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Newsletter of the Township Engineers Association

July 2022

Latest News

PSATS 2022 Stormwater Conferences Open For Registration!

Do you have municipal clients whose stormwater management program needs some help? Do they have problems complying with their current MS4 permit? Do they want to know more about the next MS4 permit? Are they interested in learning the latest best practices for stormwater management? If you answered “yes” to any of these questions, then you (and they) should attend the 2022 PSATS Stormwater Conference nearest you!

Want to attend? Click on the appropriate link below to register for your preferred location.

Want to present? If you have a “Stormwater/MS4 Great Idea” you would like to share with others at these events, click [HERE](#) to submit a workshop proposal.

Want to sponsor? If you or your company want to be a sponsor of these events, click [HERE](#) for sponsorship package information.

Register early to reserve your spot to learn cost-effective ways to improve compliance with MS4 NPDES permits and state-of-the-art practices for improving stormwater management programs from the best in the business. Click on the link below to register for the location nearest you. Please note that we are offering the policy and technical tracks on separate days at the PSATS office if you want to attend both tracks:

- [October 20 – Policy Track / DoubleTree Convention Center, Monroeville \(Allegheny County\)](#)
- [October 20 – Technical Track / DoubleTree Convention Center, Monroeville \(Allegheny County\)](#)
- [November 2 – Policy Track / PSATS Education Center, Enola, \(Cumberland County\)](#)
- [November 3 – Technical Track / PSATS Education Center, Enola, \(Cumberland County\)](#)

- [November 17 – Policy Track / DoubleTree Suites, Plymouth Meeting \(Montgomery County\)](#)
- [November 17 – Technical Track / DoubleTree Suites, Plymouth Meeting \(Montgomery County\)](#)

Each event starts at 9 a.m. and concludes by 3:15 p.m. Register before October 1 to get the “early bird” discount fee of \$150; after that, registration is \$175 per person. Registration includes lunch, breaks, certificate of attendance, and all workshop presentation materials. Consulting engineers and members of a municipal stormwater operations staff should select the technical track. Those with managerial and administrative stormwater responsibilities should select the policy track.

DEP’s MS4 FAQ Page Has Recently Been Updated

If any of your client townships have new supervisors with questions about their current MS4 permit, they can refer to DEP’s MS4 Frequently Asked Questions (FAQ) Document, which can be found [HERE](#) and was revised on June 17, 2022. The document provides general information on the MS4 program, including Pollutant Reduction Plans (PRPs) and TMDL Plans.

PSATS Hosting Eight Regional Forums in 2022

Don’t miss your opportunity to attend or be a sponsor of one of PSATS’ Regional Forums, which will be held at eight locations around the state this summer and fall. These events are great opportunities to network with local officials and learn about current issues important to townships. Click [HERE](#) for dates and locations, and click [HERE](#) if you are interested in being a sponsor.

Legal Update

Township Avoids Loss of Appeal on Court Service Issue But Loses Bid to Avoid Section 1925 Opinion

In *Artisan Construction Group, LLC v. Zoning Hearing Bd. of Upper Pottsgrove Twp.*, ___ A.3d ___, 2022 WL 1207755 (Pa.Cmwth. April 25, 2022), the court rejected an argument that a township’s appeal from its zoning hearing board’s decision should be quashed due to the township’s failure to include a USPS Form 3817 (Certificate of Mailing) with its statement of errors complained of on appeal. The court found that the purpose of the Certificate of Mailing is to provide proof of timeliness when using the U.S. Postal Service and that the township’s proof of delivery through UPS served the same purpose.

Township’s Denial of PRD Application Reinstated; Court Rules that Order Including Remand Was Immediately Appealable

In *Reeves Family Real Estate, L.P. v. Bd. of Supervisors of Schuylkill Twp.*, ___ A.3d ___, 2022 WL 1100531 (Pa.Cmwth. April 13, 2022), the court found that a trial court’s order calling for consideration of additional conditions on remand was immediately appealable. It also reinstated a township’s decision denying an application for a planned residential development (PRD) because the trial court improperly substituted its findings for those of the township. To read more, [click here](#).

Municipality Not Required to Conduct Repairs to a Dangerous Property

In *In re Appeal of Borough of Renova*, No. 1352 C.D. 2020, 2022 WL 1701960 (Pa.Cmwth. May 27, 2022), the court rejected an argument that notices issued by a borough’s code enforcement officer directing that work be done to a property in dangerous condition were invalid. The court ruled that Sections 109.2 and 109.4 of the International Property Maintenance Code “cannot be read to require the Borough to conduct repairs to a dangerous property.” Instead, the IPMC gives “the code official discretion to order a range of actions to render a dangerous property temporarily safe.”

