

# Michael SPANO

To Whom It May Concern,

I am concerned that the proposed list of Best Management Practices (BMPs) for Aggregate Production Operations is grossly inadequate. For starters, they do not address practices to minimize water consumption i.e. the quarries and CBPs are not required to adhere to water conservation measures. The BMPs also do adequately cover nuisances such noise (operating in the middle of the night) or blasting, and light pollution, as was directed to by the Texas Legislature. The BMPs for the areas they do address — dust and water storage — also warrant serious improvement.

One option that I have never seen considered is the installation of Wind Fences to prevent fugitive dust as opposed to berms where a quarry or CBPs abuts an adjoining residential community or commercial business. Some residential communities are a mere 25 -100 feet away from a quarry. (See uploaded report for more details).

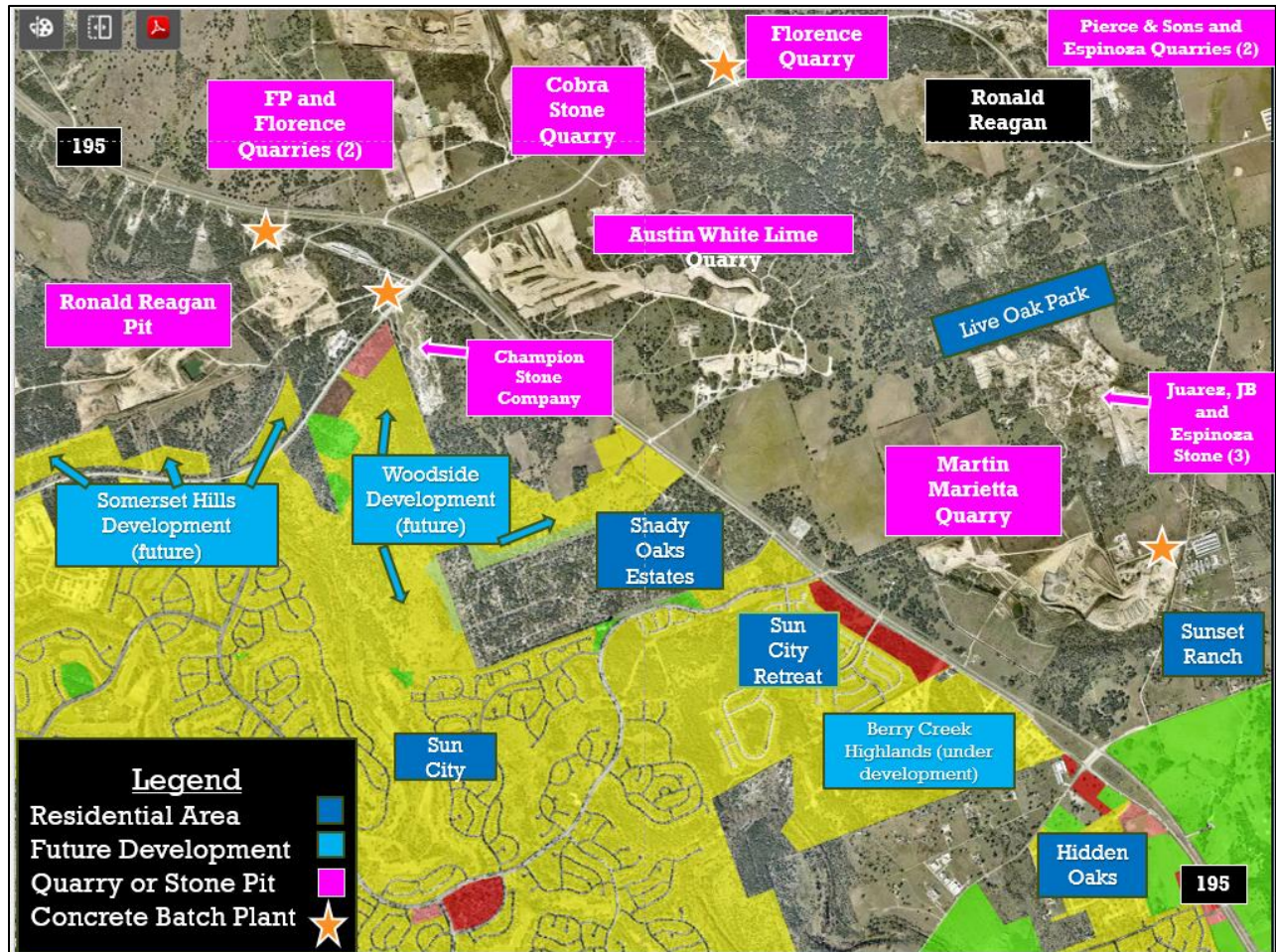
The TCEQ should further develop their list of BMPs and strongly consider adopting a Certification path, making sure to thoroughly address all of the issues that the Legislature directed them to address. TCEQ should be able to identify the good vs the bad actors in the industry. We certainly do this this the Better Business Bureau to weed out bad actors for residents.

If you would like to review comments from people and understand their concerns; I am sending a report that was written last year for Williamson County and based on a Public Event that was held last February. Our stories are real and we hope that you will consider ways to better protect our communities and properties. Also, as a result of these activities, we won an award from our local CAPCOG organization.(see uploaded file).

Thank you for your time.

# Better Neighbors

Panel Discussion and Survey on Aggregate Production Operations in Williamson County Show the Need for Change



Prepared by:

Coalition for Responsible Environmental Aggregate Mining (CREAM)

May 17, 2024

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## Executive Summary

In parts of northwestern Williamson County (Wilco), where rock quarries outnumber gas stations, you'll see blankets of white on the roadside instead of green or golden grass. Instead of oak and cedar's muted olive and emerald, you'll see branches hanging heavy with white powder. Instead of the clear, hot air people imagine for a lesser populated area of the county, you'll see a haze of dust. Most people now say that northwestern Wilco either looks like a snowstorm has just passed through or like we've been transported to a desert in the Middle East. Those who moved here for a new place to call home are confused that it's so different from what they envisioned. Those who have been around a long time are sad at what the land has become.

And it's not just the way things look that's a problem.

For 35 years, there has been increasing focus on Aggregate Production Operations (APOs) in Texas as the industry expands to meet the state's growth and economic needs. APOs include quarries and rock pits that provide gravel, sand and stone to build new roads, sidewalks, bridges, homes and other infrastructure. In this report, we will discuss community stories and data that illustrate the recent impact of these APOs on surrounding neighborhoods and the desire for change. According to an award-winning news series on the industry's environmental and human impact, "since 2012, the number of registered quarries, rock mining operations and aggregate plants operating in Texas has increased 1,690%, from dozens of mostly family-run enterprises to hundreds of sprawling operations."<sup>1</sup> After reporting for six months, the reporters concluded "that the industry's growth, particularly the rise of controversial quarries, has far outpaced state regulatory oversight."

Wilco has 37 APOs that are currently operating. The majority of the APOs are limestone quarries with a handful of gravel and sand pits. For the purpose of this report, the terms "quarry" and "APO" are used interchangeably. This is the largest number and highest concentration of APOs within the entire state of Texas. While APOs are an important component of the Texas economy, their mining, processing and delivery operations can cause substantial nuisance issues for neighbors, such as:

- Noise, vibration and residential property damage from blasting activities.
- Excess or "fugitive" dust leaving the quarry property and covering cars, landscapes, and residential properties.
- Cloudy stormwater runoff leaving the quarry property and polluting local streams and creeks and residential properties.
- Little to no water recycling on-site.
- Trucks with uncovered loads that can damage other vehicles with falling debris and cause safety hazards for drivers and cyclists.
- Drag-out of rocks and dirt onto public roads that damages the road and causes unsafe driving conditions.
- Difficulty to know where and how to report nuisance issues.
- Slow and/or poor enforcement by regulatory agencies.

Since 1998, there have been multiple efforts to identify and improve these APO issues by the Texas Commission on Environmental Quality (TCEQ); an interim committee of the Texas House of Representatives; local communities; panel discussions and citizens advisory councils; city



ordinances in two municipalities; and investigative reporting and newspaper articles. Unfortunately, none of these previous efforts have produced any meaningful change. Texas is one of only seven states without a comprehensive APO mining regulation.

The Coalition for Responsible Environmental Aggregate Mining (CREAM) is a nonprofit organization led by community members who advocate for Wilco rock quarries and batch plants to operate with community concerns in mind. CREAM hosted a panel discussion on February 29, 2024, to identify how quarries can be better neighbors and to gather input and support from Wilco residents to drive legislative changes in 2025. Five panel members provided their expertise and feedback during the packed panel discussion with 250 registered audience members and multiple affected neighborhoods. Representatives from Sun City, Berry Creek Highlands, Shady Oaks and Live Oak Park described their personal experiences with nuisance issues. The panel discussion was reported by Fox 7 News, Williamson County Sun Newspaper, Rock Products Magazine and Community Impact Newspaper.

CREAM also conducted an online survey in February and March 2024 to collect APO experiences from people living in Wilco. CREAM's online survey was the first organized and scientific effort that collected, analyzed and quantified community feedback about APO nuisance issues. Some of the participants of the survey stated:

- *This survey is long overdue. The quarries have been expanding their operations for years with little regard for nearby residential areas.*
- *I have lived in Georgetown since 1976. The situation gets worse every year as new quarries open and existing ones expand.*

One of the frustrations expressed by neighbors is poor enforcement by regulatory agencies when complaints are made and few, if any, changes or improvements to APO operations. There is a patchwork quilt of jurisdiction spread over 11 regulatory agencies at the federal, state and local levels. This makes it difficult for someone to know where and how to submit a complaint. Our report delves into this regulatory landscape.

Several neighbors also have expressed concern about the economic burden that they have incurred from living near APOs with no possibility of reimbursement. Many described damage to their homes and cars as well as damage to local roads. Several expressed concern about reduction in their property values and lack of real estate disclosures when they purchased their homes.

