

Appendix A: Container Management Plan

CONTAINER LIFE CYCLE MANAGEMENT LLC
NON-EMPTY CONTAINER MANAGEMENT PLAN

I. DEFINITIONS

- A. Containers containing any material are “Heavy” if:
1. They have not been emptied of all of their contents by practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; or
 2. They contain more than one inch of material; or
 3. They contain more material than three percent by weight of the total capacity of the container if the container is less than or equal to 119 gallons in size; or
 4. They contain more material than 0.3 percent by weight of the total capacity of the container if the container is greater than 119 gallons in size.
- B. Containers containing hazardous waste are "Empty" if they meet the definition of "Empty" under Wis. Admin. Code Chapter NR 661.0007 [40 C.F.R. § 261.7].
- C. Containers containing hazardous waste are "Non-Empty" if they do not meet the definition of "Empty" under Wis. Admin. Code Chapter NR 661.0007 [40 C.F.R. § 261.7]. Containers managed under Section III.D. herein are not “Non-Empty.”
- D. "CLCM Facility” or “Facilities" means any one or all, as the case may be, of the facilities operated by CLCM in the Milwaukee, Wisconsin area.
- E. A "Customer" is an entity or government agency that provides used containers to any CLCM Facility.
- F. "Date of Receipt of a Trailer" by CLCM is the date that a trailer holding containers arrives at a CLCM Facility.
- G. "Date of Receipt of a Container" by CLCM is the date that a container arrives at a CLCM Facility.
- H. "Business Day" means a day that the CLCM Facility is open for normal operations, and such Business Day ends at the cessation of normal operations on that day.

II. RECEIPT AND EVALUATION OF TRAILERS AND CONTAINERS

- A. On the Date of Receipt of a Container:
1. CLCM shall inspect the shipping documents to confirm that the Customer signed the certification attesting that the container is Empty.
 2. If a container arrives in a trailer, CLCM shall inspect the trailer to verify that the contents of the trailer match the bill of lading and confirm that the containers visible from the back of the trailer are not leaking, and that there are no leaks visible on the outside of and beneath the trailer.
 3. CLCM shall enter the following information into a Trailer and Container Arrival Log:
 - a) The Date of Receipt of the Containers.
 - b) The Date of Receipt of the Trailer, if the trailer is placed in the Trailer Storage Area.
 - c) Customer name(s) and the location(s) where the containers were shipped from, based on the shipping documents.
 - d) Container quantity based on the shipping documents.
- B. On the Date of Receipt of a Container that did not arrive in a trailer, CLCM shall either: (a) move the container to the designated "Trailer Storage Area" or (b) assess the container per the requirements in Sections II.E and F below. If CLCM has not completed construction of the Trailer Storage Area, it shall assess the container per the requirements in Sections II.E and F below on the Date of Receipt of a Container.
- C. On the Date of Receipt of a Trailer, CLCM shall either: (a) move the trailer to the designated "Trailer Storage Area" or (b) unload the containers from the trailer. If CLCM has not completed construction of the Trailer Storage Area, it shall unload containers from the trailer on the Date of Receipt of a Trailer.
- D. CLCM shall unload containers placed in the Trailer Storage Area within fifteen (15) days of the trailer or container first being placed in the Trailer Storage Area. CLCM shall record the date on which the trailer or container is unloaded in the Trailer and Container Arrival Log.
- E. Immediately upon unloading containers from a trailer, CLCM shall review and inspect all containers and shall identify each container that is a Heavy container. If multiple containers arrive on a single pallet and have been shrink-wrapped, then CLCM shall remove the shrink wrap, and CLCM shall remove each container from the pallet. CLCM shall review, inspect, and classify each container as a Heavy container, if applicable.

- F. Upon identification of a container as a Heavy container, CLCM shall place a highly visible "Heavy" label in a bare location on the Heavy container. Heavy labels should not cover any labels already present on the Heavy container. CLCM shall include the following information on the Heavy label:
1. Customer name and location from which the Heavy container was shipped, based on the shipping documents.
 2. Date of Receipt of the Container.
 3. Date identified as a Heavy container by CLCM.
 4. If applicable, trailer information (trailer number, carrier name, or trailer name).

