
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 354 Session of
2013

INTRODUCED BY HUTCHINSON, ARGALL, VULAKOVICH, VOGEL, KASUNIC,
MENSCH, RAFFERTY, WHITE, YAW, FERLO, GORDNER, PILEGGI,
ALLOWAY, SCARNATI, BAKER AND WAUGH, JANUARY 30, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 30, 2013

AN ACT

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

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

11 Section 1. Section 3 of the act of November 26, 1978
12 (P.L.1375, No.325), known as the Dam Safety and Encroachments
13 Act, is amended by adding a definition to read:

14 Section 3. Definitions.

15 The following words and phrases when used in this act shall
16 have, unless the context clearly indicates otherwise, the
17 meanings given to them in this section:

18 * * *

19 "Flood-related hazard." Any gravel bar, flood debris or
20 similar obstruction which may present a substantial potential

1 risk to life or property or may create additional problems in
2 the event of flooding.

3 * * *

4 Section 2. Section 5 heading of the act, amended October 23,
5 1979 (P.L.204, No.70), is amended and the section is amended by
6 adding a subsection to read:

7 Section 5. Regulations [and], standards and guidelines.

8 * * *

9 (d) The Environmental Quality Board shall establish
10 guidelines for the removal of flood-related hazards or related
11 stream clearing activities by persons owning adjacent property,
12 or municipalities where the flood-related hazards are located or
13 related stream clearing activities are to be completed. The
14 guidelines shall:

15 (1) Require that, except as otherwise provided in
16 paragraph (4), the department be notified prior to the
17 removal of flood-related hazards or related stream clearing
18 activities.

19 (2) Not require permits under section 6 for the removal
20 of flood-related hazards or related stream clearing
21 activities under this subsection.

22 (3) Not require professional engineering services or
23 similar professional qualifications as provided under section
24 10 for the removal of flood-related hazards or stream
25 clearing activities under this subsection.

26 (4) Require that, where the removal of flood-related
27 hazards or related stream clearing activities are deemed to
28 be an emergency by local, county or State authorities, the
29 department be notified after the removal of the flood-related
30 hazards or related stream clearing activities.

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