

Rainfall Erosivity Waiver Application (REWA) Instructions

Who Must File a REWA?

Federal law through the Clean Water Act and 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity (which includes construction activity) to Waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. Therefore, the owner or operator of a site where small construction activity occurs must either obtain coverage under the general NPDES permit to discharge stormwater or must request a waiver of the applicable requirements of the general NPDES permit.

The Rainfall Erosivity Waiver Application is a request by an owner or operator of a small construction activity for a waiver of the applicable requirements of the Kansas Water Pollution Control general NPDES permit for Stormwater Runoff from Construction Activity.

Owners or operators who discharge stormwater runoff from small construction activity on or after March 10, 2003 must apply for authorization under the general NPDES permit for Stormwater Runoff from Construction Activity or must apply for a rainfall erosivity waiver. Small construction activity consists of any activity (e.g. clearing, grubbing, excavating, grading, etc.) which disturbs a cumulative total area equal to one (1.0) acre; or greater than one (1.0) acre and less than five (5.0) acres. Activity which disturbs less than one (1.0) acre is considered to be small construction activity when the site is part of a larger common plan of development or sale which will disturb a cumulative total area equal to one (1.0) acre; or greater than one (1.0) acre and less than five (5.0) acres.

The REWA, the general NPDES permit, application forms, and other reference material, is available from the [KDHE Stormwater Website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater)

A hard copy of the REWA, the general NPDES permit, the general permit information packet, or other reference material may also be obtained by sending a written request to KDHE at:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

For additional information, contact KDHE at (785) 296-5549.

Where To Send the REWA

Send the REWA to the address given above.

When to Send the REWA

Submit an REWA no later than 60 days prior to the start of construction.

Applicants are encouraged to submit an REWA as soon as possible to avoid delaying construction. KDHE anticipates authorizing most REWAs within 60 days following receipt. However, if a waiver is denied, an applicant will be required to submit an NOI for coverage under the general NPDES permit, or an application for an individual Kansas Water Pollution Control permit.

Applicants for a rainfall erosivity waiver are not authorized to discharge under the general NPDES permit for Stormwater Runoff from Construction Activities. The requirements and conditions of the general permit are not waived until KDHE has authorized the REWA. **Coverage is waived when the Kansas Department of Health and Environment (KDHE) authorizes the Rainfall Erosivity Waiver Application (REWA). When KDHE authorizes the REWA, a signed and dated copy of the authorized REWA will be sent to the owner or operator.**

Fee: No fee is required for a rainfall erosivity waiver.

Section I Owner or Operator & Record Location Information

Identify the party or parties that either individually or taken together have operational control over the site specification; and which have the day-to-day operational control of those activities at the site necessary to ensure compliance. The responsible party is the legal entity that controls the site's operation, rather than the site manager. Do not use a colloquial name. Enter the owner or operator's complete mailing address.

For a typical commercial construction site, the owner or operator and general contractor must both apply. For a typical residential development, the developer and all builders must apply. On or after March 10, 2003, each builder who individually does not engage in a small construction activity must also apply when the larger plan of development is a small or large construction activity.

Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the REWA, or if the activity will be on a right of way, leased property, or easement, give the name of the responsible party.

Records regarding the waiver must be kept at the site or at a readily available location. If the records cannot be located on the project site, provide the address where the records will be located.

Section II Site Information

A. Location

Enter the project's official or legal name and physical location including the complete street address, city, county, state, and ZIP code. Also include the legal address including the section, township, and range and the nearest quarter/quarter section; 40 acres of the center of the site.

Enter the name and phone number of a person who can be contacted regarding this construction site. The owner or operator and contact person need not be the same.

B. Existing Conditions/Uses

Indicate whether the site is located on Indian lands. If the entire construction disturbance is located on Indian land, the owner or operator does not need to submit this form to KDHE. For information regarding discharging stormwater runoff on Indian lands contact:

Storm Water Coordinator
U.S. EPA, Region VII
901 North 5th Street
Kansas City, Kansas 66101

EPA is the permitting authority on Indian lands. To request a rainfall erosivity waiver for discharging stormwater runoff from construction activities conducted on Indian lands, the applicant must contact EPA.

If stormwater runoff from small construction activities flows into a municipal separate storm sewer system (MS4), enter the name of the MS4 operator (e.g., municipality name, county name, or the name of the responsible public body).

If stormwater runoff from small construction activities flows directly to a receiving water (e.g., a lake, river, or tributary, etc.), enter the name of the first receiving water. To identify a receiving water, refer to the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S.) topographic map or KDOT general highway map for the county.

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The Kansas Surface Water Register, can be downloaded from the [KDHE Stormwater Website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater). A hard copy of the list of waters or the complete Surface Water Register may also be obtained by sending a written request to KDHE at the address above.

Identify any and all known soil contamination areas at the project.

C. Project Description

Briefly describe the nature of the construction activity.

Enter the project start date and the estimated completion date for the entire development plan.

For the purpose of this waiver, the project starts when vegetation removal or soil disturbing activities begin, and the project ends when final stabilization has been completed.

