IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

STEPHEN JONES AND RICHARD RENSHAW, **Plaintiffs,** **v.** **PERDUE FARMS INC., PERDUE AGRIBUSINESS LLC, AND PERDUE FOODS LLC,** **Defendants.**	**C.A. No.: 1:25-cv-02445** **COMPLAINT**

COME NOW Plaintiffs Stephen Jones and Richard Renshaw (collectively, "Plaintiffs"), by and through their undersigned counsel, who file this Complaint against Defendants, Perdue Farms Inc., Perdue Agribusiness LLC, and Perdue Foods LLC (collectively "Perdue" or "Defendants"), and hereby allege and state as follows:

I. NATURE OF THE CASE

1. This is a civil suit brought against Defendants under the citizen suit enforcement provisions of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972. Plaintiffs seek declaratory and injunctive relief, the assessment of civil penalties, attorneys' fees, and such other relief the Court deems appropriate to remedy Perdue's violations of these laws from its manufacturing plant located in Salisbury, Maryland with a mailing address of 6906 Zion Church Road, Salisbury, Maryland 21804 (the "Salisbury Agribusiness Facility").

2. As detailed more fully below, Perdue's solid waste management practices and disposal of solid wastes containing per- and polyfluorinated alkyl substances ("PFAS") and their precursors at the Salisbury Agribusiness Facility have contaminated and are continuing to contaminate the area's groundwater and surface waters, including those used by Plaintiffs.

3. On information and belief, Perdue has disposed of the PFAS-contaminated wastewater at the Salisbury Agribusiness Facility through spray irrigation on the land surrounding the facility.

4. Perdue is disposing of PFAS-contaminated wastewater and other contaminants into Peggy Branch, a small stream originating at the Salisbury Agribusiness Facility, and Middle Neck Branch which borders the Salisbury Agribusiness Facility to the north.

5. On information and belief, PFAS compounds and other contaminants are also leaching out of wastewater and sludge storage lagoons and from contaminated soil and dredge spoil disposal areas at the Salisbury Agribusiness Facility into the surrounding groundwater and surface waters.

6. On further information and belief, Perdue is emitting PFAS compounds to the atmosphere from its disposal of solid waste that disperse, fall to the ground and percolate through the soil into the groundwater used for drinking water and surface waters.

7. Perdue is in violation of federal law through its open dumping of solid waste in violation of RCRA. 42 U.S.C. § 6945(a).

8. These ongoing violations harm both the drinking water and surface waters used by Plaintiffs, as well as cause harm to aquatic life, including fish and shellfish. The ongoing violations also harm the recreational, aesthetic, and/or commercial interests of citizens in the surrounding areas, including Plaintiffs. Plaintiffs seek to address violations that harm themselves and the environment through this action.

II. JURISDICTION AND VENUE

9. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), and 42 U.S.C. § 6972 (RCRA).

10. On April 29, 2025, Plaintiffs notified Defendants pursuant to 42 U.S.C. § 6972(b)(1)(A), of their intention to file suit for violations of RCRA. Plaintiffs sent the notice letter by mail to the registered agents for Perdue Agribusiness LLC, Perdue Farms, Inc. and Perdue Foods LLC. Plaintiffs also provided copies of the notice letter to the Maryland Department of the Environment ("MDE") and the United States Environmental Protection Agency ("EPA").

11. The 60-day notice period required under 42 U.S.C. § 6972(b)(1)(A) has now run and Plaintiffs bring this complaint under 42 U.S.C. § 6972(a)(1)(A).

12. Plaintiffs reserve the right to amend this complaint to include a count, or counts, for imminent and substantial endangerment to health or the environment under 42 U.S.C. § 6972(a)(1)(B) once the 90-day notice period under 42 U.S.C. § 6972(b)(2)(A) has run.

13. A true and correct copy of Plaintiffs' April 29, 2025, notice letter is attached hereto as Exhibit A with documentation of its receipt attached hereto as Exhibit B.

14. The violations identified in the notice letter are continuing at this time and are likely to continue in the future.

15. Neither the EPA nor MDE has commenced or is diligently prosecuting a court action to redress the violations described in the notice letter and alleged in this Complaint.

16. At all times relevant herein, Perdue has purposefully availed itself of the privilege of conducting business in the State of Maryland, has transacted business in the State of Maryland, contracted to purchase and operate the Salisbury Agribusiness Facility in the State of Maryland, regularly caused its Salisbury Agribusiness Facility to be operated in the State of Maryland, and this action arises out of business transacted in, contracts to be performed in whole or in part within Maryland, as well as actions and/or omissions committed in whole or in part within Maryland, and which occasioned and inflicted injuries upon Plaintiffs. Plaintiffs' claims arise out of or relate to

Defendant Perdue's activities and contacts with the State of Maryland, and specific personal jurisdiction over Perdue is therefore proper.

17. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial portion of the events or omissions giving rise to Plaintiffs' claims took place in this judicial district, and because the property that is the subject of this action is situated in the district. Venue is proper in this Court pursuant to 42 U.S.C. § 6972(a) because the action regards alleged open dumping violations and related endangerment that occurred and is occurring in this judicial district.

III. PARTIES

A. Plaintiffs

18. Plaintiffs each reside within close proximity to the Salisbury Agribusiness Facility. Plaintiffs have suffered, and continue to suffer, harm to their property and their recreational, aesthetic, and/or commercial interests within the area. Perdue's ongoing disposal of PFAS and other solid wastes at the Salisbury Agribusiness Facility harm Plaintiffs, in part, because these solid wastes contain pollutants that are known to be harmful to public health and the environment and to persist in the environment. These harms fall within the zone of interests protected by RCRA. Plaintiffs assert actual and/or imminent, concrete, and particularized injuries that have a causal connection to the conduct complained of in this complaint, *i.e.*, injuries that are fairly traceable to the challenged actions described herein.

19. Stephen Jones resides at 30721 Heather Glen Drive, Salisbury, Maryland, in Wicomico County, less than one mile from the Salisbury Agribusiness Facility. Mr. Jones's property is adjacent to Peggy Branch. Because of his concerns about water quality due to Perdue's actions, he is deterred from the use and enjoyment of his property. He is concerned that the pollution by Perdue has made the property unusable for himself and others. Mr. Jones also fears

actual adverse health effects, and future effects, from the contamination on his property and of his drinking water.

20. Richard Renshaw resides at 30625 Heather Glen Drive, Salisbury, Maryland, in Wicomico County, less than one mile from the Salisbury Agribusiness Facility. Mr. Renshaw's property is adjacent to Peggy Branch. Because of his concerns about water quality due to Perdue's actions, he is deterred from the use and enjoyment of his property. He is concerned that the pollution by Perdue has made the property unusable for himself and others. Mr. Renshaw also fears actual adverse health effects, and future effects, from the contamination on his property and of his drinking water.

21. Mr. Renshaw additionally owns the property at 30615 Heather Glen Drive, Salisbury, Maryland. That property is adjacent to Peggy Branch. Mr. Renshaw is concerned that the pollution by Perdue has made the property at 30615 Heath Glen Drive unusable for himself and others.

22. Plaintiffs have encountered PFAS-laden solid wastes through contamination of their drinking water, groundwater, surface water, and soil in the past and reasonably fear they will continue to encounter these solid wastes in the future, which will threaten their health and the environment.

23. Testing of the drinking well water at the 30721 Heather Glen Drive property from a sample taken on October 21, 2024, revealed concentrations of PFOA, PFOS, and PFHxS well above EPA's maximum contaminant levels ("MCLs") under the Safe Drinking Water Act, 42 U.S.C. § 300f, *et seq.* The testing showed concentrations of 26 parts per trillion ("ppt") of PFOA (approximately 6.5 times the MCL), 67.6 ppt of PFOS (approximately 17 times the MCL), and 92.5 ppt of PFHxS (approximately 9 times the MCL).

24. Testing of the drinking well water at the 30625 Heather Glen Drive property from a sample taken on November 7, 2024, revealed concentrations of PFOA, PFOS, and PFHxS well above EPA's MCLs under the Safe Drinking Water Act, 42 U.S.C. § 300f, *et seq.* The testing showed concentrations of 16.6 ppt of PFOA (approximately 4 times the MCL), 163 ppt of PFOS (approximately 41 times the MCL), and 185 ppt of PFHxS (approximately 18 times the MCL).

25. Testing of the drinking well water at the 30615 Heather Glen Drive property from a sample taken on November 7, 2024, revealed concentrations of PFOA, PFOS, and PFHxS well above EPA's MCLs under the Safe Drinking Water Act, 42 U.S.C. § 300f, *et seq*. The testing showed concentrations of 9.76 ppt of PFOA (approximately 2.5 times the MCL), 118 ppt of PFOS (approximately 30 times the MCL), and 88.6 ppt of PFHxS (approximately 9 times the MCL).

26. Plaintiffs seek to prevent and remedy their ongoing injuries with this action. Relief from this Court addressing Perdue's noncompliance with RCRA would redress Plaintiffs' injuries, in part, by increasing the likelihood, if not ensuring, that Perdue will cease its unlawful disposal of PFAS and other solid wastes and eliminate the endangerment to health and the environment.

B. Defendants

27. Perdue Farms Inc., is a Maryland corporation that identifies its principal place of business as 31149 Old Ocean City Road, Salisbury, Maryland, in Wicomico County. Defendant Perdue Farms Inc. is authorized to conduct business within the State of Maryland. Defendant Perdue Farms Inc.'s registered agent for service in the state of Maryland is The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093.

28. Perdue Agribusiness LLC is a wholly-owned division of Perdue Farms engaged in the processing, sale and transport of grains, oil, and feed ingredients. Perdue Agribusiness LLC is a limited liability company registered to do business in the State of Maryland. Perdue Agribusiness

LLC's principal place of business is 31149 Old Ocean City Road, Salisbury, Maryland 21804, in Wicomico County, and has a registered agent of The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093.

29. Perdue Foods LLC is a wholly owned division of Perdue Farms. Perdue Foods LLC is a Maryland limited liability company registered to do business in the State of Maryland with a principal place of business located at 31149 Old Ocean City Road, Salisbury, Maryland 21804, in Wicomico County. Its registered agent is The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093.

30. Collectively Perdue Farms Inc., Perdue Agribusiness LLC, and Perdue Foods LLC are referred to as "Defendants" or "Perdue" in this complaint.

31. Perdue Agribusiness LLC and Perdue Foods LLC, both subsidiaries of Perdue Farms, are the owners and operators of an industrial property, comprised of approximately 300 acres of real property located at 6906 Zion Church Road, Salisbury, Maryland 21804 (the "Salisbury Agribusiness Facility" or "Agribusiness Facility").

IV. LEGAL BACKGROUND OF RCRA

32. Enacted in 1976, the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 *et seq.*, "is a comprehensive environmental statute that governs the treatment, storage, and disposal of solid and hazardous waste." *Goldfarb v. Mayor & City Council of Baltimore*, 791 F.3d 500, 504 (4th Cir. 2015) (quoting *Meghrig v. KFC W., Inc.*, 516 U.S. 479, 483 (1996)). RCRA was passed, in part, to allow the federal government to offer technical and financial assistance to states and local governments in developing environmentally sound plans for the disposal of solid waste. *See* 42 U.S.C. § 6941. In Maryland, the Maryland Department of the Environment ("MDE") is the relevant agency that implements RCRA on the state level.

33. Congress, in enacting RCRA, was particularly concerned with the increase in the "amounts of solid waste (in the form of sludge and other pollution treatment residues)" that had been created and the environmental and health risks posed by inadequate and unsafe disposal practices. 42 U.S.C. § 6901(b)(3). Congress found that "open dumping is particularly harmful to health, contaminates drinking water from underground and surface supplies, and pollutes the air and the land." *Id.* § 6901(b)(4). Accordingly, among the statute's objectives are "prohibiting future open dumping on the land and requiring the conversion of existing open dumps to facilities which do not pose a danger to the environment or to health." *Id.* § 6901(a)(3).

34. 42 U.S.C. § 6903(3) defines "disposal" as

> the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste . . . into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

35. The term "disposal" is broad and has been interpreted to not only include active actions but passive actions as well.

36. Under 42 U.S.C. § 6903(14), an "open dump" is

> any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 6944 of this title and which is not a facility for disposal of hazardous waste.

37. 42 U.S.C. § 6903(27) defines "solid waste" as

> any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities[.]

38. Per- and polyfluoroalkyl substances ("PFAS") are a large group of over four thousand (4,000) chemical compounds, including but not limited to perfluorooctanoic acid ("PFOA"), perfluorooctane sulfonic acid ("PFOS"), and perfluorohexane sulfonic acid (PFHxS).

V. FACTUAL BACKGROUND

A. Excessive Levels of PFAS in the Wastewater at Defendants' Facility

39. Defendants own and manage approximately 300 acres of real property at 6906 Zion Church Road, northeast of Salisbury, Maryland, on which they have constructed and operate a large industrial complex for grain storage, a feed mill, soybean extraction plant, an oilseeds refinery, hatcheries, and truck and railcar washing. This facility is comprised of a series of contiguous parcels of land, occupying the land which extends approximately to Route 50 to the west, Morris Leonard Road to the north, Zion Church Road to the east, and extending slightly beyond rail tracks utilized by the Defendants to the south. Property records identify Perdue Foods LLC, and Perdue Agribusiness LLC, both wholly owned subsidiaries of Perdue Farms, as the owners of this real property.

40. Peggy Branch originates on the property of Perdue's Salisbury Agribusiness Facility and then flows south/southwest off the facility's property. Middle Neck Branch borders the Salisbury Agribusiness Facility to the north and flows west/southwest before discharging into Peggy Branch approximately 1.8 miles west of the Salisbury Agribusiness Facility.

41. The figure attached hereto as Exhibit C shows the locations of Perdue's Salisbury Agribusiness Facility, Peggy Branch, Middle Neck Branch, and the Plaintiff's properties along with testing results from the ground water in monitoring wells on the facility's property and from the water in the drinking wells on the Plaintiffs' properties.[1] Arrows in the figure in Exhibit C indicate the regional groundwater flow direction.

[1] The measurement of one part per trillion (ppt) is equivalent to one nanogram per liter (ng/L). The text throughout the complaint refers to ppt while the figure in Exhibit C refers to ng/L, but the measurements are equivalent.

42. On information and belief, each Defendant has participated in the operation of the facility at 6906 Zion Church Road and in the conduct alleged herein, during the relevant period for which each entity existed. On information and belief, since at least 1968, this facility has been operated by Perdue Farms or one of its subsidiaries: Perdue Foods LLC and Perdue Agribusiness LLC.

43. On information and belief, approximately 180,000 gallons of process wastewater are generated at the Agribusiness Facility each day where the wastewater then finds its way to the adjacent Peggy Branch due to the various disposal methods of Defendants.

44. On information and belief, Defendants have spray irrigated the Agribusiness Facility's process wastewater containing PFAS on-site on approximately 40 acres of crop land or approximately 25 acres of forest, where it has contaminated groundwater that continues to migrate to Plaintiffs' properties and drains to Middle Neck Branch and Peggy Branch.

45. On information and belief, Defendants have stored and treated PFAS-contaminated process wastewater and its resultant PFAS-contaminated sludge in lagoons that continue to leak to groundwater that migrates in groundwater to Plaintiffs' properties and to Peggy Branch.

46. On information and belief, wastewaters generated by operations at the Agribusiness Facility that have been spray irrigated on the onsite cropland and forest include hatchery process wastewater, refinery wastewater, soybean extraction wastewater, vehicle wash wastewater, and sanitary wastewater, all of which have been found to contain PFAS and other contaminants.

47. On information and belief, MDE discovered in September 2023 that Defendants' wastewater contained highly elevated levels of PFAS compounds, including 40 parts per trillion ("ppt") of PFOA, 694 ppt of PFOS, and 319 ppt of PFHxS. This wastewater has and is continuing

to drain to the groundwater which is migrating offsite towards Plaintiffs' properties and towards Peggy Branch and Middle Neck Branch.

48. On information and belief, subsequent testing of the groundwater at the Agribusiness Facility in January 2024 revealed highly elevated levels of PFAS compounds, including 159 ppt of PFOA, 1370 ppt of PFOS, and 1520 ppt of PFHxS. The safe drinking water levels for these PFAS compounds as proposed by EPA in June 2022 and finalized by EPA in April 2024 are 4 ppt for PFOA and PFOS and 10 ppt for PFHxS.

49. On information and belief, PFAS-contaminated water is leaching out of Defendants' wastewater and sludge storage lagoons at the Agribusiness Facility.

50. On information and belief, Defendants have excavated and disposed of soil and dredge spoil containing PFAS and other solid waste contaminants at three or more locations at the Agribusiness Facility without permits or appropriate containment or protection to prevent the release of PFAS and other contaminants to the groundwater, Middle Neck Branch, and Peggy Branch.

51. On information and belief, Perdue has disposed of aqueous film-forming foam ("AFFF") used for fire suppression and containing PFAS and other contaminants to soils and groundwater near the soybean extraction plant that is continuing to drain to the groundwater and migrate offsite towards Plaintiffs' properties and to Peggy Branch.

52. On information and belief, Perdue is emitting PFAS into the air from its manufacturing processes and solid wastes disposed at the Agribusiness Facility. Upon release to the air, PFAS in the form of fine particulates and/or aerosols are wind-driven contaminants that are deposited 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

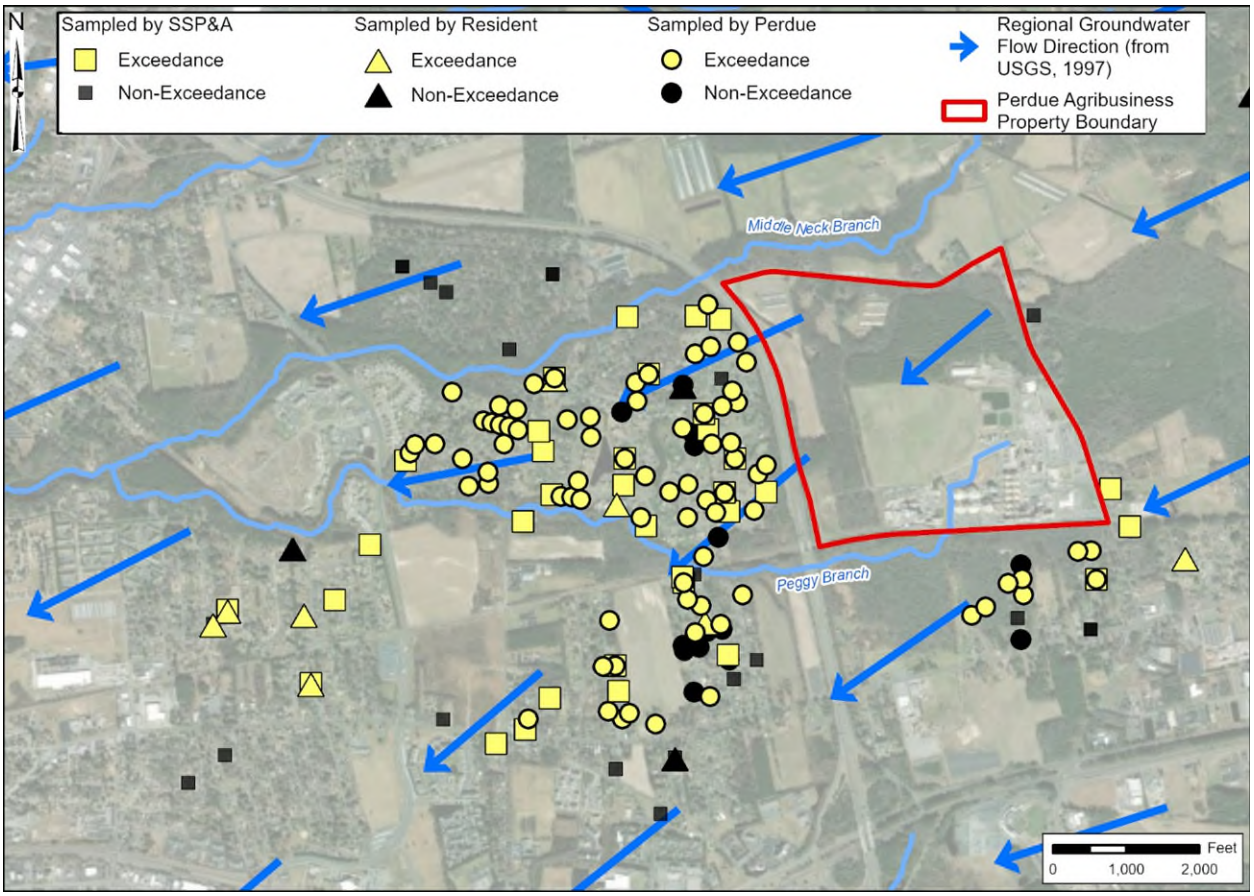
rainfall events, they dissolve in water and contaminate the groundwater and surface waters including Peggy Branch and Middle Neck Branch

B. Migration of PFAS from Perdue's Salisbury Agribusiness Facility Onto Plaintiffs' Property and the Surrounding Environment

53. On information and belief, the Agribusiness Facility overlies a shallow unconfined aquifer, known as the Salisbury Aquifer, that is susceptible to contamination from surface sources such as wastewater and other wastes disposed at or from the Agribusiness Facility.

54. On information and belief, groundwater in the Salisbury Aquifer in the vicinity of the Agribusiness Facility is moving regionally to the west and southwest, across U.S. Route 50, at a rate of approximately 400 to 600 feet per year towards homes with shallow private wells, some of which are less than 1000 feet from the Agribusiness Facility's property. On information and belief, a portion of the local groundwater and surface water drainage on the Agribusiness Facility property is moving to the north and northwest towards Middle Neck Branch.

55. The regional groundwater flow direction of the Salisbury Aquifer, based on available literature, and the test results of the water in private wells in residential areas downgradient from the Defendants' Agribusiness Facility (based on the limited data set of test results that have been made available to Plaintiffs' counsel) are depicted in the figure below.



56. On information and belief, as a result of Defendants' disposal of wastewater and other solid wastes at the Agribusiness Facility, the groundwater at Defendants' Agribusiness Facility, which is migrating towards Plaintiffs' wells, exceeds the EPA's safe drinking water standard for PFOA by up to 39 times, exceeds the EPA's safe drinking water standard for PFOS by over 340 times, and exceeds the EPA's safe drinking water standard for PFHxS by over 150 times.

57. On information and belief, testing conducted on the drinking water wells in the Heather Glen community and other nearby communities has shown that at least 112 drinking water wells exceed the maximum allowable drinking water levels set by EPA for one or more PFAS chemicals, often at levels that are 10 to 100 times the regulatory limits, as a result of Defendants' ongoing violation of RCRA's open dumping prohibition.

58. On information and belief, the EPA's safe drinking water levels for multiple PFAS compounds, including PFOA, PFOS and PFHxS, have been and are presently exceeded in Plaintiffs' wells used for potable water, as a result of Defendants' ongoing violation of the RCRA open dumping prohibition.

59. Defendants have caused the levels of PFAS compounds, including PFOA, PFOS, and PFHxS in Plaintiffs' drinking water wells to exceed the EPA safe drinking water levels through Defendants' disposal of wastewater and other solid wastes at the Agribusiness Facility.

60. On April 26, 2024, EPA finalized a new rule setting maximum contaminant levels ("MCLs") under the Safe Drinking Water Act, 42 U.S.C. § 300f, *et seq*., to reduce exposure from a number of PFAS, including PFOA, PFOS, and PFHxS. EPA set an MCL at 4.0 ppt for PFOA and PFOS and an MCL of 10.0 ppt for PFHxS. PFAS National Primary Drinking Water Regulation, 89 Fed. Reg. 32532 (Apr. 26, 2024).

61. On information and belief, on or about September 30, 2024, almost a year after MDE reportedly discovered the elevated levels of PFAS in its wastewater that had been sprayed on Defendants' wastewater disposal field and forested area for approximately 10 years or more, Defendants sent letters to residents in the communities west of U.S. Route 50 advising them that Defendants would test their well water and offer to supply bottled water for drinking purposes. *See* Exhibit D.

C. Health Effects of PFAS

62. PFOA, PFOS, and PFHxS are persistent in the environment and resistant to environmental degradation processes.

63. When released into the environment, PFOA, PFOS, and PFHxS are particularly persistent in water and soil and, because of their solubility in water, can readily migrate from soil to groundwater.

64. Moreover, due to their resistance to biodegradation, hydrolysis and photolysis and high resistance to virtually all methods of traditional purification and/or eradication, PFOA, PFOS, and PFHxS remain in the environment—and in the human body—long after their initial disposal and/or consumption/absorption.

65. PFOA, PFOS, and PFHxS are especially concerning from a human health standpoint precisely because the chemicals can stay in the environment and in the human body for long periods of time.

66. PFOA, PFOS, and PFHxS bioaccumulate in humans and wildlife, primarily in blood serum, kidneys, and liver. Studies have found PFOA, PFOS, and PFHxS in the blood samples of the general human population.

67. Myriad health risks associated with exposure to PFOA, PFOS, and PFHxS exist and such risks are present even when PFOA, PFOS, and PFHxS are ingested at very low levels.

68. Specifically, PFOA is associated with, inter alia, increased risk in humans of testicular cancer, kidney cancer, prostate cancer, endometrial/uterine cancer, breast cancer, along with thyroid disease, ulcerative colitis, pregnancy-induced hypertension, Type-2 diabetes in women, pre-eclampsia, developmental delays in children, and other health conditions.

69. PFOS is associated with increased risk for certain cancers, including liver and kidney cancer, changes in liver function, preeclampsia, increased risks of low birth weights, decreased antibodies in children, hypothyroidism and increase thyroid disease, immunosuppression, infertility, and increased cholesterol.

70. PFHxS is associated with liver function disruptions, thyroid and hormone level changes, developmental effects, decreased antibody response, and memory impairment.

71. On information and belief, PFOA, PFOS, and PFHxS have the ability to cause other cancers and illnesses not yet associated with human exposure.

72. The International Agency for Research on Cancer ("IARC"), the cancer agency of the World Health Organization ("WHO"), evaluated the carcinogenicity of PFOA through a Working Group of 30 international experts from 11 countries meeting on November 7–14 2023, in Lyon, France. After thoroughly reviewing the extensive published literature, the Working Group classified PFOA as *carcinogenic to humans* (Group 1). A summary of the final evaluations has been published online in *The Lancet Oncology*. On February 14, 2025, the detailed assessment was published as Volume 135 of the *IARC Monographs*.

73. Exposure to PFAS compounds, including PFOA, PFOS, and PFHxS, poses a significant risk of "adverse effects on health or the environment." *See* 42 U.S.C. § 6944(a).

D. Environmental Effects of PFAS

74. Elevated levels of PFAS in surface water systems pose a risk of adverse effects on the environment.

75. The State of Maryland classifies bodies of water according to specific designated use classes. *See* Md. Code Regs. 26.08.02.01(B).

76. Use Class I bodies of water have specific designated uses including swimming, fishing, the growth and propagation of fish and other aquatic life, agricultural water supply, and industrial water supply. *See id.* 26.08.02.02(B)(1).

77. Peggy Branch and Middle Neck Branch are designated as Use Class I bodies of water by the State of Maryland. Maryland Dep't of the Env't, *Maryland's Designated Uses/Use*

Class Map, https://mde.maryland.gov/programs/water/tmdl/waterqualitystandards/pages/designatedusesmaps.aspx (last visited July 22, 2025).

78. Peggy Branch and Middle Neck Branch join together and discharge into Johnson Pond, another Use Class I body of water. *Id.*

79. Johnson Pond is additionally designated by the State of Maryland as a Nontidal Wetland of Special State Concern, Md. Code Regs. 26.23.06.01(V)(4), which means that it has "exceptional ecological or educational value of State wide significance," *id.* 26.23.01.01(B)(63).

80. Johnson Pond is also designated by the State of Maryland as a Special Fisheries Management Area with special rules governing the fishing of bass in Johnson Pond. *Id.* 08.02.11.03.

81. The North Prong Wicomico River downstream of Johnson Pond is designated as a Use Class II body of water with designated uses including those for Use Class I plus shellfish harvesting. *See id.* 26.08.02.02(B)(3), 26.08.02.08(E)(2)(d).

82. PFAS can bioaccumulate in freshwater and marine aquatic life.

83. In October 2024, EPA established final recommended ambient water quality criteria for aquatic life for a number of PFAS substances, including PFOA, PFOS, and PFHxS. Final Recommended Aquatic Life Criteria and Benchmarks for Select PFAS, 89 Fed. Reg. 81077 (Oct. 7, 2024).

84. In December 2024, EPA also published proposed recommended ambient water quality criteria for the protection of human health from exposure to PFAS substances including PFOA and PFOS "to minimize the risk of adverse effects occurring to humans from chronic (lifetime) exposure to substances through drinking water and eating fish and shellfish from inland

and nearshore waters." Draft National Recommended Ambient Water Quality Criteria for the Protection of Human Health for Perfluorooctanoic Acid, Perfluorooctane Sulfonic Acid, and Perfluorobutane Sulfonic Acid, 89 Fed. Reg. 105041 (Dec. 26, 2024).

85. On information and belief, the concentrations of PFOA and PFOS in Middle Neck Branch and Peggy Branch before it discharges to Johnson Pond are approximately one thousand times or more greater than the draft criteria for consumption of fish and shellfish.

VI. CAUSES OF ACTION

Count I: Violation of RCRA – Open Dumping

86. Plaintiffs reallege and incorporate by reference the allegations of the preceding paragraphs as if repeated and set forth herein.

87. Under 42 U.S.C. § 6972(a)(1)(A), citizens may commence a citizen suit against "any person . . . who is alleged to be in violation of any permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to [RCRA]."

88. Under RCRA, "any solid waste management practice or disposal of solid waste or hazardous waste which constitutes the open dumping of solid waste or hazardous waste is prohibited[.]" 42 U.S.C. § 6945(a).

89. 42 U.S.C. § 6945(a) further provides that "the prohibition [against open dumping] . . . shall be enforceable under section 6972 [the citizen suit provisions] of this title against persons engaged in the act of open dumping."

90. 42 U.S.C. § 6901(b) states that "disposal of solid waste … in or on the land without careful planning and management can present a danger to human health and the environment;" and that "open dumping is particularly harmful to health, contaminates drinking water from underground and surface supplies, and pollutes the air and land[.]"

91. Perdue's practices of emitting, discharging, and/or disposing of PFAS and other contaminants on-site and off-site to soils, groundwater and surface waters without permits or other governmental authorization through their disposal of wastewater, sludge, contaminated soils and dredge spoils, and through air emissions of PFAS, constitutes open dumping of solid waste prohibited by RCRA.

92. Perdue's continuing improper disposal of solid waste described above continues to pose an "adverse effect[] on health [and] the environment," *see* 42 U.S.C. § 6944(a), and constitutes "open dumping" in violation of 42 U.S.C. § 6945(a).

93. Defendants continue to engage in the prohibited open dumping of solid waste at the Agribusiness Facility and are continuing to contaminate on-site and off-site groundwater and surface waters, including those used and enjoyed by Plaintiffs

94. Plaintiffs and the environment have been harmed and will continue to be harmed by Perdue's open dumping unless and until the Court grants the relief sought herein.

Count II: Violation of RCRA – Pollution of Surface Water

95. Plaintiffs reallege and incorporate by reference the allegations of the preceding paragraphs as if repeated and set forth herein.

96. The regulatory criteria promulgated by EPA under 40 C.F.R. Part 257 constitute the "minimum criteria" for what "constitute[s] the open dumping of solid waste[.]" *See* 42 U.S.C. § 6907(a)(3); *see also* 42 U.S.C. § 6944(a) (stating that "[a]t a minimum, such criteria shall provide that a facility may be classified as a sanitary landfill and not an open dump only if there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility.")

97. A facility or practice violates the RCRA open dumping prohibition if it "cause[s] non-point source pollution of waters of the United States that violates applicable legal requirements implementing an areawide or Statewide water quality management plan that has been approved by the [EPA] under section 208 of the Clean Water Act ["CWA"], as amended." *See* 40 C.F.R. § 257.3-3(c).

98. On information and belief, there is an applicable areawide or Statewide water quality management plan in Maryland that EPA has approved under section 208 of the CWA.

99. On information and belief, Peggy Branch and Middle Neck Branch and drainage ditches and/or streams on Perdue's property are "waters of the United States" as well as surface waters regulated by the State of Maryland.

100. Perdue's practices of emitting, discharging, and/or disposing of PFAS and other non-point source pollutants to Peggy Branch, Middle Neck Branch and other waters of the United States through non-point sources without a discharge permit from MDE violates the prohibitions contained in Md. Code Ann., Envir. §§ 9-322 and 9-323, as well as Md. Code Regs. 26.04.07.03 and 26.08.02.09A, and constitutes open dumping under 40 C.F.R. §257.3-3(c).

101. Perdue's continuing pollution of surface water described above poses an adverse effect on health and the environment and constitutes "open dumping" in violation of 40 C.F.R. § 257.3-3(c).

102. Defendants continue to engage in the prohibited open dumping of solid waste at the Salisbury Agribusiness Facility and are continuing to pollute on-site and off-site surface waters.

103. Plaintiffs and the environment have been harmed and will continue to be harmed by Perdue's open dumping unless and until the Court grants the relief sought herein.

Count III: Violation of RCRA – Contamination of Groundwater

104. Plaintiffs reallege and incorporate by reference the allegations of the preceding paragraphs as if repeated and set forth herein.

105. A facility or practice violates the RCRA open dumping prohibition if it "contaminate[s] an underground drinking water source beyond the solid waste boundary[.]" 40 C.F.R. § 257.3-4(a).

106. Perdue's practices of emitting, discharging, and/or disposing of PFAS and other contaminants on-site and off-site to soils, groundwater and surface waters without permits or other governmental authorization through its disposal of wastewater, sludge, contaminated soils and dredge spoils, and through air emissions of PFAS, has caused the contamination of groundwater that is prohibited by RCRA as a form of open dumping of solid waste.

107. When originally promulgating the groundwater contamination criteria, EPA noted that "solid waste activities should not be allowed to cause underground drinking water sources to exceed established drinking water standards . . . [or] increase the risk of damage to present or future users of the aquifer." Criteria for Classification of Solid Waste Disposal Facilities and Practices, 44 Fed. Reg. 53438, 53446 (Sept. 13, 1979).

108. In originally selecting the contaminants listed in 40 C.F.R. Part 257, Appendix I, which were based on the contaminants listed at the time under the National Interim Primary Drinking Water Regulation, EPA recognized that "it may be advisable to expand the list of contaminants covered by the criteria as new information is developed by the Agency." *Id.*

109. Effective June 25, 2024, EPA adopted Maximum Contaminant Levels (MCLs) under the National Primary Drinking Water Regulation for six different PFAS including PFOA, PFOS, and PFHxS in an effort to "prevent thousands of deaths and reduce tens of thousands of

serious PFAS-attributable illnesses." PFAS National Primary Drinking Water Regulation, 89 Fed. Reg. 32532 (Apr. 26, 2024).

110. Perdue has caused the levels of PFOA, PFOS, and PFHxS in the groundwater on Plaintiffs' properties, which is their source of drinking water, and in the groundwater outside Defendants' Salisbury Agribusiness Facility solid waste boundary to rise above the relevant MCLs. Perdue's continuing actions are causing the concentration of contaminants to further rise above the MCLs, posing an ongoing threat of adverse effects on health and the environment and constituting "open dumping" in violation of 40 C.F.R. § 257.3-4(a).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

111. Declaratory and injunctive relief pursuant to 42 U.S.C. § 6972, ordering Perdue to perform and pay for such work as may be required to eliminate and remediate all solid waste disposed of at their property and its resulting contamination of groundwater and surface waters and to implement measures to prevent future open dumping violations;

112. The assessment of the maximum amount of civil penalties allowed by law, per day per violation, pursuant to 42 U.S.C. § 6928;

113. An award of the costs of litigation, including reasonable attorney and expert witness fees, pursuant to 42 U.S.C. § 6972(e); and

114. Such further and additional relief as the Court deems just and proper.

[Signature page to follow]

Respectfully submitted,

BROCKSTEDT MANDALAS FEDERICO LLC

/s/ Philip C. Federico
Philip C. Federico, Fed ID No. 01216
Chase T. Brockstedt (Motion to be admitted *pro hac vice* to follow)
Brent P. Ceryes, Fed ID No. 19192
A. Wray Fitch, Fed. ID No. 13722
Catherine M. Cramer (Motion to be admitted *pro hac vice* to follow)
Benjamin I. Herskovitz, Fed. ID No. 20928
Matthew P. Legg, Fed ID No. 19904
Stella D. Pratt (Motion to be admitted *pro hac vice* to follow)
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Attorneys for Plaintiffs

DATED: July 25, 2025
Baltimore, Maryland

EXHIBIT A

BROCKSTEDT MANDALAS FEDERICO

Philip C. Federico
410-421-7777
pfederico@lawbmf.com

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 Protections 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.

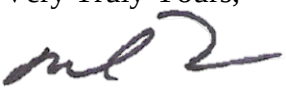
The attorneys representing the Citizens in this notice are:

Philip C. Federico
Chase T. Brockstedt
Brent P. Ceryes
A. Wray Fitch
Catherine M. Cramer
Stella D. Pratt
Brockstedt Mandalas Federico LLC
2850 Quarry Lake Drive, Suite 220
Baltimore, MD 21209
410-421-7777
pfederico@lawbmf.com
cbrockstedt@lawbmf.com
bceryes@lawbmf.com
wfitch@lawbmf.com
ccramer@lawbmf.com
spratt@lawbmf.com

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

PCF/sld

Cc: Chase T. Brockstedt
Brent P. Ceryes
A. Wray Fitch
Catherine M. Cramer
Stella D. Pratt

ATTACHMENT A

Maryland
Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

September 12, 2024

Sent Via Regular Mail

Ms. Jaclyn Mays, Director Environmental Compliance & Services
Perdue AgriBusiness
6906 Zion Church Road
Salisbury, Maryland 21804

RE: PFAS Source Designation
Perdue AgriBusiness Facility
6906 Zion Church Road
Salisbury, Wicomico County, Maryland 21804

Dear Ms. Mays,

The Land Management Administration of the Maryland Department of the Environment (MDE) is contacting you in your capacity as the environmental compliance representative for the Perdue AgriBusiness ("Perdue") facility ("the Site") located at 6906 Zion Church Road, in Salisbury, Maryland. The LMA has reviewed the September 2024 Earth Data, Inc. report entitled *Results of Temporary PFAS Monitoring Well Installation and Testing at Perdue AgriBusiness (PAB) Salisbury, Maryland, Quarterly Report 1,* which identified the presence of certain per and polyfluoroalkyl substances (PFAS) in the groundwater at the western edge of the Site at concentrations exceeding the recently promulgated United State Environmental Protection Agency (USEPA) maximum contaminant levels. Well and surface water sampling data collected by MDE in areas west of the Site have identified similar contamination suggestive of a regional PFAS contamination plume traceable to the Site.

This letter serves to notify you that, based on the evidence, MDE is designating Perdue as a responsible person (as defined by Section 7-201 of the Environment Article) liable for this contamination and request Perdue to take immediate action to investigate the nature and extent of the PFAS contamination in the wells serving the surrounding residential communities. To this end, please inform us in writing within 10 business days of the date of this letter (September 26, 2024) of your intention to proceed with this work in a time-sensitive manner and according to an MDE-approved plan.

Please note that MDE will be cost recovering for expenses pertaining to regulatory oversight activities in this matter. Financial hardship resulting in an inability to pay for the required investigation and/or remediation activities must be verified via submission of requested documentation to our counsel. In the event that Perdue is unwilling or unable to comply with

these procedures, MDE can perform its own investigation and seek cost recovery from Perdue. If we determine that Perdue will not properly complete the necessary investigation activities we designate, MDE will do so and initiate legal action to obtain reimbursement pursuant to applicable provisions of Section 7-201 et. seq., Environment Article, Annotated Code of Maryland.

Please contact me (410-537-3381; tyler.abbott@maryland.gov) have any questions or would like to discuss and define sampling objectives prior to the end of the ten-day response period.

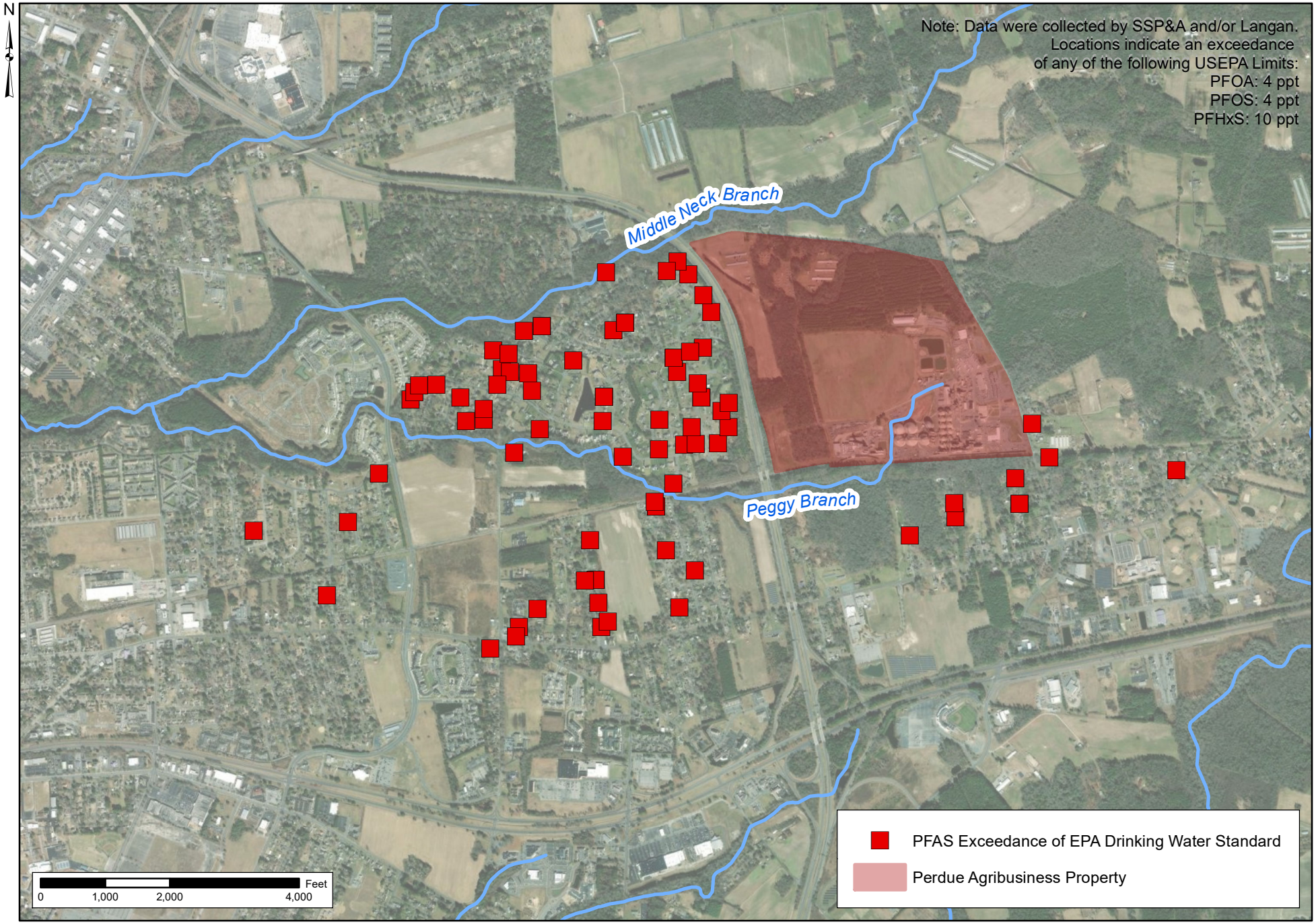
Sincerely,

Tyler Abbott, Director
Land and Materials Administration

cc: Mr. Lee Currey, Director, Water and Science Administration
Ms. Barbara Krupiarz, Administrator, Land Restoration Program
Mr. Herb Frerichs, General Counsel, Perdue Farms

ATTACHMENT B

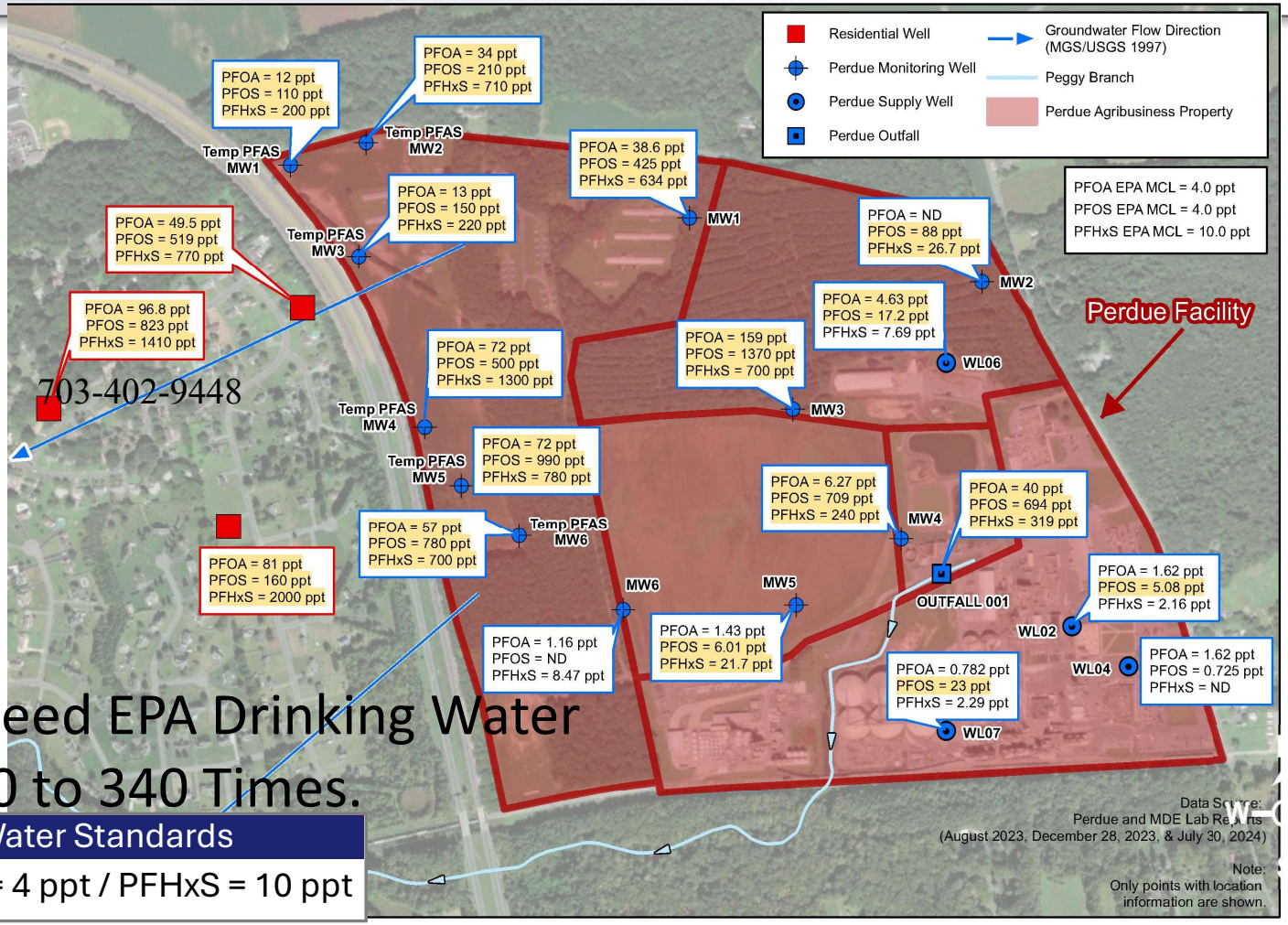
Date: 4/29/2025



Locations with Exceedances of PFOS, PFOA, or PFHxS in Residential Drinking Water Wells

