Protecting Our Most Vulnerable Communities: Louisiana Wastewater Infrastructure Recovery

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RECOVERY

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INTRODUCTION

The United States Environmental Protection Agency ("EPA") allocated Louisiana’s Department of Environmental Quality ("LDEQ") approximately $43 million dollars under the American Recovery and Reinvestment Act (“ARRA”) of 2009 to support wastewater improvement and “green” infrastructure projects.1 The EPA distributed these monies under the Clean Water Act’s State Revolving Fund (“SRF”) Program, which LDEQ had participated in for several years.2 LDEQ’s infrastructure policy was implemented to: (1) provide the broadest support and services to communities; (2) reach out to communities

* Peggy Hatch currently serves as Secretary of the Louisiana Department of Environmental Quality (“LDEQ”), being appointed by Governor Bobby Jindal in January 2010. She previously served as LDEQ Assistant Secretary of the Office of Environmental Compliance from 2008 to 2010. Vladimir Alexander Appeaning, Ph.D., currently serves as LDEQ Deputy Secretary after being appointed to the position in January 2008. Beau James Brock currently serves as LDEQ Assistant Secretary of the Office of Environmental Compliance. This article reflects the personal opinions of its authors and does not represent any official position of LDEQ or the State of Louisiana. Much credit for this success in securing the 2010 ARRA funding is attributable to Appeaning’s team leaders, who were outstanding in their own rights by grinding through this process and aiding local communities to reach pay dirt. Therefore, special credit must go to Bijan Sharafkhani, Jonathan McFarland, and Tom Griggs for their diligence, fortitude, and professionalism, without which DEQ could not have accomplished its herculean task.


2. Id.
with significant needs; and (3) minimize bureaucratic governmental costs and red tape in the implementation of the program.\footnote{See \textit{La. Dep’t of Envtl. Quality, Intended Use Plan Capitalization Grant 1, 4} (2009), \textit{available at} http://www.deq.state.la.us/portal/Linkclick.aspx?fileticket=EhEWcEvRkF8%3d&tabid=2952.}

LDEQ’s plan was to develop a comprehensive policy to maximize the statewide impact of this stimulus by utilizing LDEQ’s established outreach network resources.\footnote{See \textit{id. at} 4.} This plan focused on providing opportunities for local municipalities and communities, and also evaluating and analyzing projects which could be subsidized with the limited available ARRA funding.\footnote{Letter from Miguel I. Flores, Dir. Water Quality Prot. Div. to Peggy M. Hatch, Sec’y La. Dep’t of Envl. Quality [hereinafter: March 12, 2010 Letter] (Mar. 12, 2010), wherein Flores wrote, “The LDEQ exerted considerable effort to get contracts and subawards finalized before the February 17, 2010 deadline for the commitment of ARRA funds. The LDEQ met this deadline despite encountering delays during the procurement process. Though the demands of ARRA have been great, LDEQ clearly rose to the occasion and succeeded in meeting the mandated deadline,” DEQ actually applied for any unallocated monies originally pledged to other states, but was told by EPA all other funds had been contracted. See Press Release, La. Dep’t of Envl. Quality, DEQ Finalizes Contracts for $48 Million in Stimulus Money [hereinafter Press Release, DEQ Finalizes Contracts] (Feb. 2, 2010), \textit{available at} http://www.deq.state.la.us/portal/portals/0/news/pdf/febarracontractsfeb2.pdf.} The plan also focused on dispersing funds ahead of the federally mandated schedule to quickly help communities with the greatest total return on investment.\footnote{Id. There are a total of sixty-four parishes in Louisiana. \textit{id.}}

