

#18

14-R-18405405  
(Do Not Write Above This Line)

A RESOLUTION BY  
*Shirley M. Curbishley*  
COUNCIL MEMBER NATALYN MOSBY  
ARCHIBONG

AUTORIZING 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 FEICAL 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 4/21/14

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

*One Staff Cont Subst Form*

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

First Reading

*City Utilities*  
Date 29 2014  
*Shirley M. Curbishley*

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

Members  
*Harvey*

*Shirley M. Curbishley*  
*Shirley M. Curbishley*

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee

Date

Chair

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

**ADOPTED BY**

MAY 05 2014

**COUNCIL**

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**  
MAY 05 2014

ATLANTA CITY COUNCIL PRESIDENT

*ACCP*

**CERTIFIED**  
MAY 05 2014  
*R. L. ...*  
MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

MAY 14 2014

WITHOUT SIGNATURE  
BY OPERATION OF LAW

14059

**A RESOLUTION  
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-FIVE THOUSAND, FIVE HUNDRED DOLLARS AND NO CENTS (\$25,500.00) AS STIPULATED PENALTIES FOR A FECAL COLIFORM EXCEEDANCE AT THE CLEAR CREEK CSO, TANYARD CREEK CSO AND NORTH AVENUE CSO FACILITIES ON MARCH 28, 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 Twelve Thousand, Seven Hundred Fifty and No Cents (\$12,750.00) payable to the State

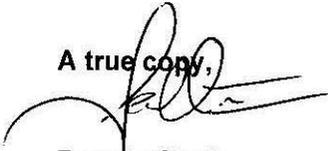
of Georgia and Twelve Thousand, Seven Hundred Fifty and No Cents (\$12,750.00) payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia for said violations of Monitoring and Sampling Program Standards at the Clear Creek CSO, Tanyard Creek CSO and North Avenue CSO Facilities on March 18, 2014.

**BE IT FINALLY 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

MAY 05, 2014  
MAY 14, 2014

  
Deputy Clerk

## Exhibit A

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

### Section XI.D.1. Fecal coliform violation

Date	Facility	Fecal coliform	Penalty
03/ 28/ 2014	Tanyard Creek CSO	Failure to maintain adequate operation Standards (60,000 colonies/100ml)	\$8,500.00

#### Comment/Condition:

The effluent fecal coliform bacteria sample collected on March 28<sup>th</sup> was found to have 60,000 CFU/100 ml, which exceeded the November – April seasonal effluent limits of 1000 CFU/100ml for the monthly average and 4000 colonies/100ml for the daily maximum.

Note: 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 March 28th.

Date	Facility	Fecal coliform	Penalty
03/ 28/ 2014	North Avenue CSO	Failure to maintain adequate operation Standards (58,000 colonies/100ml)	\$8,500.00

#### Comment/Condition:

The effluent fecal coliform bacteria sample collected on March 28<sup>th</sup> was found to have 58,000 CFU/100 ml, which exceeded the November – April seasonal effluent limits of 1000 CFU/100ml for the monthly average and 4000 colonies/100ml for the daily maximum.

Note: 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 March 28th.

<b>Date</b>	<b>Facility</b>	<b>Fecal coliform</b>	<b>Penalty</b>
03/ 28/ 2014	Clear Creek CSO	Failure to maintain adequate operation Standards (60,000 colonies/100ml)	\$8,500.00

**Comment/Condition:**

The effluent fecal coliform bacteria sample collected on March 28<sup>th</sup> was found to have 60,000 CFU/100 ml, which exceeded the November – April seasonal effluent limits of 1000 CFU/100ml for the monthly average and 4000 colonies/100ml for the daily maximum.

Note: 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 March 28th.

RCS# 267  
5/05/14  
2:29 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: EXCEPT  
14-O-1178  
ADOPT

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

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

CONSENT I

+

		05-05-14
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED CONSENT	ITEMS ADVERSED ON CONSENT
1. 14-O-1172	43. 14-R-3418	85. 14-R-3460
2. 14-O-1185	44. 14-R-3419	86. 14-R-3461
3. 14-O-1186	45. 14-R-3420	87. 14-R-3462
4. 14-O-1187	46. 14-R-3421	88. 14-R-3463
5. 14-O-1188	47. 14-R-3422	89. 14-R-3464
6. 14-O-1189	48. 14-R-3423	90. 14-R-3465
7. 14-O-1190	49. 14-R-3424	91. 14-R-3466
8. 14-O-1192	50. 14-R-3425	92. 14-R-3467
9. 14-O-1193	51. 14-R-3426	93. 14-R-3468
10. 14-O-1174	52. 14-R-3427	94. 14-R-3469
11. 14-O-1176	53. 14-R-3428	95. 14-R-3470
12. 14-O-1095	54. 14-R-3429	96. 14-R-3471
13. 14-O-1110	55. 14-R-3430	97. 14-R-3472
14. 14-O-1179	56. 14-R-3431	98. 14-R-3473
15. 14-O-1198	57. 14-R-3432	99. 14-R-3474
16. 14-O-1200	58. 14-R-3433	100. 14-R-3475
17. 14-O-1201	59. 14-R-3434	101. 14-R-3476
18. 14-O-1170	60. 14-R-3435	102. 14-R-3477
19. 14-R-3493	61. 14-R-3436	103. 14-R-3478
20. 14-R-3494	62. 14-R-3437	104. 14-R-3479
21. 14-R-3495	63. 14-R-3438	105. 14-R-3480
22. 14-R-3496	64. 14-R-3439	106. 14-R-3481
23. 14-R-3497	ITEMS ADVERSED ON CONSENT	107. 14-R-3482
24. 14-R-3397	65. 14-R-3440	108. 14-R-3483
25. 14-R-3498	66. 14-R-3441	109. 14-R-3484
26. 14-R-3499	67. 14-R-3442	110. 14-R-3485
27. 14-R-3500	68. 14-R-3443	111. 14-R-3486
28. 14-R-3501	69. 14-R-3444	112. 14-R-3487
29. 14-R-3398	70. 14-R-3445	113. 14-R-3488
30. 14-R-3405	71. 14-R-3446	114. 14-R-3489
31. 14-R-3407	72. 14-R-3447	115. 14-R-3490
32. 14-R-3408	73. 14-R-3448	116. 14-R-3491
33. 14-R-3409	74. 14-R-3449	117. 14-R-3492
34. 14-R-3410	75. 14-R-3450	
35. 14-R-3411	76. 14-R-3451	
36. 14-R-3412	77. 14-R-3452	
37. 14-R-3402	78. 14-R-3453	
38. 14-R-3403	79. 14-R-3454	
39. 14-R-3502	80. 14-R-3455	
40. 14-R-3492	81. 14-R-3456	
41. 14-R-3416	82. 14-R-3457	
42. 14-R-3417	83. 14-R-3458	
	84. 14-R-3459	