Pittsburgh Gun Ordinances Fail as Preempted

In *Firearm Owners Against Crime v. City of Pittsburgh*, ___ A.3d ___, 2022 WL 1698851 (Pa.Cmwlth. May 27, 2022), the court found that ordinances adopted by the City of Pittsburgh regulating the use of assault weapons and large capacity magazines and an “extreme risk” ordinance intended to prohibit certain individuals from possessing or using a firearm violated the preemption provisions in Section 6120(a) of the Uniform Firearms Act (UFA). It held that the UFA “contains a prolific, sweeping, and expansive force of preemption, and the cases strongly suggest that an ordinance will be preempted so long as it touches upon or relates to the field of firearm regulation ‘in any manner.’”

Legislative Report

The following bills have passed the General Assembly and will now go to the governor

[SB 477](#) would more **clearly define which types of improvements to real property require notice to the assessment office** and increase the property valuation. The bill would also **consolidate and standardize municipal code provisions that deal with boundary change** but not mergers or consolidations. The bill would allow municipalities to adjust a municipal boundary or settle a dispute over an unclear boundary by agreement.

[HB 1598](#) would amend the **Flood Plain Management Act to transfer administration and oversight of the program** from the state Department of Community and Economic Development to the Pennsylvania Emergency Management Agency. This includes review and approval of municipal flood plain management ordinances. This bill would complete the transfer of responsibilities to PEMA that was incorporated into the Administrative Code in 2021. HB 1598 now goes to the governor.

[HB 2157](#) would reform the Fireworks Law to **allow municipalities to enact conditions and limitations on the use and sale of consumer fireworks** that do not conflict with state law. Specifically, municipalities could require permits for the use of consumer fireworks, except for certain holidays, and prohibit the use of consumer fireworks within a community if it is not possible to use these devices without being within 150 feet of a building or vehicle. The bill would address PSATS resolutions.

The following bills of interest have seen legislative action since our last issue:

[SB 797](#) would amend the **Neighborhood Improvement District (NID) Act to give more flexibility to local governments** looking to enact NIDs, eliminate a restriction that a property can only be in one NID, and authorize Allegheny County to create an NID.
Status: Passed the Senate and reported out of the House Appropriations Committee.

[SB 1093](#) would amend the Outdoor Advertising Control Act to **allow energy efficient lighting to be installed on these facilities** if no structural changes would be required.

[HB 2104](#) would establish statewide requirements for the **decommissioning and bonding of solar and wind energy facilities**, which would preempt local decommissioning regulations. Bonds and a decommissioning plan would be required to be filed with the recorder of deeds.

Stream Maintenance Bill Package

We want to alert you to the following package of bills that are supported by PSATS as a way to help townships and other municipalities better address recurring and emergency flooding situations. All these bills have passed the House and are before the Senate Environmental Resources and Energy Committee so we encourage townships to contact their state senators to keep them moving toward final passage:

[HB 2404](#) would allow municipalities to apply for continuous maintenance permits for streams in their jurisdiction for at least 10 years.

[HB 2405](#) would create county programs to remove obstructions and address flood-related hazards in streams through emergency maintenance permits in consultation with their county conservation district.

[HB 2406](#) would create a small stream maintenance project permit for the mitigation of flood-related hazards of less than 250 linear feet or an area of less than one acre in size, reviewed and issued by county conservation districts.

[HB 2407](#) would clarify that the Pa. Fish and Boat Commission has no authority for permitting or enforcement related to stream clearing or maintenance activities.

[HB 2408](#) would eliminate the requirement for a permit when conducting maintenance activities on a culvert.

[HB 2409](#) would eliminate the requirement for a permit to remove flood-related hazards from streams that are deemed to be an emergency by a state or county.

[HB 2410](#) would clarify that permits are not required for stream maintenance activities conducted within 50 feet upstream or downstream of a bridge or culvert.

[HB 2411](#) would require the state Department of Environmental Protection to provide an annual report on flooding and stream maintenance restoration in Pennsylvania.

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.

Virtual Classes

[Engineers Fall 2022 Virtual Seminar – October 27, 2022](#)

Register now to attend our virtual, full-day fall educational event eligible for six PDHs. If you are interested in making a virtual presentation at this event, please send an email with the proposed title and description of your presentation to engineers@psats.org by August 31, 2022.

