



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

May 06, 2024

In Reply Refer to:

EPA File No. 07R-22-R4

Chris Wells
Executive Director
Mississippi Department of Environmental Quality
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Re: Closure of EPA Administrative Complaint No. 07R-22-R4

Dear Director Wells:

This letter is to notify you that the U.S. Environmental Protection Agency's (EPA) Office of External Civil Rights Compliance (OECRC) is closing, as of the date of this letter, Administrative Complaint 07R-22-R4, (the Complaint), filed by the National NAACP, the Mississippi State Conference of the NAACP, and nine Jackson, Mississippi residents against the Mississippi Department of Environmental Quality (MDEQ). The Complaint generally alleged that MDEQ violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d, *et seq.* (Title VI) and EPA's nondiscrimination regulations found at 40 C.F.R. Parts 5 and 7 in its funding of water infrastructure and treatment programs and activities.

OECRC is responsible for enforcing federal civil rights laws that prohibit discrimination by applicants for and recipients of EPA financial assistance. OECRC accomplishes this in accordance with procedures established by regulation, 40 C.F.R. § 7.120 and described in EPA's Case Resolution Manual.¹ On October 20, 2022, after a preliminary review of the Administrative Complaint, OECRC accepted for investigation allegations that MDEQ's funding of water infrastructure and treatment programs and activities discriminated on the basis of race in violation of Title VI and EPA's implementing regulations (Issue 1), and whether MDEQ has and is

¹ Case Resolution Manual (January 2021) (https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf) (Case Resolution Manual).

implementing the procedural safeguards required under 40 C.F.R. Parts 5 and 7 (Issue 2). See 40 C.F.R. § 7.120(d) (complaint processing procedures).

By this letter, OECRC is notifying MDEQ of its closure of EPA File No. 07R-22-R4. A letter is also being sent to the Complainants. With respect to Issue 1, OECRC conducted an investigation of the issue and found insufficient evidence to conclude that MDEQ violated Title VI and EPA's nondiscrimination regulations. With respect to Issue 2, OECRC identified a number of deficiencies regarding MDEQ's implementation of procedural safeguards. Pursuant to EPA regulations, 40 C.F.R. 7.120 (d)(2)(i), OECRC met with MDEQ to attempt to resolve these issues informally. MDEQ took several actions to address identified deficiencies. With respect to Issue 2, therefore, OECRC finds that MDEQ currently has the baseline procedural safeguard requirements under 40 C.F.R. Parts 5 and 7.

Background

The deterioration of drinking and wastewater systems in Jackson, Mississippi has a long history. In 2013, the City of Jackson, the MDEQ, the U.S. Department of Justice (DOJ), and the EPA agreed to a settlement, entered by the U.S. District Court in the Southern District of Mississippi as a consent decree,² to address violations by the City of Jackson of the Clean Water Act and terms and conditions of its National Pollutant Discharge Elimination Systems (NPDES) permits.³ The Consent Decree recognized, at that time, that the City had experienced at least 2,300 unauthorized Sanitary Sewer Overflows in the prior five years, discharges of wastewater without primary and/or secondary treatment into the Pearl River, and significant other failures in the wastewater system.⁴ Despite the terms of the Consent Decree, the wastewater system in Jackson continued to deteriorate and, in the summer of 2022, Jackson's drinking and wastewater systems were at a breaking point. As a complaint later filed by DOJ recounted,

During the week of August 29, 2022, multiple raw water intake pumps failed at one of the City's two surface water treatment plants, impacting its ability to produce adequate quantities of water and causing a catastrophic loss of pressure in the distribution system. As a result of this pressure drop, many residents had no running water and thus lost the ability to use the water for basic safety and hygiene purposes.⁵

By August 30, 2022, emergencies were declared by the Mayor, the Governor, the Mississippi State Department of Health, and the President. The people of Jackson were without access to safe and reliable drinking water and were under a boil advisory for weeks.⁶ On October 5, 2023, the U.S. Department of Justice (DOJ), EPA, MDEQ, and the City of Jackson agreed to a Final Stipulated Order to expedite sewer system repairs and address spills of sewage.⁷ The final

² *U.S. v. City of Jackson*, Consent decree, No. 3:12-cv-00790-TSL-MTP (S.D. Miss. Nov. 20, 2012), available at https://www.epa.gov/sites/default/files/documents/jacksonmississippi-cd_0.pdf (hereinafter Consent Decree).

³ *Id.*

⁴ *Id.* at 5.

⁵ *U.S. v. The City of Jackson*, Complaint, No. 3:22-cv-00686 (S.D. Miss. Nov. 29, 2022), at p. 2, available at <https://www.justice.gov/opa/file/1554906/dl>.

⁶ *Id.* at 24-26.

⁷ Final Stipulated Order on Sewer System (Oct. 5, 2023), <https://www.epa.gov/system/files/documents/2023-11/jackson-final-stipulated-order-for-sewer.pdf>.

stipulated order included the appointment of a third-party manager to manage, operate, and maintain the City's sewer system and requires implementation of a range of programs to improve the system's condition, operation, and maintenance.⁸

The National NAACP, the Mississippi State Conference of the NAACP, and nine individual residents of Jackson (Complainants) filed the instant September 27, 2022 Complaint (the Complaint) in the midst of the crisis.⁹ The Complaint described the conditions faced by Jackson residents, including flooding that "overwhelmed Jackson's broken water facilities and deprived approximately 150,000 people of access to running water and resulted in sewage pollution in area waterways."¹⁰ The Complaint further described the impact of the crisis: "[T]he lack of water and unsanitary conditions forced schools and local businesses to close in Jackson; it put residents at risk of fire and affected patient care at certain medical facilities. Without access to running water, many of Jackson's residents resorted to 'catching rainwater to flush their toilets and even to brush their teeth with it.'"¹¹ The Complaint was supported by declarations submitted by Jackson residents and scientific, public health, and medical professionals, among others, who described the breakdown in water infrastructure and its impacts on the lives of the people of Jackson.¹²

Complainants allege that the water crisis was caused, in whole or in part, by the systematic deprivation of funding and support for modernizing and maintaining water systems in Jackson by MDEQ and other State agencies. According to Complainants, MDEQ took affirmative actions to limit the resources available to Jackson, even in the face of the degradation of Jackson's water systems and public health and well-being. Complainants further alleged a relationship between state funding for Jackson's water infrastructure and the changing racial composition of the city over time.¹³ Complainants contend that the State's various actions denying Jackson of its share of state and federal resources to protect its water resources have been intentional, based on race, and have had a stark adverse impact on Jackson's predominantly Black population, which suffers the effects.

⁸ *Id.*

⁹ EPA Complaint No. 07R-22-R4, September 27, 2022, p.17, https://www.epa.gov/system/files/documents/2022-10/07R-22-R4%20Complaint_Redacted.pdf (Complaint). The Complaint includes allegations pertaining generally to "Mississippi" or involving the Office of the Governor, the Legislature, the Office of the State Treasurer, and the Mississippi Department of Finance and Administration; however, OEERC's jurisdiction to investigate the allegations of the Complaint extends only to recipients of EPA financial assistance. Thus, EPA's investigation was limited to the actions of MDEQ and the Mississippi State Department of Health (MSDH), including the Local Governments and Rural Water System Improvements Board and did not reach other executive or legislative offices. EPA will address allegations related to MSDH and the Rural Water Systems Improvement Board, EPA Complaint No. 06R-22-R4, by separate correspondence.

¹⁰ Compl. at p. 17.

¹¹ *Id.*

¹² *See Id.* (Exhibits).

¹³ *See, e.g.,* Compl. at ¶ 16 (complainant "recalls the State spending money to build the city's water infrastructure when the city was mostly white" but "[a]s Jackson's Black population grew, the water problems seemed to get worse.").

The Investigation

OECRC conducted its investigation in this matter in accordance with OECRC's jurisdiction and procedures in OECRC's Case Resolution Manual. Given the complexities of the Jackson water crisis, it is important to be clear that the investigation was not a comprehensive assessment of the causes of the deterioration of the water system. The scope of OECRC's investigation, in accordance with its authorities, and OECRC's finding of insufficient evidence of a violation of Title VI are specifically about the issues accepted for investigation, including whether MDEQ's funding of water infrastructure and treatment programs and activities is discriminatory.

As to Issue 1, OECRC investigated whether MDEQ discriminated against the majority Black population of Jackson, Mississippi, in its funding of water infrastructure and treatment programs and activities. On December 16, 2022, in response to the Complaint, MDEQ provided information about its wastewater funding programs, funding of the City of Jackson, and its analysis in support of its position that it did not discriminate against the City of Jackson and that MDEQ has policies and processes in place to comply with its obligations under Title VI. On December 23, 2022, OECRC issued Requests for Information to MDEQ pursuant to OECRC's authority under 40 C.F.R. §§ 7.115 and 7.120, and on January 23-24, 2023, MDEQ responded to the Requests for Information with additional documents relating to its program and the funding it provides via the Clean Water State Revolving Fund (SRF or CWSRF) program.

