



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

FEB 27 2018

CERTIFIED MAIL

The Key School
534 Hillsmere Drive
Annapolis, MD 21403
Attn: Mr. Joseph Santora

Re: NOI Permit # MDRCB02AZ
PAF # 18-2298

Dear Mr. Santora,

On February 15 and 16, 2018 the Maryland Department of the Environment conducted a complaint investigation in association with The Key School's Fusco Athletic Park in Annapolis, Anne Arundel County.

The inspection findings are stated in the enclosed report. Should you have any additional questions, do not hesitate to contact me at Shavaun.Jenkins1@maryland.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shavaun Jenkins".

Ms. Shavaun Jenkins, LEHS
Environmental Compliance Specialist
Water and Science Administration



Maryland Department of Environment
Water and Science Administration
Compliance Program
1800 Washington Blvd, Baltimore, MD 21230
410-537-3510

AI ID: 154460 **Inspector:** Shavaun Jenkins
Site Name: The Key School's Fusco Athletic Park
Facility Address: Carrollton Rd, Annapolis, MD 21403 **County:** Anne Arundel County
Inspection Date: February 15, 2018 **Start Date/Time:** February 15, 2018, 02:00 PM
End Date /Time: February 16, 2018, 04:45 PM
Media Type(s): NPDES Construction Activity, Sediment\Erosion
Contact(s): Richard O'Connor – Davis Construction

NPDES Construction Activity

Permit / Approval Numbers: MDRCB02AZ

PAF Number: 18-2298

Site Status: Active

Site Condition: Noncompliance

Recommended Action: Continue Routine Inspection

Inspection Reason: Initial Quarterly, Initial Yearly, PAF

Evidence Collected: Photos/Videos Taken, Visual Observation

Inspection Findings:

An inspection of the site was made today in response to a complaint stating sediment is reaching Lake Ogleton from recent construction upstream. The complaint investigation occurred over two days, Thursday February 15th and Friday February 16th. The weather for both days ranged from overcast to intermittent precipitation. Ground conditions ranged from damp to muddy due to the precipitation event over the weekend and during the day. Prior to arriving onsite notification was provided via phone to Anne Arundel County Environmental Programs Supervisor Geoffrey Bobersky. Mr. Bobersky advised he and the site inspector, Scott Schneck, are familiar with and have visited the site. Mr. Bobersky advised he was recently there on Friday February 9, 2018. He advised Mr. Schneck was onsite yesterday and would be visiting today. He stated that he was aware of the site conditions, acknowledged the site was currently out of sequence and stated additional controls should be added in the form of stabilization, super silt fence and Pond Clear. Upon arrival to the site, I met with Mr. O'Connor at the onsite trailer located on the western perimeter of the site. After preliminary introductions and explaining the purpose of the visit, Mr. O'Connor provided an overview of the site and briefly explained corrective actions taken after the weekend rain event. Site walks were conducted both days with Mr. O'Connor.

The logbook review, a neighborhood drive through and a second site walk was conducted on the February 16, 2018. Mr. O'Connor provided the logbook for review. The logbook was reviewed from 8/31/17 to 2/12/18. Mr. O'Connor presented copies of the Responsible Personnel Certification (RPC) cards for Thomas Ciotta (RPC #005003) of Icaboni and Jeffrey Miller (RPC#004514) of Reliable Contracting. At the time of inspection Mr. O'Connor does not have his RPC card but is close to completing the online course as he pulled up his coursework during the logbook review. Mr.

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O'Connor advised his assistant and the project manager will also be obtaining their RPC cards. The logbook is maintained by Mr. O'Connor. The permit identifies disturbance of 26.77 acres and The Key School as the permittee. The updated MDE standard inspection form is being used. The date earth disturbance began is documented as 8/31/17.

The logbook identifies on 9/5/17 the silt fence (SF) located on the southern end of the site fell over. Mr. O'Connor stated he believes it was likely due to deer crossing into the property. The SF was not repaired until 9/7/17. Reports for 9/6/17 and 9/7/17 were generated as post storm event inspections. The storm durations were 24 hours and 6 hours and the approximate amounts of precipitation (in) were 1 inch and less than 1 inch, respectively. These reports were not identified as a NPDES triggering event.

With respect to the above MDE authorization the following violations of Environment Article Title 9, by The Key School and Davis Construction, were observed this date with corrections needed immediately:

1. Discharge of sediment laden water from site to Lake Ogleton occurred over the weekend of February 10-11, 2018 due to the rain event. **Continue to follow the directives issued by Anne Arundel County to address the unauthorized discharge.**
2. The NOI logbook is being maintained by Mr. O'Connor who does not hold the Responsible Personnel Certification. **Obtain the Responsible Personnel Certification immediately. The Responsible Personnel Certification course can be found online at <http://mderpc.mde.state.md.us/>.** Note: Mr. O'Connor is working to complete the certification by this weekend.
3. The permit number is identified incorrectly by using the grading permit number (GP # 201654). **Ensure moving forward the permit number is identified as "MDRCB02AZ".**
4. Reports are missing for the following weeks: 9/18/17, 9/25/17 and 10/2/17. **Ensure weekly reports are documented consistently.** Note: *If the primary logbook inspector will be unavailable, another RPC card holder must assume the responsibility for completing the weekly, post storm event and/or NPDES triggering events in the interim.*
5. Item number 1, in the BMP/Activity section of the inspection report form was not identified for the installed and maintenance required columns for the report dated 10/12/17. **Ensure moving forward the BMP/activity is identified to reflect the status of the site.**
6. The present phase of construction is not identified on report dated 9/5/17. **Ensure the present phase of construction is identified when completing the inspection form.**

This complaint will be closed and follow up inspections will continue under the NPDES Construction Activity permit. A copy of this report will be provided to the responsible party and Anne Arundel County.

On February 20, 2018, an email was received from Mr. O'Connor who provided a copy of his RPC card issued 2/17/18 (RPC # 012370).

STATE LAW PROVIDES FOR PENALTIES FOR VIOLATIONS OF MARYLAND ENVIRONMENT ARTICLE TITLE 9 FOR EACH DAY THE VIOLATION CONTINUES. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT MAY SEEK PENALTIES FOR THE AFOREMENTIONED VIOLATIONS OF TITLE 9 ON THIS SITE FOR EACH DAY THE VIOLATION CONTINUES.

NPDES Construction Activity- Inspection Checklist

<i>Inspection Item</i>	<i>Status</i>	<i>Comments</i>
1. If the site is greater than or equal to 1 acre of disturbance, has the responsible person acquired the General or Individual Permit for Stormwater Associated with Construction Activity? [COMAR 26.08.04.09A(2)]	No Violations Observed	
2. Does the site have an approved sediment and erosion control plan? [Environment Article §4-105(a)(3)]	No Violations Observed	

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NPDES Construction Activity- Inspection Checklist

<i>Inspection Item</i>	<i>Status</i>	<i>Comments</i>
3. Has the site designed, installed and maintained effective erosion controls and sediment controls to minimize the discharge of pollutants? [40 CFR 450.21(a)]	Out of Compliance	See report
4. Are the required records available, including plans, copy of NOI, General Permit, permit coverage documentation, public posting of permit coverage, transfer of authorization documentation if applicable, inspection reports (weekly, post-rain event, after significant discharge of sediment) on the standard form or other form approved for use by Compliance Program? [40 CFR 122.41(h)]	No Violations Observed	
5. Are all systems of treatment and control used by permittee properly operated and maintained? [40 CFR 122.41(e)]	Out of Compliance	See report
6. Is the site in compliance with the prohibition against non-stormwater discharges (including concrete washout), and is the discharge of other pollutants minimized (such as wash waters, chemical spills, and trash)? [40 CFR 450.21(d, e)]	No Violations Observed	
7. Were visible pollutants observed in the receiving waters or in a position likely to pollute water of the State? [Environment Article §9-322]	Out of Compliance	See report

Sediment\Erosion

PAF Number: 18-2298

Site Status: Active

Site Condition: Noncompliance

Recommended Action: Close File

Inspection Reason: Initial Quarterly, Initial Yearly, PAF

Evidence Collected: Photos/Videos Taken, Visual Observation

Inspection Findings:

An inspection of the site was made today in response to a complaint stating sediment is reaching Lake Ogleton from recent construction upstream. The complaint investigation occurred over two days, Thursday February 15th and Friday February 16th. The weather for both days ranged from overcast to intermittent precipitation. Ground conditions ranged from damp to muddy due to the precipitation event over the weekend and during the day. Prior to arriving onsite notification was provided via phone to Anne Arundel County Environmental Programs Supervisor Geoffrey Bobersky. Mr. Bobersky advised he and the site inspector, Scott Schneck, are familiar with and have visited the site. Mr. Bobersky advised he was recently there on Friday February 9, 2018. He advised Mr. Schneck was onsite yesterday and would be visiting today. He stated that he was aware of the site conditions, acknowledged the site was currently out of sequence and stated additional controls should be added in the form of stabilization, super silt fence and Pond Clear. Upon arrival to the site, I met with Mr. O'Connor at the onsite trailer located on the western perimeter of the site. After

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preliminary introductions, Mr. O'Connor provided an overview of the site and briefly explained corrective actions taken after the weekend rain event. Site walks were conducted both days with Mr. O'Connor.

The following information was provided and observed during the inspection:

1. During the site overview, Mr. O'Connor advised the site was a golf course that is undergoing development to become an athletic field for The Key School. Mr. O'Connor advised almost half of the entire property is being developed for the athletic field which will consist of a baseball field, two multi-purpose fields, eight tennis courts, three utility buildings and a parking lot. He also acknowledged many residents in the neighborhood are not amenable to the project and he has worked to foster a communicative relationship with the residents as best as possible.
 - a. Mr. O'Connor shared the following: the associated utility lines have been installed for the associated buildings onsite; the parking lot has not been completed; out of a total 8 tennis courts, 5 courts are graded; the two multipurpose fields have not been completely temporarily stabilized; there are between 3-4 large stockpiles on site, all of which are surrounded with reinforced silt fence (RSF), but not all stabilized.
 - i. Mr. O'Connor advised starting Friday (February 16th) and into Saturday (February 17th) all areas that are not being actively disturbed will be stabilized with straw and hydro seed.
2. Out of a total of four sediment traps (ST-A through D) to be installed onsite, three are currently installed (ST-A, C and D). Mr. O'Connor stated he received approval from Anne Arundel County to remove the sediment trap (ST-B) prior to its drainage area permanently stabilized. The trap's drainage area was temporarily stabilized at the end of December 2017 and then removed. The trap was removed in order to begin grading for the multi-purpose field.
 - a. At the end of December 2017, Mr. O'Connor advised the directional berm was removed as authorized by Anne Arundel County Inspections and Permits and RSF was installed and the drainage area temporarily stabilized.
 - b. The drainage area (DA) for ST-B is 4.46 acres. The baseball field which is permanently stabilized with sod intersects the DA for ST-B. Mr. O'Connor estimates approximately 2.25 acres are still disturbed within DA-B.
3. Mr. O'Connor advised the weekend precipitation event resulted in sediment discharges from all the traps and the former location of ST-B.
 - a. As a result, Anne Arundel County arrived Monday and advised corrective actions were to include the installation of 800 linear feet of super silt fence (SSF) immediately surrounding the ST outfalls (including ST-B area); mulch application (1'x1') along the base of the SSF with Pond Clear on top of the mulch; and, Pond Clear introduction in all bodies of water within the limit of disturbance (LOD) and immediately surrounding the site.
 - i. During the site walk the SSF was observed to have been installed. ST-A, C and D had double rows of SSF and the ST-B area (replaced with RSF and straw bales) had triple rows of SSF. Crewmembers were observed applying mulch at the base of the installed SSF (See photos). **Ensure SSF installed for ST-A are not placed within the nontidal wetland buffer. If SSF is within the nontidal wetlands buffer obtain a nontidal wetlands permit.**
 - ii. Mr. O'Connor advised the current traps were dewatered before the weekend storm event but not enough.
 - b. All of the existing traps were observed to be in disrepair with ST-C sustaining the most damage. All of the traps appear to have incorrect slopes. Mr. O'Connor stated the traps were installed correctly however the storms severely eroded the traps causing the slopes to appear as observed during the inspection.
 - i. ST-A, located on the eastern perimeter, was observed to be permanently stabilized along the eastern perimeter whereas the southwestern slope of the trap was severely eroded and appeared to be sloped incorrectly. Mr. O'Connor stated the entire trap was permanently stabilized but due to the storm and sustained sheet flow, the trap eroded to the observed state. Sediment was observed at the head of an intermittent stream located south of ST-A. Pond Clear had been applied to the intermittent stream and settling of the sediment was observed. Further down the stream the water was observed to be clear with the settled sediment on the streambed (See photos).

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- ii. Each trap had a filter bag which was observed to be in a straw fort or on a straw base, some with plastic sheeting under the straw base. The filter bags were observed to be actively filtering and under excessive pumping pressure as water was seen exiting the hose connection. The water observed exiting the hose connection was clear. Mr. O'Connor was advised to reduce pumping rate. Pond Clear was applied to some of the filter bags. Filter bags used to dewater a ponding area was observed on the permanently vegetated dike, located on the western perimeter, without a suitable base. No active dewatering was observed for the filter bags without a suitable base. Mr. O'Connor was advised to use a suitable base for dewatering even if the area is permanently stabilized (See photos).
 - iii. ST-D drains to a culvert that crosses Carrollton Road from south to north. The northern side of Carrollton Road begins the perimeter for the City of Annapolis. At the time of inspection Mr. O'Connor advised no City of Annapolis officials have arrived on site. Sediment laden water was observed draining north of Carrollton Road. Mr. O'Connor advised the homeowner, whose property could be observed from Carrollton Road, received a large volume of water due to the weekend rain event (See photos). Mr. O'Connor stated he would inform the crew to broadcast Pond Clear to the ponding water on the property adjacent to ST-D.
 1. Mr. O'Connor advised, weather pending, the headwall for the culvert and the 10'x10' rip rap outfall would begin to be installed tomorrow.
4. On Friday, a site walk of the entire property and the surrounding perimeter along with a drive through of the neighborhood was conducted with Mr. O'Connor.
- a. When discussing the pictures obtained from the complainant Mr. O'Connor explained the water drains from the property in multiple locations due to the topography and drains into Lake Ogleton.
 - i. On the drive through along Ogleton Road the first stop was downstream of intermittent stream located on the eastern perimeter of The Key School site. This location is south of the DA of ST-A. The stream crosses under Ogleton Rd (along 2703 and into 2700 Ogleton Rd). The water was observed to be clear as it crossed under Ogleton Rd and joined into the stormwater conveyance system at 2700 Ogleton Rd. Sediment laden water was observed intersecting with the stormwater conveyance from the eastern perimeter of the property subsequently entering the culvert that leads to Lake Ogleton (See photos).
 - ii. A stop was made at the neighborhood trail on Ogleton Road. This location is south of the DA of ST-C. This is one of the locations where pictures provided by the complainant show sediment laden water entering into Lake Ogleton. During the inspection sediment laden water was observed entering into Lake Ogleton via an intermittent stream.
 1. The ST-C area was observed on Friday to have no flowing water within the LOD and the immediate surrounding area including the SSF located beyond the LOD. The outfall area was observed to have muddy ground conditions with water present in some depressions within the mud (See photos).
 2. Sediment laden water was observed beyond the active site entering into the intermittent stream that goes through the neighborhood trail. An unknown drainage pipe was observed within the intermittent stream (See photos). Mr. O'Connor advised he is unsure of where the drainage pipe begins.
 - b. Mr. O'Connor advised a mulch trail has been partially installed for the residents in the neighborhood. Along the northwestern perimeter stormwater management features in the form of two bio-retention ponds (BP) and a submerged gravel wetland (SGW) were observed to be installed with RSF controls intact. Mr. O'Connor advised these features were installed in November 2017.
 - i. One of the bio-retention ponds were observed to be permanently stabilized, the other was observed to require stabilization. Sediment was observed to have washed out onto the rip rap outfall of the SGW (See photos).

