

**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date:

ETJ

Item Creation Date: 9/19/2018

HPW - 20WR06 First Amend Sanitary Sewer Service Agreement Harris County MUD No. 406 and Harris County MUD No. 321

Agenda Item#:

**Background:**

**SUBJECT:** Approve an ordinance to execute the First Amendment to Sanitary Sewer Service Agreement between the City of Houston, Harris County Municipal Utility District No. 406, and Harris County Municipal Utility District No. 321.

**RECOMMENDATION:** It is recommended that City Council adopt an ordinance approving the First Amendment to Sanitary Sewer Service Agreement between the City of Houston, Harris County Municipal Utility District No. 406, and Harris County Municipal Utility District No. 321.

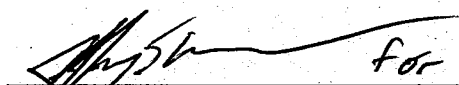
**SPECIFIC EXPLANATION:** City Council approved a Sanitary Sewer Service Agreement between the City of Houston and Harris County Municipal Utility District No. 406 and Harris County Municipal Utility District No. 321 (together, the "Districts") on December 1, 2010 by Ordinance No. 2010-919 (the "Agreement"), pursuant to which the City provides wastewater treatment services to the Districts, which are located in the extraterritorial jurisdiction of the City.

The Agreement requires the Districts to prohibit the discharge of industrial waste into the Districts' sanitary sewer system without the City's prior written consent. However, it has come to the City's attention that one sanitary sewer customer located within the Districts is currently discharging industrial waste into the Districts' sanitary sewer system without the City's consent. In addition, the Districts have requested permission to allow a second sanitary sewer customer to discharge industrial waste into the Districts' system.

The City must implement and enforce a pretreatment program to control discharges from industrial users to its wastewater treatment system pursuant to the requirements of the Federal Clean Water Act 42 U.S.C. Section 1251 et seq., 40 C.F.R. Part 403, and 30 T.A.C. 315.1. To enforce its pretreatment program within the Districts, which are located outside City limits, the City must amend the Agreement to add multijurisdictional pretreatment program requirements.

The First Amendment establishes the City's multijurisdictional pretreatment program requirements and states the terms and conditions under which industrial customers within the Districts may discharge into the Districts' sanitary sewer system. In addition, the First Amendment requires the Districts to reimburse the City for all costs incurred by the City in implementing and enforcing the Districts' industrial waste requirements, and establishes a rate to treat the industrial discharge. Finally, the First Amendment requires the Districts to reimburse the City for costs incurred by the City to treat discharges of industrial waste into the sanitary sewer system within 30 days of the effective date of this First Amendment, and to pay a 10% penalty on top of those costs.

The First Amendment will be in effect until it is superseded by a new sanitary sewer service agreement, the form of which is being updated to include the City's multijurisdictional pretreatment program requirements.

  
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Carol Ellinger Haddock, P.E.  
Director  
Houston Public Works

**Prior Council Action:**

(O) 2010-0919; Date: 12/01/2010

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**ATTACHMENTS:**

**Description**  
Exhibit A Map

**Type**  
Backup Material

Draft Amendment  
Prior Council Action

Backup Material  
Backup Material