

Attorney General, EPA settle with Hamman Farms

State imposes fines, requirements in case related to trash complaints

By Tony Scott

Attorney General Lisa Madigan and the Illinois Environmental Protection Agency have settled a complaint from 2008 against Don Hamman Farms LLC of Yorkville related to complaints about open dumping on the farm property.

An order filed in Kendall County court in March states that the parties reached a settlement, which includes Hamman Farms paying a \$7,500 fine. Part of the court settlement agreement is that there is no admission of violations.

The farm, located along Route 71 west of West Highpoint Road in Yorkville, collects landscape waste, such as grass clippings, from waste haulers, and spreads what it collects on the farm fields.

The state filed a complaint in 16th Judicial Circuit Court in September of 2008 against both Hamman Farms and its manager, Don Hamman. The state filed an amended complaint eight months later against the Hamman Farms firm

that did not include Don Hamman as an individual defendant.

The original complaint included accusations of open dumping on the property, citing examples of Hamman Farms allowing "landscape waste, plastic, metal, paper and miscellaneous debris to be openly dumped on their site without being a permitted landfill."

Two other counts included in the original complaint were operating a waste storage operation without a permit and that the Hamman firm applied landscape waste thicker than what is allowed by the state.

The \$7,500 fine will be paid to the Illinois EPA for deposit into the Environmental Protection Trust Fund, according to court documents.

Requirements of Hamman Farms included in the document are: the "acceptance of landscape waste for land application that contains only landscape waste material," and the "establishment and operation of a load checking program designed to detect attempts by anyone to dispose of non-landscape waste at the facility."

The load checking program requires Hamman Farms to "visually inspect every load of material before its acceptance at the facility to determine the presence of non-landscape waste in the load." The firm is required to then reject the load or remove the "non-landscape waste."

Also, the program would require random inspections of loads on a weekly basis by Hamman Farms.

The firm will also need to document each inspection, with a report including the date and time of the inspection, the name of the hauling firm, the vehicle identification number or license plate

number and the source of the landscape waste, according to court documents.

The report will also have to include the inspections' results and whether the load was accepted or rejected, according to court documents. It will also include the name of the person conducting the inspection.

Also included in the court order is a requirement that, before Hamman Farms applies landscape waste in the future, they need to clear the fields of "non-landscape waste and properly dispose of that waste." Also, the firm needs to clear the fields of all non-landscape waste within 24 hours of the application of landscape waste, the court documents state.

The firm is also required to maintain records of training staff on what is non-landscape material, and make those records available to the Illinois EPA, according to court records.

The court order requires that Hamman Farms sample and analyze soil on the fields where landscape waste is applied, by Sept. 30 of this year.

It also gives permission to the Illinois EPA and the Attorney General's office, and its employees and representatives, to enter the Hamman Farms property "at all reasonable times for the purpose of

conducting inspections and evaluating compliance status." During the inspections, the inspectors "may take photographs, samples and collect information as they deem necessary," the court order states.

Mayor Burd: issue between Hamman, State of Illinois

Mayor Valerie Burd said the issue of the settlement is between the state and Hamman, although she said she is concerned about the 80 tons per acre of landscape waste that are allowed to be applied annually to Hamman's fields per a state permit issued in May of 2008.

According to a story published in the Record at the time, the permit will expire at the end of this year.

Charlie Murphy, spokesman for Hamman Farms, said the permit from 2008 "addresses all the issues of the inspection of waste loads, and documentation of the results, and to sample and analyze the field every four years per the agronomic handbook that all people are under."

"So it's not like it's new information," he said. "The hope would obviously be that these issues are resolved, and it was done with a settlement with the state."

Trinity bake sale set on April 16

A bake sale will be held at Trinity Church on Saturday, April 16 from 8 a.m. to 2 p.m. The church is located at the corner of Route 47 and Cannonball Trail in Yorkville.

All types of baked goods will be available. Any requests for specific baked goods or large amounts can be made by calling 630-553-7645. If there is no answer, leave a message with your request, name and phone number.

Food Pantry Stand By Me fundraiser set for April 22

A fundraiser will be held Friday, April 22 to benefit the Kendall County Food Pantry's Project Stand by Me and Project Brown Bag.

The fundraiser will be at Hoppers Inflatable Family Fun Center at 181 Commercial Drive, Unit G, Yorkville, from 10 a.m. to 8 p.m.