LDEQ selected fifty-five different projects that impacted a total of fifty-three different municipalities, located in forty-two different parishes.\footnote{EPA, \textit{Clean Water SRF ARRA Reporting Summary Project List} [hereinafter ARRA Project List] 37-41, \textit{available at} http://water.epa.gov/grants_funding/cwsrf/upload/CWSRF-ARRA-Project-List-6-29-10.pdf. \textit{Infra Appendix} A.} As a matter of public record, all of the other four states within EPA Region VI combined only accounted for a total of seventy-seven projects.\footnote{Id. at 41. EPA Region VI States include Texas, Arkansas, Oklahoma, New Mexico, and Louisiana. \textit{id. at} 37-41.} The total amount awarded was in the hundreds of millions of dollars.\footnote{Press Release, DEQ Finalizes Contracts, \textit{supra} note 6.} LDEQ worked to maximize the utilization of these available limited resources and waived the federally allowable 4% administrative fee.\footnote{Id.} In addition, Louisiana offered this money with zero interest, in an effort to maximize the impact of the stimulus dollars to communities.\footnote{Id.} In effect, Louisiana provided each recipient with a \textit{de facto} 0% loan with 100% principal forgiveness.\footnote{Id.}
While other states received more overall dollars from the EPA, no other state attempted the depth and breadth of community investment made by LDEQ. LDEQ provided relief to those whose very growth and sustainability was reaffirmed through the policy directives implemented.

THE MORAL TEST OF GOVERNMENT

Minnesota senator and statesman Hubert Humphrey believed that the moral test of government is how it treats its most vulnerable citizens. Compassion for fellow citizens in need is neither a liberal nor a conservative virtue. In a modern republican form of government, these works cannot be undertaken without fiscally responsible measures designed to achieve tangible, measurable results for citizens; there must be a "return on investment."

The people’s work, through equitable use of the people’s money, not the government’s money, must always be performed by dedicated public servants in the manner of an answerable agent of the public’s fiduciary trust. In this case, the ARRA provisions of the SRF did not impinge upon any state or citizenry unfunded mandates, which was often the case in other areas of the 2009 Washington "stimulus" packages. Thus, in taking the opportunity to provide communities with these ARRA funds, Louisiana was able to return some of the tax dollars paid by its citizens to directly help its citizens. This ensured that Louisiana would receive, albeit limited, infrastructure investment ac-

13. See Letter from Lisa Jackson, Adm’r, EPA to La. Governor Bobby Jindal [hereinafter March 5, 2010 Letter] (Mar. 5, 2010), available at http://www.deq.state.la.us/portal/ports/0/news/pdf/lisa_jackson_letter_to_conjindal.pdf. wherein she stated, "I congratulate you on Louisiana’s success in meeting the February 17, 2010, American Recovery and Reinvestment Act (ARRA) deadline for using Clean Water and Drinking Water State Revolving Funds (SRF) . . . We know these funds are vital to your state’s economy and to improving basic infrastructure for your residents. When leveraged with annual SRF funding, these funds should bring a significant increase in SRF projects to Louisiana."

14. Id.

15. See RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS 142 (Suzy Platt ed., Barnes & Noble, Inc. 1993). In a November 4, 1977 speech, former Senator Hubert H. Humphrey famously declared that, “It was once said the moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those in the shadows of life, the sick, the needy and the handicapped.” Id. It can be argued liberals of our time claim this as “their” Gospel’s golden rule, however, effective action within the bounds of governmental excess has eluded the leftist government officials as their rhetoric and actual responsiveness to socially plaguing issues have been at polar extremes.


