



# ***Illinois Dunesland Preservation Society***

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June 21, 2006

## **SECOND FORMAL COMPLAINT**

Memo: Illinois Attorney General Lisa Madigan

by email

Subject: Attorney General Does Not Respond to Complaint about New, Serious Asbestos Discovery on the Illinois Coast

- **IAG Ignores Formal Complaint of Asbestos Exposure and New Contamination Found**
- **Public Officials Cover up Their Own Asbestos Contamination, Including Tremolite, While Millions are Unwittingly Exposed on the Illinois Shoreline and Beaches**
- **Federal and State Agencies Rig Testing and Sampling to Cover up Their Involvement in Asbestos Contamination of Illinois's Shoreline**
- **ATSDR/CDC Stands by, Ignoring Violations They Observe**
- **Apparent Obstruction of Enforcement by IAG, IDNR, IEPA, IDPH**
- **Government Agencies Waste Federal and State Tax Dollars, Rigging Asbestos Studies to Cover up Their Own Polluting of the Illinois Shoreline, State Park, & Lake Michigan with Deadly Asbestos Fibers**
- **Dunesland Responds to False, Deceptive, and Misleading Statement from Regulatory Agencies that Allow Serious Asbestos Violations to Continue, Endangering Public Health and Safety**
- **Hikers Unaware of Their Exposure to Asbestos While Walking Through Camp Logan at Illinois Beach State Park**
- **Special Report by Asbestos Health & Safety Expert Attached**

### **NO RESPONSE FROM IAG'S OFFICE TO FORMAL COMPLAINT ABOUT ASBESTOS**

There has been no response from you for five weeks to our May 17 complaint about hundreds of square feet of regulated, friable asbestos contamination at Illinois Beach State Park and the Lake Michigan shoreline. Why? We have made other complaints about overlapping asbestos beach issues which you have either not addressed at all or have not made a serious response. Why? The environmental, safety and public health violations, in addition to the apparent misconduct and cover-up by state officials you represent, still exist.

Why haven't we heard from you about our May 17 complaint? Why haven't you or the Illinois EPA visited the sites of our complaint where hundreds of square feet of regulated asbestos-containing, friable demolition debris were still present (and photographed) in public areas of the park as late as June 8, 2006.

### **IDNR'S RESPONSE DOES NOT ADDRESS SERIOUS ISSUES, COVER-UP ATTEMPT**

We have received a letter from IDNR's Tim Hickman, dated May 19, postmarked May 22, and received about May 25. The letter contained many false, misleading, and deceptive statements; it does not address many of the serious issues raised. It appears to be drafted as a cover-up by public officials of their own apparent misconduct. The letter is inaccurate, disingenuous, and unsatisfactory.

IDNR's Hickman, in a phone call, said that the letter was drafted (obviously including the false, deceptive, and misleading statements) by and/or with staff from the Illinois Environmental Protection Agency (IEPA), Illinois Department of Natural Resources (IDNR), Illinois Department of Public Health (IDPH) and "possibly" with the advice/assistance of the Attorney General's office. Were your lawyers really involved in drafting the letter sent to us by one of the apparent polluters (IDNR)? If so, who was involved?

If that is the case, it is extremely troubling because the May 19 IDNR response from Mr. Hickman contains fallacies, willful misstatements of fact, and fraudulent claims designed to mask and cover-up their misconduct and careless disregard for public health and safety. How can the public trust the Attorney General's office and other state enforcement agencies, particularly when they operate in secret, apparently make false statements, and obstruct enforcement of obvious asbestos and public health violations that they are supposed to enforce, thereby allowing the public to become the "asbestos experiment," just like lab rats? It is even more disturbing if lawyers from the Attorney General's office participated in, or were aware of, the willful, deceptive, and false statements made in the IDNR document that try to avoid and evade civil and criminal violations of asbestos statutes and regulations and then attempt to cover-up past misconduct and chronic threats to public health.

### **REPORT FROM JEFFERY C. CAMPLIN ENUMERATES SCIENCE OF DECEPTION**

Enclosed is a report to the Dunesland Society that was written for the Society by Jeffery C. Camplin, Dunesland's asbestos health and safety expert, in response to the inaccurate statements found in the Hickman/IDNR letter (which was apparently drafted by IEPA, IDPH, additional IDNR staff, and IAG

attorneys). It also reveals the broader underlying issues of the science by deception of asbestos on the Illinois shoreline. Therefore, the public continues to be unwittingly exposed to deadly asbestos fibers while those charged with clean-up and enforcement thumb their noses at federal and state statutes and regulations, while continuing to ignore or diminish the clear and legitimate concerns put forth by the Society.

#### **AGENCIES DUMPED OR FACILITATED DUMPING OF CONTAMINATED MATERIALS**

The report portrays a sad and apparently corrupt picture of state and federal officials "out of control," seemingly involved in scientific fraud and blatant deception targeted to cover up asbestos contamination on the Illinois shoreline that some of these agencies actually dumped or discharged and/or facilitated the dumping or discharging. These are the very same regulators who are supposed to protect the health and safety of the public! Their willful, deceptive, and careless actions have exposed millions of innocent families to microscopic carcinogenic and disease-causing asbestos, including tremolite and amosite asbestos fibers that are now known to be present on the Illinois shoreline, at least as far south as Chicago's Oak Street beach. The microscopic fibers found on Chicago's beaches appear to be from the Johns Manville Superfund site in Waukegan, IL, where state and federal regulators have allowed asbestos fibers to enter Lake Michigan. Then the currents carry the fibers south, contaminating much of the Illinois shoreline and its beaches with deadly microscopic asbestos.

#### **DATA IS "RIGGED," OUTSIDE SCIENTIFIC INPUT BLOCKED**

Your office and the other agencies have made statements to the press that implied that inhaling asbestos is not a risk and that it is safe. Yet, your office and these agencies also know that the data referred to is "cooked" or "rigged" and is saturated with conflicts of interest and bad science. Lulling the unwitting public into believing that breathing asbestos (including tremolite and amosite) that is over 5 microns in size is "safe," is indicative of an arrogant disregard of the public health and safety and a desperate attempt by federal and state regulators to cover-up their own apparent criminal misconduct and willful nonenforcement. The public officials (the regulators) either willfully dumped/discharged, or facilitated the asbestos contamination. Therefore, they seem to think the data needs to be manipulated and "protected" from outside public scrutiny and input in order to show that it is "safe" and to prevent some of the regulators who are now apparently polluters from being subject to criminal prosecution.

The willful blocking of outside scientific input in the design stages for sampling and testing protocols and cloaking it in secrecy allowed the "agency regulators" to rig your results, wasting thousands of federal and state tax dollars. When public officials say the beaches are safe by citing so-called "independent" studies that they know are rigged and which they had deceitfully co-authored, they commit the ultimate violation of public trust and should be prosecuted because they have purposefully lulled the innocent public

into exposure to deadly asbestos fibers, apparently in order to cover-up their own misconduct .

The state and federal agencies involved have apparently willfully “obstructed enforcement” of obvious asbestos and pollution violations they were charged to enforce, resulting in the massive contamination of trillions upon trillions of microscopic asbestos fibers on our Illinois beaches and in the source of our drinking water, Lake Michigan. Families that visit the beaches and park then track these toxic fibers home with them on their shoes, clothing, hair, skin, pets, and belongings where secondary exposures can occur.

Let no one think that this problem is confined to the Waukegan/Zion area and they can breathe a sigh of relief if they attend North Shore or Chicago beaches! The concerns apply to all who frequent Illinois beaches. How does this deadly mix affect Lake Michigan’s riparian property owners, or even those who live a few blocks from the beaches? Riparians would be outraged if they found out that public officials covered up the contamination and were involved in the dumping of it.

Illinois is already paying a deadly price for careless asbestos exposures caused by the negligent government enforcement and politicized regulation of manufacturing asbestos products. Now the public is further exposed by the carelessness and willful nonenforcement of local, state, and federal officials and agencies who are the regulators.

#### **ATSDR/CDC INVOLVEMENT IN MASSIVE ASBESTOS CONTAMINATION**

ATSDR/CDC staffers Mark Johnson and James Durant (from the agency that partners with some of your Asbestos Task Force members) were at IBSP the week of May 21 and apparently visited some of the asbestos-contaminated areas mentioned in this letter and Camplin’s report. Did they view the violations and improper clean-up procedures, consult to, and advise the state staff? If so, what did they say? Is it in writing or did they ignore the massive, systemic RACM contamination that they were shown throughout the park and shoreline? On the other hand, did they blindly continue with the rigged air testing?

