



**SERVICE LIST**

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)  
(Via Email)

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113 W. Main Street  
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Michael Murphy  
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**CERTIFICATE OF SERVICE**

I, Rebecca Kanz, an Assistant Attorney General, certify that on the 1st day of June 2026, I caused to be served the foregoing Notice of Filing, Motion for Relief from Hearing Requirement as to Respondent Paragon Pork, Inc. only, on the parties named on the attached Service List via electronic mail.

/s/ Rebecca Kanz  
Rebecca Kanz  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
115 S. LaSalle Street, 23<sup>rd</sup> Floor  
Chicago, Illinois 60603  
(773) 590-7968  
Rebecca.Kanz@ilag.gov



3. The Complainant and Paragon Pork, Inc. 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. Complainant and Paragon Pork, Inc. 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

BY: /s/ Rebecca Kanz  
Rebecca Kanz  
Assistant Attorney General  
Environmental Bureau  
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DATE: June 1, 2026

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 by KWAME RAOUL, Attorney )  
 General of the State of Illinois, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 PARAGON PORK, INC., )  
 an Illinois corporation, and )  
 KINTZLE CONSTRUCTION, INC., )  
 an Iowa corporation, )  
 )  
 Respondents. )

PCB No. 26 - 033  
(Enforcement - Water)

**STIPULATION AND PROPOSAL FOR SETTLEMENT**  
**AS TO PARAGON PORK, 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 PARAGON PORK, INC., an Illinois corporation (“Respondent Paragon”), (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, Paragon Pork, Inc. was and is an Illinois corporation registered and in good standing with the Illinois Secretary of State's Office.

4. At all times relevant to this Complaint, Respondent Paragon owned and operated, and continues to own and operate, a farrow-to-wean swine operation, with capacity of approximately 5,000 head of swine, located at 101 South Stone Hill Road in Chana, Ogle County, Illinois ("Facility").

5. Respondent Paragon contracted with Kintzle Construction, Inc. to conduct the land application of Respondent Paragon's livestock waste at the Facility from November 4, 2020 through November 5, 2020.

**B. Allegations of Non-Compliance**

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

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

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

- Count III: Discharge of Contaminants Without an NPDES Permit in Violation of Sections 12(f) of the Act, 415 ILCS 5/12 (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 IV: 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 V: 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 VI: Livestock Waste Handling Violations in Violation of Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) (2024), and Section 501.401(d) and (e) of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.401(d) and (e).
- Count VII: Applied a Quantity of Livestock Waste that Exceeded Practical Limits Determined by Field Conditions in Violation of Sections 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Section 501.405(a) of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.405(a).
- Count VIII: 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 Paragon 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 Paragon 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 late 2021, Respondent Paragon installed a water level control structure, including a ten-foot berm, at the south end of the fields surrounding the Facility as an additional measure to prevent surface flows of livestock waste from the land application area to surface waters.

2. Respondent Paragon has expanded existing procedures on inspection of the subsurface drain tile outfall before, during, and after land application events, ensuring that any discharge is identified and prevented if the above measures fail.

3. Upon further investigation, Illinois EPA determined that no NPDES permit was required for the Facility to come into compliance for the violations alleged in the Complaint.

## II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent Paragon 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 Paragon 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 Sections 39 and 42 of the Act, 415 ILCS 5/39 and 5/42 (2024).

No change in ownership, corporate status or operator of the Facility shall in any way alter the responsibilities of Respondent Paragon under this Stipulation. In the event that Respondent Paragon proposes to sell or transfer any real property or operations subject to this Stipulation, Respondent Paragon shall notify the Complainant thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. Respondent Paragon shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondent Paragon site access and all cooperation necessary for Respondent Paragon to perform to completion any compliance obligation(s) required by this Stipulation. Respondent Paragon shall provide a copy of this Stipulation to any such successor in interest and

Respondent Paragon shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, Respondent Paragon and a proposed purchaser or operator of the Facility may jointly request, and the Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, Respondent Paragon. This provision does not relieve Respondent Paragon from compliance with any regulatory requirement regarding notice and transfer of applicable Facility permits.

**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 Paragon's Facility.
3. Operations of Respondent Paragon's Facility were and are suitable for the area in which the Facility is located, so long as they are operated in compliance with the Act and Board regulations.
4. The proper application of livestock waste at the Facility is both technically practicable and economically reasonable.
5. Respondent Paragon 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 Paragon was diligent in returning to 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). Additionally, the water level control structure installed by Respondent Paragon provides protection against uncontrolled flows in the future.

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 Paragon 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 Paragon 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 Paragon fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Stipulation, Respondent Paragon shall provide notice to Complainant of each failure to comply with this Stipulation and shall pay stipulated penalties in the amount of \$400.00 per day per violation for up to the first fifteen (15) days of violation, \$500.00 per day per violation for the next fifteen (15) days of violation, and \$1,000.00 per day per violation thereafter until such time that compliance is achieved. Complainant may make a demand for stipulated penalties upon Respondent Paragon for its noncompliance with this Stipulation. However, failure by Complainant to make this demand shall not relieve Respondent Paragon of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date Respondent Paragon knows or should have known of its noncompliance with any provision of this Stipulation.

2. If Respondent Paragon fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent Paragon 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.

3. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g), interest shall accrue on any penalty amount owed by Respondent Paragon 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.

4. 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:

Rebecca Kanz  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
115 S. LaSalle Street, Suite 2300  
Chicago, Illinois 60603  
Rebecca.Kanz@ilag.gov

**D. Future Compliance**

1. Respondent Paragon 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), and the guidelines contained in Respondent Paragon's Nutrient Management Plan.

2. For all land applications of livestock waste at the Facility, Respondent Paragon shall seal the water level control structure prior to any application to prevent any livestock waste discharge being conveyed by the subsurface drain tile system.

3. Respondent Paragon shall keep a copy of its Nutrient Management Plan at the Facility office.

4. 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 Facility, at all reasonable times for the purpose 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.

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

6. Respondent Paragon 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 Paragon's payment of the Seventeen Thousand and Five Hundred Dollar (\$17,500.00) penalty, its commitment to cease and desist as contained in Section V.D.5 above, completion of all activates required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges Respondent Paragon 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 Paragon 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 Paragon.

**F. Enforcement 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: 5/28/26

DATE: 05/26/2026

RESPONDENT  
Paragon Pork, Inc.

BY: *Mark Von USA*  
ITS: President  
(title of signatory)

DATE: 5/12/26