

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
)
GREENBUILD DESIGN &) Docket No. TSCA-10-2021-0006
CONSTRUCTION, LLC) **COMPLAINANT’S SETTLEMENT**
) **STATUS REPORT**
Anchorage, Alaska)
)
Respondent.)
_____)

SETTLEMENT STATUS REPORT

COMES NOW, the U.S. Environmental Protection Agency, Region 10 (“Complainant”), pursuant to this Court’s January 10, 2022 Hearing Order, to offer the following settlement status report. At this point, Complainant does not believe that settlement is a reasonably expected outcome for this matter. Since this Court granted Complainant’s Motion for Accelerated Decision as to Liability, Complainant has attempted to discuss settlement with GreenBuild Design & Construction, LLC (“Respondent”) on numerous occasions. Respondent consistently responds by referring to irrelevant topics or its inability to pay the proposed penalty. But as Respondent refuses to provide any documentary support for its inability to pay the proposed penalty, Complainant is unable to evaluate the merits of that assertion. Therefore, unless Respondent either provides documentation to support its asserted inability to pay the proposed penalty or is willing to discuss the possibility of settlement on other grounds in good faith, Complainant does not foresee settlement in this matter.

Respectfully submitted,

Andrew Futerman,
Counsel for Complainant
EPA Region 10

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Settlement Status Report**, dated February 18, 2021 was served on the following parties in manner indicated below:

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
1200 Pennsylvania Avenue, NW
Washington DC 20004

Copy by Regular and Electronic Mail to:
Mr. and Mrs. Rodrigo and Kari von Marees
GreenBuild Design & Construction, LLC
rad@greenbuild.us.com
kad@greenbuild.us.com
For Respondent

Dated: February 18, 2021
Chicago, Illinois

Respectfully submitted,

Andrew Futerman,
Counsel for Complainant
EPA Region 10