

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY

05-R-0491

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 THIRTY TWO THOUSAND SIX HUNDRED FIFTY DOLLARS AND 00/100 (\$32,650.00) AS STIPULATED PENALTIES FOR VIOLATIONS OF THE GEORGIA RULES AND REGULATIONS FOR WATER QUALITY CONTROL FOR VARIOUS UNPERMITTED DISCHARGES IN MAY, NOVEMBER, AND DECEMBER 2004; 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, on May 26, 2004 a discharge was reported from the South River WRC of approximately 3,353 gallons of treat effluent to waters of the state due to a leaking pipe in the effluent pump station wet well ; and

WHEREAS, on November 8, 2004 a discharge was reported from the South River WRC of approximately 69.6 millions gallons of treated effluent to waters of the state; and

WHEREAS, from November 27-29, 2004 a discharge was reported from the South River WRC of approximately 1,077 gallons of treated effluent to waters of the state due to a leaking force main pipe at the effluent pump station; and

WHEREAS, on December 29, 2004 an unpermitted discharge of approximately 13,620 gallons of raw sewage to Proctor Creek occurred at 1190 Northwest 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 consent 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 Thirty Two Thousand Six Hundred Fifty Dollars and 00/100 (\$32,650.00) payable to the **State of Georgia** as penalties imposed pursuant to the Consent 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,

Phanda Dauphin Johnson
Municipal Clerk

ADOPTED by the City Council
APPROVED by the Mayor

March 21, 2005
March 25, 2005



EXHIBIT A
Georgia Department of Natural Resources
Environmental Protection Division, Water Protection Branch
4220 International Parkway, Suite 101, Atlanta, Georgia 30354

404/675-6232
FAX: 404/675-6247

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER
2005 JAN 21 PM 4:53

January 21, 2005

Honorable Shirley Franklin, Mayor
City of Atlanta
Suite 5800, City Hall South
55 Trinity Avenue SW
Atlanta, GA 30335-3029

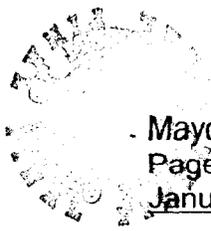
RE: Proposed Consent Order
South River Water Reclamation Center (WRC)
NPDES Permit No. GA0024040

Dear Mayor Franklin:

On August 18, 2004, the Environmental Protection Division (EPD) transmitted a proposed Consent Order to the City of Atlanta (City) to address several unpermitted discharges occurring from the sanitary sewer system associated with the City's Hartsfield Jackson Atlanta International Airport (HJAIA) Fifth Runway Project and the May 26, 2004 unpermitted discharge from the City's South River WRC. Per the City's request, EPD has separated the proposed Order into two Orders. The second Order will be mailed under separate cover.

The enclosed proposed Consent Order (Order) addresses the May 26, 2004 unpermitted discharge from the South River WRC. The Order also addresses two additional unpermitted discharges from a leak in the force main located at the South River WRC effluent pump station on November 8, 2004 and November 27-29, 2004, and a major spill of 19,604 gallons of raw sewage occurring on December 29, 2004, at 1190 Northwest Drive, NW. Therefore, EPD has revised the monetary settlement to \$32,650.00 to reflect the above referenced unpermitted discharges. Furthermore, EPD has included a condition for completing the repairs at the South River WRC effluent pump station by August 1, 2005 and a second condition to submit stream sampling data for the major spill occurring on December 29, 2004.

Please sign the attached Order and return it to our office by February 18, 2005. Please date the Order under the signature line for the City, but do not place a date in the lines above the Director's signature, as they will be filled in when the Order is executed. In accordance with Chapter 391-1-3 of the Public Participation in Enforcement of Environmental Statutes Rule, EPD plans to issue a 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



Mayor Shirley Franklin

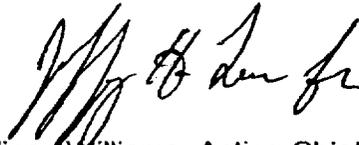
Page 2

January 21, 2005

Order previously forwarded to the City, the City will be responsible for paying the settlement amount in accordance with Condition No. 1 of the Order. Payment should be in the form of a check made payable to the Georgia Department of Natural Resources.

Your cooperation in this matter is appreciated.

Sincerely,

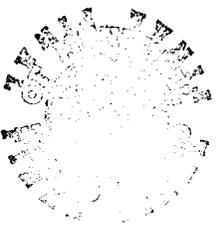


Vince Williams, Acting Chief
Water Protection Branch

VW/elw

Enclosure

CC: Rob Hunter, Commissioner Department of Watershed Management ✓
Sally Mills, Director, Office of Environmental Compliance



ENVIRONMENTAL PROTECTION DIVISION
OF THE
DEPARTMENT OF NATURAL RESOURCES
STATE OF GEORGIA

IN RE: City of Atlanta
Sanitary Sewer System
South River Water Reclamation Center Discharges

ORDER NO. EPD-WQ-

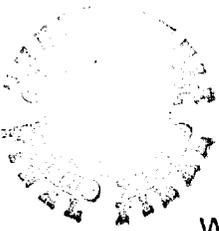
CONSENT ORDER

WHEREAS, the Director of the Georgia Environmental Protection Division (Director, EPD) has issued a National Pollution Discharge Elimination System (NPDES) Permit No. GA0024040 (Permit) to the City of Atlanta (City) for its South River Water Reclamation Center (WRC); and

WHEREAS, the Permit authorizes the City to discharge treated wastewater according to effluent limitations, monitoring requirements, and other conditions set forth in the Permit; and

WHEREAS, Chapter 391-3-6-.02(2)(c) of the Rules defines "sewerage system" as any system that treats or disposes of pollutants including treatment works, pipelines, or conduits, pumping stations or force mains, and all other constructions, devices, and appliances appurtenant thereto, used to conduct pollutants to the point of ultimate disposal; and

WHEREAS, on May 26, 2004, the City reported a release of approximately 3,353 gallons of treated effluent to the waters of the State (South River) from the WRC due to a leaking pipe in the effluent pump station wet well; and



WHEREAS, on May 26, 2004, EPD investigated the release from the WRC; and

WHEREAS, the leaking pipe identified as the cause of the unpermitted discharge was under the chemical feed building that houses ferric chloride; and

WHEREAS, part of the flow from the unpermitted discharge was trapped in the crawl space under the chemical feed building; and

WHEREAS, on November 8, 2004, the City reported a release of approximately 1,077 gallons of treated effluent to the waters of the State (South River) from the WRC due to a leaking force main pipe at the effluent pump station; and

WHEREAS, to stop the November 8, 2004 overflow from reaching State waters, the City set up a pump in the pit next to the effluent pump station to return flow from the leaking pipe back to the sand filters; and

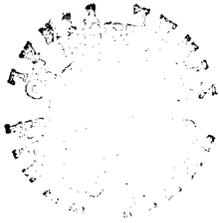
WHEREAS, on November 15, 2004, per the City's request, EPD made a site visit to the WRC; and

WHEREAS, during the site visit, the City was still trying to determine the location of the leak and the needed corrective actions; and

WHEREAS, EPD requested the City to provide weekly status reports of the repair of the effluent force main; and

WHEREAS, in an update report dated November 26, 2004, the City reported the leak to be in the end cap of the force main and parts needed to fix the leak were on order; and

WHEREAS, on November 27, 2004, a complete failure of the force main header resulted in the release of treated effluent from the WRC to the South River; and



WHEREAS, on November 29, 2004, EPD investigated the continued release of treated effluent from the force main failure at the WRC; and

WHEREAS, the parts needed to repair the force main were scheduled to arrive on November 29, 2004; and

WHEREAS, once the parts arrived the City was able to repair the force main; and

WHEREAS, on November 27-29, 2004, the City reportedly released 69.6 million gallons of treated effluent to South River; and

WHEREAS the Permit authorizes the WRC to discharge into the Chattahoochee River; and

WHEREAS, the May 26, 2004, November 8, 2004, and November 27-29, 2004, releases are unpermitted discharges; and

WHEREAS, on December 7, 2004, the City and EPD met to discuss the unpermitted discharges; and

WHEREAS, during this meeting, the City indicated that the effluent pump station was scheduled for repairs and that the line that had caused the May 26, 2004 discharge had been isolated; and

WHEREAS, in a December 20, 2004 letter, the City submitted a schedule for the repairs to the effluent pump station; and

WHEREAS, Part II.A.1 of the Permit requires that the City maintain and operate efficiently all treatment or control facilities and related equipment installed or used by the City to achieve compliance with the terms and conditions of the Permits; and



WHEREAS, on December 29, 2004, EPD found an overflowing manhole in a wooded area near Bankhead Highway and Watts Road; and

WHEREAS, EPD reported the overflowing manhole to the City; and

WHEREAS, the City reported that the overflowing manhole located by EPD had released 19,604 gallons of raw sewage from the sanitary collection and transmission system at 1190 Northwest Drive of which 13,620 gallons entered States Waters (Proctor Creek) due to a grease and roots blockage; and

WHEREAS, Chapter 391-3-6-.05 of the Rules defines a "major spill" as a discharge of pollutants into the waters of the State by a POTW that is in excess of 10,000 gallons or results in water quality violations in the waters of the State; and

WHEREAS, the December 29, 2004 event meet the definition of a major spill; and

WHEREAS, Chapter 391-3-6-.03(5)(c) of the Rules states that all waters shall be free from material related to municipal, industrial, or other discharges which produce turbidity, color, odor, or other objectionable conditions which interfere with legitimate water uses and Chapter 391-3-6-.03(5)(e) of the Rules states that all water shall be free from toxic, corrosive, acidic and caustic substances discharged from municipalities, industries or other sources, such as nonpoint sources, in amounts, concentrations or combinations which are harmful to humans, animals or aquatic life; and

WHEREAS, Section 12-5-29(a) of the Official Code of Georgia Annotated (Code) makes it unlawful to use waters of the State for the disposal of sewage or other wastes, except in such a manner as to conform to and comply with the code and all rules, regulations, orders and permits established under the Code; and



WHEREAS, Section 12-5-52(a) of the Code provides that any person violating any provision of the Code or any permit condition or limitation established pursuant to the Code shall be liable to the State of Georgia for a civil penalty not to exceed \$50,000 per day per violation; and

WHEREAS, failure of the Director to take appropriate enforcement action against the City for noncompliance would result in Federal enforcement action against the City; and

WHEREAS, the City, in an effort to cooperate with EPD and to comply with the provisions of the Code, agrees to comply with the terms and conditions of this Order.

NOW, THEREFORE, the Director ORDERS and the City AGREES to the following:

1. Submit to the Georgia Department of Natural Resources within thirty days from the effective date of the Order, a monetary settlement of \$32,650.00 for the unpermitted discharges from the South River WRC occurring on May 26, 2004, November 8, 2004, and November 27-29, 2004 and the major spill occurring on December 29, 2004.
2. Complete scheduled repairs to the effluent pump station at the South River WRC as described in the City's December 20, 2004 letter by August 1, 2005. Within 30 days of completion of the project, submit to EPD written confirmation of effluent pump station repairs.
3. Continue to submit to EPD the results of the stream-monitoring program conducted by the City in accordance with the requirements of the major spill provisions per Chapter 391-3-6-.05(3)(c) of the Rules for the major spill



occurring on December 29, 2004. This data shall include sampling upstream and downstream of the waters affected by the major spill for the following parameters:

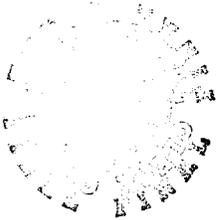
- a. Dissolved Oxygen
- b. Fecal Coliform Bacteria
- c. pH
- d. Temperature

Samples shall be collected once per day for one week with the results for fecal coliform bacteria reported as a geometric mean, once per week for the remainder of the month with the entire month of fecal coliform bacteria results reported as a geometric mean, and once per week during the 3rd and 12th month with the fecal coliform bacteria results reported as geometric means, as well. The results are to be submitted to EPD by the 15th day of the month following the sampling period.

This Order does not waive EPD's power to take further enforcement action, or imply that EPD will not take such action if the City fails to (1) meet all Permit conditions (2) fully satisfy the conditions of the Order, or (3) fully comply with any other relevant requirements.

This Order is not a finding, adjudication of, or evidence of a violation of any State law by the City nor does the City by its consent agree to any violation of State laws nor admit any liability to any third party or parties.

This Order does not relieve the City of any obligations or requirements of the NPDES Permit.



This Order is final and effective immediately and shall not be appealable, and the City waives any hearing on its terms and conditions.

IT is so ORDERED, CONSENTED and AGREED TO this _____ day of _____, 2005.

FOR THE DIRECTOR:

CAROL A. COUCH, Ph. D.
Director

FOR THE FACILITY:

CITY OF ATLANTA

BY: _____

TITLE: _____

DATE: _____

MAILER

\$1.06

JAN 20 2005

POSTAGE

FIRST CLASS

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Georgia Department of Natural Resources
Environmental Protection Division/Water Protection Branch
42220 International Parkway, Suite 101
Atlanta, Georgia 30354



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

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-0499 04-O-2111
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

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

CONSENT I

(Do 05 with R.0491 ne)

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 THIRTY TWO THOUSAND SIX HUNDRED FIFTY DOLLARS AND 00/100 (\$32,650.00) AS STIPULATED PENALTIES FOR VIOLATIONS OF THE GEORGIA RULES AND REGULATIONS FOR WATER QUALITY CONTROL FOR VARIOUS UNPERMITTED DISCHARGES IN MAY, NOVEMBER, AND DECEMBER 2004; 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 _____

Referred To: **ADOPTED BY**

Date Referred **MAR 2 1 2005**

Referred To: _____

Date Referred **COUNCIL**

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Stella C. ...

Clair ...

Carla ...

...

...

...

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action

Action

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Other

Members

Members

ADOPTED BY

MAR 2 1 2005

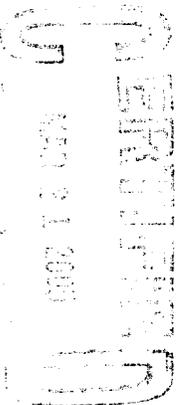
COUNCIL

Referred To:

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

CERTIFIED

MAR 2 1 2005



MAYOR'S ACTION

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