



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 28, 2012

RE: SUMMIT COUNTY
CITY OF GREEN
STORM WATER
3GQ00065*BG

Mr. Wayne Wiethe, ALCP
Director of Planning
City of Green
1755 Town Park Boulevard
P.O. Box 278
Green, Ohio 44232-0278

Dear Mr. Wayne Wiethe:

On August 24, 2012, this writer met with Tom Ditirro, City of Green and Brian Prunty, Summit SWCD at the Brienza property located at TR 25 LOT NE E GREENSBURG RD & PT VAC ALLEY, PARCEL 2805829. Also present was Gino Brienza, owner. The reason for the meeting was to discuss the status of this 56-acre site as it relates to compliance with the General Stormwater Permit No. 3GC03594*AG issued to Mr. Brienza on November 15, 2007. It has come to our attention that a Stormwater Pollution Prevention Plan (SWPPP) was never approved for this site and that the Summit SWCD was not aware of its existence. Mr. Ditirro and Mr. Brienza indicated that the City of Green has been aware of the site for an undetermined amount of time, but has not been required to submit a SWPPP. Your current ordinance 1224.09 for Land Disturbance Permit requires that a land disturbance permit be obtained prior to the commencement of clearing and/or grading activities. Plans must be reviewed and approved by the Planning Department, the Summit SWCD, and any other applicable City department. We acknowledge that specific language concerning the requirement to submit a SWPPP to the City and Summit SWCD came with the August 2011 ordinance revision.

Concerning the above, we request that the City address the following:

- 1) Identify when the Brienza development became known to the City.
- 2) Was a Land Disturbance Permit Application ever submitted to the City? If so, we request that you provide a copy.
- 3) If the application was submitted, was it reviewed and/or approved by the City?
- 4) If the application was submitted, did the City notify Summit SWCD?

This site may be one of those sites that slipped through the crack because filling and grading has been the only activity. However, filling and grading greater than or equal to an acre is a regulated construction activity thru your City Ordinance and MS4 permit.

After leaving the Brienza property, Mr. Prunty and I inspected the DeHoff property located 3310 Greensburg Road, Green. General Stormwater permit 3GC06059*AG was issued for this 18.94-acre site on August 8, 2012. The site has been clear cut and at the time of our visit, a bulldozer was grading a portion of the site. According to Summit SWCD, this site also did not obtain an approved SWPPP prior to commencing activity. This is a violation of the City's

ordinance for failure to obtain an approved SWPPP and subsequently a land disturbance permit prior to commencing clearing and/or grading activities.

The above are two examples where City ordinances have been violated. Failure to take appropriate enforcement as required by your MS4 permit is a violation of the City' MS4 Permit No. 3GQ00065*BG. We request that you notify this writer, in writing, no later than September 5, 2012 with the actions taken by the City to seek compliance with ordinance 1224.09.

If you have any questions or would like to discuss this letter in further detail, we would be glad to arrange a meeting at this office. You can contact this writer at (330) 963-1136 or by e-mail at phil.rhodes@epa.state.oh.us.

Sincerely,



Philip P. Rhodes, P.E
Environmental Specialist II
Division of Surface Water

PPR/cs

Cc: City of Green, Mayor or City Manager and Council
Brian Prunty, Summit SWCD