
Antrim Twp. ACRE Complaint

From Melissa Keefer <mrkbus@hotmail.com>

Date Thu 8/6/2026 9:14 PM

To ACRE Shared Mailbox <acre@attorneygeneral.gov>

 4 attachments (2 MB)

Complaint Letter.pdf; FPR Application.pdf; Antrim Twp Cert Letter.pdf; Property Card 8.2.2026.pdf;

You don't often get email from mrkbus@hotmail.com. [Learn why this is important](#)

Hello,

I am writing to you as a farmer in Antrim Township, PA. Antrim Township adopted Ordinance 367 - on 4/8/2025. Our Nutrient Management Plan writer contacted Antrim Township several times after this date asking what was needed to be in compliance. He was told that they did not have plans written yet. No further response was ever received until we, **Barron & Melissa Keefer**, received a certified letter dated 7/27/26. Stating, we had just over a month to provide a various array of information already on file with applicable agencies and forms concocted by Antrim Township.

It is our understanding that a new law regarding FPR's was signed into place by Governor Shapiro in Mid-July limits municipalities from interfering or overreaching their control of agriculture activities beyond what state law mandates. We are in compliance with PA state guidelines.

Please find my Complaint letter attached. Along with the Certified Letter sent to us on 7/27/26 and the FPR Land Application and Storage Compliance Review Form.

Key points I want to be considered by your office as outlined in the complaint letter are:

- Specifically, Chapter 70 violates ACRE (Act 38) by imposing local requirements that conflict with and exceed Chapter 8 of the Pennsylvania Department of Environmental Protection (DEP) Food Processing Residual (FPR) Manual, the Pennsylvania Nutrient Management Act (Act 38, Chapter 5), and the comprehensive statewide FPR regulatory structure enacted through Senate Bill 146 of 2026 (Act 146 of 2026).

I. APPLICABLE LEGAL FRAMEWORK

- 1. ACRE (3 Pa.C.S. § 311 et seq.): Under 3 Pa.C.S. § 313(a), a local government unit shall not adopt or enforce an unauthorized local ordinance that prohibits or limits a normal agricultural operation unless the local government unit has express statutory authority and the ordinance is not preempted by state law.
- 2. DEP Food Processing Residual (FPR) Manual (Chapter 8): Governs the beneficial land application of food processing by-products for agricultural crop production. Chapter 8 sets statewide uniform standards for characterization, recordkeeping, soil/residual testing, application rates, and monitoring parameters.

- 3. Senate Bill 146 of 2026 (FPR Reform Act): Enacted into law to establish a unified statewide regulatory program governing on-farm FPR management, storage, transport, and land application. SB 146 explicitly vests exclusive administrative authority in the State Conservation Commission (SCC) in coordination with the Department of Agriculture (PDA) and DEP. SB 146 preempts local municipalities from enacting or enforcing local ordinances that attempt to regulate, permit, or restrict FPR land application and storage practices.

I am requesting a timely response to this complaint and that Antrim Twp. would promptly be contacted by your office to halt these far-reaching and unlawful control tactics.

Thank you very much for your time & consideration of this matter.

Sincerely,

[REDACTED]
[REDACTED]

August 2, 2026

Office of Attorney General

Commonwealth of Pennsylvania

Agricultural Communities and Rural Environment (ACRE) Unit

Public Protection Division

16th Floor, Strawberry Square

Harrisburg, PA 17120

RE: Request for Review of Antrim Township (Franklin County) Ordinance Chapter 70 ("Food Processing Residual Application and Storage") Pursuant to the Agricultural Communities and Rural Environment Act (Act 38 of 2005, 3 Pa.C.S. § 311 et seq.)

Dear Attorney General,

This letter constitutes a formal Request for Review under Section 314 of the Agricultural Communities and Rural Environment Act (ACRE), 3 Pa.C.S. § 314, submitted on behalf of [REDACTED] ("Applicant"), located at [REDACTED] in Antrim Township, Franklin County, Pennsylvania

Applicant operates an active, commercial agricultural operation within Antrim Township, engaging in crop and animal production as part of a "normal agricultural operation" as defined under 3 Pa.C.S. § 312 and the Right to Farm Act (3 P.S. § 952). Applicant challenges Chapter 70 of the Antrim Township Code of Ordinances ("Chapter 70"), entitled *Food Processing Residual Application and Storage*, on the grounds that Chapter 70 unlawfully restricts normal agricultural operations, is preempted by Commonwealth law, and lacks statutory authority.

Specifically, Chapter 70 violates ACRE (Act 38) by imposing local requirements that conflict with and exceed Chapter 8 of the Pennsylvania Department of Environmental Protection (DEP) Food Processing Residual (FPR) Manual, the Pennsylvania Nutrient Management Act (Act 38, Chapter 5), and the comprehensive statewide FPR regulatory structure enacted through Senate Bill 146 of 2026 (Act 146 of 2026).

I. APPLICABLE LEGAL FRAMEWORK

1. **ACRE (3 Pa.C.S. § 311 et seq.):** Under 3 Pa.C.S. § 313(a), a local government unit shall not adopt or enforce an unauthorized local ordinance that prohibits or limits a normal agricultural operation unless the local government unit has express statutory authority and the ordinance is not preempted by state law.
2. **DEP Food Processing Residual (FPR) Manual (Chapter 8):** Governs the beneficial land application of food processing by-products for agricultural crop production. Chapter 8 sets statewide uniform standards for characterization, recordkeeping, soil/residual testing, application rates, and monitoring parameters.

- 3 **Senate Bill 146 of 2026 (FPR Reform Act):** Enacted into law to establish a unified statewide regulatory program governing on-farm FPR management, storage, transport, and land application. SB 146 explicitly vests exclusive administrative authority in the State Conservation Commission (SCC) in coordination with the Department of Agriculture (PDA) and DEP. SB 146 preempts local municipalities from enacting or enforcing local ordinances that attempt to regulate, permit, or restrict FPR land application and storage practices.

II. SPECIFIC CONFLICTS AND LEGAL ANALYSIS

Chapter 70 of Antrim Township imposes an unauthorized local regulatory regime across six key operational areas, each of which is preempted by Commonwealth law:

1. Type and Frequency of Testing

- **Antrim Township Chapter 70-6 Provision:** Requires agricultural operators to perform independent, highly repetitive, and localized soil, groundwater, and residual sampling (including broad-spectrum chemical, testing for PFAs, and heavy metal panels) prior to and following each land application event, and mandates municipal review of test results
- **State Law Conflict:** Chapter 8 of the DEP FPR Manual and SB 146 of 2026 establish standardized parameters for the "characteristics of interest" in FPRs and mandate periodic soil testing aligned with baseline agronomic standards (e.g., standard soil phosphorus and pH testing every 1–3 years). Local municipalities cannot impose redundant testing protocols on normal farming operations where state regulatory bodies (SCC/DEP) already dictate sample frequency and parameter matrices.

2. Property Access to Township Officials

- **Antrim Township Chapter 70-6 D Provision:** Grants Township Code Enforcement Officers, supervisors, or designated municipal consultants unannounced, uninhibited right-of-entry onto private agricultural land at any time to inspect land application activities, storage facilities, and agricultural equipment.
- **State Law Conflict:** Municipalities do not possess general administrative search powers over normal farming operations. Under Act 38 and the state statutory framework reaffirmed in SB 146 of 2026, inspection and enforcement authority regarding agricultural nutrient management and FPR application is reserved exclusively to state agencies—specifically the SCC, DEP, PDA, and delegated County Conservation Districts. Granting local municipal officers unannounced access exceeds municipal police powers under the Second Class Township Code and infringes upon established agricultural privacy and biosecurity protocols.

3. Submission of Documents to the Township

- **Antrim Township Chapter 70-6 E - G Provisions:** Mandates that farmers submit farm management documents—including Nutrient Management Plans (NMP), Conservation Plans,

hauling manifests, crop yields, and detailed operational logs—directly to the Township Manager prior to applying materials.

- **State Law Conflict:** Chapter 8 of the DEP FPR Manual already dictates recordkeeping and annual reporting requirements to DEP and the SCC. SB 146 of 2026 streamlined FPR transport and storage recordkeeping through a certified PDA broker/hauler program. Compelling duplicate submissions to local officials creates an unauthorized administrative barrier under 3 Pa.C.S. § 313, burdening agricultural operations without statutory authority.

4. Permitting Process

- **Antrim Township Chapter 70-10 C Provision:** Establishes a local municipal permitting requirement, making it unlawful to receive, store, or land-apply FPRs within Antrim Township without first obtaining a local municipal permit, subject to Township approval, fees, and discretionary renewal.
- **State Law Conflict:** Under Pennsylvania law, a local government cannot establish a local permitting scheme that acts as a local veto power over normal agricultural practices regulated by the Commonwealth. SB 146 of 2026 explicitly vests permitting and certification authority for FPR storage, handling, and application in the State Conservation Commission. The Township's attempt to require a local municipal permit is preempted and constitutes an illegal "unauthorized local ordinance" under ACRE.

5. Water Plan and Hydrological Impact Requirements

- **Antrim Township Chapter 70-2 & 70-8 Provisions:** Requires farmers to draft and submit a municipal "Water Plan" or professional hydrogeological assessment, and imposes arbitrary local isolation setbacks from private wells, public water supplies, and sinkholes (e.g., local 300 ft to 1,000 ft setback mandates).
- **State Law Conflict:** Environmental protection, groundwater management, and setback standards for agricultural applications are governed exclusively by state environmental statutes (Clean Streams Law, Act 38 Nutrient Management regulations at 25 Pa. Code Chapter 83, and Chapter 8 of the DEP FPR Manual). SB 146 of 2026 establishes uniform state management standards protecting water quality. Antrim Township's local Water Plan requirement and non-identical setback buffer zones are unauthorized local restrictions on normal farming practices.

6. Notification of Neighbors and Township

- **Antrim Township Chapter 70-10 C Provision:** Requires agricultural operators to provide written notification to adjacent land owners and the Township Board of Supervisors 24 to 48 hours in advance of any land application activity.
- **State Law Conflict:** Mandatory pre-application neighbor notification is not required under the DEP FPR Manual, Act 38, or SB 146 of 2026. Imposing advance notification burdens creates legal liability risks, logistical delays, and neighbor dispute vectors for time-sensitive agricultural

activities (which depend heavily on weather and soil readiness). This requirement constitutes an illegal restriction on normal agricultural operations.

III. CONCLUSION AND REQUESTED ACTION

Antrim Township Ordinance Chapter 70 exceeds the statutory authority granted to Second Class Townships, conflicts directly with established state agricultural laws, and is preempted by Act 38 (ACRE), Chapter 8 of the DEP FPR Manual, and Senate Bill 146 of 2026.

Pursuant to 3 Pa C S § 314, Applicant respectfully requests that the Office of the Attorney General:

1. **Review** Antrim Township Ordinance Chapter 70 to determine its legality under ACRE (Act 38);
2. **Advise** Antrim Township in writing that Chapter 70 is an unauthorized local ordinance under 3 Pa.C.S. § 313; and
3. **Bring an Action** in the Commonwealth Court of Pennsylvania to invalidate and enjoin the enforcement of Chapter 70 if Antrim Township refuses to repeal or modify the ordinance to conform with Commonwealth law

Respectfully submitted,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Enclosures:

- **Exhibit A:** Antrim Township Ordinance Chapter 70 (Copy of Ordinance)
- **Exhibit B:** Proof of Agricultural Operation & Farm Location Map

**ANTRIM TOWNSHIP
FRANKLIN COUNTY, PENNSYLVANIA**

**FOOD PROCESSING RESIDUAL
LAND APPLICATION AND
STORAGE COMPLIANCE REVIEW FORM**

10655 Antrim Church Road,
Greencastle, PA 17225
Tele: 717.597.3818
Fax: 717.597.4257
Office Hours 8 am to 4 pm
Mon - Fri

PART 1 – INSTRUCTIONS

- Review Chapter 70 ("Food Processing Residual Application and Storage"), of the Code of the Township of Antrim ("Code"), available online at <https://ecode360.com/AN1579#11768373>, for purchase at the Antrim Township Building or review at the Antrim Township Building
- **No person or entity shall engage in any storage or land application of Food Processing Residual in the Township without first having provided to Antrim Township a completed Food Processing Residual Land Application and Storage Compliance Review Form, together with supporting documentation.**
- A separate Compliance Form is required for each tract (either a single parcel or multiple contiguous parcels located within the Township) upon which FPR will be land applied or stored
- A new Food Processing Residual Land Application and Storage Compliance Review Form is required in the event of a change to any existing land application or storage of FPR
- This Food Processing Residual Land Application and Storage Compliance Review Form must be accompanied by: 1) all documents (including narrative plans, engineers plans and maps) submitted to the Pennsylvania Department of Environmental Protection or any other regulatory agency having jurisdiction over the storage and land application of FPR, and 2) a written summary (which may be in bullet point or chart format) identifying by document name, heading and page number(s) written documentation of compliance with each section of Chapter 70 of the Code

PART 2 – LANDOWNER INFORMATION

Contact Name/Title

Permanent Place of Residency Street Address, City, State, and Zip Code (if P O Box, include street address)

Local Place of Residency Street Address, City, State, and Zip Code (if P O Box, include street address)

Telephone Number

Email Address

PART 3 – LAND APPLIER/STORER INFORMATION (if different from Owner)

Contact Name/Title

Street Address, City, State, and Zip Code (if P O Box, include street address also)

Local Place of Residency Street Address, City, State, and Zip Code (if P O Box, include street address)

Telephone Number

Email Address

PART 4 – ADDRESS AND PARCEL NUMBER(S) OF THE TRACT UPON WHICH FPR STORAGE OR APPLICATION IS PROPOSED

Have any of the parcels listed above been used for the storage of application of FPR? Yes/No
 If yes, please identify those parcels

PART 5 – BEGIN DATE AND END DATE OF PROPOSED STORAGE AND LAND APPLICATION

Estimated Beginning Date

Estimated End Date

PART 6 – CERTIFICATION

I hereby acknowledge that I have read, understand, and will comply fully with the provisions of Chapter 10 ("Health and Safety"), Part 6 ("Land Application and Storage of Food Processing Residual") of the Code of the Township of East Coventry

I verify that the statements of facts made by me in this Compliance Review Form, together with the statements of facts in the documents provided herewith are true and correct and that they are made subject to the penalties of TITLE 18 PA C.S. Section 4904 relating to Unsworn Falsification to Authorities. I further verify that I have not omitted any facts or misstated any matters pertinent to this Compliance Review Form

Name (type or print legibly)

Official Title

Street Address

City, State, Zip

Phone Number

E-Mail Address

Signature

Date

PART 7 – TOWNSHIP ACTION (to be completed by Township)

Date of Receipt of Compliance Form

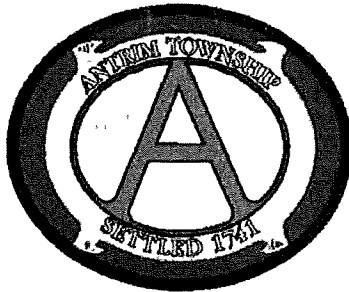
Date of Document Review Completion

Mailing Date of Letters to Property Owners within 500 Feet (attach list of owners)

Township Official's Signature

Township Official's Title

P.O. Box 130
10655 Antrim Church Road
Greencastle, Pennsylvania 17225



Phone: (717) 597-3818
Fax: (717) 597-4257
Website: www.twp.antrim.pa.us

July 27, 2026

CERTIFIED MAIL NO 9589 0710 5270 0327 1612 90

[REDACTED]
[REDACTED]
[REDACTED]
RF: Notification for Un-approved Land Application of FPR
Parcel Number [REDACTED]
[REDACTED]

Dear [REDACTED]

It has come to the attention of Antrim Township that food processing residuals (FPR) may have been recently land applied on your property without the appropriate Antrim Township notifications and approvals required under Chapter 70—Food Processing Residual Land Application and Storage, Ordinance No: 367, of the Code of Antrim Township, Franklin County, Pennsylvania.

FPR is defined as “incidental organic materials generated by processing agricultural commodities for human or animal consumption” FPRs are typically stored and/or applied as soil amendments used to increase soil fertility for crop production. The purpose of Chapter 70 is to establish uniform standards for land application of FPR that are protective of both human health and the environment.

Under Chapter 70, the landowner **must** submit to Antrim Township the Food Processing Residual Land Application and Storage Compliance Review Form prior to land applying or storing FPR on their property located within the Township.

The Form must be accompanied by: 1) all documents (including narrative plans, engineers plans and maps) submitted to the Pennsylvania Department of Environmental Protection (PADEP) or any other regulatory agency having jurisdiction over the storage and land application of FPR and 2) a written summary (which may be in bullet point or chart format) identifying by document name, heading, and page number(s) written documentation of compliance with each section of Chapter 70 of the Code. The review form and supporting documentation must be submitted to the Township postmarked no later than **August 31, 2026**. FPR may not be stored or spread until it has been determined that the above referenced property complies with the regulations of Chapter 70 of the Code.

The following FPR documents are attached:

- Compliance Review Form/Application,

- Chapter 70 Ordinance,
- FPR Land Application and Storage Compliance Guide, and
- FPR Shipping Manifest.

It is important to note that violations of the Chapter 70 code provisions can and shall be enforced under the Pennsylvania Criminal Rules of Criminal Procedure. Any person who violates or permits the violation of the Chapter 70 rules, shall upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000.00, plus all costs incurred by the Township in the preparation and enforcement of such violations including, but not limited to court costs and attorney's fees incurred in the prosecution of such violation, or by imprisonment for a term not exceeding 90-days.

