



## news releases

NJ DEPARTMENT OF LAW &  
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PROTECTIONCatherine R. McCabe  
**Commissioner****FOR IMMEDIATE RELEASE**

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**Attorney General, DEP Announce Enforcement Action against Plant  
in Ironbound Releasing "Putrid" Odors Affecting Local Community***Lawsuit is latest by AG and DEP to promote environmental justice in New Jersey*

**TRENTON** – Attorney General Gurbir S. Grewal and Department of Environmental Protection (DEP) Commissioner Catherine R. McCabe announced today that the State has filed a lawsuit against a plant in the Ironbound section of Newark that is responsible for multiple community complaints of "putrid" and nausea-inducing odors, including "animal carcass odors."

The Defendant, Darling Ingredients, Inc., operates a plant that recycles animal by-products and grease into materials like feed and fuel ingredients. In a lawsuit filed in New Jersey Superior Court, the DEP alleges that Newark residents have filed numerous odor complaints regarding the facility, and that DEP concluded the odors result from Darling's operations. The complaint also alleges that DEP has found these odors to interfere with affected residents' enjoyment of life and property. At the same time, the complaint alleges Darling has not been in compliance with its operating permits since 2017, and that the permits require the company to maintain emission control equipment to prevent exactly these kinds of odors from being released.

"Environmental justice means addressing quality of life concerns for all of our communities, no matter their race, ethnicity, color, national origin, or income," said Attorney General Grewal. "Far too often, companies think they can pollute the air we breathe and get away with it. But my office's ongoing work to promote environmental justice means hearing local community concerns and taking action – whether we're going after illegal dumping, soil contamination, or odors and air pollution. Our message to our residents is clear: speak up about environmental harms, and we'll keep fighting for you."

"The repeated air and odor violations at Darling Ingredients has caused serious disruption to the lives of the residents in Newark and beyond. This conduct cannot be tolerated, so today DEP is taking the necessary step of seeking Court intervention to ensure immediate compliance with our environmental laws," said New Jersey DEP Commissioner Catherine R. McCabe. "Protecting the environment, health and quality of life for all New Jersey residents, including those in minority and low-income communities, is a priority for this Administration. Today's complaint – and ones before it – underscores our commitment to enforcing regulations to protect all New Jersey residents, making our state stronger and fairer for everyone."

Over the past year and a half, DEP and Essex County Health Department (ECHD) officials on five separate occasions verified odor complaints by affected citizens. Complainants described a range of impacts on their daily life, including headaches, migraines, and nausea. Complainants described not being able to go outside or to open their windows. Beyond those incidents, DEP received numerous other complaints on its Hotline. But despite the assessment of penalties for these complaints, the lawsuit alleges, Darling has also not ceased emitting air pollution.

Relatedly, the lawsuit alleges, recent inspections conducted by DEP in September show Darling failed to comply with the air permits for this rendering plant throughout the latter part of 2018 and much of 2019. Proper operation of the plant's emissions control, including "scrubbers" – air pollution control devices used to neutralize or remove gases and/or particulates from industrial exhaust – is critical to effectively eliminate odors. But, as the complaint alleges, DEP found the scrubbers were not being properly operated and even found that leakage occurred. In total, DEP discovered 320 permit violations from September 1, 2018 to June 8, 2019, and found additional violations in inspections conducted since June.

The four-count complaint alleges violations of the Air Pollution Control Act. The complaint seeks immediate and permanent relief. With respect to the preliminary relief, the lawsuit seeks an order prohibiting Darling from emitting odors that unreasonably interfere with individuals' enjoyment of life and property, and an order requiring Darling to immediately take all actions necessary to eliminate odors from its operations. The complaint also seeks an order requiring Darling to retain an outside environmental consultant to prepare a report on how to eliminate the odors, and to provide DEP with monitoring reports on Darling's process in doing so.

The lawsuit also seeks to require Darling to comply with the conditions of its permits, and to pay civil penalties under the Air Pollution Control Act for its past violations. DEP is authorized to seek civil penalties of up to \$10,000 for the first offense, up to \$25,000 for the second offense, and up to \$50,000 for the third and each subsequent offense for violations of the APCA.

Attorney General Grewal and DEP Commissioner McCabe have repeatedly filed enforcement actions against companies that have harmed the local environment and negatively impacted local communities, including actions that promote environmental justice. These include:

- Filing eight lawsuits across the State – in Camden, Flemington, Palmyra, Pennsauken, Phillipsburg, and Trenton – that sought Natural Resource Damages, removal of illegally-dumped solid waste, and/or remediation for soil and groundwater contamination, as part of New Jersey's first ever "environmental justice" initiative;
- An enforcement action to force the closure of a 75-foot-high pile of soil and solid waste in Vernon Township (Sussex County); and
- An enforcement action to force the closure of an unauthorized solid waste dumping operation in Plumsted Township (Ocean County).

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