

# Dunes News

Published by *Illinois Dunesland Preservation Society*

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Zion, IL 60099

312 332-3377

November, 2004



Paul A. Kakuris, President

**Luncheon  
Reservations**

**Saturday, November 20  
12 PM**

**Park Resort \$12**

**Please give your menu  
choice when you make  
your reservation:**

- 1. Chicken Caesar Salad**
- 2. Sesame Chicken  
Salad w/fruit**
- 3. Beach Burger**
- 4. Club Sandwich**

**RSVP by November 17.**

**Karen Jump 847 498-5710**

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**Dunesland  
Makes News!**

**Chicago Sun Times**

September 2, 2004

September 5, 2004

September 13, 2004

September 15, 2004

September 17, 2004

October 25, 2004

**Waukegan News Sun**

August 6, 2004

August 24, 2004

August 26, 2004

September 10, 2004

September 22, 2004

October 12, 2004

**Chicago Tribune**

October 14, 2004

**Daily Herald**

September 22, 2004

**Zion-Benton News**

August 12, 2004

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**Karen L. Jump, editor**

## **Len Messineo, Award Winning Nature Photographer “Special Moments...Inspirational Messages from Nature” Luncheon Meeting on November 20 at Noon Illinois Beach State Park Conference Center**

Len Messineo is a dedicated nature and wildlife photographer whose expertise and knowledge developed after his retirement from his manufacturing business in 1992. He has won numerous awards and citations in the Chicago area and was awarded Photographer of the Year honors in the highly respected Riverwoods Nature Photographic Society where he also served as President. The Chicago Area Camera Clubs Association also recognized Len's accomplishments with many awards, including First Place in Nature Photography competition several times and a special achievement citation, TOPS. More recently, he was recipient of the 2003 Kohout Nature Award, one of the most prestigious awards of the Association.

The interplay between nature and photography is examined in

award-winning representations of our natural world, for Len's goal is to convey an understanding and appreciation of the techniques and art of the nature and wildlife photographer. He also aspires to instill in each audience a desire to respect and protect our dwindling natural resources. He has skillfully blended nature stories, photographic imagery, and the environment in an entertaining, yet subtle educational experience.

In “Special Moments,” the effort is made to extract the essence and impact of imagery beyond the technical achievement and simple narrative. To achieve these

ends, this presentation blends quality images and absorbing dialogue with liberal doses of inspiration and poetry with quotations to embellish each chapter-like inquiry. Special music has been chosen to support and amplify the mood and ambience of each vignette.

His work exudes a deep reverence for nature. “Special Moments” is not a somber discussion of nature, but ranges from serious and inquiring to humorous. It expresses Len's emotional and visceral reactions to his experiences as a committed nature photographer. His visual effects will take your breath away with the beautiful photographic images he so intricately weaves together.

## **Dunesland Files Emergency Pollution Discharge Complaints to USEPA, IEPA, and the US Army Corps of Engineers**

Dunesland has filed complaints to the acting administrator of USEPA, Bharat Mathur, IEPA Director Renee Cipriano, and Colonel Gary Johnston, US Army Corps of Engineers. The complaints pertain to the illegal deposition and illegal discharge of contaminated sand washing into the federal and state waters of Lake Michigan. The sand pile is a deposit of asbestos-contaminated dredged sand which is stockpiled on the beach at Illinois Beach State Park, just south of the marina parking lot.

Government officials have been

responsible for dumping the contaminated dredge material. The stockpile contains regulated asbestos-containing material (RACM). Some of the asbestos is friable and microscopic; airborne asbestos has been found in the air. The material is now discharging into Lake Michigan and is considered to be a regulated, hazardous material and illegal discharge.

The public officials who were responsible for placing the materials there are involved in a cover-up and so far have done nothing. They have

not responded to our first complaint (10/7/04) or our second complaint (10/18/04). The agencies responsible for enforcement are turning the other way and allowing this illegal discharge to continually pollute the federal and state waters of Lake Michigan and our beaches.

Is the Governor aware that IEPA Director Cipriano, IDNR Director Brunsvold, and IAG Madigan are allowing the illegal contamination into Lake Michigan by their refusal to enforce, i.e., do their jobs?

