



February 6, 2018

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Secretary Patrick  
McDonnell, Ex-officio

Dear Senator:

The Citizens Advisory Council<sup>1</sup> (CAC) to the Department of Environmental Protection (DEP) is writing to you today to highlight our interest in **HB 1486 PN 1893** and provide some information for consideration in defining the difference between high tunnels and more permanent structures which may impact stormwater management. While the CAC understands and appreciates that the bill, as written, is intended to promote the beneficial use of high tunnels by aiding farmers to extend the agricultural growing season, Council believes it may be beneficial to clarify that permanent structures, which do not meet the United States Department of Agriculture's definition of a high tunnel, should **not** be exempt from stormwater management requirements.

As you are aware, high tunnels are structures designed to add protection to crops, improve plant and soil quality, reduce pesticide and nutrient transport, improve air quality by providing local food sources requiring less transportation to market, and to permit the farmer to extend the agricultural growing season.<sup>2</sup> These structures, as designed, are meant to be temporary in nature and thus do not require long-term management of stormwater. A typical high tunnel is a temporary structure, unlike some hoop houses and other buildings that may fall under the current description in the bill, are not "temporary structures" and, as such, create a greater need for management of stormwater because the impervious surface beneath and around the structures does not allow for the natural attenuation of precipitation events.

The CAC respectfully requests that the Senate carefully review the current language of **HB 1486 PN 1893**, as written, to ensure that it does not unintentionally create a loophole for certain, more permanent, structures to be exempted from important stormwater

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<sup>1</sup> The Citizens Advisory Council is an independent advisory board of the Department of Environmental Protection housed within the DEP and charged with reviewing all environmental issues, legislation, regulations, policies and programs pursuant to Section 448(p) and 1922-A of the Administrative Code of 1929 as amended by Act No. 1970-275 and Act No. 2016-07, 71 P.S. §§158(p) and 510-22.

<sup>2</sup> <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/?&cid=stelprdb1046250>

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management practices intended to protect the citizens of the Commonwealth and the environment from issues resulting from increased stormwater.

Thank you for your consideration of our comments. The CAC would be happy to work with you to ensure that the language in the bill provides adequate oversight of stormwater needs while providing flexibility for the important function of high tunnels in the Pennsylvania agricultural community. If you require any further information or have any questions concerning the CAC, please contact Lee Ann Murray, CAC Executive Director, at [leemurray@pa.gov](mailto:leemurray@pa.gov) or 717-787-8171.

Sincerely,

/s/ Donald S. Welsh

Donald S. Welsh, Chair  
Citizens Advisory Council

cc: Patrick McDonnell  
Secretary  
Department of Environmental Protection

Sarah Clark  
Director of Legislative Affairs  
Department of Environmental Protection

Lee Ann H. Murray, Esq.  
Executive Director  
Citizens Advisory Council