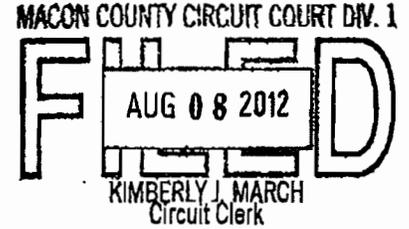


**IN THE CIRCUIT COURT OF MACON COUNTY
STATE OF MISSOURI**

STATE OF MISSOURI ex rel.)
 Chris Koster, Attorney General of)
 Missouri, and the Missouri)
 Department of Natural Resources,)
)
 Plaintiff,)
)
 v.)
)
 CHARLES COOPER, LLC,)
)
 Defendant.)



Case No. 11MA-CC00040

CONSENT JUDGMENT

Plaintiff, State of Missouri, at the relation of Chris Koster, Attorney General, and the Missouri Department of Natural Resources and Defendant, Charles Cooper, LLC, by and through counsel, hereby consent to the entry of this Consent Judgment.

The Court has read Plaintiff's Petition for Injunctive Relief and Civil Penalties, in which Plaintiff alleges that Defendant violated the Missouri Clean Water Law, Chapter 644 RSMo, and its implementing regulations. The Court is satisfied that the provisions of this Consent Judgment are intended to resolve the issues raised by the Petition and that the parties want to terminate this controversy and consent to the entry of this judgment without trial. Defendant agrees to the terms and conditions of this Consent Judgment without admitting or denying the allegations in Plaintiff's petition.

This Consent Judgment is made, agreed upon, and submitted to the Court for the purpose of settlement only, and upon the condition that the Court approves it in its entirety. In the event the Court does not approve of this Consent Judgment in its entirety and as agreed by the parties, it shall be null and void and have no effect in this or any other proceeding. The parties understand and agree that each and every term of this Judgment shall be enforceable by further order of this Court, and to that end, the Court retains jurisdiction of the matter in order to enforce each and every term of this Consent Judgment. The Court finds that the terms of this Consent Judgment protect the public's interest.

The parties hereto, having consented to the entry of this Consent Judgment, now therefore, before the taking of any testimony and upon the pleadings, it is hereby ORDERED, ADJUDGED AND DECREED that:

I. Objectives of the Parties

1. The objectives of the parties to this Consent Judgment are to protect human health and the environment and to resolve allegations contained in Plaintiff's Petition.

II. Definitions

2. Terms used herein shall have the same meaning as provided in Chapter 644 RSMo and the regulations adopted thereunder. In addition, the following terms are specifically defined:

- a. "CAFO" means concentrated animal feeding operation.
- b. "Consent Judgment" means this Consent Judgment and all attachments, which are included by reference and fully enforceable as a term of the judgment.
- c. "Defendant" means Charles Cooper, LLC.
- d. "Department" means the Missouri Department of Natural Resources.
- e. "Facility" means Clear Creek Farm, a Class II CAFO. A legal description of the facility is attached hereto and incorporated herein as Exhibit 1.
- f. "MSOP" means Missouri State Operating Permit.
- g. "Plaintiff" means the State of Missouri on the relationship of Attorney General Chris Koster, the Department and the Missouri Clean Water Commission.

III. Jurisdiction and Venue

3. This Court has jurisdiction over the subject matter herein and of the parties consenting hereto pursuant to § 644.076.1 RSMo. The Defendant's actions giving rise to this action took place in Macon County and venue is proper pursuant to § 644.076.1 RSMo.

IV. Parties Bound

4. The provisions of this Order shall be binding upon the parties to

this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this action or their agents, servants, employees, heirs, successors, and assigns.

V. Satisfaction and Reservation of Rights

5. Upon payment of the civil penalties, Defendant as well as its members, agents, servants, employees, heirs, successors, and assigns are relieved of liability for the violations alleged in the petition.

VI. Civil Penalty

6. Defendant consents to the entry of judgment in favor of the Plaintiff for a civil penalty of Fifteen Thousand Dollars and No Cents (\$15,000.00). Defendant hereby authorizes entry of this judgment against it and in favor of the Plaintiff for this sum. The parties have agreed that Defendant will pay half (1/2) of this amount, totaling Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00), upon entry of this Consent Judgment. The parties have further agreed that Defendant will pay the other half (1/2) of the civil penalty, totaling Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00), within sixty (60) days of entry of this Consent Judgment.