In furtherance of the investigation, on April 5-6, 2023, members of OECRC's investigation team traveled to Jackson, Mississippi and met with several panels of educators, residents, health professionals, and business leaders from the City of Jackson as well as officials from MDEQ, the City of Jackson, and the Office of the Mississippi Attorney General. Complainants also provided supplemental information, including supplemental memorandums dated May 18, 2023, and August 22, 2023, to support the Complaint. OECRC reviewed the information provided by MDEQ and Complainants, as well as material from other sources.

OECRC also consulted with other offices throughout EPA. For instance, EPA's Office of Research and Development (ORD) analyzed available historical data to determine whether there is a statistically relevant relationship between levels of wastewater funding distributed by MDEQ and the racial composition of the City of Jackson and other communities throughout the state. ORD also investigated whether there was a relationship between funding distribution and racial composition over time. Additionally, EPA's Office of Water provided SRF information pertaining to the City of Jackson and other areas in Mississippi.

Analysis

Issue 1: Whether MDEQ discriminated against the majority Black population of Jackson, Mississippi, on the basis of race in its funding of water infrastructure and treatment programs and activities, in violation of Title VI and EPA's implementing regulation at 40 C.F.R. Part 7.

Legal Standard

EPA's investigation was conducted under the authority of Title VI and EPA's nondiscrimination regulation, 40 C.F.R. Part 7.

Title VI and 40 C.F.R. Part 7 prohibit recipients of EPA financial assistance from discriminating on the basis of race, color or national origin in their programs and activities. The statutory language of Title VI states: "No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. 2000(d). *See also* 40 C.F.R. § 7.30. EPA's nondiscrimination regulation, at 40 C.F.R. § 7.35(a)(2), states that "a recipient shall not on the basis of race, color, or national origin provide a person any service, aid, or other benefit that is different, or is provided differently from that provided to others under the program or activity."¹⁴

In investigating claims of intentional discrimination under Title VI, EPA must determine whether a recipient acted, at least in part, because of the actual or perceived race, color, or national origin of the individuals allegedly subjected to discrimination.¹⁵ Intentional discrimination requires a showing that a "challenged action was motivated by an intent to discriminate."¹⁶ Evidence of "bad faith, ill will or any evil motive on the part of the [recipient]" is not necessary.¹⁷ Evidence must generally show that the recipient was not only aware of the complainant's protected status, but that the recipient acted, at least in part, because of the complainant's protected status.¹⁸ EPA will evaluate the "totality of the relevant facts" to determine whether discrimination has occurred.¹⁹ Evidence of discriminatory motive may be direct or circumstantial.

Under the analysis set forth in *Arlington Heights*,²⁰ the factors probative of intent include: 1) clear pattern of discriminatory effects; 2) the historical background of the decision; 3) the specific sequence of events leading up to the challenged decision; 4) departures from normal procedures; and 5) relevant legislative or administrative history.²¹

¹⁴ *See also* 40 C.F.R. 7.35(b). Whether an action has a racially disproportionate impact may be considered under the analysis of intentional discrimination. *See Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252, 266 (1977). As discussed below, OECRC found insufficient evidence that MDEQ's allocation of funding for wastewater treatment had a racially disproportionate impact as part of that analysis.

¹⁵ *Doe ex rel. Doe v. Lower Merion Sch. Dist.*, 665 F.3d 524, 548 (3d Cir. 2011), citing *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979).

¹⁶ *Elston v. Talladega Cty. Bd. of Educ.*, 997 F.2d 1394, 1406 (11th Cir. 1993).

¹⁷ *Williams v. City of Dothan*, 745 F.2d 1406, 1414 (11th Cir. 1984).

¹⁸ *Lower Merion Sch. Dist.*, 665 F.3d at 548.

¹⁹ *See Washington v. Davis*, 426 U.S. 229, 242 (1976).

²⁰ *Arlington Heights*, 429 U.S. at 266.

²¹ *Arlington Heights*, 429 U.S. at 266-68. These factors are non-exhaustive and not all must be shown to establish a violation. *See Ave. 6E Invs. LLC v. City of Yuma*, 818 F.3d 493, 504 (9th Cir. 2016); *Mhany Mgmt. v. Cty. of Nassau*, 819 F.3d 581, 606 (2d Cir. 2016); *see also U.S. v. Yonkers Bd. of Educ.*, 837 F.2d 1181, 1227 (2nd Cir. 1987) (stating that the foreseeability of a segregative effect, or "[a]herence to a particular policy or practice, 'with full knowledge of the predictable effects of such adherence upon racial imbalance,'" is a factor that may be taken into account in determining whether acts were undertaken with segregative intent") (citation omitted); *U.S. v. Cherry*, 50 F.3d 338, 343 (5th Cir. 1995).

Factual Analysis

1. Disproportionate Impact

As discussed above, the *Arlington Heights* framework considers disproportionate impact as a factor in ascertaining discriminatory intent by evaluating whether the impact of the official action bears more heavily on members of one race than another. OECRC's investigation and analysis of the allegations found insufficient evidence of a relationship between MDEQ's allocation of SRF funds and the racial composition of the jurisdictions receiving SRF funding.

MDEQ operates some of the State of Mississippi's federally delegated regulatory programs under federal laws such as the Clean Water Act (CWA).²² MDEQ regulates wastewater treatment in Mississippi and allocates Mississippi CWA SRF via Mississippi's Water Pollution Control Revolving Fund (WPCRF) pursuant to this authority. Through the SRF program, MDEQ provides below-market rate loans for a wide range of water quality infrastructure projects.²³ The Complaint alleges discrimination regarding MDEQ's funding of the City of Jackson's wastewater treatment infrastructure. Specifically, the Complaint alleges that MDEQ discriminated on the basis of race "by diverting federal funds" and "repeatedly having deprived Jackson of federal funds ... in favor of funding smaller, majority-White communities with less acute needs".²⁴ Accordingly, OECRC investigated whether MDEQ discriminated in allocating SRF funds on the basis of race.

OECRC evaluated whether MDEQ's allocation of funding bears more heavily on one race than another – that is, whether there is a relationship between loan amounts or terms and the racial composition of communities. Complainants alleged that between 1990 and 2020, the city lost a significant percentage of its population and experienced a change in racial composition, with the percentage of the population identified as Black increasing.²⁵ According to U.S. Census data, in 1990 approximately 43.6% of Jackson's population identified as White and 55.7% as Black.²⁶ The U.S. Census Bureau estimates Jackson's current population as 82.2% Black and 15.1% White, while the State's population as a whole is 37.8% Black and 58.8% White.²⁷ It is undeniable that the impacts of the water crisis fell disproportionately on the majority Black community of Jackson. Nevertheless, an analysis of whether MDEQ's allocation of funding is discriminatory must (1) evaluate whether there is a relationship between the amount of funding disbursed by

²² "The [Clean Water State Revolving Fund (CWSRF)] was created by the 1987 amendments to the Clean Water Act as a financial assistance program for a wide range of water infrastructure projects, under 33 U.S. Code §1383.[] Under the CWSRF, EPA provides grants to all 50 states plus Puerto Rico to capitalize state CWSRF loan programs. []The 51 CWSRF programs function like environmental infrastructure banks by providing low interest loans to eligible recipients for water infrastructure projects. As money is paid back into the state's revolving loan fund, the state makes new loans to other recipients for high priority, water quality activities. Repayments of loan principal and interest earnings are recycled back into individual state CWSRF programs to finance new projects that allow the funds to "revolve" at the state level over time. States are responsible for the operation of their CWSRF program." About the Clean Water State Revolving Fund (CWSRF), <https://www.epa.gov/cwsrf/about-clean-water-state-revolving-fund-cwsrf#works> (last updated January 10, 2024).

²³ See generally MDEQ, Water Pollution Control (Clean Water) Revolving Loan Fund (WPCRLF) Program, <https://www.mdeq.ms.gov/about-mdeq/grants-loans-and-trust-funds-available-through-mdeq/water-pollution-control-clean-water-revolving-loan-fund-wpcrlf-program/>.

²⁴ Compl. at p. 2.

²⁵ Compl. at p. 11.

²⁶ United States Census Bureau, state profile, Mississippi: 1990, Table 6 Census, <https://www2.census.gov/library/publications/decennial/1990/cp-1/cp-1-26.pdf> (Race and National Origin).

²⁷ United States Census Bureau, QuickFacts Mississippi; Jackson city, Mississippi, <https://www.census.gov/quickfacts/fact/table/MS,jacksoncitymississippi/BZA115221> (last visited February 8, 2024).

MDEQ to Jackson and the racial composition of the Jackson community over time, or, in the alternative, (2) analyze whether there is a relationship between the amount of funding that communities across Mississippi received and the racial composition of those communities. OECRC investigated both as potential bases for finding discriminatory impact.

