

14-2-3017

(Do Not Write Above This Line)

A RESOLUTION

BY CITY UTILITIES COMMITTEE

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.

Substitute

- 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 _____

City Utilities
 Chair, Dated 2014

Action
 Fav. Adv. Hold (see rev. side)
 Other

Members

[Handwritten signatures]

Refer To

City Utilities
 Make Dates 2014

Action
 Fav. Adv. Hold (see rev. side)
 Other

Members

[Handwritten signatures]

Refer To
[Handwritten signature]

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED
 APR 21 2014

ATLANTA CITY COUNCIL PRESIDENT

[Handwritten signature]

CERTIFIED
 APR 21 2014

[Handwritten signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 30 2014

WITHOUT SIGNATURE
 BY OPERATION OF LAW

3491



CITY COUNCIL
ATLANTA, GEORGIA

14-R-3017

A SUBSTITUTE RESOLUTION

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 EIGHT THOUSAND, FIVE HUNDRED DOLLARS AND NO CENTS (\$8,500.00) AS STIPULATED PENALTIES FOR A FECAL COLIFORM EXCEEDANCE AT THE CLEAR CREEK CSO FACILITY ON MARCH 12, 2014 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 fecal coliform exceedance 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 Four Thousand, Two Hundred Fifty Dollars and No Cents (\$4,250.00) payable to the State of



Georgia and Four Thousand, Two Hundred Fifty Dollars and No Cents (\$4,250.00) 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 March 12, 2014.

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

APR 21, 2014
APR 30, 2014



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.1. Fecal coliform violation

Date	Facility	Fecal coliform	Penalty
03/ 12/ 2014	Clear Creek CSO	Failure to maintain adequate operation Standards (60,000 colonies/100ml)	\$8,500.00

Comment:

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

Fecal coliform exceedances of 60,000 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 sodium hypochlorite not fed at rate needed to reduce fecal count. Sodium hypochlorite was being delivered but not at system capacity, it wasn't sufficient for the volume of water entering into the treatment system. In this case, the carrier water which is used to dispense chemical flow efficiently was not started in a timely manner. Also one of the sodium hypochlorite tanks online discharge valve was in closed position and the treatment process was only partially completed.

RCS# 233
4/21/14
2:11 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS
EXCEPT 14-R-3377, 3379,3383
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

CONSENT I

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ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	04-21-14 ITEMS ADVERSED ON CONSENT
1. 14-O-1160	34. 14-R-3327	54. 14-R-3347
2. 14-O-1161	35. 14-R-3328	55. 14-R-3348
3. 14-O-1164	36. 14-R-3329	56. 14-R-3349
4. 14-O-1148	37. 14-R-3330	57. 14-R-3350
5. 14-O-1153	38. 14-R-3331	58. 14-R-3351
6. 14-O-1154	39. 14-R-3332	59. 14-R-3352
7. 14-O-1155	40. 14-R-3333	60. 14-R-3353
8. 14-O-1157	41. 14-R-3334	61. 14-R-3354
9. 14-O-1169	42. 14-R-3335	62. 14-R-3355
10. 14-O-1158	43. 14-R-3336	63. 14-R-3356
11. 14-O-1159	44. 14-R-3337	64. 14-R-3357
12. 14-R-3387	45. 14-R-3338	65. 14-R-3358
13. 14-R-3388	46. 14-R-3339	66. 14-R-3359
14. 14-R-3326	47. 14-R-3340	67. 14-R-3360
15. 14-R-3375	48. 14-R-3341	68. 14-R-3361
16. 14-R-3376	49. 14-R-3342	69. 14-R-3362
17. 14-R-3380	50. 14-R-3343	70. 14-R-3363
18. 14-R-3381	51. 14-R-3344	71. 14-R-3364
19. 14-R-3382	52. 14-R-3345	72. 14-R-3365
20. 14-R-3017	53. 14-R-3346	73. 14-R-3366
21. 14-R-3384		74. 14-R-3367
22. 14-R-3385		75. 14-R-3368
23. 14-R-3386		
24. 14-R-3390		
25. 14-R-3391		
26. 14-R-3392		
27. 14-R-3393		
28. 14-R-3369		
29. 14-R-3370		
30. 14-R-3371		
31. 14-R-3372		
32. 14-R-3373		
33. 14-R-3374		