



ARKANSAS
Department of Environmental Quality

October 22, 2008

Mr. Waylon Bovee, Hatchery Manager
Pilgrim's Pride Hatchery
1810 Southwest Avenue
El Dorado, AR 71730

RE: Inspection

AFIN: 70-0341 NPDES Permit No.: AR0033723

Dear Mr. Bovee:

On September 23, 2008, I performed an inspection of the Pilgrim's Pride Hatchery facility in response to a complaint which alleged that the facility was discharging a foul substance into the road ditch on the North side of the facility. This inspection was performed in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated there under. This inspection revealed the following violation:

1. The facility had a stopped up drain around the egg waste vats which was causing an unpermitted discharge of untreated wastewater.

The above item requires your immediate attention. Please submit a written response to these findings to the Water Division Enforcement Branch of this Department at the following address:

Water Division Enforcement Branch
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

This response should contain detailed documentation describing the course of action taken to correct the item noted. This corrective action should be completed as soon as possible, and the written response is due by November 12, 2008.

For additional information you may contact the enforcement branch by telephone at 501-682-0639 or by fax at 501-682-0910.

In addition, a review of the ADEQ Permit Data System revealed the facility did not have a NPDES Industrial Storm Water Permit. The facility should contact Amanda Gallagher of the Permits Branch at 501-682-0621 to see if a Storm Water Permit is needed at this site.

If I can be of any assistance, please contact me at 870-862-0680.

Sincerely,

A handwritten signature in black ink that reads "John W. Lamb". The signature is written in a cursive, slightly slanted style.

John W. Lamb
District 8 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003

Section A: National Data System Coding

Transaction Code	NPDES	Yr/Mo/Day	Inspec. Type	Inspector	Fac. Type
1 N 2 5 3 A R 0 0 3 3 7 2 3 11 12 0 8 0 9 2 3 17 18 I 19 S 20 2	Remarks				
Inspection Work Days		Facility Evaluation Rating		BI QA -----Reserved-----	
67		69	70 N	71 N	72 N 73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected (<i>For industrial users discharging to POTW, also include POTW name and NPDES permit number</i>) Pilgrim's Pride Hatchery Prescolite Drive City of El Dorado, NPDES permit # AR0033723	Entry Time/Date 10:45/9/23/08	Permit Effective Date 11/01/2002
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mark Smith, Maintenance, Supervisor, 870-863-1220 John Pepper/Pretreatment Coordinator/City of El Dorado	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Waylon Bovee, Hatchery Manager, 870-863-1220 Pilgrim's Pride Hatchery 1810 Southwest Ave El Dorado, AR 71730	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

N	Permit	N	Flow Measurement	U	Operations & Maintenance	N	Sampling
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	N	Storm Water		Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

This inspection performed in response to a complaint which alleged the facility was allowing a foul substance to be discharged from the North Parking area. On the date of the inspection, John Pepper, City of El Dorado and I visited the site. We met Mr. Mark Smith of the facility's maintenance staff. We observed a yellow substance discharging off the parking lot on the North side of the facility. This yellow substance was traced back to the facility's waste egg system. The system is supposed to discharge into the City sewer, but the line evidently was stopped up.

Name(s) and Signature(s) of Inspector(s) John W. Lamb	Agency/Office/Telephone/Fax Arkansas Department of Environmental Quality 3400 West. Hillsboro, El Dorado, AR 71730 870-862-0680/ Fax 870-862-3509	Date 21 October 2008
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

Water Division NPDES Photographic Evidence Sheet

Location: Pilgrim's Pride Hatchery, El Dorado

Photographer: John W. Lamb **Witness:** John Peppers

Photo # 1 **Of** **Date:** 9/23/08 **Time:** 11:11

Description: Waste egg area



Photographer: John W. Lamb **Witness:** John Peppers

Photo # 2 **Of** **Date:** 9/23/08 **Time:** 11:11

Description: Waste liquid dripping from photo above



Water Division NPDES Photographic Evidence Sheet							
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Location:	Pilgrim's Pride Hatchery, El Dorado						
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Photographer:	John W. Lamb	Witness:	John Peppers			
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Photo #	3	Of		Date:	9/23/08	Time:	11:12
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Description:	Waste overflowing drain collection system						
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Photographer:	John W. Lamb	Witness:	John Peppers			
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Photo #	4	Of		Date:	9/23/08	Time:	11:12
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Description:	Waste running across parking lot						
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Water Division NPDES Photographic Evidence Sheet							
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Location:	Pilgrim's Pride Hatchery, El Dorado						
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Photographer:	John W. Lamb	Witness:	John Peppers			
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Photo #	5	Of			Date:	9/23/08	Time:	11:14
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Description:	Waste running toward ditch						
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Photographer:	John W. Lamb	Witness:	John Peppers			
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Photo #	6	Of			Date:	9/23/08	Time:	11:23
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Description:	Waste entering ditch						
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March 18, 2009



Tracey Blake
Enforcement Administrator
NPDES Enforcement Section
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
(501) 682-0744



Re: Question Relating to Proposed Consent Order; AFIN: 70-00020

Dear Mr. Blake,

I received your Proposed Consent Administrative Order document (Certified Mail No.: 7002 0860 0007 6833 7388) on Tuesday, March 17, 2009. I was surprised to find that the El Dorado Hatchery had been visited in 2008 by the ADEQ since I received no notification (from the facility or otherwise) concerning this inspection. In order to fully understand what transpired, I communicated with Mr. Waylon Bovee who occupies the position of El Dorado Hatchery Manager. My main reason for engaging Mr. Bovee telephonically was to ascertain why he did not respond to the original ADEQ document (dated October 22, 2008 and signed by John Lamb) wherein a "written response" was requested.

Mr. Bovee informed me that he indeed responded through a written letter to the ADEQ so I asked him for a copy (see **Attachment A**). Unfortunately, Mr. Bovee's letter does not reference the AFIN number for his facility, nor does it reference the exact geographic location of his facility, and nor does it reference the particulars associated with his inspection (date, inspector name, field district number, etc...). One can easily imagine that his document would not be directed to the appropriate receiving individuals in a large organization like the ADEQ.

I believe that you will find from Mr. Bovee's letter that he took the ADEQ visit quite seriously and implemented corrective measures in short order. Mr. Bovee was quite surprised on the phone to learn that the ADEQ had not received his response document and had thought that his facility was well past the circumstances which resulted in the ADEQ visit.

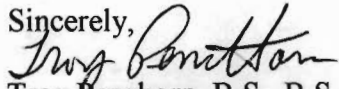
You may have heard that the Pilgrim's Pride Corporation was forced to file for Chapter 11 protection recently. As a part of our economic recovery strategy, we are being forced to shut down operations in El Dorado, Arkansas. In fact, the flow of potable water to the El Dorado Hatchery will be interrupted on or about the 25th of March. Therefore, this action would seem to be the ultimate corrective measure since no incoming water would equate to no waste water being generated with no potential for inadvertent flow events.

Pilgrim's Pride Corporation
P.O. Box 93
Pittsburg, Texas 75686-0093
903 855 1000

In light of the information presented above, we would respectfully request that the ADEQ reconsider moving forward with the proposed consent administrative order. In addition, please let me know if a notarized statement from Mr. Bovee would serve to bolster our position that the El Dorado Hatchery did, in fact, respond to the October 22, 2008 document from the ADEQ.

Please feel free to contact me when it is convenient for you Mr. Blake.

Sincerely,



Troy Penshorn, B.S., B.S., M.A.
Director of Environmental Engineering
Pilgrim's Pride Corporation
207 West Marshall Street
Pittsburg, Texas 75686
(903) 855-4535

ATTACHMENT A
(Letter from Mr. Bovee to ADEQ)

TO WHOM IT MAY CONCERN:

I HAVE RECEIVED YOUR LETTER CONCERNING THE WASTE GOING INTO THE DITCH. WE ARE IN THE PROCESS OF HAVING THE DRAIN PRESSURE WASHED OUT AND A ROUTINE CHECK BEING MADE ON THIS DRAIN EVERYDAY. I AM ALSO ORDERING A GASKET TO GO AROUND THE SEAL ON THE OFFHAUL TANK LID TO PREVENT THE TANK FROM LEAKING IN THE FUTURE. THIS SHOULD BE CORRECTED BY THE TIME YOU RECEIVE THIS LETTER.

WAYLON BOVEE
HATCHERY MANAGER
PILGRIMS PRIDE
EL DORADO ARKANSAS