



**FOR IMMEDIATE RELEASE:** MAY 5, 2005

## **HISTORIC SETTLEMENT PUTS DALLAS-FT. WORTH ON FASTER TRACK FOR CLEAN AIR**

### **Research and Development of New Pollution Controls for Cement Kilns is a Main Focus**

(DALLAS) --- After months of negotiations, environmental and public health groups announced today that they have reached an historic accord with local, state and federal government to end the first lawsuit ever filed over dirty air in Dallas Ft. Worth.

Under the terms of the agreement, DFW Blue Skies Alliance, Downwinders At Risk, Public Citizen/Texas and the Sierra Club have agreed to drop their demand that DFW meet a previous clean air benchmark in return for the EPA, the Texas Commission on Environmental Quality and local counties committing to achieving a new, stricter federal Clean Air Act standard before the mandatory 2010 deadline. Included are sweeping new reviews of pollution controls for all sources of smog, with specific emphasis on the three cement plants in Midlothian which account for most local industrial pollution.

Filing suit in October 2004 under the title of "Blue Skies v. EPA," the groups cited the widely acknowledged eight-year failure of the DFW region to submit an EPA-approved clean-up plan for its dirty air, which is annually ranked among the nation's worst. Although technically aimed at EPA, the court case was intended to bring all levels of government to the negotiating table to reach consensus on an accelerated clean air plan that would actually work. Group representatives say they've done that.

"This settlement marks a new era of action to improve Dallas-Ft. Worth's air quality as quickly as possible. For the first time since the Clean Air Act was passed, we think we have an outline

of a plan that can finally deliver clean air for DFW residents to breathe,” said Wendi Hammond, Director of Blue Skies Alliance. “And we believe that if all the parties continue to cooperate as they have during these negotiations, we’ll arrive at that goal sooner than we would have without this agreement.”

Tom “Smitty” Smith of Public Citizen’s Texas office added, “While all parties compromised, there’s no question that this settlement contains enough new commitments to make it far superior to the status quo. We look forward to working with local DFW elected officials on realizing the potential of this settlement as soon as possible.” Smith said that in particular, the participation of Judges Ron Harris of Collin County and Tom Vandigriff of Tarrant in the lawsuit was instrumental to a successful settlement. He further acknowledged that Judges Margaret Keliher of Dallas and Mary Horn of Denton have both shown real dedication for taking action to clean DFW air and looks forward to them joining the effort to guide the region toward cleaner air as the settlement provisions are implemented.

After the suit was filed against EPA, TCEQ, Collin and Tarrant Counties and two industry lobbying groups joined the legal action with the groups’ blessings. “We wanted to try and provide fresh momentum for a coalition effort between citizens and government,” reported Molly Rooke of the Dallas Sierra Club. Agreements were reached with all parties except the industry lobbying groups. “While we found government to be a serious partner in our goal to get clean air to DFW, we found the industry groups, including the Portland Cement Association and BCCA, to be less than serious,” said Rooke.

A large part of the settlement concerns what to do about decreasing harmful emissions from the three cement plants in Midlothian. Under the settlement, the TCEQ is required to perform a comprehensive review of the most modern and effective pollution controls for cement plants from all over the world in order to understand if and how those controls can be installed in the Midlothian plants before 2010. Local governments have promised to pursue their own study of controls for the cement plants if necessary, as well as examine cement purchasing policies which reward the least polluting cement plants.

“For the first time, government is under an obligation to research what happens when you apply state of the art controls on the cement plants and explore how its own purchasing power can encourage cleaner air,” said Becky Bornhorst of Downwinders At Risk. “This is the most positive government action affecting these kilns in years.”

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**More information about the lawsuit including background press memo and copies of the settlement agreements is available at [www.BlueSkiesAlliance.org](http://www.BlueSkiesAlliance.org)**

**Blue Skies Alliance** is a nonpartisan, nonprofit coalition of community, religious and environmental groups, health officials and individuals dedicated to reducing air pollution in the North Texas area. Blue Skies Alliance is dedicated to public education and advocacy to assure a healthy environment while maintaining a balance with economic development. For more information, visit [www.BlueSkiesAlliance.org](http://www.BlueSkiesAlliance.org).

**Downwinders At Risk** is a nonprofit coalition focused mostly on air pollution problems caused by cement kilns. For more information, visit [www.DownwindersAtRisk.org](http://www.DownwindersAtRisk.org).

**Public Citizen** is a national, nonprofit consumer advocacy organization with an office located in Austin, Texas. With more than 160,000 members, Public Citizen works for consumer protection and safety. For more information, visit [www.citizen.org/texas](http://www.citizen.org/texas).

**Sierra Club** is a national, nonprofit organization with chapters located in Dallas, Fort Worth and Austin. Inspired by nature, the Club's 700,000 members work together to protect our communities and the planet. For more information, visit [www.sierraclub.org](http://www.sierraclub.org).