

# PRIVATE DAM FINANCIAL ASSURANCE PROGRAM

Enrollment Guidelines | February 2019



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## **Section I – Introduction and Purpose**

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The Private Dam Financial Assurance Program (“Program”) was established under the Private Dam Financial Assurance Program Act (PDFAP Act), pursuant to Section 1603-N of the Act of June 22, 2018 (P.L. 281, No. 42), known as the Fiscal Code, to provide financial assurance assistance to owners of regulated private dams to meet proof of financial responsibility required under Section 11 of the Dam Safety and Encroachments Act. The PDFAP Act also has a provision to provide low interest loans to eligible dams once the Private Dam Financial Assurance Fund has reached \$1,500,000. The program is administered jointly by the Department of Community and Economic Development (DCED or “department”) and the Department of Environmental Protection (DEP).

Enrollment in this program satisfies the requirements of Section 105.13b (1) (iii) of the Department of Environmental Protection Chapter 105 Regulations and Section 11 of the Dam Safety and Encroachments Act. Once enrolled, applicants can take advantage of the loan portion of the Private Dam Assurance Program.

## **Section II – Enrollment Eligibility**

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Enrollment through the program shall be made available to an owner provided that the owner:

1. Demonstrates compliance with the Dam Safety and Encroachments Act and the regulations promulgated under that Act, as determined by the Department of Environmental Protection, including annual inspection reporting, payment of registration fees and compliance with an approved emergency action plan.
2. Pays a one-time program enrollment fee of \$1,000 per dam to the fund.
3. Pays an annual fee to the Department of Community and Economic Development in an amount equal to 1% of the Proof of Financial Responsibility amount required by the Department of Environmental Protection under proof of financial responsibility requirements promulgated under Section 11 of the Dam Safety Encroachments Act.

### **A. Eligible Applicants**

Any person (including natural persons, partnerships, corporations, associations, and community associations) who owns, controls, operates, maintains, or manages a regulated private dam in Pennsylvania is eligible to enroll. Agencies of federal, state, county, or municipal government are not eligible.

## Section III – Application Process

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### A. Application Procedures

1. To enroll, the applicant must submit the on-line Department of Community and Economic Development Electronic Single Application for Assistance located at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us). Required supplemental information outlined in Appendix I of these guidelines must be attached electronically to the application as directed on the Addenda tab. For technical inquiries regarding the submission of the on-line application, contact the Customer Service Center at (800) 379-7448 or (717) 787-3405.
2. DCED will review applications in conjunction with DEP for eligibility and notify the applicant in writing of their eligibility determination. If eligible, applicants will be required to submit a \$1,000 enrollment fee.
3. The \$1,000 enrollment fee for the Private Dam Financial Assurance Program must be paid by check made payable to the *Department of Community and Economic Development* and remitted to the following address:

PA Department of Community and Economic Development  
Business Financing – Site Development  
Private Dam Financial Assurance Program  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225

4. In order to maintain good standing in the Private Dam Financial Assurance Program and compliance with the Proof of Financial Responsibility requirements of the Dam Safety and Encroachments Act, private dam owners will be required to submit to the department annually 1% of the Proof of Financial Responsibility amount required by the Department of Environmental Protection under proof of financial responsibility requirements promulgated under Section 11 of the Dam Safety Encroachments Act. Compliance must also be maintained with the Dam Safety and Encroachments Act and the regulations promulgated under that Act, including, but not limited to, annual inspection reporting, payment of registration fees and compliance with an approved Emergency Action Plan.

## Section VI – Program Inquiries

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- A. Program inquiries should be directed to:

Department of Community & Economic Development  
Center for Business Financing  
Private Dam Financial Assurance Program  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, Pennsylvania 17120-0225

Phone: (717) 787-6245

Fax: (717) 772-3581

E-mail: [ra-dcedsitedvpt@pa.gov](mailto:ra-dcedsitedvpt@pa.gov)

- B. These guidelines can be accessed on-line at [www.dced.pa.gov](http://www.dced.pa.gov).

## **Appendix I – Application Supplemental Items**

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In addition to completing the DCED Single Application for Assistance, please upload the following items when enrolling in the PDFFA Program:

- Exhibit 1:** Provide a detailed description of the dam which discusses all of the following: (a) the specific location of the dam; (b) current legal owner of the dam; and (c) a description of the current usage of the dam.