

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Tung Tai Group, Inc.
1726 Rogers Avenue
San Jose, California 95112

ID No. CAL000220448

Respondent.

Docket No. HWCA 20081825

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department or DTSC) and Tung Tai Group, Inc., (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generated, handled, treated and stored universal waste (hazardous waste) at 1726 Rogers Avenue, San Jose, California 95112 (Site).
2. The Department inspected the Site on June 18, 2008, August 26, 2009, and September 2, 2009.
3. Authorization Status. Respondent notified DTSC on February 1, 2008, as a treater/recycler of electronic waste.
4. The Department alleges the following violations:
 - 4.1. On or about June 18, 2008, Respondent violated California Code of Regulations, title 22, section 66273.83(c)(1) because it failed to perform yoke removal activities without breaking the cathode ray tube (CRT) glass.
 - 4.2. On or about June 18, 2008, Respondent violated California Code of Regulations, title 22; A) section 66273.83(b)(1)(C) because it failed to ensure that

persons removing CRTs from CRT devices were thoroughly familiar with the techniques and safety precautions required to safely remove CRTs; B) section 66273.86(a), (b), (c) and (d) because it failed to demonstrate that employees were informed of proper handling and emergency procedures, failed to demonstrate that all employees received initial training, failed to provide annual update training for all employees, and failed to maintain training records. The failure to maintain training records for all employees is a repeat violation from an April 2007 inspection; and C) section 66273.16 because it failed to inform all employees who handle universal waste of the proper handling and emergency procedures appropriate to the type of universal waste handled. On or about August 26, 2009, Respondent violated California Code of Regulations, title 22, section 66273.36, because it failed to ensure all personnel received required training.

4.3. On or about June 18, 2008, Respondent violated California Code of Regulations, title 22; A) sections 66273.85(b) and 66273.15(c) because it failed to demonstrate the accumulation start date for containers and pallets of CRTs, CRT devices and universal waste electronic devices (UWEDs). The UWED portion is a repeat violation from an April 2007 inspection; B) sections 66273.84 and 66273.14(d) and (d)(1) because it failed to properly label or mark containers or pallets of CRTs, CRT devices and UWEDs. These were repeat violations from an April 2007 inspection. On or about August 26, 2009, Respondent violated California Code of Regulations, title 22, section 66273.35(b), because it failed to demonstrate the length of time a pallet of universal waste batteries, and pallets and containers of universal waste electronic devices had been accumulated. The

electronic devices portion is a repeat violation from DTSC's 2007 and 2008 inspections.

4.4. On or about June 18, 2008, Respondent violated California Code of Regulations, title 22, sections 66273.83(a)(2) and (c)(7) because it failed to conduct treatment over or in a containment device sufficient in size and construction to contain any CRT glass that may have been released during yoke removal, and failed to immediately clean up and place in a container any CRT material that was broken.

4.5. On or about June 18, 2008, Respondent violated California Code of Regulations, title 22, sections 66273.90(a) and 66273.20(d) because it failed to submit its export notification to the Certified Unified Program Agency (CUPA).

4.6. On or about August 26, 2009, Respondent violated California Code of Regulations, title 22, sections 66273.33.5(a)(1)(B)(1) and (b)(1)(B)(1) because it failed to contain all electronic devices and CRTs in containers that were structurally sound.

4.7. On or about August 26, 2009, Respondent violated California Code of Regulations, title 22, section 66273.72(c)(2)(C)(7) because it failed to maintain aisle space in compliance with applicable California fire safety code standards.

4.8. On or about August 26, 2009, Respondent violated California Code of Regulations, title 22, sections 66273.32(c)(3) and (d)(1) because it failed to submit notifications and annual reports for 2008 collection events.

4.9. On or about August 26, 2009, Respondent violated California Health and Safety Code, section 25205.16(c) because it failed to provide information to

the Department required by the 2008 Verification Questionnaire, rendering Respondent's identification number as suspended/inactive.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations. This order resolves all listed violations from the inspections conducted on June 18, 2008, August 26, 2009 and September 2, 2009 at the subject facility.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. Respondent shall make all payments at the time and in accord with any other conditions set forth in Section 10 (Payments) below.

9.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Bill Brown
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710

9.3. Liability: Nothing in this Consent 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 Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.4. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 11.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

PAYMENTS

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$40,500 in penalties. Respondent's check shall be made payable to Department of Toxic Substances Control, identify the Respondent and Docket Number, as shown in the caption of this document, and shall be delivered together with the attached Payment Voucher to:

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

A photocopy of the check shall be sent:

To: Bill Brown
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710

and

To: Robert Sullivan, Senior Staff Counsel
Office of Legal Counsel, MS 23A
Department of Toxic Substances Control
1001 I Street
Sacramento, California 95812

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.

OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

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

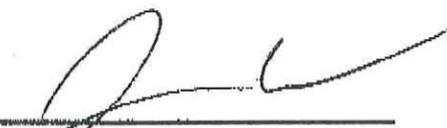
11.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

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

11.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

11.7 This order may be signed in counterparts.

Dated: 2-23-13



Respondent
John Chen on behalf of Tung Tai Group, Inc.
Executive Vice President
Tung Tai Group

Dated: 2-27-13



Rick Robison
Supervising Hazardous Substances Scientist
Department of Toxic Substances Control