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August 6, 2010

U.S. Environmental Protection Agency
RCRA Docket
1200 Pennsylvania Ave., NW.
Washington, DC 20460

Re: Docket EPA-HQ-RCRA-2008-0329
Identification of Non-Hazardous Secondary Materials That Are Solid Waste

The Reusable Industrial Packaging Association, Inc. (RIPA), hereby offers comment on the referenced notice of proposed rulemaking with respect to the identification of non-hazardous secondary materials that are solid waste. We apologize for being a few days late with this filing, but in preparing our comments on the related rulemaking on CISWI facilities under the Clean Air Act, we felt it imperative to clarify our status under RCRA.

Through a commercial transaction, the members of RIPA collect emptied steel drums from the companies that empty them. The steel drums are not discarded by the emptiers but have a substantial residual economic value to RIPA members and future users of the restored drums. All meet the emptied container definition in 40 CFR 261.7.

Approximately 26 million new steel drums are manufactured in the United States annually. Additionally, approximately 28 million used steel drums are reconditioned for reuse annually.

The restoration process involves cleaning the drum to its original steel, removing all original marks and labels, de-denting the drum and straightening the chimes, leak testing of drums for liquid service, installation of new gaskets on closures, re-painting and marking the drums, and selling them generally into the same marketplace as that serviced by the new steel drum industry.

The cleaning process is covered by the binding RIPA Code of Operating Practices, and is governed by the packaging regulations of the U.S. Department of Transportation, and local or State agencies involved in regulating any effluents and emissions from these sites. Any waste resulting from the cleaning process is removed from the site in accordance with solid waste laws.

At no time are these steel drums a waste. Any drum that is found to have reached the end of its useful life is cleaned, crushed or shredded by the RIPA member, and then sold to the scrap industry in accordance with a nationally recognized scrap preparation standard.

Reuse of steel drums avoids their discard. Furthermore, a steel drum may be reused approximately 5 times, with reconditioning and cleaning between each use. As confirmed by the *“Life Cycle Inventory of Single-Trip and Multi-Trip Steel Drum Systems”* prepared by Franklin and Associates, this reuse results in significant saving of energy as well as reducing the production of greenhouse gases.

Emptied steel drums are not a solid waste or a secondary material if they are an integral part of a commercial collection, restoration, resale, and reuse process. In accordance with the proposed rule, therefore, we would continue to self-designate and to handle these drums as products.

Please let me know if you have any questions on this comment or our position.

Sincerely,

A handwritten signature in black ink that reads "Paul Rankin". The signature is written in a cursive style with a large initial "P" and "R".

Paul Rankin
President