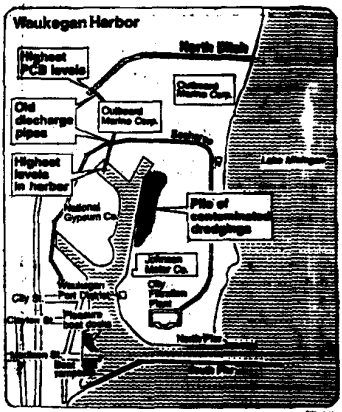
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AUG 20 1978





Dick Robbins (left) and Brad Morton of the Lake Michigan Federation at the north drainage ditch in Waukegan Harbor with the Outboard Marine Corp. plant in background. They claim PCBs were released by the firm from this pipe.

Lawsuits may fix blame

PCBs roil Waukegan Harbor

By John McCarron

EVEN THOUGH the harbor waste around the most severe water pollution cases in the nation, and cleanup of Waukegan Harbor probably will be delayed for several years in a tangle of lawsuits and conflicting engineering reports.

Two years have passed since high concentrations of the toxic chemical PCB (polychlorinated biphenyls) were found in the muck at the bottom of the harbor. The PCBs still remain there, say those familiar with the issue, for several more years until federal dredge and marine engineers answer three questions:

- Who is responsible for the chemicals?
- Can the contaminated dredgings be removed without further damage to Lake Michigan?
- How much would removal—an undertaking pushed unprecedented in scope—cost, and who would pay?

ANSWERS TO THESE questions are expected to come out of three lawsuits filed earlier this year in Federal District Court.

Outboard Marine Corp., the firm which is suspected of discharging the PCBs over an 18-year period, filed the first suit in January. It asks that the U.S. Environmental Protection Agency be ordered to study the extent of contamination and what, if anything, can be done about it.

EPA responded with a lawsuit demanding that Outboard Marine perform this expensive research and, if necessary, remove and dispose of the contaminated sediments.

A SIMILAR SUIT against Outboard Marine was filed two weeks ago by the Illinois attorney general's office.

The suits are being watched closely by environmentalists across the nation because they may settle once and for all who is responsible for regarding enforcement shortfalls, the failures of the government.

But the history of the Waukegan case shows that blame and responsibility are not always clear-cut.

IT ALL BEGAN in 1935 when Outboard Marine began buying chemicals that called "Aroclor" from Monsanto Chemical Co. of St. Louis.

According to Outboard Marine's environmental chief, Thomas Hall, Monsanto told his firm that PCBs were a major ingredient of Aroclor. For that matter, the trade names of PCBs were not generally known until the late 1960s.

Over the next 30 years, Outboard Marine bought a million pounds of the chemicals, Thomas said. It was used in the hydraulic systems of high-pressure die-cast machines and it helped stability from those machines' heated oil from spoiling. That spoiled oil was piped out the north end of the factory, and into a drainage ditch north of the factory which empties into Lake Michigan.

Monsanto informed Outboard Marine in a non-PCB fluid in 1971, Thomas said. Growing concern over the harmful effects of PCBs caused the chemical firm to cease production of it entirely in 1977.

"We had no knowledge we were even using PCBs until February 1976, when the Illinois EPA came in to see and their tests showed PCBs present in the harbor," Thomas said. "Our first response was that it couldn't be us because we don't use it."

THE SAMPLING TAKEN by the EPA at the far north end of the harbor showed PCB levels as high as 400 parts per million. Levels as great as 50 parts per were considered unsafe.

But the worst readings were at a dredging basin at the west end of the North Slip—50,000 parts per million, almost one-quarter of the pile of dredgings would be PCBs.

Further tests of Outboard Marine's discharge pipes uncovered PCB residues, and later in 1976 the company agreed to stop the pollution and to monitor future discharges to assure they do not exceed 25 PCB parts per million.

Thomas said manufacturing processes were tightened for more than a year, while a new drain system was installed at a cost of $500,000.

But the damage had been done, and negotiations between the company and the agencies quickly disintegrated over the discussion turned to who was going to clean up.

AFTER SOME bargaining, Outboard Marine agreed to pay for a $200,000 study of the extent of PCB contamination and its threat to the environment. Thomas said a private consulting firm spent a year on the project and early this year reported that the PCBs in the harbor were essentially "locked in" to the sediments and therefore were "largely out of the environment."

Such a conclusion finds weight in a decade-old study that showed that, in the dredging the harbor and widening the channel into Lake Michigan, a pressure relief zone prevents.

Doesn't the PCB's locked up have the environment?" Thomas asked.

But EPA officials said a final version of the Outboard Marine study was not available to them.

"They have not shown us a study on which any action could be based," said Hans Jahns, the EPA attorney handling the case.

BY EARLY SPRING of this year, it was a standoff, with both sides waiting for the other to pay for any additional studies, the lawsuits showed.

Jahns said the EPA has contracted with another engineering firm to study the PCB problem, but she would not disclose any results of that study, claiming only that it is not yet final. Jahns also said the agency is not satisfied that the Outboard Marine study answers the key questions, as outlined in the lawsuit, and that Outboard Marine is not willing to pay for the thousands of dredgings in the harbor.

Thomas countered with the charges against him, claiming the harbor "muck" is a tremendous task.

UNLESS A SETTLEMENT develops out of court, it appears that the case will be decided by an order federal judge. He is to determine who is to bear the initial costs involved in the dispute. Under the federal water pollution law, it may be up to the polluter to pay up to $3 fund to clean PCBs and other chemicals up to 1 foot below the floor of the harbor, even if things have changed.

All the owners of a dock where Outboard officials are trying to remediate the harbor and a spokesman for the Waukegan Port District, Captain of the Yards, "The present operations of the harbor may have to wait until the dredging issue is settled, one city official said.

"The issue is the heavy quantity of silt to do with the contamination and, by Illinois standards, even though it is not a high level, it is considerably less than the standards of Wisconsin and Michigan," Thomas said. Thomas said only two industries, one in Chicago and one in Waukegan, are known to discharge PCBs into the water, and that is that. He said the transportation of the chemicals should be eliminated.

Thomas said the company had spent millions of dollars and removed more than 1 million pounds of PCBs. That would be about one-quarter of Outboard Marine's 1977 profits.

DICK ROBBINS, director of the Lake Michigan Federation, argues that Outboard Marine should pay whatever is needed to rid the harbor of PCBs.

"They should have a crash program to clean it up rather than spending money to prevent it," Robbins said. "And besides, it's the company's responsibility to do that thing before it starts to spend its money to fix the local zoning laws and are going to change."

What PCB is, what it does

PCBs or polychlorinated biphenyls are chemical compounds used primarily in various kinds of electrical equipment and machinery. Prior to 1971, however, they were used in adhesives, plastics, paints, synthetic rubber, carbonless copy paper, and as a dye carrier.

Studies have shown that PCBs are highly toxic to animals and man. They have been linked to cancer. In fact, one of the first known cases of cancer in man was attributed to Japanese after eating cooking oil contaminated with PCBs.

More recently, fish in the Great Lakes have been found to contain unacceptably high levels. The Food and Drug Administration recommends that the eight counties of Lake Michigan subsist on no more than one meal per month for women of child bearing age.

Even when PCBs are unable to leach through the food chain they can cause damage to land that is polluted.

Symptoms of PCB poisoning in humans include irritation of the eyes, nose and throat, headaches, joint swelling, skin rash and fatigue.

Although PCBs have been found to cause reproductive failure in animals, it is not yet known whether the chemical can cause human infertility.

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