

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

FEDEX FREIGHT OMAHA

3502 S. 11th Street
Council Bluffs, Iowa 51501
(501) 317-9790

EPA ID Number: IAR000512574

On

April 12, 2022

By

TOEROEK ASSOCIATES, INC.

For

U.S. ENVIRONMENTAL PROTECTION AGENCY

Region 7

Enforcement and Compliance Assurance Division

INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section of the U.S. Environmental Protection Agency (EPA) Region 7, Toeroek Associates, Inc. and its subcontractor CLAENE Group (Toeroek team) conducted a hazardous waste compliance evaluation inspection (CEI) at FedEx Freight Omaha. (FedEx), at 3502 S. 11th Street Council Bluffs, Iowa. The CEI was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended. The CEI covered hazardous waste generator, used oil, and universal waste requirements, as applicable. This report and its attachments present the findings of the CEI.

PARTICIPANTS

FedEx:

Richard Bennett, Manager
Jake Clemons, Operations Manager
Carla Wojtowicz, Over Short and Damages
Todd Brown, Operations Manager
Yolanda Mitchell, Emergency Response Specialist (via teleconference)

Toeroek Team:

William F, Starks, Environmental Consultant, (816) 286-6951

INSPECTION PROCEDURES

Prior to the CEI at FedEx on February 3, 2021, I conducted a drive-by inspection. I did not observe any areas of concern during the drive-by. Upon my arrival, I entered the main entrance, identified myself to the receptionist, and explained the purpose of the CEI. The receptionist stated she would contact the appropriate personnel. Approximately two minutes later, Mr. Bennett met me in the lobby. After a brief introduction, Mr. Bennett and I proceeded to a conference room where we were joined by Mr. Clemons. I proceeded to conduct an entry briefing with Messrs. Bennett and Clemons.

During the entry briefing, I presented my business card and EPA credentials to Messrs. Bennett and Clemons. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims and provided a Notice Regarding Proprietary/ Confidential Business Information. I stated that at the conclusion of the CEI, they would be presented with a Confidentiality Notice (Notice) with which they could make or not make a claim of confidentiality for the facility. I also provided Messrs. Bennett and Clemons a copy of U.S. Federal Codes 1001 and 1002, concerning communication of false statements and documents to federal inspectors, and RCRA Section 3007, explaining EPA's inspection authority, both of which they read.

A copy of each of the following documents was left with the facility during the inspection:

- RCRA Facility Access Information Sheet
- Mr. Trevor Urban's business card
- RCRA Section 3007
- U.S. Federal Codes 1001 and 1002
- Instructions for Responding to a Notice of Preliminary Findings
- Notice Regarding Proprietary/Confidential Business Information
- E-Manifest Fact Sheet: Generators
- Managing your Hazardous Waste: A Guide for Small Businesses
- U.S. EPA Small Business Resources Information Sheet
- Industry Sector Notebooks
- Environmental Compliance Assistance Centers

- Management of Fluorescent Lamps for Businesses
- Incompatible Chemicals
- Universal Wastes – Including Aerosol Cans
- TCLP – Toxicity Characteristic Leaching Procedure
- RCRA Online: A Quick Reference Guide
- EPA Region 7 Emergency Response Program
- Commercial Motor Vehicle Transportation System Security and Safety
- Security Awareness
- Chemical Facility Anti-Terrorism Standards

I reviewed the Verification Report with Mr. Bennett (Attachment 1). Based on this review, as well as observations during the CEI, I completed the Name of Company/Site, and updated the Site Contact and Current Owner of Site information. I changed the facility's generator status in the Type(s) of Regulated Activity section of the Verification Report from large quantity generator (LQG) of hazardous waste to small quantity generator (SQG) of hazardous waste. I also added small quantity handler (SQH) of universal waste to the Type(s) of Regulated Activity section.

I conducted the visual inspection of the facility on April 12, 2022, accompanied by Messrs. Bennett, Clemons, and Brown. I also reviewed available facility records including Safety Data Sheets (SDS), summary reports, and shipping manifests. These records were provided for my review by Ms. Wojtowicz. Facility information gathered during the CEI is documented on the Data Gathering Worksheets and Checklists (Attachment 2).

At the conclusion of the CEI on April 12, 2022, I conducted an exit briefing with Messrs. Bennett, Clemons, and Brown. Ms. Mitchell also participated via teleconference. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Bennett signed, acknowledging receipt (Attachment 3). I provided Mr. Bennett the Notice, which he signed indicating no confidential business information had been provided (Attachment 4). I also provided Mr. Bennett a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (Attachment 5).

A diagram of the facility was obtained during the CEI and is in Attachment 6. An aerial photograph of the facility was downloaded after the CEI and is in Attachment 7. The 13 photographs taken during the CEI are included in Attachment 8. Photograph 11 is not referenced in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

FedEx receives shipping packages via trucking. The received packages are loaded into different tractor trailers based on shipping destination. After loading is completed, the loaded tractor trailers depart the facility for delivery. No manufacturing or vehicle service work occurs at the facility. FedEx began operations at its current location in January 2000. The facility consists of a single building with approximately 36,530 square feet under roof on approximately 10.5 acres. The building is divided into two areas—offices and an 80-bay loading/unloading area. FedEx

currently employs approximately 110 production and administrative personnel, who work one of two shifts with staggered start times, five days per week.

FedEx also operates a maintenance shop northwest of the facility at 1220 35th Avenue, Suite 200, Council Bluffs, Iowa 51501. The maintenance shop operates independently from the facility being inspected at 3502 S. 11th Street, Council Bluffs, Iowa 51501, and is not on contiguous property. I discussed the maintenance shop with the EPA Task Order Contracting Officer's Representative (TOCOR), Mr. Trevor Urban. Per TOCOR direction, the maintenance shop was not included in the scope of this CEI.

During the entry briefing and visual inspection, Mr. Bennett described facility operations and waste generation processes. Mr. Bennett explained that the primary wastes generated at the facility are hazardous and nonhazardous waste spills. These wastes consist of damaged packages and cleanup materials from packages that are damaged in transit or during trailer loading operations. When a damaged package is encountered, facility personnel contain the spillage and secure the damaged package. FedEx contacts the shipper and requests a SDS for contents of the package. The facility then calls the Emergency Response Team, who makes a hazardous waste determination. After determination, the spill is cleaned up, and the waste is packaged, transferred to a process area, and labeled accordingly. After labeling, the waste is transferred to the hazardous waste container accumulation area (CAA). This process typically occurs the day of the spill.

Other wastes generated at the facility include used lamps and general trash. Used lamps are generated during facility maintenance and are containerized upon generation. Used lamps are managed as universal waste per Title 40 *Code of Federal Regulations* (40 CFR) Part 273. General trash consists of general office- and packaging-type waste. The facility has determined that general trash is nonhazardous waste based on product and process knowledge. General trash is transported to the Sarpy County Landfill in Springfield, Nebraska for landfill disposal.

On April 14, 2009, EPA conducted a CEI at FedEx. Following the CEI, the inspector left the following preliminary findings:

- Failure to conduct hazardous waste determinations on waste animal products.
- Failure to clean up used oil and manage spill materials.

Of these findings, none were repeated during this inspection.

2. RCRA Status

FedEx was identified as a LQG of hazardous waste (generating more than 1,000 kg of hazardous waste per calendar month) on the Verification Report provided by EPA (Attachment 1). During the CEI, Ms. Wojtowicz provided copies of hazardous waste manifests generated from January 9, 2019 to April 12, 2022. Below is a summary of hazardous waste shipments by month from January 2019 through December 2021. All weights listed below are in pounds.

Month	2019	2020	2021	Month	2019	2020	2021
January	353	0	0	July	3,854	0	650
February	25	20	100	August	300	35	102
March	19	0	360	September	0	50	69
April	19	0	50	October	40	0	495
May	55	30	0	November	30	4,625	0
June	955	70	275	December	0	0	0

Based on the manifests from January 2019 to December 2021, it appears that FedEx operated as a non-generator of hazardous waste for 12 months, a very small quantity generator (VSQG) of hazardous waste (generating less than 100 kilograms [kg] [220 pounds] of hazardous waste per calendar month) for 15 months, a SQG of hazardous waste (generating between 100 and 1,000 kg [220 and 2,200 pounds] of hazardous waste) for 7 months, and a LQG of hazardous waste (generating more than 1,000 kg [2,200 pounds] of hazardous waste) for 2 months. The months that FedEx operated as a LQG of hazardous waste were July 2019 (which included a spill of 3,694 pounds) and November 2020 (which included a spill of 3,100 pounds). In 2021, based on the shipment quantities listed above, the facility appears to have been operating as a SQG of hazardous waste in 4 of 12 months.

In 2022, FedEx had two shipments of hazardous waste. The January 27, 2022, waste shipment included 170 pounds of hazardous waste. The April 12, 2022, waste shipment included 2,250 pounds of hazardous waste. For each spill, FedEx generates a Spill Report that details the date of the spill (generation date). I obtained a copy of the manifests and the spill reports associated with the April 12, 2022, waste shipment (Attachment 9). Based on the manifests and spill dates for the wastes shipped on April 12, 2022, the facility generated 1,800 pounds of hazardous waste on January 21, 2022, 250 pounds of hazardous waste on February 22, 2022, and 200 pounds of hazardous waste on February 25, 2022.

Assuming the hazardous waste shipped on January 27, 2022 (170 pounds) was generated in January 2022, the total hazardous waste generation for January 2022 was 1,970 pounds (170 pounds plus 1,800 pounds). The total hazardous waste generation for February 2022 was 450 pounds (250 pounds plus 200 pounds). Therefore, I determined that the facility has operated as a SQG of hazardous waste 6 of the past 15 months (January 2021 through March 2022). The remaining months, the facility operated as a non-generator or VSQG of hazardous waste. Based on the quantities of waste shipped since January 2021, I inspected the facility as a SQG of hazardous waste. FedEx is also a SQH of universal waste (accumulating less than 5,000 kg of universal waste at a time).

I discussed the facilities RCRA status with Messrs. Bennett, Clemons, Brown, and Ms. Mitchell. I explained that based off of the monthly generation rates over the past three years, and the reason the facility generates hazardous waste (from unplanned spills), that the facility could remain in the SQG of hazardous waste status by utilizing the episodic generation rule in 40 CFR 262.232(b) and 262.233. I provided compliance assistance regarding episodic generation.

3. Waste Streams

This section of the CEI report describes waste streams generated by the facility, including the facility's waste determination and waste codes, generation process and rate, management at the facility, and ultimate disposition. The following discussion of waste streams is based on my interviews with Messrs. Bennett, Clemons, and Brown, the visual inspection, and my review of available documentation.

Hazardous waste spills are generated when shipping packages are damaged in transit or when transferred from one tractor trailer to another. The facility considers the waste to be hazardous (various characteristic and/or U-listed hazardous waste codes as applicable) by product knowledge. Based on shipping records, the facility generates between 0 pounds and 1,970 pounds of hazardous waste spills per month. The waste is collected by Clean Harbors Environmental Services and transported to various Safety-Kleen Systems or Clean Harbors Environmental Services facilities for treatment and/or disposal. Hazardous waste spills were last collected on April 12, 2022 (Attachment 9), prior to the visual inspection of the CAA. Therefore, I observed no hazardous waste accumulation containers holding hazardous waste spills at the time of the CEI (Attachment 8, Photograph 1).

Nonhazardous waste spills are generated when shipping packages are damaged in transit or when transferred from one tractor trailer to another. The facility considers the waste to be nonhazardous by product knowledge. Based on shipping records, the facility generates between 0 pounds and 2,845 pounds of nonhazardous waste spills per month. The waste is collected by Clean Harbors Environmental Services and transported to various Safety-Kleen Systems or Clean Harbors Environmental Services facilities for treatment and/or disposal. Nonhazardous waste spills were last collected on January 22, 2022. I observed no containers holding nonhazardous waste spills in accumulation at the time of the CEI (Attachment 8, Photograph 1).

Used lamps are generated during facility maintenance and are transferred to the Hot Room. The facility manages used lamps as universal waste per requirements of 40 CFR Part 273. The facility generates approximately 0 to 60 pounds of waste lamps per year. The waste is transported to WM Lampracker in Des Moines, Iowa, for recycling. Used lamps were last collected on January 7, 2022.

Ms. Wojtowicz supplied a copy of a report that included universal waste lamp shipments for 2020 through 2022 (Attachment 10). She explained that line items with a CO code (highlighted in yellow) were shipments of universal waste lamps generated at the facility, and that codes 01, 02, and 03 are codes for damaged shipments. Upon review, I noted a shipment of 30 pounds of used lamps on January 8, 2020, and a shipment of 60 pounds of used lamps on January 11, 2022. I asked Mr. Bennett about the lack of used lamp shipments in 2021. Mr. Bennett explained that the facility did not need to change out lamps during that time; therefore, there were no used lamps shipments.

During the CEI, I observed a used lamp accumulation container in the Hot Room (Attachment 8, Photograph 6). The container held two used lamps (Attachment 8, Photograph 4). I noted the lamps contained "green" lettering, but also the word "mercury" and its atomic symbol Hg (Attachment 8, Photograph 5). I asked if the facility could produce documentation showing the

used lamps would pass the toxicity characteristic leaching procedure (TCLP) for mercury. Mr. Bennett stated that the facility did not have the documentation requested. Therefore, I inspected them as universal waste lamps as FedEx was managing them as such. The universal waste accumulation container was structurally sound and closed. However, the container was not dated or otherwise tracked to demonstrate the accumulation time as required by 40 CFR 273.15(c) (NOPF No. 1). The universal waste accumulation container was not labeled with the words “universal waste lamp(s)” or “waste lamp(s)” or “used lamp(s)” as required by 40 CFR 273.14(e) (NOPF No. 2) (Attachment 8, Photographs 7, 8, and 9).

I asked Mr. Bennett if the facility provides universal waste training. Mr. Bennett stated that employees receive training in universal waste handling. I explained to Messrs. Bennett, Clemons, and Brown that the universal waste container observed during the CEI was not dated or labeled properly, and that it appears that the training required by 40 CFR 273.16 is inadequate (NOPF No. 3).

I explained these preliminary findings to Messrs. Bennett, Clemons, and Brown during the CEI, and provided compliance assistance regarding universal waste labeling, accumulation, and training. During the CEI, the facility determined the used lamps accumulation start date was March 10, 2022, and labeled the container with the date. They also labeled the container with the words “used lamps” (Attachment 8, Photograph 10).

General trash consists of all other wastes generated at the facility. The facility determined that general trash is nonhazardous waste based on product and process knowledge. General trash is accumulated in several containers throughout the facility and transferred to a 40-cubic-yard general trash container. The facility generates approximately 40 cubic yards of general trash every 4 days. The waste is transported to the Sarpy County Landfill in Springfield, Nebraska, for landfill disposal. During the CEI, I did not observe any deficiencies related to general trash.

4. Required Response Equipment and Hazard Management

Per 40 CFR 262.15(a)(7) and 262.16(b)(8), a SQG must operate to minimize possibility of a fire, explosion, or spill, and must maintain emergency response equipment. I observed fire extinguishers at multiple locations around the facility, and spill kits with sorbent materials located along the west wall of the load/unload area, and in the Hot Room. I also observed spill control materials (salvage drums, sorbents, sorbent pads, and plastic bags) adjacent to the CAA (Attachment 8, Photograph 3). I observed telephones in operational areas and fire alarm pull stations. I did not observe any deficiencies related to emergency response equipment.

