



# City of Akron, Ohio

DANIEL HARRIGAN, MAYOR

April 19, 2022

Administrator Michael Regan  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan,

In Akron, we are committed to ensuring that disadvantaged communities benefit equitably from our historic investment in waterway renewal, just as anticipated by President Biden in his Justice40 Initiative for federal infrastructure investments. To date, our efforts have already resulted in keeping 2.2 billion gallons of untreated overflow and partially treated bypasses out of our waterways in a typical year. However, Akron's \$700 million investment to make these improvements has come at a tremendous and unbearable cost to our most vulnerable residents. We have demonstrated our commitment to alleviate this burden through our pandemic program called Akron Cares, which provides emergency funding to residents having difficulty paying their utility bills. Funded by donations from customers, city employees and community partners, the Akron Cares program has distributed close to \$1.3 million so far.

To maintain our commitment to clean water objectives contemplated by the Consent Decree *and* our obligation to protect our ratepayers, we submitted a detailed proposal to the U.S. EPA to make changes to our two remaining Consent Decree projects: a remote treatment unit and the Northside Interceptor Tunnel. Akron's proposal demonstrates that the remote treatment unit is no longer necessary based upon updated hydraulic modeling and it would not provide a benefit to water quality based upon a TMDL analysis approved by the U.S. EPA. In addition, instead of an excessively large and unnecessary 24-foot tunnel, Akron's proposal further demonstrates that building a 16-foot interceptor tunnel fulfills our obligations under the Consent Decree as it will capture all of the overflows in the typical year.

Our financial analysis provided to the U.S. EPA shows that the Consent Decree already imposes a “high financial burden” to all of Akron’s ratepayers and required a sewer rate increase of 269%. Our projections for the cost for the required Consent Decree projects, including the unneeded remote treatment facility and the oversized 24-foot tunnel results in 2.46% of Akronites’ median household income being spent to fulfill our obligations under the Consent Decree. **For Akron ratepayers in the lower 20% income bracket, the figure balloons to a staggering 9.5% of their median household income.** We cannot and should not have to ask Akron’s most vulnerable residents to shoulder a disproportionate burden for sewer infrastructure that is simply not needed to meet our water quality obligations. Our proposal to meet the objectives of the Consent Decree with a smaller 16-foot tunnel and the elimination of an unneeded remote treatment facility will save ratepayers \$140 million.

Despite the detailed technical and financial justifications supporting Akron’s proposal, Akron recently received word from both the Regional Administrator for U.S. EPA Region 5 and the staff for U.S. EPA headquarters, that the U.S. EPA will not support our proposal to build the 16-foot tunnel in lieu of the substantially oversized 24-foot tunnel. Moreover, when asked about the basis for the denial, the U.S. EPA refused to answer our questions around equity. The U.S. EPA’s refusal to agree to Akron’s modification not only imposes needless burdens to Akron’s disadvantaged communities, the refusal also runs counter to President Biden’s Executive Order 14008 and the Clean Water provisions of the Justice40 Guidance.

Frankly, I am disappointed by U.S. EPA’s response to Akron’s proposed modification; its failure to consider how its decision results in direct, disproportionate, and needless impacts to Akron’s disadvantaged communities and, specifically, to our communities of color; and U.S. EPA’s failure to effectively incorporate its environmental justice efforts into its own decision-making process. There is no question that it is Akron’s disadvantaged communities outlined by the White House’s own climate and economic justice screening tool that would be disproportionately impacted by an overprotective investment in a larger tunnel.

To our knowledge, Akron is the only city in the nation under a Federal Consent Decree that is required to meet a standard of zero untreated overflows in a typical year, making this one of the most stringent Consent Decrees in the United States. On top of that, the U.S. EPA wants Akron’s rate payers to spend \$216 million when we only need to spend \$176 million for the same essential environmental benefit. I applaud Executive Order 14008 and the Justice40 Initiative, but if disproportionate impacts to our cities’ most vulnerable residents of our environmental infrastructure investments will not be considered in an agency’s decision-making process, I am afraid those commitments are

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mere words on paper and another failed attempt to have government work for all,  
instead of just the very few.

Sincerely,



DANIEL HERRIGAN  
Mayor

cc:

Director Shalanda D. Young  
Office of Management and Budget  
725 Seventeenth Street NW  
Washington, DC 20503

Brenda Mallory, Chair  
Council on Environmental Quality  
White House  
722 Jackson Place NW  
Washington, DC 20503

Matthew Tejeda, Director  
Office of Environmental Justice  
U.S. Environmental Protection Agency  
Mail Code 2201A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Regional Administrator Debra Shore  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

Director Alan Walts, Esq.  
Tribal and Multimedia Programs Office  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3507