

CITY OF WHEELING



OFFICE OF THE CITY SOLICITOR

CITY COUNTY BUILDING
1500 CHAPLINE STREET
WHEELING, WEST VIRGINIA 26003

June 3, 2020

Scott Mandirola
Deputy Secretary of External Affairs
WV DEP
601 57th Street SE
Charleston, WV 25304

RE: City of Wheeling/GCP Development

Dear Deputy Secretary Mandirola:

Thank you for discussing with me last Friday the GCP Development in Wheeling, WV as it relates to WVDEP, the permitting process and your ability to attend the City Planning Commission meeting via Zoom teleconference on Monday, June 8, 2020 at 5:00 p.m. Planning Administrator Tom Connelly, copied herein, will send you the invitation and instructions. Below is a brief outline of some of the areas we discussed that may be useful to review for purposes of information you may wish to address at the meeting. This is a meeting not a public hearing, but there are going to be a few status reports regarding the project and the Planning Commission, as I relayed, is very interested in matters that concern WVDEP.


Areas of Discussion:

- WVDEP, for permit purposes, does not review zoning matters but looks at the proposed end use of the property.
- The Development had received a stormwater construction permit, but it only concerned 7/8 acres initially when they were removing timber.
- The Developer, as others throughout the State, have been permitted to continue under the Initial General Permit, however on April 17, 2020 the Developer did submit an application for the full size of the site, which is pending.
- Due to construction for the site, the WVDEP needs the Developer's application for such Stormwater Construction Permit and, due to the fact that the project as proposed involves either more than 100 acres or such planned construction, is going to last for more than one (1) year, this development's Permit progresses to a Public Notice and Public Comment process and possible Public Hearing. This process has not yet begun.

- If during construction and earth moving the Developer has marketable stone that is sold for profit at the time of extraction, the Developer must have a Quarrying Permit and such a permit triggers the same Public Notice/Comment/Hearing process noted in the preceding bullet point.
- You provided that the Developer has told the WVDEP that they'd be seeking a Quarrying Permit, but have not done so to date. Again, they would not need such to simply do earth moving.

Please advise and correct if any of the above, although very briefly outlined, is not an accurate overview. Thanks again for your time and willingness to address the Planning Commission on behalf of the WVDEP regarding permit status of this Development and answer questions that the Commission may have during its meeting this coming Monday. Please feel free to contact me at any time as well. The City looks forward to your comment on Monday.

Thank you,



Rosemary Humway-Warmuth
City Solicitor

RHW:jb