

DEQ Form  
606-004  
July 5, 2022



**Oklahoma Department of Environmental Quality**  
**No Exposure Certification (NEC)**  
**for Exclusion from the OPDES Multi-Sector General Permit OKR05**  
**for Stormwater Discharges Associated with Industrial Activity**

Submission of this *No Exposure Certification* constitutes notice that the operator identified in Section I does not require permit authorization under the OPDES Multi-Sector General Permit OKR05 for stormwater discharges associated with industrial activity from the facility identified in Section II 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 **No Exposure Certification** must be provided for each facility qualifying for the no exposure exclusion. By signing and submitting this No Exposure Certification form, the operator in Section I is certifying that a condition of no exposure exists at its facility or site all the time, and is obligated to comply with the terms and conditions of 40 CFR § 122.26(g).

**All requested information must be provided on this form. See completing instructions on page 3 of this form.**

**I. Operator Information**

Operator Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Web Address (URL): \_\_\_\_\_  
Operator's Point of Contact : \_\_\_\_\_ Title: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**II. Facility Location**

Facility Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Facility's Point of Contact : \_\_\_\_\_ Title: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Latitude: \_\_\_\_\_ ° N Longitude: \_\_\_\_\_ ° W at the entrance of the Facility in decimal degrees  
DEQ Authorization No. OKR \_\_\_\_\_ , if your facility had coverage under previous OPDES Permit  
SIC Code or 2-digit Activity Code, Primary: \_\_\_\_\_ Sector: \_\_\_\_\_ Secondary: \_\_\_\_\_ Sector: \_\_\_\_\_  
Total size of the facility associated with industrial activity \_\_\_\_\_ acres  
Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion?  
Yes  No   
If **Yes**, indicate approximately how much area was paved or roofed over \_\_\_\_\_ acres

### III. Exposure Checklist

Are any of the following materials or activities exposed to stormwater, now or in the foreseeable future?

If your answer is **Yes** to any of these questions, you are **not** eligible for the **No Exposure Exclusion**.

(Please check either <b>Yes</b> or <b>No</b> in the appropriate box)		Yes	No
1.	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 stormwater	<input type="checkbox"/>	<input type="checkbox"/>
2.	Materials or residuals on the ground or in stormwater inlets from spills/leaks	<input type="checkbox"/>	<input type="checkbox"/>
3.	Materials or products from past industrial activity	<input type="checkbox"/>	<input type="checkbox"/>
4.	Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input type="checkbox"/>
5.	Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input type="checkbox"/>
6.	Materials or products stored outdoors (except finished products intended for outside use (e.g., new cars) where exposure to stormwater does not result in the discharge of pollutants)	<input type="checkbox"/>	<input type="checkbox"/>
7.	Materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input type="checkbox"/>
8.	Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input type="checkbox"/>
9.	Waste Material (except waste in covered, non-leaking containers such as covered dumpsters)	<input type="checkbox"/>	<input type="checkbox"/>
10.	Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input type="checkbox"/>
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) and evident in the stormwater outflow	<input type="checkbox"/>	<input type="checkbox"/>

### IV. Certification

*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 OPDES stormwater permitting; and that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under 40 CFR § 122.26(g)(2) as adopted and incorporated by reference in OAC 252:606-1-3(b)(3)(L)).*

*I understand that I am obligated to submit a no exposure certification form once every 5 years to DEQ and to the operator of the local MS4 into which this facility discharges stormwater (where applicable). I understand that I must allow DEQ or MS4 operator where the stormwater 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 OPDES permit prior to any 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 upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

For DEQ use only: Assigned Application Number: \_\_\_\_\_



## Instructions for Completing No Exposure Certification (NEC) Form 606-004 for Stormwater Discharges Associated with Industrial Activity under the OPDES Multi-Sector General Permit OKR05

### Who May File an NEC

Oklahoma State law at Title 27A O.S. § 2-6-205 prohibits point source discharges of stormwater associated with industrial activity to waters of the State without first obtaining an Oklahoma Pollutant Discharge Elimination System (OPDES) permit from DEQ. However, OPDES permit coverage is not required for discharges of stormwater associated with industrial activity identified at 40 CFR § 122.26 (b)(14)(i) - (xi), except (x), if the discharger can certify that a condition of **No Exposure** exists at the industrial facility or site. Stormwater discharges from construction activities identified in 40 CFR § 122.26 (b)(14)(x) and (b)(15) are not eligible for the "No Exposure Exclusion".

### Obtaining and Maintaining the NEC

This form must be used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification must be re-submitted at least once every 5 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 OPDES permit immediately.

### Completing the NEC Form

You must type or print letters in appropriate areas only. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Make sure you complete this Form with accurate information and address all applicable questions and make a copy for your record before submitting a completed form to DEQ.

### Section I. Operator Information

Provide the legal name of the firm, public organization, person or any other entity that operates the facility or site described in this certification Form. An operator is the legal entity that controls the facility's operation and is responsible for its day-to-day activity, rather than the plant or site manager. Provide complete mailing address of the operator including city, state, ZIP code, and web address/URL (if any). Include operator's point of contact name, title, phone number and a valid email address.

### Section II. Facility Location

Enter the official or legal name of the facility or site. Enter the complete physical address of the facility (**absolutely no P.O. Box**) including city, county and ZIP code; in case of no defined address, provide a geographical description (e.g., intersection of Route 9 and State Highway 66). Include facility's point of contact information. Enter the latitude and longitude of the approximate center of the facility or site in degrees, minutes, and seconds. Indicate if the facility was previously covered under an OPDES stormwater permit. If so, include the authorization number.

Enter the four-digit primary SIC code or the Activity Code. Use the Standard Industrial Classification Manual, 1987. Enter the Sector Code (A through AD) under which your facility is permitted. Enter the total size of the facility's site associated with industrial activity to the nearest tenth of an acre.

Check **Yes** or **No** as appropriate to indicate if you have paved or roofed over a formerly exposed, previous area (i.e., lawn, meadow, dirt, or gravel road or parking lot) in order to qualify for no exposure.

Indicate how much area (to the nearest quarter of an acre) was paved or roofed.

### Section III. Exposure Checklist

Check **Yes** or **No** as appropriate to describe the exposure condition at your facility. If you answer **Yes** to any of the questions 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 OPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

### Section IV. Certification

The NEC Form must be signed as follows:

*for a corporation:* by a responsible corporate officer; for the purpose of this section, a responsible corporate officer means:

- a. 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
- b. 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 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 applications; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.;

*for a limited liability company (LLC):* by any member, managing or otherwise;

*for a partnership:* by a general partner;

*for a sole proprietorship:* by the proprietor (owner);

*for a municipality, state, federal, or other public agency:* by a principal executive officer or ranking elected official;

**If you have questions**, contact Stormwater Unit of Environmental Complaints and Local Services (ECLS) of DEQ at (405) 702-6100 or email to [ecls-stormwaterpermitting@deq.ok.gov](mailto:ecls-stormwaterpermitting@deq.ok.gov)

### Where to File the NEC Form

Completed NEC form must be submitted to the following address:

Stormwater Unit of ECLS  
Oklahoma DEQ  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

or fax it to: (405)702-6226

or email it to: [ecls-stormwaterpermitting@deq.ok.gov](mailto:ecls-stormwaterpermitting@deq.ok.gov)

*NEC must be electronically submitted to DEQ once available. Instructions on how to access and use the appropriate electronic reporting tool will be made available on DEQ's website prior to the December 21, 2020 compliance deadline.*