

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:) Docket No. TSCA-09-2016- 0021
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)
)
Zolman Construction and Development, Inc.) EXPEDITED SETTLEMENT
565 Bragato Road, Suite B) AGREEMENT AND
San Carlos, CA 94070) FINAL ORDER
Respondent)
)
)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region IX, through the duly delegated Chief of the Waste and Chemical Section of the Enforcement Division, (“Complainant”) alleges that Zolman Construction and Development, Inc. (“Respondent”) failed to comply with the Toxic Substances Control Act (“TSCA”), 42 U.S.C. § 2601 *et seq.*, and its implementing regulations at 40 C.F.R. Part 745, Subpart E.
2. Under 40 C.F.R. §745.81(a)(2)(ii), Respondent was required to obtain a firm certification from EPA under 40 C.F.R. §745.89 before offering to perform renovations for compensation in nine (9) child-occupied facilities in San Francisco (Sarah B. Cooper CDC Preschool, Cesar Chavez Elementary School, Yick Wo Elementary School, George Peabody Elementary School, Monroe Elementary School, Gordon J. Lau Elementary School (includes Commodore Stockton CDC), Jose Ortega Elementary School, Lakeshore Elementary School and McKinley Elementary School) in 2012, 2014 and 2015, respectively and failed to do so.
3. Complainant and Respondent agree that settlement of this matter for a civil penalty of \$9,000 (NINE THOUSAND DOLLARS) is in the public interest.
4. Complainant is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 16 of TSCA and 40 C.F.R. §§ 22.13(b) and 22.18(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to TSCA; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to any conditions specified in the Agreement and to the assessment of the civil penalty; and (5) waives any right to contest the allegations contained herein or appeal the attached final order.
6. By its signature below, Respondent certifies, subject to civil and criminal penalties for

making a false submission to the United States Government, that: (1) the alleged violations have been corrected; and (2) Respondent has submitted proof of payment of the civil penalty with this Agreement.

7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
8. No portion of the civil penalty paid by Respondent pursuant to this Agreement shall be claimed by Respondent or any other person as a deduction from federal, state, or local income taxes.
9. EPA reserves all of its rights to take enforcement action against Respondent for any other past, present, or future violations of TSCA, any other federal statute or regulation, or this Agreement.
10. Each party shall bear its own costs and fees, if any.
11. The undersigned representative of Respondent and the undersigned representative of Complainant each certifies that he or she is fully authorized to enter into this Agreement and to bind the party that he or she represents.
12. This Agreement is binding upon Respondent and its successors and assigns, and in accordance with 40 C.F.R. 22.31(b), is effective upon the filing of the Final Order attached to the Agreement.

IT IS SO AGREED.

FOR RESPONDENT, ZOLMAN CONSTRUCTION AND DEVELOPMENT, INC.

Name (print): Javad Zolfaghari

Title (print): President

Signature: 

Date 09/12/16

FOR COMPLAINANT, EPA REGION IX



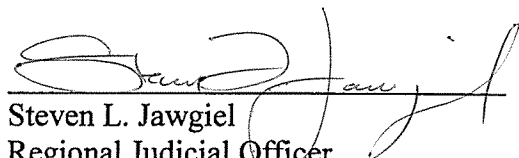
Date 9/20/16

Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency, Region IX

FINAL ORDER

EPA Region IX and Respondent, having entered into the foregoing Expedited Settlement Agreement,

IT IS SO ORDERED:



Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

Date 09/29/16



Receipt

Your payment is complete

Pay.gov Tracking ID: 25TR5NR3

Agency Tracking ID: 75089809865

Form Name: EPA Miscellaneous Payments - Cincinnati Finance Center

Application Name: EPA Miscellaneous Payments

Payment Information

Payment Type: Debit or credit card

Payment Amount: \$9,000.00

Transaction Date: 09/12/2016 03:27:30 PM EDT

Payment Date: 09/12/2016

Account Information

Cardholder Name: Vaheed Zolfaghari

Card Type: Visa

Card Number: *****5180

Email Confirmation Receipt

Confirmation Receipts have been emailed to:

bibinaz@zolman.com

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order in the matter of Zolman Construction and Development, Inc. was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

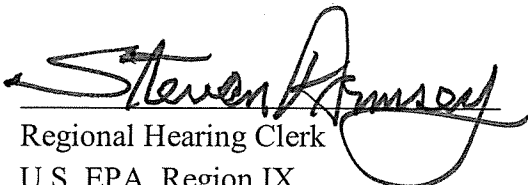
A copy was mailed via CERTIFIED MAIL to:

Javad Zolfaghari, President
Zolman Construction and Development
565 Bragato Road, Suite B
San Carlos, CA 94070

CERTIFIED MAIL NUMBER: 7015 3010 0000 3883 7691

And an additional copy was hand-delivered to the following U.S. EPA case attorney:

Carol Bussey
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


Regional Hearing Clerk
U.S. EPA, Region IX

Sept. 29, 2016
Date