

## 5G3 – CONSTRUCTION ACTIVITY STORMWATER (GP)

### PART I

#### NARRATIVE REQUIREMENTS

##### A. Authorization Under This Permit

###### 1. Permit Area

- a. This permit applies to all areas of the State of New Jersey.

###### 2. Eligibility

- a. Except as provided in 2.b. below, this permit may authorize all new and existing stormwater discharges associated with industrial activity and small construction activities as defined in N.J.A.C. 7:14A-1.2, and that are from the following facilities:
  - i. Construction activities including clearing, grading and excavation activities. In regard to landfills such construction activities are limited to:
    - A landfill under construction which has not received any solid waste or hazardous waste as defined at N.J.A.C. 7:14A - 1.2; or
    - A landfill that has been closed in compliance with N.J.A.C. 7:26-2A.9 (the Solid Waste rules) or N.J.A.C. 7:26G (the Hazardous Waste rules), the appropriate certifications have been submitted in accordance with N.J.A.C. 7:26 or N.J.A.C. 7:26G, and the landfill is not disrupted.
    - A landfill other than those described above is deemed eligible when a written determination is made by the Department that the permit requirements are sufficient to control the construction activities..
  - b. The following stormwater discharges are not authorized by this permit:
    - i. Stormwater discharges subject to any of the following effluent guideline limitations for stormwater: cement manufacturing, materials storage piles (40 CFR 411, Subpart C); concentrated animal feeding operations (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric, coal pile runoff (40 CFR 423); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); asphalt emulsion (40 CFR 443 Subpart A); and landfills (40 CFR 445).
    - ii. Stormwater discharges from facilities with "sanitary landfills" as defined in N.J.A.C. 7:26-1.4 or "hazardous waste landfills" subject to N.J.A.C. 7:26G, unless the landfill meets the requirements of A.2.a.i above.
    - iii. Stormwater discharges from construction, other than single family home construction, that are not regulated under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., or that are not within the definition of "project" at N.J.S.A. 4:24-41g.
    - iv. Stormwater discharges that occur after the construction activities under 2.a.i, above, have been completed (see E.6. below), (If the facility being constructed is in one or more of the categories identified in subparagraphs 1i through 1ix or subparagraph 1xi of the definition in N.J.A.C. 7:14A-1.2 of "stormwater discharge associated with industrial activity," then authorization for that stormwater discharge must be obtained under another NJPDES permit (such as

NJPDES Permit No. NJ0088315, where applicable), even if authorization for the stormwater discharge from the construction activity has been obtained under this permit.)

- v. Stormwater discharges from projects or activities that conflict with an adopted Water Quality Management plan.
- vi. Stormwater discharges from "major Highlands development" within the boundaries of the "Preservation Area" of the "Highlands Region," designated by the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A.13:20-1 et seq., that does not have a "Highlands Preservation Area Approval" Highlands Applicability Determination issued by the Department that the proposed activity is exempt from the Highlands Act. (See definitions at H.3. below.)

**3. Other discharges are not authorized by this permit, even if such discharges are combined with stormwater discharges that are authorized by this permit.**

## **B. Requiring an Individual Permit or Other General Permit**

**1. The Department may require any permittee authorized under this permit to apply for and obtain an individual DSW permit, or seek and obtain authorization under another general permit. Conversely, any permittee authorized under this permit may request to be excluded from authorization under this permit by applying to the Department for an individual DSW permit or for another general DSW permit. Revocation of existing permits under such circumstances is governed by N.J.A.C. 7:14A-6.13.**

**2. If, after receiving authorization under this permit, a facility is required by the Department to obtain another NJPDES DSW permit that would also cover the authorized stormwater discharge, then authorization under this permit shall remain in effect only until either:**

- a. The date such other permit becomes effective; or
- b. The date the application for such other permit (or request for authorization under another general permit) is denied. If such a facility fails to submit an application or request for authorization by the date specified by the Department, then the general permit authorization remains in effect only until that date.

## **C. Authorization**

**1. In order to obtain authorization under this permit (except for automatic renewal of authorization under 5.a below), a complete Request for Authorization (RFA) and the appropriate fee required under N.J.A.C. 7:14A-3.1(j) shall be submitted in accordance with the requirements of this permit.**

- a. Authorization becomes effective when the Department certifies the RFA (and when, in addition, the Pinelands Commission has made any determination required under 2. below).

**2. For new stormwater discharges commencing in the Pinelands Area (as defined by N.J.S.A. 13:18A-11) after November 2, 1992, authorization under this permit becomes effective only if, pursuant to N.J.S.A. 13:18A-15, the Pinelands Commission has determined that:**

- a. The Pinelands Commission will not review the facility based upon the issuance of a certification of the facility's soil erosion and sediment control plan issued by the soil conservation district or the State Soil Conservation Committee, or the approval of the facility's soil erosion and sediment control requirements issued by the municipality (whichever is applicable);
- b. The Pinelands Commission has reviewed and approved the facility following, if applicable, issuance of a certification of the facility's soil erosion and sediment control plan issued by the soil conservation district or the State Soil Conservation Committee, or the

approval of the facility's soil erosion and sediment control requirements issued by the municipality (whichever is applicable); or

c. The Pinelands Commission has, pursuant to N.J.A.C. 7:50-4.51 et seq., reviewed and approved the development application of the DOT.

**3. Authorizations under this general permit cease to be effective when any of the following occurs, whichever is earliest:**

a. When the State Soil Conservation Committee rejects (pursuant to N.J.S.A. 4:24-6.1 and N.J.A.C. 2:90) a decision by the soil conservation district to certify the facility's soil erosion and sediment control plan;

b. when the certification or municipal approval (under N.J.S.A. 4:28-48) of the facility's soil erosion and sediment control plan expires without being renewed or extended;

c. for single family home construction not within the definition of "project" at N.J.S.A. 4:24-41g 42 months after authorization becomes effective unless the authorization is renewed or extended by the Soil Conservation District that certified the RFA, or upon the activation date of the E-Permitting system, the Department; or

d. when the report of compliance is issued (see E.6.a. below), the final Certificate of Occupancy is received by the Soil Conservation District (see E.6.b. below), or the Department receives written Notification of Completion from the DOT (see E.6.c. below), whichever is applicable.

**4. For a stormwater discharge authorized under this permit, the permittee is exempt from the provision in N.J.A.C. 7:14A-6.2(a)2 which declares that the discharge of any pollutant not specifically regulated in the NJPDES permit or listed and quantified in the NJPDES application shall constitute a violation of the permit.**

**5. Automatic Renewal of Authorization**

a. Authorization under this permit was automatically renewed when this permit was reissued, and will be automatically renewed if this permit is reissued in the future (so long as the discharge remains eligible). In either case, for any permittee who had or has authorization under this permit immediately prior to the effective date of the reissued permit, the most recently submitted RFA is also a timely and complete RFA under the reissued permit. (However, if the permittee is aware that any information in that most recently submitted RFA is no longer true, accurate, and complete, the permittee (except for DOT) shall provide the correct information to the soil conservation district, or upon the activation date of the E-Permitting system, the Department within 90 days after that effective date, if the permittee has not done so already.) The soil conservation district, or upon the activation date of the E-Permitting system, the Department shall provide a notice of renewed authorization to each such permittee (except for DOT).

b. A permittee whose authorization was renewed under a. above may request to be excluded from the reissued general permit in accordance with N.J.A.C. 7:14A-6.13(g), and may also request a stay of the application to that permittee of any conditions of the reissued permit in accordance with N.J.A.C. 7:14A-17.6.

**D. Request For Authorization Requirements**

**1. Deadline for Requesting Authorization for a New Discharge**

a. A RFA for a new stormwater discharge must be submitted prior to the commencement of the land disturbance that may result in that discharge.

**2. The Department may, at its discretion, accept an RFA submitted after the foregoing deadlines; however, the discharger may still be held liable for any violations that occurred prior to the submission of the RFA.**

### **3. Persons Requesting Authorization**

- a. A RFA shall be submitted by each person who is an operating entity for any part of the facility requiring a NJPDES permit for the stormwater discharge at the facility. When a facility is owned by one person but is currently operated by another person, the operating entity shall submit the RFA.

### **4. Contents of the Request for Authorization**

- a. A completed RFA shall include all of the following information regarding the regulated facility, using the Department's E-permitting system.
  - i. The legal name and address of all known current owners and operating entities. The RFA shall also identify which of these persons is submitting the RFA.
  - ii. The facility name and address.
  - iii. A brief description of the facility and its current and proposed uses.
  - iv. For stormwater discharges occurring in the Pinelands Area (as defined in N.J.S.A. 13:18A-11) prior to November 2, 1992, a Pinelands Commission "no call up" letter or public development approval.
  - v. A RFA for stormwater discharges occurring in the "Preservation Area" of the "Highlands Region," designated by the Highlands Act, shall not be considered complete unless accompanied by a "Highlands Preservation Area Approval" issued by the Department or a "Highlands Applicability Determination" that the proposed activity is exempt from the Highlands Act and consistent with a Water Quality Management Plan (WQMP), or exempt from the Highlands Act and not addressed by a WQMP.(See definitions at H.3. below.)
  - vi. The location of project site-, State plane coordinates.
  - vii. Contact information for –Fees/Billing contact,.
  - viii. The SCD certification code and 251 Identification code.
  - ix. Identification numbers of existing NJPDES permits.
  - x. Certification PIN

### **5. Where to Submit**

- a. For projects that the New Jersey Department of Transportation (DOT) is constructing or proposes to construct, a completed, signed, and certified RFA shall be submitted by DOT to the Department at the address specified on the Department's RFA form, and the appropriate fee (except for authorization renewal under C.5.a.) shall be paid to the Department.
- b. For all other facilities, the RFA and associated payments to "Treasurer, State of New Jersey" shall be submitted electronically through the Online E-permitting system to the Department.
  - i. The Department may upon the request of the applicant, at its discretion, accept paper application submitted to the location specified on forms provided by the Department. All other forms and applications will be rejected.
  - ii. Paper applications must be submitted 30days prior to the commencement of land disturbance that may result in a discharge.

### **6. Certifying the Request for Authorization**

- a. For projects that the DOT is constructing or proposes to construct, the DOT shall certify the RFA if the requirements above have been satisfied, and if the DOT has certified the facility's plan for soil erosion and sediment control under N.J.S.A. 4:24-43.

- b. For other facilities, the Department, shall certify the RFA if the requirements above have been satisfied, and if:
- i. The soil conservation district has certified the facility's plan for soil erosion and sediment control under N.J.S.A. 4:24-43;
  - ii. The State Soil Conservation Committee has certified the facility's plan for soil erosion and sediment control under N.J.S.A. 4:24-6.1 and N.J.S.A. 4:24-43;
  - iii. The facility has been approved under a municipal ordinance for soil erosion and sediment control pursuant to N.J.S.A. 4:24-48; or
  - iv. The facility is single family home construction that the Soil Conservation District determines in writing to be not within the definition of "project" at N.J.S.A. 4:24-41g.
- c. The Department shall grant or deny certification of the RFA within a period of thirty (30) days after the submission to the Department of a complete RFA. Failure of the Department to grant or deny certification within such time period shall constitute certification of the RFA.

#### **7. Additional Notification**

- a. Facilities that discharge stormwater associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must also submit a copy of the RFA to the owner of and operating entity for that system.
- b. Persons requesting authorization shall also submit a copy of the RFA to each owner (if any) of the facility who did not submit the RFA.

### **E. Effluent Limitations, Inspection and Reporting Requirements**

**1. Stormwater Pollution Prevention Plan (SPPP). Construction activity that may result in a stormwater discharge authorized by this permit shall be executed only in accordance with a SPPP that consists of the erosion and sediment control component described under a. below, and (where applicable) the construction site waste control component set forth in Attachment B. A copy of this SPPP shall be retained by the permittee for a period of at least five years after the completion of construction. This period may be extended by written request of the Department at any time (see N.J.A.C. 7:14A-6.6):**

- a. Erosion and sediment control - Land disturbances that may result in a stormwater discharge authorized by this permit shall be executed only in accordance with whichever of the following is applicable:
  - i. A soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43;
  - ii. Requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48; or
  - iii. For single family home construction not within the definition of "project" at N.J.S.A. 4:24-41g, the minimum soil erosion and sediment control requirements established in Attachment C below.
- b. At a minimum all soil erosion and sediment control plans shall contain the following standards as applicable:
  - i. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to: (1) Control stormwater volume and velocity within the site to minimize soil erosion; (2) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank

erosion; (3) Minimize the amount of soil exposed during construction activity; (4) Minimize the disturbance of steep slopes; (5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site; (6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and (7) Minimize soil compaction and, unless infeasible, preserve topsoil.

- ii. *Soil Stabilization.* - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the soil conservation district. In drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the soil conservation district.
- iii. *Dewatering.*- Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

c. For purposes of this permit, the above mentioned soil erosion and sediment control plan or requirements constitute the erosion and sediment control component of the facility's SPPP (except for any provisions that are not relevant to the stormwater discharge authorized by this permit).

d. **Construction Site Waste Control** - The construction site waste control component of the SPPP consists of the requirements set forth in Attachment B. These requirements became operative on March 3, 2004 and apply only to construction activities that commence on or after March 3, 2004. Public projects that have gone out for bid or have been awarded a contract prior to March 3, 2004 are exempt from implementing the new requirements for construction site waste management. Construction activities that commenced prior to March 3, 2004 but did not obtain certification (or approval from exempt municipality) required under the Soil Erosion and Sediment Control Act are not exempt from the requirements in this section. Any other new construction activity for which an RFA is submitted on or after March 3, 2004 or which receive automatic renewal of authorization under this permit after March 3, 2004 also shall comply with these requirements.

**2. Land disturbances that may result in a stormwater discharge authorized by this permit shall not commence until authorization is effective under C., above.**

- a. A copy of the authorization shall be posted onsite at all times until a notice of completion has been issued.

**3. Routine Inspections**

a. The permittee shall conduct and document routine inspections of the facility to identify areas contributing to the stormwater discharge authorized by this permit and evaluate whether the stormwater pollution prevention plan (SPPP) identified under E.1, above, is being properly implemented and maintained, or whether additional measures are needed to implement the SPPP. (Routine inspections minimum weekly).

- i. In the event that the industrial activities onsite are ceased for a period of six (6) months or greater the permittee may seek a suspension of the routine inspection requirement of the permit with the written approval of the Soil Conservation District office overseeing the project on a form provided by the Department.

**4. Reports of Noncompliance**

- a. All instances of noncompliance not reported under N.J.A.C. 7:14A-6.10 shall be reported to the Department annually.

**5. Notification of Completion**

- a. The Soil Conservation District will provide the Department notification that a copy of the report of compliance was issued under N.J.A.C. 2:90-1 for completed construction activities, except single family home construction under b. below.
- b. The builder of a single family home that is authorized under this permit, but not within the definition of “project at N.J.S.A. 4:24-41g, shall send a copy of the final certificate of occupancy to the Soil Conservation District. The Soil Conservation District will provide a copy of the final certificate of occupancy to the Department, which will serve as notification of completion.
- c. The DOT shall provide written notification to the Department when DOT certified projects are completed.

**6. Reopener**

- a. Pursuant to N.J.A.C. 7:14A-6.2(a)(10)(iii), the Department may modify or revoke and reissue any permit to incorporate limitations or requirements to control the discharge of any pollutant parameter, as applicable.

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## F. STANDARD CONDITIONS APPLICABLE TO THIS GENERAL PERMIT

**1. The permittee shall comply with all the conditions set forth in this permit and all the applicable requirements relevant to the permittee's discharge(s) that can be found in the Federal Clean Water Act and the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.). The permittee may be subject to penalties for any violations thereof.**

**2. The following conditions are incorporated by reference. The permittee is required to comply with the rules that were in effect as of the effective date of the final permit.**

a. General Conditions

- i. Penalties for Violations - N.J.A.C. 7:14-8.1 et seq.
- ii. Incorporation by Reference - N.J.A.C. 7:14A-2.3
- iii. Toxic Pollutants - N.J.A.C. 7:14A-6.2(a)4i
- iv. Duty to Comply - N.J.A.C. 7:14A-6.2(a)1 & 4
- v. Duty to Mitigate - N.J.A.C. 7:14A-6.2(a)5 & 11
- vi. Inspection and Entry - N.J.A.C. 7:14A-2.11(e)
- vii. Enforcement Action - N.J.A.C. 7:14A-2.9
- viii. Duty to Reapply - N.J.A.C. 7:14A-4.2(e)3
- ix. Signatory Requirements for Applications and Reports - N.J.A.C. 7:14A-4.9
- x. Effect of Permit/Other Laws - N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(C)
- xi. Severability - N.J.A.C. 7:14A-2.2
- xii. Administrative Continuation of Permits - N.J.A.C. 7:14A-2.8
- xiii. Permit Actions - N.J.A.C. 7:14A-2.7(c)
- xiv. Reopener Clause - N.J.A.C. 7:14A-6.2(a)10, 16.4(b) & 25.7(b)
- xv. Permit Duration and Renewal - N.J.A.C. 7:14A-2.7(a) & (b)
- xvi. Consolidation of Permit Process - N.J.A.C. 7:14A-15.5
- xvii. Confidentiality - N.J.A.C. 7:14A-18.2 & 2.11(g)
- xviii. Fee Schedule - N.J.A.C. 7:14A-3.1
- xix. UIC Corrective Action - N.J.A.C. 7:14A-8.4
- xx. Additional Conditions Applicable to UIC Permits - N.J.A.C. 7:14A-8.9
- xxi. UIC Operating Criteria - N.J.A.C. 7:14A-8.16

b. Operation And Maintenance

- i. Need to Halt or Reduce not a Defense - N.J.A.C. 7:14A-2.9(b)
- ii. Proper Operation and Maintenance - N.J.A.C. 7:14A-6.12

c. Monitoring And Records

- i. Monitoring - N.J.A.C. 7:14A-6.5
- ii. Recordkeeping - N.J.A.C. 7:14A-6.6
- iii. Signatory Requirements for Monitoring Reports - N.J.A.C. 7:14A-6.9

