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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1859

Session of  
1981

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INTRODUCED BY LIVENGOD, D. R. WRIGHT, BURD, NOYE, VAN HORNE,  
MORRIS, KLINGAMAN, PETRARCA, CLARK, RASCO, DUFFY,  
CAPPABIANCA, LASHINGER, BELFANTI, PISTELLA, SNYDER, HALUSKA,  
CAWLEY, WARGO AND COLAFELLA, OCTOBER 5, 1981

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REFERRED TO COMMITTEE ON CONSERVATION, OCTOBER 5, 1981

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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; consolidating and clarifying the  
4 programs of the Department of Environmental Resources and  
5 Navigation Commission for the Delaware River; establishing  
6 penalties and repealing certain acts," excluding certain  
7 docks from the provisions of this act.

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

10 Section 1. Section 4, act of November 26, 1978 (P.L.1375,  
11 No.325), known as the "Dam Safety and Encroachments Act,"  
12 amended October 23, 1979 (P.L.204, No.70), is amended to read:

13 Section 4. Scope.

14 (a) This act shall apply to:

15 (1) All dams on a natural or artificial watercourse,  
16 other than those licensed pursuant to the Federal Power Act,  
17 where:

18 (i) the contributory drainage area exceeds 100  
19 acres; or

1 (ii) the greatest depth of water at maximum storage  
2 elevation exceeds 15 feet; or

3 (iii) the impounding capacity at maximum storage  
4 elevation exceeds 50 acre-feet.

5 (2) All dams used for the storage of water not located  
6 on a watercourse and which have no contributory drainage,  
7 where the greatest depth of water at maximum storage  
8 elevation exceeds 15 feet and the impounding capacity at  
9 maximum storage elevation exceeds 50 acre-feet.

10 (3) All dams used for the storage of fluids or  
11 semifluids other than water, the escape of which may result  
12 in air, water or land pollution, or may result in danger to  
13 persons or property.

14 (4) [All] Except as provided in subsection (b), all  
15 other water obstructions and encroachments other than dams,  
16 located in, along, across or projecting into any watercourse,  
17 floodway or body of water, whether temporary or permanent.

18 (b) The provisions of this act shall not apply to any dock  
19 which meets all of the following requirements:

20 (1) The length of the dock is 35 feet or less measured  
21 from the point of land which is equidistant between the high-  
22 water mark and the low-water mark and the width of the dock  
23 is eight feet or less.

24 (2) The dock is used solely by a recreational boater.

25 (3) The dock is removed from the river or stream from  
26 November 1 to April 30.

27 Section 2. This act shall take effect immediately and shall  
28 be retroactive to July 1, 1981.