

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0981-IWD-E **TCEQ ID:** RN100216753 **CASE NO.:** 35986
RESPONDENT NAME: Campbell Soup Supply Company L.L.C.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Campbell Soup Paris Plant, 500 North Loop 286, approximately 0.25 mile west of the intersection of United States Loop Highway 286 and United States Highway 271, in the northern portion of the City of Paris, Lamar County</p> <p>TYPE OF OPERATION: Canning operation</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Michael Winkler, Vice President of Manufacturing, Paris Operations, Campbell Soup Supply Company L.L.C., P.O. Box 9016, Paris, Texas 75461-9016 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 6, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 23, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for biochemical oxygen demand and oil and grease [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 01012, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$3,480</p> <p>Total Deferred: \$696 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,784</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. 01012, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0001012000



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	27-May-2008	Screening	3-Jun-2008	EPA Due	
	PCW	13-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Campbell Soup Supply Company L.L.C		
Reg. Ent. Ref. No.	RN100216753		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35986	No. of Violations	1
Docket No.	2008-0981-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	74.0% Enhancement	Subtotals 2, 3, & 7 \$1,480
Notes	The penalty is enhanced due to ten self-reported monthly effluent violations, two NOV's with unrelated violations, and one final agreed order containing a denial of liability.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$1,225	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,000	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,480
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$3,480
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,480
DEFERRAL	20.0% Reduction	Adjustment -\$696
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$2,784

Screening Date 3-Jun-2008

Docket No. 2008-0981-IWD-E

PCW

Respondent Campbell Soup Supply Company L.L.C

Policy Revision 2 (September 2002)

Case ID No. 35986

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100216753

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 74%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced due to ten self-reported monthly effluent violations, two NOV's with unrelated violations, and one final agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 74%

Screening Date 3-Jun-2008	Docket No. 2008-0981-IWD-E	PCW
Respondent Campbell Soup Supply Company L.L.C	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35986	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No. RN100216753		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		
Violation Number 1		
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 01012, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on May 6, 2008 and shown in the attached table.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			X
	Potential			
				Percent 10%

>> Programmatic Matrix

Matrix Notes	Falsification			
	Major	Moderate	Minor	
				Percent 0%
A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Also, oil and grease was considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended

Good Faith Efforts to Comply Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total** \$3,480

This violation Final Assessed Penalty (adjusted for limits) \$3,480

Economic Benefit Worksheet

Respondent Campbell Soup Supply Company L.L.C
Case ID No. 35986
Reg. Ent. Reference No. RN100216753
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-May-2007	28-Feb-2009	1.75	\$58	\$1,167	\$1,225
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to conduct engineering study to determine cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,225

EFFLUENT VIOLATION TABLE			
Campbell Soup Supply Company L.L.C			
TPDES Permit No. 01012			
Docket No. 2008-0981-IWD-E			
Months	BOD Daily Avg. Loading	BOD Daily Max. Loading	Oil & Grease Daily Max. Conc.
	Limit = 1252 lbs/day	Limit = 2168 lbs/day	Limit = 20 mg/L
Outfall 001A			
5/31/2007	c	c	36.80
12/31/2007	1413.43	3282.94	c
1/31/2008	2007.29	5683.00	c

conc. = concentration avg. = average
 lbs/day = pounds per day Max. = Maximum
 mg/L = milligrams per liter
 BOD = Biochemical Oxygen Demand

Compliance History

Customer/Respondent/Owner-Operator:	CN601112014 Campbell Soup Supply Company L.L.C.	Classification: AVERAGE	Rating: 2.59
Regulated Entity:	RN100216753 CAMPBELL SOUP PARIS PLANT	Classification: AVERAGE	Site Rating: 2.59
ID Number(s):	WASTEWATER PERMIT WQ0001012000 WASTEWATER PERMIT TPDES0008982 WASTEWATER PERMIT TX0008982 WASTEWATER PERMIT TX0008982 AIR NEW SOURCE PERMITS AFS NUM 4827700001 AIR NEW SOURCE PERMITS ACCOUNT NUMBER LA0042L AIR NEW SOURCE PERMITS REGISTRATION 55354 AIR NEW SOURCE PERMITS PERMIT 56233 AIR NEW SOURCE PERMITS REGISTRATION 82706 INDUSTRIAL AND HAZARDOUS WASTE GENERATION EPA ID TXD007352693 INDUSTRIAL AND HAZARDOUS WASTE GENERATION SOLID WASTE REGISTRATION # (SWR) 30453 WASTEWATER LICENSING LICENSE WQ0001012000 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30453		

Location: 500 North Loop 286, approximately 1/4 mile west of the intersection of U.S. Loop Highway 286 and U.S. Highway 271, in the northern portion of the City of Paris, Lamar County, Texas

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: June 03, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 03, 2003 to June 03, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Steve Villatoro Phone: 512-239-4930

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A	Effective Date: 08/13/2004	ADMINORDER 2003-1591-AIR-E
	Classification: Major	

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a timely annual compliance certification for Permit No. O-01141 within 30 days after the end of the certification period. The annual compliance certifications for this facility were due to the TCEQ (TNRCC) on February 25, 2001 and February 25, 2002.

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a deviation report for the untimely submittal of the annual compliance certification for Permit No. O-01141, for the certification period ending January 25, 2001 and January 25, 2002.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/01/2003	(296775)
2	07/18/2003	(296776)
3	08/22/2003	(296777)
4	09/19/2003	(296778)
5	10/31/2003	(296779)
6	11/20/2003	(296780)
7	12/18/2003	(296781)
8	01/27/2004	(296782)
9	02/26/2004	(296772)
10	03/22/2004	(264351)
11	03/22/2004	(296773)
12	04/27/2004	(267137)
13	04/30/2004	(352754)
14	06/04/2004	(352755)
15	06/29/2004	(352756)
16	07/30/2004	(352757)
17	08/31/2004	(352758)
18	09/27/2004	(382132)
19	10/25/2004	(293299)
20	10/29/2004	(352759)
21	11/29/2004	(382133)
22	12/28/2004	(382134)
23	01/27/2005	(382135)
24	03/07/2005	(382130)
25	03/29/2005	(382131)
26	05/03/2005	(441109)
27	05/27/2005	(441110)
28	06/27/2005	(441111)
29	07/22/2005	(400892)
30	07/22/2005	(441112)
31	08/10/2005	(396764)
32	08/26/2005	(441113)
33	09/19/2005	(441114)
34	10/26/2005	(468892)
35	11/28/2005	(468893)
36	01/03/2006	(468894)
37	02/03/2006	(453024)
38	02/03/2006	(468895)
39	02/03/2006	(454327)
40	03/07/2006	(468890)
41	03/20/2006	(468891)
42	05/08/2006	(498502)
43	06/06/2006	(498503)
44	06/26/2006	(498504)
45	08/02/2006	(520502)
46	08/18/2006	(520503)
47	09/26/2006	(520504)
48	10/23/2006	(575948)
49	11/27/2006	(575949)
50	12/27/2006	(575950)
51	01/29/2007	(575951)
52	02/26/2007	(575944)
53	02/27/2007	(539970)
54	04/09/2007	(575945)
55	04/26/2007	(575946)
56	06/04/2007	(575947)
57	08/06/2007	(607669)

58 08/14/2007 (607668)
 59 08/23/2007 (607670)
 60 10/09/2007 (672255)
 61 10/25/2007 (619747)
 62 11/27/2007 (619748)
 63 12/07/2007 (599714)
 64 12/27/2007 (619749)
 65 01/17/2008 (619750)
 66 02/27/2008 (672253)
 67 03/28/2008 (672254)
 68 05/23/2008 (657113)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	11/30/2004	(382134)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2004	(382135)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/03/2006	(453024)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.146(2)			
Description:	Failure to submit a compliance certification within 30 days from the end of the certification period.			
Date	03/31/2006	(498502)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2006	(498503)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2006	(498504)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2006	(575951)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2007	(575944)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2007	(607668)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/07/2007	(599714)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.10(e) 5C THC Chapter 382, SubChapter A 382.085(b)			
Description:	Failure to submit a 2006 Emissions Inventory: Category B19(g)(3)			

Date 12/31/2007 (619750)

Self Report? YES

Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2008 (672253)

Self Report? YES

Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CAMPBELL SOUP SUPPLY
COMPANY L.L.C.
RN100216753**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0981-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Campbell Soup Supply Company L.L.C. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a canning operation, with a wastewater treatment plant, at 500 North Loop 286, approximately 0.25 mile west of the intersection of United States Loop Highway 286 and United States Highway 271, in the northern portion of the City of Paris, Lamar County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 28, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Four Hundred Eighty Dollars (\$3,480) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Seven Hundred Eighty-Four Dollars (\$2,784) of the administrative penalty and Six Hundred Ninety-Six Dollars (\$696) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 01012, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 6, 2008 and shown in the following table:

EFFLUENT VIOLATION TABLE			
Months	BOD Daily Avg. Loading	BOD Daily Max. Loading	Oil & Grease Daily Max. Conc.
	Limit = 1252 lbs/day	Limit = 2168 lbs/day	Limit = 20 mg/L
Outfall 001A			
5/31/2007	c	c	36.80
12/31/2007	1413.43	3282.94	c
1/31/2008	2007.29	5683.00	c

avg. = average
 conc. = concentration
 lbs/day = pounds per day
 mg/L = milligrams per liter
 BOD = Biochemical Oxygen Demand
 Max. = Maximum

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Campbell Soup Supply Company L.L.C, Docket No. 2008-0981-IWD-E" to:

Financial Administration Division, Revenues Section
 Attention: Cashier's Office, MC 214
 Texas Commission on Environmental Quality
 P.O. Box 13088
 Austin, Texas 78711-3088

2. It is further ordered that, within 60 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. 01012, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting

documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

With a copy to:

Water Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this

Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

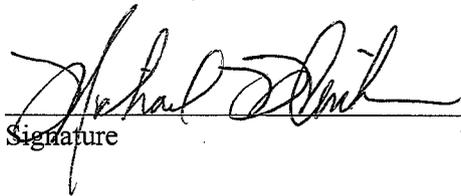
12/8/08
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

9/23/08
Date

Michael Winkler

Name (Printed or typed)
Authorized Representative of
Campbell Soup Supply Company L.L.C

VP MANUFACTURING PARIS OPERATIONS

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

