

ATTACHMENT C

Futerman, Andrew

From: Futerman, Andrew
Sent: Friday, December 3, 2021 7:53 AM
To: Rodrigo
Subject: RE: [SPAM-Sender] Re: ORDER: GreenBuild Design & Construction, LLC, EPA Docket No. TSCA-10-2021-0006

Mr. von Marees:

[REDACTED]

As I have said many times during this process, it is not EPA's intention to put GreenBuild out of business. But I cannot reduce the penalty without sufficient documentation supporting your argument that GreenBuild cannot pay a penalty without going out of business. If you are willing to submit detailed financial information----such as the last 3-5 years of GreenBuild's complete federal tax returns including all schedules and attachments, statements of financial condition, balance sheets, or other items that would accurately portray GreenBuild's financial status----then EPA would still be willing to review that material and determine what penalty GreenBuild can pay.

But I also want to emphasize, these were not "small issues," as you say. For years, GreenBuild operated in such a way as to place the health of the environment, the community, and its employees at risk, and regularly refused EPA's attempts to assist it to come back into compliance without an enforcement action. Yes, a portion of this case is GreenBuild's lack of certification. But the rest of this case involves GreenBuild's failure to comply with the required lead based paint work safe practices that were put in place to ensure the protection of human health and the environment. That is not something EPA can take lightly; that is not a "small issue."

Thank you,

Andrew Futerman,

Pronouns: he/him/his ([Why this is important](#))
Attorney Advisor
U.S. Environmental Protection Agency - Region 5
Office of Regional Counsel; Multi Media Branch I, Section III
77 W. Jackson Blvd., M/S C-14J, Chicago, IL 60604
312.353.2325
Futerman.Andrew@epa.gov

From: Rodrigo <rad@greenbuild.us.com>
Sent: Thursday, December 2, 2021 10:03 PM
To: Futerman, Andrew <Futerman.Andrew@epa.gov>
Subject: Re: [SPAM-Sender] Re: ORDER: GreenBuild Design & Construction, LLC, EPA Docket No. TSCA-10-2021-0006

Andrew this is the reason I want to talk with the judge about this situation because if I have to pay a penalty EPA will force me to end my company for ever and no able to continue with GreenBuild in the future

[REDACTED] is going to be more harder than before plus I take care my entire family so EPA need to put the

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hand on the heart and thinking about destroy a small business or spend all these time in give penalties to companies they really deserve for contaminate the ground or waters.

Again this was something absolutely small issue working with out certification and after Agent Kim offer me to get the certification and all this is a warning I send every single name of my subs they work there and I send a copy of my certification after got it.

Andrew by the way I got a good friend in Seattle and he know you playing rugby, his name is Roberto and we play together back in Chile and he told me you are a nice guy so please help me out here because really this is nothing regarding other issues out there and you guys are going to destroy me and put me in more dead.

I really want to talk with the judge about this if not is all over and close will get close for my company

Rodrigo A. von Marées

On Dec 2, 2021, at 12:38 PM, Futerman, Andrew <Futerman.Andrew@epa.gov> wrote:

Mr. von Marees:

EPA has asserted that a reasonable penalty to settle these violations is \$25,609. As I have said many times throughout this process, EPA has always been willing to review GreenBuild's financial documentation to determine whether the company is able to pay the proposed penalty. However, GreenBuild has yet to provided sufficient documentation to allow that review to occur. I'll note that GreenBuild also did not provide the Court with any such information to support the argument that it cannot pay the proposed penalty. If you are willing to submit detailed financial information----such as the last 3-5 years of GreenBuild's complete federal tax returns including all schedules and attachments, statements of financial condition, balance sheets, or other items that would accurately portray GreenBuild's financial status----then EPA would still be willing to review that material and determine what penalty GreenBuild can pay.

Thank you,

Andrew Futerman,

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Attorney Advisor

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Futerman.Andrew@epa.gov

From: Rodrigo <rad@greenbuild.us.com>

Sent: Thursday, December 2, 2021 12:08 PM

To: Futerman, Andrew <Futerman.Andrew@epa.gov>

Subject: Re: [SPAM-Sender] Re: ORDER: GreenBuild Design & Construction, LLC, EPA Docket No. TSCA-10-2021-0006

Ok so judge say GreenBuild is guilty and you want me to pay a penalty how much you want me to pay ?

