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PUBLIC MEETING REGARDING THE PROPOSED CONSTRUCTION
2 OF A LIVESTOCK MANAGEMENT FACILITY
BY SANDY CREEK LANE, LLC
3
4
5 APRIL 17, 2014
6
7 102 WEST ELM STREET
8 WENONA, ILLINOIS
9 6:00 P.M.
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12
PRESENT:
13
SCOTT FRANK, HEARING OFFICER
14 ILLINOIS DEPARTMENT OF
AGRICULTURE
15
16 WARREN D. GOETSCH, P.E.,
ILLINOIS DEPARTMENT OF
17 AGRICULTURE
18
19 BRAD A. BEAVER, ILLINOIS
DEPARTMENT OF AGRICULTURE
20
21 NICOLAS RIPPEL, VMC MANAGEMENT
22
23 MATT WAGNER, WAGNER CONSULTING
AND AGRICULTURE, LLC
24

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1 HEARING OFFICER FRANK: Good
2 evening.
3 On behalf of Bob Flider, Director of
4 the Illinois Department of Agriculture, we thank
5 you very much for the invitation to come to
6 Marshall County today.
7 My name is Scott Frank. I am with
8 the Illinois Department of Agriculture and I will
9 be serving as the Hearing Officer for tonight's
10 public informational meeting.
11 Also with me on behalf of the
12 Department are Warren Goetsch, Chief of the Bureau
13 of Environmental Programs and Brad Beaver, Manager
14 of the Bureau's Livestock Program.
15 This meeting is being conducted
16 pursuant to Section 12 of the Livestock Management
17 Facilities Act. The informational meeting is
18 being held at the request of the Marshall County
19 Board and is to afford the members of the public
20 an opportunity to ask questions and present oral
21 and written testimony regarding the proposed
22 construction of a 3,384 animal unit swine
23 gestation farrowing isolation facility owned by
24 Sandy Creek Lane, LLC.

1 My task this evening is to ensure
2 that this meeting is conducted in an orderly
3 fashion and to ensure that all comments and
4 testimony received are entered into the record.
5 Tonight's meeting is being
6 transcribed. The transcript of the meeting will
7 be sent to the Marshall County Board as well as
8 used by the Department of Agriculture in making
9 its determination regarding the proposed
10 construction of this facility.
11 In order to ensure that we have an
12 orderly process I will quickly explain how the
13 meeting will proceed this evening.
14 First, following my comments Warren
15 Goetsch will provide an overview of the provisions
16 of the Livestock Management Facilities Act as it
17 relates to this particular project, specifically
18 outlining the current status of the project and
19 how the process will proceed following this
20 meeting.
21 Following Mr. Goetsch,
22 representatives for the proposed construction
23 project will be given an opportunity to describe
24 the project and demonstrate how they believe it

1 meets siting criteria of the Livestock Management
2 Facilities Act.
3 After their presentation I will open
4 the meeting to questions. Anyone wishing to ask
5 questions of the facility representatives or the
6 Department will be given an opportunity to do so.
7 During the question and answer session I will ask
8 that you state your name and spell your last name
9 for the court reporter. You may then ask your
10 question. Depending upon the number of people who
11 wish to testify in the oral testimony phase of the
12 meeting which is right after the question phase,
13 there may need to be a time limit placed on this
14 questioning phase. We will have a microphone set
15 up in the center. We ask that you step up to the
16 microphone to ask your question.
17 Please keep in mind that we are not
18 here this evening to discuss or debate the
19 perceived adequacies or merits of the regulations.
20 The Livestock Management Facilities Act an
21 accompanying rules have been in force for over 15
22 years. Some people like them, some people don't.
23 We cannot change anything here in that regard so
24 we will not take the time to get into a discussion

1 about changes. We are here tonight to receive
2 information on this particular livestock facility
3 to determine compliance with the existing
4 regulations.
5 Following the question and answer
6 session I will ask for oral testimony from the
7 public.
8 Sign in sheets were placed at the
9 side of the room as you came in. One sheet for
10 attendance and one sheet for testimony. People
11 who wish to provide comments during this oral
12 testimony phase are asked to sign the oral
13 testimony sheet. People providing oral comments
14 will be sworn in and will be subject to
15 questioning from the public. Each person will be
16 given three minutes to provide his or her
17 comments. Legal counsel speaking on behalf of
18 multiple clients will be given a total of 15
19 minutes for all clients and will be asked to state
20 the names of all of the persons on whose behalf he
21 or she is speaking. Deferring time to other
22 speakers will not be allowed. If you sign the
23 oral testimony sheet, you may either speak or you
24 may pass. You may not give your time to someone

1 else.

2 Also please keep in mind that if you

3 do not wish to be asked questions regarding your

4 oral testimony, do not sign the sheet. Or if you

5 have already signed it, indicate that you would

6 like to pass when I call your name.

7 Following the oral testimony I will

8 ask for written testimony. Written testimony will

9 be accepted in paper form and will be entered into

10 the record for this proceeding.

11 The meeting will then conclude with

12 closing comments from the facility and the

13 Department of Agriculture.

14 So, to summarize the procedure

15 tonight, we will have comments from the

16 Department, comments from the Facility, questions

17 directed to the Department and the Facility, oral

18 testimony from the public, written testimony and

19 then closing comments.

20 Again, we very much appreciate your

21 hospitality in inviting us here tonight to

22 consider the proposed construction of the Sandy

23 Creek Lane swine facility.

24 Please remember to confine your

1 comments and questions to that subject as we
2 continue.
3 I will now turn the proceedings over
4 to Warren Goetsch for remarks from the Illinois
5 Department of Agriculture.
6 MR. GOETSCH: Good evening. Again,
7 my name is Warren Goetsch and I currently serve
8 as the Bureau Chief of Environmental Programs for
9 the Illinois Department of Agriculture.
10 One of our responsibilities at the
11 Department is the administration of various
12 provisions of the Livestock Management Facilities
13 Act.
14 On behalf of the Department, let me
15 welcome you to this public informational meeting.
16 Before we hear from the proposed
17 facility's representatives I would like to say a
18 few words regarding the applicable provisions of
19 the Livestock Management Facilities Act and the
20 current status of this proposed project.
21 The Livestock Management Facilities
22 Act was originally passed and became law on
23 May 21st of 1996. Since that time the Act has
24 been amended four times. First during the General

1 Assembly's 1997 fall veto session, second a major
2 revision during the General Assembly's 1999 spring
3 session, and most currently two minor amendments
4 in 2007 and 2009.
5 The current Act can be generally
6 described as covering five major areas. Those
7 being facility design standards, waste management
8 planning requirements, facility operator training
9 and testing, anaerobic lagoon financial
10 responsibility demonstration and facility setback
11 requirements.
12 Each of these provisions impacts
13 various types of facilities in different ways
14 depending upon their size expressed in animal
15 units and whether the proposed facility is
16 considered as a new facility, a modified facility
17 or the expansion of an existing site.
18 The Livestock Management Facilities
19 Act's provisions are quite complicated and
20 specific facility designs and situations certainly
21 can differ.
22 It is, however, the Department's
23 intention to always fairly and equitably apply
24 these requirements to the livestock industry in

1 this state.

2 Now, regarding the current status of

3 this particular project, the Department received a

4 formal Notice of Intent to Construct application

5 for the proposed construction of a swine facility

6 on February 25th, 2014.

7 The proposed project is to consist of

8 the construction of one swine gestation building

9 measuring 162 feet by 700 feet with a 10-foot deep

10 under building livestock waste handling facility;

11 one swine farrowing building, measuring 186 feet

12 by 487 feet 8 inches with a 2 feet deep under

13 building livestock waste handling facility; one

14 wean load out room measuring 18 feet by 44 feet

15 with a 2-foot deep under building livestock waste

16 handling facility and one isolation building

17 measuring 93 feet by 323 feet 10 inches with an

18 8-foot deep under building livestock waste

19 handling facility. The project is proposed to be

20 located approximately 3.4 miles northwest of

21 Wenona, Illinois in the northeastern portion of

22 Marshall County.

23 The application was submitted by

24 Wagner Consulting and Agriculture, LLC on behalf

1 of Sandy Creek Lane, LLC and VMC Management
2 Corporation of Williamsburg, Iowa.
3 The maximum design capacity of the
4 proposed facility is 3,384 animal units or 7,560
5 head of swine greater than 55 pounds and 12,000
6 head of swine less than 55 pounds.
7 As I mentioned earlier, the
8 Department received the Notice of Intent to
9 Construct application on February 25th and
10 reviewed it for compliance with the applicable
11 provisions of the Act.
12 On March 12, the Department
13 determined that the notice was complete and
14 forwarded a copy of the completed application to
15 the Marshall County Board.
16 Notice of that application was also
17 published in an appropriate newspaper.
18 The design capacity of the proposed
19 facility requires compliance with a residential
20 setback distance of not less than 1,760 feet and a
21 populated area setback distance of not less than
22 3,520 feet.
23 On March 31st, 2014 the Department
24 received notice from the Marshall County Board

1 requesting that a public informational meeting be
2 scheduled regarding the proposal. After further
3 consideration and consultation with the County
4 Board, the Department scheduled this meeting and
5 caused notice of the meeting to be published in
6 the appropriate newspapers.
7 An additional requirement of the
8 Livestock Management Facilities Act deals with the
9 design and construction plans of a livestock waste
10 handling facility. The Department has not
11 received a formal submittal of detailed
12 engineering design plans and specifications for
13 the proposed project's under building livestock
14 waste handling facility at this time. As such,
15 the Department is currently unable to comment as
16 to their compliance with the statutory provisions
17 of the Act.
18 We are here this evening to receive
19 testimony regarding the proposed livestock
20 management facility's compliance with eight siting
21 criteria as designed in Section 12, Paragraph D of
22 the Livestock Management Facilities Act.
23 In general, information regarding the
24 following would be appropriate for this evening's

1 meeting: Information regarding manure management
2 planning, potential impact of the proposed
3 facility on the surrounding area's character,
4 whether the proposed facility is located within
5 any floodplains or other sensitive areas, odor
6 control plans, possible impact of the proposed
7 facility on existing area traffic patterns and
8 possible impact of the proposed facility on
9 community growth, tourism and recreation or
10 economic development of the area.
11 Copies of the specific criteria were
12 available on the table with the sign in sheets.
13 If anyone would like to have a copy of the
14 criteria but didn't pick one up, if you want to
15 raise your hand and Brad will make sure that you
16 receive a copy. Anybody need a copy of the
17 criteria?
18 There were two documents, a small one
19 and a large one. They all say pretty much the
20 same thing.
21 Finally, the process that we will be
22 following or that will be followed after this
23 evening's meeting is as follows: The County Board
24 will have up to 30 business days from tonight's

1 meeting to submit to the Department a nonbinding
2 recommendation relative to the proposed siting of
3 this facility. Thus a recommendation from the
4 Marshall County Board is due at the Department on
5 or before May 30, 2014. After the close of
6 County's 30 business day comment period the
7 Department will have 15 calendar days, or until
8 June 14, to review all of the information
9 submitted to date, including the Notice of Intent
10 to Construct, construction plans, transcripts from
11 tonight's meeting, the County Board's
12 recommendation and any other additional
13 information submitted by the owners at the request
14 of the Department.
15 Based on that review the Department
16 will determine whether the eight siting criteria
17 have been met.
18 Once that determination has been
19 made, the Department will notify both the County
20 Board and the Applicant of the Department's
21 decision.
22 Mr. Hearing Officer, at this time I
23 would like to submit a complete Notice of Intent
24 to Construct application and its associated

1 correspondence file for formal entry into the
2 record as an exhibit. And I have also included a
3 copy of the Department's power point presentation
4 that could also be entered.
5 HEARING OFFICER FRANK: Entered into
6 the record as Exhibit Number 1 is a copy of the
7 Notice of Intent to Construct, including
8 correspondence between the Department and the
9 Applicant, notices of the public informational
10 meeting and correspondence with the Marshall
11 County officials.
12 Also entered into the record as
13 Exhibit Number 2 is the Department's power point
14 presentation.
15 MR. GOETSCH: This concludes my
16 formal remarks.
17 Again, thank you for your attention
18 and I look forward to your comments regarding this
19 proposal.
20 HEARING OFFICER FRANK: Thank you,
21 Mr. Goetsch.
22 At this time we will hear comments
23 from the facility.
24 Before you begin, for those who will

1 be presenting information, please state your name
2 and spell your last name for the court reporter
3 and then I will swear you in.
4 Will all representatives who will be
5 presenting testimony please raise your right hand?
6 (Dr. Rippel and Mr. Wagner sworn in.)
7 HEARING OFFICER FRANK: You may
8 proceed.
9 MR. RIPPEL: Good evening. I am
10 excited to be before you today in order to show
11 you how Sandy Creek Lane will meet the eight
12 siting criteria of the Livestock Facilities
13 Management Act. But before we get to that, I
14 would like to give you a general overview of VMC
15 Management and Sandy Creek Lane.
16 MS. CHURNEY: Could we have the
17 gentleman's name, please?
18 MR. RIPPEL: Nicolas Rippel. I was
19 just going to tell you that.
20 Let me begin with myself. My name is
21 Nicolas Rippel, no H, R-I-P-P-E-L. I grew up
22 2 miles outside of Toluca on a hog and grain farm.
23 I attended the Toluca School District. I went to
24 Toluca Grade School, I went to Toluca Junior High.

1 In fact, it's been a long time since
2 I have been in this gym. The last time I was in
3 the gym I was a Toluca Wildcat playing the Wenona
4 Mustangs. As you all know, Toluca, Wenona,
5 Minonk, Dana, Rutland no longer exist as a school
6 district. Consolidated as Fieldcrest. I
7 eventually did graduate from Fieldcrest High in
8 1995.
9 From high school I went on to college
10 and got my BA in 1999. And for some odd reason I
11 didn't think four years was long enough so I
12 thought what the heck, I will do another four
13 years, and I attended the University of Illinois
14 College of Veterinary Medicine. That's back when
15 Chief Illiniwick was still cool.
16 In 2003 I did graduate with my Doctor
17 of Veterinary Medicine Degree, and from there I
18 launched into my veterinary career into the great
19 state of Iowa.
20 Even though I live in Iowa now, all
21 of my immediate family still resides in this area.
22 My parents still farm outside of Toluca. My
23 brother Jim lives here in Wenona, my sister Dawn,
24 Toluca, my brother Todd in Utica. So it is not

1 unusual for me to return home with my wife and my
2 four children for birthdays, holidays. Toluca
3 Labor Celebration, I have to donate my $10 every
4 year so I can make it two rounds. And sometimes
5 we come home just to visit.
6 But like I said, I do live in
7 Williamsburg now. Williamsburg is along
8 Interstate 80. Here's Iowa City. Williamsburg is
9 about 25 miles west of Iowa City along Interstate
10 80. If you travel Interstate 80 much between Iowa
11 City and Des Moines, there is a Tanger Outlet Mall
12 on the north side. If you look the other
13 direction and go one mile south, that is
14 Williamsburg.
15 It is in Williamsburg that I am a
16 veterinarian in a mixed animal practice called
17 Veterinary Medical Center.
18 The Veterinary Medical Center was
19 established in 1972 and is an eight vet practice.
20 We have two small animal vets. So they take care
21 of the community's cats and dogs. We have three
22 cow/calf vets. We service farms that have
23 anywhere from five cows all of the way up to 5,000
24 cows. And finally we have three swine

1 veterinarians, including myself. We provide
2 service for farmers with five sows and show pigs
3 to we have a farmer who has 6,000 sows farrow to
4 finish.
5 Now, the type of farmer that we serve
6 with the Veterinary Medical Center is not unlike
7 many of the farmers in this room. They are crop
8 farmers. They plant their seed in the spring,
9 they harvest the corn and soybeans in the fall.
10 The only difference is that the farmers that we
11 provide service for, they try to capture extra
12 value out of that crop they harvest. So instead
13 of hauling it to elevator, rather they feed it to
14 their livestock.
15 Any of you in ag or any other
16 business knows whenever you try to capture more
17 value from your product or your service there is
18 more inherent risk involved. And that is how VMC
19 Management came into existence.
20 The veterinary owners of Veterinary
21 Medical Center are the same owners of VMC
22 Management.
23 VMC Management started and VMC
24 Management is our sow farm management business.

1 It was started in 1998 when the first sow farm was
2 built.
3 That farm was built as a result of
4 Williamsburg area farmers coming together and
5 believing that if they could pool their resources
6 together they could be more profitable by going
7 together and building a specialized breed to wean
8 sow farm.
9 So in other words, they took a part
10 of their operation and removed it so they could
11 specialize in breeding adult female pigs in order
12 to produce baby pigs, and large numbers of baby
13 pigs, so they could bring back to their own farms
14 and raise to market.
15 So what started in 1998 with one farm
16 has turned into what VMC Management is today,
17 using the same farmer investor model, group
18 farmers come together, build a sow farm, hire VMC
19 management to run that specialized farm for them
20 so they can take those pigs back to their own
21 farm. Using that same model VMC Management
22 currently manages 27,000 sows across 12 sow farms
23 up and down eastern Iowa. These 12 sow farms are
24 owned by 72 different farmers. It takes about 80

1 employees to care for these pigs on these 12
2 different farms.
3 VMC Management has the structure to
4 manage every aspect of a sow farm, and it begins
5 with the veterinarians. There are three
6 veterinarians in VMC Management, including myself.
7 We have a production manager and supporting office
8 staff to do payroll, production records, human
9 resources. And then every farm has a site manager
10 or what you may consider a general manager. Ed
11 Siren is my site manager at this farm. He worked
12 his way up through ranks. He started at a low
13 entry level position, worked up to breeding
14 assistant, breeding manager, and six years ago I
15 hired him for this farm to become my site manager.
16 The site manager reports directly to
17 the veterinarian. In the case of Sandy Creek
18 Lane, that veterinarian is me. That veterinarian
19 is on the farm every two weeks.
20 Underneath the site manager we have a
21 breeding manager and farrowing manager. Breeding
22 manager is in charge of overseeing, making sure
23 the adult females are bread and cared for. Then
24 we have the farrow manager who is in charge of the

1 birthing barn where the adult females give birth
2 to their piglets.
3 Underneath that you have various
4 numbers of caretakers underneath them.
5 So we get to Sandy Creek Lane. Sandy
6 Creek Lane, as I already described, will be three
7 and a half miles northwest of Wenona on land
8 currently owned by Mike Salz.
9 When Sandy Creek Lane is built,
10 Mike's house will be 681 feet from the farm. You
11 know what's interesting, I would have never
12 thought that by working for Mike back between my
13 junior and senior years in high school -- back
14 then Mike had a cow/calf operation, he crop
15 farmed. He even drove a truck at that time. One
16 of my daily chores for him that summer was to go
17 feed the reject cookies that he would get from the
18 bakery in town here to his cows in the pasture.
19 So I would go with the Gater into the barn -- Mike
20 had a hay rack stacked up with boxes. I would go
21 to the middle boxes that weren't quite as stale
22 and have my own little cookie break. Then I would
23 load up the Gater with a half dozen boxes, high
24 tail it out to the pasture. And let me tell you,

1 when those cows, when they heard that Gater
2 coming, they knew cookies were coming. You hit
3 the dump, dump boxes and cookies and all and kept
4 on going because there was a stampede after that.
5 I would come back later, clean up the boxes and
6 move on to my next chore.
7 And it's from that experience and the
8 years that have transpired since then that I have
9 observed Mike. Mike, like many farmers, is
10 devoted to the farming profession. He's devoted
11 to his land. Mike is a man who appreciates the
12 value that natural fertilizer, natural fertilizer
13 produced by pigs, what that can do to the soil.
14 By applying the natural fertilizer produced by
15 pigs to a soil, he can rebuild that soil structure
16 after so many years of crop production.
17 And so really Sandy Creek Lane was
18 born out of a relationship. A relationship I had
19 no clue back when I worked for Mike in high
20 school.
21 As you can see, Sandy Creek Lane will
22 consist of three barns.
23 The first barn is what we call a gilt
24 barn, followed by gestation barn, and then a

1 farrowing barn. The gilt barn, this is where
2 female pigs will be raised from 15 pounds up to
3 300 pounds. There will be 1900 growing females in
4 this barn ranging in that size. These growing
5 females will be the future replacements of our
6 adult females.
7 The second barn is the gestation barn
8 or pregnant sow barn. In this barn adult females
9 will be bred. Once bred, their pregnancy will be
10 confirmed with ultrasound examination. And then
11 they will be cared for in this barn for the
12 duration of their pregnancy. In this barn
13 approximately 4600 adult females will be housed.
14 And finally the third barn, this is
15 our farrowing barn, this is our birthing barn.
16 This is where adult pregnant females go to have
17 babies. Caretakers will monitor the birthing
18 process of every sow and monitor the care of their
19 babies 24 hours a day. The baby pigs will nurse
20 their mother for approximately 23 days, at which
21 time they will be weaned, removed from their
22 mother and leave the farm to go to one of the
23 farmers that own the farm to be raised out at
24 their farm.

1 So every week we will wean 2500 pigs
2 to send off to one of the farmer owners. And in
3 this birthing barn we will house approximately
4 1000 adult females that are either delivering or
5 nursing their young.
6 If you talk to a realtor they always
7 say location, location, location. In my opinion,
8 and I know it will be challenged today, but in my
9 opinion this is a great location. We are no
10 closer than three and a half miles to the nearest
11 community, and that is Wenona. After that there
12 is four miles to Lostant, over five to Toluca,
13 seven to Varna, eight and a half to Lake Wildwood.
14 We are far removed from any community.
15 Another way to look at the location,
16 as you know, there are not very many hogs around
17 here. That's good for you. I am not adding even
18 more hogs into a hog dense area. There are no
19 hogs here. It is great for the sow farm because
20 the less hog dense an area the less disease
21 transmission there is between farms. Which means
22 a healthier sow farm produces a healthier baby
23 pig. Which means a healthier baby pig makes the
24 farmer owner more profitable, more productive.

1 You can see if I were to start at
2 Sandy Creek Lane and go out in any direction I am
3 no closer than 8 miles to the next hog farm.
4 Another big factor to location, you
5 feed pigs where feed is made. Iowa and Illinois
6 are big corn states.
7 Sandy Creek alone will use 210,000
8 bushel of corn every year. So I know I have got
9 farmers in here that will say I will sell that for
10 $7, I'll sell that for 6.50. We just came out of
11 some of those times, as you know. Now we are down
12 at that $5 range. At $5, a million dollars of
13 corn every year.
14 Then we have job creation at Sandy
15 Creek Lane. Amazingly enough I have already
16 received calls. When you get this farm built, I
17 want an application. I have had local
18 contractors, electricians, plumbers already call
19 me about construction of the site.
20 Like I said, 20 on farm jobs. Site
21 manager, this is our -- breeding manager,
22 farrowing manager. This is one of our farrow
23 managers. This is Gary Joe. He's been with me
24 for six years now. He looks like a rough and

1 tough guy but then he pulls this and hugs a pig.
2 Again, farrowing caretakers, 24 hour
3 monitoring. Then there is the jobs that are
4 associated with Sandy Creek Lane. Feed, grind,
5 mix and delivery, incorporating the nutrient into
6 the surrounding cropland.
7 Twice a week we will have weaner pigs
8 going out to the farmer owners to raise out in
9 their own barns.
10 Then we have got normal landscaping
11 stuff, snow removal and mowing. All of that stuff
12 needs to be done.
13 Now throw in property taxes. You
14 know, based on property taxes that we pay in Iowa
15 of similar size farms -- and I'll add in a
16 multiplier fact since we are in Illinois -- we
17 come up to about $70,000.
18 So you take four big things that this
19 farm will do every year.
20 We have got corn, 20 on farm jobs,
21 nutrient application and taxes. Just those four
22 things alone will contribute $2 million to the
23 surrounding area every year.
24 Now, about seven years ago I took up

1 a hobby, a backpacking hobby. So every year -- it
2 started out just going out two or three days out.
3 Now we are up to five or seven days out.
4 Everything you need you put on your back and you
5 walk miles and miles on end.
6 It didn't take me long to figure out
7 there is a back country ethics called leave no
8 trace.
9 And as I was preparing tonight that
10 kept coming back to me. You know, there is a lot
11 of similarities here between leave no trace and
12 the eight siting criteria of the Livestock
13 Facilities Management Act.
14 I am not going to get in depth of all
15 of the principles of leave no trace, but I want to
16 draw some similarities.
17 First for a backpacker, plan ahead
18 and prepare.
19 So what that means is follow the
20 rules and regulations of the national park or the
21 wilderness area you are going into. Have a map
22 and compass. Know your route.
23 To me that sounds a whole lot like
24 the Notice of Intent to Construct that we

1 completed. We know the rules and regulations, we
2 are meeting the siting criteria set forth by the
3 Department of Ag.
4 Another principal, travel and camp on
5 durable surfaces.
6 That's pretty self-explanatory. As
7 applies to what we are here tonight, we are
8 building a farm in an agriculture area. We are
9 not building a farm in downtown Wenona, downtown
10 Toluca or downtown Varna. We are building a farm
11 in a farming area. We do not build a farm within
12 a 100 year floodplain or a karst area.
13 Dispose of waste properly. Amazingly
14 enough, my kids love this one. When you are in
15 the back country you dig a cat hole 6 to 8 inches
16 and you fertilize the wilderness. You incorporate
17 your fertilizer.
18 Well, to me this sounds a lot like
19 the manure management plan that we have to set
20 forth for the -- one of the eight siting criteria.
21 And then the final principle that I
22 would like to draw similarities to, be considerate
23 of other visitors.
24 The reason I go to the back country

1 is so I can get away from people. I like being
2 alone. I don't want other people to ruin my
3 experience and I don't want to ruin their
4 experience. Be polite. You meet a party, you
5 step off the trail, allow them by.
6 As applies to Sandy Creek Lane, we
7 will have odor control plans in place. We want to
8 communicate with neighbors to know what your
9 concerns are and address those concerns.
10 And finally, this slide is what it is
11 all about. It's about a safe, abundant,
12 affordable and may I add a mighty tasty food
13 supply for my family, for your family and for
14 families around the world.
15 And with that I'll pass the
16 microphone on to Matt Wagner, the agriculture
17 engineer, so he can take us deeper into the eight
18 siting criteria.
19 Thank you very much.
20 MR. WAGNER: For the court record,
21 Matt Wagner, W-A-G-N-E-R. Okay.
22 I was hired by Sandy Creek Lane to
23 help them in the permitting process of the
24 proposed sow farm. So we are going to talk about

1 the eight siting criteria tonight.
2 Again, my name is Matt Wagner, I'm a
3 Professional Engineer licensed in the states of
4 Illinois, Wisconsin and Iowa, and own my own
5 company called Wagner Consulting and Agriculture.
6 The purpose of my talk tonight will
7 be to explain the proposed project, that it meets
8 the eight siting criteria. I think you all have a
9 copy of that. Warren talked a little bit about it
10 as well.
11 I am going to talk specific verbatim
12 out of the Livestock Management Facilities Act,
13 which from this point out in the interest of time
14 I am going to call it L M F A.
15 We are also going to talk about the
16 considerations that influence the site selection
17 and some of the technology and management we are
18 going to use to protect the environment. When we
19 will are all done we will answer any questions you
20 have relative to the eight siting criteria.
21 This slide Dr. Rippel already put up
22 as well. The main point I want to make with this
23 slide, it gives you an overview where the site is
24 going to be located. We show the county road

1 there as well. Mike Salz and his distance has
2 already been up. House is located 681 feet from
3 the farm.
4 Mike is the current property owner of
5 where the sow farm is going to be located. He
6 could sell any of the property adjacent to it as
7 long as it met the setback requirement. He chose
8 to put it at this site.
9 I guess the main point I wanted to
10 make, Warren talked about what the setback
11 requirements are for this site. I will talk about
12 how that is calculated. But the setbacks required
13 by the LMFA are 1,760 feet. Mike is closer than
14 1,760 feet. Mike chose to sign a waiver of
15 objection. So he is comfortable where this
16 facility is going to be and he signed on that. We
17 have a legal document that he accepts the
18 responsibility to have this farm located here.
19 So I guess what I get from that as
20 the take home message, Mike is not real concerned
21 about where the location of this -- where this
22 site will be. And in a minute we will talk about
23 all of the other setbacks as well to show the
24 setback criteria.

1 Just a little project overview. We
2 talked already quite a bit about this, but the
3 project itself is a 5,600 sow to breed -- sow
4 breed to wean operation that also has 1,960 gilts
5 and 12,000 piglets.
6 We will talk a little bit about some
7 of the modern technology in this farm as part of
8 the presentation and we are also going to talk in
9 great depth about the concrete manure storage
10 structures and how they will meet the eight siting
11 criteria.
12 I wanted to show this slide to show a
13 little bit more how we calculate the actual animal
14 units and show you what the animal units are.
15 So we look at swine and whether they
16 are greater than 55 pounds or less than 55 pounds.
17 So under the first category there, 7,560, that
18 includes the 5,600 sows and the gilts as well.
19 And we multiply by a factor of .4 to get 3,024
20 animal units.
21 Then all of the piglets, they are
22 less than 55 pounds, they have a factor of .03.
23 We multiply that times .03 and we get 360.
24 So the total animal units on this

1 farm -- and we will be talking about this more a
2 little later -- is 3,384.
3 Just remember that number for a
4 little later along here.
5 Okay. So I am referencing that LMFA,
6 the eight siting criteria, I list the code where
7 it is located. I am going to read these exactly
8 so we understand what we are looking at and how we
9 will meet it.
10 First siting criteria, if you have
11 your sheet you can follow along as well, but this
12 is whether registration and Livestock Waste
13 Management Plan certification requirements, if
14 required, are met by the Notice of Intent to
15 Construct.
16 So what specifically are the
17 requirements? What do we have to do?
18 Again, I am quoting out of the
19 Livestock Management Facilities Act.
20 The Livestock Management Facilities
21 Act says the livestock management facility owner
22 or operator at a facility of 1,000 or greater
23 animal units but less than 5,000 animal units --
24 so just a few slides ago we said we are 3,384, so

1 we fall under this category, this is applicable to
2 us -- shall prepare, maintain and implement a
3 Waste Management Plan and comply with the
4 following.
5 Here's what the following is.
6 Facilities which commence operations or reach or
7 exceed 1,000 animal units after the effective date
8 of the part. So we are going to beat that because
9 we are 3,384. The owner or operator shall
10 prepare, maintain and implement a Waste Management
11 Plan within 60 working days after commencing
12 operations or exceeding the 1,000 animal units.
13 So if you read the text here, the
14 requirement is within 60 working days after
15 commencing operations or exceeding 1,000 animal
16 units. So we will have a Manure management Plan,
17 Waste Management Plan prior to there being hogs at
18 that facility.
19 It is not completed to date but it
20 will be completed prior to there being hogs at
21 that facility.
22 And this requirement here again
23 verbatim out of the Livestock Management
24 Facilities Act, prior to the expiration of the

1 Waste Management Plan preparation period the owner
2 operator shall submit to the Department a form
3 certifying that a Waste Management Plan has been
4 prepared. And then the form shall also list the
5 animal unit capacity of the facility and location
6 of the plan.
7 It is a one page document. I have a
8 copy right here. And this will have to be filled
9 out and submitted to the Illinois Department of
10 Agriculture.
11 Then finally, the Waste Management
12 Plan and records of livestock waste disposal shall
13 be kept on file at the facility for a period of
14 three years and shall be available for inspection
15 by the Department personnel during normal business
16 hours.
17 So once the plan is completed they
18 will keep it at the facility for a period of three
19 years. And if the Department of Ag wants to stop
20 and take a look at it they are welcome to do that.
21 This is my application timeline. I
22 have a few I guess additional things or things
23 from my side from what Warren had, so I am going
24 to go over this real briefly.

1 The first date when the Notice of
2 Intent was submitted, as you can see that date is
3 a little earlier. I am in the northwest part of
4 the state so I guess it took seven days to get
5 down here. We submitted it February 18.
6 On March 3rd the Illinois Department
7 of Agriculture, which I may call ID0A a little bit
8 in this presentation, they requested additional
9 information. So they had a couple of questions on
10 that application.
11 So by March 6th we responded to that
12 additional information request and answered their
13 questions. And then on the 12th we received their
14 approval of the Notice of Intent to Construct.
15 By March 18 -- one of the
16 requirements of the Notice of Intent to Construct
17 is to notify all property owners via certified
18 mail. So all property owners -- that map that
19 Warren had and I'll throw up in a minute -- but
20 all property owners in that outer circle, which is
21 3,520 feet for this facility, were notified via
22 certified mail and sent the complete Notice of
23 Intent to Construct application.
24 And then April 16 we sent revision of

1 the Notice of Intent to Construct to the Illinois
2 Department of Agriculture.
3 What this consisted of, the gestation
4 barn size was slightly modified. It was
5 shortened. It is now 162-foot by 700 feet. It
6 was slightly larger originally, but due to some
7 changes in feeding and ventilation in the barn we
8 were able to shorten that barn size. We actually
9 reduced that barn size, and in doing so the
10 setback distances all slightly increased just a
11 little bit.
12 And then another requirement is a
13 Certified Livestock Manager. Farm operator must
14 complete training and pass a written exam every
15 three years.
16 So with this facility all managers --
17 Dr. Rippel went over the different breakdown of
18 management at this farm -- but all managers will
19 receive this training and be a Certified Livestock
20 Manager as well as Mike Salz. Okay.
21 On to siting criteria number two.
22 This is one whether the design,
23 location or proposed operation will protect the
24 environment by being consistent with the Livestock

1 Management Facilities Act.

2 This is where I am going to talk

3 quite a bit about the actual structure itself and

4 how that structure is going to protect the

5 environment.

6 So the concrete wall and footings are

7 designed to meet the Livestock Waste Management

8 Facilities Act. We will talk specifically about

9 some things on that.

10 The first item is going to be water

11 stops as needed. There will be a slide here that

12 will follow in a minute and I will talk a little

13 bit more about all of these.

14 The second item, appropriately sized

15 reinforcing steel for a wall and slab design.

16 We will also have perimeter drain

17 tile around the exterior of all of the manure

18 storage structures which will be concrete to

19 monitor storage structure integrity.

20 I guess we kind of glanced over this.

21 I think it is probably fairly well-known but they

22 are all going to have roofs over. So they will be

23 covered. We won't have rainwater entering them.

24 That also helps with odor issues.

1 We will talk about storage capacity,
2 which is my last line item, in regards to LMFA
3 requires 150 days of liquid manure storage
4 structure for a facility such as this. And we
5 will have over a year's storage.
6 So here's a couple of pictures where
7 I can talk a little bit about the specifics.
8 If you see the vertical rebars
9 sticking vertically up, the concrete at the bottom
10 would be the actual concrete footing for this
11 particular structure. The black material behind
12 the rebar is a water stop product.
13 So any time you have a cold joint
14 between two different pours you have to put a
15 water stop product in that seals that joint.
16 Prior to pouring concrete they put this product in
17 and then they will make that a water tight seal
18 right there.
19 This slide talks about the
20 reinforcing steel.
21 I mentioned Midwest Plan Service. So
22 in our design we use Midwest Plan Service. That
23 is a design code referenced in the LMFA. Midwest
24 Plan Service 36 is a rectangular concrete manure

1 storage structure. And what this code is, it was
2 developed by 12 university land grants in the
3 midwest. And basically it's a design standard for
4 concrete manure storage structures in particular.
5 They have all kinds of guidance
6 documents out. They have guidance documents for
7 beef facilities, for swine facilities, circular
8 tanks. But like I said, a bunch of land grant
9 universities developed that. And Midwest Plan
10 Service has received numerous awards from the
11 American Society of Agriculture and Biological
12 Engineers for the work they have done. They have
13 been around a long time. It is just a code we use
14 during design.
15 You see the guys standing around
16 pouring concrete, but if you look you see the
17 steel in the ground, you see where the footings
18 are going to be, the steel is up. My take home
19 message with this, the reinforcing steel in the
20 design of this pit will meet or exceed minimum
21 steel reinforcement.
22 So the code specifies what that
23 area's steel is going to be and we are going to be
24 at or above that minimal steel requirement with

1 either wire mesh or reinforcing bar.

2 The same requirement exists in the

3 walls so I am not going to talk about this slide

4 in great detail. We will look at the Midwest Plan

5 Service and we are going to meet or exceed what

6 the steel requirements are for that.

7 The beams and slats, I guess I want

8 to make a couple of points with this. This kind

9 of shows how a typical hog building -- actually

10 this was taken off of a beef facility but similar

11 idea -- is constructed.

12 You pour concrete footing and walls

13 and then columns as well. The beams and slats are

14 all precast. Where you see 16, that is a beam.

15 That is a controlled environment that sits on top

16 of the columns and then you sit the slats on top

17 of that. And you grout and seal everything to

18 make it tight and make a pen.

