



Illinois Dunesland Preservation Society

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August 28, 2007

Formal Complaint and Request

Memo: Stephen Johnson, USEPA Administrator, Washington, D.C.
Susan Parker Bodine, USEPA Assistant Administrator, Washington, D.C.
Jim Woolford, USEPA National Director Superfund, Washington, D.C.
Mary Gade, USEPA Region V Administrator, Chicago, IL

Subject:

**USEPA's Proposed Asbestos Beach Tests are Flawed and Rigged in Illinois
Slow Down the Process to Develop Proper Sampling & Testing Protocols
Include Upfront, Public Transparency which Has Been Denied**

Unfortunately, amphibole and other asbestos fibers, which are hazardous materials, have contaminated the entire Illinois Lake Michigan shoreline. Millions of beachgoers and their families have been unwittingly exposed to deadly microscopic asbestos at the beach and through secondary "take-home" exposures. Public officials from USEPA and ATSDR/CDC and their state partners, including the Illinois Attorney General, have authored corrupted and grossly flawed, "rigged" studies, attempting to say that toxic amphiboles and other asbestos are not a danger – or toxic – for human inhalation. Unbelievably, ATSDR and USEPA find the presence of amphibole fibers in beach sand, shoreline air, and lake-bottom sediments to be acceptable.

Public officials have dumped/discharged, or facilitated, the dumping and discharging of asbestos fibers and friable asbestos containing materials (RACM) into the federal navigable waters of Lake Michigan and onto Illinois beaches. These rigged studies have been conducted and written in secret with a concerted effort not to be transparent to the public, willfully excluding the public. In the process, they have wasted hundreds of thousands of federal and state tax dollars, attempting to cover-up the public officials' involvement in contaminating the Illinois shoreline with virulent asbestos fibers.

Now, USEPA Region V has again hastily pushed another USEPA science group, ERT (Environmental Response Team), to fly to Illinois from Nevada to conduct tests on September 4, preventing the process from being transparent and open to public input. Again, in secret, USEPA Region V has refused to release the current work plans and study protocols for review by outside experts and the public.

Region V Administrator Mary Gade was unresponsive to Dunesland's request to allow our experts to comment to the USEPA's TRW, Technical Review Work Group, that was

reviewing an ATSDR/CDC draft of flawed, activity-based testing that was secretly conducted by USEPA. Because of the draft's serious flaws, the USEPA's ERT has hurriedly planned to conduct more activity-based testing which is fatally doomed due to lack of proper expertise, scope, protocols, and planning.

By not making the process transparent, USEPA, its sister agencies, and state partners, prevent public interference in their preconceived agenda to cover-up the fact that hazardous asbestos has contaminated the entire Illinois shoreline through their own negligence and by discharging and dumping/facilitating asbestos contamination on the Illinois shoreline. Additionally, they have shown a willingness to be co-opted by the actual asbestos polluters, continually allowing them to discharge more deadly asbestos fibers into Lake Michigan.

September 4 Activity-based Testing is Fatally Flawed & a Waste of Tax Dollars

- USEPA Region V's credibility has been badly damaged through years of flawed studies and lack of proper enforcement. As a last ditch effort to restore their credibility, they are bringing in USEPA's Emergency Response Team in a pathetic attempt to cover up their own involvement in the shoreline's hazardous contamination. It is highly unlikely that USEPA's ERT is aware of the full scope and the quagmire they are entering. It appears that they certainly haven't been given time to review and properly prepare, and garner the outside expertise they apparently need in working on a coastal environment. Has the USEPA Region V told them everything? We seriously doubt it.
- It's too late to simulate summer activities; the beach season is over.
- This process is secret and lacks transparency, excluding outside experts.
- USEPA and ATSDR/CDC lack coastal processes expertise to establish sampling.
- USEPA and ATSDR/CDC lack coastal processes expertise to establish the sequence of sampling protocols in relation to coastal dynamics. A work plan would entail several times on different weeks and at different hours in relation to climatology. It should not be a one visit scenario. This requires careful study and planning with outside experts.
- USEPA and ATSDR/CDC lack expertise in defining the differences in sampling and testing sands for asbestos fibers, as opposed to testing soils for asbestos fibers.
- USEPA and ATSDR/CDC lack expertise in coordinating wave climate and sampling events.
- Outrageously, this upcoming study, like past studies, has purposefully eliminated 20-25% of the most contaminated beach areas at Illinois Beach State Park from sampling and testing. The excluded area, includes the MAJOR SOURCES of asbestos contaminating Lake Michigan. The Johns Manville Asbestos Superfund site has an active, discharge outfall, just like BP's in Indiana, except that the permit for Manville's NPDES pipe has been expired for more than ten years with the blessings of USEPA; no great rush to renew in Illinois! The other source is the Midwest Generation/ComEd power plant which is adjacent to Manville's Asbestos Superfund site and is highly contaminated.
- USEPA and ATSDR/CDC lack expertise in the behavior of asbestos fibers in the coastal zone with regard to the unusual wind and air current climatology.
- USEPA and ATSDR/CDC lack expertise in assessing fibers in relation to asbestos fiber buoyancy and asbestos types in the water column of the foreshore and its relation to sediment/asbestos foreshore deposition.

- The attached report by Dunesland's asbestos expert and health and safety engineer Jeffery C. Camplin and all the reasons contained therein, demonstrate why the proposed activity-based testing by USEPA's ERT is destined to be fatally flawed.

The above-mentioned reasons demonstrate that the process should be slowed down, made open and transparent, and other experts should be invited along with the public to comment, as espoused by USEPA and ATSDR/CDC on their web sites.

Until then, we request that the beaches be closed in order to minimize further public exposure to deadly amphibole asbestos. If the evidence that public officials already have in their rigged studies existed anywhere but the Illinois shoreline, government officials would have fenced it off from the public, enforced cleanup, and prosecuted violators.

This shoreline issue is so massive that public officials fear it will set off a public firestorm and criminal prosecutions for those responsible. Everyone knows that the entire shoreline is contaminated with asbestos, including amphiboles; that is not even a question anymore. The only question is, as in Libby, MT, how devastating it has been and will be to human health. The statistics linked on Dunesland's web site for the EWG show that the Illinois shoreline's illness and death rates from asbestos-related diseases are among the highest in the country (http://reports.ewg.org/reports/asbestos/tables/deathdetails_top100.php).

Government officials are only delaying the inevitable with all of their "studies." It is time to take action. Close the beaches and properly establish sampling and testing protocols that are transparent to the public.

We look forward to your prompt response.

Sincerely,

Paul A. Kakuris

Paul A. Kakuris, President

C.

Senator Dick Durbin

Senator Barack Obama

Governor Rod Blagojevich

Bill Roderick, USEPA Acting Inspector General, Washington, D.C.

David Wright, USEPA Chief ERT

Dennisses Valdez, USEPA Deputy Branch Chief ERT

Brian Brass, USEPA ERT

Richard Karl, USEPA Director of Superfund, Region V

Steven Rothblatt, USEPA Director Air Enforcement and Radiation, Region V

Linda Nachowicz, USEPA Branch Chief, Region V

Brad Benning, USEPA, Region V

Attachments:

August 28, 2007 Report from Jeffery C. Camplin to Illinois Dunesland Preservation Society

April 23, 2007 Letter from Brad Bradley to Mark Johnson

May 16, 2006 Email from Timothy Larson to Stan Yonkauski

August 28, 2007

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

Attention: Paul A. Kakuris, President

Re: Illinois Beach State Park Must Close until Proper Testing Evaluates Asbestos Risk

- Enough Knowledge Exists about Chronic Asbestos Contamination to Close Park
- Highly Toxic Asbestos Fibers in Beach Air Should Have Closed Beaches Last Year
- Beach Season is Over – Close the Beaches and Take Time to Plan a Comprehensive Study
- New Testing Must be Performed with Public Help in an Open and Transparent Manner
- Independent Peer Review of New Risk Studies Required Prior to Allowing Public Access
- Current Studies Must Involve the Learned Public – Cycle of Deception by State Must End
- Activity-Based Testing Must Consider Cumulative Exposures and Take-Home Asbestos
- Take-Home Asbestos Tracked to Enclosed Areas by Families and Pets Must be Evaluated

Dear Mr. Kakuris:

Illinois Beach State Park should be immediately closed to the public and a comprehensive asbestos risk-based study of the entire Illinois Lake Michigan shoreline should commence in an open and transparent manner with public involvement and approval. All reports claiming that exposure to inhaling the asbestos pollution found on the Illinois Lake Michigan shoreline is acceptable must undergo a stringent, independent, peer review. All reviewers should pass a conflict of interest evaluation before they begin the peer review. All reports to date have failed to pass any scientific peer review. I am concerned that the new round of testing being performed at Illinois Beach State Park by the EPA's Emergency Response Team (ERT) is hurriedly being planned to get the USEPA out of hot water with the citizens of Illinois for deception and delays in response to the chronic presence of visible and microscopic asbestos fibers along the Illinois Lake Michigan shoreline. The conflicts of interest involving USEPA Region 5 demand transparency in this new sampling process. What does the EPA have to hide? Apparently, the EPA is covering up for their long-term knowledge of the chronic presence of asbestos and their failure to take precautionary steps to protect public health. Enough is enough! The beaches must close.

Secrecy Will Never End the Continued Cycle of Testing and Retesting and Retesting

A review of Appendix A of this report will reveal a continued pattern of secrecy and a repetitious cycle of uncertainty with report findings and a recommendation of more testing.

- In 1998, Hansen Engineering, in collaboration with IEPA, IDNR, and IDPH, conducted a poorly designed study involving clearance air tests on an outdoor beach in March when it was raining and the beach was partially frozen.
- My "Camplin Report" released in June, 2003 revealed this sham report and forced the state of Illinois to hire the University of Illinois at Chicago to review my findings. They recommended additional testing.

- In 2005, this new testing report was released and secretly reviewed by ATSDR and USEPA (and apparently members of TRW, Technical Review, Work Group). Both agencies recommended activity-based air testing.
- In 2006, ATSDR performed activity-based testing. In a draft report released in March, 2007 the author of the report found that the elevated levels of amphibole asbestos fibers in beach sand did not pose a hazard and no further air sampling was necessary. There was no valid science to support his conclusion.
- However, USEPA Region 5 performed another secret review of the ATSDR activity-based report and found problems. Another secret review was performed by the USEPA's TRW asbestos group who had involvement on designing the ATSDR study. TRW released the confidential report earlier this month and, once again, recommended more activity-based testing. The continued "uncertainty" associated with a decade of testing means that the safety of the public is questionable at best. It is time to close the beaches.

Beach Season is Over. No Need to Rush New Testing. Public Should Be Involved.

- Beach season is over. If the beaches are closed to the public, there is no need to rush into a poorly planned testing and evaluation.
- This new study by the EPA's ERT must be properly planned using the best science and public involvement. It is time to break the cycle of secrecy and rigged/cooked studies. Too many of the past asbestos studies at Illinois Beach State Park have been conducted in secrecy with oversight and control of the findings by the polluters and their facilitators who created the asbestos contamination disaster on our shoreline creating an extreme conflict of interest.
- Beach season is over. The beaches can be closed until a scientifically sound study can be designed and implemented with public involvement in an open and transparent manner. The secrecy involved with this new, hastily planned, ERT study must end. Let's get this study right this time.
- Decades of public exposures to amphibole asbestos must also end. It is time for public involvement on the front end of these asbestos studies instead of being spoon-fed propaganda from the polluters when their flawed studies find that asbestos contamination is somehow acceptable.
- No more secrecy. Open up the process to public and scientific scrutiny. Enough is enough!

Decade of Asbestos Exposures from Beach Sand, Sediments, and Air Must End

- A decade of testing has irrefutably confirmed that the Illinois Lake Michigan shoreline contains statistically elevated levels of amphibole and other asbestos fibers and visible asbestos debris.
- Yet these asbestos-contaminated areas are still open to the public because state and federal agencies have misleadingly stated that chronic exposure to visible asbestos debris and microscopic fibers in beach sand is acceptable.
- Unfortunately, none of the testing performed by state and federal agencies over the last ten years has the ability to accurately evaluate the health risks posed by the presence of this chronic asbestos pollution.
- Appendix A of this report clearly illustrates that no data supports a conclusion that the asbestos-contaminated beaches at Illinois Beach State Park should be open to the public.

Precautionary Principle Uncharacteristically Ignored on Illinois Shoreline

- State and federal agencies have typically taken a precautionary position when the public, especially children, have the potential to be exposed to asbestos.
- Areas are isolated until the source of the asbestos is removed and the contamination is no longer present.
- Air testing confirms that a strict “cleanliness” standard has been achieved.
- However, the chronic presence of asbestos pollution dumped onto public shorelines in Illinois by federal and state agencies is claimed to be acceptable without valid science.

The source of this pollution is found offshore of a USEPA Superfund site at the south end of Illinois Beach State Park where trillions upon trillions of amphibole and other microscopic asbestos fibers have been allowed to be discharged into Lake Michigan and contaminate lake-bottom sediments. For decades, these asbestos-polluted sediments are then dredged and dumped on and offshore of the Illinois Lake Michigan shoreline with state and federal approval. This practice is far from acceptable and must end immediately. Other fibers released by an expired NPDES permitted pipe discharge into Lake Michigan where they move southward, contaminating the rest of the Illinois shoreline.

Polluters’ Ongoing Claim of Safe Beaches Goes Unchallenged by Real Science

- The state and federal agencies have been allowed, over Dunesland’s objections and complaints, for more than a decade to evaluate the asbestos pollution they created and the asbestos contamination that resulted from the dredging and dumping operations.
- They conclude, as most polluters conclude, that the asbestos pollution they are responsible for knowingly creating is acceptable. A review of the evidence in support of such a preposterous conclusion finds rigged data and “modified” testing protocols.
- Newer studies performed to shore up the flawed data are conducted in secrecy by the same polluters who once again try to persuade the public that the chronic asbestos pollution they created on the Illinois Lake Michigan shoreline is acceptable.
- This cycle of deception has repeated itself for more than ten years. It is time to break the cycle of secrecy and rigged testing; open up new testing in a transparent manner with public involvement and independent peer review.
- Millions of people have been unwittingly exposed to the virulent asbestos fibers.

Focus on the Source of Airborne Amphiboles; Not Just Visible ACM Debris

- Through my efforts and those of the Illinois Dunesland Preservation Society, both state and federal agencies have repeatedly had to shore up the lack of scientifically sound data to support the ill-conceived conclusions that asbestos pollution dumped on public shorelines is acceptable.
- State and federal officials continue to conclude that chronic exposure to statistically elevated levels of amphibole and other asbestos fibers in beach sand can be reduced to acceptable levels by the mere placement of misleading signage and a weekly “sweep” for weathered, friable chunks of asbestos debris.
- State and federal agencies have also concluded that air testing performed in cold, windy, and damp conditions allegedly prove that disturbing the elevated levels of asbestos in sand on hot, dry, calm days are somehow also acceptable.
- These efforts ignore the presence of amphibole and other microscopic asbestos fibers known to be present in elevated levels on beach sand, shoreline air, and lake-bottom sediments. When will the sand contaminated with microscopic asbestos be removed?