17. See id.
companied by the assurance it would not incur any further mandates from Washington in this policy directive.18

The base SRF program was a compassionate economic policy begun under President Ronald Reagan in 1987.19 It expanded to provide states with additional funds to support new wastewater infrastructure projects, with the caveat that monies not allocated would be given to other states for dispersal.20 How to effectively carry out this policy was left to each state with minimal direction or guidance from Washington.21 LDEQ proudly did it the “Louisiana Way” by laying out its own foundation prior to any ARRA propositions from Washington.22

FOUNDATION OF SUCCESS

The foundation of LDEQ’s success was a part of the innovative front-loading and outreach initiatives established by the new LDEQ administration, appointed by Governor Jindal, and led by incoming LDEQ Secretary Harold Leggett in 2008.23 One of Leggett’s initial policy directives was to develop a comprehensive outreach and front-loading program at LDEQ.24 In principle, this meant a proactive approach focusing on technical assistance, education, and information sharing with all environmental stakeholders, including businesses,25 governmental bodies,26 and environmentalists.27 In practice, this meant teams led by Leggett’s executive staff and regionally located LDEQ

18. See id.
21. See id.
23. See Mark Ballard, DEQ Head Leggett Leaving in January, Advocate Capitol News Bureau, Dec. 22, 2009, at 5A, available at http://www.2theadvocate.com/news/79874067.html; see also History of the Department, DEQ Louisiana, http://www.deq.louisiana.gov/portal/ABOUT/HistoryoftheDepartment.aspx (last visited Nov. 18, 2010). Harold “Hal” Leggett, Ph.D., was appointed by Governor Jindal and served as Secretary from January 2008 to January 2010. History of the Department, supra. He previously served under the former Governor Blanco administration as the DEQ Assistant Secretary for the Office of Environmental Compliance from January 2004 to December 2007. Id. Prior to serving as a gubernatorial appointee, Leggett worked in the private sector in the energy, paper, and environmental fields for over twenty years. DEQ Head Leggett Leaving in January, supra.
25. Id. at 15.
26. Id. at 13.
27. Id. at 11.
employees would respond to local needs by visiting every municipal and parish (county) government leader in the state.\textsuperscript{28} 

During these initial visits, LDEQ experienced friction with local officials who were concerned with why LDEQ was coming to visit, despite the fact that they were told the department was coming to help them find solutions to their local issues.\textsuperscript{29} The local officials’ skepticism was understandable. It was uncommon for the government to venture into the people’s world of policy through direct action by meeting with these officials and closing each discussion by asking for their top three concerns.

Almost unanimously in their list of concerns, municipal and community leaders expressed the need for heightened financial support of their local wastewater systems.\textsuperscript{30} Already anticipating this need, Leggett had previously authorized Deputy Secretary Appealing to reduce the 2008 SRF interest rate from 3.95%\textsuperscript{31} to 2.95%.\textsuperscript{32} In January 2009, the rate dropped to 0.95%, the lowest rate LDEQ had ever offered.\textsuperscript{33} This lower interest rate enabled more communities to apply for loan consideration.\textsuperscript{34} This fiscally responsible approach provided much needed assistance to communities while also maintaining the solvency of the state SRF program.\textsuperscript{35} During these hard financial times, the reduction of the interest rate to 0.95% greatly facilitated the ability of communities in need to borrow and provided a "Louisiana Wastewater Infrastructure Recovery"

\begin{itemize}
\item \textsuperscript{29} See id.
\item \textsuperscript{34} Annual Report 09, supra note 28, at 4.
\item \textsuperscript{35} See March 5, 2010 Letter, supra note 13.
ana Stimulus Package" that did not put the financial burden on citizens.86

PRAGMATIC POPULIST POLICYMAKING

Louisiana has a rich history of populism dating from Huey and Earl Long until today.37 Louisiana fiercely defends its own unique balance of individual freedoms and governmental social services dedicated to its most vulnerable citizens.88 However, this does not compel Louisiana to renege on its public obligation to temper populist initiatives with pragmatic fiscally sound governmental practices.

