

ILLINOIS DEPARTMENT OF AGRICULTURE

IN RE: HARMS-KEVIN'S HOUSE

PUBLIC HEARING

August 4, 2011

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ILLINOIS DEPARTMENT OF AGRICULTURE

IN RE: HARMS-KEVIN'S
HOUSE

THE PUBLIC HEARING called for examination pursuant to the provisions of the Illinois Department of Agriculture as they apply to the taking of public hearings, taken before Kathy L. Johnson, C.S.R., a Notary Public in and for the County of Henry, State of Illinois, on August 4, 2011, at the hour of 10:00 a.m., at the Livingston County Public Safety Complex, 844 West Lincoln, Pontiac, Illinois, 61764.

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26 FRANK & WEST
27 ENVIRONMENTAL ENGINEERS
28 CHRIS WEST
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31 217/487-7686

32 ALSO PRESENT:
33 Nick Anderson
34 Patrick Harms

35 MIDWEST LITIGATION SERVICES
36 Kathy Johnson, Court Reporter
37 711 North 11th Street
38 St. Louis, Missouri 63101
39 314-644-2191

1 Hearing start time: 10:00 a.m.

2 MR. FRANK: We're going to get started
3 here today. Can you all hear me in the back? I
4 take that as a yes. Okay. Good morning. On
5 behalf of the Director of the Illinois Department
6 of Agriculture, Tom Jennings, we want to thank
7 you very much for the invitation to come to
8 Livingston County today.

9 My name is Scott Frank. I'm with the
10 Illinois Department of Agriculture and I'll be
11 serving as a hearing officer for this morning's
12 public informational hearing. Also with me on
13 behalf of the Department are Warren Goetsch,
14 Bureau Chief of the Bureau of Environmental
15 Programs, and Brad Beaver, Manager of the
16 Bureau's Livestock Program.

17 This meeting is being conducted
18 pursuant to Section 12 of the Livestock
19 Management Facilities Act. The informational
20 meeting is being held at the request of the
21 Livingston County Board and is to afford members
22 of the public an opportunity to ask questions and
23 present oral and written testimony regarding the
24 proposed construction of an 1,800 animal unit

1 swine finishing facility owned by Patrick Harms.

2 My task today is to ensure that this
3 meeting is conducted in an orderly fashion and to
4 ensure that all comments and testimony received
5 are entered into the record. Today's meeting is
6 being transcribed and the transcript of the
7 meeting will be sent to the Livingston County
8 Board as well as used by the Department in making
9 its determination regarding the proposed
10 construction of this swine facility.

11 In order to ensure that we have an
12 orderly process, I will quickly explain how the
13 meeting will proceed today. Following my
14 comments Warren Goetsch will provide an overview
15 of the provisions of the Livestock Management
16 Facilities Act as it relates to this specific
17 project, specifically outlining the current
18 status of the project and how the process will
19 proceed following this meeting.

20 Following Mr. Goetsch, representatives
21 of the facility will be given an opportunity to
22 describe the project and how they believe it
23 meets the siting criteria of the Livestock
24 Management Facilities Act. After their

1 presentation I will open the meeting to
2 questions. Anyone wishing to ask questions of
3 the facility representatives or the Department
4 will be given an opportunity to do so.

5 During the question and answer session
6 I will ask that you state your name and spell
7 your name for the court reporter. You then may
8 ask your questions. Depending upon the number of
9 people who wish to testify in the oral testimony
10 phase of the meeting, which is after the question
11 phase, a time limit may need to be placed on this
12 questioning phase.

13 Following the question and answer
14 session I will ask for oral testimony from the
15 public. Sign-in sheets were placed at the back
16 of the room as you came in, one sheet for
17 attendance and a second sheet for testimony.
18 People who wish to provide comments during this
19 oral testimony phase are asked to sign the oral
20 testimony sheet.

21 People providing oral comments will be
22 sworn in and will be subject to questioning from
23 the public. At that time each person will be
24 given three to five minutes to provide his or her

1 comments. Legal counsel speaking on behalf of
2 multiple clients will be given six to 10 minutes
3 to provide comment and will be asked to state the
4 names of those persons on whose behalf he or she
5 is speaking.

6 Depending upon the number of
7 individuals wishing to provide comment the
8 aforementioned time limits may need to be
9 adjusted to ensure the meeting ends in a
10 reasonable amount of time. Following the oral
11 testimony I will ask for written testimony.
12 Written testimony will be accepted in paper form
13 and will be entered into the record for this
14 proceeding.

15 The meeting will then conclude with
16 closing comments from the facility and the
17 Department. So to summarize the procedure today,
18 we'll have comments from the Department, comments
19 from the facility, questions directed to the
20 Department and/or the facility, oral testimony
21 from the public, written testimony, and then
22 closing comments.

23 Again, we very much appreciate your
24 hospitality in inviting us here to consider the

1 proposed construction of the Patrick
2 Harms-Kevin's house swine facility. Remember to
3 confine your comments and questions to that
4 subject as we continue.

5 I will now turn the proceedings over
6 to Warren Goetsch for remarks from the Illinois
7 Department of Agriculture. Warren?

8 MR. GOETSCH: Good morning. I
9 currently serve as the Bureau Chief of
10 Environmental Programs at the Illinois Department
11 of Agriculture. One of our responsibilities is
12 the administration of various provisions of the
13 Livestock Management Facilities Act. On behalf
14 of the Department let me welcome you to this
15 public informational hearing.

16 Before we hear from the proposed
17 facility's representatives I'd like to say a few
18 words regarding the applicable provisions of the
19 Livestock Management Facilities Act and the
20 current status of this proposed project.

21 The Livestock Management Facilities
22 Act was originally passed and became law on
23 May 21st of 1996. Since that time the Act has
24 been amended three times. First during the

1 General Assembly's '97 fall veto session; second
2 during the General Assembly's '99 spring session,
3 and most recently during the 2007 spring session
4 of the Legislature.

5 The Act can be generally described as
6 covering five major areas; those being livestock
7 facility design standards; waste management
8 planning requirements; facility operator training
9 and testing; anaerobic lagoon financial
10 responsibility demonstration; and facility
11 setback requirements.

12 Each of these provisions impacts
13 various types of facilities in different ways
14 depending upon their size, expressed in animal
15 units, and whether the proposed facility is
16 considered as a new facility, a modified
17 facility, or the expansion of an existing site.

18 The Livestock Management Facilities
19 Act's provisions are quite complicated and
20 specific facility designs and situations
21 certainly can differ. It is, however, the
22 Department's intention to always fairly and
23 equitably apply these regulations to the
24 livestock industry in this state.

1 Now, regarding the current status of
2 this proposal, the Department received a formal
3 Notice of Intent to Construct application for the
4 proposed construction of a swine finishing
5 facility to be known as Harms-Kevin's house
6 facility on June 10th, 2011.

7 The proposed project is to consist of
8 one building measuring 121 feet 10 inches by 297
9 feet four inches with an eight-foot under
10 building livestock waste handling facility. The
11 project is proposed to be located approximately
12 2.9 miles south of Saunemin, Illinois.

13 The application was submitted by Frank
14 & West Environmental Engineers, Incorporated on
15 behalf of Mr. Patrick Harms of Forest, Illinois.
16 The maximum design capacity of the proposed
17 facility is 1,800 animal units or 4,500 head of
18 swine greater than 55 pounds.

19 As I mentioned earlier, the Department
20 received the Notice of Intent to Construct
21 application on June 10th and reviewed it for
22 compliance with the applicable provisions of the
23 Act.

24 On June 30th the Department determined

1 that the notice was complete, forwarded a copy of
2 the completed application to the Livingston
3 County Board and caused notice of an application
4 to be published in the appropriate newspaper.

5 The design capacity of the proposed
6 facility requires compliance with a residential
7 setback distance of not less than 1,320 feet and
8 a populated area setback distance of not less
9 than 2,640 feet. On July 20th the Department
10 received notice from the Livingston County Board
11 requesting that a public informational meeting be
12 scheduled regarding the proposal.

13 After further consultation with the
14 County Board the Department scheduled this
15 meeting and caused notice of the meeting to be
16 published in the appropriate newspapers. An
17 additional requirement of the Livestock
18 Management Facilities Act deals with the design
19 and construction plans of a livestock waste
20 handling facility.

21 The Department has received a formal
22 submittal of detailed engineering design plans
23 and specifications for the proposed projects
24 under building a livestock waste handling

1 facility. A detailed plan review of the
2 submittal is currently ongoing in order to ensure
3 compliance with the requirements of the Act and
4 rules.

5 We're here today to receive testimony
6 regarding proposed construction of a swine
7 finishing building and its compliance with eight
8 siting criteria as defined in Section 12 of the
9 Act. Excuse me, Section 12, Paragraph D of the
10 Act.

11 In general, information about the
12 proposed addition or the proposed project's
13 impact on waste management planning, potential
14 impact on the surrounding area's character,
15 whether the proposed facility is located within
16 any floodplains or other sensitive areas, odor
17 control plans, possible impact on existing
18 traffic patterns, and possible impacts on
19 community growth, tourism, and recreation or
20 economic development.

21 Copies of the specific criteria were
22 available on the table with the sign-in sheets.
23 If anyone would like to have a copy and didn't
24 get one earlier if you'd identify yourself we'll

1 see if we can get you a copy.

2 Finally, the process that will be
3 followed after this morning's meeting is as
4 follows: The County Board will have up to 30
5 business days from today's meeting to submit to
6 the Department a non-binding recommendation
7 relative to the proposed construction of this
8 swine finishing building.

9 Thus, a recommendation from the
10 Livingston County Board is due at the Department
11 on or before September 16th. After the close of
12 the County's 30 business day comment period the
13 Department will have 15 calendar days or until
14 October 1 to review all of the information
15 included in the Notice of Intent to Construct,
16 construction plans, transcripts from this
17 morning's meeting, the County Board's
18 recommendation, and any other additional
19 information submitted by the owners at the
20 request of the Department.

21 Based on that review the Department
22 will determine whether the eight siting criteria
23 have been met. Once that determination has been
24 made the Department will notify both the County

1 Board and the applicant of the Department's
2 decision.

3 Mr. Hearing Officer, at this time I'd
4 like to submit a copy of the completed Notice of
5 Intent to Construct application and its
6 associated correspondence file for formal entry
7 into the record as an exhibit. I'd also like to
8 enter into the report a copy of the power point.

9 MR. FRANK: Okay.

10 (Exhibits Nos. 1 and 2 marked for
11 identification.)

12 MR. GOETSCH: And that would conclude
13 my formal remarks. Again, I'd like to thank
14 everyone for your attention and I look forward to
15 hearing your comments regarding the proposal, and
16 we'll now turn the meeting back over to the
17 hearing officer.

18 MR. FRANK: Thank you, Mr. Goetsch.
19 Entered into the record as Exhibit Number 1 is
20 the completed Notice of Intent to Construct,
21 including correspondence between the Department
22 and the applicant, notices of the public
23 informational meeting, and correspondence with
24 the Livingston County Board.

1 Also entered into the record as
2 Exhibit Number 2 is a copy of the Department's
3 power point presentation.

4 At this time we will hear remarks from
5 the facility. For those who will be presenting
6 information, please state your name and then
7 spell your last name for the court reporter and
8 then I will swear you in after this.

9 MR. HARMS: Patrick Harms, H-a-r-m-s.

10 MR. ANDERSON: Nick Anderson,
11 A-n-d-e-r-s-o-n.

12 MR. WEST: Chris West. C-h-r-i-s,
13 W-e-s-t.

14 (All sworn in at this time.)

15 MR. HARMS: Good morning. I'm Patrick
16 Harms, a third generation family farmer here in
17 Livingston County. My wife Julie and I are
18 parents of a fourth generation of Harms farmers.
19 My son Duke, 10 years old; Wyatt, eight years
20 old; and I've got twins Josie and Cole at four
21 years old.

22 We currently farm approximately about
23 2000 acres of corn and beans in Livingston
24 County. In addition to farming we currently own

1 and operate 22,400 head of pigs in a wean to
2 finish operation, and this building project is
3 simply an expansion of my current hog operation.

4 Each site will have one finishing barn
5 connected by an office. Each finishing barn can
6 house up to 4500 pigs. The pigs will enter the
7 building at 14 pounds and leave approximately 275
8 pounds. One site will be built at my home, a
9 home site that we own by our hired man Kevin
10 Bauer in Saunemin, which I have some pictures.

11 It may be kind of hard to see from the
12 back. And we'll have it outside after the
13 meeting too. Looking at the, from the site to
14 the building looking out north we have a picture.
15 We have from the east site from the picture of
16 the site out south, and then Kevin's house that I
17 own, the site west and then this is a 2500 road
18 coming up to that site. And then we have a
19 picture of the well.

20 For us we have to be set back the
21 County says 50 feet, the Department of Ag says
22 75 feet. We're back over 80 feet that we'll be
23 from the well to stay behind the rules and the
24 limitations. The weight sign for 1500 too,

1 that's a picture coming from west to east.

2 The main reason behind building these
3 new finishing barns is to continue the family
4 farm legacy. The Harms family has been a part of
5 farming here for nearly 61 years for my dad, and
6 27 years of my own. In today's economy farmers
7 need to diversify to keep the business going. We
8 hope to pass this along financially, an
9 opportunity for our children to continue the
10 family business.

11 Also, buildings will provide
12 additional property tax and revenue for
13 Livingston County, especially for the Township of
14 Saunemin. We did some calculations for the last
15 five years of tax dollars that I've put into
16 Pleasant Ridge and into Livingston County. It
17 doesn't count my next payment for taxes but -- it
18 does count my next payment for taxes, but for the
19 last five years \$451,000 we've put into
20 Livingston County.

21 We've selected the Saunemin site after
22 considering road traffic and conditions and
23 biosecurity issues for the pigs we raise. Our
24 home site cannot meet the setback requirements

1 where we live at this time. We have hired an
2 engineering firm to help us assure we're meeting
3 or exceeding all local, State and Federal
4 guidelines.

5 The State Department of Ag has already
6 been out to inspect the site locations. They
7 will also continue to follow the project. Road
8 conditions are important to us. My grandfather
9 was both a farmer and a road commissioner taking
10 care of the roads in Pleasant Ridge for many
11 years. He built a lot of the roads in Pleasant
12 Ridge.

13 I myself have helped in putting in
14 culverts and blacktopping potholes and help,
15 continue to assess and do things on the roads in
16 Pleasant Ridge. We will be using the manure as
17 fertilizer on our farms according to the CNMP
18 program, which also has to be submitted and
19 approved by the Department of Ag.

20 Our application will be done by
21 injection into the ground decreasing odor by
22 75 percent. Daryl Coats, a district wildlife
23 biologist has worked out a plan for fast growing
24 trees to be planted around the east and south

1 side of the proposed site. This will help in
2 reducing odor.

3 As you can see these plans, I can hand
4 them around later. Now, I guess, there is some
5 postings that, on this site criteria, that me and
6 Mr. Brown have worked out that we wouldn't expand
7 at this site. It would be a 4500 head site. And
8 we're willing to sign something with the opposed
9 people here that we would not at this site be
10 willing to build on in the two year plan that you
11 could do.

12 And some of our tree things, instead
13 of just starting by dry root we'd be moving in
14 transplanted trees. I've shown quite a few
15 people what they are, they're bigger trees that
16 we could move in and a faster way of growth to
17 help control odor. I now would like to turn this
18 over to Chris West.

19 MR. WEST: Good morning. My name's
20 Chris West. I'm with Frank & West Environmental
21 Engineers out of Springfield, Illinois, and we're
22 working with Patrick to go through a presentation
23 to show in detail how the facility has met the
24 eight site criteria that's listed within the

1 LMFA.

2 Mr. Harms has already went through an
3 introduction. I'm going to go through a quick
4 overview of the facility layout and then we're
5 going to go through the eight siting criteria.
6 This is the picture of the layout, how it will be
7 built orientated to the north. Basically what
8 you see is roughly 120 by 300 foot building.

9 The eight siting criteria, I'll go
10 through them in greater detail as we get through
11 each one. But in general siting criteria one
12 deals with the registration and certification
13 requirement for the facility, design location and
14 operation standards for the farm, the location
15 compatibility, how the farm sits in relation to
16 local floodplains as well as aquifers, minimize
17 the damage to the surrounding area, odor control
18 and reduction to the farm, traffic patterns for
19 the farm that minimize impact, and is the farm
20 consistent with the area developed.

21 Siting criteria one, and this is how
22 it is read from the Livestock Management
23 Facilities Act; whether the registration and
24 livestock waste management plan certification

1 requirements, if required, are met by the Notice
2 of Intent to Construct.

3 As Mr. Goetsch said earlier, the
4 Notice of Intent was filed by my office to the
5 Department June 10th of 2011, and it was deemed
6 complete by the Department on June 30th of 2011.
7 Part two of siting criteria one deals with the
8 waste management plan. According to the
9 Livestock Management Facilities Act any facility
10 under common ownership must add together animal
11 numbers for all facilities to determine which
12 nutrient management plan category they fall
13 under.

14 Farms that are greater than five
15 thousand animal units must prepare and maintain
16 and implement a plan prior to placing a facility
17 into operation. The plan must be submitted to
18 the Department of Ag for review and approval
19 prior to commencement of the operation.

20 According to the LMFA guidelines this
21 farm will prepare, maintain and implement a
22 comprehensive nutrient management plan. The farm
23 will submit the plan to the Department of Ag for
24 review prior to the facility being placed into

1 operation. So before any animals are placed into
2 this building the nutrient management plan will
3 be in the Department of Ag's hands.

4 Once approved the farm will keep that
5 CNMP, the comprehensive nutrient management plan,
6 as well as all records of livestock waste
7 disposals on file at the farm. And all of those
8 plans and the records themselves will be made
9 available to the Department of Ag for inspections
10 at any time.

