

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		
SUBJECT: A RESOLUTION AUTHORIZING THE CITY OF HOUSTON TO FILE AND/OR JOIN LITIGATION AND RELATED ACTIONS INVOLVING WRIGHT CONTAINERS, LLC, LOCATED AT 6633 LINDBERGH STREET, WHICH LITIGATION IS BROUGHT PURSUANT TO CHAPTER 7 OF THE TEXAS WATER CODE AND OTHER LAWS; AUTHORIZING THE CITY TO SEEK INJUNCTIVE RELIEF, PENALTIES, AND ALL OTHER REMEDIES ALLOWED UNDER THE LAW; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT.	Page: 1 of 1	Agenda Item:
FROM (Department or other point of origin): Legal Department	Origination Date: January 8, 2018	Agenda Date: January 10, 2018
DIRECTOR'S SIGNATURE: <i>Ronald C. Lewis by permission</i> Ronald C. Lewis, City Attorney <i>Deidra Perry</i>	Council District(s) affected: All	
For additional information contact: M. Lucille Anderson, 832-393-6485; Cora Z. Garcia, 832-393-6484	Date and Identification of prior authorizing Council Action: N/A	
RECOMMENDATION (Summary): Adopt a resolution in support of the City of Houston filing and/or joining the litigation and related actions involving Wright Containers, LLC, which is brought pursuant to Chapter 7 of the Texas Water Code and other laws, authorizing the City to seek Injunctive Relief, penalties and all other remedies allowed under the law.		
Amount and Source of Funding: N/A		
SPECIFIC EXPLANATION:		
<p>Chapter 26 of the Texas Water Code governs water quality control in the State of Texas. The Texas Commission on Environmental Quality (TCEQ) is responsible for establishing "the level of quality to be maintained in, and control the quality of, the water in this state as provided by" Chapter 26. The Texas Water Code provides that "[e]xcept as authorized by the commission, no person may...discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state..." Wright Containers, LLC has no permit allowing it to discharge industrial waste of any kind into state water.</p> <p>On or about December 28, 2017, the City of Houston Police Department ("HPD") received complaints that Wright Containers, LLC, located at 6633 Lindbergh Street ("Property"), was accepting hazardous waste without the appropriate permits and discharging such hazardous waste into the municipal separate storm sewer systems ("MS4"), creating a health hazard and in violation of state law. HPD obtained a search warrant for the Property and a thorough investigation was done which included visual observation of the business premises, video footage, pictures and employee testimony. HPD determined that the complaints were reliable and accurate. HPD officers found at the Property characteristic hazardous waste and evidence of unknown discharges of a sludge-like, gelatinous material into the storm sewer system and a sewer drain. HPD officers also observed several cracked, damaged totes leaking their contents onto the ground at the Property.</p> <p>As a result, the Harris County Attorney's Office filed an enforcement action under Chapter 7 of the Texas Water Code to enjoin the above-described conduct by Wright Containers, LLC, and request penalties and other remedies. Under Section 7.352 of the Texas Water Code, the City must obtain the approval of its governing body prior to commencing certain enforcement actions under the Texas Water Code.</p> <p>On January 8, 2018, Harris County Civil District Judge Jeff Shadwick granted a Temporary Restraining Order immediately enjoining Wright Containers, LLC from (1) accepting any wastes, including hazardous and non-hazardous wastes at the site, (2) disposing of waste by dumping waste into any drain, including storm sewers or sanitary sewers, (3) spilling or discharging any waste or liquid from any container onto the ground, or into or adjacent to any waters in the State, (4) cutting open any container, and (5) destroying any records pertaining to the facility and from removing any business records from the facility in Cause No. 2018-01184, <i>Harris County, TX, et al. v. Wright Containers, LLC</i>, in the 333rd Judicial District Court of Harris County, Texas.</p> <p>The Office of the City Attorney recommends filing and/or joining the litigation, authorizing the City to seek injunctive relief, penalties, and all other remedies allowed under the law to protect the health and safety of the public.</p>		
Other Authorization:	Other Authorization:	Other Authorization: