

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA, ex rel., IOWA )  
DEPARTMENT OF NATURAL )  
RESOURCES (99AG23542), )  
 )  
Plaintiff, )  
 )  
HARVEYS IOWA MANAGEMENT )  
COMPANY, INC., )  
 )  
Intervenor, )  
 )  
vs. )  
 )  
K & L CUSTOM FARMS, INC., d/b/a )  
K & L LANDSCAPE & CONSTRUCTION, )  
INC., )  
 )  
Defendant. )

LAW NO. CVCV103738

**PARTIAL CONSENT ORDER,  
JUDGMENT AND DECREE**

FILED  
2012 APR 20 AM 8:41  
IOWA DISTRICT COURT  
POTTAWATTAMIE COUNTY  
IOWA

NOW on this 20<sup>th</sup> day of April, 2012, the Court is presented with the Plaintiff's Petition at Law seeking civil penalties and injunctive relief, pursuant to Iowa Code sections 455B.307(2) and 455B.307(3). The Court having read the Petition at Law, 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 the entry of this Partial Consent Order, Judgment and Decree.
2. The Defendant admits, as between the Defendant and the State of Iowa only, and for the sole purpose of settlement of this enforcement action between the State of Iowa, ex rel., Iowa Department of Natural Resources ("IDNR") and the Defendant K & L Custom Farms, Inc., d/b/a K & L Landscape and Construction, Inc. ("K & L Landscape"), the following:

- a. the Defendant improperly disposed of at least forty-four (44) side dump truck loads of material containing some amount of solid waste at the Borrow Pit ("Borrow Pit") located in Section 19, Township 74 North, Range 43 W in Pottawattamie County, Iowa, in violation of Iowa Code section 455B.307(1) and 567 Iowa Admin. Code 100.4; and
- b. the Defendant improperly disposed of at least forty-three (43) side dump truck loads of material containing some amount of solid waste at the Oak Ridge Company ("ORC") dumpsite, located at 1900 River Road, Council Bluffs, Iowa, 51501, during the time period of November 9, 2009 through November 13, 2009, in violation of Iowa Code section 455B.307(1) and 567 Iowa Admin. Code 100.4.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

3. Defendant K & L Custom Farms, Inc., d/b/a K & L Landscape and Construction, Inc. ("K & L Landscape"), shall pay a civil penalty of Twenty Five Thousand and no/100 Dollars (\$25,000.00) for the violations admitted herein. The penalty shall be payable within ten (10) days of the entry of this Partial Consent Order, Judgment and Decree. The Defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any amounts not paid when due. Payment of the civil penalty and any interest shall be made payable to the State of Iowa and forwarded to Assistant Attorney General Jacob Larson at the address below.

4. Defendant K & L Landscape is permanently enjoined from further violations of Iowa Code sections 455B.307(1) and 567 Iowa Admin. Code 100.4.

5. The Court retains jurisdiction of this matter to ensure compliance with the terms of this Order.

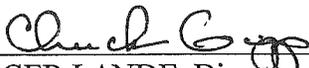
6. The costs of this action are taxed to the Defendant in the amount of \$ \_\_\_\_\_  
(Clerk to enter).

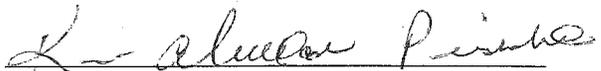
  
\_\_\_\_\_  
JUDGE, Fourth Judicial District of Iowa

Approved as to form:

IOWA DEPARTMENT OF  
NATURAL RESOURCES

K & L CUSTOM FARMS, INC.

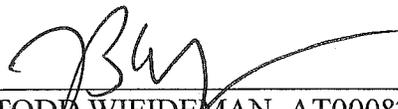
*for*   
ROGER LANDE, Director

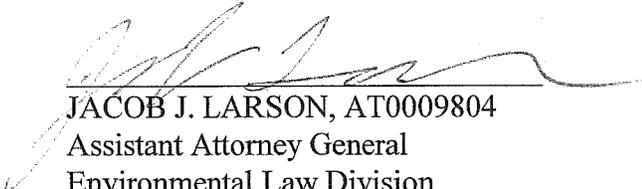
  
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