

Public Comments for the Rulemaking for Concentrated Animal Feeding  
Operations before the Illinois Pollution Control Board (R2012-023) in  
Elizabeth, Jo Daviess County, Illinois, November 14, 2012.

Susan Turner  
415 Park Ave.  
Warren, IL. 61087  
815-745-9013  
tsuzfam7@gmail.com

PC #13  
R12-23

My name is Susan Turner and I live in Warren, Illinois, right here in Jo Daviess County. Thank you for allowing me this opportunity to express my concern and desire to see that our water is protected from contaminates due to spills, dumping, and other improper methods of spreading and storing liquid manure and leachate by CAFOs.

Since I live in a rural community, I have been witness to many of these improper practices that have resulted in documented discharges. I witnessed from the side of the road-visually as liquid was sprayed on snowy fields. This was often accompanied by a sour odor. Sometimes I could smell the odor, and sure enough the field application was occurring. It was always in the same area. I witnessed this 5 times from February 2009- September 2010. I have also seen stacks of manure stored at the edge of Yellow Creek in Kent. I've seen over application of liquid manure that is pooled enough that it gets to a road or ditch...no buffer zone.

As these pollution problems occurred, I was also sitting in the courtroom listening to skewed science by the paid expert witnesses for the proposed Traditions megadairy. We felt the megadairy was improperly

sited and illegally permitted by the Illinois Department of Agriculture. We did not think the granting of its construction permit upheld the Livestock Management Facilities Act, yet all of the paid experts at trial said it was a "ZERO DISCHARGE FACILITY."

Time would tell that this was not the case. This can be seen at these facilities that claim to be modern "state of the art operations" (SEE PHOTOS). With regards to the issue of karst, the paid experts used what we thought was skewed science to focus on and conduct inadequate tests that would only prove where the karst was not. The soil borings they used to test the area are the size of a soup can. They used about 18 borings spread over 1000 acres. This is the equivalent of searching for a needle in a haystack with a pair of tweezers.

More skewed science is saying the aquifer will be protected because the clay liner under the manure storage is really the filter for 43 acres, 20 feet deep filled with liquid manure. My refrigerator's water filter needs to be replaced every 4-6 months because it becomes imbedded with impurities. This is with simple tap water- not manure. The clay and soil get saturated with impurities and there is no filter to replace. And when you have a sinkhole or karst bedrock fracture, forget the clay and soil filtering anything, the waste has a direct pathway to the groundwater that we all depend on.

The League of Women Voters hosted a megadairy seminar back in June of 2011 here in Jo Daviess County. At the seminar, Warren Goetsch of the Illinois Department of Agriculture was honest enough to say that the LMFA is obsolete. Warren also stated that that the manure storage wouldn't leak for 10 maybe 20 years, unless a crack formed. Living in a karst region, this really cracked me up.

The message I am trying to give you today is that the LMFA is outdated and it does not in reality stop the run off and the discharges from CAFOs because they do occur. The Traditions mega-dairy was actually

a “discharge” facility despite IDOA’s determination that it met the standards of the LMFA and despite what all of the dairy’s paid experts said. Even though we lost our trial against the facility because the judge relied on the testimony of the dairy’s paid experts, what came to pass shows that sometimes you have to have other checks and balances in place.

After the trial, the mega-dairy polluted the stream that leads to the Apple River (see photo) and, had it been allowed to proceed as planned, it would have contaminated our aquifer because of the karst. The federal EPA ended up getting involved and mandated the mega-dairy conduct the tests that should have been conducted to begin with to identify the existence or non-existence of karst under the waste ponds and in its land application fields.

At first the mega-dairy refused - perhaps it was because they were afraid of what the tests would find – but eventually the Department of Justice weighed in and things started to move in the right direction. To date, the dairy has yet to complete the required tests. Instead, it decided to dismantle the CAFO’s nearly constructed barns and abandon the site. Had there been another check and balance in place, such as oversight by the Illinois EPA to begin with, we all could have saved a lot of money and time. Think of the investments the mega-dairy made in the land and in attorney fees, high paid experts, etc., just to walk away in the end.

