
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 177 Session of
2019

INTRODUCED BY QUINN, BARRAR, MURT, KEEFER, NEILSON AND HAHN,
JANUARY 28, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 28, 2019

AN ACT

1 Amending the act of June 22, 1937 (P.L.1987, No.394), entitled
2 "An act to preserve and improve the purity of the waters of
3 the Commonwealth for the protection of public health, animal
4 and aquatic life, and for industrial consumption, and
5 recreation; empowering and directing the creation of
6 indebtedness or the issuing of non-debt revenue bonds by
7 political subdivisions to provide works to abate pollution;
8 providing protection of water supply and water quality;
9 providing for the jurisdiction of courts in the enforcement
10 thereof; providing additional remedies for abating pollution
11 of waters; imposing certain penalties; repealing certain
12 acts; regulating discharges of sewage and industrial wastes;
13 regulating the operation of mines and regulating the impact
14 of mining upon water quality, supply and quantity; placing
15 responsibilities upon landowners and land occupiers and to
16 maintain primary jurisdiction over surface coal mining in
17 Pennsylvania," in other pollutions and potential pollution,
18 further providing for potential pollution.

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

21 Section 1. Section 402(c) of the act of June 22, 1937
22 (P.L.1987, No.394), known as The Clean Streams Law, is amended
23 to read:

24 Section 402. Potential Pollution.--* * *

25 (c) (1) For persons proposing or conducting earth

1 disturbance activities when the activity requires a National
2 Pollutant Discharge Elimination System permit for storm water
3 discharge under 25 Pa. Code Ch. 102 (relating to erosion and
4 sediment control), the person may use or install either:

5 (i) a riparian buffer or riparian forest buffer; or

6 (ii) another option or options among available best
7 management practices, design standards and alternatives that
8 collectively are substantially equivalent to a riparian buffer
9 or riparian forest buffer in effectiveness, to minimize the
10 potential for accelerated erosion and sedimentation and to
11 protect, maintain, reclaim and restore water quality and for
12 existing and designated uses of a perennial or intermittent
13 river, stream or creek or lake, pond or reservoir of this
14 Commonwealth to ensure compliance with 25 Pa. Code Ch. 93
15 (relating to water quality standards).

16 (2) A project located in a special protection watershed in a
17 drainage list specified in 25 Pa. Code § 93.9 (relating to
18 designated water uses and water quality criteria) that proposes
19 any earth disturbance within 100 feet of a surface water shall
20 offset any reduction in the total square footage of the buffer
21 zone that would have been utilized as a best management
22 practice, with a replacement buffer elsewhere along special
23 protection waters in the same drainage list and as close as
24 feasible to the area of disturbance at a ratio of one-to-one.
25 Any project incorporating such an alternative shall also include
26 other best management practices to manage postconstruction storm
27 water to protect, maintain, reclaim and restore water quality
28 and existing and designated uses of waters of this Commonwealth.
29 Replacement planting costs shall be calculated using department
30 guidance as specified in BMP 6.7.1: Riparian Buffer Restoration

1 of the Pennsylvania Stormwater Best Management Practice Manual.

2 (3) A project that is eligible for an exception or waiver
3 under 25 Pa. Code § 102.14(d) (1) or (2) (relating to riparian
4 buffer requirements) or allowable within riparian buffers under
5 25 Pa. Code § 102.14(f) (2) or (3) shall be exempt from the
6 requirements under paragraphs (1) and (2).

7 (4) Paragraphs (1) and (2) shall be construed to provide
8 alternatives to using riparian buffers and riparian forest
9 buffers that are in addition to those specified under 25 Pa.
10 Code Ch. 102.

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