

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
)
GREENBUILD DESIGN &)
CONSTRUCTION, LLC)
)
Anchorage, Alaska)
)
Respondent.)
_____)

Docket No. TSCA-10-2021-0006

**UNSWORN STATEMENT OF
ROB HAMLET IN SUPPORT OF
COMPLAINANT’S INITIAL
PREHEARING EXCHANGE**

1 COMES NOW, Mr. Rob Hamlet, to declare under penalty of perjury, the following:

2 **BACKGROUND AND JOB DUTIES**

- 3 1. I am currently a Tribal Technical Specialist at the United States Environmental Protection Agency
- 4 (EPA), Region 10, based in Seattle, Washington.
- 5 2. I currently work in the Groundwater & Drinking Water Section of the Permitting, Drinking Water &
- 6 Infrastructure Branch in the Water Division. I am employed through the Senior Environmental
- 7 Employee (SEE) program.
- 8 3. From 2017 to 2019, I worked as an Environmental Specialist/SEE program employee in the Air and
- 9 Toxics Enforcement Section of the Air and Land Enforcement Branch in Region 10’s Enforcement
- 10 and Compliance Assurance Division.
- 11 4. Before 2017, I was an environmental program manager at the Whidbey Naval Air Station.
- 12 5. As an Environmental Specialist at EPA, I worked on enforcement of the Toxic Substances Control
- 13 Act (TSCA) lead-based paint regulations between 2017 and 2019.
- 14 6. I supported case development by researching companies that were doing renovation work that could
- 15 disturb lead-based paint in pre-1978 residential properties.

1 7. I sent inspection notices to members of the regulated community and interviewed companies during
2 inspections.

3 8. I participated in about 24 lead-based paint inspections between 2017 and 2019.

4 9. I was an inspector-in-training during 2017 and early 2018, and then I became a federally
5 credentialed inspector in 2018.

6 10. I completed multiple trainings relevant to my lead-based paint enforcement work at EPA Region 10.

7 11. In 2017, I completed basic inspector training, a TSCA review course, certified lead-based paint
8 renovator training, and two additional trainings on lead-based paint requirements under TSCA and
9 the Residential Lead-Based Paint Hazard Reduction Act. One training focused on inspections of
10 lead-based paint abatement and lead-based paint hazard disclosure, and the other training focused on
11 inspections under the TSCA Renovation, Repair and Painting (RRP) Rule.

12 12. In 2018, I completed EPA's lead inspector certification and EPA's lead-based paint risk assessor
13 certification. I also completed the 40-hour Hazardous Waste Operations and Emergency Response
14 certification during my career with the Department of Defense, which I keep current through annual
15 training.

16 **EPA REGION 10 LEAD-BASED PAINT ENFORCEMENT**

17 13. In EPA Region 10, we monitored compliance with TSCA by performing work site inspections and
18 recordkeeping inspections.

19 14. We did our own case development research but sometimes we also received tips from the public
20 notifying us of situations where people were possibly breaking the law. If we received a tip, we
21 reviewed the information received to determine if we should follow up with an onsite or
22 recordkeeping inspection.

- 1 15. Our typical process was to identify companies for further inspection using local building permit
2 databases.
- 3 16. I reviewed these databases or received regular information from the local governments themselves
4 about building permits that had been pulled recently.
- 5 17. I would review these permits and look for contractors doing work on pre-1978 homes. If the home
6 was built before 1978, I then reviewed the permit to see what kind of renovation work was being
7 done to determine if it is the type of work that is subject to the TSCA RRP Rule.
- 8 18. If the renovation was subject to the rule, I then checked EPA's Federal Lead-Based Paint Program
9 database to find out if the firm performing the work was firm certified under the RRP Rule.
- 10 19. If a renovator was firm certified, I would check our Region 10 files to see how long it had been since
11 we last had contact with the firm. I might follow up with the firm to make sure their workers are
12 renovator certified or trained by certified renovators as required, and to offer any compliance
13 assistance I determined was needed at that time.
- 14 20. When I found a building permit for a renovation in a pre-1978 home where the firm was not
15 certified, I would add the firm to our list of targets for inspection.
- 16 21. If we selected a firm for inspection, we would send the firm a letter asking it to meet with us for a
17 recordkeeping inspection at a local EPA office or at a hotel conference center.
- 18 22. Part of my job was sending these notices of inspection and following up with firms that received the
19 notices. After mailing the notice, I allowed time for it to arrive and then reached out to the firm by
20 phone to confirm whether the date and time worked for them and to answer any questions they had.
- 21 23. I always identify myself on these calls and state that I work for EPA.
- 22 24. I spent time on these calls explaining the RRP Rule and stating what renovators can do to comply
23 with the rule.

