

## Analysis: Important Environmental Precedent Set in Swine Farm Case

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The Pennsylvania Supreme Court set an important environmental precedent Thursday in a long-running case that will benefit family farmers throughout Pennsylvania.

The case - which [involved a Barley Snyder client](#) and was won thanks in part to the arguments of partner [Matthew Hennessy](#) and the initial municipal work of partner [Michael Davis](#) - ensures the state's family farmers will not have to comply with municipal ordinances that are stricter than the state's own environmental laws.

The case [started as a municipal zoning dispute in 2013](#) and has been a hot topic in the state's environmental industry as it climbed its way through appeals to the Pennsylvania Supreme Court. It began when a property owner near Bloomsburg received a special exception from a municipal zoning hearing board to build a swine nursery barn.

Local residents objected to the proposed barn, and the Pennsylvania Commonwealth Court found that the municipality's more stringent zoning regulations were not preempted by Pennsylvania's Nutrient Management Act, which limits municipal regulations of the largest and most intense animal agricultural operations.

The Pennsylvania Supreme Court reversed the Commonwealth Court, holding that the state law should win out when the municipal regulations are more rigorous. The state's highest court held that the municipal zoning regulations being imposed would have been stricter than those that the state imposes on larger corporations.

"(I)t would indeed be ironic if we found no preemption to exist under the circumstances presented, thus permitting local municipalities to impose upon small agricultural operations standards more burdensome than those placed upon large agricultural operations under the (Nutrient Management) Act," Justice Max Baer of the Pennsylvania Supreme Court wrote in his decision.

The case took on such a statewide focus because it could have affected thousands of Pennsylvania farmers that the state's government chose to exempt from complying with the requirement of filing a Nutrient Management Plan. In addition, municipalities now face greater constraints when they attempt to address manure management, particularly for farms that are not directly subject to the requirements of the Nutrient Management Act. While the decision is certainly welcome news for small farmers, its potential environmental impacts are less clear. If you have questions about this case and what it could mean to a farm, a municipality or another property owner, please [contact me](#) or any member of the firm's [Environment & Energy Industry Group](#).

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**Martin R. Siegel**

Counsel

Tel: (717) 718-7581

Email: [msiegel@barley.com](mailto:msiegel@barley.com)