

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

**IN THE MATTER OF:**

**Heritage Training and Shooting Center,  
LLC**

**Respondent,**

**Heritage Training and Shooting Center  
4537 Metropolitan Court  
Frederick, Maryland 21704**

**Facility**

) **DOCKET NO.: RCRA-03-2023-0027**  
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)  
) **EXPEDITED SETTLEMENT**  
) **AGREEMENT AND FINAL ORDER**  
)  
) **Proceeding under Section**  
) **3008(a) and (g) of the Resource**  
) **Conservation and Recovery Act, as**  
) **amended, 42 U.S.C. § 6928(a) and (g)**  
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**EXPEDITED SETTLEMENT AGREEMENT**

1. Heritage Training and Shooting Center (“Respondent”), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a) and (g), 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region III (“EPA”) has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. On February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the State of Maryland final authorization to administer its hazardous waste management program, set forth at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 *et seq.*, in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. § 6921 *et seq.* Through this final authorization, the provisions of the Maryland Hazardous Waste Management Regulations (“MdHWMR”) became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA on and after that date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA authorized a revised Maryland hazardous waste management program set forth at COMAR, Title 26, Subtitle 13 effective July 31, 2001, September 24, 2004, and October 31, 2016. The provisions of the revised federally-authorized program have thereby

become requirements of RCRA Subtitle C and are enforceable by EPA on and after those dates pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4. On August 19, 2022, EPA sent a letter to Maryland, through the Maryland Department of the Environment (“MDE”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 4537 Metropolitan Court, Frederick, Maryland (“Facility”), Respondent owns and operates a firearms training and shooting range with retail and rental services. On May 7, 2015, Respondent submitted a notification to MDE that the Facility was a “Small Quantity Generator” (“SQG”) of hazardous waste at the Facility, and MDE assigned RCRA ID No. MDR000526939 to the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation organized under the laws of the State of Maryland and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61). Respondent was, at all times relevant to the allegations in this Agreement, the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility” and “operator” and “owner” are defined in COMAR 26.13.01.03B(23), (58), and (59).
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” “hazardous waste” at the Facility, including but not limited to lead-contaminated spent HEPA filters, with EPA Hazardous Waste Number D008, as the terms “hazardous waste” and “storage” are defined in COMAR 26.13.01.03B(31) and (76).
8. On February 10, 2022, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations (“Inspection”).
9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized MdHWMR set forth at COMAR, Title 26, Subtitle 13 *et seq.*
10. Complainant has identified the following violation at the Facility: Respondent violated 42 U.S.C. § 6925(a) and COMAR 26.13.07.01A, which incorporates COMAR 26.13.03.05E, by operating a hazardous waste storage facility without a permit or valid exemption to the permitting requirement. Respondent failed to meet the following conditions of the generator permit exemption:
  - a. On February 10, 2022, Respondent failed to meet a condition of the generator permit exemption in COMAR 26.13.03.05E(3)(a), which requires compliance with COMAR 26.13.05.09D, when it failed to keep its satellite accumulation area (“SAA”) containers closed during periods when waste was not added or removed into and from them, as required by the regulations. EPA Inspectors observed an SAA with two small black swinging lid trash bins for lead-contaminated wipes and debris

accumulated from the cleaning of firearms. The swinging lids were open, and no waste was being added or removed from the SAA containers.

- b. On February 10, 2022, Respondent failed to meet a condition of the generator permit exemption in COMAR 26.13.03.05E(3)(b), when it failed to label its SAA containers with the words “Hazardous Waste” or with other words that identify the contents of the containers. EPA Inspectors observed that the SAA containers had no labels indicating “Hazardous Waste” nor the contents of the containers.

After the Inspection, Respondent replaced the observed SAA containers with one closed 55-gallon drum with labels indicating “HAZARDOUS WASTE” and “LEAD CONTAINING HAZARDOUS WASTE; DANGER TOXIC.”

- c. On February 10, 2022, Respondent failed to meet two conditions of the generator permit exemption in COMAR 26.13.03.05E(1)(e) and (f), when it failed to properly label the containers within the hazardous waste accumulation area (“HWAA”) and to mark the containers with an accumulation start date. EPA Inspectors observed five large fabric bags that were being utilized as hazardous waste containers. Three of these fabric bags were not labeled with the words “Hazardous Waste” or marked with accumulation start dates. Two of the bags had “Hazardous Waste” labels with accumulation start dates of August 18, 2020 and October 10, 2020. However, a Facility representative explained that the two labels were left over from a prior usage of the bags by contractors that replaced high efficiency particulate air filters.

After the Inspection, Respondent shipped three of the fabric bags offsite and corrected the labels of the two remaining bags. The labels indicated “HAZARDOUS WASTE” and had an accumulation start date of February 9, 2022.

- d. On February 10, 2022, Respondent failed to meet a condition of the generator permit exemption in COMAR 26.13.03.05E(1)(k), when it failed to maintain an inspection log or summary of the inspections required by COMAR 26.13.03.05E(1)(d) for a minimum of three years from the dates of the inspections. At the time of the Inspection, EPA Inspectors did not observe weekly inspection records for the HWAA.
- e. On February 10, 2022, Respondent failed to meet a condition of the generator permit exemption in COMAR 26.13.03.05E(1)(d) which requires compliance with COMAR 26.13.05.09E, when it failed to conduct weekly inspections of its HWAA. Up until the Inspection, the Facility had not conducted any weekly inspections of its HWAA.

After the Inspection, the Facility provided a weekly HWAA log, dated February 16, 2022.

11. Complainant also identified the following violations at the Facility:

- a. On February 10, 2022, Respondent failed to conduct weekly inspections of the HWAA and maintain an inspection log, in violation of COMAR 23.13.05.09E.

During the Inspection, EPA Inspectors observed that no weekly inspections had been conducted on the HWAA.

- b. On February 10, 2022, Respondent failed to maintain at least two feet of aisle space in its HWAA, in violation of COMAR 23.13.05.02I(1). During the Inspection, EPA Inspectors observed the HWAA consisting of five fabric containers placed in a manner that resulted in insufficient aisle space thus obstructing the visual inspections of the containers.
  - c. On February 10, 2022, Respondent failed to have an adequate hazardous waste management training program, in violation of COMAR 26.13.05.02G. During the Inspection, EPA Inspectors did not observe any documentation or records detailing (1) job titles for each position at the Facility related to hazardous waste management and the name of the employee filling each job; (2) a written job description for each listed position; (3) a written description of the type and amount of introductory and continuing training that will be given to each listed position; and (4) records that document the training that has been given to Facility personnel. The observations mentioned in Paragraphs 10 and 11 (i.e. issues with the SAA, issues with the HWAA, lack of required documentation) indicate a lack of sufficient training in hazardous waste management for the employees of Respondent. Respondent relies on its contractors for the management of its hazardous waste.
  - d. On February 10, 2022, Respondent failed to provide annual refresher training in hazardous waste management to its personnel, in violation of COMAR 26.13.05.02G(3). During the Inspection, EPA Inspectors did not observe any hazardous waste management annual refresher training documentation for Respondent's personnel as required by COMAR 26.13.05.02G(4)(d). After the Inspection, Respondent submitted to EPA a training certification for its personnel, titled "DOT Hazmat Employee and RCRA Hazardous Waste Generator Training" that was dated February 17, 2022.
12. Complainant and Respondent agree that settlement of this matter for a total penalty of **SIX THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.
13. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **SIX THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00)** by one of four methods: (1) electronic funds transfer ("EFT"), (2) Automated Clearinghouse, (3) Pay.gov, or (4) a cashier's check or certified check made out to "**United States Treasury**" with the case name, address, and docket number of this Agreement (RCRA-03-2023-0027), for the amount specified above:
- a. Payment of the penalty amount by EFT:

Federal Reserve Bank of New York  
ABA 021030004  
Account 68010727  
SWIFT address FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Beneficiary: Environmental Protection Agency

b. Payment of the penalty amount by Automated Clearinghouse (“ACH”):

U.S. Treasury REX/Cashlink ACH Receiver

ABA: 051036706  
Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility  
5700 Rivertech Court  
Riverdale, MD 20737

Remittance Express (REX): 1-866-234-5681

c. Payments made through Pay.gov:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- (1) You **DO NOT** need a username and password or account.
- (2) Enter **SFO 1.1** in the form search box on the top left side of the screen.
- (3) Open the form and follow the on-screen instructions.
- (4) Select your method of payment from the “Type of Payment” drop down menu.
- (5) Based on your selection, the corresponding line will open and no longer be shaded grey.
- (6) Enter the docket number of this Agreement into the field.

d. Payment of the penalty amount by regular U.S. Postal Service shall be sent via **certified mail** to:

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

e. Payment of the penalty amount by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:

U.S. Environmental Protection Agency  
Government Lock Box - Cincinnati Finance Center Box 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

- f. A list of the payment methods is also provided at this website  
<https://www.epa.gov/financial/makepayment>.
14. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Jeremy Dearden, Enforcement Officer (3ED22)  
U.S. EPA, Region III  
[dearden.jeremy@epa.gov](mailto:dearden.jeremy@epa.gov)

and

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

15. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
16. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
17. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public 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 Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice.

Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.

19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Heritage Training and Shooting Center, LLC.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: [dearden.jeremy@epa.gov](mailto:dearden.jeremy@epa.gov) (EPA), and [sgordon@heritagetrainingcenter.com](mailto:sgordon@heritagetrainingcenter.com) (Heritage Training and Shooting Center, LLC).

**For Respondent:** Heritage Training and Shooting Center, LLC

Date: November 7, 2022

By: Seth J. Gordon  
Seth Gordon  
General Manager  
Heritage Training and Shooting Center, LLC

**For Complainant: U.S. Environmental Protection Agency, Region III**

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: \_\_\_\_\_  
[Digital Date and Signature]  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA, Region III



**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

**IN THE MATTER OF:**

**Heritage Training and Shooting Center,  
LLC**

**Respondent,**

**Heritage Training and Shooting Center  
4537 Metropolitan Court  
Frederick, Maryland 21704**

**Facility**

**DOCKET NO.: RCRA-03-2023-0027**

**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

**Proceeding under Section  
3008(a) and (g) of the Resource  
Conservation and Recovery Act, as  
amended, 42 U.S.C. § 6928(a) and (g)**

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency – Region III, and Respondent, Heritage Training and Shooting Center, LLC, have executed a document entitled “Expedited Settlement Agreement,” which I hereby ratify as a Consent Agreement in accordance with 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, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 (“RCRA Penalty Policy”), and the 2021 RCRA Expedited Settlement Agreement Pilot.

**NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6928(g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **SIX THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does

not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. § 6921 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By:

\_\_\_\_\_ *[Digital Date and Signature]*

Joseph J. Lisa

Regional Judicial and Presiding Officer

U.S. EPA, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

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) DOCKET NO.: RCRA-03-2023-0027

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) Heritage Training and Shooting Center,  
) LLC

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) EXPEDITED SETTLEMENT AGREEMENT  
) AND FINAL ORDER

)  
) Respondent,

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) Proceeding under Section  
) 3008(a) and (g) of the Resource Conservation  
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) § 6928(a) and (g)

)  
) Heritage Training and Shooting Center  
) 4537 Metropolitan Court  
) Frederick, Maryland 21704

)  
) Facility

CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, the foregoing *Consent Agreement and Final Order*, was filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Seth Gordon, General Manager  
Heritage Training and Shooting Center  
4537 Metropolitan Court  
Frederick, Maryland 21704  
[sgordon@heritagetrainingcenter.com](mailto:sgordon@heritagetrainingcenter.com)

Jeremy Dearden, Enforcement Officer  
U.S. EPA, Region III  
[dearden.jeremy@epa.gov](mailto:dearden.jeremy@epa.gov)

\_\_\_\_\_  
[Digital Date and Signature]  
Regional Hearing Clerk  
U.S. EPA, Region III