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**
Facility Address: 785 Fire Tower Road, Colora, MD 21917
County: Cecil County

Inspection Date: October 5, 2026, **Start Date/Time:** October 5, 2026, 11:00 hours
End Date /Time: October 5, 2026, 15:00 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. [redacted]

Animal Feeding Operations (AFO)
Permit / Approval Numbers: Not permitted
Site Status: Active
Site Condition: Significant Noncompliance
Recommended Action: Refer to OAG
Inspection Reason: Complaint
Evidence Collected: Water readings, Visual Observation, Photos
Weather: Clear, temperature 72 °F

Field Inspection Report

On September 30, 2026, MDE received a complaint regarding a potential discharge and accompanying fish kill in the Basin Run tributary, potentially involving Kilby Farm. MDE inspectors, including myself, responded to investigate. Due to lack of farm access on September 30, inspectors conducted an initial preliminary investigation from the outskirts of the property (see FIR dated September 30, 2026).

On October 1, 2026, I contacted Mr. Flahart, who granted MDE access to the farm. I subsequently conducted an inspection. I wrote a field inspection report based on my findings (see FIR dated October 1, 2026)

On October 5, 2026, my supervisor, MDE Inspector David Bramble, wanted to accompany me to go back out to the Kilby Farm to verify my findings. At 09:30 hours on October 5, 2026, I called Mr. Flahart and requested to enter the farm for a follow-up inspection. Mr. Flahart granted us access and during our phone conversation Mr. Flahart complained that recent negative press releases about his farm have resulted in him receiving threats. Mr. Flahart was advised by me to immediately contact the police and make a police report. Mr. Flahart stated that he has evidence which shows that the water which is coming onto his property from the northwest is contaminated. Mr. Flahart stated his "expert" stated that there is a likelihood that the contaminates are from a failing septic system up the hill from his property or another farm uphill is polluting, and he is getting blamed solely for polluting Basin Run. I told Mr. Flahart we would investigate his claim.

On October 5, 2026, at approximately 11:00 hours Dave Bramble and I arrived at the Kilby Farm area, we proceeded to the directions Mr. Flahart gave us to Conrad Road, where he believes the actual discharge is occurring. Conrad Road is directly to the northwest of Kilby Farm. Dave and I went down Conrad Road stopping at the creek, which crosses the roadway at that location. We checked the creek and saw no physical evidence of a discharge, including smells. Dave Bramble and I went to a horse farm at the top of the hill where the creek, which is believed to be fed by underground springs, actually starts (see map). The horse farm is located at [redacted] Colora, Maryland. Dave Bramble and I noticed approximately a dozen horses at the farm, which are pastured. Dave explained that pasturing of only a dozen animals would not lead to the concentrations we are experiencing in Basin Run, and the fact that there is only a dozen or so horses make it unlikely that this is the location of the discharge. Dave Bramble and I met with a caretaker on the horse farm, [redacted] who states that the owners of the farm live in Virginia and visit occasionally. [redacted] appeared to be using an outside porta potty and not the septic system on the farm. [redacted] was briefed on why we were there and he had no information about a discharge or a failed septic system in the area. Dave Bramble and I also saw no visible signs of a catastrophic septic failure, or any failure of a septic system. Dave and I also checked the immediate area around Conrad Road and saw no evidence of a septic failure or a deliberate discharge of any sort. However, two fields adjacent to this spring fed creek are farmed by Mr. Flahart. Both fields are sloped towards the creek in question (see photos). Dave Bramble and I then went and looked at the back farm roadway to where Kilby Farm has access to those fields mentioned before. There is a cross over of the creek coming down from the northwest, which is land and rock formed with a corrugated pipe under it which allows the creek to flow. Dave and I saw pooling of liquid manure from Kilby Farm staff injecting the fields. There was also what appeared to be liquid manure on the crossover area of the creek, which would be in violation of the permit setbacks, to wit: 25AF Permit (page 21 & 23) **B. 9 minimum Standards to Protect Water Quality / 8. Protocols for the land application of manure and process wastewater** (a) *A setback of at least 100 feet from surface waters of the State, as well as field ditches, other conduits, intermittent streams, and drinking water wells, shall be maintained.*

Dave Bramble and I then walked the interior of the Kilby Farm complex. Dave and I inspected the manure pits. Manure Pit #3: Located furthest west and closest to the Basin Run tributary, this pit

was full and at maximum freeboard level. Page 17, paragraph 2 of the permit requires animal waste levels to remain at least 12 inches below maximum depth, also the 9 minimum standards: (Ensure Adequate Storage Capacity) of the General Discharge Permit. Evidence of spillover was present on the west side of the pit which was observed by Dave Bramble. The adjacent land and vegetation showed manure residue along with discoloration and signs of decay. The discharge appeared to flow over an embankment into the wetlands. These wetlands flow directly to the water infrastructure asset area, through a rip-rap channel, and into the Basin Run tributary, a state waterway. Manure pit #1 was also observed to be full. The remaining pits were stable, and no active discharges were observed while MDE was on site. An inspection of Strohmaier Farm by Dave Bramble and I also today revealed that its manure pit was also full.

For context, my previous MDE inspection at Kilby Farm occurred on September 21, 2026, during which corrective actions were noted:

1. **Discharge of Liquid Manure:**

   On October 5, 2026, Dave Bramble and I saw no calf hutches in the "upper parking lot area", they appeared to have all been removed. The back of the farm concrete pad had 110 calf hutches on September 21, 2026, on October 1, 2026, there were 83 calf hutches, and on October 5, 2026, there were 92 calf hutches. The calf hutches along the concrete pad are still discharging manure, which flows south towards Basin Run. The pools of black leachate at the bottom tree line area coming from the calf hutches was still there, and now observed by Dave Bramble. These leachate pools are approximately 100 feet from Basin Run and during a rain event is in a position to likely discharge. (see photos).

2. **Leachate Discharge at the BMP Leachate Collection System:**

   During October 1, 2026, I saw no changes to this corrective action, which has been continuously reported on for a year now. This was the same as October 1, 2026, where the perforated pipe located in the concrete collection bin was still clogged; therefore, additional runoff over the sides of the collection basin will continue to occur. Past inspections by me advised Kilby Farm staff to keep this pipe clear to allow the maximum amount of processed wastewater to flow into the collection tank. This was not done, and because of this, during a rain event this creates more of a position to likely discharge. (see photos).

SUMMARY:

There had been no significant measurable rainfall in the past 15 days, which includes this reporting date, in the Colora Maryland area.

The incident on the 30th of September 2026, is reminiscent of past discharges over the last couple of years. Jeff Carter's report, as well as witnesses' information, and follow up inspections, all points to a discharge. The location, after the Fire Tower Road bridge and before the Colora Road

bridge brings the likelihood of the source to Kilby Farm. The approximate distance between the Fire Tower Road Bridge and the Colora Road Bridge is 1,648.5 meters (1.2 miles). Kilby Farm is the only known animal farm situated along Basin Run between these two points. The fact that manure pit #3 has evidence of an overflow, which would have run a course consistent with reaching the rip rap area and flowing directly into Basin Run.

Basin Run is a State of Maryland waterway that flows into the Susquehanna River and ultimately the Chesapeake Bay.

No other inspectors, since the September 30 and October 5, 2026, inspections, have found a significant cause of this discharge other than an overflow from manure pit #3, which was first discovered on October 1, 2026. Dave Bramble and I investigated Mr. Flahart's claim of other factors either contributing to, or the main cause of the discharge; however, we did not physically see anything significant. The fields adjacent to the creek, the creek which Mr. Flahart claims is "hot", coming onto his property, which is situated to the northwest, could actually be caused by runoff coming from his fields. (see map & photos).

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PHOTOS:



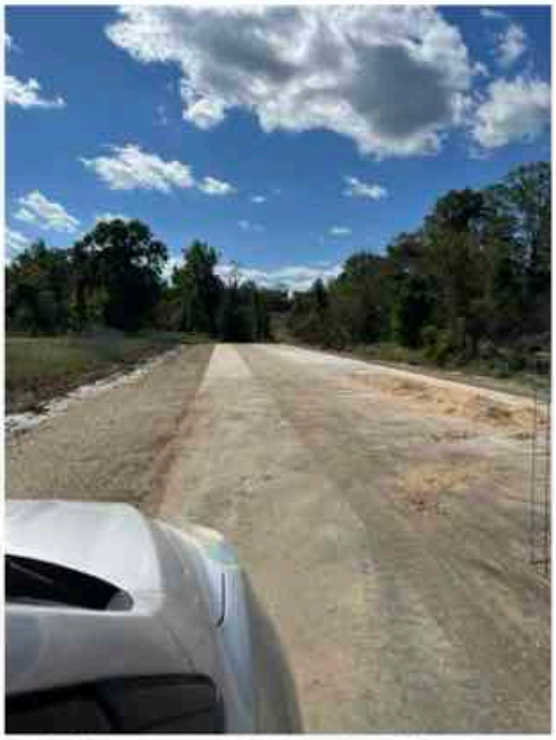
Bottom of the hill just before Basin Run. This is where the processed wastewater pools downhill from the concrete pad where the calf hutches reside.