It is obvious that the United States is currently experiencing difficult economic times.39 This current situation is heightened in states like Louisiana, where regions are reliant upon multi-national corporate business interests to absorb raw materials into the stream of com-

36. See March 12, 2010 Letter, supra note 6.
37. See T. HARRY WILLIAMS, HUEY LONG 557-58 (1969). In the 1930s, Huey Long worked his spell upon the masses which lived under the specter of the Great Depression. See id. At the height of his power in the United States Senate, Long assaulted the very concept of a “balanced budget” in favor of a redistribution of wealth to “save the rich.” Id. at 557. His argument was that without redistribution, the rich were doomed to lose everything they had then acquired as the country was devolving into communist revolution because of the economic crisis. Id. Thus, Long’s cry for American liberty was that only through populist governmental intervention could our republic be maintained. Id. He raged in the Senate, “How...could senators be concerned with a balanced budget when they saw what was happening to the old dream of America as a land of free men? This great and grand dream of America that all men are created free and equal, endowed with the inalienable right of life and liberty and the pursuit of happiness...this great dream of America, this great light, and this great hope, have almost gone out of sight in this day and time, and everybody knows it.” Id at 557-58.
38. See e.g., LOUISIANA DEPARTMENT OF CHILD & FAMILY SERVICES, http://dss.louisiana.gov (last visited Nov. 18, 2010). Historically, Louisiana was our country’s only state to be colonized and controlled by the French, Spanish, and British and then again by the Spanish and French prior to its Americanization and statehood in 1812. About Louisiana, LOUISIANA.GOV, http://www.louisiana.gov/Explore/About_Louisiana/ (last visited Nov. 18, 2010). It was the second state to secede in January 1861 following South Carolina’s lead in the Civil War, and the last to be delivered from Federal occupation during post-war reconstruction in 1877, along with South Carolina and Florida. Id. This ingrained rebellious nature concerning individual liberty was not demurred even during Huey Long’s rise and his populist governmental social programs. See T. Harry Williams, supra note 37. Instead, Long was able to appeal to this sense of individualism in claiming, through the use of populist rhetoric, that the government needed to better serve the common man even as he pulled tighter on the reins of power. See id.
merce to assemble manufactured goods. In other words, Louisiana is one of the few remaining states in the union that includes a large workforce that "manufactures something" and does not rely on the service industry for the majority of employment and job growth. This reliance on the service industry can be misplaced during difficult financial times and a more diversified economic workforce is preferable to sustainable community planning.

Fortunately, Louisiana has aggressively sought economic development opportunities through the Governor’s office and has worked to dwarf negative impacts that could have resulted from the cascading effects of the United State’s monetary downturn. In fact, Louisiana, as a state, is now ranked eighth for growth prospects in Forbes.com 2009 "Best States for Business." The issue Louisiana faced was how to take the private sector’s principles of sustainability and growth and apply them to infrastructure renewal. LDEQ began by targeting its resources to enable it to support small communities and small businesses, both incubators of economic growth.

Upon entry into office as Secretary, Leggett reorganized LDEQ. He moved the small business and community division from the "permit" office, to his personal supervision in the Office of the Secretary. He then placed the division under Deputy Secretary Appealing, who meticulously executed his policy directives to visit, engage, and support local communities and small businesses. Even though Hurricanes Gustav and Ike disrupted a quarter of 2008, LDEQ was able to

41. See id.
43. Path Forward Report, supra note 24, at 13-14. Formally, the Permitting Office is called the Department of Environmental Quality Office of Environmental Services.
44. Id. at i.
45. Office of the Secretary, DEQ.state.LA.us, http://www.deq.state.la.us/Portal/About/OfficeOfTheSecretary.aspx (last visited Nov. 18, 2010).
46. Mission and Vision, DEQ.Louisiana.gov http://deq.louisiana.gov/portal/default.aspx?tabid=169 (last visited Nov. 18, 2010). In 2008, pursuant to Leggett’s direction, Deputy Secretary Appealing also took charge of the newly established Louisiana Environmental Advisory Panel which was created to periodically bring together interests from government, businesses, environmental groups, and academia to discuss pressing issues and attempt to find solutions around a common table and to build open partnerships for a better Louisiana. Path Forward Report, supra note 24, at ii.
thoroughly complete its outreach mission under Appearing’s guiding hand. 48

