



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

November 8, 2012

RE: CANNON ONE LLC
3GC06030*AG
STORM WATER
TWINSBURG
SUMMIT COUNTY

Trip Morris
Cannon One LLC
8350 N. Boyle Parkway
Twinsburg, Ohio 44087

Dear Mr. Morris:

On July 9, 2012, Ohio EPA received a Notice of intent (NOI) for storm water coverage with Ohio EPA for a 6.75 acre parcel located between Darrow Road and Liberty Road approximately one mile north of Cannon Road in the City of Twinsburg, Summit County. The NOI identifies a start date of July 2, 2012. General NPDES Permit No. 3GC06030*AG was issued to Cannon One LLC on July 13, 2012.

As required by the permit all NOI's are to be submitted 21 days prior to the commencement of construction activity. Commencement of construction means the initial disturbance of soils associated with clearing, grubbing, placement of fill or excavating activities or other construction activities. It is our understanding that on or before July 11, 2012 you had already initiated clear cutting of the trees and disturbance of the soils to establish a borrow area for the mine reclamation site located to the southeast. A Storm Water Pollution Prevention Plan (SWPPP) was received at the Summit Soil and Water Conservation District on June 27, 2012, but was never approved. Summit Soil and Water Conservation District has indicated that the SWPPP was actually pulled from review by you on July 30, 2012.

Clear cutting trees on a parcel of land over an acre in size are considered to be a construction activity as well as disturbing soils. To do so without first obtaining the General Permit is a violation of Ohio Revised Code 6111.04. Also, a SWPPP was to be completed prior to submitting the NOI to this agency. You do not have a completed SWPPP and therefore, are in violation of Ohio Revised Code 6111.07 for failure to comply with the terms and conditions of the NPDES Permit.

Ohio Revised Code 6111.99 Section A states "Whoever violates section 6111.04, 6111.042, 6111.05, or division (A) of section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both." This office reserves the right to pursue an enforcement action to seek the aforementioned penalties.

You are requested to perform the following:

- 1) Dormant seed and mulch as per NPDES Permit 3GC06030*AG all areas of disturbance at the 6.75-acre site described above and additionally the 4.3 acre mine reclamation area no later than November 16, 2012.

Northeast District Office • 2110 East Aurora Road • Twinsburg, OH 44087-1924
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- 2) Submit a complete SWPPP to the City of Twinsburg and the Summit Soil and Water Conservation District for their review for the 6.75 acre and 4.3 acre mine reclamation site described above no later than November 23, 2012.
- 3) The 6.75 acre and 4.3 acre sites are part of a parcel of land totaling approximately 279 acres that may be developed in the future and appears to contain wetlands. As required in the General Permit OHC000003 Part III.G.1.n.iv, the SWPPP shall identify all:
"Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA".

We request that you submit to this office, a wetland delineation for the aforementioned acreage within 200 feet of each site. Please be aware that any area within the overall 279 acres where construction activity is planned must be evaluated for wetlands as part of a complete SWPPP. Any impacts or potential impacts to wetlands must receive or have received Army Corps of Engineer approval. Submit any documentation you have from the Army Corps of Engineers regarding this issue. This must be accomplished no later than December 7, 2012.

If you have any questions, please feel free to contact me 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: Brian Prunty, Summit SWCD
Amy Mohr, City of Twinsburg
Russ Rodic, Building Commissioner, City of Twinsburg
Joe Loucek, DSW, NEDO
Paul Greco, ODNR, Salem Office