

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 06-2021**

A RESOLUTION CONCERNING AIR QUALITY PERMIT (RN 163301), WHICH IF APPROVED WILL AUTHORIZE THE CONSTRUCTION AND OPERATION OF A PERMANENT ROCK AND CONCRETE CRUSHERS (QUARRY) AT A SITE SOUTH OF THE INTERSECTION OF AL MOONEY ROAD AND STATE HIGHWAY 27; EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY, AND WELFARE IMPLICATIONS DUE TO THE IMPACT OF THIS OPERATION; AND URGING THOROUGH REVIEW OF SAID APPLICATION

WHEREAS, City Council finds it to be in the public interest and necessary for the public health, safety, and welfare to announce and submit its concerns regarding potential nuisances stemming from a proposed use that it believes is incompatible with surrounding uses and sound regional planning; and

WHEREAS, West Texas Aggregate, LLC, Midland, Texas, is seeking to build and operate a permanent rock and concrete crushers operation (quarry) at a site generally located south of the intersection between Al Mooney Road and State Highway 27; and

WHEREAS, a portion of the site is currently located within the City, with a remainder located within the City's extraterritorial jurisdiction; and

WHEREAS, West Texas Aggregate, LLC, has applied to the Texas Commission on Environmental Quality ("TCEQ") for an Air Quality Standard Permit (Registration No. 163301), which would authorize construction of the permanent rock and concrete crushers (quarry); and

WHEREAS, TCEQ is seeking written comments about the permit application, which the public may submit through TCEQ's website, though there is a deadline; and

WHEREAS, City Council is concerned about the proposed location of the permanent rock and concrete crushers operations (quarry) for reasons that include its compatibility with surrounding uses, such as the airport, industry, and residential areas; its impact on water quality due to the adjacency of the site to the Guadalupe River; and its consistency with the City's Comprehensive Plan; and

WHEREAS, City Council believes that approval of this permit may result in significant negative impacts to health, safety, and welfare of citizens; water

quality and availability; the watershed and floodplain; air quality; traffic flow; roadway safety; wildlife habitat; and property values within the City and its extraterritorial jurisdiction; and

WHEREAS, City Council is also concerned about potential noise pollution from the proposed permanent rock and concrete crushers (quarry) and the nuisance conditions that could result from the operation; and

WHEREAS, the site for the proposed permanent rock and concrete crushers (quarry) is located in the middle of a major and growing employment corridor, which includes jobs that are incentivized by the State of Texas and local jurisdictions; and

WHEREAS, City Council supports private property rights and the rights of property owners to develop their property as they wish so long as they do so in compliance with all federal, state, and local laws and regulations, and they do so in ways that do not impact surrounding property owners or their uses and property values; and

WHEREAS, based upon the information and concerns stated above, City Council finds that its action in adopting this Resolution is in the public interest as to the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. City Council hereby states its opposition to the permanent rock and concrete crushers operation pursuant to the application before TCEQ (RN 163301). Pursuant to this opposition, City Council requests the following:

1. That TCEQ, in reviewing the air quality permit application submitted for the construction and operation of the permanent rock and concrete crushers operations (quarry), use its expertise and authority to protect the health, safety, and welfare of the citizens, property owners, and environment of the City; and
2. That all operations at the proposed site, including air emissions, water usage and water protection, water run-off, and increased traffic be thoroughly reviewed for health, safety, and compatibility purposes; and
3. That the City's representatives in the Texas Legislature work with TCEQ to review requirements for air quality permits, water quality

oversight, and other environmental protections in Texas, for Texans, and strengthen them as needed.

SECTION TWO. City Council hereby directs City staff and/or the Mayor to submit written comments, including this Resolution, to TCEQ as evidence of the City's concerns. Such concerns may include the filing of these public comments with TCEQ, other state agencies, and the Texas Legislature along with seeking a contested case hearing or taking other appropriate actions.

SECTION THREE. City Council urges other local entities, to include Kerr County, the Upper Guadalupe River Authority, and Headwaters Groundwater Conservation District to consider the pending action before TCEQ regarding RN 163301 and to take steps to protect the public interest in accordance with their respective authority and missions.

