



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Edward "Ted" Henifin
Interim Third-Party Manager
JXN Water, LLC

Re: United States v. City of Jackson, Case No. 3:22-cv-00686 – HTW-LGI, (S.D. Miss.), Safe Drinking Water Act Case, Comments on Consolidated Report of Activities for the Quarter Ended June 30, 2024

Dear Mr. Henifin:

The U.S. Environmental Protection Agency has reviewed the JXN Water, LLC's (JXN Water) Consolidated Report of Activities for the Quarter ending on June 30, 2024 (hereinafter, "Q2'2024 Status Report"), prepared in accordance with the Interim Stipulated Order (ISO) for the above-referenced matter. Based on its review of the Q2'2024 Status Report, the EPA makes the following comments and/or requests clarification on the items contained in the Q1'2024 Status Report.

The EPA also notes that the comments and concerns outlined herein do not include any comments that the Agency may have regarding quarterly reporting for Safe Drinking Water Act Section 1442(b) Grant Nos. 84054501-0 and 84060101-0. The Agency reserves its right to provide such comments in separate correspondence.

1. **Page 11, SRF Funding**. The Q2'2024 Status Report states, in relevant part, that, "Additionally, the state informed the ITPM that the refunding of debt associated with the purchase of [Drinking Water State Revolving Fund (SRF)] eligible infrastructure (water meters) would not be eligible either." To be clear, refinancing of debt may be an eligible use of SRF, as long as adequate documentation is provided for the state to confirm SRF requirements are met. The EPA's understanding of the Mississippi State Department of Health's (MSDH) position is that adequate documentation has not been produced to demonstrate that a meter refinancing project meets SRF requirements. The ITPM should confirm this with MSDH.

Moreover, it is the EPA's understanding that debt associated with the City's existing SRF Loans Nos. 2 and 3 are eligible and were included on the COJ-SA Amended IUP. The EPA notes that the Table presented on this page does not match the Amended IUP, which could be confusing to the public on what JXN Water projects are included on the current IUP.

2. Page 21, Precautionary Boil Water Notices. The EPA received notices during Q2'2024 of a number of precautionary boil water notices (BWNs) that are not included in the Q2'2024 Status Report, on the following dates and impacting the listed connections/addresses:

- a. April 13, 2024, impacting 250 surface water connections:
 - [2897-3181] Woodside Drive
 - [2611-2939] Teresa Drive
 - [803-936] Woody Drive
 - [3005-3159] Shirley Drive
 - [3002-3193] Charleston Drive
 - [1252-1311] Marydale Drive

- b. April 15, 2024, impacting 123 surface water connections:
 - [101-235] Pine Island Drive
 - [104-140] Pine Bay Drive
 - [101-361] Lake of Pines Drive
 - [106-154] Green Harbor Drive
 - [103-160] Needle Cove Drive
 - [4900-5109] Watkins Drive

- c. April 16, 2024, impacting 120 surface water connections:
 - [714-1029] Euclid Avenue
 - [1718-1720] Hazel Street
 - [1111-1728] Edgewood Street
 - [729-1017] Fairview Street
 - [721-838] Oakwood Street
 - [715-1013] Arlington Street
 - [1600-1813] Pine Street

- d. June 4, 2024, impacting 76 surface water connections:
 - [711-934] Pinehurst Street
 - [703-932] Gillespie Street
 - [744-941] Belhaven Street
 - [1316-1421] North Jefferson Street

3. Page 65, PPL 2, Winterization. The Q2'2024 Status Report presents seemingly conflicting information regarding the membrane winterization project. On page 65, JXN Water reports that winterization is complete and final close-out is underway. JXN Water further notes that foundational issues were discovered that may delay closeout, and that timing for the correction of these defects cannot be estimated at this time. On page 73, in Table 5 of the Q2'2024 Status Report for activities completed this quarter, under membrane building winterization, JXN Water reports that the membrane building is complete, final reconciliation change order and closeout is in process, and MSDH has completed its final walkthrough. JXN Water reports that it anticipates, in Q3'2024, it will complete the membrane building project construction and administratively closeout the project. The EPA

requests additional information on the foundational issues identified, and clarification of the timeline for PPL 2 for the upcoming Q3'2024.

4. **Page 74, PPL 5.a.1.i, Distribution System Hydraulic Model System Analysis.** The EPA respectfully requests a copy of the Model Build and Pressure Zone Boundary Analysis technical memo.
5. **Page 85, PPL 5.a.v.iii.2, Rate Modeling Support.** The EPA respectfully requests a copy of the summary technical memo documenting the approach to evaluating the proposed rate structure and the billed revenue potential of the proposed rates.
6. **Pages 86-87, PPL 6, System Stabilization & Sustainability Plan – Water Treatment Plants, Wells, and Tanks Capital Improvement Plan.** Please provide more information on the detailed assessment being performed on the J.H. Fewell Water Treatment Plant conversion to pump station.
7. **Page 69, PPL 13, Resilient Power Plan.** The EPA respectfully requests a copy of the Resilient Power Plan technical memo that was submitted to JXN Water in Q1'2024.

The EPA is available to meet with JXN Water to discuss these comments if desired. Please contact me at (404) 562-9701 or via email at Armor.Suzanne@epa.gov to schedule a meeting. Thank you for your attention to this matter.

Sincerely,

Suzanne K. Armor
Attorney-Advisor

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