

July 17, 2006

Re: Texas Commission on Environmental Quality

**Forum on TXI Tire Burning**

Midlothian Middle School, 700 George Hopper Road

Statement from: The League of Women Voters of Dallas

The League of Women Voters has been involved with air quality legislation at the state and national levels since prior to the passage of the Federal Clean Air Act in 1970. Despite repeated setbacks to efforts to achieve cleaner air for polluted areas of the state, the League continues to seek regulations and funding to achieve the goals set forth in our position, as well as full compliance with the Federal Clean Air Act.

The League's air quality position supports government action to control air pollution in Texas by:

- setting and enforcing standards STRICTER than those required by the federal government
- adequate funding to carry out research, planning and enforcement
- legislation allowing local and regional governments to set and enforce standards STRICTER than those of the state
- encouragement of citizen involvement in the rule-making and enforcement process.

Specifically, the League supports legislation:

- promoting clean air through such means as vehicle inspections, changes in gasoline formulation and/or the use of alternative fuels, and more auto and industry pollution control.
- dedicating revenues from environmental fees, such as those required of air polluters, to environmental regulatory and remedial programs
- forcing polluters to pay for all emissions and tightening the regulation of cement kilns, as the current permits are inadequate to protect air quality.

The fast tracking of TXI's requested permit change to burn tires in its 40-year old Midlothian cement kilns is cause for great concern. It reduces the opportunity for citizen involvement and careful study and it is at odds with the process and timetable of the State Implementation Plan. It is both unwise and illogical to rush permitting of any additional large, new source of pollution, before their full impact on the Dallas - Fort Worth area is determined, by impartial studies. It is also important to model and consider the cumulative effects of all proposals, including "mothballed" units, unless those units are required to be permanently retired.

We support the cleaning up of cement kilns using state-of-the-art pollution controls described in the TCEQ's recent "Assessment of NOx Emissions Reduction Strategies for Cement Kilns - Ellis County", in which it describes possible smog reductions of 80% or more using Selective Catalytic Reduction. The older, dirtier cement kilns, burning hazardous waste need to be brought up to cleaner, current technologies and standards for maximum emission reductions.

The task of cleaning up Texas air sufficiently to protect the health of its citizens is going to require making some difficult decisions and changes, about which some will, undoubtedly, disagree. The largest disagreements are likely to come from the largest industries who are polluting the most, and who have the most political clout to stop, delay or dilute the changes needed for a successful clean air plan. We urge that all efforts be made to prevent that from happening again.

One cannot expect industries, whose bottom line is to maximize profits, to adopt stronger technologies than required by permit or law. It is, thus, up to our state agencies and elected officials to ensure that all permits, laws, regulations, and practices, including enforcement, work towards reducing overall emissions to the extent necessary to allow the Dallas - Fort Worth area to reach attainment of national health-based standards for ozone. No exceptions.

Please, do all that you can to clean up our air. If we all do our part and our best while embracing necessary changes, clean technologies and practices, we can get the clean air we all need. Thank you.