

#23

3004

13-R-3635

13R3635
(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION

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

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.

ADOPTED BY
substitute
NOV 04 2013
COUNCIL

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

Date Referred: 10/7/13
Referred To: City Utilities
Date Referred:
Referred To:
Date Referred:
Referred To:

Committee: City Utilities
Date: Oct 15, 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 29 2013
Chair: Howard Shook
Action: Fav, Adv, Hold (see rev. side)
Other: On substitute
Members: [Signatures]
Refer To:

Committee:
Date:
Chair:
Action: Fav, Adv, Hold (see rev. side)
Other:
Members:
Refer To:

CERTIFIED
NOV 04 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
NOV 04 2013
Ronda Duesler Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
NOV 13 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW



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 TWO THOUSAND DOLLARS AND NO CENTS (\$2,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF FECAL COLIFORM STANDARDS AT THE INTRENCHMENT CREEK CSO ON OCTOBER 7, 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 One Thousand Dollars and No Cents (\$1,000.00) payable to the State of Georgia and One Thousand Dollars and No Cents (\$1,000.00) 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 Fecal Coliform Standards at the Intrenchment Creek CSO on October 7, 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,

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

NOV 04, 2013
NOV 13, 2013

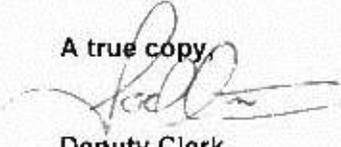

Deputy Clerk



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	Facility	Fecal Coliform	Penalty
10/07/2013	Intrenchment Creek CSO	Failure to maintain adequate operation Standards (3100 colonies/100ml)	\$2,000.00

Comment/Condition:

The effluent fecal coliform bacteria sample collected on October 7 was found to have 3100 CFU/100ml, which exceeded the May - October seasonal effluent limits of 2000 CFU/100ml for the monthly average and 2000 colonies/100ml for the daily maximum.

Based on review of operational records, it appear that, during this discharge event, the processing and treatment equipment were functioning properly and the operator operated the facility in accordance with the MOMs plans. The chemical residuals in the effluent and detention time were also consistent with normal operations. In review, we could not find any specific condition which could cause to the elevated fecal count in the sample collected on October 7th.

RCS# 3113
11/04/13
2:13 PM

Atlanta City Council

ADOPT

CONSENT AGENDA SECTION I:ALL ITEMS
EXCEPT 13-R-3691
CONSENT I

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

ADOPT

+

		11-04-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1320	32. 13-R-3688	48. 13-R-3706
2. 13-O-1321	33. 13-R-3687	49. 13-R-3707
3. 13-O-1322	34. 13-R-3688	50. 13-R-3708
4. 13-O-1323	35. 13-R-3591	51. 13-R-3709
5. 13-O-1343	36. 13-R-3635	52. 13-R-3710
6. 13-O-1328	37. 13-R-3692	53. 13-R-3711
7. 13-O-1332	38. 13-R-3693	54. 13-R-3713
8. 13-O-1330	39. 13-R-3698	55. 13-R-3714
9. 13-O-1338	40. 13-R-3699	56. 13-R-3715
10. 13-O-1344	41. 13-R-3700	57. 13-R-3716
11. 13-O-1297	42. 13-R-3701	58. 13-R-3717
12. 13-O-1316	43. 13-R-3702	59. 13-R-3718
13. 13-O-1317	44. 13-R-3703	60. 13-R-3719
14. 13-O-1318	45. 13-R-3704	61. 13-R-3720
15. 13-O-1327	46. 13-R-3705	62. 13-R-3721
16. 13-R-0458	47. 13-R-3712	63. 13-R-3722
17. 13-R-0102		64. 13-R-3723
18. 13-R-3632		65. 13-R-3724
19. 13-R-3684		66. 13-R-3725
20. 13-R-3679		67. 13-R-3726
21. 13-R-3694		68. 13-R-3727
22. 13-R-3695		69. 13-R-3728
23. 13-R-3696		70. 13-R-3729
24. 13-R-3697		71. 13-R-3730
25. 13-R-3682		72. 13-R-3731
26. 13-R-3683		73. 13-R-3732
27. 13-R-3673		
28. 13-R-3677		
29. 13-R-3685		
30. 13-R-3686		
31. 13-R-3687		