

**Executive Summary - Enforcement Matter - Case No. 65994**  
**Darling Ingredients Inc. dba Dar Pro Solutions**  
**RN110645421**  
**Docket No. 2024-0807-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM - WQ, IHW

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Darling Ingredients Grapeland, 834 Farm-to-Market Road 227 East, Grapeland, Houston County

**Type of Operation:**

Poultry processing business

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** December 19, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$46,425

**Amount Deferred for Expedited Settlement:** \$9,285

**Total Paid to General Revenue:** \$37,140

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** February 20, 2024

**Complaint Information:** Alleged a green chemical liquid was being dumped onto their property. The complainant was concerned for the health of their horses. They state the creek downstream of the Darling facility is very green.

**Date(s) of Investigation:** February 29, 2024

**Date(s) of NOE(s):** April 29, 2024

**Executive Summary – Enforcement Matter – Case No. 65994**  
**Darling Ingredients Inc. dba Dar Pro Solutions**  
**RN110645421**  
**Docket No. 2024-0807-MLM-E**

***Violation Information***

1. Failed to prevent an unauthorized discharge of irrigation wastewater into or adjacent to waters in the state. Specifically, the investigator observed evidence of a large leak from an irrigation pipe at the southern end of Irrigation Field C including a large area of disturbed exposed soil, pitting, and erosion that was approximately 10 yards by 15 yards, and green tinted wastewater was noted standing and pooling in this area [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 321.57].
2. Failed to manage industrial solid waste or municipal hazardous waste in a manner to prevent the discharge or imminent threat of discharge into or adjacent to waters in the state. Specifically, several barrels and totes of chemicals were stored outside on the west side of the facility in Stormwater Zone C without bungs in place to prevent entrance of stormwater [30 TEX. ADMIN. CODE § 335.4(1)].
3. Failed to manage industrial solid waste or municipal hazardous waste in a manner to prevent the discharge or imminent threat of discharge into or adjacent to waters in the state. Specifically, spills of fresh reject meal and solid waste from the waste disposal roll off boxes were observed on the west side of the facility and extended through the drum and tote storage area to the end of pavement leading to the wastewater treatment system. Additionally, spilled reject chicken meal and rubber plucking fingers were noted in the grass behind the roll off boxes [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 335.4(1)].
4. Failed to implement pollution prevention measures and controls to prevent the discharge of stormwater associated with an industrial activity. Specifically, evidence of stormwater discharges associated with industrial activities between Outfalls 002 and 003 was noted from the east side of Stormwater Zone C. In addition, it was noted that Anaerobic Pond No. 1 is equipped with a portable pump and flexible hose that discharges through an unidentified outfall on the east side of Anaerobic Pond No. 1 [TEX. WATER CODE § 26.121(a)(1) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05EG35, Part III, Section A, No. 4].
5. Failed to evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility. Specifically, the East side of Anaerobic Pond No. 1 embankment had a gully that was noted to be approximately 5 feet deep by 10 feet wide and 15 feet in length that extends into the embankment by approximately 25% that was caused by erosion. Additionally, sedimentation was also noted through and beyond the facility's east fence [TPDES MSGP Permit No. TXR05EG35, Part III, Section A, No. 4(d)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

**Executive Summary – Enforcement Matter – Case No. 65994**  
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The Respondent implemented the following corrective measures:

- a. By March 27, 2024, discovered and repaired an irrigation pipe leak in Irrigation Field C;
- b. By March 28, 2024, removed the pump from Anaerobic Pond No. 1, and installed structural control/best management practices to divert stormwater associated with industrial activity back to the stormwater interceptor serving Outfall 001 and 002; and
- c. By May 7, 2025:
  - i. Removed drums and totes from the area and began ensuring that drums and totes exposed to the elements were equipped with bungs;
  - ii. Replaced the roll off boxes;
  - iii. Cleaned up the spilled reject meal, rubber plucking fingers, and waste from the roll offs, and disposed of the waste;
  - iv. Remediated the stained grass/soils and established grass in the area of the former unidentified outfall between Outfalls 002 and 003 that was noted from the east side of Stormwater Zone C; and
  - v. Installed rock and incorporated the sedimentation in the repair of the erosion on the east side of Anaerobic Pond No. 1 embankment and at each of the former unidentified stormwater outfalls.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amy Lane, Enforcement Division, Enforcement Team 1, MC 225, (512) 239-2614; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

