



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

Received by  
EPA Region 7  
Hearing Clerk

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO.:** CAA-07-2022-0057

**This ESA is issued to:** Dick L. Harless, doing business as Harless Oil Company  
**At:** 320 Polk Avenue, Polk, Nebraska 68654  
**for violating Section 112(r)(7) of the Clean Air Act.**

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The U.S. Environmental Protection Agency, Region 7 (EPA) and Dick L. Harless, doing business as Harless Oil Company (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), promulgated in the code of federal regulations at 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

Complainant, by delegation of the Administrator of the EPA, is the Director of the Enforcement and Compliance Assurance Division. Respondent is Dick L. Harless, doing business as Harless Oil Company, 320 Polk Avenue, Polk, Nebraska 68654.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, in the United States Code at 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policies entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated January 5, 2004, and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions," dated December 20, 2013, are appropriate for administrative penalty actions.

ALLEGED VIOLATIONS

On or about June 16, 2021, an authorized representative of the EPA inspected Respondent's facility at 320 Polk Avenue, Polk, Nebraska 68654 to determine compliance with and the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Chemical Accident Prevention Provisions Inspection Findings (CAPP Inspection Findings), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort 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, described in the enclosed CAPP Inspection Findings, for the total penalty amount of **\$1,200.00**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the CAPP Inspection Findings, and consents to the assessment of the penalty as stated above, and consents to receiving the filed Agreement electronically at the following e-mail address: [harlessoil@windstream.com](mailto:harlessoil@windstream.com).

Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the enclosed CAPP Inspection Findings and has paid the penalty of \$1,200.00. Penalty payment shall identify Respondent by name and docket number and shall be by electronic payment method described at <http://www.epa.gov/financial/makepayment> or by alternate method of certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197.

The original "wet signature" ESA must be mailed to the address below. A copy of the signed ESA, a copy of the completed CAPP Information Request Review Findings, and a copy of the check or other information confirming payment should be sent via email to Jodi Harper at [Harper.Jodi@epa.gov](mailto:Harper.Jodi@epa.gov). In lieu of email, the original ESA, a copy of the completed CAPP Information Request Review Findings, and a copy of the check or other information confirming payment must be sent by certified mail to:

Jodi Harper  
Environmental Engineer  
Chemical Accident Prevention Section | Air Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

A copy of the check or other information confirming payment must also be sent via email or physical mail to:

Amy Gonzales  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
[R7\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R7_Hearing_Clerk_Filings@epa.gov)  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

Full payment of the ESA penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the CAPP Findings. The EPA does not waive any other enforcement action for any other violations of the CAA or any other statute.

If either a copy of the signed original ESA and accompanying documents described above, or the signed original ESA with an attached copy of the check or other information confirming payment, is not returned to Jodi Harper or the EPA Region 7 office at the above email or physical addresses in correct form by Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the CAPP Findings.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Randall S. Harless  
Signature

Date: 6-28-22

Name (print): Randall S. Harless

Email address: harlessoilewindstream.net

Title (print): Manager  
Harless Oil Company

FOR COMPLAINANT:

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Tracey Casburn  
Air Branch  
Enforcement and Compliance Assurance Division  
EPA Region 7

Date: \_\_\_\_\_

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Erin Weekley  
Chief, Air and Cross Cutting Issues Branch  
Office of Regional Counsel  
EPA Region 7

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**  
**To be completed by EPA**

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order, EPA Docket No. CAA-07-2022-0057, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Erin Weekley, Office of Regional Counsel  
*Weekley.Erin@epa.gov*

Jodi Harper, Enforcement and Compliance Assurance Division  
*Harper.Jodi@epa.gov*

Milady Peters, Office of Regional Counsel  
*Peters.Milady@epa.gov*

Copy via e-mail to Respondent:

Dick L. Harless  
Dick L. Harless, doing business as Harless Oil Company  
*harlessoil@windstream.com*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed