FORM APPROVED
OMB NUMBER 0579-0054

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

COMPLIANCE AGREEMENT

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0054. The time required to complete this information collection is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

1. NAME AND MAILING ADDRESS OF PERSON OR FIRM

BMWNC, Inc.
3250 Campus Ridge Road
Mathews, NC 28105

2. LOCATION

3250 Campus Ridge Road
Mathews, NC 28105
704-821-4786

3. REGULATED ARTICLE(S)

Regulated garbage arriving from areas outside the United States.

4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS

Plant Protection Act (PPA)(7 U.S.C.7701 et.seq) and the Animal Health Protection Act (APHA)(7U.S.C.8301 et.seq.)

5. *I/We agree to the following:*

See Compliance Agreement stipulations (ten pages) attached hereto.

Permit No.	Date	DIN
6009	August 27, 2010	11476

RECEIVED
August 26, 2010
Solid Waste Section
Asheville Regional Office

APPROVED DOCUMENT
Division of Waste Management
Solid Waste Section
Date October 8, 2010 By LY Frost

6. SIGNATURE X

7. TITLE Owner Manager

8. DATE SIGNED 11/12/09

9. AGREEMENT NO. GAR-NC-CLT-2009-1

10. DATE OF AGREEMENT November 12, 2009

The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.

11. PPQ OFFICIAL *(Name and Title)*
William O. Torres Plant Health Safeguarding Specialist

12. ADDRESS
1809 Associates Lane, Ste. C
Charlotte, NC 28217

13. SIGNATURE

14. STATE AGENCY OFFICIAL *(Name and Title)*

15. ADDRESS

16. SIGNATURE

PPQ FORM 519
(FEB 2002)

Processing Establishment Attachment to PPQ Form 519, Compliance Agreement

This Compliance Agreement may be immediately canceled or revoked for noncompliance. This Compliance Agreement is non-transferable.

Any person who knowingly violates the Plant Protection Act (PPA) (7 U.S.C. §§ 7701 et. seq.) and/or the Animal Health Protection Act (AHPA) (7 U.S.C. §§ 8301 et. seq.) may be criminally prosecuted and found guilty of a misdemeanor which can result in penalties, a one-year prison term, or both. Additionally, any person violating the PPA and/or the AHPA may be assessed civil penalties of up to $250,000 per violation or twice the gross gain or gross loss for any violation that results in the person deriving pecuniary gain or causing pecuniary loss to another, whichever is greater.

The establishment under this Compliance Agreement shall immediately notify the local APHIS, DHS/CBP office at **704-424-1014** of any management changes which may void this Compliance Agreement.

By signing this agreement, the signer certifies that his/her facility has met or will meet the requirements of all applicable environmental authorities prior to handling garbage regulated by the Department of Homeland Security, Customs and Border Protection under the authority of the Animal and Plant Health Inspection Service.

The company, its employees and subcontractors, and procedures covered by this compliance agreement are subject to unannounced inspections by CBP or APHIS personnel.

All records required by this agreement must be made available to CBP/APHIS officials upon request.

Any plastic bags used in the transportation or storage of regulated garbage must be at least four (4) mill thick.

1. Definitions

   A. **Regulated garbage** — As defined under 7 CFR 330.400 and 9 CFR 94.5, garbage includes all waste material derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any material. For the purpose of this compliance agreement, "regulated garbage" is garbage that was on, generated on board, or removed from any means of conveyance during international or interstate movements, and includes food scraps, table refuse, galley refuse, food wrappers or packaging materials and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms or any other areas on means of conveyance. Regulated garbage also means meals and other foods that were available for consumption by passengers or crew on an aircraft but were not consumed. Garbage that is commingled with regulated garbage becomes regulated garbage. For the purpose of this document regulated garbage will be known hereafter as garbage.

Company Representative Initials _____

B. **Trash** — Refuse that neither contains nor is visually contaminated with food waste. Trash is **unrestricted**. For example, trash that solely contains empty beverage cans would be unrestricted. Newspapers and magazines in the passenger cabin would also be unrestricted. An empty cardboard milk carton, sandwich, or fruit found in the passenger cabin, however, would be considered as garbage as opposed to trash and would be restricted.

C. **DHS, USCBP** — Department of Homeland Security, United States Customs and Border Protection, known hereafter as CBP.

D. **USDA, APHIS, PPQ** — United States Department of Agriculture, Animal and Plant Health Inspection Service, which provides oversight for agricultural issues, known hereafter as APHIS. Veterinary Regulatory Support (VRS) is the section of PPQ charged with oversight of regulated garbage.

2. Regulated Garbage Handling Procedures

A. Regulated garbage is processed by: *(check appropriate box)*

□ Sterilizer located at:

_____

(Name, Address, Phone Number)

□ Non-pressurized water cooker located at:

_____

(Name, Address, Phone Number)

□ If sterilized or cooked, location of landfill:

_____

(Name, Address, Phone)

□ Incinerator located at:

BMWNC, Inc.
3250 Campus Ridge Road
Mathews, NC 28105
704-523-4388

B. Status of Garbage:

□ Regulated garbage will be separated from domestic garbage by (circle one)

1) Location (clearly designated by signs)

2) Labeled container (marked per C. below)

☒ All garbage in facility will be handled as regulated garbage.

Company Representative Initials _____

C. The establishment must use rigid leak-proof containers with tightly-fitting covers if not separating garbage by location. The containers shall be lettered with the words "REGULATED GARBAGE" or a similar acceptable phrase in English and any appropriate foreign language. Lettering shall be at least two (2) inches high on indoor containers and at least four (4) inches high on outdoor containers. Containers used for regulated garbage shall **not** be used for domestic garbage, nor shall containers used for domestic garbage be used for regulated garbage.

The container to be used for a purpose **other than** hauling foreign garbage must have markings obliterated and must be disinfected with APHIS-approved disinfectant under APHIS/CBP supervision prior to such use.

Scraped residue and runoff may be ground into an approved sewage system as defined in 7CFR 330.400 or 9CFR 94.5 or be collected and treated as regulated garbage. All materials associated or in contact with regulated garbage must be treated as regulated garbage.

D. The dock area and the area around garbage sterilizers, cookers, incinerators, compactors, and/or dumpsters shall be kept clean and free of loose garbage at all times. Compactor and dumpster leakage shall be contained in a manner acceptable to CBP/APHIS as indicated here:

_____
_____
_____
_____
_____

E. The company is responsible for all regulated garbage including food waste, loose trays of food, and unused meals, and will **not** allow its unauthorized diversion, removal, use, or consumption.

F. Spills and Routine Disinfection

APHIS/CBP will be notified of any spillage outside of the facility at 704-424-1014. Cleaning and disinfecting will be accomplished immediately. APHIS-approved disinfectant must be kept at the processing facility for garbage spills and routine surface disinfections including areas around the sterilizers, incinerators dumpsters and compactors and must be used after thorough pickup and cleaning. The caterer must provide trained personnel and equipment for immediate clean up (see Addendum to Compliance Agreements).

A log or record book containing information on the amounts and concentrations of disinfectants used will be kept in order to fulfill EPA reporting requirements.

Reporting requirements include:

i. The number of disinfection treatments performed (including by designation – routine surface disinfections and cleaning of spills);

ii. If applicable, the number of pounds of sodium carbonate used (with or without sodium silicate);

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iii. If applicable, the concentration of bleach (stated as a percentage) and the number of gallons of each concentration of bleach used;

iv. Location of spills.

The record or log book must be kept indefinitely. Information on the amounts and concentrations of disinfectants used during a specified reporting period must be provided to CBP/APHIS upon request.

APHIS-approved disinfectant is **not** to be used in enclosed food handling areas. Only EPA-approved sanitizers should be used in food handling areas. Records of these instances will also be maintained.

3. Equipment

Equipment for steam sterilization or non-pressurized water cooking is used. For a water cooker, the water level must reach within three (3) inches of the garbage level.

A. If a sterilizer or non-pressurized water cooker is used, it will be as follows:

i. Must be capable of heating regulated garbage to a minimum **internal** temperature of 212°F and maintaining it at that temperature for 30 minutes. To achieve this, the sterilizer will be calibrated for the following time/temperature setting.

Temperature setting _____ PSI_____

Minimum cooking cycle _____

A maximum load of _____ units (bags, carts, etc) of garbage per cooking cycle is allowed. Routine loads must not exceed this maximum load.

ii. A thermocouple probe will be used initially and twice each year to re-calibrate the temperature recording device and to adjust the sterilization cycle to assure that the garbage is heated to a minimum internal temperature of 212°F for at least 30 minutes. The test load shall be at the maximum capacity of the sterilizer and of typical composition for the location. Tests will be monitored by an employee of CBP/APHIS. The facility will supply additional calibration equipment needed to perform the re-calibrations. The adjusted sterilization cycle will be included in an addendum to this compliance agreement and will be followed.

iii. The time and temperature record of each batch of foreign garbage shall be dated and initialed by the sterilizer operator and signed by the supervisor. The records must be retained for a minimum of one (1) year from the end of the month in which the processing occurred.

Company Representative Initials_____

iv. The bottom rear drain of the sterilizer unit will be cleared as needed to assure proper steam circulation and drainage.

B. Non-pressurized cooking equipment shall have a time/temperature recording device and be held to the same standards as the sterilizer with the exception of the PSI (water cooker probe must be below surface of water) in that it is capable of heating garbage to a minimum internal temperature of 212°F and maintaining it at that temperature for at least 30 minutes. To achieve this, the non-pressurized cooking equipment will be calibrated for the following time/temperature setting:

Temperature setting _____

Minimum cooking cycle _____

A maximum load of _____ units (bags, carts, containers etc.) of garbage per cooking cycle is allowed.

i. A thermocouple probe will be used initially and twice each year to re-calibrate the temperature recording device and to adjust the cooking cycle to assure that the garbage is heated to a minimum internal temperature of 212°F for at least 30 minutes. The test load shall be at the maximum capacity of the cooker and of typical composition for the location. Tests will be monitored by an employee of Department of Homeland Security, CBP/APHIS personnel. The adjusted cooking cycle will be included in an addendum to this compliance agreement and will be followed.

ii. The time and temperature record of each batch of foreign garbage shall be dated and initialed by the cooker operator and signed by the supervisor. The records must be retained at the establishment for a minimum of one (1) year from the end of the month in which the processing occurred.

C. If the sterilizer, the cooker, or associated equipment (such as the time and temperature recorder) malfunctions, then immediately report the malfunction to the local CBP office at_____ (insert phone number). The equipment shall be properly maintained to ensure that each load of regulated garbage is processed at an internal temperature of 212°F for a minimum of 30 minutes.

D. If an incinerator is used, it must reduce incinerated materials to an ash. Glass and metal shall be the only residue in the ash. The establishment will maintain records which will include the name of the approved cartage firm, date, time, number of units (bags, bins, containers) and quantity of garbage (weight) incinerated. The records must be retained for a minimum of one (1) year from the end of the month in which the incineration occurred.

E. The sterilizer or non-pressurized cooking equipment must be re-calibrated after major repairs or malfunction. The incinerator must be observed after major repairs or malfunction to ensure that regulated garbage is properly incinerated to ash.

Company Representative Initials_____

F. In order to store regulated garbage, the following conditions must be met:

i. Material to be stored must be adequately containerized and marked (per Section 2. B.). Location of storage facility if not in the same building/area as the processing equipment:

_____

ii. Storage of regulated garbage in plastic bags must be inside a closed building; if outside storage, garbage must be in sealed, plastic bags in a rigid leak-proof container with a tight-fitting lid. The container, room, or other confined area where the regulated material is to be stored must be leak-proof and capable of being locked. The material must be inaccessible to birds, rodents, and other vermin. Storage of regulated garbage must not exceed 48 hours without prior approval from PPQ VRS or its designee.

iii. The processing firm must maintain logs or records of regulated garbage that is stored. This information must be kept for one (1) year from the end of the month the storage was initiated.

G. The company must conspicuously post regulated garbage-handling procedures in the work area. The procedures must be in English and other appropriate languages.

4. Backup System

In the event the primary garbage disposal system is inoperable, the local APHIS/CBP office will be notified immediately at_____ (insert phone number) and will be advised, in advance, as to the use of the following prearranged approved backup system: *(check one)*

□ Sterilizer located at:

_____

(Name, Address, Phone Number)

□ Incinerator located at:

_____

(Name, Address, Phone Number)

□ Non-pressurized water cooker located at:

_____

(Name, Address, Phone Number)

5. Training

A. The company shall present a training program to employees before they are permitted to handle or supervise the handling of regulated garbage. This training program should be of sufficient duration to adequately provide the required information. All previously trained employees shall be provided review training annually (this training may be given in more than one session).

Company Representative Initials_____

B. The training package must be approved by the local APHIS/CBP Port Director or his/her designee, and may include both formal classroom training and on-the-job training, as follows:

   i. Definition of regulated garbage;

   ii. Explanation and purpose of the regulations;

   iii. Inclusion of film, slides, or other training aids on foreign animal and plant diseases and pests;

   iv. Specific outline — by demonstration, illustration, or picture — of proper regulated garbage handling procedures for the facility and step–by–step procedures from stripping of aircraft to disposal. A written, step-by-step protocol for reporting and handling emergency spills, maintaining control of regulated materials, and the cleaning and disinfecting of affected areas and equipment must be available for CBP/APHIS review;

   v. This compliance agreement;

   vi. Presentation in English and other appropriate languages.

C. The records must be retained for a minimum of one (1) year from the end of the month in which the training occurred.

Company Representative Initials

Addendum to Compliance Agreement

Cleaning and Disinfection

1. Articles Requiring Cleaning and Disinfection

   Any article, means of conveyance, or other surface contaminated with animal origin material or spillage from USDA regulated garbage must be cleaned and disinfected with one of the USDA APHIS-approved disinfectants listed below.

