

STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**INDUSTRIAL NO EXPOSURE CERTIFICATION FORM  
for Exclusion from MPDES Storm Water Discharge Permitting**

**INSTRUCTIONS**

**Discussion:** This No Exposure Certification Form (hereafter referred to as “Form”) is for use by all industrial, mining, and oil and gas facilities regulated under the Montana Pollutant Discharge Elimination System (MPDES) Storm Water Program whose regulated activities and materials are completely sheltered; it does not pertain to storm water discharges associated with construction activity. This form and exclusions are the result of regulations found in Administrative Rules of Montana (ARM) 17.30.1116.

A regulated facility eligible for use of this Form would otherwise be required to apply for, or maintain, coverage under the MPDES General Permit MTR000000 (*General Permit for Storm Water Discharges Associated with Industrial Activity*) or MTR300000 (*General Permit for Storm Water Discharges Associated with Mining and with Oil and Gas Activities*). This no exposure exclusion only covers the discharge of storm water. Discharges of process water or wastewater, or discharges regulated under other MPDES individual or general permits, must still apply for or maintain permit coverage.

Submission of this Form constitutes notices that the facility does not require authorization for its storm water discharge due to the existence of a condition of no exposure.

A Form must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from MPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any regulated industrial, mining, or oil and gas activities or its materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. For definitions on what these regulated activities or materials are, refer to ARM 17.30.1102(29) and (30).

By signing and submitting this Form, the entity in Section A of the Form is certifying that a condition of no exposure exists at its facility and is obligated to comply with the terms of the MPDES regulations stated in ARM 17.30.1116.

Storm water that has come into contact with industrial, mining, or oil and gas materials and/or activities and is discharged to surface waters is a point source discharge requiring a storm water discharge permit. If a point source discharge occurs from a facility that has submitted this Form, the discharger would be in violation, and permit coverage must be obtained. Responsible entities at the facility or activity must periodically assess whether they still qualify for the no exposure exclusion, and apply for the appropriate permit if needed due to changing conditions.

**Fee:** For current fee information associated with this Industrial No Exposure Certification, refer to the [Permit Fee Summary](#). All fees must be submitted with the application form. There is no annual fee associated with this certification. The person or party will also have to submit a new Form to the Department once every five years. Also, if your storm water discharges are currently covered under an MPDES General Permit, any invoices already received or annual fees due for permit coverage must still be paid.

**Form Completeness:** All items on this Form must be completed accurately and in their entirety, or the submittal will be deemed incomplete. Submittal of the Form will not be considered complete until all information and the fee are received. The Form must be completed in ink. A copy of the Form must be kept by the submitting facility or activity for its records. **One original copy** (with original signatures) of the completed Form (**no copies**) and the fee shall be submitted to:

Montana Department of Environmental Quality  
Water Protection Bureau  
Storm Water Program  
PO Box 200901  
Helena, MT 59620-0901

**If the storm water discharge from the facility or activity is into a small municipal separate storm sewer system (MS4), then an additional copy of this Form must be submitted to the small MS4 operator. Entities, which are defined as a small MS4, may be found under the definition in ARM 17.30.1102(23). The small MS4 operator must be allowed to inspect the facility with respect to this Form, and any resulting inspection reports must be made available to the public upon request.**

**INSTRUCTIONS FOR SECTIONS ON THE FORM:**

Section A - Provide the name and address of the owner/operator of the facility, including the company name, local facility contact, and mailing address. Indicate whether this party is the owner or operator of the facility.

Section B - Provide the township, range, section, and ¼ section for the facility. Also provide the latitude/longitude for the approximate center point of the property, to the nearest 15 seconds. Latitude/longitude information is easily obtainable using a GPS instrument, a U.S. Geological Survey topographical map, or use “Topofinder” on the following Website: <http://nris.state.mt.us/nsdi/drg.html>

Section C - The Standard Industrial Classification (SIC) code or codes for the facility or activity must be listed. SIC codes are assigned according to the primary activities performed by a company. They are often assigned for insurance purposes or when a business registers as a corporation. Industries may also determine their SIC code by checking with their trade association, Chamber of Commerce, legal counsel, or local library for the SIC Manual. SIC code information may also be determined by reference to the following website: <http://www.census.gov/epcd/www/naicstab.htm> Refer to ARM 17.30.1102(29) & (30) for types of facilities and SIC codes applicable to MPDES storm water discharge permitting.

Section D - Please provide the Permit Authorization Number if you are currently covered by a MPDES Storm Water Discharge General Permit, or, if you have an MPDES Individual Permit for the storm water discharge, please provide this permit number.

Section E - Describe the industrial, mining, and/or oil & gas activities which take place on the site.

