



# FLORIDA DEPARTMENT OF Environmental Protection

Central District  
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**Rick Scott**  
Governor

**Carlos Lopez-Cantera**  
Lt. Governor

**Noah Valenstein**  
Secretary

TO: FedEx Ground Package System - File  
FLR000030817

FROM: John White, Environmental Consultant

DATE: August 15, 2018

RE: Informal Meeting to Discuss Order to Comply with Request for  
Information

This was an informal conference to discuss the DEP's Order to Comply with Request for Information issued on June 12, 2018, to FedEx Ground Package System (FedEx Ground). The Agenda included the following:

- Introductions
- Request for Information background discussion-John White
- FedEx Ground discussion-FedEx
- Questions

DEP Personnel in attendance included:

1. John White, Inspector, Central District Office
2. Christine Daniel, Environmental Manager, Central District Office
3. Ben Fisch, Environmental Consultant, Permitting and Compliance Assistance
4. Tim Bahr, Assistant Director, Division of Waste
5. Joe Ullo, Director, Division of Waste
6. Kim Walker, Program Administrator, Permitting and Compliance Assistance
7. Glen Perrigan, Environmental Manager, Permitting and Compliance Assistance
8. Ashanti McBride, Assistant Deputy General Council
9. Ron Hoenstine, Assistant Deputy General Council

FedEx Ground personnel in attendance included:

1. Gaylyn Frosini, Manager – Environmental Services
2. George Fetsko, Safety Advisor
3. Jamie Spataro, Senior Counsel
4. Ryan Stewart, Senior Attorney

The meeting began with introductions and then a discussion of the 8/31/2017 DEP compliance inspection of the FedEx Ground facility in Orlando, Florida, that prompted the issuance of the request for information.

FedEx Ground's Senior Counsel, Jamie Spataro, outlined the company's policies and procedures for managing hazardous materials. FedEx Ground is a delivery service for non-bulk packages. The company maintains a list of items that are acceptable for shipping and items that are prohibited. Shippers working with FedEx Ground go through an approval process that includes acknowledging what is acceptable for shipping and what is not.

Should a delivery vehicle have a spill/release on the road an outside contractor is hired to respond to the release and manage any waste generated.

Should a spill/release happen at a location under FedEx control, such as at a Terminal or Hub, then staff manage and contain the spill, place the affected parcel or containers in a salvage drum, enter the appropriate information regarding the chemical into a data system and transfer the material to a Hub for the appropriate management.

In Summary:

- If the material in question is a prohibited use item, such as an inhalation hazard, an outside company (e.g., Veolia) is used.
- Some shippers want the damaged material returned to them as the preferred course of action.
- Some shippers want FedEx Ground to manage the damaged goods. In this case, the material is staged in a salvage drum and sent to the nearest Hub for management. They refer to this as transferring the material to a "safe" place.

Based on the conversation and the information provided, FedEx Ground is not making a waste determination at the location where the package was damaged/determined to be leaking. They are making determinations at one of the two Florida Hub locations, Orlando and Ocala.

There are standard operating procedures in place to manage really damaged goods "outside stations control." The materials shipped to the Hub are those that present no threat of harm or exposure.

In the past year an immediate action directory has been created to provide employees with a call number for emergencies.

Documents provided by FedEx Ground included:

- A January 12, 2010 inspection report cover letter from a Georgia Department of Natural Resources Environmental Specialist that indicates a FedEx Ground facility in Kennesaw, Georgia does not generate hazardous waste.

- A letter prepared by the Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA), dated October 25, 2012, that purportedly supports FedEx Ground's position that they have the ability to move damaged goods that otherwise would be classified as hazardous waste from terminal locations to Hubs. The last paragraph of the letter acknowledges the determination of when a package is determined to be "discarded" and meets the definition of a "solid waste" in 40 CFR 261.2 is an issue. The letter suggests PHMSA may consult and coordinate with EPA to resolve the issues.

Mr. Spataro indicated FedEx has reached out to EPA recently in an effort to move this issue forward. It was also indicated there is a 2006 Memorandum of Understanding (MOU) that was implemented between EPA and DOT to improve coordination between the agencies. [The actual date of the MOU is April 19, 2000]

FedEx Ground indicated it would provide the information requested in the DEP's Order to Comply with Request for Information and requested four weeks for submittal. Ron Hoenstine, DEP Assistant Deputy General Counsel, indicated the facility could submit a letter to OGC requesting the four week submittal period and that it would be approved.

jw