



Environmental & Natural Resource Protection *Committee*

State Representative Greg Vitali
Democratic Chairman

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MEMORANDUM

DATE: 9/30/2026

TO: House Environmental and Natural Resource Protection Committee Members

FROM: Representative Greg Vitali, Majority Chairman
House Environmental and Natural Resource Protection Committee

RE: Environmental and Natural Resource Protection Committee Voting Meeting –
Monday, October 5th, 2026

The House Environmental and Natural Resource Protection Committee will hold a voting meeting on **Monday, October 5th, 2026, at 9:30am in 205 Ryan Office Building.**

The purpose of this voting meeting will be to consider the following legislation and any other business that may come before the committee.

- **SB 403 ; PN 382 (Yaw)** - Provides for the issuance of and conditions for continuous maintenance permits.

Please contact Hayley Shupe at 717-787-7647 or hshupe@pahouse.net with any questions. If you are unable to attend this meeting, please submit an Official Vote by Designation Form prior to the start of the meeting.

Thank you,

GV/hs



House Environmental and Natural Resource Protection Committee

Meeting Agenda

Monday, October 5th, 2026

9:30AM

205 Ryan Office Building

Call to Order

Roll Call

SB 403 ; PN 382 (Yaw) - Provides for the issuance of and conditions for continuous maintenance permits.

Adjournment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 403 Session of
2025

INTRODUCED BY YAW, ROTHMAN, HUTCHINSON, LAUGHLIN, VOGEL AND
STEFANO, MARCH 17, 2025

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 17, 2025

AN ACT

1 Amending the act of November 26, 1978 (P.L.1375, No.325),
2 entitled "An act providing for the regulation and safety of
3 dams and reservoirs, water obstructions and encroachments;
4 consolidating and clarifying the programs of the Department
5 of Environmental Resources and Navigation Commission for the
6 Delaware River; establishing penalties and repealing certain
7 acts," providing for issuance of and conditions for
8 continuous maintenance permits.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The act of November 26, 1978 (P.L.1375, No.325),
12 known as the Dam Safety and Encroachments Act, is amended by
13 adding a section to read:

14 Section 9.1. Issuance of and conditions for continuous
15 maintenance permits.

16 (a) The department shall develop a continuous maintenance
17 permit for which the Department of Transportation or a
18 municipality may apply. The permit shall allow permittees to
19 maintain, inspect and monitor watercourses, water obstructions,
20 appurtenant works and encroachments as specified within the
21 permit.

1 (b) The department shall approve an application for a permit
2 to an applicant under this section if the applicant meets all of
3 the following criteria:

4 (1) The applicant is without a sustained history of
5 significant permit violations under this act.

6 (2) The applicant takes an affirmative duty over the
7 watercourses, water obstructions, appurtenant works and
8 encroachments delineated in the permit application.

9 (c) Submission of a watercourse alone within the application
10 shall be interpreted as submitting the publicly owned water
11 obstructions, appurtenant works or encroachments within and
12 alongside the watercourse unless otherwise specified within the
13 permit.

14 (d) A permittee may amend the permit through the addition of
15 watercourses, water obstructions, appurtenant works or
16 encroachments for which a duty to maintain, inspect and monitor
17 shall apply with the approval of the department. The department
18 shall approve a request to remove watercourses, water
19 obstructions, appurtenant works or encroachments from the permit
20 when a written order to do so is provided by the permittee.

21 (e) A permittee may not be required to seek preapproval or
22 further authorization from the department for maintenance
23 conducted under the permit.

24 (f) The permit shall provide for the maintenance, inspection
25 and monitoring of watercourses, water obstructions, appurtenant
26 works and encroachments in a manner consistent with previously
27 prepared applicable plans, specifications, reports and designs
28 for the operation of any category of watercourses, water
29 obstructions, appurtenant works or encroachments prepared,
30 signed and certified by a registered professional engineer and

1 affixed with the seal of a registered professional engineer.

2 (g) A permittee shall provide to the department, by January
3 15 of each year, a compilation of the maintenance projects
4 undertaken between January 1 and December 31 of the previous
5 year that were permitted under this section. The compilation
6 shall delineate the persons, equipment operators and contractors
7 operating as agents of the permittee who maintained, inspected
8 and monitored watercourses, water obstructions, appurtenant
9 works and encroachments.

10 (h) A permit granted under this section by the department to
11 a permittee shall be in effect for no less than 10 years.

12 (i) The department shall extend a permit under this section
13 to a permittee for 10 years following 10 years of operation
14 under this section without a permit violation. A permit
15 violation shall be found to have occurred when the permittee
16 failed to address an alleged violation in the manner prescribed
17 by the department within one year of receipt of the notice of an
18 alleged permit violation.

19 (j) A permit violation shall not be found to have occurred
20 when a permittee removes or manipulates obstructions or debris
21 within or along a watercourse in a manner that enables water
22 obstructions, appurtenant works or encroachments specified
23 within the permit to operate consistent with applicable plans,
24 specifications, reports and designs previously prepared by a
25 registered professional engineer.

26 (k) The permittee shall accept an affirmative duty to
27 maintain, inspect and monitor watercourses, water obstructions,
28 appurtenant works and encroachments as specified within the
29 permit.

30 (l) As used in this section, the term "municipality" means a

1 county, city, town, borough, township or school district in this
2 Commonwealth.

3 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	SB0403 PN0382	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Yaw, Gene		
Date:	4/2/2025		

A. Brief Concept

Provides for continuous stream maintenance permits.

C. Analysis of the Bill

SB 403 amends the Dam Safety and Encroachments Act (Act 325 of 1978) to provide for continuous maintenance permits for streams, which PennDOT or a municipality may apply for.

Continuous Maintenance Permits

Requires DEP to develop continuous maintenance permits to allow permittees (a municipality or PennDOT) to maintain, inspect and monitor watercourses, water obstructions, appurtenant works and encroachments.

Requires DEP to approve of an application if:

- The permittee is without a sustained history of significant permit violations under the Dam Safety and Encroachments Act.
- The permittee takes an affirmative duty over the watercourses, water obstructions, appurtenant works and encroachments delineated in the permit application.

Prohibits DEP from requiring a permittee to seek pre-approval or authorization for maintenance conducted under the permit.

Allows permittees to amend permits to cover additional watercourses, water obstructions, appurtenant works or encroachments.

Permit Conditions & Duration

Provides that permits shall be in effect for no less than 10 years.

- Permits would be renewable for an additional 10 years following 10 years of operation without a permit violation.
- A **permit violation** would occur if the permittee failed to address an alleged violation, as prescribed by the department, within one year of receipt of notice of the violation.

Requires maintenance, inspection and monitoring under a permit to be consistent with previously prepared plans, specifications, reports and designs certified by a registered professional engineer.

Allows permittees to remove or manipulate obstructions or debris within or along a watercourse, consistent with the permit and applicable plans, specifications, reports and designs previously prepared by a registered professional engineer.

- This would not constitute a permit violation.

Reporting

Requires permittees to provide DEP with a compilation of maintenance projects undertaken during the previous year.

- The compilation would include the persons, equipment operators and contractors who maintained, inspected and monitored watercourses, water obstructions, appurtenant works and encroachments.

Definitions

Municipality is defined to mean a county, city, town, borough, township or school district.

Effective Date:

60 days

G. Relevant Existing Laws

The Dam Safety and Encroachments Act provides for the permitting of stream maintenance activities in Pennsylvania. DEP is responsible for issuing permits related to stream maintenance, and the following activities generally require a permit (from DEP's [Stream Maintenance Guide](#)):

- Removing obstructions if equipment is required to enter the stream
- Rebuilding roads and bridges across streams
- Streambank stabilization projects
- Removing gravel bars from the stream channel using heavy equipment
- Repairing a bridge or culvert, or removing one in danger of failure
- Redirecting the flow of a stream by reshaping gravel bars, or moving gravel to the streambank
- Moving/relocating a stream
- Dredging or damming streams, or creating dikes
- Building a new bridge or culvert

Act 325 includes the following definitions:

Appurtenant works "include, but are not limited to, such structures as spillways, either in the dam or separate therefrom; low level outlet works; and conduits such as tunnels, pipelines or penstocks through the dam or its abutments."

Encroachment means "any structure or activity which in any manner changes, expands or diminishes the course, current or cross-section of any watercourse, floodway or body of water."

Water obstruction "includes any dike, bridge, culvert, wall, wing wall, fill, pier, wharf, embankment, abutment or other structure located in, along, across or projecting into any watercourse, floodway or body of water."

Watercourse or stream means "any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow."

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

SB 403 was previously introduced as SB 689 during the 2023-2024 Legislative Session.

SB 689 was reported as committed (7-4, party line) from the Senate Environmental Resources and Energy Committee on May 10, 2023, and passed the Senate (31-19) on November 13, 2023.

SB 689 was referred to the House Environmental Resources and Energy Committee, but received no further consideration.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 403

Sponsor:

Printer's No. 382

1 Amend Bill, page 1, lines 7 and 8, by striking out "providing
2 for issuance of and conditions for" in line 7 and all of line 8
3 and inserting

4 providing for issuance of and conditions for a permit for
5 continuous stream maintenance and for county conservation
6 district stream reconstruction emergency permit
7 authorizations.

8 Amend Bill, page 1, line 13, by striking out "a section" and
9 inserting

10 sections

11 Amend Bill, page 1, lines 14 through 21; pages 2 and 3, lines
12 1 through 30; page 4, lines 1 and 2; by striking out all of said
13 lines on said pages and inserting

14 Section 9.1. Issuance of and conditions for a permit for
15 continuous stream maintenance.

16 (a) The department shall develop a permit for continuous
17 stream maintenance. The permit shall authorize a permittee to
18 maintain, inspect and monitor watercourses, water obstructions
19 and encroachments as specified within the permit.

20 (b) The department shall approve an application for a permit
21 under this section if the applicant is without a continuous
22 history of noncompliance under this act.

23 (c) A permittee may not be required to seek preapproval or
24 further authorization from the department for stream maintenance
25 authorized under the permit during the term of the permit.

26 (d) The permit shall provide for the maintenance, inspection
27 and monitoring of watercourses, water obstructions and
28 encroachments in a manner consistent with previously prepared
29 applicable plans, specifications, reports and designs for the
30 operation of any category of watercourses, water obstructions or
31 encroachments prepared, signed and certified by a registered
32 professional engineer and bearing the seal of a registered
33 professional engineer.

1 (e) By January 15 of each year, a permittee shall provide to
2 the appropriate regional office of the department, the county
3 conservation district and the Pennsylvania Fish and Boat
4 Commission, a compilation of the maintenance projects planned to
5 be undertaken between January 1 and December 31 of the following
6 year that are permitted under this section. The compilation
7 shall delineate the persons, equipment operators and contractors
8 planned to operate as agents of the permittee to maintain,
9 inspect and monitor watercourses, water obstructions and
10 encroachments. The department shall review the compilation in a
11 timely manner.

12 (f) A permit granted under this section by the department to
13 a permittee shall be in effect for no less than five years.

14 (g) The department shall extend a permit under this section
15 to a permittee for five years following five years of operation
16 under this section without a permit violation. The department
17 shall find that a permit violation occurred if the permittee
18 fails to address an alleged violation in the manner required by
19 the department within one year after the permittee receives
20 notice of the alleged permit violation.

21 (h) The department may not find that a permit violation
22 occurred when a permittee removes or manipulates obstructions or
23 debris within or along a watercourse in a manner that enables
24 water obstructions or encroachments specified within the permit
25 to operate consistent with the permit terms and conditions,
26 applicable plans, specifications, reports and designs previously
27 prepared by a registered professional engineer.
28 Section 17.1. County conservation district stream
29 reconstruction emergency permit authorizations.

30 (a) A county conservation district with an approved
31 delegation agreement in accordance with sections 6 and 17 and
32 sections 9(11) and 11(2) of the act of May 15, 1945 (P.L.547,
33 No.217), known as the "Conservation District Law," to administer
34 certain activities under 25 Pa. Code Ch. 105 (relating to dam
35 safety and waterway management), may request that the department
36 amend the approved delegation agreement for the Water
37 Obstruction and Encroachment Program for the purposes specified
38 in this section.