With respect to the above MDE authorization the following violations of Environment Article Title 4, by The Key School and Davis Construction, were observed this date with corrections needed immediately:

1. Discharge of sediment laden water from site to Lake Ogleton occurred over the weekend of February 10-11, 2018 due to the rain event. **Continue to follow the directives issued by Anne Arundel County to address the unauthorized discharge.**

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2. As a result of the weekend rain event all of the installed sediment traps and the former location of sediment trap B was observed to be in disrepair. **Continue to follow the corrective action directives issued by Anne Arundel County.**
3. Installed beyond the limit of disturbance along the western perimeter south of sediment trap A (ST-A) are two rows of super silt fence (SSF) to minimize additional discharge from entering into the intermittent stream. **Ensure the SSF installed for ST-A is not placed within the nontidal wetland buffer. If SSF is within the nontidal wetlands buffer obtain an MDE Nontidal Wetlands permit by contacting Lisa Dosmann at (410) 537-3559 or Lisa.Dosmann@maryland.gov.**

This complaint will be closed and follow up inspections will continue under the NPDES Construction Activity permit. A copy of this report will be provided to Anne Arundel County and the responsible parties.

On February 20, 2018, I met briefly with Mr. Scott Schneck, Anne Arundel County Grading Inspector, on another site and briefly discussed the status of The Key School site. Mr. Schneck advised when the sediment trap was removed the earth dike should have also been removed which would have allowed for sheet flow towards the reinforced silt fence. After the brief discussion I advised Mr. Schneck, I would provide him with a copy of the completed report. Later that day a brief telephone conversation occurred with Mr. O'Connor who advised the repairs to sediment traps have begun. On Friday February 23, an email was received from Mr. O'Connor with pictures of the active site temporarily stabilized.

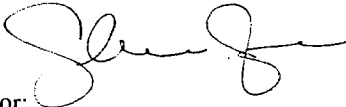
Sediment/Erosion- Inspection Checklist

<i>Inspection Item</i>	<i>Status</i>	<i>Comments</i>
1. Is there an Soil Conservation District approved erosion and sediment control plan for the project? [Environment Article §4-105(a)(3)(i)]	No Violations Observed	
2. If a state/federal project, is there an approved sediment and erosion control plan for the project? [Environment Article §4-106]	Not Applicable	
3. Are the erosion and sediment controls being implemented as per the approved sediment and erosion control plan? [Environment Article §4-105(a)(3)(ii)]	Out of Compliance	See report
4. Is the sequence of construction being followed as per approved sediment and erosion control plan? [Environment Article §4-105(a)(3)(iii)]	Out of Compliance	See report
5. Are the sediment and erosion controls being maintained? [Environment Article §4-105(a)(3)(iv)]	Out of Compliance	See report
6. Is the site implementing any additional measures necessary to control sediment runoff? [Environment Article §4-105(a)(3)(v)]	No Violations Observed	
7. Is the responsible person (foreman, superintendent, or project engineer) onsite green card certified? [Environment Article §4-104(b)]	Info	Site superintendent does not have a RPC, however there are representatives from Iacoboni and Reliable Contracting that have their RPC
8. Is sediment pollution occurring or has soil or sediment been placed in a condition likely to wash into waters of the State? [Environment Article §4-413]	Out of Compliance	See report

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Sediment/Erosion- Inspection Checklist

<i>Inspection Item</i>	<i>Status</i>	<i>Comments</i>
9. If the site is greater than or equal to 1 acre of disturbance, has the site acquired the General or Individual Permit for Construction Activity (if applicable to GPCA form)? [COMAR 26.08.04.09A(2)]	No Violations Observed	
10. Is the site complying with the temporary and/or permanent stabilization requirements of the approved plan? [COMAR 26.17.01.07]	Out of Compliance	See report



Inspector: _____ 2.26.18
 Ms. Shavaun Jenkins/Date
 shavaun.jenkins1@maryland.gov
 410-537-3785

Received by: _____
 Signature/Date

 Print Name

Report Provided to:
 Fax _____
 Email Richard O'Connor, Geoffrey Bobersky, Scott Selneck
 Regular Mail _____
 Certified Mail The Key School