

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Permit Renewal Team
700 Heinz Ave
Berkeley, CA 94710

Project Title: Issuance of Renewal Standardized Hazardous Waste Facility Permit, Series A, to AERC.com, Inc.

Project Location: 30677 Huntwood Avenue, Hayward, California 94544

County: Alameda County

Project Description:

Background:

Prior to AERC.com, Inc. (AERC) operating the facility, Mercury Technology Inc (MTI), owned by AERC, operated at this location since 1989. Pursuant to Health and Safety Code (HSC) section 25201.6, MTI received Interim Status on December 31, 1993. DTSC issued a Standardized Hazardous Waste Facility Permit, Series A to MTI on November 25, 1997, which became effective on December 29, 1997. In February 2001, AERC changed MTI 's name to AERC.com.

AERC is a lamp recycler that operates a hazardous waste storage and treatment facility to de-manufacture/recycle spent fluorescent and High Intensity Discharge (HID) lamps. Glass and metals, including mercury, are recovered through this recycling process.

AERC submitted a Class 2 permit modification request and application in May 2002 and subsequently amended it in February 2004. A California Environmental Quality Act (CEQA) Initial Study and Draft Negative Declaration were prepared and made available for public comment, along with the draft modified permit, from June 29, 2004 through July 30, 2004. The Final Negative Declaration was approved on August 17, 2004. The Notice of Final Class 2 Permit Modification Decision was issued on January 7, 2005 and stated that the Permit Modification Application had been changed to delete one waste stream (metallic mercury lab pack) which was included in the Initial Study Analysis. All facility operations remain as described in the Negative Declaration and Standardized Hazardous Waste Facility Permit, modified January 7, 2005.

Project Activities:

This project consists of renewing the Standardized Hazardous Waste Facility Permit, Series A, which expired on December 29, 2007. AERC submitted a renewal application in December 28, 2006 and therefore continues its operation under the expired permit.

The permitted treatment units in the renewal permit are the LSS1 Fluorescent Lamp Processing Machine and the HID Lamp De-manufacturing Process. The permitted storage units are Storage Area #1 (Aisles S1-S5) and Storage Area #2 (Aisles S6-S19). There is no storage of liquid hazardous waste. The maximum solid hazardous waste that may be stored in the two storage areas is 78,000 total lamps and 92 55-gallon drums. There are no proposed operational changes to the existing facility. Neither treatment nor storage capacity will increase.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Alejandro Galdamez

Exemption Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
- Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
- Categorical Exemption: [State type and section number]
- Statutory Exemptions: [State code section number]
- General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: Title 14, California Code of Regulations, Section 15061 (b)(3).
 With certainty, no possibility of significant environmental effect.

Reasons Why Project is Exempt:

- 1) AERC has been located in the same location since 1989, in an area zoned I-Industrial by the City of Hayward. Land use on the site is governed by the City of Hayward General Plan.
- 2) AERC’s treatment activities occur within a closed, negative-pressure vacuum system that minimizes escape of phosphor dust and mercury vapor. Work station air monitoring is conducted several times during each operating shift to ensure worker safety and compliance with California Occupational Safety and Health Administration (CalOSHA) requirements for mercury vapor as an air contaminant. The facility has no dedicated external exhaust. Due to the negligible emissions from the LSS1 fluorescent lamp crushing process, AERC is not required to obtain a permit from the Bay Area Air Quality Management District (BAAQMD), pursuant to Regulation 2-1-103. This regulation provides a permit exemption for any source that has emissions no greater than ten pounds of any class of regulated pollutants per day and does not trigger a risk screening. Particulate emissions do not exceed ten pounds per day and mercury emissions remain below the BAAQMD risk screening trigger level. Thus, the air quality will not be negatively impacted.
- 3) AERC is located 1.5 miles away from the Hayward Fault. The building is constructed according to City of Hayward building permit and standards. The site is not located on expansive soil and is flat. The project will not involve any soil disturbance.
- 4) AERC does not treat any wastes with free liquids. Intact PCB-containing ballasts are stored on containment ballasts within an enclosed building. The site is not located within a 100-year flood plain. The depth to groundwater is 20-40 feet. There is no discharge to the sewer of any hazardous waste. Water is only used in small amounts for restrooms, break rooms, and routine plant cleaning. There will be no negative impact to hydrology and water quality.
- 5) As there is no proposed increase in treatment or storage capacity, the project is not expected to increase the existing truck traffic currently generated by the facility. The roads surrounding the facility are city streets. Transportation and traffic will not be negatively impacted by this project.
- 6) As a hazardous waste (spent lamps) treatment and storage facility, AERC routinely transports spent lamps to the facility for recycling. Spent lamps are not chemically different from a new lamp and do not create a hazardous waste exposure while intact. There are many measures in place to prevent release of hazardous materials to the environment. The site is fully paved and all hazardous waste activities take place inside an enclosed, concrete, fire-resistant building. There is an automatic-sprinkler fire suppression system built into the building. Air monitoring is conducted to ensure that there are no releases within the facility. The facility is routinely inspected to ensure all processes and equipment are functioning properly. This project will not have a negative impact due to hazards and hazardous materials.

Alejandro Galdamez

Hazardous Substances Engineer
 Project Manager Title

(510) 540-3933
 Phone #

Project Manager Signature

Date

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: