

ENVIRONMENTAL DISCLOSURE

The former operator of the Elmwood facility, and the current owner of the Elmwood property, are defendants in a Complaint for Injunctive Relief, filed by the State of Illinois Office of Attorney General (“OAG”) on April 19, 2019 in the Tenth Judicial Circuit, Peoria County. See *People of the State of Illinois, ex rel. Kwame Raoul v. Elmwood Farms, LLC and DBE Farms Inc.*, No. 19-CH-165. The lawsuit alleges, *inter alia*, threat of water pollution from the facility’s holding pond and other areas of the facility. The property owner, through counsel and an agricultural engineer, has been working with the OAG to resolve the issues and reduce the risk of any threatened pollution.

Any new owner who intends to operate the facility as a livestock management facility or concentrated animal feeding operation (“CAFO”) will be required to follow all applicable Illinois laws and regulations, as administered by the Illinois Environmental Protection Agency and the Illinois Department of Agriculture. Those regulations require that the facility maintain the facility’s existing waste holding pond with at least 2 foot of available freeboard. Any new owner who does not intend to operate the facility as a livestock management facility or CAFO will be subject to certain notification and closure requirements. See 510 ILCS 77/15(e) and 510 ILCS 77/13(k); 8 Ill. Adm. Code 900.508, 8 Ill. Adm. Code 900.608.