

MATTHEW MEYER
COUNTY EXECUTIVE



TRACY ZLOCK SURLES
GENERAL MANAGER

DEPARTMENT OF PUBLIC WORKS
187-A Old Churchmans Road
New Castle, DE 19720
(302) 395-5700



FIRST CLASS AND EMAIL
RETURN RECEIPT REQUESTED

August 31, 2021

GREENVILLE OVERLOOK MAINTENACE CORP
C/O ASPEN PROPERTY MGT
PO BOX 858
ELKTON, MD 21922

RE: Stormwater Management Facility:
Location: Greenville Overlook 11 BasinB2
131 ODYSSEY DR
WILMINGTON, DE 19808
Parcel No: 0802730064

NOTICE OF VIOLATION

Legal Authority

The following findings are made and this notice issued pursuant to Chapter 12 of the *New Castle County Code* (the "Code") and the revised Delaware Sediment and Stormwater Regulations having an effective date of January 1, 2014 and as adopted by the *Code*.

Findings

An inspection on June 16, 2021 revealed that the stormwater management facility located on parcel number 0802730064 and owned by GREENVILLE OVERLOOK MAINTENACE CORP is not in compliance with the *Code* due to a lack of proper maintenance and/or failure to complete previously required repairs. All or some of the maintenance deficiencies noted in the New Castle County annual inspection reports still exist and need to be corrected.

According to **Chapter 12, Section 12.06.001(A)**, "Except where responsibility is legally transferred, the owner(s) of the property on which a stormwater management facility is located shall keep such facility in good order and repair so that it performs and functions in accordance with its intended purpose, approved design, applicable provisions of this Code and/or the Delaware Sediment and Stormwater Regulations".

Furthermore, **Chapter 12, Section 12.06.001(B)** states that, "Stormwater management facilities shall be inspected and maintained by the property owner(s) on a routine basis and in accordance with the natural resource area open space management plan, open space management plan, landscape plan or stormwater management plan".

The following is a description of the specific Codes violated and the necessary remedial measures:

1. **VIOLATION:** In accordance with **Chapter 12, Section 12.06.001(B)(1)**, “General maintenance requirements for stormwater management ponds and recharge basins”, item **(b)**, “Debris removal”, “Debris consisting of leaves, paper, trash, branches, dead vegetation and other material may accumulate within the limits of the stormwater management facility, especially at the outlet structure, low flow channels and inlets and outfalls, and must be removed promptly”.

DIRECTIVE: Bring the facility into compliance with the *Code* by removing the vegetation and debris from:

- Throughout the rip-rap lined inlet forebay area
- In and around the outlet structure
- Throughout the rip-rap lined outfall forebay
- The minor debris deposits from each trash rack on the outlet structure and
- The dead vegetation and debris from around the low flow orifice.

2. **VIOLATION: Chapter 12, Section 12.06.001(B)(1)(c)**, “Minor sediment removal”, indicates that, “The outlet structure, low flow channels and headwall aprons must be kept clear of sediment at all times... All sediment collected from the stormwater management facility area shall be disposed of in an appropriate location, usually designated on the record plan, but never within the vicinity of the stormwater management facility”.

DIRECTIVE: Remove the minor sediment from:

- Throughout the rip-rap lined inlet forebay area
- In and around the outlet structure, as well as from
- Throughout the rip-rap lined outfall forebay.

3. **VIOLATION:** According to **Chapter 12, Section 12.06.001(B)(1)(d)** of the *Code*, “Erosion, animal burrows and woody vegetation”, “All eroded areas and animal burrows must be filled, compacted and stabilized with reinforcing erosion control products or turf reinforcing mats and reseeded and replanted”.

DIRECTIVE: Fix the erosion along the back side of the outlet structure.

Correction Order

Based upon the above findings, GREENVILLE OVERLOOK MAINTENACE CORP is hereby notified that it is in violation of *Code Sections 12.06.001(A)* and *12.06.001(B)*. Pursuant to *Code Section 12.08.002*, GREENVILLE OVERLOOK MAINTENACE CORP is hereby directed to complete the items listed in this Correction Order.

Within **10 days** of receipt of this notice:

- Submit an outlined plan and/or a signed contract from a licensed contractor to repair/remedy the violations at the stormwater management facility on parcel number 0802730064.

Within **30 days** of receipt of this notice:

- Complete the necessary maintenance according to the submitted plan and/or contract, restore the stormwater management facility to the approved design plan condition, stabilize any areas of disturbance and call for a final inspection.

Notice

The Greenville Overlook Maintenance Corporation is comprised of all of its community members. Failure to comply will result in a notification being sent to every lot owner of record, advising them of our attempts to resolve the noted maintenance deficiencies. The notification will also advise residents of the potential removal of the Greenville Overlook Maintenance Corporation from New Castle County's Stormwater Maintenance Program, which provides financial assistance should costly major repairs to your facilities become necessary.

Failure to complete the items in the "**Findings**" and the "**Correction Order**" shall result in further enforcement action under **Section 12.08.005** of the *Code*, which includes, but is not limited to, administrative fines and investigation fees. Section 12.08.005 provides that "any person who intentionally commits any of the acts prohibited by this Chapter shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each day that a violation continues."

Please contact me at (302) 395-5732 or by email (Ellie.Mortazavi@newcastlede.gov) to make arrangements to submit the plan and/or signed contract, as well as to schedule the final inspection.

Thank you,



Ellie Mortazavi
Stormwater Program Coordinator

Enclosure

DIRECTIVE: Bring the facility into compliance with the *Code* by removing the sediment, vegetation and debris from throughout the rip-rap lined inlet forebay area.



DIRECTIVE: Bring the facility into compliance with the *Code* by removing the sediment, vegetation and debris from:

- In and around the outlet structure
- Each trash rack on the outlet structure and
- Around the low flow orifice.



DIRECTIVE: Bring the facility into compliance with the *Code* by removing the sediment, vegetation and debris throughout the rip-rap lined outfall forebay.



DIRECTIVE: Fix the erosion along the back side of the outlet structure.

