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(Do Not Write Above This Line) 3139

A RESOLUTION BY

COUNCILMEMBER NATALYN M. ARCHIBONG *Natalyn 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 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.

*Substituted*

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred:

Referred To:

*2/1/16 City Utilities*

First Reading

Committee

Date

Chair

Referred To

Committee

City Utilities

Date

Chair

*Natalyn Archibong*

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee  
Date  
Chair  
Referred To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

Readings

Consent  V Vote  RC Vote

CERTIFIED  
MAY 16 2016  
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
MAY 16 2016  
Randy Dandridge Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

MAY 16 2016

COUNCIL

Refer To

Committee

City Utilities

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

On Subst

*Archibong  
Natalyn Archibong*

Refer To

CERTIFIED  
MAY 16 2016  
ATLANTA CITY COUNCIL PRESIDENT

**A RESOLUTION BY  
COUNCILMEMBER NATALYN M. ARCHIBONG  
AS SUBSTITUED 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 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.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

**ADOPTED by the Atlanta City Council**  
**APPROVED as per City Charter Section 2-403**

**MAY 16, 2016**  
**MAY 25, 2016**

## EXHIBIT A

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

<b>Date</b>	<b>Facility</b>	<b>Violation</b>	<b>Penalty</b>
01/15/2016	Custer Avenue Combined Sewer Control Facility	Failure to Maintain Adequate Operational Standards – Effluent Fecal Coliform Exceedence	\$8,500.00

**Comment/Condition:**

On January 15, 2016 the fecal coliform concentration in the first flush grab sample collected was found to have a fecal coliform concentration of >60,000 CFU/100mL, which exceeded the seasonally adjusted daily maximum permit effluent limit of 4,000 colonies/100 mL.

The pre-dechlorination process control sample had a total residual chlorine (TRC) concentration of 0.94 mg/L. The effluent concentration of TRC (post-dechlorination) met the 0.10 mg/L discharge limit. Based this information, it appears that there was sufficient TRC to adequately disinfect the flow. However, based on the analytical results and due to the intensity and high influent flow velocity, it appears that there may have been insufficient contact time for disinfection.

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

<b>Date</b>	<b>Facility</b>	<b>Violation</b>	<b>Penalty</b>
01/15/2016	Clear Creek Combined Sewer Control Facility	Failure to Maintain Adequate Operational Standards – Effluent Fecal Coliform Exceedence	\$8,500.00

**Comment/Condition:**

On January 15, 2016, the fecal coliform concentration in the first flush grab sample collected was found to have a fecal coliform concentration of 48,000 colony forming units per 100 milliliters (CFU/100 mL), which exceeded the seasonally adjusted daily maximum permit effluent limit of 4,000 CFU/100 mL.

Total residual chlorine before dechlorination was 5.0 mg/L and following dechlorination was 0.03 mg/L. Based on review of operational records, no operational or mechanical basis was found for this exceedence. It appears that, during this discharge event, the processing and treatment equipment were functioning properly and the facility was operating in accordance with the approved Management, Operations and Maintenance plans. However, the intensity of the storm event may have caused a high influent flow velocity which reduced the disinfection contact time and resulted in the exceedence.

RCS# 2113  
5/16/16  
2:43 PM

Atlanta City Council

CONSENT I            CONSENT AGENDA SECTION I:ADOPT ALL ITEMS  
EXCEPT 16-O-1220;1213;1214 AND 16-O-1216  
ADOPT

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

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

CONSENT I

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		05-16-16
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 16-O-1205	26. 16-R-3599	53. 16-R-3555
2. 16-O-1206	27. 16-R-3592	54. 16-R-3556
3. 16-O-1207	28. 16-R-3593	55. 16-R-3557
4. 16-O-1218	29. 16-R-3513	56. 16-R-3558
5. 16-O-1221	30. 16-R-3522	57. 16-R-3559
6. 16-O-1222	31. 16-R-3523	58. 16-R-3560
7. 16-O-1223	32. 16-R-3524	59. 16-R-3561
8. 16-O-1215	33. 16-R-3525	60. 16-R-3562
9. 16-O-1194	34. 16-R-3526	61. 16-R-3563
10. 16-O-1209	35. 16-R-3536	62. 16-R-3564
11. 16-O-1195	36. 16-R-3537	63. 16-R-3565
12. 16-O-1212	37. 16-R-3539	64. 16-R-3566
13. 16-R-3516	38. 16-R-3540	65. 16-R-3567
14. 16-R-3594	39. 16-R-3541	66. 16-R-3568
15. 16-R-3595	40. 16-R-3542	67. 16-R-3569
16. 16-R-3596	41. 16-R-3543	68. 16-R-3570
17. 16-R-3597	42. 16-R-3544	69. 16-R-3571
18. 16-R-3139	43. 16-R-3545	70. 16-R-3572
19. 16-R-3528	44. 16-R-3546	71. 16-R-3573
20. 16-R-3529	45. 16-R-3547	72. 16-R-3574
21. 16-R-3531	46. 16-R-3548	73. 16-R-3575
22. 16-R-3387	47. 16-R-3549	74. 16-R-3576
23. 16-R-3517	48. 16-R-3550	75. 16-R-3577
24. 16-R-3520	<b>ITEMS ADVERSED ON</b>	76. 16-R-3578
25. 16-R-3521	<b>CONSENT</b>	77. 16-R-3579
	49. 16-R-3551	78. 16-R-3580
	50. 16-R-3552	79. 16-R-3581
	51. 16-R-3553	80. 16-R-3582
	52. 16-R-3554	81. 16-R-3583
		82. 16-R-3584
		83. 16-R-3585
		84. 16-R-3586
		85. 16-R-3586
		86. 16-R-3587
		87. 16-R-3588
		88. 16-R-3589
		89. 16-R-3590
		90. 16-R-3591



**16-R-3139**

**Adopted by the Atlanta City Council  
May 16, 2016**

**APPROVED**

MAY 16 2016

WITHOUT SIGNATURE  
OR OPERATION OF LAW

**MAYOR'S ACTION**

**MAYOR'S ACTION AUTHENTICATION PAGE**