

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA **2009 2067**

**TRI Products, Inc.**

5649 Peck Road  
Arcadia, CA 91006

CAR 000 190 363

CONSENT ORDER

Health and Safety Code  
Section 25187

Respondent.

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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and TRI Products, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste following site: 5649 Peck Road, Arcadia, California 91006, (Site).

1.3. Inspection. The Department inspected the Site on May 29, 2009.

1.4. Authorization Status. The Respondent notified the Department of its intent to operate as a Cathode Ray Tubes (CRT) material and Universal Waste Electronic Devices (UWED) handler under the requirements provided in California Code of Regulations, title 22, division 4.5, chapter 23 related to the treatment of CRTs and UWEDs.

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 violation 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 violation as alleged in Section 2 below.

## 2. VIOLATION ALLEGED

2.1. The Department alleges the following violation:

2.2 The Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (c)(1), and section 66273.83, subsection (d)(1)(A)(1) in that on or about May 29, 2009, Respondent failed to remove yoke without breaking the CRT glass.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth above.

3.1.2. 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 \$7,000.00, of which is a penalty.

5.2. Respondent shall pay to the Department a total of \$7,000.00 as a penalty. The payments shall be paid in three installments. The first installment of \$2,500.00 is due and payable on December 1, 2009, a second installment payment of \$2,500.00 is due and payable on April 1, 2010, and third installment payment of \$2,000.00 is due and payable on August 1, 2010. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If the Respondent is late in making two payments, or fails to make a full installment payment within (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalty due and owing. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.1. Respondent further agrees to pay all cost and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent hereunder. Respondent's checks shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher (see Exhibit 2).

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:

Mr. Robert Kou, Acting Performance Manager  
Enforcement and Emergency Response Program  
9211 Oakdale Avenue  
Chatsworth, California 91311

and

James J. Grace, Esq.  
Office of Legal Affairs  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

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: Sep 1, 2009

  
Signature of Respondent's Representative

KEN LAU / operations manager.  
Typed or Print Name and Title  
of Respondent's Representative

Dated: Sept 14, 2009

  
Robert Kou, Performance Manager  
Enforcement and Emergency Response  
Department of Toxic Substances Control