Cycle of Deceit Must End – Transparency and Public Involvement Needed

- The state and federal agencies must end this dangerous cycle of using unscientific data generated by the polluters/public regulators to claim that the chronic exposures from elevated levels of amphibole asbestos pose no increased health risk to the public who frequent these areas.
- It is time to use sound science in an open and transparent manner with independent peer review of all data and conclusions.
- The polluters should no longer be allowed to generate unsupported propaganda to downplay their role in knowingly contaminating the entire Illinois Lake Michigan shoreline with amphibole and other asbestos fibers.

Mountain of Evidence Supports Closing the Beaches – Not More Testing

It is my understanding that the USEPA Region 5 has requested the ERT-Las Vegas to perform activity-based asbestos air testing to evaluate airborne asbestos exposure at Illinois Beach State Park. This study will be used to determine whether the chronic presence of visible asbestos debris and microscopic asbestos fibers (including amphiboles) in beach sands creates an acceptable scenario for children and their parents to frequent Illinois beaches. It is my opinion that a study is not necessary to determine that the chronic appearance of visible asbestos debris and statistically elevated levels of amphibole and other virulent asbestos fibers in public beach sand is an unacceptable playground for children. There are too many uncertainties regarding the toxicity of intermittent low level exposures to amphibole minerals to be able to ethically and scientifically determine what is or is not an acceptable asbestos risk to human health.

Transparency and Openness Critical for New Testing – Reports Need Peer Review

- It is clear that the USEPA, Centers for Disease Control (CDC), and state of Illinois will not concede that amphibole asbestos fibers found in beach sand is unacceptable for a children's playground. It is apparent that the cycle of deception will continue.
- Therefore, I request that this new round of testing be conducted in an openly transparent manner with public involvement. The testing and analytical protocol should be independently peer reviewed prior to the start of any activity-based evaluations.
- The risk model(s) used to interpret the public health risks presented by asbestos measured in beach air should also be independently peer reviewed prior to "crunching the numbers" and evaluating risks to human health.
- The polluters/regulators responsible for the chronic asbestos-contamination along the entire Illinois Lake Michigan shoreline should be barred from controlling any aspect of this health hazard evaluation.
- The public deserves a voice in how this study is to be conducted.

Secrecy by the EPA Forces Blind Comments on ERT Proposed Testing Protocols

- I am afraid history will repeat itself and the USEPA will reject any requests for openness or transparency in this new ERT activity-based evaluation.
- The ERT and USEPA Region 5 have already refused to release a draft sampling protocol for our review.
- The USEPA also refused to release the TRW work product which was a critique of the flawed ATSDR activity-based study performed last year. Therefore, I will provide these preliminary recommendations to the ERT for providing real world "activities" during the early September testing.
- Please note that these are blind comments. I would prefer to have an opportunity to review the proposed protocol and provide specific comments to the USEPA and ERT staff.

Activity-Based Testing Must Test Real Life Activities of Workers and Families

Here are my preliminary recommendations of activities that should be evaluated during the secret ERT activity-based study in early September, 2007:

1. Children - beach activities
 - a. Picking up rocks in dry sand and throwing them in the water
 - b. Building sand castles
 - c. Throwing sand in air
 - d. Destroying dried sand castles
 - e. Burying someone in the sand
 - f. Running on beach
 - g. Kicking sand
 - h. Putting clothes on that have been lying on the sand
2. Adult - beach activities
 - a. Walking on sand
 - b. Dusting off sand from being buried
 - c. Shaking off beach towels after several hours of use
 - d. Shaking off beach blankets after several hours of use
 - e. Slapping sandals/shoes together to remove sand
 - f. Cleaning coolers/belongings
 - g. Jogging on beach
 - h. Playing volleyball
 - i. Playing beach soccer/touch football
 - j. Playing catch (ball/Frisbee)
3. Family - off-beach activities
 - a. Walking to washroom/snack stand
 - b. Carrying belongings to car/minivan
 - c. Carrying belongings into home and hotel
 - d. Test contamination in washrooms
 - e. Test lobby and washroom in park office where beachgoers track sand
 - f. Test cleaning equipment used for lobby and office
 - g. Test office HVAC system and filters
 - h. Test contamination in hotel lobby
 - i. Test contamination in hotel rooms
 - j. Test contamination in RV's/tents
 - k. Test contamination brought into vehicles
 - l. Test contamination on bikes
 - m. Test contamination on pets that enter the park/beach (dogs)
 - n. Evaluate contamination on clothing and belongings tracked back to homes
 - o. Evaluate contamination on rocks collected at beach that are taken home
 - p. Evaluate asbestos contamination found inside of shoes
4. Park Staff – beach activities
 - a. Removing trash from beach
 - b. Beach grooming under various scenarios – wet conditions, dry conditions, morning, noon, evenings
 - c. Various uses of ATV's on the beaches; test after use on beaches
 - d. Installing posts/fences in sand or along beach areas.
 - e. Path/side walk repair and construction
 - f. Walking shoreline

- g. Cutting grass near beaches
 - h. Using leaf blowers near beach during grass cutting
 - i. Sweeping/cleaning near beaches
 - j. Moving sand with tractors/shovels
5. Park Staff – off-beach activities
 - a. Cleaning vehicles
 - b. Cleaning washrooms
 - c. Sweeping garages/storage areas
 - d. Shaking/dusting off clothing
 - e. Test contamination in garages
 - f. Test contamination in offices
 - g. Test contamination in vehicles
 - h. Test contamination in snack building
 6. Conduct representative activities listed in 1-5 above after the beaches have been groomed or dragged. This activity will churn up the sand and create a completely new exposure scenario. This will be an important exposure to examine since the beaches are regularly dragged/groomed by Park staff. The 2006 ATSDR study revealed that a significant amount of amphibole and other asbestos fibers are released during dragging/beach grooming activities by Park staff. The public should know what their exposure to airborne asbestos will be when they visit the beach immediately after the beaches are groomed.

Contained/Indoor Exposure Scenarios Must be Included in the Studies

The activity-based testing should not be limited to a few common activities performed by families and park staff. Simulations should be constructed of washrooms/shower areas, hotel lobby/rooms, maintenance garages/offices, vehicle interiors, and home interiors where tracking of beach asbestos contamination or “take home” contamination can be evaluated. Clothing, shoes, vehicle interiors, beach blankets/towels, and pets must be evaluated in enclosed environments to measure the amount of microscopic amphibole and other asbestos fibers that are released when staff and families leave the beach and enter enclosed areas. Shaking a blanket in a home garage or laundry room is a much different exposure scenario than shaking a blanket with the wind on a beach. A pet contaminated with asbestos fibers entering a vehicle or private home would be a much different exposure scenario than a wet animal shaking off at the beach.

Perform Cumulative Testing in Real Beach Clothing Not Disposable Clothing

It is important that any activity-based testing be performed in normal beach clothing. Typical disposable clothing will not simulate the asbestos contamination that clings to beach clothing, bare skin, hair, and ears. The testing should also incorporate individual and multiple activities during exposure monitoring. For instance, a child burying a parent while a nearby family shakes out a blanket would be a typical scenario. These events could be monitored simultaneously while a touch football game or volleyball game is being played nearby. These cumulative exposures must be addressed in the sampling plan to evaluate multiple and simultaneous exposure scenarios.

Include Evaluations of Contamination “Tracking” and “Take-Home” Asbestos

Off beach activities and contamination, particularly those scenarios where asbestos contamination is “tracked” indoors should be evaluated. Washrooms, hotel areas, maintenance offices, storage, and garages are all areas where asbestos contamination can accumulate. Also, families track contamination into their cars and homes on clothing, belongings, shoes, and pets. Secondary exposures occur in cars (during vacuuming/sweeping), homes, garages, laundry rooms, and other indoor areas. The presence of toxic amphibole fibers in beach sand warrants an in-depth evaluation

of “tracking” and “take-home” contamination that clings to clothing and belongs long after leaving the polluted beach.

Testing Must Be Performed Under Hot, Dry, Conditions during Beach Season

- All public activity-based testing simulating beach visitor asbestos exposures performed to date at Illinois Beach State Park have been conducted under cold, damp, windy condition during off-season months of March and May.
- This new activity-based testing is now being scheduled for the off-season month of September after several weeks of record-setting rain and floods. Doing the tests in September already skews the data and prevents it from being bona fide activity-based testing.
- This new activity-based testing that is being performed by the EPA’s ERT continues the cycle of secrecy, off-season testing, and lack of transparency or public involvement. It is obvious that EPA does not want our active participation and insight on the front end of the study design because we would require the beach activities to be conducted during the actual beach season.
- I do not think that this is an unreasonable request for such an important study to address a decade of uncertainties regarding the public’s exposure to airborne amphibole and other microscopic asbestos fibers.

Sampling Protocol, Analytical Methodologies, Counting Rules, and QA/QC Needed

- Once the activity-based scenarios are selected and performed during the beach season months of June through mid-August, the EPA must reveal the specifics of the sampling and analytical plans.
- There are numerous sampling strategies, analytical methodologies, counting rules, definitions of what to count, and data quality control/quality assurance issues that must be documented. Many times, one or more of these components is “modified” without justification resulting in skewed or rigged data.
- The entire sampling plan must be released for public review and comment prior to commencing with any part of the activity-based testing.
- Once approved, the ERT must be held accountable for complying with the approved plan and not allowed to make “on the fly modifications” that have plagued previous beach studies when the data does not fit their preconceived conclusions.
- Establish rules prior to sampling and stick to them without modification.

Activity Scenarios, Sampling Strategies, Lab Analysis, Analytical Data, Risk Modeling, Conclusions, and Recommendations Require Independent Peer Review

- State and federal agencies representing their polluting partners must no longer be allowed to make unsupported, unscientific, and non-peer reviewed conclusions regarding the risks associated with the presence of amphibole and other microscopic asbestos fibers found along the Illinois Lake Michigan shoreline.
- Draft reports must undergo stringent, independent, scientific peer review prior to a public comment period.
- The propaganda generated by state and federal agencies must first pass a peer review prior to being incorporated into misleading press releases issued by the polluters/regulators.
- The public is paying for good science and assurances must be provided by independent sources that any findings are sound and reliable. This can only be achieved if all reports are independently peer reviewed, in an open and transparent manner.

EPA Must Make All New Testing Transparent and Open to Public Scrutiny Instead of Hastily Conducting Non-Representative Testing Under a Continued Veil of Secrecy

- Enough is enough. Continuing the cycle of secrecy, off-season testing, and no public involvement or independent peer review must end.
- There is current testing that identifies the presence of elevated levels of amphibole and other microscopic asbestos fibers in beach sand, shoreline air, and lake-bottom sediments.
- State and federal agencies have had 10 years of testing to resolve any uncertainties regarding why the beaches are still open to the public.
- Close the beaches, involve the public in a transparent activity-based testing plan, and have the draft findings independently peer reviewed prior to an open public comment period. This is credible science.
- This is ethical science. This is sorely needed at Illinois Beach State Park because what has happened here has devastated the entire Illinois shoreline.

Please forward these comments to USEPA Region 5, their ERT group, criminal investigators, and other parties who need to be aware of the sham that is being promulgated by federal and state agencies and individuals in an apparent cover-up of their knowledge of amphibole and other microscopic asbestos exposures to unwitting citizens and park staff that have occurred over the past decade. Enough is enough. Let's break the cycle of deception and work on cleaning up the asbestos pollution created by Johns-Manville, Commonwealth Edison, Midwest Generation, the Army Corps of Engineers, the Illinois Department of Natural Resources, the City of Waukegan, and the USEPA.

Cordially,

Jeffery C. Camplin

Jeffery C. Camplin, CSP, CPEA

APPENDIX A – A HISTORICAL SUMMARY OF AN ASBESTOS COVER-UP

There has NEVER been any credible evidence provided by state or federal agencies to support their position that the appearance of visible, weather, friable, asbestos debris and statistically elevated levels of microscopic asbestos fibers (including amphiboles) in beach sand is acceptable. This timeline documents key information that uncovers how state and federal “polluters” have attempted to mislead the public regarding the source of asbestos pollution along the Illinois Lake Michigan shoreline and downplay the true risk of exposure to amphibole and other microscopic asbestos fibers in beach sand, shoreline air, and lake-bottom sediments.

- 1990 – An industrial hygienist from Great Lakes Naval Training Center files a complaint with IEPA after finding friable asbestos in the Waukegan beach and Commonwealth beach areas.
- December 21, 1990 – IEPA inspector finds that clean-up of asbestos found in 1990 was incomplete after approximately 152,000 lbs. was picked up.
- October 21, 1991 – IEPA inspector points finger at its agency’s land bureau for not following up on the original 1990 complaint.
- 1995 – The state of Illinois dumps tens of thousands of cubic yards of asbestos polluted sediments along the public beaches of Illinois Beach State Park.
- 1997 – The public beaches are closed because of the massive appearance of visible asbestos debris. A clean-up using licensed asbestos abatement contractor is initiated.
- 1997 – The Chicago Sun-Times and the Waukegan News-Sun broke Dunesland’s stories about the massive contamination that was found at Illinois Beach State Park. Television, radio, and other newspapers began covering the story in each of the succeeding years.
- 1997 or 1998 - Illinois Attorney General called an interagency meeting and claimed they would get to the bottom of the contamination problem. Documents that Dunesland obtained in 2007 proved that they already knew the sources at that time and knew that the shoreline had been contaminated years earlier.
- 1997 to date – Dunesland filed numerous complaints and reports, causing public officials to continually try to rewrite history to cover for their own incompetence in managing this colossal contamination of the Illinois shoreline.
- May, 1998 – The beaches are reopened when Hansen Engineering performs air testing on wet, rainy, days on the frozen beach in March, 1998 and does not find asbestos fibers in the air. The study also finds the sand contains less than 1% asbestos and is safe. A determination is made in 2003 that this data does not measure risk and voids the conclusions that the beaches are safe. The data does not support the conclusion.
- May 1998 – The Illinois Department of Public Health, Illinois Department of Natural Resources, and the Illinois EPA review the flawed Hansen report in one day and issue a press release stating the beaches are safe based upon the data in the Hanson study.
- March 2000 – The IDPH issues a public health assessment based upon the same flawed data in the Hanson study and concludes there is no airborne risk from asbestos. However, they recommend further investigation into a source of the pollution (when they really already knew the source), regularly picking up visible asbestos debris, post warning signs, and educating the public about asbestos and risks.
- April 2000 – The Centers for Disease Control’s Agency for Toxic Substance and Disease Registry reviews the IDPH public health assessment which used the flawed data in the Hanson study to conclude the beaches posed no unacceptable risk to the public.
- May 2000 – The Illinois Attorney General’s office authors a confidential report naming Johns-Manville, Commonwealth Edison, City of Waukegan, the Army Corps of Engineers,

and the Illinois Department of Natural Resources as potentially responsible parties (PRP) for removing the asbestos pollution they dredged and dumped or discharged onto the Illinois shoreline.

