THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2359 Session of 2012

INTRODUCED BY CAUSER, HUTCHINSON, EVERETT, GABLER, BAKER, CALTAGIRONE, FLECK, GEIST, GILLESPIE, GINGRICH, GOODMAN, HALUSKA, HARPER, HESS, M. K. KELLER, KILLION, MAJOR, METCALFE, MILLARD, MURT, PICKETT, PYLE, RAPP, READSHAW, SONNEY, STERN AND VULAKOVICH, MAY 9, 2012

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MAY 9, 2012

AN ACT

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

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

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

Section 3. Definitions.

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

* * *

"Flood-related hazard." Any gravel bar, flood debris or
similar obstruction which may present a substantial potential risk to life or property or may create additional problems in the event of flooding.

* * *

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

Section 5. Regulations [and standards and guidelines.

* * *

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

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

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

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

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

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hazards or related stream clearing activities.

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