



*In collaboration with*

**ALVIN BYRD, JR.,**

**Community Leader – The First Super Neighborhood Council President of the Fifth Ward  
President – Prince Square Civic Association**

**Date:** April 5, 2023

**Interviewer:** Dani Sullivan

- 00:00 Dani Sullivan** Okay. And we're recording and, all right. So, we'll get started. Well, before we start, do you have any additional questions for me about just myself, or the project, or my background, or anything?
- 00:19 Alvin Byrd, Jr.** Yes. Tell me a little bit about you and why you decided to take on this particular project. What is this—undergrad school or grad school?
- 00:30 D.S.** It's grad school. So, I'm in grad school right now. I'm studying environmental justice and environmental policy. And I decided to go to grad school because I was working in Houston for about four years, on environmental justice in Rodney Ellis's office, and I felt... in doing that work, I often felt at a loss for—it's really hard work, no matter if you're doing the community on the ground stuff or the policy work, and at the time I felt like I wasn't equipped, I guess, to do it. I felt sort of like, I guess an imposter, and I thought, "well, what kind of skillset do I need to actually contribute to this?"
- 01:34 A.B.** What level of education were you at that time?
- 01:38 D.S.** I had my undergraduate degree at the time. And I had studied actually criminal justice and so I really was more familiar with that field but the work that I was doing wasn't that, and I guess through working on environmental justice I found that that was something that I was—
- 02:01 A.B.** How old are you, Dani?

02:03 D.S. I'm 30.

02:04 A.B. And you felt that you were an imposter?

02:08 D.S. **I did, I did feel like that. 'Cause I wasn't part of the communities that I was doing work in, and I respect—and I deeply understood that, that there is sort of...if you're not from a place and you're not part of the community, there is an element of “what are you doing? What are you doing here? You don't really know.” And I felt that pretty deeply, and I thought, “well, I'll never be part of the community, so how can I develop—”**

02:41 A.B. Did anybody ever say that to you?

02:43 D.S. **I did get that a few times. I mean, also, I will say, my background, I'm from rural Texas. I'm from a pretty poor area. But that being said, I am a White person and I do feel like—**

03:01 A.B. Oh my God! (sarcastic)

03:03 D.S. **—a lot of times, White people are, kind of, don't do good work.**

03:11 A.B. Let me give you... a different perspective. I'll be 70 years old in June. That means I'm old enough to remember how the Civil Rights movement got started. Yet, I'm young enough to see that we haven't accomplished much with Civil Rights. However, the way that it all started was a coalition of people who were *not* actually having *their* rights violated. Do you have compassion for the homeless?

03:53 D.S. **Yes.**

03:54 A.B. Do you advocate for homeless people?

03:56 D.S. **Yes.**

03:57 A.B. Yes. Are you homeless?

03:59 D.S. **No.**

04:01 A.B. Alright. So, here's the deal, and never forget this: if my house was on fire, I don't care who put it out.

04:11 D.S. **Yeah.**

04:12 A.B. Just bring water.

04:14 D.S. **Right.**

04:14 A.B. We don't have black water, white water, green water.

04:18 D.S. **Yeah.**

04:19 A.B. We just have water.

04:21 D.S. **Right. That's true.**

04:22 A.B. Yeah, so you stop, as of this day—the inadequacies that you have in your mind are not in your heart.

04:37 D.S. **Yeah.**

04:38 A.B. You wouldn't have chose this field if it wasn't in your heart.

04:40 D.S. **That's true. There's no financial incentives, that's for sure.**

04:46 A.B. Yeah, that's for sure. You won't get rich doing it.

04:49 D.S. **That's true. And that's something that I've worked on a lot in the past few years. It's true. And I do care a lot about it and I'm gonna keep on trying to do the best I can—**

05:06 A.B. I would hate to see a person—and I've only really got an opportunity to kinda see you face to face for about five, ten minutes. But I would hate to see a person like you, twist off, because of what other people say to you.

05:25 D.S. **That's true.**

05:26 A.B. Just think if we stopped every time somebody discouraged us.

05:30 D.S. **Right. I know. Yeah. It, I think as I've gotten older, I've gotten better at—**

05:36 A.B. Older?

05:37 D.S. **Well, I'm not *old*. But as I've grown up, I've gotten better at not internalizing it and... but yeah, I do care really deeply about this work, and, so coming to grad school was more about, "OK, where is my place, what kind of skills can I develop to where I can be of service"—**

06:08 A.B. Ok, let's pass that part. Now, you're doing this for Duke University?

[SIDE CHATTER]

07:21 A.B. So how did you get my name?

07:23 D.S. **I got your name from Daniella, from COCO.<sup>1</sup>**

07:27 A.B. And did you talk to Reverend (James) Caldwell about me?

07:30 D.S. **I haven't. I reached out to Reverend Caldwell but we haven't talked yet.**

07:35 A.B. So have you talked to anybody in my neighborhood about me?

07:40 D.S. **No.**

07:42 A.B. So, you don't know anything about me?

07:44 D.S. **No, nope, I don't. That's what I was gonna ask during this session.**

07:53 A.B. Ok. Let's roll.

07:55 D.S. **Okay. So, just wanted to start with more of a broad question of, who are you, what do you do; you live in Houston, I know that—which part of Houston do you live?**

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<sup>1</sup> Coalition of Community Organizations, in Houston

08:12 A.B.

Okay. First of all, my name is Alvin Byrd, Jr. I always like to emphasize that because I'm named after my father, born and raised in Fifth Ward, in a place called Pearl Harbor. Fifth Ward, kinda like what you would call subdivisions, we have little sectors of Fifth Ward. [Okay] Are you familiar with Fifth Ward? [Yes] Are you familiar with Lyons (Ave) and Jensen (Dr)? [Yes] You know that no structures there, no houses, everything has been torn down. However, that was the most thriving part of Fifth Ward. Are you familiar with diaspora? [Yes] Okay. That's what happened on the corner of Lyons and Jensen. The only thing that's there is Old Crawford Elementary, and Mount Vernon (United Methodist) Church. So, went to Crawford Elementary, and then back in my day they had junior high school, which you guys call middle school. Graduated from Phyllis Wheatley High School in 1971. Went to Texas Southern University for two years. Then I joined the United States Navy. Stayed in the Navy for 10 years. Came back to Fifth Ward with a full-blown heroin addiction. Got sober in 1996. This year, October 9<sup>th</sup>, I'll celebrate 27 years clean. So, are you familiar with the Super Neighborhood Council concept? [Yes] I was the first Super Neighborhood Council President of Fifth Ward. I started the Super Neighborhood Council concept. Well, not the concept. The concept came from Lee Brown. [Okay] Who was then mayor. [Right] But Fifth Ward, we were added on pretty late in the process, because we didn't want to have City of Houston dictating to us how we governed our neighborhood. [Right] But finally, we acquiesced and then we came on board. [Okay] Got a lotta respect in the neighborhood because, the principle of duality is, I know the street people and I know the other side of the street. 'Cause, of course, I was one of the street people, and I worked at the city—matter of fact, I retired in 2021, no, 2020. I worked in city government. I was Chief of Staff for council member Jarvis Johnson, Chief of Staff for council member Richard Nguyen. Did you know Jarvis?

11:53 D.S.

**Yeah. I think that's where I knew you from. Remember we were trying to figure out where we knew each other from? I coordinated with his office on a few things, so maybe that's where we met—**

12:12 A.B. You were working for Rodney at the time? [Yeah] Yeah, well, we didn't have such a good working relationship with your office at that time. [I know] Yeah, and we'll leave that at that, OK? [I know, I know] Let's see what else. Oh, yeah, I was Deputy Chief of Staff—well, I was Chief of Staff in District F, that's the Alief area. Then I was Deputy Chief of Staff for District J, which is Sharpstown area. I worked in solid waste. I used to bump trash. I used to be a garbage man. Then I worked in the department of neighborhoods, to go around enforcing the public nuisance. [Yeah] Illegal dumping, all of that stuff. I'm married, got a beautiful wife. We've been together, actually April 26th will be 20 years. [Oh wow] Yeah, that's wild, her putting up with me for that long, man. Yeah. So, let's see, what else? Right now, I'm currently the president of Prince Square. [Okay] That's a civic association on the west side of 59, over near, you know Collingsworth<sup>2</sup>? [No, I don't think so] You know Jensen (Dr)? [Oh yes, Jensen] Probably one of the ways that Daniella and I have been working together is, we have two concrete batch plants over in our area. So, I've been working with Lone Star Legal Aid to bring these concrete batch plants into compliance. [Okay] So now, I moved out of the neighborhood. I live off of 1960<sup>3</sup> now, over in the northwest part of Houston. [Okay] But I'm in Fifth Ward every day.

