



Docket No. RCRA-06-2021-0906

incorporated by reference 40 Code of Federal Regulations (“C.F.R.”) Parts 260, 262, and 270, and for purposes of this CAFO, the relevant sections of the C.F.R. are cited for the violations that are alleged herein to have occurred in the State of New Mexico.

4. The relevant Oklahoma Administrative Code, Title 252, Chapter 205, has incorporated by reference 40 C.F.R. Parts 260, 262, and 270 and for purposes of this CAFO, the relevant sections of the C.F.R. are cited for the violations that are alleged herein to have occurred in the State of Oklahoma.

5. For purposes of this CAFO, the relevant Texas Administrative Code (“TEX.ADMIN.CODE”); Louisiana Administrative Code (“LAC”); and Arkansas Pollution Control and Ecology Commission has promulgated Rule 23 (“APC&EC Rule 23”) have been cited independently for each violation alleged herein this CAFO that occurred in each respective State.

6. For these proceedings, Respondents admit the jurisdictional allegations herein; however, Respondents neither admit nor deny the specific factual allegations and alleged violations of law contained in this CAFO.

7. The Respondents explicitly waive any right to contest the allegations and their right to appeal the final order contained in this CAFO and, for purposes of this proceeding, waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

8. The CAFO resolves all the violations which are alleged herein and for the Facilities. Further, this CAFO does not provide release for the storage of hazardous waste without a permit, the complete requirements of which are set forth at 30 TEX.ADMIN.CODE §§ 335.2 and 335.43; LAC 33: V.109; APC&EC Rule 23; and 40 C.F.R Parts 270 and 271.

9. This CAFO resolves all the violations alleged herein and for the specific period set forth in Section III (Factual Allegations and Alleged Violations) and for the time period covered by Section

Docket No. RCRA-06-2021-0906

IV (Compliance Order) Paragraph 62 of this CAFO.

10. Respondents consent to the issuance of this CAFO hereinafter recited, consent to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consent to the specific time period and requirements stated in Section IV (Compliance Order).

11. Respondents and Complainant (the “Parties”), by the execution and filing of this CAFO, have agreed to resolve the potential violations and claims alleged in this CAFO for the Facilities.

12. By their signatures to this CAFO, the Parties agree to the use of electronic signatures for this matter. The Parties further agree to electronic service of this CAFO, pursuant to 40 C.F.R. § 22.6, by email to the following addresses: EPA, [Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov) and for Respondents, [meaghan.boyd@alston.com](mailto:meaghan.boyd@alston.com) and [doug.arnold@alston.com](mailto:doug.arnold@alston.com).

## II. JURISDICTION

13. This CAFO is issued by EPA, Region 6, pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 (“HSWA”) and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

14. Respondents agree to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondents agree not to contest the authority or jurisdiction of the Regional Administrator of EPA, Region 6, to issue or enforce this CAFO, and agree not to contest the validity of this CAFO or its terms and conditions.

Docket No. RCRA-06-2021-0906

III. FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

15. UPS and TForce Freight are separate companies. Prior to April 30, 2021, they were affiliated because of their common ownership by the same parent company, United Parcel Service, Inc., a Delaware corporation. As of April 30, 2021, TForce Freight (formerly known as UPS Ground Freight, Inc.), is owned by a separate entity. Respondents are each corporations authorized to do business in the States of Texas, Louisiana, Arkansas, Oklahoma, and New Mexico.

16. At all times relevant to this CAFO, Respondents owned and/or operated each of the respective Facilities at the corresponding and respective addresses listed in Appendix I, which are the subjects of this CAFO.

17. UPS operates a small package distribution and transportation operation at 161 Facilities across the five States in EPA, Region 6, and TForce Freight operates a freight distribution and transportation operation at 22 Facilities across the five States in EPA, Region 6. The volume of small packages and freight that pass through the Facilities on a daily basis varies and depends on many factors, including time of year, weather, and location of each Facility.

18. Some Facilities are large hubs that accommodate over the road semi-trucks and trailers and/or air freight, which are then sorted and redistributed categorically to smaller hubs for packages to make their way to designated destinations.

19. Some Facilities have loading docks for receipt and redistribution of packages, including spaces for fleet maintenance and various storage structures.

20. Many of these Facilities operate 24 hours a day, seven days a week (in multiple 5.5-hour shifts). Some Facilities employ more than 200 employees per shift.

21. Respondents' business is primarily shipping and receiving freight, with the NAICS codes 484122, 484121, 492210, and 49211, respectively General Freight, Trucking, Long-distance,

Docket No. RCRA-06-2021-0906

Less than Truck load; General Freight, Trucking, Long-distance Truck Load; Local Messengers and Local Delivery; and Courier and Express Delivery Services. The Facilities may generate hazardous waste when a package is damaged, as well as a result of day-to-day operations, like automotive maintenance.

22. At all times relevant to this CAFO, Respondents submitted various Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), notifications for the Facilities listed in Appendix I to this CAFO, which identified the Facilities as conditionally exempt small quantity generator or very small quantity generator (“CESQG” or VSQG”),<sup>4</sup> a small quantity generator (“SQG”), or as a large quantity generator (“LQG”).

23. On or about February 7, 2019 and November 15, 2019, the Arkansas Department of Environmental Quality (“AR DEQ”) conducted RCRA inspections at the Fort Smith facility, which is located at 6715 S. 28<sup>th</sup> Street, Fort Smith, Arkansas and concluded that certain waste streams generated during the Facility’s operations are subject to Arkansas Pollution Control and Ecology Commission’s promulgated Rule 23, Part 262 and 40 C.F.R. Part 262.

24. Subsequent to the inspections, AR DEQ referred the case to EPA, Region 6 for further investigation.

25. On or about May 1, 2020, EPA, Region 6 sent a Section 3007 RCRA information

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<sup>4</sup> On November 28, 2016, EPA published in the Federal Registry (“Fed. Reg”) the Hazardous Waste Generator Improvement Rule (the “New Rule”), which became effective on May 30, 2017. 81 Fed. Reg. 85732 (November 28, 2016). However, provisions of the New Rule that are more stringent than current rules in the five Region 6 authorized States will not become effective in each respective State until each State has adopted the New Rule. It is also important to note, for purposes of this CAFO and specifically for the alleged violations cited herein, that the relevant period of the alleged violations is from 2015 through 2020 and there have been varying dates for the adoption of the New Rule in the five States in Region 6. For example, the State of Texas did not adopt the New Rule during the dates relevant to this CAFO, and actually, as of the effective date of this CAFO, Texas has not yet adopted the New Rules. Therefore, for four of the States in Region 6 (Louisiana, Arkansas, Oklahoma, and New Mexico) the violations alleged in this CAFO overlap with 40 C.F.R. Part 262 Standards Applicable to Generators of Hazardous Waste (the “Old Rule”) and provisions of the New Rule, and by contrast, all alleged violations for the State of Texas are not impacted by the New Rule. For ease of reference, the New Rule is not cited in this CAFO.

Docket No. RCRA-06-2021-0906

request to Respondents for the Facilities listed in Appendix I of this CAFO.<sup>5</sup>

26. Subsequent to the review of AR DEQ's inspections, EPA also reviewed several State inspections for various Facilities in EPA, Region 6, reviewed the Respondents' records in the EPA RCRAInfo database, Texas STEERS data/Central Registry, EPA's Biennial Reports, and E-Manifests, for certain Facilities, as well as additional information voluntarily provided to EPA by Respondents ("EPA's Investigation" or the "Investigation").

27. Each Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 30 TEX.ADMIN.CODE § 3.2(25); LAC 33: V.109; APC&EC Rule 23 Section 261.10; and 40 C.F.R. § 260.10.

28. At all times relevant to this CAFO, Respondents' Facilities listed in Appendix I to this CAFO were and continue to be a "Facility"<sup>6</sup> as defined under 30 TEX.ADMIN.CODE § 335.1(59); LAC 33:V.109; APC&EC Rule 23 Section 261.10; and 40 C.F.R. § 260.10.

29. At all times relevant to this CAFO, Respondents were and continue to be an "owner" and/or "operator" of its respective Facilities as defined under 30 TEX.ADMIN.CODE §§ 335.1(108) and (107); LAC 33:V.109; APC&EC Rule 23 Section 261.10; and 40 C.F.R. § 260.10.

30. From EPA, Region 6's review of several of the referenced States' individual and independent inspections and in conjunction with its Investigation, EPA, Region 6 has determined that Respondents generate several "solid waste" streams from certain of its Facilities within the meaning of Section 1004(28) of RCRA, 42 U.S.C. § 6903(28); 30 TEX.ADMIN.CODE § 335.1(138); LAC 33:V.109; APC&EC Rule 23 Section 261.10; and 40 C.F.R. § 260.10.

31. EPA determined that Respondents generated, accumulated, and offered for transport and

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<sup>5</sup> The referenced Section 3007 RCRA information request is terminated upon the termination date of this CAFO.

<sup>6</sup> For purposes of this CAFO, the term "Facility" means one of the Facilities listed in Appendix I of this CAFO.

