

U.S. Environmental Protection Agency Information Collection Request/RCRA Section 3007 Survey: Drum Reconditioning Facilities



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The United States Environmental Protection Agency (“EPA”) published an April 24th Federal Register notice stating that it submitted an Information Collection Request (“ICR”) styled:

RCRA section 3007 survey for drum reconditioning facilities (“ICR”)

See 89 Fed. Reg. 31199

An ICR is a set of documents that describe reporting, record keeping, survey, or other information that a federal agency such as EPA collects from ten or more members of the public. The Paperwork Reduction Act requires that every federal agency obtain approval from the Office of Management and Budget before collecting the same or similar information from ten or more members of the public.

The ICR must provide:

- A description of the information to be collected
- The reason the information is needed
- An estimate of the time and costs for the public to answer the request.

EPA states that the ICR will provide the Agency with:

...necessary information about the operation of drum reconditioners in similar facilities that clean out and recondition used industrial containers.

EPA states that it needs the information to determine whether future regulatory or non-regulatory action is needed to address environmental issues identified in its Drum Reconditioner Damage Case Report which is published in 2022.

Drum Reconditioning Facilities clean and recondition metal and plastic and intermediate bolt containers for resale and reuse by cleaning, restoring, testing, and certifying the industrial containers. The containers may have held substances such as chemicals, resins, tars, adhesives, oils, soaps, solids, and related materials.

EPA has described the two main processes for reconditioning as:

- Burning residuals from metal drums in a burn-oven or furnace
- Washing metal or plastic drums with water and/or a caustic solution to remove residues.

A key Resource Conservation Recovery Act (“RCRA”) provision that is relevant to drum reconditioning is the so-called “empty container” provision. It exempts RCRA hazardous waste residues remaining in a drum or other container if certain conditions are met.

See 40 C.F.R. 261.7

EPA’s concern is that that volume of containers handled by reconditioning facilities could result in some non-RCRA empty containers being accepted.

EPA issued an advanced notice to propose rulemaking to consider potential options for revising its regulation of drum reconditioning through:

- Revising the RCRA regulations
- Non-regulatory options.

A copy of the federal register notice addressing the ICR can found [here](#).