



**SERVICE LIST**

**Via Email**

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**Via Email**

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Illinois Pollution Control Board  
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**CERTIFICATE OF SERVICE**

I, Kathryn A. Pamenter, a Senior Assistant Attorney General, do certify that on this 18th day of March, 2022, I caused to be served a copy of the foregoing Notice of Filing and Motion for Leave to File First Amended Complaint upon the persons listed on the attached Service List as set forth therein.

/s/ Kathryn A. Pamenter  
Kathryn A. Pamenter  
Senior Assistant Attorney General  
Environmental Bureau  
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69 W. Washington Street, Suite 1800  
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[Kathryn.Pamenter@ilag.gov](mailto:Kathryn.Pamenter@ilag.gov)

Date: March 18, 2022



made upon Faatima LLC, not Mr. Elnatour. As a result, Complainant seeks to amend the original complaint to reflect Faatima LLC as (a) the owner/operator of the Facility as of March 17, 2017, and (b) the Respondent, and to include corresponding changes.

4. Contemporaneously herewith, Complainant filed a Second Revised Certificate of Service of Complaint, which is incorporated herein by reference, reflecting the service of the original complaint in light of the information Complainant learned on February 8, 2022.

5. A proposed First Amended Complaint is attached hereto as Exhibit A and incorporated herein by reference.

6. The cause of action asserted in the First Amended Complaint concerns the same site and arose out of the same transaction or occurrence as alleged in the originally filed complaint.

7. The respondent will not be prejudiced in any way by allowing this amendment.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the entry of an order granting it leave to file its First Amended Complaint and such other relief as the Board deems appropriate.

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney  
General of the State of Illinois

By: Kathryn A. Pamenter  
KATHRYN A. PAMENTER  
Senior Assistant Attorney General  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 22-8
	)	(Enforcement - Air)
MOHAMED ELNATOUR, an individual	)	
d/b/a Faatima Citgo,	)	
	)	
Respondent.	)	

**MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

EXHIBIT A

FIRST AMENDED COMPLAINT



4. Since March 17, 2017, Respondent has owned and operated, and continues to own and operate, gasoline dispensing pumps at the Facility that emit volatile organic compounds (“VOCs”) into the environment.

5. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

6. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

7. Respondent, an Illinois limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

8. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

9. VOCs are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

10. Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C), provides as follows:

The owner or operator of a gasoline dispensing operation and the contractors that performed the decommissioning shall complete and sign a decommissioning

checklist and certification, provided by the Agency, documenting the decommissioning procedures performed. Within 30 days after completion of the decommissioning procedures specified by subsection (i)(2)(B), the owner or operator shall provide the completed checklist and certification and the test results to the Agency.

11. Section 218.586(a)(7) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(7), provides the following definition:

“Gasoline dispensing operation” means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

12. Since March 17, 2017, Respondent has been, and continues to be, a “gasoline dispensing operation,” as that term is defined in Section 218.586(a)(7) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(7).

13. Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11), provides the following definition:

“Owner” or “operator” means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.

14. Respondent is an “owner” or “operator”, as that term is defined in Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11).

15. On or about January 5, 2022, Respondent submitted a decommissioning checklist and certification to Illinois EPA regarding Respondent’s gasoline dispensing operation. Such submission was not timely pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

16. On or about January 7, 2022, Respondent submitted test results to Illinois EPA regarding Respondent’s gasoline dispensing operation. Such submission was not timely pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

17. By violating Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C), Respondent caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and has thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, FAATIMA LLC, an Illinois limited liability company, with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C);

3. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

4. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

5. Granting other such relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
by KWAME RAOUL, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:

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