Sandbranch Case Study:

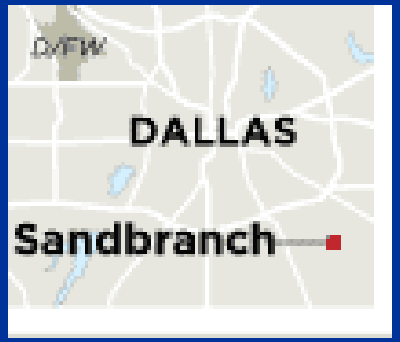
Bringing Safe Water and WW Treatment to a Nationally Recognized Environmental Justice Community

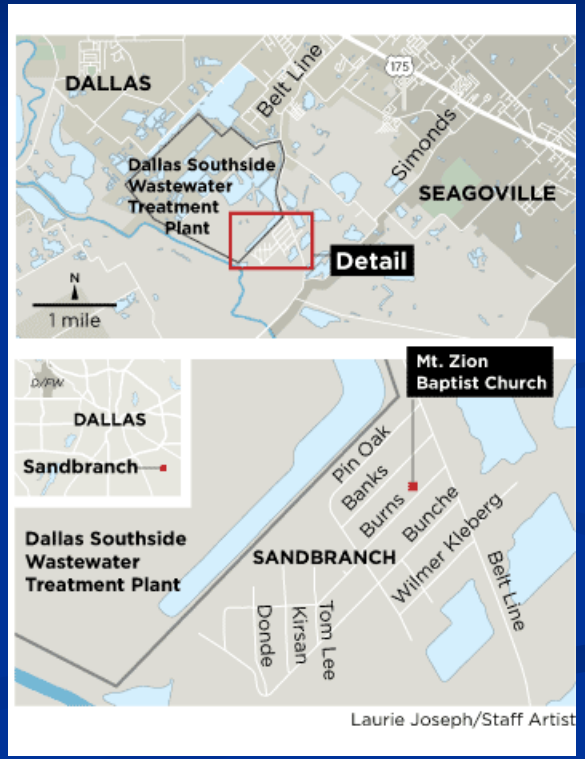
Mark McPherson
McPherson Law Firm

NTAEP June 16, 2021

Environmental Justice for Sandbranch

- 371 Acres, mostly undeveloped





Environmental Justice for Sandbranch

- The Early Years 1930s-1960s
  - Over 600 residents
  - Locally owned businesses and eateries
  - Many churches, some of the oldest in Texas
  - Active Community Center
  - Historic Freedman's Cemetery

Environmental Justice for Sandbranch

- Water Source
  - Hand-dug water wells, 30’ into underflow of the Trinity River
  - Safe, convenient, refreshing

- Sewer Source
  - Each structure had a private septic system

Environmental Justice for Sandbranch

Hand dug, manual pump water well; upper picture is Pauline Nash; to the right is her daughter Mary Nash, who lived in this house from 1961-1979; Mary is President of the Sandbranch WSC

Environmental Justice for Sandbranch

The Problem Appears-

Becoming an EJ Community

Environmental Justice for Sandbranch

- 1985-Dallas County Health Dept. tested 84 Sandbranch water wells
  - 65% tested positive for e-coli and bacteria contamination-source undetermined
  - Dallas County advised residents to stop using their groundwater wells
  - This effectively cut off Sandbranch's water supply

Environmental Justice for Sandbranch

Today Sandbranch relies on donations of bottled water for potable uses, stored in this container

In heat, rain, snow, or whatever the weather, water has to be hand delivered to each house as needed

Environmental Justice for Sandbranch

- Annexation into a city, any city? ("Bueller? Bueller?") No
  - Tax base too small
  - Cost of providing only the minimally required services was too high
  - No future, only saw the community continuing to gradually decline and population shrink

Environmental Justice for Sandbranch

- Forced Relocation Program, 2000-2005
  - (Y2K Effort)
  - Dallas County led effort to bring water to Sandbranch, obtained $400,000 grant from TWDB to study the situation and develop a plan

Environmental Justice for Sandbranch

- Forced Relocation Program, 2000-2005
  - August 31, 1985 Dallas County adopted floodplain regulation as required by FEMA
  - By Y2K, 70 new structures were located in Sandbranch (older structures were grandfathered)
  - Jan. 8, 2003, FEMA demanded Dallas County bring Sandbranch into compliance-or else

Environmental Justice for Sandbranch

- Forced Relocation Program, 2000-2005
  - Only three ways to comply-
  - Elevate structure to or above the established base flood elevation (BFE) *[thought to be eleven feet above ground surface]*
  - Move structure out of the floodplain
  - Demolish the structure

Environmental Justice for Sandbranch

- Forced Relocation Program, 2000-2005
  - April 6, 2005 Dallas County sent letter to each resident in Sandbranch
  - "*..you have 30 days*" to bring your property into compliance. "*Should you do nothing, you will be subject to the enforcement procedure…and to the criminal and civil penalties authorized under…the Texas Water Code.*"

Environmental Justice for Sandbranch

- Forced Relocation Program, 2002
  - Using remaining grant funds, Dallas County offered to pay residents to move, based on tax assessed value of their land
  - Deducted demolition costs first
  - Most left with only $350 cash after deduction
  - Left titles in private ownership *(critical to the current effort)*

Environmental Justice for Sandbranch

- Tires, approx. 400-600

After the forced relocation, living conditions continued to deteriorate for those who stayed in Sandbranch

Environmental Justice for Sandbranch

- Trash (municipal solid waste, non-hazardous industrial waste)

Environmental Justice for Sandbranch

The Solution Begins

Environmental Justice for Sandbranch

- Pastor Eugene Keahey became pastor of the Mount Zion Baptist Church in Sandbranch
  - Spent about 4 years ministering to the community
  - In the Fall of 2015, Pastor began advocating to EPA, Dallas County, and other govt entities to bring a safe water supply to Sandbranch

Environmental Justice for Sandbranch

- EPA brings Sandbranch to the attention of the USDA
  - USDA recommended that the community leaders establish a WSC to purchase and sell water and sewer services
  - USDA recommended that the community leaders establish an advisory committee/team of experts in various disciplines; this becomes *Sandbranch, Everybody's Community, Inc. (SECI), a 501c3 org*

Environmental Justice for Sandbranch

- EPA brings Sandbranch to the attention of Dallas County
  - Feb. 2, 2016, Dallas County Judge Clay Jenkins sends blast Email to all Dallas County Volunteer Organizations Active in Disaster (VOAD) asking for assistance to Sandbranch
  - North Texas Conference of the United Methodist Church receives VOAD alert and purchases 100 water coolers for Sandbranch residents

Environmental Justice for Sandbranch

- My first day in, knowledge of, etc.

