

Private Sewer System Agreement

QUESTION

The following question was sent to members of the NACWA Legal Affairs Committee on November 20, 2009:

“We are writing to you as a member of the Legal Affairs Committee with a request for information from a NACWA public utility member. The NACWA member is currently in the process of setting up service agreements with private collection systems serving single family residential developments and would like to know if any NACWA members have resources or information that would be helpful in setting up such agreements.”

RESPONSES

The follows responses were received:

Response 1 – *Metro Wastewater Denver* -- Metro has contracts with two private corporations for connections of their systems. Neither has a collection system and the documents are fairly old, but if that information would be helpful we can share copies of the documents with interested utilities.

Response 2 – *Johnson County, Kansas* – Our opinion after having negotiated numerous service agreements for our sewer district with neighboring municipalities (sometimes as a party sending flows for treatment and sometimes on the receiving end) is that such agreements tend to be extremely fact specific it is impossible to draft a document that will work in all cases. However, for reference purposes a copy of an agreement we have with a neighboring city to treat their flows is available [here](#).

Response 3 - *New York City* -- While New York City does not have such service agreements itself, we have funded new wastewater treatment and collection infrastructure in the watershed of our drinking water supply system. Two documents are available [here](#) and [here](#) from the Town of Windham, where this issue arose.

Response 4 – *Columbus, Ohio* – A model agreement is available [here](#).