Maryland Department of Environment

Land and Materials Administration
Resource Management Program
1800 Washington Blvd, Suite 610
Baltimore, MD 21230-1719
410- 537-3314, 1-800-633-6101

Inspector: **Jeff Croissette**
AI ID: 23560

Site Name: **Kilby Farms LLC / Hartland Holdings LLC /** { also referred to as: **Production Area # 1** }
Facility Address: 785 Fire Tower Road, Colora, MD 21917
County: Cecil County

Report Date: July 15, 2026,

Media Type(s): **Animal Feeding Operations (AFO)**

Contact(s):

1. **David Bramble:** {MDE Inspector / Supervisor / ECS IV} 120 Broadway Avenue, Suite #13, Centreville, MD 21617 / PH#: 443-630-0476 / Email: david.bramble@maryland.gov
2. **Benjamin Flahart:** {Kilby Farms, Heartland Holdings LLC} [redacted] / [redacted] / [redacted]

Animal Feeding Operations (AFO)

Permit / Approval Numbers: Not permitted
Site Status: Active
Site Condition: Significant Noncompliance
Recommended Action: Refer to Others (See Findings)

Assessment:

Site inspections for the three production areas, which are commonly referred to as Kilby Farms Properties or farms. The farms are under the control of and operated by: Benjamin Flahart. The three production areas are listed in the N.O.I as follows:

- **Production Area #1:** 785 Fire Tower Road, Colora, Cecil County, Maryland 21917
- **Production Area #2:** 129 Strohmaier Lane, Rising Sun, Cecil County, Maryland 21911
- **Production Area #3:** 23092 Peaviner Road, Ridgely, Caroline County, Maryland 21660

While the facility submitted an NOI, NMP, and CNMP to seek coverage under the 2019 General Discharge Permit (issued July 8, 2020), permit registration has not been issued due to an incomplete CNMP, NMP, and other outstanding issues, including unauthorized discharges. The facility is currently operating without a permit, and is currently under a consent order or decree, which became effective August 12, 2025. The consent order states that Mr. Flahart will operate his three production areas in accordance with the 19AF CAFO permit.

Monthly inspections of the production areas have been ongoing since September 16, 2025. During these visits, MDE inspectors identified several corrective actions that require immediate attention to prevent or stop documented discharges. { *See 19AF Permit Part IV Special Conditions, B. Nine Minimum Standards to Protect Water Quality, pages 20, 21,22, & 23.* } Kilby Farms shall immediately conform to the nine minimum standards to stop and prevent further discharges. MDE inspectors are asking that the following outstanding discharges be addressed.

The following corrective actions have remained outstanding across multiple inspections. While some items have future due dates for BMP construction, others remain unaddressed for the reasons outlined below, and basically answers and documentation are needed in some of these instances:

1. Discharge of Liquid Manure:

Kilby Farm – Production Area #1: Status of the calf hutches and related waste management plans at the farm.

MDE Inspectors Dave Bramble and my observations indicate that the calf hutches located along the downhill concrete pads and the entrance area are actively discharging during rain events. Regarding the hutches in the upper parking lot, MDE was advised by Mr. Tony Gorski, Mr. Flahart's attorney, during the May 14, 2026, inspection to review the original plans for the "Shallow Wildlife Area." Following a consultation with Mr. Chris Brown and Mr. Rob Weaver of the NRCS on May 26, 2026, it was recommended that MDE request these plans directly from Mr. Gorski.

During the inspections on May 14 and May 21, 2026, I noted that there is no pipe or culvert to divert water from the collection area into the Shallow Wildlife Area. Instead, runoff is following a natural path directly into Basin Run. Mr. Weaver indicated he would discuss this matter with Mr. Flahart.

Regarding the calf hutches on the back side of the farm near the Basin Run inlet, there has been no significant change, though the number of hutches has decreased by approximately 30 percent since the April 23, 2026, inspection. Jeff Anislie stated he is working on Best Management Practice (BMP) to collect waste generated in this area. He noted that the concrete pads, which measure 1,000 feet by 24 feet, have a .9-degree slope toward Basin Run with a fall rate of 14.91.

As of today, July 15, 2026, MDE has not received the BMP plans for the calf hutches on the concrete pads. Additionally, we have not received confirmation from Mr. Gorski or Mr. Weaver regarding plans demonstrating that the retention area is suitable for collecting wastewater from the front parking lot hutches. We are asking that these documents be provided. In regard to the calf hutches and subsequent calves housed there, we are asking that they be moved to a location where they are not likely to discharge. MDE is requiring an updated signed CNMP which addresses the calf hutches in both locations.

2. Leachate Discharge at the BPM Leachate Collection System:

The silage bunkers are seeping leachate on impervious surfaces draining to a channel diverting leachate to a BMP for the leachate collection. The leachate system is comprised of a shallow concrete basin with concrete curbing along 3 sides to direct the leachate flows to a vertical standpipe with perforations around the pipe, which allows the leachate to drain through the holes into a 1000 gallon holding tank. Leachate has been bypassing the basin and entering the wetland areas, creating a discharge during heavy rain events (see photos). This is still a concern presently, also still a concern is the manure sand separation, sand is being placed in windrows in the silage area to be dried out, which is also adding to the discharge in the silage pit area. MDE has requested this practice be addressed in the CNMP. A new BMP is scheduled to be completed in September 2026 to address this issue. In the meantime, every effort should be made to mitigate the amount of wastewater being diverted into an already inadequate and stressed system in an effort to prevent an overflow, which is likely to discharge. MDE would like the practice of drying the manure sand separation operation to stop until the new BMP is in place and is reflected in the CNMP where it can handle the additional wastewater.

3. Unknown Source Discharge:

During March 10, 2026, follow up inspection MDE Inspectors found a black plastic corrugated pipe at the Northeast front of the farm, which was actively discharging an unknown white substance mixed with water. The unidentified substance was flowing from the corrugated pipe into a ditch and then into a berm area, which eventually made its way to a Cecil County roadway ditch. Once in the ditch the substance had a downhill flow into the Basin Run Tributary down by the Fire Tower Road bridge, which is approximately 150 yards from the end of the discharge pipe.

During our April 23, 2026, inspection, Don Moore, stated that a culvert was added to the discharge pipe (see photo), which now causes the unknown discharge substance to run into a newly designed rock-lined retention area; however, this has not been added to the CNMP, or approved by MDE or Cecil County Stormwater Management. The discharge, according to Don Moore, is believed to be "milk" created during the washout or spillage from the milk tanker trucks a short distance away. During the April 23, 2026, inspection

MDE Inspectors saw a similar discharge of the unknown white substance believed to be "milk" as MDE Inspectors saw on the March 10, 2026, inspection.

During May 14, 2026, inspection MDE Inspectors saw no white substance coming out of the corrugated pipe; however, the newly created rock basin had a mixture of an unknown white substance, foamy substance, and water. Mr. Flahart was with MDE inspectors during our walk around the farm on May 14, in which he stated the "milk substance" we saw was from a spill created over where the milk trucks are loaded. Mr. Flahart assured MDE inspectors that no drain, except for a storm water drain located near the entrance to the main driveway is connected to the corrugated black pipe. Mr. Flahart continued by stating that the only substance running through the pipe is rainwater from the barn roofs, and the previously mentioned storm drain located on the ground (see photos). Mr. Flahart states that all drains West of the storm water drain, which was previously mentioned at the front of the farm, ran into the manure pit / digester for processing. Mr. Flahart states there is no wastewater draining directly into the black corrugated pipe.

Jeff Anislie, an engineer working for Mr. Flahart stated that the spills could be managed using a rubber bumper mat to direct the flow of spilled milk back into the collection drain located where the tanker trucks load milk. Mr. Flahart stated that the collection drain discharges into the digester pit area. MDE inspectors checked the digester receiving pit; however, the liquid manure levels were high, which prevented us from seeing the actual discharge pipe previously referred to.

During the June 15, 2026, inspection, MDE inspectors performed a waterflow test to identify the source of the discharge of water. However, the results were inconclusive.

The initial testing involved pouring 10 gallons of tap water into the washroom garage floor drain. This did not create waterflow at the end of the black corrugated pipe or into the digester reception pit. An additional 5 gallons of water were poured into an outside drain at the garage receiving area, which also resulted in no waterflow at the corrugated pipe or the digester reception pit.

Further testing using more water is required to accurately verify the source of the discharge.

As of the June 15, 2026, inspection, the BMP's suggested by Jeff Anislie had not been implemented. MDE inspectors are requesting the BMP be immediately implemented. MDE Inspectors are also requesting access to the milk room and adjacent rooms to perform a more thorough testing using more water.

4. Incomplete CNMP and unable to produce AIR's for the last 5 years:

The Maryland Department of the Environment has yet to receive an updated signed Comprehensive Nutrient Management Plan (CNMP) for Kilby Farm Production Area #1. The updated plan must address the calf hutches located in both areas of the upper parking lot, as well as the calf hutches on the concrete pad near the Basin Run tributary.

Additionally, the current CNMP does not address the "wet sand" drying process in the parking lot by the silage storage area. While this sand is currently allowed to drain into the existing silage collection system, that system has been deemed inefficient and is scheduled for replacement by September 1, 2026. The updated CNMP needs to account for this drying system and the associated runoff on the already stressed collection system.

Regarding the Annual Implementation Reports (AIRs), MDE requires the reports for all three production areas for the past five years, as stated in the 19AF permit { 19AF permit, page 24, Number #9 under: B. **9 Minimum Standards to Protect Water Quality.** To wit: **Recordkeeping**: *All records and information resulting from the monitoring, record keeping, application equipment inspection, and reporting activities required by this discharge permit.*} To date, we have only received the 2024 and 2025 AIRs. Please make the remaining AIR reports available for review immediately. AIR's should be kept with each farms records for review during any MDE or EPA inspection.

5. Hanover Farms:

During MDE's inspection of the Hanover Farm, production area #3 on September 24, 2025, MDE reported that the storm drains were clogged, due to manure mismanagement. This excerpt was taken from September 24, 2025, report:

***Storm Water Routing System**: repair and maintain the storm water system, to wit: the clogged or obstructed corrugated pipes and smooth bore pipes which are located in between the cattle barn and the manure lagoon / pit areas. These clogs or obstructed pipes should have been discovered during the required weekly self-inspection of the storm water routing structure. Immediately fix this system and start accurately documenting the required weekly inspections. 19AF Permit: (page 25) **G. Water Quality Protection.** Any unauthorized discharges resulting from the operation of a facility covered by this General Permit shall constitute a violation of the Permit and shall be subject to applicable penalties. If the Department documents an unauthorized discharge or the potential for a discharge from the design or operation of the CAFO or MAFO not addressed in the approved Required Plans, the permittee shall immediately seek consultation with the local Soil Conservation District (SCD) or the NRCS for a review of the existing systems and practices and submit a Plan of correction within 30 calendar days. If the permittee fails to submit an acceptable Plan for revisions to the systems and practices within 30 calendar days, the Department may require the permittee to implement*

additional measures as necessary to monitor and protect water quality. Immediately clean up any and all manure which is located outside the barn production area and has the likelihood to discharge.

There is not a further inspection of the Hanover Farm until March 2026, at that time there are no cows on the farm, and no manure issues or clogged stormwater pipes. Cows are again on the farm in April of 2026. During inspections of the Hanover Farm on April 24, 2026, and May 21, 2026, there were cows on the farm; however, there were no issues involving cow manure. During the June 16, 2026, inspection there are cows on the farm still, but now manure management is unacceptable with large flows of liquid manure clogging the storm drainage system, which has hardened in the summer sun and heat (see photos).

6. Dam Mitigation and Repairs Water Infrastructure Asset / Creation of a New Discharge Lagoon on Kilby Farm property:

Please be advised that the Water Infrastructure Asset, including the dam mitigation project, is now under the oversight of the MDE Dam Safety Program and its Division Chief, Charlie Wallis. Per CAFO Programs Division Chief Alexis Capes, all further reporting on this project, including all corrective action requests, will originate from the Dam Safety Program.

Additionally, the creation of a new discharge lagoon remains pivotal to resolving the ongoing manure storage issues at Kilby Farms. According to Mr. Flahart's engineer, Jeff Ainslie of Scotch Hill Solutions, this lagoon is also where the calf hutches are designated to discharge. MDE inspectors are concerned that construction on the manure lagoon has not yet begun, despite more than eight months passing. This lagoon is required to accommodate the growing number of cows on the farm and to collect discharge from the calf huts to prevent direct runoff into the Basin Run Tributary, which currently continues to occur during every rain event.

Summary:

The Maryland Department of the Environment (MDE) has been conducting monthly inspections of the three Kilby Farms properties (Production Areas #1, #2, and #3) since September 16, 2025. As noted in your consent order effective August 12, 2025, these operations must comply with the 19AF CAFO permit standards.

Currently, compliance across the three production areas remains inconsistent, and several documented discharges require immediate corrective action under the 19AF Permit Part IV Special Conditions (Nine Minimum Standards to Protect Water Quality).

Please review and address the following outstanding issues immediately:

1. Discharge of Liquid Manure (Production Area #1)

- Calf Hutches (Upper Parking Lot): MDE requires the original plans for the "Shallow Wildlife Area" to verify if the retention area is suitable for wastewater collection. Please instruct your attorney, Mr. Tony Gorski, to provide these documents directly to MDE. Inspections on May 14 and May 21, 2026, revealed that runoff is bypassing this area and flowing directly into Basin Run due to a lack of diverting pipes or culverts.
- Calf Hutches (Concrete Pads near Basin Run Inlet): MDE has not yet received the Best Management Practice (BMP) plans from Jeff Ainslie to collect waste from this sloped area. Please submit these plans immediately. Additionally, relocate the calves and hutches to an area where they will not discharge, and submit an updated and signed Comprehensive Nutrient Management Plan (CNMP) addressing both hutch locations.

2. Leachate Discharge at the BMP Leachate Collection System

- Silage bunker leachate is currently bypassing the collection basin and entering wetland areas during rain events. Furthermore, placing manure sand in windrows within the silage area to dry is adding extra wastewater to this stressed system.
- Please cease the practice of drying manure sand in this area until the new BMP system is completed (scheduled for September 2026) and the practice is properly integrated into your CNMP.

3. Unknown Source Discharge

- Inspections on March 10 and April 23, 2026, revealed a black corrugated pipe at the northeast front of the farm discharging an unknown white substance (believed to be milk spillage from tanker truck washouts) into a Cecil County roadway ditch and the Basin Run Tributary. The newly added rock-lined retention area has not been approved by MDE or added to your CNMP.
- Please immediately implement the BMP suggested by Jeff Ainslie (e.g., using a rubber bumper mat) to direct milk spills back into the collection drain that leads to the digester. Additionally, MDE requests

immediate access to the milk room and adjacent rooms to perform further waterflow testing to definitively identify the source of the discharge.

4. Incomplete CNMP and Missing Annual Implementation Reports (AIRs)

- CNMP Updates: You must submit an updated, signed CNMP, which fully addresses the calf hutches in both locations, the wet sand drying process by the silage area, and the newly created stormwater reception pit at the front of the farm. This pit must also be approved by MDE and the Cecil County Stormwater Management District.
- AIRs: Under the 19AF permit recordkeeping requirements, you must maintain and provide five years of AIRs for all three production areas. To date, MDE has only received the reports for 2024 and 2025. Please submit the remaining reports for the past five years immediately.

5. Hanover Farms Manure Mismanagement (Production Area #3)

- While conditions were acceptable earlier this spring, the June 16, 2026, inspection revealed critical failures in manure management. Large flows of liquid manure have clogged the storm drainage system and hardened. You must immediately clean up all manure outside the barn production area that poses a discharge risk, repair the storm water routing system, and begin accurately documenting the required weekly self-inspections.

6. Dam Mitigation and New Discharge Lagoon

- Dam Mitigation: Oversight of the Water Infrastructure Asset and dam mitigation project has been transferred to the MDE Dam Safety Program under Division Chief Charlie Wallis. All future reporting and corrective action requests for this project will originate from that program.
- New Lagoon: Construction has not yet begun on the new discharge lagoon, which is critical for resolving your ongoing manure storage limitations and handling the calf hutch runoff. Please provide an update on the construction timeline, as this infrastructure is vital to preventing ongoing runoff into the Basin Run Tributary during rain events.

Self-reporting and weekly inspections are currently being neglected. You must immediately begin utilizing your self-reporting forms to document discovered deficiencies and the subsequent corrective actions taken.

Please provide the requested documentation, updated plans, and confirmation of these corrective actions as soon as possible.

Inspection Date: July 15, 2026
Site Name: Kilby Farms LLC / Hartland Holdings LLC
Facility Address: 785 Fire Tower Road, Colora, MD 21917

Map showing the Kilby Farm, North is identified as the top of the map.



PHOTOS:



"Newer" calf hutch locations, upper parking lot of the farm. There are calves living there now. There is no BMP for capturing manure and it is likely to discharge.



calf hutches on the top parking lot area, discharge is flowing into the parking lot area, there is no BMP to collect this water.



Silage leachate, mixed with liquid manure, traveling downhill to the BMP collection system, which has been deemed inefficient and is scheduled to be upgraded.



Leachate, and silage washed over the sides of the basin, which washes downhill into the wetland area Creating a discharge.



The black corrugated discharge pipe discharges into this man-made retention area, which was developed without MDE approval, was found to be polluted.



Retention area rests next to a "shallow wildlife area" which may be the BMP for the water; however, there is no working inlet pipe to transfer water from the retention area to the shallow wildlife area.



Hanover - manure outside the transfer pen, and covering a storm water management pipe. The pipe appears to be marked with this piece of wood.



Hanover - Manure mixed with rainwater, has flowed out of the pipe and into the storm water ditch. Large amounts of liquid manure, now dried, are in the ditch.



Sand windrows in the silage drainage area, you can see the silage piles in the background. The sand comes from the manure flush system. A flush system uses large volumes of water to move dairy manure to an HDPE-lined lagoon storage structure. This volume is necessary to move, direct, and transfer waste back to storage, which increases the amount of liquid manure while diluting its nutrient content. Sand is used as bedding in the free-stalls, separated, and recycled. Manure flows from the animal flush lanes in the barn housing units to a sand lane, where the sand settles out. At the end of the sand lane is the final settling area. The manure then flows to a narrow, rectangular manure storage with a concrete drive-through bottom for sand removal. Manure is then pumped to a larger first-stage storage. From there, the sand is recycled. Pictured here, the Kilby Farm is drying out the recycled sand in the silage drainage area, which is causing comingling of the leachate from the silage and the manure nutrients. Manure nutrients, which are coming out of the wet sand, this is creating a blackish liquid or leachate, which is gravity flowing to the silage collection system. This photo was taken during the June 15, 2026, inspection of the Kilby Farm. This was also reported during the May 14, 2026, inspection. There is nothing that addresses this in the CNMP currently. The system (Leachate Collection System) is already inefficient and stressed. A new system is projected for September 2026.

Inspection Date: July 15, 2026
Site Name: Kilby Farms LLC / Hartland Holdings LLC
Facility Address: 785 Fire Tower Road, Colora, MD 21917



Inspector: _____ July 15, 2026
Jeff Croissette / Date

Received by: _____

_____
Print Name

Report Provided to:
| | Fax
| | Email
| | Regular Mail
| | Certified Mail
| | Hand Delivered

OAG Matt Standeven to review and disperse as he sees fit