

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In the Matter of: :

**Beretta USA Corp.
17601 Beretta Drive
Accokeek, MD 20607**

DOCKET No. RCRA-03-2013-0104

Respondent,

CONSENT AGREEMENT

**17601 Beretta Drive
Accokeek, MD 20607**

Facility.

**2013 MAR 28 PM 1:53
REGIONAL HEARING CLERK
EPA REGION III, PHILA, PA**

RECEIVED

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA," "Agency" or "Complainant") and Beretta USA Corp. ("Beretta" or "Respondent") pursuant to Section 3008(a) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act ("RCRA") of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments ("HSWA") of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3). This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of Subtitle C of RCRA and the State of Maryland Hazardous Waste Management Regulations ("MdHWMR"), set forth at the Code of Maryland Regulations ("COMAR"), Title 26, Subtitle 13 et seq., in connection with Respondent's facility located at 17601 Beretta Drive, Accokeek, MD 20607 ("Facility"). The MdHWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

2. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this Consent Agreement and the attached Final Order (hereinafter jointly referred to as this "CA/FO") simultaneously commence and conclude an administrative proceeding against Respondent, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent's Facility.
3. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA/FO.
4. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 3, above.
5. Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CA/FO, or the enforcement of the CA/FO.
6. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
7. Respondent consents to the issuance of this CA/FO and agrees to comply with its terms.
8. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the State of Maryland

9. EPA has given the State of Maryland, through the Maryland Department of the Environment ("MDE"), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

10. Respondent is a corporation registered to do business in the State of Maryland. Respondent's parent company is Beretta Holding, a private company.
11. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and COMAR 26.13.01.03.B (61).
12. Respondent is the "owner" and "operator" of a "facility" located at 17601 Beretta Drive, Accokeek, MD 20607 as those terms are defined at COMAR 26.13.01.03, consisting of a building where small firearms are manufactured from raw materials, assembled and tested

for commercial, law enforcement and military purposes.

13. On February 22, 2010, Respondent submitted to the MDE a Notification of Hazardous Waste Activity ("Notification") for the Facility, identifying itself as a Large Quantity Generator ("LQG") of hazardous waste at the Facility. Respondent is, and was at the time of the violations alleged herein, a "generator" of "hazardous waste" at the Facility, and engaged in "storage" of "hazardous waste," as those terms are defined in COMAR § 26.13.01.03B.
14. At the Facility, Respondent is a "generator" of materials described below that are "solid wastes" and "hazardous waste," as those terms are defined in COMAR 26.13.01.03B (29), (31) and (73).
15. On July 20, 2011, a representative of EPA and a representative of MDE conducted a Compliance Evaluation Inspection ("CEI") at the Facility.

COUNT I
(Failure to Make a Waste Determination)

16. The allegations contained in Paragraphs 1 through 15 are incorporated herein by reference as though fully set forth at length.
17. COMAR 26.13.03.02A provides that a person who generates a "solid waste" as defined in COMAR 26.13.02.02 shall determine if that waste is a hazardous waste using the method set forth in COMAR 26.13.03.02.A. The method requires the generator to:
 - a. First determine if the waste is excluded from regulation under COMAR 26.13.02.04-.4.5;
 - b. Then determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15-.19; and
 - c. If the waste is not listed as a hazardous waste in COMAR 26.13.02.15-.19, the generator shall determine whether the waste is identified by either testing the waste according to the methods set forth in COMAR 26.13.02.10-.14, or, according to an equivalent method approved by the MDE under COMAR 26.13.01.04B, or apply knowledge of the hazardous characteristic of the waste in light of the materials or processes used.
18. As the person who generated the solid waste described in this Count, Respondent was required by COMAR 26.13.03.02A to determine if the solid waste it generated was hazardous waste using the method prescribed by COMAR 26.13.03.02.A-C.
19. At the time of the CEI, Respondent, at the Facility, had generated "sprayed-out" aerosol cans and disposed of such cans in the regular trash.

