

BOARD MEETING DATE: July 5, 2013

AGENDA NO. 12

REPORT: Civil Filings and Civil Penalties Report

SYNOPSIS: This reports the monthly penalties from May 1 through May 31, 2013, and legal actions filed by the General Counsel's Office during May 1 through May 31, 2013. An Index of District Rules is attached with the penalty report.

COMMITTEE: Stationary Source, June 21, 2013, Reviewed

RECOMMENDED ACTION:
Receive and file this report.

Kurt R. Wiese
General Counsel

KRW:lc

Violations

Civil Actions Filed

- | | |
|---|---|
| 1 | SEARS HOLDING MANAGEMENT
Los Angeles Superior Court - Central
Court Case No. BC510045; Filed: 5.28.13 (NAS)
P55877
R. 1113 – Architectural Coatings |
| 3 | MARINA LINCOLN INC.
Los Angeles Superior Court – Alhambra
Court Case No. 13G01895; Filed: 5.17.13 (PH)
P35777, P58529, P62216
R. 203 – Permit to Operate
R. 461 – Gasoline Transfer and Dispensing |
| 1 | JBS ENTERPRISES INC.
Los Angeles Superior Court - Alhambra
Court Case No. 13G01730; Filed: 5.10.13 (PH)
P59238
R. 203 – Permit to Operate
R. 461 – Gasoline Transfer and Dispensing |

- 4 **SHIFT MOTORS**
 Los Angeles Superior Court - Alhambra
 Court Case No. 13G17290; Filed: 5.10.13 (PH)
 P52852, P52854, P53592, P53595
 R. 109 - Recordkeeping for Volatile Organic Compound Emissions
 R. 203 – Permit to Operate
 R. 461 – Gasoline Transfer and Dispensing

- 1 **SEVAN GAS STATION/DANIELS AUTOMOTIVE**
 Los Angeles Superior Court - Alhambra
 Court Case No. 13G01893; Filed: 5.17.13 (PH)
 P59963
 R. 461 – Gasoline Transfer and Dispensing

- 1 **LOCAL CONCRETE PUMPING SERVICE**
 Los Angeles Superior Court - Alhambra
 Court Case No. 13G01894; Filed: 5.17.13 (PH)
 P56245
 R. 203 – Permit to Operate

- 1 **ZEKE AVILA & SONS INC.**
 Los Angeles Superior Court - Alhambra
 Court Case No. 13G02041; Filed: 5.23.13 (PH)
 P58164
 R. 461 – Gasoline Transfer and Dispensing

- 1 **VALERO MPN MINI MARKET INC.**
 Los Angeles Superior Court - Alhambra
 Court Case No. 13G00271; Filed: 5.15.13 (PH)
 P56665
 R. 203 – Permit to Operate
 R. 206 – Posting of Permit to Operate
 R. 461 – Gasoline Transfer and Dispensing

13 Violations

8 Cases Filed

Attachments
 May 2013 Penalty Report
 Index of District Rules and Regulations

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
General Counsel's Office**

May 2013 Settlement Penalty Report

Total Penalties

Civil Penalties:	\$407,450.00
Self-Reported Violation Penalties:	\$2,700.00
MSPAP Penalties:	\$54,378.00
Hearing Board Penalties:	\$18,000.00
Total Cash Penalties:	\$482,528.00
Total SEP Value:	\$0.00
Fiscal Year through May 2013 Cash Total:	\$10,683,317.39
Fiscal Year through May 2013 SEP Value Only Total:	\$1,296,661.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
<u>CIVIL PENALTIES:</u>							
172535	ANDERSON HAY & GRAIN CO., INC.	203		5/8/2013	KCM	P59703	\$33,000.00
146983	BENZENE POWER INC/PACOIMA PREN	203(B), 461(C)(2)(B) 461		5/6/2013	NAS	P59239 P56859	\$1,000.00
115124	CA GAS MINI MARKET CORPORATION Small claims settlement	203(B), 206, 461		5/9/2013	PH3	P56665	\$1,300.00
98967	CALIFORNIA STATE, DEPT OF FORESTRY	203 203 203 203		5/9/2013	NSF	P58304 P58300 P58305 P56399	\$5,000.00
56940	CITY OF ANAHEIM/COMB TURBINE GEN STAT	2004, 2012	Y	5/8/2013	MJR	P57064	\$2,250.00
23043	CSU, SAN BERNARDINO	1146, 203(A), 1472 1146, 203(A), 1472		5/9/2013	NAS	P58982 P58992	\$14,000.00
141966	DICKSON TESTING CO. INC.	203 (B)		5/6/2013	MJR	P56294	\$3,500.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
167840	DYNAMIC AUTO IMAGES, INC	201, 203(A) 201, 203(A) 203 (A)		5/9/2013	NAS	P53933 P53934 P58924	\$6,000.00
167146	EMPIRE CERTIFIED COLLISION PARTS INC	1151		5/1/2013	NSF	P58306	\$33,000.00
76348	JM EAGLE	203(B)		5/22/2013	NAS	P59812	\$12,000.00
163648	MARINA LINCOLN, INC	461, 41960.2 203(B), 461(C)(2)(B) 41960.2 461, 41960.2		5/24/2013	PH3	P62216 P35777 P58529	\$1,500.00
14049	MARUCHAN INC	2012	Y	5/7/2013	NSF	P50347	\$60,000.00
89248	OLD COUNTRY MILLWORK INC	2004, 3002 2004, 2004(D)	Y	5/15/2013	TRB	P54964 P52572	\$6,500.00
800168	PASADENA CITY, DWP (EIS USE)	2012	Y	5/16/2013	NSF	P55663	\$500.00
158711	PEARCE CONSTRUCTION	1403 1403		5/8/2013	NSF	P53967 P53966	\$5,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
11435	PQ CORPORATION	2004	Y	5/22/2013	NSF	P62501	\$1,500.00
3585	R. R. DONNELLEY & SONS CO, LA MFG DIV	2004 2004 2012(E)(2)(B) 2012(G)(1) 2004 2004 2004(D)	Y	5/10/2013	TRB	P48199 P48198 P51880 P57062 P57051 P57062	\$7,500.00
19363	SANTA TERESITA MEDICAL CENTER	1146.2		5/22/2013	TRB	P59350	\$1,200.00
15504	SCHLOSSER FORGE COMPANY	2004	Y	5/10/2013	KCM	P55532	\$1,200.00
2846	VISTA PAINT CORP	3002(C)(1)		5/24/2013	JMP	P59402	\$1,000.00
114329	WHITE CAP HARDWARE, TOOLS & MATERIALS	1143 1113(C)(2)		5/22/2013	KCM	P50622 P50621	\$210,000.00
154445	WILMINGTON PARK INC Small Claims settlement	203(B), 461 203 (B)		5/2/2013	PH3	P59133	\$500.00

