

## Empty Container Management

Current environmental laws and regulations govern the practices followed in the disposition of used, empty, steel or plastic containers. Under the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act, empty containers must be carefully managed by both container emptier and reconditioners. The U.S. Department of Transportation also has established regulations that must be followed by all involved parties for the proper transport of empty containers from a container user directly to a reconditioner.

Container Management Services, LLC (CMS) endorses the Responsible Container Management (RCM) program of the Reusable Industrial Packaging Association <https://www.reusablepackaging.org>.

To ensure that all necessary measures are compliant, we have prepared this Empty Container Acceptance Policy. We trust the emptier will understand why CMS must follow these policies without exception. It is the responsibility of the emptier to ensure proper training for their respective organizations. (Please note that junk containers must still be processed and cleaned before they can be recycled as scrap steel or plastic).

For any questions regarding container acceptance, please contact your Account Manager, ERS Manager ([ers@myerscontainer.com](mailto:ers@myerscontainer.com)) or our Client Services team at 1.800.406.9377.



# Program Overview

- 1 Understand our Empty Container Acceptance Policy**  
Customers review the CMS Empty Container Acceptance Policy to understand the regulatory requirements for preparing empty containers for shipment to CMS for reconditioning and recycling.
- 2 Submit Safety Data Sheet (SDS) for approval**  
SDS information for materials once contained must be uploaded to Company Website for review by the ERS Manager. The system and/or the ERS Manager will email Customer regarding approval, rejection or special handling of containers. Approval and/or rejection of materials will be submitted to CMS Client Services and Sales Team.
- 3 Empty Container Collection Agreement**  
Establishes financial terms for CMS pickup/receiving of empty containers and requires signature by customers acknowledging responsibility to comply with regulatory requirements.

- 4 Empty Container Pickup Scheduling**  
When containers are properly emptied and ready for shipment, customer contacts CMS to arrange pick up or schedule drop off via Company Website → Resources tab → Scheduling.
- 5 Empty Container Certification by Shipper**  
Upon pickup of containers, Customer Representative signs CMS Empty Container Receiving Record certifying compliance with the CMS Container Acceptance Policy, for every load.
- 6 Empty Container Inspection and Rejection**  
Upon receiving shipment at CMS, each container is inspected. Any container that does not meet the CMS Empty Container Acceptance Policy will be rejected or, labeled with a rejection sticker and placed in a designated hold area for customer return.
- 7 Empty Container Processing**  
Acceptable containers are reconditioned or, cleaned and prepared for recycling. Payment or charges are processed.

## 1 Empty Container Acceptance Policy

The following presents the policy covering the pickup and transportation of used 55 gallon empty steel and plastic containers and 275 and 330 gallon composite intermediate bulk containers (IBCs). Other containers or packing material (buckets, pails, asset tanks, super sacks, pallets, film, others) must be approved before acceptance. Contact us for details on miscellaneous items.

This policy is based upon applicable regulations published by the U.S. Department of Transportation (DOT), the Environmental Protection Agency (EPA), corresponding state and local agencies and our own CMS operating practices.

### **Containers Must Be Empty**

CMS only accepts containers that are empty. We understand that some minor residue of the container's prior contents will remain after normal emptying.

Our definition of **EMPTY** is:

A non-bulk container is **EMPTY** when all pourable waste material no longer pours when the container is held in any orientation. An empty container has no material remaining in or on the container that can feasibly be removed by physical methods which are commonly employed to remove such materials (i.e. pumping, vacuuming, tilting, tipping, pouring, troweling). The interior of the container shall not contain crusted or mass of solidified material.

For IBCs, no material should flow if the valve is open and residue is no more than 0.3% by weight of the total capacity of the bulk container, less than 1 gallon. Different types of products require different techniques to empty (for example, solvents vs. resins).

***"If we can pour or trowel it, you can pour or trowel it."***

## Containers Must Be Properly Prepared for Transportation

According to 49 CFR 173.29(a), DOT requires that an uncleaned empty container must be shipped:

- a) with “all openings including removable heads and filling and vent holes tightly closed...; and
- b) with the original label (describing the container residue) legibly in place.”

The label must accurately describe the container residue. If any different materials have been placed in the container, a new label must be prepared. No hazardous material may remain on the outside of the container (49 CFR 173.24(b)(4)). If such material cannot be removed, the container must be over packed.



Not Acceptable!

All container must be loaded right-side up with care to make sure the load is secure.

