

A RESOLUTION BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN 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 VIOLATIONS AT THE CUSTER AVENUE COMBINED SEWER SYSTEM CONTROL ON APRIL 5, 2017 AND THE TANYARD CREEK COMBINED SEWER CONTROLLED FACILITY (CSCF) ON JUNE 20, 2017; 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.1 and XI.D.2; and

WHEREAS, the Department of Watershed Management does not dispute the fact that 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.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Chief Financial Officer of the City is authorized to issue checks which total the amount 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 on April 5, 2017; and the Tanyard Creek Combined Sewer Controlled Facility on June 20, 2017; 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-4262

SPONSOR SIGNATURES



Howard Shook, Councilmember, District 7

**CITY COUNCIL
ATLANTA, GEORGIA**

16-R-4262

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Workflow List:

Clerk of Council	Completed	09/07/2016 2:53 PM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Completed	11/29/2016 9:30 AM
Atlanta City Council	Completed	12/05/2016 1:00 PM
City Utilities Committee	Completed	12/13/2016 9:30 AM
Atlanta City Council	Completed	01/03/2017 1:00 PM
City Utilities Committee	Completed	01/10/2017 9:30 AM
Atlanta City Council	Completed	01/17/2017 1:00 PM
City Utilities Committee	Completed	01/24/2017 9:30 AM
Atlanta City Council	Completed	02/06/2017 1:00 PM
City Utilities Committee	Completed	02/14/2017 9:30 AM
Atlanta City Council	Completed	02/20/2017 1:00 PM
City Utilities Committee	Completed	02/28/2017 9:30 AM
Atlanta City Council	Completed	03/06/2017 1:00 PM
City Utilities Committee	Completed	03/14/2017 9:30 AM
Atlanta City Council	Completed	03/20/2017 1:00 PM
City Utilities Committee	Completed	03/28/2017 9:30 AM
Atlanta City Council	Completed	04/17/2017 1:00 PM
City Utilities Committee	Completed	04/25/2017 9:30 AM
Atlanta City Council	Completed	05/01/2017 1:00 PM
City Utilities Committee	Completed	05/09/2017 9:30 AM
Atlanta City Council	Completed	05/15/2017 1:00 PM
City Utilities Committee	Completed	05/23/2017 9:30 AM
Atlanta City Council	Completed	06/05/2017 1:00 PM
City Utilities Committee	Completed	06/13/2017 9:30 AM

Last Updated: 09/26/17

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Atlanta City Council	Completed	06/19/2017 1:00 PM
City Utilities Committee	Completed	06/27/2017 9:30 AM
Atlanta City Council	Completed	07/05/2017 1:00 PM
City Utilities Committee	Completed	07/11/2017 9:30 AM
Atlanta City Council	Completed	07/17/2017 1:00 PM
City Utilities Committee	Completed	07/25/2017 9:30 AM
Atlanta City Council	Completed	08/21/2017 1:00 PM
City Utilities Committee	Completed	08/29/2017 9:30 AM
Atlanta City Council	Completed	09/05/2017 1:00 PM
Atlanta City Council	Completed	09/18/2017 1:00 PM
City Utilities Committee	Completed	09/26/2017 9:30 AM
Atlanta City Council	Completed	10/02/2017 1:00 PM
Mayor's Office	Pending	

HISTORY:

09/06/16 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 9/13/2016 9:30 AM
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09/13/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 9/19/2016 1:00 PM
MOVER:	Yolanda Adrean, Councilmember, District 8	
SECONDER:	Alex Wan, Chair	
AYES:	Archibong, Martin, Adrean, Dickens, Shook, Wan, Sheperd	

09/19/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 9/27/2016 9:30 AM
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09/27/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 10/3/2016 1:00 PM
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10/03/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 10/11/2016 9:30 AM
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10/11/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 10/17/2016 1:00 PM
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10/17/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 10/25/2016 9:30 AM
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10/25/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 11/7/2016 1:00 PM
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11/07/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 11/15/2016 9:30 AM
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11/15/16 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 11/21/2016 1:00 PM
11/21/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/29/2016 9:30 AM
11/29/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 12/5/2016 1:00 PM
12/05/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/13/2016 9:30 AM
12/13/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 1/3/2017 1:00 PM
01/03/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/10/2017 9:30 AM
01/10/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 1/17/2017 1:00 PM
01/17/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/24/2017 9:30 AM
01/24/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/6/2017 1:00 PM
02/06/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/14/2017 9:30 AM
02/14/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/20/2017 1:00 PM
02/20/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/28/2017 9:30 AM
02/28/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/6/2017 1:00 PM
03/06/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 3/14/2017 9:30 AM
03/14/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/20/2017 1:00 PM
03/20/17	Atlanta City Council	RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 3/28/2017 9:30 AM
03/28/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 4/17/2017 1:00 PM
04/17/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 4/25/2017 9:30 AM
04/25/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/1/2017 1:00 PM
05/01/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/9/2017 9:30 AM
05/09/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/15/2017 1:00 PM
05/15/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/23/2017 9:30 AM
05/23/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/5/2017 1:00 PM
06/05/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/13/2017 9:30 AM
06/13/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/19/2017 1:00 PM
06/19/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/27/2017 9:30 AM
06/27/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 7/5/2017 1:00 PM
07/05/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 7/11/2017 9:30 AM
07/11/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 7/17/2017 1:00 PM
07/17/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 7/25/2017 9:30 AM
07/25/17	City Utilities Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 8/21/2017 1:00 PM
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08/21/17	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 8/29/2017 9:30 AM
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08/29/17	City Utilities Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE	Next: 9/5/2017 1:00 PM
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09/05/17	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 9/18/2017 1:00 PM
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09/18/17	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 9/26/2017 9:30 AM
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RESULT:	FAVORABLE ON SUBSTITUTE [UNANIMOUS]	
MOVER:	Howard Shook, Councilmember, District 7	
SECONDER:	Clarence "C. T." Martin, Councilmember, District 10	
AYES:	Wan, Archibong, Shook, Adrean, Martin, Smith	
ABSENT:	Joyce Sheperd	

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VOTE RECORD - RESOLUTION 16-R-4262						
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> FILED BY COMMITTEE <input checked="" type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> ADOPTED SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> ADVERSED IN COMMITTEE <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> FORWARDED W/NO RECOMMENDATION						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	ALEX WAN	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	YOLANDA ADREAN	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLARENCE "C. T." MARTIN	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE SHEPERD	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/CONDITION <input type="checkbox"/> FAVORABLE/AMND/CONDITION <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> ACCEPTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED WITHOUT OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW	
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[Unanimous]

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