

BOARD MEETING DATE: June 7, 2013

AGENDA NO. 18

REPORT: Civil Filings and Civil Penalties Report

SYNOPSIS: This reports the monthly penalties from April 1 through April 30, 2013, and legal actions filed by the General Counsel's Office during April 1 through April 30, 2013. An Index of District Rules is attached with the penalty report.

COMMITTEE: Stationary Source, May 17, 2013, Reviewed

RECOMMENDED ACTION:
Receive and file this report.

Kurt R. Wiese
General Counsel

KRW:lc

Violations

Civil Actions Filed

- 2 MICHAEL STEVEN JOHNSON dba AQHI INC.
ANDREW ABBOTT dba CENTRAL OC CONSTRUCTION
Orange County Superior Court
Court Case No. 30-2013-00643601-CU-MC-CLC; Filed: 4.12.13 (NAS)
P46792, P46790
R. 1403 – Asbestos Emissions from Demolition/Renovation Activities
- 3 RIO PETROLEUM INC/SINACO OIL
Los Angeles Superior Court
Court Case No. 13K05267; Filed: 4.24.13 (NSF)
P57039, P59226, P58539
R. 461 – Gasoline Transfer and Dispensing

1 BENZENE POWER INC.
Los Angeles Superior Court
Court Case No. 13K04597; Filed: 4.12.13 (NAS)
P59239
R. 203 – Permit to Operate
R. 461 – Gasoline Transfer and Dispensing

1 CARNIVAL MIDWAY ATTRACTIONS
Orange County Superior Court
Court Case No. 00643594; Filed 4.13.13 (KCM)
P57503
R. 203 – Permit to Operate

7 Violations

4 Cases Filed

Attachments

April 2013 Penalty Report

Index of District Rules and Regulations

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

April 2013 Settlement Penalty Report

Total Penalties

Civil Penalties:	\$3,529,760.00
MSPAP Penalties:	\$36,550.00
Hearing Board Penalties:	\$12,500.00
Micellaneous Penalties:	\$3,500.00
Total Cash Penalties:	\$3,582,310.00
Total SEP Value:	\$120,000.00
Fiscal Year through April 2013 Cash Total:	\$10,200,789.31
Fiscal Year through April 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>							
107976	AQHI, INCORPORATED		1403	4/30/2013	NAS	P46792	\$500.00
131003	BP WEST COAST PROD.LLC BP CARSON	1118, 1173, 3002 402 3002 402 1176	Y	4/26/2013	JMP	P57729 P57727 P57724 P57723 P57730	\$53,100.00
104940	CHAPARRAL COUNTRY CLUB MAINTENAN		203	4/18/2013	KCM	P60003	\$3,300.00
13770	CUSTOM BUILDING PRODUCTS	1113(C)(2) 1113(C)(1)		4/11/2013	TRB	P55497 P50626	\$1,350,000.00
62903	EXPO DYEING & FINISHING, INC.		1146	4/26/2013	MJR	P58568	\$2,400.00
97050	GOLDEN ERA PRODUCTIONS	222, 1425, 1110.2 201, 203(A), 461(E)(2) 202(A), 1110.2		4/11/2013	TRB	P55224 P58574	\$20,000.00
141424	HOME DEPOT USA INC \$1,980,000.00 to SCAQMD \$1,480,000.00 to Los Angeles City Attorney, Orange County District Attorney and Riverside District Attorney's Offices and \$1,480,000.00 plus \$100,000.00 (investigation costs) to San Bernardino District Attorney's Office.	1113(C)(2) 1113(C)(1) 1113(C)(2) 1113(C)(2)		4/23/2013	TRB	P55872 P55888 P55127 P55494	\$1,980,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
171517	INFINITY LAWN & GARDEN INC.		402 402	4/18/2013	MJR	P56086 P56085	\$8,000.00
142686	L. A. SPAS, INC		3002(C)(2)	4/22/2013	NSF	P56088	\$1,500.00
108278	LOYOLA MARYMOUNT UNIVERSITY		1403	4/15/2013	JMP	P49841	\$5,000.00
104004	MICROMETALS, INC		3002(C)(1)	4/29/2013	MJR	P56091	\$3,260.00
129660	NM MID VALLEY GENCO LLC		1110.2, 1150.1, 3002	4/17/2013	NAS	P54923	\$1,000.00
158075	NORTH AMERICAN POLYMER COMPANY		314	4/2/2013	JMP	P55887	\$1,200.00
7427	OWENSBROCKWAY GLASS CONTAINER		401(B)(1)(A), 3002 2004(F)(1)	4/3/2013	Y JMP	P52293	\$500.00

