From: Knauss, Elizabeth
To: "Garcia, Javier"
Subject: RE: Condensate Management Response
Date: Thursday, August 09, 2018 3:22:00 PM
Attachments: IMG_4176.JPG
IMG_4177.JPG

No they are not, but DOT compliance during accumulation does not apply to small containers that are not subject to Subpart CC.

Compliance with 262.30 would be a separate issue. I think the containers at the time of shipment probably would not comply, unless the box held only household waste cosmetics, which are exempt Under 49 CFR 173.12(g). I did discuss the absorbent issue with Ken.

Part of the problem is that some DOT provisions are specific that the rule does not apply until the packaging is closed for shipment, like the following.

49 CFR 173.3 (f)

(2) Each large salvage packaging shall be provided when necessary with sufficient cushioning and absorption material to prevent excessive shifting of the contents and to eliminate the presence of any free liquid at the time the packaging is closed. All cushioning and absorbent material used in the large salvage packaging must be compatible with the hazardous material.

From: Garcia, Javier [mailto:Garcia.Javier@epa.gov]
Sent: Thursday, August 09, 2018 12:19 PM
To: Knauss, Elizabeth <Elizabeth.Knauss@FloridaDEP.gov>
Subject: RE: Condensate Management Response

Beth,

Do you know if they are adding vermiculate or other packaging material to the gaylord box, as to meet DOT lab packs packaging requirements?

Thanks,

Javier E. García
RCRD Enforcement and Compliance Branch
EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303

404-562-8616

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From: Knauss, Elizabeth [mailto:Elizabeth.Knauss@FloridaDEP.gov]
Sent: Thursday, August 09, 2018 11:46 AM
To: Garcia, Javier <Garcia.Javier@epa.gov>
Subject: RE: Condensate Management Response

Javier – I had a discussion with Ken about this issue. Since the Gaylord is used to contain smaller containers, that are not subject to Subpart CC (less than 0.1 cubic meters (26 gallons)), the service does not matter provided that any broken or leaking containers are packaged in a non-leaking container before being put in the Gaylord. The rule does not prohibit plastic bags from being used for this purpose. This appears to be a hole in the rule, as some plastics can be permeable to vapors even if not leaking.

I concluded that the overpack and lid was in compliance, even though we smelled vapors when the lid was opened. Next time, I would have to be able to show that unbagged containers or bags with leaking containers were not intact to make a violation stick.

From: Garcia, Javier [mailto:Garcia.Javier@epa.gov]
Sent: Thursday, August 09, 2018 9:23 AM
To: Ken Dean <Ken.Dean@usecology.com>
Cc: Knauss, Elizabeth <Elizabeth.Knauss@FloridaDEP.gov>
Subject: RE: Condensate Management Response

Good morning Ken,

Have you determined whether the container is in light liquid service or heavy liquid service? If it is in heavy service liquid, the current lid meets the cc closure standards. If it is in light liquid service, the outer container would have to meet Level 2 standards. Regardless of the applicable control level, it appears to me that the package would have to meet DOT lab pack shipping standards [40 cfr 264.1086(f)(4)]. Does the package meet DOT lab pack standards?

Thanks,

Javier E. García

RCRD Enforcement and Compliance Branch
EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303

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From: Ken Dean [mailto:Ken.Dean@usecology.com]
Sent: Friday, August 03, 2018 10:17 AM
To: Garcia, Javier <Garcia.Javier@epa.gov>
Cc: Knauss, Elizabeth <elizabeth.knauss@dep.state.fl.us>
Subject: Re: Condensate Management Response

Good morning Javier,

I just wanted to follow up to see if anything additional was needed. Please let me if you need anything.

Respectfully,

Ken Dean
EHS
US Ecology Tampa

From: Garcia, Javier <garcia.javier@epa.gov>
Sent: Wednesday, August 1, 2018 10:51
To: Ken Dean
Cc: Knauss, Elizabeth
Subject: RE: Condensate Management Response

Good morning Ken,

Thanks for the response. As you may recall, our concern with the 1-cubic yard consolidation container was whether it was in heavy liquid service or light liquid service. I do believe that unless each individual container meets DOT hazardous materials shipping standards, the consolidation box is subject to cc regulations. Please see 40 cfr 264.1086(b)(ii) and (iii).

(ii) For a container having a design capacity greater than 0.46 m3 that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in paragraph (c) of this section.

(iii) For a container having a design capacity greater than 0.46 m3 that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in paragraph (d) of this section.

Based on the observations made during the inspection, the current lid would meet the level 1 closure standards.

Thanks,

Javier E. García
RCRD Enforcement and Compliance Branch
EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303

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From: Ken Dean [mailto:Ken.Dean@usecology.com]
Sent: Tuesday, July 31, 2018 12:19 PM
To: Garcia, Javier <Garcia.Javier@epa.gov>
Subject: Re: Condensate Management Response

Good afternoon Javier,

Hope all well. The damaged material comes in to our facility in 55 gallon drums with the damaged retail product original containers in bags. It has been our practice since we started accepting the damaged retail products to place the bagged material into cubic yard boxes for more efficient disposal management and transportation. Each bag contains the original damaged container that is under 26 gallon. The damaged retail product containers that are bagged are typically less than 1 quart. If the products are not bagged then we bag them before placing the material into the yard box. Please let me know if you have any questions.

Thank you,

Ken Dean
EHS
US Ecology Tampa

From: Garcia, Javier <garcia.javier@epa.gov>
Sent: Monday, July 30, 2018 12:58
To: Ken Dean
Subject: RE: Condensate Management Response

Good afternoon Ken,

I need you to clarify for me your July 18 email (see below) addressing the management of the of the damage goods accumulated in the 1cubic box. Are you saying that at the time of the inspection, the box that we saw with the metal lid had 26-gallon capacity containers inside, or is this a new management procedure?

Thanks,

Javier E. García
RCRD Enforcement and Compliance Branch
EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303

404-562-8616

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From: Ken Dean [mailto:Ken.Dean@usecology.com]
Sent: Wednesday, July 18, 2018 5:03 PM
To: Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>
Cc: Don Locke <Don.Locke@usecology.com>; Garcia, Javier <Garcia.Javier@epa.gov>; Brian Lindman <brian.lindman@usecology.com>
Subject: RE: Condensate Management Response

Good afternoon Beth,

My apologies for the delayed response to the Subpart CC procedure that you requested from the inspection on 6/20/18. Please let me know if you need anything.

- Retail wastes that are commingled into the cubic yard box for more efficient transportation, are all contained with a primary container that are below the 26.4 gallon threshold that would require Subpart CC level 2 controls. If the primary container is damaged, the item is placed in zip-loc bag to maintain the integrity of the primary container and compliance with Subpart CC level 1 controls.
- Liquid wastes, that are poured up onsite are commingled into UN-rated containers. The container closed to meet the manufacture's requirements except when add or removing waste (i.e. funnels removed) and fully compliant with Subpart CC level 2 controls.

Respectfully,

Ken Dean
EHS Compliance Specialist

ken.dean@usecology.com
p: 813.319.3433 | c: 813.748.4403 | f: 813.626.7451

7202 East Eighth Ave. Tampa, FL 33619

Emergency Response: 800.839.3975
Customer Service: 800.592.5489

From: Ken Dean
Sent: Tuesday, July 17, 2018 6:14 PM
To: 'Knauss, Elizabeth' <Elizabeth.Knauss@dep.state.fl.us>
Cc: Don Locke <Don.Locke@usecology.com>; Garcia, Javier <Garcia.Javier@epa.gov>
Subject: RE: Condensate Management Response

Beth,

Good evening. My apologies for the delay in the response. I know Don reached out to you today in regards to your voicemail to me while I am off site for training. Our corporate EHS is still reviewing everything to formulate a response and may not be able to submit tomorrow. Would you be available tomorrow for a follow up call to discuss? Please let me know. Again I apologies for the

delay.

Respectfully,

Ken Dean
EHS Compliance Specialist

ken.dean@usecology.com
p: 813.319.3433 | c: 813.748.4403 | f: 813.626.7451

7202 East Eighth Ave. Tampa, FL 33619

Emergency Response: 800.839.3975
Customer Service: 800.592.5489

From: Knauss, Elizabeth [mailto:Elizabeth.Knauss@dep.state.fl.us]
Sent: Wednesday, July 11, 2018 2:29 PM
To: Ken Dean <Ken.Dean@usecology.com>
Cc: Don Locke <Don.Locke@usecology.com>; Garcia, Javier <Garcia.Javier@epa.gov>
Subject: RE: Condensate Management Response

Hi, Ken

We also had questions about the yard box being used to collect containers of makeup. It looks like the lid may comply with 40 CFR 264.1086(c)(1)(ii), however we would need to know your procedures for ensuring that this type of container is not managing waste in light material service. Please see 40 CFR 264.1086(c)(5).

Can you please forward a copy of your written procedure to us?

Thanks,

From: Ken Dean [mailto:Ken.Dean@usecology.com]
Sent: Tuesday, July 10, 2018 6:30 AM
To: Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>
Cc: Don Locke <Don.Locke@usecology.com>

Subject: Condensate Management Response

Good morning Beth,

I hope you had a good 4th. My apologies for the delay in sending this response about how we plan to mitigated the condensate material from the roll-off boxes that are loaded and placed in storage post treatment awaiting analytical results. It is common to observe moisture on the ground due to an accumulation of condensation on the outside of roll-off boxes due to the frequent high humidity in the Tampa area and the temperatures reached during the treatment process. We can't stop the condensate from forming with the temperature changes. In the future we will contain the condensate with pop up containments and placing the roll-off boxes, typically four per batch, that are filled directly after a passing Paint Filter Test, (PFT, SW846 Method 9095B), post treatment. The containments will aid in capturing the condensate material if it occurs. In these cases, our first course of action will be to clean-up any material, inspect the container integrity and tighten the latch on the rear gate. Subsequent inspections should reveal that the issue had been resolved or additional or alternative action is necessary. If a condensate leak cannot be stopped, the box will be moved into the Waste Processing Building (WPB) and transferred to another box. Any standing water found in a containment post rain event will be managed in the treatment tank or containerized and placed in the hazardous waste storage area in the WPB until the material can be managed in the treatment tank. Please let us know if you have any questions.

Respectfully,

Ken Dean
EHS Compliance Specialist

ken.dean@usecology.com
p: 813.319.3433 | c: 813.748.4403 | f: 813.626.7451

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