

Empty Container Management

Current federal and state environmental laws and regulations govern the practices followed in the handling and reconditioning 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 the required and necessary measures are adhered to, and to avoid potential liability for the emptier or CMS, all containers sent to CMS for reconditioning must meet 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 salvage/junk containers that cannot be reconditioned must still meet our policy as those containers first need to be processed and cleaned before the steel or plastic can be recycled).

For any questions regarding container acceptance, please contact your Account Manager, ERS Manager (ers@containermanagementservices.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. The system 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 → Collection 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, labeled with a rejection sticker and placed in secure storage/quarantine for pickup or return to the customer in less than ten days at the customer's expense.
- 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.

CMS does not accept, transport, handle or dispose of hazardous wastes, which includes “discarded commercial chemical products” as defined by EPA under 40 CFR 261.33. Our container acceptance policy is governed by the federal regulations published by the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA), and in accordance with all applicable state and local regulations:

A non-bulk container is **EMPTY** when all pourable unused product or 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 RCRA-Empty

CMS only accepts containers that are “RCRA EMPTY.” Any commercial chemical product or regulated material remaining in a container or inner liner removed from a container that is not RCRA-Empty will be returned to the customer. Specifically, under RCRA (40 CFR 261.7(b)(1) a container is **EMPTY** when:

All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

- *No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or*
- *No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size; or*
- *No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.*

NOTE: The California Department of Toxic Substances and Control has adopted its own regulations governing the management of empty containers, at 22 CCR 66261.7. The Oregon Department of Environmental Quality has adopted the EPA Empty Container regulations above.

TRIPLE RINSING REQUIREMENTS

Containers Must Not Have Contained “Acutely Hazardous Chemicals”

Except as provided below, CMS will not accept containers or inner liners containing residues of acutely hazardous chemicals listed by EPA at 40 CFR 261.33(e). We will only accept containers or inner liners containing residues of such acutely hazardous chemicals that are “triple rinsed” in accordance with 40 CFR 261.7(b)(3) and are accompanied by a special certification signed by the emptier. Contact ers@containermanagementservices.com for additional information.

EPA regulations at 40 CFR 261.7(b)(3) require that *a container or inner liner that has held an acute hazardous waste listed in 40 CFR 261.31 or 261.33(e) is not RCRA Empty unless:*

- The container or inner liner has been triple-rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
- The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or
- In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.

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.

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



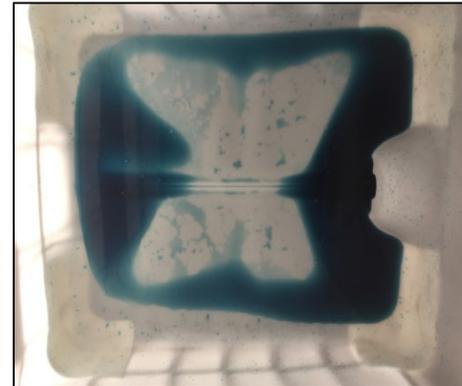
Not Acceptable!



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

2 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 at ers@containermanagementservices.com. CMS will contact you once your materials have been approved.

Below is a list of the chemical products that CMS will never accept or only will accept with certification by the customer that the container has been triple-rinsed pursuant to 40 CFR 261.7(b)(3) as noted in the preceding slides.

CMS NEVER ACCEPT LIST

These materials are never accepted.

Hazard Class 1- Explosives
 Hazard Class 4- Flammable Solids
 Hazard Class 6- Poisons (PG I and II, Class B)
 Hazard Class 7- Radioactive Material
 Poisons: WHMIS (Canada)
 Dioxins
 Biological Wastes
 PCBs
 Cyclotetrasiloxane
 Andisil HY 43
 P-Listed Wastes (**per 40 CFR §261.33 subpart D**)

CMS Special Approval List

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

Hazard Class 5- Oxidizers	Chloroprene
Hazard Class 6- Poisons (PG III)	Dimethyl cyclohexylamine
U-listed Wastes (per 40 CFR §261.33 subpart D)	Hydrochloric Acid
Alkyl Chloride	Isocyanates: any form or concentration
Aqua Ammonia	Potable Coagulant
Butylacrylate	Sodium Bisulfide



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.

 Container Collection Agreement Revise Date: August 7, 2020	
EMPTY CONTAINER COLLECTION AGREEMENT	
PURPOSE	<p>This Empty Container Collection Agreement ("Agreement") is entered into by ("Customer"), in consideration of and as a condition of doing business with Container Management Services, LLC ("CMS") for the receipt and reconditioning (cleaning, repair and/or painting) of Customer's empty steel and/or plastic polyethylene containers.</p> <p>This Agreement governs the terms and conditions upon which CMS will accept, and Customer will transport, deliver, or arrange for shipment of Customer's empty containers or inner liners to CMS for reconditioning. CMS only accepts containers and inner liners for reconditioning that are "RCRA-Empty" pursuant to the EPA's empty container regulations at 40 CFR 261.7, and in accordance with applicable state laws and regulations, as set forth in CMS's <i>Empty Container Management Policy</i> (http://containermanagementservices.com/wp-content/uploads/2020/08/CMS-Empty-Container-Management-Policy-08-09-20), which is incorporated herein by this reference and which Customer acknowledges, understands and accepts by signing this Agreement. Customer further acknowledges and agrees that CMS is not authorized or permitted to accept, receive or process containers with hazardous wastes, discarded commercial chemical products, manufacturing process waste or any other material regulated as a RCRA hazardous waste under 40 CFR 261.31-33, or otherwise subject to the RCRA generation, transportation, storage, treatment or disposal regulations at 40 CFR Parts 262 through 266, 270, or 124, except and unless its containers are "RCRA-Empty" as defined below:</p> <p>40 CFR 261.7 Residues of hazardous waste in empty containers</p> <p><i>(b)(1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in §§261.31 or 261.33(e) of this chapter is exempt if:</i></p> <p><i>(i) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and</i></p> <p><i>(ii) No more than 0.3 containers (one inch) of residue remains on the bottom of the container or inner liner, or</i></p> <p><i>(iii)(A) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size, or</i></p> <p><i>(B) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.</i></p>
CMS AGREES	<p>CMS Represents, Warrants and Agrees:</p> <ol style="list-style-type: none"> To pick up and transport to a CMS facility (or accept prepaid delivery from Customer's trucks/trailers or common carrier) containers that are RCRA-Empty, meet the DOT transportation regulations and comply with CMS's <i>Empty Container Management Policy</i>. To document and maintain records of each shipment of containers picked by CMS or its designated transportation company, and all containers received and unloaded at CMS' facility for processing, on CMS' <i>Container Receiving Record</i>, including the size, type and condition of the container and the Customer's description of the former packaged product and its SDS of the empty container. To remove all identifying labels or designations, recondition the containers for commercial resale and reuse, or process the containers or any recoverable materials (metal, plastics) for sale and reuse or recycling by a licensed third party. To allow an inspection of CMS' facility(s), upon reasonable notice, to verify compliance with all applicable legal and regulatory permitting or other environmental compliance requirements. To comply with all applicable laws and regulations governing CMS' transportation or delivery by CMS' third-party transportation company of Customer's empty containers to CMS' facility. To comply with all applicable laws and regulations governing CMS' facility operations, including the cleaning, reconditioning and painting process, and sale, reuse or disposition of Customer's containers, and the required storage, labeling, transportation and treatment or disposal of any solid wastes or hazardous wastes generated during CMS' operations. To defend indemnify Customer for a breach of CMS' above listed representations and warranties, and for any costs, liabilities, claims, agency violations and enforcement actions, including reasonable attorney fees and costs, associated with the storage, processing, reconditioning or resale of Customer's empty containers that meet the definition of "RCRA-Empty" and comply with CMS' <i>Empty Container Management Policy</i>, or arising from CMS' storage, transportation, treatment or disposal of any solid or hazardous wastes generated by CMS during its reconditioning operations.

Container Management Services, LLC | St. Helens 3000 NW St. Helens Rd., Portland, OR 97210 | Mary 11031 NE Mary St. Portland, OR 97220 | Hayward 21301 Cloud Way Hayward, CA 94545
 Client Service: 1-800-406-9377 | Hours M-F 7:30 AM - 4:30 PM | E-mail: order@yourecontainer.com

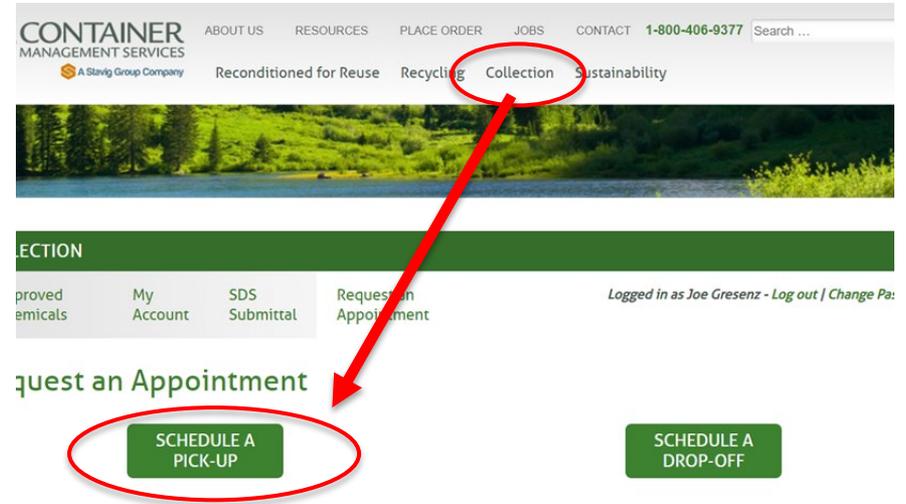
 Container Collection Agreement Revise Date: August 7, 2020	
CUSTOMER AGREES	<p>Customer Represents, Warrants and Agrees:</p> <ol style="list-style-type: none"> That the SDS' provided to CMS for the products or materials previously packaged in its containers to be transported or delivered to CMS for reconditioning are accurate and up to date. That it is not discarding or intending to discard, any hazardous waste (40 CFR 261.30-32), or commercial chemical product or manufacturing chemical intermediate that is regulated as hazardous waste (40 CFR 261.33(a)-(c)), by transporting or delivering containers or inner liners to CMS for reconditioning that contain any residual product or material or are not otherwise RCRA-Empty. To empty and remove any and all residual pourable or non-pourable products (liquids or solids) in or on its containers, by draining or removing any residual material by all feasible methods (tilting, inverting, scraping, traveling), before transporting or arranging to transport its containers to CMS, in accordance with CMS' <i>Empty Container Management Policy</i>, and to comply with the hazardous waste designation procedures for any residual material in any container that is not RCRA-Empty, pursuant to 40 CFR 262.11. That it will not transport or deliver any containers or inner liners to CMS, whether or not such containers are RCRA-Empty, that previously contained any banned chemical or substance, as referenced in CMS' <i>Empty Container Management Policy</i>, or transport or deliver to CMS any containers or inner liners that held an acutely hazardous chemical identified by EPA as a P-listed waste at 40 CFR 261.33(e) unless, after notifying CMS and obtaining CMS' written approval, Customer certifies such containers have been "triple-rinsed" in accordance with 40 CFR 261.7(b)(3), which CMS reserves the right to refuse or reject. To sign and certify, for each shipment of containers sent or delivered to CMS, CMS' <i>Empty Container Receiving Record/Empty Container Certification and Acknowledgement</i>, confirming that the containers are empty and have been properly prepared for transportation or delivery to CMS in accordance with the DOT transportation requirements at 49 CFR 173.29. To deliver its empty containers to the tailgate of CMS' or its third-party carrier's trailers (or deliver prepaid to CMS), or load its empty containers into a drop trailer provided by CMS with all containers sealed and in the upright position. To sign CMS' <i>Container Receiving Record</i> (aka Drum Tag) certifying the number, description and condition of all of the containers on each trailer or shipment delivered to CMS. To pay charge for used, empty containers as established by CMS' Client Service Center or a CMS Account Manager. To pick up, retrieve and remove from CMS' facility, or arrange for such pickup and transportation, any leaking or damaged container, or any container with a chemical product or other material that is not RCRA-Empty pursuant to 40 CFR 261.7(b) and CMS' <i>Empty Container Management Policy</i>, at Customer's expense, within 5 days of being notified by CMS that its container(s) was rejected. Customer agrees to pay/reimburse CMS for any and all costs CMS may incur to store, transport and return Customer's non-RCRA-Empty containers that Customer does not pick up or retrieve within five days of CMS' rejection notice. Customer further acknowledges and agrees that CMS may provide records of Customer's rejected containers to a governmental agency upon request or for its defense. To pay for overpacking and disposal of a leaking or damaged container, any trailer cleaning or other response costs and fees arising from a spill or release of any hazardous substances or chemical products and residues from a container that is not RCRA-Empty, including any rejected containers returned to Customer or alternate destination required by law. To defend and indemnify CMS for a breach of Customer's above-listed representations and warranties, and for any costs, damages, claims, liabilities, agency violations, fines or civil penalties, including reasonable attorney fees and costs, arising from any of Customer's containers that are not RCRA-Empty or otherwise violate CMS' <i>Empty Container Management Policy</i>, including but not limited to the costs associated with storage, transportation, treatment or disposal of such containers and/or their contents (including the contents of containers with non-regulated materials).
ACKNOWLEDGEMENT	
<p>BY SIGNING THIS FORM, THE UNDERSIGNED REPRESENTATIVE OR AUTHORIZED REPRESENTATIVE CERTIFIES ITS ACCEPTANCE OF 1 THIS CONTAINER COLLECTION AGREEMENT.</p> <p>Customer/Company Name: _____</p> <p>Customer/Company Representative's Title: _____</p> <p>Signature & Date: _____</p> <p style="text-align: center; color: red;">Sign and return to CMS before scheduling a pickup</p>	

