

## City Withdraws From CSO Long Term Control Plan

### City of Akron Press Release

From the desk of stephanie york

Published: 12-17-2013

Akron, Ohio (December 17, 2013) – Today, Mayor Plusquellic announced that, in order to legally protect our citizens, the City is withdrawing its submission of the Updated Long Term Control Plan (LTCP) that has been pending in the federal district court for over 2 years. In that time, the U.S. EPA has proposed changing the methodology to allow every city, even those under consent decree, an opportunity to develop and enter into an Integrated Plan. An Integrated Plan allows more options to cities including utilization of “green solutions” and deals more directly with the affordability to ratepayers.

Since 1993, the City of Akron has been working to find an acceptable and cost effective way to deal with the issue of combined sewer overflows. In 2002, Mayor Plusquellic introduced a comprehensive plan to address the issue, but at that time was prevented by the U.S. EPA from moving forward with that plan. In 2008, the City, the U.S. EPA, and the Ohio EPA reached an agreement that was rejected by U.S. Federal Court Judge John Adams.

The City continued to work to resolve the matter and then, in November, 2011, the City, the U.S. EPA, and the Ohio EPA, submitted to Judge Adams an agreed-upon Updated LTCP. It has been over two years, and the Consent Decree is still pending before the Judge, with no guarantee that it will be approved.

“In light of the drastic escalation of the program costs, estimated to be \$1.4 B, the lack of certainty as to whether or not the Updated LTCP will be entered by the Court, and the fact that the U.S. EPA has expressed publically a commitment to evaluate the financial burden on cities, I have decided that Akron can no longer proceed to build large capital construction projects without first participating in an Integrated Plan and developing a new, updated affordability analysis.”

Nonetheless, and despite the obstacles placed in the City’s way over the past two decades, the City moved forward with its LTCP, and has since completed several projects (achieving full operation), met significant milestones, progressed with advanced planning activities, and implemented Capacity, Management, Operation, and Maintenance (CMOM) activities on a continuing basis. These efforts have been expended at a significant expense to the City.

Last Friday morning, Mayor Plusquellic met with officials from the U.S. EPA and the Department of Justice. The purpose of the meeting was to discuss the extreme escalation in the cost to implement the projects in Akron’s Updated LTCP. To construct these projects at the level of control the EPA and Judge Adams demands would impose a tremendous burden on the citizens of Akron who must ultimately pay for the projects. The projected cost to construct the projects has increased from the beginning Agreement in 2002 of \$370M, to \$838M in 2010, to \$1.4B today.

During Friday morning’s meeting, Mayor Plusquellic expressed Akron’s desire to participate in the Integrated Planning Process which the EPA has offered to all cities. Akron is committed to working with the U.S. EPA to develop an Integrated Plan and to prepare a new, updated affordability analysis.

“We had very successful and productive meetings with the U.S. EPA this past Friday,” noted Mayor Plusquellic. “The U.S. EPA has made presentations that included a public commitment to address the affordability

concerns of every City. We think that Akron citizens deserve the same considerations regarding the cost saving mechanisms that the U.S. EPA has publically embraced. In order to protect our citizens, we are withdrawing the current Updated LTCP, and are looking to participate in the Integrated Planning Process, and to develop a new, updated affordability analysis. In the meantime, we will work with the U.S. EPA to continue working on agreed upon projects to improve CSO control in Akron.”