

BOARD MEETING DATE: April 5, 2013

AGENDA NO. 17

REPORT: Civil Filings and Civil Penalties Report

SYNOPSIS: This reports the monthly penalties from February 1 through February 28, 2013, and legal actions filed by the District Prosecutor during February 1 through February 28, 2013. An Index of District Rules is attached with the penalty report.

COMMITTEE: Stationary Source, March 15, 2013, Reviewed

RECOMMENDED ACTION:
Receive and file this report.

Kurt R. Wiese
General Counsel

KRW:lc

Violations

Civil Actions Filed

3	ORCHARD SUPPLY HARDWARE Los Angeles Superior Court – Central Court Case No. BC499404; Filed: 2.1.13 (NAS) P57614, P57622, P55495 R. 1113 - Architectural Coatings Rule 1470 - Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines
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3 Violations

1 Case Filed

Attachments
February 2013 Penalty Report
Index of District Rules and Regulations

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
District Prosecutor's Office**

February 2013 Penalty Report

Total Penalties

Civil Penalties:	\$288,900.00
MSPAP Penalties:	\$42,875.00
Hearing Board Penalties:	\$53,000.00

Total Cash Penalties:	\$384,775.00
Total SEP Value:	\$0.00

Fiscal Year through February 2013 Cash Total:	\$6,421,659.37
Fiscal Year through February 2013 SEP Value Only Total:	\$1,176,661.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
<u>CIVIL PENALTIES:</u>							
163928	ADVANTAGE INKS	1130		2/22/2013	KCM	P58036	\$1,800.00
107884	ALLIANCE ENVIRONMENTAL GROUP INC	1403		2/20/2013	NSF	P55911	\$10,000.00
140373	AMERESCO CHIQUITA ENERGY LLC	3004		2/6/2013	MJR	P59573	\$5,500.00
21598	ANGELICA TEXTILE SERVICES	2004	Y	2/17/2013	NSF	P55665	\$1,500.00
800286	ARCO TERMINAL SERVICES CORP	221, 462, 3002		2/19/2013	JMP	P51978	\$4,600.00
9668	DELUXE LABORATORIES	3003, 3004		2/5/2013	NAS	P49296	\$8,000.00
166581	ESPINOZA CONSTRUCTION	1403		2/1/2013	JMP	P53076	\$2,200.00
146509	J & J OIL, INC. Small Claims filing.	461 (E) (1) 461		2/1/2013	NSF	P57011 P56762	\$800.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
128654	M FOR K INC/ARCO AM/PM Small Claims filing.	41960.6 461(C)(2)(B) 461, 41960.2 461(C)(2)(B) 461 (E) (1) 203 (A)		2/5/2013	PH3	P56146 P56149 P57014 P57005	\$1,000.00
168252	MING MANAGEMENT INC.	1403 1403 1403		2/5/2013	NSF	P53970 P53969 P53968	\$11,000.00
139733	OIL OPERATORS BELL LEASE	203 (B)		2/18/2013	NSF	P56965	\$14,500.00
166564	ORANGE AUTO DETAIL	109, 1171, 1151(E)(1)		2/6/2013	NSF	P53692	\$1,500.00
165816	RIVERSIDE MAGNUM RANGE INC Small Claims filing.	203 (B)		2/13/2013	PH3	P55909	\$500.00
140518	SHAN COR Settlement includes one year civil probation commencing on 3.1.13 through 2.28.14 whereas no violations of Rule 461 shall occur while conducting any fuel storage and dispensing facility performance reverification tests within the District's jurisdiction.	461		2/21/2013	NAS	P58116	\$1,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
800330	THUMS LONG BEACH	203 (A) 2004 1173 1176(E)(1) 1173 1176(E)(1) 1173, 2004(F)(1) 1176(E)(1)	Y	2/1/2013	JMP	P37224 P59154 P52612 P52616 P52611 P52615 P52613 P52614	\$217,000.00
