

Container and IBC Acceptance Policy  
Effective 7/26/2005



Circulation:

Current and Prospective Drum Emptiers  
Account Managers  
Transfer Location Managers  
CMS Location Managers

Container and IBC Acceptance Policy

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## Container and IBC Acceptance Policy Effective 7/26/2005

### Container Management Services, LLC Empty Non-Bulk and Bulk Container Acceptance Policy Oregon, Georgia & California Locations – Degree of Empty & DOT Requirements

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The CMS / MCC acceptance policy for packages previously containing hazardous materials (including RCRA Hazardous Waste, and Non-RCRA California Hazardous Waste and Used Oil), and the Federal and the California regulations are stated in this document. The acceptance non-bulk steel containers, poly containers and bulk IBC's are based on the degree of empty and the type of residue remaining in the package.

Effective 7/26/2005, CMS / MCC will apply the California Contaminated Container language found in Title 22 66261.7 for all empty packagings (bulk and non-bulk) received at Georgia, California and Oregon Reconditioning Facilities. For non-bulk and bulk containers:

- 1) **If pourable, the containers must be drip dry** (no hazardous material can be poured or drained from the container or inner liner when the container or inner liner is held in any orientation) **and**
- 2) **For Non pourable material** the top, bottom and sidewalls of such a container shall not contain remaining adhered or crusted material resulting from buildup of successive layers of material or a mass of solidified material (no hazardous material remains in or on the container or inner liner that can feasibly be removed by physical methods (excluding rinsing) which comply with applicable air pollution control laws and which are commonly employed to remove materials from that container or inner liner).
- 3) **In California the empty container requirement for Bulk containers includes: "the residue is no more than 0.3% by weight of the total capacity of the bulk container".** The drip-dry requirement above is required for IBC's (no heal is allowed).

This policy utilizes the requirements of law and is more stringent on non-bulk containers in Oregon and bulk containers in Georgia, Oregon and California. The purpose of the more stringent requirements is to effect waste minimization, source reduction and toxic use reduction measures at the Emptier location, at CMS Non Bulk Reconditioning locations, and at CMS / MCC locations performing IBC repair, routine maintenance or remanufacturing.

This policy is enforced by CMS and MCC locations, and is not intended to provide new enforcement levels for Federal, State or Local Regulators where the lawful degree of empty is less stringent.

Excessive or pourable liquids will be a basis for rejecting the containers and discontinuing this approval. Any general or specific acceptance at CMS / MCC locations are conditional and subjects the emptier to Corrective Action, Rejection and Return Procedures, and Cost Recovery.

For emptier training purposes and convince, this policy is posted at our Website:

[www.myerscontainer.com/roundtrip/emptycontainerpolicy.htm](http://www.myerscontainer.com/roundtrip/emptycontainerpolicy.htm)

## Container and IBC Acceptance Policy Effective 7/26/2005

### Federal Empty Container Requirements – 40 CFR 261.7 The Law and CMS, LLC Policy on the Degree of Empty

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Note: For acceptance purposes, CMS and MCC require that all non-bulk containers to meet the degree of empty described in California Regulation [CCR Title 22 66261.7](#). This applies to all locations inside and outside of California.

Empty containers are "...not subject to regulation under parts 261 through 265, or part 268, 270 or 124...", of Chapter 40 CFR (hazardous waste regulations). Many Emptiers believe that one-inch or less of residue in the bottom of a container is sufficient to meet the empty container definition. Examination of 40CFR 261.7 reveals that this is not always true. The regulatory language is as follows:

**A container or an inner liner removed from a container that has held any hazardous waste, is empty if 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 110 gallons in size.

**The top part of the definition takes precedence and must be achieved to assure that the container and residues are not regulated as hazardous waste.** Therefore, after the emptier pumps the container dry (with application or dispensing equipment), the emptier must continue the emptying process by pouring off. This is known as Drip-Dry-Empty.

#### **Best Management Practice Policy Suggestion (not covered by the Federal Regulation)**

In the case of solid materials, it is the CMS, LLC policy that the material be removed by Scraping / Chipping / Squeegeeing.

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The complete Federal Empty Container regulation is found at:

[http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr\\_2004/julqtr/40cfr261.7.htm](http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/40cfr261.7.htm)

Or [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/40cfrv24\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/40cfrv24_04.html)

And Navigate to 261.7

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## Container and IBC Acceptance Policy Effective 7/26/2005

### **California Empty Container Requirements: – Title 22 66261.7 (b) (1 and 2) Requirements on the Degree of Empty**

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#### **Non-Bulk Container – Degree of Empty**

Title 22 66261.7 (b)(1 and 2) Containers or inner liners which previously held a hazardous material, including but not limited to hazardous waste, and which is empty (as defined below) “...shall be exempt from regulation under this division and Chapter 6.5 of Division 20 of the Health and Safety Code if it is managed in accordance with subsection (e) of this section”. Emptiers must be aware that this regulation is more stringent than the Federal rule found in 40CFR 261.7. The regulatory language indicates the container ... **is empty if:**

**Containers with pourable materials** ~ If the hazardous material which the container or inner liner held is pourable, no hazardous material can be poured or drained from the container or inner liner when the container or inner liner is held in any orientation (e.g., tilted, inverted, etc.)

**Containers with non-pourable materials** ~ If the hazardous material which the container or inner liner held is not pourable, no hazardous material remains in or on the container or inner liner that can feasibly be removed by physical methods (excluding rinsing) which comply with applicable air pollution control laws and which are commonly employed to remove materials from that container or inner liner. Following material removal, the top, bottom and sidewalls of such a container shall not contain remaining adhered or crusted material resulting from buildup of successive layers of material or a mass of solidified material. A thin uniform layer of dried material or powder is considered acceptable.

Therefore, if required, after the emptier pumps the container dry (with application or dispensing equipment), the emptier must continue the emptying process by pouring off. This is known as **Drip-Dry-Empty**. Again, in the case of solid materials, it is general policy that the material be removed by Scraping / Chipping / Squeegeeing.

#### **Additional California Requirements:**

(f) A container or an inner liner removed from a container larger than five gallons in capacity which is managed pursuant to subsection (e) of this section **shall be marked with the date** it has been emptied and shall be managed within one year of being emptied.

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The complete California regulation is found at:

[http://ccr.oal.ca.gov/cgi-bin/om\\_isapi.dll?clientID=167133&advquery=66261.7&infobase=ccr&record={5D988}&softpage=Browse Frame Pg42&x=54&y=11&zz=](http://ccr.oal.ca.gov/cgi-bin/om_isapi.dll?clientID=167133&advquery=66261.7&infobase=ccr&record={5D988}&softpage=Browse Frame Pg42&x=54&y=11&zz=)

Press “Search”

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## Container and IBC Acceptance Policy Effective 7/26/2005

### California Empty Container Requirements: – Title 22 66261.7 (p) IBC – Bulk Container - Degree of Empty Requirements in California:

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The following states the regulation (Title 22 66261.7 (p)) concerning the degree of empty for Intermediate Bulk Containers, which have previously containing hazardous materials. The CMS / MCC policy is more stringent and enforces the required degree of empty found in Title 22 66261.7 (b)(1 and 2).

(p) The residue remaining in a bulk container (as defined in section 66260.10) that has held hazardous waste is not a hazardous waste, except as provided in subsections (p)(2) and (p)(3), and a facility that receives the bulk container for cleaning or reuse, by such receipt **is not receiving offsite waste, if the bulk container is empty as defined in subsection (p)(1)** below.

(1) A bulk container that has held hazardous waste is empty if:

(A) For a residue that contains a material described in subsection (d)\*a of this section, the bulk container is empty pursuant to subsection (d); or

\* Acute hazardous, waste extremely hazardous criteria of Sections 66261.110, 66261.113, and Title 22, California Code of Regulations, Division 4.5, Chapter 11, Appendix X.....

(B) For a residue that does not contain a material described in subsection (d), the residue is **no more than 0.3% by weight of the total capacity of the bulk container.**

(2) The residue in a bulk container that is empty pursuant to subsection (p)(1)(B) of this section is subject to regulation under this division as a hazardous waste when:

(A) The bulk container ceases to be operated for hazardous waste or hazardous material transportation; or

(B) The residue is from hazardous waste that was hazardous by the characteristic of toxicity (as defined in section 66261.24), and, without prior removal of the residue, the bulk container is subsequently used to hold a product or recyclable material which would be reduced in quality, value, or usefulness, rendered non-recyclable, or which would potentially have an adverse effect on human health and/or the environment by commingling with the residue, or

(C) Without prior removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with the residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division.

(3) An offsite facility that receives a bulk container that held a hazardous waste is an offsite facility subject to the facility standards of chapters 14, 15, and 20 of this division if:

(A) The bulk container is not empty pursuant to subsection (p)(1); or

(B) The bulk container is empty pursuant to subsection (p)(2), and, without removal of the residue, the bulk container is subsequently used to hold a material that is chemically incompatible with that residue, including, but not limited to, those incompatible materials listed in Appendix V of chapter 14 of this division

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### **Federal DOT Empty Packagings Requirements**

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#### **49 CFR 172.203(e)**

Empty Packagings. (1) The description on the shipping paper for a packaging containing the residue of a hazardous material may include the words "RESIDUE: Last Contained \_\_\_\_\_" in association with the basic description of the hazardous material last contained in the packaging.

#### **49 CFR 173.29(a)**

States an empty packaging containing only residue of a hazardous material shall be offered for transportation in the same manner as when it previously contained a greater quantity of that hazardous material (i.e., all openings must be closed, and all markings and labels must be in place). Additionally:

**For Non-Bulk Containers** (maximum capacity of 119 gallons) a DOT shipping paper is not required for transportation of any empty drum for reconditioning via contract or private carrier. DOT placarding is not required for vehicles carrying empty containers.

**For Bulk Containers** - previously containing hazardous materials -(capacity exceeding 119 gallons) a DOT shipping paper is required for transportation of any IBC for reconditioning via contract or private carrier. DOT placarding is required for vehicles carrying empty bulk containers.

### **Reusable Industrial Packaging Association RIPA - IBC Determination (January 1999)**

Currently, DOT classifies intermediate bulk containers as "bulk" packagings. All bulk packagings, even those that contain only residues of hazardous materials, must be transported as if full. This means that transporters of empty IBC's are required to placard their vehicles and to carry shipping papers in compliance with DOT regulations. In addition, transporters must carry special emergency response information in their vehicles, including a 24-hour emergency contact.

### **Long Term Liabilities**

Emptiers must understand portions of the Superfund Recycling Equity Act of 1999.

The emptier should make an effort to understand scrap recycling protection or lack of protection found in the superfund law. If a shipping container is fully decontaminated and then rendered into scrap through recycling, protections are available under certain conditions explicitly outlined in the law. Shipping containers with any residue hazardous substances in or on them remain subject to the liability provisions of the Superfund law.

The full text of the "Superfund Recycling Equity Act of 1999" (the language of S. 1528) is found in the November 19, 1999, Congressional Record - Senate on pages S15048 through S15052. You may view this on GPO Access ([www.access.gpo.gov](http://www.access.gpo.gov)). It is also incorporated into CERCLA Section 127. But as an emptier your responsibility is to ensure that steel drums are handled in an environmentally sound manner.

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### Residue Acceptance Criteria

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#### Never Accept List

The following is a list of residues CMS, LLC never accepts unless by written exception:

- Agricultural Chemicals (Pesticides / Herbicides)
- Biological (where the MSDS specifies the container is not to be reused; triple rinsing or equivalent cleaning methods may be allowed if specified on the MSDS).
- Cyanide or Cyanide Compounds
- Dioxins
- Parathion (any percentage)
- PCB's (Polychlorinated Biphenyls)
- Radioactive

The following classifications of materials are also found on the CMS never-accept list.

