

04-R-1107

A RESOLUTION BY

Howard Shook

COUNCILMEMBER HOWARD SHOOK

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 TWO THOUSAND DOLLARS AND 00/100 (\$2,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE CLEAR CREEK CSO FACILITY ON MAY 31, 2004 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

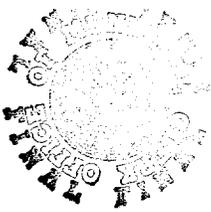
WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

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

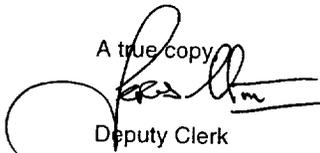
WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



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 One Thousand Dollars and 00/100 (\$1,000.00) payable to the **State of Georgia** and One Thousand Dollars and 00/100 (\$1,000.00) 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

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

June 21, 2004
June 24, 2004

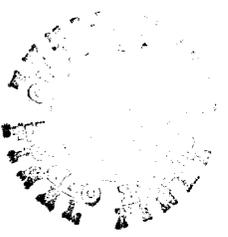


EXHIBIT A

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 2,000 and 8,000 colonies per 100 ml, May - October

Date	Facility	Colonies/100 ml	Penalty	Comment
05/31/04	Clear Creek CSO	2,200	\$2,000	Equipment failure

RCS# 5810
6/21/04
1:50 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG 1-15 EXCEPT 04-O-1110 -1098
 O-1100 O-1109 O-1104 R-1145 R-1144
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 2

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	B Willis

CONSENT I

6-21-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1016	41. 04-R-1066
2. 04-O-1009	42. 04-R-1067
3. 04-O-1117	43. 04-R-1068
4. 04-O-0795	44. 04-R-1069
5. 04-O-0919	45. 04-R-1070
6. 04-O-0914	46. 04-R-1071
7. 04-O-1064	47. 04-R-1072
8. 04-O-1101	48. 04-R-1073
9. 04-O-1118	49. 04-R-1074
10. 04-O-0987	50. 04-R-1075
11. 04-O-0990	51. 04-R-1076
12. 04-O-1116	52. 04-R-1077
13. 04-O-0662	53. 04-R-1078
14. 04-O-0663	54. 04-R-1079
15. 04-O-0664	55. 04-R-1080
16. 04-O-1018	56. 04-R-1081
17. 04-O-1106	57. 04-R-1082
18. 04-O-1112	58. 04-R-1083
19. 04-O-1113	59. 04-R-1084
20. 04-O-1119	60. 04-R-1085
21. 04-O-0785	61. 04-R-1086
22. 04-O-1007	62. 04-R-1087
23. 04-O-1103	63. 04-R-1089
24. 04-R-1022	64. 04-R-1090
25. 04-R-1043	65. 04-R-1091
26. 04-R-1047	
27. 04-R-1020	
28. 04-R-1035	
29. 04-R-1051	
30. 04-R-1052	
31. 04-R-1053	
32. 04-R-1111	
33. 04-R-1056	
34. 04-R-1107	
35. 04-R-1088	
36. 04-R-1092	
37. 04-R-1093	
38. 04-R-1094	
39. 04-R-1095	
40. 04-R-1096	

#25

(Do Not Write Above This Line) **047-1107**

A RESOLUTION BY
COUNCILMEMBER HOWARD SHOOK

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 TWO THOUSAND
DOLLARS AND NO CENTS
(\$2,000.00) AS STIPULATED
PENALTIES FOR THE VIOLATION
OF CSO FECCAL COLIFORM
OPERATIONAL STANDARDS AT
THE CLEAR CREEK CSO FACILITY
ON MAY 31, 2004 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.

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

Date Referred 06/07/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee _____
Date _____
Chair _____
Referred to _____

First Reading

Copy Committee 1/5/04
Date 1/5/2004
Ann Chair

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

Members
[Signature]

Refer To
[Signature]
[Signature]
[Signature]

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

ADOPTED BY

JUN 2 1 2004

COUNCIL

Refer To

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

CERTIFIED

CERTIFIED
JUN 2 1 2004
[Signature]
MUNICIPAL PRESIDENT/PROTEM

CERTIFIED
JUN 2 3 2004
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
JUN 2 4 2004
[Signature]
MAYOR