



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Collen Castille
Secretary

ELECTRONIC MAIL
rpete.bednarzyk@fedex.com

PeteBednarzyk
Fed Ex, Ground
3000 Directors Row
Orlando, FL 32809

OWL-HW-C/E-05-004

Dear Mr. Bednarzyk:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance inspection was conducted at your facility on January 6, 2005. The inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with 40 Code of Federal Regulations (CFR) Parts 260-268, and Part 279 adopted in the Florida Administrative Code and other Florida laws relating to hazardous waste and used oil.

The inspection was also conducted under the authority of Section 403.161 (1)(b), Florida Statutes and Chapters 62-4 and 62-701, Florida Administrative Code, which provides that a permittee shall comply with any rule regulation or permit issued by the Department.

During the inspections, Department personnel observed possible violations of Florida Statutes and Rules regarding solid and hazardous waste and used oil. These violations are set forth in "Potential Noncompliance Items and Corrective Actions" of the attached inspection report.

The activities observed during the Department's field inspection and any activity at your facilities that may be contributing to violations of the above described statutes and rules should be ceased immediately.

The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes. the U.S. EPA RCRA Civil Penalty Policy, dated June 2003, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Janine Kraemer, Hazardous Waste Section, by telephone at (407) 893-3323 or by e-mail at janine.kraemer@floridadep.net within 10 days of receipt of this letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred and whether any penalties are appropriate. You may bring anyone with you to the meeting that you feel could help resolve this matter.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



For Vivian F. Garfein
Director, Central District

February 11, 2005
Date

VFG/jk

Enclosures:
Inspection Report
Penalty Calculation Worksheet

cc: Mike Redig, FDEP, Tallahassee, michael.redig@floridadep.net
Laurie DiGaetano, EPA Region 4, digaetano.laurie@epa.gov
Debby Valin, FDEP, Pollution Prevention, Debby.Valin@floridadep.net



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HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME Fed Ex, Ground EPA ID # FLR000030817
STREET ADDRESS 3000 Directors Row, Orlando, FL 32809
EMAIL ADDRESS rpete.bednarzyk@fedex.com
COUNTY Orange PHONE (407) 851-9878 DATE 1/4/05 TIME 12:50 p.m.
1/6/05 7:35 a.m.

NOTIFIED AS: ☐ N/A

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☒ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☐ Used Oil:

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☐ Used Oil: Generator

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input checked="" type="checkbox"/> 40 CFR 265 | <input checked="" type="checkbox"/> 40 CFR 266 | <input checked="" type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-737, FAC | <input checked="" type="checkbox"/> 62-730, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Pete Bednarzyk, Senior Manager - Hub, Fed Ex, Ground

4. **INSPECTION PARTICIPANTS:**

Janine Kraemer, FDEP Alan Starkey, Sr. Manager, Material Handling & Maintenance,
Danielle Spehar, FDEP Fed Ex, Ground
David Clipp, Quality Assurance Clerk, Fed Ex, Ground

5. **LATITUDE/LONGITUDE:** 28°27'43.03"/81°25'39.77"

6. **SIC Code:** 4212-Local Trucking w/o storage

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** NA **ISSUE DATE:** **EXP. DATE:**

9. **Introduction**

On January 4, 2005, Janine Kraemer and Danielle Spehar, Florida Department of Environmental Protection (FDEP) attempted to conduct a hazardous waste compliance inspection at Fed Ex, Ground (Fed Ex) for compliance with state and federal hazardous waste regulations. Mr. Alan Starkey, Fed Ex, met us at the guard station and refused to allow the inspection to proceed. Mr. Starkey stated the employee managing hazardous waste had gone home for the day. Mr. Starkey asked that the inspection be conducted on another day before 10:00 a.m., so the inspectors departed the site.

On January 6, 2005, Janine Kraemer, accompanied by Alan Starkey and David Clipp with Fed Ex, inspected Fed Ex for compliance with state and federal hazardous waste regulations. Fed Ex has been operating at this site since 1996 and employs approximately 450 people. The facility has four sortation periods in a twenty-four hour day. Fed Ex is connected to Orange County water and sewer systems. Fed Ex notified as a Large Quantity Generator (LQG) of Hazardous Waste in February 2004.

10. **Inspection History**

The Department's Hazardous Waste Section has conducted no previous inspections at this facility.

On November 12, 2004, Orange County Environmental Protection Division (OCEPD) inspected Fed Ex as a Small Quantity Generator (SQG) of hazardous waste. OCEPD was unaware that Fed Ex had notified as a LQG.

11. **Process Description**

Fed Ex, Ground is the hub for all ground packages for the Orlando area. Trucks are off-loaded, packages are sorted, and sent to their final destination. Damaged/distressed packages containing hazardous materials are taken to a fenced area inside the facility for waste determination and storage prior to disposal.

12. **Narrative**

Inspection

Storage Area

Inside the facility is a fenced area that is divided in half. One side is the processing area for damaged boxes or containers of hazardous materials. The other side is used for hazardous waste storage. Both sides contain areas designated with signs for "Corrosives", "Flammables" and "All Other Hazardous Materials", and are secured with locks.

The Processing Area is used to determine if the materials meet the definition of hazardous waste and await final disposition directions from the shipper. At the time of

the inspection, the Processing Area had containers in the designated “Corrosives” (Figure 1) area, and containers in the designated “Flammables” (Figure 2) area including two 30-gallon drums labeled hazardous waste, waste paint, and dated 1/5/05. Additionally, containers were also in the designated “All Other Hazardous Materials” (Figure 3) area. The containers held hydrochloric acid, phosphoric acid, and nail polish remover, none of which were labeled as hazardous waste or dated with an accumulation start date. Mr. Clipp indicated the nail polish remover was waste. Fed Ex must immediately determine the proper disposition of damaged containers of hazardous materials and manage them accordingly.

Next to the Processing Area was the Hazardous Waste Storage Area containing the following:

- Eight 30-gallon drums and one 5-gallon container of corrosive waste, labeled and dated properly (Figure 5).
- Eleven 30-gallon drums and five 5-gallon containers of flammable waste, labeled correctly but one container of flammable waste was not dated with an accumulation start date [40 CFR 262.34(a)(2)] (Figure 5).
- Two boxes of waste fluorescent bulbs, labeled “Bad Bulbs”. The boxes should be labeled “Spent Mercury Containing Lamps for Recycling”, “Universal Waste Mercury Lamps”, “Waste Mercury Lamps” or “Used Mercury Lamps” [62-737.400(5)(b)(1) Florida Administrative Code (F.A.C.)] (Figure 4).
- One 30-gallon container of hazardous waste in the “All Other Hazardous Materials” area. The container was properly labeled and dated (Figure 4).
- Four 30-gallon containers of non-hazardous waste stored in the “All Other Hazardous Materials” (Figure 4).

The Hazardous Waste Storage Area also contained a pallet of ammunition from damaged packages (Figure 6). Mr. Starkey indicated the Orange County Sheriff’s office periodically takes the ammunition for use. Located next the ammunition were two fire extinguishers. The Department recommends locating the fire extinguishers in an easily accessible area away from the ammunition.

During the inspection, Mr. Clipp indicated that this hub accepted damaged packages from other “satellite” facilities located in Florida, Georgia, and Alabama. The facility had started a log in October 2004 to document the material received from other Fed Ex facilities. Please provide the Department with additional information concerning this procedure. **Please be advised that your facility is not a permitted hazardous waste storage or authorized facility eligible to accept off site shipments of hazardous waste.**

Yale conducts the maintenance on the forklifts used throughout the facility. Yale also takes responsibility for the management of the waste batteries.

A maintenance crew on site is responsible for up keep on the conveyer belt system. The maintenance area had one partswasher, serviced every twelve weeks. Additionally, the facility has a shop towel service that launders the shop towels.

The facility also has a truck wash connected to an oil/water separator. The oil/water separator is cleaned out once a year.

NOTE: During the inspection, Mr. Starkey was asked if any other wastes were generated on site and Mr. Starkey said, no. After conducting the inspection, it was determined that OCEPD had conducted an inspection in November 2004. According to OCEPD, the facility has a contractor conduct maintenance on the Fed Ex trucks on site. The shop has a 250-gallon above ground storage tank for used oil, a partswasher, 55-gallon drums containing used oil filters and batteries. During OCEPD inspection, the facility and contractor were unable to provide disposal documentation for the used oil, used oil filters, partswasher waste or batteries. Please provide three years of disposal documentation for the hazardous waste produced in the shop [40 CFR 262.20].

Record Review

Manifests were reviewed for 2004. Manifest 01432, dated 8/13/04, was missing the final disposition copy and no exception report had been filed [40 CFR 262.42]. No other manifests were available for review [40 CFR 262.20].

The facility is using Environmental Quality (EPA Identification number FLD981932494) as a transporter of hazardous waste and as the final disposition facility for hazardous waste. Safety Kleen is being used to service the partswasher but manifests were not available for review [40 CFR 262.20]. Aramark is laundering the shop towels.

Hazardous waste management training records were not available for any employee, who had signed manifests or was responsible for managing hazardous waste [40 CFR 265.16(a)(1)]. Position descriptions were not available for review [40 CFR 265.16(d)].

Weekly written inspections had been conducted for the Hazardous Waste Storage Area. A contingency plan had been prepared but did not contain emergency contact numbers, spill and prevention procedures or equipment, plan of the facility, or emergency contractor information [40 CFR Part 265, Subpart D]. No arrangements had been made as to the type of waste on site, with police, fire department(s), emergency response teams, hospitals, etc. [40 CFR 265.37].

13. **Areas of Concern**

The facility is required to have fire extinguishers as described in 40 CFR Part 265 Subpart C, Preparedness and Prevention. During the inspection the fire extinguishers were located near ammunition being stored in cardboard boxes. The Department advises locating the fire extinguishers in an easily accessible area away from the ammunition.

14. **Summary of Potential Noncompliance Items and Corrective Actions**

a.) **Regulation: 40 CFR 262.34(a)(2) - Accumulation time, dating**

“The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container.” Specifically, Fed Ex failed to mark a hazardous waste container with the accumulation start date.

Corrective Action: Fed Ex must immediately mark the accumulation start date on all containers of hazardous waste. In addition, within 30 days of receipt of this Warning Letter, Fed Ex shall submit to the Department written notification that all employees involved with hazardous waste management and/or practices have been informed that all containers of hazardous waste shall be marked with the date accumulation begins.

b.) **Regulation: 40 CFR 262.20– Record Keeping**

A generator must use a manifest to ship hazardous waste and keep a copy of each signed hazardous waste manifest from the designated treatment, storage or disposal facility for minimum of three years from the date the waste was accepted by the initial transporter. Specifically, Fed Ex could not produce manifests for shipments of hazardous waste in 2002 and 2003.

Corrective Action: Fed Ex shall obtain a completed, signed manifest from the designated facility(ies) for each deficient manifest on file for the last three years. In addition, within 30 days of receipt of this Warning Letter, Fed Ex shall submit to the Department a written manifest management plan addressing record keeping and the retention of original manifests.

c.) **Regulation: 40 CFR 262.42 – Record Keeping**

A generator must contact the designated facility to determine the status of the hazardous waste shipment. Additionally, the generator must file an exception report with the Department explaining the efforts taken to determine the status of the hazardous waste shipment. Specifically, Fed Ex could not produce a final disposition manifest for a shipment of hazardous waste in August 2004.

Corrective Action: Fed Ex shall obtain a completed, signed manifest from the designated facility(ies) for the deficient manifest. In addition, within 30 days of receipt of this Warning Letter, Fed Ex shall submit to the Department a written manifest management plan addressing record keeping and the retention of original manifests.

d.) **Regulation: 40 CFR 265.16(a)(1) - Personnel training**

“Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the requirements of this part.” Specifically, Fed Ex failed to provide facility personnel training in hazardous waste management procedures.

Corrective Action: Fed Ex shall immediately develop a personnel training plan and schedule training in hazardous waste management for the appropriate facility employees. In addition, within 30 days of receipt of this Warning Letter, Fed Ex shall submit to the Department a written facility personnel-training plan with corresponding training schedules. When training is complete, Fed Ex shall provide written documentation to the Department.

e.) **Regulation: 40 CFR 265.16 (d) – Position Descriptions**

The owner or operator must maintain the following documents and records at the facility: job title, written job description, written description of the type and amount of training and training documentation, for each position at the facility related to hazardous waste management. Specifically, Fed Ex could not provide the proper information concerning position descriptions.