14:25 D.S. **I'm familiar with the batch plant work. That was one of my major responsibilities at Ellis's office, is working with Pollution Control (Services Department), trying to figure out ways to hold the concrete batch plants accountable to complying with the permits that the TCEQ<sup>4</sup> gives them to operate because the TCEQ does not do their job. The job that they're—**

14:53 A.B. You don't have to say that with a smirk. It's real.

14:57 D.S. **They don't!**

14:58 A.B. Actually, I went and testified in front of the Sunset Committee<sup>5</sup>, and yeah, they have a lot of changes that need to be done. [Yeah] Actually May 8th, the EPA'll be coming to the Fifth Ward.

15:21 D.S. **Oh, they're coming to Fifth Ward? [Yes] For what?**

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<sup>2</sup> Collingsworth Street, in Houston

<sup>3</sup> A farm to market road

<sup>4</sup> Texas Commission on Environmental Quality

<sup>5</sup> Sunset Advisory Commission, a state entity handling inefficiency of government agencies

- 15:25 A.B. We're gonna talk about the concrete batch plants. [Wow] When you coming home? [The 12<sup>th</sup>] You better move your ticket up.
- 15:34 D.S. **Oh, man. What are they gonna do? Are they doing like a public hearing or something?**
- 15:43 A.B. No, here's what's gonna happen. We finally—if you've been doing this work, you know how long it's been we've been trying to get the EPA to actually put their thumb on TCEQ, right? [Yeah, for a long time] So now the way we got 'em down here was through illegal dumping. [Okay] Because of Title Six, what is it—section six of the Civil Rights Act. [Okay] So Lone Star Legal Aid and Christian Menefee<sup>6</sup> with the county, we basically filed a lawsuit, we're part of a class action lawsuit against TCEQ. So, how are you coming to Houston? You flyin', how you comin'?
- 16:43 D.S. **I'm gonna drive. I'm drivin' my stuff back.**
- 16:46 A.B. Well, you need to come back for the eighth. [Yeah] I'll get you in that meeting.
- 16:51 D.S. **Yeah, I would love that. That's great they're coming. I remember we were trying to get them to do something about the Union Pacific site.**
- 17:09 A.B. We working on that too. But they're two separate issues. Creosote is basically ground contamination. We dealin' with air quality. [Yeah] Dani, it just dawned on me, you thought you were basically calling to interview me for your Duke University project. [Yeah] No. I need to tap into your experience about this concrete batch plan. [Yeah] This ain't no interview. [Okay, we can switch gears] Do you believe in serendipity?
- 17:53 D.S. **Oh yeah, I say things are serendipitous all the time.**
- 18:00 A.B. So, you actually thought that the creator had hooked you up with Daniella so you can interview me?
- 18:09 D.S. **Well, that's what I thought, yeah.**

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<sup>6</sup> An attorney for Harris County (as of 2023)

