

LARRY G. BLACK

ATTORNEY AT LAW

P.O. BOX 1889
KINGSLAND, TEXAS 78639

TELEPHONE: 512/658-7801
FAX: 512/857-0556

lblack@larryblacklaw.com

July 18, 2018

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC 105
PO Box 13087
Austin, TX 78711
Via: Efiling

Reference: TCEQ Application for an Air Quality Standard Permit Number 152092L001 for a Portable Sand/Rock Crusher and Reconsideration of the application for a Permit by Rule Permit Number 110404407 for a Sand and Gravel Operation upon the Nash Ranch located near the intersection of Hwy 71 and RR 2233 Llano County.

Gentlemen and Ladies,

Members of the Sandy Creek Homeowners Association have advised that a sentence in my letter of July 13th is inaccurate. That sentence is: "However, Collier Materials lobbied the Sandy Harbor Property Owner's Association with a promise of a water treatment plant valued at \$1.6 Million." While it may have been in-artfully drawn it was not intended in anyway to indicate that they accepted any kind of untoward inducement for their support. That is not correct. Those members said that a water treatment plant was never discussed with them and there is no reason to disbelieve that assertion. The water treatment plant has been the subject of much discussion in the media as in the attached Austin Chronicle article.

This matter highlights the desperate need for a public meeting and hearing with TCEQ so all community members can hear the same proposals at the same time and make their assessments of the proposed industrialization of Sandy Creek.

Should you have any questions please contact me at 512-658-7801 or by email.

Sincerely,



From the Banks of Sandy Creek

A material plant moves in?

BY MIKE CLARK-MADISON, FRI., JULY 13, 2018

Share 219

Tweet

G+

print

write a letter



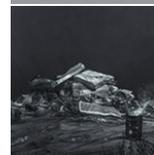
Sandy Creek (Courtesy of Fermin Ortiz)

It's called **Sandy Creek** for a reason. It's fairly long and, coming up to its mouth, pretty wide, and like many Hill Country creeks, when it's not flooding, it usually has a little bit of water and quite a bit of sand. It's pretty, though, largely unspoiled as it runs through farm and ranch land in Llano County before it empties into Lake LBJ, between Sunrise Beach and Horseshoe Bay.

The farmers and ranchers, several of whom have owned their land for multiple generations, are vexed right now by a prospective new neighbor – a sizable sand and gravel plant that would be digging and crushing rocks in and around the creek. **Collier Materials**, a local firm based in Marble Falls, wants to relocate an existing plant in Llano to a spot on Sandy Creek, just north of the Texas 71 bridge.

To do this, Collier needs permits from the **Texas Commission on Environmental Quality**, the **Lower Colorado River Authority**, the **Texas Parks & Wildlife Department**, the **Army Corps of Engineers**

TODAY'S EVENTS



Blanton Perspectives: Vincent Valdez & Maria Hinojosa
The Blanton Museum of Art

AGLIFF PRESENTS: SCOTTY AND THE SECRET HISTORY OF HOLLYWOOD at Alamo

FOOD TRAILER TUESDAY
at Long Center for the Performing Arts

MUSIC | MOVIES | ARTS | COMMUNITY

NEWSLETTERS

Your Email Address

- Subscribe to All**
AC Daily, Events and Promotions, Luvdoc Answers
- Chronicle Daily**
Breaking news, recommended events, and more
- Events and Promotions**
Official Chronicle events, promotions, and giveaways
- SXSW News**
Updates for SXSW 2018
- Luv Doc Answers**
All questions answered (satisfaction not guaranteed)

SUBSCRIBE

(because Sandy Creek is considered navigable), and **Llano County's floodplain management team**. An application with TCEQ has already been filed, and the agency is taking public comment through July 17.

Collier faces a flood of opposition from neighbors and other stakeholders, who've organized as **Save Sandy Creek** (www.savesandycreek.org, which has a link to the TCEQ comment form) and taken their case to the **Llano County Commissioners Court** and the **Sunrise Beach Village City Council**, both of which issued resolutions firmly opposing Collier's plans. "In the paper Collier said there was no opposition from the neighbors," says **Fermín Ortiz**, whose property straddles Sandy Creek and adjoins the proposed site. "That was news to us, since we hadn't been asked."

“98% of the people out here support us, and the 2% who don't own lake houses.”

