

PADEP Publishes Final Erosion and Sediment Control General Permit-4

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On October 5, 2024, the Pennsylvania Department of Environmental Protection (PADEP) issued a notice publishing the final Erosion and Sediment Control General Permit-4 (ESCGP-4) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities. 54 Pa. Bull. 6341 (Oct. 5, 2024). In September 2024, PADEP published a Comment Response Document to comments it received during the comment period from June 29, 2024, to July 29, 2024, and incorporated those comments into ESCGP-4. See PADEP, [Comment Response Document](#) (Sept. 2024). In response to comments, PADEP did not eliminate the expedited review process for the ESCGP-4 permit, and noted that there are minimal differences between ESCGP-3 and ESCGP-4.

However, there are several notable changes and additions in ESCGP-4, including (1) where an approved discharge later becomes ineligible for coverage, the permittee must promptly act to restore eligibility and notify PADEP, or apply for an individual erosion and sediment control permit if eligibility cannot be restored; (2) the imposition of a new 60-day deadline to submit the notice of intent (NOI) before the planned date for initiating any new discharge; (3) a weekly inspection requirement after “snowmelt sufficient to cause a discharge” occurs, which must be completed by qualified personnel who meet the enumerated requirements under the permit; (4) that repair or replacement actions be implemented within 24 hours of discovery of an issue, where ESCGP-3 required immediate action; and (5) for any stormwater control measure that is not authorized by PADEP manuals, the permittee must receive PADEP approval and comply with related requirements.

ESCGP-4 became effective on October 5, 2024, and will expire October 5, 2029. Notices of permit approvals will be published in the *Pennsylvania Bulletin*. As of October 11, 2024, any NOI for new projects, renewals, subsequent phases, or modifications must be submitted under ESCGP-4. See PADEP, [ESCGP-4 Transition Plan](#) (Sept. 2024). Further, PADEP is required to act on all NOIs submitted for coverage under ESCGP-3 by January 6, 2025, due to its pending expiration. However, projects that were authorized for coverage under ESCGP-3 prior to this date will have coverage administratively extended under the terms and conditions of ESCGP-3 for the remainder of the time period of the original coverage. That is, if PADEP approves ESCGP-3 coverage, that coverage remains valid through the permit’s approved expiration date, unless PADEP approves a notice of termination or revokes permit coverage in the interim.

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