

IN THE IOWA DISTRICT COURT FOR TAYLOR COUNTY

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

Plaintiff,

vs.

STEVEN KERNS,

Defendant.

NO. EQCV010063

CONSENT DECREE

The Court is presented with Plaintiff's Petition in Equity seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.191(2), 455B.191(5), 455D.25, and 459.603. The Court has reviewed the Petition and being otherwise advised by the parties which stipulate to entry of this Consent Decree, hereby orders, adjudges and decrees as follows:

1. The Court has jurisdiction over the parties and the subject matter of this action pursuant to Iowa Code sections 455B.191(2) and (5), 455D.25, and 459.603.

2. Defendant Steve Kerns admits, for purposes of settlement of this action only and for no other purpose, the violations alleged in paragraphs 94-104 in Plaintiff's Petition. Without admission of any other alleged violations or waiver of any defense, legal or equitable which Kerns may have in any future administrative or judicial proceeding, except a proceeding to enforce this Consent Decree, Kerns stipulates to entry of this Consent Decree.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant Steve Kerns is assessed a civil penalty pursuant to Iowa Code sections 455B.191(2), 455B.191(5), 455D.25 and 459.603, of Twenty-Three Thousand and no/100 Dollars (\$23,000.00) for the violations alleged in the Petition. Kerns shall pay the Twenty-Three Thousand

and no/100 Dollars (\$23,000.00) penalty immediately upon entry of this Consent Decree. Kerns shall pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance.

4. Payments of the civil penalty and interest shall be made payable to “State of Iowa” and submitted to Plaintiff’s attorney, Eric M. Dirth.

5. Defendant Steven Kerns shall immediately construct an unformed manure structure at the West Facility that is in compliance with applicable manure storage laws and Administrative Consent Orders 2017-AFO-14 and 2017-AFO-15, receiving approval from Iowa Department of Natural Resources upon the structure’s completion.

6. This Consent Decree is in full compromise and settlement of all violations alleged in the Petition to have been committed by Defendant Steven Kerns and all violations by Kerns arising out of the same facts and circumstances referred to in the Petition which were known or should have been known to the State of Iowa or reasonably ascertainable from information in the State’s possession as of the date of the filing of this Consent Decree.

7. Defendant Steven Kerns is permanently enjoined from any further violations from Iowa Code sections 455B.186(1), 459.311(1) and 459.311(3); 567 Iowa Admin. Code 61.2(3), 61.3(2), 62.1, 65.2(3), 65.2(7), 65.2(9), 105.6(6), and the applicable manure management plan.

8. Willful failure to comply with the terms of this Consent Decree may subject Defendant Steven Kerns 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 Decree.

9. The costs of this action are taxed to Defendant Steven Kerns in the amount of \$195.00.



State of Iowa Courts

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STATE OF IOWA, IA DNR VS STEVEN KERNS
OTHER ORDER

So Ordered

Patrick W. Greenwood, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2022-10-31 15:16:12