**Respondent:** Beth Albright, Director, Darling Ingredients Inc. dba Dar Pro Solutions, 5601 North MacArthur Boulevard, Irving, Texas 75038  
Samuel Trevino, General Manager, Dar Pro Solutions, 5601 North MacArthur Boulevard, Irving, Texas 75038

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	7-May-2024	<b>Screening</b>	7-May-2024	<b>EPA Due</b>	
	<b>PCW</b>	29-Sep-2025				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Darling Ingredients Inc. dba Dar Pro Solutions
<b>Reg. Ent. Ref. No.</b>	RN110645421
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	65994	<b>No. of Violations</b>	5
<b>Docket No.</b>	2024-0807-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Mistie Gonzales
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$52,500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	

<b>Compliance History</b>	2.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,050
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Notes: Enhancement for one NOV with dissimilar violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$7,125
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$618  
 Estimated Cost of Compliance: \$8,200  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$46,425
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$46,425
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$46,425
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$9,285
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$37,140
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**Screening Date** 7-May-2024

**Docket No.** 2024-0807-MLM-E

**PCW**

**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions

Policy Revision 5 (January 28, 2021)

**Case ID No.** 65994

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN110645421

**Media** Water Quality

**Enf. Coordinator** Mistie Gonzales

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 2%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 2%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 2%

**Screening Date** 7-May-2024 **Docket No.** 2024-0807-MLM-E **PCW**  
**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65994 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Enf. Coordinator** Mistie Gonzales

**Violation Number** 1  
**Rule Cite(s)** Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 321.57  
**Violation Description** Failed to prevent an unauthorized discharge of irrigation wastewater into or adjacent to waters in the state. Specifically, the investigator observed evidence of a large leak from an irrigation pipe at the southern end of Irrigation Field C including a large area of disturbed exposed soil, pitting, and erosion that was approximately 10 yards by 15 yards, and green tinted wastewater was noted standing and pooling in this area.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$18,750

\$6,250

**Violation Events**

Number of Violation Events 2 37 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

Two monthly events are recommended from the unauthorized discharge date (February 19, 2024) to the compliance date (March 27, 2024).

**Good Faith Efforts to Comply** 25.0% Reduction \$3,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes** The Respondent achieved compliance by March 27, 2024.

**Violation Subtotal** \$9,375

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$1 **Violation Final Penalty Total** \$9,625

**This violation Final Assessed Penalty (adjusted for limits)** \$9,625

## Economic Benefit Worksheet

**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions  
**Case ID No.** 65994  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment	\$100	19-Feb-2024	27-Mar-2024	0.10	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Equipment cost to repair/replace the irrigation pipe in Field C. The Date Required is the date of the unauthorized discharge, and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$100

**TOTAL** \$1

**Screening Date** 7-May-2024 **Docket No.** 2024-0807-MLM-E **PCW**  
**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65994 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Enf. Coordinator** Mistie Gonzales

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 335.4(1)

**Violation Description**  
 Failed to manage industrial solid waste or municipal hazardous waste in a manner to prevent the discharge or imminent threat of discharge into or adjacent to waters in the state. Specifically, several barrels and totes of chemicals were stored outside on the west side of the facility in Stormwater Zone C without bungs in place to prevent entrance of stormwater.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes**  
 Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 68 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the investigation date (February 29, 2024) to the screening date (May 7, 2024).

**Good Faith Efforts to Comply** 10.0% Reduction \$125

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

**Notes**  
 The Respondent achieved compliance by May 7, 2025.

**Violation Subtotal** \$1,125

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$42 **Violation Final Penalty Total** \$1,150

**This violation Final Assessed Penalty (adjusted for limits)** \$1,150

## Economic Benefit Worksheet

**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions  
**Case ID No.** 65994  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment	\$500	29-Feb-2024	7-May-2025	1.19	\$2	\$40	\$42
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
<b>Notes for DELAYED costs</b>	Estimated Equipment cost to purchase and install bung plugs in all storage drums stored outside or move all storage drums and totes indoors/under covered storage areas. The Date Required is the investigation date, and the Final Date is the date of compliance.						

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$500

**TOTAL** \$42

**Screening Date** 7-May-2024 **Docket No.** 2024-0807-MLM-E **PCW**  
**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65994 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Enf. Coordinator** Mistie Gonzales

**Violation Number** 3

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 335.4(1)

**Violation Description**

Failed to manage industrial solid waste or municipal hazardous waste in a manner to prevent the discharge or imminent threat of discharge into or adjacent to waters in the state. Specifically, spills of fresh reject meal and solid waste from the waste disposal roll off boxes were observed on the west side of the facility and extended through the drum and tote storage area to the end of pavement leading to the wastewater treatment system. Additionally, spilled reject chicken meal and rubber plucking fingers were noted in the grass behind the roll off boxes.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		25.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$18,750

\$6,250

**Violation Events**

Number of Violation Events 3 68 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$18,750

Three monthly events are recommended from the investigation date (February 29, 2024) to the screening date (May 7, 2024).

**Good Faith Efforts to Comply** 10.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

**Notes** The Respondent achieved compliance by May 7, 2025.

**Violation Subtotal** \$16,875

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$89 **Violation Final Penalty Total** \$17,250

**This violation Final Assessed Penalty (adjusted for limits)** \$17,250

# Economic Benefit Worksheet

**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions  
**Case ID No.** 65994  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	29-Feb-2024	7-May-2025	1.19	\$30	n/a	\$30
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	29-Feb-2024	7-May-2025	1.19	\$59	n/a	\$59

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to cease the discharges, clean up the spilled reject meal, rubber plucking fingers, and solid waste from the roll off boxes, and properly dispose of the waste at an approved facility. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Other cost to replace the roll off boxes. The Date Required is the investigation date, and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$89

**Screening Date** 7-May-2024 **Docket No.** 2024-0807-MLM-E **PCW**  
**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65994 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Enf. Coordinator** Mistie Gonzales

**Violation Number** 4  
**Rule Cite(s)** Tex. Water Code § 26.121(a)(1) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05EG35, Part III, Section A, No. 4  
**Violation Description** Failed to implement pollution prevention measures and controls to prevent the discharge of stormwater associated with an industrial activity. Specifically, evidence of stormwater discharges associated with industrial activities between Outfalls 002 and 003 was noted from the east side of Stormwater Zone C. In addition, it was noted that Anaerobic Pond No. 1 is equipped with a portable pump and flexible hose that discharges through an unidentified outfall on the east side of Anaerobic Pond No. 1.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual		X	
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$18,750

\$6,250

**Violation Events**

Number of Violation Events 3 68 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$18,750

Three monthly events are recommended from the investigation date (February 29, 2024) to the screening date (May 7, 2024).

**Good Faith Efforts to Comply** 10.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

**Notes** The Respondent achieved compliance by May 7, 2025.

**Violation Subtotal** \$16,875

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$42 **Violation Final Penalty Total** \$17,250

**This violation Final Assessed Penalty (adjusted for limits)** \$17,250

## Economic Benefit Worksheet

**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions  
**Case ID No.** 65994  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment	\$500	29-Feb-2024	7-May-2025	1.19	\$2	\$40	\$42
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	29-Feb-2024	28-Mar-2024	0.08	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to purchase and install the appropriate measures/controls to reduce soil erosion and sedimentation in areas of the Facility. The Date Required is the investigation date, and the Final Date is the date of compliance.

See Economic Benefit Worksheet for Violations Nos. 3 and 5 for clean up of the affected areas/soils.

