



Lane Plating
Community
Advisory Group



February 28, 2022

Dear Dr. Earthea Nance, Regional Administrator, EPA Region 6:

We are environmental justice and public health advocates working to improve communities across North Texas. Thank you for stepping up to be the Environmental Protection Agency Regional Administrator for Region 6! You are taking on the most challenging Regional Administrator role that EPA has to offer and will soon be immersed in the most pressing environmental and public health issues across New Mexico, Louisiana, Arkansas, Oklahoma, and Texas. Dr. Nance, your environmental justice background, coupled with expertise in engineering and disaster recovery, ensures that you are well-positioned to take on these challenges. We are thrilled to have you in this role.

As you take on this important role with EPA Region 6 that spans multiple states, we are writing not only to express our congratulations on your appointment but also to highlight important environmental justice issues that exist in the backyard of EPA's Region 6 headquarters, all across North Texas. In Dallas, Arlington, Garland, Midlothian, and Northeast Texas, we've been focused on tackling air, water, and land contamination in our communities. In this attached document we identify multiple problems and potential solutions and ask for your leadership to prioritize and solve these challenges. In particular, we hope you will:

- Determine the environmental and public health risks at the Lane Plating Superfund Site;
- Conduct a comprehensive evaluation on the former site of 'Shingle Mountain' in Dallas;
- Convene a taskforce to address unregulated and unpermitted pollution sites in and around Garland;
- Require polluters in the region to comply with EPA's National Ambient Air Quality Standards (NAAQS) for ozone pollution;
- Require Vistra's Martin Lake Power Plant, the worst sulfur dioxide polluter in the country, to install modern pollution controls in compliance with the Clean Air Act;
- Evaluate how the Clean Air Act may be used to enforce neighborhood pollution controls;
- Focus on community health in Midlothian, the "Cement Capitol of Texas"; and
- Protect children from fracking pollution and methane in communities across Texas.

We are requesting a series of meetings over the next several months to further discuss these issues and identify the next steps with you and your staff.

Sincerely,

Allen McGill, *Lane Plating Community Advisory Group*

Marsha Jackson, *Southern Sector Rising*

Don Phillips, *Clean Up Garland*

Paulette Goree, *Sierra Club Member*

Evelyn Mayo, *Downwinders at Risk*

Dr. Laura Hunt, *Midlothian Breathe*

Ranjana Bhandari, *Liveable Arlington*

Chrissy Mann and Misti O'Quinn, *Sierra Club*

A North Texas Environmental Justice Demand for Remedy

North Texas Environmental Justice advocates describe dangerously widespread pollution concerns, and propose EPA-led solutions.

Land and Water Contamination Is Rampant Across Dallas County

Lane Plating Superfund Site

Allen McGill represents the Lane Plating Community Advisory Group (CAG). The CAG was formed in 2019 to liaison with EPA and advocate for a rapid and comprehensive clean-up of Lane Plating Works, Inc. Superfund site. The impacted community is approximately five miles south of downtown Dallas. This community includes residences, businesses, churches, and the Barack Obama Male Leadership Academy. For over 90 years, Lane Plating operated as an electroplating facility that primarily conducted hard chromium and cadmium plating. This process results in corrosive and deadly waste materials that require careful handling and disposal. After years of improper waste disposal, environmental violations, and bankruptcy, the company shut down, leaving decades of dangerous waste threatening the surrounding community.

Mr. McGill and community volunteers with the Lane Plating CAG work tirelessly to ensure the impact of this toxic legacy of pollution is evaluated and remediated. While the Lane Plating CAG [has participated in several public meetings with EPA](#), many questions and concerns remain (or have not been answered satisfactorily) about the clean-up and site evaluation. For example:

- **How dangerous were the activities performed at the site and what risks to the nearby residents remain?**
- **Is EPA properly evaluating contamination in local groundwater and surface water creeks that run through the site?**
- **What is the footprint of contamination from this site?**
- **Once the footprint is known, how quickly will the site and surrounding areas be properly cleaned up?**
- **Lack of adequate or appropriate environmental assessments.**
- **Lack of details or adequate explanation of analysis results appropriate for community.**
- **Request to test at least 50 properties near the site.**
- **Request ATSDR/TCEQ inform and survey all residents living near the site.**

