CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY

CITY UTILITIES COMMITTEE

01-R-2006

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF SIXTY-FIVE THOUSAND AND 00/100 DOLLARS ($65,000.00) FOR DRY WEATHER DISCHARGED ON AUGUST 12, 2001 AND SEPTEMBER 11, 2001 FROM THE CITY OF ATLANTA TANYARD CREEK COMBINED SEWER OVERFLOW CONTROL FACILITY PURSUANT TO THE CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED NOVEMBER 1, 2001; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES; PAYMENT SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, CENTER NUMBER: 2J01-529017-M51001.

WHEREAS, on August 12, 2001 and September 11, 2001 the City experienced alleged dry weather overflows from the Tanyard Creek Combined Sewer Overflow Control Facility; and

WHEREAS, these overflows are being assessed stipulated penalties imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the Consent Decree, Civil Action File No. 1:95-CV-2550-TWT, and the Demand for Stipulated Penalties dated November 1, 2001; and

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

WHEREAS, the payment to 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-M51001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessment 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 Sixty-Five Thousand and 00/100 Dollars ($65,000.00) payable to the **State of Georgia (Department of Natural Resources)** as a stipulated penalty imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the said payments be chargeable to Account Number 2J01 529017 M51001.

A true copy,

Deputy Clerk

ADOPTED by the Council DEC 03, 2001
APPROVED by the Mayor DEC 11, 2001

COUNCIL PRESIDENT PROTEM MICHAEL BOND PRESID

RCS# 3311
12/03/01
4:01 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 9

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

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

Y McCarty	NV 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-1464
01-O-1997

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 01-O-1452
2. 01-O-1827
3. 01-O-1645
4. 01-O-1867
5. 01-O-2009
6. 01-O-2010
7. 01-O-1857
8. 01-O-1928
9. 01-O-1929
10. 01-O-1979
11. 01-O-1983
12. 01-O-1992
13. 01-O-1996
14. 01-O-1998
15. 01-O-1999
16. 01-O-2000
17. 01-O-1985
18. 01-O-1986
19. 01-O-2011
20. 01-O-2020
21. 01-O-1801
22. 01-O-1938
23. 01-O-1939
24. 01-O-2017
25. 01-O-1175

ITEMS ADOPTED ON CONSENT AGENDA

26. 01-R-1873
27. 01-R-1957
28. 01-R-1989
29. 01-R-2005
30. 01-R-2006
31. 01-R-2032
32. 01-R-2033
33. 01-R-1954
34. 01-R-1956
35. 01-R-1990
36. 01-R-1943
37. 01-R-1974
38. 01-R-1975
39. 01-R-2030
40. 01-R-2031

01-R-2006

(Do Not Write Above This Line)

A RESOLUTION BY

CITY UTILITIES COMMITTEE

A Resolution to authorize payment of Stipulated Penalties imposed by the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of Sixty-Five Thousand and 00/100 Dollars ($65,000.00) for Dry Weather Discharges on August 12, 2001 and September 11, 2001 from the City of Atlanta Tanyard Creek Combined Sewer Overflow control facility pursuant to the Consent Decree, Civil Action File No. 1:95-CV-2550-TWT, and the demand for Stipulated Penalties dated November 1, 2001; to identify the source of funding; and for other purposes.

ADOPTED BY

DEC 03 2001

COUNCIL

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee	Committee
Date 11-27-01	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd Readings ☐3rd

☑Consent ☐V Vote ☑RC Vote

CERTIFIED

CERTIFIED DEC 03 2001 COUNCIL PRESIDENT PROTEM

CERTIFIED DEC 03 2001 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED DEC 11 2001