EPA's Office of Research and Development (ORD) assisted OECRC in analyzing the relationship between loans from the SRF, measured both by loan amount and per capita loan amounts awarded to communities over time, and the racial composition of those communities.²⁸ The evidence did not show a significant relationship between race and either loan amount or per capita loan amounts awarded by MDEQ.

MDEQ has provided SRF funding to the City of Jackson 13 times since 1990.²⁹ ORD evaluated the total SRF loan amounts MDEQ awarded to Jackson and other Census Designated Places throughout Mississippi in relationship to the percent of the population that identified as Black at the approximate time of the loan (based on the 1990, 2000, 2010, and 2020 Census Data) in each of these locations. The 2000 Census Survey, for example, was used to determine percent Black for a loan awarded in 2003 or 2004. Census Designated Places was used as the unit of analysis because it is more granular than county and better captures the demographics of a community as reflected in Census data, given the potentially uneven distribution of populations by race within counties.³⁰ In evaluating the relationship between loan amounts and the racial composition of Mississippi communities over time, ORD applied factors to account for inflation over the years of grant allocation.

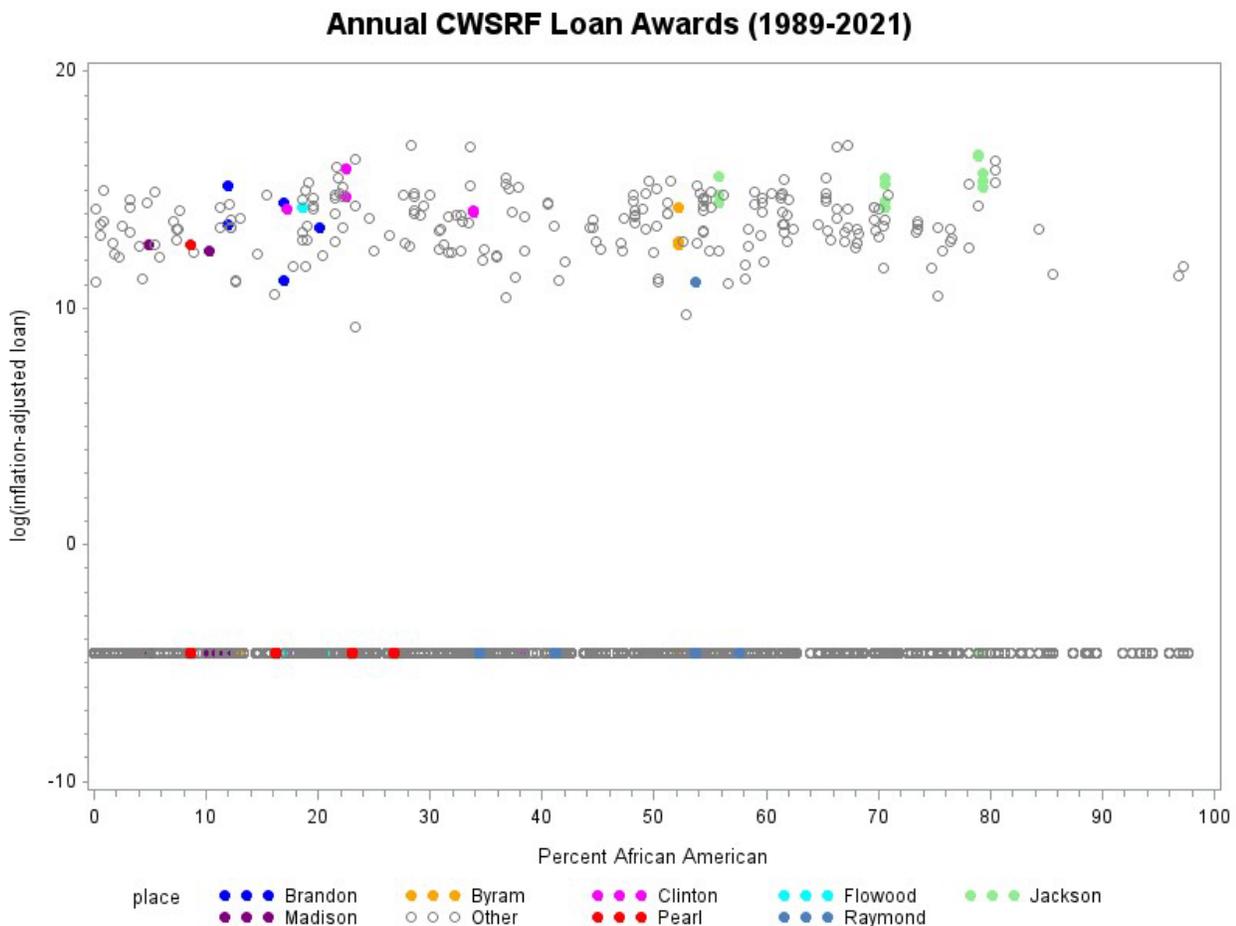
Figures 1 and 2 provide results from the analysis of loan amounts for designated places (that is, locations) awarded SRF funds at least once between 1989 and 2022. Loan amounts were evaluated in terms of the percent Black in the population at each location at the approximate time of the loan based on 1990, 2000, 2010, and 2020 Census Survey Data. Each point on Figures 1 and 2 reflects an annual award to a community, thus the Figure contains multiple points per

²⁸ The question of discrimination in allocating SRF funding may be considered by itself, in the context of need and, also, in the context of total funding. Funding from MDEQ is only a portion of total funding for wastewater treatment. See generally American Society of Civil Engineers, *Report Card for Mississippi's Infrastructure*, 78-81 (2020), https://infrastructurereportcard.org/wp-content/uploads/2021/07/FullReport-MS_2020-1.pdf (describing lack of publicly facing data base with data on factors such as age and condition of water systems, role of SRF program, and budgetary shortfalls for operating and maintenance expenses); Mississippi State University Extension, *Mississippi Survey of Drinking Water System: Characteristics and Rate Structures* (2022), https://extension.msstate.edu/sites/default/files/publications/publications/P2803_web.pdf (reporting on survey of the state's public water systems to acquire information about the structure and level of drinking and wastewater rate charges for community water systems and discussing challenges facing systems such as aging infrastructure). OECRC had insufficient information to take into account and evaluate measures of need or the full universe of all sources of funding in evaluating the relationship between funding and race or national origin.

²⁹ MDEQ is steadfast in its position that it has approved "every complete application the City of Jackson has ever submitted for loans under MDEQ's state revolving loan program." MDEQ December 16, 2022, response to Complaint, EPA File No. 07R-22-R4. Complainants confirmed that there were no technical barriers to the City of Jackson applying for loans; rather the investigative team heard the argument that applying for and securing loans with unfavorable loan terms was fiscally irresponsible. There was no evidence MDEQ failed to approve completed applications from Jackson or treated completed forms differently than such forms from jurisdictions with predominantly White populations.

³⁰ Several small unincorporated communities (Brooklyn, Dalewood, South Gate, and Pass Christian) are not included in the Census Designated Places Data and therefore were not included in the analysis. The analysis also did not include grants given to county organizations, airports, sewer authorities and other such organizations that could not be assigned to a designated place. Finally, the analysis focuses only on public water systems.

community.³¹ The dense straight line of plots near the bottom of Figures 1 and 2 represent years that locations received no funds.³² The communities named in the legend are those located in the Jackson area, and “other” refers to all other communities. The Figures and associated statistical analysis reflect that funding for Jackson did not decrease as the racial composition of Jackson changed during the period analyzed. Moreover, the analysis found no statistically significant relationship between loan amount and race across the state over time.³³

Figure 1³⁴

³¹ Loan amounts were log-transformed to better visualize the data point distribution.

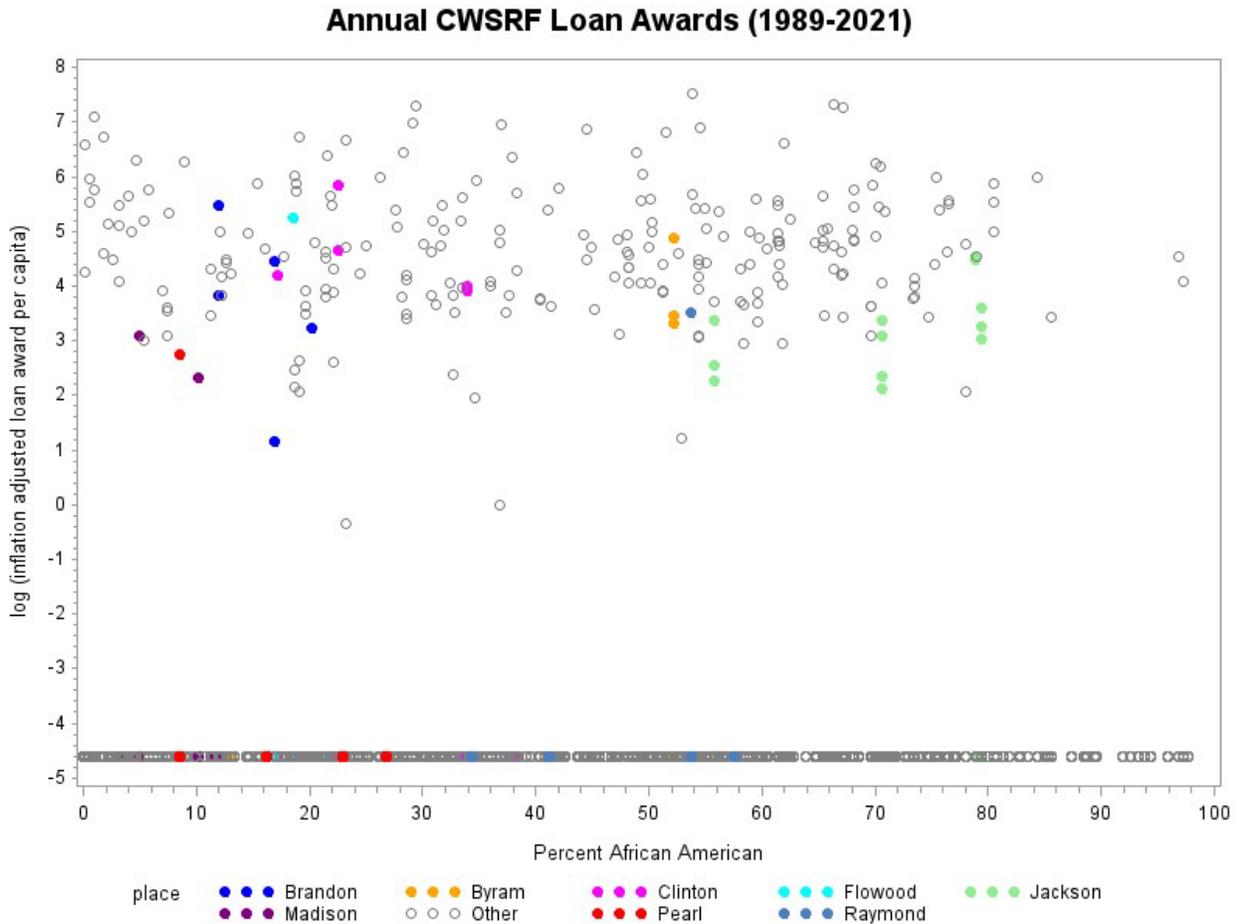
³² 0.05 was added to allow a log transformation. Analysis was also performed including data from only those years that communities received loans or subsidies, that is, without data points for years that any given community did not apply for or receive assistance from the program. This analysis similarly found no relationship between funding and the race of the community over time.

³³ Analysis was also conducted to determine whether there was a relationship between race and loan amounts including subsidies. Subsidies provide additional funding for SRF projects that are eligible for the Green Project Reserve, to address green infrastructure, water, or energy efficiency improvements, or other environmentally innovative activities, as well as for the small/low-income communities with populations of 4,000 or less and median household income of \$40,000 or less. <https://www.mdeq.ms.gov/about-mdeq/grants-loans-and-trust-funds-available-through-mdeq/water-pollution-control-clean-water-revolving-loan-fund-wpcrlf-program/>. The analysis similarly found no relationship taking into account the subsidies on a total and per capita basis over the study period.

³⁴ The Figures, and description of the Figures, throughout this letter reflect analysis of data pertaining to people who are Black or African American "alone" rather than mixed race or Hispanic. The U.S. Census Profiles cited herein reference "Black or African American."

Population density varies across the state, with Jackson home to the largest population. To account for differences in population density, analysis was conducted to determine if there was a relationship between per capita (or per person) loan amounts and the racial composition of communities. Although Jackson falls on the lower end of per capita funding, Figure 2 shows that there was no significant relationship between loan amounts per person and race over time.

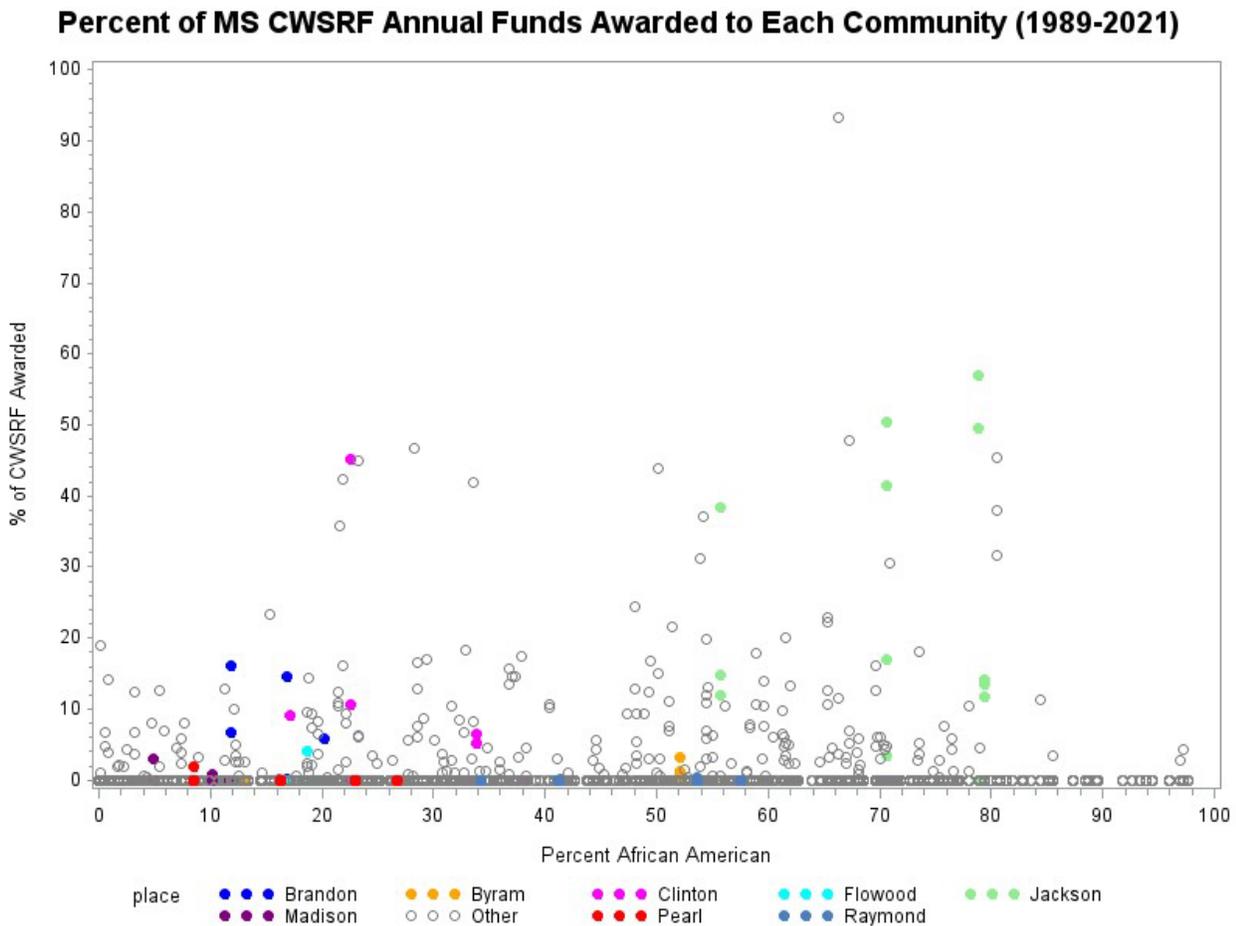
Figure 2



In Figure 3, each point reflects the percent of the total amount of annual SRF funding available awarded to each community each year, including only those places that applied for at least one loan. There are multiple points for each community on the Figure, representing the percentage of available funding awarded each year. The percent African American in Figure 3 reflects the racial composition of the population at the approximate time of each loan award based on 1990, 2000, 2010, and 2020 Census Survey Data.

Figure 3 shows that some of the communities with higher percentage of African Americans in the population received a high percentage of the funding in particular years. Over the period studied, there was no relationship between percent of the total amount of funding available received by a community and the race of the community. For the years Jackson received loan awards, it received a large proportion of the total funding available for those years.

