



## Legislation Details (With Text)

**File #:** 2669-2017      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/3/2017      **In control:** Public Utilities Committee  
**On agenda:** 10/23/2017      **Final action:** 10/25/2017

**Title:** To authorize the Director of Public Utilities to enter into a contract with the Ohio Environmental Protection Agency for the replacement of a portion of Windsor Avenue storm sewer in support of the Ohio EPA remediation efforts at the former American Smelting and Refining Company site; and to accept \$100,000.00 from the Ohio EPA for the Windsor Avenue storm sewer replacement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. EPA-Columbus Contribution Agreement Final

Date	Ver.	Action By	Action	Result
10/25/2017	1	CITY CLERK	Attest	
10/24/2017	1	MAYOR	Signed	
10/23/2017	1	COUNCIL PRESIDENT	Signed	
10/23/2017	1	Columbus City Council	Approved	Pass
10/16/2017	1	Columbus City Council	Read for the First Time	

1. **BACKGROUND:** The Ohio EPA plans to perform remediation activities at the site of the former American Smelting and Refining Company (ASARCO) which is adjacent to the north side of Windsor Avenue. The Division of Sewerage and Drainage will be replacing and upgrading a 1200-foot section of Windsor Avenue storm sewer in an effort to improve its existing condition and in support of eliminating ground water contamination from the ASARCO clean-up. The Ohio EPA will assist with the cost of the Windsor Avenue storm sewer upgrade, by providing \$100,000.00 to the Division of Sewerage and Drainage. The Department of Public Utilities, on behalf of the Division of Sewerage and Drainage, will enter into a contract which will provide for the \$100,000.00 funding for the Windsor Avenue storm sewer improvements.

2. **CONTRACT COMPLIANCE:** The Ohio Environmental Protection Agency is a governmental agency and does not need to be contract compliant.

3. **EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

4. **ECONOMIC IMPACT:** This contract will assist with the cost of replacing a section of Windsor Avenue storm sewer and is part of a larger effort from the Ohio EPA to remediate a commercial site of industrial waste.

5. **FISCAL IMPACT:** The Department of Public Utilities and the Division of Sewerage and Drainage will be receiving \$100,000.00 from the Ohio EPA for of the Division's Windsor Avenue storm sewer improvements.

To authorize the Director of Public Utilities to enter into a contract with the Ohio Environmental Protection Agency for the replacement of a portion of Windsor Avenue storm sewer in support of the Ohio EPA remediation efforts at the former

American Smelting and Refining Company site; and to accept \$100,000.00 from the Ohio EPA for the Windsor Avenue storm sewer replacement.

**WHEREAS**, the Ohio EPA expects to perform remediation activities at the former American Smelting and Refining Company (ASARCO) facility property adjacent to the north side of Windsor Avenue, to mitigate contamination migration from the property, as well as removing contaminated sediment from a downstream section of American Ditch; and

**WHEREAS**, replacing and upgrading the Windsor Avenue storm sewer in conjunction with the remediation activities will help ensure that contaminant migration from the property to the storm sewer (and ultimately to American Ditch) via shallow ground water infiltration will be eliminated to the greatest extent possible; and

**WHEREAS**, in furtherance of this joint effort, Ohio EPA and city of Columbus have agreed that Ohio EPA will provide funds to assist with the costs of replacing and upgrading a 1200-foot section of Windsor Avenue storm sewer that extends approximately 400 feet to approximately 1600 feet west of the intersection of Windsor Avenue and Joyce Avenue; and

**WHEREAS**, Ohio EPA and the City are undertaking this effort to replace and upgrade this sewer because it is currently in very poor condition and to eliminate to the extent possible the possibility the sewer is acting as a conduit for ground water contaminated with cadmium and zinc to enter American Ditch, a tributary of Alum Creek; and

**WHEREAS**, Ohio EPA administers the laws of Ohio relating to air and water quality, hazardous, solid and infectious wastes, hazardous substances, construction and demolition debris, sewage, industrial and other wastes, and the protection of human health and the environment, ORC Chapters 3704, 3714, 3734, 3745, 3746, 3750, 3751, 3752, 3753, 6109 and 6111, and rules promulgated thereunder, and the Director is authorized to enter into this Agreement pursuant to ORC § 3745.01; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to enter into an agreement with the Ohio Environmental Protection Agency for the preservation of the public health and safety; **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 enter into an agreement with the Ohio Environmental Protection Agency, 50 W. Town St., Suite 700, Columbus Ohio 43215 for an approximate 1200-foot section replacement of Windsor Avenue storm sewer replacement, CIP #611034-100000.

**SECTION 2.** That the Director of Public Utilities is authorized to accept payment of \$100,000.00 from the Ohio EPA for the Windsor Avenue storm sewer replacement work which will be deposited to the Storm Sewer Permanent Improvement Fund 6208.

**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 for all contracts or contract modifications associated with this Ordinance.

**SECTION 5.** That this ordinance shall take effect and be in force from the earliest period allowed by law.