

Jaricus Whitlock

From: Abigail McDowell <Abigail.McDowell@rpsgroup.com>
Sent: Tuesday, April 28, 2020 11:50 AM
To: Jaricus Whitlock
Cc: emarshall@hearthsidfoods.com
Subject: RE: Missing Pages - No Exposure Certification
Attachments: HSF Byhalia NEC_All Pages.pdf

Hello,
My apologies for the missing pages. I have the complete NEC attached.
Thank you!
Abigail

Abigail McDowell
Consultant II
RPS | North America
M +1 219 689 2537
E abigail.mcdowell@rpsgroup.com

From: Jaricus Whitlock <jwhitlock@mdeq.ms.gov>
Sent: Tuesday, April 28, 2020 11:40 AM
To: emarshall@hearthsidfoods.com
Cc: Abigail McDowell <Abigail.McDowell@rpsgroup.com>
Subject: Missing Pages - No Exposure Certification

CAUTION: This email originated from outside of RPS.

Mr. Marshall,

Attached please find the your facility's request for a No Exposure Certification that was receive today. Upon review, it appears that pages 1 and 2 of the exclusion request are missing. If that is indeed the case, I ask that you please submit the missing pages at your earliest convenience. If it proves more convenient, the pages can be submitted electronically via e-mail.

If you have any questions / concerns, please do not hesitate to contact me.

Best Regards,

Jaricus Whitlock, P.E.
Air II Permitting Branch
Environmental Permits Division
Office of Pollution Control
Mississippi Dept. of Environmental Quality
P.O. Box 2261
Jackson, MS 39225

Office: (601) 961-5303 Fax: (601) 961-5703

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MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting

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).

RECEIVED
APR 28 2020

- Contact Name: Eric Marshall 2. Phone Number: 662-850-6238
- Legal Company Name: Hearthside Food Solutions, LLC **MDEQ**
- Mailing Address: Street: 175 Del Stover Drive
- City: Byhalia State: MS Zip Code: 38611
- Email: emarshall@hearthsidefoods.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).

- Facility Name: Hearthside Food Solutions
- Street Address: 175 Del Stover Drive
- City: Byhalia County: Marshall County Zip Code: 38611
- Email: emarshall@hearthsidefoods.com

NO EXPOSURE CERTIFICATION

Facility/Site Location Information (Continued)

3. Latitude: 34.990313 Longitude: -89.601878 Source: Google Earth

4. Nearest named receiving stream: Nonconnah Creek

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

Not at this time

7. SIC/Activity Codes: Primary: 4225 Secondary (if applicable): 5141

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Materials or residuals on the ground or in storm water inlets from spills/leaks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Materials or products from past industrial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer "Yes" to any of these questions (1) through (11), you are not 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 Name¹: John Denny

Print Title¹: Senior Director, Engineering

Signature¹: 

Date: 4/21/20

¹Certification 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 (")

- The number to left of the decimal point are the degrees: 45°
- To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006: $1234 \times 0.006 = 7.404$
- The numbers to the left of the decimal point in the result obtained in (b) are the minutes: 7'
- To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result obtained in (b) by 0.06: $404 \times 0.06 = 24.24$. 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".**

April 21, 2020

Chief
Environmental Permits Division
Office of Pollution Control,
P.O. Box 2261,
Jackson, MS 39225

RECEIVED
APR 28 2020

MDEQ

**RE: Stormwater No Exposure Certification
Hearthside Food Solutions
175 Del Stover Drive
Byhalia, MS 38611**

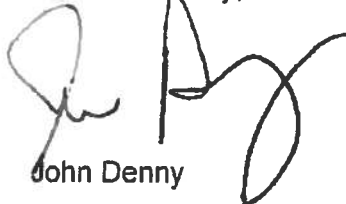
Dear Sir/Madam,

Enclosed please find the No Exposure Certification (NEC) for exclusion from the requirements of the State of Mississippi's Department of Environmental Quality Baseline Storm Water General Permit for Industrial Activities, permit number MSR00, for Hearthsides Food Solutions in Byhalia Mississippi.

Hearthsides Food Solutions operates a packaging, repackaging, and warehousing facility for snack packs at 175 Del Stover Drive Byhalia, MS. The facility packages foods brought onsite in one of four packaging lines and packages pre-packaged foods into snack packs. Most of the facility is used for warehousing purposes. All facility operations are indoors except for one aboveground storage tank used for fuelling trucks and a fully enclosed trash compactor. The tank fuelling operations are allowable under an NEC according to the Environmental Protection Agency Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on "No Exposure" of Industrial Activities to Storm Water section 3.1.2. No other facility operations or storage are outside.

Please do not hesitate to contact the Plant Manager, Eric Marshall at emarshall@hearthsidefoods.com or 662-850-6238, or our consultant Abigail McDowell with RPS at Abigail.mcdowell@rpsgroup.com or 219-689-2537 with any questions.

Yours Sincerely,



John Denny

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.

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Print Name¹: John Denny

Print Title¹: Senior Director, Engineering

Signature¹: 

Date: 4/21/20

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