

RATIFICATION



ROUTE SLIP FOR CONTRACTS, AGREEMENTS, ORDINANCES AND MOU'S
FOR PURCHASING USE ONLY

Tracking#

Contract#

Actual BOC Date:

FOR USE BY THE USER DEPARTMENT

Department: Water Resources Contact Name & Extension: Dwight Wicks et 7411
Project Title and Brief Summary: Notice of violation for 5 unpermitted discharges from December 2015 - August 2016
Term of Contract and/or Project: Proposed Expedited Enforcement Compliance Order
Vendor Name: GA DNR Contact: Lewis Hays
Address/Phone#: 2 MLK Jr., Drive Suite 1152 East, Atlanta, GA 30334
Contract \$ 2,250.00 Funding Source and Account Number #: 505-4410-523600-44
Priority: NEXTBOCKMTG / 30 / 60 / 90 (Choose One) Comments/Justify NEXTBOCKMTG:
Director/Elected Official Signature: [Signature] Date: 8/29/2016

FOR USE BY PURCHASING AND CONTRACTING DIVISION OF FINANCE

Date and Time Received: 8/30/16 Date and Time: 8/30/16
 ITB RFP Agreement/Contract Change Order No GSA/SWC
 Approved Sole Source Other (specify):
Projected BOC Meeting Date:
Comments/Notes:
Procurement Officer Signature: [Signature]

FOR USE BY THE DIRECTOR OR FINANCE

Date and Time Received: 8.30.16 Date and Time Out: 9.2.16
Funding Source: RWR Budget Amount: \$ 2250
Finance Officer Signature: [Signature]

FOR USE BY COUNTY ATTORNEY

Date and Time Received: 8/30/16
 Returned to Purchasing with comments Date and Time Out:
Comments:
 Received from reroute (if applicable): Date and Time In:
 Approved as to form and Returned to Purchasing Date and Time Out: 9/1/16
County Attorney Signature:

FOR USE BY THE CHIEF OF STAFF

Date and Time Received: 9/15/16; 2:05 pm Date and Time Out:
 Approved for Agenda Placement and Forwarded to County Clerk Agenda Date:
Comments/Notes:
Chief of Staff Signature: [Signature]

2016-306



Rockdale County Board of Commissioners

Priority:
RUSH/30/60/90

Agenda Item Summary: Item

MEETING DATE:
Next Avail.
(ratification)

DISTRIBUTED
8/29/16 @ Kesselyn

Requesting Department
Rockdale Water Resources

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Notice of violation for 5 unpermitted discharges from December 2015 – August 2016

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*
RFV to Georgia Department of Natural Resources

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board of Commissioners Focus Area or Goal)*
 Yes No

Summary & Background *(First sentence includes Department recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Proposed Expedited Enforcement Compliance Order – 2016

Fiscal Impact / Funding Source *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

\$2,250.00 / 505-4410-523600-44

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

Please see agreement to provide incidental scope of services

Source of Additional Information *(Type Name, Title, Department and Phone)*

Department Head/Director's Approval

Chief of Staff
Approval

Typed Name and Title
Dwight Wicks / Director – RWR

Phone
770-278-7411

Signature

Date

APC 2016 08 29 16 00 00

Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
2 Martin Luther King Jr. Drive • Suite 1152 East • Atlanta • Georgia 30334
(404) 463-1511; Fax (404) 656-2453
Richard E. Dunn, Director

cc: Dwight

AUG 18 2016

AUG 23 2016



Mr. Richard A. Oden, Chairman and CEO
Rockdale County Board of Commissioners
Post Office Box 289
Conyers, Georgia 30012

RE: Notice of Violation

Proposed Expedited Enforcement Compliance Order
Rockdale Water Resources
Permit Nos. GA0047678, GA0023035, GA0021610, GA0022659, and GA0026239 (Permits)

Dear Mr. Oden:

This letter serves as a Notice of Violation of the Georgia Rules and Regulations for Water Quality Control (Rules), the Georgia Water Quality Control Act (Act), and the National Pollution Discharge Elimination System Permit Nos. GA0047678, GA0023035, GA0021610, GA0022659 and GA0026239 issued to Rockdale Water Resources (County). The County reported five (5) unpermitted discharges to waters of the State from December 2015 through August 2016 and one (1) permit flow violation. The Division alleges that these unpermitted discharges and permit violations are also violations of the Act and the Rules.

EPD is offering to resolve and settle this matter through the enclosed proposed Expedited Enforcement Compliance Order (Order). If you agree to the terms of the Order, please sign and return the Order to the letterhead address, along with a check made payable to the Department of Natural Resources, within thirty (30) days of receipt of this letter.

If you have any questions, please contact Reginald Williamson at 404-463-4938 or Reginald.williamson@dnr.ga.gov. Your cooperation in this matter is appreciated.

