

Mail Code 401-02B
New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Nonpoint Pollution Control
P.O. Box 420 - 401 E. State. St.
Trenton, New Jersey 08625-0420



NONAPPLICABILITY FORM (NAF)

Fill out this form if you believe you do not require a NJPDES Discharge Permit for a stormwater discharge. Return this form completed, dated and signed, to the Bureau of Nonpoint Pollution Control at the above address.

1. Facility Information:

Facility Name: _____
 Address: _____

 County: _____ SIC Code: _____
 Contact Person: _____ Tele. #: _____

2. Check the appropriate box(es) which provide(s) the reason(s) that you believe that you are not required to obtain (for the facility identified above) a NJPDES Permit for a stormwater discharge:

- (i) **ALL** the stormwater from the site is discharged to a combined sewer (one that carries sanitary wastewater and stormwater to municipal treatment plant). You can not claim this exemption if any part of the site where industrial activity occurs is unpaved. **The Combined Sewer Certification on the back of this form must be completed and signed, or other supporting documentation submitted.**
- (ii) Our business or agency has an existing NJPDES-DSW permit authorizing the discharge of all of this facility's stormwater to surface waters. NJPDES No. NJ _____
- (iii) Our business or agency has an existing NJPDES-DGW permit authorizing the discharge of all of this facility's stormwater to groundwater. NJPDES No. NJ _____
- (iv) **Permanent No Exposure** – ALL industrial materials are stored and/or ALL industrial activities are performed (with limited exceptions) inside a permanent building or permanent structure that is anchored to a permanent foundation and that is completely roofed and walled. The attached **Permanent No Exposure Certification Form** must be completed, signed and submitted with this Nonapplicability Form. A Signed **Permanent No Exposure Certification** must be submitted to the Department every 5 years.
- (v) All industrial activity has ceased and no "Significant Material" remains exposed to stormwater.
- (vi) Our business or agency is in Category viii (SIC Code 40 – 45 (except 4221-4225), and 5171) and is not involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, or airport deicing operations.
- (vii) Other: (Attach printed or typed explanation).

SUBJECT TO VERIFICATION BY DEPARTMENT SITE INSPECTION

3. Who Must Sign

A Responsible Official is defined in N.J.A.C. 7:14A – 4.9 as follows:

For a corporation: 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 the manager of one or more manufacturing, production, or operating facilities, provided:

- (1) The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of recommending major capital investment, initiating and directing comprehensive measures to assure long term compliance with environmental laws and regulations, and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; or
- (2) The authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: A general partner or the proprietor.



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http://www.state.nj.us/dep/dwq/bnpc_home.htm



PERMANENT NO EXPOSURE CERTIFICATION FORM

(For exclusion from New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Surface Water (DSW) and Discharge to Ground Water (DGW) Stormwater Permitting *).

By signing and submitting this Permanent No Exposure Certification form, the operating entity identified in A. below is certifying that a condition of Permanent No Exposure exists at its facility identified in B. below, and is obligated to comply with N.J.A.C. 7:14A-24.6. **Please submit to the letterhead address above.**

A. Operating Entity:

Operating Entity (Business Name): _____

Mailing Address: _____

Contact Person: _____ Telephone Number: _____

B. Facility Information:

Facility Name: _____

Facility Address and Location: _____

County: _____ Facility Telephone Number: _____

C. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of “Permanent No Exposure” (as provided in F. below) and obtaining an exclusion (except as provided in F.2 below) from the requirement to obtain a NJPDES permit (other than a UIC permit-by-rule for underground injection of stormwater runoff from the roofs of buildings) for any stormwater discharge(s) to surface water or groundwater, and that there are no discharges to surface water or groundwater of stormwater exposed to industrial activities or materials from the industrial facility identified in this document (except as allowed under F.1 below). **I understand that the operating entity for this facility is obligated to submit a “Permanent No Exposure Certification” form once every five years to the Department** and, if requested, to the operating entity of the municipal separate storm sewer system (MS4) into which this facility discharges (where applicable). I understand that the operating entity for this facility must allow the Department, or MS4 operating entity where the discharge is into the MS4, to perform inspection to confirm the condition of “Permanent No Exposure” and to make such inspection reports publicly available upon request. I understand that the operating entity for this facility must apply for a NJPDES permit prior to any discharge of stormwater associated with industrial activity from the facility, and prior to any discharge to groundwater of industrial stormwater from the facility that does not qualify for this exclusion or for a UIC permit-by-rule. 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 purposely, knowingly, recklessly, or negligently submitting false information.

* Except an underground injection control (UIC) permit-by-rule for underground injection of stormwater runoff from the roofs of buildings.

WHO MUST SIGN?

A Responsible Official is defined in N.J.A.C. 7:14A – 4.9 as follows:

For a corporation: 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 the manager of one or more manufacturing, production, or operating facilities, provided:

- (1) The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of recommending major capital investment, initiating and directing comprehensive measures to assure long term compliance with environmental laws and regulations, and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; or
- (2) The authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: A general partner or the proprietor.

