

#4

12-R-1422

(Do Not Write Above This Line)  
A RESOLUTION BY

*Melinda W. Curbish*  
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 FLOODING; AND FOR  
OTHER PURPOSES.

*Substituted*  
ADOPTED BY

NOV 0 5 2012

COUNCIL

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

Date Referred *10/15/12*

Referred To: *City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

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

*City Utilities*  
Date *October 30, 2012*

Chair *W. J. ...*

Action *Other*  
Fav, Adv, Hold (see rev. side)  
*On my 8/3/12*

Members *De ...*

*ist*  
*Carla ...*

Refer To

Committee

Date

Chair

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

Members

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Refer To

Second Reading

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

\_\_\_\_\_

\_\_\_\_\_

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Refer To

Committee

Date

Chair

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

Members

\_\_\_\_\_

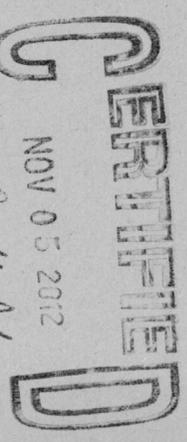
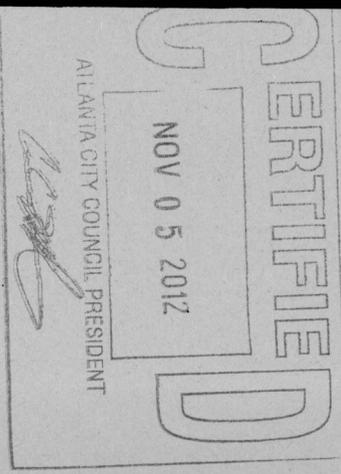
\_\_\_\_\_

\_\_\_\_\_

Refer To

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

CERTIFIED

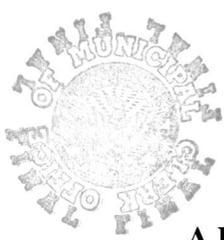


MAYOR'S ACTION

APPROVED

NOV 14 2012

WITHOUT SIGNATURE  
BY CREATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

**A RESOLUTION BY**

**COUNCILMEMBER NATALYN M. ARCHIBONG**

**12-R-1422**

**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 WEST AREA R. M. CLAYTON CSO ON OCTOBER 04, 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

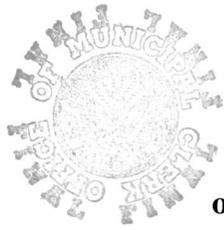
**WHEREAS**, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in account number 5051 (Water & Wastewater Revenue) 5750002 (Property Liquidation) 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 West Area R. M. Clayton CSO on October 04, 2012.

**AND FINALLY BE IT 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,

Deputy Municipal Clerk

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

**November 05, 2012**  
**November 14, 2012**



## Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.4. as follow: **Section XI.D.4; Exceeded Operational Standard for Total Residual Chlorine.**

**Discharge Start Date:** October 04, 2012

**Facility:** West Area RMC CSO Water Quality Control Facility

**Composites Samples:** Total Residual Chlorine Grab Sample

**Penalty:** \$8,500.00

**Comment:** All samples were properly collected; the Total Residual Chlorine (TRC) sample exceeded the operational standard.

On 10/4/12 at 6:00pm, the operator was back washing the fuzzy filters when the blower unit breaker tripped. When attempting to reset the blower, the main breaker tripped resulting in power failure throughout all downstream processes; including the sedimentation basins, chemicals feed systems, process control gates/valves and the Compressed Media Filtration System. The loss of the sodium bisulfate pump with no power to close the river gate resulted in a TRC exceedance.

RCS# 2374  
11/05/12  
2:22 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
11/5/2012  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 2

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

CONSENT I

		11-05-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-1414	35. 12-R-1501	48. 12-R-1456
2. 12-O-1258	36. 12-R-1502	49. 12-R-1457
3. 12-O-1339	37. 12-R-1445	50. 12-R-1458
4. 12-O-1335	38. 12-R-1446	51. 12-R-1459
5. 12-O-1336	39. 12-R-1447	52. 12-R-1460
6. 12-O-1369	40. 12-R-1448	53. 12-R-1461
7. 12-O-1370	41. 12-R-1449	54. 12-R-1462
8. 12-O-1356	42. 12-R-1450	55. 12-R-1463
9. 12-O-1413	43. 12-R-1451	56. 12-R-1464
10. 12-O-1418	44. 12-R-1452	57. 12-R-1465
11. 12-O-1421	45. 12-R-1453	58. 12-R-1466
12. 11-O-1415	46. 12-R-1454	59. 12-R-1467
13. 12-R-1424	47. 12-R-1455	60. 12-R-1468
14. 12-R-1527		61. 12-R-1469
15. 12-R-1139		62. 12-R-1470
16. 12-R-1423		63. 12-R-1471
17. 12-R-1441		64. 12-R-1472
18. 12-R-1442		65. 12-R-1473
19. 12-R-1443		66. 12-R-1474
20. 12-R-1444		67. 12-R-1475
21. 12-R-1512		68. 12-R-1476
22. 12-R-1514		69. 12-R-1477
23. 12-R-1524		70. 12-R-1478
24. 12-R-1417		71. 12-R-1479
25. 12-R-1517		72. 12-R-1480
26. 12-R-1518		73. 12-R-1481
27. 12-R-1519		74. 12-R-1482
28. 12-R-1520		75. 12-R-1483
29. 12-R-1521		76. 12-R-1484
30. 12-R-1522		77. 12-R-1485
31. 12-R-1530		78. 12-R-1486
32. 12-R-1422		79. 12-R-1487
33. 12-R-1499		80. 12-R-1488
34. 12-R-1500		81. 12-R-1489
		82. 12-R-1490
		83. 12-R-1491
		84. 12-R-1492
		85. 12-R-1493
		86. 12-R-1494