

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Site Restoration

(25 Pa. Code § 78a.65)

The purpose of this Frequently Asked Questions (FAQ) document is to address questions about site restoration requirements. This FAQ should not be used in lieu of reference to the 2012 Oil and Gas Act, 25 Pa. Code Chapter 78a and other applicable laws and regulations. The answers outlined in this FAQ are intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements.

This document is not an adjudication or a regulation. There is no intent on the part of the Department to give this document that weight or deference. The Department may supplement or amend this document at any time as necessary without notice.

Post-Drilling Landowner Waiver of Well Site Restoration

1. What is the intent of Post-Drilling Landowner Waiver of Well Site Restoration form?

As per § 78a.65(a)(1), the well owner or operator must restore the well site within 9 months after completion of drilling all permitted wells on the well site in accordance with a restoration plan developed in accordance with §78a.65(b). Section 78a.65(g) requires written consent of the landowner on forms provided by the Department to satisfy the restoration requirements of § 78a.65, provided the operator develops and implements a site restoration plan that complies with §§ 78a.65(a) and 78a.65(b)(2) – (7) and all PCSM requirements in Chapter 102. When properly completed and signed by the landowner, this form (8000-FM-OOGM0149U) releases the operator from post-drilling restoration requirements. However, the operator remains responsible for long-term operation and maintenance of PCSM SCMs until final restoration of the site is achieved after the wells are plugged. (posted 3/20/2026)

2. When does the Post-Drilling Landowner Waiver of Well Site Restoration form have to be attached with Post-Drilling Restoration Report?

Landowners can provide consent to the operators to not restore the entire site. In this case, operators must obtain written consent of the landowner on the Post-Drilling Landowner Waiver of Well Site Restoration form (8000-FM-OOGM0149U) and submit the properly completed and signed form to the Department with the Post-Drilling Restoration Report (8000-FM-OOGM0152U). Submitting a fully completed and signed Post-Drilling Landowner Waiver of Well Site Restoration form that meets the requirements of §78a.65(g) satisfies the post-drilling restoration requirements of §78a.65. (posted 3/20/2026)

3. If there is a portion of a well site, although restored, that will not be immediately available for agricultural use, agricultural reserve, or forest reserve, does an operator have to attach a Post-Drilling Landowner Waiver of Well Site Restoration form?

No. The Post-Drilling Landowner Waiver of Well Site Restoration form is only required when a landowner provides consent to an operator to not restore all or a portion of the disturbed area. Even when the site is fully restored, there still may be a portion of

the project not capable of agricultural uses, agricultural reserve, or forest reserve under the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P. S. §§ 5490.1—5490.13) ("Clean and Green Act"). The well operator must provide the acreage of land that is not readily available for agriculture use/reserve or forest reserve activities through post-drilling well site restoration report. (posted 3/20/2026)

4. Is a revised restoration plan needed if an operator decided to not restore an area that was intended to be restored on the approved restoration plan?

Yes, a revised restoration plan must be developed if the operator plans to not restore a portion of the well site that was intended to be restored on the approved restoration plan. If an authorization of coverage under Erosion and Sediment Control General Permit (ESCGP) was issued for the well site, an ESCGP Minor or Major Amendment must be submitted with a revised restoration plan. The operator should contact [Bureau of District Oil and Gas Operations](#) to determine which type of permit amendment is necessary. (posted 3/20/2026)

5. Why does the landowner consent form (8000-FM-OOGM0149U) not require the landowner to accept liability for maintaining PCSM SCMs? Why does the landowner consent form notify the landowner that that the landowner may be liable for conditions on the landowner's property?

It is not appropriate for this form to require a landowner that consents to waive the operator's restoration requirements to assume this liability.

The form is intended to notify the landowner of potential liability. Under Section 316 of the Clean Streams Law, if the Department finds that pollution or a danger of pollution is resulting from a condition that exists on land in the Commonwealth, the Department may order the landowner or occupier to correct the condition. Accordingly, while the Department does not anticipate any significant environmental harm to result from well sites that are left unrestored in accordance with this section, landowners that consent to an operator not fulfilling this restoration requirement should be aware that they may be liable if future issues arise. It is reasonable and appropriate for the Department to notify landowners of this potential liability. (posted 10/11/16)