

*For Immediate Release*  
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**Megadairy Again Refuses to Comply with EPA's Request for Information**  
*Lawyers Dismiss Purple Discharge as Unimportant and Claim EPA Has No Authority*

Warren, IL - On November 9, lawyers representing the proposed megadairy near Nora, IL, responded to the October 27 letter from the US EPA that gave them "a final opportunity to comply." Again, the multi-millionaire owner refused to perform tests that the US EPA said would conclusively prove or disprove the presence of karst terrane. The EPA is requesting these tests to determine if the facility needs to apply for an NPDES discharge permit.

Since the US EPA took 90 days to respond to the first refusal, megadairy lawyers said they assumed that the EPA had agreed with the legal arguments set forth in the first letter. The lawyers argue that the sole reason the EPA sent a second letter was due to an "alleged unauthorized discharge," and they continue to claim that the EPA has no authority to question the megadairy or ask for any testing to be done on site.

The lawyers also claim that the facility wasn't officially a CAFO when it discharged a bright purple liquid into a tributary to the Apple River on October 1, because no animals were on site at the time. As a result, the lawyers claim that the megadairy should not be required to apply for a discharge permit. They asserted that once the facility is in operation, it will be "operated and maintained so as not to discharge."

"They've already discharged four times, why is their management suddenly going to improve once they have 100,000,000 gallons of manure to dispose of," inquires Kathy Hicks, a fifth-generation farmer who lives adjacent to the facility.

The law firm asked the EPA to justify their basis for requesting any information from the megadairy, and also requested a meeting with officials.

Had this facility been constructed just three miles further north in Wisconsin, they would have had to apply for a discharge permit. Nearly all Midwest states, including Wisconsin, Michigan, Ohio, and Minnesota, require every large CAFO to apply for a discharge permit. The Illinois EPA (IEPA), in a recent response to the US EPA's criticism of their lax handling of industrial agricultural facilities, has committed to require NPDES permits of all CAFOs in Illinois.

Copies of the response to the EPA, obtained via the Freedom of Information Act, are available to the media.

For more information about HOMES and to help support our cause, visit:  
[www.StopTheMegaDairy.org](http://www.StopTheMegaDairy.org)

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