

ILLINOIS DEPARTMENT OF AGRICULTURE

IN RE: HARMS-STOLLER FACILITY

PUBLIC HEARING

August 4, 2011

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1 ILLINOIS DEPARTMENT OF AGRICULTURE

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4 IN RE: HARMS-STOLLER

5 FACILITY

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8 THE PUBLIC HEARING called for examination

9 pursuant to the provisions of the Illinois

10 Department of Agriculture as they apply to the

11 taking of public hearings, taken before Kathy L.

12 Johnson, C.S.R., a Notary Public in and for the

13 County of Henry, State of Illinois, on August 4,

14 2011, at the hour of 2:00 p.m., at the Livingston

15 County Public Safety Complex, 844 West Lincoln,

16 Pontiac, Illinois, 61764.

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1 A P P E A R A N C E S

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3 BUREAU OF ENVIRONMENTAL PROGRAMS
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FRANK & WEST
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ALSO PRESENT:
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Patrick Harms

MIDWEST LITIGATION SERVICES
Kathy Johnson, Court Reporter
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St. Louis, Missouri 63101
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1 Hearing start time: 2:00 p.m.

2 MR. FRANK: Good afternoon. On behalf
3 of the Director of the Illinois Department of
4 Agriculture, Tom Jennings, we thank you very much
5 for the invitation to come to Livingston County
6 today. My name is Scott Frank. I'm with the
7 Illinois Department of Agriculture and I'll be
8 serving as the hearing officer for today's public
9 informational meeting.

10 Also with me on behalf of the Illinois
11 Department of Ag is Warren Goetsch, Bureau Chief
12 of the Bureau of Environmental Programs, and Brad
13 Beaver, Manager of the Bureau's Livestock
14 Program.

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

24 My task today is to ensure that this

1 meeting is conducted in an orderly fashion, and
2 to ensure that all comments and testimony
3 received are entered into the record.

4 Today's meeting is being transcribed
5 and a transcript of the meeting will be sent to
6 the Livingston County Board as well as used by
7 the Department of Agriculture in making its
8 determination regarding the proposed construction
9 of this swine facility.

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

19 Following Mr. Goetsch representatives
20 of the proposed construction project will be
21 given an opportunity to describe the project and
22 how they believe it meets the siting criteria of
23 the Livestock Management Facilities Act.

24 After their presentation I will open

1 the meeting to questions. Anyone wishing to ask
2 questions of the facility representatives or the
3 Department will be given an opportunity to do so.
4 During the question and answer session I will ask
5 that you state your name and spell your name.

6 Depending on the number of people who
7 wish to testify in the oral testimony phase a
8 time limit may be put on the question phase.

9 Following the question and answer session I will
10 ask for oral testimony from the public. Sign-in
11 sheets were placed in the back of the room for,
12 one for attendance and one for oral testimony.

13 Please sign this sheet if you wish to
14 provide oral testimony. People providing oral
15 comments will be sworn in and will be subject to
16 questioning from the public. At that time each
17 person will be given three to five minutes to
18 provide comments.

19 Legal counsel speaking on behalf of
20 multiple clients will be given six to 10 minutes
21 to provide comment and will be asked to state the
22 names of those persons on whose behalf he or she
23 is speaking. Depending upon the number of
24 individuals wishing to provide comment the time

1 limits may need to be adjusted.

2 Following the oral testimony I will
3 ask for written testimony. Written testimony
4 will be accepted in paper form and will be
5 entered into the record for this proceeding. The
6 meeting will then conclude with closing comments
7 from the facility and the Department of
8 Agriculture.

9 Again, we very much appreciate your
10 hospitality inviting us here to consider the
11 proposed construction of the Patrick
12 Harms-Stollers swine facility. Please remember
13 to confine your comments and questions to that
14 subject as we continue.

15 I will now turn the proceedings over
16 to Warren Goetsch for remarks from the Illinois
17 Department of Agriculture.

18 MR. GOETSCH: Thank you, Scott. Good
19 afternoon. My name is Warren Goetsch. I
20 currently serve at the Department of Agriculture
21 as the Bureau Chief of the Environmental Program.
22 One of our responsibilities at the Department is
23 the administration of certain provisions of the
24 Livestock Management Facilities Act.

1 On behalf of the Department let me
2 welcome you to this public informational meeting.
3 Before we hear from the proposed facility's
4 representatives I'd like to say a few words
5 regarding the Livestock Management Facilities Act
6 and the current status of this particular
7 proposal.

8 The Livestock Management Facilities
9 Act was passed and became law on May 21st of
10 1996. Since that time it's been amended three
11 times, most recently during the 2007 spring
12 General Assembly. The Act can generally be
13 described as consisting of five areas; facility
14 design standards, waste management planning
15 requirements, facility operator training and
16 testing, anaerobic lagoon financial
17 responsibility demonstration, and facility
18 setback requirements.

19 Each of these provisions impact
20 various types of facilities in different ways
21 depending upon their size expressed in animal
22 units and whether the proposed facility is
23 considered a new facility, a modified facility,
24 or the expansion of an existing site.

1 The Livestock Management Facilities
2 Act's provisions are quite complicated in certain
3 cases and specific facility designs and
4 situations certainly can differ. It is the
5 Department's intention however to always fairly
6 and equitably apply these requirements to the
7 livestock industry in this state.

8 Now, regarding the current status of
9 this project, the Department received a notice
10 of, a formal Notice of Intent to Construct
11 application from the proposed, for the proposed
12 construction of a swine finishing facility to be
13 known as Harms-Stoller's facility on June 10th,
14 2011.

15 The proposed project is to consist of
16 one building measuring 121 feet 10 inches by 297
17 feet, four inches with an eight foot under
18 building livestock waste handling facility. The
19 project is proposed to be located approximately
20 3.4 miles southeast of Saunemin, Illinois.

21 The application was submitted by Frank
22 & West Environmental Engineers, Incorporated on
23 behalf of Mr. Patrick Harms of Forest, Illinois.
24 The maximum design capacity of the proposed

1 facility is 1,800 animal units or 4,500 head of
2 swine weighing greater than 55 pounds.

3 As I mentioned earlier the Department
4 received a Notice of Intent to Construct
5 application on June 10th and reviewed it for
6 compliance with the applicable provisions of the
7 Livestock Management Facilities Act.

8 On June 30th the Department determined
9 that the notice was complete, forwarded a copy of
10 the completed application to the Livingston
11 County Board and caused notice of that
12 application to be published in the required
13 newspaper.

14 The design capacity of the proposed
15 facility requires compliance with a residential
16 setback distance of not less than 1320 feet, and
17 a populated area setback distance of not less
18 than 2640 feet.

19 On July 20th the Department received
20 notice from the Livingston County Board
21 requesting that a public informational meeting be
22 scheduled regarding the proposal. After further
23 consultation with the Board the Department
24 scheduled this meeting and caused notice of the

1 meeting to be published in the appropriate
2 newspapers.

3 An additional requirement of the
4 Livestock Management Facilities Act deals with
5 the design and construction plans of a livestock
6 waste handling facility. The Department has
7 received a formal submittal of detailed
8 engineering plans and specifications for the
9 proposed project.

10 The detailed plan review of the
11 submittal is currently ongoing in order to ensure
12 compliance with the requirements of the Act and
13 the rules. We're here today to receive testimony
14 regarding the proposed construction of a swine
15 finishing building and its compliance with eight
16 siting criteria as defined in Section 12,
17 Paragraph D of the Livestock Management
18 Facilities Act.

19 In general, information about the
20 proposed addition's impact on waste management
21 plans, potential impact on surrounding areas'
22 character, whether the proposed facility is
23 located within a floodplain or other sensitive
24 areas, odor control plans, possible impact on

1 existing traffic patterns, and possible impacts
2 on community growth, tourism, recreation, or
3 economic development.

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

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

23 Based on that review, the Department
24 will determine whether the eight siting criteria

1 have been met. Once that determination has been
2 made the Department will notify both the County
3 Board and the applicants of the Department's
4 decision.

5 At this time I'd like to submit to the
6 hearing officer the completed Notice of Intent to
7 Construct application and its associated
8 correspondence file for entry into the record.

9 I'd also like to submit a copy of the power point
10 presentation that I just used to also be added to
11 the record.

12 And with that, this concludes my
13 formal remarks. Thank you again for your
14 attention and I certainly do look forward to
15 hearing your comments regarding the proposal.

16 (Exhibits Nos. 1 and 2 marked for
17 identification.)

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 public
23 informational meeting, and correspondence with a
24 Livingston County official.

1 finish operation.

2 These buildings, this building project
3 is simply an expansion of my current hog
4 operation. Each site will have one finishing
5 barn connected by an office. Each finishing barn
6 can house up to 4500 hogs. The pigs will enter
7 the building at 14 pounds and leave approximately
8 275 pounds.

9 The other site we will, will build
10 another farm as ours in Saunemin that we own
11 200 acres. As you can see, we've got some signs
12 here. This is a site or proposed site. You can
13 see from the east, the west going, looking back
14 this way. And then you can see we took some
15 extra pictures from some siding, some other barns
16 that are next to it that people can take a look
17 at if they'd like.

18 There's chicken barns that used to be
19 there. They're still there. The main reason
20 behind building these new finishing barns is to
21 continue the family farm legacy. The Harms
22 family has been part of farming here for nearly
23 61 years for my dad and 27 years of my own.

24 In today's economy farmers look to

1 diversify to keep the business going. We hope to
2 pass along financial opportunities to our
3 children and continue the family business. Also,
4 buildings will provide additional property tax
5 and revenue to Livingston County, especially
6 Saunemin.

7 We did some calculations with our
8 accountants. In the last five years not counting
9 the one, it's counting, it's not paying our
10 second installment yet. But for the last five
11 years according to the County, Livingston County,
12 we gave \$451,000.

13 We selected the Saunemin site after
14 considering road traffic and conditions and
15 biosecurity issues with our pigs. Our home site
16 cannot meet the setback requirements because it
17 just doesn't meet the eight requirements in our
18 setbacks with the Department of Ag.

19 We've hired an engineering firm to
20 help us ensure we're meeting or exceeding all our
21 local and state and Federal guidelines. The
22 State Department of Ag has already been out to
23 inspect the location and will also continue to
24 follow the project.

1 Road conditions are important to us.
2 My grandfather was both a farmer and a road
3 commissioner taking care of roads in Pleasant
4 Ridge, which he built a lot of the roads of these
5 types. Myself, I've helped putting culverts,
6 blacktopping potholes, and continue to assist on
7 stuff on the roads.

8 We will be using the manure as
9 fertilizer on our farms according to the CNMP
10 which also has to be submitted and to be approved
11 by the Department of Ag. Our application will be
12 done by injection in the ground which decreases
13 the odor by 75 percent.

14 Daryl Coats, a district wildlife
15 biologist, has worked up a plan for fast growing
16 trees to be planted, you know, on the proposed
17 site. Which I've got pictures of this too here.
18 To move in trees on this site too just like on
19 the first site that we had. And I would like to
20 turn it over to Chris West.

21 MR. WEST: Good afternoon. My name is
22 Chris West. I'm with Frank & West Environmental
23 Engineers out of Springfield, Illinois. I've
24 worked with Patrick to help develop the

1 application and the construction plans for the
2 facility, and I would like to now kind of go over
3 the eight siting criteria and show how this
4 facility has met each and every one of those.

5 Patrick just gave an introduction.

6 I'm going to give a quick farm overview of the
7 building and then go through performance of the
8 Livestock Management Facilities Act. Here is the
9 picture of the building or a diagram of the
10 building showing the dimensions, orientation to
11 the north.

