

13- R -0539

(Do Not Write Above This Line)

A RESOLUTION  
BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES IN THE AMOUNT OF ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF MONITORING UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

*substitute*

ADOPTED BY ADOPTED BY

APR 15 2013 APR 15 2013

COUNCIL 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 \_\_\_\_\_

*City Utilities*  
 Committee  
*March 26 2013*  
 Date  
*H. J. Smith*  
 Chair

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

*Cybil Smith*  
 Members  
*Carwater*

*GT 112*  
 Members  
*Yidua*

*Al Smith*  
 Members  
*Natalie Kowaluk*  
 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     RC Vote

CERTIFIED  
 APR 15 2013  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
 APR 15 2013  
 Rhonda Daughlin Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 24 2013

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**A SUBSTITUTE RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED 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 THOUSAND DOLLARS AND NO CENTS (\$1,000.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.**

**WHEREAS**, in February 2012, a representative of the Georgia Environmental Protection Division ("EPD") inspected the Underground Storage Tank located at City of Atlanta ("City") Fire Station No. 1 and documented a monitoring violation regarding daily inventory control records; and

**WHEREAS**, the City is subject to the provisions of the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate 391-3-15-.07, [40 CFR § 280.41 (a)]; and

**WHEREAS**, the EPD is offering to resolve the violation and settle the matter through an "Expedited Consent Order" that substantially conforms to the attached Exhibit "A"; and

**WHEREAS**, the City and the Office wish to cooperate fully, to resolve the City's noncompliance with the GUST Rules and to ensure future compliance; and

**WHEREAS**, the payment to the EPD 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**, it is deemed to be in the interest of the City to accept the proposed negotiated settlement and to pay the penalty amount to the EPD.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES**, that the Mayor, or his designee, is authorized to enter into an Expedited Consent Order with the Environmental Protection Division, Department of Natural Resources of the State of Georgia, 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 Thousand Dollars and No Cents



(\$1,000.00) payable to the State of Georgia to resolve alleged violations pursuant to the Expedited Consent Order.

**AND BE IT FINALLY RESOLVED**, that said payment will be charged to and paid from FDOA: 6001 (Fleet Service Fund) 130402 (DPW-Fleet Services Operations) 5730009 (Fines) 1590000 (Customer Service).

A true copy.

  
Deputy Municipal Clerk

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

April 15, 2013  
April 24, 2013

## Georgia Department of Natural Resources

Environmental Protection Division  
Petroleum Industry Regulatory Team

4244 International Parkway, Suite 104, Atlanta, Georgia 30354  
Mark Williams, Commissioner  
Judson H. Turner, Director  
404/362-2687



March 6, 2012

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

**7009 0820 0000 7202 3071**

Ms. Tracey Woods  
City of Atlanta/ OFS  
23 Claire Drive  
Atlanta, Georgia 30315

**SUBJECT: Notice of Violation:**  
Proposed Expedited Consent Order (Consent Order)  
Underground Storage Tank (UST) System  
Atlanta Fire Station No. 1  
71 Elliott Street SW  
Atlanta, GA; Fulton County  
Facility ID: # 600363 / Air Station Exempt

Dear Ms. Woods:

On February 13, 2012, a representative of the Environmental Protection Division (EPD), conducted an inspection of your facility and has determined that the subject UST facility has violated the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate Title 40 of the Code of Federal Regulations, Part 280 (40 CFR § 280). During the inspection the following violations were documented:

- **GUST Rule 391-3-15-.07, [40 CFR § 280.41 (a)]; Failure to monitor tanks at least every 30 days:** The tanks must be monitored at least every thirty (30) days for releases using one of the following methods: Daily inventory control records, automatic tank gauging (ATG), Statistical Inventory Reconciliation (SIR) or vapor or groundwater monitoring. Please submit thirty-six (36) months of monitoring records to EPD immediately.

EPD is offering to resolve these violations and settle this matter through the enclosed "Expedited Consent Order" (Order). If you agree to the terms of the Order, please correct the violations immediately. Within thirty (30) days of receipt of this Notice of Violation, submit the signed Order and remit payment of the settlement amount, according to the instructions on Page Two of the Order. Additionally, please submit records documenting the immediate correction of the violations cited. If you choose not to accept the terms of this Consent Order, EPD may choose to address this matter through other formal enforcement methods.

If you have any questions, please call Shaheer Muhanna at (404) 362-2687.

Sincerely,

Handwritten signature of Charles D. Williams in black ink.

Mark Smith, Chief  
Land Protection Branch

*for MS*

MS:ma  
Enclosure  
File (PIRT/RC): Fulton County; Facility ID # 600363 / Air Station # Exempt



GEORGIA ENVIRONMENTAL PROTECTION DIVISION  
UNDERGROUND STORAGE TANK MANAGEMENT PROGRAM

4244 INTERNATIONAL PKWY, SUITE 104  
ATLANTA, GA 30354

**EXPEDITED CONSENT ORDER**

PART I: CONSENT ORDER

PART II: SETTLEMENT AGREEMENT

Facility ID: 600363 Air Station No.: Exempt

Atlanta Fire Station No. 1

(Name of Facility)

71 Elliott Street SW

(Address of Facility)

Atlanta, Georgia 30313 Fulton

(City, State, Zip Code, County)

Name of Responsible Party (Owner/Operator/Supplier):

City of Atlanta/ OFS

(Company)

Tracey Woods

(Contact)

23 Claire Drive

(Mailing Address)

Atlanta, Georgia 30315

(City, State, Zip Code)

On February 13, 2012, an authorized representative of the Georgia Environmental Protection Division (EPD) inspected this facility to determine its compliance with the Georgia Underground Storage Tank Act, 12-13-1 et seq. of the Official Code of Georgia Annotated (GUSTA) and with the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate Title 40 of the Code of Federal Regulations Part 280 (40 CFR 280). During the inspection, the following violations were documented and the conditions for achieving compliance are established on the attached Notice of Violation letter. Consistent with section 12-13-19 of the GUSTA, a corresponding negotiated settlement amount for each violation is proposed as follows:

GUST Rule 391-3-15-.07, [40 CFR § 280.41 (a)]; Settlement \$1,000.00

Nature of Violation: Failure to monitor tanks at least every 30 days.