- Poisons - Class B (Old DOT Designation)
- Poisons – Hazard Class 6.1 - Packaging Group II (Skull & Cross Bones Label or Placard)
- Poisons - WHMIS (Canada) Skull & Cross Bones

Depending on an evaluation by CMS Environmental personnel, exceptions can be made to the never accept list on a case-by-case and chemical specific basis and generally must be in writing. Consideration for acceptance can be made based on the following:

- The percentage of the chemical in the residue is low and over-conservative labeling by the manufacturer is evident.
- How much of the residue is physically present (e.g., methanol may be fully evaporated and not present in the container), or
- If the chemical residue actually decontaminates the container by its cleaning properties.

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### Residue Acceptance Criteria

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#### Non-Accept List

The **non-accept list** is based on Federal Regulations for **Acute Hazardous Waste**, California Regulations for **Acute and Extremely Hazardous Waste** and a **historical list of chemicals** developed at our reconditioning facilities. **Residues included on this list require triple rinsing and written consent.** The regulated lists of materials are described in the following sections:

#### Federal Regulation 49 CFR 261.7 (b)(3), which states:

A container or an inner liner removed from a container that has held an **acute hazardous waste** listed in Secs. 261.31, 261.32, or 261.33(e) is empty if:

- (i) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
- (ii) 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
- (iii) 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.

#### California Regulation Title 22 66261.7 which states:

(d) A container or an inner liner removed from a container that has held a material listed as an **acute hazardous waste** in Sections 261.31, 261.32, or 261.33 (e) Title 40 of the Federal Code of Regulations or a waste which is **extremely hazardous pursuant** to any of the criteria of Sections 66261.110, 22:66261.113, 66261.113, and Title 22, California Code of Regulations, Division 4.5, Chapter 11, **Appendix X** is empty if:

**(1) The container or inner liner has been triple rinsed using a solvent capable of removing the waste and all pourable residues have been removed from the container or inner liner in accordance with subsection (b)(1) of this section. Triple rinsing activities shall require specific authorization from the Department unless subject to the provisions of Health and Safety Code Section 25143.2(c)(2); or**

(2) The container or inner liner is cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal. Alternative methods to rinsing require prior approval by the Department.

#### Triple Rinse Data Requested for Acceptance

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**CMS, LLC Historical Non Accept List**

**Without Triple Rinsing or Written Consent of CMS, LLC**

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In addition to the Federal Acute and California Extremely Hazardous Waste Lists, the following chemical residues are listed by CMS, LLC policy as non accept without triple rinsing and written consent:

111-Trichloroethane  
Acrylonitrile  
Alkyl Chloride  
Ammonia Perchlorate  
Ammonium Fluoride  
Aqua Ammonia (any percentage)  
Benzene  
Benzoyl Chloride  
Butylacrylate  
Carbon Tetrachloride  
Chlorinated Phenols  
Chloroform  
Chloroprene  
Ethyl Chloride  
Ethylene Dichloride  
Formaldehyde (any percentage)  
Hexachlorobenzene  
Hydrofluoric Acid (any percentage)  
Hydrogen Chloride  
Inerteen 70 - Monsanto Lined Drums  
Methyl Chloroform  
Methylene Chloride (any percentage)  
Penta (Pentachlorophenol)  
Perchloric Acid  
Perchloroethylene (Perc)  
P-Listed Wastes (Triple Rinsed Requirement)  
Potable Coagulant  
Silicon  
Sodium Bisulfide  
Toluene Diisocyanate (TDI)  
Trichloroethylene  
Triethylamine  
Vinyl chloride  
Vinylidene Chloride

[Triple Rinse Data Requested for Acceptance](#)

