

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
BEFORE THE ADMINISTRATOR

FILED
2014 MAY 27 PM 3:30
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	§	
	§	
	§	
GOLDEN LEAF ENERGY, INC.	§	EPA DOCKET NO.
	§	CAA-06-2013-3351
	§	
	§	
HARVEY, LOUISIANA	§	CONSENT AGREEMENT
	§	AND FINAL ORDER

The Director, Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6 (“EPA” or “Complainant”) and Golden Leaf Energy, Inc. (“Respondent”) agree that settlement of this proceeding is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of settling this matter. Therefore, before taking any testimony, without any adjudication of issues of law or fact herein, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

I. PRELIMINARY STATEMENT

1. On August 22, 2013, EPA filed an Administrative Complaint and Notice of Opportunity for a Hearing (the “Complaint”) against Respondent for the assessment of civil penalties under sections 113(a)(3) and 113(d)(1)(B) of the Clean Air Act, as amended (Act or CAA), 42 U.S.C. §§ 7413(a)(3) & 7413(d)(1)(B), and 40 C.F.R. §§ 22.13 and 22.34(b). The Complaint alleged that Respondent, through its operations at its facility located at 1225 Peters Road, Harvey, LA 70058 (the “Facility”) violated section 112(r)(1) of the Clean Air Act, 42

U.S.C. § 7412(r)(1). The Regional Judicial Officer issued Orders granting Respondent an extension of time to file an Answer on September 26, 2013 and December 3, 2013.

2. Respondent filed an Answer on February 3, 2014.

3. In the Complaint, EPA alleged that Respondent failed to design and maintain a safe facility, failed to minimize the hazards associated with a release, and failed to identify hazards of accidental releases, in violation of section 112(r)(1) of the Clean Air Act, 42 U.S.C. § 7412(r)(1).

4. In the Complaint, EPA assessed a penalty of \$112,500.

5. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint and stipulates that EPA has jurisdiction over the subject matter of the Complaint and that the Complaint states a claim for which relief can be granted.

6. For the purposes of this proceeding, Respondent neither admits nor denies the specific factual allegations in the Complaint.

7. Respondent waives any right to contest the allegations in the Complaint and waives all defenses which have been raised or could have been raised to the claims set forth in the Complaint.

8. Respondent waives its right to appeal the proposed Final Order set forth herein.

9. Respondent consents to the issuance of this CAFO.

10. Respondent represents that it is duly authorized to execute this CAFO and that the party signing this CAFO on behalf of Respondent is duly authorized to bind Respondent to the

terms and conditions of this CAFO.

11. The provisions of this CAFO shall be binding upon EPA and Respondent, including Respondent's officers, directors, employees, agents, servants, authorized representatives, successors, and assigns.

II. TERMS OF SETTLEMENT

12. Respondent asserted that it is unable to pay a substantial penalty in this matter. In support of its assertion, Respondent submitted financial documentation to EPA for its review. EPA's review of the financial information found that Respondent has a very limited ability to pay a penalty in this matter.

13. Respondent and EPA have, simultaneously with their entry into this CAFO, entered into an Administrative Order on Consent, Docket No. CAA-2014-3311 (the "AOC") pursuant to which, the Respondent will engage a qualified third-party process safety expert ("the Contractor") to perform a hazard analysis of the Respondent's operations at the Facility and undertake work pursuant to the Contractor's findings to achieve compliance with the Clean Air Act General Duty Clause.

14. Based on the Respondent's inability to pay, based on Respondent's agreement to engage a third party contractor to perform a hazard analysis of its operations at the Facility, based on Respondent's agreement to perform work pursuant to the Contractor's findings, and based on Respondent's entering into an AOC requiring Respondent to perform the hazard analysis and resulting work, and after considering the factors set forth in Section 113(e) of the

CAA, 42 U.S.C. § 7413(e), Respondent and Complainant agree to resolve the violations alleged in the Complaint by entering into this order assessing ZERO penalty.

15. Consistent with 40 CFR § 22.31(b), the effective date of this CAFO is the date upon which it is filed with the Regional Hearing Clerk.

16. Compliance with the terms and conditions of this CAFO shall only resolve Respondent's liability for Federal civil penalties for the causes of action specifically alleged in the Complaint.

17. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of Respondent.

18. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.


19. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and the Federal and State regulations implementing the CAA in Louisiana.

20. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 CFR Part 17.

21. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

FOR RESPONDENT:

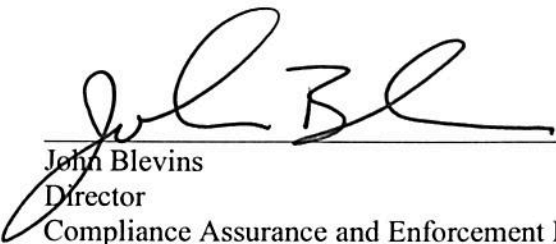
Date: 5/13/14



Troy Clark
President
Golden Leaf Energy, Inc.

FOR COMPLAINANT:

Date: 5/22/14



John Blevins
Director
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6

III. FINAL ORDER

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 CFR Part 22, the foregoing Consent Agreement is hereby ratified and incorporated by reference into this Order. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged in the Complaint. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the Consent Agreement. In accordance with 40 CFR § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated 5/27/14


Regional Judicial Officer

Consent Agreement and Final Order
In the Matter of Golden Leaf Energy, Inc.
EPA Docket Number CAA 06-2013-3351

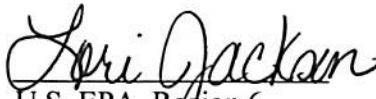
CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 2014, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and a true and correct copy of the CAFO was delivered to the following by the method indicated below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: # 7011 3500 0000 0359 6259

Troy Clark
Registered Agent for Golden Leaf Energy, Inc.
1125 Lake Louise Drive
Gretna, Louisiana 70056

Date: 5-27-2014


U.S. EPA, Region 6
Dallas, Texas