PASSED AND APPROVED ON this the 12 day of January,
A.D., 2021.



Bill Blackburn

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes

Michael C. Hayes, City Attorney

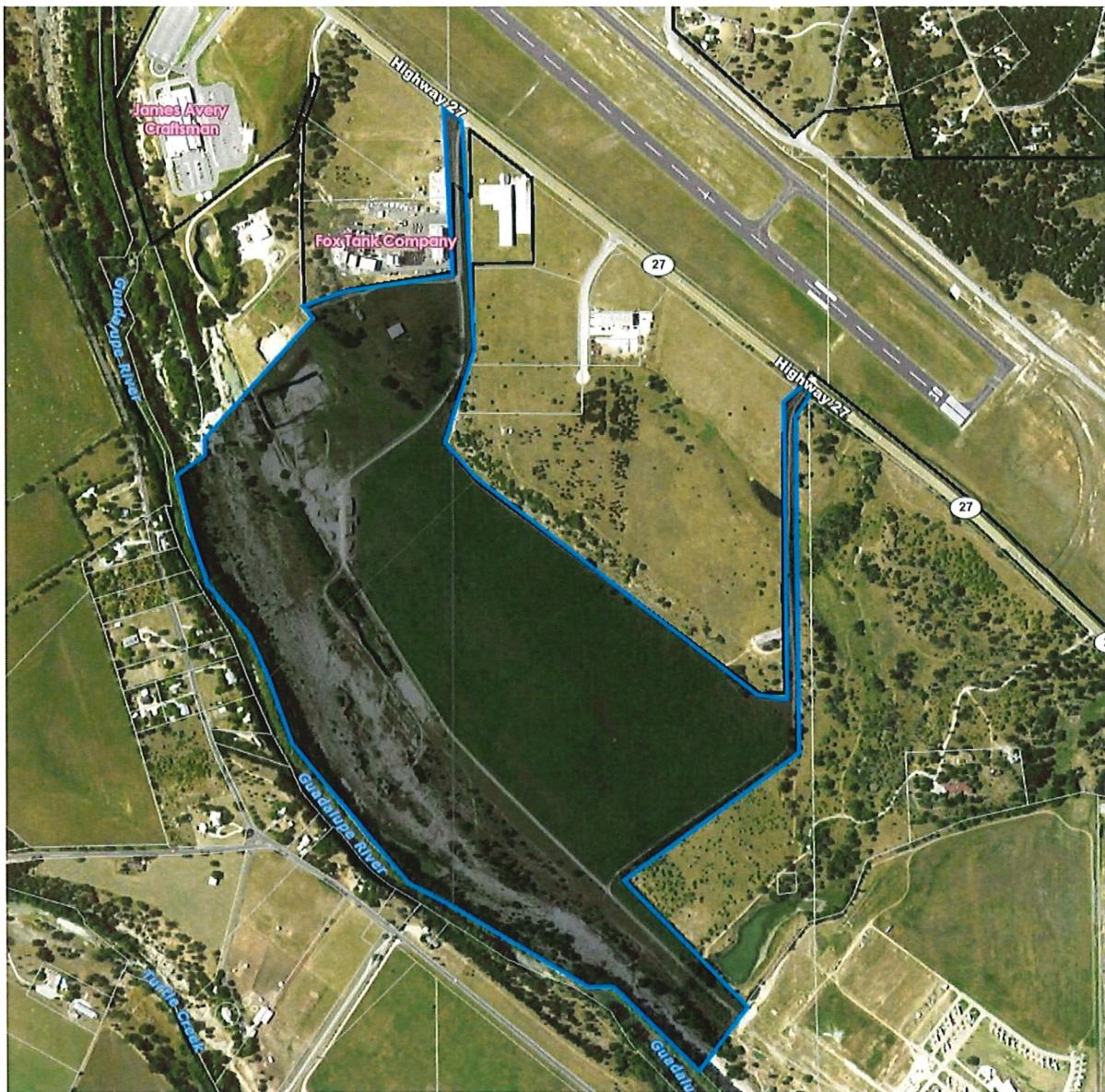
ATTEST:



