



A RESOLUTION BY

CITY UTILITIES COMMITTEE

02-R-1952

A RESOLUTION TO AUTHORIZE PAYMENT OF PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF NINE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$9,500.00) AS A PENALTY FOR AN ALLEGED VIOLATION OF THE GEORGIA SAFE DRINKING WATER ACT RESULTING FROM POWER INTERRUPTIONS AT THE NORTHSIDE PUMP STATION IN MAY, JUNE, JULY, AND OCTOBER 2002; POWER OUTAGES AND LOW PRESSURE IN MULTIPLE LOCATIONS IN MAY, JUNE, JULY, AND OCTOBER 2002; ISSUANCE OF MULTIPLE BOIL ADVISORIES AND WATER MAIN BREAKS; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on May 8, May 16, June 4, June 11, July 5, July 30, and October 2, 2002 the City experienced power interruptions and low pressure events at the Northside Pump Station as set out in Exhibit "A" hereto; and

WHEREAS, on May 8, May 16, June 11, July 5, and October 2, 2002 the City experienced power outages and pressure as low as zero p.s.i. in multiple locations in north Atlanta, south Fulton, and Coweta County; and

WHEREAS, on June 26, 2002, the City issued a boil water advisory in the Old National road area due to low chlorine and positive coliform samples; and

WHEREAS, the EPD Compliance Order requires payment by the City of Atlanta of \$9,500; the City shall implement temporary operational measures to prevent or minimize the duration of any further power interruptions or water main breaks; submit a detailed report with completion schedules outlining planned capital improvements to insure a reliable water supply and distribution system for south Fulton; and within 6 months submit a water distribution system O&M plan which addresses preventative maintenance, personnel needs, and emergency procedures; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact that these violations did occur; 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 Q21001; and

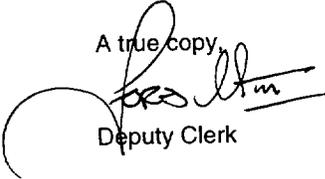
WHEREAS, it is deemed to be in the interest of the City to accept the proposed penalty and to pay the incident assessments to them.

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 Nine Thousand Five Hundred Dollars and 00/100 (\$9,500.00) payable to the **State of Georgia** for penalties imposed pursuant to the Expedited Enforcement Compliance Order, No. EPD-WS at the discretion of 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 Q21001.

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

NOV 18, 2002
NOV 26, 2002

Georgia Department of Natural Resources

2 Martin Luther King Jr. Drive, S.E., Atlanta, Georgia 30334

Lonice C. Barrett, Commissioner

Harold F. Reheis, Director
Environmental Protection Division

DEPARTMENT
OF WATER

2002 OCT 23 AM 10: 09

OFFICE OF COMMISSIONER

Certified Mail
Return Receipt Requested
Certified No. 7000 1670 0009 9296 0015

October 11, 2002

Honorable Shirley Franklin
Mayor, City of Atlanta
55 Trinity Avenue
Atlanta, GA 30303

RE: Consent Order EPD-WS
City of Atlanta Water System
WSID# GA1210001, Fulton County, Georgia

Dear Mayor Franklin:

As you are aware, power interruptions and other problems particularly at the Northside Re-pumping Station, have caused low pressure events several times during May, June and July which affected large sections of the City of Atlanta water system. Several of these outages resulted in pressures below the minimum pressure of twenty (20) pounds per square inch (psi) required by the Georgia Rules for Safe Drinking Water Chapter 391-3-5-.10 including pressures as low as zero (0) psi which lasted for significant periods of time. More recently, water outages have occurred due to broken water mains caused by independent contractors which affected S. Fulton County and an area of downtown around the State Floyd Towers Building. Each of these events is a violation of the Georgia Safe Drinking Water Act, the Georgia Rules for Safe Drinking Water and the permit to operate a public water system and results in circumstances creating serious risk to public health from potential contamination of the water system from backflow and/or back-siphonage. In response, United Water issued boil water advisories on the following dates: May 8th & 16th, June 11th, July 5th and October 2nd and performed additional monitoring in the affected areas. Although all sample results were negative, the boil water advisories caused a high level of inconvenience, confusion and uncertainty to the customers of the system. A brief outage and low-pressure event also occurred on June 4th which did not require a boil water advisory and another boil water advisory was issued on July 26th due to low chlorine residuals and positive coliform samples in a limited area of S. Fulton County.