– Fermín Ortiz

Ortiz's wife's family has owned the Franklin Ranch since the 1870s, and the former chair of the Llano County GOP is leading the pushback. "I'm a property-rights guy, but those rights end when you're negatively impacting other properties," he says. "And that sand and water doesn't belong to **Steve Nash**," the property owner who plans to lease to Collier. "We can't keep people from hiking Sandy Creek through the Franklin Ranch, so how can he do that?"

Ortiz estimates that "98% of the people out here support us, and the 2% who don't own lake houses." Collier has some support from lakeside owners, particularly in the unincorporated community of Sandy Harbor, by offering to dredge the sand that piles up at the mouth of the creek and up against their docks.

"As we've met with all the agencies, they've all welcomed the idea, because it's needed," says **Kevin Collier** of Collier Materials. "The lake is filling in and will continue to at what the engineers say is an alarming rate. In our kids' lifetime, Sandy Harbor and Sunrise Beach won't have any lakefront property anymore."

Instead, the neighbors say, they might have oil slicks, fewer fish to catch, water shortages, and lots of trucks on two-lane Highway 71, among other bad outcomes. Plus, noisy and dusty sand and gravel plants are not the friendliest neighbors. And while Collier says the plant would only have daytime weekday operations, the TCEQ application asks for permission to operate 24/7. "I guess a landfill would be worse," says **Oliver Franklin**, Ortiz's brother-in-law who's active with SSC. "But that's about it."

"The facts are on our side," says Ortiz. "And Collier hasn't done any studies to get those facts." Two hot-button issues for the neighbors are the traffic impact – Collier says the plant will generate 40 inbound and 40 outbound truck trips a day – and the plant's potential water use. (Most of the neighbors depend on Sandy Creek itself for their water supply; the granite of the Llano Uplift makes drilling wells a difficult and expensive proposition.)

"Steve Nash said they'd 'only' use 2,700 gallons a day," says Ortiz. "Out here, if someone uses 2,700 gallons a month, they're not being judicious with their water supply. We already have people running out of water as the creek dries up seasonally."

Kevin Collier disputes the neighbors' stances on both issues. "We're going to spend \$1.6 million on a water treatment facility so we can recirculate our water," he says. "We're drilling four new wells to meet the water demand. We aren't going to deplete the water table, we aren't going to deplete Sandy Creek. There's no issue."

As for the trucks, "Right now, we have trucks going from Llano to [a cement plant in] Spicewood," Collier says. By moving the plant to Sandy Creek, "we'll actually remove truck traffic going west from Sandy, and it'll be the same flow as now going east."

Collier says his team has, in fact, done the studies Ortiz references, as part of the upcoming permit

applications to the agencies (other than TCEQ), which he expects to be filed within two weeks. "That will answer a lot of people's questions. Right now, they're afraid because they don't know. They'll have all the data they need."

Ortiz is skeptical. "Some of the groups who meet with Nash and Collier come back thinking, 'Well, this doesn't sound so bad, they're going to do this and that.' I tell them they're asking the fox how the henhouse is doing. And then you'll be wondering where all the eggs went." He wants the agencies to rely not on the engineers on Collier's team but on third-party experts, from UT or A&M, "who don't have a stake in the game."

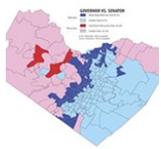
However the studies come out, the mere thought of Sandy Creek being lost strikes a deep chord among neighbors. "The creek is sacred to our family," says **Belinda Morgan**, whose family has owned its land for seven generations. There have been births, deaths, weddings, funerals, baptisms, and many, many celebrations on our ancestral land along the clear running waters of Sandy Creek."

A note to readers: Bold and uncensored, *The Austin Chronicle* has been Austin's independent news source for over 36 years, expressing the community's political and environmental concerns and supporting its active cultural scene. Now more than ever, we need your support to continue supplying Austin with independent, free press. If real news is important to you, please consider making a donation of \$5, \$10 or whatever you can afford, to help keep our journalism on stands.

[SUPPORT THE CHRONICLE →](#)

READ MORE

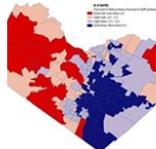
MORE BY MIKE CLARK-MADISON



Election 2006: All Their Base Are...

Crunching the numbers on the November 2006 election

NOV. 17, 2006



Primary Numbers

Never have so few ...

MARCH 17, 2006

KEYWORDS FOR THIS STORY

Sandy Seek, Fermín Ortiz, Belinda Morgan, Collier Materials, Kevin Collier, Save Sandy Creek, Oliver Franklin

MORE IN THE ARCHIVES
