

**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, Mayor

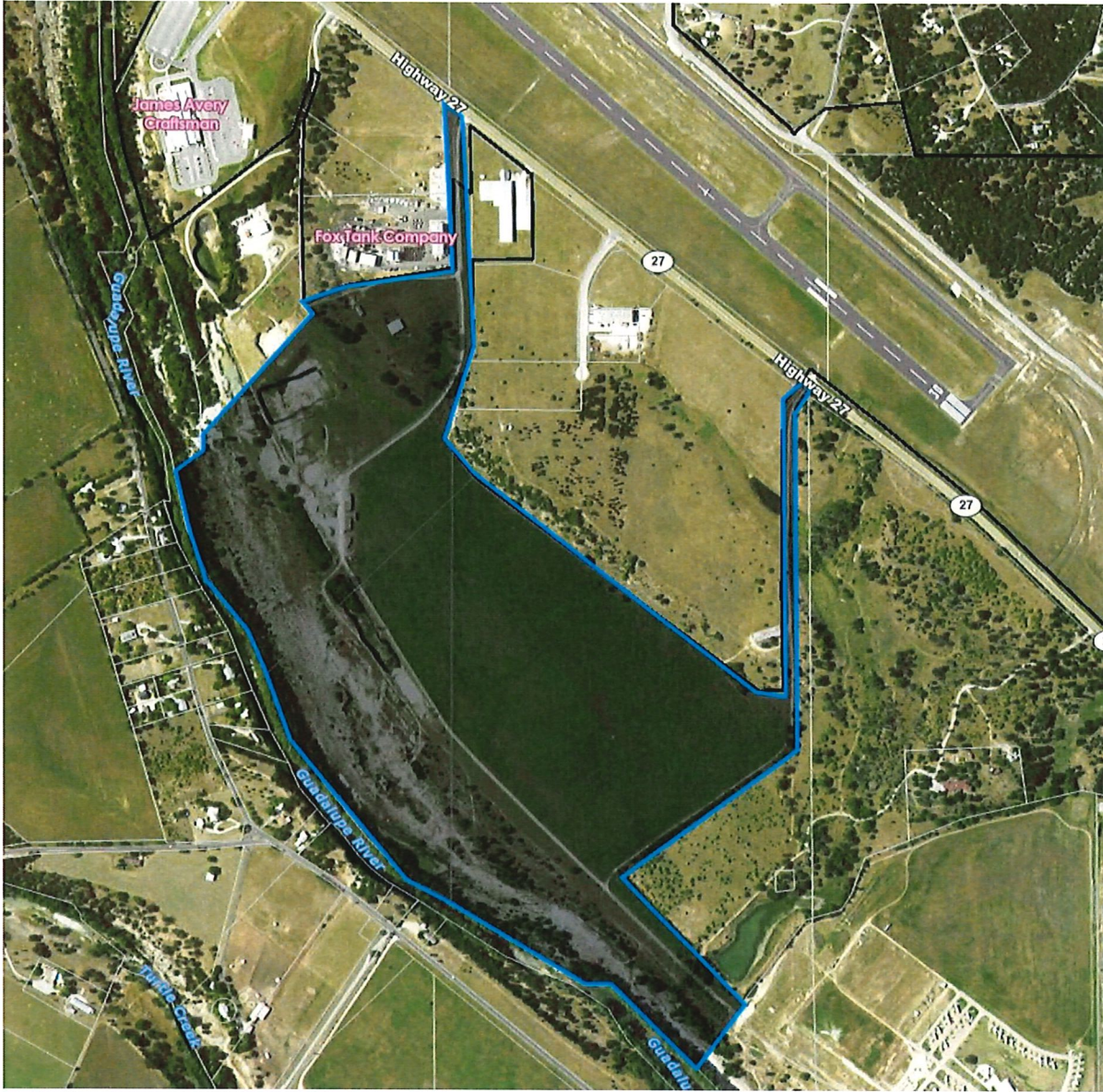
APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary

General location of site along HWY 27



Reso 06-2021