11 The goal of each nutrient management
12 plan, each comprehensive nutrient management
13 plan, is to utilize the waste produced by the
14 farm at agronomic loading rates that meet the
15 nutrient needs of the locally grown crops in an
16 environmentally sound fashion.

17 This goal will be accomplished by
18 developing the CNMP that includes at least the
19 following: Total annual manure volume
20 calculations; historically proven yields in the
21 local application areas into the local farm
22 fields; manure analysis; specific manure analysis
23 to this farm that will provide a nutrient content
24 of the manure; agronomic loading rates of that

1 manure; land application provisions for setback
2 and incorporation standards.

3 And the CNMP will document all phases
4 of that plan. And here's an example of a similar
5 type of facility with the estimated manure
6 production, the estimated pounds of nutrients
7 that will be included in that. And based on a
8 corn or a corn/bean rotation, which is what we
9 would have in this area, how many acres would be
10 available, or how many acres would be required.

11 So we're looking at what we expect.
12 And once we get the animals in there and we test
13 the manure for sure we'll have something that
14 will be similar. But this is from university
15 studies based on this size of animal. We would
16 expect a rough, on a corn/corn rotation, about
17 370 to 380 acres that would be needed.

18 Based on the nitrogen application
19 rates and on a corn/bean rotation the average
20 over the two years that we would need is about
21 415 or so acres. And Mr. Harms here at this
22 facility has 1300 acres that would be available.
23 So we have plenty of acres to utilize the manure.

24 Siting criteria two deals with whether

1 the design location or proposed operation will
2 protect the environment by being consistent with
3 the Livestock Management Facilities Act. Part 1
4 of that deals with the design of the structure
5 itself. And when I talk about the design of the
6 structure any part of the structure that's going
7 to contain, transport or come in contact with the
8 manure from the animals, that's what we're
9 talking about here. So we're talking about the
10 design of the concrete portion of the structures.

11 According to the LMFA what we're
12 required to do is look through the Midwest Plan
13 Service Concrete Manure Storage Handbook for
14 specific concrete specifications, specific
15 reinforcement requirements and water stop
16 requirements for the structure.

17 The design and the construction plans
18 as also mentioned by Mr. Goetsch was submitted by
19 my office for the farm on June 27th, 2011 and
20 these plans are currently still under review.

21 Part two deals with the location of
22 the facility. As we mentioned earlier, the
23 location and setback distances have been met both
24 for occupied residents and populated areas, and

1 the farm location was deemed complete by the
2 Department June 30th of 2011.

3 Part three of siting criteria two
4 deals with the proposed operation of the farm.
5 The owner and manager of the farm are licensed as
6 certified livestock waste managers. This program
7 is developed by the Department of Ag to educate
8 livestock managers on manure handling and manure
9 systems. Managers of farms of over 1,000 animal
10 units are required to attend a training course
11 and pass an exam.

12 And then also part of the proposed
13 operation is whether or not the facility will
14 have a nutrient management plan, and we've
15 discussed already they will have a comprehensive
16 nutrient management plan.

17 Design criteria three is whether the
18 location minimizes any incompatibility with the
19 surrounding areas' character by being zoned for
20 agriculture where the County has zoned, or where
21 the County has not zoned the setback requirement
22 established by the LMFA are complied with.

23 According to the County Zoning Office
24 rural areas within Livingston County are zoned

1 agricultural. And, again, the Department of Ag
2 deemed the setbacks for the farm complete
3 June 30, 2011.

4 We believe that the farm is compatible
5 with the surrounding area, and that is a rural
6 agricultural area. Setbacks for the facility;
7 this facility is proposing 4,500 animal units or
8 one thousand, I'm sorry, 4,500 animals or 1,800
9 animal units. The occupied resident setback for
10 a facility of this size is 1320 feet or a quarter
11 of a mile.

12 The setback for populated areas would
13 be 2640 feet or one half of a mile. There is a
14 setback map, I understand that we won't be able
15 to see that but that is the map that was approved
16 by the Department and sent out with the completed
17 Notice of Intent.

18 And you see in the middle the blue
19 rectangle identifies where the facility is. And
20 the first circle around the facility is the
21 residential setback. The second one would be the
22 populated area. And there are no residences not
23 owned by the facility within the first setback
24 and no populated areas within the second.

1 Siting criteria four deals with
2 whether the farm is located within a hundred year
3 flood plain or otherwise environmentally
4 sensitive area defined as an area of karst or
5 with aquifer material within five feet of the
6 bottom of the livestock waste handling facility;
7 and whether the construction standards set forth
8 in the Notice of Intent are consistent with the
9 goal of protecting the safety of the area.

10 Here is, we'll go through the
11 floodplain maps first. What we've got here is
12 the title page and legend from the Livingston
13 County floodplain map. If you see that, at the
14 very top left you see the blue hatched shaded
15 area, that represents a hundred year floodplain.

16 And you can see in this, this area, if
17 you can follow this you can see the blue, or find
18 the, or see the yellow dotted -- yellow. The red
19 dot, that represents the northernmost boundary of
20 the floodplain. And then the facility itself
21 would be up here, so well outside of the setbacks
22 for the hundred year floodplain.

23 And we actually talked about in the
24 initial description the karst area as another

1 potentially environmentally sensitive area. And
2 karst is defined as an area with like a land
3 surface containing sinkholes, large springs,
4 disrupted land drainage or underground systems
5 associated with karstified carbonate bedrock,
6 either limestone or dolomite, and caves or a land
7 surface with those features but containing a
8 karstified bedrock, carbonate bedrock and
9 generally overlaid by less than 60 feet of
10 unconsolidated material.

11 Basically what we're talking about are
12 areas under the soil where you're looking for
13 what are known as caves, voids under the soil.
14 Those as shown on this map, we have far
15 northwestern Illinois, the western part of
16 Illinois generally between the Illinois and the
17 Mississippi River, and then far southern
18 Illinois.

19 And as you can see by the facility,
20 the facility is well outside of any area that's
21 been identified by the Illinois State Geological
22 Society as areas where karst has been identified.

23 And as I just mentioned, the farm is
24 not located within an area indicated by the

1 Illinois Department of Natural Resources or the
2 Illinois State Geological Survey's karst terrain
3 carbonate bedrock in Illinois map as being a
4 potential karst area.

5 Aquifer material. Another portion of
6 a potentially environmentally sensitive area.
7 Typically what we look for is sandstone that is
8 five feet or more in thickness. And this is the
9 definition out of the Livestock Management
10 Facilities Act. Five feet or more in thickness
11 or fractured carbonate that is ten feet or more
12 in thickness or sand, gravel or sand and gravel
13 mixture such that there's at least two feet or
14 more present within any five-foot section of a
15 soil boring.

16 So all we do, we go out to the site,
17 we put a, conduct a soil boring under the
18 facility itself where the facility's going to go.
19 And we're required to go five feet or below the
20 bottom of that building to look for any of these
21 types of structures.

22 We conducted a site investigation June
23 16th of 2011. The boring was advanced to at
24 least five feet below the plan bottom; no aquifer

1 material was encountered. There's a copy of the
2 soil boring log that was submitted to the
3 Department of Ag showing the types of soil that
4 we found there. Nothing closely resembling any
5 aquifer material.

6 Siting criteria five deals with
7 whether the owner or operator has submitted plans
8 for operation that minimize the likelihood of any
9 environmental damage to the surrounding areas
10 from spills, runoffs or leaching. The first way
11 we address this as far as runoff or spills is
12 proper sizing.

13 The Department of Ag, the Livestock
14 Management Facilities Act requires a minimum of
15 150 days in the ruling of storage for all manures
16 from the farm. This structure itself will have
17 in excess of 365 days. So it allows the facility
18 to be very careful when they apply the manure so
19 that it's not being applied at any time that
20 would cause any problems with runoff or leaching.

21 As is also required by the, all the
22 regulations, this is a closed system. And this
23 is something that's not widely understood. By
24 law this is, it's not allowed, the farm is not

1 allowed to have any releases. So there would be
2 no uncontrolled release of livestock waste by law
3 from this farm.

4 We also install clean water diversions
5 that allow for any rain water to be diverted away
6 from the building. So we're talking about rain
7 water that hits the surrounding areas, rain water
8 that hits the roof, it's all diverted away from
9 the building so there's no fresh water entering
10 into the system.

11 Leaching. Another term that we talked
12 about in the initial description of siting
13 criteria five. The farm is designed so as to
14 prevent any release of livestock manure. Solid
15 concrete construction reinforced with grade 60
16 steel rebar, water stops placed in all
17 construction and stoppage joints. All surfaces
18 in contact with livestock manure will meet the
19 permanent building standards outlined in the
20 Livestock Management Facilities Act.

21 Siting criteria six. Whether odor
22 control plans are reasonable and incorporate the
23 reasonable or innovative odor reduction
24 technologies given the current state of such

1 technologies. Probably the best way that any
2 farm can reduce odor is maintenance, is daily
3 maintenance by the facility itself.

4 Each barn is pressure washed and
5 sanitized between every production cycle.
6 Sanitizing the barns for the next group of pigs
7 removes the potential odor causing residues from
8 all interior surfaces.

9 Probably the second best technology or
10 best way that we can, any farm should reduce the
11 odor from the manure applications is by injecting
12 that manure. All applications are applied based
13 on either nitrogen or phosphorous or a
14 combination of that loading. And this is
15 injected into the ground directly. The farm is
16 also investigating placing a tree buffer around
17 the facility.

18 We talked about, I mentioned
19 injection. I want to go through a couple
20 pictures that show you the similar types of
21 injection equipment that are used. And you can
22 see we're, you know, the manure is being placed
23 directly in the ground. And that's, so what
24 we're talking about, we're minimizing the contact

1 of that manure with the air, so thus greatly
2 reducing the odor. Another picture of an
3 injection type of equipment.

4 Mr. Harms has mentioned in his
5 introduction, and we're going to say it again
6 here, the farm intends to utilize injection as
7 the application method for livestock manure from
8 this farm. Again, minimizing the contact with
9 air and it is widely accepted as the best method
10 for manure application.

11 Livestock manure will be applied both,
12 by both the facility's certified livestock
13 manager and custom applied. Application will
14 contain numerous safety controls, but a couple
15 would be it's going to be continuously monitored.
16 So during the application there's going to be
17 somebody always there watching all parts of the
18 equipment. And there are emergency shutoffs in
19 the cab, so if something were to go wrong it can
20 be shut off right there by the person that's
21 doing the application.

22 As we mentioned earlier about the
23 Livestock Management Facilities Act, or actually
24 about the CNP, how many acres are available.

1 Again, there's at least 1300 acres available
2 locally per year for the application of livestock
3 waste.

4 And just to give you an example of a
5 typical annual livestock application, it's
6 equivalent, it's about four tenths of an inch of
7 rain. So we're looking at an agronomic rate. So
8 what the crops are going to utilize, what the
9 ground can utilize, it's similar to four tenths
10 of an inch of rain. And this is, and it's not
11 being placed on the top of the soil, we're
12 putting it right in the ground where the crops
13 can use it.

14 Siting criteria seven deals with
15 traffic patterns, whether these traffic patterns
16 for the farm minimize the effect on existing
17 traffic flows. We took a look at State Route 47
18 just away, to the west of the facility. It's
19 south of Saunemin. Daily averages of 2400
20 vehicles, weekly averages of 16,800 vehicles.

21 Now, if we break those down into
22 personal vehicles such as cars, personal trucks,
23 and multiple unit vehicles, such as semi
24 trailers, tandems, trailers, single axle hauling

1 trucks as well, about 67 percent or two thirds of
2 the vehicles are personal passenger vehicles, and
3 33 percent or a third are multiple unit vehicles.

4 We're looking at, you know, over an
5 annual view of the farm four trucks a week.
6 That's what would service this farm. Those would
7 be both for feed transportation and animal
8 transportation. If you compare those to the
9 numbers that we talked about on the previous
10 page, we're less than one percent of the average
11 daily multiple unit traffic on 47 just to the
12 west of the facility. And that's less than one
13 percent of the large vehicle traffic. That's not
14 even taking into consideration the passenger
15 cars.

16 Siting criteria eight deals with
17 whether the construction of a new facility is
18 consistent with existing economic growth,
19 tourism, recreation or economic development. Or
20 with specific projects involving community
21 growth, tourism, recreation or economic
22 development that have been identified by
23 government action for development for operation
24 within one year through compliance with

1 applicable zoning and setback requirements for
2 populated areas as established by the LMFA.

3 Again, I think the theme here is the
4 farm is consistent with existing and planned
5 community development by demonstrating compliance
6 with both zoning and setback requirements. Some
7 of the positive impacts that we're going to see,
8 tax benefits. Local materials, the concrete for
9 the facility we know are going to come locally,
10 all the local grain that's going to be used by
11 the facility.

12 You know, in summary, the facility has
13 met the registration waste management
14 certification requirements, or will meet them,
15 has met the design location and management to
16 protect the environment criteria, has met the
17 criteria dealing with zoning and setbacks, has
18 met the criteria dealing with environmentally
19 sensitive areas and construction standards, has
20 met the criteria for plans to prevent spills,
21 runoff and leaching, has met the criteria for
22 plans to control odor, has met the criteria for
23 the effects on local traffic and met the criteria
24 for existing community development plans.

1 One thing that I would like to go back
2 to, when we're talking about, you know, local
3 areas and what the facility is going to utilize,
4 one thing that I failed to mention is, you know,
5 water use by the facility. On average this type
6 of facility is going to use throughout the life
7 annually, throughout, starting from the, when
8 they're brought in at 14 to where they leave at
9 approximately 275, you're looking at about a
10 gallon a day, per day, is what we're talking
11 about. That is what I have. Thank you.

12 MR. ANDERSON: Hi. My name's Nick
13 Anderson. I'm with the Illinois Livestock
14 Development Group. Patrick has asked me to come
15 up and help address a few issues that he's
16 realized locally, and I'm kind of in between
17 Patrick and Chris on technology.

18 Even though we're here to talk about
19 the eight siting criteria and how that pertains
20 to this site and how it's developed, and how the
21 Department of Agriculture approves that, there
22 are still other issues out there around pork
23 production and farming and general ag questions
24 that people have concerns about that we'd like to

1 help address.

2 Primarily my piece today will talk
3 about the pork industry, how Patrick plays that
4 role in it, how professionals like Chris play a
5 role in it, as we manage not only animals but
6 nutrients from those farms. And I guess, so I
7 can get a better comfort level, I appreciate the
8 County Board wanting to put some information out
9 there in the marketplace and calling for this
10 meeting. How many County Board members are here
11 today? Very good. I appreciate you calling this
12 and providing a service to the public. I'd like
13 to see all the County Board members there.

14 But at any time if there are questions
15 from the County Board or the community please
16 call me and I can provide my information. The
17 pork producers are here today, and also Patrick
18 and the people that he uses to do his business.
19 We would offer that extension even after this
20 meeting, even during through construction, that
21 if you have those questions and concerns let us
22 see if we can help address that.

23 Because by not doing that, having a
24 meeting off to the side and not having good

1 information from both sides becomes difficult to
2 operate down the road. And I think we all have
3 to move that direction.

4 And for those of you that aren't
5 familiar with swine production, I grew up similar
6 to Patrick with a history of grandparents and
7 parents in production agriculture in the hog
8 business, and it's changed. For a lot of
9 different reasons. And a lot of it has to do
10 with the economy, labor, feed costs, animal
11 health, and also animal care.

12 And when I grew up, and some people
13 might get a kick out of this, I lived, I grew up
14 in Henry County and a lot of outside pigs. This
15 was the way we used to raise pigs. There is
16 still a segment of that out there. But the
17 challenges that we have, are we efficient, can we
18 take care of animals in this 95 plus degree heat.
19 A lot of issues affect outside production.

20 This is an older picture. Sows would
21 move to the mud hole. If it rained a lot there
22 would be environmental challenges, can we keep
23 them cool. And then back to the animal health,
24 is it best for those animals.

1 And I grew up in a neighborhood that
2 this was the way we bedded hog houses every day
3 of our life. And when it snowed and when it got
4 cold and when we had ten inches of rain it wasn't
5 a pleasant place for us to operate.

6 So over time producers tried to find
7 ways to alleviate these pressures as a
8 marketplace. And this is my friendly sow
9 picture. When they're in the mud hole they're
10 not feeding their little baby pigs. And is it
11 good for animals. Hogs think they're comfortable
12 there, but they really need to stay cool.

13 We've kind of gone into a system where
14 we have more individual care in a building that
15 we can manage litters better and save more pigs
16 and keep healthy animals that we can watch on
17 every day inside an environment. And really
18 pigs, hot or cold, they like it around 65 to 75
19 degrees. That's where their comfort zone is.

20 When you get out of that they quit
21 eating, they're restless. Or when it's cold they
22 eat so much that they can't maintain if they're
23 in outside conditions. So coming into buildings,
24 which goes away from the way I grew up or we

1 might have a fundamental background on how to
2 raise hogs, we can't see the pigs in this
3 building from the road.

4 Sometimes all we do is smell some
5 odors. But the reason these buildings exist are
6 really for animal care and production and making
7 sure that we do our jobs as pork producers, and
8 really ultimately to the consumer because the
9 consumer demands a pork product in the
10 marketplace that's uniform, well cared for,
11 raised humanely, and is at an affordable price.

12 So that's some of the reasons we've
13 gone to this system. And I'd like, if my
14 grandfather saw it today he wouldn't understand
15 it. But as we take technology and move forward
16 in the future we're progressing this way and
17 there's going to be a lot more changes in the
18 future in the animal ag industry and agriculture
19 that will find those technologies so we can raise
20 pigs better and take care of them better for the
21 future.

