sample EMPTY RESIDUE CONTAINER

Management Policies

Reusable Industrial Packaging Association

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51 Monroe Street, Suite 812, Rockville Maryland 20850

Ph: 301.577.3786 [www.reusablepackaging.org](http://www.reusablepackaging.org)

Sample Empty Residue Container Management Policies

The Reusable Industrial Packaging Association has developed the following *Sample Empty Residue Container Management Policies* for use by companies operating in the United States that purchase products regulated by the U.S. Department of Transportation or the U.S. Environmental Protection Agency and which are used for various industrial processes. Such regulated materials include a wide range of industrial chemicals, paints and coatings, glues, lubricating oils and cleaning products.

DOT- and EPA-regulated products are often sold in containers such as 55-gallon steel and plastic drums as well as 275- and 330-gallon intermediate bulk containers. Pictoral examples of these containers are shown in Appendix A of this document.

Every year, tens of millions steel and plastic drums, as well as intermediate bulk containers, are used to safely carry industrial products from the point of manufacture to the end-user. A majority of these containers hold DOT- or EPA regulated products. Once these containers have been emptied of their original contents, small amounts of residue remain inside.

Reconditioners collect these empty containers and safely prepare them for reuse. In cases where reuse is no longer an option, the clean containers are prepared by the reconditioner for scrap, thus ensuring completion of a nearly perfect environmental round-trip.

Unfortunately, some companies have failed to put in place corporate-wide policies and procedures that ensure these emptied containers are properly managed at the plant level. In some cases, empty residue containers are given or sold to local and regional scrap processing facilities, rather than to reconditioners. Although the process of managing empty containers by sending them to a scrap yard sounds like an environmentally responsible approach, the truth is that directing empty residue containers to scrap yards likely violates several federal regulations promulgated by DOT and EPA and, further, eliminates the reuse option. See Appendix B for a full explanation of the federal laws and regulations that apply to empty residue container management, as well as a summary of the negative environmental consequences associated with scrapping industrial containers that could otherwise be reused several times.

These Sample Empty Residue Container Management Policies may be used as the basis of corporate policies that will ensure company personnel with responsibility for managing or overseeing the management of empty residue containers are aware of their duties under applicable federal laws and regulations.

Sample Empty Residue Container Management Policies

1.0 [Company name] is committed to the environmentally sound management of all industrial containers after they have been emptied.

2.0 The term “industrial container” includes all containers 30 liters (7.9 gallons) to 3,000 (792.6 gallons) liters in size.

3.0 These Empty Container Management Policies (“Policies”) apply to all industrial containers used by [Company name], including containers that contain or formerly contained hazardous products as defined by the U.S. Department of Transportation or hazardous chemicals as defined by the U.S. Environmental Protection Agency.

4.0 All industrial containers shall be emptied to the maximum extent practicable, using emptying procedures approved by [Company name]. All industrial containers that previously contained hazardous products shall be emptied in accordance with the federal EPA empty container standard (40 CFR Sec. 261.7).

4.1 Industrial containers emptied in the company’s California facilities shall meet the state empty packaging standard (22 CCR 66261.7)

5.0 After emptying and prior to storage in preparation for transportation, all industrial containers shall be closed, using the original closures.

5.1 Marks and labels appearing on the original industrial container when it was received shall not be removed or defaced by plant personnel prior to storage or transportation.

6.0 Empty industrial containers shall be stored by [Company name] personnel in a safe location, which may include a trailer owned by [Company name] or a designated third-party.

7.0 To the extent practicable, all empty industrial containers shall be transported to container reconditioning facilities that have been approved by [Company name]. Company plants should endeavor to contract for reconditioning services with members of the Reusable Industrial Packaging Association.

8.0 At each facility that empties industrial containers, a designated individual shall be responsible for ensuring that industrial containers leaving the facility are “empty” as that term is defined in the RCRA empty container standard.

9.0 The individual responsible for enduring [Company name] compliance with this Policy, shall sign or have signed an “empty container certificate” or similar document that confirms both that the industrial containers leaving the facility are empty and that the containers have been properly prepared for transportation.