d. Reporting Requirements

- i. Planned Changes - N.J.A.C. 7:14A-6.7
  - ii. Reporting of Monitoring Results - N.J.A.C. 7:14A-6.8
  - iii. Noncompliance Reporting - N.J.A.C. 7:14A-6.10 & 6.8(h)
  - iv. Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10(c) & (d)
  - v. Written Reporting - N.J.A.C. 7:14A-6.10(e) &(f) & 6.8(h)
  - vi. Duty to Provide Information - N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
  - vii. Compliance Schedules - N.J.A.C. 7:14A-6.4
  - viii. Transfer - N.J.A.C. 7:14A-6.2(a)8 & 16.2
  - ix. Additional Requirements for all Existing Manufacturing, Commercial, Mining, Siviculture, Mining, Silviculture, and Research Facilities - N.J.A.C. 7:14A-11.3
- e. Copies of the NJPDES rules may be purchased by contacting Lexis Nexis – Customer Service at (800)223-1940, or go to the Lexis Nexis bookstore on the internet at [www.lexisnexis.com/bookstore](http://www.lexisnexis.com/bookstore).

## G. SPECIAL CONDITIONS

### 1. Other Laws

- a. In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to the Pinelands rules (N.J.A.C. 7:50), N.J.A.C. 7:1E (Department rules entitled "Discharges of Petroleum and other Hazardous Substances"), and all other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be deemed to be "pursuant to and in compliance with permit" within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.
- b. Exemptions
  - i. Operations and Maintenance Manual: In accordance with N.J.A.C. 7:14A-6.12(c), for a stormwater discharge authorized by this permit, the permittee is exempt from the requirement to prepare an operations and maintenance manual.

## H. DEFINITIONS

1. Unless otherwise stated herein the definitions set forth at N.J.A.C. 7:14A-1.2 are incorporated into this permit.
2. "Final certificate of occupancy" means a "certificate of occupancy", as defined at N.J.A.C. 5:23-1.4, that is not a temporary certificate of occupancy as described under N.J.A.C. 5:23-2.23(g).
3. The terms "Highlands Preservation Area Approval", "Highlands Region", "major Highlands development", and "Preservation Area" have the meanings set forth for those terms at N.J.A.C. 7:38-1.4. The term "Highlands Applicability Determination" refers to the applicability determination identified at N.J.A.C. 7:38-2.4.
4. "Separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, gutters, ditches, man-made channels, or storm drains):
  - a. Designed or used for collecting or conveying stormwater;
  - b. Which is not part of a "combined sewer system"; and

- c. Which is not part of a "Publicly Owned Treatment Works" (POTW).

**5. "Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewerage or drainage facilities, or conveyed by snow removal equipment.**

## **I. ATTACHMENT A: RFA Certification**

### **1. Every Request for Authorization (RFA) shall include the following RFA certification.**

- a. "I certify under penalty of law that this Request for Authorization and all attached documents 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. As far as I know, none of the stormwater discharges for which this Request for Authorization is submitted are excluded from authorization by Section A.2. or A.3 of NJPDES Permit No. NJ0088323.
- b. I am aware that pursuant to the Water Pollution Control Act (see N.J.S.A. 58:10A-10f(2) and (3)), there are significant civil and criminal penalties for making a false statement, representation or certification in any application, record, or other document filed or required to be maintained under that Act, including fines and/or imprisonment."

### **2. The RFA certification shall be signed as follows:**

- a. For a corporation, by a responsible corporate officer as described in N.J.A.C. 7:14A-4.9(a)1;
- b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official; or
- d. For a corporation or other entity under a., b., or c., above, by a duly authorized representative, provided that:
  - i. The representative is authorized by a person described in a., b., or c., above;
  - ii. This authorization specifies either an individual or a position responsible for the overall operation of the regulated facility such as plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company or public agency. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
  - iii. The written authorization is attached to the RFA.
- e. A separate RFA certification shall be signed, dated and submitted for each person submitting the RFA.

## **J. ATTACHMENT B: CONSTRUCTION SITE WASTE CONTROL COMPONENT OF THE STORMWATER POLLUTION PREVENTION PLAN (SPPP)**

- 1. The construction site waste control component of the SPPP consists of the requirements in 2., 3., and 4. below. These requirements become operative on March 3, 2004 and apply only to construction activities that commence on or after March 3, 2004. Public projects that have gone out for bid or have been awarded a contract prior to March 3, 2004 are exempt from implementing the new requirements for construction site waste management. Construction**

activities that commenced prior to March 3, 2004 but did not obtain certification (or approval from exempt municipality) required under the Soil Erosion and Sediment Control Act are not exempt from the requirements in this section. Any other new construction activity for which an RFA is submitted on or after March 3, 2004 or which receive automatic renewal of authorization under this permit after March 3, 2004 also shall comply with these requirements.

**2. Material Management to Prevent or Reduce Waste - Any pesticides, fertilizers, fuels, lubricants, petroleum products, anti-freeze, paints and paint thinners, cleaning solvents and acids, detergents, chemical additives, and concrete curing compounds shall be stored in containers in a dry covered area. Manufacturers' recommended application rates, uses, and methods shall be strictly followed to the extent necessary to prevent or minimize the presence of waste from such materials in the stormwater discharge authorized by this permit. (The preceding sentence does not apply to any manufacturers' recommendations about fertilizer or other material that conflict with the erosion and sediment control component of the facility's SPPP.)**

**3. Waste Handling - The following requirements apply only to construction site waste that has the potential to be transported by the stormwater discharge authorized by this permit. The handling at the construction site of waste building material and rubble and other construction site wastes, including litter and hazardous and sanitary wastes, shall conform with the State Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and its implementing rules at N.J.A.C. 7:26, 7:26A, and 7:26G; the New Jersey Pesticide Control Code at N.J.A.C. 7:30; the State litter statute (N.J.S.A. 13:1E-99.3); and OSHA requirements for sanitation at 29 C.F.R. 1926 (except where such conformance is not relevant to the stormwater discharge authorized by this permit). Construction sites shall have one or more designated waste collection areas onsite or adjacent to the site, and an adequate number of containers for waste. Staged waste containers shall be maintained so as to prevent waste materials from overflowing, leaking, or blowing out of the container. Spills, leaks, and overflows, which do occur, shall be cleaned up immediately.**

**4. Construction site wastes include but are not limited to:**

- i. "Construction and demolition waste," as defined in N.J.A.C. 7:26-1.4 as follows: "waste building material and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements and other structures. The following materials may be found in construction and demolition waste: treated and untreated wood scrap; tree parts, tree stumps and brush; concrete, asphalt, bricks, blocks and other masonry; plaster and wallboard; roofing materials; corrugated cardboard and miscellaneous paper; ferrous and non-ferrous metal; non-asbestos building insulation; plastic scrap; dirt; carpets and padding; glass (window and door); and other miscellaneous materials; but shall not include other solid waste types."
- ii. Any waste building material and rubble resulting from such operations that is hazardous for purposes of N.J.A.C. 7:26G (the Hazardous Waste rules).
- iii. Discarded (including spilled) pesticides, fertilizers, fuels, lubricants, petroleum products, anti-freeze, paints and paint thinners, paint chips and sandblasting grits, cleaning solvents, acids for cleaning masonry surfaces, detergents, chemical additives used for soil stabilization (e.g., calcium chloride), and concrete curing compounds.
- iv. Other "litter," as defined at N.J.S.A. 13:1E-215.d as follows: "any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden

waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing."

- v. Sanitary sewage and septage.
  - vi. Contaminated soils encountered or discovered during earthmoving activities or during the cleanup of a leak or discharge of a hazardous substance.
- b. Concrete Washout - Concrete washout onsite is prohibited outside designated areas. Washout activities include, but are not limited to, the washing of trucks, chutes, hoses, mixers, hoppers, and tools.
- i. Designated washout areas shall be lined and bermed to prevent discharges to surface and ground water.
  - ii. Hardened concrete from the concrete washout shall be removed and properly disposed of.
  - iii. The concrete washout area shall be clearly designated with a sign indicating the areas uses.
- c. Sanitary Sewage/Septage Disposal - Discharges of raw sanitary sewage or septage onsite are strictly prohibited. Adequate facilities with proper disposal shall be provided and maintained onsite or adjacent to the site for all workers and other sanitary needs.

**5. Spills; Discharges of Hazardous Substances; Federally Reportable Releases.**

- a. Spill kits shall be available onsite or adjacent to the site for any materials that are listed in 2. above and used or applied onsite. All spills of such material shall be contained and cleaned up immediately. Cleaned up materials shall be properly disposed of.
- b. Discharges of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) in construction site wastes are subject to the provisions of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., and of Department rules for Discharges of Petroleum and Other Hazardous Substances at N.J.A.C. 7:1E. No discharge of hazardous substances resulting from an onsite spill shall be deemed to be "pursuant to and in compliance with [this] permit" within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.
- c. Releases in excess of reportable quantities (RQ) established under 40 C.F.R. 110, 117, and 302 that occur within a 24-hr period must be reported to the National Response Center (800 424-8802).

