



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

847/294-4000
847/294-4083 (Fax)

NOV 15 2007

Hamman Farms
Attn: Mr. Don Hamman
6275 Rte. 71
Oswego, Illinois 60543

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7004 1350 0003 1641 4007**

Re: **Violation Notice, L-2007-01437**
0930155023 - Kendall County
Yorkville/Hamman Farms
Compliance File

Dear Mr. Hamman:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on October 17, 2007 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations, or permits as set forth in the attachment to this letter. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the violations cited, please be advised that resolution of the violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. The response must address each violation specified in the attachment and include for each an explanation of the activities that will be implemented and the time schedule for the completion of that activity. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject it within 30 days of receipt.

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REVIEWER MD

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ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

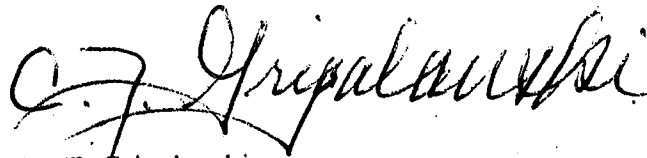
Page 2

If a timely written response to this Violation Notice is not provided, it shall be considered to be a waiver of the opportunity to respond and to meet provided by Section 31(a) of the Act, and the Illinois EPA may proceed with a referral to the prosecutorial authority.
Written communications should be directed to:

Illinois EPA – Bureau of Land
Attn: Charles T. Grigalauski
9511 Harrison Street
Des Plaines, Illinois 60016

All communications must include reference to your **Violation Notice L-2007-01437**. If you have questions regarding this matter, please contact **Gino Bruni** at 847/294-4061.

Sincerely,

A handwritten signature in black ink, appearing to read "C. T. Grigalauski". The signature is written in a cursive style with a large, stylized initial "C".

Charles T. Grigalauski
Regional Manager
Bureau of Land

Enclosure

cc: Division File
Des Plaines Region

ATTACHMENT A

1. Pursuant to Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: You have open dumped landscape waste and general refuse. Landscape waste was not applied at agronomic rates.

2. Pursuant to Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation:

- a. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder...

- b. In violation of any regulations or standards adopted by the Board under this Act.

This subsection (d) shall not apply to hazardous waste.

A violation of Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)) is alleged for the following reason: You have open dumped landscape waste and general refuse. Landscape waste was not applied at agronomic rates. This activity was being conducted without a permit granted by the Illinois EPA and in violation of the regulations.

3. Pursuant to Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: You have open dumped landscape waste and general refuse. Landscape waste was not applied at agronomic rates. This activity was being conducted without a permit granted by the Illinois EPA and in violation of the regulations.

4. Pursuant to Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

1. litter;
2. scavenging;
3. open burning;
4. deposition of waste in standing or flowing waters;
5. proliferation of disease vectors; or
6. standing or flowing liquid discharge from the dump site.

ATTACHMENT A (continued)

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)) is alleged for the following reason: You have open dumped litter. Litter was observed commingled with your landscape waste.

5. Pursuant to 35 Illinois Administrative Code 807.201, Subject to such exemption as expressly provided in Section 21(e) (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(e)) of the Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

A violation of 35 Illinois Administrative Code 807.201 is alleged for the following reason: You have open dumped landscape waste and general refuse. Landscape waste was not applied at agronomic rates. This activity was being conducted without a developmental permit granted by the Illinois EPA.

6. Pursuant to 35 Illinois Administrative Code 807.202,
 - a) New Solid Waste Management Sites. Subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1982, ch. 111 1/2, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.
 - b) Existing Solid Waste Management Sites.
 - 1) Subject to such exemption as expressly provided in Section 21(e) of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(e)) as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any existing solid waste management site without an Operating Permit issued by the Agency not later than one year after the effective date of these Regulations.
 - 2) All applications for Operating Permits shall be submitted to the Agency at least 90 days prior to the date on which such permit is required; however, the Agency may waive such provision when appropriate.

ATTACHMENT A (continued)

- 3) The Agency may, if necessary to prevent an unmanageable workload, extend the date by which Operating Permits are required for a period not to exceed 180 days. The Agency shall notify the persons affected and the Board, in writing, of such extension at least ninety days in advance of the date set forth in Section 202(b)(1).

Duration of Operating Permits.

All operating permits shall remain valid until the site is completed or closed, or until revoked, as provided herein

A violation of 35 Illinois Administrative Code 807.202 is alleged for the following reason: You have open dumped landscape waste and general refuse. Landscape waste was not applied at agronomic rates. This activity was being conducted without an operational permit granted by the Illinois EPA.

SUGGESTED RESOLUTIONS

- * **Immediately cease all open dumping.**
- * **Immediately remove all litter/general refuse from incoming loads of landscape waste prior to placing into the tub grinder. A second screening of the landscape waste must be conducted prior to being applied to the farm fields. If necessary a third screening must be conducted prior to the landscape waste being tilled into the field.**
- * **Immediately apply landscape waste at agronomic rates (3/4 of one inch in thickness). Daily written agronomic rate calculations must be maintain for three years.**
- * **Immediately calculate, on a daily basis, the percentage of non-landscape waste. These calculations must be maintained for three years.**

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Kendall LPC#: 0930155023 Region: 2 - Des Plaines
 Location/Site Name: Yorkville/Hamman Farms
 Date: 10/17/2007 Time: From 11:20AM To 12:30PM Previous Inspection Date: 09/21/2007
 Inspector(s): Gino Bruni, and Mark Retzlaff Weather: Cloudy 60F
 No. of Photos Taken: # 4 Est. Amt. of Waste: ? yds³ Samples Taken: Yes # No
 Interviewed: Larry Cooper Complaint #: See Narrative
 Latitude: 41.36004 Longitude: -88.30213 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: - Google Earth

Responsible Party
Mailing Address(es)
and Phone Number(s):

Hamman Farms
 6275 Rte. 71
 Oswego, Illinois 60543
 630/552-7371

Hamman Farms
 6275 Rte. 71
 Oswego, Illinois 60543
 630/552-7371

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

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LPC # 0930155023

Inspection Date: 10/17/2007

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
	807.201	Failure to obtain a developmental permit	<input checked="" type="checkbox"/>
	807.202	Failure to obtain an operational permit	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

0930155023 – Kendall County
Yorkville/Hamman Farms
October 17, 2007

NARRATIVE
Prepared by Gino Bruni

On October 17, 2007, I conducted an inspection at Hamman Farms. The purpose of this inspection was to determine the site's compliance relating to the application of landscape waste at agronomic rates. This inspection also is a follow-up to numerous (10) odor complaints (C08-039, C08-041, C08-042, C08-043, C08-044, C08-045, C08-046, C08-047, C08-048, and C08-049) that the Illinois EPA received in September 2007. Some of the complainants indicated that the subject site is receiving landscape waste commingled with general refuse. Also, some of the complaints identified an increased fly population. Mark Retzlaff of the Illinois EPA accompanied me during the inspection. We met with Larry Cooper, an employee of Mr. Hamman.

Hamman Farms is not a landscape waste composting facility. Pursuant to Section 21(q)(2) of the Illinois Environmental Protection Act: landscape waste may be applied at agronomic rates. Pursuant to Section 21(q)(3)(D) of the Illinois Environmental Protection Act: "agronomic rates" means the application of not more than 20 tons per acre per year. No permit is required from the Illinois EPA for this type of activity.

The following information was collected during the Illinois EPA's initial complaint investigation conducted on September 21, 2007:

- * Landscape waste was being processed in a new tub grinder located on the north side of Route 71.
- * Mr. Hamman said that the landscape waste weighs 400 pounds per cubic yard.
- * Mr. Hamman said that he does not weigh any of the loads landscape waste.
- * Approximately, 20 cubic yards of ground landscape waste is placed in a manure spreader and applied in strips across the farm fields.
- * The application rate observed was 2.5 to 3 inches thick using a ruler.
- * Gary Cima of the Illinois EPA calculated that landscape waste that weighs 400 pounds per cubic feet would allow an application of $\frac{3}{4}$ of one inch.
- * After speeding up the spreader, the application rate was improved but remained above the allowed maximum – $\frac{3}{4}$ of one inch.
- * Landscape waste that had been applied to the fields adjacent to 9225 Lisbon Road appeared to be over applied. Numerous flies were observed at this location.

- * I informed Mr. Hamman that he must apply landscape waste at agronomic rates (applied no greater than $\frac{3}{4}$ of one inch). Mr. Hamman was also informed that litter must be removed from the landscape waste prior to being applied to the fields.
- * I informed Mr. Hamman that I would re-inspect his site within two weeks.

The following information was collected during my re-inspection conducted on October 17, 2007:

- * Over application of landscape waste was observed in the farm field located along the south side of Budd Road. I collected ten (10) measurements using a ruler. The majority of the measurements were between 1 to 4 inches.
- * Over application of landscape waste was observed in the farm field located along the north side of Rte. 71. I collected more than ten (10) measurements using a ruler. The majority of the measurements were between 1 to 2 inches.
- * General refuse that was in the landscape waste was being picked-up by three laborers.

The following violations were observed:

- 1) Section 21(a) of the Illinois Environmental Protection Act – Open dumping of landscape waste and general refuse was observed.
- 2) Section 21(d)(1) of the Illinois Environmental Protection Act – Open dumping of landscape waste and general refuse was being conducted without a permit granted by the Illinois EPA.
- 3) Section 21(d)(2) of the Illinois Environmental Protection Act – Open dumping of landscape waste and general refuse was being conducted in violation of the regulations.
- 4) Section 21(e) of the Illinois Environmental Protection Act - Open dumping of landscape waste and general refuse was being conducted without a permit granted by the Illinois EPA.
- 5) Section 21(p)(1) of the Illinois Environmental Protection Act - Open dumping of landscape waste and general refuse was being conducted without a permit granted by the Illinois EPA.

**0930155023 – Kendall County
Yorkville/Hamman Farms
October 17, 2007
Page 3**

- 6) 35 Illinois Administrative Code 807.201 – The site does not have a developmental permit granted by the Illinois EPA. Open dumping of landscape waste and general refuse was being conducted without a permit granted by the Illinois EPA.
- 7) 35 Illinois Administrative Code 807.202 – The site does not have an operational permit granted by the Illinois EPA. Open dumping of landscaped waste and general refuse was being conducted without a permit granted by the Illinois EPA.

cc: Division File
Des Plaines Region
Gary Cima, BOL/Permit Section