
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1486 Session of
2017

INTRODUCED BY ZIMMERMAN, FEE, CAUSER, BOBACK, B. MILLER,
HICKERNELL, GREINER, LONGIETTI, MILLARD, KAUFFMAN, PICKETT,
IRVIN, RAPP, WARD, TALLMAN, PASHINSKI, JOZWIAK, WHEELAND,
LAWRENCE, KAVULICH, RADER, M. K. KELLER, MENTZER, CORBIN,
CUTLER AND BLOOM, JUNE 2, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 2, 2017

AN ACT

1 Amending the act of October 4, 1978 (P.L.864, No.167), entitled
2 "An act providing for the regulation of land and water use
3 for flood control and storm water management purposes,
4 imposing duties and conferring powers on the Department of
5 Environmental Resources, municipalities and counties,
6 providing for enforcement, and making appropriations,"
7 further providing for definitions and for effect of watershed
8 storm water plans.

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

11 Section 1. Section 4 of the act of October 4, 1978 (P.L.864,
12 No.167), known as the Storm Water Management Act, is amended by
13 adding a definition to read:

14 Section 4. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "High tunnel." A structure which meets the following:

1 (1) Is used for the production, processing, keeping,
2 storing, sale or shelter of an agricultural commodity as
3 defined in section 2 of the act of December 19, 1974
4 (P.L.973, No.319), known as the Pennsylvania Farmland and
5 Forest Land Assessment Act of 1974, or for the storage of
6 agricultural equipment or supplies.

7 (2) Is constructed consistent with all of the following:

8 (i) Has a metal, wood or plastic frame.

9 (ii) When covered, has a plastic, woven textile or
10 other flexible covering.

11 (iii) Has a floor made of soil, crushed stone,
12 matting, pavers or a floating concrete slab.

13 * * *

14 Section 2. Section 11 of the act is amended by adding a
15 subsection to read:

16 Section 11. Effect of watershed storm water plans.

17 * * *

18 (c) Exemption.--The following shall apply:

19 (1) A high tunnel shall be exempted from the provisions
20 of this act if:

21 (i) the high tunnel or its flooring does not result
22 in an impervious area exceeding 25% of all structures
23 located on the owner's total contiguous land area; and

24 (ii) the high tunnel meets one of the following:

25 (A) The high tunnel is located at least 100 feet
26 from any perennial stream or watercourse, public road
27 or neighboring property line.

28 (B) The high tunnel is located at least 35 feet
29 from any perennial stream or watercourse, public road
30 or neighboring property line and located on land with

1 a slope not greater than 7%.

2 (C) The high tunnel is supported with a buffer
3 or diversion system that does not directly drain into
4 a stream or other watercourse by managing storm water
5 runoff in a manner consistent with requirements of
6 this act.

7 (2) A municipality that has adopted a local ordinance or
8 regulation that regulates high tunnels pursuant to a
9 watershed storm water plan under this section prior to the
10 effective date of this subsection shall amend the ordinance
11 or regulation to comply with this subsection.

12 (3) Nothing in this subsection shall be construed to
13 exempt high tunnels from other requirements applicable under
14 Federal, State or municipal laws.

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