

Robert Sosnoskie

From: Jarrod.Loadholt@icemiller.com
Sent: Thursday, September 1, 2022 12:35 PM
To: Tim.Day@icemiller.com; Safiya Omari
Cc: John Pence
Subject: RE: [EXT] Fwd: [EXTERNAL] Update on Jackson Water and State Restrictions

Awesome. Thanks, Tim.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Day, Tim" <Tim.Day@icemiller.com>
Date: 9/1/22 1:33 PM (GMT-05:00)
To: "Loadholt, Jarrod" <Jarrod.Loadholt@icemiller.com>, Safiya Omari <somari@city.jackson.ms.us>
Cc: John Pence <john@pencestrategygroup.com>
Subject: Re: [EXT] Fwd: [EXTERNAL] Update on Jackson Water and State Restrictions

I just called Sam Andrews Parker's assistant to give him a heads up on the email. Stay tuned, as soon as I hear back, I will let you know. Tim

Get Outlook for

iOS<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2faka.ms%2fo0ukef&c=E,1,CRh2svPKjUt1sTzf4WsT2CZq5WkcGMlIdaN61Hrw_iSgKBH4HSoSlgdyHmNaPNOR5CaOf2k6D-H2seKslU9Wcm9kLlwZcQ0wFnMfiLYg6exDy8sAZb7AgkK7&typo=1>

From: Loadholt, Jarrod <Jarrod.Loadholt@icemiller.com>
Sent: Thursday, September 1, 2022 1:01:04 PM
To: Safiya Omari <somari@city.jackson.ms.us>
Cc: Day, Tim <Tim.Day@icemiller.com>; John Pence <john@pencestrategygroup.com>
Subject: RE: [EXT] Fwd: [EXTERNAL] Update on Jackson Water and State Restrictions

Adding my Republican colleagues on the line here.

Tim/John – see below. This is something the Governor could change right now. Any chance we could get a line into Parker Briden soon/ASAP about this in particular.

Separately, will flag for the White House – EPA should reject MS's plan.

From: Safiya Omari <somari@city.jackson.ms.us>
Sent: Thursday, September 1, 2022 12:58 PM
To: Loadholt, Jarrod <Jarrod.Loadholt@icemiller.com>
Subject: [EXT] Fwd: [EXTERNAL] Update on Jackson Water and State Restrictions

EXTERNAL EMAIL WARNING! Use caution with links or attachments. DO NOT provide your credentials!

See below from Andy Kricun

Sent from my iPhone

Begin forwarded message:

From: Rhea Williams-Bishop <rhea.williams-bishop@wkkf.org<mailto:rhea.williams-bishop@wkkf.org>>
Date: September 1, 2022 at 9:02:30 AM CDT
To: Safiya Omari <somari@city.jackson.ms.us<mailto:somari@city.jackson.ms.us>>,
[REDACTED]
Subject: FW: [EXTERNAL] Update on Jackson Water and State Restrictions

FYI

Please contact Natalie Russell at Natalie.russell@wkkf.org<mailto:Natalie.russell@wkkf.org> 601-503-1095 or for all inquiries.

Rhea Williams-Bishop PhD, MPPA | Director of Mississippi and New Orleans Programs
(O) 601.503.1088 (MS) 269.969.2736 (BC) | (M) 601.500.1344 | (F) 601.503.1098
[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.wkkf.org&c=E,1,_B25w9S30FKjRUIB0kwvc76Zfp7hnUFCXUeAsAMroJi5pUZa_ILI0b56pBBKoXURKt3tctIHSdGY7GQ0wO5k9ljxEqo-65SFQh0e3WUqpUveDTupk9QIXuF3Ik&typo=1<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wkkf.org%2f&c=E,1,FXEvRnmZkrf6VVp7WhRByo_rtb93wUdFL7e0Pe03cBdEJlrvcP00YVgaBgcuBMI2l_aOQU5dUX3o_Gx1F2YAFayfv_af5dky3ET096__S-meZJk3Yis&typo=1>](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.wkkf.org&c=E,1,_B25w9S30FKjRUIB0kwvc76Zfp7hnUFCXUeAsAMroJi5pUZa_ILI0b56pBBKoXURKt3tctIHSdGY7GQ0wO5k9ljxEqo-65SFQh0e3WUqpUveDTupk9QIXuF3Ik&typo=1<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.wkkf.org%2f&c=E,1,FXEvRnmZkrf6VVp7WhRByo_rtb93wUdFL7e0Pe03cBdEJlrvcP00YVgaBgcuBMI2l_aOQU5dUX3o_Gx1F2YAFayfv_af5dky3ET096__S-meZJk3Yis&typo=1> | Twitter: @wk_kellogg_fdn<https://twitter.com/#!/wk_kellogg_fdn>) | Twitter: @wk_kellogg_fdn<https://twitter.com/#!/wk_kellogg_fdn>
A Partner With Communities Where Children Come First

Please Note: Do not feel the need to respond outside of your working hours, because our working hours may not be the same.

From: andrew kricun [REDACTED]
Sent: Thursday, September 1, 2022 8:59 AM
To: Rhea Williams-Bishop <rhea.williams-bishop@wkkf.org<mailto:rhea.williams-bishop@wkkf.org>>

Subject: [EXTERNAL]

Hi Rhea,

FYI, here is the excerpt from the Mississippi Intended Use Plan, to be submitted to EPA Headquarters for approval. The highlighted sentence shows the restriction on Mississippi's use of the Federal Bipartisan Infrastructure Law (BIL) funding--the applicant must be low income AND have a population of 4,000 or less. This disqualifies Jackson from access to the grant funding that was envisioned in the BIL and Justice 40 initiative.

If that AND could be changed to an OR, then Jackson would have the eligibility for the grant funding. However, then a second barrier is in the last sentence where it says that no community can get more than \$2 million. This is an indirect barrier against larger cities, like Jackson, because their infrastructure needs would be greater because of their greater size.

Water Pollution Control Revolving Loan Fund Program Ranking and Funding Rationale 1. Projects will be ranked on one of the following three Priority lists. - Small/Low Income Communities Priority List – To be ranked on this list a project must meet the definition of projects described in one of the WPCRLF Priority System Categories Three (3) through Eight (8) as outlined in Section IV.E, below; and must serve a community/loan applicant which has a population of 4,000 or less and a median household income of \$40,000 or less. Projects on this list will be ranked within their respective categories based on the “affordability criteria” outlined in Part II, Section III.O, below. For the purposes of this section, a “community” is generally defined as the entire area within the applicant’s political boundaries (incorporated area, certificated area, etc.); however, if a county is the applicant, a clearly defined area within the county which is to be served by the proposed project, and which is not within the political boundaries of any other entity within the county, may be considered the community if determined appropriate and reasonable by the Department. Also, if a municipality serves customers outside of their city/town limits, those customers shall be considered part of the community in making the small/low income determination. The population and median household income used in this determination shall be that defined in the ESRI Business Analyst 2021 Demographics and Income Profile (the same source which previously published the Community Sourcebook of Zip Code Demographics, historically used for such determinations in the WPCRLF Program). Projects ranked on this Priority List will be eligible to receive loan subsidy in the form of principal forgiveness equal to 75% of the total loan amount. After bids are received the subsidy amount will be adjusted, to reflect 75% of the amount resulting from subtraction of any included construction contingency from the total as-bid loan amount, provided adequate subsidy remains available for any needed loan increases. Notwithstanding the above-described subsidy percentage, the cumulative subsidy provided to any single recipient for projects ranked on this Small/Low Income priority list shall not exceed \$2,000,000.

I am not a lawyer but it seems to me that these two restrictions, especially the first one, are unfairly biased against the City of Jackson and could be a civil rights issue (since Environmental Justice communities are not limited to smaller populations, obviously)

I would be happy to speak with the Jackson attorney, or a NAACP attorney, or anyone else who you think would be helpful. The key is to either get Mississippi to voluntarily change these two provisions/restrictions or encourage EPA Headquarters to not approve Mississippi's plan.

I hope that this is helpful. Please let me know if you have any questions or would like to discuss further. More to follow shortly.

Sincerely,

Andy

About [EXTERNAL] in the subject line of this message.

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Thank you.

ICE MILLER LLP

