



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

CERTIFIED MAIL --  
RETURN RECEIPT REQUESTED

**SEP 06 2017**

Daniel Wilenchik  
Legal Counsel  
Andromeda Advantage Inc.  
49-12 31<sup>st</sup> Place, Long Island City, NY 11101

RECEIVED  
2017 SEP -6 AM 11:10  
U.S. ENVIRONMENTAL PROTECTION AGENCY

Re: In the Matter of Skyline Restoration, Inc., Docket No. TSCA-02-2017-9274

Dear Mr. Wilenchik,

Enclosed is a copy of the Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the United States Environmental Protection Agency.

Please note that payment is due within thirty (30) days of the date on which the Regional Judicial Officer signed the enclosed Consent Agreement and Final Order. Please arrange for payment of this penalty according to the schedule and instructions given in the Order.

Sincerely yours,

Stuart N. Keith  
Assistant Regional Counsel  
Waste & Toxic Substances Branch  
Office of Regional Counsel

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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U.S. Environmental Protection Agency

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In the Matter of :  
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**Skyline Restoration, Inc.,** :  
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Respondent :  
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Proceeding under Section 16(a) of :  
the Toxic Substances Control Act :  
:  
-----X

CONSENT AGREEMENT  
AND  
FINAL ORDER

Docket No.  
TSCA-02-2017-9274

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty is instituted pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), as amended, ("TSCA" or "the Act"), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (hereinafter "Consolidated Rules of Practice"). Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and

22.18(b)(3) of the Consolidated Rules of Practice, is an appropriate means of resolving this matter without further litigation.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Skyline Restoration, Inc. ("Skyline" or "Respondent").
2. Respondent's primary place of business is located at 11-20 37<sup>th</sup> Avenue, Long Island City, New York 11101.
3. Respondent is engaged in the business of renovation and painting.
4. Respondent is a "firm" as that term is defined at 40 C.F.R. § 745.83.
5. Respondent is subject to the regulations and requirements pertaining to lead-based paint promulgated pursuant to Subchapter IV of TSCA, 15 U.S.C. §§ 401 – 412, 15 U.S.C. §§ 2681 – 2692, and set forth at 40 C.F.R. Part 745, Subpart E, referred to as the "Renovation, Repair, and Painting (RRP) Rule."
6. On or about October 19, 2015, the United States Environmental Protection Agency, Region 2 ("EPA"), received a tip/complaint from a tenant at the complex of multi-residential buildings known as Westbeth Center for the Arts, located at 445-463 West Street, New York 10014 (the "Property"), where Respondent was conducting renovations. The Property is target housing, as that term is defined by TSCA § 401(17), 15 U.S.C. § 2681(17).
7. On October 22, 2015, EPA sent an Information Request Letter ("IRL") to Respondent as part of EPA's investigation of Respondent's compliance with the work practice standards of the RRP while conducting renovations at the Property.
8. On October 29, 2015, EPA representatives conducted an inspection of the Property. During the inspection, the inspectors observed scaffolding at the exterior of the Westbeth building at 455 West Street, which indicated recent work, and met with a representative of Respondent who was at the

