



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

July 23, 2012

RE: SUMMIT COUNTY  
CITY OF CUYAHOGA FALLS  
MUNICIPAL STORM WATER  
ANNUAL REPORT REVIEW – 2012

Russell Kring, CFM  
City of Cuyahoga Falls  
2560 Bailey Road  
Cuyahoga Falls, Ohio 44221

FACILITY PERMIT NO:3GQ00065\*BG  
DATE OF NPDES PERMIT RENEWAL:JUNE 17, 2009

Dear Kring:

We have received your response dated July 10, 2012, concerning our review of your 2011 Annual Report. Most the items listed in our review have been adequately addressed. The following item needs additional attention:

While the City does have an Illicit Discharge Ordinance (89-2003: Chapter 929.03), it is extremely brief.

Chapter 929.03: *"No person, corporation, organization, or public agency shall cause a discharge into the storm water sewer system, other than permitted storm water."*

The ordinance does **not comply** with the requirements of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small MS4s #OHQ000002. In particular, Ohio EPA finds:

- The ordinance does not use the term "MS4" or define it. It simply uses the term "storm water sewer system". Please note that "MS4" has a specific, regulatory definition and includes all publicly-owned storm water conveyance infrastructure including storm sewers, streets and their associated drainage systems, catch basins, curbs, gutters, ditches, manmade channels or storm drains. The definition of MS4 does not include combined sewers or sanitary sewers.
- The ordinance does not provide a list of non-storm water discharges permitted to be discharged to the MS4. Please note that only those non-storm water sources listed in Part III.B.3.g of the NPDES permit, and any incidental, occasional non-storm water discharges, e.g., charity car washes, the City explicitly excludes from the ordinance may be discharged to the MS4.
- The ordinance does not establish enforcement procedures and actions to eliminate illicit discharges to the MS4, e.g., right to enter property to investigate possible sources of illicit discharge, right to order corrective action, and penalties for non-compliance, as required by Part III.B.3.d of the NPDES permit.

If you have any questions concerning any of the above, please contact me at (330) 963-1136 or by e-mail at [phil.rhodes@epa.state.oh.us](mailto:phil.rhodes@epa.state.oh.us).

Sincerely,

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

PPR/cs

cc: City of Cuyahoga Falls Mayor or City Manager and Council  
Cindy Fink, SWCD  
ec: Jason Fyffe, Ohio EPA, DSW, CO