



Legislation Text

File #: 2986-2023, Version: 1

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 2023 and 2024.

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, 2022 was a relatively wet year, with 5 bypasses at either the Southerly or Jackson Pike Wastewater Treatment Plants, 17 dry-weather SSOs and 286 wet weather SSOs. 2023 has been a relatively dry year.

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 1st, each year
Wet Weather SSO		March 1st, each year
<i>1-250 events</i>	\$2,500	
<i>251-500 events</i>	\$12,500	
<i>> 500 events</i>	\$20,000	
Southerly Bypass	\$2,000	March 1st, 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.

\$50,000.00 has been paid in 2023

\$10,000 was paid in 2022

\$0.00 was paid in 2021

EMERGENCY DESIGNATION:

The Department of Public Utilities respectfully requests this legislation be considered due to increase in services.

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; and to declare an emergency. (\$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 1st 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, 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 CSO, SSO, and water treatment plant bypass penalties to the State of Ohio, Environmental Protection Agency, without delay, that failure to pay these penalties on time will result in additional fees, all for the immediate preservation of the public health, peace, property, safety and welfare; and **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 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