19 My biggest point with this slide,

20 one, is this meets Midwest Plan Service and LMFA.

21 But two, this design is going to have over a

22 year's storage. And I guess that is going to be

23 another one of my take home messages today in a

24 number of different siting criteria that I talk

1 about tonight.

2 The perimeter drain tile, this kind

3 of shows what the perimeter drain tile is. It is

4 a perforated pipe placed around the exterior of

5 the concrete manure storage structure. And the

6 idea is to have a conduit for water so testing can

7 be done if required. And this just shows the

8 perforated pipe being placed in this particular

9 installation.

10 With this particular installation, if

11 you look -- this is being enveloped in gravel

12 material. We also have done one where you place

13 what I would call a sock or fabric material around

14 it and put the virgin material back on. But both

15 of them the idea is to provide a conduit for the

16 water to go and basically stop -- well, I guess

17 with the sock, where I was going there, stop any

18 collapse or plugging up of those holes so the

19 water can get to it I guess was my point there.

20 This shows numerous ways to do this,

21 but this is a monitoring sampling port. This

22 brings up from the ground.

23 So the last slide -- I will go back a

24 second. That shows the perimeter drain tile.

1 That is going to be at the base of the manure
2 storage structures which are ten, eight or two
3 foot deep.
4 We have to bring that up to the top
5 if we have to grab a sample. We typically bring a
6 riser up to the top of the ground, and if required
7 we can dip in and grab a sample.
8 The concrete specification
9 requirements, these are specific things that are
10 required by the Illinois Department of
11 Agriculture.
12 The first thing is the concrete
13 strength. We have to have a minimal strength of
14 4,000 PSI at 28 days. Every load is certified in
15 writing by the manufacturer. And all construction
16 work has to be photo documented and submitted to
17 the Illinois Department of Agriculture. And then
18 during the construction on this project Illinois
19 Department of Agriculture will make periodic
20 inspections throughout the site and then they will
21 sign off on it before the facility can be stocked
22 with the hogs.
23 Okay, siting criteria number three.
24 This talks about whether the location of the

1 facility minimizes any incompatibility with the
2 surrounding area's character by being located in
3 an area zoned for agriculture where the county has
4 zoning or where the county is not zoned. The
5 setback requirements established by the Livestock
6 Management Facilities Act are complied with.
7 So the easy answer to this -- I will
8 have more in a minute, but this site is zoned
9 agriculture. That is the easy answer to the first
10 part.
11 The setback requirements, the main
12 thing I want to talk about here, go back to the
13 number of animal units. So we are at 3,384 animal
14 units. The base setback from an occupied
15 residence is a quarter of a mile for less than
16 1,000 animal units. And then you increase by an
17 additional 220 feet for each 1,000 animal units
18 over that.
19 So with this particular facility,
20 since we are 3,384 animal units our occupied
21 residence setback is 1,760 feet.
22 So as I mentioned earlier, Mike Salz
23 has signed a waiver. And the next nearest would
24 be to the northeast.

1 Then the next setback requirement
2 would be a populated place. This is a similar
3 calculation. You take half a mile as a starting
4 point for less than 1,000 animal units and then an
5 additional 440 feet for each 1,000 animal units
6 above that. So we are at 3,520 feet.
7 And everyone in that outer ring was
8 notified via certified mail of the Notice of
9 Intent to Construct, the complete application.
10 This is another setback map.
11 Dr. Rippel and Warren both already talked about
12 this so I won't go into detail, but there is
13 another couple setbacks that we have to meet.
14 The nearest town, we already talked
15 about that one, has to be greater than 3,520 feet.
16 So we met that.
17 The nearest commonplace of assembly
18 in this instance is Bethany Lutheran Church. It
19 is greater than 3,520 feet so we meet that
20 requirement.
21 And then the nearest nonfarm business
22 is the airport. And again, that is greater than
23 3,520 feet. So we meet that requirement as well.
24 Okay, on to site criteria number

1 four, whether the facility is located within a 100
2 year floodplain or otherwise environmentally
3 sensitive area defined as an area of karst area or
4 with aquifer material within 5 foot of the bottom
5 of the livestock waste handling facility and
6 whether construction standards set forth in the
7 Notice of Intent to Construction are consistent
8 with the goal of protecting the safety of the
9 area.
10 So I am going to skip to this one.
11 The first thing they talked about was the 100 year
12 floodplain. It is a little hard to see, but you
13 can see the box and Sandy Creek below to the
14 south. This is the Federal Emergency Management
15 Agency map. The facility is not located in the
16 100 year floodplain, so that is how we reach that
17 requirement.
18 The second thing listed there was
19 karst. The Livestock Management Facilities Act
20 specifies what map we need to look at to see if it
21 is in a karst area or not. The source that's
22 listed, karst drains and carbonate rocks of
23 Illinois IDNR Illinois map eight, that is the map
24 they require us to -- the map is a huge map and it

1 wouldn't come into scale. This is a little map of
2 the lower corner of that map they reference. And
3 as you can see, there are specific areas where
4 karst are located. The star where our facility
5 is, there is no karst anywhere in the immediate
6 vicinity at all. Okay.
7 We performed soil borings out at the
8 site. Actually just completed this week.
9 Here's the three buildings that are
10 going to be constructed. As you can see, there
11 was a total of 24 soil borings performed on that
12 site. And we were basically trying to determine
13 what the soil structure was at that site and if we
14 are meeting criteria number four for the most
15 part.
16 I have a star at number five. We are
17 going to look at that more in just a second.
18 I want to go back to the definition
19 of aquifer material.
20 So the one item we haven't talked
21 about yet is aquifer material. What is that?
22 Directly out of the Livestock
23 Management Facilities Act, aquifer material means
24 sandstone that is 5 foot or more in thickness or

1 fractured carbonate that is 10 foot or more in
2 thickness, or sand, gravel or sand and gravel as
3 defined in this section such that there is at
4 least 2 feet or more present within a 5 foot
5 section of a soil boring performed with Sections
6 506.202 and 506.302 of this part.
7 So here's the soil boring that was
8 performed. I would like to enter into as an
9 exhibit when I am done here the complete soil
10 boring report and have that on file. Because
11 there was 24 and we don't have time to go through
12 all 24. But they were all consistent at the whole
13 site.
14 So this was done at a depth of 15
15 foot. We are below 5 foot of the bottom of the
16 proposed manure storage structure, which is where
17 we wanted to be.
18 We are looking at whether there is
19 aquifer material or not.
20 So if you take a look at this, it is
21 probably a little hard to see in the back, but on
22 the right-hand side there, dark brown clay topsoil
23 was from a depth of zero to 0.9. You had about a
24 foot of topsoil at that site.

1 Slightly classified them different
2 coming down, but I guess the take home message
3 here from about a foot all of the way to the
4 bottom we're in clay material, hard brown clay.
5 And if you read the lower right-hand side of the
6 screen, very tough to tough gray silty clay.
7 Trace sand, moist clay.
8 The definition I just read of
9 aquifer, I don't see any sand, I don't see gravel
10 that meets their definition of 2 foot area in a 5
11 foot section, nowhere exists. So the aquifer
12 material does not exist at this site.
13 Siting criteria number five, whether
14 the owner and operator has submitted plans for the
15 operation that minimize the likelihood of any
16 environmental damage to the surrounding area from
17 spills, runoff and leaching.
18 Okay. We are going to talk about
19 modern applicable technology. This goes into a
20 couple other siting criteria. You will see this
21 again. What I like to refer to as best management
22 practices.
23 So this picture here shows an example
24 of what we can do as a best management practice.

1 This particular picture is a Jamesway honey wagon.
2 We have a flow meter and they are injecting it and
3 knifing it below, behind the unit. We can do a
4 dragline, we can do a couple other technologies.
5 But the biggest thing with this picture, we are
6 injecting.
7 One of the best management practices
8 we can use is direct application of manure into
9 the soil profile.
10 There are other ways to do that.
11 Calibrated flow meters are one great way.
12 What we are trying to achieve here on
13 the Manure Management Plan, we are going to look
14 at different fields and we are going to look at
15 different agronomic rates, depending on crop
16 rotation, tillage practices, basically the
17 nitrogen phosphorous uptake. So the rates could
18 be different at different fields. And basically
19 we need to make sure we are applying at the
20 appropriate rates at different fields. So we need
21 some sort of calibration in place to ensure we are
22 applying at the right rates. And flow meters is
23 one way to do that. Another best management
24 practice out there is conservation change to help

1 prevent soil erosion.

2 The last one we already talked about,

3 Certified Livestock Manager program. Ensures

4 personnel are properly trained.

5 All managers on the site will have

6 that training. Mike Salz will have that training.

7 Okay, we already hit on this one, pit

8 capacity.

9 We are providing for greater than the

10 required storage so we -- LMFA requires 150 days

11 of storage. We are providing over a year.

12 And then we already talked about this

13 as well, perimeter drain tile and monitoring port.

14 If you look at the soil boring

15 report -- and like we said we are not going to go

16 through the whole thing tonight -- but you read

17 the definition, the requirements, the site

18 technically is not required to install that. We

19 are going to put that in regardless of whether it

20 comes back that we have to put that in or not.

21 We are going to put in the perimeter

22 drain tile and have a monitoring port.

23 Okay, odor control. Whether odor

24 control plans are reasonable and incorporate

1 reasonable or innovative odor reduction
2 technologies given the current state of such
3 technologies.
4 So we are going to look at an
5 integrated management system. There is multiple
6 pieces of the puzzle here that affect and help
7 with odor control.
8 We talked about the nutrient
9 management slide. Nutrient management -- and we
10 will have another slide on that again and it will
11 be real similar -- but it all starts at the barn.
12 The feed management and what you are feeding that
13 animal can affect the odor coming out and the
14 nutrients. We are going to talk about that.
15 Manure treatment, if you want to do
16 manure treatment, that can affect it as well.
17 The big one is barn cleaning and
18 sanitation. If the barn is not clean you can get
19 particular matters of dust getting up in the fan
20 and going and leaving the site.
21 Tree buffers is another good odor
22 control strategy. And we will talk about that in
23 a minute as well. Okay.
24 We talked about feed management. I

1 am going to refer to this again kind of similar to
2 the manure application side as the toolbox of best
3 management practices that we have available to
4 reduce our odor and emissions.
5 As you can see, there are a couple
6 that are slightly different colors. So if you go
7 in the feed management toolbox there, here are
8 different things we can do on our diets that help
9 with what is coming out the animal basically.
10 So some things that VMC currently
11 uses in their diets are corn, soy, DDGS diets,
12 phase feeding, amino acids, fats. Basically
13 depending on weather conditions, the phase they
14 are in in production, they can adjust and use any
15 of those as needed or as required. But the main
16 point here, look at what some of these -- the
17 effects we can have by just controlling what we
18 are feeding the animal. We can lower total
19 nitrogen which can in effect lower the ammonia
20 emission -- reduce the amount of phosphorous
21 extruded in the animal. That is critical and that
22 affects what we can put in the fields as well.
23 Very -- fewer volatile fatty acids. Also we can
24 control the dust.

1 And the biggest take home message,
2 which is what we are looking at, is reducing the
3 odor and emissions.
4 Tree buffers. Tree buffers will be
5 added to this farm.
6 Now, this is just a slide we found on
7 the internet of some tree growth. These are I
8 believe -- fast growing trees. You can show
9 within three years you can barely even see this
10 facility.
11 Trees will be on this farm. There
12 may be a mix of different types of trees and
13 species. We will submit a planting plan to the
14 Illinois Department of Agriculture for approval.
15 This one I think is a big one. This
16 boils down to management to me. But each barn
17 will be pressure washed and sanitized between
18 every production cycle.
19 If you have a dirty barn, you have
20 fans in that barn, you are pulling out particles
21 in the area that can contribute to odor.
22 If you keep the barn clean, keep the
23 fans, that odor is not coming out, its staying in
24 the pit rather than getting up in the air. The

1 biggest thing with this, I guess, is to keep those
2 particles down in the pit and not get them up in
3 the air where they could possibly be pulled out.
4 Again, I am not going to talk about
5 this one in great depth. We hit on this.
6 The same applicable technology that
7 protects the environment is applicable as odor
8 control.
9 We are no longer -- we are no longer
10 taking side sling and just shooting it out the
11 side. It is going to be injected down in the
12 ground.
13 Another management practice for odor
14 control is dead animal disposal.
15 With dead animal disposal -- I guess
16 we list two different options that are available
17 to us. There is a concrete bin system on the top
18 or a bio bay. Basically an end vessel system.
19 Both of these are acceptable methods
20 for dead animal disposal. The key take home
21 message is to be designed and be constructed in
22 accordance with the Illinois Dead Animal Disposal
23 Act is the take home message. It will be one of
24 these two options here.

1 Okay, site criteria number seven,
2 whether traffic patterns minimize the effects on
3 existing traffic flows.
4 So let's take a look at what that
5 actual traffic is going to be. We are talking
6 truck traffic now.
7 So two weaner pig deliveries from the
8 farm per week. There will be one cull sow
9 delivery from the farm every week and a half and
10 six feed deliveries to the farm per week.
11 If you count that out -- I am going
12 to talk about ADT, average daily traffic, here in
13 a minute. When you say -- count that out per day
14 it is approximately 1.2 trucks per day.
15 We have two routes we are looking at.
16 This would be right now the main transportation
17 route. And from this site we have due north on
18 whether you want to call it Third Road or 2800
19 East. We turn east on State Route 18 and then go
20 on 39 wherever we need to go. That's the main
21 route.
22 The alternate route is similar except
23 we are heading and turning due south. And with
24 this route we are going State Route 17 and again

1 heading east until we hit 39.

2 So what is our traffic on these

3 existing roads? This was pulled off the Illinois

4 Department of Transportation's website, readily

5 available to anyone who wants it.

6 For each of the roads I have the

7 average daily traffic. So that's the total

8 traffic, including all vehicles, multi axil, cars.

9 That's total traffic.

10 So as you can see, State Route 17

11 gets a little bit more than State Route 18. And

12 County Road 2800 is obviously a lot less.

13 Now, what I wanted to look at, daily

14 truck traffic, which again is available on the

15 same website. Because it was a secondary road I

16 am guessing they probably didn't go that in depth

17 and break down what the truck and vehicle traffic

18 is. So I don't have data on that for the county

19 road. But State Route 18 is 270, State Route 17

20 is 325.

21 So basically with this slide we plug

22 in our 1.2 trucks per day and what is that

23 increase? You look at the increases, they are all

24 below 1 percent. The greatest being .6 on the

1 county road. So that's minimal effect as far as
2 on the traffic.
3 Okay, the last slide here -- I am
4 almost done -- whether construction or
5 modification of a new facility is consistent with
6 existing community growth, tourism, recreation or
7 economic development or with specific projects
8 involving community growth, tourism, recreation or
9 economic development that have been identified by
10 government action for development or operation
11 within one year through compliance with applicable
12 zoning and setback requirements for populated
13 areas as required by the Livestock Management
14 Facilities Act.
15 So the very last part, I guess we can
16 cross that out right now if you want to. We have
17 already talked about the setback requirements. We
18 met the setback requirements and Illinois
19 Department Agriculture has approved that. So that
20 is not really applicable.
21 So now we are looking at zoning. I
22 pulled this directly out of the Marshall County
23 Zoning Ordinance Section 7.1 where it talks about
24 agriculture.

1 I am going to read this verbatim,
2 because I think if you read this you will see what
3 the goal is in an agriculture area.
4 The long range goal for agricultural
5 land use in the county is to preserve the most
6 valuable of all natural resources. That of
7 fertile land for agricultural pursuits and to
8 protect the land best suited for farming for
9 premature urbanization. Agricultural district
10 regulations are therefore designed to regulate the
11 use of land and structures within the areas of the
12 county where soil and topographic conditions are
13 best adapted to the pursuit of agriculture and
14 utilization of other natural land uses and to
15 provide for low density residential development in
16 areas where such development is compatible with
17 agricultural uses.
18 So as I read this, to me we want to
19 keep agriculture, we want to preserve the natural
20 resources.
21 Dr. Rippel talked a little bit about
22 the manure, the value of the manure and it being a
23 natural fertilizer for the ground. And that's
24 what we want to do here.

1 The economic side of it Dr. Rippel
2 talked as well, and I am not going to go over his
3 numbers, but there is going to be economic growth
4 as far as jobs, hiring different individuals to do
5 different items, the economic opportunities,
6 property taxes. $2 million was the number that
7 was on Dr. Rippel's slide. So I guess a lot of
8 different items here go together to show economic
9 growth. And then as far as what the goal for
10 zoning and increase agriculture, if we read this,
11 we want fertile land and to pursue the use of
12 natural resources. That's what we are trying to
13 do here.
14 So I guess in closing, hopefully
15 today you had a chance to listen and see why we
16 think we are meeting the eight siting criteria in
17 the LMFA. And with that I will take questions.
18 Before I do that, I guess I want to
19 enter this in for an exhibit.
20 Then I guess my powerpoint as an
21 exhibit as well. Do you want a copy of that?
22 HEARING OFFICER FRANK: I have a
23 copy of your presentation here that you supplied
24 to us earlier.

1 MR. WAGNER: Okay.
2 HEARING OFFICER FRANK: So I will
3 enter into the record as Exhibit Number 3 a
4 Report of Soils Exploration for the Proposed Hog
5 Facility done by Wagner Consulting and
6 Agriculture, LLC.
7 I will also enter into the record as
8 Exhibit Number 4, which is a copy of the
9 powerpoint presentation that was just presented.
10 We will now open the meeting for any
11 questions that you may have of the Facility or of
12 the Illinois Department of Agriculture.
13 If you have a question that you would
14 like to ask, please step up to the microphone,
15 please state your name and spell your last name.
16 Please indicate to whom you are directing your
17 question.
18 I will remind you that this portion
19 of the meeting is limited to questions only.
20 After this question and answer session there will
21 be a session dedicated to public testimony where
22 you can provide your oral comments.
23 So please limit this session to
24 questions only.

1 MS. CHURNEY: Cheryl Churney,
2 C-H-U-R-N-E-Y.
3 First I have some questions for
4 Mr. Goetsch.
5 Mr. Goetsch, you mentioned that the
6 representatives for the applicant had not provided
7 any formal engineering or design plans. Have they
8 submitted any informal plans to the department?
9 MR. GOETSCH: No, they have not.
10 MS. CHURNEY: Did you say during
11 your open remarks, I am asking for clarification
12 here, that you anticipated having construction
13 plans from the applicant before June 14 of this
14 year?
15 MR. GOETSCH: I don't know that I
16 said that, but the Department will not take a
17 final action in this -- in this process until
18 such time as an applicant would have met all of
19 the requirements of the statute; one of those
20 being construction plans and specs. So we won't
21 be able to take any kind of an action until that
22 information is provided to us.
23 MS. CHURNEY: Will there be another
24 public hearing to allow residents of Marshall

1 County to comment on those plans when they are
2 received by the Department?
3 MR. GOETSCH: There is no plan for
4 such, no.
5 MS. CHURNEY: If the facility is
6 built, would residents of Evans Township and
7 Marshall County be notified if the owner/operator
8 of Sandy Creek Lane apply to the Department of
9 Agriculture to expand the facility in the future?
10 MR. GOETSCH: Can you restate the
11 question?
12 MS. CHURNEY: If they want to expand
13 the facility in the future, are the residents of
14 Marshall County advised of that fact by the
15 Department or anyone else?
16 MR. GOETSCH: It would -- possibly.
17 It would depend on the specifics of that proposed
18 expansion. If they -- if it were an expansion of
19 a certain amount such that it would be considered
20 a new facility under the definition of the Act,
21 then we would repeat this entire process. If the
22 proposed expansion was less than a certain level
23 that caused it to be classified as an expansion
24 and not as a new facility, then we wouldn't have

1 this same process. The Department would -- they
2 would still be required to meet the other
3 applicable requirements like the construction
4 standards, like the Certified Livestock Manager,
5 Waste Management Plans, all of those things, but
6 there would not be a public information meeting
7 process. It depends on the size of that proposed
8 expansion.
9 MS. CHURNEY: Their expansion could
10 be structured to avoid further public input in
11 the process, is that correct, sir?
12 MR. GOETSCH: Yes.
13 MS. CHURNEY: Before approving the
14 application does the Department of Agriculture
15 require evidence of the financial ability of the
16 owners of the facility to ensure proper cleanup
17 in the event of an environmental incident at the
18 facility?
19 MR. GOETSCH: There are no such
20 requirements in the statute for a facility that
21 includes this kind of Waste Management Plan. If
22 it were an anaerobic lagoon there are financial
23 surety demonstration requirements, but for an
24 under pit or under building manure storage

1 structure there are no such requirements.
2 MS. CHURNEY: Before approving the
3 application does the Department of Agriculture
4 require evidence of what I would call a
5 "Decommissioning Plan" so that when the facility
6 is closed sufficient funds are in place to make
7 the site -- make sure the site is properly closed
8 and without presenting any environmental hazards?
9 MR. GOETSCH: There are requirements
10 in the statute that -- there are requirements in
11 the statute that apply to closure of a facility.
12 There are not any financial thresholds as part of
13 that requirement but there are certain
14 requirements for the closure of a facility.
15 There is a process established by statute.
16 MS. CHURNEY: Thank you, sir.
17 I now have some questions for
18 Dr. Rippel and Mr. Wagner.
19 Has Sandy Creek purchased the real
20 estate where the facility will be built?
21 MR. RIPPEL: No, they have not.
22 MS. CHURNEY: Have you executed an
23 option to purchase the real estate?
24 MR. RIPPEL: We have an agreement in

1 effect.

2 MS. CHURNEY: Has a memorandum of

3 that agreement been recorded with the Marshall

4 County Recorder of Deeds?

5 MR. WAGNER: I don't think that is

6 applicable of the eight siting criteria.

7 MS. CHURNEY: If you don't want to

8 answer the question say you don't want to answer

9 the question.

10 MR. RIPPEL: What was the question

11 again?

12 MS. CHURNEY: The question was has a

13 memorandum of an agreement to purchase the land

14 been recorded with a Marshall County Recorder of

15 Deeds?

16 MR. RIPPEL: No, it has not.

17 MS. CHURNEY: How much land will be

18 purchased?

19 Can you tell me the acreage and the

20 dimensions?

21 MR. RIPPEL: It would be a

22 disservice if I gave you the -- It is

23 approximately 17 acres.

24 MS. CHURNEY: The setback

1 calculations -- maybe Mr. Wagner can better
2 answer this question -- what was the starting
3 point for the setback calculation so that you can
4 create that radius? Where is the beginning
5 point?
6 MR. WAGNER: There's multiple
7 points. Be the nearest livestock waste
8 management facility -- so that's not a true
9 circle. That is arcs all formed together.
10 MS. CHURNEY: Okay. So where is the
11 first --
12 MR. WAGNER: It's the outer edge of
13 all manure storage structures.
14 MS. CHURNEY: That is somewhere on
15 the Salz property?
16 MR. WAGNER: There is not a starting
17 point. When you swing those occupied residence
18 radiuses -- so he's got all of those different
19 buildings. It is from the outer edge of the
20 concrete manure structure of all of those.
21 MS. CHURNEY: Perhaps, I don't know
22 if you could find quickly that slide that shows
23 the setback radius. Maybe you could point for us
24 how you calculated that radius, please.

1 MR. WAGNER: So for instance like if
2 you look up here for that arc, it is coming from
3 the nearest corner, which would be right here.
4 This corner is swinging an arc there.
5 MS. CHURNEY: Thank you. I
6 understand now.
7 Dr. Rippel, can you tell us how many
8 gallons of waste will be produced per animal unit
9 each day at the facility?
10 MR. RIPPEL: I can tell you based on
11 farms that we currently manage that we will
12 produce approximately 5 gallons per inventoried
13 sow per day.
14 MS. CHURNEY: The informational
15 letter that you sent to Leslie Smith, and I have
16 a copy of it if you need to refresh your
17 recollection, indicated that a waste produced at
18 that facility will be applied in the spring and
19 fall to surrounding cropland.
20 Does that mean Mr. Sals' cropland?
21 MR. RIPPEL: Mike has exclusive
22 rights to the nutrient produced by this facility.
23 So the Manure Management Plan will include what
24 ground that will be applied on.

1 MS. CHURNEY: Have you secured
2 either leases or manure transfer agreements from
3 any other property owners?
4 MR. RIPPEL: No.
5 MS. CHURNEY: Do you intend to?
6 MR. RIPPEL: No.
7 MS. CHURNEY: How will you get the
8 manure to Mr. Sals' land?
9 MR. RIPPEL: That will either be --
10 most likely through dragline, but that is yet to
11 be determined.
12 MS. CHURNEY: Do you need any
13 easements for those draglines?
14 MR. RIPPEL: Again, that will depend
15 on once we put together the Manure Management
16 Plan and which fields we are going to incorporate
17 that nutrient to.
18 MS. CHURNEY: How many investors are
19 there in the Sandy Creek Lane, LLC?
20 MR. RIPPEL: Currently there are no
21 investors because we have to have a permitting
22 approved before we have any farmer investors
23 commit to the project.
24 MS. CHURNEY: You indicated that VMC

1 is affiliated with 12 other farms. Can you give
2 us the names of those 12 other farms?
3 MR. RIPPEL: You know, that will be
4 like going to the doctor's office and asking for
5 the client list. I cannot give you that
6 information.
7 MS. CHURNEY: Are those licensed
8 facilities in the state of Iowa?
9 MR. RIPPEL: Correct.
10 MS. CHURNEY: So that is public
11 information?
12 MR. RIPPEL: Yes. But we are also a
13 veterinary clinic and we provide veterinary
14 service to those farms, so that would be again
15 like giving client information out.
16 MS. CHURNEY: VMC Management
17 Corporation is a veterinary clinic?
18 MR. RIPPEL: As I said in my intro,
19 Veterinary Medical Center is a mixed animal
20 practice, and the same veterinarian owners of
21 Veterinary Medical Center also own VMC
22 Management. As we provide -- through VMC
23 management we provide the management of the sow
24 farm. We run the sow farm for the farmer owners

1 and at the same time we also provide the health
2 and veterinary care for those animals.
3 MS. CHURNEY: Is VMC Management
4 Corporation a veterinarian practice?
5 MR. RIPPEL: No.
6 MS. CHURNEY: Is VMC Management
7 Corporation -- has VMC Management Corporation
8 applied for a license to operate facility farms
9 in the state of Iowa?
10 MR. RIPPEL: I am not aware of the
11 requirement for that.
12 MS. CHURNEY: Is VMC Management
13 corporation an Illinois corporation?
14 MR. RIPPEL: Yes.
15 MS. CHURNEY: Who's the registered
16 agent for VMC Management Corporation in Illinois?
17 MR. RIPPEL: I believe it would be
18 Dr. Aljets.
19 MS. CHURNEY: I understand that
20 there are to be concrete pits under each
21 building. How many buildings will there be?
22 Just the three?
23 MR. RIPPEL: Three manure containing
24 structures, correct.

1 MS. CHURNEY: How deep are those
2 pits?
3 MR. RIPPEL: Underneath the gilt
4 barn will be an 8 foot pit. Underneath the
5 gestation barn will be a 10 foot pit, and a 2
6 foot pit underneath the farrowing barn.
7 MS. CHURNEY: This question is for
8 Mr. Wagner.
9 You had another slide, sir, where you
10 showed the pits being constructed. And I couldn't
11 tell from the slide -- there was a crane that was
12 depicted in the photograph or it was a concrete
13 truck that was filling the structure with
14 concrete. Do you know the photograph I am talking
15 about?
16 MR. WAGNER: It was a concrete
17 pumper truck.
18 MS. CHURNEY: Do you will know how
19 much that truck weighs?
20 MR. WAGNER: Not off the top of my
21 head.
22 MS. CHURNEY: Do you know how many
23 of those trucks will be used during the
24 construction phase of the facility?

1 MR. WAGNER: No, we haven't
2 finalized that.
3 MS. CHURNEY: Do you know how many
4 loads of gravel and sand will be delivered to the
5 site to construct the facility?
6 MR. WAGNER: No.
7 MS. CHURNEY: Will you be
8 constructing any roads within the facility
9 itself, you know, to get from building to
10 building or to get from the access road?
11 MR. WAGNER: Yes, obviously.
12 MS. CHURNEY: Do you know how many
13 loads of gravel you will need to construct those
14 roads?
15 MR. WAGNER: What does this have to
16 do with the eight siting criteria?
17 MS. CHURNEY: Related to the traffic
18 pattern, sir.
19 Do you know how many loads of gravel
20 you --
21 MR. WAGNER: No. I could calc it
22 out but I don't know off the top of my head.
23 MS. CHURNEY: Will there be a
24 parking area on the facility?

1 MR. WAGNER: There will be a spot
2 for vehicles to park their cars, yes.
3 MS. CHURNEY: I take it that will be
4 a gravel construction as well?
5 MR. WAGNER: More than likely.
6 MS. CHURNEY: Do you know how many
7 gravel trucks you will need or how many loads of
8 gravel you will need for the parking area?
9 MR. WAGNER: No.
10 MS. CHURNEY: I will clean up -- I
11 will get to the end here and ask just a few more
12 questions.
13 Do you know -- Mr. Rippel, you
14 indicated that there will be $70,000 worth of
15 property tax generated from the property. Do you
16 know how much of that $70,000 will actually go to
17 the Evans Township Road and Bridge fund?
18 MR. RIPPEL: I do not have that
19 number.
20 MS. CHURNEY: Would you be surprised
21 to know that it would be less than $350 a year?
22 MR. RIPPEL: I can't comment on
23 that.
24 MS. CHURNEY: Okay. Will you be

1 applying for property tax abatements for the
2 concrete placement under the building?
3 MR. RIPPEL: Yes.
4 MS. CHURNEY: So $70,000 that you
5 calculated, does that include the abatement for
6 those facilities or is that before you take that
7 property tax abatement?
8 MR. RIPPEL: That was a pure
9 estimate so I cannot comment on that.
10 MS. CHURNEY: And you will be taking
11 depreciation on the buildings from various years?
12 MR. RIPPEL: Just like any other
13 agricultural facility, yes.
14 MS. CHURNEY: The $70,000 estimate
15 will continue to go down year after year?
16 MR. RIPPEL: I am not an accountant
17 so I cannot comment on that.
18 MS. CHURNEY: I'll defer to some
19 other questioners.
20 HEARING OFFICER FRANK: Yes, let's
21 let some others ask questions here.
22 MR. GENTERT: My name is Charles
23 Gentert, G-E-N-T-E-R-T.
24 I want to ask one question right now.

1 They said $70,000 in tax money only for Marshall
2 County, not for LaSalle County. One question.
3 Have any studies been done about the devaluation
4 of the neighborhood houses around there? Has that
5 been taken into account, once this hog farm is
6 built, the devaluation of the nearby houses that
7 are built around?
8 MR. RIPPEL: I guess the question
9 is -- I guess I am not sure what the question is.
10 MR. GENTERT: Well, once these hog
11 farms go up there is a general -- to people that
12 lives in the general area, isn't there a
13 devaluation of the houses?
14 MR. RIPPEL: What data would you be
15 pulling that from to justify that statement?
16 MR. GENTERT: Well, a --
17 MR. RIPPEL: Do you have comparables
18 to justify that statement?
19 MR. GENTERT: You want to make --
20 MS. CHURNEY: Point of order, he's
21 answering questions, not asking questions.
22 MR. GENTERT: You want me to pull
23 the data, I will hire an attorney to get all of
24 the data.

1 Seems like we are trying to get the
2 wool pulled over our eyes. Excuse me, I will let
3 somebody else talk.
4 HEARING OFFICER FRANK: State your
5 name.
6 LESLIE SMITH: Leslie Smith,
7 S-M-I-T-H.
8 I have a question for you. We were
9 speaking about hogs in the area and disease,
10 things like that. The PED is a very contagious
11 issue, especially in large confinement facilities.
12 With the high risk rate of
13 transmission of PED and other hog diseases and
14 shipping those hogs by third parties, how can you
15 ensure that neighboring farms, including Mr. John
16 Foote, who is right outside your setback area, and
17 be confident you will not spread these diseases to
18 his hogs that he has currently on his property?
19 MR. RIPPEL: First of all, nice to
20 meet you face-to-face. You called and asked
21 those questions. I appreciate your phone call.
22 I was disappointed you didn't come out and take
23 the tour of the farms with me.
24 To address your question, I guess I

1 didn't realize John had any pigs.
2 LESLIE SMITH: Yes.
3 MR. RIPPEL: I know he had a pig
4 background but I did not realize he had pigs.
5 I guess your question is what is
6 our --
7 LESLIE SMITH: How can he feel safe
8 that since you are transporting these -- your
9 pigs to and from your facility with like a third
10 party, how can he feel safe that if you get
11 disease in your facility it won't be passed on to
12 his current livestock?
13 MR. RIPPEL: I could have the same
14 feeling, if he gets disease in his facility he
15 could transmit it to our farm. With many pig
16 diseases they are transmitted through pig to pig
17 contact. There would be none there. But they
18 also could transmit to contaminated trailers,
19 equipment, people. Just John going to Casey's or
20 taking his pigs to market and coming back to his
21 own herd he can infect his own herd with PED,
22 TGE, erysipelas, you name it. So I don't see how
23 Sandy Creek Lane would pose any great risk to
24 his.

1 LESLIE SMITH: Currently right now I
2 guess just it being so close and these type of
3 facilities having such a high rate of PED
4 compared to traditional farming practices.
5 MR. RIPPEL: Do you understand what
6 PED is, ma'am?
7 LESLIE SMITH: Yes, a diarrhea
8 disease that the pigs get.
9 MR. RIPPEL: Do you understand how
10 it's transmitted?
11 LESLIE SMITH: I do, yes.
12 MR. RIPPEL: You know, not -- it is
13 beyond the scope of this to get into epidemiology
14 of PED, but it is a disease of pigs that was
15 first detected this spring -- or this past
16 spring. Sorry. First time ever in this country.
17 And you have an entire naive population of pigs.
18 I don't know the history of John's pigs. I am
19 assuming they would be naive, I don't know. But
20 it has been a challenge to the industry. We will
21 not be stocking this facility with PED positive
22 pigs.
23 LESLIE SMITH: From what I have
24 read, Iowa has -- I do believe it was 30 or

1 40 percent of all of the facilities are testing
2 positive for PED within the last year.
3 Are your pigs going to be going to
4 and from Iowa?
5 MR. RIPPEL: They would be going to
6 farms in Iowa and Illinois.
7 There is PED in Illinois currently.
8 There is -- so Iowa is not unique. It's been
9 found in most hog producing states.
10 LESLIE SMITH: I think that's what I
11 worry, is you guys moving them in and out at such
12 a constant rate, the chance is going to be
13 greatly increased for that in the area.
14 MR. RIPPEL: So I appreciate your
15 concern, but we also have a concern for our own
16 farms. We don't want to bring that disease back.
17 We have bio security. Just to give you an idea,
18 bio security, we -- you know, we wash and bake
19 trailers to prevent disease transmission before
20 it returns to the farm. We have -- when we bring
21 product into farms we run it through a UV light
22 box to disinfect it. We shower into a farm and
23 back out of the farm to not only prevent disease
24 entering in the farm on our person but also if we

1 have a farm that has a disease we contain it into
2 that farm so we are not taking it back out into
3 the community. Bio security is a big deal in the
4 pig industry.
5 LESLIE SMITH: Can I ask additional
6 questions?
7 HEARING OFFICER FRANK: One more.
8 LESLIE SMITH: Okay. According to
9 the Illinois Environmental Protection Agency they
10 have listed on their website best practices for
11 livestock management facilities. One of the
12 things they bring up in constructing this
13 facility is that you should not construct these
14 facilities next to surface water or in low lying
15 areas.
16 Sandy Creek Valley clearly violates
17 both of these.
18 How do you explain how you chose this
19 site and disregarded the Illinois EPA siting of
20 these facilities?
21 MR. WAGNER: The current site is a
22 site that meets the requirement of LMFA. It is
23 not right next to the creek. It is in a higher
24 area and we are --

1 LESLIE SMITH: That's what I mean,
2 it is uphill of the creek. The reason for having
3 them away from surface bodies, so if there is a
4 runoff, when you are uphill, if there is any type
5 of spill or anything like that, it will run down
6 to the creek. Which is kind of I think their
7 instance of don't put it by surface water.
8 MR. WAGNER: If you would go to flat
9 lying you probably couldn't build it hardly
10 anywhere in the state Illinois because eventually
11 something is going to run into something
12 eventually. Plus the site's designs --
13 HEARING OFFICER FRANK: Let's move
14 on to the next questioner.
15 State your name and spell it.
16 MIKE PHILLIPS: Mike Phillips,
17 P-H-I-L-L-I-P-S.
18 Mr. Rippel, according to your
19 presentation this will be the largest facility in
20 service, yet your headquarters -- this will be the
21 farthest away from your headquarters. It will be
22 about 150 miles away. How do you intend to
23 provide adequate oversight?
24 MR. RIPPEL: We have, as I described

1 prior, we have an on farm site manager, general
2 manager, who is directly responsible for that
3 farm and who reports directly to myself.
4 MIKE PHILLIPS: Mr. Wagner, you said
5 that an important aspect of this, about how great
6 your operation is going to be, is that Mr. Salz
7 is willing to sign a waiver for the setback
8 distance.
9 Did it occur to you that Mike is okay
10 with the setback waiver because he's going to make
11 a lot of money out of this?
12 MR. WAGNER: No comment.
13 MIKE PHILLIPS: Mr. Wagner, will the
14 perimeter drain tile allow you to detect leakage
15 from the bottom of the structure or just from the
16 side?
17 MR. WAGNER: It would be constructed
18 in accordance with the Livestock Management
19 Facilities Act, which is around the perimeter of
20 the structure.
21 MIKE PHILLIPS: Let's see, the last
22 question I have is again for Mr. Wagner.
23 When you counted the traffic increase
24 on County Highway 2800 you said that there is

1 approximately 200 vehicles a day. How many
2 employees are going to be working at the facility?
3 MR. WAGNER: Dr. Rippel stated there
4 would be approximately 20.
5 MIKE PHILLIPS: So that would be
6 about 40 trips a day coming in and going out, so
7 that would actually increase the traffic by
8 roughly 20 percent instead of .6?
9 MR. WAGNER: That would be vehicle
10 traffic. We are talking about truck traffic.
11 MIKE PHILLIPS: The Livestock
12 Management Act talks about vehicle traffic.
13 MR. WAGNER: We can go into detail
14 discussion on roads but it is --
15 MIKE PHILLIPS: Would you agree that
16 that is a 20 percent increase in traffic rather
17 than a .6 percent increase in traffic?
18 MR. WAGNER: I would have to calc
19 it. And I think you are assuming --
20 MIKE PHILLIPS: You said 200 cars a
21 day, 200 trips a day. We have got 20 people
22 working there. They have to come in and go out,
23 so that is 40 trips. So I think doing the math
24 for 40 trips a day compared to current 200 --

1 MR. WAGNER: If you are assuming
2 each one has their own vehicle, sure.
3 MIKE PHILLIPS: Thank you.
4 HEARING OFFICER FRANK: State your
5 name.
6 FRED HARTENBOWER: My name is Fred
7 Hartenbower, Mayor from Lostant.
8 HEARING OFFICER FRANK: Please spell
9 your name.
10 FRED HARTENBOWER: H-A-R-T-E-N-B-0-W-
11 E-R.
12 I have got about three pages for
13 questions.
14 First one is do you have a five year
15 plan on what you intend on doing on this facility?
16 Any increases in production than what you have
17 stated tonight?
18 MR. RIPPEL: No. We have no
19 intentions of doing -- doing any increase in size
20 in this facility.
21 FRED HARTENBOWER: Okay. Lostant
22 has a TIF District, Dr. Rippel, just 2 miles away
23 from your facility. Less than 2 miles away. And
24 that does put it within the town limits, not the

1 four to six that you stated.
2 MR. RIPPEL: Can you explain that,
3 please?
4 FRED HARTENBOWER: Excuse me?
5 MR. RIPPEL: Can you explain that
6 for me, please?
7 FRED HARTENBOWER: Lostant increased
8 since the time you moved to Iowa. A TIF District
9 is a tax incentive financing. And Lostant has
10 moved their borders out beyond when you were
11 living here and playing basketball. We are out
12 by 18 and 39 at this time.
13 My question about that is what can we
14 expect 2 miles away with the smell coming in?
15 It makes it difficult for us to grow
16 business in that TIF district if we have that
17 smell.
18 MR. RIPPEL: Obviously odor is -- is
19 the big concern for tonight.
20 I will tell you in my opinion if you
21 drive onto the Sandy Creek Lane site once it is
22 stocked, or any other farm that we manage, you
23 will smell pigs when you are on the site. As you
24 move further away you will smell less and less

1 than that with the prevailing winds. Two miles
2 away I would not expect to smell that very often,
3 if at all.
4 FRED HARTENBOWER: The last question
5 I have is two part.
6 The well that you intend on drilling
7 from what I understand is going to be
8 approximately 1800 feet, is that correct?
9 MR. RIPPEL: Correct.
10 FRED HARTENBOWER: That's the same
11 depth that Lostant and Toluca and I believe
12 Wenona have.
13 Has there ever been any kind of an
14 accident or spillage in that size of a well or
15 that depth of a well that could allow the affluent
16 to leak into the well?
17 Do you know of any history of that
18 ever happening?
19 MR. RIPPEL: I know of no history of
20 that happening.
21 FRED HARTENBOWER: Okay. And the
22 last question I have about the well is these deep
23 wells, we have been spending the last ten to 15
24 years trying to remove the radium in these wells.

1 You should expect to see radium in the well that
2 you are digging. Is it your intention on putting
3 a reverse osmosis system in there or are you
4 going to feed the piglets radiation water that
5 the EPA has deemed unfit for human consumption?
6 MR. RIPPEL: There will be no
7 reverse osmosis system.
8 We have seen the water sample or
9 water quality results from the City of Wenona and
10 it did not indicate radium in those water samples,
11 so I cannot comment on that.
12 FRED HARTENBOWER: If you find it
13 will you -- the radium, will you then put in a
14 reverse osmosis system or its equivalent?
15 MR. RIPPEL: I don't have enough
16 information to answer that question at this
17 point.
18 FRED HARTENBOWER: Thank you.
19 NIC ANDERSON: Nic Anderson, N-I-C,
20 A-N-D-E-R-S-O-N.
21 Dr. Rippel, there was a little
22 confusion based on -- clarification based on your
23 vet management clinic or your vet management team
24 and the veterinary clinic. The veterinary clinic

1 provides veterinary services to the management
2 team through their sow units?
3 MR. RIPPEL: Correct.
4 NIC ANDERSON: That clarifies that
5 for me.
6 When you talk about size -- when you
7 talk about size and the scope of possibilities of
8 expansion, and I think Mr. Goetsch talked about
9 what it would take to be an expansion and
10 notification process, I think you mentioned that
11 you had no plans for expansion, is that correct?
12 MR. RIPPEL: Right.
13 NIC ANDERSON: Why would you not
14 have plans? Or what would be a potential of not
15 expanding this farm?
16 Is there criteria that makes that
17 feasible or not feasible?
18 MR. RIPPEL: This farm was sized
19 based on the current barn sizes and sites out
20 there that our typical farmer investor has. They
21 can fill whole barns or whole sites with one week
22 of production from this farm. You go much bigger
23 than that, it doesn't fit and you start, you
24 know, getting all of your eggs in one basket too.

1 NIC ANDERSON: For Mr. Goetsch, some
2 emphasis was put on the design plans and
3 compliance. Just for clarity, the farm doesn't
4 have their plans in, and you made a note of that,
5 and you haven't received or reviewed those, but
6 they will have to do that at some point in a
7 certain amount of time and you will have to
8 approve those before they even start
9 construction?
10 MR. GOETSCH: Yes. The Department
11 would not take a form or final action in this
12 process until such time as all of the
13 requirements are met. One of those being the
14 submittal of complete construction plans and
15 specifications.
16 NIC ANDERSON: So if the plans
17 weren't in they couldn't even start the
18 construction at that point?
19 MR. GOETSCH: That's correct.
20 NIC ANDERSON: That clarifies that
21 for me. Thank you.
22 DAVE LOESER: My name is Dave
23 Loeser. Last name L-O-E-S-E-R.
24 My question is in this illustration

1 where the buildings are going to be there is a
2 little white area that comes down there. What is
3 that?
4 I am --
5 MR. WAGNER: Can you point to it?
6 DAVE LOESER: Sure.
7 MR. WAGNER: That's -- I think Mike
8 did some field work there and some tiling work
9 there.
10 DAVE LOESER: Tile, you said?
11 MR. WAGNER: Yes. The requirement
12 for the tile --
13 DAVE LOESER: Do you know -- what is
14 tiling? I am a little confused.
15 MR. WAGNER: To answer your
16 question -- state your question again.
17 DAVE LOESER: What is tile?
18 MR. WAGNER: Well, there is tile in
19 the area, and we are required to cap out the
20 minimum of 50 foot --
21 DAVE LOESER: What's the thing below
22 it right there, the dark thing? This thing.
23 MR. WAGNER: Creek.
24 DAVE LOESER: Creek? What's in a

1 creek? What's in a creek? What's in a creek?
2 What's in a creek?
3 I am asking a forward question.
4 MR. WAGNER: You know the answer.
5 DAVE LOESER: Okay. Is it water?
6 And water flows.
7 I grew up in Sandy fishing, swimming.
8 Why is it white?
9 If you are talking tiling, I see a
10 lot of roads around there. This is misleading to
11 me.
12 Water is depicted -- you look at
13 maps, it is dark just like that creek.
14 Has this been tampered with, this
15 map? That is just a question.
16 MR. WAGNER: No.
17 HEARING OFFICER FRANK: Do you have
18 another question?
19 DAVE LOESER: I do.
20 In a case of emergency if something
21 happens to the facility, what is emergency
22 protocol? Is there any kind of backup?
23 I see tanks, I see -- any kind of
24 emergency protocol?

1 We have had tornadoes lately around
2 here in this land. Anything?
3 HEARING OFFICER FRANK: Who are you
4 directing the question to?
5 DAVE LOESER: Anybody really. I
6 would like to hear something.
7 MR. RIPPEL: So the question is what
8 would be the emergency response if there would
9 happen to be a spill?
10 DAVE LOESER: I do --
11 MR. RIPPEL: First of all, these
12 facilities are designed so spills will not
13 happen. It is a totally contained facility. We
14 have no permission to discharge like the local
15 communities do into the tributaries of Sandy
16 Creek. We have to apply that, incorporate that
17 into the manure through the practices we
18 described. So there would be no intentional
19 release of nutrient.
20 DAVE LOESER: Do you have a map that
21 is maybe spanned out a little more than this?
22 Does anybody at home have a map?
23 Scan it out and look and watch where the drain
24 goes. It points right to it.

1 HEARING OFFICER FRANK: State your
2 name.
3 STEVE CLANIN: Steve Clanin,
4 C-L-A-N-I-N.
5 Just for clarification I would like
6 to point out Mr. Anderson is paid to represent the
7 interest --
8 HEARING OFFICER FRANK: Sir, do you
9 have a question?
10 STEVE CLANIN: Yes, I do, but I
11 would like to point out he's paid to represent
12 the interest of Sandy Lake.
13 My question to Mr. Rippel, you stated
14 20 employees?
15 MR. RIPPEL: Correct.
16 STEVE CLANIN: How many will be full
17 time?
18 MR. RIPPEL: Twenty.
19 STEVE CLANIN: All 20 full time?
20 That seems a little inconsistent with the 12
21 farms and 80 employees and 20 on one.
22 MR. RIPPEL: This is a bigger farm
23 than most of the other farms.
24 STEVE CLANIN: What's the pay scale?

1 MR. RIPPEL: We will have a salary
2 budget of approximately $800,000 a year.
3 STEVE CLANIN: What's that come to
4 per person?
5 MR. RIPPEL: We pay based on ability
6 and the position, so it is hard for me to
7 specifically say that.
8 STEVE CLANIN: So will some of these
9 be minimum wage jobs?
10 MR. RIPPEL: We don't start anybody
11 at any of our systems at minimum wage.
12 STEVE CLANIN: Where do you start?
13 MR. RIPPEL: Typically if we have
14 somebody with no experience whatsoever it is in
15 the 10 to $11 range.
16 STEVE CLANIN: Do these job include
17 health benefits, insurance, retirement?
18 MR. RIPPEL: Yes, it is required, or
19 will be required soon after they stop postponing
20 the Obama Care. We have already --
21 STEVE CLANIN: Will they be all
22 local people or are you going to hire green
23 cards?
24 MR. RIPPEL: We are an equal

1 opportunity employer and we hire based on a
2 person's ability to work and show up.
3 STEVE CLANIN: Okay.
4 LISA PHILLIPS: My name is Lisa
5 Phillips, P-H-I-L-L-I-P-S. I have a question.
6 We have read that sometimes there can
7 be a buildup of noxious gases inside these
8 facilities. If those gases need to be released
9 into the air or are released into the air we are
10 worried this could cause a public health risk.
11 I have two kids in close proximity to
12 this facility.
13 What type of notification or
14 evacuation plans do you have in effect in case
15 something like this happens to protect the health
16 of the neighbors?
17 There have been documented -- like I
18 have the research -- cases where there have been
19 mass releases of noxious gas. And can you address
20 if you have an evacuation plan in place?
21 MR. RIPPEL: I can tell you on our
22 managed farms we have never had that issue. As
23 you see by my pictures, I take my family into the
24 farms with me. I would not put them in jeopardy.

1 So we have not had trouble with that, nor do we
2 foresee having any trouble with that.
3 As far as air quality outside of the
4 farm, a study by the University of Saskatchewan
5 showed that air quality upwind from a hog
6 confinement, one mile upwind is the same as a half
7 mile downwind.
8 LISA PHILLIPS: Okay. Follow-up
9 question to that. So according to the Drake
10 Journal of Agriculture Law there are -- certainly
11 within Iowa have been lots of emissions.
12 I want to understand if you have an
13 evacuation plan filed in place or with the fire
14 department so we have some kind of idea of what --
15 whether we would be notified, what kind of
16 evacuation plan is in place? According to the
17 Section 6 there has to be odor control plans in
18 place.
19 I would like to know what you have
20 done to -- filed with the city, local fire
21 departments, communities, to know what kind of
22 evacuation plan there is so I can protect my
23 children.
24 MR. RIPPEL: There is no -- there is

1 no risk of lethal gases affecting the surrounding
2 community. And on all of our farms, all
3 employees are certified, and part of that
4 certification process is we have an emergency
5 action plan which is posted at the farm.
6 LISA PHILLIPS: It is just posted at
7 the farm? There is no kind of planning with the
8 city or with anybody? Local neighbors, they
9 don't have to know, is that what you are saying?
10 MR. RIPPEL: Correct.
11 LISA PHILLIPS: So you can have --
12 okay.
13 HEARING OFFICER FRANK: State your
14 name.
15 MICHAEL MENDOLA: Good evening. My
16 name is Michael Mendola, M-E-N-D-O-L-A.
17 My first question is for Mr. Goetsch.
18 You mentioned there would be a
19 powerpoint presentation that is part of the file
20 in this case. Will that be available to the
21 public either on your website or other --
22 MR. GOETSCH: It will -- the
23 powerpoint presentation that we made will be part
24 of the official record. It will be attached to

1 the transcript of tonight's meeting. And it
2 would be available -- it would be subject to the
3 Freedom of Information Act. So yeah, we can make
4 it available. If you would like a copy, we can
5 certainly provide it.
6 MICHAEL MENDOLA: I think perhaps a
7 lot of people in this room would like to have
8 access to it because it is -- a lot of words were
9 said tonight that we don't necessarily remember
10 everything that has been said over the course of
11 the evening. Thank you.
12 My next question is for Dr. Rippel.
13 Earlier you, in response to another
14 question, you listed or kind of rattled off a
15 whole bunch of diseases that are inherent or
16 possible with hogs. Are any of those diseases
17 transferable to human beings?
18 MR. RIPPEL: PED is not, PRRS virus
19 is not, erysipelas is not. I know where you are
20 going with this.
21 A few years back they had that H1N1
22 influenza virus and that was found in people.
23 MICHAEL MENDOLA: Are there any
24 others?

1 MR. RIPPEL: There are but I am
2 blanking right now.
3 MICHAEL MENDOLA: You remember the
4 ones not transferable but not the ones that are.
5 I understand.
6 Also for Dr. Rippel, or perhaps
7 Mr. Wagner, I am not sure who is the best
8 recipient of this question. You are going down
9 1800 feet deep to get water from our aquifer. How
10 much water from our aquifer are you going to be
11 using per day or per week?
12 MR. RIPPEL: We know from our other
13 managed sow farms that we will use on average
14 6 gallons per inventoried sow per day. So that
15 is for everything from drinking, power washing.
16 All of the water uses on the farm.
17 If you compare that to what -- the
18 average person in Wenona uses 180 gallon per day.
19 MICHAEL MENDOLA: My last question
20 is directed to Mr. Wagner. You spent a great
21 deal of your presentation on odor control.
22 Do you expect this assemblage to
23 believe there are not going to be noxious odors
24 within a short downwind radius or even a longer

1 downwind radius of your facility?
2 MR. WAGNER: I think Dr. Rippel just
3 a few minutes ago commented on the odor and the
4 study that was done on the odor.
5 MICHAEL MENDOLA: Okay. Thank you.
6 JAMIE CASOLARI: My name is Jamie
7 Casolari, C-A-S-O-L-A-R-I.
8 I realize Dr. Rippel supposedly
9 addressed the odor issue, but in your presentation
10 you showed a tree buffer zone and you showed
11 pictures of trees at two years and at three years.
12 Now, I can guarantee that a majority of the people
13 in this room have gone by a hog facility,
14 including the representatives we did send to an
15 Iowa farm belonging to VMC Management, and they
16 said there is a noxious odor.
17 What is my family who lives quite
18 close to this facility supposed to do for the two
19 to three years it takes your wind buffer to grow
20 and protect my family from your odors?
21 MR. RIPPEL: Where do you live in
22 relation to the site?
23 JAMIE CASOLARI: Down the road.
24 MR. RIPPEL: Can you point?

1 JAMIE CASOLARI: I live straight
2 down -- we call it East Third Road. I don't know
3 what they call it on the other side. Toward
4 Route 18.
5 Yesterday the wind was blowing
6 directly at my house from where your facility
7 would be.
8 MR. RIPPEL: Where would that be?
9 JAMIE CASOLARI: I don't do maps at
10 all. I live -- if you come out of the facility,
11 drive down north.
12 MR. RIPPEL: How far north do you
13 live?
14 JAMIE CASOLARI: Slightly more than
15 a mile.
16 MR. RIPPEL: Slightly more than a
17 mile. I would be surprised if you being a mile
18 or more away from this farm in the direct north
19 direction, I would be surprised if you smell it
20 at all.
21 JAMIE CASOLARI: Okay. You would be
22 surprised now, but if I am not surprised then,
23 then what happens?
24 MR. RIPPEL: You know, odor is a

1 very personal, emotional and no specific thing.
2 JAMIE CASOLARI: Correct. And I
3 suffer from sun induced migraines and have put a
4 lot of effort into establishing my home, which is
5 a five generation family, what is left of it,
6 farm.
7 What gives you the right to come in
8 and negatively impact my quality of life and
9 portray yourself as a good 'ole boy just doing it
10 for your community?
11 MR. RIPPEL: I could ask you the
12 same question, but I can't ask the -- I have got
13 family farms that are looking to make a living
14 just like you do, like everybody in this
15 gymnasium do. Why do you have the power to deny
16 them the right to make a living?
17 JAMIE CASOLARI: I have no objection
18 to family farms. This is not a farm, this is a
19 factory in my opinion.
20 MR. RIPPEL: What is your definition
21 of factory, ma'am?
22 JAMIE CASOLARI: Mass production.
23 MR. RIPPEL: So what number is mass
24 production?

1 JAMIE CASOLARI: 1,000, 2,000,
2 3,000.
3 MR. RIPPEL: So if we put 5,000 sows
4 on pasture would you be more appeased, more
5 acceptable to that design?
6 JAMIE CASOLARI: Depending on how
7 much land you use and if you weren't treating
8 them with antibiotics that are going to
9 contaminate my well. If you are doing it in a
10 truly sustainable manner, I would be open to some
11 suggestions.
12 HEARING OFFICER FRANK: Do you have
13 another question, ma'am?
14 JAMIE CASOLARI: Yes, I do, and it
15 happens to be for the Department of Agriculture.
16 On November 18, 2003 the American
17 Public Health Association urged federal, state and
18 local governments and public health agencies to
19 impose a moratorium on concentrated animal feed
20 operations until more data on the intendant risks
21 to public health could be collected and the
22 uncertainties resolved.
23 The Department of Ag apparently
24 evidenced by today's proposal ignored the concerns

1 of the APHA in a blatant disregard to the health
2 and safety of rural community residents.
3 Why is that? Why are my wants, needs
4 and medical concerns not as important as pig's
5 medical concerns?
6 MR. GOETSCH: The easiest answer I
7 guess to that would be that we don't write the
8 law, we administer the law as it is written by
9 the Illinois General Assembly, as is and then
10 approved by the Governor.
11 The bottom line is if there are those
12 issues like that you need to take those issues to
13 your appropriately elected representatives and
14 senators. They then, if they feel the need, will
15 change the law. And then we will, if continued to
16 be charged to do so, we will administer the law.
17 JAMIE CASOLARI: Thank you for the
18 advice.
19 MR. GOETSCH: That's not advice,
20 that is an answer.
21 JAMIE CASOLARI: Two more quick
22 questions.
23 You said your facility is I believe a
24 zero output --

1 HEARING OFFICER FRANK: Could you
2 step up to the microphone?
3 JAMIE CASOLARI: Sorry.
4 That it is a zero output, and you
5 pretty much said there is no chance for leakage
6 through the concrete.
7 MR. RIPPEL: Correct.
8 JAMIE CASOLARI: Okay. I am trying
9 to figure out, because I have a concrete
10 foundation and it has cracks and it leaks. It
11 leaks inward. I am assuming it also leaks
12 outward. But it does leak.
13 NIC ANDERSON: Is it built to LMFA
14 standards?
15 JAMIE CASOLARI: I am wondering
16 where you get your magic concrete that doesn't
17 leak?
18 HEARING OFFICER FRANK: Let me
19 interject here, please. Both sides have had
20 their opportunities for applause. Let's dispense
21 with the applause and let's get on with the
22 questions and answers. Thank you.
23 MR. WAGNER: We don't know any
24 history on your particular structure, whether it

1 was built to LMFA or not, so we can't answer that
2 question.
3 JAMIE CASOLARI: But you can answer
4 that -- what will you do if your concrete
5 structure fails and is leaking?
6 MR. WAGNER: We have precautionary
7 measures in place.
8 JAMIE CASOLARI: Which are?
9 MR. WAGNER: Drain tile and sampling
10 port.
11 JAMIE CASOLARI: If your concrete
12 sidewall cracks and leaks, what are those
13 measures going to do for that?
14 If you have up to, what did you say,
15 180 days, 150 days of liquid manure in here and
16 your facility fails and leaks, then what?
17 MR. WAGNER: It would be over a
18 year's storage. And like I said, it is designed
19 to be a water tight structure.
20 JAMIE CASOLARI: Okay. Lots of
21 things are designed to be something. That
22 doesn't mean they don't fail.
23 I am asking you what your plan is if
24 it fails?

1 MR. RIPPEL: I can tell you out of
2 our 12 managed farms we have tiles we sample
3 quarterly, and we have never detected any manure
4 outside of the manure containment structure.
5 If we would ever happen to find
6 manure in those tiles we would have to excavate
7 around the barn and find the leak and repair it.
8 JAMIE CASOLARI: Okay.
9 HEARING OFFICER FRANK: Do you have
10 another question?
11 JAMIE CASOLARI: Yes, I did. I had
12 one.
13 When you were -- Dr. Rippel, when you
14 were doing your slide show and you were showing
15 the pictures of the pigs, the sows, the gilts,
16 whatever they are in the various stages, I am
17 assuming those were your children.
18 MR. RIPPEL: Correct.
19 JAMIE CASOLARI: They were beautiful
20 children.
21 MR. RIPPEL: Thank you. I am very
22 proud of them.
23 JAMIE CASOLARI: I would be too. I
24 love my kids and I am sure you do too.

1 I found it just a little bit
2 misleading, because what I understand, the type of
3 facility that you are building the pigs haven't
4 really got quite that much room, and I was under
5 the impression that you didn't really like to have
6 outsiders like visitors and such come into it for
7 fear of disease and contaminants and whatever. So
8 I am wondering why you chose to show pictures of
9 your kids playing with pigs? Which I don't really
10 think what you showed was representative of the
11 type of facility you are going to have.
12 Because -- I could be wrong. I googled it and it
13 showed pictures of what the inside of these
14 operations are. And like I said, we had three
15 members from our group go and tour your farm. And
16 those pictures were nothing like what I have seen
17 on the internet, nor were they anything like what
18 they came back and said the facility was like.
19 So don't you find that kind of
20 misleading to make it look like it is a petting
21 zoo?
22 MR. RIPPEL: I was not trying to
23 make it look like a petting zoo. I knew this was
24 going to be an intense meeting. I was trying to

1 lighten the mood just a bit by showing off my
2 family. That said, those are actual pictures out
3 of a facility that we manage. And as I
4 showed our guests last week, I am very proud of
5 the pork industry. I will show you whatever you
6 want to show, but those are actual pictures
7 inside our managed hog farms.
8 JAMIE CASOLARI: Okay. I'll take
9 your word for that. Thank you.
10 HEARING OFFICER FRANK: State your
11 name.
12 TIM SMITH: Tim Smith, S-M-I-T-H.
13 First question for Dr. Rippel. You
14 are familiar with those Dutchman air filters,
15 those smart air filters that are available? I am
16 just curious if there was any plans to use those
17 or maybe commit to those?
18 It's my understanding they can reduce
19 odor, airborne contaminants by up to 80 percent.
20 It is really an honest question if
21 this is going to go forward, and obviously I am
22 trying to stop it, but if it does go forward, is
23 there any leeway with you or VMC to maybe work
24 with the neighbors if that is what it takes to get

1 these things put in, help us out?
2 MR. RIPPEL: We believe -- yes, I am
3 aware of those type of -- that type of
4 technology.
5 We believe the way we have this,
6 these barns designed with the deep pit structure,
7 with the roof overhead, constant cleaning of the
8 barns and with the tree buffer that we have, in
9 addition to just the natural lay of land -- I mean
10 the natural lay of the land also helps diffuse the
11 odor -- but at this time we do not have any
12 intention.
13 TIM SMITH: I understand that. I am
14 just saying is it possible working with people in
15 the community -- and this may be something that
16 given the sensitive nature in the area maybe you
17 can work with the community, maybe you can get
18 some support, maybe even financial -- if you are
19 that concerned with the area is it something you
20 would be maybe open to the possibility of?
21 MR. RIPPEL: We will continue to
22 evaluate all odor control plans.
23 TIM SMITH: So you would at least
24 maybe consider it?

1 MR. RIPPEL: I would -- I would --
2 we would --
3 TIM SMITH: I am not -- I am not
4 trying to be combative. It is an honest
5 question.
6 MR. RIPPEL: You are asking me to
7 commit to that plan?
8 TIM SMITH: Not commit, just be open
9 to the idea.
10 MR. RIPPEL: I am open to
11 investigate any odor control option.
12 HEARING OFFICER FRANK: We need one
13 person to speak at a time for the court reporter.
14 TIM SMITH: I apologize.
15 On your family farm -- do you have a
16 family farm in the area?
17 MR. RIPPEL: Yes, my folks.
18 TIM SMITH: Again just wondering,
19 wouldn't that have been an easier option than
20 this?
21 MR. RIPPEL: Actually we looked at
22 it, but -- we had actually three different sites
23 that we were considering, and actually Mike's
24 site actually met the siting criteria the best.

1 TIM SMITH: Okay. Mr. Wagner, the
2 zoning slide you had up, I agree with you it is
3 an agricultural area, and that's why I guess we
4 should prefer agriculture over residential
5 concerns is what you were driving at with that
6 slide. It also mentioned manure, getting rid of
7 the waste, doing that in a reasonable way.
8 If it was discovered that the soil
9 around the area that you guys want to put this
10 manure was not the best soil for that as
11 recommended let's say by the EPA and is soil that
12 you probably shouldn't be putting manure on, would
13 that maybe change your guys' outlook on this?
14 MR. WAGNER: We have to do a Manure
15 Management Plan and soil tests and that will be
16 part of the plan.
17 TIM SMITH: Okay. And if it shows
18 that you really shouldn't be using the soil
19 around the farms for manure, would that change?
20 MR. WAGNER: There are requirements
21 in that Manure Management Plan as far as
22 setbacks, and it will be looked at in the Manure
23 Management Plan.
24 TIM SMITH: Would it dissuade you,

1 Mr. Rippel, if you knew that 80 to 90 percent of
2 the land in the area wasn't the best for this
3 type of application?
4 Would you reconsider the site
5 possibly?
6 MR. RIPPEL: We can only apply
7 nutrient to the land that would be able to take
8 it. That's all designed through the Manure
9 Management Plan.
10 TIM SMITH: Okay. I just had one
11 last question about the 4,000 PSI concrete that
12 was a requirement in the building construction.
13 Something along those lines.
14 I was wondering if you could explain
15 that? Something about being certified by the
16 manufacturer.
17 MR. WAGNER: That 4,000 PSI is
18 compressive strength of concrete at 28 days.
19 Basically if you were to test that, take a
20 cylinder and break the cylinder and cause it to
21 fail at 28 days and see what the strength is.
22 There is a certification form that is
23 required by Illinois Department of Agriculture
24 that each load that is coming to the site meets

1 that criteria.

2 TIM SMITH: Who does that test?

3 MR. WAGNER: It is required by the

4 manufacturer or the concrete plant or the

5 concrete -- someone has to sign off on it that is

6 certifying it.

7 TIM SMITH: For Mr. Rippel, is your

8 family involved in producing this concrete or

9 delivering this concrete to the facility?

10 MR. RIPPEL: We are working with two

11 to three different builders working on estimates,

12 and that has not been determined yet.

13 TIM SMITH: But it is possible?

14 MR. RIPPEL: It is possible that

15 concrete could -- all concrete is going to come

16 from the area no matter what happens.

17 TIM SMITH: But it is possible your

18 family might be certifying the concrete for a

19 facility that you are going to manage?

20 MR. RIPPEL: That hasn't been

21 determined. Depends on which builder we go with.

22 TIM SMITH: Thank you.

23 HEARING OFFICER FRANK: Let me ask a

24 question here. We have I see at least three

1 people up here to ask questions.
2 How many others would like to ask
3 questions?
4 I see about six or eight more in
5 addition to these three. So whoever is next,
6 proceed.
7 STACIE JAMES: Stacie James. I
8 think most of these questions will be for you,
9 Mr. Wagner.
10 Can you please switch to a different
11 slide where you have a more focused aerial view of
12 the buildings?
13 Can you look at this slide? This
14 isn't the best. But approximately where the --
15 the far east building is, if you look at another
16 aerial image you will see what appears to be a
17 concentrate storm water flow path. So what are
18 your plans for basically controlling that storm
19 water so it doesn't enter the facility?
20 MR. WAGNER: It will be redirected
21 to the east.
22 STACIE JAMES: Can you describe
23 where to the east?
24 MR. WAGNER: We haven't finalized

1 final drawings yet.
2 STACIE JAMES: Is there a ditch to
3 the east that you will be utilizing?
4 MR. WAGNER: To the lower right you
5 can see the waterway.
6 STACIE JAMES: So you will be
7 basically rounding the storm water around the
8 facility so it doesn't go through it?
9 MR. WAGNER: Correct.
10 STACIE JAMES: Okay. You mentioned
11 your drain tubing. Can you describe relative to
12 the floor of each building or the bottom of each
13 pit where that will be laid?
14 MR. WAGNER: It will be flush with
15 the bottom of the footing.
16 STACIE JAMES: That's the bottom of
17 the pit?
18 MR. WAGNER: Correct.
19 AUDIENCE MEMBER: Just the
20 perimeter, not the bottom?
21 STACIE JAMES: What are your plans
22 for location for discharging your perimeter
23 drainage?
24 MR. WAGNER: I guess we haven't

1 finalized that, but it will be to the south
2 obviously.
3 STACIE JAMES: Do you believe the
4 discharge will be in one of those two grass
5 waterways?
6 MR. WAGNER: I would believe so.
7 STACIE JAMES: Can you please
8 describe your method for determining the existing
9 tile on the site?
10 MR. WAGNER: When that was installed
11 it was installed by a local tile operator, and I
12 have maps and GPS coordinates as well. We are
13 going to hit it with the site so we are going to
14 have to take it out and cap it like I said
15 earlier.
16 STACIE JAMES: How do you determine
17 50 feet out whether there is tile?
18 MR. WAGNER: There will be tile.
19 There is patterned tile.
20 STACIE JAMES: How do you determine
21 that?
22 MR. WAGNER: I guess I am not -- can
23 you repeat the question?
24 What do you want to know?

1 STACIE JAMES: How do you know
2 whether there is tile within 50 feet of your
3 facility?
4 MR. WAGNER: We have as built
5 drawings and where the tile was installed. So we
6 actually have more information than we do on most
7 facilities.
8 STACIE JAMES: Does that include
9 historical tile?
10 MR. WAGNER: I don't know. I would
11 have to look at it.
12 STACIE JAMES: If you look at the
13 building on the far west side, can you tell me
14 how many feet that is from the grass waterway?
15 MR. WAGNER: I couldn't tell you off
16 the top of my head. I know it is greater than
17 50.
18 STACIE JAMES: Does the landowner
19 own a different site that is not located between
20 two grass waterways where you could perhaps place
21 this building instead?
22 MR. RIPPEL: Yes, we looked at those
23 sites, and this is the site that met the eight
24 site criteria the best.

1 STACIE JAMES: What is your
2 estimated total volume of waste produced
3 annually?
4 Earlier you gave a figure for sows,
5 but can you give an estimated total volume for the
6 facility annually?
7 MR. RIPPEL: Yes. 5 gallons per sow
8 produced per day. That would be approximately
9 10 million gallons a year.
10 STACIE JAMES: So in addition there
11 will be waste from the gilts and from piglets?
12 MR. RIPPEL: That is total. When I
13 say 6 gallon -- or 5 gallons produced per
14 inventory sow, that accounts for all inventoried
15 animals. That accounts for all animals on the
16 farm; baby pigs up to adults. When you equate
17 that to 180 gallons of wastewater produced per
18 person in town, that's a stark comparison.
19 STACIE JAMES: How much acreage do
20 you have of land application minus the required
21 setbacks?
22 MR. RIPPEL: Repeat that.
23 STACIE JAMES: How much land acreage
24 do you have for application of waste minus the

1 required setbacks?

2 MR. RIPPEL: We have approximately

3 1200 acres that Mike farms that is eligible for

4 incorporation. That will be all included in the

5 Manure Management Plan.

6 STACIE JAMES: What is the highest

7 soil test phosphorous in the land's application

8 fields?

9 MR. RIPPEL: That's all based on

10 soil testing and the test of the nutrient.

11 STACIE JAMES: So you don't know?

12 MR. RIPPEL: Off the top of my head,

13 no.

14 STACIE JAMES: Do you know whether

15 you will be using nitrogen or phosphorus based

16 application rates?

17 MR. RIPPEL: That will be included

18 in the Manure Management Plan.

19 STACIE JAMES: Can you please answer

20 the questions yes or no?

21 MR. RIPPEL: What was the question?

22 MR. WAGNER: The answer is no, we

23 don't know that yet.

24 STACIE JAMES: All right. Thank

1 you.

2 HEARING OFFICER FRANK: Next.

3 JOHN FOOTE: I am John Foote. I

4 live --

5 HEARING OFFICER FRANK: Spell your

6 name.

7 JOHN FOOTE: F-O-O-T-E. And I live

8 directly downwind roughly 3800 feet from the

9 facility. And I want to thank Dr. Rippel for

10 allowing me to be one of the people that went out

11 and looked at the site. I know this is only

12 supposed to be question but I want you to realize

13 that.

14 MR. RIPPEL: I appreciate that.

15 JOHN FOOTE: I am a farmer for 60

16 years, been associated with farming for 60 years.

17 And also maybe getting out of line, I want to say

18 that the facility that you are describing here

19 shows a lot of merit and it looks like you have

20 tried to do a lot of things with it. But I have

21 to ask the questions that -- I base my thoughts

22 on the internet, heaven forbid. I have spent

23 hours and hours and hours looking at the internet

24 since I first found out about this a couple of

1 weeks ago when Mike came and visited me, which I
2 appreciated him doing. And Mike and I have had
3 quite a few civil discussions.
4 The thing -- I would like to address
5 a question to Mr. Wagner.
6 Based on what I just talked about
7 looking at the internet, didn't all of the
8 previous facilities that were built that have
9 since had problems, per the internet, also meet
10 similar requirements before being built?
11 MR. WAGNER: That's hard to answer
12 because the Livestock Management Facilities Act
13 was enacted in 1996, so I have a lot of
14 facilities that were constructed prior to those
15 requirements.
16 JOHN FOOTE: It would be interesting
17 to see if somebody had a study on that, because I
18 know if you look at North Carolina and some of
19 Iowa and so forth -- but I won't go into all of
20 that.
21 After living on the Sandy for 40
22 years I have to ask a question again of you,
23 Mr. Wagner. Living there I have seen what I would
24 call the floodplain defined by -- which seems to

1 be a little different than what the floodplain
2 that you had up there, which is what you had --
3 when and how did they come up with that
4 floodplain? And why does it appear that I have
5 only got a 40 year floodplain that I am looking at
6 but it certainly appears to be a little bigger.
7 I mean, I would be defining it --
8 MR. WAGNER: I don't know when that
9 particular one was done. It appears to me it was
10 updated fairly recently because usually the ones
11 that are updated fairly recently, they put that
12 aerial imagery in the back, where back in time it
13 used to be just a black and white type thing.
14 But directly I guess I would have to
15 ask -- it might be on the map. We would have to
16 research that a little more.
17 JOHN FOOTE: Just as a point of
18 suggestion, if they looked at some aerial maps
19 that came in the last two years and the floods of
20 the Sandy they might get a better idea at least
21 what the plain was -- whether that is the same as
22 100 year, I would think, what little I know about
23 it, 100 year floodplain should include what I was
24 seeing in 40 years.

1 HEARING OFFICER FRANK: Mr. Foote,
2 do you have another question?
3 JOHN FOOTE: Yes, I do.
4 So you don't really have an answer
5 for that. I guess that's not a question. It is
6 just how did they get it and can they look at it
7 again I guess?
8 All right. Let's get down to things
9 that personally affect me and questions I have for
10 Dr. Rippel.
11 I understand we are going to have --
12 this is a -- one truck possibly to me, possibly
13 bringing bugs or disease from other pig farms,
14 which they wouldn't go to visit -- if you
15 delivered the hogs to a farm and you come back,
16 you mentioned that you bring it back and you bake
17 the truck to kill the bugs that are in it, so you
18 are obviously concerned about that. When these
19 trucks go by my farm where I do have hogs and I am
20 within 3800 feet of the facility, I don't have the
21 bio securities that you are trying to implement.
22 And that is a good thing that you do have them,
23 but I guess I am thinking in terms of not only
24 inside the truck but the waste that the truck

1 wheels can pick up when they are going down the
2 road. There are places -- what do you do to get
3 rid of that so that they don't throw it off?
4 MR. RIPPEL: That wouldn't be any
5 different than any other vehicle going up and
6 down the road.
7 JOHN FOOTE: The only thing is if
8 you look at the probable incidence of this going
9 by -- I mean somebody talked about the vehicular
10 travel or traffic on the road -- I'll back off of
11 that question.
12 Let's get more direct into the point
13 I guess.
14 You said Mike has 1200 acres to put
15 the stuff on. In fact, I am a farmer and I --
16 Mike is one person. Can I get some of the manure?
17 He said -- which made me feel good -- he said
18 well, your farm probably wouldn't be applicable to
19 putting the manure on because you are too close to
20 the Sandy and you have got too much slope in some
21 places. So that made me feel good.
22 HEARING OFFICER FRANK: Mr. Foote,
23 we have a lot of people that still want to ask
24 questions.

1 JOHN FOOTE: Okay. I understand
2 that, but I also understand that I am living
3 right there.
4 You want to trade houses?
5 HEARING OFFICER FRANK: Mr. Foote,
6 this is a question and answer session now. We
7 will have oral testimony after this.
8 JOHN FOOTE: Okay. I'll stop with
9 my testimony.
10 I want to know what the answers to
11 the questions are. Is that okay?
12 HEARING OFFICER FRANK: Could you
13 step up to the microphone, please?
14 JOHN FOOTE: I thought maybe
15 somebody turned it off. Maybe turned it down. I
16 don't blame them.
17 As I said, I thank Dr. Rippel for
18 letting me come out. While we were out there I
19 have to admit that I did observe, and we talked
20 about it a little bit, the manure being applied as
21 being injected. And we went out to the site, and
22 we were kind of running out of time, and a point
23 which I talked with him about was going up and
24 down hills. We went to one place where they were

1 doing just that, going up the hill. And as I was
2 watching -- we did not get out of the car but he
3 did permit me the benefit to watch what was going
4 on. And when it was going up the hill, the manure
5 that was coming out was, as water normally does,
6 was running down the hill inside the trench. But
7 at the bottom of the hill it was kind of running
8 out on the plain, on the flat.
9 My question is, what is being done to
10 address that kind of a thing and how often does
11 that happen?
12 MR. RIPPEL: That really is a good
13 question, John. Unfortunately we had to rush at
14 the end of our visit last week and I wasn't able
15 to get out -- when I drove further down that road
16 I was where I could see the applicator turn
17 around and go back up that hill that you
18 observed. And what happens is when they turn
19 around, the pump doesn't shut off but you raise
20 the applicator bar, backs up, turns around and
21 drops it again. So what you were seeing at the
22 end was actually what was being applied on
23 ground. We come back within 24 hours and
24 incorporate that into the end rows.

1 JOHN FOOTE: That makes me feel
2 good.
3 One other question and I am going to
4 stop here.
5 HEARING OFFICER FRANK: Make it a
6 short question, please.
7 JOHN FOOTE: I'll try.
8 I asked about how much ground Mike
9 had. You said there is various ways it can go.
10 One of the ways I am assuming he is going to put
11 it on is with tankers. When he takes that tanker
12 to some of his south most farms, I assume he'll
13 use that in the 1200 acres, he will go on a road
14 which goes right through the middle of my farm in
15 two places, east/west, north/south. What do we do
16 to prevent the material that he's hauling from
17 coming out of the tanker as you were just kind of
18 describing or falling off of it?
19 MR. RIPPEL: You know, I guess we
20 haven't -- like I said, we haven't determined or
21 hired an applicator yet so I can't say if it is
22 going to be through a tether or through tanks.
23 Through a tether we can apply up to two miles
24 away from the farm.

1 JOHN FOOTE: Okay. I appreciate
2 your diligent patience. Thank you.
3 HEARING OFFICER FRANK: Next.
4 JAN BAKEWELL: My name is Jan
5 Bakewell, B-A-K-E-W-E-L-L. I am Evans Township
6 Supervisor. And I am going to discuss with you,
7 ask you questions about the traffic flow.
8 I ask first of all.
9 HEARING OFFICER FRANK: Could you
10 speak up a little bit?
11 JAN BAKEWELL: Surely. Have you
12 budgeted items for the use of the road during the
13 construction and during the use of the facility?
14 MR. RIPPEL: Budgeted items for
15 what?
16 JAN BAKEWELL: For helping maintain
17 the road that I feel will probably be
18 deteriorating because of the additional use.
19 MR. RIPPEL: I will answer that in
20 two parts.
21 One, we are in current discussions
22 with the Evans and -- which is in Marshall
23 County -- and then Hope Township, which is in
24 LaSalle County, road commissioners. The second

1 part of that question, the second part of that
2 answer would be, you know, we will use the road
3 and obey all laws just like everybody else does.
4 JAN BAKEWELL: Now I wonder why in
5 the presentation were not the number of traffic
6 flow for our Evans Township roads, especially for
7 proposal two, not being included?
8 You went from Route 18, Route 17, you
9 went to the state, county road, but the road that
10 will be most actively used are the township roads.
11 Yet those numbers were not in your disclosure.
12 MR. WAGNER: Are you talking about
13 2800 East, or which road specifically?
14 JAN BAKEWELL: Each road. I cannot
15 remember the numbers but I believe it was 200 and
16 some on Route 18 and more on Route 17 or vice
17 versa. I do not recall.
18 MR. WAGNER: We were looking at the
19 main truck traffic routes. When you start
20 getting into secondary roads I had total traffic
21 counts of the Department of Transportation
22 website but they don't have as detailed
23 information on it. So I didn't have truck
24 traffic data for 2800 East.

1 JAN BAKEWELL: Okay. My second
2 question relates to the application or transfer
3 of the liquified manure from the farm site to
4 other fields.
5 I understand that the plan includes a
6 hose like a fireman's hose across the top of this
7 roadway into the other fields. And to me that is
8 a safety issue for our traffic, of our everyday
9 traffic for our citizens.
10 MR. RIPPEL: We will have to obey
11 again the rules and regulations of the county.
12 And typically we do not place the dragline over
13 roads. We will run it through, under the road
14 through culverts or specialized made culverts for
15 that purpose.
16 JAN BAKEWELL: If there is not a
17 culvert will the facility pay for the culvert to
18 be placed under the road?
19 MR. RIPPEL: If we have to get to
20 that field we will have to construct a passageway
21 some way.
22 JAN BAKEWELL: Okay. Thank you for
23 your time.
24 WIL HAYES: My name is Wil Hayes,

1 H-A-Y-E-S. I am with the Marshall County Health
2 Department. I have one question I think for the
3 Department of Agriculture.
4 There have been a lot of talk about
5 Sandy Creek and concerns about potential
6 contamination of the water, of the creek. Is
7 there any baseline data on what the water quality
8 of the creek is currently that you guys are aware
9 of?
10 MR. GOETSCH: I don't have any
11 specific knowledge. I am sure that there would
12 be some kind of baseline information that IEPA
13 might have.
14 WIL HAYES: Okay. Just curious.
15 BRAD LINDSTROM: My name is Brad
16 Lindstrom, L-I-N-D-S-T-R-O-M.
17 I have got a couple of questions for
18 just about everybody here.
19 Mr. Wagner, how many permits like
20 this have you helped VMC or I guess Sandy Creek
21 Lane prepare?
22 MR. WAGNER: This is my first.
23 BRAD LINDSTROM: Your first for
24 them?

1 MR. WAGNER: Correct.
2 BRAD LINDSTROM: Are you in any way
3 a partner with the firm or anything?
4 MR. WAGNER: No. I work for myself.
5 BRAD LINDSTROM: Where did you gain
6 so much knowledge about hog production?
7 MR. WAGNER: I have been permitting
8 livestock facilities since 2005.
9 BRAD LINDSTROM: You help other
10 livestock facilities get their permits as well?
11 MR. WAGNER: Correct.
12 BRAD LINDSTROM: Okay. This is for
13 Dr. Rippel.
14 Did you have -- Nicolas, did you have
15 three sites that you went to Wagner and said
16 here's my three sites, take a look at them and see
17 which would suit best for these criteria, or did
18 you go to him and say find me three sites that are
19 the best?
20 I mean did you do it one way or the
21 other?
22 MR. RIPPEL: No, it wasn't -- it
23 goes back to those relationships you have. You
24 see what sites you have to work with and then,

1 you know, we looked at the regulations ourselves
2 and figured out the setbacks and road access and
3 everything else and then figured out this is the
4 best site.
5 BRAD LINDSTROM: So the crux for you
6 really is more that you can have a relationship
7 with the current landowner?
8 MR. RIPPEL: Yes, because you just
9 can't go and throw a dart at the map and say
10 that's where we are going to put a sow farm.
11 BRAD LINDSTROM: Have you considered
12 trying that before, like he would define three or
13 four sites and say these are the best you can do,
14 go have a chat with that landowner and see if
15 that works? Have you went that route before?
16 MR. RIPPEL: Say that again.
17 BRAD LINDSTROM: You would give him
18 the criteria that you want for your hog farm to
19 be sited.
20 MR. RIPPEL: That still is going to
21 be based on relationship of who he knows that
22 would have land available that would sell off a
23 tract of land.
24 BRAD LINDSTROM: You always start

1 with that --
2 MR. RIPPEL: Like everything in
3 life, it's about relationships and that's how you
4 find your opportunities.
5 BRAD LINDSTROM: Okay. Thank you.
6 For the Illinois Department of Agriculture. I am
7 also on the Marshall County Board. We have all
8 of the information you have about the deadline we
9 are expected to vote on this permit?
10 MR. GOETSCH: Yes. You will have
11 everything that we have at that time. The
12 transcript, you will have the transcript. You
13 will have all of the written testimony, you will
14 have -- if they are -- if we do get any
15 additional information from the applicants, you
16 will have all of that.
17 BRAD LINDSTROM: For instance, right
18 now we are still waiting for the Manure
19 Management Plan for one, yes?
20 MR. GOETSCH: Right.
21 BRAD LINDSTROM: Would we be privy
22 to that before we make our decision?
23 MR. GOETSCH: It depends on whether
24 it is presented to us or not. The statute in

1 this particular case doesn't require that Waste
2 Management Plan until after the facility would be
3 placed into service. I think it is within 60
4 days.
5 BRAD LINDSTROM: So we may well not
6 have that?
7 MR. GOETSCH: Right. The
8 construction plans and specs, we will not be able
9 to make a final determination without those.
10 Now, whether or not the facility turns those in
11 during this time period that you have, that's
12 really kind of up to them.
13 BRAD LINDSTROM: Okay. Nicolas,
14 would you -- Mr. Wagner, would you be responsible
15 for that? Would you send those to both of us
16 simultaneously or you direct them to the Illinois
17 Department of Agriculture and they send them to
18 us?
19 MR. WAGNER: I would submit to
20 Illinois Department of Agriculture.
21 BRAD LINDSTROM: Do you think you
22 would have that done by our May 30 deadline so we
23 could have those to look at as well? Is that
24 likely, unlikely?

1 MR. RIPPEL: Unlikely. Like
2 everything else with this project, everything you
3 do costs money. So until we know we have a
4 permit we really see no need to get past the
5 permitting process to submit that application.
6 BRAD LINDSTROM: What -- I respect
7 if you don't want to indicate how much it costs.
8 What does this permitting process cost VMC,
9 ballpark?
10 MR. RIPPEL: So this is -- we are
11 talking about $25,000.
12 BRAD LINDSTROM: A lot of money.
13 Another question for Mr. Goetsch.
14 So when we get to this level where
15 you are at the permit hearing, how many of these
16 do you approve as the Department of Agriculture in
17 last five years, just a ballpark percentage?
18 MR. GOETSCH: I guess one of the
19 criticisms -- I will answer it this way. One of
20 the criticisms we always have, we always hear at
21 these hearings is the Department of Agriculture
22 has never denied an application. And the reason
23 why people can say that is they either don't
24 understand the process or they just like to say

1 it that way.

2 I will put it to you this way. All

3 of the projects that we have received since the

4 beginning of the LMFA, approximately 74 percent of

5 those were eventually approved and were built.

6 Approximately 25, 26 percent of the applications

7 that we received were never completed.

8 BRAD LINDSTROM: They could have

9 been withdrawn though?

10 MR. GOETSCH: Yes. I mean the way

11 the statute is written, or at least the way the

12 Department has interpreted the statute, if you

13 can't meet the requirements, we have to tell you

14 why. Then it is up to you to try and answer

15 those questions. Ultimately if you can't meet

16 the requirements, you don't answer the questions

17 and so you don't give us back an application or

18 the additional information response and the

19 project eventually just dies.

20 BRAD LINDSTROM: So three-quarters

21 at the initial review get their permit basically?

22 MR. GOETSCH: Eventually get their

23 permit, yes.

24 BRAD LINDSTROM: Okay. Now, the

1 question -- I live just a short distance away.
2 Maybe mile, mile and a half. Would I be able to
3 build a large hog facility with this permit being
4 in place there if I were theoretically wanting to
5 do that?
6 Is there a buffer that -- does the
7 Department take that into account at all?
8 MR. GOETSCH: No, there is not a
9 setback distance from another livestock facility.
10 BRAD LINDSTROM: Nicolas, would your
11 firm maybe encourage someone not to put something
12 so close, or how would you react to that?
13 MR. RIPPEL: You know, just to use
14 an example, last year we had one of our managed
15 sow farms, one mile south of there 36,000
16 wean/finish basically went up. It actually
17 was -- they approached us and told us what they
18 were going to do. We said, you know, same as
19 what you asked, several people asked, is there
20 another site you can put that? If not, well, you
21 know, okay, good luck to you.
22 BRAD LINDSTROM: Do you provide
23 services to any finishing barns at all or are you
24 mainly in the gestation area?

1 MR. RIPPEL: So VMC Management
2 manages 12 sow farms, but as a veterinarian I
3 work with both sow farms and finishing farms.
4 BRAD LINDSTROM: You don't have any
5 currently in Marshall County that you are looking
6 to site, financing barns?
7 MR. RIPPEL: No, we do not.
8 BRAD LINDSTROM: Is it likely
9 because of transportation costs those will
10 eventually pop up in that --
11 MR. RIPPEL: It is our wish they
12 would not because that's what one of the
13 attractive aspects of this location is. Except
14 now John just totally crushed my bubble.
15 BRAD LINDSTROM: You mentioned when
16 we first met in February and you came down to the
17 Zoning Department how you wanted to be relatively
18 far away from other operations. That's why I
19 ask.
20 You might be a little disappointed in
21 if someone moved in relatively close but there is
22 nothing --
23 MR. RIPPEL: So seven years ago when
24 we built a farm, within the next three years we

1 had three finishing barns up within a mile. I
2 mean we are rural agriculture community so it
3 happens.
4 BRAD LINDSTROM: Thank you,
5 gentlemen.
6 HEARING OFFICER FRANK: Excuse me
7 just a second, please.
8 How many more people want to ask
9 questions? Four or five.
10 Okay, we have been going for an hour
11 and a half on questions here and we have about 48
12 people that want to provide oral testimony so we
13 need to move this along real quickly.
14 PATRICIA HOFMANN: I have one
15 question.
16 Patricia Hofmann, H-O-F-M-A-N-N. We
17 live across 39 from where you are going to be
18 building and we have -- my family is very
19 concerned. We have a shallow well. 70 feet. We
20 are concerned about the depletion of the water for
21 our well. Because I just did some rough
22 calculations, and based on what you said about
23 6 gallons per sow, I figured you might be using
24 more or less 200,000 of gallons of water a week.

1 MR. RIPPEL: It would be about
2 30,000-gallon a day.
3 PATRICIA HOFMANN: Okay. Times
4 seven?
5 MR. RIPPEL: Yes.
6 PATRICIA HOFMANN: In the vicinity
7 of 200,000?
8 MR. RIPPEL: Yes.
9 PATRICIA HOFMANN: I am worried
10 about the fact that this will cause the water
11 tables to lower and then our well to go dry. We
12 are nowhere near being able to afford to drill a
13 new well. So how -- has this happened in other
14 areas where you have built facilities, similar
15 facilities?
16 MR. RIPPEL: What has happened?
17 PATRICIA HOFMANN: People's wells
18 going dry in area.
19 MR. RIPPEL: No. At this farm we
20 will be drilling a well that is 1700 feet deep.
21 PATRICIA HOFMANN: I know, but won't
22 that lower the water tables?
23 MR. RIPPEL: In speaking with Clint
24 Dendridge, is who we are working with, he has

1 researched the geological surveys, the water pump
2 test, other wells in the area, there are
3 currently no residential wells that are that
4 deep. They are all shallow wells like yourself.
5 PATRICIA HOFMANN: Won't that cause
6 water table to fall for the rest of us?
7 MR. RIPPEL: It will not affect your
8 water table.
9 PATRICIA HOFMANN: Okay. Thank you.
10 CHRIS GOLDEN: Chris Golden,
11 G-O-L-D-E-N.
12 For Mr. Wagner, did I understand
13 correctly that you would have some other kind of
14 material lining outside this cement where it like
15 came together or where there were junctions, like
16 a plastic material or something?
17 MR. WAGNER: That's what is called a
18 water stop and it is used to seal within two --
19 there are different products that seal that
20 joint.
21 CHRIS GOLDEN: It is, what, plastic
22 or something?
23 MR. WAGNER: There is different
24 products. There is PVC products, there is --

1 this one is acceptable to the LMFA and Midwest
2 Plan Service.
3 CHRIS GOLDEN: Isn't any chance
4 anything would leak through that, that material?
5 MR. WAGNER: There is always a
6 chance but -- these are construction standards
7 that we have done since I have been doing this
8 since 2005, so --
9 CHRIS GOLDEN: Thank you.
10 HEARING OFFICER FRANK: Okay.
11 MARK DURHAM: My name is Mark
12 Durham, D-U-R-H-A-M.
13 Just a quick question for the
14 engineer pertaining to the concrete.
15 I know that you are going to put that
16 waterproofing around the perimeter. Do you cross
17 tile that slab underneath? Or I mean if the
18 concrete cracks -- and I will guarantee you it
19 will crack -- this could leach down into the
20 ground below your pit, not just around the
21 perimeter, is that correct?
22 Is there any kind of a rubberized
23 barrier?
24 MR. WAGNER: Well, on the floor slab

1 between pours you have to put the same sort of
2 product between pours at construction joints and
3 control joints. But if you are asking about
4 tile, no there is not requirement to have tile
5 underneath.
6 MARK DURHAM: I am not talking about
7 the perimeter where the wall meets the slab. I
8 am talking about the slab itself. Any type of
9 prevention from this contamination leaching in
10 the ground below the pit?
11 MR. WAGNER: You have similar water
12 stopping in the slab pour.
13 MARK DURHAM: Like a rubberized --
14 MR. WAGNER: Like I showed it on the
15 picture. There are multiple products that can be
16 used. It is a water stop, whether it is PVC
17 or --
18 MARK DURHAM: But that is just
19 around the perimeter where the slab meets the
20 wall?
21 MR. WAGNER: No, it's in the slab as
22 well.
23 MARK DURHAM: So the entire slab is
24 going to be protected?

1 MR. WAGNER: At control and
2 construction joints.
3 MARK DURHAM: Not the entire slab?
4 There is no bladder?
5 MR. WAGNER: Correct. No secondary
6 containment, if that is what you are asking.
7 MARK DURHAM: Thank you.
8 MR. GOETSCH: But I think -- let me
9 just add to that. The whole idea of water stops
10 is either in cold joints where you stop a pour,
11 you place this material embedded into the one
12 wall, for example, and then when you pour the
13 next wall it extends into that, into that new
14 pour, so that you actually have a seal in the
15 concrete. In addition to that, the construction
16 standards require on the floor at specific spots
17 where you want the floor to crack. In fact you
18 will actually cut the floor in places so that it
19 will crack. And prior to pouring the concrete
20 you have put this material in that location so
21 that you can ensure that if you do have cracking
22 it cracks where you have this additional control,
23 this additional seal.
24 I don't know if that was clear. But

1 I guess my point is there are a significant amount
2 of protections included in the design standards
3 that we require be included in the construction
4 plans before they can be approved by the
5 Department.
6 HEARING OFFICER FRANK: Okay.
7 DEBBIE CLANIN: My name is Debbie
8 Clanin, C-L-A-N-I-N.
9 My question is to Mr. Wagner.
10 Will barriers be built near the creek
11 to protect it from spills or leakage? Because I
12 live on Sandy Creek.
13 MR. WAGNER: No, that's not our
14 intent.
15 DEBBIE CLANIN: No.
16 Mr. Rippel, are you a member of the
17 American Association of Swine Veterinarians?
18 MR. RIPPEL: Correct.
19 DEBBIE CLANIN: Okay. Do you
20 consider the American Association of Swine
21 Veterinarians to be an authoritative source of
22 information concerning medical issues related to
23 pigs?
24 MR. RIPPEL: Yes.

1 DEBBIE CLANIN: Okay. How much of
2 this meat will be exported?
3 MR. RIPPEL: Specifically from the
4 farm I couldn't state, but as an industry about
5 25 percent.
6 DEBBIE CLANIN: How much? Sorry.
7 MR. RIPPEL: 25 percent.
8 DEBBIE CLANIN: Okay. Thank you.
9 HEARING OFFICER FRANK: Are there
10 other questions?
11 DEBBIE CLANIN: My name is Carol
12 Stoens, S-T-O-E-N-S.
13 These facilities may be well built
14 but everything deteriorates over time. What
15 happens when it meets its life expectancy?
16 MR. RIPPEL: Well, I'll use an
17 example. Our oldest managed farm was built in
18 1971. 1750 sows and it is still in production
19 today. We have had other farms that have met
20 their life expectancy for various reasons. And
21 not necessarily facility reasons. And those are
22 sold off or deconstructed.
23 DEBBIE CLANIN: What happens if it
24 closes for any reason?

1 MR. RIPPEL: I guess I am not sure
2 how to -- what your specific question is?
3 DEBBIE CLANIN: Do you just walk
4 away and the building remains?
5 MR. RIPPEL: So, so it is quite a
6 bit of an investment to build one of those farms,
7 so you are not just going to walk away. There is
8 going to be value in the farm even if you say the
9 worst case scenario and it goes belly up, that
10 facility has value and somebody else would come
11 in there and operate it.
12 DEBBIE CLANIN: Thank you.
13 HEARING OFFICER FRANK: Any other
14 questions?
15 MAX RUNKOA: I think these guys
16 deserve applause to stay through it.
17 HEARING OFFICER FRANK: Sir, do you
18 have a question?
19 MAX RUNKOA: Yes. My name is
20 R-U-N-K-O-A, first name is Max.
21 I appreciate all of the facts and so
22 forth, but you folks -- that was an awful long
23 explanation about the engineering. But you know,
24 it's probably -- you guys got any thoughts you

1 have got to -- would care to share with us about
2 the conditions of this up to now?
3 I suppose I am improper to even think
4 of asking you that.
5 I wondered if you have a top of the
6 head feeling, but I won't ask it.
7 I will say to Mr. Wagner that I would
8 like to -- this is not a question, it is an
9 observation.
10 HEARING OFFICER FRANK: We need
11 questions right now, please.
12 MAX RUNKOA: Observations won't
13 work?
14 HEARING OFFICER FRANK: You can give
15 your observations and your opinions at the oral
16 testimony phase.
17 MAX RUNKOA: Well, I'll be passed
18 out by then.
19 Real quick, I'll call it a question.
20 You know, I had a feeling this is the first time
21 you have ever done this, you have got no working
22 experience at all. I want to remind you plans are
23 great, but there is a lot of farmers here that
24 planned to have the corn in the ground by now.

1 Not so. Exxon Mobile was planning --
2 HEARING OFFICER FRANK: Do you have
3 a question, please?
4 MAX RUNKOA: Do you think that the
5 Exxon Mobile -- is that fair? That's all right.
6 The point I want to say is plans are
7 just plans and they rarely hit the bullseye like
8 you expect them to be. There is a lot of
9 experience talking to you about plans. That's
10 all.
11 HEARING OFFICER FRANK: Thank you.
12 We have been going on for an hour and 40 minutes
13 here with questions so I think we are going to
14 end this phase. We are going to take a break.
15 We need about a ten minute break here.
16
17 (Whereupon an off the
18 record discussion was
19 held.)
20
21 HEARING OFFICER FRANK: Okay. I
22 have the sign up sheets that were at the side of
23 the room listing the people who want to provide
24 oral testimony. I will go down to list and call

1 your name. We ask that you step forward to the
2 podium. I will ask you or you can give your name
3 and spell your last name for the court reporter.
4 I will then swear you in and you can provide your
5 testimony. You will have three minutes to speak,
6 and you will be subject to questioning
7 afterwards.
8 First on the list is Leslie Smith.
9 (Sworn in.)
10 HEARING OFFICER FRANK: Okay.
11 LESLIE SMITH: My name is Leslie
12 Smith, S-M-I-T-H. I live approximately one mile
13 north of the proposed facility. My husband and I
14 have owned a small business since 1998. And when
15 we were married in 2005 I started working solely
16 for our company.
17 We have done a majority of our work
18 from our home and it is primarily a home based
19 business.
20 We moved into our house outside of
21 Lostant in 2009. Both of our families have a long
22 history of generations being raised in the area,
23 including myself. We decided it was a great place
24 to raise our boys. Our home has been in my

1 husband's family solely since 1919 when it was
2 built.
3 Since our business is home based we
4 have conducted business meetings and had clients
5 business visit our home. During the course of
6 business we have provided training for network
7 engineering and certifications. We have also done
8 contract work for local businesses. I also do
9 work in web design and maintenance.
10 If the facility is built it could
11 have a very serious economic impact on us. It
12 could limit the business we are able to conduct
13 from our home. Any odors and noxious gases that
14 come from the facility will make it impossible to
15 invite clients to our home or for outdoor
16 entertaining.
17 We have invested large amounts of
18 money in renovating and improving our property.
19 If the -- all of this renovation was done by local
20 area businesses. These investments in our home
21 and property benefit the community by increasing
22 the property taxes and contributing to the
23 economic activity of the area businesses.
24 If this facility is built and

1 property taxes decrease as stated in many studies
2 on the matter of CAFOs it will hinder the economic
3 benefit so many of us in the area have contributed
4 to.
5 I am also very active in volunteering
6 my time in the local community, as are many of my
7 neighbors. I spend a lot of volunteering time
8 with the local school, library, benefits and even
9 town wide celebrations.
10 If this facility is built we must be
11 aware of the noxious gases that it can produce.
12 Ventilation malfunction or agitation prior to
13 applying waste to the cropland can cause buildup
14 of these gases to be very dangerous levels.
15 One way to avoid it is by removing
16 the manure daily. But it is my understand
17 injecting this will only be done twice a year.
18 We currently have two small children
19 and an elderly woman with COPD living in our home
20 who are the most at risk. We are also in the
21 direct path since most of the year the prevailing
22 wind is coming from the south.
23 If our home becomes unsafe for them
24 we will be forced to leave the area and any

1 benefits received because of our consumers of
2 business and volunteer services in the area will
3 be lost.
4 I would like to also submit a
5 document to be added to the exhibit to support
6 what I have stated. It is a study done for and
7 supported by the CDC.
8 HEARING OFFICER FRANK: Are there
9 questions for this witness?
10 LEVI HARMS: If you have a business,
11 why don't you put it in a business district?
12 LESLIE SMITH: It is a home based
13 business.
14 HEARING OFFICER FRANK: State your
15 name.
16 LEVI HARMS: Levi Harms, H-A-R-M-S.
17 HEARING OFFICER FRANK: Other
18 questions? I see none. Thank you.
19 We can accept that at the written
20 testimony phase which is right after this.
21 LESLIE SMITH: Okay.
22 HEARING OFFICER FRANK: Next up is
23 Mike Phillips. On deck will be Lisa Phillips.
24 (Sworn in.)

1 HEARING OFFICER FRANK: Okay.
2 MIKE PHILLIPS: My name is Mike
3 Phillips, P-H-I-L-L-I-P-S. I am a local
4 resident. I am a Licensed Professional Geologist
5 in the State of Illinois and I have over 25 years
6 experience working as an environmental geologist
7 for USEPA and Illinois State Geological Survey
8 and currently Illinois Valley Community College.
9 I am a member of the community group
10 that has organized an opposition to this project
11 and I am one of the principal authors of the
12 document we will be submitting later.
13 The proposed livestock management
14 facility does not meet the eight criteria set
15 forth in the State of Illinois Livestock
16 Management Act.
17 The site lacks a Waste Management
18 Plan and the stated waste manager has no
19 experience transporting or applying the material.
20 In addition, the NRCS soil survey
21 indicates that in a 5500 acre area, including and
22 around his farm in LaSalle and Marshall Counties,
23 87.2 percent of the soils have the lowest possible
24 rating for the application of manure.

1 The buildings will obstruct or be
2 adjacent to the surface water base and will likely
3 result in pollution of Sandy Creek.
4 The intermittent streams within and
5 adjacent to the site are subject to frequent
6 flooding.
7 One building will actually block an
8 intermittent stream.
9 During a rainstorm the volume of
10 water in the obstructed stream could easily
11 overwhelm the diversion system, resulting in
12 overflow and the contamination of Sandy Creek.
13 The proposed project is slated to be
14 built on unstable ground which will lead to the
15 cracking of foundations. The waste storage
16 portion of the building will be partially below
17 the water table and will intersect the shallow
18 aquifer resulting in the leakage of animal waste
19 into the aquifer we use for drinking water and
20 also into Sandy Creek.
21 The site is located on the Rutland
22 silty clay -- two to five percent slope's eroded.
23 The soil has the worst possible rating for
24 construction of small commercial buildings as well

1 as for dwelling in basements. Construction on the
2 slope only enhances the risk of cracked
3 foundations and the loss of containment.
4 The geological material under the
5 site is glacial till, which contains sand and
6 gravel. And this is the primary aquifer for local
7 residential wells and the lenses connected to
8 Sandy Creek.
9 These can easily be missed by the
10 borings that were done in preparation for this
11 site.
12 This site does not meet Illinois
13 EPA's best management practices. It is not
14 located as far as possible from surface water
15 bodies and will not be able to divert rainwater
16 away from where it could be contamination.
17 They do not have sufficient land
18 available for manure application.
19 It appears that Sandy Creek Lane has
20 not taken the time to review the most basic
21 publicly available resources, all of which show
22 that this location is not suitable for
23 construction of this facility or for the land
24 application of animal waste.

1 On Monday of this week they were
2 drilling test borings. How can we trust them to
3 understand the environmental impacts of this
4 project, let alone how to protect the local
5 environment.
6 This lack of attention to detail
7 clearly shows the project is lacking attentive
8 management before ground has even been broken.
9 Sandy Creek Lane, LLC will have a
10 very difficult, if not impossible, task preventing
11 significant amounts of hog waste from leaving the
12 site via surface water and groundwater.
13 The hog waste will affect local
14 drinking water and impact Sandy Creek and local
15 ecosystems, downstream residents and visitors and
16 towns including Henry and Lacon.
17 Because of the poor site conditions,
18 this is not a question of if a toxic release will
19 happen but when it will happen.
20 Thank you.
21 HEARING OFFICER FRANK: Are there
22 questions for this witness?
23 AUDIENCE MEMBER: You are a
24 geologist?

1 MIKE PHILLIPS: I am.
2 AUDIENCE MEMBER: Have you built
3 buildings before?
4 MIKE PHILLIPS: I have been involved
5 in construction. Mostly hazardous waste sites
6 though, cleaning up the messes other people have
7 made.
8 AUDIENCE MEMBER: Okay. Well, you
9 are saying that the ground is not stable enough
10 to support the building?
11 MIKE PHILLIPS: That's correct.
12 AUDIENCE MEMBER: How do you know
13 that for sure? When we build buildings we come
14 in with machines, compactors, we set bases,
15 footings, things like that that make the
16 structure solid.
17 MIKE PHILLIPS: I have been on many
18 hazardous waste sites where the buildings were
19 constructed to standard, failed and released
20 toxic substances into the environment, so I am
21 very familiar with the result of construction
22 practices. And no matter how good you build the
23 building, if the foundational material is not
24 supportive, and the USEPA soil survey indicates

1 it is not, this is not a good risk to take.
2 AUDIENCE MEMBER: Well, then if you
3 believe that, how does -- if the base is not
4 going to be able to hold up, how are towns, as in
5 Streator, built on mines and they seem -- the
6 houses, not all, there has been -- but no one's
7 houses are falling into the ground?
8 MIKE PHILLIPS: Actually that's not
9 correct. There are houses in Streator falling in
10 the ground. And most basements do crack at some
11 point in time.
12 AUDIENCE MEMBER: Absolutely. But
13 do you believe that the foundation of this
14 facility is going to be the same as your or my
15 house?
16 MIKE PHILLIPS: I believe it will be
17 built a little better than our house, but my
18 house I also do not put five to
19 10 million gallons of waste in my basement.
20 AUDIENCE MEMBER: Absolutely. But
21 most houses have 6 to 8 inches of concrete for
22 footing, for a base. I would believe that this
23 facility is going to have way more, plus rebar.
24 MIKE PHILLIPS: You are an engineer?

1 AUDIENCE MEMBER: No. I am an
2 operating engineer. I build these things.
3 MIKE PHILLIPS: I've had concrete
4 structures built and it cracks.
5 AUDIENCE MEMBER: All concrete
6 cracks.
7 MIKE PHILLIPS: All concrete cracks.
8 AUDIENCE MEMBER: Eventually there
9 will be some sort of a crack.
10 MIKE PHILLIPS: There will be a
11 crack. And on top of the crack, in this case we
12 will have somewhere between five and
13 10 million gallons of hog waste. So when they
14 crack --
15 AUDIENCE MEMBER: That depends if it
16 cracks through or not.
17 MIKE PHILLIPS: When it cracks, that
18 waste will leak out of the structure. If we are
19 lucky it will crack in the side and the waste
20 will enter his containment. If we are not lucky
21 it will crack in the bottom and nobody will know
22 until it shows up in Sandy Creek or someone's
23 well.
24 AUDIENCE MEMBER: Where does the

1 Sandy Creek originate?
2 MIKE PHILLIPS: Somewhere east of
3 here.
4 AUDIENCE MEMBER: What else flows
5 into the Sandy Creek?
6 MIKE PHILLIPS: There are many
7 tributaries that form the Sandy Creek.
8 AUDIENCE MEMBER: Does the Wenona
9 sewer plant?
10 MIKE PHILLIPS: Absolutely.
11 AUDIENCE MEMBER: You are aware of
12 the chemicals and the waste from all of us that
13 live in town?
14 MIKE PHILLIPS: I am also aware it
15 goes through a treatment plant.
16 AUDIENCE MEMBER: When it floods it
17 doesn't go in there.
18 MIKE PHILLIPS: It is connected to a
19 treatment facility that the EPA monitors on a
20 regular basis. As per the testimony, this
21 particular facility will not be monitored for any
22 kind of outflow. They claim it will have zero
23 outflow, which we know is not correct.
24 AUDIENCE MEMBER: Isn't it monitored

1 four times a year?
2 MIKE PHILLIPS: They said they will
3 monitor the area around the outside of the
4 foundation. So if the bottom of the foundation
5 cracks that failure will not be detected.
6 AUDIENCE MEMBER: How often is this
7 town's sewer system monitored that flows into
8 Sandy Creek?
9 MIKE PHILLIPS: The sewar system
10 would leak into the groundwater, and I wouldn't
11 be surprised if the sewar system cracks.
12 AUDIENCE MEMBER: Why aren't we
13 having a protest on the city sewer system?
14 MIKE PHILLIPS: That's not the
15 issue.
16 AUDIENCE MEMBER: You are talking
17 about contaminating the water.
18 MIKE PHILLIPS: Right now we know
19 that the city sewer system is not contaminating
20 Sandy Creek because the most recent testing the
21 EPA did on Sandy Creek showed very low nutrient
22 level.
23 AUDIENCE MEMBER: So when it flooded
24 last year and a lot of people's places in town

1 backed up, had raw sewage in their homes, that
2 never got into your creek?
3 MIKE PHILLIPS: I am not saying it
4 didn't get into the creek. I am saying this
5 facility is -- it is their responsibility to keep
6 their crap out of the creek.
7 AUDIENCE MEMBER: Absolutely.
8 Wouldn't it also be the city's?
9 HEARING OFFICER FRANK: Let's center
10 the questions on the facility, please.
11 Any other questions?
12 TIM MAIERS: Tim Maiers,
13 M-A-I-E-R-S.
14 You mentioned the farm didn't have
15 enough land to apply the manure. How much land do
16 they need and how do you determine that?
17 MIKE PHILLIPS: The only way I was
18 able to determine that, because they have not
19 filed a Waste Management Plan, there is no way to
20 actually assess their plan because it doesn't
21 exist, the best I was able to do is look at the
22 soil surveys for the area which indicates that
23 the soils on which they have indicated they are
24 going to apply this material is not suitable for

1 application of manure. So it is not suitable for
2 application of manure.
3 TIM MAIERS: The land that they are
4 putting it on, do they put any nutrients for crop
5 production on that land now?
6 MIKE PHILLIPS: I assume.
7 TIM MAIERS: Would the soil not be
8 compatible for that then?
9 MIKE PHILLIPS: I am going by USDA
10 soil survey which says not appropriate for
11 application of manure. Doesn't say not
12 appropriate for application of fertilizer. It
13 says specifically not appropriate for application
14 of manure.
15 TIM MAIERS: What --
16 MIKE PHILLIPS: All I can go by is
17 what the USDA soil survey says.
18 If you would like to redo the soil
19 survey, I suppose you can go talk to the USDA. I
20 am going by the publicly available documents
21 because Sandy Creek Lane has not made any
22 documents available to us and so there is no way
23 for us to specifically assess their plans which do
24 not exist.

1 TIM MAIERS: Do they have any manure
2 at that farm now?
3 MIKE PHILLIPS: Right now I don't
4 think there is any livestock on that farm.
5 TIM MAIERS: How would they do a
6 manure test on the manure that's not there?
7 Thank you.
8 HEARING OFFICER FRANK: Over here.
9 DAWN RIPPEL: Dawn Rippel,
10 R-I-P-P-E-L.
11 What year are the soil samples from
12 the USDA that you have?
13 MIKE PHILLIPS: The most recent soil
14 survey available online.
15 DAWN RIPPEL: Do you know, is it
16 within a year, two years, three years, five
17 years?
18 MIKE PHILLIPS: I do not know how
19 frequently they update their soil surveys.
20 DAWN RIPPEL: Okay. Do you have any
21 experience -- let he ask you this. Your
22 hazardous buildings you worked with, what type of
23 buildings are they?
24 MIKE PHILLIPS: All kinds of

1 buildings.
2 DAWN RIPPEL: Are they agricultural?
3 MIKE PHILLIPS: No. Let me make
4 something very clear here. Just because it is
5 pig waste --
6 DAWN RIPPEL: Sir, I just asked a
7 question.
8 You do not have experience with
9 agricultural buildings?
10 MIKE PHILLIPS: I actually do have
11 experience. I have investigated agricultural
12 sites.
13 DAWN RIPPEL: Were they hazardous?
14 MIKE PHILLIPS: Yes.
15 DAWN RIPPEL: Where were they?
16 MIKE PHILLIPS: They were located --
17 there has been a couple in towns around Illinois
18 where people --
19 DAWN RIPPEL: In Marshall County?
20 MIKE PHILLIPS: Not in Marshall
21 County.
22 DAWN RIPPEL: In LaSalle County?
23 MIKE PHILLIPS: Probably the closest
24 one was about halfway between here and Decatur.

1 DAWN RIPPEL: Okay. Do you have any
2 experience with swine?
3 MIKE PHILLIPS: I do not have any
4 experience with swine.
5 DAWN RIPPEL: Do you have any
6 experience with agriculture?
7 MIKE PHILLIPS: Yes. I grew up on a
8 farm. My family had livestock.
9 DAWN RIPPEL: What kind of
10 livestock?
11 MIKE PHILLIPS: Cattle.
12 DAWN RIPPEL: How many?
13 MIKE PHILLIPS: You know, I don't
14 know. I didn't count them.
15 DAWN RIPPEL: Are they currently
16 farming?
17 Doesn't matter. Don't answer that.
18 MR. GENTERT: Mike, you are a
19 geologist -- my name is Charles Gentert,
20 G-E-N-T-E-R-T.
21 You are a geologist. What impact
22 during the fault -- we have earthquakes, tremors
23 around here frequently and that. Is there a
24 possibility of let's say a four plus earthquake

1 around here that could break that foundation?
2 MIKE PHILLIPS: Well, there was a
3 4.0 earthquake up by Troy Grove, but to my
4 knowledge it didn't damage any structures in the
5 area.
6 MIKE GENTERT: What happens to like
7 in the 1800s -- let's hope we don't get that --
8 MIKE PHILLIPS: It is very difficult
9 to say.
10 HEARING OFFICER FRANK: Are there
11 other questions?
12 KATE HAGENBUCH: Kate Hagenbuch,
13 H-A-G-E-N-B-U-C-H.
14 I am curious if this is a largely
15 agricultural area for cropland generally?
16 MIKE PHILLIPS: As far as I can
17 tell.
18 KATE HAGENBUCH: So there are
19 farmers in the area that apply commercial
20 fertilizer?
21 MIKE PHILLIPS: There are.
22 KATE HAGENBUCH: They apply what in
23 those fertilizers? What are the chemicals?
24 MIKE PHILLIPS: Generally apply

1 ammonia around us.

2 KATE HAGENBUCH: In the fertilizer,

3 not in the ammonia?

4 MIKE PHILLIPS: Probably some

5 phosphates.

6 KATE HAGENBUCH: Phosphates and

7 potassium generally?

8 MIKE PHILLIPS: Yes.

9 KATE HAGENBUCH: So it is okay to

10 put it on in commercial fertilizer but not okay

11 to put that on in hog manure?

12 MIKE PHILLIPS: Hog manure and

13 commercial fertilizer are completely different.

14 KATE HAGENBUCH: Actually, they are

15 not. They are base elements.

16 MIKE PHILLIPS: So hog waste -- to

17 my understanding hog waste also contains

18 essentially whatever the hog pooped out. So that

19 includes bacteria. Is there bacteria in

20 commercial fertilizer?

21 KATE HAGENBUCH: It is a chemical

22 foundation, but what you are getting out of it

23 for the nutrients in the soil is potassium and

24 phosphorous and a little bit of nitrogen. So

1 when you are saying those things are horrible for
2 the soil, why is it not a problem looking at
3 commercial fertilizers?
4 MIKE PHILLIPS: I said that soil
5 survey indicates that the application of hog
6 waste is not appropriate on these soils.
7 KATE HAGENBUCH: So it is not okay
8 for the commercial fertilizer either then?
9 MIKE PHILLIPS: I didn't say that.
10 HEARING OFFICER FRANK: Are there
11 other questions?
12 NIC ANDERSON: Nic Anderson, N-I-C,
13 A-N-D-E-R-S-0-N.
14 Mr. Phillips, you talked about the
15 soil borings weren't enough.
16 How many soil borings need to be done
17 out there for your satisfaction?
18 MIKE PHILLIPS: I would probably
19 double or triple the number.
20 The problem -- I am glad you asked
21 that. The problem with the aquifers in this area,
22 as probably most well drillers could tell you,
23 most of us have shallow wells. So they are in the
24 surficial geological material left behind by the

1 glaciers. Now, generally speaking, that material
2 is clay, which is what they found in at least the
3 one boring that they were willing to show us.
4 The trick in this area is that within
5 that clay material there are long, narrow lenses
6 of sand and gravel that were left behind by melt
7 water in the glacier.
8 So the trick for any well driller is
9 to hit one of those sand and gravel lenses. And
10 they tend to not be very wide. Not more than 10,
11 15, 20 feet wide at the most. The streams were
12 not that big. They tend to be 2, 3, 4 feet deep.
13 But again, not very wide. So it is pretty easy to
14 drill in a grid pattern and miss some of those.
15 As I am sure some people around here
16 who live in the country can attest, when you hire
17 a driller to come out on your site, they drill a
18 hole, they don't get water, no water. Move over a
19 little bit, they drill a hole, they don't get
20 water. About the third one, third or forth one,
21 they might hit water. This is on a small piece of
22 property.
23 So if you do a grid pattern there is
24 a very easy opportunity to miss one of those sand

1 and gravel lenses.

2 And the other problem with that is if

3 they intersect it with their basement and that

4 basement leaks, you might not know until it gets

5 to somebody's well. It is very difficult to see.

6 NIC ANDERSON: My question was how

7 many soil samples do you need out there to be --

8 MIKE PHILLIPS: I would be more

9 comfortable -- I don't know how many they did and

10 how far apart they were, but I think that -- you

11 know, if you want to talk later about exactly

12 what kind of grid pattern would be appropriate, I

13 would be happy to do that.

14 NIC ANDERSON: I am asking the

15 question, if they could meet that grid pattern

16 that you propose, or we come up with a solution,

17 you will agree that this farm should go forward?

18 MIKE PHILLIPS: I wouldn't agree it

19 should go forward. I would say that --

20 NIC ANDERSON: So it doesn't matter

21 if there is soil sample, that doesn't solve the

22 problem?

23 HEARING OFFICER FRANK: One person

24 talking at a time.

1 MIKE PHILLIPS: I did not say that.
2 What I said was that's one of a number of
3 concerns that I had.
4 So if they could alleviate that one
5 concern, then they might be one step closer.
6 NIC ANDERSON: But you can't tell me
7 with your expertise how many we should have out
8 there to come up with a solution?
9 MIKE PHILLIPS: I would have to look
10 at the grid pattern, the size of the building,
11 and we would have to think about how far apart we
12 need to be to ensure we have the best opportunity
13 to --
14 NIC ANDERSON: If you were provided
15 that assurance you would write off on that
16 portion of the facility?
17 MIKE PHILLIPS: I might.
18 NIC ANDERSON: You can't --
19 MIKE PHILLIPS: I mean --
20 NIC ANDERSON: If they give you what
21 you ask -- excuse me.
22 MIKE PHILLIPS: Hang on. He drilled
23 15 feet. I am not going to guarantee I am going
24 to sign off on something before I see what the

1 actual plan is. Nor would I expect you to or
2 Mr. Rippel to.
3 NIC ANDERSON: Or the Department
4 of --
5 MIKE PHILLIPS: It would make me
6 much more comfortable. There are other issues.
7 For example if -- right now they went down
8 15 feet from the ground surface. They are going
9 to regrade the site. So some of those borings
10 are not going to be 5 feet below the bottom of
11 the foundation. They are going to be maybe 2 or
12 3 feet --
13 NIC ANDERSON: So you don't agree
14 with the elevation that he's proposing and they
15 have elevated --
16 MIKE PHILLIPS: I am saying he is
17 going to regrade the site.
18 NIC ANDERSON: However it is from
19 the planned bottom of site, like the statute
20 requires, correct?
21 MIKE PHILLIPS: What he said was he
22 drilled borings that were 15 feet deep --
23 NIC ANDERSON: Below the planned
24 bottom of the proposed facility?

1 MIKE PHILLIPS: He said they were
2 5 feet below -- what he said was he drilled holes
3 15 feet deep, and that because his buildings was
4 going to have a 10 feet basement the bottom of
5 the drill was going to be 5 feet below the bottom
6 of the basement.
7 NIC ANDERSON: Do you understand the
8 Act requires that you --
9 MIKE PHILLIPS: I do understand.
10 NIC ANDERSON: -- test below, 5 feet
11 below the planned bottom of the facility?
12 MIKE PHILLIPS: I understand.
13 NIC ANDERSON: If he does not meet
14 that with his soil boings the Department of
15 Agriculture makes the decision that you have not
16 met that requirement, correct?
17 MIKE PHILLIPS: I understand. I
18 have not seen any of his borings because he just
19 did them.
20 NIC ANDERSON: So my question to you
21 is if we meet your soil borings schematic of what
22 you like to your standard that you are satisfied
23 with, you would support that phase of the
24 project?

1 MIKE PHILLIPS: Probably.
2 NIC ANDERSON: Okay. You can't
3 definitively say if we meet your requirements
4 that you would --
5 HEARING OFFICER FRANK: We need to
6 move on.
7 MIKE PHILLIPS: I probably would.
8 That's as good as it gets.
9 HEARING OFFICER FRANK: We have got
10 a long ways to go here. We need to move along.
11 Next up. Thank you. Next up is Lisa
12 Phillips.
13 (Sworn in.)
14 HEARING OFFICER FRANK: Okay.
15 LISA PHILLIPS: Lisa Phillips,
16 P-H-I-L-L-I-P-S.
17 My name is Lisa Phillips. I just
18 said that. I am a local resident and member of
19 the community group that has organized an
20 opposition to the Sandy Creek Lane project.
21 I am also one of the principal
22 authors of the detailed list of concerns.
23 I am currently a pH.D. at Illinois
24 State University. And for the past three years my

1 research has focused on the harmful impact of
2 odors on people and communities.
3 Odor is often treated as a lesser
4 concern and complaints of foul odor are simply
5 dismissed as frivolous.
6 However, the more we learn about the
7 science of smell and its impact on human health
8 the more obvious it becomes that smell is a very
9 important concern.
10 Last month the Journal of Science
11 published a study showing that human sense of
12 smell is much more sensitive than once thought.
13 Even more sensitive than our senses of sight and
14 hearing combined.
15 Our sense of smell is tied directly
16 to the parts of the brain that control both
17 thinking and emotion. It directly impacts our
18 mental and physical health.
19 For example, the stress from living
20 with noxious odors increases cortisol levels in
21 blood, and this impacts long-term diseases such as
22 cancer, heart problems and psychiatric disorders
23 like schizophrenia, depression and PTSD.
24 For children, living near a hog

1 facility will harm their educational career
2 opportunity as well as their health.
3 The elderly are also more vulnerable
4 to toxic fumes because their lung tissue is
5 delicate and their sense of smell diminished so
6 they have less ability to detect dangerous
7 airborne chemicals.
8 Hog manure has never smelled good.
9 Its chemical composition is full of toxins.
10 So when you put almost 20,000 hogs in
11 three buildings side by side, the meaning of smell
12 changes exponentially.
13 The concentration of ammonia,
14 hydrogen sulfide and others will have major
15 impacts on local residents' health, especially
16 children and folks with health concerns.
17 This site fails to meet Illinois EPA
18 best management practices for odor control.
19 They do not have wind breaks around,
20 buffers around the facility, and they are
21 obviously not located away from (inaudible) which
22 traps odors and air pollutants in low lying areas.
23 The standard for this facility set by
24 the statue and the Departmental rules uses the

1 word reasonable. And I quote. It does not
2 include a definition.
3 This flexible term was used in
4 recognition of the fact that what is reasonable
5 can vary from community to community and will
6 change over time as technology and our
7 understanding of the impact of odor on people
8 improves.
9 Because we now know that exposure to
10 the multitude of chemical odorants emitted by a
11 hog factory damages human health, diminishes
12 quality of life, lowers property values and
13 impacts our ability to think clearly, what was
14 reasonable ten years ago, five years ago, and even
15 last year, is no longer considered reasonable
16 today.
17 It is unreasonable to expose local
18 residents to the negative health impacts of the
19 Sandy Creek Lane facility, especially considering
20 that it will be sited in a valley with no mature
21 trees to buffer noxious odors and no plan to
22 address either manure that will be used as
23 fertilizer or the air pollution the facility
24 creates.

1 While our definition of reasonable
2 may not agree with what is proposed by Sandy Creek
3 Lane, the applicants do not currently live near
4 the site, nor is there any indication that they
5 plan to do so.
6 HEARING OFFICER FRANK: Ma'am, you
7 need to conclude.
8 LISA PHILLIPS: The local residents
9 have a clear stake at health -- in their health
10 and well-being.
11 In addition, resent research and
12 court rulings clearly indicate that the standard
13 of what is reasonable with respect to odors are
14 becoming more restrictive. It has long been
15 accepted in this country that the right to throw a
16 punch ends at the tip of someone else's nose.
17 HEARING OFFICER FRANK: Miss
18 Phillips --
19 LISA PHILLIPS: The rights of Sandy
20 Creek, LLC to throw their smells ends at their
21 property line.
22 Thank you for your attention.
23 HEARING OFFICER FRANK: Are there
24 questions of this witness?

1 KATE HAGENBUCH: Kate Hagenbuch.
2 Couple of questions.
3 I just want to make sure I heard
4 correctly. My ears aren't working very well.
5 Could you restate again what you said
6 about the children being in that environment, it
7 affects their learning abilities, things like
8 that?
9 LISA PHILLIPS: That's correct.
10 KATE HAGENBUCH: It also affects an
11 adults ability to learn and focus?
12 LISA PHILLIPS: Yes.
13 KATE HAGENBUCH: Okay. So I live on
14 a farm which is considered a CAFO, which is a
15 fourth generation family farm owned and operated
16 solely by family members. My husband grew up on
17 that farm and has a degree. I also have a
18 Master's degree. And my children are excelling
19 in their classes.
20 So do you continue to tell me that I
21 am a bad parent for raising my children in that
22 property, on that --
23 LISA PHILLIPS: No, that has
24 nothing --

1 KATE HAGENBUCH: On that property,
2 however, we are doing just fine?
3 LISA PHILLIPS: It is your property.
4 What I said was the right for
5 somebody's smell ends at their property line.
6 Okay.
7 And also, Rachel Heard, she is a
8 cognitive neurobiologist who works specifically
9 with children and the impact on learning in
10 classroom environments. This is empirical data.
11 HEARING OFFICER FRANK: Are there
12 other questions? All right. Thank you very
13 much.
14 Next up we have Morgan Phillips.
15 LISA PHILLIPS: They are going
16 together.
17 HEARING OFFICER FRANK: Morgan and
18 Ethan.
19 Raise your right hand please and be
20 sworn in.
21 (Sworn in.)
22 MORGAN PHILLIPS: Morgan Phillips,
23 P-H-I-L-L-I-P-S.
24 ETHAN PHILLIPS: Ethan Phillips,

1 P-H-I-L-L-I-P-S.

2 MORGAN PHILLIPS: Hello, our nams

3 are Morgan and --

4 ETHAN PHILLIPS: Ethan Phillips.

5 MORGAN PHILLIPS: We would like to

6 thank you for letting us give an argument against

7 the mega hog factory.

8 We love to go outside where we can

9 climb trees, ride our bikes and just run around.

10 If this mega hog factory is put in about mile

11 upwind of our house we wouldn't be able to go

12 outside very much at all.

13 ETHAN PHILLIPS: Mostly during the

14 summer we don't leave our property.

15 MORGAN PHILLIPS: On those days we

16 climb trees, run around, we have fires in our

17 backyard in the firepit. And sometimes we even

18 sleep outside.

19 ETHAN PHILLIPS: Either we sleep in

20 a tent or sometimes just sleep on top of our

21 swing sets staring at the stars, looking for the

22 constellations or just making -- having a mega

23 hog farm factory about a mile upwind of us would

24 ruin that. The smell would make us miserable so

1 we wouldn't want to go outside, not to mention
2 the chemicals that might make it into the air.
3 MORGAN PHILLIPS: The days it didn't
4 smell bad we wouldn't be able to bike because of
5 increased traffic on East Third Road. What if
6 you got run over, our parents would say. They
7 would be right, sadly. Zipping downhill
8 crouching over the bike handles to see who can go
9 fastest is gone.
10 ETHAN PHILLIPS: Even if we could go
11 biking, it wouldn't be worth it because our
12 favorite part of the ride wouldn't be fun any
13 more.
14 MORGAN PHILLIPS: Sandy Creek
15 wouldn't be a prime destination for us. It would
16 be full of poor swine fecal matter, or to put it
17 simply, pig poop.
18 All the crawdads, frogs, fish would
19 be gone. (Inaudible) We wouldn't get to see the
20 great blue herring again or the blue birds that
21 greet us when we stop.
22 ETHAN PHILLIPS: There are so many
23 blue birds we can hardly believe it.
24 MORGAN PHILLIPS: One time we even

1 heard a mocking bird.

2 ETHAN PHILLIPS: A seahawk

3 (Inaudible)

4 MORGAN PHILLIPS: We have also seen

5 really pretty dragonflies as well as (Inaudible)

6 We would be twice as unhappy if those were not

7 only -- not get to see them anymore, but also

8 they eat lots of mosquitoes so there will be more

9 of those nasty blood suckers. With those come a

10 greater chance of West Nile disease, and nobody

11 wants that. Not to mention we get more mosquito

12 bites, and those are pretty awful too. You just

13 itch and itch.

14 ETHAN PHILLIPS: That's only part of

15 it. We would also be afraid to drink the water

16 that came out of our tap. Why? There might be

17 pig poop in our well or (inaudible)

18 MORGAN PHILLIPS: All of the

19 antibiotics that are used as preventative

20 medicine for the pigs would be in the poop too.

21 That isn't good for us because we don't need

22 antibiotics unless we are sick. There could even

23 be germs there that could make us sick.

24 Pigs are similar enough to humans

1 that diseases can jump to us. Scary, right? It
2 certainly frightens us.
3 ETHAN PHILLIPS: We lived in this
4 house our whole life. So even if we moved away
5 from all of the potential health problems, we
6 would be moving away from the only life we have
7 ever known.
8 MORGAN PHILLIPS: We wouldn't get to
9 go to Sandy Creek.
10 ETHAN PHILLIPS: That is why we
11 don't want this hog factory to become our new
12 neighbor.
13 HEARING OFFICER FRANK: Thank you.
14 Any questions for these witnesses?
15 Thank you very much.
16 Next up we have Larry Kinzer.
17 (Sworn in.)
18 HEARING OFFICER FRANK: Okay.
19 LARRY KINZER: My name is Larry
20 Kinzer, K-I-N-Z-E-R. I am a county engineer for
21 LaSalle County Highway Department.
22 I am a graduate engineer in 1977 from
23 the University of Illinois. I have professional
24 licenses in engineering and land surveying in

1 Illinois. I have 38 years of experience in
2 highway and heavy construction, the last 15 of
3 which have been as County Engineer for LaSalle
4 County.
5 I am here tonight to present
6 testimony on behalf of Hope Township. The Hope
7 Township Highway Commissioner, Ron Judd, asked me
8 to work up some costs regarding road improvements
9 that may be necessary to accommodate construction
10 and traffic from the proposed improvement.
11 I have done that in using standard
12 motor fuel tax policy and truck tax policy for
13 Illinois.
14 Using the data available, the
15 existing roadway is 19 feet wide. It consists of
16 about 8 inches of gravel, tar and chip surface,
17 and carries about 200 vehicles a day.
18 Using the standard traffic
19 distributions by motor fuel taxi I have calculated
20 that we will need to add about 4 or 5 inches of
21 asphalt to the roadway to accommodate the truck
22 and traffic, the traffic loading.
23 Part of that consideration is not
24 just the structure capacity of the road but the

1 geometry of the road. It is 19 feet wide. Policy
2 will say you need at least a 22-foot wide surface.
3 So we are talking about a three foot widening for
4 the entire roadway, at least in Hope Township.
5 Additionally, we need to make
6 improvements at the intersection of Illinois Route
7 18 and East Third Road for the truck turning
8 movements.
9 The estimated cost for the
10 improvements to the mile road in Hope Township is
11 $480,000.
12 Hope Township's motor fuel tax last
13 year was $55,000. And regular motor fuel tax
14 allocation was $55,000. Ron will spend
15 approximately $70,000 this year just on seal
16 coating, which is routine maintenance operation to
17 keep his 43 miles plus of the roadways in good
18 condition.
19 So he'll need to add to his motor
20 fuel tax money some of his own property tax moneys
21 to be able to meet that obligation for that 70,000
22 just in routine maintenance.
23 The road that is out there right now
24 is in very good condition, and I believe, you

1 know, in order to keep it in good condition you
2 are going to have to add to the roadway.
3 We have done in LaSalle County for
4 other developers such as wind farms, pipelines,
5 distribution facilities, we ask the development to
6 enter into a road use agreement. Those include
7 improvements to the roads that they intend to use
8 to increase their load bearing capacity as well as
9 the geometry to accommodate the traffic they will
10 put on road. And they also include escrow and
11 bonding as well as insurance to cover any damage
12 that they do to the road.
13 The beauty is if they don't do any
14 damage to the road there is no need to use their
15 escrow account.
16 HEARING OFFICER FRANK: Thank you.
17 Are there questions for this witness?
18 MR. GOETSCH: You mentioned road use
19 agreements.
20 LARRY KINZER: Yes.
21 MR. GOETSCH: How many road use
22 agreements do you have with other farmers in your
23 county?
24 LARRY KINZER: I don't have any road

1 use agreement with any farmers in the county.
2 Farming or an individual owner/operator, we don't
3 require any road use agreement for that. But as
4 I said, when developers come in for industry,
5 then we do ask for a road use agreement.
6 MR. GOETSCH: Thank you.
7 HEARING OFFICER FRANK: Okay. Right
8 here.
9 MIKE PHILLIPS: Mike Phillips.
10 Do you have any such agreement with
11 Sandy Creek Lane? Do you have a road use
12 agreement with Sandy Creek Lane?
13 LARRY KINZER: Well, Sandy Creek is
14 not in LaSalle County, so no, I do not.
15 MIKE PHILLIPS: Thank you.
16 MR. GENTERT: My name is Charles
17 Gentert.
18 Now, I have lived the past 50 years
19 around here. Seems like on these township roads
20 from like February 1st to May 1st is the freeze
21 and thaw. There has been weight limitation on
22 roads.
23 Will you enforce that in LaSalle
24 County, in the mile that will go through LaSalle

1 County in Hope Township?

2 LARRY KINZER: The County itself

3 does not have any jurisdiction. It is a Township

4 road. And Ron Judd is the road authority for the

5 Township. The road belongs to Hope Township Road

6 District. And I believe currently he does put a

7 90 day spring posting on the road.

8 I can't speak for Ron what criteria

9 he uses to determine when he should post and

10 unpost the road, but certainly the law says you

11 can do a 90 day spring posting.

12 MR. GENTERT: Okay. And it can be

13 enforced?

14 LARRY KINZER: Yes.

15 MR. GENTERT: Thank you.

16 HEARING OFFICER FRANK: Other

17 questions?

18 Thank you very much.

19 Next up we have Tim Smith.

20 TIM SMITH: I can enter mine

21 written. It is basically a study for Department

22 of Agriculture.

23 HEARING OFFICER FRANK: Okay. We

24 will take that in the next session here. Thank

1 you.

2 Stacie James.

3 (Sworn in.)

4 HEARING OFFICER FRANK: Okay.

5 STACIE JAMES: My name is Stacie

6 James. I am a water resource and scientist with

7 Prairie Rivers Network.

8 Actually I would like to start off

9 with a compliment, which is rare for me perhaps in

10 this context, but I thought actually that

11 Mr. Wagner did a pretty transparent job with his

12 presentation, so I would like to thank him. I

13 have been in several of these hearings, and I

14 think he gave one of the better presentations I

15 have seen.

16 Anyway, getting on with my main

17 comment. The County Board is charged with

18 deciding whether the eight siting criteria have

19 been met.

20 I am concerned that incomplete

21 information presented today does not allow the

22 County Board to determine whether siting criteria

23 number five has been met.

24 Criteria number five reads, whether

1 the owner or operator has submitted plans for
2 operations that minimize the likelihood of any
3 environmental damage to the surrounding area from
4 the spills, runoff and leaching.
5 We have been told that approximately
6 10 million gallons of waste will be produced but
7 not the nitrogen or phosphorous content of that
8 waste.
9 The applicant does not know the soil
10 phosphorous of the application fields and does not
11 know whether nitrogen or phosphorous based rate
12 will be used.
13 We also don't know the planned crop
14 rotation so we don't know the field's nutrient
15 needs.
16 Therefore, while we do know that
17 1200 acres are available, we don't know whether
18 that acreage is adequate for applying agronomic
19 rates without over application.
20 Subsequently the plans as submitted
21 at this hearing do not allow the County Board to
22 determine whether the proposed facility will meet
23 criteria number five by minimizing the likelihood
24 of any environmental damage to the surrounding

1 area from runoff and leaching.

2 HEARING OFFICER FRANK: Are there

3 questions for this witness?

4 DAVID JONES: David Jones,

5 J-O-N-E-S.

6 Does the state set standards for how

7 much manure is allowed to be applied for different

8 soil types?

9 STACIE JAMES: They base it mainly

10 on the soil test phosphorous.

11 DAVID JONES: Okay. Does somebody

12 regulate that, come out and check to see if it is

13 over applied or anything?

14 STACIE JAMES: Usually not.

15 DAVID JONES: Thanks.

16 HEARING OFFICER FRANK: Other

17 questions?

18 ANDREW ONCKEN: Yes. Andrew Oncken,

19 O-N-C-K-E-N.

20 For the applicator, who is going to

21 put the chemical, the manure on, about how much,

22 where it was going to be, so forth, have you asked

23 that question before this tonight?

24 STACIE JAMES: I'm not sure how I

1 would ask that question. The purpose of these
2 hearings --
3 ANDREW ONCKEN: Have you asked the
4 applicator?
5 STACIE JAMES: I don't know who the
6 applicator would be. I'm not sure that
7 information was presented today.
8 ANDREW ONCKEN: Mike Salz. It was
9 presented today.
10 STACIE JAMES: Okay.
11 HEARING OFFICER FRANK: Other
12 questions?
13 I see none.
14 Thank you very much.
15 Sorry, Mr. Maiers.
16 TIM MAIERS: Tim Maiers.
17 What is the statute as far as the
18 requirements that you have with the Waste
19 Management Plan for the farm?
20 STACIE JAMES: Can you explain
21 further?
22 TIM MAIERS: What's the requirement
23 or element, say, that the farm needs to have a
24 nutrient management -- when they need to have

1 that by?

2 STACIE JAMES: They do not have to

3 have that plan until after they are in operation.

4 However, with this, what the County Board is

5 charged with is evaluating these siting criteria.

6 And according again to siting criteria number

7 five, by the time that the County Board is making

8 their decision they need to decide whether the

9 owner/operator has submitted plans that will

10 minimize runoff and leaching.

11 So this presentation today is a

12 chance for the applicant to present information on

13 what those waste management plans, without being a

14 real plan yet, will be.

15 TIM MAIERS: Again, I guess I'll ask

16 again if there is manure, typically you test the

17 manure for the nitrogen phosphorous in the manure

18 and match it to the crop needs to determine if

19 you are going to need a nitrogen or phosphorous

20 rate base.

21 Do you understand that?

22 You would test the manure to

23 understand what NPK you have in it to match what

24 the crop is going to need, correct?

1 STACIE JAMES: Yes.
2 TIM MAIERS: So if there is no
3 manure, how do you -- I think part of the rule is
4 once it is commences operation you have manure
5 and you do the test and you have an idea how to
6 draw up that plan, correct?
7 STACIE JAMES: There is also
8 published standard out there that give estimates
9 of what that waste will be.
10 TIM MAIERS: But again, that
11 information is estimate, or would you rather have
12 the actual information on the farm?
13 STACIE JAMES: Once the facility is
14 in operation, of course, they should be using
15 those estimates. But to have an initial idea
16 whether or not there is enough land area to
17 actually run a facility, you know, properly apply
18 the waste properly, you have to make an estimate
19 if you have enough acreage from the getgo.
20 TIM MAIERS: Have you ever written a
21 Manure Management Plan before?
22 STACIE JAMES: No.
23 HEARING OFFICER FRANK: Other
24 questions?

1 I see none.
2 Thank you very much.
3 Next we have John Foote. You pass?
4 JOHN FOOTE: Yes, I pass.
5 HEARING OFFICER FRANK: Rick
6 Heating. Is Rick Heating here? I do not see
7 him.
8 Steve Clanin.
9 (Sworn in.)
10 STEVE CLANIN: My name is Steve
11 Clanin. My wife and I live right near Cumberland
12 Cemetery.
13 I would like to just briefly speak to
14 criteria number three and eight of the Facilities
15 Act, incompatibility with surrounding areas'
16 character, community growth, economic development
17 and recreation.
18 As to the character of the area, our
19 area is a community of homes, family farms with
20 traditional livestock production, recreational
21 properties and historic areas. Industrial hog
22 production just does not fit the character of this
23 area.
24 Regarding community growth and

1 economic development, in the past seven years six
2 new homes, two cabins were built in the immediate
3 valley. The potential for more growth in area is
4 great but I would assume unlikely after Sandy
5 Creek, LLC is built.
6 I don't imagine anybody goes to a
7 realtor and says, hey, can you find me a piece of
8 property near a hog factory?
9 Just to the north and east within one
10 and a half miles of Sandy Creek, LLC four
11 homeowners have recently made significant
12 investments in their properties, major restoration
13 projects and construction of additional
14 outbuildings. Why would anybody invest more money
15 in their homes when they know their property
16 values are going to plumate?
17 The Kilpatrick study suggests a 50 to
18 90 percent reduction for nearby residents and a
19 6.6 decline in values as far as 3 miles away.
20 Within the 3 miles from Sandy Creek Lane, LLC to
21 Meridian Road there are 25 homes, four
22 recreational properties and the two cabins I
23 mentioned. All of those values will decline.
24 Within the 2 miles upstream and to

1 the north and south an additional 14 or more
2 families will see their property values decline.
3 As for recreation, this has been the
4 go to spot for generations. We live next to
5 Cumberland Cemetery. There is not a day goes by
6 that we don't see people out sightseeing or
7 walking in the cemetery. In the warmer months it
8 is common to see families with kids enjoying the
9 stream down by the Cumberland bridge.
10 Sandy Creek Farm, a state licensed
11 hunting preserve, sponsors events for the likes of
12 the Cub Scouts of America, Pheasants Forever,
13 Rocky Mountain Elk Foundation and Toluca
14 Sportsman's Club. The Cub Scouts have had as many
15 as 50 kids out for a day of fishing and fun in
16 Sandy Creek. I can't imagine that -- as for this
17 year, there is a youth hunt scheduled for November
18 for boys and girls age 12 to 16. Probably 80 to
19 100 people will attend that event.
20 Putting an industrial hog factory
21 with all of its potential for pollution in the
22 watershed of Marshall County's most pristine
23 stream is simply wrong.
24 HEARING OFFICER FRANK: You need to

1 conclude.

2 STEVE CLANIN: Just a second,

3 please.

4 Choosing this site in the vastness of

5 Illinois shows a total lack of judgment on the

6 part of the out of state developers of the Sandy

7 Creek Lane, Limited Liability Corporation.

8 Thank you.

9 HEARING OFFICER FRANK: Are there

10 questions for this witness?

11 NIC ANDERSON: Nic Anderson, N-I-C,

12 A-N-D-E-R-S-O-N.

13 Mr. Clanin, are you in the same group

14 as Mr. Phillips?

15 STEVE CLANIN: Yes.

16 NIC ANDERSON: I am not sure if you

17 come together -- he talked about soil

18 productivity fit to build, fit to put soil

19 borings and those types of things. We had a

20 discussion about that. So the building and

21 expansions you are talking about on Sandy Creek,

22 are those building sites acceptable to build on

23 or have you looked into that on -- I know there

24 is a lot of houses there. Do they meet those

1 same standards that you ask of the livestock
2 farm?
3 STEVE CLANIN: I can't answer that.
4 I am not a builder.
5 NIC ANDERSON: So if they wouldn't
6 meet those requirements, that development that
7 you are talking about --
8 STEVE CLANIN: Are you asking me if
9 I should tear down my house?
10 What are you asking?
11 NIC ANDERSON: If you are not
12 supposed to build in that area is what I am
13 asking.
14 It is suitable for your home but not
15 livestock farm? That's what I am asking.
16 STEVE CLANIN: I am sorry, I don't
17 know how to answer that question.
18 NIC ANDERSON: Fair enough.
19 STEVE CLANIN: Seems a little
20 ridiculous.
21 HEARING OFFICER FRANK: Okay.
22 PETE ROOD: Pete Rood, R-O-O-D. You
23 said it is a mega farm. What is a farm then?
24 What is a family farm today? Nobody farms

1 80 acres. Nobody farms 160 acres.
2 STEVE CLANIN: That's not my problem
3 how many acres you farm. 20,000 pigs under a
4 roof is a factory.
5 PETE ROOD: No. In 1979 a unit was
6 built by Amboy. We heard the same thing, going
7 to pollute the water and everything else. I have
8 been managing that unit since 1982. We have
9 neighbors in front of us. And probably ten, 15
10 years ago they built a new log cabin house
11 overlooking my lagoon. They said if the farm
12 smelled we wouldn't have done that. They put a
13 barn in the front yard near the road, put the new
14 house near the back of the property which is near
15 my lagoon. I am --
16 STEVE CLANIN: Where are they today?
17 PETE ROOD: They have retired and
18 moved to Missouri. No, they wanted to move to
19 Missouri. That was their goal. He was -- they
20 moved down there. That was fine. No, we
21 never --
22 HEARING OFFICER FRANK: Do you have
23 a question?
24 PETE ROOD: I just wondered what --

1 I wondered what a mega a farm was in his
2 description and just wanted that.
3 So you know, what is the mega a farm?
4 500 sows was big in '79. This is big today. Five
5 years from now you will look back and they will be
6 building 10,000 sow units because you can't make
7 it on small numbers anymore.
8 STEVE CLANIN: I don't believe that.
9 That is a discussion for economics or --
10 PETE ROOD: Well, I am on this side
11 of it so that's where it is coming from.
12 STEVE CLANIN: No kidding.
13 PETE ROOD: Thank you.
14 HEARING OFFICER FRANK: Okay. I see
15 no other questions. Thank you very much.
16 Next we have Jerry Hunter.
17 (Sworn in.)
18 HEARING OFFICER FRANK: State your
19 name.
20 GERALD HUNTER: I am the Township
21 attorney for Hope Township. I have been asked
22 to --
23 HEARING OFFICER FRANK: Mr. Hunter,
24 can you state your name?

1 GERALD HUNTER: Gerald Hunter,
2 H-U-N-T-E-R. I am the attorney for Hope
3 Township. I have been asked to appear here on
4 behalf of Hope Township by the Supervisor and by
5 Ron Judd, the Road Commissioner.
6 You have heard Mr. Kinzer said, and I
7 incorporate all of that into my representations
8 with the additional matter that we do not believe
9 that Section 7 of the Act has been complied with.
10 We believe that the construction of
11 this facility most likely is going to damage our
12 road.
13 However, what we have done is we have
14 talked to Mr. Kinzer and he has informed us that
15 the jurisdictional determination of what a road
16 limitation will be is something that the County
17 will do. And they are going to assess that. But
18 it is assessed at the request of the Township.
19 So we are just letting the proposed
20 construction people know that what is going to
21 happen is we are going to -- we are going to
22 conduct an investigation and research to determine
23 what the road limits are. And most likely we are
24 going to impose a 12 month road limit and of

1 course another limit that would be for springtime.
2 If you are going to ask me what the
3 limits are, I can't tell you.
4 I can tell you that we are in the
5 process of doing that. And if it is done we will
6 impose it by ordinance and we will enforce it. We
7 have a cooperation agreement with Lostant. Their
8 police officers will come out and police that.
9 And we intend to incorporate that as far as part
10 of our process.
11 We want to protect our -- fortunately
12 when the presentation was made there was an
13 alternative road that went through Marshall
14 County, and perhaps that is a simple solution for
15 what is here. Although I think from talking to
16 the folks from Evans Township that we could expect
17 that something similar is going to happen with
18 respect to that.
19 If you are going to ask me why are we
20 coming out at this at this time, I am going tell
21 you until about four days ago I had no knowledge,
22 nor did the Township really have any knowledge
23 that this was going to happen.
24 We came today purposely to confirm

1 what the roads and routes were.

2 Now that we have got those things we

3 are going to conduct the study. And it is for not

4 only the construction and the completion but the

5 preconstruction. When we estimate what those

6 concrete facilities will -- or concrete trucks

7 will be producing, we think it is going to do

8 substantial damage to our road. But again, if it

9 turns out to be that the testing will show that we

10 are wrong, so be it.

11 One of the things that we have

12 proposed is what Mr. Kinzer said, and that was

13 participation by the developers into paying for

14 the cost of improvement of the road.

15 If that was to happen then all that

16 we are concerned about is protection of the road.

17 So again, that's where we are at.

18 That's what we are going to do. And what we would

19 do is expect to enforce that through police

20 action.

21 HEARING OFFICER FRANK: Are there

22 questions for this witness? Yes.

23 DAVID JONES: David Jones. As far

24 as the construction end of it, I can see where

1 there could be some limitations put in, but with
2 these hogs being shipped out of state would that
3 not be considered interstate commerce?
4 GERALD HUNTER: You know, you might
5 be right. But we have jurisdiction on our road,
6 and if that is going to be construed to be
7 interstate commerce I think we are going to have
8 a lot of help in defending that action.
9 DAVID JONES: I drive a truck for
10 the State of Illinois and pursuant to interstate
11 commerce there has to be 5 miles of access
12 provided for pickups and deliveries.
13 Would Illinois law trump your post on
14 the road?
15 GERALD HUNTER: I don't think so. I
16 think that we have jurisdiction to limit the
17 construction of -- this is nothing more than a
18 gravel road that has got oil and chip on it.
19 DAVID JONES: I understand that. I
20 live in the area.
21 GERALD HUNTER: That's going to be
22 destroyed by --
23 DAVID JONES: What's the difference
24 of an 80,000-pound truck hauling hogs than a load

1 of corn going out that happens daily out there?
2 GERALD HUNTER: You know, all I can
3 tell you is we are going to do the study, and if
4 the study shows that the road cannot take the
5 weight, we are going to impose restrictions.
6 That's all I can tell you.
7 HEARING OFFICER FRANK: Other
8 questions?
9 LEVI HARMS: Levi Harms, H-A-R-M-S.
10 So if you are going to enforce this
11 for this construction, are you going to enforce
12 this for farmers with this huge machinery or let
13 them slide by, considering the Road Commissioner
14 is also a farmer?
15 DAVID JONES: We are going to -- we
16 are going to put in a weight restriction that
17 will be compatible with the road.
18 LEVI HARMS: All right. So --
19 GERALD HUNTER: And we will enforce
20 it.
21 LEVI HARMS: Is it going to be
22 enforced for farm machinery? Construction
23 machinery for the Township, do they have to abide
24 by this?

1 GERALD HUNTER: I would hope so.
2 LEVI HARMS: Thank you.
3 HEARING OFFICER FRANK: Someone
4 else?
5 JIM RIPPEL: Jim Rippel,
6 R-I-P-P-E-L.
7 So if this finds out or if this turns
8 out to be where -- restrictions on the road, all
9 of the residents in your township will have to
10 find a way of getting the garbage to town?
11 GERALD HUNTER: You know, there are
12 exclusion and exceptions, Jim.
13 JIM RIPPEL: Exceptions, exceptions,
14 okay, that's fine.
15 So nobody is going to be able to
16 construct a house anywhere in your township,
17 because trucks have to bring in the equipment to
18 construct the house?
19 GERALD HUNTER: You know, the thing
20 we are doing right now is -- I don't even know
21 what the limit is going to be.
22 JIM RIPPEL: I mean if you are going
23 to enforce it just for this, you have got to
24 enforce it for everybody. You can't just pick

1 one person.

2 GERALD HUNTER: If that's what

3 happens, it will be the Board's decision.

4 JIM RIPPEL: Okay.

5 HEARING OFFICER FRANK: Other

6 questions?

7 Down here in front.

8 LESLIE SMITH: I am a Hope Township

9 resident. I live on Third Road. This is kind of

10 a question/comment. I for the first time today

11 got my garbage in six weeks. So I understand

12 that the roads do get posted and no one can come

13 down. Some winters I have gone up to almost

14 eight weeks without garbage service.

15 So I am asking you, I guess since I

16 have to ask a question, will this be enforced even

17 if the road limits aren't changed and they are the

18 way they are now, I don't get garbage for up to

19 eight weeks, even if it doesn't change, is that

20 road still going to be posted for eight weeks

21 whether it is changed or not?

22 GERALD HUNTER: Again, that's a Road

23 Commissioner's decision. I don't think that it

24 would change.

1 LESLIE SMITH: So they would
2 still -- it would still be posted?
3 GERALD HUNTER: It would still be
4 posted I am thinking.
5 HEARING OFFICER FRANK: Other
6 questions?
7 Thank you very much.
8 Next is John Lauf.
9 (Sworn in.)
10 HEARING OFFICER FRANK: State your
11 name.
12 JOHN LAUF: My name is John Lauf. I
13 am the Evans Township Road Commissioner, and I am
14 talking to you tonight because 2800 Road is my
15 township road which provides access to the
16 proposed site.
17 I want to read to you a cost estimate
18 for improvements required for 2800 Road to meet an
19 all weather 80,000 pound road suitable for the
20 proposed Sandy Creek Lane, LLC livestock
21 operation.
22 The current road has a published
23 average daily traffic count of 200 vehicles. Per
24 the typical IDOT distribution it is assumed that

1 there are currently ten multiple unit trucks using
2 the road per day.
3 According to Sandy Creek Lane
4 information, nine additional multiple unit trucks
5 per week will be added to the current traffic.
6 The traffic pattern for the facility will be to
7 the north, which will impact seven-tenths of a
8 mile of Evans Township road and one mile of Hope
9 Township road in LaSalle County. The existing
10 road both in LaSalle and Marshall County is in
11 good condition. The good condition is the result
12 of the existing traffic and the fact that the
13 current weight restrictions, 70 percent between
14 February 1st and May 1st, are being complied with
15 by the local residents and farmers.
16 The LaSalle County Engineering
17 Department has prepared a scope of work and cost
18 estimate for improvements required for the Hope
19 Township section. Which we are proposing one and
20 a half foot of widening on each side of the
21 current 19 foot road surface, 4.25 inches of hot
22 mix asphalt binder, and one and a half inches of
23 hot mix asphalt surface course, two foot aggregate
24 shoulders and pavement marking. The estimate for

1 the cost of these improvements to be $483,000.
2 Based on the existing conditions, which are
3 similar for the two townships, and based on the
4 fact that the traffic will be the same, I
5 recommend that the same improvements for
6 Marshall -- for Evans Township. The estimated
7 cost of my seven-tenths of a mile road would be
8 $330,000.
9 Marshall County Engineering will be
10 happy to assist us in further negotiations on a
11 road use agreement with the developer.
12 As time progresses we will want to
13 make sure that the road is videotaped and assessed
14 prior to construction. As you know, all loads
15 will have to -- will need to comply with the legal
16 weight limits and obtain permits for overweight
17 loads.
18 Our request of Ron Judd and myself is
19 that it gets implemented into the paperwork and
20 permits that 2800 Road from Route 18 and south to
21 the proposed site be updated to an 80,000 pound
22 road.
23 We also request that in the
24 construction permit there be an agreement that

1 they agree to maintain the same route from Route
2 18 south to the site and back out with all
3 construction vehicles.
4 Thank you.
5 HEARING OFFICER FRANK: Are there
6 questions of this witness?
7 AUDIENCE MEMBER: Thank you. The
8 applicant's map had two avenues of egress.
9 Closest being from there through your
10 seven-tenths of a mile, through the mile of Hope
11 Township to Highway 18.
12 Now they also said they can possibly
13 go south from their place down 2800 to Highway 17
14 and gain access to interstate service there.
15 If they decide to do that, will there
16 have to be a new bridge crossing Sandy Creek right
17 below Evans Road? And if they are going to do
18 that then you are going to have a whole lot more
19 than seven-tenths of a mile to take care of here.
20 And there is just going to be a whole lot more
21 work in the distance and the material and the
22 cost.
23 Has that been taken into anybody's
24 consideration?

1 JOHN LAUF: That's a good question.
2 I wasn't aware of an additional route or an
3 alternative route until today when I met down at
4 the Marshall County Highway Engineering
5 Department. Back in February the only route that
6 was discussed was off of Route 18 coming a mile
7 across Hope Township and seven-tenths of a mile
8 onto Evans Township. I was never aware of an
9 alternative route until today.
10 AUDIENCE MEMBER: Thank you very
11 much.
12 HEARING OFFICER FRANK: Other
13 questions?
14 STEVE CLANIN: Steve Clanin.
15 John, just on that same note, would
16 you then recommend if they are going to propose
17 two routes that they also bring from Sandy Creek
18 Lane, LLC south all of the way to 17 up to the --
19 is it 80,000 pound road?
20 JOHN LAUF: Correct.
21 STEVE CLANIN: Thank you.
22 JOHN LAUF: Our whole difference in
23 the usage of that road from farm use currently
24 right now to this use -- and that's the reason we

1 use the terms all weather road -- is the farmers
2 today apply -- Mike Salz, who is on the site that
3 the proposed farm is going to go, has been a very
4 good steward. Calls me regularly whenever he's
5 going to haul grain off of his farm and discusses
6 it. In the summertime if he is going to haul
7 grain off of his farm he tells me what farm he's
8 going to haul off of so I can go out and inspect
9 if I need to chip that area where he's turning
10 out onto my roadway. We do it.
11 I have got a great response from a
12 lot of the farmers in Evans Township who do the
13 same. They report to me when they are going to do
14 something. We are able to address the problem so
15 it doesn't become a problem.
16 But the hog situation, the difference
17 with that as regard what I have now, is the hogs
18 have to eat every day. So the feed trucks are
19 going to run every day. They have to haul out
20 with the hogs being a certain weight. They don't
21 have the ability to wait as the farmers do that
22 are currently using the roads.
23 STEVE CLANIN: So if they want to go
24 south it will be an all weather road?

1 JOHN LAUF: That's what we would
2 request if that was to happen.
3 HEARING OFFICER FRANK: Other
4 questions?
5 LEVI HARMS: Levi Harms, H-A-R-M-S.
6 So how do you know these feed trucks
7 and the livestock haulers aren't compliant with
8 the road laws like you say the farmers are?
9 JOHN LAUF: Well, what we are
10 stating is the all weather road, the farmers
11 currently comply with our February 1st to May 1st
12 restrictions. A lot of times the weather turns
13 nice, we lift them early. It happened this year.
14 We lifted our road limits last Monday.
15 So my statement on compliance is we
16 work together during those periods. When we have
17 got a good hard freeze and they want to haul out
18 for a day or two, we allow it. We work back and
19 forth. It is a lot of communication.
20 LEVI HARMS: So are you saying
21 Mr. Rippel wanting to raise pigs is not a farm?
22 JOHN LAUF: I am not saying that. I
23 am saying Mr. Rippel wants to use this road every
24 day of the year. This road was not designed for

1 that weight every day of the year.
2 LEVI HARMS: All right. Thank you.
3 JOHN LAUF: Yes, sir.
4 HEARING OFFICER FRANK: Any other
5 questions?
6 Thank you very much.
7 JOHN LAUF: Would you like the
8 presentation of those, of what we would request
9 for the inches of pavement and also the widening
10 of the road? Would you want that fact sheet?
11 HEARING OFFICER FRANK: Yes, you can
12 enter that as evidence in the written testimony
13 phase.
14 JOHN LAUF: Thank you.
15 HEARING OFFICER FRANK: Next we have
16 Jamie Casolari.
17 (Sworn in.)
18 HEARING OFFICER FRANK: State your
19 name.
20 JAMIE CASOLARI: My name is Jamie
21 Casolari, C-A-S-O-L-A-R-I.
22 My family and I are lifelong
23 residents and have lived approximately a mile and
24 a half from the proposed factory site for the last

1 30 years. My children are the fifth generation to
2 live in my family home. It is my belief that the
3 CAFO proposal falls short of meeting the criteria
4 set forth in point eight.
5 Our home, which has been in my family
6 since the early 1930s, was renovated in 2010/2011
7 at a cost of approximately $80,000. Our property
8 will be greatly devalued if this proposed hog
9 factory is built. That will be a huge economic
10 blow to my family.
11 In addition to extensive home
12 remodel, we have spent the past 30 years designing
13 an outdoor living space with stencils, concrete
14 sidewalks and patio, water features, extensive
15 raised gardens, multiple flagstone patios,
16 capstone gardens, outdoor furniture, fire pits,
17 hundreds of perennials, plants, hostas, bulbs. We
18 have also planted more than 100 trees and shrubs
19 on our property.
20 We are currently working towards
21 certification for being a backyard wildlife
22 habitat and butterfly sanctuary. Outdoor living
23 and gardening is our passion. Our life revolves
24 around the time spent in the fresh open air which

1 we currently enjoy sunup to sundown three seasons
2 of the year.
3 My gardens have had many visitors
4 over the years. Some from as far away as Mexico
5 City. They always remark upon the peaceful
6 atmosphere and many flower gardens I have.
7 Our quality of life here will be
8 forever tainted if this proposal is granted.
9 The outdoor living space that we have
10 devoted 30 years to creating will be unusable to
11 the extent it will permeate this area.
12 We also enjoy the great many benefits
13 of living within walking distance of the Big
14 Sandy.
15 In fact, I took second place in a
16 national contest sponsored by Shell with a photo
17 taken at Sandy Creek Valley.
18 When I married and moved to my great
19 grandparent's farmhouse, my husband and I rode our
20 bikes on the country roads to the Sandy on a daily
21 basis. I have pushed my babies in strollers and
22 pulled them in wagons to enjoy the creek. We
23 would walk to teach them in a fun manner to be
24 good stewards of the earth.

1 We instilled in them the necessity of
2 preserving the pristine environment for future
3 generations.
4 As my kids grew they continued to
5 ride their bikes down to the creek to meet
6 friends, fish, skip rocks and enjoy clean beauty
7 and serenity.
8 The township road in connecting Evans
9 Road, which forms what we call Sandy Creek Valley,
10 is where my husband and I most often ride our
11 motorcycle. We go out for our nightly drive, drop
12 in on neighbors and just enjoy the simple
13 pleasures of living in the country near gorgeous
14 tranquil farms, the creek, Cumberland Cemetery,
15 clean fresh air, abundant wildlife and bright
16 starry skis best enjoyed around the fire pit.
17 There is a caring family life
18 relationship here that was irrefutably proven as
19 we pulled together, rebuilt and repaired after the
20 2010 tornado, 2013 flooding, and this winter's
21 many blizzards.
22 This LLC CAFO in no way represents or
23 protects our way of life in this mixed use farming
24 community. We are a neighborhood and a close knit

1 community intermingled with family farms, hunting
2 preserves, fishing holes, meadows and other
3 national treasures.
4 We are not an industrial park.
5 The proposed facility is most
6 definitely not consistent with the community
7 growth, tourism, recreation or economic
8 development of this local and treasured green
9 space.
10 This proposal did not even close --
11 does not even come close to meeting criteria eight
12 guidelines in my opinion.
13 In conclusion, I think Theodore
14 Roosevelt said it best. Here is your country,
15 cherish these natural wonders, cherish the natural
16 sources, cherish the history and romance as a
17 sacrad heritage for your children and your
18 children's children. Do not let selfish men or
19 greedy interests skin your country of its beauty,
20 its riches or its romance.
21 Thank you.
22 HEARING OFFICER FRANK: Are there
23 questions for this witness?
24 Any questions?

1 KATE HAGENBUCH: Kate Hagenbuch,
2 H-A-G-E-N-B-U-C-H.
3 Short and sweet, if this was a farm
4 -- family farm from this community, born and
5 raised in here for several generations, would we
6 all be sitting here tonight?
7 JAMIE CASOLARI: I was under the
8 impression that Nicolas Rippel was from this area
9 for several generations.
10 I don't have a problem with him being
11 from the area.
12 I have a problem with the type of
13 facility. The area that it's going to be
14 located -- I live directly across Route 18. Where
15 we walk and exercise and ride our bikes and stuff
16 would be right going in front of the factory.
17 I don't -- in my opinion, I don't
18 want to do that.
19 I am entitled to my opinion just like
20 you are entitled to yours.
21 KATE HAGENBUCH: I appreciate that.
22 Yeah, I guess I am asking if it was,
23 say, this other gentleman -- I forget his name off
24 the top of my head -- whose property the farm was

1 going on, if it was him and he was living right
2 there, would that be different to you? Because
3 this is how it is -- he's not owning it, that's my
4 point. If he was the owner and he was there -- I
5 mean I live on my farm and I don't understand I
6 guess what --
7 JAMIE CASOLARI: My problem is with
8 the type of facility they are proposing.
9 KATE HAGENBUCH: Can you answer,
10 because nobody else has been able to answer it,
11 what is a factory farm?
12 AUDIENCE MEMBER: Where they mass
13 produce pigs.
14 KATE HAGENBUCH: I guess I am still
15 waiting for this answer.
16 HEARING OFFICER FRANK: Are there
17 other questions?
18 KATE HAGENBUCH: I have 9600.
19 AUDIENCE MEMBER: Where do you live?
20 KATE HAGENBUCH: Utica.
21 HEARING OFFICER FRANK: The
22 questions are directed up here, please.
23 Are there questions for this witness?
24 Thank you.

1 Thank you.
2 Next we have Rick Casolari.
3 (Sworn in.)
4 RICK CASOLARI: My name is Rick
5 Casolari. I too live about a mile and a half
6 from this proposed facility. I understand that
7 one of the factors considered by the Department
8 of Agriculture is whether the construction of the
9 new livestock facility is consistent with the
10 existing community growth and economic
11 development.
12 Factory farms like proposed Sandy
13 Creek facility decrease the market values of
14 nearby properties.
15 As a result, the proposed Sandy Creek
16 facility is contrary to the existent community
17 growth and economic development.
18 I would now like to present some
19 examples in support of my remarks.
20 First in DeWitt County, Illinois the
21 Board of Review lowered the property assessments
22 for more than 20 people that live within 2 miles
23 of the factory farm's 7400 sows.
24 Property value assessments were

1 lowered by 30 percent for neighbors living within
2 one and a half miles of the facility and
3 10 percent reduction in property assessments from
4 neighbors living within 2 miles of the facility.
5 The fact that DeWitt County lowered
6 assessments for these property values, property
7 owners, was reported in the Journal Star May 1998.
8 Second, in September 2001 in Clark
9 County, Illinois, property tax assessments were
10 lowered for 50 residential homes located near an
11 industry hog farm as follows: 30 percent
12 reduction for homes within one-half mile,
13 25 percent reduction for homes within
14 three-quarters of a mile, 20 percent reduction for
15 homes within one mile and 15 percent within one
16 and a quarter miles. 10 percent within one and a
17 half miles.
18 The fact that Clark County lowered
19 property tax assessments is recorded in the
20 scholarly article written by William J. Wierda
21 entitled The Evidence for Property Devaluation Due
22 To Proximity To CAFOs.
23 Third, in 2012 in Ogle County,
24 Illinois, the property tax assessment was

1 decreased by 12 and a half percent for homes
2 within one-quarter of a mile of a hog farm.
3 In a property tax assessment case it
4 is proper for the local County's Supervisor of
5 Assessments and Board of Review to take into
6 account information about the assessments of
7 similar properties near factory farms.
8 The time limits imposed tonight only
9 give me time to present these three examples, but
10 these three examples from Illinois demonstrate
11 that hog facilities like the proposed Sandy Creek
12 facility decrease the values of neighboring
13 properties.
14 The Sandy Creek hog facility is not
15 consistent with community growth in and out of the
16 community. It is the opposite. It will have a
17 negative effect on the economic development in
18 Evans Township in Marshall County.
19 Thank you for your consideration.
20 I do have three articles marked as
21 exhibits to present as part of the record of this
22 proceeding.
23 HEARING OFFICER FRANK: Thank you.
24 Are there questions for this witness?

1 I see none.
2 Thank you.
3 Next up we have Isaiah Roberts.
4 (Sworn in.)
5 HEARING OFFICER FRANK: State your
6 name.
7 ISAIAH ROBERTS: Isaiah Roberts.
8 First name I-S-A-I-A-H, last name Roberts,
9 R-O-B-E-R-T-S.
10 Well, to start off, I am a resident
11 of Sandy Creek. I have lived there my entire
12 life. So have my siblings and family. With all
13 of my siblings taking off, one of the reasons why
14 we still own the house is one day I would like to
15 purchase it and plan to live there and raise my
16 own family and I have loved it.
17 The eighth factor relevant to the
18 Department of Agriculture is the one that I would
19 like to talk to you about tonight, which has to
20 deal with the community growth and economic
21 development.
22 The reason I bring this up is in
23 light of the current epidemic of Porcine Epidemic
24 Diarrhea, PED, which if you remember was mentioned

1 earlier in some conversations.

2 The things that I bring forth are in

3 a recent report issued in just November of 2013 by

4 the American Association of Swine Veterinarians it

5 reports that PED is a viral disease which quoting,

6 "results in outbreaks of severe diarrhea,

7 vomiting, high morbidity, often 100 percent, and

8 variable mortality as high as 100 percent in young

9 pigs."

10 The United States Department of

11 Agriculture Center of Veterinary Biologists Notice

12 Number 14-02 states that PEDV is the most serious

13 in neonatal piglets where morbidity and mortality

14 can be 80 to 100 percent.

15 The United States DA confirmed PED in

16 an Iowa swine herd on May 17, 2013. At least 211

17 cases of PED been reported in Illinois.

18 According to the American Association

19 of Swine Veterinarians, the number of states

20 reported to the National Animal Health Laboratory

21 Network as having at least one confirmed case of

22 PED now stands at 28.

23 We are aware, however, that cases

24 have also been diagnosed in Vermont and Virginia,

1 bringing the actual state count to 30.
2 This is an undate made on April 9,
3 2014, reporting results for the week of March 30,
4 2014.
5 This means that a deadly and highly
6 infectious virus has spread from one state in
7 May of 2013 to 30 states by March of 2014. A
8 period of less than just one year.
9 With morbidity and mortality rates as
10 high as 80 to 100 percent it means that almost all
11 of the pigs at a facility can be killed by this
12 virus.
13 According to the American Association
14 of Swine Veterinarians research has identified
15 transportation and points of swine concentration
16 to be the key sites of virus contamination. The
17 American Association of Swine Veterinarians also
18 maintains spreadsheet to highlight animal movement
19 regulations implemented by some states relative to
20 PED exposure.
21 Information about Sandy Creek
22 facility distributed by VMC states there will be
23 two weaner pig deliveries a week and one cull sow
24 delivery per week. This means there is continuous

1 transportation of pigs associated with this
2 facility.
3 As noted by the American Association
4 of Swine Veterinarians, transportation is a key
5 site of the PED contamination.
6 I do have these documents which I
7 will be entering into evidence for the record.
8 HEARING OFFICER FRANK: Thank you.
9 Are there questions for this witness?
10 MIKE HAAG: Mike Haag, H-A-A-G.
11 Does PEDV have any relevance to humans at all?
12 ISAIAH ROBERTS: To humans, no it
13 does not.
14 MIKE HAAG: So what difference does
15 this testimony mean?
16 ISAIAH ROBERTS: The reason why I
17 bring this up is because there are residents in
18 our area within us that do currently have hogs,
19 that would like to start hogs. I mean, I know
20 that our home place we have at one point in time.
21 But also I bring this up, like I said, for the
22 eighth point which is considered relevant to the
23 Department of Agriculture due to the economic
24 sustainability of this facility with the recent

1 increase, just hoping that with them raising
2 neonatal piglets, with there being transportation
3 just, if a facility like this, if it was to
4 close, just the economic effect that building it
5 and closing would have.
6 MIKE HAAG: It only affects these
7 facilities for about two weeks and then they go
8 back to full production.
9 ISAIAH ROBERTS: That's great.
10 MIKE HAAG: It should not shut down
11 a facility.
12 ISAIAH ROBERTS: I didn't say that
13 it will shut down. I do think it has an economic
14 effect.
15 HEARING OFFICER FRANK: Questions?
16 LEVI HARMS: Levi Harms, H-A-R-M-S.
17 Do you realize you don't need these hogs coming
18 into this area to get PEDV? You can have it on
19 you right now.
20 ISAIAH ROBERTS: Yes.
21 LEVI HARMS: Just making sure you
22 understood that.
23 ISAIAH ROBERTS: Yes.
24 HEARING OFFICER FRANK: Other

1 questions? I see none.
2 Thank you.
3 ISAIAH ROBERTS: Thank you very
4 much.
5 HEARING OFFICER FRANK: Next we have
6 Mark Durham.
7 (Sworn in.)
8 HEARING OFFICER FRANK: State your
9 name.
10 MARK DURHAM: My name is Mark
11 D-U-R-H-A-M.
12 I'll cut this short. I have got some
13 facts here that I want to enter into about the
14 quality of Sandy Creek. Speaking on behalf of the
15 voice -- the ecosystem called the Big Sandy Creek,
16 the following information was provided from the
17 IDNR Division of Fisheries.
18 They conducted six fish survey
19 studies on Big Sandy between 1991 and 2006.
20 I personally took part in several of
21 these surveys.
22 The data composite is as follows:
23 Forty-five fish types were found, of which 40
24 native species were identified and one nonnative.

1 I bet you can guess. European carp. Not
2 surprisingly.
3 The most comparable streams in
4 Illinois would have -- they found 40 native
5 species. Most streams that compare to Big Sandy
6 would probably have 20 to 25 species in them,
7 native species. The stream has been given an IBI
8 rating of 59. A rating of 60 being excellent.
9 According to the IDNR biologist I spoke with, most
10 streams in Illinois comparable to this size of Big
11 Sandy would rate an IBI score of 40 to 50. So
12 having 40 native species is absolutely incredible.
13 I am quoting Karen, IDNR fish
14 biologist. Five of the 40 native fish found in
15 the survey were considered positive indicator
16 species that have been listed on the DNR's
17 Illinois Comprehensive Wildlife Conservation Plan
18 and Strategy as species in the greatest need of
19 conservation.
20 You can think of them as the
21 proverbial canary in the coal mine. These fish
22 only thrive and survive in exceptionally clean,
23 clear environmental conditionings with proper
24 gradiant flow, quality rock and sandy stream body

1 composition and overhead covering provide a cool
2 water temperature. All of these features exist on
3 Big Sandy and are conducive to the optimum quality
4 and environment of the fish's ultimate survival.
5 Tilt the stream's delicate dome a
6 slight amount, even say something like too much
7 hog manure in the water, and many of these fish
8 species would likely be sick and could die. We
9 have seen in many cases around -- as we have seen
10 in many cases around the state and country.
11 We fear some of these fish could
12 vanish in the areas of Big Sandy altogether,
13 depending the severity and duration of the
14 contamination.
15 We are most worried about runoff and
16 the ground contamination and the field tile
17 leaching into the Big Sandy.
18 One of the most important species on
19 the list and on the species of greatest need of
20 conservation and most important to our local
21 recreation is the small mouth bass. Its survival
22 and habitat protection has been a lifelong crusade
23 of mine and whose cause is most near and dear to
24 my heart because of fisherman.

1 I am a longtime member of the
2 Illinois Spawn Bass Alliance. We held our
3 Illinois meeting -- first Illinois meeting fishing
4 Big Sandy many years ago. Today our Illinois
5 chapter has hundreds of members who oppose this
6 hog factory.
7 Thank you for your time.
8 HEARING OFFICER FRANK: Are there
9 questions for this witness?
10 MARK DURHAM: One more comment.
11 Save our Sandy.
12 HEARING OFFICER FRANK: Thank you
13 very much.
14 Next up is Dennis Fitzgerald.
15 DENNIS FITZGERALD: I am going to
16 pass. I am not feeling well.
17 HEARING OFFICER FRANK: Okay. Thank
18 you. Diane Fitzgerald.
19 (Sworn in.)
20 HEARING OFFICER FRANK: State your
21 name.
22 DIANE FITZGERALD: I am Diane
23 Fitzgerald, F-I-T-Z-G-E-R-A-L-D. I'll try to
24 keep this brief because we have been here a long

1 time and I think most of these -- what I am going
2 to address has already been addressed. I would
3 just like to add to it in reference to number
4 eight.
5 My family, myself, my husband and
6 daughter, live just north of Mike Salz, northeast.
7 My great grandparents farmed to the north in
8 Dimmitt Township, so farming is close to my heart.
9 When we moved here we were seeking a
10 return to rural life. Rural life as most people
11 think of it, or I thought they did.
12 The Salz family, Millie, Wilford and
13 Mike, had cattle when we moved here. And we
14 expected a family farm operation and we enjoyed
15 the pastural sights, the sounds and even the
16 smells. We expected and had rural scenic bliss.
17 Every family walk or bike ride to
18 Sandy Creek was a wildlife sighting adventure that
19 never disappointed. My daughter and her friends
20 could have campout sleepovers in the yard. They
21 might hear an owl at night, they might here
22 cattle.
23 We had family farms, not factories
24 around us.

1 I believe we are losing rural America
2 as we know it and cherish it and as many of us
3 remember it.
4 I realize some of us here are not old
5 enough to remember what it was like. For those of
6 us that are older, could you imagine taking your
7 children or your grandchildren to a facility as
8 the proposed one is? I can't imagine. It is
9 nothing like your grandparent's farm. It is no
10 place for a child to build memories.
11 I am not sure it would even be safe,
12 so I kind of had some reservations about some of
13 the pictures that were presented earlier with the
14 children on this farm.
15 I don't think we really addressed
16 MRSA this evening and there are -- I don't have
17 any statistics with me but it seems to be a
18 current concern.
19 I'll wrap this up. I think simply
20 God in his infinite wisdom gifted each of you with
21 a nose to help you safeguard yourself on a
22 personal and basic level. It helps you to gauge
23 what is probably safe and what is probably not.
24 And I think we should follow our noses.

1 I am sorry, I believe this proposed
2 site is a factory and not a farm and I think it's
3 inconsistent with the area and the quality of life
4 we have come to know.
5 Clean air and a clean, healthy
6 environment should not be infringed upon.
7 Thank you.
8 HEARING OFFICER FRANK: Questions
9 for this witness? I see none.
10 Thank you very much.
11 Next we have Ellen Sinco.
12 ELLEN SINCO: I am passing.
13 HEARING OFFICER FRANK: Ellen
14 passes.
15 Lois Steil.
16 (Sworn in.)
17 HEARING OFFICER FRANK: State and
18 spell your name.
19 LOIS STEIL: My name is Lois Steil,
20 S-T-E-I-L. I reside at 2621 County Road 1250
21 North, Magnolia.
22 I have lived in the area for many
23 years. I am concerned that flooding from Sandy
24 Creek might have a negative effect on the proposed

1 facility and the surrounding environment. Just
2 last year Sandy Creek flooded and the floodwaters
3 approached the land where the facility is proposed
4 to be built.
5 I have a photograph showing last
6 year's flooding in the area of the proposed hog
7 facility and I would like it marked as a hearing
8 exhibit.
9 Thank you.
10 HEARING OFFICER FRANK: Thank you.
11 Are there questions for this witness? I see
12 none.
13 Thank you. I'll take that in the
14 next session here.
15 LOIS STEIL: Okay.
16 HEARING OFFICER FRANK: Next we have
17 Fred Hartenbower.
18 FRED HARTENBOWER: I have a written
19 statement to give. Nothing now.
20 HEARING OFFICER FRANK: All right.
21 Thank you.
22 Jared Olesen.
23 (Sworn in.)
24 HEARING OFFICER FRANK: State your

1 name.

2 JARED OLESEN: I'm Dr. Jared Olesen,

3 O-L-E-S-E-N. I live in Tonica.

4 The United States CDC, the Center for

5 Disease Control, says that nearly 100,000 people

6 have been hospitalized, 18,000 people have now

7 been killed annually from skin infections

8 resistant to all antibiotics, commonly referred to

9 as MRSA.

10 The rise in infections has been so

11 sudden that MRSA has been studied exhaustively

12 during the last four years.

13 The conclusions of these studies are

14 inescapable. Concentrated animal feeding

15 operations, CAFOs, are driving -- are one of the

16 primary drivers of the MRSA epidemic in the United

17 States.

18 While hog farming has a rich history

19 in the midwest, CAFOs are a fundamentally new

20 thing showing up around the country throughout the

21 late 1970s and '80s and especially during the late

22 1990s.

23 Coincidentally rates of MRSA in the

24 United States begin to rise shortly thereafter.

1 Last year a study published in the
2 Journal of American Medical Association found the
3 highest likelihood of MRSA infection was found in
4 population near fields where hog sewage was
5 applied.
6 In other words, the closer you are to
7 hog slurry fields the more MRSA you see.
8 As I understand it, pumping of hog
9 sewage on the surrounding fields is precisely the
10 plan here.
11 In separate studies the Journal of
12 the American Medical Association finds that
13 airborne MRSA is yet another serious risk. It can
14 get into the air in hospitals or it can be
15 aerosolized from fields with slurry on them.
16 Does this community really want the
17 source of airborne MRSA near a cookie factory or
18 ravioli factory?
19 Resent studies find that over
20 20 percent and up to 45 percent of farm workers
21 are MRSA carriers. The rates of MRSA within one
22 mile nearly triple.
23 So when farm workers or nearby
24 residents get MRSA where do you think they go? IV

1 Hospital, Ottawa, Bloomington, Peoria.
2 A 2010 study found MRSA is mainly
3 spread in population centers by patients coming
4 into contact with other patients in hospitals.
5 It's how MRSA comes to town.
6 You ask the promoters of these
7 facilities about MRSA and they say we only use
8 antibiotics when absolutely necessary or when we
9 have a veterinarian on hand to manage the hog's
10 health. We are at a point now where those efforts
11 offer little help. The problem is that MRSA
12 evolved in livestock, it jumped to humans, mutated
13 there to spread more easily in the human
14 population and then jumped back to livestock.
15 This means the hogs are now getting it from nearby
16 humans. The CAFOS act like amplifiers for the
17 existing MRSA in the surrounding communities,
18 making it more likely you will end up with a batch
19 of sick workers or residents in your hospitals.
20 We don't need an amplifier for deadly
21 bacteria in our communities, and I strongly
22 encourage the Board and Department to deny Sandy
23 Creek Land Commission to operate here.
24 I do have a document to submit.

1 HEARING OFFICER FRANK: Are there
2 questions for this witness?
3 DEB CLANIN: My name is Deb Clanin.
4 You had mentioned -- you mentioned the two
5 factories that we currently have here in Marshall
6 County. Both factories, as we all know, employ a
7 total of 800 people. With the air pollution,
8 what will that do to these factories, to the food
9 and the cookies that are produced at these
10 factories?
11 JARED OLESEN: I can't speak in
12 certainties. I only speak to the increase of
13 risk. I do know the risk is substantial.
14 DEB CLANIN: Will this affect people
15 with current health conditions that live out
16 there?
17 JARED OLESEN: MRSA is a
18 particularly high risk for people with
19 compromised immune systems.
20 DEB CLANIN: Thank you.
21 HEARING OFFICER FRANK: Other
22 questions?
23 JOSH MERDIAN: My name is Josh
24 Merdian, M-E-R-D-I-A-N.

1 Can you please tell us how many cases
2 of MRSA have transferred from livestock to humans?
3 JARED OLESEN: Have transferred from
4 livestock?
5 JOSH MERDIAN: Correct.
6 JARED OLESEN: The number? You want
7 a specific number?
8 JOSH MERDIAN: The number.
9 JARED OLESEN: Really?
10 JOSH MERDIAN: Yes.
11 DAWN RIPPEL: Are there documented
12 cases around here?
13 JARED OLESEN: Absolutely.
14 DAWN RIPPEL: How many?
15 JARED OLESEN: You want a specific
16 number of cases?
17 DAWN RIPPEL: If you tell us there
18 are some, yes. I don't know so I would like to
19 know.
20 JARED OLESEN: Look, this is a
21 classic intimidation tactic by people like --
22 DAWN RIPPEL: I am not trying to.
23 JARED OLESEN: Asking me for a
24 specific number? You know what, I can guarantee

1 you there will be probably three or four more
2 tonight.
3 Do you want me to count per second?
4 HEARING OFFICER FRANK: Mr. Olesen,
5 just say you don't know.
6 JARED OLESEN: I do not know.
7 HEARING OFFICER FRANK: Any other
8 questions?
9 Way over there.
10 DAWN RIPPEL: Can you be a carrier
11 of MRSA without getting MRSA?
12 JARED OLESEN: Absolutely.
13 DAWN RIPPEL: Can you get MRSA from
14 person to person?
15 JARED OLESEN: Absolutely.
16 DAWN RIPPEL: Is MRSA high in
17 nursing homes?
18 JARED OLESEN: Yes.
19 DAWN RIPPEL: Is MRSA high in
20 hospitals?
21 JARED OLESEN: Absolutely.
22 DAWN RIPPEL: So is MRSA currently
23 in the air here?
24 JARED OLESEN: Now that I don't

1 know.

2 DAWN RIPPEL: Son of a gun, it is

3 because I may be a carrier and you don't know it.

4 Could that be true?

5 JARED OLESEN: Absolutely that's

6 true.

7 DAWN RIPPEL: There could be MRSA

8 here and there are no hogs, correct?

9 JARED OLESEN: I told you that CAFOs

10 act as amplifiers.

11 DAWN RIPPEL: Can you tell me what

12 CAFO is?

13 JARED OLESEN: Concentrated animal

14 feeding operation.

15 DAWN RIPPEL: Which is what?

16 Because I thought we were talking

17 about a hog farm made up of farmers.

18 JARED OLESEN: Oh, please.

19 DAWN RIPPEL: Son of a gun, I really

20 did.

21 So because you guys coined off the

22 internet CAFO, but Sandy Creek LLC is saying it is

23 a farm. So go back --

24 JARED OLESEN: Would you say that

1 12,000 hogs in three buildings is concentrated?
2 DAWN RIPPEL: I would say they are
3 confined.
4 How many cookies do we make in the
5 cookie factory? How many --
6 HEARING OFFICER FRANK: Folks, we
7 are getting a little off track here.
8 DAWN RIPPEL: To be clear, I can get
9 MRSA from somebody in here?
10 JARED OLESEN: Absolutely.
11 DAWN RIPPEL: Okay.
12 HEARING OFFICER FRANK: Any other
13 questions?
14 Excuse me, ma'am, I don't believe you
15 stated your name.
16 DAWN RIPPEL: Dawn Rippel.
17 HEARING OFFICER FRANK: Thank you.
18 Other questions? I see none.
19 Thank you.
20 Next we have Mike Haag.
21 (Sworn in.)
22 HEARING OFFICER FRANK: State your
23 name and spell your last name.
24 MIKE HAAG: Mike Haag, H-A-A-G.

1 It's been a long night. I guess I feel really
2 privileged to be able to stand before you today
3 because I have been pretty much born and raised
4 right in a hog farm. I take it quite personal to
5 see these kind of criticisms. We have 1200 sows
6 in Livingston County. I am the third generation
7 brought up on this farm. About 100 feet from the
8 closest hogs we have picnics, we have parties.
9 It is amazing but we have lived through it. My
10 daughters -- I wish they were here but they had
11 to go to church tonight. They are supposed to
12 serve. My daughters love to tell the story.
13 They love to talk to people and talk about modern
14 ag and talk about the story of the modern swine
15 farm and how it's evolved over the years. My
16 oldest daughter is graduating high school this
17 year, valedictorian, 4.2 grade point average on a
18 4 point scale. And her goal is to be in ag
19 education and be an ag literacy coordinator and
20 tell the story of agriculture, tell the story of
21 modern ag. I look forward to her doing that.
22 Anyway, I will go on.
23 I am here as a board member of the
24 Illinois Pork Producers. I got involved in this

1 organization because I like to tell my story and I
2 like to talk about pork producers. I think we are
3 one of the best group of people in the United
4 States.
5 I would like to offer these comments
6 in support of proposed Sandy Creek farm.
7 The pork industry has undergone
8 enormous changes over the last few years. I have
9 actually talked to legislators and I asked them
10 what a large hog farm is and what a mega farm is,
11 what a factory farm is. I've had people tell me
12 it is people that raise large quantities of
13 animals.
14 Everybody else is broke. There was
15 no other way to survive in the last 20 years than
16 to adapt and overcome and modernize our farms and
17 improve technology to raise good quality, safe,
18 consistent pork for consumers like myself and you.
19 This proposed farm is an example of
20 one of the ways that we are adapting to survive.
21 Small farmers go together and build a
22 large farm so they can compete with other large
23 farms.
24 My comments I guess are specifically

1 I am too -- pork producers are very much aware
2 that the environment that we live in -- it's where
3 I raise my family, we fish on our creek, we still
4 do. Amazing since we have had hogs there since
5 the early 1970s. This farm has met all of the
6 guidelines of the Illinois EPA. Much better than
7 when things were done 30 years ago. There was no
8 guidelines. People just did it by the way they
9 did it.
10 I know I got off topic a little bit
11 but I would like to urge the Marshall County Board
12 and the Department of Agriculture to approve this
13 hog farm. And thank you for the opportunity. I
14 will recognize any questions.
15 HEARING OFFICER FRANK: Questions
16 for this witness?
17 DAWN RIPPEL: Mike, do you sit on a
18 council or do you work with the diocese in any
19 way?
20 MIKE HAAG: The Catholic diocese?
21 DAWN RIPPEL: Yes.
22 MIKE HAAG: Yes, I am on the
23 rural -- the farmers group for the diocese of
24 Peoria, yes.

1 DAWN RIPPEL: What does that
2 involve?
3 MIKE HAAG: We have been trying to
4 figure ways to bringing more church and more God,
5 more religious aspects to all of agriculture and
6 include them within the diocese.
7 DAWN RIPPEL: Thank you.
8 MARSELLA MYERS: Marsella Myers.
9 I notice there has been a little
10 group here that is here to chastise the one that's
11 got testimony here. I disagree with that tactic.
12 And you are -- I assume that you are here for the
13 hog farm. And you say you have a creek or
14 something that you fish in. How far is that from
15 your farm? Is it just 100 feet from the Sandy
16 Creek like it is with this development?
17 MIKE HAAG: The farm where my dad
18 lives is probably 150 foot downstream from
19 where -- yes, he lives there and the hog farm is
20 about 200 feet from there and the creek is about
21 another 200 feet down and another one half mile
22 between us.
23 MARSELLA MYERS: So you are saying
24 that it is a lot farther away than Sandy Creek is

1 to this facility?
2 MIKE HAAG: We have a zero tolerance
3 for discharge so it doesn't matter how far away
4 it is. If there is a zero discharge there is a
5 zero discharge.
6 HEARING OFFICER FRANK: Other
7 questions?
8 MR. GENTERT: Yes. You guys keep
9 saying zero discharge. Is there any of these --
10 I call them hog factories -- has there been
11 discharge or citation from the EPA on any of them
12 through let's say the United States?
13 HEARING OFFICER FRANK: State your
14 name.
15 MR. GENTERT: Charles Gentert.
16 Has there been an EPA citing -- has
17 there been citations given through the United
18 States on -- you say zero discharge but --
19 MIKE HAAG: If there is a discharge
20 there is a penalty.
21 MR. GENTERT: But you guys keep on
22 asking for facts.
23 How many citations has there been?
24 MIKE HAAG: We would have to get the

1 EPA here. I can't tell you. If there is a
2 discharge --
3 MR. GENTERT: The point I am getting
4 at, I mean these are just common people, they
5 ain't stupid, trying to do research on their
6 thing. Some of them are well educated but they
7 go and read books on the internet, get the -- you
8 guys sit up here and try to intimidate them.
9 HEARING OFFICER FRANK: Sir, do you
10 have a question?
11 MR. GENTERT: No, sorry. Thank you
12 for your time.
13 MIKE HAAG: I am not trying to
14 intimidate anybody. Just telling my story.
15 LESLIE SMITH: I have a question.
16 You said -- how many head of swine did you say
17 you had at your facility?
18 MIKE HAAG: 1200 sows on my farm.
19 It was built in the early seventies.
20 LESLIE SMITH: Okay. That's getting
21 to my question. You know, it has been brought up
22 here that there is no difference between you, a
23 very small farmer, and the operation that is
24 going to be going in in Marshall County here, but

1 I don't know, you know, people have made comments
2 about the word CAFO. Do you know what the
3 definition of a CAFO is? A large CAFO?
4 MIKE HAAG: Large CAFO is 5,000
5 animal units I believe.
6 LESLIE SMITH: Okay. And is the
7 facility that's going -- well, actually no, it's
8 not. It is over 2500. This facility has over
9 2500 animal units, so it is considered a large
10 CAFO for anyone who is wondering.
11 There are not many criteria to figure
12 out what a large CAFO is. It is pretty much if
13 you have over 2500 animal units and you are
14 confined.
15 So do you think there is no
16 difference between you having 1200 sows, which
17 isn't a large CAFO, than someone having as they
18 say 5600 sows, which is a large CAFO?
19 I mean that's a -- I mean that's like
20 saying I have one dog or I have, you know, 15
21 dogs. Like there is a big difference between 1200
22 sows and 5600 sows also.
23 MIKE HAAG: It is more modern. Yes,
24 it is a larger operation. Ours was considered

1 huge when we were built in the 1970s. I mean
2 today I would not consider it -- as long as the
3 people that are operating this are doing what is
4 right and they are building things by the
5 standards, they are handling the nutrients from
6 these animals and applying it back to the
7 cropland, I don't believe there is any
8 difference, no.
9 LESLIE SMITH: Right -- and that's
10 the problem I think.
11 MIKE HAAG: It is all in the
12 management and who is doing it.
13 LESLIE SMITH: We don't get to see
14 those plans until it is built. How do we know
15 that they are doing it right?
16 MIKE HAAG: I think you did get to
17 go visit other facilities where they were in
18 operation and you did see how they were doing it
19 there. I mean you did get to go there.
20 LESLIE SMITH: A group did go there,
21 but that doesn't mean that's how this facility is
22 going to be run.
23 MIKE HAAG: I don't think -- in any
24 business in the United States right now, anybody

1 that is not doing things right does not expand
2 and grow. I don't know anybody that is
3 consistently doing things wrong that gets to
4 continue building and going on.
5 LESLIE SMITH: Well, there are a lot
6 of problems with these facilities and a lot of
7 them do have spills and ruin -- Panther Creek I
8 believe just had a big spill into it. And they
9 are still going and building them. So --
10 MIKE HAAG: I bet that one isn't.
11 HEARING OFFICER FRANK: Other
12 questions?
13 JEFF PETERSON: Jeff Peterson. You
14 keep saying zero discharge.
15 Most of Mike's fields are all grid
16 tiled. Grid tiling is designed to take water away
17 fast. So if you knife this manure in and you get
18 a good rainstorm, where is that going to go?
19 You can't tell me some of it ain't
20 going to make it through the tile on the creek.
21 MIKE HAAG: I am not an agronomist,
22 but it is filtered. It is filtered.
23 JEFF PETERSON: Filtered where? If
24 it is knifed in it is going through --

1 MIKE HAAG: Filtered through the
2 feet of soil before it gets to that tile.
3 It is applied 6 to 8 inches deep and
4 it has got to go down 4 or 5 feet to get to that
5 tile. And it is filtered. And actually, like I
6 said I had am not an agronomist, but hog manure or
7 hog waste nutrients actually bind with the soil --
8 JEFF PETERSON: How can you
9 guarantee zero discharge?
10 MIKE HAAG: A discharge is an
11 intentional release.
12 JEFF PETERSON: Okay. How can you
13 tell me it is not going to --
14 MIKE HAAG: It is a release that
15 is -- it is different than application. You are
16 talking about application. That is not a
17 discharge.
18 JEFF PETERSON: Okay. So after it
19 is applicated, where is it going to go?
20 MIKE HAAG: It is going to stay in
21 the soil just like any fertilizer.
22 JEFF PETERSON: In a grid tile field
23 that is designed to get rid of the water as fast
24 as you can, if you get heavy rain right after an

1 application nothing is going to make it into the
2 tile in the grid?
3 MIKE HAAG: No more than any
4 fertilizer. I mean it is the same as any other
5 fertilizer. I mean all fertilizer -- this is the
6 problem with all commercial fertilizer too, there
7 is some leaching from all commercial fertilizers.
8 HEARING OFFICER FRANK: Further
9 questions?
10 STEVE CLANIN: Steve Clanin.
11 I think it was Miss Rippel who
12 brought up the diocese, the Catholic Church. You
13 also mentioned it.
14 Are you aware of the National
15 Catholic Rural Life Conference and their stand on
16 CAFOs?
17 MIKE HAAG: I realize they have a
18 stance on it, yes.
19 STEVE CLANIN: They do. I have it
20 right here and I will enter it.
21 MIKE HAAG: That's fine.
22 STEVE CLANIN: They have a -- this
23 one is a document labeled Environmental and
24 Health Problems in Livestock Production.

1 HEARING OFFICER FRANK: Do you have
2 a question for the witness?
3 STEVE CLANIN: Yes. I was just
4 asking him -- he's invoking the church, I was
5 asking if he is aware of the Catholic Church's
6 position on CAFOs, yes or no?
7 MIKE HAAG: No, I was not aware of
8 it.
9 STEVE CLANIN: I'll give you a copy.
10 HEARING OFFICER FRANK: Other
11 questions?
12 MARK DURHAM: Mark Durham.
13 One question about your facility.
14 How does it compare construction wise to what they
15 are proposing to build out here? As far as your
16 waste management handling, are you using open pits
17 or do you have like a bladder system underneath
18 your --
19 MIKE HAAG: We have lagoons.
20 MARK DURHAM: You have open lagoons?
21 MIKE HAAG: Yes.
22 MARK DURHAM: Is there like a
23 bladder system in those or open to the air?
24 MIKE HAAG: Clay. No, clay.

1 MARK DURHAM: Clay lined?
2 MIKE HAAG: Yes.
3 MARK DURHAM: Okay. Thank you.
4 MIKE HAAG: The technology has been
5 way ahead of that. We have really improved I
6 think.
7 HEARING OFFICER FRANK: Thank you
8 very much.
9 Next we have Jennifer Peterson.
10 JENNIFER PETERSON: I pass. Thank
11 you.
12 HEARING OFFICER FRANK: Jennifer
13 Peterson passes.
14 Jamie Janssen.
15 JAMIE JANSSEN: Pass.
16 HEARING OFFICER FRANK: Miss Janssen
17 passes.
18 Jan Bakewell?
19 JAN BAKEWELL: Pass.
20 HEARING OFFICER FRANK: Jan Bakewell
21 passes.
22 Brad Lindstrom?
23 (Sworn in.)
24 BRAD LINDSTROM: I just have a

1 couple of quick comments. They might blend into
2 one big one.
3 I think in the proposed hog farm here
4 of Sandy Creek, LLC --
5 HEARING OFFICER FRANK: Excuse me,
6 did you state your name?
7 BRAD LINDSTROM: Brad Lindstrom.
8 I think in the proposed hog farm here
9 of Sandy Creek, LLC some developers may have
10 overseen something of a relatively small but
11 pretty tight community you see here along the
12 Sandy Creek. I would say this is not some
13 drainage ditch or rural stream that we might drain
14 tile into. There is a community that hunts and
15 fishes and camps. And I live just north of there.
16 I am a farmer in the community and I am also a
17 Marshall County Board member. I want to make sure
18 I am speaking for my crazy self, not for the rest
19 of the Board.
20 But these people's concerns are real.
21 And I want to direct this to a lot of my friends
22 in agriculture.
23 These are not, you know, crazy nut
24 jobs. This isn't PETA, this isn't the Human

1 Society. These are my neighbors and friends. I
2 would like people to listen to them and understand
3 they have real concerns here. They don't want
4 their life to change overnight. They are worried
5 it will.
6 I grew up on a hog farm. We raised
7 hogs until I was 13, until my dad got smart enough
8 to realize we were going broke doing it and
9 haven't done it since.
10 Some of you have obviously really
11 thrived doing it and that's great.
12 I have this very crazy idea that we
13 can coexist. I really do.
14 But I think in this heart of hearts,
15 when we look at this -- and Nicolas went to some
16 real length and expense to site this thing -- I
17 really think all in all this is a poor choice of
18 siting. I just think it is too close to a very
19 sensitive area full of people who love it. I
20 think you could find a better spot.
21 If we left tomorrow and went on a
22 tour of the county we could probably find a dozen
23 spots that would be better suited for raising hogs
24 farther away from streams, closer to state

1 highways. It would cause fewer problems with the
2 locals along the creek. Cause fewer problems for
3 the hog farm when people come back and say you
4 damage my road. We are an all weather road,
5 that's not a problem.
6 You are going to pollute the stream.
7 I am 5 miles away, not a problem.
8 Seems as though in ag we have this
9 idea, especially with hogs, it is hogs anywhere,
10 anytime, anyhow. And when push comes to shove,
11 most of our neighbors who live in the country now
12 aren't farmers. They are rural residents who
13 maybe come from a farm background generations ago
14 but they are not farmers anymore.
15 I think we need to learn to work with
16 them a little bit. I really do. Because it is
17 going to go a lot farther for us. Because our
18 numbers are tingling. Everyone in ag knows that.
19 That's why these farms are so big. There is a
20 fraction of us. There used to be just as many
21 hogs raised, they were just raised in little spots
22 all over the place. Well, now they are in
23 confined areas.
24 I like hog farming. I like how hogs

1 taste. I like how they eat my corn. I like that
2 part.
3 What I want is to make sure their
4 wishes are met, they don't feel like it is being
5 forced on them. And the hog farm has rights too
6 and they can raise their hogs. This can happen.
7 Both people can get their way here. I know I
8 sound like a politician but I really mean that.
9 HEARING OFFICER FRANK: Are there
10 questions for this gentleman?
11 I see none.
12 BRAD LINDSTROM: Thank you.
13 HEARING OFFICER FRANK: Next we have
14 Chris Golden.
15 (Sworn in.)
16 CHRIS GOLDEN: My name is Chris
17 Golden, C-H-R-I-S, G-O-L-D-E-N.
18 I am a member of the Executive
19 Committee of the Heart of Illinois group of the
20 Sierra Club.
21 Our group's comment is as follows:
22 To members of the Illinois Department of
23 Agriculture, Heart of Illinois Group Sierra Club
24 is the local area group for the nationwide

1 environmental organization Sierra Club. Our motto
2 is to protect the environment for our families and
3 for our future.
4 We stand with the citizens in
5 Marshall and LaSalle Counties and surrounding
6 areas who oppose the proposed Sandy Creek Lane,
7 LLC factory hog operation.
8 Heart of Illinois Group Sierra Club
9 has over 900 members in central Illinois,
10 including members in Marshall and LaSalle
11 Counties, and we are concerned about the long-term
12 harm to public health, to surface and groundwater
13 and to air quality from this project.
14 We ask the Illinois Department of
15 Agriculture to deny approval for the Sandy Creek
16 Lane, LLC.
17 This large confined animal feeding
18 operation is too great of a risk to the area
19 environment. We have serious concerns regarding
20 land application of the huge amount of animal
21 waste from this proposed factory.
22 We do not see adequate regulation and
23 enforcement of land application of animal factory
24 manure by any of our state agencies.

1 Land application should not be
2 approved as the only manure disposal for a
3 facility with what appears to be well over 20,000
4 animals.
5 There is a clear danger to Sandy
6 Creek and downstream public use of water from this
7 creek. Sandy Creek discharges into the Illinois
8 River, which is already impaired in downstream
9 sections from animal waste contaminants.
10 Our state and federal governments
11 have spent huge amounts on cleaning up the
12 Illinois River. If the Sandy Creek Lane, LLC
13 animal factory is approved, more pollution will
14 definitely be entering into creek system and
15 Illinois River.
16 Pollutants such as nitrogen,
17 phosphorus, pathogens, heavy metals, hormones,
18 antibiotics from animal waste and ammonia will be
19 added loads to the tributary to the Illinois
20 River.
21 The location of this facility with
22 such clear contamination risk to Sandy Creek must
23 not be approved.
24 This is not an appropriate location

1 for the large confinement facility.
2 There are also serious public health
3 impacts of this proposed animal factory. Ammonia
4 and hydrogen sulfide which are released into the
5 air from animal waste are known causes of
6 breathing problems and upper respiratory system
7 damages to humans. Dust and noxious odors from
8 this facility will happen and cannot be guaranteed
9 to be adequately controlled.
10 We are concerned about the potential
11 spread of antibiotic resistant infections and that
12 workers could be potential carriers of swine
13 influenza strains.
14 Attached to our comment letter is a
15 listing of health risks inherent to living near a
16 confined animal feeding operation and will be
17 submitted for your record.
18 We ask the Illinois Department of
19 Agriculture to deny Sandy Creek Lane, LLC.
20 Sincerely, Joyce Blumenshine, Chair.
21 HEARING OFFICER FRANK: Are there
22 questions for this witness?
23 I see none. Thank you.
24 Next we have Diana Wroczynski.

1 DIANA WROCZYNSKI: Diana Wroczynski,
2 W-R-O-C-Z-Y-N-S-K-I, D-I-A-N-A.
3 (Sworn in.)
4 HEARING OFFICER FRANK: Okay.
5 DIANA WROCZYNSKI: Everybody has
6 said pretty much everything I wanted to say.
7 I am an R.N. I work at Peoria at St.
8 Francis.
9 The health concerns really bother me.
10 But mostly I am kind of representing our family
11 because we have lived out here for a long time. I
12 have been here all of my life. My mom moved here
13 in 1950 and raised seven children on the farm.
14 And I am speaking to number eight that this is
15 going to change the way that we live.
16 We played in the creek all of the
17 time. We still do, our kids do, our grandkids do.
18 Fishing, canoeing, kayaking, swimming. You have
19 heard it all before. It is practically the way of
20 life when you live out here. Hunting for shells
21 and rocks and tadpoles. When we grew up we had
22 neighborhood fish fries and senior skip days down
23 in the timber. Cub Scouts and Boys Scouts camped
24 out. People from the surrounding towns came and

1 built memories. And I don't see how that is going
2 to continue if the creek gets contaminated or even
3 if people just think there is a possibility it
4 will be contaminated.
5 Just we live out here. What you have
6 heard before. We love it. We are out on the
7 roads all of time biking, walking, jogging,
8 running and it is just a great place to live. I
9 don't feel like this is compatible with what we
10 have out here, which is a neighborhood. It is not
11 just a rural area. We are neighbors. We know
12 each other. We do things together. And it will
13 impact our daily life. We have horses, llamas,
14 goats, peacocks. We love animals. We are not
15 anti-animal. I grew up on a farm. We had every
16 kind of animal growing up. We are not against
17 farming.
18 What we are against is the impact on
19 our lives and our health that raising so many
20 animals in small confined areas and their waste
21 products can have on us.
22 That's all.
23 HEARING OFFICER FRANK: Thank you.
24 Are there questions for this witness?

1 I see none. Thank you.
2 Next we have Nic Anderson.
3 (Sworn in.)
4 NIC ANDERSON: Nic Anderson. Thank
5 you, Department of Agriculture, the County Board.
6 And speaking of the County Board, I know it's
7 gotten late, how many County Board members are
8 still here? We have lost a few of them.
9 Hopefully you will take some notes and when this
10 goes -- I am going to add some papers into
11 testimony. I think some of the things Brad
12 Lindstrom brought up -- I got a report from the
13 Department of Agriculture on Notice of Intent to
14 Construct since the initiation of the Act. It
15 breaks it out by species, size. And just in
16 summary -- and I will turn this in for documents
17 that you can secure for the County Board
18 decision.
19 There have been over 17,000 notices
20 filed in the State of Illinois since '96 for
21 animal feeding operations under this Act. There
22 have been 1270 completed.
23 When I do some rough calculations,
24 and I like to be conservative on that, since this

1 Act was enacted there have been over $800 million
2 of infrastructure for Illinois economy through new
3 livestock facilities through the Act. That's
4 besides what is already existing and operating.
5 So I will turn this in as a document.
6 The other thing for the County Board
7 is the 303 D List, Illinois EPA Impaired Waters.
8 Sandy Creek is on that impaired list. We
9 understand municipalities and people live along
10 that creek. A lot of times that creek, the reason
11 we sited there was there was water and there was
12 easy disposal. And I will give you caution, if
13 you read through this document -- you can go right
14 to the EPA's page and pick that up if you want to
15 online -- but for Sandy Creek it is a medium code
16 under EPA under 303. However, it is high in fecal
17 chloroform, phosphorous and dissolved oxygen. And
18 the statement under medium classification under
19 303 says you should not swim, you should not
20 drink.
21 We understand that municipalities use
22 that water. They discharge -- and I brought some
23 documents also with that. But if you would look
24 at this document and also if you go online you can

1 go to EPA and find that information. We
2 understand that happens.
3 The role of the hog farm is not to
4 discharge and manage manure and manage odor the
5 right way. However, it is kind of a fact of life
6 with human waste that those things happen.
7 And I have seen Sandy Creek. It is a
8 lovely area. But we have some challenges that are
9 impacted by human existence up and down that
10 creek. Whether you believe in the creek or not,
11 humans impact that. And it is not from the hog
12 farm today.
13 And our goal is not that it is from
14 the hog farm in the future.
15 The other document -- and I will say
16 that all of the municipalities out there in
17 Illinois, but especially on Sandy Creek, and I
18 have a document, the NPDS permit, Wenona has a
19 permit to discharge into the creek. And please
20 take a look at that document and also their
21 permit.
22 There is also some stats on
23 surrounding counties on how many livestock farms
24 have been in surrounding counties around you for

1 your information.

2 And the last document I will -- when

3 we do the document portion, Jim Sacia, retired

4 Representative up in northern Illinois, provided a

5 document for you to read with his experience with

6 CAFOs and farms up in his neck of the woods and

7 also a document of -- I'll let you read it as it

8 is submitted.

9 Are there any questions?

10 HEARING OFFICER FRANK: Questions of

11 this witness?

12 MARK DURHAM: Mark Durham.

13 I would just like to ask you, sir,

14 how many documented cases of fishkills related to

15 human waste have you got from Big Sandy Creek?

16 NIC ANDERSON: Actually the one I

17 looked at was back in 1990. There was some

18 contamination. Unfortunately, the EPA's records

19 don't address all of that. I tried to --

20 MARK DURHAM: So you don't have any?

21 NIC ANDERSON: I don't.

22 MARK DURHAM: How about hog related

23 fishkills on Big Sandy?

24 NIC ANDERSON: I am not aware of

1 any.
2 MARK DURHAM: There have been in the
3 1970s.
4 NIC ANDERSON: I don't have that
5 documentation.
6 MARK DURHAM: The IDNR does and it
7 is public information, so perhaps look that up.
8 NIC ANDERSON: That's something you
9 should provide to the Board.
10 MARK DURHAM: Yep. Thank you.
11 HEARING OFFICER FRANK: Other
12 questions?
13 STEVE CLANIN: Steve Clanin.
14 Just to clarify, you said Wenona has
15 a what to discharge?
16 NIC ANDERSON: An NPDS permit to
17 discharge contaminants. And actually they have
18 to remove about 85 percent of solids. So there
19 is 15 percent solids that get released.
20 STEVE CLANIN: So your argument is
21 what, two wrongs make a right?
22 NIC ANDERSON: No. I stated that
23 our goal as the hog farm is not to impact that
24 stream.

1 I think I said that earlier.
2 HEARING OFFICER FRANK: Other
3 questions?
4 MR. GENTERT: My name is Charles
5 Gentert, G-E-N-T-E-R-T. I own a farm
6 approximately 2 miles roughly from this site. I
7 talked to you the other day on the phone. And if
8 this operation is going to be up to snuff and
9 everything -- you ain't concerned about the
10 residents that live down there.
11 As a matter of fact, when I brought
12 up the roads, you quote told me that we would be
13 paid $50,000 taxes.
14 HEARING OFFICER FRANK: Do you have
15 a question?
16 MR. GENTERT: I am getting to that.
17 Question I did have, I told you I pay
18 taxes in LaSalle County. That will have no effect
19 on the road.
20 I want to know who employs you? The
21 State of Illinois?
22 NIC ANDERSON: Let me check here, I
23 am not sure I had that in my presentation.
24 MR. GENTERT: Okay. Who employs

1 you?

2 NIC ANDERSON: I work with the

3 Illinois Livestock Development Group.

4 MR. GENTERT: Okay. On my tax

5 dollars. I also pay in Indiana. I got a long

6 way to go to get back. My tax dollars.

7 Are you supposed to represent all of

8 the farmers in general or just a select few?

9 NIC ANDERSON: Actually I am out in

10 the marketplace. I work with small ten cow

11 herds --

12 MR. GENTERT: Why do you try to lead

13 the wool over my eyes?

14 NIC ANDERSON: What wool is that?

15 MR. GENTERT: Well, like you offered

16 me free manure. I don't need any manure. I need

17 my farm to stay in the family farm name for

18 generations to come. One hundred plus more

19 years. I don't need any manure. You offered me

20 free manure basically.

21 HEARING OFFICER FRANK: Do you have

22 a question?

23 MR. GENTERT: Didn't you?

24 NIC ANDERSON: I don't have any

1 manure myself.

2 MR. GENTERT: Well, didn't you over

3 the phone say don't you want the free manure?

4 NIC ANDERSON: I recall our

5 conversation. I had a real tough time -- I don't

6 recall that question.

7 MR. GENTERT: You don't recall it

8 now? Or you don't recall this question probably

9 so you asked me. Maybe Marshall County should

10 pass a law only they have to be residents in

11 Marshall County to farm there. Do you recall

12 that?

13 NIC ANDERSON: I think I gave you a

14 scenario --

15 MR. GENTERT: Okay, a scenario.

16 NIC ANDERSON: -- to prohibit one

17 farm should you prohibit other farms?

18 MR. GENTERT: Right. Seems like you

19 are representing one farm.

20 And I want to speak -- I have got to

21 get going, got to get back to Indiana and go work

22 because of jobs and that. I just hope the

23 Department of Agriculture takes into consideration

24 the impact it will have on this community when

1 they take the vote, the negative impact.
2 HEARING OFFICER FRANK: Other
3 questions for this witness?
4 BRAD LINDSTROM: Brad Lindstrom.
5 Nic, I have got a question. I hope
6 you understand this.
7 Why is this process so spread out as
8 to where -- I think what these people like to do
9 is face the people that are going to be the hog
10 farmers is what I think they would like to do.
11 And that's not even an option here.
12 Is that something that happened in
13 the past before the Act you are referring to?
14 I mean I would like to have the guys
15 who are going to be doing the hog producing
16 sitting here next to you. You have represented
17 them, that is great, but face-to-face ask
18 questions, hey, what are you going to do for us?
19 NIC ANDERSON: Nicolas is that hog
20 farmer. They raise hogs, they are in pork
21 production, they are farmers, they work with
22 farmers.
23 Their situation -- and this is where
24 these systems have gone now. If there is not a

1 permit for me to come in and operate, you are
2 providing that service for me, there is no reason
3 for them to sign up.
4 I will tell you if it doesn't go
5 forward, they are not going to be there. And if
6 there is -- there is a challenge out there and
7 they think there is too much challenge, they will
8 probably deter some people from doing it.
9 But the experience that they have and
10 the track record that they have, they have a lot
11 of good farm, hog farm growers that rely on them
12 for that service. It is a way for them to stay in
13 business, continue on their farms in a fashion
14 that takes -- I can't remember your background
15 there, Brad, on raising hogs, but specializing in
16 sow production and pig production, that was one of
17 our struggles as I grew up. Cold winters, pigs
18 outside, getting good litters and having pigs to
19 go to market, if somebody can provide that to me
20 as a hog farmer, that is why that system is
21 created.
22 And I will tell you, whether it is a
23 license to operate or whatever it might be,
24 farmers are not public speakers, they don't

1 present well. They like to produce. And I would
2 say I don't think I know a one of them that wants
3 to sit through that scrutiny. And maybe it is
4 deserved, maybe it is not.
5 Our goal from the group that I work
6 with and working with not only pork industry but
7 the livestock industry in the State of Illinois is
8 to inform them of what they have to do to follow
9 the regulations.
10 We don't tolerate nonconformance.
11 Pollution and environmental challenges that are
12 out there, we have a philosophy that I grew up is
13 we have got to leave that place better than when
14 we came on it.
15 Most farmers have that philosophy.
16 Mother nature affects us like it affects any city
17 or anybody out there that has to deal with waste.
18 I would urge you to go talk to your
19 communities, people that handle waste. It is an
20 ongoing challenge. It is for us too.
21 BRAD LINDSTROM: When we find out
22 who Sandy Creek starts to sign up as investors,
23 is it possible to find out who these people are
24 and what their record is?

