

12/14/2011

Illinois Pollution Control Board

c/o Clerk, 11th flr.

100 W. Randolph St.

Chicago, Illinois, 60601.

Case, AS 12-2.

ORIGINAL

RECEIVED
CLERK'S OFFICE

DEC 21 2011

STATE OF ILLINOIS
Pollution Control Board

PC# 1

Dear Illinois Pollution Control Board,

Last year we had a situation in our township that was a major concern to our constituents and us. Mr. Jim Kerwin/Terrona Farms at 8452 Joliet Rd in Peotone, IL 60468 was dumping yard waste on their property without a permit. We submitted a response to the Illinois EPA at that time citing our concerns with the actions of Mr. Jim Kerwin/Terrona Farms. We were pleased with the actions of the Illinois EPA to deny the application of Mr. Jim Kerwin/Terrona Farms to continue dumping yard waste on their property.

A year has passed and Mr. Jim Kerwin/Terrona Farms has resubmitted their request to you so they may resume dumping yard waste (AS 12-2). Our concern remains the same as nothing has changed at Terrona Farms in the past year. They cited in their application last year (PS10-151) that they would be using the yard waste that was dumped on their farm last year for organic farming. Now a year later we see no evidence that they did what Mr. Jim Kerwin/Terrona Farms said they would do in that application to the Illinois EPA. Due to the reasons we cited, we are re-submitting our letter of concern objecting to the resumption of yard waste dumping by Mr. Jim Kerwin/Terrona Farms as we believe it is still relevant with the current situation at Terrona Farms.

Sincerely,

Gene Zumber, TOWNSHIP CLERK

Peotone Township Board

Peotone Twp., Peotone, Will County, Illinois

cc: Tim Anderson, Will County Land Use

1/26/2011

Illinois EPA

Bureau of Land – Permit Section #33

Attn: Derek Rompot

1021 N. Grand Ave East

Springfield, IL 62794-9276

RE: (PS10-151)

Derek Rompot,

This letter is in response to the request of Mr. Jim Kerwin/Terrona Farm, 8452 W. Joliet Rd., Peotone, IL 60468, to grant a variance to allow the spreading on compost greater than the accepted agronomic rate, on the property at 8452 W. Joliet Rd., Peotone, IL 60468. Peotone Twp. Board asked the Peotone Twp. Zoning Chairman, Kent Heisner, to contact Jim Kerwin and review the application for variance (PS10-151). We have reviewed the information Mr. Heisner has gathered.

Mr. Heisner met with Jim Kerwin and Tim Anderson from Will County Land Use on Dec. 20, 2010 to interview Mr. Kerwin for the purpose of gathering information. Mr. Heisner then spent considerable time researching and confirming the information he collected during that meeting. Mr. Heisner presented his report to the Peotone Twp. Board meeting Jan. 18, 2011. As a result of that report, we the **Peotone Township Board ask that the Illinois EPA deny the variance request for this property.**

We have many concerns with the dumping of yard waste at Terrona Farm, 8452 W. Joliet Rd., Peotone, IL 60468 and the supposed organic farming operation Jim Kerwin has there. Starting with an analysis of their application submitted to the IL EPA.

1. In the opening sentence/paragraph of the application Mr. Kerwin stated Terrona Farm “has been a living, working organic farm for 12-yrs.” When questioned on Dec. 20th, Mr. Kerwin stated Terrona Farm is NOT a member of any organic farming certification organization. When asked about the Terrona Farm website (<http://www.localharvest.org/terrona-farms-M39044>), (see attachment #1) Mr. Kerwin informed us that website was for information gathering purposes only and all of the organic products they listed on their website, none are for sale. When questioned more about the organic farm production, Mr. Kerwin was not able to give any specific information about any organic product sold or produced from the farm in the 12-yrs. of existence. Nor was he able to produce any records from the farm concerning the organic farming practices.
2. In paragraph 2 of the application Mr. Kerwin talks about the practice of “pugging”. As a former dairy farmer I am very familiar with this process. It would often happen in the shed where we keep our cattle (30’ x 40’ shed w/12-head of Holstein heifers, 1-hd./100 sq. ft.). However to get the “pugging” affect on the 5-acres he spread the 12-inches of leaves on, he would need considerably more cattle than the 8-head he currently has (217,800 sq. ft. 1-hd./100sq. ft.=2,178 hd. of cattle). Mr. Kerwin didn’t inform us of any plans to increase his current herd size. We truly doubt the validity of this claim.

3. In paragraph 3, Mr. Kerwin continues to talk of his plan to have cattle roam the area he dumped leaves in October. However at the meeting Dec. 20th, he informed us that this did not happen this year due to the fact they didn't get the area fenced off for his 8-cows to roam this winter. This brings into question, does Mr. Kerwin have the proper equipment to do the necessary work that must be done.
4. Also stated in paragraph 3 of the application Mr. Kerwin states he plans to turn the soil and 12-inches of yard waste. He then stated in the application he plans to plant either Sudan Grass or Buckwheat. As experienced farmers we first question his ability to cultivate the 12-inches of leaves into the soil. That is certainly a lot of depth of compost to till into the soil. We also question his desire to grow Sudan Grass in the spring. Sudan grass needs an ample supply of nitrogen in the soil to grow well (see attachment #2, <http://cestanislaus.ucdavis.edu/files/333.htm>). Leaves are nitrogen poor (see attachment #3, <http://cecalaveras.ucdavis.edu/files/58049.pdf>) and he would have to use commercial fertilizer high in nitrogen to grow the Sudan Grass thus negating his organic farm status. Buckwheat would also present him with many challenges he didn't seem to be prepared for, stating he would wait for the crop to mature before tilling it into the soil. At the Dec 20th meeting Mr. Kerwin stated he would use a "rotovator", experienced farmers on the board felt it was highly unlikely the ability of the rotovator to perform this task due to the problem of the stems of the crop getting tangled in the blades making it incapable of doing the work needed. Complicating the situation would be the seeds from the buckwheat that would start growing again next spring. Experienced farmers on the board also question the claim he would be able to start growing a pasture mix on that land anytime in the near future.
5. Mr. Kerwin included 9-pages of soil test reports with his application. At the Dec 20th meeting when asked to interpret those reports Mr. Kerwin informed us only one of the attached reports was from the farm at 8452 W. Joliet Rd., Peotone, IL. When asked to interpret the report and how it related to the current sites on the farm where the leaves were dumped this fall, he told us the samples for that soil test were from other areas of the farm. This once again brings up the question of the NEED to have 12-inches of yard waste on the land for the purpose of organic farming. This farm is located in an area of highly fertile soils consisting of mostly "A" & "B" rated soils, bringing into question any need for compost for this organic farming operation. At the rate of 12-inches depth that was applied to the land this fall that would mean there are 1,613.333 cubic yards of leaves Mr. Kerwin applied to his land this fall. That would be over **322-tons** of leaves applied per acre (see attach. #4, conversion chart used <http://www.mass.gov/dep/recycle/approvals/dsconv.pdf>). That would be considerably more than **5-10 tons per acre recommended** rate by M.D. Orzolek, Dept. of Horticulture, Penn State Univ. stated in his article Organic Matter Application--Can You Apply Too Much? In the article M. D. Orzolek states; *While liberal applications of organic composts (5 to 10+T/A) has been a rule of thumb for many growers in the last decade, it has lead to some very difficult problems in the fields where the organic compost was applied.* (see attach. #5, <http://pubs.ext.vt.edu/2906/2906-1316/2906-1316.html>) This information really brings us to a concern that if granted the variance to apply 12-inches of compost to Mr. Kerwin, it would be an actual detriment to his organic farm.
6. A publication sent to us for review by Mr. Kerwin also confirms the fact that 12-inches of compost can cause problems for the plants and tillage. *Building Soil Organic Matter with Organic Amendments*, Leslie Cooperband, University of Wisconsin-Madison, Center for Integrated Agricultural Systems, September 16, 2002 (<http://www.cias.wisc.edu/wp-content/uploads/2008/07/soilorgmtr.pdf>)
Pg. 8 - last paragraph on pg. 8, cont. pg. 9
Experiences with on-farm "leaf mulching" in New Jersey showed that a 3-inch layer of leaves chiselploved into the soil surface improved soil aggregation and increased soil water holding capacity (Kluchinski et al., 2002). Crops grown the spring following leaf

application showed reduced drought stress. However, increased soil moisture in the spring prolonged germination of some broadleaf and grass weeds. A 6- inch layer of leaves proved to hold too much moisture and tie up too much N, reducing crop yields.

