

RESOLUTION NO. 2018 - _____

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

WHEREAS, Texas Commission on Environmental Quality (TCEQ) has received an application for air quality permit number 147392L001; and

WHEREAS, the TCEQ has held a public meeting on said permit application on February 27, 2018 in which many Comal County residents expressed valid concerns about a new rock crushing quarry operation which is in a rapidly growing residential area located outside of the City's extraterritorial jurisdictional limits; and

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

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

WHEREAS, in this matter, due to the lack of local regulatory control by counties and municipalities, residents can only seek redress or assistance from their state legislative representatives; and

WHEREAS, the 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

WHEREAS, the City requests assistance from both Senator Donna Campbell and Representative Kyle Biedermann to provide their leadership to answer and address with the necessary legislation the numerous concerns of many Comal County residents who would be affected by the location of the proposed rock crushing quarry, increased dust emissions, defacement of our scenic hill country, increased heavy truck traffic, and the loss of natural resources depletion for their least valuable use; and

WHEREAS, the City Council supports the health and safety of all citizens of Comal County and the environment.

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

The City Council requests the following:

1. That the 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
2. That all operations at the proposed site, including but not limited to air emissions, water usage and water protection, water run-off, and increased traffic be considered as appropriate and authorized; and
3. That our 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.

Passed and approved this the 12th day of March 2018.

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary