

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA SCUPA 2014 IM010

Robinson Ford Sales
1777 Imperial Avenue
Calexico, California 92250

CONSENT ORDER

Health and Safety Code
Section 25187

EPA I.D. CAL000056743

Respondent.

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) and Robinson Ford Sales (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, and in certain locations disposed in the past hazardous waste at the following site: 1777 Imperial Avenue, Calexico, Imperial County (Site).

1.3. Inspection. The Department inspected the Site on October 4, 2013 and January 7, 2014; and made several additional visits to examine the status of compliance.

1.4. Authorization Status. Respondent has a certificate to manage hazardous materials and hazardous waste at the Site.

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. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code 25250.5 (a), in that on or about October 4, 2013 and again on January 7, 2014, Respondent did cause the disposal of used oil, a California-regulated hazardous waste to the soil adjacent to the drum storage area.

2.1.2. Respondent violated Health and Safety Code 25201, in that on or about October 4, 2013 and again on January 7, 2014, Respondent did cause the disposal to the soil hazardous waste containing lead and cadmium.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66265.31 (f) in that on or about October 4, 2013 and again on January 7, 2014, Respondent failed to maintain and operate Respondents facility at three locations to minimize a release of a hazardous waste or hazardous waste constituents. Respondent

allowed the release of used oil into the secondary containment where a 550-gallon used oil container is stored; used transmission oil a California-regulated hazardous waste within the area where transmissions were being repaired; and, the area at and immediately adjacent to the drum storage area.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66265.173(a) in that on or about October 4, 2013 and again on January 7, 2014, for a total of two separate instances, Respondent failed to keep a combined total of at least 17 containers, of various sizes, closed except when adding or removing hazardous wastes.

2.1.5. Respondent violated California Code of Regulations, title 22, section 66262.34 (f) in that on or about October 4, 2013 and again on January 7, 2014, for a total of two separate instances, Respondent failed to place a hazardous waste label on a combined total of at least 29 containers of various sizes or include on the label all of the information required on each label.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall provide documentation to the satisfaction of the Department that all hazardous wastes disposed to the ground have been removed from the soil, managed as a California-regulated hazardous waste following all generator requirements, and disposed of at an authorized facility. This must be accomplished within 30-days of the effective date of this Order.

3.1.2. Respondent shall provide documentation to the satisfaction of the Department that all hazardous wastes disposed to the ground have been removed from

the soil, managed as a California-regulated hazardous waste following all generator requirements, and disposed of at an authorized facility. This must be accomplished within 30-days of the effective date of this Order.

3.1.3. The violation alleged in 2.1.3. has been complied with to the satisfaction of the Department.

3.1.4. The violation alleged in 2.1.4. has been complied with to the satisfaction of the Department.

3.1.5. The violation alleged in 3.1.5. has been complied with to the satisfaction of the Department.

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 a total penalty of \$19,000.00. \$10,000.00 shall be paid to the Department in two equal payments of \$5,000 each, one within 30-days of the effective date of this Order; the final payment of \$5,000 by September 30, 2015; a credit of \$1,000.00 for two of Respondents staff to attend a school approved by the Department that teaches hazardous materials and/or hazardous waste management training; and, the remaining \$8,000 shall be deferred provided Respondent shall have no Class I violations within one year of the effective date of this Order, as determined by a re-inspection at any time within one year of the effective date of this Order by the Department of the Respondents property located at 1777 Imperial Avenue, Calexico, Imperial County.

5.2. Respondent's check(s) for the penalty 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:

Roger Vintze
Branch Chief
DTSC Imperial CUPA
627 Wake Avenue
El Centro, California 92244

5.3. 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: 9-25-14

Original signed by Gary Robinson

Gary Robinson
Respondent

Dated: 9-25-14

Original signed by Roger Vintze

Roger Vintze
Department of Toxic Substances Control