The information LDEQ gathered through the process painted a clear picture of the extensive wastewater infrastructure needs in Louisiana. 49 LDEQ needed to take even greater steps in utilizing its regulatory flexibility to release funds for wastewater infrastructure projects. In essence, for many communities, it was not only a critical need to achieve growth in their area, it was a matter of base sustainability. 50 Without adequate wastewater systems, housing developments could not be approved, small businesses could not be located and expanded, and schools could not remain open. 51 LDEQ had to do everything it could to meet those needs.

IMPLEMENTATION OF POLICY DIRECTIVES

The long term policy goals of the SRF are to: (1) achieve statewide compliance with Federal and State water quality standards by providing financial assistance to municipalities and other qualified recipients; (2) promote expanded eligibility under the Clean Water Act that allows financial assistance for additional project categories, which include non-point source control, construction of new facilities, and upgrading existing facilities in meeting new environmental needs; and (3) maintain the fiscal integrity of the fund and to assure its sustainability by maintaining net assets equal to federal capitalization grants, state matching grants, and the use of a cash flow modeling plan. 52

When first told of the opportunity to obtain low interest loans to improve or completely retrofit their wastewater systems, many communities were literally unaware of the existence of the SRF program at LDEQ. 53 However, after the outreach initiative, every city, town, and village had heard of the program and knew how to participate with

49. See id.
52. 2009 IUP, supra note 48, at 1 .
53. Annual Report 09, supra note 28, at 8. This outreach initiative, begun by Leggett, not only was informational in its strategic ends, but served to build communication networks throughout the state where none existed before between local stakeholders and DEQ. See id.
the support of LDEQ representatives.\footnote{Id.} LDEQ had approximately $215 million in lending capacity in its base SRF program at the start of the administration.\footnote{La. Dep’t Envtl. Quality, La. Dep’t Envtl. Quality (LDEQ) Certification of Clean Water State Revolving Fund (CWSRF) American Recovery & Reinvestment Act of 2009 (ARRA) Projects (2010). DEQ successfully allocated the entirety of these base SRF funds to communities in the form of thirty-eight different projects. Id.} Through this new participation process, every dime was committed to thirty-eight different projects in complementing the ARRA policy initiative of fifty-five projects.\footnote{Id. DEQ successfully allocated the entirety of these base SRF funds to communities in the form of thirty-eight different projects. Id.} In total, Louisiana funded ninety-three critical infrastructure projects with these funds.\footnote{Id.; ARRA Project List, supra note 8, at 39.}

Among these Louisiana stimulus projects was a $22 million undertaking in Kenner, a suburb of New Orleans, designed to support the community in its continuing post-Katrina recovery efforts.\footnote{Governmental Entity Program, Louisiana Community Development Authority, http://www.louisianacda.com/governmental.htm (last visited Nov. 18, 2010).} LDEQ’s goal was to enable the city to bring its treatment works back into environmental compliance after years of struggling with systemic failures.\footnote{Id.} Another important project for infrastructure growth and green government was approved for the village of Denham Springs. Denham Springs is located in the fastest growing parish of Louisiana, and its waterways are approaching near complete total maximum daily load discharge limits.\footnote{Mike Dowty, Sewer System Celebrates, Livingston Parish News, Apr. 2, 2010, available at http://livingstonparishnews.com/news/article_f12e6b19-5c6c-5f9f-bfaf-1ad3c38e3618.html.} The project approved for Denham Springs will provide 21st century treatment methods and allow for new development and businesses to locate the area.\footnote{Livingston Parish LA. (Nov. 18, 2010), http://www.livingstonparishla.gov/.} Denham Springs Mayor Jimmy Durbin believed, “It positions the community for economic growth, since the ability to obtain sewer permits is a key issue for developers.”\footnote{See Zhi-Qiang Deng, Modeling Sediment-Controlled TMDLs for the Branched and Braided Networks of Waterways in Louisiana: Model Development and Application to the Amite River Basin 1, 6 (2005) available at http://www.lwrrl.lsu.edu/downloads/2005-2006%20FY/Reports%20from%20FY2005_LA_Annual_Report_Deng.pdf.} This “Louisiana Stimulus Package,” coupled with the new focus of the LDEQ staff, was intended to circulate this
financial and knowledge capital to help as many communities as possible and provide technical, administrative, and financial guidance.65