Docket No. RCRA-06-2021-0906

treatment and/or disposal, at a minimum, the following hazardous waste streams, generated from certain of its Facilities at different times during the period of 2015 through 2020:

- i. Ignitable, corrosive, and reactive characteristic wastes with the hazardous waste codes, respectively D001, D002, and D003;
- ii. Toxicity characteristic wastes with the hazardous waste codes D004, D005, D006, D007, D008, D009, D010, D016, D018, D019, D021, D026, D027, D028, D029, D035, D039, D040, which correspond respectively to arsenic, barium, cadmium, chromium, lead, mercury, selenium, 2,4-D, benzene, carbon tetrachloride, chlorobenzene, cresol, 1,4-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethylene, methyl ethyl ketone, tetrachloroethylene, and trichloroethylene;
- iii. Listed hazardous wastes, with the hazardous waste codes F002, F003, F005, U002, U003, U044, U056, U080, U111, U112, U117, U118, U122, U125, U154, U159, U161, U165, U210, U220, U228, U238, U239; and
- iv. Acute hazardous waste, with the hazardous waste codes P075 and P105.

32. The hazardous waste streams identified in Paragraph 31 are “hazardous waste” as defined in 30 TEX.ADMIN.CODE § 335.1(69); LAC 33:V.109 and 4903 B; APC&EC Rule 23 Sections 261.21, 261.22, 261.23, 261.24, 261.31, and 261.33; and 40 C.F.R. §§ 261.21, 261.22, 261.23, 261.24, 261.31, and 261.33.

33. From the Investigation, EPA, Region 6 determined that Respondents are a “generator” of “hazardous waste” at each of its Facilities, as those terms are defined in 30 TEX ADMIN.CODE §§ 335.1(65) & (69); LAC 33:V.109; APC&EC Rule 23 Section 260.10 and 40 C.F.R. § 260.10.

34. From the Investigation, EPA, Region 6 determined that during the time period of 2015 to early 2020, Respondents generated the hazardous waste streams identified in Paragraph 31 in quantities that exceeded in some instances the threshold amount of 100 kg of hazardous waste per month and in other instances the threshold amount of 1000 kg of hazardous waste per month or 1 kg of acute hazardous waste per month at certain of its Facilities in one or more calendar months, and that waste generation would have triggered SQG status or LQG status, respectively, under 30 TEX.ADMIN.CODE, Chapter

Docket No. RCRA-06-2021-0906

335, Subchapter C; LAC 33:V.1109.E.1 and/or 7; APC&EC Rule 23 Part 262 and 40 C.F.R. Part 262, for the period that such wastes remained onsite.

35. From the Investigation, EPA, Region 6 has determined that certain of Respondents' solid waste streams generated from its operations are determined to be hazardous waste and are the subject of this CAFO and must be managed pursuant to the applicable regulations at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C; LAC 33:V; APC&EC Rule 23 Parts 261 and 262; and 40 C.F.R. Parts 261 and 262, and all the applicable regulations referenced therein.

36. From the Investigation, EPA, Region 6 has determined that Respondents did not fully comply with several of the applicable generator standards in violation of the laws and regulations of RCRA promulgated at Sections 3002, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6922, 6924, and 6925.

### **RCRA ALLEGATIONS**

#### **Claim i. Failure to file an adequate, accurate initial or subsequent Notification**

37. The relevant allegations in Paragraphs 1-36 are realleged and incorporated herein by reference.

38. Pursuant to 30 TEX.ADMIN.CODE §§ 335.78(a) and (b); LAC 33:V.108; APC&EC Rule 23 Sections 261.5(a) and (b) and Section 262.35; and 40 C.F.R. §§ 261.5(a) and (b), a generator is a CESQG in a calendar month if it generates no more than 100 kilograms of hazardous waste and complies with 30 TEX.ADMIN.CODE §§ 335.78(f), (g), and (j); LAC 33:V.108; APC&EC Rule 23 §§ 261.5(f), (g); and (j); and 40 C.F.R. §§ 261.5(f), (g), and (j).

39. Pursuant to 30 TEX.ADMIN.CODE § 335.69(f); LAC 33:V.1109.E.7; APC&EC Rule 23 Section 262.34(d); and 40 C.F.R. § 262.34(d), a generator is a SQG if it generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and complies with

Docket No. RCRA-06-2021-0906

30 TEX.ADMIN.CODE §§ 335.69(f)(1) through (5); LAC 33:V.1109.E.7; APC&EC Rule 23 Sections 262.34(d)(1) through (5); and 40 C.F.R. §§ 262.34(d)(1) through (5).

40. From the Investigation, EPA, Region 6 determined that some of the Facilities should have been operating as a LQG and other Facilities should have been operating as a SQG at certain times during the relevant period of this CAFO.

41. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator or authorized State a notification stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person.

42. In some instances, for the relevant period of the Investigation and for this CAFO, Respondents did not file with the Administrator or the authorized and respective State an initial or subsequent notification of its hazardous waste activities for certain of its Facilities.

43. In other instances, for the relevant period of the Investigation and for this CAFO, Respondents did not file with the Administrator or the authorized and respective State subsequent notifications of its hazardous waste activities for certain of its Facilities:

- a) Identifying itself as a LQG or SQG;
- b) Identifying the contact person; and
- c) Indicating its generation of all hazardous waste streams at its LQG and SQG

Facilities, including its P and U listed Hazardous wastes at certain LQG Facilities.

44. From the Investigation, EPA, Region 6 determined that for the relevant period of this CAFO, Respondents failed to comply fully with Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), and are therefore subject to civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Docket No. RCRA-06-2021-0906

**Claim ii. Failure to meet the requirements for Large, Small, and Conditionally Exempt Small Quantity Generators**

45. The relevant allegations in Paragraphs 1-44 are realleged and incorporated herein by reference.

46. During the Investigation, EPA, Region 6 determined that some of the Facilities should have been operated as a LQG and some of the Facilities should have been operated as a SQG during the relevant period of this CAFO.

47. Pursuant to 30 TEX.ADMIN.CODE § 335.69; LAC 33:V.1109.E.1; APC&EC Rule No. 23 Sections 262.34(a) and (b); and 40 C.F.R. §§ 262.34(a) and (b), a generator of 1000 kilograms or greater of hazardous waste in a calendar month or greater than one (1) kilogram of acute hazardous waste in a calendar month, may accumulate hazardous waste or acute hazardous waste on-site for 90 days or less without a permit or without having interim status provided that certain conditions are met.

48. During the Investigation and for the relevant period of this CAFO, Respondents did not fully comply with the required LQG conditions at some Facilities as set forth at 30 TEX.ADMIN.CODE § 335.69; LAC 33:V.1109.E.1; APC&EC Rule No. 23 Section 262.34(a); and 40 C.F.R. § 262.34(a), Respondents did not fully comply with the required SQG conditions at some Facilities as set forth at 30 TEX.ADMIN.CODE § 335.69(f); LAC 33:V.1109.E.7; APC&EC Rule 23 Section 262.34(d), and Respondents did not fully comply with the required CESQG conditions at some Facilities as set forth at 30 TEX.ADMIN.CODE § 335.78(a) and (b); LAC 33:V.108; APC&EC Rule 23 Sections 261.5(a) and (b) and Section 202.35; and 40 C.F.R. §§ 261.5(a) and (b).

49. From the Investigation, EPA determined that for the relevant period of this CAFO, Respondents did not fully comply with 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C; LAC 33:V.108 and 1109.E.1 and 7; APC&EC Rule. No. 23 Section 261.5, Section 262.34(a), (b) and (d);

Docket No. RCRA-06-2021-0906

and 40 C.F.R. §§ 261.5, 262.34(a), (b), and (d), and are therefore subject to civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

**Claim iii. Failure to Perform Land Disposal Determination**

50. The relevant allegations in Paragraphs 1-49 are realleged and incorporated herein by reference.

51. Pursuant to 30 TEX.ADMIN.CODE § 335.431; LAC 33:V.2245; APC&EC Rule No. 23 Sections 268.7(a)(2) or 268.7(a)(3)(i); and 40 C.F.R. §§ 268.7(a)(2) or 268.7(a)(3)(i), and in accordance with all applicable requirements of the land disposal restrictions (“LDR”) found at 40 C.F.R. Part 268, at a minimum, a generator with its initial shipment of waste sent to each treatment, storage, or disposal facility must send a one-time written notice and place a copy in its file.

52. During the Investigation and for the relevant period of this CAFO, in some instances, Respondents did not send the one-time written notice to each treatment, storage, and/or disposal facility and, in other instances, the written notice that was sent did not include all waste codes for the associated waste streams generated by Respondents at some of its Facilities.

53. From the Investigation, EPA, Region 6 determined that for the relevant period of this CAFO, Respondents have therefore violated 30 TEX.ADMIN.CODE § 335.431; LAC 33:V.2245; APC&EC Rule No. 23 Section 268.7; and 40 C.F.R. § 268.7, of the LDR regulations and is therefore subject to civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

**Claim iv. Failure to submit Annual/Biennial Report**

54. The relevant allegations in Paragraphs 1-53 are realleged and incorporated herein by reference.

55. Pursuant to 30 TEX.ADMIN.CODE § 335.71; LAC 33:V.1111.B.1(a) through (h); APC&EC Rule No. 23 Section 262.4; and 40 C.F.R § 262.41, a large quantity generator who ships any hazardous waste off-site for treatment, storage and/or disposal, must prepare and submit a

Docket No. RCRA-06-2021-0906

Biennial Report to EPA's Regional Administrator, and to the respective States (here TCEQ, LDEQ, ODEQ, AR DEQ, and NMED) by March 1 of each even-numbered year in addition to the annual reporting, which is required under 30 TEX.ADMIN.CODE § 335.9; LAC 33:V.1111.B.1(a) through (h); APC&EC Rule No. 23 Section 262.41; and 40 C.F.R § 262.41.

