



No Exposure: qualifying for and keeping the exclusion

What is No Exposure?

No Exposure means all the materials and activities at a facility are indoors or protected from exposure to rain, snow, snowmelt and runoff. If that describes your facility, you can apply for the No Exposure exclusion from the industrial stormwater permit.

Benefits of the No Exposure exclusion:

- no application fee
- no Stormwater Pollution Prevention Plan (SWPPP)
- no monthly inspections
- no stormwater sampling
- no annual report
- No annual fee

Do I qualify?

To qualify for the No Exposure exclusion, 100% of a facility's industrial activities and materials must be indoors or in a storm-resistant shelter 100% of the time.

A storm-resistant shelter can be:

- a completely roofed and walled building
- a structure with a top cover but no side walls as long as stormwater cannot flow through the structure, rain or snow that are blown in by the wind are prevented from running out and significant materials cannot get out of the area

Industrial materials stored outdoors must be sheltered or moved indoors before a facility can qualify for the No Exposure exclusion. Common materials include raw materials; chemicals; intermediate products and byproducts; final products; wastes or scrap; hazardous wastes; machinery and equipment; fuels; dust from stacks, vents or baghouses; and dumpsters or compactors that are open, uncovered or allowed to drain.

Industrial activities conducted outdoors must be moved indoors or sheltered before a facility can qualify for the No Exposure exclusion. Common activities include using or cleaning equipment; loading, unloading or moving materials; grinding, cutting, buffing, blasting or brazing; storing materials or equipment; and vehicle washing, fueling or maintenance.

What is allowed to be outside?

Materials and activities that are allowed to be outside at a facility applying for the No Exposure exclusion are:

- adequately maintained vehicles, such as forklifts, industrial vehicles and staff vehicles
- dumpsters that are completely covered, plugged and in good condition
- materials that do not contaminate stormwater, such as finished products that are intended to be used outdoors, or clean pallets in good condition

For more information about what qualifies for the No Exposure exclusion, see Minnesota Pollution Control Agency (MPCA) industrial stormwater webpage “Step 2: Consider certifying for No Exposure” at <http://www.pca.state.mn.us/noexposure>.

How and when can I apply?

Use the same application forms to apply for the No Exposure exclusion or the full permit. The qualifying questions for the No Exposure exclusion are in the permit application. Apply at <http://www.pca.state.mn.us/xggx14d7>.

You may apply at any time for the No Exposure exclusion. The exclusion is valid as long as the requirements of No Exposure are met, but no longer than the five-year life of the permit. Facilities that have the No Exposure exclusion must re-apply when the industrial stormwater permit is reissued. The permit was most recently reissued in April 2015 and will expire in April 2020.

Note that the No Exposure exclusion cannot be transferred to a new facility owner. The previous owner must terminate their No Exposure exclusion and the new owner must fill out a new application. Use MPCA form #wq-strm3-63, “[Industrial Stormwater Notice of Termination](#)”.

Steps for receiving and keeping the No Exposure exclusion:

1. Meet the requirements for No Exposure.
2. Apply for the No Exposure exclusion by completing the permit application form.
3. Receive confirmation of your facility’s No Exposure exclusion from the MPCA.
4. Post the coverage card in an area of the facility where the most employees and visitors will see it.
5. Watch for changes at your facility that could expose materials or activities to rain, snow, snowmelt or runoff. Make sure your facility continues to meet the requirements of No Exposure.
6. Apply for a permit as soon as possible if you discover that your facility no longer qualifies for the No Exposure exclusion.

Why does the MPCA allow the No Exposure exclusion?

The goal of the industrial stormwater permit is to keep Minnesota’s water resources clean. This is done in part by limiting the amount of pollutants in stormwater. Facilities that certify for the No Exposure exclusion minimize what is exposed to stormwater. Pollutants in the facility’s stormwater are minimized as a result.

Three common problems and solutions

Issue 1: Storage of materials

Shelter problems

One of the most common problems inspectors find is facilities not meeting the definition of a storm-resistant shelter. Storm-resistant shelters must be either completely roofed and walled, or have a top cover and be built to prevent stormwater from running in and materials from getting out of the shelter. Simply having a canopy over an area does not meet the requirements of a storm-resistant shelter.

This is especially a problem for materials that can be blown around by wind. Even materials sheltered from precipitation can still be deemed exposed if they can be mobilized by wind. Common materials that can be blown around by wind are sawdust, baghouse dust and small plastic and metal parts.

