

News From

William J. Scott

ATTORNEY GENERAL
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August 10, 1978, Chicago, Ill.--"People have a fundamental human right to eat uncontaminated food." according to Illinois Attorney General William J. Scott who today filed an action in Federal District Court in Chicago against Outboard Marine Corporation over the discharge of PCBs from Outboard Marine's Waukegan facility into Lake Michigan and Waukegan Harbor. Waukegan Harbor has one of the highest concentrations of PCBs of any location in Lake Michigan, Scott pointed out.

Scott's complaint charges that Outboard Marine, the manufacturer of Johnson Outboard Motors and Evinrude Outboard Motors, has discharged large quantities of polychlorinated biphenyls (commonly known as PCBs) into Waukegan Harbor, Lake Michigan, and the North Ditch, tributary to Lake Michigan. The action seeks civil penalties for the discharge of PCBs, and requests that Outboard Marine be ordered to fund a court supervised study of the available techniques for removal and disposal of the PCBs that have accumulated on its property and in the Harbor and the North Ditch, and to remove and dispose of those PCBs in a manner that will not cause or contribute to environmental harm.

Scott noted that, Lake Michigan fish, including trout and salmon, have been found to contain high levels of PCBs, with many trout and salmon containing PCBs in concentration well over five parts per million ("ppm"). The U.S. Food and Drug Administration had ruled that fish containing greater than five ppm of PCBs is unsafe for human consumption, and has prohibited transportation of fish containing greater than that lavel in interstate commerce.

Scott pointed out that over the last several years, Illinois, Michigan, and Wisconsin, and the U.S. have spent significant sums of money to stock Lake Michigan with trout and salmon to revive sport fishing. It has been estimated that sport fishing in the lake generates over $350 million per year in business. However, since most State governments have recommended that no person consume more than one meal per week of Lake Michigan fish, sport fishing will suffer as a result of the PCB contamination.

Outboard Marine's failure to clean up its lake deposits is "ironic" Scott said. "Outboard Marine has profitted from the stocking of game fish in Lake Michigan, and the boom in the sport fishing market. At the same time, Outboard Marine is at least a contributing cause of the excess PCB concentrations that have the potential

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to destroy sport fishing in the Lake."

"PCBs are known to cause adverse health effects in humans and other animals. The excess PCB contamination of Waukegan Harbor and Lake Michigan presents a serious threat to the health and welfare of the People of the State of Illinois, and to fish and wildlife in Illinois. It is important that the PCBs which are capable of removal be removed and disposed of in an environmentally safe manner. Since Outboard Marine was a source of the PCBs, it is only fair that Outboard Marine bear the responsibility for their removal and disposal." Scott said .

Scott said that "Lake Michigan water generally contains PCBs in very low concentrations." According to Scott, PCBs tend to accumulate in bottom sediments rather than remaining in water. " A U.S. Environmental Protection Agency sediment sampling program conducted in the vicinity of Outboard Marine's Waukegan facility has shown PCBs in extremely high concentrations in the North Ditch, and in the Harbor. In fact, one sediment sample from the North Ditch was approximately 25% PCBs.

Scott indicated that from the early 1950's until 1972 Outboard Marine used 8.4 million pounds of hydraulic fluid containing PCBs and, by its own estimate, 20% of the fluid was released to the Harbor and the North Ditch. Although Outboard Marine has ceased using PCBs, PCBs have accumulated on its property and are still being carried by natural processes to the Harbor and the North Ditch.

The suit was filed by Scott's Environmental Control Division after negotiations with Outboard Marine broke down when it refused to accept full responsibility for the cleanup.

This suit is the most recent in a series of actions Scott has taken to deal with the PCB contamination in Waukegan Harbor and Lake Michigan. Earlier this spring, Scott filed a formal objection to and request for a hearing on Commonwealth Edison's application, filed with the Army Corps of Engineers, for a permit to dredge PCB-contaminated sediments for the intake pond and Lake Michigan at Edison's Waukegan facility. Scott has also filed a formal motion with the Pollution Control Board requesting that the Board withdraw its concurrence of a permit to Waukegan Port District by the Illinois Department of Transportation to dredge in Waukegan Harbor near Outboard Marine's facility. The Board's concurrence is necessary in

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order to make any permit effective.

Scott noted that several possible methods for removal of PCB-contaminated sediments are available,but no detailed environmental studies have been conducted to determine the effect of the different methods. Scott explained that while it is important that PCBs which are capable of removal be removed before further damage is done, the removal of PCB-contaminated sediment, if not properly conducted, may result in the release of PCBs and their further spread throughout the Lake. Thus, as Scott explained, it is extremely critical that no action be taken which may worsen the situation until detailed studies of the problem have identified the most efficient and environmentally safe method to accomplish removal of PCBs.

The action taken by Scott against Outboard Marine and in opposition to the dredging applications by Edison and Waukegan Port District are all intended to ensure that PCBs are removed, but only in a manner that will not have adverse environmental effects.

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