56. During EPA's Investigation and for the relevant period of this CAFO, the EPA and/or the respective States did not receive Annual/Biennial Reports that Respondents were required to file for some of its Facilities.

57. From the Investigation, EPA determined that for the relevant period of this CAFO, Respondents failed to comply with 30 TEX.ADMIN.CODE § 335.7; LAC 33:V.1111.B.1(a) through (h); APC&EC Rule No. 23 Section 262.1; and 40 C.F.R. § 262.41 and are therefore subject to civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

**Claim v. Failure to Comply with the Manifest Requirements**

58. The relevant allegations in Paragraphs 1-57 are realleged and incorporated herein by reference.

59. Pursuant to 30 TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c); LAC 33:V.1107 and 1108; APC&EC Rule No. 23 Section 262.20(a); and 40 C.F.R. § 262.20(a), a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) and includes the respective State's waste code for each hazardous waste itemized on the manifest.

60. From the Investigation, EPA, Region 6 determined that Respondents did not prepare all the manifests for some of its Facilities as is required by the regulations. For instance, EPA, Region 6 identified Respondents' manifests with the following errors, irregularities, and/or inconsistencies:

- a. Incorrect generator identification number for specific Facilities;

Docket No. RCRA-06-2021-0906

- b. Manifests without signatures;
- c. No identification number;
- d. Missing State's waste codes; and/or
- e. Incorrect addresses.

61. From the Investigation, EPA, Region 6 determined that for the relevant period of this CAFO, Respondents failed to comply with TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c); the LAC 33:V.1107 and 1108, which incorporates by reference 40 C.F.R. § 262.20(a)(1) and Appendix to 40 C.F.R. Part 262; APC&EC Rule No. 23 Section 262.20(a); and 40 C.F.R. § 262.20(a) and are therefore subject to civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

#### IV. COMPLIANCE ORDER

62. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and within twenty-four (24) months of the effective date of this CAFO, Respondents are hereby ordered to take the actions necessary to comply with the applicable RCRA laws and regulations, both State and federal. To demonstrate and achieve compliance with all applicable RCRA laws and regulations, both State and federal, Respondents have agreed to undertake the Work<sup>7</sup> set forth in Appendix III (The RCRA Narrative and Compliance Schedule)<sup>8</sup> of this CAFO pursuant to the description and schedules set forth therein. Such Work<sup>9</sup> under Appendix III (The RCRA Narrative and Compliance Schedule)

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<sup>7</sup> For purposes of this CAFO "Work" shall mean all activities, including those delineated in the Appendix III (The RCRA Narrative and Compliance Schedule) to be implemented by Respondents to demonstrate and achieve compliance with all applicable RCRA laws and regulations, both State and federal.

<sup>8</sup> If for any reason, there is a conflict with Appendix III (The RCRA Narrative and Compliance Schedule) and this CAFO or any applicable Federal and/or State laws or regulations, the CAFO and the Federal and/or State law shall control.

<sup>9</sup> Prior to the Effective Date of this CAFO and its Appendices, and during the relevant time period, UPS and TForce Freight were affiliated companies owned by the same parent company. As of April 30, 2021, TForce Freight is owned by a separate entity. UPS and TForce Freight may allocate between themselves the responsibility for the performance of the compliance projects outlined herein and in Appendix III, though the specific details of TForce Freight's implementation of the compliance projects may require revisions to Appendix III that will be addressed between EPA, UPS, and/or TForce Freight. TForce Freight's obligations under this Appendix will be limited to the locations identified in Appendix IB.

Docket No. RCRA-06-2021-0906

will include the implementation of mechanisms and procedures for accurate and complete performance of: (1) Hazardous waste determinations; (2) Section 3010 RCRA Notification; (3) Employee training; (4) Annual and biennial hazardous waste reporting; (5) Land Disposal Restriction requirements; (6) Management of Hazardous waste while on site, to include contingency plans and emergency procedures; and (7) Manifesting requirements. Further Respondents shall certify in writing:

- a) Within twenty-four (24) months of the effective date of this CAFO that the Facilities, which are the subject of this CAFO, are in compliance with all applicable federal and State requirements of RCRA and the implementing regulations;
- b) If Respondents cannot meet the timeline listed above and will need to delay compliance for less than ninety (90) calendar days, Respondents shall notify EPA, Region 6 and request an extension of time, including a timetable for compliance. EPA, Region 6 will grant an extension of up to ninety (90) calendar days. If Respondents determine that they need longer than the additional ninety (90) calendar days to come into compliance, then Respondents will need to initiate a conference call with EPA, Region 6 to discuss the rationale for the delay, before the extension will be granted;
- c) If Respondents remain noncompliant with the terms of this CAFO including Appendix III (RCRA Compliance Narrative and Schedule) after a ninety (90) day extension period, then for as long as Respondents remain noncompliant with the terms of this CAFO and are unable to certify their full compliance with all applicable RCRA laws and regulations, both State and federal, and pursuant to Subparagraph d) of this Section, Section V.ii (Stipulated Penalties) of this CAFO will be applicable; and
- d) In all instances in which this CAFO requires written submission to EPA, Region 6, the submittal made by Respondents shall be signed by an owner or officer or officer's designee of the respective Respondent and shall include the following certification:

I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- e) Copies of all documents required by this CAFO may be sent to the following:

Docket No. RCRA-06-2021-0906

U.S. EPA, Region 6  
Enforcement and Compliance Assurance Division  
RCRA Enforcement Section (“ECDSR”)  
1201 Elm St., Suite 500  
Dallas, TX 75270  
Attn: Mr. Fred Deppe

In the alternative and as set forth in Subsection iv of Section V of this CAFO (Notification), documents required by this CAFO may be sent to Fred Deppe via email at [Deppe.Fred@epa.gov](mailto:Deppe.Fred@epa.gov).

## V. TERMS OF SETTLEMENT

### **i. Penalty Provisions**

63. Pursuant to the authority granted in Section 3008(g) of RCRA, 42 U.S.C. § 6928(g) and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violations, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondents’ good faith efforts to comply with the applicable regulations, which includes Respondents’ cooperation throughout the negotiation and information provided to EPA, Region 6 subsequent to the inspections, it is ordered that Respondents be assessed a civil penalty of Three Million Eight Hundred Thousand Dollars (\$3,800,000.00) that shall be paid by Respondents within thirty (30) days of the effective date of this CAFO.

64. If Respondents should decide to sell or in any way relinquish ownership of any of the Facilities before this CAFO is terminated, Respondents are still responsible for full payment of the full Three Million Eight Hundred Thousand Dollars (\$3,800,000.00) made payable to the Treasurer of the United States. The payments shall be made by UPS by one of the following methods:

- a) By mailing a bank check, cashier’s check, or certified check payable to

“Treasurer, United States,” to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center

Docket No. RCRA-06-2021-0906

P.O. Box 979077  
St. Louis, MO 63197-9000

b) By wire transfer to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045

c) By overnight mail (Express, FedEx, DHL, etc.) to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone: 314-418-1028

“In the matter of United Parcel Service, Inc., and TForce Freight, Inc., Docket No. RCRA-06-2021-0906” shall be clearly marked on the check or other remittance, to ensure proper credit.

65. The Respondents shall send a simultaneous notice of such payment to the following:

Ms. Lorena S. Vaughn  
Regional Hearing Clerk (ORCD)  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75202-2733  
[Vaughn.Lorena@epa.gov](mailto:Vaughn.Lorena@epa.gov)

Margaret Osbourne, Chief  
Waste Enforcement Branch (ECDS)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
Attn: Mr. Fred Deppe  
[Deppe.Fred@epa.gov](mailto:Deppe.Fred@epa.gov)

Your adherence to this request will ensure proper credit is given when penalties are received in EPA, Region 6.

Docket No. RCRA-06-2021-0906

66. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of process and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a fifteen dollar (\$15.00) administrative handling charge for administrative costs on unpaid penalties for the thirty (30)-day period after the payment is due and an additional fifteen dollars (\$15.00) for each subsequent thirty (30)-day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b).

67. Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

**ii. Stipulated Penalties**

68. In addition to any other remedies or sanctions available to EPA, Region 6, if the Respondents fail or refuse to comply with any provision of this CAFO and within the agreed upon time period, then the Respondents shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

<u>Period of Failure to Comply</u>	<u>Penalty Per Violation Per Day</u>
------------------------------------	--------------------------------------

Docket No. RCRA-06-2021-0906

1st through 15th day	\$1,500.00
16th through 30th day	\$2,000.00
31st day and beyond	\$10,000.00

69. Penalties shall accrue from the date of the noncompliance until the date the violation is corrected and/or compliance is achieved, as determined by EPA, Region 6. TForce Freight's obligations under Paragraph 68 above will be limited to failure at locations identified in Appendix 1B.

70. The payment of stipulated penalties shall be made in accordance with the options set forth in Subsection Vi. (Penalty Provisions) of this CAFO.

71. The Respondents shall send simultaneous notices of such payments to the following:

Ms. Lorena S. Vaughn  
Regional Hearing Clerk (ORCD)  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
[Vaughn.Lorena@epa.gov](mailto:Vaughn.Lorena@epa.gov)

Margaret Osbourne, Chief  
Waste Enforcement Branch (ECDS)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
Attn: Mr. Fred Deppe  
[Deppe.Fred@epa.gov](mailto:Deppe.Fred@epa.gov)

Chief, RCRA Legal Branch (ORCER)  
Office of Regional Counsel  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
Attn: Ms. Marcia E. Moncrieffe  
[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)

72. Adherence to these procedures in addition to Respondents' compliance with the provisions of Section V, concerning interest, penalties, and administrative costs, will ensure proper credit when payments are received.

