



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

May 06, 2024

In Reply Refer to:

EPA File No. 06R-22-R4

Dr. Daniel Edney
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Mississippi State Department of Health
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Re: Closure of EPA Administrative Complaint No. 06R-22-R4

Dear Dr. Edney:

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 06R-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 Health (MSDH). The Complaint generally alleged that MSDH, including the Local Governments and Rural Water Systems Improvements Board, 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 drinking 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 MSDH's, including the Local Governments and Rural Water Systems Improvements Board's (hereinafter MSDH) funding of

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).

drinking 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 MSDH has and is 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 MSDH of its closure of EPA File No. 06R-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 MSDH violated Title VI and EPA's nondiscrimination regulations. With respect to Issue 2, OECRC identified a number of deficiencies regarding MSDH's implementation of procedural safeguards. Pursuant to EPA regulations, 40 C.F.R. 7.120 (d)(2)(i), OECRC met with MSDH to attempt to resolve these issues informally. MSDH took several actions to address identified deficiencies. With respect to Issue 2, therefore, OECRC finds MSDH currently has the baseline procedural safeguard requirements under 40 C.F.R. Parts 5 and 7.

Background

The deterioration of drinking systems in Jackson, Mississippi has a long history. The Public Water System (PWS) in Jackson operates two surface water treatment plants (WTPs), the O.B. Curtis WTP, a 50 million gallon per day facility, and the older J.H. Fewell WTP, a 25 million gallon per day facility, which began operations in 1914.² Numerous leaks and line breaks in Jackson's water distribution system caused loss of pressure, resulting in more than 750 Boil Water Notices (BWNs) between 2016 and 2020. In 2020, the City of Jackson estimated water loss rates in the aging distribution system of 40 to 50 percent.³ On March 27, 2020, EPA issued an Order with requirements EPA deemed necessary to ensure adequate protection of public health based on its determination that conditions existed at the Jackson PWS that presented an imminent and substantial endangerment to persons served by the system.⁴

The WTPs 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

² EPA NEIC SDWA compliance inspection report, at pg 4 of 24, available at https://www.epa.gov/system/files/documents/2021-07/neic-civil-investigation-report_city-of-jackson-public-water-system.pdf.

³ *Id.* at 18 of 24.

⁴ Emergency Administrative Order, Docket No. SDWA-04-2020-2300 (Mar. 27, 2020), available at https://www.epa.gov/system/files/documents/2021-07/march-27-2020-emergency-order_jackson-final-signed.pdf.

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>.

The flooding exacerbated problems at the City of Jackson's already vulnerable WTPs by disrupting the water treatment process, clogging the filters, and preventing one of the City's WTPs from producing any drinking water. Lack of sufficient pressure in most of the system left more than 150,000 people without potable water or water to suppress fires or flush toilets for weeks. 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 November 29, 2022, the U.S. Department of Justice filed a complaint in federal district court on behalf of the EPA wherein DOJ, EPA, MSDH, and the City of Jackson agreed to an Interim Stipulated Order aimed at stabilizing the City of Jackson's drinking water system.⁷ The stipulated order included (1) a Priority Projects List with critical steps needed to stabilize the City of Jackson's drinking water system, remedy problems that contributed to the water crisis, and establish sustainable practices for the future; (2) the appointment of an Interim Third-Party Manager to manage and operate the City of Jackson's drinking water system and implement the Priority Projects List; and (3) a stay of the federal district court action so the parties could negotiate a consent decree addressing the City of Jackson's long-term compliance with the Safe Drinking Water Act.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 the Complaint alleged "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

⁶ *Id.* at 24-26.

⁷ U.S. vs. City of Jackson Interim Stipulated Order (Nov. 29, 2022), https://www.epa.gov/system/files/documents/2023-08/ISO%20entered%20by%20court_11292022.pdf

⁸ *Id.*

⁹ EPA Complaint No. 06R-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, OECRC'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 MSDH including the Local Governments and Rural Water System Improvements Board, and the Mississippi State Department of Environmental Quality (MDEQ) and did not reach other executive or legislative offices. EPA will address allegations related to MDEQ, EPA Complaint No. 07R-22-R4, by separate correspondence.

¹⁰ Compl. at p. 17.

¹¹ *Id.*

¹² *See Id.* (Exhibits).

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 MSDH and other State agencies. According to Complainants, MSDH 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.

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 MSDH's funding of water infrastructure, source water protection, and water systems management programs and activities is discriminatory.

As to Issue 1, OECRC investigated whether MSDH discriminated against the majority Black/African American population of Jackson, Mississippi, in its funding of water infrastructure and treatment programs and activities. On January 13, 2023, in response to the Complaint, MSDH provided information about its water infrastructure 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 MSDH has policies and processes in place to comply with its obligations under Title VI. On December 23, 2022, OECRC issued Requests for Information to MSDH pursuant to OECRC's authority under 40 C.F.R. §§ 7.85, and on January 22, 2023, MSDH responded to the Requests for Information with additional documents relating to its program and the funding it provides via the Drinking Water State Revolving Fund (SRF or DWSRF) 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 the Mississippi State Department of Environmental Quality (MDEQ), the City of Jackson, and the Office of the Mississippi Attorney General. MSDH was unable to meet with the members of OECRC's investigation team while they were in Jackson. Complainants also provided supplemental information, including supplemental memorandums dated May 18, 2023, and

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").

August 22, 2023, to support the Complaint. OECRC reviewed the information provided by MSDH 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 MSDH 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 MSDH, including the Local Governments and Rural Water Systems Improvements Board, 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

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 MSDH'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).

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 analytical framework set forth in *Arlington Heights*,²⁰ the factors probative of intentional discrimination 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

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 MSDH’s allocation of SRF funds and the racial composition of the jurisdictions receiving SRF funding.

MSDH operates some of the State of Mississippi’s federally delegated regulatory programs under federal laws such as the Safe Drinking Water Act (SDWA).²² MSDH regulates public water systems including drinking water and on-site wastewater systems in Mississippi and allocates Mississippi SRF pursuant to this authority. Through the SRF program, MSDH provides below-market rate loans for a wide range of water infrastructure and water systems management projects.²³ The Complaint alleges discrimination regarding MSDH’s funding of the City of Jackson’s drinking water infrastructure. Specifically, the Complaint alleges that MSDH discriminated on the basis of race “by diverting federal funds” and “repeatedly having deprived Jackson of federal funds ... in

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).

²² “The Drinking Water State Revolving Loan Fund was established by the 1996 amendments to the Safe Drinking Water Act (SDWA). The DWSRF is a financial assistance program to help water systems and states to achieve the health protection objectives of the SDWA. [] Congress appropriates funding for the DWSRF. EPA then awards capitalization grants to each state for their DWSRF based upon the results of the most recent Drinking Water Infrastructure Needs Survey and Assessment. The state provides a 20 percent match. States have the option of taking a variety of set-asides. These set-asides help fund state programs and activities to ensure safe drinking water. In total, states may take approximately 31% of their capitalization grant in set-asides. After taking their set-asides, states place the balance of their capitalization grant, together with the state match, into a dedicated revolving loan fund. This revolving fund provides loans and other authorized assistance to water systems for eligible infrastructure projects. As water systems repay their loans, the repayments and interest flow back into the dedicated revolving fund. These funds may be used to make additional loans.” How the Drinking Water State Revolving Fund Works, <https://www.epa.gov/dwsrf/how-drinking-water-state-revolving-fund-works#tab-1> (last updated November 17, 2023).

²³ See generally MSDH, State Drinking Water Revolving Fund, <https://msdh.ms.gov/page/44,0,127.html>.

favor of funding smaller, majority-White communities with less acute needs.²⁴ Accordingly, OECRC investigated whether MSDH discriminated in allocating SRF funds on the basis of race.

OECRC evaluated whether MSDH'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 MSDH's allocation of funding is discriminatory must (1) evaluate whether there is a relationship between the amount of funding disbursed by MSDH 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 MSDH.

MSDH has provided SRF funding to the City of Jackson three times between 1997 and September, 2022.²⁹ ORD evaluated the total SRF loan amounts MSDH 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 2000, 2010,

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).

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 MSDH is only a portion of total funding for wastewater treatment. See generally American Society of Civil Engineers, *Report Card for Mississippi's Infrastructure, 30-35* (2020), https://infrastructurereportcard.org/wp-content/uploads/2021/07/FullReport-MS_2020-1.pdf ("Drinking water infrastructure in Mississippi is funded through a combination of user fees and federal and state loans and grants"). 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 MSDH is steadfast in its position that it has "never denied funding to the City of Jackson when requested through the Drinking Water Systems Improvements Revolving Loan Fund." MSDH January 13, 2023, response to Complaint, EPA File No. 06R-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 MSDH failed to approve completed applications from Jackson or treated completed forms differently than such forms from jurisdictions with predominantly White populations.

and 2020 Census Data) in each of these locations. The 2020 Census Survey, for example, was used to determine percent Black for a loan awarded in 2017 or 2019. 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 several factors to account for inflation over the years of grant allocation.

Figure 1³¹

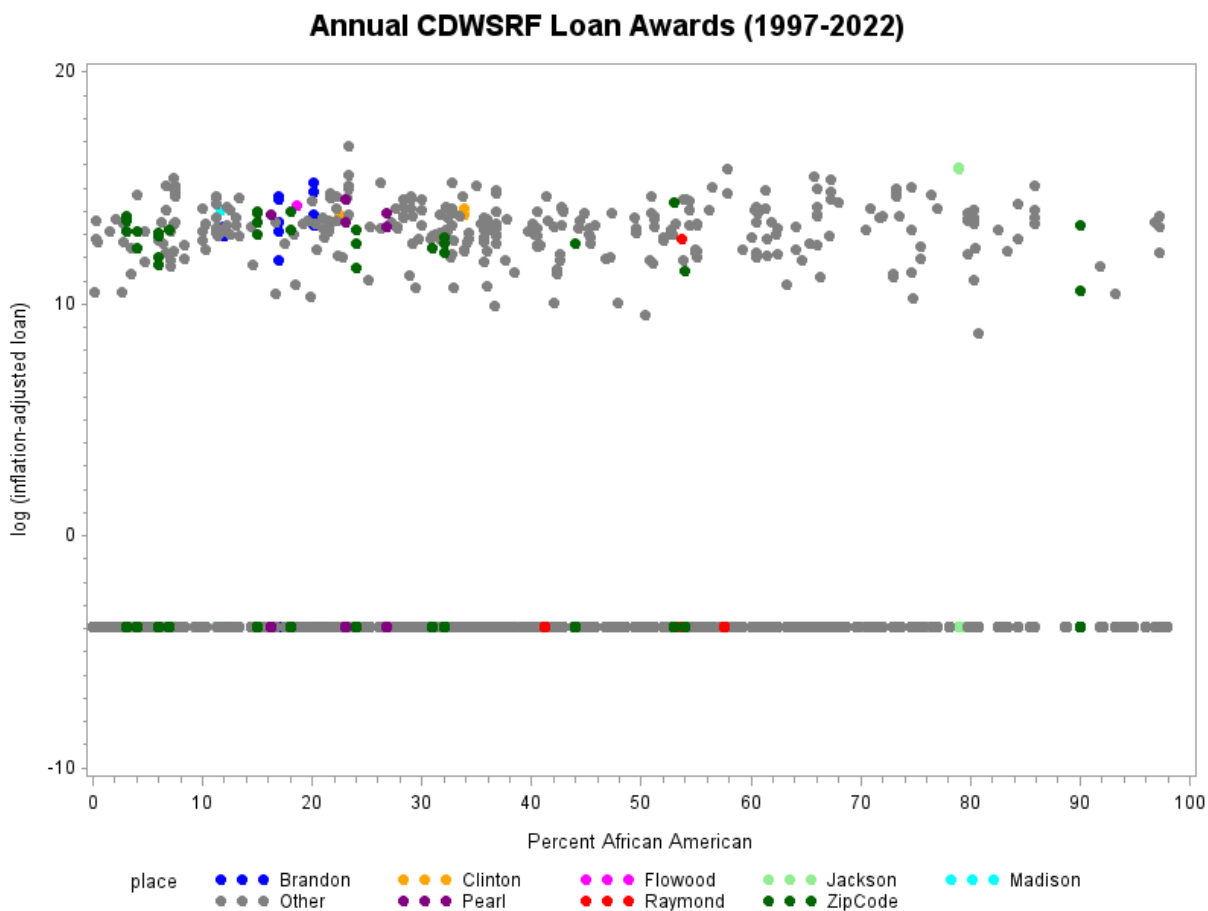


Figure 1 shows loan awards versus the percentage of the population that was Black/African American for loans awarded between 1997 and 2022. There is one data point per year for each community receiving a loan at least once over the time period.³² Jackson received three awards

³⁰ Some small unincorporated communities (i.e., Church Hill, Jayess, Carriere, Bailey, Little Rock, Lorman, McHenry, Nesbit, Perkinston, Pope, Rose Hill, Sandy Hook, Sontag, Star, and Union Church) are not included in the Census Designated Places Data and therefore zip code level demographic data from 2020 is substituted for those places. ORD did not find any demographic data for Piney Woods or Washington; therefore, these two grant recipient communities were not included in the analysis. Finally, the analysis focuses only on public water systems

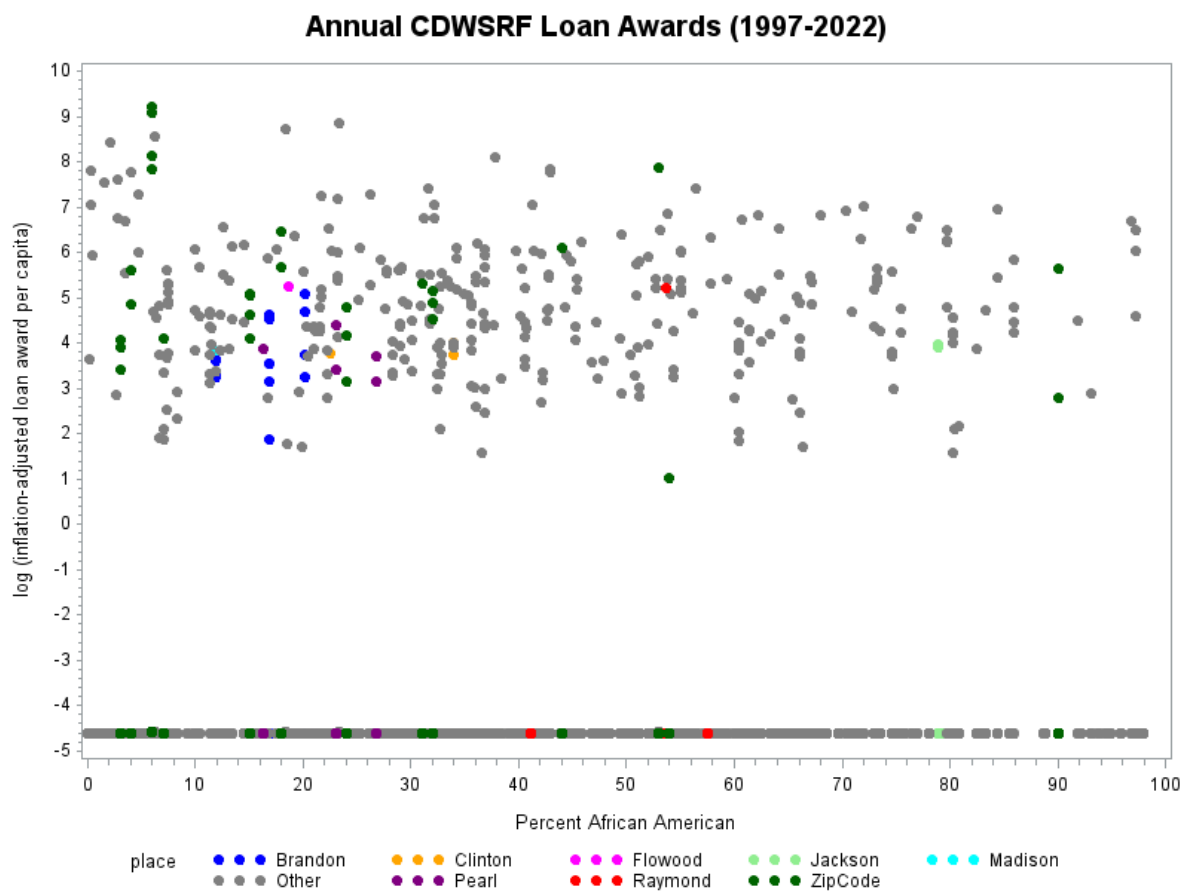
³¹ The Figures, and description of the Figures, throughout this letter reflect analysis of data pertaining to people who are Black or African American "alone" rather than mixed race or Hispanic. The U.S. Census Profiles cited herein reference "Black or African American."

