
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2407 Session of
2022

INTRODUCED BY HAMM, OWLETT, PICKETT, FRITZ, ARMANINI, O'NEAL,
SMITH, HERSHEY, JAMES, RYAN, MILLARD, CAUSER, BROOKS, RAPP,
GROVE, DeLUCA, ROWE AND KEEFER, APRIL 14, 2022

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 14, 2022

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 permit issuance and conditions.

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

10 Section 1. Section 9 of the act of November 26, 1978
11 (P.L.1375, No.325), known as the Dam Safety and Encroachments
12 Act, is amended to read:

13 Section 9. Permit issuance and conditions.

14 (a) The department shall have the power to grant a permit if
15 it determines that the proposed project complies with the
16 provisions of this act and the regulations adopted hereunder,
17 and complies with all other applicable laws administered by the
18 department[, the Pennsylvania Fish Commission] and any river
19 basin commission created by interstate compact.

1 (b) The department may impose such permit terms and
2 conditions regarding construction, operation, maintenance,
3 inspection and monitoring of the project as are necessary to
4 assure compliance with this act and other laws administered by
5 the department[, the Pennsylvania Fish Commission] and any river
6 basin commission created by interstate compact.

7 (c) Notwithstanding any other provision of law:

8 (1) The Pennsylvania Fish and Boat Commission shall have
9 no authority or jurisdiction related to stream maintenance or
10 clearing activities within this Commonwealth.

11 (2) No approval or authorization from the Pennsylvania
12 Fish and Boat Commission shall be required for any stream
13 maintenance or clearing activities conducted within this
14 Commonwealth.

15 (3) The department may not delegate its authority
16 related to stream maintenance or clearing activities to the
17 Pennsylvania Fish and Boat Commission.

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