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# Hazardous Waste Enforcement: U.S. Environmental Protection Agency and United Parcel Service Enter into Consent Agreement and Final Order

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The United States Environmental Protection Agency (“EPA”) and United Parcel Service (“UPS”) entered into an October 17th Consent Agreement and Final Order (“CAFO”). See EPA Docket No. RCRA-06-2022-0942.

The CAFO is stated to resolve violation of hazardous regulations at 1,160 facilities across 45 states and the Territory of Puerto Rico.

The CAFO addresses alleged hazardous waste regulation violations which are stated to include:

- Failure to make land disposal determination
- Failure to conduct proper on-site management of hazardous waste
- Failure to file an adequate, accurate, initial, or subsequent notification
- Failure to meet the requirements for large, small, and conditionally exempt small quantity generators or very small quantity generators
- Failure to submit annual/biennial report
- Failure to comply with the manifest requirements

EPA states that UPS generates hazardous waste regulated under the Resource Conservation and Recovery Act (“RCRA”) when a package containing certain hazardous materials is damaged. Further, RCRA is stated to be triggered during day-to-day UPS operations such as maintenance.

The CAFO requires that UPS comply with all relevant state and federal RCRA laws and regulations with a focus on:

- Accurate hazardous waste determinations
- Complete RCRA notification
- Proper employee training
- Timely annual and biennial hazardous waste reporting
- Land disposal restrictions determinations
- Proper onsite management of hazardous waste
- Comply with all applicable manifest requirements

A civil penalty of \$5,323,008 is assessed.

A copy of the CAFO can be downloaded [here](#).

