



Wednesday, August 5<sup>th</sup>, 2020

Mr. T.C. Broadnax, City Manager  
Mr. Eric Johnson, Mayor  
Mr. Omar Narvaez, Chair, Council Committee on the Environment and Sustainability  
City Council Members  
Dallas City Hall  
1500 Marilla Street  
Dallas, TX 75201

Dear City Manager, Mayor, and Council,

It's been 947 days since Marsha Jackson and her Choate Street neighbors awoke one morning to find their Southern Dallas homes surrounded by an illegal dump full of hazardous asphalt shingles. It's been 413 days since District Court judge Gena Slaughter ordered that illegal dump, known as "Shingle Mountain," closed and removed.

And yet, today, an estimated 100,000 tons or more of illegally dumped waste still towers over those Choate Street homes.

There wasn't a day during this period that the City of Dallas could not and should not have immediately shut down the Shingle Mountain dump and begun a thorough clean-up.

Operators of the dump violated the law the moment they opened their toxic business. They violated a specific deed restriction put in place to prevent the very dumping they encouraged. They didn't obtain the Special Use Permit required by the City. They didn't have any solid waste or storm run-off permits. They had no pollution permits to spew asphalt dust into the air by the tons. And they were doing business in a floodplain that specifically prohibited their existence. From its very beginning, the "business" was a nuisance and public health threat, and, yet the City, ignoring the deed restriction and its own processes and regulations, issued it a Certificate of Occupancy, anyway.

Even after a year of repeated complaints to City Hall by Marsha Jackson and others, city attorneys still stood their ground, insisting this toxic dump was legal. But they soon had to come to terms with the fact that the City was violating its own Municipal Code and was guilty of gross negligence. Only after this group, which Ms. Jackson and her neighbors founded, threatened to shut down Shingle Mountain with civil disobedience, did the City suddenly determine that, in fact, the toxic waste site

was illegal. The City filed suit against the owners of the dump, but justice and protection for Ms. Jackson was not on their mind. No, the City was not in it to forcefully protect the health of residents and the air quality of its neighborhoods, but rather, it only wanted to force the bankrupt operators for a clean-up, certainly a reality they knew could never happen. And it didn't.

Instead, as is typical in civil litigation, that case has dragged on with no relief for residents. The lawsuit has resulted in a lot of City time and resources, but it's produced no results. In meeting after meeting, City officials continue to defend their own failure to clean-up Shingle Mountain by hiding behind this litigation and maintaining the stance that they didn't have the legal authority to enter the dump site. In fact, they've had the authority to take forceful action all along, but they lack any will to do it.

Because Shingle Mountain is in a flood plain, as defined by the Federal Emergency Management Agency (FEMA), and identified on that agency's Flood Insurance Rate Map, it is an illegal use of the land as a matter of law. This fact gives the City the right to seize the land, clean-it up and put a lien on it until all bills are paid or the land is forfeited (Local Gov't Code. § 54.020).

In addition to already having the authority for an immediate clean-up, the City also has the money. During the June 24, 2020 City Manager's budget briefing, Councilmember Tannel Atkins, asked the City's Chief Financial Officer Elizabeth Reich if the proposed fiscal year budget addressed Shingle Mountain clean-up. She responded affirmatively, adding that the Sanitation Department's budget included funds for Shingle Mountain disposal.

Thus, it is now undeniable that the City has the money for an immediate clean-up of this toxic mountain. Yet, still, Mayor Eric Johnson sits silent, refusing to even visit the site, and councilmembers remain complicit in his silence by not taking a stand. It is clear that what the City really needs is additional motivation to take action and clean-up Shingle Mountain. Today, we provide that motivation.

Southern Sector Rising, its allies, and supporters are demanding the City finally enforce the law, spend the funds already allocated, and execute an immediate clean-up of Shingle Mountain. Between now and October 1, 2020 we will be mobilizing public opinion in support of urging the City to finally do the right thing; the just thing; the thing they are, by law, required to do. Failure to take action by October 1, 2020, the beginning of the new fiscal year, will trigger a more forceful, determined, and calculated response to make sure a Shingle Mountain clean-up begins.

An immediate clean-up is necessary to prevent further damage to the residents and children living on Choate Street. With each passing day the health crisis for these residents living under the dump worsens. Almost three years of weathering and decomposition is making the Mountain's contents *more* dangerous. Carcinogens and toxins including fiberglass, silica, and formaldehyde are separating from their adhesive backings and disintegrating into tiny windborne particulate matter. In the summertime, Texas heat boils the tons of asphalt into toxic fumes that permeate the air, choking Ms. Jackson and her neighbors.

Residents have recorded the respiratory, dermatological, and neurological health effects they have suffered since the dump opened. Some must now regularly see pulmonologists and other specialists – something they never needed in their lives. All because the City of Dallas has not and will not enforce its laws and protects its residents.

One wonders, why hasn't the City enforced the law? Based on the evidence we can only conclude it's because of geography and city planning. Shingle Mountain sits in Southern Dallas, in a predominately Black and Brown neighborhood, and it has always been the City's dumping ground. The City cannot continue to ignore this and work toward building an "equitable" Dallas.

How long would residents of Preston Hollow or Lakewood have to wait for a clean-up once illegal dumping began right off the North Dallas Toll Road or by White Rock Lake? Not three years.

As Marsha Jackson's recent federal lawsuit against the City demonstrates, when developers want to relocate environmental hazards that get in the way of making money, the City has a track record of being extraordinarily expedient and unconcerned with spending City funds for the purpose.

For example, in 2010 the Dallas City Council expended over \$1 million to remove lead soil contamination to facilitate construction of Belo Garden park downtown.

In 2015, the Dallas City Council paid \$2.5 million to relocate and remove the Argos batch plant out of the newly gentrified "Trinity Groves" district. The City chose to move the facility deeper into West Dallas, where it sits adjacent to Black and Hispanic neighborhoods.

But in 2019, when Marsha Jackson requested funding for the clean-up of Shingle Mountain because of escalating health problems, the Dallas City Council turned a blind eye and refused to find the funds. This discrepancy is only the latest in a familiar pattern of unequal treatment the City perpetuates on Ms. Jackson and her neighbors.

Before the con men who created Shingle Mountain even arrived, Choate Road residents were victimized by racist zoning by the City of Dallas. The City Council deliberately changed the zoning on the Shingle Mountain dump site to the heaviest industrial zoning possible despite *knowing* that Ms. Jackson's home and other homes were adjacent to the site. The City changed the zoning *knowing* that the heavy industrial zoning adjacent to the homes also violated City zoning policies.

There are no industrial dumps in predominantly White non-Hispanic residential neighborhoods in Dallas. The City Council hasn't approved or contributed to the presence of illegal dumps in predominantly White residential single-family neighborhoods. The City hasn't issued permits in violation of deed restrictions and doesn't impose heavy industrial zoning adjacent to single family homes in predominantly White residential neighborhoods. There are no Shingle Mountains or any illegal dumps in predominantly White residential neighborhoods in Dallas. With only one limited exception there's no industrial zoning adjacent to ANY predominantly White neighborhoods in Dallas.

The disparity based on race is clear and the discriminatory impact of the Shingle Mountain is stark. Shingle Mountain's existence and the resulting injuries were caused by racist policies intentionally implemented and pursued by the City of Dallas, without regard for human health. Single Mountain serves as a symbol and a reminder of this City's racist past and unwillingness to address it in the present. Despite all of its official rhetoric about "equity" and "environmental justice," the City's actions in refusing to assert its authority to clean up this illegal dump demonstrates those really are nothing more than words to the people in power. At the same time the City hides behind its words and meaningless press releases, it continues to subject Ms.

Jackson and the other Choate Street residents to constant, daily harm and injury from the presence of Dallas' largest illegal dump.

No more discrimination. No more delays. No more excuses. The City must begin to rectify this outrage by the beginning of its next fiscal year on October 1, 2020.

Sincerely,

*Southern Sector Rising*



*Texas Rising*



*Downwinders at Risk*



*Our City Our Future*



*Texas Organizing Project*



*Mothers Against Police Brutality*



*Beyond Coal Texas*



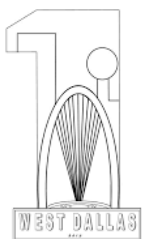
*Inclusive Communities Project*



*Poor People's Campaign*



*West Dallas 1*



*Friendship West Baptist Church*



*For Oak Cliff*



*Just Save the Dog*



*Elev8 Movement*



*Grow North Texas*



*Faith in Texas*



*Truth, Racial Healing & Transformation*



*Faith Commons*



*Clarice Criss Former City  
Plan Commissioner  
District 3*

*Kleberg Neighborhood  
Association and Crime  
Watch*



*The Center for the Study  
of Latino/a Christianity  
and Religions, Perkins  
School of Theology/SMU*

*Faith Forward*



*Sunrise Movement Dallas*



*Five Mile Neighborhood  
Association*

