

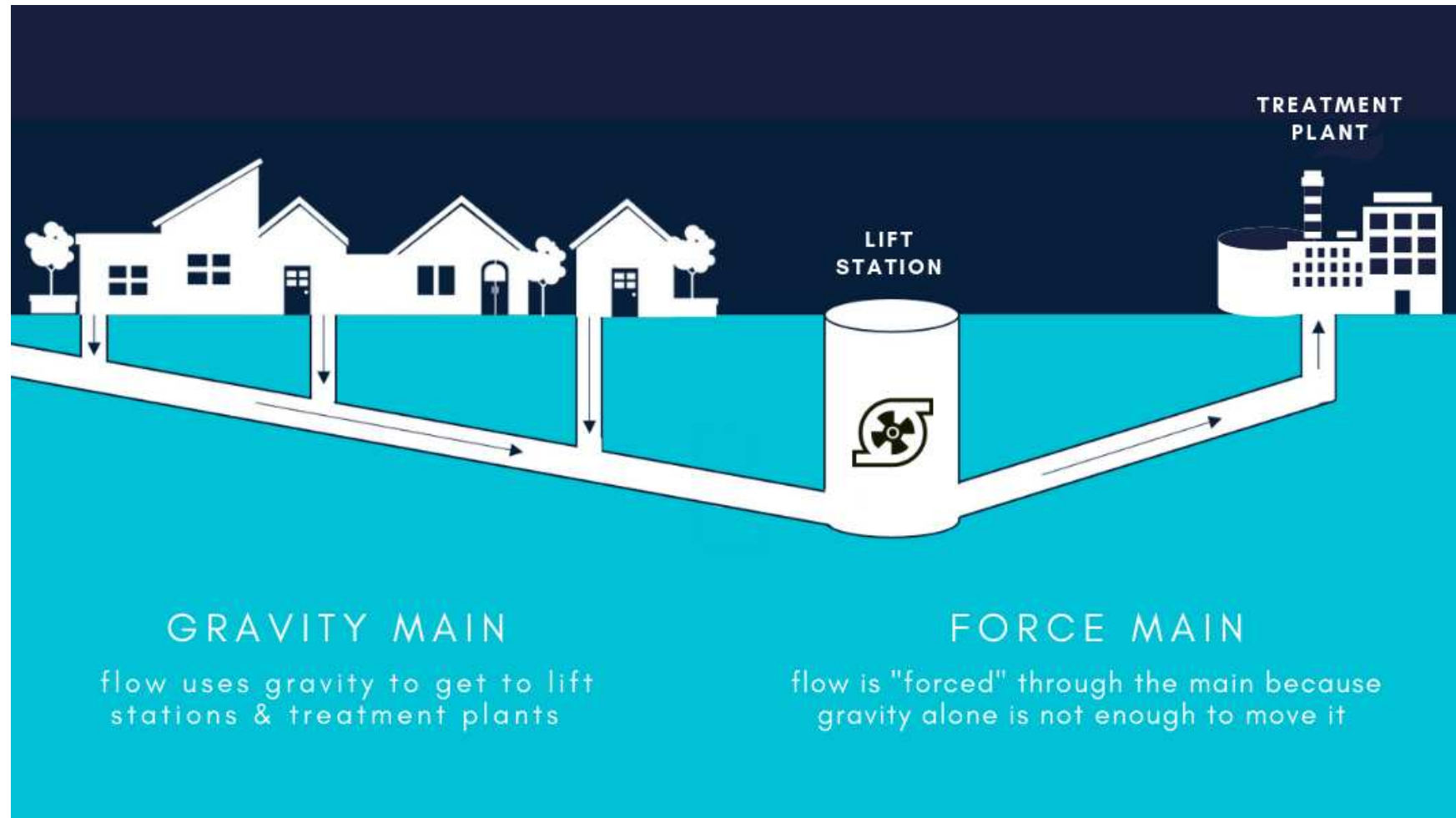


CONSENT DECREE OVERVIEW

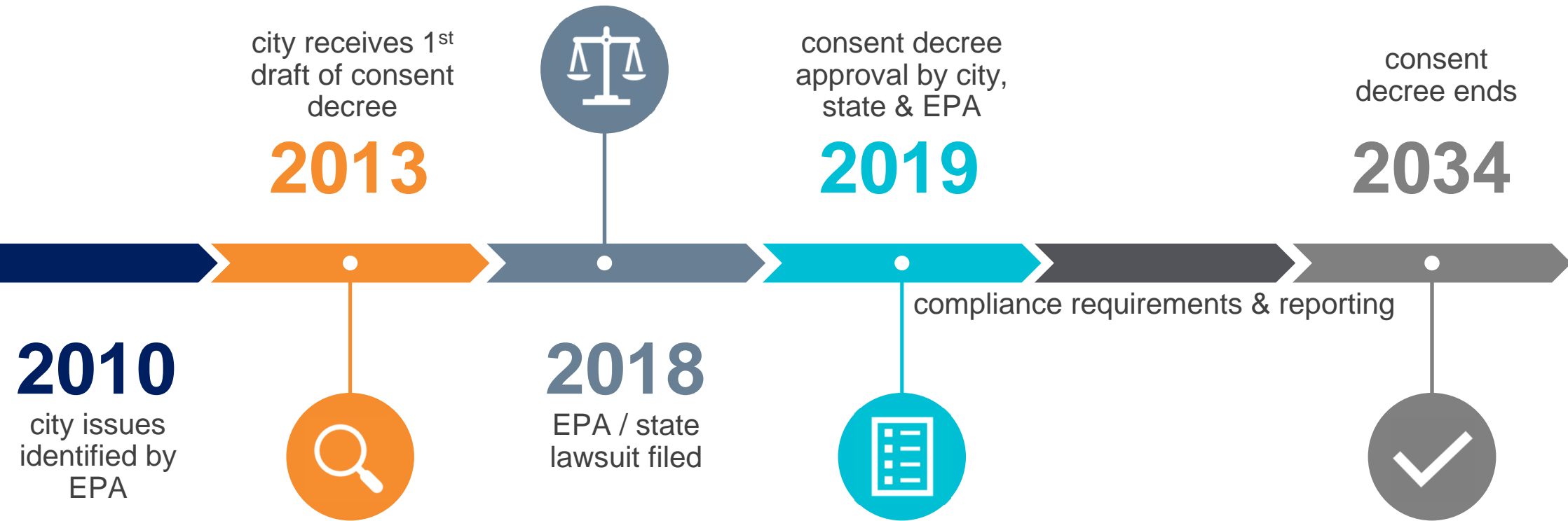
BUDGET & FISCAL AFFAIRS COMMITTEE



WASTEWATER SYSTEM



TIMELINE



WHAT IS THE HOUSTON CONSENT DECREE?

- legal document filed with the court
- formalizes program to improve sewer system performance
- complete work within 15 years

WHY ARE WE DOING THIS?

- 30-year nationwide EPA initiative to reduce sanitary sewer overflows
- City & EPA have been negotiating consent decree terms for almost 6 years
- EPA & Texas filed suit against City in 2018
- Houston-unique consent decree collaboratively resolves lawsuit incorporating city-developed program to improve sewer system performance
- work included in consent decree is an investment that will improve Houston's sanitary sewer system for future generations

