

**U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS**

Received by  
EPA Region 7  
Hearing Clerk

**BEFORE THE ADMINISTRATOR**

<b>In the Matter of:</b>	)	
	)	
THE ASKINS DEVELOPMENT	)	<b>Docket No.</b> TSCA-07-2019-0280
GROUP, LLC,	)	
	)	
<u>Respondent.</u>	)	

**COMPLAINANT’S SECOND STATUS REPORT**

Complainant, pursuant to the Regional Judicial Officer’s request, provides the following Second Status Report to the Court.

1. On April 27, 2021, the Regional Judicial Officer held a conference call between the attorneys for the parties in this matter in which a variety of matters were discussed, including Respondent potentially claiming an inability to pay a penalty (ability to pay claim).

2. On May 14, Complainant filed a Status Report advising the Court that on May 12, Respondent had provided to Complainant what appeared to be Respondent’s federal tax filings for 2016, 2017, and 2018 and other financial documentation and that Complainant had begun reviewing those documents. The Status Report further stated that Respondent had yet to provide the completed Ability to Pay Form (ATP Form).

3. On May 19, Complainant’s counsel provided Respondent’s tax returns and other financial documentation to the EPA Region 7 finance department, which advised that the documents were insufficient to complete the ATP analysis.

4. On May 21, Complainant’s counsel emailed Respondent’s counsel, stating that the Agency had questions about Respondent’s tax returns and the financial information provided.

5. On May 25, Complainant's counsel missed a call from Respondent's counsel.
6. On May 27, Complainant's counsel again emailed Respondent's counsel, stating that the Agency had questions about Respondent's tax returns and the financial information provided, and also called Respondent's counsel, leaving a voicemail.
7. Over three weeks later, on June 21, Respondent's counsel emailed Complainant's counsel the ATP Form, which was largely incomplete, or referred back to the financial information previously provided, about which the Agency has questions.
8. On June 24, Complainant's counsel provided Respondent's ATP Form to the EPA Region 7 finance department, which in turn advised that the ATP Form was incomplete and that Respondent, despite stating in the ATP Form that it had provided asset and liability information (balance sheet), instead had only provided purported income and expenses.
9. Also on June 24, Complainant's counsel emailed Respondent's counsel again stating that the Agency had questions about Respondent's tax returns and the financial information provided. Respondent's counsel emailed Complainant's counsel stating he was out of town and asking Complainant's counsel to email the tax questions so they could be forwarded to Respondent's tax preparer.
10. On June 25, Complainant's counsel emailed Respondent's counsel a series of preliminary questions related to Respondent's tax returns and the financial information provided.
11. Almost three weeks later, on July 13, Respondent's counsel emailed Complainant's counsel stating that, due to a private matter, he would be unable to address the questions contained in Complainant's counsel's June 25 email for at least a "week to two weeks."

12. As of the date of this Second Status Report, Respondent has yet to provide any substantive response to Complainant's counsel's preliminary questions about Respondent's tax returns or financial information (dating back to May 21), nor has Respondent provided a complete ATP Form.

13. Complainant has been trying to assess Respondent's ability to pay in this matter since November 30, 2018. Without further information regarding Respondent's financial condition, Complainant remains unable to properly evaluate Respondent's ability to pay the penalty sought.

Respectfully submitted,

Dated: September 3, 2021

---

Britt Bieri  
Assistant Regional Counsel  
U.S. Environmental Protection Agency,  
Region 7  
Attorney for Complainant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that an exact copy of the foregoing pleading was sent electronically on September 3, 2021 to the following:

Amy Gonzales  
Regional Hearing Clerk  
R7\_Hearing\_Clerk\_Filings@epa.gov

and

Dan Kazanas  
dan.kazanas@global-lawfirm.com  
Attorney for Complainant

---

Britt Bieri  
Assistant Regional Counsel  
U.S. Environmental Protection Agency,  
Region 7  
Attorney for Complainant