



CALL TO ACTION!

TCEQ's list of general best management practices for Aggregate Production Operations (APOs)

The TCEQ has published a [proposed list of best management practices \(BMPs\)](#) for certain operational issues at aggregate production operations (APOs) and is asking stakeholders for feedback and comment.

TRAM has identified several inadequacies with the TCEQ's list and has created a [comprehensive list of recommendations](#) for the agency and is asking the public to submit comments by the January 24th deadline. *Instructions for how to submit comments as well as a template can be found below.*

Submitting Comments:

Comments must be received by 11:59 p.m. on January 24, 2025, and should reference "APO BMP List Proposal."

You can mail comments to Jess Robinson, MC 175, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 and/or [comments may be submitted electronically](#). If you choose to submit electronically, follow these steps:

1. Download [Comment Template](#).
 - Review and any other personal experiences if desired. Then add your signature at the bottom.
2. Upload Comments [here](#).
 - Fill out your information and indicate in the drop down menu whether you are submitting comments on behalf of yourself or a group.
 - Add your comments to the specified box OR upload your comments as a file.
3. Review and Submit.

Background:

In the 2021 87th Legislative Session, Senate Bill (SB) 1 charged the TCEQ *"to adopt and make accessible on the commission's internet website best management practices for aggregate production operations regarding nuisance issues relating to dust, noise, and light, and to conduct aerial observations at least twice per fiscal year to ensure enforcement of existing statutes and rules*

relating to aggregate operations.” The 2023 88th Legislative Session reiterated that charge with SB 1397 and House Bill (HB) 1505. These companion bills charged the TCEQ to develop and make accessible on the commission's internet website recommended BMPs for APOs that operate under the jurisdiction of the commission. The BMPs must include operational issues related to dust, water use, and water storage.

It is also important to recognize that whatever list of BMPs the TCEQ ultimately settles on will be neither required nor incentivized for industry implementation. The list is simply informational (and one wonders if industry operators will read it). Still, it is paramount that the list be thorough and well vetted (as [TRAM's list](#) is) because it will serve to educate the public about what quarry operators could be doing to be good neighbors and because someday, one hopes, the TCEQ may begin requiring or incentivizing them, if the Texas Legislature directs them to do so, as most states already do.

Issues with TCEQ's current list of BMPs:

1. **Sparse:** The proposed BMP list fails to address many of the real issues associated with APOs, including issues they were directly charged with addressing. Their charge in 2023 was to “include operational issues related to dust, water use, and water storage.” While they addressed dust and water storage (albeit inadequately) the TCEQ completely overlooked the “water use” portion of their 2023 charge. Their 2021 charge also directed them to address noise and light pollution, both of which the proposed BMPs completely ignore. TCEQ has simply failed to comply with their mandates and for that reason, among several others, their draft needs considerable improvement to become adequate.
2. **Vague:** The BMPs listed are not only too few, but many of them are also too vague to be useful. For instance, “Ensure vehicles are driven at reasonable speeds to reduce dust disturbance.” Why not include, as TRAM’s BMP list includes, that speed limits of 10 or 15 mph should be posted and abided by on unpaved haul roads within an APO? The value of a BMP list is in detailing out what a “reasonable speed” ought to be. Another example: “Use fuel-efficient and appropriately-sized equipment to reduce emissions, operation time, and the overall amount of dust you produce.” Why not indicate what is meant by “appropriately sized”? How is anyone to assess when a BMP is being implemented, if they are described in completely subjective terms like “reasonable” and “appropriate”?
3. **Self-evident:** Other BMPs listed are simply reminders to follow permit requirements or are otherwise self-evident. For instance, “Be sure your stockpiles are only as high as your permit allows,” or “the further dust-producing operations are from the site boundaries, the less likely they will create a nuisance for any neighbors.” Who benefits from these self-evident recommendations and simple reminders to follow the permit requirements?

This completely inadequate draft BMP list, three years in the making, only weakens TCEQ's effort to protect public health and natural resources by pretending to establish new guidelines while actually saying nothing. It is a disservice to taxpayers and to the environment.

TCEQ must improve this BMP list by adding several times more BMPs, addressing a broader array of issues—including, at minimum, the unaddressed issues identified by the Texas Legislature: water use, noise, and light pollution. Further, they must address each issue more completely, by describing more BMPs and providing more detail in their descriptions. The TCEQ should make significant use of the vetted BMPs listed in the TRAM Recommendations.

Some of the many BMPs that should clearly be included are:

1. **Dust Control:** Roads and parking areas for vehicles that will leave the site should be paved.
2. **Light pollution:** Direct light properly and use perimeter barriers to eliminate sky glow, light trespass, and glare.
3. **Mine management and truck safety:** Clear roads for school buses by not loading trucks for 30 minutes before and after school bells.
4. **Noise:** APOs should monitor the noise exposure at their property line, keeping the noise level at their property line below 65 dB if the property line is within 880 yards of a residential area, school, or house of worship, and 70 dB if not. Set criteria using MSHA on-site guidance and experience with noise level limits from municipalities (nearby if available) that have set noise limits.
5. **Blasting:** Blasting should be monitored with seismographs, located on the perimeter (corners) of the APO property (and in some instances, adjacent or near-by properties in multiple directions).
6. **Water quality:** Vegetation is an inexpensive and effective way to protect soil from erosion and filter contaminants, protecting water quality in nearby streams and aquifers. It also protects air quality by holding dust down and filtering the air. Vegetative controls should consist of native plants appropriate for the Texas ecoregion where the site is located and must not include any noxious or invasive species.
7. **Water use:** Maximize the use of process wastewater, which cannot be discharged without treatment but can be reused in site operations. Managing fine tailings to reduce amount of fine tailings settling ponds with tailings thickener system and/or flocculant and thickener are key BMPs understood, accepted and utilized by many APOs, These facilities can provide additional recycled water to reduce overall APO water use, water loss and reduce land use.
8. **Riparian health and safety:** The following is a list of suggested BMPs for riparian areas. Incorporating these practices into your operations will preserve the quality of the land and water and reduce the risk of catastrophic "pit capture" (when a river breaks through the riverbank or constructed levy and merges with the mine pit, as has happened countless times in Texas, due to poor mining practices):
 - Maintain undisturbed setback from at least 50 feet from the water's edge and preferably 200 feet.
 - Create a buffer between mining activities and the waterway.
 - Leave large woody debris in the floodplain.
 - Mine above the water table only.
 - Minimize use of heavy equipment in riparian areas to protect vegetation and reduce soil compaction.