

12-~~R~~-1501

(Do Not Write Above This Line)

A RESOLUTION BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE THE MAYOR OR HIS 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 ONE HUNDRED THIRTEEN THOUSAND DOLLARS AND NO CENTS (\$113,000.00) TO RESOLVE ALLEGED VIOLATIONS OF THE GEORGIA WATER QUALITY CONTROL ACT AND THE GEORGIA RULES AND REGULATIONS FOR WATER QUALITY CONTROL; AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 0 5 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:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred 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
  - Consent
  - V Vote
  - RC Vote

CERTIFIED

NOV 0 5 2012

ATLANTA CITY COUNCIL PRESIDENT

NOV 0 5 2012

*Rachel Dunlap Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 1 4 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**A RESOLUTION BY  
CITY UTILITIES COMMITTEE**

**12-*R*-1501**

**A RESOLUTION TO AUTHORIZE THE MAYOR OR HIS 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 ONE HUNDRED THIRTEEN THOUSAND DOLLARS AND NO CENTS (\$113,000.00) TO RESOLVE ALLEGED VIOLATIONS OF THE GEORGIA WATER QUALITY CONTROL ACT AND THE GEORGIA RULES AND REGULATIONS FOR WATER QUALITY CONTROL; AND FOR OTHER PURPOSES.**

**WHEREAS**, in January 2012 the City of Atlanta's (hereinafter called the "City's") wastewater collection and transmission system experienced a major spill to Peachtree Creek with significant volume totals as a result of the collapse of the Peachtree Creek Relief Trunkline collapsing at 2715 Ridgewood Road NW due to erosion of the Peachtree Creek streambank; and

**WHEREAS**, in April 2012 the City experienced a second major spill of significant volume to Camp Creek at 2478 Apache Trail, SW; and

**WHEREAS**, the City's failure to communicate internally led to untimely discovery and notifications thereby exacerbating the total volume of the spills, however the City subsequently revised its communication protocols and its spill response standard operating procedures in addition to mandating training for staff; and

**WHEREAS**, the City's is subject to the provisions of the Georgia Water Quality Act, O.C.G.A. § 12-5-20, et seq., (hereinafter called the "Act") and the Georgia Rules for Water Quality Control, Chapter 391-3-6 (hereinafter called the "Rules"); and

**WHEREAS**, the City and the Division wish to cooperate fully, to resolve the City's noncompliance with the Act and the Rules and to ensure future compliance.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES**, that the Mayor or his 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."



**BE IT FURTHER RESOLVED**, that the Chief Financial Officer of the City is authorized to issue a check in the amount of One Hundred Thirteen Thousand Dollars and No Cents (\$113,000.00) payable to the State of Georgia to resolve alleged violations pursuant to the Consent Order.

**BE IT FURTHER RESOLVED**, that said payment will be charged to and paid from Fund, Department Organization and Account Number 5051 (Water and Wastewater Revenue Fund) 5750002 (Property Liquidation) 170201 (Department of Watershed Management Wastewater Treatment).

A true copy,

A handwritten signature in black ink, appearing to read "S. L. ...", written over a horizontal line.

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**



**EXHIBIT A**

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

**IN RE: City of Atlanta  
R. M. Clayton Water Reclamation Center (WRC),  
South River WRC, Utoy Creek WRC,**

**ORDER NO. EPD-WQ-**

**CONSENT ORDER**

**WHEREAS, the Director of the Georgia Environmental Protection Division (Director, EPD) has issued National Pollutant Discharge Elimination System (NPDES) Permit No. GA0039012 (Permit) to the City of Atlanta (City) for its R. M. Clayton Water Reclamation Center (WRC), South River WRC, and Utoy Creek WRC, combined permit; and**

**WHEREAS, the Permit authorizes the City to discharge treated wastewater according to effluent limitations, monitoring requirements, and other conditions set forth in the Permit; and**

**January 2012 Sanitary Sewer Overflow**

**WHEREAS, on January 25, 2012 at 5:11 p.m., the City reported a sanitary sewer overflow (SSO) of an undetermined quantity into waters of the State, Peachtree**



Creek, at 2715 Ridgewood Road to the Georgia Emergency Management Agency (GEMA); and

WHEREAS, on January 26, 2012, the City informed GEMA and EPD that a collapsed sewer mainline resulted in an SSO in the amount of 94,500 gallons entering into Peachtree Creek. Bypass pumps were installed by the City to return the flow of the sewage back into the collection system until the mainline could be repaired; and

WHEREAS, on February 10, 2012 and March 2, 2012, EPD received the City's written 5-day follow-up report and an electronic follow-up report, respectively, stating that a sewer crew confirmed the SSO to Peachtree Creek as the result of the Peachtree Creek Relief Trunkline collapsing at 2715 Ridgewood Road NW due to erosion of the Peachtree Creek stream bank. Additionally, the reports stated that a flow monitoring gauge downstream of the Trunkline breaking point indicated that wastewater from the headworks of the R.M. Clayton WRC reversed flow from the WRC to the location of the break into Peachtree Creek. The City stopped the SSO on January 26, 2012 at 5:30 p.m. and was still investigating the final SSO volume; and

WHEREAS, on March 8, 2012, EPD and the City met to discuss the cause, final volume, and corrective actions for the January 25, 2012 SSO; and

WHEREAS, during the March 8, 2012 meeting, the City provided EPD with an initial detailed SSO investigation report and informed EPD that an internal investigation of the flow data at the Peachtree Creek Relief Trunk Line Monitoring Station revealed a revised final spill volume of 22.26 million gallons and an initial SSO start date of January 21, 2012. The City stated that there was a failure of communication between programs within the City's Watershed Bureau which led to



the untimely discovery and notifications, however the City has revised their communication protocols, the SSO response standard operating procedure, and mandated training for staff; and

**April 2012 Sanitary Sewer Overflow**

WHEREAS, on April 21, 2012, the City reported to EPD an SSO occurring on April 20, 2012 of an undetermined quantity into waters of the State, Camp Creek, at 4728 Apache Trail SW due to a collapsed mainline; and

WHEREAS, on April 23, 2012, the City transmitted a revised SSO report to EPD estimating the volume to be 9,225 gallons and stating that the SSO was stopped on April 21, 2012; and

WHEREAS, on April 25, 2012, the City transmitted a second revised SSO report stating that a review of the field calculations resulted in a revised volume of 10,770 gallons; and

WHEREAS, on April 26, 2012, the City transmitted a third revised SSO report to EPD, stating that an internal investigation of the SSO indicated that it began on April 8, 2012 and the revised SSO volume was 3,540,000 gallons; and

WHEREAS, on April 26, 2012, EPD and the City held a conference call to discuss the final SSO volume and the corrective actions taken by the City; and

WHEREAS, on June 18, 2012, EPD received the City's final SSO report indicating that a review of the flow data from the Kenny Road Flow Monitoring Station had been conducted and the SSO start date was revised to April 8, 2012; and



**WHEREAS, Chapter 391-3-6-.03(5)(a-c) of the Georgia Rules and Regulations for Water Quality Control (Rules) states that State waters shall be free from materials associated with municipal or domestic sewage, industrial waste or any other waste which will settle to form sludge deposits that become putrescent, unsightly or otherwise objectionable; shall be free from oil, scum and floating debris associated with municipal or domestic sewage, industrial waste or other discharges in amounts sufficient to be unsightly or to interfere with legitimate water uses; and shall be free from material related to municipal, industrial or other discharges which produce turbidity, color, odor or other objectionable conditions which interfere with legitimate water uses; and**

**WHEREAS, Chapter 391-3-6-.05(2)(a) of the Rules defines a "spill" as any discharge of raw sewage by a Publicly Owned Treatment Works to the waters of the State; and**

**WHEREAS, Chapter 391-3-6-.05(2)(b) of the Rules defines a "major spill", in part, as any discharge of raw sewage that is in excess of 10,000 gallons or results in water quality violations in the waters of the State; and**

**WHEREAS, the January 25, 2012 and April 21, 2012 SSOs meet the definition of a major spill; and**

**WHEREAS, Section 12-5-29(a) of the Georgia Water Quality Control Act (Act) makes it unlawful to use any waters of the State to dispose of sewage or other wastes; and**

**WHEREAS, Section 12-5-52(a) of the Act specifies that any person violating any provision of the Act or any permit condition or limitation established pursuant to**



the Act shall be liable to the State of Georgia for a civil penalty not to exceed \$50,000 per day for each day during which such violation continues provided; and

WHEREAS, Section 12-5-42(c) of the Act provides the Director the authority to issue orders as may be necessary to control, abate, and prevent pollution of the waters of the State; and

NOW, THEREFORE, the Director ORDERS and the City AGREES to do the following:

1. Within 60 days of the execution date of this Order, pay to the Georgia Department of Natural Resources \$ 113,000.00 for the two unpermitted major spills to waters of the State.
2. Within 30 days of the execution date of the Order, the City shall submit to EPD the City's Department of Watershed Management Communications Protocol Standard Operating Procedure for communicating between Departmental Bureaus for review and approval.
3. Within 60 days of the execution date of the Order, the City shall submit to EPD the City's Department of Watershed Management Standard Operating Procedure for Spill Reporting and Response for review and approval.
4. All plans, procedures, and schedules required by the Order are upon approval by EPD, incorporated into the Order. The City shall implement all approved plans, procedures and schedules.
5. Upon receipt of any report, plan, or schedule; or any portion of a report, plan, or schedule; or any revised report, plan, or schedule; or any revised portion of a report, plan, or schedule; or any written response (hereinafter



collectively "document") required under this Order, EPD shall review said document to determine its completeness with regard to the Act, Permit, and this Order. If EPD determines that said document is complete, EPD shall notify the City in writing that said document is approved. If EPD determines that said document is incomplete, EPD shall provide the City with written notice of any deficiencies. The City shall have sixty (60) days from receipt of the written notice of deficiencies to submit a modified document to EPD unless otherwise specified by EPD. Should the City take exception to all or part of EPD's notice of deficiencies, the City shall, within fifteen (15) days after receipt of the written notice of deficiencies, submit to EPD a written statement of the grounds for the exception. EPD and the City shall confer by telephone or in person in an attempt to resolve any disagreement. If agreement is reached, the resolution shall be written and signed by representatives of each party. If agreement cannot be reached within thirty (30) days from the date of the City's receipt of the notice of deficiencies unless otherwise specified by EPD, the City shall revise the document as required by EPD and resubmit the revised document in accordance with a schedule to be specified by EPD.

This Order does not waive EPD's authority to take further enforcement action, or imply that EPD will not take such action, if the City fails to (1) meet Permit limits, or (2) fully comply with other relevant requirements.



This Order is not a finding, adjudication of, or evidence of a violation of any State law by the City nor does the City by its consent agree to any violation of State laws nor admit any liability to any third party or parties.

This Order does not relieve the City of any obligations or requirements of any permits issued by the Director.

This Order is final and effective immediately and shall not be appealable, and the City waives any hearing on its terms and conditions.

IT is so ORDERED, CONSENTED, and AGREED TO this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

FOR THE DIVISION:

\_\_\_\_\_  
Judson H. Turner,  
Director

FOR THE CITY:

BY: \_\_\_\_\_

TITLE:-

DATE: \_\_\_\_\_

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