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CLIENT/MATTER NUMBER
110874-0103

September 11, 2017

Via E-Mail & FedEx

United States Environmental Protection Agency-Region 5
Attn: Brenda Whitney
77 West Jackson Boulevard, LR-17J
Chicago, IL 60604
Whitney.Brenda@epa.gov

Re: Response to Request to Provide Information Pursuant to Resource Conservation Recovery Act Dated June 28, 2017-
Container Life Cycle Management LLC
CONTAINS CONFIDENTIAL BUSINESS INFORMATION

Dear Ms. Whitney:

On July 5, 2017, Foley & Lardner LLP received a Resource Conservation Recovery Act Section 3007 Information Request directed to "Container Life Cycle Management, Inc. (d/b/a Mid-America Steel Drum)" from the United States Environmental Protection Agency-Region 5 ("U.S. EPA") dated June 28, 2017.

As agreed, Container Life Cycle Management LLC ("CLCM") has completed its responses to Requests 3(b)-(d), 8(a)-(c), 10(b)-(d), 13(a)-(c), 15(b)-(d), and 20(a)-(c). CLCM previously responded to Requests 1, 2, 3(a), 4-7, 8(d)-(e), 9, 10(a), 11, 12, 13(d)-(g), 14, 15(a), 16-19, 20(d)-(g), and 21. U.S. EPA requested additional information with respect to Request 5 on August 10, 2017. CLCM has included additional information with respect to Request 5 within this Response.

Documents responsive to this request are provided as PDF files on the flash drive which will be arriving via FedEx, with a corresponding Table of Contents. The documents have been scanned for viruses using Workshare Professional.

Sincerely,

Linda E. Benfield
AKB

Linda E. Benfield

Enclosures (via FedEx only)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RESPONSE OF
CONTAINER LIFE CYCLE MANAGEMENT LLC TO
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S
REQUEST TO PROVIDE INFORMATION UNDER SECTION 3007 OF THE
RESOURCE CONSERVATION RECOVERY ACT

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

September 11, 2017

Foley & Lardner LLP received the United States Environmental Protection Agency's ("U.S. EPA") Resource Conservation Recovery Act, Section 3007 Information Request dated June 28, 2017 ("Information Request") directed to "Container Life Cycle Management, Inc. (d/b/a Mid-America Steel Drum)" regarding the facilities at 2300 W. Cornell St. Milwaukee, Wisconsin, 8570 S. Chicago Ave. Oak Creek, Wisconsin, and 3950 South Pennsylvania Avenue St. Francis, Wisconsin (hereinafter referred to collectively as the "CLCM Facilities"). Container Life Cycle Management LLC ("CLCM"), a joint venture that purchased the operating assets of the business on November 4, 2013, currently operates the CLCM Facilities.

Foley & Lardner LLP received the Information Request on July 5, 2017. As agreed, this document includes CLCM's responses to Requests 3(b)-(d), 8(a)-(c), 10(b)-(d), 13(a)-(c), 15(b)-(d) and 20(a)-(c). CLCM previously responded to Requests 1, 2, 3(a), 4-7, 8(d)-(e), 9, 10(a), 11, 12, 13(d)-(g), 14, 15(a), 16-19, 20(d)-(g), and 21. U.S. EPA requested additional information with respect to Request 5 on August 10, 2017. CLCM has included additional information with respect to Request 5 within this Response.

GENERAL OBJECTIONS

CLCM incorporates in their entirety, the objections set forth in its Response dated July 26, 2017.

The following responses correspond to the numbered requests within the Information Request (the Information Request language is set forth in italics). All responses were prepared with the assistance and advice of counsel and such discussions are covered by attorney/client and attorney work product privileges.

RESPONSE

Cornell Street Facility

REQUEST NO. 3. *Provide a narrative description of the business activities at this facility. Please include the following information:*

(b) The number of customers that provide it with drums and/or totes currently contracted with Cornell Street;

(c) Identify by name, and provide the address for, the ten largest customers by volume of drums and/or totes processed by CLCM at the Cornell Street facility; and

(d) Provide copies of the contract or business agreement between CLCM and the customers that provide it with drums and/or totes for the Cornell Street facility identified in the question immediately above.

Response No. 3.

(b) The number of customers currently contracted with all three of the CLCM facilities is approximately 325. The Cornell Street facility does not process steel or plastic drums and only processes RCRA-empty totes.

(c) Information responsive to this Request is enclosed with this Response and labeled as document Bates No. CLCM-RCRA-Q3(c)-000001. As agreed with U.S. EPA, the vendors reflected within the enclosed documentation have been identified solely by a unique number. The document enclosed with this response includes the containers received and vendors for all three of the CLCM facilities. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(d) CLCM does not enter contracts or other business agreements with the vendors that provide containers to any of the CLCM facilities. However, the terms and conditions of service for the CLCM facilities are enclosed with this Response and labeled as document Bates No. CLCM-RCRA-Q3(d)-000001 to CLCM-RCRA-Q3(d)-000003. Vendors are also required to sign a certification, certifying that the containers provided to the CLCM facilities are "RCRA-empty." This certification is enclosed and labeled as document Bates No. CLCM-RCRA-Q3(d)-000004.

REQUEST NO. 5. *For the Cornell Street "Cut and Scrape" operation, provide information including, but not limited to, the following:*

(a) A description of the operation;

(b) Dates of operation;

(c) Waste determinations; and,

(d) Shipping records for the off-site shipments of the residuals generated from the operation.

Response No. 5. The "Cut and Scrape" operation is no longer performed at the Cornell Street facility. However, during the time in which the "Cut and Scrape" operation was performed at the Cornell Street facility (from approximately 2013 to 2016), the operation included identifying non-reusable RCRA-empty totes that were not suitable for reuse in

transportation, pulling those totes from cages and staging the totes, running the totes along a pass through band saw to remove approximately the bottom 5" of the tote, inverting the base of the tote onto a drain table and removing any possible non-pourable residue, returning the balance of the tote to the band saw entrance to remove the top of the tote, and sending the tote to the bailer for ultimate recycling.

The waste from the "Cut and Scrape" operation was disposed of under a waste profile for non-regulated material. During the time period in which the "Cut and Scrape" operation was performed at the Cornell Street facility, all of the waste from the facility was disposed of under the same waste profile. Therefore, the shipping records for that time period do not distinguish the "Cut and Scrape" waste from the other waste shipped out of the facility.

REQUEST NO. 8. *Please provide copies of the following records as they pertain to the Cornell Street Facility, as applicable:*

(a) Individual shipping records for incoming containers;

(b) Individual shipping records for outgoing non-empty containers;

(c) A comprehensive list or other cumulative tracking record coordinating the number of containers, vendor names, incoming dates, and outgoing dates for containers returned for not being empty.

Response No. 8.

(a) Sample shipping records for incoming containers for the largest ten vendors for all of the CLCM facilities are enclosed with this Response and labeled as documents Bates No. CLCM-RCRA-Q8(a)-000001 to CLCM-RCRA-Q8(a)-000014. As agreed with U.S. EPA, specific vendor names have been redacted from the enclosed documentation. If this information is helpful, CLCM will work with the U.S. EPA to provide documentation for the next ten largest vendors and for the additional time period requested. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(b) The Cornell Street facility does not maintain shipping records for outgoing non-empty containers. CLCM does not ship any non-empty containers; the vendors are contacted and make arrangements for picking up these containers at the facility.

(c) The facility is continuing to compile this information and will provide it when it is available.

St. Francis Facility

REQUEST NO. 10. *Provide a narrative description of the business activities at this facility. Please include the following information:*

(b) The number of customers that provide it with drums and/or totes currently contracted with St. Francis;

(c) Identify by name, and provide the address for, the ten largest customers by volume of drums and/or totes processed by CLCM at the St. Francis facility; and

(d) Provide copies of the contract or business agreement between CLCM and the customers that provide it with drums and/or totes for the St. Francis facility identified in the question immediately above.

Response No. 10.

(b) The number of customers currently contracted with all three of the CLCM facilities is approximately 325. The St. Francis facility does not process totes and only processes steel and plastic RCRA-empty drums.

(c) Please see the response to Request 3(c) above. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(d) Please see the response to Request 3(d) above.

REQUEST NO. 13. *Please provide copies of the following records as they pertain to the St. Francis facility, as applicable:*

(a) Individual shipping records for incoming containers;

(b) Individual shipping records for outgoing non-empty containers;

(c) A comprehensive list or other cumulative tracking record coordinating the number of containers, vendor names, incoming dates, and outgoing dates for containers returned for not being empty.

Response No. 13.

(a) Please see the response to Request 8(a) above. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(b) The St. Francis facility does not maintain shipping records for outgoing non-empty containers. CLCM does not ship any non-empty containers; the vendors are contacted and make arrangements for picking up these containers at the facility. However, in March 2017, following the U.S. EPA inspections, the St. Francis facility began creating documentation of returns of non-empty containers. The documentation for outgoing non-empty containers that were picked up by vendors beginning in March 2017 from the St. Francis facility are enclosed with this Response and labeled as documents Bates No. CLCM-RCRA-Q13(b)-000001 to CLCM-RCRA-Q13(b)-000034. As agreed with U.S. EPA, specific vendor names have been redacted from the enclosed documentation. Although a number of the enclosed documents are inadvertently labeled as bills of lading or inadvertently identify Mid-America Steel Drum Co. as the "shipper" these are not shipping documents, and CLCM does not ship

non-empty containers. The vendors are contacted and pick up the non-empty containers. The facility will be revising its documentation. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(c) The St. Francis facility does not maintain a list of this information.

Oak Creek Facility

REQUEST NO. 15. *Provide a narrative description of the business activities at this facility. Please include the following information:*

(b) The number of customers that provide it with drums and/or totes currently contracted with Oak Creek;

(c) Identify by name, and provide the address for, the ten largest customers by volume of drums and/or totes processed by CLCM at the Oak Creek facility; and

(d) Provide copies of the contract or business agreement between CLCM and the customers that provide it with drums and/or totes for the Oak Creek facility identified in the question immediately above.

Response No. 15.

(b) The number of customers currently contracted with all three of the CLCM facilities is approximately 325. The Oak Creek facility does not process totes and only processes steel RCRA-empty drums.

(c) Please see the response to Request 3(c) above. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(d) Please see the response to Request 3(d) above. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

REQUEST NO. 20. *Please provide copies of the following records as they pertain to the Oak Creek facility, as applicable:*

(a) Individual shipping records for incoming containers;

(b) Individual shipping records for outgoing non-empty containers;

(c) A comprehensive list or other cumulative tracking record coordinating the number of containers, vendor names, incoming dates, and outgoing dates for containers returned for not being empty.

Response No. 20.

(a) Please see the response to Request 8(a) above. DOCUMENTATION SUBMITTED IN RESPONSE TO THIS REQUEST CONTAINS CONFIDENTIAL BUSINESS INFORMATION.

(b) The Oak Creek facility does not maintain shipping records for outgoing non-empty containers. CLCM does not ship any non-empty containers; the vendors are contacted and make arrangements for picking up these containers at the facility.

(c) The facility is continuing to compile this information and will provide it when it is available.

Certification

REQUEST NO. 21. *Provide the following certification by a responsible corporate officer:*

> *I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.*

Signature: _____ Date: 9/11/17.

Printed Name: IAN BOYLE

Title: VP/GM.

AS TO OBJECTIONS:

CONTAINER LIFE CYCLE MANAGEMENT LLC

Dated: September 11, 2017

By: Linda E. Benfield
Linda E. Benfield
Attorney for Container Life Cycle Management LLC
AKB

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