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VIA FACSIMILE TRANSMISSION
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CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

March 30, 2009

Ms. LaDonna Castanuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2008-1839-AIR
Air Quality Permit Number 1360A
Application by TXI Operations, LP, RN#100217199
Cement Manufacturing Plant, Midlothian, Ellis County, Texas

Subject: Request for Hearing and Rebuttal of ED Comments

Dear Ms. Castanuela:

Enclosed please find an original and seven (7) copies of my rebuttal to the Executive Director's (ED) Response to Public Comment. In addition I am mailing under separate cover a copy to the ED, the Applicant, Public Interest Council and Downwinders At Risk as required.

On June 24, 2008, TXI Operations LP submitted an application to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit No. 1360A. The renewal, if approved, would allow the "SAME" continued operation of cement manufacturing facilities at the above referenced plant.

I live within 1 mile of this plant. Over the last 10 years there has been over 100 odor complaints made to the TCEQ. Most of these odors have occurred during the evening hours or on the weekends when the TCEQ is not available to do an immediate investigation. The investigation may range from 1 week to months after the occurrences. It is also based on the information that TXI provides the TCEQ. The results are that TXI is operating within their permit limits. There has NEVER been an investigation of WHY these odors are occurring. The permit limits all have been set by figures that TXI has provided the TCEQ. It is time for the TCEQ to reevaluate these permit limits. The permit limits are set so that they will NOT AFFECT the public. It is about time that the

TCEQ does their job and find out WHY these odors are occurring. If odors are occurring at the current levels, then I suggest that the TCEQ lower the limits so that no odors occur. During the last 10 years I am so sick of hearing that TXI is a recycler and do not have to comply with certain regulation. TXI is a designed facility to produce cement and is not equipped with the proper emission controls like incinerator to recycle. If they also want to be a recycler than properly design your facility to do so, instead of using all the loopholes in the system.

Through out the recent years it has been proven by other cement kilns in the U.S. that burning of tires has little effect of reduction in NOx emissions. Cement kilns are designed to make cement, not to be efficient waste incinerators. Burning scrap tires in cement kilns releases benzene and heavy metals and produces dioxins. These toxins are associated with a wide range of serious health problems including reproductive impairment, developmental delay and cancer.

Waste incinerators designed for that purpose are required to have afterburners or secondary combustion chambers to achieve the highest possible combustion efficiency. Cement kilns lack secondary chambers to assure complete destruction of wastes. "Upset" events, when a malfunction occurs in the cement making process, that result in uncontrolled emissions and possible large releases of particulate matter, are common.

Inadequate combustion can result in these chemicals being released into the air and lead to the creation of toxic byproducts. Byproducts of the incomplete combustion of benzene based compounds include dioxins, furans, PAH's (polyaromatic hydrocarbons), and PCB's (polychlorinated biphenyls), all recognized by health officials as causing cancer or reproductive toxicity. Incineration of chlorine and chlorinated compounds creates dioxins. Metals are not destroyed at any temperature, 100% are released into the air or concentrated into the cement product or the waste material of the process.

Recent EPA data ranks municipal waste incinerators, hazardous waste burning cement kilns, and medical waste incinerators as the leading sources of dioxin. The EPA's 1994 Draft Reassessment of Dioxin concluded that there is no safe level of exposure to dioxin; even at extremely low levels a wide range of serious health effects are possible, including reproductive impairment, developmental injuries, and increased risk of diabetes.

With the new air monitoring data that has been done in Midlothian, it shows that the monitors on Wyatt Rd. & Old Ft. Worth Hwy were the highest in readings. Aluminum, Chromium, & Manganese were higher than historical data but within the ESL limits. So what would the true figures be IF the 4 hazardous waste kilns were up and running? This does not give us the TRUTH as to what we have been breathing or what deposits have accumulated in the soil & plants. Metals do not break down in the environment so they build steadily increasing concentrations in soil. All the TCEQ has is faulty air data to make any decisions with. There has been no soil testing from 10 years ago to date to make any determinations. What about all the health problems to humans & animals that have occurred within the last 10 years? Are these all keys to what the long-term effects has been to the public within the last 10 years of this permit?

It has been really amazing these last 6 months since TXI's 4 hazardous waste kilns have been idle. The odors in the air are almost all gone. My dogs have seen improvements. No more pussy eyes in the morning. Some of them started to grow their hair back. My pond water is clearer and I can see the fish in it again.

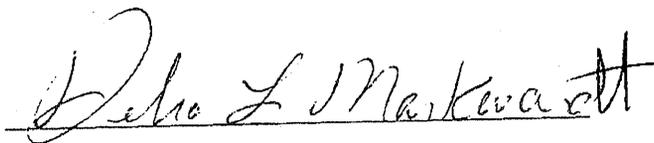
It is my recommendations to the ED that he looks at what all has occurred within the last 10 years of this permit. Do we want other 10 years of this and continue to have an increase of health problems in the Midlothian area? There has been over 150 concerned people contesting this permit. We need to have permit limits that will be safe and not create any odors. The TCEQ needs to look at all the new scientific data that the EPA has regarding the health effects that are associated with hazardous waste burning cement kilns. Over the last 10 years hazardous waste cement kilns & tire burning cement kilns are declining. WHY? Other states & countries have proven that they have an adverse impact on human health, animals, soil & water.

It is also my recommendations that the ED requires TXI to have a 1 or 1 1/2 mile buffer zone. Since the monitors on Wyatt Rd. & Old Ft. Worth Hwy are currently reading the highest, this would be a great concern to what the data would show when the 4 hazardous waste kilns are up and running. It is time that the TCEQ protects the people within the immediate radius of TXI. We are not inform by OSHA like their employees as to when to wear a breathing mask.

Haven't we all learned something from the past. Why continue something when we can fix it or improve it.

I Debra L. Markwardt hereby request a contested case hearing and party status to this permit.

Sincerely,



Debra L. Markwardt