

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. XXX Session of
2020

INTRODUCED BY BROWN, MONTH DATE, 2020

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MONTH DATE, 2020

AN ACT

Amending the act of November 26, 1978 (P.L.1975, No.325),
entitled "An act providing for the regulation and safety of
dams and reservoirs, water obstructions and encroachments;
consolidating and clarifying the programs of the Department
of Environmental Resources and Navigation Commission for the
Delaware River; establishing penalties and repealing certain
acts," further providing for additional duties of dam owners.

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

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

Section 13. Duties of owners.

* * *

(c) The owners of any dam, water obstruction or encroachment
seeking to permanently discontinue or abandon operations shall
provide notice to impacted waterfront properties.

(1) Impacted waterfront properties for the purpose of
subparagraph (c) are defined as any property effected either

upstream or downstream by the yearly operations of the owner.

(2) Notice, as identified in subparagraph (c) shall adhere to the following requirements:

(i) Provide notice 6 months prior to the discontinuing or abandonment procedures start.

(ii) Issue notice by first class or express mail, postage prepaid, or courier service, charges prepaid, to the person's postal address supplied by the owner to the dam for the purpose of notice. Notice under this clause shall be deemed to have been given to the person entitled thereto when deposited in the United States mail or with a courier service for delivery to that person.

(iii) Notice must include:

(A) details of the discontinuing or abandonment plans as provided to the department through the permit process;

(B) the scheduled date when discontinuing or abandonment procedures are to begin; and

(C) the owner's contact information.

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