

#9

1723

13-R-0636

(Do Not Write Above This Line)

A RESOLUTION BY

COUNCIL MEMBER HOWARD SHOOK

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

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

Date Referred

4/15/13

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

City Utilities

Date

April 30, 2013

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

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

JUL 0 1 2013

COUNCIL

Refer To

FINAL COUNCIL ACTION

2nd

1st & 2nd

3rd

Readings

Consent

V Vote

RC Vote

CERTIFIED

JUL 0 1 2013

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

JUL 0 1 2013

Rhonda Daughlin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 10 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



13-R-0636

A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

A RESOLUTION 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 EIGHT THOUSAND, FIVE HUNDRED DOLLARS AND NO CENTS (\$8,500.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF FECAL COLIFORM STANDARDS AT THE WEST AREA CSO WATER QUALITY CONTROL FACILITY STORAGE ON MAY 5, 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 & 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

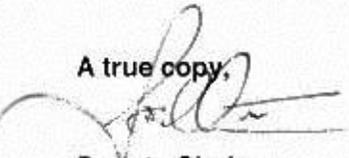
WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



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 Four Thousand, Two Hundred Fifty Dollars and No Cents (\$4,250.00) payable to the State of Georgia and Four Thousand, Two Hundred Fifty Dollars and No Cents (\$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 Fecal Coliform Standards at the West Area CSO Water Quality Control Facility on May 5, 2013.

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 Clerk

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

JUL 01, 2013
JUL 10, 2013



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**

Date : 05/04/2013

Facility: West Area CSO WQCF

Grab Sample: Fecal Coliform Count

Penalty \$8,500.00

Comment: Failure to Maintain Adequate Operation Standards: Actual Count 60,000 colonies/100ml)

The Standard: Daily maximum operating standard during the months of May through October is 2,000 colonies per 100 milliliters (ml).

The West Area CSO Storage Tunnel is the consolidated deep storage tunnel system designed to capture and convey flows from the Clear Creek, Tanyard Creek, and the North Avenue Combined Sewer Overflow Control Facilities to the West Area Combined Sewer Overflow Water Quality Control Facility.

On Saturday, May 04, 2013, there was a severe storm. The volume of precipitation caused the storage cavern to fill to maximum capacity. After the West Area Combined Sewer Overflow Water Quality Control Facility filled, the Combined Sewer Overflow (CSO) Control Facilities were started and a treated CSO discharge event occurred at each of the Clear Creek CSO and North Avenue CSO facilities.

While preparing the Tanyard Creek CSO Control Facility to discharge, one of the two tunnel inlet gates failed. The gate failed in the open position allowing high flows to continue entering the storage tunnel, the storage capacity was exceeded causing an overflow at the West Area CSOWQCF bypass shaft.

RCS# 2863
7/01/13
3:21 PM

Atlanta City Council

CONSENT AGENDA (PAGES 3 - 14)
except 13-R-3270 *CLP*
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	B Watson
Y Young	Y Shook	Y Bottoms	NV Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

RCS# 2866

7/01/13

3:26 PM

Atlanta City Council

CONSENT AGENDA SECTION I

RECONSIDER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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	NV Mitchell

RCS# 2867
7/01/13
3:26 PM

Atlanta City Council

CONSENT AGENDA (PAGES 3 - 14)

EXCEPT 13-R-3270 JCP
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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	NV Mitchell

+

		07-01-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	
1. 13-O-1043	36. 13-R-3285	
2. 13-O-1103	37. 13-R-3286	
3. 13-O-1106	38. 13-R-3287	
4. 13-O-1075	39. 13-R-3288	
5. 13-O-1087	40. 13-R-3289	
6. 13-O-1091	41. 13-R-3290	
7. 13-O-1092	42. 13-R-3291	
8. 12-O-1093	43. 13-R-3292	
9. 13-O-1099	44. 13-R-3293	
10. 13-O-1104	45. 13-R-3294	
11. 13-R-3305	46. 13-R-3295	
12. 13-R-3275	47. 13-R-3296	
13. 13-R-3276	48. 13-R-3297	
14. 13-R-3271		
15. 13-R-0015		
16. 13-R-3263		
17. 13-R-3264		
18. 13-R-3265		
19. 13-R-3267		
20. 13-R-3273		
21. 13-R-3298		
22. 13-R-3299		
23. 13-R-3300		
24. 13-R-3301		
25. 13-R-3302		
26. 13-R-3303		
27. 13-R-3304		
28. 13-R-0636		
29. 13-R-3277		
30. 13-R-3279		
31. 13-R-3280		
32. 13-R-3281		
33. 13-R-3282		
34. 13-R-3283		
35. 13-R-3284		