

Chester County Act 167 Model Ordinance Updates – Summary of Changes

This table was created to document significant changes made to the County-wide Act 167 Stormwater Management Model Ordinance. These changes were made to address public, stakeholder, and municipal input, to ensure consistency with the Pennsylvania Department of Environmental Protection’s (PA DEP) 2022 Model Stormwater Management Ordinance, and to comply with the Pennsylvania Stormwater Management Act. This table summarizes the changes and does not include minor administrative updates. For complete documentation of the updates, please reference the Model Ordinance document itself.

No.	Topic	Change	Reason for Update	Location Reference	Comments
1	Notes to Municipal Editor	Added new optional Section/Subsection references to 9) and Added 14) explaining how 2022 updates are shown in the Model Ordinance.	General Update	Notes to Municipal Editor	Revised to reflect updates to Ordinance.
2	Green Infrastructure and Low Impact Development	Added statement regarding the intentions of Green Infrastructure (GI) and Low Impact Development (LID) use.	2022 MS4 Requirement	Subsection 102.I	Inserted language directly from PA DEP 2022 Model SWM Ordinance
3	Exemptions	Added High Tunnels language.	Act 167 Requirement	Subsection 106.C.5.c	Inserted language directly from Act 167 amendment
4	Exemptions	Added language specifying that infiltration testing is recommended for projects using the Simplified Approach but is not required by this ordinance.	Public Comment	106.D	Incorporated to clarify infiltration testing requirements for the Simplified Approach.
5	Exemptions	Modified Exemption Threshold for Agricultural Structures	Public Comment	106.E	Modified the language in the ordinance to clarify that projects with less than 15,000 square feet of total new Impervious Surface (including vehicle parking and movement areas) can be eligible for exemption from the ordinance provisions outlined in Subsection 106.E.
6	Exemptions	Updated “Maintenance of Existing Paved Surfaces” to include gravel surfaces.	General Update	Subsection 106.C.7	Gravel surfaces used for vehicular movement and parking are considered Impervious Surfaces per the definition in the Countywide Model Ordinance. This section was updated for consistency.
7	Modified Requirements for Small Projects	Updated the Note to Editor that explains the optional Simplified Approach options.	Consistency with Appendix A.2/Public Input	Subsection 106.D	Updated to explain if municipalities elect to use the Simplified Approach, they may choose to continue using the original version adopted under the previous

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					version of the Ordinance or use the updated version in Appendix A of this Ordinance. A general description of the difference between the two options is also provided.
8	Waivers	Updated text under 111.C to be consistent with PA DEP 2022 Model Ordinance	General Update	Section 111	Updated to noted that waivers or modifications of regulated stormwater activity involving disturbance greater than or equal to one acre may not be granted without approval from PA DEP or Chester County Conservation District.
9	Erroneous Permit	This section was previously optional; edited to be required section.	2022 MS4 Requirement	Section 112	Not specified as optional in PA DEP 2022 Model Ordinance; assumed to be required.
10	Conservation Design	A definition for “Conservation Design” was added to the model ordinance as a mandatory definition.	Consistency with Appendix B	Section 202	Appendix B existed as part of the 2013 Countywide Model Stormwater Ordinance, but there was no definition.
11	Developer	Modified definition of developer to include “company or organization”	Public Comment	Section 202	Definition for Developer was “A person who seeks to undertake any Regulated Activity” Modified this to include company and organization.
12	Evapotranspiration	A definition for “evapotranspiration” was added to the model ordinance.	General Update	Section 202	Added for consistency with New PA DEP BMP Manual and current guidance from PA DEP
13	Floodway	Updated Floodway definition.	General Update	Section 202	Added references to the base flood and 1% annual chance flood.
14	Green Infrastructure	Added Green Infrastructure definition.	2022 MS4 Requirement	Section 202	Inserted language directly from PA DEP 2022 Model SWM Ordinance
15	High Tunnels	Added High Tunnels definition.	Act 167 Requirement	Section 202	Inserted language directly from Act 167 amendment
16	Impervious Surface	A definition for “Regulated Impervious Surface” was added to the model ordinance. The term was also included throughout the entire model ordinance as applicable.	Consistency with Appendix A.2	Section 202	The term includes proposed impervious surface as part of a current proposed project and all existing impervious surfaces installed as part of previous project(s) after the date the municipality adopted the 2013 Countywide Model Stormwater Ordinance.

