

SMOKE and MIRRORS

A Bulletin for Citizens Opposing Cement Plant Pollution

Downwinders At Risk 400 N. Main Street Duncanville, Texas 75116 972-296-9100 www.downwindersatrisk.org Winter 2002

Our Local Toxic Target

Since 9/11, TXI's Million Gallon Toxic Waste Depot Poses a New Threat to DFW, But Neither TXI Nor the Government Want You to Know About It

Whether you feel "everything changed" after September 11th or not, one thing that should have changed for DFW residents is the perception that TXI's waste-burning cement plant in Midlothian is only a problem because of its air pollution.

With a million gallons worth of storage tanks holding up to 700 different hazardous and toxic substances, TXI has also become the region's largest potential chemical weapon.

Only a short distance upwind of populous southern Dallas and Tarrant County suburbs and within sight from Downtown Big D, TXI poses a new threat to tens of thousands of local residents.

Yet even before 9-11, the company and government had used loopholes to keep the public from discovering what the costs would be from an accidental or premeditated "worst case scenario" at TXI.

TXI has burned toxics for "fuel" in its obsolete 40 year-old industrial cement kilns since 1987. Chemical plants, refineries and other facilities send their hazardous waste to TXI because it's cheaper than burning it in better regulated hazardous waste incinerators. There are approximately 16 of these waste-burning cement plants across the country, out of a total of 120

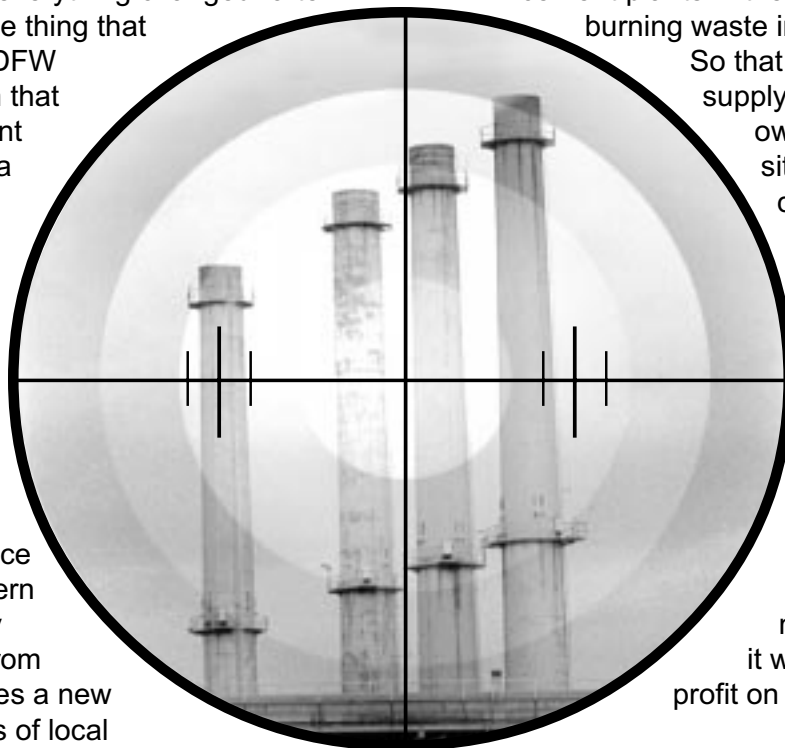
cement plants in the U.S. TXI is the only one burning waste in Texas.

So that it would always have a ready supply of waste to burn, TXI built its own million gallon tank farm on-site in Midlothian. On any given day, these tanks hold poisons that could cause illness or death to whoever breathed them in the event of a catastrophic release.

However, unlike most other toxic chemical facilities, TXI's threat of disaster is completely unnecessary. TXI could return to burning natural gas or coal in its kilns and still manufacture cement. But then it wouldn't be able to make a tidy profit on disposal fees moonlighting as a waste incinerator.

Since 1996, Large chemical facilities have been required to file studies of what would happen if the most toxic material they handled escaped and headed toward the most people in the quickest way. You might have read where the EPA pulled previously public information about these studies of chemical threats off the shelves after September for fear of it winding up in the wrong hands. However, EPA's action to suppress that kind of risk assessment didn't affect TXI.

TXI never filed one.
(continued on page 2)



- Large Amounts of Toxins
- Easy to Attack
- Upwind of Millions
- Catastrophic Results

LOCAL TARGET

(continued from page 1)

The story of TXI's undone emergency management paperwork starts back in 1990, when Congress sought to build on the successes of the Toxic Release Inventory program that required disclosure of toxins released into the environment by industry.

That year, legislation amended the Clean Air Act to give EPA oversight of risk management planning at facilities that handle extremely hazardous chemicals, including submitting annual Risk Management Plans to EPA.

Required in these Risk Management Plans is information on the potential effects of an accidental release, including so-called worst-case scenario information, if certain "threshold levels" for approximately 80 chemicals are exceeded. These thresholds range from 500 to 20,000 pounds, depending on the toxicity of the chemical.

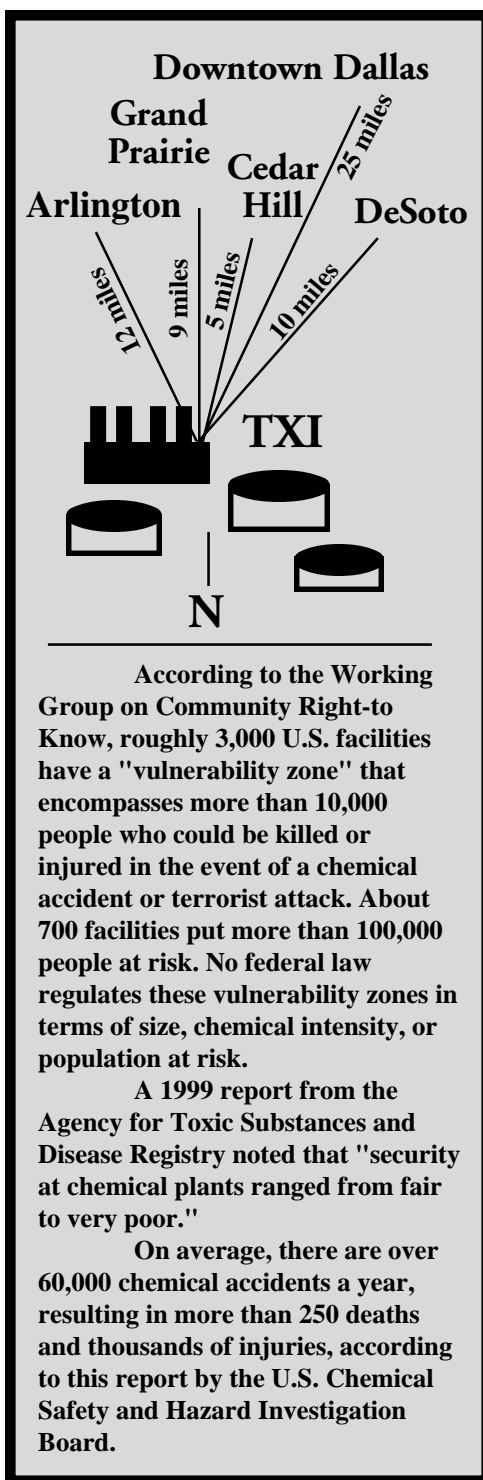
But as with any other legislation, there are loopholes. The largest one exempts a facility from submitting Emergency Plans if a regulated chemical is under one percent by weight in a mix with other chemicals.

Of course, TXI and other waste-burning cement plants mix all their incoming wastes together into a kind of toxic soup inside their own huge tanks. The specifics of the mix vary day-to-day but are never supposed to go outside certain permitted parameters. Who makes sure? TXI.

In addition, if, like TXI, the plant has more than one tank, and they add up to a combined million gallons of storage, 1% by weight equals 80,000 gallons. Not an insignificant amount.

To make things even more complicated, there's an exception to the exception that states this loophole doesn't apply to three different kinds of Toluene - chemicals TXI lists as among those they receive for burning at Midlothian.

Besides these Toluenes, TXI also deals in at least 17 of the 80 chemicals that trigger Emergency Management Planning, including Acrolein, Allyl alcohol, Arsine, Carbon disulfide, Chloroform, Chloromethyl,



Cyanogen, Ethyleneoxide, Formaldehyde, Furan, Hydrazine, Hydrogen fluoride, Hydrofluoric acid, Hydrogen sulfide, Methyl chlorine, Nitric Acid, Phosgene and Piperidine.

If past experience is any indicator, a catastrophic explosion and fire at TXI's tank farm could endanger large portions of the Metroplex. In 1995, a used tire facility literally across the street from TXI caught fire and burned for

days. The smoke blotted out the sun in Dallas skyscrapers and could be seen all across the I-20 corridor. Is there any doubt that the smoke from a million gallons of burning liquefied hazardous and toxic waste at TXI would also waft into heavily populated areas of DFW given predominately southern winds?

So does TXI have to submit an Risk Management Plan? Nobody seems to be sure. Local EPA officials have expressed the casual opinion that the mixture loophole allows TXI and other waste-burning cement plants to opt out of the requirement. But not all the waste-burning cement plants seem to think so.

Before 9-11, a quick search of the EPA's own web site found at least three waste-burning cement and aggregate plants that had filed Risk Management Plans - albeit unrealistically sunny ones.

Continental Cement in Hannibal, Missouri, Keystone Cement in Bath, Pennsylvania and Carolina Solite in Norwood North Carolina (which has since stopped burning waste) all stated they did indeed store "regulated substances that could potentially (although unlikely) be present in the regulated process above the applicable threshold quantity" and "the potential to exceed these threshold quantities does exist."

However, none of these plants's worst case scenarios included a terrorist attack on the facilities and simultaneous release of all on-site toxins. All three plans were very optimistic that no "public receptors" - that's us - would be affected and fallout wouldn't go further than a half mile.

So why did only three out of 16 waste-burning cement /aggregate plants file emergency plans and why isn't TXI one of those plants, even if it's a bad one?

You'd think in a post-attack world, somebody in local, state or federal government might want to look into TXI's possible violation of the law with this level of compliance ambiguity. But so far that hasn't happened. As with so many aspects of waste-burning in cement plants, it will only be public pressure that brings these shortcomings to light. TXI and the EPA would seem to prefer we all remain in the dark.

Victory in Colorado

Citizens in Fort Collins, Colorado were victorious in stopping Holnam Cement, the world's largest cement company, from burning tire-derived fuel (TDF) when Holnam announced in late 2001 that they would close down and dismantle their old cement kiln there rather than keep it operating without the cheap energy source.

(Holnam operates a cement plant in Midlothian, immediately south of Dallas, which burns tires and other forms of "non-hazardous" waste materials for fuel.)

Intense grassroots citizen

efforts by the Ft. Collins community is largely responsible for the victory. Publicly, Holnam officials stated that the cement kiln was too old and energy inefficient to run economically, but privately they acknowledged that the real reason for closing the plant was that local citizens strongly opposed Holnam's attempts to burn various waste fuels including hazardous waste and tires in the cement kiln.

Reportedly, if Holnam's plant had been allowed to burn tires and other waste fuels, the company would have kept the cement kiln running another 10-30 years.

Local activists Cherie Trine, and Eric Levine led a group of Ft. Collins community members in preventing Holnam from first burning hazardous waste in the early 90's and then fighting off repeated attempts at tire-burning. They were particularly effective at

utilizing expert technical information on the air pollution produced from TDF use in cement kilns.

Holnam is owned by Switzerland-based Holderbank and is currently seeking permits to build two of the world's largest, coal-and-tire fired cement kilns near Hudson, New York and another near St. Louis, Missouri.

NEW HOLNAM WEB SITE

There are many groups around the nation who are fighting Holnam. Thanks to the support of the Florence Fund, the Missouri Coalition for the Environment is launching a major media campaign designed to raise awareness about Holnam's threat to human health

For more information, visit: www.stopholnam.com

Cement Plant Workers Fight for Their Right-To-Know

Tucson, Ariz.-Members of UPIU Local 30296 were picketing the Arizona Portland Cement company weekly and raising environmental issues late last year. The company responded to a well-publicized informational picket by terminating the contract covering the 120 cement workers a few days later.

Environmental issues are among the union's concerns. According to a union member two major waste pits were used in the 1970's and '80s to dispose of various materials before it was known how toxic they were. Workers recall dumping numerous barrels of oil, oil-soaked rags, chemical residue and possibly electrical transformers containing PCBs.

The union local has filed labor relations board charges on the company's withholding information about the toxics.

One of the waste dumps is near the

well supplying water to the plant's quarry. Management turned drinking water taps off last month after high nitrate content was discovered in the water. Workers believe the dumps would also affect drinking water for Marana, the next town down-river from the cement plant a few miles outside Tucson.

In case you're wondering, none of the Midlothian cement plants is unionized.

BATS COULD HINDER PLAN FOR CEMENT PLANT

An endangered bat that weighs a fifth of an ounce could play the role of heavy in efforts to build a \$600 million cement plant along the Mississippi River near St. Louis.

Federal and company officials revealed Friday that biologists have found roosting sites of

the minuscule Indiana bat -- a federally endangered species -- on the property.

The bat finding is the latest wrinkle in the story of Holnam Inc.'s Lee Island project, a proposal to build one of the world's largest cement plants. The plant would manufacture 4.4 million tons of portland cement a year.

Holnam officials said the roosting sites all were located in a buffer zone that would not be part of its quarry.

The Army Corps of Engineers will now consult with the U.S. Fish and Wildlife Service about how to handle the new information about the bats. Then the corps will make a judgment call as to whether or not to the proposed project will have a significant impact on the endangered species.

BUSH PROPOSES BIG CHANGES TO CLEAN AIR ACT

In a controversy that echoes one he faced as Texas Governor, aides to President Bush have recommended that the White House relax one of the nation's most fundamental air pollution regulations, a provision that requires power plants to upgrade pollution control equipment when they modify their operations.

Under federal air-quality mandates, power plants built after 1977 must prove they are using the best anti-pollution practices in what's called "new source review."

But in a fateful concession to the energy industry, plants built prior to 1977 were "grandfathered in," exempting them from NSR unless they increased generating capacity. While utility companies were expected to retire dirty, less-efficient plants over time, many operators simply chose to boost capacity without making the required upgrades.

By 1999, the EPA and the Department of Justice caught on and sued 32 operators in 10 states for skirting the rules. In January, the Bush Administration decided to continue to pursue these lawsuits for now.

However, the President is eyeing two loopholes that would make those lawsuits moot by allowing plant operators to set their own pollution limits.

The dispute comes down to whether facility improvements at older, dirtier plants are part of routine maintenance, as the energy industry maintains, or whether they amount to expansions, which under the Clean Air Act require new pollution controls.

John Walke, a former EPA official and lawyer with the Natural Resources Defense Council, said the air pollution rules do not distinguish between unit expansions and routine maintenance.

"There is no mention of routine maintenance in the statute," Walke said. "The Clean Air Act regulates any physical change in a plant that increases emissions significantly."

Under the Bush proposals, requirements for more up-to-date pollution controls would be scrapped when equipment changes are under a certain cost and if equipment is replaced with similar equipment. Also, plants would be exempt from emissions-control upgrades for 15 years, no matter what expansions they

make, if they have local permits that declare them "clean" or minor polluters.

"What is being contemplated are a series of changes that would allow facilities around the country to make significant changes to their operations and increase their pollution level substantially without installing modern pollution controls," said Bill Becker, who is executive director of the Association of Local Air Pollution Control Officials.

While not affecting cement plants directly, a recension of the NSR rules for power plants would probably mean the loosening of similar rules for that industry as well.

For example, now that Holnam is operating a older wet kiln in Michigan with scrubbers any similar wet kiln cement plant increasing pollution by a certain amount because of plant modifications would be required to also install scrubbers. That may not be the

ROLLBACK: A BREATHER'S GUIDE TO THE WHITE HOUSE ASSAULT ON CLEAN AIR

case in the future if the Bush NSR rules are adopted. A final announcement on the rules is expected soon, but as with any controversy like this, congressional hearings and lengthy lawsuits loom over the decision.

BUSH RECENTS CONTRACT RULES

Two days after Christmas, the White House announced the rejection of regulations that would have barred companies that repeatedly violate environmental and workplace standards from receiving government contracts. Thus, the U.S. government will no longer consider a business's environmental track record when awarding federal contracts. The regulations required a business to have a satisfactory record on ethical, environmental, tax, labor, antitrust, and consumer protection laws to win government contracts worth more than \$100,000.

White House OMB Targets Environmental Regulations

The White House Office of Management & Budget (OMB) has developed a list of rules, including eight major EPA rules, that officials say will soon be targeted for discussions with agency officials and could eventually be "rescinded or updated."

The list includes: the mixture and derived from rule governing hazardous waste disposal; proposed changes to the Total Maximum Daily Load (TMDL) program governing impaired waterways; cost-benefit analysis for drinking water regulations; the new source review rule governing new air emissions controls; effluent guidelines for concentrated animal feeding operations; notice of substantial risk under toxics law and the arsenic in drinking water regulation. The list is some of the most significant and far-reaching protections of air and water.

According to Dr. Neil Carmen, the Texas Sierra Club's Air Toxics Director, the impact for cement plants from the elimination of these rules is potentially far-reaching. For example, changing the de-

rived-from rule for Hazardous Waste classifications could result in the burning of newly declassified industrial hazardous wastes in cement plants not now permitted to burn official hazardous waste - like Holnam and North Texas in Midlothian. "I suspect these wastes would seriously increase both the amount and variety of harmful air pollution coming from any facility burning them, including cement kilns, said Carmen.

Although cement kilns like that are permitted to burn hazardous waste would not be affected, the plants not burning waste could end up as the dumping ground for substances similar to tires and petroleum. Currently, there are 16 cement kilns burning hazardous waste in the U.S. out of approximately 120.

In addition, Carmen said that other types of facilities, including power plants and other types of boilers and furnaces could also be allowed to burn these newly declassified wastes. Stay tuned.

BUSH AIDE SEEKS TO SLOW SOOT RULES

White House regulatory chief John Graham is making EPA's proposed soot rules program a top priority.

In December, Graham publicly urged EPA Administrator Christine Todd Whitman to "refocus" the agency's fine particulate matter (PM2.5) research. Earlier, Graham quietly suggested that a National Research Council panel recommend an overhaul to the methodology EPA uses to calculate the health benefits derived from air rules, especially those dealing with PM.

The Clean Air Act requires EPA to revise national ambient air quality standards (NAAQS) every five years. The Clinton administration last revised NAAQS for PM in 1996, proposing first-time standards for fine PM. But those standards have never been implemented because of an industry lawsuit. Oral arguments in the latest round of the long-running suit were given Dec. 13 before the U.S. Court of Appeals for the District of Columbia Circuit. A ruling is expected next March.

TXI, Holnam and North Texas cement plants in Midlothian are all among the largest sources of PM pollution in north Texas.

ENVIRONMENTAL ENFORCEMENT PLUMMETS UNDER BUSH

There has been a steep decline in environmental enforcement during President George W. Bush's first year in office, according to figures released in January by Public Employees for Environmental Responsibility (PEER).

PEER's analysis of the latest numbers shows cases referred by the EPA for criminal prosecution dropped by a fifth (20 percent) overall during the 2001 fiscal year. The fall-off in EPA referrals was more significant in several of the agency's principal anti-pollution priority areas:

- Toxic Substance Control Act down 80 percent;
- Clean Air Act down 54 percent; and
- Clean Water Act down 53 percent.

The PEER analysis is based upon U.S. Department of Justice figures obtained and reviewed by the University of Syracuse's Transactional Records Access Clearinghouse.

STATE ISSUES NEW COMPLIANCE AND CITIZEN ENFORCEMENT RULES

In December, the Texas Natural Resource and Conservation Commission established criteria that will be used to officially characterize a company's compliance history.

According to Erin Rogers, an organizer for the state Sierra Club, this first-ever state checklist is supposed to help TNRCC screen out the "bad actor" polluters and ensure that they are more heavily monitored and don't get new permits as easily. It was a requirement of the TNRCC's "Sunset" legislation passed this last session in Austin.

TNRCC received over 560 letters from citizens and environmental groups asking that two proposed parts of the rule be nixed: 1) giving all polluters a "clean slate" when the new rules took effect by not including past notices of violation, and, 2) the loophole which allowed polluters to escape compliance scrutiny by changing names or creating new subsidiaries or partnerships.

Due to this kind of public

pressure, TNRCC decided to change its original rule regarding the "clean slate" on notices of violation. The final rule now includes three years of past notices of violations, and will expand to five years' worth over the next two years.

However, long-time environmental obstacle State Rep. Warren Chisum (R-Pampa) sent a letter to the Texas Attorney General on December 18 requesting a legal opinion on whether including any past notices of violation in the compliance history is constitutional. That opinion is still pending. Seeing as he's Chairman of the House Environmental Regulations Committee, it probably won't be the last thing he does to undermine this provision.

TNRCC did not fix the subsidiary loophole. Since we've already seen 1,000 Texas companies restructure in the last year to avoid franchise taxes, it would seem that the

TNRCC is severely limiting citizens' and its own ability, to examine the compliance history of these types of entities.

Also in December, TNRCC approved another first-ever program which will allow citizen-collected information to be developed as evidence of environmental violations. The program was also required as part of the Commission's Sunset legislation which reauthorized the operation of the TNRCC.

The program went into effect on Jan. 1 and will include an outreach program of citizen training and workshops, and a customized web page on the TNRCC website.

Currently, TNRCC investigators use information - videotapes, photographs, water samples - gathered by themselves or citizens to determine if an investigation should take place. The new program will allow the information itself to be used as evidence. However, the evidence must be gathered, handled and stored according to accepted protocols, and the citizen must be willing to be identified, to sign an affidavit and if necessary testify in court.

Downwinders, start your cameras.

A Death in the Family

Most people reading this publication never met John O'Conner, but there would have been no Smoke and Mirrors without him, nor even a Downwinders At Risk to publish it.

It's doubtful there would have been Superfund toxic waste sites cleaned up as quickly, if at all, in Crowley or West Dallas, nor successful fights to keep waste incinerators out of Oak Cliff and Blue Mound. In fact, for someone who rarely visited north Texas, he had more of an impact on environmental health here than most of us who call it home.

And his impact here was duplicated in countless communities around the U.S. - from Boston to San Francisco, from Maine to Louisiana.

While still in his '20's John founded and organized the national coalition that was responsible for passing the nation's "Superfund" law. Not content, he then founded and organized the National Toxics Campaign. Without a doubt, NTC was the most ambitious attempt to-date at giving grassroots groups access to professional organizers and resources in their struggles. At it's height, NTC employed organizers in 12 states, including Texas.

As part of its Texans United affiliate operations, NTC decided to open an office in Dallas in 1989. John O'Connor and TU Director Rick Abraham hired Jim Schermbeck as their North Texas organizer.

John O'Conner, 1955-2001

In turn, Schermbeck helped citizens organize against toxic pollution in north Texas, including the Midlothian cement plants, even after the collapse of NTC in the mid-1990's.

Without the support and resources of NTC in 1994-95, Smoke & Mirrors could not have begun publishing.

John O'Connor's life is one big fat advertisement for the huge impact a single human being can have. Ripples from his work will continue to travel forward for a very, very long time. What can one person do? Just rewrite history.

John died playing basketball on a Cambridge ballcourt this past December 7th. He was only 46. His energy, humor and nimble party dancing will be missed.

SMOG CAUSES BIRTH DEFECTS

Pregnant women exposed to high levels of ozone and carbon monoxide are more likely to give birth to children with heart defects, according to a study published in January 2002 by the American Journal of Epidemiology.

The study, which was conducted by the University of California at Los Angeles, looked at birth defect cases in and around Los Angeles found as much as a threefold incidence in serious infant heart problems where mothers were exposed to air pollution.

Ozone is a major component to urban smog which in turn is caused by a combination of chemicals, including nitrogen oxide, volatile organic compounds and particulate matter, while carbon monoxide is a by-product of combustion of all types.

The Midlothian cement plants - TXI, North Texas and Holnam, along with TXI-owned Chaparral Steel, are among the largest sources of nitrogen oxide and carbon monoxide in North Texas.

The study provides the first compelling evidence that smog may play a role in causing some birth defects.

The risk for the birth defects increased among women exposed to elevated amounts of the pollutants in the second month of their pregnancy, a period when the heart and other organs begin developing.

"The greater a woman's exposure to one of these two pollutants in the critical second month of pregnancy, the greater the chance that her child would have one of these serious cardiac birth defects," said Beate Ritz, a UCLA epidemiologist who headed the study.

"These findings show that there are more health problems caused by air pollution than asthma and respiratory illnesses," Ritz said. "There seems to be something that can harm developing fetuses."

SCIENCE ON OUR SIDE

A Round-Up of Recent Sound Science

POLLUTION DAMAGES "HEALTHY KIDS" TOO

Researchers have found that some children who appear in perfect health have measurable lung damage from exposure to air pollution, suggesting such damage could lead to lung disease.

Past research has found that children living in polluted areas have higher rates of lung diseases such as asthma. But a new study is the first to use X-ray imaging to measure changes in children with no symptoms of lung problems, the researchers said.

Chest X-rays of 241 children in Mexico City were compared with those of

19 children living in a small coastal town. Throughout the 20-month study, smog levels in Mexico City exceeded U.S. air quality standards for more than four hours a day on average. Particulate matter -- tiny pieces of soot and other materials in the air -- also was above U.S. standards.

Researchers found 63 percent of the Mexico City children had excessive inflation of both lungs, said Dr. Lynn Ansley Fordham, an associate professor of radiology and chief of pediatric imaging at the University of North Carolina School of Medicine. In addition, 52 percent of the urban children had abnormal numbers of interstitial markings -- fine lines that could indicate inflammation along the airways, Fordham said.

Joel Schwartz, an environmental epidemiologist at Harvard's School of Public Health, said other research has indirectly linked air pollution with respiratory ailments. But to find radiographic evidence of lung abnormalities in seemingly healthy children "is pretty unusual," he said.

New Studies: Soot Hurts Earth

A new study by NASA researchers, argues that particles of human-produced pollution may be playing a significant role in weakening Earth's water cycle.

Tiny aerosols primarily made up of black carbon, or soot, the authors argue, can lead to a weaker hydrological cycle, which connects directly to water availability and quality.

"We found that aerosols are cutting down sunlight going into the ocean. The energy for the hydrological cycle comes from sunlight. So as aerosols cut down sunlight by large amounts, they may be spinning down the hydrological cycle of the planet," said co-author Daniel Rosenfeld of the Hebrew University of Jerusalem. He also noted that these aerosol particulates may be suppressing rain over polluted areas.

This report came on the heels of another that identified particulates as a key to Global warming. 'If you want to control global warming, the first thing to go after is soot,' Mark Jacobson, an associate professor of civil and environmental engineering at Stanford University.

Jacobson said soot had a much more severe impact on the environment relative to its mass than do greenhouse gases such as carbon dioxide and methane.

Eliminating all fossil-fuel soot -- estimated at about 5 million tons per year worldwide -- could cut net global warming by 40 percent in three to five years, Jacobson said. 'Controlling fossil-fuel soot will not only slow global warming but also will improve human health,' he said.

The Midlothian cement plants are among the largest industrial sources of industrial soot in north Texas.

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SMOKE AND MIRRORS:
A BULLETIN FOR ALL AIR BREATHERS

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WE'VE MOVED

After a memorable five years at our Wylie address in central Cedar Hill, Downwinders At Risk has moved to beautiful and historic Downtown Duncanville.

We've relocated into a newly renovated 1930's filling station right down the street from the landmark Ben Franklin store on North Main. This new office site increases our community visibility by magnitudes while solidifying our relationship with the fledgling Blue Skies Alliance, now staffed by Duncanville native Katy Hubener.

Blue Skies is attempting to build a first-ever coalition of businesses, environmentalists and health professionals to work on behalf of clean air for the entire north Texas region. We invite everyone to come by and visit our new office. Our New Address:

400 North Main Street
Duncanville, Texas 75116

Telephone Number: 972-296-9100 Fax Number: 972-296-9106

INSIDE THIS SMOKE AND MIRRORS

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KIDS AND SMOG**

HERE WE GO AGAIN...

Officials now admit the Smog clean-up plan for DFW doesn't cut emissions enough to comply with the Clean Air Act.

We said so two years ago.

Now the Midlothian cement plants, the largest sources of industrial smog pollution in north Texas want to increase their emissions.

Who's going to stop them?

We will. But only with your help.

Two years ago Downwinders At Risk was the only environmental group to send representatives to every meeting of the local Committee that drafted DFW's smog clean-up plan. Through persistence, determination and pure stubbornness, we got cuts in emissions from the Midlothian cement plants into that plan. Now there will need to be a new plan drafted.

Help us keep doing the job nobody else is doing: dogging the worst polluters in north Texas.

It's your air.

CLEAN AIR CONTRIBUTIONS OF TIME AND/OR MONEY

NAME _____

ADDRESS _____

TEL. _____

E-MAIL ADDRESS (FOR UPDATES & ALERTS)

HERE'S MY TAX DEDUCTIBLE CONTRIBUTION OF:

\$25 _____ \$50 _____ \$100 _____ \$ _____

- _____ I'LL ALSO HELP BY DONATING GARAGE
SALE ITEMS
_____ DONATING MY TIME TO HELP WITH
OFFICE WORK
_____ DONATING MY TIME TO STAFF A
LITERATURE TABLE
_____ DONATING MY PARTICULAR SKILL/
TALENT TO BENEFIT THE GROUP

THANK YOU

PLEASE CUT AND SEND TO: DOWNWINDERS AT RISK ED. FUND 400 N. MAIN DUNCANVILLE 75116

EXTRA! EXTRA!

UP IN SMOKE: EPA Numbers Render DFW Smog Plan Moot News Coincides with Cement Industry's Efforts to Sabotage Clean-Up Plan

Citizens predicted it, and now EPA has confirmed it: the latest government ozone clean-up plan for Dallas-Ft. Worth fails to bring the area into "attainment" with the Clean Air Act.

Based on the computer modeling that drives these things, the plan only had a margin of error of less than a part per million to begin with. That is sure to be exceeded many times over with the recent news that auto emissions were underestimated in the adopted proposal by up to 90%.

As many of you might remember, Downwinders At Risk, along with the Sierra Club, SEED, Public Citizen and other groups predicted the plan's failure in 2000 when it was adopted by the TNRCC.

Now, EPA has not unexpectedly confirmed that their improved computer modeling of auto emissions, called MOBILE6, reveals larger volumes of pollution coming from vehicles than its older one, MOBILE 5. A lot more.

In an EPA test run of the New Number 6 modeling on DFW's smog problem, it found 90% more Nitrogen Oxide and 21% more Volatile Organic Compounds coming from cars in 2003 than Old Number 5 predicted. Even after new cleaner car technology is factored in by 2007, these pollutants are underestimated by 44 and 2% respectively. Nitrogen Oxide and VOCs are the two major components of smog the plan is supposed to reduce.

Old Number 5 was used by the TNRCC and DFW officials to predict how well the action they took to reduce smog would actually work. New Number 6 is what EPA is going to use for the same purpose. You see the problem here.

Neither the EPA nor TNRCC has quantified the shortfall yet, but it's certain to require a lot more trips to the drawing board. *Inside EPA*, a high-priced DC periodical aimed at agency lobbyists reported that:

"The study argues that past assessments had underestimated the release of nitrogen oxide (NOx) and volatile organic compounds (VOCs), and that if state officials are unable to impose steeper controls on automobiles and other mobile sources of emissions, then large industrial facilities and power plants will likely have to bear the burden of closing the gap in emission estimates."

And what are the large industrial facilities this article is talking about? DFW's three cement plants - TXI, Holnam

and North Texas, all in Midlothian - which account for almost half of all industrial emissions of Nitrogen Oxides in north Texas.

In the current clean-up plan, local power plants are already committed to an 80% cut in nitrogen oxides, while the cement plants are required to reduce such emissions by only 30%. When the plan was being drafted, Downwinders made the argument that the cement plants should be required to reduce emissions as much as the power plants since they were proportionally a bigger part of the problem. Now it seems the EPA has given citizens a new reason to press for larger cuts.

But even as pressure grows to further reduce smog at its sources, the Midlothian cement industry is attempting to increase its smog pollution from what the clean-up plan called for in the first place, much less what is needed now in the face of EPA's new modeling.

According to the TNRCC, it is involved in "settlement talks" with TXI which sued the state over the ozone clean-up plan. In the plan, the TNRCC set a standard for smog emissions from obsolete "wet kilns" that would have meant the closing of all but one of the four kilns in which TXI is licensed to burn toxic waste - unless TXI installed the most modern kind of pollution control equipment. TNRCC's caving in to TXI demands to increase emissions would again postpone any modernization of TXI's worst polluting kilns and make it harder for DFW to achieve "attainment."

At the same time, Holnam's new "state-of-the-art" dry kiln plant in Midlothian is not performing as promised. Permitted and built to emit less than two pounds of nitrogen oxide per pound of cement produced, it is instead running at around 3.5 pounds. The ozone clean-up plan calls for it to emit no more than 2.8. So instead of making the equipment work as designed, the company is instead seeking to amend its permit to allow for the larger emissions.

Not only will increased emissions at Holnam undermine DFW's clean-up plan on its own, it will set a precedent for TXI's huge new Kiln #5 when it comes on line latter this year with exactly the same design. Ditto with a North Texas plant planned for Whitewright in Grayson County.

Downwinders has asked for a public meeting on Holnam's request for an emissions increase. Meanwhile, the entire region's clean air plans are falling like the house of carefully-modeled cards it was. Stay tuned.