

Drum Service of Richmond, Inc.

Empty Used Container (Drum)

Notification and Disclosure Statement

Customer: _____

Address: _____

City, State, Zip: _____

Total Containers: _____ Customer Load and Count (Y or N) _____ Receipt # _____

The Customer, by and through its duly authorized officer, employee or agent, as part of the consideration for Drum Service of Richmond, Inc. accepting its containers (Steel Drums) acknowledges and discloses the following:

- 1) All closed head containers (Drums) will have all it's in place and tight. All empty open head containers (Drums) will be returned as if full, *i.e.*: cover and ring in place and tightened and comply with the U.S. Department of Transportation: 49 CFR 173.29*.
- 2) All containers (Drums) are "EMPTY" as that term is defined in the National Environmental Protection Agency regulation: 40 CFR 261.7**, and have not contained "Acutely Hazardous Waste" as listed in 40 CFR 261.33(e)***. And that all "RQ" markings apply only to the original filled container (Drum) and not to those empty containers (Drums) as defined in 40 CFR 261.7.
- 3) Customer acknowledges that Drum Service of Richmond, Inc. refuses all containers (Drums) not meeting the requirements of empty as defined in 40 CFR 261.7 and customer agrees to assume all responsibility for the return of said "Heavy Containers" (Drums). And customer agrees to pay all fees as associated with the return of said "Heavy Containers" (Drums).

Interpretation of Regulations:

* Dot 49 CFR 173.29 says that all openings on the empty container (Drum) must be closed. And that all markings and labels must be in place as if the container (Drum) were full of its original product or contents. A DOT shipping document is not required for transportation of a container (Drum) returned for reconditioning. Via contract carrier or private carrier. DOT placarding is not required for vehicles carrying empty containers (DRUMS).

** With regards to the term "EMPTY"... EPA 40 CFR 261.7 says: A container is "EMPTY"..... *If:*
(i) All wastes have been removed that be be removed using the practices commonly employed to remove materials from that type of container. e.g. Pouring, Pumping and Aspirating *AND*
(ii) No more than 2.5 centimeters (one inch in a 55 gal. Drum) of residue on the bottom of container (DRUM), or 3% by weight of the total container.

The EPA has explained this rule saying that "ONE INCH" of waste material ia an overriding constraint and may remain an empty container (DRUM) only if it cannot be removed by normal means. The rationale for this provision is that there are certain tars and extremely viscous materials that will remain in the container (DRUM) even after the container (DRUM) is emptied by normal means.

*** For residues of products specifically listed by name in 40 CFR 261.33(e) EPA says the container (DRUM) is empty only if the container (DRUM) has been triple rinsed using a solvent capable of removing the product, or has been cleaned by another method shown to achieve equivalent removal.

Witness: _____ BY (Cust): _____

DSR Driver: _____ Title: _____

Trailer/Truck#: _____ Date: _____