

Chapter 102 Permit Amendments

Frequently Asked Questions (FAQ)

Final, October 9, 2018

Revised, April 9, 2026

Version 1.6

Background

Erosion and Sediment Control (E&S) Plans and Post-Construction Stormwater Management (PCSM) Plans must be developed and implemented for permits issued under Chapter 102. The Department of Environmental Protection (DEP) recognizes that these plans could change during or following earth disturbance activities, or that errors may be discovered in the Plans or permit documents following permit issuance. When such changes or errors are identified, corresponding changes are generally needed to the permit coverage or the documents that supported the original permit issuance through an amendment to the permit coverage. All such changes should be approved by DEP or delegated county conservation district (CCD) staff in writing prior to implementing the changes.

There are two categories of permit amendments: Major Amendments and Minor Amendments. Within the category of Minor Amendments there is a subcategory called Field Changes. The purpose of this FAQ is to explain each type of permit amendment and provide examples to improve understanding on the part of DEP/CCD staff and the regulated community.

The nature of stormwater management from construction activities is highly variable based upon site conditions and the type of project. This FAQ describes the criteria generally applied, based upon programmatic experience, to determine the type of permit amendment necessary when changes are proposed.

The information outlined in this document is intended to supplement existing requirements. Nothing in this document affects regulatory requirements. The interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the interpretations in this document that weight or deference. This document provides a framework within which DEP and CCDs will exercise administrative discretion in the future. DEP reserves the discretion to deviate from the interpretations in this document if circumstances warrant.

The terms, “Major Modification” and “Minor Modification” are synonymous with the terms, “Major Amendment” and “Minor Amendment”, respectively, as used in this FAQ document. See [Attachment A](#) for a summary of the amendment scenarios contained in this FAQ document.

FIELD CHANGES

FAQ #1: What is a Field Change?

A Field Change is generally a minor change to an approved E&S or PCSM Plan. A Field Change is a type of change that does not increase earth disturbance or does not have an effect on the approach to stormwater management and may be approved by DEP/CCD without the submission of an application or Notice of Intent (NOI) to amend permit coverage. These approvals generally occur in the field, at the project site, during an inspection or a meeting. DEP may approve Field Changes where appropriate at its discretion or may require the submission of an application or NOI to amend permit coverage. In the past these approvals have been described as “red-line changes.” Field Changes are Minor Amendments to permit coverage that do not require submission of an application or NOI and typically involve limited modifications to the approved E&S or PCSM Plan.

FAQ #2: What are some examples of Field Changes?

The following types of changes are considered Field Changes:

- A. Changes to the type or location of a rock construction entrance (which would not otherwise affect the design of the E&S Plan).

NOTE 2.A.1 – If the earth disturbance were to increase due to changing the location of a rock construction entrance, then the change would be considered a **Major** or **Minor** Amendment (as outlined later in this document).

- B. Minor changes to construction sequencing (which would not otherwise affect the design or implementation of the E&S or PCSM Plan), including the constructability and mobilization of equipment and materials required to change the staging of earthmoving activities.

EXAMPLE 2.B.1 – Changing the proposed timing of portions of a project’s disturbed area may be a Field Change as long as the proposed best management practices (BMPs) that are designed to treat the disturbed areas are constructed and functioning properly prior to conducting earthmoving activities in the BMP drainage area.

- C. Changing from a non-Antidegradation Best Available Combination of Technologies (ABACT) BMP to an ABACT BMP.

EXAMPLE 2.C.1 – The E&S Plan calls for silt fence to be used as the perimeter BMP; however, the contractor has a readily available supply of compost filter sock.

- D. Changing from an ABACT BMP to a non-ABACT BMP, unless the project is required to utilize an ABACT BMP (e.g., discharges to special protection surface waters, discharges to siltation-impaired streams, etc.).

- E. Changes to the location of a stockpile within the permitted limit of disturbance, as long as the relocated stockpile will not impact drainage areas being directed to E&S BMPs or PCSM stormwater control measures (SCMs).
- F. Minor shifts (i.e., a few feet) to the location of an E&S BMP or PCSM SCM or BMP/SCM components.

EXAMPLE 2.F.1 – A rock outcropping was not identified in the field survey, which interferes with the installation of the silt fence. The silt fence is shifted 5 feet downslope in order to properly install the silt fence.

- G. Minor revision(s) to the outlet/design of an E&S BMP or PCSM SCM that in the judgment of DEP/CCD do not require detailed review.

EXAMPLE 2.G.1 – The location of the outfall structure is moved during construction, but discharges to the same flow path.

- H. Minor increases or decreases in the dimensions or volumetric capacity of a BMP or SCM (i.e., less than 0.5% of approved dimensions or capacity).
- I. Other minor changes may be approved as Field Changes at the discretion of DEP/CCD.

FAQ #3: Can changes to a PCSM Plan be approved with a Field Change?

It is possible that changes to PCSM Plans could be approved as Field Changes. However, the changes to the PCSM Plan would have to be minor and not affect the function or operation of PCSM SCMs. In addition, changes to PCSM Plans in areas where there are known hazardous geologic formations or soil conditions (as should be reported in the NOI or application) may not be approved as a Field Change.

EXAMPLE 3.1 – An infiltration basin needs to shift by 20 feet to accommodate the relocation of a sanitary sewer main; the shifted location of the infiltration basin is still within 25 feet of the performed infiltration test and soil pit locations.

NOTE 3.1 – Any Field Changes to the PCSM Plan should be included as part of the record drawings with the Notice of Termination.

FAQ #4: How is a Field Change handled?

Field Changes should be documented on the approved E&S Plan or PCSM Plan that is maintained on-site and should be initialed by the permittee and a representative of DEP/CCD. The copy of the approved E&S Plan or PCSM Plan held by DEP/CCD will also document the field change; however, this copy of the plan is not required to be initialed. The representative of DEP/CCD will also note the discussion and approval/denial of a Field Change in their Inspection Report or other written correspondence (e.g., letter or email).

NOTE 4.1 – In some circumstances, DEP/CCD may request that a Field Change be made to the actual plan drawing(s). These revised plan drawings would be submitted to DEP/CCD via paper submission or electronic submission. DEP/CCD would follow the above approval/denial process when this occurs.

NOTE 4.2 – Field Changes do not always have to be done “in the field.” Field Changes can be requested by the permittee or co-permittee through email and followed up by a paper submission or electronic submission to DEP/CCD. DEP/CCD would follow the above approval/denial process when this occurs.

NOTE 4.3 – An operator (i.e., co-permittee), can request a Field Change without the notification or consent of the permittee because an operator (per 25 Pa. Code § 102.1) has the ability to make modifications to the E&S Plan, PCSM Plan and/or site specifications. However, an operator may not sign and submit an NOI or application for a Minor or Major Amendment on behalf of a permittee.

NOTE 4.4 – CCDs may approve Field Changes to PCSM Plans regardless of whether the CCD has delegation for PCSM Plan reviews. Where there is any doubt that a change to a PCSM Plan would not constitute a Field Change, the CCD should contact the appropriate DEP regional office for guidance.

MINOR AMENDMENTS

FAQ #5: What kinds of changes require a Minor Amendment to permit coverage?

The following types of changes are generally considered *Minor Amendments* and require a permittee to submit an application or NOI to DEP/CCD. It is noted that DEP/CCD has the discretion to require a Major Amendment for any of the changes identified in this section.

- A. For projects where the original permitted limit of disturbance is less than 25 acres, an increase in the area of earth disturbance less than 10% of the original permitted limit of disturbance, on a cumulative basis, is considered a Minor Amendment, as long as 1) the increased disturbance continues to meet the eligibility requirements of the permit; 2) appropriate E&S controls (both existing and proposed) are provided; and 3) PCSM SCMs identified in the original PCSM Plan will be adequate to control volume, rate, and water quality for the increased disturbance.

In addition, for linear projects, the increased disturbance should be within the same contributing drainage area in order to be considered a Minor Amendment.

The increased disturbance should not cause any changes to the original resource delineation, should not increase the impacts to previously identified resources, and should not cause impacts to new resources.

If considering an increase in disturbance for projects in areas where there are known hazardous geologic formations or soil conditions (as should be reported in the NOI or application), the permittee should consult with DEP/CCD.

The increased area of disturbance may include the identification and utilization of off-site support facilities (part of the common plan of development or sale, i.e., within ¼ mile of the project site).

EXAMPLE 5.A.1 – A proposal that increases the earth disturbance area by 5% that meets all other criteria for a Minor Amendment can be treated as a Minor Amendment. If a second proposal involves an increase in the earth disturbance area of 5% or more (compared to the original, permitted earth disturbance area), a Major Amendment will be necessary and must include all increases.

NOTE 5.A.1 – Where the term “increase” is used with respect to the area of earth disturbance, the term refers to new area to be disturbed rather than the net change of disturbance. For example, if a permit was issued for an original earth disturbance of 5.0 acres, and an amendment is submitted to disturb a new area of 2.0 acres and to eliminate 1.5 acres (for a total earth disturbance of 5.5 acres after the amendment), the increase in earth disturbance would be the 2.0 acres of new area, not the 0.5-acre net change.

- B. For projects where the original permitted limit of disturbance is 25 acres or greater, an increase in the area of earth disturbance less than 2.5 acres compared to the original permitted limit of disturbance, on a cumulative basis, is considered a Minor Amendment, as long as 1) the increased disturbance continues to meet the eligibility requirements of the permit; 2) appropriate E&S controls (both existing and proposed) are provided; and 3) PCSM SCMs identified in the original PCSM Plan will be adequate to control volume, rate, and water quality for the increased disturbance.

In addition, for linear projects, the increased disturbance should be within the same contributing drainage area in order to be considered a Minor Amendment.

The increased disturbance should not cause any changes to the original resource delineation, should not increase the impacts to previously identified resources, and should not cause impacts to new resources.

If considering an increase in disturbance for projects in areas where there are known hazardous geologic formations or soil conditions (as should be reported in the NOI or application), the permittee should consult with DEP/CCD.

The increased area of disturbance may include the identification and utilization of off-site support facilities (part of the common plan of development or sale, i.e., within ¼ mile of the project site).

EXAMPLE 5.B.1 – A proposal that increases the original permitted 50-acre limit of earth disturbance area by 1.5 acres and meets all other criteria for a Minor Amendment can be treated as a Minor Amendment. If a second proposal involves an increase in the earth disturbance area of 1 acre or more (compared to the original, permitted earth disturbance area), a Major Amendment will be necessary and must include all increases.

- C. A partial termination of an existing permit is considered a Minor Amendment.

NOTE 5.C.1 - Upon submission of a Notice of Termination form to request the termination of permit coverage on a portion of a site, an application for Minor Amendment must be submitted to amend the project site boundary to encompass only the area of the site remaining under permit coverage. The application must include the associated E&S and PCSM Plans to represent continued coverage of the remaining project area. An edited version of the originally permitted drawing showing the area of the site remaining under permit coverage is sufficient.

- D. Realignment or relocation of a PCSM SCM or structure (i.e., more than a few feet) that does not affect calculations related to stormwater volume, rate, or water quality is considered a Minor Amendment, if DEP/CCD determines that the proposed change would not affect the SCM's function or performance. DEP/CCD may require calculations to be submitted that support a permittee's assertion that the change is minor.

If realigning or relocating a PCSM SCM in areas where there are known hazardous geologic formations or soil conditions (as should be reported in the NOI or application), the permittee should consult with DEP/CCD.

EXAMPLE 5.D.1 – An applicant proposes to move a road from its originally proposed location in order to satisfy the requirements of a PennDOT-issued highway occupancy permit. The original permitted earth disturbance was 10.5 acres, and the relocation results in a change of 0.8 acre to the limit of disturbance and will not cause any new impacts to resources that are identified in the original resource delineations.

EXAMPLE 5.D.2 – A residential subdivision plan was permitted, which included an infiltration trench on each lot to treat downspouts. The homebuyer wants to move the house to a different location on the lot, which results in the infiltration trench relocating from the permitted location. Infiltration appears feasible at the new location for the infiltration trench, as determined through testing. No changes to the size of the house or infiltration trench are proposed.

EXAMPLE 5.D.3 – A permittee proposes to move a pipeline from its originally proposed location in order to satisfy landowner requests. The original permitted earth disturbance was 60 acres, and the contributing area to the watershed where the pipeline relocation is occurring is 12 acres. This change can be considered a Minor Amendment if the relocation results in an increase of less than 1.2 acres of disturbance.

- E. Substitution of E&S BMPs and/or PCSM SCMs planned for in the original design that will still meet regulatory requirements, or a reduction in the dimensions and/or capacities of structural BMPs/SCMs that do not affect performance of those BMPs/SCMs, may be considered a Minor Amendment. DEP/CCD may require calculations to be submitted that support a permittee's assertion that the change is minor.

EXAMPLE 5.E.1 – A rock construction entrance cannot be made as wide as originally planned, and a determination is made by the DEP/CCD that this change would not result in an increased risk of erosion and sedimentation. Note that DEP/CCD may also determine that this change can be considered a Field Change.

EXAMPLE 5.E.2 – Substituting an erosion control blanket from a different manufacturer for lining of a channel. Note that if specifications are the same between the two products DEP/CCD may determine this change can be considered a Field Change.

EXAMPLE 5.E.3 – A contractor requests to substitute a manufactured SCM with a different product having the same specifications. Note that DEP/CCD may also determine that this change can be considered a Field Change. If DEP/CCD determines that the proposed SCM will not perform identically to the approved SCM, a Major Amendment may be required.

- F. The addition of an E&S BMP or PCSM SCM, the increase in the dimensions and/or capacities of a planned BMP/SCM (i.e., $\geq 0.5\%$), or other minor alteration that will not negatively affect BMP/SCM design, performance, function, or operation as determined by DEP/CCD is considered a Minor Amendment. DEP/CCD may require calculations to be submitted that support a permittee’s assertion that the change is minor.

EXAMPLE 5.F.1 – A proposal to increase the height of an infiltration basin embankment.

EXAMPLE 5.F.2 – Adjustments to a BMP outlet control structure that in the judgment of DEP/CCD would not require a re-design of the BMP.

EXAMPLE 5.F.3 – Modifications to the planting specifications for a rain garden.

- G. An increase or decrease to the project site, while there is no increase to the earth disturbance.

EXAMPLE 5.G.1 – A permittee holds a permit on their 100-acre project site, which includes an earth disturbance of 25 acres. The permittee decides to sell 15 acres of land that is not being disturbed and wants to remove those 15 acres from coverage under the permit.

- H. Changes to the permittee name or address or site address and the correction of typographical errors are considered Minor Amendments.

EXAMPLE 5.H.1 – The permittee’s name changes due to marriage.

EXAMPLE 5.H.2 – The permittee’s office moves.

EXAMPLE 5.H.3 – Facility address changes due to 911 readdressing.

NOTE 5.H.1 – Changes in ownership or operational control are considered Minor Amendments under 25 Pa. Code § 92a.2; however, current and proposed permittees are required to complete the Transfer Application ([3800-PM-BCW041b](#)) (if the permittee will change) or the Application for NPDES or WQM Permittee Name Change ([3800-PM-BCW021b](#)) (if the permittee will remain the same but is changing their name) rather than apply for a Minor Amendment.

MAJOR AMENDMENTS

FAQ #6: What kinds of changes require a Major Amendment to permit coverage?

The following types of changes are considered *Major Amendments* and require a permittee to submit a permit amendment application package to DEP/CCD. If any one of the criteria listed below apply, then a Major Amendment to permit coverage would be required.

- A. For projects where the original permitted limit of disturbance is less than 25 acres, an increase in the area of earth disturbance by 10% or more compared, on a cumulative basis, to the original permitted limit of disturbance is considered a Major Amendment. The increased area of disturbance may include the identification and utilization of off-site support facilities that are considered part of the project for permitting purposes (part of the common plan of development or sale, i.e., within ¼ mile of the project site. For oil and gas pipeline projects, the comparison should be done on a watershed-by-watershed basis.

NOTE 6.A.1 – A proposal that increases the earth disturbance area by 5% that meets all other criteria for a Minor Amendment can be treated as a Minor Amendment. If a second proposal involves an increase in the earth disturbance area of 5% or more (compared to the original, permitted earth disturbance area), a Major Amendment will be necessary and must include all increases. The disturbed acreage fee will be based on the cumulative additional acres of earth disturbance. Once a project reaches the cumulative 10% increase for a major amendment, every additional earth disturbance increase over the life of the project would also require a major amendment.

NOTE 6.A.2 – Where the term “increase” is used with respect to the area of earth disturbance, the term refers to new area to be disturbed rather than the net change of disturbance. For example, if a permit was issued for an original earth disturbance of 5.0 acres, and an amendment is submitted to disturb a new area of 2.0 acres and to eliminate 1.5 acres (for a total earth disturbance of 5.5 acres after the amendment), the increase in earth disturbance would be the 2.0 acres of new area, not the 0.5-acre net change.

NOTE 6.A.3 – For oil and gas pipeline projects covered by an E&S Permit, where the original permitted limit of disturbance is less than 25 acres, an increase in the area of earth disturbance by 10% (as considered on a watershed by watershed basis) or more compared, on a cumulative basis, to the original permitted limit of disturbance is considered a Major Amendment.

- B. For projects where the original permitted limit of disturbance is 25 acres or greater, an increase in the area of earth disturbance by 2.5 acres or more compared, on a cumulative basis, to the original permitted limit of disturbance is considered a Major Amendment, unless otherwise authorized in writing by DEP. The increased area of disturbance may include the identification and utilization of off-site support facilities (that are considered part of the project for permitting purposes (part of the common plan of development or sale/project, i.e., within ¼ mile of the project site. For oil and gas pipeline projects, the comparison should be done on a watershed-by-watershed basis.

EXAMPLE 6.B.1 – A proposal increases the original permitted 50-acre earth disturbance area by 2.5 acres constitutes a Major Amendment.

- C. A revision that results in earth disturbance activities that may adversely affect a Pennsylvania or federal threatened or endangered species or its critical habitat is considered a Major Amendment.

EXAMPLE 6.C.1 – As a result of a proposed increase in earth disturbance of any magnitude, a PNDI search and/or agency consultation identifies that the proposed activity would adversely affect a critical habitat for the bog turtle.

- D. A change to the E&S and/or PCSM design standards identified in the original application or NOI is considered a Major Amendment.

NOTE 6.D.1 – For E&S BMPs, the design standards are contained in the E&S Manual; for PCSM SCMs, the design standards are identified in the Stormwater BMP Manual.

EXAMPLE 6.D.1 – An applicant submits an E&S Plan with the design of BMPs consistent with the E&S Manual. Then, after permit coverage is approved, the applicant decides to change the design standards of the E&S BMP in a way that is inconsistent with the E&S Manual.

EXAMPLE 6.D.2 – An applicant initially proposes the design of PCSM SCMs based on managing the net change for storms up to and including the 2-year/24-hour storm event solely through infiltration; however, field conditions during construction lead to a determination that implementation of this design is infeasible and other approaches must be pursued.

EXAMPLE 6.D.3 – An applicant completes the stormwater analysis for a PCSM Plan using the design storm approach (i.e., managing the net change), but later revises the standard to be consistent with a newly-approved Act 167 Plan.

- E. A new point of discharge or an increased discharge of stormwater is considered a Major Amendment.

EXAMPLE 6.E.1 – A project is originally permitted to only discharge to the main stem of Black Run; however, the amendment proposes a new point of discharge to an Unnamed Tributary to Black Run.

EXAMPLE 6.E.2 – The original design had a pre-construction runoff volume of 45,000 CF and the post-construction runoff volume (with planned PCSM SCMs) was 43,000 CF. However, due to unforeseen groundwater being encountered, the proposed infiltration basin was re-designed to a constructed wetland, and the project can no longer claim infiltration credit. The resulting re-design now has a post-construction runoff volume (with planned PCSM SCMs) of 57,000 CF.

- F. The elimination of structural or non-structural E&S BMPs and/or PCSM SCMs planned for in the original design, or a reduction in the dimensions and/or capacities of structural

BMPs/SCMs (i.e., $\geq 0.5\%$ reduction) that may affect performance of those BMPs/SCMs, is considered a Major Amendment.

EXAMPLE 6.F.1 – An applicant proposes to not implement the use of a sediment trap that was approved in the E&S Plan or an infiltration basin that was approved in the PCSM Plan.

EXAMPLE 6.F.2 – An approved E&S Plan called for a rock construction entrance with a wash rack, but the applicant proposes to not install a wash rack and cannot meet applicable antidegradation regulations.

EXAMPLE 6.F.3 – The proposed sediment trap cannot be constructed as designed, due to a previously unidentified existing utility. The sediment trap will have to be reconfigured (elevations and surface area) to accommodate the existing utility.

EXAMPLE 6.F.4 – During the construction of an infiltration basin a rock outcropping is encountered within the basin footprint. The plan revisions call for the infiltration basin footprint to be reduced, which result in the orifice and grate elevations needing to be raised (in order to properly manage stormwater).

- G. The construction of additional impervious or non-pervious surfaces not reported in the application or NOI is considered a Major Amendment unless the proposed PCSM SCMs in the PCSM Plan are capable of managing the increase in stormwater runoff without modification to the SCMs.

EXAMPLE 6.G.1 – An applicant proposes to convert an area designated for open space to additional impervious for parking. The applicant is responsible under the permit to notify the permitting authority. If PCSM SCMs in the current PCSM Plan will not adequately manage the increase in stormwater runoff, the change will be considered a Major Amendment (otherwise it may be considered a Minor Amendment).

NOTE 6.G.1 – If an application for a Minor Amendment to permit coverage is submitted for an increase to the previously reported impervious or non-pervious surfaces and DEP/CCD determines that the PCSM SCMs will not manage the increase in stormwater runoff, the application for a Minor Amendment will be denied (or the applicant will be given an opportunity to withdraw) and an application for a Major Amendment will need to be submitted.

- H. A proposed site alteration that would allow new stormwater flows from off-site to flow onto the site is considered a Major Amendment unless the proposed E&S BMPs and/or PCSM SCMs in the E&S and/or PCSM Plan(s) are capable of managing the increase in stormwater runoff without modification to the BMPs/SCMs.

EXAMPLE 6.H.1 – If a decision is made, during construction, to reroute off-site municipal stormwater flows onto the project site, and the E&S BMPs and/or PCSM SCMs in the original E&S and/or PCSM Plan will not adequately manage the increased runoff, this change would be considered a Major Amendment.

NOTE 6.H.1 – If an application for a Minor Amendment to permit coverage is submitted to allow off-site stormwater to flow through the site and DEP/CCD determines that the BMPs/SCMs will not manage the increase in stormwater runoff, the application for a Minor Amendment will be denied (or the applicant will be given an opportunity to withdraw) and an application for a Major Amendment will need to be submitted.

- I. A common plan of development or sale with multiple phases where the initial application or NOI (including E&S and PCSM Plans) did not address all phases of the project is considered a Major Amendment when subsequent phases are submitted for approval.

EXAMPLE 6.I.1 – A permittee proposes development of a new lot in an industrial park project that was not addressed in an original application, E&S Plan, and PCSM Plan.

OTHER FAQs

FAQ #7: When there is an increase in earth disturbance, is a Pennsylvania Natural Diversity Inventory (PNDI) search required as part of an application for a permit amendment?

Any permittee proposing new areas of earth disturbance must ensure that there are no State or Federal threatened or endangered species that could be affected in those areas. Therefore, PNDI clearances are required with any application for a permit amendment that includes new areas of earth disturbance.

NOTE 7.1 – If the area of increased earth disturbance activity was included in the original PNDI search and the PNDI search and any clearances are still valid, then a new PNDI search will not be required.

FAQ #8: What fees are required with an application or NOI for a permit amendment?

The chart below presents fees that are required for applications or NOIs for permit amendments. Fees are to be paid to the same entity as for the original permit application.

Permit Type	Amendment Type	Administrative Filing Fee	Disturbed Acreage Fee
Individual Permit	Minor Amendment	\$0	\$100 per acre (new disturbance only)
	Major Amendment	\$1,500	
General Permit	Minor Amendment	\$0	\$100 per acre (new disturbance only)
	Major Amendment	\$500	
All Types	Field Changes	\$0	Not Applicable

NOTE 8.1 – If a permittee is submitting an application or NOI to amend permit coverage for an increase in earth disturbance, an additional Disturbed Acreage fee may or may not need to be paid, depending on the increase in disturbance. For example, if the original application indicates 1.5 acres will be disturbed and later it is determined that 2.0 acres will be disturbed, no additional disturbed acreage fee would be due for the Major Amendment application since

\$200 was paid with the original NOI. If there is another increase of 0.5 acre (i.e., 2.5 acres total disturbance), \$100 would be due for the subsequent Major Amendment application (along with the Administrative Filing Fee).

Based upon their fee schedules, CCDs may charge additional fees to review an application or NOI for a permit amendment. It is recommended to consult with the appropriate CCD to determine if any additional fees apply.

FAQ #9: To whom is an application or NOI for a permit amendment submitted?

Any application or NOI for a permit amendment (Major or Minor) is submitted to the same entity in which the original permit application was submitted to. DEP/CCD will publish notice of actions taken on applications and NOIs for Major Amendments in the *Pennsylvania Bulletin*. Public notice is not necessary for Minor Amendments, including Field Changes.

FAQ #10: Can DEP/CCD review multiple amendment applications simultaneously for the same project?

No. If a permittee has previously submitted a permit amendment application and wishes to make additional changes while that application is under review, the permittee should either wait for DEP/CCD to take action on the first application before submitting a subsequent application, or request that the further changes be incorporated into the first application. DEP/CCD staff may use their discretion to determine whether the additional changes can be easily incorporated into the amendment under review, and if not, may recommend a voluntarily withdrawal and resubmission if the permittee does not want to wait for DEP/CCD to take action on the first submission.

FAQ #11: What information is required with an application or NOI for a permit amendment?

Refer to [Attachment B](#) of this FAQ document for the information generally needed for an application or NOI for a permit amendment.

FAQ #12: What form do I use for an application or NOI for a permit amendment?

Proposed changes should be documented on the following application or NOI forms, regardless of when the original application or NOI was submitted for approval:

- For PAG-01, the NOI (3800-PM-BCW0404b) dated 2/2022 or later.
- For PAG-02, the NOI (3800-PM-BCW0405b) dated 8/2024 or later.
- For Individual NPDES permits, the application (3800-PM-BCW0408b) dated 1/2025 or later.
- For Individual E&S permits, the application (3800-PM-BCW0019b) dated 8/2020 or later.
- For ESCGP, the NOI (8000-PM-OOGM0006) dated 9/2024 or later.