Estimate the area to be disturbed. Include access roads to be constructed, and adjacent or on-site material borrow areas and excess material storage areas. Projects which disturb 5 acres or more, or which are part of a larger common plan of development or sale which disturb a cumulative total area of 5 acres or more, are not eligible for a rainfall erosivity waiver.

D. Site Plan

Attach a detailed site plan(s) showing the existing contours; proposed contours; and stormwater discharge outfall(s). Identify the areas where soil will be disturbed and stabilization practices are expected to occur.

E. Area Map

Provide a topographic map or maps of the area extending at least to one mile beyond the property boundaries of the site which clearly shows:

The construction site boundaries, access roads, and the area(s) where soil will be disturbed;

The location of each existing and proposed stormwater discharge point;

Rivers, waterways and drainage ditches, and the flow direction; and

Surface water intakes for public water supplies.

Use a 7½ minute series map as published by the U.S.G.S. (or a photocopy of the pertinent portions). Maps for the State of Kansas may be obtained from the U.S.G.S. Office or Kansas Geological Survey Offices listed below.

Kansas Geological Survey
1930 Constant Avenue
Lawrence, Kansas 66047-3724
(785) 864-2157

Kansas Geological Survey
4150 Monroe Street
Wichita, Kansas 67209
(316) 943-2343

Section III. Erosivity Factor Calculation (The R Factor)

Erosivity is the potential for stormwater to erode exposed soil which has been disturbed by construction. The requirements of the general NPDES permit may be waived for small construction activities if the rainfall erosivity factor (R) is less than 5 during the construction period. If the rainfall erosivity factor is 5 or more, the owner or operator must submit an NOI For Stormwater Runoff from Construction Activities.

To calculate the R factor for the proposed construction project, the applicant must obtain a copy of Fact Sheet 3.1 - Storm Water Phase II Final Rule Construction Rainfall Erosivity Waiver, EPA 833-F-00-014, January 2001, (See endnote 1, page 3)

Fact Sheet 3.1 is available from a link on the [KDHE Stormwater Website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater).

The fact sheet can also be downloaded directly from the EPA Stormwater Program Website at:

cfpub1.epa.gov/npdes/stormwater/swcover.cfm?program_id=6

A hard copy of Fact Sheet 3.1 may also be obtained by sending a written request to KDHE at the address above.

A. R Calculation Worksheet:

To calculate the erosivity factor, the applicant must refer to the Figures and Tables found in Fact Sheet 3.1.

Using Figure 1: Erosivity Index Zone Map, determine the Erosivity Index (EI) Zone. In Kansas, valid EI zones are 88, 89, 99 or 103.

EI zone from Figure 1: _____

Using Table 1: Erosivity Index Table, determine the Erosivity Index value which corresponds to the EI zone of the project location and the start up and completion date of the project.

Table 1 presents the Erosion Index as a cumulative percentage for consecutive semi-monthly periods throughout a calendar year. In this table each row is an EI zone, and each column is a semi-monthly period consisting of one half of a month. Please note that the completion date corresponds with final stabilization.

Anticipated Start Date: _____
Line 1. EI value from Table 1: _____

Completion Date: _____
Line 2. EI value from Table 1: _____

Using Figure 2: Isoerodent Map of the Eastern U.S., estimate the Annual Erosion Index by interpolating between isoerodent contours as necessary.

Line 3. Annual Erosion Index: _____

Valid Annual Erosion Indexes range from 60 to 250.

B. Projects Completed in the Same Calendar Year:

Projects completed in the same calendar year use Lines 4 and 5.

Line 4. Subtract the Start Date EI value from the Completion Date EI value. (Line 2 - Line 1): _____

Line 5. Multiply the difference by the Erosion Index to compute R. (Line 4 X Line 3): _____

Line 5 is the R factor for this project.

C. Projects Completed in a Different Calendar Year:

Projects completed in different calendar years use Lines 6, 7, and 8.

Line 6. Subtract the Start Date EI value from 100. (100 - Line 1): _____

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Line 7. Add the difference to the Completion Date EI value.
(Line 6 + Line 2): _____

Line 8. Multiply Line 7 by the Erosion Index to compute R.
(Line 7 x Line 3): _____

Line 8 is the R factor for this project.

For phased construction projects with planned intervals of non-activity, the end of a phase is not considered a completion date unless final stabilization has been completed between each phase. Disturbed soils which are exposed during each phase must be vegetated and stabilized when construction has been halted. Phased construction projects which are part of a larger common plan of development or sale which disturb a cumulative total area of 5 acres or more, are not eligible for a rainfall erosivity waiver.

Section IV. Applicant Certifications

Applicants must read and understand the statements in this section of the application before signing the application. Federal and State statutes provide for severe penalties for submitting false information.

The application must be signed by the project owner or operator, or an authorized representative. For corporations, partnerships, sole proprietorships, and public entities, the REWA must be signed by one of the following:

For a corporation: by a responsible corporate officer, which 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

Endnotes

1. EPA 833-F-00-014, January 2001

The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997. Copies may also be obtained from EPA's Water Resource Center, Mail Code RC4100, 401 M St. SW, Washington, DC 20460. A copy is also available for inspection at the U.S. EPA Water Docket, 401 M Street SW, Washington, DC 20460, or the Office of the Federal Register, 800 N. Capitol Street N.W. Suite 700, Washington, DC.