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CITY OF HILLSBORO
STATE OF ILLINOIS

IN THE MATTER OF THE PROPOSED
CONSTRUCTION OF LIVESTOCK MANAGEMENT FACILITY

PUBLIC HEARING
AUGUST 24, 2017

Ann Marie Hollo, CSR, RDR, CRR

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(The original exhibits were retained by the court reporter to be attached to the transcript.)

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CITY OF HILLSBORO
STATE OF ILLINOIS

IN THE MATTER OF THE PROPOSED
CONSTRUCTION OF LIVESTOCK MANAGEMENT FACILITY

PUBLIC HEARING
AUGUST 24, 2017

PUBLIC HEARING HELD IN THE MATTER OF
THE PROPOSED CONSTRUCTION OF LIVESTOCK MANAGEMENT
FACILITY on AUGUST 24, 2017, between the hours of
six o'clock in the afternoon and thirty minutes
after eight o'clock in the afternoon of that day, in
the 2nd Floor County Board Room, #1 Courthouse
Square, Hillsboro, Illinois 62049, before Ann Marie
Hollo, CSR, RDR, CRR.

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A P P E A R A N C E S

Mr. Craig J. Sondgeroth, Hearing Officer

and

Mr. Warren D. Goetsch, P.E.,
Deputy Director

and

Mr. Doug Owens, Livestock
Program Manager

ILLINOIS DEPARTMENT OF
AGRICULTURE

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The Court Reporter:

Ann Marie Hollo, CSR, RDR, CRR

Midwest Litigation Services

711 North 11th Street

St. Louis, Missouri 63101

(314) 644-2191

1 IT IS HEREBY STIPULATED AND AGREED, that the
2 public hearing may be taken in shorthand by Ann
3 Marie Hollo, RDR/CRR, a Certified Shorthand
4 Reporter, and afterwards transcribed into
5 typewriting.

6 * * * * *

7 (Starting time of the hearing is: 6:00 p.m.)

8 HEARING OFFICER SONDGEROTH: Well,
9 good evening, everyone. On behalf of Raymond Pop,
10 the Director of the Department of Agriculture, we
11 thank you very much for the invitation to come to
12 Montgomery County today. My name is Craig
13 Sondgeroth. I'm with the Illinois Department of
14 Agriculture, and I will be serving as the hearing
15 officer for tonight's public informational meeting.

16 Also with me on behalf of the
17 department are Warren Goetsch, sitting next to me.
18 He's the deputy director of the department. And
19 Doug Owens, who is up here in the front row, he's
20 the manager of the livestock program.

21 This meeting is being conducted
22 pursuant to Section 12 of the Livestock Management
23 Facilities Act. The informational meeting is being
24 held at the request of the Montgomery County Board.

1 The purpose is to afford members of the public an
2 opportunity to ask questions and present oral and
3 written testimony regarding the proposed
4 construction of a new 1,920-animal unit swine
5 facility by DAD Rental Inc.

6 My task this evening is to ensure
7 this meeting is conducted in an orderly fashion to
8 ensure that all comments and testimony received are
9 entered into the record.

10 Tonight's meeting is being
11 transcribed. The transcription of this meeting will
12 be sent to the Montgomery County Board as well as
13 used by the Department of Agriculture in making its
14 determination regarding the proposed construction of
15 this facility.

16 In order to ensure that we have an
17 orderly process, I will quickly explain how the
18 meeting will proceed this evening. First, following
19 my comments, Warren Goetsch will provide an overview
20 of the provisions of the Livestock Management
21 Facilities Act as it relates to this particular
22 project, specifically outline the current status of
23 the project and how the process will proceed after
24 this meeting.

1 Following Mr. Goetsch,
2 representatives from the proposed construction
3 project will be given an opportunity to describe the
4 project and demonstrate how they believe it meets
5 the siting criteria of the Livestock Management
6 Facilities Act. After their presentation, I will
7 open the meeting to questions. Anyone wishing to
8 ask questions of the facility representatives or the
9 department will be given an opportunity do so.

10 During the question-and-answer
11 session, I will ask that you state your name and
12 spell your last name for the court reporter. You
13 may then ask your question.

14 Depending on the number of people who
15 wish to testify in the oral testimony phase of the
16 meeting, which is after the question phase, there
17 may be a time limit placed on the questioning phase.
18 Following the question-and-answer phase, I will ask
19 for written testimony. If anyone has written
20 testimony that is not part of your oral testimony, I
21 will accept it and enter it into the record for this
22 proceeding.

23 If you have written material that
24 you'll be using as part of your oral testimony, it

1 can be entered into the record following your oral
2 testimony. Then, depending on the amount of time
3 that has elapsed at this point in the meeting, we
4 may take a short break. Following the written
5 testimony, I will ask for oral testimony from the
6 public. Sign-in sheets are placed in the front of
7 the room as you came in. They're right over here.
8 There's one sheet for attendance, which is on the
9 left, and there's one sheet for testimony, which is
10 on the right. People who wish to provide comments
11 during this oral testimony phase are asked to sign
12 the oral testimony sheet. If you want to speak
13 tonight, you sign the sheet on the right.

14 People providing oral comments will
15 be sworn in. Each person will be given three
16 minutes to provide his or her comments. The legal
17 counsel, if any, speaking on behalf of multiple
18 complaints, will be given a total of 15 minutes for
19 all clients. The attorney will also be asked to
20 state the names of all the persons on whose behalf
21 he or she is speaking. Deferring time to other
22 speakers will not be allowed. If you sign the oral
23 testimony sheet, you may either speak, or if you've
24 changed your mind, feel free to let me know, and you

1 can pass. You may not give your time to someone
2 else.

3 The meeting will then conclude with
4 closing comments from the facility and the
5 Department of Agriculture.

6 So to summarize the procedure
7 tonight: We will have comments from the department,
8 comments from the facility, questions directed to
9 the department and or the facility. Remember to
10 state and spell your name for the court reporter.
11 And then we'll accept written testimony, and then
12 we'll have oral testimony from the public, and you
13 will have to testify under oath, and finally we'll
14 have closing comments.

15 Please keep in mind we're not here
16 this evening to discuss, debate the merits or
17 perceived inadequacies of the existing law. We're
18 here tonight to receive information on this
19 particular proposed livestock facility to assist
20 with determining compliance with the existing law.

21 This is a public informational
22 meeting. It's not necessarily a court proceeding.
23 The purpose is to share information and provide an
24 opportunity for the department, members of the

1 county board, and you, the public, to learn about
2 this proposed facility.

3 Again, we very much appreciate your
4 hospitality for inviting us here tonight to consider
5 the proposed construction of the DAD Rental Inc.
6 swine facility. Please remember to confine your
7 comments as we continue.

8 Before we move to the department's
9 remarks, I often like to give an opportunity, if
10 there are any county board members here that would
11 like to speak or offer any comments. Are there?

12 (No response.)

13 HEARING OFFICER SONDGEROTH: Seeing
14 none, are there any members of the Illinois General
15 Assembly here that would like to offer any comments?

16 (No response.)

17 HEARING OFFICER SONDGEROTH: Seeing
18 none, I will now turn the proceedings over to Warren
19 Goetsch for remarks from the Illinois Department of
20 Agriculture.

21 MR. GOETSCH: Thank you, and good
22 evening. My name is Warren Goetsch. I currently
23 serve as the Deputy Director at the Illinois
24 Department of Agriculture. One of our

1 responsibilities at the department is the
2 administration of various provisions of the
3 Livestock Management Facilities Act. On behalf of
4 the department, let me welcome you to this public
5 informational meeting.

6 Before we hear from the proposed
7 facility's representatives, I'd like to say a few
8 words regarding the applicable provisions of the
9 Livestock Management Facilities Act and the current
10 status of this proposal.

11 The Livestock Management Facilities
12 Act was originally passed and became law on May 21st
13 of 1996. Since that time, the Act has been amended
14 seven times, three of which have been substantive.
15 The Act can be generally described as covering five
16 major areas. Those include facility design
17 standards, waste management planning requirements,
18 facility operator training and testing, anaerobic
19 lagoon financial responsibility determination, and
20 facility setback requirements.

21 Each of these provisions impacts
22 various types of facilities in different ways,
23 depending upon the size of the facility expressed in
24 animal units, and whether the proposed facility is

1 considered as a new facility, a modified facility or
2 the expansion of an existing site. The Livestock
3 Facilities Management Act's provisions are quite
4 complicated and specific facility designs in
5 situations certainly can differ. However, it is the
6 department's intention to always fairly and
7 equitably apply these requirements to the livestock
8 industry in this state.

9 Now, regarding the current status of
10 this project. The department received a formal
11 Notice of Intent to Construct application for the
12 proposed construction of a swine facility on
13 June 19, 2017. The proposed project is to consist
14 of the construction of a finishing building
15 measuring 121 feet 10 inches by 321 feet with an
16 8-foot deep underbuilding livestock waste handling
17 facility.

18 The project is proposed to be located
19 approximately 2 miles east of Farmersville,
20 Illinois, in northern Montgomery County. The
21 application was submitted by Frank & West
22 Environmental Engineers on behalf of Dereke Farms
23 Incorporated; DAD Rental Incorporated out of
24 Morrisonville, Illinois. The maximum design

1 capacity of the proposed facility is 1,920 animal
2 units or 4,800 head of swine greater than 55 pounds
3 each.

4 As I mentioned earlier, the
5 department received the Notice of Intent to
6 Construct application on June 19, 2017, and we
7 reviewed it for compliance with applicable
8 provisions of the Act. On July 17, 2017, the
9 department determined that the Notice of Intent to
10 Construct was complete, and we forwarded a copy of
11 the completed application to the Montgomery County
12 Board. The notice of that application was also
13 published in the appropriate newspaper. The design
14 capacity of the proposed facility requires
15 compliance with a residential setback distance of
16 not less than 1,320 feet and a populated area
17 setback distance of not less than 2,640 feet.

18 On August 10, 2017, the department
19 received official notice from the Montgomery County
20 Board requesting that a public informational meeting
21 be scheduled regarding the proposal. After further
22 consultation regarding -- or with the county board,
23 the department scheduled this meeting and caused
24 notice of the meeting to be published in the

1 appropriate newspapers.

2 An additional requirement of the
3 Livestock Management Facilities Act deals with the
4 design and construction plans of the livestock waste
5 handling facility. The department has received a
6 formal submittal of detailed engineering design
7 plans and specifications for the proposed project's
8 underbuilding livestock waste handling facility.
9 However, a detailed review of the aforementioned
10 plans has not been completed at this time. As such,
11 the department is currently unable to comment as to
12 the compliance of the design plans and
13 specifications with the statutory requirements of
14 the Act.

15 We are here this evening to receive
16 testimony regarding the proposed Livestock
17 Management Facilities compliance with eight siting
18 criteria as defined in Section 12, Paragraph D, of
19 the Livestock Management Facilities Act. In
20 general, information regarding the following would
21 be appropriate for this evening's meeting: Manure
22 management planning, potential impact of the
23 proposed facility on the surrounding area's
24 character, whether the proposed facility is located

1 within any floodplains or other sensitive areas,
2 odor control plans, possible impact of the proposed
3 facility on existing area traffic patterns, and
4 possible impact of the proposed facility on
5 community growth, tourism, recreation, or economic
6 development of the area.

7 Copies of the specific criteria were
8 available on the table with the sign-in sheets. If
9 anyone would like a copy of the criteria, but failed
10 to pick one up earlier, if you just identify
11 yourself, Doug would be happy to get one handed to
12 you.

13 Is there anyone that needs a copy of
14 the criteria? This is Doug's opportunity to show
15 how skinny he is.

16 Finally, the process that will be
17 followed after this evening's meeting is as follows:
18 The county board will have up to 30 business days
19 from today's meeting to submit to the department a
20 nonbinding recommendation relative to the proposed
21 siting of this facility. Thus, a recommendation
22 from the Montgomery County Board is due at the
23 department on or before October 6, 2017. After the
24 close of the county's 30-business-day comment

1 period, the department will have 15 calendar days or
2 until October 21st to review all the information
3 submitted to date, including the Notice of Intent to
4 construct, the construction plans, transcripts from
5 this evening's meeting, the county board's
6 recommendation, and any other additional information
7 submitted by the owners at the request of the
8 department.

9 Based on that review, the department
10 will determine whether the eight siting criteria
11 have been met. Once that determination is made, the
12 department will notify both the county board and the
13 applicant of the department's determination.

14 Mr. Hearing Officer, at this time I'd
15 like to submit a completed Notice of Intent to
16 Construct application file and its correspondence
17 for formal entry into the record as an exhibit. I'd
18 also like to submit a copy of the Powerpoint
19 presentation that we just utilized for an exhibit as
20 well.

21 HEARING OFFICER SONDGEROTH: Thank
22 you, Mr. Goetsch. Entered into the record as
23 Exhibit Number 1 is the completed Notice of Intent
24 to Construct, including any correspondence between

1 the department and the applicant, notice of the
2 public informational meeting, and any communication
3 with the department and Montgomery officials as
4 Exhibit Number 1.

5 (Exhibit 1 was entered into the record.)

6 HEARING OFFICER SONDGEROTH: Entered
7 into the record as Exhibit Number 2 is the
8 department's Powerpoint presentation.

9 (Exhibit 2 was entered into the record.)

10 HEARING OFFICER SONDGEROTH: At this
11 time, we'll hear remarks from the facility. Before
12 we begin, will both of you be presenting tonight?

13 MR. DUNKIRK: Yes.

14 HEARING OFFICER SONDGEROTH: I'll
15 just swear you in both at the same time. If you
16 both will raise your right hand.

17 (Witnesses sworn.)

18 HEARING OFFICER SONDGEROTH: Can you
19 state your names, you first, for the court reporter.

20 MR. DUNKIRK: Dereke Dunkirk.

21 HEARING OFFICER SONDGEROTH: Can you
22 spell it for her, please.

23 MR. DUNKIRK: Dereke, D-E-R-E-K-E;
24 Dunkirk, D-U-N-K-I-R-K.

1 MR. NIMS: Jake Nims, N-I-M-S.

2 HEARING OFFICER SONDGEROTH: You may
3 proceed with your testimony.

4 MR. DUNKIRK: Thanks to the
5 Department of Ag to assist us this evening.

6 First off, I wanted to thank
7 everybody for coming out to give me the opportunity
8 to listen about our family and expansion project
9 plans.

10 I want to cover a little bit about
11 myself for those of you that don't me, a little bit
12 of farm history on what my family has done over the
13 years and our decision to expand and why we chose to
14 move over to the Farmersville area.

