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2 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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SOUTH COAST AQMD
CLERK OF THE BOARDS

2026 JUL 10 P 4: 51

4 21865 Copley Drive
5 Diamond Bar, California 91765-0940
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Attorney for Petitioner
South Coast Air Quality Management District

7
8 **BEFORE THE HEARING BOARD OF THE**
9 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

10 **In the Matter of**

11 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

12 Petitioner,

13 vs.

14 HECTOR MARTINEZ ARMENDARIZ,
15 INDIVIDUALLY AND DBA INDUSTRY
BODY SHOP
16 [Facility ID No. 167722]

17 Respondent.

Case No. 6290-1

**PETITION FOR ORDER FOR
ABATEMENT**

District Rules 203(a), 109(c)(1)

Hearing Date: August 5, 2026
Time: 9:30 AM
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

18 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, (hereinafter referred to as
19 "District" or "Petitioner") petitions the District Hearing Board for an Order for Abatement directed
20 to Respondent HECTOR MARTINEZ ARMENDARIZ, individually and dba INDUSTRY BODY
21 SHOP (hereinafter referred to as "Respondent"). The District alleges as follows:

22 1. Petitioner is a body corporate and politic established and existing pursuant to Health
23 and Safety Code §40000, *et seq.* and §40400, *et seq.*, and is the sole and exclusive local agency with
24 the responsibility for comprehensive air pollution control in the South Coast Basin.

25 2. Respondent, is an individual doing business as Industry Body Shop is within South
26 Coast AQMD's jurisdiction and is subject to South Coast AQMD rules. Respondent operates an auto
27 repair shop located at 257 Turnbull Canyon Rd., City of Industry, California 91745, Facility ID#
28 167722 (hereinafter "Facility").

1 3. Respondent operates a paint spray booth at the Facility, which causes the issuance of
2 Volatile Organic Compounds (“VOCs”) into the atmosphere.

3 4. **District Rule 203(a)** requires that a permit be obtained from the District’s Executive
4 Officer to operate or use any equipment which causes or controls the issuance of air contaminants
5 into the atmosphere.

6 5. Respondent is currently in violation of District Rule 203(a) for not having a permit
7 to operate their paint spray booth.

8 6. The Facility’s paint spray booth and its associated air pollution control system had
9 been previously permitted (P/O# G13809) in May 2011. However, that permit went inactive and
10 nonrenewable due to Respondent’s failure to pay required renewal fees and apply for a new permit.
11 Permit to Operate #G13809 went into inactive status on December 18, 2012, and that permit could
12 not be reinstated.

13 7. On December 20, 2018, District Inspector Alemayehu Solomon conducted a
14 compliance inspection of Respondent’s Facility and observed the paint spray booth prepared for
15 operation. There, Inspector Solomon met with the owner, Hector Armendariz, and issued a Notice
16 to Comply (NC #E46613), instructing the Facility to obtain an active permit to operate for their paint
17 spray booth. A true and correct copy of NC #E46613 is attached hereto as **Exhibit 1**.

18 8. On April 4, 2019, Inspector Solomon conducted a follow up inspection on NC
19 #E46613. There, Mr. Armendariz informed the inspector that he had not obtained a permit but would
20 go to the South Coast AQMD that day to speak to someone regarding the paint spray booth.

21 9. On June 4, 2019, Inspector Solomon conducted another follow up inspection of
22 Respondent’s Facility and observed the paint spray booth prepped for operation. After speaking with
23 Mr. Armendariz and checking the District’s database, Inspector Solomon determined that a new
24 application was still not filed, despite the paint spray booth being in active operation since the
25 previous permit expired. Inspector Solomon issued and personally served Notice of Violation
26 (“NOV”) P65876 for operating equipment without a valid permit to operate. A true and correct copy
27 of NOV P65876 is attached hereto as **Exhibit 2**.

28 10. On or around December 12, 2024, another District inspector, Andrea Barlow,

1 conducted a compliance inspection of Respondent's Facility. There, Inspector Barlow observed the
2 paint spray booth prepared for operation without a valid permit. Mr. Armendariz stated that the paint
3 spray booth was last used two days prior, on December 10, 2024. Inspector Barlow discussed with
4 Mr. Armendariz how the Facility could return to compliance by obtaining a valid permit.

5 11. Inspector Barlow then issued NOV P75638 to Respondent for violating Rule 203(a)
6 for operating a paint spray booth without a valid permit to operate. A true and correct copy of NOV
7 P75638 is attached hereto as **Exhibit 3**. The inspector personally served NOV P75638 to Mr.
8 Armendariz.

