

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA, ex rel., IOWA)
DEPARTMENT OF NATURAL)
RESOURCES (99AG23542),)
)
Plaintiff,)
)
vs.)
)
LINCOLNWAY ENERGY, LLC, an Iowa)
Limited Liability Company,)
)
Defendant.)

LAW NO. CVCV045951

**CONSENT ORDER,
JUDGMENT AND DECREE**

FILED
CLERK OF COURT
NEWTON, IOWA
2010 APR 15 AM 9:47
STATE OF IOWA

NOW on this 12th day of April, 2010, the Court is presented with the plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code sections 455B.146 and 455B.191. 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 Lincolnway Energy, LLC, admits, for this action only, the violations alleged in the Petition at Law. The defendant states that the acts or omissions giving rise to the violations were not knowingly committed in violation of the law and expressly states that any violations were unintentional. The defendant further states that it has worked in a cooperative and timely manner with the State of Iowa to resolve these issues.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Lincolnway Energy, LLC, is assessed a civil penalty of One Hundred Seventy-six Thousand Seven Hundred Fifty and no/100 Dollars (\$176,750.00) for the violations

admitted herein. The defendant shall pay said 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. Payment of the civil penalty and interest shall be made payable to the State of Iowa and submitted to the plaintiff's attorney, David R. Sheridan, at the address noted below.

2. This Consent Order, Judgment and Decree constitutes full and complete settlement of the claims made, or which could have been made, by the IDNR in this action against Defendant Lincolnway Energy, LLC, relating to air pollution control and wastewater treatment occurring on or before the date of entry of this decree.

3. The costs of this action are taxed to the defendant in the amount of \$ 185. -

(Clerk to enter).

DALE E. RUIGH, JUDGE
Second Judicial District

JUDGE, Second Judicial District of Iowa

Approved as to form:

IOWA DEPARTMENT OF NATURAL
RESOURCES



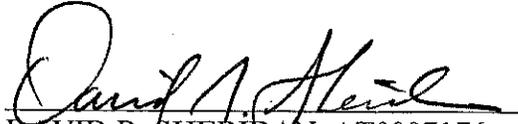
RICHARD A. LEOPOLD, Director

LINCOLNWAY ENERGY, LLC



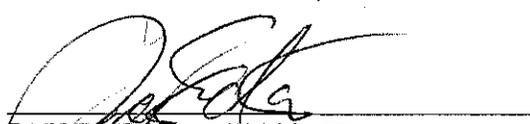
RICHARD BREHM, President

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