

SPECIAL EXCEPTION PETITION
TO THE HOWARD COUNTY BOARD OF APPEALS

57 NOV 13 PM 2:20

For DPZ office use only:
CASE NO. DA9149E
DATE FILED 8/22/97
DATE ACCEPTED _____
FOR SCHEDULING _____

1. PETITIONER'S NAME Judith marie Grewell
TRADING AS (IF APPLICABLE) _____
ADDRESS 8214 Reservoir Rd Fulton, md 20759
PHONE NO. (W) 410 887 0184 (H) 410 792 2737

2. COUNSEL FOR PETITIONER _____
COUNSEL'S ADDRESS _____
COUNSEL'S PHONE NO. _____

3. PROPERTY IDENTIFICATION:
ADDRESS OF SUBJECT PROPERTY 8214 Reservoir Rd
Fulton, md. 20759
TOTAL ACREAGE OF PROPERTY 8 acres
PROPERTY LOCATION:
ELECTION DISTRICT: 5th ZONING DISTRICT: RR-DEO
TAX MAP # 45 BLOCK # 6 PARCEL/LOT # 44
SUBDIVISION NAME (if applicable): no

4. PETITIONER'S INTEREST IN SUBJECT PROPERTY:
☒ OWNER (including joint ownership) ☐ OTHER (describe and
give name and address of owner)

If the Petitioner is not the owner of the subject property,
documentation from the owner authorizing the petition must
accompany this petition.

Go to page 2.

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. SPECIAL EXCEPTION PLAN:

If the petition is approved, the special exception plan, subject to modifications and conditions required by the Board of Appeals, will be made a part of the Board's Decision and Order. The special exception plan must be drawn to scale and must include the items listed below:

- ☐ (a) Courses and distances of outline boundary lines and the size of the property
- ☐ (b) North arrow.
- ☐ (c) Zoning of subject property and adjoining property.
- ☐ (d) Scale of plan.
- ☐ (e) Existing and proposed uses, structures, natural features and landscaping.
- ☐ (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces.
- ☐ (g) Same as (e) and (f) above, of any adjoining property as necessary for proper examination of the petition.
- ☐ (h) Location of well and private sewerage easement area, if property is to be served by private water and sewer.
- ☐ (i) Election District in which the subject property is located.
- ☐ (j) Tax Map and parcel number on which the subject property is located.
- ☐ (k) Name of local community in which the subject property is located or name of nearby community.
- ☐ (l) Name and mailing address of the petitioner.
- ☐ (m) Name and mailing address of attorney, if any.
- ☐ (n) Name and mailing address of property owner.
- ☐ (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- ☐ (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- ☐ (q) Ownership of effected roads.
- ☐ (r) A detailed description of all exterior building materials for all proposed structures.
- ☐ (s) Any other information as may be necessary for full and proper consideration of the petition.

Go to page 3.

6. SPECIAL EXCEPTION REQUEST.

The undersigned hereby petition the Board of Appeals for approval of a special exception under section(s) 131 N. 0031 of the Zoning Regulations for the following use:

Special exception for a non profit riding club.

7. DESCRIPTION OF PROPOSED USE:

The following items are intended to be answered by summary statements; the answers may be given below or attached to this petition form if additional space is needed:

A) The present use of the subject property: Currently used to board horses and as a ^{private} residence.

B) The specific proposed use of the subject property:

a Non-profit riding club + horse rescue

C) A detailed description of the proposed use, including, where applicable: types of activities; hours of operation; number of employees, occupants, and customers; quantity and types of vehicles: Riding instructions and boarding will be provided ~~for~~ 5 days a week (approx 2 PM to 8 PM). During summer the riding academy will provide daily riding instruction Mon thru

Saturday ~~Sunday~~ from 8 AM to 5 PM. There will be approx 5 students per lesson session. Vehicles include 2 horse + equip trailer and tractor.

D) Additional information which will be needed to determine whether the special exception complies with the specific requirements of the applicable subsection within section 131.N.

of the Zoning Regulations: The property includes a ^{bluestone} riding ring for instructions, 6 acres and a 9 stall barn to house horses that is 200 ft from the property line.

Go to page 4.

E) How will the special exception affect the adjacent and vicinal properties? There should be minimum impacts to auto neighbors. Increased traffic in drive (4 to 5 cars per lessons) (one to

F) Any other factors which the Petitioner desires the Board to consider: There is adequate parking in a gravel lot and by the barn to accommodate 7 to 10 cars of potential students

8. PRIOR PETITIONS:

Has any petition for the same, or substantially the same, special exception as contained herein for the same property as the subject of this petition been disapproved by the Board of Appeals within twenty four (24) months of the date of this petition?

() YES (✓) NO If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.

ADDITIONAL MATERIAL, FEES, POSTING AND ADVERTISING.

A) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:

- 28 copies if the subject property adjoins a State road.
- (24) copies if the subject property adjoins a County road.

B) The undersigned agrees to furnish such additional plats, plans, reports, or other materials as may be required by the Department of Planning and Zoning and/or the Board of Appeals in connection with the filing of this petition.

The undersigned agrees to pay all costs in accordance with the current schedule of fees.

Go to page 5.

The undersigned also agrees to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the property posters as required and submit an affidavit of posting at, or before the time of the hearing. The undersigned also agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

9. SIGNATURES.

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

Signature of Attorney

Quentin M. Hewell
Signature of Petitioner

For DPZ office use only: (Filing fee is \$650.00 plus \$15.00 per poster)

Hearing fee: \$ _____

Poster fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

(Make checks payable to "Director of Finance")

Go to page 6.

10. PETITIONERS MUST INITIAL ONE OF THE FOLLOWING:

I wish to have a hearing date set by the Board of Appeals as soon as possible. I understand that the scheduled hearing date may be several months from now. I also understand that once a hearing date has been set, I cannot request a postponement or continuance, absent any extraordinary circumstances as determined by the Board.

X I wish to have the Board of Appeals wait until after receiving the Planning Board recommendation before scheduling a hearing date for my case. By so doing, I may be allowed a postponement or continuance in order to amend and resubmit my petition if the petition receives an unfavorable recommendation. This resubmission would be made to the Department of Planning and Zoning and to the Planning Board. Postponement or continuance of the Planning Board meeting will allow consideration of an amended petition by the Planning Board and other County agencies.

11. GENERAL STANDARDS:

Petitioner must note that in addition to the specific requirements of the appropriate subsection within section 131.N of the Zoning Regulations, that special exceptions within residential developments in the R-ED, R-SC, R-SA-8, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in section 131.C. All requests for special exceptions must meet the following general standards set forth in section 131.B. of the Zoning Regulations for approval:

1. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to the streets giving access to the site are such that the use will be in harmony with the land uses and policies indicated in the Howard County General Plan for Howard County for the district in which it is located.

2. The use will not adversely affect vicinal properties.

3. The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures.

4. Parking areas will be of adequate size for the particular use and will be properly located and suitably screened from adjoining residential uses, and the ingress and egress drives will be laid out so as to achieve even maximum safety.

5. If a special exception use is combined with other special exception uses or permitted uses on a site, the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks and the land uses indicated in the General Plan for the site and surrounding properties.

d. Applicable Federal, State and County health, fire and environmental codes shall be followed;

e. The minimum setback from all property lines shall be fifty feet.

34. Mobile Homes for Security Purposes

A special exception may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that:

a. The property shall be at least 10 acres in size and contain an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District.

b. The mobile home shall bear a label certifying that it complies with the standards of the National Manufactured Housing and Safety Standards Act of 1974 as promulgated by the United States Department of Housing and Urban Development (HUD).

35. Movie Theaters, Legitimate Theaters, Dinner Theaters

A special exception may be granted in the M-1 District for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Board of Appeals that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, that adequate off-street parking facilities are available in close proximity to the proposed use, and that there is a reasonable need for the proposed use within the Light Manufacturing District (M-1).

36. Museums and Libraries

A special exception may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for museums, art galleries and libraries, provided that a determination is made by the Board of Appeals that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and that such use will not tend to adversely affect the use and development of adjoining properties.

37. Nonprofit Clubs, Lodges, Community Halls and Camps

A special exception may be granted in the RC, RR, R-ED or R-20 Districts for non-profit clubs and similar organizations, provided that:

a. Any structure shall be located at least 100 feet from any side or rear lot line, except that a setback of 50 feet from a commercial or industrial district shall be allowed. The front structure setback shall be at least 75 feet.

b. Total building coverage shall not be more than 20 percent of the area of the site.

c. Safe public road access shall be available.

d. One mobile home or caretaker's dwelling for security purposes for day and

ZB or BA CASE # _____
PETITIONER _____
ADDRESS _____

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Patricia Ann Finch
Witness

Witness

Witness

Matthew M. Brewell 8/19/97
Signature Date

Signature Date

Signature Date

3273-

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: 12/16/97

Planning Board 1/28/98 Board of Appeals TBS Zoning Board _____

Petition No. BA 97-49E Map No. 45 Block 6 Parcel 44 Lot _____

Return comments by 1/12/98 to Comprehensive Planning and Zoning Administration.

Location of Property: W side of Reservoir Road (8214 Reservoir Rd)

Applicant: Judith Marie Grewell

Applicant's Address: 8214 Reservoir Road, Fulton, MD 20759

Owner: (if other than applicant) same as above

Owner's Address: _____

Petition: Special exception for a non-profit club.

TO:

☒ Department of Education
☐ Bureau of Environmental Health
☐ Development Engineering Division
☐ Department of Inspections, Licenses and Permits
☐ Department of Recreation and Parks
☐ Department of Fire and Rescue Services
☐ State Highway Administration
☐ Mark Paterni, Howard County Police Department
☐ James Irvin, Department of Public Works
☐ MD Depart. of Human Resources, Fran Sterner (child day care)
☐ Office on Aging, Debbi Louis (senior assisted living)
☐ Police Department, Animal Control, Brenda Purvis (kennels)

COMMENTS: No Objection to Special Exception.

Exhibit is not explicit to whether or not water supply and wastewater disposal capacity will be needed to sustain this activity. A determination as to adequacy of same would be needed prior to any associated site plan or building permit approvals.

Applicant to contact Health Department to schedule proper evaluation and testing for additional water and sewer needs.

Craig Willea
(Signature)

STATE OF MARYLAND

582106

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

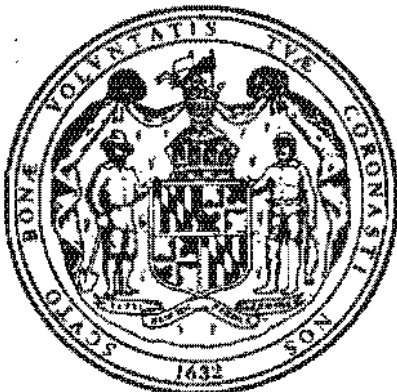
301 West Preston Street Baltimore, Maryland 21201

DATE: NOVEMBER 17, 1997

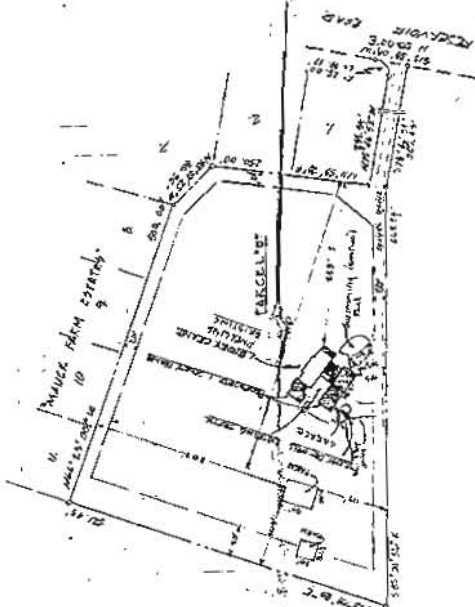
THIS IS TO ADVISE YOU THAT THE ARTICLES OF INCORPORATION FOR
HUNTER CREST RIDING CLUB & HORSE RESCUE CORP.,
WERE RECEIVED AND APPROVED FOR RECORD ON NOVEMBER 17, 1997 AT 3:00 PM.

FEE PAID:

70.00



JOSEPH V. STEWART
CHARTER SPECIALIST

[illegible]

GRIVELL RESIDENCE
PLOT 1, A.H. HOUSE, PARK ROAD,
FASSETT, ILLINOIS

FINAL COMMISSION RATE 9/24/58

Stuart Oster
Bureau of Environmental Health
7178 Columbia Gateway Drive
Columbia, Md 21046

RE: 8214 Reservoir Road, Fulton, Md 20759

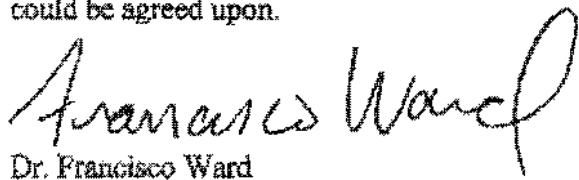
May 6, 2008

Dear Inspector Oster,

I appreciate your office working with me to bring the work on my property up to code. In February your office requested that I obtain the proper permits for the septic work done. I called Freedom Septic and they contacted the HC Health Dept to find out when they could do the perk test. We paid the fees one-week prior for the perk test. Freedom Septic was told that the Health Dept has not yet authorized the perk test to be performed. We then waited to hear back from your office as I was told by Richard Montelius (contractor I hired to interface with HC Inspectors to facilitate getting whatever work would be necessary completed) that we had filed the appropriate papers and paid the fees and now need to wait for a date when a Health Inspector is available for the Perk test. The next letter I received, mailed on 4/29/08 stated that I needed to have the Perk test done within seven days of receiving the letter. I immediately contacted Freedom Septic again but now their first available date was not within the time frame that your 4/29/08 letter demanded. The letter dated 4/29/08 stated that I could ask for a hearing to address this matter if I believed that no health risk was present.

This letter is to formally request extension to allow time when Freedom Septic can perform the Perk test. There is no public health risk as the septic system is completely unused (water turned off, room locked).

Please let me know if this is acceptable to your office. Freedom Septic has been in touch with an HC Health Dept Inspector but I have not yet heard back as to whether a date could be agreed upon.



Dr. Francisco Ward
Resident 8214 Reservoir Road, Fulton.

Stuart Oster
Bureau of Environmental Health
7178 Columbia Gateway Drive
Columbia, Md 21046

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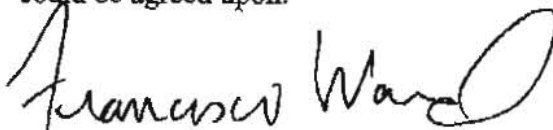
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Dr. Francisco Ward
Resident 8214 Reservoir Road, Fulton.

8214 Reservoir Rd
Fulton, MD 20759

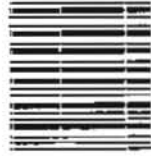


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USA 41

Stuart Oster
Howard County Bureau of Environmental
Health
7178 Columbia Gateway Dr
Columbia, MD 21046



0000

21045

U.S. POSTAGE
PAID
FULTON, MD
20759
MAY 08, 08
AMOUNT

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Stuart Oster
Bureau of Environmental Health
7178 Columbia Gateway Drive
Columbia, Md 21046

RE: 8214 Reservoir Road, Fulton, Md 20759

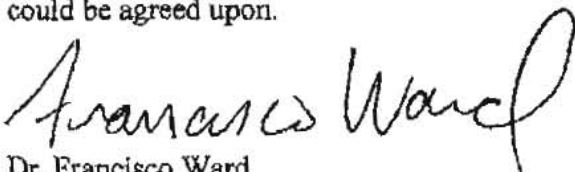
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Dr. Francisco Ward
Resident 8214 Reservoir Road, Fulton.



HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS

9250 Bendix Road

Columbia, Maryland 21045

410-313-1823

Robert J. Frances, P.E., Director
bfrances@howardcountymd.gov

FAX 410-313-1861
TDD 410-313-2323

NOTICE OF VIOLATION

February 26, 2008

Francisco and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

**SUBJECT: CB080242 – 8214 Reservoir Road
Renovations to Existing Barn**

Dear Mr. and Mrs. Ward:

In response to a complaint received on February 21, 2008, it has been discovered that doorways have been enclosed and windows have been added without the required permits or inspections which is in violation of the Howard County Building Code, 2006 International Building Code, Sections 105 and 109.

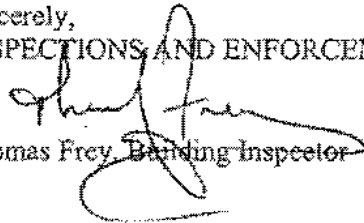
You are hereby directed to obtain all required permits and inspections or remove the unauthorized structure.

Please contact the License and Permit Division at 410-313-2455 for information on permit filing. An investigation fee will be assessed in addition to all required permit fees for commencing work prior to obtaining permits.

All violations, including obtaining the required permits and inspections or removal of the unauthorized structure, must be corrected in order to prevent any further enforcement action. The proper permits must be obtained by March 12, 2008, in order to prevent any further enforcement action. Failure to correct the violations by the above date may result in legal action being taken against you, including the issuance of a civil citation with a minimum fine of \$100 a day for each day the violations are not corrected.

If you have any questions regarding the above matter, contact Thomas Frey, Building Inspector, Monday through Friday between 8:00 and 9:00 a.m. at 410-313-1816

Sincerely,
INSPECTIONS AND ENFORCEMENT DIVISION


Thomas Frey, Building Inspector

B26-WorkingWithoutPermits, Created 12/06

c
Inspector File
Bruce Forejt
Sean Kelly
Donald Mock, Plans Review
Avis Corbin, License and Permit Division
Tickler File
Legal File
8214 Reservoir.B26.doc

FILE INQUIRY NOTES

DATE	RESULTS OF REVIEW FOR FILE
3/17/08	<p>I called (perc test) applicant Richard Montelius to inform him that the percolation test plan is incomplete. It is his responsibility to designate 2 10,000 sq. ft. areas (1 for house, 1 for barn) on the perc plan and 5 percolation test locations in each proposed easement. He is to come to the Health Department on Thursday March 20. To correct the plan, and learn more about Percolation Certification Plan requirements. Robert Buell.</p>
3/20/2008	<p>Richard Montelius did not come to this office today, neither did he call.</p>
3/25/08	<p>Called 410-491-4124, answered by Richard Montelius. I mentioned that I had expected to speak with him at this office last week. He stated that he has the required drawings ready and will be here tomorrow (3/26/2008).</p>

FILE INQUIRY NOTES

DATE	RESULTS OF REVIEW FOR FILE
3/26	<p>Richard Montelius delivered a revised Percolation Plan today. Two easements are proposed w/a total of 8 percolation tests. I provided lists of Excavation Contractors, and Engineers who do Percolation Certification Plans. Mr. Montelius is apparently going to coordinate a date for Percolation Testing and an engineer to complete the Percolation Certification Plan.</p>
4/17/08	<p>Richard Montelius visits Health Dept. Office and requests copies of: Percolation Testing Application, receipt for Percolation Test Application Fee, and Percolation Test Plan (submitted 3/26/08). Mr. Montelius indicated that Dr. Francisco Ward is now coordinating a test date with excavators, and that he had given Dr. Ward my business card and Montelius</p>
	<p>the lists of excavators and engineers. Mr. Montelius also indicated that I should be receiving a telephone call from Dr. Ward in the near future.</p>
4/12/08	<p>Dr. Ward called, left message with Mary Lou requesting days I am available for Perc Testing. RCB 443-858</p>
4/24/08	<p>I returned Dr. Ward's call; giving dates May 5, 6 or 7 as available for testing his property. -3782</p>

FILE INQUIRY NOTES

DATE	RESULTS OF REVIEW FOR FILE
5/5/08	I receive phone call from Joann Fisher of Freedom Septic, calling concerning scheduling of work (Percol tests) on Francisco Ward property. She stated that Dr. Ward called them yesterday (5/5/2008) to schedule Percolation Tests for this week. Ms. Fisher states that Freedom Septic does not have an opening in its schedule until later in the month (of May), then inquires if they can call me to schedule a day when they can identify an open date and make arrangements with Mr. Ward. I encourage Freedom Septic to call me when they have a day to suggest.
5/13/08	Called, left VM for Dr. Ward that Freedom Septic has scheduled to come out on June 3, 2008 @ 9 AM (SO)

FILE INQUIRY NOTES

DATE	RESULTS OF REVIEW FOR FILE
4/17/08	Mr. Francisco Ward left message with Mary Lou Briggs on April 17, that I am to return his call (443-858-3782) and suggest a couple days that I will be available for Percolation Tests at 8514 Reservoir Rd. RFB 4/17/08
4/24/08	Early a.m., I called Mr. Ward, leaving the message that I have May 5, 6 or 7 available to Percolation Test his property. RFB 4/25/08
4/24/08 5/1/08	Mr. Ward leaves message with on Stuart Oster voicemail in early a.m. (Forwarded to me at 9:21 a.m.). RFB
5/2/08 8:25 a.m. I return call.	Mr. Ward states that other contractors are working at his property and that he wants to delay percolation tests for a month. I state that we (Sanitarian's) don't have authority to extend the grace period. Mr. Ward inquired about the option to appeal to the Exec. Sec of the Board of Health. I emphasized that he should do that ASAP, and simultaneously communicate with excavation contractor's concerning percolation tests prior to May 12. Robert Bruck

FILE INQUIRY NOTES

8214 Reservoir Rd.

DATE	RESULTS OF REVIEW FOR FILE
	Follow-Up to Notice of Violation
1/12/09	Stuart Oster and myself conducted an
	inspection of cited conditions at 8214 Reservoir Rd.
	during late morning hours. We found that the
	a strip of soil is disturbed between the
	septic tank and the Distribution Trench.
	I drilled in the center of the strip with a hand-auger
	finding a pipe at little more than 1' depth. I
	removed enough soil to confirm that the pipe
	is 4-inches diameter. In doing so, I noticed that
	the soil around the pipe is relatively loose.
	Two lengths of PVC pipe, somewhat flattened
	and cracked were found behind the barn.
	We believe these pipes were removed
	from the house septic for the purpose of
	repairing the leak between the septic tank
	and the distribution trench. There is no
	record of a Minor (Septic) Repair Permit being
	issued for this address.
	The nonpermitted tank remains buried
	behind the barn.
	Robert Buick

1/20/2009 Stuart Oster and I hand-delivered citations and letter
 ~1:30 pm to Dr. Francisco Ward, who accepted them in person. Discussion
 of issues followed. Dr. Ward stated he would pay the fines within
 a week. RB

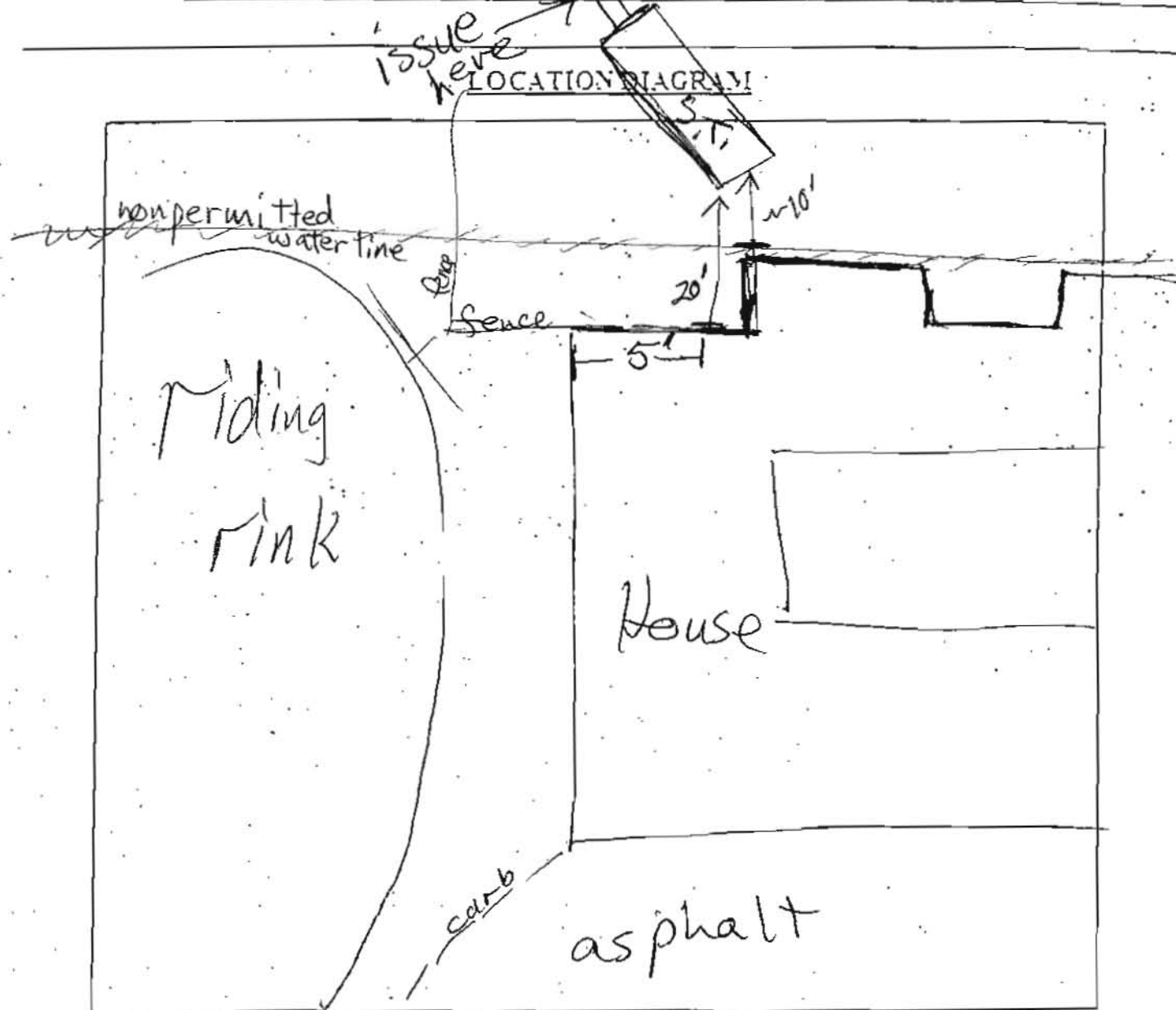
FILE INQUIRY NOTES

DATE	RESULTS OF REVIEW FOR FILE
6/30/08	<p>Dr. Francisco Ward left a voicemail for me prior to my arrival at work. He gave me Freedom Septic fax # and ask that I send specs to them by facsimile.</p> <p>I called Dr. Ward (443-858-3782) and left a message on his voicemail: briefly, that his (residence) septic system required repair, that specifications are not required for the repair and that the repair should have been completed long ago.</p> <p>[Nadia Ward was informed about the failing system on June 3, and the PercTest Report (June 13) reiterated the immediate need for a response.] I also stated that I need to know the status of the Percolation Certification Plan that is he needs to develop. RBueh</p>

To Jeff (Hatfield's)

SITE INSPECTION SHEET

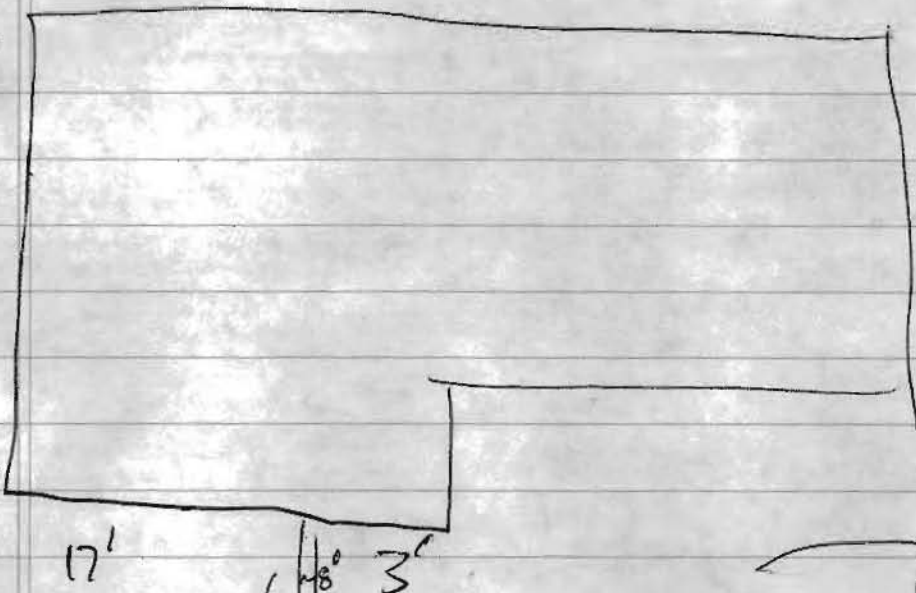
OWNER: Francisco & Nadia Ward PHONE #: _____
ADDRESS: 8214 Reservoir Road CONTRACTOR: _____
SUBDIVISION: _____ LOT: _____ WELL TAG #: _____
PROPOSAL: _____ COUNTY #: _____



COMMENTS: Septic Tank location shown. There is
most likely a break in the effluent connection/line.
Trench was exposed outside fenced area during
perc testing required by Health Dept. R Bricker 2/19/08

Non-Permitted wastewater disposal system at barn.

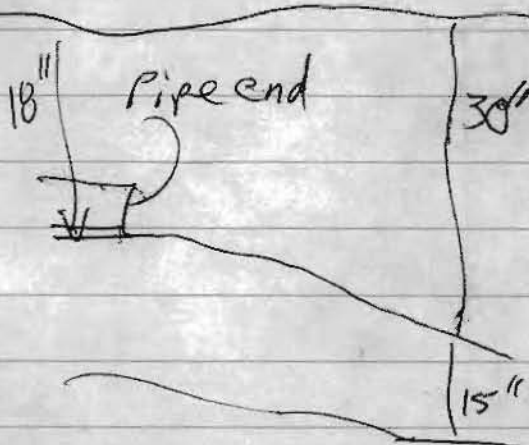
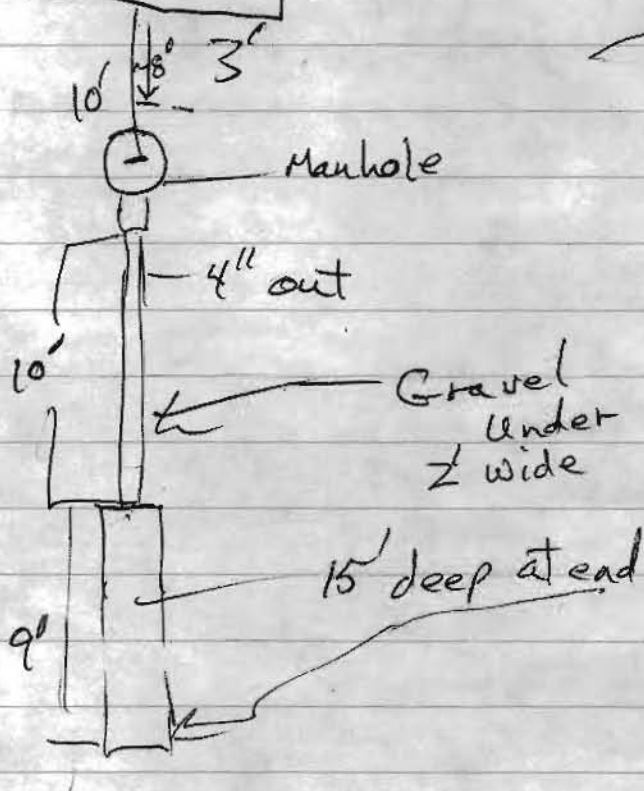
RBricker
6/4/08



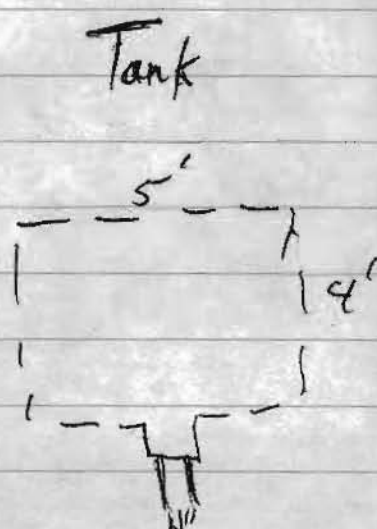
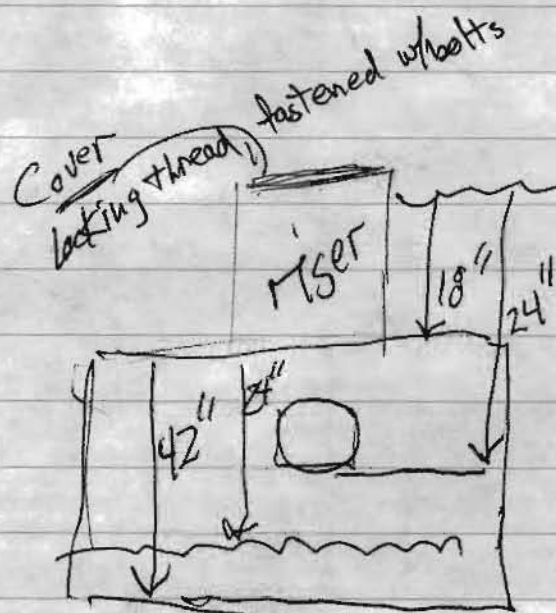
$$4' \times 5' \times 7.5' = 150 \text{ ft}^3$$

$$7.5 \text{ gal/ft}^3 \times 150 \text{ ft}^3 = 1125 \text{ gal}$$

Tank Volume ~ 1125 gal



2pc cap
casing 15" above surface
conduit tight





HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS

9250 Bendix Road

Columbia, Maryland 21045

410-313-1823

Robert J. Frances, P.E., Director
bfrances@howardcountymd.gov

FAX 410-313-1861
TDD 410-313-2323

NOTICE OF VIOLATION

March 12, 2008

Francisco Ward
Nadia Cantori Ward
8214 Reservoir Road
Fulton, Maryland 20759-9619

RE 8214 RESERVOIR ROAD
FULTON, MARYLAND 20759-9619
Performing work without required permits
Performing work without required inspections
CRM# CP080311

Dear Homeowners:

It has come to our attention that you have performed plumbing work (*or have allowed plumbing work to be performed*) in this county without the required permits and inspections.

You are in violation of the 2006 Howard County Plumbing & Gasfitting Local Amendments: Sections 3.303. (B) (1), (2) and 3.305. (A).

A bathroom was installed in an existing barn, a water line was run from the house to the barn, and, additionally, a septic tank was installed* at the above mentioned location in disregard of county requirements. To date, we have no record of any permit/s for plumbing and subsequently no inspections of the work completed.

You/your contractor shall immediately make application for and obtain the required permit and inspections.

An approved inspection is required to abate this violation. An inspection to verify correction of the violation(s) is scheduled for March 26, 2008. If this date is not convenient, please call 410 313-1840 to schedule another date. Failure to correct the violations by the inspection date will result in legal action being taken against you, including issuance of civil citations with a minimum fine of \$100 a day for each day the violations are not corrected.

If you have questions, or require additional information regarding this matter, please call me 8:00 - 9:00 a.m. on Monday through Friday at 410 313-1842.

Sincerely,

J. Darrell Smith III/Plumbing Inspector
INSPECTIONS AND ENFORCEMENT DIVISION

NFS/sjs/PO3-HomeownerWorkingWithoutPermit&Inspections

C File

Sean Kelly

Nick Saucedo

HOWARD COUNTY HEALTH DEPARTMENT*

U.S. Postal Service™
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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To	Francisco & Nadia Vaz	
Street, Apt. No., or PO Box No.	8214 Reservoir Rd	
City, State, ZIP+4	Ft. Hood, VA	20754

7003 3010 0001 7268 2776



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

NOTICE OF VIOLATION

CERTIFIED MAIL/REGULAR MAIL

April 29, 2008

Francisco and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

**RE: Non-permitted sewage disposal system and well line
Barn and house at 8214 Reservoir Road**

Dear Mr. Ward:

Based on a referral received February 26, 2008 from the Department of Inspections, Licenses and Permits, our office was advised that a non-permitted septic tank, trench and well line were installed and connected to the barn on your property.

This installation is in violation of the Howard County Code Section 12.106(a) which states (1) *Permit required*: "No on-site sewage disposal system shall be constructed, altered, or caused to receive an increase in flow unless the county health officer has issued a health permit for its construction, alteration or increased flow".

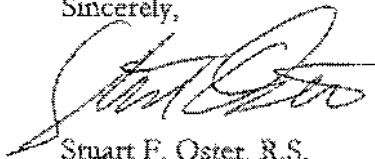
On March 5, 2008, Richard Montelius (a contractor hired by the homeowner) applied and paid for percolation testing and site evaluation for this property. However, as of today, no testing date has been scheduled by the applicant, or anyone who represents the applicant. **This testing needs to be conducted within a week receipt of this notice.** Please contact this office **immediately** upon receipt of this notice at 410-313-1771 in order to schedule percolation testing.

Unless suitable sewage disposal areas can be established, the existing plumbing, septic tank and trench from the barn, as well as, the well line to the barn, must be permanently abandoned by May 16, 2008. Failure to comply with all relevant filing and testing timelines will result in the issuance of a civil citation(s). Under Howard County Code 12.112, each day this violation is allowed to occur is considered a separate offense.

If you believe that the condition described above is not and could not be a hazard to health, or that the Health Department is not acting in compliance with pertinent laws and regulations, you may request a formal hearing before the Board of Health within 10 (ten) days of receipt of this letter. All requests are to be made in writing and directed to the Executive Secretary of the Board of Health at the above address.

If you have any questions regarding this letter, please call me at 410-313-1771.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart F. Oster", written over a horizontal line.

Stuart F. Oster, R.S.
Groundwater Protection Section
Well and Septic Program

C: Department of Inspections, Licenses and Permits
Executive Secretary, Board of Health
File

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Francisco & Nadia Ward
8214 Reservoir Rd
Fulton, MD 20759

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Nadia C Ward

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Nadia Ward

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No



3. Service Type

☒ Certified Mail

☐ Registered
☐ Insured Mail
☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

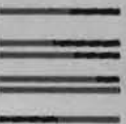
7003 1010 0001 7268 2776

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-154

UNITED STATES POSTAL SERVICE

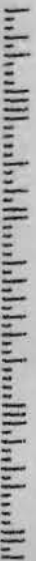


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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Howard County Health Dept
2128 Columbia Gateway Dr
Columbia, MD 21046

Attn: Dr. Oster





Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

NOTICE OF VIOLATION

CERTIFIED MAIL/REGULAR MAIL

April 29, 2008

Francisco and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

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Barn and house at 8214 Reservoir Road**

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If you have any questions regarding this letter, please call me at 410-313-1771.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stuart F. Oster", written in a cursive style.

Stuart F. Oster, R.S.
Groundwater Protection Section
Well and Septic Program

C: Department of Inspections, Licenses and Permits
Executive Secretary, Board of Health
File

U.S. Postal Service™

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OFFICIAL USE

Postage

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Certified Fee

Return Receipt Fee

(Endorsement Required)

Restricted Delivery Fee

(Endorsement Required)

Total Postage & Fees

\$

Postmark

Here

Sent To

Francisco & Nadia Ward

Street, Apt. No.,

or PO Box No.

8214 Reservoir Road

City, State, ZIP+4

Fulton, MD 20759-9619

7008 0150 0002 5102 8919

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047



Howard County
Health Department

Bureau of Environmental Health
7178 Gateway Drive Columbia, MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

NOTICE OF VIOLATION

SENT VIA CERTIFIED MAIL: 70080150000251028919
RETURN RECEIPT REQUESTED

September 17, 2008

Francisco and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Sewage overflow; pollution of ground surface
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44

Dear Mr. and Mrs. Ward:

During percolation testing on June 3, 2008, on your property (Tax Map 45 Grid 6 Parcel 44; address 8214 Reservoir Road) the condition of the existing septic system for your residence was inspected and observed. In the area directly between the outlet of the septic tank and the trench, there was evidence of sewage discharge reaching the soil surface. As a nuisance condition, this condition is a violation of Howard County Code 12.110. You were notified of these observations in a Percolation Test Results Report dated June 13, 2008. The area of the septic tank was again observed on September 10, 2008. No evidence of a recent repair was observed on that day, and you were notified once again that the septic repair needed to occur immediately.

Be advised that the observed sewage condition continues to be in violation of the Code of Maryland (COMAR) 26.04.02.02(E): "A person may not dispose of sewage, body, or industrial wastes in any manner which may cause pollution of the ground surface, the waters of the State, or create a nuisance." This condition is also in violation of the Howard County Code 3.804(a)(1), as a sewage overflow is defined as a nuisance, [12.110(a)].

This condition has persisted for several months, and there is no indication in Health Department records that an application has been submitted to replace or repair the failing septic system. You must apply for a septic system repair permit within 5 (five) days of receipt of this notice. The septic system must be properly repaired, and the repair permit approved by Health

Department Environmental Sanitarians, within 30 (thirty) days of the date on this letter. Failure to comply will result in the issuance of a civil citation(s). Under Howard County Code, paragraph 12.112, each day this violation is allowed to occur is considered a separate offense.

It is the property owner's responsibility to maintain the septic system so that an overflow does not occur until a repair can be performed.

If you believe that the condition described above is not and could not be a hazard to health, or that the Health Department is not acting in compliance with pertinent laws and regulations, you may request a formal hearing before the Board of Health within 15 (fifteen) days of receipt of this letter. All requests are to be made in writing and directed to the Executive Secretary of the Board of Health at the above address.

If you have any questions regarding this letter, please contact me at the Bureau of Environmental Health, phone 410-313-1771.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Bricker".

Robert C. Bricker, R.S.
Bureau of Environmental Health
Well and Septic Program

Copy: Executive Secretary, Board of Health
File

Stuart Oster
Bureau of Environmental Health
7178 Columbia Gateway Drive
Columbia, Md 21046

RE: 8214 Reservoir Road, Fulton, Md 20759

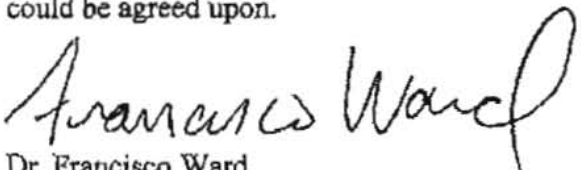
May 6, 2008

Dear Inspector Oster,

I appreciate your office working with me to bring the work on my property up to code. In February your office requested that I obtain the proper permits for the septic work done. I called Freedom Septic and they contacted the HC Health Dept to find out when they could do the perk test. We paid the fees one-week prior for the perk test. Freedom Septic was told that the Health Dept has not yet authorized the perk test to be performed. We then waited to hear back from your office as I was told by Richard Montelius (contractor I hired to interface with HC Inspectors to facilitate getting whatever work would be necessary completed) that we had filed the appropriate papers and paid the fees and now need to wait for a date when a Health Inspector is available for the Perk test. The next letter I received, mailed on 4/29/08 stated that I needed to have the Perk test done within seven days of receiving the letter. I immediately contacted Freedom Septic again but now their first available date was not within the time frame that your 4/29/08 letter demanded. The letter dated 4/29/08 stated that I could ask for a hearing to address this matter if I believed that no health risk was present.

This letter is to formally request extension to allow time when Freedom Septic can perform the Perk test. There is no public health risk as the septic system is completely unused (water turned off, room locked).

Please let me know if this is acceptable to your office. Freedom Septic has been in touch with an HC Health Dept Inspector but I have not yet heard back as to whether a date could be agreed upon.


Dr. Francisco Ward
Resident 8214 Reservoir Road, Fulton.



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

NOTICE OF VIOLATION

CERTIFIED MAIL/REGULAR MAIL

April 29, 2008

Francisco and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

**RE: Non-permitted sewage disposal system and well line
Barn and house at 8214 Reservoir Road**

Dear Mr. Ward:

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This installation is in violation of the Howard County Code Section 12.106(a) which states (1) *Permit required*: "No on-site sewage disposal system shall be constructed, altered, or caused to receive an increase in flow unless the county health officer has issued a health permit for its construction, alteration or increased flow".

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If you have any questions regarding this letter, please call me at 410-313-1771.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stuart F. Oster", written in a cursive style.

Stuart F. Oster, R.S.
Groundwater Protection Section
Well and Septic Program

C: Department of Inspections, Licenses and Permits
Executive Secretary, Board of Health
File



HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS

9250 Bendix Road

Columbia, Maryland 21045

410-313-1823

Robert J. Frances, P.E., Director
bfrances@howardcountymd.gov

FAX 410-313-1861
TDD 410-313-2323

NOTICE OF VIOLATION

March 12, 2008

Francisco Ward
Nadia Cantori Ward
8214 Reservoir Road
Fulton, Maryland 20759-9619

RE 8214 RESERVOIR ROAD
FULTON, MARYLAND 20759-9619
Performing work without required permits
Performing work without required inspections
CRM# CP080311

Dear Homeowners:

It has come to our attention that you have performed plumbing work (or have allowed plumbing work to be performed) in this county without the required permits and inspections.

You are in violation of the 2006 Howard County Plumbing & Gasfitting Local Amendments: Sections 3.303. (B) (1), (2) and 3.305. (A).

A bathroom was installed in an existing barn, a water line was run from the house to the barn, and, additionally, a septic tank was installed at the above mentioned location in disregard of county requirements. To date, we have no record of any permit/s for plumbing and subsequently no inspections of the work completed.*

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If you have questions, or require additional information regarding this matter, please call me 8:00 - 9:00 a.m. on Monday through Friday at 410 313-1842.

Sincerely,

J. Darrell Smith III/Plumbing Inspector
INSPECTIONS AND ENFORCEMENT DIVISION

NFS/sjs/PO3-HomeownerWorkingWithoutPermit&Inspections

C File

Sean Kelly

Nick Saucedo

HOWARD COUNTY HEALTH DEPARTMENT*



HOWARD COUNTY
HEALTH DEPARTMENT

Environmental Health
7178 Columbia Gateway Dr.
Columbia, MD 21046

✓



7008 0150 0002 5102 8919



Hasler

016H16504332

\$05.320

09/15/2008

Mailed From 21043

US POSTAGE



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Left

Send

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acceptance

used

int

Francisco and Nadia Ward
8214 Reservoir Road

N.L. 9/19/08 P.R.

9/30
10/5

CERTIFIED MAIL

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Francisco & Nadia Ward
8214 Reservoir Road
Fulton, MD

20759-9619

2. Article Number
(Transfer from service label)

7008 0150 0002 5102 8919

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

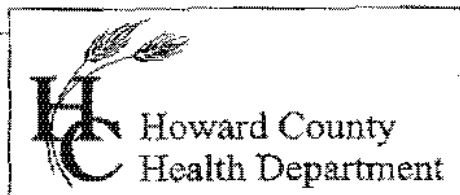
D. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

3. Service type

☒ Certified Mail☐ Registered☐ Insured Mail☐ Express Mail☐ Return Receipt for Merchandise☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Bureau of Environmental Health
7178 Gateway Drive Columbia, MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

NOTICE OF VIOLATION

SENT VIA CERTIFIED MAIL: 70080150000251028919
RETURN RECEIPT REQUESTED

September 17, 2008

Francisco and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Sewage overflow; pollution of ground surface
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44.

Dear Mr. and Mrs. Ward:

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Department Environmental Sanitarians, within 30 (thirty) days of the date on this letter. Failure to comply will result in the issuance of a civil citation(s). Under Howard County Code, paragraph 12.112, each day this violation is allowed to occur is considered a separate offense.

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If you have any questions regarding this letter, please contact me at the Bureau of Environmental Health, phone 410-313-1771.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Bricker".

Robert C. Bricker, R.S.
Bureau of Environmental Health
Well and Septic Program

Copy: Executive Secretary, Board of Health
File



HOWARD COUNTY
HEALTH DEPARTMENT
Environmental Health
7178 Columbia Gateway Dr.
Columbia, MD 21046

CERTIFIED MAIL™



7007 1490 0000 5739 7632



Hasler

016H16504332

\$05.320

12/15/2008

Mailed From 21043

US POSTAGE

Francisco Ward
Nadia Ward
8214 Reservoir Rd.

X

Return to Sender
Incorrect Address
Left No Address
Refused
Not Known

N.L. 12/16/08 PR 12/22
1/2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Franciso Ward
Nadia Ward
8214 Reservoir Rd
Fulton, MD
20759-9619

2. Article Number

(Transfer from service label)

7007 1490 0000 5739 7632

PS Form 3811, February 200

7007 1490 0000 5739 7632

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540

**AGREEMENT AND EASEMENT FOR INSTALLATION
OF BEST AVAILABLE TECHNOLOGY SYSTEMS
WITH BAY RESTORATION FUNDS.**

THIS AGREEMENT is made this 30th day of April, among Francisco Ward, hereinafter referred to as "Owner," the Howard County Health Department hereinafter collectively referred to as the "County," and the Department of the Environment, hereinafter referred to as the "Department."

WHEREAS, Owner owns a tract of land located on 8214 Reservoir Road, in the 5th Election District of Howard County, Maryland, and the deed to same is recorded among the Land Records of Howard County, Maryland, in Ellicott City and in Liber Folio .

WHEREAS, the Bay Restoration Fund (BRF) may provide a grant for the cost attributable to upgrading an onsite sewage disposal system to the Best Available Technology (BAT) for the removal of nitrogen.

WHEREAS, the BRF may also provide a grant for the cost difference between a traditional onsite sewage disposal system and a system that utilizes the BAT for the removal of nitrogen.

WHEREAS, Owner understands that participation in the Bay Restoration Fund is voluntary.

NOW, THEREFORE, the parties hereto agree as follows:

- A. Owner hereby grants to the Department and the County the right to enter upon the property at any reasonable time for access to the system to make periodic inspections and the Owner agrees to provide any information and data requested and needed by the Department to develop accurate and thorough test results.
- B. Owner acknowledges and agrees that a manufacturer-approved installer will install the BAT system.

- C. Owner acknowledges and agrees the manufacturer will provide for Operation and Maintenance of the BAT for a period of 5 years as a condition of sale of the BAT. After the 5 year period the Operation and Maintenance contract can be further extended at the behest of the property owner. The Department and County encourage the property owner to continuously maintain an Operation and Maintenance contract during the lifetime of the system.
- D. Owner acknowledges and agrees that the manufacturer appointed Operation and Maintenance provider will have access to the BAT system at all times.
- E. Owner acknowledges and agrees that the manufacturer or manufacturers designee will have access to sample the effluent of the BAT system. Owner acknowledges and agrees that the proposed installation of a BAT system funded by the BRF is voluntary. Owner agrees that there shall be no liability on the part of the County or Department to Owner if this BAT system fails, and that the County and the Department do not warrant or guarantee that the BAT system will adequately or properly function.
- F. Owner acknowledges and agrees that neither the County nor the Department nor any of its agents or employees, either officially or individually, underwrites the operation of any system approved by them.
- G. The Owner will devote such care and effort to the maintenance of the BAT system so that any malfunction is not the result of poor maintenance, faulty operation, or neglect.
- H. The Department agrees to grant \$ 13,100.00 toward the cost of installation of the BAT System, and financial responsibility is limited to this amount. Owner will present to the Department a signed contract from the demonstrating the total cost of installation. Operating costs will be at the Owner's expense.

- I. The Owner acknowledges that the BRF grant can only be used for that portion of the OSDS attributable to (BAT) for the removal of nitrogen.
- J. Owner acknowledges in the event the total project cost is greater than \$25,000 the proposal will have to be approved by the Maryland State Board of Public Works.
- K. The Owner agrees to contact both the Water Management Administration, On-Site Systems Division of the Wastewater Permits Program and the County at least forty-eight (48) hours prior to system installation, so that the Department has the opportunity to be present at the time of installation or thereafter for inspection.
- L. The Owner must install BAT system according to the manufacturer recommended plans and specifications approved by the Department.
- M. The Owner agrees and acknowledges that if installation deviates substantially from the approved plans or changes such that performance of the system is compromised or reduced, BRF funding will not be provided.
- N. This agreement shall run with the land and binds the Owner, his heirs, successors, assigns except that the provisions of paragraph A, C, D and E shall be binding for a period of 5 years only after installation of the system and occupation of the home. Owner further agrees that he shall inform in writing any purchaser or lessee of the property that the system may require maintenance or other attention. The Owner agrees to record this agreement in the land records of Howard County.
- O. This agreement shall not be construed to limit any authority of the Department to protect the public health, safety or comfort or to issue any other orders to take any other action that is now or may hereafter be within its authority.
- P. This agreement may be voided at the discretion of the Department if the system construction is not completed within six (6) months of the effective date of this agreement.

Q. This agreement contains the entire agreement and understanding between the County and the Owner and the Department. There are no additional terms other than as contained in this agreement. This agreement may not be modified except in writing signed by each of the parties or by their authorized representatives.

R. The laws of the State of Maryland govern the provisions of all transactions pursuant to this agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this agreement on the date indicated above.

DATE: 5/5/09

Francisco Ward
Owner

DATE: 5/1/09

Jay Prager
Jay Prager, Deputy Program Manager
Wastewater Permits Program
Maryland Department of the Environment

DATE: 5/19/09

Bert Rufen
Howard County Health Department



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

April 10, 2009

Francisco Ward
8214 Reservoir Rd,
Fulton, Maryland 20759

Dear Francisco Ward:

Thank you for completing an application for the Bay Restoration Fund (BRF) Onsite Sewage Disposal System (OSDS) Program. The application submitted is for the property located at 8214 Reservoir Rd, Fulton, Maryland 20759 and shown on Tax Map 45, Grid 6< Parcel 44. This letter is to notify you of preliminary approval and high priority for funding from the BRF for the installation of best available technology (BAT) for removing nitrogen as part of your on-site sewage disposal system.

This notification letter is intended to assist you through the process of contracting a vendor for the purchase and installation of a BAT, and invoicing procedures to obtain funding from the BRF. The following sections outline the requirements necessary for proceeding with the project.

➤ Vendor Selection:

(Option 1): Applicant Selects a Fixed Price Pre-Approved Vendor:

Maryland Department of the Environment has preselected the following three BAT vendors who will provide and install the technology at a predetermined cost:

- **Hoot Aerobic Systems, Inc. (Hoot BNR®):**
Distributor: Mayer Brothers, Inc. Contact: Nancy Mayer
Phone: (410) 796-1434 Website: www.hootsystems.com Email: mayerbro@connext.net

Region	Bedrooms	Fixed Price
Western ²⁵	3 to 6	\$14,200
Central ²⁶	3 to 6	\$13,100
Southern ²⁷	3 to 6	\$13,500
Eastern ²⁸	3 to 6	\$13,700

²⁵ Allegany, Garrett, Frederick, Washington,

²⁶ Baltimore, Harford, Howard, Carroll, Montgomery, Anne Arundel, Cecil

²⁷ Prince George's, Charles, Calvert, St. Mary's

²⁸ Caroline, , Queen Anne's, Dorchester, Kent, Somerset, Talbot, Wicomico, Worcester

- **Orenco Systems, Inc. (AdvanTex® AX)**
Distributor: Atlantic Solutions, Ltd. Contact: Bob Johnson
 Phone: 1-877-214-9283 Website: www.orenco.com Email: bjohnson@septicssystems.net

Region	Bedrooms	Fixed Price
Western	3 to 4	\$14,868.40
	5	\$16,606.80
	6	\$20,422.80
Central	3 to 4	\$12,950.40
	5	\$14,464.80
	6	\$18,280.80
Southern	3 to 4	\$12,700.40
	5	\$14,264.80
	6	\$18,080.80
Eastern	3 to 4	\$13,068.40
	5	\$14,806.80
	6	\$18,622.80

- **Bio-Microbics, Inc. (MicroFast®)**
Distributor: Freemire & Associates
 Phone: (410) 768-8500 Website: www.biomicrobics.com Email: www.freemire.com

Region	Bedrooms	Fixed Price
Western	3 to 4	\$11,625
	5 to 6	\$13,807
Central	3 to 4	\$11,425
	5 to 6	\$14,107
Southern	3 to 4	\$11,525
	5 to 6	\$14,507
Eastern	3 to 4	\$10,625
	5 to 6	\$13,807

The applicant may choose any of the three pre-approved technologies and must contact the vendor directly. When choosing from the above technologies the applicant may want to request information on the annual cost of power consumption from the vendor. After vendor selection, the homeowner must provide MDE with a signed contract between the homeowner and the vendor. **MDE will provide BRF funding for 100% of the chosen technology.**

(Option 2): Applicant Selects Vendor and Procures Bids

Applicants may also select from other MDE approved BAT vendors, which are listed below. The applicant can procure bids from the other vendors however the grant amount will be limited to the least expensive of the preapproved vendor technologies appropriate for the designated region. Your property is located in the Central region and the total grant allotment is capped based on the following table:

Region	Bedrooms	Fixed Price
Western	3 to 4	\$11,625
	5 to 6	\$14,200
Central	3 to 4	\$11,425
	5 to 6	\$13,100
Southern	3 to 4	\$11,525
	5 to 6	\$13,500
Eastern	3 to 4	\$10,625
	5 to 6	\$13,700

The following is the list of other approved technologies:

Amphidrome			
Manufacturer:	F.R. Mahony & Associates, Inc.	www.frmahony.com	
Distributor:	David Kershner	(610) 351-0963	d.kershner@ketilc.com
Bioclere			
Manufacturer:	Aquapoint, Inc.	www.aquapoint.com	
	Robbie Tippett	(240) 298-7572	rtipp4@aol.com
	Sam Seymour	(585) 473-3300	ss Seymour@aquapoint.com
Ecoflex			
Manufacturer:	Premier Tech Environment		
	Allison Blodig	(785) 250-3215	bloa@premiertech.com
Hoot H-Series, ANR			
Manufacturer:	Hoot Aerobic Systems, Inc.	www.hootsystems.com	
Distributor:	Nancy Mayer	(410) 796-1434	mayerbro@connext.net
Nitrex			
Manufacturer:	Lombardo Associates, Inc	www.lombardoassociates.com	
	Pio Lombardo	(617) 964-2924	pio@lombardoassociates.com
ReCip RTS			
Manufacturer:	Bio-Concepts, Inc.	www.bioconceptsinc.com	
	Al Privette	(252) 249-7040	alprivette@coastal.net
SeptiTech			
Manufacturer:	SeptiTech, Inc.	www.septitech.com	
Distributor:	Bruce Melton	(410) 878-2952	rbrmelton@progressiveseptic.com
	Western MD, Scott Everhart	(304) 676-3823	www.cseenterprises.net
Singular Model TNT			
Manufacturer:	Norweco, Inc.	www.norweco.com	
Distributor:	Eastern Shore - John Short	(443) 786-0594	btowers62@gmail.com
	Western Shore - Jeff Earnshaw	(301) 274-3772	superiortank@olg.com
Waterloo Biofilter			
Manufacturer:	Waterloo BioFilter Systems, Inc.	www.waterloo-biofilter.com	
Distributor:	Jones Pump Service	(410) 836-9206	manager@jonespumpservice.com

If you choose to acquire bids according to this option, you are advised that MDE will provide BRF funding up to the aforementioned dollar amount, and you will have to pay any difference.

Conditions of Financial Assistance Document

By reading and signing this form, you agree to the limitations and conditions set forth in this document. This form must be returned with your submission of bids or vendor contract. Your submission will not be processed if this form does not accompany the bids or vendor contract when you submit them.

➤ Award of Grant:

- MDE will review the contract or bids submitted by the applicant. The grant award will be obligated based on the predetermined vendor/technology list or the lowest acceptable bid. The applicant may pay the cost difference of a more expensive bid.
- No change orders will be accepted by MDE.

- The applicant will be notified with an Award Letter with the amount of the grant obligation, Agreement and Easement document and further instructions.
- The award amount is available for reimbursement within 6 months of Department signature on the Agreement and Easement document. Upon request of the applicant, the original 6-month period may be extended at the discretion of the Department.

Agreement and Easement Document

The Agreement and Easement you will receive with the award letter must be signed by all parties and recorded in the Land Records of Howard County, Maryland. The cost of recordation is not eligible for BRF funding. A draft copy of the Agreement and Easement is provided to you in this letter for your review. A completed Agreement and Easement will be provided to you after you are notified of the grant approval amount.

➤ Local Permitting Requirements:

- All required local permits must be obtained.
- The County has the right to determine your availability to connect to public sewer. If you have access and your system is failing or your property is in an area that is scheduled to have a public sewer line your request for funds may be denied.
- Contact Howard County Health Department for more information.

➤ Issuance of Funds From the BRF:

After review of the submitted invoice and associated documents, the Office of the Comptroller of the State of Maryland will issue a check to the property owner.

Once again the Department thanks you for participating in this important program. If you have any questions, please feel free to contact me at 410-537-3678 or by email at jboris@mde.state.md.us.

Sincerely,

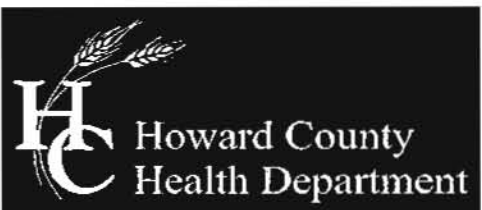


John Boris
Bay Restoration Fund Project Manager

Enclosure

cc: Jay Prager
MDE Regional Sanitarian
County Health Department or other related department

2009 12 23 01:04:16



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

April 29, 2009

Francisco Ward
8214 Reservoir Road,
Fulton, Maryland 20759

RE: Bay Restoration Fund On-site Sewage Disposal
System Program

Dear Francisco Ward,

The Health Department received your preliminary approval letter from the Maryland Department of the Environment for funding from the Bay Restoration Fund. This funding is for the installation of best available technology (BAT) for removing nitrogen as part of your on-site sewage disposal system.

Once the specific technology has been determined and approved by the Maryland Department of the Environment, you or your consultant will be responsible for providing a detailed cross-sectional/spec sheet of what is proposed to be installed at your property, i.e. new tank, BAT to be used with existing tank, etc. If a new tank is to be used, a drawing showing the new, detailed tank along with a profile showing the depth and amount of earth cover shall be submitted to this office. These details should be available from the manufacturer. If the existing tank is to be used, a structural analysis of the tank, i.e. water tightness, mid or top seam, cosmetic or physical damage, slotted, etc., needs to take place and approved by the manufacturer.

In addition, a scaled site plan showing the exact locations of the well and septic components, i.e. septic tank and dry well, must be submitted to this department for review. Neighboring septic systems and wells may need to be included on the site plan. Elevations of system components may be required based on site characteristics. Also submit contact information of the contractor that is to install the system, including a phone number. BAT systems may be subject to Howard County Health Department Code and the Annotated Code of Maryland Regulations (COMAR), i.e. setback to dwelling, existing drive, existing well, slopes, etc.

Once these comments have been addressed and allocated by the Health Department for completion in its entirety, the septic permit can then be released. A fee of \$396.00 is required to receive this septic permit for the above referenced property.

If you have further questions regarding this matter, please contact me at (410) 313-1771.

Sincerely,

Sara Sappington, R.S.
Well and Septic Program

Acct #



UNIFORM MUNICIPAL INFRACTION/
CIVIL CITATION

2733127670

District Court of Maryland for Howard County (Certified & Regular Mail)

County/Municipality/State of Maryland

Agency

vs. Francisco and Nadia Ward

Defendant's (Last) Name

First

Middle

8214 Reservoir Rd.

Current Address in Full

Fulton, Maryland 20759

City

State

Zip Code

DOB

Height

Weight

Sex

Race

Hair

Eyes

Related Citations

Telephone No.

Day:

Night:

It is formally charged that the above named defendant on January 12, 2009

at 10:41 AM at back of residential structure at

8214 Reservoir Road in Howard County, Maryland

did maintain a domestic sewage system

that had been repaired without

obtaining the required permit, and at the

back of the nearby outbuilding had installed a domestic

sewage disposal system without obtaining the required permit,

This citation is based upon an affidavit of (See Attached.)

In violation of: ☐ Md. Ann. Code ☐ COMAR ☒ Municipal Ordinance/Public Local Law/Local Code

Document/Article

Section

Sub Section

Paragraph

Howard County Code

3.806 A.1 and 3.806 A.9

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

☒ Defendant's Signature

YOU MUST EITHER ELECT TO STAND TRIAL OR PAY A FINE.

NOTE: Failure to either pay the fine or request a trial date by the below mentioned date will deem you liable for the fine assessed, the fine may be doubled and a judgment on affidavit entered against you including an Order of Abatement.

OR If you request a trial date and then fail to appear in Court, the fine may be doubled and a judgment on affidavit may be entered against you.

YOU MAY PAY A FINE OF \$ 100.00 BY FILE B 2/10/2009 AT (Pay-ment Location) Office of Finance, 8150 Stamford Blvd.

THIS WILL BE DEEMED AN ADMISSION OF GUILT AND NO TRIAL DATE WILL BE SET. OR Columbia MD

IF YOU ELECT TO STAND TRIAL, DO NOT FORWARD PAYMENT OF THE FINE, BUT YOU MUST NOTIFY IN 2/10/2009

WRITING Director of Finance, 8150 Stamford Blvd. By 2/10/2009

AND THE DISTRICT COURT WILL NOTIFY YOU OF A TRIAL DATE AND LOCATION.

☒ IN ADDITION, Howard County Health Department IS SEEKING ABATEMENT OF THIS INFRACTION. YOU MAY BE ORDERED TO ABATE THIS INFRACTION OR BE ASSESSED THE COSTS FOR THE ABATEMENT, AS WELL AS A FINE OF UP TO \$1,000, PLUS COURT COSTS. FAILURE TO APPEAR SHALL RESULT IN JUDGMENT ON AFFIDAVIT.

☐ YOU MUST APPEAR IN COURT: A court date will be sent to you by mail.

☐ YOU MAY ELECT TO STAND TRIAL OR YOU MAY ELECT TO PAY A PRESET FINE OF \$ _____, to the District Court of Maryland at _____

and AVOID TRIAL. A court date will be sent to you by mail. Payment must be made on or before the scheduled trial date.

AFTER TRIAL the Court may impose a fine up to \$ _____

plus court costs.

FAILURE TO APPEAR OR, IF PERMITTED, PAY THE PRESET FINE LISTED ABOVE, WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Officer's

Signature

Agency

Sub-Agency

I.D. No.

Phone

Howard County Bureau of Environmental Health

DC 28 (Rev. 10/94)

MUNICIPALITY/COURT COPY

410-313-1221

Acct #



UNIFORM MUNICIPAL INFRACTION/

CIVIL CITATION

2Z33127670

District Court of Maryland for Howard County(Certified & Regular Mail)
Health Department

County/Municipality/State of Maryland

vs. Francisco and Nadia Ward

Agency

Defendant's (Last) Name

First

Middle

8214 Reservoir Rd.

Current Address in Full

Fulton, Maryland 20759

City

State

Zip Code

DOB

Height

Weight

Sex

Race

Hair

Eyes

Related Citations

Telephone No.

Day:

Night:

It is formally charged that the above named defendant on

January 12, 2009

at

10 A M at back of an outbuilding at8214 Reservoir Road

Location

in Howard County, Maryland

did

maintain a sewage collection and dischargesystem that is not approved. Owneradvised of unapproved system ~~on 1/12/09~~ by Notices of Violationdated April 29, September 17 and December 15, 2008but no remedy has occurred, in violation

This citation is based upon an affidavit of

(See attached.)

In violation of: ☐ Md. Ann. Code ☒ COMAR ☒ Municipal Ordinance/Public Local Law/Local Code

Document/Article

Section

Sub Section

Paragraph

Howard County Code3.804A1 and A3

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

X Defendant's Signature

YOU MUST EITHER ELECT TO STAND TRIAL OR PAY A FINE.

NOTE: Failure to either pay the fine or request a trial date by the below mentioned date will deem you liable for the fine assessed, the fine may be doubled and a judgment on affidavit entered against you including an Order of Abatement.

OR If you request a trial date and then fail to appear in Court, the fine may be doubled and a judgment on affidavit may be entered against you.

YOU MAY PAY A FINE OF \$ 250.00 BY Feb 9, 2009 AT (Pay-
ment Location) Office of Finance, 8930 Stamford Blvd, Columbia

THIS WILL BE DEEMED AN ADMISSION OF GUILT AND NO TRIAL DATE WILL BE SET. OR

IF YOU ELECT TO STAND TRIAL DO NOT FORWARD PAYMENT OF THE FINE, BUT YOU MUST NOTIFY IN WRITING Director of Finance, 8930 Stamford Blvd, by 2/2/09

AND THE DISTRICT COURT WILL NOTIFY YOU OF A TRIAL DATE AND LOCATION.

