

SWM TRIENNIAL MAINTENANCE INSPECTIONS: A GUIDE FOR HOAs & RESIDENTS

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Why Maintenance

- Critical to the function
- Host of problems
- Aesthetic value
- Safe
- Preventive maintenance - avoid costly repairs
 - “An ounce of prevention is worth a pound of cure.”
- Legal requirement
- Enforcement actions

Maintenance and County Inspections

- Triennial inspections
- Routine maintenance and Upkeep
- Inspect (visual) after every rain event
- Education and Outreach
- SW agreement – proposal to add Facility Map exhibit
- Resources and Feedback
- Development Review Process - Designing for maintenance
- HOA Docs Checklists (proposed)

Maintenance

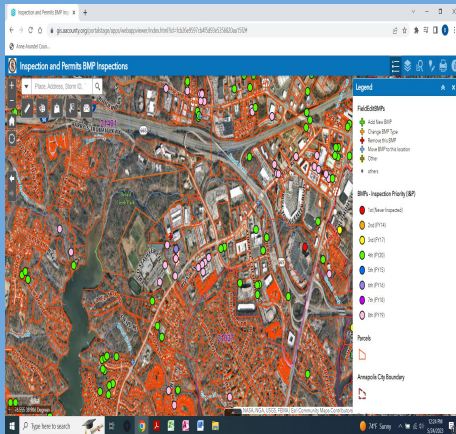
- 2 dedicated fund accounts
- Routine ~ annual maintenance costs of the facility(ies)
- Non-routine (~1/3 of annual costs) build over time-structural repairs, emergency, failure.
- Inspection logs
- New Projects - Transition committee(s)
- Understand and ask questions

Triennial Maintenance Inspections

- What is a triennial maintenance inspection?
 - MDE mandates that every SWM facility (aka a BMP) in AACo must receive at least one maintenance inspection every 3 years.
 - A BMP's first triennial maintenance inspection will take place either: 1) 3 fiscal years after the closure of a Grading permit; or 2) 3 fiscal years after the release of a SW Warranty.
- There is a group of inspectors in I&P who inspect all the private-owned BMPs in the County.
- How many SWM Maintenance Inspectors are there in I&P?
 - Currently 7 inspectors (fully staffed since 9/2023) and 1 supervisor.
- When do the inspections take place?
 - Inspections are conducted between 8 AM and 3 PM, Monday through Friday, year-round.
- Communities, HOAs, and residents should still do their own inspections and perform routine maintenance and upkeep to ensure design function.

Summary of Inspection Process

- Inspector Selects BMPs > Locates Using FieldMaps > Pulls Files > Visits and Inspects BMPs > Selects a BMP on FieldMaps > Selects “Create an Inspection Record > Opens Survey123 > Inspector Logs the Inspection
- If a BMP “completely” passes, the inspector doesn’t have to do anything more, unless the responsible party asks for a formal report.



I&P BMP Inspection Form (Last updated: 4/3/2023)

BMP Info

Storm ID
2225

Grading Permit
G20202923

Structure Name
SHELL OIL COMPANY

BMP Type
ITR

Field Verified BMP Type
(If the above BMP type is incorrect, select the correct BMP type below.)
ITR: Infiltration Trench

Inspection Visit

user id
P9LJK22

Inspector Name *
Brad Sunham



I&P BMP Inspection Form (Last updated: 4/3/2023)

Inspection Date
Tuesday, May 23, 2023 10:29

Purpose Of Visit *

Inspection Result *

Pass Fail Not Inspected

Practice is in Compliance?

Yes No


Owner Notification Type

Inspection Comments / Notes

Is a Follow-up Visit Required?

Summary of Inspection Process

- If a BMP fails, has minor functional issues, or needs maintenance:
 - Inspector types a Correction Notice > Responsible Party receives Correction Notice > Responsible Party hires contractor to complete required actions, and/or contacts the Inspector to setup a meeting > Subsequent Follow-Ups logged in Survey123 > Updated Notices typed and sent > Final Follow-Up Inspection logged in Survey123 > “In-Compliance” Notice sent > SEE YOU AGAIN IN 2-3 YEARS!!!

 **Department of Inspections and Permits**
Heritage Office Complex
2664 Riva Road
Annapolis, MD 21401
410-222-7476

Infrastructure and Environmental Programs Inspection Report

To Contact this Inspector, Telephone: 410-222-7767

Inspection Date: 5/16/2024 TIME: 900 PERMIT: G02014843 SWMA: 8550

AAECD Name: 1002-24

OWNER/Permittee Name: MILLSTONE VILLAGE HOA INC, C/O AMERICAN COMMUNITY MANAGEMENT INC
Address: 1099 WINTERSON RD, SUITE 200 CITY: LINTHICUM HTS STATE: MD ZIP: 21090

Location: CARINOSO WAY, SEVERN, MD 21144

Inspection Type: Storm Water Maintenance
Inspection Results: Not In Compliance
Corrective Action Taken:
5/17/2024 Issue Correction Notice

This triennial maintenance inspection was conducted to ensure that the Storm Water Management (SWM) practices are being maintained in accordance with Anne Arundel County Code, Article 16, Title 4 (SWM Ordinance), §§ 16-4-303 & 16-4-401, and the terms of SWM Agreement #12-8580, under Tax Account #s 4-479-90236286, 4-479-90236287, & 4-479-90241300. The inspection revealed that the SWM practices are not in compliance. Please complete the following required maintenance actions by 6/17/2024:

Landscape Infiltration:

1. Remove trash and debris.
2. Remove weeds.
3. Ensure plants are per the approved landscape plan.
4. Re-mulch. Mulch layer should be at least 2-3 inches deep. Mulch should be non-dyed, double shredded hardwood.

Micro-Bioremediation:

1. Remove trash and debris.
2. Remove weeds.
3. Ensure plants are per the approved landscape plan.
4. Re-mulch. Mulch layer should be at least 2-3 inches deep. Mulch should be non-dyed, double shredded hardwood.
5. Remove trash/sediment/grit/debris from outlet structure.
6. Repair broken observation well and cleanouts.

Permeable Pavement:

1. Repair or replace areas of broken/deteriorated permeable pavement. Must be replaced in kind with new permeable pavement.

Required maintenance actions are based on the site conditions that could be observed at the time of the inspection. Required maintenance actions are subject to change and/or addition, pending the results of a follow-up inspection. A follow-up inspection is currently scheduled for 6/16/2024. If you have questions or concerns, would like to schedule a meeting, and/or would like to reschedule the follow-up inspection, please contact me at (410)-222-7767, (443)-795-8217, and/or ipbun22@accounty.org.

Received By: _____
I hereby acknowledge of this report by my signature which does not imply agreement or disagreement with its content.

Inspector: BRADLEE BURNHAM _____

Triennial Maintenance Inspections & Results

- FY2023: 5,665
 - FY2023 Correction Notices: 757
- FY2024 (through 4/30): 5,375
 - FY2024 Correction Notices (through 4/30): 389
- Correction Notices may be sent for BMPs that Fail, or BMPs that Pass but Need Maintenance.
 - BMPs that fail or at least require maintenance are classified as “Not In Compliance”.
 - FY2023: Approx 13% of BMPs required maintenance or repairs.
 - FY2024 (through 4/30): Approx 7% of BMPs required maintenance or repairs.
 - 317 (5.7%) had minor functional issues and/or just needed maintenance
 - 72 (1.3%) were failures

Possible Inspection Results

- Pass (Complete)
- Pass, but needs maintenance
- Fail

Fail vs Needs Maintenance

- If a BMP Fails its triennial inspection, that means:
 - The BMP is in need of structural repairs.
 - The BMP isn't functioning as designed. In addition, performing maintenance will not be enough to restore its function.
 - Without prior I&P approval, the BMP has been: damaged; filled in; removed; or modified in a way that negatively affects its performance, and/or doesn't conform with the approved plans/As-Builts.
 - We've been denied access to conduct our inspection (uncooperative responsible party).
- If a BMP Passes, but Needs Maintenance, that means:
 - The BMP is functioning as designed, but there are items that need addressed to ensure it continues to function as designed. Or, if underperforming/experiencing minor functional issues, performing maintenance may resolve them.
 - Monitor - There's an observation that does not need immediate attention, but keep an eye on it

Failures, Need Repairs



VS

Need Maintenance



Enforcement of Maintenance or Repairs

- There are 3 levels of enforcement:
 - Phase 1 - Correction Notice
 - Phase 2 - Non-Compliance Notice and Violation Letter Package sent via Certified Mail
 - Phase 3 - Referral to Office of Law, Legal Injunction and Potentially Civil Penalties

Phase I Level Enforcement

- Correction Notice
 - Issued for the 1st (i.e. triennial) inspection.
 - At least 30 days to respond or complete the corrective actions (standard).
 - May be issued for subsequent follow-up inspections.
- A RESPONSE IS BETTER THAN NO RESPONSE.



Department of Inspections and Permits
Heritage Office Complex
2954 Pine Road
Annapolis, MD 21401
410-222-7476

Infrastructure and Environmental Programs Inspection Report

To Contact this Inspector, Telephone: 410-222-7767

Inspection Date: 5/16/2024 TIME: 9:00 PERMIT: G02014843 SWMA: 8680

AASCD Name: 1002-24

OWNER/Permittee Name: MILLSTONE VILLAGE HOA INC, C/O AMERICAN COMMUNITY MANAGEMENT INC

Address: 1099 WINTERTON RD, SUITE 200 CITY: LINTHICUM HTS STATE: MD ZIP: 21080

Location: CARINGBO WAY, SEVERN, MD 21144

Inspection Type: Storm Water Maintenance

Inspection Results: Not In Compliance

Corrective Action Taken:

5/17/2024 Issue Correction Notice

This triennial maintenance inspection was conducted to ensure that the Storm Water Management (SWM) practices are being maintained in accordance with: Anne Arundel County Code, Article 16, Title 4 (SWM Ordinance), §§ 16-4-303 & 16-4-401, and the terms of SWM Agreement # 12-8050, under Tax Account #s 4-479, 90236286, 4-479-90236287, & 4-479-90241300. The inspection revealed that the SWM practices are not in compliance. Please complete the following required maintenance actions by 6/17/2024.

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4. Re-mulch. Mulch layer should be at least 2-3 inches deep. Mulch should be non-dyed, double shredded hardwood.

Micro-Bio-retention:

1. Remove trash and debris.
2. Remove weeds.
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4. Re-mulch. Mulch layer should be at least 2-3 inches deep. Mulch should be non-dyed, double shredded hardwood.
5. Remove trash/debris from outlet structure.
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Permeable Pavement:

1. Repair or replace areas of broken/deteriorated permeable pavement. Must be replaced in kind with new permeable pavement.

Required maintenance actions are based on the site conditions that could be observed at the time of the inspection. Required maintenance actions are subject to change and/or addition, pending the results of a follow-up inspection. A follow-up inspection is currently scheduled for 6/18/2024. If you have questions or concerns, you'd like to schedule a meeting, and/or would like to reschedule the follow-up inspection, please contact me at (410)-222-7767, (443)-795-8217, and/or ipburn2@aacounty.org.

Received By: _____

I hereby acknowledge of this report by my signature which does not imply agreement or disagreement with its content.

Inspector: BRADLEE BURNHAM _____

Who Receives the Correction Notices?

- HOAs receive Correction Notices for BMPs in the community-owned open spaces, rec areas, common areas, etc.
- Homeowners and residents receive Correction Notices for BMPs on individual lots/tax parcels.
- A SWMA makes the current landowner of a property responsible for the BMP on their property.
- Some HOAs are responsible for BMPs on individual lots.

INSPECTION AND MAINTENANCE AGREEMENT

AGREEMENT NUMBER _____
PERMIT NUMBER G0201

THIS INSPECTION AND MAINTENANCE AGREEMENT made this ____ day of, _____, 201____, by and between _____(Hereinafter called Owner) and ANNE ARUNDEL COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (hereinafter called County),

WHEREAS, Owner has requested that the County issue a grading permit for property which Owner either owns or uses private storm water management; and

WHEREAS, the private stormwater management is located in the subdivision known as____the plat for which is recorded among the Land Records of Anne Arundel County in Plat Book ___ page ___ and

WHEREAS, the property is known as _____and is more particularly described in a deed from _____to and recorded among the land records of Anne Arundel County in Liber ____ Folio ___ and;

WHEREAS, it is a requirement of Article 16, Section 4-401(a), Anne Arundel County Code, that the Owner of the subject property shall execute an Inspection and Maintenance Agreement with the County pertaining to private stormwater management; and


WHEREAS, in furtherance of Owners desire to comply with the aforementioned provision of the Anne Arundel County Code, Owner is now entering into this Inspection and Maintenance Agreement.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the mutual covenants and promises herein contained and in order to fulfill the requirements of the Anne Arundel County Code, the parties do hereby agree as follows:

1. Owner shall install or be responsible for the installation of the private stormwater management as more particularly described in the Stormwater Management Plan which is part of Owners Grading and Sediment Control Plan kept on permanent file in the Anne Arundel County Department of Inspections and Permits (Department) in accordance with all conditions and provisions of the Anne Arundel County stormwater management laws in full force and effect at the time of the execution of this Agreement or as may be required by a building permit or a grading

Phase II Level Enforcement

- Failure to respond to Correction Notice(s) (Most Common).
 - Or, continually failing to complete the required actions in a timely manner or agreed upon timeframe.
- At least 45 days to respond (standard).
- Package sent via Certified Mail
- Package includes:
 - Violation Letter, signed by the Supervisor.
 - A copy of a Non-Compliance Notice for the most recent follow-up inspection.
 - A copy of the Private Inspection & Maintenance Agreement (i.e. the SWMA).
 - A copy of the As-Builts/approved plans (or snapshots of pertinent information).

 2564 Riva Road
Annapolis MD 21401
www.annapolis.org/gp
Phone: (410) 222-7790

Mark Wotensayer, Director

**Certified and First Class Mail
Phase 2 Enforcement**

Date _____

Certified Mail # XXXX XXXX XXXX XXXX

Property Owner Name _____
Mailing Street Address _____
Mailing Street Address Line 2 (if necessary) _____
Mailing City, State & Zip _____

RE: Phase 2 Stormwater Management Violation Notice
Failure to Maintain Stormwater Management Practice(s)
Location: _____
Tax Account #: _____
Stormwater Inspection and Maintenance Agreement: _____

Dear Sir or Madam:

This letter serves to provide the written violation notice referenced in the Stormwater Inspection and Maintenance Agreement XXXXXXXX recorded against the property described. Specifically, a Phase 2 Correction Notice was previously sent to you via first class mail on [ENTER DATE] HERE, and to date there has been no response, or you have stated you will not comply with the Phase 1 Correction Notice. The Phase 1 Correction Notice identified certain maintenance repairs deemed necessary to ensure the intended function of the stormwater management practice(s) and the date(s) by which the required maintenance was to be completed. Re-inspection(s) have been conducted on [ENTER DATE] HERE, and the required maintenance has, to date, not been completed. The failure to properly maintain stormwater management practices is a violation of Article 16A-303 and 16A-404 of the County Code as well as the provision of the referenced Stormwater Inspection and Maintenance Agreement. The agreement requires you to retain and properly maintain the required stormwater management practices previously approved for the development of your property.

