

CITY OF MARBLE FALLS

RESOLUTION NO. 2017-R-09D

**A RESOLUTION OF THE CITY OF MARBLE FALLS TEXAS,
EXPRESSING OPPOSITION TO THE ROCK AND CONCRETE
CRUSHING PLANT PROPOSED BY ASPHALT, INC. AND
EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY
AND WELFARE AND ENVIRONMENTAL IMPLICATIONS OF THE
PROPOSED PLANT**

- WHEREAS,** the City Council of the City of Marble Falls (“City Council”) finds it to be in the public interest, and necessary for the public health, safety and welfare to voice the collective concerns of the public regarding potential nuisances and proposed uses that are incompatible with surrounding uses and sound regional planning; and
- WHEREAS,** Asphalt, Inc. is seeking to build and operate a rock and concrete crushing plant with an entrance 90 feet west of US HWY 281 and approximately 2.6 miles south of the intersection of Texas HWY 71 near Flat Rock Road, which is Burnet County Road 403; and
- WHEREAS,** the property designated as the site of the proposed rock and concrete crushing plant is located in the extraterritorial jurisdiction of the City of Marble Falls; and
- WHEREAS,** Asphalt, Inc., applied to the Texas Commission on Environmental Quality (“TCEQ”) for an Air Quality Standard Permit for Permanent Hot Mix Asphalt Plants, which, if approved, would authorize construction of a rock and concrete crushing plant; and
- WHEREAS,** concerned parties have until October 9, 2017 to submit comments and concerns to TCEQ in an effort to prompt the agency to hold a contested case hearing on the permit application; and
- WHEREAS,** concerned parties are encouraged to submit comments about the permit application to: Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-1-5, Post Office Box 13087, Austin, Texas, 78711-3087, or electronically at tceq.texas.gov/about/comments.html; and
- WHEREAS,** the City Council is concerned about the potential health, safety and environmental risks proposed by the air emissions of the proposed rock and concrete crushing plant and the possible damage to air quality for both nearby residents, the nearby Baylor Scott and White Hospital, nearby business owners, and the implications for future residential developments in the surrounding area; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MARBLE FALLS CITY COUNCIL:

1. All of the foregoing recitals are hereby adopted in full as legislative findings of fact and intent on behalf of the City Council of the City.
2. The City Council of Marble Falls hereby objects to and declares its opposition to the proposed rock and concrete crushing plant, at the location as proposed in the permit application.
3. The City Council hereby directs the City Attorney to submit comments to and request a contested case hearing with the Texas Commission on Environmental Quality (TCEQ) regarding the air permit application submitted by Asphalt Inc.
4. The City Council hereby requests that the TCEQ conduct a contested case hearing on the proposed rock and concrete crushing plant.
5. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

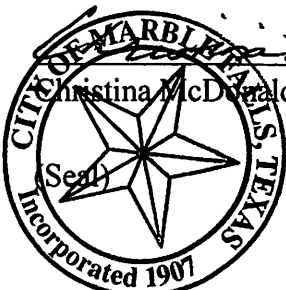
ADOPTED THIS THE 19th DAY OF September, 2017.


THE CITY OF MARBLE FALLS



John Packer, Mayor

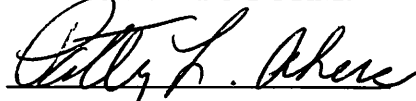
ATTEST:





Christina McDonald, City Secretary

APPROVED TO FORM:



Patty L. Akers, City Attorney, City of Marble Falls