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17	Impervious Surface	Updated the definition of Impervious Surface to include clarification on whether gravel areas, pavers, porous pavement, and solar collectors should be considered impervious.	General Update/Public Input	Section 202	Uncompacted gravel areas with no vehicular traffic are to be considered pervious per review by the Municipal Engineer. Surfaces that were designed to allow infiltration (i.e., areas of porous pavement) are to be considered pervious if designed to function as a BMP per review by the Municipal Engineer. Additionally, the definition was updated to clarify that solar collectors should be considered pervious if the Municipal Engineer determines that the area under the solar collectors is maintained as a vegetated pervious surface.
18	Impervious Surface	Updated Note to Editor for Impervious Surface definition.	General Update	Section 202	This was updated to provide additional guidance regarding consistency with definitions included in other sections of the Municipality’s Code.
19	Low Impact Development	Added definition for Low Impact Development.	2022 MS4 Requirement	Section 202	Inserted language directly from PA DEP 2022 Model SWM Ordinance
20	Stormwater Control Measure (SCM)	A definition for “Stormwater Control Measure” was added to the model ordinance.	New PA DEP Stormwater BMP Manual	Section 202	This term is anticipated to replace “BMP” in the new PA DEP Stormwater BMP Manual and has been included in the updated Countywide Model Stormwater Ordinance in anticipation of this.
21	BMP, Stormwater Management Facility, SCM	Definitions for “Best Management Practice,” “Stormwater Management Facility,” “Stormwater Control Measure” were updated. Terminology was updated throughout the ordinance for consistency with definitions.	General Update	Section 202	These definitions were updated to cross-reference each other. Added reference to Conservation Design and clarification for non-structural BMPs in the definition of BMP.
22	Stormwater Management Facility	The definition for “Stormwater Management Facility” was updated. Terminology was updated throughout the ordinance for consistency with this definition.	General Update	Section 202	Updated to include references to Best Management Practices and Stormwater Control Measures
23	Pet	A definition for “Pet” was added to the model ordinance.	2022 MS4 Requirement	Section 202	Added for additional clarity for the new Section 803.

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24	Stormwater Discharges onto Adjacent Properties	Updated language from “existing drainage peak rate discharges up to and including the one-hundred-year storm” to also include volume of runoff from two-year storm event.	2022 MS4 Requirement	Subsection 301.G	Updated to simplify language for consistency with PA DEP 2022 Model Ordinance. Note the PA DEP 2022 Model Ordinance language requires written notification to adjacent property owners where the Chester County Model Ordinance requires written permission from adjacent property owners.
25	Green Infrastructure and Low Impact Development	Added statement indicating if methods other than GI or LID are used for rate control, the SWM Site Plan must provide a detailed justification demonstrating why it is not practicable.	2022 MS4 - OPTIONAL	Subsection 301.Q	This is optional for each municipality.
26	Riparian Buffers	Removed optional Subsection 301. U for consistency with other riparian buffer updates.	General Update	Subsection 301.U	Removed optional Subsection.
27	Erosion and Sediment Control	Specified which projects required a letter of adequacy for E&S Control Plans from the Conservation District	Public Comment	Subsection 303.A	This change was made in response to municipal comments asking for clarity of when E&S reviews by the Conservation District are needed.
28	Green Infrastructure and Low Impact Development	Added language encouraging the use of GI and LID for all regulated activities where possible.	2022 MS4 Requirement	Section 305	Inserted language directly from PA DEP 2022 Model SWM Ordinance
29	Water Quality and Runoff Volume Requirements	Updated the requirement for runoff volume to include the Small Storm Hydrology Method for consistency with Section 306 and the PA Stormwater BMP Manual.	General Update	Subsection 305.A	Runoff volume is to be managed through the Runoff Curve Method or the Small Storm Hydrology Method, whichever results in the greater volume to be managed.
30	Evapotranspiration	Added language allowing for the crediting of evapotranspiration toward meeting volume requirements per the most recent guidance from PA DEP.	General Update	Subsection 305.L	Added for consistency with updated PA DEP BMP Manual and current guidance from PA DEP.
31	Infiltration Requirements	Added language noting that BMPs should be consistent with the PA BMP Manual or other PA DEP design guidance. Also specified that the Managed Release Concept is an acceptable	Public Comment/General Update	Section 306.A	Added to clarify guidelines for design and infiltration period of infiltration BMPs and to note that the Managed Release Concept or other alternative methods consistent with PA DEP guidance can be