   Contaminated carts, pallets, machinery, handling containers, trucks, or railroad cars used for transporting USDA regulated garbage and any dock or warehouse surfaces contaminated with leakage from such garbage must be cleaned and disinfected before the items are reused. Cleaning of portable items shall be accomplished over a drain leading to an approved sewage system.

2. Materials and Equipment

   When a spill occurs, the following items must be immediately available to workers tasked with cleaning up the spill:

   A. APHIS-approved disinfectant

      i. Virkon® S (either in bulk or pre-measured for mixing or a premixed solution for immediate use); or

      ii. Household bleach (sodium hypochlorite) in either full strength for mixing or premixed for immediate use

   B. A gallon container filled with clean water

   C. A detergent solution (facility choice)

   D. Spray bottle to apply disinfectant

   E. Whisk broom and dust pan or shovel

   F. Paper towels or other absorbent material

   G. Plastic leak-proof bags to hold collected material

   It is suggested that a disinfection kit, incorporating the above required items as well as the equipment listed below, be available at the work site, and if applicable, on each conveyance transporting regulated garbage. This allows for immediate cleaning and disinfection of any spillage of regulated garbage.

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Date 4/9/09

The additional items recommended for inclusion in the disinfection kit are:

H. A scrub brush and scraping tool

I. Disposable plastic shoe covers

J. A box for holding the equipment which can be labeled "Disinfection Kit" (it is recommended that the disinfection procedures are affixed to the inside of the box)

K. Appropriate personal protective equipment such as cover-alls, rubber or latex gloves, safety goggles and/or other equipment as required by the facility or per the Material Safety Data Sheet

L. Copy of all applicable Material Safety Data Sheets

Disinfectant Information

1. Virkon® S is available through many Internet sources. Follow the directions on the label. Premixed Virkon® S is effective for seven (7) days from the date of mixing. Write the date the solution was mixed on the container holding the solution.

2. Household bleach (chemical name: sodium hypochlorite). Off-the-shelf bleach is 5.25% or 6% sodium hypochlorite.

   The minimum effective dilution for a garbage spill is 3% sodium hypochlorite.

   Directions for use:

   - With 5.25% sodium hypochlorite, mix the solution of 1.5 cups of bleach to 1 cup of water to make a 3% solution.

   - When larger quantities are needed, mix at a ratio of 3 parts bleach to 2 parts water, such as 3 gallons of bleach to 2 gallons of water to make a 3% solution.

   - With 6% sodium hypochlorite, mix at a ratio of 1 part bleach to 1 part water, such as 1 cup of bleach with 1 cup of water or 1 gallon of bleach to 1 gallon of water to make a 3% solution.

   A premixed solution of bleach and water is only effective for a 24-hour period post mixing. A date and time should be applied to the bulk container holding the solution.

Disinfectant Procedures

1. Sweep up or scrape off as much of the contaminant as possible. Apply absorbent material if needed. Place the sweepings, scrapings, and absorbent material in a leak-proof plastic bag for incineration or sterilization. Free surfaces of grease or dirt when applicable.

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Date 11/9/04

2. Scrub the contaminated area or areas where the spill occurred. Use a good detergent solution of the facility's choice. **Note:** if the area is not effectively scrubbed first, remaining debris will protect viruses embedded below the surface, where they will remain untouched by the disinfectant.

3. Flush the scrubbed surfaces with clean water. Flushing is important because the detergent may react with the disinfectant and reduce the disinfectant's activity.

4. If using a premixed solution of disinfectant, then agitate the solution thoroughly. If the temperature is below freezing, delay the application of the disinfectant until the temperature is above freezing. Apply the disinfectant generously, covering the entire area.

5. Incinerate or sterilize all refuse, sweepings, and scrapings that are in the plastic bag.

WARNING: Do not use sodium carbonate, sodium silicate, or Virkon® S around food, in areas where food is handled, prepared, or transported such as inside a catering kitchen, galley areas aboard aircraft, or in trucks used to transport food and supplies to an aircraft. When disinfecting in these areas, allow the use of a sanitizer/disinfectant approved by the Environmental Protection Agency (EPA) for use around food or on food contact surfaces.

Do not use sodium hypochlorite on passenger areas or cargo areas of aircraft as it can corrode sensitive aircraft or electronic parts. Virkon® S should not be used in passenger areas, to include galley or food preparation areas, as it is not approved by the Environmental Protection Agency (EPA) for use around food or on food contact surfaces. Virkon® S may damage carpets or seat covers in passenger areas of aircraft.

Contact the local CBP Agriculture Specialist at _____ when a spill occurs inside an aircraft.

Company Representative Initials _____

Date _____ 11/9/04