



**EPA in Iowa**

**Darling Ingredients, Inc. (d/b/a Dar Pro), Sioux City, Iowa - Clean Water Act Public Notice**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 311(b)(6)(C) of the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6)(C) and 40 C.F.R. Part 22 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), the U.S. Environmental Protection Agency (“EPA”) is providing notice of a proposed Administrative Penalty Assessment against Darling Ingredients, Inc. (“Respondent” or “Darling”) for alleged violations of Section 311(j) of the CWA, 33 U.S.C. § 1321(j), and regulations promulgated thereunder at 40 C.F.R. Part 112 for the requirements for Spill Prevention Control and Countermeasures Plans (“SPCC”) and Facility Response Plans (“FRP”) at a facility addressed at 1900 Murray Street, Sioux City, Iowa (“Sioux City facility”).

Under Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. Class II proceedings are conducted under EPA’s Consolidated Rules, 40 C.F.R. Part 22. The EPA may issue such orders after commencing either a Class I or Class II penalty proceeding. Class II proceedings are conducted under EPA’s Consolidated Rules, 40 C.F.R. Part 22. This action is being simultaneously commenced and concluded in a Consent Agreement and Final Order pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2). The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1321(b)(6)(C).

In this case, EPA alleges that Darling violated various aspects of the Spill, Prevention, Control and Countermeasures program, including having a SPCC plan that accurately described and addressed all oil storage capacity (40 C.F.R. § 112.3 and 112.7). The EPA also alleges that until 2015 Darling violated the FRP requirements of Section 311(j)(5) and 40 C.F.R. 112.20 and 112.21 at the Sioux City facility, which prior to 2015 stored over 1 million gallons of “oil” as defined at 40 C.F.R. § 112.2. FRPs are required for oil storage facilities that store over a million gallons of oil, where a worst case discharge may impact sensitive environments. The alleged FRP violations include Darling’s failure to develop and submit the required FRP to EPA, the failure to conduct response drills and exercises, and the storage of oil without a FRP being in place. Respondent has reached agreement with EPA on the terms of a proposed Consent Agreement/Final Order which would resolve this matter. Under the proposed Consent Agreement/Final Order, Respondent will pay a civil penalty of \$99,000. Final approval of the proposed Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) days from the date of publication of this notice. All such comments shall be submitted to the Regional Hearing Clerk at the address provided below. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to obtain additional information on the proceeding, receive a copy of EPA’s Consolidated Rules, review the proposed Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas, 66219. Please reference Docket No. CWA-07-2016-0004. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

2/8/16	
Date	/s/ John Smith Deputy Director Air and Waste Management Division U.S. Environmental Protection Agency Region 7



## How to Comment

**Comments due date**

03/25/2016

**How to comment**

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**Summary**

The U.S. Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Darling Ingredients, Inc. ("Respondent" or "Darling") for alleged violations of Section 311(j) of the CWA, 33 U.S.C. § 1321(j), and regulations promulgated thereunder at 40 C.F.R. Part 112 for the requirements for Spill Prevention Control and Countermeasures Plans ("SPCC") and Facility Response Plans ("FRP") at a facility addressed at 1900 Murray Street, Sioux City, Iowa ("Sioux City facility").

**Program/Statute:** Clean Water Act (CWA)

**Applicant/Respondent(s):**

Darling Ingredients, Inc. (d/b/a Dar Pro)  
Sioux City, Iowa

**Proposed action:** Public Notice of Clean Water Act Administrative Penalty Settlement

**Docket ID:** CWA-07-2016-0004

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- Darling Ingredients, Inc. (d/b/a Dar Pro) proposed Consent Agreement Final Order (PDF) (11 pp, 1 MB)

Last updated on February 24, 2016