



June 9, 2009

MADIGAN FILES SUIT AGAINST VILLAGE OF CRESTWOOD OVER CONTAMINATED DRINKING WATER

Nine-Count Lawsuit Alleges that Crestwood Knowingly Distributed Contaminated Water And Unlawfully Hid Contamination from Residents and IEPA

Chicago - Attorney General Lisa Madigan today filed a lawsuit against the Village of Crestwood, Mayor Robert Stranczek, former Mayor Chester Stanczek and Frank Scaccia, the former certified operator of the Crestwood Water Supply, for failing to provide assuredly safe water to the customers of the water supply and for knowingly providing false information about the water supply to residents and the Illinois Environmental Protection Agency (IEPA).

The Crestwood Water Supply serves more than 11,000 people through more than 3,000 connections to residential customers and 600 commercial and industrial customers. According to Madigan's lawsuit, in late 1985, Crestwood officials became aware that Crestwood's well #1 was contaminated with volatile organic chemicals. Despite that information, Crestwood officials allegedly continued adding water from well #1 to the public water supply. They continued this practice until 2007. Throughout this period, Crestwood officials allegedly covered up the use of the contaminated well by falsely assuring residents and the IEPA that the Village was not using the well.

"Crestwood officials violated the public's trust and the laws designed to protect public health," said Attorney General Madigan. "For years, Crestwood officials failed to ensure that the water supply was safe and repeatedly failed to disclose to residents and the IEPA that the village was using water from the contaminated well as part of the public water supply. Through this lawsuit, we are seeking to hold these officials accountable for their conduct and to make sure that this does not happen again in Illinois."

In November 1985 and August 1986, samples taken from the Village of Crestwood's well #1 revealed the presence of volatile organic chemicals (VOCs) in the water. Despite this contamination, Crestwood obtained drinking water from well #1 each and every year from Oct. 1, 1985 through Sept. 30, 2007. Instead of reporting this use of well #1, from 1986 to 2008, Crestwood officials reported annually that the Village's only source of water was Lake Michigan water purchased from the Village of Alsip.

Madigan's complaint alleges that the defendants failed to operate Crestwood's public water supply in a way that would assure that the water was safe and clean. Specifically, the suit charges that the defendants allowed well #1 to be contaminated and failed to follow the laws requiring testing of public water systems for inorganic chemicals, volatile organic compounds and synthetic organic chemicals. Instead of performing the legally required testing to determine the safety of the well water being added to the public water supply, the defendants made repeated misrepresentations to the IEPA that the well was used only as an emergency backup well, rather than as a source of water delivered to customers, and therefore did not require testing.

The suit also alleges that the defendants repeatedly misled residents and the IEPA by failing to inform them that Crestwood was adding water from the contaminated well to the drinking water supply. As required by law, Crestwood provided to water customers and the IEPA an annual drinking water quality consumer confidence report, which included information on the source of drinking water in the distribution system. Madigan's suit alleges that from 1999 through 2008, the reports made no mention of well #1 as a source of drinking water.

Crestwood now maintains that it stopped using water from the well as a source of drinking water as of October 2007. The Village permanently abandoned, capped and rendered the well inoperable on March 20, 2009.

Attorney General Madigan's complaint contains nine counts against some or all of the defendants:

- Count I, against the Village, former Mayor Chester Stranczek, Mayor Robert Stranczek and Frank Scaccia, alleges that the defendants provided false information in annual drinking water quality Consumer Confidence Reports (CCRs) by failing to identify well #1 as a drinking water source from 1999 through 2008.
- Count II, against the Village, former Mayor Chester Stranczek, Mayor Robert Stranczek and Frank Scaccia, alleges that the defendants provided false information in annual drinking water quality CCRs by failing to report information on contaminants subject to mandatory monitoring from 1999 through 2008.
- Count III, against the Village, former Mayor Chester Stranczek, Mayor Robert Stranczek and Frank Scaccia, alleges that the defendants provided false information in annual drinking water quality CCRs by failing to report required health information from 1999 through 2008.
- Count IV, against the Village and Frank Scaccia, alleges that the defendants provided false information in monthly operating reports for the years 1998, and 2000 through 2007 by falsely stating that well #1 was a "standby" source of water and that no water had been pumped from it.
- Count V, against the Village, former Mayor Chester Stranczek and Frank Scaccia, alleges that the defendants failed to test water from well #1 at the required intervals for evidence of inorganic chemicals, VOCs and synthetic organic compounds and falsely maintained that the well was not subject to such testing by continuing to misrepresent it as only an emergency backup water supply.
- Count VI, against the Village, Mayor Robert Stranczek, former Mayor Chester Stranczek and Frank Scaccia, alleges that the defendants failed to supply assuredly safe water. This count charges that by their actions at various times from 1985 through the filing of the complaint, the defendants allowed VOCs to exist in well #1, allowed concentrations of vinyl chloride to exceed lawful limits, and falsified monthly operating reports and the annual water quality CCRs.
- Count VII, against the Village, former Mayor Chester Stranczek and Frank Scaccia, alleges that the defendants failed to monitor and record the chlorination of the Crestwood Water Supply based on IEPA inspections. For example, in November 2007, the IEPA reviewed Crestwood's monthly operating reports and found there was no variation in test results of chlorination for the prior 730 days. Based on this and other inspections, Madigan's suit maintains that Crestwood never measured or reported the true level of chlorine in the drinking water.
- Count VIII, against the Village, former Mayor Chester Stranczek and Frank Scaccia, alleges that the defendants failed to submit various monthly reports in a timely manner. By law, operating reports for a municipal water system must be submitted to the IEPA within 30 days of the last day of each month.
- Count IX, against the Village, Mayor Robert Stranczek and Frank Scaccia, alleges that the defendants failed to maintain the proper elevation of the overflow pipe on one of the Village's two one-million gallon storage tanks. Such overflow must be between 12 and 24 inches above the ground and located so that any discharge is visible.

In each of the counts, Madigan asks the court to order the defendant to pay the statutory maximum civil penalties of \$50,000 for each violation of the Illinois Environmental Protection Act and Illinois Pollution Control Board regulations and an additional \$10,000 for each day the violation continued.

Assistant Attorneys General Stephen Sylvester and Paula Wheeler are handling the case, along with Environmental Enforcement Division Chief Matthew Dunn and Environmental Bureau Chief RoseMarie Cazeau.

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