

No-Exposure Checklist

Answer the questions below to determine if your facility is eligible for a No Exposure Exclusion

YES	NO	
		Are any industrial materials, activities, or areas stored outside and exposed to storm water (including using, storing, or cleaning industrial machinery or equipment, and including areas where residuals from using, storing, or cleaning industrial machinery or equipment may exist)?
		Are any materials or residuals from spills or leaks on the ground or in storm water inlets exposed to storm water?
		Are any materials or products from past industrial activities stored outside and are exposed to storm water?
		Is any material-handling equipment (except adequately maintained vehicles) stored outside and is exposed to storm water?
		Are there any materials or products that are stored outside and may be exposed to storm water during loading, unloading, or transporting activities (except where the materials, while protected from contact with precipitation, are being moved between buildings at the site by vehicles that are adequately maintained)?
		Are there any materials or products stored outside that may be exposed to storm water (except for final products intended for outdoor use where exposure to storm water does not result in the discharge of pollutants)?
		Is there any particulate matter or visible deposit of residuals from roof stacks or vents not otherwise covered by permit and that is evident in the storm water discharge?
		Are there any activities that include the application or disposal of process wastewater that are not covered by a current permit?
		Is any waste material (except waste in covered, non-leaking containers) stored outside and is exposed to storm water?
		If a road or railway located at the facility is owned or maintained by the facility, are there materials or products handled or stored on that road or railway that may be exposed to storm water?
		Are any materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, or similar containers that are stored outside and may be exposed to storm water?

If you answered YES to at least one box, then the site is not eligible for exclusion and you will need either to make changes to the facility to qualify, or obtain permit coverage either under the MSGP or under an individual water quality permit. If you answered NO to all the above questions, the site should meet the definition of no exposure. The permit requirements for obtaining coverage are included below. If you facility can meet all the requirements provided below, you are eligible for the No Exposure Exclusion.

Section C. Obtaining Authorization to Discharge

1. Conditional No Exposure Exclusion from Permit Requirements

Facilities regulated under this general permit may be excluded from permit requirements if there is no exposure of industrial materials or activities from precipitation or runoff. To qualify for a no exposure exclusion from permit requirements, the operator of the facility must provide certification that industrial activities and materials are isolated from storm water by storm resistant shelters. The certification must be submitted to the TCEQ on a no exposure certification (NEC) form provided by the executive director, or using a format approved by the executive director. The facility is subject to inspection by authorized TCEQ personnel to

determine compliance with the no exposure exclusion. Facilities that qualify for this exclusion and that contribute storm water discharges to a municipal separate storm sewer system (MS4) shall provide copies of the certification to the operator of the MS4.

(a) The following materials and activities are not required to be isolated from storm water and storm water runoff in order to meet the no exposure exclusion:

- (1) 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 with-out operational taps or valves);
- (2) final products that are designed for outdoor use (e.g., new cars, outdoor play-sets, lawn equipment) provided the final products have not deteriorated or are otherwise a potential source of contaminants;
- (3) pallets used to store or transport final products intended for outdoor use, if the pallets are new or do not contain pollutants;
- (4) vehicles used in material handling that are adequately maintained to prevent leaking fluids;
- (5) lidded dumpsters containing waste materials, providing the containers are completely covered, nothing can drain out, and no material can be lost while loading the contents onto a garbage truck (excludes trash compactors unless located indoors or protected by a storm-resistant shelter);
- (6) industrial refuse and trash that is stored large roll-off containers that are either located under a constructed cover or covered with heavy-duty tarps that are properly maintained and in good condition. The tarps must be securely fastened to the waste container in such a manner that the tarp has to be unfastened to add waste materials to the container and then refastened to the container;
- (7) particulate emissions from roof stacks or vents, provided they comply with other applicable TCEQ rules and do not contaminate storm water; and
- (8) above ground storage tanks (ASTs) that are equipped with valves for dispensing materials that support facility operations (e.g., heating oil, propane, butane, chemical feedstocks) or that dispense fuel for delivery vehicles (e.g., gasoline, diesel, compressed natural gas) provided that:
 - a. the ASTs are located away from vehicle maintenance operations areas;
 - b. there are no leaks from pipes, pumps, or other equipment that could come into contact with storm water; and
 - c. the ASTs are surrounded by secondary containment (e.g., impervious berm, dike, or concrete retaining structure) to prevent exposure to storm water runoff in the event of structural failure or leaks. ASTs that dispense fuel to vehicles other than delivery vehicles are considered exposed (e.g., ASTs that distribute fuel to airplanes at a regulated air transportation facility are considered exposed unless located under storm resistant shelter).

(b) The following types of final products do not qualify for a certification of no exposure:

- (1) Products that could be mobilized by wind or rain into storm water discharges (e.g., rock salt, wood chips or shavings, compost). Materials sheltered from precipitation may still be deemed exposed if the materials could be carried by wind;
- (2) products that may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., scrap cars, stockpiled train rails, scrap metal, metal products); or
- (3) "final" products that are actually "intermediate" products used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors, unfinished portions of a final product, plastic pellets, glass to be installed in vehicles or buildings). Even if the intermediate product is "final" for a manufacturer and is intended to be included in a "final product intended for use outdoors," these products are still considered intermediate products and are considered to be exposed if located outdoors. Deposits of particles or residuals from roof stacks or vents not otherwise

regulated that could be carried by storm water runoff and are considered exposed. Exposure also occurs when, as a result of particulate emissions, pollutants are visibly being “tracked out” or carried on the tires of vehicles.

(c) Limitations on eligibility for the no-exposure exclusion:

(1) The exclusion from permit requirements is only available facility-wide, and is not available for individual outfalls. Generally, if any exposed industrial materials or activities are found on any portion of a facility, the facility is not eligible for the no exposure exclusion.

(2) If a facility with a conditional No-Exposure exclusion undergoes any change(s) that result in industrial activities or materials becoming exposed, or if it is found that a facility does not (or no longer) meets the no exposure requirements, then the NEC exclusion that the facility is under ceases to apply. If this occurs, the operator of the facility covered (under an NEC) shall prepare a SWP3 and submit an NOI to apply for coverage under the MSGP or shall apply for an individual water quality permit (as applicable) to discharge storm water from the facility before making any changes that will expose industrial activities or materials. Discharges that occur after losing the conditional no exposure exclusion are not authorized unless permit coverage has been re-established by filing an NOI for this permit or via an individual permit. The operator will be required to submit a Notice of Termination (NOT) to terminate their NEC coverage.

(3) If the TCEQ determines that a facility’s storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, then the TCEQ may deny the no exposure exclusion.