Administrator Michael Regan

United States Environmental Protection Agency

Mail Code 1101A

1200 Pennsylvania Avenue NW

Washington, DC 20460

Regional Administrator Debra Shore

United States Environmental Protection Agency

Region 5

77 West Jackson Blvd

Chicago, IL 60604

**RE: Support for the City of Akron’s 4th Amendment to its CSO Consent Decree**

Dear Administrator Regan and Regional Administrator Shore,

I am writing in support of the City of Akron’s proposal to eliminate the Enhanced High Rate Treatment (“EHRT”) requirement from their Long Term Control Plan and, instead, engage in alternative projects that reduce untreated overflow to 62.1 million gallons at the Ohio Canal Interceptor Tunnel (“OCIT”) and address untreated daily septic and sanitary flows to the watershed. When updated modeling demonstrates that Akron’s system is performing better than necessary to meet your CSO Policy, there is no reason to require a $209 million investment in treatment technology that will largely sit idle. The justification for requiring the EHRT no longer exists and local governments have water, road, education and public safety needs for infrastructure that far surpass the 0.08% water quality benefit that may be achieved by the EHRT, which drops to 0.04% when Akron’s proposed alternative projects are included.

In fact, Akron’s alternative projects will provide a greater benefit than the EHRT at a quarter of the cost. In Peninsula and Springfield Lake, Akron’s commitment to the capture and secondary treatment of what are now failing septic systems and sanitary sewer overflows into the Cuyahoga River watershed will result in 78 million gallons of treated wastewater *every* year in comparison to the remaining 62.1 million gallons that may be contributed from the OCIT in the *typical* year.

In addition, seeking zero overflows in the typical year at the OCIT results in severe disproportionate impacts to disadvantaged ratepayers. Akron’s alternative projects result in greater environmental benefit to disadvantaged communities that cannot independently improve failing infrastructure. If President Biden is sincere about equity, his administration will take local voices seriously and protect the most vulnerable in the region.

Our community is committed to protecting the environment and our valuable national and local parks. To the extent it is assumed that the EHRT provides a significant recreational benefit, such is not the case. For example, the flow rates of the Cuyahoga River during the 3 typical year storm events when the EHRT would be activated render the river unsafe for the typical recreational user. Akron has proposed to address daily, persistent loadings of bacteria to the watershed that impact all users when the rivers are safe for contact recreation. The Cuyahoga Valley National Park, Summit Metro Parks, and the City all restrict access to the Cuyahoga River and the Little Cuyahoga River when these 3 projected overflows would happen in the typical year. By contrast, Akron’s alternative projects would address bacterial loadings from failing septic and sanitary sewer overflows when swimming, fishing, kayaking, trail running, paddleboarding, hiking and other contact recreational uses are occurring in the National Park and the rivers more generally.

Finally, the US EPA must acknowledge that the OCIT has not experienced an overflow since March of 2022, a total of 499 days ago, thus calling into serious question how a 20% rate increase for unnecessary treatment infrastructure which harms low-income ratepayers can be justified when those same populations can benefit from other cost-effective and beneficial infrastructure improvements. The overall water quality benefit is next to nothing: 0.04% when compared to Akron’s proposal. The US EPA is seeking non-existent water quality benefits to the detriment of the region’s most vulnerable residents. I implore you to reconsider Akron’s proposal.

Sincerely,

cc: Daniel Horrigan, Mayor, City of Akron