

Burnet County Judge

James Oakley



220 South Pierce
Burnet, Texas 78611

(512) 756-5400
Fax (512) 715-5217

countyjudge@burnetcountytexas.org

September 26, 2017

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Tx. 78711-3087

To Whom It May Concern:

By unanimous vote and action of the Burnet County Commissioner's court, we respectfully request that Permit Application #148112 receive a contested case hearing. This request is the result of significant public outcry from area residents and Baylor Scott & White Hospital which is located in close proximity to the proposed quarry.

This request is also reflective of, and validating the concerns expressed by the Cities of Marble Falls and Horseshoe Bay.

It is our understanding that a contested case hearing would allow for the permit application to be scrutinized to an extent that would satisfy the concerns of our citizens.

Thank you,

A handwritten signature in black ink, appearing to read "J. Oakley", is written over a horizontal line.

Judge James Oakley

Burnet County Judge

220 S. Pierce

Burnet, Texas 78611

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2017 SEP 29 AM 11:20

CHIEF CLERKS OFFICE

MUNICIPAL COALITION
AREA LANDOWNERS AND RESIDENTS

September 25, 2017

REVIEWED

SEP 29 2017

By DA PM

RECEIVED

SEP 29 2017

Texas Commission on Environmental Quality
Commissioners' Office

Texas Commission of Environmental Quality
Richard Hyde
Executive Director
P.O. Box 13087
Austin, Texas 78711-3087

NSR
108401

RE: Application filed by Asphalt, Inc. LLC, Registration No. 148112, Pending.

Director Hyde:

Asphalt, Inc. LLC, an Austin based concern, having no area footprint, has made application for an air quality permit in relation to a proposed rock and concrete crushing plant, mining and quarrying of broken limestone. The proposed plant is to be located 90 feet west of U.S. Highway 281, approximately 2.6 miles south of the intersection of Highway 71 and U.S. Highway 281, near Flat Rock Road, along west side of U.S. Highway 281, in Burnet County, Texas.

The site location of the proposed plant is within the extraterritorial jurisdiction of three cities including Horseshoe Bay, Round Mountain and Marble Falls, having a collective permanent population base of approximately 12,000 inhabitants including a host of unincorporated communities along the Highland Lakes lake chain of Central Texas, Llano, Blanco and Burnet Counties. The area is residential and retirement in nature with an appeal for its scenic landscapes and a recreational playground for thousands of water sport enthusiasts. The corporate and extraterritorial jurisdiction limits of these municipalities is composed primarily of residential and includes the Baylor Scott & White Hospital and Clinic.

Asphalt, Inc. has made no effort to contact the affected municipalities and has made no expression of due diligence with regards to impact upon the area.

The existence of the proposed project in our region would be devastating to the area from health standards to diminished property values to uninhabitable area domain and would potentially destroy the area economy.

Applicant will likely propose to drill multiple water wells on site to reduce emissions which could diminish the available water source for area residents and/or damage the aquifer. The topography of the proposed site is laden with draws, hollows, ravines and small creeks, which would contribute in runoff pollutants to adjoining ranch lands. The proposed plant is a health

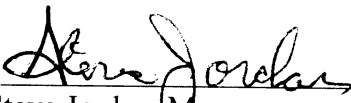
hazard resulting from emissions of airborne dust and pollutants diminishing general air quality in the area. The noise in relation to surrounding residents equally makes this proposed operation to be unacceptable. The site entrance for truck traffic presents a traffic danger and hazard to through traffic on U.S. Highway 281 North and South with a blind spot to the North. For reasons stated, the proposed plant is undeniably a hazard to the surrounding community.

Consequently, these municipalities and numerous area landowners and residents find it to be in the public interest and necessary for public health, safety and welfare to voice collective concerns of the public regarding public nuisance and proposed uses that are incompatible with surrounding uses and sound regional planning and express collectively their respective opposition to the rock and concrete crushing plant, as proposed and where proposed, and any permitting thereof.

