

PADEP Publishes Draft Updated Erosion and Sediment Control Policy

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On December 6, 2025, the Pennsylvania Department of Environmental Protection (PADEP) published for public comment a draft revised policy for erosion and sediment (E&S) control and stormwater management for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities (Draft Guidance). 55 Pa. Bull. 8318 (Dec. 6, 2025). The Draft Guidance applies to both unconventional and conventional operators.

The draft policy would replace the existing 2012 version and includes permitting process requirements for general and individual erosion and sediment control permits. It also outlines regulatory requirements for erosion and sediment control, post construction stormwater management, stabilization, and restoration, co-permittees, and pre-construction meetings.

Regarding revisions to the existing policy, PADEP said at the September 2025 Oil and Gas Technical Advisory Board meeting it is not a “radical departure” from the way the program is currently being administered; that many of the changes are organizational. Oil and Gas TAB Meeting (Sept. 11, 2025). Specific substantive changes include increasing the distance by which support facilities, e.g., impoundments, staging areas, tank farms, auxiliary roads, parking lots, or borrow areas, are considered substantially connected and part of a project from 900 feet to 1,320 feet.

PADEP also adds details concerning filing deed instruments for stormwater control measures after a project is completed. For projects that do not require a well permit under the 2012 Oil and Gas Act, for any property containing a post-construction stormwater management plan with stormwater control measures (PCSM SCM), the E&S permittee or co-permittee must record an instrument with the County Recorder of Deeds Office. The purpose of the instrument is to

identify the PCSM SCM, provide for necessary access related to long-term operation and maintenance for PCSM SCMs and provide notice that the responsibility for long term operation and maintenance of the PCSM SCM is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees and provide proof of filing with the [Notice of Termination] under 25 Pa. Code § 102.7(b)(5).

Draft Guidance at 5. For projects that require a well permit, “the permittee must certify that they are responsible for long-term operation and maintenance of PCSM SCMs remaining on the well site after post drilling restoration in accordance with the PCSM/[site restoration] Plan included in the [PADEP]-approved E&S permit,” in addition to other requirements after post-plugging restoration if any PCSM SCMs remain on site. *Id.*

PADEP incorporated references to 25 Pa. Code ch. 78a, the regulations that govern unconventional wells that had not been promulgated in 2012 when the current policy was published. PADEP also added language stating that if an operator restores the well site within the nine-month statutory period, it is not required to comply with the requirements to restore the site to approximate original conditions, even though it still must stabilize the site to permanent stabilization requirements in 25 Pa. Code ch. 102. PADEP accepted comments on the Draft Guidance through January 20, 2026, and the Draft Guidance will become final when it is published in the *Pennsylvania Bulletin*. The Draft Guidance and current 2012 guidance are available on PADEP’s eLibrary website [here](#) (in the Technical

Guidance Draft Documents and Technical Guidance Final Documents folders, respectively).

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