

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
GENERAL WASTE SERVICES, INC.,)
an Illinois corporation,)
)
Respondent.)

PCB No. 07-45
(Enforcement)

RECEIVED
CLERK'S OFFICE
SEP 08 2008
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Thomas J. Immel
1307 South Seventh Street
P.O. Box 2418
Springfield, IL 62705

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION FOR SUMMARY JUDGMENT, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:



MICHAEL D. MANKOWSKI
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 4, 2008

CERTIFICATE OF SERVICE

I hereby certify that I did on September 4, 2008, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

To: Thomas J. Immel
1307 South Seventh Street
P.O. Box 2418
Springfield, IL 62705

and the original and five copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794


MICHAEL D. MANKOWSKI
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
GENERAL WASTE SERVICES, INC.,)
an Illinois corporation,)
)
Respondent.)

No. PCB 07-45
(Enforcement)

RECEIVED
CLERK'S OFFICE
SEP 08 2008
STATE OF ILLINOIS
Pollution Control Board

**COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION
FOR SUMMARY JUDGMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois ("People"), pursuant to Supreme Court Rules 191 and 192, Section 2-1005 of the Code of Civil Procedure, 735 ILCS 5/2-1005 (2006), and Section 101.516 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.516, and at the request of ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA") hereby responds to Respondent's, GENERAL WASTE SERVICES, INC.'s, Motion for Summary Judgment. In support of this Response, Complainant states as follows:

I. INTRODUCTION

On December 8, 2006, the People filed a one-count Complaint against the Respondent alleging violations of Section 9.1(d) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/9.1(d) (2006), and the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, 40 CFR Part 61, Subpart M, due to the failure to properly wet regulated asbestos containing material ("RACM") while removing it and keep it wet at a two-story apartment building located at 3701 Memorial Drive, Belleville, St. Clair County, Illinois ("site"). On

February 14, 2007, Respondent answered the People's complaint. On June 30, 2008, Respondent mailed its motion for summary judgment for filing. The People received the Respondent's motion on July 1, 2008, therefore, the People's response was due on July 15, 2008. However, the People and the Respondent agreed to extending the Response date until September 15, 2008.

In its motion, Respondent argues it is an indisputable fact that the ceiling material it removed was not RACM. The pleadings on file and exhibits attached to this response establish that genuine issues of fact remain as to whether the ceiling material removed by Respondent is RACM. The People ask that the Board deny Respondent's motion for summary judgment because there are genuine issues of material fact.

II. STANDARD FOR SUMMARY JUDGMENT

The purpose of summary judgment is not to try a question of fact, but rather to determine whether a genuine issue of material fact exists. *Williams v. Manchester*, 320 Ill.Dec. 784, 791, 888 N.E.2d 1, 8, 228 Ill.2d 404 (2008). A motion for summary judgment will be granted when the pleadings, admissions and affidavits reveal that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. 35 Ill. Adm. Code 101.516. See *Kajima Const. Services, Inc. v. St. Paul Fire and Marine Ins. Co.*, 316 Ill.Dec. 238, 241, 879 N.E.2d 305, 308, 227 Ill.2d 102, 106 (2007), see also *Dowd & Dowd, Ltd. v. Gleason*, 230 Ill.Dec. 229, 241, 181 Ill. 2d 460, 483, 693 N.E.2d 358, 370 (1998). In determining whether a genuine issue as to any material fact exists, a court must construe the pleadings, depositions, admissions, and affidavits strictly against the movant and liberally in favor of the opponent. *Williams*, 320 Ill. Dec. at 792, see also *Dowd & Dowd, Ltd.* at 241. Although summary judgment can aid in the expeditious disposition of a lawsuit, it remains a

drastic means of disposing of litigation and, therefore, should be allowed only where the right of the moving party is clear and free from doubt. *Williams*, 320 Ill. Dec. at 792, *see also Dowd & Dowd, Ltd.* at 241. While parties opposing a summary judgment motion are not required to prove their case, they are under a duty to present a factual basis which would arguably entitle them to judgment in their favor, based on the applicable law. *Willett v. Cessna Aircraft Co.*, 303 Ill.Dec. 439, 447, 851 N.E.2d 626, 633, 366 Ill.App.3d 360, 368-369 (1st Dist. 2006.). *See also, Gauthier v. Westfall*, 203 Ill.Dec. 435, 440, 639 N.E.2d 994, 999, 266 Ill. App. 3d 213, 219 (2d Dist. 1994).

III. COUNTER STATEMENT OF FACTS

1. On May 11, 2005, a representative from Farmer Environmental Services, L.L.C. of Edwardsville, IL, ("Farmer Environmental") performed a building survey for suspect asbestos containing materials at the site. See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701 Memorial Drive).
2. Farmer Environmental identified and sampled twenty eight (28) suspect building materials. See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701 Memorial Drive).
3. All apartments in the building contained drywall ceilings covered with textured spray on material. It was located in the kitchens, dining room areas, bedrooms and the outside hallways between the apartments. It was not found in the bathrooms or closets. See Exhibit 2 (Daily Project Log for August 3, 2005).
4. Farmer Environmental classified the textured ceiling plaster found throughout the building as a homogeneous area, referring to it as, "SPA Textured Ceiling Plaster - Throughout (off-white/tan)." See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701

Memorial Drive).

5. Farmer Environmental took seven (7) samples of the homogeneous textured ceiling material. See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701 Memorial Drive).

6. The samples were labeled SPA-1 through SPA-7. See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701 Memorial Drive).

7. Samples SPA-1, SPA-2, SPA-4, SPA-5, and SPA-7 all tested positive for 25% total asbestos. See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701 Memorial Drive).

8. Samples SPA-3 and SPA-6 tested positive for 20% total asbestos. See Exhibit 1 (Farmer Environmental Asbestos Inspection Report for 3701 Memorial Drive).

9. On August 3, 2005, Respondent began removing drywall ceiling material at the site. See Exhibit 2 (Daily Project Log for August 3, 2005).

10. On August 3, 2005, Respondent placed the ceiling material into lined fiber drums. See Exhibit 2 (Daily Project Log for August 3, 2005).

11. At the end of the day on August 3, 2005, Respondent moved the drums of ceiling material to a room located near the loadout on the first floor of the building. See Exhibit 2 (Daily Project Log for August 3, 2005).

12. On August 4, 2005, Respondent continued the removal of the drywall ceiling material containing textured plaster. See Exhibit 3 (Daily Project Log for August 4, 2005).

13. Respondent continued to place the material into lined fiber drums. See Exhibit 3 (Daily Project Log for August 4, 2005).

14. On August 4, 2005, Joe Zappa ("Zappa"), an Illinois EPA inspector, inspected the site. See Exhibit 4 (Zappa Affidavit).

15. Zappa took three samples of suspect material at the site. See Exhibit 4 (Zappa

Affidavit). See also, Respondent's Motion for Summary Judgment.

16. Two samples came from the room in which Respondent's employees were removing ceiling material on August 4, 2005. See Exhibit 4 (Zappa Affidavit). See also, Respondent's Motion for Summary Judgment.

17. The test results for these two samples resulted in a non-detect for asbestos containing material ("ACM"). See Exhibit 4 (Zappa Affidavit). See also, Respondent's Motion for Summary Judgment.

18. The third sample was taken from a sealed, lined fiber drum located on the first floor of the building. See Exhibit 4 (Zappa Affidavit). See also, Respondent's Motion for Summary Judgment.

19. The material was not adequately wet and tested positive for 1-5% chrysotile asbestos. See Exhibit B of Respondent's MSJ. See also Exhibit 4 (Zappa Affidavit).

20. Due to the uneven nature of applying sprayable textured ceiling material, portions of a homogeneous area may test negative for ACM. See Exhibit 4 (Zappa Affidavit).

21. A finding of a non-detect for ACM for one section of ceiling material does not mean that the whole ceiling contained a non-regulated amount of asbestos. See Exhibit 4 (Zappa Affidavit).

IV. ARGUMENT

There is a genuine issue of material fact as to whether the material removed by Respondent was ACM. In its Motion for Summary Judgment, the Respondent argues that the ceiling material that it removed at the site was not ACM. Respondent's argument is flawed because it is not based on all of the evidence available. Respondent relies on one set of samples, those taken by Illinois EPA inspector, Joe Zappa, in reaching its conclusion that the

material it removed was not ACM. However, an earlier asbestos survey conducted by Farmer Environmental classified the ceiling material in the apartments and hallways of 3701 Memorial Drive as a homogenous area of ACM containing 20-25% asbestos. The existence of the second report, which concluded that all of the ceiling material present at the site was ACM contradicts the Respondent's argument. In total, ten (10) samples of ceiling material were taken at the site. Eight (8) of the ten (10) samples tested positive for a regulated amount of asbestos. Therefore, it is not an indisputable fact that the material was not ACM. The pleadings on file and exhibits submitted in opposition to the Respondent's Motion for Summary Judgment establish that genuine issues of fact remain as to whether the Respondent failed to adequately wet asbestos containing material in violation of Section 9.1(d) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/9.1(d) (2006), and the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, 40 CFR Part 61, Subpart M. The question of whether the ceiling material removed by the Respondent is ACM must be answered by the Board after a hearing on the matter.

These disputed facts preclude summary judgment in favor of the Respondent.

V. CONCLUSION

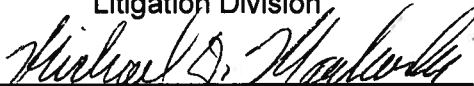
A total of ten (10) samples were taken of the ceiling material at the site. Eight (8) of the ten (10) samples tested positive for a regulated amount of ACM. Because of this, it is not an indisputable fact that the ceiling material removed by the Respondent was not ACM. Therefore, a genuine issue of material fact exists. These disputed facts preclude summary judgment in favor of the Respondent.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, hereby respectfully requests that the Motion for Summary Judgment filed by Respondent be DENIED.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
MICHAEL DAVID MANKOWSKI
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/557-0586
Dated: 9/4/08



Farmer Environmental Services, LLC
108 Emerald Hills
Edwardsville, IL 62025
618.656.6988 - Fax: 618.656.8353
E-Mail: info@farmerenv.com

ASBESTOS INSPECTION REPORT

PROPERTY:
3701 Memorial Drive
Belleville, IL

FOR:
Memorial Hospital
4500 Memorial Drive
Belleville, IL 62226-5399

BY:
Farmer Environmental Services, LLC
108 Emerald Hills Drive
Edwardsville, Illinois 62025
618-656-6988

PROJECT NUMBER: 0505-160
DATE OF INSPECTION: May 11, 2005



TABLE OF CONTENTS

3701 MEMORIAL DR.
BELLEVILLE, IL

TABLE OF CONTENTS

SECTION 1	INSPECTION SUMMARY
SECTION 2	BULK SAMPLE RESULTS
SECTION 3	CERTIFICATIONS



**Farmer Environmental
Services, L.L.C.**

May 20, 2005

Paul Knobeloch
Memorial Hospital
4500 Memorial Drive
Belleville, IL 62226-5399

RE: 3701 Memorial Drive Survey

Dear Mr. Knobeloch:

Butch Moore, of Farmer Environmental Services, LLC, performed a building survey for suspect asbestos containing materials at the apartment building located at 3701 Memorial Drive in Belleville, IL.

28 suspect building materials were identified and sampled.

The following materials were sampled:

<u>Sample Group</u>	<u>Homogeneous Area Description</u>
MFA MFA-M	9" x 9" Floor Tile – Apt. D Kitchen under Carpet (tan) 9" x 9" Floor Tile Mastic (MFA) (black)
MFB MFB-M	12" x 12" Floor Tile – Apt. D. Bathroom (grey) 12" x 12" Floor Tile Mastic (MFB) (clear)
MFC MFC-M	12" x 12" Floor Tile – Hallway by Apt. D under Carpet (gold) 12" x 12" Floor Tile Mastic (MFC) (yellow)
MFD MFD-M	12" x 12" Floor Tile – Hall outside of Apt. A (gold) 12" x 12" Floor Tile Mastic (MFD) (black)
MFE MFE-M	12" x 12" Floor Tile – Apt. A Kitchen under Carpet and Apt. E under Carpet (tan) 12" x 12" Floor Tile Mastic (MFE) (black)



Farmer Environmental
Services, L.L.C.

<u>Sample Group</u>	<u>Homogeneous Area Description</u>
MFF	9" x 9" Floor Tile – Apt. D Kitchen under Carpet, Apt. F Kitchen under Carpet, Apt. I Kitchen under Floor Tile, Apt. J Kitchen under Carpet, by Washers in Hallway by Apt. E, and Hall Closet by Apt. G (tan)
MFF-M	9" x 9" Floor Tile Mastic (MFF) (black)
MFG	12" x 12" Floor Tile – Hall by Washers (light grey)
MFG-M	12" x 12" Floor Tile Mastic (MFG) (black)
MFH	Sheet Flooring – Hall by Washer & Apt. B (off-white)
MFI	9" x 9" Floor Tile – Apt. H Kitchen under Carpet (brown)
MFI-M	9" x 9" Floor Tile Mastic (MFI) (black)
MFJ	Sheet Flooring – Apt. G Kitchen under Carpet (yellow)
MFK	Sheet Flooring – Hall Closet by Apt. G (tan)
MFL	12" x 12" Floor Tile – Apt. I Kitchen (off-white)
MFL-M	12" x 12" Floor Tile Mastic (MFL) (clear)
DWA	Sheetrock – Throughout (white)
SPA	Textured Ceiling Plaster – Throughout (off-white/tan)
MTA	Transite Siding – Exterior (grey)
MMA	Window Caulk – Exterior (grey)
MMB	Mortar – Exterior (white)
MMC	Ceramic Tile Adhesive – Apt. D. Bathroom (off-white)
MMD	Light Heat Shield – Kitchen Apt. E (yellow)



**Farmer Environmental
Services, L.L.C.**

Samples were analyzed by Farmer Environmental Services utilizing Polarized Light Microscopy (PLM).

Sample results showed the following materials to be **ASBESTOS CONTAINING**:

<u>Sample Group</u>	<u>Homogeneous Area Description</u>
MFA MFA-M	9" x 9" Floor Tile – Apt. D Kitchen under Carpet (tan) 9" x 9" Floor Tile Mastic (MFA) (black)
MFD MFD-M	12" x 12" Floor Tile – Hall outside of Apt. A (gold) 12" x 12" Floor Tile Mastic (MFD) (black)
MFE MFE-M	12" x 12" Floor Tile – Apt. A Kitchen under Carpet and Apt. E under Carpet (tan) 12" x 12" Floor Tile Mastic (MFE) (black)
MFF MFF-M	9" x 9" Floor Tile – Apt. D Kitchen under Carpet, Apt. F Kitchen under Carpet, Apt. I Kitchen under Floor Tile, Apt. J Kitchen under Carpet, by Washers in Hallway by Apt. E, and Hall Closet by Apt. G (tan) 9" x 9" Floor Tile Mastic (MFF) (black)
MFI MFI-M	9" x 9" Floor Tile – Apt. H Kitchen under Carpet (brown) 9" x 9" Floor Tile Mastic (MFI) (black)
SPA	Textured Ceiling Plaster – Throughout (off-white/tan)
MTA	Transite Siding – Exterior (grey)
MMA	Window Caulk – Exterior (grey)



**Farmer Environmental
Services, L.L.C.**

As per our conversation regarding the future of 3701 Memorial Drive, I believe it is scheduled for renovation. The asbestos containing materials should not be disturbed. If the renovation would impact the asbestos containing materials, the materials would need to be abated prior to renovation.

If you need assistance with contacting abatement contractors, please let us know.

Sample results and certifications can be found in the following pages. If you have any questions, or need additional information, please contact us at 618-656-6988.

Respectfully Submitted,

Mike Burke

Farmer Environmental Services, LLC



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	9"x9" FLOOR TILE - APT. D KITCHEN UNDER CRAPET	9"x9" FLOOR TILE MASTIC APT. D KITCHEN	12"x12" FLOOR TILE - APT D BATHROOM
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFA-1	MFA-M	MFB-1
DATE RECEIVED	12-May-05	16-May-05	16-May-05
LAB SAMPLE NUMBER	51201	51202	51203
COLOR	TAN	BLACK	GREY
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	YES	NO
TYPE AND % ASBESTOS			
CHRYBOTILE %	P.C. 5%	10%	
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	5%	10%	NONE DETECTED
NON-FIBROUS MATERIAL %	90%	85%	95%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	5%	5%	5%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	12"x12" FLOOR TILE MASTIC	12"x12" FLOOR TILE - HALLWAY OUTSIDE OF APT. D	12"x12" FLOOR TILE MASTIC
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFB-M	MFC-1	MFC-M
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51204	51205	51206
COLOR	CLEAR	GOLD	YELLOW
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	NO	NO	NO
TYPE AND % ASBESTOS			
CHRYBOTILE %			
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	NONE DETECTED	NONE DETECTED	NONE DETECTED
NON-FIBROUS MATERIAL %	95%	95%	95%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	5%	5%	5%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BUI K SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	12"x12" FLOOR TILE - HALL OUTSIDE OF APT. A	12"x12" FLOOR TILE MASTIC	12"x12" FLOOR TILE - APT. A & E KITCHENS UNDER CARPET
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFD-1	MFD-M	MFE-1
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51207	51208	51209
COLOR	GOLD	BLACK	TAN
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	YES	YES
TYPE AND % ASBESTOS			
CHRYBOTILE %	P.C. 5%	P.C. 8%	P.C. 5%
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	5%	8%	5%
NON-FIBROUS MATERIAL %	90%	88%	90%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	5%	4%	5%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	12"x12" FLOOR TILE MASTIC	9"x9" APT. D, F, I, J, NEAR WASHERS IN HALLWAY, AND HALL CLOSET	9"x9" FLOOR TILE MASTIC
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFE-M	MFF-1	MFF-M
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51210	51211	51212
COLOR	BLACK	TAN	BLACK
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	YES	YES
TYPE AND % ASBESTOS			
CHRYSOTILE %	P.C. 5%	P.C. 5%	P.C. 5%
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	5%	5%	5%
NON-FIBROUS MATERIAL %	90%	90%	90%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	5%	5%	5%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	12"x12" FLOOR TILE - HALL BY WASHERS	12"x12" FLOOR TILE MASTIC	SHEET FLOORING HALL BY WASHER & APT. B
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFG-1	MFG-M	MFH-1
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51213	51214	51215
COLOR	LIGHT GREY	BLACK	OFF-WHITE
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	NO	NO	NO
TYPE AND % ASBESTOS			
CHRYBOTILE %			
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	NONE DETECTED	NONE DETECTED	NONE DETECTED
NON-FIBROUS MATERIAL %	95%	96%	65%
OTHER MATERIALS %			
FIBROUS GLASS %			10%
CELLULOSE %	5%	4%	25%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, LLC.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	9"x9" FLOOR TILE - APT. H KITCHEN UNDER CARPET	9"x9" FLOOR TILE MASTIC	SHEET FLOORING - APT. G KITCHEN UNDER CARPET
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFI-1	MFI-M	MFJ-1
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51216	51217	51218
COLOR	BROWN	BLACK	YELLOW
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	YES	NO
TYPE AND % ASBESTOS			
CHRYBOTILE %	P.C. 5%	P.C. 10%	
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	5%	10%	NONE DETECTED
NON-FIBROUS MATERIAL %	90%	84%	55%
OTHER MATERIALS %			
FIBROUS GLASS %			20%
CELLULOSE %	5%	6%	25%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
 ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
 PROJECT: 3701 MEMORIAL DRIVE
 PROJECT NUMBER: 0505-160
 DATE: May 20, 2005
 CONTACT: PAUL KNOBELOCH

TYPE	SHEET FLOORING HALL CLOSET BY APT. G	12"x12" FLOOR TILE - APT I KITCHEN	12"x12" FLOOR TILE MASTIC
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MFK-1	MFL-1	MFL-M
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51219	51220	51221
COLOR	TAN	OFF-WHITE	CLEAR
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	NO	NO	NO
TYPE AND % ASBESTOS			
CHRYBOTILE %			
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	NONE DETECTED	NONE DETECTED	NONE DETECTED
NON-FIBROUS MATERIAL %	50%	98%	95%
OTHER MATERIALS %			
FIBROUS GLASS %	25%		
CELLULOSE %	25%	2%	5%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	SHEETROCK - THROUGHOUT	TEXTURED CEILING PLASTER THROUGHOUT	TEXTURED CEILING PLASTER THROUGHOUT
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	DWA-1	SPA-1	SPA-2
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51222	51223	51224
COLOR	WHITE	OFF-WHITE/TAN	OFF-WHITE/TAN
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	NO	YES	YES
TYPE AND % ASBESTOS			
CHRYBOTILE %		25%	25%
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	NONE DETECTED	25%	25%
NON-FIBROUS MATERIAL %	75%	60%	80%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	25%	15%	15%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	TEXTURED CEILING PLASTER THROUGHOUT	TEXTURED CEILING PLASTER THROUGHOUT	TEXTURED CEILING PLASTER THROUGHOUT
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	SPA-3	SPA-4	SPA-5
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51225	51226	51227
COLOR	OFF-WHITE/TAN	OFF-WHITE/TAN	OFF-WHITE/TAN
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	YES	YES
TYPE AND % ASBESTOS			
CHRYBOTILE %	20%	25%	25%
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	20%	25%	25%
NON-FIBROUS MATERIAL %	65%	60%	60%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	15%	15%	15%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	TEXTURED CEILING PLASTER THROUGHOUT	TEXTURED CEILING PLASTER THROUGHOUT	TRANSITE SIDING - EXTERIOR
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	SPA-6	SPA-7	MTA-1
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51228	51229	51230
COLOR	OFF-WHITE/TAN	OFF-WHITE/TAN	GREY
FIBROUS?	YES	YES	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	YES	YES
TYPE AND % ASBESTOS			
CHRYBOTILE %	20%	25%	25%
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	20%	25%	25%
NON-FIBROUS MATERIAL %	05%	60%	60%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	15%	15%	15%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	WINDOW CAULK - EXTERIOR	MORTAR - EXTERIOR	CERAMIC TILE ADHESIVE - APT. D. BATHROOM
DATE COLLECTED	11-May-05	11-May-05	11-May-05
SAMPLE NUMBER	MMA-1	MMB-1	MMC-1
DATE RECEIVED	12-May-05	12-May-05	12-May-05
LAB SAMPLE NUMBER	51231	51232	51233
COLOR	GREY	OFF-WHITE/TAN	OFF-WHITE
FIBROUS?	YES	NO	YES
LAYERS?	NO	NO	NO
CONTAINS ASBESTOS?	YES	NO	NO
TYPE AND % ASBESTOS			
CHRYBOTILE %	P.C. 8%		
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	8%	NONE DETECTED	NONE DETECTED
NON-FIBROUS MATERIAL %	87%	100%	98%
OTHER MATERIALS %			
FIBROUS GLASS %			
CELLULOSE %	5%		2%

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



Farmer Environmental
Services, L.L.C.

BULK SAMPLE LABORATORY ANALYSIS REPORT

CLIENT: MEMORIAL HOSPITAL
ADDRESS: 4500 MEMORIAL DRIVE BELLEVILLE, IL 62226
PROJECT: 3701 MEMORIAL DRIVE
PROJECT NUMBER: 0505-160
DATE: May 20, 2005
CONTACT: PAUL KNOBELOCH

TYPE	LIGHT HEAT SHIELD - KITCHEN APT. E		
DATE COLLECTED	11-May-05		
SAMPLE NUMBER	MMD-1		
DATE RECEIVED	12-May-05		
LAB SAMPLE NUMBER	51234		
COLOR	GREY		
FIBROUS?	YES		
LAYERS?	NO		
CONTAINS ASBESTOS?	NO		
TYPE AND % ASBESTOS			
CHRYSTOLE %			
AMOSITE %			
CROCIDOLITE %			
TOTAL ASBESTOS %	NONE DETECTED		
NON-FIBROUS MATERIAL %	5%		
OTHER MATERIALS %			
FIBROUS GLASS %	95%		
CELLULOSE %			

Results relate only to items tested. No part of this report may be reproduced except in full approval of Farmer Environmental Services. Report may not be used to claim product endorsement by NVLAP or any government agency.

