



United States Department of Agriculture

June 10, 2013

Valley Meat Co. LLC
3845 Cedarvale Road
Roswell, NM 88203

SENT VIA EMAIL
CERTIFIED - RETURN
RECEIPT REQUESTED
7012 3460 0001 7360 3285

Attention: Mr. Ricardo De los Santos, General Manager

Dear Mr. De los Santos:

The Food Safety and Inspection Service (FSIS) is currently reviewing your application for federal inspection services dated March 15, 2013. Section 304.2(c)(1) of the agency's regulations (9 C.F.R. § 304.2(c)(1)) requires all applicants for inspection services at an establishment where any activity thereof may result in any discharge into navigable waters as defined by the Clean Water Act (33 U.S.C. § 1251 et seq.) (CWA) to provide FSIS with a certification issued by the State in which the discharge originates that such activity will be conducted in a manner which will not violate the applicable water quality standards of the CWA.¹ This certification is provided for in section 401(a) of the CWA (33 U.S.C. § 1341(a)). The regulations further provide that no grant of inspection can be issued unless such certification has been obtained, or is waived because of the failure or refusal of the State to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). For further information and guidance concerning the section 401 certification process, please see:

http://water.epa.gov/lawsregs/guidance/cwa/waterquality_index.cfm

You may demonstrate compliance with the regulatory requirement in 9 C.F.R. § 304.2 (c)(1) in one of two ways:

(1) You may attest² that the operations at your establishment will not result in any discharge into any navigable waters. It is important to note that section 401 certification is triggered by the *potential* for a discharge; an actual discharge is not required. The attestation can be in the form of a letter to the District Office that is processing your application for inspection services. The letter must contain the following statement: "I declare that the operations conducted at my

¹ The applicable standards are found at sections 301, 302, 303, 306, and 307 of the CWA (33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317).

² In any matter involving any branch of the U.S. Government, knowingly and willfully making a materially false, fictitious, or fraudulent statement or representation, or making or using any false writing or document knowing that the same contains any materially false, fictitious, or fraudulent statement or representation, is a crime punishable by fine, imprisonment of up to five (5) years, or both, in accordance with 18 U.S.C. § 1001.

Food Safety and Inspection Service
Office of Field Operations
Dallas District Office
1100 Commerce Street, Room 516
Dallas, TX 75242
Voice 214-767-9116 Fax 214-767-8230
An Equal Opportunity Provider and Employer

AR0002570

Valley Meat Co. LLC
June 10, 2013

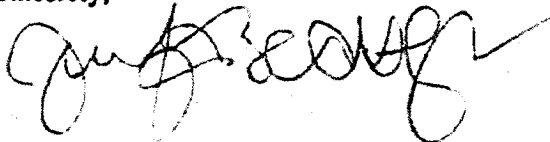
2

facility [insert the name and address of your facility] will not result in a discharge into any navigable waters as defined by the Clean Water Act (33 U.S.C. § 1251 et seq.).” The letter must also include the reasons why you believe that no such discharge will occur. We recommend that your statement be supported by credible evidence, such as a report from a hydrologist or other qualified expert.

(2) If you have determined that there is the potential for a discharge into any navigable waters, or if you are unable to determine whether there is such a potential, then you must contact the appropriate State agency and request a section 401 certification. You also should provide a copy of your request for State certification to the District Office that is processing your application for inspection services. If the appropriate State agency issues the requested certification, you should provide a copy of the State certification to the District Office that is processing your application for inspection, so that FSIS can complete the processing of your application for inspection services. If the State authorities refuse to act on your request for certification or fail to act upon it within one (1) year from the date that they receive your certification request, then this regulatory requirement will be waived and FSIS will resume processing your application for federal inspection.

Please be advised that if (1) you are unwilling or unable to attest that that operations at your establishment will not result in any discharge into any navigable waters, or (2) you apply to the appropriate State agency for a certification and your application is denied, then FSIS will be unable to issue you a grant of federal inspection unless and until you demonstrate that you have come into compliance with all applicable clean water standards.

Sincerely,



Jennifer Beasley-McKean, DVM
District Manager

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7012 3460 0001 7360 E 226

Postage
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)

SUN 10 2013

Postmark Here

**MR. RICARDO DE LOS SANTOS
VALLEY MEAT CO. LLC
3845 CEDARVALE ROAD
ROSWELL, NM 88203**

U.S. MAIL PERMIT NO. 1000 ROSWELL, NM 88203

AR0002571