Corrective Action: Fed Ex shall submit to the Department within 30 days the job title, written job description, written description of the type and amount of training and training documentation for each position at the facility related to hazardous waste management.

f.) **Regulation: 40 CFR 265.37 – Notifying Authorities**

“The owner or operator must attempt to make arrangements, as appropriate to the type of waste, with police, fire department(s), emergency response teams, hospitals, etc., with documentation of refusals, if any.” Specifically, Fed Ex failed to make arrangements with any local authorities and/or document responses or refusals.

Corrective Action: Within 30 days of receipt of Warning Letter, Fed Ex shall make arrangements to notify local authorities and provide the Department with documented receipts or refusals.

g.) **Regulation: 40 CFR 265.50, Subpart D – Contingency Plan**

“Each owner or operator must have a contingency plan for his facility.” Specifically, Fed Ex failed to have a proper written contingency plan as outlined in 40 CFR 265 Subpart D.

Corrective Action: Fed Ex shall immediately begin development of a facility contingency plan and emergency procedures as outlined in 40 CFR 265 Subpart D. In addition, within 30 days of receipt of Warning Letter, Fed Ex shall submit to the Department a written documentation describing how and when this plan will be developed. The completed plan shall be provided to the Department within 90 days of receipt of the Warning Letter.

h.) **Regulation: 62-737.400(5)(a)(1) – Universal Waste Labeling**

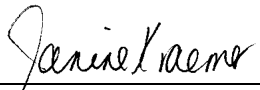
Boxes storing waste fluorescent bulbs should be labeled “Spent Mercury Containing Lamps for Recycling”, “Universal Waste Mercury Lamps”, “Waste Mercury Lamps” or “Used Mercury Lamps”. Specifically, Fed Ex had incorrectly labeled waste fluorescent bulbs.

Corrective Action: Within 30 days of receipt of this Warning Letter, Fed Ex shall submit to the Department documentation that all employees have been instructed in proper waste fluorescent bulb management.

15. **Conclusion**

Fed Ex was a Large Quantity Generator of hazardous waste in January, April, and June of 2004 and a Small Quantity Generator at the time of the inspection. Fed Ex was out of compliance at the time of the inspection.

Report Prepared By:



Janine Kraemer, CHMM
Environmental Specialist

2/11/05

Date

PENALTY COMPUTATION WORKSHEET

Violator's Name: Fed Ex, Ground

Identify Violator's Facility: 3000 Directors Row, Orlando, Florida 32809

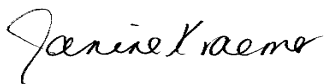
Name of Staff Responsible for the Penalty Computations: Janine Kraemer Date: 1/6/05

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Economic Benefit	Adjustments	Total
a.	262.34(a)(2) Drum Dating	HW 6.2	Minor	Major	\$3,299-\$1,650			\$2,475
b.	262.20 Record Keeping	HW 5.1	Minor	Major	\$3,299-\$1,650			\$2,475
c.	262.42 Exception Reporting	HW 5.2	Minor	Moderate	\$1,649-\$550			\$1,100
d.	265.16(a)(1) Personnel Training	HW	Moderate	Major	\$12,099-\$8,800			\$10,450
e.	265.16(d) Position Descriptions	HW 9.6	Minor	Moderate	\$1,649-\$550			\$1,100
f.	265.37 Notifying Authorities	HW 10.2	Minor	Major	\$3,299-\$1,650			\$2,475
g.	265.50 Incomplete Contingency Plan	HW 11.2	Minor	Moderate	\$1,649-\$550			\$1,100

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:

\$21,175.00

Prepared by: _



Janine Kraemer
Environmental Specialist



For Vivian Garfein
Director, Central District

2/11/05

Date

February 11, 2005

Date

WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Fed Ex, Ground Date: 1/6/05

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.34(a)(2)	Drum dating	4	2	1	1	8
b.	262.20	Recordkeeping	4	5	1	1	11

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24
 MODERATE POTENTIAL FOR HARM: 13-18
 MINOR POTENTIAL FOR HARM: 8-12



Figure 1: Damaged corrosive hazardous material containers



Figure 2: Damaged flammable hazardous materials containers, 2 containers labeled hazardous waste



Figure 3: Damaged "all other hazardous materials" containers



Figure 4: Damaged "all other hazardous materials" waste storage area



Figure 5: Hazardous waste storage area



Figure 6: Waste ammunition destined for OC Sheriff