

CITY OF DOUBLE HORN

AGENDA

REGULAR MEETING CITY COUNCIL THURSDAY MAY 14, 2020 7:00PM

TELECONFERENCE CALL: PURSUANT TO SECTION 551.127 OF THE TEXAS GOVERNMENT CODE, AND IN CONJUNCTION WITH THE GUIDANCE AND PROVISIONS PROVIDED BY THE GOVERNOR OF TEXAS IN THE DECLARATION OF DISASTER ENACTED MARCH 16, 2020, MEMBERS OF THE CITY COUNCIL SHALL BE PARTICIPATING REMOTELY IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, AS TEMPORARILY MODIFIED BY THE GOVERNOR, AND COUNCIL RULES OF PROCEDURE. THERE WILL BE NO PHYSICAL LOCATION FOR THE MEETING. MEMBERS OF THE PUBLIC MAY PARTICIPATE BY JOINING AT: 866-607-3969 (NO PIN REQUIRED)

Members of the public will be allowed to speak on any agenda item during citizen comments, however, enforcement to the time limit (3 MINUTES) on comments will be enforced. Citizens wishing to speak during citizen comments or on a particular agenda item need to notify the City Secretary at: CITYSECRETARY@DOUBLEHORNTX.ORG by 6:00 p.m. on MAY 13TH (WEDNESDAY).

- 1. Call Meeting to Order
- 2. Rollcall to Confirm Quorum
- 3. Invocation
- 4. Pledge of Allegiance U.S. & Texas
- 5. Approval of Minutes 4/9/2020 Regular City Council Meeting
- 6. Citizen Comments This is an opportunity for the citizens to address the City Council concerning an issue of community interest not on the agenda. Any deliberation of an issue raised during Citizen Comments is limited to a statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda Each citizen will be allowed 3 minutes to speak and must sign up before the meeting begins and indicate the subject the speaker wishes to address.
- 7. Regular Agenda the Council will individually discuss, consider, and possibly take action on any or all of the following items:
 - A. Treasurer's Report
 - 1) Monthly Financial Reports (March & April)
 - 2) Installation of QuickBooks Status Update

- B. Emergency Management Team:
 - 1) COVID-19 Virus Communication Plan Update
- C. Discuss and consider action on Spicewood Crushed Stone's Partial Exemption Application to Conduct Blasting for Calendar Year 2020
- D. Discuss and consider action to fill open position on City Council created by the resignation of Ms. Gwen Stirling
- E. Zoning & Ordinance Committee:
 - 1) Discuss and consider action to develop a code enforcement role for the City of Double Horn
 - 2) Discuss and consider action on Ordinance 2020 ORD016 Municipal Court AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOUBLE HORN, TEXAS, ESTABLISHING A MUNICIPAL COURT IN THE CITY OF DOUBLE HORN; PROVIDING FOR JURISDICTION; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL JUDGE AND ALTERNATE JUDGES; PROVIDING FOR THE APPOINTMENT OF A COURT CLERK, ESTABLISHING POWERS AND DUTIES OF THE COURT AND ITS PERSONNEL; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. Discuss and consider action on the installation of Air Monitor #4
- G. Discuss and consider other matters for inclusion on the agenda for the next regular meeting of the City Council.
- 8. Close Regular Meeting
- 9. Adjournment

I certify that the above notice of meeting was posted at 7901 CR 404, Spicewood, Texas on the 11th day of May 2020 by 7PM.

Den

Cathy Sereno, Mayor

MARCH 2020 FINANCIAL AGENDA PACKET CITY OF DOUBLE HORN REGULAR MEETING of CITY COUNCIL 5/14/2020



City of Double Horn	FY20	19 - 20	Month	ily Revenu	ie & Expe	nse Repor	t							As of:	03/31/20
		Actuals:													
ACCOUNT	Budget	Oct	Nov	Dec	Jan	Feb	Mar	Anr	Mav	lin	1.1	Auc		Linit	
REVENUE									Interior			Sur	dac	FYIU	% Budget
Ad Valorem/Property Taxes	\$ 64,132.73	۔ چ	\$ 4,638.	72 \$16,669.4	7 \$ 29,829.1	5 \$ 7,324.65	\$ 1.174.85								
Donations - General		\$.	\$ 200.	00 \$ 5,572.5	- 5 9	\$ 40.00								\$ 59,636.82	92.99%
Donations - Legal Defense														\$ 5,812.56	N/A
Donations - Expense Reimbursements		\$ 180.0	0 \$ 54.	399.5	- \$ 0	\$	\$							¢ 633 60	N/A
Grants														\$ 033.58	N/A
Fees													「ないとうないない」という		N/A
Interest															N/A
Insurance Proceeds															N/A
Other		\$ 0.6	- 5 2	\$ 50.0	, ,	\$	¢ 94 97								N/A
Total Revenue	\$64,132.73	\$ 180.6	7 \$ 4,892.8	322,691.5	\$ 29,829.15	\$ 7,364.63	\$ 1,269.82	\$						\$ 145.64	N/A
				1								•		\$ 66,228.60	103.27%
EXPENSES											A DESCRIPTION OF A DESC	11 000 million of 0.00 million			
Salary & Wages - City Secretary	\$ 11,700.00	•	\$	\$	\$										
Employer Payroll Tax		\$	\$											\$	
Training & Travel	\$ 1,200.00	ۍ . د	۔ د	\$ 50.00	•										
					Street B. Street									\$ 50.00	4.17%
City Council Meeting Room Rental	\$ 1,040.00	\$ 180.00	- \$ ·	\$ 120.00	\$ 60.00	\$ 60.00	\$ 60.00							100.000	
City Hall Office Rental	\$ ·	\$ -	\$ -	\$	۲	ج	۲							480.00	46.15%
Utilities	- \$	\$ -	\$ -	\$.	د	۲	s ·					and the stand of the second			
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Office Equipment & Maintenance	· \$	\$	\$	\$	۲	\$	\$ -								
	\$ 500.00	۰ ۲	\$ 54.0	8 \$ 399.50	s	\$ -	\$ 240.70	のないで、「ない」の						\$ 694.78	138 26%
Computers	\$ 1,000.00	•	۲	\$ -	\$ -	, \$	\$							07.100 2	%00.001
Software	\$ 200.00	۶	\$ -	\$ -	ج	\$	•								%00.0
Phone	\$ 250.00	\$ -	\$ -	ج	\$	- \$, s								0.00%
Website	\$ 120.00	۰ ۲	\$ '	\$	۔ ج	\$	\$ 210.05								1.71.040
Email Accounts	\$ 250.00	\$ د	\$ 388.9	2 \$ -	\$	• \$	د							CU.U12 4	1/5.04%
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	\$ 4,000.00	\$	\$	۔ ډ	\$	\$ -	- \$				00000000000				7000
CILY ALTOLINEY	\$ 8,000.00	\$	ج	۔ ډ	\$	\$ -	- \$		のであると思います。						2000
Legal rees	\$ 15,000.00	\$ 6,660.80	\$ 7,531.4	0 \$ 1,818.00	\$ 4,513.63	\$ 8,362.99	\$ 1,068.00	新御が渡いが、のた	のなからみためた					C 20 05 / 07	100.70%
Legal Fees - Retirement of Existing Debt	\$10,002.00													70.400,000	%0/.ET
Burnet County Tax Collection Fees	\$ 1,900.00	\$ -	\$ 1,078.00	- \$ 0	\$ 274.06		, S	\$ 274.06			30 170		A STATE AND A		0.00%
Election Services Fees	\$ 400.00	\$	\$	د	\$ 544.99	. 2		2 1 1			2/4.00			1,900.18	100.01%
Newspaper/Notification Fees	\$ -	• \$	\$	\$ 384.00	s	\$ 780.00								544.99	136.25%
														5 1,164.00	
Insurance Prem (TML Intergovtl RiskPool)	\$ 980.00	\$ -	\$ -	\$ 986.86	- \$	\$ '	- \$							100.00	100 7001
Texas Municipal League Mmbrshp Fee	\$ 600.00	ۍ .	۔ \$	\$ '	د	\$ 591.00	s '							380.80	TUU./U%
							•							591.00	98.50%
Total Expenses	\$57,142.00	\$ 6,840.80	\$ 9,052.40	\$ 3,758.36	\$ 5,392.68	\$ 9,793.99	\$ 1,578.75	\$ 274.06 \$	- \$		274.06 \$	•		36.965.10	64.69%
Revenue Over/(Under) Evnenditures		6 10 000 00	A 14 44 4				10 CT			市場の大阪の方		14.74.27.2.5.25.27.27.27.27.27.27.27.27.27.27.27.27.27.	の変化のないない		
		(ST.000/0) ¢	6,159.60	1 \$18,933.17	\$ 24,436.47	(2,429.36)	(308.93)	(274.06)	0.00	0.00	(274.06)	0.00	0.00	29,263.50	
Note - Budget includes additional funds:															
General Fund	\$ 970.00														
Reserve Fund	\$ 6,020.73														
Total Budgeted Expenses & Funds:	\$ 64,132.73														

Financial Agenda Packet May 14 2020 MAR

City of Double Horn FY2019 - 2020 Balance Sheet		3/3:	1/2020
<u>ASSETS</u> Curent Assets:			² 3
Cash in Bank - Operating (2038)	Ş	65,580.57	
Cash in Bank - Legal Defense (5404)	Ş	145.95	
Cash in Bank - Tax Revenues (9060)	Ş	2.45	C
Total Cash	Ş	55,728.97	
Gift Card	Ş	50.00	
Accounts Receivable - from Taxes	Ş	4,495.91	
TOTAL ASSETS	\$	10,274.88	
LIABILITIES			
Current Liabilities:			
Accounts Payable - Legal	\$	12,630.50	
Accounts Payable - BCAD (2020)	Ş	274.06	
Accounts Payable - Payroll (Feb)	Ş	600.00	
Accounts Payable - Payroll (Mar)	Ş	687.50	
	۸ ۲	4,192.06	
NET	\$ 2	6,082.82	

Financial Agenda Packet May 14 2020 MAR

3/31/2020 42,630.50 Paid in Full ŝ ŝ Paid from Account **Operating Account Operating Account Operating Account Operating Account Operating Account Operating Account** Legal Defense **Remaining Balance Remaining Balance** Check # 1002 1009 1004 1001 1008 1018 2001 16,622.50 18,449.43 8,449.43 10,701.03 8,701.03 9,232.25 7,232.25 29,336.48 25,443.43 16,562.50 41,562.50 14,330.20 32,104.23 36,867.88 38,685.88 43,199.51 38,199.51 42,630.50 Balance 5 5 (10,000.00) (2,000.00) (2,000.00) (2,767.75) (5,000.00) (5,000.00) (7,232.25) [21,232.25] (12,767.75) Payment Amount City of Double Horn Legal Expense & Payment Summary FY2019 - 2020 5 \$ 5 \$ \$ ŝ \$ \$ ŝ 14,330.20 Messer, Fort, McDonald 11,113.23 Messer, Fort, McDonald 6,660.80 Messer, Fort, McDonald Messer, Fort, McDonald 7,531.40 Messer, Fort, McDonald 1,068.00 Messer, Fort, McDonald Akers & Akers LLP Akers & Akers LLP Akers & Akers LLP Akers & Akers LLP Recipient Payment 1,818.00 4,513.63 16,622.50 1,826.93 2,251.60 21,232.25 8,362.99 531.22 55,398.25 Amount Invoice \$ \$ ŝ ŝ ŝ ~ ~ ~ \$ \$ \$ ŝ 5 ŝ MESSER, FORT, McDONALD Total Akers & Akers 10/22/2019 10/22/2019 11/11/2019 12/10/2019 4/19/2019 5/17/2019 6/19/2019 7/17/2019 9/19/2019 10/7/2019 AKERS & AKERS 1/16/2020 6/3/2019 8/4/2019 1/17/2020 9/5/2019 7/6/2019 2/7/2020 3/4/2020 3/5/2020 nvoice # Date 10107 10290 10526 10889 11158 11253 10677 11381 4730 4763 4799

Financial Agenda Packet May 14 2020 MAR

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\$ 42,630.50

Remaining Balance

(34,000.00)

\$

76,630.50 Total Payments

ŝ

Total Legal Fees

ALL LEGAL EXPENSES

ORDINANCE NO. 2019-ORD016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOUBLE HORN, TEXAS, ESTABLISHING A MUNICIPAL COURT OF RECORD IN THE CITY OF DOUBLE HORN; PROVIDING FOR JURISDICTION; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL JUDGE AND ALTERNATE JUDGES; PROVIDING FOR THE APPOINTMENT OF A COURT CLERK, ESTABLISHING POWERS AND DUTIES OF THE COURT AND ITS PERSONNEL; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas Government Code Section 30.0003 authorizes the governing body of a municipality to create a municipal court of record; and

WHEREAS, The City Council of the City of Double Horn, Texas (the "City Council") seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record; and

WHEREAS, the City Council hereby determines that the creation of a municipal court of record is necessary to provide a more efficient disposition of cases arising in the City of Double Horn.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DOUBLE HORN, TEXAS, THAT:

Section 1. <u>Findings Incorporated</u>. The above and foregoing premises, including those found in Exhibit "A", are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. <u>Municipal Court of Record Created</u>. Exhibit "A", attached hereto and incorporated herein for all purposes, is adopted thereby creating the Double Horn Municipal Court.

Section 3. <u>Savings/Repealing Clause</u>. All City Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. <u>Severability</u>. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Double Horn hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

COURT OF RECORD Page 1 of 9

Section 5. <u>Effective Date</u>. This Ordinance shall be in full force and effect from and after its date of passage and approval, and publication as provided by law.

DULY ADOPTED by the City Council of the City of Double Horn, Texas on the 14th day of May 2020.

ATTEST:

Cathy Sereno, Mayor

Karen Maxwell, City Secretary

APPROVED AS TO FORM:

Patty L. Akers, City Attorney

<u>Exhibit A</u>

SECTIONS:

1. MUNICIPAL COURT OF RECORD ESTABLISHED:

There is created a unified court of record ("court") which shall be known as the Municipal Court of Record in the City of Double Horn, Texas and is hereby established pursuant to Texas Government Code Chapter 30, Subchapter A, and the terms set forth therein are hereby adopted governing the operation of the court.

2. JURISDICTION

- 2.1. The court has the jurisdiction provided by chapter 30 of the Government Code for municipal courts of record.
- 2.2. The court has concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the City and are punishable only by fine.
- 2.3. The Municipal Court shall have exclusive original jurisdiction in all criminal cases arising under any ordinances of the City in which the punishment is by fine only, and where the maximum fine for the offense charged does not exceed \$2000, and where the offense charged arose within the corporate limits of the City (or outside of the corporate limits but within an area over which the City has jurisdiction and control under the laws of the state).
- 2.4. The municipal court of record shall have civil jurisdiction for the purpose of enforcing the City's ordinances enacted under Subchapter A, Chapter 214, Local Government Code; Subchapter E, Chapter 683, Transportation Code; concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the City's territorial limits and property owned by the City located in the City's extraterritorial jurisdiction for the purpose of enforcing health and safety or nuisance abatement ordinances; and authority to issue (a) search warrants for the purpose of investigating health and safety or nuisance abatement ordinance violations, and (b) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

3. MUNICIPAL JUDGE

- 3.1. The municipal judge shall have all the powers and authority granted by state law, and the ordinances of Double Horn and shall perform all the duties as prescribed by the laws of the State of Texas, and the ordinances of Double Horn.
- 3.2. The office of the judge of the municipal court shall be filled by appointment by the City council. The person appointed to the office of the judge of the municipal court shall be the presiding judge of the municipal court of record of the City of Double Horn.

- 3.2.1. The municipal judge shall serve a two (2) year term of office and:
- 3.2.2. be a resident of the State of Texas;
- 3.2.3. be a citizen of the United States;
- 3.2.4. be a licensed attorney in good standing with the State Bar of Texas; and
- 3.2.5. have two or more years of experience in the practice of law in the State of Texas.
- 3.3. Compensation for the office of municipal judge shall be set from time to time by the City Council. The salary will not be based directly or indirectly on fines, fees, or costs collected by the court.
- 3.4. Appointment of Assistant or Additional Judges: The City Council may appoint such assistant judges as may be necessary to perform the duties of the Judge of the Municipal Court; or a temporary judge to act for the Judge in the case of his temporary absence or disability; and such assistant, additional or temporary judges shall receive such compensation as may be set by the Council.
- 3.5. The municipal court judge or judges shall serve for a two-year term that coincides with the mayor's term of office. The first appointed judge shall serve until the expiration of the mayor's term. In the event of a vacancy, the council may appoint a judge to serve for the remainder of the un-expired term of office. A judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the council, continue to serve for another term of office beginning on the date the previous term of office expired.
- 3.6. If more than one municipal judge is appointed to serve, the City council shall appoint one of the judges as the presiding judge. The presiding judge shall:
 - 3.6.1. maintain a central docket for cases filed within the territorial limits of Double Horn over which the municipal court of record has jurisdiction;
 - 3.6.2. provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the court;
 - 3.6.3. request the jurors needed for cases that are set for trial by jury;
 - 3.6.4. temporarily assign judges or substitute judges to exchange benches and to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the court; and
 - 3.6.5. supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court.

3.7. The municipal court judge or judges are each hereby appointed as municipal officers. A municipal court judge may be removed from office in the same manner that municipal officers may be removed from office.

4. CLERK OF THE COURT, OTHER COURT PERSONNEL;

- 4.1. The City Secretary shall serve as the clerk of the municipal court of record. The clerk shall perform duties in accordance with state law and City ordinances.
- 4.2. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the judge of the municipal court. At all other times, other court personnel shall serve at the direction of the City secretary.
- 4.3. The court clerk shall acquire and maintain a seal in conformance with state law for the Double Horn Municipal Court of Record.
- 4.4. The court clerk shall supervise the selection of persons for jury service in the municipal court of record.
- 4.5. The court clerk may appoint one or more deputy clerks who; when acting in such capacity, shall have the same authority as the clerk of the municipal court.

5. COURT REPORTER

- 5.1. The Municipal Court Clerk may appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the Court. The court reporter is not required to record testimony in any case unless the Judge or one of the parties requests a record in writing, and files the request with the Court before trial.
- 5.2. The court reporter is not required to be present during the proceedings of the municipal court of record provided that the proceedings that are required to be recorded are recorded by a good quality electronic recording device. The recording shall be kept and stored for a 20 day period beginning the day after the last day of the proceeding, trial or denial of motion for a new trial, whichever occurs last. If the case is appealed, the court reporter shall prepare the reporter's record.

6. MUNICIPAL PROSECUTOR

The duly appointed City Attorney, or deputy City Attorney, shall serve as prosecutor in the Municipal Court.

7. COURT COSTS AND FEES

- 7.1. Court costs shall be assessed pursuant to and in compliance with the state statutes.
- 7.2. All costs and fines imposed by the Municipal Court shall be paid into the treasury for the use and benefit of the City.
- 7.3. In cases where a defendant requests a jury trial and is subsequently found guilty, the judgment, at the discretion of the Judge, may include the costs of the jury fees not in excess of that provided by statute.
- 7.4. In the event a case is appealed from the Municipal Court, the defendant shall pay the following costs in an amount established in the Double Horn Fee Ordinance:
 - 7.4.1. preparation of the Clerk's record; the preparation fee does not include the fee for an actual transcription of the proceedings.
 - 7.4.2. preparation of the Reporter's record, and the fee for an actual transcription of the proceedings.

8. APPEALS

- 8.1. A defendant has the right of appeal from a judgment or conviction in the Double Horn Municipal Court of Record. The State has the right to an appeal as provided by Article 44.01, Texas Code of Criminal Procedure, as amended. The County Courts at Law of Burnet County, Texas have jurisdiction of appeals from the Double Horn municipal court of record.
- 8.2. The appellate court shall determine each appeal from the court on the basis of the errors that are set forth in the appellant's motion and that are presented in the clerk's record and reporter's record, if any, prepared from the proceedings leading to the appeal. An appeal from the court shall not be by trial de novo.
- 8.3. To perfect an appeal, the defendant must file a motion for new trial not later than ten (10) days after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the court. The motion constitutes the assignment of error on appeal. A ground or an error not set forth in the motion is waived. If the court does not act on the motion before the expiration of thirty (30) days after it is filed with the clerk, the motion is overruled by operation of law.
- 8.4. After an order overruling a motion for new trial, the defendant shall give written notice of appeal and pay a \$25.00 fee for the preparation of the clerk's record not later than ten (10) days after the date on which the motion is overruled. The court shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant. This fee does not include the cost for the actual transcription of the record.

- 8.5. The appellant shall pay for any reporter's record containing a transcription of the proceedings unless the court finds, after a hearing in response to an affidavit by the defendant, that the defendant is unable to pay or provide security for the reporter's record. If the court so finds, the court shall order the reporter to prepare the record without charge to the defendant. Before the recorded proceedings are transcribed, the defendant shall, unless found by the court to be unable to pay for the reporter's record, post a cash deposit with the municipal court for the estimated cost of the record. The cash deposit shall be based on an estimate provided by the court reporter or the length of proceedings as indicated by the electronic record the proceedings, if any, the cost of the court reporter, typing, and other incidental services. If the cash deposit exceeds the actual cost of the cash deposit is insufficient to cover the actual cost of the transcription, the defendant if the cash deposit is insufficient to cover the actual cost of the transcription, the defendant must pay the additional amount before the transcription may be submitted. If a case is reversed on appeal, the court will refund to the defendant any amounts paid for the reporter's record.
- 8.6. The record on appeal must substantially conform to the provisions relating to the preparation of a record on appeal in the Texas Rules of Appellate Procedure and the Texas Code of Criminal Procedure, as amended.

9. FINES, COSTS AND SPECIAL EXPENSES

- 9.1. Warrant Fee. There is hereby created a fine in the form of a special expense, which shall be imposed by the governing body of the city in an amount not to exceed the amount provided in the Master Fee Schedule, to be levied against the defendant or his property for the for the issuance and service of a warrant of arrest for an offense under section 38.10, Texas Penal Code, or section 543.009, Texas Transportation Code. This fine is authorized under Texas Code of Criminal Procedure, article 45.203, and is not refundable.
- 9.2. Technology fund.
 - 9.2.1. Established. There is hereby created and established a municipal court technology fund, herein known as "the fund," pursuant to article 102.0172 of the Code of Criminal Procedure. The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.
 - 9.2.2. Amount of fee; assessment and collection.
 - 9.2.2.1. The fee shall be in the amount established in the Master Fee Schedule. The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:
 - 9.2.2.1.1. A sentence is imposed on the person;
 - 9.2.2.1.2. The person is placed on community supervision, including deferred adjudication community supervision; or

- 9.2.2.1.3. The court defers final disposition of the person's case.
- 9.2.2.2. The fee shall be collected on conviction for an offense committed after this section is adopted.
- 9.2.2.3. The clerk of the court shall collect the fee and pay the fee to the municipal treasurer (or other official who discharges or performs the duties of the treasurer) of the city, who shall deposit the fee into the municipal court technology fund.
- 9.2.2.4. Designated uses; administration. The fund shall be used only to finance the purchase of or maintain technological enhancements for the municipal court of the city, including those items as specified in the Code of Criminal Procedure, article 102.0172, as amended. The fund shall be administered by or under the direction of the city council.
- 9.3. Building security fund.
 - 9.3.1. Established. There is hereby created a municipal court building security fund. This fund shall be administered by or under the direction of the governing body of the city.
 - 9.3.2. Amount of fee; assessment and collection. The fee shall be in the amount provided in the Master Fee Schedule. The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the city municipal court as a cost of court. For the purposes of this section, a defendant is considered convicted if:
 - 9.3.2.1. A sentence is imposed on the person;
 - 9.3.2.2. The person is placed on community supervision, including deferred adjudication community supervision; or
 - 9.3.2.3. The court defers final disposition of the person's case.
 - 9.3.3. The fee shall be collected on conviction for an offense committed on or after the effective date of this section.
 - 9.3.4. The court clerk shall collect the fee and deposit the fee into the municipal court building security fund.
 - 9.3.5. Purposes. The municipal court building security fund may be used only to finance items when used for the purpose of providing security services for any buildings housing the municipal court of the city, including those items as specified in the Code of Criminal Procedure, article 102.017, as amended.

10. DRIVING SAFETY COURSE FEE

10.1. There is hereby created an administrative fee in the amount provided in the Master Fee Schedule to be imposed at the sole discretion of the municipal court judge of an amount to be levied against any person requesting a driving safety course authorized under article 45.0511, Code of Criminal Procedure. This fee is to be paid at the time the driving safety course is granted and not thereafter. This fee is authorized under article 45.0511, Code of Criminal Procedure, and is not refundable.

11. COLLECTION FEE

11.1. In accordance with article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e.: fines, fees, court costs, restitution, and other debts that are more than sixty (60) days past due and have been referred to a private firm for collection.

Spicewood Crushed Stone, LLC

Partial Exemption Permit Application to Conduct Blasting Activities

for the

Calendar Year 2020

Submitted to: City of Double Horn, Texas April 2nd, 2020

Spicewood Crushed Stone LLC

3490 FM 78 McQueeney, TX 78123 Phone (830) 557-5020 Fax (830) 557-5014

April 2nd, 2020

City of Double Horn, Texas 102 Double Horn Trl, Double Horn, TX 78669

Subject: Partial Exemption Permit to Conduct Blasting for the Year 2020

Dear Mayor Sereno:

Enclosed is Spicewood Crushed Stone's (SCS) complete application for a partial exemption permit to conduct blasting at our Spicewood operation for the year 2020.

As there is no established standard for this application, we have tried to be as comprehensive as possible.

We wish to use this process to remove any misconceptions regarding SCS's planned operations and to develop a sustainable program that protects both SCS and our neighbors' property rights.

As you know, all of our relevant permits were in place and our development plans established prior to the formation of the municipality and the city's blasting ordinance. Our quarry plan voluntarily incorporated numerous design features aimed at making our operation less intrusive to the surrounding residential properties. Concepts such as increased setbacks, natural vegetative space, distance of rock crushing equipment from residences, and construction of visual/noise buffering landscape berms, etc. do not add to the bottom line; however, were incorporated into this operation to demonstrate goodwill in our effort to be a good neighbor. In addition, these design decisions stranded valuable reserves, which by right we could have extracted.

The regulatory standards contained in the Ordinance are industry best practice; however, the Ordinance permitting processes imposes additional administrative and bureaucratic costs upon our operations. Our goal is to work collaboratively with the City to help streamline the process and achieve the desired results for all parties.

As I am sure you are aware, this Blasting Ordinance was in large part copied from Garden Ridge, Texas. The Garden Ridge Ordinance was crafted in response to the Hanson Sertex Quarry. That quarry has consistently ranked as one of the largest quarries in the United States and its operations are both qualitatively and quantitively different from the Double Horn/Spicewood situation.

While, we understand this ordinance has the force of law, we request operational flexibility to ensure compliance. The information provided is our good faith effort to provide sufficient information to address the permit requirements. Geology, weather and other uncontrollable events may change operational details. In summary, this ordinance lays out standards but it should be left to the permit holder to dictate the means and methods to ensure compliance.

Once the current health crisis passes, we look forward to having additional face to face meetings. In the meantime, should you need any additional information or have any questions feel free to contact me by phone or email.

Sincerely,

Matthew Jalrymple

Matthew Dalrymple, P.E.

NOTE TO REVIEWER

This permit application is formatted to contain information requested by Ordinance No. 2019-ORD015. Where applicable, a reference citation is added to clarify which part of the ordinance is being addressed.

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Ordinance No. 2019-ORD015 Attachment A Request for Partial Exemption Permit

ATTACHMENTS

- Attachment 1 Property Identification
- Attachment 2 Property Survey
- Attachment 3 Description of Operations
- Attachment 4 Designation of Blasting Company
- Attachment 5 Buckley Powder Co License
- Attachment 6 Third Party Monitoring
- Attachment 7 Blasting Compliance
- Attachment 8 Mitigation Plan
- Attachment 9 Mitigation of Perceived Negative Effects
- Attachment 10 Proof of Insurance
- Attachment 11 Dispute Resolution Process
- Attachment 12 Educational Materials
- Attachment 13 Other Permits

Request for Partial Exemption Permit to Conduct Blasting

(Ordinance Reference: Page 12 and 13 of 18 - Attachment A)

1. The Name of the Property Owner.

Spicewood Crushed Stone, LLC.

2. The Name of the Applicant, if other than the Property Owner.

Spicewood Crushed Stone, LLC.

3. Written Designation of the Applicant/Designee by the Property Owner, granting authority of the Applicant/Designee to act on behalf of the Property Owner.

See Attachment 4. Blasting will be conducted by Buckley Powder Co.

4. The name of the Applicant/Designee's representative for purposes of the application (if the Application/Designee is not a natural person).

See Item 6 below for contact information for Spicewood Crushed Stone, LLC and Buckley Powder Co.

5. Copies of any state or federal licenses and permits authorizing the Applicant to possess and use explosives.

See Attachment 5 for Buckley Powder Co's Federal Explosive License/Permit.

6. Complete Contact Information, including name, address, phone number, facsimile number and email address for the City's use in processing the application. The contact information provided shall be used for all communications in connection with the processing of the application and the operation.

Applicant:	Spicewood Crushed Stone, LLC
	Physical Address:
	5550 E Hwy 71
	Spicewood, TX 78669
	Mailing Address:
	3490 FM 78
	McQueeney, TX 78123
	Phone: 830-557-5020
	Contact(s): Mr. Matthew Dalrymple, Vice President
	Email: admin@spicewoodcrushedstone.com

Blasting Company: Buckley Powder Co.

1401 Weir Ranch Road Georgetown, TX 78628 Phone: 512-869-0287 Contact(s): Mr. Steve David, Health and Safety Manager, Mr. Riley Pumphrey, General Manager, Mr. Taylor Willis, Technical Representative, Mr. Jason Mims, Account Manager.

7. A full description of the designee's legal and factual relationship to the property(ies) upon which the Blasting shall be conducted.

Spicewood Crushed Stone, LLC is the Proper Owner and Permit Applicant. Buckley Powder Co will be hired by Spicewood Crushed Stone, LLC to perform blasting for its Spicewood quarry operation for the calendar year 2020.

8. A Detailed Description of the Operations to be Conducted.

See Attachment 3.

9. The period of time the anticipated use shall continue.

The use will continue for the life of the mine.

10. Any supplemental information requested and deemed pertinent by the Mayor.

Specifically addressed in other sections.

11. Any supplemental information the designee deems pertinent prior to City Council Consideration.

Specifically addressed in other sections.

Additional Information:

1. Identify all real property where the activity of blasting shall be conducted by street address (if any) and legal description. Any property not listed will not be included in any permit, if authorized. If multiple properties are to be considered, and some are not within the City limits, but are within the City's extra-territorial jurisdictional limits, please include each property in the list but designate the property with the comment: "ETJ Property".

The following properties are included in this permit application and are where blasting operations are to occur.

Parcel No: 69606 Owner Name: Spicewood Crushed Stone, LLC Legal Description: ABS A0714 WM. Roberts, Tract ABSTS 714, 264, Beings Tr 1 & 2, 180.52 Acres Address: 5500 E Hwy 71 TX

Parcel No: 108647 Owner Name: Spicewood Crushed Stone, LLC Legal Description: ABS A0714 WM. Roberts, Tract Being ABSTS 714, 264, 561., 100.74 Acres. Address: 5500 E Hwy 71 TX.

See Attachment 1 for a figure showing the location of these properties.

2. A plan view drawing completed under seal by a licensed professional surveyor or civil engineer to appropriate scale, showing all properties listed for inclusion into the Partial Exemption Permit for Blasting.

See Attachment 2.

3. If you are not the owner of the real property, a letter from the Owner Executed before a notary, that they are the owner of the property and authorize the Permit Holder to act on their behalf in relation to blasting activities on the property.

N/A. Spicewood Crushed Stone, LLC is the Property Owner and Permit Applicant.

4. Documentation and facts demonstrating that the Requestor's Blasting operation is going to be conducted in a manner that minimizes its related adverse impact on surrounding properties through compliance with the Ordinance. Please specifically list all steps taken, such as distance limitations related to adjacent properties, use of berms and any dust and noise remediation efforts, etc.

See Attachments 7, 8, and 9.

5. Documentation and facts demonstrating efforts by designee to protect and mitigate the perceived negative adverse effects such activity has on real property values, public safety, health and welfare interests, including the quality of life within the City, neighboring properties and the public.

See Attachments 7, 8, and 9.

ATTACHMENT 1 PROPERTY IDENTIFICATION

(Ordinance Reference: Page 12 of 18. Attachment A. Identify all real property where the activity of blasting shall be conducted by street address (if any) and legal description. Any property not listed will not be included in any permit, if authorized. If multiple properties are to be considered, and some are not within the City limits, but are within the City's extra-territorial jurisdictional limits, please include each property in the list but designate the property with the comment: "ETJ Property".)



FIGURE 1.1 - PROPERTIES TO BE INCLUDED IN SPICEWOOD CRUSHED STONE'S BLASTING PERMIT APPLICATION

ATTACHMENT 2 PROPERTY SURVEY

(Ordinance Reference: Page 12 of 18 A plan view drawing completed under seal by a licensed professional surveyor or civil engineer to appropriate scale, showing all properties listed for inclusion into the Partial Exemption Permit for Blasting.)



ATTACHMENT 3 DESCRIPTION OF OPERATIONS

(Ordinance Reference: Page 12 of 18 Attachment A Item Number 8. Included a detailed description of the operation to be conducted.)

Detailed Description of the Operation

Blasting will be conducted as a result of quarrying operations. Limestone excavated from blasting will be used for the production of crushed stone and construction aggregates.

The specific blasting techniques are detailed in the following document provided by Buckley Powder Co. Further detailed information is provided under other sections of this application in accordance with the Ordinance requirements.



Buckley Powder Co.

A Dyno Nobel Distributor



P.O. Box 1358 Georgetown, TX 78628 USA Telephone 512-869-0287 Fax: 512-819-9906

TO: City of Double Horn

CC: Riley Pumphrey, Jason Mims, Taylor Willis, Joe Crownover

From: Steve Davis Health & Safety Manager Buckley Powder Company

Date: December 10th, 2019

Included with this packet is a copy of the Buckley Powder Blasting Standard Operating Procedures. This document is very specific as to the proper procedures required to provide optimum results for our customer while also providing a safe environment for Buckley Powder employees, those employed by our customer, and the surrounding community. All Buckley Powder blasters are required to attend at least 40 hours of classroom training and testing to ensure they have a complete understanding of these procedures. Along with classroom training, they are provided extensive field training before ever actually being assigned duties as a lead blaster.

Also included is a copy of Open Pit Blaster Training. This course provides a thorough understanding of the fragmentation process and how to minimize vibration and air over pressure which may affect the surrounding community. Blasters are taught all calculations necessary to safely obtain the production goals of the customer while minimizing the environmental effects. Once again they must pass written tests in the classroom and are audited in the field to ensure they are following these calculations and procedures. As new and improved techniques are introduced to the industry, blasters are brought in to be trained on the new information as well as refreshed on previous topics.

Buckley Powder now blasts approximately 45,000,000 tons of rock per year in the Spicewood/Central Texas area. Our blasters and technical staff are very familiar with the geological abnormalities which must be addressed to keep environmental effects to a minimum.

Included on the next page is an illustration of a typical bench to be blasted and the terminology for many of the parameters considered in the design of the blast.



* True Burden and True Spacing may be different than Apparent Burden and Apparent Spacing due to delay pattern.

We teach our blasters that there are four things which occur when rock is blasted :

- The rock is broken or fragmented
- There is a heaving affect
- Vibration is created
- Air overpressure is created

If a blast is properly designed, the energy of the explosives will be used to do the first two in the list and there will be less energy left to create vibration and air overpressure. Thus the correct pattern to properly distribute the energy through the rock is the first important consideration. We know from experience how many pounds of explosives per cubic yard or ton of rock (powder factor) will give satisfactory fragmentation. If we under load a blast, it may actually create higher vibration. Extensive research calculations have been developed which aids in predicting vibration at a given distance based on the pounds of explosives detonated at 8 millisecond intervals. Based on the two above factors a blast pattern can be determined.

Laying out the blast pattern

As illustrated in the diagram, previous blasting will create a face which many times will be irregular; depending on the local geology. A drone and photogrammetry software will be used to scan every face and determine at what distance the holes should be placed from the crest to have proper burden (amount of rock in front of the hole). There will be times when geological abnormalities may be observed and require the holes to have additional burden placed on them in order to minimize any venting of energy through the various seams; which may increase air overpressure. If this is necessary the spacing between holes in this row will be reduced to maintain the proper powder factor. The location of each hole is recorded by the blaster.

Drilling

The driller will be given documentation of the pattern. This will include a diagram of the hole locations. The required depth of the holes will be indicated. Depths are determined from the initial data from the model produced from drone software. In order to properly break the rock at the bottom of the hole, the holes will be drilled slightly deeper than the actual bench height. In areas of vibration concern, this subdrill should be kept to a minimum. Excessive subdrill tends to increase vibration due to the over confinement in this area of the blast. The driller will be asked to provide a log of each hole. These logs will provide information concerning variations in geology; with the depths of these variations noted. This is very important data which aids the blaster in making determinations on how the hole should be loaded.

Loading the blast pattern

Before the blast is loaded, the three dimensional model produced from photogrammetry software will be used. This model allows the exact location of each hole to be surveyed. This model gives a real time view of the face and bench as well as measurement tools for further examination of any irregularities. Various reports will be generated from the data, which will aid the blaster in determining what must be done to eliminate problems (examples included at the end). The most important of these reports are the actual profiles of each front row borehole. These profiles show the exact burden in front of the hole. The software also produces a 3D minimum burden report. This report searches the area in between the holes on each side of the selected hole for the minimum burden. With these reports in hand, the blaster will visually examine the face one more time and make notes on the print outs of any variations in the loading which should take place.

All holes will be checked for proper depth. If any have excessive subdrill which may increase vibration, they will be backfilled to the proper depth. Detonators and cast boosters will be placed in the holes as needed and the hole will be loaded with bulk explosives. The blaster will monitor the rise of the product in the hole. If there any abnormalities such as cracks and voids

the powder will stop rising and the blaster will immediately stop to address the issue. In most cases an inert material such as crushed stone will be placed in this area of the borehole to avoid the accumulation of excess explosives. Trucks are equipped with meters as an added check to ensure the proper amount of explosives is being placed in each hole. In the cases where a full column may be too large to maintain the desired vibration level; the load in the hole may be divided into smaller charges separated by inert material. These smaller charges will be timed to detonate separately to reduce vibration. If seams of softer material or clay have been noted on drill logs or observed by the blaster as he inspects the face; inert material will be placed in that area of the column to prevent venting which may increase air overpressure and noise. The powder column will be stopped at a predetermined distance from the top of the hole. This is called the stemming area and will be filled with crushed stone to create confinement at the surface.

Electronic Detonators

The development of electronic detonators has greatly improved the ability of our industry to reduce vibration from blasting. The accuracy of these detonators has allowed us to be very predictive as to our end results. Software has been developed which allows us to blast one hole, collect the vibration data; apply that data to a multiple hole scenario; and with a fair amount of accuracy predict what the results will be from that blast. The software we have allows us to enter the exact parameters of a particular blast pattern, and see what the vibration should be based of various timing sequences. Though our vibration levels are never close to a level which will do damage to a structure, we can many times find a sequence which is less perceivable and acceptable to the community.

Conclusion

There are few places left where our customers have not had developments build around them. Buckley Powder has been very successful helping those customers deal with community concerns. We take great pride in our education program for our personnel concerning safety and technology. If you have further questions concerning our procedures, please contact us.



View of Burden Profiles and blast pattern from photogrammetry drone surveying software.



Profile of a blasthole. 3D minimum Burden is covering the entire area between holes.

ATTACHMENT 4 DESIGNATION OF BLASTING COMPANY

(Ordinance Reference: Page 12 of 18 Attachment A Item Number 3. Include written designation by the Property Owner granting authority of the Designee to act on behalf of the Property Owner.)
Spicewood Crushed Stone LLC

3490 FM 78 McQueeney, TX 78123 Phone (830) 557-5020 Fax (830) 557-5014

April 2nd, 2020

City of Double Horn, Texas 102 Double Horn Trl, Double Horn, TX 78669

Subject: Designation of Third-Party Blasting Company

Dear Mayor Sereno:

Buckley Powder Co will be hired by Spicewood Crushed Stone, LLC to perform blasting at our Spicewood quarry for the calendar year 2020.

Sincerely,

Matthew Jalrymple

Matthew Dalrymple, P.E.



Buckley Powder Co.

A Dyno Nobel Distributor



P.O. Box 1358 Georgetown, TX 78628 USA Telephone 512-869-0287 Fax: 512-819-9906

December 10, 2019

City Mayor City of Double Horn 102 Double Horn Trail Spicewood, TX 78669

To whom it may concern:

Buckley Powder Company would like to be considered for a Partial Exemption Permit with the City of Double Horn. We have four gentlemen that will be our representatives for the purpose of this application, Mr. Steve Davis, Mr. Riley Pumphrey, Mr. Taylor Willis and Mr. Jason Mims. The complete contact information for these gentlemen is as follows:

Steve Davis, Health & Safety Manager (512) 818-7731 steved@buckleypowder.com

Riley Pumphrey, General Manager (512) 864-4185 riley.pumphrey@buckleypowder.com

Taylor Willis, Technical Representative (830) 358-3276 taylor.willis@buckleypowder.com

Jason Mims, Account Manager (254) 534-0022 jasonm@buckleypowder.com

Buckley Powder Company 1401 Weir Ranch Road Georgetown, TX 78628

Buckley Powder will be blasting for the crushed stone operation of Spicewood Crushed Stone for the fiscal year of 2020. If you have any questions or concerns, please feel free to contact either Mr. Davis or Mr. Taylor Willis.

Sincerely,

ayor Willio

Taylor Willis Technical Services

ATTACHMENT 5

Federal Explosive License for Buckley Powder Co.

(Ordinance Reference: Page 12 of 18 Attachment A Item Number 5. Include copies of any state or federal licenses and permits authorizing the Applicant to possess and use explosives.)

NOTICE OF CLEARANCE

for individuals transporting, shipping, receiving, or possessing explosive materials.

ISSUED TO: BUCKLEY POWDER CO

Federal Explosives license/permit no. 5-TX-491-20-2J-01233

NOTICE DATE: [1/0]/2019

Expiration Date: September 1, 2022

Explosives License/Permit Type. 20-MANUFACTURER OF EXPLOSIVES EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

- WARNING. Only those individuals listed below as RESPONSIBLE PERSONS and EMPLOYEE POSSESSORS with a background clearance status of "CLEARED" or "PENDING" are authorized to transport, ship, receive, or possess explosive materials in the course of employment with you.
- PENIED" STATUS. If an employee possessor has a background clearance status of "DENIED", you MUST take immediate steps to remove the employee from a position requiring the transporting, shipping, receiving, or possessing of explosive materials. Also, if the employee has been listed as a person authorized to accept delivery of explosive materials, you MUST remove the employee from such list and immediately, and in no event later than the second business day after such change, notify distributors of such change, as stated in 27 CFR 555.33(a).

CHANGE IN RESPONSIBLE PERSONS. You MUST report any change in responsible persons to the Chief, Federal Explosives Licensing Center, within 30 days of the change and new responsible persons MUST include "appropriate identifying information" as defined in 27 CFR 555.11. Fingerprints and photos are NOT required, however they will be required upon renewal of the license or permit.

CHANGE OF EMPLOYEES. You MUST report any change of employee possessors to the Chief, FELC, within 30 days. Reports relating to newly hired employees must be submitted on ATF Form 5400.28 for EACH employee.

Premises Address:	1401 WEIR RANCH ROAD	
	GEORGETOWN, TX 78628	
Mailing Address:		
BUC	CKLEY POWDER CO	
42 II	INVERNESS DRIVE EAST	
ENC	GLEWOOD, CO 80112	

This 'Notice of Clearance' is provided to you as required by 18 U.S.C. 843(h) and MUST be retained as part of your permanent records and be made available for examination or inspection by ATF officers as required by 27 CFR 555.121. If you receive a Notice subsequent to this Notice, this Notice will no longer be valid.

In accordance with 27 CFR 555.33, Background Checks and Clearances, and 27 CFR 555.57, Change of Control, Change in Responsible Persons, and Change of Employees, ATF's Federal Explosives Licensing Center (FELC) has conducted background checks on the individual(s) you identified as a responsible person(s) and an employee/possessor(s) on your application, or reported after the issuance of your license/permit.

The following is a SUMMARY of the results of the background checks conducted on the individuals you reported as responsible persons and employee possessors. ATF will be notifying ALL individuals listed on this document of their respective status by separate letter mailed to their residence address.

PLEASE BE ADVISED THAT IT IS UNLAWFUL FOR ANY PERSON REFLECTING A STATUS OF "DENIED" TO TRANSPORT, SHIP, RECEIVE, OR POSSESS EXPLOSIVE MATERIALS.

Please carefully review this Notice to ensure that all the information is accurate. If this Notice is incorrect, please return the Notice to the Chief, FELC, with a statement showing the nature of the error(s). The Chief, FELC, shall correct the error, and return a corrected Notice.



NOTICE OF CLEARANCE

for individuals transporting, shipping, receiving, or possessing explosive materials.

NOTICE DATE: 11/01/2019

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

This 'Notice of Clearance' is issued to: Federal Explosives license/permit no.: Explosives License/Permit Type : Expiration Date : BUCKLEY POWDER CO 5-TX-491-20-2J-01233 20-MANUFACTURER OF EXPLOSIVES September 1, 2022

continued from previous page

LAST NAME, First Name, Middle Name

0007 ESPINOZA, JIM DARRELL 0008 ESPINOZA, RANDALL EDWARD 0009 KUNZE, KODY RAY 0010 LANDRY, NICHOLAS JAMES 0011 LEVESQUE, JEAN PIERRE 0012 MACIAS, JOSE GUADALUPE 0013 MCELROY, KEVIN THOMAS 0014 MIMS, JOHN JASON 0015 MIRABELLI, LAWRENCE JOHN 0016 METCHELL, DERIK CHANTZ 0017 NAVARRETTE, GABRIEL JEREL 0018 OREAR, RYAN RANDAL 0019 PARGAS BUGARIN, DANIEL 0020 PERKINS, LARRY ADAM 0021 PUMPHREY, ADRIAN RILEY 0022 WATKINS JOSHUA ANDREW 0023 WEIR, CHRISTOPHER FRANKLIN 0024 WIER, JOHN REX IV 0025 WILLIS, JAMES TAYLOR

Clearance Status Cleared Cleared

1401 WEIR RANCH ROAD GEORGETOWN, TX 78628

LAST NAME, First Name, Middle Name

11/01/2019

Clearance Status



A-STATISTICS

U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit (18 U.S.C. Chapter 40)

is a ten of the one of the ten of the ten		1	
In accordance with the provisions of Title XL C	Organized Crime Control Act of 197	0, and the regulations	issued thereunder (27 CFR Part 555), you may engage in
the activity specified in this license or permit wi	thin the limitations of Chapter 40, I	itle 18, United States	Code and the regulations issued thereunder, until the
expiration date shown. THIS LICENSE IS N	OT TRANSFERABLE UNDER	27 CFR 555.53. Se	e "WARNINGS" and "NOTICES" on reverse.
Direct ATF ATF - Chief, FELC		License Permit	
Correspondence To 244 Needy Road		Number	5-TX-491-20-2J-01233
Martinsburg, WV 25	405-9431	U. Fr	
Chief, Federal Explosives Licensing Center (FE	Louis	Expiration Date	September 1, 2022
Chustopher K.	reeve		
Name BUCKLEY POWDER CO			Sold -
Premises Address (Changes? Notify the FELC	at least 10 days before the move.)		
1401 WEIR RANCH ROAD GEORGETOWN, TX 78628-			
Type of License or Permit	C. V. C.	2	
20-MANUFACTURER OF EXPLO	OSIVES	[A]	
Purchasing Certification S	Statement	Mailing Addres	s (Changes? Notify the FELC of any changes.)
The licensee or permittee named above shall use a co	py of this license or permit to assist a		
transferor of explosives to verify the identity and the l	licensed status of the licensee or	100	
signature. A faxed, scanned or e-mailed copy of the l	icense or permit with a signature	BUCKLEY	POWDER CO
intended to be an original signature is acceptable. Th	e signature must be that of the Federal	42 INVERI	NESS DRIVE EAST
Explosives Licensee (FEL) or a responsible person of	the FEL. I certify that this is a true	ENGLEWO	DOD, CO 80112-
copy of a license or permit issued to the licensee or per-	ermittee named above to engage in the	20	
business of perations specified above under Type o	I License of Fermit.	12	
for Mathies	Branch Manas	er U	P
Licensee/Permittee Responsible Person Signati	ure Position Title	mur	
John Maillour	8/23/19	and the second s	
Printed Name	Date		ATF Form 5400 14/5400 15 Part 1
Previous Edition is Obsolete BUCKLEY POWDER CD:1401 WEIR RANCH RO	AD:76528:5-TX-491-20-2J-01233:September 1, 2022:20-MANUFACTURER 0	FEXPLOSIVES	Revised October 2011
	Federal Explosives License (FEL) Customer Serv	vice Information
Federal Explosives Licensing Center (FELC)	Toll-free Telephone Number:	(877) 283-3352	ATF Homenage: www.atf.gov
244 Needy Road	Fax Number:	(304) 616-4401	All Honepage. www.ail.gov
Martinsburg, WV 25405-9431	E-mail: FELC@atf.gov	(,	
Change of Address (27 <i>CFR</i> 555.54(a)(1)). Late new location at which they intend regularly to can business or operations not less than 10 days prior remainder of the term of the original license or pe- or nermit to the Director of Industry, Operation	censees or permittees may during the rry on such business or operations. T r to such removal with the Chief, Fed ermit. (The Chief, FELC, shall, if the res for denial in accordence with \$	term of their current 1 "he licensee or permitto eral Explosives Licens le licensee or permitt	icense or permit remove their business or operations to a ee is required to give notification of the new location of the sing Center. The license or permit will be valid for the ee is not qualified, refer the request for amended license
or permit to the Director of industry Operatio	ans for uchtar in accordance with §	000.04.)	
Right of Succession (27 CFR 555.59). (a) Ce business or operations at the same address show or child, or executor, administrator, or other leg benefit of creditors. (b) In order to secure the ri permit for for that business or operations for en-	rtain persons other than the licensee vn on, and for the remainder of the t al representative of a deceased licens ght provided by this section, the per- dorsement of such succession to the	or permittee may see erm of, a current licer see or permittee; and son or persons contin Chief, FELC, within	cure the right to carry on the same explosive materials nee or permit. Such persons are: (1) The surviving spouse (2) A receiver or trustee in bankruptcy, or an assignee for uing the business or operations shall furnish the license or 30 days from the date on which the successor begins to
carry on the business or operations.			
Cut Here 🔀			(Continued on reverse side)
	!		
Federal Explosives License/Permit (F)	EL) Information Card		
License Permit Name: BUCKLEY POWDER	co		
Business Name:			

License Permit Number: 5-TX-491-20-2J-01233

License Permit Type: 20-MANUFACTURER OF EXPLOSIVES

Expiration:

September 1, 2022

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

ATTACHMENT 6

THIRD PARTY MONITORING

(Ordinance Reference: Page 8 and 9 of 18. Section 6 a. Third Party Monitoring)

Third Party Monitoring

We propose to utilize Integrated Geotechnical Solutions, Inc. (IGS) as the independent thirdparty monitoring expert. Their qualifications are included in this attachment.

SCS shall bear the cost of this monitoring. The payment methods outlined in the Ordinance are cumbersome and will result in cash flow problems for both the City and the independent third-party monitor. We propose to pay this directly, and request a waiver to do so. To streamline the process to ensure against disruptions to our operations, we propose to directly schedule with IGS.

IGS shall submit instrument calibration certifications and raw seismic, air, and noise data directly from the monitoring instruments to the City of Double Horn with a copy to SCS. This will ensure data integrity. Data will be presented in a form that can then be posted for public inspection at City Hall or could be uploaded to the City's website by City staff.

Monitoring Locations are shown on Figure 6.1 included in this attachment. Per the Ordinance requirements, SCS proposes installing six seismographs, two noise monitors, and two air particulate monitors.

As shown on Figure 6.1, the monitors are to be placed at the SCS/Double Horn Subdivision property boundary. These locations are suggestions only; we will extrapolate data from our property line to the nearest residences. Subject to the Ordinance requirements regarding number of monitors (min 6/max 9) the City may designate alternate locations.

All monitoring instruments will be calibrated per the manufacturer's recommendations, which is once a year. All equipment will be returned to the manufacturer for calibration.

Product sheets for the seismographs, noise monitors, and air particulate monitors are included in this attachment.



Figure 6.1 - Monitoring Locations





ABOUT US

Integrated Geotechnical Solutions, Inc. (IGS) is a leading provider of monitoring systems, consultation and risk management solutions. With offices across North America, our services have been used in the construction, aggregate, subway, civil engineering, historic structures, mining and oil and gas exploration industries.

Since 2005, we have been delivering solutions that exceed our client's expectations. We unite with our clients to supply timely and innovatively designed solutions while emphasizing quality and cost. Contact us today to find out what we can do for you!

AUTHORIZED DISTRIBUTORS





SERVICES

- > On-Site & Remote Monitoring
- > Vibration Monitoring
- > Noise Monitoring
- > Geotechnical Monitoring
- > Dust Monitoring
- > Weather Monitoring
- > Settlement Monitoring
- > Automated Total Stations
- > Blast Design & Consultation Services
- > Seismic Monitoring
- > Site Risk Assessments
- > Pre- & Post-Condition Documentation
- > Public Relations & Expert Testimony
- > Water Well Analysis
- > Instrumentation Sales & Rentals









Harvard Stadium

IGS assisted with the installation of a remote monitoring array of 5 vibration monitors, 25 wireless tilt meters, 75 wireless crack meters, 111 3D prisms, and 5 total stations to conduct a long-term study of the world's first massive reinforced concrete structure and first large permanent college sports arena.



Midlothian Quarry

Hilltop Quarry was experiencing high PPV levels. After installing an advanced seismograph, IGS discovered that it was a timing issue. We made recommendations to the timing which reduced the PPV by 40% and they were able to remove one of the decks from each hole in the blast.



Essex Crossing

IGS conducted pre-/post-condition documentation and monitored 34 vibration systems in the adjacent subway tunnels, stations, and vent shafts during demolition, excavation, and construction of the 24-story, tower foundation. This megaproject is considered one of the most significant urban renewal developments in NYC.



Central Park Tower

IGS installed and monitored 20 vibration monitors in adjacent buildings and NYCTA subway tunnel for five years during excavation, blasting, and construction of this 88-story, mixed-use tower, what is to become the tallest residential building in the world and second tallest skyscraper in the United States when complete in 2020.



Magellan Pipeline

The quarry operator wanted to get 500,000 tons of rock within 200 feet of a high pressure transmission pipeline. IGS calculated a max pounds per delay to remain under the 2.0 in/s. With readings right on where we calculated, the blasting contractor was able to remove decks in the hole and add a row to future blasts.



Yukon 3D

Provided vibration monitoring of vibroseis trucks. IGS had 7 personnel on-site to ensure the customer stayed within the vibration criteria of 0.35 in/s. Readings, source points, location and distance data was collected digitally in the field and uploaded in real-time to a web-based data hosting platform.







QUARRIES & MINES

Since 2005, Integrated Geotechnical Solutions, Inc. (IGS) has been delivering results that exceed our client's expectations. We work alongside your operation, blasting company, local property owners and the municipality to deliver the best possible solution, while staying within local and state regulations. With offices across North America, our team will work to custom design and rapidly deploy a solution, using the most advanced technology.

- > Vibration Monitoring
- > Air Overpressure Monitoring
- > Noise Monitoring
- > Fugitive Dust Monitoring
- > Weather Stations

- > Remote Monitoring
- > Signature Hole Analysis
- > Blast Design
- > Pre- & Post-Blast Surveys
- > Lightning Detection

- > Site Risk Assessments
- > Public Relations
- > Expert Testimony
- > Damage Claim Evaluation
- > Data Reporting







Our Service

Integrated Geotechnical Solutions' monitoring services make data collection simple and reliable, so you can be sure that you are always within compliance regulations. Your operation will receive the seismic readings by email or text within minutes of the blast, often before the all clear has been given.

Our philosophy is to be PROACTIVE, not reactive. We will work with your team to discuss and provide recommendations on blast optimization strategies, public relations and best practice solutions for dealing with complaints. We will also work with local property owners to raise awareness about blasting, ease tensions and reduce damage related claims.

Our extensive product offering allows us to custom design a solution that fits your needs. We offer equipment to record everything from vibration and air overpressure to wind direction, dust and noise. Our system is scalable and designed to adapt to your operation as it evolves.



On-Site Monitoring

On-site monitoring is typically performed in remote locations where access to cell service is limited, for operations who blast one to two times per quarter or less and for public relations to show property owners in real-time the effects of blasting.



Remote Monitoring

Our remote monitoring systems are enclosed in rugged, waterproof, metal enclosures. Solar and battery power limit monitoring interruptions. Data transfer is automatic with near real-time warning or exceedance alerts.



Data Collection

Data from remote monitoring units is automatically collected and transmitted to a secure, redundant data center and secure hosting website. For ultimate flexibility, data can be sorted, compared, exported, displayed on dynamic criteria graphs and shown on Google Earth™.







BLAST DESIGN & CONSULTATION

Integrated Geotechnical Solutions, Inc. (IGS) works alongside your operation and blasting company to improve the overall design of your blasts. Our services lead to a decrease in costs, an increase to productivity at the crusher through improved fragmentation and a decrease in the impact to surrounding communities. With offices across North America, our team will work to custom design and rapidly deploy a solution that fits your needs.

Key Areas of Focus

- > Fragmentation
- > Frequency
- > PPV Reduction
- > Cost Savings

- > Timing Sequence
- > Signature Hole Validation
- > Blast Design
- > Electronic Detonator Validation

- > Excessive Subdrill
- > Nonel Scatter
- > Blast Efficiencies
- > Fines Reduction

in







Saves You Money

Working with your blasting company, we will ensure that the energy in your blast is being used efficiently. Using seismic analysis, we are able to eliminate holes and decks in the blast, while **limiting the impact on surrounding communities.**



Advanced Technology

No two seismographs are created equal and IGS only works with the best. The Minimate Pro[™] by Instantel[®] can record more samples per second than any other seismograph on the market. This resolution allows us to make informed suggestions on how to improve the efficiencies of your blast.



Exceptional Service

We do more than deliver a service. We work alongside your operation, blasting company, local property owners and the municipality, creating a collaborative environment, to deliver the best possible solution for you.

Blast Analysis Service

Integrated Geotechnical Solutions' analysis service deploys one to two technically advanced seismographs, the Minimate Pro6[™] by Instantel[®], behind an active face. These seismographs record event detail at 65,000 samples per second — significantly higher than the industry average of 1,024 samples per second. This gives us further insight into your event data, where we can now see how the energy in the blast is being used, the efficacy of timing delays, hole-to-hole and row-to-row interactions and where the maximum peak particle velocities (PPV) occur.

With over 50 years of combined experience, our team will work with you to fine tune your blast. Through our services, operations have been able to reduce powder costs by removing holes, rows and/or decks, increase productivity at the crusher with improved fragmentation and reduce the impact to surrounding communities. Find out what we can do for you.



