

For Immediate Release
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Environmental Groups File Amicus Brief Opposing MegaDairy *Three Illinois Environmental Groups Filed a Brief Supporting HOMES*

Warren, IL - On May 25th, attorneys for the Illinois Chapter of the Sierra Club, Illinois Council of Trout Unlimited, and the Prairie Rivers Network filed an Amicus Brief (Friend of the Court) with the Illinois Appellate Court , 2nd Judicial District. This filing specifically addressed Circuit Court Judge Ward's ruling that HOMES and the plaintiffs in this case didn't have standing to question the decision of the Illinois Department of Agriculture (IDOA). In the appeal they state:

"The circuit court ... closed the courthouse doors for those most directly impacted by the IDOA's unlawful decision to authorize Defendant A.J. Bos to build a new industrial dairy in a landscape vulnerable to catastrophic groundwater and surface water contamination. Even more troubling is the potential result whereby critical decisions of state agencies are forever shielded from judicial scrutiny, leaving those agencies free to misapply or ignore the laws that direct and constrain their use of power."

They also expressed their concern over environmental impact, saying:

"Amici share the grave concerns of Plaintiffs in this case that Defendant Bos' proposed Tradition Dairy, like other large concentrated animal feeding operations ("CAFOs") of similar design, poses a significant threat to public health and the environment."

Attorney's for Tradition Dairy immediately asked the appellate court to deny this brief, but on June 4th, 2010, the Appellate Court accepted this brief over objections.

To explain their interest in this case to the appellate court, the three not for profit organizations made the following statements:

The Illinois Sierra Club *"seeks to ensure that the quality of our state's groundwater resources are maintained; clean groundwater is critical to the flora and fauna found in groundwater-fed wetlands and streams and is an important drinking water source for many Illinois residents."*

"The proposed site of the Traditions Dairy is in a region of exceptional significance to Trout Unlimited. It is in the unglaciated portion of the upper Mississippi River Basin in northwestern Illinois...with stream habitat, much of it suitable for trout. (Trout Unlimited performed) stream channel and riparian restoration near the confluence of Clear Creek and the South Branch of the Apple River, just downstream from the Wolf Creek Watershed, in which the proposed facility is to be sited. The Apple is the nucleus of one of Illinois' best-known state parks."

Prairie Rivers Network's (PRN) primary interest in the case is the potential for Defendant A.J. Bos' proposed Tradition Dairy to contaminate groundwater and surface waters. PRN has concerns that overflows, leaks, and seepage from the waste ponds, and the land application of

waste, may pollute these waters with nutrients, pathogens, and harmful toxins. PRN believes that the risk of such pollution is high at this site because of the karst topography, the assessment of which was inadequately handled by Illinois Department of Agriculture and the lower court.

The Illinois Appellate Court, In Elgin, IL, could take from six to eight months to rule on this case, so a final ruling is not expected until Spring 2011.

Even though the December 2009 ruling by Circuit Court Judge Ward lifted all restraints on the operation of the 5,500 head megadairy, the developer has not resumed any construction at the site.

Although this facility was notified by the Army Corps of Engineers in June of 2008 that they would need a 401 permit from the IEPA to destroy the headwaters of a tributary to the Apple River, the investor impulsively started building before receiving this permit. The IEPA has still not issued the 401 due to concerns over damaging a biologically significant stream.

For more information about HOMES and to help support our cause, visit:
www.StopTheMegaDairy.org

HOMES (Helping Others Maintain Environmental Standards) is a 501(c)(3) tax exempt, pro-agriculture group of farmers and citizens dedicated to protecting family farms, rural communities, human health, and the environment by promoting sustainable agriculture and conserving our natural resources.