

Frances Lovett

Mr. Robinson:

I am a member of the Kerr County APO Advisory Council and a stakeholder involved in establishing the Kerr County Voluntary Guidance Document for Aggregate Production Operations. I am submitting feedback on TCEQ's proposed BMPs for the state's Aggregate Production Operations. The following is submitted as a private citizen only and I do not speak for any organization.

Overall, this proposal underestimates the desire and potential for the industry and their neighbors to solve dust and water issues. Health issues are relegated to a "nuisance." Some other problems are not addressed including hours of operation, noise, lighting, and reclamation. All should be necessary components of any industry BMPs because they can be mediated as noted in Kerr County's agreement.

Dust control addressed as a nuisance in the proposal relies on "water sprays, sprinklers, mists". The outcome is airborne aerosols, migration of runoff into groundwater and streams, and threats to local surface and groundwater availability and quality. Air systems, covered screens, conveyor belts and drop points, and building enclosures are the desirable means of dust control. This includes all conveyor belts, not just those "longer than 300 ft." In addition, limitations in water supplies during drought and accepted conservation efforts put this document's use of water for dust control into question. Inclusion of expectations for recycling pond water would be helpful.

Foams, roofing shingles, and wettened tire chips for dust control present questions of environmental contamination. Calcium chloride is an environmentally friendly dust suppressant for bare ground and stockpiles. One gallon used saves three gallons of water. Haul road paving is a significant deterrent to fugitive dust, but is not suggested as a solution. Herbicide guidelines are missing even though many operations use them as a method of weed control.

Failure to address reclamation in the BMP document is worrisome. Citizens understand the need for aggregate materials to support our Texas growth. Any meaningful BMPs should address restoration of the land to its previous condition, supportive of property values, development potential, and wildlife, when site operations cease.

Best Management Practices set forth in this proposal lowers expectations for the APO industry, thus threatens our state's resources. There is a high likelihood that this proposal could be marketed as a superior performance by some APOs, thus undermining the good intentions of our state's operators who are already implementing meaningful BMPs. An example is the mix of international corporations and local independent owners who have implemented and are continuing plans for inclusion of the Kerr County's Voluntary Guidance Document for Aggregate Production Operations i.e. Kerr County Commissioners' Court Order #39892.

Hopefully, the TCEQ will revise this BMP proposal to reflect minimum standards for the industry in the interest of protecting our state's natural resources.

Respectfully,