



## Legislation Details (With Text)

**File #:** 2785-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/5/2022      **In control:** Public Utilities Committee

**On agenda:** 11/7/2022      **Final action:** 11/10/2022

**Title:** To authorize the Director of Public Utilities to pay combined sewer overflows, sanitary sewer overflows, and wastewater treatment plant bypass penalties to the Ohio Environmental Protection Agency for the Division of Sewerage and Drainage; and to authorize the expenditure of \$60,000.00 from the Sewer Operating Sanitary Fund. (\$60,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CSOConsentOrder, 2. CSO Consent Order Modification, 3. SSOConsentOrder, 4. SSO Consent Order Modification, 5. ORD 2785-2022 Financial Coding - 2022-2023 CSO & SSO Penalties

Date	Ver.	Action By	Action	Result
11/10/2022	1	CITY CLERK	Attest	
11/9/2022	1	MAYOR	Signed	
11/7/2022	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/7/2022	1	Columbus City Council	Approved	Pass
10/24/2022	1	Columbus City Council	Read for the First Time	

This legislation authorizes the Director of Public Utilities to pay the State of Ohio, Environmental Protection Agency (OEPA), penalties for combined sewer overflows, sanitary sewer overflows, and wastewater treatment plant bypasses that occur in 2022 and 2023.

The City's sewer system occasionally experiences combined sewer (CSO) or sanitary sewer overflows (SSO) due to wet weather and dry weather events. Wet weather events are more common and often due to heavy rains, while dry weather occurrences are due to collection system blockages often caused by roots or debris. Bypasses are overflows or untreated releases into the environment. The City and the State of Ohio entered into Consent Orders in 2002 and 2004 to address concerns related to bypasses and each type of overflow.

Overflows and bypasses are often weather-dependent, which makes occurrences vary from year-to-year. For example, 2021 was a relatively dry year, with no bypasses at either the Southerly or Jackson Pike Wastewater Treatment Plants, four dry-weather SSOs and 150 wet weather SSOs. 2022 has seen more wet weather, which may result in increased overflows and or bypasses.

The Consent Orders stipulate fines to be paid for CSO and SSOs, the amount of which depends on the type and number of event. These parameters are shown in the table below:

Event	Amount per event	Due Date
Dry Weather SSO	\$1,500	March 1 <sup>st</sup> , each year
Wet Weather SSO	-	March 1 <sup>st</sup> , each year

1-250 events	\$2,500	
251-500 events	\$12,500	
> 500 events	\$20,000	
Southerly Bypass	\$2,000	March 1 <sup>st</sup> , each year
Dry Weather CSO	\$2,000	Within 45 days of event
Jackson Pike Bypass	\$2,000	Within 45 days of event

**SUPPLIER:**

Treasurer of State of Ohio, Ohio Environmental Protection Agency | Federal EIN 31-1334820 | D365 Vendor #005089 | Governmental Entity

**FISCAL IMPACT:**

\$60,000.00 is needed and budgeted to pay these fines.

\$8,500 has been paid in 2022

\$0.00 was paid in 2021

\$38,000.00 was paid in 2020

To authorize the Director of Public Utilities to pay combined sewer overflows, sanitary sewer overflows, and wastewater treatment plant bypass penalties to the Ohio Environmental Protection Agency for the Division of Sewerage and Drainage; and to authorize the expenditure of \$60,000.00 from the Sewer Operating Sanitary Fund. (\$60,000.00)

**WHEREAS**, the City's sewer system occasionally experiences wastewater treatment plant bypasses and combined sewer (CSO) or sanitary sewer overflows (SSO) due to wet weather and dry weather events; and

**WHEREAS**, the City and the State of Ohio entered into Consent Orders in 2002 and 2004 to address concerns related to bypasses and each type of overflow; and

**WHEREAS**, the Consent Orders stipulate fines to be paid for CSO and SSOs, the amount of which depends on the type and number of event and range from \$1,500 for a dry weather SSO to \$20,000 if more than 500 wet weather SSOs occur in a year; and

**WHEREAS**, the fines are due by March 1<sup>st</sup> of each year for SSO events and bypasses at the Southerly Wastewater Treatment Plant, and within 45 days of an event for dry weather CSOs and bypasses at the Jackson Pike Wastewater Treatment Plant; and

**WHEREAS**, the expenditure of \$60,000.00, or so much thereof as may be needed, is hereby authorized in Fund 6100, Sewer Operating Sanitary Fund, in object class 05, Other Expenditures, per the accounting codes in the attachment to this ordinance; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, to authorize the Director of Public Utilities to pay CSO, SSO, and wastewater treatment plant bypass penalties to the State of Ohio, Environmental Protection Agency; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Utilities is hereby authorized to pay the Ohio Environmental Protection Agency, 50 West Town Street, Suite 700, PO Box 1049, Columbus, OH 43216-1049, for CSO, SSO and wastewater treatment plant bypass penalties upon receipt of proper invoices.

**SECTION 2.** That the expenditure of \$60,000.00, or so much thereof as may be needed, is hereby authorized in Fund 6100, Sewer Operating Sanitary Fund, in object class 05, Other Expenditures, per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.