

IN THE IOWA DISTRICT COURT FOR DICKINSON COUNTY

STATE OF IOWA, ex rel. IOWA DEPARTMENT OF NATURAL RESOURCES,

Plaintiff,

vs.

BERNARD H. COHRS, and COHRS CONSTRUCTION, INC., d/b/a COHRS GRAVEL PIT,

Defendants.

LAW NO. CVCV023125

CONSENT ORDER, JUDGMENT AND DECREE

2008 OCT 13 PM 11:42 CLERK OF DISTRICT COURT

[Filed 10-13-08]

NOW on this 13th day of October, 2008, the Court is presented with plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.146 and 455B.307. The Court has reviewed the file and being advised by the parties FINDS:

- 1. The Court has jurisdiction of the parties and the subject matter of this action and the parties consent to entry of this Consent Order, Judgment and Decree.
2. Defendants Bernard H. Cohrs, and Cohrs Construction, Inc., d/b/a Cohrs Gravel Pit, admit the violations alleged in plaintiff's petition.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 1. Defendants Bernard H. Cohrs, and Cohrs Construction, Inc., d/b/a Cohrs Gravel Pit, shall pay a civil penalty pursuant to Iowa Code section 455B.146 of Five Thousand and no/100 Dollars (\$5,000.00) for the open burning violations alleged in the petition. The defendants shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendants shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance.

2. Defendants Bernard H. Cohrs, and Cohrs Construction, Inc., d/b/a Cohrs Gravel Pit, shall pay a civil penalty pursuant to Iowa Code section 455B.307(3) of Five Thousand and no/100 Dollars (\$5,000.00) for the solid waste violations alleged in the petition. The defendants shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendants shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance.

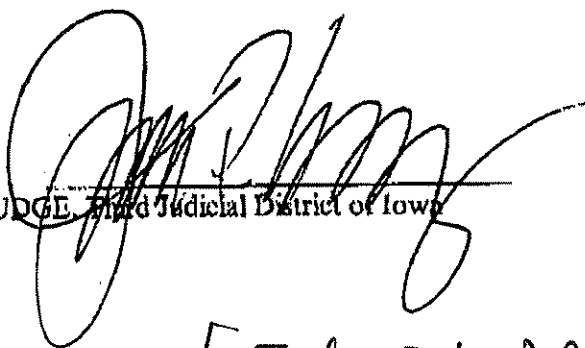
3. Defendants Bernard H. Cohrs, and Cohrs Construction, Inc., d/b/a Cohrs Gravel Pit, are permanently enjoined from further violations of Iowa Code sections 455B.307(1), 567 Iowa Admin. Code 23.2(1) and 100.4, and Administrative Order No. 2003-AQ-06/2003-SW-01.

4. Payment of the penalties and interest referred to in paragraphs one (1) and two (2) 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. Willful failure to comply with the terms of this Order may subject Defendant 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.

6. The costs of this action are taxed to the defendants in the amount of \$ 118.96

(Clerk to enter).

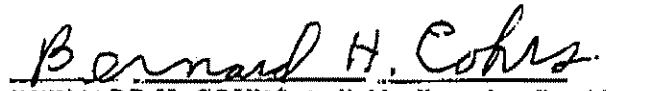
  
 JUDGE, Third Judicial District of Iowa

[ Judge John P. Duffy ]

Approved as to form:

IOWA DEPARTMENT OF  
NATURAL RESOURCES

  
RICHARD A. LEOPOLD, Director

  
BERNARD H. COHRS, Individually and as President  
of COHRS CONSTRUCTION, INC., d/b/a COHRS  
GRAVEL PIT

THOMAS J. MILLER  
Attorney General of Iowa

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