9 12. Respondent continues to operate its spray booth without obtaining a valid permit to
10 operate.

11 13. **District Rule 109(c)(1)** requires that businesses using coatings or other substances
12 which contain and/or emit regulated air contaminants keep records of the type and quantity of the
13 substances used for the last two years. Such records must be provided to the District upon request.

14 14. As part of Inspector Barlow's inspection on or around December 12, 2024, she
15 requested copies of Respondent's VOC usage records for coatings and solvents used at the Facility.

16 15. Respondent was unable to produce any VOC usage records and Inspector Barlow
17 cited a violation of Rule 109(c)(1) as part of NOV P75638. See Exhibit 3.

18 16. The District is informed and believes, and thereon alleges, that Respondent is in
19 ongoing violation of District Rule 109(c)(1).

20 17. Numerous additional attempts from both the District's Compliance Division and the
21 General Counsel's Office have failed to resolve the ongoing violation. To date, Respondent has
22 neither submitted an application to obtain the required permit, nor produced records of coatings and
23 solvents used at his business.

24 18. The District is informed and believes, and thereon alleges, that Respondent is and
25 will be operating in ongoing violation of District Rule 203(a) until a permit to operate is obtained.

26 **Request for An Order for Abatement under Regulation VIII**
27 **and Health and Safety Code § 42451**

28 19. The District, by this petition, seeks an Order for Abatement to require Respondent to

1 comply with Rule 203(a), by discontinuing the operation of the paint spray booth at the Facility, or
2 in the alternative, comply with District Rule 203(a).

3 20. It is not unreasonable to require Respondent to comply with District rules and
4 regulations.

5 21. The issuance of an Order for Abatement upon a fully noticed hearing would not
6 constitute a taking of property without due process of law.

7 22. This Order for Abatement is not intended to be, nor does it act as a variance.

8 23. The issuance of the requested Order for Abatement is not expected to result in the
9 closing or elimination of an otherwise lawful business, but if it does result in such closure or
10 elimination, it would not be without a corresponding benefit in reducing air contaminants.

11 24. It is the District's intention to file proposed Findings and Decision in advance of the
12 hearing.

13 WHEREFORE, the District requests an Order for Abatement as follows:

14 1. That this Hearing Board issue an Order for Abatement requiring Respondent to cease
15 and desist from operating its paint spray booth in a manner which violates District Rules 109(c)(1)
16 and 203(a), or, in the alternative, to comply with such conditions as the Board deems appropriate.

17 2. For such other and further relief that this Board deems just and proper.

18 Dated: July 10, 2026

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

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By: Nathan Wong

Nathan Wong
Deputy District Counsel
Attorney for Petitioner

EXHIBIT 1



South Coast Air Quality Management District
21865 COPLEY DR., P.O. Box 4941, DIAMOND BAR, CA 91765-0941

NOTICE TO COMPLY

12/20/2018

DATE OF INSPECTION

Facility Name:	Industry Body Shop, Hector Armandariz		Facility ID#:	167722	Sector:	CH
Location Address:	257 Turnbull Canyon Road		City:	City of Industry	Zip:	91745
Mailing Address:	257 Turnbull Canyon Road		City:	City of Industry	Zip:	91745

This Notice to Comply is being issued to:

- ☐ Request additional information needed to determine compliance with clean air requirements.
☒ Correct a minor violation found during an inspection.

Failure to respond or take corrective action, or providing false statements in response to this Notice to Comply can lead to issuance of a Notice of Violation pursuant to the California Health and Safety Code. The facility cited above is subject to re-inspection at any time to ensure compliance.

YOU ARE HEREBY DIRECTED TO COMPLY WITH:

#	AQMD RULE CALHHS CODE	REQUIREMENT	COMPLIANCE DUE DATE	COMPLIANCE ACHIEVED DATE
1	203(a)	Apply for an air quality permit for your paint spray booth; provide me with a copy of any receipts you obtain from the SCAQMD once you apply and pay the required fees.	1-3-2019	-not achieved NOV 16 2018 issued
2				12/16/2018
3				
4				
5				
6				

Served To:	Hector Armandariz		Served By:	Nemryeh Soliman				
Title:	Owner		Date Served:	12-20-2018	Phone:	909.378.0539	Fax:	
Email Address:	Phone: 626.330.649		Email Address:	asoliman	@aqmd.gov	Forms/Applications/Info available at: www.aqmd.gov		

Instructions:

- For each minor violation cited above, compliance shall be achieved by the compliance deadline specified for that particular violation.
- Within 5 working days of achieving compliance for each respective violation, the owner/responsible officer of the cited facility must complete and return a signed copy of this Notice to Comply to the South Coast Air Quality Management District at the address listed above.
- Please copy and return this Notice to Comply as many times as necessary to provide the required information. On each copy, include the date on which compliance was achieved. Date, sign, and send all completed copies to the attention of the inspector named above.

I hereby certify that the facility cited in this Notice to Comply has achieved compliance with the requirements listed above.

NAME OF OWNER/RESPONSIBLE OFFICIAL	TITLE	SIGNATURE	DATE
			6/4/14

NOTICE#: E 46613

FILE COPY (Blue) FACILITY COPY (Gold) INSPECTOR COPY (White)

6/4/14

Fac ID#: 167722	Date NC Entered: 12-20-2018	Entered By: Alejandro Salomon
Follow-up Insp. Date: 6-4-2019	Follow-up Inspector: Alejandro Salomon	Date Entered: 6-4-2019
Status: ☐ In-Compliance ☒ Notice of Violation ☐ Variance		
Comment: - Inactive NR on 12-18-2012, per PHAD system, needs F/U inspection, NOV # 165876 issued pursuant to standard rule 203(a).		

EXHIBIT 2



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 65876

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
6	13	2014

Facility Name: <i>Industry Body Shop, Hector Armendariz</i>		Facility ID: <i>167722</i>	Sector: <i>CH</i>
Location Address: <i>257 Turnbull Canyon Road</i>		City: <i>City of Industry</i>	Zip: <i>91745</i>
Mailing Address: <i>257 Turnbull Canyon Road</i>		City: <i>City of Industry</i>	Zip: <i>91745</i>

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	☒ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR	203(a)			<i>Operation of a paint spray booth without a valid permit to operate.</i>
2	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR				
3	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR				
4	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR				
5	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR				

Served To: <i>Hector Martinez Armendariz</i>	Phone: <i>626.639.4456</i>	Served By: <i>Hector Martinez Armendariz</i>	Date Notice Served: <i>6-4-2014</i>
Title: <i>Owner</i>	Email:	Phone No: ☒ 909-396-3256 ☐ 310-233-	Email: <i>a.solomon @ aqmd.gov</i>

*Key to Authority Abbreviations: SCAQMD - South Coast Air Quality Management District CCR - California Code of Regulations	CH&SC - California Health and Safety Code CFR - Code of Federal Regulations	Method of Service: ☒ In Person ☐ Certified Mail
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ORIGINAL

What is a Notice of Violation?

A Notice of Violation is issued by an SCAQMD Air Quality Inspector to inform a business that a failure to comply with one or more applicable federal, state, and/or local (SCAQMD) air pollution rules and regulations or legal requirements is being alleged.

What happens when I receive a Notice of Violation?

If you are operating in violation of one or more applicable federal, state, and/or local (SCAQMD) air pollution rules and regulations or legal requirements, each day or part of a day that you operate in violation is considered a separate violation even if only one Notice of Violation has been issued. Continuing to operate in violation may subject you to substantial civil or criminal penalties. **It is in your best interest to resolve any compliance problem immediately before you resume operation.**

What if I need to continue to operate the equipment named in the Notice of Violation?

If continued operation of equipment cited in the Notice of Violation is necessary, you may be able to obtain a variance from SCAQMD's Hearing Board. A **variance** is an administrative order that allows a company to continue operating without penalties while it takes appropriate steps to meet air pollution control requirements. Proof of specific legal circumstances must be provided before a variance can be granted. Timeliness in seeking such relief will be considered by the Hearing Board. Additional information concerning variances can be found in California Health & Safety Code §§ 42350-42359.5 and at <http://www.aqmd.gov/home/about/hearing-board>.

During a hearing for a variance, you may be represented either by yourself or by your attorney or consultant. You will have the opportunity to present evidence and testimony, and to cross-examine any SCAQMD witness.

If you fail to comply with any order of the Hearing Board, you may be subject to additional civil or criminal penalties set forth in California Health & Safety Code §§ 42400 *et seq.* and 42402 *et seq.*

How are Notices of Violation resolved?

The SCAQMD General Counsel's office reviews each alleged violation and, based on the facts, determines how best to resolve the allegation. Options available to the General Counsel's office include:

• Minor Source Penalty Assessment Program

Certain Notices of Violation may be eligible for resolution through SCAQMD's Minor Source Penalty Assessment Program if they are issued to a minor source or for violations other than emitting air toxics or creating a public nuisance involving injury or property damage.

