

A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.

Review List:

Santana Wright	Completed	08/16/2013 4:47 PM
Rita Braswell	Completed	08/19/2013 9:40 AM
Richard Mendoza	Completed	08/19/2013 12:12 PM
Saul Schultz	Completed	08/19/2013 2:46 PM
Mayor's Office	Completed	08/19/2013 2:58 PM
Office of Research and Policy Analysis	Completed	08/20/2013 11:35 AM
City Utilities Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

LEGISLATION HISTORY – BLUE BACK

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.

WHEREAS, in February 2013, a representative of the Georgia Environmental Protection Division (“EPD”) inspected the City of Atlanta (“City”) facility located at 1146 Hill Street and 1540 Northside Drive, N.W. and documented an annual registration and certification violation; and

WHEREAS, the City is subject to the provisions of the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate 391-3-15-.05, [40 CFR § 280.22 (b)] and 391-3-15-.07, [40 CFR § 280.41 (a)]; and

WHEREAS, the EPD is offering to resolve the violation and settle the matter through an “Expedited Consent Order” that substantially conforms to the attached Exhibit “A”; and

WHEREAS, the City and the Office wish to cooperate fully, to resolve the City’s noncompliance with the GUST Rules and to ensure future compliance; and

WHEREAS, the payment to the EPD 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, it is deemed to be in the interest of the City to accept the proposed negotiated settlement and to pay the penalty amount to the EPD.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, or his designee, is authorized to enter into an Expedited Consent Order with the Environmental Protection Division, Department of Natural Resources of the State of Georgia, that substantially conforms to the attached Exhibit “A”.

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City is authorized to issue a check in the amount of One Thousand Two Hundred Fifty Dollars and No Cents (\$1,250.00) payable to the State of Georgia to resolve alleged violations pursuant to the Expedited Consent Order.

AND BE IT FINALLY RESOLVED, that said payment will be charged to and paid from FDOA: 6001 (Fleet Service Fund) 130402 (DPW-Fleet Services Operations) 5730009 (Fines) 1590000 (Customer Service).

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.

WHEREAS, in February 2013, a representative of the Georgia Environmental Protection Division (“EPD”) inspected the City of Atlanta (“City”) facility located at 1146 Hill Street and 1540 Northside Drive, N.W. and documented an annual registration and certification violation; and

WHEREAS, the City is subject to the provisions of the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate 391-3-15-.05, [40 CFR § 280.22 (b)] and 391-3-15-.07, [40 CFR § 280.41 (a)]; and

WHEREAS, the EPD is offering to resolve the violation and settle the matter through an “Expedited Consent Order” that substantially conforms to the attached Exhibit “A”; and

WHEREAS, the City wishes to cooperate fully to resolve the City’s noncompliance with the GUST Rules and to ensure future compliance; and

WHEREAS, the payment to the EPD 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, it is deemed to be in the interest of the City to accept the proposed negotiated settlement and to pay the penalty amount to the EPD.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, or his designee, is authorized to enter into an Expedited Consent Order with the Environmental Protection Division, Department of Natural Resources of the State of Georgia, that substantially conforms to the attached Exhibit “A”.

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City is authorized to issue a check in the amount of One Thousand Two Hundred Fifty Dollars

and No Cents (\$1,250.00) payable to the State of Georgia to resolve alleged violations pursuant to the Expedited Consent Order.

AND BE IT FINALLY RESOLVED, that said payment will be charged to and paid from FDOA: 6001 (Fleet Service Fund) 130402 (DPW-Fleet Services Operations) 5730009 (Fines) 1590000 (Customer Service).

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Caption:

A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.

Committee of Purview: City Utilities Committee

Committee Meeting Date: August 27, 2013

Council Meeting Date: September 3, 2013

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Expedited Consent Order to settle \$500 fine for violation of the Georgia Environmental Protection Division (EPD) GUST rule 391-3-15-05, for failure to submit annual UST notification and \$250 fine for violation of EPD AIR rule 391-3-1-.02, for failure to install a division approved Stage 1 Enhanced vapor Recovery system at 1146 Hill Street, Atlanta, Ga. 30315, Ga. Expedited Consent Order to settle \$500 fine for violation of the Georgia Environmental Protection Division (EPD) GUST rule 391-3-15-05, for failure to submit annual UST notification for 1540 Northside Drive, Atlanta, Ga. 30318.

2. Please provide background information regarding this legislation.

The Department of Public Works - Office of Fleet Services manages all of the fuel distribution for the City of Atlanta. The underground storage tanks at these sites are inspected annually by the Georgia Environmental Protection Division (EPD). On February 13, 2012, a representative for the Georgia Environmental Protection Division (EPD) conducted an inspection of the underground storage tank at 1540 Northside Drive, Atlanta, Ga. At the time of the inspection, the fuel site did not have the EPD required registration and certification. As a result, the site was considered in violation of GUST rule 391-3-15-05. On February 6, 2012, the fueling station located at 1146 Hill Street, Atlanta, Ga. 30315 was inspected and incurred two (2) violations for failure to install an EVR system and submitting annual certification. These violations require a settlement of \$1,200.

Consequently, the systems have been certified and EVR system installed, however, it was not completed within the stipulated time granted by EPD.

3. If Applicable/Known:**(a) Contract Type:****(b) Source Selection:****(c) Bids/Proposals Due:****(d) Invitations Issued:****(e) Number of Bids:****(f) Proposals Received:****(g) Bidders/Proponents:****(h) Term of Contract:****4. Fund Department Account Center: 6001/130402/573009/1590000****5. Source of Funds:****6. Fiscal Impact: \$1,250.00****7. Method of Cost Recovery:****This Legislative Request Form Was Prepared By:**

FROM :

FAX NO. : 94043622687

Mar. 21 2013 09:01AM P5/5

**GEORGIA ENVIRONMENTAL PROTECTION DIVISION
UNDERGROUND STORAGE TANK MANAGEMENT PROGRAM**
4244 INTERNATIONAL PKWY, SUITE 104
ATLANTA, GA 30354

EXPEDITED CONSENT ORDER

PART I: CONSENT ORDER

Facility ID # 000285 Air Station # 2273
BMTS Hill Street/Satellite Station
 (Name of Facility)
1148 Hill Street
 (Address of Facility)
Atlanta, Georgia, 30315, Fulton
 (City, State, Zip Code, County)

Name of Responsible Party (Owner/Operator/Supplier):
Tracey Woods
 (Contact)
City of Atlanta
 (Company)
23 Claire Drive
 (Mailing Address)
Atlanta, Georgia, 30315
 (City, State, Zip Code)

On February 6, 2013, an authorized representative of the Georgia Environmental Protection Division (EPD) inspected this facility to determine its compliance with the Georgia Underground Storage Tank Act, 12-13-1 et seq. of the Official Code of Georgia Annotated (GUSTA) and with the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate Title 40 of the Code of Federal Regulations Part 280 (40 CFR 280) and with the Georgia Rules for Air Quality Control, Chapter 391-3-1 (Air Rules) as promulgated thereunder. During the inspection, the following violations were documented and the conditions for achieving compliance are established on the attached Notice of Violation letter. Consistent with section 12-13-19 of the GUSTA and with section 12-9-23 of the Georgia Air Quality Act, a corresponding negotiated settlement amount for each violation is proposed as follows:

GUST Rule 391-3-15-.05(4)(a); Settlement Amount \$500.00
 Notice of violation: Failure to submit annual UST Notification
(This violation is subject to Delivery Prohibition).

Air Rule 391-3-1-.02(rr)(1)(II)(A); Settlement \$250.00
 Nature of violation: Failure to install a Division approved Stage 1 Enhanced Vapor Recovery (EVR) system.

TOTAL SETTLEMENT AMOUNT \$750.00

The Responsible Party of the above facility is hereby ordered to correct the violations and pay the settlement described above.

This Consent Order is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the Responsible Party within thirty (30) days of receipt, this Consent Order can be withdrawn without prejudice to EPD's ability to file additional enforcement actions for the above cited violations or any other violations.

