

PUBLIC COMMENTS

HB 767

HOUSE COMMITTEE ON ENVIRONMENTAL REGULATION

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

Jill Boullion, Executive Director

Bayou Land Conservancy

Houston, TX

House Bill 767 (Huberty), introduced at the 87th Texas Legislature, directs the Texas Commission for Environmental Quality (TCEQ) to “adopt and make accessible on the commission’s internet website best management practices for aggregate production operations (APOs) to comply with applicable environmental laws and rules”. This bill is in accordance with the policy recommendations provided in the bipartisan House Interim Study Committee on Aggregate Production Operations report to the 87th Legislature, signed by all seven of the State Representatives on the Committee, four Republicans and three Democrats, chaired by Representative Terry Wilson.

Why this legislation is needed:

The growth of the APO industry in Texas has been largely fueled by the rapid economic growth of the state. Products provided by the industry are essential in the construction of homes, highways, and commercial/industrial developments. However, these APO facilities are often located adjacent to communities that are impacted by factors such as noise, degradation of air and water quality, light pollution, groundwater use or contamination, and lack of reclamation, that lower the quality of life and property values for those neighbors. Best management practices (BMPs) would provide guidance for the industry and expectations for the community about how these facilities will be managed and the legacy they will leave.

How HB 767 offers a reasonable solution to these problems:

By publishing recommended best management practices for the industry, TCEQ will provide the APO industry guidelines to assist in addressing community concerns. At great expense, and with only rare success, Texans are currently forced to protect their own health, safety, and welfare from the unregulated impacts of these operations by opposing permits outright. BMPs would aid stakeholders in identifying which companies are interested in working with and protecting nearby communities. Although this bill does not place these BMPs into a regulatory framework, we support this necessary step towards increased community protection and recommend that HB767 be voted favorably out of the Environmental Regulation Committee.

Bayou Land Conservancy is a community-supported land conservation organization that preserves land along streams for flood control, clean water, and wildlife.

Anne Vallette

Self

Montgomery, TX

Best practices are needed to ensure clean water supplies. Additionally, flooding issues must be addressed. Best Management Practices for sand and gravel mining must be published. Please protect our homes, community and health.

Travis Curl

Taxpayers

Kingwood, TX

Poor management and operation of sand mines have needlessly costs taxpayers millions upon millions of dollars (maybe even billions) that could have been saved or spent better elsewhere. Best practices desperately need to be established in order to save

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and prevent the wasteful spending of huge amounts of money and damages to the environment or homes and businesses. These practices and regulations should not be kept secret from the public either. Thank you for your consideration.

Diana Philpot

Self, retired USAF

The Woodlands, TX

I strongly support Best Management Practices for aggregate producers. Every industry can benefit from having BMPs lay out responsible management actions for operators and help set reasonable expectations of the communities in which they operate. Left without clearly defined BMPs, any industry is only as good a community partner as its most unscrupulous operator. Please give Texas aggregate production operators the BMPs they need to be sound community partners.

Laura Norton

LauraNorton.com

The Woodlands, TX

I'm for more responsible aggregate mining practices, don't leave us with a mess.

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

Humble, TX

Please support HB 767! It is imperative the sand mining companies use best management practices in their operations. The TCEQ should adopt rules so all sand miners are forced to comply with environmental laws and rules. And fines should be staggering!

Charlotte Abbott

Self

Kingwood, TX

Please pass this bill. We must improve or cease sand mining operations which have contributed to disastrous flooding

Patti Mitchell

Homeowner

Humble, TX

I am for the bill having been flooded 2017 by Harvey. Something needs to be done to protect our families and homes

Shirlene Love

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Self - retired home owner

Kingwood, TX

Totally support the report by Bob Rehak on 11/11/2020. Have lived at this address since the beginning of Kingwood about 1972. Have seen and endured the all the results of the sand mining upstream to the River Grove Park area. and the hurricanes. The sand mining affects millions of residents now! Needs to stop!

