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One of the state's most regulated industries

More than 15 local, state and federal regulatory agencies oversee different aspects of the aggregate, concrete and cement industries in Texas. TACA member companies work closely with these agencies to ensure regulatory compliance and to support a consistent and predictable environmental permitting process.

The primary agency that regulates TACA industries is the Texas Commission on Environmental Quality (TCEQ), the agency delegated by the United States Environmental Protection Agency (EPA) to implement the Clean Water Act, Clean Air Act and other federal environmental programs. And, in fact, TCEQ has dedicated resources to work closely with the industry and the public to ensure its regulations are followed and its permitting process is fully understood. Many other agencies regulate the industry as well, including EPA, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, Federal Emergency Management Agency, Mine Safety & Health Administration, Occupational Safety & Health Administration, Texas Department of Transportation, Texas Department of State Health Services and Texas Parks & Wildlife.

Whether running an aggregate operation, a concrete batch plant or a cement plant, TACA member companies must go through a robust permitting process and are subject to a stringent set of regulations, as well as the opportunity for public comment. In addition, TACA members follow best practices to protect the environment and ensure that their operations work within – and often exceed – regulatory requirements.

TCEQ air permitting requirements ensure that adjacent properties and landowners' air quality is protected. [↻](#)

The TCEQ air permitting process was developed through extensive and rigorous data analysis, incorporating modeling, sampling, monitoring and toxicological data gathered and synthesized to ensure that human health and the environment are protected. TCEQ assumptions are highly conservative, going well above and beyond the levels that would be considered to have any potential adverse impacts on human health.

TCEQ's environmental permitting and enforcement process ensures that water quality is protected. [↻](#)

Like many other industrial operations, Aggregate Production Operations (APOs) must have stormwater permits to legally operate in Texas. APOs often fall under Sector J of the Multi Sector General Permit (mineral mining and processing facility), which requires an annual comprehensive site compliance evaluation; contains numeric effluent criteria for pH, TSS and nitrates, as applicable; and requires self-reporting using "discharge monitoring reports." TCEQ administers other regionally-specific water quality programs as well.

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TCEQ regulates groundwater quality, with local agencies regulating the amount of groundwater APOs use. ↻

State agencies, such as TCEQ, the Railroad Commission of Texas (RRC) and others, have regulatory oversight for activities relating to groundwater quality. Specifically, TCEQ protects water quality by regulating pollutants that may affect groundwater. However, local government regulates the spacing and production of water wells. In addition, there are nearly 100 local groundwater conservation districts operating throughout Texas, which regulate how much, how often and for what purpose groundwater can be used. APOs often recycle their water for an efficient and conservative use of this precious resource.

The permitting process is transparent and open to the public. ↻

The TCEQ environmental permitting process is transparent, allowing for multiple forms of public participation and legislative oversight. TCEQ's Public Education Program has staff dedicated to helping the general public understand the permitting process and how to participate. To identify any county air, water and waste permit application notices, the public can search the TCEQ Commissioners' Integrated Database or subscribe to TCEQ's permanent mailing list. In addition, for every type of permit, the public is afforded many avenues of participation, such as public meeting requests and 30-day comment periods.

TCEQ has broad enforcement authority to administer significant penalties. ↻

TCEQ can and does seek administrative, civil and criminal penalties for environmental violations. The agency has the authority in administrative cases to levy penalties of up to \$25,000 per day, per violation. In some programs, civil judicial cases carry penalties of up to \$25,000 per day, per violation. TCEQ is statutorily required to issue any rock crusher operating without an air quality permit fines of up to \$10,000 per day. TCEQ's enforcement actions are published in multiple places, including in the Texas Register and on TCEQ's website.

Regulated industries must maintain comprehensive records and "self-report" environmental data. ↻

Facilities must maintain all compliance records on-site and be prepared to make them available to TCEQ upon request to prove they comply with any applicable permit requirements. Emission events must be reported within 24 hours of discovery. An emission event is defined as any upset or unscheduled maintenance, startup or shutdown activity from a common cause that results in unauthorized emissions of air contaminants from one or more emission points. These recordkeeping and reporting requirements ensure TCEQ can adequately monitor, enforce and foster regulatory compliance.

New or modified APOs using the state highway system must construct entrances and driveways to TxDOT standards. ↻

Truck traffic from new or expanding APOs is regulated under TxDOT requirements, especially those concerning driveway access to state highways. If, for example, a new turn lane or acceleration/deceleration lane is required, the APO must adhere to a "donation agreement," making it responsible for construction of the road improvement according to TxDOT design requirements. APOs must pay for those road improvements.

It is essential to Texans' quality of life that APOs are located where rock can be efficiently mined and delivered to the marketplace. ↻

As Texas grows, so does the demand for aggregate, concrete and cement, which are integral to the state's success. No adverse health effects are associated with APOs operating in proximity to neighborhoods, schools or commercial developments. Visible particulate matter (PM) from the operations 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. Operations typically use controls such as paving in-plant roads and work areas, water spraying stockpiles and using suction shrouds and three-sided curtains to prevent flyaway dust.

About the Texas Aggregates & Concrete Association

The Texas Aggregates & Concrete Association (TACA) is the main resource for the aggregate, concrete, cement and other associated industries in Texas. The association represents its member companies by providing industry information to the public, media, policymakers and regulators; advocating for industry issues; ensuring member companies commit to conducting business with integrity, respect, transparency and honest communication; and creating industry training courses and materials that help members effectively manage their businesses.



Texans demand a growing infrastructure



Texas grows by
1,000 - 1,400 people a day



One lane-mile of a four-lane
interstate highway takes
38,000 tons of aggregates*



Average modern home takes
400 tons of aggregates



**16% of U.S. ready-mix concrete
production volume is in Texas**



The annual revenue of the
Texas aggregate, concrete
and cement industries is
more than \$10 billion.

**National Stone, Sand & Gravel Association*

Texas rocks

**61.8 million cubic yards
of ready-mix:**
equal to California and Florida;
16.3% of total US volume
(NRMCA)

**299.8 million tons of
aggregates:**
more than #2 California and #3
Florida combined (USGS)

18.3 million tons of cement:
equal to #2 California and 93% of
#3 Florida combined
(Texas Comptroller, USGS)