# 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

**Inspection Date:** July 21, 2026, **Start Date/Time:** July 21, 2026 / 11:00 Hours
**End Date /Time:** July 21, 2026 / 14:00 Hours

**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]
3. **Brett Coakley:** {Department of Natural Resources – Eastern Reginal Manager for DNR Fisheries} 580 Taylor Avenue, Annapolis, MD 21401. / PH# 410-928-3643 / Email: brett.coakley@maryland.gov
4. **Charles Wallis:** {MDE Dam Safety / Division Chief} 1800 Washington Blvd., Baltimore, MD 21230 / PH#: 410-537-3553 / Email: Charles.wallis@maryland.gov

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## Animal Feeding Operations (AFO)

**Permit / Approval Numbers:** Not permitted
**Site Status:** Active
**Site Condition:** Significant Noncompliance
**Recommended Action:** Refer to Others (See Findings)
**Inspection Reason:** Compliance with the 19AF permit
**Evidence Collected:** Photos Taken, Visual Observation
**Weather:** Partly Cloudy, temperature 80°F

## ***Inspection Findings:***

A site inspection follow up was conducted on Tuesday, July 21, 2026, at the Kilby Farm, also known as Production Area # 1, or "Home Farm" as part of a compliance inspection for the General Discharge Permit for Animal Feeding Operation (AFO) inspection. The farm is 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.

Before entering the facility, MDE inspectors performed required biosecurity procedures, including spraying Virkon S Disinfect and Virucide on outer rubber boots.

Today, July 21, 2026, MDE inspectors conducted a follow up inspection of Production Area #1, below are the corrective actions still outstanding. Present during the inspection were Ben Flahart, and MDE Inspectors Jeff Croissette & David Bramble.

During our inspection on July 21, 2026, MDE inspectors found several corrective actions, which need to be addressed and are recorded below in the corrective actions' portions of this inspection report.

MDE inspectors did not conduct a review of the self-reporting documents and the CNMP and NMP. The CNMP will be sent to MDE by Don Moore according to Mr. Flahart.

## ***Corrective Actions:***

### 1. Discharge of Liquid Manure:

The follow up on the status of the calf hutches located along the downhill concrete pads and the entrance area of the farm, or "upper parking lot area". Our observations indicate that these areas are
actively discharging during rain events. (see photos).

I noted during our inspection walk around on April 2026; there is currently no pipe

or culvert to divert water from the collection area into the Shallow Wildlife Area. Instead, the water follows a natural path directly into Basin Run. This was confirmed during a subsequent follow-up inspection on May 21, 2026 (please see that report). During the past 24 hours starting on May 20 and into May 21, 2026, it had been raining in the Colora Maryland area. The rainwater left behind allowed me to follow the water trail to determine exactly how the water flows from the newly created stone or rock lined basin.

During July 21, 2026, inspection of this BMP was significantly changed. There was now an outward overflow pipe, which was perforated to handle excessive water. The overflow of water was discharging down the hill approximately 50 yards to another rock basin area, where the water would continue to fall down the hill to the "Shallow Wildlife Area". There is also now a pipe to divert water from natural occurring collection points downhill and into the Shallow Wildlife Area (see photos). Mr. Flahart reports that this is approved by NRCS. I asked him about the plans regarding this, which he said he will obtain from NRCS for MDE review.

Regarding the calf hutches on the back side of the farm on the concrete pads, near the Basin Run inlet, there has been no significant change, Jeff Anislie, Mr. Flahart's engineer, had stated he is working on Best Management Practice (BMP) to collect calf manure waste generated in this area.

As of today, July 21, 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, who is Mr. Flahart's attorney, or Mr. Weaver from NRCS, regarding plans demonstrating that the retention area is suitable for collecting wastewater from the front parking lot calf hutches. MDE is asking that these documents be provided.

## 2. Leachate Discharge at the BPM Leachate Collection System:

During the July 21, 2026, inspection Dave Bramble and I saw no changes to this corrective action. Mr. Flahart did state that he is aware that September 2026 deadline for a new system to be implemented, and he has verbally asked for an extension. Dave Bramble and I have stated that he must request an extension through his attorney to executives or "higher up" in MDE, we mentioned Mr. Rick Kessler as a starting point. We also stated we did not have the authority to grant any extension or approve any changes to any plans.

The current 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 currently comprised of a shallow concrete basin with a 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 is still currently bypassing the basin and entering the wetland areas, creating a discharge during heavy rain events (see photos). { *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. 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. Immediately address this 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.

## 3. Required Documentation per the 19AF Permit:

During our July 21, 2026, inspection I requested the following updated documentation, stating the Maryland Department of the Environment (MDE) requires the updated CNMP to address the following items:

- Cattle Bedding Sand: Include references to the windrowing of cattle bedding sand being placed in the silage leachate area to dry.
- Calf Hutches: Detail their locations, manure management practices, and Best Management Practices (BMPs).
- Tanker Loading/Unloading Area: Include a BMP for spills in this area.
- Silage Leachate Area: Plan for an increased catch bin size and capacity.
- Cattle Counts: Provide updated cattle amounts.
- Mortality Barn: Clarify the usage of this space. It was previously designated as a shared space for calves and mortalities. However, during the June 2026 inspection, no calves were present, yet mortalities only occupied half of the shed. MDE requires clarification on the current and intended use of this facility.
- Plans or clarifications and timelines on the additional manure storage pond.

