



REGION 3

PHILADELPHIA, PA 19103

FILED
Dec 11, 2023
9:16 am
U.S. EPA REGION 3
HEARING CLERK

In the Matter of:	:	
	:	ADMINISTRATIVE ORDER
Boone’s Estates MHC, LLC	:	ON CONSENT PURSUANT TO
1091 Marlboro Road	:	33. U.S.C. § 1319(a)
Lothian, MD 20711	:	
	:	Dkt. No. CWA-03-2024-0006DN
and	:	
	:	
Horizon Land Management, LLC	:	
2151 Priest Bridge Drive, Suite 7	:	
Crofton, MD 21114	:	
	:	
Respondents.	:	

I. STATUTORY AUTHORITY AND JURISDICTION

1. The United States Environmental Protection Agency, Region 3 (“EPA”) makes the following findings of fact and conclusions of law below and thus issues this Administrative Compliance Order on Consent (“Order”) pursuant to the authority vested in the Administrator of EPA under Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director, Enforcement & Compliance Assurance Division, Region 3.
2. Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, *inter alia*, that whenever on the basis of any information available, the Administrator finds that any person is in violation of any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342, the Administrator shall issue an order requiring such person to comply with such section or requirement.
3. EPA has jurisdiction over the above-captioned matter.
4. EPA has consulted with the Maryland Department of the Environment (“MDE”) regarding this action and, subsequent to the Effective Date of this Order, EPA will mail a copy of this fully executed Order to the appropriate MDE official.

5. Respondents, Boone's Estates MHC, LLC ("Boone's"), and Horizon Land Management, LLC ("Horizon") have agreed to the issuance of this Order.

II. STATUTORY AND REGULATORY BACKGROUND

6. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
7. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source.'" 40 C.F.R. § 122.2.
8. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.
9. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized MDE to administer the NPDES program in the State of Maryland beginning in September 1974.
10. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action within Maryland for NPDES permit violations.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. Boone's was formed on December 20, 2016 with the address c/o Horizon Land Co., LLC, 2138 Espey Court, Suite 1, Crofton, Maryland 21114.
12. Boone's acquired the Boone's Estates Inc. manufactured home community, located at 1091 Marlboro Road, Lothian, Anne Arundel County, MD 20711, on January 31, 2017.
13. Horizon is a property management company that serves as Boone's managing agent for the manufactured home community. Horizon reviews, evaluates, negotiates and executes on Boone's behalf all service contracts, including the service contract with a third party to operate and manage the Wastewater Treatment Plant ("WWTP") for the Boone's manufactured home community. The WWTP services approximately 438 mobile home pads with an approximate population of 1,315 people.
14. The WWTP was operated by a contract wastewater treatment operator, Water Services, Inc. until July 15, 2019. Then, effective July 16, 2019, the contract operator for the

WWTP changed to Professional Startup & Operational Services, Inc. ("Prostart") until Horizon terminated the contract on March 31, 2020 as a result of performance concerns. Horizon hired Singh Operational Services, Inc. ("SOS") to operate the WWTP on April 1, 2020 and SOS continues to be the contract operator of the WWTP.

15. Section 502(5) of the Act, 33 U.S.C. §1362, provides: "The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body."
16. Boone's and Horizon are Limited Liability Companies in the State of Maryland and each is therefore a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
17. Pursuant to the authority of the Act, the NPDES program approval, and Title 9 of the Environment Article, Annotated Code of Maryland, the MDE issued Maryland National Pollutant Discharge Elimination System Permit No. MD0050903 ("2012 Permit") to the WWTP at Boone's Estates, Inc. on July 1, 2012. On March 3, 2017, the permit was transferred to Boone's Estates MHC, LLC. The 2012 Permit expired on June 30, 2017, and was administratively extended. On September 21, 2021, MDE issued NPDES Permit No. MD0050903 to Boone's with an effective date of December 1, 2021 ("2021 Permit").
18. The 2012 Permit and 2021 Permit (referred to, collectively, as "the Permits") authorize the terms for the discharge of wastewater from the WWTP in accordance with the provisions of the Permits. The Permits require a permittee to comply with all conditions in the Permits. Horizon is not and has never been a permittee under the Permits.
19. The WWTP is a package style sewage treatment plant with activated sludge and extended aeration. Wastewater is routed to the WWTP through an influent pump station and flows through a manually raked bar screen at the influent end of the package plant and into the aeration chamber. Activated sludge is piped in near this location. From the aeration chamber, flow is routed to a central clarifier chamber, then into a building with a rotary cloth filter unit that is not used for filtration but to channel effluent. After the filter building, effluent is disinfected via ultra-violet light prior to being discharged through Outfall 001. Sludge collects in the plant and is either wasted or a contractor hauls waste solids off-site.
20. The Permits have authorized the WWTP to discharge wastewater from its operations through Outfall 001 into Galloway Creek, a tributary to the Patuxent River. The Patuxent River is a "navigable water" as that term is defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7). Galloway Creek is a water of the United States.
21. The Patuxent River is protected for water contact and recreation, and non-tidal warm

water aquatic life. It is also a part of the Chesapeake Bay Watershed.

22. MDE inspected the WWTP on August 27, 2019, December 9, 2019, January 9, 2020, and July 21, 2020.
23. On July 1, 2020, EPA sent an Information Request pursuant to CWA Section 308 to Horizon regarding the Boone's WWTP, and received a response from Boone's on August 31, 2020.
24. On December 1, 2020, EPA conducted an Inspection of the WWTP. EPA sent an Inspection Report to Horizon concerning the WWTP on February 3, 2021, and received a response back on February 17, 2021, from Boone's.
25. On October 29, 2021, EPA sent a Second Information Request pursuant to CWA Section 308 to Respondents. On January 3, 2022, Respondents sent a response to the Second Information Request.
26. Based on observations made by MDE during its August 27, 2019, December 9, 2019, January 9, 2020, and July 21, 2020 inspections, EPA's December 1, 2020 inspection and the responses Boone's submitted to EPA's two Information Requests, EPA has identified the following violations of the Permits and Section 301 of the Clean Water Act by Respondents as owners and/or operators of the WWTP.

Count 1
Effluent Exceedances

27. The allegations in the preceding paragraphs are incorporated by reference.
28. The Permits set effluent limits for discharges from Outfall 001 for: five-day biochemical oxygen demand ("BOD₅"), Total Suspended Solids ("TSS"), Ammonia, *E. Coli*, Total Residual Chlorine, pH, and Dissolved Oxygen in Section II.A. The Permits were issued in conformance with the Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment established on December 29, 2010.
29. From January 2019 through October 2023, the WWTP recorded one hundred and ninety-four (194) effluent exceedances for BOD, pH, TSS, Nitrogen, and *E. coli* as follows:

Table 1: Effluent Exceedances

Monitoring Period End Date	Parameter Name	Discharge Monitoring Report Value	Permit Limit	Units	Limit Type
01/31/2019	Solids, total suspended	8.2	8	lb/d	Maximum Weekly Average
06/30/2019	Solids, total suspended	8.2	8	lb/d	Maximum Weekly Average
07/31/2019	Solids, total suspended	17.61	5.3	lb/d	Maximum Monthly Average
07/31/2019	Solids, total suspended	34.53	8	lb/d	Maximum Weekly Average
07/31/2019	Solids, total suspended	35.5	8	mg/L	Maximum Monthly Average
07/31/2019	Solids, total suspended	69	12	mg/L	Maximum Weekly Average
08/31/2019	BOD, 5-day, 20 deg. C	9.77	5.3	lb/d	Maximum Monthly Average
08/31/2019	BOD, 5-day, 20 deg. C	18.95	8	lb/d	Maximum Weekly Average
08/31/2019	BOD, 5-day, 20 deg. C	16.5	8	mg/L	Maximum Monthly Average
08/31/2019	BOD, 5-day, 20 deg. C	32	12	mg/L	Maximum Weekly Average
08/31/2019	Solids, total suspended	11.4	5.3	lb/d	Maximum Monthly Average
08/31/2019	Solids, total suspended	37.9	8	lb/d	Maximum Weekly Average
08/31/2019	Solids, total suspended	19.25	8	mg/L	Maximum Monthly Average
08/31/2019	Solids, total suspended	64	12	mg/L	Maximum Weekly Average
10/31/2019	BOD, 5-day, 20 deg. C	14.2	12	mg/L	Maximum Weekly Average
10/31/2019	Solids, total suspended	20.86	5.3	lb/d	Maximum Monthly Average
10/31/2019	Solids, total suspended	99.2	8	lb/d	Maximum Weekly Average
10/31/2019	Solids, total suspended	41	8	mg/L	Maximum Monthly Average
10/31/2019	Solids, total suspended	195	12	mg/L	Maximum Weekly Average
11/30/2019	Solids, total suspended	9.81	5.3	lb/d	Maximum Monthly Average
11/30/2019	Solids, total suspended	12.61	8	lb/d	Maximum Weekly Average
11/30/2019	Solids, total suspended	21	8	mg/L	Maximum Monthly Average
11/30/2019	Solids, total suspended	27	12	mg/L	Maximum Weekly Average
12/31/2019	Solids, total suspended	10.9	8	mg/L	Maximum Monthly Average
12/31/2019	Solids, total suspended	14.7	12	mg/L	Maximum Weekly Average
02/29/2020	BOD, 5-day, 20 deg. C	14.5	12	mg/L	Maximum Weekly Average
02/29/2020	Solids, total suspended	8.72	5.3	lb/d	Maximum Monthly Average
02/29/2020	Solids, total suspended	25.28	8	lb/d	Maximum Weekly Average
02/29/2020	Solids, total suspended	18.6	8	mg/L	Maximum Monthly Average
02/29/2020	Solids, total suspended	54	12	mg/L	Maximum Weekly Average
03/31/2020	Solids, total suspended	13	12	mg/L	Maximum Weekly Average
04/30/2020	pH	6.27	6.5	SU	Minimum
04/30/2020	Solids, total suspended	19.43	5.3	lb/d	Maximum Monthly Average
04/30/2020	Solids, total suspended	87.57	8	lb/d	Maximum Weekly Average
04/30/2020	Solids, total suspended	38.2	8	mg/L	Maximum Monthly Average
04/30/2020	Solids, total suspended	175	12	mg/L	Maximum Weekly Average
05/31/2020	Solids, total suspended	8.49	8	lb/d	Maximum Weekly Average
05/31/2020	Solids, total suspended	13	12	mg/L	Maximum Weekly Average
05/31/2020	Nitrogen, ammonia total [as N]	3.67	1.9	lb/d	Maximum Monthly Average

Monitoring Period End Date	Parameter Name	Discharge Monitoring Report Value	Permit Limit	Units	Limit Type
05/31/2020	Nitrogen, ammonia total [as N]	9.93	2.9	mg/L	Maximum Monthly Average
06/30/2020	Solids, total suspended	12.09	8	lb/d	Maximum Weekly Average
06/30/2020	Solids, total suspended	18	12	mg/L	Maximum Weekly Average
07/31/2020	Solids, total suspended	13.93	5.3	lb/d	Maximum Monthly Average
07/31/2020	Solids, total suspended	24.1	8	lb/d	Maximum Weekly Average
07/31/2020	Solids, total suspended	17	8	mg/L	Maximum Monthly Average
07/31/2020	Solids, total suspended	34	12	mg/L	Maximum Weekly Average
08/31/2020	Solids, total suspended	8.98	8	lb/d	Maximum Weekly Average
08/31/2020	Solids, total suspended	15.5	12	mg/L	Maximum Weekly Average
09/30/2020	Solids, total suspended	15.76	8	lb/d	Maximum Weekly Average
09/30/2020	Solids, total suspended	14.4	12	mg/L	Maximum Weekly Average
11/30/2020	Solids, total suspended	9.03	8	mg/L	Maximum Monthly Average
11/30/2020	Solids, total suspended	16.5	12	mg/L	Maximum Weekly Average
12/31/2020	BOD, 5-day, 20 deg. C	25	12	mg/L	Maximum Weekly Average
01/31/2021	Solids, total suspended	16	12	mg/L	Maximum Weekly Average
02/28/2021	Solids, total suspended	8.12	8	lb/d	Maximum Weekly Average
04/30/2021	Solids, total suspended	12.8	12	mg/L	Maximum Weekly Average
06/30/2021	BOD, 5-day, 20 deg. C	10.23	8	lb/d	Maximum Weekly Average
06/30/2021	BOD, 5-day, 20 deg. C	23.5	12	mg/L	Maximum Weekly Average
06/30/2021	Solids, total suspended	7.66	5.3	lb/d	Maximum Monthly Average
06/30/2021	Solids, total suspended	33.39	8	lb/d	Maximum Weekly Average
06/30/2021	Solids, total suspended	15.07	8	mg/L	Maximum Monthly Average
06/30/2021	Solids, total suspended	76.7	12	mg/L	Maximum Weekly Average
07/31/2021	BOD, 5-day, 20 deg. C	13.06	8	lb/d	Maximum Weekly Average
07/31/2021	BOD, 5-day, 20 deg. C	24.4	12	mg/L	Maximum Weekly Average
07/31/2021	Solids, total suspended	7.88	5.3	lb/d	Maximum Monthly Average
07/31/2021	Solids, total suspended	28.91	8	lb/d	Maximum Weekly Average
07/31/2021	Solids, total suspended	14.75	8	mg/L	Maximum Monthly Average
07/31/2021	Solids, total suspended	54	12	mg/L	Maximum Weekly Average
10/31/2021	Solids, total suspended	8.71	5.3	lb/d	Maximum Monthly Average
10/31/2021	Solids, total suspended	21.3	8	lb/d	Maximum Weekly Average
10/31/2021	Solids, total suspended	14	8	mg/L	Maximum Monthly Average
10/31/2021	Solids, total suspended	33	12	mg/L	Maximum Weekly Average
01/31/2022	Solids, total suspended	15.8	8	lb/d	Maximum Weekly Average
01/31/2022	Solids, total suspended	15	12	mg/L	Maximum Weekly Average
02/28/2022	Solids, total suspended	8.73	8	lb/d	Maximum Weekly Average
03/31/2022	Solids, total suspended	8.95	8	lb/d	Maximum Weekly Average
06/30/2022	Solids, total suspended	13	12	mg/L	Maximum Weekly Average
8/31/2022	Solids, total suspended	16	12	mg/L	Maximum Weekly Average
10/31/2022	pH	5.86	6.5	SU	Minimum
10/31/2022	Solids, total suspended	9.88	8	lb/d	Maximum Weekly Average

