



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

June 18, 2018

Technical Guidance Coordinator
Department of Environmental Protection
Policy Office
Rachel Carson State Office Building
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RE: Chesapeake Bay Foundation Comments to the Interim Final Technical Guidance for Stormwater Management for Agricultural High Tunnels (DEP ID: 383-4200-001)

The Chesapeake Bay Foundation (CBF) respectfully submits the following comments on the Interim Final Technical Guidance for Stormwater Management for Agricultural High Tunnels (DEP ID: 383-4200-001), published on April 21, 2018 in the *Pennsylvania Bulletin*.

The Chesapeake Bay Foundation, established in 1967, is the largest nonprofit conservation organization dedicated to the restoration and protection of the Chesapeake Bay and its tributaries. With the support of over 200,000 members across the country, our staff of scientists, attorneys, educators, and policy experts work to ensure that policy, regulation, and legislation are protective of the rivers and streams in the Commonwealth that ultimately flow to the Chesapeake Bay.

CBF appreciates DEP's work to interpret the applicability of the Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act, and Storm Water Management Act requirements for high tunnel structures used to support agricultural production, following legislative revisions to Pennsylvania's Storm Water Management Act.

CBF supports the requirement that any activity, including high tunnel systems, disturbing one acre or more, whether in a single activity or multiple combined activities, is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit which includes an erosion and sedimentation control (E&S) plan, as well as a post construction stormwater management (PCSM) plan.

However, we recommend some minor changes to the siting criteria (Factor 3) to exempt certain smaller high tunnels from these provisions of the Storm Water Management Act, if they are at least 100 feet (or 35 feet with a slope no greater than 7%) from any perennial stream or other watercourse, public road or neighboring property line. The Interim Final Technical Guidance says nothing about the cover for these areas, and CBF recommends that the areas near any perennial stream or other watercourse, public road or neighboring property line be vegetated.

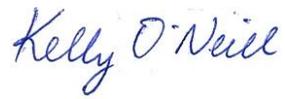
Non-vegetated surfaces in these areas would serve as a conduit for stormwater to the watercourse, road or neighboring property.

Also, we recommend that any tunnels used for livestock or poultry production within 100 feet of a stream or watercourse have a diversion system or buffer built and managed consistent with the Storm Water Management Act to ensure that runoff from the high tunnel does not directly drain into a stream or other watercourse.

Although the Stormwater Management Act does not include these requirements, it does not prevent their addition.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Kelly O'Neill". The signature is written in a cursive, flowing style.

Kelly M. O'Neill
Agriculture Policy Analyst