



## Legislation Text

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This ordinance revises sewer charge definitions, revises discretion to reduce sewer front footage fees, and authorizes an increase in sewer rates effective January 1, 2023 for the Division of Sewerage and Drainage and to amend Chapter 1147 of the Columbus City Codes, 1959.

Sewer charge definitions need to be revised from time to time and in this ordinance grit waste is being added to the list of "Scavenger wastes" which are usually collected at the source by tank truck for disposal.

This ordinance also eliminates the authority of the Director of the Department of Public Utilities to reduce the amount of the front footage fee per section 1137.01 due to the infrequency of reduction requests and lack of a promulgated rule.

The proposed rate configuration for 2023 recognizes that water and sewer charges disproportionately affect lower income groups. The Department of Public Utilities will continue the Low Income Discount Program that discounts participant's sewer commodity portion of their sewer bill by 20%.

Requested adjustments in rates result in a typical inside city residential sewer rate increase of 5%. When a water increase of 4% and a 2% increase in stormwater rates are considered, the overall impact on a typical residential customer's bill in the City of Columbus is 4.45%, and for a typical outside city residential customer, the overall bill impact is 4.51%. Low Income Discount participant's overall bill impact is 4.42%. Outside city customers are not charged stormwater fees. Considering the 2022 rate increases for water, sewer, and storm combined -- based on average household water use of 30 ccf's per quarter, City of Columbus residents are estimated to see their total bill increase \$14.07 per quarter, or \$56.29 per year.

In 2005, in accordance with Ordinance No.1904-2005, passed November 28, 2005, Council created a Clean River Fee to recover costs of construction of projects necessary to meet the requirements of the two consent orders that mandate elimination of wet weather flow from Combined Sewer Overflows and Sanitary Sewer Overflows. This charge was assessed based on each property's measured impervious surface area. Since 2005, Council has approved across-the-board rate increases, including the Clean River Fee. The Department of Public Utilities, with approval of the Sewer and Water Advisory Board (SWAB), recommends that the Clean River Fee again be increased with an across-the-board rate increase of 5% to continue to allow wet weather construction projects to be paid for by a blend of the Clean River Fee and Commodity Charges.

The proposed rate structure is necessary to continue to address projects related to the two (2) consent orders entered into in 2002 and 2004 mandating the City of Columbus to mitigate wet weather flow from Combined Sewer Overflows (CSO) and Sanitary Sewer Overflows (SSO) and other operating costs and infrastructure improvements.

The Division of Sewerage and Drainage charges some industrial customers an extra strength charge. Extra strength charges are for the treatment of high strength wastewater generated by various industries that require additional treatment processes within the wastewater treatment plants. To stay economically competitive, the Department of Public Utilities is recommending an increase of extra strength charges for inside-city and outside-city BOD (Biological Oxygen Demand) by 5% beginning January 1, 2023 and an increase to outside-city TKN (Total Kjeldal Nitrogen) 2% beginning January 1, 2023. No changes are recommended to TSS (Total Suspended Solids) Extra Strength Charges beginning January 1, 2023.

The Sewer and Water Advisory Board (SWAB) met on October 19, 2022, and after reviewing the Department of Public Utilities' projected expenditures for Fiscal Year 2023, recommends to City Council a 5% increase in sewer rates and extra

strength increases for inside-city and outside-city BOD (Biological Oxygen Demand) by 5% and an increase to outside-city TKN (Total Kjeldal Nitrogen) by 2% starting January 1, 2023.

**FISCAL IMPACT:** These rate increases will generate approximately \$12.2 million in additional revenue in the Sewer Operating Fund in Fiscal Year 2023.

To amend Sections 1137.01, 1147.01 and 1147.11 of the Columbus City Codes to revise sewer charge definitions, revise the discretion to reduce sewer front footage fees, and enact new sanitary sewer service rates for the year beginning January 1, 2023; and to repeal the existing sections being amended.

**WHEREAS**, it is necessary to eliminate the authority of the Director of the Department of Public Utilities to reduce the amount of the front footage fee per section 1137.01 due to the infrequency of reduction requests and lack of a promulgated rule; and

**WHEREAS**, it is necessary to revise sewer charge definitions from time to time; and

**WHEREAS**, it is necessary to establish new sewer sanitary services rates, effective January 1, 2023, for sewerage services to properties discharging into the sanitary sewerage system of the City of Columbus in order to recover the cost of rendering said sewerage services for the calendar year; and

**WHEREAS**, the City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage requests a 5% increase in sewer rates for 2023 to pay for necessary ongoing operations and needed improvements; and

**WHEREAS**, the City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage recommends extra strength increases of 5% for inside-city and outside-city BOD (Biological Oxygen Demand) and a 2% increase to outside-city TKN (Total Kjeldal Nitrogen) by 2% starting January 1, 2023; and

**WHEREAS**, the City of Columbus, Department of Public Utilities requests that sewer capacity fees not be increased in fiscal year 2023, and

**WHEREAS**, in addition to the commodity rates, City Council finds it necessary to continue a Clean River Fee to fund the wet weather capital improvement projects required by the Consent Orders with the State of Ohio; and

**WHEREAS**, City Council finds that the most appropriate way to assess the Clean River surcharge is by correlating the surcharge to the amount of impervious surface, as the factor most closely associated with increased inflow and infiltration is impervious cover from urban development; and

**WHEREAS**, City Council recognizes that increased sewer rates disproportionately impact low income residents. Low income residents already pay a higher percentage of their household income in utility bills, and this percentage would increase with higher rates; and

**WHEREAS**, City Council further recognizes that past rate increases in the City have demonstrated that increasing rates leads to increased delinquencies among the City's customers; delinquency rates are higher among low income residents. It is well recognized that increased delinquencies are expensive for the City and its customers; and

**WHEREAS**, City Council finds that continuing the discount rate for low income users at 20% is appropriate to assist those least able to manage the impacts of increased sewer and water rates; and

**WHEREAS**, the Sewer and Water Advisory Board has adopted recommendations that are consistent with the rates established in this legislation; and

**WHEREAS**, City Council finds that the rates and the low income discount established are equitable to all of the City's customers; **NOW, THEREFORE**,

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

**SECTION 1.** That effective January 1, 2023, Section 1137.01 of the Columbus City Codes be and is hereby amended to read as follows:

1137.01 - Tapping sewer where property not assessed.

Upon application to tap any sewer built by the city for the purpose of draining the service lateral of any property directly into such sewer, the Director of Public Utilities shall require a fee of forty-five dollars (\$45.00) per foot of width of front-footage be paid for the privilege of making such a direct connection from the service lateral to the main or lateral sewer before a permit is issued. This charge shall not be imposed if the owner of the property concerned can show that the owner or the owner's predecessor in title paid, or is paying a special assessment for the construction of the sewer to be tapped or that the sewer to be tapped was constructed at no expense to the sanitary enterprise fund. The number of feet to be paid for shall be determined by one of the following applicable methods:

(1)Lots or parcels of ground having the same width at the front and rear and the same depth on each shall be charged for on the basis of the actual frontage.(2)Lots or parcels of ground which are irregular shape shall be charged for on the basis of the width of the property as measured on a line forty (40) feet from the front lot line and parallel to the center line of the street upon which property is to face, except that for lots or parcels of ground having curved frontage the width to be charged for shall be measured on a line parallel to and forty (40) feet distant from a line tangent to the curved frontage at a point midway between the sides of the lots or parcels of ground.

The width of front-footage to be paid for shall be determined by the use of an engineer's scale applied to the record drawings of the sewers sought to be tapped, on file in the office of the Division of Sewerage and Drainage, and the widths so determined by the clerk issuing the permit shall be final. The amounts collected shall be deposited to the credit of the sewer fund.

~~The Director of Public Utilities may, in the Director's sole discretion, may reduce the amount of the front footage fee if the fee is disproportionate to the benefit to the property due to a significant portion of the property not being subject to development. The director shall promulgate a rule to implement this section.~~

**SECTION 2.** That effective January 1, 2023, Section 1147.01 of the Columbus City Codes be and is hereby amended to read as follows:

1147.01 Definitions.

For the purpose of this chapter, the meaning of the following terms shall be defined in this section:

(a)"Approved laboratory procedures" means the measurements, tests, and analyses of the characteristics of water and wastes in accordance with analytical procedures determined acceptable by Federal Guidelines as established in Title 40, Code of Federal Regulations, Part 136, or as approved by the Regional Administrator, U.S. Environmental Protection Agency.

(b)"Billing Charge" shall mean a fixed charge to recover the costs incurred to provide service whether or not any consumption is used. These may include the costs of producing and mailing utility bills, applying payment as it is received, providing customer support and service, and other related sewer system costs.

(c)"Commodity Charge" shall mean a sewer use charge that varies in the amount with the level of water the customer actually uses. This charge recovers the operating and maintenance costs associated with treating wastewater to clean

water standards, providing the collection system to convey wastewater, and recovers the cost of system capital improvements. The charge includes an Operating and Maintenance charge, a Capital charge, Sewer Maintenance charge, and Industry Specific charge.

(d)"Biochemical Oxygen Demand" (BOD 5 ) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as determined by approved laboratory procedures.