## State and Federal Endangered and Threatened Species and Their Habitats Destroyed

### Valuable Nature Preserve Land Washes into Lake Michigan; State and Feds Ignore

Valuable top land of the northern Nature Preserve shoreline has been lost. Endangered or threatened species and their habitats have also been destroyed. Sea rocket and marram grass and their habitats have been lost due to the negligence of IDNR and other state agencies in allowing North Point Marina to accelerate the erosion at the downdrift (south) park property. Public officials knew that the marina would accelerate erosion because it alters the waves and currents and starves the downdrift shoreline of sand. IDNR Director Joel Brunsvold has reinforced this negligence by not allowing the mandated \$500,000 beach replenishment funding that had been available to the park for many years because IDNR knew that building their marina would cause accelerated erosion on the Nature Preserve. By withholding the sand nourishment funding and allowing the destruction of threatened or endangered species and their habitats, Mr. Brunsvold has shown dereliction in performing his duties. The willful loss of endangered species and habitat is an enforceable malfeasance and violation. Perpetrators should be held accountable. It's unfortunate that IDNR's director finds funding to build a \$30 million (now-rumored as up to \$60m) skeet shooting complex in Sparta while allowing Illinois Beach State Park facilities and shoreline to fall into dilapidated condition and wash into Lake Michigan. Additionally, federal critical habitat has been lost in this area; regulations should also be enforced by the U.S. Fish and Wildlife Service.

### Dunesland Files Emergency Pollution Discharge Complaints (continued from p. 1)

*"Nearness to nature...keeps the spirit sensitive to impressions not commonly felt, and in touch with the unseen power."*

*Ohiyesa, Sioux*

### Good-bye, Julie!

*Julie Brewer, at one time assistant site superintendent, among her various roles at Illinois Beach State Park, has retired after 25 years on the staff. Hers is another position that is not being replaced. We will miss her cheerful smile and all she has done for the park! Her loss will give Bob Grosso one more job to do!*

*What are they thinking in Springfield? Or do they?*

Paul Kakuris, Dunesland's president stated, "So instead, IDNR administrators are simply doing nothing about these sand piles, maliciously letting Mother Nature do their dirty work, permitting the lake currents to erode away the eastern, beachfront sand pile and wash it downstream.

"And now," Kakuris contended, "that erosion is starting to speed up, so that the approaching fall and winter storms are virtually certain to unleash that whole contaminated eastern sand pile on the park's beaches, and on beaches and water intakes to the south."

Coincidentally, in a press release on October 12 about the potential health

hazards posed by asbestos in a Chicago apartment building, the IAG's office said that (asbestos) is "...a known human carcinogen with no safe level of exposure." Lisa Madigan said, "We have known for many years that asbestos can cause serious health problems if not properly handled. This reckless rip-and-tear operation is an example of why we need laws to protect employees and neighbors of buildings where renovation is taking place."

In the grand scheme of things, a small apartment building renovation pales in comparison

to the continuing asbestos exposure of perhaps millions of people to the contaminated sand, airborne asbestos, and microscopic asbestos in Lake Michigan drinking water, and in the sand at the most heavily visited state park in Illinois.

It's shameful that Attorney General Lisa Madigan puts out press releases attempting to create an appearance that her office is vigorously prosecuting asbestos violators while a big-time corporate asbestos polluter such as Warren Buffett's Johns Manville gets a pass on many asbestos violations and a significant reduction in fines.

Don't you wonder why???

## The Crown Jewel of the Park System is Being Tarnished by Incompetence Environmental Program Eliminated for Thousands of Students

### Illinois Beach State Park is Neglected by Director Joel Brunsvold

- The park's new nature center is now shuttered.
- Important maintenance is being deferred.
- Staff has been reduced and the park is operating at a skeletal level.
- Service to the community and education have been grossly curtailed.
- If a staff member doesn't come to work, portions of the park and/or services have to be shut down.
- Does the Governor know what is happening?

This crown jewel has been abused, neglected, and kicked by the incompetence and lack of respect for the environment by upper management of IDNR. The shuttered Nature Center which serves the school districts of Lake and northern Cook County no longer offers its educational program. The two naturalists who ran the educational program at the park have left and their positions have not been filled by the state. This was a valuable part of the science curriculum of many school districts which bused their students to the interpretive center for classes. These gutted programs impact the education of minority

students far more than students from many well-funded school districts.

Apparently, Director Brunsvold considers it more important to open a skeet shooting range than to keep the environmental education program that serves two counties operating.

Bob Grosso, site superintendent, is now attempting to do the work of the approximately ten employees who have been cut from the staff which leaves him without a fiscal assistant and secretarial help. The lack of maintenance workers and assistant managers has cut the park services to the point that we are concerned that health and safety at the park has become an issue.

## Proposed Manville Settlement: Sweetheart Deal?

Illinois Attorney General Lisa Madigan and IEPA Director Renee Cipriano are urging that former asbestos products manufacturer Johns Manville be let off the hook with just a \$145,000 fine in a controversial pollution violations suit. "Fine print" details of the state charges show the penalty could easily have ranged from \$4 -10 million.

In a court filing on September 16, lawyers for Attorney General Lisa Madigan contended that the long-awaited settlement proposal which is highly favorable to Manville was fair to the state. In return for the low fine, Manville agreed to many new details for pursuing the 15-year long cleanup of its highly contaminated, 150-acre asbestos Superfund site in Waukegan that spawned the state charges.

Paul Kakuris who has monitored this litigation for over two years, called the State/Manville suggested agreement "...a fraud on the people of Illinois, a 'Sweetheart Settlement,' and a mere slap-on-the-wrist. Virtually all the cleanup steps that

Manville has promised to perform, in return for this low fine, Manville is actually already committed to perform under terms of the latest proposed federal Superfund cleanup requirements that Manville ratified in a revised federal court consent decree earlier this summer. So the state is giving up 'something'---the potential for a very substantial fine---for 'nothing,' or virtually nothing," Kakuris suggested. Dunesland's Loop attorney Donald L. F. Metzger is representing Dunesland's battle to right this environmental injustice in the courts.

"This is a rape of the already financially-hard-pressed Illinois taxpayer," Kakuris contended. "Governor Rod Blagojevich is cutting staff and cutting state services because of Illinois's cash crunch. Meanwhile, the IAG is proposing a so-called 'settlement' with Johns Manville that actually gets the state almost nothing, and instead lets the richest man in America--- Warren Buffett, whose Berkshire-Hathaway Company now owns Johns Manville---save millions of dollars. In essence, they are attempting to snooker the Court and the beleaguered taxpayers."

## Dunesland's Attorney Donald L.F. Metzger Battles Further and Files Responses in Our State and Federal Cases

Dunesland's Loop attorney, Donald L. F. Metzger has been relentlessly pushing forward, ironically battling the state and federal agencies that have become environmental foes. He fearlessly pushes through legal minutiae against almost insurmountable odds, carrying the torch of the environmental light. Why has our attorney done this? Because he believes in what Dunesland stands for and certainly believes that these environmental abuses should immediately be thwarted.

In addition to the above-mentioned state case, Mr. Metzger is also before Judge David M. Hall on Dunesland's First Amendment case, that is, the refusal by IDNR to allow Dunesland's cautionary asbestos flyers to be distributed in the park, a first amendment violation. Mr. Metzger is refiling certain court documents to clarify Dunesland's position. Judge Hall indicated that Dunesland's claims in this case were substantial and relevant and that he wanted certain legal issues clarified before he would rule on the substance of the case, hopefully, in the near future.

Dunesland's federal Motion to Intervene in the Johns Manville Consent Decree is before Judge George Lindberg who has not only been asked to rule on this motion, but also on a Motion for a Rule to Show Cause why the state and federal attorneys should not be held in contempt of court for apparently misrepresenting the facts in the case to the Court. This ruling is due on December 10.

