

IN THE IOWA DISTRICT COURT FOR UNION COUNTY

STATE OF IOWA, ex rel., IOWA)
 DEPARTMENT OF NATURAL)
 RESOURCES (99AG23542),)
)
 Plaintiff,)
)
 vs.)
)
 CRESTON BEAN PROCESSING, LLC,)
)
 Defendant.)

LAW NO. LACV016578

CONSENT ORDER,
JUDGMENT AND DECREE

FILED
 UNION COUNTY, IOWA
 2010 AUG 20 PM 2:01
 CLERK OF DISTRICT COURT

NOW on this 20th day of August, 2010, the Court is presented with the plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code section 455B.146. The Court having read the petition and being otherwise 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. Defendant Creston Bean Processing, LLC, admits, for purposes of settlement and for this action only, the violations alleged in the Petition at Law.
3. Defendant states that its soybean processing facility was acquired after a previous owner, CF Processing, LLC, organized in 1998, entered a Chapter 11 bankruptcy in 2002; that in 2004, Creston Bean Processing, LLC was organized and it purchased the facility; and that at the time of acquisition by Creston Bean, no design or operational information for the facility was available, the facility had been closed for nine (9) months, and the company which had designed and built the facility was uncooperative in providing needed assistance on operations and environment management.

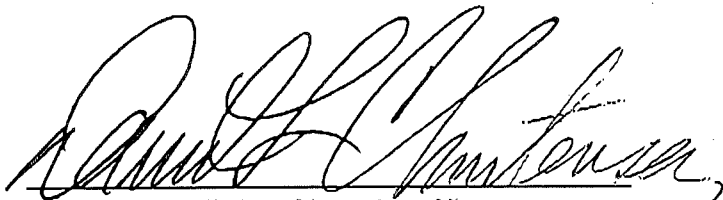
4. Defendant further states that commencing in February, 2005, and continuing until July 2009, Creston Bean encountered numerous operational and mechanical malfunctions; that during this period, Creston Bean engaged seven different engineering and technical consultants, made significant changes to operating practices and machinery, and incurred in excess of \$500,000 in consultant fees and equipment changes in efforts to comply with hexane and VOC emissions limitations; and that notwithstanding these efforts, hexane losses in excess of the applicable limitations resulted in an additional incremental cost to Creston Bean of more than \$450,000.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Creston Bean Processing, LLC, is assessed a civil penalty of One Hundred Sixty-five Thousand and no/100 Dollars (\$165,000.00) for the violations alleged in the petition. The defendant shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance. Payments of the civil penalty and interest shall be made payable to the State of Iowa and submitted to plaintiff's attorney, David R. Sheridan, at the address noted below.

2. Defendant Creston Bean Processing, LLC, is permanently enjoined from further violations of 40 C.F.R. sections 63.2840(a)-(d) as adopted by 567 Iowa Admin. Code 23.1(4) "cg"; Air Quality Construction Permit No. 97-A-956-S1; and Title V Operating Permit No. 03-TV-016.

3. The costs of this action are taxed to the defendant in the amount of \$ 185.00
(Clerk to enter).


JUDGE, Fifth Judicial District of Iowa


DAVID L. CHRISTENSEN

Approved as to form:

IOWA DEPARTMENT OF NATURAL
RESOURCES

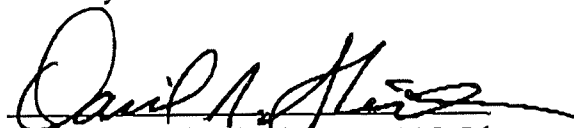
CRESTON BEAN PROCESSING, LLC



RICHARD A. LEOPOLD, Director

By: 
Marv Hachmeister, Manager

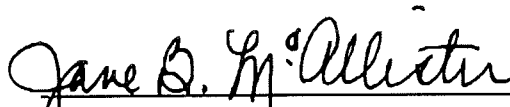
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