



Illinois Dunesland Preservation Society

Paul A. Kakuris, President

P.O. Box 466 Zion, IL 60099

Phone Number: 312 332-3377

FAX Number: 312 332-3379

ildunesland@aol.com

May 15, 2006

COMPLAINT

Immediate Response Requested

Memo: Douglas Scott, Director, Illinois Environmental Protection Agency
Bernard P. Killian, Deputy Director, IEPA
Laurel Kroac, Bureau Chief, IEPA Air Pollution Control
Dale Halford, IEPA Air Pollution Control
Bill Child, Bureau Chief, IEPA Land Pollution Control
Marcia Wilhite, Bureau Chief, IEPA Water Pollution Control
Chris Kallis, IEPA Water Pollution Control
Dale Galassie, Director, Lake County Health Department
Michael Waxman, President, Lake County Board
Carl B. Hagstrom, Vice President, Lake County Board

Subject:

- 1. State Attempts to Cover up New Asbestos Discoveries at Illinois Beach State Park**
- 2. State's Deceptive New Asbestos Cover-up Riddled with Violations of Statutes and Regulations**
- 3. State's Asbestos Consultant PSI has Begun Picking up and Removing Friable Asbestos Pieces, Apparently Attempting to Circumvent Public Scrutiny and Disclosure While Apparently Violating State Statutes and Regulations**
- 4. State's Attempt to Keep Asbestos Secret Backfires, Causes Public Health Risk, and Further Environmental Contamination**

Scope:

- Several hundred square feet of friable/regulated transite sheeting is scattered across more than 100 acres of public property.
- The asbestos demolition debris is located at the Lake Michigan shoreline just south of Camp Logan and north of the Zion nuclear power plant in the north unit of Illinois Beach State Park. The damaged and weathered asbestos transite sheeting and piping is scattered across an old residential neighborhood that the State of Illinois has owned since the early 1970's when the demolition apparently occurred.
- It appears the old homes were demolished; some of the debris was buried onsite and some was left on the surface, which left hundreds of asbestos pieces scattered throughout the acreage and exposed to the environment and weathered.
- Some of the razed buildings may be from a military installation on the site.
- Over the years, the materials have surfaced and contaminated a several acre area with visible and microscopic asbestos.

Earlier this year, a field burn in the area consumed grasses and brush that had previously concealed the extent of the friable asbestos debris. There are several hundred square feet of asbestos debris ranging in size from crumbs to as large as several square feet. Several hundred pieces of this asbestos debris is scattered on the surface of the acreage. There are other pieces emerging from the soil, heaved up during the freeze and thaw cycles, indicating an unknown amount of similar pieces of debris buried at the site. The area is state property that is laden with asbestos debris; it is currently open to the public from sunrise to sunset each day. The demolition debris located in and above ground has created airborne hazards, land pollution, and shoreline/water pollution and safety concerns.

Complaint:

The presence of friable and regulated asbestos-containing materials in the Camp Logan area of Illinois Beach State Park has created and continues to create an environmental, safety, and public health emergency.

The asbestos debris appears to have originated from residential building materials and a military installation. These residential structures were owned by the state of Illinois prior to being demolished sometime in the early 1970's. Demolition of these structures occurred under ownership of the state of Illinois. This asbestos-regulated, friable demolition waste debris poses a threat to human health and the environment for the following reasons:

1. Asbestos cement building materials have become damaged and friable due to previous demolition activities approximately 30 years ago. These materials have been a danger for all these years and are even more dangerous now due to weathering.
2. The demolition debris originated from publicly owned structures and is therefore regulated under the NESHAP asbestos regulations that apply if this debris is disturbed by the state's asbestos consultant PSI.
3. A majority of the asbestos cement demolition debris appears to have been land-filled. However, there are several hundred square feet of damaged asbestos cement demolition debris that are lying on the ground or have become partially exposed to the surface.
4. The asbestos cement debris exposed above the ground surface is severely damaged, resulting in asbestos fiber releases along damaged edges.
5. The asbestos cement debris exposed above the ground surface has been exposed to weathering and is deteriorating on all areas of its exposed surface area. The weathering and damage has rendered the asbestos debris friable on exposed surface areas.
6. A recent field burn conducted by the IDNR occurred in the former residential community where the asbestos cement debris was exposed on the ground surface. The fire further deteriorated the asbestos cement debris and also created an airborne asbestos hazard with intense updrafts during the burning process, exposing staff and firefighting officials to further asbestos contamination.
7. The asbestos cement debris and partially buried asbestos debris no longer has the protection of groundcover due to the fire. Some of the larger pieces were never covered. The asbestos debris is more readily affected by weathering and wind. Partially buried asbestos debris is now becoming more exposed to the surface, creating and increasing asbestos hazards.
8. The IDNR is aware of the presence of the massive amounts of damaged and weathered asbestos cement debris that covers several acres of public land. Previously landfilled demolition debris has emerged from the ground and surfaced; it has also eroded onto the shoreline on the eastern

edge of the property. No steps have been taken to warn the public of these known hazards in this area.

