

PUBLIC COMMENTS

HB 291

HOUSE COMMITTEE ON ENVIRONMENTAL REGULATION

Hearing Date: April 19, 2021 2:00 PM - or upon final adjourn./recess or bill referral if permission granted

Juliana Leonard

Self -Retired insurance sales

Center Point, TX

Our family home is directly across the Guadalupe River from Wheatcraft Materials in Center Point. We have riverfront property. We have endured years of noise and destruction of the riparian area on North side of the river. Huge gaping holes and loud noises from the mining start each day along with dust that accompanies the operation. It has destroyed the value of the property and the enjoyment of any activities along our riverfront.

They manage to operate within the narrow definition of closeness to the river.

We know that our objections will be dismissed as always but would support enthusiastically some control of these destructive mining operations.

Travis Curl

Taxpayers

Kingwood, TX

Abandoned sand mines have placed an undue burden on the State and on every taxpayer. Sand mine operations are sometimes run with a low amount of responsibility and at times abandoned leaving the taxpayers to pick up the tab. This must stop. It's also bad for the environment and contributes to flood issues that destroy our homes and businesses.

Elizabeth Harlan

Self

Slaton, TX

The Wheatcraft operation, in front of the property on which I grew up and has been in the family for generations, is destroying the river and seems to be unchecked. This affects the beauty and the natural processes and wildlife both at the site of the operation and down the river for miles. Please don't allow these operations to completely destroy the natural beauty of this beautiful area of the Guadalupe River

Randy Braud

Self

Humble, TX

We MUST regulate and limit the operations of the sand miners in and around the San Jacinto River/Lake Houston. They have been getting away with "environmental murder" by being allowed to release sand into our precious waterways. This not only plugs up the waterways (which must be dredged at a huge expense), dramatically increases the risk of flooding and contaminates water needed for drinking.

Judy Thigpen

Self, retired

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Humble, TX

I am definitely in favor of HB 291 with regard to reclamation plans and performance bonds. Please support. There needs to be teeth in our laws.

Charlotte Abbott

Self

Kingwood, TX

We must have strict and enforced regulations of sand mining operations on the san Jacinto river

Halbert Scott, Mr

Self

Kingwood, TX

I am in support of this bill

Britt Owens

Kingwood Greens HOA

Kingwood, TX

These companies do a lot of damage to our communities with their dredging operations often flaunting the laws. Please increase their fees to use our resources and force them to comply with all laws and regulations

Shirlene Love

self - retired home owner

Kingwood, TX

Believe it is unlawful for sand miners to walk away from the sites they mine and leave littering and a devastated area.

Barbara Montanari

self

Kingwood, TX

I support this bill . We need to make sure that the land is repaired and brought back to standard after an operation is complete. This should not be an easy walk away fee deal. Why is this so hard to understand? Companies need to be good stewards of the land or they should be penalized and potentially banned from doing business in Texas.

Fred Mitchell

CAH379065466

Humble, TX

I support passage of this bill protecting Lake Houston's public water supply and the residential properties in the area from flooding.

Sally Valle

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Self, Retired Teacher

Kingwood, TX

I support Representatives Murr and Wilson's HB 291 Bill for the following reasons:

First, it will prevent the mine owners from just taking as much profit as they can get from the land with no responsibility to protecting our communities' environments.

Second, the reclamation plan would make them responsible for cleaning up their litter, rusting equipment and correct the destruction that they have created when mining sand.

By requiring them to be responsible for their actions, this will aid to prevent more erosion into our rivers from their abandoned mines and help prevent our communities to experience more disastrous flooding.

Edward Futterer

Self

Kingwood, TX

The State of Texas needs to provide mine reclamation and cleanup regulations and requirements and bonding requirements prior to abandonment or complete depletion of those mines. This is essential where fracking sand from those mines continue to be used for Texas oil and gas production. In the case of sand mining along the San Jacinto River, (the River) this need was illustrated by significant flooding occurring during and after Hurricane Harvey in 2017.

The debris and sand flowing into the West and East Fork of the River and other waterways caused the flow to be reduced, causing millions of dollars flooding damage to homes and businesses in Kingwood and other communities near to and far away from the River. The Army Corp of Engineers has done some dredging in Lake Houston and the River to help with the flow. However, sand and debris from sand mining up river could fill in the dredged areas again. Mining reclamation requirements in HB291 and bonding requirements for costs thereof would reduce this risk. I support HB291 for that reason. Thank you for considering my comments.