7. Defendant has agreed to pay the civil penalty by check made

payable to the "*State of Missouri (Macon County)*." When each of the two payments described in paragraph 6 become due, Defendant will mail the check and a copy of the Consent Judgment to Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. The Attorney General's office may hold or deposit the check consistent with its internal policies until such time as the Consent Judgment is entered by the Court. After entry by the Court, the Attorney General's Office will assure that the payment is credited to the proper account.

VII. Response Costs

8. Defendant consents to the entry of judgment in favor of the Plaintiff for actual damages incurred by the State for response and investigative costs, collectible pursuant to § 644.096 RSMo, of Three Thousand Nine Hundred Eight Dollars and Ninety Seven Cents (\$3,908.97). Defendant hereby authorizes entry of this judgment against it and in favor of the Plaintiff for this sum. Defendant has agreed to pay actual damages by check made payable to the "*State of Missouri*." Upon signing of this Consent Judgment by Defendant, Defendant will mail the check and a copy of the Consent Judgment to Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. The Attorney General's office may hold or deposit the check consistent with its internal policies until such time as the Consent Judgment is entered by the Court. After entry by

the Court, the Attorney General's Office will assure that the payment is credited to the proper account.

VIII. Modification

9. Except as otherwise specified herein, this Consent Judgment may be modified or amended only upon written agreement by and among the parties, their successors and assigns and with the approval of the Court. All modifications shall be in writing and filed with the Court.

IX. Costs

10. Defendant shall pay all court costs in this action.

The parties hereby consent to this Consent Judgment through their
duly authorized representatives as indicated below.

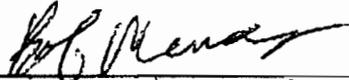
CHARLES COOPER, LLC


Charles Cooper

Title: Member

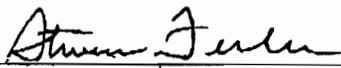
Date: 6-20-12

MISSOURI ATTORNEY GENERAL'S OFFICE

By: 
Robert H. Menees
Assistant Attorney General

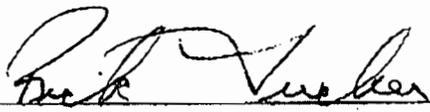
Date: 7-19-12

MISSOURI DEPARTMENT OF NATURAL RESOURCES

By: 
† Alan J. Reinkemeyer, Acting Director
Division of Environmental Quality

Date: July 12, 2012

SO ORDERED.


Circuit Judge

Date: 8/8/12

EXHIBIT 1

A tract of land situated in the Southeast Quarter of Section 18, Township 59 North, Range 15 West, Macon County, Missouri and being more particularly described as follows:

Commencing at the South quarter corner of said Section 18; thence along the quarter section line, North 0 degrees 39 minutes 29 seconds West a distance of 1314.41 feet to the Northwest corner of the Southwest Fourth of the Southeast Quarter of said Section 18; thence along the quarter section line, North 88 degrees 47 minutes 05 seconds East a distance of 653.91 feet to the Point of Beginning, TOWIT: thence leaving the quarter quarter section line, North 1 degree 05 minutes 52 seconds West, a distance of 1044.78 feet to the centerline of Flat Iron Street; thence along said centerline the following courses and distances: South 46 degrees 38 minutes 31 seconds East a distance of 87.70 feet; thence South 63 degrees 11 minutes 02 seconds East a distance of 104.98 feet; thence South 86 degrees 01 minute 06 seconds East a distance of 95.29 feet; thence North 83 degrees 05 minutes 31 seconds East a distance of 366.38 feet; thence North 83 degrees 40 minutes 28 seconds East a distance of 41.08 feet; thence leaving said centerline, South 9 degrees 07 minutes 35 seconds East a distance of 217.48 feet; thence South 64 degrees 13 minutes 17 seconds East a distance of 289.20 feet; thence South 82 degrees 39 minutes 40 seconds East a distance of 367.72 feet to the Westerly right of way line of Route 3; thence along said right of way line the following courses and distances: South 8 degrees 32 minutes 06 seconds West a distance of 121.04 feet to the point of curvature of a non-tangent curve, concave to the East, having a radius of 11497.18 feet, a central angle of 3 degrees 11 minutes 54 seconds, and a chord of 641.71 feet bearing South 6 degrees 56 minutes 03 seconds West; thence South along said curve, a distance of 641.79 feet; thence leaving said right of way line, South 88 degrees 47 minutes 24 seconds West a distance of 1197.85 feet; thence North 1 degree 05 minutes 50 seconds West a distance of 190.52 feet to the Point of Beginning, as shown in Surveyors Record Book 15, page 35 in the Macon County Records. Subject to any and all easements of record.