UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 13, 2005

Mr. Michael Tirrell
Vice President of Operations
Mountaire Farms of Delaware, Inc.
P.O. Box 1320
Millsboro, DE 19966

Re: Order on Consent
Docket # SDWA-03-2003-0015

Dear Mr. Tirrell:

We are writing in response to the July 21, 2005 request by Mountaire Farms of Delaware, Inc. (Mountaire) to terminate the Order on Consent (Order) issued to Mountaire by the United States Environmental Protection Agency (EPA) on May 12, 2003. Section XI of the Order provides that the Order shall be terminated "upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed." Mountaire has successfully met the terms and conditions of Paragraphs 34, 35, 36, 38 and 39 of Section IV of the Order. However, Paragraph 37 of Section IV, requires Mountaire to maintain point of use treatment devices on the residences identified in the Order "until it can be reliably proven that the pre-treated water is in compliance with all drinking water standards for nitrates." A review of the current data (second quarter 2005), as well as data and quarterly reports submitted over the past two years, indicates that as of July 21, 2005, only well number 36 complies with this criteria.

Until it can be reliably proven that the pre-treated water is in compliance with all drinking water standards for nitrates, the Order shall remain in effect. While quarterly reports are no longer required, Mountaire should provide EPA with quarterly letters of certification that Mountaire continues to maintain the point of use treatment devices in and/or provide bottled water to the remaining affected residences, as identified in Attachment 3 of the Order. It would be in Mountaire's interest to continue to provide EPA with reports of the monitoring well results (with the exception of well #36) until such time as the drinking water standards for these wells has been achieved as required by the Order.

If you have any questions feel free to call Amy Cohen of my office at 215-814-3296, or have your counsel contact Deane Bartlett of the Office of Regional Counsel at 215-814-2776.

Sincerely,

Roger Reinhart

Roger Reinhart, Acting Chief
Safe Drinking Water Act Branch
Office of Compliance and Enforcement

cc: Edward Hallock, DE DHSS
Dave Schepens, DE DNREC
Deane Bartlett, EPA/ORC

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