

# Randy Braud

I am extremely disappointed that after 3 years of work that the TCEQ have issued such a disappointing proposal for APO Best Management Practices. It seems like you asked the aggregate operators to prepare this document. I started to develop a list of my concerns. After I listed 2 pages of inadequacies, I was made aware of the TRAM report.

I wholeheartedly support their report and I'm including it below:

1/14/25 – Texans for Responsible Aggregate Mining (TRAM) has issued a position paper that pans a new set of Best Management Practices (BMPs) for mining that the Texas Commission on Environmental Quality (TCEQ) has proposed. TRAM calls TCEQ's BMPs "sparse," "vague," and "self-evident."

TRAM asks everyone concerned about responsible aggregate mining to write the TCEQ before the close of public comments on the new BMPs. The deadline is January 24, 2025.

TRAM has also proposed a more comprehensive list of alternative BMPs that it believes will be more effective at minimizing disturbances created by mining.

San Jacinto West Fork mine complex inundated by floodwaters illustrates need for better BMPs  
TCEQ BMPs Fail to Address Legislature's Requirements  
Senate Bill 1 in the 2021 Legislative Session required 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..." But the BMPs ignore noise and light.

SB 1397 and House Bill (HB) 1505 in the 2023 Legislative Session then required TCEQ to adopt BMPs related to dust, water use, and water storage. But the proposed BMPs ignore water use.

TCEQ also ignored Texans for Responsible Aggregate Mining's (TRAM's) technical team of credentialed professionals. TRAM created a vetted list of BMPs and presented it to the TCEQ for consideration. Instead of drawing from that resource...

"TCEQ spent three years (September 2021 to December 2024) to produce BMPs so sparse, vague, and self-evident, as to be completely irrelevant and useless."

## TRAM

### Description of TRAM Concerns

According to TRAM, TCEQ's draft BMPs weaken 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."

### Sparse

In regard to sparse, TRAM says, "The proposed BMP list fails to address many of the real issues associated with APOs, including issues they were directly charged with addressing."

"While they addressed dust and water storage (albeit inadequately) the TCEQ completely overlooked the "water use" portion of their 2023 charge." And they still haven't addressed noise and light pollution from 2021.

"TCEQ has simply failed to comply with their mandates," says TRAM.

#### Vague

TRAM also feels that the TCEQ recommendations are "too vague to be useful." For instance, "Ensure vehicles are driven at reasonable speeds to reduce dust disturbance." TRAM suggests posting speed limits of 10 or 15 mph for unpaved haul roads. The group believes that the value of a BMP list is in detailing what a "reasonable speed" ought to be.

TRAM gave another example of vagueness. TCEQ proposed "Use fuel-efficient and appropriately-sized equipment to reduce emissions, operation time, and the overall amount of dust you produce." TRAM questioned what "appropriately sized" meant.

"How is anyone to assess when a BMP is being implemented," TRAM asked, "if they are described in completely subjective terms like 'reasonable' and 'appropriate'?"

#### Self-Evident

TRAM also cited TCEQ recommendations that were 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 be to create a nuisance for any neighbors."

"Who benefits from these self-evident recommendations and simple reminders to follow the permit requirements?" asked TRAM.

#### "Completely Inadequate"

TRAM summed up its concerns in two words. "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."

Whatever BMPs TCEQ ultimately settles on, they will neither be required nor incentivized. Still, TRAM believes it is paramount that the list be thorough and well vetted. That's because, "It will serve to educate the public about what quarry operators could be doing to be good neighbors."

Why am I concerned ? I received 3 1/2 feet of water in my house in the aftermath of Hurricane Harvey. Since then, several efforts have been taken to dredge the San Jacinto River of sand released by the irresponsible actions of the sand miners.

Please consider and implement these changes. And, please do not take another 3 years to do so !