

2024-01268

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IOWA E-FILING FEE: 3.41

TOTAL FEE: 25.41

TRANSFER TAX: 0.00

ANDREW MOATS, RECORDER

POTTAWATTAMIE COUNTY, IOWA

Prepared by and return to: Colby Hannasch @ LEM 712-277-7581

MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES, 401 Douglas St, Sioux City, IA 51101

**MIDAMERICAN ENERGY COMPANY  
NOTICE OF CLOSURE & PROPERTY RESTRICTION**

Folder No. 126271  
Work Req. No. NA  
IDNR No. 78-SDP-33-16C

State of	<u>Iowa</u>
County of	<u>Pottawattamie</u>
Section	<u>19, 30</u>
Township	<u>74</u> North
Range	<u>43</u> West of the 5 <sup>th</sup> P.M.

This MidAmerican Energy Company Notice of Closure & Property Restriction (this "Restriction") is established this 6<sup>th</sup> day of February, 2024, by MIDAMERICAN ENERGY COMPANY, an Iowa Corporation, ("MidAmerican").

WHEREAS, MidAmerican is the owner of the property legally described on Exhibit "A" attached hereto and incorporated herein (the "Property").

WHEREAS, MidAmerican hereby gives notice that a coal combustion residue (CCR) surface impoundment existed on the Property.

WHEREAS, MidAmerican desires to place environmental restrictions on the Property pursuant to 40 CFR 257.104 and Iowa Code chapter 455I.

NOW, THEREFORE, MidAmerican establishes this Restriction for the purpose of subjecting the Property to certain activity and use limitations in accordance with the terms and conditions specified below:

1. The surface impoundment has been closed pursuant to Iowa Department of Natural Resources Sanitary disposal Project Closure Permit #78-SDP-33-16C issued September 29, 2022, 40 CFR 257 subpart D, and Iowa Code chapter 455B, Division IV ("Solid Waste Disposal," Part I "Solid Waste" and the accompanying rules).
2. The surface impoundment use is restricted under the post-closure requirements as provided by 40 CFR 257.104(d)(1)(iii), specifically that:

Post-closure use of the Property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates the

disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the Iowa Department of Natural Resources that the demonstration has been placed in the operating record and on the owner's or operator's publicly accessible Internet site.

3. This Restriction shall run with the land in perpetuity, unless modified by state or federal law.

**IN WITNESS WHEREOF**, the undersigned have duly executed and delivered this Environmental Covenant as of the day and year first written above.

**[SIGNATURE PAGE FOLLOWS]**

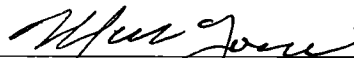
Dated this 6<sup>th</sup> day of February, 2024

MidAmerican Energy Company



Michael C. Fehr, VP For Renewable Generation  
And Compliance

MidAmerican Energy Company

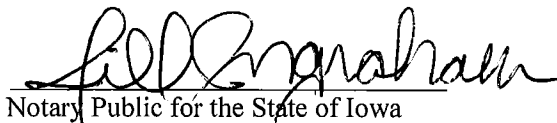
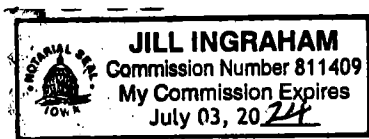


Mark Lowe, VP, General Council And  
Assistant Secretary

#### ACKNOWLEDGEMENTS

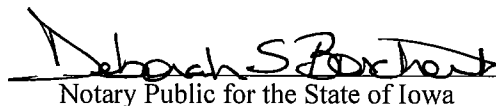
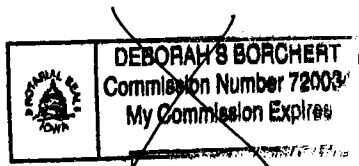
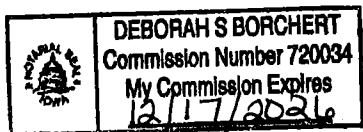
STATE OF IOWA                     )  
  ) ss  
COUNTY OF POLK                 )

