



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

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FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: TSCA-08-2010-0001

IN THE MATTER OF:

**GOLDEN EAGLE OIL REFINERY, INC.**

1474 West 1500 South

Woods Cross, UT

**RESPONDENT**

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**FINAL ORDER**

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 19<sup>th</sup> DAY OF February, 2010.

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF: )  
)  
Golden Eagle Oil Refinery, Inc. ) COMPLAINT AND CONSENT AGREEMENT  
1474 West 1500 South ) (SIMULTANEOUS AND COMBINED)  
Woods Cross, UT )  
) DOCKET NO.: TSCA-08-2010-0001  
Respondent. )  
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**BACKGROUND**

On April 11, 2000, the EPA issued the Policy Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations, 65 Fed. Reg. 19618 (Self-Disclosure Policy). The policy encourages regulated entities to conduct voluntary compliance evaluations and to disclose and promptly correct violations. As an incentive for companies to undertake self-policing, self-disclosure, and self-correction of violations, EPA may substantially reduce or eliminate gravity-based civil penalties; however, EPA retains its discretion to recover any economic benefit gained as a result of noncompliance. On March 29, 2006, Golden Eagle Refinery, Inc. voluntarily disclosed violations of federal regulations.

**COMPLAINT**

This is a civil administrative action (Complaint) commenced and concluded under the authority granted to the Administrator of the United States Environmental Protection Agency (EPA) by section 16 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615, as properly delegated to the undersigned EPA officials. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" (Rules of Practice), 40 C.F.R. part 22, and this COMPLAINT AND CONSENT AGREEMENT (simultaneous combined action) is authorized by the Rules of Practice. 40 C.F.R. § 22.13(b). The undersigned EPA officials have been properly delegated the authority to issue this action. These general allegations apply to the one violation below.

## ALLEGATIONS

1. Respondent, Golden Eagle Refinery, Inc., is a "person" within the meaning of 40 C.F.R. § 761.3 and is thus subject to regulation.
2. Respondent was at all times relevant to this action, the owner or operator of a facility located 1474 West 1500 South in Woods Cross, Utah (facility).
3. On or about March, 2006, Respondent discovered it had violated the TSCA regulations relating to polychlorinated biphenyls (PCBs), 40 C.F.R. part 761, during a review of documents concerning receipt of used mineral oil shipments. During this review, the facility concluded mineral oil containing low concentrations of PCBs, were shipped to a customer who was not qualified, as required by rule, to burn such oil (called "non-specification oil"). 40 C.F.R. § 761.20(e)(1).
4. By formal self-disclosure letter addressed to EPA and dated March 29, 2006, Respondent admitted committing the violations described in the preceding paragraph.
5. Additionally, Respondent's self-disclosure letter acknowledged Respondent blended mineral oil containing PCBs with diesel oil, and then selling this used oil fuel to a customer who was not qualified to burn non-specification used oil fuel.
6. Selling mineral oil containing PCBs that has been blended with diesel oil to a customer not qualified to burn non specification used oil fuel, constitutes a violation of 40 C.F.R. § 761.20(e)(1)(iii).

## CONSENT AGREEMENT

7. Respondent admits the jurisdictional allegations and neither admits nor denies the factual allegations stated above.
8. Respondent waives his/her right to a hearing before any tribunal, to contest any issue of law or fact set forth in this Complaint and Consent Agreement.
9. This Complaint and Consent Agreement, upon incorporation into a Final Order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Complaint and Consent Agreement contains all terms of the settlement agreed to by the parties.
10. In arriving at the amount of the penalty, EPA has taken into consideration the nine conditions as set forth in the Self-Disclosure policy: (1) Discovery of the violation(s) through an environmental audit or due diligence; (2) Voluntary disclosure; (3) Prompt disclosure; (4) Discovery and disclosure independent of government or third-party plaintiff; (5) Correction and remediation; (6) Prevent recurrence; (7) No repeat violations; (8) Other violations excluded; and (9) Cooperation.

11. Respondent did not discover the violation during a systematic audit or review. Regulated entities that do not meet the first condition of systematic discovery of the violation, but meet the other conditions, are eligible for 75% mitigation of any gravity-based penalty.

