

Wedron residents file suit over groundwater contamination

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A lawsuit claiming Fairmount Minerals, among others, is responsible for toxic groundwater contamination in private wells under Wedron, was filed Tuesday in La Salle County Circuit Court.

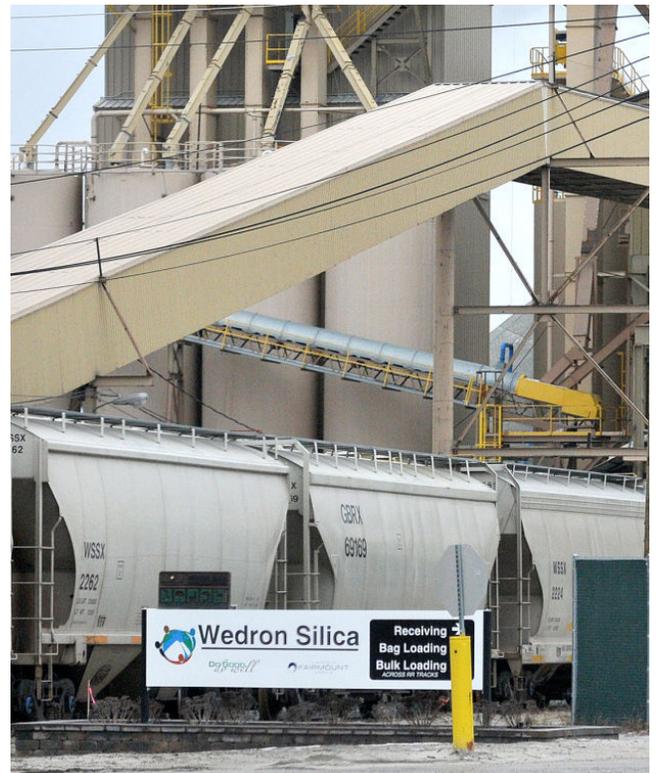
The suit was entered on behalf of 36 local plaintiffs by the law offices of Girardi/Keese, of Los Angeles, Calif., and William J. Stevens, of Bridgman, Mich. against Fairmount Minerals LTD., Wedron Silica Co., Technisand Inc. and Lockheed Martin Corp.

The action alleges the plaintiffs, as a result of exposure to toxic chemicals, have suffered personal injuries — which may include but are not limited to — cancers, kidney and liver damage, fatigue, general weakness, asthma and skin irritation. It says the plaintiffs suffer from a risk of future illness, fear of future illness because of exposure to benzene, toluene, ethyl benzen and xylene as a result of the defendants' contamination of the Wedron area.

The plaintiffs also claim their property rights have been violated and their property has been adversely affected and diminished.

Three of the plaintiffs — Tammy Socha, as heir of Philip Socha; Zoe Claude, as heir of John Harkins; and Cindy Eirhart, as heir of Richard Eirhart — claim their descendants died as a direct result of the conduct of the defendants.

In part, the litigation reads the defendants' acts in "fraudulently concealing and deceiving plaintiffs regarding defendants' release of toxic substance from the (Wedron sand mining/processing) site and the existence of such toxic substance, including the know human carcinogen benzene, in the groundwater, surface and subsurface soil and environment were willful, malicious, intentional and



Fairmount Minerals, also known as Wedron Silica, is at the center of a groundwater pollution investigation in Wedron by the Environmental Protection Agency and the staff of California activist Erin Brockovich. Company officials have disputed the accusing claims of Brockovich and her staff about the plant's responsibility for toxic groundwater pollution under the village.

undertaken with a conscious disregard for the rights and safety of the plaintiffs."

Fairmount Minerals owns Wedron Silica and Techisand, which operates a resin coating facility at the Wedron site. Defendant Lockheed Martin is the successor in interest of Martin Marietta Corp., which previously owned and operated the Wedron sand mining business from 1979 to 1984.