1 NIC ANDERSON: I don't have control
2 over that. I would suggest you get to know your
3 neighbors. I will -- it is kind of a silver
4 lining that -- it is unbelievable how this
5 happens. I didn't know much about Marshall
6 County, but I have met a lot of really good
7 people up here and it has given me an experience
8 to know more about the County and the people
9 working here. And I have known Williamsburg Vet
10 for a long time but I never new Nicolas.
11 I will tell you this has forced you
12 to meet your neighbors. Good, bad or indifferent.
13 Why wasn't that created before?
14 Somebody tell me?
15 BRAD LINDSTROM: You knew me when I
16 had hair, Nic.
17 NIC ANDERSON: I am not sure you had
18 hair back then.
19 BRAD LINDSTROM: I did. It was
20 awesome hair.
21 AUDIENCE MEMBER: They are from
22 Iowa, we are not neighbors.
23 NIC ANDERSON: We are all Americans,
24 we are all neighbors.

1 JOHN FOOTE: It is good to see so
2 much concern.
3 HEARING OFFICER FRANK: State your
4 name, please.
5 JOHN FOOTE: My question to you,
6 restraining it to a question, why does it seem to
7 be so impossible to make the suggestion that Brad
8 just had about working together and finding a
9 place?
10 I went out, and looked and it appears
11 to me there is lots of places. It is going to be
12 more difficult to make it happen I am probably
13 pretty sure of that, but where you could --
14 NIC ANDERSON: Let me explain that a
15 little bit. I know where you are coming from.
16 We see that in a lot of places we go.
17 Fortunately I was glad that you could
18 go and you had an open mind to do that and you
19 were of a nature that it was important.
20 Unfortunately, the internet is a
21 great thing out there and to all of you in this
22 community I am a bad guy, I don't care about
23 anything. Look out for that guy, he's evil. So
24 it creates this catalyst. That cooperation -- we

1 offered to come talk to some neighbors to talk
2 about the issue. It is uncomfortable and
3 emotional. No more than this. However, it was
4 refused. So that catalyst -- John was good enough
5 to go on that trip and some other neighbors. We
6 want you to see what it is. We want to be
7 transparent. But whatever that outside influence
8 is, Nic Anderson is a bad guy, the hog industry
9 stinks, they are all polluters. I will tell you
10 in the State of Illinois from my knowledge base
11 there are about 29,000 pork producers in the
12 state. Less than .4 percent of them had a
13 violation on their farm.
14 You take any other industry and look
15 at that percentage. That is pretty good.
16 We want to go to zero. But if your
17 tolerance of odor or smell or a big farm down the
18 road is zero, that's unattainable. And it's got
19 to be more than zero.
20 JOHN FOOTE: But I was a farmer, a
21 hog farmer for a while. I raised cattle, I had
22 20 cow, purebred Angus that I raised the calves
23 from, but I still come back to the question to
24 you, why can't this be a peaceful coexistence

1 where we monitor each other's concerns and so
2 forth without going into it in a lot -- without
3 somebody having a heart attack over the whole
4 damn thing?
5 NIC ANDERSON: Good question. I
6 don't have an answer.
7 We want to try to get to that point
8 but there has got to be reasonable conversation.
9 If you are -- if there is zero impact
10 from any farming community out there, if that's
11 the tolerance, it does not exist and the
12 communication cannot go on.
13 JOHN FOOTE: The other question, and
14 you said it, nobody wanted to talk. Nobody came
15 to me or any of my neighbors a year ago when this
16 had to be in its infancy.
17 Had that happened, the things that
18 Brad is talking about, the things that I drove
19 around the community and looked and saw, would
20 have come to light and maybe this could have been
21 done before now.
22 NIC ANDERSON: Well, you cannot move
23 forward until you cross some Ts and dot some Is.
24 And there is a point there where you go forward

1 with the process. Whether the process is right
2 or not, that's -- that process also creates
3 animosity out there.
4 JOHN FOOTE: Okay. One last
5 question here.
6 HEARING OFFICER FRANK: Make it
7 quick.
8 JOHN FOOTE: If this is possible,
9 why can't -- if at this point you say maybe this
10 is the time to reconsider and go ahead and
11 reassess this? I'm in. I mean I am done.
12 MIKE PHILLIPS: Mike Phillips.
13 You just said that because of the way
14 the law is set up there was no way to come and
15 talk to some of the neighbors a year ago?
16 NIC ANDERSON: You mistook me there.
17 MIKE PHILLIPS: You said the way the
18 process is set up you can't come and talk to
19 people.
20 I think Mr. Foote's point is valid,
21 as is Brad's, which is if you would have come
22 around and talked to the people in the community
23 we might have helped you find a better location.
24 NIC ANDERSON: Let me ask you, would

1 you have found a better location?
2 MIKE PHILLIPS: Yes, because there
3 are two ways --
4 NIC ANDERSON: Do you have a better
5 location now?
6 MIKE PHILLIPS: I have a question.
7 He's going to say ask a question.
8 Are you familiar with the Illinois
9 EPA's best management practices for hog
10 confinement facilities?
11 NIC ANDERSON: Yes. They are very
12 similar to the Department of Agriculture's.
13 MIKE PHILLIPS: One of those basic
14 characteristics is that you shouldn't put one of
15 these facilities in a valley. Are you familiar
16 with that?
17 NIC ANDERSON: I am not familiar
18 with that statute.
19 Does it read something differently?
20 MIKE PHILLIPS: It's not a statute.
21 It's on their website. Says these are the best
22 management practices. One of those is don't put
23 it in a valley. That's one of the best
24 management practices.

1 Another one --
2 NIC ANDERSON: I need to look at
3 that.
4 MIKE PHILLIPS: Yes. Be good for
5 you to become familiar with that.
6 NIC ANDERSON: Sure would.
7 MIKE PHILLIPS: Another one is don't
8 be close to a waterway. This is about 1500 feet
9 from a waterway.
10 So my question to you is -- I drive
11 around, I see some of these hog confinement
12 facilities, they are on flat ground, they are away
13 from waterways. Don't you think that would be a
14 better approach, is to try to identify some places
15 that actually meet those best management practices
16 first, then go talk to those property owners, find
17 some that might be more amenable to having a hog
18 farm in a place that already meets the best
19 management practices? Don't you think that would
20 be a better approach?
21 NIC ANDERSON: Actually that's one
22 of the things that I do on folks that want to
23 have livestock in their area. I sort some of
24 that out. But it goes back to who wants it, who

1 doesn't and who wants to take some of that risk
2 and who wants to sit through a process like this.
3 You can say if you knew earlier ahead
4 of time maybe you could have helped out or found a
5 better site and then it goes to another area and
6 those people don't want it there. For whatever
7 reason -- the challenge becomes, whether internet
8 is good or bad, you have been used in a process to
9 an end game from somebody influencing out the
10 outside. And you might say the same thing of me
11 of working with Nicolas that I am using some
12 system to help him.
13 I will tell you a lot of the
14 information -- and I saw the information on the
15 hog farms down in North Carolina. Those have no
16 relationship to this other than hogs because they
17 have outside lagoons. They don't have an LMFA for
18 design and construction standards. Illinois is
19 the only state that has this.
20 What happens -- maybe we won't raise
21 livestock here in this state and we will raise it
22 in another state that has lesser regulations or
23 society pressures. But my guess is it will leave
24 the United States because pork production,

1 livestock production somewhere else is less
2 costly, less cost to do business, and the
3 regulations don't affect it.
4 And I will tell you that big farms
5 are regulated just like any other farm. And what
6 happens is if I can spread the cost of that
7 regulation to comply with my design standards, all
8 of those types of things -- smaller farmers get
9 pushed out because they can't. So more
10 regulations, let's solve this problem, even hurts
11 the farming community more on a long term basis
12 because smaller farms can't sustain the ups and
13 downs in that market and keep regulations and good
14 environmental practices. They cost money. They
15 are not cheap because we are in a competitive
16 world. There are folks that produce -- it is not
17 an excuse it is just kind of a fact of life --
18 that don't have these limitations on them. I
19 think we all want to move that way, but we would
20 like the whole world to move that way. That is a
21 nice thing to think about.
22 HEARING OFFICER FRANK: Folks, it is
23 almost midnight and we still have 11 people to
24 testify and some other items to take care of here

1 so we really need to move along here. Thank you.
2 Next on the list is Alyssa Fosdyck.
3 Is Alyssa Fosdyck here? I guess she's not here.
4 Tim Maiers?
5 TIM MAIERS: Pass.
6 HEARING OFFICER FRANK: Okay.
7 Mr. Maiers passes.
8 Carol Stoens? S-T something E-N-S.
9 CHERYL STOENS: Most of mine have
10 been discussed.
11 HEARING OFFICER FRANK: She passes.
12 Susan Roberts.
13 (Sworn in.)
14 SUSAN ROBERTS: Well, I didn't plan
15 on speaking. But like so many of you have said,
16 I could say the same thing. Mr. Lindstrom
17 brought up the fact that there is people like me.
18 I mean when I was about my son's age I wanted to
19 find a place in the country that was, would be a
20 good place to raise my family. We looked in a
21 large radius and there was flat -- nothing
22 against you farmers -- but ugly land. And we
23 happened to come across the Sandy Creek area and
24 we just loved it. It was hilly, there were a lot

1 of trees. It was just a beautiful area.
2 So 29 years ago we bought property
3 and raised our kids there and did all of the
4 things that so many of the moms talked about. And
5 it's been a wonderful place to live. And as my
6 son said, he would now like to buy the home and
7 raise his family there. I don't know if he still
8 will. You know my daughter wants -- we had -- we
9 have had lots of parties and bonfires like all of
10 our neighbors. Large graduation parties with
11 hundreds of people. My daughter talks about
12 wanting to get married on our property. And I
13 think, you know, I don't know how that would be
14 with a pig farm right there.
15 I have a good friend who lives near
16 Chenoa and a pig farm went in there and it changed
17 a lot of their lifestyle. I mean the bonfires
18 outside, the parties outside. I know when I go
19 there they have had to put central air in their
20 house and they sit in their house locked up. I
21 don't have central air in my house. I open my
22 windows, I live on a hill, I love the breeze. Am
23 I going to feel that way down the road? You know,
24 they don't really like living by the farm. I know

1 some of you have said you like living by a pig
2 farm.
3 It just makes me really sad.
4 I just -- you know I have learned a
5 lot tonight. I have been educated about a lot of
6 the safety hazards. I am concerned about them.
7 You know, I am concerned about my
8 property values.
9 I am concerned about just my quality
10 of life and if my son will be able to continue
11 and, you know, have the same quality that he was
12 raised with.
13 And so I agree that I -- go find some
14 of that flat ugly area to build a pig farm. You
15 know, it is a beautiful area and I just think that
16 there has got to be better places.
17 HEARING OFFICER FRANK: Are there
18 questions for this witness? I see none.
19 Thank you.
20 Next we have Robert Fecht.
21 (Sworn in.)
22 HEARING OFFICER FRANK: State your
23 name.
24 ROBERT FECHT: Robert Fecht,

1 F-E-C-H-T.

2 On behalf of Marshall/Putnam Farm

3 Bureau, the Farm Bureau appreciates the

4 opportunity provided by the Department of

5 Agriculture to have input at these proceedings.

6 Marshall/Putnam Farm Bureau Board of

7 Directors would like to go on record supporting

8 the Sandy Creek Lane, LLC hog farm.

9 This is in alignment with the

10 Illinois Farm Bureau Policy which states we will

11 aggressively work to encourage the growth and

12 enhancement of the livestock industry in Illinois.

13 Prior to this decision being made we

14 had a meeting with Nicolas Rippel, DVM, at the

15 Marshall/Putnam Farm Bureau. We questioned him on

16 the farms that are currently managed by him and

17 four other veterinarian partners.

18 We are confident that this farm will

19 follow the Livestock Management Facilities Act.

20 We believe that a robust agricultural economy is a

21 result of investments and endeavors such as this

22 hog farm.

23 This investment will increase demand

24 for locally grown commodities, including corn and

1 soybeans. Expanded production of pork will
2 increase the supply available to consumers, thus
3 making pork more affordable.
4 Thank you for this chance to lend our
5 support to a project that will become an asset to
6 our agricultural community.
7 HEARING OFFICER FRANK: Are there
8 questions for this witness?
9 JOHN FOOTE: My question to you
10 is -- first I make a statement. I am an Illinois
11 Farm Bureau member. Does my opinion matter to
12 the people that you are making the decision about
13 this?
14 ROBERT FECHT: Our board interviewed
15 Dr. Nicolas Rippel and --
16 JOHN FOOTE: What about John Foote
17 and all of the other Farm Bureau members out
18 here?
19 ROBERT FECHT: We are following the
20 policies that Marshall/Putnam Farm Bureau and
21 other counties. Go to an annual meeting and we
22 discuss and we support agriculture. We are an
23 agricultural association and support the
24 expansion of agriculture, whether it be livestock

1 or grain systems. We need your input.
2 HEARING OFFICER FRANK: Sir?
3 MR. GENTERT: Charles Gentert.
4 You said you support agriculture.
5 Well, I have been hearing comments unfortunately
6 because work -- in the state of Indiana comments
7 both -- hear me out. Charlie don't even live
8 here. Well, I pay Illinois taxes. Well, that's
9 just those people that build those fancy houses on
10 Sandy Creek.
11 Well, there was a meeting I went to
12 last Friday night. Close to half of the people
13 were farmers or farm owners in that meeting.
14 HEARING OFFICER FRANK: Sir, I
15 really need a question. I need a question.
16 MR. GENTERT: The question is, if
17 you represent the farmers, how about the farmers
18 that are opposed to it, how are you representing
19 them?
20 ROBERT FECHT: When we go to
21 represent the farmers, we have to take the
22 policies that we have established over the past
23 history. And the promotion of agriculture and
24 the production of food, fuel and fiber, livestock

1 for meats, that is our priority.
2 HEARING OFFICER FRANK: Other
3 questions?
4 STEVE CLANIN: Steve Clanin.
5 You mentioned you met with Mr. Rippel
6 and -- your Board did.
7 Did Mr. Rippel provide you with a
8 list of facilities they manage and safety records
9 on those facilities?
10 ROBERT FECHT: Not any more than you
11 had this evening on the powerpoint.
12 STEVE CLANIN: You made a decision
13 to support them on that?
14 ROBERT FECHT: Yes.
15 HEARING OFFICER FRANK: Other
16 questions?
17 Mr. Lindstrom.
18 BRAD LINDSTROM: Brad Lindstrom.
19 Bob, when did you meet with Nicolas?
20 ROBERT FECHT: It was about three
21 weeks ago at the Farm Bureau building. I can't
22 remember the date.
23 BRAD LINDSTROM: That's not really
24 that important.

1 I guess my only question to you is,
2 if we are getting down to decision making time
3 here, would it not be prudent for the Farm Bureau
4 to include the County Board who is going to have
5 to vote on this in short order to be involved in
6 this?
7 We have spoken with Nicolas, myself
8 and a few other members, but certainly not the
9 entire Board. I think it would clear up a lot of
10 things if he is able to make a presentation to the
11 entire Board and be able to be asked questions.
12 I realize you want to give an
13 endorsement to the Farm Bureau, but we are going
14 to have to stick some hands up in the air and say
15 yea or nay. And I think at this point some of us
16 are woefully under informed right now, and I would
17 have liked to have been included in that.
18 ROBERT FECHT: It was a short notice
19 meeting, Brad.
20 BRAD LINDSTROM: I understand that.
21 I am just asking --
22 ROBERT FECHT: We did get a quorum
23 available and the quorum passed the resolution.
24 BRAD LINDSTROM: Thank you.

1 HEARING OFFICER FRANK: Other
2 questions?
3 MIKE PHILLIPS: Mike Phillips.
4 Is Nicolas Rippel a member of the
5 Marshall County Farm Bureau?
6 ROBERT FECHT: No, he's not. He's
7 from Iowa. He can't be a member.
8 MIKE PHILLIPS: Did you talk to any
9 other Farm Bureau members who might live in the
10 area that is impacted by this before you made
11 your decision?
12 ROBERT FECHT: Just the
13 representatives that are on the Board.
14 MIKE PHILLIPS: Thank you.
15 HEARING OFFICER FRANK: Other
16 questions?
17 KATE HAGENBUCH: Kate Hagenubch.
18 Can anybody be a member of Farm
19 Bureau?
20 ROBERT FECHT: You have several
21 different classifications, but farmers or end
22 members, and they have to have $2,500 gross
23 receipts from farming.
24 KATE HAGENBUCH: Once you have met

1 those requirements you pay your dues, can you
2 come to meetings and make your voice known?
3 ROBERT FECHT: Yes.
4 HEARING OFFICER FRANK: Okay.
5 Mr. Foote.
6 JOHN FOOTE: I have to ask a
7 question, but always a couple of quick comments
8 on something I suppose --
9 HEARING OFFICER FRANK: Make them
10 very quick.
11 JOHN FOOTE: Very quickly. How can
12 I after I go through all of this still think that
13 America is the greatest country in the world and
14 that we all watch out for each other?
15 I still think it is the greatest
16 country in the world, but boy, come on.
17 HEARING OFFICER FRANK: Other
18 questions for this witness?
19 Thank you very much. Next we have
20 Josh Merdian.
21 JOSH MERDIAN: Pass.
22 HEARING OFFICER FRANK: Jonathan
23 Downey.
24 (Sworn in.)

1 HEARING OFFICER FRANK: State your
2 name and spell it.
3 JONATHAN DOWNEY: Jonathan Downey,
4 D-O-W-N-E-Y.
5 My prepared statement I wrote I have
6 good evening, Mr. Chairman. I will say good
7 morning, Mr. Chairman.
8 My name is Jonathan Downey. I am a
9 livestock and grain producer from Putnam County.
10 I am here tonight to support animal agriculture.
11 A facility such as this provides a
12 market for our grain, for our corn and soybeans,
13 my neighbor's corn and soybeans, Illinois' corn
14 and soybeans.
15 It makes sense to place the livestock
16 near their food source and recycle the nutrients
17 back onto the soil.
18 This farm allows for the domestic
19 consumption of our crops, which in turn grows our
20 local economy.
21 A farm of this size contributes to
22 our local economy by creating jobs and providing
23 taxes for our township, counties and schools.
24 After speaking with Dr. Rippel I feel

1 comfortable that he will adhere to the LMFA and be
2 conscientious of the farms' impact on the
3 environment and the treatment of their animals.
4 Thank you for your time and
5 attention.
6 HEARING OFFICER FRANK: Are there
7 questions for this witness? Any questions?
8 I see none. Thank you.
9 Next we have Paul Jeschke.
10 (Sworn in.)
11 PAUL JESCHKE: Paul Jeschke,
12 J-E-S-C-H-K-E. Good evening or good morning.
13 My name is Paul Jeschke. I am a
14 grain farmer from over in southwest Grundy County.
15 I am a 1975 graduate of the University of Illinois
16 with a degree of agricultural science.
17 In addition to farming I also
18 presently serve on the Illinois Corn Marketing
19 Board representing District Five.
20 I have cut out many of my comments.
21 But basically I am here tonight also to support
22 animal agriculture.
23 One of my jobs on the Corn Marketing
24 Board is to try and enhance and improve the use of

1 corn. And I think there is no better way to do
2 that than to feed it to livestock.
3 I've had the opportunity to do some
4 foreign traveling and see where some of our corn
5 and soybean exports go, but it seems to make a lot
6 more sense to keep those jobs at home and employ
7 people in feeding the livestock and exporting the
8 meat.
9 So I would much rather see
10 refrigerated ships and containers carrying goods
11 overseas rather than bulk containers carrying the
12 bulk soybeans and corn.
13 After watching this whole process I
14 have a great deal of admiration for people like
15 the doctor that are willing to go through this to
16 try to site a facility. He and his partners
17 deserve a great deal of credit in my opinion for
18 again going through the process but also putting
19 the large amount of millions of dollars in capital
20 at risk. There is no guarantee of success here.
21 But it is people like these entrepreneurs that
22 give a lot of us jobs, and I think we need to
23 appreciate that.
24 And I hope there can be some

1 resolution to some of the conflicts that are here
2 tonight.
3 There are many valid concerns that
4 have been expressed. And I share a lot of your
5 concerns and I empathize with you, but I also know
6 that progress creating more jobs in Illinois is
7 something that is deeply needed. We are a very,
8 very, very poor state when it comes to creating a
9 business climate environment. There is a reason
10 we are the second worst employment rate in the
11 whole country.
12 So anyway, thank you very much.
13 HEARING OFFICER FRANK: Are there
14 questions for this witness?
15 Mr. Foote.
16 JOHN FOOTE: I have too been to
17 overseas places and seen it and watched the farms
18 too.
19 I have one question. Wouldn't it be
20 possible to reach your objectives and do what you
21 want to do or what you want to have happen and do
22 it in a manner that is considering everybody that
23 is involved and find a site that is better than
24 this one?

1 PAUL JESCHKE: I am not educated
2 enough on the other alternative sites to know.
3 Sorry.
4 HEARING OFFICER FRANK: Other
5 questions?
6 MR. GENTERT: Charles Gentert.
7 You say you are a farmer. How many
8 hog factories are there in Grundy County?
9 PAUL JESCHKE: Two.
10 MR. GENTERT: Two. Any near your
11 house?
12 PAUL JESCHKE: It would be about
13 6 miles.
14 MR. GENTERT: Okay. 6 miles. A lot
15 of us is downwind from it.
16 Thank you.
17 AUDIENCE MEMBER: I thought you were
18 from Indiana.
19 HEARING OFFICER FRANK: Another
20 question?
21 DIANA WROCZYNSKI: I want to ask --
22 Diana Wroczynski.
23 The people that are standing up and
24 they are for it, I am hearing what you are saying,

1 but I want to hear what you have to say about the
2 health implications.
3 Do you worry at all about the data
4 that's been presented and that is out there?
5 Have you researched it?
6 PAUL JESCHKE: No. I don't have
7 near the concerns that you do. I grew up with
8 livestock and --
9 DIANA WROCZYNSKI: That is
10 different. I mean we have these superbugs now.
11 It ask a different world. Different things to
12 worry about than when you grew up.
13 PAUL JESCHKE: It is. But I don't
14 have any expertise, but my opinion is a lot of
15 the superbugs are caused by we parents that have
16 been overusing antibiotics with our children
17 every time they get a sniffle, every time they
18 get a cold, the sterilized different stuff you
19 put on your hands all of the time and so forth.
20 There is a lot of our own doings caused some of
21 the issues. You could be right, but that's my
22 opinion.
23 DIANA WROCZYNSKI: I just -- just
24 wanted to hear what somebody had to say on the

1 other side because you don't seem too worried.
2 LESLIE SMITH: Leslie Smith.
3 I have just a curiosity out of your
4 last statement here that parents are overusing
5 antibiotics and you think that is causing
6 superbugs, because I am under the impression --
7 and if you read anything about it -- some single
8 states use more antibiotics on their animals than
9 the entire world uses on people.
10 So I would be -- if you think overuse
11 of antibiotics in children may be causing it, that
12 just kind of proves the fact that animal usage
13 would be unbelievably more of the reason why it is
14 happening.
15 PAUL JESCHKE: I don't know if that
16 is an accurate statement or not. I don't know.
17 HEARING OFFICER FRANK: Other
18 questions? Thank you very much. Okay.
19 Next we have Charles Gentert.
20 MR. GENTERT: I will pass.
21 HEARING OFFICER FRANK: Next we have
22 Randy Freeman.
23 (Sworn in.)
24 RANDY FREEMAN: Hi, I am Randy

1 Freeman. I am a resident of Lostant, Illinois.
2 I am on the LaSalle County Board. I have been
3 privileged to serve the LaSalle County Board for
4 16 years and the residents a Hope, Richland,
5 Osage, Groveland, Eden, and now Eagle Townships.
6 This is a very emotional issue.
7 When I first moved into Lostant
8 almost 40 years now -- I am going to be 60 years
9 old this year. Where did the time go? I moved
10 into a little home right next to a small farm next
11 to our house. The neighbors asked me to sign a
12 petition to help get rid of that farm. My answer
13 to them was it was here before me, so I couldn't
14 sign that.
15 But now you have to think, you are
16 moving a big farm operation into neighbors that
17 have been there their whole life. And I
18 understand how they feel.
19 I think there are several flaws in
20 the system.
21 I am not an expert on all of the
22 things that some of the people presented here
23 tonight, but I do think there are some flaws on
24 the way this was set.

1 Number one, Lostant is not taken into
2 account in any of these decisions because it lies
3 outside of Marshall County. They have spent a
4 considerable amount of money that they did not
5 have to expand their boundaries outside to try and
6 grow the community. I commend them for that. I
7 worked hard to help them get passed a TIF
8 District. Fred Hartenbower is sitting here, and
9 he got that approved. They want to develop and
10 grow our community. We are struggling. It is a
11 good development plan. And the day that they
12 bring somebody out to that corner of 39 and 18, my
13 fear is there is going to be a strong odor from
14 this farm. And anybody that is going to put a
15 restaurant or gas station or any kind of complex
16 at that corner will say we are not going to put
17 people into this.
18 There is a lot of fear, and I do
19 believe it can be sited. We have got a perfect
20 example in LaSalle County. We didn't have to have
21 a hearing. They did it right. Their neighbors
22 were on board and they to my knowledge have no
23 complaints whatsoever from their neighbors. And
24 they do an excellent job and I commend them for

1 that.

2 But I think the siting problem here

3 is what the problem is. It is not the hog farm,

4 it is where we are placing it. And I think number

5 eight is a strong reason for against this because

6 of the placement of our development we have in

7 LaSalle County.

8 One of the problems -- and I will

9 address it with the General Assembly -- when we

10 have a siting like this so close to a county line,

11 we are not involved. And it affects almost all of

12 LaSalle County residents with what could happen.

13 Now these are all ifs and buts. And

14 somebody said ifs and buts and candies and nuts --

15 but they are legitimate possibilities and that

16 could really cause some economic development

17 problems for an already stressed area of our

18 county.

19 I would really hope we could work

20 together, get a better site for this. And I love

21 pork, I really do, and I think we have a place for

22 it. And I really would hope that we could work

23 together and come together and have a good place

24 for this to site.

1 Thank you.
2 HEARING OFFICER FRANK: Are there
3 questions for this witness?
4 I see none.
5 Thank you.
6 Next we have Cheryl Churney.
7 (Sworn in.)
8 HEARING OFFICER FRANK: Will you be
9 speaking as a citizen or as an attorney for
10 multiple clients?
11 MS. CHURNEY: I am speaking as an
12 attorney on behalf of multiple clients.
13 HEARING OFFICER FRANK: Okay. Are
14 you going to state your clients, the names of
15 your --
16 MS. CHURNEY: Sure. I am here
17 representing Leslie Smith, Robert Clanin, Jamie
18 Casolari, Mr. and Mrs. Steve and Peggy Goulding
19 and Mr. Steve Clanin.
20 (Sworn in.)
21 MS. CHURNEY: The court reporter has
22 the spelling of my name. I will skip that.
23 I want to echo something that
24 Mr. Freeman just said about the process that

1 brings us all here tonight. And I will be
2 introducing into the record that a request was
3 made on behalf of my clients to postpone this
4 hearing to give us more time to better prepare.
5 There was very short notice and we were unable to
6 secure and arrange for the appearance of expert
7 witnesses, especially with regard to appraisal
8 issues, tourism issues, historical issues,
9 economic issues and health issues. And that is
10 detrimental to the Department of Agriculture's
11 consideration of the eight criteria and
12 detrimental to the Marshall County Board as they
13 try to figure out all of these eight criteria
14 because we have not had sufficient time to present
15 good evidence or best evidence.
16 I do want to comment on the tax
17 revenue to be generated by this facility. And I
18 will enter into the record the tax bill for
19 Mr. Salz' property where this is to be sited.
20 This is the tax bill for 2012 taxes paid in 2013.
21 The property is currently assessed at $60,687.
22 The tax rate for the Evans Township Road District
23 for last year was .46315. So it generated $281.07
24 in real estate taxes for the Evans Township Road

1 and Bridge Fund.

2 If you go with the numbers from

3 Dr. Rippel, that real estate taxes or the real

4 estate assessment would be $70,000 for this

5 facility. You multiply that by the tax rate for

6 Evans Township Road and Bridge Fund, it would

7 generate slightly over $324 in real estate revenue

8 for the bridge fund.

9 Of course, it would not generate any

10 revenue for Hope Township.

11 There has been a lack of information

12 at this meeting tonight presented by the applicant

13 concerning criteria number one, the Waste

14 Management Plan; criteria number two, the design

15 and operation of the facility; criteria number

16 five, the plans to minimize environmental damage;

17 and criteria number six, the odor control plans.

18 Now, we do know something about the

19 odor control plans and we do know that they do not

20 intend to use the most available technology.

21 We will be admitting as a written

22 exhibit an affidavit from Mr. Goulding who toured

23 the facility with Dr. Rippel.

24 I am going to quote from

1 Mr. Goulding's affidavit. During the tour I asked
2 Mr. Rippel if the proposed CAFO would treat the
3 exhaust air from the buildings which make up the
4 facility. Mr. Rippel informed me that the exhaust
5 air would not be treated. All of us that were
6 here earlier this evening heard the question by
7 Mr. Tim Smith to Dr. Rippel about the odor control
8 plans and Dr. Rippel testified in front of all of
9 us that they would not be using some of the
10 highest and better technologies available for odor
11 control.
12 The fact of the matter is that VCM
13 and Sandy Creek Lane have not been forthcoming in
14 their presentation here tonight.
15 Frequently, all too frequently, the
16 answers to questions were that will be in the
17 plans, that will be in the plans, that will be in
18 the plans.
19 We have not had an opportunity to
20 review and be a part of those plans to see if all
21 of the concerns raised by the citizens here
22 tonight will be addressed, and more importantly if
23 the eight siting criteria will be satisfied.
24 There are many, many unknowns.

1 Not only have they been less than
2 forthcoming about their plans, they have been
3 completely unforthcoming about their track record.
4 I am struck by Dr. Rippel's use of
5 the phrase leave no trace. By not telling us
6 about any of the other farms he's involved with
7 he's left no track record. So we don't have an
8 opportunity to see if in fact the 12 other farms
9 in which he is involved are run in a proper
10 manner. We have got no information about them at
11 all.
12 And I encourage Dr. Rippel to release
13 the names of the 12 farms which he is involved in.
14 Now, we do know that the plans
15 presented, to the extent we have plans, do not
16 satisfy the siting criteria.
17 The Waste Management Plan will not
18 work because the soils in this area are not
19 appropriate for the spreading of manure.
20 We know there has not even been a
21 Manure Management Plan even developed.
22 Dr. James -- or pardon me, I don't
23 think she is a doctor -- but Miss James testified
24 significantly about the water issues and the

1 concerns there.

2 I think the best testimony this

3 evening came from Mr. Kinzer, Mr. Hunter and

4 Mr. Lauf concerning the traffic patterns and the

5 traffic infrastructure.

6 And their testimony plainly exhibited

7 that existing infrastructure is not capable of

8 handling the construction traffic or the ongoing

9 traffic generated by this facility.

10 It will require in excess of $900,000

11 of road improvements. That $325 isn't going to go

12 far.

13 In fact, it is not a drop in the

14 bucket.

15 When questioned about whether there

16 are budgeted funds for road improvements in their

17 planning, Dr. Rippel indicated that he didn't

18 think that there were.

19 That criterion alone warrants a vote

20 against this facility.

21 Finally, criterion eight has been

22 talked about extensively this evening.

23 This facility as proposed is not

24 consistent with the existing community growth in

1 this area which has been largely residential. It
2 is contrary to tourism and historical and
3 recreational use of the neighboring properties and
4 it is counter to economic development.
5 It will decrease the property values
6 for these neighboring homes.
7 It seems to me that the proposal for
8 the facility has been planned not taking into
9 consideration the eight siting criteria but was
10 driven by a personal relationship. I think those
11 are Dr. Rippel's -- I had a relationship with Mike
12 Salz.
13 That is wonderful and I am glad that
14 Dr. Rippel has come back to this community, but
15 that doesn't mean that this site meets the eight
16 siting criteria that should be considered by the
17 Department of Agriculture and the Marshall County
18 Board.
19 Your neighbors here tonight have
20 spoken eloquently, passionately and knowledgeably
21 about their concerns and the many, many reasons
22 why this facility is not suited for this site, and
23 I urge the Department of Agriculture and the
24 Marshall County Board members to act to deny the

1 application as presented.
2 I do have a significant number of
3 exhibits to present, including a written position
4 paper.
5 HEARING OFFICER FRANK: Questions
6 for this witness?
7 I see none. Thank you.
8 Well, this finally concludes the oral
9 testimony tonight.
10 I will now accept written testimony.
11 Is there any written testimony to be offered at
12 this time?
13 HEARING OFFICER FRANK: Entered into
14 the record as Exhibit Number 5 is a group exhibit
15 from Mr. Randy Freeman.
16 Entered into the record as Exhibit
17 Number 6 is a letter from Patrick Sloan and Randy
18 Freeman. Patrick Sloan from the Marshall/Putnam
19 County Highway Department to Randy Freeman,
20 Commissioner of Evans Township.
21 Entered into the record as Exhibit
22 Number 7 are some comments and information from
23 IDNR.
24 Entered into the record as Exhibit

1 Number 8 are some questions from Fred Hartenbower,
2 Mayor of Lostant.
3 Entered into the record as Exhibit
4 Number 9 is the letter from the Sierra Club with a
5 list of health risks.
6 Entered into the record as Exhibit
7 Number 10 are written statements from the Phillips
8 family.
9 Entered into the record as Exhibit
10 Number 11 is an article from Nature.
11 Exhibit Number 12 is information from
12 Rick Casolari dealing with property values. There
13 are three articles in Exhibit 12.
14 Entered into the record as Exhibit 13
15 is a document entitled Understanding Concentrated
16 Animal Feeding Operations and Their Impact on
17 Communities from Randy Freeman.
18 Entered into the record as Exhibit
19 Number 14 is a photograph from Lois Steil of the
20 flood from spring of 2013, flood on Sandy Creek.
21 Entered into the record as Exhibit 15
22 are the references from Isaiah Roberts dealing
23 with Porcine Epidemic Diarrhea Virus.
24 MS. CHURNEY: Let the record reflect

1 there are four articles, I believe.
2 HEARING OFFICER FRANK: Entered into
3 the record as Exhibit Number 16 are documents
4 from Steve Clanin dealing with rural life. All
5 documents from National Rural Life.
6 Entered into the record at Exhibit
7 Number 17 is a letter from Myers, Berry, O'Conor &
8 Churney requesting a reschedule of the hearing.
9 It is addressed to the Department of Agriculture.
10 Entered into the record as Exhibit 18
11 is a response from the Illinois Department of
12 Agriculture.
13 Entered into the record as Exhibit
14 Number 19 is tax information for Michael Salz.
15 Entered into the record as Exhibit 20
16 is an affidavit of Steven Goulding.
17 Entered into the record as Exhibit 21
18 is Position Paper of Property Owners Objecting to
19 Proposed Sandy Creek Lane Facility.
20 MS. CHURNEY: Number 22 will be a
21 binder of 22 articles and other documentation in
22 support of the position paper.
23 HEARING OFFICER FRANK: That's
24 Number 22.

1 Entered into the record as Exhibit
2 Number 23 --
3 MS. CHURNEY: Petition in opposition
4 to the proposed facility.
5 HEARING OFFICER FRANK: All right.
6 Thank you.
7 Also entered into the record as
8 Exhibit Number 24 are the Oral Testimony sign in
9 sheets.
10 Also entered into the record as
11 Exhibit Number 25 are the Attendance sign in
12 sheets for tonight's meeting. Okay.
13 Are there any closing comments from
14 the Facility?
15 Are there any closing comments from
16 the Department?
17 MR. GOETSCH: Drive home safely.
18
19 HEARING OFFICER FRANK: This
20 concludes the public information meeting.
21 As I mentioned earlier, a copy of the
22 transcript will be provided to the County Board.
23 For those desiring a copy, talk to the court
24 reporter.

1 Thank you for your attendance
2 tonight.
3 This public informational meeting is
4 hereby closed.
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20
21 (Public meeting concluded.)
22
23
24

1 CERTIFICATE OF REPORTER

2

3 I, LORRAINE McCREIGHT, an Illinois

4 Certified Shorthand Reporter, do hereby certify

5 that the testimony that appears in the

6 foregoing transcript was taken by me to the

7 best of my ability, and thereafter reduced to

8 typewriting under my direction; that I am

9 neither counsel for, nor related to, nor

10 employed by any of the parties to the action in

11 which this public meeting was taken; and

12 further, that I am not a relative or employee

13 of any attorney or counsel employed by the

14 parties hereto; nor financially or otherwise

15 interested in the outcome of this action.

16

17

18

19

20

21 _____C.S.R.

22 LORRAINE K. McCREIGHT

C.S.R. License Number 084-003070

23

24

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