

Harless R. Benthul
Attorney at Law
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Education

Bachelor of Laws	Southern Methodist University	1964
Bachelor of Science	Texas A&M University (Engineering)	1957

Employment

Harless R. Benthul, Attorney at Law

Representation of corporations, other business entities and individuals in matters regarding environmental law with emphasis on compliance and auditing, enforcement representation (both civil and criminal), litigation, legislative and regulatory issues.

Benthul & Woodruff, LLP

2000 – 2005

Founding partner of law firm representing companies and individuals in matters regarding environmental law (compliance and auditing, enforcement representation (both civil and criminal), litigation, legislative and regulatory issues) and in admiralty/maritime matters.

Gilpin, Paxson & Bersch

1994 to 1999

Represented industrial and commercial clients in civil matters, civil and criminal enforcement issues, permitting and real estate acquisitions.

U.S. Environmental Protection Agency Region 6

1972 to 1994

Deputy Regional Counsel; Acting Assistant Regional Administrator for Management; Deputy Director, Management Division; Chief, State Programs and General Law Branch; Office of Regional Counsel: Chief, Legal Branch, Enforcement Division and Staff Attorney

Visiting Professor, University of Houston Law Center, Teaching Environmental Law, Liability Management and Criminal Environmental Law (1992-1994, as an EPA assignment)

Private and corporate practice, Dallas, Texas

1964 to 1971

Military

United States Air Force, July, 1957-September 1960

Certifications, Associations and Honors

State Bar of Texas:

Chair, Environmental Law and Natural Resources Section	1995-1996
Committee on Legal Services to the Poor in Civil Matters	

Dallas Bar Association:

Chair, Environmental Law Section	1990
Vice-Chair, Legal Aid and Legal Services Committee	1992
Lawyer Referral Service Committee.	

Houston Bar Association-Environmental Law Section

Adjunct Professor-South Texas College of Law and University of Houston Law Center

Certifications, Associations and Honors (Cont.)

Trustee, Houston Grand Opera
Galveston Bay Foundation-Former Member of Executive Committee
Associated Builders & Contractors of Greater Houston-Former Board Member
ABC of Texas-Former Board Member
Former Member, City of Friendswood Planning & Zoning Commission
Commander, Galveston Bay Power Squadron (boating education and public service organization), 2003

Articles

Numerous papers for proceedings at environmental law seminars (environmental enforcement, environmental remediation liability, permitting, state authorization, etc.); cases and materials for courses in environmental crimes, environmental liability management and Federal/State issues in environmental regulation (courses taught at the University of Houston Law Center and South College of Law).

Sample Achievements and Experience

Successful defense of Superfund cost recovery claims by United States and private parties against Fortune 500 corporate client. Presentation of useful product defense influential in convincing United States to abandon cost recovery claim; summary judgment awarded client as to private party claims.

Advised client (Coalition of trade industry associations) in environmental rulemaking process, prosecuted federal and state judicial challenges to adopted rules and advised on development of alternate legislative solution to Draconian environmental regulation.

Advised client (Executor of estate and seller of real property) regarding investigation of contamination of property, entry of property into Voluntary Cleanup Program and sale of property.

Advised client (purchaser of shopping centers with existing soil and groundwater contamination) in negotiating purchase agreement. Focus of advice was indemnity provisions and assurances related to remediation of contamination by seller through the Texas Voluntary Cleanup program and appropriateness of remedial approach.

Advised client (owner of old industrial facility located in minority neighborhood) responding to EPA Investigation of metals contamination of neighborhood. Negotiated agreement with EPA for investigation and remediation by client order or penalty. Advised client regarding remediation of plant site via Voluntary Cleanup Program.

Assisted client (large municipality) in responding to EPA compliance and penalty orders resulting from failure to comply with NPDES permit condition; compliance with permit attained and civil penalty negotiated at tiny fraction of potential liability.

Advised client in decision to conduct comprehensive environmental audit (pursuant to state audit privilege immunity law and EPA audit policy) of wide range of facilities; drafted disclosure statements to federal and state regulatory agencies and responded to follow-up inquiries.

Served as regulatory expert witness in contract litigation over presence of hazardous substances in material to be reclaimed from exploration and production waste disposal facility. Client received substantial payment in settlement.

Conducted focused environmental audits of large number of specialized waste management facilities pursuant to Court order related to federal enforcement proceeding. Filed written report of audits with Judge and facility owner/operator. Recommendations implemented by owner/operator.

Co-counsel in defense of several state criminal prosecutions for violations of environmental laws.