

Lis Pendens Notice

**IN THE CIRCUIT COURT FOR THE TENTH
JUDICIAL CIRCUIT PEORIA COUNTY,
ILLINOIS**

**PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois,**

Plaintiff,

v.

**ELMWOOD FARMS, LLC, and Illinois
limited liability corporation, and
DBE FARMS INC., an Illinois corporation,**

Defendant.

No. 19-CH-165

LIS PENDENS NOTICE

Notice is given that People of the State of Illinois, ex rel Kwame Raoul v. Elmwood Farms, LLC and DBE Farms, Inc., No. 19-CH-165, has been filed and is now pending in the Circuit Court for the Tenth Judicial Circuit, Peoria County, Illinois, by the above-named Plaintiff against the above-named Defendants, seeking a mandatory injunction requiring Defendant to abate violations of the Environmental Protection Act as the subject property known as approximately 75 acres located at 23318 W. Taggart Road and 3913 N. Wiley Road, Elmwood, IL 61520. The Real Property tax identification number is 1129-100-003; 11-29-100-005; 46-29-100-005 (pollution control PIN). See attached Exhibit A, which is attached to this


Notice and made a part of this Notice as fully set forth herein.

Respectfully submitted

PEOPLE OF THE STATE OF ILLINOIS
ex rel KWAME RAOUL, Attorney
General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY:


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Assistant Attorney General

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EXHIBIT A

PARCEL 1:

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY-NINE(29), TOWNSHIP NINE (9) NORTH, RANGE FIVE (5) EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SAID SECTION 29, RUNNING THENCE SOUTH 160 RODS; THENCE EAST 70 RODS; THENCE NORTH 160 RODS TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE WEST ON THE QUARTER SECTION NORTH LINE, 70 RODS TO THE PLACE OF BEGINNING; EXCEPTING THEREFROM, A STRIP OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 70 RODS EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29, AND RUNNING THENCE NORTH TWENTY FEET (20'); THENCE WEST 10 RODS; THENCE SOUTH TWENTY FEET (20') TO THE QUARTER SECTION LINE; THENCE EAST 10 RODS TO THE PLACE OF BEGINNING; SITUATED IN PEORIA COUNTY, ILLINOIS.

PARCEL 2:

FOUR (4) ACRES OFF THE EAST END OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION THIRTY (30), TOWNSHIP NINE (9) NORTH, RANGE FIVE (5) EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATED IN PEORIA COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 FOR THE PURPOSES OF HAULING AND APPLYING MANURE AND OTHER ANIMAL BIOSOLIDS AS CREATED BY THE MANURE EASEMENT AGREEMENT RECORDED MAY-24, 2002 AS DOCUMENT NO. 02-21436.

PARCEL 4:

POLLUTION CONTROL PARCEL FOR PARCEL 11-29-100-005 IS 46-29-100-005 AND CARRIES IT'S OWN TAX BILL.

PIN FOR ABOVE 4 PARCELS: 11-29-100-005

PROPERTY ADDRESS: 23318 W. TAGGERT ROAD, ELMWOOD, IL 61529

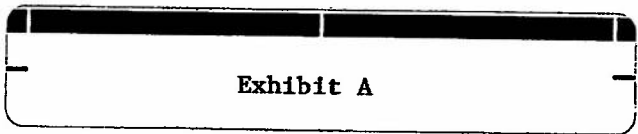
PARCEL 5:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP NINE (9) NORTH, RANGE FIVE (5) EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 29, THENCE NORTHERLY ALONG THE CENTER LINE OF SAID SECTION, A DISTANCE OF 811.20 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; FROM THE SAID POINT OF BEGINNING, THENCE WESTERLY A DISTANCE OF 190 FEET; THENCE NORTHERLY A DISTANCE OF 458.80; THENCE EASTERLY A DISTANCE OF 190 FEET; THENCE SOUTHERLY A DISTANCE OF 458.50 FEET TO THE POINT OF BEGINNING, SITUATE, LYING AND BEING IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

PIN FOR PARCEL 5: 11-29-100-003

PROPERTY ADDRESS: 3913 N. WILEY ROAD, ELMWOOD, IL 61529

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Elmwood Farms/DBE Farms

The following items summarize the measures for the farm as of 8-6-19:

1. Monitor/inspect Waste Systems/storages and keep written records per regulations of the inspections. This includes mowing or clearing as need to adequately structural integrity, check the berms and storage areas for burrowing animals, seeps, sloughing/settling of berms, freeboard, erosion, woody vegetation, leaks, etc. See 8 IAC 900.803(t) and similar regulatory provisions of the Livestock Management Facilities Act, Illinois Environmental Protection Act, etc.
2. Clean up areas containing manure, feed, bedding (sawdust) that are exposed to precipitation and thus generate process wastewater to eliminate process wastewater generation and the collection of wastewaters.
 - a. Silage bunkers, concrete aprons, etc.
 - b. Concrete wash pad (Iso Huts)
 - c. Mortality Composter
 - d. Manure transfer systems (pipes, concrete alleys, reception tank, lift station, inlets, cleanouts, and related ponded areas)
3. Construct clean water diversions (e.g., berms/swales, etc.) to divert clean stormwater off site after the above areas are cleaned up.
4. Land apply manure from storages in order to maintain adequate storage and freeboard (Waste storage Pond, Cemetery Pond)
5. Call the Illinois Department of Agriculture and have inspected after all manure storages are cleaned out within 12 months of 4-3-2019 per 8 IAC 900.508 unless the facility is repopulated with livestock prior to 4-3-2020.
6. Repair or Install a Permanent liquid level/Staff Gauge in the liquid waste storages
7. If farm is to be used for future livestock, the existing stormwater pipe to the NW stormwater basin should be explored and examined with video camera and to determine potential interconnections with manure system, if any.
8. Repair/Clean out/fix manure transfer systems as needed to function properly as needed for livestock production.
9. Maintain/update Nutrient Management Plan, Records, etc.
10. Sample the monitoring wells and port quarterly and submit lab results to IDA per regulations
11. Perform maintenance including mowing, removal of trees/woody vegetation on the Waste storage basin (Berm/Dam) and submit 5-year Dam Safety Permit report including transfer of ownership as required to IDNR/OWR.