PART II: SETTLEMENT AGREEMENT

The Georgia Environmental Protection Division (EPD) offers this Expedited Consent Order (Consent Order) as an enforcement procedure to settle the violations listed in Part I of this form subject to the following terms and conditions:

The Responsible Party, by signing below certifies under penalty of law that: a) the information submitted in this and all attached documents have been personally examined, and the Responsible Party is familiar with the information; b) the cited violations will be corrected immediately; c) the Responsible Party will provide to EPD immediately upon completion of the corrective actions, but no later than thirty (30) days of receipt of the Consent Order, documentation of compliance completion and d) payment of the negotiated settlement amount in the form of a check or money order is enclosed for \$750.00.

Certain violations may result in the imposition of product delivery prohibition on those that are found to be noncompliant. These particular violations will be duly noted in Part I of this form, in the violation section. Any facility found to be in violation of any law or rule resulting in delivery prohibition, shall not be allowed to receive any product deliveries for the tank (s) in question until compliance has been achieved and approved, in writing, by EPD. It is a violation of federal law to deliver to and receive product for a noncompliant tank. All violators will be subject to enforcement.

Upon EPD execution of and Responsible Party's compliance with this Consent Order, EPD will take no further action against the Responsible Party for the specific violations cited in this Consent Order. EPD does not waive any enforcement action by EPD, the State, or any local agencies for any other past, present or future violations of the underground storage tank and/or Air Rule requirements or any other violations under any other state not specifically described in this Consent Order. This Consent Order does not constitute a determination that the Responsible Party is an eligible Georgia Underground Storage Tank Trust Fund participant, nor does it resolve whether the Responsible Party will be eligible currently or in the future for Georgia Underground Storage Tank Trust Fund coverage for a release at the Site after the violations noted are corrected.

This Consent Order is binding on EPD and the Responsible Party signing below. This Consent Order is effective upon EPD's final approval below. Upon final approval, EPD shall mail a copy of the executed Consent Order to the Responsible Party signing below.

Execution of the Consent Order is in the sole discretion of the Director of EPD, or authorized delegate.

Company City of Atlanta

By Tracey Woods

Title (print) _____

Signature _____

Date _____

FINAL ORDER BY EPD this ____ day of _____, 2013.

Judson H. Turner
Director

CONSENT ORDER NO: EPD-PIRT _____

Revised 9/10

EXHIBIT

A

tabbles

FROM :

FAX NO. : 94043622687

Mar. 21 2013 09:00AM P3/5

Georgia Department of Natural Resources
Environmental Protection Division

4244 International Parkway, Suite 104, Atlanta, Georgia 30364
 Judson H. Turner, Director
 Land Protection Branch
 Keith M. Bentley, Branch Chief
 Phone: 404/362-2537

February 20, 2013
CERTIFIED MAIL
RETURN RECEIPT REQUESTED
 7011 3500 0003 1405 5612

Ms. Tracey Woods
 City of Atlanta
 23 Claire Drive
 Atlanta, Georgia 30315

SUBJECT: Notice of Violation:
 Proposed Expedited Consent Order (Consent Order)
 Underground Storage Tank (UST) System
 BMTS Hill Street /Satellite Station
 1146 Hill Street
 Atlanta, Georgia; Fulton County
 Facility ID# 600285 / Air Station #2273

6001
 5730009

0539

B-R

Dear Ms. Woods:

On February 6, 2013, a representative of the Environmental Protection Division (EPD), conducted an inspection of your facility and has determined that the subject UST facility has violated the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporates Title 40 of the Code of Federal Regulations, Part 280 (40 CFR § 280). The facility was also found to be in violation with Chapter 391-3-1-.02(2)(rr) of the Georgia Rules for Air Quality Control (Air Rules). The specific violations are as follows:

- **GUST Rule 391-3-15-.05(4)(a); Failure to submit annual UST Notification (Registration): This violation is subject to Delivery Prohibition.** All USTs must be registered with EPD on an annual basis. The notification for USTs for the above listed facility was not completed and returned nor completed online by September 1, 2012.
- **GUST Rule 391-3-15-.16: Failure to have a certified Class C Operator Training:** Class C should be trained by a certified A or B operator please certify your employee and submit the certificate to EPD.

Use link to find information needed for testing required for Operator training.
http://gaepd.org/Documents/techguide_lpb.html#ust

- **GUST Rule 391-3-15-.05, [40 CFR § 280.22(b)]; Failure to notify EPD of an existing tank.**
 Owners of UST systems are to report the presence of all existing tanks to EPD. Please amend notification form by reporting the new oil and associated tank information, sign and date form and submit to EPD immediately
- **GUST Rule 391-3-15-.07, [40 CFR § 280.41(a)]; Failure to monitor tanks at least every thirty (30) days:** The leak test reports from the Automatic Tank Gauge (ATG) leak detection system were not kept for the last twelve (12) months prior to the inspection. A system tightness test is required and leak test reports from the ATG for used oil must be submitted to EPD immediately.

FROM :

FAX NO. : 94043622687

Mar. 21 2013 09:01AM P4/5

Ms. Tracey Woods
February 20, 2013
Page Two

- **Air Rule 391-3-1-.02(rr)(i)(II)(A); Failure to install a Division approved Stage I Enhanced Vapor Recovery (EVR) system.** After May 1, 2012 a Stage I EVR system must have been installed at each Gasoline dispensing facility that has an average monthly throughput rate over 10,000 gallons. No records were submitted to support the installation and testing. Please install and test the EVR system and submit results to EPD.

These violations must be resolved to enable registration for the current year. Within thirty (30) days of receipt of the Notice of Violation, submit the completed enclosed Application, the signed Consent Order and remit payment of the settlement amount according to the instructions on Page Two of the Order. If you choose not to accept the terms of this Consent Order, EPD may choose to address this matter through other formal enforcement methods.

We urge your prompt attention to this matter. If you have any questions, please contact Mr. Shaheer Muhanna at (404) 362-2687.

Sincerely,

Keith M. Bentley, Chief
Land Protection Branch

KMB/ya/ATR coverletter
Enclosures: Consent Order, Application
File (PIRT/RC): Cobb County; Facility ID # 600285 / Air Station ID # 2273

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
UNDERGROUND STORAGE TANK MANAGEMENT PROGRAM
4244 INTERNATIONAL PKWY, SUITE 104
ATLANTA, GA 30354

EXPEDITED CONSENT ORDER

PART I: CONSENT ORDER

PART II: SETTLEMENT AGREEMENT

Facility ID # 600284 Air Station # 2274

BMTS Northside Drive Service Center
(Name of Facility)

1540 Northside Drive Northwest
(Address of Facility)

Atlanta, Georgia, 30318, Fulton
(City, State, Zip Code, County)

Name of Responsible Party (Owner/Operator/Supplier):

Tracey Wood
(Contact)

City of Atlanta
(Company)

23 Claire Drive
(Mailing Address)
Atlanta, Georgia, 30315
(City, State, Zip Code)

On February 13, 2013, an authorized representative of the Georgia Environmental Protection Division (EPD) inspected this facility to determine its compliance with the Georgia Underground Storage Tank Act, 12-13-1 et seq. of the Official Code of Georgia Annotated (GUSTA) and with the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporate Title 40 of the Code of Federal Regulations Part 280 (40 CFR 280). During the inspection, the following violations were documented and the conditions for achieving compliance are established on the attached Notice of Violation letter. Consistent with section 12-13-19 of the GUSTA, a corresponding negotiated settlement amount for each violation is proposed as follows:

GUST Rule 391-3-15-.05(4)(a); Settlement Amount \$500.00
Notice of Violation: Failure to submit annual UST Notification (This violation is subject to Delivery Prohibition).

TOTAL SETTLEMENT AMOUNT \$500.00

The Responsible Party of the above facility is hereby ordered to correct the violations and pay the settlement described above.

This Consent Order is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the Responsible Party within thirty (30) days of receipt, this Consent Order can be withdrawn without prejudice to EPD's ability to file additional enforcement actions for the above cited violations or any other violations.

The Georgia Environmental Protection Division (EPD) offers this Expedited Consent Order (Consent Order) as an enforcement procedure to settle the violations listed in Part I of this form subject to the following terms and conditions:

The Responsible Party, by signing below certifies under penalty of law that: a) the information submitted in this and all attached documents have been personally examined, and the Responsible Party is familiar with the information; b) the cited violations will be corrected immediately; c) the Responsible Party will provide to EPD immediately upon completion of the corrective actions, but no later than thirty (30) days of receipt of the Consent Order, documentation of compliance completion and d) payment of the negotiated settlement amount in the form of a check or money order is enclosed for \$500.00.