**K. ATTACHMENT C: INDIVIDUAL HOME CONSTRUCTION STABILIZATION PLAN, (IHCSP)**

**1. The contents of the IHCSP outlined below establish minimum soil erosion and sediment controls that shall be implemented during construction of a single family home that is not within the definition of "project" at N.J.S.A. 4:24-41g. If site conditions exist in which one or more provisions below are not appropriate, the appropriate Soil Conservation District shall be contacted to obtain other acceptable methods, which shall be implemented in lieu of those provisions.**

**2. IHCSP Minimum Control Standards:**

- a. Site Perimeter Soil Erosion and Sediment Control
  - i. All sediment barriers shall be installed in accordance with Standards for Soil Erosion and Sediment Control in New Jersey (Standards), July 1999, p. 25-1, prior to any grading or construction activities on the site and shall remain in place until the site is stabilized.

- ii. All sediment barriers shall be positioned to fully incorporate all construction activities with the exception of driveways and temporary access roads. In these circumstances, the sediment control devices shall be extended along the perimeter of all driveways and access roads.
  - iii. All stockpiles, well drilling activities and septic system construction activities shall be incorporated within the confines of the sediment barriers. Additional sediment control devices may be required to control areas exhibiting high sediment loads.
  - iv. The sediment barriers shall be inspected and maintained on a daily basis. Any failures, breaches, rips, etc. will be dealt with and corrected upon discovery.
  - v. All soil washed, dropped, spilled, or tracked outside the property boundaries or onto public right-of-ways will be removed immediately.
- b. Installation of Stone Driveway and Construction Entrance Stabilization
- i. Installation of stone driveway and construction entrances shall be accomplished directly after the clearing of a lot.
  - ii. The site of the permanent driveway and all construction entrances shall be stoned with 1 1/2" - 2" stone immediately after initial site disturbance.
  - iii. All soil washed, dropped, spilled, or tracked outside the limit of disturbance or onto public rights-of-way will be removed immediately.
- c. Stockpile Stabilization
- i. Stockpile and staging locations shall be placed within the area enclosed by the sediment control devices. Staging and stockpiling of materials outside of the construction perimeter will be subject to the same provisions of this plan.
  - ii. All soil stockpiles that are to be exposed for more than fourteen (14) days will be required to be temporarily seeded. If the season prevents the growth of temporary cover, then the surface will be mulched with straw or a similar substance at a rate of two (2) tons per acre.
  - iii. Additional sediment control devices may be required around stockpiles with heavy soil loads in their stormwater runoff.
- d. Temporary Cover
- i. A sub-base course will be applied immediately following rough grading and installation of improvements to stabilize streets, roads, driveways, and parking areas. In areas where no utilities are present, the sub-base shall be installed within fifteen (15) days of the preliminary grading.
  - ii. Any disturbed area that will be exposed for more than a thirty (30) day period, and not subject to construction, will immediately receive temporary seeding. If the season does not permit the growth of temporary cover, the disturbed areas will be mulched with straw, or equivalent material, at a rate of two (2) tons per acre, according to state standards.
  - iii. Immediately following initial disturbance or rough grading, all critical areas subject to erosion (i.e. steep slopes and embankments) will receive a temporary seeding in combination with straw mulch or a suitable equivalent, at a rate of two (2) tons per acre.
- e. Final Seeding and Mulching/Permanent Vegetative Cover
- i. Prior to seeding, the site shall be graded as needed and feasible to permit the use of conventional equipment for seedbed preparation. All grading should be

done in accordance with Standards for Land Grading in Standards p. 4.7 through 4.13.