A MODEL TO ENSURE COMMUNITY SUSTAINABILITY

In Louisiana, as in every state, there are communities whose utter existence is being challenged through economic and infrastructure stagnation. LDEQ focused its limited ARRA outlay on providing support and hope to those communities whose needs in wastewater infrastructure would then provide other opportunities for sustainability and growth.66 LDEQ could have dedicated its ARRA funds to a few expensive urban projects, as some states had done.67 Instead, its awarding criteria weighed heavily upon compliance issues and regional diversity to ensure widespread statewide impact, which supported community needs and economic growth.68 Finally, LDEQ declined to keep any of the allowable 4% administrative fee, choosing instead to add them to the overall pool of money in order to assist other states in need.69 This added over $1.7 million to support community projects.70

LDEQ had already established its general policy directives in the wastewater low interest loan program prior to the stimulus, but Secretary Leggett authorized the establishment of an additional set of policy objectives in the fair and equitable distribution of stimulus dollars.71 LDEQ was faced with the stark reality that there were limited dollars and vast financial needs in Louisiana.72 If only a few communities received money, those which were not provided relief might be disappointed and resentful.

In order to meet the strict ARRA guidelines, LDEQ established goals to ensure the project’s success.73 These steps included: (1) the establishment of stakeholder meetings to develop a dialogue with interested parties throughout the state who may benefit from ARRA participation; (2) project solicitation requiring that funds be allocated to projects under contract or construction within twelve months of the enactment of ARRA,74 (3) development of criteria for disbursement of funds; and (4) completion of Assistance Agreements wherein LDEQ committed to closing all loans by December 31, 2009, while ensuring compliance with ARRA that projects are under contract or

66. Id.
67. See ARRA Project List, supra note 8.
68. Id.
70. Id.
73. 2009 IUP, supra note 48, at 2.
74. Id. DEQ accepted pre-applications from interested parties until March 25, 2009. Id.
have proceeded to construction by February 17, 2010.\textsuperscript{75} Specifically, the selection criteria utilized by LDEQ and fully conveyed to ARRA applicants was as follows: (1) readiness of a project to proceed, a.k.a. "shovel ready"; (2) regional diversity; (3) severity of environmental problem; (4) financial need of community; (5) post hurricane recovery; (6) LDEQ self-imposed maximum ARRA funding cap per project of $1.52 million and $5 million for "green" projects\textsuperscript{76}; and (7) a project's "green" component.\textsuperscript{77}

ANSWERING THE CALL FOR SOCIAL JUSTICE

As a result of LDEQ's exhaustive outreach and project solicitation campaign, it received applications totaling $1.8 billion, of which projects totaling approximately $1 billion were tentatively identified as ready to proceed under its selection criteria.\textsuperscript{78} The regional diversity factor was then utilized in the process whereby applicants were organized under LDEQ's already established six regional areas to assure statewide coverage.\textsuperscript{79}

The next factor evaluated the impact on human health and the environment that the project's funding may have on the community.\textsuperscript{80} LDEQ was fully cognizant of meeting its primary mission of solving compliance problems, and not just building "better" or more expensive systems.\textsuperscript{81} This factor was combined with the applicant's financial need, as many communities had been unable to finance a loan even under LDEQ's lowered 2.95\% in SRF.\textsuperscript{82} Accordingly, strong factors considered in the process were: median household income, population served by the system, project costs, and community ability to assume any additional debt.\textsuperscript{83} Reaching out to Louisiana's most vulnerable communities, in the true form of social justice, all projects selected under ARRA were from communities whose median household income was below the statewide average of $32,566.\textsuperscript{84}

\textsuperscript{75} Id. These meetings were held on December 10, 2008, January 29, February 5, and February 10, 2009. Id. The list of stakeholders included representatives from the Louisiana Municipal Association, Louisiana Police Jury Association, consulting engineers, and other local state and federal agencies. Id.

\textsuperscript{76} Id. at 4-5. Also, where the entire project could not be funded with ARRA monies, funds from the base SRF program were offered to supplement the effort at the new 0.95\% interest rate. Id. at 5.

\textsuperscript{77} 2009 IUP, supra note 48, at 5-6.

\textsuperscript{78} Id. at 3.

\textsuperscript{79} Id. at 4. The regions were Acadiana, Capital Area, Northeast, Northwest, Southeast, and Southwest. Id.

\textsuperscript{80} Id. at 6.

\textsuperscript{81} Id. at 1.

\textsuperscript{82} 2009 IUP, supra note 48, at 1.

\textsuperscript{83} Id. at 4.

\textsuperscript{84} Id. Based on the 2000 U.S. Census Bureau data, Louisiana’s median household income was $32,566. Id.
In West Monroe, Louisiana, population 13,250, a model "green" project was funded to improve the city's wastewater system. This project will convert seven million gallons of wastewater per day into drinkable water that will be used by a commercial paper mill and carton plant owned by Graphic Packaging. This water re-use project will also take pressure off the Sparta aquifer, the primary drinking water source for northeastern Louisiana and southern Arkansas. Graphic Packaging had been drawing ten million gallons of water per day from the Sparta aquifer to support its operations. Mayor Dave Norris said, "We wanted to reduce pressure on the Sparta without restricting water usage by Graphic, which is such an important company for our economy." This was a model project because it combined the recycling of our most precious natural resource with the stimulation of the economic base of Louisiana through wastewater infrastructure improvement.

Expressions of joy and the renewal of hope in small rural towns like Hornbeck, population 435, in southwestern Vernon parish were made possible through this operation. Hornbeck Mayor Clarence Beebe said, "We were always told we would have to come up with eighty (80) percent of the money ourselves, which we couldn't do." The town had been unable to improve its sewer system for a decade due to the lack of financial resources, and could now begin the process of upgrading its outdated sewer lift stations.

Another town in north central LaSalle parish that was dramatically affected by this effort was the town of Urania, with a population of

86. Greg Hilbum, Stimulus Money Completes Funding for Sparta Project, News-Star, Nov. 7, 2009, at 1A. Water usage has become the most pressing natural resource issue in northern Louisiana due to the increasing demands on local aquifers, such as the Sparta Aquifer, caused by the explosion of natural gas exploration through hydraulic fracturing (fracking) in the Haynesville Shale. Id. Fracking requires the large use of water, either from underground or surface water bodies, for operating equipment in the natural gas extraction process. See Laura Bond, Fracking Remains a Threat to the Sparta Aquifer, Ruston Daily Leader, Apr. 20, 2010, available at http://www.rustonleader.com/sparta.php?id=6587.
87. Hilbum, supra note 86.
88. Id.
89. Id.
90. Id.
91. Id.
92. 2000 Census, supra note 85.
93. Pamela Hickman, Town of Hornbeck to Begin Work on Sewer Stations, Leesville Daily Leader, Oct. 11, 2009, at 1A.
94. Id.
95. Id.
700. For more than a decade, Urania had been unsuccessful in its attempts to obtain funding for a new wastewater treatment facility to serve the town and the parish correctional center located in Urania. This award will provide the infrastructure necessary to maintain the prison complex and the community jobs the prison generates, as well as provide a springboard for additional economic growth in the area.

Urania Mayor Terri Corley stated, "I had to make sure the phone call [from LDEQ announcing the award] was real because we have tried and waited for so long to receive funding . . . The town has needed to rebuild the sewage system for years and now it can happen."

Finally, the town of Delhi, population 3,066, was provided funding that enabled it to expand its wastewater facility. This in turn opened the door of opportunity for the recruitment of a huge ConAgra Foods Lamb Weston sweet potato processing plant. The $210 million facility, the first large-scale sweet potato processing plant in the world, will be built in two phases. The first phase, costing $156 million, is scheduled for completion by late 2010. The company plans to complete a second phase, costing $55 million to $100 million, by February 2014. According to Lamb Weston President Jeff DeLapp, processing sweet potatoes requires different energy and water levels compared to regular potatoes. To accommodate the plant's water demands, the town of Delhi will have to increase its water capacity more than twofold. According to Delhi Mayor Lynn Lewis, the town treats 750,000 gallons of water a day for its own use, and the plant will need at least two million gallons a day to function. Without the stimulus to support the Delhi infrastructure, this plant would not have met its criteria in this region and five hundred jobs would have gone elsewhere.

97. 2000 Census, supra note 85.
98. Urania Receives Funds for Sewer Treatment Facility, supra note 96.
99. Id.
100. Id.
103. Id.
104. Id.
105. Id.
106. Id.
108. Id.
109. Id.
110. Id.
CONCLUSION

LDEQ progressively implemented its infrastructure recovery policy, which was designed to protect Louisiana’s most vulnerable communities.\textsuperscript{111} Texas outlaid $143 million in only twenty-one projects\textsuperscript{112} and Oklahoma outlaid $96 million in thirty-three projects.\textsuperscript{115} Louisiana, taking great efforts and dedication by staff in close coordination with stakeholders, was able to support fifty-five different projects located in fifty-three municipalities across forty-two parishes in the state.\textsuperscript{114}

LDEQ accepted the moral test of government. After laying a foundation for success, it was able to implement its own pragmatic populist policy for infrastructure recovery. LDEQ established its own model for community sustainability and enabled Louisiana to answer the call for social justice through direct action for citizens.

\textsuperscript{111} March 12, 2010 Letter, \textit{supra} note 6.
\textsuperscript{112} ARRA Project List, \textit{supra} note 8, at 41.
\textsuperscript{113} \textit{Id.} at 40.
\textsuperscript{114} \textit{Id.} at 39.
## APPENDIX A

**Summary Project List**

### Louisiana

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Total SRF Assistance for Projects in/FL SRF</th>
<th>ARRA Funded Amount for Projects</th>
<th>ARRA Disbursements</th>
<th>Green Infrastructure Assistance Agreement Executed*</th>
<th>All Contracts Awarded Date</th>
<th>Construction Start Date**</th>
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<td>$7,500,000</td>
<td>$7,500,000</td>
<td>$66,451</td>
<td>$0</td>
<td>1/7/2010</td>
<td>12/23/2009</td>
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<td>$93,349</td>
<td>$0</td>
<td>1/7/2010</td>
<td>12/15/2010</td>
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<td>Iberville, City of</td>
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*Filter(s): ARRA Executed Agreement, Projects Only, All Dates

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## APPENDIX B

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**Total for all 53 Agreements for Louisiana**

- $25,374,543 |
- $63,681,400 |
- $6,683,877 |
- $8,669,525 |

**Grand Total for all 53 Agreements**

- $43,316,545 |
- $84,981,400 |
- $8,683,877 |
- $8,669,525 |

*Date listed for "All Contracts Executed" once the last contract funded from the ARRA assistance is fully executed.

**Date listed as "Construction Started" once work has started on the first contract funded with ARRA dollars. Because some projects have multiple contracts, a project may have "Construction Started" date before it has a date when "All Contracts Executed". 