MDE needs the plans from NRCS referencing the new BMP, storm water management pond, which was implemented at the front of the farm, and the Shallow Wildlife Area, which states it can handle manure runoff from the calf hutches in the front parking lot of the farm.

MDE needs all updated required daily and weekly management reports, according to the 19AF permit as required, which are the following:

- AFO Daily Water Line Inspection Log Sheets
- AFO Weekly Storage and Containment Structures Inspection Logs
- AFO Weekly Wastewater Facilities Inspection Logs
- AFO Manure Application Equipment Inspection and Calibration Records

- AFO Manure, Litter, and Wastewater Transfer Record Keeping Forms
- AFO Nutrient Land Application Log Sheet

MDE is requiring all the AIR's from the three production areas for the last 5 years be made available, as required in the 19AF Permit.

All documents, CNMP, logs, forms, and plans can be sent directly to Jeff Croissette at the following: (Email) Jeffreycroissette1@maryland.gov or sent to MDE, in care of Jeff Croissette, 120 Broadway Avenue, Suite #13, Centreville, Maryland 21617.

## 4. Water Infrastructure Asset / Dam Mitigation Project

The Water Infrastructure Asset to include the dam mitigation project is now under the oversite of MDE Dam Safety Program, and Mr. Charlie Wallis, the Division Chief for MDE's Dam Safety Program. Further reporting on the project, to include all corrective action requests, will come from the Dam Safety Program, this is per the CAFO Programs Division Chief, Alexis Capes.

During our July 21, 2026, CAFO inspection Dave Bramble and I observed the dam project with Charlie Wallis and DNR Brett Coakley. Dave and I took observation photos of the construction area, presently there was no active work being done.

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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 now a BMP for capturing manure; however, MDE inspectors have not seen the approved plans.



Calf hutches on the top parking lot area, discharge is flowing into the parking lot area, there is now a BMP to collect some of this water. MDE Inspectors have not seen the approved NRCS plans yet.



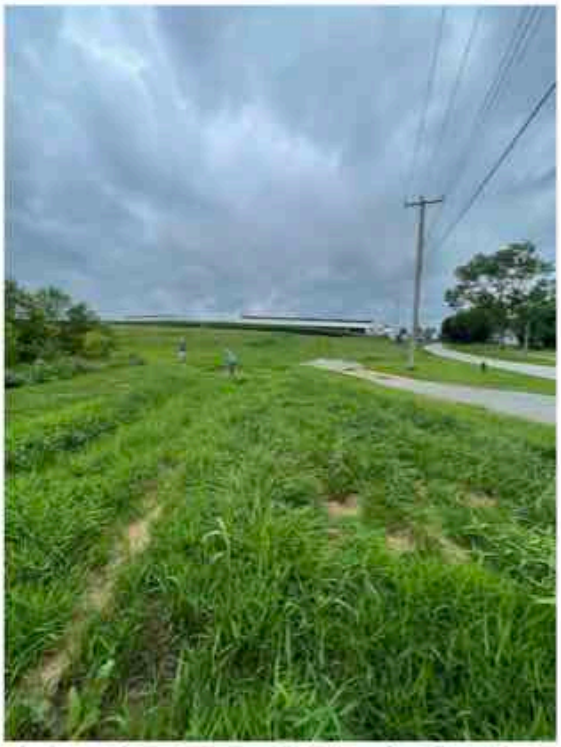
The black corrugated discharge pipe discharges into this man-made retention area, which now discharges to another receiving pit area, and eventually to the the Shallow Wildlife Area.



Man-made retention area now has a discharge pipe which takes the overflow to another receiving pit area downhill towards the Shallow Wildlife Area.



The second retention pit area which was recently created. This pit captures the overflow from the original man-made retention pit at the top of the hill.



Discharge from the second pit then free flows down the grass slope or hill and comes to rest at the bottom hill and is diverted to another perforated pipe or a solid pipe which both lead to the Shallow Wildlife Area.



This area was retaining water and discharge from the top of the hill. There is now a perforated pipe to capture the water and divert it to the Shallow Wildlife Area.



Solid pipe installed to divert additional water / discharge into the Shallow Wildlife Area.



The pipes taking water and discharge directly Shallow Wildlife Area.



Calf hutches on the back side of the farm, on the concrete pad leading down the hill towards Basin Run, a waterway of the State. Nothing has changed since the last inspection.



Sand windrows in the silage drainage area, you can see the silage piles in the background (left). The sand comes from the manure flush system, and is contaminated with manure which flows into the current silage leachate containment structure.



The current silage leachate containment structure, no change since the last inspections. Overflow is seen in the grass area heading towards the wetlands.



Dam mitigation project observation photos only. Currently work is not on going at this time.



Observation photo of the dam mitigation project.

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Inspector: _____ July 31, 2026
Jeff Croissette / Date

Received by: _____

_____
Print Name

Report Provided to:
| | Fax
| | Email — OAG Matt Standeven to review and send to Mr. Flaharts counsel
| | Regular Mail
| | Certified Mail
| | Hand Delivered — Scheduled to be delivered to Mr. Flahart during the August Inspection