TOTAL CIVIL PENALTIES: \$407,450.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
SELF-REPORTED VIOLATIONS:							
158176	KELLY-MOORE PAINT CO, INC	1113		5/6/2013	NSF	SRV90	\$1,200.00
11119	THE GAS CO./ SEMPRA ENERGY	1403	Y	5/8/2013	WBW	SRV92	\$1,000.00
595	TNEMEC COMPANY INC	1113		5/7/2013	WBW	SRV91	\$500.00
TOTAL SRV SETTLEMENTS:		\$2,700.00					
MSPAP SETTLEMENTS:							
170516	3227 W 54TH LLC	203 (A)		5/16/2013		P62200	\$550.00
170522	ABC ARCO FA CHAI CORP	461		5/28/2013		P59145	\$700.00
155446	AHMED UNION 76	461(C)(2)(B)		5/14/2013		P62305	\$1,075.00
126819	AIRPORT SPECTRUM	1146.2		5/14/2013		P57984	\$1,000.00
172080	ALICIA AUTO SPA & DETAIL CENTER	461(C)(2)(B)		5/28/2013		P59885	\$3,185.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
		41960.2					
172080	ALICIA AUTO SPA & DETAIL CENTER	461		5/28/2013		P59889	\$600.00
154964	AMERICAN APPAREL GARMENT DYE HOUSE	1146 203 (B)		5/14/2013		P56297	\$880.00
159111	ATLANTIC TIMES SQUARE LLC	206, 222. 1470 203 (B)		5/7/2013		P56293	\$1,390.00
157350	BC FOOD MART, JUDY HUYNH DBA	461, 41960.2		5/7/2013		P60051	\$1,080.00
158488	BEAUMONT SERVICE STATION INC.	461, 41960.2		5/15/2013		P56830	\$840.00
149033	BOUTROS SHELL	203 (B) 461, 41960.2		5/28/2013		P60050	\$1,125.00
42676	CES PLACERITA INC	3002(C)(1)	Y	5/21/2013		P55664	\$250.00
152644	CHERRY MARKET & GAS ENTERPRISES INC	461(E)(2)(C)		5/15/2013		P59981	\$450.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
171270	CIRCLE K STORES INC., FAST AUTO & BRA	461		5/7/2013		P59897	\$550.00
23194	CITY OF HOPE MEDICAL CENTER	3002		5/29/2013		P57682	\$500.00
67762	COLTON CITY	461		5/15/2013		P60028	\$600.00
143060	CONICO RORO, INC/SHELL FACILITY	41960.2 461(C)(2)(B)		5/21/2013		P60203	\$1,200.00
167315	CRENSHAW ENERGY & RETAIL, LLC	461		5/7/2013		P62205	\$4,620.00
121671	CROWNE PLAZA LOS ANGELES AIRPORT	1146.2		5/17/2013		P57982	\$1,000.00
168673	DEL MAR PETROLEUM INC. #1	461		5/21/2013		P59879	\$330.00
168673	DEL MAR PETROLEUM INC. #1	41960.3 461(C)(2)(B) 41960.4		5/21/2013		P59883	\$1,073.00
168673	DEL MAR PETROLEUM INC. #1	41960.4 41960.3 461(C)(2)(B)		5/21/2013		P59886	\$1,072.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
145756	DLR M BEHRAZRAR,DANA POINT SHELL #139	203(B), 461		5/30/2013		P59872	\$1,100.00
151509	EL POLLO LOCO	222		5/14/2013		P56289	\$1,000.00
147239	EXCEL AUTO COLLISION CENTER, INC	203 (A)		5/14/2013		P58577	\$360.00
50342	EXXONMOBIL,N. MICHEL LUTFY,10882, 18-	41960.2 461(C)(2)(B)		5/16/2013		P60204	\$638.00
172659	G & G TRANSPORT	461		5/15/2013		P59909	\$600.00
168669	GAREY'S 1 STOP AUTO	461(E)(2)(C)		5/15/2013		P59752	\$150.00
76461	GEORGE L. THROOP COMPANY	PERP 2460		5/31/2013		P44865	\$1,000.00
153222	GRIVER GOLF LLC	203(A), 461 461 (E) (2)		5/3/2013		P59832	\$1,400.00
172121	KHM VICEROY BEVERLY HILLS WYNTON REAL	1146.2		5/22/2013		P53948	\$1,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
29411	LA CO., SHERIFF'S DEPT	1146		5/31/2013		P54849	\$1,200.00
172066	LAGUNA HILLS AUTO SPA	41960.2 461(C)(2)(B)		5/28/2013		P59887	\$675.00
171242	MAX CENTRAL CARSON, INC	41960.2 461(C)(2)(B)		5/17/2013		P62303	\$535.00
170662	MESA COLD STORAGE WAREHOUSE	203 (A)		5/7/2013		P58835	\$500.00
16211	MOTION PICTURE & TELEVISION FUND	203(A), 1110.2		5/22/2013		P60104	\$3,600.00
90057	RIVERSIDE MINI MART, INC.	461		5/2/2013		P59960	\$6,000.00
172857	ROOP CORPORATION	41960.2 461(C)(2)(B)		5/29/2013		P59146	\$1,575.00
144633	ROYCE CHEVRON, ROYCE OIL INC, DBA	461		5/30/2013		P59966	\$360.00
148610	SAVANNA OIL CORP.	461(E)(2)(C)		5/15/2013		P59983	\$425.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
164847	SIMONS BRICK COMPANY INC.	203(B)		5/22/2013		P59836	\$1,400.00
105281	SKYLINE HOMES INC	3002		5/10/2013		P60019	\$900.00
63249	THE VONS CO INC SAFEWAY INC	203 (B), 1146		5/17/2013		P58411	\$2,750.00
74824	UNITED OIL, RAPID GAS #27	461(C)(3)(A)		5/3/2013		P59896	\$940.00
51097	UNITED OIL, RAPID GAS #5	203 (B)		5/3/2013		P59985	\$1,950.00
154008	WALTER'S PIANO REBUILDING	203 (A)		5/22/2013		P51585	\$250.00

TOTAL MSPAP SETTLEMENTS: \$54,378.00

HEARING BOARD SETTLEMENTS:

24006	CAL ST UNIV LA Hearing Board Case No. 5926-1 Beginning 3.15.13 facility to pay \$500/month it operates District permitted Webco-Ray Scotch marine type Group III boiler in noncompliance with District Rule 1146.	1146		5/15/2013	NAS	HRB2141	\$500.00
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FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
164009	COLOR COAT INC Hearing Board Case No.s 5915-1 & 5915-2 Beginning 2.15.13 facilities agrees to pay \$2500/month it operates in noncompliance with the general two component coatings VOC limit and/or operating the spray booth in noncompliance of Rule 1145	1145		5/15/2013	NAS	HRB2142	\$2,500.00
166475	HEMET VALLEY MEDICAL CENTER Hearing Board Case No. 5901-2 Facility to pay \$500/month beginning 2.15.13 if it operates any of the 2 Group III boilers in noncompliance with the Nox emission limits required by the District.	1146		5/29/2013	NAS	HRB2148	\$500.00
147371	INLAND EMPIRE UTILITIES AGENCY Hearing Board Case No. 5209-4 IEUA shall pay \$1,000/month for operation of equipment in violation of permit conditions. Penalty covers May 1 through 31, 2013.	203, 3002		5/14/2013	KCM	HRB2140	\$1,000.00
107891	ORANGE COAST MEMORIAL MEDICAL CENTER Hearing Board Case No. 5932-1 Beginning 3.15.13, facility shall pay the District \$500/month it operates any of the three boilers in noncompliance with Rule 1146.	1146		5/16/2013	NAS	HRB2146	\$500.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
102611	PALM SPRINGS UNI SCH DIST., JAMES WORK Hearing Board Case No. 5922-1 Beginning 1.25.13, PSUSD shall pay District \$500/month it operates any of the ICEs in noncompliance of Rules 203, 1470.	203, 1470		5/8/2013	NAS	HRB2138	\$500.00
100600	RIVERSIDE COUNTY Hearing Board Case No. 5903-1 City agrees to pay \$500/month for each month it operates the subject engine in noncompliance until replacement engine is installed. Penalty period covers April 2013.	203, 1470		5/21/2013	KCM	HRB2147	\$500.00
49111	SUNSHINE CANYON LANDFILL Hearing Board Case No. 3448-13 Settlement agreement states that BFI agrees to pay a sum of \$2500/month for the ongoing operation of the facility's temp flare. Penalty is for April, May and June 2013.	402 1150		5/16/2013	NAS	HRB2145	\$7,500.00
12505	VALLEY PRESBYTERIAN HOSPITAL Hearing Board Case No. 5903-1 VPH agrees to pay \$500/month it operates the boilers during the Order. Penalty period covers March 2013.	1146.1		5/14/2013	KCM	HRB2139	\$500.00
138372	VERIZON WIRELESS Hearing Board Case Nos. 5900-1 and 5660-4 Failure to install diesel particulate filters operating 6 ICEs greater than 50 bhp without control equipment in January 2013	1470		5/2/2013	NAS	HRB2136	\$1,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
138372	VERIZON WIRELESS Hearing Board Case Nos. 5900-1 and 5660-4 Failure to install diesel particulate filters operating 6 ICEs greater than 50 bhp without control equipment in January 2013	203 203		5/15/2013	NAS	HRB2143	\$1,000.00
138372	VERIZON WIRELESS Hearing Board Case Nos. 5900-1 and 5660-4 Failure to install diesel particulate filters operating 6 ICEs greater than 50 bhp without control equipment in January 2013	203 1470		5/15/2013	NAS	HRB2144	\$1,000.00
165209	WESTCOAST PLATING, INC. Hearing Board Case No. 5840-1 Stipulated penalty until permits obtained for plating line.	201 203 1469		5/2/2013	JMP	HRB2137	\$1,000.00

TOTAL HEARING BOARD SETTLEMENTS: \$18,000.00

DISTRICT RULES AND REGULATIONS INDEX FOR MAY 2013 PENALTY REPORTS

REGULATION II – PERMITS

List and Criteria Identifying Information Required of Applicants Seeking A Permit to Construct from the South Coast Air Quality Management - District (*Amended 4/10/98*)

- Rule 201 Permit to Construct (*Amended 1/5/90*)
- Rule 203 Permit to Operate (*Amended 12/3/04*)
- Rule 206 Posting of Permit to Operate (*Amended 10/8/93*) *Explains how and where permits are to be displayed.*
- Rule 222 Filing Requirements for Specific Emission Sources Not Requiring a Written permit Pursuant to Regulation II. (*Amended 5/19/00*)

REGULATION IV - PROHIBITIONS

- Rule 402 Nuisance (*Adopted 5/7/76*)
- Rule 461 Gasoline Transfer and Dispensing (*Amended 6/15/01*)

REGULATION XI - SOURCE SPECIFIC STANDARDS

- Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines (*Amended 11/14/97*)
- Rule 1113 Architectural Coatings (*Amended 6/20/01*)
- Rule 1143. Consumer Paint Thinners & Multi-Purpose Solvents

- Rule 1145 Plastic, Rubber and Glass Coatings (*Amended 2/14/97*)
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters (*Amended Rule*)
- Rule 1146.1 Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (*Amended 5/13/94*)
- Rule 1146.2 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (*Adopted 1/9/98*)
- Rule 1150 Excavation of Landfill Sites (*Adopted 10/15/82*)
- Rule 1151 Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations (*Amended 12/11/98*)

REGULATION XIV - TOXICS

- Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (*Amended 4/8/94*)

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines
Rule 1472. Requirements For Facilities With Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements (*Amended 4/6/07*)
Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions (*Amended 5/11/01*)

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements (*Amended 11/14/97*)

CALIFORNIA HEALTH AND SAFETY CODE § 41700

41960.2 Gasoline Vapor Recovery

CALIFORNIA CODE OF REGULATIONS

PERP 2460 Portable Equipment Testing Requirements