- 18:12 A.B. No, that's not what's finna happen.
- 18:16 D.S. **Ok.**
- 18:21 A.B. ...let me tell you this, Dani: We only gonna get one shot at this. Once the Texas legislation find out what we're doing. Well, they kinda know, but they don't feel the pressure because there's no pressure applied. [Right] So, we get one shot to maximize our opportunity to let EPA feel what's happenin' in our community, kinetically. Because we're gonna take them over to the concrete batch plant. [Okay] Even though we not gonna go in, but we gonna let them see. 'Cause I got some overhead drone images of how these people operate. [Really? Okay] You needa come home, man!
- 19:17 D.S. **This one—which concrete batch plant is it?**
- 19:23 A.B. TexCon. And then, here's the travesty. The travesty is that De Soto<sup>7</sup> concrete batch, or Ready Mix,<sup>8</sup> is tryin' to open another one just three blocks from an early childhood development center.
- 19:42 D.S. **Oh my God—I remember De Soto.**
- 19:45 A.B. Was in Acres Homes. [Yeah, Acres Homes, they got shut down, I thought?] We shut 'em down, actually I was workin' for the Department of Neighborhoods. When we shut 'em down, they found vacant property in Fifth Ward. [So, now they're just trying to do the same thing in Fifth Ward?] Tryina' do the same thing. So, we got a stay, because the community came together. That's why we established the (Prince Square) civic club, because there was no civic organization, let's just say, no official organization on that side of 59 to combat this issue, right? And Reverend Caldwell and I, we went to school together. [Okay] Yeah, elementary school, middle school, and senior high school. So, we know each other very well, so I went and got him and we actually stopped the planning—we went to the planning commission, and stopped the process of them opening another concrete batch plant less than a mile from the two that's already there.
- 21:08 D.S. **Good. Yeah, as you probably know, there's what, 200-plus concrete batch plants in Houston? That's such a widespread—and**

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<sup>7</sup> De Soto Street, a site of a batch

<sup>8</sup> Soto Ready Mix, the company behind the batch site on De Soto Street



**I remember working with, Latrice,<sup>9</sup> do you, ever work with Latrice from Pollution Control? [No] Or have they been very helpful at all? Have they been engaged at all?**

- 21:37 A.B.** No. You need to get them engaged with me.
- 21:40 D.S.** **Yeah, I do. That's strange. 'Cause whenever I was working with Latrice, she seemed very passionate about the concrete batch plant problem and trying to find a way that we can locally enforce the permits that the TCEQ issues, so that if they're not gonna enforce it, then the Pollution Control can enforce it. But the, the problem is Pollution Control is under-resourced, they don't have a lot of staff, and so then they can try to enforce the permits, but they're just not gonna do the job that needs to be done because of that.**
- 22:25 A.B.** That's right. Do you know Amy Dinn<sup>10</sup>, wit' Lone Star Legal Aid? [Oh, yes, I do] They have basically been saviors for us.
- 22:39 D.S.** **They do really good work. I remember when we worked together, she was trying to figure out like a deed restriction solution. I don't know if you guys—because zoning, we don't have that and that's been difficult to try to push the city to do, but deed restrictions she said could be a possibility. I can't remember. It's kind of legal stuff, but have you guys ever talked about that strategy?**
- 23:09 A.B.** Well, you've gotta remember, Fifth Ward is predominantly renters. In order to establish deed restrictions, you have to have consent through legal petitions from 66% of the property owners. [Oh, right...so then landlords are probably not gonna—] Now, mind you, we don't wanna shut down TexCon, or Cherry.<sup>11</sup> We don't wanna shut them down, because a lot of people from Fifth Ward work there. [Okay] We just want them to be compliant. [Right, right] Which is the first step.
- 23:59 D.S.** **Yeah, exactly. 'Cause they do provide jobs, but if they're polluting the air that the people are breathing in at their jobs and also just living around there, then that just, it mitigates the whole—what's the point of having a job to make money if you're gonna get sick.**

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<sup>9</sup> Latrice Babin, Executive Director of Harris County Pollution Control

<sup>10</sup> Litigation Director at Lone Star Legal Aid

<sup>11</sup> Cherry Companies, another corporation with plant sites in Houston.

