



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 NOV -1 AM 11:16

Docket No. CAA-08-2007-0005

2. J. KENNEDY  
HEARING CLERK

IN THE MATTER OF: )  
)  
Nikolay Lopatin )  
6000 W. 38<sup>th</sup> Avenue ) CONSENT AGREEMENT  
Wheat Ridge, CO 80033, )  
)  
Respondent. )

Complainant, United States Environmental Protection Agency-Region 8, and Respondent, Nikolay Lopatin, by their undersigned representatives, hereby consent and agree as follows:

1. On September 25, 2007, Complainant issued a Complaint to Respondent in this matter alleging certain violations of the Clean Air Act (CAA) and its implementing regulations. In the Complaint, Complainant proposed a civil penalty of \$12,144.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the remaining allegations. Respondent waives its right to contest any allegations at a hearing.

3. Respondent shall pay a civil penalty in the amount of TEN THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS AND FORTY CENTS (\$10,322.40) in accordance with the following payment schedule:

<u>INSTALLMENTS</u>	<u>AMOUNT</u>	<u>DUE DATE</u>
First Installment	\$2,580.60	December 1, 2007
Second Installment	\$2,580.60	March 1, 2008
Third Installment	\$2,580.60	June 1, 2008
Fourth Installment	\$2,580.60	September 1, 2008

All payments shall be made by remitting a cashier's or certified check for the installment amount, payable to "Treasurer, United States of America," to:

Regular Mail:

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

Federal Express, Airborne, or other commercial carrier:

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

The payment shall reference the name and address of Respondent and the EPA Docket Number of this action. A copy of the transmittal of payment shall be sent simultaneously to:

Jessie Goldfarb (8ENF-L)  
Senior Enforcement Attorney  
U.S. EPA-Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129.

4. If Respondent fails to pay any of the installments by the due dates as specified in Paragraph 3, above, the remaining unpaid balance of the penalty amount of TEN THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS AND FORTY CENTS (\$10,322.40) shall immediately become due and owing by Respondent. Furthermore, interest on the penalty amount shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of ONE HUNDRED DOLLARS (\$100) shall be imposed upon Respondent after the first 30 days that a payment, or any portion thereof, is overdue, with an additional charge of FIFTY DOLLARS (\$50) imposed for each subsequent 30-day period until

the payment due is received. In addition, a six per cent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days of any installment due date.

5. Subject to Respondent's full satisfaction of this Consent Agreement, Complainant does not intend to pursue Discount Auto Repair, LLC, for any of the violations set forth in the Complaint referenced in Paragraph 1, above.

6. Respondent understands that failure to comply with any of the terms of this Consent Agreement, upon incorporation into a Final Order, will constitute a breach of the Agreement and Order and may result in referral of the matter to the United States Department of Justice for enforcement of the Agreement, and for such other relief as is deemed appropriate.

7. The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a Final Order.

8. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full settlement of the specific violations alleged in the Complaint in this matter.

9. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CAA, its implementing regulations, and other environmental laws.

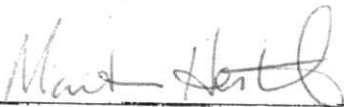
10. Penalties paid pursuant to this Consent Agreement are not deductible for federal tax purposes under 28 U.S.C. § 162(f).

11. The parties agree to bear their own costs and attorney fees.

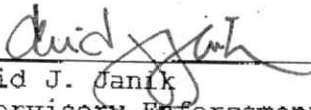
12. The undersigned representative of each party to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and bind that party to the Consent Agreement.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY-REGION 8

Date: 10.30.07

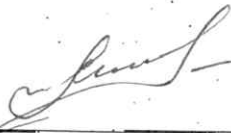
By:   
Martin Hestmark, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Date: 10.30.07

By:   
David J. Janik  
Supervisory Enforcement Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

NIKOLAY LOPATIN

Date: 10.22.07

By:   
Nikolay Lopatin

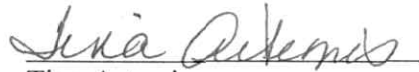
## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter **NIKOLAY LOPATIN, COLORADO SPRINGS COLORADO, DOCKET NO.:** ~~CAA-08-2008-0005~~ <sup>7ama</sup> was filed with the Regional Hearing Clerk on November 1, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Jessie A. Goldfarb, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on November 1, 2007, to:

Nikolay Lopatin  
Discount Auto  
6000 W. 38<sup>th</sup> Avenue  
Wheat Ridge, CO 80033

November 1, 2007

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

