

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO: CAA-04-2019-8014(b)**

**This ESA is issued to: Golden State Foods  
4801 Northpark Drive  
Opelika, Alabama 36801**

**for violating 40 C.F.R. § 68.65, 40 C.F.R. § 68.67, 40 C.F.R. § 68.69 and Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, EPA, Region 4, the Director of the Enforcement and Compliance Assurance Division (Complainant), and by Golden State Foods (Respondent), pursuant to Section 113(d) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATIONS**

Based on a compliance monitoring inspection conducted at the Respondent’s facility located at 4801 Northpark Drive, Opelika, Alabama on March 26, 2019, the EPA alleges that the Respondent violated the Act’s Chemical Accident Prevention Provisions, when at the time of inspection, Respondent did not provide evidence that:

It documented that equipment complies with recognized and generally accepted good engineering practices as required by 40 C.F.R. § 68.65(d)(2) when the king valve on the high-pressure receiver was not labeled; the doors to the control room and the maintenance room from the machinery room were not tight fitting; only one exit door in the machinery room was equipped with panic type hardware; cardboard, wood pallets, and other combustible materials were found in the machinery room;

It addressed a qualitative evaluation of a range of the possible safety and health effects of failure controls in the process hazard analysis (PHA) as required by 40 C.F.R. § 68.67(c)(7) when item 5.16 of the PHA identified liquid hammer or slugging in ammonia coil resulting in “threat of death.” This item was assigned a risk-ranking of “1.” Per PHA policy, Level 1 is restricted to local vicinity with potential injuries requiring no more than first aid. In addition, item 18.6 of the PHA identifies inadequate communication during an emergency with the consequence of threat of death. This item was assigned a risk-ranking of “2.” Risk-ranking Levels 3 and 4 are reserved for possible death; and

It developed and implemented written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and addressed emergency operations as required by 40 C.F.R. § 68.69(a)(1)(v) when emergency shutdown procedures did not discuss steps for facility notification in non-alarmed areas.

## SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$3,300**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA and Final Order or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within **fifteen (15) days** of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$3,300**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$3,300**, in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA : 021030004

Account : 68010727

SWIFT address: FRNYUS33

33 Liberty Street

New York, New York 10045

Beneficiary: "U.S. Environmental Protection Agency";

**The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.**

For payment sent via Standard Delivery  
U.S. Environmental Protection Agency  
Cincinnati Finance Center Box 979077  
St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL,  
UPS, USPS Certified, Registered, etc.)  
U.S. Environmental Protection Agency  
Cincinnati Finance Center Box 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Delivery Location Phone Number: 314- 425-1819

**The Respondent's name and the Docket Number of this ESA must be included on the check.** The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
bullock.patricia@epa.gov, and

Jordan Noles  
U.S. EPA Region 4  
Air Section 1  
Air Enforcement Branch  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303  
noles.jordan@epa.gov

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

FOR RESPONDENT:

Billy Sovine

Date: 8.10.2020

Name (print): Billy Sovine

Title (print): EHS Manager  
Golden State Foods

FOR COMPLAINANT:

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Carol L. Kemker  
Director  
Enforcement and Compliance Assurance Division

FINAL ORDER

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

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Tanya Floyd  
Regional Judicial Officer

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing “Expedited Settlement Agreement” and “Final Order,” in the Matter of Golden State Foods, Docket No. CAA-04-2019-8014(b) were filed and copies of the same were emailed to the parties as indicated below.

**Via email to all parties at the following email addresses:**

To Respondent:        Mr. Billy Sovine  
                                 EHS Manager  
                                 Golden State Foods  
                                 4801 Northpark Drive  
                                 Opelika, Alabama 36801  
                                 bsovine@goldenstatefoods.com  
                                 (334) 610-3377

To EPA:                    Jordan Noles, RMP Inspector  
                                 noles.jordan@epa.gov  
                                 (404) 562-9105

                                 Ellen Rouch, Associate Regional Counsel  
                                 rouch.ellen@epa.gov  
                                 (404) 562-9575

                                 U.S EPA Region 4  
                                 61 Forsyth Street, S.W.  
                                 Atlanta, Georgia 30303-8960

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Patricia A. Bullock, Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960