

TCEQ seeks extension to appeal air permit case

District court judge struck down state agency's permit in March; opponents say appeal was expected

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By Lisa Dreher The Herald-Zeitung

The Texas Commission on Environmental Quality is asking for an extension to appeal a decision blocking a quarry's air permit.

The Texas Commission on Environmental Quality did not file the appeal by the June 14 deadline, but the Third Court of Appeals granted its motion requesting a 39-day extension.

Vulcan Materials, the company trying to build the quarry between New Braunfels and Bulverde at State Highway 46 and Farm-to-Market Road 3009, and TCEQ filed a notice of appeal on April 30 over a district court decision which struck down their air quality permit.

In September 2019, an Administrative Law Judge recommended the Texas Commission on Environmental Quality grant the permit, and TCEQ did so.

Local environmental group Stop 3009 Vulcan filed a case against TCEQ saying the evidence provided was incomplete.

In March, the 459th District Court judge struck down the TCEQ's decision because of what it said was inaccurate evidence and hiding behind "trade secret" privilege.

Opponents to the quarry said the intent to appeal was to be expected.

"We're hopeful and optimistic that the Third Court of Appeals will uphold and affirm the district court decision," said Stop 3009 Vulcan Quarry communications director David Drewa.

"If that is true, Vulcan will not be granted their air permit and will have to go through that process again," he said.

As the organization waits for the appeal, they are fundraising and spreading the word about the quarry to future homeowners and people who just moved to the Hill Country area.

"Comal County is growing so quickly and there are many new people coming out to the area around the proposed quarry that are just now finding out about it after they buy a home or right before," Drewa said. "We're educating those people about what Vulcan plans to do with that property."

The other main permit for the quarry is the water pollution abatement permit since the quarry would be built over the Edwards Aquifer.

Once the plan is submitted, Stop3009 officials said they will look into it.