

EXPRESSING SUPPORT FOR THE CITY OF AKRON, OHIO'S (THE "CITY'S" OR "AKRON'S") PROPOSED "ALTERNATIVE" COMBINED SEWER OVERFLOW ("CSO") PROJECTS IN SUMMIT COUNTY, OHIO, WHICH WILL PROVIDE A GREATER ENVIRONMENTAL BENEFIT FOR THE CUYAHOGA RIVER WATERSHED REGION THAN THE ROW 11.A REQUIREMENT IN AKRON'S LONG TERM CONTROL PLAN UPDATE; URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ("EPA") TO RECONSIDER ITS CONTINUED INSISTENCE IN REQUIRING AKRON TO SPEND IN EXCESS OF \$200,000,000 ON LARGELY IDLE WATER TREATMENT TECHNOLOGY, BUT INSTEAD MOVE FORWARD WITH MORE ENVIRONMENTALLY BENEFICIAL AND COST-EFFECTIVE ALTERNATIVE PROJECTS; AND DECLARING AN EMERGENCY

WHEREAS, in 2009, the United States of America, on behalf of EPA, filed a complaint against Akron and others alleging unauthorized discharges of sewage by the City from its combined and sanitary sewer system in violation of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311, 1319(b) and 1365(a) (the "Complaint"); and

WHEREAS, in order to resolve the Complaint, and without admitting fault or conceding the violations alleged therein, in 2009 Akron, the United States and the State of Ohio lodged a federal consent decree with the Court and the Court entered the Consent Decree in 2014 (the "Consent Decree"). The Consent Decree contained certain approved deliverables, including but not limited to implementing projects in Akron's approved Long Term Control Plan Update with which Akron agreed to abide (the "Consent Decree Requirements"); and

WHEREAS, the Consent Decree Requirements were at substantial cost to Akron's ratepayers and are a significant burden to the economically disadvantaged being in excess of \$1,000,000,000.00; and

WHEREAS, since entry of the Consent Decree, Akron, EPA and the Ohio Environmental Protection Agency ("Ohio EPA") have successfully negotiated, and the Court has entered two (2) subsequent amendments to the Consent Decree both of which have had a net-positive effect on the environment and have resulted in substantial monetary savings to Akron and its ratepayers; and

WHEREAS, Akron, the EPA, and the Ohio EPA have also agreed to a third modification of the Consent Decree to provide greater protection to the environment at a reduced cost by right-sizing the Northside Interceptor Tunnel and engaging in the Riverside Sewer Separation Project; and

WHEREAS, Akron is in the process of implementing the Northside Interceptor Tunnel ("NSIT") project and the Riverside Sewer Separation Project, and the only other remaining Consent Decree project is the requirement to install the ACTIFLO Ballasted Flocculation Unit (or equivalent technology), also known as the Enhanced High Rate Treatment ("EHRT"); and

WHEREAS, without the EHRT, Akron will be capturing and treating 99% of the wet weather flows and reducing the number of combined sewer overflow events from its system by 99.7% with the completion of the NSIT and Riverside Sewer Separation; and

WHEREAS, the EHRT was originally projected to treat 190 million gallons of CSOs from seven (7) modeled overflow events at the Ohio Canal Interceptor Tunnel ("OCIT") in the typical year in 2011; and

WHEREAS, as Akron has utilized a significantly improved model and actual data from operating its new wastewater treatment system, the projections demonstrate less than 100 million gallons of CSOs from three (3) modeled overflow events at the OCIT in a typical year today; and

WHEREAS, the estimated capital cost of the EHRT has increased from \$73 million at the time of the LTCP development to a current estimate of \$209 million and alternative treatment technologies do not show a more cost-effective solution; and

WHEREAS, they ratepayers, which include residents of the City of Tallmadge have absorbed increased fees due to these costs; and

WHEREAS, Akron proposes to address persistent, daily bacteria loadings to the Cuyahoga River watershed that threaten recreational uses of our waterways from the Springfield Lake Outlet all the way to the Cuyahoga Valley National Park instead of bacteria loadings that would only occur during recreationally dangerous high flow events that are projected to occur only three times in a typical year; and

WHEREAS, as an alternative to the EHRT project, Akron, through a partnership with Summit County, has proposed four (4) alternative projects that would cost substantially less than the EHRT, and include: i) reducing the typical year discharge to 62.1 million gallons by treating wastewater at Akron's existing Cuyahoga Street Storage Facility; ii) sewerage the Village of Peninsula, located in the heart of the Cuyahoga Valley National Park; iii) conducting studies necessary to begin the process of providing sanitary sewer service to the Sawyerwood neighborhood of Springfield Township; and iv) addressing sanitary sewer overflows to Springfield Lake from the Village of Lakemore; and

WHEREAS, Ohio EPA and Summit County support Akron's proposal to address more cost-effective, recreationally sensitive, and environmentally just bacteria elimination projects in the watershed instead of the EHRT; and

WHEREAS, the alternative sewer projects proposed by Akron and Summit County represent a once-in-a-generational opportunity to not only significantly improve the welfare of financially disadvantaged Summit County communities, but also the opportunity to significantly improve water quality within Akron and all of Summit County by materially reducing pollutants in Springfield Lake, the Little Cuyahoga, and the Cuyahoga River-all while reducing the already overwhelming financial burden already placed on Akron residents, and the Master Meter Communities that utilize the Akron sewer system and include the City of Tallmadge.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TALLMADGE, COUNTIES OF SUMMIT AND PORTAGE, STATE OF OHIO:

SECTION 1. That Council, on behalf of the City of Tallmadge, hereby expresses its support of Akron's proposed alternative CSO projects in lieu of the EHRT.

SECTION 2. That the Clerk of Council is hereby directed to forward a copy of this resolution to the Administrator of the United States Environmental Protection Agency, Mr. Michael Regan, and to the Region 5 Administrator of the United States Environmental Protection Agency, Ms. Debra Shore.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after November 28, 1975 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the residents of the City of Tallmadge and for the further reason to express its support for more impactful and cost-effective water treatment technology that will benefit not only Akron, but all of Summit County and the greater-Akron region. That this resolution is necessary to provide for and to accomplish the purposes herein set forth, which are conducive to the health, safety, and welfare of the citizens of Tallmadge. For that reason, provided this resolution shall receive the affirmative vote of three-fourths of the members of Council and approval by the Mayor, it shall be enacted immediately and shall be of immediate effect.

Passed: _____

Susan E. Burton, Clerk of Council
MER/jt
7/25/23

Dennis K. Loughry, President of Council

Resolution 2023-10 (Pg 3)

Filed with the Mayor _____

Approved:

David G. Kline, Mayor

This _____ day of _____, 2023

Committee Assignment: _____

Readings: 1st _____ 2d _____ 3d _____

For: _____ Against: _____ Abstain: _____

Note: _____