No Exposure Certification (NEC) Form

Part VII.B of Delaware's Stormwater Multi-Sector General Permit (DE 0051225) requires you to use the NPDES eReporting Tool, or "NeT," to prepare and submit your No Exposure Certification (NEC). However, if the Department of Natural Resources and Environmental Control (DNREC) grants you a waiver to use a paper NEC form, and you elect to use it, you must complete and submit the following form.

Submission of this NEC constitutes notice that the operator identified in Section B of this form requests authorization to discharge pursuant to Delaware's NPDES Multi-Sector General Permit (MSGP). Submission of this NEC also constitutes notice that the operator identified in Section B of this form meets the eligibility conditions of Part I.A of the MSGP for the facility identified in Section D of this form. To obtain authorization, you must submit a complete and accurate NEC form. Discharges are not authorized if your NEC is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form to complete your NEC.

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NPDES No Exposure Certification (NEC) Form 3-GP.SW.NE/27
Revised 2026.11.18

State of Delaware Department of Natural Resources and Environmental Control (DNREC)

No Exposure Certification (NEC) Form for Stormwater Discharges Associated with Industrial Activity Under the National Pollutant Discharge Elimination System (NPDES) Stormwater Multi-Sector General Permit (MSGP) for Discharges of Stormwater Associated with Industrial Activity

State Permit Number: WPCC 3035/20

NPDES Permit Number: DE 0051225

Exp. Date: MM/DD/YYYY

Submission of this No Exposure Certification (NEC) constitutes notice that the operator identified in Section B does not require permit authorization under Delaware's Stormwater Multi Sector General Permit for its stormwater discharges associated with industrial activity from the facility identified in Section D of this form 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; and
- Final products, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A NEC must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES 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 NEC form, the operator in Section C 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 40 CFR 122.26(g).

Approval to Use Paper NEC Form

1. Have you been granted a waiver from electronic reporting DNREC*?
   ☐ YES ☐ NO

If yes, check which waiver you have been granted, and provide the name of the DNREC staff person who granted the waiver and the date of approval:

Waiver Granted:

☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability

Name of DNREC staff person that granted the waiver: _____

Date the waiver was obtained: ___/___/____

*** Note: You are required to obtain approval from DNREC prior to using this paper NEC form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT) at https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-ereporting**

Permit Information

1. Select the purpose for filling out the form (check only one)

   ☐ To obtain a new NEC.

   ☐ To discontinue an existing NEC. Select this option if you would like to discontinue an existing NEC because your facility is no longer subject to regulation under 40 CFR 122.26 (e.g., the facility has ceased the industrial activity that necessitated the NEC)*. Provide the following information and fill out Section G.

   *** Note that if your facility no longer qualifies for the NEC because permit coverage is required for exposed industrial materials or activities, you should not check this box, and must instead file for coverage under the Multi-Sector General Permit (MSGP) or an individual permit. Your NEC will be automatically discontinued after you obtain coverage under the MSGP or an individual permit.**

2. Are you a new discharger or a new source as defined in Appendix A?
   ☐ YES ☐ NO (If yes, skip to Part A of this form).

3. If you are not a new discharger or a new source, have stormwater discharges from your facility been covered previously under an NPDES permit?
   ☐ YES ☐ NO

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If yes, provide the Facility Name and Date of Authorization if you had coverage under DNREC's regulations. If you had coverage under a DNREC individual permit provide the NPDES ID:

Facility Name: _____

Date of Authorization: _____/_____/_____

NPDES ID: _____

4. Do you have a pending enforcement action related to industrial stormwater by EPA, Delaware, or a citizen (to include both notices of violation (NOVs) by EPA or Delaware and notices of intent to bring a citizen suit).
☐ YES ☐ NO

A. Facility Owner Information

Owner Name: _____

Ownership Status: _____

Status as a Federal, State, private, public, or other entity: _____

Mailing Address:
Street: _____

City: _____ State: _____ Zip Code: _____

Owner Point of Contact Information:
First Name, Middle Initial, Last Name: _____

Title: _____ Phone: _____

Email: _____

B. Facility Operator Information (Complete if the Operator is not the Owner)

Operator Name: _____

Ownership Status: _____

Status as a Federal, State, private, public, or other entity: _____

Mailing Address:
Street: _____

City: _____ State: _____ Zip Code: _____

Operator Point of Contact Information:
First Name, Middle Initial, Last Name: _____

