

## 8. FACT SHEET

### INCOMPATIBLE LAND USE

**CONCERN: TCEQ does not consider incompatible land use when evaluating permit applications for rock quarries.**

TCEQ does not have the legal authority to assess “land use” when reviewing a permit application for an Aggregate Production Operation (APO), but it does take into consideration any environmental impacts on human health and the environment for properties and receptors adjacent to the facility being permitted.

TCEQ does not consider “land use” when it evaluates permit applications for rock quarries because TCEQ does not issue permits to quarries. Rather, TCEQ issues permits to “facilities,” including rock crushers, screens and conveyors, which are located on quarries. Notwithstanding, as part of its Air Quality Analysis, TCEQ does consider surrounding land use and will review whether or not the facility is located in urban or rural terrain. In addition, by rule, TCEQ is required to assess short- and long-term health effects of air contaminants or odors from any facility that is located within 3,000 feet of a school. See e.g., 30 TAC § 116.111(a)(2)(ii).

TCEQ also restricts how close a facility can be located comparative to both the property line and certain types of sensitive receptors in the authorization. The distance restrictions apply to a facility located in close proximity to any building that was in use as a single or multi-family residence, school or place of worship, at the time an application was filed. These distance limitations are either based on statutory directive or a demonstration of public health during the permit evaluation process.

### LOCATION OF FACILITIES ADJACENT TO EXISTING DEVELOPMENT

**CONCERN: Rock quarries and mining operations should not be located near existing residential developments or other sensitive receptors, such as hospitals, schools or daycare facilities.**

**Aggregate Production Operations (APOs) must be located where rock can be efficiently mined and delivered to the marketplace; they are located in close proximity to residential developments, hospitals, schools and daycare facilities.**

No adverse health effects are associated with APOs operating in proximity to neighborhoods, schools or commercial developments. Common health concerns expressed about crushing operations relate to visible particulate matter (PM). PM is a complex mixture of particles emitted during the crushing process, which is often visible and can be a nuisance. In most cases, however, the PM emitted from rock crushing operations is too large to be inhaled and does not pose any health-related risks. Large particles, in fact, typically fall onto the ground close to the source of crushing operations and do not travel off-site. Additionally, the air quality standard permit for rock and concrete crushing operations requires substantial dust control processes to minimize the occurrence of dust and PM during rock crushing operations. Some of these controls include paving in-plant roads and work areas, using water sprays on



stockpiles and using a suction shroud and three-sided curtain to prevent flyaway dust. Larger-sized particles cannot be inhaled and, as such, have limited potential to cause health problems. Only particles smaller than 10 micrometers in size (1/7th the thickness of a human hair) can be inhaled and only particles smaller than 2.5 micrometers can be embedded in the lungs and pose a significant health risk.

As a practical matter, the population of Texas is growing by one million persons per year. The State of Texas currently consumes approximately 2.0 yards per capita of concrete, 11 tons per capita of aggregate and about 0.6 tons per capita in cement. Effectively as population grows, the demand for aggregate, concrete and cement grows right along with it. This also means that aggregate, concrete and cement production facilities are integral to the growth and success of Texas communities.

Growth and development cannot happen without aggregate materials produced from APOs. These facilities create skilled labor jobs and contribute a significant amount of taxes to the local municipal revenues. An average concrete batch plant can employ 10 to 30 individuals. APOs often employ significantly more people. Mined rock or "crushed stone" is sold to end-users for concrete production, asphalt production, residential or commercial construction or highway construction. Rock quarries have historically operated near residential developments, hospitals, schools and daycare facilities because it is the development of these structures that create the demand for the rock. Many APOs operate within the corporate city limits or extraterritorial jurisdiction of cities. TCEQ's environmental permitting process is thorough to ensure these facilities can operate safely in their communities. Excluding the PM10 non-attainment area designated within the city limits of El Paso, Texas is complying statewide at all other federally approved monitoring station for both the PM10 and PM 2.5 National Ambient Air Quality Standards. If there were particulate matter issues, the vast monitoring system of the state would identify the issue and TCEQ would be statutorily obligated to address it, as it has in El Paso.