- 1 25. Each time I traveled to the field to do recordkeeping inspections, I tried to get 10 to 12 companies to
2 talk to me about the renovation work they were doing.
- 3 26. When we had firms that were repeated no-shows, or where firms continuously put us off and try to
4 reschedule the recordkeeping inspection, we start looking for other ways to inspect them and make
5 sure they are complying with the RRP Rule. We will target those firms for work site inspections if
6 we can find an active work site to inspect.
- 7 27. Usually, when the other inspectors and I were in a city conducting in-person recordkeeping
8 inspections, we also spent time driving to residential properties listed in building permits we had
9 reviewed but had not targeted for recordkeeping inspections.
- 10 28. If there was an active renovation when we arrived, we would usually perform a work site inspection.
- 11 29. Sometimes we happened to find other active work sites as we drove through residential
12 neighborhoods, and depending on the circumstances, we might stop at those work sites to conduct
13 inspections.
- 14 30. During onsite inspections, I usually took photos while the lead EPA inspector talked to a firm
15 representative.
- 16 31. I would take photos of the work site, including exterior work and any interior renovation work that is
17 visible from the outside of the house. During onsite inspections, we typically did not enter homes
18 undergoing renovation.
- 19 32. I took photos of things like paint chips and other debris on the ground at the renovation site and any
20 work being actively performed by workers on site.
- 21 33. I maintain emails and handwritten field notes from inspections and file those documents in an
22 electronic folder on EPA Region 10 computer equipment, or in a physical file that is kept at the EPA
23 Region 10 office in Seattle.

1 **GREENBUILD DESIGN & CONSTRUCTION LLC INSPECTION**
2

3 34. I first got involved with the Greenbuild Design & Construction (“Greenbuild”) case when I was
4 reviewing Anchorage, Alaska building permit information online in the fall of 2017, in anticipation
5 of an inspection trip to the area.

6 35. Because two previous attempts to inspect Greenbuild had resulted in no shows, in 2015 and Summer
7 of 2017, I decided to add Greenbuild to the list of companies we would try to inspect in Fall of 2017.

8 36. So, my colleague, Jennifer Sulcer, wrote Greenbuild a Notice of Inspection on September 25, 2017,
9 and asked it to attend an in person TSCA lead-based paint inspection on October 12, 2017, at 11am,
10 at the Region 10 EPA Alaska Operations Office in Anchorage, Alaska.

11 37. On October 3, 2017, I telephoned Greenbuild to remind it about the upcoming inspection. No one
12 answered, so I left a message.

13 38. On October 4, 2017, Greenbuild returned my phone call. During that conversation, Rodrigo von
14 Marees—his name was Rodrigo Diaz, then—agreed to meet me at the in-person inspection the next
15 week.

16 39. Mr. von Marees did not show up for that inspection on October 12, 2017, and Greenbuild did not
17 send any other representatives.

18 40. So, I memorialized Greenbuild’s failure to show up for the in-person inspection in a Recordkeeping
19 and Reporting Inspection Action Report.

20 41. I next participated in this matter when I was reviewing permits in 2018. I saw that the firm pulled
21 another building permit for renovation work on a pre-1978 home, and I knew that Greenbuild had
22 pulled a building permit for a renovation subject to TSCA in 2015 or 2016.

23 42. I contacted Greenbuild to schedule a recordkeeping inspection by sending the firm a notice of
24 inspection by mail, dated July 2, 2018.

1 43. I did not hear back for a week or two after sending the letter, so I called the firm and spoke with
2 Rodrigo von Marees, the owner of Greenbuild.

3 44. Mr. von Marees agreed to attend the inspection on July 26, 2018, which was the time and date stated
4 in the letter. He was very amiable when we spoke on the phone.

5 45. I explained the RRP Rule and explained that the information was for his benefit to avoid things
6 going wrong when he performs renovations on pre-1978 homes.

7 46. My colleague Kim Farnham and I then traveled to Anchorage in July 2018 to do our interviews, one
8 of which was with Greenbuild.

9 47. We called Mr. von Marees on July 25, 2018 to confirm that he would attend the inspection interview
10 on July 26, 2018. He said he could not make it because something had come up and the inspection
11 time did not work. We rescheduled for the following day, July 27, 2018.

12 48. Kim and I did not think Mr. von Marees was going to attend the rescheduled inspection appointment,
13 so we decided we should see if we could do an active work site inspection of Greenbuild.

14 49. After the recordkeeping inspection portion of the day was complete on July 25, 2018, Kim and I
15 drove to the address that Greenbuild had pulled a permit for, 2208 Turnagain Parkway, and it was an
16 active work site when we arrived.

17 50. Kim and I drove by the house and came back and parked at a short distance away. I started taking
18 pictures of the property from a distance.

19 51. A pickup truck with a Greenbuild Design & Construction logo was parked in the street.

20 52. We got out of our car and walked to the renovation site. There were 3 to 4 workers on the site, doing
21 renovation work when we arrived.

22 53. Kari von Marees was at the work site when we arrived, but she left immediately, and Mr. von
23 Marees came over to speak with us.

1 54. We introduced ourselves and Kim told him where we were from and that we were there to inspect
2 the work site.

3 55. I had previously been an inspector-in-training, but I had my federal inspector credentials by the time
4 of this inspection. I had my credential visible, hung around my neck. I wear it this way while I am
5 doing inspections, so it is visible to people.

6 56. While Kim talked to Mr. von Marees at his truck parked on the street in front of the house, I walked
7 around the property at a safe distance from the renovation work being done and took photos.

8 57. Workers were pressure washing the exterior of the home as I observed the renovation and took
9 photos.

10 58. The work site was a general mess, in the sense that there was no containment being used, there was
11 no plastic sheeting on the ground, there were no warning signs around the perimeter to warn people
12 about the danger of lead-based paint, and paint chips were flying everywhere. There were paint chips
13 all over the bare ground.

14 59. At the north side and northwest corner of the house, I observed workers pressure washing new siding
15 and existing eaves and overhangs on the roof. This was causing paint chips to become airborne and
16 land on the ground.

17 60. It appeared that the workers had pressured washed all the eaves and overhangs on the roof around
18 the house.

19 61. None of the workers I observed were wearing personal protective equipment.

20 62. I walked around the back of the house, and there was construction debris in the yard without any
21 plastic sheeting under it or other form of containment being used. The construction debris appeared
22 to be wood, roofing material, and other material pulled from the house.

1 63. I could see into the interior of the home from the outside. Lots of work had been done on the interior.
2 Bare 2x4 studs were visible inside.
3 64. The windows looked new, based on how they looked and the age of the house.
4 65. Mr. von Marees verbally confirmed that the windows were new.
5 66. I could see through some of these windows to the interior work being done.
6 67. I returned to where Kim and Mr. von Marees were talking after I took photos. I overheard part of
7 their conversation. Kim explained the RRP Rule, explained the benefits of becoming certified under
8 the rule, and explained why Greenbuild needs this certification.
9 68. At the end of the inspection, Kim explained the next steps to Mr. von Marees. She said she would
10 put together the inspection report detailing what we observed and that it would be referred to
11 management for review.

I declare under penalty of perjury that the foregoing is true and correct. Executed on _____.

Respectfully submitted,

(Signature and Date)
Mr. Rob Hamlet
Tribal Technical Specialist, EPA Region 10, Water Division