



February 2021, Number 87-1

*Natural Resources*

## Texas Legislature could consider changes to aggregate industry regulations

[February 9](#) — An interim committee created in 2019 to study issues related to aggregate operations released its [report](#) last month on the industry, including recommendations for changes to certain state regulations. The committee was formed after lawmakers considered several aggregate-related proposals during the regular session of the 86th Texas Legislature. Proposals similar to those previously considered and those discussed in the interim committee’s report could come before the 87th Texas Legislature in 2021.

The aggregate industry produces construction materials, including sand, gravel, and crushed stone, and these materials can be used to make products such as concrete and cement. The term “aggregate production operations,” often abbreviated to “APOs,” is frequently used to refer to many different types of operations and facilities in both the aggregate and concrete industries, although the term’s statutory [definition](#) is narrower.

The 86th Legislature in 2019 considered several bills that would have revised state regulation of the aggregate industry before enacting [HB 907](#) by Huberty. This bill, which took effect September 1, 2019, revised the inspection schedule for certain APOs registered with the Texas Commission on Environmental Quality (TCEQ). Other proposals were considered in committee but not enacted, including proposals to amend air permitting requirements for aggregate- and concrete-related facilities or to require certain APOs to meet new reclamation requirements.

After the 2019 legislative session, the House speaker created the interim study committee and [charged](#) it with reviewing the impact of APOs and related issues, including nuisance issues and those related to air quality, reclamation, transportation safety, and groundwater disruption. In its [report](#) to the House, the committee

made recommendations to change certain Texas Department of Transportation protocols for industrial facilities and to require on-site air monitoring for APOs, among other proposals.

Filed bills for the upcoming session include proposals similar to some considered in 2019 as well as proposals that would address certain recommendations from the interim committee. These include bills that would require TCEQ to adopt best management practices for APOs or that would establish reclamation requirements for certain operations. Bills also have been filed that would change notice requirements for applicants for standard air permits for certain concrete plants and expand who could request a public hearing in some cases.

For a more in-depth treatment of aggregate industry regulations and related policy proposals, see the recent House Research Organization focus report, [Aggregate industry regulations could come before Texas Legislature](#).

— Kaulie Lewis