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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1433 Session of  
2015

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INTRODUCED BY CAUSER, BAKER, BARRAR, BLOOM, R. BROWN, COHEN,  
D. COSTA, DeLUCA, FEE, GILLEN, GOODMAN, GROVE, HARHAI,  
A. HARRIS, IRVIN, M. K. KELLER, LAWRENCE, LONGIETTI, MAHONEY,  
MAJOR, MARSHALL, MILLARD, MURT, OBERLANDER, PICKETT,  
READSHAW, TOPPER, WARD AND ZIMMERMAN, JULY 6, 2015

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
JULY 6, 2015

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AN ACT

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

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 definitions 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 "Bridge." A structure and its appurtenant works erected over

1 the regulated water of this Commonwealth.

2 \* \* \*

3 "Culvert." A structure with appurtenant works which carries  
4 a stream under or through an embankment or fill.

5 \* \* \*

6 "Flood-related hazard." Flood debris or similar obstruction  
7 which may present a substantial potential risk to life or  
8 property or may create additional problems in the event of  
9 flooding.

10 \* \* \*

11 "Normal agricultural operation." The activities, practices,  
12 equipment and procedures that farmers adopt, use or engage in  
13 the production and preparation for market poultry, livestock and  
14 their products and in the production, harvesting and preparation  
15 for market or use of agricultural, agronomic, horticultural,  
16 silvicultural and aquacultural crops and commodities and is:

17 (1) not less than 10 contiguous acres in area; or

18 (2) less than 10 contiguous acres in area but has an  
19 anticipated yearly gross income of at least \$10,000.

20 The term includes new activities, practices, equipment and  
21 procedures consistent with technological development within the  
22 agricultural industry. Use of equipment shall include machinery  
23 designed and used for agricultural operations, including, but  
24 not limited to, crop dryers, feed grinders, saw mills, hammer  
25 mills, refrigeration equipment, bins and related equipment used  
26 to store or prepare crops for marketing and those items of  
27 agricultural equipment and machinery defined by the act of  
28 December 12, 1994 (P.L.944, No.134), known as the Farm Safety  
29 and Occupational Health Act. The term includes custom work.

30 \* \* \*

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

2 Section 6.1. Small stream maintenance project permit.

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

7 (b) The department shall delegate permit review and approval  
8 responsibilities to the county conservation districts.

9 (c) (1) An application for the permit shall include:

10 (i) A description of the small stream maintenance  
11 project.

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

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

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

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

20 (vi) Any additional information the department or  
21 county conservation district deems necessary.

22 (2) The department may not require the applicant specify  
23 professional engineering services or similar professional  
24 qualifications as provided under section 10 for the removal  
25 of flood-related hazards or stream clearing activities under  
26 this subsection.

27 (c) The county conservation district shall grant the permit  
28 if the county conservation district determines that the proposed  
29 project complies with the provisions of this act and the  
30 regulations promulgated under this act, and complies with all

1 other applicable laws administered by the department.

2 (d) No fees may be required for small maintenance project  
3 permits.

4 (e) The department may approve an application for multiple  
5 permits concurrently.

6 (f) No permit shall be required for:

7 (1) Maintenance activities conducted 50 feet or less  
8 upstream or downstream of a bridge or culvert.

9 (2) The removal of flood-related hazards or related  
10 stream clearing activities that are deemed to be an emergency  
11 by State, county or municipal authorities or persons engaged  
12 in normal agricultural operations where the flood related  
13 hazard is located on property owned by the person.

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