Chapter 105: Dam Safety and Waterway Management

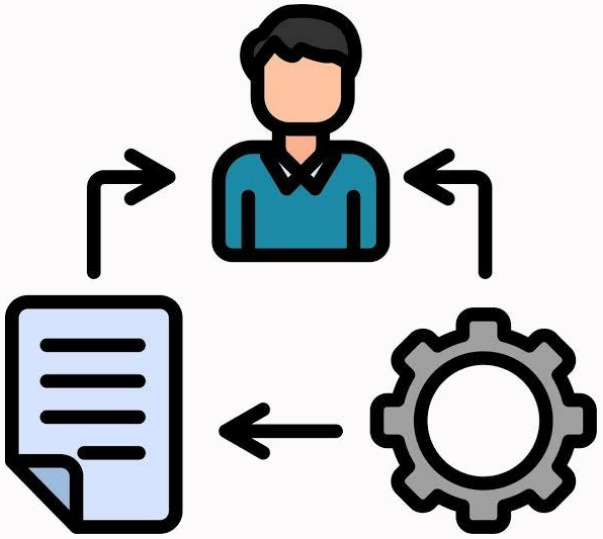
Overview of Proposed Rulemaking

Bureau of Waterways Engineering and Wetland
Water Resources Advisory Committee
November 4, 2026

Pennsylvania
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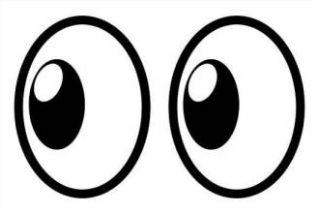
Purpose of Today's Meeting

- Our purpose today is to provide a **summary of changes** related to BWEW's Proposed Update to Chapter 105.
- The last significant update was in **1991**.
- BWEW has been working on this **updated final draft** since June 2025 in coordination with DEP leadership, internal sources, and agency partners.
- BWEW took into consideration the **prior efforts** from 2020-2022 including public comments.
- BWEW is now requesting **formal feedback** from advisory committees.
- BWEW provided a preliminary overview in Fall 2025.



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Subchapters at a Glance



- **Subchapter A – General Provisions**
- Subchapter B – Dam Safety
- Subchapter C – Culverts and Bridges
- Subchapter D – Stream Enclosure
- Subchapter E – Channel Changes and Dredging for Facility Constr. & Maint.
- **Subchapter F - Fills, Levees, Floodwalls and Streambank Retaining Devices**
- Subchapter G – Stream Crossings, Outfalls and Headwalls
- Subchapter H – Docks, Wharves and Bulkheads
- Subchapter I – Commercial Dredging
- Subchapter J – Discharges of Dredged or Fill Material
- Subchapter K – Disbursement of Money from the Dam Safety & Encr. Fund
- Subchapter L – General Permits
- **Subchapter M – Statements of Policy**

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Focus on Subchapter A



GENERAL

105.1. Definitions.
105.2. Purposes.
105.3. Scope.
105.4. Delegations to local agencies.

PERMIT APPLICATIONS

105.11. Permit requirements.
105.12. Waiver of permit requirements.
105.13. Regulated activities—information and fees.
105.13a. Complete applications.
105.13b. Proof of financial responsibility.
105.14. Review of applications.
105.15. Environmental assessment.
105.16. Environmental social and economic balancing.
105.17. Wetlands.
105.18a. Permitting of structures and activities in wetlands.
105.20a. Wetland replacement criteria.

PERMIT ISSUANCE, TRANSFER AND REVOCATION

105.21. Criteria for permit issuance and denial.
105.21a. Public notice.
105.23. Compliance with other applicable statutes.
105.24. Coordination of permits.
105.25. Transfer of permits.
105.26. Revocation and suspension of permits.
105.29a. Burden of proof.

SUBMERGED LANDS AND ANNUAL CHARGES

105.31. Property rights.
105.32. Projects—proper purpose.
105.33. Licenses for public service corporations.
105.34. Navigation and public trust.
105.35. Charges for use and occupation of submerged lands

CONSTRUCTION REQUIREMENTS AND PROCEDURES

105.41. Notices and reports.
105.42. Terms and conditions of Department permits and approvals.
105.43. Time limits.
105.44. Implementation of work according to specifications.
105.45. Inspections by the Department.
105.46. Implementation of erosion and sedimentation control plans.
105.46a. Collection and disposal of waste materials.
105.47. Removal of dams and removal or abandonment of water obstructions and encroachments.

OPERATION, MAINTENANCE AND INSPECTION

105.51. Operation and maintenance.
105.53. Inspections by permittees or owners and inspection reports.
105.54. Monitoring systems.

INVESTIGATION AND CORRECTION OF UNSAFE CONDITIONS—EMERGENCY PROCEDURES

105.61. Procedures for investigations.
105.62. Correction of unsafe conditions.
105.63. Emergency procedures.
105.64. Emergency permits.

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Summary of Changes (Subchapter A - Definitions)



§ 105.1 – **Revised Definitions**

- Crop production (moved from 105.12(a)(7))
- EAP
- Hydrologic and hydraulic analysis*
- Inundation area
- Levee*
- PMF – Probable Maximum Flood
- Wild trout stream*

* Minor edits

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Summary of Changes (Subchapter A - Definitions)



§ 105.1 – **New definitions** (11 total)

- Abandon or abandonment*
- Compensatory mitigation*
- **EMA** (Emergency Management Agency)
- **Floodwall**
- Impact*
- Maintenance*
- **PEMA**
- PMP – Probable maximum precipitation*
- Reservoir*
- Restoration*
- **Stream Debris Maintenance**

* Partly or wholly carried over from 2022 draft

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Summary of Changes (Subchapter A – Scope, etc.)



§ 105.3 – Scope

(b) & (c) - Minor edits

§ 105.4 – Delegated Agencies

(e) Updated language from permit to "permit or authorization". Also updated language from "issuance" to "approval".

(e.1) New citation regarding informal appeal process. (similar to Pa Code 102.32(c))

§ 105.11 – Permit requirements

(a) Updated to add "or authorization".

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Summary of Changes (Subchapter A - Waivers)



§ 105.12 – Changes to Waivers

105.12(a) expanded as summarized below:

- **<u>All</u> waivers included language for:**
  - **submerged lands**
  - **owner responsibility**
- **<u>New</u> waivers included language for:**
  - **threatened and endangered species**
  - **cultural resources**
  - **wild and scenic rivers**
  - **exceptional value streams**
- **Added language about which waivers require prior approval.**

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Summary of Changes (Subchapter A - Waivers)



§ 105.12 – Changes to Waivers

No edits to (a)(2), (a)(6), (a)(11), (a)(12), (a)(15), (a)(16), (b)(3) to (b)(7), and (c).

Various minor edits to (a)(1), (a)(3), (a)(4), (a)(5), (a)(9), (a)(10), (a)(13), and (b)(2)

(a)(7) – regarding crop production - definition relocated to 105.1. Intent remains the same.

(a)(14) – regarding pond maintenance – the language was expanded to cover maintenance of off-stream ponds in in addition to on-stream ponds.

(b)(1) – regarding dams less than 5’ high – the wording was updated but the intent remains the same.

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Summary of Changes (Subchapter A - Waivers)



§ 105.12 – **New Waivers** (11 total)

(a)(17) Construction, operation and maintenance of a streambank fencing conservation practice associated with crop production, or temporary fencing to protect plantings.

(a)(18) Low Impact Recreational Trails

(a)(19) Elevated boardwalks in wetlands for education and interpretive purposes

(a)(20) Water withdrawal for crop production or emergency fire protection (excluding wetlands)

(a)(21) Temporary activities related to scientific testing and monitoring

Waivers 17 to 21 were carried over from 2022 draft

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Summary of Changes (Subchapter A - Waivers)



§ 105.12 – New Waivers (cont.)

(a)(22) Temporary mats in wetlands

(a)(23) Temporary fords for environmental remediation

(a)(24) Private recreational dock or water withdrawal in artificial off-stream pond.

(a)(25) Agric. animal walkways & ramps across stream

(a)(26) Stream debris maintenance after storm event.#

(a)(27) regulated activities associated with plugging orphaned or abandoned oil and gas wells.#

All waivers here have been added since 2022 draft

New waivers that require prior approval.

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Summary of Changes (Subchapter A - Info & Fees)



§ 105.13 – Regulated Activities – info and fees

105.13(a) – language updated to include GP registrations, the potential involvement of delegated agencies, and the modes of application submittal and payment.

105.13(b) – minor edit

105.13(c) – updates to title for type of dam permit transfer and various minor edits

105.13(d) - language added to include general permit registrations and expanded use for multiple counties.

105.13(e) – minor edits and added context including how to demarcate floodways on site plans and improving how cross sections are shown

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Summary of Changes (Subchapter A - Info & Fees)



§ 105.13 – Regulated Activities – info and fees

105.13(e)(1)– minor edits

(i) **Site plans**

(A) added context including how to demarcate floodways

(B),(E) and (F) - no edits

(C) & (D) - minor edits

(G) Clarification how to show cross sections

(ii) **Location map** – minor edits

(iii) **Project Description**

(A), (B) and (C) –minor edits

(D) added context for narrative on water dependency

(iv) **Color photographs** – minor context added

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Summary of Changes (Subchapter A - Info & Fees)



§ 105.13 – Regulated Activities – info and fees

105.13(e)(1)– (continued)

(v) **Stormwater management analysis** – Minor edits plus added context on what to submit in absence of letter from county or municipality.

(vi) **Floodplain management analysis** – context added on consistency with local floodplain management program &, when applicable, consistency with Ch. 106.

(vii) Risk assessment – no edits

(viii) **Alternatives analysis** – Added context and reference provided to technical guidance document.

(ix) Mitigation plan – no edits

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Summary of Changes (Subchapter A - Info & Fees)



§ 105.13 – Regulated Activities – info and fees

105.13(e)(1)– (continued)

(x) Impacts Analysis – no edits

(A) Minor edit

(B) No edit

(C) No edit

105.13(e)(2) – no edits

105.13(e)(3) – minor edits – removed need for PLS.

105.13(e)(4) – no edits

105.13(e)(5) – Minor edit

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Summary of Changes (Subchapter A - Info & Fees)



§ 105.13 – Regulated Activities – info and fees

105.13(f) – Application for small project – minor updates

(1) No edits

(2) No edits

(3) Removed outdated info regarding FEMA mapping.

(4) No edits

(5) No edits

105.13(g) – updated language for Ch. 102 permit or E&S plan.

105.13(h) – added language on proper identity of permit who owns or responsible. Also added info on electronical signature and submittals.

105.13(i) – Language deleted and replaced in (h).

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Summary of Changes (Subchapter A - Info & Fees)



§ 105.13 – Regulated Activities – info and fees

105.13(j) – Updated language about cert. language for PE.

105.13(j.1) – **New citation** about certification language for P.G. or Geotech engineer.

(1) Seal needed for dams, levees and other WO&E, as applicable.

(2) Seal needed for reports on coastal geology and bluff erosion.

105.13(k) – Updating language on waiving specific information requirements

105.13(l) – Minor edit.

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Summary of Changes (Subchapter A - Applications)



§ 105.13a – Complete Applications

(a) No edits

(b) Rewritten to better explain 60-day response period**.**

(1) Added for clearer context on applicant requesting time extension.

(2) Added for clearer context on withdrawal of incomplete applications or denial when insufficient information provided.

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Summary of Changes (Subchapter A - Financial Resp.)



§ 105.13b –Proof of Financial responsibility

Added language on proof of FR or security to assure proper O&M for dams

(1) No edits

(i) No edits

(ii) Minor edits

(iii) Minor edits

(iv) Added citation for enrollment in PDRAP

(2) No edits

(3) No edits

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Summary of Changes (Subchapter A - Applications)



§ 105.14 – Review of Applications

(a) Minor edits

(b) Minor edits

(1) Added "health, safety, or environment"

(2), (3), (5), (8), (9), & (12) - No edits

(4), (6), (7), (10) – Minor edits

(11) Updated language. No change in context.

(13) Changed to reflect all regulated waters

(14) Changed "major impairment" to "adverse effect"

(c) Minor edit

(d) Added "avoid & minimize adverse impacts"

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Summary of Changes (Subchapter A – Env. Assess.)



§ 105.15 – Environmental Assessment

(a) No edits

(1) Minor edits – added related citations

(2) Minor edits – added related citations

(3) Minor edits – added related citations

(b) Minor edits

(c) No edits

(d) Minor edits to reflect added waivers

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Summary of Changes (Subchapter A - Balancing)



§ 105.16 – Environmental, social and economic balancing

(a) No edits

(b) Minor edit

(c) No edits

(d) No edits

(e) Minor edits – added related citations.

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Summary of Changes (Subchapter A - Wetlands)



§ 105.17 – Wetlands

(1) No edits

(i) Minor edits

(ii) No edits

(iii) Expanded to iii.1, iii.2, and iii.3 to clarify EV wetland designation between Class A trout streams, EV streams, and National wild and scenic rivers.

(iv) No edits

(v) Minor edits

(2) No edits

(3) Updated to reflect website and electronic permitting systems.

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Summary of Changes (Subchapter A – Wetlands Permitting)



§ 105.18a – Permitting of structures & activities in wetlands

(a) No edits.

(1) to (6) - No edits

(7) Minor edit

(b) No edits

(1) to (6) - No edits

(7) Minor edit

(c) No edit

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Summary of Changes (Subchapter A – Compensation)



§ 105.20a – Compensation criteria for impacts

Rewritten to reflect overall changes in state's program aligning to Federal 2008 Mitigation Rule.

(a) Rewritten to establish comprehensive nature of program. This citation kept for wetlands only.

(1) Minor edit

(i) Language retained but turned into subsection with minor edits.

(ii) Language retained but turned into subsection with minor edits.

(2) No edits

(3) Deleted – replaced later-on.

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Summary of Changes (Subchapter A - Compensation)



§ 105.20a – Compensation criteria for impacts

(Continued)

(a.1) New citation for compensation to streams and other bodies of water. (companion to (a) which is only for wetlands)

(a.2) New citation to replace deleted citation on siting criteria.

(a.3) New citation to codify mitigation banking and ILF Program.

(b) Rewritten to reflect DEP's use of updated guidelines as they are approved.

(c) New citation requiring assessment of conditions.

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Wetlands

§ 105.20a. **[Wetland replacement criteria]** **Compensation criteria for impacts**.

(a) **[Wetlands replacement must meet the following general criteria]** **Compensation for impacts to wetlands must meet the following minimum criteria based on the definition of "mitigation" in § 105.1 (relating to definitions), the application information applicable to wetlands provided under § 105.13(e)(1)(ix) and (x) (relating to regulated activities—information and fees) and the Department's review of this information in accordance with §§ 105.14, 105.15 and 105.18a (relating to review of applications; environmental assessment; and permitting of structures and activities in wetlands)**:

(1) *Area ratio*. **[The wetland]** **Wetlands** shall be replaced at a minimum area ratio of replacement acres to affected acres of 1:1. The Department may require the area ratio to exceed 1:1 based on a determination of the area affected and the functions and values which will be destroyed or adversely affected by the project.

(i) For structures or activities constructed without a permit, and for which mitigation, as defined in § 105.1 **[(relating to definitions)]**, cannot be achieved, the **[wetland shall be replaced]** **compensatory mitigation as determined previously shall be performed** at a minimum area ratio of 2:1 **[(replacement acres: affected acres)]** **using methods in paragraph (2).**

(ii) The Department may require the area ratio to exceed 2:1 based on a determination of the area affected and the functions and values which were destroyed or adversely affected by the project.

(2) *Function and value replacement*. Functions and values that are physically and biologically the same as those that are lost shall be replaced at a minimum ratio of 1:1. The Department may require the functions and values ratio to exceed 1:1 based on the area affected and on the functions and values which will be destroyed as adversely affected by the project and the replacement ratio. For structures or activities constructed without a permit, and for which mitigation, as defined in § 105.1, cannot be achieved, the wetland shall be replaced at a minimum area ratio of 2:1. The Department may require the area ratio to exceed 2:1 based on a determination of the area affected and the functions and values which were destroyed or adversely affected by the project.

(3) **[*Siting criteria*. Replacement shall be located adjacent to the impacted wetland unless an alternative replacement site is approved by the Department. Alternative replacement sites will generally not be approved unless the replacement site is located within the same watershed as the wetland being replaced or within the designated boundaries of the coastal zone management area where the loss occurs] *{Reserved}*.**

Streams & Other Bodies of Water

(a.1) Compensation for proposed impacts to streams and other bodies of water will be determined by the Department under the criteria in subsection (a)(2), as appropriate, and when necessary, under the criteria in subsections (a)(1)(i) and (ii), based on the definition of "mitigation" in § 105.1, the application information applicable to streams and other bodies of water provided under § 105.13(e)(1)(ix) and (x) and the Department's review of this information applicable to stream and other bodies of water under §§ 105.14 and 105.15 and § 105.16 (relating to environmental, social and economic balancing).

(a.2) An applicant may plan for compensatory mitigation by including a proposal to use a Department-approved mitigation bank, in-lieu fee program or permittee responsible mitigation site. Compensatory mitigation for impacts shall be undertaken within the same designated watershed boundaries identified by the Department or, specific to wetlands, within the designated boundaries of the coastal zone management area where the loss occurs, unless the person seeking to mitigate demonstrates, to the Department's satisfaction, that mitigation within these boundaries is not feasible or practicable. The Department will track wetland losses and gains that occur as a result of the implementation of this chapter and ensure that, at a minimum, there is a no net loss of wetland resources within these designated watershed boundaries.

(a.3) After taking into consideration subsection (a)(1)(i) and (ii), subsection (a)(1) shall be deemed satisfied for compensatory mitigation provided through third party mitigation bank or in lieu fee credit purchase provided subsection (a.2) is being met for the designated watershed.