Josh Leftwich, President and CEO of Texas Aggregates & Concrete Association (TACA) provided comments to an industry trade publication about CREAM's panel discussion and online survey.<sup>2</sup> TACA is an industry association representing APOs throughout the state.

*"TACA unequivocally condemns the bad actors that fail to respect the communities in which they operate. It is imperative to hold accountable those who don't play by the rules. TACA has long advocated for increased funding to TCEQ so the agency can effectively investigate and penalize offenders."*

As described in this report, neighbors have significant concerns and want state, county and city officials to provide leadership that produces meaningful change and improvements. Local residents want to see improvements in their quality of life and welcome the idea of additional legislation during the 2025 session to address the nuisance issues:

- *I am very pleased that State Representative Terry Wilson is actively engaged in seeking solutions to this problem.*
- *I hope that we can get State level legislation to address the concerns of residents affected by the APOs.*

Finally, at the end of the Panel Discussion, audience members and neighborhoods expressed overwhelming support to create a Citizens Advisory Council (CAC) in Wilco, which would allow a constructive dialogue to begin between affected communities and the APOs. CREAM has started to investigate possible funding mechanisms, as well as a forum and a charter for the Wilco CAC. This report will show why such change is needed due to the widespread negative experiences of neighbors living near Wilco APOs and the immense community support for a more balanced playing field between industry and people.

# 1 Introduction

This report describes APOs in Wilco and their impacts on local residents. The authors of this report recognize that APOs are an essential component of the local economy and are necessary to build roads, bridges, homes and other infrastructure. However, there are substantial nuisance issues which are becoming more apparent as local quarries have expanded their operations closer to existing and new residential neighborhoods.

This report provides:

- Background information on the number, type and location of APOs in Wilco along with descriptions of existing and planned residential communities.
- Previous efforts to mitigate nuisance issues.
- Results of “Panel Discussion: How Quarries Can Be Better Neighbors” held on February 29, 2024, in Sun City.
- Results from CREAM’s online survey to collect feedback from affected residents about nuisance issues.
- Detailed discussion about issues of concern with photos and personal statements from concerned residents.
- Conclusion.



## 2 Background

According to TCEQ, an APO is a site from which aggregates are being or have been removed or extracted from the Earth, including the entire areas of extraction, stripped areas, haulage ramps, and the land on which the plant processing the raw materials is located.<sup>3</sup> Aggregates include gravel, cut and crushed stone, and sand that are typically extracted from quarries and rock pits.

### 2.1 Location of APOs

Wilco has a high concentration of naturally occurring limestone, which is extracted and processed for use as dimension limestone and crushed stone.<sup>4</sup> Dimension stone is used mostly for monuments and home and building exteriors. Crushed stone, gravel and sand are consumed in large quantities by the construction industry since aggregate is used to build roads, sidewalks, bridges and other infrastructure. The northern portion of Wilco has a high concentration of surface mining operations, with decorative limestone operations in the northwest portion of the county and crushed limestone operations throughout the county.

Wilco has the largest number and highest concentration of APOs in Texas with 37 registered operations as of March 1, 2024.<sup>5</sup> Figure 1 shows the location of APOs in Wilco per USEPA's Environmental and Compliance History Online (ECHO) database.<sup>6</sup> Most of these APOs are located in northern Wilco, west of the I-35. The majority of the APOs are limestone quarries with a handful of gravel and sand pits. For the purpose of this report, the terms "quarry" and "APO" are used interchangeably.

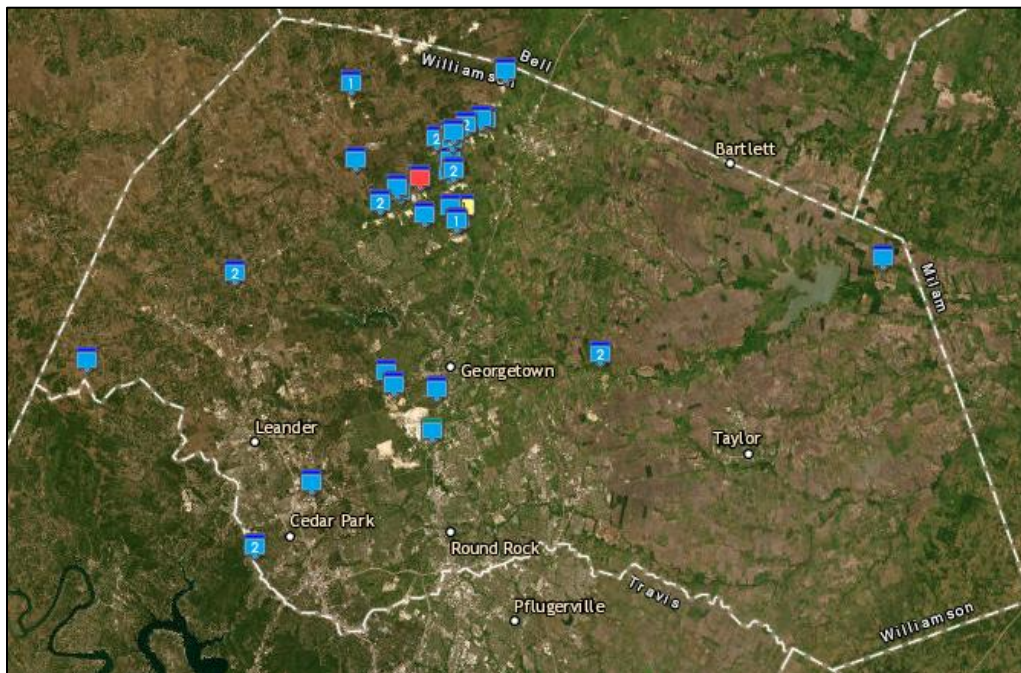


Figure 1. Map Showing APOs in Williamson County. Source: USEPA's ECHO

## 2.2 Current Residential Development

Georgetown was the fastest-growing city in the United States in 2016 and 2022 based on census data and job growth.<sup>7</sup> Aerial photographs from Google Earth in 1984 show primarily agricultural land with two small quarries per Figure 2 and a few scattered homes. Figure 3 is an aerial photo from 2024 which shows the addition of a dozen new quarries and expansion of the original two quarries plus multiple residential developments in close proximity to one another.



Figure 2. Aerial Photograph Showing Two Small Quarries in 1984. Source: Google Earth

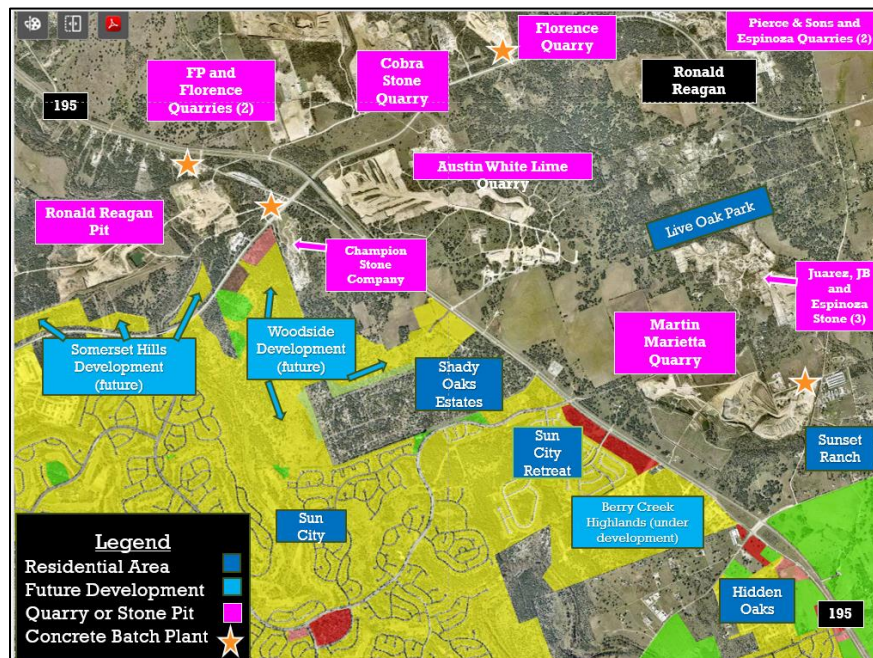


Figure 3. Location of Quarries Versus Residential Neighborhoods in Northern Wilco in 2024. Sources: City of Georgetown Planning Reference Map<sup>8</sup> and USEPA's ECHO Map<sup>9</sup>



One residential neighborhood called “Live Oak Park” has had the unfortunate situation where an active quarry expanded to the rear of their properties and there is no buffer zone between their backyards and the quarry operations. (See Figure 4.)

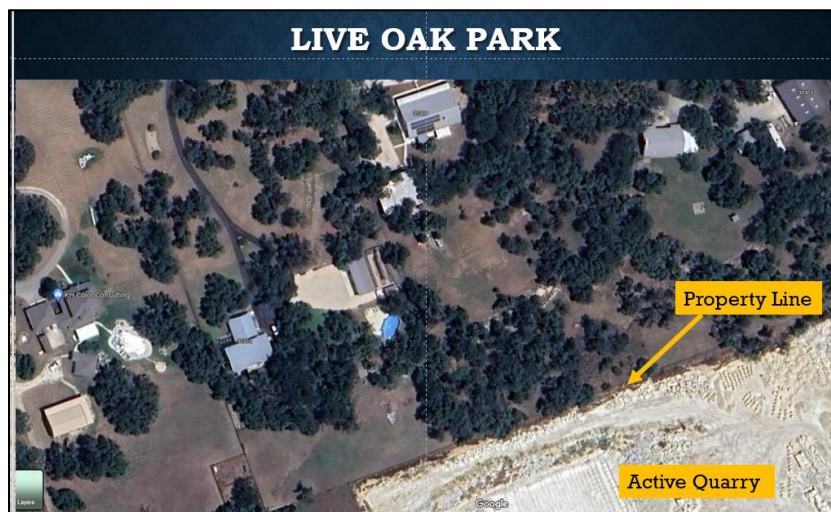


Figure 4. Aerial Photo of Live Oak Park vs. Active Quarry. Source: Google Earth

## 2.3 Future Residential Development

CREAM looked at future residential developments approved by the City of Georgetown and found three that will be located in close proximity to an existing APO. All of these communities have been approved by the Planning and Zoning Commission, seemingly without regard to proximity to existing APOs. Somerset Hills and Georgetown Commons will be located within the city boundaries. Ronald Reagan Quarry (or “Pit”) is an existing quarry that is located within 150 feet of both developments per Figure 5. Rock Bluff Ranch is located within the extraterritorial jurisdiction (ETJ) per Figure 6 and will also be located in close proximity to Ronald Reagan Quarry.