Title: _____ Phone: _____

Email: _____

C. NEC Preparer's Information (Complete if NEC was prepared by someone other than the certifier)

Preparer's Organization Name: _____

Organization Address:

Street: _____

City: _____ State: _____ Zip Code: _____

Preparer Point of Contact
First Name, Middle Initial, Last Name: _____

Title: _____ Phone: _____

Email: _____

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D. Facility Information

1. Facility Name: _____

2. Facility Address:

Street: _____

City: _____ State: _____ Zip Code: _____

County: _____

3. Mailing Address:
Street: _____

City: _____ State: _____ Zip Code: _____

4. Latitude/Longitude for the facility:

Latitude: _____° N (decimal degrees) Longitude: _____° W (decimal degrees)

Latitude/Longitude Data Source: ☐ Maps ☐ GPS ☐ Other _____

If you used a USGS topographic map, what was the scale? _____

Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ☐ WGS 84

5. Estimated area of industrial activity at your facility: _____ (to the nearest quarter acre)

6. Sector-Specific Information

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in the MSGP, and the applicable sector and subsector of your primary industrial activity.

Primary SIC Code: _____ OR Primary Activity Code: _____

Primary Sector: _____ AND Primary Subsector: _____

Identify the applicable sector(s) and subsector(s), SIC codes, and activity codes of any co-located industrial activity for which you are requesting permit coverage.

Sector: _____ Subsector: _____ Sector: _____ Subsector: _____

Sector: _____ Subsector: _____ Sector: _____ Subsector: _____

7. Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion?*
☐ YES ☐ NO

* 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, your permitting authority may use this information in considering whether stormwater 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 (1) acre ☐ One (1) to five (5) acres ☐ More than five (5) acres

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E. 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, you are not eligible for the no exposure exclusion.**

	Yes	No
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	☐	☐
Materials or residuals on the ground or in storm water inlets from spills/leaks	☐	☐
Materials or products from past industrial activity	☐	☐
Material handling equipment (except adequately maintained vehicles)	☐	☐
Materials or products during loading/unloading or transporting activities	☐	☐
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)	☐	☐
Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	☐	☐
Materials or products handled/stored on roads or railways owned or maintained by the discharger	☐	☐
Waste material (except waste in covered, non-leaking containers, e.g., dumpsters)	☐	☐
Application or disposal of process wastewater (unless otherwise permitted)	☐	☐
Particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated, i.e., under an air quality control permit, and evident in the storm water outflow	☐	☐

F. Certification Information

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 stormwater permitting.

I certify under penalty of law that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a NEC form once every five years to DNREC 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 DNREC, or the 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 point source discharge of stormwater 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: _____

Date: _____/_____/_____

First Name, Middle Initial, Last Name: _____

Title: _____ Phone: _____

Email: _____

G. Discontinuation of NEC Information

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: _____

Date: _____/_____/_____

First Name, Middle Initial, Last Name: _____

Title: _____ Phone: _____

Email: _____

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Instructions for Completing DNREC Form 3-GP.SW.NE/25

NPDES No Exposure Certification (NEC) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

Who May File a No Exposure Certification (NEC) Form

In accordance with the authority of the Delaware Department of Natural Resources & Environmental Control (the Department) as delegated by the US Environmental Protection Agency under 40 CFR Part 122 and in accordance with the Delaware Regulations Governing the Control of Water Pollution, stormwater discharges associated with industrial activity are prohibited to discharge to waters of the State unless authorized under a National Pollutant Discharge Elimination System (NPDES) permit.

NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 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.

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in jurisdictions where DNREC 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 or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must obtain coverage under an NPDES stormwater permit immediately.

