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Region V EPA Seeks to Regulate VOC Emissions in Reconditioning Facilities

- Compliance Costs Could be Significant

Enforcement officials in EPA Region V¹ are visiting reconditioning facilities and asking for technical data related to emissions of a class of substances known as Volatile Organic Compounds (VOC).² The Agency apparently believes that reconditioners have underestimated or failed to properly measure VOC emissions and, as a result, may be avoiding regulation as a VOC source.

RIPA believes the agency is seeking to determine the level of VOC emissions emitted by reconditioning facilities and plans to use this data to calculate fines, if applicable, and determine if specialized permitting and remediation actions are required.

EPA staff have visited at least two member companies in the Region that recondition steel drums and intermediate bulk containers. These pre-enforcement visits have progressed to the point that at least one member has hired consultants to assist in the data collection, planning and response effort. RIPA believes that all reconditioners in the region that process RCRA-empty packagings that emit or are likely to emit VOCs when opened for processing will eventually be pulled into this enforcement action.

Based upon concerns that EPA enforcement activities are likely to have an imminent and substantial impact on members in Region V and, in time, on all members that recondition drums and IBCs, RIPA's Board of Directors held a special meeting on January 12, 2022 to discuss the

¹ EPA Region V covers Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

² According to EPA, volatile organic compounds are compounds that have a high vapor pressure and low water solubility. They are emitted as gases from certain solids or liquids. VOCs typically are industrial solvents, such as trichloroethylene; fuel oxygenates, petroleum fuels, hydraulic fluids, paint thinners, and dry cleaning agents. They are emitted by a wide array of products including paints and lacquers, cleaning supplies, pesticides, building materials and furnishings, glues and adhesives.

subject. The Board concluded that the goal of the EPA enforcement program is to require every reconditioner in the region whose processes emit VOCs to implement procedures that ensure VOC emissions are captured and managed. Likely, this means reconditioners in the Region will be forced to (a) develop test protocols and procedures to measure VOC emissions at their facilities and (b) install VOC capture and control devices that ensure compliance with applicable EPA requirements. Both of these tasks are expensive, time consuming and require professional support and equipment.

Based on concerns about the regional and national impact these EPA actions will have, the Board of Directors voted unanimously to hire a technical consultant and possibly specialized legal counsel to develop an industry-wide response to EPA's enforcement effort.

With this action, RIPA hopes to convince EPA to work with the industry - - through RIPA - - to ensure that enforcement measures will not unfairly or improperly impact facilities with differing size and operating characteristics. This approach is typically more efficient for both the Agency and the industry, ensures better and more representative data collection, and accounts for small business concerns.

According to RIPA Chair Tim O'Bryan, "A core purpose of RIPA is to defend the reconditioning industry against regulatory activities that will impact all or nearly all of our members. We hope that RIPA's involvement in the Region V effort will encourage EPA to create a fair and responsible national solution to this complex matter."

Initially, RIPA will be working closely with Region V members, but encourages members with specialized knowledge of VOC emissions, measurement and control technologies, to contact the association.