## Camplin Report Holds Use of the Park's Fishing Pier in Abeyance

Dunesland's Health and Safety consultant and asbestos expert Jeffery Camplin produced the Camplin Report in 2003, identifying many dangerous asbestos-contaminated areas throughout the park's beaches and at the Johns-Manville Superfund site which is adjacent to our park's Nature Preserve. One of the outcomes was the closing of the fishing pier and the parking lot adjacent to the Superfund site and the Midwest Generation power plant, located at the Greenwood Avenue street end. This area is known as Site 2 by the USEPA. Asbestos (some friable) had continually heaved out of the ground and had been identified by Mr. Camplin in his many inspections of the area.

Although the USEPA had stated that the site was cleaned up, it remains closed. During the claimed cleanup, Kakuris visited the site and asked what the smell was. The USEPA discovered that beneath the illegal asbestos debris, there was another landfill comprised of other contamination. The USEPA covered it and left it there. The site apparently is not really clean and remains closed. The USEPA has apparently skewed and manipulated their testing protocols, but now seems to be backing off their claim that it is clear of asbestos and poses no health risks. Mr. Camplin discovered that the USEPA had released a statement cautioning that their own cleanup standards for asbestos did not protect the public from the potential health risks of asbestos.

Mr. Camplin has been doing continuous research on the park and the asbestos contamination. His dedication to these issues has been extraordinary and it's satisfying to have a professional in this discipline looking out for Dunesland's and the environment's best interests. Jeff has been on the Dunesland professional team for more than a year. To have someone with credentials of his high caliber has been a real boost for those of us in the trenches. We are very grateful for his dedication.

*IDNR Director Joel Brunsvold was an 11 term state representative when he was appointed to protect our state parks. Under "Professional and Community Involvement" on the House website, he was listed as an "Avid Hunter and Fisherman," but conservation wasn't listed as one of his concerns.*

*He co-founded the Illinois Legislative Sportsmen's Caucus in 1992 and has been described by one of his fellow hunters as "...probably on of the best shooters I have seen with a .28 gauge (shotgun)...he could shoot the head off a pheasant at 30 yards."\**

*Doesn't he sound like the kind of person we need to protect the state parks? Doesn't he sound like the kind of person who would place a priority on a new \$30m (\$60m?) skeet shooting complex when the state is in dire financial straits? He seems to be following in the tracks of former IDNR Director Brent Manning who spent grand amounts on private turkey shoots on protected state lands for the press and his cronies. Did Brunsvold attend such events? Is he conducting them now?*

*What are the priorities our state officials demonstrate by their actions? Remember, actions speak louder than word!*

*\* Conscious Choice, May, 2003*

***Please Pay Your Dues! Additional Donations Are Always Welcome to Enable Our Work.***

We operate on a calendar year, so please plan to pay at the meeting or send in a check if you haven't paid in 2004.

If you feel that you can make an extra donation to Dunesland this year, we would really appreciate your help. We have had many extra expenses and could use your support. If you know of a corporation or grant that could help us, please send us the information or volunteer to help in fundraising. In the fight to protect our park, even mailing is expensive. If you believe in our work and have the means to help, please show your support. We are truly a "in the trenches," grassroots organization trying to make a difference.

Regular, Individual \$25      Regular, Family \$40      Friend of Dunesland \$100    Lifetime \$1500      Full Time Student \$15  
Senior over 65    \$20 (on request)

Donations are tax deductible.

**Support Our Work Days**

Work Days are the second Saturday of each month from 9 AM until noon. Arrangements can be made if you want to work beyond noon or on another day. Meet at the Nature and Interpretive Center at the south end of the park unless otherwise specified. In the event of inclement weather, special projects or training sessions will be held at the Nature Center.

There are special opportunities such as wetland burns, adopting a section of the park for monitoring, such as local creeks, ravines, birds, park boundaries, bluebirds, butterflies, reed grass, purple loosestrife, and others. There is also training for identification of plants and animals and dunesland topography.

If you have questions or suggestions, please contact Don Wilson at 847 772-2910 (cell) or 847 937-2583 (work).

\*\*\*\*\**"The pen is mightier than the sword!"*\*\*\*\*\*

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**Illinois Dunesland Preservation Society**

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Zion, IL 60099***



***Attend Our November 20 Luncheon Meeting!  
Mark your calendar now for the February 19, 2005 meeting!***