

[Entered 5/5/09]

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA, ex rel., IOWA)
DEPARTMENT OF NATURAL)
RESOURCES,)
)
Plaintiff,)
)
vs.)
)
EQUITABLE, L.P.,)
)
Defendant.)

NO. CV 7701

CONSENT ORDER, JUDGMENT
AND DECREE

FILED
09 MAY -5 AM 8:56
CLERK DISTRICT COURT

NOW on this 5th day of May, 2009, the Court is presented with 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 admits the violations alleged in paragraph 49 of Plaintiff's petition.
3. Defendant admits it failed to submit written notification of renovation activities to the IDNR prior to beginning the Equitable Building renovation.
4. Defendant admits it conducted the Equitable Building renovation without taking precautions for the potential presence of asbestos containing material.
5. Defendant neither admits nor denies the remaining allegations in Plaintiff's petition.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

6. Defendant is assessed a civil penalty of Five Hundred Thousand and no/100 Dollars (\$500,000.00) for the violations alleged in Plaintiff's petition. Defendant shall pay \$100,000.00 of the penalty within ten (10) days, an additional payment of \$200,000.00 within one calendar year, and a final payment of \$200,000 within two calendar years of entry of this Consent Order, Judgment and

Decree. 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 S. Steward, at the address noted below.

7. Defendant is hereby permanently enjoined from further violation of Administrative Order 2007-AQ-19, 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)(6)(iii), 61.145(c)(8), 61.150(a), 61.150(c), and 61.150(d)(1)-(2), adopted by reference in 567 IAC 23.1(3).

8. This Consent Order, Judgment and Decree is in full compromise and settlement of all violations alleged in the Petition to have been committed by Defendant, its partners, employees and agents, and all asbestos-related violations by Defendant, its partners, employees and agents 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 were reasonably ascertainable from information in the State's possession as of the date of filing of this Consent Order, Judgment and Decree.

9. 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.

10. Costs of this action are taxed to Defendant in the amount of \$ to be determined by clerk (Clerk to enter).

Dated this 5th day of May, 2009.


JUDGE, Eastern Judicial District of Iowa
D. J. STOVALL, JUDGE

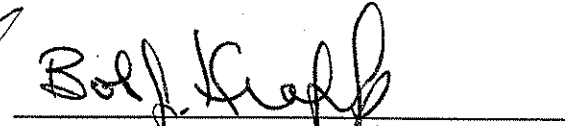
Approved as to form:

IOWA DEPARTMENT OF NATURAL
RESOURCES

EQUITABLE, L.P.



RICHARD LEOPOLD, DIRECTOR

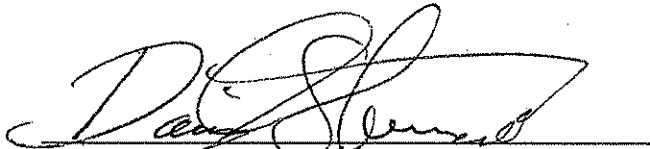


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