



ADMINISTRATIVE RULES OF MONTANA



17.30.1116 INDUSTRIAL NO-EXPOSURE CERTIFICATION

- (1) Discharges composed entirely of storm water are not regulated as discharges associated with industrial activity or discharges associated with mining and oil and gas activity if there is no exposure of industrial materials and activities to rain, snow, snowmelt, and/or runoff, and the discharger satisfies the conditions in this rule.
 - (a) For purposes of this rule, "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. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, byproducts, 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.
- (2) To qualify for the exclusion in this rule, the owner or operator of the discharge must:
 - (a) except as provided in (3) , provide a storm-resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and/or runoff;
 - (b) complete and sign, in accordance with ARM 17.30.1323, a certification form developed by the department that indicates there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility, except as provided in (3) ;
 - (c) submit the signed certification to the department once every five years;
 - (d) allow the department to inspect the facility to determine compliance with the no-exposure conditions;
 - (e) allow the department to make no-exposure inspection reports available to the public upon request; and
 - (f) for facilities that discharge through an MS4, submit a copy of the certification of no exposure to the MS4 operator, and allow inspection and public reporting by the MS4 operator.
- (3) A storm resistant shelter is not required for:
 - (a) drums, barrels, tanks and similar containers that are tightly sealed, if the containers are not deteriorated and do not leak. For purposes of this rule, "sealed" means banded or otherwise secured and without operational taps or valves; or
 - (b) final products, other than products that would be mobilized in storm water discharge (e.g., rock salt) .

- (4) The exclusion in this rule is subject to the following limitations:
- (a) the exclusion is not available for storm water discharges associated with construction activity as defined in this subchapter;
 - (b) the exclusion is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be no-exposure discharges, permit requirements should be adjusted accordingly;
 - (c) if circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt, and/or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for unpermitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances; and
 - (d) the department may deny an exclusion under this rule if it determines that the discharge causes, has a reasonable potential to cause, or contributes to a violation of a water quality standard, including designated uses.
- (5) A no-exposure certification must contain the following information, at a minimum, to aid the department in determining whether a facility qualifies for the no-exposure exclusion:
- (a) the legal name, address and phone number of the discharger;
 - (b) the facility name and address, the county name, and the township, range, section and 1/4 section where the facility is located;
 - (c) certification that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:
 - (i) use, storage or cleaning of industrial machinery or equipment, and areas where residuals from such activities remain and are exposed to storm water;
 - (ii) materials or residuals on the ground or in storm water inlets from spills/leaks;
 - (iii) materials or products from past industrial activity;
 - (iv) material handling equipment, except for adequately maintained vehicles;
 - (v) materials or products during loading/unloading or transporting activities;
 - (vi) materials or products stored outdoors, except final products intended for outside use (e.g., new cars) , if exposure to storm water does not result in the discharge of pollutants;
 - (vii) materials contained in open, deteriorated or leaking storage drums, barrels, tanks and similar containers;
 - (viii) materials or products handled/stored on roads or railways owned or maintained by the discharger;
 - (ix) waste material, except waste in covered, non-leaking containers (e.g., dumpsters) ;
 - (x) application or disposal of process wastewater, unless otherwise permitted; and

- (xi) particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated, i.e., under an air quality control permit, and evident in the storm water outflow;
- (d) the following certification statement, which must be signed in accordance with the signatory requirements of ARM 17.30.1323: "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 MPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under ARM 17.30.1116(3)) . I understand that I am obligated to submit a no-exposure certification form once every five years to the department and, if requested, to the operator of the local MS4 into which this facility discharges (where applicable) . I understand that I must allow the department, or MS4 operator where the 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 MPDES permit prior to any point source discharge of storm water from the facility. 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."

Authorizing statute(s): 75-5-201, 75-5-401, MCA

Implementing statute(s): 75-5-401, MCA

History: NEW, 2003 MAR p. 219, Eff. 2/14/03.