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13 13 R-3321

(Do Not Write Above This Line)

A RESOLUTION BY

Howard Shook

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.

ADOPTED BY
SUBSTITUTE

AUG 19 2013

COUNCIL

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

Date Referred: 7/1/13

Referred To: City Utilities

Date Referred:

Referred To:

Date Referred:

Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee: City Utilities

Date: July 9 2013

Chair: Howard Shook

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: City Utilities

Date: July 30 2013

Chair: Howard Shook

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

Other: on substitute

Members: H. Archibald

Refer To: Adrean

Committee _____

Date _____

Chair _____

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

Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

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

CERTIFIED

AUG 19 2013

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

AUG 19 2013

Ronda Davenport Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 28 2013

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

13-R-3321

A RESOLUTION

BY COUNCILMEMBER HOWARD SHOOK

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 SIX THOUSAND DOLLARS AND NO CENTS (\$6,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF MONITORING AND SAMPLING PROGRAM STANDARDS AT THE CLEAR CREEK CSO FACILITY ON JUNE 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 Monitoring and Sampling Program 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 Monitoring and Sampling Program 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 Three Thousand and No Cents (\$3,000.00) payable to the State of Georgia and Three Thousand and No Cents (\$3,000.00) 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 Monitoring and Sampling Program Standards at the Clear Creek CSO Facility on June 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,

Rhonda Daughin Johnson
Municipal Clerk

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

AUG 19, 2013

AUG 28, 2013



Exhibit "A"

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Sections VII.B.2.v and XI.F.10. As follow:

Section VII.B.2.v: Representative Monitoring and Sampling Program for pollutant Parameters required in the NPDES permit, such monitoring being representatives of the volume and nature of the monitored waste stream.

Section XI.F.10: Failure to follow the approved monitoring and sampling program.

Date	Facility	Representative Monitoring and Sampling	Penalty
06/ 05/ 2013	Clear Creek CSO	Failed to collect first sample within 60 minutes after discharge begins.	\$6,000.00

Comment:

Standard Operating Standard Is: The first sample shall be collected 50 minutes after the discharge begins.

Typically, depending on location, these samples can take between 10 to 20 minutes to collect and the operator will typically start the collection process at the 51 minutes mark.

Note: Operator stated that he lost pressure in the sodium hypochlorite dosing system and was distracted in an effort to resolve an equipment issue. Also note, while attempting to collect the sample, the sample pump clogged and couldn't be returned to service during this discharge event. As a result, the samples were collected at the alternate sample point in the creek which is located downstream of the sample pump.

RCS# 2926
8/19/13
3:25 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 13-R-3404, 13-R-3406 & ~~13~~-O-1734
ADOPT *12 CCP*

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

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		08-19-13
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 13-O-0441	37. 13-R-3387	
2. 13-O-1054	38. 13-R-3388	
3. 13-O-1177	39. 13-R-3389	
4. 13-O-1178	40. 13-R-3390	
5. 13-O-1179	41. 13-R-3391	
6. 13-O-1180	42. 13-R-3392	
7. 13-O-1181	43. 13-R-3393	
8. 13-O-1182	44. 13-R-3394	
9. 13-O-1191	45. 13-R-3395	
10. 13-O-1150	46. 13-R-3396	
11. 13-O-1151	47. 13-R-3397	
12. 13-O-1152	48. 13-R-3398	
13. 12-O-1613	49. 13-R-3399	
14. 13-O-0433	50. 13-R-3400	
15. 13-O-1187	51. 13-R-3401	
16. 13-O-1056	52. 13-R-3402	
17. 13-O-1058	53. 13-R-3403	
18. 13-O-1176		
19. 13-O-1192		
20. 12-R-1146		
21. 13-R-3407		
22. 13-R-3408		
23. 13-R-3319		
24. 13-R-3321		
25. 13-R-3405		
26. 13-R-3376		
27. 13-R-3377		
28. 13-R-3382		
29. 13-R-3383		
30. 13-R-3378		
31. 13-R-3379		
32. 13-R-3380		
33. 13-R-3381		
34. 13-R-3384		
35. 13-R-3385		
36. 13-R-3386		