

Standard Operating Procedures (SOP) for Minor Modifications for the National Pollutant Discharge Elimination System (NPDES) Permits, Erosion and Sediment Control (E&S) Permits, and Erosion and Sediment Control General Permits (ESCGP) Permits

September 19, 2013

DISCLAIMER: The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements.

The process, procedures and interpretations herein are not adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

This SOP describes the procedures and work flows associated with the processing of minor modifications for NPDES permits, E&S permits and ESCGP Permits. Minor modifications are unforeseen circumstances within the total disturbed area of the project such as adjustments to BMPs and the addition or deletion of BMPs. A proposed new earth disturbance that expands or increases the total disturbed area of the project within the original project boundaries can be treated as a minor modification as long as the existing planned and implemented BMPs are adequate to minimize accelerated erosion and sedimentation from the proposed earth disturbance. If the changes proposed result in a new or increased discharge or expanding the project site beyond the area proposed in the original permit the change is a major modification and the SOP for major modifications should be followed for the appropriate type of permit. Minor modifications should be processed and acknowledged or denied within 15 business days of the receipt of a minor modification request.

Minor Modification Process

1. When a permittee is aware of the need for a minor modification to either the E&S or PCSM plans they should contact either the delegated conservation district or the Department. A minor modification does not require the submission of an application or payment of any permit fees.
2. A meeting will be scheduled by the conservation district to review the proposed modifications to the permit. If the modification is for either an Individual NPDES Permit or an E&S Permit the meeting must be held jointly between the delegated conservation district and the Department. All other permit types can be handled by the delegated conservation district.

3. During the meeting the permittee will note the revisions for the minor modifications on the plan drawings and narratives. The delegated conservation district and/or Department will review the revisions to the plan and ensure that the revisions are a minor modification and will review the proposed revisions and supporting calculations to ensure they are consistent with the technical standards and specifications.
4. If during the review it is found that the proposed revisions are not a minor modification to the permit the permittee will be directed to submit a permit application for a major modification to the plan (see Major modification SOP for the appropriate permit type).
5. If there are technical deficiencies in the proposed revisions to the permit the permittee will be advised to submit revised plans that are technically correct. Under Chapter 102.6 (c) the permittee will have 60 calendar days to submit the information necessary to make the plan technically adequate.
6. If revised revisions are submitted for a minor modification, the revisions and supporting calculations will be reviewed by the delegated conservation district and/or the Department.
7. If the delegated conservation district is in agreement with the revisions for the minor modifications to the plans the delegated conservation district will initial the revised drawings for General NPDES Permits and ESCGP permits to approve the minor modification. The Department will initial off on the revisions for Individual NPDES Permits and E&S Permits to approve the minor modification. Once the plan(s) are initialed, they are now the current copy of the plan(s) that should be available on the permitted site.