Respectfully Submitted,
Farmer Environmental Services



State of Illinois
 Department of Public Health

A 157501

LICENSE, PERMIT, CERTIFICATION, REGISTRATION

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

ERIC E. WEITAKER, M.D., M.P.H.
 DIRECTOR

Issued under the authority of
 The State of Illinois
 Department of Public Health

EXPIRATION DATE	CATEGORY	I.C. NUMBER
05/15/2006	5319	100-02118

DARRELL MOORE
 PROJECT MANAGER

INSPECTOR AIR SAMPLING PROFESSIONAL

BUSINESS ADDRESS

ASBESTOS PROFESSIONAL LICENSE
 ALTERING THIS CERTIFICATE MAY RESULT IN LEGAL ACTION

DARRELL MOORE

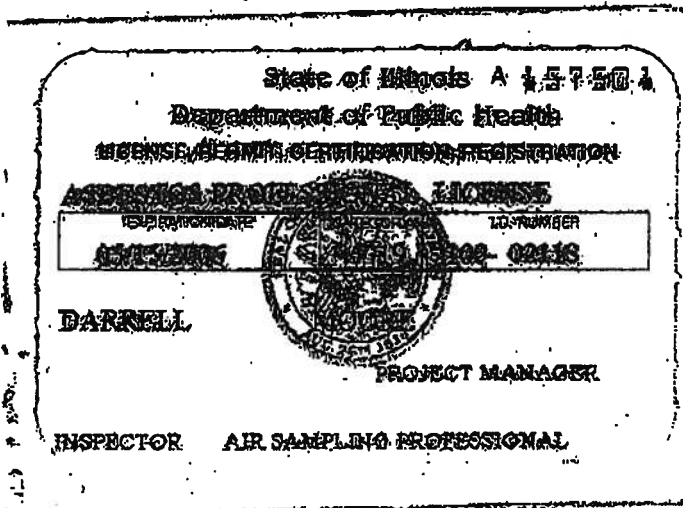
#1 SQUIRE

GLEN CARBON

IL 62034

THIS LICENSE IS NOT VALID IF YOUR IDPH
 COURSE CERTIFICATE IS NOT CURRENT

Printed by Authority of the State of Illinois 2/91





Safety Support Services, Incorporated

Environmental and Occupational Safety & Health Consultants

1410 S. Jefferson Avenue
St. Louis, Missouri 63104
Phone: (314) 773-4747

Does hereby certify that

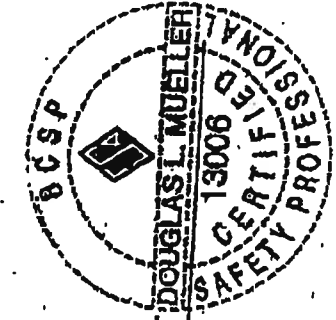
Butch Moore

1. Squire, Glen Carbon, IL, 62034

*has successfully completed and passed the course examination
with a minimum score of 70 percent for re-accreditation
under AHERA (TSCA Title II)*

Asbestos Building Inspector Refresher

Class Date: April 15, 2005
Examination Date: 04/15/2005
Certificate Number: SSS20050415-1310ABIR
Certificate Expiration: 04/15/2006
Student SSN: 354-44-6205



Douglas L. Mueller, MS, CSP
Certified Safety Professional
OSHA Authorized Instructor

MCCRONE RESEARCH INSTITUTE

certifies that

Brian E. Farmer

has successfully completed an intensive course of instruction in
"Microscopical Identification
of Asbestos"
given by the McCrone Research Institute

Presented this 16th day of Feb. 1990

Course Date: February 12-16, 1990

3-5 CEM's

John G. Kelly

Walter C. McCrone

McCRONE RESEARCH INSTITUTE

certifies that

Michael D. Burke

has successfully completed an intensive course of instruction in

Microscopical Identification of Asbestos

given by the McCrone Research Institute

Presented this 3rd day of February 2002

Course Date: February 4-8, 2002

3.5 CEU's

Darryl J. Tompkins

Donald A. Stoney

GENERAL WASTE SERVICES, INC.
P.O. BOX 1408
ALTON, ILLINOIS 62002
(618) 465-0269

DAILY PROJECT LOG

DATE: Aug 3, 05 DAY NUMBER: 03 JOB#: 12187

PROJECT NAME: Belleville Memorial Hosp.

PROJECT ADDRESS: 3701 Memorial Dr. , Belleville, IL

SUPERVISOR: _____

NOTE: Fill in general comments on routine progress on this project on the above date. DETAIL major problems and action taken, injuries, equipment breakdown, unusual conditions or situations, inspections, hiring or firing of personnel and any other occurrence which may affect the project. This log may be utilized as a legal document.

Started work at 7 a.m. , myself and 8 workers
on job. Farmer Environmental has a person on site running
air samples . He will also be running our OSHA samples .

All paperwork on site .

