



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

5/2/2022

8:15 AM

Received by  
EPA Region VIII  
Hearing Clerk

DOCKET NO.: CWA-08-2022-0006

IN THE MATTER OF: )  
 )  
PALE HORSE SERVICES, INC. ) FINAL ORDER  
 )  
 )  
 )  
 )  
RESPONDENT )

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the Expedited Penalty Action and 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 Expedited Penalty Action and Consent Agreement, effective immediately upon filing this Expedited Penalty Action and Consent Agreement and Final Order.

SO ORDERED THIS 2nd DAY OF June, 2022.

STEPHANIE TALBERT Digitally signed by  
STEPHANIE TALBERT  
Date: 2022.06.02  
07:57:09 -06'00'

Stephanie Talbert  
Regional Judicial Officer

5/31/2022

9:57 AM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

In the Matter of:	)	
	)	EXPEDITED PENALTY ACTION
	)	AND CONSENT AGREEMENT
Pale Horse Services, Inc.	)	
	)	Docket No: CWA-08-2022-0006
	)	
Respondent	)	

Pale Horse Services, Inc. (Respondent) and the undersigned EPA Complainant, by their undersigned representatives, enter into this Expedited Penalty Action and Consent Agreement (Consent Agreement) relating to a spill of oil that occurred on or about January 1, 2022, and agree as follows:

This Consent Agreement and any final order by an EPA Regional Judicial Officer ratifying this Consent Agreement (Final Order) will commence and conclude this proceeding pursuant to Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

The Clean Water Act (the Act) authorizes the EPA Administrator to assess administrative penalties against any person who discharges oil into or upon the navigable waters and adjoining shorelines of the United States in quantities that have been determined may be harmful to the public health or welfare or environment of the United States, 33 U.S.C. § 1321(b)(6) and (b)(3). This determination includes discharges of oil that (1) violate applicable water quality standards; (2) cause a film, sheen, or discoloration of the surface of the water or the adjoining shoreline; or (3) cause a sludge or emulsion to be deposited beneath the surface of the water or the adjoining shoreline, under 40 C.F.R. § 110.3. This authority has been properly delegated to the undersigned EPA official.

Respondent's principal place of business is 10948 27th St SW Ste B, Dickinson, North Dakota, 58601.

Respondent admits that on or about January 1, 2022, at Skunk Creek Bay of Lake Sakakawea, North Dakota, it discharged, via a truck and trailer owned by Respondent, approximately 100 gallons or less of diesel fuel and other oil into or Lake Sakakawea and/or its adjoining shorelines.

Respondent's discharge caused a sheen upon, or discoloration of, or caused a sludge or emulsion to be deposited on the surface of Skunk Creek Bay of Lake Sakakawea. Respondent's discharge constitutes a violation of Section 311(b)(3) of the Act.

Respondent admits that EPA has jurisdiction in this proceeding under Section 311(b) of the Act and 40 C.F.R. part 22.

Respondent waives its right to appeal the Final Order and its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this Consent Agreement.

This Consent Agreement, upon incorporation into the 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.

Respondent consents and agrees to the assessment of a civil penalty of \$500.00 for the discharge of oil referenced above. Respondent agrees that it shall, within 30 calendar days after the date of issuance of the Final Order, make payment of this amount by any of the methods provided on the website <https://www.epa.gov/financial/makepayment>, a printout of which is attached and entitled "Payment Instructions." The payment shall also indicate it is payable to "Oil Spill Liability Trust Fund-311" and be identified with the docket number that appears on the Final Order. Within 24 hours after payment, the Respondent shall also send proof of payment to each of the following:

Donna K. Inman, Environmental Scientist  
Enforcement and Compliance Assistance Division (8ENF-RO-O)  
U.S. Environmental Protection Agency, Region 8  
[Inman.donnak@epa.gov](mailto:Inman.donnak@epa.gov)

and

Region 8 Hearing Clerk  
[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)

The term "proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements.

Consistent with Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), Respondent will not deduct penalties paid under this Consent Agreement for federal tax purposes.

This Consent Agreement and the Final Order resolve only the federal civil penalty claims for the specific violation alleged above. In addition, this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, the EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations, to enforce the provisions of this Consent Agreement and the Final Order following its filing with the Regional Hearing Clerk. The Final Order does not constitute a waiver, suspension, or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the EPA or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent states, under penalty of perjury, that it has (1) investigated the cause of the discharge referenced above; (2) cleaned up the discharged oil pursuant to federal requirements; and (3) taken corrective measures to prevent future discharges.

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this Consent Agreement once incorporated into the Final Order or fails to make the corrective measures to obtain compliance or has not cleaned up the discharged oil as represented, EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Consent Agreement and legally bind Respondent to it.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be ratified by the Final Order. The parties consent to service of this Consent Agreement and the Final Order by e-mail at the following valid e-mail addresses: eakins.shaula@epa.gov (for Complainant), and lane.rossow@palehorseservices.com (for Respondent).

Each party shall bear its own costs and attorney's fees in connection with this matter.

**SIGNATURE BY EPA/COMPLAINANT:**

By: JANICE PEARSON Digitally signed by JANICE PEARSON  
Date: 2022.05.31 08:45:59 -06'00'  
Date: \_\_\_\_\_  
Janice Pearson,  
Branch Chief, RCRA/OPA Enforcement Branch  
Region 8, U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202

**SIGNATURE BY RESPONDENT:**

Signature:  Date: 5-18-22  
Name: Anton H. Ricel  
Title: CEO

## CERTIFICATE OF SERVICE

The undersigned certifies that the attached **EXPEDITED PENALTY ACTION AND CONSENT AGREEMENT** and the **FINAL ORDER** in the matter of **PALE HORSE SERVICES, INC.; DOCKET NO.: CWA-08-2022-0006** were sent via certified receipt email on June 2, 2022, to:

Respondent

Anton Helfrich  
President, Pale Horse Services, Inc.  
[lane.rossow@palehorseservices.com](mailto:lane.rossow@palehorseservices.com)

EPA Region 8

Shaula Eakins  
Enforcement Attorney  
Office of Regional Counsel  
[Eakins.shaula@epa.gov](mailto:Eakins.shaula@epa.gov)

EPA Financial Center

Jessica Chalifoux  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
[Chalifoux.Jessica@epa.gov](mailto:Chalifoux.Jessica@epa.gov)

June 2, 2022

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Kate Tribbett  
Acting Regional Hearing Clerk