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DEPARTMENT OF AGRICULTURE

STATE OF ILLINOIS

IN RE :

SHAMROCK ACRES, LLC

PUBLIC INFORMATIONAL MEETING

REQUESTED BY THE MCDONOUGH COUNTY BOARD

JULY 12, 2011

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DEPARTMENT OF AGRICULTURE
STATE OF ILLINOIS

IN RE:
SHAMROCK ACRES, LLC

PUBLIC INFORMATIONAL MEETING, held on the 12th day
of July, 2011, between the hours of 5:30 P.M. and 9:52
P.M. of that day, at Western Illinois University, 1
University Circle, Sandburg Theater, Macomb, Illinois
61455, before Robin A. Enstrom, a Registered
Professional Reporter, Certified Shorthand Reporter,
and a Notary Public within and for the State of
Illinois.

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A P P E A R A N C E S

DEPARTMENT OF AGRICULTURE:

- Mr. Scott Frank, Hearing Officer
- Mr. Warren D. Goetsch, Chief, Bureau of Environmental Programs
- Mr. Brad A. Beaver, Manager, Bureau of Environmental Programs

SHAMROCK ACRES, LLC:

- Mr. Larry O'Hern
- Mr. Nic Anderson, Illinois Livestock Development Group
- Mr. Chris J. West, President, Frank & West Engineers

Court Reporter:

- Robin A. Enstrom, RPR, CSR
- Illinois CSR #084-002046
- Midwest Litigation Services
- 15 S. Old State Capitol Plaza
- Springfield, Illinois 62701
- 217.522.2211
- 800.280.3376

1 (Meeting began at 5:38 P.M.)

2 HEARING OFFICER FRANK: If I could have
3 your attention, we'll get started.

4 Good evening. On behalf of the Director
5 of the Illinois Department of Agriculture, Tom
6 Jennings, we thank you very much for the invitation to
7 come to McDonough County today.

8 My name is Scott Frank. I am with the
9 Illinois Department of Agriculture, and I'll be
10 serving as the hearing officer for tonight's public
11 informational meeting. Also with me on behalf of the
12 Department of Agriculture are Warren Goetsch, bureau
13 chief of the bureau of environmental programs, and
14 Brad Beaver, manager of the bureau's livestock
15 program.

16 This meeting is being conducted pursuant
17 to Section 12 of the Livestock Management Facilities
18 Act. The informational meeting is being held at the
19 request of the McDonough County Board and is to afford
20 members of the public an opportunity to ask questions
21 and present oral and written testimony regarding the
22 proposed construction of a 3,580.6 animal unit swine
23 breeding, gestation, and farrowing complex owned by
24 Shamrock Acres, LLC.

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

5 Tonight's meeting is being transcribed,
6 and the transcript of the meeting will be sent to the
7 McDonough County Board as well as used by the
8 Department of Agriculture in making its final
9 determination regarding the proposed construction of
10 the swine facility.

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

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

24 After their presentation, I will open the

1 meeting to questions. Anyone wishing to ask questions
2 of the facility representatives or the Department of
3 Agriculture will have an opportunity to do so. During
4 the question-and-answer session, I will ask that you
5 state your name and also spell your last name for the
6 court reporter. You then may ask your question.
7 Depending upon the number of people wishing to testify
8 in the oral testimony phase of the meeting, which is
9 right after the question phase, there may be a time
10 limit placed on this questioning phase.

11 Following the questioning-and-answer
12 session, I will ask for oral testimony from the
13 public. Sign-in sheets were placed in the hallway as
14 you came in -- one sheet for attendance and a second
15 for testimony. People who wish to provide comments
16 during this oral testimony phase are asked to sign the
17 oral testimony sheet.

18 People providing oral comments will be
19 sworn in and will be subject to questioning from the
20 public. At that time each person will be given three
21 to five minutes to provide his or her comments. Legal
22 counsel speaking on behalf of multiple clients will be
23 given six to ten minutes to provide comment and will
24 be asked to state the names of those persons on whose

1 behalf he or she is speaking. Depending upon the
2 number of individuals wishing to provide comment, the
3 aforementioned time limits may need to be adjusted to
4 ensure that the meeting ends by the allotted time.

5 The meeting will be adjourned at 9:30
6 tonight since everyone must be out of this room by
7 10:00 P.M.

8 Following the oral testimony, I will ask
9 for written testimony. Written testimony will be
10 accepted in paper form and will be entered into the
11 record for this proceeding.

12 The meeting will then conclude with
13 closing comments from the facility and the Department
14 of Agriculture.

15 To summarize the procedure, then, tonight,
16 we will have comments from the department, comments
17 from the facility, questions directed to the
18 department and the facility -- remember to state your
19 name and spell your name -- oral testimony from the
20 public, written testimony, followed by closing
21 comments.

22 Again, we very much appreciate your
23 hospitality in inviting us here to consider the
24 proposed construction of the Shamrock Acres swine

1 facility. Please remember to confine your comments
2 and questions to that subject as we continue tonight.

3 Also with us this evening is Senator John
4 Sullivan, state senator for this area. Senator
5 Sullivan has a few comments he would like to make.

6 Senator Sullivan.

7 SENATOR SULLIVAN: Is it on? Can you hear
8 me okay?

9 Ladies and gentlemen, I appreciate the
10 opportunity. I'm just going to make some real brief
11 remarks.

12 First of all, I want to thank the
13 Department of Ag and the county -- McDonough County
14 Board and the chairman for having the hearing this
15 evening.

16 Secondly, Representative Hammond, Norine
17 Hammond, could not be here this evening due to a
18 conflict; but her office director, Robin, is here and
19 my office director, Sheila Miller, is here also. They
20 will be here taking notes on behalf of Norine and
21 myself.

22 I have another commitment. I'm speaking
23 to the Fulton County Board this evening, and I'm
24 supposed to be over there around 7:00 o'clock. So I'm

1 going to stay here till at least 6:00, 6:15, as long
2 as I can, but if you see me leave, that's the reason.

3 Norine and I wanted you to know that we've
4 been out and looked at the proposed site where the
5 facility is proposed to be built. We've met with both
6 the developers as well as the RRRRA organization. Both
7 sides have had some questions and have asked us to
8 seek some answers for some of those questions, and
9 we've done that. We're in the process of doing that.
10 We will continue to try to assist and answer those
11 questions as we move forward with this process.

12 And I certainly look -- I appreciate you
13 folks coming this evening. I'm sure that we're going
14 to have a good discussion, try to clear up some of the
15 issues, and make sure that the facts get out there as
16 we will -- as we will see this evening.

17 So with that, hope you have a good
18 meeting. Thank you.

19 HEARING OFFICER FRANK: Thank you, Senator
20 Sullivan.

21 I will now turn the proceedings over to
22 Warren Goetsch for remarks from the Illinois
23 Department of Agriculture.

24 MR. GOETSCH: Thank you, Mr. Frank.

1 Good evening. My name is Warren Goetsch.
2 I currently serve as the bureau chief of environmental
3 programs at the Illinois Department of Agriculture.
4 One of our responsibilities at the department is the
5 administration of several provisions of the Livestock
6 Management Facilities Act.

7 On behalf of the department, let me also
8 welcome you to this public informational meeting.

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

14 The Livestock Management Facilities Act
15 was originally passed and became law on May 21st of
16 1996. Since that time, the act has been amended on
17 three occasions: First, during the General Assembly's
18 1997 fall veto session; second, during the General
19 Assembly's 1999 spring session; and most recently
20 during the 2007 General Assembly's spring session.

21 The act can generally be described as
22 covering five major areas: Those being facility
23 design standards, waste management planning
24 requirements, facility operator training and testing,

1 anaerobic lagoon financial responsibility
2 demonstration, and facility setback requirements.
3 Each of these provisions impacts various types of
4 facilities in different ways depending upon their
5 size, expressed in animal units, and whether the
6 proposed facility is considered as a new facility, a
7 modified facility, or the expansion of an existing
8 site.

9 The Livestock Management Facilities Act's
10 provisions can be quite complicated, and specific
11 facility designs and situations certainly can differ.
12 It is, however, the department's intention to always
13 fairly and equitably apply these requirements to the
14 livestock industry in this state.

15 Now, regarding the current status of this
16 project, the department received a notice -- a formal
17 notice of intent to construct application for the
18 proposed construction of the swine facility on April
19 15th of 2011.

20 The proposed project is to consist of the
21 construction of four buildings: one farrowing
22 building measuring 159 feet by 512 feet 9 1/4 inches
23 with a two-foot deep underbuilding livestock
24 waste-handling structure, one breeding/gestation

1 building measuring 154 feet 6 inches by 592 feet 3
2 inches with a ten-foot deep underbuilding livestock
3 waste-handling structure, one gilt developer building
4 measuring 81 feet by 228 feet with a ten-foot deep
5 underbuilding livestock waste-handling facility, and
6 one isolation/nursery building measuring 48 feet by 52
7 feet with a two-foot underbuilding livestock
8 waste-handling facility.

9 The project is proposed to be located
10 approximately 4.7 miles southeast of Industry,
11 Illinois. The application was submitted by Frank and
12 West Environmental Engineers, Incorporated, on behalf
13 of the Shamrock Acres, LLC.

14 The maximum design capacity of the
15 proposed facility is 3,580.6 animal units or 8,200
16 head of greater-than-55-pound swine, and 10,020 head
17 of less-than-55-pound swine.

18 As I mentioned earlier, the department
19 received the notice of intent to construct application
20 on April 15 and reviewed it for compliance with the
21 applicable provisions of the Livestock Management
22 Facilities Act.

23 On June 10, the department determined that
24 the notice was complete, forwarded a copy of the

1 application to the McDonough County Board, and caused
2 notice of that application to be published in the
3 appropriate newspaper.

4 The design capacity of the proposed
5 facility requires compliance with a residential
6 setback distance of not less than 1,760 feet and a
7 populated area setback distance of not less than 3,520
8 feet.

9 On June 23rd, the department received
10 notice from the McDonough County Board requesting that
11 a public informational meeting be scheduled regarding
12 the proposal. After further consultation with the
13 county board, the department scheduled this meeting
14 and caused notice of the meeting to be published in
15 the appropriate newspapers.

16 An additional requirement of the Livestock
17 Management Facilities Act deals with the design and
18 construction plans of a livestock waste-handling
19 facility. The department has received a formal
20 submittal of detailed engineering design plans and
21 specifications for the proposed project's
22 underbuilding livestock waste-handling facilities. A
23 detailed plan review of the submittal is currently
24 ongoing in order to determine compliance with

1 requirements of the act and rules.

2 We are here this evening to receive
3 testimony regarding the proposed construction of the
4 3,580.6 animal unit swine facility and that proposal's
5 compliance with eight siting criteria as defined in
6 Section 12, paragraph (d), of the act; in general,
7 information about the proposed facility's impact on
8 waste management plans; potential impact on the
9 surrounding area's character; whether the proposed
10 facility is located within any floodplains or other
11 sensitive areas; odor control plans; possible impact
12 on existing traffic patterns; and possible impacts on
13 community growth, tourism and recreation, or economic
14 development.

15 Copies of the specific criteria were
16 available on the table with the sign-in sheets. If
17 anyone would like to have a copy of the criteria but
18 didn't pick it up, if you would identify yourself,
19 we'll try to get a copy to you, but, as you can tell,
20 we underestimated this evening's crowd.

21 Finally, the process that we will be
22 following after this evening's meeting is as follows:
23 The county board will have up to 30 business days from
24 today's meeting to submit to the department a

1 nonbinding recommendation relative to the proposed
2 construction of this facility. Thus a recommendation
3 from the McDonough County Board is due at the
4 department on or before August 23rd.

5 After the close of the county's 30-
6 business-day comment period, the department will have
7 15 calendar days or until September 7th to review all
8 of the information included in the notice of intent to
9 construct, the construction plans, transcripts from
10 this evening's meeting, the county board's
11 recommendation, and any other additional information
12 submitted by the owners at the request of the
13 department.

14 Based on that review, the department will
15 determine whether the eight siting criteria have been
16 met. Once that determination has been made, the
17 department will notify both the county board and the
18 applicant of the department's decision.

19 Mr. Hearing Officer, at this time I would
20 like to submit the completed notice of intent to
21 construct application and its associated
22 correspondence file for formal entry into the record
23 as an exhibit.

24 HEARING OFFICER FRANK: Entered into the

1 record as Exhibit No. 1 is the completed notice of
2 intent to construct, including correspondence between
3 the department and the applicant, notices of public
4 informational meeting, and correspondence with the
5 McDonough County officials.

6 Thank you, Mr. Goetsch.

7 MR. GOETSCH: And then I'd also like to
8 provide a copy of the PowerPoint that was included in
9 my presentation as an exhibit as well, and with that,
10 I would conclude my formal remarks.

11 Again, I'd like to thank everyone for your
12 attention, and certainly I look forward to hearing
13 your comments regarding the proposal and will now turn
14 the meeting back to Mr. Frank.

15 HEARING OFFICER FRANK: Also entered into
16 the record as Exhibit No. 2 is the department's
17 PowerPoint presentation.

18 At this time we will hear comments from
19 the facility. For those who will be presenting
20 information, please state your name and also spell
21 your last name for the court reporter.

22 MR. O'HERN: Good evening. My name is
23 Larry O'Hern, L-a-r-r-y O-'-H-e-r-n. I would like to
24 thank --

1 HEARING OFFICER FRANK: Mr. O'Hern, is
2 anyone else going to be providing testimony?

3 MR. O'HERN: Yes. Excuse me.

4 MR. WEST: Chris West, C-h-r-i-s W-e-s-t,
5 from Frank and West Engineering.

6 MR. ANDERSON: Nic Anderson, N-i-c
7 A-n-d-e-r-s-o-n.

8 HEARING OFFICER FRANK: Thank you. Will
9 you all please raise your right hand.

10 (Mr. West, Mr. O'Hern, and
11 Mr. Anderson were duly sworn.)

12 HEARING OFFICER FRANK: Thank you. You
13 may proceed with your testimony.

14 MR. O'HERN: I would like to thank the
15 department and the county board for --

16 UNIDENTIFIED: We can't hear you.

17 MR. O'HERN: I would like to thank the
18 department and the county board this evening for this
19 hearing.

20 I am here today to show you the face of
21 American agriculture. The face is my face, not the
22 corporation that many of you refer to as factory
23 farms. That's not American agriculture. I am
24 agriculture is not (sic) the lifeblood of the rural

1 America but also the steam engine of our nation's
2 economy and the source of safe and affordable food for
3 a growing global population.

4 According to the USDA, 97 percent of
5 our nation's farms and ranches are owned by family
6 owned -- by your neighbors like me. I am Larry Joe
7 O'Hern, and I am proud to be a family farmer.

8 And after graduating from WIU, I was
9 fortunate to be able to come back to my family's farm
10 and join my dad in making a living off the land.
11 My wife, Kelly, and I feel blessed to have raised our
12 sons in rural McDonough County and especially in
13 Eldorado Township. Our four sons all have ties to
14 agriculture through their upbringing, and we are
15 excited to have our third son, Dan, involved in our
16 family operation.

17 We often hear debates going on throughout
18 the country and inside our nation's capital about how
19 to keep rural America alive. People want to know how
20 to keep family farms and ranches in business. Why?
21 Because we must feed a world, and sustainable modern
22 agriculture is the only way to do that. Our global
23 population is projected to double and likely triple
24 over the next 50 years. As the population numbers

1 reach ten billion, that's equivalent to two Chinas.

2 How will we feed them? Do we care?

3 By pushing our family farms like mine --
4 by pushing out family farms like mine, we jeopardize
5 food security and will ultimately lead us to have to
6 import our meat which will cost consumers more at the
7 grocery store.

8 In 1980, there were 660,000 hog farms.
9 Today there are only 67,000. Last year alone
10 approximately 2,300 additional hog producers went out
11 of business mainly because of overregulation and
12 because farmers are kept from building and expanding
13 their family farms because of the very same issues we
14 are facing with Shamrock Acres.

15 We are facing a knowledge gap between
16 emotion and reality. You will hear today how my
17 operation is not harmful to the environment and will
18 not be a nuisance to this community but rather a safe,
19 sustainable operation that will generate 25 new jobs
20 in this community and nearly a hundred thousand
21 dollars' worth of taxes to our township, county, and
22 schools.

23 Shamrock Acres is a proposed sow farm to
24 be built on land that my wife and I own. The original

1 permit submitted to the Department of Agriculture on
2 March 15th lists owners from Illinois, Iowa, and
3 Minnesota. I would like to announce that a decision
4 was made by my wife and four sons to acquire the
5 assets of Shamrock and pursue the farm as a
6 family-owned farm. Family owned, family operated, my
7 family, your food.

8 In addition to the change of the 100
9 percent ownership of the O'Hern family, we also have
10 released Professional Swine Management from their
11 duties. Professional Swine Management is a
12 well-respected swine production service company. They
13 have been in business right here in our community for
14 eleven years, and the vets and employees of their
15 company have lived here nearly all of their lives.
16 Professional Swine Management does not own the pigs.
17 They work for farmers to help design and operate hog
18 farms. Professional Swine Management was involved
19 with the design of Shamrock Acres farm and was
20 involved with the organizational details to prepare
21 for the facility permit process. Professional Swine
22 Management is no longer hired or working for Shamrock
23 Acres.

24 The informational meeting tonight is to

1 discuss specifically the Shamrock Acres farm brought
2 forward by me, Larry O'Hern, as sole owner of Shamrock
3 Acres, for approval of the McDonough County Board and
4 ultimately the approval of the Illinois Department of
5 Agriculture. Professional Swine Management is not
6 part of the discussions.

7 Dr. Doug Groth is here tonight to explain
8 operational details and swine health for production
9 benefits and the permit that relates to the eight
10 siting criteria for Shamrock Acres farm. He is not
11 here to discuss other business or other farms.

12 I am not going to be specific with
13 requirements that we have met as you will hear a lot
14 about this in a few minutes.

15 Lastly, I want to address opponents of my
16 family farm. For over four generations, myself and my
17 family have been committed to raising healthy animals,
18 committed to playing an active role as environmental
19 stewards. We know the importance of producing safe
20 food and the nutritional value of meat itself.

21 Our modern pig-rearing practices will be
22 done with the interest of the pig in mind. We will
23 keep our pigs indoors to protect them from such
24 diseases from -- such as birds, cats, and other

1 parasites. Overall, excellent animal husbandry and
2 environmental safety will take precedence for this
3 planned operation.

4 I will gladly acknowledge your concerns as
5 long as you are respectful and base your comments on
6 facts. You are my neighbors, you're my friends, and I
7 truly want the best for this community. Furthermore,
8 the board -- I would like to invite the board and
9 concerned citizens to the site next Monday, July the
10 18th, at 5:30 P.M.

11 That's all I have to say for the time.
12 Thank you.

13 MR. WEST: I'd also like to welcome you
14 all, and my name is Chris West. I'm with Frank and
15 West Environmental Engineers out of Springfield,
16 Illinois. And at some point, if I drift too far away
17 from the microphone, just let me know.

18 I'm here to discuss the proposed sow farm.
19 What I'd like to do is go through just a short
20 introduction as well as the facility overview, farm
21 overview, and the conformance with the eight siting
22 criteria that are detailed within the Livestock
23 Management Facilities Act.

24 This is the plot plan that was submitted

1 for the facility and is proposed for the farm. It
2 consists of a breeding and gestation barn, a farrowing
3 barn, a gilt developing barn, and an isolation barn.

4 The eight siting criteria in general -- in
5 short -- I'm struggling with this -- the registration
6 and certification requirements, number one. Number
7 two, the design, location, and operation standards.
8 Location compatibility. Floodplain and aquifer
9 protection, siting criteria four. Number five,
10 minimize the damage or impact to the surrounding area.
11 Number six, odor control and reduction. Number seven,
12 traffic patterns that minimize impacts as well; and,
13 number eight, is the facility consistent with the area
14 development.

15 Siting criteria one in greater detail:
16 whether the registration and livestock waste
17 management plan certification requirements, if
18 required, are met by the notice of intent to
19 construct.

20 As Mr. Goetsch mentioned earlier, the
21 notice of intent was submitted to the Department of Ag
22 April 15th of this year, and it was deemed complete
23 also by the Department of Agriculture on June 10th of
24 this year.

1 The waste management plan, the second part
2 of siting criteria number one: According to the
3 Livestock Management Facilities Act, any livestock
4 facility which exceeds 1,000 animal units but less
5 than 5,000 shall prepare and maintain a waste
6 management plan within 60 working days after beginning
7 operation.

8 The farm will prepare and maintain and
9 implement a comprehensive nutrient management plan.
10 This goes above and beyond what is required within the
11 Livestock Management Facilities Act.

12 The farm will submit to the Department of
13 Ag a waste management plan certification form
14 certifying that the waste management plan has been
15 prepared.

16 The farm will keep the comprehensive
17 nutrient management plan as well as all records of the
18 livestock waste disposal on file at the farm. The
19 nutrient management plan and associated records will
20 be available to the Department of Ag upon request.

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

1 environmentally sound fashion.

2 This goal will be accomplished by
3 developing a CNMP, a comprehensive nutrient management
4 plan, which includes the following: total annual
5 manure volumes, historically proven yields of the
6 locally grown crops, manure analysis to provide the
7 nutrient content of the manure, agronomic loading
8 rates of the manure, land application provisions for
9 setbacks and incorporation standards. The CNMP will
10 document all phases of this plan.

11 Siting criteria two deals with whether the
12 design, location, or proposed operation will protect
13 the environment by being consistent with the Livestock
14 Management Facilities Act.

15 The facility will be designed according to
16 the MidWest Plan Service Concrete Manure Storage
17 Handbook. That is the document that is called out
18 within the regulations as the standard for
19 construction of these types of facilities. It
20 includes specifications for the type and strength of
21 concrete, the reinforcement requirements, and the
22 waterstop requirements.

23 The design of the construction plans for
24 the proposed farm was submitted to the Department of

1 Ag May 18th of this year. Construction plans are
2 still under the Department of Ag review.

3 We talked about part two of siting
4 criteria two -- again, the location. The location and
5 setback distances have been met by the farm both for
6 occupied residences, populated areas; and, again, the
7 farm location was deemed complete by the Department of
8 Agriculture June 10th of this year.

9 Part three of siting criteria two:
10 whether the proposed operation -- the manager of the
11 farm will be a certified livestock manager as is
12 required.

13 Any facility that's over a thousand animal
14 units, according to the Livestock Management
15 Facilities Act, must be operated by a certified
16 livestock manager, and this program was developed by
17 the Department of Ag to educate livestock managers on
18 manure management handling and systems. Any certified
19 livestock manager of over a thousand animal units are
20 required to attend a training course and pass an exam
21 administered by the department.

22 And then, again, we talked about the
23 operation. The operation will be -- will always
24 conform to a livestock waste management plan.

1 Siting criteria three deals with whether
2 the location minimizes any incompatibility with the
3 surrounding area's character by being zoned for
4 agriculture, where the county has zoning, or where the
5 county is not zoned, setback requirements established
6 by the Livestock Management Facilities Act have been
7 met and are complied with.

8 In talking with the county, the rural
9 areas within McDonough County are not zoned. So we go
10 back to the setbacks and the location. The Department
11 of Ag, again, deemed the setbacks for the facility as
12 complete June 10th of 2011. So the farm is compatible
13 with the surrounding area in that the area is a rural
14 agricultural area.

15 Setbacks: Setbacks are determined within
16 the Livestock Management Facilities Act. This
17 facility will have, at a maximum design capacity,
18 8,200 animals that are greater than 55 pounds or 3,200
19 animal units. Of those 8,200, 5,600 of those are
20 mature animals, mature sows, for either farrowing or
21 breeding. 2,600, again, of those 82-, are grower
22 gilts. So, again, they're immature animals, but they
23 are over 55 pounds.

