

**12-R-0965**  
(Do Not Write Above This Line)

A RESOLUTION BY  
*Natalyn M. Archibong*  
COUNCIL MEMBER NATALYN MOSBY  
ARCHIBONG

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**  
OCT 15 2012

**COUNCIL**

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

Date Referred: 7/2/12  
Referred To: City Utilities  
Date Referred: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Date Referred: \_\_\_\_\_  
Referred To: \_\_\_\_\_

**First Reading**

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

City Utilities  
Date 7/2/2012  
Chair [Signature]

Action [Signature]  
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  RC Vote

**CERTIFIED**  
OCT 15 2012  
COUNCIL PRESIDENT PRO TEM

**CERTIFIED**  
OCT 15 2012  
Municipal Clerk

MAYOR'S ACTION

**APPROVED**

OCT 9 4 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

**12-R-0965**

**A RESOLUTION BY NATALYN M. ARCHIBONG**

**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 TWENTY-FIVE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$25,500.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF FECAL COLIFORM STANDARDS AT THE CLEAR CREEK CSO ON JULY 12, 2012 AND OCTOBER 1, 2012 AND AT THE TANYARD CREEK CSO ON OCTOBER 1, 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 a violation of Fecal Coliform 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; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation of Fecal Coliform Standards 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 Fund Department and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 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 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



Twelve Thousand, Seven Hundred Fifty Dollars and No Cents (\$12,750.00) payable to the State of Georgia and Twelve Thousand, Seven Hundred Fifty Dollars and No Cents (\$12,750.00) 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 Fecal Coliform Standards at the Clear Creek CSO on July 12, 2012 and October 1, 2012 and at the Tanyard Creek CSO on October 1, 2012.

**AND FINALLY BE IT RESOLVED**, that the said payments be charged to and paid from Fund Department and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

A true copy,



Deputy Municipal Clerk

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

**October 15, 2012**  
**October 24, 2012**



## Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.1. As follow:

### Section XI.D.1. Fecal coliform violation

<b>Date</b>	<b>Facility</b>	<b>Fecal coliform</b>	<b>Penalty</b>
07/12/2012	Clear Creek CSO	Failure to maintain adequate operation Standards (60000colonies/100ml)	\$8500.00

**Comment:**

Standard operating standard is 2,000 colonies/100ml (daily max)

Fecal coliform exceedances of 60000 CFU/100 mL. The permit parameters for this season are May – October 200 (monthly Avg.) and 2,000 (daily max.).

Note: The parameter exceedance for this discharge event is related to the failure of the chemical header air relief pipe where the damaged pipe resulted in a chemical spill at Piedmont Park.

<b>Date</b>	<b>Facility</b>	<b>Fecal Coliform</b>	<b>Penalty</b>
10/01/2012	Tanyard Creek CSO	Failure to maintain adequate operation Standards (60,000 colonies /100ml)	\$8500.00

**Comment:**

Standard Operating # is 2,000 colonies /100ml (daily max)

Fecal coliform exceedances of 60,000 CFU/100 ml.



(The Permit parameters for this season are May – October is 200 CFU/100 (monthly Avg.) and 2,000 CFU/100ml (daily Max.).

Fecal coliform exceedances of 60,000 CFU/100 ml.

Note: The parameter exceedance for this discharge event is related to the failure to maintain adequate chlorine residual at the sampling point.

	<b>Date</b>	<b>Facility</b>	<b>Fecal Coliform</b>
<b>Penalty</b>			
	10/01/2012	Clear Creek CSO	Failure to maintain adequate operation
	\$8500.00		
			Standards (60,000 colonies /100ml)

Comment:

Standard Operating # is 2,000 colonies /100ml (daily max)

Fecal coliform exceedances of 60,000 CFU/100 ml.

(The Permit parameters for this season are May – October is 200 CFU/100 (monthly Avg.) and 2,000 CFU/100ml (daily Max.).

Fecal coliform exceedances of 60,000 CFU/100 ml.

Note: The parameter exceedance for this discharge event is related to the failure to maintain adequate chlorine residual due to the damage of the chemical header air relief pipe.

RCS# 2350  
10/15/12  
2:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
10/15/2012  
ADOPT

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

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

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>10-15-12 ITEMS ADVERSED ON CONSENT</b>
1. 12-O-1267 2. 12-O-1400 3. 12-O-1281 4. 12-O-1276 5. 12-O-1277 6. 12-O-1399 7. 12-R-0965 8. 12-R-1357 9. 12-R-1358 10. 12-R-1359 11. 12-R-1360 12. 11-R-1361 13. 12-R-1362 14. 12-R-1363 15. 12-R-1364 16. 12-R-1365 17. 12-R-1366 18. 12-R-1367 19. 12-R-1368 20. 12-R-1254 21. 12-R-1403 22. 12-R-1338 23. 12-R-1371 24. 12-R-1406 25. 12-R-1330 26. 12-R-1332 27. 12-R-1333 28. 12-R-1334 29. 12-R-1340 30. 12-R-1341 31. 12-R-1342 32. 12-R-1343 33. 12-R-1344 34. 12-R-1345	35. 12-R-1348 36. 12-R-1349 37. 12-R-1351 38. 12-R-1372 39. 12-R-1373 40. 12-R-1374 41. 12-R-1375 42. 12-R-1376 43. 12-R-1377 44. 12-R-1378 45. 12-R-1379 46. 12-R-1380 47. 12-R-1381 48. 12-R-1382	49. 12-R-1383 50. 12-R-1384 51. 12-R-1385 52. 12-R-1386 53. 12-R-1387 54. 12-R-1388 55. 12-R-1389 56. 12-R-1390