For example, if a PAG-02 NOI was originally submitted on a form dated 12/2019, any application for a major or minor amendment would need to be submitted on a PAG-02 NOI form dated 8/2024 or later.

For phased projects in which the original application did not cover all phases, the latest application or NOI forms should be used.

For **Major Amendments**, the NOI or application package should be submitted in its entirety (see NOTE 12.1 below). The appropriate box on page 1 for Major Amendment should be checked, and any information in the NOI or application package (including but not limited to modules and drawings) should be updated, where appropriate, and, if applicable, highlighted in bold text or other means of identification for the benefit of DEP/CCD staff. In addition, all changes should be described in the Project Description field of the NOI or application.

NOTE 12.1 – New PNDI receipts/clearance letters are required for a Major Amendment if they have expired and earth disturbance has not been completed, or if new earth disturbance is proposed outside the original PNDI search.

NOTE 12.2 – New County and Municipal Notification Forms (3800-FM-BCW0271b and c) are required for a Major Amendment (as well as a Minor Amendment) if there will be increases to the earth disturbance area.

For **Minor Amendments**, the appropriate box on page 1 for Minor Amendment should be checked and the General Information, Eligibility Information (PAG-01 and PAG-02 only), Compliance History, and Certification sections must be completed, at a minimum. In addition, any other information in the NOI or application (including but not limited to modules and drawings) must be submitted when revisions have been made.

Anytime a previously submitted NOI or application is updated for an amendment request, the information that has changed should be highlighted in bold text or other means of identification for the benefit of DEP/CCD staff.

ESCGP applicants requesting Minor or Major Amendments must use the most recent ESCGP NOI form and select “Minor Amendment” or “Major Amendment” under section A, Application Type. All necessary sections required for a Minor or Major Amendment must be completed. ESCGP applicants using the ePermit system should choose Minor or Major Amendment as application type and must complete all necessary modules required. For additional information regarding Oil and Gas Projects, please refer to the [Oil and Gas Program FAQ website](#).

NOTE 12.3 – With the exception of ESCGP, if the original approved NOI or application was submitted using the Chapter 102 ePermit System, the latest available forms posted to DEP’s eLibrary should be used. If the original ESCGP NOI was submitted electronically through DEP’s ePermit System, amendments should also be submitted through the ePermit System.

FAQ #13: Do I need to use the latest modules and implementation tools (e.g., spreadsheets) when preparing a permit amendment?

Yes, when the amendment involves new earth disturbance that will exceed the threshold for a Major Amendment and anytime a new SCM or change in the type of SCM is proposed, unless waived in writing by DEP/CCD. DEP/CCD also reserves the right to require use of the latest modules and tools in other situations when warranted.

FAQ #14: How do I complete an application or NOI for a permit amendment?

All fields in a paper application or NOI are to be completely filled out, even if the information has not changed. Any information that has changed should be highlighted, underlined, bolded, or otherwise easily identified as a change/revision.

On the NOI or application form check the appropriate box to identify the type of amendment that is being applied for.

To identify any increased project site area or disturbed area, the form should be filled out such that the original permitted area is identified, and the increased area is separately identified.

EXAMPLE 14.A – An application is submitted for a Major Amendment for a project that was originally permitted with a project site area of 25 acres and a disturbed area of 10 acres. The amendment will not change the project site and will increase the disturbance by 2 acres. The application should list the project site and disturbed area as follows:

Project Site: “25 acres”
Disturbed Area: “10 acres + **2 acres**”

To identify what is included as part of the application or NOI for a permit amendment, the original permit project description should be provided, and the information to describe the purpose of the amendment should be included with bolded text.

FAQ#15: I am ready to submit my Notice of Termination (NOT), but one of the proposed PCSM SCMs was not installed correctly and my permit has expired; what do I do?

An expired permit cannot be amended. A new permit application must be submitted unless another agreement is reached with DEP/CCD during the NOT process.

FAQ #16: Do I need to include the E&S or PCSM Modules with my application for an amendment?

Yes, if the proposed changes will impact any information on the modules previously submitted to DEP/CCD or unless the DEP/CCD reviewer requests the modules.

FAQ #17: May I proceed with implementing changes described in an NOI or application for an amendment prior to DEP/CCD approval?

No. Doing so may constitute a violation of Pennsylvania's Clean Streams Law, DEP's regulations at 25 Pa. Code §§ 92a.1(b), 92a.24(b) and/or 102.5, and the permit.

FAQ #18: What can I do while my Minor or Major Amendment application is under review?

Previously authorized work may continue, so long as the approved construction sequence would not be affected by the proposed change and there would not be an increased risk of pollution if previously authorized work continued. However, as indicated in FAQ #16, work relating to proposed changes may constitute a violation if done prior to DEP/CCD approval.

EXAMPLE 18.A – During construction of a school, additional funds are obtained to build a natural grass athletic field within the approved limit of disturbance. It is determined the addition of the athletic field would meet the criteria for a Minor Amendment. Since the athletic field construction does not change or affect the approved E&S and PCSM Plans, BMP/SCMs, and construction sequences, construction consistent with the original approval may continue on the school prior to approval of the Minor Amendment, but not construction on the athletic field. It is noted that for an artificial turf athletic field, a Major Amendment would be necessary because new SCM(s) would be needed, but construction consistent with the original approval may continue prior to approval of the Major Amendment.