Edward Futterer

Resident of Kingwood Texas

Fred McCarty, Mr

Royal Shores Community Association, Inc.

Humble, TX

On behalf of the Royal Shores Community Association, Inc and s 236 homeowners, I encourage that the House support and approve HB291 which will place higher fees on sand mining operations. I support stronger enforcement and regulation by the TCEQ with respect to sand mining operations.

Janet McCleary

Self

Kingwood, TX

I support this bill.

Dennis McCleary

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Self

Kingwood, TX

I support passage of this bill to protect life, property and the environment in the San Jacinto water shed by regulating sand mining.

Becky Offenbacher

self retired

Kingwood, TX

Please vote in favor of this bill. We need this regulation.

Alan Smith

Self

Kingwood, TX

I favor regulation of aggregate production operations by the Texas Commission on Environmental Quality. Currently, these operations are not regulated. Silt from these operations has spilled throughout the San Jacinto River watershed and reduced the capacity of the San Jacinto River, Spring Creek, and Cypress Creek and finally Lake Houston. We have had increased flooding due to this silt. I support assessing an appropriate fee that will cover the TCEQ's work to monitor these plants and they operated and site reclamation after they cease operations.

robert liddell

Self Kingwood Resident Aviation consulting

kingwood, TX

Post Harvey tens of millions of dollars were spent dredging the San Jacinto River in order to protect Kingwood and Humble from future flooding. Without sand mining regulations and restrictions, sand and silt will again clog the river, causing great risk to the communities that are finally recovering from billions of dollars in losses from Hurricane Harvey. Montgomery County has completely abdicated their responsibility to manage and hold accountable these sand mining companies. Montgomery County and TCEQ also failed in their fiduciary responsibility to properly manage San Jacinto River Authority operating procedures. Without proper management and oversight of San Jacinto River their is high risk potential of another hurricane that could cause additional billions of dollars in damage to our communities. If this happens again, in all likelihood many thousands of residents will leave the area, thus causing a complete loss of tax base in the Lake Houston Economic Development Zone and Northeast Houston. It is critical to regain control of environmental factors that put our community at risk to loss of life and property during hurricane season. NOW Robert Liddell (bob@accessaviation.com)

ROBERT HARRELL

SELF / RETIRED

KINGWOOD, TX

I AM A STRONG SUPPORTER OF HB 291 TO HELP PREVENT FUTURE FLOODING IN OUR AREA.

ALISON HARRELL

SELF / RETIRED

KINGWOOD, TX

I AM INTERESTED IN PREVENTING FUTURE FLOODING IN OUR AREA AND I SUPPORT HB 291.

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Dianne Lansden

Self

Kingwood, TX

Please vote in favor of HB 291 and help curb the rampant destruction of land after the sand miners are through mining. The way regulations stand now, sand miners leave the land destroyed after their mining operations cease. This causes erosion into the waterways and clogging and flooding of the San Jacinto river.

Edward LaCour

Kingwood Residents/ My Family

Kingwood, TX

My home was devastated by the Harvey flood in 2017 and the sand deposition over the years was a large contributing factor! Millions and millions of dollars are being spent to mitigate some of the permanent damage to our drainage system caused by the sand and aggregate mining along the San Jacinto river. I ask that everyone recognize the need to maintain the River and lake in a manner to minimize another catastrophe in the future. Please support HB291. Thank you for your attention and consideration of this matter!!

Mitchell Lansden, Lansden

Self

Kingwood, TX

Please vote for HB 291. This bill will help force sand mines to clean up the land before shutting down operations. Then sand will not pollute the waterways of the San Jacinto river and my home will not flood again.

Thank you

Robert R. McCann

Self Retired

Kingwood, TX

I flooded due to preventable conditions that at the time of Hurricane Harvey. Thus I support HB 291. Thank You.

Annalisa Peace

Greater Edwards Aquifer Alliance

San Antonio, TX

The Greater Edwards Aquifer Alliance is FOR HB 291.

Pamela Nolting

Self - retired

Kingwood, TX

Please vote favorably on HB 291.

