



Insights: Perspectives

KT Client Success | Saving Jackson's Sewer System

September 18, 2023

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Saving Jackson's Sewer System

In 2012, Jackson, Mississippi, agreed to rehabilitate and improve its sewer system under a federal consent decree with the U.S Environmental Protection Agency. Like many cities in the United States, Jackson's wastewater infrastructure has deteriorated over time and the Consent Decree recognized that significant investments are needed to improve the system.

Similar Consent Decrees have been imposed on municipalities across the country with attendant costs often exceeding a quarter of a billion dollars—costs that are difficult to bear by any city, but especially so in a city like Jackson, Mississippi, which is challenged by a declining population, 23% of the remaining population living below the poverty line, and an acrimonious relationship between the city and state governments.

Jackson initially was able to comply with the 2012 Consent Decree but soon found itself without sufficient funding to continue. Jackson's economic challenges became worse due to a failed investment to replace Jackson's water meters with remote meters. The remote meters did not work as promised, resulting in significantly reduced water and wastewater billing and collections.

In addition, the condition of the sewer system continued deteriorating with hundreds of sewage overflows occurring in residents' homes, yards, and streets; the City's wastewater treatment plant discharging billions of gallons of partially treated sewer discharges into the Pearl River; and an inability to respond to the overflows and discharges due to a lack of funding, equipment, and staffing.

Jackson contacted Susan Richardson for assistance in seeking a modification of the federal Consent Decree to allow Jackson to use its limited funding and resources to repair its failing sewer system versus spending money on the less-critical Consent Decree's plans, procedures, studies, and reporting requirements. After months of frustrating negotiations with EPA and the DOJ, it became apparent that a

novel approach was needed and the City's drinking water woes provided a pathway.

In December 2022 and January 2023, Jackson suffered a collapse of its drinking water system. Although the collapse was due primarily to the impacts of an unprecedented period of freezing temperatures, the emergency also brought to light the need for substantial investment of both money and personnel in the drinking water system. To address the emergency needs, Jackson, EPA, and the Mississippi Department of Health agreed to place a third-party manager in charge of the City's drinking water system through a negotiated short term Stipulated Order entered in federal district court. The Stipulated Order allowed the Third-Party Manager, as an officer of the court, to focus on repairs to the water system, free of political interference and constraints of procurement regulations.

Although the sewer system had not reached the emergency conditions of the water system, conditions remained dire needing immediate action to provide relief to Jackson's citizens. While EPA and DOJ were unwilling to modify the Consent Decree to allow a "stop gap" measure to allow the City to direct all resources to fixing the "burning buildings," Susan and the City team devised a strategy to place the sewer system under a court order similar to the one for the drinking water system.

After a month of intense negotiations, a Stipulated Order was lodged with the Court on July 26. Like the drinking water order, the Sewer System Stipulated Order will allow the Third-Party Manager to focus all available financial resources on priority projects throughout Jackson without the other constraints of the Consent Decree and other political pressures. Enforcement of the Consent Decree will be stayed, with an improved sewer system will be returned to the City after four years. Importantly, EPA agreed in the Order to negotiate a modification to the Consent Decree before termination of the Stipulated Order.

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