Monitoring Period End Date	Parameter Name	Discharge Monitoring Report Value	Permit Limit	Units	Limit Type
10/31/2022	Solids, total suspended	14	12	mg/L	Maximum Weekly Average
11/30/2022	BOD, 5-day, 20 deg. C	8.77	8	lb/d	Maximum Weekly Average
12/31/2022	BOD, 5-day, 20 deg. C	5.94	5.3	lb/d	Maximum Monthly Average
12/31/2022	BOD, 5-day, 20 deg. C	16.06	8	lb/d	Maximum Weekly Average
12/31/2022	BOD, 5-day, 20 deg. C	9.55	8	mg/L	Maximum Monthly Average
12/31/2022	BOD, 5-day, 20 deg. C	26.3	12	mg/L	Maximum Weekly Average
12/31/2022	Solids, total suspended	25.95	5.3	lb/d	Maximum Monthly Average
12/31/2022	Solids, total suspended	85.47	8	lb/d	Maximum Weekly Average
12/31/2022	Solids, total suspended	42.13	8	mg/L	Maximum Monthly Average
12/31/2022	Solids, total suspended	140	12	mg/L	Maximum Weekly Average
12/31/2022	<i>E. coli</i>	311.15	126	MPN/100mL	Monthly Geometric Maximum
1/31/2023	BOD, 5-day, 20 deg. C	12.14	8	lb/d	Maximum Weekly Average
1/31/2023	BOD, 5-day, 20 deg. C	21	12	mg/L	Maximum Weekly Average
1/31/2023	Solids, total suspended	8.37	5.3	lb/d	Maximum Monthly Average
1/31/2023	Solids, total suspended	18.26	8	lb/d	Maximum Weekly Average
1/31/2023	Solids, total suspended	14.8	8	mg/L	Maximum Monthly Average
1/31/2023	Solids, total suspended	31.6	12	mg/L	Maximum Weekly Average
2/28/2023	<i>E. coli</i>	560.6	126	MPN/100mL	Monthly Geometric Maximum
3/31/2023	BOD, 5-day, 20 deg. C	18.17	5.3	lb/d	Maximum Monthly Average
3/31/2023	BOD, 5-day, 20 deg. C	54.66	8	lb/d	Maximum Weekly Average
3/31/2023	BOD, 5-day, 20 deg. C	25.65	8	mg/L	Maximum Monthly Average
3/31/2023	BOD, 5-day, 20 deg. C	77.1	12	mg/L	Maximum Weekly Average
3/31/2023	Solids, total suspended	29.04	5.3	lb/d	Maximum Monthly Average
3/31/2023	Solids, total suspended	107.75	8	lb/d	Maximum Weekly Average
3/31/2023	Solids, total suspended	41.05	8	mg/L	Maximum Monthly Average
3/31/2023	Solids, total suspended	152	12	mg/L	Maximum Weekly Average
3/31/2023	Nitrogen, ammonia total [as N]	14.12	8.7	lb/d	Maximum Monthly Average
3/31/2023	Nitrogen, ammonia total [as N]	20.05	13	mg/L	Maximum Monthly Average
3/31/2023	<i>E. coli</i>	2263.48	126	MPN/100mL	Monthly Geometric Maximum
4/30/2023	BOD, 5-day, 20 deg. C	12.7	12	mg/L	Maximum Weekly Average
4/30/2023	<i>E. coli</i>	354.94	126	MPN/100mL	Monthly Geometric Maximum
05/31/2023	BOD, 5-day, 20 deg. C	8.27	5.3	lb/d	Maximum Monthly Average
05/31/2023	BOD, 5-day, 20 deg. C	27.04	8	lb/d	Maximum Weekly Average
05/31/2023	BOD, 5-day, 20 deg. C	17.28	8	mg/L	Maximum Monthly Average
05/31/2023	BOD, 5-day, 20 deg. C	57.9	12	mg/L	Maximum Weekly Average
05/31/2023	Solids, total suspended	8.41	8	lb/d	Maximum Weekly Average
05/31/2023	Solids, total suspended	8.24	8	mg/L	Maximum Monthly Average
05/31/2023	Solids, total suspended	18	12	mg/L	Maximum Weekly Average
05/31/2023	Nitrogen, ammonia total [as N]	4.95	1.9	lb/d	Maximum Monthly Average

Monitoring Period End Date	Parameter Name	Discharge Monitoring Report Value	Permit Limit	Units	Limit Type
05/31/2023	Nitrogen, ammonia total [as N]	10.37	2.9	mg/L	Maximum Monthly Average
05/31/2023	Nitrogen, ammonia total [as N]	14.76	10	lb/d	Maximum Daily Average
05/31/2023	Nitrogen, ammonia total [as N]	31.6	15	mg/L	Maximum Daily Average
05/31/2023	<i>E. coli</i>	1184.87	126	MPN/100mL	Monthly Geometric Maximum
06/30/2023	BOD, 5-day, 20 deg. C	14.4	5.3	lb/d	Maximum Monthly Average
06/30/2023	BOD, 5-day, 20 deg. C	31	8	lb/d	Maximum Weekly Average
06/30/2023	BOD, 5-day, 20 deg. C	34.2	8	mg/L	Maximum Monthly Average
06/30/2023	BOD, 5-day, 20 deg. C	64.2	12	mg/L	Maximum Weekly Average
06/30/2023	Solids, total suspended	15.9	5.3	lb/d	Maximum Monthly Average
06/30/2023	Solids, total suspended	32.4	8	lb/d	Maximum Weekly Average
06/30/2023	Solids, total suspended	35.78	8	mg/L	Maximum Monthly Average
06/30/2023	Solids, total suspended	67	12	mg/L	Maximum Weekly Average
06/30/2023	Nitrogen, ammonia total [as N]	12.3	1.9	lb/d	Maximum Monthly Average
06/30/2023	Nitrogen, ammonia total [as N]	27.1	2.9	mg/L	Maximum Monthly Average
06/30/2023	Nitrogen, ammonia total [as N]	18	10	lb/d	Maximum Daily Average
06/30/2023	Nitrogen, ammonia total [as N]	37.3	15	mg/L	Maximum Daily Average
06/30/2023	<i>E. coli</i>	1114.1	126	MPN/100mL	Monthly Geometric Maximum
07/31/2023	BOD, 5-day, 20 deg. C	8.59	5.3	lb/d	Maximum Monthly Average
07/31/2023	BOD, 5-day, 20 deg. C	10.93	8	lb/d	Maximum Weekly Average
07/31/2023	BOD, 5-day, 20 deg. C	18.65	8	mg/L	Maximum Monthly Average
07/31/2023	BOD, 5-day, 20 deg. C	21.1	12	mg/L	Maximum Weekly Average
07/31/2023	pH	8.74	8.5	SU	Maximum
07/31/2023	Solids, total suspended	7.71	5.3	lb/d	Maximum Monthly Average
07/31/2023	Solids, total suspended	9.59	8	lb/d	Maximum Weekly Average
07/31/2023	Solids, total suspended	16.78	8	mg/L	Maximum Monthly Average
07/31/2023	Solids, total suspended	19	12	mg/L	Maximum Weekly Average
07/31/2023	Nitrogen, ammonia total [as N]	9.77	1.9	lb/d	Maximum Monthly Average
07/31/2023	Nitrogen, ammonia total [as N]	21.45	2.9	mg/L	Maximum Monthly Average
07/31/2023	Nitrogen, ammonia total [as N]	15.94	10	lb/d	Maximum Daily Average
07/31/2023	Nitrogen, ammonia total [as N]	31.6	15	mg/L	Maximum Daily Average
07/31/2023	<i>E. coli</i>	2115.8	126	MPN/100mL	Monthly Geometric Maximum
08/31/2023	BOD, 5-day, 20 deg. C	9.12	8	mg/L	Maximum Monthly Average

Monitoring Period End Date	Parameter Name	Discharge Monitoring Report Value	Permit Limit	Units	Limit Type
08/31/2023	BOD, 5-day, 20 deg. C	17.2	12	mg/L	Maximum Weekly Average
08/31/2023	Solids, total suspended	6.03	5.3	lb/d	Maximum Monthly Average
08/31/2023	Solids, total suspended	8.28	8	lb/d	Maximum Weekly Average
08/31/2023	Solids, total suspended	12.94	8	mg/L	Maximum Monthly Average
08/31/2023	Solids, total suspended	20	12	mg/L	Maximum Weekly Average
08/31/2023	Nitrogen, ammonia total [as N]	14.87	1.9	lb/d	Maximum Monthly Average
08/31/2023	Nitrogen, ammonia total [as N]	30.16	2.9	mg/L	Maximum Monthly Average
08/31/2023	Nitrogen, ammonia total [as N]	18.44	10	lb/d	Maximum Daily Average
08/31/2023	Nitrogen, ammonia total [as N]	35.8	15	mg/L	Maximum Daily Average
08/31/2023	E. coli	1716.86	126	MPN/100mL	Monthly Geometric Maximum
09/30/2023	Solids, total suspended	8.5	8	mg/L	Maximum Weekly Average
09/30/2023	Solids, total suspended	12.5	12	mg/L	Maximum Weekly Average
09/30/2023	Nitrogen, ammonia total [as N]	15.58	1.9	lb/d	Maximum Monthly Average
09/30/2023	Nitrogen, ammonia total [as N]	28.25	2.9	mg/L	Maximum Monthly Average
09/30/2023	Nitrogen, ammonia total [as N]	21.75	10	lb/d	Maximum Daily Average
09/30/2023	Nitrogen, ammonia total [as N]	28.25	15	mg/L	Maximum Daily Average
09/30/2023	E. coli	530.09	126	MPN/100mL	Monthly Geometric Maximum
10/31/23	BOD, 5-day, 20 deg. C	24.74	8	mg/l	Maximum Monthly Average
10/31/23	BOD, 5-day, 20 deg. C	28.1	12	mg/l	Maximum Weekly Average
10/31/23	BOD, 5-day, 20 deg. C	50.9	12	mg/l	Maximum Weekly Average
10/31/23	BOD, 5-day, 20 deg. C	30.8	12	mg/l	Maximum Weekly Average
10/31/23	BOD, 5-day, 20 deg. C	12.26	8	lb/d	Maximum Weekly Average
10/31/23	BOD, 5-day, 20 deg. C	27.51	8	lb/d	Maximum Weekly Average
10/31/23	BOD, 5-day, 20 deg. C	15.44	8	lb/d	Maximum Weekly Average
10/31/23	BOD, 5-day, 20 deg. C	12.07	5.3	lb/d	Maximum Monthly Average
10/31/23	Solids, total suspended	38	12	mg/l	Maximum Weekly Average
10/31/23	Solids, total suspended	20	12	mg/l	Maximum Weekly Average
10/31/23	Solids, total suspended	14.52	5.3	mg/l	Maximum Monthly Average
10/31/23	Solids, total suspended	38	12	lb/d	Maximum Weekly Average
10/31/23	Solids, total suspended	20	12	lb/d	Maximum Weekly Average
10/31/23	Solids, total suspended	7.56	5.3	lb/d	Maximum Monthly Average
10/31/23	Nitrogen, ammonia total [as N]	31.6	15	mg/l	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	31.1	15	mg/l	Maximum Daily Average

Monitoring Period End Date	Parameter Name	Discharge Monitoring Report Value	Permit Limit	Units	Limit Type
10/31/23	Nitrogen, ammonia total [as N]	24.3	15	mg/l	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	25.8	15	mg/l	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	24.2	15	mg/l	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	27.4	2.9	mg/l	Maximum Monthly Average
10/31/23	Nitrogen, ammonia total [as N]	13.78	10	lb/d	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	16.81	10	lb/d	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	12.18	10	lb/d	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	13.62	10	lb/d	Maximum Daily Average
10/31/23	Nitrogen, ammonia total [as N]	11.53	1.9	lb/d	Maximum Monthly Average
10/31/23	E. coli	636.16	126	MPN/100mL	Monthly Geometric Maximum

30. The discharge exceedances in Table 1 reported by Respondents are violations of the Permits. By failing to comply with the terms of the Permits, Respondents have violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, for the periods set forth in Table 1, from January 1, 2019 to October 31, 2023.

Count 2
Insufficient or Lacking Wastewater Capacity and Flow Reporting

31. The allegations in the preceding paragraphs are incorporated by reference.

32. **Total Cumulative Flow:** The design capacity for the WWTP is 0.08 million gallons per day (“mgd”). Part II.A. of both the 2012 and 2021 Permits state that, “[a]n annual average flow of 0.08 million gallons per day (mgd) was used in waste load allocation calculations” for the WWTP, and the Permits require Boone’s to notify MDE “at least 180 days before the annual average flow is expected to exceed this flow level.”

33. **Total Cumulative Flow Reporting:**

- a. Part II.C of the 2012 Permit requires Boone’s to “report the total cumulative flow” for each calendar year for the WWTP no later than January 28th of the following year. “The total cumulative flow should be reported in million gallons for the entire calendar year to the nearest thousand gallons.”

- b. Part II.C of the 2021 Permit similarly required the WWTP to report total cumulative flow in million gallons for the entire calendar year, but to the nearest ten thousand gallons. "The annual cumulative flow determination shall be provided to [MDE] using NetDMR no later than January 28th of the following year." 2021 Permit, Part II.C(a).

34. Wastewater Capacity Management Plans:

- a. When the 2012 Permit was first issued, because the most recent three-year average flow for the WWTP was over 80% of its design capacity, the 2012 Permit required Boone's to submit a Wastewater Capacity Management Plan ("WCMP") within 90 days of the issuance date of the Permit. Thereafter, if the most recent three-year average flow is over 80% of its design capacity or if it is anticipated to exceed 80% in the following year, Boone's must submit a WCMP to MDE no later than January 28 of the following year.
- b. Similar to the 2012 Permit, the 2021 Permit noted that the most recent three-year average flow for the facility was over 80% of its design capacity, and so the WWTP was required to submit a "Wastewater Flow Capacity Management Plan" as well as a "Wastewater Flow Capacity Report ("WFCR)". The WCMP must be submitted to [MDE] no later than 90 days [after] the issuance date of this discharge permit." Part II.C(b). "The WCMP shall include details for potential sources(s) responsible for the flow surge and any appropriate corrective measures to reduce and stabilize the wastewater flows at facility." *Id.*

35. Wastewater Flow Capacity Report (WFCR): The 2021 Permit also required Boone's to submit a WFCR and "worksheet for WFCR" for the previous calendar year to [MDE] using NetDMR no later than January 28th of each year. 2021 Permit Part II.C(c).

36. Respondents did not submit annual total cumulative flow reports for 2019 until October 19, 2020.

37. Respondents did not timely submit annual total cumulative flow reports for 2020, 2021 or 2022 until March 13, 2023.

38. Monthly average flow data recorded in EPA's Integrated Compliance Information System ("ICIS") shows that the WWTP averaged within 80 percent of the design flow (i.e., 64,000 GPD) for 22 months over a three-year period from 2018 to 2020, and exceeded the design flow for 9 months in the past three years. This triggered a requirement to submit a Waste Capacity Management Plan to MDE no later than January 28, 2021.

39. The WWTP has exceeded 80% of its flow capacity for its three-year average for 2019, to 2021, and 2020 to 2022. This meant the WWTP was required to submit Waste Capacity Management Plans to MDE no later than, January 28, 2022 and January 28, 2023.
40. Respondents failed to submit WCMP for 2021.
41. Respondents provided a WCMP for 2022 on December 9, 2022 and submitted an additional copy on March 13, 2023.
42. Respondents' late submittal of annual total cumulative flow reports for 2019, 2020, 2021 and 2022, and failure to submit a WCMP for 2021 are violations of the Permits. By failing to comply with the terms of the Permits, Respondents have violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

Count 3

Non-Operational and Malfunctioning Equipment and Infrastructure

43. The allegations in the preceding paragraphs are incorporated by reference.
44. Part III.B.3(a) of the Permits require the WWTP to "be operated efficiently to minimize upsets and discharges of excessive pollutants."
45. MDE observed that the rotary cloth filter at the WWTP was broken in August 27, 2019, December 9, 2019, January 9, 2020, June 11, 2020, July 21, 2020. EPA made the same observation during its December 1, 2020 inspection. The filter was non-operational at the time Boone's acquired the manufactured home community. On February 8, 2023, Boone's represented that the rotary cloth filter was still non-functional, and proposed replacing it by September 30, 2023.
46. Prostart, the contract operator at the WWTP, reported in November 2019 that the effluent rotary drum filter was out of service, and related to TSS exceedances. Prostart addressed the issue by increasing sludge wasting and ordering the necessary parts for the effluent rotary drum repair.
47. At MDE's December 9, 2019 inspection, Prostart stated they were using portable pump to pump influent to the aeration tank and that they would be installing two new pumps with an alternator to pump the influent to the treatment plant, and a grinder pump. MDE observed in January 2020 that the WWTP had not installed two new influent pumps at the wetwell, as Prostart had previously stated in December 2019. Boone's contractors determined that the influent pumps did not need replacement. Instead, in December 2019, Boone's repaired the two influent pumps and modified the control panel to ensure the pumps were fully functional.

48. Boone's reported that a pump in the pump station was not performing optimally in October 2021, and that the pump needed to be replaced. A new pump was installed in January 2022.
49. Respondents' failure to operate the WWTP efficiently to minimize upsets and discharges of excessive pollutants by fixing non-operational or malfunctioning equipment and infrastructure is a violation of the Permits. By failing to comply with the terms of the Permits, Respondents have violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, from at least December 1, 2020 to the present.

Count 4
Visible Foam and Scum

50. The allegations in the preceding paragraphs are incorporated by reference.
51. Section II.A of the 2012 Permit sets out the effluent limitations. Footnote 1 states, "There shall be no discharge of floating solids or visible foam other than trace amounts."
52. During EPA's December 1, 2020 Inspection, inspectors observed foam and scum in the immediate vicinity of Outfall 001 and in the receiving water.
53. Respondents' discharge of excessive floating solids and visible foam on December 1, 2020 is a violation of the Permits. By failing to comply with the terms of the Permits, Respondents have violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

Count 5
Failure to Operate Plant Efficiently and Minimize Discharge of Pollutants

54. The allegations in the preceding paragraphs are incorporated by reference.
55. Part III.B.3(a) and (b) of the Permits require that "[a]ll waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following: (a) Facilities shall be operated efficiently to minimize upsets and discharges of excessive pollutants. (b) The permittee shall provide an adequate operating staff qualified to carry out operation, maintenance and testing functions required to ensure compliance with this permit . . .".
56. MDE observed on multiple occasions evidence of the facility not being operated efficiently when inspectors observed excess scum and sludge in the clarifier and filter effluent chamber prior to the UV disinfection on the following dates:

- a. In its August 27, 2019 inspection, inspectors for MDE observed heavy scum and thick sludge blanket in the clarifier and the filter effluent chamber prior to UV disinfection had scum and sludge to the walls of tank.
 - b. In its December 9, 2019 inspection, inspectors for MDE observed the filter effluent chamber prior to UV disinfection had scum and sludge to the walls of tank.
 - c. In its January 9, 2020 inspection, inspectors for MDE observed the filter effluent chamber prior to UV disinfection had scum and sludge to the walls of tank.
 - d. In its June 11, 2020 inspection, inspectors for MDE observed heavy/thick scum in the center rim of the clarifier. The filter effluent chamber after the rotary drum filter and post aeration tank prior to UV disinfection also had floating scum.
 - e. In its July 21, 2020 inspection, inspectors for MDE observed heavy/thick scum in the center rim of the clarifier and floating scum and the filter effluent chamber after the rotary drum filter and post aeration tank prior to UV disinfection had floating scum.
57. During EPA's December 2020 inspection, the inspectors observed:
- a. Solids and leaves in UV light banking house;
 - b. Foam in the aeration chamber;
 - c. Bulking and floating solids in the clarifier;
 - d. Solids in the flow measurement channel upstream of the UV system, at the influent/effluent ends of the UV channel and on top of the UV bank housing;
 - e. The Plant's rotary cloth filter unit was non-operational; and
 - f. The WWTP did not have an operation and maintenance manual on site that outlines the proper operation and maintenance of the WWTP.
58. On February 17, 2021, Boone's wrote that SOS was in the process of drafting an Operations and Maintenance ("O&M") manual for the WWTP.
59. On January 3, 2022, Boone's reported that SOS would be contacting manufacturers of the components at the WWTP to compile information for and complete an O&M manual.
60. On March 13, 2023, Boone's reported that it still did not have an O&M Manual, and incorporated developing the manual into a compliance schedule with a deadline of June 1, 2023.

61. An O&M Manual was completed on May 31, 2023.
62. Respondents' failure to operate efficiently to minimize upsets and discharges of excessive pollutants is a violation of the Permits. By failing to comply with the terms of the Permits, Respondents have violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342 on at least the six (6) dates specified above.

Count 6
Mishandling of Sludge

63. The allegations in the preceding paragraphs are incorporated by reference.
64. Part III.B.7 of the Permits contains requirements for Sewage Sludge. It states that:

The permittee shall comply with all existing State and federal laws and regulations that apply to sewage sludge monitoring requirements and utilization practices, and with any regulations promulgated pursuant to Environment Article, Section 9-230 et seq. or to the Clean Water Act, Section 405(d). The permittee is responsible for ensuring that its sewage sludge is utilized in accordance with a valid sewage sludge utilization permit issued by [MDE]. If the sludge is hauled out of the State for disposal, a transportation permit must be obtained from [MDE].
65. Maryland regulations require that a person may not engage in certain utilization activities of sewage sludge without first obtaining a Sewage Sludge Utilization Permit from MDE. This includes treatment, composting, transportation, storage, distribution, application on agricultural land or marginal land, energy generation or incineration, marketing conducting innovative or research projects, or disposal or alternative utilization at a municipal landfill. See COMAR 26.04.06.09(A).
66. On August 27, 2019, MDE observed heavy scum and a thick sludge blanket in the clarifier and that the sludge holding tank was full. Prostart stated that the WWTP did not have a sludge haul permit and was using a private hauler to haul sludge offsite as needed.
67. On December 28, 2019, in a noncompliance report, Prostart attributed TSS exceedances to reduced wasting due to a hauling issue and recommended establishing a sewage sludge utilization permit.
68. On March 23, 2020, Prostart, stated in a noncompliance report that a high solids level in the clarifier made the WWTP unable to meet the solid wasting demand due to a volume

limitation at the approved discharge site. Influent and hydraulic loading were uncontrolled, and there was not enough aeration capacity to maintain carbonaceous nitrification (BOD Removal) to address BOD and TSS exceedances.

69. On February 21, 2020, MDE issued Sewage Sludge Utilization Permit No. 2020-STR-6096 to Horizon that authorizes it to transport sewage sludge from "The Boone's Mobile Estates, Lyons Creek MHP, Maryland Manor MHP, and Patuxent Mobile Estates Wastewater Treatment Plants" to "The Dorsey Run Advanced WWTP located at 7938 Brock Bridge Road, Jessup in Anne Arundel County, Maryland."
70. On July 21, 2020, MDE observed problems with the way the WWTP was storing sludge, including structural problems with the above-ground sludge holding tank and the use of a temporary holding tank to hold the sludge, before hauling it offsite.
71. The 2021 Permit added a requirement that, "[t]he permittee shall operate and maintain the sludge handling equipment at the facility year-round in a manner that optimizes the removal efficiency of the total suspended solids from its effluent." Part II.A footnote 5b; Part II.B(1) footnote 13b.
72. In its January 3, 2022 response to an Information Request, Respondents attributed effluent violations in part to the WWTP being overloaded with sludge. Respondents stated that they were implementing a wasting schedule and preparing waste guides for operators to use, and starting a sludge hauling schedule for the WWTP, and that two vendors are able to haul sludge to ensure appropriate management.
73. Respondents' failure to obtain a valid sewage sludge utilization permit issued by MDE prior to February 21, 2020 before hauling sludge off-site, and mishandling of the WWTP's sewage sludge on at least August 27, 2019, July 21, 2020, and January 3, 2022 is a violation of the Permits. By failing to comply with the terms of the Permits, Respondents have violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

IV. COMPLIANCE ORDER

AND NOW, pursuant to Section 309(a) of the Act, 33 U.S.C. 33 U.S.C. § 1319(a), Respondents are hereby ORDERED to do the following:

74. **Interim Filter Plan:** Within 10 days of the Effective Date of this Order, provide a plan that includes operational changes and temporary equipment that the WWTP will use to manage TSS until the new Rotary Cloth Filter is installed.

75. **Operations and Maintenance:** Within 30 days of the Effective Date of this Order, submit to EPA for review and comment an Operations and Maintenance (“O&M”) Manual for the WWTP that includes the following elements:
- a. Design Concept of the WWTP;
 - b. Standard Operating Procedures for items including but not limited to:
 - i. Wasting Operation and Techniques;
 - ii. Cleaning the UV disinfection system;
 - iii. Sludge hauling frequency; and
 - iv. Calibration of equipment.
 - c. Schedules for Wasting Sludge;
 - d. Emergency Preparedness measures; and
 - e. Training schedules with recordkeeping of training attendees.
 - f. **Preventative Maintenance Plan (“PMP”)** that includes regular inspections of equipment at the plant geared to proactively identify any equipment that needs to be repaired or replaced. This PMP will detail the specific preventative maintenance requirements for each primary treatment, secondary treatment, and disinfection process or other equipment critical for optimal plant operation. As part of the preventative maintenance for each treatment process, include daily, weekly, or monthly schedules to be followed by the plant operator that prescribe Preventative Maintenance procedures, including, at a minimum, calibration, lubrication, cleaning and replacement of equipment, and wasting schedules. Each item identified in the Corrective Action Plan (described below) shall have a corresponding preventative action described in the PMP. The PMP shall also include a process for regularly inspecting and correcting any issues identified at the outfall for any prohibited characteristics which may be present due to the facility’s discharges.
76. EPA will review the O&M Manual and PMP and make a determination of completeness. Upon a determination of completeness as provided in writing by EPA to the Respondents, Respondents will begin implementation of the O&M Manual and PMP.
77. **Engineering Evaluation:** Within 60 days of the Effective Date of this Order, the Respondents shall provide to EPA for review an **Engineering Evaluation** of the WWTP. The Engineering Evaluation must be completed by a certified Professional Engineer. This evaluation must include an analysis of the cause of Permit effluent limitation violations, and responsive recommendations to comply with the Permit effluent limitations and monitoring requirements, including any and all repairs and upgrades to the WWTP that are needed to achieve compliance with the Permit effluent limitations and monitoring requirements.

78. EPA will review the Engineering Evaluation and make a determination of completeness. If EPA determines that the Engineering Evaluation is not complete or adequate, EPA shall notify Respondents in writing and Respondents shall resubmit an updated Engineering Evaluation within 30 of Respondents’ receipt of EPA’s notice.

79. **Corrective Action Plan:** Within 30 days of receiving written notification of EPA’s determination of completeness for the Engineering Evaluation, the Respondents shall provide to EPA for review a **Corrective Action Plan (“CAP”)**, which meets the requirements set forth below in this Order. The CAP shall include, at a minimum, plans and a schedule for implementing corrective actions to address the following:

- a. A plan and schedule for implementing corrective actions to address effluent violations for the following parameters: 1) BOD; 2) pH; 3) TSS; 4) Nitrogen and 5) *E. coli*.
- b. **Repair and Replacement:** A plan and schedule for repairing and upgrading parts of the WWTP in accordance with the following deadlines:

Table 2. Repair and Replacement Schedule

Component	Deadline
Ex. Filter Pump Out and Effluent Channel	Completed on March 17, 2023
Temporary Filter Bags	Completed March 27, 2023
Sludge Tank and feed pipe extended	October 30, 2023
Decant Pump System for Sludge Holding Tank	Completed July 20, 2023
Install new Rotary Cloth Filter	October 31, 2023
Influent Screening	October 31, 2023
Structural Integrity/cracks/safety items	December 31, 2023
Replace Components of influent pump station	Within 2 years of the Effective Date of this Order

- c. **Repair and Replacement Completion Notifications:** For each item identified in Table 2, Respondents shall submit to EPA a notification of completion of such replace and/or replacement within 10 days of completion. Each notification of completion shall include sufficient information to document compliance with this Order.

80. **CAP Review:** After review of the CAP:

- a. EPA will, in writing: (a) accept the submission; (b) accept the submission upon specified conditions; (c) accept part of the submission and request resubmission of the remainder; or (d) request a new submission.
- b. If the submission is accepted, Respondents shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, Respondents shall, upon written direction from EPA, take all actions required by the accepted CAP that EPA determines are technically severable from any unacceptable portions.
- c. If the CAP is unacceptable in whole or in part, Respondents shall, within 15 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the CAP, or any unacceptable portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is accepted in whole or in part, Respondents shall proceed in accordance with the preceding Paragraph.

81. CAP Deadlines and Notification:

- a. No later than 10 days from EPA's acceptance of the CAP, Respondents shall submit to EPA for review a list of deadlines included in the CAP. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within 10 days of modification of any deadline under the CAP, Respondents shall provide an updated list reflecting changes to the future schedule.
- b. Respondents shall submit a notice to EPA within 10 days of completing a scheduled event in the CAP until all work as identified in and required by the CAP has been completed.

82. Wastewater Capacity and Flow Reporting: Comply with the terms any applicable NPDES Permit for the WWTP to timely submit annual total cumulative flow reports and Wastewater Capacity Management Plans as applicable and submit directly to EPA and MDE.

83. Quarterly Progress Reports: Submit within 10 days of the end of each calendar quarter (December 31, March 31, June 30, September 30) a quarterly progress report that includes:

- a. A description of any effluent limit exceedances, and for each, its cause, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance;
- b. Preventative maintenance measures taken to prevent effluent exceedances and/or unauthorized discharges;

- c. Any repairs, rehabilitation or upgrades to the WWTP;
- d. Updates, if any, on efforts to connect to the Anne Arundel County municipal wastewater system.

V. PROCEDURES FOR SUBMISSIONS

84. Respondents shall include with all documents required to be submitted by this Order and any Request for Termination a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22, that reads as follows:

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

Signed _____

Title _____

Date _____

85. Any submission or communication relating to this Order shall be submitted via electronic transmission) to:

Kaitlin McLaughlin (3ED32)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3
Philadelphia, PA 19103
Mclaughlin.kaitlin@epa.gov

and

Aviva Reinfeld (3RC40)
Assistant Regional Counsel
U.S. EPA, Region 3
Philadelphia, PA 19103
reinfeld.aviva@epa.gov; and

R3_ORC_mailbox@epa.gov [sent with subject line attn: Aviva Reinfeld, Dkt. No. CWA-03-2024-0006DN]

86. For each submission required pursuant to this Order, EPA may review the submission and provide comments. If EPA comments on a submission, Respondents agrees to respond in writing within 30 calendar days.
87. Respondents may assert a business confidentiality claim covering part or all of the information which this Order requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If Respondents do not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondents.

VI. GENERAL PROVISIONS

88. The intent of this Order is to address the violations described herein. EPA reserves the right to commence action against any person, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment.
89. EPA reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. Chapter 26, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provision of this Order, following its Effective Date (as defined below).
90. This Order does not constitute a waiver or modification of the terms or conditions of the Respondents' Permits. Compliance with the terms and conditions of this Order does not relieve Respondents of their obligations to comply with any applicable federal, state, or local law, regulation or permit.
91. Respondents waive any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondents may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
92. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.

93. For the purpose of this proceeding only, Respondents admit each jurisdictional allegation set forth in this Order and agree not to contest the jurisdiction of EPA with respect to the execution or enforcement of this Order.
94. Respondents shall bear their own costs and attorney's fees in connection with this Order.
95. By signing this Order, Respondents acknowledge that this Order will be available to the public and represents that, to the best of Respondents' knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondents.
96. Respondents certify that any information or representation they have supplied or made to EPA concerning this matter at the time of submission, was 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 Respondents to the EPA regarding matters relevant to this Order, including information about Respondents' ability to pay a penalty, were 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. Respondents and their 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.
97. This Order shall apply to and be binding upon the Respondents and their successors and assigns. By his or her signature below, the person or persons who sign this Order on behalf of Respondents are acknowledging that they are fully authorized by the Respondents to execute this Order and to legally bind Respondents to the terms and conditions of this Order.

