Air Enforcement/Alleged Nuisance: Texas Attorney General Files Travis County Application for Temporary/Permanent Injunction Addressing Bastrop Rendering Plant

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The Texas Attorney General ("AG") filed an action in the District Court of Travis County, Texas styled:

THE STATE OF TEXAS'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTION ("Petition").

The Petition was filed against Darling Ingredients, Inc. ("Darling").

The Petition requests injunctive relief against Darling to enjoin what it describes as the unauthorized nuisance odor conditions resulting from the emission of air contaminants at a Darling rendering plant in Bastrop, Texas.

The Petition is alleged to enforce the Texas Clean Air Act ("TCAA") and relevant Texas Commission on Environmental Quality ("TCEQ") rules and regulations.

The Darling facility is stated to process used cooking grease and inedible animal byproducts from the poultry industry which is stated to include raw chicken pieces, bones, blood, and feathers. The plant is alleged to release emissions and nuisance odors in violation of the TCAA, the rules and regulations promulgated by the TCEQ, and an Air Permit issued by that agency.

The Petition cites complaints regarding alleged odor from local residents and an Agreed Order with TCEQ.

The AG seeks injunctive relief, civil penalties, attorney's fees, post-judgment interest, and court costs.

A copy of the Petition can be downloaded here.