In parallel with these important questions, the Lane Plating CAG requests a **health study of former employees and residents, given that EPA records note large volumes of liquid plating wastes were stored at the site as recently as October 2016.**

Shingle Mountain

The story of Marsha Jackson's fight to clean -up her neighborhood and demand the City of Dallas clean up Shingle Mountain is well known. When Ms. Jackson's home in the Floral Farms community began to be surrounded by industrial activities, most notably the enormous mountain of 'recycled' roofing shingles (known as Shingle Mountain) that grew to be more than 60 feet high, [Southern Sector Rising](#) (SSR) was formed. SSR's mission is to end decades of racist zoning by forcing industrial polluters out of predominantly Black and Brown residential neighborhoods and to shift the pollution burden evenly across Dallas.

Ms. Jackson's story has been shared [across Dallas](#); in national outlets, such as, the [Washington Post](#), and as the inaugural episode in a [BET miniseries](#) about how racist policies harm communities of color across the country. In February 2021, activists and the community joined Ms. Jackson, to celebrate the removal of the waste that made up Shingle Mountain. Southern Sector Rising contends that the racist zoning policies that allowed Shingle Mountain to exist continue to allow polluters to harm the Southern Dallas neighborhood of Floral Farms. As recently as May 14, 2021, a local media outlet [D Magazine reported](#) that while the mountain of pulverized shingles has been removed, a company filed an application with the city to use its adjoining property for industrial use - sorting and separating metals that will be stored, sorted, and shipped from the site. Additional industrial activities are planned in the neighborhood, including cement crushers. **Ms. Jackson and Southern Sector Rising recognize the amount of expertise EPA could lend to environmental justice conflicts like this, and ask that EPA share expertise with Dallas and state officials as to the ongoing public health and environmental impacts of incompatible zoning.**

Although the City of Dallas acquired the four acres of land that was under the immense pile of roofing shingles, and a public park is planned where that mountain stood, Ms. Jackson has significant concerns about the legacy of pollution from Shingle Mountain. Ms. Jackson has requested additional testing on her property and other areas for contamination and a study as to what long-term pollution impacts flooding and stormwater runoff from the site might have created. Ms. Jackson's concerns are related to the remediation, testing and clean-up of the former location of Shingle Mountain. Ms. Jackson and the community request the property, 9527 S. Central Expressway, previously Shingle Mountain, to be remediated of heavy lead that was assessed on the property. Her concern is that when the business Almira Inc, located at 9505 S. Central Expressway, removed the ground-up shingles from their property, they only added white gravel on top of the ground-up shingles allowing the fiberglass to become airborne. The Almira property was not assessed. There was inadequate remediation on the property, and it contaminates the neighbors when traffic is on the property. **Ms. Jackson and her neighbors ask for additional testing on her property and other areas for contamination, and a study to determine what long term pollution impacts flooding and stormwater runoff from the site might have created. While TCEQ has conducted some testing, EPA should provide support to ensure that a comprehensive evaluation of the impacts from Shingle Mountain has been conducted.**

Finally, the Lane Plating Superfund site is only a few miles away from the Floral Farms community- and Southern Dallas communities that live and recreate in and near the Trinity River. They are concerned that decades of pollution have leached into the Trinity River Watershed. **Is EPA evaluating the groundwater and surface water runoff from, on, and around the Lane Plating Superfund site?**

