
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 784 Session of
2017

INTRODUCED BY SANTORA, DUSH, ZIMMERMAN, MURT, HAHN, B. MILLER,
RADER, IRVIN, EVERETT, GREINER, GABLER AND STAATS,
MARCH 10, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 10, 2017

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," in other pollutions and
18 potential pollution, further providing for potential
19 pollution.

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

22 Section 1. Section 402(c) of the act of June 22, 1937
23 (P.L.1987, No.394), known as The Clean Streams Law, is amended
24 to read:

25 Section 402. Potential Pollution.--* * *

1 (c) (1) For persons proposing or conducting earth
2 disturbance activities when the activity requires a National
3 Pollutant Discharge Elimination System permit for storm water
4 discharge under 25 Pa. Code Ch. 102 (relating to erosion and
5 sediment control), the person may use or install either:

6 (i) a riparian buffer or riparian forest buffer; or

7 (ii) another option or options among available best
8 management practices, design standards and alternatives that
9 collectively are substantially equivalent to a riparian buffer
10 or riparian forest buffer in effectiveness, to minimize the
11 potential for accelerated erosion and sedimentation and to
12 protect, maintain, reclaim and restore water quality and for
13 existing and designated uses of a perennial or intermittent
14 river, stream or creek or lake, pond or reservoir of this
15 Commonwealth to ensure compliance with 25 Pa. Code Ch. 93
16 (relating to water quality standards).

17 (2) A project located in a special protection watershed in a
18 drainage list specified in 25 Pa. Code § 93.9 (relating to
19 designated water uses and water quality criteria) that proposes
20 any earth disturbance within 100 feet of a surface water shall
21 offset any reduction in the total square footage of the buffer
22 zone that would have been utilized as a best management
23 practice, with a replacement buffer elsewhere along special
24 protection waters in the same drainage list and as close as
25 feasible to the area of disturbance at a ratio of one-to-one.
26 Any project incorporating such an alternative shall also include
27 other best management practices to manage postconstruction storm
28 water to protect, maintain, reclaim and restore water quality
29 and existing and designated uses of waters of this Commonwealth.
30 Replacement planting costs shall be calculated using department

1 guidance as specified in BMP 6.7.1: Riparian Buffer Restoration
2 of the Pennsylvania Stormwater Best Management Practice Manual.

3 (3) A project which is eligible for an exception or waiver
4 under 25 Pa. Code § 102.14(d) (1) or (2) (relating to riparian
5 buffer requirements) or allowable within riparian buffers under
6 25 Pa. Code § 102.14(f) (2) or (3) shall be exempt from the
7 requirements under paragraphs (1) and (2).

8 (4) Paragraphs (1) and (2) shall be construed to provide
9 alternatives to using riparian buffers and riparian forest
10 buffers that are in addition to those specified under 25 Pa.
11 Code Ch. 102.

12 Section 2. This act shall take effect in 60 days.