
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

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE, AS
AMENDED, OCTOBER 6, 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

1 (P.L.1987, No.394), known as The Clean Streams Law, is amended
2 by adding a subsection to read:

3 Section 402. Potential Pollution.--* * *

4 ~~(c) (1) The use or installation of riparian buffers and~~ <--
5 ~~riparian forest buffers may be used as a preferred choice or~~
6 ~~option among best management practices, design standards and~~
7 ~~alternatives to minimize the~~

8 (C) (1) FOR PERSONS PROPOSING OR CONDUCTING EARTH <--
9 DISTURBANCE ACTIVITIES WHEN THE ACTIVITY REQUIRES A NATIONAL
10 POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR STORM WATER
11 DISCHARGE UNDER 25 PA. CODE CH. 102 (RELATING TO EROSION AND
12 SEDIMENT CONTROL), THE PERSON MAY USE OR INSTALL EITHER:

13 (I) A RIPARIAN BUFFER OR RIPARIAN FOREST BUFFER; OR
14 (II) ANOTHER OPTION OR OPTIONS AMONG AVAILABLE BEST
15 MANAGEMENT PRACTICES, DESIGN STANDARDS AND ALTERNATIVES THAT
16 COLLECTIVELY ARE SUBSTANTIALLY EQUIVALENT TO A RIPARIAN BUFFER
17 OR RIPARIAN FOREST BUFFER IN EFFECTIVENESS, TO MINIMIZE THE
18 potential for accelerated erosion and sedimentation and to
19 protect, maintain, reclaim and restore water quality and for
20 existing and designated uses of a perennial or intermittent
21 river, stream or creek or lake, pond or reservoir of this
22 Commonwealth to ensure compliance with 25 Pa. Code Ch.93
23 (relating to water quality standards).

24 (2) ~~Projects in~~ A PROJECT LOCATED IN A special protection <--
25 ~~watersheds that propose greater than one acre of~~ WATERSHED IN A <--
26 DRAINAGE LIST SPECIFIED IN 25 PA CODE § 93.9 (RELATING TO
27 DESIGNATED WATER USES AND WATER QUALITY CRITERIA) THAT PROPOSES
28 ANY earth disturbance within 100 feet of a surface water shall
29 offset any reduction in the total square footage of the buffer
30 zone that would have been utilized as a best management

1 practice, with a replacement buffer elsewhere ALONG SPECIAL <--
2 PROTECTION WATERS in the same drainage basin LIST AND as close <--
3 as feasible to the area of disturbance at a ratio of one-to-
4 one. Any project incorporating such an alternative shall also
5 include other best management practices to manage
6 postconstruction stormwater to protect, maintain, reclaim and
7 restore water quality and existing and designated uses of waters
8 of this Commonwealth. Replacement planting costs shall be
9 calculated using department guidance as specified in BMP 6.7.1:
10 Riparian Buffer Restoration of the Pennsylvania Stormwater Best
11 Management Practice Manual. ◀

12 Section 2. Any and all regulations are abrogated to the ◀
13 extent of any inconsistency with this act.

14 Section 3. This act shall take effect in 60 days. ◀