12 The eight siting criteria in brief;
13 criteria one, registration and certification
14 requirements. Criteria two, design location and
15 operation standards for the farm. Number three,
16 location compatibility. Number four, floodplain
17 and aquifer protection.

18 Number five; the farm's ability to
19 minimize damage to the surrounding area. Number
20 six, odor control and reduction. Number seven,
21 traffic patterns to minimize impacts. And number
22 eight, is the facility consistent with area
23 development.

24 Siting criteria one in full; whether

1 the registration and livestock waste management
2 plan certifications requirements, if required,
3 are met by the Notice of Intent to Construct.

4 The Notice of Intent to Construct was
5 filed with the Department June 10th of 2011 as
6 Mr. Goetsch previously mentioned. And it was
7 also deemed complete by the Department June 30th,
8 2011.

9 Part two of siting criteria number one
10 is the waste management plan. According to the
11 Livestock Management Facilities Act any facility
12 under common ownership must add together all
13 facilities which determine, to determine which
14 nutrient plan, management plan category they fall
15 under.

16 Facilities greater than 5000 animal
17 units must prepare, maintain and implement a
18 nutrient management plan prior to placing the
19 facility into operation. The plan must be
20 certified -- I'm sorry. Must be submitted to the
21 Department of Ag for review and approval prior to
22 commencement of operation.

23 The farm will prepare, maintain and
24 implement a comprehensive nutrient management

1 plan. The Department, as I mentioned previously,
2 will submit that plan to the Department of Ag for
3 review prior to being placed into operation.

4 The Department will keep this
5 comprehensive nutrient management plan as well as
6 all records of livestock waste disposal on file
7 at the farm. The nutrient management plan and
8 the associated records will be available for the
9 Department for inspection.

10 The goal of this nutrient management
11 plan will be to utilize waste produced by the
12 farm at agronomic rates that meet the nutrient
13 needs of locally grown crops in an
14 environmentally sound fashion.

15 This goal will be accomplished by
16 developing the CNMP or the comprehensive nutrient
17 management plan which includes at least the
18 following; the total annual manure volume
19 calculations; historically proven yields for the
20 crops grown in the fields in the area; manure
21 analysis of the site specific manure.

22 So we'll be analyzing the manure from
23 the pit under the building. So we'll definitely
24 be able to get to the nutrient content of that

1 manure so we can then determine what the
2 agronomic loading rates will be.

3 Land application provisions for
4 setbacks; setbacks from houses, setbacks from
5 wells, setbacks from bodies of water, and then
6 incorporation standards, and then documentation
7 of all phases of the plan.

8 Here's an example of something we tend
9 to expect for a facility like this as far as the
10 manure production, the pounds of nutrients that
11 would come out of that manure itself, how many
12 acres we would need. And we've got it based on a
13 corn/corn rotation or a corn/soybean rotation.

14 We're looking for a corn rotation
15 based on a nitrogen loading about 370, 380 acres.
16 Corn/bean, soy, I'm sorry. Corn/soybean
17 rotation, on an average we're looking at about
18 410, 415 acres per year. And the facility has
19 approximately 1300 acres available, so well above
20 what is needed by the facility.

21 The second criteria two; the
22 description of that is whether the design,
23 location or proposed operation will protect the
24 environment by being consistent with the

1 Livestock Management Facilities Act.

2 One of the overall design is the
3 design of the concrete structure. So basically
4 every part of the structure that's going to come
5 in contact with the waste, whether it be the pit,
6 the slats, the walls, those are all designed
7 according to Midwest Plan Service Concrete Manure
8 Storage Handling.

9 That's the guide document that's
10 called out in the regulation to utilize in this
11 scenario. Within that guide document we'll find
12 the concrete specifications that we're required
13 to use, reinforcement requirements that we're
14 required to use, and then water stop requirements
15 as well.

16 The design of the construction plans
17 for the proposed farm was submitted to the
18 Department of Ag on June 23rd, 2011. The
19 construction plans are still under Department
20 review.

21 Part two of siting criteria two is the
22 location of the proposed facility. As I
23 mentioned previously, the location and setback
24 distances have been met both for the occupied

1 residences and the populated area. The farm
2 location was deemed complete as far as the
3 setbacks are concerned by the Department of Ag
4 June 30th of 2011.

5 Part three of siting criteria two is
6 proposed operation. The owner and operator,
7 owner and manager of the farm are both licensed
8 and certified livestock managers. This is a
9 program that was developed by the Department to
10 educate livestock managers on manure management
11 and handling. Manure management and handling and
12 systems.

13 Managers of farms over 1000 animal
14 units, which this farm would be, are required to
15 attend a training course and pass an exam. And
16 as far as the proposed operations will also be
17 included within the Livestock Management, Waste
18 Management Plan that we discussed for siting
19 criteria one.

20 Siting criteria three; whether the
21 location minimizes any incompatibility with the
22 surrounding areas' character by being zoned for
23 agriculture. Where the County has zoning or
24 where the County is not zoned the setback

1 requirements established by the LMFA are met.

2 Rural areas within Livingston County
3 are zoned for agriculture. And again, the
4 setbacks have been met and have been deemed
5 complete by the Department. So we believe the
6 farm is compatible with the surrounding area and
7 that it is a rural agricultural area.

8 The setbacks that we talked about
9 earlier, and Mr. Goetsch talked about them as
10 well, the facility's proposing 4500 animal units.
11 I'm sorry, animals, less or greater than 55
12 pounds, which equates to 1800 animal units.

13 And this then correlates to a occupied
14 residence setback of 1320 or a quarter of a mile.
15 Or a populated area setback of 2640 feet or one
16 half of a mile. And here is a setback map
17 showing the facility that, the first circle that
18 we see is the occupied residence setback and then
19 the second circle would be the populated area
20 setback.

21 No residents within the occupied
22 residence and no populated areas within the
23 second circle either. Siting criteria four is
24 whether the farm is located within a hundred year

1 floodplain or an otherwise environmentally
2 sensitive area defined as an area of karst or
3 with aquifer material within five feet of the
4 bottom of the proposed livestock waste management
5 facility, and whether the construction standards
6 as set forth in the Notice of Intent are
7 consistent with the goal of protecting the safety
8 of the area.

9 Here's a floodplain map for Livingston
10 County. We have, the top left, the little
11 rectangle that's got the blue kind of gray shaded
12 hatching, that represents a flood, a hundred year
13 floodplain for this area. And then the second
14 page also from Livingston County from this area,
15 you can see the blue hatched area down there,
16 that shows the hundred year floodplain and the
17 facility location well outside of that designated
18 area.

19 Karst area is defined as an area with
20 the land surface containing sink holes, large
21 springs, disruptive land drainage or underground
22 systems associated with karst bicarbonate
23 bedrock, either limestone or dolomite. And caves
24 or a land surface without these features but

1 containing a karstified carbonate bedrock
2 generally overlain by less than 60 feet of
3 unconsolidated materials.

4 Here's a map of the entire state
5 showing the known karst areas, the identified
6 karst areas by the Department of Natural
7 Resources and the Illinois State Geological
8 Survey. They're primarily located in
9 northwestern Illinois, western Illinois between
10 the Illinois and Mississippi River, and then far
11 southern Illinois.

12 And as you can see there's nothing
13 within the county or nothing with any of the
14 surrounding areas, counties either that would be
15 considered karst areas. And as I mentioned, the
16 farm is not located within an area of karst. The
17 map was developed by the Department of Natural
18 Resources and the Illinois State Geological
19 Survey.

20 Aquifer material. Sandstone and its
21 aquifer material is defined as sandstone that is
22 five feet or more in thickness or fractured
23 carbonate that is 10 feet or more in thickness or
24 sand, gravel or a sand and gravel mixture such

1 that there's at least two feet present within any
2 five feet section of a soil boring.

3 We conducted a site investigation at
4 the facility June 16th of 2011. The soil boring
5 was conducted within the boot print of the
6 building itself. The boring was advanced at
7 least five feet below the planned bottom as is
8 required by the Department and the LMFA. No
9 aquifer material was encountered.

10 There's the boring log showing the
11 proposed bottom of the structure and the soil
12 ties that we found there. Nothing closely
13 resembling aquifer material. Siting criteria
14 five; whether the owner or operator has submitted
15 plans for operation that minimize the likelihood
16 of any environmental damage to the surrounding
17 area by spills, runoff and/or leaching.

18 Spills. The number one way to
19 counteract any problem with spills is proper
20 sizing. The LMFA requires a facility such as
21 this to have a minimum of 150 days of storage in
22 their waste storage structure. Patrick's farm
23 will have in excess of 365 days, so more than
24 double what's required.

1 And this is also a closed system. By
2 law this facility is not required to have
3 uncontrolled release of livestock so it's just
4 not allowed. Also, dealing with runoff, we would
5 build complete water diversions around the
6 facility so we can divert all the rainwater that
7 would fall around the facility away from the
8 building, and also divert any runoff water away
9 from the building and away from the storage and
10 structure itself. Thus, no additional water
11 entering the facility.

12 Leaching. The farm will be designed
13 as to prevent a leak of livestock waste manure.
14 The pit itself, if you're talking about leaking,
15 if you're talking about cracks or whatever, the
16 pit is solid concrete construction reinforced
17 with grade 60 steel rebar.

18 Water stops will be placed at all
19 construction and stoppage joints. All surfaces
20 in contact with livestock manure, which in this
21 instance is our only concrete, will meet the
22 proper permeability standards.

23 Siting criteria six. Whether odor
24 control plans are reasonable and incorporate

1 reasonable or innovative odor reduction
2 technologies given the certain state of such
3 technologies. There are two main things that we
4 talk about when we're talking about odor.

5 Number one, we're talking about dust.
6 Odor, dust carries odor. Dust particles carry
7 odor. That's the biggest way that odor can leave
8 a facility. And that is greatly handled and
9 dealt with by regular washing. This facility
10 will be pressure washed ahead of time between
11 every production cycle. This sanitizes the barn
12 for the next group of pigs and removes potential
13 odor causing residues from the interior surfaces.

14 The second way to greatly reduce odor
15 from a livestock facility is controlled
16 application of manure by injection based on
17 nitrogen and phosphorus loading. What we're
18 talking about is we're talking about placing that
19 manure with land application (inaudible) within
20 the soil, within the root zone.

21 So we're not talking about surface
22 application, we're talking about putting it in
23 where there's no contact with air, thus
24 minimizing the odor from the facility. And as

1 Patrick mentioned, the farm is also investigating
2 placing a tree buffer around the facility, also
3 to break up dust and to remove that from the air
4 also reducing odor.

5 Here's an example. A couple pictures
6 here on the next couple of slides dealing with
7 different types of injection equipment. And
8 again, we're talking about injecting that manure
9 directly within the upper foot, six to 12 inches
10 of soil. So right in the root zone where it can
11 be utilized best. The Harms-Stoller farm intends
12 to utilize injection as the application method
13 for livestock manure, again, minimizing contact
14 with air. And it is widely accepted as the best
15 method of manure application.

16 The livestock manure will be applied
17 both, by both the facility certified livestock
18 manager and custom applied. The application
19 equipment will contain safety controls that will
20 be at least, the equipment will be continuously
21 monitored so whoever's in the tractor itself
22 running the equipment, if that be the case, it
23 will be continuously monitoring flow rate valves
24 as well as the emergency shutoffs that will be in

1 the cab in case there would be an issue.

2 As I mentioned previously the farm has
3 at least 1300 acres locally available per year
4 for livestock manure applications. And to kind
5 of put this in perspective, what we're talking
6 about on an annual basis, the manure from this
7 facility when applied to the acres that will be
8 identified in the CNMP is equivalent to
9 approximately a four tenth inch of rain.

10 Siting criteria seven, whether traffic
11 patterns minimize effects on existing traffic
12 flows. We did a study with the help of the
13 Department of Transportation on the State Route
14 47 south of Saunemin. We have an average daily,
15 a daily average of 2400 vehicles, a weekly
16 average of 16,800 vehicles.

17 67 percent of those vehicles are
18 personal passenger cars or trucks. 33 or a third
19 of that are multiple unit vehicles weekly. That
20 consists of single axle, tandem axle or semi
21 trailer trucks.

22 The farm is looking at an average of
23 four trucks weekly over the, over an annual
24 basis. And we're talking about feed,

1 transportation and animal transportation both for
2 the facility. This equates to less than one
3 percent of the average daily multiple unit
4 traffic on the Illinois Route 47 south of
5 Saunemin. This is less than one percent of the
6 truck traffic, not the overall traffic but only
7 the truck traffic.

8 Siting criteria eight; this is a
9 little bit long winded here. Whether
10 construction of a new facility is consistent with
11 existing community growth, tourism, or economic
12 development. Or with specific projects involving
13 community growth, tourism, recreation or economic
14 development that have been identified by
15 government action for development or operation
16 within one year through compliance with
17 applicable zoning and setback requirements for
18 populated areas as established by the Livestock
19 Management Facilities Act.

20 So that's the definition. The farm is
21 consistent with existing and planned economic,
22 I'm sorry, community development by demonstrating
23 compliance with zoning and setback requirements.
24 Other positive community impacts are property

1 taxes that will go directly to local schools,
2 local roads. Local materials will be utilized.
3 Also local grain will be utilized.

4 In summary, we believe the farm has
5 met each of the eight siting criteria. Number
6 one, registration and waste management
7 certification. Siting criteria two, the design,
8 location and management to protect the
9 environment. Number three, compliance with
10 zoning and setbacks.

11 Number four, environmentally sensitive
12 areas and construction standards have been met.
13 Plans to prevent spills, runoff and leaching,
14 plans to control odor are met. Effects on local
15 traffic and whether or not the facility in this
16 community is consistent with community
17 development plans.

18 We believe each of the eight siting
19 criteria have been met. Thank you.

20 MR. ANDERSON: How many newcomers are
21 here from this morning's session? There's some
22 new faces over here this morning. I'm going to
23 save some time and reserve my remarks for later
24 so we can go right into the question part of

1 things and Ag can take charge of that.

2 MR. FRANK: Thank you. We will now
3 open the meeting for any questions that you may
4 have of the facility representatives or the
5 Illinois Department of Agriculture. If you have
6 a question that you would like to ask please
7 raise your hand and when called upon please state
8 your name and spell your name.

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

17 Are there any questions of the
18 facility or the Department? Sir?

19 MR. HAHN: Jim Hahn, H-a-h-n.
20 Patrick, what are you going to do with the manure
21 on the south end of where that facility is down
22 along that creek? You can't keep it out of that
23 creek because it floods all the time where the
24 old creek used to run through. How are you going

1 to keep that manure out of the Vermillion River?

2 MR. WEST: The management plan, the
3 comprehensive nutrient management plan that I
4 talked about in the presentation, there are
5 setbacks from all bodies of water in that. So we
6 just can't apply within that area.

7 MR. HAHN: But he's applying it now.
8 On that piece of ground where that old creek ran
9 through he applies it now.

10 MR. WEST: Within, within setbacks?

11 MR. HAHN: I don't know what the
12 setbacks are, but I see his equipment. I live
13 across the road from him. I have for 54 years.
14 I see where the machinery runs.

15 MR. WEST: Okay. Well, what I can
16 tell you is that the State regulations, the
17 regulations in the Livestock Management
18 Facilities Act calls for a 150 foot setback from
19 that.

20 MR. HAHN: Okay.

21 MR. WEST: So the management plan will
22 say and there will be no applications within that
23 setback of manure.

24 MR. HAHN: I don't care what it says.

1 Who's going to take care of it? Who's going to
2 see that stays within the --

3 MR. ANDERSON: Maybe I can explain.
4 If you think about commercial fertilizer there
5 are no setbacks for those waterways so it's,
6 Patrick's best interests and his plan is that
7 when they apply that manure that they stay within
8 those setbacks. And if he doesn't he's liable
9 for some litigation on that I suspect.

10 But what typical people do is they
11 meet those setbacks with manure and they'll come
12 back and side dress and fill in that gap to the
13 waterway or whatever it might be to meet that
14 regulation. So they leave that distance there.
15 They still apply fertilizer but it can't be from
16 a manure source.

17 MR. HAHN: Okay. So you're saying
18 then if I take pictures of it being applied like
19 where that old creek was, then I could have
20 something to go against --

21 MR. ANDERSON: If you see fit, sure.

22 MR. HAHN: Okay.

23 MR. FRANK: Someone else have a
24 question? Sir?

1 MR. HENRICHS: Roger Henrichs. With
2 regard to the State, I notice in the regulations
3 that there's no mention of an epidemiology study,
4 insect vector studies, or environmental impact
5 studies. Why? Because as far as I can tell this
6 is talking about a construction.

7 MR. GOETSCH: I guess, well, my only
8 response is the General Assembly didn't see fit
9 to require those.

10 MR. HAHN: So you're saying the blind
11 is leading the blind?

12 MR. GOETSCH: I don't think I said
13 that. I said that those particular requirements
14 are not included in the Act because the General
15 Assembly didn't include those.

16 MR. HAHN: Okay. Now, I've got
17 another, a second question. With regard to the
18 leaching, I was told by the State EPA that none
19 of this stuff leaches. So then I called another
20 agronomist and I says how far does this stuff
21 leach, I said in wet weather. He says not very
22 far.

23 He said it runs off in wet weather,
24 what they inject. Some of it. He said in dry

1 weather with the cracks in the ground it may go
2 clear to the tile. Which is it?

3 MR. GOETSCH: I believe that if
4 livestock waste is applied appropriately that it
5 should be able to be kept on the site and
6 shouldn't either leach down to ground water or
7 run off with surface runoff. I think it depends
8 on the antecedent moisture content of the soil.
9 It depends on the weather pattern that you're in.
10 There's all kind of variables.

11 But if it's done appropriately, and
12 that's the whole reason for a manure management
13 plan, to try and minimize those variables so that
14 the producer knows what the potential challenges
15 are and he or she can apply manure at agronomic
16 rates in an appropriate way so that it does, it
17 is retained on the land and it is used for its
18 agronomic purpose.

19 MR. HAHN: What about pharmaceuticals
20 that pass through the pigs? How much do they
21 leach?

22 MR. GOETSCH: I don't believe that
23 there are any requirements in the statutes that
24 address that.

1 MR. HAHN: I mean, we know the Statute
2 is written, I mean, it gives the impression that
3 everybody's really concerned. But when you get
4 into the details it's very, very fuzzy. It gives
5 you a good feeling but it seems there's not much
6 science to back up the good feeling.

7 MR. GOETSCH: That's your opinion, and
8 you're certainly entitled to it.

9 MR. HAHN: Well, it's fairly well
10 founded. I mean the City of San Diego had MTBE.
11 They put it in gasoline for awhile. That's the
12 reason we now have Gasahol that makes gas run
13 cleaner. They found it in six of their wells, of
14 which I think they had to close down at least
15 three. It leached for miles.

16 MR. FRANK: Other questions? Ma'am?
17 Can you state your name?

18 MS. GERWIN: My name is Carolyn
19 Gerwin. Carolyn, C-a-r-o-l-y-n. Gerwin,
20 G-e-r-w-i-n. Was there more that I was supposed
21 to say?

22 MR. FRANK: That's enough right now.
23 Go ahead.

24 MS. GERWIN: My questions are for

1 ISDA. You mentioned the residential setback was
2 1320 feet and the populated areas was 2640 feet.
3 How is that setback measured? Is it measured
4 from the edge of the building of the facility to
5 the foundation of the home or how is that
6 measured?

7 MR. GOETSCH: Let's see. On the
8 residential setback you're correct, it's measured
9 from the closest point on the structure of the
10 facility, the wall if you will, to the closest
11 structure of the home. The wall.

12 MS. GERWIN: So not the property line,
13 the actual building?

14 MR. GOETSCH: That's correct.

15 MS. GERWIN: Okay. And for the
16 populated area, is that like a village boundary
17 or does that include, that doesn't include the
18 1.5 mile setback for the zoning, does it?

19

20 MR. GOETSCH: No. For a populated
21 area it depends on the activity. For example, if
22 it would be a, like a park or something where the
23 primary activity is outdoors, then you go from
24 again from the closest point of the structure of

1 the facility. It would be to the, to the out
2 door, to the property line of the populated area.

3 If it's an indoor activity like a, you
4 know, a church for example, a rural church, it's
5 again just like the residential area, or
6 residential setback. It's from the closest edge
7 of the building to the closest edge of the
8 building.

9 MS. GERWIN: Okay. Do you know what
10 the basis for those setbacks are? Is. I mean,
11 this is regulatory setback so I understand it
12 comes from the law.

13 MR. GOETSCH: It's statutory, yes.

14 MS. GERWIN: But what's it based on?
15 Is it based on any science?

16 MR. GOETSCH: I can remember, you
17 know, 15, 18 years ago when all this was being
18 debated I believe it's like many laws, it's a
19 compromise. I think that they did try, if I
20 remember correctly the IEPA actually did a
21 project where they were taking plat books and
22 they were drawing circles around homes that
23 appeared on those plat books and using different
24 distances to try and see how much area would be

1 available in a county after you took out, you
2 know, a quarter mile setback, a half mile
3 setback, a mile and a half setback.

4 And as a result of that the task force
5 that I think was active at the time, I think if I
6 remember correctly the governor had appointed a
7 livestock industry task force, they made a
8 recommendation and the numbers that we ended up
9 with I believe are just a compromise that came
10 from those early studies. I don't believe --

11 MS. GERWIN: So the compromise, this
12 is your recollection is that it was a compromise
13 between the industry's request and the State's
14 decision as to how much land was okay to
15 sacrifice?

16 MR. GOETSCH: I don't know that I'd
17 put it that way, but I think sacrifice maybe
18 wouldn't be the right term. But I think what
19 they were trying to do is look at what would be a
20 reasonable number where we could afford rural
21 residences some type of separation distance but
22 still be able to provide feasible sites for the
23 livestock industry to exist.

24 And so I think it was a compromise

1 between those two interests how much space could
2 you provide and still not out, you know, and not
3 allow livestock production in the state. But
4 that's just one person's recollection.

5 MS. GERWIN: On the traffic patterns
6 do you have, I guess this would be a question for
7 the applicant. Do you know what roads are going
8 to be used? Is it going to go through any towns
9 or villages?

10 MR. HARMS: Well, our feed will
11 probably come out of Wing and that will be on 47
12 to 1500. So that would be basically it. We
13 hope, you know, the trucking is based on 1500
14 back on 47.

15 MS. GERWIN: And then did you say, I
16 didn't catch that last part.

17 MR. HARMS: Trucking the pigs.

18 MS. GERWIN: The pigs.

19 MR. HARMS: Yeah.

20 MS. GERWIN: So it would be on 47 that
21 same route?

22 MR. HARMS: Yes.

23 MS. GERWIN: Okay. And you say it's
24 one percent of the truck traffic. What time

1 frame are you talking about because will these
2 trucks leave just intermittently or will they
3 sort of like, you finish a cycle, right? And
4 then vroom, they take off?

5 MR. WEST: And the one percent it's
6 based on what I looked at as the average for the
7 annual based on both the feed and transportation,
8 which will be more regular. And the animal
9 traffic for the animal transportation, which
10 you're correct, since this is a cyclical process
11 there will be more at the end and then thus at
12 the beginning of the next cycle than there would
13 be in the middle.

14 You wouldn't be taking any animals out
15 in the middle. So that one percent of the less
16 than one percent is based on the average of I
17 think I had four a week. So over a week's time
18 four compared to a week's time of traffic on 47
19 for that truck's traffic.

20 MS. GERWIN: But it won't be over a
21 week, will it? I mean, what is the percentage
22 over the time frame that trucking will occur?

23 MR. WEST: Yeah, in a week's time.

24 MS. GERWIN: Okay.

1 MR. WEST: It would be less than one
2 percent.

3 MS. GERWIN: In a week's time to clear
4 them out. And what is the percentage of truck
5 traffic during that time?

6 MR. WEST: You're still going to be
7 very, very low because you're looking at --

8 MS. GERWIN: How many weeks per year
9 do you do this?

10 MR. WEST: Well, that, taking the
11 animals out of the facility would occur over
12 about a five week process.

13 MS. GERWIN: Okay.

14 MR. WEST: And then bringing them back
15 in is a little bit less because they're very
16 small. Probably two weeks.

17 MS. GERWIN: So seven weeks?

18 MR. WEST: Seven weeks. And then
19 there's two of those a year. So you're looking
20 at 14 weeks out of the year that, roughly, that
21 wouldn't necessarily conform to that four
22 average. It's going to be higher. And then so
23 the other weeks of the year you may have three on
24 average instead of four.

1 MS. GERWIN: So, but it would be
2 roughly four times, four times as much because it
3 will be condensed into those --

4 MR. WEST: No, I don't think four
5 times would be appropriate.

6 MS. GERWIN: Well, three and a half?
7 Anyway, okay.

8 MR. WEST: It is increased during that
9 period of time.

10 MS. GERWIN: Okay.

11 MR. FRANK: Ma'am?

12 LADY: I think I'll, oh. This is a
13 question for the State. If it turns out that the
14 calculations and the expectations are off or
15 based on wrong assumptions and there are impacts
16 on people, how will they be protected?

17 MR. GOETSCH: Can you say the first
18 part again? If what now?

19 LADY: Let's say there are odors,
20 there are odors, there are flies, there are
21 property value problems, what is the remedy for
22 the neighbors? What are the neighbors supposed
23 to do? What can they do or what will the County
24 be able to do? What happens? Are they going to

1 be protected?

2 MR. GOETSCH: We really can't talk for
3 the County. I guess, we can only do what the
4 Statute tells us to do. And in this case the
5 Statute tells us to attempt to determine whether
6 or not it's a reasonable assumption that these
7 eight siting criteria are met.

8 Whether they've got the waste
9 management plans in place the way they're
10 supposed to; whether they have, whether they've
11 met the setbacks. You know, whether the impact
12 on traffic is reasonable. It doesn't say that
13 there can't be no impact on traffic but that the
14 traffic has to be reasonable, et cetera, et
15 cetera, et cetera.

16 And to the best of our ability that's
17 what we're going to do. I don't believe that the
18 Statute provides any remedy for us to provide
19 anyone if something doesn't happen. I think that
20 ends up being more a civil action on that
21 individual's part.

22 LADY: So the neighbor would have to
23 sue?

24 MR. GOETSCH: Uh-huh.

1 LADY: Thank you.

2 MR. FRANK: Any other questions? Yes,
3 sir.

4 MR. METZGER: Rick Metzger. How many
5 loads of manure would you say that the pit would
6 hold approximately?

7 MR. HARMS: It's hard because we're
8 working both, we're trying to go with using drag
9 line.

10 MR. METZGER: Well, you know, your
11 total knowledge.

12 (Several people talking at the same time.)

13 MR. FRANK: Just a second, please.
14 Can you repeat the question?

15 MR. METZGER: How many, how big or how
16 many loads of manure is in this pit? Do you know
17 how much is going to be on the road?

18 MR. WEST: Can I answer that? Okay.
19 It's not necessarily, you can't really correlate
20 it necessarily just to that because when you're
21 using a drag line system there won't be a tanker.
22 They won't be going down the roads because --

23 MR. METZGER: How does he get to this
24 1300 acres?

1 MR. HARMS: No. Not all of this. No,
2 no, no, no, no. I understand --

3 MR. METZGER: Has somebody got a
4 calculator?

5 MR. HARMS: It's hard because they're
6 going to do so many acres by drag line and then
7 you'll have to move some. Our goal is to get as
8 many acres around there as we can.

9 MR. METZGER: You said 1.5 million
10 gallons, right?

11 MR. HARMS: Yes.

12 MR. WEST: So if you only tankered in
13 at 6000 gallons a tanker you're looking at 250.

14 MR. METZGER: 250 loads.

15 MR. WEST: Yeah.

16 MR. METZGER: And earlier on you were
17 talking about owner manager. Are you the only
18 certified manager?

19 MR. HARMS: No. My hired man too.
20 He's back in the corner, Kevin Boward. And
21 people that manage, you know what, they've got to
22 be certified.

23 MR. METZGER: Well, I was hoping that
24 you had somebody other than you.

1 MR. HARMS: Oh, yeah. Yeah, I can't
2 do it all.

3 MR. METZGER: Do you know on the taxes
4 how much additional these buildings we're talking
5 about?

6 MR. HARMS: Approximately, because
7 I've got three of the 4000 head barns and they
8 run around approximately \$13,800 bucks a barn.
9 So these barns will, I hope the tax assessor
10 isn't here, but these things should be running
11 around 13, 14, 15,000 bucks.

12 For the school it looks, percentages,
13 some of the other guys' figures, we're probably
14 looking just at the Saunemin school, probably per
15 barn, I'll do it on a low figure, probably
16 \$6,0000 per barn. Probably more like eight
17 thousand.

18 MR. METZGER: Okay.

19 MR. FRANK: Yes. Mr. Fox.

20 MR. FOX: Rich Fox, F-o-x. Do we, I
21 guess this is back, do you know what the
22 depreciation rate is on these buildings? I know
23 the first year is \$15,000. But I just know, I
24 want, I'm still scared up here, Patrick.

1 15 years, these buildings are young, and I've got
2 to go by them. So depreciation rate, you know, I
3 know it's \$15,000 for the school and that's
4 great. But in the third year are we going to be
5 at 2000?

6 MR. HARMS: You mean tax wise paying
7 you mean?

8 MR. FOX: Yes.

9 MR. HARMS: I've been paying taxes for
10 15 years and my taxes don't go down, you know.
11 Probably since that, they're four years old.
12 They're, I know 15 years. I could pull my early
13 barns. I don't have them with me, but probably
14 they depreciate, boy, that's a hard estimate. I
15 can't give you a clear figure, but they go down
16 some. They do.

17 MR. FOX: And that's, well, when your
18 taxes aren't going down because our rate goes up
19 and your assessed valuation of your building are
20 definitely going down.

21 MR. HARMS: Right. Right.

22 MR. FRANK: Sir?

23 MR. HAHN: Yeah, Patrick. Now, I
24 talked to you earlier. I've got a 50-foot well

1 that's as wide as my house. Now, you take and
2 put a deep well in and you're pulling out
3 hundreds of thousands of gallons out of it, how
4 is my little 50-foot well going to hold up to
5 supply my house?

6 MR. WEST: Do you have any idea how
7 deep the aquifers are in this area?

8 MR. HAHN: No.

9 MR. WEST: That you're pulling from?

10 MR. HAHN: Likely.

11 MR. WEST: From the area that you're
12 pulling the water from, do you know how deep?

13 MR. HAHN: How deep that water is
14 around my area? We've gone down over a hundred
15 feet to test holes and they were just as dry at
16 the bottom as they were at the top. It's real
17 hard to find water right around that area. And
18 if you find it you're lucky.

19 MR. ANDERSON: I guess the question
20 is, your 50-foot well, is that coming from the
21 aquifer? Is that kind of the ground water?
22 There's different levels of water tables. So are
23 you on the ground water table?

24 MR. HAHN: Yeah. Just what the soil

1 is holding.

2 MR. ANDERSON: Okay.

3 MR. HARMS: The well we hit on the
4 spot was 50 feet. About 30-gallon a minute. But
5 we put a smaller pump in so it's like a big
6 residential house. You know, that's what that
7 pump would be.

8 MR. HAHN: Okay. So how is that going
9 to affect the water? You know, you're talking
10 about using several hundred thousand gallons of
11 water. How is that going to affect my well?

12 Because, like I was telling you
13 earlier, we drew five test holes down there and
14 we couldn't get any water. So finally we put in
15 what you call a hand dug well, a big round one.
16 We went down 50 feet and there we got water. So
17 now with him pulling water out how --

18 MR. HARMS: Do you have a problem?
19 I'm just asking now, without me there do you have
20 a problem? I mean with water.

21 MR. HAHN: No. I have enough water to
22 supply the house now.

23 MR. HARMS: Okay.

24 MR. WEST: How far away do you live,

1 sir?

2 MR. HAHN: Approximately a half a
3 mile.

4 MR. WEST: Okay.

5 MR. WEST: Unfortunately I'm not going
6 to be able to give you the answer you're wanting,
7 you're looking for, because I just don't know.
8 There would be, in most of the heavy producing
9 aquifers in the state there are studies that show
10 what potential they have to supply water. I
11 don't know if that's been done in your area. I
12 don't know.

13 MR. HAHN: Has it been done where he's
14 put his wells?

15 MR. WEST: Well, they would be the
16 same area. I don't know.

17 MR. HAHN: Okay.

18 MR. WEST: I don't know.

19 MR. HAHN: So I could have a dry well
20 and nobody gives a shit?

21 MR. WEST: No. They, no. I would
22 disagree with that because if yours is dry
23 Patrick's, you know, the farm's is dry before
24 yours is dry.

1 MR. HAHN: Well, theoretically.

2 MR. WEST: Well, and that's not what
3 the farm can operate under. So well before you
4 would have problems they would have problems at
5 the farm that they would have to address one way
6 or the other.

7 MR. HAHN: That don't help me any.

8 MR. WEST: Well, I guess what I'm
9 trying to say is, before you have a problem they
10 do and they're going to, and they have to address
11 it or they can't water their hogs.

12 MR. HAHN: Right. My water still goes
13 dry because he's pumping so hard.

14 LADY: Then you have to sue him.

15 MR. FRANK: I don't know if we're
16 going to get any more of an answer than than,
17 sir. Ma'am?

18 MS. CAMPBELL: Just for consistency
19 I'd like to get on the record the same questions
20 I asked this morning. And the first one was to
21 the Department of Ag what elements and compounds
22 are tested for when they do the analysis of the
23 waste?

24 MR. FRANK: Ma'am, could you state

1 your name, please?

2 MS. CAMPBELL: Oh. Judy Campbell.

3 C-a-m-p-b-e-l-l.

4 MR. GOETSCH: And unlike the first
5 answer this morning the Statute requires that the
6 manure be analyzed for total nitrogen, ammonium
7 nitrogen, total phosphorus and total potassium.

8 MS. CAMPBELL: Thank you. And my
9 other question this morning was, had to do with
10 the number of gallons that would possibly be used
11 at the peak of production at the peak of usage.
12 And that was from the --

13 MR. WEST: I'm sorry. I couldn't, I
14 had the post in front of me.

15 MS. CAMPBELL: The number of gallons
16 of water that you would use daily at the peak.

17 MR. WEST: At the peak. Okay.
18 Because we talked about average and then peak
19 this morning.

20 MS. CAMPBELL: Yeah.

21 MR. WEST: I think the peak you're
22 looking at three and maybe a little above that at
23 the peak end of it. And peak in the summertime.
24 So when the animals are the largest and when

1 they're the thirstiest.

2 MR. FRANK: And that's gallons per pig
3 per day?

4 MR. WEST: Gallons per pig per day.

5 MS. CAMPBELL: I didn't get an answer.
6 Okay. And also to clarify, the number of acres
7 that are available for this facility are not
8 available for spreading the waste at any, from
9 any other facility?

10 MR. HARMS: Right. We've got new
11 acres for that.

12 MS. CAMPBELL: New acres. That pretty
13 much covers it.

14 MR. FRANK: Yes. Sir?

15 MR. HENRICHS: Roger Henrichs. I
16 didn't spell it the first time. H-e-n-r-i-c-h-s.
17 With regard to the dust control it says that it's
18 washed out every eight weeks. Okay. Without,
19 with the dust coming out of the fans are there
20 going to be scrubbers on there that are state of
21 the art?

22 MR. WEST: Let me talk just about the
23 first part. It was never said every eight weeks.
24 Every production cycle the entire --

1 MR. HENRICHS: So whatever your
2 production cycle is. I'm sorry, I assumed eight
3 weeks.

4 MR. WEST: No, that's fine. I just, I
5 didn't want you to think something that wasn't
6 correct there. So every production, so roughly,
7 you know, at the end of every production cycle
8 it's entirely cleaned down, washed, disinfected.

9 And then in between that would be just
10 maintenance cleaning, making sure that the
11 manures were in the pit where it's supposed to be
12 and not in between the slats. I'm sorry, what
13 was the rest of your question?

14 MR. HENRICHS: Well, how is the air
15 cleaned? Is it exhaust? The scrubbers, is there
16 scrubbers to clean the air coming out of the
17 building for odor and --

18 MR. WEST: No, there would be no
19 scrubbers.

20 MR. HENRICHS: Well, see the Act again
21 gives the impression that everything is kind of
22 state of the art. I mean, I'm just making a
23 point. Okay.

24 MR. WEST: Okay.

1 MR. HENRICHS: And scrubbers are state
2 of the art. That's what's required in the coal
3 plants and everything else for odor and dust.
4 That's okay.

5 MR. FRANK: Anything else?

6 MR. WEST: Huh-uh.

7 MR. FRANK: Other questions? Ma'am?
8 Could you state your name, please?

9 MS. HORRIE: Oh. Kay Horrie,
10 H-o-r-r-i-e. We also have a 50-foot well and we
11 can run it dry. And the grandkids are there
12 playing and one night they forgot, they left it
13 trickling and the next morning --

14 MR. FRANK: Do you have a question?

15 MS. HORRIE: Oh, yes. I have a
16 question too. But, Pat, are you planning on
17 administrating any kind of antibiotics in your
18 livestock facilities?

19 MR. HARMS: It's under veterinary care
20 for us, so there's medicine and stuff that we do
21 use. But the veterinarian takes care of
22 everything and recommends what we do.

23 MS. HORRIE: Okay. So that will be in
24 like your medical --

1 MR. ANDERSON: And actually, I can
2 maybe help you understand that. If you look at
3 the efficacy of any antibiotic use, but not to
4 compare it to humans, but there's a half life
5 left on that antibiotic. As it goes through a
6 pig's system and does what it's supposed to do to
7 address the health issue that the vet was
8 concerned with, it goes into that process, and
9 those half lives don't last. That dissipates
10 into the process.

11 It's much like a municipality. Are
12 there large concerns as far as pharmaceuticals
13 that we use as humans that get out into the
14 public air and things like that? No, because a
15 lot of things that are prescribed have those half
16 lives.

17 Now, there are some unknown things out
18 there. But if you look at some of the recent
19 studies with the University of Illinois and
20 they've looked at the migration of those types of
21 things they could see some but it wasn't over a
22 hundred feet outside of the existence of that
23 facility. So antibiotics and bacteria that
24 change with those processes are all naturally

1 occurring things in the environment.

2 More studies need to be done on that
3 and I think more studies will be to address that
4 issue, so there is some better understanding of
5 the usage of those products.

6 MS. HORRIE: Okay.

7 MR. FRANK: Sir?

8 MR. HOLT: Daryl Holt, H-o-l-t. First
9 I'd like to comment to Mr. Harms that he's going
10 to do some economic development in Livingston
11 County without asking for any money from the
12 County. Thank you.

13 secondly, I have a question for you.

14 It seems, I was at the earlier meeting and
15 a lot of concern as in this meeting regarding the
16 water usage. It went from like one gallon to
17 three gallons and five gallons per hog per day.
18 If my calculator is right that's over eight
19 million gallons in a year.

20 I wonder if, I know in Dwight when we
21 put a well on it, in the village, put a well out
22 in the country we tested it to see if it had any
23 adverse effect on the neighboring wells. I
24 wonder if you would be, that's something you

1 could do or would be willing to do to alleviate
2 the question in many of these people's minds, and
3 mine, regarding the water that you would consume
4 and how it would adversely affect their wells?

5 MR. HARMS: I'd like to try to look
6 into, like I said we'd have to do a water survey
7 and stuff like that, you know, I guess.

8 MR. HOLT: We did a pump. We pumped
9 the well --

10 MR. HARMS: Okay.

11 MR. HOLT: -- and tested the wells in
12 the surrounding area to see if it was getting
13 drawdown on those wells.

14 MR. HARMS: Okay.

15 MR. HOLT: So it wasn't a real, a big
16 scientific --

17 MR. HARMS: Sure.

18 MR. HOLT: -- process.

19 MR. ANDERSON: Also, after, between
20 meetings we had a lot of discussion about water
21 and one gallon or five gallons the number. We
22 have to realize that pigs come in at 14 pounds
23 and they're not going to consume less than half a
24 gallon. And when they leave that barn they will

1 be at maximum and then they're going to consume
2 that three to five, whatever that number is.

3 So when we're done with this I think
4 it will behoove maybe Patrick to look at some
5 existing farms and put some water meters out
6 there so we have a clear definition of what
7 consumption is. The other thing that affects
8 that is the life cycle of a pig. In hot weather
9 they exhaust a lot more moisture and take in
10 more.

11 Now, if they're young in that cycle
12 the impact isn't huge through a summertime. But
13 if they're going to market this time of year with
14 this type of heat and trying to cool themselves
15 it's surely going to be higher.

16 And then also what happens where the
17 feed consumption is because when you eat more
18 feed it takes sometimes more water through
19 different cycles of a pig's life. So it's not a
20 fixed number that, even when I find out from
21 existing farms, will that be the same data that
22 I'm going to collect from the farms that he's at
23 depending on health, the age of the pigs, those
24 types of things.

1 But I think from the industry side,
2 and we sure want to help him address that, let's
3 find out what that number is closer to, one or
4 three or five. And then if there's some impact
5 information that we can find out hopefully pretty
6 simply, let's see what that does.

7 And I know it wasn't offered here and
8 he doesn't want to impact his numbers, he wants
9 to have that water for his own hogs. I think we
10 probably need to think about a plan. If
11 something like that does happen how do we address
12 it not only for the farm but for neighbors if
13 they have issues. That's what you have to do in
14 those situations. So hopefully we can open that
15 communication.

16 MR. FRANK: Miss Fox?

17 MS. FOX: Julie Fox, F-o-x. How much
18 water has to be mixed in the pits with the manure
19 that would be added on to the one, three or five
20 gallons that the pigs consume through the day?

21 MR. WEST: There would be none.

22 MS. FOX: None in the pits?

23 MR. WEST: No. There's no additional
24 water that's added directly to the pits.

1 MS. FOX: Okay.

2 MR. ANDERSON: To explain that
3 situation a little bit so you understand how the
4 irrigants, there's agitator pumps so that water
5 when we wash down buildings, that's all extra
6 water that's in there. Solids might pile in one
7 end or the other so there's agitating systems
8 that emulsifies that product.

9 It also gives us a better nutrient
10 data point that, when that's all the same product
11 except some's liquids, some's solids, it mixes it
12 up and it also gives us a better tool to go out
13 to those application fields. And when we put 45
14 pounds of nitrogen on for manure we know it's got
15 a more consistent product that we're putting that
16 in the right place for the crop production.

17 That's part of the best management
18 practice that comes through the CNMP and the
19 protocol to do that, but it's really for
20 Patrick's best interests and the people he works
21 with that that manure value gets realized because
22 it's valuable to the crop uptake. And that's
23 really what he needs to do for his own farm and
24 the people he's working with.

1 MS. FOX: So water is going to be an
2 issue?

3 MR. WEST: Yeah. And typically a
4 swine manure is more than 87 percent liquid. So
5 it's a very liquid manure anyway. But there's no
6 additional water that has to be added to that pit
7 other than what we talked about with washing down
8 of the, and to stay consistent the water use
9 number that has been presented here, that takes
10 that into account as well.

11 But the drinking portion of the
12 overall use is much greater than what we're
13 talking about when you're washing down.

14 MS. FOX: Okay. All right.

15 MR. WEST: But that is, that is
16 accounted in that number.

17 MS. FOX: Okay. I have another
18 question. This is for the Illinois Department of
19 Agriculture. Are you willing to provide access
20 or copies of the construction drawings which I
21 requested through my Freedom of Information Act
22 but my request was denied to the Livingston
23 County Board so that they can make an informed
24 recommendation to the Department of Agriculture

1 on a proposed facility?

2 MR. WEST: Let me answer that.

3 MS. FOX: Huh-uh.

4 MR. WEST: No, no, no. Let --

5 MS. FOX: I asked them for the Freedom
6 of Information Act.

7 MR. WEST: I would be willing to give
8 those drawings. If somebody would like to come
9 and look at those I'd be more than willing to
10 show them.

11 MS. FOX: Then why does the
12 Department, tell me this. Why does the
13 Department hold it back?

14 MR. WEST: Because my drawings are
15 copywrited.

16 MR. GOETSCH: See, the one thing that,
17 it's, this is another example you're damned if
18 you do and you're damned if you don't. The
19 Freedom of Information Act has a provision in it
20 that specifically requires us to not release
21 certain things. And so I can make you angry.
22 It's not me. It's our public information
23 officer.

24 MS. FOX: I understand. I know that.

1 MR. GOETSCH: We can break the law and
2 give you something that the Act, that we believe
3 and our attorney's interpretation of the Act says
4 we can't release. I can break the law and give
5 it to you or I can not break the law and make you
6 angry.

7 Well, you know, it's a frustration.
8 There's not anything we can do about it. But we
9 are bound by the Freedom of Information Act and
10 since they're, the drawings say proprietary on
11 them then by the Act we are bound not to release
12 them.

13 MS. FOX: Right. So then I've got,
14 and maybe you can't answer this question.
15 Earlier the Illinois Attorney General's Office,
16 so when you write to them after we receive your
17 letter, you want the information, you can write
18 your Attorney General's Office and they'll look
19 into it. So then they decide whether or not to
20 hand that out apparently?

21 MR. GOETSCH: I probably don't have
22 the right name but there is a, it's not the
23 solicitor general, but there is a person that was
24 created, a position that was created through the

1 amendments of the Freedom of Information Act that
2 is supposed to then review something that's
3 appealed and then tell us yes, you can or no, you
4 can't. You know, yes you have, or no you have
5 misinterpreted the Act and you must release or
6 yes, you've interpreted it, you can't release.

7 So anyway, yes, we're waiting for
8 them. As soon as they tell us, you know, you
9 screwed up, you read it wrong, release it, then
10 out it will come.

11 MR. WEST: And if you don't mind, I
12 would like to follow-up with that. The reason
13 that I make the drawings that come out of my
14 office proprietary is so somebody can't take
15 those drawings, can't submit a FOIA to Warren, or
16 the Department, and take those drawings and try
17 to build something that won't fit those drawings.
18 That's my reasoning.

19 And so any potential competitor
20 wouldn't take my drawings and try to sell them to
21 someone else. But for this case I would be,
22 there's nothing that we're trying to hide with
23 these drawings. I would be more than happy to
24 show them to anybody that wants to look at them.

1 MS. FOX: I'd like to have a copy.

2 MR. WEST: Well, but then that, but
3 then we have the problem of where do they go
4 after I give them to you. That's, and it's a
5 legal issue that my lawyer says that I, for a,
6 for protecting my business so that they're not
7 used in an inappropriate manner, that's what I
8 have to do.

9 MS. FOX: Right.

10 MR. FRANK: Thank you. Yes, Mr.
11 Campbell?

12 MR. CAMPBELL: Yes. Rich Campbell.
13 Pertaining to the traffic, you know, we were
14 talking about one building this morning and then
15 another one where you have, there's only four
16 trucks. But in reality you've got to, sometime
17 in your study you've got to put the two together,
18 right?

19 You've got eight trucks per day.
20 You've got two different facilities, right? So
21 it's really eight trucks running down the road
22 per week, right? Per day. Per day.

23 MR. WEST: Per week.

24 MR. CAMPBELL: Per week. So you

1 divide them up and you sound not so bad.

2 MR. WEST: Well --

3 MR. CAMPBELL: And then you go out
4 there, saying they use the exact same roads. And
5 then when your pigs are in and out, you say that
6 takes six weeks. Is that a total of 12 weeks
7 because you've got six weeks at this facility and
8 six weeks at the facility or a whole bunch of
9 trucks at the same time doing both facilities?
10 They're using the exact same road. That's why
11 the breakdown and everything.

12 MR. WEST: Well, the reason it was
13 presented the way it was is because the meeting
14 this morning was for that facility and the
15 meeting this afternoon is for this facility. So
16 that's the way I have to present them. But you
17 are correct to some extent. They are using the
18 same road.

19 Now, they won't necessarily be at the
20 same time because the production cycles won't be
21 at this building the same as the other building.

22 MR. CAMPBELL: And, Patrick, are you
23 going to tell them that that's their route and
24 then all of a sudden hey, there's a whole bunch

1 of trucks? I'm coming from Wing, I'll have to go
2 up to 1400 and then go up 900 so I don't have to
3 fight with those guys on 1500 Road.

4 MR. HARMS: No. They'll have a,
5 they'll have a, they'll have a, you know --

6 MR. CAMPBELL: A designated road.

7 MR. HARMS: Yeah. They definitely
8 will because we'll definitely have to work that
9 out. Definitely.

10 MR. CAMPBELL: But they won't be using
11 2900 (inaudible) coming out of Wing on 47, 1500?

12 MR. HARMS: 2900 would be, from Wayne
13 the big trucks, but for pigs it would be probably
14 a different route definitely. We wouldn't use
15 2900. But for feed, I have to kind of talk to
16 Trainers and see what their thinking is because I
17 think they use that road already.

18 But I don't know. They always use
19 that for the chicken farm and stuff going up
20 2900. But I don't know if, I'm going to have to
21 talk with Jack and see what's feasible and works
22 out now, you know.

23 MR. FRANK: Sir, right here.

24 MR. VITZTHUM: Rick Vitzthum.

1 V-i-t-z-t-h-u-m. Getting back to the manure for
2 the Department of Ag, you said something about a
3 150 feet setback?

4 MR. GOETSCH: There are different
5 setbacks for different things that are
6 required --

7 MR. VITZTHUM: Does that tie into the
8 100 year floodplain?

9 MR. GOETSCH: I'm sorry?

10 MR. VITZTHUM: The hundred year
11 floodplain, does it tie into that?

12 MR. GOETSCH: Yeah. I'm trying to, let
13 me --

14 MR. FRANK: Did you have a follow-up
15 to that or a different question?

16 MR. GOETSCH: Well, there are
17 different provisions in here. One of the ones,
18 for example, that's required; a provision that
19 livestock waste may not be applied in a ten-year
20 floodplain unless the injection or incorporation
21 method of application is used. So there's a
22 restriction there. You can't spread it on top,
23 it's got to be injected if you're within a
24 ten-year floodplain. There's also a provision

1 that you can't apply it in a waterway. You have
2 to stay out of a, you know, a grass waterway.

3 There's a, you can't apply it within
4 200 feet of surface water unless the water is up
5 gradient. In other words, like a farm pond, if
6 you're below the farm pond you can apply it up to
7 the, you know, up to the edge of the dam. But if
8 you're above it you've got to stay back at least
9 200 feet. So there are, there's a whole series
10 of different requirements.

11 MR. VITZTHUM: I guess with what the
12 loads of manure that he could possibly have and
13 being that close to the pond I don't know how
14 many acres he can get and stay in the
15 requirement.

16 MR. GOETSCH: Well, his waste
17 management plan will have to demonstrate that he
18 meets those numbers.

19 MR. VITZTHUM: That's right.

20 MR. GOETSCH: I mean, whether you
21 think he can or not it's going to have to be
22 black and white.

23 MR. VITZTHUM: The County Board --

24 MR. FRANK: I'm sorry?

1 MR. VITZTHUM: I'm trying to ask a
2 question maybe that our County Board can get an
3 idea what's, I guess that's what the meeting's
4 for.

5 MR. GOETSCH: Uh-huh.

6 MR. FRANK: Miss Campbell, do you have
7 a question?

8 MS. CAMPBELL: Yes, I did. It's Linda
9 Campbell. C-a-m-p-b-e-l-l. Mr. West was talking
10 earlier about the 1300 acres that you're going to
11 need for the waste management for the manure.
12 And then this morning you were talking on the
13 other property. So is that 2600 acres that
14 Mr. Harms is going to need for that?

15 MR. WEST: Let me just real quick,
16 1300 is not how many will be needed. It was well
17 less than that.

18 MS. CAMPBELL: Okay.

19 MR. WEST: But that is how much we
20 stated would be available for the farm.

21 MS. CAMPBELL: Per facility? You have
22 1300 acres per facility set aside for it.

23 MR. WEST: And maybe I can help you
24 explain. If you take a 4500 finisher like this

1 it's going to need around 300 acres of
2 application ground, you know. Depending on the
3 nutrient value and the crop uptake that number
4 could be up by 50 or 75 acres or lower by that.

5 But it's really based on the soil's
6 fertility and what your nutrients are in the
7 area that you produced and match that to the crop
8 in ground. So he's got 1300 acres available to
9 him, so out of that he'll need three or four for
10 one facility and three or so for the other.

11 They will lay that out in that
12 comprehensive nutrient management plan that Ag
13 will approve.

14 MS. CAMPBELL: Okay.

15 MR. WEST: And the challenge with
16 developing that plan to be exact with it is that
17 the Department has approved the design and the
18 situation of these plans and they really can't
19 approve the waste management plan until you get
20 some of those calculations and your proximity to
21 the ground to put it in place.

22 MS. CAMPBELL: Okay. And then I just
23 have one other question. Actually I was going to
24 address them when I was speaking but I couldn't.

1 Talking about the decline in the property values,
2 who's going to be responsible for that? Mr.
3 Harms, are you going to compensate us if our
4 property values decline?

5 MR. HARMS: Well, let's say this. If
6 they go up would you be willing to pay me money?

7 MS. CAMPBELL: If they go up because
8 you're bringing in this?

9 MR. HARMS: Just the way the --

10 MS. CAMPBELL: No, but --

11 MR. HARMS: I'm sorry.

12 MS. CAMPBELL: Studies --

13 MR. HARMS: I shouldn't have said
14 that. I apologize.

15 MS. CAMPBELL: You're right. You're
16 right. Studies show that property values
17 decline, they don't increase.

18 MR. ANDERSON: Well, let me, let me
19 help answer --

20 MS. CAMPBELL: So we're being
21 penalized.

22 MR. ANDERSON: And it still goes to
23 the, if they do increase who gets that benefit?
24 You know, that's a valid question. The other

1 side is who pays for it. But if I look at this
2 township and Livingston County and look at the
3 assessed values of properties over the past 10
4 years, and actually with his tax records it's
5 pretty obvious that his assessments have gone up
6 and those taxes have gone up and those appraisals
7 have gone up. And I don't feel that that --

8 MS. CAMPBELL: On his buildings you're
9 talking about?

10 MR. ANDERSON: Right. His tax base.
11 And if I look at those neighboring residences
12 that he lives around --

13 MS. CAMPBELL: Okay.

14 MR. ANDERSON: Are people paying less
15 taxes and have those assessments come down to
16 show the lesser value?

17 MS. CAMPBELL: That doesn't mean just
18 because they're not being reassessed, or reducing
19 their property taxes does not mean that my home
20 is not going to be less valuable because it's
21 sitting close to one of these operations.

22 MR. ANDERSON: If your house isn't
23 assessed at its real value you're probably
24 getting a disservice from your County and you

1 need to go in and look at that. But what I have
2 seen in this county when I have surveyed things
3 was that assessments and property values have
4 continued to go up.

5 Now, even though there's a market out
6 there in residential commercial development that
7 is depressed ag values and zoned ag area values
8 have gone up. So I don't see the, you've got the
9 perceived risk of something happening out there
10 who's going to protect you. Who protects you
11 from the economy now?

12 MS. CAMPBELL: Well, that's a wide
13 spread, everybody's affected by that. I'm going
14 to be affected because of this operation coming
15 into my area as opposed to somebody five or ten
16 miles away. Now he brings the --

17 MR. ANDERSON: I guess that one of the
18 solutions is if property value goes down somebody
19 covers it and if it goes up somebody gets the
20 benefit of it. Are you willing to get into that
21 arrangement?

22 MS. CAMPBELL: You know what, if, if
23 he brings his hog farm in and, yeah. I'll get an
24 appraisal on my house now, and he brings the hog

1 farm in, yeah, I'll split the difference with
2 him. If he puts that hog farm in and then my
3 property values go down 50 to 90 percent, who's
4 going to compensate us? Who's going to do
5 anything about it then? Nobody. So we're stuck
6 with it. Thank you.

7 MR. ANDERSON: Not necessarily. I
8 don't see those numbers coming out, what I see in
9 the marketplace. You're probably going to need
10 to bring some data together and show us that
11 those really do that.

12 MS. CAMPBELL: Okay.

13 MR. ANDERSON: And really I'd look
14 around the corner in my own county.

15 MR. VITZTHUM: One final question.

16 MR. FRANK: Miss Fox, did you have a
17 question?

18 MS. FOX: Yeah. Julie Fox, F-o-x.
19 Earlier we were talking about the ten-year
20 floodplain. This is directed to Frank & West.
21 Will you provide a ten-year floodplain map so we
22 can see where that facility lies in the ten-year
23 floodplain?

24 MR. WEST: We'll try. But if, but

1 that's only if you're not injecting it where that
2 comes into play.

3 MS. FOX: Okay. Only for
4 non-injection.

5 MR. WEST: Yeah. That's --

6 MS. FOX: Okay. And we're a hundred
7 percent sure that we will always be injecting?

8 MR. WEST: That's the plan.

9 MS. FOX: That is the plan but it's
10 not guaranteed.

11 MR. GOETSCH: Well, actually though
12 it's not just injection, it's injection or
13 incorporation. So in other words, they could
14 apply it, they could apply it on the surface and
15 then disk it in.

16 MS. FOX: Okay.

17 MR. GOETSCH: I just want to make,
18 that's what the statute says. I just want to
19 make sure that's clear.

20 MS. FOX: Okay.

21 MR. FRANK: I'll take back what I
22 said. One final question to the gentleman in the
23 back I don't think we've heard from.

24 MR. LONGMIRE: Yeah. I --

1 MR. FRANK: Will you state your name,
2 please?

3 MR. LONGMIRE: Longmire.

4 MR. FRANK: Can you spell it?

5 MR. LONGMIRE: Do you have any hogs
6 where you live?

7 MR. HARMS: No, I don't.

8 MR. LONGMIRE: I, how many places do
9 you have, do you have one on the curve on
10 Charlotte Road and then the big place just a mile
11 over? What's the difference in the odor, because
12 you were talking about odor control before?
13 What's the difference between the odor control on
14 the, with your new buildings compared to that
15 one? Is there any difference, anything special
16 that you do to knock down the odor?

17 Because I've had weeks where I can't
18 go outside at night because of the odor. We
19 don't open our windows a lot of times. There's
20 certain times of the year you just don't open
21 your windows because of the smell, and I live
22 three miles away.

23 Now, when she was talking about her
24 property taxes, what she's saying is well, I want

1 to sell my house. People are going to come and
2 they're going to smell the hog shit and they're
3 going to not want to buy my house.

4 MR. FRANK: Sir, do you have a
5 question?

6 MR. LONGMIRE: Well, I'm trying to
7 clarify what she was saying. I think what she
8 was trying to say. First of all, you don't own
9 anything. Is there any change in odor control
10 from these new buildings compared to the old
11 ones?

12 MR. HARMS: The barns, you know, newer
13 style, they keep the fans running to lower the
14 dust. You know, the fans keep running
15 continuously so when they're smaller of course
16 it's going to run a little less. You don't have
17 that cool breeze on your pigs all the time.

18 That air, and then as it goes, the
19 pigs get bigger, you turn the fans up. It will
20 keep less dust out of your barns. And like they
21 say about odor, you know, that's where the odor
22 comes from is from the dust.

23 MR. LONGMIRE: How come you're not
24 doing this on the Charlotte farm?

1 MR. HARMS: The other farms have
2 smaller trees. You know, I'm looking to move
3 bigger trees in on these farms. You know, put
4 around them.

5 MR. LONGMIRE: You said something
6 about trees before. I didn't understand that.
7 What do trees --

8 MR. HARMS: Putting basically a buffer
9 around the barn so the fan, the dust from the
10 fans will hit them trees so it dissipates a
11 little bit. It controls the odor about 30
12 percent, 40 percent to run down odor.

13 MR. LONGMIRE: Trees will? Wow, I
14 didn't know that. I didn't know that.

15 MR. ANDERSON: A good resource, Trees
16 Forever does a lot of planting not only
17 agricultural but municipalities for those same
18 issues with air blocks and air flow and
19 beautification also.

20 MR. FRANK: We need to move along.
21 Sir, could you spell your last name for the
22 reporter, please?

23 MR. LONGMIRE: L-o-n-g-m-i-r-e.

24 MR. FRANK: Okay. Thank you.

1 MR. LONGMIRE: But I'm not done.
2 Where does people around have any protection?
3 We're talking odor. What do I do if the odor is
4 horrendous? Because he says he's going to plant
5 trees doesn't mean he's going to plant trees.

6 MR. ANDERSON: Excuse me. If he says
7 he's planting trees he has to plant trees. It's
8 not and, or, if.

9 MR. LONGMIRE: I'm sure Patrick's
10 other hog operations, he doesn't want to stink.
11 But like I said, I have weeks where I can't open
12 windows. My family doesn't want to go outside.
13 I'm three miles --

14 MR. ANDERSON: Maybe I can help you,
15 sir. Have you contacted the EPA about --

16 MR. LONGMIRE: No. I didn't know,
17 that was what one of my question was. Do I call
18 EPA if there is a, I assume you're the person to
19 ask. Do I call EPA if there is a problem with
20 smells and things like that?

21 MR. GOETSCH: Yes.

22 MR. LONGMIRE: That is where I direct
23 my questions?

24 MR. GOETSCH: Yes. Uh-huh.

1 MR. LONGMIRE: See, I never knew that.
2 I put up with it because I understand you are,
3 you're trying to make money. And I'm sure you're
4 not trying to step on other people. But if I was
5 going to, trust me, I'd hunt you down. What's
6 your question?

7 MR. FRANK: Well, we need to move
8 along here. Sir, thank you. We need to move
9 along here. Thank you.

10 MR. LONGMIRE: Oh, I'm sorry. I just
11 thought that --

12 MR. FRANK: We have the oral testimony
13 sign-in sheets here. We're going to move on to
14 the oral testimony phase. I'll go down the list
15 and call the names of people who have signed up
16 to provide oral testimony. When called upon
17 please step up to the front. We'll move the
18 podium over here.

19 (Exhibit No. 3 marked for
20 identification.)

21 State your name and spell your last
22 name and then I will swear you in. And you will
23 have three minutes to speak. I will enter into
24 the record as Exhibit Number 3 the power point

1 presentation from the facility representatives.
2 First on the list for oral testimony is Michael
3 Haberkorn. State your name and spell your last
4 name.

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

7 (Witness sworn.)

8 MR. HABERKORN: Again, like the other
9 meeting, my big concern is the water. We've had
10 a lot of talk already on the water. I'm not
11 going to take a bunch of time. I realize too
12 that if we run out of water Patrick's going to
13 have a hell of a lot more problems than I am.

14 I'm just concerned that I'm going to
15 run out and he's not. He's obviously got bigger
16 wells, bigger pump. So I'm just really
17 disappointed in the process of some of the
18 details that don't really seem to matter. And
19 it's going to matter more to the individuals than
20 it is to the industry or the producer or any of
21 that. So that's all I've got to say.

22 MR. FRANK: Are there questions for
23 this witness? Thank you. Next is Rick Vitzthum.

24 MR. VITZTHUM: Rick Vitzthum.

1 (Witness sworn.)

2 MR. VITZTHUM: I'm here again on
3 number seven for the traffic control. I farm
4 about 300 acres right down that road, and I'm
5 very concerned about certain times of the year in
6 and out. And especially now when I know there's
7 going to be that many loads, possibly that many
8 loads of manure that could be, have to get hauled
9 away. And I did, I forgot this morning too, my
10 landlords have some concerns over their land
11 value which they have a right to be. So
12 that's --

13 MR. FRANK: Are there questions for
14 this witness?

15 MR. GOETSCH: Are semis used to haul
16 grain on these roads?

17 MR. VITZTHUM: Possibly the first mile
18 but not very much on the second one that I know
19 of.

20 MR. GOETSCH: What do they, how do
21 they get the grain then over the second mile?

22 MR. VITZTHUM: There's probably no, I
23 don't think there's any grain storage on that
24 road.

1 MR. GOETSCH: But then just to haul it
2 out of the field. I mean --

3 MR. VITZTHUM: Oh, yeah. Yeah, there
4 would be semis. Yeah. Probably more apt to
5 going south on by this facility. I've only been
6 farming there, it will be three years by that
7 one.

8 MR. GOETSCH: Thank you.

9 MR. FRANK: Other questions? Yes.

10 MR. HARMS: I'm Patrick Harms,
11 H-a-r-m-s. On that road there's other farmers on
12 that road, Tim McGrail (phonetic), some of these
13 other ones use semis all the time. They've got
14 grain carts. These semis are trucking down that
15 road quite a bit, you know. And I know Mr.
16 Vitzthum hasn't been farming out there very long,
17 but there's still a lot of semis that use that
18 whole 1500 Road. Thank you.

19 MR. FRANK: Thank you. Next is Jim
20 Hahn.

21 MR. HAHN: Jim Hahn. H-a-h-n.

22 (Witness sworn.)

23 MR. HAHN: Patrick, I don't want your
24 hogs and your smell out there. You don't know

1 what's going to happen to my well. We don't
2 know, I know how you put your manure down. I've
3 seen it. And I don't want your hog operation out
4 there. You can stay south of the river, it's
5 fine with me. That's all.

6 MR. FRANK: Yes,

7 MR. HARMS: Patrick Harms. H-a-r-m-s.
8 Is there a hog building located right across from
9 your house right now?

10 MR. HAHN: Yeah. It has approximately
11 300 hogs in it.

12 MR. HARMS: Well, it holds 800 though.
13 That's enough. Thank you.

14 MR. HAHN: 800's a long way from 4500.

15 MR. FRANK: Any other questions for
16 this witness? Thank you. Next is Phil Borgic.

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

19 (Witness sworn.)

20 MR. BORGIC: Phil Borgic. I'm a
21 producer from Montgomery County. I'll be
22 partnering with Patrick on these facilities. I
23 have a 3100 sow operation, and presently I have
24 18,000 pigs on feed. And as far as Nebraid

1 (phonetic) and the owner, in addition to
2 Patrick's trees that he's going to be planting
3 around the facilities we will hope that from my
4 side of it we add fat to our feed. It varies.
5 The amount of fat varies from time to time on how
6 much we actually add to the feed. But that helps
7 reduce the dust that is created from the feed as
8 it goes up to the feeder.

9 And that feed is, that dust is, it
10 behooves me of utilizing as much of that feed as
11 possible to reduce my costs. And 60 percent of
12 the cost associated with feeding pigs is feed.
13 And then we also use stages where we change our
14 feed as a pig grows, and as, so we reduce the
15 protein level of that feed so that the pig can
16 better utilize that feed in its digestive system
17 so it produces less manure and then, and
18 potentially then, then that reduces the amount of
19 odor created then from that manure.

20 Water's been a very big concern. As
21 we have went through time we have developed more
22 and more methods then to reduce water wastage.
23 The water design implement we use in Patrick's
24 building, the water will actually be above the

1 tray of the feeder and so it captures any waste
2 that the pig might have coming out of the mouth.

3 So again, to minimize the amount of
4 water usage in that facility. And it also, by
5 reducing the amount of water wastage that it also
6 makes less gallons of manure produced on a yearly
7 basis. So it reduces his costs then. That's all
8 I have.

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

11 MR. VITZTHUM: Greg Vitzthum.
12 V-i-t-z-t-h-u-m. Do you have hogs where you
13 live?

14 MR. BORGIC: I do. And I actually
15 gave to Mr. Fox, I gave him an aerial picture of
16 my farm. I'm less than 300 feet from my facility
17 that, and I am also to the east of my facility.

18 MR. VITZTHUM: You're a hog farmer?

19 MR. BORGIC: Yes, sir. Let's see. I
20 had one other one. Oh. Being this far away for
21 transportation costs, you can't find people
22 closer to raise your hogs for you?

23 MR. BORGIC: I work with four other
24 family farms and they're raising pigs for me

1 today. The one advantage that you have in this
2 area is your plentiful supply of corn. And it's
3 your, actually your corn is less expensive in
4 this area. You have a need to utilize more corn
5 here in relationship to other parts of the state
6 and you're also in between several harvesting
7 facilities.

8 And then these pigs will be coming up
9 at 15 pounds and so, you know, we're not
10 transporting that much weight.

11 MR. VITZTHUM: Where do they go when
12 they leave here?

13 MR. BORGIC: The pigs, today I sell in
14 Monmouth, Illinois. But we have three harvesting
15 facilities to the east and numerous ones to the
16 west in this area.

17 MR. FRANK: Other questions? Thank
18 you. Next is Julie Fox. State your name.

19 MS. FOX: Julie Fox.

20 (Witness sworn.)

21 MS. FOX: In response to siting
22 criteria number one, the waste management plan
23 has not been submitted with the Notice of Intent,
24 so siting criteria number one has not been met.

1 In response to siting criteria number
2 two, the Department of Ag needs to further
3 investigate the stream on the west side of the
4 property where the Stoller house facility is
5 proposed. That stream feeds to the Vermillion
6 River. The IDOA failed to include this on their
7 site inspection and Frank and West Engineering
8 did not include it on their Notice of Intent to
9 the Department of Agriculture.

10 Construction drawings for this site
11 were denied when requested through the FOIA. I
12 have since filed with the Attorney General's
13 Office. This process is not complete.
14 Construction drawings must be made available in
15 order for the County Board to make an informed
16 decision.

17 Since the construction plans have been
18 asked through the FOIA and not received, siting
19 criteria number two has not been met. Also, I
20 would ask on Frank & West to provide a ten-year
21 floodplain map and this needs to, and that would
22 come into effect apparently when those manure
23 spray rather than nitrogen.

24 In response to siting criteria number

1 four, the facility is located near the north fork
2 of the Vermillion River which is part of the
3 Vermillion River watershed. The Vermillion River
4 Basin has species that have been identified by
5 the State of Illinois as being threatened or
6 endangered.

7 Further investigation is needed to
8 better define the aquifers near the Harms-Stoller
9 facility. Do you think that boring five feet
10 below the bottom of the pit if it's four feet
11 deep is enough to determine whether or not there
12 is the presence of an aquifer?

13 The IDOA has denied me construction
14 drawings and has not answered the question fully
15 on whether it protects the environment. Siting
16 criteria number four has not been met.

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

19 MR. ANDERSON: Would you be willing to
20 sit down and view those plans that you've
21 requested through Frank & West if we make them
22 available?

23 MS. FOX: Well, I would like the
24 County Board to have them. And I would like to

1 sit down and look at them, yes. I would do that.

2 MR. ANDERSON: Would that satisfy your
3 need for FOIA?

4 MS. FOX: No.

5 MR. ANDERSON: Okay. Thank you.

6 MS. FOX: I would still pursue it.

7 MR. FRANK: Other questions? Thank
8 you. Kay Horrie. State and spell your name.

9 MS. HORRIE: Kay Horrie. H-o-r-r-i-e.

10 (Witness sworn.)

11 MS. HORRIE: Okay. Antibiotics are
12 issued in concentrated animal feeding operations
13 to treat and prevent livestock disease and to
14 bolster animal growth and nutriment, I might not
15 pronounce these right, efficiency of feed. These
16 non-therapeutic uses, use, involves long-term and
17 low level dosing that creates an appropriate
18 environment for bacteria to develop antibiotic
19 resistance.

20 Several antibiotics used in animal
21 agriculture are the same as or similar to those
22 used in human medicine. Transfer of the
23 resistant microbes from animals to humans could
24 further undermine antibiotic effectiveness

1 against human disease.

2 A research team including Amy Chapman
3 of Johns Hopkins Bloomberg School of Public
4 Health examined one possible way that resistance
5 may be transferred from animals to humans.

6 According to the Johns Hopkins team,
7 inhalation of airborne bacteria could constitute
8 other exposure pathways. It's already well
9 documented that air within the swine CAFOs can be
10 heavily contaminated with bacteria. The
11 researchers conclude that exposure to airborne
12 bacteria from CAFOs presents a potential pathway
13 for transferring antibiotic resistant bacteria
14 from animals to humans.

15 CAFO workers and people within whom
16 they come in direct contact as well as neighbors
17 near the operations and areas of land where
18 animal wastes are applied may be especially at
19 risk, which worries me.

20 In other words, high levels of
21 multi-drug resistant endococcus coagulated
22 negative staph disease and Vidrin breeds of
23 streptococci were detected in the air of
24 concentrated swine feeding operations. These

1 findings suggest that the inhalation of air from
2 these facilities may serve as an exposure pathway
3 for transfer of multi drug resistant bacteria
4 pathogens from swine to humans.

5 So I just wondered, Pat, are you going
6 to do anything to make sure that this antibiotic
7 or things don't get put out in the air as I'm as
8 close as legally possible?

9 MR. FRANK: Are there questions for
10 this witness? Thank you. Next is I guess it's
11 Rich Fox.

12 MR. FOX: Rich Fox, F-o-x.

13 (Witness sworn.)

14 MR. FOX: You guys heard from me not
15 too long ago so I'll make this real short and
16 sweet. Most everything that I want to say is
17 from the first one. And the water is my big
18 issue, and I really, I feel that we do need to do
19 some research on that and make sure our aquifers
20 are going to handle this. And I don't think
21 we've done that. So I think criteria number four
22 has not been met is what I'm saying.

23 And I don't know that number six has
24 been met because we don't, the odor control, I

1 have no reason to believe that Patrick will not
2 do all them things he says he does, but I don't
3 know where the documentation says that he will do
4 this, so I don't know that it has been met
5 either. There's nothing there.

6 So them two haven't been met. You
7 guys know how I feel about it and I'm not going
8 to repeat it so.

9 MR. FRANK: Any questions? Mr.
10 Anderson.

11 MR. ANDERSON: Yeah. On that issue of
12 the water, if we can meet that requirement or
13 show that there's adequate water there, would you
14 support this project?

15 MR. FOX: Yeah. But I'm not going to,
16 I'm not, in no way am I going to, just because
17 you said there was water there and then five
18 years later it's gone am I going to not attribute
19 it to four million gallon of water being pumped a
20 day, or a year, if that's your question.

21 MR. FRANK: Other questions? Thank
22 you. Next up is Nick Anderson.

23 MR. ANDERSON: I'll take a pass.
24 Thanks.

1 MR. FRANK: Jim Kaitschuk.

2 MR. KAITSCHUK: I'm good. Thank you,
3 sir.

4 MR. FRANK: Carolyn G-e-n something.

5 MS. GERWIN: Gerwin.

6 MR. FRANK: Gerwin.

7 MS. GERWIN: G-e-r-w-i-n.

8 MR. FRANK: State your name and spell
9 your name.

10 MS. GERWIN: Carolyn, C-a-r-o-l-y-n.
11 Gerwin, Gerwin.

12 (Witness sworn.)

13 MS. GERWIN: Siting criteria number
14 eight is, I'm paraphrasing a little bit,
15 consistent with an existing plan community
16 development or economic development. There are a
17 couple things I would wish to state to be aware
18 of.

19 And that, one is that our county, if
20 all of the wind farms that are approved, or
21 proposed, would be approved 45 percent of our
22 land would be under wind turbines. And we also
23 have a major landfill, over 700 acres, numerous
24 quarries.

1 And you've heard about some other
2 factory farms and so on. So I think siting
3 criteria number eight, it's important for the
4 State to consider, probably even more important
5 for the County to consider, in terms of what is
6 our economic development plan, what is going to
7 be left I guess is my question.

8 And this time, you know, we have
9 another particular project. There's two
10 different setbacks. One's for residential
11 individually, you know, people that you've heard
12 from here. And then there's also the setback
13 from populated areas which is twice as long. Why
14 is that?

15 I mean, the only possible reason is
16 that a few people are okay to sacrifice, but if
17 you get too many well then maybe not so, maybe
18 then we should think about it. I guess I don't
19 think that's right.

20 I think if we don't protect our rural
21 residents nobody's protected in a rural area.
22 And I don't know why they shouldn't be. I don't
23 know why their rights to be free of odor and dust
24 and water problems and everything else should be

1 any less than people living in a populated area.

2 So I would just, I wanted you to know
3 that I think in terms of sacrifice zones
4 Livingston County has done its fair share
5 already, and would like that to be taken into
6 consideration. Thank you.

7 (Exhibit No. 4 marked for
8 identification.)

9 MR. FRANK: Thank you. Are there
10 questions of this witness? Thank you. This
11 concludes the oral testimony phase. I will enter
12 into the record as Exhibit Number 4 -- well,
13 first of all, is there anyone else, I'm sorry, is
14 there anyone else who would like to provide any
15 oral testimony? Yes?

16 MR. KELLER: Bob Keller. K-e-l-l-e-r.
17 (Witness sworn.)

18 MR. KELLER: Thank you. I don't want,
19 I thought I needed to talk a little bit up here.
20 My name's been mentioned a couple times here
21 during the day. I work with Patrick, I've worked
22 with Patrick for the last seven or eight years.
23 We have hogs at his present facilities, and going
24 from experience the last seven, eight years,

1 Patrick does everything right.

2 We wouldn't have increased the last
3 seven, eight years from 3000 hogs to our present
4 numbers. He does everything right because he
5 does the CNMP. He looks at that and he knows,
6 and that's one of the main reasons (inaudible.)
7 Put manure in the right place, put it on the
8 ground for crops, produce production from crops,
9 corn and soybeans.

10 I feel like I need to say something to
11 say that he does a lot of good for the community,
12 Livingston County, and villages. And I feel
13 that, you know, what he's going through here, he
14 understands what he needs to go through using
15 Frank and West and the individual people, the
16 Department of Ag.

17 He's used the eight points and I
18 believe that he's covered those eight points. I
19 think that's all I have right now, but I just
20 truly enjoyed working with Patrick and his group
21 and I think everybody in this community must be
22 very, very proud of an individual that is
23 outstanding to work for the community like he
24 does.

1 MR. FRANK: Are there questions for
2 this witness? Miss Fox.

3 MS. FOX: Where do you live?

4 MR. KELLER: I live in Jasper County,
5 southeast of Effingham, Illinois. It's about 150
6 miles from here.

7 MS. FOX: Are you an investor with
8 Patrick?

9 MR. KELLER: No. I have, I own Keller
10 Grain and Livestock. I own the pigs that go into
11 Patrick's barns.

12 MR. FRANK: Mr. Campbell.

13 MR. CAMPBELL: You've made income and
14 money by knowing him and working with him?

15 MR. KELLER: We, Patrick and I work
16 together on raising hogs. We facilitate, he
17 provides the buildings and the labor and I bring
18 the hogs in along with the feed. The majority of
19 his feed comes out of this part of the county
20 through Trainer Grain.

21 MR. FRANK: Yes, Ma'am.

22 MS. SCHMIDT: Well --

23 MR. FRANK: Would you state your name,
24 please?

1 MS. SCHMIDT: Carolyn Schmidt.

2 S-c-h-m-i-d-t. So you in fact have a vested
3 interest in what you're telling us?

4 MR. KELLER: Yes. We have a hundred
5 percent ownership of the pigs that are in this
6 area.

7 MS. SCHMIDT: Thank you.

8 MR. FRANK: Other questions? Thank
9 you. Anyone else? Okay. That concludes the
10 oral testimony phase. I will enter into the
11 record as Exhibit Number 4 the oral testimony
12 sign-in sheet. I will now accept any written
13 testimony.

14 (Exhibits Nos. 5-7 marked for
15 identification.)

16 Is there any written testimony that
17 anyone would like to submit? Okay. Some studies
18 submitted by Linda Campbell will be admitted into
19 the record as Exhibit Number 5. Anything else?
20 Entered into the record as Exhibit Number 6 will
21 be the oral testimony by Miss Horrie. Thank you.
22 Anything else?

23 Entered into the record as Exhibit
24 Number 7 will be a letter from the Village of

1 Saunemin signed by Bob Bradford, Mayor of the
2 village of Saunemin. Anything else? Okay. Are
3 there any closing comments from the facility?
4 Okay. Thank you.

5 Any closing comments from the
6 Department?

7 MR. GOETSCH: I just would like to
8 thank you again all for coming, especially those
9 that came this morning and came for round two.
10 We really do appreciate your comments. And I'm
11 sure that the Livingston County Board will
12 appreciate them as well as they work through
13 their process.

14 (Exhibit No. 8 marked for
15 identification.)

16 MR. FRANK: Thank you. I will also
17 enter into the record as Exhibit Number 8 the
18 attendance sign-in sheet. As I mentioned
19 earlier, a copy of the transcript of this meeting
20 will be provided to the County Board.

21 For others desiring a copy you may
22 contact the court reporter. Thank you for your
23 attendance today. This public informational
24 meeting is hereby closed.

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(Which was all the evidence offered and received and all other proceedings had in the hearing of the above-entitled cause.)

Hearing end time: 4:03 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 off 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.