



Senate Environmental Resources and Energy Committee

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Summary Senate Bill 235, P.N. 240

Prime Sponsor: Senator Wozniak

Short Title & Overview

Amends the Flood Control Law. Authorizes DEP to utilize nonstructural alternatives to implement flood protection measures. Makes editorial changes.

DEP Powers

- Authorizes DEP to implement nonstructural flood protection measures and stream channel environmental improvement projects
- Nonstructural flood protection measures shall mean and include:
 - Acquisition of land and structures
 - Demolition, removal, relocation, elevation and floodproofing of structures
 - Floodplain clearance and restoration
- Stream channel environmental improvements shall mean and include:
 - Installation and maintenance of vegetated stream banks and riparian corridors
 - Bioengineered projects for bank stability and erosion control
 - In-channel structures for habitat and geomorphic stabilization of stream channel profiles, patterns and dimensions

Hold Harmless & Sovereign Immunity

Authorizes Commonwealth agencies to hold and save the U.S. Government free from all damages arising from the implementation of flood control works and improvements projects, except for damages due to the fault or negligence of the U.S. Government, its agencies or contractors. Specifically waives the Commonwealth's sovereign immunity on such matters.

Repeals

Repeals Section 5 of the Act, regarding hearing proceedings against DEP before the Supreme Court

Effective Date

- The act shall take effect immediately.