

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

Received by
EPA Region 7
Hearing Clerk

BEFORE THE ADMINISTRATOR

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

JOINT STATUS REPORT

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

1. On October 19, 2021, the Regional Judicial Officer held a conference call between the attorneys for the parties in this matter to discuss the status of Respondent’s ability to pay claim.

2. During the conference call, counsel for Complainant advised Respondent’s counsel that Complainant continued to have questions regarding the financial documentation submitted by Respondent, including Respondent’s Ability to Pay Form.

3. The Regional Judicial Officer directed the parties’ attorneys to meet and confer following the conference call to outline the information needed by Complainant.

4. Following the conference call, the parties’ attorneys spoke by telephone and Complainant’s counsel agreed to send Respondent’s counsel an email outlining the information needed.

5. On October 29, 2021, Complainant’s counsel sent Respondent’s counsel an email with an attachment containing a full list of EPA’s initial questions (“EPA’s Questions), which

included some questions that were originally sent by email to Respondent's counsel on June 25, 2021.

6. On November 5, 2021, Respondent's counsel provided responses to four of EPA's Questions, which the Agency is currently reviewing. Respondent's counsel further advised that he had sent EPA's Questions to Respondent.

7. As of the date of this Joint Status Report, Respondent has not provided responses to the vast majority of EPA's questions, nor a date by which the answers will be provided to Complainant.

8. 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: November 12, 2021

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

/s_____
Dan J. Kazanas
321 West Port Plaza Drive, Suite 201
Saint Louis, Missouri 63146
Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of the foregoing pleading was sent electronically on November 12, 2021 to the following:

Amy Gonzales
Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov

and

Dan Kazanas
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Attorney for Complainant

Britt Bieri
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U.S. Environmental Protection Agency,
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Attorney for Complainant