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

GreeNCC
Creating a Cleaner, Greener New Castle County

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 16 BasinB1
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. **Below is a description of the Codes violated and necessary remedial measures:**

1. **VIOLATION:** In accordance with **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".

   DIRECTIVE: To assist with returning the facility to good order and functioning per the design, treat, cut and remove the cattail vegetation from this dry pond to promote adequate drainage, which will assist with the elimination of standing water.

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".

2. **VIOLATION:** According to **Chapter 12, Section 12.06.001(B)(1)**, "General maintenance requirements for stormwater management ponds and recharge basins", item **(a)**, "Grass mowing and trimming", "All grass within the limits of the stormwater management facility that is not under water shall be mowed and trimmed to a minimum height of three (3) inches and a maximum height of eight (8) inches. Clippings shall be either reduced to a fine mulch and distributed over the grassed area or disposed of in an appropriate location, but never within the vicinity of the stormwater management facility. Where possible, a ten (10) foot-wide access path must be maintained around the perimeter of the facility and to all structural components, such as inlets, outfalls and outlet structures".

   DIRECTIVE: Clear and maintain a 10' wide access path to and around:

   - The outlet structure, as well as
   - The outfall

3. **VIOLATION: Chapter 12, Section12.06.001(B)(1)**, "General maintenance requirements for stormwater management ponds and recharge basins", item **(b)**, "Debris removal", stipulates that, "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: In accordance with the *Code*, remove the:

   - Debris and vegetation from the rip-rap lined inlet forebay
   - The debris and vegetation from on and around the outlet structure/forebay
   - The vegetation and debris from the outfall structures or forebay, once an access path has been cleared as listed under the **Directives** of **Violation 2**.
   - The minor debris from the trash racks on the outlet structure and
   - The vegetation and debris that is partially blocking the low flow orifice to allow adequate drainage and thereby eliminating the standing water in this dry pond.

4. **VIOLATION: Chapter 12, Section 12.06.001(B)(1)(c)**, "Minor sediment removal", states 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
   - On and around the outlet structure or forebay
   - The outfall structures or forebay once an access path is cleared per the **Directives** of **Violation 2** and
   - That is partially blocking the low flow orifice to allow adequate drainage and eliminating the standing water in this dry pond.

5. **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 minor erosion on both sides of the rip-rap lined inlet forebay area.

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. Continue to maintain the facility in accordance with the Delaware Sediment and Stormwater Regulations.

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

Greenville Overlook 16 Basin B1 – Violation 1

DIRECTIVE: To assist with returning the facility to good order and functioning per the design, treat, cut and remove the cattail vegetation from this dry pond to promote adequate drainage, which will assist with the elimination of standing water.

Greenville Overlook 16 Basin B1 – Violation 2, 3, & 4 (A)

DIRECTIVE: Clear and maintain a 10' wide access path to and around the outlet structure. In accordance with the *Code*, remove the minor sediment, vegetation and debris from:

- On and around the outlet structure/forebay
- The trash racks on the outlet structure and
- The low flow orifice to allow adequate drainage and thereby eliminating the standing water in this dry pond.

Greenville Overlook 16 Basin B1 – Violation 2, 3, & 4 (B)

DIRECTIVE: Clear and maintain a 10' wide access path to and around the outfall. In accordance with the *Code*, remove the minor sediment, vegetation and debris from the outfall structure or forebay once an access path is cleared per the **Directives** of **Violation 2.**

Greenville Overlook 16 Basin B1 – Violation 3 & 4 (C)

DIRECTIVE: In accordance with the *Code*, remove the minor sediment, vegetation and debris from the rip-rap lined inlet forebay.

Greenville Overlook 16 Basin B1 – Violation 5

DIRECTIVE: Fix the minor erosion on both sides of the rip-rap lined inlet forebay area.