



Illinois Dunesland Preservation Society

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(For Immediate Release October 25, 2004)

CRITICAL EROSION OF CONTAMINATED SANDPILE AT NORTH END OF ILLINOIS BEACH STATE PARK THREATENS LAKE MICHIGAN AND PARK BEACHES WITH MORE ASBESTOS POLLUTION

STATE AND FEDS DO NOTHING; ALLOW CONTAMINATED SAND TO WASH INTO LAKE MICHIGAN AND FLOW SOUTHWARD ALONG THE NORTH SHORE AND TOWARD CHICAGO'S WATER INTAKES AND BEACHES

IAG LISA MADIGAN ADMITS ASBESTOS IS A KNOWN HUMAN CARCINOGEN WITH NO SAFE LEVEL OF EXPOSURE YET IGNORES VIOLATIONS AT THE STATE PARK WHICH ARE UNDER HER JURISDICTION

PUBLIC OFFICIALS WHO ARE RESPONSIBLE FOR DUMPING THE SAND PILE CONTINUE COVERUP, HOPING ALL THE CONTAMINATION WILL WASH INTO THE LAKE BEFORE THEY'RE CAUGHT

A giant sand pile laced with asbestos is being permitted to wash downshore from the far north end of Illinois Beach State Park, carrying potentially deadly asbestos particles southward along the heavily-used park's 6-1/2 miles of beaches, and further downstream toward North Shore and Chicago beaches and drinking water intake cribs.

Officials of the Illinois Department of Natural Resources (IDNR), which runs the state park, have pushed for years to use the contaminated sand for "beach nourishment," to replace sand washed away from the popular park's shoreline by the constantly eroding lake currents, which flow from north to south.

Key IDNR officials have contended that much of the asbestos in that pile and in two other giant piles to the west could be filtered out, making it fit for beach nourishment, which would save the financially-hard-pressed agency the expense of spending more than \$500,000-a-year to buy and truck in clean, unquestioned sand.

But the reputation of the asbestos-tainted sand piles is so bad that the U.S. Environmental Protection Agency warned IDNR, in an August 27, 2001, letter, that there was "insufficient evidence" and no "statistical validity" to prove that IDNR's proposal to "decontaminate" the sand piles could be implemented with "no potential health problem" for beach users.

And environmentalists point to an unequivocal ruling by a former director of the Illinois Environmental Protection Agency, Attorney Mary Gade, who held that such sand piles, contaminated with any amount of asbestos, must be considered to be "industrial waste" which--if it were to be moved---could only be taken to a hazardous waste landfill.

Environmental activist Paul Kakuris, who heads a group that focuses on the state park, contends that, "State officials know they can't officially use this sand, because it will further pollute the park beaches that already are regularly contaminated with washed up chunks of asbestos debris and microscopic asbestos particles.

"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.

"And all this is happening," Kakuris pointed out, "just as IDNR's own asbestos cleanup contractor has found potentially-deadly 'friable' asbestos on the beach, and has detected even more dangerous microscopic asbestos particles in the air."

Illinois Attorney General Lisa Madigan has recently nailed citizens or smaller companies with small-time asbestos violations which are much less significant than these egregious violations. Will the IAG prosecute the public officials responsible for dumping the tainted sand at the park and put them in jail? Incidentally, the original source of most of this RACM in the tainted sand is the Johns Manville Superfund site.

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. One wonders why.

Kakuris, who is president of the Illinois Dunesland Preservation Society, said he has now filed state and federal complaints about IDNR's failure to truck away the eastern sand pile, thus consciously contributing to the asbestos contamination of the shoreline.

IDNR officials have for years been angered and frustrated by the November 13, 1998, Mary Gade ruling, branding such asbestos-contaminated sand as "industrial waste." As recently as last year the agency's legal staff stated in an in-house memo that the Illinois EPA was "on the wrong side of this issue," and that some method had to be found to get the IEPA to revise, ignore or throw out the Mary Gade ruling, since Gade left the agency nearly five years ago.

