



ILLINOIS
DEPARTMENT OF
NATURAL RESOURCES

524 South Second Street, Springfield 62701-1787

Jim Edgar, Governor • Brent Manning, Director

August 17, 1998

Mary A. Gade, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Dear Director Gade: *MAM*

I would like to first take the opportunity to thank you and your staff for your close coordination with the Department during our asbestos investigation at Illinois Beach State Park. Your staff provided useful information during the investigation and we will continue to rely on the expertise of Illinois EPA staff during continued work at Illinois Beach.

As you are aware, the beaches at Illinois Beach State Park are a constantly changing environment with portions of the beaches eroding at a rate of feet per year, while other areas of the beach increase at a rate of feet per year. The beaches are subject to severe weathering due to Lake Michigan currents and weather patterns. A decade ago, the Department found it necessary to develop and implement a sand management program at the Park as part of an effort to protect existing beach resources. Our sand management program involves massive efforts to stabilize the existing shore line and prevent erosion of existing beaches to a point where destruction of critical dune and swale habitat is mitigated.

One of the Department's primary methods of stabilizing beach areas involves adding nutrient sand, from lake front sources when available, to critical areas along the 6 1/2 miles of Park beaches. The Department's beach management strategy may be in jeopardy of being compromised because of the recent discovery of asbestos containing material on our beaches as well as in various Lake Michigan sand stock piles.


-2-

Local sand available for beach nourishment contains asbestos materials. IDNR staff have reviewed the Illinois Environmental Protection Act (Act) with regard to this issue, and it is not clear if sand containing asbestos meets the definition of "waste" as outlined in Section 3.53, if it is an "Industrial Process Waste" as defined in Section 3.17 or if it is considered a "Special Waste" as defined in Section 3.45. Our concern is answering whether sand containing asbestos is considered a "waste". If so, this may indicate that "Disposal" as defined under Section 3.08 of the Act could apply to the Department's sand management activities. If placement and/or disposal does occur per the Act, then will the Department's sand management activities be subject to requirements outlined under Ill. Admin. Code Subtitle G, Section 811? In addition, if treatment of sand to remove asbestos is required by regulation, would Section 9 (a) of the Act apply?

The Department is very anxious to resolve these regulatory concerns as soon as possible so that our nutrient sand program can continue. It would be most helpful for Illinois EPA to provide us with a waste determination with regard to the use of sand that contains asbestos materials.

Thank you for your continued support on the Illinois Beach project. We need to move promptly on this matter and appreciate your assistance. I look forward to your reply.

Sincerely,


Brent Manning
Director

cc Al Grosboll
John Comerio



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 Mary A. Gade, Director

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November 13, 1998

Brent Manning, Director
Illinois Department of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

Dear Director Manning:

This letter is to respond to your August 17, 1998 letter regarding the Department's sand management program at Illinois State Beach State Park. Your concern is that the "sand available for beach nourishment contains asbestos materials." This raises the issue of whether that sand is "waste" and what regulatory requirements may be applicable.

It would appear that the sand containing asbestos materials would be a waste as an "industrial process waste" or a "pollution control waste" when removed from its original location, and would require proper management and disposal. Placing these additional asbestos materials on the Illinois State Beach would constitute a disposal of that waste, so I must recommend against it.

If you have any further questions, please contact me.

Sincerely,

Mary A. Gade
Director

cc: Al Grosboll
John Comerio