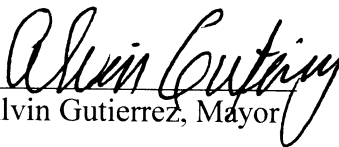
The undersigned issue their protest and opposition to the referenced permit application and respectfully request that public hearings be conducted for information and a contest case hearing be scheduled. Opponents will supplement their respective public comments and opposition under separate cover.

Sincerely,

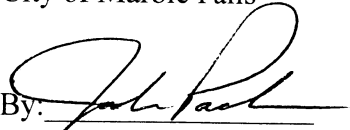
City of Horseshoe Bay

By: 
Steve Jordan, Mayor

Town of Round Mountain

By: 
Alvin Gutierrez, Mayor

City of Marble Falls

By: 
John Packer, Mayor

Area Landowners:

~~David Moss - Eagle Creek~~
~~PQ~~ LIVE OAK VILLAGE
~~Helenburg Ranch - Henry Helenburg~~
~~Richard - The Overlook~~
Richard Foxwood HOA
Ray Peeler - Crystal Lake HOA
Bill Wilson - Riverwood
Richard Stump - Crystal Lake
James Helbert
William Wilson - CR 473
Johnnie R. Helbert
Susan A. Sweet

CR 403A

CC:

The Honorable Greg Abbott
PO Box 12428
Capitol Station
Austin, Texas 78711-2428

The Honorable Jason Isaac
PO Box 2910, RM E1.320
Austin, Texas 78768

The Honorable Dawn Buckingham
PO Box 12068
Capitol Station
Austin, Texas 78711

The Honorable Terry Wilson
PO Box 2910, Room E2.702
Austin, Texas 78768

The Honorable Roger Williams
1005 Congress Avenue, Suite 925
Austin, Texas 78701

Bryan W. Shaw, Ph.D., P.E.
Chairman
PO Box 13087, MC 100
Austin, Texas 787100

Andy Gardner
Commission on
Environmental Quality
PO Box 13087
Austin, Texas 78711

Commissioner Toby Baker
PO Box 13087, MC 100
Austin, Texas 787100

Commissioner Jon Niermann
PO Box 13087, MC 100
Austin, Texas 787100

TCEQ
Office of Air
Attention: Steve Hagle P.E., Deputy
Director
P.O. Box 13087, Mail Code 122
Austin, Texas 78711-3087

TCEQ
Air Permits Division
Attention: Mr. Mike Wilson, P.E.,
Director
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Office of Air
Attention: Ms. Jayme Sadlier,
Special Assistant
P.O. Box 13087, Mail Code 122
Austin, Texas 78711-3087

TCEQ
Office of Air
Attention: Mr. Keith Sheedy P.E.,
Technical Advisor
P.O. Box 13087, Mail Code 122
Austin, Texas 78711-3087

TCEQ
Air Quality Division
Attention: Mr. David Brymer,
Director
P.O. Box 13087, Mail Code 206
Austin, Texas 78711-3087

Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

TCEQ
Air Permits Division
Attention: Mr. Steven Hagood, P.E.,
Assistant Director
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Air Permits Division
Attention: Ms. Betsy Peticolas
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Attention: Permit Division
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ
Attention: Staff Permit Division
P.O. Box 13087, Mail Codes 122 and 163
Austin, Texas 78711-3087

TCEQ
Air Permits Division - Operational Support Section
Attention: Mr. Kim Strong, P.E., Manager
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Air Permits Division - Operational Support Section
Attention: Mr. Michael Partee, Operational Support Team 1
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Air Permits Division - Operational Support Section
Attention: Ms. Kati Wooten, Operational Support Team 2
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Air Permits Division - Permit Support Section
Attention: Mr. Daniel Menendez, Manager
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Air Quality Division
Attention: Ms. Kim Herndon, Assistant Director
P.O. Box 13087, Mail Code 206
Austin, Texas 78711-3087

TCEQ
Air Quality Division
Attention: Ms. Joyce Spencer-Nelson, Special Assistant
P.O. Box 13087, Mail Code 206
Austin, Texas 78711-3087

TCEQ
Air Quality Division
Attention: Mr. Paul (Chris) Owen, Technical Specialist
P.O. Box 13087, Mail Code 206
Austin, Texas 78711-3087