24 10,020 animals of the design capacity of

1 the facility will be less than 55 pounds each or 300.6
2 animal units. So by adding up the 3,280 and 300.6 is
3 where you get the 3,580.6 animal units proposed as the
4 design capacity for the facility. Of the 10,020,
5 1,000 of those will be young gilts, will be nursery
6 animals, and 9,020 of those will be baby piglets.

7 So, again, we have a total farm animal
8 units of 3,580.6. The occupied residence for that
9 number of animal units is a quarter of a mile plus 440
10 feet, which equals 1,760 feet. Populated areas would
11 be a total of 3,520 feet, which is a half mile plus
12 880 feet.

13 The setback map that was submitted to and
14 approved by the Department of Ag. We have the
15 facility -- oh, there we go. I'm sure all of you can
16 all see this little red dot, but the facility is right
17 here in the middle, and we have the initial
18 residential setback and then the populated area
19 setback around there.

20 And this -- again, it's the same map, just
21 zoomed in a little bit better. Try to help see if you
22 could see that.

23 Siting criteria four: whether the farm is
24 located within a hundred-year floodplain or an

1 otherwise environmentally sensitive area -- defined as
2 an area of karst or within an aquifer material within
3 five feet of the bottom of the livestock waste-
4 handling facility -- and whether the construction
5 standards set forth within the notice of intent are
6 consistent with the goal of protecting the safety of
7 the area.

8 We have the cover page of the floodplain
9 map for McDonough County for this panel, and we see
10 the flood hazard zone is a hatched area, darkened
11 gray, with a "Zone A" written into it.

12 Here is the flood panel -- the flood map
13 itself, the panel that's up for this area, and you can
14 see this is the location of the proposed farm and
15 there are -- within the whole panel there are no
16 floodplains listed.

17 Karst area is another component of the
18 siting criteria and the environmentally sensitive
19 areas: An area with a land surface containing
20 sinkholes, large springs, disrupted land drainage,
21 or underground systems associated with karstified
22 carbonate bedrock -- typically limestone or dolomite
23 -- and caves or a land surface without these features
24 but containing a karstified carbonate bedrock unit

1 generally overlain by less than 60 feet of
2 unconsolidated materials.

3 And here we have a karst map of the entire
4 state of Illinois. We have northwestern Illinois, far
5 southern Illinois, far southwestern Illinois, and
6 basically the land that lays in between the Illinois
7 and the Mississippi River. Those are the areas -- the
8 hatched areas are the areas that are identified by the
9 Geological Survey as the areas of karst in the state.
10 And you can see where we're located at there's
11 nothing -- there are no areas identified at all.

12 And, again, just to reiterate, the farm is
13 not located within an area indicated by the Illinois
14 Department of Natural Resources, the Illinois State
15 Geological Survey's karst terrains and carbonate
16 bedrock in Illinois map as being a potential for a
17 karst area.

18 Aquifer material is typically sandstone
19 that is five feet or more in thickness or fractured
20 carbonate that is ten feet or more in thickness or
21 sand, gravel, sand and gravel, or any mixture such
22 that there is at least two feet or more present within
23 any five-foot section of a soil boring.

24 A site investigation was conducted at the

1 facility June 15, 2011. Soil borings were advanced to
2 depths where every boring was advanced to at least
3 five feet below the planned bottom of the barns. No
4 aquifer material was encountered in any of the
5 borings, and here we have the boring logs for the
6 different buildings. I wouldn't go through the
7 details on each boring log because they're hard enough
8 to read as it is, but those are the borings for the
9 four buildings.

10 Siting criteria five deals with whether
11 the owner or operator has submitted plans for
12 operation that minimize the likelihood of any
13 environmental damage to the surrounding area from
14 spills, runoff, or leaching.

15 Typically, the first way we address that
16 is sizing of the facility. The Livestock Management
17 Facilities Act requires that any facility that will be
18 containing a liquid manure have a minimum of 150 days
19 of storage. This farm will have a storage capacity in
20 excess of 365 days.

21 This is a closed system. And by that I
22 mean there is no run-in, no runoff from the facilities
23 themselves. So no uncontrolled release of livestock
24 manure.

1 Clean water diversions that will allow for
2 rainwater from between the barns will be directed away
3 from the barns. So there will be no opportunity from
4 storm water to enter into the buildings.

5 Leaching: The farm is designed so as to
6 prevent a release of livestock manure. We talked
7 about this a little bit earlier with the construction
8 standards that we use. We use solid concrete
9 construction, reinforced with grade 60 steel rebar.
10 Waterstop is placed -- is designed and will be placed
11 in all construction and stoppage joints. All surfaces
12 in contact with livestock manure -- which in this case
13 will be concrete only -- will meet the permeability
14 standards that are outlined in the Livestock
15 Management Facilities Act.

16 Siting criteria six deals with whether
17 odor control plans are reasonable and incorporate
18 reasonable or innovative odor reduction technologies
19 given the current state of such technologies.

20 The number one way that a farm that has
21 livestock can help in controlling odor is the
22 application of that manure. This facility will have a
23 controlled application of manure by injection based on
24 either nitrogen- or phosphorus-based loading.

1 The farm is also investigating placing
2 tree buffers around the facility and is in the
3 process of talking with the county soil and water
4 conservation -- the natural resource conservation
5 district to find out the best alternative -- the best
6 types of trees to use for that scenario.

7 I've got a couple of examples of types of
8 injection equipment, and this equipment is designed so
9 that the manure is injected a minimum of six inches
10 into the ground. And these are typical types of
11 injection equipment.

12 As I mentioned, the Shamrock Acres farm
13 intends to utilize injection as the application for
14 the method for the livestock manure. This method
15 minimizes contact with the air, and it is widely
16 accepted as the best alternative for manure
17 application.

18 All livestock manure will be custom
19 applied. The application equipment will contain
20 safety controls that at least will be continuously
21 monitored both in the tractor and at site, and there
22 will be emergency shut-offs within the cab itself.
23 The Shamrock Acres farm has at least 1,600 acres
24 locally per year available for these livestock manure

1 applications.

2 Just to give you an example of what this
3 actually will look like or what -- you know, what this
4 actually entails, the rate of manure application,
5 based on a farm of this type, is equivalent to four
6 tenths of an inch of rain per year. That's how much
7 will go on every acre.

8 Siting criteria seven deals with whether
9 traffic patterns minimize the effect on existing
10 traffic flows.

11 We took a look at the closest state
12 highway that the Department of Transportation had
13 records for, which is U.S. Route 67 just west of the
14 facility. North of the McDonough County -- McDonough
15 and Schuyler County line there's a daily average of
16 2,700 vehicles at that area, a weekly average of
17 18,900 vehicles. 84 percent of those are personal
18 vehicles weekly, which entail passenger cars and
19 trucks. 16 percent are multiple-unit vehicles weekly.
20 So roughly 3,150 trucks a week travel that road.
21 Those are single axle, tandem axle, and semitrailer
22 trucks.

23 The facility in general will have about
24 seven trucks a weeks that will enter the facility.

1 Those are feed transportation and animal
2 transportation both. The Shamrock Acres farm traffic
3 will consist of less than 1 percent of the average
4 daily multiple-unit traffic on U.S. Route 67 north of
5 the McDonough/Schuyler County line. That's not
6 talking about the car and the truck traffic. That's
7 only the truck traffic itself.

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

19 This farm is consistent with the existing
20 and planned community development by demonstrating
21 compliance with zoning and setback requirements.

22 Okay. And that -- I apologize. I thought
23 I had one more.

24 That is the end of my presentation and

1 detailing of how this facility has met the eight
2 siting criteria.

3 I would turn over the podium now to
4 Mr. Anderson.

5 HEARING OFFICER FRANK: Excuse me. If we
6 can maybe dispense with the applause here tonight.
7 We've got a lot of information to get through tonight,
8 and so this might just save a little bit of time.
9 Thank you.

10 MR. ANDERSON: My name is Nic Anderson.
11 I'm with the Illinois Livestock Development Group.
12 I'm here to help Larry address things that are outside
13 the siting criteria, and I suspect I'll probably get a
14 lot of questions tonight from folks because, as you
15 see, the criteria can be met by farms not only of
16 Larry's size but other sizes out there in the
17 marketplace. Very clear cut that, if you meet the
18 expectations of the criteria and can follow that, the
19 siting process can move forward under the jurisdiction
20 of the Illinois Department of Agriculture.

21 Now, as I read the opinion pages and
22 comments out in the marketplace and have attended a
23 local meeting of people in opposition to this group,
24 there's much more than siting criteria. Now, that

1 doesn't really pertain per se except some of those
2 issues -- we talked about manure and application and
3 the process of siting. But there's other social
4 issues out there and people's feelings and people's,
5 maybe, nostalgia about what farming and pork
6 production is. And from our standpoint with the
7 livestock industry and to try to help Larry through
8 the process so he can help folks understand what's
9 going to happen out there, what his responsibility is,
10 what he needs to do to address the public's concerns,
11 we need to try to help him through that process.

12 Unfortunately, there's been quite an
13 issue, and it's made it very hard for Larry and people
14 involved with what he does to communicate to folks
15 that have concerns. And I suspect those will come out
16 in our discussion.

17 One of the challenges we have -- and I
18 grew up in Henry County, used to be the hog capital of
19 the world back in the '70s, and I was a 4-H'er there,
20 and that's where I cut my teeth on the swine industry.

21 A lot of things have changed since then,
22 and they're not going to stay the same. Even today
23 we're going to see changes in the future. And a lot
24 of us in the room -- and there's still some pork

1 production people out there and livestock, but we've
2 become removed generationally from livestock
3 production and pork production and the way grandpa did
4 it and my dad did it, and for a time my brother did it
5 the old-fashioned way. There's challenges to do
6 business that way: cost of production, performance,
7 animal care. What do we do in the wintertime? What
8 do we do in the summertime with heat? I recall
9 summers like we have outside today that it was
10 miserable for pigs, and how do we take care of them on
11 a small family farm? We're 68 sows, and we had
12 neighbors that had 300 sows.

13 The slides I'm going to show you aren't --
14 they're a little amusing, sometimes cute, but it's
15 trying to make an impact of what we've come from and
16 why we're at -- why we have a farm of this size and
17 why does this have to happen in the marketplace. And
18 a lot of it has to depend on the end product -- that
19 the consumer demands certain things from animal
20 production. We don't set out own market. We're a
21 market taker. We're a commodity organization.

22 So as we do business out there -- and some
23 of you might have farm history. Farming from years
24 ago was hard and difficult and labor intensive. The

1 industry of today has taken advantage of technology,
2 new systems, new ways of understanding animals, and
3 we've gotten to this point of farms like Larry has
4 proposed and other farms we've seen throughout this
5 community to be in the game of pork production, and
6 our number one concern is animal comfort because
7 they're the ones that make the income for our farms.

8 And as we move from those lesser intensive
9 capital positions to this new modern technology,
10 capital costs have gone up, risk has gone up in the
11 marketplace to get into pork production. There's not
12 a real easy entryway into the industry. Larry talked
13 about his family a little bit with what they're trying
14 to make plans for. But the entry level isn't easy,
15 and the competition is great. The cost of production
16 is tremendous, and we can talk about corn and soybean
17 costs on how we do business. Hasn't always been the
18 case, but that's what we're faced with today.

19 So bear with me when I go through those
20 slides, and I will relate to you my experience from
21 the pork industry and taking care of pigs, honing my
22 annual husbandry skills, getting an animal science
23 degree here at Western to understand what we need to
24 do in the animal side to take care of our animals so

1 that they take care of us when it's time to market
2 them. They are not pets. They are there for
3 production systems. Our job and our role in this is
4 to help them through that process and maintain animal
5 husbandry skills and animal care and make sure that
6 they have the life provided to them that we're going
7 to take from them for consumption. That's our
8 responsibility as producers.

9 This is kind of where I grew up. When
10 it's 90 degrees out, we see a lot of pigs out there.
11 It was commonplace where I grew up in Henry County.
12 Our challenges -- our pigs per litter today in this
13 picture were pretty decent, but when we get six inches
14 of rainfall or ten inches of snow, dramatically our
15 performance changes. And when we can control climate,
16 nutrition, comfort of animals -- pigs like it around
17 65 to 75 degrees. If I can't control this, a sow goes
18 off her feed, and when she goes off feed, she doesn't
19 provide that nutrients to her little pigs, and the
20 animal well-being and comfort and performance suffers.

21 So back in the '70s -- and concentrated
22 animal feeding units, confined animal feeding units
23 aren't new. If you talk to old hog farmers around, it
24 was a concept back in the '70s. A guy down in Cass

1 County, George Brower (phon.), built one of the first
2 confinement systems as we knew it. We've come a long
3 ways with technology. But when I grew up, this is
4 where our sows were, and our pigs had to wait for them
5 to get cooled off in the mud before we addressed
6 things. This is -- our eight modified A-frames
7 weren't like this, but in the dead of winter, pigs do
8 not come out of those huts to eat. So we've got to
9 make some of those changes in addressing animal care
10 and animal husbandry.

11 This is one of my comical pictures, but it
12 becomes a challenge, and our biggest thing --

13 MR. FRANK: Go ahead.

14 MR. ANDERSON: The biggest challenge we
15 have is, when we get six inches of rainfall when these
16 pigs aren't there, where does that waste go? Can we
17 control it? And what they've talked about with
18 Larry's farm -- and Frank and West with the design of
19 the structures -- cement structures -- was to maintain
20 and contain that manure and some of that environmental
21 challenge so that they can manage it better and take
22 it out to the crops where it's very valuable. Even
23 though we rotated pastures through this system, we did
24 not efficiently use nutrients in manure.

1 So we've moved to a crate where a sow is,
2 and people have a lot of concerns about that, but the
3 big thing is to protect the little pigs while they're
4 nursing. And, by the way, that sow gets 24-hour
5 nutrition, water, comfort, care so that she doesn't go
6 off feed and that she can provide the nutrients to her
7 pigs that that farmer is providing to her.

8 This is typically what's happened. We've
9 gone from those outside situations to an inside,
10 environmentally controlled building. This is really
11 what the topic is. And if you're from the age of pork
12 production that I grew up in and you didn't
13 participate in this part of the industry or experience
14 or you have no farm-related knowledge, it's hard to
15 understand how you get from the mud hole to this
16 building and understand what happens in there in the
17 animal care.

18 Our challenge in the industry is, when
19 we're in these places and we're not -- we're less of a
20 population to talk to our neighbors, information gets
21 lost and opinions, whatever it might be, are placed on
22 systems like this without the understanding of what it
23 goes into and what we have to do to provide pork as a
24 product to the consuming market.

1 Balanced nutrition. Pig care. When it's
2 60 or 70 degrees in here and those pigs have adequate
3 feed every day of their life, they perform.
4 Performance is indicative of animal care. If we
5 don't -- if we don't get good performance -- good
6 performance shows that animals have the care that they
7 deserve in the system that they live in. When we see
8 performance drop in these types of systems, there's
9 issues with -- whether it's animal care, nutrition,
10 environment, air flow -- those types of things come
11 into play. And people that are trained with animal
12 husbandry and skilled at this are specialized in
13 identifying those things so that we can maintain that
14 performance and that animal care.

15 We didn't talk much about economics, but
16 1.7 billion to the state's economy. Warren Goetsch
17 talked about the Livestock Management Facilities Act
18 that was enacted in 1996. In McDonough County since
19 that time, there have been 11 -- actually 15 notices
20 with 11 notices completed for construction in this
21 county. The pork's economy -- if you look at what
22 we've done in the pork industry since the act was
23 enacted, there have been on average about 65
24 facilities, farms, whether it's 2,400-head finishing

1 spaces or 5,000-sow farms. Each year in Illinois, new
2 infrastructure -- new and expanded infrastructure
3 through the LMFA creates new infrastructure of around
4 \$60 million each year. That's a benefit to the
5 state's economy and where we purchase those materials
6 and build those facilities.

7 It's important to our economy, and it's
8 important for us to reinvest in systems like that and
9 replace outdated systems in the state that we can take
10 advantage of so we can maintain our industry out into
11 the future.

12 Illinois used to be number two in pork
13 production back when I was a kid in the '70s. So
14 actually, when we look across the countryside, there
15 aren't more pork production facilities out there.
16 There's less hogs that we have to take care of. They
17 might change in size and the technology, but we
18 actually raise less pigs than we did years ago. So
19 there isn't an overwhelming number of pigs coming to
20 Illinois. We've got a long ways to reach that level
21 of the '70s when we were number two in the nation in
22 pork production. And my county, Henry County, used to
23 be hog capital, and it no longer is. It's somewhere
24 in South -- North Dakota -- or North Carolina or South

1 Carolina.

2 Typically -- this is a typical swine
3 building. We see it in this county. So when those
4 pigs go into a system like that, you see curtains and
5 ventilation. The key to that is to control the
6 temperature and the climate so they have the best
7 conditions to live in and animal feed with the bins
8 there and ample water to supply them ad lib what they
9 want for water.

10 It becomes challenging as an industry to
11 listen to opinions and extensions of people's feelings
12 and thoughts. Hopefully the siting criteria puts
13 things in a perspective that takes feelings out of it.
14 I'm sure people will still continue to have that. Our
15 hope is to address the eight siting criteria here at
16 the table and address how we're going to provide those
17 to Ag. Ag has the final decision on what happens
18 here. They have to meet what Ag wants. They will
19 continue to ask questions until they're satisfied with
20 that. It's a process. If Larry or the folks that he
21 works with decide that they can't conform to that,
22 it's their choice to stop and go away. Ag will
23 continue to ask them questions and conform to the act.
24 That's the way it was designed.

1 Outside of that, the social issues -- I
2 would be happy to address some of those. I try to
3 be informed on most of them. Some of your concerns
4 might be beyond me, but from the panel that's up here,
5 we'll do our best to address those questions, and
6 hopefully there's ample time for a lot of those to get
7 answered -- asked and answered.

8 This is really what we're after, and I
9 tell the story -- I'm a big fan of Casey's convenience
10 stores. They have the best, cleanest restrooms
11 anywhere you stop. They got a great policy on that.
12 And I like the pork tenderloins. I'll eat them every
13 time I stop. And today I came up, and I was in
14 between lunch, and I bought that pork tenderloin --
15 and mostly because I'm a pork supporter, but I really
16 like theirs -- and it dawned on me that I never
17 question the quality, where it came from, who grew it,
18 whatever, and maybe I should question that. But the
19 factory farm issue, the corporate farm issue, whatever
20 that is, when I purchase that food, I have a
21 confidence, at the Casey's or wherever I go, in the
22 products that I consume.

23 Some people might have a different opinion
24 about the confidence in that, and that is fine. But

1 the confidence I have, when I go to the Casey's or the
2 retail store or wherever it might be, I have a
3 perception of that, and I have an understanding and a
4 confidence in that product. And this pork chop
5 doesn't say factory farm, family farm. Sometimes
6 maybe we should put those labels on there so we know
7 where our food comes and it starts the discussion
8 about food. But I feel confident in the safety of the
9 food products that I buy, and I live down around the
10 Springfield area. I would hope that the general
11 public understands that too.

12 If you have questions about that or want
13 to purchase your food locally or from an organic farm
14 or whatever, they're all part of our industry, and we
15 have to address those issues. And if organic farming
16 is the way to go, if the consumer's going to pay for
17 that, the best producers are always going to produce
18 the product. Most efficient, most profitable, best
19 animal care -- whether it's organic or commercial --
20 always in a marketplace the cream rises to the top,
21 and the best producers will raise them. And whether
22 they raise them on family farms or bigger farms that
23 don't look like I grew up on, that is really what's
24 going to happen. If the organic system or the farmers

1 market system wants to provide products to us every
2 day of the year, that's fine. I'm not going to
3 condemn that. They have some really good products. I
4 visit the farmers market myself. But the system
5 that's in place today to provide us wholesome,
6 healthy, economical food is at the Casey's and the IGA
7 and all those places that we visit as consumers. I
8 feel confident in it, and I want to express that
9 confidence to you.

10 My job with Larry and folks that work in
11 the pork industry is to maintain that confidence and
12 make sure we do what we do through the Department of
13 Agriculture, through the EPA, and through who we sell
14 our products to and the processors and eventually back
15 to the consumer. The consumer dollar can make that
16 difference. If that consumer wants to change the
17 process, they can do it with their dollar. But right
18 now our legislative process and how we develop farms
19 is done through the Department of Agriculture and
20 eight siting criteria.

21 I believe that's the end of my
22 presentation. Scott.

23 HEARING OFFICER FRANK: Thank you. Does
24 the facility -- or, Mr. West, do you have a copy of

1 your presentation to enter into the record?

2 Entered into the record is Exhibit 3a,
3 which is a CD of the PowerPoint presentation presented
4 by Mr. West, and entered as Exhibit 3b is a paper copy
5 of the presentation.

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

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

19 We're going to maybe try this -- if you
20 could just maybe shout out the question. We'll see
21 how well this works since we have such a large group
22 here, but we'll try it once or twice and see how it
23 goes.

24 Ma'am, I think you had your hand up first.

1 MS. ASHWOOD: Thank you so much.

2 Mr. O'Hern --

3 HEARING OFFICER FRANK: Ma'am, could you
4 state your name and spell your last name, please.

5 MS. ASHWOOD: Yes. My name is Loka
6 Ashwood, and I grew up right across the road from
7 you --

8 HEARING OFFICER FRANK: Excuse me. You
9 said --

10 MS. ASHWOOD: Loka.

11 HEARING OFFICER FRANK: Ashwood?

12 MS. ASHWOOD: Ashwood. Ashwood is the
13 last name.

14 COURT REPORTER: Spell it, please.

15 MS. ASHWOOD: A-s-h-w-o-o-d.

16 COURT REPORTER: And your first name?

17 MS. ASHWOOD: Loka. It's kind of
18 different. It's L-o-k-a.

19 COURT REPORTER: Thank you.

20 MS. ASHWOOD: Thank you.

21 Mr. O'Hern, I know your address pretty
22 well because I grew up straight across from you, and
23 we both have the same town and state, and that's
24 Vermont, Illinois.

1 So I have two questions for you. One is,
2 on the Secretary of State's website, all of the owners
3 of Shamrock Acres, LLC, are out of state. They're
4 from Iowa, and they're from Minnesota. And in
5 addition to that, the Livestock Management Facilities
6 Act demands that the owner list their name on the
7 application, and that says Carthage, Illinois.
8 Actually, it's a P.O. Box that's Professional Swine
9 Management. So if you have indeed released PSM from
10 doing your work on your facility, then, you have to
11 reapply for a new application. So I'd like to know
12 how PSM is being released from helping you to build
13 this facility.

14 MR. O'HERN: Okay. Thank you, Loka. The
15 ownership issue is we -- we bought the ownership of
16 Shamrock Acres, and that has just occurred today. So
17 if you would take --

18 HEARING OFFICER FRANK: Please, please,
19 let him finish.

20 MR. O'HERN: Could I please finish. We
21 have been in those negotiations for the ownership of
22 Shamrock for the last two weeks. It was filed today.
23 If you would check the Secretary of State's office,
24 I'm sure that it will be in their filing, but it -- we

1 had -- we signed the documents. It took two weeks to
2 negotiate, as any business would. If you're buying a
3 house, it takes time to negotiate the ownership
4 change.

5 MS. ASHWOOD: Make sure you apply.

6 MR. WEST: As far as the notice of intent,
7 I -- you are correct, and that has been resubmitted to
8 the Department of Ag with Mr. O'Hern's name and
9 address listed as the owner or operator.

10 HEARING OFFICER FRANK: Down here.

11 MS. COOK: Mr. O'Hern, I --

12 HEARING OFFICER FRANK: Could you state
13 your name, please.

14 MS. COOK: I was.

15 Mr. O'Hern, I'm Ramona Cook. I know you
16 know my family, but I've never actually met you
17 myself.

18 You have told my family that you had
19 decided to put in this hog confinement because you had
20 paid too much for the land and you were horribly in
21 debt. That is what you told my father. I'd like to
22 know what has changed so that now you have the
23 financial stability to build this hog confinement next
24 to our home within one-half mile since your financial

1 stability will be very important to us in the event
2 that we are damaged by it. Thank you.