Estimated Other cost to remove the pump from Anaerobic Pond No. 1 and redirect stormwater drainage to Outfall 001. The Date Required is the investigation date, and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$600

**TOTAL** \$42

**Screening Date** 7-May-2024 **Docket No.** 2024-0807-MLM-E **PCW**  
**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65994 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Enf. Coordinator** Mistie Gonzales

**Violation Number** 5

**Rule Cite(s)** TPDES MSGP Permit No. TXR05EG35, Part III, Section A, No. 4(d)

**Violation Description**  
 Failed to evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility. Specifically, the East side of Anaerobic Pond No. 1 embankment had a gully that was noted to be approximately 5 feet deep by 10 feet wide and 15 feet in length that extends into the embankment by approximately 25% that was caused by erosion. Additionally, sedimentation was also noted through and beyond the facility's east fence.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes**  
 Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 68 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the investigation date (February 29, 2024) to the screening date (May 7, 2024).

**Good Faith Efforts to Comply** 10.0% Reduction \$125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

**Notes** The Respondent achieved compliance by May 7, 2025.

**Violation Subtotal** \$1,125

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$445 **Violation Final Penalty Total** \$1,150

**This violation Final Assessed Penalty (adjusted for limits)** \$1,150

## Economic Benefit Worksheet

**Respondent** Darling Ingredients Inc. dba Dar Pro Solutions  
**Case ID No.** 65994  
**Reg. Ent. Reference No.** RN110645421  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment	\$5,000	29-Feb-2024	7-May-2025	1.19	\$20	\$395	\$415
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	29-Feb-2024	7-May-2025	1.19	\$30	n/a	\$30
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Equipment cost to repair the damage caused by the erosion and purchase/install the appropriate measures/controls to reduce soil erosion and sedimentation in areas of the Facility. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Remediation/Disposal cost to remove sedimentation and dispose of the waste at an approved facility. The Date Required is the investigation date, and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,500

**TOTAL** \$445



# Compliance History Report

Compliance History Report for CN600480826, RN110645421, Rating Year 2025 which includes Compliance History (CH) components from September 1, 2020, through August 31, 2025.

**Customer, Respondent, or Owner/Operator:** CN600480826, Darling Ingredients Inc. dba Dar Pro Solutions **Classification:** SATISFACTORY **Rating:** 1.56

**Regulated Entity:** RN110645421, DARLING INGREDIENTS GRAPELAND **Classification:** SATISFACTORY **Rating:** 1.00

**Complexity Points:** 10 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 834 Farm-to-Market 227 East, Grapeland, Houston County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

<b>AIR NEW SOURCE PERMITS REGISTRATION</b> 169535	<b>AIR NEW SOURCE PERMITS PERMIT</b> 163129
<b>PETROLEUM STORAGE TANK REGISTRATION</b> REGISTRATION 90091	<b>STORMWATER PERMIT</b> TXR05EG35
<b>POLLUTION PREVENTION PLANNING ID NUMBER</b> P10656	<b>TAX RELIEF ID NUMBER</b> 24280
<b>TAX RELIEF ID NUMBER</b> 24279	<b>TAX RELIEF ID NUMBER</b> 23070
<b>TAX RELIEF ID NUMBER</b> 23071	<b>TAX RELIEF ID NUMBER</b> 23075
<b>TAX RELIEF ID NUMBER</b> 23076	<b>TAX RELIEF ID NUMBER</b> 23078
<b>TAX RELIEF ID NUMBER</b> 27015	

**Compliance History Period:** September 01, 2020 to August 31, 2025 **Rating Year:** 2025 **Rating Date:** 09/01/2025

**Date Compliance History Report Prepared:** September 29, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 29, 2020 to September 29, 2025

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Mistie Gonzales

**Phone:** (254) 761-3056

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 15	March 27, 2023	(1894091)
Item 22	March 28, 2024	(1981368)
Item 26	March 31, 2025	(2060903)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      05/05/2025      (2049040)
- Self Report?      NO      Classification:      Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 18 PERMIT
- Description:      Failure to maintain raw chicken rendering material in a leak free trailer.
- Self Report?      NO      Classification:      Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 PERMIT
- Description:      Failure to process raw meat, fat, bone, or offal into the receiving pit within 24 hours.
- Self Report?      NO      Classification:      Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 40 PERMIT
- Description:      Failure to wash a trailer such that no raw material or odor-causing residue remain in the trailer after washing.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DARLING INGREDIENTS INC. DBA  
DAR PRO SOLUTIONS  
RN110645421

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2024-0807-MLM-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Darling Ingredients Inc. dba Dar Pro Solutions (the "Respondent") under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a poultry processing business located at 834 Farm-to-Market Road 227 East in Grapeland, Houston County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5) and involves or involved the management of industrial and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE ch. 26, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$46,425 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$37,140 of the penalty and \$9,285 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. By March 27, 2024, discovered and repaired an irrigation pipe leak in Irrigation Field C;
  - b. By March 28, 2024, removed the pump from Anaerobic Pond No. 1, and installed structural control/best management practices to divert stormwater associated with industrial activity back to the stormwater interceptor serving Outfall 001 and 002; and
  - c. By May 7, 2025:
    - i. Removed drums and totes from the area and began ensuring that drums and totes exposed to the elements were equipped with bungs;
    - ii. Replaced the roll off boxes;
    - iii. Cleaned up the spilled reject meal, rubber plucking fingers, and waste from the roll offs, and disposed of the waste;
    - iv. Remediated the stained grass/soils and established grass in the area of the former unidentified outfall between Outfalls 002 and 003 that was noted from the east side of Stormwater Zone C; and
    - v. Installed rock and incorporated the sedimentation in the repair of the erosion on the east side of Anaerobic Pond No. 1 embankment and at each of the former unidentified stormwater outfalls.

## II. ALLEGATIONS

During an investigation at the Facility conducted on February 29, 2024, an investigator documented that the Respondent:

1. Failed to prevent an unauthorized discharge of irrigation wastewater into or adjacent to waters in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE

§ 321.57. Specifically, the investigator observed evidence of a large leak from an irrigation pipe at the southern end of Irrigation Field C including a large area of disturbed exposed soil, pitting, and erosion that was approximately 10 yards by 15 yards, and green tinted wastewater was noted standing and pooling in this area.

2. Failed to manage industrial solid waste or municipal hazardous waste in a manner to prevent the discharge or imminent threat of discharge into or adjacent to waters in the state, in violation of 30 TEX. ADMIN. CODE § 335.4(1). Specifically, several barrels and totes of chemicals were stored outside on the west side of the facility in Stormwater Zone C without bungs in place to prevent entrance of stormwater.
3. Failed to manage industrial solid waste or municipal hazardous waste in a manner to prevent the discharge or imminent threat of discharge into or adjacent to waters in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 335.4(1). Specifically, spills of fresh reject meal and solid waste from the waste disposal roll off boxes were observed on the west side of the facility and extended through the drum and tote storage area to the end of pavement leading to the wastewater treatment system. Additionally, spilled reject chicken meal and rubber plucking fingers were noted in the grass behind the roll off boxes.
4. Failed to implement pollution prevention measures and controls to prevent the discharge of stormwater associated with an industrial activity, in violation of TEX. WATER CODE § 26.121(a)(1) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05EG35, Part III, Section A, No. 4. Specifically, evidence of stormwater discharges associated with industrial activities between Outfalls 002 and 003 was noted from the east side of Stormwater Zone C. In addition, it was noted that Anaerobic Pond No. 1 is equipped with a portable pump and flexible hose that discharges through an unidentified outfall on the east side of Anaerobic Pond No. 1.
5. Failed to evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility, in violation of TPDES MSGP Permit No. TXR05EG35, Part III, Section A, No. 4(d). Specifically, the East side of Anaerobic Pond No. 1 embankment had a gully that was noted to be approximately 5 feet deep by 10 feet wide and 15 feet in length that extends into the embankment by approximately 25% that was caused by erosion. Additionally, sedimentation was also noted through and beyond the facility's east fence.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for

violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Darling Ingredients Inc. dba Dar Pro Solutions, Docket No. 2024-0807-MLM-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

*Krista Mello-Jurack*  
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For the Executive Director

-----  
Date

01/12/2026  
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Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
-----  
Signature

11/21/2025  
-----

Date

Samuel Treviño  
-----

Name (Printed or typed)  
Authorized Representative of  
Darling Ingredients Inc. dba Dar Pro Solutions

General Manager  
-----

Title

*If mailing address has changed, please check this box and provide the new address below:*

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.