A slurry of leachate, liquid manure, and processed wastewater in the wood line prior to entering the Basin Run tributary, a waterway of the State



The slurry of manure, leachate, and wastewater pooled approximately 100 feet from Basin Run



End of the concrete pad where the calf hutches are staged Calf hutches have been removed and are higher up the hill.





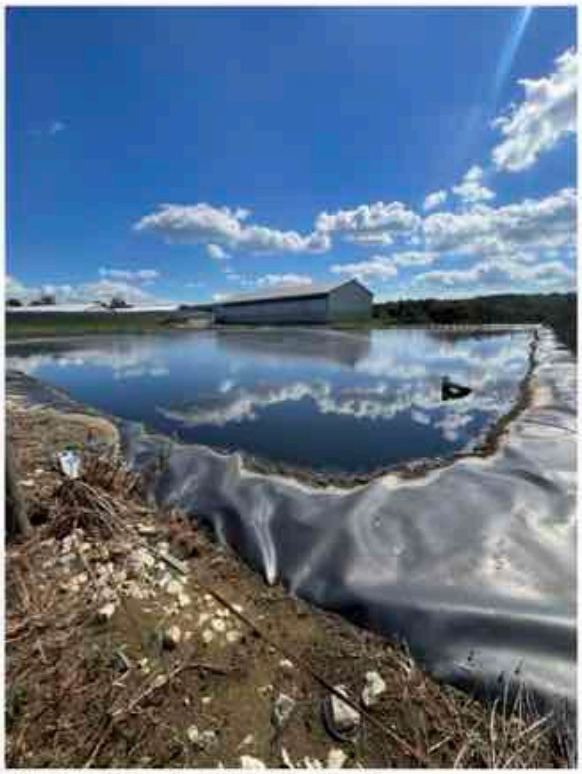
Higher up the hill on the concrete pad the calf hutches, notice the wastewater traveling south and downhill towards Basin Run. There are no BMP's to collect this mixture of processed wastewater and manure before reaching Basin Run.



Manure pitd # 1 at maximum capacity



Farm worker power washing calf hutches which creates process wastewater which washes down the concrete pad and eventually into Basin Run.



Manure pit #1 at maximum capacity.



Manure pit # 3 currently being pumped down for field injection. Pit #3 is at maximum capacity



Manure pit # 3 shows evidence of a recent overflow



Overflow of manure pit #3 possibly went over the berm and down into the wetlands.





Manure pit #3 shows evidence of a recent overflow which went over the berm and down the hill into the wetlands, where it is likely to discharge. The dead and decaying vegetation, as well as the rills shows the path the discharge most likely took.





Manure pit #3 west side where the discharge is believed to have occurred, flowed over the pits edge, down the hill into the wetlands that flows directly to the stone rip wrap and into Basin Run.



Black water – leachate pooling down the bottom of The hill where the wetlands start which is directly Over the berm from manure pit #3 overflow spot



Manure pit # 3 – west side of the manure pit, which is the likely path the overflow took.



Dead or dying plant life showing the probable path that a manure overflow took from manure pit #3



Manure pit #3 west side showing evidence of a previous overflow.



Silage leachate flowing towards the collection basin



Collection basin showing a clogged pipe which leads To the holding tank and is pumped into manure pit # 3





Chunks of silage and leachate which has overflowed from the catch basin. The catch basin is clearly clogged, which allows a discharge over the sides and into a rock channel which leads to the wetlands which leads to Basin Run.



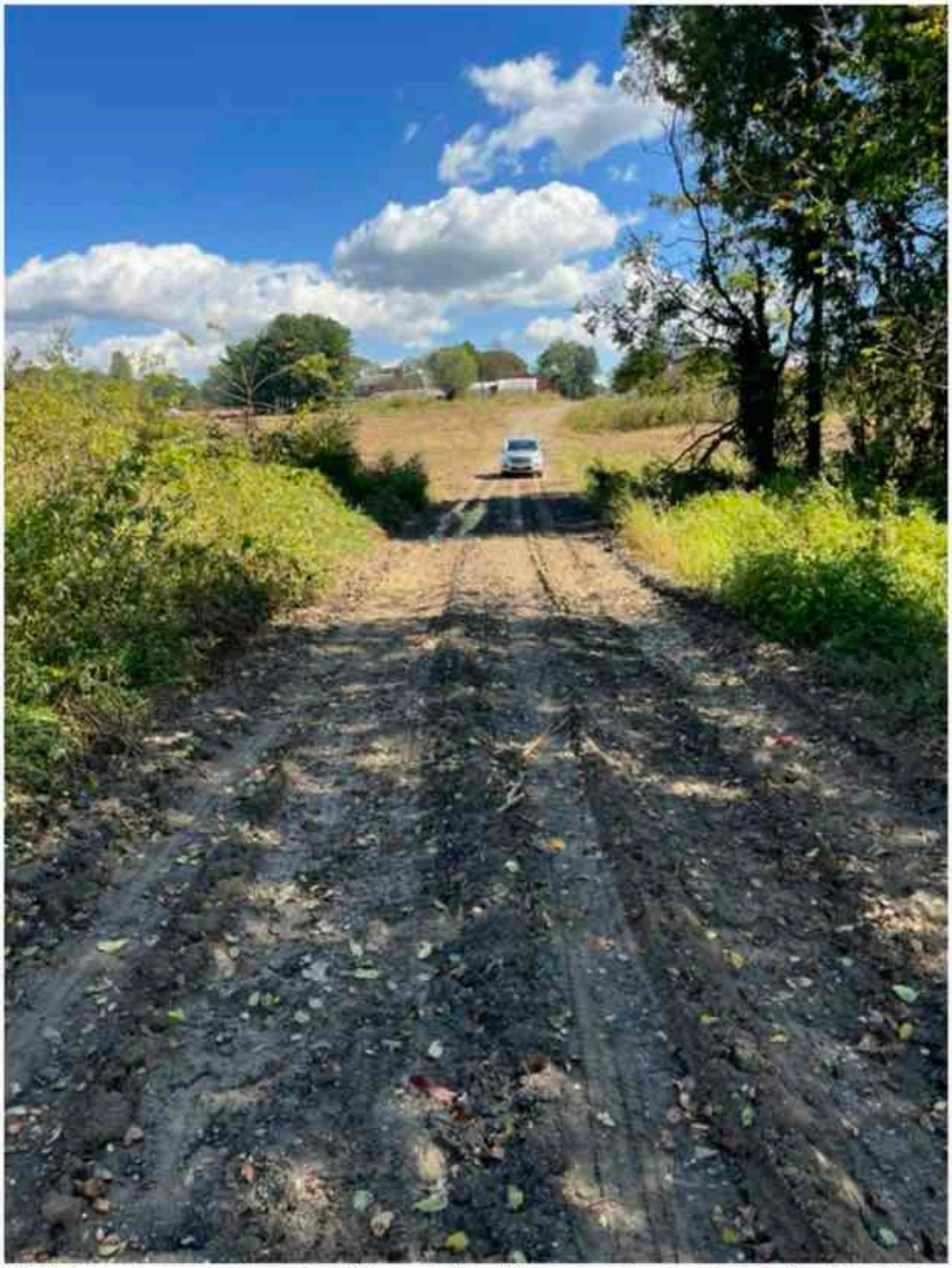
Top right corner of the leachate catch basin which had recently spilled over. On top of the basin wall is Silage which is a known pollutant.



Wider view of the collection basin where silage and leachate has overflowed a clogged system. You can see where chunks of silage has washed over the basin and down the rock channel towards The wetlands and eventually to Basin Run tributary, a waterway of the State of Maryland.



An overview of the silage – leachate collection system. The system is currently clogged and a significant rain event is forecasted for Sunday, October 11, 2026, which if still clogged will most likely cause a significant discharge. Of known pollutants into the wetlands and then into Basin Run tributary, which is a waterway of the State.



This is the pathway over the creek which comes down from the northwest and according to Mr. Flahart is polluted. Notice the farm fields in the background which are farmed by Kilby Farms, the fields sloop downhill towards the "creek" area. Notice the wet residual liquid manure spilled or haphazardly deployed during the injection process. There has been no significant rain reported since September 26, 2026, which makes it unlikely that the moisture is due to a rain event.