III. TRAILER AND HEAVY CONTAINER STORAGE & MANAGEMENT

- A. Trailer storage. CLCM shall store trailers that are not unloaded on the Date of Receipt of the Trailer in the designated "Trailer Storage Area."
1. CLCM shall not open, handle, or store containers in trailers in a manner that may cause the containers to rupture or leak.
 2. CLCM shall ensure that:
 - a) The Trailer Storage Area is identified with a marked boundary, there is either locked and secured fencing or the trailers are individually locked, and there is signage to clearly delineate its purpose.
 - b) The base surface of the Trailer Storage Area is impervious.
 - c) The Trailer Storage Area shall have 185 gallons of secondary containment (if the maximum number of trailers is 10). In addition, if the Trailer Storage Area is uncovered, it shall also not discharge stormwater runoff except during precipitation events exceeding the 24-hour, 25-year storm for Milwaukee County. Stormwater must be removed from the Trailer Storage Area within one (1) Business Day to ensure 185 gallons of secondary containment is available.
 - d) Adequate space is maintained between trailers in the Trailer Storage Area to allow passage between the trailers for visual inspections.
 - e) No more than 10 trailers are stored in the Trailer Storage Area at one time.

3. The Trailer Storage Area shall be located at least 50 feet from the property lines on the property.
 4. When placing a trailer in the Trailer Storage Area, CLCM shall confirm that the containers visible from the back of the trailer are closed and are not leaking, that there are no leaks visible on the outside of and beneath the trailer, that the top of the trailer is enclosed, and that the doors to the trailer are closed and secured. CLCM shall not store open-topped trailers in the Trailer Storage Area, unless the Trailer Storage Area (or the part of the Trailer Storage Area where an open trailer is stored) is covered.
- B. Container storage. CLCM shall place Heavy containers whose contents are not yet characterized and Non-Empty containers in a designated "Non-Empty and Heavy Container Storage Area" immediately after identifying the containers as Heavy or Non-Empty.
1. CLCM shall not open, handle or store containers in a manner that may cause the containers to rupture or leak.
 2. CLCM shall ensure that:
 - a) Access to the Non-Empty and Heavy Container Storage Area is controlled by identifying the area with a marked boundary (which may include an indoor location, fencing, chaining the area off and using signage, or other method to clearly delineate its purpose).
 - b) The Non-Empty and Heavy Container Storage Area shall have secondary containment sufficient to contain the full volume of the largest container stored in the Area or ten percent of the total volume of the maximum number of containers that can be stored in the Area at any one time, whichever is greater.
 - c) If the Non-Empty and Heavy Container Storage Area is located outdoors, then it shall be covered.
 3. The Non-Empty and Heavy Container Storage Area at each CLCM Facility shall be located at least 50 feet from the property lines at that Facility.
 4. When placing containers in the Non-Empty and Heavy Container Storage Area, CLCM shall check that the closures on the containers are adequately closed, and CLCM shall inspect each container to confirm that it is not leaking and is in good condition (e.g., free of rust and apparent structural defects).
- C. Consolidation of wastes. CLCM shall not consolidate or otherwise mix materials or wastes contained in Heavy and Non-Empty containers.