TOTAL CIVIL SETTLEMENTS: \$3,429,760.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
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SUPPLEMENTAL ENVIRONMENTAL PROJECTS:

145836	AMERICAN APPAREL DYEING & FINISHING Cash: 0; SEP: \$20,000 First replacement boiler shall be installed and source tested no later than 12.31.13. Second replacement boiler shall be installed and source tested no later than 12.31.14.		2004 2004	Y	4/16/2013	NSF P53131 P51887	\$20,000.00
135010	ORCHARD SUPPLY HARDWARE "OSH" Cash: \$100,000; SEP: \$100,000 Facility to operate a universal waste collection center within 30 days of signed agreement. Within 180 days operate an architectural paint collection center in each of its stores for 3 years. Also 2 years civil probation. Failure to comply with settlement agreement OSH shall pay \$100,000 cash.		1470 1470 1113(C)(2)		4/18/2013	NAS P57622 P57614 P55495	\$200,000.00

TOTAL SEP SETTLEMENTS: \$220,000.00

MSPAP SETTLEMENTS:

163110	#1 MASTER AUTO REPAIR & BODY		109		4/2/2013	P58934	\$750.00
149079	APPLIED MEDICAL RESOURCES		203 (A)		4/10/2013	P58576	\$550.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
171285	C T PROPANE 2	41960.2 461(C)(2)(B) 461(C)(1)(A)		4/10/2013		P60207	\$2,860.00
44258	CALIBER MOTORS INC	461(E)(5)		4/30/2013		P59259	\$765.00
103227	CALIFORNIA PAVING & GRADING	203 (B) 461(C)		4/10/2013		P58682	\$450.00
135729	CALIFORNIA SPECIALTY PAINTING	3002(C)(1)		4/16/2013		P59606	\$2,600.00
7730	CARPENTER CO	1146		4/30/2013		P60024	\$420.00
155429	DOWNEY ENERGY, INC.	461(E)(2)(A)		4/30/2013		P62300	\$1,575.00
138360	FAST & FAIR CONSTRUCTION	461 (C)(3)(L)		4/26/2013		P59751	\$700.00
171367	FIRESTONE SHELL	41960.2 461(C)(2)(B)		4/10/2013		P59144	\$850.00
134590	FLEISCHMANN'S VINEGAR CO, INC	1472		4/30/2013		P59608	\$1,700.00
28830	G & M OIL #1	461(E)(2)(C)		4/10/2013		P59971	\$200.00
132099	G & M OIL CO LLC #105	203 (B) 461(C)(2)(B)		4/10/2013		P59907	\$900.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
52835	G & M OIL CO, LLC #30	203 (B) 41960.2 461(C)(2)(B)		4/10/2013		P59882	\$480.00
143160	GARDENA OIL	203 (B) 461(C)(2)(B)		4/30/2013		P59140	\$2,000.00
143160	GARDENA OIL	461		4/30/2013		P62301	\$1,000.00
158878	GRAND SHELL & SUBWAY, INC.	461		4/10/2013		P56797	\$750.00
149945	MACY'S WEST	1470		4/26/2013		P56894	\$1,100.00
172385	RAMOS CONCRETE PUMPING	203 (A)		4/10/2013		P57569	\$150.00
163097	SANTA MONICA OIL CORP	461		4/10/2013		P62203	\$750.00
159208	SHAHKOT PETROLEUM, INC	41960.2 461		4/10/2013		P59977	\$850.00
55102	SHERMAN MINI MARKET INC.	461(C)(2)(B) 41960.2		4/10/2013		P59211	\$200.00
160715	STAPLES	203 (A)		4/25/2013		P59351	\$2,450.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
160715	STAPLES	203 (A), 222, 1415		4/25/2013		P59355	\$7,500.00
152122	TERRIBLE HERBST INC. #285	203 (B), 41960.2 461(C)(2)(B)		4/25/2013		P59890	\$450.00
141659	WORLD OF JEANS & TOPS INC, TILLY	203 (A)		4/25/2013		P58575	\$1,700.00
141659	WORLD OF JEANS & TOPS INC, TILLY	203 (A)		4/25/2013		P58578	\$2,850.00

TOTAL MSPAP SETTLEMENTS: \$36,550.00

MISCELLANEOUS SETTLEMENTS:

3665	METHODIST HOSPITAL OF SO CAL Related to P53643, P57650, P57652 and P57654 settlement. Methodist agreed to pay \$500/month for operating noncompliant engine until new engine is installed. Period covers September 1, 2012 thru March 29, 2013.			4/19/2013		MIS151	\$3,500.00
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TOTAL MISCELLANEOUS SETTLEMENT: \$3,500.00

HEARING BOARD SETTLEMENTS:

24006	CAL ST UNIV LA Hearing Board Case No. 5962-1 Beginning 3.15.13, facility to pay \$500/month it operates District permitted boiler in noncompliance with Rule 1146.	1146		4/16/2013	NAS	HRB2131	\$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 Nos. 5915-1 and 5915-2 Beginning 2.15.13 facility 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	4/24/2013	NAS	HRB2135	\$2,500.00
166475	HEMET VALLEY MEDICAL CENTER Hearing Board Case No. 5901-2 \$500/month beginning 2.15.13 shall pay if they operate any of the Group III boilers in noncompliance with the Nox emission limits required by the District.		1146	4/16/2013	NAS	HRB2130	\$500.00
147371	INLAND EMPIRE UTILITIES AGENCY IEUA operated equipment in violation of permit conditions under modified Order. Penalty period covers April 2013.		203, 3002	4/16/2013	KCM	HRB2134	\$1,000.00
107891	ORANGE COAST MEMORIAL MEDICAL CE Hearing Board Case No. 5932-1 Beginning 3.15.13, facility shall pay the District \$500/month it operates any of the 3 boilers in noncompliance with District Rule.		1146	4/16/2013	NAS	HRB2129	\$500.00
102611	PALM SPRINGS UNI SCH DIST.,JAMES Hearing Board Case No. 5922-1 Beginning 1.25.13, PSUSD shall pay the District \$500/month it operates any of the ICEs in noncompliance of District Rules 203 and 1470.		1470 203	4/2/2013	NAS	HRB2124	\$500.00
100600	RIVERSIDE COUNTY Hearing Board Case No. 5903-1 City agrees to pay \$500/month for each month it operates the		203, 1470	4/12/2013	KCM	HRB2128	\$500.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
	subject engine in noncompliance until replacement engine is installed. Penalty period covers March 2013.						
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		4/9/2013	KCM	HRB2127	\$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	203, 1470		4/3/2013		HRB2126	\$2,000.00
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		4/16/2013		HRB2132	\$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		4/16/2013		HRB2133	\$2,000.00
165209	WESTCOAST PLATING, INC. Hearing Board Case No. 5840-1 Stipulated penalty until permits obtained for plating line.	201, 203		4/3/2013		HRB2125	\$1,000.00

TOTAL HEARING BOARD SETTLEMENTS: \$12,500.00

DISTRICT RULES AND REGULATIONS INDEX FOR APRIL 2013 PENALTY REPORTS

REGULATION I - GENERAL PROVISIONS

Rule 109 Recordkeeping for Volatile Organic Compound Emissions (*Amended 5/2/03*)

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 202 Temporary Permit to Operate (*Amended 5/7/76*)

Rule 203 Permit to Operate (*Amended 12/3/04*)

Rule 222 Filing Requirements for Specific Emission Sources Not Requiring a Written permit Pursuant to Regulation II. (*Amended 5/19/00*)

REGULATION III – FEES

Rule 314 Fees for Architectural Coatings

REGULATION IV - PROHIBITIONS

Rule 401 Visible Emissions (*Amended 9/11/98*)

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 1118 Emissions from Refinery Flares (*Adopted 2/13/98*)

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 1150.1 Control of Gaseous Emissions from Active Landfills (*Amended 3/17/00*)
- Rule 1173 Fugitive Emissions of Volatile Organic Compounds (*Amended 5/13/94*)
- Rule 1176 Sumps and Wastewater Separators (*Amended 9/13/96*)

REGULATION XIV - TOXICS

- Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (*Amended 4/8/94*)
- Rule 1415 Reduction of Refrigerant Emissions from Stationary Refrigeration and Air Conditioning Systems (*Amended 10/14/94*)
- Rule 1425 Film Cleaning and Printing Operations (*Adopted 3/16/01*)

- 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*)

REGULATION XXX - TITLE V PERMITS

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

CALIFORNIA HEALTH AND SAFETY CODE § 41700

- 41960.2 Gasoline Vapor Recovery