

# Houston's Wastewater Consent Decree

Five Years of Federal Oversight: What the City Promised, What It's Done, and What to Watch

Issued by  
**Bayou City Waterkeeper**  
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[bayoucitywaterkeeper.org](http://bayoucitywaterkeeper.org)

## BACKGROUND: HOW WE GOT HERE

Houston's sanitary sewer system had been failing for decades. Aging, defective, and undersized pipes and lift (pump) stations have been causing Sanitary Sewer Overflows (SSOs) — raw sewage spilling into streets, parks, and bayous across the city. In 2018, the U.S. Department of Justice and the State of Texas sued the City of Houston for Clean Water Act violations. Bayou City Waterkeeper joined as a plaintiff-intervenor.

On April 1, 2021, a federal court entered the Consent Decree (CD): a legally binding, 15-year remediation order.

## WHAT THE CITY IS REQUIRED TO DO

### Infrastructure Fixes

- **Pipe Rehab:** Replace at least 150 miles of gravity sewer pipes every year. These pipes depend solely on gravity to move wastewater across the city's sanitary sewage system.
- **Lift Stations and Force Mains:** Rehabilitate at least 18 lift stations (pump stations) annually and make additional improvements to associated infrastructure. Lift stations pump wastewater into force main pipes that allow wastewater to move across our relatively flat city.
- **Emergency Projects:** Complete 81 "Early Action" emergency projects to repair as soon as possible the city's worst lift stations, treatment plants, and force mains.
- **Treatment Plants:** Assess and upgrade all 39 wastewater treatment plants
- **Capacity Projects:** Fix capacity constraints in 9 identified areas with chronic overflow problems and additional capacity-constrained areas identified during the CD term.

### Monitoring & Inspection

- **Pipe Inspection:** Inspect 100% of 6,100 miles of gravity sewer pipes within 10 years using camera technology
- **Smart Sensors:** Install 3,000+ smart level sensors in manholes citywide by April 2026 to permit early identification, and response, of SSOs.
- **Asset Inspections:** Inspect all 380+ lift stations and 302 miles of force mains within 10 years

### Accountability

- Publish monthly SSO spill logs (location, volume, whether it reached a waterway)
- Submit annual progress reports and other interim planning to EPA and the Texas Commission on Environmental Quality (TCEQ)
- Face costly automatic daily fines up to \$2,500 per missed deadline
- Face automatic stipulated fines for ongoing SSOs and WWTP violations
- Meet with EPA and TCEQ every six months

### FAST FACTS

- Decree entered: April 1, 2021
- Duration: 15 years
- Estimated cost: \$9B (up from original \$2B estimate)
- Sewer system: 6,100 miles of pipe, 380+ lift stations, 39 treatment plants
- Case: Civil Action No. 4:18-cv-03368
- Oversight: U.S. EPA + Texas TCEQ

### THE REPORTING PROBLEM

The independent engineer flagged a **systemic transparency** issue: the city's annual reports contain totals with no backup data, no specific completion dates, and no methodology. This makes it nearly impossible to verify whether:

- Spot repairs are being counted as full pipe rehab
- Worst areas are being prioritized first
- **Project** deadlines were actually met

### FOR JOURNALISTS: WHERE TO DIG

#### Primary Sources

→ **Annual Reports & spill data:**

<https://houstonpublicworks.org/wastewater-cd>

→ **BCWK Spill Map** (aggregating public SSO data):

[bayoucitywaterkeeper.org/justice-in-sewers](http://bayoucitywaterkeeper.org/justice-in-sewers)

→ **EPA Case Page:**

[epa.gov/enforcement/city-houston-consent-decree](http://epa.gov/enforcement/city-houston-consent-decree)

→ **Court filings:** Case No. 4:18-cv-03368, S.D. Texas

**Independent Expert findings:** Full Technical Memo & Project Tables are *available by request* [chris@laredostreet.com](mailto:chris@laredostreet.com)

#### Questions Worth Asking

- Has EPA ever formally flagged the city for non-compliance with the Consent Decree?
- We know that the city has paid \$1,266,400 in penalties to the DOJ as of June 2024. We can assume a comparable amount has been paid to TCEQ. What amount of fines have been assessed since then and from what source does the city pay these fines?
- What did the city spend on Consent Decree progress in each fiscal year, and on what?
- Is it accurate that total gravity pipe mileage dropped 97 miles between 2024 and 2025? If so, why?
- Why have 4 out of 9 priority capacity areas (specifically, 1, 5/6/12, and 8), been "in design" for years with no construction start dates?
- Why were some areas identified by the city as capacity-constrained in the consent decree and then concluded to require no further work (e.g. 4a, 7, and 9)?
- Are permit violations associated with the city's 39 WWTPs improving? (Request TPDES permit data from TCEQ.)
- Are SSOs decreasing in the 9 priority basins, or just moving around to other locations in the sanitary sewer system?

