



February 27, 2023
Consent Decree Amendment No. 3
Northside Tunnel Talking Points



Background

- Over a decade ago, Akron prepared a Long Term Control Plan (LTCP) for controlling combined sewer overflows (CSO). This plan is part of the Akron Consent Decree entered in 2014.
- A combined sewer carries both storm water and sanitary sewage in one pipe. During wet weather, these sewers can overflow to local streams and rivers. The Akron Consent Decree is one of the most stringent in the Country, requiring Akron to eliminate these CSOs that would occur in the typical year.
- Akron has been implementing this LTCP as required by the Consent Decree including projects at the Water Reclamation Facility (WRF) and the construction of the Ohio Canal Interceptor Tunnel (OCIT). Akron has also completed construction of 5 storage basins, 5 green/conveyance/sewer separations projects, 5 sewer separations, pump station improvements, rehabilitation of the Main Outfall sewer, several sewer rehabilitation and lining projects and an extensive sewer cleaning and inspection program at a cost approaching \$700 million.
- Akron has successfully **completed 24 of 26 major projects (92%)**. With the completion of the Northside Interceptor Tunnel Project currently under construction, Akron will be **capturing and/or treating 99% of the wet weather flows** and **reducing the number of CSO events by 99.7%**. Akron will reduce CSO and WRF Secondary Bypass from **2.4 BILLION** gallons to **100 million gallons per year**.
- Akron has successfully amended the Consent Decree in 2016 and 2019 allowing for alternative projects, incorporation of green infrastructure, and re-ordering schedules to provide for earlier and greater benefits. **The amended projects have all been successfully completed.**
- The Akron Waterways Renewed! (AWR) is an award-winning program for completed projects, innovative financing, and communications activities.
- Akron has been able to make the Program “less unaffordable” through previous amendments and innovative financing. Even with these efforts, the Program is still unaffordable to Akron’s rate payers. Akron has identified the Program as being “high burden” on the Akron sewer customers using the US EPA Financial Guidance.
- Akron continues to look for ways to reduce the cost of the Program’s remaining two projects.

Third Amendment to the Consent Decree

- The Consent Decree currently requires a storage volume of a 24-ft diameter for the Northside Tunnel (23 million gallons). Akron has shown that the 24-ft diameter tunnel is substantially oversized.
- Akron has demonstrated through its extensive flow monitoring and advanced modeling, that reflects the completion of previous projects, that a 16-ft diameter Northside Tunnel (10.3 million gallons) still exceeds the performance required to achieve no CSOs in the modeled typical year.
- Akron also determined that a portion of the sewer drainage area (CSO Rack 34) could be effectively separated (building new storm sewer and rehabilitating the combined sewer to a sanitary sewer). This will eliminate all overflows in this CSO Rack 34 area (i.e. including overflows beyond the modelled typical year).

To invest in Akron’s environmental future by building infrastructure for the next century that will protect public health and maintain water of the highest quality in the most cost-effective manner while creating local jobs



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Additional Benefits of CD Amendment No. 3

- Earlier reductions in combined sewer overflows.
- Upgrades to the Rack 34 sewers will result in reductions in clean water connections to the sewer.
- Reduction in the risk of construction delays with the smaller tunnel and tunnel connections.
- In the areas of construction for the CSO Rack 34 area, drinking water lead service connections will be removed.
- In 2021, the savings was estimated at \$40 million. Based on the most recent detailed design, the difference between the two tunnels sizes has an **estimated construction cost savings of around \$66 million.**

Request for Letter of Support

- The proposed Third Amendment to the Consent Decree replaces the oversized 24-ft diameter tunnel with the smaller 16-ft tunnel and the separation of the CSO Rack 34 combined sewer area.
- The resized and right sized NSIT is expected to exceed the CD performance criteria of zero untreated overflows in the typical year and the sewer separation will result in a higher level of control.
- The notice of lodging of the proposed Third Amendment to the Consent Decree was published in the Federal Register on Friday, February 17, 2023. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to ***United States v. City of Akron et al., D.J. Ref. No. 90-5-1-1-3144/2***
- All comments must be submitted no later than 30 days after the publication.
- The comment period runs from February 17, 2023 to March 20, 2023

Refer to: ***United States v. City of Akron et al., D.J. Ref. No. 90-5-1-1-3144/2***

Comments Due: **March 20, 2023**

By email: **pubcomment-ees.enrd@usdoj.gov**

By mail: **Assistant Attorney General
U.S. DOJ—ENRD, P.O. Box 7611
Washington, D.C. 20044-7611.**

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