Docket No. RCRA-06-2021-0906

73. If Respondents dispute the basis for imposition of stipulated penalties, then the issue shall be resolved under the Dispute Resolution procedures of this CAFO. All stipulated penalties shall continue to accrue through the period that the dispute resolution is ongoing. Invoking dispute resolution shall not stay the accrual of stipulated penalties; however, the obligation to pay shall be stayed pending resolution of the dispute.

### **iii. Dispute Resolution**

74. If Respondents object to any decision or directive of EPA, Region 6 regarding Section IV (Compliance Order) or Subsection Vii. (Stipulated Penalties), then Respondents shall notify the following persons in writing of its objections, and the basis for those objections, within fifteen (15) calendar days of receipt of EPA's decision or directive:

Margaret Osbourne, Chief  
Waste Enforcement Branch (ECDS)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
Attn: Mr. Fred Deppe  
[Deppe.Fred@epa.gov](mailto:Deppe.Fred@epa.gov).

Chief, RCRA Legal Branch (ORCER)  
Office of Regional Counsel  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
Attn: Ms. Marcia E. Moncrieffe  
[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov).

75. The Waste Enforcement Branch Chief ("Branch Chief") or his/her designee and the Respondents shall then have an additional fifteen (15) calendar days from EPA, Region 6's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Branch Chief and the Respondents, the agreement shall be reduced to writing and signed by the Branch Chief and the Respondents and incorporated by reference into this CAFO.

Docket No. RCRA-06-2021-0906

76. If no agreement is reached between the Branch Chief and the Respondents within that time, then the dispute shall be submitted to the Director of the Enforcement and Compliance Assurance Division (“Division Director”) or his/her designee. The Division Director and the Respondents shall then have a second fifteen (15)-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, then the resolution shall be reduced to writing and signed by the Division Director and Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach agreement within this second fifteen (15)-day period, then the Division Director shall provide a written statement of EPA, Region 6’s decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

77. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to the Subsection on Modification, below.

**iv. Notification**

78. Unless otherwise specified elsewhere in this CAFO, whenever written notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the email addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other party that another individual has been designated to receive the communication:

EPA: Margaret Osbourne, Chief  
Waste Enforcement Branch (ECDS)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270

Docket No. RCRA-06-2021-0906

Attn: Mr. Fred Deppe  
[Deppe.Fred@epa.gov](mailto:Deppe.Fred@epa.gov)

Respondents: Randy Hunley  
Director - Global Environmental Affairs  
Buildings & Systems Engineering  
55 Glenlake Pkwy  
Atlanta, GA 30328-3474  
[rhunley@ups.com](mailto:rhunley@ups.com)

Tod Webster  
Senior Vice President Operations  
TForce Freight, Inc.  
1000 Semmes Ave  
Richmond, VA 23224  
[todwebster@tforcefreight.com](mailto:todwebster@tforcefreight.com)

With Copy to: Meaghan Boyd  
Partner  
Alston & Bird LLP  
One Atlantic Center  
1201 W. Peachtree Street  
Suite 4900  
Atlanta, Georgia 30309-3424  
[meaghan.boyd@alston.com](mailto:meaghan.boyd@alston.com)

Louis Gagnon  
Executive Vice President  
TFI International Inc.  
8801 Trans-Canada Highway, Suite 500  
Saint-Laurent, Quebec H4S 1Z6  
[LGagnon@tfiintl.com](mailto:LGagnon@tfiintl.com)

#### **v. Modification**

79. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of all parties, and approved by a Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

#### **vi. Retention of Enforcement Rights**

80. EPA, Region 6 does not waive any rights or remedies available to EPA for any other

Docket No. RCRA-06-2021-0906

violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

81. Except as specifically provided in this CAFO, nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, contaminants, hazardous substances on, at or from each of Respondents' Facilities. Furthermore, nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

**vii. Indemnification**

82. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, its officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by a Respondents in carrying out the activities required by this CAFO.

**viii. Record Preservation**

83. Each Respondent shall preserve, during the pendency of this CAFO, all records in its possession or in the possession of its, employees, agents, contractors, or successors, which relates to Respondent's completion of the projects described in Appendix III (The RCRA Narrative and Compliance Schedule) of this CAFO regardless of any document retention policy to the contrary.

**ix. Cost**

84. Each party shall bear its own costs and attorney's fees. Furthermore, each Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal

Docket No. RCRA-06-2021-0906

Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**x. Termination and Satisfaction**

85. When Respondents believe that they have complied with all the requirements of this CAFO, including compliance with Section IV (Compliance Order) and payment of the Subsection Vi. (Civil Penalty), Respondents shall certify in writing and in accordance with the certification language set forth in Section IV (Compliance Order), Paragraph 62 of this CAFO. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondents' certification, this CAFO will be terminated based on EPA's receipt of Respondents' certification.

Notwithstanding the foregoing, either Respondent may certify compliance to EPA at any time and terminate its obligations under this CAFO, even if the other Respondent has not yet certified.

86. This CAFO resolves all claims and violations that are alleged herein this CAFO to have occurred between January 1, 2015 through the termination of the CAFO as set forth in Section III, Factual Allegations and Alleged Violations. Further, Respondents are released from all liability for Federal civil penalties for the violations alleged in this CAFO that relate to the Facilities listed in Appendix I of this CAFO through the termination of this CAFO as provided in 40 C.F.R. § 22.18(c).

**xi. Effective Date of Settlement**

87. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

Docket No. RCRA-06-2021-0906

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT United Parcel Service, Inc., an Ohio corporation:

Date: 6/4/2021 | 12:10 PM PDT

DocuSigned by:  
*Ray Magrans*  
92918AB40366401...  
Ray Magrans, Vice President  
Buildings & Systems Engineering  
55 Glenlake Pkwy  
Atlanta, GA 30328-3474

Docket No. RCRA-06-2021-0906

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT  
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT TForce Freight, Inc., a Virginia corporation:

Date: \_\_\_\_\_

**Tod F.  
Webster**

Digitally signed by Tod F.  
Webster  
Date: 2021.06.03  
11:35:53 -04'00'

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Tod Webster  
Vice President  
TForce Freight, Inc.  
1000 Semmes Ave  
Richmond, VA 23224

Docket No. RCRA-06-2021-0906

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT  
AGREEMENT AND FINAL ORDER (con't):**

FOR THE COMPLAINANT:



Digitally signed by CHERYL SEAGER  
DN: c=US, o=U.S. Government, ou=Environmental Protection  
Agency, cn=CHERYL SEAGER,  
09.2342.19200300.100.1.1=68001003651793  
Date: 2021.06.07 17:17:40 -05'00'

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Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6

Docket No. RCRA-06-2021-0906

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

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Regional Judicial Officer  
Thomas Rucki

Docket No. RCRA-06-2021-0906

**CERTIFICATE OF SERVICE**

I hereby certify that on the day and year seen below, the original of the foregoing Consent Agreement and Final Order (“CAFO”) was emailed to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm St., Suite 500, Dallas, Texas 75270. Also, a true and correct copy of the RCRA CAFO, Docket No. RCRA-06-2021-0906 CAFO was transmitted via email to counsel for Respondents at [meaghan.boyd@alston.com](mailto:meaghan.boyd@alston.com) and [doug.arnold@alston.com](mailto:doug.arnold@alston.com).

---

Name and Date: Marcia E. Moncrieffe  
Counsel for EPA  
Office of Regional Counsel  
U.S. EPA, Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TX

IN THE MATTER OF: §  
§  
UNITED PARCEL SERVICE, INC. AND § Consent Agreement and Final Order  
TFORCE FREIGHT, INC. § USEPA Docket No. RCRA-06-2021-0906  
§  
RESPONDENTS §  
§  
§

**APPENDIX I: SECTIONS A and B**

This Appendix I, including Sections A and B, provides the list of 183 Facilities that are covered under the CAFO. Section A, which includes 161 Facilities, are owned by United Parcel Service, Inc., and the remaining 22 Facilities, listed in Section B, are owned by TForce Freight, Inc.

