



Form 1-GP.SW.NE/06
Revised 04/14/2023

State of Delaware
Department of Natural Resources and Environmental Control

Conditional “No Exposure” Certification

Request for exclusion from the requirements of *The Regulations Governing Storm Water Discharges Associated with Industrial Activities* ([Subsection 9.1](#))

- Submission of this Conditional “No Exposure” Certification form constitutes that the facility identified on this form is certifying that a condition of “no exposure” exists and thus, is excluded from the requirements of [§9.1.4 \(Monitoring\)](#) and [§9.1.5 \(Storm Water Plan\)](#) of the regulations.
- This form must be complete in order to obtain exclusion from permit requirements. Please refer to the directions regarding the yearly fee that is required upon submission.

Section 1: Facility Information

Facility Name			
Owner Name			
Mailing/ Billing Address			
City		State	Zip
Physical Address			
<input type="checkbox"/> Same as above			
City		State	Zip
Within City Limits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	County: <input type="checkbox"/> Kent <input type="checkbox"/> New Castle <input type="checkbox"/> Sussex	Tax Parcel ID
Identify the watershed and the name of the water body or municipal storm sewer system (public MS4) which receives storm water runoff from the facility		Latitude and Longitude expressed as a decimal to at least six (6) decimal points	
Discharges To		Latitude	Longitude
Watershed			
<input type="checkbox"/> Chesapeake Bay <input type="checkbox"/> Delaware Bay <input type="checkbox"/> Inland Bays/Atlantic Ocean <input type="checkbox"/> Piedmont			

Section 2: Contact Information (Responsible for facility compliance with the NPDES “No Exposure” Certification)

Prefix	First	Middle	Last	Suffix
Title			Telephone Number	
E-Mail Address				

Section 3: List up to four (4) [SIC Codes](#) which describe the activities conducted at the facility

				Sector Codes

Section 4: Was the facility previously covered under a NPDES storm water permit? Yes No

Previous NPDES storm water permit number
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Section 5: Impervious Surface

a. Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the “No Exposure” exclusion?	<input type="checkbox"/> Yes <input type="checkbox"/> 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, this information may be used in considering whether storm water discharges from the facility are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.	<input type="checkbox"/> Less than one acre <input type="checkbox"/> One to five acres <input type="checkbox"/> More than five acres

Section 6: Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? If you answer “Yes” to any of these questions (1 through 11), you are not eligible for the “No Exposure” exclusion.	Yes	No
1. Industrial materials used, stored, or cleaned and that remain and are exposed to storm water.		

2. Materials or residuals on the ground or in storm water inlets from spills/leaks.		
3. Materials or products from past industrial activity.		
4. Material handling equipment (except adequately maintained vehicles).		
5. Materials or products during loading/unloading or transporting activities.		
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).		
7. Materials contained in exposed storage drums, barrels, tanks (provided the tanks do not meet the conditions outlined in §9.1.1.5.3), and similar containers;		
8. Materials or products handled/stored on roads or railways owned or maintained by the discharger.		
9. Waste material (except waste in covered, non-leaking containers (e.g. dumpsters)).		
10. Application or disposal of process wastewater (unless otherwise permitted).		
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) or evident in the storm water outflow.		

Section 7: 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 NPDES storm water permitting requirements.

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 in this document.

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 into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, 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 NPDES permit prior to any storm water discharges 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.

Print Name & Title	Telephone Number
Signature	Date

Instructions Form GP.SW.NE
“No Exposure” Certification for Exclusion from NPDES General Permit

Filing A “No Exposure” Certification Form (Certification Form)

Federal law at 40 CFR Part 122.26 prohibits point source discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) Permit. However, NPDES permit coverage is not required for discharges of storm water associated with industrial activities identified in 40 CFR 122.26(b)(14)(i)-(ix) and (xi) 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 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

This form is used to certify that a condition of no exposure exists at the industrial facility described herein. This certification is only applicable in jurisdictions where EPA is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility 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 NPDES storm water permit.

SUBMIT THE “NO EXPOSURE” CERTIFICATION TO:

DNREC, Division of Water Resources
Surface Water Discharges Section
89 Kings Highway, Dover, DE 19901

A **\$40.00** non-refundable fee **MADE PAYABLE** to **DNREC** is required upon submission for any facility seeking initial first-time coverage. Thereafter, a **\$40.00** annual permit fee will be billed on or after July 1 each fiscal year. **If you are an existing facility seeking to renew permit coverage and your facility is current with the annual fee, the application fee need not be included at time of renewal.**

COMPLETING THE FORM

You must type or print, using upper-case handwriting, in the appropriate areas only. Abbreviate if necessary. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions, please call (302) 739-9946.

SECTION 1.

Give the legal name of the facility/site or entity which is applying for coverage. Enter full name, physical (indicate if in city limits) and mailing address and latitude and longitude of the approximate center of the site. Identify the watershed. The latitude and longitude of your facility can be located on USGS quadrangle maps. Latitude and longitude may also be obtained at the Google Maps site: [Google Maps](https://www.google.com/maps). Search the facility/site address and right click to show latitude and longitude. Provide the Tax Parcel Number. Provide the name of the receiving water body and the associated watershed.

SECTION 2.

Enter the name, position and telephone number of the contact who is responsible for complying with the NPDES Storm Water Program.

SECTION 3.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes which best describe the principal products or services provided at the facility requesting coverage.

For industrial activities listed in the Regulations Governing Storm Water Discharges Associated with Industrial Activity which do not have SIC codes that accurately describe their activities, the following 4 character codes are to be used:

HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;
LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA;
SE = Steam electric power generating facilities, including coal handling sites; and
TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment recycling, and reclamation of municipal or domestic sewage.

SECTION 4

Indicate whether the facility was previously covered under an NPDES storm water permit.

SECTION 5

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.

SECTION 6

Check “Yes” or “No” as appropriate to describe the exposure conditions at the 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 NPDES 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 7

State laws provide severe 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;

Any changes in facility operations or contact information will require an update of the NEC. We require that NECs are sent digitally.

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 executive or ranking elected official.

Additional information is available at:

<https://dnrec.delaware.gov/water/surface-water/npdes/industrial-stormwater-runoff/>