



Jackson Drinking Water Public Comment Toolkit

Share this toolkit with friends and family members by telling them to text _____ or sharing this link _____

Community Statements will be accepted through July 31, 2023. Please submit Community Statements online (available in both English and Spanish) at https://dojenrd.gov1.qualtrics.com/jfe/form/SV_0cbGlkoP7ik3eZg or by scanning the following QR code:



Make sure that the Department of Justice and the Environmental Protection Agency understand the ways they can improve how they think about water issues in Jackson.

Background

What is this public comment about?

The U.S. Department of Justice and the Environmental Protection Agency are working with the city and state to develop long-term solutions to consider when it comes to drinking water issues. The DOJ and EPA have stated that they want community statements to inform the long-term plan for fixing Jackson's water issues. It is important that you let the Department of Justice and the Environmental Protection Agency know that the voice of residents should be its priority, and you demand that your comments are heard and taken under consideration.

What are the issues that we should consider?

For several decades, Jackson has faced a number of water issues. Many community members have shared that they have never used tap water. Additionally, due to climate change and multiple times where the pipes face increased weather issues, it has fast-tracked deteriorating pipes that service Jackson residents. The City of Jackson has continuously asked the state for more funding to fix the pipes that service Jackson residents. The state and current Governor has refused many of these funding requests. Additionally, any small amount of infrastructure money that the City has received is tied to loans or ways that does not help Jackson think about long-term investment in the City. The state only giving Jackson loans mean that the City has to pay even more money back than the City originally had. These requirements are unfair to ask of a City that has shared with the State it needs funding for long-term water needs.

Since then, the NAACP filed a complaint with the EPA regarding the discriminatory actions of the state and shared with the EPA that the state's actions are a pattern of discrimination against a majority Black city. Additionally, last year, the NAACP helped to make residents aware that the state was planning to send a plan called an "Intended Use Plan" to the EPA and had not reached out or even made Jackson residents aware of the small amount of money that would be available to the City of Jackson. That process is supposed to be known and based on input of residents across the state.

Additionally, the Department of Justice filed a lawsuit that allowed for the EPA to have a third party manager in Jackson to help ensure funding and resources gets to residents. The DOJ and EPA have opened this comment period, however, it is critical that they understand who has been helping the residents and who has been harmful to progress.

Moreover, there have been several sewage issues that have impacted the quality of life for Jackson residents. This is also due to a lack of resources for the wastewater plant.

Key Material on the EPA website

The EPA and DOJ shared a number of documents that are supposed to inform your decision. Below are links to community-friendly summaries of that information

- What is the Safe Drinking Water Act and how does it impact Jackson residents (link to SDWA summary)?
 - o Quick points to note- The Safe Drinking Water Act regulates drinking water in communities. It is the way that the EPA makes sure that communities can actually drink their tap water. Although the state usually controls the money for communities to fix water issues, the cities are charged with violations. While the City of Jackson has received numerous violations and is now under a formal agreement called a consent order to fix the issues, the state has the power to give Jackson money to fix the water issues. Read more about SDWA and Jackson here.
- Why is technical assistance and more funding needed in Jackson (link to LCR violations)?
 - o Quick points to note- The EPA and DOJ outline a number of places where the City of Jackson did not meet its requirements to let residents know about lead and

copper, however, community groups have continued to share with the EPA that it needs to be more hands-on and help cities meet its requirements under the Lead and Copper rule. Read a letter that the NAACP signed that outlined how this is a nation-wide issue that requires immediate attention and more resources such as staffing from the EPA to ensure this happens. Here is a summary of the LCR history.

