

STATE OF TEXAS  
COLLIN COUNTY  
COMMISSIONERS COURT

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§  
§

COURT ORDER  
2019-\_\_\_\_\_

**A Resolution of  
Commissioners Court of Collin County**

*Concerning the Application of TXI Operations LP to Construct and Operate a Permanent Concrete Batch Plant Near the Intersection of State Highway 380 and County Road 653*

**WHEREAS**, the Texas Commission on Environmental Quality (“TCEQ”) is currently evaluating the merits of an application by TXI Operations LP (“TXI”) to construct and operate a permanent concrete batch plant and related facilities near the intersection of State Highway 380 and County Road (CR) 653 in Collin County;

**WHEREAS**, TXI’s application and the requested authorization from TCEQ would authorize the emission of air contaminants including, but not limited to, aggregate, cement, road dust, and fine particulate matter with diameters of 10 microns or less (PM<sub>10</sub>) and 2.5 microns or less (PM<sub>2.5</sub>);

**WHEREAS**, TXI has proposed to locate the permanent concrete batch plant and related facilities near residential structures and other sensitive receptors, including numerous homes along CR 653 and CR 655;

**WHEREAS**, Collin County has an interest in intelligently and properly balancing infrastructure and economic development with the protection of public health, safety, and the environment for the overall benefit of our citizens;

**WHEREAS**, representatives of Collin County attended a recent TCEQ public meeting concerning TXI’s application and proposed facilities, and the County has thoughtfully considered the company’s presentation and our citizens’ comments during the public meeting; and

**WHEREAS**, Collin County as a local government may make recommendations to the TCEQ concerning any rule, determination, variance, or order of the TCEQ that affects an area in the County’s jurisdiction, and the TCEQ shall give maximum consideration to the County’s recommendations as required by Texas Health and Safety Code § 382.112.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners Court of Collin County, Texas as follows:

1. TXI should immediately withdraw its pending TCEQ application based on a variety of apparent technical deficiencies including, but not limited to, the proximity of its proposed air emitting facilities to nearby residential structures and the unfavorable results of formal air dispersion modeling analyses commissioned by concerned citizens;

2. TXI should work in cooperation with County officials in locating an alternate, mutually acceptable project site in Collin County that more intelligently and properly balances infrastructure and economic development needs with the protection of public health, safety, and the environment; and
3. Collin County hereby formally recommends, under the authority of § 382.112 of the Texas Health and Safety Code, that the TCEQ—in the absence of TXI immediately withdrawing its pending application and working cooperatively with County officials to locate an alternate project site for its proposed air emitting facilities—officially **DENY** TXI's application based on the project's impermissible proximity to residential structures, its incompatibility with surrounding land uses, and the prospect of offsite exceedances of National Ambient Air Quality Standards ("NAAQS") for fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) as reflected in recent air dispersion modeling analyses of TXI's allowable emissions under the requested TCEQ authorization.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be filed with the Chief Clerk of the TCEQ immediately following its passage, that a copy of this Resolution be transmitted to appropriate officers of TXI, and that County officials be prepared to cooperate in good faith with TXI in locating an alternate project site consistent with the terms and spirit of this Resolution.

A motion was duly made, seconded, and carried unanimously by the court members in attendance during a regular session on October 28, 2019.

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Chris Hill, County Judge

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Darrell Hale, Precinct 3

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Susan Fletcher, Precinct 1

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Duncan Webb, Precinct 4

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Cheryl Williams, Precinct 2

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ATTEST: Stacey Kemp, Clerk