Thomas DeBoise

Homeowner

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Kingwood, TX

I support environmental regulation for aggregate producers

Ron Copeland
self

Kingwood, TX

While I am a firm believer in property owner rights, I believe the rights of others who are affected by your land use need to be considered as well. Texas needs to take a more proactive role in regulating the use of land when it comes to sand mining since the operators of these mines have frequently run the mines in a way to that destroy natural lands along river banks and have contributed greatly both to pollution and flooding, especially in the San Jacinto river basin. Again, these companies have a right to earn and they contribute greatly to the real estate and infrastructure growth of the state, but they need to do so in a responsible manner and there needs to be more teeth in our current legislation and enforcement.

Ralph Richards, VP & GC
Jobe Materials.L.P.

El Paso, TX

My company is opposed to this Bill for the following reasons:

It seeks by statute to impose a requirement for very detailed and expensive reclamation plan including a very expensive Performance bond that would be in many instances almost impossible to obtain on all aggregate production operations (APO's). In Texas there are many APO's ranging from the deserts of west Texas to a number of vastly different areas of the State, each with many different issues. Many of these operations are long term extending for many years and the fees and expenses of the requirements of this proposed law would be tremendous. In many areas compliance with some parts would be impossible taking into account rain fall or the lack thereof and soil types. It imposes unreasonable restrictions and rules in a number of areas including regulations regarding benching which is already regulated by the federal government through Mine Safety and Health Administration (MSHA). The Bill seems to ignore that most of this mining is on property owned by the operator and this Bill would in effect be a detailed regulation of private property rights and property use for the benefit of unrelated third parties who have no interest in the affected property. It imposes a one size fits all structure on APO's which is not practical or reasonable. It would require the TCEQ to become experts on APO reclamation which is outside of its normal area of expertise. This bill would greatly increase construction aggregate materials cost in Texas which would mean increases in private construction cost and the cost of public works projects such as roads.

Clifford Kaplan
Hill Country Alliance
Austin, TX

Dear Chairman Landgraf and House Environmental Regulations Committee members,

The Hill Country Alliance (HCA) recognizes the critical role that the House Environmental Regulations Committee plays in shaping and advancing proposed legislation that protects Texans' health, safety, and quality of life, as well as Texas's natural resources, while preserving a business-friendly regulatory system.

HCA supports the passage of HB 291, addressing land reclamation for aggregate production operations (APOs) in extra-territorial jurisdictions.

HB 291

APOs are increasingly setting up shop or expanding existing operations right outside municipalities, often in their extra-territorial jurisdictions (ETJs). Current law does not require APOs to conduct any land reclamation practices after they have finished mining

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a site, leaving large tracts in unsafe and unusable conditions, right at the edge of town. Land reclamation, the practice of leaving mined land in a safe and usable condition, is a standard practice in the APO industry in other states. This bill would require APOs to reclaim land in ETJs, where there is a very strong community interest in their doing so.

HCA is a member of the Texans for Responsible Aggregates Mining (TRAM) coalition. TRAM members have worked extensively with Representatives Murr on solutions to address the impacts of APOs on neighboring communities; this bill is a part of the solutions that have been identified.

In short, the Hill Country Alliance is enthusiastic in its support for HB 291. We respectfully urge the House Environmental Regulations Committee to approve this bill and move it towards a vote by the full House of Representatives.

Thank you for your consideration of these comments. If you have questions or concerns, please contact me at 512-387-3097.

Sincerely,

Cliff Kaplan
Program Director
Hill Country Alliance
512-387-3097
Cliff@HillCountryAlliance.org

David Drewa
Self/Business Owner
SAN ANTONIO, TX

I SUPPORT and am commenting FOR HB 291. These are very basic reclamation rules that are already required for coal and uranium mining in Texas. Reclamation is required for aggregate mining in most other states of the country, but not Texas. This bill is a good start in the right direction. Please support HB 291.

DAVID DREWA
Preserve Our Hill Country Environment
SAN ANTONIO, TX

We are FOR HB 291. Preserve Our Hill Country Environment (www.preserveourhillcountry.org) is working to help preserve and protect the land, water, air, and unique features of the Texas Hill Country. We have over 5,000 members, supporters, followers, and subscribers in Comal County and the Hill Country.

These are very basic reclamation rules that are already required for coal and uranium mining in Texas. Reclamation is required for aggregate mining in most other states of the country, but not Texas. This bill is a good start in the right direction. Please support HB 291.