



WATER PROTECTION BUREAU

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FORM
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Rainfall Erosivity Waiver Form
MTR1W0000

RAINFALL EROSIIVITY WAIVER FORM for Exclusion from MPDES Permitting for Storm Water Discharges Associated with Construction Activity (MTR100000). The attached instructions must be referenced in order to complete this form properly. Submit the completed form with the appropriate fee. Please print or type legibly; forms that are not legible, not complete, or unsigned will be returned. This Form can only be used for construction projects initiating construction-related ground disturbance no earlier than March 1st and completing construction work and achieving "final stabilization" no later than November 30th of the same calendar year. You must maintain a copy of the completed form for your records.

Section A - Name and Address of Applicant (Owner or Operator)

Applicant (Owner or Operator) Name: _____
Mailing Address: _____
City, State, and Zip Code: _____
Email Address (optional): _____
Phone Number: (____) _____
Who is applying (check): Construction Project Owner _____ Contractor _____
Contact Person (familiar with facility):
Name: _____
Title: _____ Phone Number: _____

Section B - Location of the Construction Activity Site

Street Address or Location Description:

City, State, and Zip Code: _____
County: _____
Site Name of Construction Activity or Facility:

Latitude of the Construction Activity Site: _____
Longitude of the Construction Activity Site: _____

Section C - Briefly Describe the Nature of the Construction Activity

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Section D - Area of Construction-Related Disturbance at the Construction Activity Site

Section E - Indicate the name of the receiving surface water(s): Attach a USGS topographic map showing the construction activity location and receiving surface waters. If storm water from the construction activity site enters a storm sewer system, identify that system and indicate the ultimate named receiving surface water for the storm sewer system.

Section F - Rainfall Erosivity Factor

Indicate the determined Rainfall Erosivity Factor, otherwise known as "R Factor", rounded to the nearest tenth of a decimal place (this value must be less than five in order to qualify for the use of this Form): _____

The Department reserves the right to revoke or refuse to grant the waiver based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to state waters.

The Department may not grant waivers for construction sites located in areas where snow cover can exist at the site for extended periods of time, particularly if the construction site will remain active and unstabilized during the snowmelt runoff periods. The Department will make the decision on whether or not a project qualifies for the waiver based on information provided by the permittee, and other sources, such as local government agencies.

Check which one of the following two methods was used to determine the Rainfall Erosivity Factor:

Method #1 - Environmental Protection Agency Website Online Calculator; or

Method #2 - Using Tables & Maps from EPA's Storm Water Phase II Final Rule Fact Sheet 3.1: Low Rainfall Erosivity Waiver (EPA 833-F-00-014, published 01/01/2001)

For all applicants (using either Method #1 or #2), referring to the instructions, please provide the following information which was used in the Rainfall Erosivity Factor determination:

1.	The start date of the construction project.	Start Month / Day / Year
2.	The end date of the construction project (after "final stabilization" is achieved).	End Month / Day / Year
3.	The county the project is located in. If the project is in two or more counties, the county that the majority of the project lies within must be used.	County

For those applicants which used Method #1, please submit an original print-out of the result page (from the website's online R Factor calculator) demonstrating the above provided information, and which indicates the R Factor is below five. If Method #1 was used, Items #4 through #11 below do not need to be completed.

For those applicants using Method #2, then items #4 through #11 do need to be completed, and the result indicated in Item #11 is the determining R Factor.

For those applicants who used Method #2, the directions from EPA's Fact Sheet 3.1 must be followed. Based on the maps and tables provided in Fact Sheet 3.1, please provide the following additional information in the boxes on the chart below.

4.	Provide the Erosivity Index Zone Number from Figure 1 (for Montana this will be either 41, 42, 43, 44, 45, 46, or 47)	Erosivity Index Zone
5.	Provide the Annual Erosivity Factor Number from Figure 3 (for Montana this will be an interpolated whole number ranging from 10 to 40)	Annual Erosivity Factor
6.	Provide the Erosivity Index 15-day period that the start date (Item #1) falls within from those along the top of Table 1 (e.g., June 1-15). This can be no earlier than the March 1-15 period.	Start Period
7.	Provide the corresponding Erosivity Index value in Table 1 for the Start Period indicated in Item #6 above.	Start R Factor
8.	Provide the Erosivity Index 15-day period that the end date (Item #2) falls within from those along the top of Table 1 (e.g., Oct 16-31). If the completion date falls within the same 15-day period as the starting date, the next 15-day period must be used. For example, if the project will begin on June 1st and end on June 10th, the period used for the start of the project would be "June 1-15" and the period used for the end of the project would be the next period, "June 16-30". This end date period can be no later than the November 16-30 period.	End Period
9.	Provide the corresponding Erosivity Index value in Table 1 for the End Period indicated in Item #8 above.	End R Factor
10.	Subtract the Start R Factor (Item #7) from the End R Factor (Item #9), and provide this Percent Erosivity Index for the site.	Site Erosivity Index

11.	Multiply the site's Percent Erosivity Index (Item #10) times the Annual Erosivity Factor (Item #5) and provide this end product, which is the construction activity site's Rainfall Erosivity Factor.	Site R Factor
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If the Project R Factor in Method #1, or calculated in Item #11 when using Method #2, is **less than five** the project qualifies for the waiver.

If the Project R Factor in Method #1, or calculated in Item #11 when using Method #2, is **equal to or greater than five** the project **does not** qualify for the waiver, and the site owner or operator must submit a Notice of Intent for coverage under the Montana Pollutant Discharge Elimination System (MPDES) "General Permit for Storm Water Discharges Associated with Construction Activity", and comply with its requirements.

Applicant Information: This form must be completed, signed, and certified as follows:

- For a corporation, by a principal officer of at least the level of vice president;
- 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.

Please check the following boxes indicating you understand the requirements presented herein, and sign the certification:

I certify that: (1) upon approval, if any of the eligibility criteria for this erosivity waiver is no longer applicable, the project is no longer qualified for the waiver and must apply for coverage under this General Permit or an Individual MPDES Permit; (2) construction activity under this waiver will comply with applicable local storm water requirements; and (3) appropriate erosion and sediment controls will be implemented to prevent violations of water quality standards.

I understand that if the construction project’s or larger common plan of development or sale’s anticipated schedule changes so that the start date is earlier or the end date is later, such that the Project R Factor changes, then this Form must be filled out with the new information and resubmitted if the site still qualifies for the waiver, or if it doesn't qualify a Notice of Intent Package for coverage under the MPDES “General Permit for Storm Water Discharges Associated with Construction Activity” must be submitted to the Department.

I understand that if the project or larger common plan of development or sale exceeds, or is expected to exceed five acres of disturbance, and/or that if the total construction project period extends outside of the March 1st to November 30th period of eligibility within the same calendar year, a Notice of Intent Package for coverage under the MPDES “General Permit for Storm Water Discharges Associated with Construction Activity” must be submitted to the Department.

All Applicants Must Complete the Following Certification:

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 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.

A. Name (Type or Print)

B. Title (Type or Print)

C. Phone No.

D. Signature

E. Date Signed

The Department will not process this form until all of the requested information is supplied, the form is complete, and the appropriate fees are paid. Return this form, and the applicable fee to:

Department of Environmental Quality
 Water Protection Bureau
 PO Box 200901 Helena, MT 59620-0901
 (406) 444-3080