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## Newsletter of the Township Engineers Association

March 2022

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### Latest News

#### **DEP Issues White Paper on Recycling Law**

Since passage of the state's Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101 of 1988) more than 30 years ago, there has been a recent, renewed interest in modernizing Pennsylvania's municipal waste management laws.

The state Department of Environmental Protection, the waste and recycling industry, local governments, and members of the General Assembly have started to take a closer look at potential amendments to Act 101 due to technology advancements, recycling market conditions, and the necessity to plan for Pennsylvania's next chapter in municipal waste management and recycling. However, the repeated diversion of Act 101 funds from their intended use for recycling programs has thwarted intentions for change and jeopardizes the continued operation of the commonwealth's recycling programs.

In consultation with DEP's Solid Waste Advisory Committee and Recycling Fund Advisory Committee, [DEP issued a white paper](#) that evaluates Act 101 and identifies several opportunities to improve and expand DEP's efforts to reduce waste. Page 52 of the white paper lists a few specific recommendations to:

- divert organic waste from landfills by funding composting and anaerobic digestion projects;
- keep the funds in the Recycling Fund;
- support smaller, dual-stream, and commingled waste recycling facilities;
- create research and development grants to invest in emerging technologies;
- fund regional public material recovery facilities to create competition and increase stability in the cost of processing recyclables;
- reinstitute a waste planning section in the department to evaluate new technologies, product evaluations, and the consumption of recyclable materials in Pennsylvania;

- oversee the development of a comprehensive education program to improve the quality of materials collected;
- expand access to recycling through convenience centers; and
- ensure all Pennsylvanians have convenient access to all recycling options.

### **NATaT Says No to EPA Overreach on Proposed “WOTUS” Definition**

The National Association of Towns and Townships (NATaT) submitted comments to the U.S. Environmental Protection Agency (EPA) expressing concerns about the agency’s revised definitions of “waters of the United States,” or WOTUS, in the federal Clean Water Act (CWA). Townships are impacted by CWA regulations for development projects, wastewater treatment facilities, and depending on the scope, maintenance of drainage ditches.

NATaT’s concerns, which are shared by PSATS, include expansion of the CWA that could bring isolated wetlands or other waters not connected to navigable waters under federal jurisdiction. NATaT argued against one-size-fits-all federal overreach by the EPA that would regulate drainage ditches and retention basins among other things. [Click here](#) to read the comments.

*(Note: PSATS members are automatically members of NATaT.)*

### **Deadline Approaching for Road and Bridge Safety Improvement Contest**

Townships have until March 4 to enter the annual Road and Bridge Safety Improvement Awards, cosponsored by PSATS, PennDOT, and the Pa. Highway Information Association. The contest is open to PSATS member townships that completed a road or bridge project in 2021 that improved safety for motorists and other users. The program recognizes townships’ use of highway user fees for needed community safety improvements and culminates in a presentation to the winners at PSATS’ Annual Conference at the Hershey Lodge on April 25, 2022. Click [here](#) to download a copy of the entry brochure.

### **Register Today for PSATS’ 2022 Annual Conference**

If you have not yet registered for an exhibit booth at our upcoming conference at the Hershey Lodge from April 24-27, do so today because the outdoor spaces are sold out and indoor spaces are going fast! Go to [conference.psats.org](https://conference.psats.org), click on the “Register Here” button, and then choose the blue “Exhibitor” button to register as an exhibitor.

### **PennDOT’s Advisory Committees, Boards, and Commissions Webpage**

PennDOT just launched its new [Advisory Committees, Boards, and Commissions](#) webpage, which is intended to serve as a centralized location for information on PennDOT’s 13 public advisory bodies. The site features an online [application](#) form allowing individuals interested in serving on any of the advisory bodies to submit resumes and letters of interest on a rolling basis for consideration upon future vacancies.

The creation of the webpage and online application form should enhance transparency in filling vacancies, increase awareness of opportunities to serve on an advisory body, and expand the pool of proactive and qualified candidates being considered for these opportunities.

