

ORDER NO. 29389

OFFER RESOLUTION OF OPPOSITION TO AIR QUALITY PERMIT
FILED WITH TCEQ BY WHEATCRAFT, INC.

Came to be heard this the 26th day of September, 2005, with a motion made by Commissioner Williams, seconded by Commissioner Baldwin. The Court approved by vote of 4-0-0 to:

Discuss and approve Resolution of Opposition to Air Quality Permit filed with TCEQ by Wheatcraft, Inc. for a rock crushing operation in Center Point, to be adopted with changes in the language as discussed.

COMMISSIONERS' COURT AGENDA REQUEST

PLEASE FURNISH ONE ORIGINAL AND NINE COPIES OF THIS REQUEST AND DOCUMENTS TO BE REVIEWED BY THE COURT.

MADE BY: County Judge

OFFICE:

MEETING DATE: September 26, 2005

TIME PREFERRED:

SUBJECT: (Please be specific). Consider, discuss and take appropriate action to Approve a Resolution of Opposition to the application for an Air Quality Permit filed with the TCEQ by Wheatcraft, Inc. for a rock crushing operation in Center Point, TX.

EXECUTIVE SESSION REQUESTED:

NAME OF PERSON(S) ADDRESSING THE COURT: Commissioner Williams

ESTIMATED LENGTH OF PRESENTATION: 5 Minutes.

IF PERSONNEL MATTER—NAME OF EMPLOYEE:

Time for submitting this request for Court to assure that the matter is posted in accordance with Title 5, Chapter 551 and 552, Government Code, is as follows:
Meeting scheduled for Mondays: 5:00 P.M. previous Tuesday

THIS REQUEST RECEIVED BY: _____

THIS REQUEST RECEIVED ON: _____ @ _____

All Agenda Requests will be screened by the County Judge's Office to determine if adequate information has been prepared for the Court's formal consideration and action at time of Court meetings. Your cooperation is appreciated and contributes toward your request being addressed at the earliest opportunity. See Agenda Request Rule adopted by Commissioners Court.



RESOLUTION

- WHEREAS Wheatcraft, Inc., dba Rhodes Pit Rock Quarry, located at 6133 Highway 27, Center Point, Texas, has made application to the Texas Commission on Environmental Quality, Permit No. 76508, to construct and operate a Rock Crushing Facility; and
- WHEREAS There is substantial public interest about the amount of "Particulate Matter" that will be discharged into the air daily that may cause harm to the health of adults and children living in close proximity to the proposed rock crushing facility; and
- WHEREAS Center Point Independent School district has educational facilities located within 2000 feet of the proposed rock crushing facility, and
- WHEREAS Health and Safety Code, Chapter 382.056 requires the TCEQ to consider the possible adverse short-term and long-term effects of Air contaminants if a proposed facility is within 3000 feet of an elementary, junior high or senior high school; and
- WHEREAS Other significant issues and/or questions raised must be addressed by the Applicant to the TCEQ before a permit is issued, such as:
- Whether or not an air dispersion model has been completed;
 - Whether or not an archeological study has been completed;
 - Why no "Particulate" ambient air monitoring has been proposed;
 - Whether or not any of the primary listed crushed rocks are more prone to causing pulmonary fibrosis;
 - Where is the 700 gallons per minute of water use originating;
 - How much sediment will be discharged in the Guadalupe River;
 - How much petroleum/chemical contamination of the ground will occur from the large volume of trucks anticipated;

THEREFORE BE IT RESOLVED

That Kerr County Commissioners' Court, meeting in Special Session on Monday, September 26, 2005 does hereby urge the TCEQ to examine carefully all aspects of the Air Quality Permit Application # 76508 filed by Wheatcraft, Inc., and insure all state laws and regulations are complied with; and be it

FURTHER RESOLVED

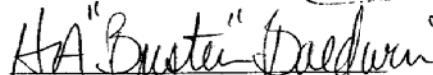
That Kerr County Commissioners' Court does hereby request the Executive Director of the TCEQ conduct a local Public Hearing and a Contested Hearing on said application at the earliest possible date; and be it


FURTHER RESOLVED

That copies of this Resolution of Opposition be forwarded to State Representative Harvey Hildebran, State Senator Troy Fraser, Headwaters Groundwater Conservation District, Upper Guadalupe River Authority and Federal Emergency Management Agency urging them to likewise request a Public Hearing and a Contested Hearing on this matter.

ADOPTED THIS 26TH DAY OF SEPTEMBER, 2005


Pat Tinley, County Judge


H. A. "Buster" Baldwin, Commissioner
Precinct 1


William H. Williams, Commissioner
Precinct 2


Jonathan Metz, Commissioner
Precinct 3


Dave Nicholson, Commissioner
Precinct 4