

Shepard, Doug

From: Shepard, Doug
Sent: Monday, May 3, 2021 2:16 PM
To: johnson.joyce-r6@epa.gov
Cc: McClain, James; Tim Santy (Tim.Santy@FSNS.com)
Subject: Food Safety Net Services, Ltd.

Ms. Johnson,

This email serves as notice that in the matter of Food Safety Net Services, Ltd. Docket No. RCRA-06-2021-0913, payment of \$33,990 was wired earlier this afternoon to your account at the Federal Reserve Bank of New York. If you have any questions, please contact me at the number below. Thanks, Doug

Doug Shepard
CFO
Food Safety Net Services
Doug.Shepard@fsns.com
P: 210.236.3745 | M: 210.387.8980



199 W. Rhapsody | San Antonio, TX 78216 | 210.308.0675 | 888.525.9788 | www.FSNS.com

San Antonio-Corporate | Allentown | Amarillo | Atlanta | Boise | Brooks, Alberta, Canada | Columbus | Dallas | Dodge City | Fresno | Greeley | Green Bay | Irapuato, Mexico | Logan | Los Angeles | Minneapolis | Omaha | Phoenix | Plainwell | Springdale

View our: [Certification & Audit](#) | [Education](#) | [Accreditations](#) | [Sample Submission Form](#)



199 WEST RHAPSODY
SAN ANTONIO, TX 78216
888-525-9788
WWW.FSNS.COM

Via Email and USPS Certified Mail

May 11, 2021

U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECDSR)
ATTN: Joyce Johnson
Dallas, Texas 75270-2102

Re: Food Safety Net Services, Ltd. Certifications
Consent Agreement and Final Order (CAFO); USEPA Docket No. RCRA-06-2021-0913

Dear Ms. Johnson,

Pursuant to Section V, Paragraph 28 of the above-referenced CAFO, Food Safety Net Services, Ltd. (FSNS) certifies that it has assessed all its solid waste streams at the FSNS Facility to determine the accurate waste codes and has developed and implemented standard operating procedures (SOPs) to ensure that FSNS is operating the FSNS Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) maintaining proper notification of its generator status; (b) managing hazardous wastes; and (c) reporting, transporting, and disposing of hazardous waste; (b) FSNS certifies that it has accurately and adequately complied with RCRA Section 3010 notification for the FSNS Facility and within the prescribed time period; and (c) FSNS provides with this certification, a copy of FSNS SOPs (attached) as described in subparagraph (a) above.

Pursuant to Section VI.C. Paragraph 37 of the CAFO, FSNS has complied with all the requirements of this CAFO, including the above certification and prior payment of the civil penalty. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of this certification, then the CAFO will be terminated on the basis of this certification.

I certify under penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

A handwritten signature in blue ink that reads "Doug Shepard".

Doug Shepard
Chief Financial Officer

Enclosure: RCRA Hazardous Waste Handling Procedures

cc: Jeff Clay via email clay.jeffrey@epa.gov

SAN ANTONIO - CORPORATE | ALLENTOWN | AMARILLO | ATLANTA | BOISE | BROOKS, ALBERTA, CANADA | COLUMBUS
DALLAS/FORT WORTH | DODGE CITY | FRESNO | GREELEY | GREEN BAY | IRAPUATO, MEXICO | LOGAN | LOS ANGELES
MINNEAPOLIS | OMAHA | PHOENIX | PLAINWELL | SPRINGDALE |



FSNS[®]

Food Safety Net Services

RCRA Hazardous Waste Handling Procedures

To comply with applicable requirements in 40 CFR Part 262

PURPOSE:

In the normal course of providing essential services to our customers, FSNS generates both non-hazardous and hazardous solid waste. With the understanding that the safety of our employees/non-employees and being good environmental stewards are both core values of the company, we have put together these procedures as a general guide in sustaining these values.

RESPONSIBILITY:

Our employees who are trained and certified to handle (non)hazardous solid waste as well as those the company contracts with, are responsible for the entire chain of custody of the solid waste from point of generation, to its final destination. For the purposes of these procedures, the responsible party is in bold and all-caps.

DEFINITIONS:

1. RCRA – Resource and Recovery Act of 1976, which gives EPA the authority to control hazardous waste from “cradle-to-grave”
2. Hazardous Waste – is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment and can be categorized by:
 - Listed wastes. These wastes will appear on one of four lists published in 40 CFR Part 261 Subpart D
 - Characteristic wastes. Certain wastes are considered hazardous if they are ignitable, corrosive, reactive, or toxic (see 40 CFR Part 261 Subpart C)
3. Solid Waste – any material discarded by a generator (including liquids and gases) and subject to EPA regulations
4. Generator – an entity who processes solid waste that is designated as hazardous by the EPA
 - Large Quantity Generator – a site that produces more than 2,200 pounds/month of hazardous waste
5. RCI testing – analytical testing to identify Reactivity, Corrosivity and Ignitability characteristics of samples from a waste stream
6. TCEQ – Texas Commission on Environmental Quality (state governing body)

MONTHLY GENERATOR STATUS (40 CFR 262.10(b) and 262.13):

CORPORATE EHS will be responsible for determining the generator status of the San Antonio facility on a monthly basis and will communicate with **LAB MANAGEMENT** if there is a change in status. Based upon current solid waste volumes, the company expects the classification to remain Large Quantity Generator for the foreseeable future.

WASTE CLASSIFICATION (40 CFR 262.11 and Part 268):

LAB MANAGEMENT and **CORPORATE EHS** will work together in classifying solid waste streams.

- If a testing method changes or for any other reason the constituents of a waste stream change, **CORPORATE EHS** will be notified by **LAB MANAGEMENT** of the proposed change(s). **CORPORATE EHS** will coordinate RCI testing of waste stream samples by an independent, third-party environmental laboratory for analytical testing. Once the analysis is complete, **CORPORATE EHS** and **LAB MANAGEMENT** will determine if any changes need to be made to characteristic coding.
- Since the company knows exactly what the constituents are for each test method, **CORPORATE EHS** and **LAB MANAGEMENT** will determine changes that need to be made to hazardous waste coding, based upon process knowledge and/or additions or deletions of certain hazardous constituents in the waste stream.

MAINTAINING DOCUMENTATION (40 CFR 262.40):

CORPORATE EHS will maintain all RCRA-related documentation on the company's RCRA SharePoint site for all interested parties to view. **CORPORATE EHS** will also maintain the *SDS Database*, which is available to all employees via desktop icon on every company workstation.

TRANSPORTATION AND DISPOSAL OF WASTE (40 CFR 262.40-262.33 & 49 CFR Parts 172, 173, 178 and 179):

Because **CORPORATE EHS** maintains the accumulation waste site (WMU), they will coordinate with a licensed and bonded, third-party to manifest, pick-up and transport solid waste to its final destination (TSDF), when either the site is reaching capacity or we have met our accumulation time limit on a waste stream(s).

ACCUMULATION STORAGE AND TIME LIMITS (40 CFR 262.17):

CORPORATE EHS is responsible for adhering to accumulation storage and time limits for all waste streams. Understanding that a Large Quantity Generator has no storage limits, we are constrained by the size of our accumulation site (WMU) and will maintain levels of solid waste in a safe and stable manner. **CORPORATE EHS** will also ensure that we do not exceed the 90-day limit on hazardous waste accumulation as defined by being a Large Quantity Generator.

MAINTAINING DOCUMENTATION WITH TCEQ (30 TAC 335.6):

CORPORATE EHS will maintain all required documentation with TCEQ via their STEERS portal including but not limited to:

- Maintaining active registration status
- Updating Notice of Registration (NOR) as needed
- Providing Annual Waste Summary (AWS)
- Providing Annual Pollution Prevention Plan (P2) as amended
- Any miscellaneous changes necessary for compliance purposes

CONTINGENCY PLAN, EMERGENCY PROCEDURES AND PREPAREDNESS (40 CFR 265 Subpart C):

As emergency situations arise, the company is prepared to activate its *Hazardous Waste Emergency Contingency Plan* which is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The Plan is reviewed by all interested parties and revised as needed. Copies of revisions of the Plan are sent via certified mail by **CORPORATE EHS** to first responders

and other parties that may need to assist in bringing the emergency situation under control.

PERSONNEL TRAINING (40 CFR 265.16):

In order for any employee to handle hazardous waste, they must first be trained and certified to do so. Trainings are specific to job descriptions (i.e. those that handle hazardous waste and manifest the waste for release into commerce, must be trained and certified in both RCRA and DOT regulations). Specific trainings are assigned by **CORPORATE EHS**. **LAB MANAGEMENT** is responsible for employee completion of training. **CORPORATE EHS** monitors the need for ongoing and annual training requirements and maintains the completion records on the company's internal RCRA SharePoint site.

CONTAINER LABELING (40 CFR 262.34 (a) (2) & (a) (3)):

LAB MANAGEMENT is responsible for maintaining compliant container labeling for the satellite waste site within the lab. **CORPORATE EHS** does continually check these areas for compliance. **CORPORATE EHS** maintains compliant container labeling at the accumulation waste site (WMU).

WEEKLY INSPECTION OF CONTAINER STORAGE AREAS (40 CFR 265.174):

CORPORATE EHS conducts weekly inspections of all storage areas and documents these inspections on the company's internal RCRA SharePoint site.