Garland

Garland, Texas is a suburb of Dallas with over 230,000 residents. Garland is also home to many unregulated/[unpermitted pollution sites-illegal dumps and water discharge sites](#), including 11 CERCLA sites near a single neighborhood. [Clean Up Garland](#), led by Don Phillips, was formed in response to continued pollution concerns and Garland Meadowlark neighbors noting that many were falling ill to mysterious diseases. The land contamination and pollution are so widespread that there are 23 known contamination sites. EPA Region 6 is not a stranger to Mr. Phillips or the contamination issues in Garland. [EPA held virtual hearings this past summer related to pollution at Park Crest Elementary about a mile from a former battery factory](#). While any movement towards cleaning up the numerous polluting sites in Garland *and* especially protecting vulnerable children is welcome, these issues have been known to the community for years with little action. **Clean Up Garland is concerned that this battery factory pollution site is just one among many in Garland that need significant, coordinated attention from state, local, and federal authorities to identify, study, and clean up sites. Can EPA convene a task force to address the widespread and lengthy history of unpermitted and unregulated waste disposal across the Garland area?**

Air Quality Across North Texas Suffers Due to a Lack of Regulatory Oversight and Delay

Ozone Pollution

The DFW area does not meet the public health standards for clean air and has not complied with any of EPA's National Ambient Air Quality Standards (NAAQS) for ozone pollution. DFW continues to violate the public health standards for ozone pollution, which is especially harmful for sensitive populations such as children, asthmatics, and the elderly. Residents of DFW are exposed to some of the highest ozone levels in the Central United States. For several days in June 2021, [the DFW region experienced alarming levels of ozone pollution](#), including one extraordinarily high 8 hour average of 114 ppb of ground level ozone, the worst day in over a decade. By comparison, the public health standard set by EPA in 2015 is 70ppb.

Texas and EPA have been kicking the can down the road for far too long and more needs to be done to address the elevated levels of ozone (smog) pollution in North Texas. Neither Texas nor EPA have implemented requirements that have brought the region into compliance with the public health standards or NAAQS for ozone pollution. **EPA Region 6 should immediately ["bump up" the DFW ozone nonattainment area](#) classification from marginal to moderate**

and should reject paperwork exercises that allow Texas to “demonstrate attainment” when all data show otherwise. EPA must implement a federal plan requiring all reasonably available control measures to bring DFW into attainment with the public health standards for ozone. Specifically, as part of ozone planning, EPA should require nitrogen oxide (NOx) pollution reductions from coal-fired power plants in East Texas and cement kilns in DFW. Additionally, EPA should require oil and gas compressors to address NOx pollution through electrification as these compressors are major contributors of NOx pollution leading to ozone formation.

Vistra’s Martin Lake Power Plant

Texas coal-fired power plants contribute to the air quality problems across North Texas. These plants aren’t in DFW neighborhoods like fracking sites in Arlington or the cement kilns in Midlothian. But these polluters play an outsized role in the region’s poor air quality due to the sheer amount of the pollution coupled with decades of lax oversight and missed regulatory deadlines. As previously mentioned, coal plants all across Texas contribute to regional smog pollution because they release enormous amounts of NOx pollution, a key component of smog. **The Martin Lake coal plant, in Rusk County, Texas, is a top NOx polluter in the state and EPA should require NOx pollution reduction from Martin Lake and other coal plants to address ozone pollution in DFW.**

Martin Lake is also often the worst sulfur dioxide (SO2) polluter in the *entire* country, significantly worsening air quality in communities living nearby **and** downwind of the coal plant, including large metro areas like Dallas, where SO2 transforms into dangerous particulate matter pollution.

Ms. Paulette Goree has lived with her family in Panola County near the Martin Lake coal plant for decades/generations and is fully aware that more should be done to address this pollution. She noticed over the past several years that air quality was actually getting worse and in fact her observation corresponded with a huge increase in SO2 pollution from Martin Lake. In an insult to Mrs. Goree and the communities impacted by Martin Lake pollution, Vistra ignored EPA’s 2016 finding on nonattainment and *more than doubled* Martin Lake’s SO2 pollution in the following years.

The NAAQS for SO2 was finalized in 2010, and EPA finally made the determination that Martin Lake is out of compliance with that standard in late 2016. Pursuant to the requirements of the Clean Air Act, Texas should have submitted a plan to address this pollution years ago in July 2018.

