



STATEWIDE STORMWATER PERMITTING PROGRAM FOR CONSTRUCTION ACTIVITIES

The Statewide Industrial Stormwater Permitting Program for construction activities is administered by the Department of Environmental Protection (DEP), Bureau of Nonpoint Pollution Control (Bureau) in coordination with the N.J. Department of Agriculture and the State Soil Conservation Committee through the 15 local Conservation Districts (SCD) located throughout the State. It represents the next step to improve water quality of our lakes, rivers and streams, in conjunction with existing State Soil Erosion and Sediment Control Program requirements under Chapter 251.

The public has long recognized the environmental damage that can result when rainwater falls on land disturbed by construction activities, which in turn cause erosion and sedimentation. Rainwater runoff tainted by this contact often drains into nearby waterways and represents a significant component of water pollution. When the U.S. Environmental Protection Agency and states throughout the nation were given a federal Clean Water Act mandate to address this problem, New Jersey set out to craft a streamlined approach that would meet the federal requirement without adding overly burdensome regulations. The result of this effort is a program that emphasizes local

“A streamlined approach to permitting.”

delivery and maximum utilization of existing requirements and resources.

To implement this program the DEP adopted amendments to the N.J. Pollutant Discharge Elimination System (NJPDES) rules, along with the development and adoption of the Construction Activity Stormwater General Permit (NJ0088323). The majority of construction activities needing permits can now be authorized under this low-cost construction general permit directly through a local SCD in conjunction with required Soil Erosion and Sediment Control Plan certification.

Does this Affect You?

A. The construction General Permit authorization is limited to discharges of stormwater from certain construction activities that disturb one or more acres of land. A self screening form is available to determine if your activity is regulated under the Stormwater Permitting Program. If you need a permit you may be eligible for authorization under the construction general permit through your local SCD if you are engaged in:

1) construction activities including clearing, grading and excavation (that disturb one acre or more, or

that disturb less than one acre but are part of a larger plan of development or sale);

2) single family home construction that disturbs one or more acres of land and that may be exempt from Chapter 251 requirements.

3) construction of a sanitary or hazardous waste landfill before it receives wastes, or construction that does not disrupt a properly closed landfill.

B. Certain industrial facilities where construction activities are proposed are not eligible for the construction General Permit and must apply directly to DEP for other permit coverage and not the SCD:

1) facilities with storm water subject to EPA effluent guidelines for cement manufacturing; fertilizer manufacturing; steam electric; coal pile runoff; mineral mining and processing; ore mining and dressing; and asphalt emulsion;

2) all mining and quarrying activities previously covered under this permit. This includes active or inactive mining or quarrying of sand, gravel, soil, shale, or clay including crushing, grinding, pulverizing, and washing activities.

3) construction at landfills except as noted in A.3 above.

How Do You Apply?

To apply for authorization under the construction general permit you should contact your local SCD office. A Request For Authorization (RFA) may be obtained from the SCD office or on DEP's web site at <http://www.state.nj.us/dep/dwq/constrfs.htm>. The completed RFA must be returned to that office along with a check in the amount of the permit fee made payable to the Treasurer, State of New Jersey. The SCD office will issue a signed authorization when you receive your soil erosion and sediment control certification. For applicants who receive soil erosion and sediment control certifications from certain exempt municipalities, RFA's must still be submitted to the local SCD along with proof of municipal certification. Contact your local SCD for information on these exempt municipalities.

For information about other permit coverage and application requirements for activities not eligible for the construction General Permit please contact DEP at:

Bureau of Nonpoint Pollution Control
Division of Water Quality
PO Box 029
N.J Department of Environmental Protection
Trenton, NJ 08625-0029
(609) 633-7021
<http://www.state.nj.us/dep/dwq/stormw.htm>

What Are The Requirements Of The Construction General Permit?

The requirements of the construction general permit include the development and certification of a

Stormwater Pollution Prevention Plan (SPPP), routine inspections, annual reports and certifications, and reports of noncompliance.

The SPPP consists of a soil erosion and sediment control component and a construction site waste control component. The soil erosion and sediment control component will be governed by a soil erosion and sediment control plan or equivalent local requirements.

The construction site waste control component of the SPPP consists of requirements for material management to prevent or reduce waste and waste handling. Construction site waste include waste building material and rubble, chemical waste, litter, sanitary sewage and septage, contaminated soils and concrete truck washout. Waste handling will also include spill and discharge control and reporting.

What Are The Deadlines?

For new construction: You must file a RFA with the SCD at least 30 days prior to land disturbance. It is recommended that the RFA be filed with the SCD at the same time the Soil Erosion and Sediment Control Plan certification application is filed.

For new construction requiring individual permits: You must file an individual permit application with the DEP's Bureau of Permit Management at least 90 days prior to land disturbance.

What Happens If I Do Not Obtain An Authorization?

Failure to obtain a stormwater discharge permit is a violation of the Water Pollution Control Act and will

be subject to enforcement action and penalties.

What If I Violate My Construction General Permit?

Compliance with the permit requires compliance with the SPPP. Where facilities fail to comply with certified Soil Erosion and Sediment Control Plan they may be referred to the DEP for enforcement under the Water Pollution Control Act in addition to any enforcement action taken by the SCD. However, prior to enforcement actions, site inspections will be conducted by SCD personnel in cooperation with the DEP.

For More Information

Please contact your local SCD office or call the Bureau of Nonpoint Pollution Control at (609) 633-7021 for a directory of SCD offices. You may also visit our website at <http://www.state.nj.us/dep/dwq/constrfs.htm> or the Soil Conservation website at <http://www.state.nj.us/agriculture/divisions/anr/nrc/njdep.html>.