

US EPA ARCHIVE DOCUMENT

Ability To Pay Individual Request for Information

1. Please complete and sign the following forms.

- IRS Form 8821
- INDIPAY Data Request Form

2. Please provide the following:

a. A substantive statement with supporting information which explains the specific reason(s) why you are claiming an inability to pay the proposed penalty. If supporting information is being provided as part of EPA's request (items 2.b. - 2.j.), please indicate.

b. **Federal Tax Returns** True, complete and signed copies of your federal tax returns for the years ____, ____, ____ - the review period.

c. **Annual Financial Statements** If you own a business, provide true and complete copies of annual financial statements, including but not limited to, an Income Statement and Balance Sheet. If available, also provide Cash Flow and Expense Statements. The fiscal years provided should coincide with the tax year returns requested above.

If an outside CPA prepares the financial statements, please provide, in order of preference, audited, reviewed, or compiled financial statements, and include any attached notes. If an outside CPA does not prepare these statements, then your internally generated annual financial statements for your business activities should be provided. In the event that final financial statements are not yet ready for a recently completed fiscal year, then provide a draft copy.

d. **Year To Date Financial Statement** If more than three months have elapsed from the end of your business' most recently completed fiscal year, please provide year-to-date financial statements for your business through the end of the most recent prior month; at a minimum, provide the income statement and balance sheet. If no tax return has been completed for the most recent tax year, financial statements for that year should also be included.

e. **Litigation** Provide a statement (with relevant details) as to whether you or your business currently is, or anticipates being a party to, any litigation which has not been noted in the most recent financial statement and which could impact your financial situation.

f. **Financial Settlements** Provide a statement with relevant details as to whether you or your business currently is, or anticipates, receiving or paying a financial settlement which has not been noted elsewhere or in the most recent financial statement.

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- g. **Company Control and Affiliations** For the period under review, to the present, provide a statement to indicate whether you controlled, or are affiliated with, any other entity, domestic or foreign. For each entity named, provide the names of senior officers and board of directors, type of control or affiliation (e.g., provides administrative/financial/marketing services), and describe the percentage of ownership and means of control.
- h. **Insurance** Provide a statement as to whether you or your business had any liability insurance in effect during the review period which provided or would provide coverage for this specific environmental issue. If 'Yes', provide a true and complete copy of each policy.
- i. **Market Conditions** If you or your business claims that market conditions are a factor in your inability to pay claim, provide supporting information to substantiate any such claim(s).
- j. **Other Assets** Do you have a financial or beneficial interest in, or control of, any asset, domestic or foreign, that has not been identified in your federal tax returns or other financial information to be presented to the EPA.? If 'yes', please identify each asset by type of asset, estimated value, and location.
- k. **Additional Information** The EPA encourages you to provide any additional information which substantiates your inability to pay claim. This can include an explanation of economic events that are not reflected in the above questions and that may have a material impact on the your ability to pay.

Also, please be aware that the EPA may request additional information as part of its review of this case material.