Figure 3



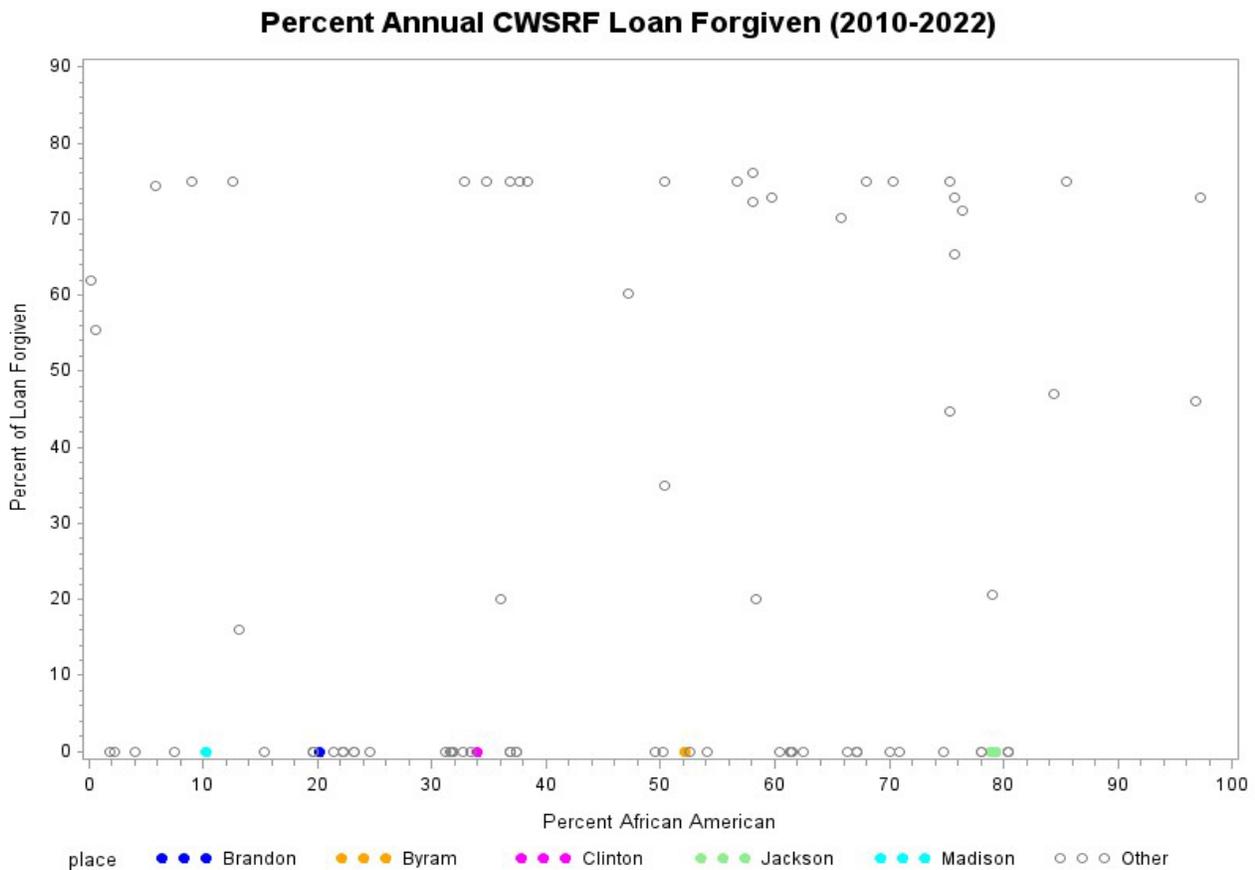
Complainants further alleged that even though MDEQ funded applications submitted by Jackson over time, MDEQ administered policies or practices relating to the interest rates assigned to loans, loan amount caps, term of repayment, and other characteristics of the loan terms that served as barriers to Jackson’s access to needed funding through the SRF. During its investigation, Jackson officials advised OECRC that Jackson determined it would be fiscally irresponsible to apply for additional loans under the terms established by MDEQ. The potential impacts of loan terms on Jackson’s access to funding inform OECRC’s recommendations for further consideration by MDEQ at the end of this letter. In general, however, OECRC had insufficient data to determine whether MDEQ’s SRF loan terms (i.e., interest rates, loan amount caps, and term of repayment, etc.) had a disparate impact on the basis of race.

OECRC had information related to loan forgiveness eligibility and analyzed whether there was a relationship between the percentage of loans eligible for forgiveness and the racial composition of communities to determine whether MDEQ’s subsidy program has a disproportionate impact on the basis of race. Forgiveness includes subsidy funding of 75% of the loan amount (up to a \$2 million) awarded by MDEQ to “Small/Low-income Community” applicants defined as having a population of 4,000 or less and Median Household Income (MHI) of \$40,000 or less. Jackson is categorically excluded from the “Small/Low-income Community” forgiveness as the only large system in Mississippi with a population clearly exceeding 4,000. Even though MDEQ’s program

favors small and medium sized systems, these systems include majority-Black as well as majority-White communities. Significantly, although the racial composition of Jackson is disproportionately Black as compared to the state of Mississippi as a whole (approximately 82% of Jackson’s population identify as Black or African American as compared to 38% statewide),³⁵ the majority of the Black population in the state lives outside of Jackson. Data on loan forgiveness eligibility showed no evidence of disparate impact on the basis of race.

Figure 4 represents the relationship between the racial composition of communities that applied for a loan at least once (on the horizontal or “X” axis) and the percent of loans eligible for forgiveness (on the vertical or “Y” axis). The Figure includes only the years that communities received a loan and percentage African American reflects percentages at the 2010 or 2020 Census, depending on the year of the loan. Although Jackson has a low percentage of its loans eligible for forgiveness, the analysis found no relationship between the percent of loans potentially eligible for forgiveness and the racial composition of communities that had applied for a loan in the SRF program at least once. In sum, OECRC had insufficient evidence showing that SRF loan terms had a disparate impact on the basis of race.

Figure 4



³⁵ <https://www.census.gov/quickfacts/fact/table/jacksoncitycalifornia,MS/PST045222>. The racial composition of the state is approximately 38% Black, representing approximately 1,117,000 people who identify as Black statewide, <https://www.census.gov/quickfacts/fact/table/MS/PST045222>, including nearly a million people outside of Jackson.

In evaluating evidence of whether the SRF program had a racially disparate impact, OECRC also reviewed additional material, including the results of the Harvard Law School Mississippi Delta Project's report, "Funding Disparities Among Mississippi Local Water Systems" (Harvard Report).³⁶ The Harvard Report discusses funding opportunities for water infrastructure relevant to communities in Mississippi, including the Infrastructure Investment and Jobs Act which allocated about \$75 million in water infrastructure funding to Mississippi to be distributed through the state's SRF programs. Unlike the analysis conducted by ORD, which relied upon the Census Designated Places Data,³⁷ the Harvard Report's analysis was conducted on a county level.³⁸ The Harvard Report raised concerns about a funding gap faced by water systems serving 10,000 or fewer people and, particularly, serving low-income communities.³⁹ The study focused on disparities in funding based on the size of water systems in Mississippi, but the study also raised questions about potential racial disparities in funding. Regarding race, however, the Harvard Report indicated "the average total funding per person is *higher* for counties with a higher percentage of people of color."⁴⁰ The Harvard Report recognized limitations in its findings such as "nuances within a county's borders as to how the funding might be dispersed among the various municipalities and communities within the region."⁴¹ Where majority Black communities may be co-located in the same county as majority White communities, county wide data may not present a holistic view regarding racial disparities in funding. Nevertheless, the Harvard Report's analysis did not demonstrate a disproportionate impact on the Black population.

In sum, OECRC found insufficient evidence of a relationship between the amount of funding disbursed by MDEQ to Jackson and the racial composition of the community over time, and insufficient evidence of a relationship between the racial composition of communities receiving funds versus those not receiving funds. Accordingly, while as mentioned above, the impacts of the water crisis fell disproportionately on the majority Black community of Jackson, there is insufficient evidence to establish a relationship between the amount of funding disbursed by MDEQ to Jackson over time and the racial composition of the community, nor to establish a relationship between amount of funding disbursed and the racial composition of the communities across the state.

³⁶ Harvard Law School Mississippi Delta Project, Funding Disparities Among Mississippi Local Water Systems (August 2022); available at https://clinics.law.harvard.edu/deltaproject/files/2022/08/Funding-Disparities-Among-Mississippi-Local-Water-Systems_8.28.2022.pdf (Last visited February 8, 2024).

³⁷ Census Designated Places (CDP) "are a statistical geography representing closely settled, unincorporated communities that are locally recognized and identified by name." United States Census Bureau, Census Designated Places, <https://www.census.gov/programs-surveys/bas/information/cdp.html> (Last visited February 8, 2024). A CDP is more akin to a city.

³⁸ Harvard Report, *supra* note 37, at 3. The population of Back residents in Hinds County, where the City of Jackson sits, is 73.5%. United States Census Bureau, QuickFacts Mississippi; Jackson city, Mississippi, <https://www.census.gov/quickfacts/fact/table/hindscountymississippi,jacksoncountymississippi,MS,jacksoncitymississippi/BZA115221> (Last visited February 8, 2024).

³⁹ Harvard Report, *supra* note 37, at 5.

⁴⁰ *Id.* at 28 (Fig. 18) (emphasis added).

⁴¹ *Id.* at 26 (discussing Fig. 16).