In the midst of litigation, Texas proposed a State Implementation Plan to address the pollution from Martin Lake. Unfortunately, the plan misses the mark by relying on unapproved modeling and not requiring actual new pollution controls. **EPA can and should act as quickly as possible to reject Texas’ do nothing plan for SO2 pollution and propose a federal plan**

that relies on approved modeling and requires modern SO2 controls for Texas' biggest polluter.

In addition to addressing the localized SO2 nonattainment area around the plant, modern SO2 controls should be required for Martin Lake to address visibility impairment as required by the Regional Haze rule. Like many large sources of SO2, Martin Lake's SO2 pollution travels across the region and contributes to visibility impairments at national parks. EPA previously finalized one Regional Haze rule and proposed another that would have required modern SO2 controls for Martin Lake (and many other Texas coal plants). Although the Trump EPA pulled back these requirements, the current EPA has granted a petition filed by Sierra Club and partners to revisit the plan. **EPA must do the right thing, reinstate the federal Haze plan that requires Martin Lake and other dangerous polluters in Texas to clean up their SO2 pollution and install modern pollution controls for SO2.**

Finally, in addition to Martin Lake's SO2 pollution forming dangerous particulate matter pollution regionally, this plant regularly spews particulate matter (soot) directly from its stacks — some of it permitted, and plenty of it unpermitted. Currently, Texas effectively exempts certain older, dirtier, Texas coal-fired power plants from nuisance-based particulate matter and opacity limitations during startups and shutdowns, allowing plants like Martin Lake to emit dangerous soot pollution. This practice is unlawful and dangerous, and Texas is seeking to legitimize it. **EPA has the power to address this practice by closing the start up, shut down, malfunction (SSM) loopholes that allow facilities to pollute and by rejecting Texas' proposed SIP revision that would formally allow this practice for 8 coal plants in Texas, including Martin Lake.**

Overburdened Communities and Cumulative Impact Assessment

Evelyn Mayo is the board chair of [Downwinders at Risk](#), teaches at [Paul Quinn College](#) and was the lead author of a study and report entitled, *Poisoned by Zip Code*. This report was the first to examine the (permitted) pollution burden experienced by Dallas area residents *by zip code*. A zip code level analysis for permitted air pollution will be an important tool for local policy decisions on environmental equity and land use issues.

Ms. Mayo continues her work on examining and reducing pollution impacts to overburdened communities through the [Neighborhood Self Defense Project](#), a plan to use local zoning opportunities to separate people from polluters. Specifically, with a goal of reversing decades of racist zoning in Southern Dallas putting people of color dangerously close to polluters. While this solution - local zoning- isn't necessarily the purview of EPA, EPA can and should be a partner and assist in providing solutions to ongoing industrial pollution. EPA can assist in solving the economic and public health disparities in neighborhoods long overburdened. **EPA should evaluate how a cap on pollution in neighborhoods may be achieved by enforcing the existing Clean Air Act requirements of increment.** This would require better community-wide monitoring as well as utilizing opportunities like Title V permit reviews to evaluate whether dangerous industrial sources of pollution, like the ancient [GAF asphalt rooftop shingles](#)

[manufacturer in West Dallas](#), are creating unsafe air quality issues for the neighborhood and region. For many public health advocates and community members, the GAF plant and its static permit represent the worst of bureaucracy overlooking the purpose of the permits- to actually protect public health. The plant is poorly monitored and poorly regulated, and folks living nearest the plant pay the price. **EPA should take advantage of Title V opportunities to keep communities safe and ensure adequate monitoring is in place at facilities like the GAF asphalt plant, and seek to assess permits based on cumulative impact of polluters in a neighborhood instead of as single sources of pollution**

Midlothian Cement Kilns

Dr. Laura Hunt is a pediatrician living in Midlothian, Texas. She co-created [Midlothian Breathe](#), to look for solutions to air quality issues in Midlothian. While Midlothian is subject to many of the North Texas air quality concerns that the rest of the region experiences, Midlothian is also referred to as the "Cement Capitol of Texas," with a higher concentration of cement plants than any other place in the nation. As of 2019, one of the three cement plants in Midlothian (Holcim) was already emitting half of all industrial pollution in North Texas or more than 5 times as much pollution as the next biggest polluter as detailed in this [Annual Emissions Inventory Report from Paul Quinn College](#). Nevertheless, this did not stop Holcim from asking and receiving permission to release even more pollution. From 2019-2021, Midlothian Breathe and Dr. Hunt focused on opposing a TCEQ air quality permit modification for the Holcim cement plant. This permit amendment, approved by TCEQ after over 400 opposing public comments and approximately 30 contested case hearings were requested but not heard, allows Holcim flexibility in its fuel mix to burn up to 100% petroleum coke, and will result in a significant increase of carbon monoxide pollution. The permit was issued after rejecting significant concerns about monitoring and transparency, and disregarding the [technical comments](#) from an expert hired by Midlothian Breathe.

TCEQ was able to move forward and approve the permit without a hearing because the commissioners decided no community member lived close enough to Holcim's enormous cement plant to justify a contested case hearing. The community members that requested to formally intervene (standing) lived between 1.5 to 2 miles from the plant. However, TCEQ often applies its own made-up rule of thumb of **1 mile** in making determinations about standing for almost any permit proposal — large or small wastewater discharge, huge polluting air facilities like a refinery or cement plant, and much smaller air proposals. For a large facility, like Holcim, with a property line extending approximately 1 mile in all directions from the kilns, it is not even physically possible for anyone to reside within this 1 mile arbitrary boundary to be considered an "affected person". This unjustifiable decision-making around who has the standing to challenge industrial proposals is a clear example of the problems with the way TCEQ "regulates" the industrial facilities that cause real harm to communities.

Beyond advocating for the ability to effectively participate in the permitting processes, Midlothian Breathe is calling for better overall transparency from both the cement industry and TCEQ. **Specifically, Dr. Hunt and Midlothian Breathe are requesting:**

- **Genuine public participation and impact in TCEQ permitting decisions**
- **Public access to emissions data from the Continuous Emissions Monitoring Systems (CEMS)**
- **Better placement of monitors around the plants, so that they are downwind, rather than upwind of major polluters, and therefore better positioned to protect communities from the true impact of cement plant emissions**
- **Improved regulation of “flexible fuel sources” for cement kilns to include limits on types of fuels as well as sources and quality of those fuels**
- **A requirement that limits be established for ALL pollutants emitted from cement kilns (including benzene and heavy metals) — not just the “priority pollutants”**
- **A requirement that all cement kilns use SCR and RTO technology for pollution control**

In addition, Dr. Hunt notes that Holcim and other cement plants do not face real consequences or deterrence for violations of their already expansive permits, nor has Midlothian Breathe or other environmental groups received any backing or response from EPA region 6 when we have sought help in defending our communities from TCEQ’s negligence. With this backdrop and the recent rubber-stamp of the Holcim permit, Midlothian Breathe and Dr. Hunt are worried about the slippery slope of all the cement kilns expanding, modifying their permits and activities and pushing the limits without real oversight. That is where EPA should step in. **EPA should help amplify and address the regulatory concerns where TCEQ has failed. EPA must re-evaluate the TCEQ’s public participation in permitting, including decisions around standing. Additionally, EPA can hold space and help facilitate a conversation between community leaders and the cement industry actors in and around Midlothian, Texas.**

Protecting Children from Fracking Pollution and Methane in Communities

Urban oil & gas drilling in North Texas communities like Arlington is a major threat to public health. The reality of the oil and gas industry here is one of rigs, compressor stations, fracking, gas venting, abandoned wells, polluted water, overwhelmed roads and other infrastructure concerns right next to schools, daycare centers, and homes. This industry is a significant air quality and water quality hazard for the region, including the Arlington area, which is home to about 400,000 people, 52 drill sites, and approximately 400 fracked gas wells. Over 30,000 children go to public school less than half a mile from gas well sites in Arlington, and many sites are as close as 300 feet to homes and schools. Moreover, 85% of those students are children of color. The health and economic costs of all of this is disproportionately borne by communities of color. Neither the state nor the City of Arlington are monitoring emissions from these gas wells sites despite the potential health impacts on young children.

These issues led Ranjana Bhandari to form [Liveable Arlington](#) in 2015, a grassroots group that advocates for clean air, clean water, and responsible stewardship of our environment for future generations. Working at the intersection of the human health impacts of fracking, and climate change, Liveable Arlington strives to ensure a liveable community on a livable planet. While this

seems daunting, Liveable Arlington identified practical solutions that EPA can take on that would protect communities impacted by oil and gas development. In particular, Liveable Arlington advocates for stricter standards for oil & gas drilling in urban communities due to its health impacts, especially on children who are forced to live and play next to fracking pollution.

These solutions include:

- **Full Implementation of a Methane Rule for both new and existing sources of fracking pollution.** The State of Texas effectively restricts local governments from passing laws to restrict oil and gas development in their communities, but EPA continues to have tools like the proposed new Methane Rule. This rule, when implemented, will likely reduce VOC emissions by 12 million tons and hazardous air pollution by 480,000 tons. Implementing this new rule and ensuring it is applied rapidly to new and existing infrastructure is key to protecting communities like Arlington. EPA has to ensure that the regulations extend to existing sources, as well. In a state like Texas, EPA cannot just wait and see if Texas will do the right thing with respect to existing sources.
- **Strengthen proposed methane rule to reduce community health impacts by creating stricter standards for urban drilling.** EPA Region 6 has a front row view of the public health and environmental impacts of doing nothing. In Arlington and other urban communities like it, we need more stringent regulations because drilling happens next to schools, daycares where toddlers play, and homes. As recently as last month, staff members at an Arlington preschool were sickened from emissions from a Total Energies drill site that is right next to the children's playground. Fortunately, there were no toddlers in the playground at the time of the incident, which was caused by a worker at the drill site carrying out [thieving](#) operations on the tank battery. According to a year-long investigation by the Center for Investigative Journalism for Reveal, over [30,000 children](#) go to public school less than half a mile from drilling in Arlington and 85% of those children are children of color, making this a major environmental justice issue. No one is monitoring the emissions from these gas well sites or watching to see how all of this drilling is impacting children's health. That's why we believe the EPA should strengthen the Methane Rule to protect the health of children in our community by adding the following provisions to improve monitoring and require more rigorous LDAR:
 - 24-hour air monitoring at well sites less than half a mile from schools, daycares, preschools, homes, public parks, and medical facilities.
 - Monthly LDAR for all wells
 - When elevated emissions levels are detected during air-monitoring, this should immediately trigger LDAR between the required monthly inspections
 - Requiring Best Available Emissions Control Technology (BACT)
- **Re-examine exemptions of Fracking from the Safe Drinking Water Act (SDWA).** Fracking's impacts on water are widely known but poorly regulated. It is time to re-examine any exemptions or loopholes protecting oil and gas development from the SDWA. EPA must explore how to repeal any such exemptions.
- **Re-examine impacts of produced water and other polluted water associated with fracking.** Local groups continue to do the work to protect communities when regulators

refuse to step in. The Save Lake Arlington campaign was created after Bluestone Natural Resources filed an application to inject fracking wastewater on the west side of Lake Arlington. While the cities of Fort Worth and Arlington both prohibit these injection wells as part of their gas well ordinance; the Texas Railroad Commission approved the permit request. Eventually, the proposal was defeated, but local groups like Liveable Arlington are having to fight these battles one by one. Instead EPA should evaluate delegations of programs like produced water to state agencies that routinely ignore public participation and don't protect the communities impacted by the industries they regulate.

- **Require better monitoring, measuring, notification and a mitigation plan for all emissions (including venting) as part of ozone nonattainment planning.** Poorly regulated and monitored oil and gas activity is a huge contributor to the region's air quality woes. 56 compressor stations cause a lot of pollution and help ensure that ozone compliance is impossible. Three of these compressor stations are on the list of [top 10 polluters](#) in our county, Tarrant, in a [report from Paul Quinn College](#). While there isn't flaring, advocates believe that a lot of venting or unlit flaring is happening.