

Executive Summary – Enforcement Matter – Case No. 67052
Darling Ingredients Inc.
RN101638641
Docket No. 2024-1857-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Darling Ingredients Bastrop, 264 Farm-to-Market Road 2336 near Bastrop, Bastrop County

Type of Operation:

Rendering plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainants have expressed an interest in this matter but do not wish to speak at Agenda.

Texas Register Publication Date: April 25, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,375

Total Paid to General Revenue: \$39,375

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): Multiple complaints between September 2, 2024 to November 23, 2024

Complaint Information: Alleged odors coming from the plant.

Date(s) of Investigation: September 7, 2024 through October 24, 2024

Date(s) of NOE(s): November 26, 2024

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Violation Information

1. Failed to prevent nuisance odor conditions [30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), New Source Review (“NSR”) Permit No. 19942, Special Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].
2. Caused, suffered, allowed, or permitted emissions of hydrogen sulfide to exceed a net ground level concentration of 0.08 parts per million averaged over any 30-minute period [30 TEX. ADMIN. CODE § 112.31 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement measures designed to prevent ground level concentrations of hydrogen sulfide from exceeding 0.08 parts per million averaged over any 30-minute period.
 - ii. Submit a plan to (i) the Air Section Manager of the TCEQ Austin Regional Office and (ii) the TCEQ Enforcement Division setting forth reasonable industry best management practices designed to minimize the odors from all potential sources at the Plant (the "Odor Control Plan") from causing nuisance odor conditions that impact off-site receptors. The Odor Control Plan shall, at a minimum, include an implementation schedule with milestones no greater than 180 days, all relevant standard operating procedures, and maintenance practices designed to:
 - A. Minimize odors from each potential source or activity that generates odors at the Plant;
 - B. Properly operate the Plant in accordance with NSR Permit No. 19942, including maintaining all pollution emission capture equipment and abatement equipment in good working order and operated properly during Plant operations, to mitigate odors from the Plant;
 - C. Monitor for, detect, and respond to potential off-site nuisance odors, including at a minimum:

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(a) Procedures for regularly detecting, investigating, and timely mitigating odors detected at the Plant's property line;

(b) Procedures for receiving and documenting reports of odors detected off-site from the public;

(c) Procedures for responding promptly to odor complaints including corrective actions to mitigate odor impacts; and

(d) Methodology to determine the effectiveness of each measure undertaken pursuant to the Odor Control Plan.

D. Maintain detailed records of activities performed to comply with the Odor Control Plan. Such records shall also include those of activities relating to off-site odor impacts, including property line and off-site surveillance, odor reports received from the public, investigative activities to identify the odor source, and all corrective actions taken to mitigate the odor.

b. Respond completely and adequately, as determined by the TCEQ, to all requests for information and/or modification made by the Executive Director concerning the Odor Control Plan by any deadline specified in writing.

c. Within 45 days, submit written certification to demonstrate compliance with a.

d. Upon Executive Director approval of the Odor Control Plan, begin implementing all provisions of the approved Odor Control Plan.

e. Within 15 days after completion of all provisions of the approved Odor Control Plan, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Joel Lunsford, Manager of Environmental Affairs, Darling Ingredients Inc., 5601 North MacArthur Boulevard, Irving, Texas 75038-2616

Thomas W. Molini, Regional Vice President, Darling Ingredients Inc., 5601 North MacArthur Boulevard, Irving, Texas 75038-2616

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Nov-2024	Screening	26-Nov-2024	EPA Due	
	PCW	10-Feb-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Darling Ingredients Inc.				
Reg. Ent. Ref. No.	RN101638641				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	67052	No. of Violations	2
Docket No.	2024-1857-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Caleb Martin
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$37,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	5.0%	Adjustment	Subtotals 2, 3, & 7	\$1,875
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Notes Enhancement for one NOV with the same/similar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,503
Estimated Cost of Compliance \$30,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$39,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$39,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$39,375
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$39,375
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Screening Date	26-Nov-2024	Docket No.	2024-1857-AIR-E	PCW
Respondent	Darling Ingredients Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67052			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101638641			
Media	Air			
Enf. Coordinator	Caleb Martin			

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>)	1	5%
	Other written NOVs	0	0%
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) 5%

