

**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	§	
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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.

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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”)¹ 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.

¹ 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.² [REDACTED]

[REDACTED]

² 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].³ 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.

³ 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 [REDACTED] 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 [REDACTED] 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,⁴ 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

⁴ 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.⁵ 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.

⁵ 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] 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] 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”),⁶ 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 blending⁷ in compliance with applicable regulations. The employees who review and sign the manifests will be trained on proper examination of the LDR

⁶ CSA can be used in lieu of a SAA but not the converse.

⁷ 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.