

FILED

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

2012 MAY -3 PM 2: 04

STATE OF IOWA, ex rel., IOWA )  
DEPARTMENT OF NATURAL )  
RESOURCES, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
WILLIAM T. SCHMIDT and )  
ROCKINGHAM-LUNEX CO., )  
 )  
Defendants. )

CLERK OF DISTRICT COURT  
SCOTT COUNTY, IOWA

NO. CVCV120234

**CONSENT ORDER, JUDGMENT  
AND DECREE**

The Court is presented with Plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.146 and 455B.307(3). The Court has reviewed the file and being advised by the parties FINDS:

1. The Court has jurisdiction over the parties and the subject matter of this action and the parties consent to entry of this Consent Order, Judgment and Decree.
2. Defendants admit the violations alleged in Plaintiff's Petition.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

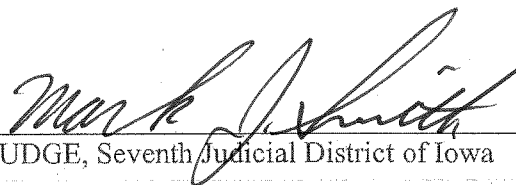
3. Defendants, jointly and severally, shall pay a civil penalty pursuant to Iowa Code sections 455B.146 and 455B.307(3) of thirty-five thousand and no/100 dollars (\$35,000.00) for the violations alleged in the petition. Defendants shall pay the penalty within ten (10) days of entry of this Consent Order, Judgment and Decree. Defendants shall pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance.
4. Payment of the penalty and interest referred to in paragraph three above shall be made payable to the State of Iowa and sent to Plaintiff's attorney, David S. Steward, at the address noted below.

5. Defendants are permanently enjoined from further violations of Iowa Code section 455B.307(1), 567 Iowa Admin. Code 23.2(1), 100.4, and 40 C.F.R. sections 61.145(a), 61.145(b)(1), 61.145(c)(1), 61.145(c)(6)(i), 61.145(c)(6)(ii), 61.145(c)(8), 61.150(a), and 61.150(b)(1), adopted by reference in 567 IAC 23.1(3).

6. Willful failure to comply with the terms of this Order may subject Defendants to punishment for contempt of court as well as other penalties and sanctions provided by law. The Court, therefore, retains jurisdiction over this matter to ensure compliance with the terms of this Order.

7. The costs of this action are taxed to Defendants in the amount of \$ \_\_\_\_\_  
(Clerk to enter).

DATED this 3rd of May, 2012.

  
\_\_\_\_\_  
JUDGE, Seventh Judicial District of Iowa

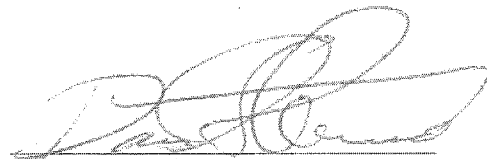
Approved as to form:

IOWA DEPARTMENT OF  
NATURAL RESOURCES

  
\_\_\_\_\_  
ROGER L. LANDE, DIRECTOR


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ROCKINGHAM-LUNEX CO.

  
\_\_\_\_\_  
WILLIAM T. SCHMIDT, PRESIDENT

  
\_\_\_\_\_  
WILLIAM T. SCHMIDT, INDIVIDUALLY

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