

Watersheds:

A County-wide Act 167 Stormwater Management Plan for Chester County, PA

What is the “PA Act 167 Stormwater Planning Act”(Act 167)?

- Enacted in 1978, Act 167 requires all counties in PA to complete stormwater management plans for all watersheds within their boundaries.
- Traditionally, Act 167 plans were conducted on an individual watershed basis.
- The plan is to identify stormwater and flooding problems in the watersheds and strategies to address them.
- Act 167 requires development and implementation of minimum ordinance standards for controlling stormwater runoff.
- It is intended to assist municipalities and counties in minimizing the increase of flooding and stormwater runoff caused by development activities.

What are the benefits of an Act 167 plan for municipalities?

- An Act 167 plan provides a State-approved technical basis for establishing minimum stormwater control standards.
- This plan will establish a consistent set of minimum stormwater management design standards to be applied throughout the entire watershed(s) covered by the plan.
- After the plan is approved by PADEP, PADEP will reimburse 75% of municipalities’ costs for implementing and enforcing the minimum stormwater standards.
- Any project or facility owned, operated and/or financed by Commonwealth agencies, such as PennDOT, PA Turnpike Commission, PennVest, etc., must comply with the approved standards.
- Act 167 plans can assist municipalities in addressing some MS4 requirements (see next page).

What is a county-wide Act 167 plan?

- PADEP is expanding the Act 167 program to include county-wide stormwater planning (as well as individual watershed plans), in order to:
 - Expedite improved stormwater management across the Commonwealth.
 - Increase the geographic area protected by stormwater requirements, beyond those currently regulated by NPDES Phase II municipal stormwater permits.
 - Reduce the cost and time spent to develop Act 167 plans.
 - Increase compliance with the requirements of Act 167 at the county level.
- A county-wide plan will address the entire land area within an individual county and will provide:
 - A county-wide document as the technical basis for establishing minimum stormwater management standards for all watersheds and municipalities within the county.
 - A set of minimum stormwater management design standards to be adopted by all municipalities within the county.
 - A model ordinance with minimum standards that can be used by any municipality within the county.

Why is *Watersheds* being considered as a county-wide Act 167 plan?

- *Watersheds* is the county-wide water resources plan that studied ALL of the watersheds of Chester County.
- *Watersheds* was adopted by the Chester County Board of Commissioners as the water resources component of *Landscapes*, Chester County’s Comprehensive Land Use Plan.
- *Watersheds* included comprehensive strategies for addressing stormwater management throughout all watersheds of Chester County.
- A model ordinance was published in 2005 for voluntary use by municipalities to implement the stormwater management strategies from *Watersheds*.
- PADEP has determined that *Watersheds* would qualify as a county-wide Act 167 plan due to its detailed analyses and comprehensive strategies.
- PADEP requested that Chester County submit *Watersheds* as a county-wide plan to promote the protection of all of the county’s watersheds, and to achieve the county’s compliance with Act 167.

How will this county-wide Act 167 plan differ from Act 167 plans for individual watersheds?

- The county-wide plan does not have computer-modeling based “release rates” for controlling rate of peak runoff.
- Municipal coordination meetings will be held on a county-wide basis, rather than a watershed basis.

How does this county-wide Act 167 affect municipalities?

- All municipalities within Chester County will be covered by this county-wide Act 167 plan and required to adopt the minimum standards.
- Municipalities who have adopted previously approved watershed Act 167 plan ordinance standards (since 2005) may be considered by PADEP to be in compliance with the county-wide Act 167.
- Municipalities that adopted the Chester County Post Construction Stormwater Management Model Ordinance will be required to review and amend their ordinances to implement the minimum standards in the county-wide Act 167 plan.
- Municipalities that are not included in a previously approved Act 167 plan, will be required to implement the county-wide Act 167 minimum standards.

Will the county-wide Act 167 minimum standards fulfill the requirements of NPDES Phase II?

- Municipalities with MS4 permits will be required to meet both the ordinance requirements of the NPDES Phase II regulations and the minimum standards of the county-wide Act 167 plan.
- The county-wide Act 167 minimum standards will fulfill the MS4 requirements for post-construction stormwater management and erosion and sediment control.
- Municipalities that adopted a PADEP Model Ordinance will be required to revise or replace it with the county-wide Act 167 minimum standards.
- The plan can consider other aspects of the MS4 requirements that may be of assistance to municipalities.

How should municipalities implement the county-wide Act 167 plan?

- Prepare a new ordinance with the minimum standards adopted with the county-wide plan (a model ordinance will be provided); OR, Revise an existing municipal ordinance to include the minimum standards adopted with the county-wide plan.
- Adopt the revised or new ordinance.
- Enforce the revised or new ordinance.
- PADEP will reimburse municipalities for 75% of the cost for implementing and enforcing the minimum standards required as a result of this county-wide Act 167 plan.
- Municipalities can adopt more restrictive standards, if desired.

What is the estimated timeframe for implementing the county-wide Act 167 plan?

- May 2006 – *Watersheds* submitted to PADEP and determined it would qualify as a county-wide Act 167 plan.
- June 3, 2008 – Municipal Stormwater Summit to discuss with municipalities the potential for pursuing the concept.
- June 2008 – June 2009 – municipal feedback process and await PADEP feedback on related stormwater policy issues
- July 2009 – June 2010 – municipal / public information process and meetings, and development and review of draft minimum stormwater standards.
- Summer 2010 – Commissioners consideration of County adoption of *Watersheds* as a county-wide Act 167 plan
- Fall 2010 – final PADEP approval and PADEP letters of notification sent to municipalities regarding start of 6-month period to review and as necessary adopt ordinance revisions to comply with the plan.

Who oversees implementation of Act 167?

- PADEP has the authority and responsibility to oversee implementation and compliance by counties and municipalities.
- After approval of the county-wide plan, municipalities will receive a letter of notification from PADEP describing implementation requirements.
- PADEP will request that municipalities self-review their existing ordinances; make any revisions necessary to implement the required minimum standards; and notify PADEP when those standards have been enacted.
- Municipalities must complete this review and enact necessary minimum standards within 6 months of receipt of their letter of notification from PADEP.

For which Chester County watersheds have Act 167 plans already been completed?

- Individual plans have been completed for Chester Creek, Darby Creek and Conestoga River watersheds.
- Individual plans are underway for Crum Creek and Valley Creek watersheds.
- The remaining 16 watersheds within Chester County were prioritized within “*Watersheds*” for future studies.
- Chester County can pursue grant funding for future detailed PA Act 167 plans for individual watersheds, if warranted based on the severity of stormwater and flooding problems.

Who do I contact if I have questions?

- Chester County Water Resources Authority - call (610) 344-5400 (or email wauth@chesco.org).
- PA Department of Environmental Protection – www.state.pa.us (enter “stormwater” into their search engine).