Most Impoverished area in Dallas County; avg income $720/mo

Feb. 29, 2016

Environmental Justice for Sandbranch

- First visit of 11 Govt. Agencies, March 2, 2016

EPA
USDA-RD
FEMA
USACE-SW
US Rep. Johnson
US Sen. Cornyn

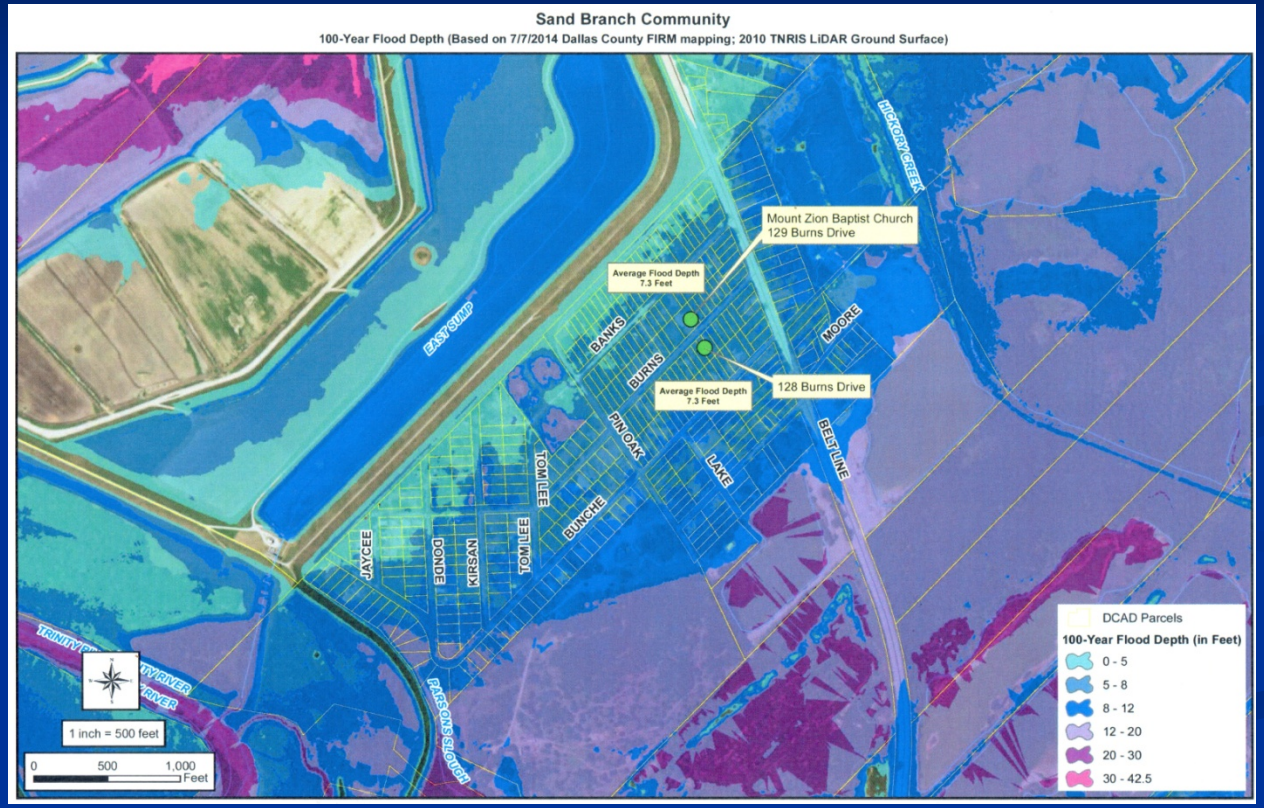
TCEQ
TWDB
PUC
Communities Unltd.
Tx Rural Water Assoc.

Dallas County
Dallas Water Utilities

Environmental Justice for Sandbranch

- Current FIRM Data
  - Y2K Effort 8-11 feet BFE
  - Now, 3-12 feet BFE
  - Makes future new development possible

Environmental Justice for Sandbranch



Environmental Justice for Sandbranch

Sandbranch Gets
Its Own Voice

Environmental Justice for Sandbranch

Sandbranch Development & Water Supply Corporation
Est. 2016

Environmental Justice for Sandbranch

- Formal Meetings Between the WSC and Govt Partners Began

Environmental Justice for Sandbranch

Dallas County Judge Clay Jenkins &
EPA Region 6 Administrator Ron Curry

Mark McPherson,
Counsel to the WSC

Interviews with Local Press After
Govt Partners Meeting, March 2016

Environmental Justice for Sandbranch

- Another Attempt for a Forced Relocation Program, May 2016

Environmental Justice for Sandbranch

Another Attempt at Forced Relocation, May, 2016

Exhausted and Righteously Indignant

Environmental Justice for Sandbranch

McPHERSON LAWFIRM, PC

Clean Sandbranch Day-June 11, 2016

Environmental Justice for Sandbranch

Clean Sandbranch Day-June 11, 2016

Environmental Justice for Sandbranch

Clean Sandbranch Day-June 11, 2016

L to R:

Michelle Heim, Consolidated Consulting Group

Jude Havens, Consolidated Consulting Group

LaCretia White, Pioneer Natural Resources

Steve George, Green Star Environmental

Mark McPherson, McPherson Law Firm

Environmental Justice for Sandbranch

Clean Sandbranch Day-June 11, 2016

McPHERSON LAWFIRM, PC

Environmental Justice for Sandbranch

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

June 27, 2016

Pastor Eugene Keahey
Mount Zion Church of Sandbranch
128 Burns Drive
Seagoville, Texas 75159

Dear Pastor Keahey:

Thank you for your email to the White House dated June 14, 2016, regarding your concerns about the environmental challenges of Sandbranch, Texas. Your email was forwarded to me, as Texas falls under our jurisdiction. The U.S. Environmental Protection Agency is very much aware of the complex situation of the community, and has made Sandbranch a priority in the EPA's Texas Environmental Justice Collaborative Action Plan.

Recently, I read about your community's cleanup efforts and I was truly impressed. Over three hundred volunteers representing churches, civic organizations and non-profit organizations came together to claim Sandbranch as their community. We congratulate you and your community for these efforts.

Environmental Justice for Sandbranch

Invited by EPA to present at its regional Environmental Justice Conference, Dallas, Dallas County, August 10, 2016

Environmental Justice for Sandbranch

Invited to EPA Intergovernmental Workgroup on Environmental Justice, Fall 2016

Environmental Justice for Sandbranch

17 Federal Agencies working to implement Environmental Justice concepts into federal regulations

Environmental Justice for Sandbranch

Lone Star Chapter of the Sierra Club 2016 Environmental Justice Award to the “Sandbranch Community”

Environmental Justice for Sandbranch

Show Me The Money!

Environmental Justice for Sandbranch

- USDA awards the WSC a $30,000 SEARCH Grant

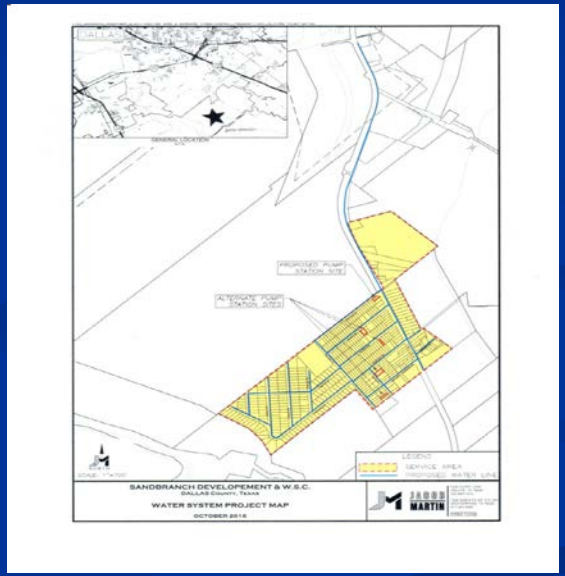
LOC signed July 12, 2016, press conf. Sept. 7, 2016

Environmental Justice for Sandbranch

- SEARCH grant funds were paid to Jacob Martin Engineers
  - Determine the service area boundary
  - Determine the most economical way to provide retail public water service and sewer treatment services
  - Determine the estimated cost of the infrastructure needed to provide the service