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		alternative if the required infiltration volume cannot be infiltrated.			used to meet the requirements of Section 305.A if infiltration is not feasible.
32	Infiltration Requirements	Made infiltration criteria applicable to redevelopment and new development for consistency with Subsection 305.A.	General Update	Subsection 306.B	Updated for consistency Subsection 305.A.
33	Redevelopment	Made optional the requirement to allow for no peak flow rate control if the proposed impervious surface area is at least 20 percent less than the total existing impervious surface area.	Public comment - OPTIONAL	Subsection 308.C	This change was made in response to public comment received regarding increasing stormwater management requirements for redevelopment.
34	Redevelopment	Added Note to Editor giving municipalities the option to increase the assumption for predevelopment calculations that at least 20% of the existing impervious surface area to be disturbed should be “meadow” land cover to up to 40% to make the ordinance more stringent.	Public comment - OPTIONAL	Subsection 309.D.2.c	This change was made in response to public comment received regarding increasing stormwater management requirements for redevelopment.
35	Other Conveyance and System Design Standards	Removed a reference indicating that design standard samples can provided to the municipality upon request and instead included reference to the PA BMP Manual and PennDOT specifications.	General Update	Section 311	This update made it optional for municipalities to include codified municipal design standards.
36	Riparian Buffers	Added Riparian Buffers Section. Requires an easement to be created for applicable subdivision or land development.	2022 MS4 - OPTIONAL	Section 312	Recommend making this optional for each municipality as each municipality may have varying existing buffer requirements.
37	SWM Site Plan Content	Added the requirement to include a signature block for the municipality to acknowledge that the SWM Site Plan meets all design standards and criteria of the Ordinance	General Update	Section 402.A.5	This change was made to be consistent with the requirements of the PA BMP Manual.
38	SWM Site Plan Contents	Added requirement to differentiate existing impervious installed before and after the date the 2013 Countywide Model Stormwater Ordinance was adopted.	General Update	Subsection 402.B.11.a	This change was made to assist reviewers and applicants in determining the amount of Regulated Impervious Surface.

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39	Green Infrastructure and Low Impact Development	Added statement requiring justification in SWM Site Plan if BMPs other than GI and LID are proposed to achieve requirements.	2022 MS4 - OPTIONAL	Subsection 402.C.9	This is optional for each municipality.
40	Green Infrastructure and Low Impact Development	Added statement indicating that the municipality will not approve the SWM Site Plan unless it determines that GI and LID practices are not practicable.	2022 MS4 - OPTIONAL	Subsection 404.J	This is optional for each municipality.
41	NPDES Permit Notice of Termination (NOT)	Added requirement that NOT approval for NPDES permits must be obtained prior to final approval by the municipality.	General Update	Section 501	This language was added as developers/applicants are not getting NOTs which can create a potential issue with the transfer of responsibility of stormwater BMPs.
42	Final As-Built Plans	Added requirement to include the coordinates for all permanent SWM BMPs.	General Update	Section 502.B.1	This language was added to be consistent with 2022 Model Ordinance.
43	Operations and Maintenance	Modified the O&M recordkeeping requirements so that the person responsible for the O&M of a BMP or Conveyance is required to submit records of the installation and all maintenance and repairs to the Municipality.	General Update	Subsection 705.B	Removed “,if requested” from “These records shall be submitted to the Municipality, if requested.”
44	Operations and Maintenance	Updated this section to include Landowner Inspection language as required in the PA DEP 2022 Model Ordinance as <i>Option 2</i> . Previously <i>optional</i> Municipal Inspection and O&M Fund language updated to serve as alternative <i>Option 1</i> . Municipalities should select one of the two options or develop an acceptable alternative per the Note to Editor.	2022 MS4 Requirement	Section 706	Inserted language directly from PA DEP 2022 Model SWM Ordinance as Option 2.
45	Authorized Discharges	Added more detailed language for the fire hydrant flushings authorized discharges [authorized, <i>if</i> do not contain Total Residual Chlorine (TRC)].	2022 MS4 Requirement	Subsection 801.C.2	Inserted language directly from PA DEP 2022 Model SWM Ordinance
46	Authorized Discharges	Revised “irrigation drainage” to be specified as “non-contaminated irrigation drainage water” as an authorized discharge, to be more consistent	2022 MS4 Requirement	Subsection 801.C.3	Inserted language directly from PA DEP 2022 Model SWM Ordinance

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		with the PA DEP 2022 Model Ordinance language			
47	Authorized Discharges	Added more detailed language for HVAC condensation authorized discharges (authorized if non-contaminated).	2022 MS4 Requirement	Subsection 801.C.4	Inserted language directly from PA DEP 2022 Model SWM Ordinance
48	Authorized Discharges	Removed dechlorinated pool discharges from authorized discharges.	2022 MS4 Requirement	Subsection 801.C.12	Inserted language directly from PA DEP 2022 Model SWM Ordinance
50	Authorized Discharges	Revised the language on residential car wash water to be consistent with PA DEP 2022 Model Ordinance	2022 MS4 Requirement	Subsection 801.C.13	Inserted language directly from PA DEP 2022 Model SWM Ordinance.
51	Authorized Discharges	Added non-contaminated hydrostatic test water discharges to authorized discharges.	2022 MS4 Requirement	Subsection 801.C.15	Inserted language directly from PA DEP 2022 Model SWM Ordinance
52	Prohibited Connections	Added language stating that any drain or Conveyance that delivers discharges into wetlands, riparian buffers, or other Waters of the Commonwealth is prohibited.	General update	Subsection 802.A	Added language to be consistent with Section 801.A.
53	Pet Waste	Added new optional Section and Note to Editor regarding requirements for properly disposing of pet waste.	2022 MS4	Section 803 (new)	This section is required (or a stand-alone Pet Waste Ordinance) if the Municipality has an NPDES MS4 Appendix permit requirement for Pollutant Control Measures for outfalls that discharge to waters impaired due to pathogens. This Section is optional for Municipalities who do not have this requirement.
54	Simplified Approach Applicability	Minor language updates for consistency with the Simplified Approach Handbook.	Consistency with Appendix A.2	Appendix A.1- Applicability, Submittal and Approval Requirements	Changes included references to “Regulated Impervious Surface”.
55	Simplified Approach Handbook	Complete revision and update of the Simplified Approach Handbook to provide further clarification and consistency.	Public Feedback	Appendix A.2- Simplified Approach to Stormwater Management for Small Projects - Handbook	Major changes included: <ul style="list-style-type: none"> • Introduces the term “regulated Impervious Surface.” • Allowing only an underground infiltration trench to be utilized under this approach. • Roof area equivalent or greater than the regulated impervious surface

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					<p>proposed must be available to convey to the infiltration trench.</p> <ul style="list-style-type: none"> • Design standard for 1,000-2,000 square feet of regulated impervious surface updated to the Δ 2-year. • Two design standard options included for <1,000 square feet of regulated impervious surface: 1-inch rainfall runoff volume or the Δ 2-year. • Added a template plan set. • Added an example plan set.
56	Simplified Approach Operations and Maintenance Agreement	The Operations and Maintenance Agreement that was included in the Simplified Approach was removed.	General Update	Appendix A.3- Simplified Approach – Stormwater BMP Operation, Maintenance, and Inspection Plan and Agreement	The General O&M Sample Agreement in Appendix E will now serve as the sample for all project types.
57	Conservation Design and Low Impact Development	Complete revision and update of Appendix B – Conservation Design and Low Impact Development Site Design	Better reflect conservation design, LID, and green infrastructure	Appendix B	This appendix was updated to include current references to these design practices and acknowledge and distinguish between the practices. Design principles, techniques, process, and practices were incorporated. A discussion of economic benefits of Conservation Design was added.
58	Operation and Maintenance	Complete revision and update of Appendix E – Stormwater Best Management Practices and Conveyances Operation and Maintenance Agreement	To improve and simplify the O&M Agreement	Appendix E	This appendix was updated to allow for use as a sample agreement for both projects using the Simplified Approach and traditionally engineered BMPs. Additional edits were made to be consistent with change included in Section 706 of the Ordinance.