

## 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:

20 (1) Is used for the production, processing, keeping,  
21 storing, sale or shelter of an agricultural commodity as

1 defined in section 2 of the act of December 19, 1974  
2 (P.L.973, No.319), known as the Pennsylvania Farmland and  
3 Forest Land Assessment Act of 1974, or for the storage of  
4 agricultural equipment or supplies.

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

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

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

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

11 \* \* \*

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

14 Section 11. Effect of watershed storm water plans.

15 \* \* \*

16 (c) Exemption.--High tunnels shall be exempted form the  
17 provisions of this act. A municipality that has adopted a  
18 watershed storm water plan or enacted a local ordinance or  
19 regulation under this section that regulates high tunnels prior  
20 to the effective date of this subsection shall amend the plan,  
21 ordinance or regulation in order to comply with this subsection.

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