22 So really that's what's behind some of
23 this move. And really uniformity, you see a
24 quality feed product there that those pigs are

1 eating and comfort, and food and water is really
2 what those animals need. And we as pork farmers
3 need to provide that in any fashion that we can.
4 Inside or out, we need to address those issues.

5 A little snapshot. And I think
6 Livingston County is not immune to pork
7 production, and there's been a lot of leaders in
8 the pork industry from this area that have grown
9 the pork producers and put them in a professional
10 spot. And I am fortunate enough to have been in
11 the industry to know some of those folks.

12 But not only to the state's economy
13 animal agriculture and pork production is vital
14 to this agricultural community. And our job is,
15 in the pork industry, is to continue that
16 heritage and follow the rules of the Livestock
17 Management Facilities Act, the Clean Water Act,
18 and try to co-exist in these ever changing rural
19 communities that aren't like grandpa used to be.

20 And I mentioned that the hog farms
21 aren't the same. Our communities aren't the same
22 either because folks from outside agriculture and
23 really animal agriculture have moved into more
24 rural settings, and their understanding of

1 production agriculture is different than what my
2 parents and grandparents had.

3 So we have to do a much better job
4 communicating our farms and what we do on them so
5 they have a better understanding of it. And this
6 step in the public informational process
7 hopefully is a step in the right direction to
8 give that information so that people are more
9 informed about it and we can move forward with
10 production in the future.

11 Also, Illinois used to be number four
12 in hog production and that's moved away. Pork
13 production in the State of Illinois is important.
14 It's one of the largest animal ag systems,
15 production systems, versus beef and dairy and
16 poultry. We put a lot of liability in pork
17 production for this state's economy, as you get
18 downstate in agricultural areas.

19 And that's sort of what we do in
20 agricultural areas, whether it's grain and feed
21 or livestock, it comes in many forms. And all
22 livestock facilities have to meet the LMFA. This
23 isn't unique to the pork industry. Every segment
24 of the livestock industry needs to follow these

1 rules and implement the technologies and the
2 information from the Department of Ag that lets
3 these happen.

4 And there seems to be, I hear a lot of
5 questions out there well, it's a done deal, he's
6 already going to build it. Really the onus for
7 this farm is on the Department of Agriculture
8 that he follows the guidelines of the LMFA and
9 follows the rules, and then he fulfills them to
10 their satisfaction.

11 So whether it's cement thickness or
12 siting issues or road issues or odor control, the
13 final say really goes back to Ag. They are in
14 charge of this. So what Patrick and his
15 professionals need to do is conform this farm as
16 they send those plans in and Ag will surely ask
17 them questions back, that what is this or what is
18 that and you need to change this or that. Or you
19 need to maintain the Livestock Facilities Act as
20 it pertains to your farm.

21 So there are some end roads to some of
22 these issues that people might have out here in
23 the marketplace. And really part of this meeting
24 is to let the Department of Agriculture know that

1 this area is a concern that we have and we'd like
2 you to put more focus on it.

3 And I think the County Board is here
4 also to say out of these eight siting criteria
5 we're going to depend on Ag to follow through
6 with those, but we have concerns about siting
7 one, two or three. That's sure a great process
8 to let Ag know we'd like a little more emphasis
9 on these types of criteria.

10 And siting criteria eight or nine
11 might be fine with us. Let them know that you
12 think this facility is meeting those criteria.
13 But it's really a communication back and forth.
14 And I will also say Patrick needs to know those
15 things too. He will eventually find that out
16 from the Department of Agriculture, but through
17 the community I think as an industry we need to
18 address those things also.

19 And hopefully we have a clear pathway
20 to sit down and reasonably talk about those
21 issues and have some discussions and have an
22 outcome that we can all live with. In the end
23 result we want our farms to look professional and
24 well managed. And we also want them to provide

1 the best care and feed for the animal. So that's
2 our goal in mind when we put these types of farms
3 together, and it will always be that way.

4 I'm going to move on to a couple other
5 slides, and they might look somewhat redundant to
6 Chris', but manure application becomes an unclear
7 discussion point for some folks that haven't seen
8 it. This is anhydrous ammonia application. It's
9 a commercial fertilizer. And in the spring and
10 mostly in the fall we hope if weather permits
11 that we apply nitrogen for our crop uptake
12 through this system.

13 Similarly, the pork industry has a
14 similar application process to put nutrients out
15 there for crop uptake, and it's through a drag
16 line system. We also have a tanker system that
17 Patrick has used in the past and he's going to
18 find that best management practice, whether it's
19 through a drag line system, or putting it on by
20 tank, and consider how it impacts the roads on
21 how he puts those plans together.

22 And those will be available through
23 that CNMP when they show NRCS and the Department
24 of Agriculture what's going to happen out there

1 in the manure plant.

2 The great thing about this, and my
3 next slide is going to show that, you know,
4 pictures of tractors and understanding the
5 technology is difficult for all of us, but if you
6 take the back of that tractor and that tool bar
7 where that plow goes into the ground, right there
8 where the grass is that's the surface. And when
9 we go underneath the surface six to 12 inches
10 that manure's going to come out into that
11 cropping zone.

12 Any water that comes down on top of
13 that becomes runoff or, runoff water that hits
14 the top and moves away. And when we place
15 nutrients underneath the ground, much like we do
16 commercially with anhydrous ammonia and other
17 fertilizers that we use, we want to get that
18 component down into the cropping part so it's not
19 open to the elements because it's valuable to us.

20 It's really valuable now when we look
21 at inputs in cropping production that anhydrous
22 ammonia is now a thousand dollars a ton or
23 \$750.00 a ton. When I grew up it was in that 200
24 range or three or \$400.00 range as far as value.

1 So we've doubled that value for a lot
2 of different reasons on the cropping side and
3 it's really brought the value of that manure up
4 for the grain side at best and for the rest of
5 Patrick's operation and people that he's going to
6 work with.

7 So hopefully that tool bar that you
8 see moving back and forth, this is really what's
9 happening underneath the ground that six to
10 12 inches so we get maximum utilization of the
11 nutrients that we provide in animal agriculture.
12 And that's really our goal, and it's based off of
13 those CNMP plans that farmers put together so
14 they can operate under those means.

15 And in the end, and I'll keep it
16 short. I know there will be some questions.
17 Really when you get down to it, the pork chops
18 that you buy at the grocery store or at the food
19 service or that you raise yourselves, really
20 that's what we in the pork industry are trying to
21 do is provide that nutritious healthy, hopefully
22 affordable pork product without a big, small,
23 medium label on it that it's always there for you
24 every day to take advantage of. That's our end

1 result.

2 The bacon I buy in the store, the
3 bacon I, sausage I had at McDonalds, whatever
4 that might be, comes from systems like this. A
5 portion of that's going to be Patrick's. A
6 portion is going to be somebody else's. But our
7 goal is to provide that healthful, safe,
8 affordable food price for you folks.

9 I thank you for your time. And we
10 will be available after this meeting to speak
11 individually if you'd like to. If there's other
12 information that you need to, whether it's your
13 County Board or the township of Saunemin, we
14 would like to participate in that and hopefully
15 there's an invitation that we can share those
16 views to folks locally so they better understand
17 what we do in the pork industry and what's going
18 to happen on this farm, and keep that
19 communication going. So at this time I'll turn
20 it back over to the Department of Agriculture.
21 Thank you.

22 (Exhibits Nos. 3 and 4 marked for
23 identification.)

24 MR. FRANK: Thank you. Does the

1 facility and the representatives have copies of
2 the presentations? I will enter into the record
3 as Exhibit Number 3 some of the testimony from
4 Mr. Harms. Entered as Exhibit Number 4 will be
5 Mr. West's testimony, or his power point slides.

6 We will now open the meeting for
7 questions that you may have of the Department or
8 of the facility. If you have a question that you
9 would like to ask please raise your hand and when
10 called upon please state your name and then also
11 spell your last name.

12 Please indicate to whom you're
13 directing your question. I will remind you that
14 this portion of the meeting is limited to
15 questions only. After this question and answer
16 session there will be a session dedicated to
17 public testimony where you can provide your oral
18 comments. So please limit this session to
19 questions only.

20 Are there any questions? Yes, ma'am.
21 And could you please speak up so we can all hear?
22 Thank you.

23 MS. CAMPBELL: Judy Campbell,
24 C-a-m-p-b-e-l-l. This is, my first question is

1 to the Department. The analysis that's done on
2 the waste, what elements are tested for? Is it
3 limited to just nitrates and phosphorus?

4 MR. GOETSCH: I apologize, I don't
5 recall. There are different questions, or excuse
6 me, there are different analysis requirements for
7 different things. But I believe for the nutrient
8 management plan I believe it is just the, I think
9 it's just nitrogen and phosphorus.

10 MS. CAMPBELL: Okay. And my second
11 question is for Mr. Harms' group over there. On
12 the water usage, you gave us an average. Can you
13 give me, can you give us a range of peak
14 production versus whether there, it sounds like
15 it's, either you're going to use a little when
16 they're little and a lot when they're big. Are
17 you going to have multiple groups of livestock in
18 different stages or is it going, how's it work?

19 MR. HARMS: It's going to come in when
20 they're little and of course it's just like a
21 little baby, you know, they drink so much and
22 then they eat more when they get bigger. They'll
23 be an all in, all out site. So within two weeks
24 approximately we'll fill the barn. And then when

1 we start shipping it takes about five weeks or
2 six weeks to empty the barn and give us time to
3 clean up to go to the next.

4 MS. CAMPBELL: Do you have an estimate
5 of the peak usage of water?

6 MR. WEST: You're probably going to be
7 in the, more like around high twos to threes at
8 the very, well, and it's not only size, it's time
9 of year. You know, obviously if you have a 275
10 pound animal right now in early August when it's
11 at 95 or a hundred degrees outside, they're
12 drinking the most that they're going to drink.
13 That's probably the range that we're looking at.

14 MS. CAMPBELL: One more. On the
15 acreage that you're going to distribute the
16 waste, you said you had 22,400 hogs. Is that,
17 are you going to share these acres for those
18 facilities?

19 MR. HARMS: No. There will be new
20 acres applied that we've got people that's going
21 to sign up and get, you know, that will be
22 basically all new acres.

23 MS. CAMPBELL: Will there be any, is
24 there a possibility that any of the waste will

1 wind up outside of your control and shipped
2 somewhere else?

3 MR. HARMS: No. We'll be applicating
4 it or I'll custom apply with one of my friends
5 that's here today that he runs a drag line system
6 and run his system. And to clarify that, in his
7 system there's computers in this thing. It shows
8 us how much we put on per gallon per acre.

9 YOU know, the Department of Ag tells
10 us everything what to do there. And that's what
11 we go by. He can pull that chip out, it goes in
12 the computer. And he's got color printed maps
13 and everything. So everything's -- go ahead.

14 MR. ANDERSON: I think the other issue
15 about distance, if you start getting one and two
16 miles away from a production facility it becomes
17 very inefficient and very costly to haul manure,
18 so Patrick's goal with the land that he has and
19 with the people he's working with is to apply
20 that in the closest location it is.

21 And actually, once you get outside of
22 that two-mile radius of his access really it
23 makes no sense to do that at all because it's so
24 costly to move.

1 MR. WEST: I would actually like to
2 expand upon that a little bit more even, since
3 this facility and the other facilities that
4 Patrick has in aggregate are more than five
5 thousand animal units. Every CMP for every farm
6 will be submitted and approved by the Department.

7 Inside that plan are colored field
8 maps showing exactly where that application is
9 going to occur. So we won't be, you know, if we
10 use the same field for both farms then they're
11 both in the same plan which would not be an
12 approvable plan at that point because then you're
13 doubling up on manure and things and then that
14 can't happen.

15 MS. CAMPBELL: I'm only minimally
16 aware if there's municipal waste that can be
17 spread too and that is purchased by an operator
18 and then knifed in. I didn't know if that could
19 happen with the hog waste too.

20 MR. HARMS: Like basically customers
21 or somebody --

22 MR. WEST: She's saying can --

23 MR. HARMS: I don't know about a
24 broker but a farmer could buy it or purchase it.

1 MR. WEST: But it would still have to
2 be in the plan.

3 MR. HARMS: It would have to be in the
4 plan, yes.

5 MR. FRANK: Okay. Next question?

6 MR. GOETSCH: Let me clarify my answer
7 because I did look it up. And I apologize, I
8 didn't have it quite right. The laboratory
9 analysis that's required is total nitrogen,
10 ammonium nitrogen, total phosphorus and total
11 potassium.

12 MS. CAMPBELL: Thank you.

13 MR. FRANK: Okay. Next question?
14 Ma'am. Would you stand up and state your name
15 and spell it, please?

16 MS. HUGHES: It's Harriet Hughes,
17 H-u-g-h-e-s. Do you have any current statistics
18 as to how hog operations such as this one affects
19 surrounding home values? I'd like --

20 MR. GOETSCH: I guess the way I would
21 answer that is I think that there has been, there
22 have been studies that have actually shown a
23 decrease in home values and there have been some
24 studies that showed an increase in home values.

1 I think the increase in home value studies were
2 probably very unique situations where it was just
3 a very, very unique situation.

4 What the situation is here I really, I
5 really can't say one way or the other. But I
6 think there has been data out there that showed
7 either.

8 MR. ANDERSON: If I could I'll expand.
9 We went and looked at where other livestock
10 facilities --

11 MS. HUGHES: Excuse me. But I wanted
12 to ask him.

13 MR. ANDERSON: Scott, go ahead.

14 MR. FRANK: Hold on a second. Did you
15 want some further information on that question?

16 MS. HUGHES: No. I'd like to know can
17 you make that information available?

18 MR. GOETSCH: I'm not sure that I have
19 a mechanism for that. I mean, I guess, our role
20 here is to determine whether the eight siting
21 criteria have been met. But we're not a
22 repository of research associated with livestock
23 production in the country.

24 I would I guess respectfully suggest

1 perhaps contacting the extension service or, I
2 mean, I can see what I can do but I'm not going
3 to promise anything because I don't know what's
4 out there. I can do a search and see what I can
5 do.

6 MR. FRANK: Mr. Anderson, did you want
7 to comment?

8 MR. ANDERSON: Yeah. Typically when
9 we looked at hog production in this county, and
10 actually it's been very active over the years,
11 and really, probably the place to go to get some
12 of that direct information is through your County
13 Board and the rural appraisals and the tax
14 assessments.

15 Patrick's got other farms and he's got
16 tax records that show his taxable process out
17 there, and really visit with his neighbors. And
18 I don't know, especially like in the county I
19 grew up in and where I live now I haven't seen my
20 assessed value go down. And I would think you
21 would find similar cases around Patrick's other
22 farms.

23 And I hope that would be
24 representative for you to have a better

1 understanding what the indications of property
2 values are. And I think that's a good topic for
3 the Board to have discussions because when we
4 talk about developing our communities that should
5 be at the top of what do we bring to our
6 communities that maintain our tax base.

7 MR. FRANK: Next question. Sir?

8 MR. HOLT: Donald Holt, H-o-l-t.

9 MR. FRANK: Could you speak up a
10 little bit, please?

11 MR. HOLT: Donald Holt, H-o-l-t.

12 MR. FRANK: Thank you.

13 MR. HOLT: My question is for Mr.
14 Harms. I think I understood you to say that you
15 were willing to sign an agreement not to expand
16 your operation beyond the 4500. But I thought
17 you also included in that statement saying that
18 was only good for two years?

19 MR. HARMS: Oh. Let me clarify that.
20 The Department of Ag, tell me if I'm wrong or
21 right here, but to expand, you know, if I built
22 the 4500 you have the right to build again 4500
23 head of hogs. In two years. So I should have
24 worded that after two years to expand.

1 I waived my right to do that and I
2 think it would be, with the Foxes, I'd sign
3 something with the Browns because they own the
4 property around it that we wouldn't expand
5 another barn at that location.

6 MR. HOLT: And there's no term limit
7 to that?

8 MR. HARMS: Well, I think what we
9 would say is maybe time, I don't know how you'd
10 do it. You know, I'd do it with, you know, the
11 Fox family and my family and the Brown family.
12 They're willing to do that too. You know, I
13 don't know how you'd put it.

14 You'd have to have an attorney or
15 something, you know. By the time of death. I
16 don't, I don't know how to word it, you know.
17 But I'd have to have somebody word it so they
18 would be, work with it and I'd work with it.

19 MR. FRANK: Ma'am?

20 MS. HUDSON: My name's Karen Hudson.
21 I have two questions.

22 MR. FRANK: Could you spell your last
23 name, please?

24 MS. HUDSON: H-u-d-s-o-n.

1 MR. FRANK: And speak up, please.

2 MS. HUDSON: H-u-d-s-o-n is my last
3 name. First name is Karen. I have two
4 questions. What is the recommended distance by
5 extension or pork producers to locate two CAFOs
6 to inhibit disease transfer between the two?

7 MR. ANDERSON: I can answer that
8 question. It depends on the farm that you're
9 working with and the herd health that you've
10 established. Disease can be, and depending on
11 the veterinarian, we've got a vet here that
12 hopefully his testimony today will answer that.

13 But it depends on the herd health, and
14 they can be broken within a hundred yards
15 sometimes. But typically when you get to that
16 quarter mile or so that break or those issues can
17 be addressed in that fashion.

18 MS. HUDSON: Okay. I've heard between
19 one and two miles by Michigan extension. But as
20 you know there's only a quarter of a mile setback
21 between a residence and a facility. So I think
22 the people need to be taken --

23 MR. ANDERSON: Excuse me, is that a
24 question?

1 MS. HUDSON: Yes. No. That was my
2 first question. My second question is, what
3 species of trees do you plan to plant near the
4 facility and are they deciduous because I've
5 heard that planting tree barriers in recent
6 research has shown little to mitigate the odor
7 plume.

8 MR. HARMS: Colorado Blue Spruce I've
9 got started at another area that I can move in
10 that are bigger. And the Austrian trees, they
11 grow really fast. You know, fast, fast growing
12 in a combination so you get them up and grow like
13 a wall around it. And then the Colorado Blue
14 Spruce around there so they can get grown.
15 They're a little bit slower growing. But we're
16 coming with five or six footers. It's going to
17 just grow I think quite a bit faster I hope.

18 MS. HUDSON: I think it's a good idea
19 to put the pine trees in because the Austrian
20 trees only have leaves part of the year. Thank
21 you.

22 MR. FRANK: Next question? Ma'am.

23 MS. FOX: Julie Fox, F-o-x. This
24 question is directed to the Department of Ag.

1 Can the manure be sprayed on like a fire hose as
2 well as knifed in the State of Illinois?

3 MR. GOETSCH: I'm not sure if I'd
4 characterize it by that, or in that manner. But
5 I would say yes, you can surface apply and you,
6 or you can surface apply. The only requirement
7 is is that if you're within a quarter mile of a
8 home you must incorporate it within 24 hours.

9 MS. FOX: What's the distance?

10 MR. GOETSCH: A quarter of a mile. If
11 you're applying within a quarter of a mile you
12 can surface apply it but it must be incorporated
13 within 24 hours. That's the requirement.

14 MS. FOX: Okay. Then my second
15 question is to Patrick. How do you know how much
16 you're applying per acre when you spray it if you
17 have to spray it on?

18 MR. HARMS: It's regulated, plus we
19 have Raven monitors in our tractor so we know
20 exactly where our gallons are going on. Plus
21 Joe's got monitors in there like I said about
22 mapping. But he won't spray on top. You know,
23 if I had to it would have to go that way.
24 Honestly, we do not want to spray on the top.

1 You lose too much nitrogen. It's just not cost
2 effective to do that. Our goal is to knife it
3 in.

4 Two years ago we had a little wet
5 fall and we had to, you know, kind of work with
6 that a little bit and work with some of our
7 neighbors. Stay on the plate areas, you know,
8 and get our ground worked on the best, you know,
9 that was I hope one out of a hundred years that
10 we had to fight the mud in the fall. But, about
11 that.

12 MR. FRANK: Next question? Sir.

13 MR. CAMPBELL: My name's Rich
14 Campbell, C-a-m-p-b-e-l-l. My first question is
15 to the engineering group. In the concrete
16 foundation that you engineered, to be honest I've
17 never seen any concrete that didn't crack. Is
18 there a liner of some kind underneath that to
19 collect any leakage years from now after it's
20 been built?

21 MR. WEST: No, there's no liner per
22 se. What we do though is we put joints in there
23 to help control where it cracks. And in each of
24 those joints we have water stop that we place in

1 that, so it allows the concrete to crack in
2 certain locations but only where it's reinforced
3 with a water stop.

4 Now, but before the, before anything
5 is put, before any animals are put in place, or
6 what does, the Department of Ag comes out and
7 does a site inspection. And if there is any
8 surface cracking, whether it cures too fast right
9 at the top and you get some of the minimal
10 surface cracking then we come back in with a
11 sealant to place over those areas.

12 MR. CAMPBELL: Okay. And then the
13 second question I've got is, you know, I heard
14 waste control and none of that about flies.
15 Controls over flies. I heard reports where they
16 can be found up to ten miles away from a pig
17 farm. And we live really close to that there. I
18 don't want to find them all over the side of my
19 house. What kind of controls do they have for
20 flies?

21 MR. HARMS: There is stuff you can
22 spray on barns. We constantly do that probably
23 about once a month in our previous sites. Then
24 it's kind of communication. You know, if you'd

1 be willing to have my cell phone, call me and say
2 hey, we've got a family get together this
3 weekend, have you done something, you know. You
4 know, just, we've done it with other neighbors.
5 Hey, they've got people with a picnic or
6 something coming in.

7 You know, it's kind of communication
8 with your neighbors too. Not that we won't spray
9 that once a month, but we'll go in and hit it
10 again during the week or something like that
11 before the weekend.

12 MR. CAMPBELL: Spray what barn, your
13 barn or our barn?

14 MR. HARMS: No, our barn.

15 MR. CAMPBELL: Okay. And, again, I
16 guess the question is, if there is some kind of
17 nuisance or violation award, we feel that we're
18 having problems, who can we contact that has any
19 kind of pull? I don't know Patrick at all. He
20 could be all right. But if I've got a problem
21 and I call him and he can't solve the problem or
22 won't solve the problem do you guys enforce any
23 of the rules or, you know, what he has to do?
24 Who do we contact to say hey, there's a problem,

1 or is everybody just going to say well, we don't
2 want nothing to do with it, it's built?

3 MR. GOETSCH: The way the law, or the
4 laws, are written, the LMFA is, well, let me put
5 it this way. The Illinois Environmental
6 Protection Act was put in place in the early
7 seventies. The Livestock Management Facilities
8 Act was added, as I mentioned earlier, in '96.
9 It doesn't replace the Environmental Protection
10 Act, it only adds additional requirements that
11 weren't in place, you know, in the early
12 seventies and eighties.

13 The Department's role is the
14 administration of this Act. I guess the question
15 becomes what kind of issues are you talking
16 about? Like if they're, if they have a release
17 or if they're inappropriately applying the manure
18 such that it is leaving the site, those kinds of
19 issues might be in some cases under IEPA, so you
20 would call them.

21 If they're violating their waste
22 management plan then that's something that we'd
23 be interested in. We have a cooperative
24 agreement with IEPA and we do work together with

1 them very closely. But there's kind of a
2 trade-off, not a trade-off but kind of a hand-off
3 in that we administer the parts of this Act that
4 apply to facilities, how the facility's going to
5 be designed, how it's going to be built, to make
6 sure that it does these different things.

7 Then once it's in operation many of
8 those responsibilities in terms of oversight fall
9 to the IEPA. So it's kind of a joint thing. It
10 could be either agency.

11 MR. FRANK: Next question? Yes,
12 Ma'am.

13 MS. JAMES: Stacy James, J-a-m-e-s.
14 My first question is for Mr. Harms. I assume
15 that your building will have some perimeter
16 drainage tubing? If that is the case where will
17 it discharge to? And if you could show me on a
18 map that would be even more ideal.

19 MR. WEST: Since it is fairly flat
20 right here, at least where the building's going
21 to go, it's going to be tiled in with sump and
22 then pumped over ground.

23 MS. JAMES: On the ground?

24 MR. WEST: Yes, on the surface.

1 MS. JAMES: Where?

2 MR. WEST: Just, at the facility.

3 MS. JAMES: Right outside the
4 facility?

5 MR. WEST: Yes.

6 MS. JAMES: And how many gallons do
7 you anticipate that tile discharging to do?

8 MR. WEST: I don't have, I don't have
9 an idea of how many gallons per day we're going
10 to be getting from there. It's totally dependent
11 on the time of year, what the water table, you
12 know, what the water table is at.

13 MS. JAMES: Well, if it's discharging
14 just to the ground I would assume you're not
15 expecting much or it records the ground that --

16 MR. WEST: No. We typically don't, we
17 typically don't see a lot.

18 MS. JAMES: Okay.

19 MR. HARMS: When we do have water we
20 have to, the government, they send us a letter.
21 And every quarter is it, we have to take samples
22 of that water and send it into the State. So,
23 you know, we've got to follow the rules there
24 too.

1 MS. JAMES: I guess the reason I asked
2 that question is I know there's a ditch nearby
3 and I know that perimeter tubing can become
4 contaminated, so I certainly wouldn't want that
5 water to be discharging into the ditch or the
6 north fork.

7 MR. WEST: And while that definitely
8 is allowed by the LMFA I'll expand a little bit
9 on what Patrick said. Before the facility is
10 ever put in place we are to test that tile water
11 so that there's a background information. And
12 then quarterly the Department of Ag requires
13 that. We take a sample and submit it to them for
14 review just to make certain that we're not, you
15 know, that there's no spikes on that background
16 information.

17 MS. JAMES: I understand that.

18 MR. WEST: Okay.

19 MS. JAMES: But clearly it's not
20 particularly often. My next question is what
21 sort of survey did you do for subsurface drainage
22 to make sure that there's no tile lines within
23 50 feet or more of your facility?

24 MR. WEST: There was no direct survey

1 done for, what we do was utilize the owners of
2 the farm to find out if there are any subsurface
3 tiles. If, and there are none to our knowledge.

4 The best way to look for those is
5 actually during construction, if something's
6 found during construction, because we would be
7 digging way below any elevation of any field
8 tile. If something's found then those by law
9 would have to be removed well back from the
10 facility.

11 MS. JAMES: So are you going out? Are
12 you digging down that far 50 feet out from your
13 facility boundary?

14 MR. WEST: No.

15 MS. JAMES: So how would you find a
16 tile that's 50 feet from the outside of the
17 facility?

18 MR. WEST: Well, there are none of
19 record there.

20 MS. JAMES: Well, but that's based on
21 owner knowledge. I'm not sure how long the owner
22 has owned the land or if, you know, if a tile was
23 put in 50 or a hundred feet.

24 MR. WEST: We have no knowledge of any

1 tiles.

2 MS. JAMES: Well, that's a criticism
3 of the system then

4 MR. GOETSCH: Let me also add though,
5 you have to consider what his response was. When
6 they're doing the excavation we're talking about
7 digging a hole over 120, 140 feet wide and over
8 300 feet long. Drainage tile in Illinois are
9 usually put in 80 to 120 foot spacing, so if they
10 hit one, at least if they hit one during
11 construction in the area where that tile, or
12 where that building is going to be placed we're
13 going to expect that they then go out that full
14 distance and most likely put in a trench down
15 that deep all the way around to make sure that
16 there isn't anything there.

17 The chances though of, or if they
18 don't hit anything in that hundred and, over 120
19 foot wide excavation by 300 feet long I think
20 that that probably reinforces what they're
21 suggesting, that there are none there. Just by
22 looking at the geometry.

23 MS. JAMES: Possibly.

24 MR. FRANK: Next question. Sir?

1 MR. SIMMONS: Donnie Simmons.

2 S-i-m-m-o-n-s. I was wondering if there was
3 going to be any shower or restroom facilities in
4 the office?

5 MR. HARMS: Not at this time, no. Not
6 at this time, no.

7 MR. FRANK: Next question? Sir.

8 MR. WEGMAN: Steve Wegman,
9 W-e-g-m-a-n. I'm with Illinois American Water,
10 and a couple technical questions. As far as the
11 manure versus ammonia, do you know anything about
12 the movement of that through the ground through
13 groundwater? Is manure applied more likely to
14 produce nitrate runoff or less likely?

15 And about getting in tiles the same
16 way, is it more likely or less likely to show up
17 in tiles? And do you monitor what comes out of
18 the tiles?

19 MR. WEST: Can you ask your question,
20 more likely than what?

21 MR. WEGMAN: Than anhydrous ammonia,
22 because we already have a problem with anhydrous
23 ammonia getting into the Vermillion River and I'm
24 just concerned how this can compound that

1 problem.

2 MR. WEST: To my knowledge it's less
3 likely because it's organic manure. It's going
4 to be, it clings better to the soil particles
5 than a commercial fertilizer does. It's also
6 being applied right there at the root's interval
7 so you have a much, you have much less likely
8 that it's going to go down to the tile systems
9 because it's right where the roots are going to
10 pull it out.

11 MR. WEGMAN: And are you required to
12 do any unusual monitoring? You said you do some
13 sampling of the water from your tile at the site.
14 Do you do it from the tiles?

15 MR. HARMS: When you take, when we put
16 manure on we're always taking nitrogen samples
17 out of the manure periodically. We have to do it
18 per the CNMP program and the Department.

19 MR. ANDERSON: But not out of the
20 tile.

21 MR. HARMS: Oh, not out of the tile.
22 This is out of the building. I'm sorry.

23 MR. WEST: One of the requirements
24 that we write into our CMP is to monitor any tile

1 inlets or if there is a known junction so that
2 you can monitor that. That's one of the things
3 that we do require so that you, so that there's
4 no flow going into a tile.

5 MR. FRANK: Next question? Yes, sir.

6 MR. FOX: Rich Fox, F-o-x. I have one
7 question of the engineering group. He said that
8 you did a traffic study on the impact of the
9 roads. There would be four trucks going in and
10 out. That would be great if there's only four in
11 and four out, if that is. But, Patrick, I didn't
12 know until today that it's going to be an all
13 out, all in facility, so I'm guessing 4500 pigs
14 is going to take 25 trucks, 20 trucks to come
15 out.

16 Is that in your, part of your road
17 impact and is this going to be in the spring of
18 the year and, you know, April? Can we time this
19 around so roads are a pretty good fit?

20 MR. WEST: And you are correct. The
21 number that we put up was an average number over
22 the year's time so, but since it is an all in,
23 all out part of that, now, the biggest part
24 during an annual, during the annual evaluation or

1 looking at this on a weekly basis would be the
2 feed supply in and out. But you are --

3 MR. FOX: So that's all it is is a
4 feed study?

5 MR. WEST: No, no, no. I just said if
6 you're looking at it on a weekly basis what
7 you're going to see primarily are the feed trucks
8 coming in and out. But as you mentioned, since
9 it is an all in, all out, there's a certain
10 period of year where those pigs are going to be
11 coming out and in. So there is going to be, you
12 know, a slightly larger increase during a portion
13 of the year.

14 Now, that is, it's not during a week,
15 it's not during a day. That is spread out over,
16 I don't know, several weeks at best. Or I'm
17 sorry, at worst. Now, as far as timing I'm not
18 certain.

19 MR. ANDERSON: Most of the time it
20 will come from the production facility and how
21 they fill buildings, the people that he works
22 with, and they would like to avoid those time
23 frames when roads are posted. And it all depends
24 on where that production cycle is with that farm

1 that he's working with.

2 I think Patrick, from my
3 understanding, has addressed those things at his
4 other facilities that are all in and all out and
5 tried to minimize those impacts. So his job is
6 to address that with his local road commissioner
7 and have those communications so we can try to
8 minimize some of those issues.

9 MR. FRANK: Further questions? Miss
10 James?

11 MS. JAMES: Stacy James, J-a-m-e-s. I
12 have a clarification question for Mr. Harms
13 regarding the well. Did you mention there's a
14 well within 80 feet of the facility?

15 MR. HARMS: Well, I'm not, we're not
16 done yet staking the field off. But I'm more, I
17 need to be 75 feet away from the new well and
18 we'll be back from that, yes.

19 MS. JAMES: How far?

20 MR. HARMS: Well, we're not done yet.
21 I would say we'll be probably 100 feet away from
22 the well. We want to be well back from the
23 setbacks of it.

24 MS. JAMES: I guess a clarification

1 for the Department, my understanding is that you
2 had to have 100 foot minimum setback from wells
3 for 50670. And perhaps, can I ask another
4 question while that's being looked up?

5 MR. FRANK: Sure.

6 MS. JAMES: I have a question about
7 odors. And if you're, I presume you'll be
8 cleaning out, washing out your barns about twice
9 a year do you anticipate? So that leaves about
10 six months for odors within the facility to build
11 up and be blown out into the community. Are you
12 doing anything regarding feed biofilters or
13 anything to control odors?

14 MR. HARMS: One thing about the new
15 barns too and ventilation, these fans run
16 continuously. You know, there might be just a
17 few when the pigs are smaller, but in our older
18 barns it's conventional. Them curtains go down,
19 the fans quit, and the dust kind of collects.
20 These newer barns are better. Smoke comes from
21 dust. You know, it limits it because we've got
22 fan movement in these barns. It limits the
23 smell, you know. You know how it goes.

24 MS. JAMES: But it, I mean, you know,

1 it's quite commonly known that one of the biggest
2 complaints about these facilities is odor. It's
3 not just odor that's happening around land
4 application. It's, you know, it's a daily issue
5 for some people. And so I guess your answer
6 doesn't quite --

7 MR. HARMS: Okay.

8 MS. JAMES: -- satisfy me.

9 MR. HARMS: Just backing some of the
10 things we've talked about here today is
11 maintenance. You know, we do it on our other
12 barns. You've got to maintain stuff. You've got
13 to keep things clean. You know, keep your fans
14 clean. Just your daily maintenance is very, very
15 cheap. You know, and that helps me out because
16 we don't wear motors out, stuff like that.
17 You've got to maintain that stuff.

18 MS. JAMES: I still don't understand
19 how cleaning a fan will prevent ammonium and
20 hydrogen sulfide from leaving your facility.

21 MR. WEST: You're kind of focusing on
22 the chain or the clean-up that's done only during
23 the changeover, only after the pigs are taken out
24 versus put a back in. Put a back in. That's not

1 quite a word. Placed back into the barn. There
2 is a complete facility wash-down disinfectant
3 during that time. That's not the only time that
4 any cleaning is done. So, you know, just to make
5 that clear. That's the only time when the entire
6 facility is washed down and disinfected. But
7 that's not the only time that cleaning
8 maintenance is done.

9 So that is the best way to keep odor
10 down is to keep the, you know, the manure from
11 accumulating above the floors, to keep it in the
12 pit where it's supposed to be. And then another
13 essential part of Patrick's odor reduction is the
14 trees. Because, again, odors are passed along by
15 dust so the main thing that can be done to break
16 that dust up will minimize the odors from the
17 facility.

18 MS. JAMES: How many rows of trees are
19 there going to be?

20 MR. HARMS: Right now we've got in the
21 plan two to three rows. We've got two rows right
22 now. There might be a discussion between me and
23 the Foxes about maybe going back and getting a
24 variance back on that of a certain many feet and

1 maybe we'll put a couple more rows in. But
2 that's something I need to work out with him to
3 have a few more rows.

4 MR. FRANK: We have an answer to one
5 of your questions.

6 MR. GOETSCH: Yeah, there are several
7 different setbacks in the Act. Specifically to
8 this question you're correct, it is a hundred
9 feet. There's also an application setback for
10 manure that is 150 feet. But for the actual
11 facility the distance needs to be at least 100
12 feet.

13 MR. HARMS: Okay.

14 MR. FRANK: Sir, way in the back.

15 MR. HUDSON: I'm in the back. I
16 couldn't quite hear. Did the gentleman say, are
17 you willing to put --

18 MR. FRANK: Could you state your name,
19 please?

20 MR. HUDSON: Oh. Howard Hudson,
21 H-u-d-s-o-n. I couldn't hear. Are you going to
22 put filters on the fans?

23 MR. WEST: No, there's no plans to put
24 filters on the fans.

1 MR. HUDSON: Why? It will help
2 protect the air quality for the neighbors.

3 MR. WEST: The filtration system that
4 I'm familiar with also greatly reduces the air
5 flow through that barn.

6 MR. HUDSON: So the hogs are more
7 important than the neighbors?

8 MR. WEST: No, not at all. It's the
9 same process. You're, by causing a fan to be
10 less efficient you're reducing air flow through
11 that barn and you're reducing, you're causing the
12 dust to potentially accumulate within that barn.

13 MR. HUDSON: But they're widely used
14 in the industry in different areas.

15 MR. WEST: Which areas are you
16 referring to?

17 MR. HUDSON: Iowa uses them. And I
18 have one other question for the Department of Ag.
19 At the beginning of the meeting and more than
20 once today I've heard it discussed that the State
21 originally follows the eight criteria and the
22 citizens of the State that are at this meeting
23 are required to follow the eight criteria.

24 Why is it that the State allows the

1 owner to diverge from that rule and let a
2 lobbyist for the pork industry give us a
3 commercial? The commercial had nothing to do
4 with the eight criteria.

5 MR. GOETSCH: I guess I would, we've
6 tried to structure this hearing, or this public
7 informational meeting, to provide the public with
8 information. Now, we're not an advocate for the
9 project, nor are we opposed to the project. We
10 are simply trying to ensure that everyone gets a
11 good idea of what the proposal is and the
12 information associated with it.

13 What the applicant does with his or
14 her time is up to the applicant. And I'll leave
15 it at that.

16 MR. FRANK: Sir.

17 MR. FRANTZ: My name's Brian Frantz.
18 F-r-a-n-t-z. How low can you go with this
19 operation before the doors are closed? You talk
20 about expanding it but you don't talk about how
21 low you can go. I assume that 4500 pigs are
22 basically your break even point?

23 MR. WEST: No. That would be the
24 design capacity of the building.

1 MR. FRANTZ: How low can you go before
2 he goes out of business on this operation?

3 MR. ANDERSON: You're asking what his
4 risk is?

5 MR. FRANTZ: Yeah.

6 MR. ANDERSON: You can probably go to
7 one. But really the risk is on what the
8 contractor that he's in business with.

9 MR. FRANTZ: It still is a risk.

10 MR. HARMS: I'd say probably President
11 Obama has a lot to do with it too.

12 MR. FRANTZ: I'm sorry, I didn't hear
13 you.

14 MR. FRANK: Do you have a response to
15 the question?

16 MR. HARMS: One I guess. Sir?

17 MR. HOLT: Carl Holt, H-o-l-t. I
18 guess I didn't get a response, and I think it's a
19 good question in that I help a farmer near there
20 and there's a hog operation and, or was a hog
21 operation out there, and it's since gone defunct.
22 And so the pieces of a shed are out in the field
23 and we have to work around them.

24 So I think, I mean, it's a good

1 question. And how long, what you anticipate this
2 to close your doors and is there a plan to, if
3 it's not operating in six months are you going to
4 tear it down?

5 MR. ANDERSON: I can address that
6 question.

7 MR. HOLT: And that question might not
8 pertain to the eight siting criteria like Mr.
9 Hudson would like us all to address.

10 MR. ANDERSON: The Department of
11 Agriculture has a process to close facilities, so
12 this facility that Patrick has would have to go
13 through that process.

14 If they wanted to shut it down they'd
15 have to verify the manure storage capacity.
16 Would they raise that foundation. There are
17 rules and guidelines to do that. His financial
18 situation really relies on the people that he
19 works with with contracts.

20 Those are somewhat confidential at
21 times, but if you look at Patrick's past history,
22 27 years, some of his buildings are 10 and
23 15 years old. And if you look at the life of the
24 building as it stands today, typically the

1 industry wants to see 15 to 20 years out of the
2 life span of that building.

3 However, when you're in pork
4 production and where I grew up when we had
5 maintenance and reinvest as years go by in that
6 building we would like to get a lot more life out
7 of them. And if you look today at some older
8 facilities some of those buildings are 30 and
9 35 years old.

10 Now, are they taking advantage of all
11 of the new technology? Possibly not. But
12 they're trying to manage their finances and break
13 even and stay in business. And I'll let Patrick
14 speak for himself, but his goal is to stay in
15 business and to do those things and maintain
16 those buildings in the future like he talked
17 about future generations.

18 MR. HOLT: I have one more question.

19 MR. FRANK: Sir, hang on please.

20 Mr. Harms, is there anything else you want to say
21 to that?

22 MR. HARMS: I don't think so.

23 MR. FRANK: Okay. Are there further
24 questions? Yes, sir.

1 MR. FOX: I have one question. Rich
2 Fox, F-o-x, for the Illinois Department of Ag,
3 and to Patrick. You can all answer this question
4 because this is a big concern of mine and I
5 probably wouldn't have brought it up but I forgot
6 all about it.

7 It is, I'll be living there, and my
8 wife, and I know you want it to be a question but
9 it will be a question at the end, are going to
10 live there for the rest of our lives. More than
11 15 or 20 years. And there is in Livingston
12 County a fair amount of buildings that are hog
13 facilities that are basically, I don't know how
14 to say it, just abandoned is the word I'm going
15 to use.

16 Why don't we, Illinois Department of
17 Ag, have a plan that says if you have eight
18 criterias, one more. One of the criteria is you
19 have to have a tear-down plan or a deconstruction
20 plan, money set aside or something? Because I
21 don't want my children, I'm not saying Patrick's
22 going to do it. Don't take offense to that.

23 But I'm saying he might sell the
24 building. It might not be to the Browns, it

1 might be to somebody else. And there is that
2 possibility and I don't want to deal with it.
3 Why don't we have a regulation for that?

4 MR. GOETSCH: I think that's a
5 question best asked your legislature. I mean, we
6 don't write the law, we administer it. And if
7 that is becoming a problem I think it's probably
8 something that should be addressed. I mean, the
9 Act does have provisions for how a producer if
10 they would like to put, take their facility out
11 of service but maintain its ability to be a
12 livestock facility someday in the future there's
13 a process for that.

14 There's also a requirement if you do
15 shut down a facility you have to, more from an
16 environmental standpoint, you have to remove the
17 manure. You know, you have to have it inspected.

18 But there's nothing, as I think
19 someone over here talked about, there's nothing
20 that says you've got to make sure the sheet metal
21 doesn't blow off to the neighbor. And maybe if
22 that's becoming a problem that's something that
23 we need to work with our legislative leaders and
24 do something.

1 MR. FOX: Here's exactly what happens
2 here. You go talk to a legislator, they say talk
3 to you because you're the one that enforces the
4 laws. And then I go talk to them about making a
5 law. No, you've got to talk to your county
6 because the county needs to make sure all the
7 stuff's cleaned up.

8 It just gets pushed around in a
9 vicious circle. So you say I can go talk to
10 them. But then it seems like the Illinois
11 Department of Ag has got all the power to put the
12 buildings up and then it's up to the county to
13 take them down.

14 MR. FRANK: Sir?

15 MR. CAMPBELL: Rich Campbell again. A
16 question about pigs. I'm sure there's some that
17 are going to die on the farm. What is the
18 disposal? How are they going to dispose of them?
19 Is there requirement to them how they get rid of
20 the dead pigs? Can they stack them up on the
21 property?

22 MR. HARMS: Right now at this point
23 we're doing composting. But it's government
24 regulated again. But then I think on these sites

1 we're going to go with a rendering. You know,
2 you've got a refrigerator truck and you move the
3 pigs in so there's no pigs. Yes, you're going to
4 see a pig outside the barn until we get it loaded
5 up and moved maybe if you're driving by. But it
6 won't be lying out there for a day or something.
7 It's going to be a half hour or something like
8 that. We'll move it to a truck, a refrigerated
9 truck. There's no compost on these piles, on
10 these areas. So there won't be dead pigs laying
11 around, no.

12 MR. FRANK: Further questions?

13 MR. FRANTZ: Brian Frantz again,
14 F-r-a-n-t-z. If you guys have control of this
15 and you're the only ones that have control of
16 whether or not we have the right to build this
17 operation, then why aren't you required by law to
18 have a Superfund to clean up any site in case he
19 goes bankrupt? Who cleans up the site if he just
20 walks away from it? The town of Saunemin?

21 MR. HARMS: Can I say something?

22 MR. GOETSCH: Sure.

23 MR. HARMS: One thing, I mean, I'm
24 going to spend --

1 MR. FRANTZ: I'm talking to them.

2 MR. HARMS: Yes, sir.

3 MR. GOETSCH: Well, I don't have a
4 response. We only can administer the law that we
5 have. I can't go out and make something up. If
6 I don't have, well, I shouldn't say I. If the
7 Department of Agriculture doesn't have the
8 authority to --

9 MR. FRANTZ: I understand that.

10 MR. GOETSCH: -- tear down buildings
11 then there's nothing that we can do about that.

12 MR. FRANTZ: If you don't have the
13 authority to make, to take care of that problem
14 then doesn't that bring up the question of do you
15 have total authority or control to okay this
16 seeing that you don't have any funds to clean up
17 the mess if he walks away or someone walks away
18 from one of their operations?

19 MR. GOETSCH: If you'd like to, you
20 know, if you'd like to read the Act please be my
21 guest, and I think you'll find it very clear that
22 we're doing what it is --

23 MR. FRANTZ: I understand that.

24 MR. GOETSCH: -- what it is that we're

1 supposed to do. Now, whether or not there are
2 additional requirements that ought to be looked
3 at in the future I think that's, again, between
4 you and what your elected officials feel is
5 important.

6 MR. FRANTZ: All I'm saying is that
7 you guys have control over this process but you
8 don't have any responsibility if anything goes
9 wrong. And the EPA has Superfunds to clean up
10 toxic spills and stuff that they have to go
11 through which gives them the authority to go into
12 areas.

13 MR. FRANK: Mr. Frantz. As Mr.
14 Goetsch mentioned, we can only do what's in the
15 Act.

16 MR. FRANTZ: I understand that.

17 MR. FRANK: Mr. Harms, is there
18 something you wanted to say?

19 MR. HARMS: I don't think so. I don't
20 think so.

21 MR. FRANK: Further questions? Ma'am.

22 MS. HUGHES: Harriet Hughes. I just
23 wondered what size of maturity did the trees need
24 to be to stop, you know, help stop the odor and

1 the dust on stuff?

2 MR. WEST: Any age of tree as long as
3 it has some height is going to --

4 MS. HUGHES: Like a little tree like
5 this is going to --

6 MR. WEST: No. And that's what I
7 tried to mention some height. He was, you know,
8 Mr. Harms was talking about bringing in five
9 foot, six foot trees for the spruce trees.

10 MS. HUGHES: Well, what is the ideal
11 height? I guess that's what I need to ask. To
12 really be effective, what would be the ideal
13 height?

14 MR. WEST: The maximum that you're
15 going to get is the mature tree. So you're
16 talking about, you know, a 30 foot tree.

17 MS. HUGHES: I just want a straight
18 answer.

19 MR. WEST: I am trying to answer you.

20 MS. HUGHES: I just want to know what
21 the, you know, a good height to start out to
22 really help with the odor?

23 MR. WEST: And I think, if I heard Mr.
24 Harms, we're talking about starting with five to

1 six foot trees on the --

2 MS. HUGHES: That would be an
3 effective height in your opinion?

4 MR. WEST: Yes. That's going to be a
5 great starting point, yes.

6 MS. HUGHES: That's all I needed to
7 know.

8 MR. WEST: Okay.

9 MR. FRANK: Seeing the time and we
10 have 28 people who have signed up for oral
11 testimony so we need to move on here. I think
12 we'll take a short break. So we will meet back
13 here then at 12:00 for the oral testimony.

14 (Break taken at this time.)

15 MR. FRANK: I have the sign-in sheets
16 that were in the back of the room listing the
17 people who wish to provide oral testimony. I
18 will go down the list and call the names of those
19 who wish to testify. When called upon please
20 step up to the podium at the front of the room,
21 state your name and spell your last name. I will
22 then swear you in.

23 You will have three minutes to speak.

24 You will be subject to questioning after your

1 testimony. First on the list is Julie Fox.

2 MR. FOX: I've got a question first.

3 Who are we subject to being questioned by?

4 MR. FRANK: By anyone.

5 MR. FOX: By anybody in here?

6 MR. FRANK: Yes. Miss Fox?

7 MS. FOX: Okay. For siting criteria

8 one --

9 MR. FRANK: Ma'am. Miss Fox? Step up
10 to the front, please. Would you state your name
11 and spell it, please?

12 MS. FOX: Julie Fox, F-o-x.

13 MR. FRANK: Please raise your right
14 hand.

15 (Witness sworn.)

16 MR. FRANK: Okay. You may proceed.

17 MS. FOX: Okay. For siting criteria
18 number one, the waste management plan --

19 MR. FRANK: Ma'am? I'm sorry. Could
20 you slow down just a little bit for the benefit
21 of the reporter?

22 MS. FOX: For siting criteria number
23 one; the waste management plan has not been
24 submitted yet. Since this has not been submitted

1 siting criteria number one has not been met.

2 Siting criteria number two; the
3 Illinois Department of Ag needs to investigate
4 the drainage ditch on the west side of the
5 property where the Harms-Kevin's house facility
6 is proposed that runs directly into the
7 Vermillion River.

8 The ideal way is to be able to include
9 this on their site inspection and Frank & West
10 Environmental Engineering did not include it on
11 their Notice of Intent to the Illinois Department
12 of Ag.

13 Number two; construction drawings for
14 the site were denied requesting through the
15 Freedom of Information Act. I have since filed
16 with the Attorney General's office. This process
17 isn't complete, but construction drawings must be
18 made available in order for the County Board to
19 make an informed decision. And since this, since
20 the construction plans and drawings have not been
21 provided through the Freedom of Information Act
22 siting criteria number two has not been met.

23 In response to siting criteria number
24 four; the facility is located near the north fork

1 Vermillion River which is part of the Vermillion
2 River watershed. The Vermillion River Basin has
3 species that have been identified by the State of
4 Illinois as being threatened or endangered.

5 Further investigation is needed to
6 better define the aquifers near the Harms-Kevin's
7 house facility. Do you think that boring five
8 feet below the bottom of the pit, which is only
9 going to be four feet in the ground, is enough to
10 determine the presence of an aquifer?

11 Siting criteria number five;
12 containment plan. We have not yet seen a
13 containment plan that will show if there is a
14 spill here at the site that the area will be
15 protected from waste being spread in the area.
16 That's all I have.

17 MR. FRANK: Are there questions for
18 this witness?

19 MR. GOETSCH: What, specifically, what
20 T and E species were you referring to?

21 MS. FOX: I can get that from the
22 Conservation and Water District and provide that
23 to you at a later date.

24 MR. GOETSCH: Thank you.

1 MR. FRANK: Any other questions?

2 Thank you, Miss Fox. Next we have Linda
3 Campbell. State and spell your name.

4 MS. CAMPBELL: Linda Campbell,
5 C-a-m-p-b-e-l-l.

6 (Witness sworn.)

7 MS. CAMPBELL: For siting criteria
8 number eight; John Kilpatrick, a leading real
9 estate appraiser who wrote an article
10 Concentrated Animal Feeding Operations and
11 Proximate Property Values finds that property
12 located near these CAFO's are often devalued 50
13 to 90 percent. And I have an attachment here.

14 This type of economic impact will not
15 only directly affect the property investment of
16 neighboring residences, but also the county
17 property tax base and income. Property taxes
18 will decrease as assessments are adjusted for the
19 properties near these due to loss of value of
20 properties. This is not an economic benefit for
21 the county.

22 And then I had a question for Mr.
23 Harms concerning that if he was going to
24 compensate the residents for that loss of value

1 of 50 to 90 percent, and how he was going to
2 compensate the county for the loss of tax
3 revenue. But I don't know where he's at.

4 MR. FRANK: Well, this is not the
5 place for questions.

6 MS. CAMPBELL: Okay.

7 MR. FRANK: This is your testimony.

8 MS. CAMPBELL: Okay. So I'll get to
9 that later. And also there's a study from the
10 University showing that these operations do not
11 contribute to the vitality of local economics.
12 Instead, the studies show that these operations
13 really may hinder the economic growth of the
14 community. So there was another question to
15 that, but I can't ask that so I will leave it at
16 that. So I do not believe that he has met
17 criteria number eight.

18 MR. FRANK: Are there questions for
19 this witness? Yes.

20 MR. KAITSCHUK: Jim Kaitschuk.
21 K-a-i-t-s-c-h-u-k. Just a question on the, you
22 were talking about not having a positive impact.
23 Do the existing livestock facilities in
24 Livingston County, have they had a negative

1 impact on the economy?

2 MS. CAMPBELL: I honestly don't know,
3 but I would suggest that possibly they have. I
4 don't know. I don't have any statistics to back
5 that up.

6 MR. FRANK: Other questions? Yes.

7 MR. RUDOLPHI: Joe Rudolphi.
8 R-u-d-o-l-p-h-i. What university did that study?

9 MS. CAMPBELL: The University of --
10 Illinois State. And it was done by Gomez and
11 Zang. And I do have an attached copy of that
12 study too.

13 MR. FRANK: Further questions? Thank
14 you. Next up is Rich Campbell.

15 MR. CAMPBELL: My name's Richard
16 Campbell, C-a-m-p-b-e-l-l.

17 (Witness sworn.)

18 MR. CAMPBELL: I only have one. It's
19 pertaining to criteria number two. Shipman in
20 2005 showed in their study that those exposed to
21 confined animal feeding operations emissions are
22 more, are four times more likely to report
23 headaches, six times more likely to report eye
24 irritation, and 7.8 times more likely to report

1 nauseous, being nauseous, than those not exposed
2 to the emissions.

3 I was just wondering if they are, many
4 people nearby, if there are many people nearby
5 the facilities who are at risk of this, and some
6 of them already have disability, illnesses, and
7 if they're going to be compensated for any of
8 that. If they do have more issues, you know,
9 they're already sick as it is and this isn't
10 going to help them out.

11 MR. FRANK: Are there questions for
12 this witness?

13 MR. GOETSCH: Those numbers that you
14 cited, were those associated with, or in that
15 research you're talking about were they
16 associated with facility workers or people that
17 live nearby?

18 MR. CAMPBELL: People that live
19 nearby. Not especially a pig farm but a confined
20 feeding area. Anything that was a confined space
21 where they were feeding animals and the emissions
22 that were put out through that and the nearby
23 neighbors.

24 MR. GOETSCH: And did it say what they

1 defined as a nearby neighbor, I mean, in terms of
2 distance?

3 MR. CAMPBELL: No, I don't know. No,
4 it didn't really state how close.

5 MR. GOETSCH: Okay. Thank you.

6 MR. FRANK: Mr. Anderson?

7 MR. ANDERSON: Nick Anderson,
8 A-n-d-e-r-s-o-n. With Patrick's other facilities
9 in this area do you see health issues with those
10 farms associated or are there some stats here in
11 the county that would show that anywhere?

12 MR. CAMPBELL: To tell you the truth,
13 I moved in only a year ago in, I've just been
14 there almost two years it will be in November.
15 The facilities that are there now we're kind of,
16 this is going to kind of surround us in a way.
17 We have two other ones two other directions.

18 Now we're going to have two more.
19 Pretty much no matter which way the wind
20 direction comes we're going to get it. It's not
21 spaced out. But being there only a year I know
22 nothing.

23 MR. FRANK: Sir?

24 MR. FOX: Yeah. Rich Fox, F-o-x. As

1 far as Mr. Anderson, if there's any health issues
2 with people, there's a lot of crazy people around
3 there.

4 MR. FRANK: Any other questions? Yes,
5 sir.

6 MR. DEANY: Where does Mr. Campbell
7 live?

8 MR. CAMPBELL: I live on 2900 Road
9 which is 14199300 Road there.

10 MR. FRANK: Could you state your name,
11 please?

12 MR. DEANY: Ron Deany. D-e-a-n-y.

13 MR. FRANK: Thank you. Any other
14 questions?

15 MR. GOETSCH: Where do you live then?
16 I mean, since I'm not from around here, do you
17 live north, east, west? How far away from the
18 proposed site?

19 MR. CAMPBELL: I'm south of them by
20 two miles, where the two farms are. A mile and a
21 half.

22 MR. GOETSCH: A mile and a half to the
23 south. Okay. Thank you.

24 MR. FRANK: Sir?

1 MR. HENRICHS: Mark Henrichs.
2 H-e-n-r-i-c-h-s. You mentioned you just got into
3 the area and there's hog operations around you.
4 It makes me wonder why did you move there? Was
5 it because you were able to buy a piece of
6 property at a devalued amount of money? Did you
7 find that advantageous to get here? And why did
8 you, if you are so against a livestock operation
9 then with two of them already being around you
10 why did you move here?

11 MR. CAMPBELL: Well, my father-in-law
12 purchased it at auction and he had the property
13 and thought he was going to move down there. He
14 decided not to move down there and that he
15 couldn't move down there too far away from
16 medical, and so they had this property just
17 sitting there.

18 They offered to us to rent it so that
19 somebody could upkeep the building. We said no.
20 And then we said well, so we'll just purchase it
21 from you. We ended up doing that because it was
22 a good price in hope that someday we could make
23 some money off of it.

24 Now with the pig farms coming in the

1 records that the people are talking about I'm
2 probably going to end up losing money. So that's
3 why we moved down there. It was a good price at
4 the time.

5 MR. FRANK: Further questions?

6 MS. WEGER: Bonnie Weger, W-e-g-e-r.
7 Where did you move from?

8 MR. CAMPBELL: Serena, Illinois.

9 MS. WEGER: Where is Serena? Give me
10 an idea.

11 MR. CAMPBELL: Up by the Ottawa,
12 Yorkville area.

13 MR. FRANK: Any other questions?
14 Thank you. Next up is Gary Marx. Can you state
15 your name and spell it, please?

16 MR. MARX: My name is Gary Marx,
17 M-a-r-x.

18 (Witness sworn.)

19 MR. MARX: I'd like to speak to number
20 eight of the Livestock Management Act. I own 40
21 acres on 2500 Road three quarters of a mile east
22 of the first site and three quarters of a mile
23 west of the second site. And I'm just speaking
24 because the land is currently not developed but I

1 do have children and grandchildren who might want
2 to develop it.

3 And in the future some of the
4 questions about water quality and odor and flies
5 would in my opinion negatively impact the price
6 of the land and the quality if I were to try to
7 sell it for someone to develop. So that's it.

8 MR. FRANK: Okay. Questions? Thank
9 you very much. Next is Rick Vitzthum. State and
10 spell your last name.

11 MR. VITZTHUM: Rick Vitzthum.

12 (Witness sworn.)

13 MR. VITZTHUM: And I'm here in regard
14 to number seven on the traffic for the roads. I
15 guess I have a concern. I farm about 300 acres
16 right by both these sites, and I'll be going in
17 and out with my farm equipment, and with the four
18 to five trucks a week they were talking about I
19 didn't hear anything about the manure traffic,
20 when they'll be hauling manure, how safe we're
21 going to be on them roads.

22 At the time, and I guess there's no
23 question and answers at this time. But that's my
24 concern with the road traffic with other farmers

1 with big equipment and some of the culverts
2 aren't real wide and things like that.

3 MR. FRANK: Questions?

4 MR. GOETSCH: Are the culverts wide
5 enough for your equipment?

6 MR. VITZTHUM: Oh, yeah. But if you
7 had to pass someone, not necessarily this site,
8 but the one he said that, it wasn't two years ago
9 that was just a dirt road. I don't know if you
10 folks have paid much attention to the roads, but
11 for the other sectors there's probably more of a
12 concern.

13 MR. FRANK: Other questions? Yes,
14 sir.

15 A VOICE: Is it a dirt road still or
16 gravel?

17 MR. VITZTHUM: No. That was years
18 ago. And too in the spring there's been times
19 when they didn't even run the school buses on
20 some of the country roads.

21 MR. FRANK: Anyone else? Thank you.
22 Next is Stacy James. State and spell.

23 MS. JAMES: Stacy James, J-a-m-e-s.

24 (Witness sworn.)

1 MS. JAMES: My name is Dr. Stacy James
2 and I'm a water resources scientist for Prairie
3 Rivers Network, Illinois' statewide river
4 conservation organization and the state affiliate
5 of the National Wildlife Federation. I'm here as
6 an interested party because livestock facilities
7 can and have polluted Illinois' lakes and rivers,
8 and our goal is to reduce such pollution.

9 Before I make my facility-specific
10 comments, I have two specific requests of the
11 Illinois Department of Agriculture regarding
12 public process and transparency. Prairie Rivers
13 Network requests in the future the Department
14 hold all public info meetings in the evening when
15 the people most affected by the livestock
16 facilities are more likely available to attend.

17 Prairie Rivers Network also requests
18 that the Department post notice of all such
19 meetings on their LMFA Public Informational
20 Meetings web page, which has not been updated
21 since 2009. I've already voiced a number of
22 questions so I'm going to extract some of my
23 comments because I've gotten answers to those
24 questions.

1 Most of my concerns were relating to
2 siting criteria five because we are a river
3 conservation organization and less concerned
4 about water pollution from livestock waste. So
5 one of the, I guess the remaining things that I'm
6 not quite certain about is getting back to that
7 whole well setback issue.

8 I know we, I know I pointed out one
9 part of the regulation talks about 100 feet, but
10 I'd like if the Department could look at the
11 public water supplies title of the IEPA Act which
12 I believe says there's a minimum of a 200 foot
13 setback for new potential pollution precedent
14 from potable water supply wells.

15 So I'm a little confused on the
16 discrepancy between 100 feet and 200 feet. So
17 again, I'd appreciate if the Department would
18 look into that.

19 Basically the questions that I raised
20 today were raised because, or in part because
21 existing local water quality returning to the
22 area the facility has proposed will be located
23 approximately one mile or less north of the north
24 fork of the Vermillion River.

1 The north fork is on the Illinois
2 Environmental Protection Agency's list of
3 impaired waters. The north fork is tributary to
4 the mainstem of the Vermillion River which is
5 also impaired. The Vermillion River is a
6 drinking water supply that's already polluted
7 with nitrates and fecal coliform bacteria.

8 The improper management of swine waste
9 at the proposed facility and application fields
10 may cause or contribute to a violation of the
11 state's water quality standards for these
12 pollutants and threaten the water supply. Many
13 of Illinois' rural residents have already been
14 negatively impacted by water and air pollution
15 from swine facilities.

16 Even some of the facilities
17 constructed since 1996 under the LMFA have been
18 problematic. Therefore, we request the
19 Department raise the technological bar to the
20 full extent allowed by the Act and regulations so
21 that rural residents are truly protected.

22 MR. FRANK: Are there questions for
23 this witness?

24 MR. KAITSCHUK: Jim Kaitschuk,

1 K-a-i-t-s-c-h-u-k. You mentioned improper
2 applications.

3 MS. JAMES: The potential.

4 MR. KAITSCHUK: I understand. But
5 aren't there laws under the Environmental
6 Protection Act that governs against that so if
7 Patrick's farm were to do that there would be
8 penalties associated with that?

9 MS. JAMES: Well, first though he'd
10 have to be caught, so that is always a question.
11 There are certainly choices in how you apply your
12 waste. The intention of the applicant is to
13 inject, but it is my subsequent question, will
14 injection always occur. Our great fear is
15 surface application, especially during winter
16 when you have runoff potential.

17 Although the fields are fairly flat I
18 certainly haven't seen maps of the fields to know
19 if there's any slope to some of the application
20 fields to know if discharges could occur during
21 rain events. So there are some regulations that
22 have some good things in them.

23 And if you do follow those regulations
24 and inject then and, you know, abide by the

1 setbacks then yes, that addresses some of my
2 concerns. But there are plenty of stories that
3 rural people will tell of improper management of
4 waste and application and storage of waste. And
5 that's where we get --

6 MR. KAITSCHUK: I understand that.
7 But I guess there is also plenty of people that
8 will leave here and speak, so you can't make a
9 presumption that this facility or any other
10 facility is going to have an improper
11 application.

12 MS. JAMES: I'm not making a
13 presumption, I'm presenting possible.

14 MR. FRANK: Sir?

15 MR. DEANY: Ron Deany. D-e-a-n-y.
16 After being in the hog business for 10, 15 years
17 has he ever been fined?

18 MS. JAMES: I did look that up. As
19 far as what the Pollution Control Board web site
20 and there were no environmental violations
21 reported on the Pollution Control web site.

22 MR. FRANK: Mr. Anderson.

23 MR. ANDERSON: Nick Anderson.
24 A-n-d-e-r-s-o-n. If the facility or the farm

1 here meets all the requirements and goes above
2 and beyond some of the things that you
3 recommended would you come out and support this
4 farm?

5 MS. JAMES: I would --

6 MR. ANDERSON: Just yes or no.

7 MS. JAMES: Neutral. Potentially.

8 MR. ANDERSON: So you're basically
9 saying if he does all the things that he'd like
10 to do you would support this?

11 MS. JAMES: That is a
12 philosophical question as far as what I --

13 MR. ANDERSON: Really it's just a
14 question is all it is.

15 MS. JAMES: We don't, my organization
16 does not support these. We'll either oppose them
17 or be neutral.

18 MR. ANDERSON: No matter what the
19 size?

20 MS. JAMES: Yes.

21 MR. ANDERSON: Okay.

22 MR. FRANK: Other questions? Yes.

23 MR. QUICK: Jerry Quick, Q-u-i-c-k.

24 Doctor, you're aware of the MPDES permits for

1 discharging pollutants into the waters of the
2 United States and how those regulations in the
3 Illinois EPA are delegated to the US and the
4 agricultural stormwater exemptions?

5 MS. JAMES: Yes.

6 MR. QUICK: Okay. Thank you.

7 MS. JAMES: That still doesn't mean
8 that an improper application might not occur.

9 MR. QUICK: No, but it's a regulation.
10 It's regulated.

11 MS. JAMES: That's true. But --

12 MR. FRANK: One at a time.

13 MR. QUICK: Discharge is regulated.

14 MS. JAMES: That is true.

15 MR. QUICK: Thank you.

16 MR. FRANK: Other questions? Thank
17 you. Next is Karen Hudson. State and spell your
18 name, please.

19 MS. HUDSON: My name is Karen Hudson,
20 H-u-d-s-o-n.

21 (Witness sworn.)

22 MS. HUDSON: I was invited today by
23 residents in Livingston County. I live in Peoria
24 County. I'm a farmer, a meat eater, and I live

1 near two factory farms. First of all, the
2 criteria we must comment on today I believe are
3 not reasonable in themselves.

4 Many years ago we were back to comment
5 on the eight criteria. And there is, there's so
6 much leverage between, one of the questions, are
7 odor controls reasonable. What the heck does
8 that mean? I feel that they're wrong and
9 inherent themselves.

10 We think there's so many shortcomings
11 it's almost laughable. And an EPA official went
12 on record to say that even if the LMFA rules were
13 adhered to it would still impact the neighbors.
14 That happened about six to seven years ago. He
15 was forced to apologize to the operator. But
16 that was his opinion, and he was an official in
17 Peoria at the Illinois EPA, James Kammemueler
18 (phonetic).

19 The red flag study in Illinois should
20 raise concerns for people around here. As far as
21 the surface water they found tetracycline
22 resistant genes in the hogs, their guts and where
23 they store the waste and their drinking water
24 downstream. So we've had even Illinois research

1 that shows there is a big concern about bacteria
2 resistance in our water.

3 Odor control reasonable. They should
4 be called emissions, not odors. The emissions
5 include, I think we've talked about this, parts
6 of the pig, hair, dust, manure, feces, urine,
7 drugs, whatever. But research of emissions near
8 these facilities have found bacteria resistant to
9 a battery of antibiotics including penicillin,
10 tetracycline and Tylosin.

11 The fugitive emissions or emissions
12 that go off site were also found inside residents
13 in an Ohio study. They found antibiotic
14 resistant staph and fungus inside of residents.
15 They were found to be coagulated positive, or in
16 other words more virulent than any other type.

17 There is a very big concern about
18 people who live nearby who even have to close
19 their doors and try to keep the odors and
20 emissions out. Research has discovered that the
21 spinoff of these find their way off site. In
22 Iowa they found them in wells, ditches and
23 waterways off site. All of these contaminants.
24 So folks downstream and off site are also

1 affected.

2 I'd like to talk very quickly in 40
3 seconds about a study that compared wastewater
4 treatment plants and CAFOs and they found that
5 sites located upstream and downstream of
6 wastewater treatment plants were compared to
7 CAFOs.

8 Sites near CAFO farms had poor water
9 quality, elevated total phosphorus and turbidity,
10 While the water quality remained relatively good
11 downstream of wastewater treatment plants.

12 MR. FRANK: You've got -- ma'am.

13 MS. HUDSON: Both types of drug --

14 MR. FRANK: Ma'am, I'll give you two
15 extra seconds if you slow down a little.

16 MS. HUDSON: Both types of drug
17 resistant bacteria was found in both sites. The
18 results indicated that CAFO farms not only
19 impaired traditional measures of water quality
20 but also increased the prevalence of multi-drug
21 resistant bacteria. They have found MRSA in
22 Illinois on pigs. That is a big concern.

23 I just have one statement, that I want
24 to support the pork industry and the citizens in

1 Illinois. I think it's time that, Illinois has
2 been a key center of ag for this country.

3 Perhaps it is now appropriate for the
4 State situated in the middle of this trend of
5 high tech agriculture to begin to seek
6 alternatives in farming so that a sustainable
7 solution could be reached. One that nourishes
8 every one of them long term, the farmer, local
9 residents, consumers and the earth.

10 And I do know Miguel Gomez, the
11 researcher from Illinois State, about that
12 economic study. He was, he's now, he was at
13 Cornell University. He was at ISU. He called me
14 one day and said Karen, what has happened in the
15 last 24 hours. I said I used your testimony at a
16 public hearing in Tazewell County.

17 He said I've been getting calls from
18 the industry like crazy bothering me, bothering
19 me. I said I'm sorry, but I'll still keep using
20 your research.

21 MR. FRANK: Are there questions for
22 this witness?

23 MR. KAITSCHUK: Jim Kaitschuk. You
24 mentioned your studies and downstream from

1 livestock operations, or CAFOs as you put it.

2 MS. HUDSON: Yes.

3 MR. KAITSCHUK: That there were no
4 different findings. Were any of those directly
5 tied to any of those facilities or did they just
6 have findings?

7 MS. HUDSON: What?

8 MR. KAITSCHUK: Were any of those
9 results that you found downstream directly tied
10 to those facilities or did you just find them?

11 MS. HUDSON: Yes. Yes. It's directly
12 tied.

13 MR. KAITSCHUK: How so?

14 MS. HUDSON: The one in Illinois was
15 published in Science Daily in August 2007. It
16 was, a research team tracked the movement of
17 tetracycline resistant genes from wastewater to
18 groundwater at two Illinois farms. And I can
19 give you --

20 MR. KAITSCHUK: Wastewater to
21 groundwater. How was it getting there?

22 MS. HUDSON: Do you want me to read
23 you the study?

24 MR. KAITSCHUK: No.

1 MS. HUDSON: You can have this copy.

2 MR. KAITSCHUK: Another question for
3 you along the same lines. You say you're
4 supportive of the pork industry in Illinois. If
5 this facility couldn't be located here around a
6 number of other hog farms where exactly can it be
7 located in the state and what are appropriate
8 setbacks and everything for you?

9 MS. HUDSON: Well, there's, there was
10 one study that showed that if you went by the
11 setbacks that people wanted you couldn't put a
12 pork facility like this anywhere. So that's a
13 concern for the pork producers. But if you look
14 back at the way we produced pork in the last 50
15 years it was on more diversified farms that had
16 farmers.

17 And I know we can't go back in time
18 but a lot of the folks who want to farm
19 sustainably in Iowa right now, there's well over
20 a thousand to 1500 hoop houses. And I know you
21 said you can't feed the world on that, but it's a
22 start. And one of the things we're working on
23 are local meat markets where everything's done
24 on-site and the producer can cut and wrap on

1 site.

2 So I don't have the magic bullet
3 answer to that, but I do eat pork. I love pork
4 sausage and I just had a spring lamb put in my
5 freezer last month. So I think, you know, we
6 have to find a solution together. And I think by
7 using some of these odor control technologies,
8 I've toured the University of Illinois and met
9 the researchers who are looking at the bio
10 filters.

11 All that's been done and it's been
12 published in the Dollars & Cents Report. It's on
13 the internet. It's published by Environmental
14 Integrity Project, and they've actually penciled
15 out how much it costs a producer to do a specific
16 technology to make it more appropriate for the
17 community. And it was cost effective. So it's
18 certainly on the report, but you might want to
19 look at that. It's called the Dollars and Cents
20 Report.

21 MR. KAITSCHUK: And I can appreciate
22 that. I guess how it relates to today's product
23 prices and the price of grain and feed inputs and
24 everything else that go along with it, I'm

1 guessing that it was an older study.

2 MS. HUDSON: Yes.

3 MR. KAITSCHUK: Eight dollar corn
4 might have a more significant impact if they did
5 that.

6 MS. HUDSON: That was farmers too so,
7 I mean --

8 MR. FRANK: Mr. Fox.

9 MR. FOX: Rich Fox. F-o-x. If we
10 can't have one here where a bunch of hog
11 buildings are already at, I forgot your name,
12 sir.

13 MR. KAITSCHUK: Kaitschuk.

14 MR. FRANK: Do you have a question?

15 MR. FOX: I'm asking her, then she can
16 ask him. Where we can put them in here, it's
17 because we're, we've got so big that we're, if
18 you're not tied with the meat packers you cannot
19 produce pigs. And if it wasn't like that more
20 people could farm because you wouldn't, it
21 wouldn't be such small profit margins than what,
22 that's how you can get hog buildings built.

23 MS. HUDSON: Another thing is that the
24 hoop houses, you can go to a conference in Iowa

1 held about 12 years ago called Managing Manure in
2 Harmony With the Environment and Society, and
3 there was a citizen in Minnesota who actually did
4 research on hydrogen sulfide and found hydrogen
5 sulfide inside a hoop house that was considerably
6 lower than that in a CAFO, in a large scale
7 animal feeding operation.

8 You know, it's just proof that the
9 more channels there are and the more manure there
10 is the harder it is for that producer to do
11 things right. And I think there should be more
12 leeway to help them do things right. And there
13 has to be an answer to all of this. And we'll
14 get to it some day. I don't know what questions
15 you have. Nick?

16 MR. FRANK: Mr. Anderson.

17 MR. ANDERSON: Nick Anderson,
18 A-n-d-e-r-s-o-n. I'll ask you the same question
19 I asked Dave here. If this farm complies with
20 the LMFA and exceeds some of those requirements
21 would you support this farm?

22 MS. HUDSON: I'd like to revisit it
23 after he's been in operation for a couple of
24 years. But you know what, I think he's probably

1 going to, I think he's probably going to follow
2 the rules.

3 But what Dr. Kammemueler (phonetic)
4 said in Peoria to residents who were farmers and
5 lived there for, on a century farm across from a
6 new facility, he said if this facility goes in
7 and even if it follows all of Illinois' laws
8 you're still going to be impacted.

9 He said this before the facility went
10 in. After it went in we saw headlines in the
11 Peoria Journal Star about the stench. And, you
12 know, you know, it's just a, what's the answer to
13 it?

14 MR. ANDERSON: Maybe yes, maybe no?

15 MS. HUDSON: I would support that he
16 would follow all the rules. But they have found
17 that --

18 MR. ANDERSON: That's fine.

19 MS. HUDSON: -- producers put so much
20 more manure into the environment to the cost of
21 two billion dollars per year in externalized
22 cost. And that was a study done by the USDA in
23 2000.

24 MR. FRANK: Further questions? Yes.

1 In the back.

2 MR. SHIER: Marion Shier. S-h-i-e-r.

3 Several years ago I was helping judge an FFA
4 contest, speech contest, where there was a
5 question about CAFOs and non-CAFOs in a dairy
6 operation, and the speaker made a comment about
7 large animal operations and large dairy
8 operations produced so much manure than a smaller
9 operation.

10 And I asked the question at that time,
11 is that based upon the total number of animals or
12 does a larger operation produce more manure per
13 animal than small ones do. And she contended
14 that a larger operation's cows produce more
15 manure than smaller operations do.

16 My question to you is, will you have a
17 larger number of animals together? Obviously
18 you're going to look at quantity. Are you
19 looking at more per animal or just larger numbers
20 first?

21 MS. HUDSON: No. What, when we're
22 referring to dairy it's RESP or Prozac or
23 recombinant bovine growth hormone --

24 MR. SHIER: In the manure.

1 MS. HUDSON: I'm going to get to
2 manure. If the cow is injected with that and
3 they're using hormones to milk her two or three
4 times, about three times a day, they are going to
5 produce more manure. We've got a research study
6 shows that at larger farms.

7 MR. SHIER: Small operations using the
8 same materials would not produce the same --

9 MS. HUDSON: No. They would, they
10 would too. If you're using RESP the animal will
11 produce more manure. She's producing more milk.

12 MR. SHIER: And that's regardless of
13 the size of the operation?

14 MS. HUDSON: Regardless.

15 MR. SHIER: Thank you.

16 MR. FRANK: Further questions? Thank
17 you very much.

18 MS. HUDSON: Thank you.

19 MR. FRANK: Next up is Rich Fox.

20 MR. FOX: Rich Fox. F-o-x.

21 (Witness sworn.)

22 MR. FOX: My biggest concern here, and
23 I think most people that know me know I've got
24 several concerns, but my biggest concern would be

1 on number four, is the aquifers and my water
2 systems. They were up here, I think it was, I
3 can't remember which one of them said the study
4 was, they used a gallon of water a day for pigs.

5 And I haven't seen any research on
6 that at all. I don't know where they got that.
7 They say a vet says that, but I haven't seen
8 anything that says that. I'm on pig site dot com
9 and any pig from 50 to 100 pounds uses two to
10 three gallons a day. Okay?

11 And then, and I've got the literature
12 I'll give you. And if they're from over that
13 they can use up to, from 100 to 250 they can use
14 three to five gallons a day. That's my biggest
15 concern here. I don't think that we've done
16 enough research on water, aquifers to know that
17 that aquifer, it's not even an aquifer, it's a
18 tributary of it, can sustain that for our
19 residents that live around there.

20 So when they tell me that my
21 estimation is if I use three gallon, three
22 gallons each pig drinks all day long, it will be
23 three to four million gallons a year one, each
24 facility will use. I'm really concerned about

1 that. I know that they don't want to dry up my
2 water.

3 I know they don't want to, but I think
4 we have to do research to make sure that just
5 ain't going to happen. So I don't know that
6 number four criteria has been met. My second one
7 Patrick had addressed very well on most of this
8 so far was odor control.

9 I guess it's not really a question,
10 it's a statement now is that, I would hope that
11 if you do pass it, which I hope I don't, that he
12 would have to implement that. He would have to
13 put trees up, he would have to spray for flies.
14 He would have to do all that stuff. It's just,
15 when we say these regulations that you guys do
16 and that this is just a, it's just out there.

17 It's just like, it doesn't seem like
18 it's ever enforced. It's just something that
19 might happen, it might not happen, unless
20 somebody is complaining. And I just would hope
21 that that would be a situation, and that's number
22 six criteria.

23 During the question phase I got a lot
24 of this stuff answered so I'm sorry for fumbling

1 around here. You're giving me like six minutes
2 anyway, right?

3 MR. FRANK: You've got 20 seconds.

4 MR. FOX: Okay. Another big concern
5 here is the livestock management. I think that
6 you guys, I don't think it has been met, number
7 one. Because you know it hasn't been met because
8 it hasn't been submitted. I don't understand.

9 My wife used this analogy the other
10 day and I thought it was excellent. She says you
11 don't go into a business and ask for a job
12 application and fill out half of it and then hand
13 it in and they hand it back to you and say fill
14 the rest of it out. You fill the whole thing
15 out.

16 You've got to know where your manure
17 is going. You've got to know you've got enough
18 acres. You've got to know all that stuff up
19 front. So that definitely hasn't been met
20 because it's not submitted.

21 And one real quick thing. I don't
22 know why they did not cite the creek real close
23 to that. They said 2700 feet or whatever the
24 river was the closest water. I don't understand.

1 I mean, you drove right by the creek. It goes
2 right by it approximately 350 feet. I'm not
3 saying that they will leach into it, I'm just
4 saying it should have been cited on the report.

5 MR. FRANK: Are there questions for
6 this witness? Mr. Anderson.

7 MR. ANDERSON: Nick Anderson.
8 A-n-d-e-r-s-o-n. If Patrick could sit down with
9 you and address these issues and work some issue
10 out on the well so there's some security with you
11 and kind of cover the things that you think are
12 not complete in Ag's completion of that, if you
13 can get to that point and have that negotiation
14 would you support the farm?

15 MR. FOX: Have you, I'm going to put
16 this back for what. Would I? Possibly. Have
17 you ever not supported one?

18 MR. ANDERSON: Actually, they --

19 MR. FOX: Have you ever not supported
20 one?

21 MR. ANDERSON: Yes. Yes.

22 MR. FOX: Okay. I just wondered. I
23 would love to sit down to talk to him. I'd love
24 it to be on paper.

1 MR. ANDERSON: If you get those things
2 addressed would you support it?

3 MR. FOX: I would look deeply into it,
4 yes. Just like you would.

5 MR. ANDERSON: Yes.

6 MR. FRANK: Yes.

7 MR. HARMS: Patrick Harms, H-a-r-m-s.
8 Rich, I'm willing to sit down and work something
9 out with you with the trees and stuff like that.
10 Absolutely. I don't want to do this innovate,
11 but I'm willing to work with it.

12 MR. FOX: Patrick, I'm going to tell
13 you right up, I don't want it.

14 MR. HARMS: I know, but I'm willing to
15 work around it. I'm willing to work with you.

16 MR. FOX: I don't want it.

17 MR. FRANK: Are there other questions?
18 Thank you. Next up we have Shari Sterrenberg.

19 MS. STERREBERG: I'm going to pass.

20 MR. FRANK: Okay. Passes. Next is
21 Michael Haberkorn. State and spell your name,
22 please.

23 MR. HABERKORN: Michael J. Haberkorn.
24 H-a-b-e-r-k-o-r-n.

1 (Witness sworn.)

2 MR. HABERKORN: My biggest concern on
3 this because it is, this site is four and a half
4 miles away from my house. The next one in the
5 later meeting is three miles. My biggest concern
6 is the water, which Rich just hit a lot of my
7 points on anyway.

8 A little concern now after seeing the
9 engineer's report. You know, like Rich said,
10 being a gallon on his and then all of a sudden,
11 and somebody asked the question and it went to
12 three. Now, what on that report can you believe?
13 I don't know. I'm not an engineer so I don't
14 know. So most of my concerns are under criteria
15 two on protecting the environment. My family
16 likes to actually go fish in the Vermillion
17 River. We don't eat the fish because we know
18 there's contaminants in there.

19 I'm just concerned that someday when
20 we turn our water on there's not going to be
21 water, and then what? You can't pump it back in.
22 You can't go oh, we made the mistake, we
23 shouldn't have allowed it. I'm not against hog
24 farms, I raise hogs myself. I know what they

1 drink.

2 I'm so small I still use the hundred
3 gallon water tanks, so I know exactly what hogs
4 drink. And I'm just concerned, I'm concerned at
5 my own house sometimes for my own hogs. I only
6 have 150 head at the most. So that's all I have.

7 MR. FRANK: Thank you. Are there
8 questions for this witness? Yes, Ma'am.

9 MS. STERNBERG: Shari Sterrenberg.
10 And I'm also a neighbor. I live one mile
11 straight east of one of Patrick's where he has
12 two big buildings, plus another mile straight,
13 I'm sorry, west, another mile straight west he
14 has one more building. And I don't know how long
15 those have been there. I wasn't very happy
16 either when they came, but we have had no issues
17 at all.

18 There's no trees between his operation
19 and ours except we have a hedge row. We may
20 smell hogs one day a month. If it's early, early
21 in the morning it's like oh, somebody's got hogs
22 maybe down the road. But we don't have any
23 issues with flies or any problems with the water,
24 and our taxes continue to go up from there.

1 MR. FRANK: Ms. Sterrenberg, do you
2 have a question for this witness?

3 MR. HABERKORN: I'll, I've got
4 something. I mean, I've had great, I haven't
5 had, I mean, I think there's somewhere between
6 ten and 14,000 head of hogs within five miles of
7 my house and I haven't had any problems, but I
8 don't want to wait until we have a problem. How
9 you going to fix the water? We're not going to
10 pump it out of the river and drink it.

11 MR. FRANK: Mr. Anderson.

12 MR. ANDERSON: Nick Anderson,
13 A-n-d-e-r-s-o-n. With water uses in a rural
14 district, should your County Board or your local
15 townships permit and restrict water usage in your
16 county? Irrigation of hog farms or houses?

17 MR. HABERKORN: You're asking me if
18 they permit?

19 MR. ANDERSON: Should they?

20 MR. HABERKORN: Oh. Should they
21 permit?

22 MR. ANDERSON: Yeah.

23 MR. HABERKORN: I don't know. That's
24 not my job.

1 MR. ANDERSON: How do you --

2 MR. HABERKORN: That's why I'm
3 concerned. Is it anybody's job?

4 MR. ANDERSON: How do you regulate
5 water usage in your rural town?

6 MR. HABERKORN: Probably how much your
7 well will pump.

8 MR. ANDERSON: Okay.

9 MR. HABERKORN: You either have water
10 or you don't.

11 MR. ANDERSON: Any solutions that you
12 think by hog farmers or irrigation or anybody
13 else that uses water in the county?

14 MR. HABERKORN: If you've got it
15 that's fine. But that's what I'm saying. If we,
16 if we keep, how many, what if we put up 10 more
17 houses and all find all of a sudden we reach that
18 point? Then what are we going to do? Anybody
19 have any answers to that? I'd love an answer to
20 that because that's my biggest concern. Then
21 we'll all stink. We'll know exactly who the hog
22 farmers are because there won't be any water to
23 even take a damn shower.

24 MR. FRANK: Hang on a second. Mr.

1 Goetsch.

2 MR. GOETSCH: You said that there were
3 15,000 hogs within five miles?

4 MR. HABERKORN: (Mr. Haberkorn nodded
5 affirmatively.)

6 MR. GOETSCH: And what's the water
7 source for those operations, do you know?

8 MR. HABERKORN: All wells.

9 MR. GOETSCH: They're all wells?

10 MR. HABERKORN: (Mr. Haberkorn nodded
11 affirmatively.)

12 MR. GOETSCH: Do you know what the
13 average depth is for --

14 MR. HABERKORN: For the hogs or mine?

15 MR. GOETSCH: Either one.

16 MR. HABERKORN: Mine's 150 feet.

17 MR. GOETSCH: Okay.

18 MR. HABERKORN: And I have naturally
19 soft water, so that would be almost irreplaceable
20 if something does happen.

21 MR. FRANK: Okay. Mr. Fox?

22 MR. FOX: Yeah. Just a second. With
23 respect to Mr. Anderson about should we control
24 the water usage and how does it --

1 MR. FRANK: Sir? Mr. Fox, do you have
2 a question?

3 MR. FOX: Yeah. And to answer his
4 question through you, yes, the County does
5 regulate it at certain times. In town you can't
6 regulate water when it dries up.

7 MR. FRANK: Sir. Mr. Fox, do you have
8 a question for this witness?

9 MR. FOX: Yeah. So do we have
10 regulations already in the County do you
11 believe --

12 MR. HABERKORN: Yes, I do.

13 MR. FOX: -- in the towns and
14 cities?

15 MR. HABERKORN: I forgot about that.
16 We do.

17 MR. FOX: Okay.

18 MR. HABERKORN: There is like posted
19 in the villages when it gets dry you shouldn't
20 water your lawns.

21 MR. FRANK: Other questions? Miss
22 Hudson?

23 MS. HUDSON: Yes. I just wanted to
24 know if you knew about all the reports of folks

1 who live near large scale confinements whose
2 wells have gone dry?

