

IN THE CIRCUIT COURT FOR HARFORD COUNTY

STATE OF MARYLAND *
DEPARTMENT OF THE *
ENVIRONMENT *
1800 Washington Boulevard *
Baltimore, Maryland 21230, *

Plaintiff, *

v. *

C-12-CV-24-000707
Case No.: _____

D.R. HORTON, INC. *
1341 Horton Circle *
Arlington, Texas 76011 *

Serve on: *
The Corporation Trust Incorporated *
Resident Agent *
2405 York Road *
Suite 201 *
Lutherville-Timonium, Maryland 21093 *

KINSLEY CONSTRUCTION, LLC *
1110 East Princess Street *
P.O. Box 2886 *
York, Pennsylvania 17405 *

Serve on: *
SDAT-Resident Agent *
Room 801 *
301 W Preston Street *
Baltimore, Maryland 21201 *

FORESTAR (USA) REAL ESTATE *
GROUP INC. *
10700 Pecan Park Drive, Suite 150 *
Austin, Texas 78750 *

Serve on: *
CSC-Lawyers Incorporating *
Service Company-Resident Agent *
7 St. Paul Place, Suite 820 *

Baltimore, Maryland 21202

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Defendants.

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COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

The Maryland Department of the Environment (the “Department”), by and through its attorneys, Anthony G. Brown, Attorney General, and Jonathan E.C. May and Judd Crane, Assistant Attorneys General, files this Complaint for Injunctive Relief and Civil Penalties against Defendants D.R. Horton, Inc. (“D.R. Horton”), Forestar (USA) Real Estate Group Inc. (“Forestar”), and Kinsley Construction, LLC (“Kinsley”).

INTRODUCTION

1. The Department has issued this Complaint for injunctive relief and civil penalties for the unpermitted discharge of pollution in violation of the sediment pollution provisions of Title 4, Subtitle 4, the nontidal wetlands provisions of Title 5, Subtitle 9, and the water pollution control provisions of Title 9, Subtitle 3 of the Environment Article of the Annotated Code of Maryland.

2. The Department asks the Court to enjoin further unpermitted discharge of pollution, to order the Defendants to bring the properties located at Trimble Road, Joppa, Maryland, 21085 and Magnolia Road, Joppa, Maryland 21085 (collectively, the “Sites”) into compliance with Maryland law, and to order Defendants to remediate any environmental harm caused by unlawful discharges.

3. The Department further requests that the Court enter a judgment assessing civil penalties for the conduct alleged in this Complaint.

JURISDICTION AND VENUE

4. The Department brings this action for penalties and injunctive relief under § 4-405, § 4-416, § 4-417, § 5-911, § 9-322, § 9-339, and § 9-342 of the Environment Article and Maryland Rules 15-501 and 15-502.

5. This Court has jurisdiction over the Defendants pursuant § 6-103 of the Courts and Judicial Proceedings Article, as this cause of action arises from Defendants' business activities in the State and real property owned, possessed, and used by Defendants in this State.

6. Venue is proper in this Court pursuant to § 6-201 of the Courts and Judicial Proceedings Article because the Defendants carry on regular business in Harford County.

PARTIES

7. Plaintiff is a State agency within the Executive Branch of the State of Maryland. The Secretary of the Environment is charged with the responsibility for enforcing the State's water pollution laws and regulations throughout the State of Maryland, including the comprehensive scheme for protecting the waters of the State from water pollution including the ill effects of sedimentation resulting from development and construction activities.

8. Defendant Forestar (USA) Real Estate Group, Inc. is a Delaware corporation that is registered to do business in Maryland and is involved in the contracting and construction business in Maryland. Forestar is the developer of the Sites, which consist of the Ridgely's Reserve housing development ("Ridgely's Reserve") on Magnolia Road, and an associated sewer line project ("Ridgely's Sewer Line") on Trimble Road. Forestar has

the responsibility for overseeing total Site development and the authority to control the day-to-day operations at Ridgely's Reserve and Ridgely's Sewer Line.

9. Defendant D.R. Horton, Inc., which is the parent company to Forestar, is a Delaware corporation that is registered to do business in Maryland and is involved in the building and construction business in Maryland. D.R. Horton is the homebuilder for Ridgely's Reserve and has the authority to control the day-to-day operations of the Site.

10. Defendant Kinsley Construction, LLC is a limited liability company formed in Pennsylvania and registered to do business in Maryland that is involved in the contracting and construction business in Maryland. Until approximately March 7, 2024, Kinsley was a contractor for the Ridgely's Reserve and Ridgely's Sewer Line projects that had the authority to control the day-to-day operations at the Sites.

STATUTORY AND REGULATORY AUTHORITY

11. “[T]he quality of the waters of this State is vital to the public and private interests of its citizens and because pollution constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water.” Md. Code Ann., Envir. § 9-302(b).

12. “[I]t is State public policy to improve, conserve, and manage the quality of the waters of the State and protect, maintain and improve the quality of water for public supplies, propagation of wildlife, fish and aquatic beneficial uses.” Envir. § 4-402; *see also id.* § 9-302(b).

13. The State of Maryland has comprehensive statutory and regulatory programs

that govern activities that have the potential to add, introduce, leak, or spill sediment and impact waters of the State, such as general construction, land clearing, grading, filling, and other similar activities. This scheme includes permitting requirements for facilities or sites with the potential to discharge pollutants, including sediment, to waters of the State.

Harm Caused by Sediment Pollution and Loss of Tidal Wetlands

14. Sediment pollution has a variety of adverse effects on wetlands, streams, and other waters, by impairing aquatic biology, reducing flood-carrying capacity, and compromising water treatment for human consumption. *See generally* 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control at I.1 (incorporated by reference at COMAR 26.17.01.11).

15. Sediment pollution can cause harm to the aquatic environment by (1) habitat disruption, (2) the alteration of water quality through sediment-associated contaminants, (3) changes in physical topography, and (4) problems associated with the suspension of sediments. Habitat disruption occurs when sediments fill open spaces in aquatic substrate, which destroys living space that is essential for aquatic invertebrates to survive. Fish may be indirectly affected through a significant decrease in the aquatic invertebrates they feed on, or directly affected by reduced spawning and fry rearing habitat. Water quality is altered as a result of the contaminants that adhere to sediments, which often contain other pollutants such as pesticides, metals, bacteria, or nutrients, which are a major concern for water quality degradation. Changes in physical topography may occur as sediments fill in channels, change flow characteristics, and contribute to stream bank instability. These

sediments are gradually filling-in receiving waters in the state, including the Chesapeake Bay. Finally, heavy suspended sediments block light penetration, which results in the decline of submerged aquatic vegetation and hinders primary production by inhibiting photosynthesis, which may reduce oxygen production to a point where the water body no longer sustains aquatic life.

16. In addition to harms to the aquatic environment, sediment pollution may also result in economic harm, such as impaired aesthetics and recreational value of streams, lakes, and reservoirs used for swimming, boating, fishing, and other water-related activities. Excess sediment pollution may result in the obstruction of stream channels and navigable rivers, which reduces the maximum rate of water flow and which may, in turn, increase flooding and the damage that follows. Sediment deposits in drainage channels, culverts, and storm drainage systems can result in frequent and costly maintenance, including municipal and industrial water supply reservoirs losing storage capacity; navigable channels needing to be dredged; and the cost of filtering and water purification becoming excessive.

17. The State's regulatory scheme for the control of soil and sediment pollution has been implemented to control the serious harm that soil and sediment discharges can cause. Section 4-402 of the Environment Article notes that the regulatory scheme was enacted based upon the understanding that:

the quality of the waters of the State is vital to the interests of its citizens and because pollution constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water.

See also Envir. § 9-302 (containing nearly identical similar language). Similarly, Section 16-102 of the Environment Article provides:

(a) In many areas of the State much of the wetlands have been lost or despoiled by unregulated dredging, dumping, filling, and like activities, and the remaining wetlands are in jeopardy of being lost or despoiled by these and other activities. The loss or despoliation:

(1) Will affect adversely, if not eliminate entirely, the value of the wetlands as a source of nutrient to finfish, crustacea, and shellfish of significant economic value;

(2) Will destroy the wetlands as a habitat for plants and animals of significant economic value and eliminate or substantially reduce marine commerce, recreation, and aesthetic enjoyment;

(3) In most cases, will affect the natural ability of tidal wetlands to reduce flood damage and affect adversely the public health and welfare; and

(4) Will reduce substantially the capacity of the wetlands to absorb silt and result in increased silting of channel and harbor areas to the detriment of free navigation.

(b) It is the public policy of the State, taking into account varying ecological, economic, developmental, recreational, and aesthetic values, to preserve wetlands and prevent their despoliation and destruction.

With respect to the sediment controls scheme, § 4-101 of the Environment Article recognizes:

that lands and waters comprising the watersheds of the State are great natural assets and resources. As a result of erosion and sediment deposit on lands and in waters within the watersheds of the State, these waters are being polluted and despoiled to such a degree that fish, marine life, and recreational use of the waters are being affected adversely.

18. Accordingly, each law provides an important component to the protection of

waters of the State from the effects of sediment pollution, in order to guard against, as § 4-101 states:

. . . the great potential for harm to the waters of the State if soil erosion and sediment control measures are not properly implemented and maintained and ... the cumulative effect on the environment of violations whether the project creating the violations is large or small . . .

Sediment Pollution Laws

19. Pursuant to § 4-413 of the Environment Article, it is “unlawful to add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State,” unless such discharge is in compliance with the terms, conditions, and requirements of a state discharge permit, issued pursuant to § 9-323 of the Environment Article.

20. COMAR 26.17.01.01B(25) defines “sediment” as “soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.”

21. COMAR 26.17.01.01B(7) defines “erosion” as the process by which the land surface is worn away by the action of wind, water, ice, or gravity.

22. Section 4-101.1(d) of the Environment Article, defines “waters of this State” to *include*:

(1) Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, storm drain systems, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

(2) The flood plain or free-flowing waters determined by the [Department] on the basis of the 100-year flood frequency.

All stormwater swales, ditches, channels, and culverts that carry storm or other surface water are included in this definition. “Waters of this State” are also defined to include nontidal wetlands, which § 5-901(i) of the Environment Article defines as “an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.” *See also* COMAR 26.08.01.01B(36), (90) & (103).

23. Section 4-417 of the Environment Article provides that a person who violates Title 4, Subtitle 4 of the Environment Article shall be liable for a penalty not exceeding \$25,000 for the violation, which may be recovered in a civil action, and the person may be enjoined from continuing the violation. Each day upon which the violation occurs constitutes a separate offense.

24. Furthermore, pursuant to § 4-405(c) of the Environment Article, the Department may investigate any condition in the waters of the State indicative of damage to aquatic resources, including mortality of aquatic life. Any person who the Department determines to be responsible for the discharge of any substance causing such damage shall be personally and severally responsible to clean up and abate the effects of the discharge and restore the natural resources of the State. Section 4-405(c) further authorizes the Attorney General to file suit against the person causing the condition, who shall be jointly and severally liable for the reasonable cost of rehabilitation and restoration of the resources

damaged and the cost of eliminating the condition causing the damage.

Sediment and Erosion Control

25. The Department is charged with the responsibility of enforcing State laws and adopting and enforcing State regulations regarding erosion and sediment control.

26. Section 4-105(a)(3) of the Environment Article prohibits a person from beginning or performing any construction unless the person: (i) obtains an approved sediment control plan from the appropriate approval authority; (ii) implements the measures contained in the approved sediment control plan; (iii) conducts the construction as specified in the sequence of construction in the approved sediment control plan; (iv) maintains the provisions of the approved sediment control plan; and (v) implements any sediment control measures reasonably necessary to control run-off. *See also* Envir. § 4-105(a)(2); COMAR 26.17.01.02D.

27. For projects within Harford County, the appropriate approval authority for erosion and sediment control plans is the Harford County Soil Conservation District (“SCD”).

28. The Department generally enforces the erosion and sediment control provisions of Title 4, Subtitle 1 in accordance with § 4-116 of the Environment Article. Section 4-116(b) of the Environment Article authorizes the Department to seek injunctive relief, while § 4-116(c) authorizes the assessment of civil penalties of up to \$10,000 for each violation. However, pursuant to § 4-103(e) of the Environment Article, the Department may delegate its enforcement authority under Title 4, Subtitle 1 to a county that is found capable of enforcing compliance with the subtitle within that jurisdiction.

29. The Department has delegated its enforcement authority under Title 4, Subtitle 1 to Harford County.

Water Pollution Laws

30. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State unless authorized by Title 4, Subtitle 4, or by Title 9, Subtitle 3.

31. In accordance with § 9-323(a) of the Environment Article, a person must hold a discharge permit issued by the Department before the person may construct, install, modify, extend, alter, or operate: (1) an industrial, commercial, or recreational facility or disposal system; (2) a State-owned treatment facility; or (3) any other outlet or establishment, if its operation could cause or increase the discharge of pollutants into the waters of the State.

32. Section 9-101(b) of the Environment Article defines “Discharge” as: 1) the addition, introduction, leaking, spilling, or emitting of any pollutant to waters of the State; or 2) the placing of a pollutant in a location where the pollutant is likely to pollute. *See also* COMAR 26.08.01.01B(20).

33. Section 9-101(g) of the Environment Article defines “Pollutant” as: 1) any waste or wastewater that is discharged from any publicly owned treatment works or an industrial source, or 2) any other liquid, gaseous, solid, or other substances which will pollute any waters of the State. *See also* COMAR 26.08.01.01B(66).

34. Section 9-101(h) of the Environment Article defines “Pollution” to include any contamination or other alteration of the physical, chemical, or biological properties of

any waters of the State, including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge or deposit of any organic matter, harmful organism, liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will render the waters harmful, or detrimental to: (1) public health, safety, or welfare; (2) domestic, commercial, industrial, agricultural, recreational, other legitimate beneficial uses; (3) livestock, wild animals, birds; or (4) fish other aquatic life. *See also* COMAR 26.08.01.01B(67).

35. Sediment is a pollutant. Stormwater, which is a mix of rain and the pollutants it picks up—including sediment—as it flows across land, is also a pollutant.

36. Pursuant to its authority under § 9-323 of the Environment Article and COMAR 26.08.04.08B(2)(a) and 26.08.04.09, and pursuant to its delegated authority under § 402 of the federal Clean Water Act, the Department regulates discharges of stormwater associated with construction activity as defined in 40 C.F.R. § 122.26, which includes clearing, grading, and excavating that disturbs equal to or greater than one acre of land, including disturbances less than one acre if the construction activity is part of a larger common plan that would ultimately affect one or more acres.

37. Pursuant to the General Permit for Stormwater Discharge Associated with Construction Activity (“General Permit”), individuals who wish to engage in construction or other land clearing activities in Maryland may obtain coverage under the General Permit by submitting a Notice of Intent (“NOI”) to be covered by the permit. COMAR 26.08.04.09.A. The individual seeking coverage represents in the NOI that they will comply with the terms and conditions of the permit.

38. The Department previously issued a General Permit known as the “14-GP.” The 14-GP expired on December 31, 2018, and was extended administratively for all existing permittees until a new general permit could be issued. However, once the 14-GP expired, the Department could no longer provide coverage under the permit to new applicants. Until a new permit was issued, therefore, prospective permittees were required to either obtain an individual discharge permit tailored to the specific activity, or agree to a Consent Order To Comply with the Terms and Conditions of the General Permit for Stormwater Associated with Construction Activity 14-GP (“Consent Order”). The Consent Order requires compliance with the terms of the 14-GP. It was illegal to engage in any construction activity without obtaining either coverage under the 14-GP prior to its expiration or an individual discharge permit, or without agreeing to the terms of the Consent Order. Envir. § 9-322; §9-323.

39. Effective April 1, 2023, the Department issued a new General Permit, the “20-CP”, which has similar but more stringent requirements for construction activities than the 14-GP. Holders of the expired 14-GP, or any individuals who agreed to the terms of the Consent Order, had to timely apply for coverage the 20-CP to ensure they had coverage under a General Permit and complied with the new requirements.

40. Both General Permits require permittees to obtain approved erosion and sediment control plans (“ESP”) in accordance with the requirements of Title 4, Subtitle 1 of the Environment Article and COMAR 26.17.01 and an approved stormwater management plan (“SWMP”) as required under Environment Article, Title 4, Subtitle 2, prior to commencing construction activity. The permits require the permittees to maintain

the required ESP controls during the entire period of construction. *See* Part VI.A of the 14-GP & Part III.A.2 of the 20-CP; *see also* COMAR 26.08.04.09A(5); 26.17.02.01 through 26.17.02.11. ESP control means a system of structural and vegetative measures that minimize erosion and prevent off-site sedimentation, including the use of silt fences at the perimeter of a construction site to prevent sediment runoff leaving the site, proper grading practices, use of sediment basins, and stabilizing bare or exposed soils with mulch or vegetation.

41. The General Permits also require permittees to maintain at the Site the approved ESP, the approved SWMP, a copy of the General Permit, a copy of the NOI application, and a copy of the NOI approval form. The General Permits also require the permittee to perform inspections of implemented ESP controls at various times during construction (*e.g.*, weekly and the next day after a rainfall event resulting in runoff) and to maintain written reports of all inspections at the Site. In addition, the General Permits require the written reports of these inspections to include, among other things, the date and time of the inspection, an assessment of the condition of ESP and how any deficiencies were or are being addressed, and a description and date of any ESP implementation and maintenance performed.

42. Part IV.A of the 14-GP requires the permittee to select, install, implement, and maintain control measures at the site to minimize pollutants in the discharge as necessary to meet applicable water quality standards. The permittee must implement the control measures from commencement of construction activity until permanent stabilization is complete.

43. In addition to Part IV.A, Part IV.B of the 14-GP requires permittee must take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters, or conveyance systems leading to surface waters. Conditions indicating discharge of significant amounts of sediment include, but are not limited to, the following:

- a. Earth slides or mud flows;
- b. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment;
- c. Turbid flows of stormwater that are not filtered, settled, or otherwise treated to reduce turbidity;
- d. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or catch basins that discharge directly to surface waters;
- e. Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity;
- f. Deposits of sediment from the construction site on any adjacent property outside of the permitted construction activity; or
- g. Discharges from the construction site to municipal conveyances, curbs and gutters, or streams running through or along the site where visual observations show that the discharges differ from ambient conditions in terms of turbidity so as to indicate significant amounts of sediment present in them.

44. Part III.A of the 20-CP requires the permittee to implement erosion and sediment controls consistent with the approved ESP and SWMP and in accordance with

specified requirements in the 20-CP to minimize the discharge of pollutants in stormwater from construction activities, in order to prevent the discharge of significant amounts of sediment to surface waters, or conveyance systems leading to surface waters.

45. Part III.B of the 20-CP requires that discharges must be controlled as necessary to meet applicable water quality standards. The narrative surface water quality criteria in Maryland's water quality standards include: floating debris, oil, grease, scum, sludge, and other floating materials in amounts sufficient to cause the receiving water(s) to be unsightly; change the existing color to produce objectionable color for aesthetic purposes, or interfere directly or indirectly with designated uses; or elevate temperature which interfere directly or indirectly with designated uses. There are also water quality criteria for turbidity, which may not exceed levels detrimental to aquatic life, may not exceed 150 units at any time or 50 units as a monthly average, as measured in Nephelometer Turbidity Units ("NTUs"). *See* COMAR 26.08.02.03-3A(5).

46. In accordance with § 9-339(a) of the Environment Article, the Department may seek injunctive relief to address violations of any rule, regulation, order, or permit issued pursuant to Title 9, Subtitle 3.

47. Pursuant to § 9-342(a) of the Environment Article, a person who violates any provision of the subtitle or of any rule, regulation, order, or permit adopted or issued under the subtitle is liable to a civil penalty not exceeding \$10,000, to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

Nontidal Wetlands Laws

48. The Department is charged with the responsibility for enforcing State laws and adopting and enforcing State regulations regarding the conduct of regulated activities within nontidal wetlands pursuant to the Nontidal Wetlands Act, Title 5, Subtitle 9 of the Environment Article. Authority over the permitting and regulation of nontidal wetlands is vested with the Department pursuant to §§ 5-901 through 5-911 of the Environment Article.

49. Section 5-902 of the Environment Article provides that it is a goal of the State to protect the waters of the State, to attain no net overall loss in nontidal wetland acreage, and to prevent wherever possible further degradation and loss of nontidal wetlands due to human activity.

50. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable federal, state, and local regulations.

51. Section 5-901(j) defines “regulated activity” to include, among others:

- (1) The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (2) The dumping, discharging of material, or filling with material including the driving of piles and placing of obstructions;

- (3) The grading or removal of material that would alter existing topography; and
- (4) The destruction or removal of plant life that would alter the character of a nontidal wetland.

52. Section 5-906 of the Environment Article exempts certain minimal-impact activities from the permitting requirements, and the Department has established a streamlined approval mechanism through which it may issue a letter of authorization instead of a permit for such activities. However, although “an activity that qualifies for a letter of authorization is exempt from the permit and mitigation requirements,” the applicant still must provide notice of the activity to the Department and must follow best management practices (BMPs) in completing the activity. COMAR 26.23.03.01A; *see* Env’t § 5-906(a) (exempting from the permit requirements certain activities “with minimal impact on nontidal wetlands”). As relevant here, exempt activities include “[a]ctivities in isolated nontidal wetlands of less than 1 acre and having no significant plant or wildlife value.” *Id.* § 5-906(a); COMAR 26.23.03.01B(2).

53. Pursuant to § 5-911(d)(2) of the Environment Article, a court may issue injunctive relief requiring the person to cease any violation of any provision of the subtitle or any regulation, order, or permit under the subtitle and to restore the area unlawfully disturbed.

54. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of this subtitle or any regulation, order, or permit under the subtitle is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

FACTUAL ALLEGATIONS

Ridgely's Reserve

55. Ridgely's Reserve is a planned housing development in Joppa, Maryland that covers 121.42 acres. Forestar is the developer for the Site and owns the applicable parcels, while D.R. Horton is the registered home-builder for the project. Kinsley was a construction contractor for the project. Construction of the development began on or about October 19, 2021, and as of the date of the filing of this Complaint home construction continues.

56. Drainage from the Site discharges to Foster Branch and unnamed tributaries that then flow into Foster Branch. Foster Branch is a tributary to the Gunpowder River, which in turn is a tributary to the Chesapeake Bay. These waterways are all waters of the State. As described in detail below, during construction of the development, the Defendants' land-clearing activities resulted in the unpermitted discharge of sediment from the Site into both Foster Branch and the Gunpowder River, with harmful impacts to water quality, including visual impacts, excess turbidity, and the loss of submerged aquatic vegetation ("SAV").

57. Forestar was first issued coverage under the Consent Order, requiring compliance with the 14-GP, Permit No. MDRCM05E6, with an effective date of October 19, 2021, authorizing the discharge of stormwater from the Site under conditions set forth in the 14-GP. On February 6, 2024, Forestar was issued coverage under the 20-CP, Permit No. 20CPM089WA/MDRCM089W, authorizing the discharge of stormwater from the Site under conditions set forth in the 20-CP.

58. D.R. Horton was first issued coverage under the Consent Order, requiring compliance with the 14-GP, Permit No. MDRCM05E6, with an effective date of October 19, 2021, authorizing the discharge of stormwater from the Site under conditions set forth in the 14-GP. On December 11, 2023, D.R. Horton was issued coverage under the 20-CP, Permit No. 20CPM088C/MDRCM088C, authorizing the discharge of stormwater from the Site under conditions set forth in the 20-CP.

59. On March 24, 2021, D.R. Horton was issued a Wetlands and Waterways Letter of Authorization (“Letter of Authorization”) No. 20-NT-0261/202061751, which authorized limited disturbance in nontidal wetlands and the nontidal wetland buffer at the Site. On October 21, 2022, the Department issued a modification to the Letter of Authorization, making Forestar the authorized person.

60. Kinsley was issued coverage under 20-CP, Permit No. 20CPM07KAA/MDRCM07KA, with effective date October 16, 2023, authorizing the discharge of stormwater from the Site under conditions set forth in the 20-CP.¹ Kinsley voluntarily terminated its coverage under the 20-CP on March 7, 2024, and has stopped all work on the Site.

61. As covered entities under either the Consent Order or 20-CP, all Defendants had common day-to-day operational control of the Site, including the authority to direct those working on the Site to take actions to comply with the Consent Order and 20-CP,

¹ Kinsley never obtained coverage itself under the Consent Order, because the terms of the 14-GP did not require it to submit an NOI for its own coverage under that permit; rather, Kinsley could operate at the Site under the coverage provided by D.R. Horton and Forestar.

correct violations, and halt construction activity until violations were corrected.

62. As discussed above, the General Permits and Consent Order authorize stormwater discharges from the Site provided that, among other things, appropriate sediment and erosion controls are designed, installed, and maintained, and that actions be taken to prevent discharges of significant amounts of sediment from the Site.

63. The Harford County SCD issued to D.R. Horton an approved ESP for the Site in June 2021. The approval was transferred to Forestar on May 23, 2022.

64. Enforcement of the state sediment and erosion control laws in Title 4, Subtitle 1 of the Environment Article is delegated from the Department to the Harford County Department of Public Works (“Harford County DPW”).² The Department retains the authority to enforce compliance with the General Permits and Consent Order under Title 9, Subtitle 3 of the Environment Article, as well as sediment pollution laws in Title 4, Subtitle 4 of the Environment Article.

65. On May 18, 2022, the Department’s inspector performed an inspection of Ridgely’s Reserve. The inspection was conducted as part of a scheduled inspection to check for compliance with the Consent Order and the 14-GP, and to investigate multiple citizen complaints made to the Department regarding sediment-laden water observed emanating from the housing development and discharging into Foster Branch, a tributary to Gunpowder River. During the inspection, the Department’s inspector was accompanied

² Harford County DPW routinely inspected this Site along with the Department to determine compliance with the ESP, and issued multiple correction notices and stop work orders pursuant to its delegated authority under Title 4, Subtitle 1 of the Environment Article.

by a representative of Harford County DPW and a representative of Kinsley. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges and Part VI.A to comply with the ESP. The Department's inspector observed that sediment had clogged the filter fabric attached to the horizontal draw-down device located within sediment basin 7, rendering it useless. The Department's inspector also observed that the north slope of sediment basin 7 was earthen and not stabilized. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided Kinsley with a report outlining the actions needed to correct the violations, including cleaning out their sediment basins and stabilizing the earthen areas of the Site.

66. On June 8, 2022, the Department conducted an unannounced inspection at Ridgely's Reserve. During the inspection, the Department's inspector was accompanied by a representative of Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed a torn "Smart Fence," a special type of silt fence which is used to prevent sediment from leaving the authorized construction area. The Department's inspector also observed signs of erosion, such as gullies, at the west slope of the outfall for sediment basin 6. Further, the Department's inspector observed sediment tracking off-site

and onto nearby Magnolia Road, and an undermined stabilized construction entrance near Magnolia Road with sediment build-up. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided a written report with corrective actions to Defendants to fix the Smart Fence and to stabilize areas of erosion.

67. On June 10, 2022, the Department conducted an unannounced inspection of Ridgely's Reserve in response to a citizen complaint made that day about sediment-laden water in Foster Branch. During the inspection, the Department's inspector was accompanied by a representative of Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-laden water flowing from a filter bag, placed directly on an earthen ground surface, and discharging into an intermittent stream. The Department's inspector also observed several holes along the Smart Fence and unstabilized earthen surfaces. After the site walk through at Ridgely's Reserve, the Department's inspector investigated Foster Branch downstream from the Site, and observed sediment-laden water flowing from the Site in the waterway. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants.

68. On July 13, 2022, the Department conducted an inspection of Ridgely's Reserve in response to complaints regarding sediment-laden water in Foster Branch. The Department's inspector was accompanied by representatives of Harford County DPW and Forestar. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. Upon walking the site, the Department's inspector observed sediment-laden water flowing in an intermittent stream connected to Foster Branch. The inspector walked along the stream to find the source of the sediment-laden water. After walking upstream, the Department's inspector observed that the stream led to sediment basin 1 of the Site. In other locations on the Site, the inspector observed sediment-laden water seeping through the Smart Fence, and ponding next to the stream and fences. The sediment-laden water from the Site caused a visual impact to a receiving stream that is connected to Foster Branch. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to fix the Smart Fence, stabilize any earthen areas, and implement any necessary controls to prevent sediment from washing from the Site.

69. On August 22, 2022, the Department conducted an unannounced follow-up inspection of Ridgely's Reserve. During the inspection, the Department's inspector was accompanied by representatives of Harford County DPW and Kinsley. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in

Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The inspector observed sediment-laden water actively flowing at several areas throughout the Site, including: down a slope and off-site into waters of the State; over the Smart Fence towards a nontidal wetland and 25-foot nontidal wetland buffer; ponding at several locations throughout the Site, in a position likely to flow off-site and into a nontidal wetland and 25-foot nontidal wetland buffer; actively discharging out of sediment basins; over a bulging Smart Fence and off-site to a nontidal wetland; and overflowing out of a concrete weir. The Smart Fence had collapsed in several areas throughout the Site and sediment-laden water was flowing over the collapsed fences into nontidal wetlands and their respective buffers. The inspector observed most of the ground surface around the sediment traps to be earthen and not stabilized. The Department's inspector also observed sediment deposits located outside the Site's limit of disturbance. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to fix the Smart Fence and to maintain the sediment basins.

70. On September 13, 2022, the Department conducted a follow-up inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of the Harford County DPW, Kinsley, Forestar, and CMS Environmental Solutions, a consultant invited by Forestar. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to

prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed that perimeter controls were not in place in sections of the Site, ponding of sediment-laden water occurred at several locations on the Site, and the presence of rills and gullies (signs of previous soil erosion for an extended period of time) at multiple areas of the Site. The Department's inspector further observed sediment and sediment-laden water in a position likely to wash from the Site and enter into nontidal wetland and nontidal wetland buffer areas. The inspector also observed sediment-laden water flowing northwest towards a nontidal wetland and 25-foot nontidal wetland buffer. The inspector observed that several of the sediment basins were earthen and not stabilized and noted gaps between the silt fences where the inspector observed deposited sediment. The inspector observed sediment and sediment-laden water in a position likely to wash from the Site into a nontidal wetland and 25-foot nontidal wetland buffer. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

71. On October 5, 2022, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley, and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-

laden water washing from the Site from the sediment basins, and observed sediment-laden water within the stream downstream of sediment basin 2. The inspector also observed sediment-laden water from the Site's sediment basins washing into nontidal wetlands. The inspector observed many areas upslope of the basins that were earthen and not stabilized, as well as sediment basins covered with sediment, rendering them unable to function optimally. Sections of stabilization matting had fallen away and needed restabilization. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

72. On December 9, 2022, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley, and CMS Environmental Solutions. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A. to maintain controls to prevent discharges and in Part VI.B. to comply with the ESP. The Department's inspector observed sediment-laden water flowing into a riser, even though the water surface was below the drawdown pipe. The inspector also observed multiple parts of the site with gullies and earthen surfaces. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

73. On February 7, 2023, the Department performed an inspection of Ridgely's

Reserve. The Department's inspector was accompanied by representatives of Forestar, D. R. Horton, Kinsley, CMS Environmental Solutions, and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges and in Part VI.A to comply with the ESP. The Department's inspector observed stabilization matting at the north slope of sediment basin 10 that was not installed correctly (e.g., horizontally along the slope instead of vertically along the slope). The inspector observed stabilization mattings slipping away from each other, and bare earth exposed on the slope of sediment basins. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

74. On April 18, 2023, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, D.R. Horton, Kinsley, CMS Environmental Solutions, and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A. to maintain controls to prevent discharges and in Part VI.B. to comply with the ESP. The inspector observed sediment basins with earthen, unstabilized slopes, leaving the earthen slope surface susceptible to erosion and undermining the sediment basin's ability to trap sediment, rendering it unable to function optimally. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment

Article. The Department's inspector provided corrective actions to Defendants for each violation.

75. On June 6, 2023, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, CMS Environmental Solutions, and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A. to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed that a gully had formed, indicating significant soil erosion. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

76. On July 27, 2023, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley, CMS Environmental Solutions, and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-laden water at the outfalls of several sediment basins and in a position likely to wash off-site and into waters of the State, including nontidal wetlands and streams. The Department's inspector observed sediment-laden

water from the Site in the position likely to cause a visual impact to the receiving waterway. The Department's inspector also observed sediment-laden water ponding along the sediment basins between the edge of the rip rap spillways, in a position likely to pollute. The inspector observed straw bale dikes that would not be sufficient to prevent stormwater from leaving the Site and washing into a nontidal wetland and 25-foot nontidal wetland buffer during a heavy rain event. The inspector also observed sediment-laden water at the outflows of basins 9 and 10 in a position likely to be washed into a stream, nontidal wetland, and the 25-foot nontidal wetland buffer. The inspector also observed several rills or gullies at basin 8 and basin 2, and inadequate stabilization at basins 1, 8, and 9, which undermined the sediment basins' ability to trap sediment within the Site. The inspector also observed sediment accumulation at more than 50% of the height of sections of the Smart Fence located north of sediment basin 8. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

77. On August 31, 2023, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Harford County DPW, CMS Environmental Solutions, and Kinsley. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The

Department's inspector observed several areas of the Site to be earthen and exposed, and areas with rills and gullies. The inspector observed sediment-laden water ponding at several different areas at the perimeter of the Site, in positions likely to be washed off-site into waters of the State, including nontidal wetlands and Foster Branch. The Department's inspector observed stabilization measures in place that were insufficient to control stormwater runoff, such as Smart Fences damaged in several places and with sediment accumulation to more than 25% of the height of the Smart Fence. Lastly, the Department observed new, excessive in-stream rip rap measuring 51.5 linear feet (authorized only to be 30 linear feet), which was placed in violation of the Department's nontidal wetland Letter of Authorization. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

78. On September 11, 2023, the Department performed an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-laden water washing off-site and flowing towards a nontidal wetland and receiving stream. This sediment-laden discharge caused a change in color to the receiving waterway. The Department's inspector also observed stormwater with high turbidity ponding at the rip rap outlets of sediment basin

10. The inspector also observed signs of sediment erosion including gullies, rills, and sediment erosion wash out at several locations throughout the Site. Finally, the inspector observed sediment accumulation higher than 25% of the height of the Smart Fence in some areas. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

79. On September 13, 2023, the Department conducted an inspection at Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The inspector observed gullies and rills, sediment erosion washout, and damaged perimeter controls at multiple parts of the Site. The Department's inspector observed sediment-laden water flowing off-Site to waters of the State, including nontidal wetlands and a stream, from multiple sediment basins. The Department's inspector also observed sediment-laden discharges from multiple sediment basins causing the receiving stream's turbidity to be over 150 NTU, in violation of COMAR 26.08.02.03-3.A(5)(b). In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

80. On October 2, 2023, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar and Kinsley. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment accumulation of more than 25% of the height of the Smart Fence, multiple gullies at multiple parts of the Site, and an excessive amount of sediment accumulated at the rip rap outlets in sediment basins 9 and 10. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

81. On November 15, 2023, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley, and Harford County DPW. With respect to Forestar and D.R. Horton, the Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley, the Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed excessive sediment

buildup at the riprap inflow and outlet and ponding of sediment-laden water at the riprap outlet for sediment basin 10. In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

82. On December 11, 2023, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar. With respect to Forestar, the Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley and D.R. Horton, the Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed turbid discharges flowing out of all sediment basins, sediment-laden water flowing to a nontidal wetland from multiple sediment basins, and sediment-laden water causing a change in color to the receiving waterway, which had a turbidity higher than 150 NTUs. The Department's inspector also observed multiple gullies, rills, and earthen and unstabilized ground surfaces. In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-

906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

83. On December 18, 2023, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley and Harford County DPW. With respect to Forestar, the Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley and D.R. Horton, the Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed high turbidity levels in the water being discharged from multiple parts of the Site including multiple sediment basins, sediment-laden water ponding at sediment basin 8, and sediment-laden water from sediment basins 3-5 and 8-10 discharging into nontidal wetlands and streams, which had turbidity in excess of 150 NTUs. The Department's inspector also observed a sediment deposit outside of the limit of disturbance and in a position likely to pollute waters of the State. The Department's inspector also observed gullies, slope sloughing, rills, and partially collapsed silt fences. In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each

violation.

84. On December 27, 2023, the Department conducted an inspection at Ridgely's Reserve. The Department's inspector was accompanied by a representative of Forestar. With respect to Forestar, the Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley and D.R. Horton, the Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed rills, unstabilized earthen areas, and damaged perimeter controls at multiple parts of the Site. The Department's inspector observed sediment-laden water from the Site in the position likely to flow into receiving waterways, and sediment-laden water from basins 5, 8, and 10 ponding within a nontidal wetland. In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

85. On December 28, 2023, the Department conducted an inspection at Ridgely's Reserve. The Department's inspector was accompanied by a representative of Forestar. With respect to Forestar, the Department's inspector observed violations of the Consent

Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley and D.R. Horton, the Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The inspector observed rills, unstabilized earthen areas, and damaged perimeter controls at multiple parts of the Site. The Department's inspector observed sediment-laden water from multiple sediment basins flowing into a nontidal wetland and stream, which had a turbidity of more than 150 NTU (violation of COMAR 26.08.02.03-3.A(5)(b)). In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

86. On January 10, 2024, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley, CMS Environmental Solutions, and Harford County DPW. With respect to Forestar, the Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley and D.R. Horton, the Department's inspector observed

violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed sediment-laden water actively flowing into nontidal wetlands and receiving waterways, which had turbidity in excess of 150 NTUs. The Department's inspector also observed sediment-laden water seeping through silt fences, and outside the limit of disturbance and in a position to wash into waters of the State and causing a change of color to the receiving stream and to Foster Branch. The Department's inspector observed rills, partially collapsed Smart Fences, earthen areas, gullies, and accumulated sediment in a proposed stormwater management feature. In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

87. On January 26, 2024, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, Kinsley, Harford County DPW, and Rain for Rent, a company hired by Forestar to provide filtration services. With respect to Forestar, the Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. With respect to Kinsley and D.R. Horton, the

Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed rills, accumulated sediment on the rip rap outlet of sediment basin 9, eroding earth, and partially collapsed Smart Fences, resulting in sediment in position likely to wash into waters of the State. The Department also observed accumulated sediment on top of a rip rap inflow within sediment basin 10, which would undermine a sediment basin's ability to trap sediment. In addition to violations of the Consent Order and 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

88. On February 15, 2024, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, CMS Environmental Solutions, and Harford County DPW. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed sediment-laden water ponding throughout the site, partially detached and damaged Smart Fences and super silt fences, excessive amounts of accumulated sediment among the rip rap outlets for sediment basin 4 and 9, sediment accumulation to 50% of the

height of the Smart Fences, trenches, gullies, earthen areas, and signs of wash out. The Department observed conditions where sediment-laden water had discharged into waters of the State, specifically from the area by the outflow side of a pipe crossing between basins 8 and 10, flowing into the nontidal wetland and stream, which caused a change in color to the receiving waterway. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

89. On March 7, 2024, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar and Harford County DPW. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed sediment-laden water ponding and accumulation of sediment in the riprap outlet of sediment basin 4, damaged Smart Fences, and earthen and unstabilized areas. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

90. On March 21, 2024, The Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, CMS Environmental Solutions, and Harford County DPW. The Department's inspector

observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed overfilled sediment basins, earthen and unstabilized areas, damaged Smart Fences, rills, and gullies. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

91. On March 25, 2024, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar and Harford County DPW. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed sediment accumulation of more than 50% in sediment basin 3, sediment-laden water ponding beside sediment basin 9, unstabilized earthen areas, and signs of soil erosion, including rills and gullies near a proposed baseball field and at a stormwater management pond (Pond 6). In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

92. On April 25, 2024, the Department conducted an inspection of Ridgely's

Reserve. The Department's inspector was accompanied by a representative of Forestar and Harford County DPW. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed earthen areas of ground, exposed soil in the position likely to wash into the stormwater management pond, a water of the State, trash in the forebay leading to Pond 6, and erosion of sediment basin 10. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

93. On April 30, 2024, the Department conducted a site visit of Ridgely's Reserve. The Department's inspector was accompanied by representatives of Forestar, CMS Environmental Solutions, Rain for Rent, and Dober Chemicals. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed earthen areas and a damaged Smart Fence, which placed sediment in the position likely to pollute the waters of the State. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

94. On May 9, 2024, the Department conducted an inspection of Ridgely's Reserve, in response to complaints about sediment-laden water in Foster Branch by Copenhaver Park. The Department's inspector was accompanied by a representative of Forestar and Harford County DPW. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed exposed soils at the inflow headwall of sediment basin 1 and the berm between the forebay and the basin, as well as a dislodged Smart Fence adjacent to the basin's outfall. The Department's inspector further observed an eroding slope adjacent to the inflow area of sediment basin 10, and patches of exposed soils at the bottom of stormwater ponds 6 and 7. Finally, the Department's inspector observed evidence of an overflow from concrete washout and noted that a concrete mixture had spilled onto the adjacent grass area in the portion of the Site where homes were under construction. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