EXAMPLE 18.B – An industrial park has NPDES permit coverage that has been renewed multiple times. One lot in the park was rough graded but not developed. The permittee now plans to develop the lot 12 years after the park was originally permitted and proposes a change in the building size, layout and parking area on the lot. In this case earth disturbance may not proceed under the NPDES permit until a Major Amendment is approved because it is unknown if the E&S BMPs and PCSM SCMs for the park as contained in the original E&S and PCSM Plans, respectively, will be adequate.

EXAMPLE 18.C – A commercial lot has an approved NPDES permit. The permittee now proposes multiple buildings instead of a single building. This proposal will increase the amount of impervious area on the site although the approved E&S Plan and E&S BMP (one sediment basin) for the entire site will not need to change. The permittee may not proceed with earth disturbance until a Major Amendment is approved because it is unknown if the PCSM SCMs identified in the original PCSM Plan will be adequate or how changes to drainage areas will affect those SCMs. Additionally, areas of the site that may be potentially used as PCSM SCMs (should any new SCMs for the amendment be deemed inadequate) may need to be protected from earth disturbance activities.

EXAMPLE 18.D – A residential/commercial subdivision with multiple phases is permitted. Construction begins, Phase 1 is completed, and even though Phase 2 is next in the approved sequence of construction, the permittee requests to begin Phase 3 because of changing market conditions. The construction of Phase 3 utilizes E&S controls in Phase 2. Construction cannot begin on Phase 3 until a Minor Amendment is approved because the plans and sequence of construction must be revised.

FAQ #19: My project site includes long-term routine and ongoing earth disturbance. Do I need to submit an application/NOI for a permit amendment for each new section/phase of disturbance?

There are some project sites, such as airports, where the owner decides to maintain NPDES permit coverage long-term, without submitting an NOI, because earth disturbance activities occur routinely and it would be an administrative burden to obtain permit coverage for each activity. If a permittee in this scenario has coverage under a general permit such as PAG-02, a permit amendment would be necessary for every new, distinct disturbance activity on a site. DEP has more flexibility under an Individual NPDES permit. Under an Individual NPDES permit, DEP could establish a permit condition whereby the permittee would need to notify DEP/CCD of each new, distinct disturbance activity, and submit appropriate plans or plan updates (and PNDI receipt/clearances as necessary), but a permit amendment would not be necessary unless the area of disturbance is at least one acre.

FAQ #20: There is an emergency situation on my permitted project site that requires new earth disturbance immediately. What can I do?

First, immediately notify DEP/CCD of the situation and the need for additional earth disturbance. If DEP/CCD agrees that it is an emergency situation, DEP/CCD may approve the disturbance as a Field Change, to be followed up as soon as possible with a Minor or Major Amendment, as appropriate.

FAQ #21: I would like to add a co-permittee to an existing permit. How can I accomplish this?

Use the [Application for NPDES or WQM Permit Transfer](#) form and select “Add a Co-Permittee” in the Purpose of Application section. Both the current permittee and proposed co-permittee would complete the applicable sections of this form. The application should be submitted to the DEP/CCD office that originally approved permit coverage. No other forms are required.

NOTE 21.1 – The Application for NPDES or WQM Permit Transfer form should not be used for operator co-permittees. The addition or removal of operator co-permittees should be documented on the [Chapter 102 Visual Site Inspection Report](#) (VSIR).

FAQ #22: I have decided to change the use of one or more buildings for my permitted project. Is an amendment needed?

In general, if all of the following are satisfied, an amendment to a Chapter 102 permit is unnecessary:

- There will be no increase in overall earth disturbance and disturbance will not occur beyond the approved limit of disturbance (LOD) on E&S Plan Drawings;

- Changes to the E&S Plan including the sequence of construction are not needed;
- There will be no increase in overall impervious surface as a result of the project and the locations and types of impervious will not significantly change (minor relocations of impervious are acceptable);
- There will be no significant changes to drainage areas contributing runoff to PCSM SCM(s); and
- No changes will be needed to the approved PCSM SCM(s).

If one or more of these criteria are not satisfied, a Minor or Major Amendment may be necessary. The permittee is responsible for obtaining all local approvals and DEP approvals such as sewage planning approval, as applicable. If ownership of the site or project will be transferred to another party, the permittee must submit a [Transfer Application](#) to DEP (for Individual NPDES permits) or the CCD (for general permits).

NOTE 22.1 – If sewage planning or other permits or approvals will need to be obtained for a land use change, clearing, grubbing, and site grading may commence or continue as long as 1) the permittee is authorized to do so by the municipality, 2) there will be no changes to the approved PCSM SCMs, and 3) construction of buildings or other structures that would require new approvals does not occur. If these conditions are not met then earth disturbance activities should cease until the new approvals are obtained.

ATTACHMENT A

SUMMARY OF AMENDMENT SCENARIOS

Field Changes

No NOI/application submission, no administrative filing or disturbed acreage fees

- Changes to the location of construction entrances.
- Minor changes in construction sequencing.
- Changing E&S BMPs from non-ABACT to ABACT.
- Changing E&S BMPs from ABACT to non-ABACT unless ABACT is required.
- Changes to stockpile locations within the limit of disturbance as long as drainage areas are not affected.
- Minor changes in the location of BMPs or SCMs or their components (i.e., a few feet).
- Minor revisions to the outlets or design of BMPs or SCMs that do not require review in the judgment of DEP/CCD.
- Minor increases or decreases in capacity or dimensions of BMPs or SCMs (< 0.5%).

