



May 4, 2016

via email and first class mail

Robert A. Willig, Esquire
Senior Deputy Attorney General
Office of Attorney General
6th Floor, Manor Complex
564 Forbes Ave.
Pittsburgh, PA 15219

RE: ACRE Review Request - [REDACTED]
Longswamp Township - Berks County

Dear Mr. Willig:

I am writing to you in my capacity as the Solicitor of Longswamp Township in response to the ACRE claim that was filed with your office. I wanted to point out, that based upon the actions of the Township and [REDACTED] I believe there is a misunderstanding of the circumstances and ACRE protections do not apply. Specifically, any issue related to the well does not fall within ACRE or any protective farming practices. Rather, the well permit that was requested falls within the provisions of the Township's Well Ordinance. The Township has asked repeatedly for information and for [REDACTED] to apply for the appropriate permits just as any other resident, commercial user or farmer within the Municipality. Ultimately, the well permit was granted when [REDACTED] provided the necessary documentation required by the Township.

The well ordinance was initiated by certain protective waters in the Township and Department of Environmental concerns regarding the water supply based upon certain CERCLA sites within the Township.

The Township understands that the well is not related to any land application or nutrient management plans. Rather, the well is simply for general and customary non-residential use. As such, the well permit is appropriate based upon the contents thereof and the health, safety and welfare implications of the permit process.

ACRE protections and the Attorney General's office's jurisdiction on farming practices are limited to nutrient management and odor management requirements and "the regulation, control or permitting procedures for the land application of class A or B

biosolids". 3 Pa.C.S.A. § 313. None of the triggers of ACRE applies to the well permit process.

Finally, [REDACTED] has represented on several occasions he has permits for land application, odor management and nutrient management permits. The Township has performed right to know requests to Berks County Conservation District, Lehigh County Conservation District and the Department of Environmental Protection and no permits have produced. The Township has no way of verifying the uses on the property and has not entered the same.

Based upon the above, Longswamp respectfully suggests that the well application matter does not fall within the protections of ACRE or the jurisdiction of the Attorney General.

Thank you for your attention.

Very truly yours,

[REDACTED]

cc: Longswamp Township