

**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.24-67

TITAN INDUSTRIES, INC., an Illinois )  
corporation, d/b/a MACKINAW VALLEY )  
POWDER COATING; and )  
MR REAL PROPERTIES, LLC, )  
an Illinois limited liability company, )

Respondents. )

**NOTICE OF FILING**

TO: See attached service list

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following **Stipulation and Proposal for Settlement and Motion for Relief From Hearing Requirement** copies of which are attached and hereby served upon you.

Respectfully submitted,

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

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

BY: /s/ Bridget I. Flynn  
Bridget I. Flynn (ARDC No. 6332314)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
(217) 782-9033  
[bridget.flynn@ilag.gov](mailto:bridget.flynn@ilag.gov)

Dated: November 12, 2025

Service List

*For the Respondent*

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*For the Agency*

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Bridget I. Flynn  
Assistant Attorney General  
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**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2024), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 21(a), (d)(1), (e), (f)(1)-(2), and (p)(1) of the Act, 415 ILCS 5/21(a), (d)(1), (e), (f) (1)-(2), and (p)(1) (2022), and Sections 703.121, 722.111, and 808.121(a) of the Board’s regulations, 35 Ill. Adm. Code 703.121, 722.111, and 808.121(a) .

2. Complainant filed the Complaint in this matter on April 18, 2024. Complainant is filing the Stipulation and Proposal for Settlement with the Board simultaneously with this Motion.

3. The parties have reached agreement on all outstanding issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024).

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/ Bridget I. Flynn  
Bridget I. Flynn  
Assistant Attorney General  
Environmental Bureau

DATED: November 12, 2025

Bridget I. Flynn (ARDC No. 6332314)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
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**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Titan Industries, Inc. ("Titan Industries"), and MR Real Properties, LLC ("MR Real Properties") ("Respondents"), (collectively "Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon only (i) for purposes of settlement and (ii) as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1, *et seq.* (2024), and the Board's regulations, as alleged in the Complaint except as otherwise expressly provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. On April 18, 2024, a Complaint was filed 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024), against the Respondents.

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 (2024).

3. At all times relevant to the Complaint, Titan Industries, operating under the assumed name of Mackinaw Valley Powder Coating ("MVPC") was and is an Illinois corporation that operates a facility located at 300 North Main Street, Mackinaw, Tazewell County, Illinois ("MVPC facility").

4. At all times relevant to the Complaint, MR Real Properties was and is an Illinois limited liability company that owns the MVPC facility.

**B. Allegations of Non-Compliance**

Petitioner contends that the Respondents MVPC and MR Real Properties have violated the following provisions of the Act and Board Regulations:

Count I: Open Dumping of Waste  
415 ILCS 5/21(a) (2024)

Count II: Open Dumping Resulting in Litter  
415 ILCS 5/21(p)(1) (2024)

Count III: Conducting a Waste-Disposal Operation without a Permit  
415 ILCS 5/21(d)(1) (2024)

Count V: Conducting a Hazardous Waste Management Operation without a RCRA Permit  
415 ILCS 5/21(f)(1)-(2) (2024); 35 Ill. Adm. Code 703.121

Count VI: Air Pollution  
415CS 5/9(a) (2024)

Petitioner contends that Respondent MVPC violated the following provision of the Act and Board Regulations:

Count IV: Failure to Make Waste Determinations  
415 ILCS 5/21(e) (2024); 35 Ill. Adm. Code 722.111, 808.121(a)

**C. Non-Admission of Violations**

The Respondents represents that they have entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondents do not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities to Date**

1. Respondents hired an engineering firm to assist with initiating protocols to ensure fugitive dust generated from sandblasting is properly contained at the MVPC facility, which includes conducting all sandblasting activities indoors utilizing dust collection and containment equipment.
2. In November 2020, Respondents installed a dust collection system for sandblasting operations.
3. Respondents conducted hazardous and special waste determinations on the sandblasting material and submitted the results to Illinois EPA for its review.
4. Respondents have represented that they no longer accept any hazardous waste generated off-site.
5. Respondents have returned the MVPC facility to compliance, which was observed

during a March 4, 2021 inspection conducted by Illinois EPA.

## **II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of their officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Section 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2024).

## **III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. The character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. The social and economic value of the pollution source;
3. The suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. The technical practicability and economic reasonableness of reducing or elimination the emissions, discharges or deposits resulting from such pollution source; and
5. Any subsequent compliance.



In response to these factors, the Parties to the Stipulation for purposes of settlement and as a factual basis for the Board's approval of this Stipulation and issuance of relief state the following:

1. Drums of hazardous waste were stored at a facility that was not permitted or constructed to manage such waste. Uncontrolled fugitive dust from sandblasting operations was allowed to settle on the ground. These conditions created the potential for release that would have posed a significant risk of exposure to humans and other environmental receptors.
2. There is social and economic benefit to the MVPC facility.
3. Operation of the MVPC facility was and is suitable for the area in which it is located, if operated in compliance with the Act and Board regulations.
4. Compliance with the Act and Board regulations was both technically practicable and economically reasonable.
5. Respondents have subsequently complied with the Act and Board regulations.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation for purposes of Settlement and as a factual basis for the Board's approval of this Stipulation and issuance of relief state as follows:

1. Sandblasting operations conducted at the MVPC facility resulted in fugitive dust escaping from the facility, and two drums of hazardous waste generated off-site were stored at the facility. The Complainant states that the violations which were the subject of the Complaint constituted a significant deviation from the requirements of the Act, resulting in a moderate potential for harm which Respondents disagree.

2. Respondents were diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified them of their noncompliance.

3. The civil penalty takes into account any economic benefit realized by the Respondents as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a joint and several penalty of \$25,000 will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

1. The Respondents shall jointly and severally pay a civil penalty in the sum of \$25,000 within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If the Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondents shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondents not paid within the time prescribed herein. Interest on unpaid penalties

shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").

Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
2520 W. Iles Avenue  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Bridget Flynn  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62701

**D. Future Compliance**

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondents' facility which is the subject of this Stipulation, at all

reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. The Respondents shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondents' payment of the \$25,000 penalty, their commitment to cease and desist as contained in Section V.D.3 above, and completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondents from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on April 18, 2024. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondents with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resource damages arising out of the alleged violations; and

- d. liability or claims based on the Respondents' failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondents.

**F. Enforcement and Modification of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

**[The remainder of this page is intentionally left blank.]**

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

JAMES JENNINGS, Interim Director  
Illinois Environmental Protection Agency

BY: *Rachel Medina*  
RACHEL MEDINA, Chief  
Assistant Attorney General  
Environmental Bureau

BY: *Andrew Armstrong*  
ANDREW ARMSTRONG  
Chief Legal Counsel

DATE: *11/07/2025*

DATE: *10/29/2025*

RESPONDENTS

TITAN INDUSTRIES, INC.

MR REAL PROPERTIES LLC

*Suzanne M. McQuary*

*Brian D. Rich*

BY: *Suzanne M. McQuary*

BY: *Brian D. Rich*

ITS: *Vice President*

ITS: *Managing Partner*

DATE: *10/20/2025*

DATE: *10/20/2025*

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an Illinois limited liability company, )

Respondents. )

**CERTIFICATE OF SERVICE**

Payton Calcara, under penalties as provided by law pursuant to §1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), certifies that the statements set forth in this certificate of service are true and correct, and that she has served a copy of the foregoing ***Notice of Filing, Motion for Relief from Hearing Requirement, and Stipulation and Proposal for Settlement***, by electronic and U.S. Mail on November 12, 2025 to the following:

Segel & Segel P.C.  
525 W. Monroe St., Ste. 2360  
Chicago, IL 60661  
[dsegel@sandslegal.com](mailto:dsegel@sandslegal.com)

A copy of this was also e-filed with the Illinois Pollution Control Board on this date.

s/ Payton Calcara  
Payton Calcara  
Administrative Clerk

Bridget I. Flynn (ARDC No. 6332314)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
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