TCEQ
Office of Chief Clerk, MC105
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ
Air Permits Division - Permit Support Section
Attention: Ms. Dianne Anderson,
Air Dispersion Modeling Team
P.O. Box 13087, Mail Code 163
Austin, Texas 78711-3087

TCEQ
Air Permits Division - Permit Support Section
Attention: Mr. Johnny Bowers,
Air Permits Initial Review Team
P.O. Box 13087, Mail Code 161
Austin, Texas 78711-3087

Texas House of Representatives
Environmental Regulation Committee
Attn: Rep. Joseph Pickett, Chairman
PO Box 2910, Rm. 1W.5
Austin, Texas 78768

Texas House of Representatives
Environmental Regulation Committee
Attn: Rep. Ed Thompson, Vice Chair
PO Box 2910, Rm. E2.506

CITY OF MARBLE FALLS
RESOLUTION NO. 2017-R-09D

**A RESOLUTION OF THE CITY OF MARBLE FALLS TEXAS,
EXPRESSING OPPOSITION TO THE ROCK AND CONCRETE
CRUSHING PLANT PROPOSED BY ASPHALT, INC. AND
EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY
AND WELFARE AND ENVIRONMENTAL IMPLICATIONS OF THE
PROPOSED PLANT**

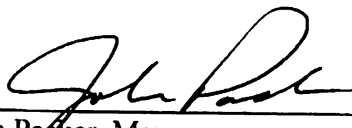
- WHEREAS,** the City Council of the City of Marble Falls ("City Council") finds it to be in the public interest, and necessary for the public health, safety and welfare to voice the collective concerns of the public regarding potential nuisances and proposed uses that are incompatible with surrounding uses and sound regional planning; and
- WHEREAS,** Asphalt, Inc. is seeking to build and operate a rock and concrete crushing plant with an entrance 90 feet west of US HWY 281 and approximately 2.6 miles south of the intersection of Texas HWY 71 near Flat Rock Road, which is Burnet County Road 403; and
- WHEREAS,** the property designated as the site of the proposed rock and concrete crushing plant is located in the extraterritorial jurisdiction of the City of Marble Falls; and
- WHEREAS,** Asphalt, Inc., applied to the Texas Commission on Environmental Quality ("TCEQ") for an Air Quality Standard Permit for Permanent Hot Mix Asphalt Plants, which, if approved, would authorize construction of a rock and concrete crushing plant; and
- WHEREAS,** concerned parties have until October 9, 2017 to submit comments and concerns to TCEQ in an effort to prompt the agency to hold a contested case hearing on the permit application; and
- WHEREAS,** concerned parties are encouraged to submit comments about the permit application to: Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-1-5, Post Office Box 13087, Austin, Texas, 78711-3087, or electronically at tceq.texas.gov/about/comments.html; and
- WHEREAS,** the City Council is concerned about the potential health, safety and environmental risks proposed by the air emissions of the proposed rock and concrete crushing plant and the possible damage to air quality for both nearby residents, the nearby Baylor Scott and White Hospital, nearby business owners, and the implications for future residential developments in the surrounding area; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MARBLE FALLS CITY COUNCIL:

1. All of the foregoing recitals are hereby adopted in full as legislative findings of fact and intent on behalf of the City Council of the City.
2. The City Council of Marble Falls hereby objects to and declares its opposition to the proposed rock and concrete crushing plant, at the location as proposed in the permit application.
3. The City Council hereby directs the City Attorney to submit comments to and request a contested case hearing with the Texas Commission on Environmental Quality (TCEQ) regarding the air permit application submitted by Asphalt Inc.
4. The City Council hereby requests that the TCEQ conduct a contested case hearing on the proposed rock and concrete crushing plant.
5. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

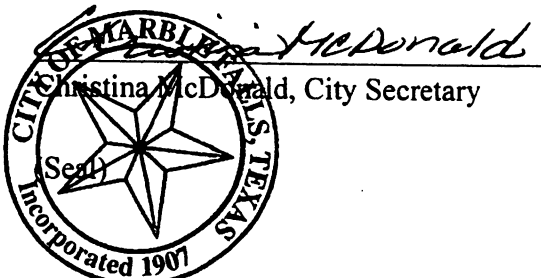
ADOPTED THIS THE 19th DAY OF September, 2017.