9.1 A copy of each empty container certificate or similar document shall be maintained for one year at the facility after the date of signing.

10.0 If, after one or more containers sent to a designated reconditioning facility are determined to be not in compliance with the RCRA empty container standard, [Company name] will arrange for the return transportation of the container(s) to the plant for further emptying.  [Company name] shall provide the motor carrier with a completed shipping paper in accordance with DOT regulations in advance of the return shipment."

10.1 Containers received by [Company name] in accordance with paragraph 10, shall be properly emptied or otherwise managed in compliance with [Company name] procedures.

11.0 Samples of empty container certification forms are included in Appendix C of this Policy.

APPENDIX A

Industrial Containers: Examples

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55-gallon Tight Head Steel Drum



55-gallon Open Head Steel Drum



Composite Intermediate Bulk Container



55-gallon Tight Head Plastic Drum

# APPENDIX C

# *SAMPLE SAMPLE SAMPLE*

# EMPTY DRUM CERTIFICATION FORM

I hereby certify that each of the drums in this shipment is “empty” as that term is defined in Environmental Protection Agency regulations (40 CFR 261.7), meaning that all contents have been removed that can be removed using practices commonly employed to remove materials from containers of this type ***and*** there remains no more than 2.5 cm (one inch) of residue in the drum.\*

Furthermore, the drums have been properly prepared for transportation under the regulations of the U.S. Department of Transportation (49 CFR 173.29).\*\*

The undersigned also (i) agrees that title to the drums does not pass to [reconditioner name] until the drums are unloaded, inspected, and accepted for reconditioning; (ii) acknowledges that non-empty drums will be rejected; and (iii) agrees that non-empty drums will be retrieved by the company on whose behalf the undersigned signs this certification.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: (\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*EPA’s 40 CFR 261.7(b) provides: “A container . . . is empty if: All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating,”

***AND***

“No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container. . .”

For residues of “P–list” products specifically listed by name in 40 CFR 261.33 (e), the container is empty only if it “…has been triple-rinsed using a solvent capable of removing the product,” or has been cleaned by another method shown to achieve equivalent removal.

\*\*DOT’s 49 CFR 173.29 requires that all openings on the empty container must be closed, and that all markings and labels must be in place as if the drum were full of its original contents.

# *SAMPLE SAMPLE SAMPLE*

# EMPTY CONTAINER CERTIFICATION FORM

I hereby certify that each of the containers in this shipment is “empty” as that term is defined in Environmental Protection Agency regulations (40 CFR 261.7), meaning that all contents have been removed that can be removed using practices commonly employed to remove materials from containers of this type ***and*** there remains no more than 2.5 cm (one inch) of residue in the container or for containers larger than 119 gallons in size, no more than 0.3 percent by weight of the total capacity of the container remains in the container.\*

Furthermore, the containers have been properly prepared for transportation under the regulations of the U.S. Department of Transportation (49 CFR 173.29).\*\*

The undersigned also (i) agrees that title to the containers does not pass to [reconditioner name] until the containers are unloaded, inspected, and accepted for reconditioning; (ii) acknowledges that non-empty containers will be rejected; and (iii) agrees that non-empty containers will be retrieved by the company on whose behalf the undersigned signs this certification.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: (\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*EPA’s 40 CFR 261.7(b) provides: “A container . . . is empty if: All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating,”

***AND***

No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container. . . ;

or

No more than 0.3 percent by weight of the total capacity of the container remains in the container . . . if the container is greater than 119 gallons in size. . . .”

For residues of “P–list” products specifically listed by name in 40 CFR 261.33 (e), the container is empty only if it “. . . has been triple-rinsed using a solvent capable of removing the product,” or has been cleaned by another method shown to achieve equivalent removal.

\*\*DOT’s 49 CFR 173.29 requires that all openings on the empty container must be closed, and that all markings and labels must be in place as if the drum were full of its original contents.