Contacted by The Times on Wednesday, Fairmount Minerals officials said they were unaware of the court filed lawsuit and were unable to comment without knowledge of its details.

Last year, on March 10, California-based environmental activist Erin Brockovich and her chief environmental scientist, Robert Bowcock, bluntly told Wedron residents during a public meeting that her staff's forensic testing of contaminated private wells had pinpointed the toxic groundwater pollution source to the town's only industry — Fairmount Minerals, also known as Wedron Silica.

At that time, Brockovich said, "We can prove by our lab tests that the toxic chemicals found at alarming high levels under Wedron originated from the town's sand mine operations. We are confident of our facts, which now point directly at the sand company."

During the March meeting, Bowcock explained his lab's analysis showed benzene gas levels in the groundwater to be 520,000 times the maximum federal limit and that liquid out of some residential taps probably could run a lawn mower engine.

"That is the highest (level) we've ever had from a residential well water supply," Bowcock told the crowd. "We have informed the Environmental Protection Agency of our findings, and I now believe the EPA also believes the Wedron sand operation is the culprit. The company's fingerprints are in these test results. It is their problem."

Bowcock warned residents who have had EPA-funded water treatment units recently installed in their homes he was "100 percent certain the filtration systems would not work with the levels of concentration of toxic chemicals."

"The water remains a danger (for drinking, bathing or cooking) even after filtration," he said. "And if your well water is OK now— at some future point— it will not be. The plume of pollution is spreading in all directions."

Also with Brockovich and Bowcock that day was Los Angeles attorney Thomas Girardi of Girardi/Keese in Los Angeles,

Girardi told concerned residents a legal option must be considered because "the company has yet to do anything about the problem. Sending a letter won't do it."

Girardi, who revealed during the meeting his law firm had been retained by some Wedron property owners, gave the gathering a sales pitch — not so much for his legal services but for banding together in a comprehensive lawsuit.

"Individually, you don't have much of a voice, but together, the residents of Wedron will have power to recoup relocation and recovery from any potential medical bills. Without question, looking at the alarmingly high pollution levels, you all are facing real serious problems."

Girardi was one of the lead lawyers who worked with Brockovich to secure a \$333 million settlement for residents of Hinkley, Calif., in a landmark 1996 groundwater pollution lawsuit. Actress Julia Roberts portrayed Brockovich in the 2000 film "Erin Brockovich," which chronicled that case.

In July, an Illinois-licensed engineer and consultant with decades of experience in the U.S. Environmental Protection Agency and private environmental investigations — hired by Fairmount Minerals— disputed the Brockovich team's damning conclusions.

"I take exception that the data (from polluted water well testing) absolutely points to Wedron Silica," said Richard Bartelt, of Richard Bartelt and Associates LLC., of Evanston.

Bartelt told The Times the assertion the groundwater contamination is coming (or has come) from Fairmount's sand operations was inconsistent with his analysis of the sampling data.

Wedron's history of contaminated drinking water dates back more than 30 years.

In 1982, the Illinois EPA began a groundwater investigation after the Illinois Department of Public Health received complaints from several residents of gasoline odors from their wells.

After confirming the presence of chemical found in gasoline (the same detailed in the lawsuit— benzene, toluene, ethyl benzene and xylene) from several wells, a new, deeper well was drilled to provide clean drinking water to the affected homes.

In 2011, several other property owners reported the same pungent gas smell from their faucets. Again, testing found high levels of benzene, with some samples soaring 70 times the allowed standard. In November 2011, the La Salle County Health Department warned these residents to cease all use of their well water.

Late last fall, the EPA completed the installation of eight private drinking water wells in Wedron to replace existing wells which had benzene contamination. The wells were drilled into the lower New Richmond aquifer which provides potable water to many of the residents in LaSalle County.

The agency continues to oversee groundwater and soil investigations in a search for the pollution's origins. It holds regular meetings with Wedron residents to keep concerned citizens informed.