9. The public has not been restricted in any manner from entering this area.
10. The IDNR has contracted with an environmental consultant, PSI, to manually pick up this regulated asbestos debris, apparently wearing gloves, street clothing, and no respirator.
11. IDNR is apparently not using a licensed asbestos abatement contractor to remove the asbestos debris.
12. IDNR does not appear to have a NESHAP trained person onsite supervising activities while asbestos debris is being removed by worker(s), sidestepping union contractors to avoid paying union scale.
13. Asbestos debris is being removed by unsupervised personnel who are apparently not using appropriate personal protective equipment or following OSHA work practices.
 - a. Workers must have OSHA Class II training
 - b. Workers must have a negative exposure assessment (personal exposure monitoring) specific to work in this area. Without site-specific air monitoring, workers must wear respiratory protection. Hygiene facilities must be available at the work site to decontaminate workers prior to leaving the work area.
 - c. OSHA requires prompt clean-up and disposal. Last week, asbestos debris was piled in multiple areas for collection at a later date. No signage or regulated areas were established keeping unauthorized people out of the work areas.
 - d. OSHA requires the use of wetting agents when handling asbestos. Materials were handled dry last week.
 - e. Vehicle (gator) was not decontaminated after leaving the work areas.
 - f. State workers and the public are exempt from OSHA compliance. However, the EPA enforces OSHA for public workers under the worker protection rule.
14. Regulated asbestos waste is being transported in uncontainerized bags through publicly accessible areas by the lone environmental consultant. There is no warning sign on the vehicle transporting the asbestos waste.
15. No wetting agents are used during the removal of the asbestos debris.
16. The areas where asbestos debris is removed are not isolated from the public.
17. The areas where asbestos debris is removed do not have appropriate warning signs.
18. There are no decontamination facilities being utilized by the lone environmental consultant who is involved in the removal of friable asbestos from this area.
19. Erosion of the shoreline has caused the asbestos cement debris to discharge into the Federal and State navigable waters of Lake Michigan with IDNR's and IEPA's knowledge.
20. Annual beach clean-ups are allowed by IDNR along shoreline areas known to contain friable asbestos debris and fibers from this site, resulting in the removal of regulated asbestos by untrained and unsuspecting volunteers.
21. Signage in the area does not properly warn the public of the asbestos and other safety hazards found in the Camp Logan area and along the shoreline.

Actions Requested:

1. These asbestos-contaminated and debris-laden hazard areas should be immediately isolated from the public.
2. The apparently illegal asbestos removal should cease immediately.
3. The Illinois EPA should investigate the asbestos debris on the surface to determine proper clean-up.

4. The Illinois EPA should evaluate the partially exposed asbestos debris to determine the extent of sub-surface clean-up necessary.
5. The Illinois EPA should evaluate the volume of asbestos debris buried on state property and implement a remedy that is protective of human health and the environment.
6. The Illinois EPA should take emergency action to prevent any further erosion of the shoreline, which causes regulated asbestos debris to be discharged into the Federal and State Navigable Waters of Lake Michigan.
7. The Illinois EPA should prepare a public announcement notifying the community that the area was contaminated with friable asbestos for an undetermined period of time in areas they may have frequented.
8. A public health assessment should be conducted by the Lake County Health Department to determine the past risk to the public that frequents the area.
9. An investigation should be conducted into why the IDNR:
 - a. Refused to restrict access into an area containing friable asbestos.
 - b. Did not utilize properly credentialed, protected, and supervised personnel
 - c. Did not notify the Illinois EPA of the situation.
 - d. Possibly engaged in criminal activities and regulatory violations.
 - e. Willfully bulldozed and spread asbestos-containing materials during the demolition activity, leaving it exposed to the elements.
 - f. Left the public to be unwittingly exposed to asbestos fibers as they hike and bicycle through the area.
 - g. Apparently tried to hide the asbestos removal, using unqualified personnel. IDNR apparently quietly removed asbestos, while violating statutes and regulations, allowing workers, subcontractors, and volunteers to be unwittingly exposed in this contaminated area.

Please respond by email or FAX.

Sincerely,

Paul A. Kakuris

Paul A. Kakuris, President

c.

Governor Rod Blagojevich

Sam Flood, Acting Director, IDNR

Leslie Sgro, Deputy Director, IDNR

William K. Richardson, Legal Counsel, IDNR

Tim Hickman, IDNR Division of Land Management

Todd Rettig, IDNR Division of Natural Resources Review

Tony Mayville, IDNR Office of Land Managements

Murray R. Savage, CEO, PSI

Howell Baranum, President, PSI

George Lytwynshyn, Vice President, PSI

Gregory G. Smith, PSI

David A. Dunn, PSI

Attachment:
5/12/06 Photo Showing Scattered Piles of Asbestos Debris



5/12/06 Photo of Pile of Friable Asbestos Debris



5/12/06 Photo Showing Asbestos Fibers on the Edges of Debris