**Section A**

Facility Name	Street Address	City	State	Postal Code
BATESVILLE	11 PEPSI ROAD	BATESVILLE	AR	72501
BLYTHEVILLE	1500 Parco Road	BLYTHEVILLE	AR	72315
CAMDEN	604 E. WASHINGTON AVENUE	CAMDEN	AR	71701
DERMOTT	706 E SPEEDWAY RD.	DERMOTT	AR	71638
EL DORADO	RT. 5 BOX305 HWY 82 & PONDEROS	EL DORADO	AR	71730
FORREST CITY	1690 LINDAUER STREET	FORREST CITY	AR	72335
FT. SMITH	6715 S. 28TH	FORT SMITH	AR	72903
HARRISON	321 INDUSTRIAL PARK	HARRISON	AR	72601
HOT SPRINGS	807 MID AMERICAN BLVD	HOT SPRINGS	AR	71901
JONESBORO CENTER	2921 INDUSTRIAL DRIVE	JONESBORO	AR	72401
LITTLE ROCK AIRPORT	800 TEMPLE STREET	LITTLE ROCK	AR	72203
LITTLE ROCK	5501 Fourche Dam Pike	LITTLE ROCK	AR	72206
MALVERN CENTER	2620 S. RIVER CREEK DRIVE	MALVERN	AR	72104

Facility Name	Street Address	City	State	Postal Code
MENA CENTER	1324 South MENA STREET	MENA	AR	71953
MOUNTAIN HOME CENTER	580 DILLARD DRIVE	MIDWAY	AR	72651
PINE BLUFF	# 5 COSTITUTIONS	PINE BLUFF	AR	71602
POCAHONTAS	2101 HWY 67 N	POCAHONTAS	AR	72455
RUSSELLVILLE	3082 E PARKWAY DRIVE	RUSSELLVILLE	AR	72801
SPRINGDALE CENTER	371 N. MONITOR ROAD	SPRINGDALE	AR	72764
SEARCY	2000 HASTINGS DR	SEARCY	AR	72143
TEXARKANA	3215 E. 50TH	TEXARKANA	AR	71854
ALEXANDRIA	3425 MC LEE STREET	ALEXANDRIA	LA	71302
BAKER	3080 ROSENWALD STREET	BATON ROUGE	LA	70807
BATON ROUGE CENTER	12100 LITTLE CAYMAN AVENUE STE B	BATON ROUGE	LA	70809
COVINGTON	HWY 190 BYPASS	COVINGTON	LA	70433
DELHI	710 OHIO ST.	DELHI	LA	71232
EARHART PACKAGE CENTER	4500 FIRESTONE ROAD	METAIRIE	LA	70001
GONZALES	1008 WEST RAYMOND STREET	GONZALES	LA	70737
HAMMOND PACKAGE CENTER	22-25 SOUTH MORRISON	HAMMOND	LA	70403
HARVEY	3750 SPENCER ST	HARVEY	LA	70058
HOUMA CENTER	4554 HIGHWAY 659	GRAY	LA	70359
HAMMOND	42308 UPS DRIVE	HAMMOND	LA	70403
MOISANT INT AIRPORT GATEWAY	200 CROFTON ROAD BLDG 4 SUITE C	KENNER	LA	70063
LAFAYETTE	115 COMMISSION BLVD	LAFAYETTE	LA	70508
LAFAYETTE GATEWAY	2201 SE EVANGELINE THRUWAY BLDG A SUITE 100	LAFAYETTE	LA	70508
LAKE CHARLES	2404 FRUGE STREET	LAKE CHARLES	LA	70601
MONROE	2600 BOOTH STREET	MONROE	LA	71201
NATCHITOCHE	2214 HIGHWAY 6	NATCHITOCHE	LA	71457
NEW IBERIA	4812 E OLD SPANISH TRAIL	JEANERETTE	LA	70544
NEW ORLEANS	5700 MORRISON ROAD	NEW ORLEANS	LA	70126

Facility Name	Street Address	City	State	Postal Code
OPELOUSAS	157 COUNTRY LANE	OPELOUSAS	LA	70570
PORT ALLEN	1111 COMMERCIAL DR	PORT ALLEN	LA	70767
RUSTON	623 WAREHOUSE DRIVE	RUSTON	LA	71270
SHREVEPORT	1907 JIM CASEY DR.	SHREVEPORT	LA	71103
SHREVEPORT GATEWAY	5641 W PERIMETER ROAD	SHREVEPORT	LA	71109
ALBUQUERQUE HUB COMANCHE	2401 COMANCHE RD.	ALBUQUERQUE	NM	87107
ALBUQUERQUE GATEWAY	3720 SPIRIT DR.	ALBUQUERQUE	NM	87106
ASPEN	1238 ASPEN RD NW	ALBUQUERQUE	NM	87107
ALAMAGORDO	3530 N. WHITE SANDS BLVD.	ALAMAGORDO	NM	88310
CARLSBAD	2435 W. TEXAS ST.	CARLSBAD	NM	88220
CLOVIS	1100 E. BRADY	CLOVIS	NM	88101
CUBA	6359 S. MAIN ST.	CUBA	NM	87013
DEMING	2425 ATLANTIC WAY SE	DEMING	NM	88030
HOBBS	2020 W. MARLAND ST.	HOBBS	NM	88240
FARMINGTON	2603 W. MAIN ST.	FARMINGTON	NM	87401
GALLUP	501 W. WILLIAMS ST.	GALLUP	NM	87301
GRANTS	1096 ELKINS RD.	GRANTS	NM	87020
LAS CRUCES	412 N. 17TH ST.	LAS CRUCES	NM	88005
LAS VEGAS	315 BIBB INDUSTRIAL Dr.	LAS VEGAS	NM	87701
ROSWELL	715 S. ATKINSON ST	ROSWELL	NM	88201
SANTE FE	2541 CAMINO ORTIZ	SANTE FE	NM	87501
SILVER CITY	403 E. 12TH ST	SLIVER CITY	NM	88061
SOCORRO	403 S. AIRPORT FRONTAGE RD.	SOCORRO	NM	87801
SPRINGER	824 W. 4TH ST	SPRINGER	NM	87747
TAOS	1044 DEA LN.	TAOS	NM	87571
TRUTH OR CONSEQUENCES	925 E. 3RD ST.	TRUTH OR CONSEQUENCES	NM	87901
TUCUMCARI	524 E. TUCUMCARI BLVD.	TUCUMCARI	NM	88401
ALTUS	1811 EAST BROADWAY	ALTUS	OK	73521
ARDMORE	15545 HWY 70	ARDMORE	OK	73401
CLINTON	22464 E 1078 RD	CLINTON	OK	73601

Facility Name	Street Address	City	State	Postal Code
DURANT	782 COUNTRY CLUB ROAD	DURANT	OK	74701
ENID	1834 WEST CHESTNUT	ENID	OK	73703
GUYMON	809 NORTHEAST 12TH STREET	GUYMON	OK	73942
HUGO	1401 DUKE STREET	HUGO	OK	74743
LAWTON	664 S. W. BISHOP RD	LAWTON	OK	73501
MC ALESTER	6 EXPRESS LANE	MCALESTER	OK	74501
MUSKOGEE	1005 W. SHAWNEE STREET	MUSKOGEE	OK	74401
OKLAHOMA CITY AIRPORT	6300 AIR CARGO ROAD SUITE H200	OKLAHOMA CITY	OK	73159
OKLAHOMA CITY HUB	901 SOUTH PORTLAND AVE	OKLAHOMA CITY	OK	73108
PONCA CITY	1018 WEST HARTFORD	PONCA CITY	OK	74601
SALLISAW	406 E. HOUSER	SALLISAW	OK	74955
SHAWNEE	1601 NORTH TUCKER	SHAWNEE	OK	74801
STILLWATER	908 SOUTH MOUNDS	STILLWATER	OK	74074
TULSA AIRPORT	2139 N CARGO ROAD	TULSA	OK	74115
TULSA HUB	5805 S. 118TH E AVE.	TULSA	OK	74146
VINITA	N. OF VINITA,EASTERN STATE HOS	VINITA	OK	74301
WOODWARD	4231-1/2 OKLAHOMA	WOODWARD	OK	73802
ABILENE	365 FULWILER	ABILENE	TX	79603
ARLINGTON	2320 E. BARDIN ROAD	ARLINGTON	TX	76018
ALPINE	710 W. HOLLAND	ALPINE	TX	79830
AMARILLO	8030 INTERSTATE I-40 E	AMARILLO	TX	79118
ANGLETON	113 W CEMETARY	ANGLETON	TX	77515
SAN ANTONIO HUB	6400 SEVEN STATES BLVD	SAN ANTONIO	TX	78244
ALPINE	2611 WEST HIGHWAY 90	ALPINE	TX	79830
LAREDO GATEWAY	4206 AIRPARK DRIVE	LAREDO	TX	78041
ARLINGTON	379 EXCHANGE DR	ARLINGTON	TX	76011
AUSTIN AIR GATEWAY	9401 CARGO AVE BAY F SUITE 300	AUSTIN	TX	78719
HIGHLAND	8601 TUSCANY WAY	AUSTIN	TX	78754
AUSTIN	9020 TUSCANY WAY	AUSTIN	TX	78719
BAYTOWN CENTER	5421 E. I-10	BAYTOWN	TX	77520

Facility Name	Street Address	City	State	Postal Code
BEAUMONT	3755 WASHINGTON BLVD	BEAUMONT	TX	77705
BELTON CENTER	3099 S. INTERSTATE HIGHWAY 35	BELTON	TX	76513
BRYAN CENTER	2730 OSBORN LANE	BRYAN	TX	77801
BROWNWOOD	1506 CUSTER RD.	BROWN WOOD	TX	76801
BROWNSVILLE CENTER	700 ELCA DRIVE	BROWNSVILLE	TX	78521
HOUSTON (CANINO) HUB	8330 SWEETWATER LANE	HOUSTON	TX	77037
CHALK HILL	4495 DFW TURNPIKE	DALLAS	TX	75212
CONROE	9641 POZOS LANE	CONROE	TX	77303
CORPUS CHRISTI	321 N NAVIGATION	CORPUS CHRISTI	TX	78408
DALLAS	10155 MONROE ST	DALLAS	TX	75229
DALLAS AUTOMOTIVE SHOP	2727 NORTHHAVEN ROAD	DALLAS	TX	75229
DEL RIO	710 CORTINAS	DEL RIO	TX	78840
DENTON	1709 SHADY OAKS DRIVE	DENTON	TX	76205
DALLAS/FORT WORTH AIRPORT HUB	1683 W. 19TH STREET	DFW AIRPORT	TX	75261
LAREDO	11918 HAYTER ROAD	Laredo	TX	78045
EAGLE PASS	2080 BROWN ROAD	EAGLE PASS	TX	78852
EL PASO	23 SPUR LANE	EL PASO	TX	79906
EL PASO AIRPORT	301 GEORGE PERRY BLVD	EL PASO	TX	79906
INDEPENDENCE HUB	13700 INDEPENDENCE PKWY	FORT WORTH	TX	76177
FORT WORTH	1300 E. NORTHSIDE DRIVE	FORT WORTH	TX	76102
GRANBURY	300 HOLMES RD	GRANBURY	TX	76048
HARLINGEN	1301A SAM HOUSTON	HARLINGEN	TX	78550
WILLOWBROOK	11802 N. GESSNER ROAD	HOUSTON	TX	77064
IAH GATEWAY	19575 LEE ROAD	HUMBLE	TX	77338
KENEDY CENTER	1010 NORTH HIGHWAY 123	KARNES CITY	TX	78118
KERRVILLE	3215 LEGION DRIVE	KERRVILLE	TX	78028
LUBBOCK GATEWAY	8002 N BIRCH STREET	LUBBOCK	TX	79403
LEAGUE CITY	1314 LINK RD SH 96	LEAGUE CITY	TX	77573
LEON VALLEY	7129 ECKHERT ROAD	LEON VALLEY	TX	78238
LONGVIEW	1709 E. WHALEY	LONGVIEW	TX	75601
LUBBOCK CENTER	515 E. 44TH STREET	LUBBOCK	TX	79404

Facility Name	Street Address	City	State	Postal Code
LUFKIN	2805 SOUTH FIRST STREET	LUFKIN	TX	75901
MC ALLEN	1201 EAST UPAS	MC ALLEN	TX	78501
MCKINNEY	3000 REDBUD BLVD	MCKINNEY	TX	75069
MESQUITE	4300 SAMUEL BLVD	MESQUITE	TX	75149
MCALLEN GATEWAY	2201 UVALDE AVENUE STE 13	MCALLEN	TX	78503
MIDLAND	2061 MARKET STREET	MIDLAND	TX	79701
MYKAWA	7110 MYKAWA ROAD	HOUSTON	TX	77033
ODESSA CENTER	2355 FIELD STREET	ODESSA	TX	79761
N. BELTLINE CROSS DOCK	200 N. BELTLINE	IRVING	TX	75061
PALESTINE	2505 INDUSTRIAL BLVD.	ODESSA	TX	79761
PAMPA	2015 ALCOCK	ODESSA	TX	79761
PLAINVIEW CENTER	3611 N I-27	PLAINVIEW	TX	79072
PLEASANTON	207 WYOMING STREET	PLAINVIEW	TX	79072
PORT ARTHUR	6751 PROCTOR STREET EXTENSION	PLEASANTON	TX	78064
SAN ANGELO	4085 HIGHWAY 67 NORTH	SAN ANGELO	TX	76905
ROUND ROCK	33 ROUNDVILLE LANE	ROUND ROCK	TX	78664
HASLET	1400 INTERMODAL PARKWAY	FORT WORTH	TX	76177
SHERMAN	2709 FALLON DRIVE	SHERMAN	TX	75090
SAN MARCOS	930 LUCIANO FLORES	SAN MARCOS	TX	78666
STAFFORD	13922 STAFFORD ROAD	STAFFORD	TX	77477
SAN ANTONIO GATEWAY	10339 WETMORE ROAD	SAN ANTONIO	TX	78216
SULPHUR SPRINGS	1300 ARBALA ROAD	SULPHUR SPRINGS	TX	75482
TRAILER CONDITIONING INC.	4807 SELDON WAY	DALLAS	TX	75227
TEXAS CITY	10 MAIN STREET	LA MARQUE	TX	77568
TYLER	740 SOUTH LYONS ST	TYLER	TX	75702
UVALDE	#8 LOU STROUP DRIVE	UVALDE	TX	78801
VERNON	1301 SOUTH FRONTAGE ROAD	VERNON	TX	76384

Facility Name	Street Address	City	State	Postal Code
VICTORIA	3002 S LAURENT STREET	VICTORIA	TX	77901
WACO	5700 FRANKLIN	WACO	TX	76710
WICHITA FALLS	301 PETROLIA ROAD	WICHITA FALLS	TX	76301

**Section B**

Facility Name	Street Address	City	State	Postal Code
SPRINGDALE FREIGHT	800 S LINCOLN ST	LOWELL	AR	72745
LITTLE ROCK FREIGHT	1913 E ROOSEVELT RD	LITTLE ROCK	AR	72206
NEW ORLEANS FREIGHT	4201 INDUSTRIAL PKWY	NEW ORLEANS	LA	70129
BATON ROUGE FREIGHT	4344 HOLLOWAY RD	PORT ALLEN	LA	70767
SHREVEPORT FREIGHT	2710 HOLLYWOOD AVE	SHREVEPORT	LA	71108
UPS FREIGHT - ALBUQUERQUE FREIGHT	3700 HAWKINS NE	ALBUQUERQUE	NM	87109
UPS FREIGHT - FARMINGTON FREIGHT	2211 SAN JUAN BLVD	FARMINGTON	NM	87401
OKLAHOMA CITY FREIGHT	9124 W RENO AVE	OKLAHOMA CITY	OK	73127
TULSA FREIGHT	2319 N HARVARD	TULSA	OK	74115
LUBBOCK FREIGHT	128 E 13TH ST	LUBBOCK	TX	79403
BEAUMONT	6385 HIGHWAY 347	BEAUMONT	TX	77705
HOUSTON	2525 CAVALCADE	HOUSTON	TX	77026
DALLAS	2600 E PIONEER DR	IRVING	TX	75061
GARLAND	3275 MILLER PARK S	GARLAND	TX	75042
EL PASO	1370 GOODYEAR DR	EL PASO	TX	79936
SAN ANTONIO	4111 NE LOOP 410	SAN ANTONIO	TX	78218
AUSTIN	10001 MIDDLE FISKVILLE RD	AUSTIN	TX	78753
LAREDO	6120 RIVERSIDE DR	LAREDO	TX	78041
HARLINGEN	602 W FM 800	SAN BENITO	TX	78586
TYLER	1553 S BENNETT AVE	TYLER	TX	75701
FT WORTH	5001 DAVID STRICKLAND RD	FT WORTH	TX	76119
WACO	6000 S IH 35	ROBINSON	TX	76706

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TX

IN THE MATTER OF:	§	
	§	Consent Agreement and Final Order
UNITED PARCEL SERVICE, INC. AND	§	USEPA Docket No. RCRA-06-2021-0906
TFFORCE FREIGHT, INC.	§	
	§	
RESPONDENTS	§	
	§	
	§	
	§	

**APPENDIX II**

**CURRENT FINAL AUTHORIZATION FOR THE STATES IN EPA REGION 6**

**Texas**

On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated December 2015, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on April 10, 2020. 85 Fed. Reg. 20190 (April 10, 2020); 40 C.F.R. 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of Texas’ published version. The corresponding C.F.R. citations are also provided.

**Louisiana**

On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 FR 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated November 2015, incorporated by reference under 40 C.F.R. § 272. 951(c)(1)(i) effective on December 26, 2018. 83 Fed. Reg. 66143 (December 26, 2018); 40 C.F.R. 272. 951: Louisiana State-Administered Program: Final Authorization. References and citations to the “EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of Louisiana’s published version. The corresponding C.F.R. citations are also provided.

## **Arkansas**

On January 25, 1985, the State of Arkansas received final authorization for its base Hazardous Waste Management Program (50 FR 1513). Subsequent revisions have been made to the Arkansas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated October 2016, incorporated by reference under 40 C.F.R. § 272.201(c)(1)(i) effective on November 13, 2017. 82 Fed. Reg. 43189 (September 13, 2017); 40 C.F.R. 272.201: Arkansas State-Administered Program: Final Authorization. References and citations to the “EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of Arkansas’ published version. The corresponding C.F.R. citations are also provided.

## **New Mexico**

On January 25, 1985, the State of New Mexico received final authorization for its base Hazardous Waste Management Program (50 FR 1515). Subsequent revisions have been made to the New Mexico Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved New Mexico Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated December 2010, incorporated by reference under 40 C.F.R. § 272.1601(c)(1)(i) effective on March 23, 2012. 77 Fed. Reg. 3156 (January 23, 2012); 40 C.F.R. 272.1601: New Mexico State-Administered Program: Final Authorization. References and citations to the “EPA-Approved New Mexico Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of New Mexico’s published version. The corresponding C.F.R. citations are also provided.

## **Oklahoma**

On January 10, 1985, the State of Oklahoma received final authorization for its base Hazardous Waste Management Program (49 FR 50362). Subsequent revisions have been made to the Oklahoma Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated March 2019, incorporated by reference under 40 C.F.R. § 272.1851(c)(1)(i) effective on March 13, 2019. 84 Fed. Reg. 8988 (March 13, 2019); 40 C.F.R. 272.1851: Oklahoma State-Administered Program: Final Authorization. References and citations to the “EPA-Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of Oklahoma’s published version. The corresponding C.F.R. citations are also provided.

