

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX



IN THE MATTER OF:) U. S. EPA Docket No.
)
) RCRA-09-2022-0023
)
FedEx Express) EXPEDITED SETTLEMENT
EPA ID. No. CAD006904726) AGREEMENT AND
Respondent.) FINAL ORDER
)
)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Federal Express Corporation (“Respondent”), owner or operator of the facility at 7401 World Way West, Los Angeles, CA 90045 (the “Facility”), failed to comply with the Biennial Reporting requirement under the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized California hazardous waste management program¹.
2. Under 22 CCR § 66262.41 [40 Code of Federal Regulations (“CFR”) § 262.41], Respondent was required to submit a 2019 Biennial Report by March 1, 2020.
3. EPA and Respondent agree that settlement of this matter for a penalty of two thousand five hundred dollars (\$2500) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this Agreement and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Agreement; (iii) consents to any and all conditions specified in this Agreement and to the assessment of the civil administrative penalty specified in this Agreement; (iv) waives any right to contest the allegations contained in this Agreement; and (v) waives the right to appeal this Agreement as a final order.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement. The civil penalty of two thousand five hundred

¹ All citations in this Agreement refer to the California Code of Regulations (“CCR”) refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (see 57 Fed. Reg. 32726, July 23, 1992), September 26, 2001 (66 Fed. Reg. 49118, September 26, 2001), October 7, 2011 (see 76 Fed. Reg. 62303, October 7, 2011) and January 14, 2020 (see 85 Fed. Reg. 2038, January 14, 2020). Corresponding Federal citations are provided as a convenience in brackets.

dollars (\$2500) should be paid in accordance with EPA Region IX Penalty Collection Procedures provided to the Respondent.

7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
8. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
10. Each party shall bear its own costs and fees, if any.
11. This Agreement is binding on the parties signing below, and in accordance with 40 CFR § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Karen Ellis

Title (print): Managing Director

Signature: Karen Ellis Digitally signed by Karen Ellis
Date: 2022.01.26 20:32:17
-06'00'

Date _____

APPROVED BY EPA:

**AMY MILLER-
BOWEN** Digitally signed by AMY
MILLER-BOWEN
Date: 2022.01.31 15:53:40
-08'00'

Date: _____

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

IT IS SO ORDERED:

STEVEN JAWGIEL Digitally signed by STEVEN JAWGIEL
Date: 2022.02.04 09:32:40 -08'00'

Date: _____

Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

This is to certify that a FINAL ORDER in conjunction with an Expedited Settlement Agreement (ESA) in the matter of *Federal Express* (RCRA-09-2022-0023) has been signed by the Regional Judicial Officer, filed with the Regional Hearing Clerk, and served as indicated below:

By Electronic Mail

RESPONDENT-

Danielle Carter
Environmental Advisor
Federal Express Corporation
7401 World Way West
Los Angeles, CA 90045
dycarter@fedex.com

By Electronic Mail

COMPLAINANT-

Andrew Helmlinger, Esq.
Office of Regional Counsel
U.S. EPA - Region IX
75 Hawthorne Street
San Francisco, CA 94105
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Regional Hearing Clerk
U.S. EPA - Region IX