

May 17, 2007

Illinois Dunesland Preservation Society
P.O. Box 466
Zion, IL 60099

Attention: Mr. Paul A. Kakuris, President

Re: Feds Must Investigate Likely Criminal Acts and Obstruction of Enforcement by State Officials

- State Willfully Scoffs Asbestos Laws - Illegally Burns Asbestos Debris at State Park for Second Year
- Subpoenaed Documents Reveal Park Legal Team Knew of “Friable” Asbestos Prior to Illegal Burn
- Park Officials Destroy Evidence of Apparent Criminal Acts While State EPA Looks the Other Way
- Unprotected Fire Fighters, Park Staff, and Public Exposed to Asbestos as Officials Remain Quiet
- New Study Confirms Public Unwittingly Exposed to Elevated Levels of Airborne Asbestos at Park
- Feds Must Act on Evidence – Close and Clean State Park under Superfund and Probe State Conduct

Dear Mr. Kakuris,

The State of Illinois is currently removing evidence of an apparent criminal act when park officials knowingly and illegally burned friable asbestos debris covering nearly one square mile in a State Nature Preserve and Federally Protected Critical Habitat. This is the second consecutive year that the Illinois Department of Natural Resources (IDNR) has illegally performed nature field burns an area where friable asbestos-containing demolition debris is present. I am recommending that you ask the USEPA to vigorously investigate the willful actions of IDNR officials and the apparent obstruction of enforcement by lawyers with the Illinois EPA and Office of the Illinois Attorney General.

2006



2007



News-Sun asbestos photos taken in May, 2006 and in April, 2007 after illegal field burns of demolition debris

Same Asbestos Polluted Areas Intentionally Burned in 2006 and 2007 Without Permit

Almost one year to date, the Illinois Dunesland Preservation Society (Dunesland) filed a complaint to State Officials on May 16, 2006, when thousands of pieces of asbestos debris were found scattered in a field burn site between Shiloh Ave. and 17th Street at the North Unit of Illinois Beach State Park. The IDNR appears to have performed these burns without required burn permits in violation of environmental regulations. This complaint followed the IDNR's removal of over 1,700 pieces of regulated asbestos waste in late May, 2006 using unqualified personnel. A subsequent series of complaints by Dunesland during the summer of 2006 showing significantly more quantities of asbestos debris still present in this area slowly compelled the IDNR to hire a licensed asbestos contractor to remove the much larger quantities of asbestos debris found in this unsecured area of a public park in August, 2006. Dunesland also asked that the IDNR isolate this heavily asbestos polluted area. The IDNR refused to warn the public or close this area to the public as required by state and federal asbestos regulations. Now the IDNR is attempting to confuse investigators from the facts.

Reporters/EPA Officials Can Confirm Asbestos Laden Area Burned in 2006 and 2007

The presence of burned, heavily weather, and friable asbestos debris in this area can be independently verified by staff writers and photographers of the Waukegan New Sun who toured, photographed, and published articles on this apparent criminal act in both 2006 and 2007. Brad Bradley, USEPA Superfund Project Manager was also toured through the area and observed the evidence of friable and regulated asbestos in this illegally burned area in June, 2006. Now this same, massively asbestos-polluted area has been illegally burned again in April, 2007, revealing several thousand more pieces of friable, regulated, asbestos-containing demolition debris. Once again, the IDNR refuses to isolate the heavily asbestos-polluted area from the public this spring as required by state and federal asbestos regulations. The IDNR had previous knowledge of asbestos, yet has not informed park staff, volunteers, and fire fighters who participated in these illegal burns of the presence of friable asbestos or the participants' potential exposures to airborne asbestos. This most recent illegal burn area was visited in late April, 2007 by Homero Batista, Asbestos Inspector for the Illinois EPA. He obtained photographic evidence and bulk samples of regulated asbestos debris. Mr. Batista apparently forwarded a report to his superiors where the "political hot potato" was buried. The regulatory enforcement and investigative officials of the Illinois EPA and the Illinois Attorney General's Office are once again apparently obstructing enforcement by "looking the other way" for their sister agency and allowing the polluters at IDNR to destroy evidence of potential criminal actions.

IDNR's Knowledge of Friable Asbestos Prior to 2007 Burn Revealed in 2006 Confidential Reports

Several documents obtained by Dunesland during discovery in a related lawsuit with IDNR revealed that consultants and Illinois State Geological Survey (ISGS) staff informed IDNR officials, including legal staff, about the presence of weathered and friable asbestos after the illegal field burn in 2006 at the North Unit of Illinois Beach State Park (IBSP). In June, 2006, IDNR's asbestos consultant reported that they removed over 1,700 pieces of asbestos debris in early May, 2006 as part of a "survey". Dunesland filed a complaint letter regarding the improper "removal" of regulated asbestos materials by the consultants under the guise of a survey. A large scale secret asbestos removal was attempted by an unqualified worker, destroying evidence.



In May, 2006, the IDNR deceptively described the removal of over 1,700 pieces of friable and regulated asbestos debris as being "sampled during a survey". These photos show that the large pieces of asbestos debris were improperly "removed" by an unqualified, lone, technician who wrapped, illegally transported, and disposed of large quantities of the regulated waste in an unsecured area of the Park. These violations were photographed during the day in public areas of Illinois Beach State Park which should have been isolated from the public.

IDNR Staff Attorney was informed of the Presence of “Friable Asbestos” in Burn Area in 2006

Subsequent to the May 15, 2006 Dunesland complaint, an ISGS official emailed IDNR’s environmental attorney, Stan Yonkauski on May 16, 2006 to report on the presence of asbestos in the burn area and confirm Dunesland’s facts stated in the complaint. The email communication from Timothy Larson, Illinois State Geological Survey staffer to IDNR Legal Counsel, Stan Yonkauski, provides clear evidence that the State of Illinois agencies were aware of the presence of weathered, friable, asbestos-containing demolition materials in the Camp Logan area of Illinois Beach State Park. Their knowledge of the presence of regulated asbestos debris is documented just after the first illegal nature field burn in this area in April, 2006, and well before the most recent illegal nature field burn which occurred again in the same area in April, 2007.

Internal Email to IDNR Attorney Uncovers Plot to Willfully Burn “Friable” Asbestos Debris

The field report by Timothy Larson emailed to IDNR attorney Stan Yonkauski about the May, 2006 Dunesland complaint stated, “Similar to the pieces noted in the complaint, the asbestos concrete was weathered and becoming friable”. The reconnaissance by the ISGS staffer about the massive amount of demolition debris present in the one square mile area also concluded, “In order to fully remedy the situation, it would appear that each house site would need to be revisited, surveyed and cleared of debris. That would be a lot of work”. It appears that IDNR was not interested in a full remedy to the situation. Instead, the IDNR followed recommendations that would make their job easier, even though it apparently broke laws. The easier email suggestions that have been implemented in April, 2007 state, “Another thing we noticed is that the burns conducted by the Nature Preserve make the old dwellings more accessible. I intend to suggest that if we continue this project, we do so in coordination with the Nature Preserve’s burn program. It is much easier for us to survey these sites after they have burned them. Of course the corollary is that all the existing debris is plainly visible to anyone who is bold enough to look for it. This is clear from the complaint”. This evidence documents prior knowledge of regulated asbestos debris in the burn area. This evidence also documents the apparent willful intent by IDNR to illegally burn an area known to contain friable asbestos debris to make inadequate and superficial clean-up easier, and most likely less costly.

Fire Fighters, Volunteers, Park Staff, and Public Secretly Exposed to Toxic Asbestos Fibers in Air

Confidential studies performed by IDNR’s consultant and by the Centers for Disease Control (CDC) during 2006 reveal elevated airborne levels of microscopic asbestos at Illinois Beach State Park. One report obtained through discovery in Dunesland’s pending First Amendment lawsuit found elevated fibers during the improper “survey” asbestos removal performed after the 2006 illegal burn. Air samples taken by the IDNR consultant during the improper clean-up of burnt, friable, asbestos debris in May, 2006 found fiber concentrations nearly double what is found in typical outdoor air. A draft copy of a still unreleased 2006 study of airborne concentrations of microscopic asbestos fibers by the CDC revealed elevated levels of the more toxic “amphibole” asbestos fibers in the air along the beaches at Illinois Beach State Park. CDC is fighting a subpoena request from Dunesland to release this draft report. However, Dunesland was able to obtain a draft copy from a secondary source that cooperated with the federal subpoena. Yet even with the knowledge of visible asbestos debris and elevated airborne concentrations, the IDNR refuses to inform those in harms way from their improper handling of the chronic asbestos problem at the Park. Fire fighter, volunteers, and park staff who participated in the 2006 and 2007 illegal field burns, that charred friable asbestos debris, have not been informed about their exposures, or the potential of secondary exposures to their families by taking the asbestos contamination home with them on work clothing. The general public has also been allowed full access to all areas where asbestos-contamination is found without any warnings of elevated airborne asbestos exposures or the presence of elevated microscopic asbestos fibers in the beach sands. The USEPA must compel the IDNR to notify individuals who were unwittingly exposed to elevated levels of airborne asbestos during illegal field burns in 2006 and 2007. The USEPA must also secure this heavily asbestos polluted area and prevent future public access and exposures. USEPA must require proper clean-up of all Park asbestos contamination under the supervision of the USEPA’s Superfund program.

IDNR Destroys Evidence with Quick Removal Activities, USEPA Must Confiscate Burnt Asbestos

The evidence of regulatory violations and potential criminal activities will soon be removed and buried. The USEPA and federal investigators must halt current actions by the IDNR until a proper investigation can be completed and evidence secured. The USEPA must stop the polluter from destroying a potential crime scene!

Feds Must End Repeat Violations and Continued Non-Enforcement by Sister Agencies in Illinois

Enough is enough! Dunesland has documented a consistent pattern by Illinois agencies and officials of scoffing environmental regulations and apparently obstructing enforcement. The USEPA and other federal investigators have been provided with this evidence and must now take charge of the investigation into illegal and potentially criminal actions by Illinois officials. The USEPA gave the state of Illinois the benefit of the doubt when thousands of pieces of friable and regulated asbestos demolition debris was illegally burned in the North Unit of Illinois Beach State Park last year. State officials have been reckless and repeatedly indifferent about regulatory compliance or public health. Federal investigator must hold state and federal agencies and officials accountable for deceitfully downplaying the chronic nature of asbestos by issuing reassuring, and knowingly false information, about the safety of asbestos exposures at Illinois Beach State Park. A federal criminal investigation is warranted into why the IDNR was allowed to repeat the illegal burning of regulated, friable asbestos and why the Illinois EPA and Illinois Attorney General staffers apparently obstructed enforcement of significant state/federal safety and environmental violations.

The USEPA Must Step in and Incorporate Illinois Beach State Park into the Superfund Program

A mountain of evidence indicates a chronic asbestos problem at Illinois Beach State Park. In early 2000, the Illinois Attorney General's office identified five potentially responsible parties who would pay for testing, investigation, and clean-up of asbestos-contamination at Illinois Beach State Park. The Attorney General's Office refuses to release this report citing "privilege". An email obtained in discovery during Dunesland's current First Amendment lawsuit against IDNR hinted that IDNR, the City of Waukegan, Commonwealth Edison (now Midwest Generation), the Army Corps of Engineers, and Johns-Manville, contributed to the massive asbestos contamination along the Illinois Lake Michigan shoreline. Taxpayers should not foot the bill for pollution caused by known polluters. If Illinois Beach State Park becomes a Superfund site, the USEPA can compel these potentially responsible parties to take responsibility for the pollution they have created and finance a remediation plan that is truly protective of human health and the environment. Intentionally burning unsecured areas known to contain thousands of pieces of friable asbestos to make clean-up easier is not protective of human health and the environment. The USEPA cannot continue to ignore this issue! It appears that only the federal government can take the necessary steps to isolate the massive and chronic asbestos problems at Illinois Beach State Park from an unwitting public and hold the polluters accountable. The State of Illinois is an asbestos polluter. It is apparent that the State of Illinois will not hold itself responsible for its own actions. Enough is enough. It is time for the USEPA and federal investigators to protect the public air, land, and waters from the reckless polluters of the Illinois Department of Natural Resources and from the State enforcement officials who have conveniently looked the other way.

Suppressed Evidence Indicates a Public Health Emergency Exists From the Presence of Elevated Levels of Amphibole Asbestos in the Soils and Air at Illinois Beach State Park – Park Must Close!

Evidence shows that the USEPA is aware of the chronic exposures to elevated microscopic amphibole asbestos fibers in beach sands, soils and air at Illinois Beach State Park. Asbestos is an airborne hazard. Elevated levels of airborne asbestos have been documented at Illinois Beach State Park. Chronic exposures to asbestos are dangerous to human health. *Millions of visitors are unwittingly exposed at the Park each year.* The USEPA acknowledges that they do not have valid risk assessment methods to evaluate human exposures to low levels of microscopic amphibole fibers. Illinois Beach State Park contains elevated levels of microscopic amphibole asbestos fiber in the air and soil. No safe levels of public exposure to the elevated microscopic amphibole asbestos fibers in beach sand and air have been established for Illinois Beach State Park. The USEPA must close down Illinois Beach State Park to protect the health and safety of the public.

Please forward this information to state and federal officials who will actively and vigorously protect our citizens and prosecute those responsible for repeatedly shunning regulatory compliance and enforcement. Enough is enough!

Cordially,

Jeffery C. Camplin

Jeffery C. Camplin, CSP, CPEA