This is all to say that the Illinois Pollution Control Board should enact clean water regulations that provide protections for citizens and their water. If you do not, the broken and dysfunctional regulatory mechanism, dictated by the toothless LMFA, will persist. If we continue to allow the LMFA to serve as the proverbial "excuse" to continue this dysfunction, polluted water will be the only things our children and their children will ever know.

**\*In making your decision about the proposed regulations, I ask you to remember:**

1. The current regulatory program for Large CAFOs in Illinois is flawed and stronger regulations are necessary to protect our waters. It is clear CAFOs do pollute regularly in Illinois and rarely is anything done about it until after the damage is done.

2. All Large CAFOs should be required to register information about their operations with the IEPA so the agency can better regulate them. We cannot rely on the good faith of producers and the regulations administered by the IDOA to prevent pollution. So far this hasn't worked.

3. All Large CAFOs regardless of their permit status should be required to have and file their nutrient management plans with the IEPA as part of the registration program. Unless and until there is some level of regulatory oversight over how unpermitted Large CAFOs manage their waste, the IEPA won't be able to properly regulate this industry.

4. All Large CAFOs should be held to the same nutrient management plan standards, including prohibitions and pre-approvals for emergency winter application and ensuring they have enough land to dispose of their waste either on-site or when it is transferred to others. The playing field has to be leveled or polluters and irresponsible CAFO operators will continue to have an economic advantage over responsible operators. Currently in Illinois there is an incentive to cut corners and pollute and to take the risk of not being caught as opposed to being responsible in the first place.

5. All Large CAFOs and their land application areas should be required to comply with increased setbacks from surface waters, wells, and sensitive aquifer and karst areas. We need sound science to provide the basis for these regulations – not skewed science that supports industrial livestock production over clean water.



Feb 14, 1978

Rancho Caribera

Quarry Closeup of  
fresh and old manure



**Figure 6** Manure has been applied on frozen ground in close proximity to Yellow Creek. Precipitation expected later this week will most likely result in an additional discharge.

Tradition Dairy is designed to be "zero-discharge," meaning it won't release contaminants into groundwater" – Manning, lawyer for the megadairy, quoted in the Chicago Tribune, September 26, 2010.



Culvert for Apple River tributary  
East Canyon Rd Oct 1, 2010

Sep 30, 2010 - Megadairy dumps 320,000 gallons of purple leachate on 5 acres.  
Oct 1, 2010 - Tributary to Apple River turns purple.  
Oct 8, 2010 - IEPA refers megadairy to IL Attorney General for enforcement.

Leachate pond Oct 4, 2010  
Approx. 75' X 150'

course it will leak; that's how these work. They are permeable. That's how they signed." - Donald Manning, lawyer for the mega dairy, from court transcript, 11/10/2009

### The Nora Megadairy - A History of Discharges

**February 17, 2009** - Megadairy spreads silage leachate on frozen ground and over tributary to Apple River. Within hours the tributary is black. Lab samples show a Biological Oxygen Demand (BOD) of 2,200, 10 times the level of raw sewage.

**March 10, 2009** - Leachate coming off of 26,000 tons of silage at the megadairy rapidly refills the inadequate silage leachate pond. Heavy rain causes the pond to overflow so workers at the megadairy start pumping the leachate out through a spray applicator, causing another discharge into the Apple River tributary. Lab results show a BOD of 150. Clean streams have a BOD of less than 1.

**August 26, 2010** - Overnight the previously clear Apple River tributary turns slightly purple. Lab results show a BOD of 50.

**October 1, 2010** - The Apple River tributary is bright purple, lab results show a BOD of 400, twice the level found in untreated sewage. Investigators from the IL EPA, the US EPA, and the Jo Daviess Hazmat team arrive on site. The IL EPA orders megadairy staff to dam up the tributary to prevent any additional contaminants from traveling downstream. An employee of the megadairy tells the IL EPA that on Sep. 30th he applied 320,000 gallons of the purple leachate to 5 acres of farmland, **an application rate of 64,000 gallons per acre**, or well over 10 times normal. IL EPA take multiple water samples, but are unable to determine the source of the discharge.

