

VIA EMAIL - [REDACTED]
Robert A. Willing, Esquire
Senior Deputy Attorney
Office of the Attorney General
Commonwealth of Pennsylvania
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

Dear Mr. Willing:

First let me respond by indicating that Frailey Township never intended to pass an ordinance which added any regulatory requirements to the use of bio-solids in the Township. Instead, as clearly set forth in "General Provisions" of the Frailey Ordinance the purpose of the Ordinance was to make sure the Township and the citizens of the Township had notice of the intent to apply bio-solids/sewage sludge and that the Township could monitor the same to make sure DEP Regulations were being followed.

Secondly, I wanted to thank you for providing me with a copy of the East Penn Township, Carbon County Ordinance. I was not aware of that Ordinance when Frailey Township was working on its Ordinance. Frailey Township based its Ordinance off the East Brunswick, Schuylkill County Ordinance, as explained by [REDACTED] in his letter to you. [REDACTED] is correct that the East Brunswick Township Ordinance had only applied to Class B Bio-Solids. Frailey Township wanted its ordinance to apply all bio-solids/classes of sewage sludge, so the Township would have notice of the intent of applying such materials and again, the opportunity to monitor the application to ensure that the materials actually being applied were in fact the materials which they were represented to be and that there was compliance with DEP regulations.

Robert A. Willing, Esquire
October 24, 2023
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I have reviewed the East Penn Township, Carbon County Ordinance and compared it to the Frailey Ordinance. The two (2) ordinances are virtually identical. In fact, in my reading of the two (2) ordinances, I feel that the Frailey Ordinance is even "less burdensome" than the East Penn Township Ordinance.

Based on the virtually identical language of the two (2) ordinances, I would invite [REDACTED] and his client to withdraw their challenge to the Frailey Township Ordinance.

Absent a voluntary withdrawal of [REDACTED] client's challenge, I would respectfully request that your office deny the challenge and opine that the Frailey Township Ordinance is valid on its face.

If on the other hand, you see any provisions in the Ordinance that you feel need any type of modification to make the Frailey Ordinance enforceable, I would be happy to take those recommendations to the Township Supervisors and propose any minor amendments that are necessary.

I thank you for your time and consideration in this matter. If you need any further information or have any questions, please feel free to contact me.

Very truly yours,

[REDACTED]
[REDACTED]

[REDACTED]
cc [REDACTED] via email
[REDACTED] via email
[REDACTED] via email
[REDACTED] via email
[REDACTED], via email
[REDACTED] via email