

**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU**

In the matter of:

AFO-SW09-008
Date Entered: 7-29-09

Welch Foods Inc.
400 Walker Street
Lawton, Michigan 49065

ACO-SW03-016
_____ /

SECOND AMENDED ADMINISTRATIVE CONSENT ORDER

Administrative Consent Order (Consent Order) ACO-SW03-016 entered on May 23, 2003, between the Department of Environmental Quality (DEQ), Water Bureau (WB), and the Welch Food Inc. (Welch), as amended by AFO-SW07-008 entered on September 19, 2007, is hereby amended as follows. Upon the consent of the parties and by the authority granted to the DEQ by the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, it is hereby AGREED AND ORDERED:

COMPLIANCE PROGRAM

Paragraph 4.1 of ACO-SW03-016 shall be amended as specified below:

a. Interim Operation

7. Within 30 days of the effective date of this Second Amended Administrative Consent Order, Welch shall submit to the DEQ for review and approval an addendum to the Discharge Management Plan (DMP) approved pursuant to AFO-SW07-008. The addendum to the DMP shall describe proposed actions Welch shall take to contain the discharge of wastewater on the South Irrigation Area and eliminate discharges of wastewater to offsite locations and surface waters of the state. Such actions shall include those actions identified in Welch's June 4, 2009, memorandum to Mr. Rick Ruzs, WB, DEQ, attached as Exhibit A.

8. Upon receipt of written approval of the addendum to the DMP, Welch shall implement the addendum in accordance with the provisions contained therein.

d. By no later than September 15, 2009, Welch shall complete upgrades to the mechanical screening equipment identified in the June 4, 2009, memorandum to prevent discharges of process wastewater to surface waters via Welch's storm water outfall.

FINES AND PENALTIES

Within 30 days of the effective date of this Second Amended Administrative Consent Order, Welch shall pay the sum of \$17,500 in settlement of stipulated penalties and civil fines for the violations alleged in Violation Notice VN-003739 dated October 24, 2008, Violation Notice VN-003592 dated March 27, 2009, and Enforcement Notice EN-000029 dated March 17, 2009. Payment shall be made in accordance with paragraph 8.5 of ACO-SW03-016, without any admission of liability or wrongdoing.

GENERAL PROVISIONS

All other terms and conditions of ACO-SW03-016 shall remain in full force and effect and are not altered by this Second Amended Administrative Consent Order, except as specifically prescribed in this document. The effective date of this Second Amended Administrative Consent Order shall be the date upon which the chief of the DEQ, WB, Field Operations Division signs this document.

Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Amended Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

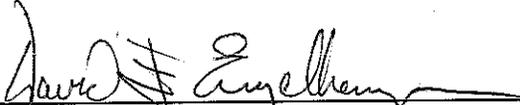
DEPARTMENT OF ENVIRONMENTAL QUALITY



Frank J. Baldwin, Field Operations Division Chief
Water Bureau

7/29/09
Date

WELCH FOODS INC.



By: NAME OF AUTHORIZED REPRESENTATIVE
David F. Engelkeneyer, Vice President Operations and Technology P.R.

7/22/09
Date

APPROVED AS TO FORM:



By: Alan F. Hoffman, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

7/28/09
Date