During the activity-based testing, James Durant and Mark Johnson were at IBSP while the public was allowed to use the testing area and be exposed to the asbestos fibers stirred up by the testing. They also observed the asbestos debris at Camp Logan, which continues to be accessible to the public. In both areas, they witnessed egregious violations of environmental, safety, and health rules, as described in the attached Camplin report, which includes pictures. How can ATSDR/CDC staffers stand by, allowing the public to be exposed and not insist that proper enforcement of regulations be followed? Doesn’t that make ATSDR/CDC (which is working on an aspect of your Asbestos Task Force report) a party to these violations, too?

Mr. Camplin wrote to ATSDR/CDC and copied Mr. Durant before they arrived at the park that week. Mr. Camplin requested that he and I meet with them, then show and discuss with them the areas of massive contamination. Mr. Durant (apparently by his own volition or yielding to the state's request) once again ignored a request for outside scientific and community input, contradicting the ATSDR/CDC/HHS policies, further implicating the government agencies in a cover-up. Their activities were covered in the press, which labeled it as "weird science."

**LAKE & COOK COUNTIES MESOTHELIOMA DEATH RATES 3<sup>RD</sup> HIGHEST IN U.S.**  
**LAKE COUNTY MESOTHELIOMA RATE 7 TIMES THE NATIONAL AVERAGE**  
**ASBESTOS DOES NOT OCCUR NATURALLY IN THIS AREA**

Lake and Cook counties (collared around Lake Michigan) have the third highest mesothelioma death rate in the United States. Lake County alone has a mesothelioma rate seven times the national average. Non-occupational mesothelioma victims are appearing who have the common thread that they have visited the asbestos-contaminated beaches along the Illinois shoreline. By continuing to ignore our complaints and the hundreds of square feet of friable and regulated asbestos debris in unsecured public areas of the park and the Illinois shoreline, new exposures to asbestos by an unwitting public will continue.

These public exposures to toxic asbestos fibers by Illinois families could have been avoided if state agencies (polluters) had been held to the same environmental enforcement standards as the non-governmental or corporate polluters that you criminally prosecute and threaten with jail in your press releases. Large, corporate polluters and government agencies, including the regulatory agencies, have caused and perpetrated massive contamination on the Illinois shoreline that these same regulatory agencies often ignore for political reasons. Major violations seem to be enforced arbitrarily and capriciously, and at a much lower level than the violations warrant. Often, relatively small infractions by individuals such as the man your office criminally prosecuted for leaving asbestos building materials in a dumpster at the park are pursued with vigor, while major, corporate or government polluters are ignored, given a pass. The regulatory agencies, as polluters, cannot and will not enforce and prosecute violations against themselves, will they?

Who will protect the families visiting the Illinois beaches and the state park if the Attorney General's office is involved in the apparent misconduct described in the enclosed Camplin report? Who is your client? Do you represent state regulatory agencies (now the polluters) or the public? It appears that the public is not your primary concern when your clients (the agencies) become the polluters and the Attorney General's office represents or defends them. Who will enforce the asbestos pollution violations now that the enforcement agencies and officials are compromised? Who will protect the public?

**IS SOMEONE BLOCKING IEPA FROM PROPER REGULATORY ENFORCEMENT?**

The Formal Complaint was also sent to IEPA state NESHAP manager Dale Halford who said he was directed by management through Bureau Air Chief Laurel Kroac to "...let IDNR handle it," even though the evidence supplied by our expert clearly showed continuing violations that were never corrected and the contamination was widespread. Was the Attorney General's office involved with tying the hands of the IEPA in this matter?

**STATE/CONSULTANTS SKIRT STRICT ABATEMENT REMOVAL STATUTES; IS IAG'S OFFICE PROTECTING IDNR & IEPA IN ILLEGAL ACTIVITIES THAT BREAK LAWS, COMPROMISE THE PUBLIC'S HEALTH & WASTE TAX DOLLARS?**

In a shamelessly transparent act, state consultants PSI and CCA apparently "took the money" and masqueraded as asbestos inspectors conducting a study, when in reality they were acting as abatement contractors. However, they never really cleaned up the asbestos fibers and debris; it is still there at Camp Logan and on the beaches. As so-called consultants/inspectors for the state, they were skirting the strict abatement removal statutes and regulations in order to avoid scrutiny by the press and the public. The public would question why the workers were wearing protective clothing, respirators and posting cautionary signage while the public was given free access to visit the park or beach, and observe while the "abatement contractors" removed regulated asbestos debris and left behind other chunks of deadly asbestos debris and microscopic asbestos mixed in the sand and soils, causing further exposure. Was the Attorney General's office involved with the IDNR and IEPA in this matter?

If the Attorney General chooses to PROTECT and legally represent IDNR, IEPA, and IDPH in their apparent misconduct and involvement in asbestos contamination of the Illinois shoreline and IBSP, then who is left to ENFORCE the asbestos violations, whether they are civil or criminal, for the public health and safety? Doesn't representing both sides compromise the Attorney General further and render the office impotent? Also, your new and "unusual" relationship with these agencies as your "partners" and members of your Asbestos Task Force, (who then author and review their own asbestos contamination activities), leaves the Attorney General's office severely compromised, and rudderless at best. Some of these agencies are your legal clients, too.

**DUNESLAND REQUESTS RESPONSE FROM IAG'S OFFICE**  
**PUBLIC'S CONCERNS NEED TO BE ADDRESSED, NOT IGNORED**

- Will you read the enclosed Camplin report, which exposes deceptive behavior by IDNR and other state officials and agencies, and then launch an investigation? It may be difficult to investigate the agencies the Attorney General's office and your staff lawyers have apparently colluded with concerning the willful contamination and non-enforcement of asbestos pollution issues for years, causing the public at least as far south as Oak Street beach in Chicago to be exposed to invisible and deadly asbestos fibers, including tremolite.
- Will you act upon it and end over 30 years of unnecessary public exposures to airborne asbestos fibers generated by washing up on the Lake Michigan beaches and from damaged, weathered and burned asbestos-containing demolition debris found scattered in publicly accessible areas of Illinois Beach State Park?
- Will you enforce the more recent illegal discharge of asbestos contaminated demolition debris (RACM) which is illegally eroding from the Camp Logan area into Lake Michigan? The loss of this State Dedicated Nature Preserve is caused by the North Point Marina accelerating the erosion on the park's shoreline, which is a manifestation of the negligence of state officials.
- Will you investigate IDNR 's violation of the Marina's coastal construction permit which is causing damage and contamination to its own property, IBSP, and the State Dedicated Nature Preserve, destroying habit and threatened and endangered species?
- Will you answer our many complaint letters and allow open and transparent public participation in resolving the chronic asbestos problems that local, state, and federal agencies have failed to resolve?
- Will you answer this letter and the May 17 complaint regarding the new widespread, friable asbestos contamination that the state agencies are allowing to litter the ground of IBSP?

Sincerely,

*Paul A. Kakuris*

Paul A. Kakuris, President

Attachments: Special Report from Jeffery C. Camplin, June 3, 2006  
IDNR Letter from Tim Hickman, May 17, 2006

C.

U. S. Senator Dick Durbin  
U.S. Senator Barack Obama  
Governor Rod Blagojevich  
Bradley Tusk, Governor's office  
Michael Leavitt, HHS Secretary  
Julie Gerberding, ATSDR Administrator  
Daniel R. Levinson, Inspector General HHS  
Alex Michael Azar II, Deputy Secretary HHS  
Rich McKeown, Chief of Staff, HHS

