

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219  
BEFORE THE ADMINISTRATOR

**FILED**

July 18, 2024

3:27PM

U.S. EPA REGION 7  
HEARING CLERK

IN THE MATTER OF )  
 )  
R.H. Capital-Beets, LLC ) Docket No. CWA-07-2023-0067  
 )  
 )  
Respondent ) CONSENT AGREEMENT AND  
 ) FINAL ORDER  
 )  
 )  
Proceedings under Section 311(b) of the )  
Clean Water Act, 33 U.S.C. § 1321(b) )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

1. This proceeding for the assessment of a civil penalty pursuant to Section 311(b)(6) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6), was initiated on February 1, 2024, when the United States Environmental Protection Agency (“Complainant” or “EPA”) filed with the Regional hearing Clerk a Complaint against R.H. Capital-Beets, LLC (“Respondent”) and Respondent were served with the Complaint on February 5, 2024.

2. The Complaint alleged that Respondent violated Section 311(j) of the CWA, and the regulations promulgated thereunder. After filing its Answer pursuant to 40 CFR § 22.15, Respondent raised inability to pay as a factor preventing Complainant from pursuing a penalty. This Consent Agreement and Final Order (“CA/FO”) is the result of the inability to pay analysis.

**CONSENT AGREEMENT**

3. Respondent admits the jurisdictional allegations of this CA/FO and agrees not to contest EPA’s jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order.

4. Respondent admits the factual allegations contained in paragraphs 34 and 35, and the findings of violations in paragraphs 49 through 52, and neither admits nor denies the remaining factual allegations in the Complaint referenced above.

5. Respondent consents to receiving the filed CA/FO electronically at the following email addresses: [tommizou@gmail.com](mailto:tommizou@gmail.com) and [troy@tdrtaxconsulting.com](mailto:troy@tdrtaxconsulting.com).

6. Respondent waives any right to contest the allegations and any right to appeal the proposed Final Order accompanying this Consent Agreement.

#### **Penalty Payment**

7. EPA has considered the appropriateness of a penalty pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and proposed in the Complaint a penalty of \$86,063. However, pursuant to the statutory requirement of Section 309(g)(3) that EPA consider Respondent's ability to pay, Respondent has demonstrated that it is unable to pay a penalty in this matter. Because of Respondent's inability to pay a penalty, Complainant agrees to resolve the claims alleged in the Complaint without penalties.

#### **Effect of Settlement and Reservation of Rights**

8. Respondent certifies by the signing of this Consent Agreement that that it is in compliance with EPA's Findings of Violation and Order for Compliance, Docket No. CWA-07-2023-0067. The effect of the settlement described above is conditioned upon the accuracy of this certification.

9. Nothing contained in the Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.

10. EPA reserves the right to enforce the terms of this CA/FO by initiating a judicial or administrative action pursuant to Section 311(b) of the CWA, 33 U.S.C. § 1321(b).

11. With respect to matters not addressed in this CA/FO, EPA reserves the right to take any enforcement action pursuant to the CWA, or any other available legal authority, including without limitation, the right to seek injunctive relief, monetary penalties, and punitive damages.

#### **General Provisions**

12. Respondent and Complainant each agree to bear its own costs and attorneys' fees.

13. The undersigned representative of Respondent certifies it is fully authorized to enter the terms and conditions of this CA/FO and to execute and legally bind Respondent to it.

14. This CA/FO shall apply to and be binding upon Respondent, its agents, successors, and assigns. Respondent shall ensure that any directors, officers, employees,

contractors, consultants, firms or other persons or entities acting under or for it with respect to matters included herein comply with the terms of this CA/FO.

15. This CA/FO shall become effective upon filing pursuant to 40 C.F.R. § 22.31(b). All time periods herein shall be calculated therefrom unless otherwise provided in this Final Order.

16. In accordance with Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, on February 1, 2024, EPA provided notice on a proposed administrative penalty assessment in this matter. The public comment period ended on March 25, 2024. No comments were received.

**For the Complainant, United States Environmental Protection Agency Region 7:**

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BRUNO

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Jodi Bruno  
Acting Director  
Enforcement and Compliance Assurance Division

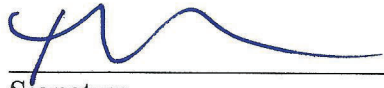
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Anna Landis  
Assistant Regional Counsel  
Office of Regional Counsel

**For the Respondent, R.H. Capital-Beets, LLC:**

  
\_\_\_\_\_  
Signature

7/11/24  
\_\_\_\_\_  
Date

Toby Penkomeyer  
\_\_\_\_\_  
Name

Manager  
\_\_\_\_\_  
Title

**FINAL ORDER**

Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondents are ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

\_\_\_\_\_  
Date

**KARINA**  
**BORROMEIO** Digitally signed by  
KARINA BORROMEIO  
Date: 2024.07.18  
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\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I certify a true and correct copy of the fully-executed Consent Agreement and Final Order was filed with the Regional Hearing Clerk at R7\_Hearing\_Clerk\_Filings@epa.gov.

I further certify that a courtesy copy of the fully-executed Consent Agreement and Final Order was filed with the Headquarters Hearing Clerk via the OALJ E-filing system.

I further certify that a copy was served on each party by electronic mail to:

For Respondent:

Troy Renkenmeyer and Tom Heckman  
R.H. Capital-Beets, LLC  
1133 Cornett Branch Road  
Lake Ozark, MO 65049  
*tommizzou@gmail.com*  
*troy@tdrtaxconsulting.com*

For Complainant:

Anna Landis  
Office of Regional Counsel  
U.S. Environmental Protection Agency Region 7  
*landis.anna@epa.gov*

Mark Aaron  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency Region 7  
*aaron.mark@epa.gov*

AMY GONZALES

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GONZALES  
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**REGION 7**

LENEXA, KS 66219

July 19, 2024

Troy Renkenmeyer  
Tom Heckman  
R.H. Capital-Beets, LLC  
[tommizzou@gmail.com](mailto:tommizzou@gmail.com)  
[troy@tdrtaxconsulting.com](mailto:troy@tdrtaxconsulting.com)

Re: R.H. Capital-Beets, LLC  
Docket No.: CWA-07-2023-0067

Dear Respondent:

Attached for your files is a copy of the Consent Agreement and Final Order In the Matter of R. H. Capital-Beets, LLC: Docket No. CWA-07-2023-0067. The order was filed with the Regional Hearing Clerk on July 18, 2024 and is effective upon that date.

Should you have any questions, please contact Anna Landis at 913-551-7081 or by email at [landis.anna@epa.gov](mailto:landis.anna@epa.gov).

Sincerely,

**AMY GONZALES**

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GONZALES  
Date: 2024.07.19 08:07:36 -05'00'

Amy Gonzales  
Hearing Clerk, Region 7

Enclosure: Order

cc: Anna Landis, EPA Region 7 (via email)  
Mark Aaron, EPA Region 7 (via email)  
Sarah Moreno, EPA Region 7 (via email)