

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )

Hunte Kennel Systems )  
and Animal Care, Inc. )

117 N. Royhill Blvd. )

Goodman, Missouri 64843 )

Respondent )

Docket No. FIFRA-07-2009-0003

**COMPLAINANT'S STATUS REPORT**

Pursuant to Judge Susan Biro's Order Scheduling Hearing dated August 24, 2009, Complainant United States Environmental Protection Agency, Region 7 ("EPA") submits this Status Report in the above-referenced matter.

Attorneys for Respondent and Complainant held a phone conference on September 3, 2009. Respondent's attorney indicated that his client is still interested in settling this matter prior to the Hearing scheduled for January 12, 2010 and reiterated his client's assertion that they are unable to pay the proposed penalty.

Although Respondent has submitted tax forms for 2006 through 2008, it has failed to produce the required Ability to Pay form necessary for EPA to make a final determination on the inability to pay claim. This form was initially sent to Respondent's attorney on June 15<sup>th</sup>, 2009 and again on September 2, 2009. Respondent's attorney has repeatedly assured EPA that it would receive the form since June 22, 2009, but EPA has not yet received it. Although EPA has made some preliminary conclusions concerning Respondent's ability to pay based on their tax forms, EPA is unable to make a final determination without the Ability to Pay form. Once the form is received and EPA is able to make its determination, the parties will have a final penalty figure to discuss and may proceed with settlement of the present matter.

Without this additional information, EPA is unable to make a final determination

Dated: September 25, 2009

Respectfully submitted,



Chris Muehlberger  
Assistant Region Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
(913) 551-7623

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one copy of this Complainant's Status Report to the Regional Hearing Clerk, EPA, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent by facsimile a copy of the signed original Complainant's Status Report to the following:

The Hon. Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of the Administrative Law Judges  
FAX: (202) 565-0044

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Springfield, MO 65808  
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9.25.09

Date