



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-5544
866/273-5488 (TTY)

March 18, 2024

Certified Mail # 7022 1670 0001 4381 8273
Return Receipt Requested

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

RE: Notice of Intent to Pursue Legal Action
Violation Notice A-2023-00098
I.D. 167120CHY
Site: Bally Vaughn Apartments, 1317 W. Washington, Springfield

Dear Mr. Behrmann:

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(b)(2022).

The Illinois Environmental Protection Agency ("Illinois EPA") is providing this notice to inform Wabash Crossing Group LLC of its intention to pursue legal action for the violations of environmental laws and regulations specified in Attachment A. This Notice of Intent to Pursue Legal Action provides Wabash Crossing Group LLC an opportunity to schedule a meeting with representatives of the Illinois EPA in an effort to resolve the violations prior to the filing of a formal complaint. If a meeting is requested, it must be held within thirty (30) days of receipt of this notice unless an extension of time is agreed to by the Illinois EPA.

If you wish to schedule a meeting with representatives of the Illinois EPA or have any questions, please contact Katherine VonDeBur, the attorney assigned to this matter at Katherine.a.vondebur@illinois.gov or 217/557-7310, at the earliest possible convenience.

Sincerely,

Maureen Wozniak
Deputy General Counsel
Division of Legal Counsel

Attachment

ATTACHMENT A

Per information obtained by Peter Brusky on April 19, 2023, and other available information, for the renovation that occurred at 1317 W Washington in Springfield:

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.

bcc: Kate VonDeBur
VN File
Meredith Kelley (Email)
Ron Robeen (Email)
KK