Britt Owens

Kingwood Greens HOA

Kingwood, TX

Please get these sand companies to comply with all regulatory laws. Part of Harvey Flooding was due to their reckless and illegal use of their sand dredging. We cannot afford more flooding in the Kingwood area due to their recklessness.

James Harty

Self

Kingwood, TX

This is common sense and preventative at the same time. There is no reason to allow sand mining to continue as it has been. Many of my neighbors and I will not go through a second flooding caused by lax governmental oversight. We will leave the state of Texas and take our businesses with us.

Jannie Bangs, Mrs.

self

Kingwood, TX

As a homeowner in Kingwood, Texas, our family can see first hand the sand that has arrived downriver of the sand mines on both the East and West Forks of the San Jancinto River. The frequent breaches between the mines and the rivers can be seen in the polluting of the river water and the downstream sand bars that block the river flow. There is a need for set-backs and other regulations to protect people and property from the damages of the sand mine operations. Thank you for giving this matter your serious consideration.

Barbara Montanari

self, retired

Kingwood, TX

Writing to support HB 767 and HB 291 . We are spending billions on sand clean up, dredging etc. The financial impact is incredible. Let's implement best management practices so that the rivers and streams and communities are protected. We are fools if we do not take control of this NOW!! If we let these bills die in committee then shame on us. We are the fools then and the mining companies will laugh all the way to the bank.

Fred Mitchell

CAH379065466

Humble, TX

I support passage of this bill protecting our public water supply which is long overdue.

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Stephen and Elinor Mulliken, MR and Mrs

self retired

Kingwood, TX

As a 2017 flood victims being forced out of our home for 10 months while it was under repair to bring it back to a LIVABLE CONDITION we remain very concerned over the lack of adequate legislation to control the numerous flood causing operations of the States Sand Mining Community. After reviewing the above 3 refereced pending House Bills I urge all Environmental Regulstion Commettee Members to vote in favor of each of these bills designed to protect their constituens from future flooding concers due to the negligent mining practices.

Sally Valle

Self, Retired Teacher

Kingwood, TX

I am in support of HB 767 for the same reasons as stated by "The Bayou Land Conservancy"

The first reason is that I believe that BMPs would provide guidance for the industry and my expectations for the community on how these facilities will be managed and the legacy they will leave.

The second reason is that I agree that BMPs would best aid stakeholders in identifying which companies are interested in working with and protecting nearby communities.

William McCabe

Lake Houston Area Grassroots Flood Prevention Initiative

KINGWOOD, TX

Testimony in Support of HB 767 4/19/2021

Good Afternoon Mr.Chairman, Committee Members and Congressmen. My name is Bill McCabe and I am representing the Lake Houston Area Grassroots Flood Prevention Initiative (LHAGFPI). My group supports passage of HB 767.

Texas, unlike most other states has no comprehensive regulation of aggregate production operations. As you can see from the attached map, Texas is one of the few States with substantial aggregate mining operations that does not have comprehensive regulations to monitor the industry

Our Group was formed following Hurricane Harvey to work with citizens, governmental entities and aggregate industry representatives in an attempt to remedy the conditions which caused the mass destruction caused by Harvey. One of our primary initiatives has been to work with industry and for the past two years we have been in discussions with TACA (Texas Aggregates and Concrete Association) on acceptable Best Management Practices (BMPs) for the sand mining industry in the San Jacinto River Watershed. We basically borrowed language from various other states and compiled a Draft document for discussion. The document was divided into three segments: Pre-mining BMPs; Mining BMPs and Post mining BMPs. Although there were several areas we came to agreement on there are still a couple of areas of disagreement. Thus both TACA and my Lake Houston group presented separate Petitions for rulemaking to TCEQ in June of last year. We are still waiting for TCEQ to rule on our Petitions.

