

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 469 Session of 2021

INTRODUCED BY BROOKS, LANGERHOLC, STEFANO, J. WARD, DiSANTO, MENSCH, HUTCHINSON AND PITTMAN, MARCH 22, 2021

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 22, 2021

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 for scope of
 8 act.

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." Any gravel bar, flood debris or
 20 similar obstruction which may present a substantial potential
 21 risk to life or property or may create additional problems in

1 the event of flooding.

2 * * *

3 Section 2. Section 4 of the act is amended to read:

4 Section 4. Scope.

5 (a) This act shall apply to:

6 (1) All dams on a natural or artificial watercourse,
7 other than those licensed pursuant to the Federal Power Act,
8 where:

9 (i) the contributory drainage area exceeds 100
10 acres; or

11 (ii) the greatest depth of water at maximum storage
12 elevation exceeds 15 feet; or

13 (iii) the impounding capacity at maximum storage
14 elevation exceeds 50 acre-feet.

15 (2) All dams used for the storage of water not located
16 on a watercourse and which have no contributory drainage,
17 where the greatest depth of water at maximum storage
18 elevation exceeds 15 feet and the impounding capacity at
19 maximum storage elevation exceeds 50 acre-feet.

20 (3) All dams used for the storage of fluids or
21 semifluids other than water, the escape of which may result
22 in air, water or land pollution, or may result in danger to
23 persons or property.

24 (4) All water obstructions and encroachments other than
25 dams, located in, along, across or projecting into any
26 watercourse, floodway or body of water, whether temporary or
27 permanent.

28 (b) This act shall not apply to a person taking actions to
29 mitigate a flood-related hazard on a normal agricultural
30 operation, as defined in section 2 of the act of June 10, 1982

1 (P.L.454, No.133), referred to as the Right-to-Farm Law.

2 Section 3. This act shall take effect immediately.