Paula M. Stannard, Acting General Counsel HHS  
 Henry Falk, MD, MPH, Director, ATSDR  
 Howard Frumkin, M.D., DrPH, Director ATSDR  
 Drue Barrett, PhD, Acting Deputy Director, ATSDR  
 Lynn Austin, PhD, Chief of Staff, ATSDR  
 Paula Kocher, JD, Deputy Associate Counsel, ATSDR  
 Dixie Snider, Jr, MD, MPH, Chief Science Officer, ATSDR  
 John Wheeler, PhD, ATSDR  
 Susan Metcalf, ATSDR  
 James Durant, ATSDR  
 Mark Johnson, PhD, ATSDR Region V  
 Bill Roderick, USEPA Acting Inspector General  
 Bharat Mathur, Acting Administration, USEPA Region V  
 Richard Karl, USEPA Superfund  
 Brad Bradley, USEPA Superfund  
 Arunas Draugelis, USEPA  
 George Czerniak, USEPA  
 Lynn Roberts, USEPA  
 Brent Marable, USEPA  
 Ann Spillane, IAG  
 Diane Saltoun, IAG Inspector General  
 James A. Wright, Illinois Executive Inspector General  
 Sydney R. Roberts, Illinois First Deputy Inspector General  
 Douglas P. Scott, IEPA Director  
 Bernard Killian, IEPA  
 Alec Messina, IEPA Chief Legal Counsel  
 Marcia Wilhite, IEPA  
 Mike Garretson, IEPA Compliance Assurance  
 Toby Frevert, IEPA Manager  
 Roger Selburg, IEPA Manager  
 Laurel Kroac, IEPA  
 Julie Armitage, IEPA Compliance Enforcement  
 Jim Ross, IEPA Manager  
 Bill Child, IEPA  
 Michael Nechvatal, IEPA Manager  
 Michael King, IEPA Manager  
 Chris Kallis, IEPA  
 Dale Halford, IEPA  
 Sandra Bron, IEPA  
 Eric Whitaker, IDPH  
 Marilyn Thomas, IDPH Acting Chief Counsel  
 Ken Runkel, IDPH  
 Gary Flentge, IDPH  
 Tom Schafer, IDPH  
 Jennifer Davis, IDPH  
 Sam Flood, Director, IDNR  
 Tony Mayville, IDNR  
 Tim Hickman, IDNR  
 Bill Richardson, IDNR Chief Legal Counsel  
 Robert G. Mool, IDNR Assistant Counsel  
 Jack Price, IDNR Assistant Counsel  
 Virginia F. Yong, IDNR Assistant Counsel  
 Stan Yonkauskis, IDNR  
 Todd Rettig, IDNR  
 Pat Giordano, IDNR  
 Dale W. Galassie, Director, Lake County Health Department  
 William Mays, Lake County Health Department  
 Mark Pfister, Lake County Health Department  
 Stephen A. Martin, Jr., PhD, M.P.D., Director, Cook County Department of Health  
 Sadhu Johnston, Commissioner, City of Chicago Department of Environment  
 Jeffery C. Camplin

## **June 3, 2006 Email to Illinois Dunesland Preservation Society**

Dear Mr. Kakuris,

I have reviewed the IDNR/Hickman letter that attempts to address your asbestos complaint letter you have submitted to the Illinois EPA and Lake County Department of Public Health. I have found fatal flaws in the arguments put forth by IDNR. I have visited Illinois Beach State Park on June 2, 2006. The asbestos hazards still exist in public areas of Illinois Beach State Park and immediate actions are necessary to protect the public from asbestos exposures.

Please read my letter and forward this information to individuals and agencies that can take proper actions to mitigate this public health emergency created by the state of Illinois' lack of diligence and regulatory enforcement.

Cordially,



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

June 3, 2006

Attention: Paul A. Kakuris, President

Re: Correction of Multiple Factual Misstatements and Deceptive Misrepresentations made by IDNR  
• IDNR's May 19, 2006 Response Letter to Dunesland's Asbestos Complaint Letter to IEPA  
• Asbestos Discoveries at Illinois Beach State Park Mishandled by IDNR in Public Areas

Dear Mr. Kakuris,

As you have requested, I have reviewed the May 19, 2006 letter from the Illinois Department of Natural Resources (IDNR) Chief of Parks and Recreation, Mr. Tim Hickman, explaining the actions taken by his department in response to recently discovered "potential" asbestos-containing materials at Illinois Beach State Park (IBSP).

The explanations provided in Mr. Hickman's response letter were prompted by a May 15, 2006 Illinois Dunesland Preservation Society (Dunesland) complaint letter to the Illinois EPA and Lake County Department of Public Health regarding the IDNR's improper response to the discovery of hundreds of square feet of suspected asbestos-containing materials found scattered between 21<sup>st</sup> Street and Kellogg Creek (approximately 1 square mile area) in publicly accessible areas in Camp Logan at the IBSP North Unit. That complaint letter was followed by a Dunesland letter of complaint to the Illinois Attorney General Lisa Madigan on this same topic. The response letter from Mr. Hickman appears to have been written for other eyes in an attempt to cover-up their potentially criminal actions that unnecessarily exposed an unwitting public, subcontractors, IDNR workers, and volunteers to friable and microscopic asbestos exposures, attempting to extricate themselves from the blame. Even more pathetic is IDNR's exploitation of a draft interim study that IDNR, IEPA, IDPH, IAG, USEPA, US Army Corps of Engineers, and UIC skewed and which they are now trying to use to support IDNR's self-serving position, quoting their fabricated contributions as gospel.

Mr. Hickman cannot be allowed to cite an unproven, non-peer reviewed, interim draft report that his agency helped author as a defense for his agency's creation of hazardous asbestos scenarios which have created a public health emergency and apparently violated state and federal environmental, safety and public health regulations. This point aside, Mr. Hickman's claims of the responses conducted by his agency to asbestos debris found at IBSP is not supported by the facts. All three paragraphs of this IDNR letter, signed by Mr. Hickman, contain falsehoods that are easily identified and refuted.

I visited the subject area at IBSP on the afternoon of Friday, May 26, 2006 and confirmed that the hundreds of square feet of assumed asbestos-containing debris are still present in unsecured and unrestricted public areas of the park. Members of the media were present with me and photographed the same debris that has been scattered throughout this site since our initial discovery in early May 2006. IDNR vehicle tracks were noted during our several weeks of walking through the demolition site, providing evidence that IDNR has previously scanned and disturbed the massively asbestos-contaminated area. Some debris has been piled or consolidated in several public areas of the Park, presumably by park staff or consultants. A few of the larger pieces have been wrapped, left unsupervised overnight, and eventually removed. Hundreds of square feet of friable, regulated, assumed asbestos-containing demolition debris are emerging from its subsurface grave of thirty plus years ago where it has now become partially or fully exposed at the surface. Some of the asbestos-containing debris was carelessly left and spread out on the ground's surface for years. A complaint phone call during the week of May 8, 2006 by Dunesland to Dale Halford, NESHAP asbestos regulatory enforcement official for the Illinois EPA has gone uninvestigated. A written complaint by Dunesland to the Illinois EPA and Lake County Department of Public Health followed-up this phone complaint on May 15, 2006. Yet, as of the afternoon of June 2, 2006, nothing has changed because friable pieces still remain and no formal enforcement has been taken to abate serious environmental, safety and public health regulations that are harming human health and the environment.

As explained below, I will dissect the IDNR letter Mr. Hickman signed, including the incredible misstatements of fact and a deceptive misrepresentation of IDNR's chronic bungling of asbestos issues at IBSP. His agency's clumsy attempt to cover-up apparent regulatory violations and possible criminal activities at all cost illustrates IDNR's lack of any standards of care and an obvious disregard for the public's safety and health. The Illinois EPA's and Illinois Attorney

General's offices' failure to investigate these serious charges reveals a larger attempt at collusion by the state of Illinois to cover-up chronic asbestos problems and public exposures at IBSP that they have knowingly created and hid from the public over many years.

**IDNR attempts to distract from Dunesland's charges in an IEPA complaint letter by making unsubstantiated claims that the Dunesland charges "mischaracterize" IDNR issues and their responses to these issues. IDNR also falsely states that the asbestos debris they created over 30 years ago is "potential" asbestos that they misleadingly claim was "recently" discovered.**

