

NEGATIVE DECLARATION

Submitting: Draft
 Final
 Mitigated Negative Declaration

Project Title: AERC.com, INC., Class 2 Modification to the Hazardous Waste Facility Permit

State Clearinghouse Number: _____

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Project Location (*Include County*):

30677 Huntwood Avenue
Hayward, California 94544
Alameda County

Project Description:

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In accordance with Health and Safety Code (HSC) section 25201.6, the Department of Toxic Substances Control (DTSC) is considering approval of a Class 2 Standardized Permit Modification for AERC.com, Inc. (AERC), Hayward, California, USEPA I.D. number CAD 982 411 993. The proposed permit modification would authorize the continued operation of a lighting waste processing facility for the recovery of glass and metals. AERC is an existing facility currently authorized under Series A, Standardized Permit. The changes proposed at this site are defined as a "project" according to the Public Resources Code (PRC) Section 21065 and the California Environmental Quality Act (CEQA) Guidelines Section 15378. This project is subject to the environmental review process by the lead agency (DTSC) as defined by the PRC Section 21080 and the CEQA Guidelines Section 15063. Consequently, this environmental review document has been prepared in accordance with these CEQA requirements.

AERC.com, Inc. (AERC) is a "Universal Waste Handler" (as defined in California Code of Regulations, Title 22, section 66273.9) and a recycler authorized to recycle spent fluorescent and High Intensity Discharge (HID) lamps.

Spent fluorescent light tubes and HID lamps are regulated by DTSC due to their mercury content. Mercury is characterized as a hazardous waste, Chapter 11, Division 4.5, Title 22, California Code of Regulations Handling, including storage and treatment of offsite waste fluorescent light tubes requires a Hazardous Waste Facility Standardized Permit (Permit) from DTSC. Class 2 Permit Modifications to the Permit requires DTSC approval.

Prior to AERC operating the facility, Mercury Technology Inc (MTI), owned by AERC, operated at this location since 1989, and received an interim status December 31, 1993, pursuant to Health and Safety Code (HSC) section 25201.6 from the Department of Toxic Substances Control (DTSC). DTSC issued a Series A Standardized Hazardous Waste Facility Permit to MTI on November 25, 1997, effective December 29, 1997. The Standardized Permit authorizes the operation of a hazardous waste storage and treatment facility in Hayward, Alameda County, to reclaim mercury from spent fluorescent and high-intensity discharge (HID) lamps received from or collected by MTI from offsite generators. DTSC prepared an Initial Study for the Standardized Permit and determined that a Negative Declaration was appropriate. The Negative Declaration and Notice of Determination were filed with the State Clearinghouse (SCH 97072029) on July 9, 1997.

In February 2001 AERC made a request to change MTI 's name to AERC.Com.

AERC made a Class 2 permit modification request application on May 24, 2002, subsequently amended the request on March 1, 2004 in accordance with the California Code of Regulations, Title 22, section 66270.42(b).

The Class 2 modification consists of the following:

- 1) authorization to change the facility name and facility layout;
- 2) authorization for the use of an improved fluorescent lamp crusher LSS1 machine, and process lamps at rate of 3500 lamps per hour of T-12 (4 foot) lamps or 5250 lamps per hour of T-8 (4 foot) lamps;
- 3) update of the facility's closure cost estimate;
- 4) clarification of the filtration system used for high intensity discharge (HID) lamp processing;
- 5) authorization to combine crushed glasses and metal from HID process and fluorescent lamp process, and eliminate testing of lead in crushed glass and metal;
- 6) authorization to accept additional hazardous waste streams for storage:
 - (a) previously crushed and broken lamps in sealed 55-gallon drums (generally from out-of-state generators), stored up to 90 days;
 - (b) non-leaking lighting ballasts that may contain small amounts of polychlorinated biphenyls (PCBs) for storage for no more than 30 days;
 - (c) metallic mercury in lab packs stored up to 90 days; and
- 7) to specify the storage capacity of fluorescent and HID lamps.

The modified permit for AERC limits the hazardous waste types, quantities and treatment capacity. The following wastes can be stored at AERC if the Class 2 modification is approved:

Waste Type	Current Permitted capacity	Current Storage time	Modified Permitted Capacity	Modified Permit Storage Time
Phosphor powder	10,000 pounds (Equiv. 15-16 drums)	90 days	16 drums	90 days
Non leaking PCB containing lighting ballasts	N/A	10 days as transporter exemption	28 drums	30 days
HID inner capsules	16 drums	90 days	16 drums	90 days
Plant debris	32 drums	1 year	32 drums	1 year
HID lamps	Stack no more than 10 feet	90 days	12,000 lamps*	90 days
Mercury containing fluorescent lamps	Stack no more than 10 feet (intact lamps only)	90 days	78,000 lamps* (including crushed lamps)	90 days
Metallic liquid mercury	10 gallon (onsite generated) (Equiv. 1133 pounds)	90 days	1133 pounds received from offsite in lab packs	90 days

* Combined storage for HID and fluorescent lamps is dynamic and total number cannot exceed 78,000 lamps at any time. The maximum number of HID lamps cannot exceed 12,000 lamps.

AERC/Mercury Technology Inc. was previously permitted to treat T-12 (4 foot) fluorescent lamps at rate of 1,250 lamps per hour. With the improved and more efficient design of the lamp crusher, LSS1 is able to treat 3,500 lamps per hour of T-12 (4-foot) lamps or 5,250 lamps per hour of T-8 (4-foot) lamps. The lamp feed rate can vary with the type of lamp. The LSS1 has increased efficiency and can better process mercury-containing lamps at higher feed rate.

Since 1997, sampling of crushed glass and metal end caps has been taken separately from fluorescent lamp process and HID process and tested for both mercury and lead. The past sample results have demonstrated that there was no lead present in crushed glass and metal end caps. Therefore, the testing for lead is no longer needed and will be deleted. AERC will combine the crushed glass and metals from both processes and continue to sample and test mercury in the crushed glass and metal end caps.

The existing permit allows AERC to store and stack fluorescent lamps and HID lamps up to 10 feet. The permit modification will set a storage limit. The maximum number of HID lamps will be 12,000 lamps. The total number

allowed for both fluorescent and HID lamps will be no more than 78,000 lamps.

The existing permit allows AERC to store liquid mercury (up to 10 gallons of mercury, about 1,133 pounds) generated from lamp crushing process. AERC will not generate liquid mercury. The permit modification proposes storage of metallic mercury in lab packs. The storage capacity for metallic mercury in lab packs does not increase beyond the present storage limit for liquid mercury.

AERC occasionally receives small amounts of the older lamp ballasts with sealed PCB-containing capacitors. These ballasts are managed as hazardous waste. Lighting ballasts with components containing small amounts (under 5 milliliters) of polychlorinated biphenyls (PCBs) are received and stored in sealed DOT-approved containers to be shipped to authorized off-site treatment or disposal facilities. Currently AERC transfers ballasts within 10 days as a function of transporter. With the modification, AERC will store PCB-containing non leaking ballasts up to 30 days.

By accepting additional waste streams such as lighting ballasts, and metallic mercury in lab packs, no significant additional traffic is anticipated as these waste items are incidental and often commingled with fluorescent lamps. Thus, although storage and treatment capacity have increased, there is no significant additional impact in transportation or air emissions because of this permit modification. Safe management practices, operating procedures, inspection program, and the facility's emergency plan will ensure environmentally safe operations.

All hazardous waste shall be stored in sealed containers within designated areas inside the AERC facility. Any spillage of the dry hazardous components of the lamps will be vacuumed and processed back into the LSS1 mercury reclamation system. Any hazardous waste that cannot be processed through the facility will be placed in DOT-approved containers and manifested to an authorized treatment or disposal facility.

(May 24)

Findings of Significant Effect on Environment:
(A copy of the Initial Study which supports this finding is attached.)

The Department of Toxic Substances Control (DTSC) has determined on the basis of an Initial Study, that there is no substantial evidence that this project will have a significant impact on the environment.. A copy of the Initial Study which supports this finding is attached.

Mitigation Measures:

DTSC has determined that the project does not require any additional mitigation measures beyond those incorporated as part of the project.

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DTSC Branch Chief Signature		Date
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DTSC Branch Chief Name	DTSC Branch Chief Title	Phone #