2. Link to historic patterns of discrimination

“[T]he historical background of the decision is one evidentiary source, particularly if it reveals a series of official actions taken for invidious purposes.”⁴² The history of racial discrimination in Jackson in a wide range of activities and government actions is well documented,⁴³ as is the imprint of segregation and discrimination, generally, on life today.⁴⁴ There is, however, insufficient evidence of a nexus between that history of discrimination and decisions made by MDEQ regarding the distribution of funding through the SRF loan program.

Complainants alleged that funding for the City of Jackson’s water infrastructure reduced as the racial composition of the City and its elected representatives shifted from majority White to majority Black. Between the 1980s and early 2000s, the racial composition of the population of Jackson changed, with the proportion of Jackson’s White population dropping from over half of the city’s population to a little under a quarter, while the Black population rose to nearly 80 percent. During this same time period, EPA’s Clean Water SRF was created by the 1987 amendments to the CWA.⁴⁵ For the life of the SRF program, based on analysis of data from 1989 to 2021, there was no relationship between the total loan amount or the loan amount per capita and the percentage of Black residents over time. See Figs. 1, 2, 3 & 5.

⁴² *Arlington Heights*, 429 U.S. at 267.

⁴³ See e.g., *Harness v. Watson*, 47 F.4th 296, 300 (5th Cir. 2022), cert. denied, 143 S. Ct. 2426, 216 L. Ed. 2d 1263 (2023) (“It is uncontroverted that the state constitutional convention was steeped in racism and that “the state was motivated by a desire to discriminate against blacks” when the 1890 Constitution was adopted”); *Singleton v. Jackson Mun. Separate School Dist.*, 541 F.Supp 904, 905-6 (S.D. Miss. 1981) (history of school desegregation litigation); *Pierson v. Ray*, 386 U.S. 547, 548–49, 87 S. Ct. 1213, 1215, 18 L. Ed. 2d 288 (1967) (action against city officers and a municipal police justice for false arrest and imprisonment of White and Black Episcopal clergymen who attempted to use segregated facilities at an interstate bus terminal in Jackson, Mississippi, in 1961); <https://s3.amazonaws.com/holc/tiles/MS/Jackson/19XX/holc-scan.jpg> (Home Owners’ Loan Corporation 1934 Map of Jackson, Mississippi showing redlining, or grades assigned to residential neighborhoods reflecting “mortgage security” based in part by the racial composition of the community).

⁴⁴ See, e.g., Egede, et al., *Modern Day Consequences of Historic Redlining: Finding a Path Forward*, 38 J. Gen Intern. Med 1534 (2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9901820/> (impacts of redlining); Wang, et al., *The association of residential racial segregation with health among U.S. children: A nationwide longitudinal study*, 19 SSM Popul Health 101250 (2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9550534/> (impacts of residential segregation on health).

⁴⁵ US EPA, Clean Water State Revolving Fund, <https://www.epa.gov/cwsrf/about-clean-water-state-revolving-fund-cwsrf> (Last visited February 8, 2024).

Figure 5

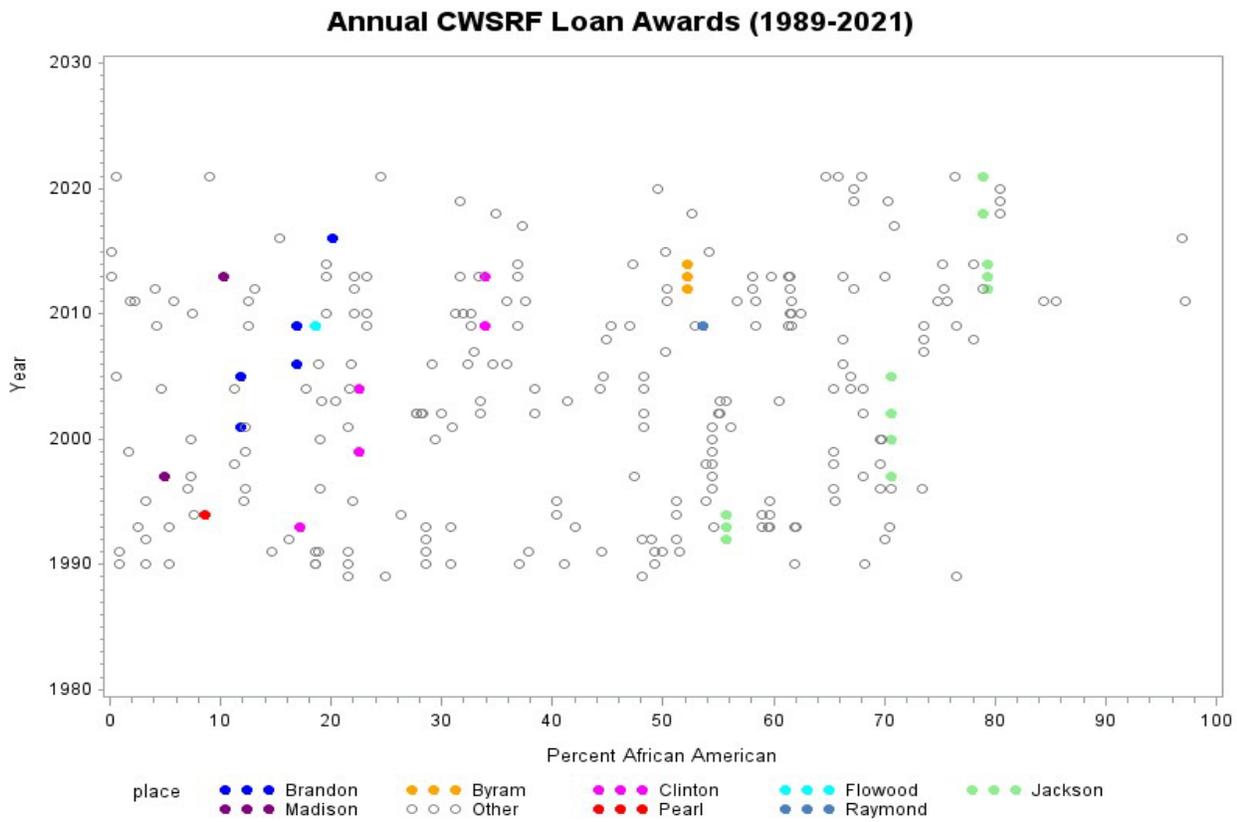


Figure 5 shows the relationship between the year of loan award and the percentage of the population that was Black in each community receiving an SRF loan. The Figure includes a data point for each year a community received a loan or subsidy. It represents the relationship between the percent Black in each community (the horizontal or “X” axis) and the year of each loan (the vertical or “Y” axis). OECRC found that there is insufficient evidence of a historical pattern of discrimination as represented by a relationship between SRF funding awards and the racial composition of communities over time.

3. The remaining *Arlington Heights* factors

OECRC examined additional information relating to whether specific sequence of events leading up to MDEQ’s decisions related to providing funds to Jackson would support an inference of discrimination, whether funding decisions represented a departure from MDEQ’s normal procedures,⁴⁶ and any relevant legislative or administrative history pertaining to MDEQ’s funding decisions that would suggest discriminatory intent. The evidence showed that MDEQ provided funding to the City of Jackson for every application the City of Jackson submitted. While complainants and the representatives from the City of Jackson maintained that loan terms and conditions (length of repayment, interest rates, and forgiveness amount) rendered SRF loans uniquely disadvantageous for Jackson, OECRC found no evidence that these disadvantages were

⁴⁶ The CWDA contemplates that programs have flexibility to customize loan terms to meet the needs of small and disadvantage communities, set Project Priority Lists, and provide other types of assistance under the DWSRF. *See id.* OECRC found no discriminatory pattern in MDEQ’s deviations.

due to race but could be explained by other factors such as the size of City of Jackson's systems.⁴⁷ With the assistance of EPA's Office of Water, OECRC reviewed the data Mississippi, like all states, is required to enter on a quarterly basis into the SRF Data System pertaining to Mississippi assistance agreements to determine whether there was a relationship between loan terms and the racial composition of communities. As part of their reporting into the SRF Data System, states complete a set of data fields identifying key parameters of the assistance agreements and the projects being funded.⁴⁸ A review of the data from 2010 to present showed no pattern of less favorable SRF loan terms pertaining to the interest rates, loan amounts, loan forgiveness amounts, or length of loan repayment, for the City of Jackson in comparison to other borrowers throughout Mississippi regardless of racial demographics.⁴⁹

Developments Since the Filing of the Complaint

This finding of insufficient evidence of discrimination does not mean that there is no assistance available for residents of Jackson. The problems associated with the water crisis experienced by the community are very real, and EPA – along with MDEQ, the City of Jackson, and the U.S. Department of Justice – have committed to work together to address this public health crisis.⁵⁰ Perhaps most notably, in December 2022, Congress allotted \$600 million to address the drinking water crisis in Jackson.

