

#13

2827

13-R-3532

A RESOLUTION BY (Do Not Write Above This Line)

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  
OCT 07 2013  
COUNCIL

- CONSENT REFER
  - REGULAR REPORT REFER
  - ADVERTISE & REFER
  - 1st ADOPT 2nd READ & REFER
  - PERSONAL PAPER REFER
- Date Referred: 9/3/13
- Referred To: City Utilities
- Date Referred:
- Referred To:
- Date Referred:
- Referred To:

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred To \_\_\_\_\_

Committee: City Utilities

Date: Sept. 10, 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: City Utilities

Date: Oct. 2013

Chair: \_\_\_\_\_

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

Members: U. Aquilino, Madigan, Alford, Carla Sison

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

OCT 07 2013

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED

OCT 07 2013

Rhonda Daphnia Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 16 2013

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

13-R-3532

**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 TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF MONITORING AND SAMPLING PROGRAM STANDARDS AT THE INTRENCHMENT CREEK WATER QUALITY CONTROL FACILITY ON JUNE 15, 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.

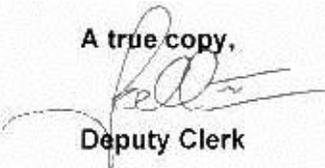
**THE COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES**, that the Chief Financial Officer of the City is authorized to issue checks in the amounts of Ten



Thousand and No Cents (\$10,000.00) payable to the State of Georgia and Ten Thousand and No Cents (\$10,000.00) 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 Intrenchment Creek Water Quality Control Facility on June 15, 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

OCT 07, 2013  
OCT 16, 2013



## Exhibit "A"

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.E.2. As follow: Section XI.E.2; Failure to collect or test composite sample.

Date: June 15, 2013

Facility: Intrenchment Creek Water Quality Control Facility

Composites Sample: Composite sample for metals

Penalty: \$20,000.00

Comment:

On 06/14/2013 an event started at IC WQCF at 9:55am. The event ended on Saturday 6/15 at 1:26pm. The operator ending the event collected the samples and placed them in the refrigerator to be taken to the lab the next day (6/16/2013). The operator working on 6/16/2013 failed to take the sample to the lab.

RCS# 3037  
10/07/13  
3:36 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
10/7/2013  
ADOPT

YEAS: 9  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 3

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

CONSENT I

+

		10-07-13
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 13-O-1184	40. 13-R-3600	
2. 13-O-1276	41. 13-R-3601	
3. 13-O-1277	42. 13-R-3602	
4. 13-O-1279	43. 13-R-3603	
5. 13-O-1268	44. 13-R-3604	
6. 13-O-1271	45. 13-R-3605	
7. 13-O-1272	46. 13-R-3606	
8. 13-O-1273	47. 13-R-3607	
9. 13-O-1274	48. 13-R-3608	
10. 13-O-1081	49. 13-R-3609	
11. 13-O-1148	50. 13-R-3610	
12. 13-O-1246	51. 13-R-3611	
13. 13-O-1275	52. 13-R-3612	
14. 13-O-1278	53. 13-R-3613	
15. 13-O-1281	54. 13-R-3614	
16. 13-O-1282	55. 13-R-3615	
17. 13-O-1283	56. 13-R-3616	
18. 13-R-3553	57. 13-R-3617	
19. 13-R-3585	58. 13-R-3618	
20. 13-R-3586	59. 13-R-3619	
21. 13-R-3587	60. 13-R-3620	
22. 13-R-3592	61. 13-R-3621	
23. 13-R-3593	62. 13-R-3622	
24. 13-R-3629	63. 13-R-3623	
25. 13-R-3274		
26. 13-R-3532		
27. 13-R-3588		
28. 13-R-3590		
29. 13-R-3594		
30. 13-R-3624		
31. 13-R-3625		
32. 13-R-3626		
33. 13-R-3627		
34. 13-R-3628		
35. 13-R-3595		
36. 13-R-3596		
37. 13-R-3597		
38. 13-R-3598		
39. 13-R-3599		