

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1565 Session of 2013

INTRODUCED BY HAHN, CAUSER, BAKER, MILLARD, MALONEY, HEFFLEY, GINGRICH, EVERETT, EVANKOVICH, SAYLOR, SANKEY, R. BROWN, CARROLL, PEIFER, SNYDER, BLOOM, SONNEY, BENNINGHOFF, CUTLER, M. K. KELLER, SWANGER, HELM, OBERLANDER, GREINER, GROVE, KAUFFMAN, LONGIETTI, MAJOR, METCALFE, DUNBAR, PYLE, ROCK, AUMENT, REESE, MCGINNIS, C. HARRIS, MAHER, REGAN, BROOKS AND SCHLEGEL CULVER, JUNE 20, 2013

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 15, 2014

AN ACT

1 Amending the act of June 22, 1937 (P.L.1987, No.394), entitled,  
2 as amended, "An act To preserve and improve the purity of the  
3 waters of the Commonwealth for the protection of public  
4 health, animal and aquatic life, and for industrial  
5 consumption, and recreation; empowering and directing the  
6 creation of indebtedness or the issuing of non-debt revenue  
7 bonds by political subdivisions to provide works to abate  
8 pollution; providing protection of water supply and water  
9 quality; providing for the jurisdiction of courts in the  
10 enforcement thereof; providing additional remedies for  
11 abating pollution of waters; imposing certain penalties;  
12 repealing certain acts; regulating discharges of sewage and  
13 industrial wastes; regulating the operation of mines and  
14 regulating the impact of mining upon water quality, supply  
15 and quantity; placing responsibilities upon landowners and  
16 land occupiers and to maintain primary jurisdiction over  
17 surface coal mining in Pennsylvania," further providing for  
18 potential pollution.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Section 402 of the act of June 22, 1937  
22 (P.L.1987, No.394), known as The Clean Streams Law, is amended

1 by adding a subsection to read:

2 Section 402. Potential Pollution.--\* \* \*

3 ~~(c) The use or installation of riparian buffers and riparian~~ <--

4 (C) (1) THE USE OR INSTALLATION OF RIPARIAN BUFFERS AND <--

5 RIPARIAN forest buffers shall not be required under this

6 section. Riparian buffers and riparian forest buffers may be

7 used as a PREFERRED choice OR OPTION among best management <--

8 practices, design standards and alternatives to minimize the

9 potential for accelerated erosion and sedimentation and to

10 protect, maintain, reclaim and restore water quality and for

11 existing and designated uses. OF A PERENNIAL OR INTERMITTENT <--

12 RIVER, STREAM OR CREEK OR LAKE, POND OR RESERVOIR OF THIS

13 COMMONWEALTH TO ENSURE COMPLIANCE WITH 25 PA. CODE CH.93

14 (RELATING TO WATER QUALITY STANDARDS).

15 (2) PROJECTS IN SPECIAL PROTECTION WATERSHEDS THAT PROPOSE

16 GREATER THAN ONE ACRE OF EARTH DISTURBANCE WITHIN 100 FEET OF A

17 SURFACE WATER SHALL OFFSET ANY REDUCTION IN THE TOTAL SQUARE

18 FOOTAGE OF THE BUFFER ZONE THAT WOULD HAVE BEEN UTILIZED AS A

19 BEST MANAGEMENT PRACTICE, WITH A REPLACEMENT BUFFER ELSEWHERE IN

20 THE SAME DRAINAGE BASIN AT A RATIO OF TWO-TO-ONE FOR ZONE 1 (1

21 THROUGH 50 FEET) AND ONE-TO-ONE FOR ZONE 2 (50 THROUGH 100

22 FEET). ANY PROJECT INCORPORATING SUCH AN ALTERNATIVE SHALL ALSO

23 INCLUDE OTHER BEST MANAGEMENT PRACTICES TO MANAGE

24 POSTCONSTRUCTION STORMWATER TO PROTECT, MAINTAIN, RECLAIM AND

25 RESTORE WATER QUALITY AND EXISTING AND DESIGNATED USES OF WATERS

26 OF THIS COMMONWEALTH. REPLACEMENT PLANTING COSTS SHALL BE

27 CALCULATED USING DEPARTMENT GUIDANCE AS SPECIFIED IN BMP 6.7.1:

28 RIPARIAN BUFFER RESTORATION OF THE PENNSYLVANIA STORMWATER BEST

29 MANAGEMENT PRACTICE MANUAL.

30 SECTION 2. ANY AND ALL REGULATIONS ARE ABROGATED TO THE

1 EXTENT OF ANY INCONSISTENCY WITH THIS ACT.

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

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