



Low Erosivity Waiver (LEW) Creating and Submitting an LEW Form

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CGP

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What do I Need?

You should have the following things ready before completing your LEW:

- CDX account;
- Rainfall Erosivity Factor (R Factor);
- Longitude and Latitude information of your project site.

Information about where coverage is available under the 2012 CGP can be found in Appendix B of the CGP at http://www.epa.gov/npdes/pubs/cgp2012_appendixb.pdf. Coverage under the 2012 CGP LEW is in the following areas:

- ID, MA, NH, NM, DC, AS, GU, Johnston Atoll, Midway and Wake Islands, Northern Mariana Islands, PR;
- Areas within Colorado, Delaware, Vermont, Washington subject to construction by Federal Operators; Limited areas of OK and TX;
- Indian Country lands within AK, AZ, CA, CO, CT, ID, IA, KS, LA, MA, MI, MN, MT, NE, NV, NM, NY, ND, OK, OR, RI, SD, TX, UT, VT, WA, WI, WY.

Key Terms

For construction-related key terms and definitions, see Appendix A of EPA's 2012 Construction General Permit (CGP) found here: http://www.epa.gov/npdes/pubs/cgp2012_appendixa.pdf.

For detailed information on the Construction Rainfall Erosivity Waiver, see EPA Fact Sheet 3.1 here: <http://www.epa.gov/npdes/pubs/fact3-1.pdf>.

R FACTOR:

R Factors are estimates of annual erosivity values for sites throughout the country. They are used as surrogate measures of the impact that rainfall has on erosion from a particular site. EPA has established the R Factor of less than 5 as the criteria for determining waiver eligibility.

LOW EROSIVITY WAIVER:

A waiver allowing permitting authorities to waive sites from NPDES permit requirements that do not have adverse water quality impacts (an R factor of less than 5).

Frequently Asked Questions

Do I qualify for an LEW in lieu of obtaining a Construction General Permit?

EPA may waive 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.

How do I calculate my R Factor?

To assist you in calculating your R Factor, please use either of the following links:

R Factor Calculator: <http://cfpub.epa.gov/npdes/stormwater/lew/lewcalculator.cfm>

EPA Fact Sheet 3.1: <http://www.epa.gov/npdes/pubs/fact3-1.pdf>.

What if I have an active LEW, but my project lasts longer than my estimated end date?

A portion of the R Factor Calculation is based on the length of time of the project, therefore you will need to recalculate your R Factor to determine your new R Factor value. If the R Factor is 5 or greater you will need to complete a CGP Notice of Intent (NOI).

What if my estimated area to be disturbed changes?

In order to remain eligible for coverage under the LEW, your estimated area to be disturbed cannot exceed 5 acres. You may edit your existing LEW to reflect an increase or decrease in the disturbed area. If your estimated area to be disturbed exceeds 5 acres, you will need to file an NOI.

What is a certification key

A certification key acts as a verification measure to ensure that the user assigned to certify the CGP LEW is doing so through the CDX account that has been registered to his/her email address.



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Logging into EPA's Central Data Exchange (CDX) and Accessing the Homepage

Ensure you have previously registered for CDX. Log in to CDX with your CDX information. Enter "CGP" from MyCDX to certify, view, or modify LEWs.

Guidance for users with a CDX account: http://www.epa.gov/npdes/pubs/sw_cgp_enoj_existingaccounts.pdf

Guidance for users without a CDX account: http://www.epa.gov/npdes/pubs/sw_cgp_enoj_tutorial_newusers.pdf

CGP HOMEPAGE TO SEARCH, EDIT, OR MIGRATE RECORDS:

Once you reach the CGP eNOI homepage you may search through your existing LEW records to locate a previously drafted, active, or migrated LEW. You may click on the waiver tracking number assigned to your LEW to perform the desired action.

Creating a New LEW

Click Create New LEW in the left navigation panel to begin your LEW application process. Some answers will yield a response that EPA is not the permitting authority for your construction site. Click to download Appendix B of EPA's Final 2012 Construction General Permit for information relating to where EPA is the permitting authority. On the Interview page you will answer questions about the R Factor, estimated area to be disturbed, and the project/site location.

OPERATOR INFORMATION:

On the Operator Information page you will add the project/site name, operator's name, mailing address, and point of contact.

PROJECT INFORMATION:

On the Project Information page you will add the project/site address, latitude/longitude data source, horizontal reference datum, and the estimated project start and end dates. The rainfall erosivity factor questions and estimated area to be disturbed that you answered on the first page of the LEW process will appear on this page as well. You may edit these questions here if you wish. You will need to answer if there are interim non-vegetative site stabilization measures on your project/site. After answering these questions, click next.

CERTIFICATION INFORMATION:

Add the Certifier and Preparer information. The Certifier may be different than the Preparer. However, the Certifier **MUST** register their own CDX account to the email address designated for them in the LEW in order for the certification process to work correctly. After completing this section and choosing next, you will be directed to the Review page.

Certification and Review

PREPARER REVIEW:

Review all information input on the Review page. You may edit, add, and delete information as necessary. Once the review is completed, Click "Submit to Certifier" to send the LEW to the certifying official for review and certification. Download the LEW PDF for your personal records.

CERTIFYING E-MAIL:

After you Submit to Certifier on the Review Page, the Certifier will receive an email with a certification key that is linked to the certifying official's email address listed on the drafted LEW. The Certifier needs to login to their CDX account that is registered to the same email address listed on the drafted LEW application.

CERTIFICATION KEY AND CERTIFIER REVIEW:

If you are the Certifier, after you receive the certification key, log into your CDX account. In the left hand navigation pane, click Add Certification Key. Copy the certification key you received in the email and paste it in the certification key field, then click add. You should see a confirmation message showing the LEWs that have been associated with your account. Click Home in the left navigation pane. Click on the permit tracking number of the LEW that you wish to review and certify. Review the information listed on the LEW application, making edits as necessary. Complete the certification process on the LEW by clicking the "Submit to EPA" button. A confirmation screen will be displayed indicating that you have submitted your LEW to EPA for review. Once certified, click Home and verify that the status for the record shows "Active".

Contact Information

Contact EPA's NOI Processing Center if you would like assistance:

By Telephone: Live telephone support is available from 8:00 am to 5:30 pm (EST) at 866-352-7755.

By Web-form: Fill out the online form at www.epa.gov/npdes/noicontact

By E-mail: Send an e-mail to NOI Center staff at noi@avanticorporation.com