- D. Identification of Heavy containers containing “product.” If CLCM has reason to believe a Heavy container may contain “product,” CLCM shall request from the Customer documentation explaining how material in the Heavy container can still be used and how the Heavy container ended up at the CLCM Facility. Upon receipt of this information, CLCM may manage this material as “product.” CLCM shall ship the material back to the Customer or arrange for the material to be picked up by the Customer.
- E. Characterization of material that is not “product” in Heavy containers. CLCM shall timely characterize the material in Heavy containers to determine whether the Heavy container contains non-hazardous solid waste or hazardous waste using the following methods, as applicable:
1. Generator knowledge to establish a profile of the material (which can include Customer knowledge);
 2. Methods approved by the WDNR that comply with Wis. Admin. Code § NR 662.011 [40 C.F.R. § 262.11]; or
 3. A representative sample of material may be collected and sampled by an appropriate laboratory.
- F. Storage of incompatible wastes. A Non-Empty container holding waste that is incompatible with any other waste or materials stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other wastes or materials or protected from them by means of a dike, berm, wall or other device.
- G. Labeling for Non-Empty containers. Once CLCM determines a Heavy container contains hazardous waste and therefore is a Non-Empty container, CLCM shall immediately comply with the labeling requirement in Wis. Admin. Code § NR 662.017(1)(e)1. [40 C.F.R. § 262.17(a)(5)(i)]. The label shall not cover any labels already present on the container, including the Heavy label. CLCM also shall label the Non-Empty container with the date on which CLCM identified the container as Non-Empty.
- H. Customer notification for Non-Empty containers. The Plant Manager, or his or her designee, shall timely notify the Customer that it shipped a Non-Empty container to CLCM and may consult with the Customer regarding disposal of the Non-Empty container, including gathering information necessary for preparing a manifest.
- I. Shipment of Non-Empty containers. CLCM shall ship Non-Empty containers off-site to a RCRA-licensed treatment, storage, or disposal facility ("TSDF") within sixty (60) days after the Date of Receipt of the Container.

- J. Manifesting for Non-Empty containers. CLCM shall initiate and complete a hazardous waste manifest for each Non-Empty container that it ships off-site to a RCRA-licensed TSDF.
1. CLCM shall include information from the Customer (generator) in the manifest as follows:
 - a) Box 1: Customer EPA ID number, or State Generator Identification number, or a VSQG (CESQG) designation (if no other identification number).
 - b) Box 5: Customer name and mailing address in the first half of this box. The second half of this box shall include the physical address of the CLCM facility that the Non-Empty container is being shipped from.
 2. CLCM shall sign the manifest as the party offering the waste on behalf of the Customer.
- K. Heavy containers containing non-hazardous solid waste. Once CLCM has determined that a Heavy container contains non-hazardous solid waste, CLCM shall store, manage, transport, and dispose of these Heavy containers consistent with all applicable solid waste requirements.
- L. Shipping requirements. All containers shipped under this Section shall comply with all applicable DOT requirements.

IV. RECORDKEEPING

- A. CLCM shall enter information regarding each Non-Empty container into the Non-Empty Container Inventory Log within two (2) Business Days after the date of identification of such container as Non-Empty. The Non-Empty Container Inventory Log shall include:
1. Customer name and location from which the Non-Empty container was shipped based on the shipping documents.
 2. The Date of Receipt of the Non-Empty container.
 3. The date the container was identified as Non-Empty by CLCM.
 4. If applicable, information about the trailer (trailer number, carrier name, or trailer name).
 5. A description of the contents of the Non-Empty container on the label (if present) and inches of depth in the container (if container is not measured because of excessive material, that shall be noted), or gallons.

- B. CLCM shall supplement the Non-Empty Container Inventory Log with the following additional information as it becomes known:
 - 1. The EPA hazardous waste number(s) for the waste in the Non-Empty container.
 - 2. Date of shipment of the Non-Empty container off-site by CLCM.
 - 3. Destination of shipment, including the name and address of the TSDF receiving the Non-Empty container, and the method of treatment, storage or disposal for such material.
 - 4. Method of tracking shipment offsite, including a manifest number, if applicable.
 - 5. An updated description of the contents of the Non-Empty container if such information becomes available, including all waste determinations.
- C. CLCM shall retain records made in the Non-Empty Container Inventory Log for a period of three (3) years after they are made.
- D. CLCM shall maintain a copy of the manifest for each Non-Empty container that was disposed of by CLCM pursuant to this Container Management Plan for a period of three (3) years.
- E. CLCM shall maintain a copy of the shipping records for each Heavy container containing non-hazardous waste that is shipped off-site for a period of three (3) years.
- F. CLCM shall maintain copies of the Customer documentation establishing that a Heavy container contains product for a period of three (3) years.
- G. CLCM shall retain records made in the Trailer and Container Arrival Log for a period of three (3) years after they are made.
- H. CLCM shall maintain records of any waste characterization performed pursuant to Section IV.A for a period of three (3) years.