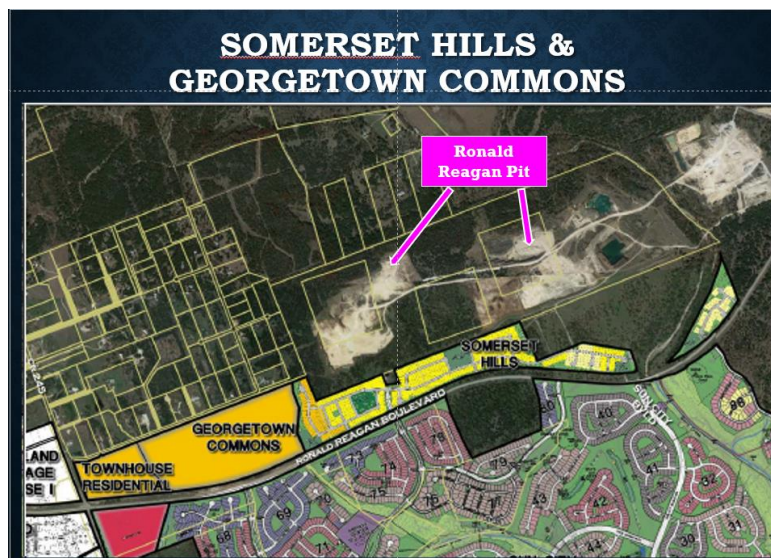


Figure 5. Proposed Location of Somerset Hills and Georgetown Commons. Source: Local Context Map, City of Georgetown, Dec 29, 2021



### 3.3 TCEQ Guidance for APOs

In January 2012, TCEQ published a document called “Best Management Practices for Quarry Operations, Complying with the Edwards Aquifer Rules”.<sup>14</sup> The goal is to protect the groundwater recharge zone over the Edwards Aquifer and avoid any potential contamination from quarry operations. The guidance document is intended to apply to APO’s that are located on the aquifer that are required to obtain approval of a Water Pollution Abatement Plan or a Contributing Zone Plan. Quarries that are not located over the Edwards Aquifer do not have to comply with these BMPs.

While the BMPs and requirements are technically sound and currently are a legal requirement, compliance by quarries in Wilco is substantially less than 100%. TCEQ has issued many notices of violation, corrective action orders and penalties to force quarries to comply with these existing regulatory requirements. Unfortunately, the financial penalties assessed by TCEQ are typically a very small percentage of an APO’s annual revenue. There is little incentive for APOs to improve their compliance status – the fines are just a small cost of doing business.

### 3.4 Proposed Rock Quarry in Marble Falls

In October 2017, a rock quarry was proposed to be built in Marble Falls by Asphalt, Inc. There were protests and outrage from the local community<sup>15</sup> followed by a public meeting with TCEQ. In October 2019, a panel discussion was held with residents, mining industry representatives, lawmakers and community groups to have an open dialogue.<sup>16</sup> This event was hosted by the Austin American Statesman and KVUE-TV News. Eventually, the quarry owner decided to abandon its plan.

Prompted by the situation in Marble Falls, the Austin-American Statesmen and KVUE Defenders jointly investigated in 2019 the negative impacts that APOs are having on local communities.

- Austin-American Statesman published a three-part investigative series called “A World Rocked Communities Clamor for Regulation as Texas Mining Industry Explodes”.<sup>17</sup>
- KVUE Defenders conducted a 6-month investigation and published “Left in the Dust: Digging into the Texas Hill Country’s growing rock mining industry”.<sup>18</sup>

The investigative reporters found that:

- “Since 2012, the number of registered quarries, rock mining operations and aggregate plants operating in Texas has increased 1,690%, from dozens of mostly family-run enterprises to hundreds of sprawling operations.
- Texas quarries generally face no extensive application process. The state hasn’t examined the environmental impact of the proliferating operations, despite mounting concerns from neighbors and the medical community.
- Texas has no process to ensure restoration of mined lands in most parts of the state, allowing operators to simply walk away from massive pock-marked properties.
- Repeated efforts to rein in the industry have fizzled at the Legislature, though industry leaders say existing rules are sufficient to protect the land and neighbors.”



Five years later in 2024, it appears that many of the nuisance issues identified by the investigative reporters in 2019 about APOs have still not been resolved.

### 3.5 Interim Study Committee on APOs

In 2020, Representative Terry Wilson,<sup>19</sup> whose district includes many impacted communities, led the Interim Study Committee on Aggregate Production Operations and oversaw multiple Town Hall Meetings to bring together business owners and citizens for a constructive dialogue. His committee produced recommendations in a detailed report in 2021<sup>20</sup> to the 87th Texas Legislature with draft legislation that became HB 1912.<sup>21</sup> Despite substantial support from other representatives and a companion bill in the Senate, HB 1912 was left pending in committee and did not pass due to industry lobbying.

### 3.6 BMPs for APOs on TCEQ's Website

Rep. Wilson has supported additional legislative efforts initiated by others to improve regulation of APOs and tighten oversight by TCEQ. In 2023, SB 1397<sup>22</sup> was signed by Governor Greg Abbott and requires TCEQ to post voluntary BMPs for APOs on TCEQ's website. The BMPs are not subject to enforcement by TCEQ. While this is an idealistic effort, it lacks any consequences or penalties for APOs that choose to not comply.

### 3.7 Kerrville CAC

In September 2021, Kerr County created a CAC to bring together APOs, businesses, residents and local governing agencies so that they can work toward common solutions and better outcomes for all.<sup>23</sup> After several years of meetings, the CAC issued a Voluntary Guidance Document for APOs in 2023.<sup>24</sup> The Kerrville CAC continues to meet on a quarterly basis so there is a forum for an open dialogue between quarries and local residents.

### 3.8 City of Garden Ridge Ordinance

In July 2019, the City of Garden Ridge passed a city ordinance, posted educational materials and created a city webpage for residents to report problems about APO nuisance issues.<sup>25</sup> The quarry helped work through issues from dust and blasting. The city had a Quarry Commission to monitor blasts at the Heidelberg site — at the time known as Lehigh Hanson — and the company was “very responsive” to complaints from residents. In July 2022, the City Council dissolved the Quarry Commission with Resolution 489-072022 saying that it had “completed its charge.”

In November 2023, the quarry asked state regulators for permission to mine another 1,100 acres nearby — setting off the latest fight in the struggle between development and environmental concerns in the swiftly growing Hill Country.<sup>26</sup> Local residents are frustrated because the quarry expansion will be located in the ETJ and is outside city limits, leaving the City of Garden Ridge with little ability to regulate these new quarry activities.



### 3.9 City of Double Horn Ordinance

In 2019, City of Double Horn created Ordinance 2019-ORD015 in order to prohibit blasting within city limits, establish criminal and civil penalties for violations and declare such offences to be nuisances.<sup>27</sup> This ordinance is still in effect.

### 3.10 Current Status in Texas

Currently, Texas is one of seven states without a comprehensive APO mining regulation.<sup>28</sup> Permits are only required for each quarry's stationary sources such as rock crushers, conveyors and loading hoppers. Mining operations and fugitive sources are ignored in the permitting process in Texas. Other states have adopted comprehensive Surface Mining Control and Reclamation Act (SMCRA) like regulations. These regulations generally call for Environmental Impact Assessments (EIAs), mine plans, reclamations and bonding, water use planning, and road use/infrastructure planning. Except for quarries located over the Edwards Aquifer in Texas, there are no requirements for reclamation of the land after completion of quarrying. Operators are allowed to simply walk away after a site is mined, without returning it to a safe or useable condition.

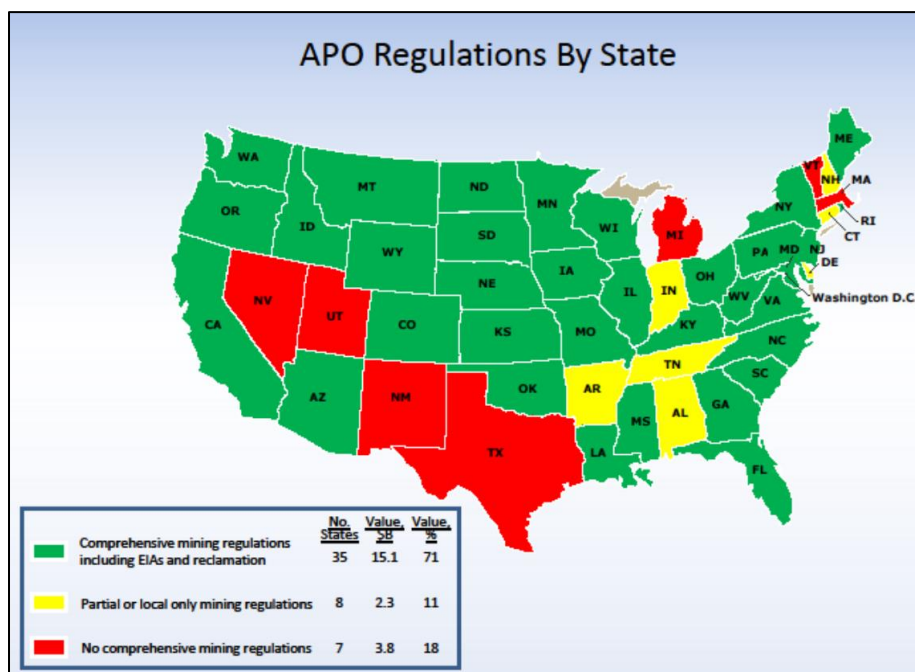


Figure 7. APO Regulations by State as of August 2020. Source: TRAM

## 4 Panel Discussion

CREAM organized a panel discussion that was held on February 29, 2024, to discuss “How Quarries Can Be Better Neighbors”. The event was hosted by Sun City’s Neighborhoods 81 through 87. There were 250 people who registered to attend. The event was covered by Fox 7 News, Williamson County Sun, Rock Products Magazine and Community Impact Newspaper. In addition, the event was livestreamed and recorded, and a reporter from The Texas Tribune watched the event.

