



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY

01- R -0648

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED AND 00/100 (\$155,500.00) FOR UNPERMITTED DISCHARGES FROM THE CITY OF ATLANTA WASTEWATER COLLECTION AND TRANSMISSION SYSTEM PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED MARCH 27, 2001, FOR THE PERIOD JULY 6, 2000 TO DECEMBER 31, 2000; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, during the period from July 6, 2000 to December 31, 2000, the City experienced 205 unpermitted discharges from its wastewater collection and transmission facilities in a total estimated volume of 868,336 gallons or more; and

WHEREAS, these discharges are being assessed stipulated penalties in the amount of \$155,500.00 imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) and the United States Environmental Protection Agency (EPA) pursuant to the First Amended Consent Decree, Civil Action File No. 1:98-cv-1956-TWT, and the Demand for Stipulated Penalties dated March 27, 2001; and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these discharges did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-T31001; and



WHEREAS, the total amount of the stipulated penalty of \$155,500.00 is to be divided equally between EPA and EPD pursuant to the First Amended Consent Decree; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventy-Seven Thousand Seven Hundred Fifty and 00/100 Dollars (\$77,750.00) payable to the **Treasurer, the United States of America** on behalf of the United States Environmental Protection Agency as a stipulated penalty;

Section Two: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventy-Seven Thousand Seven Hundred Fifty and 00/100 Dollars (\$77,750.00) payable to the **State of Georgia** on behalf of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia as a stipulated penalty;

Section Three: That the said payments be chargeable to Account Number 2J01 529017 T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

**MAY 07, 2001
MAY 15, 2001**

President Pro Tem Bond Presided

RCS# 2838
5/07/01
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0610

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 00-O-0264
2. 01-O-0603
3. 01-O-0604
4. 01-O-0612
5. 01-O-0529
6. 01-O-0608
7. 01-O-0623
8. 01-O-0624
9. 01-O-0593
10. 01-O-0482
11. 01-O-0548
12. 00-O-2056
13. 01-R-0575
14. 01-R-0576
15. 01-R-0577
16. 01-R-0578
17. 01-R-0579
18. 01-R-0580
19. 01-R-0648
20. 01-R-0581
21. 01-R-0574
22. 01-R-0594
23. 01-R-0595
24. 01-R-0617
25. 01-R-0491
26. 01-R-0571
27. 01-R-0572
28. 01-R-0602
29. 01-R-0565
30. 01-R-0644
31. 01-R-0552
32. 01-R-0553
33. 01-R-0554
34. 01-R-0555
35. 01-R-0556

**ITEMS ADVERSED
ON CONSENT AGENDA**

36. 01-R-0557
 37. 01-R-0558
 38. 01-R-0559
 39. 01-R-0560
 40. 01-R-0561
 41. 01-R-0562
 42. 01-R-0563
 43. 01-R-0564
-

01-R-0648

(Do Not Write Above This Line)

A RESOLUTION BY
CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED AND 00/100 (\$155,500.00) FOR UNPERMITTED DISCHARGES FROM THE CITY OF ATLANTA WASTEWATER COLLECTION AND TRANSMISSION SYSTEM PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-JWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED MARCH 27, 2001, FOR THE PERIOD JULY 6, 2000 TO DECEMBER 31, 2000; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

David W. Peters

DAVID PETERS, Deputy Commissioner
Public Works

ADOPTED BY

MAY 07 2001

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Refer to _____

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

COUNCIL ACTION

- 2nd
 - 1st & 2nd
 - 3rd
- Readings

Consent V Vote DRC Vote

CERTIFIED

CERTIFIED
MAY 07 2001

COUNCIL PRESIDENT PROTREM

CERTIFIED
MAY 07 2001

Rachel Dunbar
MUNICIPAL CLERK

APPROVED
MAYOR'S ACTION

MAY 15 2001

MAYOR

Ray G. Miller