



A SUBSTITUTE 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) IN THE AMOUNT OF FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE CUSTER CSO FACILITY ON AUGUST 28, 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 Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) payable to the **State of Georgia** and Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) 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 Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 15, 2003
SEP 23, 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 8,001 and 32,000 per 100 ml, May - October

Date	Facility	Colonies/100 ml	Penalty	Comment
8/28/03	Custer CSO	26,000	\$5,000	

RCS# 5013
9/15/03
1:42 PM

Atlanta City Council

Regular Session

03-R-0951

PAYMENNT STIPILATED BY EPA AND EPD TO
CSO CONSENT DECREE CIVIL ACTION
ADOPT SUB

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

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

03-R-0951

03-R-0951
 (Do Not Write Above This Line)

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9/15/03 - Brought Forward from held status by Per negative of the sponsor

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER **SEP 15 2003**
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & **COUNCIL**
- PERSONAL PAPER REFER

Date Referred 9/15/03
 Referred To: City Utilities

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

City Utilities
 Date 9/15/03
 Chair _____

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

Members

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

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 RRC Vote

CERTIFIED

CERTIFIED
 SEP 15 2003
 ATTENTION CITY COUNCIL PRESIDENT
Clair Muller, Westland

CERTIFIED
 SEP 15 2003
Rachel Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
Clair Muller
 SEP 15 2003