For your convenience the following attachments are enclosed with this letter:

- Phase 1 Correction Notice listing the required maintenance
- Stormwater Inspection and Maintenance Agreement 0X XXXX
- Copy of the approved stormwater management plans showing the location and detail for the stormwater management practices requiring maintenance

At this point in time the Department is seeking your cooperation and urgent attention to completing the required maintenance repairs by XXXXXXXX. Please contact me at 410-222-7797 and advise me of your intentions in this matter. If you do not contact me or complete the required maintenance repairs by the established compliance date, it will be assumed you do not wish to resolve this matter on a cooperative basis and it will be necessary to refer this matter to the County Office of Law for further enforcement action and injunctive relief. Hopefully this will not be necessary and we can resolve this matter in a mutually beneficial fashion.

Sincerely,

Bradlee Burnham
Stormwater Management Maintenance Inspections Supervisor
Environmental Programs
Department of Inspections and Permits
Anne Arundel County

cc: SWM Enforcement File
Grading Permit# XXXXXXXX
Inspector First Initial and Last Name

Phase III Level Enforcement

- Failure to respond or comply with Phase II results in a referral to the Office of Law. The Office of Law may then file a legal injunction in court. Should they do so, the HOA or property owner will receive a summons.
- Phase III may also include the levy of civil fines, which may be compounded DAILY for each day the violation(s) remains unabated.

Memorandum

TO: Greg Swain, County Attorney
VIA: Daniel L. Kane, Director
VIA: Eva M. Kerchner, Assistant Director
VIA: John Ighavira, P.E., Code Enforcement Administrator for Site Inspections
VIA: Steve Tompkins, WRPD Inspections Supervisor

FROM: Zachary Bradley, WRPD Inspector
SUBJECT: Request for Injunctive Relief

DATE: [REDACTED]

NON-CRITICAL AREA

Defendant Name: [REDACTED]
Defendant Address: [REDACTED]
Violation Address: [REDACTED]
Tax Account for: [REDACTED] File No. ID: [REDACTED] DIVISION: [REDACTED]

This referral is based upon documented Environmental code violations at the violation address. This subject property is in violation of Article 65, Sections 1-103 and 4-402, of the County Code and Inspection and Maintenance Agreement (DMA) [REDACTED] which was executed in violation to issuing denial permit CD [REDACTED]. The defendant [REDACTED] were notified of pertinent code violations and required to perform the abatement. The abatement was not performed without action necessary to perfect the violation.

The following chronology summarizes departmental action with respect to the current violations at the subject property. Copies of all pertinent documents are attached.

UNIFORM CIVIL CITATION

OFFENSE
 UNLAWFUL EXERCISE OF RIGHTS

ANNE ARUNDEL COUNTY, MARYLAND
DEPARTMENT OF INSPECTIONS & PERMITS

DEFENDANT NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY/TOWNSHIP: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]

VIOLATION: [REDACTED]

DEFENDANT'S SIGNATURE: [REDACTED] **DATE:** [REDACTED]

OFFICER'S SIGNATURE: [REDACTED] **DATE:** [REDACTED]

INSTRUCTIONS:
 The subject appears to comply with the applicable provisions of the Code.
 NO VIOLATION
 VIOLATION
 If a violation is observed, the offender should be advised of the nature of the violation and the amount of the fine. If the offender does not pay the fine within the time specified, a summons should be issued for the offender to appear in court to answer the citation.

ANNE ARUNDEL COUNTY, MARYLAND
 a body corporate and public
 Barbara Office Complex
 2069 Elm Road
 Annapolis, Maryland 21401

Plaintiff,

v.
[REDACTED]
 Defendant

RETURN OF ZACHARY BRADLEY

- I am an adult over the age of 18 years and competent to testify.
- I am an Inspector with the Department of Inspections and Permits for Anne Arundel County, Maryland.
- My duties include inspecting properties in Anne Arundel County for conformance with the Anne Arundel County Code and notifying property owners or users of a property that their use of the property violates the said Code.
- On [REDACTED] the Defendants entered into an Inspection and Maintenance Agreement, Inspection and Maintenance Agreement Number: [REDACTED] ("Agreement") with the County, which was recorded in the Land Records for Anne Arundel County, whereby it was agreed that a private storm water management facility would be installed and maintained and made available for inspection on the subject property.