Sincerely,

Lewis F. Hays
Program Manager
Watershed Compliance Program

LFH/rw

Dwight S. Wicks, Executive Director Rockdale Water Resources

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
WATERSHED PROTECTION BRANCH
2 Martin Luther King, Jr. Drive, Suite 1152 East
ATLANTA, GEORGIA 30334

EXPEDITED ENFORCEMENT COMPLIANCE ORDER

PART I: COMPLIANCE ORDER

Permit No: GA0047678, GA0023035, GA0021610,
GA0022659, and GA0026239

Name of Owner, Operator, or Responsible Official:

Richard Oden, Rockdale Water Resources
(Respondent)

Rockdale County Board of Commissioners

Post Office Box 289

Conyers, GA 30012

A review of the Environmental Protection Division's (EPD) files indicates that the Respondent reported five (5) unpermitted discharges from its sanitary sewer system from December 2015 thur August 2016 and one (1) permit flow violation (Page 2 and 3). The unpermitted discharges and flow violation are violations of Chapter 391-3-6-.03 of the Georgia Rules and Regulations for Water Quality Control (Rules), and Title 12, Chapter 5 of the Georgia Water Quality Control Act. The violations, applicable citations from the Rules and Act, and corresponding settlement amount are listed below:

391-3-6-.03, [O.C.G.A. §12-5-29(a)] Settlement \$2,250.00
391-3-6-.05

Nature of Violation: Five (5) unpermitted discharges from December 2015 thur August 2016 and one (1) flow violation (see Page 2 and 3).

TOTAL SETTLEMENT AMOUNT \$ 2,250.00

By agreement of the parties, before the taking of any testimony and without adjudicating the merits of the parties' positions in this matter, in order to resolve the violations alleged herein, the Director hereby ORDERS and Respondent CONSENTS to the following Settlement Agreement.

ATTEST:

Jennifer O. Rutledge, County Clerk

Approved as to form

M. Qader A. Balg, County Attorney

PART II: SETTLEMENT AGREEMENT

The Respondent, by signing below, certifies under penalty of law that: a) the information submitted in this and all attached documents has been personally examined and that the Respondent is familiar with the information; b) the CITED VIOLATIONS HAVE BEEN CORRECTED; c) payment of the settlement amount in the form of a check made payable to the Department of Natural Resources for \$ 2,250.00 is enclosed.

This Order does not waive the Director's right to take further enforcement action against Respondent, or imply that the Director will not take such action, either for (1) the violations alleged herein if Respondent fails to fully comply with the conditions of this Order, or (2) violations not alleged herein based on any other relevant requirements of this Order, the law, rules, and permit(s). Issuance of this Order does not waive the Director's right to use the violations alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

This Order is executed and entered solely for the purpose of resolving and disposing of the alleged violations set forth herein and does not constitute a finding, adjudication, or evidence of a violation of any law, rule, or regulation by Respondent, and, by consenting to this Order, Respondent does not admit to any factual allegation contained herein or to any violations of State laws. In addition, this Order is not intended to create and it shall not be construed or otherwise deemed to recognize or create any claim, right, liability, estoppel, or waiver of rights in favor of any third-party or parties. This Order does not relieve the Respondent of any obligations or requirements of the NPDES Permit.

By agreement of the parties, this Order shall have the same force and binding effect as a Final Order of the Director, and shall become final and effective immediately upon its execution by the Director. The parties further agree that this Order shall not be appealable by Respondent, and Respondent hereby waives its right to initiate any administrative or judicial hearing on the terms and conditions of this Order.

BY (print name): Richard A. Oden

TITLE: Chairman & CEO

SIGNATURE: _____

DATE: _____

FINAL ORDER BY EPD this _____ day of _____, 2016.

Richard E. Dunn, Director

ORDER NO: EPD-WQ-

Georgia Environmental Protection Division
Wastewater Regulatory Program
2 MLK Luther King, Jr., Drive, Suite 1152 East
Atlanta, Georgia 30334

Expedited Enforcement Compliance Order

Rockdale County reported five (5) unpermitted discharges to the waters of the State for the period of December 2015 thru August 2016.

No.	Date	Location	Volume (Gallons)	Waterway Impacted	Reported Cause
1.	12/10/2015	2271 Flat Shoals Road	360	Yellow River	Inoperative Pump Station
2.	1/14/2016	1060 Scott Street	60	Tanyard Branch	Debris
3.	3/29/2016	2271 Flat Shoals Road	220	Yellow River	Inoperative Pump Station
4.	4/4/2016	2301 Old Salem Road (Lift Station)	22500	Snapping Shoals Creek	Grease
5.	8/1/2016	1364 Old Milstead Road	600	Yellow River	Roots

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
WASTEWATER REGULATORY PROGRAM
2 Martin Luther King Jr. Drive, SUITE 101
ATLANTA, GEORGIA 30334

EXPEDITED ENFORCEMENT COMPLIANCE ORDER

Violations for the Rockdale Water Resource WPCP

<u>Parameters (Honey Creek WPCP NPDES GA0022659)</u>	<u>Date Reported</u>	<u>Permit Limit</u>	<u>Reported</u>
Flow, weekly avg. (MGD)	January 2016	0.38 MGD	0.41 MGD