Dumpster problems

Common at metal fabrication facilities, large roll-off bins used for collecting scrap and other waste materials are often without covers or lids. Open or unplugged dumpsters are common at all facilities. To qualify for No Exposure, these bins must have a 100% impervious cover or lid and be leak proof. If the cover fails for some reason and water gets into the dumpster, the No Exposure exclusion will be lost.

Storage solutions

- Make sure dumpsters are in good condition and not rusty. The cover material must be durable, sturdy and not break down in sunlight. Inspect often to check that covers do not allow stormwater to enter the dumpster. Maintain dumpsters by keeping lids closed, plugging all drain holes and replacing when seams crack or holes develop.
- Shelter or enclose stored containers and drums. Remember, even closed containers can leak.
- Provide appropriate shelter during loading and unloading.
- Provide appropriate shelter for unused industrial equipment.

Issue 2: Transfer of materials and liquids

Transfer of materials and liquids can include fueling vehicles or equipment, mixing wastes, pumping liquids 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. All transfer operations must be conducted indoors or within a storm-resistant shelter to qualify for No Exposure.

Transfer problems

- spills and leaks during fuel, liquid and materials delivery
- spills caused by "topping off" fuel tanks
- precipitation falling on a fuel or material delivery area or stormwater running onto that area
- washing down fuel or material delivery areas
- leaking storage tanks
- exposure or leaks during loading and unloading of waste

Transfer solution: covers and berms

- Cover loading and unloading areas and perform these activities on an impervious pad that is bermed or sloped area to enable easy collection of spilled materials and help prevent runoff of precipitation. Provide overhangs or door skirts to enclose trailer ends at loading docks. A loading dock would be considered adequately covered if the roof of the facility covers the loading area, and the dock is raised more than two feet off the ground to prevent stormwater run-on.
- avoid loading/unloading materials during a precipitation event

Transfer solution: drainage and spill management and prevention

- inspect all containers for leaks or damage prior to unloading or loading materials
- if liquid or powdered materials are transferred in bulk, make sure hose connection points at storage containers are inside canopies and containment areas or use drip pans in areas where spillage may occur
- use a dead-end sump where materials can be directed
- use rubber seals in truck loading dock areas to contain spills
- drain hoses back into the truck or railcar after loading or unloading materials
- confine loading and unloading activities to designated storm-resistant shelter areas outside drainage pathways and away from surface waters
- close nearby storm drains during loading or unloading activities

- use dry cleanup methods such as sweeping or squeegees rather than washing down the areas
- provide diversion berms, dikes or grassed swales around the perimeter of the area to limit run-on
- minimize stormwater run-on into unloading and loading areas by grading the ground so stormwater drains away from them
- for rail transfer, install a drip pan within the rails to collect spillage

Transfer solution: inspections

- inspect the unloading and loading areas regularly to identify problems before they occur
- inspect all connection equipment (such as hoses and couplings) before performing unloading/loading activities and replace when necessary

Issue 3: Process equipment

Compactors

Trash compactors often have hydraulic leaks and contents falling out, especially during loading or unloading. Make sure to inspect and maintain compactors on a regular basis to check that No Exposure is maintained. Provide shelter if necessary.

Bag houses and other particulate matter collectors

Facilities with an MPCA air quality permit may have particulate matter or visible deposits of residuals on the ground that come from roof vents or bag houses. Bag houses are found at cabinet shops, woodworking facilities and other industries with dust collection equipment. Sawdust (or other dust) conveyance systems sometimes feed into a semi-trailer and may develop leaks or spill sawdust during the filling or removal operations.

Preventative maintenance is a must in making sure these materials do not pollute stormwater. Make sure filters are in good condition and not torn or otherwise allowing dust to escape. Inspect the equipment frequently to check for spills or buildup that is exposed to stormwater.

Compressed gas storage

Some facilities have large storage tanks for compressed gas that may have compressors or valves needing lubrication. Keep these tanks and equipment in good condition to prevent leaks and spills. Most of these tanks are made of steel so monitor them for rust as well.

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.

MPCA industrial stormwater fact sheet “Manufacturers: Reduce your exposure to stormwater regulations” at <http://www.pca.state.mn.us/index.php/download-document.html?gid=7720>.

More information

For more information visit the MPCA industrial stormwater webpages at <http://www.pca.state.mn.us/industrialstormwater> or call the MPCA at 651-757-2119 or 800-657-3804 (non-metro only).