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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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.

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

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

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

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

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

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

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

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

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

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

After their presentation, I will open the

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

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

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

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

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

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

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

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

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

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

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

Senator Sullivan.

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

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

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

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

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

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

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

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

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

HEARING OFFICER FRANK: Thank you, Senator Sullivan.

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

MR. GOETSCH: Thank you, Mr. Frank.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

requirements of the act and rules.

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

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

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

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

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

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

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

HEARING OFFICER FRANK: Entered into the

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

Thank you, Mr. Goetsch.

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

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

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

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

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

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

MR. O'HERN: Yes. Excuse me.

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

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

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

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

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

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

UNIDENTIFIED: We can't hear you.

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

I am here today to show you the face of American agriculture. The face is my face, not the corporation that many of you refer to as factory farms. That's not American agriculture. I am 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

reach ten billion, that's equivalent to two Chinas. How will we feed them? Do we care?

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

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

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

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

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

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

The informational meeting tonight is to

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

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

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

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

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

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

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

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

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

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

This is the plot plan that was submitted

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

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

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

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

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

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

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

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

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

environmentally sound fashion.

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

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

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

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

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

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

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

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

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

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

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

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

10,020 animals of the design capacity of

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

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

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

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

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

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

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

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

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

generally overlain by less than 60 feet of unconsolidated materials.

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

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

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

A site investigation was conducted at the

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

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

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

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

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

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

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

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

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

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

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

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

applications.

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

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

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

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

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

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

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

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

That is the end of my presentation and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. FRANK: Go ahead.

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

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

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

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

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

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

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

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

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

Carolina.

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

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

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

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

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

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

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

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

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

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

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

your presentation to enter into the record?

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

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

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

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

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

MS. ASHWOOD: Thank you so much.

Mr. O'Hern --

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

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

HEARING OFFICER FRANK: Excuse me. You said --

MS. ASHWOOD: Loka.

HEARING OFFICER FRANK: Ashwood?

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

COURT REPORTER: Spell it, please.

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

COURT REPORTER: And your first name?

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

COURT REPORTER: Thank you.

MS. ASHWOOD: Thank you.

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

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

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

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

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

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

MS. ASHWOOD: Make sure you apply.

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

HEARING OFFICER FRANK: Down here.

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

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

MS. COOK: I was.

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

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

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

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

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

SEVERAL UNIDENTIFIED: Yes.

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

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

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

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

MR. ANDERSON: Who is that directed to?

UNIDENTIFIED: You.

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

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

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

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

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

Next question. Sir.

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

HEARING OFFICER FRANK: Could you speak up, please.

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

I brought with me in my possession

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

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

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

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

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

HEARING OFFICER FRANK: Okay.

MR. BROWN: Thank you.

HEARING OFFICER FRANK: Sir. Yes.

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

HEARING OFFICER FRANK: Speak up, please.

COURT REPORTER: Yes.

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

This question is actually for you,

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

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

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

MR. GEGAS: Yes.

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

MR. GEGAS: Okay.

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

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

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

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

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

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

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

UNIDENTIFIED: Doesn't make any difference.

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

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

MR. GOETSCH: Well, as I --

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

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

MR. GEGAS: So will --

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

MS. ASHWOOD: That's your job.

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

MR. GEGAS: Will he have to resubmit?

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

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

again.

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

MR. GEGAS: Why?

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

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

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

MR. GEGAS: The State of Illinois, CyberDrive.

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

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

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

MR. GEGAS: This shows the owner-operator.

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

UNIDENTIFIED: As of now. As of this minute.

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

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

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

(Documents given to Mr. Goetsch.)

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

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

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

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

Would you like this back?

MR. GEGAS: Please. Both documents.

HEARING OFFICER FRANK: Down here, second row.

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

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

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

COURT REPORTER: No.

MS. JAMES: My question is for Chris West. And my question is has Frank and West -- have any of the facilities that you've engineered ever been litigated against for environmental violations? If so, what was the cause of these violations and how

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

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

UNIDENTIFIED: Yeah, we do.

UNIDENTIFIED: We want to hear it.

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

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

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

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

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

MR. O'HERN: Chris would like to answer

that.

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

UNIDENTIFIED: For how many million gallons?

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

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

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

MR. ANDERSON: Say the --

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

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

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

MR. BROWN: I understand that.

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

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

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

MR. BROWN: Okay. And --

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

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

UNIDENTIFIED: Oh, whatever.

MR. ANDERSON: Excuse me. The industry -- 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

volatilized from your barns?

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

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

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

MR. WEST: The --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. CURTIS: How much weight does that carry?

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

And then, based on those issues that were

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

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

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

MR. CURTIS: Thank you.

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

MR. CLARK: The old man.

HEARING OFFICER FRANK: At least you have hair.

MR. CLARK: My name is Richard Clark.

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

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

I have a question for the gentleman there,

Mr. West.

MR. WEST: Yes, sir.

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

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

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

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

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

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

question.

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

MR. O'HERN: Thank you very much.

HEARING OFFICER FRANK: Brad, right next to him.

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

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

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

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

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

And it's our intentions to use the

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

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

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

call.

HEARING OFFICER FRANK: So clear to the back.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The next step in the process is for the

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

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

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

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

they have gone away.

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

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

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

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

MR. GOETSCH: That's correct.

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

MR. CONIGLIO: Tony Coniglio, McDonough County Board.

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

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

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

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

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

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

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

MR. CONIGLIO: Okay.

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

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

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

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

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

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

MR. CONIGLIO: Okay. Thank you.

MR. O'HERN: Thank you, Tony.

HEARING OFFICER FRANK: The kind of gray

T-shirt and hat.

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

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

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

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

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

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

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

So the gentleman right down here in the flowered shirt.

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

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

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

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

HEARING OFFICER FRANK: Lady standing up right here.

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

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

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

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

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

MR. WEST: No.

MS. BURTON: -- in the county?

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

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

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

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

MR. WEST: I won't disagree.

MS. BURTON: Okay.

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

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

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

MS. BURTON: Okay. So --

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

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

MR. WEST: It is done with dual intent.

MS. BURTON: Okay.

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

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

MR. WEST: That is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We'll take a ten-minute break. Thank you.

(Short recess.)

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

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

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

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

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

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

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

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

MR. FRANK: Please raise your right hand.

(Ms. Cook was duly sworn.)

HEARING OFFICER FRANK: Thank you. You may proceed.

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

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

SEVERAL UNIDENTIFIED: No.

MS. COOK: Hello.

HEARING OFFICER FRANK: Very good. Thank you.

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

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

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

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

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

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

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

the proposed site, clearly within the setback area.

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

HEARING OFFICER FRANK: You have 20 seconds.

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

HEARING OFFICER FRANK: Please.

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

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

the park is way too close.

HEARING OFFICER FRANK: Thank you.

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

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

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

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

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

generations."

Thank you.

HEARING OFFICER FRANK: Thank you, Ms. James.

UNIDENTIFIED: She wasn't sworn in.

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

Would you please raise your right hand.

(Ms. James was duly sworn.)

HEARING OFFICER FRANK: Thank you. I apologize.

Kathy Martin, and then next up is Stephen Ashwood.

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

(Ms. Martin affirmed.)

HEARING OFFICER FRANK: Thank you.

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

that it was proprietary.

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

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

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

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

1990s.

Thank you.

HEARING OFFICER FRANK: Thank you.

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

Please state your name and --

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

(Mr. Ashwood was duly sworn.)

HEARING OFFICER FRANK: You made proceed.

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

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

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

Thank you very much.

HEARING OFFICER FRANK: Thank you.

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

HEARING OFFICER FRANK: Yes, during the written testimony.

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

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

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

(Mr. Hillyer was duly sworn.)

HEARING OFFICER FRANK: Thank you.

MR. HILLYER: All I was --

HEARING OFFICER FRANK: Please use the microphone.

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

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

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

So thank you a lot.

HEARING OFFICER FRANK: Thank you.

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

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

HEARING OFFICER FRANK: Other hand.

MR. KENDRICK: I'm left-handed.

(Mr. Kendrick was duly sworn.)

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

That's all I got to say.

HEARING OFFICER FRANK: Thank you.

Mary Wilson is next, followed by Mike Smith.

State your name and spell it, please.

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

(Ms. Wilson was duly sworn.)

HEARING OFFICER FRANK: You may proceed.

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

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

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

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

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

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

HEARING OFFICER FRANK: Thank you.

John Curtis is next, followed by Karen Hudson.

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

HEARING OFFICER FRANK: Common spelling?

MR. SMITH: Yes.

HEARING OFFICER FRANK: Thank you.

(Mr. Smith was duly sworn.)

HEARING OFFICER FRANK: You may proceed.

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

As a neighboring landowner to this

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

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

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

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

I sympathize with the people here that

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

HEARING OFFICER FRANK: 20 seconds.

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

Thank you.

HEARING OFFICER FRANK: Thank you.

MS. HUDSON: My name Karen Hudson.

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

Sir, your name is Mike Smith; correct?

Mr. SMITH: Yes.

HEARING OFFICER FRANK: Yes. John Curtis

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

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

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

Would you state your name and spell it, please.

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

HEARING OFFICER FRANK: Thank you.

(Mr. Curtis was duly sworn.)

HEARING OFFICER FRANK: You may proceed.

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

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

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

Thank you.

HEARING OFFICER FRANK: Thank you, Mr. Curtis.

Karen Hudson is next, followed by Barbara Ashwood --

MS. ASHWOOD-GEGAS: Gegas.

HEARING OFFICER FRANK: -- Gegas.

(Ms. Hudson was duly sworn.)

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

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

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

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

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

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

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

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

HEARING OFFICER FRANK: 30 seconds.

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

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

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

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

HEARING OFFICER FRANK: Okay.

MS. HUDSON: Okay?

HEARING OFFICER FRANK: Thank you.

MS. HUDSON: Can I add one more thing? Okay. They have found evidence of antibiotic

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

HEARING OFFICER FRANK: Thank you.

Barbara Ashwood-Gegas, followed by Janice Ashwood.

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

UNIDENTIFIED: She's not sworn in.

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

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

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

(Ms. Ashwood-Gegas was duly sworn.)

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

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

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

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

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

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

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

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

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

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

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

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

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

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

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

HEARING OFFICER FRANK: Ma'am.

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

HEARING OFFICER FRANK: Thank you very much.

MS. ASHWOOD-GEGAS: Thank you.

HEARING OFFICER FRANK: Janice Ashwood is up, followed by John Seasly.

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

(Ms. Ashwood was duly sworn.)

HEARING OFFICER FRANK: You made proceed.

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

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

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

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

be gravely affected.

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

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

HEARING OFFICER FRANK: 20 seconds.

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

later.