15 First off, my name is Dereke Dunkirk,
16 as I said earlier. I'm a lifelong resident of
17 Morrisonville, Illinois. I live in the same house
18 that I grew up in. I attended the Morrisonville
19 School District. I'm the fourth generation to live
20 in the house that I live in currently with my wife
21 and children. As a youth, I was heavily involved in
22 4-H. Once I entered into high school, I got active
23 in FFA and played a lot of sports. After my high
24 school career, I ended up at the U of I in Champaign

1 for four years where I was also involved with a lot
2 of other ag programs and ag groups. In 2002, I
3 graduated from the U of I with a bachelor's degree
4 in farming and farming management. At that point in
5 time, I had the opportunity to move back home and
6 work on the family farm. This summer, I'm proud to
7 say that I'm celebrating 15 years of working side by
8 side with my father, and I'm pretty proud of that
9 fact.

10 Once I moved back to our community, I
11 got heavily involved in my local community that I
12 grew up in. I started off working a lot with the
13 Kiwanis as the president of that organization.
14 We've been lifelong members of the St. Maurice
15 Catholic Church. I've been heavily involved with
16 the KC Council in Morrisonville for a long time and
17 served as a Grand Knight. Also, in 2005, I got the
18 opportunity to serve on the Morrisonville School
19 Board where I held a board seat for ten years. The
20 most important thing I have done since I have moved
21 back home is started a family. I married my
22 beautiful wife, Chelsea, in 2006, and we have three
23 beautiful children. We adopted our daughter,
24 Adelaide, in 2009, and we had our two sons, Gentry

1 and Rigley, one in 2011, and the other one in 2014.
2 And they just all started back to school in the same
3 school that me, my father, and my grandfather went
4 to.

5 My family's history -- I'm the fifth
6 generation to farm, third generation to raise pigs
7 at the site where we live. We're just like a lot of
8 farms. We diversified into grain production and
9 swine production and have a small trucking fleet.
10 Our corn and soybean farm -- on the corn side, we
11 raised a lot of non-GMO corn. About 50 percent of
12 it is white for food grade, and the other 50 percent
13 is yellow for food grade. Our soybeans are
14 100 percent seed beans from the Pioneer production
15 plant in Litchfield.

16 On the other side is the hog
17 operation. My grandfather started raising pigs in
18 the '50s as an outdoor farrow-to-finish operation.
19 As time moved on, we've seen the benefits of moving
20 the pigs indoors. And in the '60's and '70s, they
21 started to build finishers, rooms and nurseries to
22 move the pigs inside where they were safely raised.

23 My family's farm today is a little
24 different than it was back then. Over time,

1 different members have retired, and our farm has
2 roots in several areas and has combined those up.
3 My grandmother is a Weffenstette, and the farm
4 ground in the Farmersville area, and Pitman
5 Township, and also up in Bois D'Arc Township, just
6 south of Pawnee, was all Weffenstette ground that
7 come into our family once those members retired.

8 The decision to expand and move, as
9 my wife looks back at our children, her and I talked
10 a lot about providing a future for them, like it was
11 provided to me by my father and him his father. We
12 had several different entities to look at -- the
13 grain side, the trucking side, and of course, the
14 hog operation. Over time, we transitioned away from
15 farrow to finish. We decided to move into buying
16 feeder pigs in 1999. We carried this on until 2002.
17 At that point in time, we decided to transition to
18 buying wean pigs. We built our -- we built a barn
19 at my house in '94. It sits about 50 yards behind
20 my house. In 2006, we added another wean-to-finish
21 barn about a half-mile south of my house. And then
22 in 2012, we built another wean-to-finish barn.

23 In 2010, we had an interesting
24 opportunity after serving on the Illinois Pork

1 Producers Association Board for quite a while, and
2 being a president of that association, I made a good
3 relationship with Phil Borgic. Phil and I talked
4 some, and he gave us the opportunity to come on as a
5 contract grower. My family discussed it and talked
6 a lot about it and decided it was a good move for
7 us. So in 2010, we joined the Borgic Pork Partners
8 and their family farm as a contract grower. That
9 partnership allowed us to expand and grow, add more
10 barns in our operation, and make more of a space for
11 me as I returned home from farming.

12 When we talked about expansion -- and
13 I said we talked about several different
14 entities -- the contract finishing operation was the
15 one that seemed to shine the brightest light on our
16 expansion possibilities, so my wife and I decided to
17 start looking around for another site. My family
18 looked at several different sites before we chose
19 this one. This site, when we looked at it, we
20 decided to look at the LMFA law to see where our
21 setbacks would be and decided to try and place the
22 barn that could do as little impact as possible.

23 This site here had some ground that
24 we owned around it for the manure applications, and

1 it met all the setback criteria, and it was nestled
2 nicely off of 55 and the Farmersville Blacktop for
3 truck traffic.

4 The new barn, we'll talk a little bit
5 about it, its technology, the way that it will be
6 set up. As we discussed earlier, it's about
7 120 feet wide and 320 feet long. It will set east
8 and west. It's a tunnel ventilated barn, which
9 means the air gets drawn across the building. So
10 the curtains on this building will be on the south
11 side and will draw the fresh air through and exhaust
12 it to the north.

13 Inside the barn, there's a lot of new
14 technology we're utilizing. We have what they call
15 a "maximus controller," which gives me remote access
16 to the barn at all times. I can monitor
17 temperatures, fan speeds, how many amps the motors
18 are pulling when feed lines are running, how much
19 feed and water the pigs are drinking. My crew will
20 be there every day to help tend to the hogs, but
21 this allows me a little bit of opportunity to see
22 what's going on when we're not there.

23 There's a lot of local material
24 suppliers that are going to help us on the new site.

1 Walsh Electric out of Raymond will be providing
2 electricity to the barn and the generator for the
3 site. The rural electric cooperative is working
4 with us on the electricity. Poggenpohl Redi-Mix out
5 of Raymond is going to provide all the concrete. AP
6 out of Assumption, they'll provide the fans, the
7 feed systems and a lot of the electric motors.
8 Farmweld is an Illinois company that's providing all
9 the feeders. Schuld up in Bushnell is supplying the
10 bins, and the Nokomis quarry will supply a whole
11 bunch of rock to develop a nice driveway in and out
12 of the facility.

13 As we talked about earlier, the
14 facility has a deep pit so that we can keep the
15 manure stored right there on site and apply to the
16 land that we own in that area.

17 In conclusion, I'd just like to thank
18 everybody, once again, for coming out, and I'm going
19 to turn it over to Jake.

20 MR. NIMS: Good evening. My name is
21 Jake Nims. I'm with Frank & West Environmental
22 Engineers in Springfield.

23 This presentation will give you an
24 introduction of the farm overview and layout, and it

1 will also talk about the conformance with the
2 Livestock Management Facilities Act and the eight
3 siting criteria that Mr. Goetsch alluded to earlier.

4 This is a map of the proposed
5 facility. You can see it's located down here
6 approximately 2 miles east of Farmersville. Just a
7 quick drawing showing the dimensions of the actual
8 pit. The outside dimensions are 321 by 121 and 10
9 inches.

10 Here are the eight siting criteria.
11 Number 1, registration and certification
12 requirements. Number 2, design location and
13 operation standards. Number 3, location
14 compatibility. Number 4, floodplain and aquifer
15 protection. Number 5, minimize environmental
16 impact. 6, odor control and reduction. 7, traffic
17 patterns minimizing impacts to surrounding
18 community. Number 8, facility consistent with area
19 development.

20 Siting Criteria Number 1. Whether
21 registration and livestock waste management plan
22 certification requirements, if required, are met by
23 the notice of intent to construct. Part 1 is the
24 registration requirements. The notice of intent to

1 construct was filed with the Department of Ag on
2 June 19, 2017, and the notice of intent was deemed
3 complete by the Department of Ag on July 17th.

4 Part 2 of siting criteria. 1 is the
5 nutrient management plan. According to the
6 Livestock Management Facilities Act, a farm, which
7 exceeds 1,000 animal units, but is less than 5,000,
8 shall prepare, maintain, and implement a nutrient
9 management plan within 60 working days after
10 commencing operation of the proposed barn. This
11 farm will prepare, maintain, and implement a
12 comprehensive nutrient management plan.

13 The farm will submit to the
14 Department of Ag the nutrient management plan
15 certification form certifying that the nutrient
16 management plan has been prepared. The farm will
17 keep the comprehensive nutrient management plan, as
18 well as records of livestock waste disposal, on file
19 at the farm, and the associated records will be
20 available for Department of Ag inspections.

21 The goal of the comprehensive
22 nutrient management plan will be to utilize manure
23 at approved agronomic loading rates that meet the
24 nutrient needs of the locally grown crops in an

1 environmentally sound fashion. This goal will be
2 accomplished by developing a comprehensive nutrient
3 management plan, which includes the following:
4 Total annual manure volume calculations,
5 historically proven yields in application areas,
6 manure analysis to provide the nutrient content of
7 the manure, agronomic loading rates of manure, and
8 land application provisions for setbacks and
9 incorporation standards, and documentation of all
10 phases of the plan.

11 Siting criteria 2. Whether the
12 design, location, or proposed operation will protect
13 the environment by being consistent with the
14 Livestock Management Facilities Act. Part 1 of this
15 deals with the design of the concrete structures.
16 The concrete pit will be designed according to
17 Midwest Plans Service Concrete Manure Storage
18 Handbook guidance. The Midwest Plans Service is a
19 university-based publishing cooperative dedicating
20 publishing and disseminating research-based and
21 peer-reviewed publications. This includes concrete
22 specifications, reinforcement requirements, and
23 water stop requirements.

24 As we talked about earlier, the

1 design for the proposed farm will consist of
2 construction plans for one finishing barn. That is
3 a typical example of what a finishing barn would
4 look like from the outside, and that would be a
5 typical pen layout inside.

6 This is just a typical pit
7 cross-section showing the inside of the barn.
8 Simply the animals are housed on concrete slats.
9 The manure -- the floor is slatted, and the manure
10 falls through those slats and are stored in the
11 concrete pit underneath until the appropriate time
12 to apply.

13 Part 2 of siting criteria 2 deals
14 with the location. As we alluded to earlier, the
15 location setback distances have been met, both the
16 occupied and populated area, and the farm location
17 was deemed complete by the Department of Ag on
18 July 17th.

19 Part 3 is proposed operation. The
20 manager of the farm will be a certified livestock
21 manager. This is a program developed by the
22 Department of Ag to educate livestock managers on
23 manure management handling and systems. Managers of
24 farms over 1,000 animal units are required to attend

1 a training course and pass an exam. The livestock
2 waste management plan will detail the operation at
3 the farm so that all manure applications will be
4 based on site-specific data.

5 Criteria 3. Whether the location
6 minimizes any incompatibility with the surrounding
7 area's character by being zoned for agricultural
8 where the county has zoning, or where the county is
9 not zoned, the setback requirements established by
10 the LMFA are complied with.

11 The proposed farm location is not
12 zoned. The farm is compatible with the surrounding
13 area and that the area is a rural agricultural area.
14 And then this map is from the Illinois Association
15 of County Zoning Officials, and you can see
16 Montgomery County is listed as not -- no zoning.

17 The setbacks. 4,800 animals, greater
18 than 55 pounds, are equal to 1,920 animal units.
19 This requires an occupied residence setback of
20 1,320 feet or a quarter of a mile, for a populated
21 area setback of 2,640 feet or a half mile. And,
22 again, the Department of Ag deemed the setbacks
23 complete on July 17th.

24 Criteria 4. Whether the farm is

1 located within a 100-year floodplain or an otherwise
2 environmentally sensitive area to find a karst area
3 or with aquifer material within 5 feet of the bottom
4 of the livestock waste handling facility, and
5 whether construction standards set forth in the
6 Notice of Intent to construct are consistent with
7 the goal of protecting the safety of the area.

8 This is a map showing the location
9 from FEMA, the FEMA database showing the 100-year
10 floodplain. This hatched area over on the right
11 side would be what would show up as a 100-year
12 floodplain on the map on the left. And as you can
13 see from where the building is located, there's no
14 100-year floodplain in the immediate vicinity.

15 Karst area. An area with a land
16 surface containing sinkholes, large springs,
17 disrupted land drainage, and underground systems
18 associated with karstified carbonated bedrock,
19 limestone, or dolomite, and caves for a land surface
20 without these features, but containing a karstified
21 carbonated bedrock unit generally overlaying by less
22 than 60 feet of unconsolidated materials.

23 The map on the left is the entire
24 State of Illinois with the known locations of karst

1 areas shaded. As you can see, this county doesn't
2 have any known karst regions anywhere in the county,
3 and then on the right side, it would just be a
4 closer, zoomed-in view of the county itself.

5 Aquifer material. Sandstone that is
6 5 feet or more in thickness, or fractured carbonate
7 that is 10 feet or more in thickness, or sand,
8 gravel, or sand and gravel, such that there is at
9 least 2 feet or more present within any 5-foot
10 section of a soil boring.

11 This is a quick side-view of the
12 boring. You can see the U-shaped area represents
13 the concrete pit underneath the building, and then
14 with an 8-foot depth, we figured the pit itself, the
15 bottom of the pit will be about 6 foot below the
16 current grade. And then we get 5 foot
17 below -- we've got to do a 5-foot boring below that,
18 so a total of an 11-foot boring was conducted within
19 the footprint of the building. And this site
20 investigation and boring was conducted on
21 July 18th, and no aquifer material was found
22 within that boring.

23 Criteria 5. Whether the
24 owner/operator has submitted plans for operation

1 that minimize the likelihood of any environmental
2 damage to the surrounding area from spills, runoff
3 and leaching.

4 For spills, this barn has proper
5 sizing, adequate storage capacity in excess of the
6 required 150 days within the LMFA. The pit, itself,
7 will have storage capacity in excess of 365 days.
8 And the pit is designed as a closed system. There
9 will be no uncontrolled release of livestock manure.

10 Runoff. Clean -- there will be clean
11 water diversions that will allow for rainwater to be
12 directed away from the building so that fresh water
13 does not run into the pit itself and to increase the
14 capacity of the building.

15 Leaching. The farm is designed so as
16 to prevent a release of livestock manure. This
17 consists of solid concrete construction reinforced
18 with Grade 60 steel rebar, and a water stop will be
19 placed in all construction and stoppage joints. All
20 surfaces and contact with livestock manure -- in
21 this case, concrete -- will meet the required
22 permeability standards.

23 Criteria 6. Whether odor control
24 plans are reasonable and incorporate reasonable or

1 innovative odor reduction technologies given the
2 current state of such technologies. The proposed
3 farm will implement a comprehensive odor control
4 plan, which will consist of controlled land
5 application of manure, routine maintenance, feed
6 management, and proper location.

7 The controlled application of manure
8 by injection, based upon nitrogen and phosphorous
9 loading from actual on-site data, and the DAD
10 Rental Inc. farm intends to utilize injection as the
11 application method for livestock manure. This
12 method minimizes the contact with air and is widely
13 accepted as the best available technology in the
14 application.

15 All livestock manure will be applied
16 by the farm owner, and the application equipment
17 will contain safety controls, including, but not
18 limited to the equipment will be visually monitored
19 continuously. There will be emergency shutoffs in
20 the cab, and communication between personnel will be
21 available at all times.

22 You have -- this is an example of an
23 injection unit on the back of a manure tanker, which
24 I believe is what you intend to utilize.

1 This is a little closeup view of the
2 back. You can actually see the knives inject the
3 manure into the ground below the ground surface, so
4 there will not be any out over the -- on the surface
5 of the ground itself.

6 This is an example of a drag line,
7 which I don't think will be used here.

8 The DAD Rental Inc. farm has at least
9 1,045 acres locally available per year for livestock
10 applications. In utilizing local yields, combined
11 with area soil types, it is anticipated the farm
12 will utilize approximately 415 acres of a corn/corn
13 rotation.

14 The farm will utilize regular
15 maintenance to minimize dust originating from the
16 facility. Regular maintenance will include routine
17 visual walk-throughs of the barns to ensure that
18 there's no manure buildup of the slatted floor and
19 walkways and the regular cleaning of fans to prevent
20 the accumulation of dust.

21 The farm will be thoroughly
22 pressure-washed and sanitized between each
23 production cycle. This will minimize the amount of
24 odor-causing particles that are able to leave the

1 facility through the ventilation fans. The farm
2 will ensure the building's fans are operating
3 efficiently, thus minimizing the dust buildup, and
4 regular maintenance is known to reduce odor
5 concentrations and odor intensity.

6 The farm has incorporated an animal
7 diet formulated to allow the most efficient
8 utilization of proteins and nutrients in the feed.
9 This dietary practice aids in the reduction of
10 overall odors from the farm by reducing excess
11 nutrients excreted by the animals.

12 The farm complies with and exceeds
13 facility setback distances as established in the
14 Livestock Management Facilities Act. The
15 residential setback is exceeded by 1,140 feet, and
16 the populated area setback is exceeded by
17 7,240 feet.

18 And just to kind of reiterate, the
19 comprehensive odor control plan is made up of three
20 parts: The farm location and maintenance, proper
21 nutrition, and the injection of manure. The farm
22 has diligently planned an overall odor control
23 strategy by incorporating numerous odor control
24 techniques and technologies. The farm will also

1 continue to look for and incorporate other
2 technologies as they become available. This
3 strategic plan incorporates reasonable and
4 innovative technologies that will allow the facility
5 to operate within -- with minimal impact to the
6 surrounding area.

7 Criteria 7. Whether traffic patterns
8 minimize the effect on existing traffic flows. This
9 is the same map that I showed you earlier. If you
10 leave the farm, you'll head north on East 5th
11 Road, and then west on County Road 3050 North to get
12 to Interstate 55. On East 5th Road,
13 there's -- according to the Illinois Department of
14 Transportation traffic counts, there are -- on
15 East 5th Road, there's a weekly average of 350
16 vehicles, and on County Road 3050 North, there's a
17 weekly average of 9,450 vehicles.

18 It's anticipated that the proposed
19 farm will have eight total trucks weekly. This
20 includes feed transportation and -- feed
21 transportation and animal transportation trucks.
22 The DAD Rental Inc. farm traffic will consist of
23 less than 2.3 percent of the average weekly traffic
24 on East 5th Road, and less than 0.09 percent on

1 County Road 3050.

2 DAD Rental Inc. farm traffic will
3 comply with the same seasonal posted road weight
4 limits as all other traffic in the area.

5 Criteria 8. Whether construction of
6 a new farm is consistent with existing community
7 growth, tourism, recreation, or economic
8 development, or specific projects involving
9 community growth, tourism, recreation, or economic
10 development that have been identified by government
11 action for development or operation within one year
12 through compliance with applicable zoning and
13 setback requirements for populated areas as
14 established by the Livestock Management Facilities
15 Act.

16 The farm is consistent with existing
17 and planned community development of this rural
18 agricultural area by demonstrating compliance with
19 zoning and setback requirements. The farm will meet
20 all the requirements of the Livestock Management
21 Facilities Act.

22 We appreciate the opportunity and
23 look forward to your questions.

24 HEARING OFFICER SONDGROTH: Do you

1 have a hard copy of your Powerpoint presentation?

2 I'll enter it into the record as Exhibit Number 3.

3 (Exhibit 3 was admitted into the record.)

4 HEARING OFFICER SONDGEROTH: And that
5 was the presentation from the facility
6 representatives. Okay.

7 We will now open the meeting for any
8 questions that you may have of the facility or the
9 department. If you have a question you would like
10 to ask, please raise your hand, and when called
11 upon, please state your name and spell your name for
12 the court reporter. Please indicate to whom you are
13 directing your question, either to the applicant or
14 to the department.

15 I will remind you that this portion
16 of the meeting is limited to questions only. After
17 this question-and-answer session, there will be a
18 session dedicated to public testimony where you can
19 provide your oral comments, so please limit this
20 session to questions only.

21 Also, keep in mind -- please keep in
22 mind that questions need to pertain to this
23 particular facility.

24 Are there any questions? Yes, sir.

1 MR. BUTLER: Dean Butler,
2 B-U-T-L-E-R.

3 Exactly where is this building going
4 to be from the well head?

5 MR. DUNKIRK: I'm sorry?

6 MR. BUTLER: The well head that was
7 put in, where is the building going to be? I don't
8 quite understand exactly where that building is
9 going to be.

10 MR. DUNKIRK: It will be about
11 150 yards east of there.

12 MR. BUTLER: From where?

13 MR. DUNKIRK: From the well head.

14 HEARING OFFICER SONDGEROTH: Are
15 there any other questions? Yes, ma'am?

16 MS. HITCHINGS: Kara, K-A-R-A;
17 Hitchings, H-I-T-C-H-I-N-G-S.

18 I have got a couple of questions for
19 Mr. Dunkirk. When you were outlining your history
20 of your family, my question to you is that when you
21 merged with Phil, from 2010 to present how many
22 additional barns have you implemented, and where are
23 they located?

24 MR. DUNKIRK: Since we partnered up

1 with Phil and the contracting operation, I've opened
2 one new barn since then in 2012, and it's a half
3 mile south of my house.

4 MS. HITCHINGS: My second -- can I
5 ask one more question?

6 HEARING OFFICER SONDGEROTH: Yes, you
7 may.

8 MS. HITCHINGS: My second question to
9 you is, since you have land in Morrisonville, and
10 you recently purchased this, I would like to know
11 when creating another barn, did you do an in-depth
12 study of your current land in Morrisonville for the
13 availability to place that unit there versus in
14 Farmersville?

15 MR. DUNKIRK: Yes, we did, and that's
16 one of the reasons we moved over to Farmersville.
17 We deemed if we built another barn in our area, we
18 might have to transport manure, where if we placed
19 the barn closer to where some of our land was, we
20 wouldn't have to transport the manure as far.

21 MS. HITCHINGS: So did you do a
22 survey to see if there was water available on
23 current land you owned in Morrisonville, or was that
24 your only opinions in making this decision?

1 MR. DUNKIRK: No. Actually, we
2 researched two or three other sites close to where
3 we live, drilled two or three test wells last
4 summer. None of them deemed enough water to move to
5 another site.

6 HEARING OFFICER SONDGEROTH: Three
7 questions right now, just so there's others around.
8 We'll come back if you have other questions.

9 Are there other questions? Let me
10 see if there's anybody else before we do round two.

11 MR. JONES: Yes, sir. Jeremy Jones,
12 J-O-N-E-S. I have got a question for you.

13 Mine subsidence. That's a concern I
14 have got. Do we know if there is any mine
15 subsidence under the area that you plan on building?
16 And is that something that you're going to take into
17 consideration? And, also, with the amount of weight
18 that you're planning on incorporating onto that, if
19 there is not mine subsidence, and it has been mined
20 under, it could cause problems in the future for
21 water and all types of issues with that.

22 MR. NIMS: We did the boring. We did
23 the boring 5 foot below the bottom, but, no, we
24 didn't drill any deeper than that.

1 MR. JONES: Well, it's a concern in
2 our area, because back in the '70s, I was made aware
3 that we had plenty of water in certain locations,
4 and after the mine subsidence came into effect, they
5 have lost water on the facility right next to my
6 house, and you guys are within probably exactly a
7 mile from my facility. So that's a concern I have
8 got.

9 HEARING OFFICER SONDGEROTH: Any
10 other direct questions for him, sir?

11 MR. JONES: Thank you. No.

12 HEARING OFFICER SONDGEROTH: Does
13 anybody else have any questions? Yes, sir, in the
14 back.

15 MR. MAYES: Russell Mayes, M-A-Y-E-S.
16 The question -- we talked about the
17 one building. It looked like maybe you could have
18 enough manure to do more than what we have available
19 there. Would you be able to build another building
20 and keep growing this? Would it only ever be the
21 one building?

22 MR. DUNKIRK: Right now my plans are
23 only one barn. That's all I foresee in the future
24 in that one area, just due to our land holdings.

1 HEARING OFFICER SONDGEROTH: Any
2 other questions? Yes, sir.

3 MR. BISHOP: Glenn Bishop, county
4 board.

5 Real quick. Is this going to be the
6 only hearing, first off, that you know of? Will
7 there be additional hearings at all?

8 MR. GOETSCH: No. This would be the
9 only one that's required by statute.

10 MR. BISHOP: The other question: How
11 many jobs are you going to create with this size of
12 the facility? Will there be a special on-site
13 manager, or do you manage everything?

14 MR. DUNKIRK: As far as manager, I'm
15 the on-site manager. I'm the one that holds the
16 certified livestock management license and have
17 since 2006. We'll probably create one new job in
18 the area.

19 HEARING OFFICER SONDGEROTH: Yes,
20 ma'am?

21 MS. HITCHINGS: Me again. I have got
22 a question for the engineer.

23 When you outlined all the steps in
24 the orders 1 through 8 and where it talks about

1 certification of manager and waste management and
2 odor management, and fee and manure process on the
3 land, my question is, are records kept on that? And
4 are those records provided to any state agency,
5 federal agency to make sure that everything is being
6 done properly? Or is it based just on him being a
7 certified manager?

8 MR. NIMS: Well, for a farm his size,
9 he has to -- he's required to have a nutrient
10 management plan by the Department of Ag standards.
11 What he would have is a comprehensive nutrient
12 management plan, which is a pretty in-depth document
13 that will contain all his application fields, manure
14 analysis, soil analysis, to determine application
15 rates, and then all those type of records will need
16 to be kept on site, and they are available -- by
17 law, they're required to be available for inspection
18 at any time. But will they be sent anywhere? No.

19 MS. HITCHINGS: Does that also
20 include the records for the outlining that you did
21 for cleaning, the utilities, researching, inventory
22 of the facility, that fan working correctly?

23 MR. NIMS: There's an operation and
24 maintenance section within that plan.

1 MS. HITCHINGS: So he holds on to
2 them, but they're not reviewed by a state agent on
3 an annual basis?

4 MR. NIMS: Correct.

5 MS. HITCHINGS: He doesn't have to
6 submit?

7 MR. NIMS: Correct.

8 HEARING OFFICER SONDGEROTH: Any
9 other questions? Yes, sir.

10 MR. WALLNER: Brad Wallner,
11 W-A-L-L-N-E-R.

12 In your presentation, you said
13 something about the survey of the karst from the
14 Illinois State Geological Survey.

15 MR. NIMS: Yes.

16 MR. WALLNER: Did you look -- as a
17 follow-up to Mr. Jones' question, did you look to
18 see if that ground was undermined?

19 MR. NIMS: I did not, no.

20 MR. WALLNER: I can tell you that it
21 is because I have got the map right here.

22 HEARING OFFICER SONDGEROTH: Any
23 other questions for the facility or the department?
24 Yes, sir?

1 MR. BUTLER: Dean Butler again.

2 I was wondering, do you ever have a
3 problem when the tank gets filled up too soon before
4 you can applicate -- you know, apply it out to the
5 fields in the wet spring or something? How long
6 does it take for the hogs to fill that waste up?

7 MR. DUNKIRK: You're talking about
8 the pit, not the tank itself. I have not had any
9 problems at my sites, had a problem with the pit
10 becoming full. As Jake indicated here, we have over
11 365 days of storage. That gives us at least a year
12 of storage. We can usually get our application in
13 within a year.

14 HEARING OFFICER SONDGEROTH: Any
15 questions for the facility or the department? Yes,
16 ma'am.

17 MS. HITCHINGS: I just have one more
18 question.

19 Can you explain the financial
20 arrangements with your current process, investors
21 that are involved, and the cost?

22 MR. DUNKIRK: I can tell you that the
23 current investor is me, myself and I. I'm the only
24 one investing in this project.

1 MS. HITCHINGS: So is the Borgic
2 corporation part of it?

3 MR. DUNKIRK: Not in terms of the
4 investment and the building, no. The only
5 involvement Borgic has is the contract to supply the
6 pigs to the sight.

7 MS. HITCHINGS: Does he get a
8 reimbursement per pig?

9 MR. DUNKIRK: No, he does not.

10 HEARING OFFICER SONDGEROTH: Does
11 anyone else have any questions of the facility or
12 the department?

13 Ma'am, you put your hand up, and then
14 you took it down.

15 MS. UNSER: My name is Vicki Unser,
16 U-N-S-E-R.

17 I was just curious about the water
18 tables. I mean, just in this heat, we run out of
19 water, so I didn't know if it affected the water
20 table, and if our existing well depth of water will
21 decrease for us that are on the same system. And
22 will the operation affect that? Or we will have --

23 MR. DUNKIRK: No, not to my
24 knowledge. We have one well on site. We looked at

1 adding a second well just because I prefer to have a
2 backup well on the site. That way if one well had a
3 pump problem or an issue, we at least have a backup
4 well. The new facility incorporates a cistern
5 underneath the office that we'll use for storage.
6 That makes the wells way more efficient. The new
7 style well that we drill is 30 inches in diameter,
8 and fiberglass casing that's slatted all the way
9 around, and gravel packed from top to bottom. It
10 allows maximum fill water into the well. It's way
11 more efficient than, like, a 36-inch concrete well
12 or hand-dug brick well. With these wells, we can
13 produce way more water than the older style wells
14 even in areas where there's maybe not as much water
15 production.

16 HEARING OFFICER SONDGEROTH: Any
17 other -- there's a question from the department.

18 MR. GOETSCH: The well that's
19 currently on the site, what's the depth?

20 MR. DUNKIRK: I believe -- I don't
21 have the well driller's log in front of me. I
22 believe 72 feet.

23 MR. GOETSCH: Thank you.

24 HEARING OFFICER SONDGEROTH: Any

1 other questions?

2 Yes, ma'am in the back.

3 MS. BLACKBURN: How much water is
4 that going to take a day?

5 MR. DUNKIRK: The facility?

6 MS. BLACKBURN: Yes.

7 MR. DUNKIRK: It depends on seasonal
8 load, of course, because the size of hogs are going
9 to drink different amounts of water throughout the
10 growing. I would say full, market hogs, in the
11 middle of the summertime -- because, of course,
12 seasonality will change, too -- the warmer weather
13 is going to take more water than colder weather -- I
14 look for a maximum of around 8,000 gallons a day at
15 peak.

16 THE REPORTER: What was her name?

17 HEARING OFFICER SONDGEROTH: Ma'am,
18 could you state your name.

19 MS. BLACKBURN: Jena Blackburn,
20 B-L-A-C-K-B-U-R-N.

21 HEARING OFFICER SONDGEROTH: Any
22 other questions? Yes, ma'am.

23 MS. HOLT: Susan Holt.

24 HEARING OFFICER SONDGEROTH: Could

1 you spell your last name, please.

2 MS. HOLT: H-O-L-T.

3 How do you know that it's not going
4 to affect the water table and all of our surrounding
5 wells? Is there a study that you did?

6 MR. DUNKIRK: Okay. I have a letter
7 from my well driller. I'd like to admit it. I'll
8 read it first.

9 HEARING OFFICER SONDGEROTH: Why
10 don't you read it first.

11 MR. DUNKIRK: Reynolds Well Drilling
12 out of Riverton is who I have worked with for years
13 on my well drilling. Mr. Andy Wiesenhofer is one of
14 their developmental guys. We've talked about this
15 several times because I have several wells at the
16 area where I live now where we raise hogs, and the
17 influence of wells on other wells in the area of the
18 aquifer.

19 "In reference to the well and
20 proposed second well on the property located in
21 Section 1 of Pitman Township, there will be less
22 than 300 feet of radial influence to the groundwater
23 from each well. And this is based upon the design
24 and construction of the bored wells that have been

1 constructed in the shallow sandstone formation,
2 which is the aquifer for these wells. The wells
3 would have no impact to the groundwater wells of the
4 farms located outside of the half mile around the
5 site."

6 So the wells -- in their expertise, a
7 well won't draw more than 300 feet from one to the
8 other.

9 HEARING OFFICER SONDGEROTH: Would
10 you like to offer that into the record?

11 MR. DUNKIRK: Yes.

12 HEARING OFFICER SONDGEROTH: It's
13 admitted into the record as Exhibit Number 4. It's
14 a letter dated August 22, 2017 from Reynolds
15 Welding.

16 (Exhibit 4 was admitted into the record.)

17 HEARING OFFICER SONDGEROTH: All
18 right. Any other questions?

19 MR. JONES: Jeremy Jones again,
20 county board.

21 Back -- I'd like that this would be
22 directed to the engineer here. Have you ever
23 experienced a failure of the pit due to mine
24 subsidence in your lifetime?

1 MR. NIMS: I have not, no.

2 MR. JONES: Have you seen one fail,
3 mine subsidence or not?

4 MR. NIMS: No.

5 MR. JONES: So you wouldn't know what
6 would happen if one did fail due to a subsidence
7 issue, due to weight issues or whatever?

8 MR. NIMS: No.

9 MR. JONES: So we have no idea what
10 could happen on this situation? Okay.

11 And another question. How much time
12 do you think you're going to have as far as road
13 time with manure hauling around the country? Are
14 you going to -- is it going to be on the township
15 roads? Or are you going to limit it straight to
16 your fields that's going to be married to each
17 other, touching each other? What's your process?

18 MR. DUNKIRK: Right. The proposed
19 plan right now is to keep it on the fields that are
20 contiguous with the barn.

21 MR. JONES: How much acreage is that?

22 MR. DUNKIRK: 270 acres there.

23 MR. JONES: That's all you plan on
24 using?

1 MR. DUNKIRK: To start out with. Of
2 course, the first year, the way the certified
3 nutrient management plan will work is once we get
4 the barn up and running, of course, the first year
5 we won't produce a full year's worth of manure. So
6 the first land application will be, let's say, a
7 year from now, and we won't have the full pit
8 because we have to get through the process, build
9 the barn, and eventually put pigs in it, you know.
10 So come next fall, the barn won't be full of manure,
11 but we'll be able to get a manure sample at the barn
12 at the time, and then we'll be able to incorporate
13 our yield records and our soil samples from that
14 area to determine what the agronomic rate of
15 application should be. And then at that point in
16 time, we can decide how many acres we need to
17 develop for that barn, whether we need to expand out
18 of that 270. And then my backup plan, if we need
19 more than that, is to talk to some neighborhoods in
20 the area about keeping the manure in the section of
21 buildings we will have.

22 MR. JONES: So your intention is
23 keeping it in the sections?

24 MR. DUNKIRK: Yes, sir.

1 MR. JONES: It's not going to be all
2 over the place?

3 MR. DUNKIRK: No, sir.

4 MR. JONES: And another question for
5 you. My next question is, do you intend to haul
6 water if you run out of water? And is that
7 something that you normally do if you do run out?

8 MR. DUNKIRK: We have a barn if we
9 run out of water for any reason, yes. We use a
10 tanker. With a cistern system, it's easy to dump a
11 load of water into the cistern and shut your wells
12 down so you can see what the problem is.

13 MR. JONES: Where would you haul
14 water from?

15 MR. DUNKIRK: It depends. We have
16 hauled water out of Farmersville before for spring.
17 We've hauled water out of Morrisonville and Harvel.
18 So I mean, I have hauled water out of all three
19 towns for our spring operation.

20 HEARING OFFICER SONDGEROTH: Does
21 anybody else have any questions? Yes, sir.

22 MR. ANDERSON: Nick Anderson,
23 A-N-D-E-R-S-O-N.

24 Mr. Goetsch, when we talk about the

1 permits in the last 20 some odd years in the
2 Department of Agriculture, have you ever seen a mine
3 subsidence or subsidence in any way in the design
4 and criteria of the deep pitted barns that have been
5 built in the state?

6 MR. GOETSCH: No, we have not had a
7 failure due to mine subsidence or any other
8 situation as that.

9 The one thing that I would also point
10 out is in the case of karst area, for example, if
11 you're located in a karst area, it does not mean
12 that you can't build. You just have to used an
13 enhanced design. And as it turns out, the enhanced
14 design requirement for building in a karst area or
15 in a sensitive area is to build with a rigid
16 construction, which is what they're proposing.
17 Reinforced concrete is an appropriate construction
18 for a karst area, which would be an area that would
19 have voids, that would have uneven loading. So the
20 design that they're proposing is consistent with a
21 sensitive area, even though they're not required to
22 have it.

23 They could build a -- like an
24 anaerobic lagoon. They could build an earthen

1 structure, but, no, they're proposing a rigid
2 concrete structure, which is appropriate for a
3 sensitive area.

4 MR. ANDERSON: Thank you.

5 HEARING OFFICER SONDGEROTH: A man in
6 the back?

7 MS. MAYES: My name is Olive Mayes,
8 M-A-Y-E-S.

9 The proposed barn is directly behind
10 our home. The property that they're going to be
11 drilling to spread the manure is south of our home
12 and west of our home. It attaches to this -- our
13 property attaches to this property that they're
14 going to be spreading the manure.

15 I've never been raised on a farm. I
16 don't know anything about this. This is the first
17 time I've ever lived in the country, and I look
18 forward to having a country home with windows open,
19 fresh air coming in. Now we're finding out a pig
20 farm is going to be behind our home. I'm not
21 knocking it. I like sausage; I like bacon. But
22 this is a concern to me, and now you're telling me
23 that you're going to drill and spread this manure
24 all around my home, behind me, to the south of me.

1 You're drilling it, but there's got to be some odor,
2 smell. I mean, I can't imagine there not being
3 smell since all your property is around my home and
4 our neighbors down the road.

5 So how long is this going to smell?
6 How long am I -- am I ever going to be able to have
7 my windows open like I had the last few nights?

8 HEARING OFFICER SONDGEROTH: Let's
9 let him answer those in turn.

10 MR. DUNKIRK: So for incorporation of
11 manure, you know, would be on the fields. They
12 could be located a quarter or mile so south of your
13 house. That time of year is usually going to be in
14 the fall, after harvest. That's typically when
15 we do the land application, depending on whether a
16 nice, dry fall, and we can get in and out. We don't
17 have to be there more than two days to get the barns
18 pumped out. At that time, you know, we inject the
19 manure 6 to 8 inches deep so that you get a good mix
20 with the soil. There will be very little odor in
21 that. It's not out in the open air, like, spreading
22 it on top is where you would have more of the smell.

23 MR. MAYES: You say very little, but
24 there could be some?

1 MR. DUNKIRK: There could be some,
2 yeah.

3 MS. MAYES: About how long would that
4 "some" last?

5 MR. DUNKIRK: Well, just during the
6 time of application.

7 HEARING OFFICER SONDGEROTH: Any
8 other questions from anyone?

9 Yes, ma'am, in the front, yes.

10 MS. FUCHS: Darlene Fuchs.

11 And I live where they spread that
12 manure, and it goes on for two or three days, and it
13 smells for a while. When they knife it into the
14 fields, there's an odor.

15 HEARING OFFICER SONDGEROTH: Are
16 there any questions? I want to make sure we're
17 asking direct questions.

18 Yes, ma'am, in the front.

19 MS. LEONARD: Bea Leonard,
20 L-E-O-N-A-R-D.

21 I appreciate that you love your
22 family, and you're a good part of your community. I
23 believe all of us love our families, and we love our
24 community, too. My question is, did you consider

1 the families and the farms around this prior to your
2 design of the construction? Do you have a
3 contingency plan for us if our water is
4 contaminated? Do you have a contingency plan for
5 our property values?

6 HEARING OFFICER SONDGEROTH: Let's
7 let him answer. I don't want to get too many
8 questions.

9 MR. DUNKIRK: We did when we looked
10 at the area. We assessed everybody that lived
11 around it and tried to design the barn with the
12 least impact for all the neighbors. That's why the
13 barn inlets air from the south and exhausts to the
14 north. To the north is the least amount of impact.

15 We utilize a lot of different things
16 in the building that we talked about earlier in
17 terms of feed additives. Not discussed earlier, but
18 I use a pit additive as well to help with odor
19 reduction.

20 And then in terms of contingency
21 plans for water, I don't have, and I don't
22 anticipate affecting ground water or well water.

23 And I don't have the contingency plan
24 for property values.

1 MS. LEONARD: I'm sure you understand
2 that's a concern to all of us as well.

3 MR. DUNKIRK: Yes.

4 MS. LEONARD: So I may be
5 disappointed that you haven't thought about your
6 neighbors, because, you know, we should treat each
7 other as neighbors and be concerned about others.
8 We love our families, too.

9 HEARING OFFICER SONDGEROTH: Any
10 other questions?

11 Yes, ma'am, in the green.

12 MS. HOLT: I live a half mile from a
13 facility, and it's not the spreading of the manure
14 in the fall that I smell. It's the barn, and a half
15 mile away, it's horrid. How are you planning to
16 address the odor from the barn versus the soil
17 application?

18 MR. DUNKIRK: Sort of the same thing
19 I talked about a second ago for the neighbors.
20 Regular washing, routine washing of the barn,
21 keeping dust to a minimum, using certain feed
22 additives to reduce odor and manure, pit additives
23 to reduce the odor of the manure, and then, of
24 course, you know, trying to exhaust the air and the

1 ventilation system with the air for the least
2 impact.

3 HEARING OFFICER SONDGEROTH: Any
4 other questions?

5 Yes, sir, in the back.

6 MR. MAYES: Mr. Mayes again.

7 HEARING OFFICER SONDGEROTH: Let me
8 interrupt you. I'm not sure we got your name for
9 the record in the green shirt.

10 MS. HOLT: Holt, H-O-L-T.

11 HEARING OFFICER SONDGEROTH: Sorry
12 about that.

13 Could you state your name, sir.

14 MR. MAYES: Russell Mayes.

15 I have a question basically, I guess,
16 to the director. I'm not sure. When she mentioned
17 property values, that's one of the things I have a
18 concern about, and nowhere in anything I have looked
19 at so far does that ever come up in any calculations
20 or any thoughts or processes on it, and I wonder why
21 that is. That seems like that should be something
22 that would be in consideration, not just it meets
23 all these certain regulations.

24 MR. GOETSCH: Well, the only

1 response, I guess, I would have is there have been
2 studies done on the impact of livestock facilities
3 on property values, and it's a very localized
4 result. In some cases, I think where we have had a
5 large number of livestock facilities, there's been
6 actually no impact or perhaps an increase. In many
7 other cases, there's been an actual decrease in
8 property values.

9 So I don't have a good answer why it
10 wasn't included in the original Livestock Management
11 Facilities Act, or you know, hasn't been added over
12 the last -- you know, the seven amendments that have
13 occurred. I don't have an answer for you there
14 either. I would expect, though, that the criteria
15 associated with zoning, and trying to be consistent
16 with the character of the area, the whole issue of
17 agricultural use is probably why it's not been added
18 or not been addressed any further than that.

19 HEARING OFFICER SONDGEROTH: Yes,
20 sir?

21 MR. ANDERSON: Nick Anderson,
22 A-N-D-E-R-S-O-N.

23 To the farm. Dereke, you talked
24 about your other farm, your home farm. Have you

1 experienced property value losses in your area,
2 whether it be land value or home values that you're
3 aware of?

4 MR. DUNKIRK: We have not. Of
5 course, land values have been consistent with all
6 other land in the area when there's a property sale,
7 and currently we've got two or three new homes going
8 up within a couple of miles of our current facility.

9 MR. ANDERSON: Thanks very much.

10 HEARING OFFICER SONDGEROTH: Yes,
11 sir. In the front?

12 MR. FUCHS: Phil Fuchs, F-U-C-H-S.

13 My question is, can you just
14 build -- and your neighbor next to you, do you have
15 to be a certain distance? And does that neighbor
16 have the right of any sort to, say, like, if he's
17 within a quarter of a mile, half a mile, or does it
18 just go basically with what the State says?

19 MR. NIMS: I mean, there is a
20 residential setback that starts out at a base
21 distance of a quarter mile for the smallest type
22 facilities, and then as you get larger, you add
23 distance onto that. Now, if there were to be a
24 residence within that setback, you wouldn't be able

1 to build without them signing a waiver to allow you
2 to build that.

3 MR. FUCHS: Okay. So you're going to
4 have a house within a quarter mile as long as that
5 person says "no"?

6 MR. DUNKIRK: There's no homestead
7 within a quarter mile of the site.

8 MR. FUCHS: How far are you from the
9 closest homestead?

10 MR. DUNKIRK: Approximately a half a
11 mile.

12 HEARING OFFICER SONDGEROTH: Yes,
13 sir, in the green.

14 MR. FUNDERBURK: Keith Funderburk,
15 F-U-N-D-E-R-B-U-R-K.

16 This is to the farmer. In regards to
17 the property tax, do you currently pay property
18 taxes where your hog barns are located to the school
19 districts and the fire protection districts there?

20 MR. DUNKIRK: We do. We're in
21 Christian County. We do right now to King Township,
22 and Morrisonville School District, Pitman Township,
23 Raymond School District, Montgomery County.

