

A RESOLUTION BY COUNCILMEMBER NATALYN M. ARCHIBONG AS SUBSTITUTED BY CITY UTILITIES COMMITTEE 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 SEVENTEEN THOUSAND DOLLARS AND ZERO CENTS (\$17,000.00) AS STIPULATED PENALTIES FOR FAILURE TO MAINTAIN ADEQUATE OPERATIONAL STANDARDS - EFFLUENT FECAL COLIFORM EXCEEDANCE AT THE CUSTER AVENUE COMBINED SEWER SYSTEM CONTROL FACILITY AND THE CLEAR CREEK COMBINED SEWER SYSTEM CONTROL FACILITY ON JANUARY 15, 2016; 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 violations for Failure to Maintain Adequate Operational Standards - Effluent Fecal Coliform Exceedance as set out in Exhibit “A” hereto; and

WHEREAS, these violations are 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, Paragraph XI.D.2; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact these violations for Failure to Maintain Adequate Operational Standards - Effluent 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 account number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5730009 (Penalties) 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; and

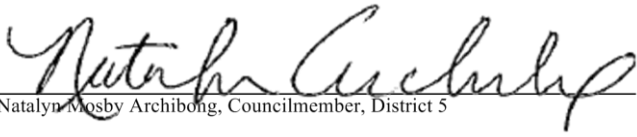
THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES, that the Chief Financial Officer of the City is authorized to issue checks in the amounts of Seventeen Thousand Dollars and Zero Cents (\$17,000.00) payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to 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 for Failure to Maintain Adequate Operational Standards - Effluent Fecal Coliform Exceedance at the Custer Avenue Combined Sewer System Control Facility and the Clear Creek Avenue Combined Sewer System Control Facility on January 15, 2016; and

BE IT FINALLY RESOLVED that the said payments be chargeable to Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5730009 (Penalties) 4310000 (Sanitary Administration) COA.

**CITY COUNCIL
ATLANTA, GEORGIA**

16-R-3139

SPONSOR SIGNATURES



Natalyn Mosby Archibong, Councilmember, District 5

**CITY COUNCIL
ATLANTA, GEORGIA**

16-R-3139

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Workflow List:

Clerk of Council	Completed	02/02/2016 10:38 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM
City Utilities Committee	Completed	03/15/2016 9:30 AM
Atlanta City Council	Completed	03/21/2016 1:00 PM
City Utilities Committee	Completed	03/29/2016 9:30 AM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
Mayor's Office	Pending	

HISTORY:

02/01/16 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 2/9/2016 9:30 AM
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02/09/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 2/15/2016 1:00 PM
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02/15/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 2/23/2016 9:30 AM
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02/23/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 3/7/2016 1:00 PM
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03/07/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 3/15/2016 9:30 AM
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03/15/16	City Utilities Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE	Next: 3/21/2016 1:00 PM
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03/21/16	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 3/29/2016 9:30 AM
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03/29/16	City Utilities Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE	Next: 4/18/2016 1:00 PM
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04/18/16	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 4/26/2016 9:30 AM
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04/26/16	City Utilities Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE	Next: 5/2/2016 1:00 PM
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05/02/16	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 5/10/2016 9:30 AM
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05/10/16	City Utilities Committee	FAVORABLE ON SUBSTITUTE
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RESULT:	FAVORABLE ON SUBSTITUTE [5 TO 0]	Next: 5/16/2016 1:00 PM
AYES:	Archibong, Martin, Adrean, Shook, Sheperd	
AWAY:	Andre Dickens, Alex Wan	

05/16/2016	Atlanta City Council	ADOPTED SUBSTITUTE
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RESULT:	ADOPTED SUBSTITUTE BY CONSENT VOTE [13 TO 0]
AYES:	Bond, Norwood, Dickens, Smith, Young Jr., Winslow, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
ABSENT:	Natalyn Mosby Archibong
AWAY:	Kwanza Hall

Certified by Presiding Officer	Certified by Clerk
Mayor's Action	

See Authentication Page Attachment