



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
R.H. Capital-Beets, LLC, ) Docket No. CWA-07-2023-0067  
 )  
Respondent. )

**ORDER ON COMPLAINANT’S MOTION FOR EXTENSION OF TIME**

On March 11, 2024, I issued a Prehearing Order setting dates for the parties to conduct their prehearing exchanges. That Order set deadlines of April 19, 2024, for Complainant’s Initial Prehearing Exchange; May 10, 2024, for Respondent’s Prehearing Exchange; and May 24, 2024, for Complainant’s Rebuttal Prehearing Exchange. Prehr’g Order at 4.

Complainant filed a Motion for Extension of Time (“Motion”) on April 8, 2024. In the Motion, the Agency states that it is engaged in ongoing settlement discussions with Respondent and that Respondent has agreed to provide certain documents required to assess its ability to pay the penalty. The Agency asks for an additional two months to analyze these documents and discuss with Respondent whether they impact the possibility of settlement. The Agency further asserts that Respondent does not object to the Motion. Mot. at 1-2.

The Rules governing this proceeding provide that “the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” 40 C.F.R. § 22.7(b). Here, a timely motion showing good cause has been filed, and Respondent does not object. Accordingly, the Motion is **GRANTED**.

The deadlines for the parties to file their prehearing exchanges are extended as follows:

<b>June 21, 2024</b>	Complainant’s Initial Prehearing Exchange
<b>July 12, 2024</b>	Respondent’s Prehearing Exchange
<b>July 26, 2024</b>	Complainant’s Rebuttal Prehearing Exchange

The Complainant, without mentioning any specific terms of settlement, shall file a Status Report regarding the status of settlement discussions on or before **May 31, 2024**. If the case is settled, a fully executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **June 21, 2024**, and a courtesy copy shall be filed with the

Headquarters Hearing Clerk. In the event a fully executed CAFO is not filed on or before June 21, 2024, the parties must prepare for hearing and shall strictly comply with all other requirements of the Prehearing Order.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'M. Wright', with a long horizontal line extending to the right.

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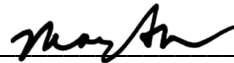
Michael B. Wright  
Administrative Law Judge

Dated: April 10, 2024  
Washington, D.C.

In the Matter of *R.H. Capital-Beets, LLC*, Respondent.  
Docket No. CWA-07-2023-0067

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Complainant's Motion for Extension of Time**, dated April 10, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



Mary Angeles  
Paralegal Specialist

Copy by OALJ E-Filing System to:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
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Copy by Regular and Electronic Mail to:

Anna Landis  
Attorney-Advisor  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219  
Email: [landis.anna@epa.gov](mailto:landis.anna@epa.gov)  
*Counsel for Complainant*

Troy Renkenmeyer  
Authorized Agent  
R.H. Capital-Beets, LLC  
2015 Clara Drive  
Jefferson City, MO 65101  
Email: [troy@tdrtaxconsulting.com](mailto:troy@tdrtaxconsulting.com)  
*For Respondent*

Troy Renkenmeyer  
Authorized Agent  
R.H. Capital-Beets, LLC  
6842 W. 121st Court  
Overland Park, KS 66209

Dated: April 10, 2024  
Washington, D.C.