

12-12-0908

(Do Not Write Above This Line)

A RESOLUTION TO AUTHORIZE THE MAYOR OR HIS AUTHORIZED DESIGNEE TO ENTER INTO A CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF EIGHT THOUSAND DOLLARS AND NO CENTS (\$8,000.00) TO RESOLVE ALLEGED VIOLATIONS OF THE GEORGIA AIR QUALITY ACT, THE GEORGIA RULES FOR AIR QUALITY CONTROL AND PART 70 OPERATING PERMIT NO. 4952-121-0268-V-01-0; AND FOR OTHER PURPOSES.

ADOPTED BY  
JUL 16 2012  
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: \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

First Reading

Committee City Staff/4es  
Date July 10 2012  
Chair Walter C. Hudby  
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 \_\_\_\_\_  
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 \_\_\_\_\_  
Refer To \_\_\_\_\_

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

CERTIFIED  
ATLANTA CITY COUNCIL PRESIDENT  
JUL 16 2012

CERTIFIED  
JUL 16 2012  
Randy Dunnington  
MUNICIPAL CLERK

MAYOR'S ACTION  
APPROVED  
JUL 25 2012  
WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION BY  
CITY UTILITIES COMMITTEE

12-*R*-0908

**A RESOLUTION TO AUTHORIZE THE MAYOR OR HIS AUTHORIZED DESIGNEE TO ENTER INTO A CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF EIGHT THOUSAND DOLLARS AND NO CENTS (\$8,000.00) TO RESOLVE ALLEGED VIOLATIONS OF THE GEORGIA AIR QUALITY ACT, THE GEORGIA RULES FOR AIR QUALITY CONTROL AND PART 70 OPERATING PERMIT NO. 4952-121-0268-V-01-0; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (hereinafter called the "City") presently owns and operates a municipal sewage treatment facility (hereinafter called the "Facility") in Atlanta, Fulton County, Georgia; and

**WHEREAS**, such operation is subject to the provisions of the Georgia Air Quality Act, O.C.G.A. § 12-9-1, et seq. (hereinafter called the "Act") and the Georgia Rules for Air Quality Control, Chapter 391-3-1 (hereinafter called the "Rules"); and

**WHEREAS**, Title 40 Code of Federal Regulations Part 70 (hereinafter called "Part 70"), as adopted by reference in Rule 391-3-1-.03(10) of the Rules, requires all applicable requirements for all relevant emission units be included in a Part 70 Operating Permit; and

**WHEREAS**, the Director of the Georgia Environmental Protection Division (hereinafter called the "Division") issued Part 70 Operating Permit No. 4952-121-0268-V-01-0 (hereinafter called the "Permit") to the City on March 7, 2007 for the continued operation of the Facility and amended the Permit on June 15, 2011; and

**WHEREAS**, Conditions 5.2.1.d and 5.2.3.a of the Permit require the City to install, calibrate, maintain, and operate a system to continuously monitor and record the daily amount of sludge processed in order to calculate NO<sub>x</sub> emission from sludge burning; and

**WHEREAS**, Condition 5.2.1.c of the Permit requires the City to continuously monitor the oxygen content of the exhaust gases from sludge incinerators INC1 and INC2; and

**WHEREAS**, Condition 6.2.7 of the Permit requires the City to submit a Notification of Construction to the Division within thirty (30) days of commencing construction of an engine generator with ID No. BEGI; and



**WHEREAS**, Condition 6.2.8 requires the City to submit to the Division for approval a Title V permit amendment application that includes a volatile organic compound (VOC) Reasonably Available Control Technology (RACT) analysis for all VOC-emitting equipment on the site within one hundred and twenty (120) days after the issuance of the June 15, 2011 amendment to the Permit; and

**WHEREAS**, the City sent a semiannual report for the second half of 2011 covering the operating period of July 1, 2011 through December 31, 2011, on January 30, 2012, and a revised semiannual report for that period on February 27, 2012; and

**WHEREAS**, based on review of the information, the Division determined that the City failed to continuously monitor and record the oxygen concentration in the exhaust and measurements of sludge flow to the incinerators; and

**WHEREAS**, the semiannual report attributed the monitor downtime to malfunctions of the Data Management System (DMS); and

**WHEREAS**, the City submitted the Notification of Construction required by Condition 6.2.7 on February 24, 2012 and the construction of the engine generator BEGI commenced on August 5, 2011; and

**WHEREAS**, the Division sent a Notification of Violation letter to the City dated March 15, 2012 (hereinafter called the "NOV") alleging that the City violated Conditions 5.2.1.d, 5.2.3.a, 6.2.7, and 6.2.8; and

**WHEREAS**, the NOV requested a written response with the following information: (1) submittal of the application and VOC RACT analysis required by Permit Condition 6.2.8; (2) a complete description of the scope of work the City anticipated as necessary to provide reliable monitoring and recordkeeping for each incinerator's monitored parameters, as well as a schedule for the work, including intermediate milestones. Provisions for periodic updates to the Division of the status of the work progress was also requested to be included; and (3) any other information the City considered relevant to the alleged violations; and

**WHEREAS**, the City submitted a response to the NOV dated April 16, 2012 that was accompanied by the VOC RACT analysis and Title V permit amendment application. The response also included a description of the DMS upgrade project scope as well as a schedule for the work with an anticipated completion date of July 6, 2012. The response also indicated the City had hired additional qualified regulatory compliance staff, instituted quarterly meetings with plant operations managers to conduct reviews of Title V permit compliance, initiated a review of current maintenance practices and schedules to determine whether they are adequate or require



revisions and/or updates, developed an interactive compliance calendar with reminders to plant and compliance staff, provided air permit training for relevant plant management staff, and initiated scheduling of equipment manufacturers, when appropriate, to conduct onsite evaluations of the operating functionality of the current systems and equipment; and

**WHEREAS**, the Division considered the City's response and determined that the City violated Conditions 5.2.1.d, 5.2.3.a, 6.2.7, and 6.2.8 of the Permit; and

**WHEREAS**, the Division considered the City's response and determined that the violations are not allowed and are not excused by the Rules and the Permit; and

**WHEREAS**, the City and the Division wish to cooperate fully, to resolve the City's alleged violations of Conditions 5.2.1.d, 5.2.3.a, 6.2.7, and 6.2.8 of the Permit and to ensure future compliance; and

**WHEREAS**, the City and the Division wish to enter into and execute the proposed Consent Order solely for the purpose of resolving and disposing of the allegations set forth therein and the Order shall not constitute any finding, determination or adjudication of a violation of any state laws, rules, standards or requirements, nor does it constitute a finding or adjudication of liability to a third party or parties.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES**, as follows:

**SECTION 1:** That the Mayor, or his authorized designee, the Commissioner of the Department of Watershed Management, acting on behalf of the City, is authorized to enter a Consent Order that substantially conforms to the attached "Exhibit A."

**SECTION 2:** That the Chief Financial Officer of the City is authorized to issue a check in the amount of Eight Thousand Dollars and No Cents (\$8,000.00) payable to the State of Georgia to resolve alleged violations pursuant to the Consent Order.

**SECTION 3:** That by July 6, 2012, the City shall install and implement a system that reliably obtains and stores continuous monitoring data (instantaneous and averages). The City shall follow the schedule proposed in the NOV dated April 16, 2012, including the periodic updates to the Division of the progress being made to the installation.

**SECTION 4:** That said payment will be charged to and paid from Fund, Department Organization and Account Number 5051 (Water & Wastewater Revenue) 5750002 (Property



Liquidation) 170201 (Department of Watershed Management Wastewater Treatment and Collections) 4310000 (Sanitary Administration).

A true copy,

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

Deputy Municipal Clerk

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

**July 16, 2012**  
**July 25, 2012**



## Exhibit A



# Georgia Department of Natural Resources

Environmental Protection Division, Air Protection Branch

4244 International Parkway, Suite 120, Atlanta, Georgia 30354

(404) 363-7000; Fax: (404) 363-7100

Mark Williams, Commissioner

Judson H. Turner, Director

MAY 11 2012

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Jo Ann J. Macrina, P.E.  
Commissioner  
City of Atlanta, Bureau of Watershed Protection  
55 Trinity Avenue SW  
Suite 5400, South Bldg.  
Atlanta, Georgia 30303-3544

**Received By:  
City of Atlanta**

**MAY 25 2012**

**Dept of Watershed Management  
Bureau of Watershed Protection**

RE: *Proposed Consent Order*  
City of Atlanta, RM Clayton WRC  
AIRS No. 121-00268

Dear Ms. Macrina:

A Notice of Violation was sent to the City of Atlanta on March 15, 2012, for alleged violations of Part 70 Operating Permit No. 4952-121-0268-V-01-0, as amended, issued to the City's R.M. Clayton facility. The Division has considered the information presented in the City's letter dated April 16, 2012 and has determined that the City has violated the conditions of the Permit.

As a means to settle the alleged violation, the Division is proposing the enclosed Consent Order. The Consent Order includes a monetary penalty and requires the City to follow the schedule for completion of the project proposed to ensure continuous monitoring and recording of required parameters for the sludge incinerators, as provided by the City.

Please provide the necessary signature and return the signed Order to the above address within 15 days of receipt of this letter. The Order will then be public noticed and a 30-day comment period will be provided. You will receive a letter from the EPD Director's Office informing you of the issuance of the notice and the expiration date of the comment period. After the close of the comment period, we will notify you if revisions to the Order are necessary.

Thank you for your cooperation. If you have any questions or comments concerning this Consent Order, please feel free to contact Sherry Waldron at (404) 362-4853 or by e-mail at [sherry.waldron@dnr.state.ga.us](mailto:sherry.waldron@dnr.state.ga.us).

Sincerely,

Karen Hays, P.E.  
Program Manager  
Stationary Source Compliance Program

KDH:sgw  
Enclosure

c: Margaret Tanner, P.E., Deputy Commissioner, COA  
Frank Stephens, P.E., Deputy Commissioner, COA  
Kristina Garcia, Watershed Manager, COA

AIRS #121-00268



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

**CONSENT ORDER**

**CITY OF ATLANTA  
ATLANTA, GEORGIA  
FULTON COUNTY**

**ORDER NO. EPD-AQC-**

WHEREAS, the City of Atlanta (hereinafter called the "City") presently owns and operates a municipal sewage treatment facility (hereinafter called the "Facility") in Atlanta, Fulton County, Georgia; and

WHEREAS, such operation is subject to the provisions of the Georgia Air Quality Act, O.C.G.A. Section 12-9-1, et seq., (hereinafter called the "Act") and the Georgia Rules for Air Quality Control, Chapter 391-3-1 (hereinafter called the "Rules"); and

WHEREAS, the Director of the Environmental Protection Division (hereinafter called the "Division") issued Part 70 Operating Permit No. 4952-121-0268-V-01-0 (hereinafter called the "Permit") to the City on March 7, 2007, for the continued operation of the Facility, as amended on June 15, 2011; and

WHEREAS, Condition 5.2.1.d and 5.2.3.a of the Permit require the City to install, calibrate, maintain, and operate a system to continuously monitor and record the daily amount of sludge processed, in order to calculate NOx emissions from sludge burning. In addition, Condition 5.2.1.c of the Permit requires the City to continuously monitor the oxygen content of the exhaust gases from sludge incinerators INC1 and INC2; and



WHEREAS, Condition 6.2.7 of the Permit requires the City to submit a Notification of Construction to the Division within 30 days of commencing construction of an engine generator with ID No. BEG1; and

WHEREAS, Condition 6.2.8 requires the City to submit to the Division for approval a Title V permit amendment application that includes a volatile organic compound (VOC) Reasonably Available Control Technology (RACT) analysis for all VOC-emitting equipment on the site within 120 days after the issuance of the June 15, 2011 amendment to the Permit; and

WHEREAS, the City sent the semiannual report for the second half of 2011 covering the operating period of July 1, 2011 through December 31, 2011, on January 30, 2012, and a revised semiannual report for that period on February 27, 2012; and

WHEREAS, the City reported the following monitor downtime in the 2<sup>nd</sup> semiannual report for 2011:

Parameter	Incinerator INC1	Incinerator INC2
Sludge flow	12.92%	3.15%
Exhaust O2	5.29%	6.23%

and

WHEREAS, based on review of the information provided, it was determined that the City failed to continuously monitor and record the oxygen concentration in the exhaust and measurements of sludge flow to the incinerators; and

WHEREAS, the semiannual report attributed the monitor downtime to malfunctions of the Data Management System (DMS). In correspondence dated October 25, 2011, the City described planned improvements to the DMS. The City stated that the current Cimplicity system, which provides monitoring and control of the incinerators, would be tied to the facility's existing Foxboro/SCADA system to enable data redundancy as well as automation of the daily



reporting. An e-mail sent to Sherry Waldron of the Division on January 27, 2012 indicated the project approach was revised to include establishing a network connection between Cimplicity and Foxboro as well as replacement of the Cimplicity servers, with an expected completion date of mid-May 2012; and

WHEREAS, the City submitted the Notification of Construction required by Condition 6.2.7 on February 24, 2012. The construction of the engine generator BEG1 commenced on August 5, 2011; and

WHEREAS, the Division sent a Notice of Violation letter to the City dated March 15, 2012, (hereinafter called the "NOV") alleging that the City violated Conditions 5.2.1.d, 5.2.3.a, 6.2.7, and 6.2.8; and

WHEREAS, the NOV requested a written response with the following information: (1) submittal of the application and VOC RACT analysis required by Permit Condition 6.2.8; (2) a complete description of the scope of work the City anticipated as necessary to provide reliable monitoring and recordkeeping for each incinerator's monitored parameters, as well as a schedule for the work, including intermediate milestones. Provisions for periodic updates to the Division of the status of the work progress was also requested to be included; and (3) any other information the City considered relevant to the alleged violations; and

WHEREAS, the City submitted a response to the NOV dated April 16, 2012 that was accompanied by the VOC RACT analysis and Title V permit amendment application. The response also included a description of the DMS upgrade project scope as well as a schedule for the work with an anticipated completion date of July 6, 2012. The response also indicated the City had hired additional qualified regulatory compliance staff, instituted quarterly meetings with plant operations managers to conduct reviews of Title V permit compliance, initiated a review of



current maintenance practices and schedules to determine whether they are adequate or require revisions and/or updates, developed an interactive compliance calendar with reminders to plant and compliance staff, provided air permit training for relevant plant management staff, and initiated scheduling of equipment manufacturers, when appropriate, to conduct onsite evaluations of the operating functionality of the current systems and equipment; and

WHEREAS, the Division has considered the Company's Response and has determined that the Company violated Conditions 5.2.1.d, 5.2.3.a, 6.2.7, and 6.2.8 of the Permit; and

WHEREAS, the Division has considered the Company's Response and has determined that the violations are not allowed and are not excused by the Rules and the Permit; and

WHEREAS, the City and the Division wish to cooperate fully to resolve the issues in this Order; and

NOW, THEREFORE, before taking any testimony and without adjudicating the merits of the parties' positions in this matter, and without admission or assignment of liability by or to the City, the parties hereby resolve the issues in this case by agreement and upon the order of the Director and the consent of the City as follows:

1. Within 15 days of execution of this Order, the City shall pay to the State of Georgia the sum of \$8,000 for the violations alleged in this Order. This payment shall be made payable to the Georgia Department of Natural Resources and submitted to the following address with the signed Order:

Georgia Department of Natural Resources  
Environmental Protection Division, Air Protection Branch  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354



2. By July 6, 2012, the City shall install and implement a system that reliably obtains and stores continuous monitoring data (instantaneous and averages). The City shall follow the schedule proposed in the NOV response dated April 16, 2012, including the periodic updates to the Division of the progress being made to the installation.
3. Failure of the City to comply with any provisions of this Order may result in additional enforcement action by the Division.
4. The parties enter into and execute this Consent Order solely for the purpose of resolving and disposing of the allegations set forth herein. This Order shall not constitute any finding, determination or adjudication of a violation of any state laws, rules, standards or requirements, nor does it constitute a finding or adjudication of liability to a third party or parties.
5. By agreement of the parties, this Order shall be final and effective immediately and shall not be appealable by the parties, and Respondent does hereby waive all administrative and judicial hearings on the terms and conditions of same.



It is so **ORDERED** and **AGREED** to this \_\_\_\_ day of \_\_\_\_\_, 2012.

---

JUDSON H. TURNER, DIRECTOR  
ENVIRONMENTAL PROTECTION DIVISION

THE CITY OF ATLANTA

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

RCS# 2157  
7/16/12  
3:36 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SEC. I/ALL ITEMS EXCEPT  
12-O-0879  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

		07-16-12
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 12-O-0962	35. 12-R-0941	
2. 12-O-0890	36. 12-R-0942	
3. 12-O-0893	37. 12-R-0943	
4. 12-O-0964	38. 12-R-0944	
5. 12-O-0889	39. 12-R-0945	
6. 12-O-0885	40. 12-R-0946	
7. 12-R-0921	41. 12-R-0947	
8. 12-R-0922	42. 12-R-0948	
9. 12-R-0923	43. 12-R-0949	
10. 12-R-0924	44. 12-R-0950	
11. 12-R-0925	45. 12-R-0951	
12. 12-R-0926	46. 12-R-0952	
13. 12-R-0927	47. 12-R-0953	
14. 12-R-0579	48. 12-R-0954	
15. 12-R-0914	49. 12 R-0955	
16. 12-R-0915		
17. 12-R-0916		
18. 12-R-0917		
19. 12-R-0918		
20. 12-R-0919		
21. 12-R-0920		
22. 12-R-0907		
23. 12-R-0908		
24. 12-R-0909		
25. 12-R-0929		
26. 12-R-0930		
27. 12-R-0933		
28. 12-R-0934		
29. 12-R-0935		
30. 12-R-0936		
31. 12-R-0937		
32. 12-R-0938		
33. 12-R-0939		
34. 12-R-0940		