

7090.3060 CONDITIONAL EXCLUSION FOR NO EXPOSURE.

Subpart 1. **No exposure.** Discharges composed entirely of stormwater are not discharges associated with industrial activity if there is no exposure of industrial materials and activities to rain, snow, snowmelt, or runoff, and the facility meets the requirements of this part.

Subp. 2. **Applicability.** An owner or operator required to obtain an industrial stormwater permit under part 7090.3010, subpart 1, must either obtain a permit or certify a condition of no exposure.

Subp. 3. **Application requirements.** An operator certifying a condition of no exposure must submit to the commissioner an application for no-exposure certification on a form provided by the agency. An application for no-exposure certification must be submitted to the commissioner once every five years.

Subp. 4. **Certification issuance.** A certification of no exposure must be issued to facilities:

- A. where a complete and signed application has been submitted to the commissioner; and
- B. where the commissioner has verified that there is no contact of stormwater with industrial activities through:
 - (1) a review of the application;
 - (2) an inspection of the facility; or
 - (3) other means that the commissioner finds reasonably reliable.

Subp. 5. **Limitations.**

A. Construction activities that require a permit under part 7090.2010, subpart 1, are not eligible for the conditional no-exposure exclusion.

B. The conditional no-exposure exclusion is available on a facilitywide basis only. Where exposure to industrial materials or activities exists at some but not all areas of the facility, a permit is required for stormwater discharges from the exposed areas.

C. The no-exposure exclusion is conditional. If circumstances change and the conditions for the no-exposure exclusion no longer apply to the facility, the operator must comply with the requirements of part 7090.3010. Where the operator anticipates a change in circumstance and the conditions for the no-exposure exclusion no longer apply, the operator shall apply for and obtain a permit under part 7090.3010 before the change of circumstance.

D. A certification of no exposure is nontransferable.

E. The commissioner retains the authority to deny the no-exposure certification and require permit authorization as provided under part 7090.3010.

Statutory Authority: *MS s 115.03*

History: *30 SR 125*

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