

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 2025

## ORDER OF THE BOARD (by M. Gibson):

On October 30, 2025, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a 16-count complaint against Paragon Pork, Inc. (Paragon Pork) and Kintzle Construction, Inc. (Kintzle Construction). The complaint concerns the farrow-to-wean swine operation owned and operated by Paragon Pork at 101 South Stone Hill Road in Chana, Ogle County, and land application of Paragon Pork's livestock waste by Kintzle Construction onto Paragon Pork's fields. For the reasons below, the Board accepts the complaint for hearing.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2024); 35 Ill. Adm. Code 103.

## PARAGON PORK

## **Alleged Violations**

Count I: The People allege that Paragon Pork violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)) by causing, threatening, or allowing the discharge of a contaminant into the environment so as to cause or tend to cause water pollution in Illinois.

Count II: The People allege that Paragon Pork violated Section 12(d) of the Act (415 ILCS 5/12(d) (2024)) by depositing contaminants upon the land in such a place and manner so as to create a water pollution hazard.

Count III: The People allege that Paragon Pork violated Section 309.102(a) of the Board's water pollution rules (35 Ill. Adm. Code 309.102(a)) by discharging contaminants

from a point source to waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit.

The People also allege that Paragon Pork violated Section 502.101(a) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 502.101(a)) by causing, threatening, or allowing the discharge of contaminants from a Concentrated Animal Feeding Operation (CAFO) without an NPDES permit.

The People further allege that, by violating Section 502.101(a), Paragon Pork thereby violated Section 12(f) of the Act (415 ILCS 5/12(f) (2024)).

Count IV: The People allege that Paragon Pork violated Section 302.203 of the Board's water pollution rules (35 Ill. Adm. Code 302.203) by causing or allowing the discharge of its livestock waste into a water of the State, resulting in the water's unnatural color, odor, and turbidity and causing offensive conditions.

The People further allege that, by violating Section 302.203, Paragon Pork thereby violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)).

Count V: The People allege that Paragon Pork violated the water quality standard for dissolved oxygen (DO) at Section 302.206(b)(2)(A) of the Board's water pollution rules (35 Ill. Adm. Code 302.206(b)(2)(A)) by allowing the release of its livestock waste into an unnamed tributary of Honey Creek, causing total DO to be less than 3.5 mg/L.

The People also allege that Paragon Pork violated the water quality standard for total ammonia nitrogen at Section 302.212(a) of the Board's water pollution rules (35 Ill. Adm. Code 302.212(a)) by allowing the release of its livestock waste into an unnamed tributary of Honey Creek and into Honey Creek, causing total ammonia nitrogen to exceed 15 mg/L.

The People also allege that Paragon Pork violated Section 302.212(c)(1) of the Board's water pollution rules (35 Ill. Adm. Code 302.212(c)(1)) by allowing the release of its livestock waste into an unnamed tributary to Honey Creek and into Honey Creek, causing total ammonia nitrogen to exceed the acute standard for water quality of 8.41 mg/L when water has pH of 8.0.

The People further allege that, by violating Sections 302.206(b)(2)(A), 302.212(a), and 302.212(c)(1), Paragon Pork thereby violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)).

Count VI: The People allege that Paragon Pork violated Sections 501.401(d) and (e) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 501.401(d) and (e)) by not planning or conducting the transportation of its livestock waste in a manner that prevented a violation of the Act and 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 Board rules.

The People further allege that, by violating Sections 501.401(d) and (e), Paragon Pork thereby violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)).

Count VII: The People allege that Paragon Pork violate Section 501.405(a) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 501.405(a)) by applying a quantity of its livestock waste to its fields that exceeded the practical limit of soil type, especially its permeability, the condition of the soil, and the soils' proximity to surface water, which resulted in dry weather discharge of its livestock waste to water of the State.

The People further allege that, by violating Section 501.405(a), Paragon Pork thereby also violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)).

Count VIII: The People allege that Paragon Pork violated Section 502.510(b)(11) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 502.510(b)(11)) by causing or allowing the land application of its livestock waste within 100 feet of downgradient grassed waterways.

The People further allege that Paragon Pork violated Section 502.510(b)(13) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 502.510(b)(13)) by failing to visually inspect its field where its livestock waste was land applied before, during, and after application.

The People further allege that, by violating Section 502.510(b)(11) and (13), Paragon Pork thereby also violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)).

### **Requested Remedies**

The People ask the Board to order Paragon Pork to cease and desist from any further violations of the Act and rules.

Under Section 42(a) of the Act for violations of Sections 12(a) and 12(f) of the Act and Sections 302.203, 302.206(b)(2)(A), 302.212(a), 302.212(c)(1), 501.401(d) and (e), 501.405(a), and 502.510(b)(11) and (13) of the Board's rules (415 ILCS 5/12(a), 12(f), 42(a) (2024); 35 Ill. Adm. Code 302.203, 302.206(b)(2)(A), 302.212(a), 302.212(c)(1), 501.401(d) and (e), 501.405(a), 502.10(b)(11) and (13)), the People ask the Board to require Paragon Pork to pay civil penalties of \$50,000 for each violation and \$10,000 for each day during which violations continued.

Also, in Count III and under Section 42(b)(1) of the Act for violations of Sections 12(f) of the Act and Sections 309.102(a) and 502.101(a) of the Board's rules (415 ILCS 5/12(f)

(2024); 35 Ill. Adm. Code 309.102(a), 502.101(a)), the People ask the Board to require Paragon Pork to pay civil penalties of \$10,000 for each day during which violations continued.

The People also request that the Board award the People their costs, including attorney, expert witness, and consultant fees.

## **KINTZLE CONSTRUCTION**

### **Alleged Violations**

Count IX: The People allege that Kintzle Construction violated Section 12(a) of the Act (415 ILCS 5/12(a) (2024)) by causing, threatening, or allowing Paragon Pork's livestock waste to be discharge from its fields into the unnamed tributaries of Honey Creek and into Honey Creek, Kintzle Construction caused, threatened, or allowed the discharge of a contaminant into the environment so as to cause water pollution in Illinois.

Count X: The People allege that Kintzle Construction violated Section 12(d) of the Act (415 ILCS 5/12(d) (2024)) by depositing contaminants upon the land in such a manner so as to create a water pollution hazard.

Count XI: The People allege that Kintzle Construction violated Section 309.102 of the Board's water pollution rules (35 Ill. Adm. Code 309.102) by causing, threatening, or allowing the discharge of contaminants from a point source to waters of the State without an NPDES permit.

The People further allege that Kintzle Construction violated Section 502.101(a) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 502.101(a)) by causing, threatening, or allowing the discharge of contaminants from a CAFO to waters of the State without an NPDES permit.

The People further allege that, by violating Section 501.101(a), Kintzle Construction thereby violated Section 12(f) of the Act (415 ILCS 5/12(f) (2024)).

Count XII: The People allege that Kintzle Construction violated Section 302.203 of the Board's water pollution rules (35 Ill. Adm. Code 302.203) by causing or allowing the discharge of Paragon Pork's livestock waste into a water of the State, resulting in the water's unnatural color, odor, and turbidity and causing offensive conditions.

The People further allege that, by violating Section 302.203, Kintzle Construction thereby violated Section 12(a) of the Act.

Count XIII: The People allege that Kintzle Construction violated Section 302.206(b)(2)(A) of the Board's water pollution rules (35 Ill. Adm. Code 302.206(b)(2)(A)) by

allowing the release of Paragon Pork's livestock waste into an unnamed tributary of Honey creek causing total DO to be less than 3.5 mg/L.

The People further allege that Kintzle Construction violated Section 302.212(a) of the Board's water pollution rules (35 Ill. Adm. Code 302.212(a)) by allowing the release of Paragon Pork's livestock waste into an unnamed tributary to Honey Creek and into Honey Creek causing total ammonia nitrogen to exceed 15 mg/L.

The People also allege that Kintzle Construction violated Section 302.212(c)(1) of the Board's water pollution rules (35 Ill. Adm. Code 302.212(c)(1)) by allowing the release of Paragon Pork's livestock waste into an unnamed tributary to Honey Creek and into Honey Creek, causing total ammonia nitrogen to exceed the acute standard for water quality of 8.41 mg/L when water has pH of 8.0.

The People further allege that, by violating Sections 302.206(b)(2)(A), 302.212(a), and 302.212(c)(1), Kintzle Construction thereby violated Section 12(a) of the Act (415 ILCS 5.12(a) (2024)).

Count XIV: The People allege that Kintzle Construction violated Sections 501.401(d) and (e) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 501.401(d) and (e)) by not planning or conducting the transportation of Paragon Pork's livestock waste in a manner that prevented a violation of the Act and 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 Board rules.

The People further allege that, by violating Sections 501.401(d) and (e), Kintzle Construction thereby violated Section 12(a) of the Act.

Count XV: The People allege that Kintzle Construction violated Section 501.405(a) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 501.405(a)) by applying to Paragon Pork's fields a quantity of its livestock waste that exceeded the practical limit of soil type, especially its permeability, the condition of the soil, and the soil's proximity to surface water, which resulted in dry weather discharge of its livestock waste to water of the State.

The People further allege that, by violating Section 501.405(a), Kintzle Construction thereby also violated Section 12(a) of the Act.

Count XVI: The People allege that Kintzle Construction violated Section 502.510(b)(11) of the Board's agriculture-related pollution rules (35 Ill. Adm. Code 502.510(b)(11)) by causing or allowing the land application of Paragon Pork's livestock waste within 100 feet of downgradient grassed waterways.

