

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:
	:
<b>Baltimore County, Maryland</b>	: <b>U.S. EPA Docket No. RCRA-03-2022-0074</b>
<b>700 E. Joppa Road</b>	:
<b>Towson, Maryland 21286</b>	: <b>Proceeding under Section 3008(a) and (g) of the</b>
	: <b>Resource Conservation and Recovery Act (RCRA),</b>
<b>Respondent.</b>	: <b>as amended,</b>
	: <b>42 U.S.C. § 6928(a) and (g)</b>
	:
<b>Baltimore County Police Department Firing</b>	:
<b>Range</b>	:
<b>2001 Dulaney Valley Road</b>	:
<b>Timonium MD, 21093</b>	:
	:
<b>Facility.</b>	:
	:

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Baltimore County, Maryland (“Respondent” or “BC”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by, *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA” or the “Act”), 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 Rule of Practice”), 40 C.F.R. Part 22. RCRA § 3008(a)(1), 42 U.S.C. § 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency (“EPA”) to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator, who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant’s civil penalty claims against Respondent under RCRA for the violations alleged herein.

2. In accordance with the Code of Federal Regulations (“C.F.R.”), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

### **JURISDICTION**

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. EPA notified the Maryland Department of the Environment (“MDE”) of its intended enforcement action by letter dated July 6, 2021. MDE had no objection to the enforcement action.

### **GENERAL PROVISIONS**

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. 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 regulations (“MdHWMR”) 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. §§ 6921-6939e. Through this final authorization, those provisions of the 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 revisions to the Maryland hazardous waste management program set forth at COMAR, Title 26, Subtitle 13, effective on July 31, 2001, September 24, 2004, and on October 31, 2016, and, accordingly, the authorized provisions of the revised MdHWMR are enforceable by EPA on and after those dates pursuant to § 3008(a) of RCRA, 42 U.S.C. § 6928(a).

14. For the times relevant to the allegations set forth below, Baltimore County, Maryland was a governmental organization, founded in 1659.
15. Respondent is now and was at the time of the violations alleged herein, a “person” as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), and COMAR 26.13.01.03B(61).
16. The Baltimore County Police Department (“BCPD”) falls under the jurisdiction of the government of Baltimore County, Maryland.
17. At all times relevant to the alleged violations contained herein, Respondent was the operator of the Baltimore County Police Department (“BCPD”) firing range, located at 2001 Dulaney Valley Road Timonium MD, 21093 (“the Facility”).
18. The Facility began operations as a pistol firing range in 1966. At the police pistol firing range, it is mostly police handguns that are fired, which use bullets made of a lead and copper alloy.
19. On December 14, 2020, EPA sent an Information Request Letter (“IRL”) to BCPD. On March 5, 2021, Respondent, Baltimore County, responded on behalf of BCPD to EPA’s IRL with information related to the management of hazardous waste at the Facility.
20. Respondent provided additional information to EPA on December 30, 2021 related to the management of hazardous waste at the Facility.
21. In October 2018, a soil berm at the outdoor firing range of the Facility was mined to remove both lead from bullet casings and contaminated dirt. This generated about 230,984 kilograms (kg) of contaminated soil. The soil was labeled as D008 hazardous waste due to its lead contamination, and shipped off-site as indicated in the following manifests of shipments:

Manifest Number	Waste Codes	Quantity (P)	Quantity (Kg)	Shipping Date	Month totals (kg)
019232318JJK	D008	47260	21433.11	10/30/2018	
019232317JJK	D008	46880	21260.77	10/30/2018	
019232319JJK	D008	51980	23573.70	10/30/2018	
019232320JJK	D008	54400	24671.20	10/31/2018	
019232321JJK	D008	50120	22730.16	10/31/2018	113668.93
019232325JJK	D008	49180	22303.85	11/1/2018	
019232322JJK	D008	56440	25596.37	11/1/2018	
019232323JJK	D008	42900	19455.78	11/1/2018	
019232324JJK	D008	49320	22367.35	11/1/2018	
019232326JJK	D008	35220	15972.79	11/1/2018	
019232365JJK	D008	23960	10866.21	11/1/2018	116562.36
006310815GBF	D008	60	27.21	6/12/2019	27.21
021529045JJK	D008	1600	725.62	6/26/2020	725.62

Based upon records provided in BCPD’s March 5, 2021 response to EPA’s IRL, in April 2020, a Baltimore County contractor mined the soil berm at the Facility and recovered a large amount of bullet casings made from the lead and copper alloy, which were recycled, and about 725.62 kg of lead debris which was shipped off on June 26, 2020, as D008 waste under manifest 021529045JK.

22. The Facility had notified the Maryland Department of the Environment (“MDE”) on March 21, 2000 that it was a Very Small Quantity Generator (“VSQG”) with EPA ID Number MDR000021667.
23. The Facility generated 113,669 kg (rounded) and 116,562 kg (rounded) in October 2018 and November 2018 respectively, and 725 kg in June 2020, whereas the monthly maximum for hazardous waste generation by a VSQG for one month is 100 kg of hazardous waste. See COMAR 26.13.02.05A(1).
24. At all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and has been, the “operator” of the Facility, as that term is defined in COMAR 26.13.01.03(58).
25. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, the Respondent is, and has been, a “generator” of “solid waste” and “hazardous waste” at the Facility, as these terms are defined in COMAR 26.13.01.03(29), COMAR 26.13.01.03(73) and COMAR 26.13.01.03(31) respectively, and as the terms “solid waste” and “hazardous waste” are further defined in COMAR 26.13.02 respectively.
26. On the basis of EPA’s findings during its investigation as described above, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized MdHWMR

requirements promulgated thereunder, and certain applicable federal hazardous waste regulations.

**Count I**  
**Operation Without a Permit or Interim Status**

27. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
28. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, with exceptions not relevant 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 for such facility.
29. Respondent has never had a permit or interim status, pursuant to COMAR 26.13.07.01 or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage of hazardous waste at the Facility.
30. In October and November 2018, and from April to June 2020, Respondent did not qualify for the exemption from the regulations for VSQG pursuant to COMAR 26.13.02.05A(1) because Respondent generated and stored at its Facility more than 100 kg of hazardous waste during those periods of time.
31. In October and November 2018, and from April to June 2020, Respondent did not qualify for the temporary accumulation generator exemption to the permit requirement found in COMAR §26.13.03.05E because of its failure to comply with each of the applicable exemption conditions, as described below.

*Failure to maintain a written job description for each position at the facility related to hazardous waste management.*

32. Under COMAR § 26.13.03.05E(1)(g) a generator may accumulate hazardous waste on-site for up to 90 days without a permit if, among other conditions, the generator complies with COMAR § 26.13.05.02G(4)(b), which requires that a facility must maintain a written job description for each position at the facility related to hazardous waste management.
33. Respondent indicated in its March 5, 2021 response to EPA's December 14, 2020 IRL that BCPD did not have job descriptions for those who are involved with hazardous waste management at its Facility at the times relevant to these allegations.
34. In October and November 2018, and from April to June 2020, BCPD did not maintain a job description for each position at the Facility related to hazardous waste management, which failed to meet the requirement of COMAR § 26.13.05.02G(4)(b), which requires that a facility must maintain a written job description for each position at the facility related to hazardous waste management.

*Failure to provide hazardous waste training for employees that manage hazardous waste.*

35. One of the conditions of the COMAR § 26.13.03.05E(1) permit exemption for hazardous waste storage by generators, which refers to COMAR § 26.13.05.02G(1)(a), is that a facility must provide hazardous waste training for employees that manage hazardous waste.
36. Respondent indicated in its March 5, 2021 response to EPA's IRL that BCPD had provided safety training related to the Firing Range. However, no one at the Facility had been provided RCRA hazardous waste management training at the times relevant to these allegations, as required under COMAR § 26.13.05.02G(1)(a).
37. In October and November 2018, and from April to June 2020, Respondent did not provide hazardous waste training for employees that manage hazardous waste, which fails to meet the requirement of COMAR § 26.13.03.05E(1), which requires that a facility must meet the hazardous waste training requirement of COMAR § 26.13.05.02G(1)(a).

*Failure to have a contingency plan with the required elements to minimize hazards to human health and the environment from fires, explosions or any unplanned release of hazardous waste.*

38. One of the conditions of COMAR § 26.13.03.05E(1)(g), which refers to COMAR § 26.13.05.04C, is that a facility have a contingency plan with the required elements to minimize hazards to human health and the environment from fires, explosions or any unplanned release of hazardous waste.
39. In its March 5, 2021 response to EPA's IRL, Respondent provided a hazard communications plan for the facility which had been in place at the times relevant to these allegations, but the plan did not include the elements required for a contingency plan as specified by COMAR § 26.13.05.04C.
40. The elements of COMAR § 26.13.05.04C which must be included in a contingency plan include, but are not limited to: plans to respond to fires, explosions or any unplanned sudden release of hazardous waste, or hazardous waste constituents to air, soil or surface water at the facility.
41. In October and November 2018, and from April to June 2020, Respondent's hazard communications plan, at the times relevant to these allegations, did not include plans to respond to fires, explosions or any unplanned sudden release of hazardous waste, or hazardous waste constituents to air, soil or surface water at the facility, as required by COMAR § 26.13.05.04C.

42. In October and November 2018, and from April to June 2020, and for each of the reasons set forth in Paragraphs 32 to 41, above, Respondent did not meet the requirements for a permit exemption under COMAR § 26.13.03.05E 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 storage facility (i.e., the Facility) without a permit or interim status.
43. In failing to comply with conditions of the exemption to the permit requirement found in COMAR § 26.13.03.05E, the Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent was in violation of COMAR § 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).

### **Count II**

#### **Failure to provide RCRA hazardous waste training for employees that manage hazardous waste**

44. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
45. COMAR § 26.13.05.02G(1)(a) requires facilities that store hazardous waste to provide RCRA hazardous waste training for employees that manage hazardous waste.
46. Respondent's March 5, 2021 IRL response indicates that BCPD employees were trained using the Facility's Hazard Communication Program contained within the Facility's Training Manual. However, at least in October and November 2018, and from April to June 2020, the Hazard Communication Program did not specifically address the handling, storage and disposal of hazardous waste at the Facility, and thus fails to meet the hazardous waste management training requirements of COMAR § 26.13.05.02G(1)(a), which requires facilities that store hazardous waste to provide RCRA hazardous waste training for employees that manage hazardous waste.
47. In failing to comply with COMAR § 26.13.05.02G(1)(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).

### **Count III**

#### **Failure to provide written job descriptions for employees that manage hazardous waste**

48. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

49. COMAR § 26.13.05.02G(4)(b) requires facilities that store hazardous waste to maintain written job descriptions for employees that manage hazardous waste.
50. Respondent's March 5, 2021 response to the IRL did not contain any information or documentation in relation to written job descriptions for employees which specifically mentioned the management of hazardous waste. No further information or documentation was provided by Respondent that specifically addressed the management of hazardous waste in the written job descriptions.
51. Due to Respondent's failure to include, at least in October and November 2018, and from April to June 2020, within the written job descriptions for employees at BCPD who managed hazardous waste, information that specifically addressed the management of hazardous waste, Respondent did not meet the requirements of COMAR § 26.13.05.02G(4)(b), which requires facilities that store hazardous waste to maintain written job descriptions for employees that manage hazardous waste.
52. In failing to comply with COMAR § 26.13.05.02G(4)(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).

#### **Count IV**

##### **Failure to have a hazardous waste contingency plan with all of the required elements.**

53. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
54. COMAR § 26.13.05.04C requires that a facility have a contingency plan with the required elements to minimize hazards to human health and the environment from fires, explosions or any unplanned release of hazardous waste.
55. In its March 5, 2021 response to EPA's IRL, Respondent indicated that BCPD provided a Hazard Communication Program contained within the Facility's Training Manual, which had been in place since at least October and November 2018 and from April through June 2020, that did not include the elements required for a contingency plan as specified by COMAR § 26.13.05.04C.
56. In failing to comply with COMAR § 26.13.05.04C, Respondent is subject to the assessment of penalties under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).

#### **Count V**

##### **Failure to submit a Land Disposal Restriction (LDR) form**

57. 40 CFR § 268.7(a)(2)-(3) requires that a generator of hazardous waste send a one-time written notice with the initial shipment of each waste stream to each treatment, storage



and disposal facility receiving the waste with the required information.<sup>1</sup> The information is submitted using a Land Disposal Restriction (LDR) form.

58. Respondent did not submit the required LDR forms for the shipments shown in the table above, in Paragraph 21, and thus failed to meet the requirement of 40 CFR § 268.7(a)(2)-(3).
59. In failing to comply with 40 CFR § 268.7(a)(2)-(3), Respondent is subject to the assessment of penalties under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).

### **CIVIL PENALTY**

60. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FIFTEEN THOUSAND EIGHT-HUNDRED dollars (\$15,800.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

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<sup>1</sup> For the Land Disposal Restriction (LDR) form in Part 268 of Title 40 of the C.F.R., Maryland does not currently have authorization from EPA for equivalent regulations. The federal regulation for the LDR form requirement is at 40 C.F.R. § 268.7(a)(2)-(3). 40 C.F.R. § 268.7(a)(2)-(3) requires: ...

(2) If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice must include the information in column "268.7(a)(2)" of the Generator Paperwork Requirements Table in paragraph (a)(4) of this section. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and must state "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file.

(3) If the waste or contaminated soil meets the treatment standard at the original point of generation: (i) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file. The notice must include the information indicated in column "268.7(a)(3)" of the Generator Paperwork Requirements Table in 268.7(a)(4) and the following certification statement, signed by an authorized representative: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR part 268 subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment. (ii) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in column "268.7(a)(3)" of the Generator Paperwork Requirements Table in 268.7(a)(4). (iii) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under 261.3(f) of this chapter are not subject to these requirements.

61. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including the following: the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s October, 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g), the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
62. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, **U.S. EPA Docket No. RCRA-03-2022-0074**;
  - b. All checks shall be made payable to the “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  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000
  - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:  

<https://www.epa.gov/financial/makepayment>
  - e. A copy of Respondent’s check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously **by email** to:

Daniel T. Gallo  
Assistant Regional Counsel  
U.S. EPA, Region III (3RC40)  
[gallo.dan@epa.gov](mailto:gallo.dan@epa.gov)

**and**

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

63. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
64. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
65. INTEREST: In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties 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. § 13.11(a).
66. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case 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.
67. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 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).
68. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
69. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [gallo.dan@epa.gov](mailto:gallo.dan@epa.gov) (for Complainant), and

[jrbenjamin@baltimorecountymd.gov](mailto:jrbenjamin@baltimorecountymd.gov) (for Respondent).

**COMPLIANCE ORDER**

70. As a condition of this settlement, Respondent is hereby ORDERED, pursuant to Section 3008(a) of the Act, 42 U.S.C. § 6928(a), and does consent, to implement and execute the following:
1. **Hazardous Waste Management Training:** Respondent shall require each of its employees responsible for the handling and management of hazardous waste to complete hazardous waste management training that complies with COMAR Section 26.13.05.02G. Respondent shall name the positions at the Facility which are required to have the training. The training shall be completed by October 13, 2022. Respondent represents that it has identified a company that offers a training course that complies with COMAR Section 26.13.05.02G, which is scheduled to take place on October 13, 2022. Respondent shall ensure that each of its employees responsible for the handling and management of hazardous waste complete that training on that date. Provided, however, that if for reasons beyond Respondent’s control, that training is not available on October 13, 2022, Respondent will notify EPA promptly and endeavor to complete the required training at the next date it is offered, but no later than December 31, 2022.
  2. Respondent shall submit copies of certificates of training for all employees that require hazardous waste management training by no later than the later of October 20, 2022, or seven days after completion of the training course, but not later than January 7, 2023.
  3. **Contingency Plan for Facility:** Respondent shall engage a third-party consultant (“Consultant”) to assist with development of a Contingency Plan for the Facility by no later than sixty (60) days after the filing of this Consent Agreement and Final Order. The Contingency Plan shall contain all of the elements of a Contingency Plan as required by COMAR Section 26.13.05.04C.
  4. Respondent shall submit to EPA a draft Contingency Plan that complies with COMAR Section 26.13.05.04C within sixty (60) days of the filing of this Consent Agreement and Final Order.
  5. EPA will review the draft Contingency Plan. Based upon EPA’s review and comments, Respondent shall submit a final Contingency Plan that complies with COMAR Section 26.13.05.04C within the later of ninety (90) days from the filing of the Consent Agreement and Final Order or thirty (30) days from receipt of comments from EPA on the draft Contingency Plan.
  6. Within the later of ninety (90) days of the filing of this Consent Agreement and Final Order or thirty (30) days from receipt of comments from EPA on the draft

Contingency Plan, Respondent shall commence implementation of the final Contingency Plan at its Facility and shall submit the plan to EPA.

7. **Job Descriptions:** Respondent shall develop written job descriptions for employees that manage hazardous waste at the Facility that comply with the requirements of COMAR Section 26.13.05.02G(4)(b).
  8. Respondent shall submit the written job descriptions within sixty (60) days of the filing of this Consent Agreement and Final Order.
  9. Respondent shall direct all submittals to EPA to Andrew Van Woert, Enforcement Officer, at [vanwoert.andrew@epa.gov](mailto:vanwoert.andrew@epa.gov).
71. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. §162(f)(2)(A)(ii), performance of the requirements under the COMPLIANCE ORDER Section, above, is restitution or required to come into compliance with law.