## 5-YEAR COMPLIANCE SCORECARD

In April 2026, BCWK commissioned CEA Engineers, P.C. to independently evaluate the city's compliance referencing its reporting through [June 2025](#) (the most recent available data). Key findings:

REQUIREMENT	STATUS	FINDING
<b>Emergency Lift Station Projects (28 projects)<sup>1</sup></b> requiring "early action"	MIXED	Of 28 projects: 7 confirmed compliant with deadlines; 7 complete but late; 7 complete but compliance cannot be determined due to missing specific completion dates in annual reports; 7 still in progress with deadlines ranging 2026–2030. <i>To illustrate the value of these early action projects, the completion of lift station improvements at Clinton Drive (LS-18) put an end to the high-volume overflows that frequently polluted Woodland Park after major rainstorms.</i>
<b>Emergency Force Main Projects (13 projects)<sup>2</sup></b> requiring "early action"	MIXED	8 of 13 confirmed compliant. Project FM-03 completed but late. Projects FM-09 and FM-11 are in progress with no current compliance concerns. Projects FM-12 and FM-13 have not yet had the scope of remediation determined as required within 90 days of evaluation per ¶11(b); their deadlines are FY 2029 and FY 2030 respectively.
<b>Consolidation Projects (25 projs.)<sup>3</sup></b> to divert or connect flow to upgraded infrastructure	MIXED	8 confirmed compliant; 2 completed but confirmed late (CP-09, CP-10); 9 complete but compliance cannot be determined due to missing completion dates; CP-13 and CP-14 appear to have missed their 2025 deadlines based on FY 2025 Annual Report status; CP-11 and CP-12 remain in progress with 2026 deadlines.
<b>Treatment Plant Evaluations (38 plants)<sup>4</sup></b>	BEHIND	¶40 requires the initial evaluation for each WWTP within five years of the Effective Date (by April 1, 2026). As of June 2025, 19 of 38 evaluations are complete: 14 completed in FY 2023, zero in FY 2024, and 5 in FY 2025. The remaining 19 were not complete as of the most recent annual report. <i>One to watch: the large and aging 69th Wastewater Treatment Plant, which must be evaluated this year, has reported high-volume overflows at the plant during storms and has been cited by TCEQ at least 20 times since 2021 for potential permit violations.</i>
<b>9 Priority Capacity Areas<sup>5</sup></b>	IN PROGRESS	¶12 requires capacity remedial measures (CRMPs) to be completed within 10 years of the Effective Date (by April 1, 2031). CRMPs were submitted on time in March 2023. As of the FY 2025 Annual Report, 5 out of 9 areas remain in the design phase. Five years in, only one of these five areas has seen construction begin on the infrastructure fixes the decree requires. No evidence found in annual reports or CMOM Plan that the City is applying its Sewer Basin Prioritization Matrix as required by ¶27.
<b>Pipe Inspection (6,100 miles)<sup>6</sup></b>	ON TRACK	¶26 requires CCTV inspection of 100% of gravity sewer mains within 10 years (by April 1, 2031) and 50% within 5 years (by April 1, 2026). As of June 2025, the City has inspected 3,453 unique miles (59.6% of 5,791 total miles) and 72,471 unique manholes (53.8%). <i>Note: total reported pipe mileage in the sanitary sewer system decreased by 97 miles between FY 2024 and FY 2025 while manhole counts increased by 1,838; the City has not explained this inexplicable discrepancy.</i>
<b>Smart Manhole Sensors (3,000)<sup>7</sup></b>	ON TRACK	¶46 requires installation of no less than 3,000 manhole sewer level remote monitoring devices by April 1, 2026. As of June 2025, 2,969 devices had been installed, leaving 31 remaining.
<b>Pipe Rehabilitation (150 mi/yr minimum)<sup>8</sup></b>	RECOVERING	¶36 requires annual rehabilitation or replacement of no less than 2.5% of all gravity sewer mains (approximately 150 miles) beginning on the Effective Date. The City did not meet this minimum in CD Years 1 and 2. A penalty waiver and make-up schedule were formalized in the Third Non-Material Modification, requiring additional cumulative miles by June 2025, 2026, and 2027. The City reported 207.8 cumulative miles rehabilitated as of FY 2025, suggesting the make-up schedule is being met, though annual reports do not contain sufficient detail to independently verify.
<b>Wet Weather Facilities<sup>9</sup></b>	NEXT PHASE	The pilot study required by ¶¶19–22 was submitted September 29, 2025, within the required 4.5-year deadline. Results indicated the tested technologies did not meet water quality standards or CWA secondary treatment requirements. Under ¶24, the City must now submit a Remedial Measures Plan for the Scott Street WWF by April 1, 2028 and for the Northside WWF by April 1, 2031, with full discharge elimination required by April 1, 2034 and April 1, 2036 (the date the Consent Decree ends) respectively.
<b>Annual Report Completeness</b>	CONCERN	The CD requires annual reports conforming to Appendix G. The independent engineer found the reports to be lacking specific completion dates, project-level backup data, and methodology. This limits the ability of BCWK, EPA, and TCEQ to independently verify compliance with specific CD requirements, including whether deadlines were met and whether priority areas are being addressed as required by ¶27 and ¶33.

Bayou City Waterkeeper • April 2026 • Prepared with technical analysis from CEA Engineers, P.C. (Job No. J26-07) • Data current through June 30, 2025

<sup>1</sup> ¶11(a), Appendix B

<sup>2</sup> ¶11(b), Appendix B

<sup>3</sup> ¶11(c), Appendix B

<sup>4</sup> ¶40

<sup>5</sup> ¶12, Appendix C

<sup>6</sup> ¶26

<sup>7</sup> ¶46

<sup>8</sup> ¶36

<sup>9</sup> ¶¶19–24