

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

TRI Products, Inc.
5649 N. Peck Road
Arcadia, California 91006

ID No. CAR000190363

Respondent.

Docket HWCA 2010-3188

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent manages electronic waste at two locations: Respondent treats, generates and recycles electronic waste at 5649 N. Peck Road, Arcadia, California, 91006 (Site 1), and accumulates electronic waste at 931 S. Azusa Ave. City of Industry, California, 91748 (site 2).

1.3. Inspection. The Department inspected Site 1 on January 19, 28, and February 4, 2011. The Department also inspected Site 2 on January 28 and February 11, 14, and 15, 2011.

1.4. Authorization Status. Respondent notified the Department to handle and treat cathode ray tubes (CRTs) and universal waste -- electronic devices (EDs).

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.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety, section 25201, to wit: On or about January 28, 2011, Respondent stored electronic waste at Site 2, a location not authorized by the Department to store electronic waste.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66273.34(d), (e) and (f), to wit: On or about January 19, 2011, Respondent failed to label or mark over 400 container holding CRT glass with the phrase "Universal Waste-CRTs" or "Universal Waste-CRT glass." This violation was observed at Site 1.

2.1.3. Respondent violated California Code of Regulations, title 22, section, 66273.35(b) and (b) (1), to wit: On or about January 19, 2011, Respondent failed to demonstrate the length of time containers, holding CRT glass, an universal waste, been accumulated at Site 1.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Effective immediately, Respondent shall not accumulate electronic waste at an unauthorized location without prior approval from the Department.

3.1.2. Effective immediately, Respondent shall label or mark each universal

waste container holding electronic waste with the phrase “Universal Waste-CRTs” or “Universal Waste-CRT glass”.

3.1.3. Effective immediately, Respondent shall demonstrate the length of time containers of waste electronic devices have been accumulated from the date the universal waste became a waste.

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 of Twelve Thousand Dollars (\$12,000.00) in administrative penalties, payable in four installments of Three Thousand Dollars (\$3,000.00) each, over six (6) months as noted below.

5.2. The first installment in the amount of Three Thousand Dollars (\$3,000.00) is due and payable on May 15, 2011. The Three (3) remaining installments are due and payable on or before: July 15, 2011, September 15, 2011, and November 15, 2011, respectively. Any installment payment that is received by the Department more than fifteen (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 payments, or fails to make a full installment payment within thirty (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalty immediately due and owing.

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:

Mukul Agarwal
Supervising Hazardous Substances Scientist
Enforcement & Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

and

Debra Schwartz,
Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

6. EFFECTIVE DATE

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

Dated: April 28, 2011

Original signed by Charles Li

TRI Products, Inc. -Respondent

Dated: May 3, 2011

Original signed by Mukul Agarwal

Mukul Agarwal, Unit Chief
Enforcement and Emergency Response
Department of Toxic Substances Control