



PRESS release

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Date: 1/10/2012

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The U.S. EPA and the City of Akron Agree on Long Term Control Plan

On November 16, 2011, the U.S. EPA approved the Long Term Control Plan Update submitted by the City of Akron. This is a significant step in solving Akron's combined sewer overflows, and resolving the pending litigation.

The U.S. EPA, the Ohio EPA, and the City of Akron have been engaged in negotiations regarding the LTCP Update in an effort to avoid further disputes. As a result of these negotiations, the parties reached an agreement in principle on revised terms for a new LTCP Update which imposes a significant increase in costs of implementation.

Once approved by the Ohio EPA, the parties will be seeking final approval from the U.S. District Court of the LTCP Update. The parties are optimistic despite the fact that the District Court had previously denied a Consent Decree that included a LTCP that was approved by all parties.

Specifically, in 2002, Mayor Don Plusquellic introduced a plan to address the issue of combined sewer overflows in the City of Akron. Since then, the City has been prevented by the U.S. EPA and Ohio EPA from moving forward and addressing the issues. Now, the matter is in the federal court of appeals. In the court proceedings, a long term control plan was initially agreed to by all parties (the City, the U.S. EPA, and the Ohio EPA); however, that agreed upon plan was rejected by District Court Judge Adams.

In spite of the obstacles put in the City's way by the U.S. EPA, the Ohio EPA, and the federal district court over the past 10 years, the City has moved forward with its long term control plan to separate Rack 25 and Rack 8. Even without an approved long term control plan, the City had already completed Rack 40 improvements that capture more than 36 percent of the combined sewer overflow at a cost of over 21 million dollars.

"In the preceding nine years since the USEPA rejected the agreed plan developed by the City and the Ohio EPA, millions of dollars in legal fees have been spent. Yet, the end result is essentially the same plan we proposed in 2002, but unfortunately costs more," said Mayor Don Plusquellic. "The City's proposed plan in 2002 would have cost \$375 million. That same plan today will cost us \$522 million."

"In addition," said Service Director Rick Merolla, "we added into the plan our long term operating and capital needs that we were going to have to spend anyway, so the total agreed upon plan is close to \$865 million. The rates necessary to cover this cost will be three to four times the current rates we are paying. Unfortunately, despite all our requests for consideration, affordability is not a criterion important to the EPA. And,

although there will be less sewer overflows going into the Cuyahoga River as a result of this plan, the river is polluted before it enters Akron, and again after it leaves. It won't, and can't, be perfectly clean.”

Once the plan is finally approved, the City will have a better determination of the rates necessary to pay for the plan. In the meantime, it is currently researching alternative funding techniques.

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