

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 519 Session of
1993

INTRODUCED BY BOYES, MERRY, TRELLO, FARGO, MELIO, BAKER, KENNEY,
STEIL, CLARK, OLASZ, LAUGHLIN, STABACK, STERN, HECKLER,
HALUSKA, BROWN AND CAPPABIANCA, MARCH 15, 1993

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 15, 1993

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," providing for notice and hearings
8 relating to certain wetlands permits and studies.

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. Notice and hearing relating to certain permit
15 applications.

16 (a) Upon receipt and review of an application for a permit
17 requiring wetlands replacement or mitigation, or where the
18 department is conducting a wetlands environmental assessment
19 study, the department shall:

20 (1) Notify all affected parties, including

1 municipalities which encompass in whole or in part the permit
2 or study area. This notice shall be given by certified mail.
3 Affected parties shall include residents and property owners
4 as well as businesses impacted by the permit or study.

5 (2) At the request of any party or municipality, conduct
6 at least one public hearing on the permit or study.

7 (3) Allow for a 30-day public comment period to receive
8 written statements relating to the permit or study.

9 (b) (1) At least 30 days prior to conducting a hearing
10 under this section, the department shall publish notice of
11 same in a newspaper of general circulation in the proposed
12 permit area.

13 (2) If a public hearing is held, a person may testify
14 within the time provided or submit written comments, or both.
15 The department shall consider testimony relevant to the
16 requirements of this act.

17 (3) After a hearing, the department shall prepare a
18 summary of the written and oral comments submitted at the
19 hearing, a summary of any comments received during a public
20 comment period, the department's responses to the comments
21 and the reasons therefor. The department shall provide copies
22 of this summary to persons who submitted comments and to
23 other persons who request a copy.

24 (4) Whether or not the department holds a public
25 hearing, the department may conduct an informal meeting,
26 public meeting or series of meetings.

27 Section 2. This act shall take effect immediately.