



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

Chapter 105 Dam Safety and Waterway Management

Overview of Proposed Regulation Revisions

Citizens Advisory Council

February 18, 2020

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

Summary of Proposed Revisions

- Section 105.12 Waiver of permit requirements
 - 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
 - No new fees
 - Provides an option for submission of disturbance fee
 - Adds reference of “multiple” counties in subsection (d)
 - Adds details on water dependency, alternatives analysis, antidegradation demonstration and cumulative impacts analysis
 - Provides a reference for electronic permit application submissions

Summary of Proposed Revisions

- Section 105.13a. Complete applications
 - Eliminates prescribed 60-day period to provide deficient items in completeness and technical
 - 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

- 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

Summary of Proposed Revisions

- Section 105.35 Charges for use and occupation of submerged lands of this Commonwealth
 - Adds new exemptions (c)(8) and (c)(9):
- 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 105.401. Permit applications
 - Revises and updates

Summary of Proposed Revisions

- 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 Council (CAC)
- County Conservation District Workgroup
- Formal Process
 - Environmental Quality Board (EQB)
 - Public Notice in the *Pennsylvania Bulletin*



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

**For more information contact
Roger Adams, Director
Bureau of Waterways Engineering
and Wetlands
717-772-5951
roadams@pa.gov**