File
AI #1435

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

# NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting

JUL 26 2016

Submission of this **No Exposure Certification** constitutes notice that the entity identified below does not require permit authorization for its storm water discharges associated with industrial activity due to the existence of a condition of no exposure. This certification must be submitted every five years from the date of submittal.

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 (40 CFR 122.26(g)(2)):

- 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 storm water discharges (e.g., rock salt).

A **No Exposure Certification** must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this **No Exposure Certification** form, the entity is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of the conditional exclusion for "no exposure" of industrial activities and materials to storm water found in 40 CFR 122.26(g). Please mail the completed form to: **Chief, Environmental Permits Division, Office of Pollution Control, P.O. Box 2261, Jackson, MS 39225**

**For this certification to be considered, all questions on this form must be answered. If an item does not apply to you, enter "NA" (for "not applicable") to show that you considered the question. All answers must be printed or typed.**

## Facility Operator Information

**(All correspondence will be sent to this address).**

1. Contact Name: Dean Kiker 2. Phone Number: (662) 247-4205
3. Legal Company Name: Freshwater Farms Products, LLC
4. Mailing Address: Street: Post Office Box 850
   City: Belzoni State: Mississippi Zip Code: 39038
5. Email: dean@freshwatercatfish.com

## Facility/Site Location Information

**(If no street address exists, provide the nearest named road [e.g., Intersection of Routes 9 and 55]. Do not use a P.O. Box number).**

1. Facility Name: Freshwater Farms Products, LLC
2. Street Address: 4554 Highway 12 East
   City: Belzoni County: Humphreys Zip Code: 39038
3. Email: dean@freshwatercatfish.com

# NO EXPOSURE CERTIFICATION

## Facility/Site Location Information
(Continued)

3. Latitude: 33 10 56 N Longitude: 90 25 32 W Source: Google Earth

4. Nearest named receiving stream: Yazoo River

5. Was the facility or site previously covered under an NPDES storm water permit? ☐ Yes ☑ No

If yes, enter the NPDES permit or coverage number: _____

6. Does this facility have other environmental permits? ☑ Yes ☐ No

If yes, provide type (Air, Hazardous Waste, NPDES, Pretreatment, State Operating) and permit number

NPDES MS0048551

7. SIC/Activity Codes: Primary: 2092 Secondary (if applicable): _____

## Exposure Checklist

| Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No".) | 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 storm water | ☐ | ☑ |
| 2. Materials or residuals on the ground or in storm water inlets from spills/leaks | ☐ | ☑ |
| 3. Materials or products from past industrial activity | ☐ | ☑ |
| 4. Material handling equipment (except adequately maintained vehicles) | ☐ | ☑ |
| 5. Materials or products during loading/unloading or transporting activities | ☐ | ☑ |
| 6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants) | ☐ | ☑ |
| 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers | ☐ | ☑ |
| 8. Materials or products handled/stored on roads or railways owned or maintained by the discharger | ☐ | ☑ |
| 9. Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) | ☐ | ☑ |
| 10. Application or disposal of process wastewater (unless otherwise permitted) | ☐ | ☑ |
| 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 storm water outflow | ☐ | ☑ |

**If you answer "Yes" to any of these questions (1) through (11), you are <u>not</u> eligible for the no exposure exclusion and must be covered by an NPDES Storm Water Permit (individual permit or coverage under a general permit.)**

# NO EXPOSURE CERTIFICATION

## Certification Statement

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 NPDES storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to MDEQ and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the MDEQ 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 NPDES permit prior to any point source discharge of storm water from the facility. I understand that a copy of this certification must be retained at 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 on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name[1]: Dean Kiker

Print Title[1]: General Manager & Co-Owner

Signature[1]: Dean Kiker

Date: 7/15/16

**[1]Certification shall be signed according to the Mississippi Water Pollution Control Regulations (11 Miss. Admin. Code Pt. 6, R. 1.1.2.C(1). )**
**For a corporation, by a responsible corporate officer.**
**For a partnership, by a general partner.**
**For a sole proprietorship, by the proprietor.**
**For a municipal, state or other public facility, by principal executive officer, mayor, or ranking elected official.**

### Instructions and Additional Information

**Law**

Federal law at 40 CFR Part 122.26 prohibits point source discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, according to 40 CFR 122.26(g), NPDES permit coverage is not required for discharges of storm water associated with industrial activities identified at 40 CFR 122.26 (b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site. Storm water discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) are not eligible for the no exposure exclusion. Submission of this **No Exposure Certification** constitutes notice that the entity identified above does not require permit authorization for its storm water discharges associated with industrial activity due to the existence of a condition of no exposure.

**Obtaining and Maintaining the No Exposure Exclusion**

This form is used to certify that a condition of "no exposure" exists at the industrial facility or site described herein. By signing and submitting this **No Exposure Certification** form, the entity is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g). A **No Exposure Certification** must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. If conditions change resulting in the exposure of materials and activities to storm water, the facility operator must obtain coverage under an NPDES storm water permit immediately. This certification must be resubmitted at least once every five years. The "no exposure" certification is non-transferable.

**Instructions for Determining a Facility's Latitude and Longitude**

Enter the latitude and longitude of the facility entrance in degrees/minutes/seconds. Latitude and longitude can be obtained from United States Geological Survey (USGS) quadrangle or topographic maps, GPS, or by accessing web sites that have latitude and longitude finders.

Latitude and longitude for a facility in decimal form must be converted to degrees (°), minutes (') and seconds (") for proper entry on the certification form. To convert decimal latitude or longitude to degrees/minutes/seconds, follow the steps in the following example.

Example: Convert decimal latitude 45.1234567 to degrees (°), minutes ('), and seconds (").

a/ The number to left of the decimal point are the degrees: 45°
b/ To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006: 1234 x 0.006 = 7.404
c/ The numbers to the left of the decimal point in the result obtained in (b) are the minutes: 7'.
d/ To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result obtained in (b) by 0.06: 404 x 0.06 = 24.24. Since the numbers to the right of the decimal point are not used, the result is 24".
**e/ The conversion for 45.1234567 = 45° 7' 24".**

July 15, 2016

Mr. Joe McNamara
Mississippi Department of Environmental Quality
Office of Pollution Control
515 E. Amite Street
Jackson, Mississippi 39201

RE: Freshwater Farms Products, LLC
Belzoni, Mississippi
Humphreys County
Storm Water No Exposure Certification

Dear Mr. McNamara,

Enclosed please find a No Exposure Certification for the Freshwater Farms Products processing plant. Should you have any questions, please contact Mr. Sam Hardin of Clearwater Consultants, Inc. at (662) 323-8000.

Your assistance in this matter is greatly appreciated.

Sincerely,

Dean Kiker

Dean Kiker, General Manager
FRESHWATER FARMS PRODUCTS, LLC

Copy to: Clearwater Consultants, Inc.

FILE COPY

July 26, 2016

Mr. Dean Kiker
Freshwater Farms Products, LLC
PO Box 850
Belzoni, MS 39038

Dear Mr. Kiker:

Re: Freshwater Farms Products, LLC
No Exposure Certification
Humphreys County

This letter acknowledges our receipt of the "No Exposure Certification" for the above referenced facility. If there is exposure subsequent to this certification, exclusion from NPDES storm water permitting is no longer allowed, and your facility must immediately request coverage under the Baseline Storm Water General Permit for Industrial Activities. Please remember this certification is in effect for a five (5) year period and, your facility must recertify a condition of "no exposure" of industrial activities to storm water prior to the 5-year anniversary of this submittal.

You may also confirm that your certification has been processed and review your basic facility information using this search tool: **http://opc.deq.state.ms.us/search_ai.aspx**. Additional storm water information, an associated guidance manual, and the "No Exposure Certification" form, may be downloaded from the MDEQ website at this address: **http://www.deq.state.ms.us/mdeq.nsf/page/epd_epdgeneral**.

Thank you for reducing the amount of pollutants in our State's waters by eliminating industrial activities exposed to rain events. Please contact Tracy Tomkins , Chief, Agricultural Branch at (601) 961-5171 if you have further questions.

Sincerely,

Harry M. Wilson III, P.E., DEE
Chief, Environmental Permits Division

1435 GNP20160001 Agricultural Branch