

# Patuxent 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 MD0024694

**Docket Number:** CWA-03-2024-0013

**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 an administrative penalty under the Clean Water Act of Two-Hundred and Eighty Thousand Dollars (\$280,000) against Respondents manufactured home community Patuxent 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 permit.

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-03-2024-0009DN. 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: Boone’s Estates MHC, LLC (Dkt. No. CWA-03-2024-0010); Lyons Creek MHC, LLC (Dkt. No. CWA-03-2024-0011); Maryland Manor MHC, LLC (Dkt. No. CWA-03-2024-0012).

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:**

Patuxent, MHC, LLC  
5380 Sands 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 NPDES Permit as follows:

- **Count I – Effluent Exceedances:** From October 2019 through October 2023, the WWTP recorded 38 effluent exceedances for BOD, pH, TSS, DO, and *E. coli*.
- **Count II – Insufficient or Missing Flow Reporting:** Failure to submit an annual total cumulative flow report for 2019 and failure to timely submit annual total cumulative flow reports for 2020 and 2021.
- **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 January 23, 2022 to present.

**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](mailto: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.

Kaitlin McLaughlin  
Enforcement & Compliance Assurance Division  
U.S. Environmental Protection Agency  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
215-814-2393  
[mclaughlin.kaitlin@epa.gov](mailto:mclaughlin.kaitlin@epa.gov)

or

Aviva Reinfeld  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
215-814-2632  
[Reinfeld.Aviva@epa.gov](mailto:Reinfeld.Aviva@epa.gov)