No. 1985-15

AN ACT

HB 214

Amending the act of November 26, 1978 (P.L.1375, No.325), entitled, as amended, "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," imposing posting duties on certain owners.

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

Section 1. Section 3 of the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, is amended by adding a definition to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

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"High hazard dam." Any dam so located as to endanger populated areas downstream by its failure.

* * *

Section 2. Section 13 of the act, amended October 23, 1979 (P.L.204, No.70), is amended to read:

Section 13. Duties of owners.

(a) The owner of any dam, water obstruction or encroachment shall have the legal duty to:

(1) monitor, operate and maintain the facility in a safe condition in accordance with the regulations, terms and conditions of permits, approved operating plans and orders of the department issued pursuant to this act;

(2) conduct periodic inspections and analyses, as reasonably required by the department considering the type of facility and degree of potential hazard, and as required submit certified reports regarding the condition of the facility to the department: Provided, That in lieu of certified reports from the owner, the department may accept reports of equivalent inspections prepared by governmental agencies;

(3) immediately notify the department and responsible authorities in downstream communities of any condition which threatens the safety of the facility, and take all necessary actions to protect life and property, including any action required under an emergency plan or department order issued pursuant to this act; and

(4) prior to discontinuing use or abandonment, remove all or part of the facility and take other actions necessary to protect safety and the environment in a manner approved by the department.

(b) In addition to the duties of subsection (a), the owner of any high hazard dam which has been classified as such by the Department of Environmental Resources shall post notices in public places in any area which might be affected by the failure of the dam.

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

APPROVED—The 16th day of May, A. D. 1985.

DICK THORNBURGH