Certain violations may result in the imposition of product delivery prohibition on those that are found to be noncompliant. These particular violations will be duly noted in Part I of this form, in the violation section. Any facility found to be in violation of any law or rule resulting in delivery prohibition, shall not be allowed to receive any product deliveries for the tank (s) in question until compliance has been achieved and approved, in writing, by EPD. It is a violation of federal law to deliver to and receive product for a noncompliant tank. All violators will be subject to enforcement.

Upon EPD execution of and Responsible Party's compliance with this Consent Order, EPD will take no further action against the Responsible Party for the specific violations cited in this Consent Order. EPD does not waive any enforcement action by EPD, the State, or any local agencies for any other past, present or future violations of the underground storage tank and/or Air Rule requirements or any other violations under any other statute not specifically described in this Consent Order. This Consent Order does not constitute a determination that the Responsible Party is an eligible Georgia Underground Storage Tank Trust Fund participant, nor does it resolve whether the Responsible Party will be eligible currently or in the future for Georgia Underground Storage Tank Trust Fund coverage for a release at the Site after the violations noted are corrected.

This Consent Order is binding on EPD and the Responsible Party signing below. This Consent Order is effective upon EPD's final approval below. Upon final approval, EPD shall mail a copy of the executed Consent Order to the Responsible Party signing below.

Execution of the Consent Order is in the sole discretion of the Director of EPD, or authorized delegate.

Company City of Atlanta

By Tracey Wood

Title (print)

Signature

Date

FINAL ORDER BY EPD this ___ day of ___, 2013.

Judson H. Turner
Director

CONSENT ORDER NO: EPD- PIRT -

**Georgia Department of Natural Resources
Environmental Protection Division**

4244 International Parkway, Suite 104, Atlanta, Georgia 30354
Judson H. Turner, Director
Land Protection Branch
Keith M. Bentley, Branch Chief
Phone: 404/362-2537

*rec'd
2/26/13
KW*

February 26, 2013
CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 3500 0003 1405 5773

Mrs. Tracey Woods
City of Atlanta
23 Claire Drive
Atlanta, Georgia 30315

SUBJECT: Notice of Violation:
Proposed Expedited Consent Order (Consent Order)
Underground Storage Tank (UST) System
BMTS Northside Drive Service Center
1540 Northside Drive Northwest
Atlanta, GA; Fulton County
Facility ID # 600284 / Air Station # 2274

Dear Mrs. Woods:

On February 13, 2013, a representative of the Environmental Protection Division (EPD), conducted an inspection of your facility and has determined that the subject UST facility has violated the Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15 (GUST Rules), which incorporates Title 40 of the Code of Federal Regulations, Part 280 (40 CFR § 280). The specific violation is as follows:

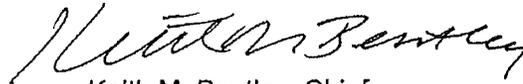
- **GUST Rule 391-3-15-.05(4)(a); Failure to submit annual UST Notification (Registration): This violation is subject to Delivery Prohibition.** All USTs must be registered with EPD on an annual basis. The notification for USTs for the above listed facility was not completed and returned nor completed online by September 1, 2012.

This violation must be resolved to enable registration for the current year. Within thirty (30) days of receipt of the Notice of Violation, submit the completed enclosed Application, the signed Consent Order and remit payment of the settlement amount according to the instructions on Page Two of the Order. If you choose not to accept the terms of this Consent Order, EPD may choose to address this matter through other formal enforcement methods.

We urge your prompt attention to this matter. If you have any questions, please contact Mr. Shaheer Muhanna at (404) 362-2687.

2579

Sincerely,



Keith M. Bentley, Chief
Land Protection Branch

KMB/ya/ATR coverletter
Enclosures: Consent Order, Application
File (PIRT/RC): Fulton County; Facility ID # 600284 / Air Station ID # 2274

INSTRUCTIONS

The Georgia Environmental Protection Division has obtained authority under Section 9006 of the Resource Conservation and Recovery Act to issue compliance orders and pursue civil penalties for violations of underground storage tank regulations. However, EPD encourages the expedited settlement of documented violations of underground storage tank requirements, such as the violations cited in the Expedited Consent Order (Consent Order) for which these instructions are provided, by agreeing to conditions that include correction of the violation(s) and payment of a negotiated settlement.

You must resolve the cited violations by signing and returning the Consent Order and paying the negotiated settlement amount within thirty (30) days of receipt of the Consent Order. You must correct the violations immediately and within thirty (30) days of the receipt of the Consent Order provide EPD documentation of compliance completion or an acceptable compliance schedule for correcting the violations cited. EPD, at its discretion may allow implementation of a reasonable compliance schedule, for the achievement of compliance, where the Responsible Party satisfactorily demonstrates that it is technically infeasible or impracticable to achieve compliance within thirty (30) days. The Consent Order is binding on EPD and the Responsible Party upon EPD final approval. Upon EPD final approval of the Consent Order, a copy of which will be returned to you, EPD will take no further action against you for these violations. EPD may not accept or approve any Consent Order returned more than thirty-days (30) after the response due date unless an extension has been granted by EPD. This Consent Order is not an adjudicatory proceeding, but is issued solely with reference to the Settlement Agreement in Part II of this form.

This Consent Order does not constitute a determination that the Responsible Party is an eligible Georgia Underground Storage Tank Trust Fund participant, nor does it resolve whether the Responsible Party will be eligible currently or in the future for Georgia Underground Storage Tank Trust Fund coverage for a release at the Site after the violations noted are corrected.

If you do not return the Consent Order with payment of the negotiated settlement amount within thirty-days (30) of receipt, unless an extension has been granted by EPD, the Consent Order may be withdrawn, without prejudice to EPD's ability to file additional enforcement actions for the above or any other violations. Failure to return the Consent Order within the required time does not relieve the responsible party of the responsibility to comply fully with the regulations, including correcting the violations that have been specifically identified.

You are required under the Consent Order to certify that you will immediately correct the violations cited and provide documentation no later than thirty (30) days of receipt of the Consent Order that the corrective actions have been satisfactorily completed, or corrective actions have been implemented in accordance with a compliance schedule previously accepted by EPD.

The payment for the negotiated settlement amount must be submitted with the signed Consent Order, in the form of a check, cashier's check, or money order payable to the "Georgia Department of Natural Resources."

The signed Consent Order and negotiated settlement amount shall be sent to:

Georgia Environmental Protection Division
Underground Storage Tank Management Program
4244 International Parkway, Suite 104
Atlanta, Georgia 30354

EPD may treat any response, other than acceptance of the Consent Order, as an indication that the responsible party is not interested in pursuing this settlement procedure.

Final approval of the Consent Order is in the sole discretion of the Director of the EPD, or authorized delegate.

This Consent Order shall automatically terminate with 6 months of compliance completion, as determined by EPD.

If you have any questions, you may contact the Underground Storage Tank Management Program, EPD at (404) 362-2687.

(Do Not Write Above This Line)

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)

Action

Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)

Action

Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)

Action

Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)

Action

Other _____

Members _____

Refer To _____

- 2ND 1ST & 2ND 3RD **FINAL COUNCIL ACTION**
- Readings
- Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: 404-330-6579

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: August 9, 2013

Anticipated Committee Meeting Date(s): August 27, 2013

Anticipated Full Council Date: September 3, 2013

Legislative Counsel's Signature: Saul Schultz

Commissioner's Signature: Dieter C. White

Chief Financial Officer: _____

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EXPEDITED CONSENT ORDER WITH THE ENVIRONMENTAL PROTECTION DIVISION, DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT ORDER IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) TO RESOLVE A MONITORING VIOLATION OF UNDERGROUND STORAGE TANK STANDARDS PURSUANT TO THE GEORGIA RULES FOR UNDERGROUND STORAGE MANAGEMENT, CHAPTER 391-3-15 (GUST RULES); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$1,250.00

Mayor's Staff Only

Received by CPO: _____ (date)

Received by LC from CPO: _____ (date)

Received by Mayor's Office: WJ 8/8/13 (date)

Reviewed by: _____ (date)

Submitted to Council: _____ (date)

Attachment: EPD White Paper (13-R-3426 : Expedited Consent Order with Environmental Protection Division)