



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO  
ATTORNEY GENERAL

March 12, 2018

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Board of Supervisors  
East Penn Township  
167 Municipal Road  
Lehighton, PA 18235

*Re: ACRE Complaint-East Penn Township-Carbon County  
Katie Cunfer*

Dear Board of Supervisors,

Act 38 of 2005 (ACRE) requires that the Office of Attorney General, upon request of a farm owner or operator, review a local government ordinance for compliance with Act 38. The Act authorizes the Office, in its discretion, to file a lawsuit against the local government unit if, upon review, the Office believes that the ordinance unlawfully prohibits or limits a normal agricultural operation.

We write to inform you that we received a request from Ms. Katie Cunfer concerning the Township's biosolids ordinance. I have attached a copy of the ACRE complaint for your review. Our Office handled a prior biosolids case, East Brunswick Township, I have also attached several documents from that case that may assist you in your analysis of this situation: 1) a letter from the OAG to the Township explaining the defects in its original biosolids ordinance; 2) the Commonwealth Court's written opinion concerning the lawsuit that the OAG brought against the Township; 3) the ordinance that the Township enacted in response to the lawsuit which we have been using as a model ordinance throughout the Commonwealth.

We will write to you again when we have completed our review. In the meantime, please send to me within thirty days of the receipt of this letter a response to Ms. Cunfer's claims.

Please be assured that if our review of the ordinance(s) leads us to question the legality of an ordinance, we will afford the Township an opportunity to provide information and to meet with us before we take any action.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Willig".

Robert A. Willig  
Senior Deputy Attorney General