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Hillcrest residents eye lawsuit *C. M. SCHMIDLKOFER STAFF WRITER*

Homeowners in the Hillcrest subdivision in Wauconda Township may seek legal action to get safe drinking water in their homes.

Attorneys from a Naperville law firm advised residents that a class action lawsuit could help them gain a connection to municipal water, most likely from Wauconda resources.

Area activists, Jay Glenn, Victoria Freese and Loraine Ray invited attorneys from The Collins Law Firm to address Hillcrest residents on legal options at a July 27 meeting at the Wauconda American Legion Hall.

Located at Bonner and Garland roads, 81 of the subdivision's 121 residential wells show traces of vinyl chloride, a known human carcinogen. Residents suspect the source is a nearby Superfund site, formerly occupied by Wauconda Sand & Gravel, used as a dump site by 14 entities. The contamination was discovered by the Lake County Health Department in September 2003.

While federal, state and local officials provide assurances current levels don't pose an immediate health threat, residents aren't buying it.

Resident Karen Thoren-Day said she has been ill on and off for the past four of her 33 years as a resident in Hillcrest. She attributes her undiagnosed illnesses, and cancers suffered by her neighbors, to toxins leached into well water from the nearby Superfund site.

"It hurts to think nobody thought of that (when dumping occurred at the Wauconda Sand & Gravel site from 1950 to 1978)," she said.

Afraid to drink water

"There are a lot of sick people here," added resident Patricia Bardell. "And people are afraid to drink their water."

Attorney Shawn Collins, founder of The Collins Law Firm, said residents should be afraid to drink their water.

"I am here to tell you any level of vinyl chloride in your wells is a problem," he told about 150 residents at the meeting.

It is more than likely that undetectable traces have been in residents' well water for years, before being discovered last year, he said, and the spread of the chemical to other areas is likely.

Collins' law firm is well-versed in environmental litigation, having recently won \$10 million for 186 Lisle residents whose well water was contaminated with trichlorethylene (TCE), a suspected carcinogen.

"Vinyl chloride is worse," he said, with links to several cancers including liver, kidney, cervical and non-Hodgkin's lymphoma.

Long-term pollution

Collins added that there is no quick fix that will clean up the contamination. Usually pollution remains in groundwater up to four generations, he said.

The solution is to get a source of safe drinking water as soon as possible, he said.

Referring to the law firm's Lisle win, Collins said that public outcry by residents propelled that village's officials to provide municipal water to affected residents through low-interest loans before a lawsuit against the village was settled.

Collins recommended Hillcrest residents form a similar action group now to force officials to move quickly to provide safe drinking water.

"Frankly, I wouldn't wait for a lawsuit," he said. "Your government knew you were under threat 20 years ago ... The worst thing you can do is to do nothing."

Collins' partner, Ed Manzke, told residents a class action lawsuit could possibly bring them municipal water and cover losses in property values resulting from contamination. Personal injury lawsuits would need to be handled on a case-by-case basis.

Window for suing

He warned there is a statute of limitations on personal injury lawsuits.

"There's only a couple of years from the time you know of exposure to certain chemicals to file (a lawsuit)," he said.

The "potentially responsible parties" (PRPs), a group of 14 entities -- including the village of Wauconda -- that used the dump site, would be held liable for damages incurred by residents should the source of the vinyl chloride be linked to the Superfund site.

To date the law firm has not filed a lawsuit or been retained any clients regarding well contamination in Hillcrest.

Collins stated his firm would investigate the situation over the next few weeks to see if residents have a case. If a lawsuit is filed, the law firm would work on a contingency basis, paying for expenses relating to the suit out-of-pocket and collecting one-third of any settlement.

Well testing continues periodically by Conestoga-Rover & Associates, a Minnesota-based firm that monitors the Superfund site on behalf of the PRPs.

Monitoring wells

The company is digging four new monitoring wells and checking septic systems and an old city dump will to find the extent and source of vinyl chloride in the area.

Conestoga-Rover has come under fire from Hillcrest residents for not providing drinking water to all residents and for the amount of time it has taken to locate the source of the vinyl chloride contamination.

Lake County board member Bonnie Thomson Carter, R-5th, has asked that Conestoga-Rover provide bottled water to all residents instead of just the few that have higher levels of vinyl chloride in their wells, for their peace of mind.

"Everyone needs to be pushing to get a resolution to this," she said. "I think the residents will get the best results from multiple approaches," she said, referring to getting legal representation as well as forming a community advisory group.

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