Summary of Jackson Safe Drinking Water Act Litigation

The Jackson Water Crisis came to a head in the summer of 2022, when Jackson was forced to shut down its drinking water supply for days in late August, and—even upon the restoration of service—the water remained unsafe to drink and a boil water notice remained in effect for weeks until mid-September. The City’s drinking water system had faced significant challenges for years, with frequent breaks in distribution lines and other equipment failures leading to service outages and warnings to boil tap water before consuming it. According to the EPA, between 2017 and 2021, Jackson’s water system had more than 7,300 distribution line breaks and more than 320 boil-water notices between May of 2020 until the summer crisis. In late-August 2022, the majority of the System’s customers completely lost access to running water after heavy rain caused the Pearl River to reach flood stage. Multiple raw water intake pumps failed at one of the two surface water treatment plants, causing a "catastrophic" drop in water pressure. Adequate water pressure keeps contamination like bacteria, viruses or pathogens outside the lines from entering the system. Businesses and schools closed. Residents could not bathe, wash their clothes, or flush their toilets, and they had to rely on bottled water for drinking and cooking. On August 29 and 30, 2022, the City Mayor, the Governor of Mississippi, and the President of the United States each declared that an emergency existed in the City.

The City of Jackson, the United States Department of Justice (DOJ), and the U.S. Environmental Protection Agency (EPA) entered into negotiations about the Jackson water system’s ongoing Safe Drinking Water Act compliance challenges shortly thereafter. On November 29, 2022, EPA and DOJ, joined by the Mississippi State Department of Health (MSDH), filed a formal Complaint in Federal District Court alleging that Jackson’s water system was not compliant with the Safe Drinking Water Act (SDWA). *See United States v. City of Jackson, Mississippi, Case 3:22-cv-00686-HTW-LGI (S.D. Miss.)*. The case was assigned to Federal District Court Judge Henry Wingate. That same day and as part of an early and cooperative interim resolution of the matter, DOJ, along with the City of Jackson and MSDH, jointly proposed an interim stipulated order to appoint an Interim Third Party Manager to stabilize the City’s public drinking water system, and to build confidence in the system’s ability to supply safe drinking water to the system’s customers. The Court signed and entered that order on that same day.

The litigation has been stayed to allow for implementation of the Interim Stipulated Order, but the Federal District Court continues to supervise the City’s water system and to preside over the pending litigation, with regular progress reports to the Court.

Summary of the stipulated order

A key feature of the Interim Stipulated Order entered by the Court on November 29, 2022, is the appointment of an Interim Third Party Manager (TPM), who is an outside expert. The TPM is required to:

- Operate and maintain the city's public drinking water system in compliance with the Safe Drinking Water Act;
- Take charge of the Water Sewer Business Administration, the arm of the city responsible for billing water users;
- Implement capital improvements to the city's public drinking water system, focused on a set of priority projects meant to improve the system's near-term stability, including a winterization project meant to make the system less vulnerable to winter storms; and
- Correct conditions within the city's public drinking water system that present, or may present, an imminent and substantial endangerment to the health of the city's residents.

The entry of the Interim Stipulated Order indicated the urgency of the public health needs facing Jackson residents. The Court appoint a registered professional engineer and long-serving public works manager, Ted Henifin, who was familiar with the City's drinking water system through his work during the water crisis, and could implement a Priority Project List and lead the System through its near-term technical and financial challenges toward greater operational reliability, as well as work with the City to implement more sustainable financial models. The TPM has taken significant steps to improve the reliability of the system. Among other administrative steps, TPM formed a corporation under Mississippi law to execute contracts, hire staff, open bank accounts, and conduct all business under the Interim Stipulated Order, and contracted with Jacobs Engineering for operations and maintenance of the system. The TPM's most recent Status Report to the Court can be found here: <https://jxnwater.com/wp-content/uploads/2023/05/Quarterly-Report-Jan-Mar-2023.pdf>.

The Jackson Water System currently maintains that the City's water is safe to drink from the tap:

"JXN Water conducts extensive testing daily to ensure your water is always safe to drink. Most of this testing is done right here in Jackson by highly trained Jacksonians. They care about your water because it's their water too! The bottom line is your drinking water is safe and meets all required health standards.

Additional filtering of water in Jackson is not necessary. It is safe to drink right from the tap. Filtering tap water is a personal choice. The City of Jackson, in partnership with the Jackson-Hinds Comprehensive Health Center, is providing filters to eligible residents. If you want a filter, visit the Jackson-Hinds Comprehensive Health Center or call them at 601-362-5321.”

<https://jxnwtr.com/about-jxn-water/fags/> and posts any boil water or other water quality notices here: <https://jxnwater.com/newsroom/>.

What's next?

Send your public comment to the DOJ and EPA!

Try to send your comment by July 30, 2023 to avoid any issues with your internet. The cutoff is July 31, 2023. This link will take you directly to the survey

https://dojenrd.gov1.qualtrics.com/jfe/form/SV_0cbGikoP7ik3eZg

Here is a possible community statement for you to send:

Our community deserves to be prioritized when it comes to safe and clean drinking water as well as better sewage. I believe that many of these issues come from decades of neglect and intentional disregard by state officials who have had the power to do something about it. Additionally, based on my understanding of the laws that are in place, the EPA and DOJ are enforcing rules that unfairly place blame on the city of Jackson for water issues. I would like to have clean, drinking water and working sewage.

Here is my personal experience with drinking water in Jackson...

And this is what I have experienced sewage issues.....

Below are some of the ways I would like to see that happen:

- The EPA and DOJ should use their power to hold the state accountable for how it has treated residents for many years. Even with an open investigation based on the NAACP highlighting our issues, the Governor and his staff have refused to admit they harmed us as residents. I am concerned that unless the EPA holds the state accountable, what we have seen for years will continue to happen. We have seen the state deprioritize Jackson during the midst of a water crisis. Without accountability, how will the EPA show it is listening to residents?
- The EPA has recently closed three different complaints that deal with environmental issues in Louisiana. We want to make sure the EPA and DOJ know that we need community complaints and accountability when Mississippi refuses to prioritize our voices. This means enforcing Title VI complaints and not closing them. This may come up

again with our water and sewage issues because the state has allocated money away from our city in the past.

- The current system that blames the city of Jackson for drinking water violations is unfair. We want clean water, but I understand that the City cannot fix those issues on its own. I am asking the EPA and DOJ to come up with a better system regarding who is blamed for water issues. This means working with community groups, the City, and people who have experience looking at how current water rules harm Black communities like Jackson.
- Community members have raised the issue of being more involved with the decisions with the third-party manager. While we appreciate the open-door policy, most of us do not feel we can easily access the third-party manager. This feels like an opportunity for the third-party manager to meet with groups who have been working with community members to ensure that any community meetings resonate with the residents. We also request that there is more transparency with decisions that the third-party manager makes. This may even mean creating more regular conversations with community groups prior to major decisions.
- Sewage issues continue to be top of mind for us in the community. We know that often, community members have to pay for these issues. We urge the EPA and DOJ to incorporate solutions that it has tested in other Black communities as well as investigate further any practices that the state has done or neglected to do that makes it harder to have a clean sewage system. These practices include:
 - Making sure that the state creates public education material about sewage and what residents can do if there are sewage issues in their community
 - Making sure that the state is giving the City of Jackson enough money to fix the sewage and wastewater plant.
 - Ensure that the state works with the Center for Disease Control to assess exposure harms and risks because of sewage and that the state request resources for long-term health needs.
 - The state should pay for any assessment needed for where the wastewater system should be located for Jackson as well as repairs or building of new wastewater systems. However, control of that system should remain with the residents and the city of Jackson.
 - The state should actively seek funding to fix wastewater issues in Jackson and make sure that the city can get that money as grants, not as loans.
 - Not closing Title VI and other complaints that residents open for investigations and remedies for harms in our communities.
- Lastly, the state should not control any water system that is used by Jackson residents. We have continued to share this point. Any plan that gives the state control of our water is against what we have continuously asked for.

Please consider these points in your community statements.

Name

City and State

Here are some social media posts for you to consider after you submit your comment:

- I just sent my public comment to the @EPA and @USDOJ about water issues in Jackson. Here is the link to the toolkit I used. Will you join me before July 31, 2023?
- The @EPA and @USDOJ have shared they listen to community voices for water issues in Jackson. Here is the toolkit I used to make sure my voice was heard. Will you join me by 7/31/2023?
- I wanted to make sure the @EPA and @USDOJ understood that the state has been harming Jackson residents when it came to water issues. The comment period is open now. I used this toolkit.... Will you join me by 7/30?