

#14

12-P-0221
(Do Not Write Above This Line)

RESOLUTION BY
Yolanda Adrean
COUNCIL MEMBERS NATALYN MOSBY
ARCHIBONG & YOLANDA ADREAN

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.

AS SUBMITTED ADOPTED BY
MAY 07 2012

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

Date Referred: *2/6/12*

Referred To: *City Studies*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee *City Studies*

Date *February 14, 2012*

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 *City Studies*

Date *May 7 2012*

Chair *Yolanda Adrean*

Action

Fav. Adv. Hold (see rev. side)

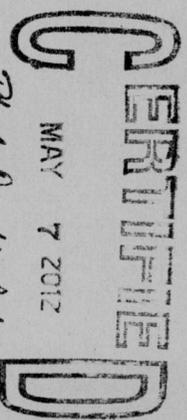
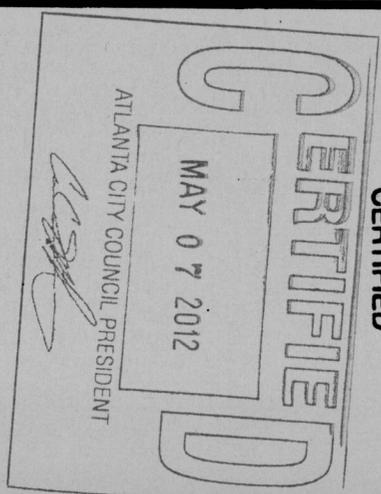
Other *or submit*

Members

Refer To

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

CERTIFIED



MAYOR'S ACTION

APPROVED

MAY 16 2012

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

12-R-0221

A RESOLUTION BY

COUNCIL MEMBERS NATALYN M. ARCHIBONG & YOLANDA ADREAN

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 FOURTEEN THOUSAND, FIVE HUNDRED DOLLARS AND NO CENTS (\$14,500.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF TOTAL CHLORINE RESIDUAL OPERATIONAL STANDARD AT THE WEST AREA R.M. CLAYTON CSO WATER QUALITY CONTROL FACILITY ON MARCH 12, 2012 AND FAILURE TO FOLLOW APPROVE MONITORING AND SAMPLING PLAN AT THE CUSTER AVENUE CSO ON JANUARY 21, 2012 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) 170201 (Department of Watershed Management Wastewater Treatment and Collections) 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 Seven Thousand, Two Hundred Fifty Dollars and No Cents (\$7,250.00) payable to the **State of Georgia** and Seven Thousand, Two Hundred Fifty Dollars and No Cents (\$7,250.00) 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 West Area R.M. Clayton CSO Water Quality Control Facility on March 12, 2012 and Failure to Follow Approve Monitoring and Sampling Plan at the Custer Avenue CSO on January 21, 2012.

AND FINALLY BE IT RESOLVED that the said payments be chargeable to Account Number 5051 (Water & Wastewater Revenue) 5750002 (Property Liquidation) 170201 (Department of Watershed Management Wastewater Treatment and Collections) 4310000 (Sanitary Administration).

A true copy,

Rhonda Daughin Johnson

Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

May 07, 2012

May 16, 2012



Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, as follows:

Section XI.F.10 - Failure to sample.

Discharge Start Date: January 21, 2012

Facility: Custer Avenue CSO

Composites Samples: Failure to sample

Penalty: \$6,000.00

Section XI.D.4 - Exceeded Operational Standard for Total Residual Chlorine.

Discharge Start Date: March 3, 2012

Facility: West Area R.M. Clayton CSO Water Quality Control Facility

Composites Samples: Total Residual Chlorine Grab Sample

Penalty: \$8,500.00

		05-07-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0392	38. 12-R-0596	66. 12-R-0533
2. 12-O-0495	39. 12-R-0598	67. 12-R-0534
3. 12-O-0500	40. 12-R-0599	68. 12-R-0535
4. 12-O-0410	41. 12-R-0601	69. 12-R-0536
5. 12-O-0411	42. 12-R-0602	70. 12-R-0537
6. 12-O-0487	43. 21-R-0603	71. 12-R-0538
7. 12-O-0490	44. 12-R-0511	72. 12-R-0539
8. 12-O-0499	45. 12-R-0512	73. 12-R-0540
9. 12-O-0408	46. 12-R-0513	74. 12-R-0541
10. 12-O-0409	47. 12-R-0514	75. 12-R-0542
11. 12-O-0412	48. 12-R-0515	76. 12-R-0543
12. 12-O-0482	49. 12-R-0516	77. 12-R-0544
13. 12-O-0502	50. 12-R-0517	78. 12-R-0545
14. 12-R-0572	51. 12-R-0518	79. 12-R-0546
15. 12-R-0573	52. 12-R-0519	80. 12-R-0547
16. 12-R-0574	Items Adversed On	81. 12-R-0548
17. 12-R-0576	Consent	82. 12-R-0549
19. 12-R-0577	53. 12-R-0520	83. 12-R-0550
20. 12-R-0580	54. 12-R-0521	84. 12-R-0551
21. 12-R-0604	55. 12-R-0522	85. 12-R-0552
22. 12-R-0221	56. 12-R-0523	86. 12-R-0553
23. 12-R-0564	57. 12-R-0524	87. 12-R-0554
24. 12-R-0451	58. 12-R-0525	88. 12-R-0555
25. 12-R-0508	59. 12-R-0526	89. 12-R-0556
26. 12-R-0492	60. 12-R-0527	90. 12-R-0557
27. 12-R-0618	61. 12-R-0528	
28. 12-R-0586	62. 12-R-0529	
29. 12-R-0587	63. 12-R-0530	
30. 12-R-0588	64. 12-R-0531	
31. 12-R-0589	65. 12-R-0532	
32. 12-R-0590		
33. 12-R-0605		
34. 12-R-0606		
35. 12-R-0607		
36. 12-R-0593		
37. 12-R-0594		