



Stipulated Order on City of Jackson Sewer System Comment Period Fact Sheet

Overview

On July 26, 2023, the United States of America, on behalf of the U.S. Environmental Protection Agency, lodged a court order in the lawsuit *United States and State of Mississippi v. City of Jackson, Mississippi*, Civil Action No. 3:12-cv-790-HTW-LGI (S.D. Miss.). The order, titled Stipulated Order on Sewer System, resulted from negotiations among co-plaintiffs the United States and the Mississippi Department of Environmental Quality (MDEQ)—who filed the lawsuit—and the City of Jackson (City).

The order puts the operation of the City’s sewer system under the control of an Interim Third-Party Manager (ITPM) and appoints Ted Henifin, currently the interim third-party manager of the City’s drinking water system, as the ITPM. The order is intended to repair emergency sewer failures at more than 200 locations and undertake projects that put the City on a pathway to compliance with the federal Clean Water Act and the Mississippi Air and Water Pollution Control Law. The order does not specify the long-term solutions for the sewer system. We will continue to seek public input to address solutions through a consent decree.

The United States is now seeking comments from members of the public on the order until **August 31, 2023**.

FOR MORE INFORMATION

To view and download the Stipulated Order:
www.justice.gov/enrd/consent-decrees

To view an interactive map of the sewer overflows:
<https://jacksongis.maps.arcgis.com/apps/View/index.html?appid=279f18f767ce4ef8aa8acd80605e6000>

HOW YOU CAN COMMENT

All comments must be submitted or postmarked **no later than August 31, 2023**. Comments may be submitted:

By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611
In-person Public Meetings*	Aug 21, 6-8 p.m. at Jackson State University, E-Center 1230 Raymond Rd, Jackson, MS 39204 Aug 22, 10 a.m. – 12 p.m. and 6-8 p.m. at Tougaloo College Bennie G. Thompson Academic Center Tougaloo, MS 39174

*Participants of the public meetings are encouraged to register at www.epa.gov/ms/jackson-ms-sewer-system.

Requests for sign language or Spanish interpretation services can be made during registration.

Background

In 2013, the United States and MDEQ entered into a court-enforceable settlement agreement (called a consent decree) with the City to resolve alleged violations of the federal Clean Water Act and the Mississippi Air and Water Pollution Control Law arising from the City's sewer system. These violations included frequent sewage overflows from broken sewer lines and frequent bypasses of wastewater treatment that results in releases of undertreated or untreated wastewater into the Pearl River. The City has failed to fully comply with the 2013 consent decree, and frequent sewage overflows and treatment bypasses continue to occur. While the order does not resolve all claims or non-compliance with the 2013 consent decree, it does address some of the most urgent concerns to public health and the environment caused by the violations. The 2013 consent decree is not in effect during the time that the order is in effect.

Summary of the Order

The order appoints Ted Henifin as the ITPM of the City's sewer system. In the order, the ITPM's responsibilities and authority over the sewer system are set forth in paragraph 5 (pages 11-21), and limitations on the ITPM's authority are set forth in paragraph 6 (page 21).

The order, among other things, requires the ITPM to perform substantial work to address problems plaguing the City's sewer system, including:

- Implementing the 11 projects listed in [Appendix A—Sewer Priority Project List](#), which have a preliminary, conceptual, planning-level estimated cost of approximately \$130 million;
- Fixing emergency sewer failures at more than 200 locations, many resulting in sewage overflows (Project # 2 on Appendix A—Sewer Priority Project List; see also [Appendix C—List of Emergency Sewer Failures](#));
- Sewer rehabilitation work in the Queens area of the City (Project #1 on Appendix A—Sewer Priority Project List);
- Cleaning and rehabilitation work at the Savanna and Trahon wastewater treatment plants (Projects #7-11 on Appendix A—Sewer Priority Project List);
- Reduce prohibited bypasses of treatment prior to discharging water into the Pearl River (for example, Project #6 on Appendix A—Sewer Priority Project List); and
- Implementation of programs to properly manage, operate, and maintain the sewer system, which includes posting signage about sewer overflows for which there is a reasonable expectation of public exposure (paragraph 5.n on pages 14-15).

The ITPM may not, among other limitations, sell any real property asset of the City, transfer ownership of any sewer system assets from the City, or propose or agree to consolidate the sewer system with any other public or private utilities (paragraph 6 at page 21).

The order requires the ITPM to provide quarterly status reports to the parties, the court, and the public; to hold a public meeting within 30 days after filing each quarterly status report; and to maintain a public website to inform the public of its work (paragraphs 17-18 at pages 31-34).

The order terminates upon the earliest of the following:

- The court enters a superseding consent decree or consent decree modification;
- A party shows substantial compliance with the Sewer Priority Project List has been achieved and the court approves termination;
- The United States, after consultation with MDEQ, moves for termination and the court approves termination; or
- Four years after the order's effective date, unless the United States, after consultation with MDEQ, moves for and the court approves an extension of the order (paragraph 28 on pages 38-39.)

The order requires the City to comply with the duties set forth in paragraph 15 (pages 29-31) and to resume negotiations with the United States and MDEQ for a superseding consent decree or consent decree modification no later than three years after the order's effective date (paragraph 30 on page 39).
