

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	
)	Docket No. TSCA-10-2021-0006
GREENBUILD DESIGN & CONSTRUCTION, LLC)	
)	COMPLAINANT’S STATUS REPORT AND MOTION FOR EXTENSION OF TIME
Anchorage, Alaska)	
)	
Respondent.)	
_____)	

STATUS REPORT

In response to Chief Administrative Law Judge Biro’s February 3, 2021 Prehearing Order (“Prehearing Order”), the U.S. Environmental Protection Agency, Region 10 (“Complainant”) submits this Status Report. The Prehearing Order directed the parties to “engage in a settlement conference on or before February 19, 2021, and attempt to reach amicable resolution of this matter.”

Complainant contacted Respondent by email on February 5 and February 16, 2021 and asked to schedule a settlement conference. On February 16, 2021, Respondent replied and informed Complainant that Respondent was unable to meet until February 22, 2021. Complainant agreed and the parties held a conference call on February 22, 2021. During that conference, the parties had a productive discussion about the details of this matter, but have not yet reached a settlement agreement

MOTION FOR EXTENSION OF TIME

Complainant respectfully requests this Tribunal grant a one-month extension on all dates and deadlines provided for in the Prehearing Order. 40 C.F.R. § 22.7(b) provides that “the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.”

In Respondent’s January 27, 2021 Response to Complaint and Notice of Opportunity for Hearing (“Answer”), Respondent raised its inability to pay a civil penalty. *See Answer at ¶5.4.* Respondent has

since agreed to provide Complainant with a copy of Respondent's tax returns, so that Complainant can fully consider Respondent's ability to pay a civil penalty and the effect on Respondent's ability to continue to do business. *See* TSCA § 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B). Complainant believes that the parties may be able to reach settlement, if given additional time to fully consider Respondent's financial information.

As such, there is good cause to grant the requested one-month extension. Further, this extension is unlikely to prejudice any party, as it will allow the parties a better opportunity to fully analyze and discuss Respondent's ability to pay a civil penalty, as required under TSCA § 16(a)(2)(B), in the hopes that the parties may be able to reach a settlement in this matter. Therefore, Complainant respectfully requests this Tribunal grant a one-month extension on all dates and deadlines provided for in the Prehearing Order

Pursuant to the Prehearing Order, Complainant contacted Respondent on February 22 and February 24, 2021 regarding this motion. Respondent replied on February 25, 2021 and said that it has no objections to this motion.

Respectfully submitted,

(Signature and Date)
Andrew Futerman
Counsel for Complainant
EPA Region 10

In the Matter of *GreenBuild Design & Construction, LLC*, Respondent.
Docket No. TSCA-10-2021-0006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Status Report and Motion for Extension**, dated February 25, 2021 was served on the following parties in the manner indicated below:

Original by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Copy by Regular and Electronic Mail to:
Mr. and Mrs. Rodrigo and Kari von Mareés
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and
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For Respondent

Respectfully submitted,

(Signature and Date)

Andrew Futerman
Counsel for Complainant
EPA Region 10