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April 29, 2025

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED:**

Perdue Agribusiness LLC
Perdue Farms, Inc.
Perdue Foods LLC
31149 Old Ocean City Road
Salisbury, Maryland 21804
(410) 543-3650

VIA REGULAR & CERTIFIED MAIL:

Lee Zeldin
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Catherine Libertz, Acting Regional Administrator
United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103

Secretary Serena McIlwain
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

The Corporation Trust, Incorporated
2405 York Road, Suite 201
Lutherville Timonium, Maryland 21093

**RE: 90 DAY NOTICE OF INTENT TO SUE PURSUANT TO THE RESOURCE
CONSERVATION AND RECOVERY ACT**

Dear Sir or Madam,

Pursuant to the citizen suit provisions of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972(b)(1)(A) and § 6972(b)(2)(A), this letter serves as notice that

Stephen Jones, who resides at 30721 Heather Glen Drive, Salisbury, MD 21804, and who can be reached at (410) 543-4342, and Richard Renshaw, who resides at 30625 Heather Glen Drive, Salisbury, MD 21804, and who can be reached at (410) 251-0052, (collectively “the Citizens”), intend to sue Perdue Agribusiness LLC, Perdue Farms, Inc., and Perdue Foods LLC (collectively “Perdue”), in the Federal District Court for the District of Maryland regarding their emission, discharge, release, and disposal of per- and polyfluorinated alkyl substances (“PFAS”) and their precursors, which have contaminated the area’s groundwater.

Both Citizens live in close proximity to the Perdue Agribusiness Facility, located at 6906 Zion Church Rd, Salisbury, Maryland 21804, own property that includes or adjoins Peggy’s Branch (a surface water that ultimately flows into the Wicomico River), and have wells used for drinking water on their properties that have been contaminated with PFAS by Perdue, as further described below. Citizens allege harm to their property and their recreational, aesthetic, and/or commercial interests within the area. Citizens assert actual and/or imminent, concrete, and particularized injuries that have a causal connection to the conduct complained of in this letter, i.e., injuries that are fairly traceable to the challenged actions.

Perdue’s release and disposal of PFAS-contaminated solid waste may present an imminent and substantial endangerment to health or the environment, in violation of RCRA § 6972(a)(1)(B). Further, with its unpermitted release and disposal of these substances, Perdue has violated the RCRA prohibition against Open Dumping established in 42 U.S.C. § 6945.

Perdue's Release and Disposal of Forever Chemicals

Perdue owns and operates a manufacturing plant located at 6906 Zion Church Rd, Salisbury, Maryland 21804 (“Perdue Plant” or “Zion Road Facility”). At the Zion Road Facility, Perdue is in the business of soybean oil extraction, refining of crude soybean oil and operation of a feed mill and grain storage. The Perdue Plant began operations in approximately 1972 and continues to the present.

The manufacturing processes at the Perdue Plant have contributed to and are contributing to the release of a group of PFAS, including Perfluorooctanoic Acid (“PFOA”), Perfluorooctanesulfonic Acid (“PFOS”) and Perfluorohexane Sulfonic Acid (“PFHxS”) and other contaminants. PFAS are often referred to as “Forever Chemicals” because they accumulate, are persistent in the human body and do not break down easily in the environment. When disposed in the environment, PFAS are solid waste and in February 2024, the U.S. Environmental Protection Agency (“EPA”) proposed to list nine PFAS compounds as hazardous constituents under RCRA. *See Proposal to List Nine Per – and Polyfluoroalkyl Compounds as Resource Conservation and Recovery Act Hazardous Constituents*, United States Environmental Protection Agency, [Proposal to List Nine Per- and Polyfluoroalkyl Compounds as Resource Conservation and Recovery Act Hazardous Constituents | US EPA](#). EPA reviewed data for these chemicals and determined that nine PFAS compounds (including those resulting from Perdue’s manufacturing operations) meet the criteria for listing as a RCRA hazardous constituent. To be listed under RCRA, scientific studies must show that the chemical has toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms. 42 U.S.C. § 6903(5).

The Perdue Plant's manufacturing processes have contributed to the release of large amounts of Forever Chemicals into the surrounding soils and groundwater over a period of years. Levels of the Forever Chemical PFOS in the Perdue Plant's groundwater have been shown to be as high as 1370 parts per trillion ("ppt"), which is 342.5 times the drinking water regulatory level. Levels of PFOA have been detected in groundwater at the Perdue Plant as high as 159 ppt, which is 39.75 times the drinking water regulatory level.

Perdue's On-Site Release and Disposal

Upon information and belief, including a January 21, 2025, report by Perdue's own consultant, Langan Engineering & Environmental Services, LLC, Perdue has disposed and released, and is continuing to dispose and release Forever Chemicals into the environment through at least five major pathways. First, it disposes of approximately 180,000 gallons of wastewater every day containing high levels of Forever Chemicals. The major sources of this wastewater include the soy oil extraction plant, the vegetable oil refinery and miscellaneous other sources such as sanitary wastewater, hatchery wastewater, truck washing, boiler process, cooling water and stormwater. The wastewater is treated (though it is not treated for Forever Chemicals) and has been disposed of by spray irrigation on approximately 40 acres of crop land and approximately 25 acres of forest that contaminates the soil and groundwater used by Citizens. Second, Perdue discharges the PFAS contaminated wastewater to Peggy's Branch, a small stream originating at the Perdue Plant that leaches the Forever Chemicals into the soil and groundwater, negatively impacting downgradient drinking water wells and surface water quality. Third, the Forever Chemicals are leaching out of wastewater and sludge storage lagoons at the Zion Road Facility. Fourth, excavated soil and dredge spoil containing the Forever Chemicals and other solid waste contaminants have been disposed at three or more locations on the Perdue Property without permits or appropriate containment or protection to prevent the release of Forever Chemicals and other contaminants to the groundwater, Middle Neck Branch and Peggy's Branch. Fifth, Perdue has disposed of aqueous film-forming foam ("AFFF") used for fire suppression at and in soils and groundwater near the soybean extraction plant.

The Maryland Department of the Environment ("MDE") discovered in September 2023 that Perdue's wastewater that was used for spray irrigation was contaminated with high levels of Forever Chemicals, including test results showing as high as 1500 ppt of PFOS and 33 ppt of PFOA, as compared to EPA's Safe Drinking Water Act regulatory levels for these substances of 4 ppt. Perdue's leaking lagoons, its wastewater discharge into Peggy's Branch, its practice of disposing by spray irrigating highly contaminated wastewater, and its disposal of excavated soil and dredge spoil has resulted in Forever Chemicals and other solid waste contaminants percolating into the groundwater and migrating to nearby residential communities, as further discussed below.

The third major pathway results, in part, from leakage into the groundwater from the Perdue Plant's outdated wastewater treatment plant that does not remove these chemicals. The Perdue Plant includes four large wastewater and sludge-filled lagoons that were constructed 35 years ago or more. Upon information and belief, and given the time period when they were built, none of these earthen lagoons have sufficient liners or integrity on the bottom and side slopes to minimize leakage of the contents. As the EPA Manual on lagoons states:

Lagoons can leak due to excessive vegetation, erosion caused by burrowing animals, or leaks in the lagoon lining, seals or control structures. Leakage can cause low water levels, increased vegetation and potential groundwater infiltration

The older and deeper lagoons are, the more they leak. The Perdue Plant lagoons cover 4 acres and are at least three to four decades old.

Sampling of sludge at the Perdue Plant revealed high levels of Forever Chemicals. For example, an MDE sludge sample taken in December of 2023 showed concentrations of PFOS at 443 ppt, PFOA at 147 ppt and PFHxS at 48 ppt as compared to the Safe Drinking Water regulatory levels for these substances of 4, 4, and 10 ppt, respectively. A groundwater monitoring well in close proximity to the lagoons has shown levels of PFOS at 709 ppt, PFOA at 6 ppt, and PFHxS at 240 ppt. On these facts, MDE stated in a July 20, 2023, email to Perdue: “we believe it’s possible that the lagoons could be impacting groundwater.”

In addition, Forever Chemicals may be emitted by Perdue into the air from the manufacturing processes. Upon release to the air, Forever Chemicals in the form of fine particulates are wind-driven contaminants before depositing onto the land surface via wet (rainfall-driven) or dry (gravity-driven) deposition. Once the particles are deposited on the land surface and encounter water in streams or during rainfall events, they dissolve in water and contaminate the groundwater.

Groundwater Migration

In a letter dated September 12, 2024, MDE designated Perdue a “responsible person,” liable for a “regional PFAS contamination plume traceable to the [Perdue Plant].” *See* Attachment A. Citizens have reviewed a comprehensive groundwater contamination analysis conducted by Dr. Harvey Cohen, Principal Hydrogeologist with S.S. Papadopulos & Assoc. Inc. (“SSP&A”). He is an expert in water contaminant fate and transport. He has determined that the flow of groundwater from the Perdue Plant is primarily in a west/southwest direction, and that the groundwater in this area moves at a rate of approximately 400-600 feet per year. He has conducted groundwater sampling west, south, and southwest of the Perdue Plant and found that groundwater containing Forever Chemicals has contaminated the drinking water wells in the Heather Glen community and other nearby communities, as the contaminated groundwater continues to migrate from the Perdue Plant to negatively impact Citizens’ drinking water wells. To date, testing done by SSP&A, Perdue, and others has shown at least 74 drinking water wells exceed the maximum allowable regulatory drinking water levels set by EPA for one or more PFAS chemicals. *See* Attachment B. Often, the residential well contamination is 10 to 100 times greater than the regulatory limit. *See* Attachment C (showing extremely high levels of PFOS (823, 519, and 160 ppt), PFHxS (2000, 1410, and 770 ppt) and PFOA (96, 81, and 49 ppt) in residential wells in the Heather Glen community that are located only several thousand feet downgradient of similarly high levels of PFOS (1370 and 709 ppt), PFHxS (700 and 240 ppt) and PFOA (159 ppt) in groundwater monitoring wells at the Perdue Plant).

In addition, surface water testing of Peggy's Branch one quarter mile to 1.5 miles downstream of Perdue's discharge by MDE and Citizens' expert has shown ambient water concentrations to be elevated for PFOS (40-73 ppt) and PFOA (7-8 ppt). Surface water testing of Middle Neck Branch has shown ambient concentrations to be elevated for PFOS (27-150 ppt) and PFOA (4-9 ppt). *See* Attachment D. These concentrations compare to US EPA Draft Health-Based Surface Water Quality Criteria for maximum PFAS Levels in Bodies of Water of 0.0009 ppt for PFOA and 0.06 ppt for PFOS. US EPA's Draft Surface Water Quality Criteria are meant to protect the public from ingesting water and eating fish and shellfish from contaminated inland and nearshore waters. The existing PFOS and PFOA concentrations in Peggy's Branch and Middle Neck Branch downstream of the Perdue Plant's discharge and groundwater contamination are 100 to 10,000 times greater than the recommended health levels.

Studies of the extent of the migration of Perdue's Forever Chemicals to the groundwater downgradient from the Perdue Plant are on-going.

Health Effects

According to the U.S. Agency for Toxic Substances and Disease Registry, there is evidence that exposure to very low levels of Forever Chemicals can lead to adverse health effects in humans. Moreover, certain Forever Chemicals are carcinogenic to humans. The International Agency for Research on Cancer, which is part of the World Health Organization, has classified the Forever Chemical, PFOA as carcinogenic to humans and PFOS as possibly carcinogenic to humans. Peer-reviewed scientific studies have shown Forever Chemicals may lead to increased incidence of prostate, kidney and testicular cancer, decreased fertility, increased blood pressure during pregnancy, developmental delays in children, reduced immune response, interference with hormones, increased cholesterol and other adverse health effects. Children are especially at risk.

Although EPA did not promulgate the Safe Drinking Water regulatory limit until April 2024, it had health advisories in place for PFOA and PFOS for many years. *See* Attachment E. These were based on studies widely documenting dangers from PFAS, beginning in the 2000s. In 2016, EPA issued a Lifetime Health Advisory of 70 ppt for PFOA and PFOS. In August 2023, as described above, MDE found very high levels of Forever Chemicals in Perdue's wastewater that were being disposed of via spray irrigation and discharge to Peggy's Branch. Even after Perdue's groundwater showed PFAS levels up to 343 times the drinking water standard and PFOS levels up to 20 times higher than the existing health advisory level in December 2023, Perdue waited almost a year before starting to advise neighboring homeowners of the likelihood that they were drinking highly contaminated groundwater. Perdue's public statement that this delay was because EPA had not yet promulgated the safe drinking water regulation disingenuously ignores the existing Lifetime Health Advisory that had been in place for more than seven years.

Imminent Endangerment and Open Dumping

As summarized above, Perdue's release and disposal of Forever Chemicals as a result of the manufacturing processes at the Perdue Plant has contaminated and continues to contaminate

the environment surrounding the Zion Church Road facility. Perdue's actions in causing the release and disposal of these Forever Chemicals from its manufacturing facility present or may present an imminent and substantial endangerment to health or the environment, in violation of 40 U.S.C. § 6972(a)(1)(B). Perdue's practices of emitting, discharging, and/or disposing of Forever Chemicals into the groundwater, surface water, and air constitute the disposal of solid waste by discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that such solid waste may enter the environment or be emitted into the air or discharged into any water. Perdue's release and disposal of these substances without a permit to do so, constitutes Open Dumping in violation of 42 U.S.C. § 6945 and its implementing regulations, and is actionable by Citizens pursuant to 42 U.S.C. §6972(a)(1)(A).

Relief Requested

Pursuant to 42 U.S.C. § 6972(a), Citizens intend to seek legal and equitable relief for Perdue's disposal practices that may present an imminent and substantial endangerment to health or the environment and/or open dumping in violation of RCRA. The relief sought includes but is not limited to:

Orders and all other relief to provide Citizens and all others impacted by Perdue's groundwater contamination with a permanent supply of clean and healthy drinking water;

Orders and all other relief to bear the expense of monitoring and remediating the soil, surface waters and groundwater around the Perdue plant to ensure that the ongoing leakage and migration of PFAS and other solid waste constituents of concern are prevented, as overseen, and certified by a qualified, independent professional environmental engineer;

Orders and all other relief to bear the expense of containing the migration of all groundwater and surface waters containing PFAS and other solid waste contaminants from the Perdue Plant property to the Citizens' drinking water using groundwater barriers or other equivalent technologies, as overseen and certified by a qualified, independent professional environmental engineer;

Orders and all other relief to bear the expense of stopping Perdue's practice of open dumping and/or discharging, disposing or releasing manufacturing wastewater and sludge containing PFAS and other contaminants into aging on-site lagoons and inspecting, assessing, removing or otherwise remediating all lagoons and other waste disposal areas that may cause damage and threaten injury to the person and property of third parties, as well as the environment, as overseen and certified by a qualified, independent professional environmental engineer;

Orders and all other relief to bear the expense of monitoring, assessing, and remediating soils and dredge spoils contaminated with PFAS and other solid waste contaminants that have been disposed in various locations on the Perdue Plant property in violation of RCRA's Open Dumping prohibition;

Orders and all other relief to bear the expense of assessing and remediating the impact of PFAS and other contaminants discharged, disposed, or released from the Perdue Plant to surface waters as overseen and certified by a qualified, independent professional environmental engineer;

Orders and all other relief to end the practice of spray irrigation or other methods of land application of wastewater and/or sludge at or near the Perdue Plant, as overseen and certified by a qualified, independent professional environmental engineer;

Penalties assessable for RCRA violations;

Attorneys' and Expert Witness Fees and Costs;

Other necessary and ongoing relief.

The attorneys representing the Citizens in this notice are:

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Conclusion

For all the above reasons, Perdue has violated the Resource Conservation and Recovery Act and is subject to a Citizens' Suit.

Very Truly Yours,



Philip C. Federico

April 30, 2025
Page 8 of 8

PCF/sld

Cc: Chase T. Brockstedt
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