

A RESOLUTION BY

04- R-0064

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS AND 00/100 (\$5,250.00) AS STIPULATED PENALTIES FOR VIOLATIONS OF THE GEORGIA RULES AND REGULATIONS FOR WATER QUALITY CONTROL DURING FEBRUARY AND MARCH 2003; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experienced a violation of Georgia Rules and Regulations for Water Quality Control as set out in Exhibit "A" hereto; and

WHEREAS, in February 2003 the RM Clayton WRC exceeded the maximum concentration of fecal coliform bacteria; and

WHEREAS, on March 6, 2003 an unpermitted discharge of approximately 183,000 gallons of raw sewage to Nancy Creek occurred at Broadland Road and Northside Drive; and

WHEREAS, on March 6, 2003 an unpermitted discharge of approximately 107,250 gallons of raw sewage to Nancy Creek occurred at 1225 E. Beechwood Drive; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact these violations of the Georgia Water Quality Control Act did occur; and

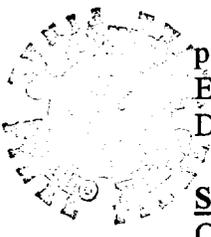
WHEREAS, the payment to EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01 529017 Q30001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed expedited enforcement compliance order 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 a check in the amounts of Five Thousand Two Hundred Fifty Dollars and 00/100 (\$5,250.00)



payable to the **State of Georgia** as penalties imposed pursuant to the Expedited Enforcement Compliance Order at the discretion of 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 Q30001.

A true copy

A handwritten signature in black ink, appearing to be "K. A. ...", written over a horizontal line.

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

JAN 20, 2004
JAN 28, 2004

EXHIBIT A

Georgia Department of Natural Resources

Environmental Protection Division, Water Protection Branch
4220 International Parkway, Suite 101, Atlanta, Georgia 30354
Permitting, Compliance and Enforcement Program
404/362-2680
FAX: 404/362-2691

December 12, 2003

Mr. Rob Hunter, Deputy Commissioner
City of Atlanta
Department of Watershed Management
Suite 5400, City Hall South
55 Trinity Avenue SW
Atlanta, GA 30335-3029



RE: Proposed Expedited Enforcement
Compliance Order (EECO)
R. M. Clayton Water Reclamation Center
Permit No. GA0021482
Unpermitted discharges

Dear Mr. Hunter:

A review of EPD files indicates that the City of Atlanta (City) has experienced one exceedence of the permitted effluent limit at the R. M. Clayton Water Reclamation Center (WRC) and two unpermitted discharges from its sanitary sewer system that reached the waters of the State. The permit limit violation and discharges were:

- Exceedence of the permitted weekly maximum concentration limit of 400#/100mL for Fecal Coliform Bacteria during February 2003. Reported weekly maximum concentration for Fecal Coliform Bacteria during February 2003 is 409#/100mL.
- On March 6, 2003, the City experienced an unpermitted discharge from the collection system of approximately 183,000 gallons of raw sewage to Nancy Creek at Broadland Road at Northside Drive; and
- On March 6, 2003, the City experienced an unpermitted discharge from the collection system of approximately 107,250 gallons of raw sewage to Nancy Creek at 1225 East Beechwood Drive.

The documented permitted effluent limitation exceedence and unpermitted discharges are violations of the Georgia Rules and Regulations for Water Quality Control and the NPDES Permit. EPD is offering to resolve and settle these non-compliance issues through the enclosed "Expedited Enforcement Compliance Order and Settlement Agreement" (Order).

EXHIBIT A

Mr. Rob Hunter, Deputy Commissioner

Page 2

December 12, 2003

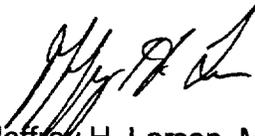
The order contains the following conditions:

1. Submit a monetary settlement of \$5,250.00: and
2. Continue the stream sampling program for the major spills occurring on March 6, 2003.

In accordance with Chapter 391-1-3 of the Public Participation in Enforcement of Environmental Statutes Rule, EPD plans to issue public notice on this Order once the Order has been signed and returned by the City. After consideration of any comments received during the 30-day comment period, EPD will present to the City an executed Order or an Order with modifications based upon comments received pursuant to the public notice. In the event that no changes are made to the proposed Order previously forwarded to the City, the City will be responsible for returning the settlement amount to EPD in the form of a check for \$5,250.00, made payable to the Georgia Department of Natural Resources, within 30 days of the execution date of the Order. If you choose not to accept the terms of this Order, EPD may choose to address this matter through other formal enforcement methods.

EPD considers this settlement to be a reasonable resolution to this issue. We urge your prompt attention to this matter.

Sincerely,



Jeffrey H. Larson, Manager
Permitting, Compliance and Enforcement Program

JHL/elw

Attachment

EXHIBIT A

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
PERMITTING, COMPLIANCE, AND ENFORCEMENT PROGRAM
4220 INTERNATIONAL PARKWAY, SUITE 101
ATLANTA, GEORGIA 30354

EXPEDITED ENFORCEMENT COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

PART I: COMPLIANCE ORDER

Part II: SETTLEMENT AGREEMENT

Permit No.: GA0021482

R. M. Clayton Water Reclamation Center
(Name of Facility)

Name of Owner, Operator, or Responsible

Official: Mr. Rob Hunter, Deputy Commissioner

Department of Watershed Management

City of Atlanta
(Address)

55 Trinity Avenue S. W., Suite 5400 City Hall South

Atlanta, Georgia 30335-3029

The Environmental Protection Division (EPD) documented the City of Atlanta (City) experienced an exceedance of the permitted effluent limit during February 2003 and two unpermitted discharges of greater than 100,000 gallons of raw sewage that entered the waters of the State (Nancy Creek) occurring on March 6, 2003. The Permit limit exceedance and the unpermitted discharges to the waters of the State are violations of your NPDES Permits, Chapter 391-3-6. of the Georgia Rules and Regulations for Water Quality Control, and Title 12, Chapter 5 of the Official Code of Georgia Annotated (Code). The following violations noted, in accordance to section 12-5-52. of the Code and its corresponding settlement amount, are listed below:

391-3-6-.06(4)(a) [12-5-52(a)], Settlement \$ 250.00
Nature of Violation: Exceedance of the permitted weekly maximum concentration limit of 400#/100mL for Fecal Coliform Bacteria during February 2003 at the R. M. Clayton Water Reclamation Center. Reported weekly maximum concentration for Fecal Coliform Bacteria during February 2003 is 409#/100mL.

391-3-6-.06(4)(a) [12-5-52(a)], Settlement \$ 2,500.00
Nature of Violation: 1 unpermitted discharge of approximately 183,000 gallons of raw sewage to the waters of the State (Nancy Creek) occurring on March 6, 2003 at Broadland Road and Northside Drive.

391-3-6-.06(4)(a) [12-5-52(a)], Settlement \$ 2,500.00
Nature of Violation: 1 unpermitted discharge of approximately 107,250 gallons of raw sewage to the waters of the State (Nancy Creek) occurring on March 6, 2003 at 1225 E. Beechwood Drive.

391-3-6-.06(4)(a) [12-5-52(a)], Settlement \$
Nature of Violation:

391-3-6-.06(4)(a) [12-5-52(a)], Settlement \$
Nature of Violation:

TOTAL SETTLEMENT AMOUNT \$5,250.00

The City of Atlanta is hereby ordered to correct the violation and pay the settlement amount.

This Compliance Order is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the City of Atlanta within 30 days of receipt, this Compliance Order can be withdrawn without prejudice to EPD's ability to file additional enforcement actions for the above violation or any other violations.

