

NPDES
FORM



United States Environmental Protection Agency
Washington, DC 20460
Low Erosivity Waiver (LEW) Certification

This form provides notice to EPA that you, the project operator identified in Section II of this form, are certifying that construction activity at the project site identified in Section III, will take place during a period when the rainfall erosivity factor is less than five [40 CFR 122.26(b)(15)(i)(A)]. By submitting a complete and accurate form, the otherwise applicable NPDES permitting requirements for stormwater discharges associated with construction activity, are waived. Based on your certification, a waiver is granted for the period beginning on the date this Low Erosivity Waiver Form is mailed to EPA (i.e., postmark date), or the project start date specified in Part IV of this form, whichever shall occur last, and ending on the project completion date specified in Part IV. Refer to the instructions at the end of this form for more details.

I. Approval to Use Paper Form

Have you been granted a waiver from electronic reporting from the Regional Office *? YES NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

- Waiver granted: The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.
- The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver: [Grid]

Date approval obtained: [Grid]

* Note: You are required to obtain approval from the applicable Regional Office prior to using this paper Low Erosivity Waiver Certification form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).

II. Operator Information

Operator Name: [Grid]

Are you requesting coverage under this NOI as a "federal operator" as defined in Appendix A? YES NO

Mailing Address:

Street: [Grid]

City: [Grid] State: [Grid] Zip Code: [Grid]

County or Similar Government Division: [Grid]

Phone: [Grid] - [Grid] - [Grid] Ext. [Grid]

Email: [Grid]

Operator Point of Contact Information:

First Name, Middle Initial, Last Name: [Grid]

Title: [Grid]

III. Project/Site Information

Project/Site Name: [Grid]

Project/Site Address:

Street/Location: [Grid]

City: [Grid] State: [Grid] ZIP Code: [Grid]

County or Similar Government Subdivision: [Grid]

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Form Approved OMB No. 2040-0004

Who May Qualify for a Low Erosivity Waiver

Under the National Pollutant Discharge Elimination System (NPDES) Program, operators of construction projects that result in land disturbances equal to or greater than one acre, including sites that are less than one acre but are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, are required to obtain coverage under an NPDES permit for stormwater discharges associated with construction activity. EPA may waive the otherwise applicable permit requirements for stormwater discharges from construction activities that disturb less than five acres if the construction activity will take place during a period when the rainfall erosivity factor (R factor) is less than five. More information on the low erosivity waiver is available on the web in the Construction Rainfall Erosivity Waiver Fact Sheet at <https://www.epa.gov/npdes/construction-rainfall-erosivity-waiver-fact-sheet> and can be accessed from <https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites>. For questions related to completion of this form, you may contact EPA's Notice of Intent Processing Center toll free at 1-866-352-7755.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. **Please submit the original document with signature in ink - do not send a photocopied signature.**

Section I. Approval to Use Paper Low Erosivity Waiver Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper Low Erosivity Waiver form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See <https://www.epa.gov/npdes/contact-us-stormwater#regional> for a list of EPA Regional Office contacts.

Section II. Operator Information

Each legal entity that meets EPA's definition of "operator" (see definitions in Appendix A of EPA's NPDES Construction General Permit) and that meets the eligibility conditions for the low erosivity waiver must file this form to have the permit requirements waived. The operator is any party associated with a construction activity that meets either of the following two criteria: (1) the party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) the party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit). It is possible that there will be more than one operator at a site and, in such cases, each entity that meets the operator definition must complete a Low Erosivity Waiver Certification. Provide the legal name of your firm, public organization, or other entity that operates the project described in this waiver certification. Usually this will be a company or organization's name but for construction activities undertaken by you as an individual, this should be your name.

Indicate whether you are seeking a waiver for permit coverage under this permit as a "federal operator" as defined in Appendix A.

Also provide the operator's mailing address, country, telephone number, and e-mail address for someone who can answer questions about the site (e.g., a project or site manager). Enter a point of contact (if different from the operator's name).

Section III. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project lacks a street address, indicate the general location of the site (e.g., intersection of State Highways 61 and 34).

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian tribe, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property. Answer the other three questions on projects located in Oklahoma and Texas. This information is used to determine whether EPA is the permitting authority for the construction project, and thus has authority to waive the otherwise applicable requirements of the Construction General Permit.

Enter the area (estimated to the nearest quarter acre) to be disturbed including, but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Note: 1 acre = 43,560 sq. ft.

Section IV. Rainfall Erosivity Factor Calculation Data

The construction period begins with the initial earth disturbance and ends with final site stabilization. To qualify for this waiver, the rainfall erosivity factor for the project must be less than five during the entire construction period. Specify the construction period by entering the project start date (date of initial earth disturbance) and project completion date (date of final site stabilization). For example, a grading contractor that is operating on-site for only one week during a nine month construction project, must enter the start date and completion date of the entire nine month construction period.

Where the environmental threat is low (i.e., in arid and semi-arid climates), "final stabilization" can include techniques that employ re-vegetation combined with other stabilization measures, consisting of temporary degradable rolled erosion control products, also known as "erosion control blankets (ECBs)". With proper selection, design, and installation of the combination re-vegetation/ECB technique in arid or semi-arid areas, an operator can be considered to have achieved final stabilization upon completion of the installation process. Note that if more than three years is required to establish 70 percent of the cover that is provided by vegetation native to local undisturbed area, this technique cannot be used or cited for fulfillment of the final stabilization requirement. If your waiver is based on use of interim non-vegetative stabilization measures, such as erosion control blankets, to establish the end of the construction

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period, you must indicate so on this form. In doing so, you must commit and certify (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization, as defined in the Construction General Permit, have been met.

The rainfall erosivity factor "R" is determined in accordance with the U.S. Department of Agriculture *Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE)*, Chapter 2 pages 21-64, dated January 1997. EPA's Construction Rainfall Erosivity Waiver Fact Sheet (EPA 833-F-00-014), available online at <https://www3.epa.gov/npdes/pubs/fact3-1.pdf> defines rainfall erosivity and provides numerical examples showing how to calculate your rainfall erosivity factor. You may use the fact sheet approach or the online rainfall erosivity factor calculator available at: <https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites> to calculate your rainfall erosivity factor for your project.

If the R factor is five or greater during the project's construction period, you must have or obtain coverage under an NPDES stormwater permit. If the project was eligible for the waiver during the original construction period, but the construction activity will extend past the project completion date specified in the Low Erosivity Waiver Certification, the operator must recalculate the R factor using the original start date and a new project completion date. If the recalculated R factor is still less than five, a new waiver certification form must be submitted before the end of the original construction period. If the new R factor is five or greater, the operator must submit a Notice of Intent to be covered by the Construction General Permit before the original project completion date. The Notice of Intent (NOI) form may be submitted electronically using EPA's NPDES eReporting Tool (NeT) at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>. If the EPA Regional Office grants you a waiver from electronic reporting, you may submit a paper NOI form available on the EPA website at <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>.

Section V. Certification Information

All Low Erosivity Waiver Certification forms must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public facility: By either a principal executive officer or ranking elected official. For purposes

of this Section, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the signature date. An unsigned or undated Low Erosivity Waiver Certification will not be considered valid.

Where to File This Form

Low Erosivity Waiver Certification forms must be sent to one of the following two addresses.

Regular U.S. Mail Delivery

EPA Stormwater Notice
Processing Center
Mail Code 4203M
Attn: 2017 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Overnight/Express Mail Delivery

EPA Stormwater Notice
Processing Center
Room 7420
Attn: 2017 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Please submit the original form with a signature in ink. Do not send a photocopied signature!

Paperwork Reduction Act Notice

Public reporting burden for this certification form is estimated to average 1.0 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Strategies Branch (2822T), U.S. Environmental Protection, Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.