(b) [In addition to the general criteria in subsection (a), the Department will use its guidelines entitled "*Design Criteria for Wetlands Replacement*" in making decisions under this section. These guidelines provide for design, flexibility and utilization of best available technology in environmental engineering. These guidelines are available from the Division of Rivers and Wetlands Conservation, Post Office Box 8761, Harrisburg, Pennsylvania 17105-8761.] In addition to the general criteria in subsections (a)—(a.3), the Department will review submissions for compensation to ensure that they allow for design, flexibility, utilization of the best available engineering practices and environmental principles and a comparable substitute for wetland values and functions.

(c) When an applicant proposes a dam, water obstruction or encroachment, an assessment of conditions of streams, wetlands and other bodies of water and associated impacts under §§ 105.13(e) and 105.15 shall be provided to the Department.

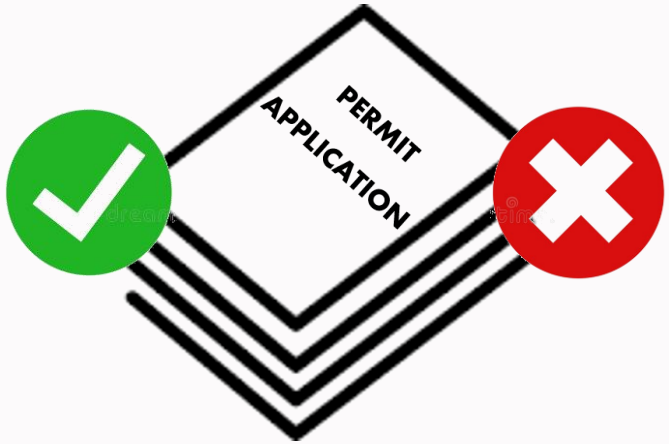
3 options for compensation

Link to published guidelines

Link to the Env. Assess.

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Summary of Changes (Subchapter A - Permit Decision)



§ 105.21 – Criteria for approval & denial of permits and authorizations

Title of citation updated

(a) Minor edit

(1), (4) & (6) - No edits

(2), (3) & (5) - Minor edits

(b) Minor edit

(c) Minor edit

(1) Minor edit - added related citations

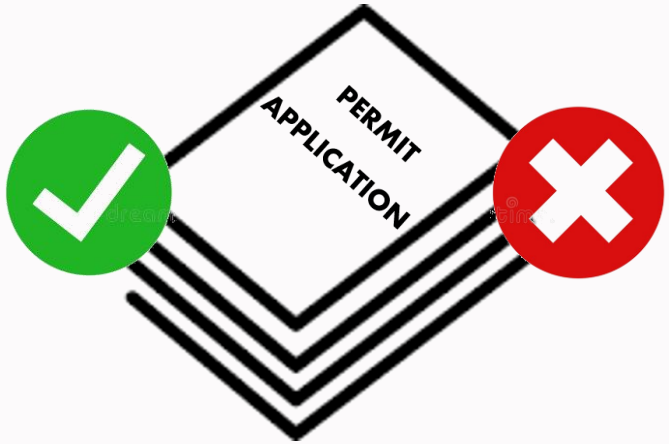
(2) Minor edit

(i), (iii) & (iv) - No edits

(ii) Changed damage to adverse impacts

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Summary of Changes (Subchapter A - Permit Decision)



§ 105.21 – Criteria for approval & denial of permits and authorizations

(continued)

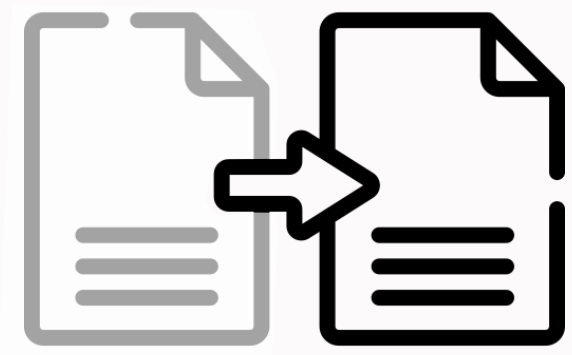
(d) No edits

(e) Updated language regarding appeal of Department action.

(f) New citation linking issuance or denial of permit with issuance or denial with SWQC (as applic.)

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Summary of Changes (Subchapter A - Permit transfer)



§ 105.25 – Transfer of permits

(a) Minor edits

(1) & (2) – no edits

(3) Added language that must be reported to DEP within 30 days "of the transfer of ownership"

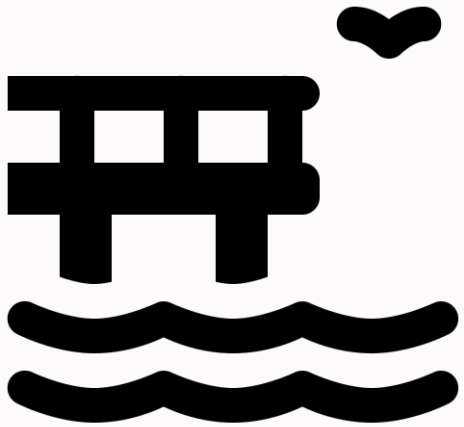
(b) Minor edits

(c), (d) & (e) - No edits

(f) Minor edit

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Summary of Changes (Subchapter A - Submerged Lands)



§ 105.35 – Charges of use & occupation of submerged lands of PA

(a) No edits

(1) Minor edits under (ii)

(2) Added language

(3) New citation for groin structures

(b) No edits

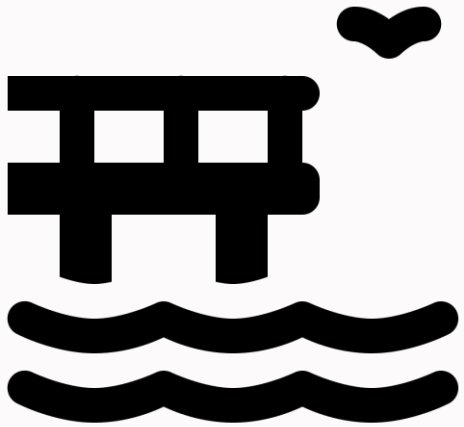
(c) No edits

(1) to (5) No edits

(6) Minor edit

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Summary of Changes (Subchapter A - Submerged Lands)



§ 105.35 – Charges of use & occupation of submerged lands of PA

(Continued)

(7) Added language

(8) Added citation for projects with significant benefit to environment as listed under (i) through (v)

(9) Added citation for projects or activities of temporary nature

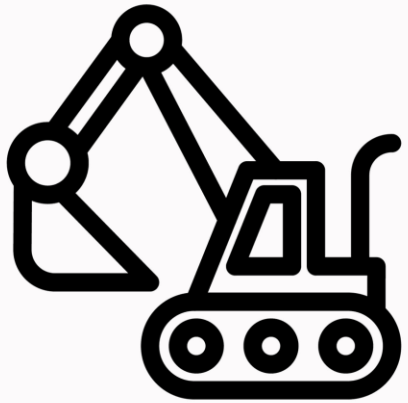
(d) No edits

(e) No edits

(f) No edits

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Summary of Changes (Subchapter A - Construction Req.)



§ 105.44 – Implementation of work according to specifications

(a) Added context for terms & conditions of permit

(b) & (c) - No edits

§ 105.47 – Removal of dam and removal or abandonment of water obstruct. & encr.

(a) No edits

(b) Improved language for public health & safety, property and environment

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Summary of Changes (Subchapter A – Emerg. Procedures)



§ 105.63 – Emergency Procedures

(a) Minor edits

(b) Minor edits

(1) to (6) – No edits

(7) Clarification on notifications

(8) – No edits

(b.1) New section on notifications for issues at levees and floodwalls.

(1) to (8) - new supporting info for new (b.1)

(c) Minor edits

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Summary of Changes (Subchapter A – Emerg. Permits)



§ 105.64 – Emergency Permits

Minor edits to add delegated conservation districts or other agencies.

(1), (2), (3) & (5) – no edits

(4) Minor edits to add CCD

(6) New citation regarding requirement for permittee to notify upon completion.

(7) New citation regarding requirement for after the fact-the-permit for O&M.

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Summary of Changes (Subchapter B - Dams & Reservoirs)



§ 105.71 to § 105.136.

- No changes in this rulemaking for dams.
- BWEW is working on a 2nd rulemaking for Chapter 105 that will include Subchapter B. (still under preparation).



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Summary of Changes (Subchapter C - Culverts & Bridges)



§ 105.151 – Permit applications for construction

(3) added "flood resiliency" in light of changing patterns for rainfall and flooding

§ 105.161 – Hydraulic capacity

(a)(3) -- added "geomorphic stability"

(e) Minor edits

§ 105.171 – Maintenance

(c) - editorial updates

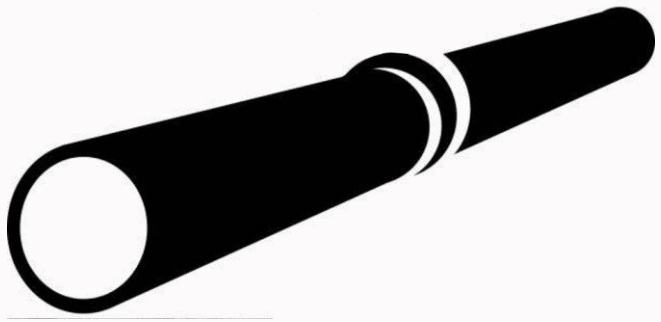
§ 105.172 – Inadequate or collapsed structures

(c) - clarification added regarding timely abatement of a threat

No other edits for Subchapter C.

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Summary of Changes (Subchapter D - Stream Enclosures)



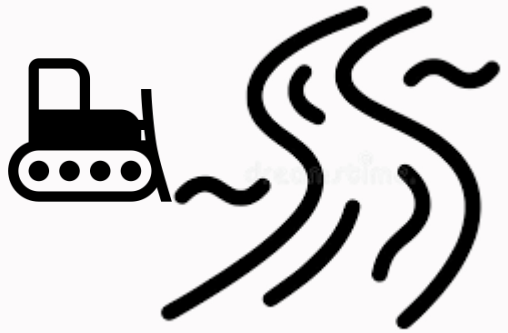
§ 105.201 – Hydraulic capacity

(b) Minor edits

No other edits to Subchapter D.

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Summary of Changes (Subchapter E - Channel Changes)



§ 105.234 – Stream debris maintenance

New section added. Coincides with new definition and new waiver #26.

(a) Permit requirements for stream debris maintenance – linking with other applicable citations.

(b) New language to connect (a) to published guidelines regarding maintaining streams.

§ 105.245 – Disposal of waste materials.

(c) Minor edits

No other edits to Subchapter E.

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Summary of Changes (Subchapter F Fills, Levees, Floodwalls, etc.)



§ 105.261 – Permit applications for construct. or modific.

Added significant amount of context for flood protection projects.

(1) Added "floodwall".

(3) Split up citation for H&H to (i) backwater analysis, (ii) cross sections, (iii) stream profiles, (iv) flood flow records (v) design flood discharge, and (vi) breach mapping.

(3.1) New section on engineering analysis with further details in new para. (i) to (iii).

(4) Omitted and replaced with (4.1)

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Summary of Changes (Subchapter F Fills, Levees, Floodwalls, etc.)



§ 105.261 – Permit applications for construct. or modific. (continued)

(4.1) Added section for operations plans

(5) Omitted.

(5.1) EAP for levees and floodwalls.

(6) Omitted.

(6.1) Added section for proof of title or adequate flowage easement.

(7) and (8) - Added "floodwall".

(9) and (10) – no edits

(11) Rewording regarding DEP may require or waive information.

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Summary of Changes (Subchapter F Fills, Levees, Floodwalls, etc.)



§ 105.262 – Permit applications for existing fills, levees, floodwalls….

- **(3.1) Operations plan for all levees and floodwalls**
- **(3.2) EAP for levees and floodwalls**
- **(5) Rewording regarding DEP may require or waive information**

§ 105.271 – General criteria.

- **(a) Added context on what will not be approved**
  - **(1) Added context for 100-year flood**
  - **(4) Added context if fails to meet requirements**
- **(b) Added floodwall**

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Summary of Changes (Subchapter F Fills, Levees, Floodwalls, etc.)



§ 105.277 – As-built plans.

New subsection added.

Specific for flood protection projects.

Consistent with language for dams in 105.109.

§ 105.283 – Emergency Action Plans.

New subsection added.

Specific for flood protection projects.

Consistent with language for dams in 105.134.

§ 105.284 – Levee or floodwall hazard emerg.

New subsection added.

Specific for flood protection projects.

Consistent with language for dams in 105.135.

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Summary of Changes



Subchapter G – Stream Crossings, Outfalls and Headwalls

No edits

Subchapter H – Docks, Wharves and Bulkheads

No edits

Subchapter I – Commercial Dredging

No edits

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Summary of Changes (Subchapter J - Discharges of Dredged or Fill Material)



§ 105.401 – Permit applications

Minor changes to initial paragraph.

(1) More context on location of water supply intakes

(1.1) Added for location of private drinking water supplies within 1000 feet

(3) Additional context on T&E impact

(4) Minor edits

(5) Omitted

(5.1) Compliance with Mgmt of Fill policy

(5.2) Quantity limited to what is needed for the project

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Summary of Changes (Subchapter J - Discharges of Dredged or Fill Material)



§ 105.411 – General Criteria

Edits to language in initial paragraph regarding public benefit vs. impacts.

(1) and (2) – no edits

(3) Changed migratory water birds to waterfowl.

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Summary of Changes



Subchapter K – Disbursements of Money from Dam Safety and Encroachments Fund

No edits

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Summary of Changes (Subchapter L - General Permits)



§ 105.442 – Authorization for General Permits

(c)(3) Minor edit

§ 105.445 – Waiver of certain requirements.

(2), (3) & (5) Minor edits

(4) Omitted

(6) Added sections 105.108 and 109

(7) Added storage of fluid or semifluid

§ 105.446 – Procedure for issuance

Title extended to include modif. & rescission

(a) and (a)(1) edited to match title change

(a)(2) & (d) - Minor edits

(e) Addition for periodic review and notices

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Summary of Changes (Subchapter L - Statements of Policy)



§ 105.451 – Ident. & delineation of wetlands

(b) Minor edits

(c) Update on use of USACOE Manual

§ 105.452 – Status of prior converted cropland

(b) Minor edits

(c) Edits referencing Federal CWA & WOTUS

(c)(1) and (c)(2) – Omitted

(3) New citation to define PCC

(4) New citation to describe when PCC not regulated

(5) New citation to describe when PCC considered to be regulated

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Summary of Changes (Subchapter L - Statements of Policy)



§ 105.452 – Status of prior converted cropland

(continued)

(c.1) New citation added for reviews related to PCC and making wetland determination.

(1) New citation saying DEP will accept cert. wetland determinations by NRCS.

(2) New citation saying DEP retains final authority to make independent determinations.

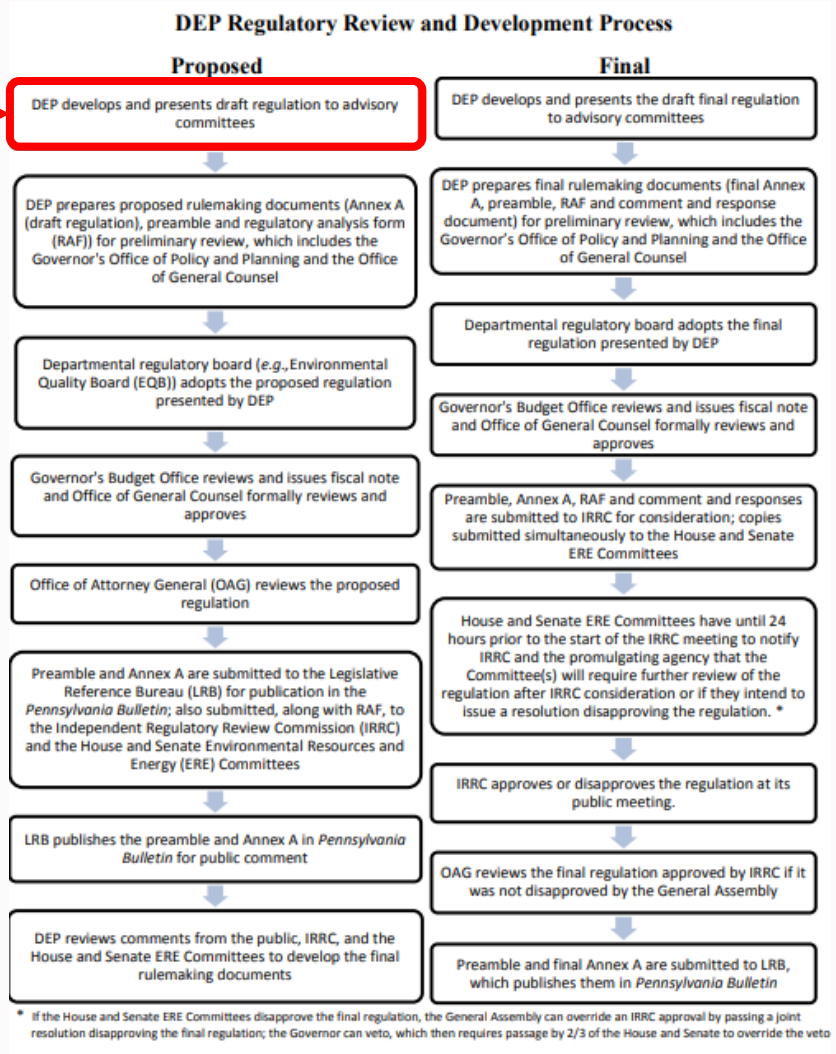
(d) Minor edit.

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Next Steps

- INTERNAL DEVELOPMENT
  - Drafting
    - Consultation with Programs/ Agencies/ Offices/ Stakeholders
    - Develop Rulemaking Documents
- **PROPOSED** RULEMAKING PROCESS*
  - **Advisory Committees**
  - EQB
  - GBO & OGC
  - OAG
  - LRB & IRRC & House/Senate EREs
    - Published
    - DEP – Comment & Response
- **FINAL** RULEMAKING PROCESS*

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&
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Bureau of Waterways Engineering and Wetlands

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).