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

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

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

HEARING OFFICER FRANK: Thank you. John Seasly, followed by Jack Brown.

State your name and spell it please.

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

(Mr. Seasly was duly sworn.)

MR. SEASLY: I own a farm right next to

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

Thank you.

HEARING OFFICER FRANK: Thank you.

Jack Brown.

MR. BROWN: I yield the floor.

HEARING OFFICER FRANK: Jack Brown?

MR. BROWN: I say I yield the floor.

HEARING OFFICER FRANK: Okay. Thank you.

Glenn Wilcoxen, followed by Jason Prendergast.

UNIDENTIFIED: Jason Pendergast.

HEARING OFFICER FRANK: Jason Pendergast. Excuse me.

State your name and spell it, please.

MR. WILCOXEN: Glenn with two "n's." Wilcoxen, W-i-l-c-o-x-e-n.

(Mr. Wilcoxen was duly sworn.)

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

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

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

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

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

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

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

Thank you for your time.

HEARING OFFICER FRANK: Thank you.

Jason Prendergast, followed by Heather --

MS. MCILVAINE-NEWSAD: McIlvaine-Newsad.

HEARING OFFICER FRANK: McIlvaine-Newsad.

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

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

(Mr. Prendergast was duly sworn.)

HEARING OFFICER FRANK: You made proceed.

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

Before I moved over here, every St.

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

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

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

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

insult to every Irish person.

Thank you.

HEARING OFFICER FRANK: Thank you.

Heather McIlvaine-Newsad, followed by Sara Boeckelman.

State and spell your name, please.

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

HEARING OFFICER FRANK: That's quite a mouthful.

MS. MCILVAINE-NEWSAD: It is.

(Ms. McIlvaine-Newsad was duly sworn.)

HEARING OFFICER FRANK: You may proceed.

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

We've heard from proponents of CAFOs argue 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

fundamentally different questions.

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

HEARING OFFICER FRANK: 20 seconds.

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

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

HEARING OFFICER FRANK: Please wrap it up.

MS. MCILVAINE-NEWSAD: They do represent a

significant risk to the environment and humans.

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

Sara Boeckelman, followed by Christos Gegas.

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

(Ms. Boeckelman was duly sworn.)

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

HEARING OFFICER FRANK: Is this written testimony?

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

would like to read it for the record.

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

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

Christos Gegas, followed by Derek/Dustin Blowers.

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

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

Can you state and spell your name, please.

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

(Mr. Gegas was duly sworn.)

HEARING OFFICER FRANK: You may proceed.

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

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

COURT REPORTER: You need to speak up, please.

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

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

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

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

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

MS. COOK: Pardon me?

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

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

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

UNIDENTIFIED: Spell it.

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

UNIDENTIFIED: An address.

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

UNIDENTIFIED: Ashwood.

HEARING OFFICER FRANK: Ashwood? John Ashwood? Okay.

Can you state and spell your name, please.

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

(Mr. Genovese was duly sworn.)

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

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

"Dear Dalton:

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

"I hope you understand why your letter was

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

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

HEARING OFFICER FRANK: 20 seconds.

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

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

HEARING OFFICER FRANK: Thank you.

John Ashwood, followed by Barrie McVey.

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

COURT REPORTER: First name.

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

(Ms. Ashwood was duly sworn.)

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

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

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

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

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

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

anymore.

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

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

MS. MCVEY: Yes.

HEARING OFFICER FRANK: And Wohlstadter?

MS. MCVEY: Wohlstadter.

COURT REPORTER: Spell that.

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

(Ms. McVey was duly sworn.)

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

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

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

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

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

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

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

(Mr. Finch was duly sworn.)

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

of LaHarpe.

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

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

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

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

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

of it. He said they never smell it.

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

So that's all I have.

HEARING OFFICER FRANK: Thank you.

Edie Selders, followed by Chenoweth. Maybe starts with a "J" from Table Grove.

MR. CHENOWETH: Yes.

HEARING OFFICER FRANK: Okay. Edie Selders. No Edie Selders?

UNIDENTIFIED: I think she left.

HEARING OFFICER FRANK: Okay. Mr. Chenoweth.

MR. CHENOWETH: You bet.

HEARING OFFICER FRANK: Followed by Jeffrey Butler.

State your name and spell it, please.

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

(Mr. Chenoweth was duly sworn.)

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

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

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

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

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

That's all I got to say.

HEARING OFFICER FRANK: Thank you.

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

MR. BUTLER: Jeffrey Butler.

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

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

(Mr. Butler was duly sworn.)

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

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

State and spell your name, please.

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

HEARING OFFICER FRANK: Step up to the microphone.

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

(Ms. Poppenhager was duly sworn.)

HEARING OFFICER FRANK: Proceed.

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

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

Thank you.

HEARING OFFICER FRANK: Thank you.

Jerry Riggins, followed by Tony Coniglio.

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

(Mr. Riggins was duly sworn.)

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

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

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

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

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

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

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

HEARING OFFICER FRANK: 20 seconds.

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

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

associated businesses.

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

Thank you.

HEARING OFFICER FRANK: Thank you.

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

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

(Ms. Terstriep was duly sworn.)

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

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

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

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

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

vital in the State of Illinois.

Thank you.

HEARING OFFICER FRANK: Thank you.

Steve Foglesong, followed by Trevor Toland.

State and spell your name.

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

(Mr. Foglesong was duly sworn.)

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

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

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

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

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

Thank you very much.

HEARING OFFICER FRANK: Thank you.

Trevor Toland, followed by Matt Taylor.

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

(Mr. Toland was duly sworn.)

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

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

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

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

Matt Taylor, followed by Rick Stockstill.

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

(Mr. Taylor was duly sworn.)

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

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

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

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

Chris Buchanan. Chris Buchanan. Going once. Going twice.

Christie Davis, followed by David Dedert.

Will you state and spell your name, please.

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

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

MS. DAVIS: Correct.

(Ms. Davis was duly sworn.)

MS. DAVIS: I'm the chairman of the

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

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

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

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

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

Hog waste and antibiotic resistance has already been mentioned.

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

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

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

HEARING OFFICER FRANK: About 10 seconds.

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

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

Thank you.

HEARING OFFICER FRANK: Thank you.

David Dedert. David Dedert.

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

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

(Dr. Groth was duly sworn.)

DR. GROTH: I'm Doug Groth. I'm a swine 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

begins with an M-a something from Paxton.

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

(Ms. Johnson was duly sworn.)

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

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

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

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

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

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

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

thought it would.

HEARING OFFICER FRANK: 20 seconds.

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

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

HEARING OFFICER FRANK: Thank you.

Jim Maiers, followed by Abbie Wear.

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

(Mr. Maiers was duly sworn.)

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

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

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

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

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

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

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

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

In conclusion, one the greatest needs as a society is a safe, quality, affordable food supply. By expanding, adapting, new technologies, and increasing efficiencies, Illinois pork producers can meet that need better than anyone else in the world while caring for the environment, being a good neighbor, and adding economic development to our economy.

Be proud that you live in a county that is the leader in producing food for your families as well as families all over the world. I can think of no greater business or occupation I would like to have in our communities.

Thank you.

HEARING OFFICER FRANK: Thank you.

Abbie Wear, followed by Sean Dixon.

MR. DIXON: I yield my time.

HEARING OFFICER FRANK: Okay. After Abbie Wear, then, will be Rowen Ziegler.

MS. WEAR: Abbie, A-b-b-i-e W-e-a-r.

(Ms. Wear was duly sworn.)

MS. WEAR: Hi. I have concerns about this also. I am concerned about our schools being supported, especially in Schuyler County-Industry School.

And I received a letter from the superintendent of schools, Mathew Plater. It says, "I am writing to you in support of the confined animal feed operation that is being proposed by Shamrock Acres, LLC, for southeast McDonough County. I do not claim to be educated on the matters of confined animal operations, but I am sure that the state has guidelines in place to ensure that such operations are located in suitable areas and are run in a way that is the least harmful to the environment.

"I support the proposed new business as it is growth and will result in an increase in revenue

for our school district. As a taxing body, about 35 percent of our revenue comes from local sources that are primarily made up of property taxes. Every new home and business adds value to our school district and increases our equalized assessed valuation. It is my understanding that the value of the proposed business would result in 40- to $50,000 of new tax revenue for our value of the proposed business would result" -- "for our school district." Excuse me. "An increase in this amount would cover the costs of at least one teacher's salary and benefits for a year or equate to about one fourth of our transportation and fuel costs for the year.

As the economy of the community goes, so does local funding of its school district. West central Illinois has not experienced the new growth that other areas in Illinois have and EAV growth has been mostly the result of increase in farmland values."

HEARING OFFICER FRANK: 20 seconds.

MS. WEAR: "Most schools in west central Illinois have seen a steady decline in enrollments for many years. New businesses creates jobs, jobs means families, and schools needs students to keep from

having to continually downsize and eliminate programs for our students.

"For these financial reasons, I feel Schuyler-Industry School District would benefit from this proposed new business like it would from any new business that would choose to locate within our school district.

"Sincerely, Mathew Plater."

HEARING OFFICER FRANK: Thank you.

Mr. Ziegler, followed by Leroy Brown. Big Leroy Brown.

MR. ZIEGLER: Rowen Ziegler, R-o-w-e-n Z-i-e-g-l-e-r.

(Mr. Ziegler was duly sworn.)

MR. ZIEGLER: I am on the Illinois Soybean Association board of directors. I represent soybean farmers.

We grow soybeans. Soybeans by themselves aren't used for much until you process them into soybean meal and soybean oil. The soybean meal is a high-protein product used to feed hogs primarily in Illinois. Without the hog industry, our soybeans wouldn't be worth much. And the same can be said for corn.

The Illinois Soybean Association has long recognized the need for a healthy ag industry in Illinois, and recently we have redoubled our efforts to support the ag -- animal ag industry.

I can think of nothing better than to grow beans in Illinois soy fields, processed in Illinois plants, fed to Illinois hogs, the hogs processed in Illinois plants, fed to Illinois consumers, and exported throughout the world. That is economic development, and that is what we need.

Thank you.

HEARING OFFICER FRANK: Thank you.

Leroy Brown, Macomb?

UNIDENTIFIED: He left.

HEARING OFFICER FRANK: Okay.

Ken Nimrick. Ken Nimrick, followed by Merna? M-e-r-n -- from Macomb. C-o maybe?

UNIDENTIFIED: She left.

HEARING OFFICER FRANK: She left? Okay. After Mr. Nimrick will be Kari Jo Kelso.

Please state your name and spell it.

MR. NIMRICK: Okay. Ken Nimrick, K-e-n N-i-m-r-i-c-k.

(Mr. Nimrick was duly sworn.)

MR. NIMRICK: In the interest of full disclosure, I would say that I'm a staff member here at the school of agriculture at Western Illinois University, but I want to speak to you more on a personal basis.

We also -- my family also has a family farm. It's been in the family for about 160 years, since 1852. We now have the seventh generation, soon to be the eighth, living on the same property. I, myself, have been a livestock producer for more years than I care to count actually -- 55 or 60 years. Got my start at a young age, and livestock has been a big part of our operation over the years. It's been a diversified operation.

But the thing -- the point I want to make here is that we do have a livestock -- a confined livestock feeding operation now. We operated as a very diversified operation for many years, but the point I want to make is that the livestock feeding operation is what has allowed the next two generations, our grandchildren now, to join our family business. That would not have been possible at all without being able to expand our livestock operation in that way.

Looking at it another way, I'm soon to -- you know, soon to be retired, and if we had not been able to do that, our farm would -- our family farm would have just disappeared into thin air and been absorbed by some other mega grain operation.

So that's just the point I want to make here.

I want to leave you with one thing to think about. I always like to leave my students with something to think about at the end of class. And that is that -- I don't know about the rest of you, but I like to set my garbage out on the curb once a week, and it just sort of magically disappears. I like to walk into the room and flip the light switch and the electric lights come on and other conveniences. You know, I sure don't want one of those ugly landfills around, and I sure don't want one of those power plants around. So I would urge people just kind of think of things in that context as well.

Thank you.

HEARING OFFICER FRANK: Thank you.

Kari Jo Kelso, followed by Margaret O-i-t-t?

UNIDENTIFIED: Ovitt.

HEARING OFFICER FRANK: O-v-i-t-t. I'm sorry.

MS. KELSO: Kari Jo Kelso, K-a-r-i J-o K-e-l-s-o.

(Ms. Kelso was duly sworn.)

MS. KELSO: I'm a student of animal science and veterinary medicine at Oklahoma State University, and I've lived on a farm in McDonough County all of my life, and I plan to return home after school and live here as well. So I care for McDonough County's farm ground, environment, and the well-being of our citizens.

As an advocate for agriculture, I support the proposed sow farm, Shamrock Acres, for several reasons.

First of all, Illinois and McDonough County grow a lot of corn and soybeans. Part of being environmentally friendly is utilizing our resources to the best of our ability. It is our moral and our ethical obligation to use these resources such as the corn and soybeans available to us in order to produce a safe, humane product that most of us like to enjoy.

Health issues have also been a main 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.

Hog confinements are commonly called factory farms which may be misleading. These farms raise the hogs in a controlled environment, keeping the animals safe from harsh elements.

HEARING OFFICER FRANK: 20 seconds.

MS. WEAR: These buildings also keep the manure in a contained area and prevent runoff, unlike the old days. It helps us -- this new technology helps us produce a safe product for our consumers.

McDonough County's roots flourish in agriculture, and the citizens of McDonough County must protect that. The industry of agriculture may be growing and changing, but our values, goals, and morals are only growing stronger.

I think we can all agree that we have one common goal tonight, and that's to preserve our environment, to produce the safest food supply possible, while also creating the most affordable product available in order to feed the world. With efficient and humane management practices, I believe we can accomplish all these goals right here in McDonough County.

HEARING OFFICER FRANK: Thank you.

Margaret Ovitt, followed by Levi Greuel.

Would you state and spell your name, please.

MS. OVITT: Margaret, M-a-r-g-a-r-e-t, Ovitt, O-v, as in "Victor," -i-t-t.

(Ms. Ovitt was duly sworn.)

MS. OVITT: I'm going to wear two hats tonight. My first as a nurse. I am a nurse. I have seen antibiotic resistant diseases treated -- some successfully, some not. And I know, because of all the scientific evidence that there is, that there is a direct relationship between some therapeutic levels of antibiotics given to food animals. And I took introductory microbiology, and when you give some therapeutic antibiotics, that is just the perfect milieu for developing antibiotic resistance, number one.

I have this lovely paper here called The Movement of Fecal Bacteria Through the Vadose Zone. Where is Joel? Now, the vadose zone is the zone of the soil right above the ground water, and I'm not going to -- I'm going to submit this paper. It's a very scientific paper from the University of Geulph, Ontario, but I'm going to read just one line of the abstract. "We conclude that application of animal

manure, which is liquid animal manure, to soil can readily lead to ground water contamination with fecal bacteria, especially under moist soil conditions, and that macropores are important in the transport." "Macropores" meaning clay soil, which is probably what Mr. O'Hern has. And moist soil conditions. This April was the seventh wettest in our history.

HEARING OFFICER FRANK: 20 seconds.

MS. OVITT: Okay. The other thing -- I'd just like to put in a word for the small -- for the local food movement. Everybody here has been speaking about big ag. There's a wonderful book out called The Town That Food Saved, and it's about a small town in Vermont that was going downhill, and they started -- well, one town actually built a soy plant. Can you imagine growing soybeans in Vermont? And this is Vermont the state, not Vermont, Illinois. Sorry. Vermont, you know, state of. Anyway, they actually built a soy factory. And I always thought LaHarpe would be perfect for a little soy factory, and there are other uses for soybeans besides feeding animals. People eat soybeans as well. It's a great food.

Thank you.

HEARING OFFICER FRANK: Thank you.

Levi Greuel.

UNIDENTIFIED: He's not here.

HEARING OFFICER FRANK: All right.

Chris -- is it Chris? -- Adams.

MR. ADAMS: Correct.

HEARING OFFICER FRANK: Is it Chris?

MR. ADAMS: Yes.

HEARING OFFICER FRANK: Followed by Seline Mannion.

MR. ADAMS: My name is Chris Adams, C-h-r-i-s A-d-a-m-s.

(Mr. Adams was duly sworn.)

MR. ADAMS: I come here tonight with a letter that was sent to the Rural Residents for Responsible Agriculture from the McDonough County Health Department. It's a general information letter regarding CAFOs and also animal manure in general in all animals.

"This letter is response to your request for information regarding the effects of confined animal feeding operation, CAFOs, on human health and the environment. The effects of CAFOs are a function of waste that is produced by the animals in a feeding operation. An animal unit is equivalent to 1,000

pounds of live weight. Daily production of fresh manure, feces, and urine by hogs range from 60 to 84 pounds per day per animal unit.

"Three primary components of animal manure that are of concern include hydrogen sulfide gas, ammonia, and particulate matter.

"Hydrogen sulfide is produced by the animal waste when bacteria break down the organic matter. Exposure to low concentrations can cause irritation to eyes, nose, or throat and difficulty breathing for some asthmatics. Children could be effected more severely than adults due to the fact they breathe in more air because hydrogen sulfide is heavier than air. Since children are shorter than adults, they inhale more of the hydrogen sulfide gas.

"Ammonia is produced by humans and by nature. It is a product of natural break down of manure, dead plants, and animals. Ammonia has a strong sharp odor and cause irritation to sites in direct contact such as skin, eyes, respiratory tract, mouth, and digestive tract.

"Particulate matter generated by CAFOs is due to movement of animals. The sources of particulate matter include feeding -- feed, bedding,

dry manure, and unpaved soil surfaces. Particulate matter is comprised of fecal matter, feed material, pollen, bacteria, fungi, and skin cells."

HEARING OFFICER FRANK: 15 Seconds.

MR. ADAMS: "Risk to health may include chronic bronchitis, chronic respiratory system, and decreased lung function.

"Animal manure in a CAFO is typically applied to land. Inappropriate application to land, runoff in land application leads to manure through the soil at least -- or breaks in the storage containment units can cause contamination of soil, water.

"McDonough County Health Department is dedicated to the protection, promotion, and maintenance of health and wellness in the community, and appreciates the opportunity to provide the above information."

Thank you.

HEARING OFFICER FRANK: Thank you.

Seline Mannion, M-a-n-n-i-o-n. Not here.

Going to need some help with this one. Two names it looks like. It looks like the second one is Nancy. Maybe a "G," maybe an "A" to start off with. Albert Street, Macomb. Not here.

Mark Hoge, followed by Loka Ashwood.

MR. HOGE: Mark Hoge, M-a-r-k H-o-g-e.

(Mr. Hoge was duly sworn.)

MR. HOGE: Imagine the days when a farming family could have 60 sows, 60 beef cows, and 600 acres. After a hard day of work baling hay, you went into town, went to the Dairy Queen, stopped by the drug store, stopped at the local Supervalu, maybe picked up a shirt from your friend that's the clothier on the town square, and you went home for the evening. I am old enough that I can remember those days.

We drive through rural America now and the town squares are dead, aren't they? Not no business of any kind. Okay. What -- and when you fundamentally think, what was the undoing for that? It's called Walmart.

I teach at Western Illinois University, and I teach animal science students, and I don't teach a particular "This is the answer, this is the answer." I provoke thought, and I want people to have passion, and I applaud the passion that has been in the room this evening. But the challenge with it is American agriculture has been subjected to the Walmart syndrome. Okay. Does a farmer need 20,000 acres of

row crop production to feed -- you know, feed his family and pay his bills? Probably not. Are they in the State of Illinois? Absolutely. Are they met with any type of, you know, apprehension? Not at all. Okay.

Now, large CAFOs, C-A-F-Os, why are they a factor today? Why is Walmart a factor? Why does Walmart dominate the retail outlet? Because they're good at what they do. Okay. I would love to have 60 sows, 60 cows, and 600 acres. I wouldn't be here right now. I would be at home managing my small enterprise. I grew up in a livestock background.

HEARING OFFICER FRANK: 20 seconds.

MR. HOGE: I would love to have and provide students -- I work with students every day trying to get them back home to join the family enterprise. C-A-F-O. $7 million is going to buy you pretty good, state-of-the-art technology. There are a tremendous number of good ones in the world. Maybe there's some bad eggs. But I would really, really encourage to make sure that animal protein doesn't turn into a luxury item. We need to make it affordable, and the U.S. without a doubt has the most wholesome red meat supply in the world without a

doubt.

HEARING OFFICER FRANK: Thank you.

Loka Ashwood, followed by Joel Gruver maybe, G-r-u-v-e-r.

MS. ASHWOOD: Hi. My name is Loka, L-o-k-a, and the last name is Ashwood, A-s-h-w-o-o-d.

(Ms. Ashwood was duly sworn.)

MS. ASHWOOD: Thank you very much. I want to thank you for listening to all of us tonight. I know it's been a long evening, and you probably have an hour and a half drive home.

But I want to bring up probably what I think is one of the most important things that we haven't talked about tonight, and that's the Hillyer Lazy Acres Park, which I'm sure you heard about. It's a park that the Hillyers have had for years. People have been coming and going from this park. And since before your date of application as being deemed complete, this park has been having over 50 visitors every week. Over 50 visitors every week.

Now, you know the law better than I do, but you know the Livestock Management Facilities Act says that, if there's a populated area within your setback that you determine based on the over 3,500

animal units, that you cannot approve an application based on that criteria because it does not meet the setback criteria. This application does not meet the setback criteria because there is a populated area within the setback zone, and that is Lazy -- that is the Lazy Acres Park that the Hillyers have. And we have ample documentation of the people who have been there every week and their children. So I want you to please remember that when you're reviewing this application.

Also, I please beg of you to actually go out and survey the property. As you know, also the Hillyers have a day care. This was Ruthie's dream to build this day care and have this in our community. And I can tell you that I consider that community development. Someone bringing business back into the community and into rural areas.

Could you please go out and survey that property from the edge of the property and see if it is too abiding by your setback regulations. Because according to our measurements, we think it's very, very close, especially if you don't judge just based on the 3,000 animal units but if you judge based on the 3,500 animal units. So we're talking about a

difference of over 2,000 hogs when you're thinking about how you're measuring this. So if you could please definitely look at the Hillyer day care. Remember you're looking at someone's business. This is how they make money, and your decision will directly impact whether or not they can keep that day care going if you let this hog facility in.

So let's think about every rural resident's right to have their own business and please abide by the state laws that are in place to protect us.

Thank you.

HEARING OFFICER FRANK: Thank you.

Joel Gruver, followed by Dana Walker.

MR. GRUVER: The first name is Joel, J-o-e-l. Last name is Gruver, G, as in "good," -r-u-v, as in "violin," -e-r.

(Mr. Gruver was duly sworn.)

MR. GRUVER: This has concerned me quite a bit tonight that this has played out as pro-agriculture versus anti-agriculture or at least that's the way some people have presented it. I think we're talking about a community that is concerned about how agriculture is practiced rather than being

against agriculture.

Another thing that is very important to me in the way that I teach in the school of agriculture here is the fact that we don't have enough animal agriculture in Illinois. We have a livestock-crop disconnect. I talk about that very regularly. My students in my nutrient management class calculate the amount of nutrients that we produce through animal manure, and in essentially every county it's less than 20 percent of the nutrients being applied. So I think it would be valuable to have more animal manure.

But we need to have sound nutrient management. When I heard the remarks by Chris West, when I looked on the slide and saw "phosphorus" incorrectly spelled, when I heard him say that 1,600 acres is far more acreage than is needed to meet the animal manure production that's likely, I cringed because that's not sound nutrient management.

Sound nutrient management is based on the normal manure production from animal units. We can look at sow facilities. They're well documented. We can look at the amount of manure likely to come from the nearly 6,000 sows and grower gilts --

HEARING OFFICER FRANK: 20 seconds.

MR. GRUVER: -- and we can see that the amount of manure likely to be produced is more than all the nutrients produced by the people in McDonough County and perhaps Schuyler County as well. We can look at the amount of nutrients required by the grain, and we can see that there will not be a balance unless we have more acres than 1,600 acres. It depends on whether you have a corn/corn or a corn/soybean or a corn/soybean/wheat rotation. There are lots of factors, but 1,600 acres is not enough land if you look at proper nutrient management.

Thank you.

HEARING OFFICER FRANK: Thank you.

Dana Walker, followed by Steve Hess.

MR. WALKER: Dana Walker, D-a-n-a W-a-l-k-e-r.

(Mr. Walker was duly sworn.)

MR. WALKER: I am president of Environmentally Concerned Citizens and a former district conservationist for the U.S. Department of Agriculture. I wrote the livestock management -- waste management plans in the 1980s. When I wrote those, we calculated two acres per animal unit for hog manure. Two acres per animal unit. Now, since that

time, crop yields have gone up. The phosphorus in the manure has gone down or can go down. But the number of acres described earlier this evening is no where near what we need to have. You need to have 5,000 acres or more. If you don't do that, you're going to overload the land with phosphorus, and I consider that to be crapping on the Sugar Creek and the Illinois River.

HEARING OFFICER FRANK: Thank you.

Steve Hess, followed by Martha Klems.

MR. HESS: Steve Hess, S-t-e-v-e H-e-s-s.

(Mr. Hess was duly sworn.)

MR. HESS: I'm here tonight to speak to the project. I can really relate to Larry. We live on a family farm. My wife and I -- Phyllis -- have a dairy farm in northeastern McDonough County. We are -- I can't go as deep as the one gentleman, but we are a fifth generation, and we are trying to bring the sixth generation into our family farming operation also; and if that happens, it will happen with some sort of livestock operation because it's been spoken about economic benefits of having livestock and being able to expand an operation without an added land base and the capital requirements of that.

The family farm we're on in Mound Township was founded -- was purchased --

COURT REPORTER: I'm sorry. Say that again.

MR. HESS: The family farm that we are on in Mound Township was founded by Phyllis' family in 1867. There has been livestock on this farm every year since -- every year except one since then. We expanded our dairy in 1998. We are a CAFO. I live there. We drink the water there. I have raised my family there. I consider it to be a safe operation.

I would like to speak to point -- I think it's point six about odor controls. We inject our manure the same way that Shamrock Acres is talking about doing theirs with the dragline injecting into the ground. There is no odor. None of my neighbors have ever complained when we fertilize our soils too.

We talk about being sustainable these days, and everybody -- that's a really popular word. My farm is sustainable. The 500 acres that we live on has no dry fertilizer applied to it anymore because we're able to sustain the crops there and raise 200 bushel of corn just by using the manure from the animals. I think that's the way God intended it --

was for nature's cycle to take place like that too.