The panel discussion was intended to be an informational session to gather input and support from the community to drive legislative changes in 2025. Participants are looking for ways that quarries can be better neighbors while balancing the economic contribution that quarries make to the economy. Specific changes that would be helpful:

- Reduce noise, vibration and property damage from blasting activities.
- Minimize fugitive dust leaving the quarry property.
- Increase water recycling on-site.
- Better enforcement of trucks' requirement to cover loads and reduce drag-out onto roads.
- Improve community awareness for reporting complaints and nuisance issues.

Overall, the event was a success. Participants thanked CREAM for organizing the panel discussion and for describing the challenges with APOs in a positive manner. Multiple newspaper articles and TV clips described the proceedings in a positive fashion.

CREAM assembled a distinguished panel to provide their expertise and insights into APO operations and how to make improvements in Wilco:

- Terry Wilson - Texas Representative for District 20 who has sponsored previous legislation.
- Jill Shackelford - Retired quarry owner and expert witness for mining.
- Molly Cagle - Senior Environmental attorney with Baker Botts LLC.
- Heather Beatty - Geoscientist at Cambrian Environmental and former TCEQ employee.
- Christina Schwerdtfeger, PhD - Moderator and retired environmental scientist.

The Panel discussed these topics:

- Results of survey from residents.
- How quarries can be better neighbors.
- Benefits of community engagement and advisory groups.
- Recent and planned expansion of quarry operations and residential areas in Wilco.
- Legislative efforts – previous and future.

Four neighborhoods provided statements about the adverse impacts from APOs on their homes and quality of life and asked questions to the panel members per Appendix A:

- Sun City Neighborhoods 81, 82, 83, 84, 85, 86 and 87.
- Shady Oaks Estates.
- Berry Creek Highlands.
- Live Oak Park.

At the end of the Panel Discussion, the audience and participants expressed overwhelming support to create a CAC in Wilco which would allow a constructive dialogue to begin between affected communities and the APOs. After completion of the panel discussion, there were favorable newspaper and magazine articles and TV clips on Fox 7 News for several weeks afterwards.

- [“Concern Grows over Booming Williamson County Rock Quarry Industry” was reported by Lauren Rangel, Fox 7 News beginning on February 29, 2024.](#)

- [“Williamson County Residents, Leaders Raise Rock Quarry Concerns as Industry Grows” written by Chloe Young, Community Impact on March 1, 2024.](#)
- [“Wilco Neighbors Eye Advisory Council as Possible Path to Co-existence” written by Katherine Anthony, Williamson County Sun on March 5, 2024.](#)
- [“Despite Community Concerns, Texas Aggregates Industry Drives Economic Growth” was written by Rock Products Magazine on March 6, 2024.](#)
- [“Rock Quarries Spark Concerns” by Chloe Young, Community Impact on April 16, 2024.](#)

Josh Leftwich, President and CEO of Texas Aggregates & Concrete Association (TACA) – an industry organization – provided comments about CREAM’s panel discussion and online survey in an article to Rock Products Magazine on March 6, 2024:<sup>29</sup>

*“TACA unequivocally condemns the bad actors that fail to respect the communities in which they operate. It is imperative to hold accountable those who don’t play by the rules. TACA has long advocated for increased funding to TCEQ so the agency can effectively investigate and penalize offenders.”*

## 5 Results of Online Survey

CREAM conducted an online survey in February and March 2024 to collect comments from people living in Wilco about their experiences with APO nuisance issues.<sup>30</sup> Wilco has the largest number and highest concentration of APOs within the entire state of Texas.

There were 177 responses to the survey from residents of Wilco. There was only one response which was pro-quarry. The remaining 176 responses identified and described nuisance issues that had adverse impacts on residents. Respondents to the online survey had the following concerns:

- 97% have personally experienced negative impacts that have damaged their property or degraded your quality of life.
- 90% have felt quarry blasts.
- 44% have had property damage from quarry blasts.
- 60% have experienced excessive dust on their property.
- 81% have had negative impacts on their quality of life.
- 89% are concerned about decreases in their property value.

Respondents to the online survey had the following concerns about quarry trucks and/or concrete batch plant (CBP) trucks:

- 53% have experienced damage to their vehicles because the tarp was not fully functional.
- 51% have observed road damage from the trucks.
- 29% have observed accidents from quarry trucks or CBP trucks.
- 63% have observed unsafe or erratic driving.
- 62% have observed drag out of dust from a quarry onto a public road.
- 40% have observed a truck running a red light.

Respondents to the online survey had the following concerns about possible remedies:

- 69% have wanted to report a problem but only 12% know where or how to do it.

- 98% want APOs to be better neighbors.
- 97% want legislation to curb APOs.
- 98% want the county and/or city to be more proactive.
- 95% support creation of a CAC.

People responding to the online survey had many comments of a general nature. There was relief that the nuisance issues are finally being identified and that there is a desire for positive changes that allow APOs and residents to live together more harmoniously. A sampling of comments from the online survey is provided below:

- *We are not interested in putting the quarries, APOs and concrete batch plants out of business, but they should be better neighbors. They seem to operate null of any concern for the residents.*
- *This survey is long overdue. The quarries have been expanding their operations for years with little regard for nearby residential areas.*
- *Thank you members of CREAM of Williamson County for your time and dedication and all else you do in efforts to hold Aggregate Production Operation Companies accountable.*
- *I have lived in Georgetown since 1976. The situation gets worse every year as new quarries open and existing ones expand. Is this really beneficial to our town and at what price to existing residents? Also what's going to happen to all these properties when they have exploited the land completely and damaged it beyond recognition. Are the companies going to just go bankrupt and leave it as scars on the Earth? Are these operations just cash flow for money converters?*
- *Thank you for your hard work. Glad this is being discussed!*
- *Thank you for collecting this data.*
- *Thank you for addressing this issue...*
- *Thank you for taking the time to do this.*
- *Current homeowners are bearing the brunt and appear to be shouldering the costs for future development projects. It seems that homeowners are required to follow design guidelines but haven't had a seat at the table when negotiations are underway.*
- *How can they continue to pollute our environment without any repercussions? It appears the money is more important than our environment and the health and wellbeing of those who reside in our great state of Texas. Pretty sad.*
- *APOs can be part of the solution by recycling their used water, taking responsibility for their dust pollution, their negative effect on public traffic safety, reducing public blast consequences, improving public communications, and acknowledging that at some point they will have drained the aquifer to the point that no businesses or homes can draw water from a source that was once plentiful to all.*

The survey confirmed that residents have multiple concerns which are not being addressed or resolved by existing regulations and government processes.

## 6 Issues of Concern

This section describes each issue of concern that was discussed during the Panel Discussion and/or the online survey. Local residents and neighborhood representatives provided written feedback, photos and comments to describe and illustrate the extent of the problems they are experiencing.

## 6.1 Vibration and Damage from Blasting

Some quarries use explosives for blasting to dislodge and loosen aggregate materials from the Earth. Blasting produces vibrations and movement which can damage nearby structures and disrupt the peaceful enjoyment of local residents' homes.

Quite a few people who responded to the online survey have felt vibrations and shaking from quarry blasts. Their statements are provided below. There are many descriptions about damage to their property and/or belongings, along with photos per Figures 8 through 11.

- *It is very frustrating to have my entire house shake. We replaced all windows and rear doors of our house a couple of years ago at a cost of \$65,000 and I am very concerned about damages to these windows over time. I bought my china, that was broken following the blast, when I was 18 years old. The Lenox wine and water goblets were wedding gifts when I was 22 years old. There are clear cracks in our ceiling and it's likely our foundation is also moving more than just the normal settling that occurs over time.*
- *Please ensure that you are specifically surveying the owners of in-ground swimming pools. Please consider the damage being done to vehicles, in addition, to the potential damage to our foundations, concrete patios, and driveways. How are we supposed to evaluate these changes to the structural integrity of our homes? Who would be accountable for this damage and how would we establish causality? ... I know that the blasting is causing a hardship to my property and my health....but how are we supposed to prove all of this? The blasting is disruptive to my ability to work from home because the dogs bark incessantly when they are scared from the blasting.*
- *With two quarries off 195, we sometimes have multiple blasts each week and that isn't fun sitting in your house with your windows rattling and house vibrating and shaking. Some blasts are very intense and have scared me. I lived in CA where my house was located on the Hayward Fault and another home on the Calaveras fault line and never experienced as much shaking as I do living here. My home also survived the Loma Prieta earthquake which was severe. I am concerned these blasts will cause major damage to my home and property and do not feel as homeowners we should be responsible for the damage, both to our physical health and monetarily due to property devaluations because the City and County feel it necessary to create so much growth in this area without concerns for the well-being of the constituents who already live here.*
- *I don't understand why they can't reduce their blast by half, instead of blasting 200 holes last two sets of 100 on different days. This would at least reduce ground shock and air shock.*
- *Blasts are becoming increasingly stronger throughout the years. I've lived in Shady Oaks for 26+ years.*
- *The vibration and associated noise that comes with blasting is a serious issue. I'm not sure what the solution is here other than a regulated blasting schedule and notification procedure.*
- *The main concern arises from a system that allows damage to residential home foundations, however does not provide any recourse to seek damages from builders/insurance, nor the quarries initiated said structural problems.*
- *I have felt the quarry blasts on and off yes felt my house shake. It felt like a small earthquake, but I had no damage at least what I can see.*
- *Concerned that ongoing blasts will eventually affect the house/foundation.*

