

12-R-1597

A RESOLUTION BY COUNCIL MEMBERS NATALYN M. ARCHIBONG AND C. T. MARTIN

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 FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF FECAL COLIFORM STANDARDS AT THE CLEAR CREEK CSO ON JANUARY 30, 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 and 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 Two Thousand, Five Hundred Dollars and No Cents (\$2,500.00) payable to the State of Georgia and Two Thousand, Five Hundred Dollars and No Cents (\$2,500.00) 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 Clear Creek CSO on January 30, 2013.

AND FINALLY BE IT RESOLVED, that the said payments be charged to and paid from Fund Department and Account Number 5051 (Water and Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.2. As follow:

Section XI.D.2. Fecal coliform violation

Date	Facility	Fecal Coliform	Penalty
01/ 30/ 2013	Clear Creek CSO	Failure to maintain adequate operation Standards (30,000 colonies/100ml)	\$5,000.00

Comment:

Standard operating standard is 4,000 colonies/100ml (daily max.)

Fecal coliform exceedances of 30,000 CFU/100 ml. The permit parameters for this season are November – April 1,000 (monthly Avg.) and 4,000 (daily max.).

Note: The parameter exceedance for this discharge event is related to high flows and reduced contact time. Sodium hypochlorite was being delivered at system capacity, but was not sufficient for the volume of water entering into the treatment system. In this case, the high flow and the fast velocity reduced the contact times and the treatment process was only partially completed. The sample pump clogged and could not return to service during this discharge event. Additionally, the sample was taken at the alternate sample point in the creek which is located downstream of the sample pump.

A RESOLUTION BY *Natalyn Mosby Archibong*
 COUNCIL MEMBERS NATALYN MOSBY ARCHIBONG & C. T. MARTIN

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.

WHEREAS, the City has experience a violation to the CSO Consent Decree 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 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, Account and Center Number 2J01-529017-Q31001; 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 best interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD).

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That the Chief Financial Officer of the City of Atlanta is authorized to issue checks payable in the amount of \$_____ to the **State of Georgia** and in the amount of \$_____ 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.

Section 2: That said payments shall be charged to and paid from the Fund, Account and Center provided.

Section 3: That all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, per Section _____ as follows:

CSO Consent Decree Section

Date	Facility	Colonies/100 ml	Penalty	Comment
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