

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2017-7396

Salvador Martinez Robles dba
Empresas Robles Transport
736 Aurora Drive
El Centro, CA 92243

CONSENT ORDER

Health and Safety Code
Section 25187

Respondent.

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Salvador Martinez Robles dba Empresas Robles Transport (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent is a general freight and motor vehicle carrier and is located at the following address: 736 Aurora Drive, El Centro, California 92234 (Site).

1.3. Inspection. The Department inspected the Respondent's shipment of salvage vehicles being exported to Mexico at the U.S Customs & Border Protection, Calexico East Port of Entry, Imperial County, on April 27, 2017.

1.4. Authorization Status. Respondent is a general freight and motor vehicle carrier regulated by the U.S Department of Transportation.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement

issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATION(S) ALLEGED

2.1. The Department alleges the following violation(s):

2.1.1. Respondent violated California Code of Regulations, title 22, section 66263.16(a), in that Respondent shipped salvage vehicles on a trailer not designed and constructed, and its contents so limited, that under conditions normally incident to transportation, there shall be no release of hazardous waste to the environment. Salvage vehicles released spent antifreeze and used oils, Non-RCRA hazardous waste, on to the trailer and concrete floor at the US Customs & Border Protection, Calexico East Port of Entry, Imperial County.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66263.31 in that Respondent failed to clean up spent antifreeze and used oils, Non-RCRA hazardous waste, that discharged from salvaged vehicles during transportation on to the concrete floor at the US Customs & Border Protection, Calexico East Port of Entry, Imperial County.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall ensure that each truck, trailer, semitrailer, vacuum tank, cargo tank or container used for shipping shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation, there shall be no release of hazardous waste to the environment.

3.1.2. Respondent shall immediately clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers,

trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$5,100.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment

Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:


Carlo Rodriguez
Unit Chief
Enforcement & Emergency Response Division
Department of Toxic Substances Control
2375 Northside Drive, Suite 100
San Diego, California 92108

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

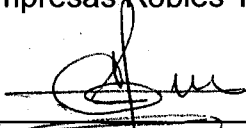
6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 3-22-18



Salvador Martinez Robles, Owner
Empresas Robles Transport

Dated: 3/22/2018



Carlo Rodriguez, Unit Chief
Enforcement & Emergency Response Division
Department of Toxic Substances Control

PAYMENT VOUCHER

Docket No.: HWCA 2017-7396

Respondent: Salvador Martinez Robles dba Empresas Robles Transport

ID No.: N/A

County: Imperial

Total Penalty: \$5,100.00

Penalty/Fine: \$5,100.00

Payment No.	Due Date	Amount Due
1	Within 30 days of the effective date of the Consent Order.	\$5,100.00

MEETING SIGN-IN SHEET

Project: Robles Trucking/DTSC Settlement Meeting

Meeting Date: 3/22/2018

Facilitator: Brittany Sheahan, DTSC

Place/Room: San Diego DTSC Field Office

Name	Title	Company	Phone	E-Mail
Brittany Sheahan	environmental Scientist	DTSC	619-516-1986	brittany.sheahan@dtsc.ca.gov
Carlo Rodriguez	Sup. ES	DTSC	619-405-2556	carlo.rodriguez@dtsc.ca.gov
Sk [unclear] P [unclear]	Emp [unclear] P [unclear]		760-455-1967	



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara Lee, Director
2375 Northside Drive, Suite 100
San Diego, California 92108



Edmund G. Brown Jr.
Governor

Robles Trucking/Department of Toxic Substances Control

AGENDA

March 22, 2018

2:00 PM

Purpose of Meeting: To apprise Robles Trucking of their progress within DTSC's enforcement process.

- ✓ 1. Introductions-Carlo
- ✓ 2. Discussion of Violations found during 2017 Inspection-Carlo
- ✓ 3. Penalty Determination-Carlo
4. Consent Order-Carlo
5. Q/A
6. Closing comments/Adjourn meeting