43436	TST, INC.	3004(A)(4)	Y	2/1/2013	NSF	P56312	\$1,000.00
115130	VERTIS, INC	2004	Y	2/19/2013	NAS	P52184	\$3,000.00
171117	WESTCORE ALTON LLC	203 (A)		2/8/2013	NAS	P58874	\$4,000.00
TOTAL CIVIL SETTLEMENTS: \$288,900.00							
MSPAP SETTLEMENTS:							
135080	7ELEVEN INC #32938/NAVDEEP BASS	203 (B)		2/27/2013		P59881	\$420.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
168158	AMERICA OIL CO, INC., #3 DBA RAF	41960.2 461(C)(2)(B)		2/1/2013		P59132	\$900.00
121862	APRO OIL #11, APRO LLC	461(C)(2)(B) 41960.2		2/21/2013		P59975	\$1,050.00
147675	ARCO #06131/KHANH & VIVIAN NGUYE	461		2/21/2013		P59130	\$1,150.00
159666	ARCO FAC#09631HARSICO, LLC	203(B), 461		2/21/2013		P59240	\$500.00
130550	ARCO FACILITY #00108RADA ENTERP	461(C)(1)(A)		2/26/2013		P56793	\$890.00
169323	CIRCLE K STORES, WARNER SVCS INC	461		2/6/2013		P59968	\$650.00
113647	CITY OF SOUTHGATE WATER DEPT	203 (B)		2/20/2013		P56295	\$410.00
171379	CONSERVE LANDCARE	203(A)		2/13/2013		P59256	\$550.00
139335	COUNTRY HILLS INC	461(C)(2)(B) 41960.2		2/20/2013		P59972	\$630.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
170607	D.J. GUNITE, INC.	203(A)		2/5/2013		P59257	\$550.00
128278	DELAMO PETROLEUM	41960.2 461(C)(2)(B)		2/1/2013		P59131	\$990.00
69079	DORAL PALM SPRINGS RESORT	203, 1470		2/20/2013		P60016	\$960.00
76581	EASTERN MUNICIPAL WATER DISTRICT	1110.2		2/15/2013		P61156	\$1,100.00
79044	EL DORADO COUNTRY CLUB	461		2/21/2013		P60007	\$800.00
127568	ENGINEERED POLYMER SOLUTION, VAL	3002(C)(1)		2/21/2013		P59603	\$1,275.00
163177	FLEETWOOD HOMES, INC.	3002(C)(1)		2/15/2013		P58073	\$825.00
168194	FOOTHILL RANCH CARWASH	203 (B) 461(C)(2)(B)		2/19/2013		P59880	\$1,250.00
133720	FOOTHILL TRANSIT	203 (B), 1110.2		2/26/2013		P57674	\$1,600.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
133720	FOOTHILL TRANSIT	203 (B), 1110.2		2/26/2013		P57677	\$1,600.00
119316	G & S PARTNERSHIP	461, 41960.2		2/26/2013		P58536	\$850.00
146223	GOLDEN STATE PETROLEUM INC	203 (A)		2/13/2013		P58399	\$800.00
156018	GOOD SHEPHERD CEMETERY	461 (E) (2)		2/26/2013		P58261	\$1,600.00
143377	HERTZ EQUIPMENT RENTAL	461 (E) (2)		2/26/2013		P59651	\$2,250.00
145774	INDIAN RIDGE COUNTRY CLUB INC	461		2/21/2013		P60004	\$800.00
171271	KAISER F NORRIS	208 444		2/13/2013		P49601 P49602	\$2,750.00
139800	KAISER PERMANENTE/INDEPENDENCE P	1146.1		2/26/2013		P57277	\$4,500.00
161566	LA MODEE CLEANERS	201, 203, 1102		2/7/2013		P57974	\$750.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
171412	LAKEWOOD 76	203		2/27/2013		P59128	\$1,000.00
2493	MACY'S LOS CERRITOS MALL #49	203 (A)		2/20/2013		P59352	\$1,000.00
158779	NEWPORT C STORE & CARWASH, S RAH	203 (B), 41960.2 461(C)(2)(B)		2/19/2013		P59876	\$4,675.00
147091	PMB SPE SANTA CLARITA	1415		2/20/2013		P56888	\$1,000.00
17911	RIVERSIDE COMMUNITY COLLEGE DIST	461 (E) (2)		2/6/2013		P57138	\$600.00
138635	S/M TEXACO,S. FUEL, LLC, DBA	461(E)(2)(C)		2/15/2013		P59959	\$750.00
172307	SAN FERNANDO POST ACUTE HOSPITAL	203 (A)		2/6/2013		P57567	\$550.00
58670	SAN JUAN SERVICE	203 (B), 461		2/12/2013		P59875	\$400.00
172143	THE PALAZZO AT PARK LA BREA/AIMC	203 (A)		2/1/2013		P53944	\$500.00

