



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

7/26/2016

Mayor and Council  
Village of Reminderville  
3382 Glenwood Blvd  
Reminderville, Ohio 44202

RE: Director's Final Findings & Orders  
NPDES  
Summit County  
8OU00035

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Fowler", written in a cursive style.

Kevin J. Fowler, Supervisor  
Permit Processing Unit  
Division of Surface Water

KJF/dks

Enclosure

**CERTIFIED MAIL**

cc: M. Mann, DSW  
R. DeMuth, DSW  
B. Schuch, DSW  
L. Reeder, DSW  
J. Martin, DSW  
Fiscal  
Compliance Section  
M. McCarron, PIC  
H. Griesmer, PIC  
D. Stoll, NEDO/DSW  
B. Fischbein, Legal  
P. Simcic, Legal  
P. Fallah, DEFA  
Journal Room  
File

# Ohio EPA Invoice/Receipt

Date Printed: July 26, 2016

Revenue ID: 1098098

Please include this Revenue ID with all correspondence.

Organization ID: 126972

Information: Reminderville, Village of  
3382 Glenwood Blvd  
Reminderville, OH 44202-

Due Date: August 25, 2016

Amount Due: \$10,000.00

Effective Date: July 26, 2016

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)

Program Name: Surface Water Programs

Reason: FO for Village of Reminderville 8OU00035

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

## Remittance Advice

## Detach Here - Please Return This Portion With Your Payment

Organization ID: 126972

Information: Reminderville, Village of  
3382 Glenwood Blvd  
Reminderville, OH 44202-

Due Date: Aug 25, 2016

Amount Due: \$10,000.00

Secondary Type/Id: /

Revenue Type: FOSW

Amount Enclosed: \$ \_\_\_\_\_

Many Ohio EPA fee invoices are payable online. For online credit card or ACH payment, go to <https://eBiz.epa.ohio.gov>, login or create an account and from the "Available Services" window choose "Pay Ohio EPA Fees Online".

Please write this number on your check. Revenue ID: 1098098

Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA  
Department L-2711  
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: \_\_\_\_\_  
Check Date: \_\_\_\_\_  
Check Number: \_\_\_\_\_  
Check Amount: \$ \_\_\_\_\_

126972	Reminderville, Village of	1000000	FOSW	1098098
--------	---------------------------	---------	------	---------

OHIO E.P.A.

JUL 26 2016 BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Village of Reminderville  
3382 Glenwood Blvd.  
Reminderville, Ohio 44202

:  
:  
:  
:  
:  
:

Director's Final Findings  
and Orders

Respondent

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the Parties hereto as follows:

By [Signature] Date: 7-26-16

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Village of Reminderville ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") Sections 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in R.C. Chapters 6111 and 3745 and the rules promulgated thereunder.

IV. FINDINGS

The Director has made the following findings:

1. Respondent is the owner of approximately 32 acres of property located in the Village of Reminderville, in an area located south of Glenwood Boulevard, (Parcel No. 6601038) in Summit County, Ohio ("the Site.") The Site had previously been delineated and classified as containing forested Category 3 wetlands during the 401 Water Quality Certification application process for the Herrington Place Residential development, a 125-acre adjacent development. The wetlands on the property were originally supposed to be preserved (via conservation easement) by Reminderville

Investment Company, LLC as part of compensatory mitigation for the Herrington Place development.

2. Wetlands that are assigned to Category 3 have superior habitat, or superior hydrological or recreational functions. They are typified by the highest levels of diversity, a high proportion of native species, and/or high functional values.
3. In 2014, during routine review of the mitigation for the Herrington Place Development, Ohio EPA's Compliance Mitigation section staff discovered (via review of historic aerial mapping) that several structures had been built within the wetland sometime between 2008 and 2009. Ohio EPA staff conducted a site investigation on November 4, 2014, and determined that approximately 1 acre of wetland had been impacted by the installation of a salt storage barn and two gas storage tanks with associated access road.
4. It was later determined that the salt barn structure had been built before the conservation easement documentation was in place for the Site and that Ohio EPA's Northeast District Office had become aware of the placement of the salt barn/gas tanks in 2010. On November 23, 2010, Ohio EPA-NEDO had sent a Notice of Violation ("NOV") letter to Respondent requiring Respondent to formulate a plan to remove the salt storage barn, gas well and ancillary equipment from the Category 3 wetland and restore the onsite wetland.
5. Respondent commenced a review of alternative sites in response to the 2010 NOV via a *Property Alternatives Analysis* of various Village-owned parcel, received by Ohio EPA on October 11, 2011. The document concluded that the best location for the salt barn was at its current location.
6. On November 27, 2015, Ohio EPA visited the Site, and observed dumped trash, concrete blocks, wood shavings, gravel, leaf debris, tree branches, and chopped wood within approximately 0.35 acres of the Category 3 wetland. Tree clearing was also observed. These new impacts were in addition to the salt barn construction impacts previously documented. An NOV was issued February 3, 2016 to Respondent detailing the impacts and requiring removal of the accumulated debris.
7. Pursuant to Sections 401 and 404 of the federal Clean Water Act, anyone who wishes to discharge dredge or fill material into waters of the United States, must obtain a section 404 permit from the Corps and a section 401 water quality certification from Ohio EPA. Pursuant to R.C. 6111.04, no person shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes without a valid, unexpired permit.

