

**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

In the Matter of:)	
)	DOCKET NO. TSCA-10-2021-0006
GREENBUILD DESIGN &)	
CONSTRUCTION, LLC)	RESPONSE TO COMPLAINT
)	AND NOTICE OF
Anchorage, Alaska,)	OPPORTUNITY FOR HEARING
)	
Respondent.)	
_____)	

GreenBuild Design & Construction (“Respondent”), named in the above-captioned administrative action, Answers the Complaint and Notice of Opportunity for Hearing, as follows:

1.1 The allegations in Paragraph 1.1 are a legal conclusion to which no responsive answer is required.

1.2 The allegations in Paragraph 1.2 are a legal conclusion to which no responsive answer is required.

1.3 Respondent admits the United States Environmental Protection Agency, Region 10, issued an Administrative Complaint and Notice of Opportunity For Hearing. Respondent denies the stated allegations and denies violating any provisions. Respondent denies owing a penalty.

2.1 The allegations in Paragraph 2.1 are a legal conclusion to which no responsive answer is required.

2.2 The allegations in Paragraph 2.2 are a legal conclusion to which no responsive answer is required.

2.3 The allegations in Paragraph 2.3 are a legal conclusion to which no responsive answer is required.

2.4 The allegations in Paragraph 2.4 are a legal conclusion to which no responsive answer is required.

2.5 The allegations in Paragraph 2.5 are a legal conclusion to which no responsive answer is required.

2.6 The allegations in Paragraph 2.6 are a legal conclusion to which no responsive answer is required.

2.7 The allegations in Paragraph 2.7 are a legal conclusion to which no responsive answer is required.

2.8 The allegations in Paragraph 2.8 are a legal conclusion to which no responsive answer is required.

2.9 The allegations in Paragraph 2.9 are a legal conclusion to which no responsive answer is required.

2.10 The allegations in Paragraph 2.10 are a legal conclusion to which no responsive answer is required.

2.11 The allegations in Paragraph 2.11 are a legal conclusion to which no responsive answer is required.

2.12 The allegations in Paragraph 2.12 are a legal conclusion to which no responsive answer is required.

2.13 The allegations in Paragraph 2.13 are a legal conclusion to which no responsive answer is required.

3.1 Respondent admits it is a limited liability company, incorporated in the State of Alaska.

3.2 The allegations in Paragraph 3.2 are a legal conclusion to which no responsive answer is required.

3.3 Respondent admits to obtaining a Building Permit for remodel work to be completed at the Vacant residential property located at 2208 Turnagain Parkway, Anchorage, Alaska, 99517, "Turnagain Property."

3.4 Respondent admits the Turnagain Property is approximately 1,584 ft².

3.5 The allegations in Paragraph 3.5 are a legal conclusion to which no responsive answer is required.

3.6 Respondent admits that the scope of work is defined in the Building Permit R18-1823.

3.7 Respondent admits an estimate was presented to the owners of the Turnagain Property.

3.8 Respondent denies that the work performed disrupted more than 6 ft of painted surface as the surface in question was wood paneling and not a painted surface.

3.9 Respondent is without knowledge or information sufficient to form a belief as to the truth or allegations.

3.10 Respondent is without knowledge or information sufficient to form a belief as to the truth or allegations.

3.11 Respondent admits that an unannounced inspection was performed at the Turnagain Property and the cited statutes and regulations speaks for themselves.

3.12 Respondent admits the EPA inspector presented their federal credentials. Respondent denies that a Notice of Inspection was given to Respondent prior to, during, or anytime after the inspection.

3.13 Respondent admits to overseeing workers performing renovations and pressure washing new siding on the exterior of the home. The siding pressure washed by the Respondent was new siding, therefore, no violation of any EPA statutes or regulations.

3.14 The allegations in Paragraph 3.14 are a legal conclusion to which no responsive answer is required.

3.15 Respondent is without knowledge or information sufficient to form a belief as to the truth or allegations as to if EPA wrote or sent a letter. As answers to the following, a) Respondent is without knowledge or information sufficient to form a belief as to the truth or allegations; b) Respondent denies being advised to attend an in-person inspection on October 12, 2017; c) Respondent denies an in-person inspection was scheduled; d) Respondent is without knowledge or information sufficient to form a belief as to the truth or allegations.

4.1 Respondent denies allegations and did not violate any EPA statutes or regulations.

4.2 The allegations in Paragraph 4.2 are a legal conclusion to which no responsive answer is required.

4.3 Respondent admits to obtaining a building permit and invoicing the Turnagain Property owners for renovation services.

4.4 Respondent admits to performing renovation services at the Turnagain Property and that an inspector performed an unannounced inspection.

4.5 Respondent admits that an EPA certification was not issued or necessary as the lead test performed was negative, and the cited statutes and regulations speak for themselves.

4.6 Respondent denies violation of any cited EPA statutes and regulations.

4.7 Respondent denies violating any and all EPA statutes and regulations cited within the complaint.

4.8 The allegations in Paragraph 4.8 are a legal conclusion to which no responsive answer is required.

4.9 The allegations in Paragraph 4.9 are a legal conclusion to which no responsive answer is required.

4.10 The allegations in Paragraph 4.10 are a legal conclusion to which no responsive answer is required.

4.11 The allegations in Paragraph 4.11 are a legal conclusion to which no responsive answer is required.

4.12 Respondent admits to performing renovation on the Turnagain Property.

4.13 Respondent denies the inspector asked if Respondent or any employees at the Turnagain Property were certified inspectors.

4.14 Respondent denies being questioned as to being certified.

4.15 Respondent denies. Respondent was instructed by the inspector to take classes to become a certified renovator, and upon completion of certification, email the certificate to the inspector and that no penalty would be assessed. Respondent complied.

4.16 Respondent admits Inspector gave information as to how to become certified.

4.17 Respondent denies allegations and the cited statutes and regulations in Paragraph 4.17 speaks for themselves.

4.18 Respondent denies allegations and the cited statutes and regulations in Paragraph 4.18 speaks for themselves.

4.19 Respondent denies allegations and the cited statutes and regulations in Paragraph 4.19 speaks for themselves.

4.20 Respondent denies allegations.

4.21 The allegations in Paragraph 4.21 are a legal conclusion to which no responsive answer is required.

4.22 The allegations in Paragraph 4.22 are a legal conclusion to which no responsive answer is required.

4.23 Respondent denies allegations as safety precautions were in place.

4.24 Respondent admits the test results for lead was negative and the property was vacant. The cited statutes and regulations in Paragraph 4.24 speak for themselves.

4.25 Respondent denies allegations.

4.26 The allegations in Paragraph 4.26 are a legal conclusion to which no responsive answer is required.

4.27 The allegations in Paragraph 4.27 are a legal conclusion to which no responsive answer is required.

4.28 The allegations in Paragraph 4.28 are a legal conclusion to which no responsive answer is required.

4.29 Respondent admits to power washing new exterior siding and denies violating any EPA regulations.

4.30 Respondent denies allegation.

4.31 Respondent denies allegation.

4.32 Respondent denies allegation. The statutes and regulations in Paragraph 4.32 speak for themselves.

5.1 The allegations in Paragraph 5.1 are a legal conclusion to which no responsive answer is required. To the extent a responsive answer is required, Respondent denies that it owes a penalty.

5.2 Respondent denies to violating any statutes or regulations set forth in the complaint, and should not be given a civil penalty as the Respondent acted in good faith and followed the instructions of the inspector to become certified and provide proof of certification.

5.3 Respondent denies that it owes a civil penalty. Respondent was told by the Inspector that it would not receive a civil penalty as long as it complied with the instructions set forth at the time of the inspection.

5.4 Respondent denies that it owes a civil penalty. The civil penalty would cause a hardship to Respondent especially during a time of strict restrictions in place due to Covid.

6.1 Respondent Respectfully Requests a Hearing.

6.2 Respondent was served twice, on December 18, 2020 and a revised complaint on December 30, 2020. Therefore, Respondent hereby is filing a Response in a timely manner and within the 30 day allocated timeframe.

6.3 Respondent denies the allegations within the complaint unless specified otherwise.

6.4 An electronic copy of the Respondent's Answer to Complaint and Notice of Opportunity for Hearing is submitted to the Regional Hearing Clerk to the following address: Regional Hearing Clerk, U.S. Environmental Protective Agency, Region 10, R10_RHC@epa.gov

6.5 An electronic copy of the Respondent's Answer to Complaint and Notice of Opportunity for Hearing is submitted to Andrew Futerman, Assistant Regional Counsel to the following address: Futerman.Andrew@epa.gov

7.1 Respondent has filed the Response to Complaint and Opportunity for Hearing in a timely manner pursuant to the cited statute and regulations.

7.2 Respondent denies owing a civil penalty.

7.3 Respondent was served on December 18, 2020 and received a revised complaint on December 30, 2020. Therefore, Respondent, hereby, files a Response within 30 days.

8.1 Respondent requests a hearing to dissolve this complaint in an amicable manner.

8.2 Respondent was served twice, on December 18, 2020 and a revised complaint on December 30, 2020. Therefore, Respondent hereby is filing a Response in a timely manner and within the 30 day allocated timeframe.

8.3 The allegations in Paragraph 8.3 are a legal conclusion to which no responsive answer is required.

9.1 Respondent has complied with and continues to comply with all EPA statutes and regulations.

The Respondent hereby submits the Response to Complaint and Notice of Opportunity for Hearing, and respectfully requests that the Complaint and all civil penalties assessed against Respondent be dismissed.



Dated: January 27, 2021

Rodrigo von Marees
on behalf of GreenBuild Design & Construction

CERTIFICATE OF SERVICE

I certify that a Response to Complaint and Notice of Opportunity of Hearing was delivered electronically this 27th day of January, 2021; to Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 10, R10_RHC@epa.gov

A copy of the Response to Complaint and Notice of Opportunity of Hearing was delivered electronically to: Andrew Futerman, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region 10, futerman.Andrew@epa.gov



Rodrigo von Marees
GreenBuild Design & Construction
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