

Aqua Illinois facing lawsuits over lead in University Park water

HOT TOPICS

By Scott Holland | Sep 6, 2019

CHICAGO — Already under fire from the state and Will County, Aqua Illinois now faces a class action lawsuit over lead in the water it supplies to the village of University Park.

On Aug. 16, Illinois Attorney General Kwame Raoul and Will County State’s Attorney James Glasgow **sued Aqua**, which owns and operates the public water system that provides drinking water to University Park, a community that straddles the line that divides Cook and Will counties. The state attorneys filed the suit in Will County Circuit Court.

Village residents Joann and William Henderson followed the state's lawsuit by filing a **class action Sept. 3** in Cook County Circuit Court. They are represented by attorneys from Zimmerman Law Offices P.C., of Chicago.

As in the August action, the Hendersons said Aqua changed the village water supply in the summer of 2017 by adding a different chemical mix to remove iron and rust, then in December switched the source from groundwater wells to the Kankakee River.

The Hendersons said those changes “resulted in the removal of a protective layer in residential plumbing throughout the Village, causing lead to leach into the water.” Both lawsuits point out the Illinois Environmental Protection Agency classifies University Park as an environmental justice concern based on its percentage of low income and minority residents.

Raoul and Glasgow alleged Aqua violated state construction and operating permit requirements, failed to comply with the monitoring and sampling requirements for customers and created a public nuisance, according to a joint release. They said the switch in sources compels Aqua to conduct testing every six months — the Hendersons said Aqua waited almost eight months for the first test — and noted it reported elevated lead levels to the IEPA in May and later issued a notice to residents warning them not to drink the water.

July testing continued to show elevated lead levels, and in August, 27 of 60 samples contained lead levels above the regulatory action level. The company is currently providing bottled water, pitchers with filters and faucet filters to impacted customers.

The Hendersons seek certification of a class including anyone who has lived in University Park since the 2017 changeover. They accused Aqua of nuisance, negligence and trespass, because they said Aqua’s conduct caused the lead to trespass into and damage the water supply and residents’ homes. They want a judge to award “damages, including, but not limited to, out of pocket damages, and discomfort, aggravation and annoyance” as well as compensation for legal fees.

Raoul and Glasgow said they want a preliminary injunction requiring Aqua to immediately correct the situation. The state's lawsuit also seeks to require Aqua to provide residents permanent, safe drinking water, as well as the maximum allowable statutory penalties under civil law.

Senior Assistant Attorneys General Evan McGinley and Kathryn Pamenter are handling the case for Raoul's Environmental Enforcement Division. Assistant State's Attorneys Phil Mock and Mary Tatroe are handling the case for the Will County State's Attorney's office.

"We have seen the damage that has been done in environmental justice communities in other states when contaminated drinking water is not addressed immediately," Raoul said in a statement announcing the state's legal action.