Section F - If you currently have an MPDES permit authorization for the discharge of process water or other non-storm water discharges in addition to any permit listed in Section D above, include the permit authorization number here.

Section G - Complete the checklist by answering yes or no to all of the ten questions.

Section H - The eligible signatory must sign the certification statement as required.

If you have any questions, you may contact the Storm Water Program at (406) 444-3080.

**INDUSTRIAL NO EXPOSURE CERTIFICATION FORM**  
**for Exclusion from MPDES Storm Water Discharge Permitting**

Form must be filled out completely.

**A. Name and address of applicant:**

Company Name:

Mailing Address:

City, State, and Zip Code:

Phone Number:                      Who is applying:  Owner    Operator

Local Contact (familiar with facility):

Title:                      Phone Number:

**B. Location of the facility:**

Street Address:

City, State, and Zip Code:

County:                      Name of Facility:

Township, Range, Section, <sup>1</sup>/<sub>4</sub> Section of Facility:

Latitude/longitude of the Facility:

**C. Standard Industrial Classification (SIC) codes(s) for this facility, include up to four in order of importance:**

1st)                      2nd)                      3rd)                      4th)

**D. Current Permit Coverage:**

Is this facility currently covered by a MPDES Storm Water General Permit Authorization, or an Individual Discharge Permit with storm water requirements?  Yes    No

If you answered **yes** to the above question, what is your Permit Authorization or Permit No. **MTR**

If you are currently covered, this Form will be used to terminate (inactivate) your permit coverage under this specified permit. A separate Termination Form does not need to be submitted.

**E. Describe the industrial materials and activities at the site:**

**F. Other Discharge Permits:** Does this facility currently have any other MPDES permits?  Yes    No  
If so, please list them:

**G. 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 (10), you are not eligible for the no exposure exclusion.**

**The following four factors must be used in making the determinations.**

- **What is the Definition of No Exposure?**

"No exposure" means, for the items addressed below, that all industrial materials and activities are protected by a **storm resistant shelter** to prevent exposure to rain, snow, snowmelt and/or runoff. **Storm-resistant shelters** include completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water.

There are circumstances where permanent, uninterrupted sheltering of industrial activities or materials is not possible. Under such conditions, materials and activities may be sheltered with temporary covers (e.g., tarpaulins) until permanent enclosure can be achieved. In general, temporary sheltering of industrial materials and activities will only be allowed during facility renovation or construction or in similar short-term conditions. However, under all circumstances the operator must reasonably believe that there will be no exposure of pollutant sources to storm water.

- **Can secondary containment outside qualify for the no exposure exclusion?**

In general, secondary containment that is adequately engineered to prevent any failure, leakage or overflow such that there would simply be no discharge from that area of the facility would qualify for the no exposure exclusion. **Note:** There must be proper disposal of any water or liquids collected from the containment (e.g., discharged in compliance with another MPDES permit, treated, or trucked offsite).

- **What are "industrial materials or activities"?**

Industrial materials are any materials that are directly related to an industrial activity covered by the storm water regulation (refer to ARM 17.30.1102(29) and (30) for types of facilities and SIC codes applicable to MPDES storm water discharge permitting) and 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. Materials not related to an industrial activity are not included, such as office supplies and cafeteria wastes.

- **What industrial materials do not require a storm resistant shelter?**

While the intent of the no exposure exclusion is to promote a condition of permanent no exposure, a storm-resistant shelter is not required for the following industrial materials:

**Materials stored in drums, barrels, tanks, and similar containers** that are intended for the outdoor storage of the contained material and that meet the requirements in 1.A., below. Containers, racks and other transport platforms (e.g., wooden pallets) used with the drums, barrels, etc., can be stored outside providing they are contaminant-free.

**Final products** built and intended for use outdoors (e.g., new cars), provided the final products have not deteriorated or are otherwise a potential source of contaminants. Types of final products not qualifying for a certification of no exposure include:

- 1) Products that would be mobilized in storm water discharges (e.g., rock salt).
- 2) Products that may, when exposed, oxidize, deteriorate, leak, or otherwise become a potential source of contaminants (e.g., junk cars or stockpiled train rails).
- 3) "Final" products that are, in actuality, "intermediate" products. Intermediate products are those used in the composition of yet another product (e.g., sheet metal, tubing, and paint used in making tractors). Even if the intermediate product is "final" for a manufacturer and destined for incorporation in a "final product intended for use outdoors," these products shall not be exposed because they may be chemically treated or are insufficiently impervious to weathering.

