

#3

12-R-1597

(Do Not Write Above This Line)

A RESOLUTION BY

Natalyn Mosby

COUNCIL MEMBERS NATALYN MOSBY
ARCHIBONG & C. T. MARTIN

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.

substitute
ADOPTED BY

MAR 04 2013

COUNCIL

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

Date Referred *11/5/12*

Referred To: *City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

City Utilities
Committee
Nov. 13, 2012
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

City Utilities
Committee
February 26, 2013
Date
Chair

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

Members
Natalyn Mosby
Clayton
Carl Smith

Refer To

Committee

Date

Chair

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

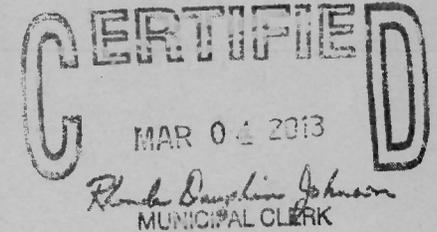
Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED

MAR 13 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



12-R-1597

**A RESOLUTION BY COUNCIL MEMBERS NATALYN M. ARCHIBONG AND
C. T. MARTIN**

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 FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00) AS
STIPULATED PENALTIES FOR THE VIOLATION OF FECAL COLIFORM
STANDARDS AT THE CLEAR CREEK CSO ON JANUARY 30, 2013
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 and 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

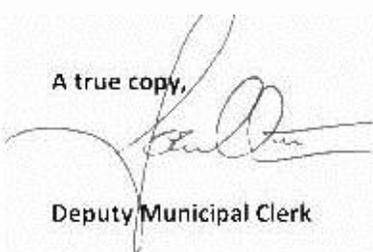
WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



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 Two Thousand, Five Hundred Dollars and No Cents (\$2,500.00) payable to the State of Georgia and Two Thousand, Five Hundred Dollars and No Cents (\$2,500.00) 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 January 30, 2013.

AND FINALLY BE IT RESOLVED, that the said payments be charged to and paid from Fund Department and Account Number 5051 (Water and 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

March 04, 2013
March 13, 2013



Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.2. As follow:

Section XI.D.2. Fecal coliform violation

Date	Facility	Fecal Coliform	Penalty
01/ 30/ 2013	Clear Creek CSO	Failure to maintain adequate operation Standards (30,000 colonies/100ml)	\$5,000.00

Comment:

Standard operating standard is 4,000 colonies/100ml (daily max.)

Fecal coliform exceedances of 30,000 CFU/100 ml. The permit parameters for this season are November – April 1,000 (monthly Avg.) and 4,000 (daily max.).

Note: The parameter exceedance for this discharge event is related to high flows and reduced contact time. Sodium hypochlorite was being delivered at system capacity, but was not sufficient for the volume of water entering into the treatment system. In this case, the high flow and the fast velocity reduced the contact times and the treatment process was only partially completed. The sample pump clogged and could not return to service during this discharge event. Additionally, the sample was taken at the alternate sample point in the creek which is located downstream of the sample pump.

RCS# 2575
3/04/13
2:40 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; 3/4/2013
ALL ITEMS
ADOPT

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

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

CONSENT I

		03-04-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0317	35. 13-R-0348	67. 13-R-0380
2. 13-O-0206	36. 13-R-0349	68. 13-R-0381
3. 13-O-0199	37. 13-R-0350	69. 13-R-0382
4. 13-O-0273	38. 13-R-0351	70. 13-R-0383
5. 13-O-0329	39. 13-R-0352	71. 13-R-0384
6. 13-O-0190	40. 13-R-0353	72. 13-R-0385
7. 13-O-0191	41. 13-R-0354	73. 13-R-0386
8. 13-O-0192	42. 13-R-0355	74. 13-R-0387
9. 13-R-0294	43. 13-R-0356	75. 13-R-0388
10. 13-R-0300	ITEMS ADVERSED ON CONSENT	76. 13-R-0389
11. 13-R-0305	44. 13-R-0357	77. 13-R-0390
12. 13-R-0194	45. 13-R-0358	78. 13-R-0391
13. 13-R-0295	46. 13-R-0359	79. 13-R-0392
14. 13-R-0296	47. 13-R-0360	80. 13-R-0393
15. 13-R-0298	48. 13-R-0361	81. 13-R-0394
16. 13-R-0318	49. 13-R-0362	82. 13-R-0395
17. 13-R-0319	50. 13-R-0363	83. 13-R-0396
18. 13-R-0320	51. 13-R-0364	84. 13-R-0397
19. 13-R-0415	52. 13-R-0365	85. 13-R-0398
20. 12-R-1597	53. 13-R-0366	86. 13-R-0399
21. 13-R-0301	54. 13-R-0367	87. 13-R-0400
22. 13-R-0302	55. 13-R-0368	88. 13-R-0401
23. 13-R-0308	56. 13-R-0369	89. 13-R-0402
24. 13-R-0293	57. 13-R-0370	90. 13-R-0403
25. 13-R-0338	58. 13-R-0371	91. 13-R-0404
26. 13-R-0339	59. 13-R-0372	92. 13-R-0405
27. 13-R-0340	60. 13-R-0373	93. 13-R-0406
28. 13-R-0341	61. 13-R-0374	94. 13-R-0407
29. 13-R-0342	62. 13-R-0375	95. 13-R-0408
30. 13-R-0343	63. 13-R-0376	96. 13-R-0409
31. 13-R-0344	64. 13-R-0377	97. 13-R-0410
32. 13-R-0345	65. 13-R-0378	98. 13-R-0411
33. 13-R-0346	66. 13-R-0379	99. 13-R-0412
34. 13-R-0347		100. 13-R-0413