Purpose

Department is proposing amendments to:

• Clarify existing requirements
• Delete or update obsolete requirements and references
• Incorporate new or revised sections and definitions to codify existing practices
• Correct typographical errors
Summary of Proposed Revisions

- Adds, revises or deletes definitions in Section 105.1
  - Abandonment
  - Aquatic resource functions
  - Aquatic resource restoration
  - Conservation district
  - Crop production
  - Cross-Section
  - Maintenance
  - Probable Maximum Flood (PMF)
Summary of Proposed Revisions

• Section 105.1 Definitions (Cont.)
  • Probable Maximum Precipitation (PMP)
  • Project
  • Project purpose
  • Reservoir
  • Stormwater management facilities
  • Water dependent
  • Wetland functions
• **Section 105.2 Purposes**
  
  - Revises language by adding “restore and improve” to conserve and protect.
  - Adds aquatic resource functions and geomorphic stability to water quality, natural regime and carrying capacity.
  - Adds language referencing “regulated waters of this Commonwealth”

• **Section 105.3 Scope**
  
  - Adds language to update and allow for future updates to NOAA’s National Geodetic Survey (NGS) International Great Lakes Datum elevation criteria.
• Section 105.12 Waiver of permit requirements
  • Clarifies subsections (a)(1)-(3), (11), (16) and (b)(1).
• Adds new waivers:
  • Streambank fencing conservation practice associated with crop production (i.e. grazing)
  • Passive, low impact, and non-motorized recreational activities
  • Elevated boardwalks in wetlands for educational and interpretive trails
  • Emergency water withdrawal for agricultural and fire protection
  • Temporary environmental testing, monitoring or investigative activities
  • Temporary mats and pads in wetlands
Summary of Proposed Revisions

- Section 105.13 Regulated activities—information and fees
  - Adds additional payment methods
  - Corrects fees related to Dam Permit Transfers
  - Provides an option for submission of disturbance fee
  - Adds reference of “multiple” counties in subsection (d)
  - Revises subsection (e) for clarity and organization of application information
Summary of Proposed Revisions

- Section 105.13, Subsection (e)(1) requirements
  - Clarifies demarcation of floodplains, floodways and regulated waters
  - Clarifies scale and cross section standards
  - Adds details on water dependency for clarification
  - Updates stormwater and floodplain management
  - Adds alternatives analysis description
  - Updates mitigation plan terms
  - Adds antidegradation demonstration
  - Clarifies impacts and cumulative impacts analysis
  - Revises information regarding incomplete applications
Summary of Proposed Revisions

• Section 105.13 continued
  • Updates references to Chapter 102
  • Clarifies requirements for partnerships and political subdivisions
  • Provides a reference for electronic permit application submissions
  • Adds new requirement related to geologic information
  • Revises subsection (k) to identify the Department’s discretion on waiving application information
  • Clarifies the reference of the EQB.
Summary of Proposed Revisions

- Section 105.13a. Complete applications
  - Adds clarifying language
  - Adds references to conservation district
  - Adds new language requiring the confirmation of extensions in writing

- Section 105.13b. Proof of financial responsibility
  - Adds enrollment to the Private Dam Financial Assurance Program as an option.
Summary of Proposed Revisions

  - Adds references for consistency and clarity
  - Adds a subsection clarifying review requirements for proposed impacts to wetlands
- Section 105.15. Environmental assessment.
  - Corrects references and cross references
  - Adds criteria for aquatic resource restoration activities
- Section 105.16. Environmental, social and economic balancing
Summary of Proposed Revisions

- Section 105.20a. Compensation for impacts to regulated waters of this Commonwealth
  - Makes revisions to address compensation of impacted aquatic resources and no net loss of wetlands
  - Revises siting criteria for consistency with mitigation banking, in lieu fee, and permittee responsible compensation
  - Establishes compensation factors
  - Deletes antiquated guidance and provides reference to technical guidance documents/methodologies
Summary of Proposed Revisions

• Section 105.21. Criteria for permit issuance and denial

• Section 105.25. Transfer of permits.
  • Adds clarifying language
  • Adds new subsection (f) relating to include transfer of ownership of dams not needing permits.
Summary of Proposed Revisions

• Section 105.35 Charges for use and occupation of submerged lands of this Commonwealth
  • Clarifies mooring areas are associated with barge fleeting only.
  • Clarifies general permits are for recreational docks/ramps.
  • Clarifies language in subsections (c)(6) and (7).
  • Adds new exemptions in subsections (c)(8) and (c)(9):
    • Environmental remediation, reclamation, restoration and protection activities
    • Temporary activities
Summary of Proposed Revisions

• Section 105.43. Time limits.
  • Revises subsection (c) relating to dams

• Section 105.47. Removal of dams and removal or abandonment of water obstructions and encroachments.
  • Clarifies removal of public health, safety and environment concerns

• Section 105.53. Inspections by permittees or owners and inspection reports.
  • Clarifies inspection requirement for conduits
• Sections 105.81, 105.82 and 105.89
  • Corrects citations
  • Revises subsection 105.82(a)(9) to clarify need for easements

• Section 105.96. Outlet Works
  • Revises section to clarify drawdown requirements
  • Adds ability to waive or modify drawdown requirements

• Section 105.97. Stability of structures:
  • Revises this section for consistency with the Army Corps of Engineer’s standard design terminology.

• Section 105.98. Design flood criteria:
  • Revises this section to clarify the design flood criteria.
• Sections 105.121, 105.122, 105.123, 105.171
  • Removes or updates antiquated references.
• Section 105.134. EAP
  • Updates information to be submitted
• Section 105.161. Hydraulic capacity
  • Updates references
Summary of Proposed Revisions

• Section 105.401. Permit applications
  • Revises and updates

• Section 105.411. General criteria
  • Revises reference

• Section 105.446. Procedure for issuance
  • Adds new section on periodic reviews

• Section 105.451. Identification and delineation of wetlands – statement of policy
  • Updates references

• Section 105.452. Status of prior converted cropland—statement of policy
  • Updates and clarifies policy
Stakeholder Outreach Efforts

- Chapter 105 Agricultural Workgroup
- State agency representatives
- Major dam owners
- Water Resources Advisory Committee (WRAC)
- Agricultural Advisory Board (AAB)
- State Conservation Commission (SCC)
- Citizens Advisory Committee (CAC)
- County Conservation District Workgroup
- Formal Process
  - Environmental Quality Board (EQB)
  - Public Notice in the Pennsylvania Bulletin
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