20. The "sprayed-out" aerosol cans stored at the Facility were determined to be solid waste and hazardous waste by the transportation, storage and disposal company contracted by the Respondent.
21. At the time of the CEI, Respondent failed to perform a hazardous waste determination, as required by COMAR 26.13.03.02, on the solid waste it generated at the Facility.
22. Respondent violated COMAR 26.13.03.02A by failing to perform a hazardous waste determination on solid waste generated at the Facility.

COUNT II
(Operation Without a Permit or Interim Status)

23. The allegations contained in Paragraphs 1 through 22 are incorporated herein by reference.
24. Pursuant to COMAR 26.13.07.01.A, subject to exceptions not applicable to this matter, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit, or interim status, or valid exemption for such facility.
25. COMAR 26.13.03.05 provides that a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that, *inter alia*:
 - a. The waste is placed in containers in accordance with COMAR 26.13.03.05 and 26.13.05.09;
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container in accordance with COMAR 26.13.03.05E;
 - c. The generator must accumulate the hazardous waste in containers in accordance with COMAR 26.13.05.09, which requires, *inter alia*, the containers must be closed during storage of hazardous waste except when it is necessary to add or remove waste;
 - d. The generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste as set forth in COMAR 26.13.03.05E.(3);
 - e. Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of

COMAR 26.13.05 and the owner or operator shall maintain documentation of said program, among other things, pursuant to COMAR 26.13.05.02G(5), ensuring that this program includes all the elements described in COMAR 26.13.05.02G; and

- f. COMAR 26.13.05.04.A and B requires owners and operators of all hazardous waste facilities, with exceptions not relevant herein, to have a contingency plan for its facility consistent with the requirements of COMAR 26.13.05.04.B and C and at the time of the CEI, Respondent did not have a contingency plan for the Facility.

Failure to Label Containers:

- 26. At the time of the CEI, Respondent was storing hazardous waste generated at the Facility including:
 - a. One cubic yard container of F006 hazardous waste that was labeled with an incorrect accumulation start date; and
 - b. One 5-gallon container of D001/D003 hazardous waste which was not labeled with an accumulation start date.

Failure to Keep Containers of Hazardous Waste Closed Except when Adding or Removing Waste

- 27. At the time of the CEI, Respondent failed to keep the container of hazardous waste referred to in Paragraph 26.a., above, closed at a time when it was not necessary to add or remove waste from such container as required by COMAR 26.13.03.05E.

Failure to Properly Manage Satellite Accumulation of Hazardous Waste

- 28. COMAR 26.13.03.05E.(3) states, in relevant part, a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste without a permit.
- 29. At the time of the CEI, Respondent was accumulating hazardous waste (mineral spirits) that was generated in a room known as the "Traditional Machining Room" in a container in a satellite accumulation area in the area of the Facility known as the "Testing Area" which was not at or near the point of generation or under the control of the operator in the "Traditional Machining Room" in violation of COMAR 26.13.03.05E.(3).

Failure to Provide and Document Initial and Annual Hazardous Waste Training to Facility Personnel:

- 30. COMAR 26.13.05.02G provides that Facility personnel shall successfully, complete a

program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of COMAR 26.13.05 and the owner or operator shall maintain documentation of said program, ensuring that this program includes all the elements described in COMAR 26.13.05.02G.

31. At the time of the CEI, Respondent failed to provide initial hazardous waste training for two (2) employees from 2008 to 2011 and Respondent failed to provide annual hazardous waste training for two (2) employees from 2008 to 2011 in violation of COMAR 26.13.05.02G.
32. At the time of the CEI, Respondent failed to provide and/or maintain training records on current personnel in violation of COMAR 26.13.05.02G(5).
33. At the time of the CEI, Respondent failed to qualify for the "less than 90 day" generator accumulation exemption of COMAR 26.13.03.05, which incorporates by reference COMAR 26.13.05, for the activities described in Paragraphs 26-32, above, by failing to satisfy the conditions for such exemption as set forth COMAR 26.13.03.05, which incorporates by reference COMAR 26.13.05.
34. Respondent has never had a permit or interim status pursuant to COMAR 26.13.07.01.A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage of hazardous waste at the Facility.
35. Respondent was required by COMAR 26.13.07.01.A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the activities described in Paragraphs 26-32, above.
36. As set forth above, from January 6, 2008 to April 3, 2008 and from October 3, 2008 to November 4, 2008, and at the time of the CEI, Respondent was storing hazardous waste at the Facility without a permit, interim status or valid exemption and therefore violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste treatment, storage, or disposal facility ("TSDF") without a permit or interim status.

COUNT III
(Failure to Keep Containers Closed During Storage)

37. The allegations contained in Paragraphs 1 through 36 are incorporated herein by reference as though fully set forth at length.
38. COMAR 26.13.05.09D provides that an owner and operator of a TSDF must ensure that any container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.
39. At the time of the CEI, Respondent failed to keep the container of hazardous waste, F006, as described in Paragraph 26a., above, closed when in storage even though

it was not necessary to add or remove waste.

40. Respondents' acts and/or omissions as alleged in Paragraph 39, above, are a violation of COMAR 26.13.05.09D.

COUNT IV
(Failure to Submit Exception Reports)

41. The allegations contained in Paragraphs 1 through 40 are incorporated herein by reference as though fully set forth at length.
42. Pursuant to COMAR 26.13.03.06C, with exceptions not applicable herein, a generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 20 days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste and the generator shall submit an exception report to the Secretary if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 30 days of the date the waste was accepted by the initial transporter.
43. At the time of the CEI, Respondent received unsigned and returned hazardous waste manifest Nos. 000965356 FLE; 002626898 FLE; and 003750043 FLE and failed to submit exception reports for such hazardous waste manifests, as required by COMAR 26.13.03.06C.
44. Respondents' acts and/or omissions as alleged in Paragraph 43, above, are a violation of COMAR 26.13.03.06C.

COUNT V
(Failure to Provide Initial and Annual Hazardous Waste Training)

45. The allegations contained in Paragraphs 1 through 44 are incorporated herein by reference as though fully set forth at length.
46. Pursuant to COMAR 26.13.05.02G(1) and (3), with exceptions not applicable herein, facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of COMAR 26.13.05. In addition, facility personnel shall take part in an annual review of the initial training.
47. At the time of the CEI, Respondent had failed to provide initial hazardous management waste training in 2007 to two (2) Facility personnel and from 2008-2011, failed to provide annual review hazardous waste management training to two (2) Facility personnel as required by COMAR 26.13.05.02G(1) and (3).

48. Respondents' acts and/or omissions as alleged in Paragraph 47, above, are a violation of COMAR 26.13.05.02G(1) and (3).

COUNT VI

(Failure to Keep Hazardous Waste Management Training Records)

49. The allegations contained in Paragraphs 1 through 48 are incorporated herein by reference as though fully set forth at length.
50. COMAR 26.13.05.02G(4)(d) provides, among other things, that the owner or operator of a facility shall keep and maintain documents of the training records at the facility on current personnel until the closure of the facility.
51. At the time of the CEI, Respondent failed to keep initial and annual hazardous waste training records for seven (7) employees who managed hazardous waste from 2007 through 2011 as required by COMAR 26.13.05.02G(4)(d).
52. Respondents' acts and/or omissions as alleged in Paragraph 51, above, are a violation of COMAR 26.13.05.02G(4)(d).

COUNT VII

(Failure to Maintain Written Job Descriptions)

53. The allegations contained in Paragraphs 1 through 52 are incorporated herein by reference as though fully set forth at length.
54. COMAR 26.13.05.02G(4)(a)-(c) requires owners and operators of all hazardous waste facilities to maintain at the facility written job descriptions for each employee position at the facility that relates to hazardous waste management.
55. At the time of the CEI, the Respondent did not have written job descriptions for each employee position at the Facility that relates to hazardous waste management consistent with the requirements set forth in 26.13.05.02G(4)(a)-(c).
56. Respondents' acts and/or omissions as alleged in Paragraph 55, above, are a violation of COMAR 26.13.05.02G(4)(a)-(c).

COUNT VIII

(Failure to Have a Contingency Plan)

57. The allegations of Paragraphs 1 through 56 are incorporated herein by reference as though fully set forth at length.
58. COMAR 26.13.05.04 requires owners and operators of all hazardous waste facilities, with exceptions not relevant herein, to have a contingency plan for its facility consistent with

the requirements of COMAR 26.13.05.04B and C.

59. At the time of the CEI, the Respondent did not have a contingency plan for the Facility consistent with the requirements set forth in COMAR 26.13.05.04B and C., in violation of COMAR 26.13.05.04.
60. Respondents' acts and/or omissions as alleged in Paragraph 59, above, are a violation of COMAR 26.13.05.04.

III. CERTIFICATIONS

61. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the MdHWMR as authorized pursuant to RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this CA/FO.

IV. CIVIL PENALTIES

62. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA/FO, Respondent consents to the assessment of a civil penalty in the amount of **\$80,000.00**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct signed copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
63. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 3008(a) of RCRA for the violations alleged in this CA/FO.

Respondent shall remit payment for the civil penalty set forth in Paragraph 62, above, by certified check or cashier's check, or by electronic funds transfer, in the following manner:

- A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2013-0104;
- B. All checks shall be made payable to "United States Treasury";

- C. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency—Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: 513-487-2105 or 513-487-2091

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- E. All payments made by check in any currency drawn with no USA branches shall be addressed to:

Cincinnati Finance
U.S. EPA, MS-NWD
26 W.M.L. King Drive
Cincinnati, OH 45268-0001

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

- G. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

U.S. Treasury REX/Cashlink ACH Receiver

ABA=051036706
Account No.: 310006, U.S. Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical Location of U.S. Treasury Facility
5700 Rivertech Court
Rivertech, Maryland 20737

Contact: 1-866-234-5681

H. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

I. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

64. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CA/FO.

65. Pursuant to 31 U.S.C. Section 3717 and 40 C.F.R. Section 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
66. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. Section 13.11(a).
67. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. Section 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
68. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. Section 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

V. OTHER APPLICABLE LAWS

69. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VI. RESERVATION OF RIGHTS

70. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated there under, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VII. FULL AND FINAL SATISFACTION

71. The settlement set forth in this CA/FO shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

72. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

IX. EFFECTIVE DATE

73. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

X. ENTIRE AGREEMENT

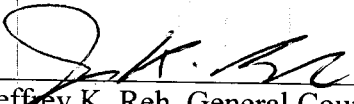
74. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA/FO.

For Respondent, Beretta USA Corp.

Date:

3/4/13

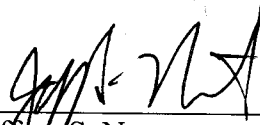
By:



Jeffrey K. Reh, General Counsel
Beretta USA Corp.

For Complainant, United States Environmental Protection Agency, Region III:

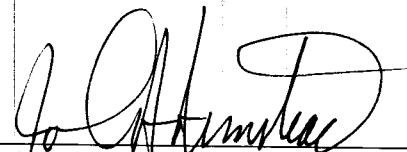
Date: 3/18/13

By: 

Jeffrey S. Nast
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 3.19.13

By: 

John A. Armstead
Director
Land and Chemicals Division

Beretta USA Corp

Docket No. 03-2013-0104

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date:

3/28/13

BY:

Renee Sarajian

Renee Sarajian

Regional Judicial Officer

United States Environmental Protection Agency

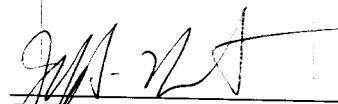
Region III

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, In Re: Beretta USA Corp., Docket No. RCRA-03-2013-0104, to the person and address listed below. The original Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

**Jeffrey K. Reh, General Counsel
Beretta USA Corp.
17601 Beretta Drive
Accokeek, MD 20607**

Dated: 3/28/13



Jeffrey S. Nast
Sr. Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029