1. The first paragraph begins by stating, "The Illinois Department of Natural Resources ("IDNR") is in receipt of your complaint directed to the Illinois EPA dated May 15, 2006. While your correspondence mischaracterizes the nature of issues and the IDNR's response to those issues, IDNR will explain the actions taken in response to the potential asbestos containing materials recently discovered at Illinois Beach State Park ("IBSP")."
  - a. IDNR states that the Dunesland complaint letter "mischaracterizes the nature of issues and the IDNR's response to those issues."
    - i. Mr. Hickman failed to provide one example of any mischaracterizations made by the Illinois Dunesland Preservation Society in their complaint letter to the Illinois EPA and Lake County Department of Public Health.
    - ii. IDNR's response letter actually confirms many of the charges put forth in the Dunesland complaint letter, which will be itemized further in this letter.
    - iii. The statement made by Mr. Hickman regarding the "mischaracterizations" lacks any foundation. It is my opinion that any attempt by IDNR to provide specific explanations of the alleged mischaracterizations found in Dunesland's complaint would only further perjure IEPA and IDNR regarding their apparent cover-up of apparent regulatory violations and potential criminal conduct.
    - iv. Dunesland must challenge Mr. Hickman and the IDNR to officially respond on the record and itemize any mischaracterizations of IDNR issues or responses to those issues that are found in the May 15, 2006 Dunesland complaint.
  - b. Mr. Hickman, on behalf of IDNR, mischaracterizes the known or assumed asbestos-containing materials at issue in the Dunesland complaint as "potential asbestos containing materials" at IBSP.
    - i. IDNR has characterized similar materials on its property as "assumed asbestos containing material" during previous clean-ups conducted over a several year period. If there were any doubt about the presence of asbestos in this debris the materials should have been sampled to determine if the materials were asbestos containing.
    - ii. The attempt by Mr. Hickman, and apparently others, to insert doubt about the presence of asbestos in the hundreds of square feet of debris scattered in publicly accessible areas of IBSP is deceptive. The materials are being handled as asbestos-containing materials and therefore are "assumed" by IDNR to be asbestos due to previous testing and past knowledge of the content of similar debris by their consultant PSI.
    - iii. The IDNR must produce analytical results demonstrating these "potential" asbestos-containing materials are not asbestos or concede that they are similar to the known asbestos-containing materials and are assumed to be asbestos-containing.
    - iv. If IDNR doubted that the debris contained asbestos, they would have had them tested by the licensed asbestos inspector who ended up improperly removing the debris, which was eventually disposed of as a regulated asbestos-containing material.
  - c. Mr. Hickman also mischaracterizes the presence of asbestos debris in the Camp Logan area of IBSP as "recently discovered."
    - i. The knowledge of asbestos debris has been known for at least several years as identified in the initial April 2005 draft of the Illinois Attorney General's Asbestos Task Force interim report. The first paragraph on page 45 of the final IAG/UIC draft report dated June 2005 states, "ACM [asbestos-containing materials] may still be present in the remainder of housing infrastructure located near Kellogg Creek and 21<sup>st</sup> Street."
    - ii. Mr. Hickman's own response letter states that on November 2, 2005 a habitat management burn uncovered materials that may contain asbestos. Over six months later the hundreds of square feet of uncovered, assumed asbestos-containing materials, are still present in public areas of IBSP as late as June 3, 2006.
    - iii. I accompanied Mr. Kakuris into the area where the assumed asbestos debris was present in early May 2006. IDNR was asked about the status of the debris by a reporter from the NewsSun newspaper on or about May 18, 2006 and was told by Mr. McCloud, Department of Central Management Service – Communications Office, that all debris had been removed. I accompanied the NewsSun reporter into the area the following day and identified hundreds of square feet of assumed asbestos-containing debris still present in the area.
    - iv. On May 24, 2006, I escorted a reporter from the Lakeland Media Group into the area and confirmed that friable and regulated materials were still present in unrestricted public areas of

IBSP. A busload of schoolchildren was observed in the area where the assumed asbestos debris was present in public areas of IBSP.

**IDNR blatantly makes false claims that their responses to asbestos issues at IBSP are “consistent” with recommendation made in previous reports. These fraudulent statements are easily disproved in an avalanche of evidence while IDNR’s real motives for making such bold, phony claims are uncovered because they are obvious and self-serving.**

2. Paragraph 1 concludes by stating, “As explained below, the IDNR’s actions are consistent with the Asbestos Task Force final draft report entitled *Illinois Beach State Park (IBSP): Determination of Asbestos Contamination in Beach Nourishment Sand* prepared by UIC School of Public Health on behalf of the members of the Asbestos Task Force (Office of the Illinois Attorney General, the UIC School of Public Health, Illinois Department of Public Health, IDNR, United States EPA, Illinois EPA, United States Army Corps of Engineers, Lake County State’s Attorney, the City of Waukegan and the Waukegan Park District).
  - a. The Illinois Attorney General’s Asbestos Task Force is comprised of agencies that have directly or indirectly contributed to the chronic asbestos pollution at IBSP or have bungled or rigged studies, investigations, and/or enforcement. **These agencies also wrote the draft IAG/UIC interim Asbestos Task Force report from which the state now deceptively quotes or cites as an authentic, scientific document when, in fact, it is riddled with conflicts of interest and self-serving, filtered, flawed data. The apparent fraud is to then cite the document and have the individual authors hide behind the name of the government agencies that were involved in writing the report while attempting to deceive the public, pretending it is an independent, scientific document. This is the epitome of scientific fraud.**
    - i. This biased collection of polluters and ineffective enforcement personnel, has also operated for nearly three years under a secret veil created by IAG Lisa Madigan and some of her staff.
    - ii. This secret Asbestos Task Force was ruled by the Illinois Attorney General’s office to be exempt from the Open Meetings Act, thereby willfully eliminating outside, and unbiased, scientific input from her own task force. Why should her group be exempt? Apparently, the IAG did not want outside, scientific scrutiny because it would have illuminated the office’s cover-ups and the misconduct of the state agency clients of the IAG.
    - iii. The clandestine activity of this secret group operated under the direction of Assistant Attorney Generals Matt Dunn and Beth Wallace who have eliminated public involvement and transparency while inappropriately applying shields and exemptions from the Freedom of Information Act to protect their clients at IDNR, IEPA, and the IDPH. This action by the IAG helped them hide the fact that some of these agencies actually polluted the park and Lake Michigan with asbestos, becoming polluters just like those they are charged to regulate then using their positions of authority to try to cover it up. They allowed the polluters to continue polluting and looked the other way.
  - b. The second paragraph on page 46 of the IAG/UIC interim report Recommendation section states, *“The management of IBSP must minimize potential for human exposure to ACM whenever possible. ACM is still in the general area.”* The public has had full access to multiple areas of the park known by IDNR to have asbestos-containing debris. No efforts have been made by IDNR to isolate the public from locations of IBSP where “ACM is still in the general area.” IDNR has failed to properly identify and remove this asbestos-containing waste material at the expense of public health and safety.
  - c. The IAG/UIC interim report further states that because ACM is still in the general area, “Therefore, four recommendations are presented.” Obviously, the actions of IDNR and its accomplices are NOT consistent with three of the specific recommendations presented in the interim IAG/UIC report which will be itemized below. The fourth recommendation was very general and had no specific actions for IDNR to follow other than to explore other options for beach nourishment sources.
  - d. The first recommendation found in the IAG/UIC interim report discussed continued beach surveillance and pick-up. However, the IAG/UIC interim report also recommended an expansion of the current beach surveillance and pick-up program by recommending two weekly surveillances and pick-ups during non-beach seasons (March-May and September-November) and three weekly surveillances and pick-ups during beach season (June-August). Obviously, this has not been followed by the state.
    - i. In the last year since the release of the IAG/UIC interim report recommendations, only one surveillance and pick-up per week is being conducted by IDNR along the IBSP shoreline.
    - ii. The “pick-up” is being performed by unqualified and improperly insured consultants who have violated worker protection rules during beach “pick-up” activities that I have personally observed. The lone consultant does not wet materials that are picked-up and does not remove asbestos-contaminated sands beneath the asbestos debris identified during the surveillance.
    - iii. The IAG/UIC interim draft report recommended that the beach surveillance should be conducted in accordance with OSHA and/or Illinois Department of Labor regulations. The IAG/UIC interim draft report conveniently omitted discussing which other safety and environmental regulations should be followed during the “pick-up” portion of the beach

sweeps. USEPA and Illinois EPA regulations were never discussed in the interim draft UIC report.

1. The “pick-up” activity should be classified as asbestos removal and not the sham activity IDNR attempts to mischaracterize the clean-up as “identification and testing.” No asbestos testing is actually performed. If the debris were actually tested, the materials would not be mischaracterized by IDNR as “potential” asbestos, because results would verify and confirm whether asbestos was actually present in the debris. Removing asbestos debris is not sampling, it is removal.
  2. The IDNR’s asbestos consultant, PSI, apparently does not have an asbestos abatement license or asbestos worker licenses.
  3. The IDNR’s asbestos consultant, PSI, apparently does not carry asbestos removal insurance, which is required by state contracts for asbestos abatement activities.
  4. The assumed asbestos-containing materials are not wetted prior to “pick-up” by IDNR’s asbestos consultant, PSI, which is required by OSHA worker protection asbestos regulations.
  5. Areas within IBSP where assumed asbestos debris is being removed are not properly demarcated with OSHA asbestos signage and the areas do not restrict access to unauthorized personnel including the public. This is a violation of OSHA asbestos regulations.
  6. OSHA and other asbestos regulations also call for prompt clean-up and disposal of asbestos debris. Weekly “pick-ups” and stockpiling of waste in public areas does not constitute prompt clean-up and disposal. These regulations are blatantly being violated by IDNR and ignored by enforcement agencies.
- iv. I personally followed the lone asbestos consultant as he conducted his beach sweep during the week of May 15, 2006. I found four, fist-size pieces (after he had just swept the area) of suspected asbestos-containing materials within a 50-yard area of the main IBSP beach. These discoveries occurred immediately after I watched IDNR’s consultant, PSI, conducted a weekly “surveillance and pick-up.” There is no required supervision or verification that all visible asbestos is removed during the single weekly beach sweeps. Very small and microscopic asbestos is ignored or missed during the single weekly beach sweeps for asbestos debris, which puts the public at risk to the visible, friable, regulated pieces and microscopic asbestos that is overlooked by the lone consultant.
- v. The absurdity of a single “beach sweep” that requires a lone consultant to scan several hundred square feet of beach for asbestos debris per minute in order to cover the entire 6.5 miles of shoreline in one shift is the epitome of incompetence and shows a cavalier attitude toward the health and safety of the unwitting public. IDNR and its partners IEPA and IDPH, together with their lawyers at the IAG’s office, have been involved for years in covering-up their own apparent violations with regard to the chronic presence of asbestos debris on the Illinois shoreline.
1. The asbestos debris has been abraded in the surf zone giving many of the pieces of debris the same appearance as rocks, stones, and pebbles on the shoreline. This abrasion process continually generates more microscopic asbestos.
  2. There are literally billions of rocks, stones, and pebbles on the 6.5 miles of shoreline that resemble asbestos debris.
  3. It is apparent that only a very small fraction of potential asbestos debris is identified during the hurried beach sweep conducted by the unsupervised, lone consultant, let alone the cancer and disease-causing microscopic asbestos fibers left behind in the beach sands that can become airborne and inhaled.
  4. The weekly sweep does not identify the asbestos debris that is partially covered by sand or is located just off-shore in the surf zone where it eventually washes up on the public beaches, dries, becomes airborne, and potentially inhaled.
- vi. Mr. Hickman was not truthful when he stated that IDNR’s asbestos activities are consistent with the first recommendation found in the IAG/UIC interim report, **which IDNR and other agencies wrote, masquerading it, and deceptively touting it as an independent, scientific report.**
- e. The second recommendation found in the IAG/UIC interim report discusses IBSP visitor education. The recommendation further stated that visitor education on recognizing asbestos debris and understanding the issues of the presence of this debris on beaches is a “high priority.”
- i. There has been no attempt to inform the public regarding how to recognize and avoid the presence of asbestos debris at IBSP.
  - ii. The IDNR is aware that the virulent asbestos mineral tremolite and other microscopic asbestos fibers were found in IBSP beach sand and on Chicago’s popular Oak Street beach. Although awareness of the presence of tremolite existed as early as January 2005, no warning was provided to the public at IBSP or Chicago’s Oak Street beaches regarding the finding of the

- rare, but extremely toxic, tremolite mineral on the Illinois Lake Michigan shoreline by an state agency or Asbestos Task Force member. Hiding the presence of tremolite on the shoreline of Lake Michigan should be considered a criminal act by those with knowledge who remained silent while families and individuals unwittingly exposed themselves to this virulent asbestos mineral during the 2005 beach season.
- iii. No precautionary warnings were provided to park visitors regarding the statistically significant levels of microscopic asbestos fibers found in beach sands, including the presence of tremolite asbestos. Deceptive press releases by the state of Illinois actually downplayed the presence of statistically significant levels of tremolite and other carcinogenic and disease-causing asbestos minerals.
  - iv. The flawed Public Health Assessment (PHA) prepared by the Illinois Department of Public Health and reviewed by the Centers for Disease Control in May 2000, also recommended distributing asbestos information pamphlets and displaying examples of asbestos debris to warn and educate the public. In addition, these recommendations were purposefully neither being implemented by IDNR nor enforced by IDPH, IAG, and IEPA for at least the last four years.
  - v. As a public service, I assisted the Illinois Dunesland Preservation Society in preparing an asbestos pamphlet based on recommendations made by state and federal agencies. IDNR would not allow the pamphlet to be made available to the public on general brochure racks located at the park office. A federal "free speech" lawsuit has subsequently been filed by Dunesland to force the IDNR and its IAG lawyers to provide asbestos information as recommended in May 2000 in the PHA and in June 2005 in the IAG/UIC interim report.
  - vi. Mr. Hickman was apparently not truthful when he stated that IDNR asbestos activities are consistent with the second recommendation (distributing information pamphlets and informing the public) found in the IAG/UIC interim draft report. The IDNR and other agencies cite it as an independent, scientific report, but in reality, the individuals and their agencies served on the Asbestos Task Force, "ghost-writing" their own defenses and palming it off as an independent, scientific report by UIC. What a deceptive, egregious conflict of interest! UIC apparently did not check the accuracy of their data. This has woefully compromised the report, its integrity, and the authenticity of UIC's ethics!
- f. The third recommendation found in the IAG/UIC interim report discusses the presence of asbestos debris in the area in which Dunesland has filed its recent complaint to the Illinois EPA. The interim IAG/UIC report states, *"Areas impacted by erosion, that had housing communities present in the past, and that still have housing infrastructure in place should be surveyed for ACM. The area from Kellogg Creek to 21<sup>st</sup> Street in the IBSP North Unit may be one such area. If infrastructure that contains ACM is present, it should be remediated by using techniques in accordance with Illinois Department of Public Health, OSHA, and/or Illinois Department of Labor rules and regulations for asbestos abatement."*
- i. Assumed asbestos debris is located in this one square mile area. I have personally verified the existence of this assumed asbestos-containing debris through site visits as late as June 2, 2006. I have photos and several hours of video evidence documenting the extent of asbestos materials and the friable condition of this regulated asbestos-containing debris (see figure 1).
  - ii. The assumed asbestos debris appears to be cement asbestos products that have become damaged and deteriorated due to demolition, weathering, and exposure to fire during field burns that released airborne, microscopic fibers, to which employees and firefighting officials were most likely exposed (see figures 1 and 2).
  - iii. IDNR stated in the press, through the Department of Central Management Services, in May 2006, that they were aware of such debris in this area and that it was all removed. This false and misleading statement provided by public information officers at the state was quietly revised a week later by state officials indicating that the clean-up was still ongoing. Now it appears that there is no schedule for removing this asbestos debris from the public areas of Illinois Beach State Park.
  - iv. On the eastern edge of the property, the housing infrastructure is currently eroding into the lake. There have been no attempts by IDNR to address the erosion of these housing areas or the safety hazards posed by the exposed concrete foundations, piping, and rebar. The rubble also contains asbestos-containing building debris (see figure 8).
  - v. Visible debris assumed to contain asbestos has been present in this area for at least 30 years. Only a very small amount of debris was removed by the lone PSI consultant in the last week, apparently in violation of USEPA and OSHA asbestos regulations. This was the basis of Dunesland's complaint filed in May to the Illinois EPA, the Lake County Department of Public Health, and the Illinois Attorney General to which none of them have replied. The improper removal procedures will be further delineated later in this letter.

- vi. No attempts have been made by IDNR to isolate these known areas that contain assumed asbestos debris from the public. Many large pieces of debris are within a few feet of popular trails utilized by hikers, bikers, and joggers.
- vii. The IAG/UIC interim draft report conveniently omitted recommending that the debris removal should be conducted in compliance with Illinois EPA and USEPA asbestos regulations, even though the Asbestos Task Force members are the enforcers of those regulations. These public officials would rather practice hypocrisy than enforce the regulations and protect the health and safety of the public. Mr. Hickman's inaccurate assertion that IDNR asbestos activities are consistent with the IAG/UIC interim recommendations in no way attempts to address the Illinois EPA violations discussed in the Dunesland complaint letter since compliance with IEPA and USEPA asbestos regulations is omitted in the IAG/UIC interim report recommendations.
- viii. Dunesland must request an immediate response from IDNR on whether or not the assumed asbestos debris is being removed in compliance with USEPA and Illinois EPA regulations.
- ix. The Illinois EPA's and Illinois Attorney General's offices must be compelled to view the area first hand and immediately enforce all violations to asbestos, environmental, safety, and public health regulations.

