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To the members of the House Committee on Environmental Regulation.

April 19, 2021

*Via hand delivery.*

**Re: HB 1912 by Rep. Wilson - Supporting testimony of Public Citizen**

Dear Chairman Landgraf and members of the committee:

Public Citizen appreciates the opportunity to testify for the committee substitute for HB 1912 by Representative Terry Wilson, relating to air quality permits for aggregate production operations and concrete batch plants.

We have submitted testimony elsewhere and have additional information by request about the impacts of concrete batch plant siting and pollution, including the billions of dollars a year in health impacts from PM pollution across Texas.

**I. HB 1912 improves the public hearing process**

HB 1912 is a sensible bill that should help APO's to become better neighbors. The bill adds Health & Safety Code Sec. 382.051991, which improves the public meeting process for crushing facilities and concrete plants. On this subject I speak with years of experience attending public meetings on concrete plants, making formal comments, and assisting community members in doing the same.

Often neither the permit applicant is not prepared to answer questions asked at public meetings. TCEQ generally does not answer questions during public meetings, but rather limits itself to building a record of public testimony.



HB 1912 facilitates a more meaningful exchange by allowing the applicant to receive questions in advance of the meeting. The bill also invites to the meeting representatives from TxDOT, any local groundwater conservation districts, and the local municipality or county.

In my experience, the best public meetings are those that establish a relationship between the permit applicant and their future neighbors. HB 1912 will improve the dialogue at these meetings and hopefully serve to create productive and neighborly relationships.



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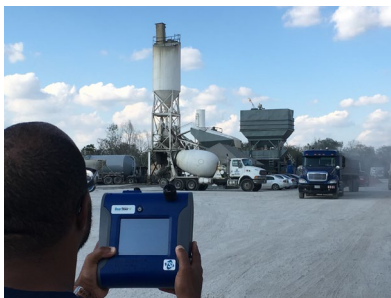
## **II. Effective and reasonable control strategies are added, including air monitoring**

New Health & Safety Code Sec. 382.051992 provides additional requirements for crushing facilities and concrete batch plants. These include noise and air monitors placed at the facility fenceline.

Gravimetric and light-scattering PM monitoring technologies are relatively inexpensive. I have professional experience with both. Gravimetric monitors such as the MiniVol Tactical Air Sampler (TAS) pictured at right cost approximately \$450, with analysis costing around \$10 per sample. More detailed analysis, for example chemical analysis of the components of PM particles, is more expensive. MiniVolTAS samples must be submitted to a laboratory for analysis, creating a delay of several days between sampling and analysis.



Light scattering monitors include the popular DustTrak II from TSI, which costs around \$6,000 - \$8,000. These monitoring provide onboard analysis at no extra cost. Readings from a DustTrak are immediate, although gravimetric analysis is more sensitive and offers more options for analysis.



In October 2020 Representative Wilson, then Chair of the House Interim Committee on Aggregate Production Operations, held a series of town hall events on APOs. One of the speakers during these events, Jill Shackleford, shared her professional opinion that fenceline monitoring costs would be negligible for the average aggregate production operation.

Other strategies included in HB 1912 are new outdoor lighting standards, water management, land reclamation of decommissioned facilities, and the posting of a performance bond.

## **III. New blasting technologies should clearly apply to mines and quarries**

One comment about a particular strategy: computer controlled blasting is included on p. 3, l. 26-27 of the bill. This section of the bill, Health & Safety Code Sec. 382.051992, applies to crushing facilities and concrete batch plants. Our understanding is that it is mines and quarries that use blasting in their operations. We are not aware of rock crushing or batch plants that use blasting. There may need to be clarification about applicability of some sections of the bill to certain types of facilities. Quarries are regulated in Natural Resources Code Sec. 133.



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#### **IV. Cooperation with TxDOT will increase traffic safety**

New Sec. 382.051992(k) of the bill addresses traffic safety by promotion cooperation between facilities and TxDOT for the construction of driveways and necessary highway improvements. APOs are the source of significant heavy truck traffic; this can be dangerous when facilities are located adjacent to highways.

At the October 2020 APO town hall, statements were given about accidents, sometimes fatal, between APO traffic and other vehicles on our state's roads. This is a sensible safety precaution that will prevent tragedy at or near these facilities.



We support HB 1912 as a strong approach to controls at certain aggregate production operations.

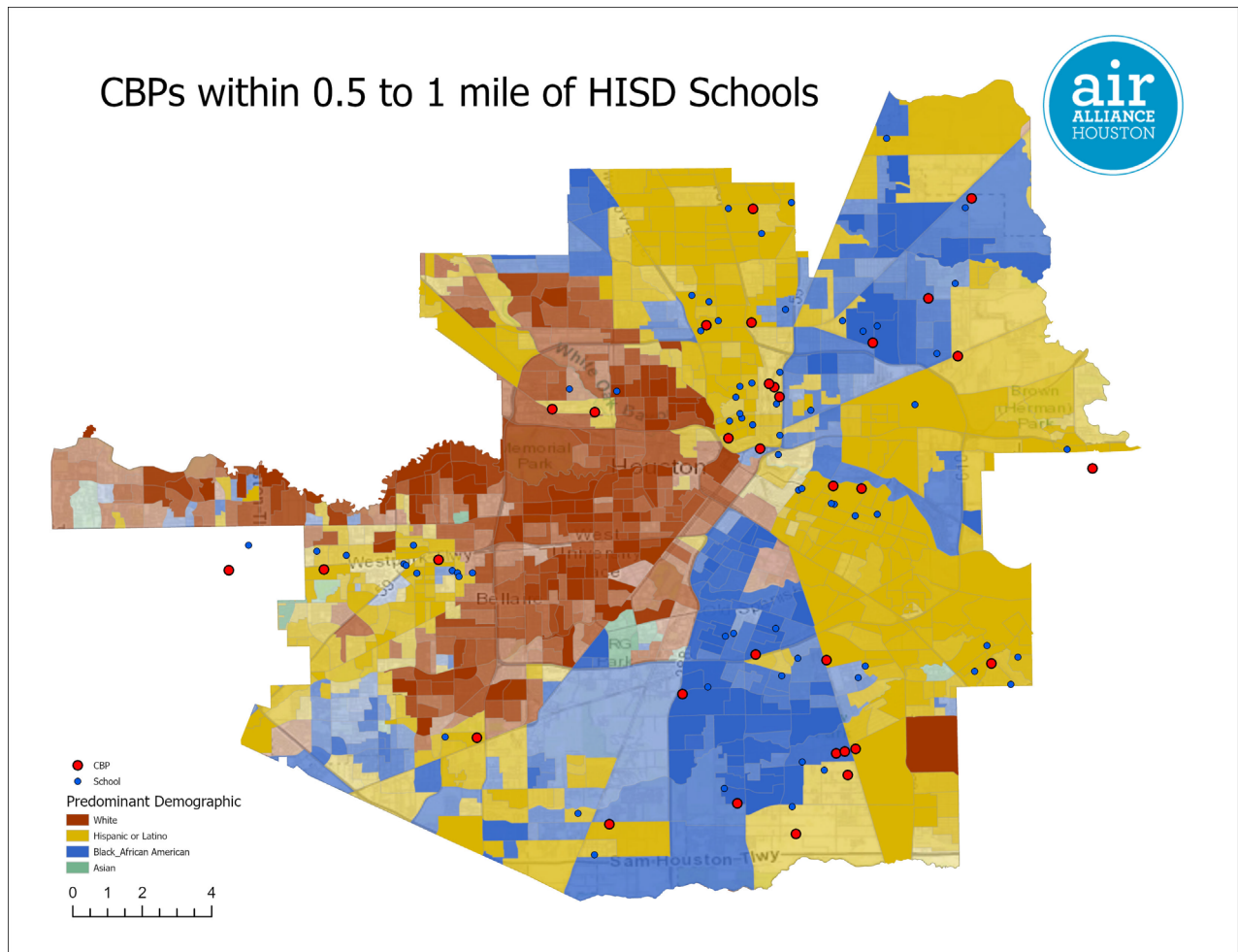
Thank you for the opportunity to provide this testimony. If you would like to discuss our position further, I can be reached at [ashelley@citizen.org](mailto:ashelley@citizen.org), 512-477-1155.

Respectfully,

Adrian Shelley  
Texas Office Director  
Public Citizen

CC: Rep. Alex Dominguez, Rep. Jay Dean, Rep. Vikki Goodwin, Rep. Kyle J. Kacal, Rep. John Kuempel, Rep. Penny Morales Shaw, Rep. Geanie W. Morrison, Rep. Ron Reynolds





*Vehicles and stockpiles in violation of the setback requirement from a residential property.*