Environmental Justice for Sandbranch

Sewer System



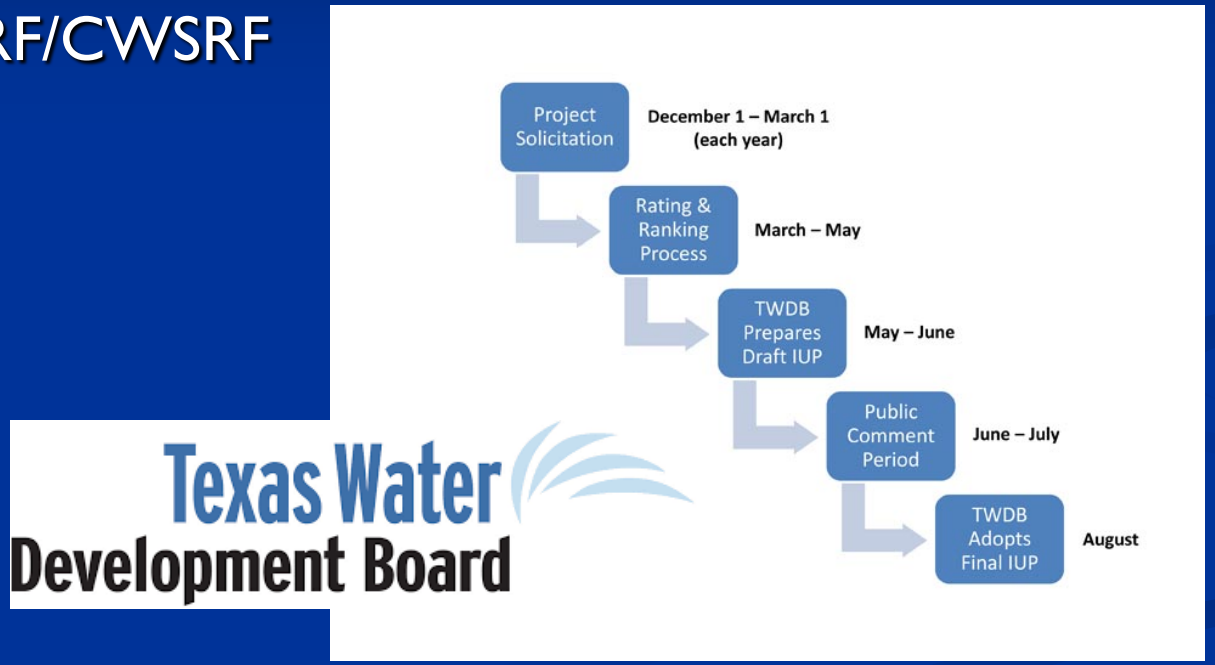
Water System

Environmental Justice for Sandbranch

- WSC Engineers estimate project cost of $6.5 million
- USDA commits to award grant for 75% ($4.875 m)
- Process began to obtain 25% from TWDB via competitive grant programs ($1.625 m)

Environmental Justice for Sandbranch

- DWSRF/CWSRF



Environmental Justice for Sandbranch

- DWSRF/CWSRF
  - March 2018 SDWSC files 2 PIFs, 1 for each fund
  - CWSRF PIF ranked 22
  - DWSRF PIF ranked 82

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  - March 2019 SDWSC files 2 PIFs, 1 for each fund
  - CWSRF PIF ranked ___
  - DWSRF PIF ranked ___

Environmental Justice for Sandbranch

- DWSRF/CWSRF
  - March 2018 SDWSC files 2 PIFs, 1 for each fund
  - CWSRF PIF ranked 22
  - DWSRF PIF ranked 82

  - March 2019 SDWSC files 2 PIFs, 1 for each fund
  - CWSRF PIF ranked 1
  - DWSRF PIF ranked 3

Environmental Justice for Sandbranch

- DWSRF/CWSRF-2019 funding proposed: $260,000
  - Continued negotiations resulted in increased total funding of all PAD
  - $450,000-ALL GRANT!!

- DWSRF/CWSRF-2020 & 2021
  - March 2020 SDWSC files 2 PIFs, 1 for each fund
  - March 2021 SDWSC files 2 PIFs, 1 for each fund

Environmental Justice for Sandbranch

Joint Funding-Not As Easy as it Looks

USDA Rural Development

$4,875,000

Texas Water Development Board

$1,625,000

Environmental Justice for Sandbranch

- www.sandbrancheverybodyscommunity.org
- Sandbranch Everybody's Community Facebook page
  - ("Like" it)
- www.sandbranchdwsc.com

Environmental Justice for Sandbranch

- Questions

Mark McPherson
McPherson Law Firm

with “People”, the Mayor of Sandbranch

www.TexasEnvironmentalLaw.com