Parallel to OECRC's investigation pursuant to its Title VI authorities, EPA has helped lead a series of significant actions to improve the sewage treatment and wastewater collection systems in Jackson. The inter-governmental team of EPA, DOJ, MDEQ and the City of Jackson developed and negotiated a proposal resulting in the October 5, 2023 Stipulated Order⁵¹ to expedite needed sewer system repairs and address spills of raw and undertreated sewage into homes, businesses, streets, yards, and waterways. This Stipulated Order included a focus on programs and capital projects to improve the City of Jackson's systems' condition, operations, and maintenance as outlined in the detailed and agreed upon Sewer Priority Project List at Appendix A of the Stipulated Order.

Throughout the response to the water crisis, EPA and DOJ have proactively engaged with the impacted community and kept the public and elected officials informed, specifically, hosting

⁴⁷ Complainants also allege that high administrative fees associated with SRF loans were a disincentive for Jackson to apply for SRF loans. Evidence indicates, however, that administrative fees were assessed at a standard rate, and OECRC has insufficient evidence that these practices are racially discriminatory.

⁴⁸ This data is reviewed annually and made available through the SRF Public Portal through customizable reports listing the assistance agreements provided by the states. In addition, this information is also combined with other reported data reflecting annual SRF financial activity to produce state level reports that track SRF program activity and performance. These state level reports are available through the SRF Public Portal at US EPA, State Revolving Funds Public Portal Home, https://sdwis.epa.gov/ords/sfdw_pub/r/sfdw/owsrf_public/home (last accessed 5/2/2024).

⁴⁹ See MS Assistance Agreement Detail Report 7-01-2010 to 8-15-2023, Attachment A (showing little variation between terms for City of Jackson and known majority white areas such as Rankin). For instance, with only one exception, all loans had a 20-year repayment period. The source data is available on the State Revolving Funds Public Portal. See *id.*

⁵⁰ See H.R. 2617 (2022), a \$1.7 trillion omnibus spending bill that includes \$600 million to address water infrastructure issues in Jackson.

⁵¹ Final Stipulated Order, *supra* note 5.

stakeholder meetings that included teachers, faith leaders, health care workers, businesses, and others to obtain input on the City of Jackson's water infrastructure needs.⁵²

It is OECRC's understanding that the programs and capital projects that were identified are underway to permanently improve the condition, operations, and maintenance of the sewage system in the City of Jackson.

Recommendations:

Based on information developed during the course of the investigation, including from Jackson residents and officials, OECRC encourages MDEQ to consider taking steps to address concerns raised by Complainants. These recommendations are not legally required, legally enforceable, nor subject to future monitoring. The recommendations focus on potential approaches to respond to Complainants' concerns that there are barriers to accessing SRF funding.

To assess and address potential barriers to funding, EPA recommends consideration of the following actions:

- Conduct a detailed needs assessment statewide on a recurring and regular basis to ensure that funding mechanisms are available to address water infrastructure needs in small and medium sized systems as well as Jackson. The assessment should include the need for technical assistance, including in the areas of engineering expertise, managerial support, and financial capacity to build, maintain, and administer Jackson drinking water systems.
- Assess loan terms to ensure meaningful access to funding for communities in greatest need over time and develop and, if within MDEQ's authority, implement alternative approaches, to include:
 - Limits on SRF forgiveness parameters such as the amount, caps, and size of community eligible to receive loan forgiveness, all of which uniquely affect a large system such as Jackson's;
 - Change to the length of loan repayment term, which determines how much a water system will pay on a month-to-month basis;
 - Modifications to the assessment of administrative fees, which can act as a disincentive for pursuing a loan;
 - Zero or negative interest rate loans, which can make large loans more affordable for SRF loan recipients with large needs and smaller revenue bases.
- Create opportunities for public engagement by regularly bringing together community members and government officials to share important information about the public water system and ensure that stakeholders understand roles, rights, responsibilities, and opportunities for input.

⁵² See., e.g., EPA, DOJ, and MDEQ to Hold Public Meetings to Receive Comments on Stipulated Order to Expedite Jackson Sewer System Repairs, <https://www.epa.gov/newsreleases/epa-doj-and-mdeq-hold-public-meetings-receive-comments-stipulated-order-expedite> (announcement of public meetings).

- In order to promote meaningful public engagement, the agency can share information, including about such meetings, on its website and through standard media outlets that reach diverse communities across Jackson.

Issue 2: Whether MDEQ has, and is implementing, the procedural safeguards required under 40 C.F.R. Parts 5 and 7 that all recipients of federal assistance must have in place to comply with their general nondiscrimination obligations, including specific policies and procedures to ensure meaningful access to MDEQ’s services, programs, and activities, for individuals with limited English proficiency (LEP) and individuals with disabilities, and whether MDEQ has public participation policies and processes that are consistent with Title VI and the other federal civil rights laws, and EPA’s implementing regulation at 40 C.F.R. Parts 5 and 7.

EPA’s nondiscrimination regulation, 40 C.F.R. Parts 5 and 7, and related guidance describe various requirements and best practices (collectively known as “procedural safeguards”) to ensure compliance with Title VI. Among these procedural safeguards are the requirements that recipients of EPA financial assistance prominently post a notice of nondiscrimination in accordance with 40 C.F.R. § 7.95 and adopt grievance procedures that assure the prompt and fair resolution of complaints that allege violation of 40 C.F.R. Parts 5 and 7, as required under 40 C.F.R. § 7.90.

Following OECRC’s acceptance of Issue 2 for investigation, OECRC and MDEQ communicated on multiple occasions with respect to MDEQ’s procedural safeguards. Consistent with the requirement to resolve complaints informally wherever possible under 40 C.F.R. 7.120 (d)(2)(i), OECRC provided feedback regarding concerns about then-existing procedural safeguards at MDEQ. Following those communications, MDEQ took the following actions to comply with regulatory requirements and improve procedural safeguards:

- Notice of nondiscrimination:⁵³ MDEQ updated its notice of nondiscrimination to state that MDEQ does not discriminate based on race, color, national origin, age, sex, or disability; MDEQ does not retaliate against or intimidate any individual or group because they have exercised their rights to participate in actions protected, or oppose actions prohibited under federal law or regulation; MDEQ’s executive director is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by federal law and regulation; and those with questions about the notice of nondiscrimination or wishing to file a complaint may contact the executive director by mail, phone, or email (with new contact information added). MDEQ agreed to prominently post the updated notice of nondiscrimination on its website and offices.

⁵³ See 40 C.F.R. § 7.95 (“A recipient shall provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, age, or handicap in a program or activity receiving EPA assistance or, in programs or activities covered by section 13, on the basis of sex. Methods of notice must accommodate those with impaired vision or hearing. At a minimum, this notice must be posted in a prominent place in the recipient’s offices or facilities. Methods of notice may also include publishing in newspapers and magazines, and placing notices in recipient’s internal publications or on recipient’s printed letterhead. Where appropriate, such notice must be in a language or languages other than English. The notice must identify the responsible employee designated in accordance with § 7.85.”).

- Grievance procedure:⁵⁴ MDEQ updated its grievance procedures to state that the procedures apply to complaints alleging discrimination based on race, color, national origin, disability, age, sex, or other federally protected classes.
- Language access:⁵⁵ MDEQ took several actions in support of its obligation to provide meaningful access for individuals with limited English proficiency (LEP) such as updating the website banner for its notice of nondiscrimination to include six languages (English, Spanish, Vietnamese, Chinese, Arabic and French); using Arabic script and Chinese characters in the banner for notice of nondiscrimination; updating the translation widgets on its website to include French; and moving information contained in PDFs, such as its grievance procedures, to its webpage so that the text was in a format compatible with translation widgets.

In light of these actions, OECRC determined that it would be appropriate to close its investigation of Issue 2.

OECRC reaffirms its availability to provide technical assistance to MDEQ to continue to strengthen its nondiscrimination program and consider adopting best practices identified in OECRC policy guidance documents. Toward this end and consistent with MDEQ's commitment to public engagement,⁵⁶ OECRC encourages MDEQ to consider additional actions to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under MDEQ's programs and activities on the basis of race, color, or national origin.⁵⁷

Conclusion

For the reasons set forth above, OECRC finds insufficient evidence that MDEQ violated Title VI and its implementing regulation with respect to whether MDEQ discriminated against the majority Black population of Jackson, Mississippi, on the basis of race in its funding of water infrastructure and treatment programs and activities. OECRC also finds that currently MDEQ has procedural safeguards required under 40 C.F.R. Parts 5 and 7. Accordingly, OECRC is closing EPA Complaint 07R-22-R4, against the Mississippi Department of Environmental Quality (MDEQ), as of the date of this letter.

