



Tempe Environmental Bulletin

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***No Exposure* Exclusion for Multi-Sector General Permit (MSGP)**

The Federal Clean Water Act and Arizona's statutory equivalent, prohibit point source discharges of stormwater associated with industrial activity to waters of the U.S. without an Arizona Pollutant Discharges Elimination System (AZPDES) permit [see 40 CFR 122.26; A.A.C. R18-9-A905(A)(1)(c)]. Regulated industrial activities are identified in 40 CFR 122.26(b)(14)(i)-(ix) and (xi). If a discharger can certify that a condition of *No Exposure* exists at the industrial facility, the facility is eligible for a Conditional Exclusion for *No Exposure*, an alternative to complying with the specific requirements under the MSGP. The *No Exposure Certification* (NEC), requires a facility owner or operator to certify that stormwater and runoff at the facility have no potential to be exposed to potential sources of pollutants that are stored onsite. The condition of *No Exposure* exists when all materials and activities at the industrial facility that are potential sources of pollutants are covered by a storm resistant shelter. Dischargers qualifying for *No Exposure* certification must maintain a condition of *No Exposure* in accordance with 40 CRR 122.26(g)(4)(iii). This certification excludes the facility from the requirement to obtain a stormwater permit as long as the conditions of the certification are met. To obtain the exclusion, the *No Exposure* Certification form must be completed and an answer of "no" must be given to all eleven questions on the form's checklist.

No Exposure Exclusion is available only to an entire facility, not isolated portions of a facility or isolated activities at a facility. To maintain the exclusion, the NEC form must be submitted to the Arizona Department of Environmental Quality every five years. Currently, state regulations require a filing fee of \$1,250 for the original NEC, but there is no fee for the 5 year resubmittal or for revising an existing NEC. Complete explanation of the *No Exposure* requirements and certification form can be found at:



<http://www.azdeq.gov/environ/water/permits/msgp.html>

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What Is Stormwater Smart?

“Be Stormwater Smart” and visit our website for Best Management Practices you can use to reduce the risk of adding pollutants to stormwater. <http://www.tempe.gov/stormwater>

You can also use this website to learn more about Tempe's Stormwater Management Program, to report illicit discharges to storm drains, or to file a stormwater related complaint.

Remember that it is a violation of the City of Tempe Code to cause or allow a non-stormwater discharge to a stormwater drain!

As required by Tempe's stormwater permit, Environmental Compliance Inspectors have significantly increased commercial and industrial stormwater inspections. If you would like to schedule an inspection at your facility, please call: (480) 350-2678.

