

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

<b>IN THE MATTER OF</b>	)	
	)	
<b>R.H. Capital-Beets, LLC</b>	)	<b>Motion for Extension of Time</b>
	)	
<b>Respondents</b>	)	<b>Docket No. CWA-07-2023-0067</b>
	)	
<b>Proceedings under Section 311(b) of</b>	)	
<b>the Clean Water Act, 33 U.S.C. § 1321(b)</b>	)	
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**STATUS REPORT AND MOTION FOR EXTENSION OF TIME**

Complainant U.S. Environmental Protection Agency (“EPA”) hereby respectfully submits the following Status Report and Motion for Extension of Time to File Complainant’s Initial Prehearing Exchange.

1. On or about May 8, 2024, Complainant filed a Motion for Extension of Time to extend Complainant’s Initial Prehearing Exchange.
2. The Motion was requested to allow Complainant and Respondent additional time to evaluate Respondent’s defense of the ability to pay the penalty alleged in the Complaint. Of note, Respondent first raised the ability to pay issue on March 20, 2024, during a settlement meeting, after it had filed its Answer.
3. On April 10, 2024, the Court granted Complainant’s Motion and Ordered (1) Complainant to file a fully executed Consent Agreement and Final Order with the Regional Hearing Clerk no later than June 21, 2024, (2) Or, for Complainant to file its Initial Prehearing Exchange on June 21, 2024, (2) Respondent to file its Prehearing Exchange on July 12, 2024, and (3) Complainant to file its Rebuttal Prehearing Exchange on July 26, 2024.

4. Complainant has hired a third-party contractor, Industrial Economics Incorporated (IEc) to conduct the analysis of Respondent's financial ability to pay the proposed penalty.
5. Complainant and Respondent have continued to engage in ability to pay discussions.
6. On June 12, 2024, in response to Complainant's request for additional information, Respondent submitted various email responses and attachments.
7. At this time, IEc requires additional time to evaluate the information provided on June 12, and determine if any additional information is needed to complete its analysis.
8. Pursuant to 33 U.S.C. § 1319(d), in determining the amount of a civil penalty, the court is required to consider, among other factors, "the economic impact of the penalty on the violator."
9. In the interest of conserving judicial resources and to properly complete the ability to pay analysis, Complainant requests that all deadlines be extended an additional forty-five (45) days.
10. Respondent has indicated it has no objection to this Motion for Extension of Time.

RESPECTFULLY SUBMITTED this 18th day of June 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on date below, I filed via OALJ E-filing system the original and one copy of this Motion for Extension of Time with the Headquarters Hearing Clerk.

I further certify that on the date below, I served a copy of the Motion for Extension of Time to each party by electronic mail to:

Troy Renkenmeyer and Tom Heckman  
R.H. Capital-Beets, LLC  
*tommizzou@gmail.com*  
*troy@tdrtaxconsulting.com*

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