This letter sets forth OECRC's disposition of EPA Complaint 07R-22-R4. This letter is not a formal statement of OECRC policy and should not be relied upon, cited, or construed as such. This letter and any findings herein do not affect MDEQ's continuing responsibility to comply with Title VI or other federal non-discrimination laws and EPA's regulations at 40 C.F.R. Parts 5 and 7, nor do

⁵⁴ See 40 C.F.R. § 7.90 ("Each recipient shall adopt grievance procedures that assure the prompt and fair resolution of complaints which allege violation of this part.").

⁵⁵ See, e.g., 40 C.F.R. § 7.95 ("Where appropriate, such [nondiscrimination] notice must be in a language or languages other than English.").

⁵⁶ See MDEQ, *Office of Community Engagement*, <https://www.mdeq.ms.gov/about-mdeq/office-of-community-engagement/>.

⁵⁷ See EPA, *External Civil Rights Guidance*, <https://www.epa.gov/external-civil-rights/external-civil-rights-guidance> (links to guidance on public involvement, language access, and a procedural safeguards checklist for recipients).

they affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not addressed in this letter.

If you have any question, please feel free to contact me at (202) 564-3357 or by email at Wilson.Adam@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Wilson', written in a cursive style.

Adam Wilson
Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and
External Civil Rights

cc:

Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

César A. Zapata
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 4

Leif Palmer
Regional Counsel
US EPA Region 4

Attachment A

DeSoto County Regional Utility Authority	09/30/2020	9,710,054.00	08/05/2022	18,813,072.00	0.80	20	0.00	Metro WWTF Upgrades and Lower
DeSoto County Regional Utility Authority	09/09/2014	1,174,633.00	10/09/2015	1,029,561.00	1.75	20	64,237.00	Camp Creek Canal Interceptor
DeSoto County Regional Utility Authority	09/26/2014	22,177,173.00	08/15/2019	22,398,507.00	1.75	20	0.00	
DeSoto County Regional Utility Authority	05/13/2011	8,700,000.00	10/28/2013	4,725,000.00	1.75	20	945,000.00	Johnson Creek Wastewater
Claiborne County Board of Supervisors	08/19/2011	542,053.00	07/25/2013	540,835.00	1.75	20	402,889.00	Treatment Facility
City of Wiggins	09/30/2019	2,098,528.00	02/01/2023	1,547,949.65	1.75	20	0.00	Hernanville Wastewater
City of Wiggins	10/08/2013	1,584,520.00	03/02/2016	1,474,544.00	1.75	20	0.00	Improvements
City of West Point	09/20/2012	6,758,425.00	05/12/2014	4,981,983.00	1.75	20	0.00	Wiggins 929-02
City of West Point	10/14/2010	3,184,749.00	09/27/2012	1,275,873.00	1.75	20	0.00	Wastewater System Improvements
City of Waveland	09/21/2016	7,566,428.00	01/10/2020	4,936,823.20	1.75	20	0.00	West Point POTW, West
City of Vicksburg	09/30/2020	2,530,110.00	12/30/2022	3,048,629.86	0.80	20	0.00	West Point New Collection
City of Vicksburg	09/30/2019	1,290,589.50	07/14/2021	1,390,936.74	0.80	20	0.00	
City of Tupelo	09/30/2022	18,000,000.00	09/30/2022	18,000,000.00	0.80	20	0.00	Sanitary Sewer System
City of Tupelo	09/29/2017	3,200,000.00	11/06/2020	2,476,824.15	1.75	20	0.00	Rehabilitation
City of Tupelo	09/30/2014	7,218,868.00	10/15/2019	9,717,970.23	1.75	20	0.00	Vicksburg Sewer Rehab
City of Tupelo	10/16/2013	5,521,020.00	06/01/2016	4,386,227.00	1.75	20	0.00	Tupelo 885-08
City of Tupelo	10/21/2013	2,735,000.00	03/23/2016	3,465,400.00	1.75	20	0.00	Wastewater Collection System
City of Tchula	07/29/2011	830,180.00	10/31/2013	825,180.00	1.75	20	601,304.00	Improvement
City of Southaven	06/19/2013	1,376,200.00	01/29/2016	1,233,745.00	1.75	20	0.00	Sewer Collection Extension Phase 1
City of Southaven	09/08/2010	4,975,651.00	01/23/2014	4,170,406.00	1.75	20	0.00	Chemical Systems Additions
City of Southaven	05/01/2012	7,098,700.00	09/01/2015	6,728,066.00	1.75	20	0.00	Sewer collection rehab
City of Ruleville	07/29/2011	718,051.00	05/28/2013	662,695.00	1.75	20	497,021.00	Hurricane Creek Sewer Project
City of Quitman	09/30/2022	1,800,000.00	09/30/2022	1,800,000.00	0.80	20	1,350,000.00	New Collection
City of Port Gibson	10/03/2011	2,130,960.00	10/03/2011	2,130,960.00	1.75	20	1,000,000.00	HUrricane Creek Sewer Project
City of Pascagoula	10/21/2010	463,330.00	10/18/2012	427,765.00	1.75	20	0.00	Wastewater Treatment Facility
City of Okolona	10/03/2013	3,313,000.00	09/08/2016	3,021,858.00	1.75	20	0.00	Rehabilitation
City of Ocean Springs	09/28/2018	4,958,000.00	04/05/2019	0.00	1.75	20	0.00	Quitman 896-02
City of Ocean Springs	09/09/2010	6,090,000.00	01/23/2013	1,051,750.00	1.75	20	0.00	2011 SRF Sewer Improvements
City of Newton	09/27/2010	1,221,680.00	04/09/2012	1,089,583.00	1.75	20	0.00	Phases 1, 2 & 3
City of New Albany	09/20/2010	710,000.00	11/08/2012	549,094.00	1.75	20	0.00	Pascagoula Sewer Rehab Project
City of Nettleton	11/04/2013	453,955.00	05/18/2016	423,902.00	1.75	20	0.00	Sewer Rehabilitation 2012
City of Natchez	09/30/2022	8,247,668.00	09/30/2022	8,247,668.00	0.80	20	0.00	Wastewater System Improvements
City of Natchez	04/26/2011	1,364,140.00	08/23/2013	1,375,574.00	1.75	20	275,115.00	Collection System Rehab
City of Morton	05/19/2011	490,394.00	09/19/2012	461,791.00	1.75	20	92,358.00	Newton Wastewater System
City of Meridian	10/10/2010	8,411,225.00	01/19/2018	8,839,151.00	1.75	20	0.00	Upgrades & Rehab
City of McComb	10/13/2017	6,293,737.00	01/10/2019	5,170,017.32	1.75	20	0.00	Wastewater Treatment Plant
City of McComb	06/18/2013	2,082,000.00	09/19/2013	1,800,733.00	1.75	20	0.00	Modifications Project
City of Madison	10/03/2013	1,584,164.00	09/12/2017	449,398.00	1.75	20	0.00	Sewer Collection System
City of Laurel	06/11/2013	5,065,770.00	04/14/2016	4,895,629.00	1.75	20	0.00	Rehabilitation
City of Jackson	09/26/2014	19,000,000.00	12/06/2017	8,587,181.00	1.75	20	0.00	Natchez Water Works 852-03
City of Jackson	10/09/2013	897,000.00	11/30/2015	196,284.00	1.75	20	0.00	Treatment rehab
City of Jackson	04/16/2012	13,300,000.00	07/19/2015	11,578,542.00	1.75	20	0.00	Morton POTW Treatment Plant
City of Jackson	09/28/2018	30,000,000.00	07/20/2022	26,808,150.00	1.75	20	0.00	Upgrades
City of Jackson	03/20/2013	6,500,000.00	03/20/2013	6,500,000.00	1.75	20	0.00	South WWTP Rehab
City of Jackson	09/30/2021	31,683,000.00	09/30/2021	31,683,000.00	0.80	20	0.00	East Interceptor Upgrade Phase II
City of Hernando	05/25/2012	1,510,000.00	03/24/2014	2,095,624.00	1.75	20	335,200.00	Reverse Flow Project
City of Hazelhurst	09/30/2021	2,813,510.00	02/04/2022	2,813,510.00	0.80	20	2,000,000.00	2013 Sewer Rehabilitation &
City of Hazelhurst	07/06/2011	265,200.00	03/13/2013	220,750.00	1.75	20	0.00	Replacement Project
City of Guntown	09/30/2022	2,726,000.00	09/30/2022	2,726,000.00	0.80	20	0.00	West Bank Interceptor Flow
City of Greenwood	09/28/2012	39,025,000.00	10/23/2020	38,583,342.00	1.80	30	0.00	Monitors
								West Bank Interceptor Phase 3
								(High Street to Eubanks Creek)
								Savanna Wastewater Treatment
								Plant Improvements: Phase 1
								Presidential Hills WWTP Upgrade
								Collection System Rehab/Lining
								Hernando Lagoon Reclamation
								Project
								Wastewater Rehabilitation (Bahalla
								WWTF, Bayou Pierre WWTF, and 7
								pump stations)
								Hazlehurst POTW Rehab
								Guntown 755-02
								New Activated Sludge Plant

