

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

FILED

Sep 28, 2026

2:39 pm

**U.S. EPA REGION 3
HEARING CLERK**

IN THE MATTER OF:

Perdue Foods LLC
22520 Lankford Hwy.
Accomac, VA 23301

Respondent

Perdue Foods LLC
22520 Lankford Hwy.
Accomac, VA 23301

Facility

DOCKET NO.: EPCRA-03-2026-0223

**EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. Perdue Farms, Inc. ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act ("EPCRA"), 42 U.S.C. SS 11045, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. SS 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 325 of EPCRA, 42 U.S.C. SS 11045, and 40 C.F.R. SS 22.1(a)(7) and (8), and 22.4 of the Consolidated Rules of Practice.
3. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was a "person" in charge of a "facility" from which a "hazardous substance" was "released," other than a "federally-permitted release," within the meaning of Subsections 101(9), (10), (14), (21) and (22) of CERCLA, 42 U.S.C. § 9601(9), (10), (14), (21) and (22).
4. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was an "owner or operator," of a "facility" from which there was a "release" of an "extremely hazardous substance" within the meaning of Subsections 329(3), (4) and (8) of EPCRA, 42 U.S.C. § 11049(3), (4) and (8).

5. Respondent's facility is located at Perdue Farms, Inc., 22520 Lankford Hwy., Accomac, Virginia 23301 ("Facility").
6. Complainant alleges and finds that Respondent failed to comply with specific requirements of Section 304(c) of EPCRA, 42 U.S.C. SS 11004(c).
7. On February 6, 2023, at approximately 4:00 a.m. local time (ET), a release occurred from Respondent facility (Morris Re-Chiller #1) of approximately 142 pounds of anhydrous ammonia (the release). The release of anhydrous ammonia exceeded the 100-pound reportable quantity (RQ) for this chemical within a 24-hour period and the release resulted in the potential for exposure to persons beyond the site or sites on which the facility is located.
8. Respondent did not provide written follow-up notice of the release to the Virginia State Emergency Response Commission ("SERC") as soon as practicable after the release occurred. Respondent failure to provide written follow-up notice to the SERC as soon as practicable after the release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. SS 11004(c). In failing to comply with Section 304(c) of EPCRA, 42 U.S.C. SS 11004(c), Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. SS 11045.
9. Respondent did not provide written follow-up notice of the release to the Accomack County Local Emergency Planning Committee ("LEPC") as soon as practicable after the release occurred. Respondent failure to provide written follow-up notice to the LEPC as soon as practicable after the release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. SS 11004(c). In failing to comply with Section 304(c) of EPCRA, 42 U.S.C. SS 11004(c), Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. SS 11045.
10. Complainant and Respondent agree that an appropriate civil penalty to settle this action is \$1,000.00 (One thousand Dollars) for the EPCRA violations. Complainant and Respondent agree that settlement of this matter for this amount is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 325(b)(1)(C) of EPCRA, 42 U.S.C. SS 11045(b)(1)(C).
11. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of \$ 1,000 (the Assessed Penalty). Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions relating to electronic payment options, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting

paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.

12. Within 24 hours of payment, the Respondent shall also send proof of payment (confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Om P. Devkota
Devkota.om@epa.gov

and,

Regional Hearing Clerk (3RC00)
R3_Hearing_Clerk@epa.gov

13. In signing this Agreement, the Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
14. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
15. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
16. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the EPCRA, the EPCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
17. Late payment of the agreed upon penalty may subject Respondent to interest,

administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

18. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
19. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Perdue Farms, Inc.
20. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: Devkota.om@epa.gov@epa.gov (for Complainant), and Michael.Johnson1@perdue.com (for Respondent).
21. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
22. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent:

Date: 9/23/26

By: _____



Neal Powell
Director of Environmental Compliance

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

ANDREA
BAIN

Digitally signed by
ANDREA BAIN
Date: 2026.09.25
09:34:43 -04'00'

Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 28, 2026

2:39 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
:
Perdue Foods LLC : U.S. EPA Docket No. EPCRA-03-2026-0223
:
: Proceeding under EPCRA Section 304(c), 42
: U.S.C. § 11004(c)
:
:

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)), the Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Expedited Settlement Agreement.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: JEFFREY NAST
Regionally signed by
JEFFREY NAST
Date: 2026.09.28
14:16:34 -04'00'
Regional Judicial and Presiding Officer
U.S. EPA, Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
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Perdue Foods	: U.S. EPA Docket No. EPCRA-03-2026-0223
	:
22520 Lankford Hwy.	:
Accomac, VA 23301	:
	: Proceeding under EPCRA Section 304(c), 42
	: U.S.C. § 11004(c)
Respondent.	:
	:
	:
	:

CERTIFICATE OF SERVICE

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Neal Powell
Director of Environmental Compliance
Perdue Foods LLC
22520 Lankford Hwy.
Accomac, VA 23301
Neal.Powell@perdue.com

Om P Devkota
Inspector, Case Development Officer
U.S. EPA, Region 3
Devkota.om@epa.gov

BEVIN
ESPOSITO



Digitally signed by BEVIN ESPOSITO
Date: 2026.09.28 14:41:19 -04'00'

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3