- ii. Permanent vegetation is to be seeded or sodded on all exposed areas within ten (10) days of final grading. Mulching is required on all seeding. When hydro-seeding, mulch shall be included in the tank when seeding.
    - Mulch should be unrotted small grain straw, hay free of seeds, or salt hay. Mulch is to be applied at the rate of 1 1/2 to 2 tons per acre (70-90lbs/1,000sq. ft.), except that where a crimper is used instead of a liquid mulch-binder, the rate of application must be double the lower rate. Mulch chopper-blowers must NOT grind the material.
    - The mulch shall be spread uniformly by hand or mechanically so that approximately 75-95% of the surface shall be uniformly covered. For uniform distribution of hand spread mulch, divide area into approximately 1,000sq. ft. sections and distribute 70-90lbs. within each section.
    - Mulch anchoring shall be accomplished immediately after placement either by using peg and twine, mulch netting, use of a crimper or liquid mulch binders.
  - iii. Only approved seed mixtures shall be applied. (Approved mixtures can be obtained from Standards Table 4-2 or a mixture can be used which is recommended by the Cooperative Extension Service or Soil Conservation Service, which is approved by the Soil Conservation District.)
  - iv. After seeding, the soil shall be firmed with a corrugated roller to assure good seed-to-soil contact.
  - v. If soil moisture is deficient, the seed bed will be irrigated at a minimum of 1/4" of water, twice a day until vegetation is well established.
  - vi. At the time the site preparation for permanent vegetative stabilization is going to be accomplished, any soil that will not provide a suitable environment to support adequate vegetative ground cover, shall be removed or treated in such a way that it will permanently adjust the soil conditions and render it suitable for vegetative ground cover. If the removal or treatment of the soil will not provide suitable conditions, non-vegetative means of permanent ground stabilization will have to be employed.
- f. Standard for Managing High Acid Producing Soils
- i. All soils having a pH of 4 or less or containing iron sulfides shall be covered with a minimum of twelve (12) inches of soil having a pH of 5 or more prior to seedbed preparation. The added soil shall be limed according to Standards p. 1-2.
  - ii. All stockpiles or waste piles of soils having a pH of 4 or less or containing iron sulfides must have additional sediment control devices fully encircling them.
- g. Dust Control
- i. Dust control measures shall be applied to areas subject to dust blowing and movement where on- and off-site damage is likely without treatment. Consultation of local municipal ordinances regarding restrictions shall be performed prior to implementing dust suppression measures.
  - ii. Dust suppression on bare soil can be accomplished by any of the following methods:
    - Tillage: Tillage shall be performed as a temporary emergency measure that is to be used before soil blowing starts.

- Sprinkling: Site is sprinkled with water until surface is wet. Where applicable, temporary vegetative cover shall be established or mulch shall be applied in accordance with Standards.
  - Calcium Chloride application: Shall be in the form of loose, dry granules or flakes fine enough to feed through commonly used spreaders at a rate that will keep surface moist but not cause pollution or plant damage. Other practices shall be applied to slopes greater than 3:1.
  - Stone: The surface may be covered with crushed stone or coarse gravel.
  - Mulches.
  - Vegetative covers.
  - Spray on adhesives: Shall be applied on mineral soils (not on muck soils) and shall not be exposed to traffic. The following spray on adhesives are permitted for use as dust suppressants when applied according to the corresponding standards: 1) Anionic asphalt emulsion diluted with a 7:1 water dilution, applied with a coarse spray nozzle at the concentration of 1,200 gallons per acre, 2) Latex emulsions diluted with a 12.5:1 water dilution and applied with a fine spray nozzle at the concentration of 235 gallons per acre, and 3) Resin in water diluted with a 4:1 water dilution and applied with a fine spray nozzle at the concentration of 300 gallons per acre.
- h. Stabilization of steep slopes (I.e., slopes greater than 3:1)
- i. Immediately following initial disturbance or rough grading, all critical areas subject to erosion (I.e. steep slopes and embankments) will receive a temporary seeding in combination with straw mulch or a suitable equivalent, at a rate of two (2) tons per acre, according to Standards
  - ii. Any steep slopes receiving pipeline installation will be backfilled and stabilized daily, as the installation continues.
- i. Dewatering (There shall be no ponding of surface water for a period of greater than 72 hours, associated with dewatering activities)
- i. Unfiltered dewatering is not permitted. All necessary precautions shall be taken during all dewatering operations to minimize sediment transfer. Any dewatering methods used must be in accordance with Standards.
  - ii. Water pumped from removable pump stations and sump pits shall be discharged directly into a sediment basin or suitable filter area.
    - The suction hose from the pump shall be placed inside the inner pipe to begin dewatering. The discharge hose shall be placed in a stabilized area down slope of unstabilized areas to prevent erosion.
    - Sump Pits must be designed to the general criteria outlined on detail 14-2 of the "Standards for Soil Erosion and Sediment Control in New Jersey".
    - Sump Pits shall be perforated vertical standpipe which is wrapped with 1/2" hardware cloth and geotextile fabric and placed in the center of an excavated pit which is then backfilled with filter material consisting of anything from clean gravel (minimal fines) to ASTM C 33 stone (1 1/2" maximum diameter).
  - iii. Sediment Tanks and Sediment Control Bags are to be used on sites where excavations are deep, and space is limited and where direct discharge of sediment-laden water to stream and storm drain systems is to be avoided.
    - Containers (tanks or bags) shall be located for ease of clean-out and disposal of the trapped sediment and to minimize interference with

construction activities and pedestrian traffic. Bags shall not be placed directly into receiving waters.

- Sediment Control Bags must be located away from receiving waters and disposed of according to manufacturer's instructions.
- Sediment Control Tanks shall be sized accordingly: 1 cubic foot of storage for each gallon per minute of pump discharge capacity. Tanks may be connected in series to increase effectiveness.

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