12. Based on the conditions listed in paragraph 10, Respondent's acknowledgement that it is in full compliance with the requirements of TSCA PCB requirements, EPA has determined that an appropriate civil penalty to settle this action is **THREE THOUSAND DOLLARS (\$3,000.00)**.

13. Respondent consents, for the purpose of settlement, to the issuance of a Final Order in this matter and agrees to pay the civil penalty cited in the foregoing paragraph. Respondent further consents, for the purpose of settlement, to pay the civil penalty as follows:

- a. Payment is to be made in two installments of **FIFTEEN HUNDRED DOLLARS (\$1,500.00) per installment**, and the first installment is due within 30 calendar days from the date written on a Final Order, issued by the Regional Judicial Officer, which adopts this Complaint and Consent Agreement. If the due date falls on a weekend or legal Federal holiday, the due date is the next business day. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.
- b. The second installment of **FIFTEEN HUNDRED DOLLARS (\$1,500.00)** is due within 60 calendar days from the date written on a Final Order, issued by the Regional Judicial Officer, which adopts this Complaint and Consent Agreement.
- c. Each payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amount, payable to "*Treasurer, United States of America,*" (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:  
Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33

33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency"

Overnight Mail:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact Natalie Pearson (314-418-4087)

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22-checking  
Environmental Protection Agency  
Account 310006  
CTX Format

On Line Payment:

This payment option can be accessed from the information below:  
[www.pay.gov](http://www.pay.gov)  
Enter sfo1.1 in the search field  
Open form and complete required fields

**A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent to both:**

Ms. Kim Le, 8ENF-AT  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

and

Ms. Tina Artemis, 8RC  
Regional Hearing Clerk  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

- d. In the event payment is not received by the specified due date, interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (That is, on the 1st late day, 30 days of interest accrues.)
  - e. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 61st day from the date of the Final Order, and each subsequent thirty-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 60 days of the due date (that is, the 120th day from the date the Final Order is signed). Payments are first applied to handling charges, 6% penalty interest, and late interest; then any balance is applied to the outstanding principal amount.
  - f. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
14. Nothing in this Complaint and Consent Agreement shall relieve Respondent of the duty to comply with TSCA and its implementing regulations.
15. Failure by Respondent to comply with any term of this Complaint and Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and such other relief as may be appropriate.
16. Nothing in this Complaint and Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Complaint and Consent Agreement.
17. If the undersigned is a representative of the Respondent, he/she certifies that he/she is fully authorized to enter into the terms and conditions of this Complaint and Consent Agreement and to bind the parties he/she represents to the terms and conditions of this Complaint and Consent Agreement.
18. The parties agree to submit this Complaint and Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.
19. Each party shall bear its own costs and attorney fees in connection with this matter.
20. This Complaint and Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the complaint portion of this Complaint and Consent Agreement.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Office of Enforcement, Compliance, and  
Environmental Justice, Complainant.

Date: February 9, 2010

By: Cheryl A Turcotte for  
Cynthia J. Reynolds, Director  
Technical Enforcement Program  
U.S. EPA Region 8

Date: February 10, 2010

By: David Rochlin  
David Rochlin  
Supervisory Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8

Date: 2/10/2010

By: Dana Stotsky  
Dana Stotsky  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8

In the Matter of: Golden Eagle Oil Refinery, Inc.

Golden Eagle Oil Refinery, Inc.  
Respondent.

Date: February 2, 2010

By: Stan Hartmark

Printed Name: Stan Hartmark

Title: President

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT, CONSENT AGREEMENT/FINAL ORDER** in the matter of **GOLDEN EAGLE OIL REFINERY, INC.; DOCKET NO.: TSCA-08-2010-0001** was filed with the Regional Hearing Clerk on February 19, 2010.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Dana Stotsky, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on February 19, 2010, to:

Stan Hartmark, President  
Golden Eagle Oil Refinery, Inc.  
1474 West 1500 South  
Woods Cross, UT 84054

E-mailed to:

Michelle Angel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

February 19, 2010



Tina Artemis  
Paralegal/Regional Hearing Clerk

