

ILLINOIS POLLUTION CONTROL BOARD  
March 3, 2011

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 11-52  
) (Enforcement - Water)  
WINDSOR LAKE PARTNERSHIPS, an )  
Illinois limited partnership, JAMES DURKEE, )  
an individual, and SANDY SOKOLICK, an )  
individual, )  
)  
Respondents. )

ORDER OF THE BOARD (by G.T. Girard):

On February 23, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Windsor Lake Partnerships, James Durkee, and Sandy Sokolick (collectively, respondents). The complaint concerns respondents' lift station at 1752 Windsor Road in Loves Park, Winnebago County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated the following provisions in the manner described: (1) Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) by discharging untreated sewage into Windsor Lake, a water of the State, causing or allowing water pollution; (2) Section 12(d) of the Act (415 ILCS 5/12(d) (2010)) by creating a water pollution hazard when the overflow of untreated wastewater deposited contaminants on the land; (3) Section 12(f) of the Act (415 ILCS 5/12(f) (2010)) by discharging untreated sewage into Windsor Lake without a National Pollutant Discharge Elimination System (NPDES) permit; (4) Section 304.106 of the Board's water pollution regulations (35 Ill. Adm. Code 304.106) and thereby Section 12(a) of the Act by causing offensive discharges through discharging untreated sewage, an effluent, into Windsor Lake; (5) Section 306.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 306.102(a)) and thereby Section 12(a) of the Act by failing to maintain the lift station's backup systems in operable condition to minimize violations in the event of a power or equipment failure; and (6) Section 306.304 of the Board's water pollution regulations (35 Ill. Adm. Code 306.304) and thereby Section 12(a) of the Act by allowing the sanitary sewer overflow from the lift station. The Board finds that the complaint meets the applicable content

requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On February 23, 2011, simultaneously with the People's complaint, the People and respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents admit the alleged violations and agree to pay a civil penalty of \$3,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 3, 2011, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board