

**A RESOLUTION BY COUNCILMEMBER CLAIR MULLER**

**AS SUBSTITUTED & AMENDED 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 SIXTY FIVE THOUSAND FIVE HUNDRED DOLLARS (\$65,500) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, on February 18, 2003 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT); and

**WHEREAS**, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (for the 3<sup>rd</sup> quarter 2002); and

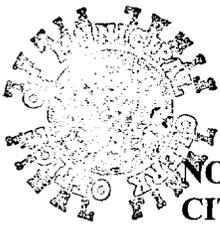
**WHEREAS**, the total amount assessed and demanded by EPD and EPA for these violations is Sixty Five Thousand Five Hundred and 00/100 (\$65,500) as set out in Exhibit "A" hereto; and

**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 and EPA 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-Q51001; 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 Thirty Two Thousand Seven Hundred Fifty Dollars (\$32,750) payable to the **State of Georgia** and Thirty Two Thousand Seven Hundred Fifty Dollars (\$32,750) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the First Amended 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 Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the First Amended Consent Decree; and

**Section Three:** That the said payments be chargeable to Account Number 2J01 529017 Q51001.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED as amended by the Council  
APPROVED by the Mayor**

MAR 03, 2003  
MAR 11, 2003



Exhibit A  
Summary of Penalty Demand

<b>First Amended Consent Decree Violations 3rd Quarter 2002</b>	<b>Amount</b>
• 62 unpermitted discharges to waters of the State	
• 53 sewage overflows to dry land	
<b>TOTAL DEMAND</b>	<b>\$65,500</b>

RCS# 4504  
3/03/03  
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CONSENT 1

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**3/03/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0154
2. 03-O-0155
3. 03-O-0156
4. 03-O-0157
5. 03-O-0158
6. 03-O-0159
7. 03-O-0227
8. 03-O-0230
9. 03-O-0231
10. 03-O-0278
11. 03-R-0232
12. 03-R-0285
13. 03-R-0216
14. 03-R-0222
15. 03-R-0309
16. 03-R-0226
17. 03-R-0283
18. 03-R-0284
19. 03-R-0324
20. 03-R-0237
21. 03-R-0238
22. 03-R-0239
23. 03-R-0240
24. 03-R-0241
25. 03-R-0242
26. 03-R-0243
27. 03-R-0245
28. 03-R-0279
29. 03-R-0280
30. 03-R-0281
31. 03-R-0282

**Items Adversed on the Consent  
Agenda**

32. 03-R-0244
33. 03-R-0246
34. 03-R-0247
35. 03-R-0248
36. 03-R-0249
- 36.03-R-0250
- 37.03-R-0251
- 38.03-R-0252
39. 03-R-0253
40. 03-R-0254
41. 03-R-0255
42. 03-R-0256
43. 03-R-0257
44. 03-R-0258
45. 03-R-0259
46. 03-R-0260
47. 03-R-0261
48. 03-R-0262
49. 03-R-0263
50. 03-R-0264
51. 03-R-0265
52. 03-R-0266
53. 03-R-0267
54. 03-R-0268
55. 03-R-0269
56. 03-R-0270
57. 03-R-0271
58. 03-R-0272
59. 03-R-0273
60. 03-R-0274
61. 03-R-0275
62. 03-R-0276
63. 03-R-0277

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Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)  
Item Removed from the Consent Agenda: 03-R-0321

#12  
02-R-1970

(Do Not Write Above This Line)

A RESOLUTION BY

COUNCILMEMBER CLAIR MULLER

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 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

MAR 03 2003

COUNCIL  
substitute AS Amended

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

Date Referred 11/04/02

Referred To: City Utilities

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

Committee City Utilities

Date Nov. 12, 2002

Chair \_\_\_\_\_

Actions:  
Fav, Adv, Held (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee City Utilities

Date Feb. 25, 2003

Chair \_\_\_\_\_

Actions:  
Fav, Adv, Held (see rev. side)  
Other \_\_\_\_\_

Members On substitute

Refer to

Refer To \_\_\_\_\_

COUNCIL ACTION

2nd  1st & 2nd  3rd  
Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
MAR 03 2003  
ATLANTA CITY COUNCIL PRESIDENT  
Catherine W. Woodard

CERTIFIED  
MAR 03 2003  
Renee Dunham Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

Andy Frank  
MAR 11 2003  
MAYOR