ANNE ARUNDEL COUNTY, MARYLAND
 a body corporate and public
 Barbara Office Complex
 2069 Elm Road
 Annapolis, Maryland 21401

Plaintiff,

v.
[REDACTED]
 Defendant

JUDGMENT OF CONSTRUCTIVE CIVIL CONTEMPT

The Plaintiff, Anne Arundel County, Maryland ("the County"), having filed a Petition for Contempt against the Defendant [REDACTED] ("the above captioned name relating to the real property known as [REDACTED] the 'subject property'"), and the Plaintiff having appeared and the Defendant having responded / failed to appear, in this by and for [REDACTED] by the District Court of Maryland for Anne Arundel County ("the District Court"), and it is further

ORDERED, that the Defendant is in contempt of the Judgment and it is further "Plead Judgment", and it is further

ORDERED, that this Judgment of Constructive Civil Contempt (Judgment of Contempt) is in addition to the Prior Judgment, and it is further

ORDERED, that Defendant may purge the contempt by:

Take Home Points

- All BMPs are required to have the County do an inspection at least once every 3 years.
- Get Involved, ask questions, Transition committee
- Heads-up corrections to owners
- Routine maintenance and Upkeep is key - county is required to do triennial inspections
- Approximately 7% of BMPs in the County are cited for maintenance or repairs annually.
- There is a 3-phase enforcement process.
 - Correction Notice > Non-Compliance Notice/Violation Letter > Referral to Office of Law
 - **A RESPONSE IS BETTER THAN NO RESPONSE!**
 - Referral to Office of Law may result in legal injunction, and may coincide with civil citations.
- There are several kinds of BMPs that community Associations, HOAs, and residents may be responsible for maintaining.
 - There are some maintenance actions that all BMPs may experience, and there are some that are unique to specific types of BMPs.

Resources

- To contact SWM Maintenance Inspections, please call (410)-222-7767, or please email SWInspections@aacounty.org
- Stormwater Management Maintenance Inspections:
 - <https://www.aacounty.org/inspections-and-permits/inspections/stormwater-management-inspections>
- To request approved plans/As-Builts, SWMAs, and/or other related documents from the appropriate permit file, submit a PIA:
 - <https://www.aacounty.org/pia?requestType=IAP>
 - <https://www.aacounty.org/pia>
- Blue Notice IP-21-02 (Vegetation and Mulch in Stormwater BMPs)
 - <https://www.aacounty.org/sites/default/files/2023-04/IP-21-02.pdf>
 - <https://www.aacounty.org/sites/default/files/2023-08/IP-21-02-attachment.pdf>

Resources (Continued)

- Bureau of Watershed Protection & Restoration:
 - <https://www.aacounty.org/public-works/bwpr>
- BMP Maintenance Guidance:
 - <https://www.aacounty.org/public-works/bwpr/education-outreach/take-action/bmp-maintenance>
- Watershed/BMP Viewer:
 - <https://gis.aacounty.org/portal/apps/webappviewer/index.html?id=dac2fecf1fc14077bf0faee596f8cf43>
- Anne Arundel Watershed Stewards Academy
 - <https://aawsa.org/>
 - Contractors and Vendors
 - <https://drive.google.com/file/d/1zIPIY8tQ3LEbHrH7mbJIBJKyPo5bPA8J/view?usp=sharing>
 - <https://drive.google.com/file/d/1qvE-yyPc-tpfkut64-jGhdkuByo4Lpcy/view?usp=sharing>
- Chesapeake Conservation Landscape Council
 - <https://www.chesapeakelandscape.org/>

Questions?