VII. TAX IDENTIFICATION

98. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Section IV (Compliance Order), Section V (Procedures for Submissions) and Section VIII (Certification of Compliance and Request for Termination of Order) is restitution, remediation, or required to come into compliance with the law.

**VIII. CERTIFICATION OF COMPLIANCE
AND REQUEST FOR TERMINATION OF ORDER**

99. The provisions of this Order shall be deemed satisfied when Respondents receive written notice from EPA that Respondents have demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed and the written notice will state that this Order is terminated.
100. Respondents may submit to EPA a Certification of Compliance and Request for Termination of this Order, including documentation to demonstrate that they have met all requirements of this Order. If, following review of any Certification of Compliance and Request for Termination of this Order, EPA agrees that Respondents have adequately complied with all requirements of this Order, EPA shall provide written notification of termination of this Order, as described in the above preceding paragraph.
101. EPA reserves the right to unilaterally terminate this Order in its unreviewable discretion.

IX. MODIFICATIONS

102. Any request to modify the terms of, or parties to, this Order shall be submitted, in writing, by the Respondents to EPA and shall be subject to review and approval by EPA, in its sole and unreviewable discretion. Respondents' submission of a written request for modification of this Order shall not relieve Respondents of any obligation under this Order and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this Order, in its sole and unreviewable discretion.

X. CHANGE OF OWNERSHIP OR OPERATION OF THE WWTP

103. At least 90 days prior to any transfer of ownership or operation of the WWTP, Respondents shall submit a written notification to EPA of any such anticipated change in ownership or operation which shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTP and a schedule for such anticipated change.
104. Respondents shall condition any sale or transfer of ownership or operation of the WWTP, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the close of such sale or transfer of the WWTP, whereby:
- a. Such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this Order; or

- b. Such Prospective Third-Party Purchaser or Transferee agrees to provide Respondents (or Respondents' contractors) unlimited access to the WWTP to complete any and all outstanding obligations that remain in this Order in Section IV (Compliance).

105. Until or unless this Order is modified or terminated, in accordance with the terms of this Order, or until a Transferee assumes responsibility upon written agreement of the parties, Respondents shall remain responsible for compliance with the terms of this Order following any transfer of ownership or operation of the WWTP.

XI. EXTENSION OF TIME REQUEST BASED ON FORCE MAJEURE EVENT

106. "Force Majeure Event," for purposes of this Order, is defined as any event arising from causes beyond the control of either Respondents, of any entity controlled by either Respondent or any contractor of either Respondents, that delays or prevents the performance of any obligation under this Order subsequent to Respondents exercising best efforts to fulfill the obligation(s) at issue. The requirement that Respondents exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any Force Majeure Event and best efforts to address the effects of any such event: (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay. Unanticipated or increased costs or expenses associated with the performance of Respondents' obligations under this Order or Respondents' financial inability to perform any obligation under this Order shall not constitute circumstances beyond Respondents' control nor serve as the basis for an extension of time under this Order.

107. If at any time during the implementation of this Order, any Force Majeure Event occurs that may delay the performance of any obligation under this Order, including implementation of an EPA-approved plan or schedule, Respondents shall, within 7 calendar days of determining that such event may delay the performance of such obligation, provide to EPA a written request for an extension of time to comply with any such obligation (Force Majeure Extension of Time Request). Such Extension of Time Request shall include, at a minimum, the following information for each specific obligation(s) for which an extension of time is sought:

- a. The specific obligation(s) for which an extension of time is sought, including each applicable deadline.
- b. A detailed explanation and description of the Force Majeure Event at issue and the reasons for the requested extension of time, including all supporting documentation.
- c. The amount of time for which an extension of time is sought.
- d. A detailed description of all actions taken to prevent or minimize the amount of time for which an extension of time is sought, including a detailed description of each Respondent's best efforts to fulfill the obligation.

- e. A detailed description, including a schedule for implementation, of all actions to be taken to prevent or mitigate the amount of time for which an extension is sought and the effect of any delay on any other obligation pursuant to this Order.
 - f. A statement as to whether, in the opinion of each Respondent, the Force Majeure Event at issue may cause or contribute to an endangerment to public health, welfare, or the environment.
108. Respondents shall be deemed to know of the occurrence of, or reasonable likelihood of an occurrence of, any circumstance or event that may delay the performance of any obligation under this Order of which either Respondents, any entity controlled by either Respondents, or any contractor of either Respondents knew or reasonably should have known.
109. Any Force Majeure Extension of Time Request shall be submitted in accordance with this Order and EPA may, in its unreviewable discretion, approve or disapprove any Extension of Time Request.
110. EPA's approval, including conditional approval, of any Force Majeure Extension of Time Request shall not, of itself extend the time for performance of any other obligation not explicitly addressed in such approval.
111. Failure to comply with the above requirements may preclude Respondents from asserting any claim of Force Majeure or other related defense for non-compliance with the terms of this Order for the time period such non-compliance is related to a reportable event.


XII. EFFECTIVE DATE

112. This ORDER is effective after receipt by Respondents, or Respondents' counsel, of a fully executed document.

AGREED TO FOR THE RESPONDENTS:

HORIZON LAND MANAGEMENT, LLC,
a Maryland limited liability company

Date: 11.14.2023


By: 
Name: Andrew Odabashian
Title: President

BOONE'S ESTATES MHC, LLC,
a Maryland limited liability company

By: HORIZON MH COMMUNITIES FUND I, LP,
a Delaware limited liability company,
its Sole Member

By: Horizon MH Fund I GP, LLC,
a Delaware limited liability company,
its General Partner

Date: 11.14.2023

By: 
Name: Andrew R. Odabashian
Title: Vice President

SO ORDERED:

[digitally signed and dated]

Karen Melvin

Director, Enforcement & Compliance Assurance Division

U.S. EPA Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	ADMINISTRATIVE ORDER
Boone's Estates MHC, LLC	:	ON CONSENT PURSUANT TO
1091 Marlboro Road	:	33. U.S.C. § 1319(a)
Lothian, MD 20711	:	
	:	Dkt. No. CWA-03-2024-0006DN
and	:	
	:	
Horizon Land Management, LLC	:	
2151 Priest Bridge Drive, Suite 7	:	
Crofton, MD 21114	:	
	:	
Respondents.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order on Consent. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order on Consent to each of the following persons, in the manner specified below, at the following addresses:

Copies served **via UPS** and email to:

Andrew Odabashian
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Horizon Land Management, LLC
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Crofton, MD 21114
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Copies served via email to:

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[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3