



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 TO COMPEL RESPONDENT  
TO ACCEPT SERVICE VIA EMAIL**

By Prehearing Order dated February 3, 2021, I established a number of deadlines, including a deadline for the parties in this proceeding – the Director of the Enforcement and Compliance Assurance Division of U.S. Environmental Protection Agency (“Agency”), Region 10 (“Complainant”), and GreenBuild Design & Construction, LLC (“Respondent”) – to file Preliminary Statements containing, among other items, either the filing party’s consent to service by email or an affirmative statement that the party is unable to accept such service. I also established deadlines for the parties to engage in a prehearing exchange of information. While Complainant filed a Preliminary Statement accepting service by email, Respondent failed to file any Preliminary Statement. On April 8, 2021, Complainant filed a Motion to Compel Respondent to Accept Service via Email (“Motion”), in which Complainant seeks an order compelling Respondent to accept service of documents filed by Complainant by email because of the hardship it would pose for Complainant to serve its Initial Prehearing Exchange, which it expects to be voluminous, on Respondent by mail. On April 13, 2021, counsel for Complainant informed a staff member of this Tribunal that a representative of Respondent, Kari von Marees, had notified counsel by email subsequent to the filing of the Motion that Respondent consents to service by email in this proceeding. A copy of that email is attached for the record. Accordingly, the Motion is moot, and no further action is required of this Tribunal at this time.

**SO ORDERED.**

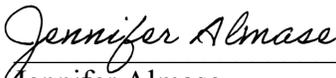
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: April 14, 2021  
Washington, D.C.

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

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Complainant's Motion to Compel Respondent to Accept Service via Email**, dated April 14, 2021, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
Jennifer Almase  
Attorney-Advisor

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:  
Andrew Futerman  
Danielle Meinhardt  
U.S. Environmental Protection Agency, Region 10  
Email: futerman.andrew@epa.gov  
Email: meinhardt.danielle@epa.gov  
*For Complainant*

Rodrigo von Marees  
Kari von Marees  
GreenBuild Design & Construction, LLC  
Email: rad@greenbuild.us.com  
Email: kad@greenbuild.us.com  
*For Respondent*

Dated: April 14, 2021  
Washington, D.C.

## **Futerman, Andrew**

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**From:** Kari Anne <kad@greenbuild.us.com>  
**Sent:** Friday, April 9, 2021 8:39 AM  
**To:** Futerman, Andrew  
**Subject:** Re: Consent to serve documents via email

Dear Mr. Futerman,

GreenBuild Design & Construction gives EPA permission to serve documents via email in regard to Docket # TSCA-10-2021-0006.

Respectfully,

Kari von Marees  
GreenBuild Design & Construction

On Apr 8, 2021, at 1:18 PM, Futerman, Andrew <Futerman.Andrew@epa.gov> wrote:

Re: In Re: GreenBuild Design & Construction, Docket Number: TSCA-10-2021-0006.

Mr. and Mrs. von Marees:

In the near future, I will be filing the Complainant's Initial Prehearing Exchange in this matter. With that document, I will be filing all of the exhibits that the U.S. EPA will be relying on to prove its case against GreenBuild Design & Construction. Together, that is a pretty substantial amount of paperwork. Rather than physically mailing all of this paperwork to you, can I have your consent to serve you with these filings via your email addresses? I will point out that the Court's February 3, 2021 Prehearing Order in this matter asked for both party's consent to service of orders and decisions issued by this Tribunal, and to service of documents filed by other parties, *by email only* during this proceeding.

Thank you,

**Andrew Futerman,**

Attorney Advisor  
U.S. Environmental Protection Agency - Region 5  
Office of Regional Counsel; Multi Media Branch I, Section III  
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206.553.6709  
[Futerman.Andrew@epa.gov](mailto:Futerman.Andrew@epa.gov)  
(he/him)