



STATEWIDE STORMWATER PERMITTING PROGRAM FOR CONSTRUCTION AND MINING ACTIVITIES

The Statewide Industrial Stormwater Permitting Program for construction and mining activities, of the Department of Environmental Protection (DEP), represents the next step to improve water quality of our lakes, rivers and streams, in conjunction with the existing Soil Erosion and Sediment Control Program under Chapter 251. To implement this program the DEP adopted amendments to the N.J. Pollutant Discharge Elimination System (NJPDES) rules, including a Construction Activity Stormwater General Permit (NJ0088323). This program is administered by the DEP's, Bureau of Nonpoint Pollution Control (Bureau) and N.J. Department of Agriculture and the State Soil Conservation Committee through the 16 local Soil Conservation Districts (SCD) located throughout the State.

The public has long recognized the environmental damage that can result when rainwater falls on land disturbed by construction and mining activities, which in turn causes 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 prevent pollution without overly

"A streamlined approach to permitting."

burdensome regulation. The result of this effort is a program that emphasizes local delivery and maximum utilization of existing requirements and resources. For that reason the majority of construction activities needing permits will be able to obtain a low-cost construction general permit in conjunction with local SCD certification of their Soil Erosion and Sediment Control Plan.

Does this Affect You?

A. The Construction General Permit authorization is limited to discharges of stormwater from certain construction and mining activities. 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 excavating (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) active or inactive mining or quarrying of sand, gravel, soil, shale, or clay including crushing, grinding, pulverizing, and washing activities,

unless excluded at B. below;

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 require an individual permit and must apply directly to the DEP and not to the SCD:

1) facilities with stormwater 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) mining or quarrying activities that either treat mined or quarried material with detergents, oil, acids, or other chemicals; or actively or inactively mine or quarry metallic minerals (ores);

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 may obtain a Request For Authorization (RFA) form from your local SCD office. The completed RFA must be returned to that office along with a check for \$300.00 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 plan 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.

Individual permit applications are available from the:

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

What Are The Requirements Of The Construction General Permit?

The requirements of the construction general permit are the development and certification of a Stormwater Pollution Prevention Plan (SPPP), routine inspections, annual reports and certifications, and reports of noncompliance. The SPPP will consist 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 wastes 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, mining or quarrying: You must file an 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, mining or quarrying 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 this permit requires compliance with the certified Soil Erosion and Sediment Control Plan. Where facilities fail to comply they may be referred to the DEP for enforcement under the Water Pollution Control Act. 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 our Bureau at (609) 633-7021 for a directory of SCD offices.