



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 70031010000429233607  
RETURN RECEIPT REQUESTED

June 9, 2008

Mr. Bill McMurtry, VP Env. Affairs  
Darling International  
251 O'Connor Ridge Blvd.  
Suite 300  
Irving, Texas 75038

FACILITY ID: 1318001620  
NOTICE OF VIOLATION: VIOLATION OF CONSENT DEGREE

Dear Mr. McMurtry:

On June 5, 2008, the Cleveland Division of Air Quality (CDAQ) responded to an odor complaint at Darling International located at 3275 West 65<sup>th</sup> Street in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

This notice of violation is in reference to the Consent Agreement of December, 1992, between the City of Cleveland and Darling international (A.W. Stadler) in resolution of Civil Case #92CV-27265.

During the complaint investigation one bay door was open on the north side of the building. This is a violation of paragraphs 13 and 15 of the Consent Agreement.

Pursuant to the above listed violation, the City of Cleveland hereby demands the sum of Five Hundred Dollars (\$500) in Stipulated Penalties payable to: Treasurer, City of Cleveland. This sum was derived from Paragraph 36 of the same Consent Agreement.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Darling International submit a corrective action plan to ensure future compliance to the following enforcement representative:

Linda Kimmy  
Cleveland Division of Air Quality  
1925 St. Clair Avenue NE  
Cleveland, Ohio 44114-2080



Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. Penalty payment can be mailed to the address above.

The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Darling International: 13-18-00-1620.

Sincerely,

George Baker  
Chief of Enforcement, CDAQ

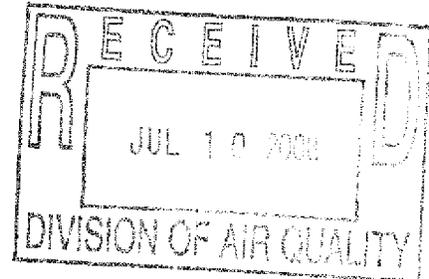
GB/LK

cc: Laurie Horvath, Station Manager, Darling International  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318001620\2008-06-09NOV.doc



Ms. Linda Kimmy  
Cleveland Division of Air Quality  
1925 St. Clair Avenue NE  
Cleveland, OH 44114-2080

**Re: Response to Notice of Violation  
Facility ID: 13-18-00-1620**



Dear Ms. Kimmy:

Per the Cleveland Division of Air Quality's (CDAQ's) request Darling International Inc. (Darling) submits the following response to the alleged Notice of Violation (NOV) identified in the enclosed letter.

### **Regulatory Background**

Darling currently operates a transfer station located at 3275 West 65<sup>th</sup> Street in Cleveland. At one time this facility operated as a rendering plant. The rendering operations were discontinued in 1998 as a part of a business decision and a negotiated settlement with Region 5 EPA. The current facility's primary function is to collect and transfer food processing byproducts to our regional rendering operations for processing.

In 1992 A.W. Stadler (now Darling) entered into a Consent Agreement (Case No. 92CV27265) with the City of Cleveland (the City) in an effort to resolve alleged nuisance issues related to the former rendering operation. In 2002 the City and Darling agreed to pursue a modification to the Consent Agreement because the discontinuation of rendering at the site made the majority of the compliance actions no longer applicable. Darling worked in cooperation with the City to amend the Consent Agreement up until October of 2005 when it appears both parties lost track of the effort.

### **Corrective Action**

During a complaint investigation by the City (Linda Kimmy) on June 5, 2008 the North Bay door was observed open at approximately 11:45 a.m. Darling's Plant Manager (Laurie Horvath) explained to the City inspector that the door was open as a result of active truck movement in and out of the facility. Darling recognizes the need to be very diligent in our efforts to close doors expeditiously following periods of traffic in and out of the facility. As a result of the NOV plant management has re-instructed plant personnel on the requirements for door closure. Darling is not sure if the north bay door was open for an unreasonable period of time, but in good faith we are willing to pay the \$500 penalty.

Darling is in the process of reviewing all of the operations at its Cleveland facility for any potential odor sources that may have contributed to the recent complaint. Since the discontinuation of rendering at the facility Darling believes the potential for odor from our current operations should be insignificant.

With respect to concluding the modification of the Consent Agreement with the City, Darling has made contact with Linda Applebaum, Assistant Director of Law, to renew the effort.

## **Our Business**

Darling is and always has been dedicated to following a philosophy of sustainability, by recycling virtually all of the waste materials we collect into usable products in an environmentally safe manner. We've been providing this service for over 125 years. For every pound of red meat that is consumed, there is a corresponding pound of inedible meat byproduct that must be disposed of. Over 60 billion pounds of these inedible byproducts are generated by the US food industry annually, of which the rendering industry processes 52 billion. Without recycling, some processors would turn to incineration or landfills. Dumping 50 billion pounds of these byproducts would reduce the country's available landfill space by 25% a year, taking up all available space in only four years, and leaving traditional landfill materials without a disposal site. Additionally, land filling of these byproducts can contribute to the production of methane gas and it can attract rodents and bacteria, which make the use of landfills a potential health and environmental hazard.

Other alternatives to rendering are just as undesirable and inefficient. Composting this amount of waste material also requires a tremendous amount of space, and spreading composted animal byproducts on grazing land could spread deadly pathogens which would otherwise be killed off during the rendering process. Burial and incineration are other alternatives, but they also can harm the environment and are restricted from use in some states.

Rendering is the most cost-efficient, environmentally desirable, and bio-secure solution to this disposal problem, and yields commercially usable products as its result – and we've been doing it for 125 years, hand-in-hand with our customers.

## **Our Carbon Footprint**

When we recycle by-products, Darling contributes to maintaining a healthy environment in two important ways: (1) we divert carbon and nitrogen rich materials away from the soil, surface waters, ground water and the atmosphere by recycling them; and (2) we recycle carbon and nitrogen into useful products, which not only reduces the need for new products but also reduces the production of greenhouse gases that result when such products are produced and then disposed of.

For each metric ton of carbon dioxide (CO<sub>2</sub>) produced by one of our operations, approximately seven metric tons of CO<sub>2</sub> equivalents are recycled rather than being released into the environment. This is because the by-products we recycle are rich sources of carbon and nitrogen which may contribute to the production of greenhouse gases such as CO<sub>2</sub>, methane and nitrous oxide. Disposing of these by-products in landfills or by incineration, burial, composting, dumping or abandonment rather than recycling, will result in a significant net increase in the production of greenhouse gases, which contributes to global warming.

The rendering services that Darling provides epitomizes being "GREEN" – throughout our history, today and into the future.

## Our Interest in Renewable Energy

Renewable energy, or bio-fuels, is only one way that Darling contributes to the "greening of America," but in the past few years, it has become the most talked about use for our recycled grease. As the world's energy resources decline, the opportunity to use our yellow grease and tallow as a renewable energy source has become even more economically feasible and environmentally desirable. In addition to using our recycled grease and oils in the development of bio-fuel, we also use our recycled yellow grease as fuel to produce the steam that keeps some of our facilities operating.

As appealing as it is for the world to find efficient alternatives to petroleum fuel, using grains as raw stock in bio-diesel production has faced challenges. The "food for fuel" debate claims these grains should go to feed third world countries rather than be used to produce fuel, and more recently, studies suggest the sudden rush to clear forested land to plant grains for bio-fuel production is actually increasing greenhouse gas emissions rather than lowering them.

Rendered fats offer a perfect feedstock for the production of alternative fuels and a way around these challenges. Because its raw stock is recycled from collected food waste products, the bio-fuels produced from rendered grease will not diminish the food supply and does not require fertile land space be cleared to produce it.

Bio-fuels won't necessarily cure the U.S. of our dependency on foreign oil, but its one piece in the puzzle of solving that dependency. Darling's role in bio-fuel production, use, and renewable energy is still being studied, but it, along with other promising uses for our products, will be developed while we continue to provide the services and process the same material that we have for the past century.

## Conclusion

Darling is committed to being a good neighbor and we must coexist in the communities that have grown up and around our facilities over time. We appreciate the City's cooperation in these matters. If you have any questions I can be reached by phone 972-281-4409 or by e-mail at [bmcmurtry@darlingii.com](mailto:bmcmurtry@darlingii.com).

Sincerely,



William R. McMurtry  
VP of Environmental Affairs

## Enclosure

CC: Bill Fritz, DII  
Laurie Horvath, DII  
Neil Katchen, DII