

THE COUNTY OF CHESTER

CHESTER COUNTY
WATER RESOURCES AUTHORITY
Government Services Center
601 Westtown Road, Suite 260
P.O. Box 2747
West Chester, PA 19380-0990



CHESTER COUNTY BOARD
OF COMMISSIONERS
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Janet L. Bowers, P.G., Executive Director

Telephone: (610) 344-5400
Fax: (610) 344-5401

PA Act 15 (2018) “High Tunnels” Amendment to Chester County Act 167 Stormwater Plan Model Ordinance

In 2013, the “County-Wide Act 167 Stormwater Management Plan for Chester County” was completed by Chester County Water Resources Authority (CCWRA). It was adopted by the Chester County Board of Commissioners, and approved by PA Department of Environmental Protection (PADEP), as required under PA Act 167 (1978), also known as the Stormwater Management Act. Subsequently, as required by Act 167, all municipalities within Chester County adopted the model stormwater ordinance that was included in the Plan. The model ordinance also addressed the ordinance requirements of PADEP’s municipal separate storm sewer system (MS4) permits.

In April 2018, the Pennsylvania General Assembly passed Act 15 of 2018, which amended Act 167 to require all municipalities which have adopted Act 167 ordinances to amend their ordinances to provide exemption for “high tunnels” (under certain conditions) used in agricultural applications from ordinance regulations. The term “high tunnels” will be exempt if they meet certain criteria set forth in the Act 167 (as amended by Act 15). Specifically, Act 15 states that “*A municipality that has adopted a local ordinance or regulation that regulates high tunnels pursuant to a watershed storm water plan under this section prior to the effective date of this subsection shall amend the ordinance or regulation to comply with this subsection.*” Thus, even though high tunnels are not called out in the Chester County Act 167 model ordinance, they are regulated by definition under the ordinance, and therefore, Act 15 requires that all municipalities amend their ordinances to exempt high tunnels, whether or not they have or will have high tunnels.

Because all municipalities within Chester County have adopted the Chester County Act 167 stormwater ordinance, CCWRA, with assistance of legal counsel, has prepared the attached model Amendment to the Chester County Act 167 stormwater management model ordinance for use by Chester County municipalities to comply with Act 15 (2018). The Amendment was submitted to and accepted by PADEP for use by Chester County municipalities in revising their Act 167 ordinances. While Act 15 (2018) does not set a deadline as to when the municipality must amend its ordinance, the effective date of the Act 167 amendment is June 17, 2018 and, therefore, municipalities should consult their solicitors and consider taking measures to amend their ordinances at the earliest time possible. In the meantime, municipalities should consult their solicitors regarding what actions to take in accordance with the requirements of Act 15 (2018) should an application involving high tunnels be submitted to the municipality for consideration. CCWRA will incorporate this model Amendment into the Act 167 model ordinance during the upcoming Act 167 Stormwater Management Plan updates process.

Please contact CCWRA if you have any questions or require any further information.



Chester County Water Resources Authority

water@chesco.org 610-344-5400 www.chesco.org/water