



03-R-0918

**A RESOLUTION BY CLAIR MULLER
AS SUBSTITUTED 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 EIGHT THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$8,500.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE TANYARD CSO FACILITY ON JUNE 6, 2003 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 Watershed Management 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 Q31001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; 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 Four Thousand Two Hundred Fifty Dollars and 00/100 (\$4,250.00) payable to the **State of Georgia** and Four Thousand Two Hundred Fifty Dollars and 00/100 (\$4,250.00) 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 Q31001.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

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

JUN 16, 2003
JUN 24, 2003

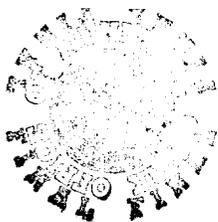


EXHIBIT A

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 between above 32,000 colonies per 100 ml, May - October

Date	Facility	Colonies/100 ml	Penalty	Comment
6/06/03	Tanyard CSO	63,000	\$8,500	

		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 03-O-0906	34. 03-R-0855	45. 03-R-0866
2. 03-O-0911	35. 03-R-0856	46. 03-R-0867
3. 03-O-0905	36. 03-R-0857	47. 03-R-0868
4. 03-O-0764	37. 03-R-0858	48. 03-R-0869
5. 03-O-0914	38. 03-R-0859	49. 03-R-0870
6. 03-O-0667	39. 03-R-0860	50. 03-R-0871
7. 03-O-0671	40. 03-R-0861	51. 03-R-0872
8. 03-O-0839	41. 03-R-0862	52. 03-R-0873
9. 03-O-0908	42. 03-R-0863	53. 03-R-0874
10. 03-O-0910	43. 03-R-0864	54. 03-R-0875
11. 03-O-0912	44. 03-R-0865	55. 03-R-0876
12. 03-R-0851		56. 03-R-0877
13. 03-R-0853		57. 03-R-0878
14. 03-R-0854		58. 03-R-0879
15. 03-R-0922		59. 03-R-0880
16. 03-R-0927		60. 03-R-0881
17. 03-R-0928		61. 03-R-0882
18. 03-R-0891		62. 03-R-0883
19. 03-R-0894		63. 03-R-0884
20. 03-R-0921		64. 03-R-0885
21. 03-R-0890		65. 03-R-0886
22. 03-R-0893		66. 03-R-0887
23. 03-R-0895		67. 03-R-0888
24. 03-R-0903		
25. 03-R-0938		
26. 03-R-0848		
27. 03-R-0849		
28. 03-R-0892		
29. 03-R-0918		
30. 03-R-0919		
31. 03-R-0923		
32. 03-R-0924		
33. 03-R-0897		

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929

03-R-0918

(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

JUN 16 2003

SUBSTITUTE COUNCIL

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

Date Referred 6/2/03

Referred To: City Utilities

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee City Utilities

Date June 16, 2003

Chair Clair Muller

Fav, Adv, Hold (see rev. side) _____

Other None

Members [Signatures]

Refer To _____

Committee _____

Date _____

Chair _____

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 16 2003

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

JUN 16 2003

[Signature]

MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]

JUN 24 2003

MAYOR