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west virginia department of environmental protection

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## **NPDES Storm Water Construction General Permit Modification Guidance Policy WVR0115924**

Storm Water Pollution Prevention Plans (SWPPP) for construction sites are often revised during the construction process, and this is expected as a part of the typical and desirable best management practices (BMP) implementation process. In many cases, immediate action is needed to provide adequate erosion and sediment control. As such, certain levels of revision do not require submittal of a formal modification request by the permittee. However, in some circumstances, formal modifications are necessary to properly document changes to the SWPPP or registration form or to allow for review of design information. This document is intended to provide general guidance on when formal modifications should be requested. If in doubt, discuss the circumstances with the Storm Water Team Supervisor.

### **When Modifications are appropriate:**

- (1) Permitted area of disturbance is revised through either increases or decreases. For practical considerations, this should be applied when the increase or decrease is one-half (0.5) acre or more of disturbance. This does not include projects covered as Minor Construction Activity disturbing 1 to < 3 acres, that will now exceed three acres in size. In this case a site registration application form for Large Construction Activity disturbing 3 or more acres must be submitted covering the entire site. The difference in the application fee must be submitted with the site registration application.
- 2) Sediment basins, traps or permanent storm water ponds are redesigned, removed, or added. This does not include minor adjustments in pond location due to site conditions or removal of temporary structures as a normal part of the project completion process. This should include situations when basin, trap or pond design information must be provided and reviewed by the permit writer prior to approval of the revision.
- 3) The construction grading plan or type of project activity slightly changes or is updated, which would require redesign (or design) of sediment basins or storm water management structures. Examples of this include but are not limited to grading changes that will alter overall drainage patterns or runoff volume, changing type of development and final development plans

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proposed on site previously permitted as speculative land improvement/grading. If the grading changes are significant enough, a new site registration application may need to be submitted.

4) Specific circumstances make documentation of revisions important. Examples include but are not limited to revisions required as a result of an Administrative Order or other legal action; projects with noted public concern or objections and projects discharging to Tier 2.0 or 3.0 waters.

5) Permitted area of disturbance is revised with an increase in acreage less than one-half (0.5) acre that creates a discharge in a new watershed.

**Examples of situations when a Modification would normally not be required:**

(1) SWPPP revisions made by the contractor or recommended by DEP staff during on-site inspections, to respond to current site conditions or to conditions not anticipated during the original design/review (and that do not require new engineering design or redesign for existing structures). Examples include but are not limited to adding or moving sections of silt fence; adding or moving rock checks; adding or moving sediment traps; revising locations or adding diversions, pipe slope drains or other erosion protection measures; and minor layout or location changes of sediment basins or other storm water structures (that do not require redesign). DEP or the contractor may make requests for documentation of these revisions on the SWPPP; however, a formal modification may not be required.

(2) Other minor revisions, at the discretion of the permit writer or inspector, that do not significantly alter the design or intent of the SWPPP as approved.

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