



Illinois Dunesland Preservation Society

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June 4, 2007

Formal Complaint and Request

Mary Gade, Administrator, USEPA Region V, Chicago
Steven Rothblatt, USEPA Director Air Enforcement and Radiation, Region V
George Czerniak, USEPA Branch Chief Air Enforcement and Radiation, Region V
Brent Marable, USEPA Section Chief Air Enforcement and Radiation, Region V
Stephen Johnson, USEPA Administrator, Washington, D.C.
Bell Roderick, USEPA Acting Inspector General USEPA, Washington, D.C. (#2007-374)

by Email

RE: USEPA's Comments on Exposure Investigation Report by ATSDR/CDC (Asbestos Illinois Shoreline)

- Request that Region V's All Relevant Division and Section Staff Review and Make Comments to ATSDR/CDC
- USEPA's Region V Superfund's Exclusive Comments Should Not Speak for the Entire Region's Position on ATSDR/CDC's Flawed and "Rigged" Exposure Investigation Report

Last week, I spoke with George Czerniak, USEPA Branch Chief Air Enforcement and Radiation, Region V about the asbestos issues on the Illinois shoreline and the lack of enforcement by USEPA Region V. As we discussed the asbestos issues, it became apparent that Mr. Czerniak was unaware of the ATSDR/CDC Exposure Investigation Report.

We were astonished to discover that only the Superfund division was making comments on this report, creating the perception that those comments were speaking for the entire Region V. It appears that Brad Bradley, program manager for the Johns Manville Superfund site, and attorney Jan Carlson were involved in transmitting these comments to ATSDR/CDC.

It is unfortunate that other relevant divisions and departments did not have the opportunity to read the attached report with the agency's comments. The relevancy with regard to Superfund making comments creates a narrowly interpreted point of view with an obviously impractical agenda. Mr. Bradley's enthusiasm as a long-time manager for this Superfund site with his goal on delisting has created an unfortunate imbalance in improper professional review. There appears to be significant overlapping outside his area of expertise and JURISDICTION. Without Air and Radiation and other divisions and sections of EPA, the apparent void creates a deficit in scientific review.

We request that you review Brad Bradley's and Jan Carlson's activities in this matter and why this information has been kept from many others in the region to review and have input. The report is flawed and rigged; we will be making our comments to you so Region V can consider our comments since the entire process has been completed in secret and the learned environmental community has been kept from making comments or participating in any way despite our many offers and requests to do so.

We look forward to your response and your review of our comments.

Sincerely,

Paul A. Kakuris

Paul A. Kakuris, President

Attachments: USEPA Exposure Investigation Report prepared by James T. Durant
April 24, 2007 Letter from Brad Bradley, USEPA Superfund Manager to Mark Johnson, ATSDR/CDC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604**

April 24, 2007

Mark Johnson
Agency for Toxic Substances and Disease Registry
77 West Jackson Blvd (4th Floor)
Chicago, Illinois 60604

Dear Mr. Johnson:

Thank you for the opportunity to review the draft "Exposure Investigation Report" (the Report) for the Illinois Beach State Park. The U.S. Environmental Protection Agency (EPA) has the following comments concerning the Report:

- 1) The dates and time of day and weather conditions (temperature, wind speed and direction, dew point) for each of the activity-based sampling events should be provided in the text of the Report.
- 2) The date and time of the last measurable precipitation prior to each of the sampling events should be included in the text of the Report.
- 3) If not already stated, the height at which the personnel monitors were located (e.g. 4 feet off the ground) should be noted in the text of the Report.

For comments 1-3, any potential biases introduced by the conditions present at the time of monitoring should be noted in the text.

4) How do the activity-based sampling locations comport with the previous sand sampling results from the June 6, 2005 UIC Interim Report? In other words, were there activity-based sampling locations located in the immediate vicinity of the samples with the highest asbestos fiber counts (i.e. sampling locations ISBP-15S, ISBP-16S, ISBP-17A, ISBP-18A, ISBP-20A, ISBP-21A, and ISBP-22A)? It is not easy for EPA to determine this since the maps included in EPA's copy of the UIC Interim Report are hard to interpret and do not include sampling locations ISBP-17A through ISBP-22A.

5) Discussion of the implications of the fact that the some of the activity-based air results exceed the benchmarks set in the aftermath of the World Trade Center disaster should be included in the report.

6) In the first paragraph on page 11, is it now known how much, what type and how often you have to be exposed to asbestos fibers to develop mesothelioma?

7) The paragraph on page 12, which states that "Based on the bulk analysis of sand samples collected, the sand in of itself does not appear to pose a significant source of asbestos fibers" is a little misleading. The air samples near the beach grading equipment were significantly elevated; therefore, this would indicate that there might be a problem with this statement.

8) The last paragraph on page 12, regarding the use of the Berman & Crump Methodology for conducting risk assessments at asbestos sites is confusing, did they use it on IBSP and ATSDR is not recommending its use now since it has not been approved by the US EPA or what is the story? A lot of text is devoted to discussing the

Berman & Crump method throughout the text and in the References but if it is still not approved why bother since the risk can not be calculated the way it is proposed?

9) Under Limitations and Uncertainties the indented paragraph on page 13 is suspect. Either you can do a risk assessment properly or say you can not do it now and since pieces of asbestos and asbestos fibers and were found on the beach it is questionable to call it safe or without risk.

10) Recommendation #2, Page 14- EPA feels strongly that warning signs should include photographs of commonly-encountered ACM and a clearly-posted contact number to call if any such materials are identified or suspected by park visitors.

11) Recommendation #3, Page 14- EPA cannot comment on this recommendation until the information requested in the preceding comments is provided.

12) Recommendation #4, Page 14- EPA feels strongly that beach grading activities should be conducted only under damp conditions as it is not always possible to determine whether or not persons will be present during such activities. Proper protective equipment should be worn by workers engaged in grading activities.

13) Regarding the human health safety statements in the Report, the Executive Summary states that it is within the acceptable risk range under certain conditions to use the IBSP beaches for the general public BUT for maintenance activities they should be conducted when sand surface is wet or closed to the public. It is also stated that the IDNR should continue asbestos removal from the beach. These inconsistencies and the actual air monitoring results raise concerns regarding the safety of human use of the beaches. There is ACM on the beach and it should be removed, the maintenance workers should take precautions but it is OK for the public and especially children to play with and on the beach. What is going on here, either the beach is safe or the safety is questionable.

EPA proposes that the TRW asbestos work group or other experts ask and answer the following questions: If a child plays with a friable asbestos chunk (one where fibers can be released by handling) on the IBSP beach, which would be an acute exposure scenario, will the child have minimal risk or a lot? And can we consider the beach safe?

These comments are those of the EPA Region 5 staff. Additional comments may be forwarded to you in the future. If you have any questions concerning this letter, please contact me at (312) 886-4742.

Sincerely,

Brad Bradley
Remedial Project Manager

cc: Sandy Bron, Illinois EPA
Beth Wallace, Illinois AG
Stan Yonkauski, IDNR