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Again I out off work and try to start a new bussines, [REDACTED]
[REDACTED] and now dealing with another bill for something I never did wrong just don't have the certification. This Andrew is ending my bussines and don't have other option to close my company [REDACTED] and no work able to pay a penalty Before I told you I m a small company with a helper and this for sure will close for sure my company and a penalty that high Before I say I be able to pay \$ [REDACTED] for not have a certification and you told me is not enough so how I can pay more if I don't make more money and this year is getting harder and harder for me. Worse time ever work is getting harder to get, all prices of gas,food getting high and now my health is getting worse for put the cherry on the cake. Andrew just let me know what do you want to do and I will try to do my best so we can close this and move on and remember you are dealing with a single person company not those huge corporations they make millions and can pay fines, I just try to keep my family floating with 3 little kids. Thank you

Rodrigo A. von Marées

On Dec 2, 2021, at 7:12 AM, Futerman, Andrew <Futerman.Andrew@epa.gov> wrote:

Mr. and Mrs. von Marees:

As I explained to you in detail in my May 19, May 24, June 23, and July 16, 2021 emails, in EPA's motion for accelerated decision as to liability, EPA asked the Court to review all of the evidence filed in the case and determine whether, even when viewing the evidence in the light most favorable to GreenBuild, there was a genuine issue of material fact that would require this case to go to a hearing or whether EPA was entitled to judgment as a matter of law. Judge Biro reviewed that motion and all of the evidence in the record, GreenBuild's response, and EPA's reply, and agreed with EPA: Judge Biro found that based on all of the evidence in the record, EPA had established that GreenBuild violated TSCA and the RRP Rule, and GreenBuild had not established any genuine issue of material fact for which a trial would be required. In laymen's terms, Judge Biro found GreenBuild "guilty" for violating the law.

The only question that remains open is what penalty GreenBuild should be ordered to pay based on those violations. EPA has asserted that an appropriate penalty is \$25,609. But I am still willing to discuss the possibility of determining that question between us – where we would agree on what an appropriate penalty is instead of asking the Judge to decide. If we are unable to agree on an appropriate penalty, then this matter would proceed towards a hearing limited to the question of what an appropriate penalty is.

Please let me know how you would like to proceed. If you would like to have a conversation with me about what the appropriate penalty for GreenBuild's violations of TSCA and the RRP Rule should be, then I will make time to have that conversation. If not, then please let me know and I will let you know how EPA intends to proceed.

Thank you,

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Andrew Futerman,

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From: Rodrigo <rad@greenbuild.us.com>
Sent: Wednesday, December 1, 2021 4:39 PM
To: Futerman, Andrew <Futerman.Andrew@epa.gov>
Subject: [SPAM-Sender] Re: ORDER: GreenBuild Design & Construction, LLC, EPA Docket No. TSCA-10-2021-0006

Hello Andrew
What this mean ?
Can I talk front at the judge ?
Sadly my company is not longer doing construction because I lost my helper so I'm in the progress to start a landscape company next year.
I really think this is waste of time from
Both side and all info you submitted to the judge is not real because I first my name is not Rodrigues from Oregon and my company never operated in Washington and all that make me look a terrible person Front at the judge , I never do that to any one.
Any way Place let me know when I can talk with the judge so I can talk and explain my side because look like they just listen EPA version and agent Kim look like now say she never give me a warning and I send all my subs info for nothing.
This is very frustrated and I really don't know what else do to and now with out work.

Rodrigo A. von Marées

On Dec 1, 2021, at 8:45 AM, Futerman, Andrew <Futerman.Andrew@epa.gov> wrote:

Mr. and Mrs. von Marees:

Now that you've had some time to go over Judge Biro's order, finding in favor of the United States Environmental Protection Agency and determining that GreenBuild Design & Construction, LLC is liable for violating TSCA and the RRP Rule, would you like to schedule some time to discuss this matter with me again? We are still able to settle this case before we go to a hearing on the penalty amount that GreenBuild will be order to pay for those violations. If you are interested in discussing that, I can find time to do so. Please let me know.

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Thank you,

Andrew Futerman,

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Futerman.Andrew@epa.gov

From: Barnwell, Matt <Barnwell.Matt@epa.gov>

Sent: Wednesday, November 17, 2021 10:02 AM

To: Futerman, Andrew <Futerman.Andrew@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; rad@greenbuild.us.com; kad@greenbuild.us.com

Subject: ORDER: GreenBuild Design & Construction, LLC, EPA Docket No. TSCA-10-2021-0006

Good morning,

Attached is Judge Biro's Order on Complainant's Motion for Accelerated Decision as to Liability, issued today.

Thanks,

Matt

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Matt Barnwell

Attorney-Advisor | Office of Administrative Law Judges

U.S. Environmental Protection Agency

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