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:

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"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.

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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.

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(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 hazards or related stream clearing activities.
Section 3. This act shall take effect in 60 days.