- *I have lived in Hawaii and Japan where earthquakes are common. The quarry blast quakes are worse than most of the quakes I experienced in Hawaii and Japan. Our homes are not built to withstand these blast quakes.*
- *... the first blasts were very frightening. Now they are just annoying and happen at all times of the day and night.*
- *The blasting and trucks are a major issue for any homeowners living near these quarries. Our home has irreparable floor tile damage throughout the home and foundation cracks. There are also drywall cracks.*
- *I have lived out here for about 40 years. Our once incredibly peaceful home and property was so quiet and tranquil. Now we constantly hear the rumble of saws, heavy machinery, blasts, backup beepers and trucks. We can't even open our windows anymore with all the noise and dust.*
- *When I moved to Shady Oaks in 2016 there was only CC Aggregates in the area and we never heard any blasting.*
- *I am also concerned about ... the hours that they blast*
- *Concerned for... my property being impacted due to blasts*
- *The blasts are random and unsettling.*

At present, only two quarries (Austin White Lime and Martin Marietta) provide emails to notify neighbors about upcoming blasts. After the blasting is finished, the blast results and impacts to neighbors are typically not shared by the company. CREAM collects feedback from the community and forwards it to the quarries. Typically, there is very little response from the quarries unless there are significant complaints or reports of damage.

Rep. Terry Wilson mentioned during the panel discussion that more quarries should use computer-aided blasting methods to ensure that blasts remain within acceptable limits.





Figure 10. Broken Glass on Shower Door from a Quarry Blast. Source: CREAM

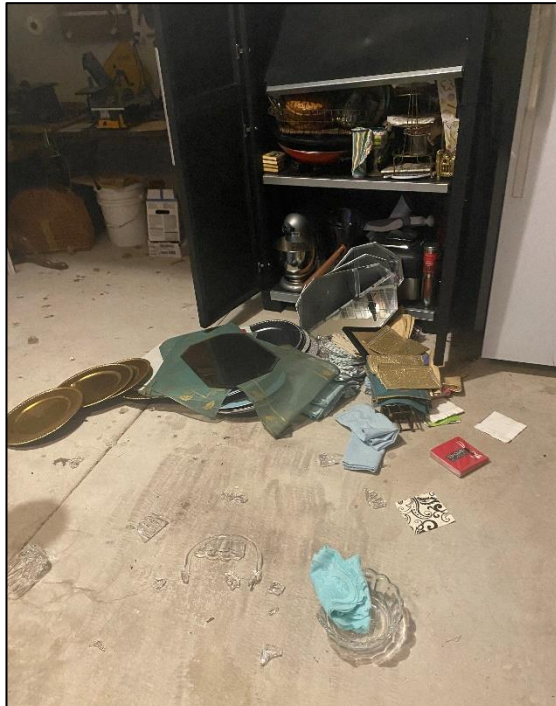


Figure 11. Objects Fallen Off the Shelf From Quarry Blast. Source: CREAM



Figure 9. Broken Window from Quarry Blast. Source: CREAM



Figure 8. Crack in Foundation of House Near Quarry Blasts. Source: CREAM

## 6.2 Noise from Blasting and Operation of Equipment

Live Oak Park provided a statement during the panel discussion that described the incessant noise and constant rumbling of machinery and grinding of gears that disrupts the peaceful enjoyment of their properties (see Appendix A). In addition, multiple people responding to the online survey complained about the loud booming noises that occur when explosives are used for blasting. Their statements are provided below.

- *We hear loud booming noises.*
- *...a noise ordinance should be put in place.*
- *House shaking and loud noise (sounds like thunder) from blasts.*
- *I've tried to reach out to Community, County & State agencies and was told they have no control over the excessive noise pollution that is detrimental to our health, physically and mentally.*

One person complained in writing to TCEQ on February 25, 2021, about excessive noise from a blast from Austin White Lime. Two weeks later, TCEQ closed the complaint with the explanation, "This complaint does not meet the necessary criteria for conducting a complaint investigation."

During the panel discussion, Jill Shackelford described her successes to mitigate noise when she owned her limestone quarry. She installed quieter backup beepers on heavy equipment and limited operating hours to avoid weekends and holidays.

## 6.3 Damage to Cars

Trucks that carry gravel and rocks are supposed to have a tarp to cover their loads and prevent debris from falling onto roads or other vehicles. When the tarp is unused, ripped, torn or missing, rocks and gravel can fall off the truck and cause damage to windshields and paint for other vehicles driving on the road per Figures 12 through 14.

Below are some of the comments and statements submitted to the online survey:

- *I had to file a claim with Ford replacement warranty for 3 tires damaged by falling rocks out of the cargo bay. My damaged rims could not be replaced under warranty.*
- *My insurance had to cover rock quarry damage to my window and paint.*
- *I have a receipt from Mercedes showing a replacement windshield from 2023 due to damage from a quarry truck on 195.*
- *There debris/rock on the road is a constant concern. We have had multiple instances of rocks chipping our car paint and cracking/chipping windshields. The damage to our personal property as in cars and our home is frustrating.*
- *Financially, it affects me with car maintenance. Windshield damage, windshield wipers and dust affects the paint on my car.*
- *Many of the tarp covers simply flap in the wind and do not cover the loads properly. The gravel companies should run a street sweeper weekly to lessen the chance of gravel they have dropped being kicked up and damaging cars.*
- *Getting behind these trucks with no covers is beyond dangerous. They need to be stopped from spewing dust, pebbles and whatever onto cars behind them.*
- *Why can't we require trucks to cover their loads and reduce the amount of dust in the air and on roadways?*





Figure 12. Example of Aggregate Truck with Tarp in the Wrong Position. Source: CREAM



Figure 13. Uncovered Aggregate Trucks With Aggregate Falling Onto Road. Source: CREAM



Figure 14. Damage to Vehicle Paint from Rocks Falling Off Aggregate Truck. Source: CREAM

- *Trucks dropping rocks and spewing dust as they travel on Highway 195, Freeway I-35, and other roads in the area around quarries. Small rocks coming off of trucks have hit our car a few times, and we don't follow trucks closely.*
- *They need to be more transparent and cognizant of their neighbors. Enforcement of the drivers without tarps is critical but not happening. I will not drive behind one of their trucks.*
- *They never cover their loads.*

## 6.4 Unsafe Driving

Trucks are used by the APO industry to deliver ready-mix concrete or aggregate (i.e., gravel and/or rocks) to construction sites. Typically, these trucks are not owned by the quarry or CBP. Instead, they are usually a third-party contractor. There have been numerous instances observed of unsafe and dangerous driving by these trucks per Figures 15 and 16.



Figure 15. Swerving Aggregate Truck. Source: TRAM



Figure 16. Over-turned Aggregate Truck at Intersection of 130 and I-35 in December 2023. Source: CREAM

More troubling is a recent accident in Bastrop County on March 22, 2024, where a concrete pumping truck hit a school bus and killed one student and a person in another vehicle.<sup>31</sup> The truck driver admitted to using marijuana and cocaine earlier that day and was impaired before he hit the school bus. He is accused of criminally negligent homicide. The owner of the trucking company failed to verify the status of the driver's commercial driver's license and his status in the federal Drug and Alcohol Clearinghouse Database. The owner of the trucking company was also arrested for employing another unlicensed driver in 2021 in a different incident.<sup>32</sup>

People responding to the online survey had many comments and bad experiences with unsafe driving of trucks carrying aggregate or ready-mix concrete. Their statements are provided below:

- *Many drive safely but so many do not.*
- *The number of trucks carrying quarry materials is increasing on Hwy 195. They travel in excess of the speed limit. The morning hours have the heaviest traffic as this is when fully loaded trucks are leaving the quarries.*
- *It is dangerous to pull out of our driveway because of the trucks speeding.*
- *I have run across a number of courteous drivers - as much as there are those that do not properly secure loads. I have learned to steer clear and give plenty of space.*
- *As long as these trucks are permitted to drive on I-195 the speed limit around Sun City and south of Sun City needs to be decreased. It's too dangerous with all the auto and truck traffic, especially from the intersection of Sun City Blvd turning south on I-195, Shell Road and I-195, and traffic entering I-35.*
- *I'm very concerned about the lack of safety used by the drivers. ... the quarries need to do a better job with the entrances and exits of the facilities (to control debtors on the road) and the amount of the trucks needs to be a consideration of the county about upgrading/widening/painting stripes on the roads to handle the truck traffic. I have kids that drive and it worries me because of the bad driving of the trucks and the speed they go, driving in the middle of the road, dropping large rocks, and pulling out in front of passenger vehicles.*
- *Primary issues I see are related to trucking materials, e.g., dangerous driving/high speed, dust and debris from trucks, trucks passing each other and causing backups, heavier traffic causing dangerous driving conditions, trucks that appear to be in poor conditions, etc.*
- *The traffic issue is ridiculous and we certainly need more police watching 195 for speeding and poor driving!*
- *The trucks drive too fast.*
- *Since there is minimal (i.e. no) enforcement of speed limits along Hwy 195, gravel trucks, etc often speed and tailgate. I'm concerned that one of them will run into me if I need to stop suddenly due to a light turning red.*
- *Transportation and road safety is another major issue.*
- *These heavy trucks speed down 487 and the small county roads. They are tearing up the roads, often dropping rocks in the middle of the road which need to be avoided to prevent damage to cars. I have often thought about getting a dash camera just to record the unsafe environment the trucks and quarries are causing.*
- *Those trucks go very fast and have gravel coming off of them because that top is not tied down right and they change lanes and I think they are dangerous.*
- *My biggest concern is the caravan of very loud and speeding trucks every 30 seconds from very early morning, all day and into early evening, Monday through Saturday.*

## 6.5 Damage to Roads

At present, trucks carrying aggregate and ready-mix concrete can travel on our roads and bear no financial responsibility to repair any damage that they cause. The county and city governments are responsible for maintaining the roads but they do not collect any fees or surcharges directly from the APOs. Instead, local taxpayers bear the cost of repairing damage to roads caused by the APOs. Here are the statements from the online survey about this issue:

- *The rock trucks are tearing our country roads up by making them uneven and creating potholes in them. Some of the holes are so big that if a car hits them it will do damage to them.*
- *I believe there should also be a consideration of the damage to public roads and compensation by quarries to the appropriate government road maintenance entities.*
- *Why can't the quarries reduce the amount of dust leaving their site? Why don't they pay for the damage they do to roads?*
- *The biggest problem is the sheer number of trucks leaving the plants. Sitting at Sun City Blvd and 195 light I regularly count 10-20 rock/cement trucks every few minutes.*
- *They should be responsible for the increased damage to our roads...*
- *...it is also not fair how they tear up our roads.*
- *I'm very concerned about ... with the state of the roads because of the trucks.*

The Center of Transportation Research estimates that a fully loaded 80,000-pound commercial vehicle damages road pavement at a rate of 26 cents per mile driven (not including impact on bridges and overpasses). However, the current Texas fuel tax from 1991 only collects 3 cents per mile. This leaves a 23 cent per mile deficit that taxpayers must cover.<sup>33</sup>

## 6.6 Fugitive Dust

Fugitive dust is particulate matter that leaves the APO's property and settles on nearby roads, homes, patios, etc. The dust leaves a messy residue on surfaces and reduces visibility per Figures 17 through 19. During the panel discussion, residents of Live Oak Park described their frustration with excess quantities of fugitive dust from the nearby quarry (see Appendix A). Here are the statements from the online survey about this issue:

- *The dust makes everything so nasty inside and out.*
- *The dust is horrendous and my windows look horrible and it's not good to sit out there and breathe that.*
- *The dust issue is obvious after driving on wet roads like 195. Your car is a mess on the outside and in the door wells. That's why the car wash business in Georgetown is booming.*
- *Tired of the dust.*
- *Please help control the dust - it permeates everything here just off 195 and Sun City Blvd.*
- *When I moved to Shady Oaks in 2016 there was only CC Aggregates in the area... Dust was minimal. I had no idea that Williamson County would allow so many quarries next to each other in the Georgetown area. I can't ride my bike down the country roads near Martin Murieta or AWL as there is so much dust you can barely see the roads and I don't want to inhale all that dust and dirty air. Not the quality of life I was looking for in my retirement years.*
- *Extreme dust in our home.*
- *The dust coming off the roads from the quarries is devastating. You cannot drive with windows down or sunroof open, much less open the windows of our home. Many of the very old oak trees have died that are close to the quarry side of our property.*
- *We are constantly having to clean/dust the inside of our home. It doesn't seem to ever go away. It is a constant nuisance.*





Figure 17. Photo of Active Quarry with Fugitive Dust Leaving Property and Close Proximity to Property Line. Source: CREAM



Figure 18. Fugitive Dust from CBPs. Source: TRAM.

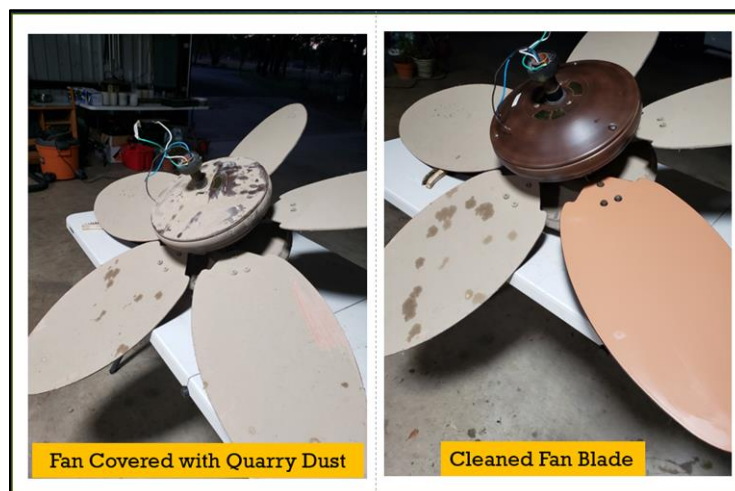


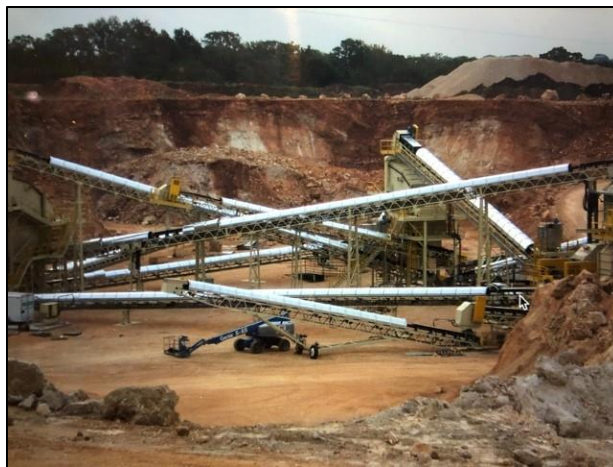
Figure 19. Fugitive Dust on an Outdoor Fan. Source: Live Oak Park

During the panel discussion, Heather Beatty described how re-vegetation is required as part of the Water Pollution Abatement Plan that TCEQ mandates for APOs located over the Edwards Aquifer. Re-vegetation helps to control fugitive dust.

Another panel member, Jill Shackelford, described the various changes that she made to her equipment and operational procedures to reduce fugitive dust per Figures 20 through 23.



*Figure 20. Vegetation and Trees Used to Control Dust on Haul Roads. Source: Jill Shackelford*



*Figure 21. Covered Conveyor Belts to Control Dust. Source: Jill Shackelford*



*Figure 22. Water Mister at Conveyor Belt Drop Point to Control Dust. Source: Jill Shackelford*



Figure 23. Enclosed Rock Crusher to Control Dust. Source: Jill Shackelford

## 6.7 Adverse Health Impacts

Sun City is a retirement community that is located in Wilco and has 9,300 homes and 18,500 senior residents. Poor air quality and fine dust from quarries and CBPs are a health concern because of the adverse impacts to senior citizens.<sup>34</sup> The U.S. Environmental Protection Agency (EPA) includes senior citizens in its definition of “sensitive groups” because they are more likely to have pre-existing heart and lung diseases. A representative from Sun City described these concerns in her statement during the panel discussion (see Appendix A).

Multiple respondents to the survey expressed these same concerns about air quality and the impacts to their health. Their statements are provided below:

- *I'm worried about my lungs with all of this dust. It might be a valid reason for moving out of Georgetown.*
- *My greatest concern is the air quality around these plants and the level of blasting.*
- *The dust affects my asthma.*
- *You can see how bad the air quality is just by looking at the air/sky. It has caused major health/lung issues for my husband and I. We have never had lung issues before now.*
- *Air quality is a big concern.*
- *Concerned for my health...being impacted due to blasts and danger of trucks.*
- *I have more severe environmental allergies now but I have no way to prove that it is caused by additional dust or air quality issues.*

## 6.8 Lack of Nearby Ambient Air Quality Monitors for PM<sub>2.5</sub>

During the panel discussion, the representative from Sun City described how the lack of nearby monitors to assess ambient air quality is a concern (see Appendix A).

There are four air quality monitors per Figure 24 in northern Wilco for fugitive dust which is otherwise known as fine particulate matter (PM<sub>2.5</sub>).

TCEQ has one regulatory air quality monitor located in Jarrell. It is approximately seven miles away from the large cluster of APOs near Sun City. This sensor was installed in July 2020 as part of an



Another government agency called Capital Area Council of Governments (CAPCOG) has two “PurpleAir” monitors nearby – one at Georgetown Airport and the other at Cedar Breaks Park. Both of these locations are approximately three miles away from Sun City and the cluster of APOs. It should be noted that the PurpleAir monitors are not used for regulatory decisions, but rather to measure air quality for local initiatives.



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## 6.9 Excessive Water Use and Water Recycling

Water use and recycling were not discussed during the panel discussion. However, this issue was mentioned by several respondents to the online survey. Drought restrictions have been in place in Wilco for the last two years with severe limits on landscape irrigation. There are no requirements for APOs to recycle or conserve their water at this time. Below are the statements from local residents on this issue:

- *I would also like all APOs who pump water from our local aquifers to use water management or water recycling technologies in order to preserve more water for communities. Martin Marietta claims to do this Best Management Practice in a few places around the State; but not in Georgetown as far as I know.*
- *APOs are extreme ground water users drawing down the aquifer without any concern or controls to preserve and protect our natural resource that we all use and need. Wilco needs to have a county groundwater district like the other 70% of counties in Texas to measure, analyze, protect, preserve, to report on the health of our aquifer, and the authority to advise and enforce APOs in their excess use of groundwater. APOs can be part of the solution by recycling their used water, taking responsibility for their dust pollution, their negative effect on public traffic safety, reducing public blast consequences, improving public communications, and acknowledging that at some point they will have drained the aquifer to the point that no businesses or homes can draw water from a source that was once plentiful to all.*
- *There are three quarries on my county road. I don't mind the quarries, even the noise isn't a concern to me. I am concerned about the water use.*
- *Not to mention the destruction of the karst surface which filters our water and the fact that we have had to drop our well level due to the unmonitored water usage of the quarries.*
- *I am also concerned about the amount of water usage.*

Martin Marietta has described its water recycling activities in its Sustainability Reports, but only for selected facilities in Texas.<sup>36</sup> Without complete disclosures about its total water use and recycling, Martin Marietta is selectively describing only its successes. This method of reporting is commonly known as “green-washing” because of the omission of less favorable data.

