



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY

Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: December 2004

#2004-12

DEP to Step Up Enforcement of Construction Activity Stormwater General Permits

Who is affected by this initiative?

Sites where construction activities -- including clearing, grading, and excavation -- disturb one acre or more of land, or disturb less than one acre but are part of a larger plan of development or sale and are required to obtain a Construction Activity Stormwater General Permit (NJ0088323), are affected by this initiative.

The DEP's Statewide Stormwater Permitting Program for Construction Activities developed this General Permit as part of a streamlined approach to permitting that seeks to prevent pollution without onerous regulation. This program is administered by the DEP's Bureau of Nonpoint Pollution Control, the New Jersey Department of Agriculture, and the State Soil Conservation Committee through 16 local Soil Conservation Districts (SCD).

Why is DEP Enforcement targeting this regulated group?

The public has long recognized that environmental damage, particularly soil erosion and sedimentation, can result when rainwater falls on land disturbed by construction activities. Rainwater runoff carrying eroded soil often drains into nearby waterways, and tainted runoff is a significant cause of water pollution. Under the federal Clean Water Act, the U.S. Environmental Protection Agency and all states are required to address this problem.

What is DEP doing?

DEP's Water Compliance and Enforcement Program will be providing enforcement support to the SCDs, which are primarily responsible for inspection of the regulated sites. This support will include joint inspections with the SCDs, the issuance of Notices of Violation, and where necessary, formal enforcement actions with penalty assessments, for both Soil Erosion and Sediment Control Plan and Construction Site Waste Control violations of the Construction Activity Stormwater General Permit.

What should I do?

Following is a check list that can help to ensure compliance, but it by no means represents all of the requirements with which you need to comply.

1. Do you plan to engage in construction activities that will disturb one acre or more of land? If so, have you submitted a Request for Authorization (RFA) to your local SCD?

COMPLIANCE ADVISORY

(Note: For Department of Transportation (DOT) projects, the RFA is submitted to the DEP.)

2. If your RFA has been approved by the SCD, you should be in compliance with the following:
 - a. All aspects of your Soil Erosion and Sediment Control Plan; and
 - b. The Construction Site Waste Control component of your stormwater pollution prevention plan (SPPP), including chemical storage, waste handling, concrete truck washout, and spill response; and
 - c. Conducting and documenting routine site inspections on at least a **weekly** basis.

Whom should I contact with questions?

Any Soil Erosion and Sediment Control Plan or RFA questions, please contact:
Local Soil Conservation District (contact information may be obtained by visiting the Soil Conservation Web site listed below)

Any permit-related questions, please contact:
Bureau of Nonpoint Pollution Control (609) 633-7021

Any compliance, inspection or enforcement questions, please contact:

Water Compliance and Enforcement-Northern Field Office
(Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset,
Sussex and Warren counties) (973) 299-7592

Water Compliance and Enforcement-Central Field Office
(Mercer, Middlesex, Monmouth, Ocean and Union counties) (609) 584-4200

Water Compliance and Enforcement-Southern Field Office
(Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester
and Salem counties) (856) 614-3655

Where can I get more information?

Visit the following Web sites for additional information:

Enforcement: <http://www.nj.gov/dep/enforcement/>
Nonpoint Pollution Control: <http://www.nj.gov/dep/dwq/nonpoint.htm>
Soil Conservation: <http://www.state.nj.us/agriculture/rural/natrsrc.htm>

Please note this advisory is intended to be a summary explanation of a DEP initiative. It does not include all potentially applicable requirements. If you have any questions about compliance with this initiative, please contact the Enforcement office that serves your county, as specified above.