

02- R -1177

**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 DOLLARS AND 00/100 (\$13,500.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS 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 a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

**WHEREAS**, this violation is 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

**WHEREAS**, the Department of Public Works of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards 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 Dollars and 00/100 (\$6,750.00) payable to the **State of Georgia** and Six Thousand Seven Hundred Fifty Dollars and 00/100 (\$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

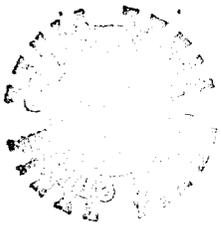
**Section Two:** That the said payments be chargeable to Account Number 2J01 529017 M51001.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

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

JULY 01, 2002  
JULY 09, 2002



## EXHIBIT A

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

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

<b>Date</b>	<b>Facility</b>	<b>Colonies/100 ml</b>	<b>Penalty</b>	<b>Comment</b>
6/04/02	Clear Creek	18,000	\$5,000	Inadequate dosage
6/14/02	Custer CSO	70,000	\$8,500	Undetermined



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**07/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

1. 02-O-0718
2. 02-O-1021
3. 02-O-1022
4. 02-O-1119
5. 02-O-1142
6. 02-O-0602
7. 02-O-1013
8. 02-O-1148
9. 02-O-0864
10. 02-O-1017
11. 02-O-1020
12. 02-R-1143
13. 02-R-1104
14. 02-R-1120
15. 02-R-1121
16. 02-R-1122
17. 02-R-0470
18. 02-R-0810
19. 02-R-1182
20. 02-R-1118
21. 02-R-1146
22. 02-R-1177
23. 02-R-1179
24. 02-R-1101
25. 02-R-1102
26. 02-R-1103
27. 02-R-1145
28. 02-R-1134
29. 02-R-1135
30. 02-R-1136
31. 02-R-1176
32. 02-R-1072
33. 02-R-1073

34. 02-R-1074
35. 02-R-1075
36. 02-R-1124
37. 02-R-1125
38. 02-R-1126

39. 02-R-1076
  40. 02-R-1077
  41. 02-R-1078
  42. 02-R-1079
  43. 02-R-1080
  44. 02-R-1081
  45. 02-R-1082
  46. 02-R-1083
  47. 02-R-1084
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  60. 02-R-1097
  61. 02-R-1098
  62. 02-R-1099
  63. 02-R-1127
  64. 02-R-1128
  65. 02-R-1129
  66. 02-R-1130
  67. 02-R-1131
  68. 02-R-1132
  69. 02-R-1133
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02-1177

(Do Not Write Above This Line)

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*Rosalind Rubens Newell*

Rosalind Rubens Newell  
Interim City Attorney

- 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*  
*5 days, 2002*  
*Chair*  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other

*Members*  
*4 + 100*

Refer To

Committee

Date

Chair

Action  
 Fav, Adv, Hold (see rev. side)  
 Other

ADOPTED BY

JUL 01 2002

COUNCIL

Refer To

Committee

Date

Chair

Action  
 Fav, Adv, Hold (see rev. side)  
 Other

Members

Refer To

Committee

Date

Chair

Action  
 Fav, Adv, Hold (see rev. side)  
 Other

Members

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

CERTIFIED

CERTIFIED  
 JUL 01 2002

ATLANTA CITY COUNCIL PRESIDENT  
*Calvin M. Herliand*

CERTIFIED  
 JUL 01 2002

*Frank Blumstein*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
*Judy White*  
 JUL - 9 2002  
 MAYOR