



**Service List**

John C. Justice  
Microcosm  
1699 S. 55<sup>th</sup> Avenue  
Cicero, IL 60804-1817

**CERTIFICATE OF SERVICE**

I, Ellen F. O’Laughlin, a Senior Assistant Attorney General, certify that on the 3rd day of January, 2023, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601 by certified mail with return receipt.

/s/ Ellen F. O’Laughlin  
Ellen F. O’Laughlin  
Senior Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General’s Office  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 23-
	)	(Enforcement-Air)
JOHN C. JUSTICE, d/b/a MICROCOSM,	)	
	)	
Respondent.	)	

**COMPLAINT**

The Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, JOHN C. JUSTICE, d/b/a MICROCOSM, as follows:

**COUNT I**

**FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE ANNUAL EMISSIONS REPORTS**

1. This Count is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against John C. Justice d/b/a Microcosm, (“Respondent”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).
2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this Count, Respondent has operated and continues to operate a facility, located at 1699 S. 55th Avenue, Cicero, Illinois (“Facility”).

4. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

5. At all times relevant to this Complaint, the Facility operated two (2) coating lines equipped with natural gas-fired curing ovens and open coating applications on each coating line, which is capable of emitting volatile organic materials (“VOM”) into the environment.

6. 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.

7. 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.

8. Respondent, an individual, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

9. 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.

10. VOM is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

11. Section 201.302(a) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

The owner or operator of any emission unit or air pollution control equipment, meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.

12. Section 254.102(a)(2) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(2), provides as follows:

(a) Subpart B of this Part applies to:

\* \* \*

(2) Owners or operators of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5];

13. Respondent operates under Lifetime Operating Permit 94100002, issued November 14, 2013.

14. Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides:

Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

15. Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

16. Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, provides the following definition:

“Owner or operator” means any person who owns, operates, leases, controls, or supervises a source, an emission unit or air pollution control equipment.”

17. Respondent is an “owner or operator” as that term is defined by Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370.

18. Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, provides the following definition:

“Emission unit” means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.”

19. Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, provides the following definition:

“Stationary source” means any building, structure, facility or installation that emits or may emit any air pollutant.

20. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370, provides the following definition:

“Air pollutant” means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term “air pollutant” is used.

21. The Facility is a building, which is a “stationary source,” where Respondent operates coating lines which are “emission units” capable of emitting VOM, which is an “air pollutant” as those terms are defined in Sections 211.6370, 211.1950, and 211.370, respectively, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, 211.1950, and 211.370.

22. Beginning on a date or dates better known to Respondent, and continuing to the date of the filing of this Complaint, Respondent, as the owner or operator of emissions units, is

required pursuant to Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Sections 254.132(a) and 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a) and 254.137(a), to submit Annual Emissions Reports (“AERs”) to the Illinois EPA each year by May 1 for the preceding calendar year.

23. As of the date of the filing of this Complaint, Respondent has not submitted to the Illinois EPA a complete and accurate AER for the calendar year 2019.

24. By failing to timely submit a complete and accurate AER for the year 2019, Respondent has violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a). Respondent 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, JOHN C. JUSTICE, d/b/a MICROCOSM, 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 violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

3. Ordering Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);



4. Ordering the Respondent to take immediate action to correct the violations by submitting to the Illinois EPA a complete and accurate AER for the calendar year 2019;
5. 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;
6. Taxing all costs in this action, including but not limited to attorney, expert witness and consultant fees against Respondent; and
7. Granting such other relief as this Board deems appropriate and just.

## **COUNT II**

### **FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE ANNUAL EMISSIONS REPORTS**

1. This Count is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion against Respondent, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).
- 2-22. Complainant re-alleges and incorporates by reference herein, Paragraphs 2-22 of Count I as Paragraphs 2-22 of this Count II.
23. As of the date of the filing of this Complaint, Respondent has not submitted to the Illinois EPA complete and accurate AERs for the calendar years 2020 and 2021.
24. By failing to timely submit complete and accurate AERs for the years 2020 and 2021, Respondent has violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a). Respondent 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, JOHN C. JUSTICE, d/b/a MICROCOSM, with respect to Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein.
2. Finding that Respondent violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);
3. Ordering Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);
4. Ordering the Respondent to take immediate action to correct the violations by submitting to the Illinois EPA complete and accurate AERs for the calendar years 2020 and 2021;
5. Assessing against the 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;
6. Taxing all costs in this action, including but not limited to attorney, expert witness and consultant fees against Respondent; and

7. Granting such other relief as this Board deems appropriate and just.

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

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