



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

April 28, 2006

TOM CORBETT  
ATTORNEY GENERAL

15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Winifred Moran Sebastian, Esq.  
65 S. Third Street  
P.O. Box 381  
Oxford, PA 19363-0381

Re: Lower Oxford Township Ordinance No. 2004-1

Dear Ms. Sebastian:

In response to your letter of March 13, 2006, which requested that we identify the offending provisions of Ordinance No. 2004-1, please be advised that we are prepared to bring legal action to invalidate and/or enjoin the enforcement of the entire Ordinance.

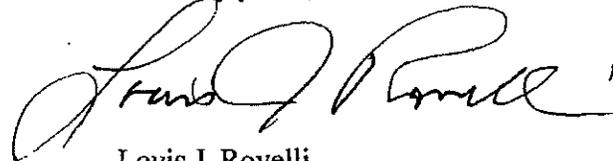
Section 1421(A)(3) is preempted by the Water Resource Planning Act, 27 Pa C.S. §§3101-3136. Sections 1421(A)(7), (A)(8), (A)(9) and (A)(20) are preempted by the Nutrient Management Act, 3 Pa C.S. §§501-522. Sections 1421(C)(3), (C)(5), and (C)(6) are prohibited by the Right to Farm Act, 3 P.S. §§951-957. More broadly, the Ordinance targets mushroom composting, which is a normal agricultural operation. Such targeting is not authorized by state law, and is contrary to the clear public policy of protecting normal agricultural operations articulated in Act 38, the Right to Farm Act, and the Municipalities Planning Code, 53 P.S. §10603(h).

The experts we consulted at the Penn State School of Agricultural Sciences have advised that mushroom compost preparation is a normal agricultural operation necessary to produce the common cultivated mushroom, that a fresh mushroom substrate facility meets the definition of a manure management facility because it contains the manures used in the process and the water used or collected on site, and that fresh mushroom substrate is a nutrient because the substrate has the specific nutritional content required for the mushrooms to grow.

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We anticipate filing a lawsuit in June, unless the Township, before then, commits to repeal the Ordinance. We remain available to meet with you, and we will consider any alternative proposal by the Township to resolve this matter without litigation, provided the proposal fully and specifically addresses the legal problems that we've identified, and is delivered to us on or before June 1, 2006.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Louis J. Rovelli". The signature is fluid and cursive, with a large initial "L" and "R".

Louis J. Rovelli  
Executive Deputy Attorney General