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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2359 Session of  
2012

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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

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

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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

1 similar obstruction which may present a substantial potential  
2 risk to life or property or may create additional problems in  
3 the event of flooding.

4 \* \* \*

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

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

9 \* \* \*

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

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

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

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

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

1 hazards or related stream clearing activities.

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