- 24:18 A.B. Right. They get sick and you don't even know you're sick.
- 24:22 D.S. **Right. You don't even know you're sick. Yeah, so the EPA is gonna come and they're gonna go to the concrete batch plant to, and you're gonna show them how out of compliance they are?**
- 24:36 A.B. Yes. [That's good] And we have installed an air monitor—PurpleAir monitor—over at, on that side of 59 is where a park is, and the air quality readings from that monitor has not been in compliance for two years.
- 25:10 D.S. **Wow. I guess I'm curious to know, 'cause I didn't do much with air quality. I did more with ground pollution, and I'm curious to know, 'cause I know at the time, the city and airlines were setting up a lot of those PurpleAir monitors and the data that you collect from it, you can see 'OK, the air hasn't been clean in this area.' How do you strategically use that? How do you use that data? I've always kind of been curious... you can show, 'OK, the air has not been clean, and so that means this,'—you connect it to the compliance of the batch plant?**
- 25:56 A.B. Yes. And here's the deal, because this thing called particulate matter. There is a national level that it has to be a be at, which is 0.2. You use that data, that's the science that the people go—'cause our testimonials are basically, that's the, how would you say... that's the tangible, the people, and the matter that's on the vehicles, when we rinse down our houses and we see it float to the sewer. [Right] But when we present the data, it's undeniable because these monitors are regulated by TCEQ. That data is supportive. If you don't believe my testimonial, then let me show you the data.
- 27:19 D.S. **That makes sense. So, it supports the testimonial. [You've gotta come home, man] Yeah, there's so much work out there. You mentioned Cherry, are you talking about the one—where is Cherry?**
- 27:42 A.B. It's on Collingsworth (St). Both of them are on Collingsworth. But you gotta remember, see, here's where I'm valuable, 'cause I remember when they first, when they were first there, everybody went to work over there. I worked over there in high school. [Yeah] The summer job. [Yeah] And it was so dusty, back then because there was very little regulation back then. And they were not called concrete batch plants. We used to say, "I work at the cement plant." So, the

terminology has advanced to where now you can put a term with what's happening. [Right] Like when you say “air pollution,” the only thing I used to think about “air pollution” was exhaust fumes from a vehicle. Now we finding out about all these different particles in the air and what it's doing to our lungs.

- 28:54 D.S. Well, that’s a thing, too. There wasn't the terminology so many years ago, but now that we do know what's happening... the only thing that hasn't changed is the action, the mitigation. We know what it is, at least we can put words to it, but nobody's—the people in power still aren't doing what they're supposed to do to correct it. That part is so frustrating. 'Cause that's what they say, right? “Oh, we need the data, we need to know what's going on so that we can do something,” but then they still don’t move on it. It’s just frustrating.**
- 29:42 A.B. You are an old soul.**
- 29:46 D.S. Thanks. I’ve always heard that.**
- 29:51 A.B. I’m checking you out. Yeah, that’s a trip. Ok come on, what else you got?**
- 30:03 D.S. Well, I mean, now I wanna ask more about... 'cause you grew up in Houston and you said in high school you worked at the concrete batch plant. Is that—what led you to get involved in this kind of work? Was it the experience of when you were young of experiencing it, or what kind of drove you into it?**
- 30:34 A.B. Absolutely not. The experience was, in Fifth Ward, we had a place called the Many Diverse Industries,<sup>12</sup> and that is really federally known as the MDI site, which was a Superfund site that was directly across the street from an elementary school. And so environmental issues was not on my mind, I was not conscious of this, and if you know Fifth Ward, not only do we have, when people think of the railroad—the railroad was one of the largest, one of the most popular employers of the neighborhood. A lot of people worked at the railroad. But we were surrounded by rail depots, right? We had one on Lockwood (Dr) and we had one on Carl Street, which was diametrically on the west side and on the east side of Fifth Ward. Then we had a plethora of scrap yards. And it was just not—I wasn't consciously aware of the harm that it was doing in our neighborhood. Matter of fact, fast forward, and the way I got involved with this now,**

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<sup>12</sup> Many Diversified Interests, Inc.

