

IN THE IOWA DISTRICT COURT FOR MONTGOMERY COUNTY

STATE OF IOWA ex rel. IOWA)	
DEPARTMENT OF NATURAL)	NO. _____
RESOURCES,)	
)	
Plaintiff,)	
)	
vs.)	CONSENT ORDER,
)	JUDGMENT AND DECREE
NEW COOPERATIVE, INC.,)	
)	
Defendant.)	
)	

The Court is presented with the Plaintiff's Petition in Equity seeking civil penalties and injunctive relief, pursuant to Iowa Code section 455B.191. The Court having read the Petition in Equity, and being otherwise advised by the parties, FINDS:

1. The Court has jurisdiction of the parties and the subject matter of this action.
2. The Parties have agreed to resolve the issues alleged in the Petition in Equity by entering into this Consent Order, Judgment and Decree ("Decree") and consent to its entry.
3. The Defendant NEW Cooperative, Inc. ("NEW Coop."), having reviewed the Petition in Equity, hereby admits, for purposes of settlement and this action only and for no other purpose, the violations of law contained in Plaintiff's Petition at paragraphs 67 and 68.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

4. Defendant NEW Coop. shall pay a civil penalty of Fifty Thousand and no/100 Dollars (\$50,000.00) for the violations admitted herein. NEW Coop. shall pay the penalty immediately upon entry of this Consent Decree. NEW Coop. 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 sent to Plaintiff’s attorney, Jacob Larson, Attorney General’s Office, Environmental Law Division, Hoover Building 2nd Floor, 1305 E. Walnut St., Des Moines, Iowa 50319.

5. Defendant NEW Coop. shall conduct a Supplemental Environmental Project (“SEP”). The SEP shall consist of a payment to the Montgomery County Conservation Board (“Board”) to be used for projects including: habitat and prairie restoration; controlled burn equipment purchases; habitat management; and native tree planting. NEW Coop. shall make a payment of \$50,000.00 to the Board immediately upon entry of this Consent Decree. Once the SEP payment has been made, NEW Coop. shall submit a receipt of the payment to Plaintiff’s attorney, Jacob Larson, at the address identified above.

6. Defendant NEW Coop. is permanently enjoined from further violations of Iowa Code section 455B.186 and 567 Iowa Admin. Code 61.3(2)(d) while this Consent Order remains in effect.

7. Willful failure to comply with the terms of this Consent Order, Judgment and Decree may subject Defendant NEW Coop to punishment for contempt of court, as well as other penalties and sanctions provided by law. The Court, therefore, retains jurisdiction of this matter to ensure compliance with the terms of this Order.

8. After three years from the date this Consent Decree is entered, and assuming NEW Coop. has complied with the requirements of this Consent Decree, the Decree shall be subject to termination upon motion by any party. At such time, if NEW Coop. believes it is in compliance with the requirements of this decree, then NEW Coop. shall so certify in writing to the IDNR, and unless IDNR objects in writing with specific reasons within thirty (30) days after receipt of the certification, the Court shall order that this Consent Order be terminated. If the IDNR objects to

NEW Coop.'s certification, then the matter shall be submitted to the Court for resolution. In such a case, NEW Coop. shall bear the burden of proving that it has satisfied all requirements of this Consent Order.

9. The costs of this action are taxed to Defendant.



State of Iowa Courts

Case Number
EQCV022659
Type:

Case Title
STATE OF IOWA V. NEW COOP.
OTHER DECREE

So Ordered

Eric J. Nelson, District Court Judge,
Fourth Judicial District of Iowa

Electronically signed on 2025-07-24 11:56:36