## 6.10 Lack of Mandatory Real Estate Disclosures

At present, there are no mandatory disclosures for real estate transactions in Texas to notify a buyer about the proximity of a house to nearby APOs and the possibility of significant nuisance issues such as blasting, traffic, noise and dust. A representative from Berry Creek Highlands provided a statement during the panel discussion about their frustrations about the lack of mandatory real estate disclosures for homes sold in proximity to APOs. His statement is provided in Appendix A.

*We believe that **potential buyers** should have the right to know about these environmental nuisance and risks **prior** to purchasing a home. It is the responsibility of sellers and developers to disclose this information per Section 5.008 of the Texas Property Code. Not only are seller's disclosures required by law, but they also give buyers important information, ultimately reducing the buyer's risk and protecting the value of the buyer's investment.*

It should be noted that Texas does have requirements at present for sellers to disclose other environmental issues such as: asbestos, mold/mildew, proximity to contaminated sites, etc. Below are a few statements from people responding to the online survey about this issue:

- *This is not what I expected when I bought my retirement home here and was not informed of this issue prior to purchase.*
- *Pulte built homes and others are doing the same knowing this. And we bought them.*
- *We certainly were not made aware of this problem when we bought our home near the Retreat.*

It seems that weak real estate disclosures are also an issue elsewhere in Texas, not just Wilco. Sellers in the Greater Fifth Ward of Houston are not required to tell buyers that their homes are in a cancer cluster and that there is creosote contamination. The City of Houston has allocated \$5 million to voluntarily relocate residents from 110 homes which are located above a contaminated groundwater plume,<sup>37</sup> but new residents are still moving in unaware.

## 6.11 Impacts on Property and Property Value

Berry Creek Highlands specifically stated during the panel discussion of their desire for *“...protecting the value of the buyer’s investment.”*

Respondents to the online survey voiced similar concerns:

- *I am extremely concerned about how the quarries could impact my overall property value.*
- *I am certain the value of our house is diminished the more this blasting is going on. We have no recourse on damages.*

## 6.12 Difficulty in Reporting Complaints

Residents are frustrated that they do not know where or to whom to report a problem. Here are a few of the comments and statements from the online survey:

- *I would like more information about meetings and where to report problems.*
- *I’ve tried to reach out to Community, County & State agencies and was told they have no control over the excessive noise pollution that is detrimental to our health physically and mentally. This in addition to the blasting literally shaking the entire structure is detrimental to the integrity of the building and foundation.*

During the panel discussion on February 29, 2024, Attorney Molly Cagle described the various regulatory agencies that have jurisdiction over APOs per Table 1 below. There is a “patchwork quilt” of jurisdiction spread over 11 regulatory agencies at the federal, state and local levels.

Ms. Cagle stated that it can get very confusing and complicated to know which agency to contact when there is a problem and a resident wishes to submit a complaint. Rep. Wilson mentioned that the Texas Railroad Commission (RCC) had offered at one point several years ago to take over the regulating of open pit rock quarries but this did not occur. At this time, RCC is only responsible for regulating coal mines, not APOs.



Table 1. List of Regulatory Agencies with Jurisdiction Over APOs

Govt Level	Agency Name
Federal	United States Environmental Protection Agency (USEPA)
	Dept of Interior (DOI)/U.S. Fish & Wildlife Service (USF&WS)
	US Army Corps of Engineers
	Mine Safety & Health Administration (MSHA)
	Federal Emergency Management Agency (FEMA)
State	Texas Commission on Environmental Quality (TCEQ)
	Texas Parks & Wildlife Division (TPWD)
	Texas Dept of Transportation (TxDOT)
	Texas Dept of Agriculture (TDA)
Local	Williamson County
	City of Georgetown

### 6.13 Weak Enforcement by Regulatory Agencies

One of the frustrations expressed by neighbors is poor enforcement by regulatory agencies when complaints are made and few, if any, changes or improvements to APO operations. Here are a few of the comments and statements from the online survey:

- *I applaud your trying to do something but I wrote the EPA several letters protesting the most recent cement plant that opened on Ronald Reagan near Sun City. I got very little response. Our politicians in Williamson County are interested in money, not the residents. Good Luck!*
- *Have reported to TCEQ numerous times.*
- *I moved to Texas about 3 years ago and was dismayed to discover that the regulatory oversight of the aggregate products industry is very limited.*

In an attempt to quantify the extent of regulatory agency responsiveness, CREAM retrieved and compiled complaints submitted to TCEQ for APOs located in Wilco, along with their resolution status and any penalties assessed. Complaints were found going back to 2000 with total penalties assessed of \$257,288. Meanwhile residents report that quarry operators indicate their land is worth \$1 million per acre. The average time of resolution between a complaint being submitted and issuance of a consent order ranged from 0.5 to 2.9 years. There are currently seven open complaints with TCEQ that have not been resolved.

In several instances, TCEQ did not respond to a written complaint because it fell outside their regulatory authority. For example, two complaints about dust causing a traffic hazard were reported to TCEQ but are under the jurisdiction of the Texas Department of Transportation (TX DOT). No action appears to have been taken or referral to TX DOT. Similarly, one complaint submitted to TCEQ about blasting was ignored because blasting falls under the jurisdiction of Wilco. No action appears to have been taken or referral to another agency.

Table 2. Summary of Number of Complaints, Consent Agreements, Penalties and Open Complaints for Quarries Located in Wilco

Name of Quarry	Time Period	Number of Complaints and Consent Orders	Total Amount of Penalties and Fines	Number of Open Complaints
Austin White Lime	2015 - 2021	2	\$0	1
Cobra Stone	2008 - 2021	4	\$73,126	1
Martin Marietta (formerly CC Aggregates)	2006 - 2024	2	\$10,576	2
Ronald Reagan Quarry	2017 - 2021	1	\$22,276	1
Espinoza Stone	2000 - 2021	8	\$143,361	1
JB Stone	2014 - 2022	4	\$48,927	1
Champion Stone	2014 - 2017	2	\$65,000	0
<b>TOTALS</b>			<b>\$257,288</b>	<b>7</b>

Another metric that was evaluated was TCEQ’s compliance rating scores and classification for facilities that hold permits. CREAM accessed TCEQ’s compliance database and found the following compliance history ratings and classifications for local quarries as of September 1, 2023. TCEQ uses the following classification system to rate each facility’s compliance status.<sup>38</sup>

Table 3. TCEQ's Compliance History Ratings and Classifications

If the calculated rating is:	Then the performance is classified as:	This classification means that <i>at this site</i> the customer:
<b>Below 0.10</b>	High	Has an above-satisfactory compliance record.
<b>0.10–55.00</b>	Satisfactory	Generally complies with environmental regulations.
<b>Greater than 55.00</b>	Unsatisfactory	Performs below minimal acceptable performance standards established by the commission.

CREAM retrieved the compliance score ratings for the quarries with multiple complaints. One quarry had a score of 256, which is “Unsatisfactory” because it “performs below minimal acceptable performance standards established by the commission.” These data and metrics support and substantiate the comments from neighbors in the online survey that enforcement by TCEQ is minimal, slow and ineffective – and some compliance score ratings don’t accurately reflect the experiences in the communities.

Table 4. TCEQ Compliance History Ratings for Quarries Located in Wilco as of September 1, 2023

Name of Quarry	TCEQ's Compliance History Rating	TCEQ Classification
Austin White Lime	--	Unclassified
Cobra Stone	0.02	High
Martin Marietta (formerly CC Aggregates)	0.26	Satisfactory
Ronald Reagan Quarry operated by:		
• Juarez Stone	--	Unclassified
• Central Texas Stone and Aggregate LLC	0.00	High
Espinoza Stone	4.56	Satisfactory
JB Stone (operated by Bernardo Espinoza)	4.16	Satisfactory
Champion Stone	262.50	Unsatisfactory

## 6.14 Other Concerns

Despite CREAM's efforts to identify all nuisance issues, people responding to the survey identified several new issues: contaminated stormwater, sulfurous smells and concern about impact of quarry blast on nearby natural gas pipelines. Figure 26 shows contaminated stormwater which has a milky appearance from total suspended solids (TSS).



Figure 26. Milky Stormwater Runoff from Easy Mix Concrete Services. Source: Signal Hill Area Alliance, January 22, 2021.

These were some of the comments and statements from the online survey:

- *There were no boxes to check in regards to smells, but we frequently have strong sulfur smells in the neighborhood late in the evening. I believe that is also related to the quarries.*
- *We get very milky water runoff from the quarry during times of rain.*
- *We have an oil pipeline in the back of the property and they are now installing a gas pipeline. I am terrified that the blasts from the quarries might crack or damage one of these pipelines causing devastation to our property and possibly causing bodily harm to us.*

There are currently two open complaints with TCEQ for milky stormwater discharge by Martin Marietta. TCEQ has not listed any resolution or corrective action on its website to address these complaints:

- *Sediment runoff from the quarry site has significantly impacted the creek downgradient from the subject site. This complaint has been assigned and will be further investigated by an Environmental Investigator. (January 2, 2024)*
- *Sediment laden stormwater discharged from quarry from a dry creek and onto the complainant's property after a large rainfall event; Failure to update EAPP with new info from Martin Marietta. (August 31, 2022)*

## 7 Conclusion

As described in this report with personal statements, descriptions of problems, and photos, citizens have significant concerns about nuisance issues associated with APOs in Wilco. Citizens have clearly described their frustrations and personal experiences during the Panel Discussion on February 29, 2024, and in the online survey.