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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.containermanagementservices.com
'Collection' 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.



The screenshot shows the website's navigation menu with 'Collection' circled in red. A red arrow points from this menu item to the 'Request an Appointment' section, where the 'SCHEDULE A PICK-UP' button is also circled in red. Other visible elements include the 'Request an Appointment' link, 'SCHEDULE A DROP-OFF' button, and user login information: 'Logged in as Joe Gresenz - Log out | Change Pa...'.

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 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.

Based on these factors we may charge for the disposition of the container. 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.

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 _____

Empty Container Inspection and Rejection

- Emptiers will be notified via email within 24 hours of discovery of rejected units and must retrieve non-conforming units within 5 business days. A \$100/day per unit storage and processing fee will be charged to the emptier the day after customer notification is sent in addition to any freight fees associated with return.
- If rejected units are not retrieved within 5 business days, CMS will return the container to the customer, at the customer's expense, in accordance with our Container Collection Agreement and Empty Container Certification and Acknowledgement Agreement. CMS maintains records of all "Reject Containers" which are made available to the federal and state agencies that inspect and regulate our business. All fees associated with rejected units including freight, handling, and administrative fees will be the obligation of the emptier.
- All units mistakenly shipped to CMS containing non-compliant hazardous waste residue will be immediately rejected and emptier is held responsible for all associated freight and handling charges for return.
- All rejected units will be logged in CMS's internal database with applicable identifying details.
- All emptiers that provide any non-conforming containers will be required to provide a documented corrective action to prevent non-acceptable units from reaching CMS property in the future.

7 Empty Container Processing
Acceptable containers are reconditioned or, cleaned and prepared for recycling. Payment or charges are processed.