The Georgia Environmental Protection Division (EPD) offers this Settlement Agreement as an expedited enforcement procedure in order to settle the violation listed in the Compliance Order in Part I of this form subject to the following terms and conditions:

The City of Atlanta, by signing below, certifies under penalty of law that: a) the information submitted in this and all attached documents has been personally examined and that the City of Atlanta is familiar with the information; b) the CITED VIOLATIONS WILL BE CORRECTED; c) continue stream sampling program for the three major spills occurring on March 6, 2003, and submit sampling data to EPD by the 15th day of the month following the sampling period as described in the City's approved Emergency Response Plan; and d) payment of the settlement amount in the form of a check made payable to the Department of Natural Resources for \$5,250 will be remitted within 30 days of the execution of the Order.

Upon EPD final approval of this Settlement Agreement, EPD will take no further action against the City of Atlanta for the specific violations described in this Compliance Order. EPD does not waive any enforcement action by EPD, the State, or any local agencies for any past, present or future violations of the Water Quality Control Rules. This Order does not relieve the City of Atlanta of any obligations or requirements of the Permit.

This Settlement Agreement is binding on EPD and the City of Atlanta once it is signed below. This Settlement Agreement is not negotiable and is effective upon EPD's final approval below. Upon final approval, EPD shall mail a copy of the approved Settlement Agreement to the City of Atlanta signing below.

Final approval of the Settlement Agreement is in the sole discretion of the Director of EPD, or authorized delegate.

BY (print name):

TITLE:

SIGNATURE:

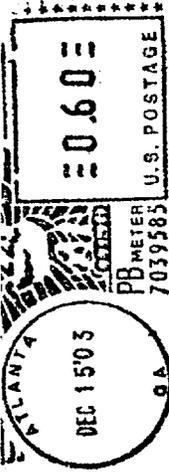
DATE:

FINAL ORDER BY EPD this day of , 2004.

Carol A. Couch, Ph. D., Director

COMPLIANCE ORDER NO:

EXHIBIT A



Georgia Department of Natural Resources
Environmental Protection Division
Water Protection Branch
4220 International Parkway • Suite 101 • Atlanta, GA 30354
Return Postage Guaranteed

To: Mr. Rob Hunter, Deputy Commissioner
City of Atlanta
Department of Watershed Management
Suite 5400, City Hall South
55 Trinity Avenue SW
Atlanta, GA 30335-3029

RCS# 5345
1/20/04
1:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-7 EXCEPT: 03-O-1954
03-O-2109
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

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

CONSENT I

1-20-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
<ol style="list-style-type: none"> 1. 04-O-0050 2. 04-O-0042 3. 03-O-2170 4. 03-O-1185 5. 03-O-2179 6. 03-O-0318 7. 04-R-0046 8. 04-R-0054 9. 04-R-0063 10. 04-R-0064 11. 04-R-0065 12. 03-R-0034 13. 03-R-2216 14. 04-R-0036 15. 04-R-0038 16. 04-R-0001 17. 04-R-0002 18. 04-R-0003 19. 04-R-0004 20. 04-R-0005 21. 04-R-0006 	<ol style="list-style-type: none"> 22. 04-R-0007 23. 04-R-0008 24. 04-R-0009 25. 04-R-0010 26. 04-R-0011 27. 04-R-0012 28. 04-R-0013 29. 04-R-0014 30. 04-R-0015 31. 04-R-0016 32. 04-R-0017 33. 04-R-0018 34. 04-R-0019 35. 04-R-0020 36. 04-R-0021 37. 04-R-0022 38. 04-R-0023 39. 04-R-0024 40. 04-R-0025 41. 04-R-0026 42. 04-R-0027 43. 04-R-0028 44. 04-R-0029

04-R-0064

(Do Not Write Above This Line)

A RESOLUTION BY

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS AND 00/100 (\$5,250.00) AS STIPULATED PENALTIES FOR VIOLATIONS OF THE GEORGIA RULES AND REGULATIONS FOR WATER QUALITY CONTROL DURING FEBRUARY AND MARCH 2003; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

ADOPTED BY

JAN 2 0 2004

COUNCIL

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

Other

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

Other

Refer To

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

JAN 2 9 2004

CERTIFIED

JAN 2 0 2004

Rod D. ...
MUNICIPAL CLERK

MAYOR'S ACTION

JAN 2 8 2004

MAYOR

Amily ...