(e)"Chemical Oxygen Demand" (COD) means the amount of oxygen consumed from a chemical oxidant as determined by approved laboratory procedures.

(f)"Contracted reserve capacity" means that portion of the unused system design capacity which has been retained by contract for future use by a user.

(g)"Cooling water" means the clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration. (Ord. 2616-87.)

(h)"Director" means the director of public utilities, City of Columbus. (Ord. 478-92.)

(i)"Discharge" means the disposal of sewage, water or any liquid from any sewer user into the Columbus sewerage system.

(j)"Domestic waste" means any discharge to the sewer system that has strength characteristics which do not exceed 250 mg/l of BOD, 300 mg/l of suspended solids and 40 mg/l of TKN.

(k)"Industrial process" means any activity where materials are received and are altered by one or more internal operations and then dispatched in the altered form.

(l)"Industrial user" means any nongovernmental user of the Columbus sewerage system identified in the Standard Industrial Classification Manual, 1972 edition, classified in Division A, B, D, E or I, that discharges wastewater from an industrial process, and the total wastewater discharged is not primarily non-process domestic waste.

(m)"Maintenance" means keeping the treatment works in a state of repair and shall include expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed.

(n)"Major contributor" means any wastewater contributor identified in the Standard Industrial Classification Manual (SIC) in any of Division A, B, D, E and I that:(1)Has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed on the period of use); or(2)Has a flow or pollutant loading greater than five percent of the design capacity of the treatment works; or(3)Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972; or(4)Is found by the director to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

(o)"Phosphorus" means total phosphorus content in wastewater as determined by approved laboratory procedures.

(p)"Primarily non-process domestic waste" means that at least ninety (90) percent of all wastewater contributed is attributable to sanitary conveniences.

(q)"Proportionate" means that each unit has the same relationship to the total with respect to magnitude, quantity and degree.

(r)"Replacement" means those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance

of the treatment works for which they were designed and constructed.

(s)"Sewerage charge" means the aggregate of the appropriate user charges and local capital cost charges.

(t)"Sewerage system" means all of the facilities required to transport sewage from the premises of the source to a sewage treatment facility and shall include the treatment and disposal facility. All such facilities of the City of Columbus shall be considered to be one such sewerage system.

(u)"Significant user" means a user who contributes ten (10) percent or greater of the system design flow or system design for pollutant loadings.

(v)"Standard Industrial Classification" means a coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the current Standard Industrial Classification Manual published by the U.S. Government Printing Office.

(w)"Standard Strength" means sewage having concentrations of one hundred fifty (150) milligrams per liter BOD, two hundred (200) milligrams per liter suspended solids and twenty-five (25) milligrams per liter TKN.

(x)"Suspended solids (total nonfilterable) residue" means total nonfilterable residue that are removable by filtering using approved laboratory procedures.

(y)"System design capacity" means the design capacity for normal domestic wastewater as established by accepted engineering standards.

(z)"Total organic carbon" (TOC) means the total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

(aa)"Service load" means total billed load as determined by calculating the non-extra strength billed flows times standard strength pounds plus established extra strength flow and loadings.

(ab)"Treatment parameter" means a fundamental characteristic of sewage around which treatment is designed, such as, but not limited to flow, BOD, suspended solids and phosphorus.

(ac)"User" means any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the city sewerage system.

(ad)"Scavenger wastes" means liquid waste materials such as wastes from septic tanks, portable toilets, sewage holding tanks, grit waste and industrial processes which are usually collected at the source by tank truck for disposal elsewhere.

(ae)"Industrial wastes" means any discharge to the sewer system that has strength characteristics which equal or exceed two hundred fifty (250) mg/l of BOD, three hundred (300) mg/l of suspended solids or forty (40) mg/l of TKN.

(af)"NPDES Permit" means the conditions and limits set forth by the NPDES on the City of Columbus, division of sewerage and drainage for discharging treatment plant effluent into public waters.

(ag)"Debt service charge" means the portion of a user's bill that is used to offset the principal and interest payments on outstanding debt of the division of sewerage and drainage.

(ah)"Operations and Maintenance (O&M)" means the organized procedure for causing a piece of equipment, a treatment plant, or other facility or system to perform its intended function and to keep these units in such condition that it is able to continually and reliably perform its intended function.