ATTACHMENT C

Perdue Facility PFAS Groundwater Contamination



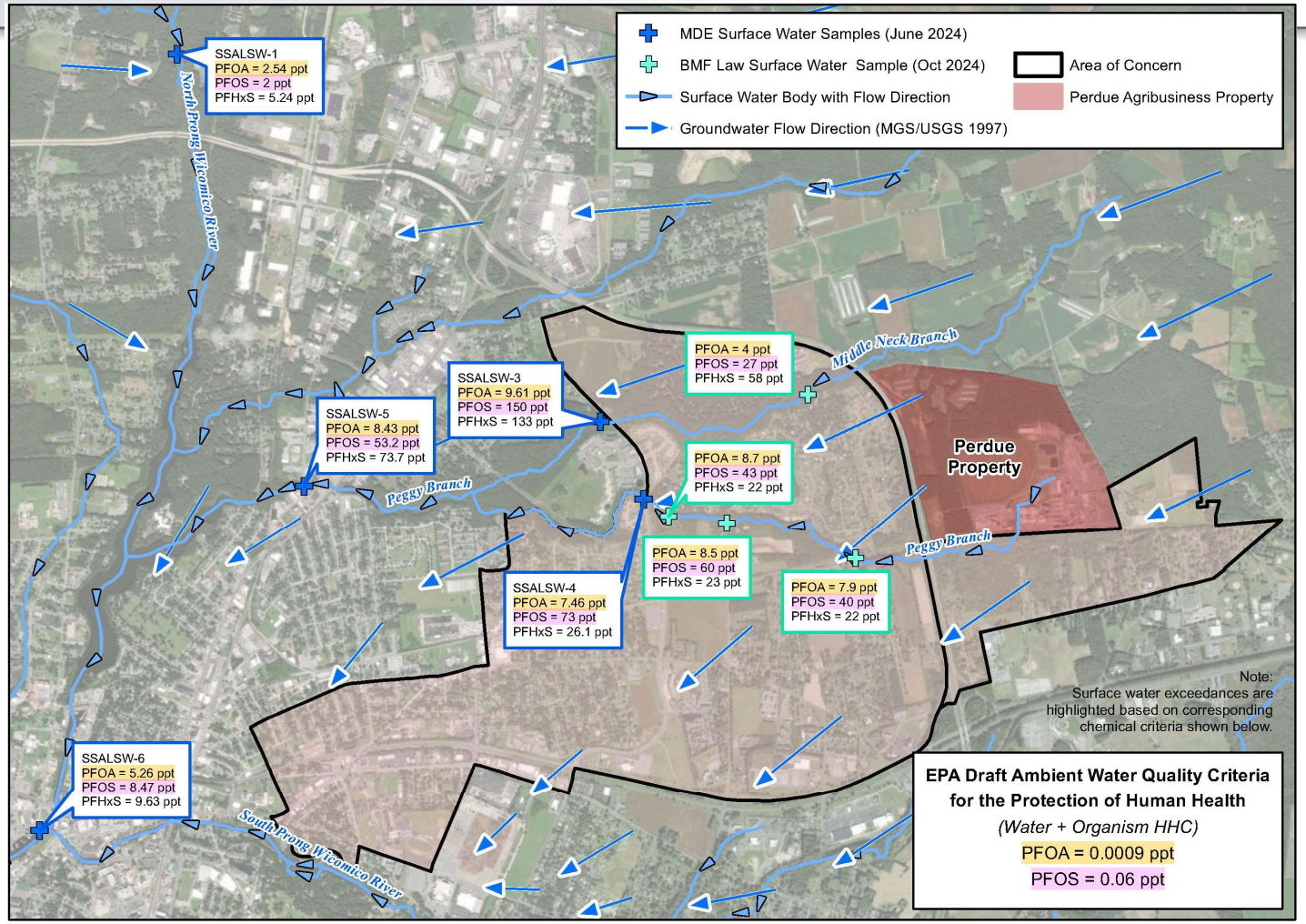
PFAS Levels Exceed EPA Drinking Water Standards by 20 to 340 Times.

EPA Drinking Water Standards
PFOS = 4 ppt / PFOA = 4 ppt / PFHxS = 10 ppt

ATTACHMENT D

PFAS Concentrations in Surface Water

PFAS Levels Exceed EPA Water Quality Criteria by 140 to 10,000 Times.



ATTACHMENT E

History and Use of Per- and Polyfluoroalkyl Substances (PFAS) found in the Environment

1 Introduction

This fact sheet provides a summary of the discovery and application of PFAS, emergence of known health effects, PFAS reduction, and environmental impacts. PFAS are a family of thousands of chemicals that vary widely in their chemical and physical properties, as well as their potential risks to human health and the environment. The unique physical and chemical properties of PFAS impart oil, water, stain, and soil repellency, chemical and thermal stability, and friction reduction to a range of products. These products have application in many industries, including the aerospace, semiconductor, medical, automotive, construction, electronics, and aviation industries, as well as in consumer products (such as carpets, clothing, furniture, outdoor equipment, food packaging), and firefighting applications (3M Company 1999a; Buck et al. 2011; KEMI 2015a; USEPA 2017b). Additional information is available in the Guidance Document.

ITRC has developed a series of fact sheets that summarize recent science and emerging technologies regarding PFAS. The information in the fact sheets is more fully described in the ***ITRC PFAS Technical and Regulatory Guidance Document (Guidance Document)*** (*https://pfas-1.itrcweb.org/*).

This fact sheet provides an overview of the:

- discovery and development of PFAS
- detection in the environment
- emerging concerns related to human health effects of PFAS
- efforts to reduce use, replace, or both
- potential major sources of release to the environment

2 Discovery and Manufacturing

PFAS chemistry was discovered in the late 1930s. Since the 1950s, many products commonly used by consumers and industry have been manufactured with or from PFAS. Two major processes, *electrochemical fluorination (ECF) and fluorotelomerization*, have been (and are) used to manufacture PFAS substances that contain perfluoroalkyl chains: side-chain fluorinated polymers, perfluoroalkyl acids and polyfluoroalkyl surfactants (USEPA 2003b; Benskin, DeSilva, and Martin 2010; KEMI 2015b; OECD 2018). Table 1 summarizes types of perfluoroalkyl acids (PFAAs) produced by these processes. More than 600 intermediate processes have also been used to further produce certain PFAS and the associated final products.

Table 1. Manufacturing processes and potential PFAAs produced

Manufacturing Process	Commonly Found Polyfluorinated Substances	Potential PFAAs Produced
Fluorotelomerization	FTSA[1], FTCA[2], & FTOH	Linear PFCAs[3]
Electrochemical fluorination	FASE & FASAA	Branched & linear PFCAs & PFSAs

[1]Fluorotelomer sulfonate: for example, may be found at aqueous film-forming foam (AFFF) sites; [2]Fluorotelomer carboxylic acids: for example, 5:3 acid may be found in landfill leachate; [3]Under certain instances, can produce mixture of linear and branched perfluoroalkyl carboxylates (PFCAs)

3 Emerging Health and Environmental Concerns

Awareness of Public Health Impacts

Awareness of the presence of PFAAs can be attributed to occupational studies in the 1970s that found detections of some PFAS in the blood of exposed workers, and further studies in the 1990s that reported detections in the blood of the general human population (Buck et al. 2011). In recent years, the presence of several long-chain PFAAs (PFOA, PFOS, PFNA, and PFHxS) have been measured in the low parts per billion (ppb, equivalent to nanograms per milliliter (ng/ml)) range in the blood serum of almost all residents of the United States and other industrialized nations (Kato 2015; CDC 2018). These PFAS are present whether or not people were exposed in the workplace, likely due to the widespread use of PFAS in consumer products and industries (Kannan et al. 2004; Kärrman et al. 2006; Olsen et al. 2003). PFAS concentrations (especially PFOS) in human blood have decreased steadily since 2000 (ATSDR 2020a) with the voluntary phaseout of perfluorooctanyl chemistries by a major U.S. manufacturer.

Laboratory studies using animals and epidemiological studies of human populations show that exposure to some PFAS may be associated with a wide range of adverse human health effects (USEPA 2016c, d; ASTDR 2018e). Toxicity studies are discussed in more detail in Section 7.1 of the Guidance Document. More recently, the toxicology of other PFAS, such

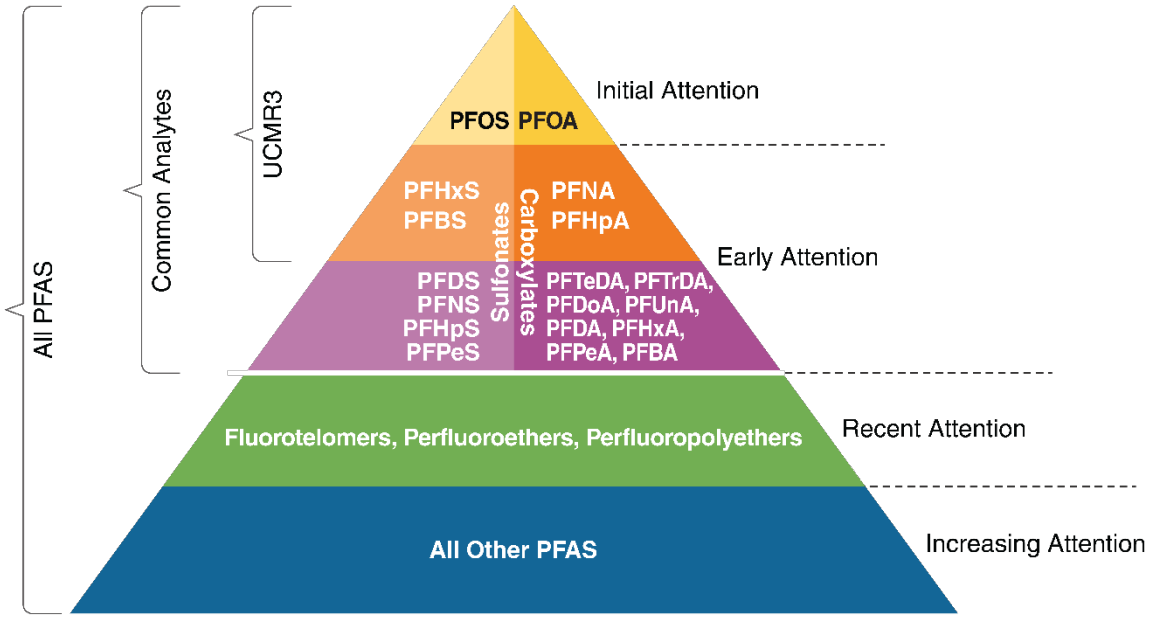
as fluorotelomers and shorter chain PFAAs, as well as replacement PFAS chemicals (such as GenX chemicals), have received increased attention (CONCAWE 2016; USEPA 2016e; USEPA 2018g).

Awareness and Detection in the Environment

Although some PFAS have been manufactured since the 1950s, PFAS were not widely documented in environmental samples until the early 2000s, as PFAS testing was not widely available until that time. Since the 2000s, methods have been, and continue to be, developed with lower detection limits in water that are commensurate with levels of potential human health effects.

Initially, investigations focused mainly on major releases from manufacturing sources and uses such as firefighting foam application sites. But since the early 2000s, the occurrence of PFAS in the environment has been a very active area of research, with occurrence of certain PFAS reported in a wide variety of matrices (Kannan et al. 2004; Yamashita et al. 2005; Higgins et al. 2005; Rankin et al. 2016). With more sensitive analytical methods available, PFAS (especially PFAAs) have been widely detected around the world. Nationwide testing in 2012 of drinking water supplies under the USEPA's Third Unregulated Contaminant Monitoring Rule (UCMR3) led to four additional PFAAs (PFHpA, PFNA, PFBS, PFHxS) gaining greater attention. The UCMR3 sampling detected PFAS in 4% of drinking water supplies across the country (Hu et al. 2016).

In 2016, USEPA issued a Lifetime Health Advisory (LHA) for two of the most widely detected PFAAs, PFOA and PFOS. The LHA was set at 70 nanograms per liter (ng/L, equivalent to parts per trillion [ppt]) in drinking water and applies to PFOS and PFOA individually or in combination (USEPA 2016c, d). Since the UCMR3 and the LHA, other polyfluoroalkyl substances are receiving increased attention and many state regulatory agencies now request or require testing for an expanded list of long- and short-chain PFAAs, and some potential precursors to PFAAs, such as fluorotelomers, as illustrated in Figure 1.



Thematic and not proportional. Bottom of triangle indicates additional number of compounds; not a greater quantity by mass, concentration, or frequency of detection.

Figure 1. Emerging awareness and emphasis on PFAS occurrence in the environment.
Source: J. Hale, Kleinfelder. Used with permission.

Phaseout of Long-Chain PFAS

Due to concerns about the potential health and environmental impacts, there has been a reduction in the manufacture and use of certain long-chain PFAAs. Long-chain PFAAs include PFCAs with eight or more fully fluorinated carbons (for example, PFOA) and perfluorinated sulfonates (PFSAs) with six or more fully fluorinated carbons (for example, PFHxS and PFOS), their salts, and precursor compounds capable of forming long-chain PFAAs (Buck et al. 2011; OECD 2013; Wang, Cousins, et al. 2015).

- In May 2000, 3M, the principal worldwide manufacturer and sole U.S. manufacturer of PFOS, announced a voluntary phaseout of perfluorooctanyl chemistries, which included PFOS, PFHxS, PFOA, and related precursors. (USEPA 2003b; USEPA 2017e; 3M Company 2017).
- Since 2002, USEPA has issued multiple Significant New Use Rules (SNURs) under the Toxic Substances Control Act (TSCA) to require notification to USEPA before any manufacture, use, and/or import of certain chemically-related PFAS (USEPA 2020c).
- In January 2006, USEPA initiated the PFOA Stewardship Program (USEPA 2006b) in which the eight major manufacturing companies committed to reducing PFOA, other longer-chain PFCAs, and related precursors (USEPA 2017e).
- The Stockholm Convention on Persistent Organic Pollutants (POPs) is a United Nations treaty signed in 2001 aimed at reducing or eliminating the production, use, and release of key POPs (KEMI 2004, 2015b; USEPA 2017j). The Stockholm Convention has since been amended to include PFOS, PFOA, and discontinuation of previously allowed uses.

PFAS are manufactured globally, and recently increased international production of PFAS have potentially offset the global reduction anticipated with the U.S. phaseout (OECD 2015b). Further, the phaseout efforts do not prevent the import of materials containing PFAS to the United States. Additional details related to the phaseout of certain PFAS chemistries can be found in Section 2 of the Guidance Document.

Replacement Chemistry

Manufacturers have been developing replacement technologies, including reformulating longer-chain substances or substituting them with nonfluorinated chemicals, alternate technologies, or shorter-chain perfluoroalkyl or polyfluorinated substances. Some alternate PFAS include, but are not limited to, compounds produced with ECF and fluorotelomerization, such as: FTOH, PBSF-based derivatives, per- and polyfluoroalkylethers (for example, GenX chemicals and ADONA) and other types of PFAS (Hori et al. 2006; OECD 2007; Herzke, Olson, and Posner 2012; Wang, Cousins, et al. 2013; Wang, Cousins, et al. 2015; Holmquist et al. 2016).

Many PFAS alternatives are structurally similar to their predecessors and manufactured by the same companies (CONCAWE 2016; Wang, Cousins, et al. 2015). Some of the replacement chemicals are said to achieve the same performance effectiveness of some of their predecessors; however, it is not yet clear if this is true for all replacement PFAS (Danish EPA 2015). Several studies suggest some of the alternate PFAS chemistries may or may not be less hazardous than the long-chain predecessors, although publicly available information on most replacement chemicals is limited (Wang, Cousins, et al. 2015; RIVM 2016; OECD 2015b). Additional information related to replacement chemistries, including challenges of laboratory analysis and treatment technologies, can be found in the Guidance Document.

4 PFAS Releases to the Environment

PFAS are used in many industrial and consumer applications. For example:

- PFAS is produced at primary manufacturing facilities and used in manufacturing processes at secondary facilities.
- Industrial products including AFFF.
- Consumer products including stain and water repellent material, food packaging, retail products.

As increased environmental sampling for PFAS occurs, it is likely that additional sources may emerge.

PFAS have been and still are widely used, but not all types and uses of PFAS result in the same level of environmental impact and exposure. When considering potential environmental impacts from PFAS, it is critical to be as specific as possible not only about the particular PFAS involved, but also where and how they are released to the environment. Figure 2 illustrates a conceptual PFAS life cycle.

Some uses of PFAS are summarized in Table 2-4 of the Guidance Document, including (but not limited to):

- Building and Construction
- Cable and Wiring
- Metal Finishing and Plating
- Industrial Surfactants and Fluoropolymer Production
- Paper Products and Packaging
- Photolithography/Semiconductor Industry
- Textiles, Leather, and Apparel (Including Carpet and Furniture)

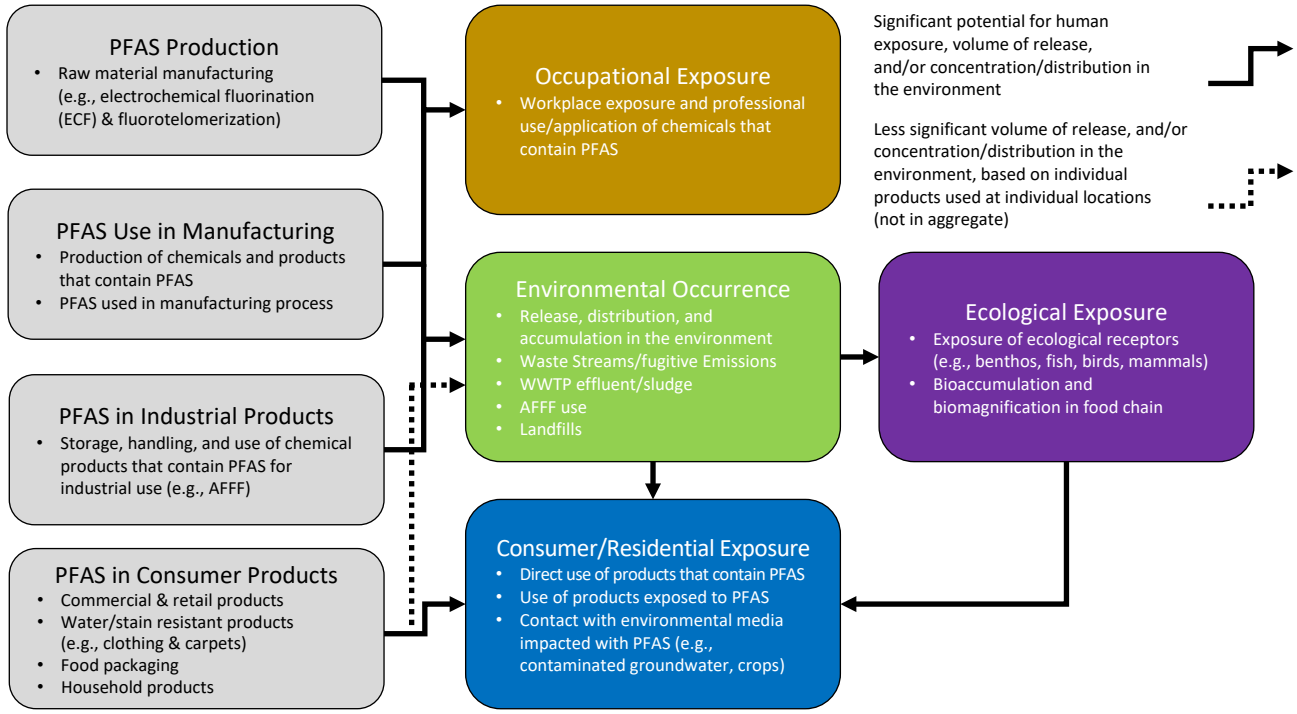


Figure 2. Generalized PFAS uses and relative exposure and environmental impact potential from PFAS life cycle.

Release mechanisms at primary and secondary manufacturing facilities include air emission and dispersion, spills, and disposal of manufacturing wastes and wastewater. Potential impacts to air, soil, surface water, stormwater, and groundwater are present not only at release areas, but potentially across the surrounding area (Shin et al. 2011).

Environmental releases associated with the use of PFAS-containing products may be related to management of wastes, but the type and concentration of PFAS vary greatly among landfills and among wastewater discharges due to variations in the waste streams. Landfills and other legacy disposal areas can be sources of PFAS because they are repositories for PFAS-contaminated industrial waste, sewage sludge from wastewater treatment facilities, and waste from site mitigation, as well as for PFAS-bearing consumer wastes, such as goods treated with hydrophobic, stain-resistant coatings (Busch et al. 2010; Eggen, Moeder, and Arukwe 2010). Consumer and industrial use of PFAS-containing materials, including disposal of landfill leachate and firefighting foam, may discharge PFAS-containing wastewater to municipal and industrial WWTPs (Lin, Panchangam, and Lo 2009; Ahrens et al. 2009), private septic systems, or other wastewater disposal systems.

5 References and Acronyms

The references cited in this fact sheet and further references can be found at https://pfas-1.itrcweb.org/references/.
The acronyms used in this fact sheet and in the Guidance Document can be found at https://pfas-1.itrcweb.org/acronyms/.

Per- and Polyfluoroalkyl Substances (PFAS) Team Contacts

Robert Mueller • New Jersey Department of Environmental Protection
609-940-4018 • Bob.Mueller@dep.nj.gov

Kate Emma Schlosser • New Hampshire Department of Environmental Services
603-271-2910 • KateEmma.Schlosser@des.nh.gov

August 2020

EXHIBIT B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Perdue Farms, Inc.
31149 Old Ocean City Road
Salisbury, Maryland 21804

9590 9402 8384 3156 7347 30

2. Article Number (Transfer from service label)

9589 0710 5270 0730 3726 58

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 5-5-25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery
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ail Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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1. Article Addressed to:

Perdue Agribusiness LLC
31491 Old Ocean City Road
Salisbury, Maryland 21804

9590 9402 8384 3156 7348 08

2. Article Number *(Transfer from service label)*

9589 0710 5270 0730 3727 33

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☐ Agent
☐ Addressee

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C. Date of Delivery

5-5-25

D. Is delivery address different from item 1? ☐ Yes
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Perdue Foods LLC
31491 Old Ocean City Road
Salisbury, Maryland 21804

9590 9402 8384 3156 7347 23

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9589 0710 5270 0730 3727 26

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☐ Addressee

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C. Date of Delivery
5-5-25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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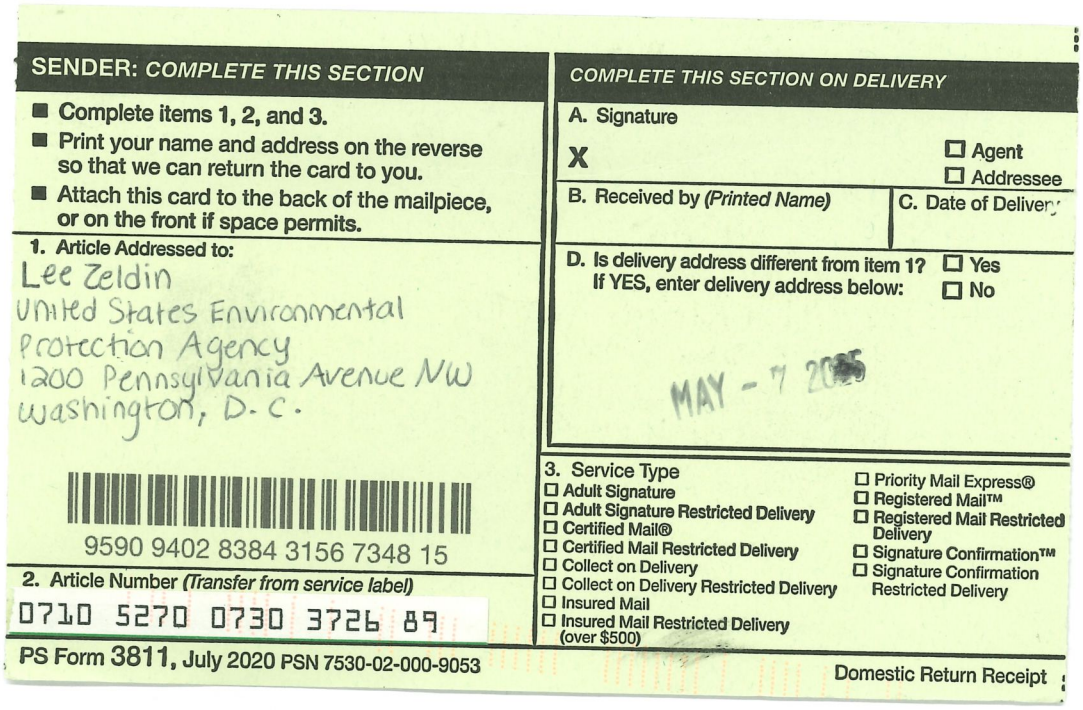
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt



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1. Article Addressed to:

Lee Zeldin
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C.

9590 9402 8384 3156 7348 15

2. Article Number *(Transfer from service label)*

0710 5270 0730 3726 89

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

MAY - 7 2025

3. Service Type

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- ☐ Adult Signature Restricted Delivery
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- ☐ Certified Mail Restricted Delivery
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- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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- ☐ Registered Mail™
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1. Article Addressed to:

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

9590 9402 8384 3156 7347 92

2. Article Number (Transfer from service label)

9 0710 5270 0730 3727 19

COMPLETE THIS SECTION ON DELIVERY

A. Signature
U.S. EPA
X 1600 JFK BLVD
4 PENN CENTER CTR
☐ Agent
☐ Addressee

B. Received by (Printed Name)
PHILADELPHIA, PA. 19103

C. Date of Delivery
MAY 06 2025

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:
U.S. EPA
1600 JFK BLVD
4 PENN CENTER CTR
PHILADELPHIA, PA. 19103

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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1. Article Addressed to:

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

9590 9402 8384 3156 7230 17

2. Article Number *(Transfer from service label)*

89 0710 5270 0730 3767 86

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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- ☐ Adult Signature Restricted Delivery
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- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
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- ☐ Insured Mail Restricted Delivery (over $500)
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- ☐ Signature Confirmation Restricted Delivery

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

9590 9402 8384 3156 7348 22

2. Article Number *(Transfer from service label)*

9 0710 5270 0730 3726 96

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Sara M. Kryscio **C. Date of Delivery**

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

HAND DELIVERED TO USPS MAY - 5 2025

3. Service Type

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- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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- ☐ Signature Confirmation™
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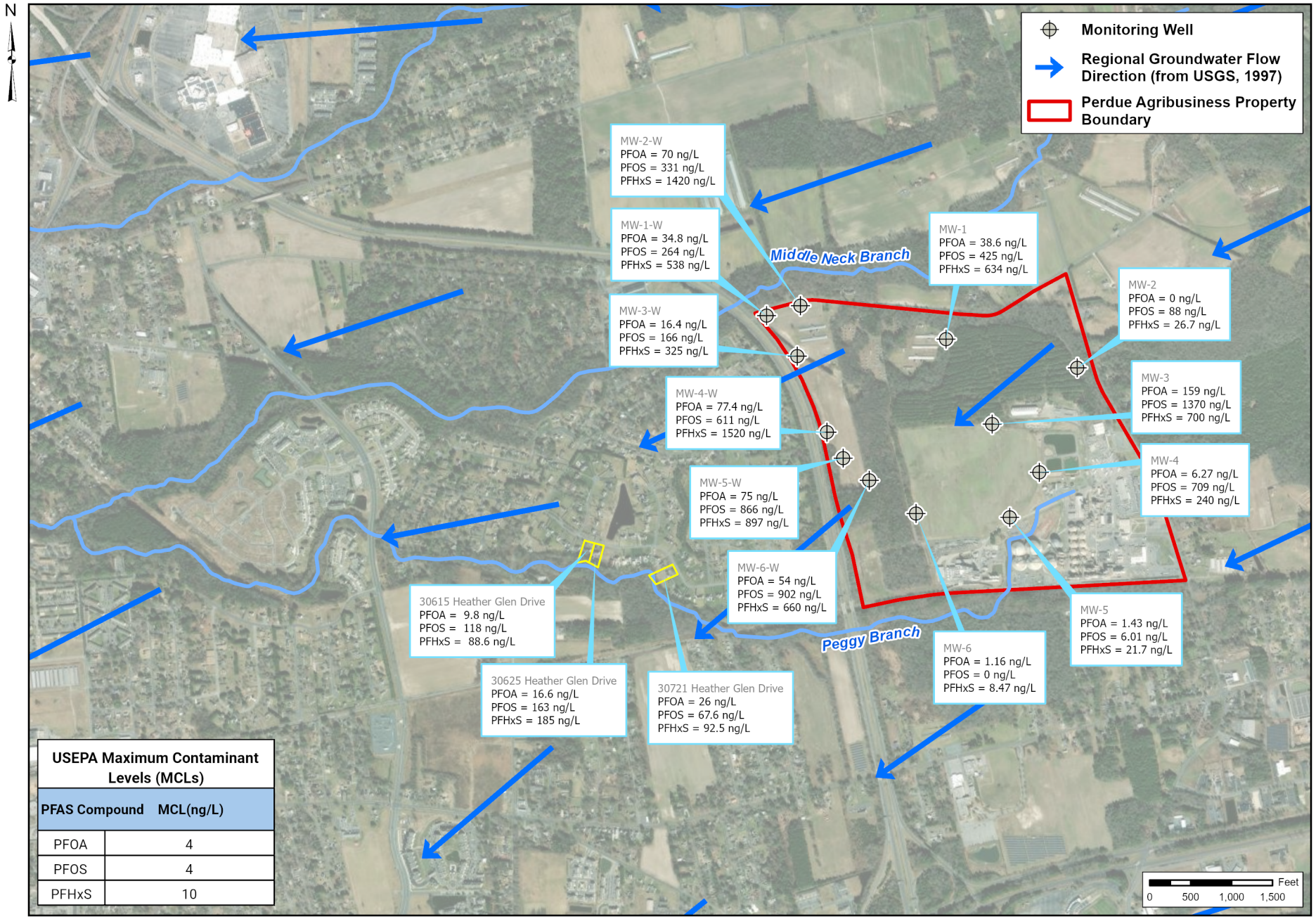
EXHIBIT C



USEPA Maximum Contaminant Levels (MCLs)	
PFAS Compound	**MCL(ng/L)**
PFOA	4
PFOS	4
PFHxS	10

Notes:
[1] For locations with multiple sample events, the maximum observed concentration is displayed.

PFOA, PFOS, and PFHxS Concentrations in
Onsite Monitoring Wells and Offsite Drinking Water

EXHIBIT D

PERDUE AgriBusiness

Perdue AgriBusiness LLC
P.O. Box 1537
Salisbury, MD 21802-1537 perdueagribusiness.com

September 30, 2024

[redacted]

Re: Testing Your Well Water

Dear [redacted]:

For over 100 years, Perdue has been more than just a business in this community -we've been neighbors. We've always believed in doing the right thing, and that means ensuring the safety and well-being of the communities where we live and work.

Recently groundwater tests at our Perdue AgriBusiness facility located at 6906 Zion Church Road, Salisbury, Maryland have revealed elevated levels of PFAS (per- and polyfluoroalkyl substances). To further investigate this issue and better understand the situation, the Maryland Department of Environment (MDE) has requested that we test certain properties near this facility. The source of the PFAS at the facility has not yet been determined.

As a company committed to protecting this region, and in cooperation with both MDE and the Wicomico County Department of Health (WCDH), Perdue AgriBusiness will conduct this testing and would like your assistance in the testing of your well water.

We're here to help make sure your water is safe, and we are eager to partner with you on this effort.

We're making two requests to property owners as part of our testing process.

1. Confirm if you use well water and for what purpose- if your home uses city water for drinking, we won't need to conduct any tests.
2. Allow us to sample your water- if you have a private well, we'd like to collect and test a sample to check the PFAS levels.

The purpose of the testing is to further understand the nature and extent of PFAS chemicals in the area groundwater. There is no cost to homeowners for this testing; Perdue AgriBusiness will hire an independent testing contractor in consultation with MDE and WCDH. To aid in our testing, we request that you fill out and return the attached questionnaire as soon as possible, using the enclosed self-address stamped envelope or by completing the questionnaire online by scanning the QR code below:

Once we determine which properties require testing, we will contact you to schedule a time to collect the water sample. Test results will be supplied to MDE and WCDH. A copy of the results will also be provided to property owners at no cost. It is important that you complete and return the questionnaire even if you do not maintain a well on your property so that our records are updated and to ensure that you will not be unnecessarily contacted in the future.

What are PFAS?
PFAS stands for per- and polyfluoroalkyl substances. The term encompasses thousands of man-made substances that have been in widespread use for decades and can be found in many different consumer, commercial, and industrial products. They have also been found in water, air, fish, and soil at many locations throughout the country. At this time, the U.S. Environmental Protection Agency has set drinking water limits for six specific PFAS substances.

MDE has compiled more information on PFAS, and we encourage you to review their material, which you can find by scanning the QR code below:

MDE also has prepared a Q&A document with information about PFAS in drinking water wells, including potential health risks. A copy of that Q&A is enclosed with this letter for your convenience.

The source of the PFAS
The source of PFAS in groundwater at the Perdue AgriBusiness facility has yet to be determined. We are committed to conducting a thorough review and are looking closely at all possibilities for the elevated PFAS levels, including other potential sources in the area. We will be updating property owners, our community, the MDE, and WDCH of any information which may shed light on the source, when identified.

Addressing PFAS in your water
If your property's groundwater does show elevated levels of PFAS, it can be addressed through the installation of a treatment system that removes these substances. The enclosed Q&A from MDE has more information about available treatment options for drinking water wells.

Out of an abundance of caution, we will ship bottled water to your home, at no cost to you, if you are interested. Please contact Perdue Agribusiness Consumer Affairs at 866-866-3703 for assistance.

Our commitment to the community
We are committed to protecting the communities in Maryland; this is an emerging issue which is new to us. We've set up a web page with resources, that will be updated with additional information as it becomes available. Please visit corporate.perduefarms.com/water-testing-resources for more information or scan the QR code for more information.

Thank you for your understanding and cooperation. We look forward to working with you. If you have questions about PFAS, please contact Wicomico County Department of Health at 410-546-4446.

Thank you in advance for your cooperation.

Sincerely,

G. Andrew Getty
VP Environmental
Perdue AgriBusiness

Enclosure: Well Survey Questionnaire (To be completed by Owner)

Perdue Agribusiness LLC care of
Langan Engineering and Environmental Services, LLC
1818 Market Street, Suite 3300
Philadelphia, PA 19103

Well Information Questionnaire Form and Request for Sampling

Please complete this form by providing the requested information in the spaces provided or by circling the most appropriate response, and return the completed form to us within 10 days of receipt using the enclosed pre-paid, self-addressed envelope, or by using an online form that can be accessed at the following web address or by scanning the QR code above: https://survey123.arcgis.com/share/d40c23769152410abc508a5b9c34dcd2.

Date: _____

Property Street Address:

_____

1. Indicate your relationship to this property. (Circle one)

Property Owner Renter/Lessee Other (Please explain) _____

Please provide your contact information/mailing address and indicate if it is permissible for us to contact you.

NAME:_____

ADDRESS:_____

PHONE #:_____(home)_____(work)_____(cell)
EMAIL:_____

Please circle the phone number or email above that you prefer we use to contact you.

If you are a renter or tenant, please provide the owner's contact information.

NAME:_____

ADDRESS:_____

PHONE #:_____(home)_____(work)_____(cell)
EMAIL:_____

2. Is there a private water well located on the referenced property? **YES** **NO**
(If **NO**, please stop here and return the form)

3. Regarding the water well on the property, if known:
   a. What is the depth of the well? _____ feet
   b. What is the depth of the well casing? _____ feet
   c. What is the depth of the well pump? _____ feet
   d. What is the pump capacity? _____ gallons per minute

4. Does the well supply water for any other residences? **YES** **NO** **unknown**
If **YES**, how many, and what are the addresses of those residences?

_____

_____

5. Do you use the well water for drinking and/or cooking? **YES** **NO**
(If **NO**, what is the source of your drinking/cooking water? _____

6. Do you use the well water for:

bathing?	**YES**	**NO**
washing clothes	**YES**	**NO**
lawn/irrigation	**YES**	**NO**
watering food garden?	**YES**	**NO**
filling swimming pool/ recreation	**YES**	**NO**

7. Has this well been tested recently?

If **YES**, please enclose a copy of the results if possible.

a) What date was it most recently tested? _____

b) Who tested the well water? _____

c) What was the well tested for? (circle all that apply)

Bacteria
Volatile Organics
Metals
PFAS
Other (please explain) _____

d) Did the sampling detect any contaminants? **YES** **NO**
If **YES**, please specify

_____

8. Do you have any treatment system(s) on the well? **YES** **NO**

If **YES**,

a) What type of water treatment system(s) do you have (circle all that apply)

Softener
Iron removal
Sediment filter
Carbon filter
Turbidity removal
pH adjustment
Disinfection
Chlorinators
Acid neutralizer
Other (please specify): _____

b) Can the treatment system be bypassed to collect an untreated water sample? **YES** **NO** **NOT SURE**

If **YES**, how can the system be bypassed? _____

If **NO**,

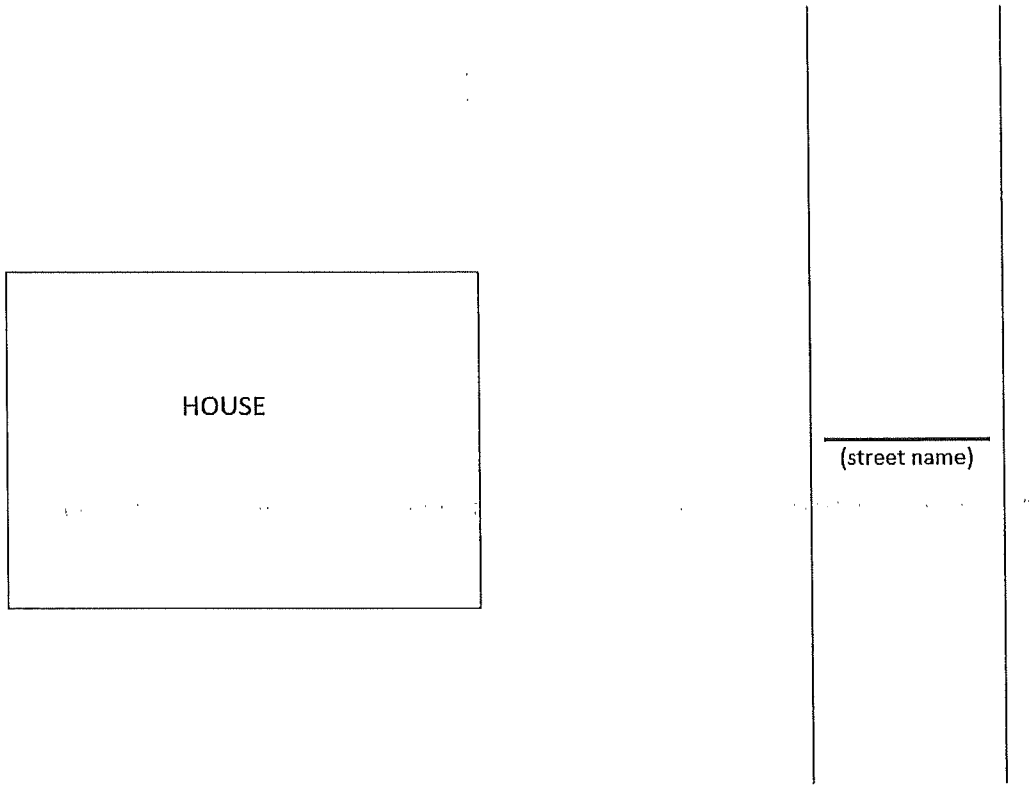
Is there an outside spigot **YES** **NO**

Where is the spigot located? _____

9. Would you allow us to collect at water sample from your well for analysis? **YES** **NO**

10. Please provide any other information that you feel would be helpful for us to know about your well.

On the next page, please locate your well, septic system, and any underground tank (if applicable) relative to your house and the street. If there are any landmarks that help locate these features, please draw them in. Also, please indicate the street name in the blank provided.


HOUSE
(street name)

Maryland Department of the Environment

PFAS in Private Drinking Water Wells

What about the other PFAS compounds detected in my water that aren't regulated?

EPA has proposed regulatory standards for six prevalent PFAS compounds found in drinking water: PFOA, PFOS, PFBS, PFHxS, PFNA, and HFPO-DA (GenX). Although other PFAS chemicals can be detected, these six compounds act as a basis for when actions should be taken.

How can I remove PFAS from my water?

Two treatment technologies that are effective in removing PFAS for private well owners are Granular Activated Carbon Filters and Reverse Osmosis. A brief description for both technologies are below:

Granular Activated Carbon Filters: Contaminants accumulate on the filter while water passes through.

Reverse Osmosis: Energy is used to push water through a membrane with tiny pores. The membrane stops many contaminants while allowing water to pass through.

Both options can be installed as point-of-use (POU) treatments. This refers to treatment that can be added to a single faucet or other outlet used for drinking water in your home. Point-of-use treatment is generally more cost effective than point-of-entry treatment. Point-of-entry (POE) treatment refers to a system that treats all the water in your home. This is generally more expensive to install and maintain and can create challenges for septic system longevity. It is important to note that all water treatment systems require regular maintenance to work properly and remain effective.

Whichever type of treatment is installed, it is important to properly install, test, maintain and dispose of the filters according to manufacturers' specifications. Be advised that not all over-the-counter cartridge filters will remove PFAS from water. It is important to review individual filter specifications.

It is also good practice to test the water after treatment has been installed to verify that the treatment system is effective.

Note: Boiling water will not remove PFAS chemicals from water and could increase their concentration due to evaporation.

How do I have treatment installed?

MDE strongly recommends using a Licensed Plumber or a properly licensed (well driller or water conditioner installer to install and maintain treatment on your water system. Below is a link to a list of licensed well drillers and water conditioner installers in the state of Maryland.

Maryland Department of the Environment

PFAS in Private Drinking Water Wells

In March 2023, the EPA published proposed enforceable limits in drinking water for PFOA and PFOS at 4 parts per trillion (ppt) each. In addition, EPA published a proposed enforceable limit on a combination of

PFNA, PFHxS, PFBS, and HFPO-DA (GenX). This limit is based off the following Health-Based Water Concentrations:

PFHxS – 9.0 ppt PFNA – 10 ppt HFPO-DA (GenX) – 10 ppt PFBS – 2000 ppt

More information regarding these proposed regulations can be found at the following link: www.epa.gov/system/files/documents/2023-03/Fact%20Sheet_PFAS_NPWDR_Final_3.14.23.pdf

While toxicity assessments for many other PFAS are currently limited, MDE actively monitors federal PFAS work – including toxicity assessments – and may adjust this factsheet as needed.

How do I test my well water for PFAS?

Private wells are not regulated by the state or federal government. It is the responsibility of the individual homeowners to test and maintain their well and piping. It is recommended that private well owners get their well water tested at least once a year to ensure that their water is safe to drink. General sampling and maintenance recommendations for private drinking water wells can be accessed on MDE's Be Well Wise webpage.

A list of labs that test in Maryland for PFAS in drinking water can be found at the following link: https://mde.maryland.gov/programs/water/water_supply/Documents/PFAS_Labs_DrinkingWater_NELAP.pdf

Currently, there are a limited number of certified laboratories capable of testing for PFAS in drinking water. Generally, the state does not fund or provide testing for private well owners. Reach out to your local health department for information regarding possible testing assistance.

What should I do if my test results show PFAS compounds above EPA's proposed regulatory limits?

For wells that have test results above the EPA proposed regulatory limits, MDE recommends installing treatment on any outlets from which you will be drinking the water. Switching to bottled water may also be an option, however consumers should be aware that PFAS can be present in bottled water. We encourage reaching out to your local public water utility to see if connecting to public water is possible from your location. Public water utilities are regulated by the state and federal government. This means water utilities are required to meet EPA and State standards for drinking water and follow strict monitoring requirements.

Maryland Department of the Environment

PFAS in Private Drinking Water Wells

Background on PFAS:

The purpose of this document is to provide private well owners information and guidance on per- and polyfluoroalkyl substances (PFAS) that may be present in some private wells. PFAS are a group of human-made chemicals, including perfluorooctanoic acid (PFOA), perfluoroctane sulfonate (PFOS), perfluorohexanesulfonic acid (PFHxS), hexafluoropropylene oxide dimer acid (HFPO-DA or GenX), and over 7,000 other compounds. Throughout the nation, PFAS have been detected in drinking water, groundwater, surface water, soils, and other environmental media. Since the 1940s, PFAS have been present in a variety of industrial and commercial applications and products because of their ability to resist heat, oil, and water.

Due to the rapidly evolving PFAS science, the Maryland Department of the Environment (MDE), in partnership with the Maryland Department of Health (MDH), may update this guidance on PFAS compounds as new information becomes available on health effects, sampling, analysis, treatment techniques, and any changes in federal or state guidance or policy. For more information on PFAS, please visit MDE's PFAS webpage at: mde.maryland.gov/PublicHealth/Pages/PFAS-Landing-Page.aspx

Should I be concerned about PFAS?

The U.S. Environmental Protection Agency (EPA) and U.S. Centers for Disease Control and Prevention Agency for Toxic Substances and Disease Registry (ATSDR) continue to investigate the human health impacts of chronic exposure to PFAS. According to ATSDR, studies have suggested that chronic exposure to two PFAS, PFOA and PFOS, **may** be linked to: increased cholesterol levels, increased risk of high blood pressure or pre-eclampsia in pregnant women, changes in liver enzymes, decreased vaccine response, and small decreases in infant birth weights. Additionally, the EPA has classified PFOA and PFOS as having potential carcinogenic effects in humans. More information on the human health effects and routes of exposure to these compounds and other PFAS compounds can be found through the following links:

CDC: https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html
ATSDR: https://www.atsdr.cdc.gov/pfas/index.html
EPA: https://www.epa.gov/pfas/pfas-explained

Maryland Department of the Environment

PFAS in Private Drinking Water Wells

https://mde.maryland.gov/programs/permits/EnvironmentalBoards/Documents/Roster-by-Company.pdf

Note: Look for an individual with a license number that starts with WCI (Water Conditioner Installer) MWD (Master Well Driller), or MSD (Master Water Supply Driller).

Cost of treatment depends on the type of treatment selected and individual system requirements.

Is it safe to shower, wash clothing, or water plants with untreated water?

According to the best available science, use of water for non-consumable purposes is considered safe. For edible plants, it is advised to use water treated for consumption.

Where can I find more information?

More information and resources can be found at:

MDE's PFAS Home Page: mde.maryland.gov/PublicHealth/Pages/PFAS-Landing-Page.aspx

MDE's Be Well Wise Webpage: https://mde.maryland.gov/programs/Water/Water_Supply/Pages/Be_Well_Wise.aspx

EPA's Steps You Can Take to Reduce your Risk: https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk

EPA's Proposed PFAS NPDWR Webinar Slides: https://www.epa.gov/system/files/documents/2023-03/PFAS%20NPDWR%20Public%20Presentation_Overview_3.16.23_508.pdf

ATSDR: How can I be exposed?: https://www.atsdr.cdc.gov/pfas/health-effects/exposure.html