3 MR. O'HERN. I would like to share that
4 with you, but the intent of this meeting is for the
5 eight siting criteria. But I will say that in order
6 to pay -- to make -- honor my commitments -- I have to
7 do things to honor my financial commitments, and one
8 of them is to raise livestock.

9 HEARING OFFICER FRANK: Can you hear the
10 questions in the back of the room?

11 SEVERAL UNIDENTIFIED: Yes.

12 HEARING OFFICER FRANK: Down here in the
13 second row, ma'am.

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

16 My question is, if this meeting is the
17 intent of talking about the eight siting criteria, why
18 did we just waste 20 minutes of you selling corporate
19 agriculture to this audience?

20 HEARING OFFICER FRANK: Okay. You each
21 had an opportunity for applause. Let's please
22 dispense with the applause. Okay? Thanks.

23 MR. ANDERSON: Who is that directed to?

24 UNIDENTIFIED: You.

1 HEARING OFFICER FRANK: I believe it's
2 you, Mr. Anderson.

3 MS. HUDSON: It was to Nic, the lobbyist.

4 MR. ANDERSON: Did you have more to that
5 question?

6 MS. HUDSON: Oh, to the hearing officer.
7 If the intent of this meeting is to speak about the
8 eight siting criteria, which is why we are all
9 gathered here, why have we had to endure over 20
10 minutes of this individual selling modern pork
11 production to this audience? We all are educated
12 about it. We don't need to know any more. We need
13 more time for the people here to talk about the eight
14 siting criteria. That's my comment.

15 HEARING OFFICER FRANK: The facility had
16 the floor. They had the opportunity to have speakers,
17 and they chose Mr. Anderson to talk about that.

18 Next question. Sir.

19 MR. BROWN: My name is Brown, Leroy Brown.

20 HEARING OFFICER FRANK: Could you speak
21 up, please.

22 MR. BROWN: My name is Brown, Leroy Brown,
23 county board member. B-r-o-w-n, Brown.

24 I brought with me in my possession

1 approximately 30 letters and packets opposing this hog
2 facility. If this was such a good idea and a good
3 manufacturing thing, why do I get so many letters
4 opposed to it?

5 I have in my possession these letters. If
6 you would like to have those for your file, I'll be
7 glad to give them to you.

8 My concern is the people surrounding and
9 living next to the hog confinement. Thank you.

10 HEARING OFFICER FRANK: We can certainly
11 enter those into the record if you so desire. That
12 will be -- sir, if you could wait until --

13 MR. BROWN: I got another commitment. I
14 have to leave.

15 HEARING OFFICER FRANK: Okay.

16 MR. BROWN: Thank you.

17 HEARING OFFICER FRANK: Sir. Yes.

18 MR. GEGAS: My name is Christos Gegas,
19 C-h-r-i-s-t-o-s, last name G-e-g-a-s.

20 HEARING OFFICER FRANK: Speak up, please.

21 COURT REPORTER: Yes.

22 Mr. GEGAS: Christos Gegas,
23 C-h-r-i-s-t-o-s, last name G-e-g-a-s.

24 This question is actually for you,

1 Department of Agriculture, because I'm a little
2 confused. I actually had questions for Larry --
3 hello? Oh, hi.

4 I actually had questions for Larry and
5 Nic, but now I'm confused. So Larry has moved to buy
6 the company. So does this mean this whole process
7 needs to start over again? And, if so, what are we
8 doing here? Why are we wasting our time? And are you
9 going to redo this meeting? I mean, am I
10 misunderstanding the law? I don't -- notice of
11 intent; right? If he's buying the company, if he's
12 going to be Shamrock Acres, then, why are we here?
13 This is for you.

14 MR. GOETSCH: I guess I would try and
15 explain it this way: If you look at the filing that
16 we have, it was for Shamrock Acres.

17 MR. GEGAS: Yes.

18 MR. GOETSCH: And it was submitted by a
19 representative of Frank and West.

20 MR. GEGAS: Okay.

21 MR. GOETSCH: So it's still Shamrock
22 Acres, and it's still submitted by Frank and West. So
23 I don't believe that we are wasting our time.

24 MR. GEGAS: But I just looked up on the --

1 I mean, here. Here I have on the iPad a live shot
2 from the CyberDrive, State of Illinois, and this
3 address is Carthage; right? This is a PSM address.
4 If he's resubmitted, why is there this address? And
5 won't this address have to change? And if it changes,
6 won't we have to do this again?

7 MR. GOETSCH: I believe at this point that
8 it is appropriate for us to go forward with this
9 meeting. If you don't believe that it's --

10 MR. GEGAS: No, no. I'm just confused. I
11 just don't know what's going on, and I'm confused, if
12 Larry's buying the company now, and yet the address
13 that's on the website is located in Carthage, which is
14 PSM. That's my point. I'm confused. If it's Larry's
15 company, why is PSM still on it?

16 MR. GOETSCH: I'm just going by what we
17 have in our files, what we have submitted to us, and I
18 think that's all we can act on.

19 MS. ASHWOOD: So you're saying they're
20 lying. That's what you're saying -- they're lying.

21 UNIDENTIFIED: Doesn't make any
22 difference.

23 UNIDENTIFIED: I think he's saying it
24 doesn't matter who Shamrock --

1 MR. GEGAS: I mean, what is your function
2 here in this meeting? I'm --

3 MR. GOETSCH: Well, as I --

4 MR. GEGAS: I'm not being factious. I'm
5 trying to understand.

6 MR. GOETSCH: As I stated before, we're
7 here to hear testimony regarding this particular
8 facility's ability to meet or not meet the eight
9 siting criteria.

10 MR. GEGAS: So will --

11 MR. GOETSCH: We're not here to develop --
12 we're not here to debate whether or not they have
13 appropriately filed documents with --

14 MS. ASHWOOD: That's your job.

15 MR. GOETSCH: -- the Illinois Secretary of
16 State or anyone else. We're here to evaluate whether
17 or not what we have as an application to the Illinois
18 Department of Agriculture meets the Livestock
19 Management Facilities Act.

20 MR. GEGAS: Will he have to resubmit?

21 MR. GOETSCH: I believe that he just
22 testified a few minutes ago that he already has.

23 MR. GEGAS: Right. So that means we'll
24 get another meeting. So this whole process will start

1 again.

2 MR. GOETSCH: No, I don't believe that's
3 the case.

4 MR. GEGAS: Why?

5 MR. GOETSCH: The ownership is -- it's
6 Shamrock Acres. It's Shamrock Acres on the form that
7 I just gave to Mr. Frank. It still is Shamrock Acres.

8 MR. GEGAS: But the form here -- I mean,
9 it's a live form from the website.

10 MR. GOETSCH: But that -- website from
11 where? From --

12 MR. GEGAS: The State of Illinois,
13 CyberDrive.

14 MR. GOETSCH: It's from the Secretary of
15 State's office. That really has no impact. We're
16 talking about an application to the Illinois
17 Department of Agriculture to construct a specific
18 facility.

19 MR. GEGAS: Can I submit this then? This
20 is from the Illinois Department of Agriculture, your
21 bureau. Can I submit this as evidence?

22 MR. GOETSCH: I don't know what you're
23 referring to, sir.

24 MR. GEGAS: This shows the owner-operator.

1 The facility owner-operator. This is the actual
2 document.

3 UNIDENTIFIED: As of now. As of this
4 minute.

5 MR. GOETSCH: Are you referring to the
6 notice of intent to construct?

7 MR. GEGAS: I'm sorry. Can I come show
8 you?

9 MR. GOETSCH: What's the title on the
10 page?

11 (Documents given to Mr. Goetsch.)

12 MR. GOETSCH: I don't know -- let me just
13 answer it this way: I don't know really -- I think
14 we're debating something and losing -- losing the
15 point. We did receive at the department an e-mail on
16 July the 6th that was -- that was a new title page to
17 the notice of intent to construct that lists Larry
18 O'Hern as the operator. It still has the name of
19 Shamrock Acres, LLC, and that was part of the
20 documents that I gave to Mr. Frank to be entered into
21 the record.

22 At this point I believe that it's
23 appropriate for us to move forward and to try and
24 gather your input on the eight siting criteria. If

1 per chance when we take this back and our -- and we
2 look at our general counsel and we discuss it with the
3 legal folks at the department, if it, for whatever
4 reason, would turn that we had to do something over,
5 we would then do that.

6 But at this point we have an application.
7 We have gone through the normal process as prescribed
8 by the statute. I believe that it's appropriate for
9 us to continue.

10 Would you like this back?

11 MR. GEGAS: Please. Both documents.

12 HEARING OFFICER FRANK: Down here, second
13 row.

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

15 HEARING OFFICER FRANK: If you could wait
16 just a second, we'll get the microphone to you,
17 please.

18 MS. JAMES: Do I need to say that again?

19 COURT REPORTER: No.

20 MS. JAMES: My question is for Chris West.

21 And my question is has Frank and West -- have any of
22 the facilities that you've engineered ever been
23 litigated against for environmental violations? If
24 so, what was the cause of these violations and how

1 will Shamrock Acres be constructed differently so that
2 discharges do not occur?

3 MR. WEST: Well, as we stated earlier,
4 this is -- this meeting is about Shamrock Acres and
5 only Shamrock Acres. I'd be happy to take any
6 questions that you want to talk about with Shamrock
7 Acres. I don't think we have enough time to talk
8 about any other facility here tonight.

9 UNIDENTIFIED: Yeah, we do.

10 UNIDENTIFIED: We want to hear it.

11 HEARING OFFICER FRANK: The gentleman in
12 the light-colored shirt in the back.

13 MR. WALKER: I'm Dana Walker, D-a-n-a
14 W-a-l-k-e-r.

15 A question for Mr. O'Hern. It was stated
16 you have 1,600 acres to apply the manure to. My
17 question is do you have any other cropland acres lined
18 up to take that manure?

19 MR. O'HERN: I have had a number of
20 conversations with neighbors adjoining the facility
21 about manure application.

22 MR. WALKER: Do you have any number of
23 acres available beyond 1,600?

24 MR. O'HERN: Chris would like to answer

1 that.

2 MR. WEST: The number that was put in my
3 presentation of 1,600 acres -- that's not how much
4 would be required annually. That's how much Mr.
5 O'Hern has available. The number would be
6 significantly less than 1,600 acres as what would be
7 required.

8 UNIDENTIFIED: For how many million
9 gallons?

10 HEARING OFFICER FRANK: Sir, in the white
11 shirt. Hang on just a second, please, for the
12 microphone.

13 MR. BROWN: Jack Brown, B-r-o-w-n.

14 Larry Joe, I've got two questions, and I
15 think the first one probably goes to the gentleman on
16 your left. Are you going to be using low dosage
17 prophylactic antibiotic treatment for your livestock
18 in that farm to promote health in that confinement?

19 MR. ANDERSON: Say the --

20 MR. BROWN: Are you going to be using low
21 dosage antibiotics in your feed mix for the barn to
22 prevent --

23 MR. ANDERSON: That's a production
24 question for the farm.

1 MR. O'HERN: At this point in time we are
2 not in -- I'm not at liberty to talk about low dose
3 antibiotics. That's a production season. Jack, the
4 only thing I can offer you, if my pigs are sick, I'm
5 going to use the best animal husbandry practices --

6 MR. BROWN: I understand that.

7 MR. O'HERN: -- to take care of the
8 animals.

9 MR. BROWN: The question is, is that most
10 facilities do what they call low dosage prophylactic
11 antibiotic treatment which means they put them on low
12 dosage antibiotics full time.

13 MR. O'HERN: Jack, I'd love to have that
14 discussion with you. This is here for the eight
15 siting criteria. I'd certainly welcome to have that
16 discussion.

17 MR. BROWN: Okay. And --

18 MR. ANDERSON: I can address that question
19 from the industry standpoint, if you like.

20 You made a statement about it's common
21 practice. It's really not. We make the decision --

22 UNIDENTIFIED: Oh, whatever.

23 MR. ANDERSON: Excuse me. The industry --
24 those types of products are expensive. There are

1 times to use them, and there are times not to use
2 them. But it's for the care of the animal so that
3 they have the most comfort level and a performance to
4 make sure that their pigs are raised the right way.
5 There's a lot of issues that surround that, but all
6 that is done under the judiciary part of veterinary
7 service and their commitment to their profession.
8 So --

9 MR. BROWN: So is there a veterinary
10 service that's going to be the one that's --

11 MR. ANDERSON: I'm talking about from
12 the industry standpoint. Most pork production out
13 there -- when I buy those types of products, I have to
14 have some professional through FDA and USDA that
15 regulates those products. They have to be used by the
16 label and be prescribed to do those things that the
17 producer needs for the care of his animals. That's
18 when those products are used.

19 It not only helps us out, but it helps the
20 pigs, and it helps the process to make sure that we
21 have good healthy, comfortable, well-raised, animal
22 husbandry, and animal care systems out there to give
23 the best care to the animals.

24 MR. BROWN: Okay. And the other question

1 I had is, Larry Joe, I'm glad that you're taking
2 responsibility for all of this. But I look around the
3 neighborhood, and I see old hog confinements and old
4 confinements of all types sitting idle, growing up in
5 weeds. Is there some provision in your siting plan
6 that says at the end of the production time there is a
7 way to get rid of the facility instead of leaving a
8 dead horse laying around?

9 MR. O'HERN: At this point in time I have
10 no -- I'm more worried about getting the facility
11 built and get into production. I do see your concern
12 about that. I would hope that I would be a
13 responsible member of the community and take care of
14 the site when it's done -- when the life of the site
15 is done or perhaps my children -- I'm hoping -- I
16 hope -- I'm hoping the farm will out live me and still
17 be in production when I'm gone.

18 MR. BROWN: Thank you. Those were a
19 couple --

20 MR. ANDERSON: If I could expand of that,
21 if there are animal facilities that aren't closed or
22 in production, the Department of Agriculture has that
23 process for closure of animal feeding structures.
24 There's a process in the state that you go through to

1 qualify that. And there's ramifications and ins and
2 outs of that, but there is a closure process. And if
3 you have concerns, sure talk to me. I'll point you in
4 the right direction. The Department of Agriculture is
5 in charge of that process along with some
6 responsibility with the Illinois EPA.

7 HEARING OFFICER FRANK: Over on the --
8 Brad, over on the corner or the end over there.

9 MS. MARTIN: My name is Kathy Martin,
10 K-a-t-h-y M-a-r-t-i-n.

11 I'm an engineer from Oklahoma, and my
12 question is to Larry. Do you know how many pounds of
13 nitrogen per year your facility will produce?

14 MR. O'HERN: No, I do not, ma'am. I'm
15 going to rely on Frank and West and the testing of the
16 manure, and it will be applied by the regulations that
17 he cited. I believe it was in criteria two as to the
18 nitrogen and phosphorus loads.

19 MR. WEST: What we will do -- and we do
20 this for all of our CNMPs, the comprehensive nutrient
21 management plans, that we write. Before we write
22 those, we have site specific data from the facility.
23 So that manure will be analyzed, and we will know
24 exactly how much we are allowed to put onto these

1 crops based on not only that but also soil tests.
2 Every acre that we apply land (sic) on will have to be
3 analyzed so that we know what the current levels of
4 nutrients are.

5 MS. MARTIN: Okay. I think you're
6 assuming I'm going in a particular direction that I
7 wasn't. But could you put the map up that shows the
8 facility and the surrounding land so that we could --
9 when we talk about land application, you can point to
10 where it's going to occur and then I --

11 MR. WEST: It won't show everything on
12 there because that -- that map -- you're only looking
13 at a few hundred acres.

14 MS. MARTIN: Okay. So there's no map in
15 the permit application that shows the land application
16 area?

17 MR. WEST: No. That map will be within
18 the CNMP itself.

19 MS. MARTIN: Okay. Let me get to my
20 question on odor management which is a siting
21 criteria. And I'm sorry you went off in that
22 direction.

23 Okay. Mr. Larry, do you know what
24 percentage of the nitrogen that you generate will be

1 volatilized from your barns?

2 MR. O'HERN: No, I do not.

3 MS. MARTIN: How come you don't know that?

4 MR. O'HERN: Because I am relying on an
5 engineer and the manure manage -- comprehensive manure
6 management plan to address those --

7 MR. WEST: The --

8 MS. MARTIN: So will you -- excuse me.
9 I'm asking -- I want to know what the owner will know.
10 I understand you might know, Mr. West, but he's the
11 gentleman that will be at the facility every day, and
12 he is the gentleman who now says that he is Shamrock
13 Acres, that it's no more other professional people,
14 just himself.

15 Do you realize that you -- that Midwest
16 Plan Services says that just a regular hog will
17 produce .07 pounds of nitrogen per head per day, and
18 that's almost a quarter million pounds of nitrogen per
19 year, and that 30 percent of that nitrogen will
20 be volatilized from your barns.

21 HEARING OFFICER FRANK: Ma'am? Ma'am? Do
22 you have a question, please?

23 MS. MARTIN: Yes. Do you know how you are
24 going to control 30 percent of a quarter million

1 pounds of nitrogen in your odor management plan? That
2 will be 61,000 pounds of nitrogen as ammonia. How
3 will you be controlling that in your odor management
4 plan?

5 MR. O'HERN: Again -- again, if you would
6 write that, we would -- I can't answer that. I don't
7 have that information. I can't crank that right off
8 the top of my head. It's a valid question, but I
9 cannot answer that question. I thank you for the
10 question.

11 HEARING OFFICER FRANK: We'll move over
12 here. Gentleman against the wall.

13 MR. HESS: My name is David Hess, H-e-s-s,
14 and I'm a retired geologist.

15 I had a question of the Illinois
16 Department of Agriculture and perhaps Mr. West about
17 siting criteria four. If you could tell me what was
18 the rationale for a five-foot depth of possible
19 aquifer under barn levels or lagoon levels, and the
20 second part of the question is there any kind of
21 criteria, if the manure is injected into the field,
22 for depth of aquifer? I realize there's no karst or
23 floodplain, but sandstone or fractured rock or
24 anything like that. Can you give me any information

1 on that? I address it to both the Illinois Department
2 of Agriculture and Mr. West.

3 MR. GOETSCH: I can't recall the
4 specifics. I can only say that the rules for the
5 construction standards, including the site
6 investigations, went through the Illinois Pollution
7 Control Board. The department proposed the rules that
8 would implement the act to the Pollution Control
9 Board, the same quasijudicial entity that writes all
10 the rules for the Illinois Environmental Protection
11 Agency and the Illinois Environmental Protection Act,
12 and then there were a series of hearings held all
13 across the state. And the Pollution Control Board
14 then went back and took all the testimony and the
15 proposal that the department made, rewrote them or at
16 least edited them, and then that's what was originally
17 adopted and was then presented to the General
18 Assembly's Joint Committee on Administrative Rules,
19 and then it was adopted.

20 I believe that the five foot was more
21 likely than not a compromise of some type, where they
22 wanted to have some knowledge of what was underlying
23 the facility when you -- in terms of the design of the
24 foundation. And the compromise, evidently, that the

1 Pollution Control Board seemed to be comfortable with
2 was that five-foot figure.

3 HEARING OFFICER FRANK: The gentleman
4 second row in -- or second seat in.

5 MR. CURTIS: My name is John Curtis,
6 J-o-h-n C-u-r-t-i-s.

7 The county board has to give you a
8 recommendation within 30 days, if I understand
9 correctly. And this is to the Department of
10 Agriculture folks. Is that correct?

11 MR. GOETSCH: I believe it's, yes, 30
12 business days from today's date.

13 MR. CURTIS: How much weight does that
14 carry?

15 MR. GOETSCH: I guess I would explain it
16 this way: I think it -- it carries a lot of weight in
17 that the county board -- at least in past projects,
18 the county board's comments or recommendations have
19 steered the -- have been used to steer the department
20 into areas that an application might be lacking. They
21 would identify whether it's, just for example, maybe a
22 traffic issue or a setback issue or it could be, you
23 know, several different possibilities.

24 And then, based on those issues that were

1 created or developed by the county board, the
2 department then was able to go back to the applicant
3 and, in some cases, resolve those issues and
4 ultimately be able to approve the project after it
5 would have been changed to address that identified
6 issue.

7 In other cases, the applicant was not able
8 to ident -- or to adequately adjust the application to
9 appropriately address the issue, and then the project
10 went away.

11 So I believe that, yes, the county board's
12 recommendation does matter.

13 MR. CURTIS: Thank you.

14 HEARING OFFICER FRANK: The white-haired
15 gentleman down here.

16 MR. CLARK: The old man.

17 HEARING OFFICER FRANK: At least you have
18 hair.

19 MR. CLARK: My name is Richard Clark.

20 HEARING OFFICER FRANK: Please use the
21 microphone for the benefit of the others.

22 MR. CLARK: My name is Richard Clark,
23 R-i-c-h-a-r-d C-l-a-r-k.

24 I have a question for the gentleman there,

1 Mr. West.

2 MR. WEST: Yes, sir.

3 MR. CLARK: You talk about concrete
4 construction. Do you know how many loads of concrete
5 that's going to be with them big buildings?

6 MR. WEST: No, I can't tell you right off
7 the top of my head how many loads that will be.

8 MR. CLARK: Okay. Ask our county board
9 how our roads are right now. Just ask them, and then
10 consider that, gentlemen. Thank you.

11 MR. O'HERN: Richard, I do want to comment
12 on that particular issue. In the construction phase,
13 we plan to bring a portable plant in so we're not
14 running wet trucks up and down -- the wet cement
15 trucks up and down because they're very similar to
16 garbage trucks, and a tandem axle truck with that much
17 weight can cause extra damage to the roads. So it's
18 our intention to go in and put a portable plant in.
19 So it would be no different than seeing a tandem -- a
20 semi with an aluminum dump that you see on the road.

21 MR. CLARK: I appreciate that. Does the
22 county board know that?

23 MR. O'HERN: That we -- that's the purpose
24 of this meeting. I think that was a very appropriate

1 question.

2 MR. CLARK: I'm glad I raised the question
3 then, ain't you?

4 MR. O'HERN: Thank you very much.

5 HEARING OFFICER FRANK: Brad, right next
6 to him.

7 MR. HALL: Clayton Hall, H-a-l-l.

8 Larry, when you go to applying this
9 manure, you'll probably use a dragline right there in
10 the field surrounding the farm; right?

11 MR. O'HERN: That's our -- that's our
12 intention is to use the dragline injection system.

13 MR. HALL: Okay. When you're going
14 somewhere a half mile, mile, however far from the
15 farm, do you plan on pumping this in those ten-inch
16 lines or do you plan on hauling it? And if you're
17 planning on pumping it, what is the Department of
18 Agriculture going to do and what are you going to do
19 if one of those line blows?

20 MR. O'HERN: Well, by law you're -- and
21 each time there's a spill over 25 gallons, you're
22 required by law to call the Illinois Environmental
23 Protection Agency to report a spill.

24 And it's our intentions to use the

1 dragline method. We can go to tanks, but just to
2 speak to the issue that Mr. Clark just did, it's going
3 to be much more beneficial for our roads in the
4 township to use the umbilical and the pipe -- the
5 pipeline method. Thank you.

6 MR. WEST: If you don't mind, I would like
7 to expand on that just a little bit. Within the CNMP,
8 the comprehensive nutrient management plan, that we
9 talked about, a big part of that is an emergency
10 action plan. And that's a requirement that we put
11 in -- we don't require it, but we put it in, and it
12 outlines different scenarios. One of those scenarios
13 is a release, and in that you have a plan. You have
14 excavating contractors. You have equipment set up
15 that everybody knows where you're going to be -- for
16 example, if it were to be in a roadside ditch, you
17 would know -- the contractor would know where to go so
18 that that release would not go past that roadside
19 ditch. So that would also be part of the nutrient
20 management plan.

21 MR. O'HERN: That issue, Clayton, also
22 speaks to all of agriculture, whether it's a tank of
23 Roundup or of motor oil. Anytime there's over a
24 25-gallon release, you are required to make a phone

1 call.

2 HEARING OFFICER FRANK: So clear to the
3 back.

4 MR. BUCHANAN: Chris Buchanan,
5 B-u-c-h-a-n-a-n.

6 This question is for either Department of
7 Agriculture or Mr. O'Hern. There is a study by
8 Kilpatrick from 2001 that shows that residential
9 property values decline substantially around confined
10 animal feeding operations. I'm wondering who is going
11 to be responsible for paying back neighbors for any
12 property loss.

13 MR. O'HERN: Well, I'm not familiar with
14 that study. We did do a -- some unofficial research,
15 talk to real estate appraisers in this area, asked
16 about the economic impact, and actually, the opposite
17 was what we found. So it's depending upon what study
18 you want to read or believe, but actually fields and
19 farms that are adjacent to those properties with the
20 anticipation of the nutrients and reduction in crop
21 input costs actually go up in costs -- excuse me -- go
22 up in price. Excuse me.

23 HEARING OFFICER FRANK: In the back, over
24 on the other side. Right behind you.

1 MS. KNIGHT: Hi. My name is Sharon
2 Knight, K-n-i-g-h-t.

3 My question is for Mr. O'Hern. Really, I
4 have two. The first is where do you and your family
5 plan to reside? And the second is, if you have
6 released PSM from being part owners of this, who is
7 going to be the veterinary service that helps you run
8 it and if any of those individuals are also associated
9 with PSM?

10 MR. O'HERN: Okay. First off, we live
11 three miles from the site in the north -- northeast of
12 the site and the same air -- most of our prevailing
13 winds come out of the southwest, and we live northeast
14 of the site. So we would be in the path of prevailing
15 winds of this site.

16 Secondly, as we alluded to earlier, we
17 have just negotiated this contract, and to clarify,
18 Professional Swine Management did not own the site.
19 They were a management company that we had hired as
20 shareholders to manage the facility, obtain the
21 engineering, and help us through the siting process.

22 At this point in time, we're evaluating
23 several other management companies to look at our -- I
24 recognize that animal health is a priority in this

1 site, and I intend to use the best resources within
2 the industry that we have. At this current time
3 Professional Swine Management is not on our radar
4 screen.

5 HEARING OFFICER FRANK: Right in front of
6 you against the wall, Brad.

7 MS. CLARK: My name is Paula Clark,
8 P-a-u-l-a C-l-a-r-k.

9 My question is for the Department of
10 Agriculture. I assume that these meetings, being
11 informational meetings, are to take the public's
12 opinions into account. But my question for you is has
13 there ever been an application made to the Department
14 of Agriculture where all the criteria was met -- as in
15 Shamrock Acres, all the criteria is met. Has there
16 ever been an application denied because of public
17 opinion or, you know, the thoughts and the public
18 basically itself? Has it ever been denied? Has ever
19 an application been denied?

20 MR. GOETSCH: Well, first, I would like to
21 say that the eight siting criteria for this particular
22 project have not been met. I mean, that's what we're
23 here to begin -- we're gathering information about.

24 The next step in the process is for the

1 county board to weigh in what they believe -- or
2 whether they believe that the eight siting criteria
3 are met.

4 But then, to get to your last question, I
5 think it's -- and this is usually where, you know, I
6 either get a lot of laughter or boos, and I hesitate
7 to guess which it will be. But the way the statute is
8 written, we really don't deny a project. We just wear
9 people out. If they don't -- if they're not able to
10 meet the eight siting criteria, we have to tell them,
11 okay, you're missing -- you can't -- you haven't been
12 able to meet criteria six and because of this, this,
13 and this. And then we give them an opportunity to
14 respond.

15 And then, if that response is still not
16 adequate, we tell them it's still not adequate, you
17 still haven't met this, this, and this. And
18 eventually they either are able to change their design
19 enough to meet it, or they get worn out and they give
20 up. I mean, that's -- so we really don't flat out
21 deny an application. We just do not approve it until
22 it does meet all the eight siting criteria.

23 And there have been some projects that
24 were not able to meet all eight siting criteria, and

1 they have gone away.

2 MS. CLARK: Well, I'm not referring to the
3 ones that were not able to meet the specifications.
4 I'm referring to the ones that were able to but there
5 was public opinion -- and what about the
6 recommendation of the county board? Has there ever
7 been an application denied because the county board
8 actually did not want it or recommended against it?

9 MR. GOETSCH: There hasn't been any --
10 like I said, not specifically denied, but there have
11 been ones where the county board identified some
12 problems, and we then reiterated those problems back
13 to the applicant, and the applicant was not able to --
14 not able to correct or adjust the project such that
15 they were able to finally meet the siting criteria.

16 I guess I would say, though -- I think I
17 see where you're going -- that we don't have the
18 discretion that we just can't -- the statute does not
19 allow the department to say, "Let's have a straw pole.
20 Everybody in favor yes; everybody opposed nay. Okay,
21 the nays have it. Sorry. We're not going to approve
22 it." We don't have that ability. If a project meets
23 all the criteria, then, we are compelled to approve
24 that project.

1 MS. CLARK: Even though the county board
2 might recommend against it?

3 MR. GOETSCH: That's correct.

4 HEARING OFFICER FRANK: Gentleman in the
5 cowboy hat there on the end.

6 MR. CONIGLIO: Tony Coniglio, McDonough
7 County Board.

8 HEARING OFFICER FRANK: Sir? Sir? Excuse
9 me. Could you repeat your last name and spell it,
10 please.

11 MR. CONIGLIO: Coniglio. Common spelling.
12 C-o-n-i-g-l-i-o.

13 They talked about getting a cement factory
14 to make a little cement. You'll be using the roads,
15 though, I'm sure, to bring in the sand and gravel to
16 process into cement, or are they going to airlift the
17 product in?

18 MR. O'HERN: I will assure you, Tony, that
19 the airlift option is probably going to be out. I
20 have had communication with our township road
21 commissioner, and I have made contact with our
22 engineer in the county to address these issues of the
23 roads. And we -- we want to be good neighbors, and we
24 want to address the road situation in a responsible

1 manner. And I feel that it was -- to place a portable
2 cement plant back there is going to make great
3 strides, along with the umbilical method of manure
4 injection, of taking extra weight off of the roads.

5 MR. CONIGLIO: Okay. Because some of
6 those roads are pretty curvy, and trucks, semis,
7 cement trucks, whatever, will still have to use those
8 roads, and they aren't in the best shape because of
9 lack of funds. There won't be that much money coming
10 in to the county from the road use.

11 MR. O'HERN: The estimates that we have on
12 road and bridge for Eldorado Township -- and, again,
13 this is an estimate. So please don't crucify me on
14 this number.

15 MR. CONIGLIO: Okay.

16 MR. O'HERN: Approximately \$6,000 for road
17 and bridge, approximately \$10,000 for the town fund
18 for Eldorado Township.

19 MR. CONIGLIO: That's the figure I heard
20 also.

21 MR. O'HERN: Yes. There is right at two
22 miles of road -- of township road. The county road
23 that we turn off of is an 80,000-pound road. 300 Road
24 east of Vermont is an 80,000-pound road, and by law

1 we, as an agricultural entity, we have five miles to
2 get to an 80,000-pound road. I want to be a good
3 neighbor, Tony. I want to be a good neighbor, and I
4 want to address the road situation.

5 MR. CONIGLIO: Okay. Because I understand
6 some of this goes into Schuyler County, our neighbor
7 to the south.

8 MR. O'HERN: No. This site will be sited
9 100 percent -- I own land -- adjacent land in Schuyler
10 County, but this -- we made a conscious decision to
11 site this farm -- the setback requirements would have
12 been easier had we slid the site into Schuyler County,
13 but then McDonough County or Eldorado Township would
14 not receive any tax funds for the roads that we would
15 be using. So we were faced with a dilemma: put the
16 site in Schuyler County and stiff McDonough County on
17 the roads and the tax base where they were going to be
18 using -- where we were going to be using McDonough
19 County roads, or move the site up into McDonough
20 County so we could take advantage of the taxes in the
21 township that the roads were being used in.

22 MR. CONIGLIO: Okay. Thank you.

23 MR. O'HERN: Thank you, Tony.

24 HEARING OFFICER FRANK: The kind of gray

1 T-shirt and hat.

2 MR. LAVERDIERE: Ryan Laverdiere,
3 L-a-v-e-r-d-i-e-r-e.

4 This question is for Mr. O'Hern. There's
5 been a lot of concern about the concrete going into
6 the facility. Have you considered using local
7 suppliers and help promote local business?

8 MR. O'HERN: Absolutely. And part of the
9 process of why this -- I would like to speak to the
10 issue a little generally -- in kind of general terms,
11 Ryan. This is -- this project is several million
12 dollars. Just the construction of this project alone
13 is -- we talked about the 20 to 25 employees that will
14 work full time at the site after it's constructed. We
15 haven't talked about the people who will provide the
16 cement and the tin and all the building materials and
17 the -- that this site is going to use and the economic
18 development, the economic stimulus of building this
19 site alone: laborers -- laborers, truck drivers,
20 people in this community.

21 We're -- you know, the last -- every
22 morning when I wake up and watch CNN, we're in --
23 we're in a recession. And we talk about no jobs and
24 economic stimulus for the nation. I know that this is

1 not going to bring 10,000 jobs to McDonough County,
2 but I feel, in Eldorado Township, 20 to 25 jobs and a
3 several million dollar project is a great -- is
4 something that we should think is a good thing for
5 economic development.

6 HEARING OFFICER FRANK: It is almost 7:30.
7 We've got about two hours left to go. Just like I
8 said, we have to be out of here no later than 10:00
9 o'clock, and we have to pack things up and get
10 everybody out.

11 We have at least 66 people who want to
12 provide oral testimony. So I think what we'll do is
13 take about two or three more questions. We will take
14 a short break in order to allow the court reporter to
15 rest her fingers, and then we will get back in here
16 and start with the oral testimony.

17 So the gentleman right down here in the
18 flowered shirt.

19 MR. HUDSON: Howard Hudson, H-u-d-s-o-n.

20 A question for Mr. O'Hern. From what I
21 understand, a day-care center is very closely located
22 to it. You just talked about your facility being
23 worth millions of dollars. Are you going to be
24 properly bonded and insured in case the health of

1 those children in there who have -- approximately four
2 have asthma -- if their symptoms worsen due to the
3 hydrogen sulfide and ammonia poisoning coming off the
4 facility?

5 MR. O'HERN: Well, I don't anticipate that
6 to happen, but obviously we want to treat this with
7 respect to our neighbors and take the appropriate
8 precautions for not only ourselves but our neighbors'
9 health. So I would hope that we would have that type
10 of insurance available so, if we did have an issue
11 where we had children with asthma and it was
12 documented that it was an effect of the sow farm that
13 created and complicated their asthmatic conditions,
14 that we would be able to address it in a responsible
15 manner.

16 HEARING OFFICER FRANK: Lady standing up
17 right here.

18 MS. BURTON: Hi. My name is Anne Burton,
19 A-n-n-e B-u-r-t-o-n.

20 This question is for Mr. West regarding
21 the criteria -- one of the criteria. I saw a map of
22 the karst. I saw a map of the floodplain. And I
23 don't know -- I don't have the statute in front of me
24 because I don't -- I didn't bring it. But -- and I

1 don't know whether it's exclusive or not, but what I
2 didn't see was a map regarding depressions, springs,
3 caves, et cetera. I know this county does have some
4 of that. Was that overlooked? Or was that a
5 non-requirement based on presentation of the karst and
6 the floodplain information?

7 MR. WEST: Well, actually it is part of
8 the site investigation that we conducted for the
9 facility, and it's kind of a two part. Sinkholes are
10 typically associated with karst. So we use the map as
11 an outline for that to find out if we're in a general
12 area where we can expect that. We also do a visual
13 investigation when we do the site investigation to see
14 if there are any depressions or sinkholes or springs
15 or seeps, anything like that, on the site as well.

16 MS. BURTON: Are you aware of any
17 sinkholes, depressions, caves, et cetera --

18 MR. WEST: No.

19 MS. BURTON: -- in the county?

20 MR. WEST: Well, I did not look in the
21 county. I looked where the facility went.

22 MS. BURTON: So the inspection was a
23 visual inspection only or was there a map inspec -- I
24 mean, what was the --

1 MR. WEST: Well, there was a map
2 inspection based from -- on the karst area, and then
3 there was a visual inspection --

4 MS. BURTON: Let me clarify. I understand
5 that depressions are associated with karst areas, but
6 it's not -- a depression is not dependent on karst
7 being present. There are other reasons or factors
8 that might present a depression. So studying a karst
9 map only wouldn't necessarily provide you with the
10 total information needed.

11 MR. WEST: I won't disagree.

12 MS. BURTON: Okay.

13 MR. WEST: We also did the visual
14 inspection of the facility location, and we did soil
15 borings within the footprint of the building.

16 MS. BURTON: The soil borings were
17 based -- were focused on aquifers or -- right?

18 MR. WEST: That's what we're looking for,
19 but we also look for voids as well.

20 MS. BURTON: Okay. So --

21 MR. WEST: Voids that would be associated
22 with sinks, with depressions, with open areas
23 underneath the soil. That's all part of the site
24 investigation, and none of that was found.

1 MS. BURTON: A visual inspection and the
2 soil borings were done to measure depressions? Or was
3 the soil boring -- was it just a bonus piece of
4 information that was derived? Or was it done with the
5 intent to look for depressions?

6 MR. WEST: It is done with dual intent.

7 MS. BURTON: Okay.

8 MR. WEST: We're looking for voids that
9 would be caused by depressions or other -- other types
10 of surface structures like that. So we are looking
11 for voids within the soil boring, and we were also
12 looking for aquifer material.

13 MS. BURTON: Okay. So information was
14 presented in your report regarding the non-karst and
15 non-floodplain factors that are necessary to be looked
16 at; is that correct?

17 MR. WEST: That is correct.

18 MS. BURTON: And my other question is for
19 Mr. O'Hern. Were you a part of the project from the
20 beginning? Or did you come on later?

21 MR. O'HERN: I was a part of the project
22 in the beginning. My name was omitted as the original
23 shareholders, but in the negotiations for the site in
24 the original format, I was a shareholder. I was not a

1 manager of the site. The LLC itself has officers, and
2 I chose not to be an officer in the original ownership
3 of Shamrock.

4 As we got into the process and I wanted
5 more control of the site, that's when my family and I
6 negotiated for the ownership of Shamrock.

7 And to speak to the karst topography or
8 from my perception as a landowner, we rented that
9 property since 1988. The site itself lays on 400 --
10 400 acres -- part of it in Schuyler County, part of it
11 in McDonough County. Since 1988 I have been over the
12 entire farm numerous times. I cannot -- I have never
13 identified a cave or a spring that -- there are wet
14 areas on the farm, but a spring that I would equate
15 to -- that would led to a cave or something of that
16 nature, I am not familiar with on that entire 400
17 acres.

18 But I'm not an expert. That's why we have
19 an engineer here. But as an owner of the property, I
20 have never found a cave or anything like you have
21 described.

22 MS. BURTON: And then my last question is
23 a brief one --

24 HEARING OFFICER FRANK: Ma'am? Ma'am?

1 MS. BURTON: -- and it's for the gentleman
2 on the end.

3 HEARING OFFICER FRANK: Ma'am. We really
4 need to move on here; so -- you've had three or four
5 questions.

6 MS. BURTON: No. I've had two questions.

7 HEARING OFFICER FRANK: Well, we need to
8 move on. So I'd like to thank you all for the
9 questions here. This is how we're going to handle it.

10 MS. BURTON: I think that people -- there
11 are a few more questions. You said two or three more,
12 and I'm number two. So there are --

13 HEARING OFFICER FRANK: Ma'am. Ma'am,
14 please give the microphone to Mr. Beaver. Thank you.

15 This is what we're going to do: We're
16 going to take a ten-minute break. I realize that's
17 not very long, but for anyone who needs to use
18 restrooms, there are some, well, down the hall and to
19 the right. There are some more upstairs. We will
20 start back here at a quarter till 8:00 with the oral
21 testimony. We have a lot of people signed up for oral
22 testimony. If we have time at the end of the oral
23 testimony, we will fill the allotted time then with
24 more of your questions. I apologize to those who did

1 not get to answer -- or ask a question. Like I said,
2 if there's time at the end, we'll try to get you
3 worked in.

4 We'll take a ten-minute break. Thank you.
5 (Short recess.)

6 HEARING OFFICER FRANK: If you could get
7 back to your seats, we need to get started.

8 Please take your seat. We're going to get
9 started.

10 I have the sign-up sheets that were in the
11 back of the room listing the people who wish to
12 provide oral testimony. I will go down the list and
13 call the names of those who wish to testify.

14 When called upon, please step up to the
15 microphone here in the front of the room, state your
16 name, and also spell your name. I will then swear you
17 in. You will have two minutes to provide your
18 comments, and we are going to dispense with the
19 questions here tonight. Generally, when someone
20 testifies, those people are then subject to
21 questioning from the public. Due to time constraints.
22 We are not going to do that tonight; so -- and then
23 I'm going to do this: While one person is coming up
24 here -- and would Ramona Clark -- excuse me -- Ramona

1 Cook -- you're Ramona? Okay. You'll be first up.
2 Okay. Then, while she is testifying, if the next
3 person on the list could come forward and get ready.
4 That is Stacy James. So, Ms. Cook, microphone is
5 right there.

6 MS. COOK: All right. Do I speak to you?

7 HEARING OFFICER FRANK: Yes, you speak
8 here. Please state your name and spell your name.

9 MS. COOK: My name is Ramona Cook,
10 R-a-m-o-n-a C-o-o-k.

11 MR. FRANK: Please raise your right hand.
12 (Ms. Cook was duly sworn.)

13 HEARING OFFICER FRANK: Thank you. You
14 may proceed.

15 MS. COOK: I would first like to clear up
16 a misconception.

17 HEARING OFFICER FRANK: Excuse me. Just a
18 second. I'm sorry. Can you hear in the back?

19 SEVERAL UNIDENTIFIED: No.

20 MS. COOK: Hello.

21 HEARING OFFICER FRANK: Very good. Thank
22 you.

23 MS. COOK: I would first like to clear up
24 a misconception that Mr. West has that setbacks are

1 complete. That is not what the law says, and that is
2 not what the department has told me. Setbacks have
3 not been decided upon.

4 I live one-half mile straight east of the
5 proposed hog confinement with my 90-year-old parents.
6 I'm speaking on behalf of Chuck and Ruthie Hillyer and
7 the hundreds of others who live and do business in
8 this area.

9 We oppose Shamrock Acres for these
10 reasons: Building the hog confinement here will break
11 the law on the setback for a park visited by more than
12 50 people per week.

13 Number two: The confinement is way too
14 close to Hillyer Day Care and will harm the children
15 it cares for.

16 Number three: The confinement will damage
17 the health and well-being of the many people who live
18 close to it.

19 All new hog confinements must comply with
20 the law on setbacks. Going strictly by the law, a
21 park visited by more than 50 people per week while it
22 is open is considered a common place of assembly and
23 populated area and requires a setback of 3,520 feet.
24 The Hillyer Lazy Acres Park is only 1,883 feet from

1 the proposed site, clearly within the setback area.

2 The law does not require that the park had
3 been there for any set length of time, just that it be
4 there before the base period which started June 10th.
5 However, Hillyer Lazy Acres has been, in fact, used as
6 the neighborhood gathering place for the last 30 years
7 for picnics, sledding, hunting, horse rides, hayrides,
8 reunions, and many other events. They've had hundreds
9 of people there at a time. Ruthie Hillyer loves
10 cooking for big groups, and she and Chuck love having
11 people over. Though the Hillyers can recall the names
12 of hundreds of people who have come to Lazy Acres in
13 the past --

14 HEARING OFFICER FRANK: You have 20
15 seconds.

16 MS. COOK: You've got to be kidding me.

17 HEARING OFFICER FRANK: Please.

18 MS. COOK: This year, since May 28th, 538
19 people have visited the park. That's an average of 73
20 people per week and has never been under the 50
21 required.

22 If the department goes strictly by the
23 law, which it has told me over and over again it must
24 do, it will have to keep Shamrock Acres out because

1 the park is way too close.

2 HEARING OFFICER FRANK: Thank you.

3 Stacy James, you're next. And next up
4 will be Kathy Martin.

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

6 Plans are one thing; execution and
7 management are another. Although not one of the --
8 although not one of the eight siting criteria, I think
9 it would be a great shortcoming of the department not
10 to assess the performance history of the applicant and
11 his contractors.

12 Given Chris West would not address my
13 question about the litigation history of facilities he
14 has been associated with, I wonder if there is a
15 litigation history and if this company will succeed in
16 engineering Shamrock Acres as a no-discharge facility
17 as is required by the federal Clean Water Act.

18 Let me remind everyone that, despite what
19 the LMFA says or does not say, the Constitution of the
20 State of Illinois states, quote, "Each person has the
21 right to a healthful environment," end quote, and,
22 quote, "The public policy of the state and the duty of
23 each person is to provide and maintain a healthful
24 environment for the benefit of this and future

1 generations."

2 Thank you.

3 HEARING OFFICER FRANK: Thank you,
4 Ms. James.

5 UNIDENTIFIED: She wasn't sworn in.

6 HEARING OFFICER FRANK: You're correct. I
7 am sorry. Ms. James. Thank you very much. I'm
8 sorry.

9 Would you please raise your right hand.

10 (Ms. James was duly sworn.)

11 HEARING OFFICER FRANK: Thank you. I
12 apologize.

13 Kathy Martin, and then next up is Stephen
14 Ashwood.

15 MS. MARTIN: My name is Kathy Martin,
16 K-a-t-h-y M-a-r-t-i-n.

17 (Ms. Martin affirmed.)

18 HEARING OFFICER FRANK: Thank you.

19 MS. MARTIN: With respect to criteria
20 number two, whether the design will protect the
21 environment, the citizens asked under FOIA for a copy
22 of the plans and specifications of the hog barns and
23 the deep pits below it to be able to have me, a
24 third-party engineer, evaluate that; and we were told

1 that it was proprietary.

2 I have worked on CAFO issues for 14 years
3 in 20 states. This is the only state that denies the
4 public access to engineering plans and specifications.
5 In fact, I have over 150 plans and specifications in
6 my home as we speak.

7 So we are being denied access to the
8 actual storage container and how it's built, and so we
9 cannot come and give you comments on item number two.

10 And then item number six on odor control
11 plans. Trees are not a proven technology for
12 controlling odor from swine facilities. Your criteria
13 asks for innovative technology, and trees may be what
14 have been proposed 20 or 30 years ago, but the
15 industry has indeed learned new things, and one of
16 those is to create a biofilter where they collect the
17 gases that come out of the ventilation fans. Mr.
18 Larry doesn't even know how much pollution is coming
19 out of his fans. So I sincerely doubt he's going to
20 be able to pick a correct tree to control 60,000
21 pounds of ammonia.

22 And it also appears he's not even aware
23 that he will be generating hydrogen sulfide gas, which
24 is well known and has been documented since the late

1 1990s.

2 Thank you.

3 HEARING OFFICER FRANK: Thank you.

4 Stephen Ashwood is next and then up --
5 let's see. Stacy James got on here twice. Chuck
6 Hillyer will follow Stephen Ashwood.

7 Please state your name and --

8 MR. ASHWOOD: Stephen Ashwood,
9 A-s-h-w-o-o-d.

10 (Mr. Ashwood was duly sworn.)

11 HEARING OFFICER FRANK: You made proceed.

12 MR. ASHWOOD: I'm the assessor for
13 Industry-Eldorado Township. I've been so for 30
14 years.

15 I've got good news for Larry Joe O'Hern.
16 The first year he is correct. It will be right at
17 \$102,000 in taxes. After that first year, though, he
18 is allowed to apply for a pollution control facility,
19 as others have in this county who have built new
20 facilities. That is roughly a 65 to 70 percent
21 reduction in the assessed valuation. So as Larry Joe
22 and I had a conversation a few months ago, originally
23 it was going to be a \$7 million investment. A third
24 of that assessment is 2.33 million, but the pollution

1 control facility after the first year reduces that by
2 65 to 70 percent. So you end up with a final assessed
3 value of \$700,000.

4 You can see the breakdowns. The county
5 corporation will get \$1,715. The county tax special
6 use fund is 6,986. Now, this is only based on 7
7 million. It could be more; it could be less depending
8 on what Larry Joe actually spends on the facility.
9 Eldorado road district. They'll get \$4,137 on the
10 road. The township tax will get 3,710, not \$6,000 and
11 not \$10,000. They'll get roughly \$7,847.

12 Also, Mr. O'Hern has never heard of John
13 Kilpatrick. That's fine. I'm an assessor. He's
14 world renowned in his studies and his writings. He
15 has written numerable studies, and he is called upon
16 many times through Exxon, through everyone that's had
17 damagings (sic) to their facilities or to their
18 properties.

19 HEARING OFFICER FRANK: 20 seconds.

20 MR. ASHWOOD: His quote is residents
21 adjacent one tenth of a mile or less lose 83 to 90
22 percent of his values. Residents three quarters of a
23 mile away lose 30 percent. Residents three miles away
24 loss 6.6 percent. I was going to -- I have a document

1 from him I can apply to the record. It was given to
2 me by him. He was unable to make it so that saved me
3 a lot of money, but I still had to pay for his special
4 report.

5 Thank you very much.

6 HEARING OFFICER FRANK: Thank you.

7 MR. ASHWOOD: Shall I apply that? Want
8 that in the record too?

9 HEARING OFFICER FRANK: Yes, during the
10 written testimony.

11 HEARING OFFICER FRANK: Next up is Chuck
12 Hillyer. After Mr. Hillyer will be Bob Kendrick.

13 MR. HILLYER: Charles Hillyer,
14 C-h-a-r-l-e-s H-i-l-l-y-e-r.

15 HEARING OFFICER FRANK: Please step up to
16 the microphone. Please raise your right hand.

17 (Mr. Hillyer was duly sworn.)

18 HEARING OFFICER FRANK: Thank you.

19 MR. HILLYER: All I was --

20 HEARING OFFICER FRANK: Please use the
21 microphone.

22 MR. HILLYER: Okay. I'm sorry. All I was
23 wanting to say was I'm the Eldorado Township road
24 commissioner, and our roads are not designed for the

1 heavy traffic that will be in and out of it and are
2 not safe for commercial traffic.

3 Pretty well Steve went through all the
4 other on the finances and everything.

5 So thank you a lot.

6 HEARING OFFICER FRANK: Thank you.

7 Next is Bob Kendrick, and after
8 Mr. Kendrick will be Mary Wilson.

9 MR. KENDRICK: Bob Kendrick,
10 K-e-n-d-r-i-c-k.

11 HEARING OFFICER FRANK: Other hand.

12 MR. KENDRICK: I'm left-handed.

13 (Mr. Kendrick was duly sworn.)

14 MR. KENDRICK: I'm a trustee of Eldorado
15 Township, and we passed a resolution unanimously
16 against the facility and any other facilities with a
17 thousand head units -- animal units.

18 That's all I got to say.

19 HEARING OFFICER FRANK: Thank you.

20 Mary Wilson is next, followed by Mike
21 Smith.

22 State your name and spell it, please.

23 MS. WILSON: Mary Wilson, W-i-l-s-o-n.

24 (Ms. Wilson was duly sworn.)

1 HEARING OFFICER FRANK: You may proceed.

2 MS. WILSON: My name is Mary Wilson. I
3 live just across the McDonough County line in Schuyler
4 County, Oakland Township. I live approximately a mile
5 from the proposed site of this mega hog confinement.
6 Was born and raised in the community, and we have
7 lived in this community since 1950, and I live on a
8 thoroughfare between -- from McDonough County to other
9 cities in Schuyler County, and I'm concerned about our
10 roads because they will be used as a thoroughfare and
11 Oakland Township will get nothing.

12 And in December of 2010 I had heart
13 surgery, a pericardial effusion. My heart was unable
14 to function properly and the excess fluid accumulated
15 in the pericardial sac. Testing has not uncovered the
16 cause of this condition. During the surgery, a window
17 was placed in the pericardial sac to allow the fluid
18 to drain.

19 Today I have been left with low oxygen
20 saturation. When the fluid collects, it's difficult
21 to breathe. My concern is the stench of this proposed
22 hog confinement will deprive me of the purity of air
23 that I breathe and the quality of oxygen that it
24 provides.

1 I want to thank the McDonough County Board
2 for requesting this hearing and the DOA for this
3 opportunity to be heard and to look into the faces of
4 those who will be deciding my future. We are here
5 today to reclaim the community from corporate
6 industrial agribusiness and our democratic rights and
7 our unalienable rights.

8 Ruthie Hillyer's business may be destroyed
9 if Shamrock Acres is built. You would want to
10 bring -- who would want to bring their children to a
11 day care where there's 8,200 hogs and 10,020 piglets
12 just over one-half mile to the south --

13 HEARING OFFICER FRANK: 20 seconds.

14 MS. WILSON: -- where the children play in
15 the front yard and can smell and see and hear it all
16 the time, where there's truck traffic interfering with
17 parents coming and going.

18 The Department of Agriculture has told us
19 repeatedly that they have no discretion regarding the
20 law on setback. When I called them to say my
21 91-year-old mother has emphysema, they said that they
22 had to follow the law.

23 When I told them about John Seasly's plans
24 to build his dream house by his pond just hundreds of

1 feet from the site, they said he had to have lived
2 there six months and there was nothing they could do
3 because they had to follow the law.

4 There's 17 people within one mile of the
5 site who have health problems.

6 HEARING OFFICER FRANK: Thank you.

7 John Curtis is next, followed by Karen
8 Hudson.

9 MR. SMITH: My name is Mike Smith.
10 Probably the easiest one to spell.

11 HEARING OFFICER FRANK: Common spelling?

12 MR. SMITH: Yes.

13 HEARING OFFICER FRANK: Thank you.

14 (Mr. Smith was duly sworn.)

15 HEARING OFFICER FRANK: You may proceed.

16 MR. SMITH: My name is Mike Smith, and I
17 reside in Macomb. My family and I own property in
18 Schuyler County that adjoins a large sow farm similar
19 to the one that Mr. O'Hern is proposing. This
20 particular facility has been in operation for at least
21 15 years. It's my understanding that it is currently
22 in litigation with the attorney general's office
23 concerning a waste spill that occurred in 2008.

24 As a neighboring landowner to this

1 facility, I can attest to the fact that it stinks. It
2 is just a matter of which way the wind blows as to who
3 gets to smell the facility on any given day. The land
4 we own is over 300 acres of recreational land, and
5 unfortunately we have to plan our activities around
6 the wind direction. This odor violates my personal
7 right to clean and free air.

8 Mr. O'Hern, I can assure you that my
9 property value has not increased in value.

10 When they apply manure to the fields, the
11 odor is the most offensive. The manure is injected
12 into the ground; however, when the umbilical
13 applicator gets to the end of the field to turn
14 around, the manure is spilled out over the ground
15 because they don't shut down the pump which leaves
16 huge puddles of rancid manure. The Department of
17 Agriculture and the Illinois EPA does not conduct
18 random soil samples on this land.

19 Over the years I have found pig body parts
20 on my property which I assume coyotes left behind.
21 After the facility opened, it wasn't long before large
22 flocks of turkey buzzards were attracted to the dead
23 animals from the facility.

24 I sympathize with the people here that

1 will be negatively affected if this new facility is
2 approved and built. The laws that regulate the
3 facilities are not in the public's best interest.
4 They were enacted on the false assumption that these
5 facilities are family farms, which could no further be
6 from the truth. They are big business hog factories
7 that have no compassion for their neighbors, including
8 the family farmers who have lived on their property
9 for generations nearby.

10 HEARING OFFICER FRANK: 20 seconds.

11 MR. SMITH: Members of the county board,
12 please send a message to the Department of Agriculture
13 that this facility does not meet the criteria for the
14 necessary permit. Otherwise, we will continue to see
15 our freedom of clean air and water go further down the
16 tubes.

17 Thank you.

18 HEARING OFFICER FRANK: Thank you.

19 MS. HUDSON: My name Karen Hudson.

20 HEARING OFFICER FRANK: Hang on just a
21 second, please.

22 Sir, your name is Mike Smith; correct?

23 Mr. SMITH: Yes.

24 HEARING OFFICER FRANK: Yes. John Curtis

1 is next. I'm sorry. Did I --

2 MS. HUDSON: Oh. I though you said --

3 HEARING OFFICER FRANK: I'm sorry. I
4 think I did. I'm sorry. I apologize. Yes, John
5 Curtis is next. I'm sorry. Then you are up, Ms.
6 Hudson.

7 Would you state your name and spell it,
8 please.

9 MR. CURTIS: John Curtis, J-o-h-n
10 C-u-r-t-i-s.

11 HEARING OFFICER FRANK: Thank you.

12 (Mr. Curtis was duly sworn.)

13 HEARING OFFICER FRANK: You may proceed.

14 MR. CURTIS: I'm one of the few people
15 that has lived next to a confinement operation. I
16 understand the reasons that my neighbors put hog
17 confinements in. They get a lot of money's worth of
18 free manure and it's -- there's a lot of pressure on
19 farmers to make it for the next generation. Both of
20 the farmers that put hog confinements in wanted their
21 farms to be around for their sons.

22 However, there is the odor. There is the
23 issue of odor. And siting criteria number six says
24 that there needs to be reasonable odor control. There

1 is absolutely no way that 8,500 or whatever -- 3,580
2 animal units' worth of hogs can have reasonable odor
3 control for the neighbors. It's going to destroy the
4 neighborhood. There's just no question.

5 Thank you.

6 HEARING OFFICER FRANK: Thank you,
7 Mr. Curtis.

8 Karen Hudson is next, followed by Barbara
9 Ashwood --

10 MS. ASHWOOD-GEGAS: Gegas.

11 HEARING OFFICER FRANK: -- Gegas.

12 (Ms. Hudson was duly sworn.)

13 MS. HUDSON: My name is Karen Hudson. I'm
14 a family farmer from Peoria County, Illinois. We live
15 four miles away from a large-scale dairy operation,
16 about 1,600 dairy cattle and an 8.37-acre lagoon. I
17 think there's even more than one lagoon now. We
18 experience odor and passed gases and particulates from
19 this operation, and at times we are forced to go
20 inside our home and shut the windows. So that's where
21 I'm coming from.

22 I also have another facility that promised
23 us they would be virtually odorless and state of the
24 art, and they were sued by the attorney general for

1 ongoing odor violations after they made these
2 promises. So I have a history of promises being made
3 and every one of them being broken.

4 CAFOs are called confined animal feeding
5 operations. The only thing in a CAFO that's confined
6 are the animals. Everything else -- the odors, gases,
7 particulates, bacterial resistance -- all goes beyond
8 the confines of the facility.

9 We've talked about antibiotics frequently
10 tonight, and one of the gentlemen said that he would
11 use this to help the pigs if they're sick. Well, most
12 of the antibiotics -- about 70 percent of the
13 antibiotics in the U.S. go towards animal agriculture
14 in the absence of disease to promote growth and to
15 keep these animals alive in stressed conditions, and
16 that's an estimate by the Union of Concerned
17 Scientists.

18 Also, 5 million pounds of tetracycline is
19 used on animal agriculture. That's 60 percent greater
20 than all the volume of all antibiotics given to humans
21 in the U.S.

22 How does that affect us? In Illinois, a
23 red flag study was released a few years back where
24 they found tetracycline resistant genes inside the

1 pigs, inside the pig gut, in the manure lagoon, and in
2 water downstream where humans were ingesting it.

3 HEARING OFFICER FRANK: 30 seconds.

4 MS. HUDSON: Okay. 30 seconds? That's
5 where -- that's where we have to be concerned about
6 antibiotic resistance.

7 Also, they have found that water
8 downstream from waste water treatment plants were in
9 better shape than water downstream from CAFOs. I have
10 that research.

11 And, also, I know that we have people with
12 heart problems. There's a report by the Plains
13 Justice report that stresses that exposure to
14 particulate pollution affects heart function and the
15 ability of the heart to respond properly. Particulate
16 air pollution is a contributing factor in early death
17 due to respiratory and cardiac effect.

18 There's more on the Plains Justice report
19 which I will include in this as well.

20 HEARING OFFICER FRANK: Okay.

21 MS. HUDSON: Okay?

22 HEARING OFFICER FRANK: Thank you.

23 MS. HUDSON: Can I add one more thing?

24 Okay. They have found evidence of antibiotic

1 resistant staph and other pathogens inside homes
2 downwind of swine operations, and I have those
3 research papers.

4 HEARING OFFICER FRANK: Thank you.

5 Barbara Ashwood-Gegas, followed by Janice
6 Ashwood.

7 MS. ASHWOOD-GEGAS: My name is Barbara
8 Ashwood-Gegas.

9 UNIDENTIFIED: She's not sworn in.

10 HEARING OFFICER FRANK: She's stating her
11 name. Stating her name.

12 MS. ASHWOOD-GEGAS: I'm stating my name.
13 My, you're concerned.

14 My last name is spelled A-s-h-w-o-o-d,
15 hyphen, G-e-g-a-s.

16 (Ms. Ashwood-Gegas was duly sworn.)

17 MS. ASHWOOD-GEGAS: Okay. As you know,
18 I'm Barbara Ashwood-Gegas. I'm a member --

19 COURT REPORTER: Ma'am, I can't --

20 HEARING OFFICER FRANK: Slow down a
21 little, please. Thank you.

22 HEARING OFFICER FRANK: Okay. I am
23 Barbara Ashwood-Gegas, and I'm a member of Rural
24 Residents for Responsible Agriculture, and we're a

1 bipartisan group of local farmers, rural residents,
2 and supporters who have come together in opposition of
3 Shamrock Acres. We are not anti-agriculture. We are
4 pro responsible agriculture. And we fear that
5 Shamrock Acres, especially with this little
6 last-minute adjustment, is not responsible.

7 We're a diverse group that has widespread
8 community support. We've gone from a group of 30 to
9 over 250 supporters. We have 185 people who like us
10 on Facebook alone. They read all our posts.

11 All right. What doesn't have widespread
12 support from your constituents is Shamrock Acres, and
13 up until tonight, Shamrock Acres was a PSM facility,
14 and you might have heard about PSM's dismal pollution
15 record. They are being sued by the attorney general
16 for pollution at ten of their facilities.

17 I guess three strikes and you're out only
18 applies to individuals and perhaps baseball.

19 So how do we know Shamrock Acres won't
20 pollute like PSM did with their ten other facilities?
21 We don't. We don't because the Department of
22 Agriculture is withholding the facility's design and
23 construction plans, and Shamrock Acres is not -- has
24 not released a detailed manure management plan. We

1 don't know where all that manure is going to go, who
2 all those area farmers are.

3 You, as a board, are asked to vote whether
4 or not Shamrock Acres meets the eight siting criteria
5 in the Livestock Management Facilities Act. You will
6 decide if there's evidence if the facility will
7 protect the environment and minimize the likelihood of
8 environmental damage to the surrounding area.

9 HEARING OFFICER FRANK: 20 seconds.

10 MS. ASHWOOD-GEGAS: Without having the
11 design, construction, and manure management plans,
12 it's impossible to know if Shamrock Acres meets this
13 criteria.

14 I will be submitting to you the testimony
15 from Danielle Diamond, who is an attorney with the
16 Illinois Citizens for Clean Air and Clean Water. And
17 she talks about some of the problems with the lax
18 regulations in Illinois and how she feels, given the
19 absence of the design plan, you can't possibly decide
20 whether or not the facility will meet the setback
21 requirements.

22 And I just want to say, on a personal
23 note, I grew up with a creek in my backyard. I loved
24 to play in there. I love to watch the pond skimmers

1 skirt across the water. I love to look for rocks.

2 HEARING OFFICER FRANK: You need to wrap
3 it up, please.

4 MS. ASHWOOD-GEGAS: I know. I'm in the
5 process. Well, pork propaganda guy got 20 minutes.

6 HEARING OFFICER FRANK: Ma'am, please wrap
7 it up.

8 MS. ASHWOOD-GEGAS: I live now behind
9 Sugar Creek. This creek is already listed as being at
10 the highest level of contamination for fecal
11 chloroform due to PSM facilities dumping their waste
12 into tributaries that go right into it. Why? Why
13 would McDonough County want an even larger facility
14 like Shamrock Acres --

15 HEARING OFFICER FRANK: Ma'am.

16 MS. ASHWOOD-GEGAS: -- to pollute more of
17 our water?

18 HEARING OFFICER FRANK: Thank you very
19 much.

20 MS. ASHWOOD-GEGAS: Thank you.

21 HEARING OFFICER FRANK: Janice Ashwood is
22 up, followed by John Seasley.

23 MS. ASHWOOD: Janice Ashwood,
24 A-s-h-w-o-o-d.

1 (Ms. Ashwood was duly sworn.)

2 HEARING OFFICER FRANK: You made proceed.

3 MS. ASHWOOD: Thank you. My family and I
4 are trying to prevent a mega hog facility from
5 invading our neighborhood.

6 HEARING OFFICER FRANK: Ma'am, please back
7 away from the microphone just a little bit. Thank
8 you.

9 MS. ASHWOOD: My family and I are trying
10 to prevent a mega hog facility from invading our
11 neighborhood. Why is my family fighting this
12 invasion? It's quite simply we all live here. We are
13 trying to protect our air, water, health, and
14 well-being of our community.

15 We have land in Eldorado Township, 80
16 acres which is directly across from the proposed site,
17 and I have another 120 acres with a hunting cabin
18 one-and-a-half miles from the site, and I'm afraid the
19 hunting cabin will not be used anymore. If Shamrock
20 Acres is allowed to construct this mega hog facility
21 in spite of the setbacks, that not only our family but
22 at least eight other area landowners within one-mile
23 radius, who would like hunters and non-resident
24 visitors to hunt deer and turkey on their land, will

1 be gravely affected.

2 Please note that Mr. O'Hern says he has
3 manure easements. I saw in the demonstration 1,600
4 acres. Is this enough? If this is true, when would
5 he be applying this manure? Will it be during the
6 time when we have visiting deer hunters? Our hunters
7 will not return. How much income will we lose? The
8 amount that a single person can receive, of course,
9 depends on the amount of ground you have. It could be
10 between 1,000 and \$20,000 a year per landowner. These
11 hunters give extra income on rough acres of land.
12 This will be a devastating impact on our community.

13 What else do we have in our rural
14 community that will be affected? A country day care
15 with four children with breathing problems, a cemetery
16 found in 1833 and still in use, various private
17 cabins, and, of course, Hillyer's Lazy Acres Park and
18 nature trails. Think of all the negative impact that
19 this mega hog facility will cause.

20 HEARING OFFICER FRANK: 20 seconds.

21 MS. ASHWOOD: What are some of the broken
22 dreams? Denise and John Stoltz will speak. Ramona
23 Cook and Mr. and Mrs. John Seasley are some that will
24 have broken dreams and all had plans and will tell you

1 later.

2 As a resident of this community, we did
3 not choose or ask for this invasion. We just want to
4 live in harmony among our wildlife with the smell of
5 fresh breeze through our woods. We aren't trying to
6 give agriculture a black eye as we are accused of. We
7 are family farmers trying to keep out a corporation
8 that, by claiming it's local farmers, gives every
9 farmer a black eye.

10 HEARING OFFICER FRANK: Ma'am, you need to
11 wrap up.

12 MS. ASHWOOD: Department of Agriculture,
13 deny the site. McDonough County Board, protect the
14 community. Farm Bureau, remember members of Rural
15 Residents for Responsible Agriculture has some members
16 that are Farm Bureau members too. Farm Bureau, you
17 pledge to represent farmers. What about me?

18 HEARING OFFICER FRANK: Thank you. John
19 Seasley, followed by Jack Brown.

20 State your name and spell it please.

21 MR. SEASLY: John Seasley, J-o-h-n
22 S-e-a-s-l-y.

23 (Mr. Seasley was duly sworn.)

24 MR. SEASLY: I own a farm right next to

1 Larry Joe's proposed Shamrock Acres. So I'm the
2 closest one to what he's wanting to do. And,
3 honestly, I know no one cares that my farm's going to
4 be right next to where he wants to put his pig factory
5 even though it's been in the family for three
6 generations. My father was raised on that farm, and
7 as a young boy, I used to come down with him to that
8 farm. And I had intended to build a house next to the
9 pond that my father built right before his death.

10 But the citizens of McDonough County will
11 care when their taxes go up, when they're subsidizing
12 big business, when the air and water is foul, and when
13 there's a pandemic because of using antibiotic food
14 like happened in Mexico.

15 And a farm called Buckeye Farms in Ohio
16 took 20 years to shut it down. Even though it
17 violated every kind of clean air and health
18 violations, it stayed in business for 20 years. These
19 confinements use the law in order to facilitate their
20 continued operation.

21 So if you want to approve this
22 confinement, you can surely guess there will be more
23 of them coming to McDonough County.

24 HEARING OFFICER FRANK: 20 seconds.

1 MR. SEASLY: Disapprove it while you have
2 the chance. It's a lot easier to get rid of now
3 before it gets in.

4 Thank you.

5 HEARING OFFICER FRANK: Thank you.

6 Jack Brown.

7 MR. BROWN: I yield the floor.

8 HEARING OFFICER FRANK: Jack Brown?

9 MR. BROWN: I say I yield the floor.

10 HEARING OFFICER FRANK: Okay. Thank you.

11 Glenn Wilcoxen, followed by Jason

12 Prendergast.

13 UNIDENTIFIED: Jason Pendergast.

14 HEARING OFFICER FRANK: Jason Pendergast.

15 Excuse me.

16 State your name and spell it, please.

17 MR. WILCOXEN: Glenn with two "n's."

18 Wilcoxen, W-i-l-c-o-x-e-n.

19 (Mr. Wilcoxen was duly sworn.)

20 MR. WILCOXEN: My wife and I have been
21 residents of Eldorado Township for a long time -- I
22 over 48 years. We live two-and-a-half miles northeast
23 of the proposed site. We built a new home and moved
24 in in December of 2010. I have farmed. I still farm

1 a small farm, sell the seed corn, and I've raised hogs
2 having over 200 sows.

3 I have two major concerns coming in here
4 tonight. One was the owners and the managers were out
5 of state. Also, that Professional Swine Management
6 was sued by Lisa Madigan, the attorney general of the
7 State of Illinois, in four counties. Those have been
8 changed. The names have changed, but the players are
9 still -- the game is still the same.

10 I talked to Mr. Norm Nielsen today, who
11 has been a realtor for 20 years in DeWitt (sic)
12 County, Iowa. Expanding on what Mrs. Clark said, he
13 would recommend that everyone who lived near this get
14 a real estate appraisal because he said what we have
15 seen -- and they have lots of hog confinements up
16 there -- things have gone down. Real estate for homes
17 at least have gone down.

18 Many people say that our little park is
19 kind of a ploy. I think a lot of people have also
20 said that we won't win. But we've already won because
21 we've united the neighbors. All the neighbors have
22 gotten to know each other and work as a common cause.

23 I would also submit -- and I would like to
24 thank the McDonough County Board for having us, and

1 I'd like to thank the Department of Agriculture. But
2 a clever ploy has been pulled on you tonight with this
3 late change in ownership. Now, ownership can also
4 change back. Who's to say that Professional Swine
5 Management won't be Empire Swine Management or things
6 can't be sold back to other things and leave whose
7 ownership they're in now.

8 Thank you for your time.

9 HEARING OFFICER FRANK: Thank you.

10 Jason Prendergast, followed by Heather --

11 MS. MCILVAINE-NEWSAD: McIlvaine-Newsad.

12 HEARING OFFICER FRANK: McIlvaine-Newsad.

13 If anyone has written testimony, there is
14 a phase during the next session here where we will
15 accept that. So don't bring it up here now.

16 MR. PRENDERGAST: Jason Prendergast,
17 P-r-e-n-d-e-r-g-a-s-t.

18 (Mr. Prendergast was duly sworn.)

19 HEARING OFFICER FRANK: You made proceed.

20 MR. PRENDERGAST: Obviously, my name is
21 Jason Prendergast, and I'm a member of the RRRRA. I
22 moved to the U.S. three years ago from Ireland, and
23 very quickly it became my home.

24 Before I moved over here, every St.

1 Patrick's Day, I, like my friends and neighbors, would
2 get a fresh batch of shamrock stuck to our shirts by
3 our mothers. We didn't have a choice. This was a way
4 to remind me and my friends of our heritage and who we
5 are and to be proud Irish people.

6 The shamrock was used and is still used to
7 symbolize Ireland, the Irish, and Irish immigrants all
8 over the world. Every year the prime minister of
9 Ireland visits the White House and presents the
10 American president with a bowl of shamrocks to
11 symbolize the strong links between the Irish and the
12 Americans.

13 Well, as of today it was Professional
14 Swine Management, but whoever it is takes a different
15 view on the shamrock. Shamrock Acres think that the
16 shamrock should be used to symbolize 80,000 pigs in a
17 confinement put up by out-of-state investors -- as of
18 today too. Shamrock Acres thinks that they should
19 hide their history of pollution with the shamrock.

20 So let me tell you, Shamrock Acres and the
21 public and the board members and whoever else gets to
22 listen to this, the shamrock does not symbolize
23 pollution nor does it symbolize the destroying of the
24 rural way of life. The name of this facility is an

1 insult to every Irish person.

2 Thank you.

3 HEARING OFFICER FRANK: Thank you.

4 Heather McIlvaine-Newsad, followed by Sara
5 Boeckelman.

6 State and spell your name, please.

7 MS. MCILVAINE-NEWSAD: H-e-a-t-h-e-r
8 M-c-I-l-v, as in "Victor," -a-i-n-e, hyphen,
9 N-e-w-s-a-d.

10 HEARING OFFICER FRANK: That's quite a
11 mouthful.

12 MS. MCILVAINE-NEWSAD: It is.

13 (Ms. McIlvaine-Newsad was duly sworn.)

14 HEARING OFFICER FRANK: You may proceed.

15 MS. MCILVAINE-NEWSAD: I am the daughter
16 and sister of farmers who have been stewards of our
17 family farm for over 200 years. That is seven
18 generations with the eighth one already here. I am
19 also a concerned citizen of McDonough County and a
20 scientist who has been researching local food systems
21 and rural communities for over 20 years. I speak to
22 you this evening as a scientist.

23 We've heard from proponents of CAFOs argue
24 that animals are treated ethically, communities

1 benefit economically, and that CAFOs propose no
2 significant health risk to the environment or people
3 who live nearby. The owners and operators claim that
4 their arguments are based on sound science, pointing
5 to the support of the USDA, state departments of
6 agriculture, and agricultural universities as clear
7 and compelling evidence that the science has validated
8 the legitimacy of CAFOs. This is not true.

9 The legitimacy of public concerns about
10 CAFOs are, in fact, confirmed by the predominance of
11 scientific evidence. Scientists at major medical
12 schools have been studying the health impacts of CAFOs
13 for years, and others, myself included, not directly
14 involved in the agricultural establishment have been
15 documenting the detrimental societal and economic
16 changes that result after CAFOs are established in
17 rural communities.

18 One thing is a given: Scientists do not
19 agree on CAFOs. The question of whose science is
20 sound and whose is just leads us to the understanding
21 that there's no one single approach to conducting
22 sound scientific research or to interpreting the
23 significance of the results. This is because the
24 proponents of CAFOs and rural communities are asking

1 fundamentally different questions.

2 CAFO proponents want to restrict
3 environmental and public health questions to asking
4 whether CAFOs can be designed, constructed, and
5 operated in ways that will not threaten the natural
6 environment or health of the people. The question of
7 whether socially responsible CAFOs are technically
8 feasible requires an experimental approach to science.
9 This methodology calls for experiments that are
10 carried out in highly controlled situations.

11 HEARING OFFICER FRANK: 20 seconds.

12 MS. MCILVAINE-NEWSAD: The questions rural
13 communities are asking are whether CAFOs actually
14 operate in a socially responsible manner in the real
15 world. This requires a different type of
16 environmental -- different type of research.

17 With respect to CAFOs, we know that the
18 science clearly demonstrates that this is feasible.
19 However, we know through decades of epidemiological
20 and sociological research that under real world
21 conditions CAFOs do not generally operate in a
22 socially responsible manner.

23 HEARING OFFICER FRANK: Please wrap it up.

24 MS. MCILVAINE-NEWSAD: They do represent a

1 significant risk to the environment and humans.

2 So a few local investors and agribusiness
3 corporations are asking the many to sacrifice their
4 futures what (sic) they can do to maximize their
5 profits.

6 One of the reasons that I lived -- that I
7 moved here is for a strong sense of the natural
8 environment and the strong sense of the community. I
9 can already tell you that this has been destroyed
10 based on this argument that we're seeing today.

11 Thank you.

12 HEARING OFFICER FRANK: Thank you.

13 Sara Boeckelman, followed by Christos
14 Gegas.

15 MS. BOECKELMAN: I'm Sara Boeckelman,
16 S-a-r-a B-o-e-c-k-e-l-m-a-n.

17 (Ms. Boeckelman was duly sworn.)

18 MS. BOECKELMAN: I am the co-president of
19 the McDonough County League of Women Voters. I would
20 just like to enter a statement into -- for you to
21 read. Is that all right?

22 HEARING OFFICER FRANK: Is this written
23 testimony?

24 MS. BOECKELMAN: Yeah -- well, but, no, I

1 would like to read it for the record.

2 HEARING OFFICER FRANK: Go ahead and read
3 it. Sure.

4 MS. BOECKELMAN: Okay. The state league
5 of the League of Women Voters supports a program which
6 calls for strict regulation of large-scale livestock
7 facilities on the state, regional, and county levels
8 for proposed farms of this type. This facility will
9 house 18,000 hogs, is proposed by -- well, was
10 proposed by Professional Swine Management as well as
11 Shamrock Acres. PSM was previously sued by the State
12 of Illinois for violating environmental law at another
13 McDonough County facility with 3,400 hogs. In the
14 2007 settlement of this suit, the company paid a fine
15 and agreed to corrective measures. Currently, though,
16 PSM is being sued by the state for pollution in four
17 other counties in this region: Adams, Fulton,
18 Schuyler, and Hancock.

19 I thank you guys for coming tonight. I
20 want everyone here to know that the League of Women
21 Voters does care about the health and welfare of our
22 citizens.

23 Thank you.

24 HEARING OFFICER FRANK: Thank you.

1 Christos Gegas, followed by Derek/Dustin
2 Blowers.

3 MS. COOK: Derek Blowers, and he's going
4 to yield to Ramona. Is that acceptable?

5 HEARING OFFICER FRANK: Well, you've
6 already spoken; correct? Well, we'll deal with that.

7 Can you state and spell your name, please.

8 MR. GEGAS: C-h-r-i-s-t-o-s G-e-g-a-s.

9 (Mr. Gegas was duly sworn.)

10 HEARING OFFICER FRANK: You may proceed.

11 MR. GEGAS: Well, I had a -- I thought a
12 slick speech prepared. I do thank you, members of the
13 DOA, for coming down here and the county board for
14 setting this up. I understand this is highly
15 contentious. I just -- I guess I'll just speak off
16 the cuff.

17 Larry, you didn't come to the meetings
18 that were set up to meet with the community. You
19 didn't. You were invited too, and you ignored.

20 COURT REPORTER: You need to speak up,
21 please.

22 MR. GEGAS: I'm sorry. Lots have been
23 said about -- we saw some nice slick PowerPoints on
24 how the pigs are treated so well.

1 The FDA just last month -- and I saw a
2 couple people snicker about comments about
3 antibiotics. And this is last month. The Food and
4 Drug Administration reported recently that 80 percent
5 of antibiotics in the United States go to livestock,
6 not humans. 90 percent of the livestock antibiotics
7 are administered in their food or water, typically to
8 healthy animals, to keep them from getting sick when
9 they are confined in crowded conditions.

10 This blows my mind: The single state of
11 North Carolina uses more antibiotics for livestock
12 than the entire United States uses for humans. All
13 right. This is the legacy of CAFOs. All right. This
14 is the legacy of cheap food.

15 So given that, I want to suggest
16 something, and it might surprise the people in my
17 camp. I want to suggest something radical, especially
18 to my good friends fighting this CAFO. If the board
19 okays this facility and so does the DOA, then, maybe
20 we shouldn't pussyfoot around. There are other CAFOs
21 going up in adjacent communities. Why stop there? If
22 this is the way that farming will go, then, let's jump
23 in with both feet. If these facilities will really
24 benefit the region as has been suggested, let's go for

1 broke. Let's put as many CAFOs in McDonough County as
2 possible. Let's make McDonough County fat on the hog.
3 If there are no problems with smell and other
4 pollution, then, let's turn the county into one big
5 manure pit. That way we can explain to future
6 generations how the community benefited from these
7 large-scale operations, but is this the legacy you
8 want to leave behind for your children?

9 Thank you.

10 HEARING OFFICER FRANK: Thank you.

11 Ms. Cook, we are going to save you for the
12 end if we have time.

13 MS. COOK: Pardon me?

14 HEARING OFFICER FRANK: The next speaker
15 was going to yield to you. Yes. We'll save you to
16 the end if we have enough time because we have lots of
17 other people that want to testify.

18 MS. COOK: I just wanted to get out so he
19 could get out.

20 HEARING OFFICER FRANK: Sean Genovese,
21 followed by John --

22 UNIDENTIFIED: Spell it.

23 HEARING OFFICER FRANK: Maybe A-h-o-e-d.

24 UNIDENTIFIED: An address.

1 HEARING OFFICER FRANK: Let's see. 2230
2 Street is part of the address.

3 UNIDENTIFIED: Ashwood.

4 HEARING OFFICER FRANK: Ashwood? John
5 Ashwood? Okay.

6 Can you state and spell your name, please.

7 MR. GENOVESE: Sean Genovese. That's
8 S-e-a-n G-e-n-o-v-e-s-e.

9 (Mr. Genovese was duly sworn.)

10 MR. GENOVESE: I have a letter to read
11 here. I have a couple of caveats. One issue may or
12 may not have been addressed tonight by the sudden
13 switch in ownership and management, if it sticks.

14 The other is -- this is a letter to a
15 young man about the age of the students that I teach
16 from the office of the attorney general, specifically
17 Thomas Davis, chief, environmental bureau.

18 "Dear Dalton:

19 "Your letter to Attorney General Lisa
20 Madigan has been forwarded to me for reply. I will
21 make sure that General Madigan receives a copy of your
22 letter. We do not receive many letters from citizens
23 as young as you.

24 "I hope you understand why your letter was

1 sent to me in the first place. As you see from the
2 title next to my name, I am in charge of the
3 environmental bureau in the Springfield office. We
4 handle a wide range of cases to correct and prevent
5 pollution, and unfortunately livestock facilities such
6 as Shamrock Acres often cause pollution. In fact,
7 we're already suing the company, PSM, that is
8 building" -- and I feel bad that he is already using
9 "is building" there, not "may be built" -- "this pig
10 farm because of pollution at ten other facilities.
11 The case is pending before the Pollution Control
12 Board, and you can use the Internet to read the
13 complaint we filed April 15th last year." Website is
14 given. "The case number is 10-84. We've already
15 started to investigate the farm being constructed" --
16 again, presuming that it's a done deal -- "near your
17 house. So this is why your letter was sent to me.

18 "You want to know why your neighborhood
19 was chosen for a pig factory and that (sic) might
20 happen. I cannot really answer this question, but
21 based on experience, I can suggest some reasons. The
22 company already has at least ten other facilities in
23 Illinois and apparently does business also in Missouri
24 and Iowa."

1 HEARING OFFICER FRANK: 20 seconds.

2 MR. GENOVESE: "The business of raising
3 hogs can be very profitable. I suspect it is simply
4 for business reasons.

5 "You're worried about health impacts.
6 This is why pollution must be corrected and prevented
7 because pollution can make people sick. It's true
8 that children are more affected by air pollution,
9 especially if they already have asthma or breathing
10 problems. I hope you and your brother are in good
11 health."

12 HEARING OFFICER FRANK: Thank you.

13 John Ashwood, followed by Barrie McVey.

14 MR. ASHWOOD: John Ashwood, A-s-h-w-o-o-d.

15 COURT REPORTER: First name.

16 MR. ASHWOOD: Oh. John, J-o-h-n.

17 (Ms. Ashwood was duly sworn.)

18 MR. ASHWOOD: Hello. My name is John
19 Ashwood, just like I stated. I am the next generation
20 of agriculture. As a kid, I always looked at
21 agriculture as being an honorable and honest way of
22 doing business. When you did business, a handshake
23 and your word was always good enough, but, boy, has
24 that ever changed. As I got older, I was taught by my

1 dad and grandfather to be a good steward of the land
2 in order to keep our natural resources that we so need
3 and desire as good as, if not better, than when we got
4 it so future generations will also get to enjoy the
5 same natural resources that we've been given to
6 desire.

7 Having these large CAFOs in your area or
8 anywhere has proven that they deplete the natural
9 resources. These facilities contaminate our
10 groundwater, disperse particulates into the air, and
11 destroy our soils.

12 Some day I hope that my son will be able
13 to look at agriculture the same way that I did when I
14 was a kid, that not as an occupation that is becoming
15 corrupt. I hope there will be fertile land to grow
16 crops instead of sterile land caused by all the waste
17 and pollution. As people say in support of the big
18 CAFOs, you need them to feed the world, but you need
19 the land to support this valuable need so don't
20 destroy it.

21 HEARING OFFICER FRANK: Barrie McVey,
22 followed by Isabel Wohlstadter.

23 MS. MCVEY: The next two are with me. May
24 we stand together because they do not want to speak

1 anymore.

2 Barrie McVey, B-a-r-r-i-e M-c-V-e-y. Do
3 you want their names also?

4 HEARING OFFICER FRANK: Is one of them
5 Isabel and the other Emma?

6 MS. MCVEY: Yes.

7 HEARING OFFICER FRANK: And Wohlstadter?

8 MS. MCVEY: Wohlstadter.

9 COURT REPORTER: Spell that.

10 MS. MCVEY: W-o-h-l-s-t-a-d-t-e-r.

11 (Ms. McVey was duly sworn.)

12 MS. MCVEY: Most of us -- well, first off,
13 I live within a mile and a half of this proposed site.
14 We live within a mile and a half of this site.

15 We all have wells -- some shallow, some
16 deep. We don't have rural water, and water pollution
17 is a huge concern for us. What if our well becomes
18 contaminated due to the vast amounts of hog manure
19 this confinement will produce?

20 Air pollution is going to be an obvious
21 concern. What will happen to my children when they
22 cannot go outside due to the stench of this
23 confinement? When a nature trail or a hunting trip
24 turns into a nightmare due to the smell?

1 Studies show over and over again that our
2 nation's children do not get outside enough and are
3 too inactive. The proposed facility will destroy my
4 children's outdoor playground. They've been playing
5 and working in the woods with us since they were
6 toddlers. This confinement operation will ruin that
7 for them. Is this fair to them?

8 My husband and I have worked very hard
9 throughout the years to purchase, improve, and
10 increase our property which is located so close to
11 Shamrock Acres. We spent years working on our
12 certified tree farm to make it better and more
13 profitable farm for our family. Along with being a
14 certified tree farmer, we grow pesticide free Chinese
15 chestnuts, blackberries, and shiitake mushrooms. We
16 fear that people may not want to buy our produce if
17 the stench of hogs permeates it or the water is
18 contaminated.

19 I've been by other confinements. The
20 stench is enough to gag you 12 months out of the year.

21 We bought our land for its beauty and
22 peacefulness. What will happen to my property value
23 when this confinement is built? This is
24 non-traditional agriculture that we have. It's not

1 going to go up. The value will not go up because
2 you're not putting manure on it. Studies show that
3 the values can decrease from 40 to 90 percent.

4 HEARING OFFICER FRANK: 20 seconds.

5 MS. MCVEY: If we have spent years trying
6 to improve our land, why is one landowner allowed to
7 come and build something that will decrease our
8 property value?

9 My children play outside all the time,
10 explore the woods and the creeks. Their friends come
11 to visit and are prepared with mud boots and play
12 clothes. If this confinement is built, their ability
13 to enjoy nature will be severely curtailed. We may
14 not be able to even enjoy our backyard.

15 Thank you.

16 HEARING OFFICER FRANK: Thank you.

17 Next up is Mark Finch. Mark Finch,
18 followed by Edie Selders.

19 MR. FINCH: Mark Finch M-a-r-k F-i-n-c-h.

20 (Mr. Finch was duly sworn.)

21 MR. FINCH: My name is Mark Finch. I'm
22 from LaHarpe, Illinois, which is in Hancock County,
23 specifically Durham Township. I've lived on our
24 family farm all my life. We got about 300 acres west

1 of LaHarpe.

2 Immediately to the north of my farm, the
3 adjoining farm to the north of me, is where -- and I
4 wrote a few notes down so I get it right -- but is
5 where Western Creek has two hog facility buildings,
6 which is 4,800 head, and it's only about -- as the
7 crow flies, it's only about a half a mile direct line
8 from my house to that facility, and we rarely ever
9 smell anything.

10 Two-and-a-half miles to the west of me is
11 one of the largest hog facilities in maybe the state
12 and certainly in the county is the Wild Cat facility,
13 and it's two-and-a-half miles directly west of my
14 farm.

15 And I might add the Western Creek facility
16 was built seven years ago.

17 But the Wild Cat breeding and farrowing
18 buildings is a 6,000-head facility that has, at the
19 time it was built, the largest slurry tank in the
20 State of Illinois, I believe, and still probably is.
21 I never smell it either.

22 I have a friend that owns the adjacent
23 farm to that -- to that Wild Cat facility, who just
24 built a 2,500-square-foot home half mile to the west

1 of it. He said they never smell it.

2 People talk about their deer population,
3 their turkey population. I wish that everybody here
4 would come out to my farm and shoot a deer because
5 they're 300 yards behind the Western Creek facility,
6 and there's more deer than we can control out there.
7 I mean, it's -- and apparently -- everybody's talking
8 about their price of land and land values. Apparently
9 they haven't looked at any auctions lately. Land's
10 higher now than it's ever been in history and
11 continuing to go up.

12 So that's all I have.

13 HEARING OFFICER FRANK: Thank you.

14 Edie Selders, followed by Chenoweth.

15 Maybe starts with a "J" from Table Grove.

16 MR. CHENOWETH: Yes.

17 HEARING OFFICER FRANK: Okay. Edie

18 Selders. No Edie Selders?

19 UNIDENTIFIED: I think she left.

20 HEARING OFFICER FRANK: Okay. Mr.

21 Chenoweth.

22 MR. CHENOWETH: You bet.

23 HEARING OFFICER FRANK: Followed by

24 Jeffrey Butler.

1 State your name and spell it, please.

2 MR. CHENOWETH: John Chenoweth, J-o-h-n
3 C-h-e-n-o-w-e-t-h.

4 (Mr. Chenoweth was duly sworn.)

5 MR. CHENOWETH: I live close to Table
6 Grove, within close proximity of two existing hog
7 buildings, and on rare occasions will I get any
8 offensive odor from those.

9 I had, you know, reservations when they
10 first came in, but through proper manure management,
11 they've been able to control all the problems I
12 foresaw as an injury to me anyway.

13 And I know for a fact there's a park where
14 veterans meet, the 40 & 8 and a group like that,
15 within a half a mile of one of the buildings, and they
16 regularly meet down there for get-togethers and so
17 forth, and they don't complain about the odor.

18 And I think we, as a society, need to wake
19 up and realize that we're not going to find anybody
20 trying to start up businesses in our area. They're
21 not beating their way to our door. And this is a
22 chance to profit from, you know, some jobs. These
23 people are going to spend some money in the community.
24 They're going to live here. They're going to bring

1 some children with them. They're going to be in our
2 schools. I really think that we need to recognize
3 that the good way out weighs the bad.

4 That's all I got to say.

5 HEARING OFFICER FRANK: Thank you.

6 Jeffrey Butler, followed by, looks like,
7 Carla Poppenhager.

8 MR. BUTLER: Jeffrey Butler.

9 HEARING OFFICER FRANK: Could you spell
10 your name, please.

11 MR. BUTLER: J-e-f-f-r-e-y B-u-t-l-e-r.

12 (Mr. Butler was duly sworn.)

13 MR. BUTLER: As I said, my name is Jeffrey
14 Butler. I'm president of the McDonough County Farm
15 Bureau. And as the local unit of the Farm Bureau, we
16 support the livestock industry in McDonough County and
17 the State of Illinois and support its continued
18 growth. We support the process that the Livestock
19 Management Facilities Act sets forth and support the
20 Illinois Department of Agriculture in administering
21 the act.

22 It is important that the livestock
23 industry in Illinois continue to grow to feed an
24 ever-increasing population.

1 Thank you.

2 HEARING OFFICER FRANK: Thank you.

3 Carla Poppenhager. I said that right the
4 second time. Followed by Jerry Riggins.

5 State and spell your name, please.

6 MS. POPPENHAGER: My name is Carla,
7 C-a-r-l-a --

8 HEARING OFFICER FRANK: Step up to the
9 microphone.

10 MS. POPPENHAGER: -- Poppenhager,
11 P-o-p-p-e-n-h-a-g-e-r.

12 (Ms. Poppenhager was duly sworn.)

13 HEARING OFFICER FRANK: Proceed.

14 MS. POPPENHAGER: Okay. My name is Carla
15 Poppenhager, and my husband, Steve, and I live at
16 19215 North 100 Road. That's just less than a mile
17 away from this facility.

18 It's come to my attention that the PSM is
19 guilty of pollution -- and that is a great concern of
20 mine -- by openly burning medical waste and carcasses
21 and polluting lakes and leaking 90,000 gallons of
22 waste into local creeks. I have a pond which feeds
23 into a creek which just happens to run south in the
24 direction of this said site. It's a crystal-clear

1 creek which my grandchildren like to hike in. We have
2 seen deer and coon tracks. We've seen tadpoles and
3 even painted turtles in this creek.

4 My great concern is that they have not
5 indicated how they will get the millions of gallons of
6 water necessary to run this hog facility. Where are
7 they getting this water? And will they be building a
8 dam?

9 My second concern is that the roads in our
10 area are not passable by two vehicles at the same
11 time. And what steps will their trucks take when they
12 encounter we area landowners on our narrow roads?

13 HEARING OFFICER FRANK: 20 seconds.

14 MS. POPPENHAGER: I have lived in the
15 Peoria-Pekin area where I had to tolerate the smell of
16 corn products, Hiram Walker, and Ashland Chemicals. I
17 have a sensitivity to odor, and my husband has a heart
18 condition, and these are great concerns to us.

