



CITY OF ATLANTA

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

SHIRLEY FRANKLIN
MAYOR

RECEIVED

MAY 29 2003

MUNICIPAL CLERK ^{WAG}

May 29, 2003

Council President Cathy Woolard
Members of the Atlanta City Council
City Hall 2nd Floor Suite 2900
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear President Woolard and Members of Council:

I hereby return with my veto, Resolution # 03-R-0769

On May 19, 2003 the Atlanta City Council adopted Resolution # **03-R-0769** that proposes to authorize the Mayor to request the United States Environmental Protection Agency (EPA) and the Georgia Department of Natural Resources, Environmental Protection Division (EPD) grant a time extension to address the city's Combined Sewer Overflow (CSO) compliance with the Clean Water Act, and for other purposes.

The 1998 CSO Consent Decree requires that the City of Atlanta complete construction upgrades to our system by November 2007. After due diligence by the city, the state, and the federal government our plan was also endorsed by a nationally recognized panel of experts headed by Georgia Tech President Wayne Clough. I am convinced that it is essential for the City to remain focused in order to manage efficiency and control rate structures. For too long the City of Atlanta has delayed these sewer improvements resulting in increased deterioration of the system and inflationary costs for improvements. Resolution # **03-R-0769** seeks to delay implementation of the program that will further exacerbate costs and slow the enhancement of water quality.

Based on the rationale as outlined in this letter, I urge you to sustain my veto of Resolution # **03-R-0769**.

Sincerely,

Shirley Franklin



RESOLUTION
BY COUNCILMEMBER FELICIA A. MOORE
AS AMENDED BY FULL COUNCIL

Felicia A. Moore
Charles Young
Natasha Archibald

A RESOLUTION OFFICIALLY REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION TO GRANT A TIME EXTENSION TO ADDRESS THE CITY'S CSO COMPLIANCE WITH THE CLEAN WATER ACT; AUTHORIZING THE DEPARTMENT OF WATERSHED MANAGEMENT TO DEVELOP A REPORT WITHIN 60 DAYS DOCUMENTING THE CITY'S POSITION AND COMPLIANCE MEASURES; REQUESTING DISCUSSION WITH THE APPROPRIATE REPRESENTATIVES TO DISCUSS THE TIME EXTENSION; AND FOR OTHER PURPOSES.

- Whereas,** the Citizens Plaintiffs, the Upper Chattahoochee Riverkeeper Fund, Inc. the Chattahoochee River Keeper, Inc., W. Robert Hancock, Jr. and others filed a complaint in U.S. District Court on October 10, 1995, against the City of Atlanta alleging violations of the Clean Water Act; and
- Whereas,** the U.S. Environmental Protection Agency and the Georgia Department of Natural Resources, Environmental Protection Division became involved in the litigation; and
- Whereas,** after the court ruled on summary judgment, the City elected to negotiate a settlement that would improve the urban streams and Atlanta's environment rather than engage in protracted and costly litigation; and
- Whereas,** pursuant to the terms to the Consent Decree the City made certain commitments relative to the CSO's including a System Evaluation Study, Remedial Measures, Sewer Separation Projects, Greenway Acquisition Program, and a Stream Cleanup Program; and
- Whereas,** the Consent Decree had among other provisions a 2007 deadline for compliance; and
- Whereas,** the City of Atlanta has adopted and is moving forward with Mayor Franklin's Clean Water Atlanta program which is a revised version of the previously submitted plan designed to meet the 2007 compliance deadline; and
- Whereas,** the 2007 deadline has caused the City of Atlanta to design solutions that can be accomplished within a short time frame; and
- Whereas,** the execution of the current plan will result in ratepayers of the City's sewer system to see their sewer bills triple in the next four to six years; and
- Whereas,** this will constitute a "heavy burden" on the ratepayers of the City of Atlanta; and
- Whereas,** the Mayor, members of the Atlanta City Council and citizens of the City of Atlanta have been lobbying the Federal government and the State of Georgia for assistance to undertake the \$3+ billion dollars needed to fund the capital improvements needed to meet the 2007 compliance deadline; and



federal dollars are being diverted to the war effort and the State of Georgia is grappling with its own fiscal shortfall; and

the City of Atlanta has also attempted to generate revenue to fund the Clean Water Atlanta Program through a 1% sales tax to be levied within the corporate limits of the city; and

the Fulton County Commission is in opposition to the proposed sales tax and has blocked many efforts by the city to get the question of the sales tax placed on a ballot in the form of a referendum to voters; and

despite the City's on-going efforts, to date, there are no prospects for funding assistance; and

it has become evident that funding for the CSO program and other system improvements will be borne solely by revenues generated by City of Atlanta ratepayers; and

sixty (60%) of City of Atlanta residents have an annual household income of under \$29,999, with 34% of that total with an income of less than \$14,999; and

these increased costs will become an "extremely high burden" on senior citizens on fixed income and those in the low income brackets; and

the increased costs will become a "high to medium burden" on other ratepayers; and

the short and long-term impact of triple sewer rates will not only have a negative impact on residential customers, but will cause the loss of business, new housing development and negatively effect the future growth of the City of Atlanta; and

the 2007 deadline is a contributing factor to the immediate fiscal impact on the city; and

the City needs relief and requests a time extension to amortize the costs over a longer period of time with the effect of spreading out the burden to ratepayers; and

an extension of time will also allow the city to explore options that will be more cost effective and can achieve immediate and long-term compliance; and

the City of Atlanta will have to adopt an increased rate schedule to generate the revenue to float bonds to fund the Clean Water Atlanta Program; and

the ratepayers will most certainly be in opposition to the increased costs; and

the Atlanta City Council will hear comments from ratepayers regarding said rate increases; and

the same ratepayers have already received an over 50% increase in their property taxes and are also facing by year's end a significant increases in Solid Waste service fees, Water rates and the implementation of a new Storm Water Utility fee; and

the public outcry may cause delays in establishing the increased sewer rate needed to fund the Clean Water Atlanta program; and



Whereas,

the City of Atlanta is committed to achieving compliance with the Clean Water Act in the shortest and most cost effective manner possible; and

Whereas,

the city is currently operating in good faith to meet the 2007 deadline and is aggressively moving forward to execute the Clean Water Atlanta program; and

Whereas,

it is imperative that to keep on track, the City must be proactive and consider the impact on ratepayers and its potential delay in establishing the rate increase needed to fund the Clean Water Atlanta program.

THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1:

the City of Atlanta hereby officially requests that the U.S. Environmental Protection Agency and the Georgia Department of Natural Resources, Environmental Protection Division grant a time extension to address the city's CSO compliance with the Clean Water Act.

Section 2:

Request the Mayor to direct the Department of Watershed Management to submit to the aforementioned agencies, within 60 days, documentation outlining the affordability difficulties of the 2007 deadline.

Section 3:

That we request the Mayor to aggressively solicit the Riverkeepers to join with the City to request an extension from the judge/court and that a joint team of the Mayor, City Council and business leaders make a fundraising action plan.

Section 4:

That the Municipal Clerk of the City of Atlanta is hereby directed to transmit a true copy of this adopted resolution to the U.S. Environmental Protection Agency, the Georgia Department of Natural Resources, Environmental Protection Division, the Upper Chattahoochee Riverkeeper.

RCS# 4724
5/19/03
4:45 PM

Atlanta City Council

Regular Session

03-R-0769

Request Time Extension from EPA & GA EPD
to Address CSO Clean Water Compliance
ADOPT AS AMEND

YEAS: 10
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

03-R-0769

RCS# 4791
6/02/03
7:46 PM

Atlanta City Council

Regular Session

03-R-0769

Request U.S. EPA & Ga DNR EPD to Grant
Time Extension for CSO Compliance
OVERRIDE

YEAS: 7
NAYS: 8
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

FAILED

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

03-R-0769

(Do Not Write Above This Line)

A RESOLUTION *to amend the City Code*
 BY COUNCILMEMBER FELIX A. MOORE

A RESOLUTION OFFICIALLY REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION TO GRANT A TIME EXTENSION TO ADDRESS THE CITY'S CSO COMPLIANCE WITH THE CLEAN WATER ACT; AUTHORIZING THE DEPARTMENT OF WATERSHED MANAGEMENT TO DEVELOP A REPORT WITHIN 60 DAYS DOCUMENTING THE CITY'S POSITION AND COMPLIANCE MEASURES; REQUESTING DISCUSSION WITH THE APPROPRIATE REPRESENTATIVES TO DISCUSS THE TIME EXTENSION; AND FOR OTHER PURPOSES.

AS AMENDED

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REMAY 19 2003
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

COUNCIL

Date Referred 5/5/03
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee City Utilities
 Date 5/3/2003
 Chair David Shepherd

Action David Shepherd
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____

Refer To _____

Committee

Date _____
 Chair _____

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

Refer To _____

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

CERTIFIED

CERTIFIED
 MAY 19 2003
 JUN 02 2003
 DEPUTY MUNICIPAL CLERK

CERTIFIED
 MAY 19 2003
 JUN 02 2003
 DEPUTY MUNICIPAL CLERK

CERTIFIED
 MAY 19 2003
 JUN 02 2003
 DEPUTY MUNICIPAL CLERK

DEPUTY MUNICIPAL CLERK
VERNON
 O'CONNOR

Mandy Thomas
 MAY 27 2003