95. On June 10, 2024, the Department conducted an inspection of Ridgely's Reserve, in response to complaints about sediment-laden water in Foster Branch downstream from the Site. The Department's inspector was accompanied by a representative of Forestar. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of

pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed earthen, unstabilized soils on the slope between sediment basins 1 and 2, and observed evidence that sediment had overwhelmed the Smart Fence at the rip rap inflow channel to sediment basin 1, with sediment build up to more than 25% of the height of the fence. The Department's inspector also observed gullies and rills on the ground surface at Managrass Drive and a slope that drains to sediment basin 1, as well as exposed sediment on a slope by sediment basin 2. In proximity to sediment basin 3, the Department's inspector observed sediment outside the Smart Fence containment area, damaged areas of the Smart Fence, exposed sediment accumulated to more than 25% of the Smart Fence, and multiple gaps in the baffle boards in sediment basin 3. The Department's inspector further observed erosion on a slope in sediment basin 9, and unstabilized, earthen areas at the bottom of the forebay leading to Pond 6 and Pond 7, and next to the inflow pipe leading to Pond 6. Finally, the Department's inspector observed foam and visible solids discharging from the outfalls of sediment basins 1 and 5, with foams in the position likely to wash into waters of the State. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

96. On July 23, 2024, the Department conducted an inspection of Ridgely's Reserve. The Department's inspector was accompanied by a representative of Forestar and Harford County DPW. The Department's inspector observed violations of the 20-CP,

including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, in Part III.B. to control discharges as necessary to meet water quality standards, and in Part III.A.2 to comply with the ESP. The Department's inspector observed sediment-laden water, with a turbidity of 214 NTU, ponding at the rip-rap outlet for sediment basin 9, and in a position likely to flow into a nearby stream, as well as sediment-laden water inside the riser. The Department's inspector also observed an undercut Smart Fence at the rip rap outlet for sediment basin 1, and an eroded slope of the berm for sediment basin 1. The Department's inspector further observed foams and solids at the rip rap outlets of sediment basin 5 and 10, and in a grassy area outside the authorized limit of disturbance near sediment basin 10. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

97. The violations at Ridgely's Reserve are believed to be continuing. Construction at the Site is on-going, but most of the houses are established and some are already sold to homeowners. Because of the on-going failures to control and minimize the discharge of pollutants, the Department has directed the implementation of additional corrective actions to comply with the 20-CP requirements. The Department intends to perform monthly inspections until the entire Site meets the condition for filing a Notice of Termination pursuant to Part II.F of the 20-CP.

98. As documented above, on numerous occasions the Department documented

sediment discharging from the Site and into Foster Branch and the Gunpowder River. Such discharges not only violated Maryland's water quality standards, but have harmful impacts on these waterways, resulting in—among other things—the die-off of SAV in the Gunpowder River. *See* COMAR 26.08.02.03-3A(5)(a). The Department seeks rehabilitation and restoration of all aquatic resources negatively impacted by Defendants' actions.

Ridgely's Sewer Line

99. Ridgely's Sewer Line is a property of 6.66 acres that runs adjacent to Ridgely's Reserve housing development that was developed for the purpose of placing the sewer line necessary for the housing development. The property is owned by Forestar, which is the developer of the Site. Construction of the sewer line began on or about October 19, 2021, and as of the date of the filing of this Complaint construction activities are complete.

100. As with Ridgely's Reserve, drainage from the sewer line Site discharges to Foster Branch and unnamed tributaries that flows to Foster Branch. Foster Branch is a tributary to the Gunpowder River, which in turn is a tributary to the Chesapeake Bay. These waterways are all waters of the State. As described in detail below, during construction of the sewer line, the Defendants' land-clearing activities resulted in the unpermitted discharge of sediment from the Site into both Foster Branch and the Gunpowder River, with harmful impacts to water quality, including visual impacts, excess turbidity, and the loss of SAV.

101. Defendant Forestar was issued coverage under the Consent Order, requiring

compliance with the 14-GP, Permit No. MDRCM063Y with an effective date of February 10, 2022, authorizing the discharge of stormwater under conditions set forth in the 14-GP. On October 23, 2023, Forestar was issued General Permit coverage under the 20-CP, Permit No. 20CPM07UD/MDRCM07UD.

102. Defendant D.R. Horton was issued coverage under the Consent Order, requiring compliance with the 14-GP, Permit No. MDRCM063Y, with an effective date of February 10, 2022, authorizing the discharge of stormwater under conditions set forth in the 14-GP.

103. On November 4, 2021, D.R. Horton was issued a Wetlands and Waterways Letter of Authorization No. 21-NT-0345/202160724, which authorized a limited disturbance in the nontidal wetlands and nontidal wetland buffer at the Site. On October 25, 2022, the Department issued a modification to the Letter of Authorization, making Forestar the authorized person.

104. As covered entities under either the Consent Order or 20-CP, all Defendants had common day-to-day operational control of the Site, including the authority to direct those working on the Site to take actions to comply with the Consent Order and 20-CP, correct violations, and halt construction activity until violations were corrected.

105. The General Permit and Consent Order authorize stormwater discharges provided that, among other things, erosion and sediment controls are designed, installed, and maintained, pursuant to the approved ESP.

106. The Harford County SCD issued to D.R. Horton an approved ESP for the Site in December 2021. The approval was transferred to Forestar on December 20, 2022.

107. On May 13, 2022, the Department performed an inspection of Ridgely's Sewer Line to check for compliance with the Consent Order and 14-GP and to investigate multiple complaints made to the Department regarding sediment-laden water observed near the Site. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed damaged perimeter controls and a damaged filter bag (a device to filter sediment from water), which resulted in sediment-laden water washing off the Site into nontidal wetlands and an adjacent waterway. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for the violation.

108. On May 18, 2022, the Department performed an inspection of Ridgely's Sewer Line to check for compliance with the Consent Order and 14-GP and to investigate multiple complaints made to the Department regarding sediment-laden water observed near the Site. The Department's inspector met with a representative of Harford County DPW and Kinsley during the inspection. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-laden water ponding at the toes of the slope at the southeast side of the Site. The inspector

also observed that the surface of the slopes leading to the two opposite sides of a culvert was partially covered with mulch, partially earthen, and not completely stabilized, with sediment-laden water in a position likely to wash into Foster Branch. The Department's inspector further observed sediment washing from the Site through a silt fence on the west side of the Site. The inspector observed deposition of sediment outside the allowed limit of disturbance, and remnants of a filter bag buried under the sediment. The inspector observed that one of the sections of the silt fence completely buried under mulch, and a soil stockpile next to the silt fence; the surface of that stockpile would erode during a rain event, resulting in sediment washing into Foster Branch. The inspector further observed sediment accumulation against the Smart Fence fabric at more than 75% of the height of the fence, and an earthen surface of the slope near the fence. The inspector also observed multiple holes in the silt fences and sediment-laden water ponding next to the silt fence and ponding outside the allowed limit of disturbance. The Department observed sediment-laden water at multiple locations throughout the Site in a position likely to wash into waters of the State. There were multiple unnamed tributaries with water flowing through and under the Site at two different locations. The inspector further observed soil stockpile and concrete pipes stored in a nontidal wetland and 25-foot nontidal wetland buffer within the site. The nontidal wetland Letter of Authorization (LOA) did not authorize this wetland and buffer area as a storage area and prohibited staging areas and stockpiles to be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413

and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

109. On June 8, 2022, the Department conducted an unannounced inspection at Ridgely's Sewer Line. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed earthen and unstabilized areas outside of the limit of disturbance, and sediment-laden water ponding at several locations throughout the Site. The inspector further observed soil stockpile and concrete pipes stored in a nontidal wetland and 25-foot nontidal wetland buffer within the site. The nontidal wetland LOA did not authorize this wetland and buffer area as a storage area and prohibited staging areas and stockpiles to be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

110. On July 13, 2022, the Department conducted an inspection of Ridgely's Sewer Line in response to complaints regarding sediment-laden water in Foster Branch and Gunpowder River from the housing development. The Department's inspector was accompanied by representatives of Harford County DPW and Forestar. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in

Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-laden water ponding to within one inch below the top of the silt fence. The Department's inspector observed piles of sediment and stones along the silt fences, and sediment-laden water seeping through the silt fences. The inspector saw filter bags discharging murky waters, and sections of the silt fence mostly buried by sediment, damaged by holes, or entirely lifted off the ground, rendering it unable to prevent sediment passthrough. The inspector also observed that the soil stockpiles and concrete pipes remained in a nontidal wetland and the nontidal wetland buffer, which is not indicated on the nontidal wetland LOA for storage. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

111. On August 22, 2022, the Department conducted an unannounced follow-up inspection of Ridgely's Sewer Line. During the inspection, the Department's inspector was accompanied by representatives of Harford County DPW and Kinsley. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector was unable to access the south side of the site via Copenhaver Park because the entrance to the park was flooded with sediment-laden water.

However, the Department's inspector observed sediment-laden water from upstream of the sewer line installation project entering, flowing across, and washing from the Site, resulting in partial flooding at the north side of the project. The inspector observed the Smart Fence on the north side of the Site was overwhelmed and partially collapsed due to a large volume of sediment-laden water washing out of the Site. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

112. On October 4 and October 5, 2022, the Department performed an inspection of Ridgely's Sewer Line. The Department's inspector was accompanied by representatives of Forestar and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed sediment-laden water flowing down a slope via gullies located under the stabilization matting. The inspector also observed sediment-laden water ponding and washing offsite, as well as sediment buildup at the silt fences, rendering them useless to prevent sediment from escaping. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute, and in fact polluting, waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

113. On December 9, 2022, the Department performed an inspection of Ridgely's

Sewer Line. The Department's inspector was joined by representatives of Forestar, Kinsley, and CMS Environmental Solutions. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed damage to the Smart Fence; sediment accumulation to more than 25% the height of the Smart Fence, silt fence, and super-silt fence; and a gully. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

114. On July 27, 2023, the Department performed an inspection of the Ridgely's Sewer Line in response to a complaint of a large sediment plume in a nearby waterway. The Department's inspector was joined by representatives of Forestar, D.R. Horton, Kinsley, and Harford County DPW. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed the ground surface to be earthen and not stabilized with vegetation in multiple places, including in nontidal wetlands and the nontidal wetland buffer, and the banks of the intermittent stream eroded. The inspector observed other portions of the Site with exposed, earthen surfaces and several eroded areas, including gullies and rills, on surfaces at multiple parts of the

Site. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

115. On August 31, 2023, the Department performed an inspection of the Ridgely's Sewer Line. The Department's inspector was accompanied by representatives of Forestar, Harford County DPW, CMS Environmental Solutions, and Kinsley. The Department's inspector observed violations of the Consent Order and 14-GP, including requirements in Part IV.A to maintain controls to prevent discharges, in Part IV.B to prevent discharge of significant amounts of sediment, and in Part VI.A to comply with the ESP. The Department's inspector observed a scour under the stabilization matting at the west side of the Site, and several areas in multiple parts of the Site with earthen, unstabilized ground and rills and gullies that would further erode during a heavy rain event, resulting in sediment-laden water in a position likely to flow into Foster Branch and the Gunpowder River. The Department's inspector also observed two oversized riprap structures within the stream at the Site. The nontidal wetland LOA for the Site authorized 30 feet of riprap within the stream by sewer manhole (SMH) 1 and 20 feet of rip rap within the stream between SMH 115 and 116, yet the Department's inspector observed 49 linear feet of riprap within the stream by SMH 1 and 45.5 linear feet of riprap within the stream between SMH 115 and 116. In addition to violations of the Consent Order and the Letter of Authorization, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The

Department's inspector provided corrective actions to Defendants for each violation.