Precautions

In general, fresh yard trimmings are more difficult to land spread than composted yard trimmings. Leaves and chipped brush can be difficult to till into the soil.

With the information stated above we of the Peotone Twp. Board want to state our concerns about the dumping of yard waste at Terrona Farm, 8452 W. Joliet Rd., Peotone, IL 60468. Mr. Kerwin has stated that his exclusive purpose for dumping yard waste on the farm is for the sole purpose of organic farming. However when asked for information that confirm his approved organic farming practices he is unable to justify the excessive rate of yard waste he is dumping on his farm. In a recent email Mr. Kerwin sent to Mr. Heisner, Mr. Kerwin stated;

Dear Mr. Heisner, I know that the 12" of leaves applied to the fields is your biggest concern. I will explain again why this depth was chosen. The main reason is simply the application method. Being a very small operation just starting out, equipment costs are not only staggering but not a reality for a farm that hasn't been generations in the making. I do not have manure spreaders which are the ideal way to apply the leaves to the ground. I also do not own a farm tractor and am at the mercy of the local rental market.

This confirms our concern about the ability of Mr. Kerwin to do the needed work when handling this excessive amount yard waste dumped on Mr. DiCola's property. We truly doubt he would be able to properly do the necessary work that MUST be done for the protection of adjacent property owners and the community around him. Lack of proper equipment is not a valid excuse to allow excessive and improper composting practices.

Other concerns are lack of records. Mr. Kerwin hasn't kept nor was he willing to provide to us when we requested them. We repeatedly asked Mr. Kerwin and Jim Bracken (owner of the trucking company dumping loads on the land) for the records of exactly how many loads were dumped on the property and when they were dumped. Mr. Kerwin has never provided that information to us. Mr. Kerwin did however state at our meeting on Dec 20th he believed there were only 40-50 loads dumped. Members of the community that watched and monitored the dumping have told us that there was considerably more than that dumped, making us once again question Mr. Kerwin's credibility. Doing the math of 5-acres at 12-inches of cover that was compacted by the Caterpillar tractor used to spread the leaves would support our estimate of 100+ loads dumped there this fall making that farm a very profitable dump site. Mr. Kerwin did not provide documentation we requested to support his claim that the dumping stopped when Will County Land Use informed him of the violation. Neighbors and citizens said they saw that the dumping continued after the November 2nd date Tim Anderson of Will County Land Use inspected the dumping.

Another of our concerns with the credibility of the people we are dealing with in this situation. Mr. Kerwin stated at the Dec. 20th meeting he was unaware of any court order against the dumping of yard waste on the property. It is very hard to believe his excuse being he has been a longtime business partner with the land owner Mr. DiCola.

We also have concerns about Jim Bracken the owner Brackenbox Inc. the company that was dumping yard waste on the farm. According to an article in the Jan. 9, 2011 Chicago Tribune (attach. #6, <http://www.voiceforgolf.com/index.php?ht=display/ContentDetails/i/3952104>), Mr. Bracken is a chronic violator of EPA regulations. The fact Mr. Bracken is involved with this situation and his unwillingness to address our concerns also raises numerous concerns.

To summarize, the Peotone Twp. Board requests for the reasons stated above that the Illinois EPA **DOES NOT** grant the variance requested (PS10-151) by Jim Kerwin, Robert DiCola & Terrona Farms for the property at 8452 W. Joliet Rd., Peotone, IL 60468. We believe with the current situation and the past practices by Jim Bracken, Jim Kerwin, Robert DiCola & Terrona Farms there is considerable potential for public nuisance, also taking into consideration the highly questionable aspects of organic farming operation Mr. Kerwin is without the proper equipment for his operation. We appreciate you allowing us to present our documentation and an opportunity to express our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Gene Younker".

Peotone Township Board

Peotone Twp., Peotone, Will County, Illinois

cc: Tim Anderson, Will County Land Use