Citizens of Wilco want state, county and city officials to provide leadership that produces meaningful change and improvements. Local residents want to see improvements in their quality of life, their health and their safety, and welcome the idea of additional legislation to address the nuisance issues:

- *I am very pleased that State Representative Terry Wilson is actively engaged in seeking solutions to this problem.*
- *I hope that we can get State level legislation to address the concerns of residents affected by the APOs.*

APO nuisance issues are not being addressed or resolved satisfactorily because of the patchwork quilt of regulatory agency authorities and poor enforcement of existing regulatory requirements. New strategies and ideas are needed to produce meaningful change.

At the end of the Panel Discussion, there was overwhelming support from the audience and participants to create a CAC in Wilco which would allow a constructive dialogue to begin between affected communities and the APOs. Two of the larger quarries expressed interest in participating in the Wilco CAC. CREAM has started to investigate possible funding mechanisms, as well as a forum and a charter for the Wilco CAC.



## Appendix A - Comments and Questions from Neighborhood Representatives

### Berry Creek Highlands

My name is Kyle Wright and I am speaking on behalf of the Berry Creek Highlands subdivision. This is a brand new neighborhood located just north of Shell Rd off SH-195 -- directly across the road from the Martin Marietta Quarry. At build-out, we are expected to have over 1,000 associated homes plus an extensive amenity center. This master planned community will also offer multiple conventional apartment homes, single family rentals, a firehouse, a Jarrell ISD elementary school and a city of Georgetown public park. Our main road called Berry Creek Highway is set to extend from 195 all the way to Shell Rd. Although visible from 195, most people just passing through this area would never suspect that we are in such close proximity to an active quarry. In fact, many of my neighbors never had any knowledge of this, even the ones from Georgetown.

Many of my neighbors have expressed concerns to include:

- Significant foundation and drywall cracks
- Glassware clanking, on the verge of shattering
- Blasting without warning
- Vibrations loud and strong enough to disrupt education at the new elementary school
- Poor air quality
- Hazardous driving conditions caused by uncovered loads and excessive speeding

There needs to be more transparency. All of us in Berry Creek Highlands feel blindsided and frankly trapped by the deception and lack of disclosures. We've recently learned that these quarries have existed for over 40 years, but their operations have had major expansions westward over the last 2-3 years. This means that their daily activities and blast zones are inching closer and closer to new developments and populated areas.

The expansions are fundamentally driven by profit and there are insufficient **regulations to limit the proximity of their operations to residential developments. Consequently, we are experiencing negative effects on our property values and we were never notified.**

We believe that **potential buyers** should have the right to know about these environmental nuisance and risks **prior** to purchasing a home. It is the responsibility of sellers and developers to disclose this information per Section 5.008 of the Texas Property Code. Not only are seller's disclosures required by law, but they also give buyers important information, ultimately reducing the buyer's risk and protecting the value of the buyer's investment.

An environmental disclosure that identifies nuisance and risk issues caused by mining and construction should be required. This is simply good business practices in being good neighbors. We have two questions:

1. How can homeowners be protected with better real estate disclosures, to inform them of the possibilities of catastrophic property damage and nuisances from nearby Aggregate Production

Operations (APOs)? For example, there already is a mandatory disclosure for proximity to flood plains but this was only added as a requirement by Senate Bill 339 in 2019.

2. The Texas Railroad Commission requires coal mining operations to mitigate the impacts of blasting activities for off-site residences, schools, churches, etc. in accordance with the federal Surface Mining Control and Reclamation Act of 1977. “Noncoal” operations are currently exempt from these requirements even though blasting and impacts to local neighborhoods can be significant. What can be done to legislatively to eliminate the loop-hole that APOs currently have?

## Sun City

My name is Pat Berthold. I live just west of this building in Neighborhood 84, part of The Retreat Area in Sun City which is a retirement community that has 9,300 homes and 18,500 senior residents. Poor air quality and fine dust from Aggregate Production Operations (APOs) such as quarries and concrete batch plants are a concern because of the adverse impact to the health of senior citizens. We are more likely to have heart disease and lung disease which is why seniors are included in the United States Environmental Protection Agency’s (USEPA’s) definition of “sensitive groups”.

On a personal note, I moved here four years ago from the southern end of the Central Valley of California which had very bad air pollution. We chose Sun City after checking the Air Quality Index because we wanted to live in a healthier location. Imagine our surprise after we arrived and began to experience excessive dust from the Aggregate Production Operations (APOs). Many of my neighbors stated in the survey that their respiratory problems are worse.

Texas Commission on Environmental Quality (TCEQ) does not have any regulatory air quality monitors located nearby. From Sun City, the closest sensor measuring fine dust (otherwise known as PM2.5) is 7 miles away in Jarrell. This sensor was installed in July 2020 as part of an enforcement action and was only intended to be deployed for 90 days.

UT Dallas installed one sensor in Live Oak Park as part of an engineering study sponsored by USEPA. The readings from this sensor are shocking and indicate that the local air quality is “unhealthy”, “very unhealthy” or “hazardous” on quite a few days because of excessive quantities of dust.

Another government agency called Capital Area Council of Governments (CAPCOG) has two “PurpleAir” monitors nearby – one at Georgetown Airport and the other at Cedar Breaks Park. Both of these locations are approximately 3 miles away. It should be noted that the PurpleAir monitors are not used for regulatory decisions, but rather to measure air quality for local decision-making.

On a positive note -- CAPCOG has received funding from USEPA to install an additional 20 PurpleAir monitors in the greater Austin Area and is asking for suggestions from the public for potential host sites.

How can we reinforce our status as a sensitive population and get permanent air quality monitors installed nearby for more accurate readings? We want TCEQ and CAPCOG to recognize our situation and make appropriate regulatory and permitting decisions to protect senior citizens.

## Live Oak Park

My name is Mike Meadors, and the tranquility of our home in the Live Oak Park subdivision has been shattered. The 62 homes in our community now echo with the constant rumble of machinery, and dust that hangs heavy in the air. It is a constant reminder of the quarries operating literally right next door.

The incessant noise disrupts our daily lives, turning our backyards into extensions of constant industrial activity. The laughter of children at play and outdoor wildlife mingles with the grinding of gears, a stark contrast to the serenity we once enjoyed. We chose Live Oak Park for its peacefulness, never expecting the encroachment of the mining operations and their operating companies that prioritized their stone extraction over people's rights to clean air and a safe quiet environment.

Their disregard extends beyond dust and noise. The quarries, meant to respect the delicate balance of the Edwards Aquifer, a vital water source, blatantly disregard regulations. They dig too close to our homes, leaving gaping wounds in the earth. Vegetation is callously stripped away, leaving us vulnerable to even more dust contamination.

Promised noise and pollution barriers, earthen berms, remain unbuilt, mere echoes of forgotten agreements. When we seek help, the silence is deafening. The TCEQ, supposed to be our guardian, turns a blind eye. Fines become a mere cost of doing business for these corporations, a slap on the wrist for their disregard for our well-being. Their inaction leaves us feeling abandoned, our pleas lost in the dust they refuse to acknowledge.

Should choosing to live near a construction area or mining operation be seen as an automatic green light for irresponsible or harmful practices by the operating companies? Do the operating companies not have a responsibility to prioritize the environment and well-being of the surrounding community, including wildlife? Residents near such operations, whether by choice or due to circumstance, do they not deserve a safe and healthy environment? Do residents living near a construction site or mine forfeit their right to clean air and safe healthy environment to thrive in? Does the responsibility to operate safely and sustainably lie with the companies or the community?

TCEQ's actions are ineffective. They only fine operators who just consider it a cost of business as it costs more to fix the problems than it does to just pay the fines and move on.

Do fines really steer the operating companies in the direction of being more responsible stewards of the environment and caring for public safety? What can be done to prioritize environmental protection and community well-being and take more action enforcing existing regulations and requirements? We need to hold corporations accountable for their environmental impact and advocate for stricter regulations to protect communities and ecosystems.

This isn't just about Live Oak Park. It's about every community threatened by unchecked industry, about every child whose laughter is drowned out by the noise of progress without responsibility. Let's raise our voices together, advocate for change, and build a future where the earth thrives, and communities can breathe freely.

Together, we can turn the dust of neglect into a movement for a better tomorrow.

Maybe we should be looking at something more effective than TCEQ?

## Shady Oaks

My name is Michael Spano. Craig Wright and I founded the Coalition for Responsible Environmental Aggregate Mining (CREAM). We live in Shady Oaks Estates which has 243 homes. We have worked closely with Representative Wilson on legislation and Ms. Shackelford who has generously provided her time to give us advice and direction.

Over the last seven years, we have been experiencing a multitude of nuisance issues with increasing frequency as the quarries have expanded their operations.

We have attempted to report problems and permit violations to the authorities, but our efforts have been unsuccessful. There are a multitude of regulatory agencies (TCEQ, Williamson County, TX DOT, City of Georgetown) but they do not coordinate with each other and are not interested in working together on our behalf. We have submitted complaints to TCEQ and they performed inspections, but the complaints are typically dismissed or the quarry received a very insignificant fine. It is frustrating as a taxpayer that we do not see any changes or improvements.

Our neighborhoods have reached out many times to open a dialogue and meet directly with four of the area quarry operators. For the most part, these efforts have not produced any meaningful change and the quarries have been dismissive about our concerns. For this reason, we support the creation of a Citizen's Advisory Group for this area. Even though our City and County officials claim that there is nothing that they can do, there have been demonstrated successes in other municipalities such as Kerrville and Garden Ridge. We want our city and county officials to assist us in talking with the quarries, concrete batch plants and asphalt plants.

How can we start our own Citizen's Advisory Group and motivate the quarries to participate to benefit all stakeholders? Who would be an appropriate public official in Williamson County to lead this effort? What are the possible mechanisms to fund a Citizen Advisory Group similar to other municipalities?

Our goal is not to shut down any quarry or APO but for them to respect the communities where we live, drive, and have an investment in our homes and properties. We want the APOs to respect us as much as we respect what they do and what they provide to the State.



## Endnotes

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