

No. 2014-162

AN ACT

HB 1565

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

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

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

Section 402. Potential Pollution.—* * *

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

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

(2) A project located in a special protection watershed in a drainage list specified in 25 Pa. Code § 93.9 (relating to designated water uses and water quality criteria) that proposes any earth disturbance within 100 feet of a surface water shall offset any reduction in the total square footage of the buffer zone that would have been utilized as a best management practice, with a replacement buffer elsewhere along special protection waters in the same drainage list and as close as feasible to the area of disturbance at a ratio of one-to-one. Any project incorporating such an alternative shall also include other best management practices to manage postconstruction storm water to protect, maintain, reclaim and restore water quality and existing and designated uses of waters of this

Commonwealth. Replacement planting costs shall be calculated using department guidance as specified in BMP 6.7.1: Riparian Buffer Restoration of the Pennsylvania Stormwater Best Management Practice Manual.

Section 2. Any and all regulations are abrogated to the extent of any inconsistency with this act.

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

APPROVED—The 22nd day of October, A.D. 2014

TOM CORBETT