

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 371 Session of 2017

INTRODUCED BY BROOKS, SCARNATI, VULAKOVICH, FOLMER, HUTCHINSON,
WARD, WAGNER, LANGERHOLC, DISANTO, WHITE, MARTIN, BROWNE,
MENSCH AND STEFANO, FEBRUARY 15, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 15, 2017

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 for scope of 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

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

3 * * *

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

5 Section 4. Scope.

6 (a) This act shall apply to:

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

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

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

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

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

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

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

29 (b) This act shall not apply to a person taking actions to
30 mitigate a flood-related hazard on a normal agricultural

1 operation, as defined in section 2 of the act of June 10, 1982
2 (P.L.454, No.133), referred to as the Right-to-Farm Law.

3 Section 3. This act shall take effect immediately.