Completing the Form

Obtain and read a copy of the MSGP, viewable at https://dnrec.delaware.gov/water/commercial-government/npdes/industrial-stormwater/. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. **Please submit original document with signature in ink. Do not send a photocopied signature.**

Approval to Use Paper NEC Form

You must indicate whether you have been granted a waiver from electronic reporting from DNREC. Note that you are not authorized to use this paper NEC form unless DNREC has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the DNREC staff person who granted the waiver, and the date that approval was provided.

Permit Information

You must indicate whether you are a new discharger or a new source (see Appendix A for the definitions). If you are not a new discharger or a new source, you must indicate whether stormwater discharges from your facility have been previously covered under another NPDES permit. If yes, you must provide the unique NPDES ID (i.e., permit tracking number) for the previous permit your facility was covered under.

You must also indicate whether you have a pending enforcement action by EPA, Delaware, or a citizen, related to industrial stormwater.

You must check your reason for submitting this form. You may submit this form for obtaining a new NEC, for renewing a previous NEC, or for discontinuing an existing NEC (for facilities that no longer need the exclusion from permit coverage for industrial stormwater discharges).

Section A-C. Facility Owner Information

Provide the legal name of the person, firm, public organization, or any other entity that owns the facility described in this NEC. If the owner is not the operator, provide the same for the operator. An operator of a facility is the legal entity that controls the operation of the facility. Refer to Appendix A of the permit for the definition of "operator". Provide the owner and operator's mailing address, phone number, and e-mail. Correspondence for the NEC will be sent to the operator's address. Also provide the name and title for the operator point of contact (note that the point of contact name may be the same as the operator name).

If the NEC was prepared by someone other than the certifier (for example, if the NEC was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and e-mail address of the NEC preparer.

Section D. Facility Information

Enter the official or legal name and complete address, including city, state, ZIP code, and county or similar government subdivision of the facility. If the facility lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 40 and 1). Complete facility information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (USGS) topographic or quadrangle maps. For consistency, DNREC requests that measurements be taken from the approximate center of the facility. Specify which method you used to determine latitude and longitude. If a USGS topographic map is used, specify the scale of the map used. Enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum used on USGS topographic maps is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers. If you are using Google Maps, the horizontal reference datum is WGS 84.

Enter the estimated area of industrial activity at your facility exposed to stormwater to the nearest quarter acre.

List the four-digit Standard Industrial Classification (SIC) code or two character activity code that best describes the primary industrial activities performed by your facility under which you are required to obtain permit coverage. Your primary industrial activity includes any activities performed on-site which are (1) identified by the facility's primary SIC code and included in the descriptions of 40 CFR 122.26(b)(14)(ii), (iii), (vi), or (viii); or (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), (vii), or (ix). See Appendix B of the MSGP for a complete list of SIC codes and activities codes covered under the MSGP. Also provide the applicable sector and subsector associated with the SIC code or activity code for your primary industrial activities. For a complete list of sector and subsector codes, see Appendix B of the MSGP.

If your facility has co-located industrial activities that are not identified as your primary industrial activity, identify the sector, subsector, SIC, and activity codes that describe these other industrial activities.

For Sector A facilities (Timber Products), indicate whether you manufacture, use or store creosote or creosote treated wood in areas that are exposed to precipitation.

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Instructions for Completing DNREC Form 3-GP.SW/25

NPDES No Exposure Certification (NEC) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

For Sector S facilities (Air Transportation), indicate whether you anticipate that the entire airport facility will use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis. If so, additional effluent limits and monitoring conditions apply to your discharge (see Part VIII.S of the permit).

For Sector G facilities (Metal Mining), check the type of ore(s) mined at the facility.

Indicate whether your facility is currently inactive and unstaffed. Note that if your facility becomes inactive and unstaffed and/or industrial materials or activities become exposed to stormwater during the permit term, you must submit an NEC modification to reflect the change.

Section E. Discharge Information

You must confirm that you understand that the MSGP only authorizes the allowable stormwater discharges listed in Part I.A.1 and the allowable non-stormwater discharges listed in Part I.A.2. Any discharges not expressly authorized under the MSGP are not covered by the MSGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, DNREC, or local authorities via the NEC to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts I.A.1 and I.A.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Depending on your industrial activities, your facility may be subject to federal effluent limitation guidelines which include additional effluent limits and monitoring requirements for your facility. Please review these requirements, described in Part III.C.5 of the MSGP, and check any appropriate boxes on the NEC form.

You must identify all the discharge points from your facility that discharge stormwater. Each outfall must be assigned a unique 3-digit ID (e.g., 001, 002, 003). You must also provide the latitude and longitude for each discharge point from your facility. Indicate whether any discharge points are substantially identical to a discharge point already listed, and identify the discharge point it is identical to. For each unique discharge point you list, you must specify the name of the first water of the State that receives stormwater directly from the discharge point and/or from the MS4 that the discharge point discharges to. You must specify whether any receiving waters that you discharge to are listed as ”impaired” as defined in Appendix A, and the pollutants for which the water is impaired. You must also identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the State that you discharge to. For each unique discharge point you must indicate whether the receiving water is saltwater or freshwater, and indicate whether discharges from the facility will enter into a water of the State that is designated as an ERES water. A list of ERES waters is provided as Appendix D. If the answer is “yes”, name all waters designated as ERES to which the facility will discharge.

You must also provide information about the discharge point latitude/longitude, including data source, the scale (if applicable), and the horizontal reference datum. See the instructions in Section D for more information about determining the latitude and longitude.

Identify whether your facility discharges into a Municipal Separate Storm Sewer System (MS4). If yes, provide the name of the MS4 operator. If you are uncertain of the MS4 operator, contact your local government for that information.

If you are subject to any benchmark monitoring requirements for metals (see the requirements applicable to your Sector(s) in Part VIII of the permit), indicate the hardness for your receiving water(s). See Appendix C of the permit for information about determining waterbody hardness.

If you are subject to benchmark monitoring requirements for hardness-dependent metals you must also answer whether your facility discharges into any saltwater receiving waters

Indicate whether your facility will discharge to a federal CERCLA site. Note that if your facility will discharge into a federal CERCLA site, you are not eligible for coverage under this permit unless you notify DNREC in advance and DNREC authorizes coverage under this permit after you have included adequate controls and/or procedures designed to ensure that discharges will not lead to recontamination of aquatic media at the CERCLA site such that your discharge will not cause or contribute to an exceedance of a water quality standard.

Section F. Stormwater Pollution Prevention Plan (SWPPP) Information

All facilities eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NEC, in accordance with Part II. Indicate whether the SWPPP has been prepared in advance of filing the NEC. Indicate the contact information (name, phone, and e-mail) for the person who developed the SWPPP for this facility.

Provide the requested SWPPP information on this NEC form. You may copy and paste this information directly from your SWPPP.

Section G. Endangered Species Protection

Demonstrate that stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect any species that are federally listed as endangered or threatened (“ESA-listed”) and are not likely to adversely affect habitat that is designated as “critical habitat” under the Endangered Species Act (ESA).

Section H. Historic Preservation

Demonstrate that stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect National Historic Preservation Act (NHPA) Protected Properties.

Section I. Certification

Certification statement and signature as described in Part IX of the MSGP. Enter certifier’s printed name, title and email address. Sign and date the form. (CAUTION: An unsigned or undated NEC form will prevent the granting of permit coverage.) Federal statutes provide for 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) 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 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.

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Instructions for Completing DNREC Form 3-GP.SW/25

NPDES No Exposure Certification (NEC) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, 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 (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.
An unsigned or undated NEC form will not be considered eligible for permit coverage.

Modifying Your NEC
If you have been granted a waiver from DNREC from electronic reporting, and if after submitting your NEC you need to correct or update any fields on this NEC form, you may do so by indicating changes on this same form.

Submitting Your Form
If you have been granted a waiver from DNREC to submit a paper NEC form, you must send your NEC by mail to one of the following addresses:

SUBMIT THE NEC FORM TO:

DNREC, Division of Water
Commercial and Government Services Section
89 Kings Highway, Dover, DE 19901

Additional information and forms are available at
Industrial Stormwater Runoff - DNREC Alpha (delaware.gov)

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