



## Legislation Text

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**File #:** 1618-2019, **Version:** 1

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### 1. BACKGROUND:

This legislation is to authorize the Director of Public Utilities, the Director of Public Service, the Director of Recreation and Parks, and the Director of Finance and Management to enter into an Administrative Order of Consent (AOC) with the United States Environmental Protection Agency (USEPA). On June 4, 2019, the USEPA delivered to the City of Columbus a proposed AOC that addresses alleged Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) permit violations that the U.S. Environmental Protection Agency observed in the City of Columbus Municipal Separate Storm Sewer System (MS4). The proposed AOC contains proposed orders to bring the Columbus MS4 into compliance with the CWA and the City's MS4 NPDES permit.

The City will confer with USEPA to finalize the terms of the proposed AOC. The proposed AOC does not require the payment of civil administrative penalties. The proposed AOC requires the payment of stipulated civil administrative penalties only if the City does not complete the actions required in the final AOC pursuant to a schedule contained therein. By entering into the final AOC, the City will neither admit nor deny the factual allegations as set forth in the AOC, but will agree to undertake all actions required by the terms and conditions of the AOC.

**2. EMERGENCY:** Emergency status **is requested** in order to meet timelines for the AOC.

**3. FISCAL IMPACT:** It is anticipated that the final AOC will require the City to undertake certain capital improvement projects and obtain professional services to complete actions required in the AOC. These capital improvement projects and professional services agreements are subject to separate Council approval and appropriation.

To authorize the Director of Public Utilities, the Director of Public Service, the Director of Recreation and Parks, and the Director of Finance and Management to enter into an Administrative Order of Consent with the United States Environmental Protection Agency; and to declare an emergency. (\$0.00)

**WHEREAS**, the City owns and operates a municipal separate storm sewer system; and

**WHEREAS**, on June 4, 2019, the USEPA delivered to the City a proposed Administrative Order of Consent that addresses alleged Clean Water Act and National Pollutant Discharge Elimination System permit violations that the U.S. Environmental Protection Agency observed in the City of Columbus Municipal Separate Storm Sewer System; and

**WHEREAS**, the proposed Administrative Order of Consent contains proposed orders to bring the City of Columbus Municipal Separate Storm Sewer System into compliance with the Clean Water Act and the City's National Pollutant Discharge Elimination System permit; and

**WHEREAS**, the Directors of Public Utilities, Public Service, Recreation and Parks, and Finance and Management desire to enter into an Administrative Order of Consent with the United States Environmental Protection Agency that will assure that the City of Columbus Municipal Separate Storm Sewer System is in compliance with the Clean Water Act and the City's National Pollutant Discharge Elimination System permit; and

**WHEREAS**, the Directors of Public Utilities, Public Service, Recreation and Parks, and Finance and Management

recognize that the capital improvement projects and professional services that may be required by the Administrative Order of Consent will require additional approval and appropriation by City Council; and

**WHEREAS**, an emergency exists in the usual daily operation of the Departments of Public Utilities, Public Service, Recreation and Parks, and Finance and Management, in that it is immediately necessary to authorize the Directors of Public Utilities, Public Service, Recreation and Parks, and Finance and Management to enter into an Administrative Order of Consent with the United States Environmental Protection Agency for the immediate preservation of the public health, peace, property, and safety; **now, therefore**

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

**SECTION 1.** That the Director of Public Utilities, the Director of Public Service, the Director of Recreation and Parks, and the Director of Finance and Management are hereby authorized to enter into an Administrative Order of Consent with the United States Environmental Protection Agency related to the City of Columbus Municipal Separate Storm Sewer System upon such terms and conditions as are satisfactory to the Directors and the City Attorney.

**SECTION 2.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is 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.