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## **Legal Update**

### **Court Rejects Due Process/Spot Zoning/ERA Challenge to Natural Gas Overlay District**

In *Murrysville Watch Committee v. Municipality of Murrysville Zoning Hearing Bd.*, No. 579 C.D. 2020, 2022 WL 200112 (Pa.Cmwith. Jan. 24, 2022), the Commonwealth Court rejected a citizens group’s challenge to an “oil and gas recovery overlay district” located in several residential zoning districts in the municipality. The court ruled that the overlay district was enacted to encourage greater economic development and there was no evidence that the use was incompatible with the other uses or character of the zoning districts. The court found that the

municipality “properly balanced” all rights implicated by the overlay district and that it has “rejected any presumption that [unconventional oil and gas drilling] will have an adverse effect on the environment or the population or that it is incompatible with residential zoning districts.”

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## Legislative Report

The following is an updated summary of legislation affecting townships that is under consideration by the General Assembly. Please note that the status of these bills may have changed.

### **Municipal Bonding Requirements for Property Improvements**

Gov. Tom Wolf recently signed [SB 208/PN 177](#) into law as Act 97 of 2021. This new law amends the Municipalities Planning Code to clarify that a municipality may not require a developer to post a bond of more than 110% of the costs of the improvements. It also clarifies that a municipality may, prior to release at the time of completion and certification by its engineer, retain 10% of the estimated cost of the remaining improvements.

#### **The following resolution was recently adopted by the House:**

[HR 149/PN 2542](#) directs the state’s Legislative Budget and Finance Committee to study the costs and methods for permit holders to comply with the proposed revisions to DEP’s General Permit PAG-07, General Permit PAG-08, and General Permit PAG-09 called for under Pennsylvania’s Phase 3 Chesapeake Bay Watershed Implementation Plan, and encourages DEP to halt any revisions to General Permit PAG-07, General Permit PAG-08, and General Permit PAG-09 until these findings and conclusions are presented to the governor, the House of Representatives, and the department.

#### **The following bills have advanced as indicated:**

[HB 2104/ PN 2443](#) would create state requirements and oversight of the decommissioning, recycling, and reclamation of wind turbines and solar panels, including financial assurance. It would also pre-empt existing agreements and decommissioning plans, including those required by municipal ordinances.

**Status:** Referred to the House Environmental Resources and Energy Committee

[HB 1877/PN 2647](#) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide for municipal boundary changes.

**Status:** Passed the House and is before the Senate Appropriations Committee

[HB 2216/PN 2582](#), which would consolidate the law creating the Pennsylvania Infrastructure Bank into Title 74 of the Pennsylvania Consolidated Statutes.

**Status:** Passed the House and is before the Senate Transportation Committee.

[HB 221/PN 188](#) would amend the Local Tax Enabling Act (Act 511 of 1965) to authorize local governments to use up to 25% of revenue from the open space tax to maintain and develop open space regardless of how that space was acquired or purchased.

**Status:** Passed the House and is before the Senate Appropriations Committee.

[SB 153/PN 127](#) would increase the maximum allowable weight for commercial vehicles powered by electric batteries from 80,000 to 82,000 pounds.

**Status:** Passed the Senate and has been reported out of the House Transportation Committee.

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## Upcoming Educational Opportunities *(many PDH eligible)*

### Calling All Subject Matter Experts!

PSATS continues to host numerous in-person and virtual educational events targeted at both township engineers and municipal officials as detailed below. If you are interested in sharing your expertise for an in-person or virtual presentation on any topic of interest to our audience, please contact Education Director Scott Coburn at [scoburn@psats.org](mailto:scoburn@psats.org).

### In-Person Classes

#### [PSATS SEO Precertification Academy - 3/28-4/1, 2022](#)

The PSATS SEO Precertification Academy is designed to teach the basic skills a future sewage enforcement officer (SEO) needs to know to work for a local agency. If your firm is looking to develop new SEOs, they will need to take this course as a prerequisite to taking the state certification exam. Register them now as space is filling up. If your staff is unable to attend this session, the PSATS SEO Precertification Academy will be offered again on August 22-26.

#### [2022 Engineers Spring Seminar - 4/25 & 4/26, 2022](#)

Plan now to attend the 2022 Engineers Spring Seminar, which will be held in-person the mornings of April 25 & 26, 2022, in conjunction with the PSATS Annual Conference at the Hershey Lodge. The seminar is eligible for three professional development hours per day as indicated by the agenda below, which is subject to change. Click on the seminar title above to register.

#### **Monday, April 25 (Day 1 – 3 PDH)**

8:30 a.m. DEP State Water Plan Update (1 PDH)  
9:30 a.m. Engineering Uses of Drones (1 PDH)  
10:30 a.m. PennDOT's Long-Range Transportation Plan (1 PDH)  
11:30 a.m. Adjourn

#### **Tuesday, April 26 (Day 2 – 3 PDH)**

8:30 a.m. Traffic Safety Trends (1 PDH)  
9:30 a.m. Flexible Base Paving and Ultra-thin Bonded Wearing Courses (0.75 PDH)  
10:15 a.m. A Cloud-based Stormwater BMP Management Software (0.5 PDH)  
10:45 a.m. What's HOT with Asphalt Pavements! (0.75 PDH)  
11:30 a.m. Adjourn

### PowerPass-Eligible Webinars

#### [Webinar - What Your Public Works Director Wants You to Know - 3/23/22](#)

Your township's public works staff have unique perspective, knowledge, history, and information that greatly benefit elected officials and senior employees. Confronted daily with the challenge of solving problems with finite resources, they are your front line for issues that matter to your constituents. This webinar will help you understand township public works infrastructure, operations, and management so that you can better respond to residents and lead your community.

### Virtual Classes

#### [Demystifying Grant Seeking: Tools & Tips For Success - Virtual Class - 3/10/22](#)

Join Chad Barger, CFRE, for a session focused on seeking grant support for township projects and programs. The session begins with an overview of the role of grant funding in an organization and the prerequisites for seeking grant support. Chad will then provide insight on how to identify grant opportunities, tips for writing a successful grant application, and tools for managing the grant-seeking process.

#### [Duties Of A Zoning Hearing Board - 3/15/22 - Virtual](#)

From making decisions on contentious public issues to learning the ins and outs of the

Municipalities Planning Code, being a member of a zoning hearing board can be a challenge. In this class, Elam Herr, PSATS' former assistant executive director and current chair of the East Hempfield Township, Lancaster County, zoning hearing board, will help you navigate this challenge. Topics will include procedures for deciding variances and special exceptions, handling hearing-related questions, Ethics Act requirements, and much more. Attendees will also learn specific, practical tips that will leave them better prepared for their next meeting or hearing.

**Fundamentals Of Zoning – The Why and How Of Zoning - Virtual Class - 3/22/22**

If your client municipalities have newly elected officials who will be expected to enact zoning ordinances, they will want to take this class to understand the purpose and function of why their municipality has the zoning ordinance they have. This workshop explains why we have zoning, how we implement it, and the tools it affords townships to protect the public's health, safety, and welfare. The workshop is intended to educate both the newest supervisors and the ones who have seen it all. It will discuss the legal roles of supervisors and others, zoning hearings (*including conditional uses*), and several other important aspects of zoning ordinances that are often overlooked or misunderstood.



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This monthly newsletter for members of the Pennsylvania State Association of Township Engineers focuses on news and matters of interest to municipal engineers and provides details on upcoming training opportunities. To access previous editions, log onto [www.psats.org](http://www.psats.org) and look under the "Newsroom" tab. Email comments and suggestions to James Wheeler at [jwheeler@psats.org](mailto:jwheeler@psats.org).



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