

Timeline of Events

Written by M. Alschuler - Last Updated Saturday, 26 March 2011 11:03

November 1, 2007 – Notice of Intent to Construct

A.J. Bos, a millionaire investor from Bakersfield, CA, filed a Notice of Intent to Construct Two - 6,850 Animal Units (about 5,500 animals) dairy CAFOs (Concentrated Animal Feeding Operations) less than one mile west of Nora, Illinois.

January 10, 2008 – Public Hearing in Warren

The Illinois Department of Agriculture (IDOA), at the request of the Jo Daviess County Board, conducted a public hearing in Warren. Over 500 people attended, and the meeting ran until after midnight. Most of those in attendance were very much opposed to the CAFO. Bos testified that he came here due to our abundant supply of water.

February 11, 2008 – County Board Votes No

The Jo Daviess County Board voted 11 to 5 to reject the application for this facility. Their main concerns were the karstified nature of the bedrock which would allow contaminants to reach the drinking water aquifer, the odor, and the negative effect this facility would have on the tourism that brings over 200 million dollars to Jo Daviess County every year.

May 30, 2008 – IDOA Grants Permit

The IDOA granted the applicant permission to build without following any of the karst guidelines set out in the Livestock Management Facilities Act (LMFA). The IDOA was quick to use the power granted by the LMFA to ignore the county board (and local control) but couldn't be bothered to actually follow the rest of the law which would have denied this permit.

June 3, 2008 - HOMES Files Lawsuit

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HOMES filed a lawsuit against the IDOA and the A.J.Bos contending that this facility violated state law and threatened the public health.

Around June 16, 2008 – Bos Starts Building

A.J. Bos started construction on the site, and continued to build this facility despite the lawsuit.

June 2008 – Army Corps Protects Wetlands

US Army Corps of Engineers (ACOE) determined that the megadairy intended to build one of its 14-acre manure ponds directly over a tributary to the Apple River. They ordered the engineering firm to modify its design and obtain a 401 Water Quality Certificate from the Illinois Environmental Protection Agency (IEPA). This permit has never been issued.

September 8, 2008 – Galena City Council Takes a Stand

The Galena City Council passed a resolution asking for a moratorium on large Concentrated Animal Feeding Operations (CAFOs) in Jo Daviess County due to the harm it will cause to the public health, property values, family farmers, tourism, and the environment.

Late September 2008 – Bos Harvests Silage

Despite the trial, the missing IEPA permit, and the high price being paid for corn, A.J. Bos decided to harvest 26,000 tons of silage and pile it up on 4 acres of concrete next to a hastily dug leachate pond.

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October 20, 2008 – Judge Grants Preliminary Injunction

Judge Kevin J. Ward of Jo Daviess County signed a Preliminary Injunction Order restraining the operation of a proposed 6,850 animal unit concentrated animal feeding operation (CAFO) dairy less than a mile from the town of Nora, Illinois.

October 24, 2008 – Pat Quinn Presents Award

Lt. Governor Pat Quinn presented HOMES with his Environmental Hero Award for getting the preliminary injunction against the megadairy.

November 2008 – Voters Reject CAFOs

Voters in Jo Daviess County pass two non-binding referenda opposing the construction of industrial agricultural facilities.

February 17, 2009 – First Silage Leachate Discharge

Workers at the megadairy dump fresh silage leachate over frozen ground adjacent to the silage pile. Within hours the perennial tributary to the Apple River had turned black and smelled like a brewery. Lab tests show a Biological Oxygen Demand (BOD) of 2,200, over 10 times the level found in raw sewage.

March 10, 2009 – Second Silage Leachate Discharge

Workers at the megadairy put off emptying the leachate pond until heavy rains threatened to cause it to overflow. Soggy fields prohibited the use of a tanker, so they used a pump to spray leachate onto saturated fields. In less than an hour, the Apple River tributary was running dark.

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Lab tests show a BOD of 150, diluted only by the recent heavy rains.

July 29, 2009 – ISGS Releases Final Report

The Illinois State Geological Survey (ISGS) published its final report on the presence of karst bedrock around and under the megadairy facility. The report warned that pollutants from the megadairy can easily contaminate groundwater and wells.

December 15, 2009 – Judge Denys Permanent Injunction

Ignoring testimony from three state geologists who testified in the public's interest, Judge Ward ruled against HOMES and the environment and in favor of a California millionaire hoping to cover NW IL with industrial scale agricultural facilities.

January 7, 2010 – IEPA Seeks Public Comment

The IEPA opened a comment period to obtain public reaction to the 401 permit being considered for the megadairy. In only 21 days, the agency received 98 letters from concerned citizens.

February 16, 2010 – HOMES files appeal

Lawyers for HOMES filed an appeal with the 2nd District Appellate Court in Elgin, IL. HOMES was appealing the decision reached by Judge Ward and the determination that citizens lacked standing to question the decisions made by a state agency.

April 12, 2010 – Jim Sacia Writes Army Corps

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State Representative Jim Sacia supported the megadairy by writing a letter to the Army Corps asking them to waive their requirements for a 401 permit from the IEPA so Bos can build his facility. The ACOE denied this request.

May 25, 2010 – Amicus Brief Filed

Attorneys for the Sierra Club, Trout Unlimited, and the Prairie Rivers Network filed an Amicus Brief (Friend of the Court) with the Illinois Appellate Court. 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).

July 1, 2010 – EPA Demands Karst Testing by Megadairy

US EPA sent AJ Bos a list of detailed tests it wanted performed on the site of the megadairy to determine if karst is present.

August 26, 2010 – Third Silage Leachate Discharge

Overnight the previously clear Apple River tributary turned slightly purple. Lab results show a BOD of 50.

Sept 30, 2010 – Megadairy Dumps Leachate

Megadairy employee dumped 320,000 gallons of purple silage leachate on 5 acres of land, or more than 64,000 gallons per acre. This is over twenty times the typical application rate of 3,000 gallons per acre.

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October 1, 2010 – Fourth Silage Leachate Discharge

The Apple River tributary was bright purple, and lab results showed a BOD of 400, twice the level found in untreated sewage. Investigators from the IEPA, the US EPA, and the Jo Daviess Hazmat team arrive on site. IEPA took multiple water samples but were unable to determine the cause of the purple coloration. An employee of the engineering firm that designed the facility told the IEPA he suspected it was bacterial contamination often found in animal waste.

October 8, 2010 – IEPA Refers Megadairy Discharge to Attorney General

Eight days after a massive discharge of purple silage leachate from the megadairy brought investigators to the site the head of the IEPA referred the entire case to the IL Attorney General for prosecution.

December 20, 2010 – Megadairy Meets with US EPA

Megadairy lawyers met with US EPA to discuss karst testing. EPA reiterated their demand for these tests.

December 22, 2010 – Appellate Court Rules Against HOMES

Overruling a Supreme Court decision, the 2nd District Appellate Court ruled that Illinois citizens don't have standing to question decisions made by government agencies. They also ruled that Bos could not sue plaintiffs for damages. They upheld Judge Ward's decision not to grant a permanent injunction.

January 25, 2011 – HOMES Files Plea with Supreme Court

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Lawyers for HOMES filed a plea with the IL Supreme Court asking them to consider an appeal. It may take a few months for the court to decide if they will hear the case.