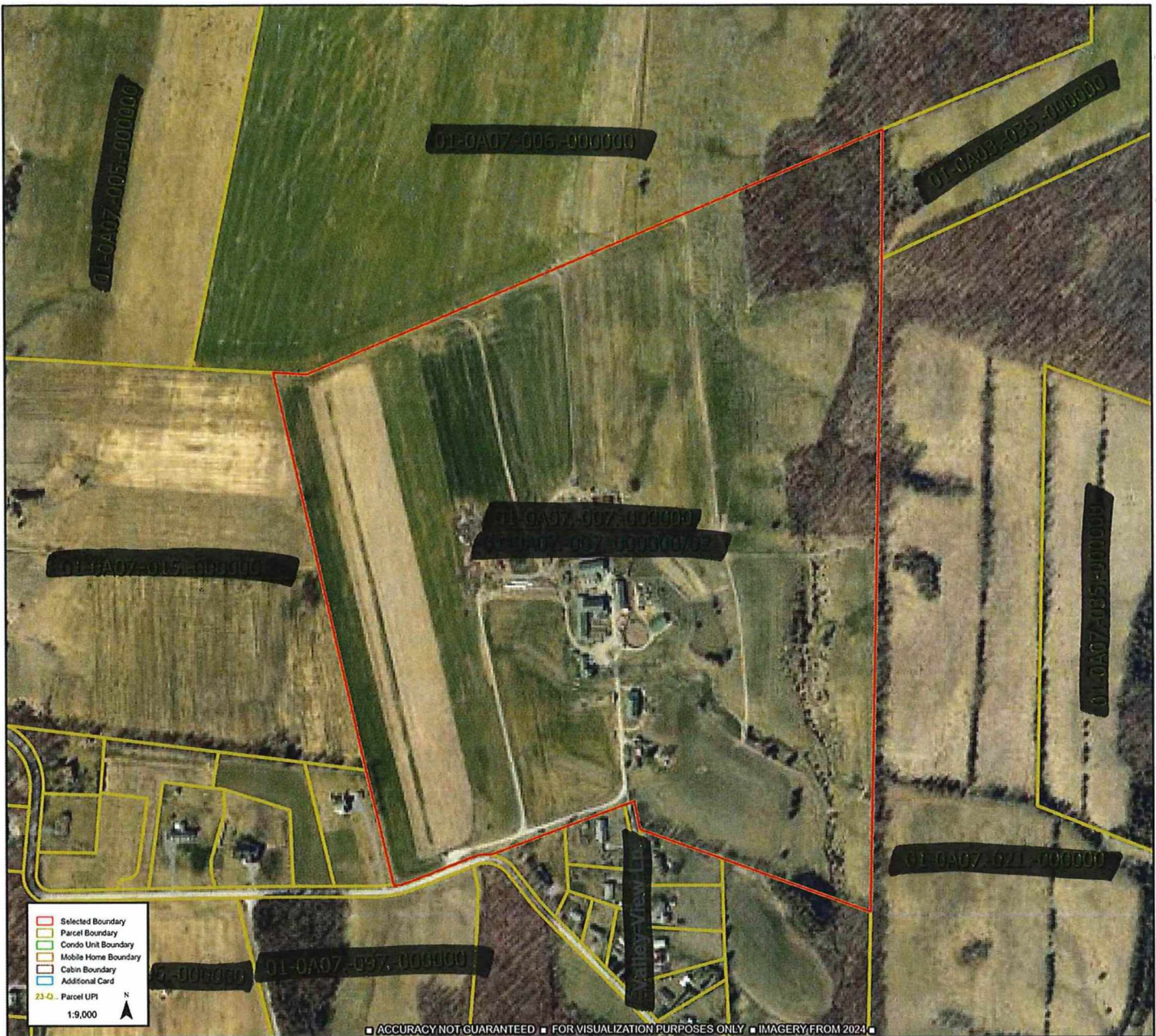
If you should have questions or need clarifications on the technical provisions of the application process, Chapter 70 Ordinance, or FPR land application and storage requirements, please contact the Township Engineer [REDACTED] via telephone or email at [REDACTED] or at [REDACTED]. For general administrative and ordinance questions contact Antrim Township at [REDACTED] or at [REDACTED].

Sincerely,

[REDACTED]
[REDACTED]
Zoning Officer/
Code Enforcement Officer

Attachments

CC [REDACTED] Township Administrator
[REDACTED] St. Environmental Engineer
Antrim Township Board of Supervisors



PROPERTY INFORMATION

UPI: 01-0A07.-007.-000000/02
ADDRESS: 7670 VALLEY VIEW LANE
GREENCASTLE PA 17225

Unit ID:
TYPE: MultiRes
DEED AREA: 0 ACRES

CURRENT OWNER INFORMATION

OWNER: BARRON L & MELISSA R KEEFER
ADDRESS: 7623 VALLEY VIEW LANE
GREENCASTLE PA 17238
DEED REF: 0000-0000 SOLD: 1/1/1901
PRICE: \$0.00

ASSESSMENT VALUES

BLDGS	\$0.00
LAND	\$0.00
TOTAL	\$0.00

TAXABLE STATUS

EXEMPT: NO

