

ILLINOIS POLLUTION CONTROL BOARD

May 9, 2024

PEOPLE OF THE STATE OF ILLINOIS, )  
by KWAME RAOUL, Attorney General )  
Of the State of Illinois )  
Complainant, )  
 )  
v. ) PCB 24-67  
 ) (Enforcement - Land)  
 )  
TITAN INDUSTRIES, an Illinois corporation, )  
d/b/a MACKINAW VALLEY POWDER )  
COATING; and MR REAL PROPERTIES, )  
LLC, an Illinois limited liability company )  
 )  
Respondents. )

RESPONDENTS' ANSWER TO COMPLAINT

NOW COMES the Respondents TITAN INDUSTRIES, INC d/b/a MACKINAW VALLEY POWDER COATING (herein after "TITAN") and MR. REAL PROPERTIES, LLC, hereinafter "REAL PROPERTIES") (hereinafter collectively "Respondents"), and in answer to the complaint of Complainant PEOPLE OF THE STATE OF ILLINOIS by Kwame Raoul, Attorney General of the State of Illinois (hereinafter "STATE OF ILLINOIS") answer and respond as follows:

**Count 1**  
**Open Dumping of Waste**

1. Respondents admit the allegations set forth in paragraph 1 of Count 1 of the complaint.
2. Respondents admit the allegations set forth in paragraph 2 of Count 1 of the complaint.
3. Respondents admit the allegations set forth in paragraph 3 of Count 1 of the complaint.
4. Respondents admit the allegations set forth in paragraph 4 of Count 1 of the complaint.
5. Respondents admit the allegations set forth in paragraph 5 of Count 1 of the complaint.
6. Respondents admit the allegations set forth in paragraph 6 of Count 1 of the complaint.
7. Respondents admit the allegations set forth in paragraph 7 of Count 1 of the complaint.
8. Respondents admit the allegations set forth in paragraph 8 of Count 1 of the complaint.

9. In response to paragraph 9 of Count 1 Respondents are without sufficient knowledge or information to form a belief as to whether Complainant received a complaint that Titan was conducting outdoor sandblasting operations, and that the Illinois EPA performed a Compliance Evaluation Inspection and therefore denies same. Respondents admit the remaining allegations set forth therein.
10. Respondents admit the allegations set forth in paragraph 10 of Count 1 of the complaint.
11. Respondents deny the allegations set forth in paragraph 11 of Count 1 of the complaint.
12. Respondents admit the allegations set forth in paragraph 12 of Count 1 of the complaint.
13. Respondents admit the allegations set forth in paragraph 13 of Count 1 of the complaint.
14. Respondents admit the allegations set forth in paragraph 14 of Count 1 of the complaint.
15. Respondents admit the allegations set forth in paragraph 15 of Count 1 of the complaint.
16. Respondents admit the allegations set forth in paragraph 16 of Count 1 of the complaint.
17. Respondents admit the allegations set forth in paragraph 17 of Count 1 of the complaint.
18. Respondents admit the allegations set forth in paragraph 18 of Count 1 of the complaint.
19. Respondents admit the allegations set forth in paragraph 19 of Count 1 of the complaint.
20. Respondents deny the allegations set forth in paragraph 20 of Count 1 of the complaint.
21. Respondents admit the allegations set forth in paragraph 21 of Count 1 of the complaint.
22. Respondents admit the allegations set forth in paragraph 22 of Count 1 of the complaint.
23. Respondents admit the allegations set forth in paragraph 23 of Count 1 of the complaint.
24. Respondents admit the allegations set forth in paragraph 24 of Count 1 of the complaint.
25. Respondents deny the allegations set forth in paragraph 25 of Count 1 of the complaint.
26. Respondents deny the allegations set forth in paragraph 26 of Count 1 of the complaint.
27. Respondents admit the allegations set forth in paragraph 27 of Count 1 of the complaint.

28. Respondents admit the allegations set forth in paragraph 28 of Count 1 of the complaint.

29. Respondents deny the allegations set forth in paragraph 29 of Count 1 of the complaint.

30. Respondents deny the allegations set forth in paragraph 30 of Count 1 of the complaint.

31. Respondents deny the allegations set forth in paragraph 31 of Count 1 of the complaint.

WHEREFORE Respondents TITAN INDUSTRIES, an Illinois corporation, d/b/a MACKINAW VALLEY POWDER COATING and MR REAL PROPERTIES, LLC respectfully request that the board

- A. enter an order dismissing the complaint and ordering Complainant to pay all costs, including expert witnesses, consultants, and attorney's fees expended by Respondents.
- B. Ordering such other and further relief as the Board deems appropriate and equitable.

**Count II**  
**Open Dumping, Resulting No Litter**

1 – 31. Respondents restate and incorporate by reference herein paragraph 1 through 31 of Count 1 of their answers as paragraphs 1 through 31 of this Count II.

32. Respondents admit the allegations set forth in paragraph 32 of Count II of the complaint.

33. Respondents admit the allegations set forth in paragraph 33 of Count II of the complaint.

34. Respondents deny the allegations set forth in paragraph 34 of Count II of the complaint.

35. Respondents deny the allegations set forth in paragraph 35 of Count II of the complaint.

WHEREFORE Respondents TITAN INDUSTRIES, an Illinois corporation, d/b/a MACKINAW VALLEY POWDER COATING and MR REAL PROPERTIES, LLC respectfully request that the Board

- A. enter an order dismissing Count II of the Complaint,
- B. Ordering Complainant to pay all cost, including expert witnesses, consultants, and attorney's fees expended by Respondents and
- C. Ordering such other and further relief as the Board deems appropriate and equitable.

**Count III**  
**Conducting a waste disposal operation without a permit**

1 – 31. Respondents restate and incorporate by reference herein paragraph 1 through 31 of Count 1 of their answers as paragraphs 1 through 31 of this Count III.

32. Respondents admit the allegations set forth in paragraph 32 of Count III of the complaint.

33. Respondents admit the allegations set forth in paragraph 33 of Count III of the complaint.
34. Respondents deny the allegations set forth in paragraph 34 of Count III of the complaint.
35. Respondents deny the allegations set forth in paragraph 35 of Count III of the complaint.

WHEREFORE Respondents TITAN INDUSTRIES, an Illinois corporation, d/b/a MACKINAW VALLEY POWDER COATING and MR REAL PROPERTIES, LLC respectfully request that the Board

- A. Enter an order dismissing Count III of the Complaint,
- B. Ordering Complainant to pay all costs, including expert witnesses, consultants, and attorney's fees expended by Respondents.
- C. Ordering such other and further relief as the Board deems appropriate and equitable.

**Count IV**  
**Failure to make determination waste**

1. Respondents admit the allegations set forth in paragraph 1 of Count IV of the complaint.
2. – 31. Respondents restate and incorporate by reference herein paragraph 2 through 31 of Count 1 of their answers as paragraphs 2 through 31 of this Count IV.
32. Respondents admit the allegations set forth in paragraph 32 of Count IV of the complaint.
33. Respondents admit the allegations set forth in paragraph 33 of Count IV of the complaint.
34. Respondents admit the allegations set forth in paragraph 34 of Count IV of the complaint.
35. Respondents admit the allegations set forth in paragraph 35 of Count IV of the complaint.
36. Respondents deny the allegations set forth in paragraph 36 of Count IV of the complaint.
37. Respondents deny the allegations set forth in paragraph 37 of Count IV of the complaint.
38. Respondents admit the allegations set forth in paragraph 38 of Count IV of the complaint.
39. Respondents admit the allegations set forth in paragraph 39 of Count IV of the complaint.
40. Respondents deny the allegations set forth in paragraph 40 of Count IV of the complaint.
41. Respondents deny the allegations set forth in paragraph 41 of Count IV of the complaint.
42. Respondents deny the allegations set forth in paragraph 42 of Count IV of the complaint.

WHEREFORE Respondents TITAN INDUSTRIES, an Illinois corporation, d/b/a MACKINAW VALLEY POWDER COATING and MR REAL PROPERTIES, LLC respectfully request that the Board

- A. Enter an order dismissing Count IV of the Complaint;
- B. Ordering Complainant to pay all costs, including expert witnesses, consultants, and attorney's fees expended by Respondents; and
- C. Ordering such other and further relief as the Board deems appropriate and equitable and just.

**Count V**

**Conducting a hazardous waste operation without a RCRA permit**

1 – 42. Respondents restate and incorporate by reference herein paragraphs 1 through 31 of Count 1 of their answers as paragraphs 32 through 42 of this Count IV of their answers as paragraphs 1 through 42 of this Count V.

43. Respondents admit the allegations set forth in paragraph 43 of Count V of the complaint.

44. Respondents admit the allegations set forth in paragraph 44 of Count V of the complaint.

45. Respondents admit the allegations set forth in paragraph 45 of Count V of the complaint.

46. Respondents admit the allegations set forth in paragraph 46 of Count V of the complaint.

47. Respondents admit the allegations set forth in paragraph 47 of Count V of the complaint.

48. Respondents admit the allegations set forth in paragraph 48 of Count V of the complaint.

49. Respondents admit the allegations set forth in paragraph 49 of Count V of the complaint.

50. Respondents admit the allegations set forth in paragraph 50 of Count V of the complaint.

51. Respondents deny the allegations set forth in paragraph 51 of Count V of the complaint.

52. Respondents deny the allegations set forth in paragraph 52 of Count V of the complaint.

53. Respondents deny the allegations set forth in paragraph 53 of Count V of the complaint.

54. Respondents deny the allegations set forth in paragraph 54 of Count V of the complaint.

55. Respondents deny the allegations set forth in paragraph 55 of Count V of the complaint.

WHEREFORE Respondents TITAN INDUSTRIES, an Illinois corporation, d/b/a MACKINAW VALLEY POWDER COATING and MR REAL PROPERTIES, LLC respectfully request that the Board

- A. Enter an order dismissing Count V of the Complaint;
- B. Ordering Complainant to pay all costs, including expert witnesses, consultants, and attorney's fees expended by Respondents; and
- C. Ordering such other and further relief as the Board deems appropriate and equitable and just.

**Count VI**  
**Air Pollution**

1 – 31. Respondents restate and incorporate by reference herein paragraph 1 through 31 of Count 1 of their answers as paragraphs 1 through 31 of this Count VI.

32. Respondents admit the allegations set forth in paragraph 32 of Count VI of the complaint.

33. Respondents admit the allegations set forth in paragraph 33 of Count VI of the complaint.

34. Respondents admit the allegations set forth in paragraph 34 of Count VI of the complaint.

35. Respondents deny the allegations set forth in paragraph 35 of Count VI of the complaint.

36. Respondents deny the allegations set forth in paragraph 36 of Count VI of the complaint.

37. Respondents deny the allegations set forth in paragraph 37 of Count VI of the complaint.

38. Respondents deny the allegations set forth in paragraph 38 of Count VI of the complaint.

WHEREFORE Respondents TITAN INDUSTRIES, an Illinois corporation, d/b/a MACKINAW VALLEY POWDER COATING and MR REAL PROPERTIES, LLC respectfully request that the Board

- A. Enter an order dismissing Count VI of the Complaint;
- B. Ordering Complainant to pay all costs, including expert witnesses, consultants, and attorney's fees expended by Respondents; and
- C. Ordering such other and further relief as the Board deems appropriate and equitable and just.

Respectfully submitted,  
TITAN INDUSTRIES, d/b/a MACKINAW  
VALLEY POWDER COATING and  
MR REAL PROPERTIES, LLC  
/s/ Donald H. Segel  
Attorney for the Respondents

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**CERTIFICATE OF SERVICE**

I certify that on June 17<sup>th</sup>, 2024, a copy of the Respondents' Answer for Electronic Filing was served through the E-File system and was simultaneously served by electronic mail on the following party:

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/s/ Donald H. Segel