If your case is handled by this program, you will receive a letter or phone call from an investigator in the SCAQMD General Counsel's office offering to settle your violation. Settlement terms usually call for a penalty payment and written proof of current compliance. The investigator's name and telephone number are included in the initial settlement letter in the event you would like to discuss the case.

Be prepared to describe any facts about the violation that you believe SCAQMD should know in considering your case. Sharing your knowledge of the facts, possible causes for the violation and plans to avoid future violations will help the investigator arrive at an appropriate disposition. **Be sure to respond by the date indicated in the letter to avoid further legal action.**

If the Minor Source Penalty Assessment Program fails to result in a settlement, your Notice of Violation may be referred to an SCAQMD attorney and handled under the procedures for Civil Prosecution or resolved through a Small Claims Court.

• Civil Prosecution

If your case is handled as a civil matter, it will be reviewed by an attorney from the SCAQMD General Counsel's office, who will typically make first contact with you through a letter that asks for information about your case. If the allegations in the Notice of Violation cannot be informally resolved, the SCAQMD is authorized to file a civil lawsuit in court to recover civil penalties. In cases involving serious harm or danger, however, SCAQMD may immediately commence a legal action for civil penalties and a court-ordered injunction. A **mandatory injunction** is a court order compelling a person and/or company to take specific action. A **prohibitory injunction** is a court order compelling a person and/or company to refrain from taking a specific action. Injunctions, which may even lead to shutting down a business, may be sought by SCAQMD to prevent continuing or serious violations or damages from occurring.

• Criminal Prosecution

If SCAQMD determines that criminal prosecution is appropriate, the case will be referred to the appropriate state or federal law enforcement agency. That agency will determine if criminal prosecution is warranted.

Civil and Criminal Penalties

Penalties are determined by California Health & Safety Code §§ 42400 *et seq.* and 42402 *et seq.*

Available Resources

You can obtain SCAQMD Rules, permit application forms, and detailed information about SCAQMD and the Hearing Board using the resources provided below:

Contact Numbers	Useful Links
General Information:	
SCAQMD Headquarters General Number (909) 396-2218	About SCAQMD Enforcement Authority http://www.aqmd.gov/home/about/authority/enforcement
General Counsel's Office (909) 396-3400	Compliance Notices http://www.aqmd.gov/home/regulations/compliance/compliance-notices SCAQMD Rules http://www.aqmd.gov/home/regulations/rules
Obtaining Permit or Billing Information:	
Small Business Assistance (800) 388-2121	Getting Permits http://www.aqmd.gov/home/permits
Permit Information (909) 396-2468	Permit Forms http://www.aqmd.gov/home/permits/permit-application-forms
Billing Services (866) 888-8838 (909) 396-2900	Permitting Fees http://www.aqmd.gov/home/permits/fees
Variances:	
Clerk of the Hearing Board (909) 396-2500	The Hearing Board http://www.aqmd.gov/home/about/hearing-board

EXHIBIT 3



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 75638

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month	Day	Year
12	12	2024

Facility Name INDUSTRY BODY SHOP, HECTOR ARMENDARIZ		Facility ID# 167722	Sector CH
Location Address 257 TURNBULL CANYON RD		City CITY OF INDUSTRY	Zip 91745-1008
Mailing Address 257 TURNBULL CANYON RD		City CITY OF INDUSTRY	Zip 91745-1008

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DESCRIPTION OF VIOLATIONS

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1	☒ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR	203(a)		_____	<u>OPERATING A SPRAY BOOTH WITHOUT A VALID PERMIT TO OPERATE</u>
2	☒ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR	109 (c)(1)		_____	<u>FAILURE TO MAINTAIN VDC RECORDS</u>
3	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR			_____	
4	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR			_____	
5	☐ SCAQMD ☐ CH&SC ☐ CCR ☐ CFR			_____	

Served To HECTOR ARMENDARIZ		Phone 626-639-4456	Served By ANDREA BARLOW	Date Notice Served 12/12/24
Title OWNER	Email	Phone No. ☒ 909-396-3558 ☐ 310-233-	Email abarlow	@aqmd.gov

*Key to Authority Abbreviations:

SCAQMD - South Coast Air Quality Management District
CCR - California Code of Regulations

CH&SC - California Health and Safety Code
CFR - Code of Federal Regulations

Method of Service

☐ In Person

☒ Certified Mail

ORIGINAL