

SERVICE LIST

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CERTIFICATE OF SERVICE

I, Jason Clark, an Assistant Attorney General, certify that on the 6th day of February 2026, I caused to be served the foregoing Notice of Filing, and Stipulation and Proposal for Settlement with Respondent Kintzle Construction, Inc. only on the parties named on the attached Service List via electronic mail.

/s/ Jason Clark
Jason Clark
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,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 26 - 033
)	(Enforcement - Water)
PARAGON PORK, INC.,)	
an Illinois corporation, and)	
KINTZLE CONSTRUCTION, INC.,)	
an Iowa corporation,)	
)	
Respondents.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT AS TO KINTZLE CONSTRUCTION, INC. ONLY

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 Respondent KINTZLE CONSTRUCTION, INC., an Iowa corporation (“Respondent Kintzle”), (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 for purposes of settlement only and 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, alleged in the Complaint except as otherwise 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 October 30, 2025, 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 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 this Complaint, Kintzle Construction, Inc. was and is an Iowa corporation qualified to transact business in the State of Illinois. Respondent Kintzle is registered with the Illinois Secretary of State's Office and is in good standing.

4. At all times relevant to this Complaint, Respondent Kintzle operated, and continues to operate, a livestock waste land application business that contracts with facilities in Illinois, Iowa, and Wisconsin. Respondent Kintzle's livestock waste land application business is located at 10227 Lone Pine Road, Epworth, Iowa.

5. On or about November 4, 2020 to November 5, 2020, Respondent Kintzle conducted the land application of Paragon Pork, Inc.'s livestock waste at Paragon Pork Inc.'s farrow-to-wean swine operation located at 101 South Stone Hill Road, Chana, Ogle County, Illinois and surrounding fields ("Facility").

B. Allegations of Non-Compliance

Complainant contends that Respondent Kintzle has violated the following provisions of the Act and Board regulations:

Count IX: Water Pollution in Violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

- Count X: Creating a Water Pollution Hazard in Violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024).
- Count XI: Discharge of Contaminants Without an NPDES Permit in Violation of Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2024), and Sections 309.102(a) and 502.101(a) of the Board's Regulations, 35 Ill. Adm. Code 309.102(a) and 502.101(a).
- Count XII: Creating Offensive Conditions in Violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024) and Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203.
- Count XIII: Exceeding Dissolved Oxygen and Ammonia Nitrogen Water Quality Standard in Violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024) and Sections 302.206(b)(2)(A), 302.212(a), and 302.212(c)(1) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.206(b)(2)(A), 302.212(a), and 302.212(c)(1).
- Count XIV: Livestock Waste Handling Violations in Violation of Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2024) and Sections 501.401(d) and (e) of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.401(d) and (e).
- Count XV: Applied A Quantity of Livestock Waste that Exceeded Practical Limits Determined by Field Conditions in Violation of Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2024) and Sections 501.405(a) of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.405(a).
- Count XVI: Livestock Waste Land Application in Violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024) and Sections 502.510(b)(11) and (13) of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.510(b)(11) and (13))

C. Non-Admission of Violations

Respondent Kintzle represents that it has 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, Respondent Kintzle does not affirmatively admit the allegations of violations 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. In the Fall of 2021, to ensure that Respondent Kintzle's land application of livestock waste at Paragon Pork, Inc.'s ("Paragon") Facility occurs in a manner that is in compliance with the Act, Board Water Pollution Regulations and Board's Agricultural Related Pollution Regulations, Respondent Kintzle arranged with Respondent Paragon to ensure that the following actions are taken prior to any future land application at Respondent Paragon's Facility:

- a. Respondent Kintzle will require Respondent Paragon to chisel the fields prior to applying livestock waste; and
- b. Respondent Kintzle will return to the job site 6-12 hours after completing the livestock waste application to check the unnamed tributary to Honey Creek and Honey Creek for any indication of livestock waste discharge.

2. In December 2021, Respondent Paragon installed a 10-foot berm to prevent the discharge of livestock waste from the land application to the unnamed tributary to Honey Creek and Honey Creek, and a water level control structure that Respondent Paragon will seal during livestock waste land application to prevent any livestock waste discharge being conveyed by subsurface field drain tile to the unnamed tributary to Honey Creek and Honey Creek.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent Kintzle shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assignees to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent Kintzle in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations

for all violations alleged in the Complaint in this matter, solely for purposes of Section 39 and 42 of the Act, 415 ILCS 5/39 and 5/42 (2024).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness or 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 eliminating 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 state the following:

1. The land application of livestock waste at the Facility resulted in a dry weather discharge of livestock waste into the waters of the State of Illinois and negatively interfered with the health and welfare of the environment.
2. There is social and economic benefit to Respondent Kintzle transacting business in Illinois.

3. Operations by Respondent Kintzle at the Facility were and are suitable for the area in which the Facility is located, so long as Respondent Kintzle's actions are operated in compliance with the Act and the Board regulations.

4. The proper application of livestock waste to the Facility is both technically practicable and economically reasonable.

5. Respondent Kintzle has subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF THE 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:

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 air 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 preciously 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 state as follows:

1. Although minimal in duration, the alleged violations Illinois EPA discovered during a site investigation of the Facility in November 2020, were serious in nature, as there was an unpermitted release of livestock waste to the waters of the State of Illinois which resulted in an estimated 1,447 fish being killed over an approximately 1.59 miles of stream.
2. Respondent Kintzle was diligent in attempting to come back into compliance with the Act, Board regulations, and was responsive and complied with the process contained in Section 31 of the Act, 415 ILCS 5/31 (2024).
3. Economic benefit is not at issue in this matter.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Seventeen Thousand and Five Hundred Dollars (\$17,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant’s knowledge, Respondent Kintzle has no previously adjudicated violations of the Act or Board regulations.
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

Respondent Kintzle shall pay a civil penalty in the sum of Seventeen Thousand and Five Hundred Dollars (\$17,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest, and Default

1. If Respondent Kintzle fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent Kintzle 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, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g), interest shall accrue on any penalty amount owed by Respondent Kintzle not paid within the time prescribed herein. Interest on unpaid penalties shall begin 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.

3. The stipulated penalties shall be enforceable by Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

1. All payment 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 Division
2520 W. Iles Ave.
P.O. Box 19276
Springfield, IL 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:

Jason Clark
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
115 S. LaSalle St., 23rd Floor
Chicago, Illinois 60603
Jason.Clark@ilag.gov

D. Future Compliance

1. Respondent Kintzle shall comply with all applicable rules and regulations when performing land application of livestock waste in the State of Illinois, specifically, but not limited to, Part 501 and Section 502.510(b) of the Board's Agricultural Related Pollution Regulations, 35 Ill. Adm. Code 501 and 502.510(b).

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

3. Respondent Kintzle 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 Respondent Kintzle's payment of the Seventeen Thousand and Five Hundred Dollars (\$17,500.00) penalty, its commitment to cease and desist as contained in Section V.D.3 above, completion of all activates required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges Respondent Kintzle 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 the Complainant's Complaint filed on October 30, 2025. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent Kintzle with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violations of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on Respondent's 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 Respondent Kintzle.

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. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

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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 ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

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

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY: *Stephen J. Sylvester*
STEPHEN J. SYLVESTER, Chief
Environmental Bureau

BY: *Andrew Armstrong*
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: 2/3/26

DATE: 02/03/2026

RESPONDENT
Kintzle Construction, Inc.

BY: *Jeffrey Kintzle*

ITS: President
(title of signatory)

DATE: 1/28/2026