**THIS IS THE COVER PAGE FOR APPENDIX III  
REDACTED AND PUBLIC VERSION**

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TX

IN THE MATTER OF:	§	
	§	Consent Agreement and Final Order
UNITED PARCEL SERVICE, INC. AND	§	
TFORCE FREIGHT, INC.	§	
	§	USEPA Docket No. RCRA-06-2021-0906
	§	
	§	
RESPONDENTS	§	
_____	§	

**APPENDIX III**

**RCRA COMPLIANCE PROJECTS NARRATIVE AND SCHEDULES**

(Applicable to all Facilities listed in Appendix I: Section A [UPS] and Section B [TForce Freight] of this CAFO)

Pursuant to 40 Code of Federal Regulations (C.F.R.) Part 22, specifically 40 C.F.R. §22.7(d) *confidentiality of business information*, because Respondents has asserted a claim of business confidentiality in accordance with 40 C.F.R. Part 2 for portions of this Appendix III to the referenced Consent Agreement an Final Order, (“CAFO”), the information claimed confidential has been deleted form this redacted version of Appendix III, and a complete copy of the document containing the information claimed confidential has been filed with the Regional Hearing Clerk.

NOTES: The information that has been redacted relates to the Respondents contract information with its vendors.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TX

IN THE MATTER OF:	§	
	§	Consent Agreement and Final Order
UNITED PARCEL SERVICE, INC. AND	§	
TFORCE FREIGHT, INC.	§	
	§	USEPA Docket No. RCRA-06-2021-0906
	§	
RESPONDENTS	§	
_____	§	

APPENDIX III

RCRA COMPLIANCE PROJECTS NARRATIVE AND SCHEDULES

(Applicable to all Facilities listed in Appendix I: Section A [UPS] and Section B [TForce Freight] of this CAFO)

**INTRODUCTION:**

The Facilities may generate hazardous waste when a package is damaged, as well as a result of day-to-day operations, like automotive maintenance. This Appendix details the hazardous waste compliance program enhancements that United Parcel Service, Inc., (“UPS”) and TForce Freight, Inc. (“TForce Freight”)<sup>1</sup> will implement to ensure the proper management of such waste at the Facilities. The compliance projects described in this Appendix include a web-based platform that will track the quantity of all hazardous waste generated and accumulated at each Facility, new standard operating procedures, and training on the new platform, procedures, and relevant RCRA generator requirements.

UPS’s Corporate Environmental Coordinators (“CECs”) have principal responsibility for overseeing environmental compliance at the UPS and TForce Freight Facilities, including hazardous waste management. Ten (10) CECs cover environmental compliance matters for UPS and TForce Freight Facilities in Region 6’s States, with at least one CEC responsible for each State. CECs report to Corporate Environmental Managers (“CEMs”), who supervise CECs within their region. Seven (7) CEMs cover UPS and TForce Freight Facilities in Region 6.

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<sup>1</sup> Prior to the Effective Date of the CAFO and this Appendix, and during the relevant time period, UPS and TForce Freight were affiliated companies owned by the same parent company. As of April 30, 2021, TForce Freight is owned by a separate entity. UPS and TForce Freight may allocate between themselves the responsibility for the performance of the compliance projects outlined herein, though the specific details of TForce Freight’s implementation of the compliance projects may require revisions to this Appendix that will be addressed between EPA, UPS, and/or TForce Freight. TForce Freight’s obligations under this Appendix will be limited to the locations identified in Appendix I B.

Specific employees also have environmental compliance responsibility, including operations supervisors and managers, maintenance supervisors and managers, engineering supervisors and managers, dock supervisors, center business team managers, center service managers, depending on the company (UPS or TForce Freight) and also the size and location of the Facility.

UPS and TForce Freight have an existing hazardous waste management program in place at the Facilities, and that program includes, among other things, hazardous waste generator status notifications and hazardous waste management training. EPA’s investigation in this matter revealed certain deficiencies in UPS and TForce Freight’s hazardous waste management programs at the Facilities. One central action to address these deficiencies is streamlining the data available to calculate monthly hazardous waste generation at the Facilities so that the CECs, who are responsible for ensuring the accuracy of each Facility’s generator status, are able to accurately complete that task in a timely manner. To address this need, UPS is developing a web-based platform that will track all hazardous waste generated at the Facilities listed in Appendix I including Damaged Package Waste and Facility Generated Waste. This platform will provide the necessary data for CECs to make timely notifications and changes in generator status, as appropriate, to ensure compliance with the relevant RCRA requirements at all Facilities (VSQG/CESQG, SQG, and LQG). Standard operating procedures for program improvements will also be developed, and training will be conducted for relevant employees, as described in this Appendix. Lastly, UPS will conduct internal reviews of selected Facilities to verify successful implementation of the hazardous waste compliance program improvements described in this Appendix and compliance with the applicable RCRA generator requirements. UPS will conduct an internal review within sixty (60) days of the date that the SOPs described in Project 1 are finalized. Additional internal reviews, if any, will be conducted at UPS’s discretion depending on results and findings of the initial review.

### **PROJECT 1: UPS’s Generator Status Platform**

**Narrative and Description:** UPS is developing an electronic platform that will track all hazardous waste generated at the Facilities and identify when a Facility is approaching or has exceeded its current generator status.<sup>2</sup> [REDACTED]

[REDACTED]

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<sup>2</sup> At this time, UPS anticipates that the generator status platform will indicate when a Facility is within twenty percent (20%) of its current generator classification. UPS may adjust this percentage as it implements the generator status platform.

The generator status platform will track the quantity of hazardous waste generated monthly at each Facility, including Facility Generated Waste and Damaged Package Waste. Facility's employees will manually input information about the type and quantity of Facility Generated Waste (e.g., paint, bleach) directly into the generator status platform. Information about Damaged Package Waste, including type and quantity, will be imported into the platform from [REDACTED]. Subject to footnotes 1 and 3, information about TForce Freight Facilities' waste will be imported from [REDACTED].<sup>3</sup> The purpose of the electronic platform is to provide one centralized database that captures the quantity of hazardous waste generated monthly at the Facilities.

The waste quantity information in the platform will be used to confirm generator status for the Facilities each month, identify when a change in generator status and updated hazardous waste activity notifications to relevant State agencies are required to be made, and prepare biennial/annual reports (as applicable).

**Implementation Date:** The platform will be rolled out in phases, as described below.

- Phase 1: Real-time monthly tracking of Facility Generated Waste and manual harmonizing of Facility Generated Waste and Damaged Package Waste weights, with manual reporting by [REDACTED] of weight tracking and any generator threshold exceedance/change in status. This tracking and manual reporting will include any P-listed (i.e., acutely hazardous) waste events. Phase 1 was initiated in advance of the effective date of the CAFO.
- Phase 2: Automated reporting to CECs indicating Facilities that are approaching applicable thresholds and any exceedance of generator status. This tracking and automatic reporting will include any P-listed waste events.
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Testing Date:** Testing of the electronic platform will occur in each phase. UPS's CECs and CEMs will be included in the testing to obtain their feedback on functionality and usability.

**Complete Rollout Date:** The platform will be fully implemented by the end of the 24-month CAFO compliance period.

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<sup>3</sup> As described below, TForce Freight contracts with [REDACTED] for classification and transportation and disposal of hazardous waste. [REDACTED] will share relevant information about the waste generated at the 22 Facilities identified in Appendix I, Section B that currently are under the ownership of TForce Freight (including the type and weight of waste) with [REDACTED] for integration into the generator status platform. TForce Freight's vendor contractual relationships may change during the term of this CAFO compliance period; however, UPS and TForce Freight will remain subject to the CAFO.

**Submittal of Updates to EPA:** UPS and TForce Freight will submit semi-annual reports on implementation of the █████ Platform. The first report will be due within ninety (90) days after the Effective Date of the CAFO.

**EPA Review:** EPA will provide comments, questions, and concerns, if any, within thirty (30) days after receipt of the semi-annual reports.

**Internal Reviews:** Implementation of the generator status platform will be a focus area for the internal reviews to be performed during the CAFO compliance period. The internal reviews will determine and address if and when the SOPs developed for the platform (described below) have been correctly implemented and if employee training on the █████ Platform was understood.

## **PROJECT 2: Standard Operating Procedure (“SOP”)**

**Narrative and General Description:** To implement the hazardous waste compliance program enhancements and to ensure that UPS and TForce Freight are operating in compliance with RCRA generator requirements and regulations, UPS and TForce Freight will develop SOPs for use at the Facilities. Specifically, SOPs will be developed for the Generator Status Platform, Facility Generated Waste, and RCRA 3010 Hazardous Waste Activity Notifications. The SOPs will be implemented across the Facilities, with State regulatory variations noted as applicable.

The aim of the SOPs is to explain the specific hazardous waste management program enhancements and the applicable RCRA requirements associated with each SOP. The SOPs will identify the responsible person(s) for implementation, the training associated with the SOP to ensure compliance with RCRA and its implementing regulations, and the timing for initial rollout of the SOP. The SOPs will be developed with input from the UPS and TForce Freight employees responsible for the program enhancements covered by the SOP, including UPS’s Designated Responders,<sup>4</sup> CECs, and CEMs. The SOPs may be updated after initial rollout if new information becomes available that warrants revision.

While the SOPs have not yet been developed, UPS and TForce Freight anticipate that the following topics will be addressed in the SOPs:

- Generator Status Platform: fields, codes, and terminology for data input fields; adding new drums/containers for Facility Generated Waste; extracting reports for hazardous waste generator status determinations;
- Facility Generated Waste: setting up Facility Generated Waste containers; management of containers holding Facility Generated Waste; data input of Facility Generated Waste generated at a Facility into the generator status platform; and
- RCRA 3010 Hazardous Waste Activity Notifications and Changes in Status: using information in the generator status platform to make hazardous waste activity

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<sup>4</sup> Designated Responders are specially trained, non-management, operations employees who respond to and retrieve leaking and/or damaged packages. Designated Responders contain the spilled contents of the damage package, create the container (lab pack) holding the waste material, and follow the Damaged Materials Program for proper waste determination and disposal.

notifications in accordance with applicable State requirements; changing processes at each Facility to reflect updated generator status.

**Draft Submittal to EPA:** Draft SOPs will be provided to EPA within one hundred twenty (120) days after the Effective Date of the CAFO.

**EPA Review:** EPA will provide comments, questions, and concerns if any, within thirty (30) days.

**Timeline to incorporate EPA's comments:** UPS and TForce Freight will review and respond to EPA's comments within sixty (60) days after receipt.

**Timeline to finalize SOPs:** SOPs will be finalized within fourteen (14) days after final comments from EPA and UPS and TForce Freight.

### **PROJECT 3: Training**

**Narrative and General Description:** The bullet points below identify the training programs that UPS and TForce Freight will implement over the course of the twenty-four (24) month CAFO compliance period.<sup>5</sup> A brief summary of the training is provided below along with identification of the job titles of those personnel who will receive this training.

- UPS's [REDACTED] Electronic Platform. Training will be provided to those employees who will input data into the platform, including Designated Responders, Facility supervisors, and Facility managers. This training will be provided upon rollout of the platform and then at least annually thereafter. Initial training will be provided in-person and recurrent training will be provided via computer-based training module. Training on the generator status platform will be provided for new/existing employees within thirty (30) days of hire/new assignment. In addition, CECs and CEMs will be trained on all aspects of the platform in accordance with their environmental compliance function, including how to extract reports for hazardous waste generator status determination. Refresher training will also be provided following any internal review that identifies a need for such training.
- Hazardous Waste Notification. CECs will be responsible for making proper notifications to State environmental agencies for their Facilities. Initial and updated notifications, along with use of the generator status platform to make such notifications, will be covered in the SOP for the generator status platform and the RCRA 3010 Notification SOP. CECs and CEMs will receive training on those SOPs once finalized and then at least annually thereafter. Training will be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.

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<sup>5</sup> UPS and TForce Freight have existing hazardous waste training programs that cover topics described in the CAFO. UPS and TForce Freight also implement training that is outside the scope of this CAFO. For example, UPS personnel are trained on applicable Department of Transportation requirements (Title 49 CFR) and applicable emergency response procedures.

- Facility Generated Waste. CECs will oversee and authorize set up of Facility Generated Waste containers that are compatible with the waste generated at their Facilities. They will be responsible for training Designated Responders and/or maintenance employees and their supervisors in proper establishment of the Facility Generated Waste containers in the generator status platform and monthly waste reporting. CECs will receive training on the new Facility Generated Waste SOP once finalized and then at least annually thereafter, and CECs will train Designated Responders and maintenance employees and their supervisors on the Facility Generated Waste SOP. Training will be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.
- Hazardous Waste Determination. UPS's Designated Responders will be responsible for properly responding to spilled or leaking packages that occur at the Facilities. When a spill occurs or a leaking package is discovered, the Designated Responder will contain the spill, perform an initial evaluation of the spill material hazards (pH, flash, PPE requirements), place the spilled material and spill clean-up material in a compatible container that is then closed, weigh the container of spilled material and clean-up material, and affix a temporary container ID number with the waste accumulation date. Based on the results of the initial hazard analysis of the waste material, the contained waste will be then placed inside an appropriate/compatible, labeled waste container (see container labeling description below) and the container will be closed. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] UPS's CECs, CEMs, and Designated Responders and their supervisors will be trained on this process as part of those employees' initial and recurrent annual training. This training will continue to be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.

Subject to footnotes 1 and 3, TForce Freight will utilize a similar hazardous waste determination process described in the paragraph above, with the exception that TForce Freight contracts with [REDACTED] for spill cleanup services, and [REDACTED] [REDACTED] will provide information to the TForce Freight Facility on proper management including marking, labeling, and pick-up/transportation of waste drums/containers. The Dock Supervisor and Service Center Manager and Overages, Shortages & Damages ("OS&D") clerk will receive this training. This training will be provided as part of those employees' initial and recurrent annual training. This training will continue to be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.

- Labeling and Storage of Hazardous Waste Containers. At UPS Facilities, hazardous waste will be stored in compatible containers in Satellite Accumulation Areas (“SAA”) and in drums/containers in Container Storage Areas (“CSA”),<sup>6</sup> and training will focus on the proper labeling of these containers, storage of waste in designated areas, and storage of compatible waste including ensuring that when hazardous waste is added to a container, it is compatible with the hazardous waste already in the container. Labeling and storage requirements (and associate training) will also apply to waste that is pending classification, i.e., awaiting a final hazardous waste determination by ██████. Waste that is pending classification will still be managed and labeled as hazardous waste. The label will state, “Hazardous Waste Pending Analysis,” and to the best of UPS’s knowledge, the containers will be labeled with the hazard of its contents. This training will be provided to CECs, Designated Responders, maintenance employees, and their supervisors. At TForce Freight Facilities, subject to footnotes 1 and 3, hazardous waste will be stored in compatible containers in SAAs and in CSAs and training will focus on proper labeling of these containers, storage of waste in designated areas, and storage of compatible waste. This training will be provided to the TForce Freight Dock Supervisor, Service Center Manager, and OS&D Clerk. Training will be provided to applicable UPS and TForce Freight employees as part of their initial and recurrent annual training. This training will continue to be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.
- Hazardous Waste Manifest. Each Facility required to manifest hazardous waste will have at least one management employee who will receive hazardous waste manifest training. Manifest training is conducted every three years. Initial training will consist of a computer-based training followed by hands-on training. Additional training will be conducted every three years as a computer-based training. The training will focus on the responsibilities of UPS and TForce as respective generators of hazardous waste and oversight of waste from cradle to grave. The training will explain the information that should be presented in each section of the manifest and also confirm that the manifest information aligns with the waste that is to be transported. The training will emphasize container condition, proper loading of waste containers onto the transportation vehicle, and proper marking of the vehicle. It will also cover proper management and retention of all paperwork and timely notification to the regulatory agency. Refresher training will also be provided following any internal review that identifies a need for such training.
- Land Disposal Restrictions (“LDR”). LDR training will be provided as part of hazardous waste manifest training. UPS’s and TForce Freight’s waste is often managed via incineration or fuel blending<sup>7</sup> in compliance with applicable regulations. The employees who review and sign the manifests will be trained on proper examination of the LDR

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<sup>6</sup> CSA can be used in lieu of a SAA but not the converse.

<sup>7</sup> Universal hazardous waste (e.g. batteries, fluorescent light bulbs) is managed in accordance with applicable regulations, including by recycling.

notification which will accompany hazardous waste manifests. Those employees will be trained to check the LDR notification for correct information and indication of all hazardous waste codes and associated Underlying Hazardous Constituents (“UHCs”) prior to signing the manifest. They will also be trained to retain and file a signed copy of the LDR notification with the initial copy of the manifest. Refresher training will also be provided following any internal review that identifies a need for such training.

- **Biennial/Annual Reporting.** CECs will be trained by CEMs in the proper completion of biennial/annual reporting, including applicable State variations. CECs will be trained on using the generator status platform to prepare annual/biennial reports. Extracting the information for these reports will be covered in the generator status platform SOP, and training on this topic will be provided to CECs and CEMs when the SOP is finalized. Training will be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.
- **Contingency Plans.** CECs will be trained by CEMs on their responsibility to ensure current and accurate contingency plans are in place for SQG and LQG Facilities, and that copies of the plans are shared and arrangements are made with outside response agencies and police and fire departments. Contingency Plan training will be provided as part of a CEC’s initial training. Training will be provided for new/existing employees within thirty (30) days of hire/new assignment. Refresher training will also be provided following any internal review that identifies a need for such training.
- **Recordkeeping.** UPS and TForce will provide training to CECs, CEMs, and other Facility supervisors who are responsible for creating and maintaining records documentation in compliance with RCRA and its implementing regulations. Such records will include those related to training, hazardous waste determinations, reporting, manifests, hazardous waste activity notifications, and land disposal restrictions.
- **Weekly Inspections.** UPS and TForce will provide training to the Facility supervisors and managers who conduct the weekly RCRA inspections. UPS’s CECs and CEMs will also receive instruction on conducting weekly inspections, so that they can train the foregoing employees on conducting weekly inspections as required by RCRA and its implementing regulations for all SQG and LQG facilities.

#### **PROJECT 4: RCRA 3010 NOTIFICATION**

**Narrative and General Description:** As mentioned above, UPS and TForce Freight will develop a SOP for RCRA 3010 Hazardous Waste Activity Notifications and Changes in Generator Status. The SOP will be developed and finalized according to the timeline set forth in Project 2. At this time, UPS and TForce Freight anticipate that the SOP will detail the use of information in the generator status platform to make hazardous waste activity notifications in accordance with applicable state requirements, timing applicable in each State for making

notifications of a Facility's hazardous waste activity (new or updated notifications), and the sequence of steps and timing required to implement a change in a Facility's generator status.