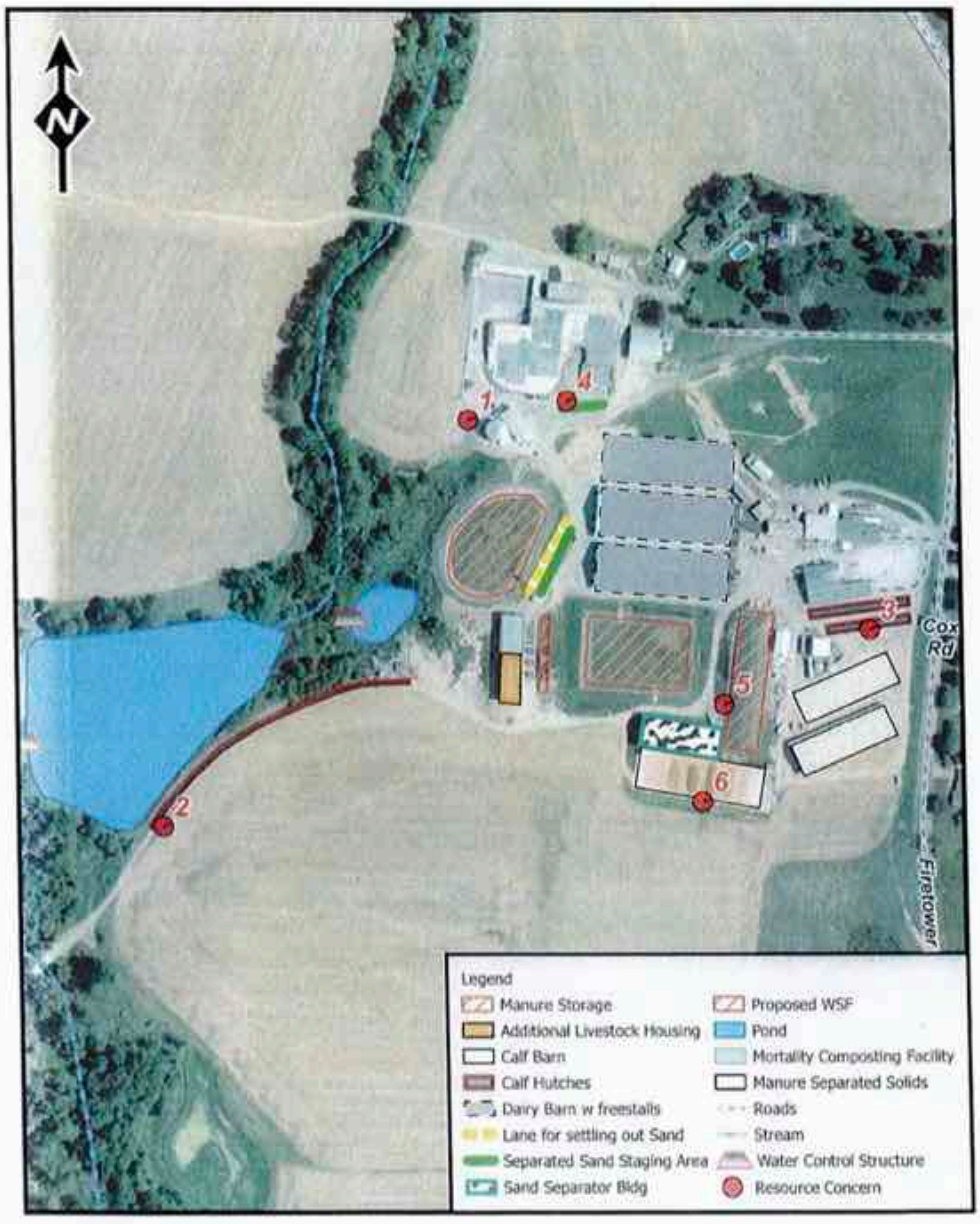
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North is at the top of the map



Kilby Farms

Resource Concern Identification Map



Account ID #s: 0806009786

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Kilby Farms

Headquarters Map



Account ID #s: 0806009786

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Rainfall for Colora, Cecil County, Maryland from September 25 through October 5, 2026

Between September 25 and October 5, 2026, **Colora, Maryland** experienced a single recorded event of measurable rainfall totaling 0.17 inches on September 26, 2026.
According to local weather station logs (Station KMDCOLOR11), the day-by-day precipitation breakdown for this period is as follows:

Daily Precipitation Breakdown

- **September 25, 2026:** 0.00 inches
- **September 26, 2026: 0.17 inches** (Light rain showers occurred during the afternoon hours)
- **September 27, 2026:** 0.00 inches
- **September 28, 2026:** 0.00 inches
- **September 29, 2026:** 0.00 inches
- **September 30, 2026:** 0.00 inches
- **October 1, 2026:** 0.00 inches
- **October 2, 2026:** 0.00 inches
- **October 3, 2026:** 0.00 inches
- **October 4, 2026:** 0.00 inches
- **October 5, 2026:** 0.00 inches



Inspector: _____ October 11, 2026
Jeff Croissette / Date

Received by: _____
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