

ORDER NO. 32420

RESOLUTION TO TCEQ RELATED TO AIR QUALITY PERMIT #98676 WITH  
WHEATCRAFT, INC.

Came to be heard this the 14th day of November, 2011, with a motion made by  
Commissioner Overby, seconded by Commissioner Baldwin, the Court unanimously  
approved by a vote of 4-0-0 to:

Approve Resolution to TCEQ related to Air Quality Permit #98676 with Wheatcraft, Inc.,  
amending the last paragraph removing the 2 words, "of opposition".

1.38

32420

COMMISSIONERS' COURT AGENDA REQUEST

MADE BY: Commissioner Overby      OFFICE:      Pct. 2

MEETING DATE: 11-14-11      TIME PREFERRED:

SUBJECT: Consider, Discussion and take appropriate action regarding Kerr County Resolution to TCEQ related to Air Quality Permit # 98676 with Wheatcraft, Inc. (Commissioner Overby Pct.2)

EXECUTIVE SESSION REQUESTED: (PLEASE STATE REASON)

NAME OF PERSON ADDRESSING THE COURT:

ESTIMATED LENGTH OF PRESENTATION:

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 PM previous Tuesday

THIS REQUEST RECEIVED BY: \_\_\_\_\_

THIS REQUEST RECEIVED ON: \_\_\_\_\_ @ \_\_\_\_\_ .M.

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 will be appreciated and contribute towards your request being addressed at the earliest opportunity. See Agenda Request Rules 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 (TCEQ), Permit No. 98676, 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** Health and Safety Code, Chapter 382.056 requires a public hearing to be held if there is a substantial public interest in the proposed activity; 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

- Proximity of the proposed facility to an elementary, junior high, or senior high school and the possible adverse short-term and long-term effects of air contaminants;
- Whether or not an air dispersion model has been completed;
- Whether the facility will have an adverse effect on air quality;
- Whether there will be an adverse impact on animal life or vegetation;
- Whether the applicant's compliance history warrants denial of the permit;
- Whether or not an archeological study has been completed;
- Whether or not any of the primary listed crushed rocks are more prone to causing pulmonary fibrosis;
- 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 on Monday, November 14, 2011, does hereby urge the TCEQ to examine carefully all aspects of the Air Quality Permit Application # 98676 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

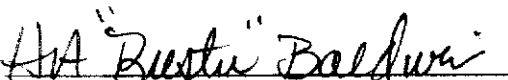
**FURTHER RESOLVED**

That copies of this Resolution be forwarded to State Representative Harry 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 14<sup>th</sup> DAY OF NOVEMBER, 2011



Pat Finley, County Judge



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



Jonathan Letz, Commissioner  
Precinct 3



Guy Overby, Commissioner  
Precinct 2



Bruce Oehler, Commissioner  
Precinct 4