WORK TO BE DONE

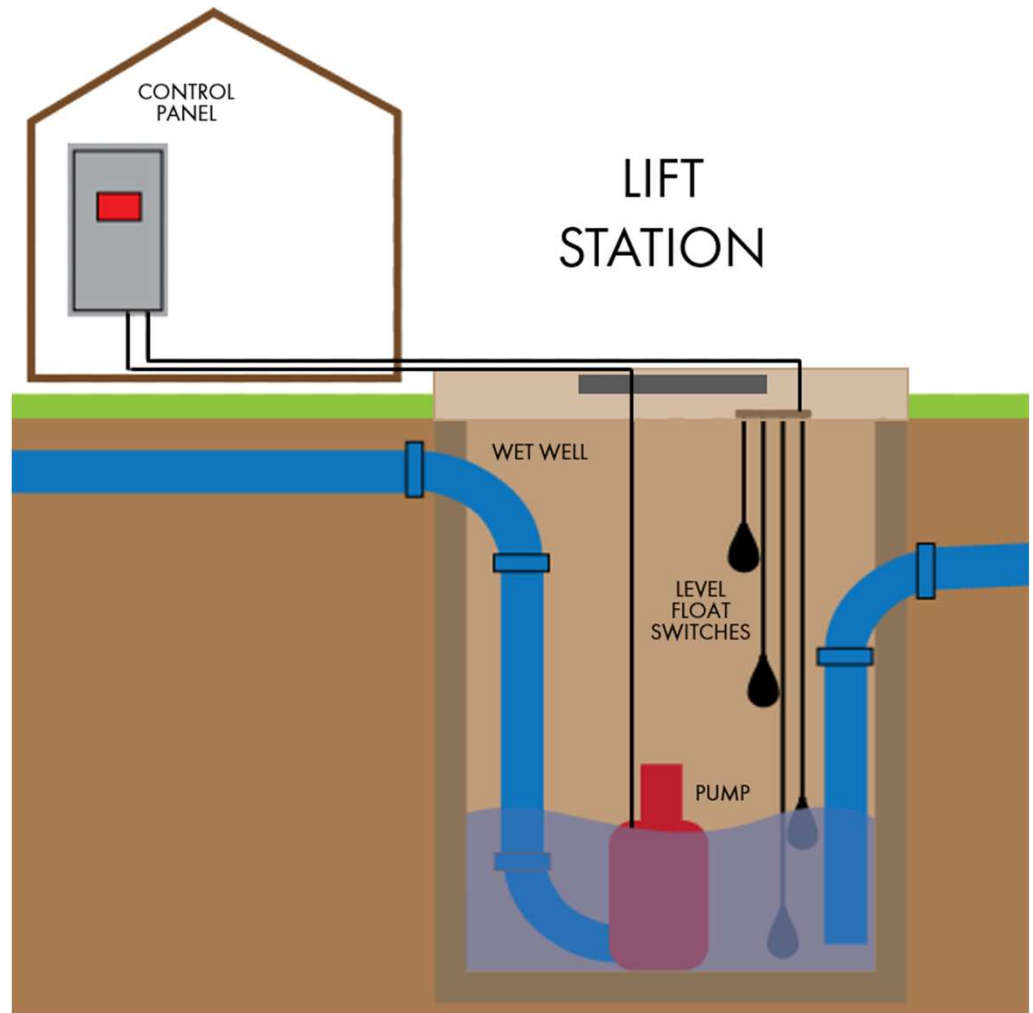
(COMPLIANCE REQUIREMENTS)

early action projects

- commitments to deliver specified projects by certain deadlines
- work will be done throughout the city

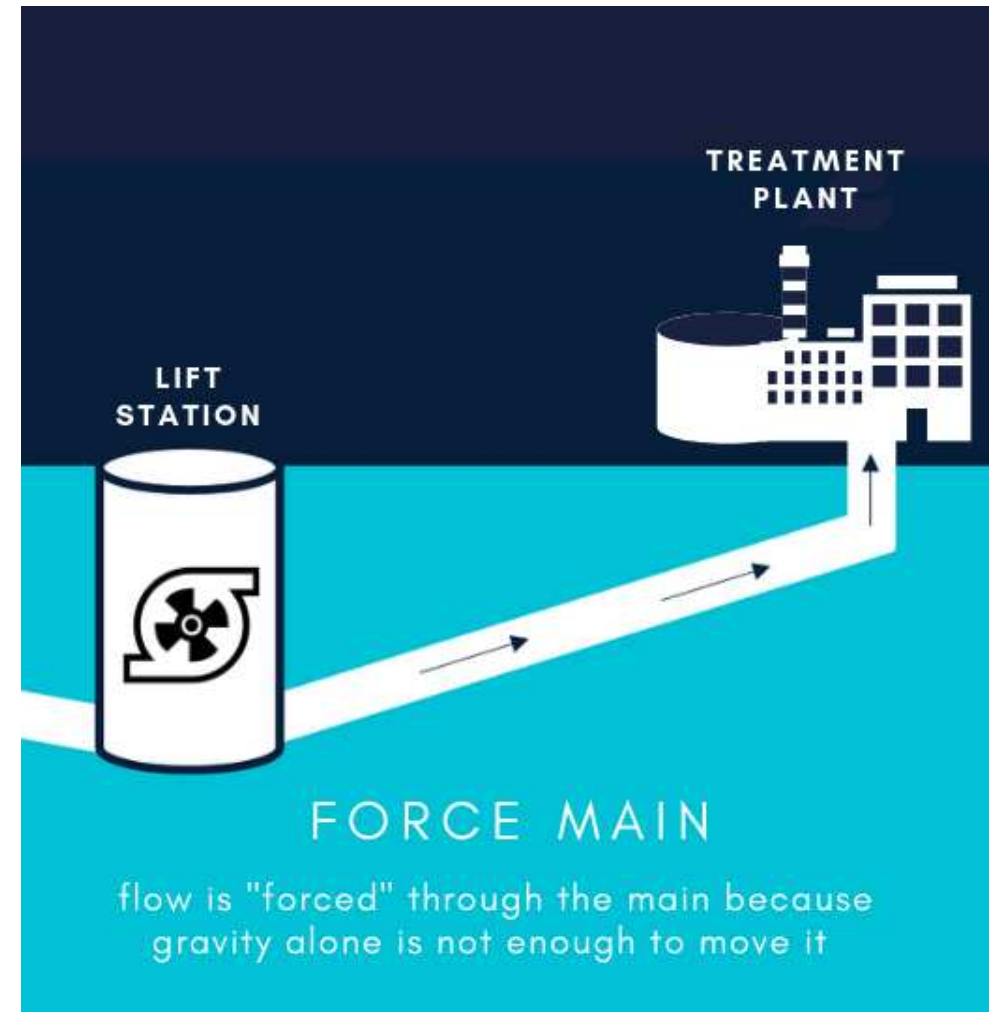
WORK TO BE DONE (COMPLIANCE REQUIREMENTS)

lift station renewal / replacement



WORK TO BE DONE (COMPLIANCE REQUIREMENTS)

force main renewal / replacement



WORK TO BE DONE (COMPLIANCE REQUIREMENTS)

wastewater collection system capacity assessment & remediation

- assess & remediate high-volume sanitary sewer overflow areas throughout City
- assess capacity of segments scheduled for routine renewal / replacement
- perform annual assessment of sanitary sewer overflows to determine if additional capacity is necessary

WORK TO BE DONE (COMPLIANCE REQUIREMENTS)

wastewater collection system condition assessment & remediation

- inspect & assess structural condition of entire system (every 10 years)
- **6,200** miles of sewer mains
- **127,000** manholes
- **384** lift stations

wastewater treatment plant condition assessment & remediation

- inspect & assess condition and operation of 39 plants (every 5 years)
- implement remedial measures to address identified issues

WORK TO BE DONE (COMPLIANCE REQUIREMENTS)

wet weather facilities

- 3 facilities that receive mixed storm / wastewater during heavy rainfall
- discontinue or modify use of existing facilities within 15 years

advanced sewer system monitoring

- install 3,000 “smart manholes” (300 already in use)
- allows city to anticipate & prevent sanitary sewer overflows



WORK TO BE DONE (COMPLIANCE REQUIREMENTS)

wastewater collection system capacity, management, operations & maintenance program

- clean gravity sewer mains & manholes (every 10 years)
- implement preventive cleaning program for repeat overflow areas
- continue fats, oil & grease program (Corral the Grease)



CIVIL PENALTIES & ATTORNEY'S FEES

penalty / fee	
civil penalty - Texas	\$2.2M
civil penalty - EPA	\$2.2M
attorney's fees - Texas Attorney General	\$0.2M
total	\$4.6M

**resolves all civil claims of the US & Texas against the city
for alleged wastewater violations since 2005**

POTENTIAL FUTURE STIPULATED PENALTIES

failure to timely complete requirements

- \$1,000 - \$4,500 per deliverable per day (depending on length of delay)

wastewater treatment plant effluent exceedances & sanitary sewer overflows

- \$300 - \$5,000 per violation per day (depending on duration, volume & date of occurrence)

stipulated penalty assessment

- future noncompliance with consent decree terms or Clean Water Act
- United States & State reserve right to assess or waive

LEGAL PROVISIONS

force majeure

failure of compliance

right of entry / information collection
& retention

review of deliverables

reporting requirements

dispute resolution

certification

reservation of rights

costs

notices

effective date

retention of jurisdiction

modification

termination

public participation

signatories/service

FINANCIAL CONSIDERATIONS

- costs to implement the consent decree over the next year are in the FY20 budget already approved & FY20 CIP that is being presented to council
- future costs to implement the consent decree will be included in Houston Public Works annual operating & CIP budgets presented to council
- water & sewer rate study currently being conducted that will include consent decree costs
- water & sewer rates throughout consent decree are expected to remain below EPA's affordability threshold of 2% of median household income

KEY TAKEAWAYS

- consent decree resolves alleged past Clean Water Act exceedances since 2005 & avoids costly litigation
- consent decree contains Houston-unique scope of work
- work included in consent decree is an investment that will improve Houston's sanitary sewer system for future generations

thank you!



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