### **CERTIFICATION OF COMPLIANCE**

72. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that with the exception of those outstanding compliance actions that Respondent is required to implement pursuant to the “Compliance Order” provisions and deadlines in this Consent Agreement, it is otherwise in current compliance with regard to the violations alleged in this Consent Agreement.

### **GENERAL SETTLEMENT CONDITIONS**

73. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent’s knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
74. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent’s ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors

and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

### **OTHER APPLICABLE LAWS**

75. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

76. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

### **EXECUTION /PARTIES BOUND**

77. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

### **EFFECTIVE DATE**

78. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

79. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: Baltimore County, Maryland

By: Stacy L. Rodgers 9/15/22  
(Digital signature and date)  
Stacy L. Rodgers, County Administrative Officer  
Baltimore County, Maryland

Approved as to Form and Legal Sufficiency

James R. Benjamin, Jr. 9/14/22  
(Digital signature and date)  
James R. Benjamin, Jr.  
County Attorney



For the Complainant:

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

By:

\_\_\_\_\_  
(Digital signature and date)  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

By:

\_\_\_\_\_  
(Digital signature and date)  
Daniel T. Gallo, Jr., Assistant Regional Counsel  
Office of Regional Counsel  
U.S. EPA – Region III

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

<b>In the Matter of:</b>	:	
	:	
<b>Baltimore County, Maryland</b>	:	<b>U.S. EPA Docket No. RCRA-03-2022-0074</b>
<b>700 E. Joppa Road</b>	:	
<b>Towson, Maryland 21286</b>	:	<b>Proceeding under Sections 3008(a) and (g) of the</b>
	:	<b>Resource Conservation and Recovery Act</b>
<b>Respondent.</b>	:	<b>(RCRA), as amended, 42 U.S.C. §§ 6928(a) and</b>
	:	<b>(g)</b>
	:	
<b>Baltimore County Police Department Firing</b>	:	
<b>Range</b>	:	
<b>2001 Dulaney Valley Road</b>	:	
<b>Timonium MD, 21093</b>	:	
	:	
<b>Facility.</b>	:	

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Baltimore County, Maryland, have executed a document entitled “Consent 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 Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June, 2003 and May, 2020 (“RCRA Penalty Policy”), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of the Resource Conservation and Recovery Act, as amended (“RCRA”), 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

**NOW, THEREFORE, PURSUANT TO** Section 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (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 **FIFTEEN THOUSAND EIGHT-HUNDRED DOLLARS (\$15,800.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent 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 Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Resource Conservation and Recovery Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By:

\_\_\_\_\_  
(Digital signature and date)  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103-2029

<b>In the Matter of:</b>	:	
	:	
	:	<b>U.S. EPA Docket No. RCRA-03-2022-0074</b>
<b>Baltimore County, Maryland</b>	:	
<b>700 E. Joppa Road</b>	:	<b>Proceeding under Section 3008(a) and (g) of the</b>
<b>Towson, Maryland 21286</b>	:	<b>Resource Conservation and Recovery Act (RCRA),</b>
	:	<b>as amended,</b>
<b>Respondent.</b>	:	<b>42 U.S.C. §§ 6928(a) and (g).</b>
	:	
	:	
<b>Baltimore County Police Department</b>	:	
<b>Firing Range</b>	:	
<b>2001 Dulaney Valley Road</b>	:	
<b>Timonium MD, 21093</b>	:	
	:	
<b>Facility.</b>	:	

**CERTIFICATE OF SERVICE**

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. 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:

Stacy L. Rodgers, County Administrative Officer  
Baltimore County, Maryland  
700 E. Joppa Road  
Towson, MD 21286  
[policechief@baltimorecountymd.gov](mailto:policechief@baltimorecountymd.gov)

James R. Benjamin, Jr., County Attorney  
Historic Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
[jrbenjamin@baltimorecountymd.gov](mailto:jrbenjamin@baltimorecountymd.gov)

**(Go to next page.)**

*In the Matter of: Baltimore County, Maryland*

*EPA Docket No. RCRA-03-2022-0074*

Daniel T. Gallo  
Assistant Regional Counsel  
U.S. EPA, Region III  
[gallo.dan@epa.gov](mailto:gallo.dan@epa.gov)

Andrew Van Woert  
Compliance Officer  
U.S. EPA, Region III  
[vanwoert.andrew@epa.gov](mailto:vanwoert.andrew@epa.gov)

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*[Digital Signature and Date]*  
Regional Hearing Clerk  
U.S. Environmental Protection Agency,  
Region III