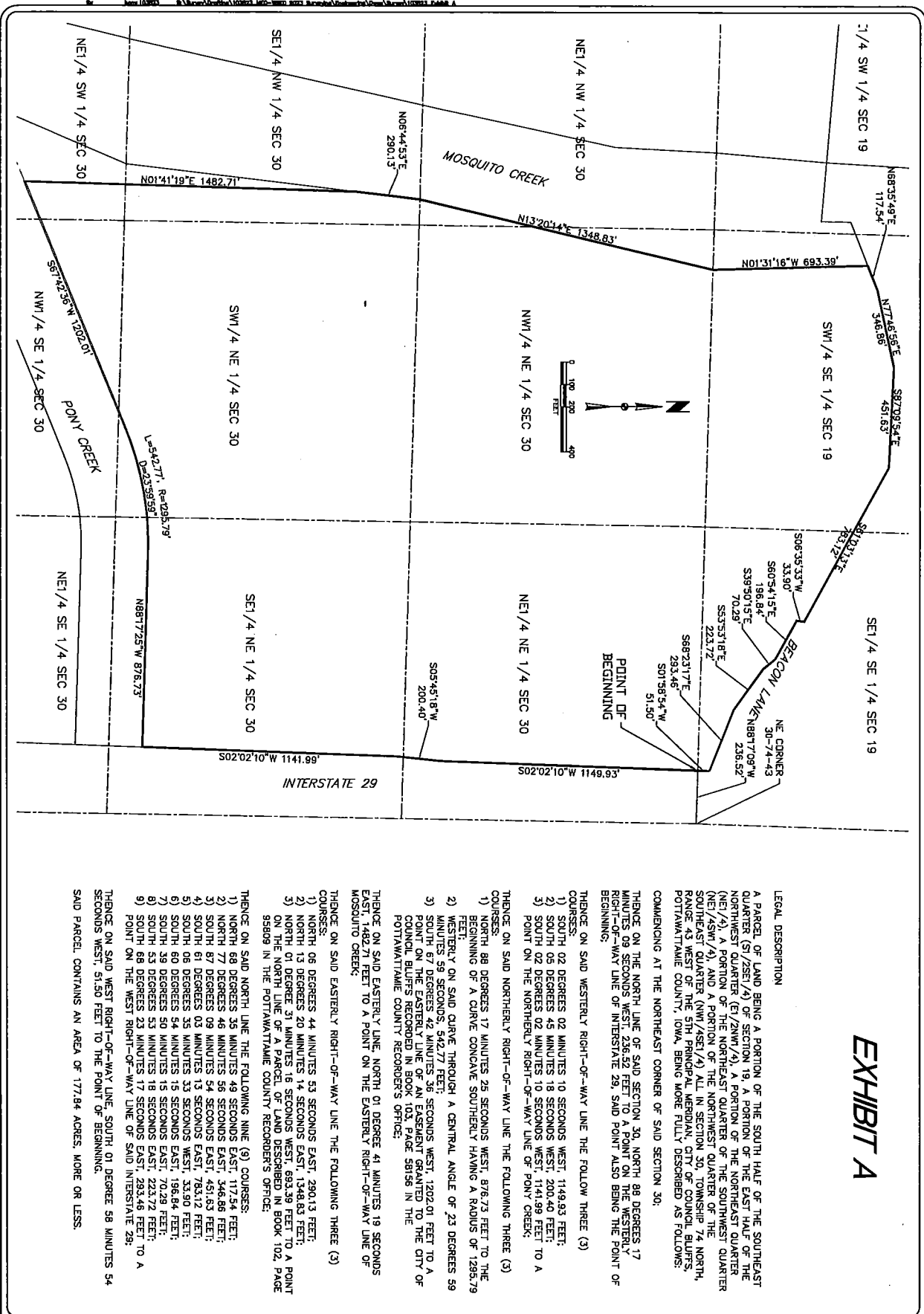
This instrument was acknowledged before me on February 5, 2024, by MICHAEL C. FEHR, VICE PRESIDENT FOR RENEWABLE GENERATION AND COMPLIANCE for MIDAMERICAN ENERGY COMPANY, an Iowa corporation.

