

- Count XIII: Exceeding dissolved oxygen and ammonia nitrogen water quality standards 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: Planning or conducting the transportation of livestock waste in a manner that that caused, threatened, or allowed runoff or overflow from a livestock management or waste-handling facility so as to cause water quality violations of the Act and the Board's agriculture-related pollution rules, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and 35 Ill. Adm. Code 501.405(a).
- Count XV: Applying a quantity of livestock waste that exceeded the practical limits determined by field conditions in violation of Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) (2024), and the Board's agriculture-related pollution rules, 35 Ill. Adm. Code 501.405(a).
- Count XVI: Causing or allowing the land application of livestock waste within 100 feet of downgradient grassed waterways, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and 35 Ill. Adm. Code 502.510(b)(11) and (13).

On February 6, 2026, the People and Kintzle Construction 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) (2024)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2024)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Ogle County Life* on February 27, 2026. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2024); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Kintzle Construction's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2024)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Kintzle Construction does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2024)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Kintzle Construction agrees to pay a civil penalty of \$17,500 within 30 days after the date of this order. The People and

Kintzle Construction have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Kintzle Construction must pay a civil penalty of \$17,500 no later than May 18, 2026, which is the first business day following the 30th day after the date of this order. Kintzle Construction must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. Kintzle Construction must submit payment of the civil penalty to:

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

Kintzle Construction must send a copy of the certified check, or money order, and any transmittal letter to:

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

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2024)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2024)).
5. Kintzle Construction must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2024); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 16, 2026, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board