116. On October 27, 2023, the Department performed an inspection of the Ridgely's Sewer Line. The Department's inspector met with a representative of CMS Environmental Solutions but conducted a Site walk through alone. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed earthen areas, rills, slope erosion, and slope sloughing. In addition to violations of the Consent Order, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to the Defendants for each violation.

117. On November 15, 2023, the Department performed an inspection of the Ridgely's Sewer Line. The Department's inspector was accompanied by representatives of Forestar and Harford County DPW. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed slope sloughing and bare earthen patches throughout the Site. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

118. On March 25, 2024, the Department performed an inspection of Ridgely's Sewer Line. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The Department's inspector observed earthen and exposed areas throughout the Site. The Department's inspector further observed rills, slope sloughing, soil erosion, and Jute matting having shifted out of position leaving exposed earthen surfaces. The inspector also observed soil erosion within a 25-foot nontidal wetland buffer. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions to Defendants for each violation.

119. On April 12, 2024, Forestar prematurely submitted notice of termination of its coverage under the 20-CP for the Site. However, the entire Site is less than 95% stabilized and has exposed soils, although the construction activity associated with the sewer line is complete. Therefore, pursuant to Part II.F.2 of the 20-CP, the Site did not meet the conditions for termination of coverage.

120. On April 25, 2024, the Department performed an inspection of Ridgely's Sewer Line. The Department's inspector was accompanied by representatives of Forestar, who informed the inspector that Harford County has assumed control of the Site. The Department's inspector observed violations of the 20-CP, including requirements in Part III.A to maintain controls to minimize discharges of pollutants, in Part III.D.1 to take

corrective actions to address site conditions, and in Part III.A.2 to comply with the ESP. The inspector observed earthen and exposed areas throughout the Site, and areas still lacking 95% vegetative stabilization. The Department's inspector further observed that soil erosion controls such as silt fences had not been removed from the Site. Finally, the inspector observed a rip-rap channel located in the 100-year nontidal floodplain and the 25-foot nontidal wetland buffer, without authorization under the LOA. In addition to violations of the 20-CP, the Department's inspector observed sediment in a position likely to pollute waters of the State, in violation of § 4-413 and § 5-906 of the Environment Article. The Department's inspector provided corrective actions for each violation to Harford County. On information and belief, Harford County and Forestar have entered into a five-year maintenance agreement, under which Forestar has the responsibility for all maintenance activities within the right of way, including stabilization, until the conclusion of the five-year maintenance period.

121. As of the date of the filing of this Complaint, further stabilization of the Site with vegetation is required.

122. As documented above, on numerous occasions the Department documented sediment discharging from the Site and into Foster Branch and the Gunpowder River. Such discharges not only violated Maryland's water quality standards, but have harmful impacts on these waterways, resulting in—among other things—the die-off of SAV in the Gunpowder River. *See* COMAR 26.08.02.03-3A(5)(a). The Department seeks rehabilitation and restoration of all aquatic resources negatively impacted by Defendants' actions.

COUNT I

(Unauthorized Discharge of Sediment into Waters of the State: Ridgely's Reserve—Defendant Forestar)

123. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

124. Pursuant to § 4-413(a) of the Environment Article, a person may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State by runoff of precipitation or by any other flowing waters, without first obtaining a permit under § 9-323 of the Environment Article.

125. The activities undertaken by Defendant Forestar at Ridgely's Reserve resulted in the unauthorized discharge of soil and sediment into waters of the State, including Foster Branch and the Gunpowder River, as well as the placement of soil or sediment in a position where it is likely to be washed by runoff of precipitation into waters of the State, in violation of § 4-413 of the Environment Article.

126. The violations were observed on May 18, 2022, June 8, 2022, June 10, 2022, July 13, 2022, August 22, 2022, September 13, 2022, October 5, 2022, December 9, 2022, February 7, 2023, April 18, 2023, June 6, 2023, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, October 2, 2023, November 15, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, January 26, 2024, February 14, 2024, March 7, 2024, March 25, 2024, April 25, 2024, April 30, 2024, May 9, 2024, June 10, 2024, and July 23, 2024.

127. Section 4-417(a) of the Environment Article authorizes the Court to impose civil penalties up to \$25,000 for each day of violation of Title 4, Subtitle 4 of the Environment Article. Each day a violation occurs is a separate offense.

128. Section 4-417(a) also authorizes the Court to enjoin any violation Title 4, Subtitle 4 of the Environment Article. Unless enjoined by an order of the Court, the Defendant will continue to discharge soil and sediments from the Site in unauthorized amounts.

COUNT II

(Unauthorized Discharge of Sediment into Waters of the State: Ridgely's Reserve— Defendant D.R. Horton)

129. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

130. Pursuant to § 4-413(a) of the Environment Article, a person may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State by runoff of precipitation or by any other flowing waters, without first obtaining a permit under § 9-323 of the Environment Article.

131. The activities undertaken by Defendant D.R. Horton at Ridgely's Reserve resulted in the unauthorized discharge of soil and sediment into waters of the State, including Foster Branch and the Gunpowder River, as well as the placement of soil or sediment in a position where it is likely to be washed by runoff of precipitation into waters of the State, in violation of § 4-413 of the Environment Article.

132. The violations were observed on May 18, 2022, June 8, 2022, June 10, 2022, July 13, 2022, August 22, 2022, September 13, 2022, October 5, 2022, December 9, 2022, February 7, 2023, April 18, 2023, June 6, 2023, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, October 2, 2023, November 15, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, January 26, 2024, February 14, 2024, March 7, 2024, March 25, 2024, April 25, 2024, April 30, 2024, May 9, 2024, June 10, 2024, and July 23, 2024.

133. Section 4-417(a) of the Environment Article authorizes the Court to impose civil penalties up to \$25,000 for each day of violation of Title 4, Subtitle 4 of the Environment Article. Each day a violation occurs is a separate offense.

134. Section 4-417(a) also authorizes the Court to enjoin any violation Title 4, Subtitle 4 of the Environment Article. Unless enjoined by an order of the Court, Defendant will continue to discharge soil and sediments from the Site in unauthorized amounts.

COUNT III

(Unauthorized Discharge of Sediment into Waters of the State: Ridgely's Reserve— Defendant Kinsley)

135. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

136. Pursuant to § 4-413(a) of the Environment Article, a person may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State by runoff of precipitation or by any other flowing waters, without first obtaining a

permit under § 9-323 of the Environment Article.

137. The activities undertaken by Defendant Kinsley at Ridgely's Reserve resulted in the unauthorized discharge of soil and sediment into waters of the State, including Foster Branch and the Gunpowder River, as well as the placement of soil or sediment in a position where it is likely to be washed by runoff of precipitation into waters of the State, in violation of § 4-413 of the Environment Article.

138. The violations were observed on May 18, 2022, June 8, 2022, June 10, 2022, July 13, 2022, August 22, 2022, September 13, 2022, October 5, 2022, December 9, 2022, February 7, 2023, April 18, 2023, June 6, 2023, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, October 2, 2023, November 15, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, January 26, 2024, and February 15, 2024.

139. Section 4-417(a) of the Environment Article authorizes the Court to impose civil penalties up to \$25,000 for each day of violation of Title 4, Subtitle 4 of the Environment Article. Each day a violation occurs is a separate offense.

COUNT IV

(Violations of the Consent Order: Ridgely's Reserve—Defendant Forestar)

140. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

141. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

142. Discharge as defined by § 9-101(b) of the Environment Article means: (1)

the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

143. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

144. The activities undertaken by Defendant Forestar at Ridgely's Reserve resulted in violations of the Consent Order, including Parts IV.A, IV.B, and VI.A of the 14-GP. Defendant routinely failed to take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters; failed to maintain control measures at the site to minimize pollutants in the discharge; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the Consent Order.

145. Each violation of the Consent Order constitutes a separate violation of §§ 9-322 and 9-323 of the Environment Article.

146. The violations were observed on May 18, 2022, June 8, 2022, June 10, 2022, July 13, 2022, August 22, 2022, September 13, 2022, October 5, 2022, December 9, 2022, February 7, 2023, April 18, 2023, June 6, 2023, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, October 2, 2023, November 15, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, and January 26, 2024.

147. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by

the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

148. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT V

(Violations of the Consent Order: Ridgely's Reserve—Defendant D.R. Horton)

149. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

150. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

151. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

152. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

153. The activities undertaken by Defendant D.R. Horton at Ridgely's Reserve resulted in violations of the Consent Order, including Parts IV.A, IV.B, and VI.A of the 14-GP. Defendant routinely failed to take all reasonable measures to prevent the discharge

of significant amounts of sediment to surface waters; failed to maintain control measures at the site to minimize pollutants in the discharge; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the Consent Order.

154. Each violation of the Consent Order constitutes a separate violation of §§ 9-322 and 9-323 of the Environment Article.

155. The violations were observed on May 18, 2022, June 8, 2022, June 10, 2022, July 13, 2022, August 22, 2022, September 13, 2022, October 5, 2022, December 9, 2022, February 7, 2023, April 18, 2023, June 6, 2023, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, October 2, 2023, and November 15, 2023.

156. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

157. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT VI

(Violations of the Consent Order: Ridgely's Reserve—Defendant Kinsley)

158. The Department realleges and incorporates by reference the allegations of all

prior paragraphs of this Complaint.

159. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

160. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

161. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

162. The activities undertaken by Defendant Kinsley at Ridgely's Reserve resulted in violations of the Consent Order, including Parts IV.A, IV.B, and VI.A of the 14-GP. Defendant routinely failed to take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters; failed to maintain control measures at the site to minimize pollutants in the discharge; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the Consent Order.

