

Chapter 102 Site Restoration Projects

Frequently Asked Questions (FAQ)

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Version 1.1

Background

According to the Department of Environmental Protection’s (DEP’s) regulations at 25 Pa. Code § 102.8(n), the portion of a site reclamation or restoration plan that identifies post-construction stormwater management (PCSM) best management practices (BMPs) to manage stormwater from oil and gas activities or mining activities permitted in accordance with Chapters 78 and 86-90; timber harvest activities; pipelines; other similar utility infrastructure; Department permitted activities involving less than 1 acre of earth disturbance; or abandoned mine land reclamation activities, that require compliance with Chapter 102, a site reclamation or restoration plan may be used to satisfy the requirements of 25 Pa. Code § 102.8 if the PCSM, reclamation or restoration plan meets the requirements of 25 Pa. Code §§ 102.8(b), (c), (e), (f), (h), (i), and (l), and, when applicable, (m).

This FAQ document was developed to clarify DEP’s interpretation of the term, “site reclamation or restoration plan” and explain what is meant by the term, “site restoration project.” 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 delegated county conservation districts (CCDs) will exercise administrative discretion in the future. DEP reserves the discretion to deviate from the interpretations in this document if circumstances warrant.

FAQ #1: What is a Site Reclamation or Restoration Plan?

The term, “site reclamation or restoration plan” (hereafter referred to as “site restoration plan”) is not defined in federal or state regulations. However, DEP views a site restoration plan as a plan to restore an area of earth disturbance to approximate original condition using these criteria:

- The post-construction condition will be equivalent to native meadow in good condition (note that the conversion of forest to meadow (i.e., not turf grass) is considered acceptable); or a ground cover that generates less runoff than meadow in good condition; and
- The post-construction condition will mimic or match existing hydraulic conditions (in general, there should not be significant changes to drainage patterns under a restoration plan); and
- The post-construction condition will not contain impervious surfaces in the area where earth disturbance occurs, except those impervious surfaces associated with activities meeting the

exceptions identified at 25 Pa. Code § 102.8(g)(2)(ii) (i.e., repair, reconstruction or restoration of roadways or rail lines, or construction, repair, reconstruction, or restoration of utility infrastructure when the site will be returned to existing condition).

A site restoration plan should also include the proposed strategy to de-compact all areas to be restored following construction. A site restoration plan should not result in new concentrated flows.

FAQ #2: What is a Site Restoration Project?

A site restoration project is an earth disturbance activity in which the entirety of the project site is addressed by a site restoration plan. Site restoration projects do not require completion of a stormwater analysis under 25 Pa. Code § 102.8(g) because there should not generally be a pre- to post-construction net change in volume, peak rate, and water quality up to the design storm events identified in the regulation.

There are projects in which a portion of the disturbed area may be restored while other areas are not restored. Such projects would not be considered site restoration projects, although the areas that are restored may be excluded from the stormwater analysis.

FAQ #3: Can a portion of a project be addressed by a site restoration plan for purposes of 25 Pa. Code § 102.8(n)?

Yes. As discussed in FAQ #2, a portion of a project can be considered a site restoration activity and fall under the requirements of 25 Pa. Code § 102.8(n).

EXAMPLE 3.A – An applicant is proposing the construction of a new sanitary sewer main and a new pump station with an associated parking lot. Where the new sanitary sewer main will be constructed, the area will be restored to a meadow condition. For this example, the earth disturbance for the sanitary sewer main would be viewed as a site restoration activity, while the earth disturbance for the pump station and associated parking lot would not be a site restoration activity.

NOTE 3.A.1 – When preparing an application or Notice of Intent (NOI) for a permit under Chapter 102, the Erosion & Sediment Control (E&S) Plan could be titled “E&S / Site Restoration Plan” and address E&S for the pump station and sanitary sewer main as well as include the sanitary sewer main site restoration. Additionally, a PCSM Plan would have to be submitted that includes a stormwater analysis for the pump station and parking lot.

EXAMPLE 3.B – A project is converting an abandoned strip mine site to a park. The majority of the site will consist of meadow, trees, and a pond, but the project will also include parking for eight cars and a restroom. Portions of the project could be considered site restoration, but the parking, access road and restroom area would not be considered site restoration, and a PCSM Plan would need to be prepared.

FAQ #4: What are some examples of site restoration projects?

Examples of site restoration projects can be found in the instructions for the [PAG-01 General Permit NOI](#), [PAG-02 General Permit NOI](#), and the [Individual NPDES Permit Application](#). DEP/CCD reserve the right to require a stormwater analysis for any project or portion thereof where it believes there will be a pre- to post-construction net change in volume, peak rates, or water quality up to the regulatory design storms.

FAQ #5: Must an applicant submit a PCSM Plan that is separate from an E&S Plan for site restoration projects?

No, a separate PCSM Plan (i.e., site restoration plan) is not required for site restoration projects. In accordance with 25 Pa. Code § 102.8(n), for site restoration projects only subsections § 102.8 (b), (c), (e), (f), (h), (i) and (l) and, when applicable, (m) must be met. 25 Pa. Code § 102.8(d) is not identified, which is the regulatory requirement for the PCSM Plan to be separate from the E&S Plan, unless otherwise approved. Therefore, the applicant could prepare an “E&S/Site Restoration Plan”, which will meet the requirements of §§ 102.4(b)(5) and 102.8(f) (regarding the contents of E&S and PCSM Plans, respectively).

FAQ #6: Are calculations ever required for a site restoration plan that meets the requirements of 25 Pa. Code § 102.8(n)?

A stormwater analysis is not required to demonstrate compliance with 25 Pa. Code §§ 102.8(g)(2) and 102.8(g)(3) for site restoration projects because § 102.8(g) is not identified in § 102.8(n) as needing to be met for a site restoration plan. This means that DEP’s PCSM Spreadsheet or alternative calculations demonstrating how volume, water quality, and rate requirements will be met are not necessary (unless otherwise instructed by DEP/CCD). However, § 102.8(n) still requires compliance with § 102.8(f), and 102.8(f)(8) requires supporting calculations. If it is determined that other calculations are necessary to determine the adequacy of the site restoration (e.g., stability of steep slopes, erosion potential, etc.), those calculations would be required.

FAQ #7: For a site restoration plan that meets the requirements of 25 Pa. Code § 102.8(n), must an applicant identify the net change in the volume and rate of stormwater runoff?

An identification of the net change in volume and rate of stormwater is required because 25 Pa. Code § 102.8(f)(4) must be met for a site restoration plan according to 25 Pa. Code § 102.8(n). However, since a site restoration plan involves either no or negligible net change, a quantitative analysis is not required. A qualitative discussion on the changes should be presented in the site restoration plan or its attachments.

FAQ #8: Are there any additional requirements for discharges to streams that are impaired for siltation or related causes or for discharges to special protection surface waters?

Yes. For any project, including site restoration projects, an applicant proposing discharges to surface waters that are impaired for siltation and related causes, including tributaries to the Chesapeake Bay, and/or surface waters classified for special protection (i.e., High Quality Waters (HQ) or Exceptional Value Waters (EV)) is required to evaluate and utilize non-discharge alternatives or antidegradation best available combination of technologies (ABACT) BMPs during construction (i.e., E&S BMPs). Site restoration is considered a non-discharge alternative for PCSM purposes.

FAQ #9: Is a redevelopment project that replaces existing impervious surface with new impervious surface a site restoration project?

No. With the exception of activities identified at § 102.8(g)(2)(ii) (see FAQ #1), anytime a project creates new impervious surfaces or replaces existing impervious surfaces it is not considered a site restoration project. Redevelopment projects are generally subject to the 20% meadow in good condition presumption for existing impervious areas to be disturbed as per § 102.8(g)(2)(ii), and a stormwater analysis is necessary. For example, if a 10-acre impervious site will be redeveloped and will maintain 10 acres of impervious, 2 acres must be treated as meadow in good condition. In general, PCSM BMPs will need to be implemented to manage the net change in stormwater volume, water quality, and peak rates up to the regulatory design storms.

