From: Knauss, Elizabeth
To: "Garcia, Javier"
Subject: RE: Damage Goods Accumulation Container
Date: Tuesday, August 21, 2018 2:17:00 PM

Thanks for the DOT confirmation – I had previously tried looking up Ken's term "loose pack" and not found anything on USDOT's web site.

It looks like something that is being used by HHW collection centers.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=2ahUKEwjAhdCc6fvcAhXLqlMKHWyLAt0QFjAGegQICRAC&url=https%3A%2F%2Fwww.pca.state.mn.us%2Fsites%2Fdefault%2Ffiles%2Fw-hhwsop4-04.doc&usg=AOvVaw3NCcFTIR6U_r3cyT08VF43

From: Garcia, Javier [mailto:Garcia.Javier@epa.gov]
Sent: Tuesday, August 21, 2018 1:23 PM
To: Ken Dean <Ken.Dean@usecology.com>
Cc: Knauss, Elizabeth <Elizabeth.Knauss@FloridaDEP.gov>; Annicella, Alan <Annicella.Alan@epa.gov>
Subject: Damage Goods Accumulation Container

Good afternoon Ken,

According to my DOT contact, the box that you are using (UN Code 11G/X/0518/USA/+AA8369/1882/997) needs to meet DOT's lab pack exception when used for transporting Flammable Liquids, n.o.s. (as you have classified the damage goods in the box). To meet the lab pack exception, you would need to add absorbent material to the box and keep the shipping weigh below the established maximum weight, per DOT packaging requirements. As I previously indicated, it is my opinion that the box is subject to subpart bb, of 40 cfr part 264, which you could meet by keeping the box closed (except when adding inner containers) and meeting DOT 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: Ken Dean [mailto:Ken.Dean@usecology.com]
Sent: Friday, August 17, 2018 11:29 AM
To: Garcia, Javier <Garcia.Javier@epa.gov>
Cc: Knauss, Elizabeth <elizabeth.knauss@dep.state.fl.us>
Subject: RE: Condensate Management Response

Javier,

Good morning. Please see below for the UN rating of the container. Please let me know if you need anything.

UN 11G/X/0518/USA/+AA8369/1882/997

Thanks,

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: Garcia, Javier [mailto:Garcia.Javier@epa.gov]
Sent: Friday, August 17, 2018 10:18 AM
To: Ken Dean <Ken.Dean@usecology.com>
Cc: Knauss, Elizabeth <elizabeth.knauss@dep.state.fl.us>
Subject: RE: Condensate Management Response

Good morning Ken,

Could you please email me the UN rating of the outer box?

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: Friday, August 17, 2018 6:07 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,

My apologies for the delayed response. The CYB is used to hold a variety of small containers holding discarded commercial products that would meet the definition of both the light and heavy liquid service. Although, these containers are all less than or equally to 1 gallon and would be exempt from the Subpart CC requirements based on the language in 40 CFR 264.1080(b)(2):

§264.1080 Applicability. (FOR SUBPART CC)
(a) The requirements of this subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either subpart I, J, or K of this part except as §264.1 and paragraph (b) of this section provide otherwise.

(b) The requirements of this subpart do not apply to the following waste management units at the facility:

(1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

(2) A container that has a design capacity less than or equal to 0.1 m3.

The CYB (or outer container) is not utilized to hold or contain the waste held in these smaller containers. It is purely an over pack used to facilitate more efficient transportation.

Furthermore, the containers held within the CYB would not constitute a "lab pack." The lab pack exemption is utilized when combining waste streams with different DOT Proper Shipping Names into one outer container. The containers held within the CYB are classified under the same DOT Proper Shipping Name not requiring the lab pack exemption. This is commonly referred to as a "loose pack." With that said the outer container is still DOT rated container and would meet all of the requirements for a lab pack under 49 CFR 173.12(b)(2)(ii)(C).

I have also attached the copy of the manifest and LDR you requested. The damaged goods is on Line 7. Please let me know if you need anything.

Respectively,

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: 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@dep.state.fl.us>
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

404-562-8616

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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

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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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