



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY 08

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

866/273-5488 (TTY)

November 20, 2023

Certified Mail # 7022 1670 0001 4382 3451

Return Receipt Requested

Wabash Crossing Group LLC
Walter Behrmann
12460 Crabapple Rd., Suite 202-181
Alpharetta GA 30004

RE: Violation Notice A-2023-00098

I.D. 167120CHY

Site: Bally Vaughn Apartments, 1317 W. Washington, Springfield

Dear Mr. Behrmann:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the source wishes to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If the source wishes to enter into a CCA, the written response must also include proposed terms for the CCA that contains dates for achieving each commitment and may also include a statement that compliance has been achieved for some or all of the alleged violations. In order to increase the likelihood of the Illinois EPA accepting such terms, the written response should specifically propose them in a manner that can be formalized into an enforceable agreement between the Illinois EPA and the source. As such, proposed conditions should be as detailed as possible, including steps to be taken to achieve compliance, the manner of compliance, interim and completion dates, etc.

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASED

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REVIEWER: EMI

The Illinois EPA will review the proposed terms for a CCA provided by the source and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the source must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the source rejects the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to the prosecutorial authority.

Written communications should be directed to Fred Agbemape, Illinois EPA, Bureau of Air, Compliance Section, P.O. Box 19276, Springfield, Illinois 62794-9276. All communications must include a reference to the Violation Notice number in this matter.

Questions regarding this matter should be directed to Fred Agbemape at 217/524-0494.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent E. Mohr Jr.', with a stylized flourish at the end.

Kent E. Mohr Jr., Manager
Compliance Section
Bureau of Air

KM: FA

ATTACHMENT A

Based on available information:

VIOLATIONS:

1. Section 9.1(d) of the Act and 40 CFR 61.145(a): Wabash Crossing Group LLC failed to conduct a thorough inspection of the facilities at 1317 W Washington, Springfield, for the presence and location of asbestos prior to conducting renovation activities.
2. Section 9.1(d) of the Act and 40 CFR 61.145(b): Wabash Crossing Group LLC failed to provide to Illinois EPA a properly completed written notice of demolition or renovation at least ten (10) working days before commencing the demolition or renovation work.
3. Section 9.13(a) of the Act: Wabash Crossing Group LLC failed to pay the \$150 fee required with an asbestos NESHAP notification of intent to demolish or renovate.
4. Section 9(a) of the Act and 35 Ill. Adm. Code 201.141: Wabash Crossing Group LLC caused, threatened, or allowed the discharge or emission of asbestos contaminant, into the environment, which caused or tended to cause air pollution by improperly removing, handling, and disposing of asbestos-containing waste material ("ACWM").
5. Section 9.1(d) of the Act and 40 CFR 61.145(c)(1): Wabash Crossing Group LLC failed to remove all regulated asbestos-containing material ("RACM") before any activity began that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.
6. Section 9.1(d) of the Act and 40 CFR 61.145(c)(2): Wabash Crossing Group LLC removed facility components that contained, were covered with, or coated with RACM without adequately wetting all exposed RACM and carefully lowering each facility component to the ground level without damaging or disturbing RACM.
7. Section 9.1(d) of the Act and 40 CFR 61.145(c)(3): Wabash Crossing Group LLC stripped RACM from facility components that remained in place in the facility without adequately wetting the RACM during the stripping operation.
8. Section 9.1(d) of the Act and 40 CFR 61.145(c)(6): Wabash Crossing Group LLC failed to adequately wet and maintain wet all RACM generated until collected and contained in preparation for disposal.
9. Section 9.1(d) of the Act and 40 CFR 145(c)(4): Wabash Crossing Group LLC removed facility components that contained, were covered with, or coated with RACM and failed to strip or contain the components in leak-tight wrapping properly.

ATTACHMENT A (continued)

VIOLATIONS (continued):

10. Section 9.1(d) of the Act and 40 CFR 61.150(a): Wabash Crossing Group LLC failed to employ the emission control and waste treatment methods set forth in 40 CFR 61.150(a) during the collection, processing, packaging, or transporting of any ACWM generated by site activities.
11. Section 9.1(d) of the Act and 40 CFR 61.150(b): Wabash Crossing Group LLC may have failed to deposit ACWM as soon as practical in an appropriate waste disposal site.
12. Section 9.1(d) of the Act and 40 CFR 61.150(c): Wabash Crossing Group LLC may have failed to adequately mark vehicles used to transport ACWM during the loading and unloading of waste.
13. Section 9.1(d) of the Act and 40 CFR 61.150(d): Wabash Crossing Group LLC may have failed to comply with the requirements of 40 CFR 61.150(d) when transporting ACWM off the facility site.
14. Section 9.1(d) of the Act and 40 CFR 61.145(c)(8): Wabash Crossing Group LLC stripped, removed, or otherwise handled or disturbed RACM at a regulated facility without at least one onsite representative present that is trained in the provisions of this regulation and the means of complying with them.

RECOMMENDATIONS:

The Illinois EPA suggests that Wabash Crossing LLC take the following actions to address the violations stated above:

1. Immediately implement measures to adequately wet, keep wet, and secure all debris at the site, including dumpsters.
2. Within 45 days of receipt of this Violation Notice, hire a state-licensed asbestos professional to perform a complete asbestos inspection of the site, including a full-depth inspection of dumpsters and any debris piles present. If a complete inspection of the site is not possible, then any uninspected material must be assumed an ACWM.
3. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a Project Design for review and approval. This Project Design shall contain the following:
 - a. Work practices and procedures to be utilized to determine the extent of contamination.
 - b. Methods and procedures to be used to properly decontaminate the site.
 - c. The means by which all ACWM from the site will be handled, removed, and disposed of.
 - d. Dust control measures to be utilized on site during renovation activities.

ATTACHMENT A (continued)

RECOMMENDATIONS (continued):

4. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a complete "Notification of Demolition and Renovation" form. The form is available at:
<https://www2.illinois.gov/epa/topics/air-quality/asbestos/Pages/default.aspx>.
5. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a certified check or money order payable to "Illinois EPA," a fee payment in the amount of \$300.00. Per Section 9.13(b) of the Illinois Environmental Protection Act, the fee for commencing demolition or renovation without submitting a notification and the requisite asbestos notification fee is \$300.00 or double the usual \$150.00 asbestos notification fee.
6. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a completed commitment letter that ensures all future demolition or renovation activities will be performed in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61, Subpart M, National Emission Standard for Asbestos.