

IN THE DISTRICT COURT IN AND FOR CLARKE COUNTY

2008 APR 26 AM 9:39

STATE OF IOWA, ex rel., IOWA)
DEPARTMENT OF NATURAL)
RESOURCES (99AG23542),)

Plaintiff,)

vs.)

MILLER PRODUCTS COMPANY,)

Defendant.)

LAW NO. CVCV00100166)
CLARKE COUNTY IOWA)

**CONSENT ORDER,
JUDGMENT AND DECREE**

NOW on this 24th day of April, 2008, the Court is presented with the plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code section 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 Miller Products Company admits, for purposes of settlement and this action only, the wastewater pretreatment violations alleged in paragraph 37 of the Petition at Law but denies it has diluted its discharge or bypassed its pretreatment system.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Miller Products Company is assessed a civil penalty of Fifty Thousand and no/100 Dollars (\$50,000.00) 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 Miller Products Company is permanently enjoined from further violations of 567 Iowa Admin. Code 62.1(6).

3. Defendant Miller Products Company is permanently enjoined from discharging hexavalent chromium into the City of Osceola's publicly owned treatment works (POTW), unless expressly authorized by a pretreatment agreement with the City of Osceola which has been approved in writing by the Iowa Department of Natural Resources (IDNR). The defendant shall provide written notice to the IDNR Field Office #5, 401 S.W. 7th Street, Suite 1, Des Moines, Iowa, of any request for IDNR approval of a new or revised pretreatment agreement with the City of Osceola.

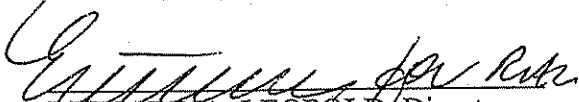
4. The Court retains jurisdiction of this matter to insure compliance with the terms of this Order and the permanent injunction issued on September 17, 1991, in State of Iowa, ex rel., Iowa Department of Natural Resources vs. Miller Products Company, Clarke County Law No. 4166, and served on Miller Products Company on September 19, 1991.

5. The costs of this action are taxed to the defendant in the amount of \$ 100.00
(Clerk to enter).

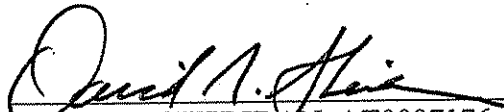
19 S.W. Phipps
JUDGE, Fifth Judicial District of Iowa

Approved as to form:

IOWA DEPARTMENT OF NATURAL
RESOURCES


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