

1 RESOLUTION NO. 2023-216

First Reading Passage Requested

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(B. Nelsen)

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SPONSOR Executive Shapiro & Council as a Whole

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DATE August 7, 2023

COMMITTEE: Public Works

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A Resolution expressing support for the City of Akron, Ohio’s proposed “alternative” combined sewer overflow projects in Summit County, 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 to reconsider its continued insistence in requiring Akron to spend in excess of \$200,000,000.00 on largely idle water treatment technology, but instead move forward with more effective alternative projects; for the Executive, and declaring an emergency.

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WHEREAS, in 2009, the United States of America, on behalf of the Environmental Protection Agency (“EPA”), filed a complaint against Akron and others alleging unauthorized discharges of sewage by Akron 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

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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

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WHEREAS, the Consent Decree Requirements were at substantial cost to Akron’s ratepayers, being in excess of \$1,000,000,000.00; and

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WHEREAS, since entry of the Consent Decree, Akron, the 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 residents; and

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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 (“NSIT”) and engaging in the Riverside Sewer Separation Project; and

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WHEREAS, Akron is in the process of implementing the 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

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WHEREAS, 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

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2 PAGE TWO

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

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

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

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

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

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31 WHEREAS, the Ohio EPA supports Akron’s proposal to address more cost-effective,
32 recreationally sensitive, and environmentally just bacteria elimination projects in the watershed
33 instead of the EHRT; and

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35 WHEREAS, the alternative sewer projects proposed by Akron and Summit County
36 represent a once-in-a-generational opportunity to not only significantly improve the welfare of
37 financially disadvantaged Summit County communities, but also the opportunity to significantly
38 improve water quality within Akron and all of Summit County by materially reducing pollutants
39 in Springfield Lake, the Little Cuyahoga, and the Cuyahoga River – all while reducing the
40 already overwhelming financial burden already placed on Akron residents;

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42 NOW THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
43 of Ohio, that:

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45 SECTION 1

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47 The Executive and this Council hereby expresses support for Akron’s proposed alternative
48 CSO projects in lieu of the EHRT, which will benefit Summit County communities and residents.

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2 PAGE THREE

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4 SECTION 2

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6 The Clerk of Council is hereby directed to forward a copy of this resolution to the
7 Administrator of the United States Environmental Protection Agency, Mr. Michael Regan, and to
8 the Region 5 Administrator of the United States Environmental Protection Agency, Ms. Debra
9 Shore.

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11 SECTION 3

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13 This Resolution is hereby declared an emergency in the interest of the health, safety and
14 welfare of the residents of the County of Summit, and for the further reason that the County wishes
15 to expresses support of Akron’s proposed alternative CSO projects in lieu of the EHRT.

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17 SECTION 4

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19 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
20 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in
21 force at the earliest time provided by law.

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23 SECTION 5

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25 It is found and determined that all formal actions of this Council concerning and relating to
26 the adoption of this Resolution were adopted in an open meeting of this Council, and that all
27 deliberations of this Council and any of its committees that resulted in such formal action were in
28 meetings open to the public, in compliance with legal requirements, including Section 121.22 of the
29 Ohio Revised Code.

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34 INTRODUCED August 7, 2023

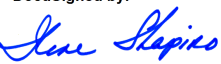
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37 ADOPTED August 7, 2023

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39 DocuSigned by:
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CLERK OF COUNCIL

DocuSigned by:

C65A946FE4BA47A...
PRESIDENT OF COUNCIL

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45 APPROVED August 7, 2023

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EXECUTIVE

August 8, 2023
ENACTED EFFECTIVE

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite