



# Low Erosivity Waiver Certification

## Storm Water Discharges Associated with Construction Activity

### under an APDES Construction General Permit

This form provides notice to DEC that the project operator identified in Section I of this form are certifying that construction activity at the project site identified in Section II, will take place during a period when the rainfall erosivity factor is less than five [40 CFR 122.26(b)(15)(i)(A) adopted by reference at 18 AAC 83.010(b)(3)].

By submitting a complete and accurate form, the otherwise applicable APDES 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 DEC (i.e., postmark date), or the project start date specified in Part III of this form, whichever shall occur last, and ending on the project completion date specified in Part III. Refer to the instructions at the end of this form for more details.

Note this waiver is only available to storm water discharges associated with small construction activities (i.e., 1-5 acres). See 2016 CGP, Appendix D.

I. Operator Information			
Organization:		Name:	Title:
Phone:	Fax (optional):	Email:	
Mailing Address:	Street (PO Box):		
	City:	State:	Zip:

II. Project / Site Information			
Project Name:		Estimated Start Date:	Estimated End Date:
Brief Description of Project:		Estimated Area to be Disturbed (nearest tenth acre):	
Location Address:	Street:	Borough or similar government subdivision:	
	City:	State: Alaska	Zip:
Latitude (decimal degree, 5 places):	Longitude (decimal degree, 5 places):	Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> Web, Source:	
		<input type="checkbox"/> USGS Topographic Map, scale:	
		<input type="checkbox"/> Other:	

III. Rainfall Erosivity Factor Calculation Data	
Are interim non-vegetative site stabilization measures used to establish the project completion date for purposes of obtaining this waiver?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Rainfall erosivity factor (R factor):	
<b>Note:</b> To qualify for this waiver, the construction activity must take place during a period when the R factor is less than five.	
Rainfall erosivity factor was calculated by using:	
<input type="checkbox"/> Online calculator, <input type="checkbox"/> Table 4-3 of 2016 CGP Fact Sheet, <input type="checkbox"/> USDA Handbook 703	

**IV. Certification Information**

An Alaska Pollutant Discharge Elimination System (APDES) permit application or report must be signed by an individual with the appropriate authority per 18 AAC 83.385. For additional information, please refer to 18 AAC 83.385 at the following link: <http://www.legis.state.ak.us/basis/aac.asp#18.83.385>.

Corporate Executive Officer 18 AAC 83.385 (a)(1)(A)	For a corporation, a 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.
Corporate Operations Manager 18 AAC 83.385 (a)(1)(B)	For a corporation, the manager of one or more manufacturing, production, or operating facilities, if (i) the manager is authorized to make management decisions that 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 statutes and regulations; (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
Sole Proprietor or General Partner 18 AAC 83.385 (a)(2)	For a partnership or sole proprietorship, the general partner or the proprietor respectively.
Public Agency, Chief Executive Officer 18 AAC 83.385 (a)(3)(A)	For a municipality, state, or other public agency, the chief executive officer of the agency.
Public Agency, Senior Executive Officer 18 AAC 83.385 (a)(3)(B)	For a municipality, state, or other public agency, a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
<p><i>*For Delegated Authority: the delegation must be made in writing and submitted to the DEC. An Example of written authorization delegating authority can be found on the Division of Water website: <a href="http://dec.alaska.gov/Water/OASysHelp/attachments/Delegation_Authorization_Form.pdf">http://dec.alaska.gov/Water/OASysHelp/attachments/Delegation_Authorization_Form.pdf</a></i></p>	
Operations Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(A)	For a duly authorized representative, an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility.
Environmental Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(B)	For a duly authorized representative, an individual or position having overall responsibility for environmental matters for the company.

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 gather and evaluate 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.

Organization:		Name:		Title:	
Phone:		Fax (optional):		Email:	
Mailing Address: <input type="checkbox"/> Check if same as Operator Information		Street (PO Box):			
		City:		State:	
				Zip:	
Signature _____			Date _____		

# Instructions for Completing a Low Erosivity Waiver Form for Storm Water Discharges Associated with Construction Activity under an APDES Construction General Permit

## Who May Qualify for a Low Erosivity Waiver

Under the Alaska Pollutant Discharge Elimination System (APDES) 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 APDES permit for stormwater discharges associated with construction activity.

DEC 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 in the 2016 CGP Fact Sheet Appendix D. For questions related to completion of this form, you may contact DEC's Stormwater Program at (907) 269-6285.

## Completing the Form:

You must type or print in appropriate areas only. One form must be completed for each facility or site for which you are seeking to obtain a Low Erosivity Waiver. Additional guidance on completing this form can be accessed at DEC's Storm Water Program website:

<http://www.dec.state.ak.us/water/wnpspc/stormwater/stormwater.htm>.

Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to DEC.

## Section I. Operator Information:

Each legal entity that meets DEC's definition of "operator" (see definitions in Appendix C of DEC's APDES 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 the legal entity that either (1) has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or (2) has day-to-day operational control of some or all of those activities.

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. Enter the operator's complete mailing address and name of contact person, telephone number, fax number (optional) and email who can answer questions about the site (e.g., a project or site manager).

## Section II. Project/Site Information:

Enter the official or legal name, a brief description of the project or site, and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit authorization to be granted.

Provide the latitude and longitude of the facility in , decimal degrees format with up to 5 digit accuracy. 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, Google Earth, Bing Maps, and EPA's web-based siting tools, among others. Refer to

[www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) for further guidance on the use of these methodologies. For consistency, DEC requests that measurements be taken from the approximate center of the construction site. Applicants must specify which method they used to determine latitude and longitude. If a U.S.G.S. topographic map is used, applicants are required to specify the scale of the map used. Enter the estimated construction start and completion dates using four digits for the year (i.e., 05/27/2015).

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

## Section III. 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.

DEC believes, where the environmental threat is low (i.e., in arid and semi-arid climates), that "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 natural vegetative cover, 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 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.

If the R factor is five or greater during the project's construction period, you must have or obtain coverage under an APDES 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 DEC's Online Application System (OASys). OASys can be accessed at <http://dec.alaska.gov/Water/oasys/index.html>. If you choose to fill out an NOI and mail it to DEC you can obtain a copy at <http://www.dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

#### **Section VI. Certification Information:**

The Low Erosivity Waiver must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the Low Erosivity Waiver, a responsible corporate officer means:
  - (A) a 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
  - (B) the manager of one or more manufacturing, production, or operating facilities, if
    - (i) the manager is authorized to make management decisions that 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 statutes and regulations;
    - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and

(iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
  - (A) the chief executive officer of the agency; or
  - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
- (4) Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated waiver form will not be considered valid application for exclusion from permit coverage.

#### **Where to File Low Erosivity Certification Form**

Please submit the original form with a signature in ink. Remember to retain a copy for your records.

NOIs sent by mail:

Alaska Dept. of Environmental Conservation  
Division of Water  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501  
Phone: (907) 269-6285  
Email: [DEC.Water.WQPermit@alaska.gov](mailto:DEC.Water.WQPermit@alaska.gov)