

SUBCHAPTER A: GENERAL PROVISIONS

§342.1

Effective July 5, 2012

§342.1. Definitions.

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Aggregate production operation**--A site from which aggregates are being or have been removed or extracted from the earth, including the entire areas of extraction, stripped areas, haulage ramps, and the land on which the plant processing the raw materials is located, exclusive of any land owned or leased by the responsible party not being currently used in the production of aggregates. For the purposes of this chapter, the term aggregate production operation does not include:

(A) a site at which aggregates that are being removed or extracted from the earth are used or processed at the same site or at a related site under the control of the same responsible party for the primary purpose of production of cement or lightweight aggregates, or in a lime kiln;

(B) a site that is being used solely to provide aggregate products for use in a public works project involving the Texas Department of Transportation, any other state agency, or a local governmental entity;

(C) an extraction area from which all raw material is extracted for use as fill or for other construction uses at the same or a contiguous site;

(D) a site at which the aggregates that are being removed or extracted from the earth are used or processed for use in the construction, modification, or expansion of a solid waste facility at the site or another location; or

(E) a site at which aggregates are being removed, extracted, or processed where the primary purpose of removal, extraction, or processing is not for commercial sale .

(2) **Aggregates**--Any commonly recognized construction material originating from an aggregate production operation from which an operator extracts dimension stone, crushed and broken limestone, crushed and broken granite, crushed and broken stone not elsewhere classified, construction sand and gravel, industrial sand, dirt, soil, or caliche. For purposes of this chapter, the term aggregates does not include clay or shale mined for use in manufacturing structural clay products.

(3) **Commission**--The Texas Commission on Environmental Quality.

(4) **Operator**--Any person engaged in and responsible for the physical operation and control of the extraction of aggregates.

(5) **Owner**--Any person having title, wholly or partly, to the land on which an aggregate production operation exists or has existed.

(6) **Regulated Activity**--Any activity that is regulated by the Texas Commission on Environmental Quality.

(7) **Responsible party**--The operator, lessor, or owner who is responsible for the overall function and operation of an aggregate production operation.

(8) **Site**--one or more contiguous or adjacent properties under common control by the same responsible party.

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