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**SUMMARY OF FEDERAL AND CALIFORNIA REGULATION LISTS**

**Federal Regulations**  
**Acute hazardous waste**

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**40 CFR 261.31**

Hazardous Waste from non-specific sources  
Hazard Code H - F020, F021, F022, F023, F026 and F027

**40 CFR 261.32**

Hazardous Waste from specific sources  
Hazard Code H - Non Presently Listed

**40 CFR 261.33(e)**

Discarded Commercial Chemical Products,  
Off-specification Species, Container Residues,  
And Spill Residues Thereof.  
Section "(e)" - P-List

Code of Federal Regulations (CFR's) available at:  
<http://www.gpo.gov/nara/cfr/cfr-table-search.html#page1>

**California Code of Regulations**  
**Extremely hazardous waste Definitions**

Title 22 66261.110  
**Title 22 66261.113**  
**Title 22 Appendix X**

California Code of Regulations (CCR's) available at:  
<http://ccr.oal.ca.gov/>

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## Container and IBC Acceptance Policy Effective 7/26/2005

### MSDS Residue Review, Packaging Type and Other Requested Information

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Except for known acceptable classifications of hazardous materials (acids, caustics, most non-chlorinated solvents, paint, etc.) and unused oil residues, all new Emptiers of steel drums are requested to submit MSDS's to the manufacturer's Environmental Department for acceptance.

#### To initiate an approval review please provide the following information:

- 1) Contact Information: Name, Company, Phone Number and email. Location where emptied and accumulated.
- 2) What is the degree of empty achieved when you empty the container (please be descriptive)?
- 3) What type of container is it (poly, tighthead steel, Openhead steel or other)?
- 4) Do you prefer to have the container destroyed (cleaned and scrapped) or processed as a reconditioned unit?
- 5) Is the container in good shape (i.e., no holes and able to be transported without residues leaving the container)?
- 6) Original labels intact?
- 7) Can the container be closed as if the original contents were still in the drum (plugs, covers, bolt rings, drum curl fits to the cover, etc)?
- 8) Will this be an on-going waste stream or one-time, what is the count and frequency of empties generated and how many are available now?

#### Triple Rinse Data Requested for Acceptance

Please forward a copy of the triple rinse procedure, work instructions, training and triple rinse label procedures. Please describe rinsate disposal procedure and the status of any permit needed to triple rinse or discharge. Please describe the degree of decontamination achieved by triple rinsing in the following context:

- 1) Minimum Triple Rinse Criteria - The container or inner liner has been triple rinsed using a solvent capable of removing the waste and all pourable residues have been removed from the container. [CCR Title 22 66261.7 \(d\)](#) applied to all hazardous materials.
- 2) Label Removal Criteria - The packaging is sufficiently cleaned of residue and purged of vapors to remove any potential hazard; including Hazard Categories Under Criteria of SARA Title III Rules (40 CFR Part 370) - Immediate (Acute) Health. 49 CFR 173.29(b)(2).
- 3) Label Removal Criteria - Any material contained in the packaging does not meet the definitions in 40 CFR § [171.8](#) of this subchapter for a hazardous substance, a hazardous waste, or a marine pollutant. 49 CFR 173.29(b)(3).
- 4) Empty Container Criteria - The degree of empty required by the California Contaminated Container (empty container) standard and DOT requirements are met. CCR Title 22 66261.7 (b).

This will help us disposition the drums, and assist us in an approval decision.

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**CMS Contact Information**

US Mail, Email or Fax MSDS and Above Requested Data to:

Dana Zanone  
Myers Container Corporation  
Environmental Department  
900 Brookside Drive  
Richmond, CA 94801

Phone: 510 231-5304  
[dzanone@myerscontainer.com](mailto:dzanone@myerscontainer.com)  
Fax 510 237-0416

Customer Assistance  
Contact our RoundTrip Coordinator for further assistance:

Carmen Gray  
RoundTrip Coordinator  
Phone: 800 272-6202  
[cgray@myerscontainer.com](mailto:cgray@myerscontainer.com)