

IN THE CIRCUIT COURT OF RALLS COUNTY, MISSOURI

STATE OF MISSOURI ex rel.
JEREMIAH W. (JAY) NIXON, the
MISSOURI CLEAN WATER
COMMISSION and the
MISSOURI DEPARTMENT OF
NATURAL RESOURCES

Plaintiff,

v.

KEN JAEGER,

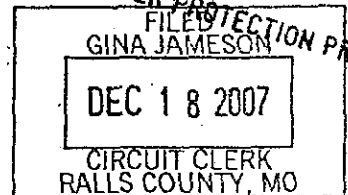
Defendant.

FILED

JUL 8 2008

Missouri Public
Service Commission

Case No. CV805-12CC



RECEIVED

MO. ATTORNEY GENERAL

ORDER

1. This matter was called before the Court on December 4, 2007, at 11:00 a.m.

Defendant Jaeger appeared with his counsel, James Lemon and Joe Maxwell. The State was represented by Harry D. Bozoian, Assistant Attorney General. Settlement was announced by the parties conditioned on Defendant Jaeger gaining acceptance by the Public Service Commission of a valid continuing authority for the wastewater treatment system serving Lost Valley Subdivision by no later than March 4, 2008. The settlement of this matter will be placed in the form of a Consent Judgment and Order of Injunction to be approved by the Court on the March 4, 2008, Law Day which shall contain the following:

a. Defendant Jaeger will reimburse the residents of Lost Valley Subdivision in the amount of Two Thousand Four Hundred Dollars (\$2,400.00) for the costs the residents incurred for road repair at Lost Valley Subdivision upon entry of the Consent Judgment and Order of Injunction.

b. Defendant Jaeger will be assessed a civil penalty in the amount of Seventy-Five Thousand Dollars (\$75,000.00) for past violations of the Missouri Clean Water Law, Fifty Thousand Dollars (\$50,000.00) of which is to be suspended on the condition that Defendant

OPC-13

OPC Exhibit No. 13
Case No(s) SO-2008-0358
Date 6-23-08 Rptr XF

Jaeger complies with the Missouri Clean Water Law at all times in the future. Defendant Jaeger shall pay the Twenty-Five Thousand Dollar (\$25,000.00) up-front civil penalty upon entry of the Consent Judgment and Order of Injunction.

c. Defendant Jaeger will be enjoined to comply with the Missouri Clean Water Law at all times in the future.

2. Blue Lagoon, LLC (Alvin Thompson - sole member) is making an application with the Public Service Commission to become the continuing authority for the wastewater treatment system at Lost Valley Subdivision. In the event the Public Service Commission does not approve Blue Lagoon, LLC's application to become the continuing authority for Lost Valley Subdivision by March 4, 2008, and said approval is at no fault of Defendant Jaeger, the terms of this settlement shall be continued to a new date to be set by the court. However, if Blue Lagoon, LLC's application does not gain approval from the Public Service Commission by March 4, 2008, and said delay is caused by actions or inactions of Defendant Jaeger, the settlement terms announced by the parties shall be withdrawn and a future penalty hearing date will be set by the court.

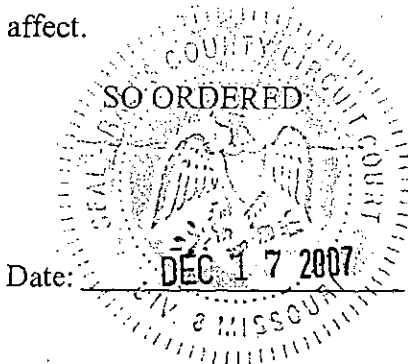
3. Defendant Jaeger's Motion to Set Aside Judgment of Contempt is taken under advisement until the March 4, 2008, Law Day.

4. The settlement outlined above is also conditioned upon Defendant Jaeger transferring all necessary real estate assets and personal property to the continuing authority (which may include the purchase of wastewater land application equipment) so that the continuing authority can operate the wastewater treatment and land application system in compliance with the Missouri Clean Water Law. The residents and users of the wastewater treatment system shall not incur costs in said transfer of real estate and assets, including the purchase of land application equipment. Defendant Jaeger shall be and is prohibited from

acquiring any right, title or interest, legal or equitable, in Blue Lagoon, L.L.C., its successors or assigns.

5. This matter is reset for a hearing on March 4, 2008, at 11:00 a.m. and Defendant Jaeger is ordered to appear at this time.

6. All previous Judgments and Orders of this Court are to remain in full force and affect.




Robert M. Clayton, Circuit Judge