19 Thank you.

20 HEARING OFFICER FRANK: Thank you.

21 Jerry Riggins, followed by Tony Coniglio.

22 MR. RIGGINS: Jerry Riggins,
23 R-i-g-g-i-n-s.

24 (Mr. Riggins was duly sworn.)

1 MR. RIGGINS: As I said, my name is Jerry
2 Riggins. Agriculture has been the basis of McDonough
3 County life and economy from the beginning and
4 continues to be the core industry today.

5 My family has lived and farmed in
6 McDonough County for over 100 years. I am the fourth
7 generation to be located on my great grandfather's
8 farm in Bethel Township.

9 We have always taken pride in the fact
10 that our operation has been a grain and livestock
11 farm. We were excited a few years ago when our son
12 asked if he -- if we could expand our livestock
13 operation so that he could be part of our family
14 business. Our families constructed two wean-to-finish
15 facilities less than one-half mile from our family
16 home.

17 In the process of building the swine
18 facilities, the laws, permits, property setbacks, and
19 on-site inspections were followed. Once the buildings
20 were put into use, there were reports to be filed on a
21 regular basis with the Illinois Department of
22 Agriculture. The laws and regulations were written to
23 protect the environment, the community, and the
24 producers.

1 With this new enterprise we have been able
2 to bring a fifth and possibly sixth generation into
3 the family farming operation. The number of acres we
4 farm would not support two families. So this has been
5 an excellent way to expand our family business.

6 Another advantage to having the swine
7 facilities is the ability to implement our nutrient
8 management plan using the manure to eliminate the need
9 for commercial fertilizer on many of our acres,
10 reducing our carbon footprint.

11 I would like also to address the concern
12 of property values in our neighborhood.

13 HEARING OFFICER FRANK: 20 seconds.

14 MR. RIGGINS: Since our swine facilities
15 were constructed, there have been two new homes built
16 and four homes have been sold. There is currently one
17 home for sale which has been rented since it went up
18 for sale. A realtor has told us that the problem
19 selling the home has more to do with the school
20 district and price than any other problem with
21 agriculture in the area.

22 McDonough County is and always has been
23 considered a very productive agricultural county.
24 Much of its revenue is generated from agriculture and

1 associated businesses.

2 Please consider the ramifications of your
3 recommendation in the current situation might have on
4 the future of agriculture in our county.

5 Thank you.

6 HEARING OFFICER FRANK: Thank you.

7 Tony Coniglio, followed by Julie
8 Terstriep. Is Tony here? I guess not. Julie
9 Terstriep, followed by Steve Foglesong.

10 MS. TERSTRIEP: Hi. I'm Julie Terstriep,
11 J-u-l-i-e. Last name is T-e-r-s-t-r-i-e-p.

12 (Ms. Terstriep was duly sworn.)

13 MS. TERSTRIEP: My name is Julie
14 Terstriep. My husband and I live on a farm
15 one-and-a-half miles west of Industry. We have our
16 fourth generation farming in McDonough County with us,
17 our son Eric, who also farms. Eric farms because of
18 livestock industry. He was not able to purchase land
19 merely because of the capital outlay it would have
20 cost, and so, because of his entrepreneurial spirit,
21 he began raising cattle and helped out with hogs to
22 earn money while in high school and then continued on
23 so that he was able to afford to purchase a piece of
24 land and keep farming. Today livestock is still very

1 important to him, and he believes the mainstay of his
2 operation.

3 I would ask that everyone keep in mind
4 that this is an industry, a very vital industry, in
5 the State of Illinois and McDonough County. I am the
6 face of agriculture. My child's children -- both of
7 them -- are the face of agriculture.

8 We have lived on our farm for 30 years.
9 We have a hog confinement unit there. It is probably
10 no more than a hundred yards from my bedroom window.
11 My children drink out of a shallow and deep well on
12 the farm. To my knowledge, we're healthy. We work
13 hard. We've lived there 30 years.

14 Just as I would not ask you to go outside
15 the law and shut down a child care facility or another
16 business that someone wanted to begin, I would ask you
17 to do the same and only use the law. There's a reason
18 we have laws. I hear a lot of people talking tonight
19 about, well, the law is bad, this and that, we
20 shouldn't follow the law. That is the basis of our
21 country. The basis of our country is people get
22 together, they work things out, they come up with a
23 law that they follow, and it's applied for everyone.
24 And that's what I would ask and that we keep livestock

1 vital in the State of Illinois.

2 Thank you.

3 HEARING OFFICER FRANK: Thank you.

4 Steve Foglesong, followed by Trevor
5 Toland.

6 State and spell your name.

7 MR. FOGLESONG: S-t-e-v-e
8 F-o-g-l-e-s-o-n-g.

9 (Mr. Foglesong was duly sworn.)

10 MR. FOGLESONG: It appears to me that an
11 awful lot of this, as we go on this evening, stems in
12 the fear of the unknown. I had the honor of serving
13 as the National Cattlemen's Beef Association president
14 for the last year, and in that role, I had the
15 opportunity to travel a great deal around this
16 country.

17 And what I would wish for McDonough County
18 and the other counties around here -- some of the
19 stuff that I witnessed there. If you go to places
20 like Weld County in Colorado, Sioux County in Iowa, or
21 Cuming County in Nebraska where CAFOs are everywhere,
22 where they are the norm, not the anomaly that we're
23 seeing here, you'll find those communities there --
24 they're vibrant. You'll find all the store fronts are

1 full. They will not be full of little -- little towns
2 where most of the store fronts are closed and falling
3 in. You'll find schools that are vibrant and going
4 and people actually making money.

5 I sat in a meeting -- or I attended an
6 event this spring that I thought was absolutely
7 telling on this. I went to Cuming County, Nebraska, a
8 little town of Wisner, and they held an event there
9 where 4,000 participants in that county got together,
10 hosted a great big BBQ deal, and raised a million
11 dollars for cancer research. Now, if that's not
12 social responsibility from agriculturists, I don't
13 know what is. That's what I wish for McDonough County
14 and all the counties around there.

15 I happen to be the sole owner of one CAFO
16 and a partial owner of three others, and we take a
17 great deal of pride in doing a darn good job of
18 protecting the environment and doing everything we can
19 to do it responsibly. I've had ten grandchildren that
20 live within a mile of two of those CAFOs. And I
21 absolutely will not tolerate folks telling us that
22 we're doing a poor job.

23 Thank you very much.

24 HEARING OFFICER FRANK: Thank you.

1 Trevor Toland, followed by Matt Taylor.

2 MR. TOLAND: Trevor Toland, T-r-e-v-o-r
3 T-o-l-a-n-d.

4 (Mr. Toland was duly sworn.)

5 MR. TOLAND: My name is Trevor Toland, and
6 I am a beef producer from McDonough County, also
7 immediate past president of Illinois Beef Association
8 representing 1,700 beef producers in our state, many
9 of whom have CAFOs and many of those I've visited.
10 And I'm proud to say that I'm proud of those folks and
11 the operation that they do. And I think I could say
12 the same thing for my fellow producers in the pork
13 industry.

14 Animal agriculture is huge in Illinois,
15 and it's been said the beef industry is a
16 billion-dollar industry in our state, pork 1.7
17 billion.

18 The fact is that environmentally the best
19 thing to do to raise animals for our food is to do it
20 in CAFOs. It's been proven many times. Also, the
21 fact is, if we want to enjoy a steak or a tenderloin,
22 then somebody needs to raise that and raise that in an
23 environmentally sound stewardship manner. And I think
24 I could speak for many people in this room. I admire

1 and respect those folks for being here and being
2 willing to speak on their own situation.

3 The fact is, in our society, our
4 tenderloins and steaks will need to be raised
5 someplace, and I hope that could be right here in
6 McDonough County, Illinois.

7 Thank you.

8 HEARING OFFICER FRANK: Thank you.

9 Matt Taylor, followed by Rick Stockstill.

10 MR. TAYLOR: M-a-t-t T-a-y-l-o-r.

11 (Mr. Taylor was duly sworn.)

12 MR. TAYLOR: I live a mile and a half away
13 from the proposed hog building, and I am in the
14 process of starting a family that's going to rely on
15 agriculture. I've been in, worked in, and been around
16 swine barns. I don't think that any swine barn will
17 really affect the quality of my life no matter how far
18 it is away. I like to eat pork chops for dinner, and
19 I like to eat bacon in the morning. And the only way
20 I can afford and feel safe doing this is through the
21 face of modern American agriculture, which does
22 include -- and has to -- large-scale production
23 operations.

24 Furthermore, I'd like to say I've heard a

1 lot of things said tonight and I've heard lot of
2 studies quoted. But if we -- the funny thing is that,
3 if we dig deep enough, throw enough effort after
4 foolishness, that you can find anybody to say anything
5 and find a study to support anything.

6 So remember that opinions are opinions and
7 don't let them turn into facts.

8 Thank you.

9 HEARING OFFICER FRANK: Thank you.

10 Rick Stockstill, followed by Rhonda
11 Stockstill. Is Rick Stockstill here? Rick Stockstill
12 still here? Seeing no response, how about Rhonda
13 Stockstill? She's still not here. Okay.

14 Chris Buchanan. Chris Buchanan. Going
15 once. Going twice.

16 Christie Davis, followed by David Dedert.
17 Will you state and spell your name,
18 please.

19 MS. DAVIS: My name in Christie,
20 C-h-r-i-s-t-i-e, last name Davis.

21 HEARING OFFICER FRANK: D-a-v-i-s?

22 MS. DAVIS: Correct.

23 (Ms. Davis was duly sworn.)

24 MS. DAVIS: I'm the chairman of the

1 McDonough County Coalition for Democrats, and I'd like
2 to talk about something that I think we haven't talked
3 about very much, and that's the site criteria,
4 including adverse health effects of hog production.

5 As they are written in the paper that you
6 handed out at the beginning, they're not called out
7 specifically, and I need to talk about several issues.

8 Ammonia emissions, which have been linked
9 to decreased lung function, cardiovascular ailments,
10 and most seriously premature death.

11 The air emissions from spreading the
12 manure even between injections have been linked to
13 neurological and respiratory problems.

14 Hydrogen sulfide emissions affect people
15 with respiratory and cardiovascular problems and
16 people with asthma, including a variety of central
17 nervous system transitory symptoms such as dizziness,
18 nausea, headache, and other things. And children are
19 increasingly susceptible.

20 Hog waste and antibiotic resistance has
21 already been mentioned.

22 Evidence indicates adverse impacts on
23 workers' and children's health. So although
24 Mr. O'Hern mentioned, oh, I'm going to hire 25 people,

1 those people's health is going to be adversely
2 affected.

3 A North Carolina study of 58,000 children
4 found a 23 higher percentage prevalence of asthma
5 symptoms among students attending schools where staff
6 noticed livestock odors indoors only twice a month or
7 more.

8 HEARING OFFICER FRANK: About 10 seconds.

9 MS. DAVIS: Thank you. In the result of
10 these studies, community health experts concluded
11 sufficient research exists to support action to
12 protect rural residents from the negative community
13 health effects of CAFOs.

14 The decision is yours: economics or
15 health benefits for McDonough County.

16 Thank you.

17 HEARING OFFICER FRANK: Thank you.

18 David Dedert. David Dedert.

19 Okay. Doug G-r-o-t-h -- oh, I'm sorry.

20 Doug Groth, DVM. I'm sorry.

21 DR. GROTH: Doug Groth, G-r-o-t-h.

22 (Dr. Groth was duly sworn.)

23 DR. GROTH: I'm Doug Groth. I'm a swine
24 veterinarian that works in western Illinois and the

1 midwest and service several CAFO swine units and am
2 proud to be part of the pork industry.

3 As a veterinarian, one of the things I
4 take great pride in is protecting the health of the
5 human population with the food sources that we provide
6 in the pork industry. The United States produces some
7 of the safest food in the world and very proud to be
8 part of that.

9 Judicious use of antibiotics is very
10 appropriate and very well maintained in units of this
11 size, capacity. Units of this size facilitate itself
12 to help better control antibiotic use. There's lots
13 of protocols in place and all aimed at treating
14 animals if they're ill and protecting the health of
15 the pigs and promoting good, safe pork that we can all
16 consume safely for my young family here.

17 And it's a very good economic stimulus, I
18 believe, and for business, from the veterinary side
19 and the community, very, very positives to the
20 community. So I'd like to relay that to the board.

21 Thank you.

22 HEARING OFFICER FRANK: Thank you.

23 Melissa Johnson. Melissa Johnson,
24 followed by Tim Maiers from -- Tim -- it looks like it

1 begins with an M-a something from Paxton.

2 MS. JOHNSON: Melissa Johnson,
3 M-e-l-i-s-s-a J-o-h-n-s-o-n.

4 (Ms. Johnson was duly sworn.)

5 MS. JOHNSON: Good evening. My name is
6 Melissa Johnson. I'm an elementary school teacher, a
7 mother of three healthy children, and the wife of a
8 farmer.

9 HEARING OFFICER FRANK: Could you step up
10 to the mic just a little.

11 MS. JOHNSON: Yes. Our farm operation
12 includes corn and soybeans, cattle and hogs. Our
13 4,800-head wean-to-finish operation was constructed in
14 2004.

15 In the fall of 2003, the Illinois
16 Department of Agriculture held an informational
17 meeting for our proposed facility much like this one.
18 At the time we had several neighbors and community
19 members there who voiced concerns over our proposals.
20 Those concerns were mostly about odor and property
21 values. One neighbor was worried his family would no
22 longer be able to enjoy their swimming pool. Someone
23 from town was concerned about how the farm would
24 affect his property value.

1 After the meeting, the Hancock County
2 Board did what was asked of them: They looked at the
3 facts and agreed that our proposal did meet the eight
4 siting criteria as set out by the Illinois Department
5 of Agriculture. They recommended to the department
6 that our application be approved. Upon approval the
7 construction began.

8 At that time my husband and I lived on the
9 site of our farm with our two young children. We
10 continued to live there for another year and a half
11 until our family outgrew the small 800-square-foot
12 house on the property. We then purchased a larger
13 home at fair market value and invested in further
14 improving the home so that we could remain less than
15 two miles from our farm.

16 In the past seven years our farm has not
17 had any citings by the EPA, the USDA, or the Illinois
18 Attorney General. We rent out the house at the site
19 of the farm and have had no complaints. No grievances
20 have been filed against our farm, and our neighbors
21 are not complaining. They continue to enjoy their
22 swimming pool and other outdoor activities. In fact,
23 just last week my husband got a comment from someone
24 who was surprised that the farm didn't smell like he

1 thought it would.

2 HEARING OFFICER FRANK: 20 seconds.

3 MS. JOHNSON: Our children love to help
4 with the pigs. They enjoy caring for the young
5 piglets. Our farm benefits our community and county
6 in many ways. We make donations to local
7 organizations, support the local economy by giving
8 business to other businesses, and employ other
9 community members. Our county also receives property
10 taxes from our farm.

11 We are family farmers, we are supporting
12 our community, we are feeding the world, and we are
13 proudly producing pork.

14 HEARING OFFICER FRANK: Thank you.

15 Jim Maiers, followed by Abbie Wear.

16 MR. MAIERS: Tim Maiers. It's
17 M-a-i-e-r-s.

18 (Mr. Maiers was duly sworn.)

19 MR. MAIERS: My name is Tim Maiers. I
20 live on a small family farm in Adams County. I also
21 work with the Illinois Pork Producers Association.

22 Pork producers are very much aware that
23 environmental conservation is in the long-term best
24 interest of their own farm, the pork industry, and

1 their community. This proposed hog farm will meet and
2 exceed all the design and construction standards of
3 the Illinois guidelines which are based on scientific
4 engineering standards.

5 Manure will be contained in deep pits
6 constructed with reinforced concrete and waterstops.
7 This farm has more than one year of manure storage
8 capacity which is more than double the required 150
9 days. This will allow the manure to be applied to
10 cropland at agronomic rates. The manure will be
11 injected a minimum of six inches into the soil which
12 greatly limits the potential for runoff into surface
13 water.

14 As far as air quality issues, in March
15 2006, the Iowa Department of Natural Resources
16 announced results of a three-year air quality study.
17 The study measured air quality in and around some of
18 Iowa's largest CAFOs. There were 1,708 measurements
19 taken, and 93 percent of the measurements taken were
20 within the safe human health guidelines as established
21 by environmental and health officials.

22 In 2006, Iowa State University released
23 findings from a study comparing hydrogen sulfide and
24 ammonia levels near hog farms to those of measured

1 nearby -- inside nearby residences. Study found
2 little correlation between nearby CAFOs and the indoor
3 air quality of neighboring residences. In fact, the
4 study found that cat litter boxes, smoking, and
5 household cleaning products have more profound impact
6 on air quality in a home than a nearby hog farm.

7 Our local economies are directly connected
8 to the future success of agriculture in McDonough
9 County and rural America. For our communities to grow
10 and prosper, we must allow farmers to build, to
11 change, and to compete to survive.

12 In conclusion, one the greatest needs as a
13 society is a safe, quality, affordable food supply.
14 By expanding, adapting, new technologies, and
15 increasing efficiencies, Illinois pork producers can
16 meet that need better than anyone else in the world
17 while caring for the environment, being a good
18 neighbor, and adding economic development to our
19 economy.

20 Be proud that you live in a county that is
21 the leader in producing food for your families as well
22 as families all over the world. I can think of no
23 greater business or occupation I would like to have in
24 our communities.

1 Thank you.

2 HEARING OFFICER FRANK: Thank you.

3 Abbie Wear, followed by Sean Dixon.

4 MR. DIXON: I yield my time.

5 HEARING OFFICER FRANK: Okay. After Abbie
6 Wear, then, will be Rowen Ziegler.

7 MS. WEAR: Abbie, A-b-b-i-e W-e-a-r.

8 (Ms. Wear was duly sworn.)

9 MS. WEAR: Hi. I have concerns about this
10 also. I am concerned about our schools being
11 supported, especially in Schuyler County-Industry
12 School.

13 And I received a letter from the
14 superintendent of schools, Mathew Plater. It says, "I
15 am writing to you in support of the confined animal
16 feed operation that is being proposed by Shamrock
17 Acres, LLC, for southeast McDonough County. I do not
18 claim to be educated on the matters of confined animal
19 operations, but I am sure that the state has
20 guidelines in place to ensure that such operations are
21 located in suitable areas and are run in a way that is
22 the least harmful to the environment.

23 "I support the proposed new business as it
24 is growth and will result in an increase in revenue

1 for our school district. As a taxing body, about 35
2 percent of our revenue comes from local sources that
3 are primarily made up of property taxes. Every new
4 home and business adds value to our school district
5 and increases our equalized assessed valuation. It is
6 my understanding that the value of the proposed
7 business would result in 40- to \$50,000 of new tax
8 revenue for our value of the proposed business would
9 result" -- "for our school district." Excuse me. "An
10 increase in this amount would cover the costs of at
11 least one teacher's salary and benefits for a year or
12 equate to about one fourth of our transportation and
13 fuel costs for the year.

14 As the economy of the community goes, so
15 does local funding of its school district. West
16 central Illinois has not experienced the new growth
17 that other areas in Illinois have and EAV growth has
18 been mostly the result of increase in farmland
19 values."

20 HEARING OFFICER FRANK: 20 seconds.

21 MS. WEAR: "Most schools in west central
22 Illinois have seen a steady decline in enrollments for
23 many years. New businesses creates jobs, jobs means
24 families, and schools needs students to keep from

1 having to continually downsize and eliminate programs
2 for our students.

3 "For these financial reasons, I feel
4 Schuyler-Industry School District would benefit from
5 this proposed new business like it would from any new
6 business that would choose to locate within our school
7 district.

8 "Sincerely, Mathew Plater."

9 HEARING OFFICER FRANK: Thank you.

10 Mr. Ziegler, followed by Leroy Brown. Big
11 Leroy Brown.

12 MR. ZIEGLER: Rowen Ziegler, R-o-w-e-n
13 Z-i-e-g-l-e-r.

14 (Mr. Ziegler was duly sworn.)

15 MR. ZIEGLER: I am on the Illinois Soybean
16 Association board of directors. I represent soybean
17 farmers.

18 We grow soybeans. Soybeans by themselves
19 aren't used for much until you process them into
20 soybean meal and soybean oil. The soybean meal is a
21 high-protein product used to feed hogs primarily in
22 Illinois. Without the hog industry, our soybeans
23 wouldn't be worth much. And the same can be said for
24 corn.

1 The Illinois Soybean Association has long
2 recognized the need for a healthy ag industry in
3 Illinois, and recently we have redoubled our efforts
4 to support the ag -- animal ag industry.

5 I can think of nothing better than to grow
6 beans in Illinois soy fields, processed in Illinois
7 plants, fed to Illinois hogs, the hogs processed in
8 Illinois plants, fed to Illinois consumers, and
9 exported throughout the world. That is economic
10 development, and that is what we need.

11 Thank you.

12 HEARING OFFICER FRANK: Thank you.

13 Leroy Brown, Macomb?

14 UNIDENTIFIED: He left.

15 HEARING OFFICER FRANK: Okay.

16 Ken Nimrick. Ken Nimrick, followed by
17 Merna? M-e-r-n -- from Macomb. C-o maybe?

18 UNIDENTIFIED: She left.

19 HEARING OFFICER FRANK: She left? Okay.

20 After Mr. Nimrick will be Kari Jo Kelso.

21 Please state your name and spell it.

22 MR. NIMRICK: Okay. Ken Nimrick, K-e-n
23 N-i-m-r-i-c-k.

24 (Mr. Nimrick was duly sworn.)

1 MR. NIMRICK: In the interest of full
2 disclosure, I would say that I'm a staff member here
3 at the school of agriculture at Western Illinois
4 University, but I want to speak to you more on a
5 personal basis.

6 We also -- my family also has a family
7 farm. It's been in the family for about 160 years,
8 since 1852. We now have the seventh generation, soon
9 to be the eighth, living on the same property. I,
10 myself, have been a livestock producer for more years
11 than I care to count actually -- 55 or 60 years. Got
12 my start at a young age, and livestock has been a big
13 part of our operation over the years. It's been a
14 diversified operation.

15 But the thing -- the point I want to make
16 here is that we do have a livestock -- a confined
17 livestock feeding operation now. We operated as a
18 very diversified operation for many years, but the
19 point I want to make is that the livestock feeding
20 operation is what has allowed the next two
21 generations, our grandchildren now, to join our family
22 business. That would not have been possible at all
23 without being able to expand our livestock operation
24 in that way.

1 Looking at it another way, I'm soon to --
2 you know, soon to be retired, and if we had not been
3 able to do that, our farm would -- our family farm
4 would have just disappeared into thin air and been
5 absorbed by some other mega grain operation.

6 So that's just the point I want to make
7 here.

8 I want to leave you with one thing to
9 think about. I always like to leave my students with
10 something to think about at the end of class. And
11 that is that -- I don't know about the rest of you,
12 but I like to set my garbage out on the curb once a
13 week, and it just sort of magically disappears. I
14 like to walk into the room and flip the light switch
15 and the electric lights come on and other
16 conveniences. You know, I sure don't want one of
17 those ugly landfills around, and I sure don't want one
18 of those power plants around. So I would urge people
19 just kind of think of things in that context as well.

20 Thank you.

21 HEARING OFFICER FRANK: Thank you.

22 Kari Jo Kelso, followed by Margaret

23 O-i-t-t?

24 UNIDENTIFIED: Ovitt.

1 HEARING OFFICER FRANK: O-v-i-t-t. I'm
2 sorry.

3 MS. KELSO: Kari Jo Kelso, K-a-r-i J-o
4 K-e-l-s-o.

5 (Ms. Kelso was duly sworn.)

6 MS. KELSO: I'm a student of animal
7 science and veterinary medicine at Oklahoma State
8 University, and I've lived on a farm in McDonough
9 County all of my life, and I plan to return home after
10 school and live here as well. So I care for McDonough
11 County's farm ground, environment, and the well-being
12 of our citizens.

13 As an advocate for agriculture, I support
14 the proposed sow farm, Shamrock Acres, for several
15 reasons.

16 First of all, Illinois and McDonough
17 County grow a lot of corn and soybeans. Part of being
18 environmentally friendly is utilizing our resources to
19 the best of our ability. It is our moral and our
20 ethical obligation to use these resources such as the
21 corn and soybeans available to us in order to produce
22 a safe, humane product that most of us like to enjoy.

23 Health issues have also been a main
24 concern to our county. The health concerns in

1 question include asthma, allergies, other illness. A
2 study reported by Fox News shows that manure
3 drastically reduces development of lung cancer. The
4 study also showed that people exposed to animal manure
5 on a regular basis were exposed to dust containing
6 bacteria which increased their immunity and resistance
7 to bugs as well as cancer.

8 Some are also suspicious that this hog
9 confinement may increase asthma in children around the
10 area; but one New England Journal of Medicine study
11 reported that USA Today -- reported by USA Today
12 disagrees. It states children who have grown up on
13 farms are 30 to 50 percent less likely than other
14 children to develop asthma, but it's not the fresh
15 country air, they report. It's the germs associated
16 with the cows, pigs, and other barnyard creatures with
17 which humans have been living and maybe even
18 coevolving for centuries.

19 Agriculture is a rapidly growing industry.
20 As technology is developed, agriculture slowly
21 integrates technology into its daily routine, no
22 different from any other industry. New technology
23 might seem scary to those who do not experience it,
24 but that does make it bad.

1 Hog confinements are commonly called
2 factory farms which may be misleading. These farms
3 raise the hogs in a controlled environment, keeping
4 the animals safe from harsh elements.

5 HEARING OFFICER FRANK: 20 seconds.

6 MS. WEAR: These buildings also keep the
7 manure in a contained area and prevent runoff, unlike
8 the old days. It helps us -- this new technology
9 helps us produce a safe product for our consumers.

10 McDonough County's roots flourish in
11 agriculture, and the citizens of McDonough County must
12 protect that. The industry of agriculture may be
13 growing and changing, but our values, goals, and
14 morals are only growing stronger.

15 I think we can all agree that we have one
16 common goal tonight, and that's to preserve our
17 environment, to produce the safest food supply
18 possible, while also creating the most affordable
19 product available in order to feed the world. With
20 efficient and humane management practices, I believe
21 we can accomplish all these goals right here in
22 McDonough County.

23 HEARING OFFICER FRANK: Thank you.

24 Margaret Ovitt, followed by Levi Greuel.

1 Would you state and spell your name,
2 please.

3 MS. OVITT: Margaret, M-a-r-g-a-r-e-t,
4 Ovitt, O-v, as in "Victor," -i-t-t.

5 (Ms. Ovitt was duly sworn.)

6 MS. OVITT: I'm going to wear two hats
7 tonight. My first as a nurse. I am a nurse. I have
8 seen antibiotic resistant diseases treated -- some
9 successfully, some not. And I know, because of all
10 the scientific evidence that there is, that there is a
11 direct relationship between some therapeutic levels of
12 antibiotics given to food animals. And I took
13 introductory microbiology, and when you give some
14 therapeutic antibiotics, that is just the perfect
15 milieu for developing antibiotic resistance, number
16 one.

17 I have this lovely paper here called The
18 Movement of Fecal Bacteria Through the Vadose Zone.
19 Where is Joel? Now, the vadose zone is the zone of
20 the soil right above the ground water, and I'm not
21 going to -- I'm going to submit this paper. It's a
22 very scientific paper from the University of Geulph,
23 Ontario, but I'm going to read just one line of the
24 abstract. "We conclude that application of animal

1 manure, which is liquid animal manure, to soil can
2 readily lead to ground water contamination with fecal
3 bacteria, especially under moist soil conditions, and
4 that macropores are important in the transport."

5 "Macropores" meaning clay soil, which is probably what
6 Mr. O'Hern has. And moist soil conditions. This
7 April was the seventh wettest in our history.

8 HEARING OFFICER FRANK: 20 seconds.

9 MS. OVITT: Okay. The other thing -- I'd
10 just like to put in a word for the small -- for the
11 local food movement. Everybody here has been speaking
12 about big ag. There's a wonderful book out called The
13 Town That Food Saved, and it's about a small town in
14 Vermont that was going downhill, and they started --
15 well, one town actually built a soy plant. Can you
16 imagine growing soybeans in Vermont? And this is
17 Vermont the state, not Vermont, Illinois. Sorry.
18 Vermont, you know, state of. Anyway, they actually
19 built a soy factory. And I always thought LaHarpe
20 would be perfect for a little soy factory, and there
21 are other uses for soybeans besides feeding animals.
22 People eat soybeans as well. It's a great food.

23 Thank you.

24 HEARING OFFICER FRANK: Thank you.

1 Levi Greuel.

2 UNIDENTIFIED: He's not here.

3 HEARING OFFICER FRANK: All right.

4 Chris -- is it Chris? -- Adams.

5 MR. ADAMS: Correct.

6 HEARING OFFICER FRANK: Is it Chris?

7 MR. ADAMS: Yes.

8 HEARING OFFICER FRANK: Followed by Seline
9 Mannion.

10 MR. ADAMS: My name is Chris Adams,
11 C-h-r-i-s A-d-a-m-s.

12 (Mr. Adams was duly sworn.)

13 MR. ADAMS: I come here tonight with a
14 letter that was sent to the Rural Residents for
15 Responsible Agriculture from the McDonough County
16 Health Department. It's a general information letter
17 regarding CAFOs and also animal manure in general in
18 all animals.

19 "This letter is response to your request
20 for information regarding the effects of confined
21 animal feeding operation, CAFOs, on human health and
22 the environment. The effects of CAFOs are a function
23 of waste that is produced by the animals in a feeding
24 operation. An animal unit is equivalent to 1,000

1 pounds of live weight. Daily production of fresh
2 manure, feces, and urine by hogs range from 60 to 84
3 pounds per day per animal unit.

4 "Three primary components of animal manure
5 that are of concern include hydrogen sulfide gas,
6 ammonia, and particulate matter.

7 "Hydrogen sulfide is produced by the
8 animal waste when bacteria break down the organic
9 matter. Exposure to low concentrations can cause
10 irritation to eyes, nose, or throat and difficulty
11 breathing for some asthmatics. Children could be
12 effected more severely than adults due to the fact
13 they breathe in more air because hydrogen sulfide is
14 heavier than air. Since children are shorter than
15 adults, they inhale more of the hydrogen sulfide gas.

16 "Ammonia is produced by humans and by
17 nature. It is a product of natural break down of
18 manure, dead plants, and animals. Ammonia has a
19 strong sharp odor and cause irritation to sites in
20 direct contact such as skin, eyes, respiratory tract,
21 mouth, and digestive tract.

22 "Particulate matter generated by CAFOs is
23 due to movement of animals. The sources of
24 particulate matter include feeding -- feed, bedding,

1 dry manure, and unpaved soil surfaces. Particulate
2 matter is comprised of fecal matter, feed material,
3 pollen, bacteria, fungi, and skin cells."

4 HEARING OFFICER FRANK: 15 Seconds.

5 MR. ADAMS: "Risk to health may include
6 chronic bronchitis, chronic respiratory system, and
7 decreased lung function.

8 "Animal manure in a CAFO is typically
9 applied to land. Inappropriate application to land,
10 runoff in land application leads to manure through the
11 soil at least -- or breaks in the storage containment
12 units can cause contamination of soil, water.

13 "McDonough County Health Department is
14 dedicated to the protection, promotion, and
15 maintenance of health and wellness in the community,
16 and appreciates the opportunity to provide the above
17 information."

18 Thank you.

19 HEARING OFFICER FRANK: Thank you.

20 Seline Mannion, M-a-n-n-i-o-n. Not here.

21 Going to need some help with this one.

22 Two names it looks like. It looks like the second one
23 is Nancy. Maybe a "G," maybe an "A" to start off
24 with. Albert Street, Macomb. Not here.

1 Mark Hoge, followed by Loka Ashwood.

2 MR. HOGE: Mark Hoge, M-a-r-k H-o-g-e.

3 (Mr. Hoge was duly sworn.)

4 MR. HOGE: Imagine the days when a farming
5 family could have 60 sows, 60 beef cows, and 600
6 acres. After a hard day of work baling hay, you went
7 into town, went to the Dairy Queen, stopped by the
8 drug store, stopped at the local Supervalu, maybe
9 picked up a shirt from your friend that's the clothier
10 on the town square, and you went home for the evening.
11 I am old enough that I can remember those days.

12 We drive through rural America now and the
13 town squares are dead, aren't they? Not no business
14 of any kind. Okay. What -- and when you
15 fundamentally think, what was the undoing for that?
16 It's called Walmart.

17 I teach at Western Illinois University,
18 and I teach animal science students, and I don't teach
19 a particular "This is the answer, this is the answer."
20 I provoke thought, and I want people to have passion,
21 and I applaud the passion that has been in the room
22 this evening. But the challenge with it is American
23 agriculture has been subjected to the Walmart
24 syndrome. Okay. Does a farmer need 20,000 acres of

1 row crop production to feed -- you know, feed his
2 family and pay his bills? Probably not. Are they in
3 the State of Illinois? Absolutely. Are they met with
4 any type of, you know, apprehension? Not at all.
5 Okay.

6 Now, large CAFOs, C-A-F-Os, why are they a
7 factor today? Why is Walmart a factor? Why does
8 Walmart dominate the retail outlet? Because they're
9 good at what they do. Okay. I would love to have 60
10 sows, 60 cows, and 600 acres. I wouldn't be here
11 right now. I would be at home managing my small
12 enterprise. I grew up in a livestock background.

13 HEARING OFFICER FRANK: 20 seconds.

14 MR. HOGE: I would love to have and
15 provide students -- I work with students every day
16 trying to get them back home to join the family
17 enterprise. C-A-F-O. \$7 million is going to buy you
18 pretty good, state-of-the-art technology. There are a
19 tremendous number of good ones in the world. Maybe
20 there's some bad eggs. But I would really, really
21 encourage to make sure that animal protein doesn't
22 turn into a luxury item. We need to make it
23 affordable, and the U.S. without a doubt has the most
24 wholesome red meat supply in the world without a

1 doubt.

2 HEARING OFFICER FRANK: Thank you.

3 Loka Ashwood, followed by Joel Gruver
4 maybe, G-r-u-v-e-r.

5 MS. ASHWOOD: Hi. My name is Loka,
6 L-o-k-a, and the last name is Ashwood, A-s-h-w-o-o-d.

7 (Ms. Ashwood was duly sworn.)

8 MS. ASHWOOD: Thank you very much. I want
9 to thank you for listening to all of us tonight. I
10 know it's been a long evening, and you probably have
11 an hour and a half drive home.

12 But I want to bring up probably what I
13 think is one of the most important things that we
14 haven't talked about tonight, and that's the Hillyer
15 Lazy Acres Park, which I'm sure you heard about. It's
16 a park that the Hillyers have had for years. People
17 have been coming and going from this park. And since
18 before your date of application as being deemed
19 complete, this park has been having over 50 visitors
20 every week. Over 50 visitors every week.

21 Now, you know the law better than I do,
22 but you know the Livestock Management Facilities Act
23 says that, if there's a populated area within your
24 setback that you determine based on the over 3,500

1 animal units, that you cannot approve an application
2 based on that criteria because it does not meet the
3 setback criteria. This application does not meet the
4 setback criteria because there is a populated area
5 within the setback zone, and that is Lazy -- that is
6 the Lazy Acres Park that the Hillyers have. And we
7 have ample documentation of the people who have been
8 there every week and their children. So I want you to
9 please remember that when you're reviewing this
10 application.

11 Also, I please beg of you to actually go
12 out and survey the property. As you know, also the
13 Hillyers have a day care. This was Ruthie's dream to
14 build this day care and have this in our community.
15 And I can tell you that I consider that community
16 development. Someone bringing business back into the
17 community and into rural areas.

18 Could you please go out and survey that
19 property from the edge of the property and see if it
20 is too abiding by your setback regulations. Because
21 according to our measurements, we think it's very,
22 very close, especially if you don't judge just based
23 on the 3,000 animal units but if you judge based on
24 the 3,500 animal units. So we're talking about a

1 difference of over 2,000 hogs when you're thinking
2 about how you're measuring this. So if you could
3 please definitely look at the Hillyer day care.
4 Remember you're looking at someone's business. This
5 is how they make money, and your decision will
6 directly impact whether or not they can keep that day
7 care going if you let this hog facility in.

8 So let's think about every rural
9 resident's right to have their own business and please
10 abide by the state laws that are in place to protect
11 us.

12 Thank you.

13 HEARING OFFICER FRANK: Thank you.

14 Joel Gruver, followed by Dana Walker.

15 MR. GRUVER: The first name is Joel,
16 J-o-e-l. Last name is Gruver, G, as in "good,"
17 -r-u-v, as in "violin," -e-r.

18 (Mr. Gruver was duly sworn.)

19 MR. GRUVER: This has concerned me quite a
20 bit tonight that this has played out as
21 pro-agriculture versus anti-agriculture or at least
22 that's the way some people have presented it. I think
23 we're talking about a community that is concerned
24 about how agriculture is practiced rather than being

1 against agriculture.

2 Another thing that is very important to me
3 in the way that I teach in the school of agriculture
4 here is the fact that we don't have enough animal
5 agriculture in Illinois. We have a livestock-crop
6 disconnect. I talk about that very regularly. My
7 students in my nutrient management class calculate the
8 amount of nutrients that we produce through animal
9 manure, and in essentially every county it's less than
10 20 percent of the nutrients being applied. So I think
11 it would be valuable to have more animal manure.

12 But we need to have sound nutrient
13 management. When I heard the remarks by Chris West,
14 when I looked on the slide and saw "phosphorus"
15 incorrectly spelled, when I heard him say that 1,600
16 acres is far more acreage than is needed to meet the
17 animal manure production that's likely, I cringed
18 because that's not sound nutrient management.

19 Sound nutrient management is based on the
20 normal manure production from animal units. We can
21 look at sow facilities. They're well documented. We
22 can look at the amount of manure likely to come from
23 the nearly 6,000 sows and grower gilts --

24 HEARING OFFICER FRANK: 20 seconds.

1 MR. GRUVER: -- and we can see that the
2 amount of manure likely to be produced is more than
3 all the nutrients produced by the people in McDonough
4 County and perhaps Schuyler County as well. We can
5 look at the amount of nutrients required by the grain,
6 and we can see that there will not be a balance unless
7 we have more acres than 1,600 acres. It depends on
8 whether you have a corn/corn or a corn/soybean or a
9 corn/soybean/wheat rotation. There are lots of
10 factors, but 1,600 acres is not enough land if you
11 look at proper nutrient management.

12 Thank you.

13 HEARING OFFICER FRANK: Thank you.

14 Dana Walker, followed by Steve Hess.

15 MR. WALKER: Dana Walker, D-a-n-a
16 W-a-l-k-e-r.

17 (Mr. Walker was duly sworn.)

18 MR. WALKER: I am president of
19 Environmentally Concerned Citizens and a former
20 district conservationist for the U.S. Department of
21 Agriculture. I wrote the livestock management --
22 waste management plans in the 1980s. When I wrote
23 those, we calculated two acres per animal unit for hog
24 manure. Two acres per animal unit. Now, since that

1 time, crop yields have gone up. The phosphorus in the
2 manure has gone down or can go down. But the number
3 of acres described earlier this evening is no where
4 near what we need to have. You need to have 5,000
5 acres or more. If you don't do that, you're going to
6 overload the land with phosphorus, and I consider that
7 to be crapping on the Sugar Creek and the Illinois
8 River.

9 HEARING OFFICER FRANK: Thank you.

10 Steve Hess, followed by Martha Klems.

11 MR. HESS: Steve Hess, S-t-e-v-e H-e-s-s.

12 (Mr. Hess was duly sworn.)

13 MR. HESS: I'm here tonight to speak to
14 the project. I can really relate to Larry. We live
15 on a family farm. My wife and I -- Phyllis -- have a
16 dairy farm in northeastern McDonough County. We
17 are -- I can't go as deep as the one gentleman, but we
18 are a fifth generation, and we are trying to bring the
19 sixth generation into our family farming operation
20 also; and if that happens, it will happen with some
21 sort of livestock operation because it's been spoken
22 about economic benefits of having livestock and being
23 able to expand an operation without an added land base
24 and the capital requirements of that.

1 The family farm we're on in Mound Township
2 was founded -- was purchased --

3 COURT REPORTER: I'm sorry. Say that
4 again.

5 MR. HESS: The family farm that we are on
6 in Mound Township was founded by Phyllis' family in
7 1867. There has been livestock on this farm every
8 year since -- every year except one since then. We
9 expanded our dairy in 1998. We are a CAFO. I live
10 there. We drink the water there. I have raised my
11 family there. I consider it to be a safe operation.

12 I would like to speak to point -- I think
13 it's point six about odor controls. We inject our
14 manure the same way that Shamrock Acres is talking
15 about doing theirs with the dragline injecting into
16 the ground. There is no odor. None of my neighbors
17 have ever complained when we fertilize our soils too.

18 We talk about being sustainable these
19 days, and everybody -- that's a really popular word.
20 My farm is sustainable. The 500 acres that we live on
21 has no dry fertilizer applied to it anymore because
22 we're able to sustain the crops there and raise 200
23 bushel of corn just by using the manure from the
24 animals. I think that's the way God intended it --

1 was for nature's cycle to take place like that too.

2 HEARING OFFICER FRANK: 20 seconds.

3 MR. HESS: I would like to say thank you
4 to the county board members that are still here
5 tonight. You asked for this hearing. You guys are
6 the ones that are going to make the decision about
7 whether to recommend or not. I appreciate the ones
8 who have stayed and listened to all the testimony.

9 Thank you.

10 HEARING OFFICER FRANK: Thank you.

11 Martha Klems.

12 MS. KLEMS: Martha Klems, M-a-r-t-h-a
13 K-l-e-m-s.

14 (Ms. Klems was duly sworn.)

15 MS. KLEMS: I just want to say that this
16 is a political issue too. And we -- I think one of
17 the things that the people -- many of us here feel is
18 that we don't have control over something that is
19 going to possibly really affect the quality of our
20 lives and our livelihood.

21 I am sure that there are good farmers and
22 bad. People who do good practices, and people who do
23 bad practices. I am sure that we would feel better
24 about new operation -- about operations or expansions

1 of operations where we -- they are our neighbors who
2 have a record of performance so that we can judge them
3 again. I think that Mr. O'Hern and Shamrock Acres
4 really recognize that when they did the switcheroo to
5 make it a local person rather than an outside company
6 that had a record that was bad.

7 What I would just like to say is I know
8 the county board will vote on it, and I certainly hope
9 they're going to recommend against this. But if you
10 all were listening, you understand that they will
11 decide whether the county board recommends or not.
12 The DOA will decide, and it's a matter of things
13 being -- criteria supposedly being met or not being
14 met.

15 I just want to suggest that perhaps it's
16 time for rural zoning, which would give us perhaps
17 some say in what's going to go on around here, and
18 then we could -- we'd know -- we would have people
19 nearby that are politically accountable to us if we
20 have an operation that is not appropriate. And
21 there's a lot of difference in size in CAFOs. Some of
22 them are a lot bigger than others and require a lot
23 more than others.

24 HEARING OFFICER FRANK: Thank you.

1 Is there anyone else who would like to
2 provide any oral testimony?

3 MS. COOK: You said I could speak again.

4 HEARING OFFICER FRANK: Give you one
5 minute.

6 MS. COOK: Ramona Cook. Am I still sworn?

7 HEARING OFFICER FRANK: Yes, you are.

8 MS. COOK: Okay. Most of what has been
9 said here tonight really won't count because we must
10 go strictly by the law. The law says Hillyer Park
11 must have a setback of 3,520 feet. It doesn't. There
12 is no place on the site where the facility can legally
13 be built and comply with the setback laws. I ask the
14 department to recognize that the park is legally
15 within the setback and not issue a setback compliance
16 statement.

17 I asked the county board to vote no on
18 criteria three and to read in full the packets we're
19 going to give you.

20 I ask Mr. O'Hern to build this just 1,760
21 feet from his own home, which is the setback for an
22 occupied residence.

23 Thank you.

24 HEARING OFFICER FRANK: Thank you.

1 Anyone else that would like to provide
2 oral testimony? Okay.

3 I would like to enter into the record as
4 Exhibit No. 4 the oral testimony sign-in sheets.

5 This concludes -- this concludes the oral
6 testimony phase.

7 MS. COOK: May I ask if I can enter an
8 exhibit?

9 HEARING OFFICER FRANK: That's coming.

10 MS. COOK: Oh. Thank you.

11 HEARING OFFICER FRANK: Also entered into
12 the record as Exhibit No. 5 are the sign-in sheets for
13 attendance tonight.

14 Okay. We're going to accept written
15 testimony now.

16 I do have a letter here from R. Mathew
17 Plater, superintendent of schools, and I believe Abbie
18 Wear was the one that read this into the record, but I
19 will go ahead and enter this into the record as
20 Exhibit No. 6.

21 Here's is a letter signed by Gretchen
22 Fawcett that will be entered as Exhibit No. 7.

23 Folks, we still have closing comments here
24 if you'd like to stick around for that.

1 Exhibit No. 8 is a letter from the Office
2 of the Attorney General, signed by Tom Davis, bureau
3 chief.

4 Exhibit No. 9 is testimony from the League
5 of Women Voters from McDonough County.

6 Exhibit No. 10 is Township Financial
7 Information from Chuck Hillyer.

8 No. 11 is a letter addressed to members of
9 the McDonough County Board from Jerry and Lynne
10 Riggins.

11 Exhibit No. 12 is testimony from -- and a
12 letter from Ramona Cook.

13 Exhibit No. 13 is a packet for county
14 board members from Rural Residents of Responsible
15 Agriculture -- a series of documents.

16 No. 14 is a letter signed by Stacy James
17 from the Prairie Rivers Network.

18 Exhibit No. 15 is a document entitled
19 Adverse Health Effects of Hog Production and Hog Farm
20 Contamination Information. That is written testimony
21 from Christie Davis.

22 Exhibit No. 16 is a letter of appraisal,
23 and that is from Greenfield Advisors. All right.

24 Thank you.

1 Exhibit No. 17 is testimony from Carla
2 Poppenhager.

3 Exhibit No. 18 is testimony from Barbara
4 Ashwood-Gegas.

5 No. 19 is written testimony from Christos
6 Gegas.

7 Exhibit No. 20 is written testimony of
8 Danielle Diamond.

9 No. 21 is written testimony from Janice
10 Ashwood.

11 No. 22 is entitled Swine CAFOs and Novel
12 H1N1 Flu.

13 23 are letters from Leroy Brown, county
14 board member.

15 No. 24 is testimony from Mary Wilson.

16 And No. 25 is testimony from Karen Hudson.

17 Are there any closing remarks from the
18 facility? Mr. West? Mr. West? Mr. West, are there
19 any closing comments from the facility?

20 MR. WEST: No.

21 HEARING OFFICER FRANK: Are there any
22 closing comments from the department?

23 MR. GOETSCH: Just drive safely.

24 HEARING OFFICER FRANK: As I mentioned

1 earlier, a copy of the transcript will be provided to
2 the county board. For others desiring a copy, the
3 transcript will be available by contacting the county
4 clerk. Business cards are available with contact
5 information, and they were out on the table in the
6 hallway.

7 Thank you for your attendance tonight.
8 This public informational meeting is hereby closed.

9 (Meeting adjourned at 9:52 P.M)

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

I, ROBIN A. ENSTROM, a Registered Professional Reporter, Certified Shorthand Reporter, and Notary Public within and for the State of Illinois, do hereby certify that the foregoing proceedings were taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Notary Public in and for
the State of Illinois