The People further allege that Kintzle Construction violated Section 502.510(b)(13) of the Board's agriculture-related pollution rules (35 Ill. Adm.

Code 502.510(b)(13)) by failing to visually inspect Paragon Pork's field where its livestock waste was land applied before, during, and after application.

The People further allege that, by violating Section 502.510(b)(11) and (13), Paragon Pork thereby also violated Section 12(a) of the Act (415 ILCS 5.12(a) (2024)).

### **Requested Remedies**

The People ask the Board to order Kintzle Construction to cease and desist from any further violations of the Act and rules.

Also, under Section 42(a) of the Act for violations of Sections 12(a) and 12(d) of the Act and Sections 302.203, 302.206(b)(2)(A), 302.212(a), 302.212(c)(1), 501.401(d) and (e), 501.405(a), and 502.510(b)(11) and (13) of the Board's rules (415 ILCS 5/12(a), 12(d), 42(a) (2024); 35 Ill. Adm. Code 302.203, 302.206(b)(2)(A), 302.212(a), 302.212(c)(1), 501.401(d), (e), 501.405(a), 502.510(b)(11) and (13)), the People ask the Board to require Kintzle Construction to pay civil penalties of \$50,000 for each violation and \$10,000 for each day during which violations continued.

In Count XI and under Section 42(b)(1) of the Act for violations of Sections 12(f) of the Act and Sections 309.102(a) and 502.101(a) of the Board's rules (415 ILCS 5/12(f) (2024); 35 Ill. Adm. Code 309.102(a), 502.101(a)), the People ask the Board to require Kintzle Construction to pay civil penalties of \$10,000 for each day during which violations continued.

The People also request that the Board award the People their costs, including attorney, expert witness, and consultant fees.

### **CONCLUSION**

The Board finds that the complaint meets the content requirements of the Board's procedural rules and accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.204(c), (f), 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Paragon Pork and Kintzle Construction fail within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Paragon Pork and Kintzle Construction to have admitted the allegation. *See* 35 Ill. Adm. Code 103.204(d).

The Board directs the hearing officer to proceed expeditiously to hearing. Upon its own motion or the motion of any party, the Board or the hearing officer may order that the hearing be held by videoconference. In deciding whether to hold the hearing by videoconference, factors that the Board or the hearing officer will consider include cost-effectiveness, efficiency, facility accommodations, witness availability, public interest, the parties' preferences, and the proceeding's complexity and contentiousness. *See* 35 Ill. Adm. Code 101.600(b), 103.108.

Among the hearing officer's responsibilities is the "duty . . . to ensure development of a clear, complete, and concise record for timely transmission to the Board." 35 Ill. Adm. Code 101.610. A complete record in an enforcement case thoroughly addresses, among other things, the appropriate remedy, if any, for the alleged violations, including any civil penalty.

If a complainant proves an alleged violation, the Board considers the factors set forth in Sections 33(c) and 42(h) of the Act to fashion an appropriate remedy for the violation. *See* 415 ILCS 5/33(c), 42(h) (2024). Specifically, the Board considers the Section 33(c) factors in determining, first, what to order the respondent to do to correct an on-going violation, if any, and, second, whether to order the respondent to pay a civil penalty. The factors provided in Section 33(c) bear on the reasonableness of the circumstances surrounding the violation, such as the character and degree of any resulting interference with protecting public health, the technical practicability and economic reasonableness of compliance, and whether the respondent has subsequently eliminated the violation.

If, after considering the Section 33(c) factors, the Board decides to impose a civil penalty on the respondent, only then does the Board consider the Act's Section 42(h) factors in determining the appropriate amount of the civil penalty. Section 42(h) sets forth factors that may mitigate or aggravate the civil penalty amount. These factors include the following: the duration and gravity of the violation; whether the respondent showed due diligence in attempting to comply; any economic benefits that the respondent accrued from delaying compliance based upon the "lowest cost alternative for achieving compliance"; the need to deter further violations by the respondent and others similarly situated; and whether the respondent "voluntarily self-disclosed" the violation. 415 ILCS 5/42(h) (2024). Section 42(h) requires the Board to ensure that the penalty is "at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship." *Id.* Such penalty, however, "may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent." *Id.*

Accordingly, the Board further directs the hearing officer to advise the parties that in summary judgment motions and responses, at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and supporting its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed compliance), and supporting its position with facts and arguments that address any or all of the Section 42(h) factors. The Board also directs the hearing officer to advise the parties to address these issues in any stipulation and proposed settlement that may be filed with the Board.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2025, by a vote of 5-0.

Don A. Brown

Don A. Brown, Clerk  
Illinois Pollution Control Board