3 MR. HABERKORN: I'm assuming it has to
4 have happened.

5 MS. HUDSON: Okay.

6 MR. HABERKORN: I just don't want it
7 to happen to me.

8 MS. HUDSON: Yes, sir.

9 MR. HABERKORN: That's why I'm here.

10 MR. FRANK: Anyone else? Thank you.
11 Next up is Daryl Holt.

12 MR. HOLT: I made a statement, just
13 put my name on that. I wanted to ask a question
14 and I signed the wrong piece.

15 MR. FRANK: Okay. That's fine.

16 MR. HOLT: I do not have testimony.

17 MR. FRANK: Okay. Bonnie Harms Weger.

18 MS. WEGER: I'm going to pass. Thank
19 you.

20 MR. FRANK: Okay. Thank you. Lucinda
21 Harms Gregait.

22 MS. GREGAIT: I'll pass too.

23 MR. FRANK: Okay. Thank you. Mark,
24 maybe an N. Starts with an N. Is Mark here?

1 A VOICE: Mark left.

2 MR. FRANK: From Chatsworth? Mark
3 left? Okay. Kevin Bernard maybe, from Saunemin.

4 MR. BERNARD: I'm going to pass.

5 MR. FRANK: Thank you. Ron
6 Steidinger. Forest, Illinois.

7 A VOICE: He left.

8 MR. FRANK: Terry Bachtold.

9 MR. BACHTOLD: I'm going to pass at
10 this time.

11 MR. FRANK: Pardon?

12 MR. BACHTOLD: I will pass.

13 MR. FRANK: Thank you. David Allen?

14 MR. ALLEN: I'm going to pass.

15 MR. FRANK: Joel Walden.

16 MR. WALDEN: I will pass as well.

17 MR. FRANK: Phil Borgic. B-o-r-g-i-c.

18 (Witness sworn.)

19 MR. BORGIC: My name's Phil Borgic.
20 I'm the producer of the pigs that will be
21 partnering with Patrick on these facilities. And
22 the odor and the dust control has been an issue.
23 I think that's been very well covered with the
24 tree planting around the facilities.

1 And there's also, as you've been able
2 to see on the map, there's also mature trees in
3 that area. Then in addition to the trees we
4 apply or put in various amounts of fat into the
5 diets to help reduce the amount of dust created
6 because the primary source of that dust is the
7 feed.

8 And if that dust is volatilized into
9 the air that means that the pigs that have an
10 opportunity to feed here do not get to utilize
11 that feed. And feed is, 60 percent of my total
12 cost of production is feed, especially with the
13 price of feed today. So controlling that dust
14 from my aspect is very important along for pig
15 health and the people taking care of the pigs. I
16 look forward to the opportunity to work with
17 Patrick.

18 He's had a very good track record
19 working with other producers and does an
20 excellent job. You can tell by his facilities
21 that he takes care of his facilities and has a
22 great amount of pride. He has his children
23 coming along that he's building a legacy here to
24 last for many years in the footsteps of his

1 father. Thank you.

2 MR. FRANK: Are there questions for
3 this witness? Ms. James?

4 MS. JAMES: Stacy James. J-a-m-e-s.
5 I have a question about feed. So when, I don't
6 know much about this but I understand that maybe
7 manipulating the protein content of feed can
8 actually help reduce odors. Can you explain
9 that? And also do you have any knowledge of
10 whether the feed that will be used at this
11 facility will be the best feed to reduce odors?

12 MR. BORGIC: Okay. As production has
13 matured through the years, I started with the
14 outside lots and I always say this is where I got
15 my long legs is pulling myself out of the mud
16 because that's where I started with pig
17 production.

18 And as we matured through that process
19 working with universities, working with
20 veterinarians, we have been able to dial in the
21 proper amount of protein that is fed to the pig
22 so that it will better utilize the protein and
23 not overfeed that protein. Again, that is our
24 largest cost.

1 And so it is our mission every day to
2 not overfeed the pig because if it is overfed
3 then that protein then is extracted. And that is
4 a cost then to us. So, you know, we do the best
5 job we can of feeding that pig properly. We
6 actually use between eight and 10 phases of food
7 from the start to the end to better meet the
8 needs of that animal.

9 MS. JAMES: I'm sorry. I just don't
10 understand how that translates into odor.

11 MR. BORGIC: Odor. Because if the
12 protein is extracted from the pig then that is a
13 nitrogen form which, the more that's extracted
14 then increased odor potentially could be created.
15 So the least amount of nitrogen that is extracted
16 then reduces the potential.

17 MR. FRANK: Other questions? Yes,
18 sir.

19 MR. VITZTHUM: Rick Vitzthum.
20 V-i-t-z-t-h-u-m.

21 MR. FRANK: Can you stand up, please?
22 Stand up so she can hear better.

23 MR. VITZTHUM: V-i-t-z-t-h-u-m. How
24 many hogs do you actually own?

1 MR. BORGIC: Myself, I have a sow unit
2 south of Springfield, Illinois that we have 3100
3 sows, and then some of the pigs I sell as wean
4 pigs or directly off the sow. And then --

5 MR. VITZTHUM: How many?
6 Approximately how many?

7 MR. BORGIC: Then I have on feed in
8 addition to what I sell 18,000.

9 MR. VITZTHUM: 18,000. Do you pay
10 taxes in Livingston County?

11 MR. BORGIC: Do I --

12 MR. VITZTHUM: Do you pay any taxes in
13 Livingston County?

14 MR. BORGIC: Uh-huh. I do not. Part
15 of, Patrick and his family will be paying on
16 taxes.

17 MR. HARMS: That's correct.

18 MR. FRANK: Other questions? Yes,
19 sir.

20 MR. HABERKORN: Michael Haberkorn.
21 You just brought up something with the nitrogen
22 and the manure. Is it a goal of the, whatever
23 you want to say, industry or whatever to make
24 that as minimal amount of nitrogen being excreted

1 out of the hog? Is that a goal, or do you know?

2 I'm asking because --

3 MR. BORGIC: Right. Again, that's a
4 measurement of the amount of utilization that pig
5 has of that feed, so the least amount of nitrogen
6 that that pig extracts then that means that the
7 pig is utilizing that nitrogen and we're feeding
8 it properly. So yes, it is a goal.

9 MR. HABERKORN: So then someday the
10 manure's not going to have any nitrogen in it so
11 the manure's going to be worthless as far as
12 applying in the field?

13 MR. BORGIC: I'm not a veterinarian or
14 a scientist, but as a producer I would say that's
15 impossible to not have any nitrogen that would
16 come through the digestive system.

17 MR. HABERKORN: I agree. I raise them
18 too. I find it fascinating.

19 MR. FRANK: Other questions? Miss
20 Hudson.

21 MS. HUDSON: Mine is a short one. Do
22 you work inside the facility with the animals?

23 MR. BORGIC: Yes, Ma'am, I do.

24 MS. HUDSON: And have you experienced

1 any type of health impact from working inside the
2 facility?

3 MR. BORGIC: I have 10 to 15 people
4 that work in my facilities and no, ma'am, I do
5 not.

6 MS. HUDSON: We work with OSHA and
7 with the University of Iowa School of Public
8 Health and it shows that 30 to 40 percent do.
9 I'm glad that yours don't. Do they wear the
10 protective equipment when they go in?

11 MR. BORGIC: Some do, most do not.
12 This voice is not from the hog facility. This is
13 just to specify that. Because, because I travel
14 and I am not in facilities today but this voice
15 is from, this is my natural voice.

16 MS. HUDSON: I think it's good that
17 you're healthy because they found MRSA in swine
18 in Illinois and in Iowa. And they found --

19 MR. FRANK: Ma'am, do you have a
20 question?

21 MS. HUDSON: I think it's good to
22 wear the --

23 MR. FRANK: Other questions? Thank
24 you. Next is Bob Frase.

1 MR. FRASE: Pass.

2 MR. FRANK: Art Lehmann. State your
3 name and spell your name.

4 MR. LEHMANN: Art Lehmann.
5 L-e-h-m-a-n-n.

6 (Witness sworn.)

7 MR. LEHMANN: I just want to go over a
8 few things that have been mentioned before. One
9 is I think it's really important, whether you're
10 a livestock farmer or a grain farmer, this isn't
11 grandpa's agriculture. Nick mentioned that but
12 it's so true.

13 There's not four farms on every 640
14 acre section like there was 50 years ago and
15 every family farmed 160 acres. We don't grain
16 farm that way and we don't raise livestock that
17 way. It's not feasible. It might have been a
18 great period in American agriculture. I think it
19 was from a family and a social standpoint, but
20 it's not economical and we're not going back
21 there.

22 Today, we had diversified farms back
23 then. Today we have specialized farms. We have
24 grain farms in this county of two, four, six,

1 eight, 10,000 acres. There are farms in the
2 state of 20,000 acres. Livestock farms are a
3 little larger also. If it's all right for a
4 grain farm to be large why isn't it all right for
5 a livestock farm to be a little larger?

6 Patrick Harms has been raising pigs
7 for 15 years. I know that to be a fact because
8 the first two buildings that he built and raised
9 pigs for us. Patrick's a pretty quick learner,
10 and in about four or five years he was ready to
11 add some more buildings and the farm that I was
12 managing that he was raising pigs for wasn't so
13 we came to an agreement and he started raising
14 pigs for a good friend of mine, Bob Keller, and
15 still is.

16 And we went to another site. He's
17 built a lot of buildings since then. He's done a
18 very good job. It's not been a fast, rapid
19 growth. Think where you were at 15 years ago in
20 your farm or your operation. I don't think your
21 operation looks today the way it looked 15 years
22 ago.

23 So a lot of things have changed.
24 They've had to change. And Patrick has seen the

1 need and had the interest and the desire to raise
2 some more pigs.

3 We need economic development in this
4 county and in our rural areas, and hogs are just
5 one way of bringing economic development to the
6 rural areas. They bring real estate taxes, they
7 bring grain usage, they bring employment, and
8 they bring a natural fertilizer that in many ways
9 is superior to commercial fertilizers.

10 Hog farms pay a lot of taxes. In 1992
11 my brother and I and three partners built a farm
12 in the south part of Livingston County called BLT
13 Pork, and our tax bill the first year was
14 \$40,000. That was in 1992. That farm's still in
15 existence today. And because it's 20 years old
16 the taxes have gone down a little bit, but we
17 still pay in excess of \$32,000 in real estate
18 taxes each and every year. Can I have another
19 minute?

20 MR. FRANK: Yeah. Wrap up.

21 MR. LEHMANN: In 2006 we built a 5,000
22 head wean to finish site, very similar to what
23 Patrick's proposing to build. Two buildings
24 instead of one but the same number of pigs. We

1 built that three quarters of a mile from Strawn.
2 Strawn, Illinois. Our sow barn is located two
3 miles from Strawn, Illinois.

4 We have another wean to finish site,
5 5,000 head that's located about a mile and a half
6 from Strawn. We have not had any complaints. As
7 a matter of fact, I was visiting with the mayor
8 of Strawn one time and he facetiously said I wish
9 you could have built that in the park, then I
10 could have collected the taxes. We have not had
11 any complaints from there.

12 We did plant trees around it. There
13 was an issue about how tall trees ought to be.
14 We brought in some 15, 20 foot tall trees. What
15 we found is it's pretty hard to keep those, make
16 those survive.

17 We also fortunately at the same time
18 planted some smaller trees and five, six years
19 later those trees are nice sized and they do stop
20 a lot of wind and odor.

21 MR. FRANK: You need to wrap up.

22 MR. LEHMANN: I believe there was a
23 poultry farm on this road for 20 years or so and
24 they didn't destroy the roads, apparently didn't

1 destroy the environment or pollute the
2 groundwater. They paid taxes to upgrade and
3 maintain the roads.

4 Nick showed some pictures of pigs out
5 in pasture, and I think livestock out in pasture
6 in some cases could cause a lot more runoff than
7 what you're ever going to have in a confined
8 operation like this.

9 MR. FRANK: Thank you. Are there
10 questions for this witness? Yes. Miss Fox.

11 MS. FOX: Julie Fox, F-o-x. Where do
12 you live exactly?

13 MR. LEHMANN: I live in Strawn,
14 Illinois.

15 MS. FOX: Okay. What jobs have you
16 brought to the Strawn area? That's a pretty
17 small town. I've driven through there.

18 MR. LEHMANN: What jobs? I employ
19 over 20 people just myself.

20 MS. FOX: They live in Strawn?

21 MR. LEHMANN: And there are other
22 businesses that, you know, we work with,
23 excavators, electricians, plumbers. All kinds of
24 people. We buy a lot of grain.

1 MR. FRANK: Other questions? Thank
2 you. And next we have Jim Kaitschuk.

3 MR. KAITSCHUK: Good news for you, I'm
4 going to decline at this time.

5 MR. FRANK: Thank you. Kraig Edelman.

6 MR. EDELMAN: Kraig Edelman,
7 E-d-e-l-m-a-n.

8 (Witness sworn.)

9 MR. EDELMAN: I own Coop's (phonetic)
10 Heating and Cooling Refrigeration Appliances in
11 Pontiac, and also I own Edelman Electric in
12 Fairbury. I live, I built a home out by Fairbury
13 where I was not aware that they were going to be
14 hauling manure right up next to me. But when
15 they did so they did it under regulations and
16 there was, I have no problem with what they're
17 doing.

18 I see the benefits and the goals of
19 the farmers and I deal with it and, as long as
20 they follow the regulations. What Mr. Harms is
21 doing is creating jobs for me and many others
22 which bring dollars to the community and help
23 feed America.

24 In this economy I definitely would

1 support Mr. Harms in what he's doing. Regarding
2 the fact that a lot of people today are just
3 standing there and wondering what to do and he's
4 going out and risking his family, his legacy, to
5 create jobs for us, for others, tax dollars.

6 Instead of trying to nitpick every
7 little thing like I could on a farm, how about
8 let's look at what the benefits are in America
9 today and how we can do better. Thank you.

10 MR. FRANK: Are there questions for
11 this witness? Yes.

12 MR. CAMPBELL: Rich Campbell. So you
13 gained a benefit financially from these farms
14 being installed?

15 MR. EDELMAN: Can you repeat that?

16 MR. CAMPBELL: So you gained a benefit
17 financially from these barns being built?

18 MR. EDELMAN: I have benefited from
19 doing the work on his previous barns, and I'm not
20 sure if we're doing the work on these or not.

21 MR. FRANK: Other questions? Yes.

22 MR. FOX: Yeah. Rich Fox, F-o-x. Is
23 this a city requirement? Is this part of the
24 eight criteria?

1 MR. EDELMAN: This here, I would take
2 this back to eight.

3 MR. FOX: Okay.

4 MR. FRANK: Other questions? Miss
5 Hudson.

6 MS. HUDSON: Do you also do
7 residential air conditioning and filtering?

8 MR. EDELMAN: That is correct, yes, I
9 do.

10 MS. HUDSON: You'll be in good
11 business then if it goes in.

12 MR. FRANK: Others? Thank you. Okay.
13 We only have three pages left. Fortunately
14 they're all blank. Are there, is there anyone
15 else who would like to provide oral testimony?
16 Anyone else? I see none. All right. Is there
17 any written testimony that would like to be
18 offered at this time?

19 A VOICE: Yes.

20 (Exhibit No. 5 marked for
21 identification.)

22 MR. FRANK: Okay. Bring it forward,
23 please. While he's doing that I will enter into
24 the record as Exhibit Number 5 the oral testimony

1 sign-in sheet. Do you have written testimony?

2 A VOICE: Yes.

3 MR. FRANK: You can give it to me.

4 (Exhibits Nos. 6 and 7 marked for
5 identification.)

6 MR. FRANK: Entered into the record as
7 Exhibit Number 6 is written testimony from the
8 Village of Saunemin signed by, a letter here
9 signed by Bob Bradford, Mayor of the Village of
10 Saunemin. Any other written testimony? Thank
11 you.

12 (Exhibit No. 8 marked for
13 identification.)

14 Entered into the record as Exhibit
15 Number 7 is a letter from the Prairie Rivers
16 Network signed by Stacy James. Any others? I
17 will also enter into the record as Exhibit
18 Number 8 the attendance sign-in sheet. Are there
19 any closing comments from the facility?

20 MR. HARMS: I'd just like to say
21 thanks for everybody coming and I appreciate the
22 support from the Department of Ag and everybody,
23 and the concerns too. We want to make sure we do
24 things right. Thank you.

1 MR. FRANK: Any closing comments from
2 the Department?

3 MR. GOETSCH: I just would echo what's
4 been said. Thank you for coming. We appreciate
5 your comments and we'll certainly look at the
6 record as we go through our process, but
7 certainly first we look forward to receiving the
8 recommendation from the Livingston County Board.
9 Thanks and have a great day.

10 MR. FRANK: As I mentioned earlier a
11 copy of the transcript will be provided to the
12 County Board. For others desiring a copy you can
13 contact the court reporter. I'd like to thank
14 you for your attendance here today. This public
15 informational meeting is hereby closed.

16

17 (Which was all the evidence offered and
18 received, and all other testimony offered
19 in the above-entitled cause.)

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22 Hearing end time: 1:15 P.M.

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CERTIFICATE OF REPORTER

I, Kathy L. Johnson, a Certified Court Reporter, and Notary Public within and for the State of Illinois, DO HEREBY CERTIFY that the testimony of all witnesses in the foregoing hearing were duly sworn to testify to the truth and nothing but the truth; that the testimony of said witnesses was taken by stenographic means by me to the best of my ability and thereafter reduced to print under my direction.

I further certify that I am neither attorney nor counsel for, nor related, nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in this action.

Kathy Johnson
Notary Public within and
For the State of Illinois.