Respondent has caused pollution by placing fill into waters potentially under federal jurisdiction without a section 401 water quality certification in violation of R.C. 6111.04.

8. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of R.C. Chapter 6111.

#### **V. ORDERS**

1. As soon as possible but not later than thirty (30) days from the effective date of these Orders, Respondent shall remove all dumped trash, concrete blocks, wood shavings, gravel, leaf debris, tree branches, and chopped wood within the approximately 0.35 acres of the Category 3 wetland that were observed to be impacted on by Ohio EPA on November 27, 2015.
2. As soon as possible, but not later than thirty (30) days from the effective date of these Orders, Respondent shall submit a plan to Ohio EPA for review and approval of post construction best management practices ("BMPs") for the existing salt barn and gas storage tanks. The plan shall meet the recommendations for salt storage as set forth in *Recommendations for Salt Storage: Guidance for Protecting Ohio's Water Resources*, February, 2013. At a minimum, the BMPs for the salt storage area should include an additional building, or an extension to the existing building, to ensure the staging, mixing, blending, loading and unloading, is conducted under roof.
3. All salt exposure to the onsite Category 3 wetlands associated with the storage, staging, loading/unloading, handling, mixing or blending of salt is prohibited. All vehicle/equipment washing at the Site is prohibited. Additionally, the gas storage area shall contain an appropriate secondary containment berm.
4. Respondent shall submit to Ohio EPA a complete and approvable permit-to-install ("PTI") along with detail plans for post construction BMP improvements within thirty (30) days of the approval of the post construction BMP plan by Ohio EPA. Respondent shall also obtain coverage under Ohio EPA's Construction Storm Water General Permit and submit a storm water pollution prevention plan ("SWP3") for the Site to Ohio EPA for review and approval. Detail drawings and maintenance plans for all post-construction BMPs shall be provided by Respondent to Ohio EPA as required by the permit.
5. Within three (3) months of the effective date of these Orders, Respondent shall delineate and protect in perpetuity through an environmental covenant, all remaining

Category 3 wetlands at the Site pursuant to the requirements of R.C. 5301.80 to R.C. 5301.92. Respondent shall execute the environmental covenant and file it with the Summit County Recorder. Respondent shall submit to Ohio EPA a certified copy of the environmental covenant as filed with the Summit County Recorder.

6. Respondent shall pay to the Ohio EPA the amount of \$10,000.00 in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to R.C. § 6111.09. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the total amount within thirty (30) days of the effective date of these Orders, to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent, to:

Office of Fiscal Administration  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, OH 43216-1049

A copy of the check shall be sent to Mark Mann, Environmental Manager, Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Surface Water  
P.O. Box 1049  
Columbus, OH 43216-1049

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in Ohio Administrative Code Rule 3745-33-03.

## **VII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

## **VIII. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

## **IX. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges, defenses and causes of action, except as specifically waived in Section X of these Orders.

## **X. WAIVER**

In order to resolve disputed claims, without admission of law, fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

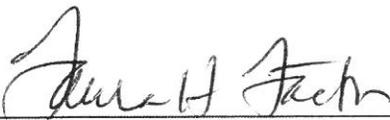
## **XI. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XII. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

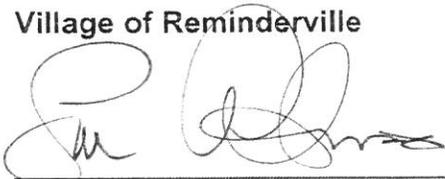
**IT IS SO ORDERED AND AGREED:  
Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig W. Butler  
Director

7/22/16  
Date

**IT IS SO AGREED:**

**Village of Reminderville**

  
\_\_\_\_\_  
Signature

6/1/16  
Date

Sam Alonso  
\_\_\_\_\_  
Printed or Typed Name

Mayor  
\_\_\_\_\_  
Title