39 (b) A county conservation district may submit to the
40 department for approval a proposed county stream reconstruction
41 program that includes appropriate methodologies for stream
42 reconstruction activities in response to or in anticipation of
43 significant flood events to restore the natural regimen and
44 ecology of watercourses. The methodologies shall be based on
45 current scientific, engineering and ecological principles and
46 practices and be in accordance with 25 Pa. Code Ch. 105. The
47 department shall review the proposed county stream
48 reconstruction program for conformance with current scientific,
49 engineering and ecological principles and practices and 25 Pa.
50 Code Ch. 105. The department shall provide the county
51 conservation district with a record of decision on the proposed

1 county stream reconstruction program, including a detailed
2 technical review of the proposed program.

3 (c) Upon approval by the department of a county stream
4 reconstruction program under subsection (b), the county
5 conservation district may request that the department amend the
6 county conservation district's approved delegation agreement for
7 the Water Obstruction and Encroachment Program to authorize the
8 county conservation district to authorize certain permits for
9 stream reconstruction. The department may not unreasonably
10 withhold approval of the amendment. The authority delegated
11 under this subsection to authorize certain permits shall be
12 limited to emergency stream reconstruction in accordance with
13 the approved county stream reconstruction program under
14 subsection (b), including activities that may prevent a future
15 flooding emergency event.

16 (d) The county conservation district may authorize stream
17 reconstruction activities under an emergency permit in
18 accordance with the approved county stream reconstruction
19 program under subsection (b) and the final amended and approved
20 delegation agreement for the Water Obstruction and Encroachment
21 Program for the county.

22 (e) Notwithstanding any provision of the "Conservation
23 District Law" or 2 Pa.C.S. Chs. 5 Subch. B (relating to practice
24 and procedure of local agencies) and 7 Subch. B (relating to
25 judicial review of local agency action), a person aggrieved by
26 an action of a county conservation district under an approved
27 delegation agreement amended under this section may appeal the
28 action to the department within 30 days after notice of the
29 action. A person aggrieved by an action of the department on an
30 appeal under this subsection may appeal the action to the
31 Environmental Hearing Board in accordance with section 24.

32 (f) Within 60 days after the effective date of this
33 subsection, the department shall provide notice to each county
34 conservation district of the availability of a county stream
35 reconstruction program under this section.



October 2, 2025

Clean Water Action and our roughly 90,000 statewide members have continued reservations regarding SB 403.

Clean Water Action recognizes and shares the desire to better prevent flooding and flood-related damage, especially given how climate change is causing more frequent intense weather events that are leading to a greater number of these incidents. But we remain skeptical that the approach taken by SB 403 is the right way to address this situation.

For starters, the legislation is unnecessary because the Pennsylvania Department of Environmental Protection (PADEP) already has a program to help affected landowners and municipalities efficiently and effectively restore streams, protect property and infrastructure, and prevent future flood impacts.

However, the proposed amendment definitely improves the bill.

Clean Water Action is supportive of its efforts to include county conservation districts in the process, to scale back the length of the permit from 10 years to 5 years, and to require project reporting that is more prospective in scope than retrospective.

Some of our lingering concerns deal with the lack of accountability in the legislation. Permit violations should carry greater consequences than just having to correct the violation and being ineligible for renewal after the 5 years expires. There should also be a provision for revoking a permit if you rack up a certain number of violations before the 5 years expire. Giving permit violators a year to correct a violation seems too long as well when the issue that was caused could continue to exacerbate flooding where the project is located and/or for downstream communities.

One amendment alteration that Clean Water Action has questions about involves opening more broadly who can apply for a permit instead of maintaining the exclusivity to PennDOT and municipalities. It seems like issues could arise if municipal or PennDOT interests aren't aligned with the permittee, despite provisions in Section 9.1 (b), (c), and (d) to assure project plans, specifications, and designs.

Clean Water Action remains leery of SB 403, but acknowledges the amendment makes positive changes that improve the bill. We hope this assessment will help legislators make an informed decision on how to vote when the bill is brought up in committee.

Sincerely,

Steven Hvozdoch
Pennsylvania Campaigns Director