Shelley McElhannon

Shelley McElhannon, City Secretary

General location of site along HWY 27



Reso 06-2021



City of Kerrville
701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

January 13, 2021

Office of the Chief Clerk MC-105

TCEQ

PO Box 13087

Austin, TX 78711-3087

RE: Resolution Concerning Air Quality Permit Number 163301

REGULATED ENTITY NAME PORTABLE ROCK CRUSHER SER NO TC350 201

RN NUMBER: RN111132908

PERMIT NUMBER: 163301

DOCKET NUMBER:

COUNTY: KERR

PRINCIPAL NAME: WEST TEXAS AGGREGATE LLC

CN NUMBER: CN605473495

Dear Chief Clerk:

Enclosed is a resolution passed by the Kerrville City Council requesting your assistance and leadership in addressing the concerns of many City and Kerr County residents who would be affected by the proposed rock crushing operation and quarry located just south of our airport. For the health, safety, and welfare of these residents, property owners, and the community at large, the Kerrville City Council seeks your help with respect to this permit. While Council supports the right of property owners to use their property in the manner they wish, Council urges a review of this permit as to the operation's potential impact on air quality, water quality, and other environmental protections, the impact of which may lead to nuisance conditions that would impact surrounding properties and the Guadalupe River.

Should you have any questions about the attached resolution or the City's concerns and interests, please let me know.

Sincerely,

Mark McDaniel
City Manager

Attachment

C: Mayor
City Council

Reference Reso 06-2021
Filed with TCEQ 1/14/21

Shelley McElhannon

From: Mark McDaniel
Sent: Thursday, January 14, 2021 10:22 AM
To: Maya Johnson; Mike Hayes
Subject: FW: TCEQ Confirmation: Your public comment on Permit Number 163301 was received.
Attachments: 06-2021 Opposition of construction operation of rock and concrete crusher quarry Al Mooney Road and Hwy 27 1-12-21.pdf

FYI

From: donotreply@tceq.texas.gov <donotreply@tceq.texas.gov>
Sent: Thursday, January 14, 2021 9:57 AM
To: Mark McDaniel <mark.mcdaniel@kerrvilletx.gov>
Subject: TCEQ Confirmation: Your public comment on Permit Number 163301 was received.

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

REGULATED ENTITY NAME PORTABLE ROCK CRUSHER SER NO TC350 201

RN NUMBER: RN111132908

PERMIT NUMBER: 163301

DOCKET NUMBER:

COUNTY: KERR

PRINCIPAL NAME: WEST TEXAS AGGREGATE LLC

CN NUMBER: CN605473495

FROM

NAME: Mark McDaniel

E-MAIL: mark.mcdaniel@kerrvilletx.gov

COMPANY: City of Kerrville

ADDRESS: 701 MAIN ST
KERRVILLE TX 78028-5301

PHONE: 8302581110

FAX:

COMMENTS: January 13, 2021 Office of the Chief Clerk MC-105 TCEQ PO Box 13087 Austin, TX 78711-3087 RE: Resolution Concerning Air Quality Permit Number 163301 REGULATED ENTITY NAME PORTABLE ROCK CRUSHER SER NO TC350 201 RN NUMBER: RN111132908 PERMIT NUMBER: 163301 DOCKET NUMBER: COUNTY: KERR PRINCIPAL NAME: WEST TEXAS AGGREGATE LLC CN NUMBER: CN605473495 Dear Chief Clerk: Enclosed is a resolution passed by the Kerrville City Council requesting your assistance and leadership in addressing the concerns of many City and Kerr County residents who would be affected by the proposed rock crushing operation and quarry located just south of our airport. For the health, safety, and welfare of these residents, property owners, and the community at large, the Kerrville City Council seeks your help with respect to this permit. While Council supports the right of property owners to use their property in the manner they wish, Council urges a review of this permit as to the operation's potential impact on air quality, water quality, and other environmental protections, the impact of which may lead to nuisance conditions that would impact surrounding properties and the Guadalupe River. Should you have any questions about the attached resolution or the City's concerns and interests, please let me know. Sincerely, Mark McDaniel City Manager

Based on TCEQ rule Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of comments, requests, or withdrawals using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your electronic comments or requests is the time this online system receives your comments or requests. Comments or requests are considered timely if received by 5:00 p.m. CST on the due date.

* * * Communication Result Report (Jan. 14, 2021 10:13AM) * * *

13

Date/Time: Jan. 14, 2021 10:11AM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
0179 Memory TX	15122393311	P. 5	OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size	E. 6) Destination does not support IP-Fax



City of Kerrville
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January 19, 2021

Office of the Chief Clerk MC-108
TC&SQ
PO Box 18087
Austin, TX 78711-8087

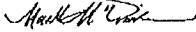
RE: Resolution Concerning Air Quality Permit Number 163301
REGULATED ENTITY NAME: PORTABLE ROCK CRUSHER SEE NO TC360 201
RNY NUMBER: RNY11132908
PERMIT NUMBER: 163301
DOCKET NUMBER:
COUNTY: Kerr
PRINCIPAL NAME: WEST TEXAS AGGREGATE LLC
CN NUMBER: CNG05473496

Dear Chief Clerk:

Enclosed is a resolution passed by the Kerrville City Council requesting your assistance and leadership in addressing the concerns of many City and Kerr County residents who would be affected by the proposed rock crushing operation and quarry located just south of our airport. For the health, safety, and welfare of these residents, property owners, and the community at large, the Kerrville City Council seeks your help with respect to this permit. While Council supports the right of property owners to use their property in the manner they wish, Council urges a review of this permit as to the operation's potential impact on air quality, water quality, and other environmental protection, the impact of which may lead to unacceptable conditions that would impact surrounding properties and the Guadalupe River.

Should you have any questions about the attached resolution or the City's concerns and interests, please let me know.

Sincerely,



Mark McDonald
City Manager

Attachment

C: Mayor
City Council



[Questions or Comments >>](#)

[Choose a Different Permit](#) [Home](#)

Thank you for submitting your comments on this pending permit application.

Thank you for submitting your comments on this pending permit application.

You will receive an e-mail confirmation of your comments that you can print for your records.

***If you do not receive an e-mail confirmation within one hour, we HAVE NOT received your comments.**

If you do not receive confirmation, please be sure to contact the Office of the Chief Clerk immediately at 512-239-3300. Please note, successfully submitting your comments online does not guarantee you filed them timely.

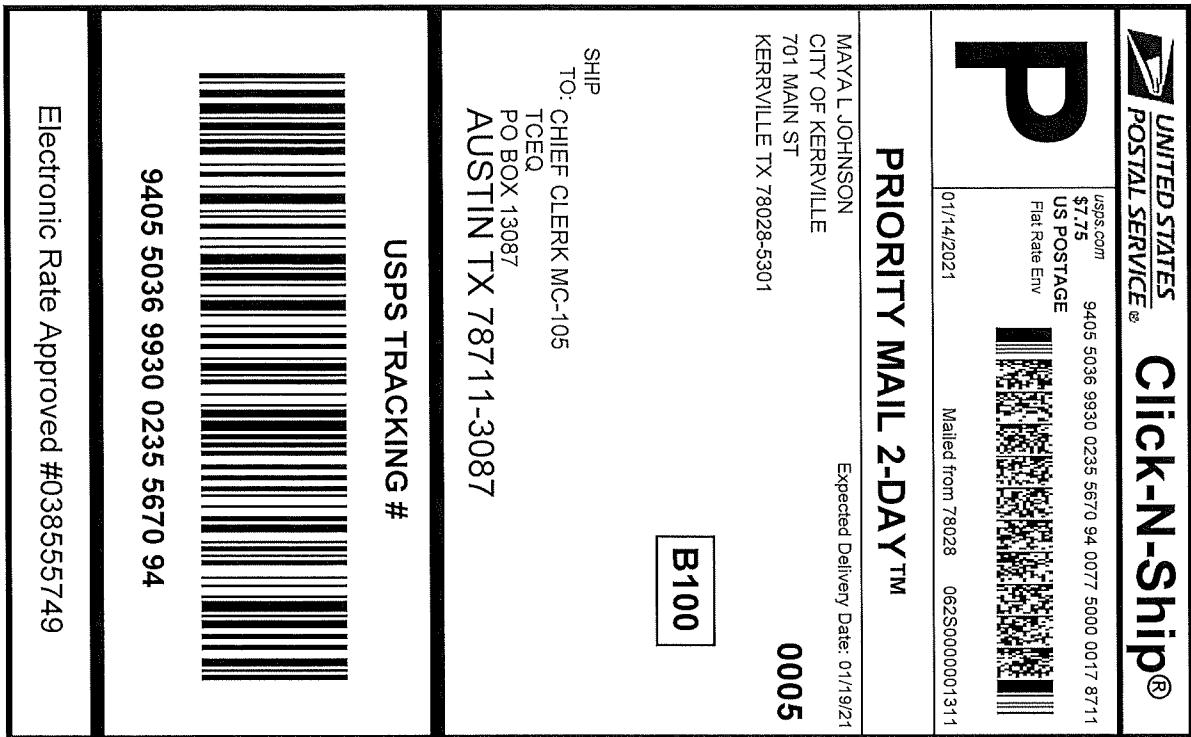
Related Links:

Central Registry	Commissioners' Integrated Database	Executive Director's Agenda	Commission Issued Orders	Public Meetings	State Office of Administrative Hearings <small>Exa...</small>	Public Notice	File documents
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Statewide Links: [Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

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2. Place your label so it does not wrap around the edge of the package.
3. Adhere your label to the package. A self-adhesive label is recommended. If tape or glue is used, DO NOT TAPE OVER BARCODE. Be sure all edges are secure.
4. To mail your package with PC Postage®, you may schedule a Package Pickup online, hand to your letter carrier, take to a Post Office™, or drop in a USPS collection box.
5. Mail your package on the "Ship Date" you selected when creating this label.

Click-N-Ship® Label Record

USPS TRACKING # :
9405 5036 9930 0235 5670 94

Trans. #: 521623988
Print Date: 01/14/2021
Ship Date: 01/14/2021
Expected
Delivery Date: 01/19/2021

Priority Mail® Postage: \$7.75
Total: \$7.75

From: MAYA L JOHNSON
CITY OF KERRVILLE
701 MAIN ST
KERRVILLE TX 78028-5301

To: CHIEF CLERK MC-105
TCEQ
PO BOX 13087
AUSTIN TX 78711-3087

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City of Kerrville
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January 13, 2021

The Honorable Dawn Buckingham
Texas Senate
P.O. Box 12068, Capitol Station
Austin, TX 78711

RE: Resolution Concerning Air Quality Permit Number 163301

Dear Senator Buckingham:

Enclosed is a resolution passed by the Kerrville City Council requesting your assistance and leadership in addressing the concerns of many City and Kerr County residents who would be affected by the proposed rock crushing operation and quarry located just south of our airport. For the health, safety, and welfare of these residents, property owners, and the community at large, the Kerrville City Council seeks your help with respect to this permit. While Council supports the right of property owners to use their property in the manner they wish, Council urges a review of this permit as to the operation's potential impact on air quality, water quality, and other environmental protections, the impact of which may lead to nuisance conditions that would impact surrounding properties and the Guadalupe River.

Once you have reviewed the resolution, I would welcome the opportunity to discuss this issue with you in greater detail. We look forward to your continued leadership during the legislative session.

Sincerely,

Mark McDaniel
City Manager

Attachment

C: Mayor
City Council



City of Kerrville
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January 13, 2021

The Honorable Andrew Murr
Texas House of Representatives
Room E1.308
P.O. Box 2910
Austin, TX 78768

RE: Resolution Concerning Air Quality Permit Number 163301

Dear Representative Murr:

Enclosed is a resolution passed by the Kerrville City Council requesting your assistance and leadership in addressing the concerns of many City and Kerr County residents who would be affected by the proposed rock crushing operation and quarry located just south of our airport. For the health, safety, and welfare of these residents, property owners, and the community at large, the Kerrville City Council seeks your help with respect to this permit. While Council supports the right of property owners to use their property in the manner they wish, Council urges a review of this permit as to the operation's potential impact on air quality, water quality, and other environmental protections, the impact of which may lead to nuisance conditions that would impact surrounding properties and the Guadalupe River.

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Sincerely,

Mark McDaniel
City Manager

Attachment

C: Mayor
City Council