

LONE STAR CHAPTER

March 2, 1998

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RE: Environmental law breaking is an unacceptable practice by Southdown Corporation

To whom it may concern,

I am familiar with the Southdown Corporation having inspected the company's portland cement manufacturing plant west of Odessa, Texas while serving as a State of Texas air pollution field investigator with the Texas Air Control Board from 1980-1992. The fact is that the cement making process is one that inherently results in significant environmental pollution impacts in terms of tons of air pollution and thousands of tons of toxic laden solid waste residues (for instance, cement kiln dust or CKD) that need to be properly handled, disposed of and carefully monitored for decades to insure that water pollution does not take place. If a cement plant fails to properly manage and monitor its CKD and other toxic laden solid waste, then serious environmental pollution can result.

Now it has come to my attention, as the Clean Air Program director for the Sierra Club's Lone Star Chapter, that Southdown Corporation has apparently been breaking environmental laws at its Fairborn, Ohio cement plant by improperly disposing of, failing to clean up and inadequate monitoring of toxic heavy metals from the CKD and various waste it left in a 500 acre landfill owned by the company. In addition, Southdown Corporation has recently made an unethical and potentially improper transfer of contaminated land in order to attempt to avoid the corporate responsibility for the clean up of the heavy metal contamination that is leaching from the landfill site, based on available information. I am deeply concerned over Southdown Corporation's efforts to use what appears to be a shell game to transfer the contaminated, leaking 500 acre landfill to what I believe may constitute two third party companies without meaningful assets to properly and fully clean up Southdown's landfill mess.

In my opinion, its totally unconscionable and unacceptable for a major cement making corporation in the US to break the laws designed to protect public health and the environment, and then attempt to avoid its lawful responsibility to clean up the mess that it made in the first place. Such a company needs to feel the full force of law and justice so as to demonstrate that environmental law breaking must not be tolerated decades after these laws were passed by the Congress and state legislatures. Finally and equally important, the 500 acre landfill needs to be cleaned up.

Sincerely yours,

NEIL J. CARMAN, Ph.D.

Clean Air Program Director and former Texas Air Control Board investigator

Lone Star Chapter of the Sierra Club

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