



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

June 11, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Anthony Spalvieri
FedEx Ground Package System, Inc.
1000 FedEx Dr.
Moon Township, PA 15108

ORDER TO COMPLY WITH REQUEST FOR INFORMATION

Dear Mr. Spalvieri:

The Florida Department of Environmental Protection ("Department") finds that FedEx Ground Package System, Inc., is a person who manages hazardous waste. Based on that finding of fact, the Department is making an inquiry as to the nature and extent of hazardous waste handling and management practices at FedEx Ground Package System, Inc. Pursuant to Rule 62-730.150(4), Florida Administrative Code (F.A.C.) and the statutory authority provided to the Department in Sections 403.061, 403.091, 403.151, 403.704, and 403.721, Florida Statutes (F.S.), the Department hereby orders you to respond in writing to the Request for Information attached as Exhibit A and incorporated herein by reference, within ten (10) days of the date this Order becomes Final. This Order will become Final twenty-one (21) days after you receive it, unless you timely exercise the rights explained in the Notice of Rights attached as Exhibit B and incorporated herein by reference.

Compliance with this Order is required, and any information provided by you may be used by the Department in civil proceedings. Please be further advised that if you knowingly submit false statements or representations, you may be subject to civil or criminal penalties under Section 403.727.F.S.

If you dispute the factual or legal basis on which this Order is issued, you may exercise the rights explained in Exhibit B. **PLEASE NOTE: FAILURE TO EXERCISE YOUR**

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RIGHTS WITHIN THE TIME LIMITS EXPRESSED IN EXHIBIT B WILL CAUSE
THOSE RIGHTS TO BE DEEMED WAIVED.

Your response to this Request for Information should be mailed to:

John White
Environmental Consultant
Florida Department of Environmental Protection
3319 Maguire Boulevard Suite 232
Orlando, Florida 32803

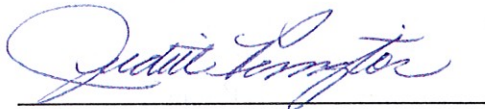

Should you have any questions concerning this matter please contact John White at
470-897-4305.

Sincerely,



Tim J. Bahr, Assistant Director
Division of Waste Management

Filed, on this date, pursuant to Section 120.52, F.S., with the designated Department
Clerk, receipt of which is hereby acknowledged.


Clerk
Date

cc: Lea Crandall, Agency Clerk
Mail Station 35

EXHIBIT A

REQUEST FOR INFORMATION

I. Instructions

1. Please Identify the person(s) responding to this Request.
2. Please respond separately to each of the Information Requests set forth in Section II. In order to make it clear which answer relates to each Information Request, please precede each answer with the number of the Information Request to which it corresponds.
3. Please identify all documents and persons consulted or referred to in the preparation of each response, and provide true and accurate copies of all such documents. Please indicate in some reasonable manner the number of the Information Request to which each document responds.
4. If information is not known or is unavailable to you as of the date of submission of a response to this Information Request, but should later become known or available to you, you are required to supplement your response to the Department. If you find at any time after submission of your response that any portion of the previously submitted information is in any way false or inaccurate, you should promptly notify the Department thereof.

II. Information Requested

On August 31, 2017, Department staff conducted a hazardous waste compliance evaluation inspection of FedEx Ground Package System, Inc. (FedEx Ground), located at 3000 Directors Row, Orlando, Florida, to determine compliance with state and federal hazardous waste regulations. Based on the inspection and inventory records obtained from FedEx Ground personnel, it was determined that FedEx Ground was operating as an unpermitted hazardous waste storage facility in that it was receiving and storing hazardous waste generated offsite from: Orlando, Florida; Cocoa, Florida; Fort Lauderdale (Pompano Beach), Florida; Davenport, Florida and Miami (Medley), Florida. In addition, there were no records of hazardous waste manifests being used for the transportation of the hazardous waste or records identifying the hazardous waste generators.

1. Provide copies of shipping papers, damaged package reports, Safety Compliance Management System Hazmat Incident Reports, and memos from the Hazardous Materials Administration, Safety Department – PGH with instructions on how to handle the materials for all hazardous waste management activities at all FedEx Ground facilities within the State of Florida for the last three years.
2. Provide copies of shipping papers documenting the actual final destination facility for all shipments of hazardous waste within the State of Florida for the last three years.
3. Provide an explanation as to why FedEx Ground located at 3000 Directors Row, Orlando, Florida, was storing hazardous waste received from various other FedEx Ground locations on August 31, 2017.
4. Provide the physical addresses for all FedEx Ground facilities where any hazardous waste was generated and/or stored in the State of Florida for greater than 24 hours for the last three years.
5. Provide any and all documentation relating to waste management information at all FedEx Ground facilities within the State of Florida for the last three years.

EXHIBIT B

NOTICE OF RIGHTS

1. If you dispute any issue of material fact raised by this Information Request, you have the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes (F.S.). At a formal hearing, you will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing office's recommended order.
2. If you do not dispute any issue of material fact raised by this Information Request, you have the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S. If an informal proceeding is held, you will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's Order, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.
3. You may request an informal conference with the Department. Your rights will not be adjudicated at an informal conference. If you desire an informal

conference, you must file a written "Request for an Informal Conference" within 10 days of receipt of this Information Request. The request must be made to John White at the Central District Office. The request is "filed" when it is received in the Central District Office. You will waive the right to an informal proceeding if a Request is not filed with the District within 10 days of the date you receive this Information Request. If no resolution of this matter results from the informal conference, you have the right to file a petition for a formal hearing or informal proceeding within 10 days of the date the conference is held.

4. If you desire a formal hearing or an informal proceeding, you must file a written "Petition for Administrative Proceeding" within 21 days of receipt of this Order or within 10 days or any timely requested informal conference held pursuant to paragraph 3 above. The petition must be in the form required by Rule 28-106.201(2) F.A.C. A petition is "filed" when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.
5. You will waive the right to a formal hearing or an informal proceeding if a Petition is not filed with the Department within 21 days of the date you receive this Information Request or 10 days after the date of an informal conference if one is held. These time limits may be varied only by written consent of the Department
6. Mediation is not available in the context of this Order.
7. A party who is adversely affected by this Order when it becomes Final is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed. The Order is rendered on the date it becomes Final. The Order becomes Final 21 days after it is received, unless a Petition for formal hearing or informal proceeding or a request for informal conference is filed as outlined in this notice.
8. If you fail to comply with the Order when it becomes Final, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel

compliance with the Order, pursuant to Section 120.69, 403.131 and 403.727, F.S. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than \$50,000 per day for each day that you failed to comply with the Final Order.

9. Copies of Department statutes and rules referenced in this Information Request may be examined at any Department office or may be obtained by written request to the person named above in paragraph 3.