



Legislation Details (With Text)

File #: 2985-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/20/2023 **In control:** Public Utilities Committee

On agenda: 12/4/2023 **Final action:** 12/7/2023

Title: To authorize the Director of the Department of Public Utilities to pay the annual discharge fees for fiscal year 2023 to the State of Ohio, Ohio Environmental Protection Agency, for the Division of Sewerage and Drainage and the Division of Stormwater; to authorize the expenditure of \$103,500.00 from the Sewer Operating Sanitary Fund and \$10,000.00 from the Storm Sewer Operating Fund; and to declare an emergency. (\$113,500.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2023 STORMWATER MS4 ANNUAL DISCHARGE FEE Invoice Letter_Part307.pdf, 2. 2023 STORMWATER MS4 ANNUAL DISCHARGE FEE Invoice_Part307.pdf, 3. Ord 2985-2023 - Financial Coding - OEPA Annual Discharge Fees.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 12/7/2023 | 1 | CITY CLERK | Attest | |
| 12/6/2023 | 1 | ACTING MAYOR | Signed | |
| 12/4/2023 | 1 | COUNCIL PRESIDENT | Signed | |
| 12/4/2023 | 1 | Columbus City Council | Approved | Pass |

This legislation authorizes the Director of the Department Public Utilities to pay the State of Ohio, Ohio Environmental Protection Agency (OEPA), annual discharge fees for the Jackson Pike and Southerly Wastewater Treatment Plants, and the Municipal Separate Storm Sewer System (MS4) annual discharge fee for fiscal year 2023.

House Bill 152 of the 120th Ohio General Assembly became law in July 1993. This law created a series of fees to provide financial support for the OEPA, including an annual wastewater treatment plant discharge fee and an annual municipal stormwater discharge fee assessed to holders of National Pollutant Discharge Elimination System (NPDES) permits.

The Division of Sewerage and Drainage (DOSD) holds two such wastewater treatment plant discharge permits: Jackson Pike permit number 4PF00000 and Southerly permit number 4PF00001. The Jackson Pike Wastewater Treatment Plant discharge fee is \$41,400.00, while the Southerly Wastewater Treatment Plant discharge fee is \$62,100.00. Each payment is due by January 30, 2024. A ten percent (10%) penalty is assessed if payment is not received on or before that date.

The fees for 2023 are based upon the average daily discharge flow in million gallons per day (MGD) for each facility using flow data between May 1 and October 31 for the previous year. During this period, the Jackson Pike Wastewater Treatment Plant averaged 69.08 MGD and the Southerly Wastewater Treatment Plant averaged 114.56 MGD.

The Division of Stormwater also holds a discharge permit: municipal storm water discharge permit number 4PI00000*DD. Fees for this permit are calculated as ten dollars per one-tenth of square mile of area permitted (not to exceed \$10,000) for the previous year. The total area of the Columbus MS4, 225.79 square miles of area permitted, is well above the threshold for this cap, so the Stormwater section's discharge fee is \$10,000.00. This payment is also due on January 30, 2024 and is subject to the same ten percent (10%) penalty if it is not paid by that date.

The Division of Sewerage and Drainage (DOSD) typically receives these invoices annually by October or November and follows through with the legislative steps to process the payments. However, for the year 2023, the Ohio Environmental Protection Agency (OEPA) will not be preparing the invoices for the annual discharge fees until the conclusion of November 2023. Consequently, to prevent any potential penalties, the management has chosen to proceed with the legislative process based on our conservative forecasts.

SUPPLIER:

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

FISCAL IMPACT:

\$113,500.00 was budgeted to pay these fees.

\$113,500.00 was paid in 2022

\$92,800.00 was paid in 2021

EMERGENCY DESIGNATION: The Department of Public Utilities respectfully requests this legislation be considered as emergency legislation to avoid additional fees.

To authorize the Director of the Department of Public Utilities to pay the annual discharge fees for fiscal year 2023 to the State of Ohio, Ohio Environmental Protection Agency, for the Division of Sewerage and Drainage and the Division of Stormwater; to authorize the expenditure of \$103,500.00 from the Sewer Operating Sanitary Fund and \$10,000.00 from the Storm Sewer Operating Fund; and to declare an emergency. (\$113,500.00)

WHEREAS, House Bill 152 of the 120th Ohio General Assembly became law in July 1993 and created a series of fees to provide financial support for the Ohio Environmental Protection Agency; and

WHEREAS, included in these fees are an annual wastewater treatment plant discharge fee and an annual municipal storm water discharge fee, assessed to holders of National Pollutant Discharge Elimination System (NPDES) permits; and

WHEREAS, the Division of Sewerage and Drainage (DOSD) holds such permits for the Jackson Pike and Southerly Wastewater Treatment Plants, and the Division of Stormwater holds one such permit for municipal storm water discharge; and

WHEREAS, the DOSD wastewater treatment plant discharge fees for calendar year 2023 are based upon the average daily discharge flow in million gallons per day (MGD) for each facility using flow data between May 1 and October 31 for the previous year, and during this period, the Jackson Pike Wastewater Treatment Plant averaged 69.08 MGD and the Southerly Wastewater Treatment Plant averaged 114.56 MGD; and

WHEREAS, to prevent any potential penalties, the management has chosen to proceed with the legislative process based on our conservative forecasts; and

WHEREAS, these average daily discharge flow rates result in fees of \$41,400.00 for Jackson Pike and \$62,100.00 for Southerly; and

WHEREAS, the municipal storm water discharge fee for calendar year 2023 is calculated as ten dollars per one-tenth of square mile of area permitted (not to exceed \$10,000) for the previous year; and

WHEREAS, the total area of the Columbus MS4, 225.79 square miles of area permitted, is well above the threshold for this cap, so the Stormwater section's discharge fee equals \$10,000.00; and

WHEREAS, both types of discharge fees are due on or before January 30, 2024 to prevent a ten percent (10%) penalty; and

WHEREAS, the expenditure of \$113,500.00, or so much thereof as may be needed, is hereby authorized in Fund 6100, Sewer Operating Sanitary Fund, as \$103,500.00 from object class 03, Services, and in Fund 6200, Storm Sewer Operating Fund, as \$10,000.00 from object class 03 Services, per the accounting codes in the attachment to this ordinance.

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to pay State of Ohio, Ohio Environmental Protection Agency (OEPA), annual discharge fees, without delay, to avoid the payment of penalties; **NOW, THEREFORE**,

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

SECTION 1. That the Director of the Department of Public Utilities is hereby authorized to pay the Ohio Environmental Protection Agency, P. O. Box 77005, Cleveland, OH 44194-7005, the annual wastewater treatment plant and municipal stormwater discharge fees for fiscal year 2023.

SECTION 2. That, for the purpose stated in Section 1, the expenditure of \$113,500.00, or so much thereof as may be needed, is hereby authorized in Fund 6100, Sewer Operating Sanitary Fund, as \$103,500.00 from object class 03, Services, and in Fund 6200, Storm Sewer Operating Fund, as \$10,000.00 from object class 03 Services, 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 the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure, and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.