is somebody brought it to my attention. It was Reverend Caldwell, who is over at COCO. He brought it to my attention because Reverend Caldwell was getting outside information about groundwater and the contaminants in the groundwater, right? And then we found out that the highest level of groundwater contamination was on the west side of 59, right? So we started the civic club so that we could, first of all, make people aware that it was happening, and then also to be able to—by you having a civic organization that's connected to the city of Houston, you start to be able to get information that you normally would not get as an individual citizen. 'Cause they wanna try to—and you work for a county government, so you know—these entities try to get the biggest bang for their buck, which is gonna be in the organizational realm of things. They're not goin' door to door, 'cause they don't have the resources to do it, let's just face it. So, one of the best ways to do it is through civic clubs, super neighborhood councils and any other organizations that have the ability to reach masses. And that's how I got involved. So, we were approached by Lone Star Legal Aid that we could do something about it. The activity really started when COCO came to us and talked about, “hey you know we could stop the De Soto plant from opening,” 'cause I had already got familiar with De Soto through Acres Homes, as part of my responsibility at Department of Neighborhoods was—Acres Homes was one of the communities I was assigned to. And then plus, I had a little connection with Acres Homes, 'cause I have a step, I had a stepmother that lived in Acres Home; That's a whole 'nother story. [Okay] Yeah, but that's how I got involved. [And that was through—] through COCO.

- 35:19 D.S. That was through COCO. And when was that? Like a couple years ago?**
- 35:23 A.B.** That was like, I would say right before the pandemic. [Right before, OK] Yeah, I'd say 2017, 2018.
- 35:37 D.S. And growing up in the fifth Ward, I know you said you weren't really like thinking about all of it then... has your health always been OK? Or did your family's health ever suffer from any—?**
- 36:02 A.B.** Actually, my father died of cancer. And actually, for full disclosure, I am one of the litigants in the lawsuit against the railroad. [Oh, good, yeah] 'Cause I grew up two blocks from the railroad—I mean from the actual tracks. And look, people, when they talk about creosote, you mostly hear people use language and terms that they just start talking about in this day and age, right? Because creosote was used to preserve the track tires, the wooden things—and we played on it. We used to hop from tire to tire, you know how kids are trying to be

creative, and it's like we were—'cause it was very, very sticky. And we would track that into our home. So, we had no idea.

And at the MDI site, there was what they call a quenching pool. There was a body of water on that site that, if you can imagine a foundry. You familiar with a foundry? [No, I don't think so] Okay, think about it like this: when you have an industry has a place where they take molten steel to fabricate, let's say big pieces of—let's say they wanted to fabricate the rails on the track, right, that are made of iron. And the shape of the track has to be forged, right? You have to heat the metal, you have to heat it enough to maneuver it—what they call make it malleable. So, after you heat it up to that very high temperature, then you have to cool it off. And the process in which they cool it off, is called quenching. And the runoff, the water that they quench it with would go into the ground. [Okay] Once it goes into the ground, then it goes into a pool. [Right, right] 'Cause they just recycle that water. [Right] That's how they quench the molten metal. So, we would go and jump the fence, and swim in it. [Yeah]

- 39:10 D.S. Wow. Yeah. I've heard stories about—you don't know what it is and it looks fun to play in.**
- 39:19 A.B.** Looks fun to play in. Buffalo Bayou was the same way, we used to swim in Buffalo Bayou.
- 39:24 D.S. Nobody's telling you not to. And the puddles—I've heard a lot of stories about playing in puddles, 'cause there's like "rainbow water" they called it, right?**
- 39:36 A.B.** Rainbow water. [Yep] Actually, one of the challenges was, the boys, guys would see if you could swim underneath the rainbow, the shimmer or the shine that's on top of the water—if you could swim underneath of it, and not disturb it, you get points.
- 39:59 D.S. Yeah. Sounds like a fun game if it wasn't toxic.**
- 40:02 A.B.** Yeah, if it wasn't toxic. That's a good way to put it, Imma use that. It's a fun game, until you find out it's toxic.
- 40:12 D.S. Fun game until you get poisoned. That's the thing, all of these stories of that—you're just kids, you don't know. And then for people not to take responsibility for that. Whose responsibility is it then?**

- 40:36 A.B. Let me tell you what happened to the MDI site. Well, we found 55-gallon drums of contaminated waste that had eroded under the ground. That's how they was burying their waste, all right? They closed the school, Bruce Elementary, yet they kept the plant open, they kept the MDI site open; that shows you priorities, right? So, what happened, the federal government, the EPA declared it a Superfund Site. There was money allocated to remediate the property. They never remediated it to the level of residential use. However, right to this day, there are town homes sitting on that property, right now. Frank Liu, that's the developer who bought it.
- 41:52 D.S. **Yeah. I remember there were talks about—someone was talking about partnering with developers to develop on top of the Union Pacific site. I think that idea got shut down really fast—**
- 42:07 A.B. Yeah, yeah, we learn from our mistakes. Now, not to pivot too much off the, the topic, but I'm really, really disappointed in some of the advocacy for this creosote field. A lot of peoples' motives have been twisted, 'cause money is involved. There are a lot of backroom deals. There are a lot of meetings after the meeting. It divided the community. 'Cause you can't tell me that that contamination was only contained or limited to that area of Fifth Ward. We've had three major rain events. Tax Day Flood, you had, Hurricane Harvey, you had Katrina, all these major rain events and people wanna say, Fifth Ward don't flood. It flooded then. And water being one of the most powerful sources of movement on this earth, you can't tell me that it didn't carry those contaminants all over Fifth Ward.
- 43:39 D.S. **Yeah, it definitely did. And I remember meeting with some Union Pacific reps with Latrice from Pollution Control, and Sarah Utley<sup>13</sup>, she's the environmental attorney that's working, I think with one of the lawsuits—the county lawsuit. Anyway, and I remember them telling us their mitigation plan was to put a slurry wall around the site in order to prevent the contamination from, when there is a rain or a flood event to prevent the contamination from spreading. And I said, 'well, what about, it's been 30 years, 40—what about the contamination that has already spread?' Because that was basically them admitting that it was gonna spread, that it was a possibility. And I said, 'well then what about the pollution that's already spread, it's been so long, are you trying to prevent further—?' And they didn't really have an answer. They were like, 'well, we just wanna do our part to prevent the further spread.' And I was like, 'well, you won't even admit that it's spread to begin with.' All of these mitigation plans,**

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<sup>13</sup> Harris County Assistant Attorney

**I don't think are very comprehensive. But basically, what they're trying to do is comply with the TCEQ standards of mitigating or whatever, but the law does not force them to compensate for the damage that has already been done.**

**45:19 A.B.** What does that look like? Compensation is usually what we refer to as a pacifier. I know your generation—do y'all know what a pacifier is?

**45:36 D.S.** **Well, for a baby—**

**A.B.** Yeah, OK, but that keeps the baby quiet. It's just to pacify. Let me give you some money. And first of all, we look past the admission of guilt, [Yeah] the level of accountability, right? Because now we have—see, we equate money to a win. I don't know if you just watched Fox News just settled with Dominion in regards to this voting machine stuff, right? So, it's not an admission of guilt, but it's saying that, “hey, I give you this money to pacify you.” And guess what? You familiar with Impact<sup>14</sup>? [Yes] You know Sandra Edwards<sup>15</sup>? [Yeah] So... I ain't taking the money.

**46:51 D.S.** **Yeah, that's true. I think a true reparation would be for them to just listen to what actually needs to be—**

**47:11 A.B.** Let me tell you, and I've suggested this: If you're serious about it, you know, the sincerity is different levels. Give those people their property. [Right] Give it to 'em. [Right] And then even though they can't rebuild on it, 'cause it would be hypocritical for me to take the property, then build a new house on it. I want that area...preserved, and you can't build any—it can't be remediated for residential use. But I want the people who you give that property to, to be able to sell that property back to you. Not just you saying—not the railroad just saying “OK we will buy you out”—the city gonna try to do a buyout anyway. No, I want the residents, the people who are property owners, to be able to get paid twice.

**48:29 D.S.** **Yeah. Give 'em their properties. They probably—**

**48:34 A.B.** Give 'em their property, let me sell it back to you, and then I can sell it again.

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<sup>14</sup> Impact Fifth Ward, an advocacy organization

<sup>15</sup> Leader of Impact

- 48:39 D.S. **Yeah, that would be—is there a way that local governments can claim eminent domain? Can they give—if the owners don't wanna sell the property to tenants, the people that live there, can the government claim it and then give it to the—?**
- 49:08 A.B. If the government—the only way you can enact eminent domain is that it must be for a level of progress that will benefit the entire city. Like if you wanna put a street, a freeway, or some type of infrastructure that would benefit the entire city. But you wouldn't be able to do that with private property. If the city were to buy it out, then they would actually be the owners of the property. [Yeah, OK] And it would not be good sense for the city to take it and have it as an asset if it's not income-generating. Like they can't get revenues off of it, so, the city don't want it—they don't want it.
- 50:13 D.S. **So it would be up to the owners, then?**
- 50:18 A.B. It would be up to the owners to do that. Which it should be.
- 50:27 D.S. **Yeah... I haven't thought through these things... in a minute.**
- 50:40 A.B. That's why you gotta come back home, Dani! [I know] Come on, man!
- [~15 minutes SIDE CHATTER-EDITED OUT OF VIDEO]
- 50:45 A.B. After May 8, after my sit-down with the EPA...everybody is gonna wanna have my phone number. [Oh, probably] You know why? 'Cause the EPA—we gonna WOW them. [Yeah] They've heard about TexCon and Cherry, but they have not seen it.
- 51:15 D.S. **They need to see it.**
- 51:17 A.B. And when they see it, I will give them the commentary to go along with the visual, and Imma let them know, that if they don't do something, then we gonna make a little noise on that side of town.
- 51:37 D.S. **So...what do you want to them to end up doing—holding the TCEQ accountable or getting those batches into compliance?**
- 51:49 A.B. See, this is why I'm impressed wit' you. See, 'cause I'm not trying to blow up the concrete batch industry. [Right] Because I understand how powerful it is. [Right] But here's what I want you to do: I just



want you to do what you say you do. [Yeah] You say that, “hey look, we tryina protect the environment,” but your data and your... processes show otherwise. [Yeah] Because you been outta compliance. You’ve got 42—TexCon has 42 open violations that have been open for 18 months. Now, I know that's an enforcement issue. However, Mr. Plant Manager or Mr. CEO, or the person that runs the place, I think you could do a better job by cleanin’ up your mess. [Yeah] 'Cause if you have violations, that mean that some things have been pointed out to you, they have been identified, and usually once you get those violations, you agree to take care of those violations through owner correction in a certain period of time. You have not done that!

- 53:09 D.S. **Yeah, and they're not even—are they communicating with anybody?**
- 53:15 A.B. No. They don’t even return emails.
- 53:19 D.S. **They don't return emails. They don't even tell you why they're not doing it? .**
- 53:21 A.B. No. They refer us—now, as a civic entity, the civic club, they refer us to their lawyers. And I understand that. That’s why I need my governmental entities, like the county, the state. I need TCEQ, really, to do their job.
- 53:43 D.S. **Yeah, it is up to the TCEQ. That's why local governments and organizations have to step up to do the job that the TCEQ is supposed to do. If they were doing their job, we'd have a lot more free time, locally, to focus on more proactive things, rather than enforcement. So, what is the deal? So, the EPA, though, and then even if they get involved, it's like... there’s so much bureaucracy involved. So why can't the organization that's supposed to do what they're supposed to do just do it. If they would just tell us why they can't, then we could maybe work with them to lobby the legislature to get them what they need. What if they're like, “oh, we’re not”—whatever excuse they have, then we can be like, “OK, let's work together to get you what you need so you can do your job.”**
- 54:39 A.B. So, Dani, since I’ve thoroughly just nuked your interview, what are we s’posed to be doing now?

- 54:52 D.S. **Oh, I got off track. This is fine, honestly. To be honest, the point of talking is just to basically do what we did: to get to know you, first of all, but hear about your perspective and what you're experiencing right now in Houston which is basically—**
- 55:15 A.B. What did you gather, just from talkin' to me?
- 55:20 D.S. **I got a lot. I did get to know about your background, but what you're working on right now, the concrete batch plants. And then, I feel like I got a lot of insight about what's currently going on in Houston—a little bit of the climate right now. And then also I feel like we had a lot of good interpersonal conversations and I haven't had a conversation where I talked about strategy stuff in terms of how to approach environmental justice—**
- 56:02 A.B. You are good, you pretty good.
- 56:07 D.S. **Yeah, I mean I love it and I feel like I haven't been able to talk about it in a long time, so I definitely got that, too.**

[SIDE CHATTER- EDITED OUT OF VIDEO]