

Overview

What is No Exposure?

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. A facility which can prevent exposure in this way, qualifies for an exclusion from the Industrial Stormwater Multi-Sector General Permit for up to five years.

Qualifying facilities will not be charged the application fee or annual fee, will not have to prepare a Stormwater Pollution Prevention Plan (SWPPP) or submit the annual report and will not have to conduct inspections or monitoring for stormwater discharges.

How, and when, can I apply?

The Industrial Stormwater Permit Application includes the No Exposure qualifying questions. Facilities must fill out a permit application which will aid the applicant in learning whether or not they qualify for the No Exposure exclusion. They may apply at any time throughout the permit cycle for this exclusion. Facilities that have had the No Exposure exclusion in the past must re-apply and will be given the exclusion as long as the condition of No Exposure is maintained.

Not all facilities who certify for No Exposure actually qualify. For example:

- Facilities that shelter less than 100 percent of its significant materials* and/or activities from stormwater, rain, or snowmelt are not eligible.
- Moving activities or materials indoors during storm events is not a viable practice for No Exposure.
- Facilities which have materials or activities which have the potential to become exposed to stormwater.

The No Exposure exclusion is non-transferable with ownership changes. The previous owner must terminate its No Exposure exclusion and the new owner must fill out a new application.

Steps to achieve and maintain No Exposure

- 1) Take necessary steps at your facility to meet the condition of No Exposure.
- 2) Certify for the No Exposure exclusion by completing the permit application form.
- 3) Receive confirmation of your five-year No Exposure exclusion from the Minnesota Pollution Control Agency (MPCA).
- 4) Post the coverage card in an area of the facility that provides highest visibility to employees and visitors.
- 5) Ensure your facility continues to meet conditions of No Exposure.
- 6) Watch for material/activity management or changes at the facility which could result in exposure of materials or activities to stormwater.
- 7) Apply for a permit as soon as possible if the Permittee discovers that the condition of No Exposure has not been maintained.

Three Most Common Problems and Solutions to Sources of Exposure at Facilities That Do Not Qualify for No Exposure

1. Issue: Proper storage of significant materials

Storage problems

If industrial materials are not stored properly, stormwater runoff picks up industrial pollutants and typically discharges them directly into nearby waterbodies or indirectly via storm sewer systems. One of the most common problems at many facilities is not meeting the definition of a storm-resistant shelter. 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 the material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water. Storm-resistant shelters should prevent exposure or the potential for exposure of industrial activities and significant materials.

Runoff from areas where industrial activities occur can contain toxic pollutants (e.g., heavy metals and organic chemicals) and other pollutants such as trash, debris, and oil and grease, when facility practices allow exposure of industrial materials to stormwater. These pollutants can impair waterbodies, degrade biological habitats and pollute drinking water sources.

Windblown raw materials can cause a potential condition of exposure or disbursement of hazardous materials, wastes or pollutants. Even materials sheltered from precipitation can still be deemed exposed if they can be mobilized by wind.

Examples of pollutants that can be mobilized by the wind:

- A pile of sawdust that is protected by a roof but not four walls.
- Dust or particulate-generating processes include industrial activities with stack emissions or process dusts that settle on surfaces.

Examples of measures that do not allow for the No Exposure exclusion

Dumpsters: What qualifies as shelter?

- Deteriorating containers or containers without proper cover. The cover material (whether a lid or some other type of cover) must have sufficient durability and integrity and be anchored in a way to keep water from entering the container. If the material fails for some reason and water enters the container, the No Exposure exclusion will be lost.
- Large roll-off type bins used outside for collecting scrap and other waste materials are often found at metal processing facilities or fabrication facilities and commonly are without covers or lids. To qualify for No Exposure, these bins must have a cover or lid and be leak proof.
- Open/unplugged dumpsters, commonly found at facilities, could cause a condition of stormwater exposure. If the material used for a cover fails and water enters the dumpster, the No Exposure exclusion will be lost.

Solutions

- Ensure the choice of container is in good condition. The cover material should be durable, sturdy, will not break down in sunlight and inspect often to ensure that the material does not allow stormwater to enter the dumpster. Maintain dumpsters by keeping lids closed, plug all drain holes, and replace when seams crack or holes develop.
- Shelter or enclose stored containers and drums according to regulations. Remember, even closed containers can leak.
- Provide appropriate shelter during loading and unloading activities.
- Provide appropriate shelter for unused industrial equipment.

2. Issue: Proper Transfer of Liquids**

Problems

- Spills and leaks during fuel, liquid and materials delivery
- Spills caused by “topping off” fuel tanks
- Precipitation falling on the fuel /material delivery area or stormwater running onto that area
- Hosing or washing down fuel/material delivery area
- Leaking storage tanks
- Exposure or leaks during loading and unloading of waste transporting activities

Solutions

Covers

- Loading and unloading operations must be conducted within a storm-resistant shelter.
- Cover loading and unloading areas and perform these activities on an impervious pad to enable easy collection of spilled materials. Provide overhangs or door skirts to enclose trailer ends at truck loading/unloading docks. An example of adequate covering from a loading dock would be that the roof of the facility covers the loading area and it is raised over 2 feet off the ground preventing stormwater run-on.
- Materials must be adequately covered (such as by a tarp or in an enclosed trailer) during transport.
- Avoid loading/unloading materials during a precipitation event or provide protection for loading docks.

Drainage and spill management/prevention

- Confine loading/unloading activities to designated areas outside drainage pathways and away from surface waters.
- Close storm drains during loading/unloading activities in surrounding area.
- Use a dead-end sump where materials could be directed.
- Use rubber seals in truck loading dock areas to contain spills.
- Inspect all containers for leaks or damage prior to unloading/loading of any raw or spent materials.
- Provide diversion berms, dikes or grassed swales around the perimeter of the area to limit run-on.
- Ensure that berms and dikes are built around the unloading/loading areas, if applicable. If outside or in covered areas, minimize run on of stormwater into the unloading/loading areas by grading the areas to ensure that stormwater runs off.
- For rail transfer, install a drip pan within the rails to collect spillage from the tank.
- Where liquid or powdered materials are transferred in bulk to/from truck or rail cars, ensure hose connection points at storage containers are inside containment areas, or drip pans are used in areas where spillage may occur which are not in a containment area.
- Drain hoses back into truck, railcar, etc. after loading/unloading materials.
- Use dry cleanup methods rather than washing the areas down.

Inspections

- Inspect the unloading/loading areas to detect problems before they occur.
- Inspect all connection equipment (e.g., hoses and couplings), and replace when necessary, before performing unloading/loading activities.

3. Issue: Other exposure conditions

Trash compactors

Trash compactors are industrial equipment and if located outside exposure may occur from hydraulic leaks, contents falling out of seams in equipment, or during loading or unloading. Larger printing facilities may have compactors, as well many other facilities. Making sure to inspect and maintain the compactor on a regular basis to help maintain the condition of No Exposure.

Bag houses (or other particulate matter collection devices)

Facilities operating under an MPCA air permit may have particulate matter or visible deposits of residuals on the ground that come from roof vents or bag houses. Bag house filters are considered industrial equipment and may be found at cabinet shops, woodworking facilities or other industries with dust collection equipment. Sawdust (or other dust) conveyance systems that might feed into a semi-trailer may develop leaks or spill sawdust from trucks during the filling or removal operations. Preventative maintenance is a must in making sure these materials do not escape conveyance systems.

Nitrogen gas storage/generation equipment

Some facilities have the large white steel storage tanks that may have compressors or valves needing lubrication, etc. The tanks may be leased from vendors with unknown exposure risks. There also might be oxygen generation equipment in this same category. Keep these tanks and equipment in good condition to prevent leaks and spills.

Industrial Materials and Activities That Are Not Considered Significant

Materials and activities not considered significant and may be present at a facility that has certified for the No Exposure exclusion are:

- Containers and tanks sealed and free from deterioration: cannot have any taps or valves to have the possibility of leaking product or waste.
- Adequately maintained vehicles and their storage, such as forklifts, industrial vehicles, etc.
- Completely covered/plugged dumpsters.
- Materials stored outside that do not contaminate stormwater, such as exposed pallets in good condition, finished products that is intended to be used outdoors, and used tires with no contamination.
- Office buildings and parking lots where there are no significant materials being stored or industrial activities being conducted including industrial stormwater runoff flowing through a portion of a parking lot.

For more information about what qualifies for No Exposure, see “[Step 2: Consider certifying for No Exposure](#)”:
www.pca.state.mn.us/index.php?option=com_k2&view=item&id=1146.

Definition of Terms

***What are “significant materials?”**

Facilities that shelter all significant materials and activities from stormwater qualify for no exposure. Inventory your facility to identify all significant materials and activities and note if exposed to stormwater.

The term “significant materials” include, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; corrodible metals, used appliances, raw materials used in food processing or production; hazardous substances, fertilizers; pesticides; and waste products such as ashes, slag, and sludge. All of these materials have the potential to be released with stormwater discharges causing pollution downstream. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g. the material’s solubility, transportability, and toxicity characteristics) to determine the material’s pollution potential.

****What is “transferring liquids?”**

Transfer of liquids can involve fueling of vehicles/equipment, mixing of wastes, loading/unloading of products, etc.

Loading and unloading operations can include pumping of liquids or gases from tankers to storage facilities, pneumatic transfer of dry chemicals, transfer by mechanical conveyor systems, or transfer of bags, boxes, drums or other containers by forklift or other material handling equipment. Material spills or losses in areas without secondary containment or not within storm-resistant shelters can be washed away during a storm.

No Exposure Resources

- EPA 833-B-00-001 Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On “No Exposure” of Industrial Activities to Stormwater
www.epa.gov/npdes/pubs/noxguide.pdf
- EPA 833-F-00-015 Stormwater Phase II Final Rule Conditional No Exposure Exclusion for Industrial Activity:
www.epa.gov/npdes/pubs/fact4-0.pdf
- Best Management Practices Guidance Manual, Chapters 4 and 5
www.pca.state.mn.us/index.php?option=com_docman&task=doc_download&gid=10557&Itemid=
- Manufacturers: Reduce your exposure to stormwater regulations fact sheet
<http://www.pca.state.mn.us/index.php/download-document.html?gid=7720>

For more information

If you need more information, contact the MPCA at 800-657-3864 or 651-296-6300.