

RESOLUTION NO. 246

A RESOLUTION OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, EXPRESSING OPPOSITION TO THE PORTABLE CRUSHER PROPOSED BY COLLIER MATERIALS, INC. AND EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY AND WELFARE IMPLICATIONS OF THE PROPOSED OPERATION.

WHEREAS, the City Council of Sunrise Beach Village, Texas (“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, Collier Materials, Inc. is seeking to build and operate a Portable Crusher with an entrance 1.3 mile east of Highway 2233 on the north side of Highway 71, in the vicinity of Sunrise Beach Village, Tx. 78643; and

WHEREAS, the property designated as the site of the Crusher is located 0.5 miles from the extraterritorial jurisdiction of the City of Sunrise Beach Village, and with the additionally proposed removal and treatment of sand from Sandy Creek will severely negatively impact air and water quality including the emitting of significant particulate matter contaminants; and

WHEREAS, Collier Materials, Inc. applied to the Texas Commission on Environmental Quality (“TCEQ”) for Air Quality Standard Permit Number 152092L001 for a Portable Crusher, which, if approved, would authorize placement and operation of said Crusher; and

WHEREAS, this permit application is required by and governed according to Chapter 382 of the Texas Health and Safety Code, which states in Section 382.112 that TCEQ “shall give maximum consideration to a local government’s recommendations”; and

WHEREAS, concerned parties have until July 17, 2018 to submit comments and concerns to TCEQ 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 and safety risks proposed by the air emissions of the Portable Crusher its operation and equipment, the removal and treatment of sand from Sandy Creek including the blowing of stockpiled sand/light and noise pollution into the City, the decrease in water quality and availability from both Sandy Creek and nearby wells, the significant increase in major accident potential on Highway 71 with the large hauling/slow moving Collier vehicles, and the decrease in property values, all negatively impacting both nearby residents and business owners, and the implications for future residential development in the surrounding area;

NOW, THEREFORE, BE IT RESOLVED by the City of Sunrise Beach Village City Council:

1. The City Council hereby expresses its strong opposition to the Portable Crusher as proposed and where proposed.

2. The City Council hereby directs city staff and/or the Mayor to notify the Texas Commission on Environmental Quality (TCEQ) of the City's opposition, which may include but is not limited to, the filing of public comments and a contested case hearing request.
3. The City Council hereby requests that the TCEQ conduct a contested case hearing on the proposed Portable Crusher.
4. The City Council hereby directs City staff and/or the Mayor to notify LCRA, TxDOT, TPWD and the Army Corps of Engineers of the City's opposition.
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.

PASSED & APPROVED this, the 26th day of June 2018, in a meeting of the City Council of the City of Sunrise Beach Village, Texas, duly convened and acting in its capacity as governing body of the City.

CITY OF SUNRISE BEACH VILLAGE,

Approved:

ATTEST:

/s/ Tommy Martin

Tommy Martin, Mayor

/s/ Linda Wendling

Linda Wendling, City Secretary