

OHIO E.P.A.

NOV 18 2005

ENTERED DIRECTOR'S JOURNAL

Effective Date NOV 18 2005

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Campbell Soup Supply :
Company, L.L.C. :
12-773 State Route 110 :
Napoleon, Ohio 43545 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Campbell Soup Supply Company, L.L.C. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water system shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6109 and the rules promulgated thereunder.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency

By Shirley Jackson date 11-18-05

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS), which is also a "nontransient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 3531411) is located at 12-773 State Route 110, Napoleon (Henry County), Ohio, 43545.
3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01, and serves a population of 1,300 persons. Respondent's water source is the Maumee River, which is subject to intermittent nitrate fluctuations.
4. In accordance with OAC Rules 3745-81-23(B)(2) and 3745-81-11(A), all PWSs which are surface water systems shall monitor for nitrate monthly to determine compliance with the maximum contaminant level (MCL) of 10 milligrams per liter (mg/l).
5. In violation of OAC Rule 3745-81-11(A), Respondent exceeded the MCL for nitrate in the months of February 2000, March 2000, June 2000, May 2001, December 2002, January 2003, February 2003, and March 2003.
6. In accordance with OAC Rule 3745-81-24(D)(1), a nontransient noncommunity PWS that treats their water with any combination of chlorine, chloramines, chlorine dioxide, and/or ozone shall monitor for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) according to this Rule.
7. In violation of OAC Rule 3745-81-24(D)(1), Respondent failed to monitor for TTHM and HAA5 in the January through March 2004 quarter. Respondent untimely sampled on April 12, 2004.
8. On December 6, 2002, the Director issued a chemical contaminant monitoring schedule to Respondent (2003 monitoring schedule) for the compliance period that began on January 1, 2003 and ended on December 31, 2003.
9. On January 1, 2004, the Director issued a chemical contaminant monitoring schedule to Respondent (2004 monitoring schedule) for the compliance period that began on January 1, 2004 and ended on December 31, 2004.

10. In accordance with OAC Rule 3745-81-24(C) and Respondent's 2003 monitoring schedule, Respondent was required to monitor for synthetic organic chemicals (SOCs) during the May 1, 2003 through July 30, 2003, monitoring period.
11. In violation of OAC Rule 3745-81-24(C) and Respondent's 2003 monitoring schedule, Respondent failed to monitor for SOCs during the May 1 through July 30, 2003 monitoring period.
12. In accordance with OAC Rule 3745-81-24(B) and Respondent's 2004 monitoring schedule, Respondent was required to monitor for volatile organic chemicals (VOCs) during the January 1 through March 30, 2004 monitoring period.
13. In violation of OAC Rule 3745-81-24(B) and 2004 monitoring schedule, Respondent failed to monitor for VOCs during the January 1 through March 30, 2004 monitoring period. Respondent untimely sampled on April 12, 2004.
14. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Within three (3) months of the effective date of these Orders, Respondent shall submit a General Plan (three copies), in accordance with OAC Chapter 3745-91, to Ohio EPA, Northwest District Office (NWDO), Division of Drinking and Ground Waters (DDAGW), 347 North Dunbridge Road, Bowling Green, Ohio 43402-9398, for review and approval. The General Plan shall describe the different options for addressing fluctuating nitrate levels, shall provide a cost estimate for each option, and shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:
 - a. a description of alternatives considered and the rationale for the preferred approach selected to address fluctuating nitrate levels;
 - b. an engineering description of the existing facilities and detailed information regarding any facility alterations or treatment to be installed and when it would be put into service, including the construction phases; and
 - c. the engineering description shall include an estimate of all the costs of any required construction, operation, maintenance, and anticipated sources of funds to cover these estimated costs.

2. If Ohio EPA requires and Respondent agrees to any revisions to the General Plan, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA, NWDO, DDAGW, within ten (10) days of receiving a comment letter from Ohio EPA.
3. Respondent shall implement the preferred approach in the General Plan, as negotiated and accepted by Ohio EPA and Respondent, and achieve compliance with the primary drinking water requirements of OAC Chapter 3745-81 applicable to nitrate concentrations in accordance with the schedule contained within the General Plan for such approach.
4. Within seven (7) days after the completion of implementation of the preferred approach, Respondent shall send written notification of compliance with schedule contained in the General Plan to Ohio EPA, NWDO, DDAGW.
5. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2005 and all subsequent monitoring schedules issued by the Director.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's DDAGW acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the operation of Respondent's PWS.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Drinking and Ground Waters
347 North Dunbridge Road
Bowling Green, Ohio 43402
Att: Enforcement Manager

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity. Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

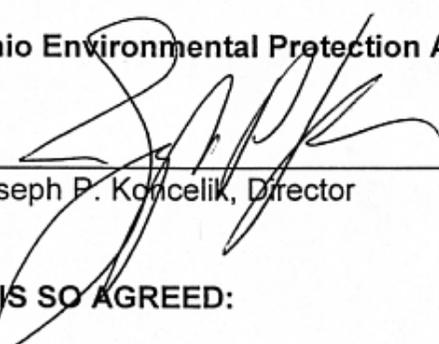
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



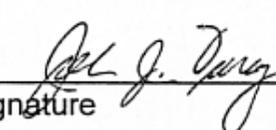
Joseph P. Koncek, Director

NOV 18 2005

Date

IT IS SO AGREED:

The Campbell Soup Supply Company



Signature

10/24/05

Date

John J Forey Corporate Secretary
Printed or Typed Name and Title