



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

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

ORDER ON COMPLAINANT’S MOTION FOR EXTENSION OF TIME

On December 2, 2020, the Director of the Enforcement and Compliance Assurance Division of U.S. Environmental Protection Agency (“Agency”), Region 10 (“Complainant”), initiated this proceeding by filing a Complaint and Notice of Opportunity for Hearing (“Complaint”) charging GreenBuild Design & Construction, LLC (“Respondent”), with violating certain regulations implementing the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851-4856, which amended the Toxic Substances Control Act of 1976 to add Sections 401 to 412, 15 U.S.C. §§ 2601-2692. Complainant seeks a penalty in the amount of \$25,609 for the alleged violations. On January 27, 2021, Respondent filed a Response to Complaint and Notice of Opportunity for Hearing (“Answer”) disputing the charged violations and proposed penalty and requesting a hearing.

Upon being designated to preside over the adjudication of this matter, I issued a Prehearing Order setting forth a number of deadlines, including a deadline for the parties to engage in a settlement conference, file a Status Report regarding this conference and the status of settlement, file a fully-executed Consent Agreement and Final Order if settlement was achieved, and engage in a prehearing exchange of information if settlement was not achieved in the meantime. On February 25, 2021, Complainant timely filed the aforementioned Status Report, together with a Motion for Extension of Time. Therein, Complainant first notes that Respondent raised in its Answer a claim regarding its inability to pay a penalty and that Respondent has since agreed to provide Complainant with financial documentation in support of that claim. Complainant then requests a one-month extension of all deadlines established in the Prehearing Order in order to afford Complainant time to consider Respondent’s ability to pay a penalty, which could facilitate a settlement of this matter. Complainant represents that Respondent does not object to its request.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “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; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, the Motion for Extension of Time was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Moreover, Complainant's request is unopposed. Accordingly, the Motion for Extension of Time is hereby **GRANTED**. As requested, the filing deadlines set forth in the Prehearing Order are extended as follows:

March 26, 2021	Respondent's Preliminary Statement ¹
April 19, 2021	Consent Agreement and Final Order or Complainant's Initial Prehearing Exchange
May 10, 2021	Respondent's Prehearing Exchange
May 24, 2021	Complainant's Rebuttal Prehearing Exchange

As provided in the Prehearing Order, joint motions for the appointment of a neutral, filed pursuant to Section 22.18(d)(3) of the Rules of Practice, will not be entertained prior to the deadline for Complainant's Rebuttal Prehearing Exchange and shall be filed no later than seven days after that deadline. Dispositive motions regarding liability, such as a motion for accelerated decision or motion to dismiss under Section 22.20(a) of the Rules of Practice, must be filed within 30 days after the due date for Complainant's Rebuttal Prehearing Exchange.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: March 2, 2021
Washington, D.C.

¹ Complainant already filed its Preliminary Statement on February 25, 2021.

In the Matter of *GreenBuild Design & Construction, LLC*, Respondent.
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion for Extension of Time**, dated March 2, 2021, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

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
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:
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For Complainant

Copy by Regular and Electronic Mail to:
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GreenBuild Design & Construction, LLC
11221 Olive Lane
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For Respondent

Dated: March 2, 2021
Washington, D.C.