TOTAL SETTLEMENT AMOUNT \$1,000.00

The Responsible Party of the above facility is hereby ordered to correct the violations and pay the settlement described above.

This Consent Order is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the Responsible Party within 30 days of receipt, this Consent Order can be withdrawn without prejudice to EPD's ability to file additional enforcement actions for the above-cited violations or any other violations.

The Georgia Environmental Protection Division (EPD) offers this Expedited Consent Order (Consent Order) as an enforcement procedure to settle the violations listed in Part I of this form subject to the following terms and conditions:

The Responsible Party, by signing below certifies under penalty of law that: a) the information submitted in this and all attached documents have been personally examined, and the Responsible Party is familiar with the information; b) the cited violations will be corrected immediately; c) the Responsible Party will provide to EPD immediately upon completion of the corrective actions, but no later than thirty (30) days of receipt of the Consent Order, documentation of compliance completion and d) payment of the negotiated settlement amount in the form of a check or money order is enclosed for \$1,000.00.

Certain violations may result in imposition of product delivery prohibition to those that are found non-compliant. These particular violations will be duly noted in Part I of this form in the violation section. Any facility found to be in violation of any law or rule resulting in delivery prohibition, shall not be allowed to receive any product deliveries for the tank(s) in question until compliance has been achieved and approved, in writing, by EPD. It is a violation of federal law to deliver to and receive product for a non-compliant tank. All violators will be subject to enforcement.

Upon EPD execution of and Responsible Party's compliance with this Consent Order, EPD will take no further action against the Responsible Party for the specific violations cited in this Consent Order. EPD does not waive any enforcement action by EPD, the State, or any local agencies for any other past, present or future violations of the underground storage tank and/or Air Rule requirements or any other violations under any other statute not specifically described in this Consent Order. This Consent Order does not constitute a determination that the Responsible Party is an eligible Georgia Underground Storage Tank Trust Fund participant, nor does it resolve whether the Responsible Party will be eligible currently or in the future for Georgia Underground Storage Tank Trust Fund coverage for a release at the Site after the violations noted are corrected.

This Consent Order is binding on EPD and the Responsible Party signing below. This Consent Order is effective upon EPD's final approval below. Upon final approval, EPD shall mail a copy of the executed Consent Order to the Responsible Party signing below.

Execution of the Consent Order is in the sole discretion of the Director of EPD, or authorized delegate.

By: City of Atlanta/ OFS

Name: Tracey Woods

Title (print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

FINAL ORDER BY EPD this \_\_\_\_ day of \_\_\_\_\_, 2012.

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

CONSENT ORDER NO: EPD- PIRT \_\_\_\_\_ - \_\_\_\_\_

RCS# 2642  
4/15/13  
3:19 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA:SECTION I:ALL ITEMS  
MONDAY, APRIL 15, 2013  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 1

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

CONSENT I

+

		03-18-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0455	35. 13-R-0545	67. 13-R-0577
2. 13-O-0440	36. 13-R-0546	68. 13-R-0578
3. 13-O-0442	37. 13-R-0547	69. 13-R-0579
4. 13-O-0454	38. 13-R-0548	70. 13-R-0580
5. 13-O-0605	39. 13-R-0549	71. 13-R-0581
6. 13-O-0611	40. 13-R-0550	72. 13-R-0582
7. 13-O-0288	41. 13-R-0551	73. 13-R-0583
8. 13-O-0428	42. 13-R-0552	74. 13-R-0584
9. 13-O-0429	43. 13-R-0553	75. 13-R-0585
10. 13-O-0432	44. 13-R-0554	76. 13-R-0586
11. 13-O-0606	45. 13-R-0555	77. 13-R-0587
12. 13-R-0593	46. 13-R-0556	78. 13-R-0588
13. 13-R-0594	47. 13-R-0557	79. 13-R-0589
14. 13-R-0595	48. 13-R-0558	80. 13-R-0590
15. 13-R-0596	<b>ITEMS ADVERSED ON CONSENT</b>	81. 13-R-0591
16. 13-R-0597	49. 13-R-0559	
17. 13-R-0598	50. 13-R-0560	
18. 13-R-0600	51. 13-R-0561	
19. 13-R-0601	52. 13-R-0562	
20. 13-R-0602	53. 13-R-0563	
21. 13-R-0620	54. 13-R-0564	
22. 13-R-0501	55. 13-R-0565	
23. 13-R-0539	56. 13-R-0566	
24. 13-R-0540	57. 13-R-0567	
25. 13-R-0603	58. 13-R-0568	
26. 13-R-0430	59. 13-R-0569	
27. 13-R-0437	60. 13-R-0570	
28. 13-R-0439	61. 13-R-0571	
29. 13-R-0541	62. 13-R-0572	
30. 13-R-0608	63. 13-R-0573	
31. 13-R-0609	64. 13-R-0574	
32. 13-R-0542	65. 13-R-0575	
33. 13-R-0543	66. 13-R-0576	
34. 13-R-0544		