³² The communities named in the legends of Figures 1-5 are those located in the Jackson area. Some small communities are not included in the Census Designated Places Data; therefore, 2020 zip code level demographic

during this period, two in 2016, which were summed, and one in 2019. The award amounts are similar enough that the points on the graph for Jackson overlay each other.

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



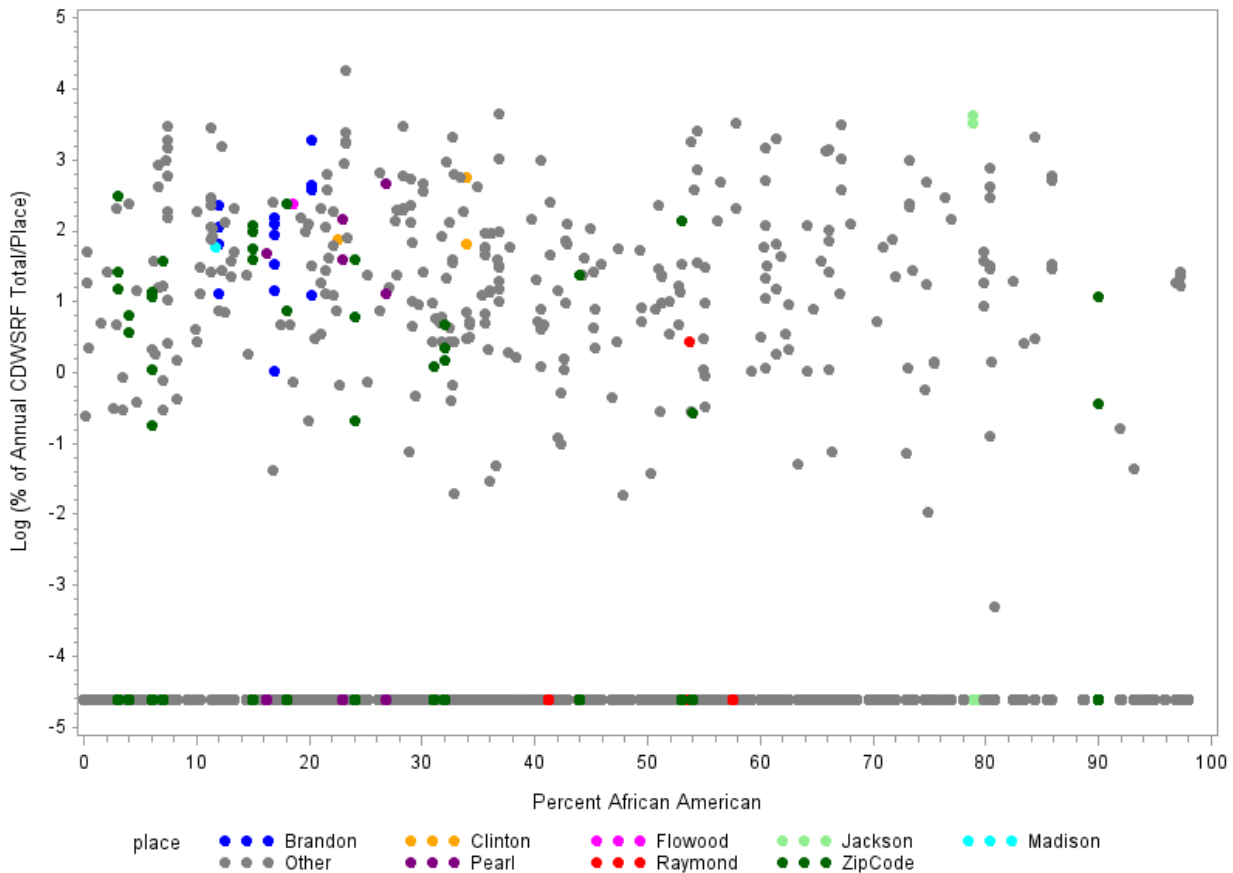
In Figure 3, each point reflects the percent of the total amount of annual SRF funding available awarded to each community each year, including only those places that applied for at least one loan. There are multiple points for each community on the Figure, representing the percentage of available funding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

data were used to represent those areas (see Footnote 31). These communities are designated 'ZipCode' in the legends. The 'Other' designation in the legend refers to all other communities. The natural log value of loan awards and loan amount per capita were log-transformed to allow better visualization of the distribution of the data points.

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

Percent of MS CDWSRF Annual Funds Awarded to Each Community (1997-2021)



Complainants further alleged that even though MSDH funded applications submitted by Jackson over time, MSDH administered policies or practices relating to the interest rates assigned to loans, loan amount caps, term of repayment, and other characteristics of loan terms that served as barriers to Jackson’s access to needed funding through the SRF.³³ During the investigation, Jackson officials advised OECRC that Jackson determined it would be fiscally irresponsible to apply for additional loans under the terms established by MSDH. Complainants alleged “MSDH adopts loan terms that are not feasible for Jackson. For instance, the MSDH caps loan forgiveness for EPA-funded drinking water loans at only \$500,000.00. This amount may be significant to a small water authority that needs one or two million dollars to maintain its system, but such a

³³ Compl. at p. 13-14.

small cap places Jackson at a structural disadvantage, relative to other communities in Mississippi.”³⁴ Regarding the terms of repayment, Complainants alleged “though Congress expanded the SRF loan repayment period to 40 years for disadvantaged communities in 2018, the MSDH continued to enforce a 30-year repayment period for disadvantaged communities until 2022.”³⁵ The potential impacts of loan terms on Jackson’s access to funding inform OECRC’s recommendations for further consideration by MSDH at the end of this letter. In general, however, OECRC had insufficient data to determine whether MSDH’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 and analyzed whether there was a relationship between the percentage of loans eligible for forgiveness and the racial composition of communities to determine whether MSDH’s loan forgiveness program has a disproportionate impact on the basis of race. MSDH set the maximum loan limit to \$5,000,000.00 and the cap for its loan forgiveness to \$500,000.00. The City of Jackson received loan awards of more than double the \$5,000,000.00 cap for two of the three years it applied with no corresponding increase above the \$500,000.00 forgiveness amount. The results of the Harvard Law School Mississippi Delta Project’s report, “Funding Disparities Among Mississippi Local Water Systems” (“Harvard Report”) considered the impact of MSDH’s loan forgiveness cap.³⁶ “A review of Annual Records shows that each year, Mississippi awards loans that exceed \$3.3 million, such that \$500,000 in [loan forgiveness] would not cover even 15% of the total loan award[.] Just twenty-six of 153 projects—just less than 17%— have been awarded funding at or below the [loan forgiveness] cap between 2010 and 2020.”³⁷ As recognized in the Harvard Report, the forgiveness cap may be preventing Mississippi from supporting low-income communities with larger scale projects that are deterred by the large loan award needed and relatively small loan forgiveness available.³⁸ This supports the position of Complainants regarding whether it would be fiscally responsible to apply for SRF funding large enough to meet the City of Jackson’s needs knowing it would be entitled to such a small percentage of loan forgiveness. Nevertheless, even though MSDH’s program favors communities applying for smaller loans, 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),³⁹ the majority of the Black population in the state lives outside of

³⁴ *Id.*

³⁵ Compl. at p. 14.

³⁶ Harvard Law School Mississippi Delta Project, Funding Disparities Among Mississippi Local Water Systems (August 2022) (the “Harvard Report”), at 12-14; 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 *Id.* at 13.

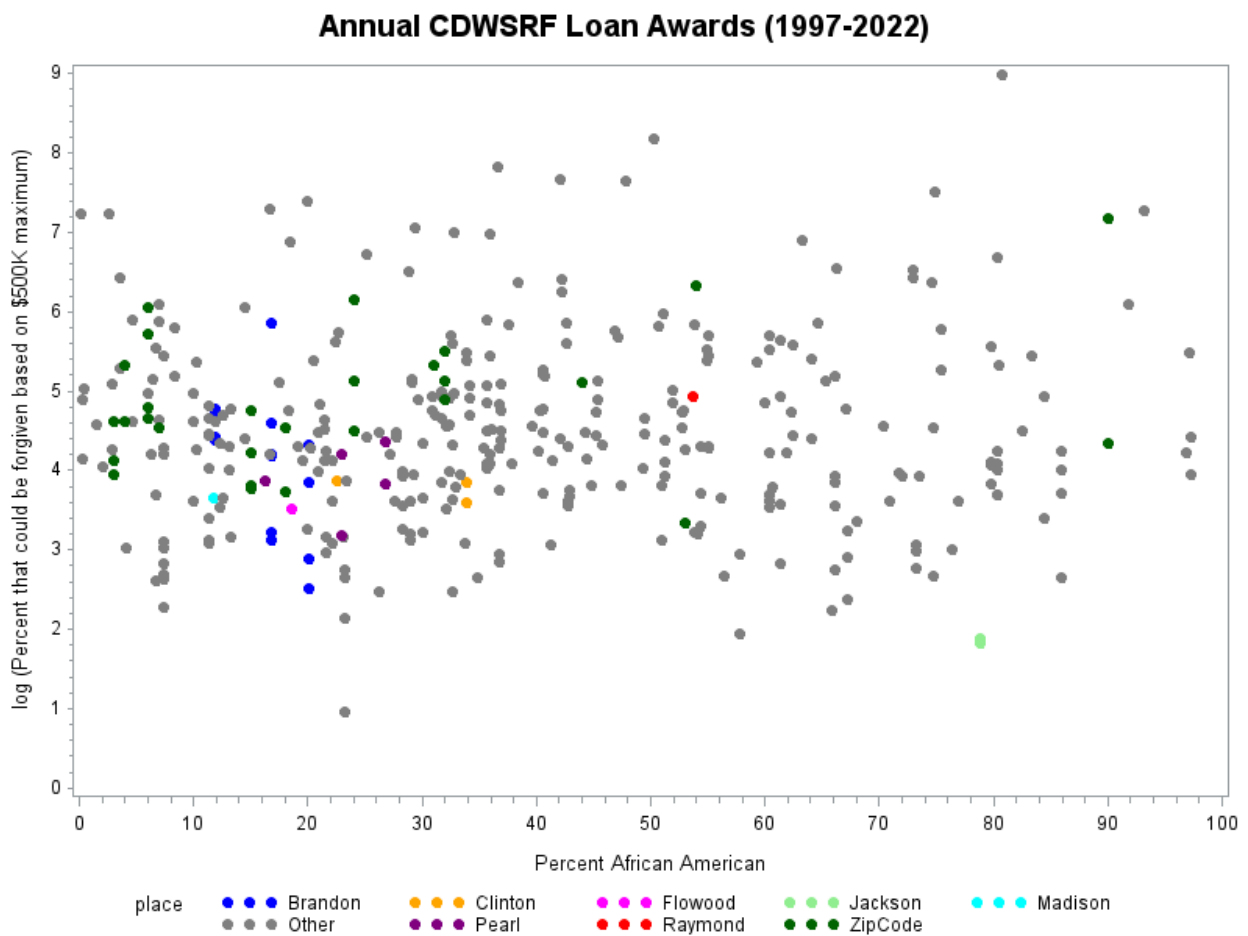
³⁸ *Id.* (stating that the loan forgiveness cap “may be preventing Mississippi from supporting low-income communities with larger scale projects and deterring such applicants”).

³⁹ <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.

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 values on the Y axis are logged so that the spread could be more easily visualized. The Figure includes only the years that communities received a loan and the percentage of the population that was African American reflects percentages at the 2000, 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. This analysis did not take into account other factors influencing a loan’s eligibility for forgiveness. In sum, OECRC had insufficient evidence showing that SRF loan terms had a disparate impact on the basis of race.

Figure 4



In evaluating evidence of whether the SRF program had a racially disparate impact, OECRC also reviewed additional material, including the Harvard Report.⁴⁰ 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

⁴⁰ Harvard Report, *supra* note 37.

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,⁴¹ the Harvard Report's analysis was conducted on a county level.⁴² 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.⁴³ The study focused on disparities in funding based on the size of the water systems in Mississippi as well as geography, and analyzed DWSRF funding in the context of income and responsiveness to drinking water facility violations.⁴⁴ It drew no conclusions, however, regarding the relationship between race and DWSRF funding.

In sum, OECRC found insufficient evidence of a relationship between the amount of funding disbursed by MSDH 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 MSDH 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.

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."⁴⁵ The history of racial discrimination in Jackson in a wide range of activities and government actions is well documented,⁴⁶ as is the imprint of segregation and discrimination, generally, on life today.⁴⁷ There is, however,

⁴¹ 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.

⁴² 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).

⁴³ Harvard Report, *supra* note 37, at 4-5.

⁴⁴ *Id.* at 14-17.

⁴⁵ *Arlington Heights*, 429 U.S. at 267.

⁴⁶ 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).

⁴⁷ 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*,

insufficient evidence of a nexus between that history of discrimination and decisions made by MSDH 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 Jackson 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 Drinking Water SRF was created by the 1996 amendments to the SDWA.⁴⁸ For the life of the DWSRF program, based on analysis of data from 1997 to 2022, 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, and 5.

Figure 5

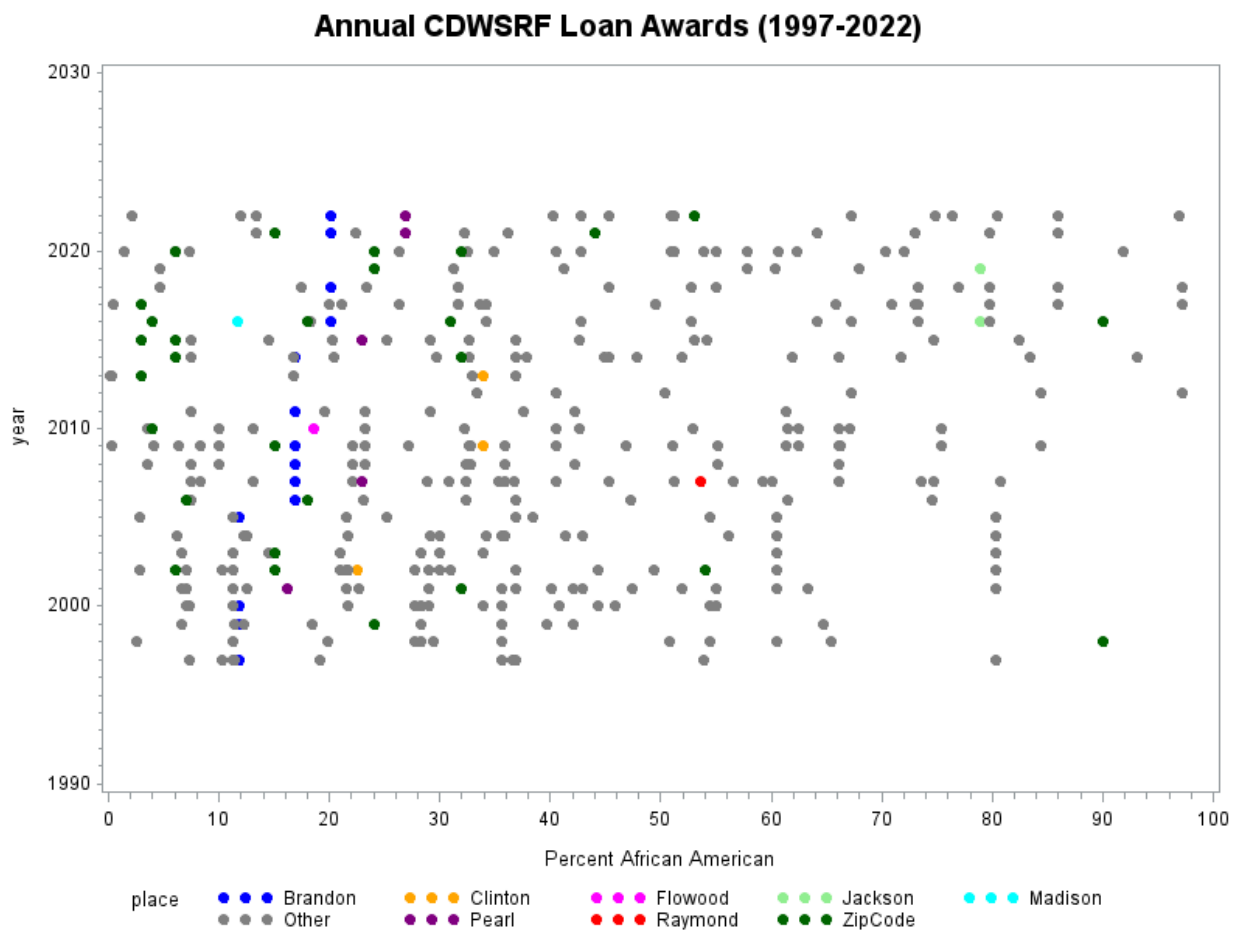


Figure 5 shows the relationship between the year of loan award and the percentage of the population that was Black in each community receiving an SRF loan. The Figure includes a data

19 SSM Popul Health 101250 (2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9550534/> (impacts of residential segregation on health).

⁴⁸ US EPA, Drinking Water State Revolving Fund Works, <https://www.epa.gov/dwsrf/how-drinking-water-state-revolving-fund-works#tab-1> (Last updated November 17, 2023).

point for each year a community received a loan or subsidy. It represents the relationship between the percentage of the population that was Black in each community (the horizontal or “X” axis) and the year of each loan (the vertical or “Y” axis). While there appear to be fewer loan awards going to communities with more than about 60% Black prior to about 2005, this is likely due to the changing demographics of Mississippi in general. 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 MSDH’s decisions related to providing funds to Jackson would support an inference of discrimination, whether funding decisions represented a departure from MSDH’s normal procedures,⁴⁹ and any relevant legislative or administrative history pertaining to MSDH’s funding decisions that would suggest discriminatory intent. The evidence showed that MSDH 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 due to race but could be explained by other factors such as the size of City of Jackson’s systems.⁵⁰ 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.⁵¹ 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.⁵²

⁴⁹ The SDWA 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 MSDH’s deviations.

⁵⁰ 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.

⁵¹ 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).

⁵² *See* DW Assistance Agreement Detail Report, Attachment A (showing little variation between terms for the City of Jackson and other areas that may be majority White; for instance, almost all of the loans had a 20-year repayment period). Percent of agreement amount forgiven varies in part based on the size of the agreement amount. The source data is available on the State Revolving Funds Public Portal. *See id.*

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 MSDH, the City of Jackson, and the U.S. Department of Justice – have committed to work together to address this public health crisis. Perhaps most notably, in December 2022, Congress allotted \$600 million to address the water crisis in Jackson.⁵³ On June 6, 2023, EPA announced that the City of Jackson is to receive \$115 million to support critical water infrastructure which is part of the larger \$600 million total secured by the Administration for Jackson’s water system.⁵⁴

Parallel to OECRC’s investigation pursuant to its Title VI authorities, the inter-agency team of EPA, DOJ, MSDH, and the City of Jackson agreed to an Interim Stipulated Order aimed at stabilizing the City of Jackson’s drinking water system on November 29, 2022.⁵⁵ This Stipulated Order included a focus on programs and capital projects to improve the City of Jackson’s drinking water systems’ condition, remedy problems that contributed to the water crisis, and establish sustainable practices for the future.

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 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.⁵⁶

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 City of Jackson’s drinking water system.

Recommendations:

Based on information developed during the course of the investigation, including from Jackson residents and officials, OECRC encourages MSDH to consider taking steps to address concerns raised by Complainants. These recommendations are not legally required, legally enforceable,

⁵³ See H.R. 2617 (2022), a \$1.7 trillion omnibus spending bill that includes \$600 million to address water infrastructure issues in Jackson.

⁵⁴ See Biden-Harris Administration Invests \$115 million in Funding to Respond to the Drinking Water Emergency in Jackson, Mississippi | US EPA, <https://www.epa.gov/newsreleases/biden-harris-administration-invests-115-million-funding-respond-drinking-water> (an unprecedented \$600 million in disaster supplemental funding for the City of Jackson under the Consolidated Appropriations Act, or bipartisan 2023 Federal budget. This initial \$115 million award to the Jackson Public Water System will be used to stabilize and rebuild the city’s water infrastructure. These activities include identifying and fixing leaks in the distribution system, developing a system-wide assessment of valves and hydrants, ensuring adequate pumping capacity to maintain water pressure and distribution, and developing a system stabilization and sustainability plan).

⁵⁵ Final Stipulated Order, *supra* note 6.

⁵⁶ 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).

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 the need for technical assistance 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 MSDH'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;
 - Changes to the length of loan repayment terms, 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.
- 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 MSDH 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 MSDH's services, programs, and activities, for individuals with limited English proficiency (LEP) and individuals with disabilities, and whether MSDH 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 MSDH communicated on multiple occasions with respect to MSDH'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 MSDH. Following those communications, MSDH took the following actions to comply with regulatory requirements and improve procedural safeguards:

- Notice of nondiscrimination:⁵⁷ MSDH updated its notice of nondiscrimination to state that MSDH does not retaliate against anyone exercising their protected rights. MSDH updated its notice to identify the Civil Rights Coordinator by name, address, phone number and email. MSDH added a notification of the Civil Rights Coordinator's duties to include those under 40 C.F.R. § 7.85. MSDH confirmed that the notice is prominently posted in its public facing offices.
- Grievance procedure:⁵⁸ MSDH added a Grievance Procedures and Complaints Processing section to its website with timelines for notification of acceptance of complaints, complainants' responses to MSDH's request for information, and MSDH's decision on complainants' grievances.

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 MSDH to continue to strengthen its nondiscrimination program and consider adopting best practices identified in OECRC policy guidance documents. Toward this end and consistent with MSDH's commitment to public engagement,⁵⁹ OECRC encourages MSDH to consider additional actions to ensure that no

⁵⁷ 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.").

⁵⁸ 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.").

⁵⁹ See MDH, *Public Services (March 2024)*, <https://msdh.ms.gov/page/32.html>; About the Health Equity Office (March 2024), <https://msdh.ms.gov/page/44,0,236,61.html>.

person is excluded from participation in, denied the benefits of, or subjected to discrimination under MSDH's programs and activities on the basis of race, color, or national origin.⁶⁰

Conclusion

For the reasons set forth above, OECRC finds insufficient evidence that MSDH violated Title VI and its implementing regulation with respect to whether MSDH discriminated against the majority Black/African American 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 MSDH has procedural safeguards required under 40 C.F.R. Parts 5 and 7. Accordingly, OECRC is closing EPA Complaint 06R-22-R4, against the Mississippi Department of Health (MSDH) and the Local Governments and Rural Water Systems Improvements Board, as of the date of this letter.

This letter sets forth OECRC's disposition of EPA Complaint 06R-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 MSDH'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 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,



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

⁶⁰ 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).

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

Mississippi DW Assistance Agreement Report Detail Report

Report Date: 08/04/2023 11:11:15

Borrower Name	Initial Agreement Date	Initial Agreement Amount	Current Agreement Date	Current Agreement Amount	Current Additional Subsidy Amount	Current Interest Rate	Current Repayment Period
Walls Water Association	09/30/2020	1,832,500.00	06/01/2023	2,400,067.00	0.00	2	20
West Marion W/A	08/30/2019	720,500.00	05/31/2023	850,302.00	252,175.00	2	20
Grenada, City of	09/30/2019	11,500,000.00	05/22/2023	10,331,056.00	500,000.00	2	20
Leesburg Water Association	09/30/2021	2,505,500.00	03/15/2023	5,388,495.00	500,000.00	2	20
Walnut Grove, Town of	09/30/2020	841,601.00	03/10/2023	977,975.00	387,720.00	2	20
Jackson, City of	09/30/2019	12,903,093.00	12/27/2022	8,964,394.00	500,000.00	2	30
Southeast Greene Water Authority	09/30/2020	1,508,105.00	12/27/2022	1,030,738.00	226,216.00	2	20
Bear Creek Water Assn	09/28/2018	4,890,000.00	12/16/2022	0.00	0.00	2	20
Public Service Commission of Yazoo City	09/27/2017	5,427,188.00	09/30/2022	5,297,865.00	500,000.00	2	20
Culkin Water District	09/30/2022	5,000,000.00	09/30/2022	5,000,000.00	402,306.00	2	20
Brandon, City of	09/30/2022	5,000,000.00	09/30/2022	5,000,000.00	0.00	2	20
Hazelhurst, City of	09/30/2022	4,490,015.00	09/30/2022	4,490,015.00	0.00	2	20
Brandon, City of	09/14/2018	5,213,285.00	09/30/2022	4,044,123.00	0.00	2	20
Central Water Association	09/30/2022	4,038,251.00	09/30/2022	4,038,251.00	500,000.00	2	20
Union Church Waterworks Association, Inc.	09/30/2022	3,242,000.00	09/30/2022	3,242,000.00	500,000.00	2	20
Hub Water Association	09/30/2022	2,458,500.00	09/30/2022	2,458,500.00	500,000.00	2	20
Southern Rankin Water Association	09/30/2022	2,400,000.00	09/30/2022	2,400,000.00	360,000.00	2	30
Central Yazoo Water Association	09/30/2022	1,650,000.00	09/30/2022	1,650,000.00	1,650,000.00	2	20
Northeast Itawamba Water Association	09/30/2022	1,589,330.00	09/30/2022	1,589,330.00	1,589,330.00	2	20
Hattiesburg, City of	09/30/2022	1,511,937.00	09/30/2022	1,511,937.00	226,791.00	2	20
Thomasville Water Association	09/30/2022	1,450,000.00	09/30/2022	1,450,000.00	217,500.00	2	30
Friar's Point, Town of	09/30/2022	1,337,915.00	09/30/2022	1,337,915.00	500,000.00	2	20
Pearl, City of	09/30/2022	1,150,000.00	09/30/2022	1,150,000.00	1,150,000.00	2	20
Eudora Utilities Association, Inc.	09/30/2022	906,000.00	09/30/2022	906,000.00	0.00	2	20
Magee's Creek Water Association	09/30/2022	780,500.00	09/30/2022	780,500.00	273,175.00	2	20
North Hinds Water Association, Inc.	09/30/2022	537,000.00	09/30/2022	537,000.00	0.00	2	30
Golding Acres Well Association, Inc.	09/30/2022	444,012.00	09/30/2022	444,012.00	444,012.00	2	20
Glendale Utility District	08/10/2020	365,600.00	09/30/2022	401,673.00	0.00	2	20
Cedar Grove-Harmony W/A	07/31/2020	1,087,691.00	09/30/2022	345,015.00	163,154.00	2	20
Walnut, Town of	09/28/2018	476,160.00	06/24/2022	539,374.00	214,272.00	2	20
Combined Utilities	09/30/2020	5,307,500.00	06/15/2022	6,651,606.00	0.00	2	30
Jayess Topeka Tilton WA	09/30/2020	894,900.00	06/01/2022	804,795.00	223,725.00	2	20
Improve Water Association	08/03/2020	480,000.00	06/01/2022	483,500.00	168,000.00	2	0
Bay Springs, Town of	09/30/2020	1,086,019.00	04/08/2022	801,420.00	488,709.00	2	20
Raleigh, Town of	09/30/2021	922,000.00	03/31/2022	1,722,000.00	500,000.00	2	30
Lawrence County Water Association	08/10/2020	270,070.00	03/25/2022	422,624.00	40,511.00	2	20
Meridian, City of	09/29/2017	8,114,960.00	02/23/2022	6,518,321.00	0.00	2	20
Wiggins, City of	08/31/2018	1,664,857.00	02/23/2022	1,642,884.00	0.00	2	20
Jackson, City of	09/30/2021	27,953,300.00	09/30/2021	27,953,300.00	500,000.00	2	20
West Jackson County Utility District	09/30/2020	8,239,910.00	09/30/2021	6,578,533.00	0.00	2	20
Magnolia Rural WA	09/13/2019	2,751,030.00	09/30/2021	2,623,726.00	500,000.00	2	20
Central Yazoo Water Association	09/30/2021	2,075,000.00	09/30/2021	2,075,000.00	500,000.00	2	20

Pearl, City of	09/30/2021	1,850,000.00	09/30/2021	1,850,000.00	462,500.00	2	20
Thomasville Water Association	09/30/2021	1,800,000.00	09/30/2021	1,800,000.00	270,000.00	2	20
Mount Olive, Town of	09/30/2021	1,032,027.00	09/30/2021	1,032,027.00	464,412.00	2	20
Days Water Association	09/30/2021	733,290.00	09/30/2021	733,290.00	0.00	2	20
Sylvarena Water Association	09/30/2021	711,000.00	09/30/2021	711,000.00	177,750.00	2	30
Rose Hill Water Association	09/30/2021	506,623.00	09/30/2021	506,623.00	177,318.00	2	20
Lebanon Water Association	09/30/2021	326,350.00	09/30/2021	326,350.00	146,858.00	2	20
Plum Point Community Water Association	09/30/2021	308,532.00	09/30/2021	308,532.00	46,280.00	2	20
St. Thomas Water Association, Inc.	09/30/2021	135,523.00	09/30/2021	135,523.00	20,328.00	2	20
Bear Creek Water Assn	09/30/2016	3,500,000.00	09/27/2021	0.00	0.00	2	20
Bear Creek Water Assn	09/29/2017	3,900,000.00	09/27/2021	0.00	0.00	2	20
Central Rankin Water Association	09/15/2020	190,000.00	09/01/2021	158,500.00	0.00	2	0
West Madison Utility District	09/28/2018	591,075.00	03/26/2021	506,968.00	206,876.00	2	20
Harland Creek Water Association	09/29/2017	1,259,600.00	02/26/2021	1,226,531.00	183,088.00	2	20
Natchez, City of	08/30/2019	1,994,987.00	02/19/2021	1,341,768.00	356,268.00	2	20
Sumner, Town of	09/29/2017	719,274.00	01/22/2021	567,917.00	0.00	2	20
Jackson, City of	09/30/2016	10,861,920.00	01/08/2021	7,315,341.00	500,000.00	2	20
Puckett, Town of	09/30/2019	220,000.00	12/23/2020	191,600.00	33,000.00	2	20
North Pike Water Association	09/07/2018	2,130,602.00	11/13/2020	1,890,851.00	0.00	2	20
Kokomo-Shiloh Water Association	07/16/2018	1,636,300.00	11/06/2020	1,379,676.00	424,075.00	2	20
Jayess Topeka Tilton WA	08/30/2019	168,250.00	11/06/2020	153,575.00	42,063.00	2	20
McComb, City of	09/25/2017	1,236,000.00	10/02/2020	971,449.00	309,000.00	2	20
Jackson County Utility Authority	09/30/2020	5,672,736.00	09/30/2020	5,672,736.00	0.00	2	20
Grenada-Gore Springs	09/30/2020	2,858,570.00	09/30/2020	2,858,570.00	500,000.00	2	20
Kipling Water Association	09/30/2020	1,583,700.00	09/30/2020	1,583,700.00	500,000.00	2	20
Brooklyn Water Association	09/30/2020	1,480,000.00	09/30/2020	1,480,000.00	222,000.00	2	30
Poorhouse Water Association	09/30/2020	1,333,740.00	09/30/2020	1,333,740.00	333,435.00	2	20
Hattiesburg, City of	09/30/2020	1,230,908.00	09/30/2020	1,230,908.00	430,818.00	2	20
Chunky, Town of	09/30/2020	822,300.00	09/30/2020	822,300.00	205,575.00	2	20
Roxie, Town of	09/30/2020	700,000.00	09/30/2020	700,000.00	245,000.00	2	20
Short Coleman Water Association	09/30/2020	561,915.00	09/30/2020	561,915.00	84,287.00	2	20
Senatobia Lake Estates	09/30/2020	440,000.00	09/30/2020	440,000.00	110,000.00	2	20
Kilmichael, Town of	09/30/2020	234,475.00	09/30/2020	234,475.00	82,066.00	2	20
Central Water Association	09/15/2020	1,785,000.00	09/15/2020	1,785,000.00	446,250.00	2	0
Jumpertown, Town of	09/30/2015	1,013,500.00	08/05/2020	876,521.00	152,025.00	2	20
Multi-Mart Water Association	06/30/2017	862,845.00	06/26/2020	700,671.00	0.00	2	20
Fannin Water Association	09/28/2018	1,210,736.00	04/16/2020	1,348,629.00	0.00	2	20
Pearl River Central Water Association	06/30/2017	1,464,705.00	03/31/2020	1,074,770.00	0.00	2	20
Central Yazoo Water Association	06/30/2017	1,121,884.00	03/31/2020	962,066.00	280,471.00	2	20
SE Rankin Water Association	09/28/2018	780,000.00	03/31/2020	687,570.00	0.00	2	20
Lebanon Water Association	09/30/2016	999,750.00	02/14/2020	718,942.00	449,888.00	2	20
Collins, City of	09/28/2018	832,437.00	12/30/2019	0.00	0.00	2	20
Lily Rose Water Association	09/27/2017	891,657.00	12/27/2019	619,479.00	312,080.00	2	20
New Zion Utility Association, Inc.	09/29/2017	554,475.00	12/20/2019	607,399.00	0.00	2	20
Culkin Water District	09/30/2016	4,639,645.00	12/02/2019	4,869,016.00	500,000.00	2	20
Brookhaven, City of	09/30/2015	3,000,000.00	10/31/2019	2,690,282.00	500,000.00	2	20
Richland, City of	09/29/2017	2,922,500.00	10/31/2019	2,638,649.00	0.00	2	20
Eupora, City of	09/13/2019	3,733,000.00	09/13/2019	3,733,000.00	0.00		
Fayette, City of	09/29/2017	1,475,000.00	07/08/2019	869,131.00	0.00	2	20

Lorman Waterworks Association	09/30/2016	980,000.00	05/24/2019	664,690.00	441,000.00	2	20
Troy Water Association	05/01/2017	610,300.00	02/22/2019	472,640.00	0.00	2	20
Lebanon Water Association	09/30/2014	1,380,500.00	02/15/2019	1,430,065.00	500,000.00	2	20
Valley Park Water Association	09/30/2016	650,850.00	02/15/2019	701,758.00	227,798.00	2	20
Ebenezer Water Assn	09/30/2016	616,000.00	01/25/2019	558,590.00	227,200.00	2	20
Duffee Water Assn	09/30/2016	746,307.00	01/25/2019	509,830.00	111,946.00	2	20
Jackson County Utility Authority	09/30/2015	6,281,298.00	12/21/2018	3,989,831.00	0.00	2	20
West Jackson County Utility District	09/30/2014	5,000,000.00	12/21/2018	3,035,887.00	0.00	2	20
Tunica County Utility District	09/30/2016	555,844.00	12/21/2018	588,633.00	138,961.00	2	20
North Lauderdale Water Assn	09/30/2016	1,575,200.00	11/30/2018	1,042,972.00	236,280.00	2	20
Brandon, City of	09/30/2016	4,193,200.00	11/30/2018	988,917.00	0.00	2	20
Homestead Water Association	05/26/2017	814,405.00	11/30/2018	964,735.00	122,161.00	2	20
Mt Gilead-Improve Water Association	09/30/2016	1,357,400.00	11/30/2018	881,866.00	475,090.00	2	20
Harland Creek Water Association	09/28/2018	1,344,000.00	09/28/2018	1,344,000.00	500,000.00	2	20
Bay Springs, Town of	09/28/2018	1,086,019.00	09/28/2018	1,086,019.00	380,107.00	2	20
Taylorsville, Town of	03/16/2015	885,000.00	07/16/2018	1,000,240.00	132,750.00	2	20
Fayette, City of	07/16/2018	940,000.00	07/16/2018	940,000.00	423,000.00	2	20
Willow Grove Water Association	09/30/2016	681,000.00	07/02/2018	681,000.00	170,250.00	2	20
White Oak Water Association	09/30/2016	611,000.00	07/02/2018	626,950.00	91,650.00	2	20
Tupelo, City of	09/30/2015	1,658,468.00	04/27/2018	1,012,640.00	0.00	2	20
Pearl, City of	09/30/2015	1,150,000.00	02/23/2018	1,099,524.00	0.00	2	20
Hiwannee Water Association	09/15/2014	768,950.00	01/10/2018	1,243,190.00	192,238.00	2	20
Tunica County Utility District	09/29/2017	702,000.00	01/01/2018	0.00	0.00	2	0
Horn Lake, City of	09/30/2013	1,542,470.00	12/22/2017	1,594,071.00	0.00	2	20
Picayune, City of	09/29/2017	3,504,700.00	09/29/2017	3,504,700.00	0.00	2	20
Burnsville, Town of	09/29/2017	500,000.00	09/29/2017	500,000.00	0.00	2	20
Horn Lake, City of	09/25/2017	727,113.00	09/25/2017	727,113.00	0.00	2	20
Tupelo, City of	09/30/2014	4,058,529.00	09/18/2017	4,172,666.00	0.00	2	20
Center Water Association	08/31/2015	908,500.00	09/18/2017	862,978.00	136,275.00	2	20
Bear Creek Water Assn	08/31/2015	1,429,700.00	07/21/2017	780,921.00	0.00	2	20
Bude, Town of	08/31/2015	1,643,000.00	06/16/2017	1,525,921.00	500,000.00	2	20
Ridgeland, City of	09/30/2014	1,080,192.00	06/16/2017	962,658.00	0.00	2	20
Old River Water Association	09/30/2015	477,600.00	05/22/2017	324,172.00	214,920.00	2	20
Tunica County Utility District	06/26/2015	487,630.00	03/27/2017	552,932.00	121,908.00	2	20
Clinton, City of	07/01/2013	1,909,855.00	12/30/2016	1,504,849.00	0.00	2	20
Lampton Water Association	09/30/2014	1,404,000.00	10/28/2016	1,280,000.00	491,400.00	2	20
Drew, Town of	09/26/2014	427,500.00	08/30/2016	460,175.00	149,625.00	2	20
Multi-Mart Water Association	08/29/2014	500,000.00	07/22/2016	544,409.00	0.00	2	20
Magee's Creek Water Association	06/26/2015	642,500.00	07/22/2016	498,125.00	224,875.00	2	20
Star Water Company	09/30/2014	600,000.00	06/15/2016	613,101.00	0.00	2	20
Sontag-Wanilla Water Association	09/30/2014	482,000.00	04/29/2016	362,602.00	0.00	2	20
Tupelo, City of	07/30/2013	3,448,382.00	03/30/2016	3,743,803.00	0.00	2	20
Hilldale Water District	09/03/2013	2,346,769.00	03/11/2016	2,237,905.00	0.00	2	20
Richland, City of	09/30/2014	945,700.00	03/04/2016	897,938.00	0.00	2	20
New Hope Water Association	09/03/2013	147,000.00	03/04/2016	373,000.00	36,750.00	2	20
Culkin Water District	09/30/2014	1,726,073.00	02/03/2016	1,804,864.00	258,911.00	2	20
Center Water Association	06/14/2013	1,372,950.00	09/25/2015	1,359,575.00	205,943.00	2	20
Improve Water Association	08/29/2014	352,000.00	09/25/2015	384,670.00	88,000.00	2	20
Guntown, City of	09/03/2013	975,170.00	08/28/2015	1,084,556.00	0.00	2	20

Evergreen Water Association	08/29/2014	234,000.00	07/20/2015	210,364.00	0.00	2	20
Central Rankin Water Association	08/16/2013	835,000.00	05/22/2015	612,467.00	0.00	2	20
Union Water Association	09/30/2013	635,000.00	03/16/2015	481,535.00	0.00	2	20
Central Yazoo Water Association	09/28/2012	1,509,573.00	12/19/2014	1,186,151.00	377,393.00	2	20
Baldwyn, Town of	03/01/2013	1,938,518.00	08/29/2014	1,900,888.00	0.00	2	20
Troy Water Association	06/14/2013	533,000.00	07/28/2014	416,834.00	79,950.00	2	20
Beaver Meadow Water Association	09/30/2011	637,227.00	05/01/2014	637,227.00	394,854.00	2	20
West Jackson County Utility District	09/30/2011	4,054,346.00	02/03/2014	4,054,346.00	0.00	2	20
Taylorville, Town of	09/30/2011	1,013,931.00	07/29/2013	1,013,931.00	308,301.00	2	20
West Jackson County Utility District	09/28/2012	5,000,000.00	09/28/2012	5,000,000.00	0.00	2	20
Madison, City of	09/28/2012	4,793,310.00	09/28/2012	4,793,310.00	0.00	2	20
Greenwood Utilities	09/28/2012	2,949,025.00	09/28/2012	2,949,025.00	0.00	2	20
Wiggins, City of	07/31/2012	1,996,535.00	07/31/2012	1,996,535.00	299,480.00	2	20
Columbia, City of	07/09/2012	1,733,375.00	07/09/2012	1,733,375.00	433,344.00	2	20
Good Hope Water Association	07/09/2012	2,023,865.00	07/09/2012	2,023,865.00	500,000.00	2	20
Seminary, Town of	09/30/2010	109,500.00	04/02/2012	161,300.00	27,375.00	2	20
West Marion W/A	09/30/2010	750,000.00	03/23/2012	744,497.00	337,500.00	2	20
Goss W/A (Bunker Hill W/A)	09/30/2010	312,500.00	03/15/2012	383,184.00	140,625.00	2	20
Lexie W/A	09/30/2010	432,250.00	02/24/2012	388,625.00	194,513.00	2	20
Cedar Grove-Harmony W/A	09/30/2010	187,500.00	02/24/2012	187,500.00	84,375.00	2	20
Corinth, City of	04/28/2011	5,000,000.00	02/17/2012	5,000,000.00	500,000.00	2	20
Laurel, City of	09/30/2011	4,617,670.00	09/30/2011	4,617,670.00	500,000.00	2	20
Biloxi, City of	09/30/2011	1,133,861.00	09/30/2011	1,133,861.00	0.00	2	20
Batesville, City of	09/30/2011	1,007,500.00	09/30/2011	1,007,500.00	251,875.00	2	20
Town of Tunica	09/30/2011	921,185.00	09/30/2011	921,185.00	500,000.00	2	20
Youngs Water and Sewer District	09/30/2011	460,495.00	09/30/2011	460,495.00	259,543.00	2	20
Jeff Davis Water Association	09/30/2011	164,455.00	09/30/2011	164,455.00	49,441.00	2	20
Hernando, City of	09/30/2010	1,151,949.00	09/30/2010	1,151,949.00	239,458.00	2	20
Hilldale Water District	09/30/2010	1,129,025.00	09/30/2010	1,129,025.00	169,354.00	2	20
Foxworth Water & Sewer Assoc.	09/30/2010	750,000.00	09/30/2010	750,000.00	337,500.00	2	20
City of Belzoni	09/30/2010	689,146.00	09/30/2010	689,146.00	379,030.00	2	20
McHenry Utility Association	09/30/2010	679,250.00	09/30/2010	679,250.00	101,888.00	2	20
Winona, City of	09/30/2010	291,750.00	09/30/2010	291,750.00	29,865.00	2	20
Northeast Copiah W/A	09/07/2010	1,027,000.00	09/07/2010	1,027,000.00	256,750.00	2	20
South Newton Rural Water Association	07/16/2010	387,438.00	07/16/2010	387,438.00	130,043.00	2	20
Corinth, City of	07/15/2010	5,000,000.00	07/15/2010	5,000,000.00	1,250,000.00	2	20
Marks, City of	07/15/2010	885,413.00	07/15/2010	885,413.00	486,977.00	2	20