**IDNR pretends that the source of the chronic appearance of asbestos debris at IBSP is unknown or unsubstantiated. IDNR, along with the IEPA, IAG, USEPA and CDC have rigged previous testing reports and public health studies to downplay their involvement and bungling of the presence of visible and microscopic asbestos fibers at IBSP and the Illinois Lake Michigan shoreline. There is adequate evidence that indicates the asbestos debris at IBSP originates from both the Johns-Manville site in Waukegan and the rubble from the homes owned by IDNR. Most of the asbestos fibers in Lake Michigan and on the park's beaches apparently originate from the Johns Manville Superfund site.**

3. Paragraph 2 of the Hickman letter discusses a habitat management field burn that uncovered materials "which may contain asbestos and appear to be building materials."
  - a. Mr. Hickman claims, "...the source of the material is currently unknown, but may have resulted from construction or demolition activities decades earlier."
    - i. IDNR had knowledge that homes were present in this area when they conducted condemnation proceedings against the property owners, obtained the land, and incorporated the parcels into IBSP.
    - ii. It appears that IDNR conducted much of the demolition of these structures: they buried and/or spread out as fill much of the asbestos-contaminated demolition debris onsite.
    - iii. IDNR has had knowledge for years that many of these homes had eroded into the lake. Signs in the area warn of underwater obstructions just off-shore.
    - iv. Subsurface evidence of housing foundations and building material can currently be observed from severe erosion along the shoreline south of Kellogg Creek, further confirming the presence of assumed asbestos-containing demolition debris.
  - b. IDNR has had knowledge of the presence of the assumed asbestos-containing debris materials from the June 2005 recommendations discussed above in the IAG/UIC interim draft report. **They also had this knowledge earlier because IDNR sat on the IAG/UIC Asbestos Task Force and contributed inaccurate information for inclusion in the initial versions of the draft that they now palm off as the authoritative, "scientific" UIC interim draft report which conveniently supports their own positions. Isn't this scientific fraud?**
  - c. They also had this knowledge earlier because IDNR sat on the IAG/UIC Asbestos Task Force and was supplied with initial versions of the information that was quoted in the final interim draft report.
  - d. IDNR has had knowledge of the presence of the assumed asbestos-containing debris materials uncovered during the November 2005 field burn.
  - e. The assumed asbestos-containing debris has been quantified as several hundred square feet of material scattered over at least a one square mile area.
  - f. The debris has been damaged, exposed to severe weather for decades, and has been exposed to fire during the November field burn.
  - g. The outer surfaces of the debris are "fuzzy" with assumed fibers. The jagged, broken, and exposed edges of the debris are friable and can be crushed or pulverized by mere hand pressure (see figures 1 and 2).
  - h. Only a few pieces of debris have been removed by a lone asbestos consultant since the field burn exposed these materials over six months ago. The majority of the assumed asbestos-containing debris has either been inappropriately stockpiled in the public park area or left in place (see figure 3).
  - i. No attempt has been made by IDNR to restrict public access to these assumed asbestos-containing debris locations.
  - j. The source of the assumed asbestos-containing materials discussed in the Dunesland complaint letter to IEPA, IAG, and Lake County Health Department is from the demolition of former homes obtained by IDNR. The movement of this debris has apparently violated the Illinois Environmental Protection Act

and the Clean Air Act. The Illinois EPA and Illinois Attorney General's Office must prosecute the owners of the property for any and all violations of these and other applicable environmental, safety, and public health regulations.

**IDNR attempts to distract the public and regulatory enforcement officials from the improper and apparently illegal removal of asbestos debris at IBSP by characterizing the massive and chronic clean-up as a simple "inspection and sample collection." Most asbestos consultants would not remove hundreds of pieces of asbestos debris, especially when they do not have the appropriate credentials, experience, supervision, and insurance. IDNR is conducting large-scale asbestos removal at IBSP in violation of state and federal environmental and safety regulations. The IDNR is committing apparent criminal acts by claiming inspections and testing are somehow resulting in the removal of tons of asbestos debris from IBSP in obvious violation of applicable asbestos abatement regulations.**

4. Paragraph 3 of this IDNR letter discusses IDNR's response to the finding of these assumed asbestos-containing materials.
  - a. Mr. Hickman attempts a "bait and switch" by discussing the routine beach sweeps for asbestos at IBSP instead of addressing the removal of the several hundred square feet of assumed asbestos-containing building demolition debris located in a one square mile area along the Lake Michigan shoreline south of Kellogg Creek.
    - i. Mr. Hickman describes how their consultant, PSI, conducts regular beach sweeps for inspecting and sampling of the materials. Yet, Mr. Hickman characterizes the demolition debris as "potential" asbestos-containing materials. If their consultant is inspecting and sampling the materials, as Mr. Hickman states in his letter, wouldn't he have knowledge that the debris is asbestos-containing?
    - ii. If the debris was inspected and sampled, then why isn't IDNR acknowledging that the debris is in fact asbestos-containing instead of deceptively describing the debris as potentially asbestos-containing?
  - b. The second "bait and switch" put forth by Mr. Hickman is the statement that, "These beach sweeps were recommended by the Asbestos Task Force report identified above."
    - i. The beach sweep recommendations apply to the 6.5 miles of shoreline at IBSP. What Mr. Hickman deceptively omitted was recommendation three of the IAG/UIC interim report which specifically identified suspected asbestos-containing housing infrastructure between Kellogg Creek and 21<sup>st</sup> Street that *"should be remediated by using techniques in accordance with Illinois Department of Public Health, OSHA, and/or Illinois Department of Labor rules and regulations for asbestos abatement."*
    - ii. IDNR did not conduct remediation of the several hundred square feet of assumed asbestos-containing housing infrastructure present in the one square mile public area of IBSP as recommended by the Asbestos Task Force/IAG/UIC interim report.
  - c. The third "bait and switch" put forth by Mr. Hickman is the statement that, "PSI personnel involved in the inspection/sample collection were IDPH trained and licensed to conduct inspections and sampling for suspect materials."
    - i. Although IDNR's consultants may have been qualified to take samples of the debris to determine if they are asbestos-containing, Mr. Hickman omits the fact that their consultant, PSI, was not credentialed by IDPH to perform asbestos abatement activities.
    - ii. PSI does not possess an IDPH asbestos abatement contractor license.
    - iii. PSI personnel do not possess IDPH asbestos workers' licenses.
    - iv. PSI apparently does not carry asbestos abatement insurance for performing the removal of the assumed asbestos found on the beaches or in the Camp Logan areas of IBSP.
    - v. IDNR has a union, licensed, experienced, and properly insured asbestos abatement contractor under contract, which they refuse to utilize for asbestos clean-up because proper asbestos removal would require isolating contaminated areas of the park from the public. It would also draw attention to a situation IDNR would prefer to keep under wraps.
  - d. The fourth "bait and switch" put forth by Mr. Hickman is the statement that, "All suspect materials sampled were handled in a manner to minimize the opportunity for personal exposure."
    - i. Mr. Hickman deceptively discusses the sampling of the materials that apparently have never been sampled.
    - ii. Mr. Hickman deceptively omits a discussion of how the removal of the assumed asbestos-containing demolition debris was accomplished.
    - iii. Mr. Hickman states materials were handled to minimize personal exposure, but did not itemize what steps were taken, if any, to minimize the public's exposure to the damaged, weathered, and burned assumed asbestos-containing demolition debris.
    - iv. Mr. Hickman ignores addressing the charges in the Dunesland complaint letter, which discusses inappropriate "removal" of this assumed asbestos-containing debris by an unqualified consultant without proper supervision and oversight.

- v. Why would Mr. Hickman describe sampling procedures that were apparently not performed in this area instead of discussing the appropriate work procedures and completeness of the asbestos removal unless his intent was to mislead or deceive?
- vi. The Illinois EPA and Illinois Attorney General's offices must be compelled to investigate who removed the limited amounts of asbestos debris and whether this removal violated any regulations. **There is apparently a major conflict of interest because the Attorney General is charged with enforcement of state laws and regulations, yet her agency co-authored the IAG/UIC interim draft report, which the state falsely relies upon as an alibi for not adhering to statutes and regulations.**
- e. Mr. Hickman inaccurately states that, "The material was not consolidated in the Nature Preserve, but was bagged and collected from where it was discovered. Once collected, the material was placed in covered containers and will be disposed of at a permitted landfill."
  - i. I have personally observed and photographed several areas where debris was picked up and consolidated in public areas of IBSP (see figure 3).
  - ii. I have personally observed and photographed assumed asbestos debris wrapped in unlabelled, plastic sheeting that remained unattended in unsecured public areas of the park overnight (see figure 4 and 5).
  - iii. I have personally observed and photographed the unlabelled, wrapped debris being transported through public areas of IBSP without containers (see figure 6).
  - iv. I have personally observed and photographed this unlabelled, wrapped debris consolidated at the maintenance office of the park lying unsecured on the ground without being containerized (see figure 7).
  - v. I also have quite a bit of video documenting the improper waste handling and storage issues addressed above since the Illinois EPA refused to visit this site and see the apparent illegal activities for themselves. I will make several hours of video available to an independent investigator who will enforce environmental regulations.
  - vi. The Illinois EPA and Illinois Attorney General's office must be compelled to investigate the alleged improper waste handling and misstatements provided by Mr. Hickman that attempt to cover-up the apparent illegal activities.
- f. The most deceptive IDNR attempt at covering-up the inappropriate handling of damaged and weathered assumed asbestos-containing demolition debris in the Camp Logan areas made is the statement that, "PSI reported that the material collected from the Nature Preserve was not friable."
  - i. Dunesland should immediately demand that Mr. Hickman provide evidence to substantiate such a claim.
    - 1. The individual making this unsubstantiated claim should be identified.
    - 2. The source of the definition of PSI's use of the term "non-friable" should be identified.
    - 3. PSI should state whether the assumed asbestos debris is "regulated" by any federal, state, or local regulations. The waste was disposed of as regulated.
    - 4. PSI should provide examples of the materials that they claim are non-friable so that an independent evaluation can be made by other state and/or federal officials. I would like to walk both PSI and IEPA representatives into the asbestos-contaminated areas and have them identify the non-friable asbestos.
  - ii. Cement asbestos building materials similar to those found at IBSP were manufactured as a non-friable material. However, when these materials are subject to extreme forces (such as demolition), weathering, and fire, these materials become characterized as friable and/or regulated.
    - 1. The source of the assumed asbestos debris is from demolition of buildings owned by INDR.
    - 2. The cement asbestos materials became severely damaged during the demolition activities over 30 years ago.
    - 3. The cement asbestos materials became severely deteriorated due to exposure to seasonal weather conditions for several decades.
    - 4. The cement asbestos materials were exposed to intense heat and flames during field burns in the area on at least one occasion.
    - 5. The cement asbestos materials have damaged and exposed edges that can be crumbled or pulverized by hand pressure. These materials are friable.
    - 6. The exterior surfaces of the cement asbestos materials have a visible "fuzz" of apparent asbestos fibers that can be released by hand pressure. These materials are friable.
    - 7. Cement asbestos materials in residential structures owned by the state of Illinois are regulated by the demolition requirements of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) under the Clean Air Act.
    - 8. NESHAP regulations state that cement asbestos products (Category II non-friable) that are subject to demolition, severe weathering, and/or fire, are regulated. These

- regulated cement asbestos materials must be removed from buildings prior to demolition or burning.
9. The presence of demolished, damaged, weathered, and burned assumed cement asbestos materials poses an immediate threat to human health and the environment at Illinois Beach State Park.
  10. The Illinois EPA and Illinois Attorney General's office must immediately perform a site visit and determine if regulatory and/or criminal violations regarding the presence and apparently willful mishandling of known and/or assumed asbestos-containing materials have occurred in the Camp Logan and shoreline areas of IBSP.
- g. Mr. Hickman provides another "bait and switch" by stating, "The inspection and material removal was conducted in a manner which provides for minimal disturbance of the ecosystem in the Nature Preserve."
- i. The Dunesland complaint to IEPA did not address disturbance of the eco-system, rather it addressed the unrestricted access and subsequent exposures to the several hundred square feet of assumed asbestos-containing debris by an unaware public frequenting these areas.
  - ii. Mr. Hickman did not address why all assumed asbestos debris has not been identified in this area.
  - iii. Mr. Hickman did not address why known locations of assumed asbestos-containing debris were not isolated by establishment of regulated areas as required by OSHA and/or Illinois Department of Labor asbestos regulations.
  - iv. Mr. Hickman did not address why prompt clean-up and disposal has not occurred in violation of OSHA regulations.
  - v. Mr. Hickman did not address why asbestos debris was also improperly collected and stockpiled in public areas for several weeks.
  - vi. Mr. Hickman did not address why these areas were not closed to the public until a thorough and proper clean-up had been conducted by properly credentialed, insured, and supervised asbestos abatement contractors.
- h. The final "bait and switch" put forth by IDNR, under Mr. Hickman' signature, is in the final sentence of paragraph three when he states, "IDNR will also be posting signage directing visitors to remain on established trails within the portion of the Nature Preserve where the materials were found."
- i. State and federal asbestos regulations require the establishment of a regulated area that prevents unauthorized personnel from entering areas contaminated with asbestos debris.
    1. Regulated areas must have OSHA asbestos signs as illustrated below.



2. Regulated areas must have sufficient barriers that prevent unauthorized access into them.
3. Regulated areas must be secured to prevent unauthorized access into them.
- ii. The signs proposed by Mr. Hickman do not properly warn the public of the asbestos hazards and do not prevent unauthorized access into these areas (see figure 11).
- iii. The signs proposed by Mr. Hickman are just as absurd as the signs posted on the IBSP shoreline in their attempt to notify the public of the asbestos exposure hazards posed by damaged, weathered, and burned assumed friable asbestos-containing materials.
- iv. **No other public areas in Illinois allow families to enter areas known to be chronically contaminated with damaged, weathered, and burned asbestos-containing materials.**
- v. **No other public areas in Illinois allow families to enter areas known to be contaminated with statistically elevated levels of microscopic tremolite and other toxic and disease-causing asbestos fibers and friable asbestos pieces.**
- vi. The proposed signage does not prevent the hundreds of square feet of damaged, weathered, and burnt asbestos debris from releasing asbestos fibers into the air where unaware hikers, joggers, bikers, and naturalist can then inhale them.

The Illinois EPA's and Illinois Attorney General's offices have harmed the public and the environment by their apparent cover-up and lack of attention to the hundreds of square feet of friable asbestos debris found in Camp Logan between Kellogg Creek and 21<sup>st</sup> Street. These agencies are allowing the IDNR to casually and blatantly disregard significant

environmental, safety, and public health regulations and statutes, as illustrated by Mr. Hickman's deceptive and misleading non-response letter to you. These agencies would never allow polluters to respond directly to citizens who made charges against them.

**The enforcement agencies know that safety and environmental violations exist at IBSP, but choose to allow the asbestos contamination to continue by looking the other way. The local, state, and federal agencies will cover-up for the polluters, because they have participated directly, or indirectly, in the polluting of the Illinois shoreline with asbestos debris. They are all covering for each other through a lack of enforcement or by participating in the fabrication of fraudulent studies. If I can uncover what appears to be a conspiracy, any credible independent investigation agency should also be able to uncover the apparent conspiracy in obstructing enforcement of egregious violations of environmental, safety and public health regulations. Federal prosecutors must put an end to the potentially criminal violations being perpetrated by federal, state and local agencies and officials involved with the willful obstruction of enforcement by covering-up massive asbestos problems along the Illinois Lake Michigan shoreline.**

The Illinois EPA and Illinois Attorney General's office must not take the deceptive and misleading word of their sister agency, IDNR. There is no reason that either agency could not perform a site visit and enforce obvious violations to the Illinois Environmental Protection Act and other environmental, safety, and public health regulations. These are serious charges of harm to public health and the environment that should have been investigated years ago. The Illinois EPA and Illinois Attorney General's office has willfully failed to perform their duties and has violated the public trust. I am recommending that Dunesland forward this letter and their previous IEPA complaint letters to the Illinois Inspector General's office and to Federal Prosecutors to investigate potential criminal violations by IDNR, IEPA, the Illinois Attorney General's office, and members of their Asbestos Task Force.

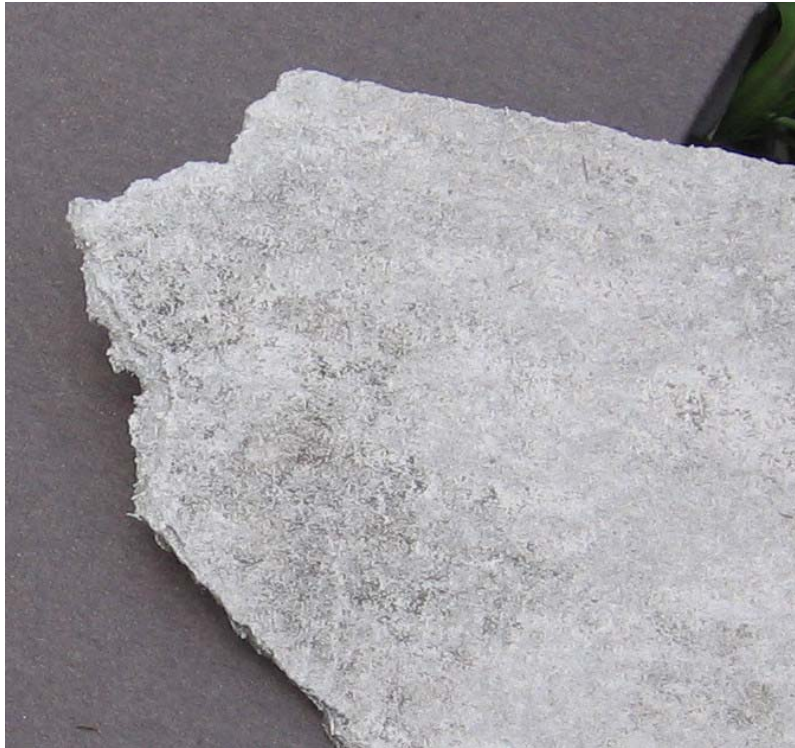
Please contact me with any questions.

Cordially,

*Jeffery C. Camplin*

Jeffery C. Camplin, CSP, CPEA

**Photographs from Illinois Beach State Park  
Former Home Sites South of Kellogg Creek and North of 21<sup>st</sup> Street  
North Unit at the Lake Front**



**Figure 1- Close-up of Damaged Transite Found near Kellogg Creek**



**Figure 2 – Close-up of Broken, Weather, and Burned Asbestos Debris near Kellogg Creek  
These Materials are Friable and Regulated.**

**IDNR claims the debris to be non-friable, which is untrue.**



**Figure 3 – Large Amount of Asbestos Debris Consolidated in an Area South of Kellogg Creek  
IDNR claimed that this debris was not stockpiled onsite.  
This pile can still be found in public areas.**



**Figure 4 - Wrapped, Unlabeled, and Unsecured Waste in Kellogg Creek Area  
Regulated Asbestos is wrapped, unlabelled, in a dry condition,  
then left unsecured overnight.**



**Figure 5 – Wrapped, Unlabeled, and Unsecured Waste South of Sand Pond near 21<sup>st</sup> Street  
More unlabelled, dry, unsecured waste found within 3 feet of a trail in a public area.**



**Figure 6 – Non-containerized, Unsecured, and Unlabeled Waste Transported through Public Areas  
This dry, unlabelled, uncontainerized, and unsecured regulated asbestos waste transported through public areas of Illinois Beach State Park in the middle of the day. This debris was later photographed in an uncontainerized and unsecured area of the IBSP Maintenance Garage area.**



**Figure 7 - Unsecured, Non-Containerized, Unlabeled Asbestos Waste Found at Maintenance Garage  
Maintenance Garage Area at Illinois Beach State Park - Main Beach**  
The dry debris lies stockpiled next to an unlocked entrance to the garage area.



**Figure 8 – Foundations and Building Debris Entering Lake Michigan near Kellogg Creek**  
IDNR knowingly allows demolition debris and asbestos materials to enter the Federal and State Navigable waters of Lake Michigan. Visible pieces of asbestos debris were noted in the eroded banks of this unrestricted public access area.



**Figure 9 - Large pieces of asbestos debris photographed in mid-May after being exposed on the ground surface by a field burn that was conducted by the IDNR.**



**Figure 10 – This is the same asbestos debris as viewed in figure 9 which was photographed again on June 2, 2006. Notice how the debris is once again becoming hidden by the growth of groundcover in the area where it was previously hidden for decades. This groundcover growth occurred in just over two weeks. The pictured piece of debris is about 4 feet in length. Hundreds of smaller shards and pieces of friable asbestos debris have already become covered over again by similar vegetation growth in public areas of Illinois Beach State Park near heavily traveled trails. The friable debris is still subject to wind and weathering that can release asbestos fibers into the air where hikers, jogger, bikers, and naturalist frequent.**



Figure 11 - This is an example of the new signage Mr. Hickman states will keep the public out of areas contaminated with hundreds of square feet of regulated, friable, asbestos debris found in public areas at Illinois Beach State Park North Unit. This new sign was installed a few days ago and is located over one mile from the asbestos-contaminated area at the south entrance to Illinois Beach State Park off Shiloh Blvd. in Zion, IL. There were no other signs found during the mile plus walk north into the asbestos-contaminated area that would identify the "site designated trails" for the public to follow. There are no warning signs or barriers on paved roadways preventing the public (including school-aged children) from walking/hiking, jogging, or biking on the various paths and trails leading directly into the asbestos-contaminated areas of the IBSP North Unit. The signs assume visitors know where site-designated trails are located. The sign also assumes visitors can read and understand English. This sign does not contain any asbestos warnings and does not prevent the public from entering areas contaminated with hundreds of square feet of damaged, weathered, friable asbestos-containing debris.

This sign does not prevent asbestos fibers from becoming airborne off the damaged, weathered, and burned, friable asbestos building debris found in public areas of the park, where an unaware public can then inhale them each visit.



## Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Sam Flood, Acting Director

May 19, 2006

Paul A. Kakuris, President  
Illinois Dunesland Preservation Society  
P.O. Box 466  
Zion, IL 60099

RE: Illinois Beach State Park

Dear Mr. Kakuris:

The Illinois Department of Natural Resources ("IDNR") is in receipt of your complaint directed to the Illinois EPA dated May 15, 2006. While your correspondence mischaracterizes the nature of issues and the IDNR's response to those issues, IDNR will explain the actions taken in response to the potential asbestos containing material recently discovered at Illinois Beach State Park ("IBSP"). As explained below, the IDNR's actions are consistent with the Asbestos Task Force final draft report entitled *Illinois Beach State Park (IBSP): Determination of Asbestos Contamination in Beach Nourishment Sand* prepared by the UIC School of Public Health on behalf of the members of the Asbestos Task Force (Office of the Illinois Attorney General, the UIC School of Public Health, Illinois Department of Public Health, IDNR, United States EPA, Illinois EPA, United States Army Corps of Engineers, Lake County State's Attorney, the City of Waukegan and the Waukegan Park District).

On November 2, 2005 IDNR conducted a habitat management burn in the North Dunes Nature Preserve at IBSP. Habitat management burns are one of the best natural resource management tools to preserve and enhance the natural communities at the Nature Preserve. As you are aware, the Nature Preserve and the remainder of IBSP is part of the only remaining undeveloped coastline of Lake Michigan in the State of Illinois. The Nature Preserve has State, national and even world-wide significance because of its increasingly rare natural communities. When environmental contaminant issues arise, IDNR is committed to responding to those issues in a way which is protective of human health, the environment and the specific ecosystems affected. In this case, the habitat management burn uncovered materials which may contain asbestos and appeared to be

building materials. The source of the materials is currently unknown, but may have resulted from construction or demolition activities decades earlier.

In response to discovering this material, IDNR tasked its environmental consultant (Professional Service Industries, Inc.) ("PSI") with inspecting and sampling the material in accordance with the regularly conducted beach sweeps underway at IBSP. These beach sweeps were recommended by the Asbestos Task Force report identified above. PSI personnel involved in the inspection/sample collection were IDPH trained and licensed to conduct inspections and sampling for suspect asbestos material. PSI employees are required to wear personal monitors to quantify any "on the job" exposure they may encounter. All suspect materials sampled were handled in a manner to minimize the opportunity for personal exposure. The material was not consolidated in the Nature Preserve, but was bagged and collected from where it was discovered. Once collected, the material was placed in covered containers and will be disposed of at a permitted landfill. PSI reported that the material collected from the Nature Preserve was not friable. The inspection and material removal was conducted in a manner which provides for minimal disturbance of the ecosystem in the Nature Preserve. IDNR will also be posting signage directing visitors to remain on established trails within the portion of the Nature Preserve where the materials were found.

Thank you for your interest in IBSP and the North Dunes Nature Preserve.

Sincerely,



Tim Hickmann, Chief  
Division of Parks & Recreation

cc: Douglas Scott, Director, Illinois EPA  
Alec Messina, Chief Legal Counsel, Illinois EPA  
Laurel Kroack, Chief – Bureau of Air, Illinois EPA  
Bill Child, Chief – Bureau of Land, Illinois EPA  
Matt Dunn, Office of the Illinois Attorney General  
Elizabeth Wallace, Office of the Illinois Attorney General  
Professional Service Industries, Inc.