But that staff effort was further handicapped by a little-known IDNR policy on asbestos that is potentially just as bothersome as the Mary Gade policy. State records show that a handful of top IDNR administrators met after the Gade policy was announced. After a lengthy discussion, they adopted the position that the agency should have "zero tolerance" for asbestos in any of the sand that would be used for beach nourishment at Illinois Beach State Park.

The giant, contaminated sand piles at the far north end of the state park were built up during the late 1980's and during the 1990's, with sand that was trucked by IDNR contractors from piles of sand that had been dredged up immediately offshore from the Commonwealth Edison (now Midwest Generation) electrical plant. Other shipments came from nearby quarries.

The lakefront electrical plant is just south of the site of the now-raised Johns Manville asbestos products manufacturing complex, immediately south of the state park. Nearly half of the 320 acre Johns Manville lakefront site has been declared a federal asbestos Superfund

cleanup site because of its widespread contamination. The original source of the tainted asbestos-containing sand embedded in the lake bottom is presumed by state and federal officials to have been the now-razed Johns Manville complex.

The prospect of using the giant sand piles for beach nourishment did not raise any public concern for years because the fact that the sand was contaminated with asbestos was not known by the public.

But in July, 1997, IEPA and IDNR officials discovered the wash-ups of asbestos debris along the state park shoreline, and the news media---tipped off by Dunesland---publicized the park's asbestos problem in February, 1998. At that point the sand that had been dredged from just offshore, immediately south of the Manville plant, started coming under close scrutiny.

Pieces of asbestos and microscopic asbestos particles were found in the dredged sand piles at Commonwealth Edison, in the dredged sand that had been trucked to the north end of the state park, and in sand on the lake bottom just offshore from Commonwealth Edison, from where the beach nourishment sand had been dredged.

"Instead of taking action at that point, to truck away the growing sand piles at the north end of the park, IDNR officials tried to get the IEPA's Mary Gade to say that using the sand for beach nourishment would still be all right," Kakuris related. "But she slammed the door on them, and they've been trying to find some way to get around her ruling ever since," Kakuris explained.

"The reason this problem is suddenly more urgent now is that on-site inspection of this giant eastern sand pile, and aerial photos by Dunesland and others, show that erosion of the sand pile is just now reaching a critical stage.

"The next step in the erosion process---which is already beginning----is going to be the gradual encirclement of much of the sand pile by the eroding wave currents. These currents are now starting to work west along the north end of the pile, and they will then start to work south, behind the pile, until suddenly the whole huge sand pile will start to wash away...under the lashing of fall and winter storms.

"We have now filed formal complaints with the Illinois EPA; with the USEPA, and with the U.S. Army Corps of Engineers, which is supposed to curb illegal beach erosion activities such as we are seeing here," Kakuris declared.

"It will be interesting to see how these 'regulators,' who have permitted this process to occur, respond to our complaints about this erosion and the illegal dumping along the shoreline that IDNR is now doing to try to curb it," Kakuris said.

Jeffrey Camplin, a nationally-known asbestos expert retained by Dunesland to study asbestos problems at the state park, rapped state officials for letting the public have "continued, unrestricted access to the park's beaches," despite the known presence of asbestos debris, airborne asbestos particles, and the potentially-deadly "friable" or crumbling asbestos.

A 2003 Camplin study of asbestos at the park caused:

***Closure of the park's popular steel fishing pier, just south of the old Manville site, because of asbestos contamination. The pier and its parking lot remain closed.

***Creation by Illinois Attorney General Lisa Madigan of a special Task Force to study asbestos problems at the state park, the most heavily-used in Illinois. The Task Force, which has operated in secret, was slated to provide a report declaring the park beaches "safe" by the opening of the swimming season last April. But the report has still not been completed.

In other impending action, Dunesland---under the guidance of its Loop attorney, Donald Metzger---is preparing a lengthy critique of the proposed settlement of a state pollution enforcement lawsuit filed by the state against Johns Manville in June, 2001

The analysis, called for by Lake County Circuit Judge David Hall who is hearing the state lawsuit, is scheduled for submission in mid-October. Dunesland contends the state's suggested settlement "is a sweetheart deal" proposed by the state to let Manville cut the costs of its Superfund Cleanup program.

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