



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 29 2008

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Receipt #: 7001 0320 0006 0185 1338

Ashok Patel
President
Sunrise Electronics, Incorporated
130 Martin Lane
Elk Grove Village, Illinois 60007

Re: Consent Agreement and Final Order
Sunrise Electronics, Incorporated
Docket No: **RCRA-05-2007-0013**

Dear Mr. Patel:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on JUL 29 2008, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$56,720.55 in the manner prescribed in paragraph(s) 11 through 14 of the CAFO, and reference all checks with the number 2750859R004 and docket number **RCRA-05-2007-0013**. Your payments are due in accordance with Exhibit A of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*.

Thank you for your cooperation in resolving this matter.

Sincerely,

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency (w/CAFO)
Honorable Susan L. Biro, Chief ALJ/1900L (w/CAFO)

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Sunrise Electronics Incorporated)
130 Martin Lane)
Elk Grove Village, Illinois 60007)
)
ILD 984 767 129)
)
Respondent.)
_____)

DOCKET NO. RCRA-05-2007-0013

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CONSENT AGREEMENT AND FINAL ORDER

I. PREAMBLE

On September 24, 2007, the U.S. Environmental Protection Agency filed a Complaint in this matter pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22. The Complainant is the Director, Land and Chemicals Division, Region 5, EPA. The Respondent is Sunrise Electronics, Inc., a corporation incorporated under the laws of Illinois.

II. STIPULATIONS

The Parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint in this matter. The Complaint is incorporated herein by reference.

2. Respondent owns and operates a facility located at 120 Martin Lane, Elk Grove Village, Illinois, 60007 (the "facility").

3. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint other than admissions made in Respondent's Answer.

4. Respondent waives its right to an administrative or judicial hearing on any issue of law or fact set forth in the Complaint or in this Consent Agreement, waives its right to contest the allegations in the Complaint or in this Consent Agreement, and waives its right to appeal the Final Order accompanying this Consent Agreement.

5. If the Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO or to seek an additional penalty for the noncompliance.

6. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the facility.

7. Nothing in this CAFO shall be construed to relieve Respondent from its obligation to comply with all applicable federal, State and local statutes and regulations, including the RCRA Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

8. Respondent certifies that it is complying fully with RCRA Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

9. The parties consent to the terms of this Consent Agreement and Final Order ("CAFO") which is authorized by Section 22.18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.18(b).

10. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

III. CIVIL PENALTY

11. U.S. EPA has determined that an appropriate civil penalty to settle this matter is \$53,600 to be paid as specified below.

12. Respondent shall pay the \$53,600 civil penalty in six installments, plus interest at a rate of 5% per annum, on the dates and in the amounts shown on the payment schedule attached as Exhibit A. Respondent may prepay the \$53,600 civil penalty plus interest accrued to the date of such payment without being subject to a prepayment penalty. Each payment shall be by cashier's or certified check payable to the "Treasurer, United States of America," and sent to: for checks sent by regular mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

for checks sent by express mail:

U.S. Bank
Government Lockbox 979007 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

13. A transmittal letter, stating Respondent's name, complete addresses, the case docket number and the billing document number must accompany each payment. Respondent shall write the billing document number (to be provided by EPA in the letter transmitting the executed CAFO to Respondent), and the docket number of this matter (RCRA-05-2007-0013) on the face of each check. Respondent shall send copies of the checks and transmittal letters to:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd. (E-13J)
Chicago, Illinois 60604-3590

Erik H. Olson
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel
77 West Jackson Blvd. (C-14J)
Chicago, Illinois 60604-3590

Daniel Chachakis
Environmental Protection Specialist
U.S. EPA, Region 5
Land and Chemicals Division
RCRA Branch
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590

14. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 C.F.R. § 901.9(b) as required by 31 U.S.C. § 3717. Respondent will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

IV. GENERAL PROVISIONS

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

16. Nothing in this CAFO restricts U.S. EPA's authority to seek Respondent's compliance with RCRA and other applicable laws and regulations.

17. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state and local laws, and regulations.

18. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of the violations alleged in the Complaint.

19. The terms of this CAFO bind Respondent and his successors and assigns.

20. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

Consent Agreement and Final Order
In the matter of Sunrise Electronics Incorporated
Docket No. RCRA-05-2007-0013

SIGNATORIES

**U.S. Environmental Protection Agency,
Complainant**

Date: 7/21/08

By: Willie N. Harris
for Margaret Guerriero, Director
Land and Chemicals Division

**Sunrise Electronics Incorporated,
Respondent**

Date: 7-9-08

By: Ashok Patel
Ashok Patel, President
Sunrise Electronics, Inc.

2008 JUL 29 PM 2:26
REGIONAL OFFICE
U.S. ENVIRONMENTAL PROTECTION AGENCY
NEW YORK

Consent Agreement and Final Order
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Docket No. **RCRA-05-2007-0013**

FINAL ORDER

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date: 7/24/08


Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5

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EXHIBIT A

Principal Sum = \$53,600
 Interest 5% per annum

	Due by:	Payment	Principal	Interest
Payment 1*	Within 30 days of Effective Date of CAFO	8,933.35	8,933.35	0.00
Payment 2	Effective Date + 180 Days	9,851.14	8,933.33	917.81
Payment 3	Effective Date + 360 Days	9,814.43	8,933.35	881.10
Payment 4	Effective Date + 540 Days	9,594.15	8,933.35	660.82
Payment 5	Effective Date + 720 Days	9,373.88	8,933.35	440.55
Payment 6	Effective Date + 900 Days	9,153.60	8,933.35	220.27
	Totals:	56,720.55	53,600.00	3,120.55

*1st 30 Days interest free.

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CASE NAME: Sunrise Electronics, Incorporated
DOCKET NO: RCRA-05-2007-0013

CERTIFICATE OF SERVICE

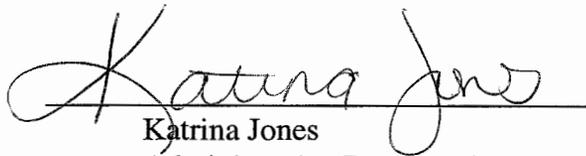
I hereby certify that today, I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

Ashok Patel
President
Sunrise Electronics, Incorporated
130 Martin Lane
Elk Grove Village, Illinois 60007

Return Receipt # 7001 0320 0006 0185 1338

Dated: 7/29/08



Katrina Jones
Administrative Program Assistant
United States Environmental Protection Agency
Land and Chemicals Division -RCRA Branch
77 W. Jackson Boulevard – LR-8J
Chicago, IL 60604-3590
(312) 353-5882

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