- (ai)"Residential user class" means all users who discharge sewage from a structure of human occupancy.
- (aj)"Commercial user class" means all users who discharge sewage from a non-industrial business establishment.
- (ak)"Governmental user class" means all users who discharge sewage from a property owned by a local, state or federal governmental entity.
- (al)"Institutional user class" means all users who discharge sewage from a school, church or hospital.
- (am)"User charges" means the operation, maintenance and replacement cost of the division of sewerage and drainage.
- (an)"Total Kjeldahl Nitrogen" (TKN) means total ammonia and organic nitrogen content in wastewater as determined by approved laboratory procedures.
- (ao)"Sewer service outside the city" means sewer service furnished to consumers in contract areas or sewer authorized by the Director of Public Utilities for consumers in non-contract areas.
- (ap)"Non-contract areas" means areas outside the city provided with sewer service by the city where no contract exists with a political subdivision.
- (aq)"Wet Weather Charge" - A charge based upon the Equivalent Residential Unit to recover costs of construction of projects necessary to meet the requirements of consent orders that mandate elimination of wet weather flow from Combined Sewer Overflows and Sanitary Sewer Overflows. This charge recovers debt service costs and other expense of all projects related to correcting wet weather overflows.
- (ar)"Equivalent Residential Unit" (ERU) - Each ERU is based on two thousand (2,000) square feet of impervious surface area. Residential customers are assigned one (1) ERU per residence. All other customers are charged based on measured impervious area divided by two thousand (2,000) square feet to determine an ERU equivalent. The maximum per customer charge based on calculated ERUs is one thousand (1,000).
- (as)"Eligible senior customers" means any customer who (a) is receiving service by means of a single meter to a single-family residence; (b) is personally responsible for payment of the bill as head of household; and (c) is sixty (60) years of age or older having a total income of less than one hundred fifty (150) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census.

**SECTION 3.** That effective January 1, 2023, Section 1147.11 of the Columbus City Codes be and is hereby amended to read as follows:

1147.11 Rate Schedules.

(a) Charges Within Corporate Limits. For the purpose stated in Sections 1147.02 and 1147.12 there is hereby charged to each user situated within the corporate limits of the city, having any active sewer connection with the sewerage system of such city or otherwise discharging sewerage, industrial wastes, water or other liquids, either directly or indirectly into the city's sewerage system, sewer charges as hereinbefore provided, and in the amount determinable as follows:

(1) For any such lot, parcel of land, building or premises having any connection with the city's sewerage system or otherwise discharging sanitary sewerage, industrial wastes, water or other liquids, either directly or indirectly into the city's sewerage system, such charge shall be based upon the quantity of water used therein as the same is measured by a water meter or meters there in use, as hereinafter described, and there shall be charged:

The charges as prescribed in the rate schedule as follows:

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(b) Charges Outside Corporate Limits. For the purpose stated in Sections 1147.02 and 1147.12, there is hereby charged to each user situated outside the corporate limits of the city, having any active sewer connection with the sewerage system of such city or otherwise discharging sewage, industrial wastes, other liquids, either directly or indirectly into the city's sewerage system, sewer charges as hereinbefore provided, and in the amount determinable as follows:

(1) For any such lot, parcel of land, building or premises having any connection with the city's sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the city's sewerage system, such charge shall be based upon the quantity of water used thereon or therein as the same is measured by a water meter or meters there in use, as hereinafter described, and there shall be charged:

The charges as prescribed in the rate schedule as follows:

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(d) Septic Tanks and Scavenger Waste Haulers. Fees and charges for treatment of normal scavenger wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges, which shall be designated as 3,902 mg/l BOD, 17,934 mg/l S.S. and 1,301 mg/l TKN for septic tank wastes, 311 mg/l BOD, 596 mg/l S.S. and 104 mg/l TKN for sewage holding tank wastes, 7,407 mg/l BOD, 8,895 mg/l S.S. and 2,469 mg/l TKN for portable toilet wastes, and 27,142 mg/l BOD, 26,345 mg/l S.S. and 9,047 mg/l TKN for ~~grease interceptors~~ grit waste. With prior approval of the Director (or designee), when available treatment capacity allows, high-strength trucked wastes that have total solids between thirteen and thirty (13-30) percent of which eighty to one hundred (80-100) percent are volatile solids and which originate from food packaging or processing or similar facilities may be accepted for special disposal at designated location(s) within the treatment plant(s). The Director may designate characteristics on which to base charges in special situations on submission of proof that waste discharges have other than expected overall average concentrations and with provisions of positive identification procedures. Charges may be billed at monthly intervals or at the discretion of the Director, and shall be considered delinquent if not paid within thirty (30) days of billing date. Delinquency in payment shall be basis for revocation of permit.

For each one hundred (100) gallons, or portion thereof, of either truck capacity or actual measured discharge, the fee shall be as follows:

**SEE ATTACHED FILE**

**SECTION 4.** That sewer rates herein established shall be applicable to all sewer used on or after January 1, 2023.

**SECTION 5.** That effective January 1, 2023, existing Sections 1137.01, 1147.01 and 1147.11 of the Columbus City Codes are hereby repealed.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.