- Spring 2002 – Johns-Manville demolishes the remaining buildings at the south end of Illinois Beach State Park. Asbestos contamination released from the industrial canal on the JM property results in illegal discharges of hundreds of trillions of asbestos fibers into the state and federal navigable waters of Lake Michigan in violation of a federal NPDES discharge permit.
- Fall 2002 – Asbestos debris is removed under USEPA oversight from a roadway along the south end of Illinois Beach State Park that leads to a fishing pier leased by the state of Illinois. The area is deemed clean and safe later that year.
- February 2003 – The Illinois Dunesland Preservation Society obtains the services of asbestos professional Jeffery Camplin to assist with the continuing appearance of asbestos debris in and around Illinois Beach State Park. Camplin finds significant amounts of asbestos debris in the fishing pier beach.
- March-June 2003 - All previous sampling data, including the Hanson Engineering study and 2000 public health assessment are reviewed by Camplin. He issues the Camplin Report in June 2003 finding the data relied upon in the 1998 Hanson study, the 1998 IDPH/IDNR/IEPA press release, and the 2000 PHA did not use any scientifically supported data to conclude the pollution they dumped at Illinois Beach State Park was acceptable.
- July, 2003 – The Illinois Attorney General’s office forms an asbestos task force to look into the serious charges regarding asbestos risks brought out in the Camplin report.
- August, 2003 – USEPA conducts a limited air study at the fishing beach and finds no hazard exists. Camplin reviewed this report and found that the USEPA avoided testing in the asbestos-contaminated areas of the fishing beach. The USEPA ignored these challenges. However, the area was mysteriously closed to the public in August, 2003 and remains locked to this day.
- 2004 - The technical committee of the Illinois Attorney General’s asbestos task force is formed to develop and approve testing and analytical protocols. The committee is made up of the USEPA, ATSDR, IDNR, IDPH, Illinois Attorney General’s office, and the University of Illinois-Chicago. Camplin, Dunesland’s President Paul Kakuris, and the park superintendent Bob Grosso are not allowed to participate in, or present to, the asbestos task force. All task force meetings are performed in secrecy; ruled exempt from the open meetings act by the Illinois Attorney General’s office. The polluters at IDNR are allowed to review their own previous asbestos work and perform new rigged tests to shore-up any “uncertainties” from their flawed studies.
- August/September, 2004 - Dunesland files a temporary restraining order against the state to allow Dunesland to display Dunesland’s Asbestos Safety Tips flyer at the park because the state didn’t display the warnings they had been directed to display. The order was denied by Judge David M. Hall. Dunesland subsequently files a First Amendment lawsuit against the state which continues to date. The suit is now in federal court in front of Judge Elaine C. Bucklo.
- Labor Day, 2004 - At the 2004 Zion Labor Day parade, Dunesland passes out several thousand flyers to warn of precautions beachgoers should use if they insist on using the beaches.
- February, 2004 – Testing begins on the \$250,000 “UIC” study which is authored by the Illinois Attorney General’s asbestos task force technical committee that allegedly will determine the risk from airborne asbestos without taking one air sample.

- May, 2004 – Camplin challenges the validity of the 2000 PHA through a request for information correction with the Department of Health and Human Services. The challenge is denied after one year. An appeal is filed by Camplin. HHS refuses to answer the challenge, however, issues a disclaimer on the 2000 PHA regarding the validity of the study. All data used in the Hansen study and 2000 PHA is found to be invalid and useless in evaluating risks posed by airborne asbestos.
- March, 2005 – A draft report is released by Illinois Attorney General’s mostly unqualified, secretive technical committee which finds “statistically elevated” levels of amphibole asbestos in offshore sediment dredging areas in Waukegan Harbor. Elevated levels of microscopic asbestos fibers were also found on and offshore of Illinois Beach State Park where the asbestos pollution was dumped by the state of Illinois, Commonwealth Edison, and the Army Corps of Engineers. The highest levels of asbestos pollution were found on Oak Street beach in Chicago where tremolite asbestos was present. The technical committee concludes that all areas are safe from airborne asbestos hazards and pose no risk to the public health. A recommendation is made by the UIC consultants to continue to dredge in the asbestos-polluted areas, but not to dump the contamination directly onto the public beaches. Offshore dredging and dumping of asbestos polluted lake-bottom sediments continues to this day. The data does not support the conclusions.
- September, 2005 – Camplin and IDPS challenge the draft technical committee report. USEPA and ATSDR perform limited reviews of the report and conclude that air testing is necessary to properly evaluate airborne risks from asbestos; no air sampling was performed in the technical committee report. All past air sampling data was invalidated by the Camplin challenge to HHS. No valid air sampling data is currently available to evaluate the health risks posed from amphibole and other asbestos fibers found along the Illinois Lake Michigan shoreline. Still, the Park beaches and all other Illinois beaches remain open.
- October, 2005 – IDNR announces that ATSDR will perform “activity-based” testing at the Park to resolve any “uncertainties” with the presence of amphibole and other microscopic asbestos fibers in beach sand and air.
- May, 2006 – ATSDR begins “activity-based” testing at Illinois Beach State Park after nine consecutive days of rain in mid-May. The testing is performed on cold, windy, and damp days in an alleged attempt to mimic beach activities on hot, dry, days in June, July, and August. The beaches are not closed during testing. Camplin videotapes members of the public being exposed to asbestos while testing is being performed by workers in full personal protective equipment. Camplin files an ethics complaint with the Department of Health and Human Services regarding inappropriate conduct by ATSDR staff during the study.
- August, 2006 – Additional activity-based testing is performed at Illinois Beach State Park by ATSDR. Unfortunately, no public activities were performed. ATSDR “modified” the study protocol and eliminated any public beach activities. Only maintenance activities such as beach grooming were performed. The beach grooming activity measured over 0.01 amphibole structures/cc in beach air in an uncontained scenario. ATSDR did not close the beaches.
- March, 2007 – ATSDR releases a draft report that finds significantly elevated levels of amphiboles in outdoor beach air when the sand is disturbed. ATSDR concludes there is no risk to human health and recommends that no further air testing is needed using a risk methodology known to be outdated. The risk model used by ATSDR significantly underestimates the risks from amphibole asbestos fibers which were found in the beach air.
- May, 2007- USEPA Region 5 performs a limited review of the ATSDR report and finds the conclusions disturbing. ATSDR asks the USEPA’s TRW group to review the draft report. A

report is issued but not deemed releasable to the public. The USEPA Region 5 claims the TRW review recommended additional activity-based testing.

