



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Linda J. McDaniel  
Corporate Process Safety Management Director  
Pilgrim's Pride Corporation  
110 South Texas Street  
Pittsburg, Texas 75686-1532

SUBJECT: Expedited Settlement Agreement  
Pilgrim's Pride Corporation  
Docket No. CAA-04-2009-8023(b)

Dear Ms. McDaniel:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2009-8023(b)) involving Pilgrim's Pride Corporation. The ESA was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on today's date.

As required by the ESA, within thirty days of receipt of this letter, a cashier's check or certified check in the amount of \$1680, made out to the "Treasurer, United States of America," should be submitted to one of the following addresses:

For payment sent via U.S. Postal Service  
U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000; or

For payment sent via overnight mail service (FedEx, UPS)  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson @ 314-418-4087

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

The Docket No. should be included on the check. Also, a separate copy of the check and a written statement that payment has been made in accordance with this ESA should be sent to the following individuals:

Saundi Wilson  
U. S. EPA Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, Georgia 30303, and

Victor L. Weeks  
U. S. EPA Region 4  
EPCRA Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Victor Weeks at (404) 562-9189.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Falconer", written over the word "Sincerely,".

Caron B. Falconer  
Chief, EPCRA Enforcement Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**EXPEDITED SETTLEMENT  
AGREEMENT**

**DOCKET NO: CAA-04-2009-8023(b)**

RECEIVED  
EPA REGION IV  
2009 MAY 19 PM 3:58  
MELISSA SLENN

**This ESA is issued to:**

**Pilgrim's Pride Corporation  
4693 County Road 636  
Enterprise, AL 36330**

**for violating 40 CFR § 68.69, 40 CFR § 68.71 and Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Pilgrim's Pride Corporation (Respondent), pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and pursuant to 40 CFR § 22.13(b).

**ALLEGED VIOLATIONS**

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 4693 County Road 636, Enterprise, Alabama, on October 30, 2007, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when Respondent did not provide evidence that:

It has developed and implemented written operating procedures that address the following elements found at 40 CFR § 68.69(a): (3) safety and health considerations, including (i) properties of, and hazards presented by the chemicals used in the process; (ii) precautions necessary to prevent exposure, including engineering controls, administrative controls and personal protective equipment; and (iii) control measures to be taken if physical contact or airborne exposure occurs; and

It has prepared a record of training on operating procedures (refresher training is required at least every three years) which contains the identity of the employee, the date of training and the means used to verify that the employee understood the training as required by 40 C.F.R § 68.71(c).

## SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violation cited above, for the total penalty amount of **\$1680**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violation listed in this ESA. Respondent shall pay a civil penalty of **\$1680**. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days of receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1680**, in payment of the full penalty amount to one of the following addresses:

For payment sent via U.S. Postal Service  
U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000; or

For payment sent via overnight mail service (FedEx, UPS)  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson @ 314-418-4087

**The Respondent's name and the Docket Number of this ESA must be included on the check.** The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson  
U. S. EPA Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, Georgia 30303, and

Victor L. Weeks  
U. S. EPA Region 4  
EPCRA Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303

Upon Respondent's correction of alleged violations and payment of the penalty, EPA will take no further civil action against Respondent for the alleged violation of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer  
U. S. EPA - Region 4  
61 Forsyth St., S. W.  
Atlanta, Georgia 30303  
(404) 562-8451

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Linda J. McDaniel Date: 4/21/09  
Name (print): LINDA J. MCDANIEL

Title (print): CORPORATE PSM DIRECTOR  
Pilgrim's Pride Corporation

FOR COMPLAINANT:

Carol L. Kernker Date: 4/8/09  
Carol L. Kernker  
Acting Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Susan B. Schub Date: May 19, 2009  
Susan B. Schub  
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of Pilgrim's Pride Corporation, CAA-04-2009-8023(b), on the parties listed below in the manner indicated:

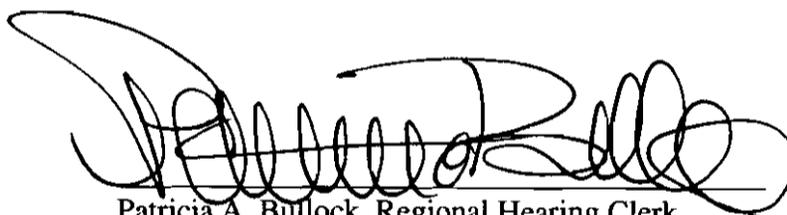
Caron B. Falconer (Via EPA's internal mail)  
U. S. EPA - Region 4  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth Street  
Atlanta, GA 30303

Ellen Rouch (Via EPA's internal mail)  
U. S. EPA - Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, GA 30303

Ms. Linda J. McDaniel (Via Certified Mail -  
Corporate Process Safety Management Director Return Receipt Requested)  
Pilgrim's Pride Corporation  
110 South Texas Street  
Pittsburg, Texas 75686-1532

Date:

5-19-09



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303  
404-562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

Saundt Wilson

5/18/04

This form was originated by: \_\_\_\_\_ on \_\_\_\_\_ (Date)  
 in the \_\_\_\_\_ Region 4, ORC, OEA \_\_\_\_\_ (Office)  
 at (404) 562-9504 \_\_\_\_\_ (Telephone Number)

<input type="checkbox"/>	Non-SF Judicial Order/Consent Decree	<input checked="" type="checkbox"/>	Administrative Order/Consent Agreement
<input type="checkbox"/>	USAO COLLECTS	<input type="checkbox"/>	FMO COLLECTS PAYMENT
<input type="checkbox"/>	SF Judicial Order/Consent Decree	<input type="checkbox"/>	Overnight Billing - Cost Package required:
<input type="checkbox"/>	DOJ COLLECTS	<input type="checkbox"/>	Sent with bill
<input type="checkbox"/>	Other Receivable	<input type="checkbox"/>	Not sent with bill
<input type="checkbox"/>	This is an original debt	<input type="checkbox"/>	Overnight Billing - Cost Package not required
<input type="checkbox"/>	This is a modification		

PAYEE: Pilgrims Pride Corporation  
 (Name of person and/or Company/Municipality making the payment)  
 The Total Dollar Amount of the Receivable: \$ 1,680  
 (If installments, attach schedule of amounts and respective due dates. See Other side of this form.)  
 The Case Docket Number: CMA 04 2009 802366

The Site Specific Superfund Account Number: \_\_\_\_\_  
 The Designated Regional/Headquarters Program Office: \_\_\_\_\_

The IRMS Accounts Receivable Control Number is: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

**A. JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:

1. Debt Tracking Officer  
 Environmental Enforcement Section  
 Department of Justice RM 1647  
 P.O. Box 7611, Benjamin Franklin Station  
 Washington, D.C. 20044
2. Originating Office (EAD)
3. Designated Program Office

**B. ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

1. Originating Office
2. Regional Hearing Clerk
3. Designated Program Office
4. Regional Counsel (EAD)