163. Each violation of the Consent Order constitutes a separate violation of § 9-322 and §9-323 of the Environment Article.

164. The violations were observed on May 18, 2022, June 8, 2022, June 10, 2022, July 13, 2022, August 22, 2022, September 13, 2022, October 5, 2022, December 9, 2022, February 7, 2023, April 18, 2023, June 6, 2023, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, and October 2, 2023.

165. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

166. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT VII

(Violations of the 20-CP: Ridgely's Reserve—Defendant Forestar)

167. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

168. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

169. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

170. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

171. The activities undertaken by Defendant Forestar at Ridgely's Reserve

resulted in violations of the 20-CP, including Parts III.A., III.A.2, III.B., and III.D.1. Defendant routinely failed to maintain control measures at the site to minimize pollutants in the discharge; failed to control discharges as necessary to meet water quality standards; failed to take corrective actions to address site conditions; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the 20-CP.

172. Each violation of the 20-CP constitutes a separate violation of § 9-322 and §9-323 of the Environment Article.

173. The violations were observed on February 15, 2024, March 7, 2024, March 25, 2024, April 25, 2024, April 30, 2024, May 9, 2024, June 10, 2024, and July 23, 2024.

174. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

175. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT VIII

(Violations of the 20-CP: Ridgely's Reserve—Defendant D.R. Horton)

176. The Department realleges and incorporates by reference the allegations of all

prior paragraphs of this Complaint.

177. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

178. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

179. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

180. The activities undertaken by Defendant D.R. Horton at Ridgely's Reserve resulted in violations of the 20-CP, including Parts III.A., III.A.2, III.B., and III.D.1. Defendant routinely failed to maintain control measures at the site to minimize pollutants in the discharge; failed to control discharges as necessary to meet water quality standards; failed to take corrective actions to address site conditions; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the 20-CP.

181. Each violation of the 20-CP constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

182. The violations were observed on December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, January 26, 2024, February 14, 2024, March 7, 2024, March 25, 2024, April 25, 2024, April 30, 2024, May 9, 2024, June 10, 2024, and July 23, 2024.

183. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

184. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT IX

(Violations of the 20-CP: Ridgely's Reserve—Defendant Kinsley)

185. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

186. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

187. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

188. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

189. The activities undertaken by Defendant Kinsley at Ridgely's Reserve

resulted in violations of the 20-CP, including Parts III.A., III.A.2, III.B., and III.D.1. Defendant routinely failed to maintain control measures at the site to minimize pollutants in the discharge; failed to control discharges as necessary to meet water quality standards; failed to take corrective actions to address site conditions; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the 20-CP.

190. Each violation of the 20-CP constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

191. The violations were observed on November 15, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, January 26, 2024, and February 15, 2024.

192. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

193. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT X

(Unauthorized Activity in Nontidal Wetlands: Ridgely's Reserve—Defendant Forestar)

194. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

195. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable Federal, State, and local regulations.

196. The activities undertaken by Defendant Forestar at Ridgely's Reserve resulted in the violation of the nontidal wetlands Letter of Authorization and constitute the unauthorized conduct of a regulated activity in the nontidal wetland and nontidal wetland buffer.

197. The violations were observed on August 22, 2022, September 13, 2022, October 5, 2022, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, and February 15, 2024.

198. Pursuant to § 5-911(d)(2) of the Environment Article, a court may issue an injunction requiring the person to cease the violation and restore the area unlawfully disturbed.

199. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of Title 5, Subtitle 9 or any regulation, order, or permit under Title 5, Subtitle 9 is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

COUNT XI

(Unauthorized Activity in Nontidal Wetlands: Ridgely's Reserve—Defendant D.R. Horton)

200. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

201. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable Federal, State, and local regulations.

202. The activities undertaken by Defendant D.R. Horton at Ridgely's Reserve resulted in the violation of the nontidal wetlands Letter of Authorization and constitute the unauthorized conduct of a regulated activity in the nontidal wetland and nontidal wetland buffer.

203. The violations were observed on August 22, 2022, September 13, 2022, October 5, 2022, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023,

December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, and February 15, 2024.

204. Pursuant to § 5-911(d)(2) of the Environment Article, a court may issue an injunction requiring the person to cease the violation and restore the area unlawfully disturbed.

205. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of Title 5, Subtitle 9 or any regulation, order, or permit under Title 5, Subtitle 9 is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

COUNT XII

(Unauthorized Activity in Nontidal Wetlands: Ridgely's Reserve—Defendant Kinsley)

206. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

207. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable Federal, State, and local regulations.

208. The activities undertaken by Defendant Kinsley at Ridgely's Reserve

resulted in the violation of the nontidal wetlands Letter of Authorization and constitute the unauthorized conduct of a regulated activity in the nontidal wetland and nontidal wetland buffer.

209. The violations were observed on August 22, 2022, September 13, 2022, October 5, 2022, July 27, 2023, August 31, 2023, September 11, 2023, September 13, 2023, December 11, 2023, December 18, 2023, December 27, 2023, December 28, 2023, January 10, 2024, and February 15, 2024.

210. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of Title 5, Subtitle 9 or any regulation, order, or permit under Title 5, Subtitle 9 is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

COUNT XIII

(Unauthorized Discharge of Sediment into Waters of the State: Ridgely's Sewer Line—Defendant Forestar)

211. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

212. Pursuant to § 4-413(a) of the Environment Article, a person may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State by runoff of precipitation or by any other flowing waters, without first obtaining a permit under § 9-323 of the Environment Article.

213. The activities undertaken by Defendant Forestar at Ridgely's Sewer Line resulted in the unauthorized discharge of soil and sediment into waters of the State, including Foster Branch and the Gunpowder River, as well as the placement of soil or sediment in a position where it is likely to be washed by runoff of precipitation into waters of the State, in violation of § 4-413 of the Environment Article.

214. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, August 22, 2022, October 4 and 5, 2022, December 9, 2022, July 27, 2023, August 31, 2023, October 27, 2023, November 15, 2023, March 25, 2024, and April 25, 2024.

215. Section 4-417(a) of the Environment Article authorizes the Court to impose civil penalties up to \$25,000 for each day of violation of Title 4, Subtitle 4 of the Environment Article. Each day a violation occurs is a separate offense.

216. Section 4-417(a) also authorizes the Court to enjoin any violation Title 4, Subtitle 4 of the Environment Article. Unless enjoined by an order of the Court, Defendant will continue to discharge soil and sediments from the Site in unauthorized amounts.

COUNT XIV

(Unauthorized Discharge of Sediment into Waters of the State: Ridgely's Sewer Line— Defendant D.R. Horton)

217. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

218. Pursuant to § 4-413(a) of the Environment Article, a person may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place

soil or sediment in a condition or location where it is likely to be washed into waters of the State by runoff of precipitation or by any other flowing waters, without first obtaining a permit under § 9-323 of the Environment Article.

219. The activities undertaken by Defendant D.R. Horton at Ridgely’s Sewer Line resulted in the unauthorized discharge of soil and sediment into waters of the State, including Foster Branch and the Gunpowder River, as well as the placement of soil or sediment in, and in a position where it is likely to be washed by runoff of precipitation into waters of the State, in violation of § 4-413 of the Environment Article.

220. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, August 22, 2022, October 4 and 5, 2022, December 9, 2022, July 27, 2023, August 31, 2023, October 27, 2023, November 15, 2023, March 25, 2024, and April 25, 2024.

221. Section 4-417(a) of the Environment Article authorizes the Court to impose civil penalties up to \$25,000 for each day of violation of Title 4, Subtitle 4 of the Environment Article. Each day a violation occurs is a separate offense.

222. Section 4-417(a) also authorizes the Court to enjoin any violation Title 4, Subtitle 4 of the Environment Article. Unless enjoined by an order of the Court, Defendant will continue to discharge soil and sediments from the Site in unauthorized amounts.

COUNT XV

**(Unauthorized Discharge of Sediment into Waters of the State:
Ridgely’s Sewer Line— Defendant Kinsley)**

223. The Department realleges and incorporates by reference the allegations of

all prior paragraphs of this Complaint.

224. Pursuant to § 4-413(a) of the Environment Article, a person may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State by runoff of precipitation or by any other flowing waters, without first obtaining a permit under § 9-323 of the Environment Article.

225. The activities undertaken by Defendant Kinsley at Ridgely's Sewer Line resulted in the unauthorized discharge of soil and sediment into waters of the State, including Foster Branch and the Gunpowder River, as well as the placement of soil or sediment in, and in a position where it is likely to be washed by runoff of precipitation into, waters of the State in violation of § 4-413 of the Environment Article.

226. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, August 22, 2022, October 4 and 5, 2022, December 9, 2022, July 27, 2023, August 31, 2023, October 27, 2023, November 15, 2023, and February 15, 2024.

227. Section 4-417(a) of the Environment Article authorizes the Court to impose civil penalties up to \$25,000 for each day of violation of Title 4, Subtitle 4 of the Environment Article. Each day a violation occurs is a separate offense.

COUNT XVI

(Violations of the Consent Order: Ridgely's Sewer Line—Defendant Forestar)

228. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

229. Section 9-322 of the Environment Article prohibits the discharge of any

pollutant to waters of the State without authorization.

230. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

231. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

232. The activities undertaken by Defendant Forestar at Ridgely's Sewer Line resulted in violations of the Consent Order, including Parts IV.A, IV.B, and VI.A of the 14-GP. Defendant routinely failed to take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters; failed to maintain control measures at the site to minimize pollutants in the discharge; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the Consent Order.

233. Each violation of the Consent Order constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

234. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, August 22, 2022, October 4 and 5, 2022, December 9, 2022, July 27, 2023, and August 31, 2023.

235. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such

violation. Each day a violation occurs is a separate violation.

236. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT XVII

(Violations of the Consent Order: Ridgely's Sewer Line—Defendant D.R. Horton)

237. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

238. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

239. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

240. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

241. The activities undertaken by Defendant D.R. Horton at Ridgely's Sewer Line resulted in violations of the Consent Order, including Parts IV.A, IV.B, and VI.A of the 14-GP. Defendant routinely failed to take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters; failed to maintain control measures

at the site to minimize pollutants in the discharge; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the Consent Order.

242. Each violation of the Consent Order constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

243. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, August 22, 2022, October 4 and 5, 2022, December 9, 2022, July 27, 2023, and August 31, 2023.

244. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

245. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT XVIII

(Violations of the Consent Order: Ridgely's Sewer Line—Defendant Kinsley)

246. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

247. Section 9-322 of the Environment Article prohibits the discharge of any

pollutant to waters of the State without authorization.

248. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

249. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

250. The activities undertaken by Defendant Kinsley at Ridgely's Sewer Line resulted in violations of the Consent Order, including Parts IV.A, IV.B, and VI.A of the 14-GP. Defendant routinely failed to take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters; failed to maintain control measures at the site to minimize pollutants in the discharge; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the Consent Order.

251. Each violation of the Consent Order constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

252. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, August 22, 2022, October 4 and 5, 2022, December 9, 2022, July 27, 2023, and August 31, 2023.

253. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such

violation. Each day a violation occurs is a separate violation.

254. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT XIX

(Violations of the 20-CP: Ridgely's Sewer Line—Defendant Forestar)

255. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

256. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

257. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

258. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

259. The activities undertaken by Defendant Forestar at Ridgely's Sewer Line resulted in violations of the 20-CP, including Parts III.A., III.A.2, III.B., and III.D.1. Defendant routinely failed to maintain control measures at the site to minimize pollutants in the discharge; failed to control discharges as necessary to meet water quality standards;

failed to take corrective actions to address site conditions; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the 20-CP.

260. Each violation of the Consent Order constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

261. The violations were observed on October 27, 2023, November 15, 2023, March 25, 2024, and April 25, 2024.

262. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

263. Section 9-339 also authorizes the Court to grant an injunction upon a showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT XX

(Violations of the 20-CP: Ridgely's Sewer Line—Defendant D.R. Horton)

264. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

265. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

266. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

267. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

268. The activities undertaken by Defendant D.R. Horton at Ridgely's Sewer Line resulted in violations of the 20-CP, including Parts III.A., III.A.2, III.B., and III.D.1. Defendant routinely failed to maintain control measures at the site to minimize pollutants in the discharge; failed to control discharges as necessary to meet water quality standards; failed to take corrective actions to address site conditions; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a violation of the 20-CP.

269. Each violation of the Consent Order constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

270. The violations were observed on October 27, 2023, November 15, 2023, March 25, 2024, and April 25, 2024.

271. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

272. Section 9-339 also authorizes the Court to grant an injunction upon a

showing that any person is violating Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, or applicable permits issued by the Department. Unless enjoined by an order of the Court, Defendant will continue to discharge pollutants from the Sites in unauthorized amounts.

COUNT XXI

(Violations of the 20-CP: Ridgely's Sewer Line—Defendant Kinsley)

273. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

274. Section 9-322 of the Environment Article prohibits the discharge of any pollutant to waters of the State without authorization.

275. Discharge as defined by § 9-101(b) of the Environment Article means: (1) the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of the State; or (2) the placing of a pollutant in a location where the pollutant is likely to pollute the waters of the State.

276. Sediment is a pollutant as that term is defined by § 9-101(g) of the Environment Article.

277. The activities undertaken by Defendant Kinsley at Ridgely's Sewer Line resulted in violations of the 20-CP, including Parts III.A., III.A.2, III.B., and III.D.1. Defendant routinely failed to maintain control measures at the site to minimize pollutants in the discharge; failed to control discharges as necessary to meet water quality standards; failed to take corrective actions to address site conditions; and failed to comply with the ESP. The establishment of any one of these violations is alone sufficient to prove a

violation of the 20-CP.

278. Each violation of the Consent Order constitutes a separate violation of § 9-322 and § 9-323 of the Environment Article.

279. The violations were first observed on October 27, 2023 and November 15, 2023.

280. Section 9-342 provides that a person who violates Title 9, Subtitle 3 of the Environment Article or any rule, regulation, order, applicable permits adopted or issued by the Department shall be subject to a civil penalty of up to \$10,000 per day for each such violation. Each day a violation occurs is a separate violation.

COUNT XXII

(Unauthorized Activity in Nontidal Wetlands: Ridgely's Sewer Line—Defendant Forestar)

281. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

282. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable Federal, State, and local regulations.

283. The activities undertaken by Defendant Forestar at Ridgely's Reserve resulted in the violation of the nontidal wetlands Letter of Authorization and constitute the

unauthorized conduct of a regulated activity in the nontidal wetland and nontidal wetland buffer.

284. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, July 27, 2023, March 25, 2024, and April 25, 2024.

285. Pursuant to § 5-911(d)(2) of the Environment Article, a court may issue an injunction requiring the person to cease the violation and restore the area unlawfully disturbed.

286. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of Title 5, Subtitle 9 or any regulation, order, or permit under Title 5, Subtitle 9 is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

COUNT XXIII

(Unauthorized Activity in Nontidal Wetlands: Ridgely's Sewer Line—Defendant D.R. Horton)

287. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

288. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable Federal, State,

and local regulations.

289. The activities undertaken by Defendant D.R. Horton at Ridgely's Sewer Line resulted in the violation of the nontidal wetlands Letter of Authorization and constitute the unauthorized conduct of a regulated activity in the nontidal wetland and nontidal wetland buffer.

290. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, July 27, 2023, March 25, 2024, and April 25, 2024.

291. Pursuant to § 5-911(d)(2) of the Environment Article, a court may issue an injunction requiring the person to cease the violation and restore the area unlawfully disturbed.

292. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of Title 5, Subtitle 9 or any regulation, order, or permit under Title 5, Subtitle 9 is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

COUNT XXIV

(Unauthorized Activity in Nontidal Wetlands: Ridgely's Sewer Line—Defendant Kinsley)

293. The Department realleges and incorporates by reference the allegations of all prior paragraphs of this Complaint.

294. Pursuant to § 5-906 of the Environment article, a person may not conduct a regulated activity in nontidal wetlands or a 25-foot buffer around nontidal wetlands without

first obtaining a permit from the Department prior to undertaking the activity. Even with a permit, the person conducting the activity shall also comply with all other pollution control, sediment control, stormwater management, and other applicable Federal, State, and local regulations.

295. The activities undertaken by Defendant Kinsley at Ridgely's Sewer Line resulted in the violation of the nontidal wetlands Letter of Authorization and constitute the unauthorized conduct of a regulated activity in the nontidal wetland and nontidal wetland buffer.

296. The violations were observed on May 13, 2022, May 18, 2022, June 8, 2022, July 13, 2022, and July 27, 2023.

297. Pursuant to § 5-911(d)(2) of the Environment Article, a court may issue an injunction requiring the person to cease the violation and restore the area unlawfully disturbed.

298. Pursuant to § 5-911(d)(1) of the Environment Article, a person who violates any provision of Title 5, Subtitle 9 or any regulation, order, or permit under Title 5, Subtitle 9 is liable for a penalty not exceeding \$10,000, which may be recovered in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

REQUEST FOR RELIEF

WHEREFORE, the Department respectfully requests that this Court grant the following relief against Defendants:

- A. Enter an injunction, pursuant to § 9-339 of the Environment Article and traditional

common law principles, ordering Defendants Forestar and D.R. Horton: to cease discharging any pollutants into waters of the State and require Defendants to take all steps necessary to come into permanent and consistent compliance with all requirements of their applicable permits, including modification of the approved ESP to include new or enhanced BMPs where necessary; and to provide a plan and schedule for implementation of necessary improvements;

- B. Enter an injunction, pursuant to § 4-405(c) of the Environment Article and traditional common law principles, ordering Defendants Forestar, D.R. Horton, and Kinsley to rehabilitate and restore the aquatic resources negatively impacted by the discharge of sediment from the Sites to waters of the State, including Foster Branch and the Gunpowder River;
- C. Enter an injunction, pursuant to § 5-911(d)(2) of the Environment Article and traditional common law principles, ordering Defendants Forestar, D.R. Horton, and Kinsley to restore all areas of nontidal wetlands and the nontidal wetland buffer unlawfully disturbed;
- D. Enter a judgment against Defendant Forestar under Count I (for Ridgely's Reserve) for civil penalties not exceeding \$25,000, per violation, per day, for violations of Title 4, Subtitle 4;
- E. Enter a judgment against Defendant D.R. Horton under Count II (for Ridgely's Reserve) for civil penalties not exceeding \$25,000, per violation, per day, for violations of Title 4, Subtitle 4;
- F. Enter a judgment against Defendant Kinsley under Count III (for Ridgely's Reserve)

for civil penalties not exceeding \$25,000, per violation, per day, for violations of Title 4, Subtitle 4;

G. Enter a judgment against Defendant Forestar under Count IV (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

H. Enter a judgment against Defendant D.R. Horton under Count V (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

I. Enter a judgment against Defendant Kinsley under Count VI (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

J. Enter a judgment against Defendant Forestar under Count VII (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

K. Enter a judgment against Defendant D.R. Horton under Count VIII (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

L. Enter a judgment against Defendant Kinsley under Count IX (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

M. Enter a judgment against Defendant Forestar under Count X (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title

5, Subtitle 9;

- N. Enter a judgment against Defendant D.R. Horton under Count XI (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 5, Subtitle 9;
- O. Enter a Judgment against Defendant Kinsley under Count XII (for Ridgely's Reserve) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 5, Subtitle 9;
- P. Enter a judgment against Defendant Forestar under Count XIII (for Ridgely's Sewer Line) for civil penalties not exceeding \$25,000, per violation, per day, for violations of Title 4, Subtitle 4;
- Q. Enter a Judgment against Defendant D.R. Horton under Count XIV (for Ridgely's Sewer Line) for civil penalties not exceeding \$25,000, per violation, per day, for violations of Title 4, Subtitle 4;
- R. Enter a judgment against Defendant Kinsley under Count XV (for Ridgely's Sewer Line) for civil penalties not exceeding \$25,000, per violation, per day, for violations of Title 4, Subtitle 4;
- S. Enter a Judgment against Defendant Forestar under Count XVI (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;
- T. Enter a judgment against Defendant D.R. Horton under Count XVII (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;

- U. Enter a judgment against Defendant Kinsley under Count XVIII (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;
- V. Enter a judgment against Defendant Forestar under Count XIX (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;
- W. Enter a judgment against Defendant D.R. Horton under Count XX (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;
- X. Enter a judgment against Defendant Kinsley under Count XXI (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 9, Subtitle 3;
- Y. Enter a judgment against Defendant Forestar under Count XXII (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 5, Subtitle 9;
- Z. Enter a judgment against Defendant D.R. Horton under Count XXIII (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 5, Subtitle 9;
- AA. Enter a judgment against Defendant Kinsley under Count XIV (for Ridgely's Sewer Line) for civil penalties not exceeding \$10,000 per violation, per day, for violations of Title 5, Subtitle 9;
- BB. Grant such other relief as this Court deems just and equitable.

Respectfully submitted,

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/s/ Jonathan E.C. May _____

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