- August, 2007 – EPA’s TRW group releases a secret report that is not available to the public to review. The USEPA issues a press release stating the TRW group recommended additional activity-based testing.
- August, 2007 – The USEPA ERT group from Las Vegas is requested to perform additional activity-based testing at Illinois Beach State Park by USEPA Region 5. USEPA refuses to release the TRW report or the draft protocols that will be used to perform the additional activity based testing by the ERT in early September.
- August, 2007 – Camplin and IDPS provide preliminary recommendations to Region 5 and the ERT while requesting to be involved in designing and overseeing the activity based protocol.

**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

STAN YONKAUSKI - RE: Camp Logan Complaint IEPA & Lake County Health Dept 51506fn opt.pdf

From: "Larson, Timothy" <tlarson@isgs.uiuc.edu>
To: "STAN YONKAUSKI" <STAN.YONKAUSKI@illinois.gov>
Date: 5/16/2006 11:43:51 AM
Subject: RE: Camp Logan Complaint IEPA & Lake County Health Dept 51506fn opt.pdf

Stan,

I am working up my report now.

My conclusion is that I have yet to find any evidence of systematic use of asbestos pipe in the infrastructure south of the feeder beach. I can detect and map a natural gas pipeline system, but not a comparable water and sewer system. The map you are sending will be helpful to confirm or disprove this finding. Another way to put this, is that as far as I can tell, the subdivisions between Hosah Park on the south and what is now the feeder beach on the north did not have city water or sewers. Instead they had wells and septic fields. I have discovered one septic field being actively eroded along the lake shore. The pipes were ordinary clay tile or glazed clay tile, not asbestos. I have discovered what appears to be at least one more septic field in the area. I haven't tested to see what those pipes were made from. But the conclusion, at least preliminarily, is that there is no ACM pipe system.

That is NOT to say that I have not seen ACM in the area associated with the demolished houses. I have. I have NOT seen the alleged "hundreds of square feet of transite sheeting" mentioned in the complaint. But, I have seen enough that this claim is not surprising. I have seen small pieces mixed in with bricks and cinder blocks. I have seen, and did report to Pat, a fairly long piece of asbestos concrete pipe sitting on the ground. Similar to the pieces noted in the complaint, the asbestos concrete was weathering and becoming friable. This piece did not appear to be part of a piping system that had been fortuitously exposed by erosion, but appeared to be part of a pile of debris. There were pieces of iron railing, a bed frame, clay pipe sections, etc in the same area. It looked like this pile was at the end of a driveway behind a demolished house. As if the extra debris had been "dumped out back". It is not clear whether the dumping occurred during demolition or before hand. I have also found areas that appear to be "dump" piles on the edges between ridges and swales near other old dwellings. They are not natural, there are cinder blocks associated with them. But, again, it is not clear whether they are from the demolition, or precede it.

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. The items noted in the complaint probably would not have been visible before the burn and probably will not be visible again in a year or two until the next burn.

Surface debris or construction debris, specifically sheeting and roofing materials were not in the scope of my investigation. I am looking for a buried piping system, so my search strategy is based on that goal. Neither were landfills directly part of the scope, but certainly are included if we come across them. Part of the problem is that there is so much debris in the area. It is very hard to pin down every small pile of debris and to distinguish a concentration of debris from an individual piece. That would require a finer search grid. Nonetheless, I am finding certain patterns, like the piles tend to be on the dune/swale borders or directly over the house site.

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. But that would still not be enough because there were many "vacant lots" that were never developed. These may have been sites for ad hoc dumping both before and after demolition. A detailed survey looking for debris piles in these lots would need to be undertaken to locate and remove debris. To complicate this further, if I am right that these debris piles are concentrated at the dune/swale border, they would be encroaching on what is now identified as protected habitat. Still, even after all the effort to remove asbestos, stray pieces of asbestos sheeting and roofing may be buried in inaccessible areas and may not surface for many years.

I have discussed the substance of these preliminary findings with Mike Chrzastowski and emailed them to Pat Giordano.

010072

Tim Larson

-----Original Message-----

From: STAN YONKAUSKI [mailto:STAN.YONKAUSKI@illinois.gov]
Sent: Tuesday, May 16, 2006 9:42 AM
To: Larson, Timothy
Subject: Fwd: Camp Logan Complaint IEPA & Lake County Health Dept 51506fn opt.pdf

Tim, please review this and send a note back telling what if anything you may have identified in the area that is the subject of this 'complaint' from Mr. Kakuris. Please keep this confidential.

Stanley Yonkauski
Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
217.782.1809

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>>> LESLIE SGRO 05/15/06 4:49 PM >>>
FYI. What, if any, response does this require?
Leslie

051606