TOTAL MSPAP SETTLEMENTS: \$42,875.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
HEARING BOARD SETTLEMENTS:							
24006	CAL STATE UNIVERSITY OF LOS ANGELES Hearing Board Case No. 5926-1 Civil penalties for failing to submit a District application for a Permit to Construct for boiler.	1146		2/20/2013	NAS	HRB2111	\$1,500.00
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 component coatings VOC limit and for operating the spraybooth in compliance of District Rule 1145.	1145		2/14/2013	NAS	HRB2106	\$2,500.00
24209	GEORGE INDUSTRIES Hearing Board Case No. 5905-2 Commencing 1.10.13, George Industries agrees to pay \$200/day for every day it operates RAMCO oven until it is brought into compliance. Penalty covers five days in January 2013.	1147		2/8/2013	NAS	HRB2104	\$1,000.00
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 under Stipulated Order for Abatement. Penalty period covers February 2013.	203, 3002		2/5/2013	KCM	HRB2103	\$1,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
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 under Stipulated Order for Abatement. Penalty period covers March 2013.	203, 3002		2/26/2013	KCM	HRB2115	\$1,000.00
49572	KAISER FOUNDATION HOSPITAL Hearing Board Case No. 4957-2 Penalty for operation of two standby boilers.	1146		2/20/2013	KCM	HRB2110	\$2,500.00
49111	SUNSHINE CANYON LANDFILL Hearing Board Case No. 3448-13 Settlement agreement states BFI agrees to pay sum of \$2,500/month for the ongoing of the facility temporary flare. Penalty is for January, February and March 2013.	402 1150		2/13/2013	NAS	HRB2105	\$7,500.00
800263	U.S. GOVT, DEPT OF NAVY Hearing Board Case No. 4518-7 Penalty for the installation and operation of four arresting gear engines without valid permits at the San Clemente Island Naval.	201, 203, 3002		2/1/2013	KCM	HRB2098	\$4,000.00
800026	ULTRAMAR INC (NSR USE ONLY) Hearing Board Case No. 3845-85 Penalties for the Wilmington Alkylation Unit are: \$10,000 for the FCCU; \$5,000 for failing to conduct the 2012 source test; \$1,000 for 15 minute shutdown CO emissions and an additional \$5,000 for shutdown and startup flaring during January 2013.		Y	2/14/2013	KCM	HRB2108	\$21,000.00

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	1470 203		2/1/2013	NAS	HRB2099	\$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	1470 203		2/19/2013	NAS	HRB2109	\$3,000.00
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	1470 203		2/22/2013	NAS	HRB2112	\$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	1470, 203		2/22/2013	NAS	HRB2113	\$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.			2/22/2013	NAS	HRB2114	\$1,000.00

FAC ID	COMPANY NAME	RULE NUMBER	RECLAIM ID	SETTLED DATE	ATTY INT	NOTICE NO	TOTAL SETTLEMENT
167392	VICTORY 76, KBS INVESTMENTS, INC Collection by Small Claims filing.	461		2/5/2013	PH	HRB2101	\$1,000.00
165209	WESTCOAST PLATING, INC. Hearing Board Case No. 5840-1 Stipulated penalty until permit is obtained for plating line.	201 203 1469		2/1/2013	JMP	HRB2100	\$1,000.00
171117	WESTCORE ALTON LLC Hearing Board Case No. 5925-1 Beginning 1.11.13, Westcore shall pay the District the sum of \$1,000/month for each month it operates the boiler in noncompliance of District Rules.	203		2/15/2013	NAS	HRB2107	\$1,000.00

TOTAL HEARING BOARD SETTLEMENTS: \$53,00.00

DISTRICT RULES AND REGULATIONS INDEX FOR FEBRUARY 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 203 Permit to Operate (*Amended 12/3/04*)
Rule 208 Permit for Open Burning (*Amended 1/5/90*)
Rule 221 Plans (*Adopted 1/4/85*)

REGULATION IV - PROHIBITIONS

Rule 402 Nuisance (*Adopted 5/7/76*)
Rule 444 Open Fires (*Amended 10/2/87*)
Rule 461 Gasoline Transfer and Dispensing (*Amended 6/15/01*)
Rule 462 Organic Liquid Loading (*Amended 5/14/99*)

REGULATION X - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1102 Petroleum Solvent Dry Cleaners (*Amended 11/17/00*)
Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines (*Amended 11/14/97*)
Rule 1130 Graphic Arts (*Amended 10/8/99*)
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 1147 NOx Reductions from Miscellaneous Sources
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*)

- Rule 1171 Solvent Cleaning Operations (*Amended 10/8/99*)
- 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 1469 Hexavalent Chromium Emissions From Chrome Plating and Chromic Acid Anodizing Operations (*Adopted 10/9/98*)
- Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition 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*)
- Rule 3003 Applications
- Rule 3004 Permit Types and Content

CALIFORNIA HEALTH AND SAFETY CODE § 41700

- 41960 Gasoline Vapor Recovery