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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1003 Session of  
2019

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INTRODUCED BY GILLESPIE, PICKETT, JAMES, KORTZ, NEILSON,  
MEHAFFIE, WARNER, MILLARD AND LAWRENCE, APRIL 2, 2019

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REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 2, 2019

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AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, in dams, bar racks and migration devices, further  
3 providing for marking of dams.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3510(h)(1) and (2) and (i) of Title 30 of  
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 3510. Marking of dams.

9 \* \* \*

10 (h) Penalties.--

11 (1) Any person who fails to comply with subsection (a)  
12 or (b) [shall forfeit and pay a civil penalty of not less  
13 than \$500 nor more than \$5,000. The penalty shall be  
14 recovered by civil suit or process in the name of the  
15 Commonwealth] commits a summary offense of the first degree  
16 for the first offense and a misdemeanor of the third degree  
17 for a subsequent offense. Each [calendar year] month of  
18 noncompliance shall constitute a separate violation.

1 (2) Any person who fails to comply with subsection (c)  
2 [shall forfeit and pay a civil penalty of not less than \$250  
3 nor more than \$5,000. The penalty shall be recovered by civil  
4 suit or process in the name of the Commonwealth] commits a  
5 summary offense of the second degree for the first offense  
6 and a summary offense of the first degree for a subsequent  
7 offense. Each [calendar year] month of noncompliance shall  
8 constitute a separate violation.

9 \* \* \*

10 (i) Definitions.--As used in this section, the following  
11 words and phrases shall have the meanings given to them in this  
12 subsection:

13 "Department." The Department of Environmental Protection of  
14 the Commonwealth.

15 "Owner." The person who owns a run-of-the-river dam  
16 regulated by the Department of Environmental Protection pursuant  
17 to the act of November 26, 1978 (P.L.1375, No.325), known as the  
18 Dam Safety and Encroachments Act.

19 "Permit." A permit issued by the Department of Environmental  
20 Protection pursuant to the act of November 26, 1978 (P.L.1375,  
21 No.325), known as the Dam Safety and Encroachments Act.

22 "Permittee." The person who has been issued a permit by the  
23 Department of Environmental Protection to maintain a run-of-the-  
24 river dam.

25 "Run-of-the-river dam." A manmade structure which:

26 (1) is a dam regulated [or permitted] by the Department  
27 of Environmental Protection pursuant to the act of November  
28 26, 1978 (P.L.1375, No.325), known as the Dam Safety and  
29 Encroachments Act;

30 (2) is built across a [river or stream for the purposes

1 of impounding water where the impoundment at normal flow  
2 levels is completely within the banks and all flow passes  
3 directly] watercourse and certain flows pass over the entire  
4 dam structure [within the banks], excluding abutments, to a  
5 natural channel downstream; and

6 (3) the department determines to have hydraulic  
7 characteristics such that at certain flows persons [entering  
8 the area immediately below the dam may be caught in the  
9 backwash] may be caught in the hydraulic roller or boil  
10 immediately below the dam.

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