X IN ADDITION Howard County Health Department
IS SEEKING ABATEMENT OF THIS INFRACTION. YOU MAY BE ORDERED TO ABATE THIS INFRACTION OR BE ASSESSED THE COSTS FOR THE ABATEMENT, AS WELL AS A FINE OF UP TO \$1,000, PLUS COURT COSTS. FAILURE TO APPEAR SHALL RESULT IN JUDGMENT ON AFFIDAVIT.☐ YOU MUST APPEAR IN COURT: A court date will be sent to you by mail.☐ YOU MAY ELECT TO STAND TRIAL OR YOU MAY ELECT TO PAY A PRESET FINE OF \$ _____, to the District Court of Maryland at _____

and AVOID TRIAL. A court date will be sent to you by mail. Payment must be made on or before the scheduled trial date.

AFTER TRIAL the Court may impose a fine up to \$ _____

plus court costs.

FAILURE TO APPEAR OR, IF PERMITTED, PAY THE PRESET FINE LISTED ABOVE, WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Officer's

Signature

(Robert Bricker)

Date 1/16/2009

Agency

Sub-Agency

I.D. No.

Phone

Howard County Bureau of Environmental Health
DC 28 (Rev. 10/94)

MUNICIPALITY/COURT COPY

410-313-1771

Municipal Infractions

Civil Code Violations

Rec'd



UNIFORM MUNICIPAL INFRACTION/
CIVIL CITATION

2233127670

District Court of Maryland for Howard County

(Certified & Regular Mail)
Health Department

County/Municipality/State of Maryland

vs. Francisco and Nadia Ward

Defendant's (Last) Name

First

Middle

8214 Reservoir Road

Current Address in Full

Fulton, Maryland 20759

City

State

Zip Code

DOB

Height

Weight

Sex

Race

Hair

Eyes

Related Citations

Telephone No.

Day

Night

It is formally charged that the above named defendant on

at 12 AM at an outbuilding at 8214 Reservoir Rd.

Fulton MD 20759

Location

in Howard County, Maryland

did construct a sewage collection and discharge system to serve a new toilet newly constructed toilet in the outbuilding without Site Plan, Sanitary and Health Department approval resulting in violation of requirement to have Percolation Certification Plan

This citation is based upon an affidavit of

(See attached)

In violation of: ☐ Md. Ann. Code ☐ COMAR ☒ Municipal Ordinance/Public Local Law/Local Code

Document/Article

Section

Sub Section

Paragraph

Howard County Code

3901(F) & 3,805.A1

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

☒ Defendant's Signature

YOU MUST EITHER ELECT TO STAND TRIAL OR PAY A FINE.

NOTE: Failure to either pay the fine or request a trial date by the below mentioned date will deem you liable for the fine assessed, the fine may be doubled and a judgment on affidavit entered against you including an Order of Abatement.

OR If you request a trial date and then fail to appear in Court, the fine may be doubled and a judgment on affidavit may be entered against you.

YOU MAY PAY A FINE OF \$ 100.00 BY Feb 9, 2009 AT (Pay-ment Location) Office of Finance 8930 Stamford Blvd. Columbia MD 21045

THIS WILL BE DEEMED AN ADMISSION OF GUILT AND NO TRIAL DATE WILL BE SET. OR MD 21045

IF YOU ELECT TO STAND TRIAL, DO NOT FORWARD PAYMENT OF THE FINE, BUT YOU MUST NOTIFY IN WRITING Director of Finance 8930 Stamford Blvd. By 2/1/2009

AND THE DISTRICT COURT WILL NOTIFY YOU OF A TRIAL DATE AND LOCATION.

☒ IN ADDITION, Howard County Health Department IS SEEKING ABATEMENT OF THIS INFRACTION. YOU MAY BE ORDERED TO ABATE THIS INFRACTION OR BE ASSESSED THE COSTS FOR THE ABATEMENT, AS WELL AS A FINE OF UP TO \$1,000, PLUS COURT COSTS. FAILURE TO APPEAR SHALL RESULT IN JUDGMENT ON AFFIDAVIT.

☐ YOU MUST APPEAR IN COURT: A court date will be sent to you by mail.

☐ YOU MAY ELECT TO STAND TRIAL OR YOU MAY ELECT TO PAY A PRESET FINE OF \$....., to the District Court of Maryland at

and AVOID TRIAL. A court date will be sent to you by mail. Payment must be made on or before the scheduled trial date.

AFTER TRIAL the Court may impose a fine up to \$..... plus court costs.

FAILURE TO APPEAR OR, IF PERMITTED, PAY THE PRESET FINE LISTED ABOVE, WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Officer's

Signature

Robert Bricker

Date 1/16/2009

Agency

Sub-Agency

I.D. No.

Phone

Howard County Bureau of Environmental Health

DC 28 (Rev. 10/94)

MUNICIPALITY/COURT COPY

410-313-1774

Municipal Infractions

Civil/Code Violations

submitted

Owner advised April 29, September 17 and December 15 Notices of Violation, but no remedy has occurred in violation of County Code and continuing

both repair
~~install~~ and maintain
separately
a domestic sewage system
~~that had been repaired~~
without obtaining the
required permit, in
violation of county code
& continuing.

②
- 4 -

⑦
[]

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

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Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Francisco Ward and Nadia Ward

Street, Apt. No.,
or PO Box No.

8214 Reservoir Road

City, State, ZIP+4

Fulton, MD 20759-9619

7007 1490 0000 5739 7632

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail[®] or Priority Mail[®].
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2003 (Reverse) PSN 7530-02-000-9047



Howard County
Health Department

Bureau of Environmental Health
7178 Gateway Drive Columbia, MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

FINAL NOTICE OF VIOLATION

SENT VIA REGULAR MAIL and CERTIFIED MAIL #70071490000057397632
RETURN RECEIPT REQUESTED

December 15, 2008

Francisco Ward and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Code Violations
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44

Dear Mr. and Mrs. Ward:

The Howard County Health Department received notification from The Howard County Department of Inspections, Licenses and Permits on February 26, 2008 regarding non-permitted work performed on your property. A Notice of Violation was issued by the Howard County Department of Licenses and Permits on February 26, 2008 and March 12, 2008. The Health Department issued Notices of Violation on April 29, 2008 and on September 17, 2008.

Percolation testing was performed on June 3, 2008 and the non-permitted septic system components were exposed, photographed, and described. The Health Department observed a plastic tank not approved for wastewater in Howard County that had a small amount of liquid in it and a discharge pipe attached to it. Also, evidence was observed of a previous sewage discharge reaching the soil surface in the area of the existing on-site sewage disposal system serving the house. You were notified of these observations in a Percolation Test Results Report dated June 13, 2008. On September 10, 2008, the area of the septic tank was again inspected, and you were notified of the violations and that immediate correction of the violations is required.

As property owners you are responsible for violations of code, and for taking corrective actions to comply with The Annotated Code of Maryland and Howard County Code. Following is a list of code violations identified on your property.


- Howard County Code, Section 3.901(F) requires submittal of a Site Plan that includes well and septic locations, as well as locations of existing and proposed structures, prior to approval of a Building Permit.
- Howard County Code Section 3.805(a) requires a Percolation Certification Plan for the work that was performed on the building.
- Howard County Code, Section 3.806 (a) requires a permit for installation of, or alterations to, an on-site sewage disposal system.
- The Code of Maryland (COMAR) 26.04.02.02(E) states that a person may not dispose of sewage, body, or industrial wastes in any manner which may cause pollution of the ground surface, the waters of the State, or create a nuisance.
- Howard County Code, Section 3.804(a)(1), requires domestic sewage to be disposed of by an approved method of collection, treatment, and discharge.
- Howard County Code, Section 12.110(a) defines a sewage overflow as a nuisance.

You have 15 (fifteen) days from receipt of this notice to correct the violations by restoring the property back to its original use, or providing the required plans and obtaining proper permits for bringing the on-site sewage disposal system into compliance. All work must be inspected by the Health Department. Failure to comply will result in the issuance of civil citation(s) under Howard County Code Section 12.112(a). Each day the person has not corrected the violation shall constitute a separate offense. An inspection of the property will be conducted on January 9, 2009 at 10:00 AM to determine if the violations have been abated.

If you believe that the conditions described above are not, and could not be, a hazard to health, or that the Health Department is not acting in compliance with pertinent laws and regulations, you may request a formal hearing before the Board of Health within 15 (fifteen) days of receipt of this letter. A request for formal hearing must be made in writing and directed to the Executive Secretary of the Board of Health at the above address.

If you have any questions regarding this letter, you may contact me at the Bureau of Environmental Health, phone 410-313-1771.

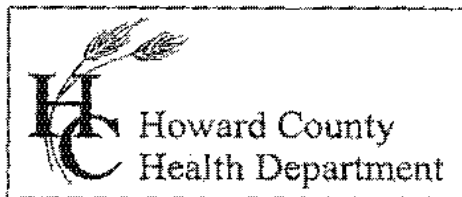
Sincerely,



Robert C. Bricker, R.S.

Bureau of Environmental Health, Well and Septic Program

Copy: Executive Secretary, Board of Health
 Department of Inspections Licenses and Permits
 Office of Law
 File



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

FINAL NOTICE OF VIOLATION CIVIL CITATION

SENT VIA FIRST CLASS MAIL and HAND-DELIVERED

January 20, 2009

Francisco Ward and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Civil Citation/Code Violations
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44

Dear Mr. and Mrs. Ward:

The Howard County Health Department received notification from The Howard County Department of Inspections, Licenses and Permits on February 26, 2008 regarding non-permitted work performed on your property. A Notice of Violation was issued by the Howard County Department of Licenses and Permits on February 26, 2008 and March 12, 2008. The Health Department issued Notices of Violations on April 29, 2008, September 17, 2008, and on December 15, 2008.

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You had until a scheduled inspection on the morning of January 9, 2009, to correct the violations by restoring the property back to its original use, or providing the required plans and obtaining proper permits for bringing the on-site sewage disposal systems into compliance. You were notified that all work had to be inspected by the Health Department, and that failure to comply would result in the issuance of civil citation(s) under Howard County Code Section 12.112(a). Each day the property owners have not corrected the violation shall constitute a separate offense.

An inspection of the property was conducted on January 12, 2009 at about 10:00 AM by Stuart Oster and me to determine if the previously cited violations had been abated. We found that several violations remain and that another violation had occurred. As property owners you are responsible for violations of code, and for taking corrective actions that comply with The Annotated Code of Maryland and Howard County Code. Following is a list of code violations identified on your property.

- Howard County Code, Section 3.901(F) requires submittal of a Site Plan that includes well and septic locations, as well as locations of existing and proposed structures, prior to approval of a Building Permit.
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Enclosed are three civil citations:

- 1) For two occurrences of failure to comply with the Howard County Code requirement to obtain septic permits (1) for installation of an on-site sewage disposal system [paragraph 3.806(A)(9)] and (2) for a minor repair [paragraph 3.806(A)(1)].
- 2) For installation of facilities that are not approved for collection, treatment and discharge of domestic sewage [paragraph 3.804(A)(1) and (A)(3)].
- 3) For failure to comply with the Howard County requirement that for the project you propose you submit a Site Plan for the review by county agencies [paragraphs 3.901(F) and 3.805(A)(1)].

Please keep in mind that each day this violation is allowed to occur is considered a separate offense which could lead to additional civil citations.

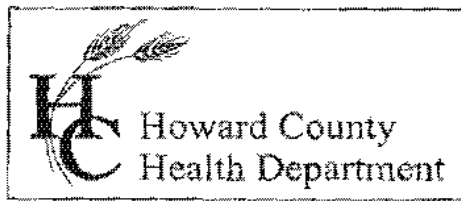
If you have questions regarding this citation, you may contact the Bureau of Environmental Health, phone 410-313-1771.

Sincerely,



Robert C. Bricker, R.S.
Bureau of Environmental Health
Well and Septic Program

Copy: Department of Inspections Licenses and Permits
Office of Law
File



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

FINAL NOTICE OF VIOLATION CIVIL CITATION

SENT VIA FIRST CLASS MAIL and ~~CERTIFIED MAIL~~ *Hand-Delivered*
RETURN RECEIPT REQUESTED

January 16, 2009

Francisco Ward and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Civil Citation/Code Violations
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44

Dear Mr. and Mrs. Ward:

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If you believe that the conditions described above are not, and could not be, a hazard to health, or that the Health Department is not acting in compliance with pertinent laws and regulations, you may request a formal hearing before the Board of Health within 15 (fifteen) days of receipt of this letter. A request for formal hearing must be made in writing and directed to the Executive Secretary of the Board of Health at the above address.

If you have questions regarding this citation, you may contact the Bureau of Environmental Health, phone 410-313-1771.

Sincerely,

Robert C. Bricker, R.S.
Bureau of Environmental Health
Well and Septic Program

Copy: ~~Executive Secretary, Board of Health~~
Department of Inspections Licenses and Permits
Office of Law
File

Delete
(this will be determined in court)



Howard County
Health Department

Bureau of Environmental Health

7178 Gateway Drive Columbia, MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

FINAL NOTICE OF VIOLATION

SENT VIA REGULAR MAIL and CERTIFIED MAIL #70071490000057397632
RETURN RECEIPT REQUESTED

December 15, 2008

Francisco Ward and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Code Violations
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44

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*Certified letter
Returned
"Unclaimed"*

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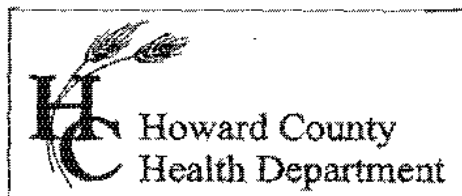
Sincerely,



Robert C. Bricker, R.S.

Bureau of Environmental Health, Well and Septic Program

Copy: Executive Secretary, Board of Health
 Department of Inspections Licenses and Permits
 Office of Law
 File



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
(410) 313-2640 Fax (410) 313-2648
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website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

FINAL NOTICE OF VIOLATION CIVIL CITATION

SENT VIA FIRST CLASS MAIL and HAND-DELIVERED

January 20, 2009

Francisco Ward and Nadia Ward
8214 Reservoir Road
Fulton, Maryland 20759

RE: Civil Citation/Code Violations
8214 Reservoir Road, Tax Map 45 Grid 6 Parcel 44

Dear Mr. and Mrs. Ward:

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- 2) For installation of facilities that are not approved for collection, treatment and discharge of domestic sewage [paragraph 3.804(A)(1) and (A)(3)].
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Please keep in mind that each day this violation is allowed to occur is considered a separate offense which could lead to additional civil citations.

If you have questions regarding this citation, you may contact the Bureau of Environmental Health, phone 410-313-1771.

Sincerely,

Robert C. Bricker, R.S.
Bureau of Environmental Health
Well and Septic Program

Copy: Department of Inspections Licenses and Permits
Office of Law
File



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

April 30, 2009

Francisco Ward
8214 Reservoir Road
Fulton, MD 20759

RE: Tax Map 45, Grid 6, Parcel 44

Dear Mr. Ward:

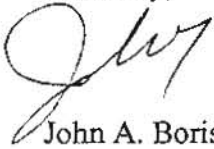
Your bid package for the Bay Restoration Fund (BRF) Onsite Sewage Disposal System (OSDS) Program has been approved for the use of funds totaling not more than \$13,100.00. The accepted bid amount is for the installation of a Hoot 600 by Storm Utilities for your property located at 8214 Reservoir Road. You may choose to deviate from the selected unit, however the grant award for acceptable reimbursable expenses may not exceed \$13,100.00. All grants awarded through the Maryland Department of the Environment (MDE) are reimbursable. This means that all work done prior to this letter cannot be considered for reimbursement. In order to be eligible for reimbursement you must sign and record a copy in the land records of Howard County the Agreement and Easement for Installation of Best Available Technology Systems with Bay Restoration Funds. You must provide MDE with the following:

- The contractor's and manufacturer's invoice. These invoices should include everything quoted in the bid. All expenditures greater than the bid amount will not be covered.
- A copy of the installation inspection performed by the Howard County Environmental Health program.
- A completed State Grant or Loan Payment Disbursement Request Form
- A copy of the Agreement and Easement for Installation of Best Available Technology Systems with Bay Restoration that shows that it has been recorded in the land records of Howard County.

All submitted documentation would be reviewed for compliance. Once all documentation is submitted, you will receive a payment directly from the State Comptroller's office.

The Maryland Department of the Environment thanks you for participating in this important program. If you have any further questions, please feel free to contact me at 410-537-3678 or 800-633-6101 ext 3678 or email at jboris@mde.state.md.us.

Sincerely,



John A. Boris, Jr., R.S.
Bay Restoration Fund Project Manager

Enclosure

cc: Jay Prager
Steve Krieg, Regional Consultant
Howard County Health Department

03:41 PM 01/14/08



**AGREEMENT AND EASEMENT FOR INSTALLATION
OF BEST AVAILABLE TECHNOLOGY SYSTEMS
WITH BAY RESTORATION FUNDS.**

000145

THIS AGREEMENT is made this 30th day of April, among Francisco Ward, hereinafter referred to as "Owner," the Howard County Health Department hereinafter collectively referred to as the "County," and the Department of the Environment, hereinafter referred to as the "Department."

WHEREAS, Owner owns a tract of land located on 8214 Reservoir Road, in the 5th Election District of Howard County, Maryland, and the deed to same is recorded among the Land Records of Howard County, Maryland, in Ellicott City and in Liber Folio .

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20
50
WHEREAS, the Bay Restoration Fund (BRF) may provide a grant for the cost attributable to upgrading an onsite sewage disposal system to the Best Available Technology (BAT) for the removal of nitrogen.

WHEREAS, the BRF may also provide a grant for the cost difference between a traditional onsite sewage disposal system and a system that utilizes the BAT for the removal of nitrogen.

WHEREAS, Owner understands that participation in the Bay Restoration Fund is voluntary.

NOW, THEREFORE, the parties hereto agree as follows:

- A. Owner hereby grants to the Department and the County the right to enter upon the property at any reasonable time for access to the system to make periodic inspections and the Owner agrees to provide any information and data requested and needed by the Department to develop accurate and thorough test results.
- B. Owner acknowledges and agrees that a manufacturer-approved installer will install the BAT system.

- C. Owner acknowledges and agrees the manufacturer will provide for Operation and Maintenance of the BAT for a period of 5 years as a condition of sale of the BAT. After the 5 year period the Operation and Maintenance contract can be further extended at the behest of the property owner. The Department and County encourage the property owner to continuously maintain an Operation and Maintenance contract during the lifetime of the system.
- D. Owner acknowledges and agrees that the manufacturer appointed Operation and Maintenance provider will have access to the BAT system at all times.
- E. Owner acknowledges and agrees that the manufacturer or manufacturers designee will have access to sample the effluent of the BAT system. Owner acknowledges and agrees that the proposed installation of a BAT system funded by the BRF is voluntary. Owner agrees that there shall be no liability on the part of the County or Department to Owner if this BAT system fails, and that the County and the Department do not warrant or guarantee that the BAT system will adequately or properly function.
- F. Owner acknowledges and agrees that neither the County nor the Department nor any of its agents or employees, either officially or individually, underwrites the operation of any system approved by them.
- G. The Owner will devote such care and effort to the maintenance of the BAT system so that any malfunction is not the result of poor maintenance, faulty operation, or neglect.
- H. The Department agrees to grant \$ 13,100.00 toward the cost of installation of the BAT System, and financial responsibility is limited to this amount. Owner will present to the Department a signed contract from the demonstrating the total cost of installation. Operating costs will be at the Owner's expense.

- I. The Owner acknowledges that the BRF grant can only be used for that portion of the OSDS attributable to (BAT) for the removal of nitrogen.
- J. Owner acknowledges in the event the total project cost is greater than \$25,000 the proposal will have to be approved by the Maryland State Board of Public Works.
- K. The Owner agrees to contact both the Water Management Administration, On-Site Systems Division of the Wastewater Permits Program and the County at least forty-eight (48) hours prior to system installation, so that the Department has the opportunity to be present at the time of installation or thereafter for inspection.
- L. The Owner must install BAT system according to the manufacturer recommended plans and specifications approved by the Department.
- M. The Owner agrees and acknowledges that if installation deviates substantially from the approved plans or changes such that performance of the system is compromised or reduced, BRF funding will not be provided.
- N. This agreement shall run with the land and binds the Owner, his heirs, successors, assigns except that the provisions of paragraph A, C, D and E shall be binding for a period of 5 years only after installation of the system and occupation of the home. Owner further agrees that he shall inform in writing any purchaser or lessee of the property that the system may require maintenance or other attention. The Owner agrees to record this agreement in the land records of Howard County.
- O. This agreement shall not be construed to limit any authority of the Department to protect the public health, safety or comfort or to issue any other orders to take any other action that is now or may hereafter be within its authority.
- P. This agreement may be voided at the discretion of the Department if the system construction is not completed within six (6) months of the effective date of this agreement.

Q. This agreement contains the entire agreement and understanding between the County and the Owner and the Department. There are no additional terms other than as contained in this agreement. This agreement may not be modified except in writing signed by each of the parties or by their authorized representatives.

R. The laws of the State of Maryland govern the provisions of all transactions pursuant to this agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this agreement on the date indicated

above.

DATE: 5/5/09

Francisco Ward
Owner

DATE: 5/1/09

Jay Prager
Deputy Program Manager
Wastewater Permits Program
Maryland Department of the Environment

DATE: 5/19/09

Bert Rufen
Howard County Health Department

IMP. FD. SURE \$ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rest CHGE Rcpt # 81617
MOR ONE Bk # 2465
JUN 26 2009 02:51 PM

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Francisco Ward
Owner / FRANCISCO WARD

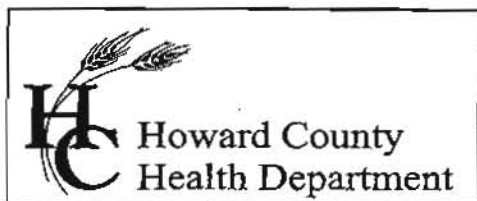
DATE: 5/1/09

Jay Prager
Deputy Program Manager
Wastewater Permits Program
Maryland Department of the Environment

DATE: 5/19/09

Bert Rufen
Howard County Health Department

IMP FD SURE \$ 29.00
RECORDING FEE 29.00
TOTAL 40.00
Rest CHES ROPT # 81617
HQR JME AIX # 2965
Jun 26, 2009 02:51 PM



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

May 20, 2009

Francisco Ward
8214 Reservoir Rd
Fulton, Maryland 20759

RE: BRF easement agreement

Dear Mr. Ward,

Enclosed is the original signed copy of the Agreement and Easement for Installation of Best Available Technology Systems with Bay Restoration Funds. This agreement must be recorded with the county and a copy returned to the Health Department prior to the release of the septic permit.

If you have any questions regarding this matter, please contact me at the above address or by calling (410) 313-1771.

Sincerely,

Sara Sappington, R.S.
Well and Septic Program