24 HEARING OFFICER SONDGEROTH: Any

1 other questions?

2 Yes, ma'am, in the purple.

3 MS. ROBBINS: Kelly Robbins. I'm a
4 mile from the facility approximately. You were
5 talking about knifing it into the soil. Well, we
6 have a lot of flooding due to the mine and a lot of
7 low areas, and it has flooded just south of me 4 or
8 5 acres that I have pictures that I will submit to
9 you. Also, where your well is, that floods with
10 2 foot of water.

11 My concern is, what are you going to
12 do when that contaminates our water, or you take all
13 of our water? That's all we have. There's no other
14 place to get it.

15 MR. DUNKIRK: Sure. Of course,
16 during land application, we can't apply in wet
17 times. So, you know, application is going to be
18 done in dry periods. So inject 6 to 8 inches in the
19 ground should not come up and move. We use a
20 stabilizer to bind the nitrogen and the phosphorous
21 and manure to the soil so that it stays there. And
22 then, you know, the drawing from your water would be
23 from the wells, which I don't think the impact on
24 the wells would be more than 300 feet from the

1 current well.

2 MS. ROBBINS: Are you self-insured in
3 case there is an accident?

4 MR. DUNKIRK: We carry insurance on
5 the site, yes.

6 MS. ROBBINS: For residential damage?

7 MR. DUNKIRK: For different things,
8 yes.

9 MS. ROBBINS: And if it floods, what
10 cautions are you taking?

11 MR. DUNKIRK: Well, from what we've
12 done, since we've been on that ground for quite a
13 while, we chose that location, and the barn sits
14 back. We don't think that we will have any flooding
15 issues.

16 MS. ROBBINS: At all?

17 MR. DUNKIRK: No.

18 MS. ROBBINS: And you are aware of
19 the of S-curve, correct?

20 MR. DUNKIRK: I am aware of the
21 S-curve, yes. I have talked to a couple of the road
22 commissioners in the area about those drainage
23 concerns.

24 MS. ROBBINS: I have pictures I'd

1 like to share with you.

2 MR. DUNKIRK: Okay.

3 HEARING OFFICER SONDGEROTH: Any
4 other questions?

5 Yes, ma'am.

6 MS. BLACKBURN: Jena Blackburn again.
7 Farmersville has -- what is it? Two
8 hog facilities within a 3-mile radius? Why another
9 here? Why not go someplace outside of
10 Morrisonville, say, Taylorville? I get it that your
11 farm ground may not be there, but we are so
12 overpopulated at the moment. Why another?

13 MR. DUNKIRK: I guess when I
14 developed this site, I did not take into
15 consideration the other sites. I was just looking
16 for what the best interests for our farming
17 operation was, and since we have the land in the
18 area -- like you mentioned, I don't have land in the
19 Taylorville area -- that's why we chose to move over
20 there. The sites are in the same production system
21 as we are, so we didn't have any concerns about
22 disease.

23 MS. BLACKBURN: But the people that
24 live there, we have a lot of concerns that were not

1 taken into consideration with what is already a
2 concern. You said, quote, that you want to be a
3 good neighbor. Take us into consideration.

4 MR. DUNKIRK: Okay.

5 HEARING OFFICER SONDGEROTH: Any
6 questions?

7 Yes, sir?

8 MR. CALL: Yes, sir. Brian Call,
9 C-A-L-L.

10 You didn't take that into
11 consideration. I was wondering is that something
12 the department would?

13 MR. GOETSCH: To the extent that it
14 is included and considered under the eight siting
15 criteria, yes. There's not a specific prohibition
16 or a level in the statute, other than facilities
17 that are located within a certain distance. You
18 have to count the size together in determining
19 setbacks and other things, but as far as a maximum
20 density in a particular area, there is no
21 limitation.

22 MR. CALL: Thank you, sir.

23 HEARING OFFICER SONDGEROTH: Yes,
24 sir?

1 MR. BUTLER: Dean Butler,
2 Farmersville. B-U-T-L-E-R.

3 I kind of heard a rumor that the
4 Village of Farmersville sent a letter to the board
5 members showing opposition. Is that true or not
6 true? I just want to --

7 COUNTY BOARD MEMBER: I received a
8 letter, yes.

9 MR. BUTLER: So right there you have
10 the city concerned about another hog operation.

11 HEARING OFFICER SONDGEROTH: Does
12 anyone have any questions for the department or the
13 facility?

14 Yes?

15 MR. JONES: This one is to
16 Mr. Goetsch.

17 I have got a question for you. You
18 said earlier that the board is going to be able to
19 debate this, and then it would be recommending one
20 way or the other, and it's nonbinding. What exactly
21 does that mean? Can you explain that as far as the
22 jurisdiction of the board?

23 MR. GOETSCH: Okay. The final
24 determination is the sole responsibility of the

1 State. The county board is given the opportunity to
2 provide a nonbinding recommendation to the
3 department. I've been asked this several times or
4 similar questions. And we believe that it's
5 important to get the impact -- or excuse me -- to
6 get the impression and the recommendation from the
7 county board, because the county board may have
8 additional information that the department just
9 isn't aware of, or there may be issues in the local
10 community that we're not aware of.

11 So certainly having an additional set
12 of individuals looking at this helps us get a
13 bigger, better, wider view of a project and its
14 impact to a community. We'll take that information,
15 as well as all the other information that I
16 mentioned earlier in my comments, and then we'll
17 look at whether or not the eight siting criteria
18 have been met.

19 I've also said many times in the past
20 that we're not as much interested in your
21 recommendation as the reasons for your
22 recommendation. You know, did the facility fall
23 short maybe in their odor control plan? Did they
24 fall short discussing some impacts maybe to local

1 traffic or whatever that might be? Then if the
2 facility, you know, is unable to adjust their plans
3 and specs to meet those criteria, then they're never
4 approved. If they are able to, then they would be
5 approved, but it's important to know what those
6 issues are. And the county boards -- I think county
7 boards have a strong role to play in identifying
8 those other issues.

9 MR. JONES: Hypothetically, if we
10 were to vote and decide not to recommend this to
11 you, and they still met their credentials, I guess,
12 per your eight rules, would you consider -- and how
13 many times have you ever considered and sided with
14 the county board versus the eight rules, I guess?
15 Have you ever considered that?

16 MR. GOETSCH: I don't have the
17 numbers here in front of me, but there have been
18 several instances where the county identifies
19 additional -- or I shouldn't say identify additional
20 issues -- identifies additional information that we
21 didn't have, which then resulted in us going back to
22 the applicant and saying can you give us more
23 information about this? Can you summarize your odor
24 control plans? Can you tell us how you're going to

1 address this issue? If they're able to address it,
2 they eventually become approved, even though the
3 county board originally recommended "no."

4 In other cases, they have not been
5 able to address the new information or that
6 additional information, and then they haven't been
7 approved.

8 The actual approval rate for
9 facilities that -- or for projects that have come in
10 with the public informational meeting process, I
11 think, is around 78 to 82 percent, I think. So
12 approximately eight out of ten times they are able
13 to meet the criteria; two out of ten times they're
14 not.

15 MR. JONES: Okay.

16 HEARING OFFICER SONDGEROTH: Yes,
17 sir?

18 MR. FUCHS: Phil Fuchs again.

19 My question to you is, you have all
20 these people here, and you have the Village of
21 Farmersville that's against this, and we've already
22 had the hog facilities that we know what the
23 problems are, but yet you say they meet their
24 criteria, but -- and then you said that the approval

1 rates may be 80 percent, or 78 to 80 percent, but
2 you've got all these people that are against it that
3 already have this. So you're going to -- you're
4 going to -- as far as the State goes, if they reach
5 the criteria -- even if it costs them, say, 500,000,
6 and they pay that, but you've got all these people
7 against it, you'll still go ahead and go through
8 with it? Is that what you're saying?

9 MR. GOETSCH: No. I guess what I'm
10 saying is that we're going to apply the law to the
11 application the way the law is written, and we'll
12 make a determination based on the way the law is
13 written today.

14 MR. FUCHS: So it doesn't matter if
15 3,000 are people against it? If it's within the
16 law, it's going to come in?

17 MR. GOETSCH: We're going to apply
18 the law the way it is written.

19 MR. FUCHS: Okay.

20 HEARING OFFICER SONDGEROTH: Yes,
21 ma'am, in the green.

22 MS. HOLT: Susan Holt.

23 Does the law say anything about the
24 neighboring people? I mean, we do pay taxes. We

1 pay your salaries, and so often we're not listened
2 to.

3 MR. GOETSCH: I don't know that I
4 have a good answer, other than to say that
5 that -- you know, the General Assembly writes the
6 law, or they approve the bill. The Governor then
7 signs it. We develop rules to implement it, and
8 then we administer it.

9 This law was developed originally
10 back in -- what was it? In the mid '90s. It became
11 a law in '96. There was an incredibly long debate
12 associated with that. Prior to the Livestock
13 Facilities Management Act, there were no
14 requirements at all. You could go out, take a
15 trencher, cut a trench in the ground, fill it full
16 of concrete, dig the dirt out in between the two,
17 put a building on top, and it was a building, and
18 you could grow animals in it.

19 This had -- this law has, you know,
20 specific, very stringent design standards, more
21 stringent than many other states. There are -- you
22 know, every state is a little different. There are
23 some states that have -- they maybe have a different
24 approach to setbacks. They may have a different

1 approach to waste management planning, but they all
2 try and do the same things. And it is a challenge
3 trying to balance the needs of the livestock
4 industry to be able to continue to grow or at least
5 continue to be able to maintain, but also to try and
6 protect the non-farming public from any other -- or
7 any potential adverse impacts. It's a balancing act
8 just like any law. It's a compromise.

9 I would expect that it
10 probably -- you know, it's been amended, like I
11 said, 7 times, 3 substantially over the last 21
12 years. I'm sure that it's probably due for some
13 additional adjustments in the future. But, you
14 know, it is a living document, and it is a
15 compromise.

16 HEARING OFFICER SONDGEROTH: Yes,
17 Mr. Jones.

18 MR. JONES: Yes. You said it was a
19 compromise, but I'm thinking back to every person
20 that's come to me as a county board member, and
21 every one of them has stated that they do not want
22 this facility. And my question is, if we can show
23 proof of that, will you at least consider that in
24 your ruling?

1 MR. GOETSCH: I guess I'd have two.
2 The first response is the one that I gave several
3 times. You know, we're going to administer the law
4 the way it is.

5 The question -- the other question I
6 have to you -- I am neutral. We are neutral. We're
7 not for it. We're not against it. We're
8 administering the law the way it is.

9 My question to you, though, as a
10 county board member, whenever you have an issue that
11 comes before you, who do you hear from the most? Do
12 you hear -- do you hear from the folks that are
13 pleased with the direction that something seems to
14 be going? Or do you hear more from the people that
15 are not happy?

16 I mean, that's part of being an
17 elected official, and I have a lot of respect for
18 what you have to do. I'm just saying that this
19 isn't a popularity contest. That's the reason why I
20 believe the statute was written the way it was,
21 because the whole -- and if you look at the preamble
22 to the law, it specifically talks about decisions
23 being made on a basis of sound science and not
24 emotion, but it is what it is.

1 MR. JONES: So with that being the
2 case, we're basically just spinning our wheels here
3 based upon that statement; is that correct?

4 HEARING OFFICER SONDGEROTH: I'm
5 going to jump in here as the hearing officer. I
6 explained at the beginning these are questions we're
7 focusing on this particular facility and the eight
8 siting criteria. We could really go down a rabbit
9 hole here debating the Livestock Management
10 Facilities Act. What it is, what it isn't, what it
11 should be, what it's not. I really want us to
12 concentrate questions for this facility, whether you
13 think they do or don't comply with the eight siting
14 criteria. Let's focus on that.

15 MR. JONES: We just want to make sure
16 that the people's opinion is heard and taken into
17 consideration regardless if the eight factors have
18 been met and all the "Is" have been dotted and the
19 "Ts" crossed. We want the people to have their
20 voice heard.

21 HEARING OFFICER SONDGEROTH: Okay.
22 Certainly.

23 Any other questions? Yes, sir?

24 MR. BUTLER: Along the same lines.

1 You say you're neutral. But don't you recommend to
2 the legislature your advice and things that you find
3 that's maybe off kilter a little bit?

4 MR. GOETSCH: With all due respect to
5 our hearing officer, I will try and answer that.
6 Sorry.

7 No. We are called upon from time to
8 time to provide information and to provide, you
9 know, recommendations or to explain how we're
10 administering what we're administering and how the
11 thing is working and what challenges we're having,
12 what problems we're having, how long the public
13 informational meeting will last or whatever. So we
14 do provide that information. But our charge is to
15 administer the law the way it is currently
16 written.

17 We may have -- I'm sure I'm just like
18 you. I have an opinion just like everyone here. We
19 have an opinion, but our charge is to be impartial
20 and administrator the law the way it is written
21 along with the rules that are written to support
22 that law.

23 HEARING OFFICER SONDGEROTH: Yes,
24 ma'am, in the back in the pink.

1 MS. BLACKBURN: Jena Blackburn.
2 How many facilities are around your
3 home?

4 MR. DUNKIRK: I'm not sure I
5 understand your question.

6 MS. BLACKBURN: How many hog
7 facilities are around your home besides the one that
8 you said was already there?

9 MR. DUNKIRK: The ones that I own?

10 MS. BLACKBURN: Any in general.

11 MR. DUNKIRK: The closest one would
12 be about 4 miles away besides my own barns.

13 MS. BLACKBURN: I am the closest
14 house to where this is being built, which there was
15 falsely given information that we gave our blessing,
16 and we did not, nor the people around us. We have a
17 hog facility now to the north of us, which we had
18 two north winds last week and one last week. We
19 also have one to the west and the east of us. Put
20 yourself in our shoes. Would you want that? The
21 only saving grace is the south wind, which granted,
22 yeah, we do get that a lot, but it is coming from
23 the west, and it's all going to blow across that
24 way. We're in a dome. You're not; we are.

1 MR. DUNKIRK: Currently, I guess I'm
2 going to answer that for you that in my current
3 site, I have three homes within a half mile of that
4 site. My own, my father's and another nonfarm
5 neighbor that actually is the closest to the farms.
6 And as to this date, he's had no complaints to me
7 about odor or operation in any way, shape or form.

8 MS. BLACKBURN: I have lived in the
9 country my whole life, and I've smelled this and
10 dealt with it. I'm sorry.

11 HEARING OFFICER SONDGEROTH: We're
12 focusing on questions.

13 Yes, ma'am?

14 MS. UNSER: Vicki Unser.

15 I guess I was just taking notes. Did
16 you say you have 270 acres you put this -- you farm,
17 that you put the manure on?

