

Boone's MHC, LLC and Horizon Land Management, LLC

NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER ASSESSING ADMINISTRATIVE PENALTY AND OPPORTUNITY FOR PUBLIC COMMENT

**U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION
Enforcement & Compliance Assurance Division (3ED31)
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103**

Date of Notice: April 8, 2024

Permit No.: NPDES Permit MD0050903

Docket Number: CWA-03-2024-0010

Comments will be accepted until May 20, 2024.

In accordance with Section 309(g)(4)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45(b)(1), the United States Environmental Protection Agency (EPA), Region 3 is hereby giving notice that it is proposing to file a Consent Agreement and Final Order ("CAFO") assessing the maximum available administrative penalty under the Clean Water Act for penalties assessed in 2023: Three Hundred Twenty-Three Thousand Eighty-One Dollars (\$323,081) against Respondents manufactured home community Boone's Estates MHC, LLC and its property management company Horizon Land Management, LLC, for alleged violations of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), for violations of the community's Wastewater Treatment Plant's National Pollutant Elimination Discharge permits.

The Respondents previously entered into an Administrative Order on Consent ("AOC") addressing injunctive relief to improve operations at the Wastewater Treatment Plant. *See* EPA Docket No. CWA-03-2024-0006DN. The AOC was finalized on December 11, 2023. Please contact the EPA contacts listed below if you would like a copy of the AOC.

There are concurrent proposed CAFOs for three other manufactured communities also managed by Horizon Land Management, LLC: Lyons Creek MHC, LLC (Dkt. No. CWA-03-2024-0011); Maryland Manor MHC, LLC (Dkt. No. CWA-03-2024-0012); Patuxent MHC, LLC (Dkt. No. CWA-03-2024-0013).

Notice of this proposed administrative penalty and CAFO was previously posted to EPA's website from January 23, 2024 to March 4, 2024, but the public notice was missing EPA's full mailing address. The administrative penalty and CAFO are being re-noticed here to cure this error. Any comments received during the previous comment period will be considered in conjunction with any comments received during this current comment period.

RESPONDENT:

Boone's Estates, MHC, LLC
1091 Marlboro Road
Lothian, MD 20711

Horizon Land Management, LLC

2151 Priest Bridge Drive, Suite 7
Crofton, MD 21114

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges the following violation of the Clean Water Act:

Respondents allegedly violated Section 301 of the CWA, 33 U.S.C. § 1311 by failing to comply with the terms of its 2012 and 2021 NPDES Permits as follows:

- **Count I – Effluent Exceedances:** From January 2019 through October 2023, the WWTP recorded 194 effluent exceedances for BOD, pH, TSS, Nitrogen and *E. coli*.
- **Count II – Insufficient or Missing Wastewater Capacity and Flow Reporting:** Failure to timely submit annual total cumulative flow reports for 2019, 2020, 2021 and 2022, and failure to submit a Wastewater Capacity Management Plan for the 2019 to 2021 timeframe by January 28, 2022.
- **Count III – Non-Operational and Malfunctioning Equipment and Infrastructure:** Failure to operate the WWTP efficiently to minimize upsets and discharges of excessive pollutants by fixing non-operational or malfunctioning equipment and infrastructure from at least August 27, 2019 to present.
- **Count IV – Visible Foam and Scum:** Discharge of floating solids and visible foam on December 1, 2020.
- **Count V – Failure to Operate Plant Efficiently and Minimize Discharge of Pollutants:** Failure to operate the WWTP efficiently to minimize upsets and discharges of excessive pollutants on August 27, 2019, December 9, 2019, December 1, 2020, January 9, 2020, June 11, 2020, and July 21, 2020.
- **Count VI – Mishandling of Sludge:** failure to ensure that its sewage sludge was utilized in accordance with a valid sewage sludge utilization permit issued by the Maryland Department of the Environment prior to February 21, 2020 before hauling sludge off-site, and mishandling the WWTP's sewage sludge on at least August 27, 2019, July 21, 2020, and January 3, 2022 is a violation of the Permits.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the penalty action are invited to submit via email a statement to the EPA Mid-Atlantic Region Enforcement & Compliance Assurance Division Director. This statement should be e-mailed directly to the Regional Hearing Clerk (email below) within 40 days of the date of this public notice. Comments received within this 40-day period will be considered. All comments must include the name, address, and telephone number of the writer and a concise statement of the basis for any comment and any relevant facts on which it is based.

All comments should be emailed to:

Regional Hearing Clerk: R3_Hearing_Clerk@epa.gov

OR

Mailed/Submitted to:

U. S. Environmental Protection Agency, Region 3
Regional Hearing Clerk – Mail Code 3RC00
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

AVAILABILITY OF INFORMATION: You may request information relevant to the Consent Order and Final Agreement and/or related Administrative Order through the Regional Hearing Clerk.

REGISTRY OF INTERESTED PERSONS: Any person interested in a particular case or group of cases may leave their name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

FOR FURTHER INFORMATION: Interested parties may contact the following EPA representatives to learn more about this action.

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