



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE

Department of Toxic Substances Control

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For Immediate Release

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\$84,000 Settlement Reached With AERC and Mercury Technologies

Berkeley --- The California Department of Toxic Substances Control (DTSC) today announced that it has reached an \$84,000 settlement with AERC.com, Inc. (AERC) and Mercury Technologies International, Limited Partnership, (Mercury Technologies), for hazardous waste violations at a facility at 30677 Huntwood Avenue in Hayward.

AERC and Mercury Technologies operate as a limited partnership with the principal place of business being the Huntwood Avenue facility. This facility reclaims mercury from used fluorescent lamps and high intensity discharge (HID) lamps such as mercury vapor, metal halide, and high-pressure sodium lamps.

Under the terms of the settlement, the partnership will pay DTSC a total of \$84,000, of which \$76,500 is a civil penalty and \$7,500 is reimbursement of DTSC's costs incurred in conducting the enforcement action. DTSC reached the settlement with assistance from the State Attorney General's Office.

The settlement stems from violations found during inspections at the Hayward facility in November 1999 and November 2000 by DTSC's Statewide Compliance Division. DTSC inspectors noted the following violations at the facility:

- Installation and operation of a system to disassemble fluorescent lamps without obtaining DTSC's approval;
- Receipt and storage of lighting ballasts containing polychlorinated biphenyls (PCBs) that the company was not authorized to receive under its existing permit; and
- Reduction of the estimated costs for closure of the facility in Hayward without obtaining DTSC's approval, as well as making insufficient payments to a fund required by DTSC to ensure that any costs needed to close the facility will be available.

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Although the violations stated above have been corrected, the settlement does not preclude DTSC from taking appropriate enforcement actions against the partnership for any future violations.

The partnership is entitled to a credit of up to \$20,500 of the \$84,000 civil penalty after completing a Supplemental Environmental Project to provide specific services free of charge for household hazardous waste collection facilities in Alameda, Contra Costa, Santa Clara, San Mateo, and San Francisco counties. These services may include transporting lamps, packaging lamps for transportation and storage, and treatment of used fluorescent lamps at the Hayward facility.

The partnership will also be entitled to a \$5,000 credit following satisfactory completion of the California Compliance School's Hazardous Waste Training course by the Hayward facility's Project Manager. The Compliance School's required training modules include hazardous waste identification, onsite management requirements, preparedness, prevention, training, transportation, and tiered permitting.

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

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"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov."