from DEP for stormwater discharges.
3. Submit a No Exposure Certification application with a PAG-03 NOI and receive No Exposure Certification approval from DEP. These instructions are intended to assist persons who apply for No Exposure Certification approval.

The U.S. Environmental Protection Agency's (EPA's) regulations at 40 CFR § 122.26(g) (incorporated into DEP's regulations at 25 Pa. Code § 92a.32(a)) authorize a conditional exclusion from the requirement for NPDES permit coverage where there is "no exposure" of industrial activities and materials to stormwater.

According to EPA's regulations, discharges composed entirely of stormwater (other than construction-related stormwater discharges) are not stormwater discharges associated with industrial activity if there is "no exposure" of industrial materials and activities to rain, snow, snowmelt and/or runoff, and the discharger satisfies the conditions in 40 CFR §§ 122.26(g)(1) through (g)(4). "No exposure" means that 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.

To qualify for this exclusion, the operator of the discharge must:

1. Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff.

**NOTE** – A storm resistant shelter is not required for 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 stormwater discharge (e.g., rock salt). Salt storage and distribution sites are not generally eligible for No Exposure Certification unless material storage and handling activities are not exposed to precipitation.

2. Complete and sign a certification that there are no discharges of stormwater contaminated by exposure to industrial materials and activities from the entire facility.
3. Submit the signed certification to DEP once every five years;
4. Allow DEP to inspect the facility to determine compliance with the "no exposure" conditions;
5. Allow DEP to make any "no exposure" inspection reports available to the public upon request; and

6. For facilities that discharge through a municipal separate storm sewer system (MS4), submit a copy of the certification of “no exposure” to the MS4 operator, upon request, as well as allow inspection and public reporting by the MS4 operator.

If these conditions can be met by the applicant, and the additional eligibility criteria are satisfied (see below), DEP may approve the No Exposure Certification for a period not exceeding five years. DEP’s approval letter will specify the date by which an application to renew the No Exposure Certification must be submitted. If conditions change during the term of DEP’s approval (i.e., if the discharger can no longer certify a condition of no exposure), the discharger must submit an NOI for General Permit coverage or an individual permit application.

**Eligibility Requirements.** The following lists eligibility requirements for No Exposure Certification approval. Prior to submitting a No Exposure Certification application, the applicant should ensure these eligibility requirements are met.

1. The qualifications listed in 40 CFR § 122.26(g)(1) are satisfied (see Nos. 1 – 6 above).
2. A condition of no exposure exists throughout the area of the site that is engaged in industrial activity (i.e., DEP will not approve no exposure for only a portion of a site).
3. There are no stormwater discharges to waters classified by DEP as High Quality or Exceptional Value.
4. There are no non-stormwater discharges from the site except those authorized non-stormwater discharges identified in Part C I.B of the PAG-03 General Permit. Such authorized non-stormwater discharges may not cause or contribute to pollution.
5. The applicant has a Preparedness, Prevention and Contingency (PPC) Plan if necessary based on responses to the PPC Plan section of the No Exposure Certification application (see below).
6. The applicant is able to certify that none of the materials or activities identified in 40 CFR § 122.26(g)(4)(iii) are, or will be in the foreseeable future, exposed to precipitation.

**NOTE** – The submission of a No Exposure Certification application does not guarantee approval by DEP. If DEP determines that stormwater discharges from the site contribute or are likely to contribute pollutants to surface waters, DEP may require coverage under an NPDES permit.

## GENERAL INFORMATION

**Applicant Name:** List the name of the applicant as reported in the “Organization Name or Registered Fictitious Name” field in the Client/Operator Information section of the PAG-03 NOI (3800-PM-BCW0083b).

**Site Name.** List the name of the site as reported in the Site Information section of the PAG-03 NOI.

**PAG-03 NOI.** Check the box if all relevant sections of the PAG-03 NOI have been completed and is part of the submission package to DEP.

## EXPOSURE INFORMATION

For each item, indicate whether any of the listed materials or activities are exposed to precipitation now or will be exposed to precipitation within the next five years (Yes or No). An applicant will not be eligible for No Exposure Certification if they cannot answer ‘No’ to each item. These are criteria listed in 40 CFR § 122.26(g)(4)(iii).

**NOTE** – The following materials and activities do not require a storm resistant shelter in order to qualify for No Exposure Certification:

- 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 discharge (e.g., rock salt).

## PPC PLAN

Provide a response (Yes or No) for each of the three questions relating to the storage and handling of materials, equipment, and products at the facility. If the applicant responds “Yes” to any of the questions, a PPC Plan must be attached to the No Exposure Certification application. Check the box if a PPC Plan is attached as part of the submission package to DEP.

## STORMWATER QUALITY INFORMATION

Existing facilities seeking No Exposure Certification must collect at least one grab sample of stormwater from at least one representative outfall on-site and report the results in the table provided in order to verify that pollutant concentrations are commensurate with No Exposure conditions. New facilities are not required to complete this section.

Indicate the Outfall number and date the samples were taken at that outfall. Outfall number should be a 3-digit identification number (numeric only) for each outfall (discharge point) at the facility, starting with 001 and continuing with 002, 003, etc. Attach additional pages as needed for multiple outfalls.

At least one grab sample result must be reported for the following parameters: Oil and Grease, 5-Day Biochemical Oxygen Demand (BOD5), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Nitrogen, Total Phosphorus, pH and Total Iron. Results obtained for other parameters, if available, must also be reported. The grab sample(s) must be collected during the first 30 minutes (or as soon thereafter as practicable) of the discharge. A grab sample is an individual sample of at least 100 milliliters. All samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1-inch rainfall) storm event. Composite samples are optional, but data must be reported if composite samples are collected.

The collection of the samples for the reported analyses should be supervised by a person experienced in performing sampling of industrial wastewater or stormwater discharges. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. Where applicable, samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

Report the average and maximum concentrations of grab and, if applicable, composite samples for each listed pollutant, in the units provided (e.g., mg/L, S.U., etc.). If only one sample result for each pollutant is available, report the result in both the average and maximum columns under the appropriate sample type. Identify the number of storm events where samples were collected to determine the results. Identify the laboratory’s quantitation limit (QL) for the pollutants.

Data from samples taken in the past may be used, provided that all data requirements are met, sampling was done no more than three years before submission, and all data are representative of the present discharge.

In general, DEP considers the following benchmark values to be indicative of No Exposure conditions. However, an exceedance of one or more of these benchmark values does not automatically disqualify a facility from seeking and obtaining No Exposure Certification approval.

- Oil and Grease (mg/L):  $\leq 5.0$
- BOD5 (mg/L):  $\leq 10$
- COD (mg/L):  $\leq 30$
- TSS (mg/L)  $\leq 30$
- Total Nitrogen (mg/L):  $\leq 2.0$

- Total Phosphorus (mg/L):  $\leq 1.0$
- pH (S.U.): 6.0 to 9.0 (unless precipitation pH is below 6.0)
- Total Iron (mg/L):  $\leq 7.0$

Below the data summary table, check the appropriate boxes (Yes or No) to indicate whether the sample was (or samples were) collected during the first 30 minutes of the discharge, and whether the sample was (or samples were) collected from a discharge resulting from a storm event greater than 0.1 inch and at least 72 hours from the previously measurable ( $> 0.1$  inch) storm event.

## NO EXPOSURE CERTIFICATION

The applicant must certify that the information contained in the No Exposure Certification application and PAG-03 NOI is true, accurate and complete and agree to abide by the terms and conditions of the General Permit. In addition, the responsible official's signature also verifies that the facility is eligible for the General Permit and BMPs are or will be implemented to ensure that water quality standards and effluent limits are attained.

### The No Exposure Certification shall be signed as follows:

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality* - state, federal or other public agency - by either a principal executive officer, ranking elected official or other authorized employee. For purposes of the application, a principal executive officer of a federal agency includes:

1. The chief executive officer of the agency, or
2. A senior executive officer who has responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).