

15-R-4510

(Do Not Write Above This Line)

A RESOLUTION BY Staff COUNCILMEMBER 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 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. substitute

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:

12/7/15  
City Utilities

First Reading

Committee

Date

Chair

Referred To

Committee

Date

Chair

Referred To

Action

Other

Members

Refer To

City Utilities

12-15-15

Staff

Hold (see rev. side)

Other

Members

Refer To

City Utilities

11/26/16

Staff

Hold (see rev. side)

Other

Members

Refer To

City Utilities

11/26/16

Staff

Hold (see rev. side)

Other

Members

Refer To

City Utilities

11/26/16

Staff

Hold (see rev. side)

Other

Members

Refer To

City Utilities

11/26/16

Staff

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

FEB 01 2016

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

FEB 01 2016

MUNICIPAL CLERK

MAYOR'S ACTION

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

ADOPTED BY

FEB 01 2016

COUNCIL

Refer To

OMC Staff Continued Subst in ELMS FIVE

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

**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

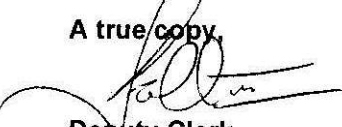
**WHEREAS**, the CSO Consent Decree, Section XI.O similarly provides for payment of interest on late payment of stipulated penalties; and

**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).

A true copy.

  
Deputy Clerk

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

FEB 01, 2016  
FEB 10, 2016

## 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

| <b>Date</b> | <b>Facility</b>                          | <b>Violation</b>  | <b>Penalty</b> |
|-------------|--|---|----------------|
| 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:

| <b>TIME</b> | <b>TOTAL RESIDUAL CHLORINE</b> |
|-------------|--------------------------------|
| 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                      |

RCS# 1852

2/01/16

1:48 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:ALL ITEMS  
EXCEPT 15-O-1479  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

|           |             |           |             |
|-----------|-------------|-----------|-------------|
| Y Smith   | Y 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

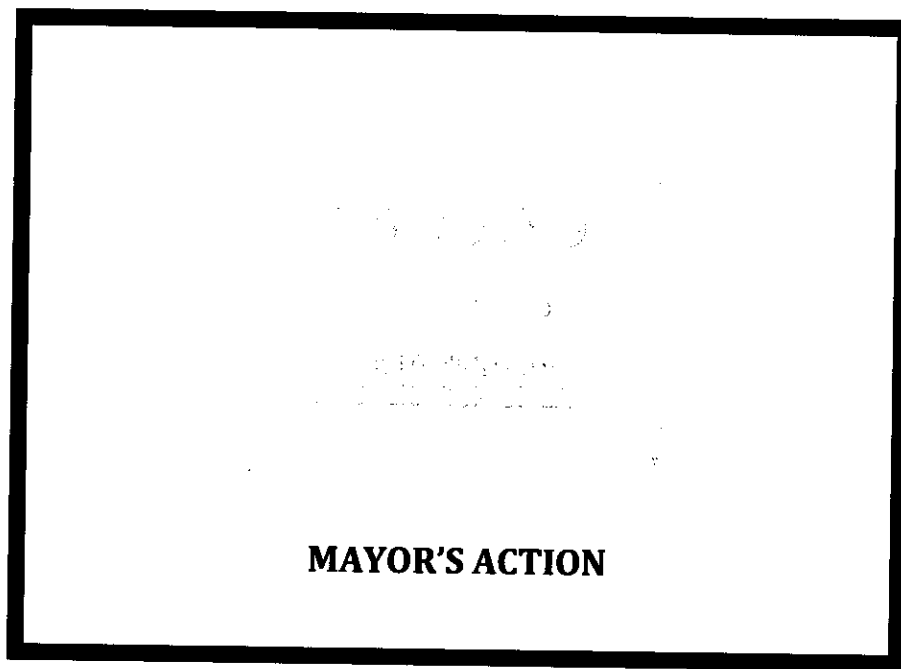
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|                             |                              | 02-01-16 |
|-----------------------------|------------------------------|----------|
| ITEMS ADOPTED ON<br>CONSENT | ITEMS ADVERSED<br>ON CONSENT |          |
| 1. 16-O-1018                | 29. 16-R-3084                |          |
| 2. 16-O-1019                | 30. 16-R-3085                |          |
| 3. 16-O-1020                | 31. 16-R-3086                |          |
| 4. 16-O-1021                | 32. 16-R-3087                |          |
| 5. 16-O-1022                | 33. 16-R-3088                |          |
| 6. 16-O-1024                | 34. 16-R-3089                |          |
| 7. 16-O-1027                | 35. 16-R-3090                |          |
| 8. 15-O-1564                | 36. 16-R-3091                |          |
| 9. 16-O-1025                | 37. 16-R-3092                |          |
| 10. 16-O-1029               | 38. 16-R-3093                |          |
| 11. 16-O-1031               | 39. 16-R-3094                |          |
| 12. 16-R-3074               | 40. 16-R-3095                |          |
| 13. 16-R-3130               | 41. 16-R-3096                |          |
| 14. 16-R-3131               | 42. 16-R-3097                |          |
| 15. 16-R-3133               | 43. 16-R-3098                |          |
| 16. 16-R-3123               | 44. 16-R-3099                |          |
| 17. 16-R-3127               | 45. 16-R-3100                |          |
| 18. 16-R-3132               | 46. 16-R-3101                |          |
| 19. 16-R-3128               | 47. 16-R-3102                |          |
| 20. 15-R-4510               | 48. 16-R-3103                |          |
| 21. 16-R-3134               | 49. 16-R-3104                |          |
| 22. 16-R-3135               | 50. 16-R-3105                |          |
| 23. 16-R-3136               | 51. 16-R-3106                |          |
| 24. 16-R-3079               | 52. 16-R-3107                |          |
| 25. 16-R-3080               | 53. 16-R-3108                |          |
| 26. 16-R-3081               | 54. 16-R-3109                |          |
| 27. 16-R-3082               | 55. 16-R-3110                |          |
| 28. 16-R-3083               | 56. 16-R-3111                |          |
|                             | 57. 16-R-3112                |          |
|                             | 58. 16-R-3113                |          |
|                             | 59. 16-R-3114                |          |
|                             | 60. 16-R-3115                |          |
|                             | 61. 16-R-3116                |          |
|                             | 62. 16-R-3117                |          |
|                             | 63. 16-R-3118                |          |
|                             | 64. 16-R-3119                |          |
|                             | 65. 16-R-3120                |          |
|                             | 66. 16-R-3121                |          |
|                             | 67. 16-R-3122                |          |

**MAYOR'S ACTION AUTHENTICATION PAGE**



**15-R-4510**  
**Adopted by the Atlanta City Council**  
**February 1, 2016**



**MAYOR'S ACTION**