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**MADIGAN ALLEGES CASS COUNTY COMPANY VIOLATING
ASBESTOS, WASTE DISPOSAL LAWS**

Chicago – Attorney General Lisa Madigan today said a Cass County company allegedly violated waste disposal and asbestos laws during demolition projects it was hired to undertake.

In a lawsuit filed in Cass County Circuit Court, Madigan alleges that on or about July 1, 2004, M.K. O’Hara Construction, Inc., Madalyn O’Hara as president, and Kenneth D. O’Hara, Sr., as secretary, failed to give advance notice to the Illinois Environmental Protection Agency (IEPA) of plans to demolish a storm-damaged building in downtown Virginia and failed to pay the required asbestos fee before it began work at the site. On July 2, 2004, IEPA inspectors found three small non-friable pieces of material that tests revealed contained 15 to 20 percent asbestos.

Asbestos is regulated as a hazardous air pollutant because it is a carcinogen and many materials containing more than one percent asbestos, when dry, can be reduced to a powdery consistency and easily transported through the air. According to Madigan, the O’Haras did not notify the IEPA of the demolition until January 2005.

“The safe handling and disposal of asbestos is absolutely critical in protecting the health of workers and others in the area of such demolition from the health hazards of exposure to asbestos,” Madigan said.

Madigan’s complaint also contains allegations of waste handling violations, open burning and air pollution for the September 2004 removal of debris and other wastes at the site of a commercial building destroyed by fire in Arenzville. Madigan said Kenneth D. O’Hara, Sr., and another employee allegedly admitted to inspectors that debris from the fire was dumped on property the company owns south of Beardstown that is not a permitted disposal site or sanitary landfill. IEPA inspectors discovered several piles of demolition debris and other wastes and refuse from sources other than the fire also had allegedly been dumped and burned at the Beardstown site.

In January of this year, the IEPA inspected a salvage yard south of Beardstown owned by the O’Haras. Based on this inspection, Madigan’s complaint alleges waste handling, open burning and air pollution violations resulting from approximately 7,000 cubic yards of assorted wastes and junk that allegedly has been dumped at the site for many years. In addition, approximately 1,000 used

tires, both on and off their rims, were scattered about as were piles of burned plastics.

Madigan charged the defendants with hazardous and special waste violations for failing to determine and properly dispose of the contents of some five-gallon buckets and 55-gallons drums that were found at the salvage yard. Additionally, the company and Kenneth D. O'Hara, Sr., were cited for not having a valid IEPA registration to haul used tires after they attempted to take 500 to 600 of the tires dumped at their Beardstown salvage yard to a facility in Macomb. The facility did not accept the tires and the defendants hauled them back to Beardstown to dump them again.

Madigan is seeking an injunction that would force the defendants to clean up both sites, a civil penalty of \$50,000 for each of the seven counts contained in the complaint, and an additional \$10,000 penalty for each day the violations continue.

The case was referred to Madigan's office by the IEPA and is being handled by Assistant Attorney General Kristen Laughridge Gale of Madigan's Environmental Protection Division.