Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Memphis Freight Terminal

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06/09/2025

The Tennessee Department of Environment and Conservation ("TDEC") issued a May 14th Director's Order and Assessment ("Order") to Federal Express Corporation ("Federal Express"). See Case No. HWM 24-0028.

The Order provides that Federal Express:

…operates a freight company specializing in overnight delivery utilizing truck and air transport located at 2837 Sprankle Avenue, Memphis, Shelby County, Tennessee…employs approximately 20,000 people and the facility ("facility") occupies approximately 1.4 square miles of the Memphis International Airport.

Federal Express is stated to constitute a:

- Large Quantity Generator of hazardous waste.
- Small Quantity Handler of universal waste.
- Generator of used oil.

The TDEC Division of Solid Waste Management ("Division") is stated to have conducted a Compliance Evaluation Inspection ("CEI") at the facility on September 19, 2024.

The Division inspector is stated to have observed 14 violations during the inspection for which a Notice of Violation was issued which included:

- Failure to properly date eight (8) hazardous waste containers. (Corrected during CEI)
- Failure to properly label one hazardous waste container.
- Storage of three containers of hazardous waste for greater than 90 days.
- Failure to have a spill kit in the vicinity of a SAA.
- Failure to label two containers of hazardous waste in SAAs with the indications of the hazards of the contents. (Corrected during CEI)
- Failure to label six containers of used oil. (Corrected during CEI)
- Failure to label 12 containers of universal waste lamps.
- Failure to label one container of universal waste aerosol cans. (Corrected during CEI)
- Storage of two 5-gallon containers universal waste batteries for greater than one year.

- Failure to keep 20 universal waste lamp containers closed.
- Failure to mark 11 universal waste lamp containers and 32 universal waste batteries with accumulation start dates.
- Failure to label 32 universal waste batteries.
- Failure to complete an annual hazardous waste reduction plan progress report for the years 2022 and 2023.
- Failure to perform weekly inspections on six (6) occasions and failure to record the time of the inspection in the log.

Federal Express is stated to have provided the Division via a December 2, 2024 email a discussion of the violations and the corrective actions taken to prevent future noncompliance.

A follow-up inspection on December 5, 2024, is stated to have identified an additional violation consisting of a container that had been stored for 497 days. There was also stated to have been an observation that the weekly inspection logs were still missing the time of the inspections.

Federal Express is also stated to have indicated in a December 6, 2024 email the discovery of a container of organic peroxide hazardous waste that had been on site for 497 days and that efforts with multiple hazardous waste disposal companies to ship the waste offsite had been attempted. One of the companies contacted has scheduled the waste to be shipped on December 19, 2024.

The Division is stated to have conducted a second records review on January 16th and determined that the outstanding violations had been corrected.

The Order assesses damages in the amount of $1,725.00. A civil penalty in the amount of $7,900.00 is assessed.

The Order provides certain appeal rights.

A copy of the Order can be downloaded here.