

Mushroom

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composting operation's pollution control system was not in compliance with the

new federal government requirements, EPA said.

The Frezzos were convicted of violating the clean water act and they appealed their case.

The Appeals Court upheld the conviction. At that time Carroll got involved.

Carroll said he is asking for a reconsideration of the case on the grounds that mushroom growing is an agricultural activity and that agricultural activities are exempt from the federal permit requirements.

At the time of the original hearings the exemption possibility was not considered.

The appeal was filed in Southeastern Pennsylvania District Court. In late June the District Court refused to overturn the original conviction.

But Carroll said Thursday that the Environmental Protection Agency has exempted agriculture from the standards. So, in October the appeal is being taken one step farther.

Many people connected with Chester County's mushroom industry have expressed amazement at the vigor the U.S. attorney's office in Philadelphia is showing in the case.

Some have hinted at a personal vendetta, not in the attorney's office, but elsewhere along the line.

"There is an unusually aggressive campaign going against the mushroom industry in Chester County," Carroll said.

Jim Frezzo agreed, saying, "I don't know why they are trying to do this to the people in this industry."

The case began when the Chester County Health Department began flying above mushroom farms after heavy rains to take photographs of runoff from composting operations.

Frezzos were cited and EPA got involved.

Rocco Pugliese of the Pennsylvania Food Processors Association, pointed out that the growers were not even warned before they were cited.

It rained, photos were taken, and they were cited without being given an opportunity to correct the problem.

"Really ludicrous," Pugliese termed the action. He said he feels there is a personality conflict involved somewhere along the line.

Worse yet, Pugliese said, the huge fines would go to Washington, D.C. and not to a fund to help growers pay for needed conservation measures.

Although legal briefs in the appeal of Frezzos' case are due in October, the court will not hear arguments until 60 to 90 days after briefs are filed.

The decision will be handed down a month or so after that. So, a decision can not be expected until February or March 1981.

Frezzos' attorney takes the position that their original conviction should be overturned and the indictment dismissed. That would clear the Frezzos of any criminal charges, the fines, and the jail term.

The court could agree, or decide to overturn the conviction but allow the indictment to stand in which case the charges again could be brought. Or it could uphold the original decision in which case the Frezzos would be lost.

But the matter goes deeper than a single case. It even covers more than whether or not mushrooms are agricultural products.

Underlying the entire question is the issue of whether Congress ever intended an agriculturally related industry to shoulder the costs of paying for expensive devices or technology needed to meet the new Federal laws.

The position argued by the U.S. Attorney's office says each producer has to take on that financial burden at the risk of criminal prosecution.

The growers are saying they should be given both technical expertise and financial assistance to meet the new federal water standards.

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"They are perfectly willing to comply with the law, but government has come down on them like King Kong without working with them," Carroll said. "They got no notice before the criminal charges were brought."

After losing several rounds in a row in the courtroom, the Frezzos have one more chance at an appeal.

If nothing else, their case will clarify where growers stand in the eyes of the law.



Roberta Molaro, R1 Dornsife, exhibited the grand champion and reserve grand champion Alpine does (in foreground). The 4-year-old grand champion, Someday Hill Romeo's Tinkabelle, is the daughter of last year's Gratz Fair grand champion and this year's reserve grand champion, 6-year-old Sanstorm's Fugitive Eltina.

Gratz Fair winds down

GRATZ — The Gratz Fair wraps up six days chocked-full of livestock and dairy shows, and exhibits of the areas best agricultural products and crafts.

There were 490 exhibitors at this year's 105th Gratz

Fair with over 2000 exhibits.

In dairy goat competition, entries representing three breeds were shown.

Roberta Molaro, R1 Dornsife, exhibited the grand and reserve grand Alpine does.

And Dolly Peifer's entries from Spruce Up Farm, Herndon, took the championships in the Toggenburg show.

David Hartman, Gratz, had the champion and reserve champion Nubian does.

The first place FFA showcase went to Cedar Crest, Lebanon.

In the floral show, first place ribbons in various divisions went to: Pat Runkle, Hegins; Virginia Wargel, Halifax; Mildred Fulkroad, Millersburg; Mary Alice Litehizor, Lykens; Elsie Peiffer, Pillow; Miriam Rubendall, Millersburg; and Jan Snyder, Halifax.

Sandra K. Murray, Pottsville received the Best of Show honors for her orchid entry, while Orpha Troutman, Pitman won the Best of Show award for her cut flowers.

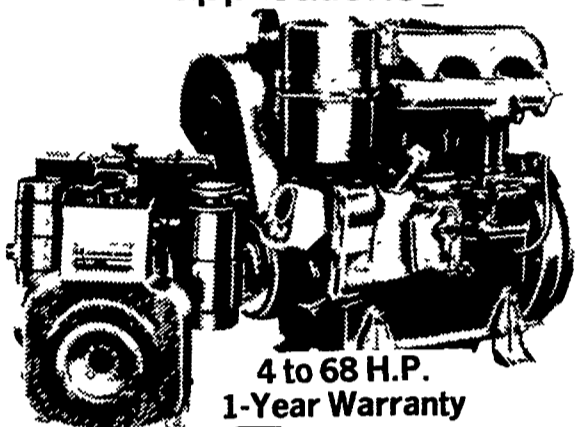
The Halifax Community Grange received the first place ribbon for their entry in both agriculture and home economics.

Other Best of Shows went to Jean Feister, Dornsife, for her needlework entry; Jacqueline Martz, Halifax, for her bedspread; Anna Yeager, Millersburg, for her afghan; Susan Harner, Millersburg, for her hooked rug; and Clara Cotman, Halifax, for her national quilt.

See other related Gratz Fair stories in this week's issue.—SM

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AC CA w/2 bottom plow	1,375.00	1,250.00

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NH 717 w/1-row head	2,195.00	1,975.00
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Fox 1000 RPM PTO w/2-row corn hd & Pk up attach	1,495.00	1,350.00

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John Deere 894 8R 30", A1 Shape	\$2,350.00	
John Deere 494	850.00	770.00
Oliver 4-row Plate	1,250.00	1,125.00
IH 455 4-Row	1,050.00	950.00

USED TILLAGE SPECIALS

Bush Hog 14' Disc	\$2,450.00	\$2,200.00
Oliver Disc Harrow	1,175.00	1,050.00
Brillion 12' Roller Harrow	1,450.00	1,300.00
Ford 4-16" Plow	950.00	850.00
JD KBA 32x18 Wheel Carrier Disc	875.00	750.00
Brillion 10' Double Packer	360.00	325.00

USED BALER SPECIALS

JD 24T w/#2 ejector	\$1,650.00	\$1,475.00
JD 24T w/#2 thrower	1,550.00	1,395.00
AC 444	850.00	775.00
John Deere 14T	750.00	675.00
John Deere 14T w/ejector	450.00	400.00
NH 270 w/thrower	1,950.00	1,750.00

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Co-op 15x7 Fert Grain Drill w/grass seed attach	\$750.00	\$675.00
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