Drums unloaded into containment .

Containment smoke tested and poly checked. Everything
good. We have good neg air .

After everything checked we began removal of drywall
ceiling with the texture sprayer on it. It is in all apartments,
the kitchen / dining room areas, bed rooms, and outside hallways
between apartments . Bathrooms and closets do not have it .

An airless sprayer and water hose being used to wet ACM .
Sprayer being used during removal, spray air and material .

Waste being put into lined fiber drums .

Upstairs, there is fiberglass above the drywall ceiling .

Our dumpster did not show up, it is suppose to be

SUPERVISOR SIGNATURE: Cont.

Circle One 1/2 M / PAPP / TYPE C

Page 1 of 2



GENERAL WASTE SERVICES, INC.
P.O. BOX 1408
ALTON, ILLINOIS 62002
(618) 465-0269

DAILY PROJECT LOG

DATE: Aug 3, 05 DAY NUMBER: 03 JOB#: 12137

PROJECT NAME: Belleville Memorial Hosp.

PROJECT ADDRESS: 3701 Memorial dr., Belleville, IL

SUPERVISOR: C. Johnson

NOTE: Fill in general comments on routine progress on this project on the above date. DETAIL major problems and action taken, injuries, equipment breakdown, unusual conditions or situations, inspections, hiring or firing of personnel and any other occurrence which may affect the project. This log may be utilized as a legal document.

delivered first thing tomorrow morning.
We have had some problems with electric, GFI's tripping.
Neg air filters changed at end of shift
At end of shift, all waste in drums and stored down
in room where loadout is.
Containment checked and everything locked up.
We are using flat bars to remove the drywall

SUPERVISOR SIGNATURE C. Johnson

Circle One: 1/2 M PAPER / TYPE C

GENERAL WASTE SERVICES, INC.
P.O. BOX 1408
ALTON, ILLINOIS 62002
(618) 465-0269

DAILY PROJECT LOG

DATE: Aug 4, 05 DAY NUMBER: 04 JOB#: 12137

PROJECT NAME: Belleville Memorial Hosp. - 3701 apartments

PROJECT ADDRESS: 3701 Memorial Dr., Belleville, IL

SUPERVISOR: C. Johnson

NOTE: Fill in general comments on routine progress on this project on the above date. DETAIL major problems and action taken, injuries, equipment breakdown, unusual conditions or situations, inspections, hiring or firing of personnel and any other occurrence which may affect the project. This log may be utilized as a legal document.

Started work at 7 a.m., myself and 5 workers on job.
Farmer Environmental has a person on site, he is running air Dampers
and also our OSHA Dampers.

Containment checked and smoke tested, everything good.
All 8 (200) neg aircs are running.

At start of work we unloaded trailer of drums and
put inside containment. Then began removal. 1/2 mask being worn.
No dumpster yet.

Airless sprayer being used during removal to wet ACM. Our
water is coming from water tank in truck, not much water pressure on hose.
Waste being put into lined drums.

We are having problems with GFI's, cords running our airless
sprayer ~~are~~ are tripping. Electric panel is outside building.

Approx. 9:30 am., Joe Zappa of EPA showed up. I was
coming out to get electric breakers going to our airless sprayer.
Joe went into containment while I was outside. When I got

SUPERVISOR SIGNATURE: Conf.

Circle One: (1/2 M) / PAPP / TYPE C

Page 1 of 3



GENERAL WASTE SERVICES, INC.

P.O. BOX 1408

ALTON, ILLINOIS 62002

(618) 465-0269

DAILY PROJECT LOG

DATE: Aug 4, 05

DAY NUMBER: 04

JOB#: 12137

PROJECT NAME: Belleville Memorial Hosp. - 3701 apartments

PROJECT ADDRESS: 3701 Memorial dr., Belleville, IL

SUPERVISOR: C. Johnson

NOTE: Fill in general comments on routine progress on this project on the above date. DETAIL major problems and action taken, injuries, equipment breakdown, unusual conditions or situations, inspections, hiring or firing of personnel and any other occurrence which may affect the project. This log may be utilized as a legal document.

inside he had taken some pitchers and told me that drywall was too dry. He looked around some more, told me that containment looked good and then left containment, I went with him. Outside he told me that the waste was way too dry inside and asked me to bring everyone out so that he could talk to all of us. He warned all of us about dry removal, but said we could continue to work. We took lunch and Zappa went inside work area and collected 3 bulk samples. After coming out he left.

An 40 yrd. enclosed dumpster was delivered during EPA visit. It was lined with 6mil poly.

After lunch 3 men loaded out, danger signs and tape posted. Workers inside and out wearing 1/2 mask respirators and suits. Other 3 worker cleaning up inside and wetting debris better, both in drums and on floor.

Drums of waste being loaded out being wiped down.

SUPERVISOR SIGNATURE: _____

Cont.

Circle One: 1/2 M / PAPP / TYPE C

Page 2 of 3

GENERAL WASTE SERVICES, INC.
P.O. BOX 1408
ALTON, ILLINOIS 62002
(618) 465-0269

DAILY PROJECT LOG

DATE: Aug 4, 05 DAY NUMBER: 04 JOB#: 12137

PROJECT NAME: Belleville Memorial Hosp. - 3701 Apartments

PROJECT ADDRESS: 3701 memorial dr. , Belleville, IL

SUPERVISOR: C. Johnson

NOTE: Fill in general comments on routine progress on this project on the above date. DETAIL major problems and action taken, injuries, equipment breakdown, unusual conditions or situations, inspections, hiring or firing of personnel and any other occurrence which may affect the project. This log may be utilized as a legal document.

IF informed office of EPA visit.
At end of shift, all waste up and in drums, all 8 neg
air machines filters changed, containment checked, dumpst 80%
full and building locked up.
Dumpster also locked up, it has asbestos danger signs
posted on it.
All drywall with ACM on it on 2nd floor removed. Still must
remove the fiberglass that was above it.

SUPERVISOR SIGNATURE: Calvin Johnson

Circle One: 1/2 M PAPER TYPE C

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	No. PCB 07-45
)	(Enforcement)
GENERAL WASTE SERVICES, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

A F F I D A V I T

I, JOSEPH W. ZAPPA, being duly sworn on oath, depose and state that I am over 21 years of age, have personal knowledge of the facts stated herein, and, if called as a witness, could competently testify to the following:

1. I was a Licensed Asbestos Inspector and a Licensed Asbestos Abatement Supervisor in the State of Illinois at the time of my inspection in this matter.
2. I am currently employed as an Environmental Specialist III by the Illinois Environmental Protection Agency ("Illinois EPA") Bureau of Land. At the time of my inspection in this matter, I was employed as an Environmental Associate by the Illinois EPA and had held that position since 1999. In August of 2005, I was assigned to the Bureau of Air, Collinsville regional office, Collinsville, Illinois as an asbestos inspector.
3. As an asbestos inspector for the Illinois EPA Bureau of Air, my duties and responsibilities included inspecting premises for alleged violations of the Environmental Protection Act and the associated regulations. I also was responsible for conducting National Emission Standards for Hazardous Air Pollutant ("NESHAP"), which are Federal regulations applicable to certain asbestos removal projects, compliance inspections. As part of my job duties, I testify in hearings and in court for any violations found in cases that proceed to enforcement and a hearing.



4. On August 4, 2005, I performed an inspection of the two-story apartment building located at 3701 Memorial Drive, Belleville, St. Clair County, Illinois which is the subject of the Complaint, Board Case Number PCB 07-45.

5. I have read the Complaint, and am aware of the contents thereof.

6. The factual matters set forth in the Complaint are true and correct in substance and in fact, to the best of my knowledge and belief.

7. Specifically, when I inspected the premises at 3701 Memorial Drive, Belleville, St. Clair County, Illinois, I observed dry, friable suspected asbestos containing material on the ceilings and on the floor of the second floor of the building. The ceiling was a homogenous area consisting of drywall covered in a spray on acoustic plaster material. Approximately 6,714 square feet of ceiling had been demolished and removed throughout the building. The material was being removed without being adequately wetted.

8. I took two samples of ceiling material from the second floor of the building, where removal was taking place. The samples were dry and friable. As part of my investigation, I submitted the samples to an independent laboratory for analysis. After testing, no asbestos was detected in the two samples.

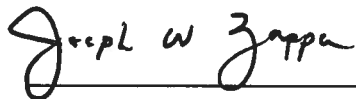
9. Spray on acoustic material may be applied in an uneven manner. It is common to sample a room and find areas where asbestos is not detected.

10. On the first floor of the building I found a room containing lined, fiber drums filled with removed suspect asbestos containing material. I took one sample from a single drum. The material inside was friable and inadequately wetted. As part of my investigation, I submitted the samples to an independent laboratory for analysis. The sample tested positive for 1-5% chrysotile asbestos.

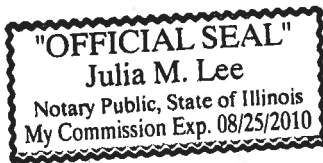
11. As part of my investigation, I obtained documents pertaining to the abatement project for routine review. These included the pre-abatement survey and daily project logs. These records contain factual and analytical information upon which I rely in my investigations.

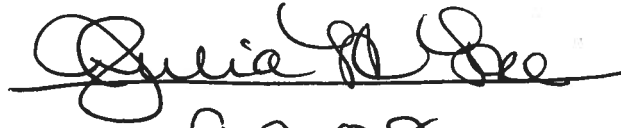
12. I have reviewed the Asbestos Survey created by Farmer Environmental Services, LLC. On May 11, 2005, Farmer conducted an asbestos survey at 3701 Memorial Drive. Farmer took seven samples of the ceiling material. All seven samples tested positive for 20-25% total asbestos.

FURTHER, AFFIANT SAYETH NOT.



JOSEPH W. ZAPPA




9-2-08