

Some harbor businesses don't see how they fit in city's cleanup suit

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WAUKEGAN -- Reaction is ranging from shock to silence among businesses named as defendants in a federal lawsuit filed by Waukegan in an attempt to secure funding for the cleanup of Waukegan Harbor.



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Jerry Larsen, owner of Larsen Marine in Waukegan, stands next to a boat in his showroom at Waukegan Harbor.

(Andre J. Jackson/News-Sun)

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In the lawsuit, the city claims that the prop wash from deep-draft boats serving shoreline businesses such as

National Gypsum and LaFarge has disturbed and redistributed PCBs in the harbor, making the companies liable for the estimated \$36 million cost of removing the contaminants.

"I'm in total shock," said Jerry Larsen, president of Larsen Marine Services, one of the businesses named in the suit. "This is very serious. They're talking about millions of dollars."

Larsen said Monday he doesn't even understand why his business is included in the suit, noting that it does not use and is not served by industrial deep-draft ships.

Larsen Marine services recreational boats "like you see in the harbor," Larsen said, adding that the props from such boats are roughly 2½ feet under water, nowhere near the depth of deep-draft ships.

"It's not even close," he said.

Ironically, Larsen Marine is celebrating its 75th year in business on Waukegan Harbor. Larsen said it is clear that the city "is working very hard" to eliminate the presence of the lakefront businesses, but he predicted it will be a long process.

Larsen also said that based on information he has been given, the remaining level of PCBs in the harbor is low and he doesn't believe it presents a health hazard.

Waukegan Director of Governmental Services Ray Vukovich said Monday that under Superfund cleanup regulations, all property owners, operators and adjacent properties may be brought into such a lawsuit.

Steve Rogers, plant manager for National Gypsum's Waukegan facility, declined to comment on the lawsuit specifically, but emphasized that he still believes the city and harbor businesses could work as partners.

"We're still willing to work with them and do some beautification," Rogers said, adding that the company spent \$100,000 on pine trees, berms and other landscaping features.

"We think we can coexist. There are plenty of other harbors that coexist," he said.

Waukegan officials, however, have made it clear that the city wants a recreational harbor and wants the businesses out.

National Gypsum corporate spokesperson Nancy Spurlock reiterated that the company would like to coexist with the city, and said it is "unfortunate" that the city lost federal cleanup funds in an effort to ban industrial ships from the harbor.

As for the lawsuit, Spurlock said "we think the allegations against us our misplaced. It just seems like another attempt to put pressure on harbor industry."

Other defendants listed in the lawsuit include Bombardier Motor Corp., LaFarge Building Materials, St.

Mary's Cement, the EJ&E Railroad, which delivers materials to the harbor, and the Waukegan Port District, which runs the harbor.

Port District Executive Director Duncan Henderson said he had no comment on the suit, but acknowledged that the district has attorneys looking into it.

Louise Muth, a corporate spokesperson for LaFarge, said the company would not comment because the suit is a "sensitive legal issue."

The PCBs in Waukegan Harbor are attributed to Outboard Marine Corp., which conducted a 1992 dredge to remove about one million pounds of contaminated sediment.

Bombardier purchased OMC's assets in Chapter 11 proceedings in 2001.

OMC was not named as a defendant in the suit due to Chapter 11 bankruptcy status.

In a statement on the lawsuit, city officials said the remaining businesses have not attempted to mitigate the contamination issue.

"The remaining harbor industries have known for years that prop wash from their ships was churning and spreading the PCBs around the harbor," the statement says. "In fact, one of the highest concentrations of PCBs in the Harbor is found in Slip 1 (the south slip), where PCBs were removed in 2001. The remaining Harbor industries have demonstrated little concern that their actions have exacerbated the PCB problem in the Harbor."

U.S. Rep Mark Kirk, R-Highland Park, had helped to arrange the designation of \$24 million in federal funds for the clean-up of the harbor, but that potential financing was lost after the city specified contingencies in the agreement including a ban on industrial ships in the harbor.