Minor Amendments

NOI/application submission, no administrative filing fee, possible disturbed acreage fee

- Where limit of disturbance < 25 acres, cumulative increases in disturbance < 10% as long as 1) new area of disturbance is eligible for permit coverage, 2) appropriate E&S BMPs will be used, and 3) no changes needed for PCSM SCMs.
- Where limit of disturbance \geq 25 acres, cumulative increases in disturbance < 2.5 acres as long as 1) – 3) are satisfied above.
- Partial termination of existing permit to amend the project site boundary.
- Realignment/relocation of SCMs or structures (e.g., roads) that do not affect the stormwater analysis (unless DEP/CCD determines that the change will impact the SCM's function or performance).
- Substitutions of BMPs or SCMs or reductions in dimensions or capacities of BMPs or SCMs that will not impact function or performance.
- Addition of a BMP or SCM, increases in dimensions or capacities (\geq 0.5%), and other minor alterations.

- Increasing or decreasing the project site area without changing area of earth disturbance.
- Changes to the permittee's name or address and correction of typographical errors.

Major Amendments

NOI/application submission, administrative filing fee submission, possible disturbed acreage fee

- Where limit of disturbance < 25 acres, cumulative increases in disturbance $\geq 10\%$.
- Where limit of disturbance ≥ 25 acres, cumulative increases in disturbance ≥ 2.5 acres.
- Change resulting in earth disturbance that may adversely affect a Pennsylvania or federal threatened or endangered species or its critical habitat.
- Change to E&S or PCSM design standards.
- A new discharge or an increase in stormwater discharges (volume).
- Elimination of BMPs or SCMs or reductions in dimensions or capacities ($\geq 0.5\%$) that may affect function or performance.
- Addition of impervious or non-pervious surfaces not reported in the NOI/application unless SCMs are capable of managing the increase in runoff without modifications to the SCMs.
- Allowing new off-site runoff onto the project site unless BMPs and SCMs are capable of managing the increased runoff.
- A common plan of development with multiple phases where the initial NOI/application did not address all phases.

ATTACHMENT B

APPLICATION AND NOI REQUIREMENTS FOR MAJOR AND MINOR PERMIT AMENDMENTS

The chart below identifies the NOI and application requirements associated with Major and Minor Amendments and provides guidance on completing the PAG-02 NOI checklist (3800-PM-BCW0405c) and the individual NPDES permit application checklist (3800-PM-BCW0408c). The applicable checklist should be completed and submitted with the NOI or application.

Requirement	Major Amendment	Minor Amendment
Fully completed and properly signed Application or NOI Form	Always	Always
Administrative Filing Fee (\$500 for GP, \$1,500 for IP)	Always	N/A
Disturbed Acreage Fee	New earth disturbance only	New earth disturbance only
Municipal and County Notification Forms (and proof of receipt if applicable)	New earth disturbance only	New earth disturbance only
PNDI receipt and clearances	New earth disturbance or expired receipt	New earth disturbance or expired receipt
Revised E&S Plan Drawings	Only when revisions to the E&S Plan are made	Only when revisions to the E&S Plan are made
Revised E&S Module 1	Only when revisions to Module 1 are made	Only when revisions to Module 1 are made
Revised PCSM Plan Drawings	Only when revisions to the PCSM Plan are made	Only when revisions to the PCSM Plan are made
Revised PCSM Module 2	Only when revisions to Module 2 are made	Only when revisions to Module 2 are made
Other accompanying PCSM information (e.g., PCSM Spreadsheet)	Only when revisions to the PCSM Plan are made	Only when revisions to the PCSM Plan are made
Revised Antidegradation Module 3 and Riparian Buffer Module 4	Only for IP, when necessary	Only for IP, when necessary
PHMC Coordination Letter / Clearance (with 1) a project with an individual permit with at least 10 acres of disturbance, and 2) any activity which may affect Historic Resources on the National Register of Historic Places, regardless of amount of earth disturbance)	New earth disturbance only	New earth disturbance only

Version History

Date	Version	Revision Reason
4/9/2026	1.6	Added FAQ # 2.H, Example 5.E.3, FAQ #13 (and renumbered FAQs #14 - #21), and FAQ #22. Removed FAQ #6.J.
12/17/2025	1.5	Clarified in NOTE 4.3 that an operator may not sign and submit an NOI or application for a Minor or Major Amendment on behalf of a permittee. Added Example 5.A.1, NOTE 5.A.1, Example 5.B.1, FAQ #6.J, FAQ #10, FAQs #16 – #20, and Attachment A (renamed prior Attachment A to Attachment B). Removed Example 5.E.3. Removed reference to 900 feet for off-site support activities in relation to oil and gas activities from FAQs #5 and #6.
4/17/2023	1.4	Added FAQs #13 and #14 and made clarifications to FAQ #6 and Example 6.I.1.
12/27/2022	1.3	Revised Note 5.H.1 to refer to the correct transfer application and included a link (note that the version number was not changed for this minor update).
2/17/2021	1.3	Revisions made to clarify requirements for oil and gas projects utilizing the Erosion and Sediment Control General Permit (ESCGP) for Chapter 102 permit coverage. Modifications were made to FAQs #2 (modified paragraphs B and E and added Example 2.B.1); #3; #5 (modified paragraphs A, B, D, modified Example 5.D.1, and added Example 5.D.3); #6 (modified paragraph A and added Note 6.A.2); and #11.
2/11/2020	1.2	Revised FAQ #11 to be consistent with the PAG-02 General Permit and Individual NPDES Permits FAQ and Attachment A to be consistent with the Checklists.
3/7/2019	1.1	Added Version History. Revised FAQ #12 based upon revised NOI/Application Form.
10/9/2018	1.0	Original