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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2406 Session of  
2022

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INTRODUCED BY FRITZ, OWLETT, PICKETT, HAMM, ARMANINI, O'NEAL,  
SMITH, HERSHEY, JAMES, RYAN, MILLARD, CAUSER, BROOKS, RAPP,  
GROVE, DeLUCA, ROWE AND KEEFER, APRIL 11, 2022

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
APRIL 11, 2022

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AN ACT

1 Amending the act of November 26, 1978 (P.L.1375, No.325),  
2 entitled "An act providing for the regulation and safety of  
3 dams and reservoirs, water obstructions and encroachments;  
4 consolidating and clarifying the programs of the Department  
5 of Environmental Resources and Navigation Commission for the  
6 Delaware River; establishing penalties and repealing certain  
7 acts," further providing for definitions; and providing for  
8 small stream maintenance project permit.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 3 of the act of November 26, 1978  
12 (P.L.1375, No.325), known as the Dam Safety and Encroachments  
13 Act, is amended by adding a definition to read:

14 Section 3. Definitions.

15 The following words and phrases when used in this act shall  
16 have, unless the context clearly indicates otherwise, the  
17 meanings given to them in this section:

18 \* \* \*

19 "Flood-related hazard." Flood debris or similar obstruction  
20 which may present a potential substantial risk to life or

1 property or may create additional problems in the event of  
2 flooding.

3 \* \* \*

4 Section 2. The act is amended by adding a section to read:

5 Section 6.1. Small stream maintenance project permit.

6 (a) The department shall establish and authorize a small  
7 stream maintenance project permit for mitigation of flood-  
8 related hazards of less than 250 linear feet or an area of less  
9 than one acre in size.

10 (b) The department shall delegate permit review and approval  
11 responsibilities to county conservation districts.

12 (c) (1) An application for a small stream maintenance  
13 project permit shall include:

14 (i) A description of the small stream maintenance  
15 project.

16 (ii) The location and area of the proposed project.

17 (iii) A stream profile for a reasonable distance  
18 upstream and downstream of the proposed project, showing  
19 normal water surface and depths.

20 (iv) A description of the equipment to be used.

21 (v) Written approval from any affected property  
22 owners, proof of title or easements for lands included in  
23 the proposed project site, as necessary.

24 (vi) Any additional information the department deems  
25 necessary.

26 (2) The department may not require an applicant specify  
27 professional engineering services or similar professional  
28 qualifications as provided under section 10 for the removal  
29 of flood-related hazards or stream clearing activities under  
30 a proposed project.

1     (d) A county conservation district shall grant a permit if  
2 the county conservation district determines that the proposed  
3 project complies with the provisions of this act and the  
4 regulations promulgated under this act, and complies with all  
5 other applicable laws administered by the department.

6     (e) No fees may be required for a small stream maintenance  
7 project permit.

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