FAQ #10: Can a redevelopment project where the post-construction impervious cover is less than the pre-construction impervious cover be considered a site restoration project?

No. Even if the area of impervious decreases as a result of a project, it may not be considered a site restoration project unless all of the impervious surface is removed. A stormwater analysis in this case would still be necessary.

EXAMPLE 10.A – An existing site is currently developed, consisting of 85% building footprint, 10% parking lot, and 5% open space (lawn). The proposed post-construction condition will consist of 20% building footprint, 50% parking lot, and 30% open space. This would not constitute a site restoration project.

NOTE 10.A.1 – For this example, a stormwater analysis would have to be performed in accordance with 25 Pa. Code § 102.8(g). The analysis would need to evaluate runoff rate, volume, and water quality. The existing condition is 95% impervious area and the post-construction condition is 70% impervious area; therefore, the reduction in impervious area would likely manage the runoff rate and structural PCSM BMPs may not be necessary for peak rate management. Additionally, the net change in runoff volume would likely be managed by the reduction in impervious area (even accounting for the 20% existing impervious area assumption required by 25 Pa. Code § 102.8(g)(2)(ii)); therefore, structural PCSM BMPs may not be necessary to manage the runoff volume. However, the existing impervious area is mostly building area while the proposed impervious area will be predominantly parking lot. Since there is a difference in pollutant loads from these impervious areas, a stormwater analysis is necessary to determine if BMPs to manage the net change in water quality (pollutant loads) will be necessary.

FAQ #11: As part of our obligations under our municipal separate storm sewer system (MS4) NPDES permit we are undertaking a project to install a stormwater management facility or modify an existing PCSM BMP. Are we required to perform a stormwater analysis under Chapter 102?

The project as described, where a stormwater management facility is being constructed, expanded, modified, etc., would be viewed as a site restoration project and would not require a stormwater analysis. However, calculations would be needed to demonstrate the pollutant load that would be treated. In instances where an MS4 permittee plans to modify an existing PCSM BMP, they must demonstrate that the pollutant load reductions that will be achieved by the new or modified BMP will exceed the Chapter 102 regulatory requirements in order to claim pollutant load reduction credit for a Pollutant Reduction Plan or TMDL Plan. If the earth disturbance for this type of project is one acre or greater, an NPDES Permit under Chapter 102 would be required; however, the activity can be designed and reviewed as a site restoration project in accordance with 25 Pa. Code § 102.8(n).

FAQ #12: Does a site restoration project need PCSM BMPs?

Yes. A site restoration project will still require PCSM BMPs, as the actual site restoration is considered the PCSM BMP for the project. Therefore, the PCSM or site restoration plan will have to include information necessary to properly restore the area. This may include information to properly de-compact the disturbed area, seeding and mulching specifications, and topsoil application rates. However, DEP does not expect the permittee for a site restoration project to record a legal instrument with the Recorder of Deeds for the restored area, which would be the case for other PCSM BMPs. The restoration area does not need to be recorded as it is considered the same as unimproved ground. If the owner wants to make changes to these areas in the future they would need to follow the applicable requirements of Chapter 102 at that time.

FAQ #13: Can a site restoration project include a new point source discharge?

No. A site restoration project cannot produce new point source discharges. Doing so would change the runoff characteristics of the site, which is not acceptable for site restoration projects.

Version History

Date	Version	Revision Reason
9/8/2023	1.1	FAQs #1 and #9 were updated to recognize that projects satisfying the exceptions to the “20% meadow in good condition” presumption of § 102.8(g)(2)(ii) can be considered site restoration projects.
8/15/2023	1.0	Original