

Dunes News

Published by Illinois Dunesland Preservation Society

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April, 2005



Paul A. Kakuris, President

Luncheon Reservations

Saturday, April 16

Noon \$12

Park Resort

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 April 13.

Dory Havens 847 945-2243

Lorri London 773 271-4938

Dunesland in the News!

Chicago SunTimes

September 13, 2004

September 15, 2004

September 17, 2004

October 25, 2004

December 13, 2004

January 28, 2005

February 8, 2005

Waukegan News Sun

September 10, 2004

September 22, 2004

October 12, 2004

January 8, 2005

January 15, 2005

Conscious Choice

December, 2004

Recent Websites:

irc.org

GreatLakesDirectory.org

angelfire.com

freewillblog.com

SouthernIllinois.com

Underreported.com

One of Dunesland's "Founding Fathers," Ogden Poole "Dunesland's 80 Year History, the Park, and the Vision of the Founders"

Luncheon Meeting on Saturday, April 16 at Noon

Illinois Beach State Park Resort and Conference Center

Don't miss out on a wonderful opportunity to hear the almost eighty year history of the society. We feel very fortunate to have as our guest speaker this month Ogden Poole, a founder of the Illinois Dunesland Preservation Society. Ogden is a current board member, and over time he has served on the board for many years, including the position of president. He also wrote the newsletter at one time and has authored essays on Illinois Beach State Park.

He was a biology teacher for 35 years at Waukegan High School and became chairman of the district science department. Mr. Poole became involved with the fledgling society in the 1940's and took his students on field trips to the park. He also walked at the park regularly and could identify plants that many naturalists and IDNR staff members often didn't know.

Mr. Poole and the English teacher, Miss Hazel Hurlbutt, organized the *Waukegan Junior Dunesland Preservation Society*. They published a newspaper called "Dunesland Sketches." Jack

Bickert published another newspaper called "Sand Scripts."

There were Dunesland meetings and people interested in starting the park since the 1920's. Dr. Bruce Lineberg of Lake Forest College had been interested in the park since 1924.

Finally, the already active Illinois Dunesland Preservation Society was incorporated by the state in 1950 as a tax-exempt, non-profit organization. It is the oldest nature preserve in the country and the oldest environmental group in the Great Lakes region.

Mr. Poole, along with another current board member, Ruth Heringlake, was involved in lobbying the state to purchase land for the park. Members had to fight hard to make the park what it is today. There was privately owned land running into the prairie and a gravel pit was near the entrance. There were no trails, just footpaths formed by

people who walked in the park. Cars parked anywhere and the nature area was often a racetrack for motorcycles.

Our early members fought hard to establish this beautiful park and make it what it is today. They wrote hundreds of letters to garden clubs, the Sierra Club, Audubon Societies, women's clubs, professors in biology departments, etc. They lobbied the legislature and enlisted Governor Otto Kerner's mother to influence him. Finally, the nature preserve bill was signed!

Dr. R.M. Strong of the Chicago Museum of Natural History stressed the need for land acquisition, for a naturalist to be housed in the new lodge, and that a museum be established.

It is unfortunate that state spending cuts are endangering the most visited park in the country eleventh most visited park in the country, as well as other state parks. Our "Crown Jewel" is in trouble. Come, and be inspired by its history! Reenergize your focus to protect our precious park.

Illinois Attorney General Lisa Madigan Fights Dunesland on First Amendment Suit to Distribute Asbestos Safety Flyer at Park IAG & IDNR Block Truthful Information About Risky Asbestos Exposure

Dunesland's Loop attorney, Donald L. F. Metzger will be arguing our First Amendment case in front of Judge David M. Hall on April 5 at 9 AM. Dunesland had requested last summer that the Illinois Department of Natural Resources allow Dunesland to display our asbestos contamination health and safety risks flyer in the park's information area because IDPH has not had their flyer available for years. IDNR had agreed in 1998 to display a flyer and exhibit depicting asbestos, but had pulled their flyer years ago so the public had no information.

Jeffery Camplin, a health and safety expert who specializes in asbestos, created a public health and safety flyer for Dunesland to fill that void. IDNR and the Attorney General's office had blocked Dunesland from distributing the flyer at the park office, the Nature Center and the park lodge. IDNR and the IAG wanted Dunesland to apply for a special permit, attempting to delay the distribution of the flyer which would warn the innocent public about the

inherent dangers on the beach before the busy Labor Day weekend. Inhaling cancer-causing asbestos is risky business; denial of information is even riskier.

Dunesland subsequently filed a First Amendment lawsuit which has dragged on in the Waukegan court where Judge Hall said that Dunesland has important and relevant issues that need to be addressed.

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IAG Blocks Dunesland on First Amendment Rights (continued)

All we wanted to do was display our flyers in the display cases with those of Great America, Gurnee Mills Shopping Center, and state and local health department warnings about *E coli* and West Nile Virus. When questioned, former Park Superintendent Robert Grosso indicated that DNR had not required other groups to obtain the type of permit required of Dunesland, the official society founded to help establish and protect the park. It might lead one to believe that they have something to hide!

IDNR also had display boxes with examples of what ACM might look like; they have disappeared. The signs that were posted downplayed the risk of potential asbestos exposure and contamination.

The public should not even be in an area that contains friable and microscopic asbestos (RACM). Unfortunately, asbestos isn't very easy for the novice to identify. Many chunks have been rounded and abraded by wave action before they hit the beach. Dunesland members have seen children playing with the "rocks" on the beach. Can one surmise they might take them home as souvenirs? Then, the household

would be contaminated.

Dunesland worked very hard to develop a practical, informative pamphlet to help people be able to protect themselves and their families. This service was denied to them by their government officials.

The interference that the IAG has caused by denying Dunesland access to distribute the asbestos flyers has delayed getting the truth about the dangers of asbestos exposure into the public arena. The public and park workers at Illinois Beach have been further exposed to microscopic and friable asbestos while at the park.

Officials from W.R. Grace in Libby, Montana were criminally indicted for covering up relevant information with regard to asbestos exposure and risk. Libby has had an epidemic of asbestos exposures to its residents. Many of them have died and others are very ill. The type of asbestos found is tremolite which is one of the most virulent asbestos cancer-causing fibers. This same virulent asbestos has now been

discovered to be at Illinois Beach State Park. The IAG has refused to shut down these beaches, and there has been no verifiable scientific study indicating that the beaches are safe.

We have been battling official denial of the asbestos issues and other contamination at the park since 1998 and had decided to try a new tactic in litigating an issue.

We filed because our First Amendment rights were being violated. The prohibition against dissemination of the pamphlet deprives Dunesland of Freedom of Speech and equal protection of the laws under the Illinois and U.S. Constitutions. The request was first heard by Judge David M. Hall, Chancery Judge, in Waukegan on September 3.

The Attorney General has taken extreme action in attempting to block Dunesland by filing a Motion to Dismiss, showing an aggressive stance in trying to deny Dunesland's First Amendment rights. Denying the

rights of the public to have this information is unconscionable. This "special treatment" indicates that the efforts of the IAG and IDNR in covering up the truth about asbestos exposure to the public and the park workers is a barometer of what is really being concealed.

Meanwhile, IDNR Director Joel Brunsvold sits idly, refusing to take any action that significantly protects the public at the park, the workers in his own department, state dedicated nature preserve, and the environment which includes the potable waters of Lake Michigan, the water supply for millions.

The beat goes on and another new beach season is about to begin. How long will public officials continue this willful cover-up? How long will the environment and the health and safety of the public be at risk? A risky business, indeed!

Environmental Sellout by IAG, IEPA, State's Attorney and the Court Dunesland Files Appeal in "Friend of the Court" Case

In late March, Dunesland's Loop attorney Donald L.F. Metzger filed a Notice of Appeal in the Illinois Appellate Court to appeal Dunesland's "friend of the court" status in the original case. The Illinois Attorney General was representing the IEPA (Illinois Environmental Protection Agency) in a series of violations which were allegedly committed by Manville. Some of these violations were brought to the attention of the state by Dunesland. Dunesland had charged that the Illinois Attorney General (IAG), Lake County State's Attorney Michael Waller, and IEPA have a "sweetheart" deal with Manville and are covering up other violations that have not been enforced.

Months ago, Judge David M. Hall ruled that Dunesland could not be a party to the suit, but would be allowed a "friend of the court" status which significantly limited Dunesland's ability to participate

in any effective way, legally. Dunesland was a "stepchild," in the case as a consultant to the judge. For the sake of appearances, the Court threw us a bone, but then ignored the overwhelming evidence in our exhibits and documentation of the massive pollution by Manville and inappropriate actions by many government agencies. IAG Lisa Madigan's office continually fought against Dunesland's participation in this case. Judge Hall indicated that Dunesland had a "special interest" in the court action because of our status as a stakeholder in Illinois Beach State Park. Presumably, he conferred that status because we are a protectorate, co-founder, and stewards of the park and the surrounding area.

Even though Hall indicated that Dunesland had a special and unique interest, he denied Dunesland the

right to be a party to the case regarding the settlement. Case law indicates that a party with a special or unique interest can be a full party to a case and intervene; but he denied that right to us. Judge Hall knew that as a "friend of the court," we would not be able to subpoena or depose public officials in order to sort out the truth of the "sweetheart deal" that had been proposed. Judge Hall indicated that he had concerns about the pollution leaving the Manville Superfund site and contaminating the Nature Preserve, the groundwater, and Lake Michigan. Additionally, he told the parties that he lives approximately one mile from the Superfund site and certainly had concerns of his own.

(Continued on following page.)

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It was 1946 when Governor Green set aside \$100,000 for the purchase of the "Waukegan flats." Public petitions changed state plans for landscaping the entire area, the middle and southern portions to be left in a natural state. In 1950, we received our state charter; in 1952, the society voted to affiliate itself with the Nature Conservancy.

Fred Helgren worked as early as 1930, together with other organizations in agitating for the purchase of this land by the state for a park, but to no avail. He served as President, Vice President, and Membership Chair. Fred Helgren's activity on behalf of the Society through these years was consistent even to the point of placing bird seed in the park after the heavy snows of December, 1958. February 8, 1976 meeting notes

Dunesland Files Appeal in “Friend of the Court” Case (continued)

At the beginning of the case, he proposed a series of questions that he wanted Johns-Manville, the IAG, and the Lake County State's Attorney to answer. Months later, at the end of the filings process, Dunesland brought to the attention of Judge Hall that many of his questions were not answered or not adequately answered with regard to the contamination of the environment. He ignored our concerns and left many of his own questions unanswered.

At the beginning of the last hearing prior to Judge Hall's final ruling, he requested that Dunesland's exhibits, totaling over 600 pages, should be removed from the court records immediately. These exhibit documents showed the divisiveness and the cover-ups by Manville, Illinois Environmental Protection Agency (IEPA), IAG, and the Lake County State's Attorney. It's a shame those court files are no longer available to the public and other government agencies for scrutiny so that they can see the proof for themselves because they were removed by Judge Hall. Those exhibits are still available through Dunesland. Additionally, Judge Hall ignored the fact that during the process of those many filings, it was brought to the Court's attention by Dunesland's attorney, Donald L. F. Metzger, that the IAG's office had misrepresented certain issues in order to color their presentations to the Court.

After months of filing pleadings and arguments, Judge Hall ruled that the Consent Decree, as proposed by the Attorney General and Manville, *et al*, was to be approved with essentially no changes. This settlement allowed them to sign off on one of the first Superfund sites in the country and let Manville off with a fine of approximately \$145,000 instead of \$84,000,000 which we calculate could be the true fine if the law were totally followed. That fine is a drop in the bucket on what has been expended by various state agencies and Dunesland in time and money! As signed, the state is probably millions of dollars in the hole for money already spent on this case in salaries and support costs. IEPA's Director Renee Cipriano has achieved some notoriety in under-enforcing violations and fines; this is another example of the IEPA

Director's and IAG's poor commitment to the environment, despite what their websites might tout. Governor Blagojevich should be monitoring what his agency directors are doing to generate revenue for the state, not allowing them to give away the store!

It is an insult to the taxpayers of Illinois, a state in financial crisis, to saddle them with the millions, perhaps billions, of dollars it will cost to mitigate the pollution in the Nature Preserve (adjacent to the Superfund site), Lake Michigan, the groundwater, and the 6 ½ miles of the park's beaches that have been polluted with chemicals; microscopic, inhalable asbestos; and friable asbestos chunks. In addition, what will properly remediating the Superfund site cost? The bottom of those sludge-filled lagoons in the Superfund site covers many acres and is not lined (a design that is no longer legal). The Manville lagoons leak into the groundwater and are located approximately 400 feet from Lake Michigan. A young child could draw the conclusion that the taxpayers of Illinois will need to come up with millions, probably billions, of dollars to clean it up or it will just stay the way it is, wreaking havoc on the environment and the health and safety of the public.

Judge Hall indicated that he didn't "think" he had jurisdiction over many of the environmental issues that Dunesland brought up. The environmental questions about the pollution of the groundwater and Lake Michigan raised by Dunesland were a concern to him, but he "thought" they were not in his jurisdiction. Another concern that Dunesland expressed to Judge Hall was that the IAG, Lake County State's Attorney, IEPA, and Manville refused to create a SEP (Supplemental Environmental Program) which would allow the fines collected to go for programs within the park's State Dedicated Nature Preserve and Federal Critical Habitat, such as testing for pollution, mitigation, and other scientific research relating to Manville's contamination of it.

Dunesland feels Judge Hall let the environment down, as well as his own community because among other things in the court process, Dunesland brought to his attention that the rule used by the USEPA to deem microscopic asbestos particles "safe" (less than 1 % found in soils) was no longer valid. Dunesland supplied Judge Hall with a document from the USEPA which showed that the rule had changed and that 1% was no longer a safe level. In this area, federal and state officials, as

well as John-Manville, had been using the 1% Rule which has now been ruled invalid and unsafe (outside of Judge Hall's courtroom because he ignored the document). Judge Hall ignored the ongoing violations of the Superfund site leaking into the environment and the Nature Preserve, contaminating them with asbestos and other chemicals. He also allowed the agreement to reduce the fines of subsequent violations that Manville might incur.

The Manville Superfund site, as well as the other contaminated areas found near its boundaries, is far from cleaned up. Otherwise, asbestos contamination and chemical pollution wouldn't be fouling our Nature Preserve and air tests wouldn't be picking up asbestos readings on the beaches. Scientific studies show a higher percentage of asbestos-related death clusters in this area than in the rest of the region. Lake and Cook counties are in the top areas for asbestos-related deaths in the country.

Unfortunately, the taxpayers will be assuming the yet unknown liability for the cleanup because the regulatory agencies have refused to do proper testing. Manville is now owned by Warren Buffett's Berkshire Hathaway, Inc. The liability needs to stay with them, not the beleaguered taxpayers whose duty seems to be to just keep on paying for government officials' cover-ups, errors, incompetence, and "sweetheart" deals.

Big Business needs to accept responsibility for a history of unsavory practices; examples abound in the Waukegan/Zion/North Chicago area. Businesses can't continue to make fat profits, foul the environment, and leave the taxpayer holding the bag financially, while suffering catastrophic, often fatal, health problems due to the pollution damages Big Business has caused. When will our government officials do their job in protecting the public rather than protecting, aiding, and abetting the companies which have desecrated our state, yet contribute so much to political campaign coffers?

In Memoriam

Elizabeth (Betty) Deis who was a Dunesland member for many years, passed away peacefully on March 6 at age 89. She was a graduate of Mount Holyoke and the University of Chicago. She was a Wave during WW II. She was a college biology professor and worked in the Education Department of the Field Museum. She was active in many political, environmental, and conservation organizations. Her friends at Dunesland will miss her friendly presence.

In 1954, our membership

list included such well

known people as Dr.

Margery Carlson

(Northwestern University),

Dr. R.M. Strong (President,

Conservation Council) and

Dr. Julian Steyermark

(eminent botanist from the

Chicago Natural History

Museum.

In 1958, Dr. and Mrs.

Yntema were instrumental

in assisting young Jack

Bicket, who was then

Secretary of the Governor's

History Advisory

Committee for the Illinois

Beach State Park, to

establish the Placement of

a natural history exhibit

area at the lodge.

Dr. Yntema and Mrs.

worked tirelessly to acquire

land for the park, bring in

new staff, and protest the

potential marina in 1961. By

1964, the new Wadsworth

Road entrance to the park

and been completed and

the park had the highest

attendance in the state .In

1966, Dr. Yntema, the

naturalist from Wadsworth,

Illinois, accepted the

annual Conservation Award

of the Illinois Audubon

Society which was given to

our Society at the Simpson

Theater of the Field

Museum for Natural

History. 2/8/76 notes

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

Our membership operates on a January 1 calendar year. If you haven't sent in your 2005 dues, please do so.

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. We really need your financial support to pursue ways to protect the park.

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.

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

There are special opportunities such as wetland burns, adopting a section of the park for monitoring, such as locala 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.

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Attend our April 16 Luncheon Meeting!

Mark your calendar now for the June 18, September 17, and November 19, 2005 meetings.

***Illinois Dunesland Preservation Society
P.O. Box 466
Zion, IL 60099***