The Georgia Safe Drinking Water Act makes it unlawful for any person to own or operate a public water system, except in such a manner as to conform and comply with all rules, orders and permits established under the provisions of the Act. The Act provides that any person violating any provision of the Act or any permit condition or rule established pursuant to the Act shall be liable for each day during which the violation continues.

Although we are aware the City of Atlanta has planned upgrades to the water system pumping facilities and other capital improvements to upgrade the system, these improvements have not been implemented in time to prevent repeated outages this summer. In addition to capital improvements there are likely improvements in distribution system maintenance and operational procedures that are needed to insure long term reliable system operation. Therefore, with the attached revised Consent Order, we are offering an amicable disposition of these allegations concerning the Atlanta Water System, whereby the City will pay the State of Georgia a sum of \$9,500. In addition, the City must submit procedures to insure immediate compliance with the Rules and provide a detailed construction schedule that will insure future power reliability at the Northside Re-pump Station and other pumping facilities within 30 days of the execution of this Order. If you are in agreement with the schedule and penalty, please return the signed Order to my Office by November 1, 2002.

OCT 15 2002



Honorable Shirley Franklin
City of Atlanta
October 11, 2002
Page 2

If you should have any questions or wish to discuss the Order, please contact me at (404) 651-5168 or Mr. Bill Morris with the Drinking Water Program at (404) 651-5158. Your cooperation is requested.

Sincerely,



Nolton G. Johnson, P.E.
Chief Water Resources Branch

Enclosure

RCS# 4225
11/18/02
2:59 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

11/18/02 Council Meeting

ITEMS ADOPTED ON CONSENT**AGENDA**

1. 02-O-1774
2. 02-O-1972
3. 02-O-1297
4. 02-O-1859
5. 02-O-1860
6. 02-O-1861
7. 02-O-1974
8. 02-O-1979
9. 02-O-1902
10. 02-O-1962
11. 02-O-1971
12. 02-O-1863
13. 02-O-1864
14. 02-R-1924
15. 02-R-1952
16. 02-R-1966
17. 02-R-1996
18. 02-R-2000
19. 02-R-1951
20. 02-R-1954
21. 02-R-1978
22. 02-R-1983
23. 02-R-1984
24. 02-R-1856
25. 02-R-1931
26. 02-R-1932
27. 02-R-1933
28. 02-R-1934
29. 02-R-1935
30. 02-R-1936

**ITEMS ADVERSED
ON CONSENT AGENDA**

31. 02-R-1937
32. 02-R-1938
33. 02-R-1939
34. 02-R-1940
35. 02-R-1941
36. 02-R-1942
37. 02-R-1943
38. 02-R-1944
39. 02-R-1945
40. 02-R-1946
41. 02-R-1947
42. 02-R-1948
43. 02-R-1949
44. 02-R-1950

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4225)
Items Removed from Consent: 02-R-1982; 02-R-1882

02-R-1952

(Do Not Write Above This Line)

A RESOLUTION BY CITY UTILITIES COMMITTEE A RESOLUTION TO AUTHORIZE PAYMENT OF PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF NINE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$9,500.00) AS A PENALTY FOR AN ALLEGED VIOLATION OF THE GEORGIA SAFE DRINKING WATER ACT RESULTING FROM POWER INTERRUPTIONS AT THE NORTHSIDE PUMP STATION IN MAY, JUNE, JULY, AND OCTOBER 2002; POWER OUTAGES AND LOW PRESSURE IN MULTIPLE LOCATIONS IN MAY, JUNE, JULY, AND OCTOBER 2002; ISSUANCE OF MULTIPLE BOIL ADVISORIES AND WATER MAIN BREAKS; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 18 2002

COUNCIL AS Amended

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

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____

Committee City Utilities
 Date Nov. 13 2002
 Chair Clair Muller
 Actions
 Fav, Adv, Held (see rev. side)
 Other: AS AMENDED
 Members Clair Muller, Paula Sims, Holly Sims
 Refer To _____

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

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

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

COUNCIL ACTION

- 2nd 1st & 2nd 3rd Readings
- Consent V Vote RC Vote

CERTIFIED

NOV 18 2002

CERTIFIED

NOV 18 2002

Renee Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

NOV 26 2002

Wiley Frank
MAYOR