

**CITY COUNCIL
ATLANTA, GEORGIA**

15-R-4510

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 EXCEEDANCE OF AN OPERATIONAL STANDARD FOR TOTAL RESIDUAL CHLORINE AT THE WEST AREA WATER QUALITY CONTROL FACILITY ON OCTOBER 4, 2015; AND FAILURE TO MAINTAIN ADEQUATE OPERATION FOR DAILY MAXIMUM STANDARDS FOR FECAL COLIFORM AT THE TANYARD CREEK COMBINED SEWER CONTROL FACILITY ON NOVEMBER 2, 2015; 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.(HELD 12/15/15)

Workflow List:

Clerk of Council	Completed	12/08/2015 12:25 PM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Pending	02/01/2016 1:00 PM
Mayor's Office	Pending	

HISTORY:

12/07/15 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 12/15/2015 9:30 AM
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12/15/15 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 1/4/2016 1:00 PM
AYES:	Archibong, Adrean, Sheperd, Shook, Wan	
ABSENT:	Ivory Lee Young Jr., Andre Dickens	

01/04/16 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 1/12/2016 9:30 AM
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RESULT:	HELD IN COMMITTEE	Next: 1/19/2016 1:00 PM
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

**CITY COUNCIL
ATLANTA, GEORGIA**

15-R-4510

SPONSOR SIGNATURES



Natalyn Mosby Archibong, Councilmember, District 5

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 EXCEEDANCE OF AN OPERATIONAL STANDARD FOR TOTAL RESIDUAL CHLORINE AT THE WEST AREA WATER QUALITY CONTROL FACILITY ON OCTOBER 4, 2015; AND FAILURE TO MAINTAIN ADEQUATE OPERATION FOR DAILY MAXIMUM STANDARDS FOR FECAL COLIFORM AT THE TANYARD CREEK COMBINED SEWER CONTROL FACILITY ON NOVEMBER 2, 2015; 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.(HELD 12/15/15)

WHEREAS, the City of Atlanta (“City”) has experienced violations of Exceedance of an Operational Standard for Total Residual Chlorine and Failure to Maintain Adequate Operation for Daily Maximum Standards for Fecal Coliform 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, Paragraphs XI.D.1 and XI.D.4; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact these violations of Exceedance of an Operational Standard for Total Residual Chlorine and Failure to Maintain Adequate Operation for Daily Maximum Standards for Fecal Coliform, 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) 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 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 of Exceedance of an Operational Standard for Total Residual Chlorine at the West Area Water Control Facility on October 4, 2015 and Failure to Maintain Adequate Operation for Daily Maximum Standards for Fecal Coliform at Tanyard Creek Combined Sewer Control Facility on November 2, 2015.

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

Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.4. As follow:

Section XI.D.4 Exceedance of an Operational Standard for Total Residual Chlorine

Date	Facility	Violation	Penalty
10/04/2015	West Area Water Quality Control Facility	Exceedance of an Operational Standard for Total Residual Chlorine	\$8,500.00

Comment/Condition:

The concentration of total residual chlorine (TRC) in the effluent samples collected at the West Area Water Quality Control Facility (WQCF) between 8:00 AM and 11:10 AM on October 4, 2015 exceeded the permitted limit of 0.10 mg/L as specified in the National Pollutant Discharge Elimination System (NPDES) permit.

On October 4, 2015 at 9:25 AM, a power failure occurred at the West Area WQCF that affected some of the operational equipment, including the dechlorination chemical feed system. The exceedances occurred due to the loss power of the sodium bisulfate pump due to the power outage. The facility operator discovered a tripped breaker on the main motor control. At 10:30 AM, the main breaker was reset, the circuit was re-energized, and power was restored to the downstream processes. By 11:10 AM, the chlorine residuals in the effluent had returned to levels that were in compliance with the permit requirements.

During the outage, grab samples were collected at the effluent flume with the following TRCs:

TIME	TOTAL RESIDUAL CHLORINE
08:00 AM	0.00 mg/L
09:40 AM	0.52 mg/L
10:10 AM	0.72 mg/L
10:42 AM	1.40 mg/L
11:10 AM	0.02 mg/L

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.1. As follows:

Section XI.D.1.

Date	Facility	Violation	Penalty
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11/02/ 2015	Tanyard Creek Combined Sewer (CSCF)	Failure to maintain adequate Operation for Daily Maximum Standards for Fecal Coliform	\$8,500.00
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Note: The effluent fecal coliform bacteria sample collected on November 2, 2015 indicated a concentration of >60,000 CFU/100 mL which exceeded the November - April seasonal daily maximum limit of 4,000 colonies/100mL for the daily maximum.

Comment/Condition:

The effluent fecal coliform bacteria sample collected on November 2, 2015 indicated a concentration of >60,000 CFU/100 mL which exceeded the November - April seasonal daily maximum limit of 4,000 colonies/100 mL for the daily maximum. Operationally, the measured pre-treatment chlorine residual was 2.0 mg/L and the post-dechlorination chlorine residual was 0.00 mg/L, which was an indication that the disinfection system was working properly.

However, while cleaning the sanitary sewer bar rack during the Tanyard Creek CSCF during the discharge event, the operator discovered that the disinfectant chemical feed pipe had separated at a point between the chemical feed flow control valves and the flow distribution manifold. Although the disinfectant was delivered to the combined sewage, as indicated by the pre-dechlorination samples, the location of the separation delivered the sodium hypochlorite only to one side of flume rather than across the flume, thereby preventing it from being properly distributed and mixed into the flow stream for treatment. Repairs to the separated 4-inch pipe were made immediately.