

RESOLUTION 2018-11

STATE OF TEXAS § **IN THE COMMISSIONERS COURT**
COUNTY OF COMAL §

**A RESOLUTION CONCERNING AIR QUALITY PERMIT NUMBER 147392L001,
WHICH IF APPROVED WOULD AUTHORIZE CONSTRUCTION AND OPERATION
OF A PORTABLE CRUSHING PLANT LOCATED AT STATE HIGHWAY 46 AND
FARM-TO-MARKET (FM) 3009**

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has received an application for Air Quality Permit Number 147392L001; and

WHEREAS, the TCEQ held a public meeting on said permit application on February 27, 2018, in which many Comal County residents expressed concerns about a new quarry operation which is proposed to be located in a rapidly growing, mostly residential area; and

WHEREAS, the Comal County Commissioners Court supports the health and safety of its citizens and the environment; and

WHEREAS, the Comal County Commissioners Court supports private property rights vested in the Texas Constitution and the rights of property owners to legally develop their property as they wish, so long as the development is in compliance with all federal, state, and local laws and regulations; and

WHEREAS, the TCEQ has only those authorities granted it by the Texas Legislature; and

WHEREAS, Texas counties have only those authorities granted them by the Texas Legislature, which do not include general land use authority; and

WHEREAS, Comal County is among the fastest growing counties in the State and Nation, and quarries and similar industries will continue to expand into the region; and

WHEREAS, in this matter, because of the lack of local regulatory control by Comal County, residents can only seek redress or assistance from their state legislative representatives, including the Governor of the State of Texas; and

WHEREAS, Comal County requests assistance from our State Legislators to provide their leadership to answer and address with necessary legislation the numerous concerns of many Comal County residents who would be affected by the location of the proposed rock crushing plant, increased dust emissions, defacement of our scenic hill country, increased heavy truck traffic, and the loss of natural resources for their least valuable use.

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NOW, THEREFORE, BE IT RESOLVED THAT the Comal County Commissioners Court asks for the following:

1. That TCEQ, in reviewing the air quality permit application submitted for the construction and operation of a rock crushing plant, use all its expertise and authority to protect the health, safety, and welfare of the citizens and environment of Comal County, and to closely examine and grant any requests for a contested case hearing to any person that is deemed to be an affected person or party; and
2. That all operations at the proposed site, including but not limited to, air emissions, water usage/protection, and water runoff be carefully reviewed according to the applicable laws and regulations; and
3. That our representatives of the Texas Legislature work with the TCEQ to review requirements for air quality permits, water quality oversight, and other environmental protections in Texas, for Texans and strengthen them as needed.

PASSED and APPROVED this 22nd of March, 2018.

SHERMAN KRAUSE, COUNTY JUDGE

**DONNA ECCLESTON
COUNTY COMMISSIONER, PCT. #1**

**SCOTT HAAG
COUNTY COMMISSIONER, PCT. #2**

**KEVIN WEBB
COUNTY COMMISSIONER, PCT. #3**

**JEN CROWNOVER
COUNTY COMMISSIONER, PCT. #4**

ATTEST:

BOBBIE KOEPP, COUNTY CLERK