

A RESOLUTION BY 
COUNCILMEMBER NATALYN M. ARCHIBONG

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 \$ _____ 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.

WHEREAS, the 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 Standards 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 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 Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidations) 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 in the amounts of \$ _____ payable to the State of Georgia and \$ _____ 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 Fecal Coliform Standards at the _____ CSO Facility on _____.

BE IT FINALLY RESOLVED, that the said payments be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

(Do Not Write Above This Line)

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First Reading
Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION
 2nd Reading
 1st & 2nd Reading
 3rd Reading
 Consent V Vote
 RC Vote

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____

Refer To _____

Refer To _____

Committee

Committee

Date

Date

Chair

Chair

Action

Action

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

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

Members

Members

2/1/16
City Ordinances

Date Referred

Date Referred

Date Referred

Referred To:

MAYOR'S ACTION

CERTIFIED