

A RESOLUTION BY

02-*R*-0975

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF THIRTEEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$13,500.00) AS STIPULATED PENALTIES FOR VIOLATIONS OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AND CSO SAMPLING PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experienced violations of Fecal Coliform Operational Standards and Sampling Requirements as set out in Exhibit "A" hereto; and

WHEREAS, these violations are subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.1 and XI.D.3; and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these violations of CSO Fecal Coliform Operational Standards and CSO Sampling Requirements 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-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 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 checks in the amounts of Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$6,750.00) payable to the **State of Georgia** and Six Thousand Seven Hundred Fifty Dollars and 00/100 Dollars (\$6,750.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the 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
APPROVED by the Mayor

JUN 03, 2002
JUN 10, 2002

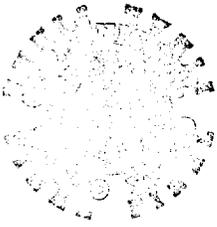


EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Sections XI.D.1 and XI.D.3 as follows:

Section XI.D.1. Fecal Coliforms greater than 4,000 colonies per 100 ml, May - October

Date	Facility	Colonies/100 ml	Penalty	Comment
5/18/02	Tanyard	28,000	\$5,000	Inadequate dosage

Section XI.D.3. Failure to collect and test four samples per month

Date	Facility	Status	Penalty	Comment
5/18/02	McDaniel	Not sampled	\$8,500	Communication failure

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

**06/03/02 Council
Meeting**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
20. 02-O-0966
21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
37. 02-R-0897
38. 02-R-0898
39. 02-R-0903
40. 02-R-0950
41. 02-R-0968
42. 02-R-0975
43. 02-R-0910
44. 02-R-0911
45. 02-R-0912
46. 02-R-0913
47. 02-R-0914
48. 02-R-0915
49. 02-R-0916
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 71. 02-R-0938
 72. 02-R-0939
 73. 02-R-0940
 74. 02-R-0941
 75. 02-R-0942
 76. 02-R-0943
 77. 02-R-0944
 78. 02-R-0945
 79. 02-R-0946
 80. 02-R-0947
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02-P-0975

(Do Not Write Above This Line)

A RESOLUTION BY

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF THIRTEEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$13,500.00) AS STIPULATED PENALTIES FOR VIOLATIONS OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AND CSO SAMPLING PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING: AND FOR OTHER PURPOSES

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER JUN 03 2002
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee City Utilities
Date May 24 2002
Chair Oliver Muller
Action: Fav, Adv, Hold (see rev. side)
Other:
Members [Signature]
Refer To _____

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

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
JUN 03 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED
JUN 03 2002

Frankie Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
[Signature]
JUN 10 2002
MAYOR