[Performing MS4 Outfall Inspections - Virtual Class - 6/23/22](#)

In this virtual class, attendees will learn a workable, effective framework for establishing a hierarchy for outfall inspections, a protocol for performing inspections in the field, and a method for inspecting, documenting, and addressing potential illicit discharges.

In-Person Classes

SAVE THE DATE! Spring 2023 Engineers Seminar – April 24 & 25, 2023

Save these dates for our in-person Spring 2023 Engineers Seminar at the Hershey Lodge. We

already have several compelling presentations scheduled that will be of interest to any consulting engineer who has municipal clients with MS4s or roads.

NEW! Stormwater 101 Classes Announced

This half-day, in-person introductory class will educate any newly elected or appointed supervisor or employee who needs to know the basics of municipal stormwater management, including the effects of stormwater runoff, the impact of new development and redevelopment in a municipality, and best practices that a municipality can implement to efficiently manage stormwater without breaking the budget. This course is intended as a primer for elected officials, managers, secretaries, and others who want a fundamental understanding of stormwater management.

Attending this class will better prepare anyone new to stormwater management to take full advantage of our upcoming PSATS 2022 Stormwater Conference as shown above. To register for this introductory class, click on the link to your preferred date below:

- [July 21 @ Cumberland County \(9 – 11:30 a.m.\)](#)
- [July 29 @ Crawford County \(9 - 11:30 a.m.\)](#)
- [August 4 @ Montgomery County \(1 – 3:30 p.m.\)](#)
- [August 12 @ Clearfield County \(9 – 11:30 a.m.\)](#)
- [August 19 @ Lackawanna County \(9 – 11:30 a.m.\)](#)

Register for Fall Certified Zoning Officer Training

For engineering firms that have employees that provide zoning officer or building code services to municipalities, PSATS will be hosting the “Pa. Association of Zoning Officials (PAAZO) Fall Forums” around the state on September 13 at PSATS in Cumberland County, October 13 at the Holiday Inn Landsdale in Montgomery County, and November 17 at the Hilton Garden Inn Pittsburgh/Cranberry in Butler County. Attendance at these events provides five continuing education credits for those who are [Certified Zoning Officers \(CZOs\)](#), as well as five PMGA planning/zoning points and/or five CLE credits. Click [HERE](#) to register for the event nearest you.

PSATS SEO Precertification Academy - August 22-26, 2022

Only a few seats are left for the next [PSATS SEO Precertification Academy](#). This is the DEP-approved class that future sewage enforcement officers (SEOs) must complete before they can take the state’s SEO certification examination. Whether you work for a municipality in need of a good SEO or are considering the SEO field as a career, you should check out the benefits of sending someone or attending the academy yourself. Not only is the academy a prerequisite for taking the commonwealth’s certification examination for SEOs, but it will also leave you better prepared to enter the multi-faceted world of a local agency SEO.

PowerPass-Eligible Webinars

[Webinar - The Implications of Population Decline for Townships: Tools for Managing Change - 7/14/22](#)

This webinar will share information about declining population rates in rural Pennsylvania based on results of the 2020 Census and how these changes might affect townships. The webinar will engage audience members by prompting them to explore future actions using community visioning methods and tools as highlighted in the Center for Rural Pennsylvania’s Community Visioning Handbook.

[Webinar - Backyard Stream Repair - 7/28/22](#)

This webinar will describe how townships and residents can use native vegetation to protect and restore streambanks that suffer from mild to moderate bank erosion. Topics will include how streambank erosion starts, how to identify suitable restoration sites, plant selection and installation, and maintenance.

[Webinar - FEMA Grant Funding Opportunities - 8/3/22](#)

Hear from PEMA’s State Hazard Mitigation Officer about the numerous funding opportunities

through FEMA, including the Building Resilient Infrastructure and Communities (BRIC) program, which assists with hazard mitigation projects. He will also address grants available through the Flood Mitigation Assistance program, which can be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program.

[Webinar - Making Inter-Municipal Stormwater Management Work for You - 8/25/22](#)

Municipal stormwater regulations can put pressure on limited administrative and financial resources. This webinar will provide an overview of intermunicipal collaborative arrangements that have been used in Pennsylvania and have yielded efficiencies and cost savings. Pros and cons of each will be discussed in terms of initial investment, cost of compliance, co-benefits, and suitability for different situations.



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 psats.org and look under the "Newsroom" tab. Email comments and suggestions to James Wheeler at jwheeler@psats.org.



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