V. INSPECTIONS

- A. The Plant Manager, or his or her designee, shall inspect the Non-Empty and Heavy Container Storage Area and the Trailer Storage Area. CLCM shall complete inspections of each area on a weekly basis beginning on the date that CLCM completes construction of that area. The Plant Manager, or his or her designee, shall have completed applicable RCRA training. CLCM shall document inspections on a Weekly Inspection Form. CLCM shall maintain documentation of these inspections as a record of weekly activities and inventory verification. Issues and concerns noted during inspections shall be brought to the

attention of the Plant Manager, or his or her designee, on the same day as the inspection.

B. The inspections shall include:

1. Trailer Storage Area:

- a) Confirmation that the Trailer Storage Area is properly marked, the fencing is secured or the trailers are individually locked, and the signage is intact.
- b) Confirmation that the containers visible from the back of trailers stored in the Trailer Storage Area are not leaking, and that there are no leaks visible on the outside of and beneath the trailer.
- c) Confirmation that the doors to all trailers in the Trailer Storage Area are closed and secured.
- d) Confirmation that each trailer in the Trailer Storage Area has been properly entered on the Trailer and Container Arrival Log.
- e) Trailer inventory, and confirmation that no trailer has been in the storage area for more than fifteen (15) days.
- f) Confirmation that stormwater has been emptied from the secondary containment system, if applicable, and 185 gallons of secondary containment is available to contain spills.
- g) Corrective actions if issues are identified.

2. Non-Empty and Heavy Container Storage Area:

- a) Confirmation that Non-Empty containers are properly documented on the Non-Empty Container Inventory Log.
- b) Visual evaluation for leaks/spills, including whether any container is damaged or leaking near or around the containers.
- c) Confirmation that labels required in this Container Management Plan are properly affixed and completely filled out as described in this Plan.
- d) Container inventory, including the date of the oldest container and the number of containers that have been in the storage area for greater than ten (10) days.
- e) Confirmation that containers are closed.

- f) Corrective actions if issues are identified.
- C. CLCM shall maintain Weekly Inspection Forms for a period of three (3) years.
- D. If any employee finds a trailer at any time to be damaged or leaking, this shall be brought to the attention of the Plant Manager, or his or her designee. CLCM shall immediately either process the containers in the trailer, or identify the source of the leak, place the leaking container or containers into a compatible overpack container, and label them consistent with this Plan. Any released material must be removed and appropriately disposed of. A notation shall be added to the Trailer and Container Arrival Log indicating the nature of the leak and the actions taken to remedy it.
- E. If any employee finds a Heavy or Non-Empty container at any time to be damaged or leaking, this shall be brought to the attention of the Plant Manager, or his or her designee. The Heavy or Non-Empty container shall be placed into a compatible overpack container immediately and shall be labeled consistent with this Plan. Any released material must be removed and appropriately disposed of. A notation shall be added to the Non-Empty Container Inventory Log.

VI. REPORTING

- A. On a quarterly basis, CLCM shall submit to U.S. EPA and the WDNR the Non-Empty Container Inventory Log. In addition, CLCM shall provide a summary document that identifies:
 - 1. All Non-Empty containers that were handled by CLCM pursuant to this Container Management Plan during the quarter.
 - 2. The total number of containers shipped to CLCM, and the total number of Non-Empty containers that were handled by CLCM pursuant to this Container Management Plan, per quarter.
 - 3. The total number of Heavy containers returned to each Customer because the Heavy container contained product.
 - 4. The average number of days that Non-Empty Containers were on site (including the time such containers were stored in any off site Trailer Storage Area, if applicable) from the Date of Receipt through the date such containers were shipped off site pursuant to Section III.I.
- B. In addition to quarterly reporting, CLCM shall provide to U.S. EPA or WDNR any form, invoice, log, or other documentation required to be maintained pursuant to this Container Management Plan or applicable law that is requested by U.S. EPA or WDNR. CLCM may assert a claim of confidentiality when it deems necessary, but such a claim shall not limit U.S. EPA's or WDNR's access to the information.