Memorandum

DATE October 24, 2008

TO Honorable Members of the Transportation and Environment Committee: Linda L. Koop (Chair), Shefkie Kadane (Vice Chair), Jerry R. Allen, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Pauline Medrano, Ron Natinsky

SUBJECT Nuisance in the Industrial Area near Pontiac Ave. and Cedar Crest

On Monday, October 27, 2008, you will be briefed on the nuisance issue in the Industrial area near Pontiac Avenue and Cedar Crest. Attached is the briefing material for your review prior to Monday's discussion.

If you have questions or need additional information, please let me know.

Forest E. Turner
Interim Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge C. Victor Lander, Judiciary
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Helena Stevens-Thompson, Assistant to the City Manager
Odor Nuisance in the Industrial Area near Pontiac Avenue and Cedar Crest Boulevard

Presented to Transportation and Environment Committee
October 27, 2008
Overview

- Complaints about odor in the industrial area near Pontiac Avenue and Cedar Crest Boulevard
- Investigations determined odor originating from Darling International by-products rendering plant
What is an Odor?

- Odor is an Air Contaminant and may be Air Pollution
- It can be identified as nauseous, foul, offensive, unpleasant and/or disagreeable observed
  - At varying times, day or night
  - At varying places within neighborhoods
  - In varying directions from the potential source
  - With varying wind speeds, wind directions and other variable weather criteria
  - With varying intensities; light, moderate, strong
  - With varying durations; 1 minute to several hours
  - While using varying, subjective noses to sniff the air
Odor is an air contaminant and may be air pollution (City Code, Section 5A-3 and City Code, Section 5A-3)

Emissions standard (City Code, Section 5A-7)

Nuisance (City Code, Section 5A-13)

Unwholesome premises (City Code, Section 19-17)
- No person shall...permit any...premises belonging to or controlled or occupied by him to become...nauseous, foul, offensive or injurious to the public health, or unpleasant and disagreeable to adjacent residents or persons

Offenses (City Code, Section 5A-14)
- (a) A person commits an offense if he: (2) violates a rule of the Texas Natural Resource Conservation Commission (now TCEQ) identified in Section 5A-6; or (3) owns, controls, or manages a source that violates the emission standard prescribed by Section 5A-7(a),(b) or (c);
Industrial Area near Pontiac and Cedar Crest

Businesses in the Area:
- Columbia Packing Co., Inc.
  2807 E. 11th Street
- Texas By-Products
  519 Pontiac Avenue
- Dallas City Packing, Inc.
  3049 Morrell Avenue
- Darling International, Inc.
  1240 Sargent Road
- City of Dallas Central Wastewater Treatment Plant
  1020 Sargent Road
Darling International

- Darling International Inc., incorporated 1962, provides rendering, recycling and recovery solutions to the United States food industry with a corporate headquarters located in Irving, Texas.

- The Company operates through two segments:
  - Rendering, the core business of turning inedible food by-products from meat and poultry processors into feed ingredients and fats for other industrial applications.
  - Restaurant Services, a group focused on growing the grease collection business and grease collection equipment sales.

- Darling International Plant located on 1240 Sargent Road:
  - Performs rendering operations.
Odor Investigations in the Area

- Odor investigations are driven by complaints
- The following investigations were conducted:

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Results

- Investigations determined that Darling International is not in compliance with City ordinances related to odors
Next Steps

- Notice of Violation letter will be sent to Darling International demanding the company to:
  - Conduct an Odor Study, including an internal review and evaluation of operational processes, controls and best practices
  - Submit an Odor Control Plan for all potential odor emissions

- The City will review and monitor implementation of the Odor Control Plan when submitted by Darling International
  - If the company refuses to conduct the Odor Study, the City Attorney’s Office will file a lawsuit if the odor still constitutes a nuisance

- Environmental & Health Services will propose recommendations to strengthen the current City Code related to enforcing odor regulations

- During this process, the City will continue area surveillance and respond to and investigate complaints in the area