>> 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 the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date	26-Nov-2024	Docket No.	2024-1857-AIR-E	PCW
Respondent	Darling Ingredients Inc.			Policy Revision 5 (January 28, 2021)
Case ID No.	67052			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101638641			
Media	Air			
Enf. Coordinator	Caleb Martin			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.4 and 116.115(c), New Source Review Permit No. 19942, Special Conditions No. 19, and Tex. Health & Safety Code § 382.085(a) and (b)			
Violation Description	Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations at the complainants' sites or equal distance on July 22, 2024, July 25, 2024, September 7, 2024, and October 23, 2024 and detected strong to very strong offensive odors associated with animal rendering activities, resulting in the documentation of nuisance odor conditions.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Harm Moderate	Minor
	Actual		x	
	Potential			
			Percent	25.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants.			
		Adjustment	\$18,750	
			\$6,250	
>> Violation Events				
	Number of Violation Events	4	127	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			Violation Base Penalty	\$25,000
	Four single events are recommended (one event for each day an odor was detected that contributed to the nuisance odor conditions).			
>> Good Faith Efforts to Comply				
		0.0%	Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$25,000	
>> Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$1,088	Statutory Limit Test	
		Violation Final Penalty Total	\$26,250	
		This violation Final Assessed Penalty (adjusted for limits)	\$26,250	

Economic Benefit Worksheet

Respondent Darling Ingredients Inc.
Case ID No. 67052
Reg. Ent. Reference No. RN101638641
Media Air
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				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	22-Jul-2024	23-Aug-2025	1.09	\$1,088	n/a	\$1,088
Notes for DELAYED costs	Estimated cost to implement measures designed to minimize odors from the Plant from causing nuisance odor conditions. The Date Required is the first date an odor was detected and the Final Date is the estimated 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	\$20,000	TOTAL	\$1,088
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Screening Date 26-Nov-2024 Respondent Darling Ingredients Inc. Case ID No. 67052 Reg. Ent. Reference No. RN101638641 Media Air Enf. Coordinator Caleb Martin	Docket No. 2024-1857-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 112.31 and Tex. Health & Safety Code § 382.085(a) and (b)	
Violation Description	Caused, suffered, allowed, or permitted emissions of hydrogen sulfide ("H2S") to exceed a net ground level concentration of 0.08 parts per million ("ppm") averaged over any 30-minute period. Specifically, TCEQ staff conducted air monitoring at the fence line downwind from the Plant and detected 0.4491 ppm H2S averaged over a 30-minute period on October 24, 2024.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	x			
	Potential				
					Percent 50.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$12,500
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	\$12,500
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Violation Events

Number of Violation Events	1		1	Number of violation days
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	daily	x			
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$12,500
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One daily event is recommended.

Good Faith Efforts to Comply

	0.0%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction	\$0
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal	\$12,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$415
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Statutory Limit Test

Violation Final Penalty Total	\$13,125
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This violation Final Assessed Penalty (adjusted for limits)	\$13,125
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Economic Benefit Worksheet

Respondent Darling Ingredients Inc.
Case ID No. 67052
Reg. Ent. Reference No. RN101638641
Media Air
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				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Oct-2024	23-Aug-2025	0.83	\$415	n/a	\$415
Notes for DELAYED costs Estimated cost to implement measures designed to prevent ground level concentrations of H2S from exceeding 0.08 ppm averaged over any 30-minute period. The Date Required is the initial date of non-compliance and the Final Date is the estimated 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	\$10,000	TOTAL	\$415
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Compliance History Report

Compliance History Report for CN600480826, RN101638641, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600480826, Darling Ingredients Inc. **Classification:** SATISFACTORY **Rating:** 0.30

Regulated Entity: RN101638641, Darling Ingredients Bastrop **Classification:** SATISFACTORY **Rating:** 0.57

Complexity Points: 13 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 264 Farm-to-Market Road 2336, Bastrop, Bastrop County, Texas 78602-3618

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BC0024K

AIR NEW SOURCE PERMITS PERMIT 19942

AIR NEW SOURCE PERMITS AFS NUM 4802100008

AIR NEW SOURCE PERMITS REGISTRATION 155383

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 9576

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
BC0024K

TAX RELIEF ID NUMBER 23082

TAX RELIEF ID NUMBER 24281

TAX RELIEF ID NUMBER 24282

TAX RELIEF ID NUMBER 27013

AIR NEW SOURCE PERMITS REGISTRATION 15353A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
BC0024K

AIR NEW SOURCE PERMITS REGISTRATION 81948

TIRES REGISTRATION 13023

STORMWATER PERMIT TXR05CU96

POLLUTION PREVENTION PLANNING ID NUMBER
P10386

TAX RELIEF ID NUMBER 23083

TAX RELIEF ID NUMBER 23081

TAX RELIEF ID NUMBER 27014

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: February 10, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 10, 2020 to February 10, 2025

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

Name: Margarita Dennis

Phone: (512) 239-2091

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 7 October 12, 2021 (1745646)

Item 11 March 31, 2023 (1893730)

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:	08/02/2024	(2002063)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.4		
		5C THSC Chapter 382 382.085(b)		
	Description:	Creating a nuisance odor condition.		

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.
RN101638641

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-1857-AIR-E

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. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a rendering plant located at 264 Farm-to-Market Road 2336 near Bastrop, Bastrop County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During an investigation at the Plant conducted from September 7, 2024 through October 24, 2024:
 - a. TCEQ staff conducted odor surveys at off-site locations at the complainants' sites or equal distance on July 22, 2024, July 25, 2024, September 7, 2024, and October 23, 2024 and detected strong to very strong offensive odors associated with animal rendering activities, resulting in the documentation of nuisance odor conditions.
 - b. TCEQ staff conducted air monitoring at the fence line downwind from the Plant and detected 0.4491 parts per million ("ppm") hydrogen sulfide ("H₂S") averaged over a 30-minute period on October 24, 2024.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., the Respondent failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), New Source Review Permit No. 19942, Special Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).
3. As evidenced by Finding of Fact No. 2.b., the Respondent caused, suffered, allowed, or permitted emissions of H₂S to exceed a net ground level concentration of 0.08 ppm averaged over any 30-minute period, in violation of 30 TEX. ADMIN. CODE § 112.31 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$39,375 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$39,375 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Darling Ingredients Inc., Docket No. 2024-1857-AIR-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. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures designed to prevent ground level concentrations of H₂S from exceeding 0.08 ppm averaged over any 30-minute period.

- ii. Submit a plan to (i) the Air Section Manager of the TCEQ Austin Regional Office and (ii) the TCEQ Enforcement Division at the respective addresses listed in Ordering Provision No. 2.e, setting forth reasonable industry best management practices designed to minimize the odors from all potential sources at the Plant (the "Odor Control Plan") from causing nuisance odor conditions that impact off-site receptors. The Odor Control Plan shall, at a minimum, include an implementation schedule with milestones no greater than 180 days from the effective date of this Order, all relevant standard operating procedures, and maintenance practices designed to:
 - A. Minimize odors from each potential source or activity that generates odors at the Plant;
 - B. Properly operate the Plant in accordance with NSR Permit No. 19942, including maintaining all pollution emission capture equipment and abatement equipment in good working order and operated properly during Plant operations, to mitigate odors from the Plant;
 - C. Monitor for, detect, and respond to potential off-site nuisance odors, including at a minimum:
 - (a) Procedures for regularly detecting, investigating, and timely mitigating odors detected at the Plant's property line;
 - (b) Procedures for receiving and documenting reports of odors detected off-site from the public;
 - (c) Procedures for responding promptly to odor complaints including corrective actions to mitigate odor impacts; and
 - (d) Methodology to determine the effectiveness of each measure undertaken pursuant to the Odor Control Plan.
 - D. Maintain detailed records of activities performed to comply with the Odor Control Plan. Such records shall also include those of activities relating to off-site odor impacts, including property line and off-site surveillance, odor reports received from the public, investigative activities to identify the odor source, and all corrective actions taken to mitigate the odor.
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information and/or modification made by the Executive Director concerning the Odor Control Plan by any deadline specified in writing.
- c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.e.

- d. Upon Executive Director approval of the Odor Control Plan, begin implementing all provisions of the approved Odor Control Plan, in accordance with the approved implementation schedule.
- e. Within 15 days after completion of all provisions of the approved Odor Control Plan, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 3. All relief not expressly granted in this Order is denied.
- 4. 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 Plant operations referenced in this Order.
- 5. 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. Extension requests shall be sent to the Enforcement Division at the address listed above.

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 in this Order.
7. 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.
8. 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.
9. 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.
10. 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

Date

For the Executive Director

5/29/2025

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

Date

Name (Printed or typed)

Title

Authorized Representative of
Darling Ingredients Inc.

☐ 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.