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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 477 Session of  
2023

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INTRODUCED BY BROOKS, DUSH, STEFANO, BARTOLOTTA, MASTRIANO AND  
HUTCHINSON, MARCH 14, 2023

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 14, 2023

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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.