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United States
Environmental Protection Agency
Washington, DC 20460

Official Business
Penalty for Private Use \$300.00

CAPITAL DISTRICT 208

13 MAR 2024 PM 4 L



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

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APR 08 2024



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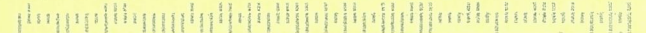
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ 2024 APR 16 AM 6:24:58

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

ORDER OF DESIGNATION

Administrative Law Judge Michael B. Wright of the United States Environmental Protection Agency ("EPA"), Office of Administrative Law Judges ("OALJ"), is hereby designated as the Administrative Law Judge to preside in this proceeding under Section 311(b)(6) of the Clean Water Act, 33 U.S.C. § 1321(b)(6), and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice"), 40 C.F.R. Part 22.

Parties shall participate in this matter through the submission of documents in the manner described below. Future orders will instruct the parties on what documents to submit.

Filing: The Rules of Practice provide that the original and one copy of each document intended to be part of the record of this proceeding shall be filed with the Headquarters Hearing Clerk of the OALJ. 40 C.F.R. § 22.5(a)(1). The Rules of Practice further provide that this Tribunal may authorize filing by an electronic filing system, id., which it did by Standing Order Authorizing Electronic Filing in Proceedings before the Office of Administrative Law Judges, available on the OALJ's website at https://www.epa.gov/sites/production/files/2014-10/documents/alj-standing-order-efiling.pdf.

Electronic filing is strongly encouraged. To file a document electronically, the document shall be submitted to the Headquarters Hearing Clerk using the OALJ E-Filing System, a web-based tool that can be accessed by visiting the OALJ's website at www.epa.gov/alj. A document filed electronically is deemed to constitute both the original and one copy of the document.

1 Pursuant to the Pilot Program to Migrate Certain Regional Hearing Clerk Functions to the Headquarters Hearing Clerk, the OALJ and the Headquarters Hearing Clerk shall maintain the official record and be the proper filing location for all contested cases in which an answer was filed after May 1, 2012. For more information on the Pilot Program, see the OALJ's website at https://www.epa.gov/alj/administrative-law-judges-pilot-program-migrate-certain-regional-hearing-clerk-functions.

2 The parties are hereby advised that the OALJ will be launching a new electronic filing system in 2024. Details about the new system will be communicated to the parties in advance of it becoming operational.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ 2024 APR 16 AM 6:25:10

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

PREHEARING ORDER

As the parties have previously been notified, I am designated to preside over this proceeding. This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 ("Rules of Practice" or "Rules").

Settlement. U.S. Environmental Protection Agency ("Agency" or "EPA") policy encourages settlement of a proceeding without the necessity of a formal hearing, and the procedures regarding settlements are set forth in Section 22.18 of the Rules of Practice. See 40 C.F.R. § 22.18. The benefits of a negotiated settlement may far outweigh the uncertainty, time, and expense associated with a litigated proceeding.

In the event that a fully-executed Consent Agreement and Final Order is not filed on or before April 19, 2024, the parties must prepare for hearing and shall strictly comply with the following prehearing requirements of this Order. The pendency of settlement negotiations or the existence of a settlement in principle does not constitute a basis for failing to strictly comply with those requirements.

Preliminary Statement. No later than March 29, 2024, each party shall file with the Headquarters Hearing Clerk, serve on the opposing party, and serve on the undersigned a Preliminary Statement identifying (1) whether the party prefers for the hearing in this matter to