



For Immediate Release
Contact: Scott Mulford
217-524-4173
877-844-5461 (TTY)
smulford@atg.state.il.us
December 26, 2006

MADIGAN: RENOVATION STOPPED FOR ALLEGED ASBESTOS VIOLATIONS

Chicago – Attorney General Lisa Madigan today said a Cook County judge issued a preliminary injunction requiring the owner of a Chicago apartment building to begin clean-up and decontamination to resolve environmental problems caused by the improper handling and removal of asbestos-containing materials (ACM).

Madigan's office filed a complaint December 20 against Jorge Rodriguez, Jr., who owns the two-story structure at 3417 N. Lowell Ave. in northwest Chicago, for alleged release of asbestos fibers into the air by workers hired to renovate the basement of the building. In response to this filing, the court issued the preliminary injunction order.

The Illinois Environmental Protection Agency (IEPA) received a citizen complaint about the project and on December 11, 2006, conducted an inspection. Based on that inspection, IEPA placed a seal on the building on December 15. On December 13, the IEPA referred the matter to Madigan's office.

"Because of the known dangers of asbestos, this project must not proceed until the defendant complies with the laws that protect workers and residents against asbestos exposure," Madigan said.

Under the terms of the court order, Rodriguez must:

- Within 72 hours, retain a licensed asbestos abatement worker, seal all pathways through which asbestos fibers could potentially be released into the atmosphere, post signs warning of asbestos contamination in the basement and forbidding entry, and inspect the residential units in the building for any asbestos contamination.
- Within 15 days, retain a licensed asbestos project designer to assess the extent of asbestos contamination, create a plan for remediation of the site, and submit the remediation plan to the Illinois EPA for approval.
- Once the remediation plan is approved, begin implementation of the plan within three days.

- When the work is complete, submit a final project report to the Illinois EPA detailing daily work logs, waste shipment records and other information.

The IEPA observed dry, friable insulation and other debris suspected of containing asbestos scattered and uncovered throughout the basement of the apartment building during the December 11 inspection. When asbestos is “friable”, it can, when dry, be easily crumbled and reduced to powder which can release asbestos fibers into the air. Madigan’s complaint alleges that the defendant’s workers failed to use proper wetting techniques to guard against the asbestos release.

According to the complaint, some of the insulation was still affixed to pipes while other insulation was on the floor mixed with debris. Samples of the insulation and debris obtained by the IEPA during the inspection tested positive for asbestos. Madigan’s complaint also alleges that workers improperly removed ACM and placed it in bags outside of the building for disposal as general waste.

Madigan’s complaint seeks a civil penalty of \$50,000 for each violation and an additional \$10,000 for each day the violation continued.

Assistant Attorney General L. Nichole Cunningham is handling the case for Madigan’s Environmental Bureau.

-30-

[Return to December 2006 Press Releases](#)