

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of: )  
 )  
GREENBUILD DESIGN & ) Docket No. TSCA-10-2021-0009  
CONSTRUCTION, LLC )  
 )  
 ) RESPONSE TO COMPLAINANT’S  
 ) MOTION FOR ACCELERATED  
 ) DECISION AS TO LIABILITY  
Respondent. )  
\_\_\_\_\_ )

COMES NOW, GreenBuild Design & Construction, LLC (“Respondent”) in response to the U.S. Environmental Protection Agency, Region 10 (“Complainant”) Motion for Accelerated Decision as to Liability, respectfully oppose the Motion for Accelerated Decision as to Liability in favor of Complainant.

Respondent Denies violating TSCA and the RRP rules between 2017 and 2018, and anytime before or thereafter. Respondent Denies refusing to understand or follow the rules and regulations set forth by EPA. Respondent continues to abide by all State and Federal rules and regulations.

Respondent is very serious about safety and will conduct a lead test prior to start of a project and take other precautions even if deemed unnecessary. The Turnagain house at the time of the renovation was unoccupied and already demoed. A lead test was performed resulting in a negative test result.

Complainant has cited several case citations within its memorandum that tend to lack any credence as to the case against the Respondent. The citations appear to reflect court decisions made upon larger companies that committed serious violations. The Respondent, GreenBuild Design & Construction, is a small business with less than four employees. It appears there is a

hidden motive as to why the Complainant is going to such a great extent on punishing a smaller company that was only given a warning and had followed all instructions outlined by the EPA.

On July 25, 2018, Mr. von Marees was given a warning by Ms. Farnham in the presence of an Employee of GreenBuild Design & Construction. As a warning was given on that day, it was also understood that no penalty would be imposed as long as Mr. von Marees completed the required classes for an EPA certification of Lead-based paint renovation. Mr. von Marees completed the coursework and a certification was issued on August 10, 2018, 16 days after the warning was given. Upon the completion of classes and receipt of certification, Mr. von Marees emailed Ms. Farnham the certification, therefore, complying with all the requirements that had been set forth by Ms. Farnham, and again with a clear understanding that no penalty would be imposed. EPA went against its promise and decided to pursue the Respondent with several violations and impose a penalty that Respondent would be unable to pay especially during this time of Covid.

The Complainant references Mr. Hamlet's involvement in the inspection on July 25, 2018 outlining his description of the property at the time of the inspection as noted "...paint chips were flying everywhere." Mr. Hamlet description is completely inaccurate as what he seems to be referring to as paint chips flying everywhere was more than likely cottonwood floating around. The month of July in Alaska is known to have extensive pollen and cottonwood. If he indeed was seeing paint chips flying everywhere, why didn't Mr. Hamlet or Ms. Farnham implement a stop order on any work that was being performed at that very moment. With only a warning given on that day, it showed that the inspectors' had no imminent concern with the Respondent, any work being performed at the time of inspection, or any compliance issues.

Complainant has submitted over 102 exhibits and over 738 pages plus an additional 153 pages have been emailed to the Respondent. Upon review of the exhibits submitted by Complainant, several pages question the validity of this case. “Defendant Information” and “Criminal Records Summary”. CX 78 at 3 & 4. CX 78 at 7 & 8. Included within the exhibits is a summary sheet of an individual by the name of Rodriguez Alejandro Diaz. This individual has committed criminal violations and somehow the Complainant has affiliated this person with this case and with the Respondent. In another exhibit entitled “Lawsuits Records Summary”, a company by the name of GreenBuild Corporation was sued by Dep Homes Corp in Washington State. CX 78 of 4. Respondent does not have any affiliation with said business and never conducted business in the State of Washington. Again, the Complainant has somehow included misleading information as evidence against Respondent. Neither the individual listed with a criminal record or the company referred to as GreenBuild Corp, have anything to do with the Respondent. These are a few examples of the information that has been included within the exhibits and being used to draw a negative image and narrative against the Respondent. This information is very misleading to the Court and questions if the Complainant is actually suing the right individual or company as it’s apparent the Complainant has included false and damaging information that has nothing to do with the Respondent.

Mr. von Marees has felt intimidated and harassed and now in light of finding exhibits that are clearly detrimental to his character, to his business and livelihood, it leads to believe that there is much more evidence implanted within the over 738 pages submitted to the Court that has yet to be uncovered.

Therefore, Respondent respectfully requests the Court deny the complainant's motion for accelerated decision as to liability and to consider a Motion to Dismiss due to the false evidence submitted by Complainant against the Respondent.

Respectfully submitted this 23rd day of July, 2021.

A handwritten signature in black ink, appearing to read 'Rodrigo von Marees', with a long horizontal flourish extending to the right.

GreenBuild Design & Construction  
Rodrigo von Marees  
Respondent

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response to Complainant's Motion for Accelerated Decision as to Liability, dated July 23, 2021, and was served on the following parties in the 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 July 23, 2021



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GreenBuild Design & Construction LLC  
Rodrigo von Marees  
Respondent