18 MR. DUNKIRK: Approximately, yes,
19 close to the barn, yes.

20 MS. UNSER: Is there any reason you
21 could have gone in the middle of that 270 acres, and
22 chiseled out 10 acres? Because we have generations
23 that we're focusing on quality of life, too. We
24 have 7 kids -- or 8 kids and 14 grandkids and

1 ongoing, and we've been there since the '70s. So I
2 don't understand if you have that many acres, you
3 know, make it nice for them, what you're used to. I
4 guess that's just kind of a -- I was confused. I
5 didn't know you had that much land, and you had to
6 come on and buy somebody's and do that? And is that
7 odd? I'm just really --

8 MR. DUNKIRK: When we looked at the
9 site, the farm ground we had in the area, the reason
10 we placed it where we did is it was the furthest
11 away from any location. If we would have placed it
12 on some other ground, it would have actually been
13 closer to the residence.

14 MS. UNSER: To your 270 acres?

15 MR. DUNKIRK: Yes. There would have
16 been more impact to the east.

17 MS. UNSER: It's just odd.

18 HEARING OFFICER SONDGEROTH: Yes,
19 ma'am. In the back?

20 MS. MAYES: My name is Olive Mayes.

21 The subject has been brought up that
22 there is mines underneath that area. When will we
23 hear how this could affect our wells and stuff like
24 that? I mean, I'm sure there has been some kind of

1 research done with the mine underneath, and that's
2 not been determined? That's not been looked at? So
3 when will we hear about that? Because I think we
4 should have more information submitted to us about
5 how that could impact some things.

6 HEARING OFFICER SONDGEROTH: Who was
7 your question directed to, ma'am?

8 MS. MAYES: Mr. Dunkirk, and both of
9 them. If there's mines underneath, and then this
10 gentleman has the layout of the mine in that
11 area -- and I know there is mines there. When will
12 you do the research, and how that could affect our
13 wells, and how this could affect -- I mean, I'm sure
14 you have to do that now since we're aware of this,
15 and I knew there was mines there because we've lived
16 there.

17 HEARING OFFICER SONDGEROTH: Let's
18 let him respond. Thank you.

19 MR. DUNKIRK: Yes. In answer to the
20 question, mine subsidence on wells -- I wouldn't
21 know how to answer that question. If there's mine
22 subsidence in one area, it could affect somebody
23 else's wells and not somebody else's. I'm not
24 exactly sure how to study that or look at it.

1 In terms of the building itself in
2 mine subsidence, I think the department did a pretty
3 good job of answering that question earlier, that
4 the design of the structure is actually designed to
5 handle voids in the ground. So there's not a whole
6 lot of research. There's no examples of mine
7 subsidence with the current concrete structure.

8 MS. MAYES: He said they drill, but
9 they didn't -- you were not aware that there was
10 mines in the area, right? Isn't that what you
11 called it? So now that you're aware of that,
12 wouldn't there need to be some kind of research on
13 the mines to make sure what that could be? I mean,
14 I think if you're going to go through all that
15 procedure and check about the drilling and all that,
16 I mean, I think that this needs to be checked, too,
17 before you go forward. And I think we should be
18 allowed to know what information is found out about
19 that.

20 HEARING OFFICER SONDGEROTH: I
21 skipped over the young woman in the green up front.
22 It's your turn.

23 MS. FUCHS: Darlene Fuchs.

24 I was saying about the same thing the

1 girl behind me did. There's a pig farm on the west,
2 and it's six-tenths of a mile to wherever my
3 building is from that, and then one now on the east.
4 So when the wind blows one way, you smell it, and
5 when the wind blows another way, we'll be smelling
6 that, too.

7 How many people have lived around one
8 of those? Anyone up there? Have any of you sitting
9 up there lived by one? Your clothes smell. You
10 can't plant anything in the summer because you never
11 know which way the wind is going to go. You can't
12 leave a window open when you go to bed, because
13 through the night, the wind shifts, and it gets you
14 up. It's bad. You can't sell your home.

15 HEARING OFFICER SONDGEROTH: Sure.
16 Let me just emphasize, there are certain portions of
17 the hearing -- there's a portion dedicated to public
18 comments. If you think it's a good idea, bad idea,
19 you don't care, you get up here, you get your time,
20 and you can say that. You say all your thoughts.
21 You'll get your time. This is just questions. If
22 you have a question about what he said in this
23 presentation, or you have a question of how this
24 event -- these are just questions. So let's

1 concentrate on just questions.

2 Yes, sir?

3 MR. WHITWORTH: Bill Whitworth,
4 W-H-I-T-W-O-R-T-H.

5 This is to Mr. Dunkirk. If you're in
6 operation, what do you plan to do about filtration
7 on your exhaust fans and possibly putting a digester
8 in your manure pit to alleviate the orbiters prior
9 to taking it out?

10 MR. DUNKIRK: Filtration on the fans?
11 I'm not sure I understand your question on the first
12 part.

13 MR. WHITWORTH: The exhaust fans
14 filter the air coming out.

15 MR. DUNKIRK: The exhaust fans
16 exhaust air, yeah, out of the barn.

17 MR. WHITWORTH: Yeah, the filtration.

18 MR. DUNKIRK: Okay. Yeah, currently,
19 my current sites, I don't use any filtration from
20 the fans, and I currently don't use any type of
21 anaerobic digester in the pits.

22 MR. WHITWORTH: Do you consider it?
23 Because they have good luck with odor control, I
24 think, with the anaerobic digesters.

1 MR. DUNKIRK: We have looked at it.
2 We've talked with several people about some
3 different odor eliminating technologies. There is a
4 lot out there. We're still researching that on the
5 environmental outside impacts to odor.

6 MR. WHITWORTH: And you're prepared
7 to spend the money to do that?

8 MR. DUNKIRK: If we deem that
9 it's -- if it will -- if it will be beneficial, yes.

10 MR. WHITWORTH: Okay.

11 HEARING OFFICER SONDGEROTH: And any
12 other questions?

13 MR. WHITWORTH: It is.

14 HEARING OFFICER SONDGEROTH: I'm
15 sorry. Yes, ma'am, in the purple?

16 MS. ROBBINS: Yes. Kelly Robbins. I
17 have a question for Mr. Dunkirk.

18 Are you going to be using any
19 antibiotics, steroids, feed additives or hormones in
20 your hog population due to the fact that they become
21 resistant, they get in the ground, and then MRSA and
22 influenza and everything else spreads?

23 MR. DUNKIRK: The feed will be coming
24 from Hog Inc.

1 MS. ROBBINS: Pardon?

2 MR. DUNKIRK: The feed will come from
3 Hog, Inc. It's a feed mill. They will -- that feed
4 is developed with their nutritionist, and the Borgic
5 system, their feed rations, so I don't necessarily
6 have a lot of input on what goes into the feed.

7 MS. ROBBINS: So you don't know if
8 there's going to be antibiotics, hormones, or
9 steroids in the feed?

10 MR. DUNKIRK: I will know at the
11 time. I don't know today. I will know at the time
12 if there's any antibiotics used in the feed, but to
13 my knowledge, I'm not aware of any MRSA cases that
14 are outstanding in Central Illinois.

15 MS. ROBBINS: Do you know what you
16 feed your current hogs at your hog confinement and
17 if there's anything in those?

18 MR. DUNKIRK: This will be a
19 different site, so it could be a totally different
20 feed package.

21 HEARING OFFICER SONDGEROTH: Any
22 other questions? Yes, sir.

23 MR. ANDERSON: Nick Anderson,
24 A-N-D-E-R-S-O-N.

1 To the farm. Will you use hormones
2 in your feed or anticipate the contractor using any
3 hormones in your feed whatsoever? Can you guarantee
4 us that?

5 MR. DUNKIRK: I do not anticipate
6 that, no.

7 MR. ANDERSON: Thanks.

8 HEARING OFFICER SONDGEROTH: I think,
9 for the record, the gentleman in the back -- did you
10 get his name by any chance?

11 MR. GOETSCH: Whitworth.

12 HEARING OFFICER SONDGEROTH: I'm
13 going to take five more questions. So if you have a
14 question, we're going to take five more questions.
15 We have asked quite a few questions tonight.

16 Yes, sir, in the black shirt.

17 MR. BORGIC: Phil Borgic. This will
18 be for the department.

19 Do you require a facility like this
20 to test for perimeter water around the outside of
21 it?

22 MR. GOETSCH: There is a requirement
23 under the construction plans or under the
24 construction standards that if the -- what? The

1 bottom -- or the bottom of the footings are
2 within -- or excuse me. If the annual -- if the
3 average annual groundwater or water table elevation
4 is expected to get up to the footing, then they're
5 required to place a perimeter drainage tile around
6 the entire building, and that drainage tile is
7 required to have a sampling port. That sampling
8 port is required to be sampled by the facility, and
9 then the sample analyzed for, I believe, eight
10 different analytes every quarter. That information
11 is then required to be admitted to the department.

12 So if that facility -- and I don't
13 recall, because I haven't looked at the -- I don't
14 have the plans here in front of me, whether they're
15 required to or not, but if the average annual water
16 table is expected to infringe upon the bottom of the
17 footings, then they're required to quarterly sample
18 and have those samples analyzed.

19 MR. DUNKIRK: It does.

20 MR. GOETSCH: So they'd be reporting
21 that information to us on a quarterly basis.

22 HEARING OFFICER SONDGEROTH: Yes,
23 sir? Number 2 of 5.

24 MR. JONES: Question. You're going

1 to -- you're going to blow the fans north, correct?

2 MR. DUNKIRK: That's correct.

3 MR. JONES: Why north?

4 MR. DUNKIRK: Least impact.

5 MR. JONES: Well, all the wind comes
6 out of the northwest most generally, right?

7 MR. DUNKIRK: No. The predominant
8 wind pattern in this area is out of the south, from
9 the wind study, the 30-year wind study by Jim Angel.

10 MR. JONES: So everything -- yeah.

11 MR. DUNKIRK: Not everything. I said
12 predominantly.

13 MR. JONES: Predominantly.

14 I live right next to the windmill.
15 It seems like everything comes out of the northwest.
16 So I just questioned you on that because I didn't
17 know which way it would be going, if you blew it out
18 north.

19 Thank you very much.

20 HEARING OFFICER SONDGEROTH: Any
21 other questions? We've got three more spots.

22 Yes, ma'am, in the purple.

23 MS. ROBBINS: Yes. I could barely
24 hear. They said the City of Farmersville sent you a

1 letter? But I couldn't hear what she said.

2 COUNTY BOARD MEMBER: I said, yes, I
3 received a letter.

4 MS. ROBBINS: What did they say?

5 HEARING OFFICER SONDGEROTH: Hold on.
6 We're asking questions directly of the applicant or
7 the department right now.

8 MS. ROBBINS: I'm asking you.

9 HEARING OFFICER SONDGEROTH: The
10 department?

11 MS. ROBBINS: I couldn't hear her
12 when they said they received it. Did they say, yes,
13 they want you with welcome arms, or no, and what
14 reason did they cite?

15 MR. GOETSCH: The department did
16 receive a -- and I assume it would be the same
17 letter, but I haven't seen yours, but the department
18 did receive a letter from the Mayor of Farmersville,
19 Mr. Tiskow (sp), and they expressed nonsupport for
20 the proposed project.

21 MS. ROBBINS: Did they? Why?

22 MR. GOETSCH: I don't have -- I don't
23 have it here in front of me. I did -- we did send a
24 letter back to the mayor indicating that the

1 information that he provided is being added to the
2 facility file and will be a part of the formal
3 proceeding. So, again, I don't recall what their
4 reasoning was off the top of my head, but it has
5 been put in the file, and it will be reviewed as
6 part of our review of the whole proposal.

7 MS. ROBBINS: Okay. Thank you.

8 HEARING OFFICER SONDGEROTH: Does
9 anybody else have any questions? Final call. This
10 is like an auction. You bought it; you get the last
11 one.

12 MR. CALL: I have been here 26 years
13 myself. I appreciate what you do. I understand
14 that.

15 But the department, you mentioned
16 earlier there were results, good and bad, for the
17 property values. Is that something that you've done
18 your homework, so I don't have to, or is that
19 something I have got to do? Do you guys have any
20 records of that? Is that FOIA'd? Is there anything
21 on that out there?

22 MR. GOETSCH: You could do the same
23 thing that, I think, you know, we've seen submitted
24 in other facilities -- or at other public

1 informational meetings, you know. If you just
2 Google it, and you'll be able to -- I think there
3 was a study in Minnesota that I think it was because
4 of the higher -- there was a significant density of
5 livestock facilities in that area, and the property
6 values did go up slightly.

7 There have been some studies in, I
8 believe, Iowa where the property values have been
9 depressed slightly, and then I believe there's also
10 been some in Wisconsin where there really wasn't any
11 difference. So, you know, you can just go on the
12 Internet.

13 MR. CALL: That the department has
14 done additional --

15 MR. GOETSCH: We have, depending on
16 what has been provided to us in these public
17 informational meetings.

18 MR. CALL: Thank you, sir.

19 HEARING OFFICER SONDGEROTH: Okay.
20 That closes the question-and-answer portion of
21 tonight's public informational meeting.

22 I will now accept written testimony.
23 So if you have written testimony that's not referred
24 to in your oral testimony, bring it to the front

1 right up here to where I'm sitting. I'll accept it,
2 and we'll enter it into the record. If you have
3 written testimony that you will be using for your
4 oral testimony, that's fine. We can enter it into
5 the record after oral testimony. So if you have any
6 written testimony you'd like to provide, please
7 bring it right up here, and we'll enter them as
8 exhibits. Following the entry of this, we're going
9 to take a ten-minute break.

10 Entered as Exhibit 5 is a document
11 submitted by Nick Anderson, Exhibit Number 5, on
12 behalf of Ed Murphy.

13 Entered as Exhibit Number 6 is a
14 document from Brad and Kim Wallner.

15 (Exhibits 5 and 6 were admitted into the
16 record.)

17 HEARING OFFICER SONDGEROTH: I have
18 7:40 on my watch. We're going to take a ten-minute
19 break. We're going to convene at 7:50. At 7:50,
20 we'll reconvene.

21 (Whereby a short break was taken.)

22 HEARING OFFICER SONDGEROTH: We're
23 going to go ahead and get started. Everybody,
24 please find a seat. Okay. Everybody, find your

1 seats.

2 Okay. We're going back on the
3 record. It's currently 7:55 right now. The first
4 thing I'm going to do is admit this into the record.

5 Excuse me, everyone.

6 The first document admitted into the
7 record is Exhibit Number 7. It's a document from
8 Kara Hitchings.

9 (Exhibit 7 was admitted into the record.)

10 HEARING OFFICER SONDGEROTH: Also
11 admitted into the record is Exhibit Number 8, which
12 is also offered by Kara Hitchings.

13 (Exhibit 8 was admitted into the record.)

14 HEARING OFFICER SONDGEROTH: And,
15 finally, Exhibit Number 9 is admitted into the
16 record from Mr. Jeremy Jones.

17 (Exhibit 9 was admitted into the record.)

18 HEARING OFFICER SONDGEROTH: Okay. I
19 have the sign-up sheets that are out in the front of
20 the room for the people who wish to provide oral
21 testimony. I will call the names of those who wish
22 to testify. When called upon, please step up to the
23 microphone right up here to my left. State your
24 name and spell your name for the court reporter. I

1 will then swear you in. Remember you will have
2 three minutes to speak.

3 Before we get started, are there any
4 attorneys here representing clients?

5 (No response.)

6 HEARING OFFICER SONDGEROTH: Seeing
7 none, the first person to speak is Mr. Brad Wallner.

8 MR. WALLNER: I will pass. We talked
9 about my concerns with mine subsidence already.

10 HEARING OFFICER SONDGEROTH: Next is
11 Mr. Troy Uphoff.

12 MR. UPHOFF: Here.

13 HEARING OFFICER SONDGEROTH: Please
14 come to the microphone. After Troy will be Marty
15 Marr.

16 You need to state your name, your
17 first and last name.

18 MR. UPHOFF: My name is Troy Uphoff,
19 U-P-H-O-F-F.

20 HEARING OFFICER SONDGEROTH: Please
21 raise your right hand.

22 (Witness sworn.)

23 MR. UPHOFF: Good evening. My name
24 is Troy Uphoff, and I thank you all for the

1 opportunity to speak to you all tonight in regard to
2 the Dunkirk project.

3 Dereke Dunkirk is a true friend of
4 mine. As a livestock producer myself, I recognize
5 the need to share this accurate information for a
6 new hog facility. For more than 100 years, the
7 Dunkirk family has farmed this property where this
8 hog facility will be built. Dereke's family is
9 aiming to keep the family farm going for another
10 hundred years in order to allow children to come
11 back to the farm. Livestock production has allowed
12 many farmers like Dereke around the state the
13 opportunity to partner within the family and the
14 farm and remain in his or her hometown.

15 Farming and livestock production, in
16 general, is a changing, yet dynamic industry,
17 helping to strengthen rural economies both with
18 permanent and temporary jobs. Livestock development
19 has created many jobs in this very area, generating
20 tax revenue, and allowing younger generations to
21 stay at home on the farm.

22 Farms like this one, like Dereke is
23 building, is a deep pit technology. This allows
24 many new opportunities for the community, and yet

1 facing challenges in the future, which we all know
2 will be great and yet coming, but with families like
3 the Dunkirks, we look forward to these challenges
4 together.

5 Operations like this will, again, pay
6 taxes, create jobs from concrete laborers,
7 finishers, plumbers, and electricians. These
8 workers will spend money and pay taxes locally.
9 Livestock production helps create markets for
10 Illinois corn and soybeans. Animal agriculture also
11 helps farmers by increasing local demand for corn
12 and soybeans. The economic output right here in
13 Montgomery County comes from agriculture, accounting
14 for over 65 millions dollars to this local economy.

15 I appreciate the opportunity to speak
16 to you all tonight, and I can say to all of you
17 Dereke is a great friend. They are a great family,
18 and he is a true conservationist. Thank you very
19 much.

20 HEARING OFFICER SONDGEROTH: Thank
21 you, Mr. Uphoff.

22 Next is Marty Marr, and after Marty
23 will be Dean Butler.

24 Would you please state your name and

1 spell your last name for the record.

2 MR. MARR: My name is Mary Marr,
3 M-A-R-R.

4 HEARING OFFICER SONDGEROTH: Will you
5 please raise your right hand.

6 (Witness sworn.)

7 HEARING OFFICER SONDGEROTH: You may
8 proceed.

9 MR. MARR: Good evening. As I said,
10 my name is Marty Marr. I'm a third generation
11 cattle, soybean, and corn farmer. I live in New
12 Berlin; in Jacksonville, Illinois in Morgan County.
13 I'm also a district director for the Illinois Corn
14 Growers Association.

15 I want to thank the Montgomery County
16 Board and the Illinois Department of Agriculture for
17 hosting this meeting and providing me with the
18 opportunity to speak tonight. I'm here this evening
19 to speak on behalf and in support of the growth of
20 the livestock industry here in Central Illinois and
21 in Montgomery County.

22 As a livestock farmer and grain
23 producer, I believe that it is vitally important
24 that the livestock industry continue to grow and

1 prosper in our rural Illinois communities.
2 Livestock is the number one consumer of our grain in
3 Illinois and becomes one of the major economic
4 drivers in our downstate agricultural counties. It
5 makes sense to feed our grain that is produced in
6 Illinois to Illinois livestock to maximize our
7 efficiencies and lessen our dependence on our
8 outside market factors that affect our longterm
9 success.

10 Since the adoption of the LMFA in
11 1996, this legislation has provided a sound set of
12 guidelines and requirements for the design,
13 construction, and operation of existing and new
14 livestock facilities. Livestock producers around
15 the state go to great measure to comply with their
16 requirements of this Act. That is why it also
17 includes a strict set of guidelines and criteria in
18 regards that the siting of new livestock is
19 uniformly upheld in every county in the state.

20 In my home county, more than 15 new
21 or expanded farms have been through the LMFA. At
22 this time, our urban development continues to grow,
23 and our agricultural area has declined. The Morgan
24 County Board of commissioners has been very

1 supportive of our ag community and continued to
2 support the livestock growth as it meets the
3 requirements of that Livestock Management Facilities
4 Act.

5 After hearing the farm's presentation
6 tonight, I am confident that the Dunkirks can meet
7 or exceed the requirements of the Act, and with the
8 oversight due and the due diligence from the
9 Department of Agriculture, I believe that this
10 project can fulfill the demands of the Act and
11 minimize the impact of the surrounding area.

12 To conclude my comments, again, I
13 want to thank you for the opportunity to speak and
14 encourage the Montgomery County Board to give a
15 positive -- a nonbinding recommendation to the
16 Illinois Department of Agriculture for this farm.

17 And I leave with you this final
18 comment. We in agriculture have never and will
19 never lose sight of the values that have faithfully
20 guided the farmers to produce a safe, affordable
21 product, provide quality animal care, and to protect
22 our air, land, and water, and also provide a place
23 for our future generation to succeed in agriculture.

24 Thank you.

1 HEARING OFFICER SONDGEROTH: Next
2 speaker is Dean Butler.

3 MR. BUTLER: I'll pass.

4 HEARING OFFICER SONDGEROTH: Dean
5 Butler passes.

6 Next speaker is Kelly Robbins. After
7 Kelly Robbins will be Phil Borgic.

8 Can you please state your name and
9 spell your last name.

10 THE WITNESS: Kelly Robbins,
11 R-O-B-B-I-N-S.

12 HEARING OFFICER SONDGEROTH: Thank
13 you. Will you please raise your right hand.

14 (Witness sworn.)

15 HEARING OFFICER SONDGEROTH: You may
16 proceed.

17 MS. ROBBINS: I've been in
18 Farmersville over ten years now, and we've had a lot
19 of accidents and a lot of good times, and I have
20 seen a lot of things.

21 Last year -- and this is one of my
22 concerns with the manure. There was a tanker that
23 was driving down East 5th Road coming from the
24 south-north, and it had a triangle-sized gash in the

1 side of it, and it was spilling manure all the way
2 down East 5th Road from Route 48 toward Mine
3 Avenue. I tried to flag him down several times. He
4 refused. I could smell it from inside my home, from
5 the road. Finally, a law enforcement officer
6 stopped this.

7 The smell was the worst I've ever
8 experienced in my life, and it lasted for days.
9 There wasn't any cleanup by anyone, and it drained
10 into the ditch when it rained.

11 Additionally, Illinois needs to
12 implement sound ag policies and practices and add
13 various state and federal agencies and professional
14 environmental groups to the approval process. This
15 will help protect the environment, human health, and
16 our rural quality of life from the impact of these
17 concentrated hog confinements.

18 The American dream is to own your own
19 home. It's our castle. It's a place that is
20 supposed to be safe and healthy, a place to hang
21 your hat, and it deserves everyone's respect and
22 cooperation. We must have water, air, and soil that
23 is untainted to have our most valuable asset, which
24 is our quality of life and health.

1 I have several pictures here of the
2 flooding that is within a mile of the proposed
3 site -- northeast, west and south. And I will put
4 that with this, my written and signed statement.

5 And I'd like to thank the county
6 board for allowing us to speak, and for the
7 department of ag, and for allowing us, and
8 especially you, for answering my questions and being
9 very patient with me. I appreciate it. Thank you.

10 HEARING OFFICER SONDGEROTH: Thank
11 you.

12 MS. ROBBINS: And if the Montgomery
13 County Board will please return a "no" vote.

14 HEARING OFFICER SONDGEROTH: Thank
15 you.

16 Admitted into the record as Exhibit
17 Number 10 will be a letter from Kelly Robbins, and
18 attached photographs, of which I believe there are
19 12 photographs.

20 (Exhibit 10 was admitted into the record.)

21 HEARING OFFICER SONDGEROTH: After
22 Mr. Borgic will be Jennifer Tirey.

23 MR. BORGIC: Phil Borgic.

24 HEARING OFFICER SONDGEROTH: Raise

1 your right hand.

2 (Witness sworn.)

3 HEARING OFFICER SONDGEROTH: You may
4 proceed.

5 MR. BORGIC: As I stated, my name is
6 Phil Borgic, a lifetime resident of Montgomery
7 County. As a resident of Montgomery County, I'm
8 also aware that we've had some of the highest
9 unemployment rates in the State of Illinois.
10 Montgomery County has a limited number of acres to
11 farm. As families get larger, it makes it tougher
12 and tougher for young people to get involved in our
13 business and in agriculture and stay here in our
14 county.

15 The livestock has allowed other
16 families, not only the Dunkirk family, to keep those
17 young people home or bring them back. We've had the
18 fortune of working with six families, additional
19 families that have been able to bring their young
20 people home or keep their young people home on that.

21 The feed -- the pigs -- our
22 relationship with the Dunkirks, we will own the
23 pigs, and anything goes on or in the pig, we
24 provide.

1 The question was asked about
2 antibiotics and steroids and hormones. It is
3 illegal to use any hormone in pig feed. We do not
4 use steroids in our pig feed. And the antibiotics
5 today that are humanly significant are controlled by
6 our veterinarian. We have to get a script from our
7 veterinarian to be able to use those antibiotics in
8 our feed, and it could -- he dictates or she
9 dictates how many days and at what level the
10 antibiotic is put in that feed. And so we have a
11 lot of oversight then on how we use those products.

12 So not only will the Dunkirks be
13 looking after this farm, that myself and my staff
14 will also be watching over the farm and making sure
15 it's operated properly, because it affects our
16 livelihood, also, and how they take care of their
17 animals in those facilities.

18 I thank you for coming this evening
19 and getting informed about the livestock business.
20 Thank you.

21 HEARING OFFICER SONDGEROTH: Next to
22 testify is Jennifer Tirey. After Jennifer will be
23 Kara Hitchings.

24 Please state your name for the record

1 and spell your name for the record.

2 MS. TIREY: Jennifer Tirey.

3 (Witness sworn.)

4 HEARING OFFICER SONDGEROTH: Okay.

5 Ms. Tirey.

6 MS. TIREY: My name is Jennifer
7 Tirey. I currently serve as the executive director
8 for the Illinois Pork Producers Association.

9 And the first thing I want to start
10 out by saying is that we welcome these sort of
11 conversations. Livestock has obviously changed over
12 the years. As Dereke talked about during his
13 opening statements, they used to raise their animals
14 outdoors. So keeping in mind that back in 1960,
15 farmers raised enough to feed 25 mouths. Now
16 farmers have to raise enough feed for 155 mouths.

17 The population continues to change,
18 and as that changes, so does our industry. So we
19 welcome this change because we now raise our animals
20 indoors, which I understand causes a lot of concern
21 and a lot of questions because you can't drive by
22 and see our animals outdoors like you could 50 years
23 ago.

24 So what I want to tell you about the

1 Illinois Pork Producers Association and the people
2 that we represent, just like Dereke and his family,
3 is that those 2,000 pig farmers in the State of
4 Illinois, 98 percent of those are still family
5 owned. As Dereke mentioned in his statement, his
6 family -- his wife, Chelsea, and his three children
7 live 50 yards away from their barn. So that's
8 something that is a constant across the State of
9 Illinois, not just here in Montgomery County. There
10 are many family farms that their families still own
11 the farm right next -- they live next to the barns.
12 They raise their families, and they work and live in
13 those communities where their barns are.

14 Now, something I want to also keep in
15 mind is that they talked about manure. Keep in mind
16 that the siting requirements through the Illinois
17 Department of Agriculture, the regulations do not
18 end after the eight siting requirements. If the
19 barn is built, there are continued regulations that
20 these farmers must follow every single day. The
21 Illinois Environmental Protection Agency can come on
22 site without notice for any of these farms on any
23 given day.

24 And the most recent EPA violations

1 find that there's less than 1 percent odor
2 violations for the entire State of Illinois. That's
3 a very significant number. That's a very low
4 number. But the EPA will continuously regulate
5 these farms and make sure that they're doing the
6 right thing.

7 And let's keep in mind that this is
8 their livelihood. They're raising their families.
9 They're raising a product that has to be safe for
10 that consumer.

11 So on behalf of the Illinois Pork
12 Producers, I thank you very much for having the
13 opportunity for us to speak tonight and for you to
14 be able to ask questions and learn more about our
15 industry. Thank you very much.

16 HEARING OFFICER SONDGEROTH: Next on
17 the list is Kara Hitchings. After Kara Hitchings
18 will be Russell Mayes.

19 (Witness sworn.)

20 HEARING OFFICER SONDGEROTH: Can you
21 please state your name for the record, and spell
22 your last name.

23 MS. HITCHINGS: Kara Hitchings,
24 H-I-T-C-H-I-N-G-S.

1 HEARING OFFICER SONDGEROTH: You may
2 proceed.

3 MS. HITCHINGS: Hello. My name is
4 Kara Hitchings. I live at 3209 Morrisonville
5 Avenue. I'm married to Dan. I'm the fourth
6 generation and a homeowner on my homestead. I have
7 two children and five grandchildren. We are obvious
8 livestock owners, and my husband farms for various
9 farmers.

10 Currently -- since I was born, I have
11 lived one-fourth of a mile from the current hog
12 operation on Morrisonville Avenue. And with the
13 proposed permit, I will be approximately one and a
14 fourth mile west of it. So I'm going to be
15 entangled with two units between my home. With the
16 westerly winds prevailing 80 percent of the time,
17 and our relief is a southern-north and easterly
18 winds. And now I'm going to have problems with the
19 easterly winds, even though they're only 20 percent.

20 The two exhibits I presented earlier,
21 one is the petition from the 34 homestead people
22 surrounding in a 3-mile radius of the proposed site.
23 They're on well water. Their concerns they can
24 express to the board on their own. The main keys

1 were water, odor, environment.

2 There are also -- the Village of
3 Farmersville don't want it as well because they're
4 in that 3- to 5-mile radius as well, and I can share
5 the reason why they're against it. It is because
6 there is a current hog farm operation, and it has
7 its issues over the last 18 years, and they have not
8 been resolved. Even at that time, it was a
9 high-tech industrial corporation outlined by the
10 pork producers that it would eliminate odors and
11 problems, and with 18 years of it, no.

12 It's somewhat unbelievable by all of
13 us with the Dunkirks making the statement that
14 they're high tech, because we're in an existing
15 situation where we're pondered with changing our
16 lifestyle.

17 The second proposal I gave to the
18 committee is the map of the underground mine, and
19 East 5th Road is on it, and the proposed site east
20 of that has been underground.

21 There's three elements that I want to
22 address as I addressed this 18 years ago.
23 Surprisingly, the petition that I tried to get 18
24 years ago, there was two signatures. Me and my mom

1 and dad. This year, which is 18 years difference,
2 going to the 34 rural communities -- can I have more
3 time since I'm speaking on the petition?

4 HEARING OFFICER SONDGEROTH: How
5 about I put another minute on the clock for you?

6 MS. HITCHINGS: The proposed
7 operation will protect the environment by being
8 consistent with the Act, which is number 2 and 5.
9 The area of the proposed site shows record of
10 underground mining. The mining method was mined by
11 room and pillars. The type of mining method has
12 been a failure to the area creating cave-ins, mine
13 sinks and tension cracks. The proposed site has
14 a -- already a well has purged through the aquifer
15 and transmits into the water table. A hydrologic
16 study should be required should there be a breach
17 that would create seepage of manure into the
18 streams, creeks, and to the current aquatic area.
19 The Illinois Administrative Code supplements the Act
20 with its own mandate. The administrative code
21 requires investigations to any waste facility
22 constructed in environmentally sensitive areas to
23 ensure construction complies with the Act. The
24 owner is required to submit certification statements

1 that the site meets building restrictions, as the
2 site is at higher probability of environmental
3 contamination.

4 There are several mine sinks in the
5 area. The most recent is under a year with Tim
6 Seifert on the Morrisonville Road, I-55, three other
7 farmlands of a 3-mile radius of the proposed site,
8 the Benld school, and the mine sink, the west
9 subdivision in Springfield.

10 And I won't go into the other.

11 HEARING OFFICER SONDGEROTH: We only
12 have four more people to speak. Unless there's an
13 objection from the audience, I'd like to let her
14 finish, if you could do it quickly.

15 Is there an objection?

16 MR. ANDERSON: There is.

17 HEARING OFFICER SONDGEROTH: Since
18 your time is up, I want to be fair to everyone else.
19 You're more than welcome to submit it as written
20 testimony, and anything you say will be considered.

21 Are there any other -- Russell Mayes?

22 MR. MAYES: I'm going to pass.

23 Everything I had was covered.

24 HEARING OFFICER SONDGEROTH: All

1 right. So Russell Mayes passes.

2 Next is Richard Lyons. After Richard
3 Lyons will be Jim Kaitschuk.

4 Can you please spell your last name
5 for the court reporter.

6 MR. LYONS: Richard Lyons, L-Y-O-N-S.

7 HEARING OFFICER SONDGEROTH: Will you
8 please raise your right hand.

9 (Witness sworn.)

10 HEARING OFFICER SONDGEROTH: You may
11 proceed.

12 MR. LYONS: First of all, I'd like to
13 say, having known Dereke for a number of years, and
14 I've watched him grow up and have been watching the
15 family, I'm in total support of what they're going
16 to do because I know that he's going to follow those
17 specifically, and he will carry through that.

18 As far as odors, et cetera, I can't
19 make any promises because I was a hog farmer in my
20 town at one time.

21 But what I want to speak about
22 tonight is I want Dereke to be aware that he -- and
23 this farm is located on two key watersheds in
24 Illinois. One, the Macoupin Creek watershed, which

1 produces the most phosphorous going into the
2 bloating to the Illinois River, and the other is
3 Horse Creek sub watershed of the Illinois River.
4 And with that -- or excuse me -- Sangamon River.
5 That Horse Creek flows directly to the South Fork in
6 which Lake Springfield draws water from the South
7 Fork.

8 I talked with Ted Meckes today, the
9 manager for City, Water, Light & Power, and he is
10 against this construction because of the phosphorous
11 loading that creates PNBL possibilities for
12 phosphorous.

13 With this, I want to ask only one
14 thing of Dereke to maybe change his farming
15 practices as far as his manure application. When
16 you put on that manure, would you follow up with a
17 cover crop? I think it will help you in your soil
18 condition as far as aggregation. I think also that
19 you will be able to absorb some of the phosphorous
20 and most likely won't get away.

21 The particular phosphorous flume is
22 going to be flowing off with sheet erosion here in
23 level soils here in Illinois, and particularly
24 Montgomery County, northern Montgomery County, we're

1 losing about 3.4 tons per acre of soil of which
2 particular phosphorous is flowing with that. If you
3 would go to a no-till cover crop system, our record
4 shows from the transect survey that you will be able
5 to reduce that to just about 1 ton.

6 The concern I have is for also the
7 dissolved phosphorous that's going to be flowing
8 from tile lines. I would like for you to maybe,
9 again, to monitor that, and if you see it moving up
10 very high, then you need to be aware of that so that
11 you can maybe change some of your practices.

12 I talked to Dr. Mark David, who wrote
13 the science study for the Nutrient Loss Reduction
14 Strategy Committee of which I serve with
15 Mr. Goetsch, and Dr. David said today that if we get
16 too high of readings, we're starting to see
17 exponential emission of the digestive -- or excuse
18 me -- soluble phosphorous through the tile line. So
19 be aware of that, I'm saying.

20 And as a result of watching you farm
21 over the years, I'm sure that you'll follow my
22 recommendations. That's all I have to say.

23 HEARING OFFICER SONDGEROTH: Next is
24 Jim Kaitschuk?

1 MR. KAITSCHUK: I'm going to pass. I
2 think the support of the farmer has already been
3 covered.

4 HEARING OFFICER SONDGEROTH: Nick
5 Anderson? Can you please state your name for the
6 record and spell your last name for the court
7 reporter.

8 MR. ANDERSON: Nick Anderson,
9 A-N-D-E-R-S-O-N.

10 (Witness sworn.)

11 HEARING OFFICER SONDGEROTH: Okay.
12 You may proceed.

13 MR. ANDERSON: Thank you, county
14 board, Department of Agriculture, and folks to hear
15 about this farm and their plan.

16 I thought the farm did a great job
17 explaining how they're going to meet the
18 requirements of the Act. I understand a lot of
19 people don't understand the Act and don't know the
20 detail behind it or the due diligence that goes into
21 that, but I'll assure you that it is a laborious
22 process, and it does take some time and professional
23 help, and with the oversight of the Department of
24 Agriculture, they can attain those requirements. A

1 lot of folks think that it's not enough, but it's an
2 Act that we live by here in the state, and if we
3 look around the country, Illinois has one of the
4 toughest regulatory acts on livestock, whether it's
5 high enough for everybody else in the market, but it
6 becomes a competitive thing also.

7 I had a lot of other questions to ask
8 and ask of you folks to find out about this farm and
9 the concerns that you have. A couple of things that
10 I will point out -- and one of them -- I'll address
11 some of Dick Lyons' issues.

12 We, in agriculture, are here to take
13 care of the land and preserve it for the future.
14 We're learning things every day about soil
15 nutrients. I will tell you that watershed to
16 Lake Springfield has thousands and thousands of
17 acres, but if you look at the livestock farms that
18 follow agronomic rates with the handbook, nutrient
19 handbook that we have, and look at the nutrient
20 management on livestock farms compared to more
21 commercial farms that don't have regulations on
22 them, I think livestock farmers are at the front
23 edge of that nutrient management reduction and
24 utilization of the products that we produce as hog

1 farms.

2 The last consideration of the county
3 board -- and I realize mine subsidence is a
4 challenge. I live up in Divernon. I work for the
5 livestock industry around the state. Please
6 consider it not just about this farm, or municipal
7 water systems, or municipal sewer systems, or septic
8 systems that are in rural communities that are
9 susceptible to mine subsidence. When you ask that
10 question of agriculture, and this farm, we need to
11 ask that question of everybody in the community, and
12 just because I can't see my septic system doesn't
13 mean it can't be impacted. And every little bit
14 contributes, whether it's today or tomorrow or in
15 the future. So please keep those considerations in
16 mind when you're thinking about this.

17 And I hope you will base your
18 decisions and your process on fact, not somebody's
19 opinion that I just don't like it there. I hope you
20 can do your due diligence to go through those
21 questions and look at the material that's presented
22 and the due diligence the farm goes through.

23 That's all the comments I have
24 tonight. If any of you have questions for me -- I

1 know we didn't get to ask people questions. I have
2 a card. I work with a lot of livestock around the
3 state. If I can be a resource to help you, please
4 look me up. I can get you my business card. I
5 think our solution in the future is good
6 communication and better understanding. And I don't
7 think these issues are really going to play that big
8 a role. And realize that the farms that people
9 might be worried about today in existence are a
10 different production system. They're not lagoon
11 systems. They're managed differently, and new
12 technology does play a role in the future.

13 Thanks very much.

14 HEARING OFFICER SONDGEROTH: Is there
15 anyone else who would like to provide oral
16 testimony?

17 Seeing none, I'd like to admit into
18 the record -- I'm sorry, sir? You'd like to provide
19 oral testimony?

20 MR. JONES: I'd like to make a
21 statement.

22 HEARING OFFICER SONDGEROTH: Can you
23 come up to the front?

24 MR. JONES: Yes.

1 HEARING OFFICER SONDGEROTH: Can you
2 state your name and spell your last name for the
3 record.

4 MR. JONES: Jeremy Jones, J-O-N-E-S.
5 (Witness sworn.)

6 HEARING OFFICER SONDGEROTH: You may
7 proceed.

8 MR. JONES: I just have one thing to
9 say. We have -- we have listened to a lot of people
10 say that this is going to be a great project. They
11 don't live anywhere near the facility. And the
12 people that do live there in the facility, we have a
13 lot of them that's definitely showing the opposition
14 to this project. So with that being said, I want to
15 make that a note.

16 And, also, upon the signatures that
17 were obtained, the only few people that wouldn't
18 sign it was people that have business with the
19 family, and everybody else did. So I'd like to make
20 a note on that, too. Thank you.

21 HEARING OFFICER SONDGEROTH: Okay.
22 Entered into the record is Exhibit Number 11, and it
23 is the oral testimony sign-in sheet.

24 (Exhibit 11 was admitted into the record.)

1 HEARING OFFICER SONDGEROTH: This
2 therefore concludes the oral testimony portion of
3 the hearing.

4 I want to enter into the record as
5 Exhibit Number 12 the attendance sheet, which there
6 are technically two attendance sheets.

7 (Exhibit 12 was admitted into the record.)

8 HEARING OFFICER SONDGEROTH: Are
9 there any closing remarks from the facility?

10 (No response.)

11 HEARING OFFICER SONDGEROTH: Seeing
12 none, are there any closing remarks from the
13 department?

14 MR. GOETSCH: I just want to say,
15 again, on behalf of the Department's Bureau of
16 Environmental Programs, I'd like to thank you all
17 for being here this evening. Let me assure you that
18 the department appreciates the time and the effort
19 that you've put forward to provide us with your
20 comments. I'm sure that the Montgomery County Board
21 will consider them as they develop their
22 recommendation, and I can assure you that the
23 department will consider them as we move forward
24 with our evaluation of the project as well.

1 Thank you, again, and have a safe
2 trip home.

3 HEARING OFFICER SONDGEROTH: Thank
4 you, Warren.

5 As I mentioned earlier, a copy of the
6 transcript will be provided to the county board.
7 For others desiring a copy of that transcript, it
8 will be available by contacting the court reporter,
9 and you can get her information tonight as soon as
10 I'm done.

11 Thank you for your attendance
12 tonight. This public information is hereby closed.

13

14 (Hearing ended 8:30 p.m.)

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1 CERTIFICATE OF REPORTER
2 I, Ann Marie Hollo, Certified
3 Shorthand Reporter, Registered Diplomatic Reporter
4 and a Certified Realtime Reporter within and for the
5 State of Illinois, do hereby certify that the
6 preceding hearing was taken by me to the best of my
7 ability and thereafter reduced to typewriting under
8 my direction; that I am neither counsel for, related
9 to, nor employed by any of the parties to the action
10 in which this hearing was taken, and further that I
11 am not a relative or employee of any interested
12 party or counsel employed by the parties thereto,
13 nor financially or otherwise interested in the
14 outcome of the action.

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Certified Shorthand Reporter
State of Illinois

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<p>110:22 113:7 3,000 73:15 3.4 116:1 30 15:18 48:7 30-business-day 15:24 30-year 90:9 300 50:22 51:7 65:24 3050 36:11,16 37:1 314 4:23 320 23:7 3209 110:4 321 12:15 25:8 34 110:21 112:2 350 36:15 36-inch 48:11 365 32:7 46:11 38 2:8</p> <hr/> <p style="text-align: center;">4</p> <p>4 2:9 25:14 29:24 51:13,16 65:7 79:12 4-H 18:22 4,800 13:2 29:17 415 34:12 48 103:2</p> <hr/> <p style="text-align: center;">5</p> <p>5 2:10 25:15 30:3 31:6,16 31:23 41:23 65:8 89:23 94:10,11,15 112:8 5-feet 31:9 5-foot 31:17 5-mile 111:4 5,000 26:7 50 20:11,12 21:19 107:22 108:7 500,000 73:5 50s 20:18 51 2:9</p>	<p>55 13:2 23:2 29:18 36:12 558-0014 4:10 5th 36:10,12,15 36:24 102:23 103:2 111:19</p> <hr/> <p style="text-align: center;">6</p> <p>6 2:10 15:23 25:16 31:15 32:23 57:19 65:18 94:13,15 6:00 5:7 60 26:9 30:22 32:18 60's 20:20 62049 3:20 62704 4:16 62794 4:9 63101 4:22 644-2191 4:23 65 98:14 679-7361 4:16</p> <hr/> <p style="text-align: center;">7</p> <p>7 2:11 25:16 36:7 75:11 80:24 95:7,9 7,240 35:17 7:40 94:18 7:50 94:19,19 7:55 95:3 70s 20:20 42:2 81:1 711 4:22 72 48:22 78 72:11 73:1</p> <hr/> <p style="text-align: center;">8</p> <p>8 2:12 25:18 37:5 43:24 57:19 65:18 80:24 95:11,13 8-foot 12:16 31:14 8,000 49:14 8:30 123:14</p>	<p>80 73:1,1 110:16 801 4:8 82 72:11</p> <hr/> <p style="text-align: center;">9</p> <p>9 2:13 95:15,17 9,450 36:17 90s 74:10 94 2:10 21:19 95 2:11,12,13 96 74:11 98 108:4</p>		
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