THE CITY OF MARBLE FALLS

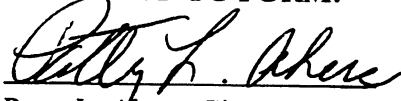


John Packer, Mayor

ATTEST:



APPROVED TO FORM:



Patty L. Akers, City Attorney, City of Marble Falls

TOWN OF ROUND MOUNTAIN

RESOLUTION NO. 2017-1

Expressing Opposition to the Rock and Concrete Crushing Plant and Mining and Quarrying of Broken Limestone Proposed by Asphalt, Inc. LLC

A RESOLUTION OF THE TOWN OF ROUND MOUNTAIN, TEXAS, EXPRESSING OPPOSITION TO THE ROCK AND CONCRETE CRUSHING PLANT AND MINING AND QUARRYING OF BROKEN LIMESTONE PROPOSED BY ASPHALT, INC. LLC AND EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY AND WELFARE IMPLICATIONS OF THE PROPOSED PLANT

WHEREAS, the Mayor and Board of Alderman of the Town of Round Mountain ("Town Council") finds it to be in the public interest, and necessary for the public health, safety and welfare to voice the collective concerns of the public regarding potential nuisances and proposed uses that are incompatible with surrounding uses and sound regional planning; and

WHEREAS, Asphalt, Inc. LLC is seeking to build and operate a rock and concrete crushing plant and mining and quarrying of broken limestone with an entrance 90 feet west of U.S. Highway 281 and approximately 2.6 miles south of the intersection of Texas Highway 71 near Flat Rock Road, which is Burnet County Road 403; and

WHEREAS, the property designated as the site of the proposed rock and concrete crushing plant and mining and quarrying of broken limestone is in part located in the extraterritorial jurisdiction of the Town of Round Mountain, a part in the extraterritorial jurisdiction of the City of Marble Falls, and a part in the extraterritorial jurisdiction of Horseshoe Bay; and

WHEREAS, Asphalt, Inc. LLC applied to the Texas Commission of Environmental Quality ("TCEQ") for an Air Quality Standard Permit for the proposed rock and concrete crushing plant and mining and quarrying of broken limestone; and

WHEREAS, concerned parties have until October 9, 2017, to submit comments and concerns to TCEQ in an effort to prompt the agency to hold a contested case hearing on the permit application; and

WHEREAS, concerned parties are encouraged to submit comments about the permit application, Registration No. 148112, to: Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-1-5, Post Office Box 13087, Austin, Texas 78711-3087, or electronically

at tceq.texas.gov/about/comments.html; and


WHEREAS, the Town Council is concerned about the potential health and safety risks proposed by the air emissions of the proposed rock and concrete crushing plant and mining and quarrying of broken limestone and the possible damage to air quality for both nearby residents and business owners, and the implications for future residential developments in the surrounding area; and

NOW, THEREFORE, BE IT RESOLVED by the Town of Round Mountain Council:

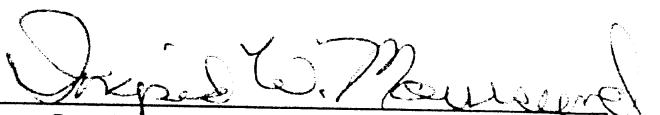
1. The Town Council hereby expresses its opposition to the rock and concrete crushing plant and mining and quarrying of broken limestone, as proposed and where proposed.
2. The Town Council hereby directs town staff and/or the Mayor to notify the Texas Commission on Environmental Quality (TCEQ) of the Town's opposition, which may include but is not limited to, the filing of public comments and request a contested case hearing.
3. The Town Council hereby requests that the TCEQ conduct a contested case hearing on the proposed rock and concrete crushing plant and mining and quarrying of broken limestone.
4. The Town Council hereby requests that the TCEQ consider the Agency Mission Policy and Agency Philosophy and the public impact of pending application for permit.
5. The meeting at which the foregoing Resolution was considered and passed unanimously was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

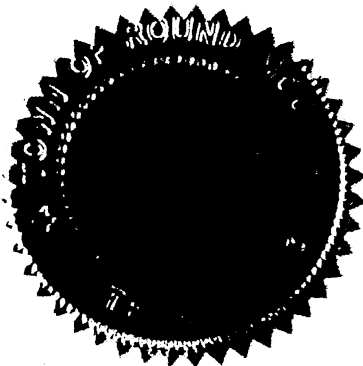
PASSED & APPROVED this, the 22nd day of September, 2017, by a vote of the Town Council of Round Mountain, Texas.

TOWN OF ROUND MOUNTAIN, TEXAS

By: 
Alvin Gutierrez, Mayor

ATTEST


Ingrid W. Moursund, Town Secretary



CITY OF HORSESHOE BAY

RESOLUTION NO. 2017-15

Expressing Opposition to the Rock and Concrete Crushing Plant Proposed by Asphalt, Inc.

A RESOLUTION OF THE CITY OF HORSESHOE BAY, TEXAS, EXPRESSING OPPOSITION TO THE ROCK AND CONCRETE CRUSHING PLANT PROPOSED BY ASPHALT, INC. AND EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY AND WELFARE IMPLICATIONS OF THE PROPOSED PLANT

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") finds it to be in the public interest, and necessary for the public health, safety and welfare to voice the collective concerns of the public regarding potential nuisances and proposed uses that are incompatible with surrounding uses and sound regional planning; and

WHEREAS, Asphalt, Inc. is seeking to build and operate a rock and concrete crushing plant with an entrance 90 feet west of US HWY 281 and approximately 2.6 miles south of the intersection of Texas HWY 71 near Flat Rock Road, which is Burnet County Road 403; and

WHEREAS, the property designated as the site of the proposed rock and concrete crushing plant is located in the extraterritorial jurisdiction of the City of Marble Falls; and

WHEREAS, Asphalt, Inc., applied to the Texas Commission on Environmental Quality ("TCEQ") for an Air Quality Standard Permit for Permanent Hot Mix Asphalt Plants, which, if approved, would authorize construction of a rock and concrete crushing plant; and

WHEREAS, concerned parties have until October 9, 2017 to submit comments and concerns to TCEQ in an effort to prompt the agency to hold a contested case hearing on the permit application; and

WHEREAS, concerned parties are encouraged to submit comments about the permit application to: Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-1-5, Post Office Box 13087, Austin, Texas, 78711-3087, or electronically at tceq.texas.gov/about/comments.html; and

WHEREAS, the City Council is concerned about the potential health and safety risks proposed by the air emissions of the proposed rock and concrete crushing plant and the possible damage to air quality for both nearby residents and business owners, and the implications for future residential developments in the surrounding area; and

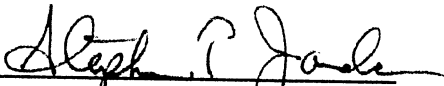
NOW, THEREFORE, BE IT RESOLVED by the City of Horseshoe Bay City Council:

1. The City Council hereby expresses its opposition to the rock and concrete crushing plant, as proposed and where proposed.


2. The City Council hereby directs city staff and/or the Mayor to notify the Texas Commission on Environmental Quality (TCEQ) of the City's opposition, which may include but is not limited to, the filing of public comments and a contested case hearing request.
3. The City Council hereby requests that the TCEQ conduct a contested case hearing on the proposed rock and concrete crushing plant.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 19th day of September 2017, by a vote of the City Council of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY

By: 
Stephen T. Jordan, Mayor

ATTEST


Kerri Craig, City Secretary

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SEP 29 2017

27-1-20

TELEPHONE CENTER
DA

CHIEF CLERKS OFFICE

RECEIVED

SEP 29 2017

Bryan W. Shaw, Ph.D., P.E.
Chairman
PO Box 13087, MC 100
Austin, Texas 787100

**Texas Commission on Environmental Quality
Commissioners' Offices**

NOTED FOR

[illegible]