With this in mind you might ask yourselves, "Why not wait on TCEQ to rule before making any legislative changes?" The simple answer to this is, "This is a STATEWIDE issue and should be dealt with as such". To resolve the issue in one small part of the State leaves almost the entire State of Texas vulnerable in the future. This issue has needed fixing for some time and it is evident from past experience that piecemeal resolution is no resolution at all. If you resolve the problem in one portion of the aggregate industry in a small portion of the State, problems will arise in other geographic and industry areas.

It does not seem like a large step to make the TCEQ "adopt and make accessible on the commission's internet website best management practices for aggregate production operations to comply with applicable environmental laws and rules". Operators in the aggregate industry should be doing this anyway-this is merely establishing a ready repository for those responsible

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operators who wish to comply with comprehensive legal regulations. And prevents the bad operators from saying they did not know of the regulation.

Additionally, enactment of HB 767 gives credence to TCEQ's efforts. Although rulemaking by TCEQ is important, legislative back-up from the Texas Legislature gives far more muscle to any BMP rules they may be able to enact.

Thus it is extremely important that HB767 is passed.

Therefore, I would encourage you to vo

Edward Futterer

Self

Kingwood, TX

I am a resident of Kingwood which suffered significant flooding damage during Hurricane Harvey, in part caused by sand mining debris blocking the flow of the West and East fork of the San Jacinto River. Efforts have been taken to dredge that sand away since then but are not permanent. HB767 makes efforts to reduce or eliminate further introduction of sand debris to the San Jacinto River. I wholeheartedly support this effort and the Bill introduced by Representative Huberty. Thank you.

Fred McCarty

Royal Shores Community Association, Inc.

Humble, TX

On behalf of the Royal Shores Community Association, Inc and its 236 homeowners, I strongly encourage that the House support and approve HB 767. The implementation of best management practices by all aggregate production operations is needed to improve operations of these sand mines, and to curtail the discharge of waste into the waters of Texas rivers, creeks. and lakes.

Richard L. Korenek

SELF

Kingwood, TX

This Bill and others like it are extremely important to the homeowners and business owners along the San Jacinto river. The federal ,state and county governments recently spent millions of our tax dollars to dredge the sand out of the San Jacinto river to help prevent the flooding that occurred during the last hurricane. This flooding resulted in the loss of many homes and business's. While not the only cause, the sand from the operations along the river was a significant factor.

There should be very strict and enforced regulations to prevent any possibility of excess sand escaping into the river and causing excessive silting. I doubt this the funding will be available every year to dredge out the river. We, the voters are looking to our political leaders to protect our property. Thank you for your consideration.

Raul Valle

Retired

Kingwood, TX

I strongly support Honorable Congressman Dan Huberty's bill on Best Management Practices for Sand Mining. Recently sand mining operations acting without enforceable environmental laws and rules have dramatically changed the local landscape and caused great flooding damage to many of our community properties and at the same time creating drainage problems to our streets. This legislation is absolutely necessary so that the Texas Commission on Environmental Quality has the necessary laws to force these operators to follow environmental responsible practices.

Janet McCleary

Self

Kingwood, TX

I support this bill as a way to help protect lives and property from flooding as a result of sand mining along the San Jacinto watershed.

Dennis McCleary

Self

Kingwood, TX

I support this bill for regulating sand mining and protecting our property and life in the San Jacinto water shed.

Joel Johnston

Kingwood residents

Kingwood, TX

I support this bill for enforcing regulation of sand miners; too much flooding and environmental damage has been incurred by unethical operators.

Becky Offenbacher

self /retired

Kingwood, TX

Thank you for your work on this bill. I am in favor of it and I urge our representatives to pass this legislation.

Alan Smith

Self

Kingwood, TX

We need the Texas Commission on Environmental Quality (TCEQ) to adopt a set of rules so that all sand miners are forced to comply with applicable environmental laws and Best Management Practices (BMPs). Silt from sand mining in the San Jacinto River Watershed has contributed to reduced capacity and more flooding along the San Jacinto River, Spring Creek, Cypress Creek and Lake Houston.

ROBERT HARRELL

SELF / RETIRED

KINGWOOD, TX

HB 767

BEST MANAGEMENT PRACTICES

I AM A STRONG SUPPORTER OF HB 767 TO HELP PREVENT FUTURE FLOODING IN OUR AREA.

ALISON HARRELL

SELF / RETIRED

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KINGWOOD, TX

I AM VERY INTERESTED IN PREVENTING FUTURE FLOODING IN OUR AREA AND BELIVE HB 767 IS VERY IMPORTANT IN THAT REGARD.

Dianne Lansden

Self

Kingwood, TX

Sand mine production and the methods employed to extract sand from the terrain presently endanger my life and property. Flooding in the San Jacinto river basin and Lake Houston during Hurricane Harvey was exacerbated by sand deposits blocking the waterways because of broken dikes caused by irresponsible practices exhibited by sand mining operations. The adoption of Best Management Practices by Sand Mine companies in Texas will save lives and property. Please vote favorably for this bill.

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 HB767. Thank you for your attention and consideration of this matter!!

Sarah Wakefield

Self

Kingwood, TX

I support Dan Hubertys bill. Please pass this- it is important to Texas.

Mitchell Lansden

Self

Kingwood, TX

Please vote in favor of HB 767 to institute Best Management Practices for the sand mine operations who are polluting and clogging our San Jacinto waterways. Flooding issues abound. Thank you.

Lawrence Vondrak

Myself

Kingwood, TX

This bill will mandate sensible (not unabated) sand mining in any mined product should and must stay on miners property and not be allowed to flow into joining waterways. This is more than silt fence management. This is requiring set backs/hard barriers and aggressive management by owner of runoff, with focused inspections.

Robert R. McCann

self retired

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Kingwood, TX

As a victim of Hurricane Harvey. I am in complete support of HB 767. Thank you.

Annalisa Peace

Greater Edwards Aquifer Alliance

San Antonio, TX

The Greater Edwards Aquifer Alliance is FOR HB 767.

Pamela Nolting

Self - retired

Kingwood, TX

I am in favor of HB 767 by Congressman Dan Huberty on Best Management Practices (BMPs) for aggregate production operations (Sand Mining). The TECQ needs to insure that ALL sandminers comply with the law as well as with common sense to keep the San Jacinto and other waterways freeflowing.

Ralph Richards, VP & GC

Jobe Materials.L.P.

El Paso, TX

My company is opposed to this Bill. It Changes the existing APO Registration and Inspection Statute to a Regulation Statute based on " Best management Practices" as adopted by the TCEQ.

The existing law requires registration and periodic inspections for compliance with water quality permits, air quality permits and other applicable permits.

The proposed change makes Chapter 28A of the Water Code a "Regulation of certain Aggregate Operations" in accordance with Best management Practices as adopted by the TCEQ. This is vague and could be extremely broad as to what might be included. It is unclear, but implies compliance with the Best Management Practices would be mandatory. Best management practices would open the door for unlimited regulations for a number of different types of operations that now come under the APO registrations.

Thomas DeBoise

Homeowner

Kingwood, TX

I support BMP for aggregate production regulations

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.

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Tracy Schieffer
A.L.Helmcamp,Inc.
Buffalo, TX

We are opposed to this bill. Best Practices should not be regulated by State agencies as a one size fits all.

David Drewa
Self/Business Owner
SAN ANTONIO, TX

I SUPPORT and am commenting FOR HB 767. Best management practices and common-sense supervision of APOs are desperately needed in Texas. The legislature needs to direct TCEQ to take more action to better protect the health and safety of Texans and our natural resources. Please report HB 767 favorably to the full House.

David Drewa
Preserve Our Hill Country Environment
San Antonio, TX

We are FOR HB 767. 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. Best management practices and common-sense supervision of APOs are desperately needed in Texas. The legislature needs to direct TCEQ to take more action to better protect the health and safety of Texans and our natural resources. Please report HB 767 favorably to the full House.