

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
) Docket No. TSCA-10-2021-0009
GREENBUILD DESIGN &)
CONSTRUCTION, LLC)
)
) RESPONDENT’S INITIAL
) PREHEARING EXCHANGE
Respondent.)
_____)

COMES NOW, GreenBuild Design & Construction, LLC (“Respondent”) in response to the Tribunal’s February 3, 2021 Prehearing Order and March 2, 2021, Respectfully submit an Initial Prehearing Exchange as follows:

I. WITNESSES INTENDED TO BE CALLED

Respondent will call into witness Rodrigo von Marees, Principal of GreenBuild Design & Construction LLC, to testify. Mr. von Marees has extensive Design, Construction and Project Management experience. Mr. von Marees was present during the entire inspection at 2208 Turnagain Parkway and was in direct contract with the main Inspector, Ms. Farnham, during the entire inspection as well as follow-up via email and phone call and messages.

Respondent will call into witness Mr. Paul Maple, an Employee of GreenBuild Design & Construction LLC to testify. Mr. Maple is a retired Marine, and has extensive background in the construction industry. Mr. Maple was present during the July 25, 2018 inspection and was present during the discussions between Mr. von Marees and Ms. Farnham.

II. EXHIBITS INTENDED TO BE INTRODUCED

Exhibit RX1 Photo of the Lead sample test taken prior to work completed on the property located at 2208 Turnagain Parkway, Anchorage Alaska. The photo shows a negative test

result for lead.

III. AMOUNT OF TIME NEEDED; INTERPRETER

Respondent requests a fluent South American Spanish Interpreter, at the time of the hearing. Therefore, time required for examination and cross-examination will depend on the ability of the interpreter to relay the information in a factual and timely manner. Estimation of time needed is approximately 10-15 hours or 1-2 days; if the Complainant continues to inundate Respondent with unnecessary and questionable documentation it could require additional time.

IV. STATEMENT OF CONCERN AND UNFAIR TREATMENT

Respondent has felt and continues to feel intimidated and harassed before and after this allegation and lawsuit. Mr. von Marees, Principal of GreenBuild Design & Construction, has been discriminated and continues to be discriminated, intimidated, and singled out throughout various documentation presented by the Complainant. It also appears that the Respondent is simply being used and made as an example to other Contractors in the State of Alaska, as obvious by the hundreds of pages of documents filed in this lawsuit by the Complainant against the Respondent.

GreenBuild Design & Construction LLC is a small business with less than five employees. GreenBuild Design & Construction LLC has followed all rules and regulations set forth by the federal and local government.

The State of Alaska requires the exact same training and certification that the Environmental & Protection Agency has required. Respondent was certified by the State of Alaska prior to the inspection at the 2208 Turnagain Parkway. Complainant was fully aware of

this yet continues to pressure Mr. von Marees into believing that he violated the law and that Respondent should be punished by way of penalty.

V. RESERVATION OF RIGHTS

Respondent respectfully reserves the right to call all witnesses by Complainant; to recall any an all witnesses in rebuttal; and to modify or supplement the names of witnesses and exhibits prior to the Adjudicatory Hearing, pursuant to 40 C.F.R. Part 22, and upon adequate notice to Respondent and this Tribunal.

Respectfully submitted on this 17th day of May, 2021.



GreenBuild Design & Construction LLC
Rodrigo von Marees
Respondent

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Respondent's Initial Prehearing Exchange and copies of Respondent's Exhibit 1, dated May 17, 2021, was served on the following parties in manner indicated below:

Original by OALJ Electronic Filings System:
Ms. Mary Angeles
Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Washington DC 20460

Copy via Electronic Mail:
Mr. Andrew Futerman
Environmental Protection Agency Counsel
Futerman.Andrew@epa.gov

Respectfully submitted on May 17, 2021



GreenBuild Design & Construction LLC
Rodrigo von Marees
Respondent

EXHIBIT RX1 (Page 5 of 5)