  
Notary Public for the State of Iowa

STATE OF IOWA                     )  
  ) ss  
COUNTY OF POLK                 )

This instrument was acknowledged before me on February 6, 2024, by Mark Lowe as VICE PRESIDENT, GENERAL COUNSEL AND ASSISTANT SECRETARY for MIDAMERICAN ENERGY COMPANY, an Iowa corporation.

  
Notary Public for the State of Iowa



# EXHIBIT A

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2SE1/4) OF SECTION 19, A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER (E1/2NW1/4), A PORTION OF THE NORTHWEST QUARTER (NE1/4), A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NE1/4SW1/4), AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTH SOUTHEAST QUARTER (NE1/4NE1/4SE1/4) OF SECTION 30, TOWNSHIP 17N, RANGE 13E, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30;

THENCE ON THE NORTH LINE OF SAID SECTION 30, NORTH 88 DEGREES 17 MINUTES 09 SECONDS WEST, 236.52 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 29, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOW THREE (3) COURSES:

- 1) SOUTH 02 DEGREES 02 MINUTES 10 SECONDS WEST, 1149.93 FEET;
- 2) SOUTH 05 DEGREES 45 MINUTES 18 SECONDS WEST, 200.40 FEET;
- 3) SOUTH 02 DEGREES 02 MINUTES 10 SECONDS WEST, 1141.99 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PONY CREEK;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 88 DEGREES 17 MINUTES 25 SECONDS WEST, 876.73 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1293.79 FEET;
- 2) WESTERLY ON SAID CURVE THROUGH A CENTRAL ANGLE OF 23 DEGREES 59 MINUTES 59 SECONDS, 562.77 FEET;
- 3) SOUTH 67 DEGREES 42 MINUTES 36 SECONDS WEST, 1202.01 FEET TO A POINT ON THE EASTERLY LINE OF AN EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 103, PAGE 58156 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE;

THENCE ON SAID EASTERLY LINE, NORTH 01 DEGREE 41 MINUTES 19 SECONDS EAST, 1462.71 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MOSQUITO CREEK;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 06 DEGREES 44 MINUTES 53 SECONDS EAST, 290.13 FEET;
- 2) NORTH 13 DEGREES 20 MINUTES 14 SECONDS EAST, 1348.83 FEET;
- 3) NORTH 01 DEGREE 31 MINUTES 16 SECONDS WEST, 693.39 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 102, PAGE 95809 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE;

THENCE ON SAID NORTH LINE THE FOLLOWING NINE (9) COURSES:

- 1) NORTH 68 DEGREES 35 MINUTES 49 SECONDS EAST, 117.54 FEET;
- 2) NORTH 77 DEGREES 46 MINUTES 56 SECONDS EAST, 346.86 FEET;
- 3) SOUTH 87 DEGREES 09 MINUTES 54 SECONDS EAST, 451.63 FEET;
- 4) SOUTH 61 DEGREES 03 MINUTES 13 SECONDS EAST, 783.12 FEET;
- 5) SOUTH 08 DEGREES 35 MINUTES 33 SECONDS WEST, 333.90 FEET;
- 6) SOUTH 60 DEGREES 54 MINUTES 19 SECONDS EAST, 196.84 FEET;
- 7) SOUTH 39 DEGREES 50 MINUTES 19 SECONDS EAST, 223.72 FEET;
- 8) SOUTH 53 DEGREES 23 MINUTES 17 SECONDS EAST, 233.46 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID INTERSTATE 29;

THENCE ON SAID WEST RIGHT-OF-WAY LINE, SOUTH 01 DEGREE 58 MINUTES 54 SECONDS WEST, 515.0 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 177.94 ACRES, MORE OR LESS.

hgm ASSOCIATES INC. 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA PHONE: (712) 323-0830

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NORTH IMPONDMENT POND MIDAMERICAN ENERGY COMPANY EXHIBIT A

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