ILLINOIS POLLUTION CONTROL BOARD April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 22-8 (Enforcement - Air)
MOHAMED ELNATOUR., an Individual)	(Emoreement 1tm)
d/b/a Faatima Citgo,)	
Respondent.)	

ORDER OF THE BOARD (by J. Van Wie):

On September 27, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Mohamed Elnatour, d/b/a/ Faatima Citgo. The complaint concerns a gasoline dispensing facility located at 1530 West 111th Street, Chicago, Cook County.

On March 18, 2022, the People filed a motion for leave to file an amended complaint (Mot.). On February 8, 2022, respondent's counsel informed the People that ownership of the facility changed as of March 17, 2017. The People also learned that the October 4, 2021 service of the originally filed complaint had been made upon Faatima LLC, not Mr. Elnatour. Mot. at 1-2. The People request to amend the complaint to properly name Faatima LLC as the respondent.

The Board grants the unopposed motion for leave to amend the complaint, substituting Faatima LLC as the respondent.¹ The Board finds that the amended complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

Simultaneously with the motion for leave to amend the complaint, the parties have filed a stipulation and proposed settlement, and now seek to settle the complaint without a hearing. For the reasons below, the Board 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 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People's amended complaint alleges that Faatima LLC violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586 (i)(2)(C) of the Board's air pollution regulations. (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)). The People allege that Faatima LLC committed these violations by failing to

¹ The caption of subsequent orders in this proceeding will name Faatima LLC as the respondent.

timely submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment so as to violate Board regulations.

On March 18, 2022, the People and Faatima LLC 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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, Faatima LLC does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 7, 2022, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown