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January 4, 2023

Latest News

Revised WOTUS Rule Adopted

In an end-of-year surprise, the U.S. Environmental Protection Agency and the U.S. Department of the Army announced a final rule establishing a revised definition of “waters of the U.S.,” which defines which waterways will need a permit and federal oversight. The final rule, which is in pre-publication form, prohibits the discharge of pollutants from a point source into “navigable waters” unless otherwise authorized by the Act.

The rule attempts to incorporate pre-2015 language, and while attempting [to clarify the “WOTUS” definition](#), the test to determine which waters are regulated will be based on numerous factual situations. PSATS is currently analyzing the 500-plus page document, but it appears to be significantly broadening this definition, which could lead to additional permitting to maintain some ditches and township roads that fall under this rule.

The National Association of Towns and Townships commented on a [draft version of the new rule](#). However, it appears that the EPA decided not to move forward with at least some of the changes. NATaT expressed concern that the vagueness of many of the terms used and asked that all ditches be excluded. [Click here](#) for more information about the new rule from the EPA.

Reminder: 2023 Bid and Quote Limits Set

The state Department of Labor & Industry published notice of the 2023 bid limits in the [December 10, 2022 issue of the Pennsylvania Bulletin](#). On January 1, 2023, the minimum purchase amount that will require the advertisement for bids increased from

\$21,900 to **\$22,500**. In addition, the minimum purchase amount for telephone quotes increased from \$11,800 to **\$12,200**. While the increase in the consumer price index was 8.2% for the 12-month period ending September 30, there is an annual cap of 3% on increases to these limits.

Costly Federal Mandate Will Impact Reporting for Townships Issuing Bonds

The recently passed National Defense Authorization Act includes provisions that will have a future impact on some townships. Townships that have existing bonds or plan to issue future bonds should be aware that the act will require new formats for federal reporting, which will require the purchase of new or reconfigured software.

Financial regulators are required to develop common standards that promote the organization, readability, and availability of financial data using uniform reporting categories, including the need to “tag” financial information using a machine-readable format. Federal agencies must develop and implement regulations for the new rule within four years, although this process has historically taken five to 10 years.

Current cost estimates for compliance are based upon each impacted municipality purchasing new software to comply or reconfiguring existing software, which reports quote at \$100,000 each. PSATS suggests impacted townships work with their financial consultants and bond counsel to determine the most cost-effective means to comply once the proposed regulations are available for review.

Legislative News



The Pennsylvania House of Representatives and Senate returned to Harrisburg yesterday to begin the 2023-2024 legislative session, swear in members, and elect leadership.

The Senate officially elected Sen. Kim Ward of Westmoreland County as the Senate President Pro Tempore. She is a former township supervisor and the first female to ever hold the position.

In the House, where razor thin margins separate the parties and Republicans hold a 101-98 majority in actual members due to vacancies, a surprise bipartisan vote saw Rep. Mark Rozzi from Berks County elected as Speaker of the House. The nomination and second for Rozzi, a now former Democrat, came from a coalition of Republicans and was backed by Democrats and was approved by 115-85. Once elected, Rozzi immediately announced that he would not caucus with either party, changed his voter registration to Independent and promised to be an independent Speaker of the House.

The Senate will return to session January 9. The House has not yet announced its

schedule.

Learn

PSATS educational events will be listed as follows: Mondays – All webinars; Tuesdays – Administrative; Wednesdays – Planning/Zoning; Thursdays – Public Works; Fridays – Public Safety.



[2023 PAAZO Spring Seminar - 4/23/23 - Dauphin County](#)

This educational seminar explores issues that zoning officers and planning/zoning officials face on a regular basis, and discusses effective strategies to address them.

Pennsylvania State Association of Township Supervisors

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