## Empty Drum Acceptance

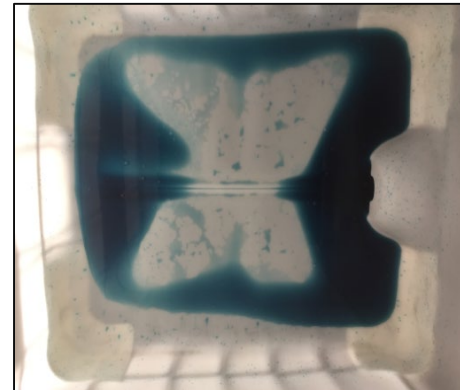
Empty drums must meet the following:



## Empty IBC Acceptance

CMS receives empty, non-damaged, serviceable IBCs that meet the following:

- Cage is free of excessive rust, bowing or broken welds or bolts, maintaining its original function
- Steel pallet must have all welds and bolts intact with no broken or bent corners. Wooden pallets must have no broken or missing boards.
- Bottles must be intact, free of punctures, cut, cracks, and must be secured with the proper fill caps, gaskets and bungs. All valves must be closed and all labels must remain in place.
- Bottles & cages must not be spray painted, marked or covered with residue (i.e. lading, paint, coating, pulp, others).
- Non-serviceable units may still be collected for recycling but must still be empty. Charges may apply.



This is an “empty” IBC



0.8 gallon, below the valve

### Examples of Damaged (non-serviceable) units



Damaged Corner Piece



Cut Bottle



Damaged Bottle



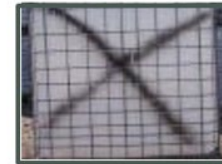
Damaged Cage and/or Pallet



Exterior Residue



Corrosion/Rust



Spray paint/markings



Bad strut

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**Submit Safety Data Sheets (SDS) for Approval.**

In order to protect the shipper, team members and equipment, CMS must be aware of the hazards of any residual material. We require a Safety Data Sheet (SDS) information for all materials previously contained in the empty container you send us to be pre-approved.

Submit request for SDS approval for any new drum loadings not already approved to Environmental, Regulatory and Safety Manager [ers@myerscontainer.com](mailto:ers@myerscontainer.com). CMS will contact you once your materials have been approved.

**Containers Must Not Have Contained “Acutely Hazardous Chemicals”**

The EPA has published a list of chemicals whose residues are acutely hazardous at 40 CFR 261.33(e). This list can be found at [www.ecfr.gov](http://www.ecfr.gov).

We will only pick up containers containing residues on EPA’s 40 CFR 261.33(e) list by special arrangement. Containers in this category may need to be “triple rinsed” by the emptier in accordance with 40 CFR 261.7(b)(3) and a special certification must be completed. Contact [ers@myerscontainer.com](mailto:ers@myerscontainer.com) for additional information.

**TRIPLE RINSED**  
Preferred method

**CMS NEVER ACCEPT LIST**  
These materials are never accepted.

- Andisil HY 43
- Biological Wastes
- Cyanides or Cyanide Compounds
- Cyclotetrasiloxane
- Dioxins
- Organic Peroxides
- Parathion
- Pesticides and Herbicides
- PCBs
- Poisons: Hazard Class 6, Packing Group I and II
- Poisons: Class B
- Poisons: WHMIS (Canada)
- Radioactive Material


**CMS Special Approval List**  
These materials, including but not limited to, may only be accepted with written approval, including any special handling requirement (i.e. documented triple rinsing process) from CMS ERS Management:

111---Trichloroethane	N,N--- Ethyl Chloride	Methylene Chloride (any percentage)
Acrylonitrile	Ethylene Dichloride	Oxidizers
Alkyl Chloride	Formaldehyde	Perchloric Acid
Ammonia Perchlorate	Formic Acid	Perchloroethylene (Perc)
Ammonium Fluoride	Hexachlorobenzene	Potable Coagulant
Aqua Ammonia	Hydrofluoric Acid	Sodium Bisulfide
Benzene	Hydrochloric Acid	Sodium Perchlorate
Benzoyl Chloride	Hydrogen Chloride	Toluene Diisocyanate (TDI)
Butylacrylate	Inerteen 70- <i>Monsanto lined drums</i>	Trichloroethylene
Carbon Tetrachloride	Isocyanates: any form or concentration	Triethylamine
Chlorinated Phenols	Methyl Chloroform	Vinyl chloride
Chloroform		Vinylidene Chloride
Chloroprene		Silicon
Dimethyl cyclohexylamine		** Acids of concentrations greater than 50%

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## Empty Container Collection Agreement

Establishes financial terms for CMS pickup/receiving of empty containers and requires signature by customers acknowledging responsibility to comply with regulatory requirements.

		Container Collection Agreement Revision: 01 Revise Date: June 21, 2018
<b>CONTAINER COLLECTION AGREEMENT</b>		
<b>PURPOSE</b>	<p>Container Management Services, LLC (CMS) is an empty container reconditioner that operates in a responsible manner to protect its people, its customers and the communities we serve. This document explains the responsibilities for CMS and the Container Emptier to protect all parties.</p> <p>CMS only accepts Empty Containers that meet our Container Acceptance Policy (<a href="http://myerscontainer.com/wp-content/uploads/2018/01/CMS-Acceptance-Requirements.pdf">http://myerscontainer.com/wp-content/uploads/2018/01/CMS-Acceptance-Requirements.pdf</a>)</p> <p><b>Containers Must Be Empty</b>          CMS only accept containers that are empty. We understand that some minor residue of the container's prior contents will remain after normal emptying.</p> <p>Our definition of <b>EMPTY</b> is:          A non-bulk container is <b>EMPTY</b> when all pourable waste material no longer pours when the container is inverted at any orientation. An empty container has no material remaining in or on the container that can feasibly be removed by physical methods which are commonly employed to remove such materials (i.e. pumping, vacuuming, tilting, tipping, pouring, troweling). The interior of the container shall not contain crusted or mass of solidified material. For IBCs, no material should flow if the valve is open and residue is no more than 0.3% by weight of the total capacity of the bulk container, less than 1 gallon. Different types of products require different techniques to empty (for example, solvents vs. resins).  <i>If we can pour or trowel it, you can pour or trowel it</i></p> <p>In addition, all labels must remain in place and all closures must be secure. This include containers that have been triple rinsed.</p>	
<b>CMS AGREES</b>	<ol style="list-style-type: none"> <li>1. To pick up and transport to a CMS facility, (or accept prepaid delivery from your trucks or common carriers) your used empty containers.</li> <li>2. To hereby certify that drums will be either reconditioned for reuse as shipping containers or processed for scrap preparation and recycling. In both cases (reconditioning or scrap preparation) we will remove all labels, printing, decorations or other identifying marks.</li> <li>3. To allow at any time - after reasonable notice - an inspection of our plant facilities to verify compliance with all existing legal and regulatory environmental requirements.</li> <li>4. Pick up items as scheduled with our Client Services Center.</li> </ol>	
<b>CONTAINER EMPILER AGREES</b>	<ol style="list-style-type: none"> <li>1. To prepare all containers for shipment in accordance with the CMS Empty Container Acceptance Policy located on our website as well as any other regulatory requirements.</li> <li>2. To deliver containers to the tailgate of CMS trailers (or deliver prepaid to CMS) or to load empty containers into a drop trailer provided by CMS with all containers in the upright position.</li> <li>3. To pay for used, empty containers as established by our Client Service Center or a CMS Account Manager.</li> <li>4. To pick up and remove from our plant, at Container Emptier's expense, any container discovered inspection that contains excessive residue of valuable product which was shipped to us in error by the Emptier within 5 days.</li> <li>5. To pay any trailer cleaning fees for residues or spill of products in our trailers</li> <li>7. To pay, in the event of any default of any payment obligation in relation to this Agreement, all collection expenses incurred, including reasonable attorney fees &amp; costs.</li> </ol>	
<b>ACKNOWLEDGEMENT</b>		
BY SIGNING THIS FORM, I UNDERSTAND AND AGREE TO ABIDE BY THE TERMS OF THIS CONTAINER COLLECTION AGREEMENT.		
Emptier's Company Name: _____		
Emptier's Authorizer: _____ Signature & Date: _____		
<b>Sign and return to CMS before scheduling a pick up</b>		
Container Management Services, LLC   50 Helons 3000 NW St. Helens Rd. Portland, OR 97210   Marx 10103 NE Marx St Portland, OR 97220   Hayward 21301 Cloud Way Hayward, CA 94545 Client Services: 1-800-406-9377   Hours M-F 7:30 AM - 4:30 PM   E-mail <a href="mailto:orders@myerscontainer.com">orders@myerscontainer.com</a>		

## 4 Empty Container Pickup Scheduling

We require a minimum of 50 drums or 10 IBCs or a combination to schedule to a pickup.

- For pick up: contact Client Services
- To schedule drop-off: [www.myerscontainer.com](http://www.myerscontainer.com) 'Resources' Tab on the top of page
- CMS drivers will stack and load empty containers in trailers. CMS's offer to pick up containers is based on suppliers placing the containers "on the tailgate." In cases where a trailer is "dropped" at a supplier's plant, all loading will be done by the supplier's personnel. All containers must be loaded right-side up.





## 5 Empty Container Certification by Shipper

CMS can pick up empty containers only after the shipper, on every load, certifies compliance with the above requirements. This certification appears on our Empty Container Receiving Record. It is signed by both a CMS driver and the shipper for each pickup and a copy is left with the customer.

### Empty Container Receiving Record Empty Container Certification and Acknowledgement

For materials bound for facilities any Container Management Services, LLC (CMS) facilities at any location, customers acknowledge:

I hereby certify that these containers are empty as defined by CMS Policy and that they have been properly prepared for transportation under the regulations of the US Department of Transportation, 49 CFR 173.29.

CMS Policy follows Title 22, Section 66261.7 w h i c h states (see regulation for exact language) a container which previously held hazardous material is empty if:

1. POURABLE LADING – no material can be poured or drained from the container when it is held in any orientation (e.g. tilted, inverted, etc.).
2. NON-POURABLE LADING – no material remains in or on the container that can feasibly be removed by physical methods which are commonly employed to remove such materials. The interior of the container shall not contain crusted or mass of solidified material.

Further, if I am notified that there is excessive residue inside the container OR the container does not meet the CMS acceptance criteria, I hereby agree to initiate timely and appropriate shipping and shipping papers to return the container to the generating site or agree to accept charges for the return of the containers.

DOT's 49 CFR 173.29 states that all openings on the empty containers must be closed, and that all markings and labels must be closed, and that all markings and labels must be in place as if the container were full of its original contents. A DOT shipping paper is not required for the transportation of any empty container for reconditioning via contract or private carrier. DOT placarding is not required for vehicles carrying empty containers.

CMS does not accept title to any units that do not adhere to non-compliant units. The emptier is responsible for finding resolution for any non-compliant unit.

Title to containers do not pass to CMS until containers are unloaded and verified by CMS personnel as empty.

**6** **Empty Container Inspection and Rejection**  
 Empty Containers are inspected at CMS receiving yard. Containers vary considerably in their reuse ability due to many factors including:

- (1) thickness of construction material;
- (2) markings;
- (3) UN specification status;
- (4) Nature of residues of previous contents, difficulty of removal, and steps necessary to handle safely and dispose of these residues;
- (5) Degree of damage and overall condition.

Due to one or more of these factors, we may charge for the disposition of select containers. Due to strict environmental regulations, these containers must first be cleaned before the container may be sent to a steel or plastic scrap recycler. A fee will be charged for certain non-reconditionable containers and their ultimate disposition.

### Rejection Process for All Non-Acceptable Containers

- Non-empty containers containing RCRA-regulated material will be rejected upon delivery. For units that cannot be immediately rejected, a \$100 administrative triage fee applies per unit per day that CMS holds the unit in its reject area.
- Non-empty containers containing non-Hazmat/non-RCRA-regulated ladings will either be rejected upon delivery or charged a \$20 per gallon processing fee after five days of CMS holding the unit(s) in its reject area.
- For emptiers needing guidance on handling non-empty containers, contact your Account Manager.

#### UNREGULATED MATERIAL REJECTED UNIT

According to Container Management Services, LLC Acceptance Procedure, this container is being rejected and returned due to the following:

- Not drip-dry empty – unregulated material
- Improper labeling
- Failure to properly secure container closures
- Unapproved material / SDS

Received From \_\_\_\_\_

Date Received \_\_\_\_\_

Drumtag Number \_\_\_\_\_

#### REGULATED MATERIAL REJECTED UNIT

According to Container Management Services, LLC Acceptance Procedure, this container is being rejected and returned due to the following:

- Not drip-dry empty – regulated material
- Improper labeling
- Failure to properly secure container closures
- Unapproved material / SDS
- Not triple-rinsed or labeled "triple-rinsed"

Received From \_\_\_\_\_

Date Received \_\_\_\_\_

Drumtag Number \_\_\_\_\_

## 7 Empty Container Inspection and Rejection

- Emptiers will be notified within 24 hours of discovery of rejected units and will be expected to disposition these units within five calendar days.
- Emptiers of RCRA-regulated material who do not disposition the rejected units within the five calendar days is subject to notification from a CMS legal representative and, if requested, be shared with the appropriate local enforcement agencies .
- All rejected units will be logged in CMS's internal database with applicable identifying details.
- Emptiers of hazardous waste will be responsible for providing their EPA ID # to CMS and sign the related manifest as the waste generator for any applicable rejected units related. All waste must be sent to a licensed TSDF.
- All emptiers will be required to provide a documented corrective action to prevent non-acceptable units from reaching CMS property in the future.
- All unidentified material without a proper determination will be managed as RCRA waste at the emptiers request.

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## Empty Container Processing

Acceptable containers are reconditioned or, cleaned and prepared for recycling. Payment or charges are processed.