HEARING OFFICER FRANK: 20 seconds.

MR. HESS: I would like to say thank you to the county board members that are still here tonight. You asked for this hearing. You guys are the ones that are going to make the decision about whether to recommend or not. I appreciate the ones who have stayed and listened to all the testimony.

Thank you.

HEARING OFFICER FRANK: Thank you.

Martha Klems.

MS. KLEMS: Martha Klems, M-a-r-t-h-a K-l-e-m-s.

(Ms. Klems was duly sworn.)

MS. KLEMS: I just want to say that this is a political issue too. And we -- I think one of the things that the people -- many of us here feel is that we don't have control over something that is going to possibly really affect the quality of our lives and our livelihood.

I am sure that there are good farmers and bad. People who do good practices, and people who do bad practices. I am sure that we would feel better about new operation -- about operations or expansions

of operations where we -- they are our neighbors who have a record of performance so that we can judge them again. I think that Mr. O'Hern and Shamrock Acres really recognize that when they did the switcheroo to make it a local person rather than an outside company that had a record that was bad.

What I would just like to say is I know the county board will vote on it, and I certainly hope they're going to recommend against this. But if you all were listening, you understand that they will decide whether the county board recommends or not. The DOA will decide, and it's a matter of things being -- criteria supposedly being met or not being met.

I just want to suggest that perhaps it's time for rural zoning, which would give us perhaps some say in what's going to go on around here, and then we could -- we'd know -- we would have people nearby that are politically accountable to us if we have an operation that is not appropriate. And there's a lot of difference in size in CAFOs. Some of them are a lot bigger than others and require a lot more than others.

HEARING OFFICER FRANK: Thank you.

Is there anyone else who would like to provide any oral testimony?

MS. COOK: You said I could speak again.

HEARING OFFICER FRANK: Give you one minute.

MS. COOK: Ramona Cook. Am I still sworn?

HEARING OFFICER FRANK: Yes, you are.

MS. COOK: Okay. Most of what has been said here tonight really won't count because we must go strictly by the law. The law says Hillyer Park must have a setback of 3,520 feet. It doesn't. There is no place on the site where the facility can legally be built and comply with the setback laws. I ask the department to recognize that the park is legally within the setback and not issue a setback compliance statement.

I asked the county board to vote no on criteria three and to read in full the packets we're going to give you.

I ask Mr. O'Hern to build this just 1,760 feet from his own home, which is the setback for an occupied residence.

Thank you.

HEARING OFFICER FRANK: Thank you.

Anyone else that would like to provide oral testimony? Okay.

I would like to enter into the record as Exhibit No. 4 the oral testimony sign-in sheets.

This concludes -- this concludes the oral testimony phase.

MS. COOK: May I ask if I can enter an exhibit?

HEARING OFFICER FRANK: That's coming.

MS. COOK: Oh. Thank you.

HEARING OFFICER FRANK: Also entered into the record as Exhibit No. 5 are the sign-in sheets for attendance tonight.

Okay. We're going to accept written testimony now.

I do have a letter here from R. Mathew Plater, superintendent of schools, and I believe Abbie Wear was the one that read this into the record, but I will go ahead and enter this into the record as Exhibit No. 6.

Here's is a letter signed by Gretchen Fawcett that will be entered as Exhibit No. 7.

Folks, we still have closing comments here if you'd like to stick around for that.

Exhibit No. 8 is a letter from the Office of the Attorney General, signed by Tom Davis, bureau chief.

Exhibit No. 9 is testimony from the League of Women Voters from McDonough County.

Exhibit No. 10 is Township Financial Information from Chuck Hillyer.

No. 11 is a letter addressed to members of the McDonough County Board from Jerry and Lynne Riggins.

Exhibit No. 12 is testimony from -- and a letter from Ramona Cook.

Exhibit No. 13 is a packet for county board members from Rural Residents of Responsible Agriculture -- a series of documents.

No. 14 is a letter signed by Stacy James from the Prairie Rivers Network.

Exhibit No. 15 is a document entitled Adverse Health Effects of Hog Production and Hog Farm Contamination Information. That is written testimony from Christie Davis.

Exhibit No. 16 is a letter of appraisal, and that is from Greenfield Advisors. All right. Thank you.

Exhibit No. 17 is testimony from Carla Poppenhager.

Exhibit No. 18 is testimony from Barbara Ashwood-Gegas.

No. 19 is written testimony from Christos Gegas.

Exhibit No. 20 is written testimony of Danielle Diamond.

No. 21 is written testimony from Janice Ashwood.

No. 22 is entitled Swine CAFOs and Novel H1N1 Flu.

23 are letters from Leroy Brown, county board member.

No. 24 is testimony from Mary Wilson.

And No. 25 is testimony from Karen Hudson.

Are there any closing remarks from the facility? Mr. West? Mr. West? Mr. West, are there any closing comments from the facility?

MR. WEST: No.

HEARING OFFICER FRANK: Are there any closing comments from the department?

MR. GOETSCH: Just drive safely.

HEARING OFFICER FRANK: As I mentioned

earlier, a copy of the transcript will be provided to the county board. For others desiring a copy, the transcript will be available by contacting the county clerk. Business cards are available with contact information, and they were out on the table in the hallway.

Thank you for your attendance tonight. This public informational meeting is hereby closed.

(Meeting adjourned at 9:52 P.M)

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