
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2881 Session of
2020

INTRODUCED BY BROWN, RYAN, BOBACK, MOUL, HEFFLEY, DeLUCA, FRITZ,
MURT, TOOHIL AND EMRICK, SEPTEMBER 23, 2020

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 23, 2020

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 duties of owners.

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

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

13 Section 13. Duties of owners.

14 * * *

15 (c) The following shall apply:

16 (1) The owner of any dam, water obstruction or
17 encroachment seeking to permanently discontinue or abandon
18 operations shall provide notice to an impacted waterfront
19 property in accordance with the following:

20 (i) The owner shall provide the notice to the

1 impacted waterfront property six months before commencing
2 the discontinuing or abandonment procedures.

3 (ii) The owner shall issue the notice by first class
4 or express United States mail, postage prepaid, or
5 courier service, charges prepaid, to the postal address
6 of the impacted waterfront property. The owner shall be
7 deemed to have issued the notice in accordance with this
8 subparagraph upon depositing the notice in the United
9 States mail or with a courier service for delivery to the
10 impacted waterfront property.

11 (iii) The notice shall include all of the following
12 information:

13 (A) The details of the discontinuing or
14 abandonment plans as provided to the department
15 through the permit process.

16 (B) The scheduled date when the discontinuing or
17 abandonment procedures are set to begin.

18 (C) The owner's contact information.

19 (2) As used in this subsection, the term "impacted
20 waterfront property" shall mean a property impacted upstream
21 or downstream by the yearly operations of an owner of any
22 dam, water obstruction or encroachment.

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