5. CAAs

Messrs. Bennett, Clemons, and Brown accompanied me to the less-than-270-day CAA. The CAA is utilized to accumulate HWACs and nonhazardous wastes. The facility had a shipment that morning and the area is empty (Attachment 8, Photograph 1).

According to Bennett, the CAA is inspected weekly. Ms. Wojtowicz provided the weekly inspection log. I reviewed the inspection log from June 28, 2019 through April 4, 2022, and did

not identify any gaps longer than 1 week. Copies of the inspection log dated March 7, 2022 through April 11, 2022 are included in Attachment 11.

I asked Mr. Clemons to explain the dates that are on the inspection log. Mr. Clemons stated the date in the upper right corner is the date of the inspection. The number of drums is the current count on containers in the area. The date under the drum count is the date of the oldest container in the area. Mr. Clemons explained that the oldest dated container may be a hazardous waste container or a nonhazardous waste container, as both are in the CAA. I did not identify any deficiencies related to hazardous waste in the CAA.

Adjacent to the CAA is the process area where containers are held prior to labeling and transfer to the CAA. I observed two, 10-gallon containers waiting to be processed in the area (Attachment 8, Photograph 2). I asked Mr. Clemons who is responsible for the process area. Mr. Clemons explained that Ms. Wojtowicz is responsible for labelling the containers and that he or Mr. Brown transfers the waste into the CAA. He added that the entire process typically occurs the day of the spill.

6. Manifests and SQG Renotification

FedEx generated 43 manifests from January 9, 2019 through April 12, 2022. I reviewed all manifests and land disposal restriction (LDR) notifications.

I noted a manifest for a shipment on April 28, 2021 that listed gasoline in the description and no waste codes (Attachment 12). Ms. Mitchell stated that the manifest did not require waste codes because the material (TruFuel 40_1 Mix) was fuel being sent for energy recovery and therefore excluded from the definition of solid waste. I obtained a copy of the SDS for TruFuel 40:1 Mix (Attachment 13).

According to Ms. Mitchell, the facility considers its hazardous waste generator status to be LQG, which includes submittal of hazardous waste biennial reports. I asked Ms. Mitchell if FedEx submitted a Hazardous Waste Biennial Report for 2021. Ms. Mitchell stated that a biennial report was submitted on February 15, 2022. A copy of the Hazardous Waste Biennial Report for 2021 is included as Attachment 14.

I did not identify any deficiencies related to manifest preparation and retention, or the Hazardous Waste Biennial Report for 2021. I determined the facility met the SQG requirement to renotify EPA of hazardous waste activity every 4 years (effective 2021), as required by 40 CFR 262.18(d)(1), through submittal of biennial notifications and hazardous waste reports.

7. Preparedness and Prevention

Per 40 CFR 262.16(b)(9)(i), a SQG must have identified an emergency coordinator (EC) familiar with facility operations. According to Mr. Bennett, he is the primary EC and the designated alternate ECs are Mr. Clemons and Mr. Brown.

Per 40 CFR 262.16(b)(9)(ii), a SQG must post by the telephone the name and contact information for the EC; the phone number for the fire department; and locations of fire extinguishers, spill

response equipment, and, if present, fire alarms (“emergency response equipment”). During the CEI, I observed this information posted by a telephone approximately 25 feet from the CAA in the break room (Attachment 8, Photographs 12 and 13). The facility map in Attachment 6 is a copy of the map posted by the telephone. A copy of the Emergency Telephone Numbers is in Attachment 15.

Per 40 CFR 262.16(b)(8)(vi), a SQG must make arrangements with local emergency response agencies and familiarize responders with the facility layout. I reviewed documentation of arrangements with the Council Bluffs Fire Department, Police Department, and CHI Health Mercy Council Bluffs. The facility has a RCRA Contingency Plan. Because the facility was operating as a SQG, I did not review the Contingency Plan for compliance with LQG requirements. I did not identify any deficiencies related to Preparedness and Prevention.

8. Personnel Training Requirements

Per 40 CFR 262.16(b)(9)(iii), a SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies. I asked Mr. Bennett if hazardous waste training occurs. He said that all employees attend annual hazardous waste training at the awareness level, including emergency procedures, basic container management, and universal waste.

9. Summary of Preliminary Findings

In summary, as part of the CEI, I made the following preliminary findings:

- (1) Failure to date or track universal waste lamp accumulation container as required by 40 CFR 273.15(c) (**NOPF No. 1**)
- (2) Failure to label universal waste lamp accumulation container with the words “universal waste-lamp(s),” or “waste lamp(s),” or “used lamp(s)” as required by 40 CFR 273.14(e) (**NOPF No. 2**).
- (3) Failure to adequately train personnel who manage universal waste as required by 40 CFR 273.16 (**NOPF No. 3**).

Other than items specifically noted in the narrative, I observed no additional issues. However, further review by EPA may change or add to my findings.

William F Starks Digitally signed by William F Starks
Date: 2022.06.01 15:14:27 -05'00'

Date: _____

William F. Starks
Inspector
CLAENE Group

AMBER WHISNANT Digitally signed by AMBER
WHISNANT
Date: 2022.06.03 20:20:20 -05'00'

Date: _____

Amber Whisnant
Section Chief
ECAD/CB/RCRA, EPA Region 7

Attachments:

1. Hazardous Waste Site Info Verification Report (2 Pages)
2. Data Gathering Worksheets and Checklists (19 Pages)
3. Receipt for Documents and Samples (1 Page)
4. Confidentiality Notice (1 Page)
5. Notice of Preliminary Findings (1 Page)
6. Facility Diagram (1 Page)
7. Aerial Image of the Facility (1 Page)
8. Photographic Documentation (13 Photos and Photolog) (9 Pages)
9. Hazardous Waste Manifests 017186667FLE and 017186668FLE, Dated April 12, 2022; and Associated Spill Reports (8 Pages)
10. Universal Waste Shipment Report (3 Pages)
11. CAA Inspection Log, Dated March 7, 2022 Through April 11, 2022 (6 Pages)
12. Hazardous Waste Manifest 015275337FLE, Dated April 28, 2021 (2 Pages)
13. SDS for TruFuel 40:1 Mix (16 Pages)
14. Hazardous Waste Biennial Report for 2021 (7 Pages)
15. Emergency Information Posted by Telephone (1 Page)

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: FEDEx FREIGHT OMAHA
ADDRESS: 3502 S. 11th ST.
COUNCIL BLUFFS, IOWA 51501
EPA ID NUMBER: IAR000512574 DATE: 04/12/2022

NOTICE: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for EPA retained to conduct compliance evaluation inspections. The following is a list of observations/recommendations found during this inspection which will be reported back to EPA. This is not to be construed as a complete list of observations/recommendations. The EPA will be evaluating the report prepared as a result of this inspection and making the determinations as to what violations may have occurred at your facility.

1. - Failure to demonstrate the length of time that universal waste lamps have been accumulated, 40 CFR 273.15(c)
2. - Failure to label universal waste lamp accumulation container with the words, "Universal waste lamps," or "waste lamps," or "used lamps," 40 CFR 273.14(e).
3. - Failure to ~~not~~ adequately train employees responsible for
4. management of universal waste, 40 CFR 273.16
5. _____
6. _____
7. _____

If you have any questions regarding these findings please contact TREVOR URBAN, US EPA

The undersigned person hereby acknowledges receipt of a copy of this document and has read the same.

PRINTED NAME: Richard Bennett TITLE: Service Center Mgr
SIGNATURE: R. Bennett

This document was prepared by WILLIAM F. STARKS