

RESOLUTION NO. 305

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS CONCERNING TCEQ PROPOSED AIR QUALITY PERMIT NUMBER 147392L001, WHICH WOULD AUTHORIZE CONSTRUCTION OF A PORTABLE CRUSHING PLANT (QUARRY) NEAR THE CITY OF BULVERDE.

WHEREAS, Vulcan Construction Materials, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of air quality permit number 147392L001 on the former White Ranch, whose northeast corner is the intersection of Highway 46 and Farm-to-Market Road 3009, and extending from that point nearly three miles to the southwest; and

WHEREAS, this permit application is required by and governed according to Chapter 382 of the Texas Health and Safety Code, which states in Section 382.112 that TCEQ “shall give maximum consideration to a local government’s recommendations”; and

WHEREAS, Section 121.003(a) of the Texas Health and Safety Code provides that a municipality “may enforce any law that is reasonably necessary to protect the public health;” and

WHEREAS, approval of this permit will 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; cultural and archaeological resources; wildlife habitat; and property values within City of Bulverde corporate limits and extraterritorial jurisdiction; and

WHEREAS, there exist no air quality monitoring stations in Comal County actively reporting significant air contaminants to be emitted by this proposed facility, including particulate matter with diameters of 10 microns or less and particulate matter with diameters of 2.5 microns or less; and

WHEREAS, the property designated as the site of the proposed quarry is partially located in City of Bulverde extraterritorial jurisdiction; and

WHEREAS, the City of Bulverde formalized these concerns and opposition to the construction and operation of this proposed quarry in Resolution No. 300, passed and approved on December 12, 2017; and

WHEREAS, Title 30, Section 55.203 of the Texas Administrative Code states, in part, that regarding TCEQ contested case hearing requests, “governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected person” and that a determining factor for governmental entities should be “their statutory authority over or interest in the issues relevant to the application”;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS:

Section 1. The City Council hereby states its continued opposition to the proposed quarry.

Section 2. The City Council hereby directs the City Manager to, within 30 days of the date of the TCEQ decision letter, request a contested case hearing on air quality permit number 147392L001, request that the City of Bulverde be considered an “affected person,” and supply to TCEQ all required information, according to Title 30, Chapter 55, Subchapter F of the Texas Administrative Code.

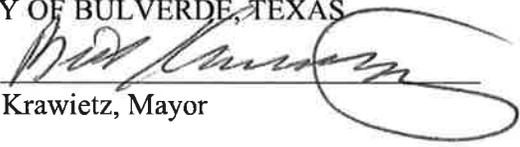
Section 3. The City Council hereby requests, as authorized by Section 382.112 of the Texas Health and Safety Code, that prior to the rendering of the Executive Director’s decision, TCEQ, in the interest of achieving Best Available Control Technology (BACT) and/or Lowest Achievable Emission Rate (LAER), as applicable, add the following restrictions and/or requirements to the current permit application 147392L001:

- (a) Require Tier IV and Tier V restrictions be placed on all equipment located and used in plant, including equipment used by or belonging to third parties.
- (b) Require rumble gates at each plant exit.
- (c) Require public, third-party fence line air quality monitoring and reporting, with sensors spaced and set at the appropriate distances/heights to measure real time data along the entire property perimeter.
- (d) Require placement of hoods on all conveyors and stockpiles.
- (e) Prohibit additional aggregate operations and production, including but not limited to additional rock crushers, concrete batch plants, cement manufacturing, and asphalt production.

Section 4. That this resolution is effective upon adoption by the City Council.

PASSED AND APPROVED this 12th day of June 2018.

CITY OF BULVERDE, TEXAS

By: 
Bill Krawietz, Mayor

ATTEST:



Maria Franco, City Secretary

