

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2405 Session of
2022

INTRODUCED BY PICKETT, OWLETT, FRITZ, HAMM, ARMANINI, O'NEAL,
SMITH, HERSHEY, JAMES, RYAN, MILLARD, CAUSER, BROOKS, RAPP,
GROVE, DeLUCA, ROWE AND KEEFER, APRIL 11, 2022

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 11, 2022

AN ACT

1 Amending the act of November 26, 1978 (P.L.1375, No.325),
2 entitled "An act providing for the regulation and safety of
3 dams and reservoirs, water obstructions and encroachments;
4 consolidating and clarifying the programs of the Department
5 of Environmental Resources and Navigation Commission for the
6 Delaware River; establishing penalties and repealing certain
7 acts," further providing for definitions; providing for
8 county programs for removing obstructions and flood-related
9 hazards on streams; and making an editorial change.

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

12 Section 1. The definition of "department" in section 3 of
13 the act of November 26, 1978 (P.L.1375, No.325), known as the
14 Dam Safety and Encroachments Act, is amended and the section is
15 amended by adding definitions to read:

16 Section 3. Definitions.

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

20 * * *

1 "Department." The Department of Environmental [Resources]
2 Protection of the Commonwealth [of Pennsylvania].

3 "Drainage area." An area, measured by a horizontal plane and
4 enclosed by a topographical divide, from which direct surface
5 runoff from precipitation normally drains by gravity into a
6 stream above a specified point.

7 * * *

8 "Regional curve." A regression of the relations among
9 drainage areas, selected cross-sectional parameters and
10 streamflows.

11 * * *

12 Section 2. The act is amended by adding a section to read:
13 Section 17.1. County programs for removing obstructions and
14 flood-related hazards on streams.

15 (a) A county may develop a program to provide two regional
16 curves for the watershed to cover the entire county in
17 accordance with this section. The first regional curve shall be
18 for rural areas, and the second regional curve shall be for
19 portions of streams located in municipalities.

20 (b) A county, in consultation with the county conservation
21 district, shall submit a written notification to the department
22 that describes the program developed under subsection (a). The
23 written notification shall specify the utilization and oversight
24 of the regional curves for the purpose of stream maintenance
25 under the program in accordance with the regulations promulgated
26 under subsection (f). The written notification shall specify the
27 watercourses, water obstructions, appurtenant works and
28 encroachments that the county will maintain, inspect and monitor
29 under the program. The county may not implement the program
30 unless the county conservation district is a signatory to the

1 written notification.

2 (c) After receiving the written notification under
3 subsection (b), the department shall conduct at least one annual
4 follow-up review of the county's program under subsection (a) to
5 determine the overall effectiveness of the program and the
6 county's compliance with the specifications of the written
7 notification and regulations promulgated under subsection (f).

8 (d) The department shall develop a training program for
9 county conservation districts, counties, municipal equipment
10 operators and contractors operating as agents of the counties
11 for conducting channel maintenance for the purpose of a program
12 developed under subsection (a). The training program shall
13 include all of the following:

14 (1) An overview of stream processes.

15 (2) An explanation of regional curves and the use of
16 regional curves in the processes.

17 (3) An overview of permits issued by the department and
18 utilized for conducting channel maintenance.

19 (4) A field exercise in laying out a project.

20 (5) A field exercise in the completion of a project.

21 (e) Upon completion of the training program under subsection
22 (d), a county conservation district may authorize emergency
23 permits to persons operating within a program developed under
24 subsection (a) in accordance with the written notification under
25 subsection (b).

26 (f) The Environmental Quality Board, in consultation with
27 the department and county conservation districts, shall
28 promulgate regulations for the removal of obstructions and
29 flood-related hazards on streams by counties, municipal
30 equipment operators and contractors operating as agents of the

1 counties. In developing the regulations, the Environmental
2 Quality Board may consider existing county programs for the same
3 or similar purpose.

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