

#12

11-R-0774  
(Do Not Write Above This Line)

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

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

A RESOLUTION BY

*Hand Shook*  
*Natalyn Mosby*

COUNCILMEMBERS NATALYN MOSBY  
ARCHIBONG & HOWARD SHOOK

AUTHORIZING 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 \$ \_\_\_\_\_ AS  
STIPULATED PENALTIES FOR THE VIOLATION  
OF CSO FECAL COLIFORM OPERATIONAL  
STANDARDS \_\_\_\_\_

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

*Substitute*

JUL 18 2011

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

Date Referred *5/2/11*  
Referred To: *City Utilities*  
Date Referred \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Date Referred \_\_\_\_\_  
Referred To: \_\_\_\_\_

*City Utilities*  
Committee  
*May 10, 2011*  
Date  
*Hand Shook*  
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

*City Utilities*  
Committee  
*July 12 2011*  
Date  
*Hand Shook*  
Chair

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

Members  
*Hand Shook*

Refer To  
*Yadran*

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

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

Members

Refer To

CERTIFIED

CERTIFIED  
JUL 18 2011  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
JUL 27 2011

*Ronald Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 27 2011

WITHOUT SIGNATURE  
BY OPERATION OF LAW



11-R-0774

**A RESOLUTION BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND HOWARD SHOOK 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 TOTAL CHLORINE RESIDUAL OPERATIONAL STANDARD AT THE CUSTER AVENUE CSO ON MAY 27, 2011 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 of Atlanta ("City") has experienced violations of Total Chlorine Residual 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 Paragraph XI.D.4 ; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation of Operational Standards of Total Residual Chlorine 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 5051 (Water & Wastewater Revenue) 5750002 (Property Liquidation) 170203 (Department of Watershed Management Wastewater Treatment) 4310000 (Sanitary Administration); 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.

**THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES**, 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 for said violations of Operational Standards of Total Residual Chlorine at the Custer Avenue CSO on May 27, 2011.

**BE IT FINALLY RESOLVED** that the said payments be chargeable to Account Number 5051 (Water & Wastewater Revenue) 5750002 (Property Liquidation) 170203 (Department of Watershed Management Wastewater Treatment) 4310000 (Sanitary Administration).

A true copy,

A handwritten signature in black ink, appearing to be "S. L. ...", is written over a large, stylized flourish that extends to the left.

Deputy Clerk

**ADOPTED by the Atlanta City Council** July 18, 2011  
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**  
**APPROVED as per City Charter Section 2-403** July 27, 2011

RCS# 1281  
7/18/11  
3:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 8  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 7

Y Smith	B Archibong	Y Moore	B Bond
Y Hall	B Wan	Y Martin	Y Watson
Y Young	B Shook	B Bottoms	B Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

CONSENT I