

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 17, 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  
23 by adding a subsection to read:

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

2 (c) (1) The use or installation of riparian buffers and  
3 riparian forest buffers shall not be required under this <--  
4 section. Riparian buffers and riparian forest buffers may be  
5 used as a preferred choice or option among best management  
6 practices, design standards and alternatives to minimize the  
7 potential for accelerated erosion and sedimentation and to  
8 protect, maintain, reclaim and restore water quality and for  
9 existing and designated uses of a perennial or intermittent  
10 river, stream or creek or lake, pond or reservoir of this  
11 Commonwealth to ensure compliance with 25 Pa. Code Ch.93  
12 (relating to water quality standards).

13 (2) Projects in special protection watersheds that propose  
14 greater than one acre of earth disturbance within 100 feet of a  
15 surface water shall offset any reduction in the total square  
16 footage of the buffer zone that would have been utilized as a  
17 best management practice, with a replacement buffer elsewhere in  
18 the same drainage basin AS CLOSE AS FEASIBLE TO THE AREA OF <--  
19 DISTURBANCE at a ratio of ~~two to one for Zone 1 (1 through 50~~ <--  
20 ~~feet) and one-to-one for Zone 2 (50 through 100 feet).~~ Any <--  
21 project incorporating such an alternative shall also include  
22 other best management practices to manage postconstruction  
23 stormwater to protect, maintain, reclaim and restore water  
24 quality and existing and designated uses of waters of this  
25 Commonwealth. Replacement planting costs shall be calculated  
26 using department guidance as specified in BMP 6.7.1: Riparian  
27 Buffer Restoration of the Pennsylvania Stormwater Best  
28 Management Practice Manual.

29 Section 2. Any and all regulations are abrogated to the  
30 extent of any inconsistency with this act.

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