



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region IX  
75 Hawthorne St  
San Francisco, CA 94105

ENFORCEMENT AND COMPLIANCE  
ASSURANCE DIVISION

**By Certified Mail, Return Receipt Requested:**

Certified Mail No. 7018 0680 0000 3319 8536

Sergei Kaminskiy  
Kaminskiy Design & Remodeling  
12396 World Trade Drive, #108  
San Diego, CA 92128

In the Matter of Kaminskiy Design & Remodeling  
Consent Agreement and Final Order

**Docket No. TSCA-09-2019-0078**

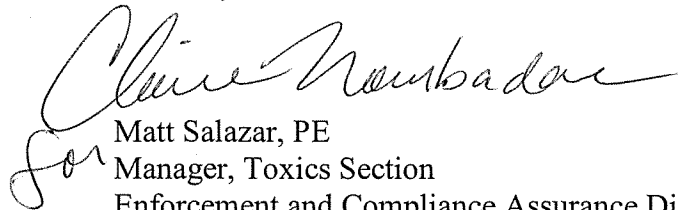
Date: 10/17/2019

Dear Mr. Kaminskiy:

Enclosed please find your copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with EPA Region 9. Your completion of all actions enumerated in the Consent Agreement and Final Order closes this case.

If you have any questions, please contact Rick Sakow at (415) 972-3495.

Sincerely,

  
Matt Salazar, PE  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division

Cc: Santino Tropea, Caulfield & James, LLP

Enclosures

SYLVIA QUAST  
Regional Counsel  
United States Environmental Protection Agency, Region IX

\*\* FILED \*\*  
30OCT2019 - 10:35AM  
U.S.EPA - Region 09

DAVID H. KIM  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105  
(415) 972-3882

Attorneys for Complainant

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

_____	)	Docket No. TSCA-09-2019-0078
In the Matter of:	)	
	)	
Kaminskiy Design & Remodeling	)	CONSENT AGREEMENT
	)	AND FINAL ORDER PURSUANT TO
	)	40 C.F.R. §§ 22.13 and 22.18
Respondent	)	
_____	)	

I. CONSENT AGREEMENT

Complainant, the Manager of the Toxics Section, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region IX (“EPA Region IX”) and Kaminskiy Design & Remodeling (“Respondent”) agree to settle this case initiated under the Toxic Substances Control Act (“TSCA” or the “Act”), 15 U.S.C. §§ 2601 *et seq.*, and consent to the entry of this Consent Agreement and Final Order (“CAFO”).

#### A. AUTHORITY AND PARTIES

1. EPA initiated this civil administrative proceeding for the assessment of a civil penalty under the Act pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22, by issuing a Complaint and Notice of Opportunity for Hearing (the "Complaint") against Respondent on September 26, 2019.
2. The Complaint alleges that Respondent violated Section 409 of TSCA by failing to comply with Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682, 2686, and their implementing federal regulations promulgated at 40 C.F.R. Part 745, Subpart E.
3. EPA Region IX and Respondent have agreed to resolve this civil administrative proceeding arising under the Act by executing this CAFO.

#### B. RESPONDENT'S ADMISSIONS

4. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Complaint; (iii) consents to any and all conditions specified in this CAFO, including the assessment of the civil administrative penalty under Section I.C of this CAFO; (iv) waives any right to contest the allegations contained in the Complaint; and (v) waives the right to appeal the proposed final order contained in this CAFO.

#### C. CIVIL ADMINISTRATIVE PENALTY

5. In settlement of the violations specifically alleged in the Complaint, Respondent hereby consents to the assessment of a civil penalty in the amount of TWENTY THOUSAND FOUR HUNDRED FIFTY-FOUR DOLLARS (\$20,454). The civil penalty shall be paid within thirty (30) days of the effective date of this CAFO, according to the terms of this CAFO. Payment shall be made by cashier's or certified check payable to the "Treasurer,

United States of America,” or paid by one of the other methods listed below and sent as follows:

Regular Mail:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT Address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”

Overnight Mail:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
ABA = 051036706  
Transaction Code 22 — checking  
Environmental Protection Agency  
Account 310006  
CTX Format

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter "sfo l.1" in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.

The payment shall be accompanied by a transmittal letter identifying: (1) Respondent, (2) the case name, and (3) the case docket number. Concurrent with delivery of the payment of the penalty, Respondent shall send a copy of the check or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, and transmittal letter to:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Rick Sakow  
Enforcement and Compliance Assurance Division (ENF-4-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

6. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.
7. If Respondent fails to pay the civil administrative penalty specified in Paragraph 5 of this CAFO within 30 days of entry of this CAFO, then Respondent shall pay to EPA the stipulated penalty of FIVE HUNDRED DOLLARS (\$500.00) for each day the default continues, in addition to the assessed penalty upon written demand by EPA.
8. In addition, failure to pay the civil administrative penalty may lead to any or all of the following actions:
  - a. The debt being referred to a credit reporting agency, a collection agency, or

to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.

- b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.
- c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.
- d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13 interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty by the deadline specified in Paragraph 5. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own

administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.

D. RESPONDENT'S CERTIFICATION

9. In executing this CAFO, Respondent certifies that it is now in compliance with the federal regulations promulgated at 40 C.F.R. Part 745, Subpart E.

E. RETENTION OF RIGHTS

10. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the Complaint. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the Complaint; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in the Complaint.
11. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

F. ATTORNEYS' FEES AND COSTS

12. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

G. EFFECTIVE DATE


13. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the final order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

H. BINDING EFFECT

14. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.
15. This CAFO constitutes the entire agreement between the parties resolving this matter arising under TSCA.
16. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

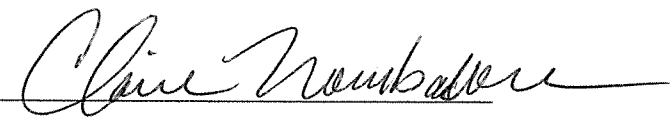
FOR RESPONDENT KAMINSKIY DESIGN & REMODELING:

10/08/2019  
DATE

  
By: *Sergei Kaminskiy*  
Title: *President*  
Address: *12396 World Trade Dr. #108*  
*San Diego, CA 92128*

FOR COMPLAINANT EPA REGION IX:

10/22/2019  
DATE

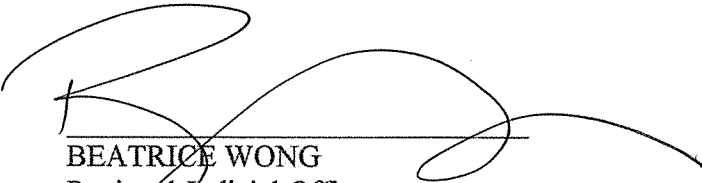
  
*for* Matt Salazar, PE  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division (ENF-2)  
United States Environmental  
Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105



II. FINAL ORDER

EPA Region IX and Respondent having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this CAFO (Docket No. TSCA-09-2019-0078) be entered, and that Respondent shall pay a civil administrative penalty in the amount of TWENTY THOUSAND FOUR HUNDRED FIFTY-FOUR DOLLARS (\$20,454), and otherwise comply with the terms and conditions set forth in the Consent Agreement. This CAFO shall become effective upon filing.

10/29/2019  
DATE

  
\_\_\_\_\_  
BEATRICE WONG  
Regional Judicial Officer  
United States Environmental Protection  
Agency, Region IX

CERTIFICATE OF SERVICE

Kaminskiy Design & Remodeling <sup>SA</sup>

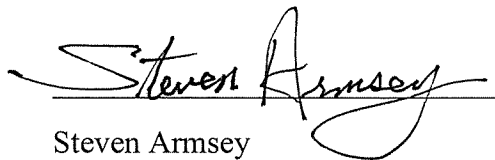
I hereby certify the attached Consent Agreement and Final Order in the matter of ~~Seismic A~~  
~~Retrofitters, Inc.~~ Docket Number: TSCA-09-2019-0078 has been filed by the Regional Hearing  
Clerk, and was served on the following parties as indicated below:

Certified Mail: 7018 0680 0000 3319 8536

Respondent(s): Sergei Kaminskiy  
Kaminskiy Design & Remodeling  
12396 World Trade Drive, #108  
San Diego, CA 92128

Complainant: David Kim  
Assistant Regional Counsel  
U.S. EPA Region IX (ORC-2)  
75 Hawthorne Street  
San Francisco, CA 94105

Dated at San Francisco, California, this 30<sup>th</sup> of October, 2019



Steven Armsey  
Regional Hearing Clerk  
U.S. EPA, Region IX  
75 Hawthorne Street, 12<sup>th</sup> Floor (ORC)  
San Francisco, CA 94105