For a government agency: A ranking elected official; or the chief executive officer of the agency; or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator);

A duly authorized representative as defined in N.J.A.C. 7:14A – 4.9(b).

D. Signature

(Print, if applicable, the name of the corporation, partnership, or public agency submitting this Permanent No Exposure Certification)

(Signature)

(Date)

(Print Name)

(Title)

E. NJPDES Permits Associated with this Facility

List any NJPDES permits associated with the facility identified in B. above:

Discharge Activity (Category Codes)	NJPDES Permit No. / P.I. #	Expiration Date	Pending

F. Eligibility Requirements

1. Condition of Permanent No Exposure

A condition of Permanent No Exposure exists when: ALL industrial materials are stored and/or ALL industrial activities are performed (except as noted below) inside a permanent building or permanent structure (including a permanent tank) that is anchored to a permanent foundation and that is completely roofed and walled.

“Industrial materials and 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, by-product, final product or waste product.

Exceptions: The following materials and activities **do not** have to be stored or performed inside such a building or structure:

Dumpsters or other rigid containers of similar or larger size, that are used only for routine collection and temporary storage of industrial or other waste materials generated at the facility, and that are watertight, leak proof, and covered (closed with rigid lid), with no visible residue or contamination on the external exposed surfaces.

Adequately maintained vehicles used in material handling in normal operating condition with no visible residue or contamination on the external exposed surfaces.

Pipe that is not deteriorated and does not leak, and that is installed for use in the transportation or conveyance of materials at or through the facility. For purposes of this paragraph, “pipe” does not include pumps, inlet valves, or outlet valves.

2. Exclusion from NJPDES DSW/DGW Stormwater Permitting is subject to the following limitations:

- Stormwater discharges from construction activities subject to N.J.A.C. 7:14A-24.10 are not eligible.
- This exclusion does not exempt operating entities for municipal separate storm sewer systems (MS4s) from any requirement to obtain a NJPDES permit under N.J.A.C. 7:14A-25.
- This exclusion is available on a facility-wide basis only, not for individual outfalls or drainage areas.
- The exclusion is not transferable. Each new operating entity must submit a new certification.
- If circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt and/or runoff and runoff discharged to surface water or groundwater, the facility is not eligible for this Permanent No Exposure exclusion. An operating entity that anticipates changes in circumstances should submit a permit application or Request For Authorization (RFA) and obtain NJPDES permit authorization prior to the change of circumstances.
- The Department retains the authority to inspect the facility and deny this exclusion upon determining that industrial materials or activities are exposed to stormwater (or as otherwise provided in N.J.A.C. 7:14A-24.6). For an operating entity that is authorized to discharge stormwater from the facility under a valid NJPDES permit, the Department shall perform an inspection to confirm that all applicable conditions for the exclusion have been met prior to revoking or modifying the permit or permit authorization.
- The signed Certification must be submitted to the Department every 5 years.

G. Permanent No Exposure – Eligibility Guidance

This guidance is provided to help you determine if the industrial materials and /or industrial activities currently found at your facility may affect your eligibility for the Permanent No Exposure permit exemption. The following list identifies examples of the types of industrial materials and activities that do not meet the condition of permanent no exposure:

Industrial Materials and Activities Having Exposure

- Loading platforms that extend beyond the permanent wall (except for a bladder or similar device).
- Drums, barrels, and similar containers not stored under a roof in a permanent building or structure as described in the Certification form.
- Outdoor storage of industrial materials and ongoing outdoor operations including site remediation or other operations resulting from past industrial activity.
- Industrial activities and materials loaded, unloaded, or stored on roads or railways owned or maintained by the facility.
- Materials stored outdoors under overhangs, tarps, or in storage containers and other structures that are not permanent buildings or structures as described in the Certification form (e.g., not anchored to a permanent foundation).
- Materials and finished products associated with the facility's industrial activity that are stored outside even if they are intended for outdoor use (e.g., finished pre-cast concrete; stone blocks; wooden products; and structural steel).
- Sand and /or salt to be applied to access roads, parking lots or sidewalks at the facility, strictly for traction or for the melting of snow or ice, must be stored in a permanent structure during the months of April through October.
- Outside material handling activities (except loading, unloading and transferring industrial materials into or from enclosed vehicles directly into or from a permanent structure at a loading platform that does not extend beyond the permanent wall).
- Waste materials stored outside (except wastes in closed with rigid lids, non-leaking dumpsters).
- Poor industrial housekeeping as evidenced of by traces of oil, grease, or other compounds on the ground, that can be seen in spots, pools, puddles, or other discoloration and odors and the overall condition of the facility (unused equipment, maintenance materials, industrial litter etc.).
- Particulate matter or visible deposits or residue from roof stacks and/or vents not otherwise regulated (e.g. under an air quality control permit) and evident in the stormwater discharge.

This guidance is not intended to be all-inclusive and only provides examples for you to follow. There may be other industrial activities and industrial materials at your facility that are not listed. If you still are not sure about your eligibility for permit exclusion after evaluating your facility using this guidance and, in consideration of the exclusions found in the Permanent No Exposure Certification form please contact the Bureau of Nonpoint Pollution Control at 609-633-7021 for additional assistance.