<b>EXPOSURE CHECKLIST</b>		<b>Yes</b>	<b>No</b>
<b>1. <u>Industrial Machinery and Equipment:</u></b> Industrial Machinery and Equipment, which includes any machinery and/or equipment, including material handling equipment, that is directly related to an industrial activity covered by the storm water regulation (refer to ARM 17.30.1102(29) & (30) for types of facilities and SIC Codes applicable to MPDES storm water discharge permitting), may not be stored where exposed to storm water. In addition, areas with residuals from using, storing or cleaning industrial machinery or equipment must not remain and be exposed to storm water. The following exceptions are allowed: <b>A. Drums, barrels, tanks, and similar containers</b> intended for the outdoor storage of the contained material or previously contained material, 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), and are not otherwise a source of pollutants. <b>The addition of material to or withdrawing of material from these containers while outside is deemed exposure</b> , and as such, not allowed under the exclusion provisions. Containers, racks and other transport platforms (e.g., wooden pallets) used with the drums, barrels, etc., can be stored outside providing they are contaminant-free. <b>B. Adequately maintained vehicles</b> used in material handling may be exposed to storm water. This includes adequately maintained vehicles, and vehicles awaiting maintenance, such as trucks, automobiles, forklifts, pallet jacks, carts, dollies, or other such general-purpose vehicles at the industrial site that are not industrial machinery, and that are not leaking contaminants or are not otherwise a source of industrial pollutants. <b>Is there now, or in the foreseeable future, any industrial machinery or equipment stored, used, or cleaned where exposed to storm water; or, are there any areas where residuals from using, storing, or cleaning industrial machinery or equipment are exposed to storm water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2. <u>Materials and Residuals:</u></b> Industrial Materials and residuals may not exist on the ground or within the storm water collection system (i.e. storm water inlets and storm sewers) from spills/leaks. Residuals include any material that may be mobilized by storm water, such as oil and chemical stains, and contaminated soils. <b>Are there now, or in the foreseeable future, any materials or residuals on the ground or within the storm water collection system that are exposed to storm water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3. <u>Materials and Products from Past Industrial Activity:</u></b> <b>Are there now, or in the foreseeable future, any materials or products from past industrial activities exposed to storm water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>4. <u>Loading, Unloading, and Transportation:</u></b> <b>Are there now, or in the foreseeable future, any materials or products that are exposed to storm water during loading, unloading, or transporting activities?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5. <u>Outdoor Storage:</u></b> <b>Are there now, or in the foreseeable future, any materials or products stored outdoors (except final products intended for outside use (see Section G discussion above)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>6. <u>Drums, Barrels, Tanks, and Similar Containers:</u></b> <b>Are there now, or in the foreseeable future, any materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers that are exposed to storm water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>7. <u>Storage on Roads and Railways:</u></b> <b>Are there now, or in the foreseeable future, any materials or products handled/stored on roads or railways owned or maintained by the discharger that are exposed to storm water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>8. <u>Industrial Waste Material:</u></b> Industrial waste materials, like other industrial materials, may not be stored where exposed to storm water. However, if the material is stored in a sealed container, such as those allowed in 1.A. above or in a covered, non-leaking container such as a lidded dumpster, that does not allow exposure to storm water, outdoor storage is allowed. Lidded dumpsters must be completely covered and materials must not be allowed to drain from any holes in the bottom, or be lost in loading onto a garbage truck. Industrial refuse and trash that is stored uncovered, however, is considered exposed. Waste materials that are not related to an industrial activity, such as office supplies and cafeteria wastes, are not included in the definition of industrial waste materials, and although such wastes should be managed to prevent water quality impacts, are not included in this certification. <b>Are there now, or in the foreseeable future, any industrial waste materials that are exposed to storm water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>9. <u>Unpermitted Application or Disposal of Process Wastewater:</u></b> <b>Is there now, or in the foreseeable future, any application or disposal of process wastewater, exposed to storm water, unless otherwise permitted by a MPDES discharge permit?</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>10. <u>Roof Stacks and Vents:</u></b> <b>Is there now, or in the foreseeable future, any particulate matter or visible deposit 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?</b>	<input type="checkbox"/>	<input type="checkbox"/>	

**H. Certification Statement:**

Important Note: ARM 17.30.1116(2)(b) requires this Form and certification statement to be signed according to ARM 17.30.1323(1) as follows:

- (a) for a corporation, by a responsible corporate officer. A responsible corporate officer means:
  - (i) a 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 1 or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) for a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- (c) for a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes:
  - (i) the chief executive officer of the agency; or
  - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

“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 MPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under ARM 17.30.1116(3)).”

“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 MS4 into which this facility discharges (where applicable). I understand that I must allow the Department, 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 an MPDES permit prior to any point source discharge of storm water from the facility.”

“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 upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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Signature Date Signed

Name (printed/typed)

Title (printed/typed)