Micromate[®]

Vibration and Air Overpressure Monitor for Regulatory Compliance

Range of Applications:

- Blast monitoring for compliance
- Near field
 monitoring
- Pile driving
- Compaction
- Construction activity
- Dynamic compaction monitoring
- Demolition activity
- Heavy transportation
- Environmental monitoring
- Tunnel and subway monitoring
- Bridge monitoring
- Structural monitoring and analysis
- Remote access
 monitoring

Monitoring Redefined

With **Micromate**, Instantel has redefined industry standards for functionality and ease of use. **Micromate** provides reliable regulatory compliance monitoring with an ISEE or DIN Triaxial Geophone and ISEE Linear Microphone. Small enough to fit in your hand, **Micromate** is the first monitor in the industry to provide a touch screen interface. Support of USB 2.0 allows use of memory sticks and approved external devices such as USB hubs, modems, printers and GPS (sold separately). Ruggedness and reliability, cornerstone attributes of Instantel products, are designed in.

Communications

Micromate supports USB 2.0 on both the host and device ports, operating up to 12 MB/s. External memory sticks, and Instantel compatible printer, modem and a host of optional USB peripherals (sold separately) are supported. Supported peripherals are automatically identified when connected, and associated commands and functions are made available (in much the same manner that you are accustomed to with your laptop and computer). Micromate supports Instantel's AutoCall Home[™] feature; when an event occurs the event is immediately captured and is automatically transmitted to your computer (there is no need to prompt the unit to transmit data).

Easy to Use

With the use of a color touch screen and icon based user interface, Instantel sets a new industry standard for efficiency and ease of use. A key pad compliments the user interface. Whether you prefer touch screens, key pads, or a combination of both, you'll find the Micromate intuitive to use and easy to learn. A full display touch screen keyboard makes entry of data and notes convenient and easy. Of course, the unit can be interfaced to a laptop or computer as well. Connectors are color coded for easy identification and installation.

Saving Events

Events and unit settings are saved in a reliable on-board, non-volatile memory with ample storage capacity for most applications and up to 1,000 events (with additional optional memory capacity available). Data can be transferred for off-unit storage or off-unit data manipulation to a computer



or laptop via the convenient USB interface or via use of a compatible modem. Data retrieval can be as simple as copying events to an external USB memory stick (no laptop or computer is required).

Rugged and Reliable

Simply put, the Micromate is built

to last. It's built to be reliable, every day and all day – for years! The base unit comes with a fully sealed top panel, non-corrosive industrial grade connectors and fully sealed electronics. The base unit housing and connectors provide a water resistant seal. The custom molded housings for the geophone and base unit are made of superior impact polycarbonate. An optional protective "boot" complete with faceplate provides the highest level of durability and ruggedness available in Instantel's product line.

Key Features

- USB 2.0 with Host and Device support
- USB support for memory sticks, and Instantel compatible field printer, modem and GPS devices (sold separately)
- Large, high resolution, color graphics touch screen. Easy to read and navigate menu structure
- Context Sensitive Icons: Icons are only shown if they are relevant to what you are doing
- Short Cut Icons: Fast, one touch access to the most commonly used features
- Context Sensitive Help at your fingertips
- Integrated Keypad: Large 10-key interface with dedicated function keys
- Supports Instantel's Auto Call Home for remote automated data reporting/transmission
- Monitor Scheduler: Assign different setup files, scheduled self checks, scheduled Auto Call Home times and when to start and stop monitoring
- Small enough to be hand-held
- Rugged and reliable: Field rugged and durable design with a fully sealed top panel, non-corrosive connectors, and sealed electronics to enhance water resistance
- Optional protective boot and faceplate
- Storage capacity for 1,000 events (additional capacity optional)
- Printer for immediate in-field printing of reports (sold separately)
- 10 day battery life (standard), 15 days (optional)

The World's Most Trusted Vibration Monitors

www.instantel.com



Micromate[®]

General Specifications

Channels	Microphone and Triaxial Geophone (ISEE or DIN)	
Vibration Monitoring	$I_{12} = 42.254 \text{ scm}/(-(10.36)/2)$	
Response Standard	ISEE or DIN 45669-1	
Resolution	0.00788 mm/s (0.00031 in/s)	
Accuracy (ISEE/DIN)	+/- 5% or 0.5 mm/s (0.02 in/s), whichever is larger, between 4 and 125 Hz / DIN 45669-1 Standard	
Transducer Density	2.0 g/cc (127 lbs/ft ³)	
Frequency Range (ISEE/DIN)	2 to 250 Hz, within zero to -3 dB of an ideal flat response / 1 to 315 Hz	
Maximum Cable Length (ISEE/DIN)	1000 m (3280 ft)	
Air Overpressure Monitoring		
Weighting Scales	ISEE Linear Microphone	
Linear Panga	ISEE Seismograph Specification 88 to 148 dB (500 Ba [0.072 psi] Baak)	
Linear Resolution	$0.0156 \text{ Pa} (2.2662 \times 10^{-6} \text{ nsi})$	
Linear Accuracy	+/-10% or $+/-1$ dB, whichever is larger, between 4 and 125 Hz	
Linear Frequency Response	2 to 250 Hz between -3 dB roll off points	
Maximum Cable Length (ISEE)	500 m (1640 ft)	
Waveform Recording		
Record Modes	Waveform, Waveform Manual	
Seismic Trigger	0.13 to 254 mm/s (0.005 to 10 in/s)	
Linear Acoustic Trigger	2.0 pa to 500 pa (100 dB to 148 dB)	
Sample Rate	1,024, 2,048, 4,096 S/s per channel (independent of record time)	
Record Stop Mode	Fixed record time, Instantel AutoRecord™ record stop mode	
AutoBasard Time	1 to 90 seconds (programmable in one-second steps) plus a pre-trigger at 0.25, 0.50, 0.75, or 1.0 second Event is recorded until activity remains below trigger level for duration of oute window, or until evaluable	
Autorecord Time	memory is filled	
Cycle Time	Recording uninterrupted by event processing, monitoring, or communication - zero dead time	
Storage Capacity		
Full Waveform Events	1,000, 1 second events at 2,048 S/s sample rate (memory upgrade optional)	
Histogram Recording		
Record Modes	Histogram and Instantel Histogram Combo [™] (monitor captures triggered waveforms while recording in	
Depending Interval	Histogram mode)	
Histogram Storage Canacity	Approximately 220 000 intervals. Examples: 5 days at 2 second intervals or 150 days at 1 minute	
Histogram Combo Storage Capacity	Example: 30 Days of Histogram recording at 1 minute intervals, and over 900 1 second waveform events	
Dhusical Crossifications	,	
	101(-1251-445) mm $(415-522-125)$	
Dimensions	$101.6 \times 135.1 \times 44.5 \text{ mm} (4.15 \times 5.32 \times 1.75 \text{ m})$ 0.5 kg (1.1 lbs)	
Battery	10 day rechargeable lithium ion (optional 15 day battery upgrade available)	
User Interface	10 domed tactile keys, colour touch screen, and full display keyboard with dedicated icons for common functions	
Display	QVGA, 320 x 240 color touch screen	e
Printer (sold separately)	Precision high-resolution	guer
PC Interface	USB	to C
Auxillary Inputs and Outputs (Optional)	External trigger, Remote alarm	ject
LIVITOIIIICIIIa I CD Operating Temperature	-10 to $55^{\circ}C$ (14 to $131^{\circ}F$)	Sub
Operating Temperature Supporting USB	$-40 \text{ to } 45^{\circ}\text{C} (-40 \text{ to } 113^{\circ}\text{F})$	are
Sensors		tions
Operating Temperature Without USB	-40 to 55°C (-40 to 131°F)*	cifica
Sensors Demote Communications		Spe
Electrical Standard	Compatible with these supported modems; Sierra Wireless™ Airlink® Raven Series X, XT, GX400, or LS300 CE Class B - The Micromate has been tested and passed IEC (CB scheme test report available) 61010-1	oduct
) – Pr.
*NOTE: LCD screen saver must be enabled and	1 set to a maximum time out of 2 minutes.	SO VS
	Corporate Office:US Office:Ioil Free:(800) 267 9111309 Legget Drive,808 Commerce Park Drive,Telephone:(613) 592 4642	30 Ré
	Ottawa, Ontario K2K 3A3 Ogdensburg, New York 13669 Facsimile: (613) 592 4296	01-00
		'2100
instante	Blastmate, Blastware, Histogram Combo, InstaLink, Micromate and Minimate are	180-7
	u auemarks or registered dauemarks of Stanley Black & Decker, Inc., of its affiliates.	σ

The World's Most Trusted Vibration Monitors



Micromate[®] Sound Level Microphone (Part No. 721A2301)

Introduction

The Sound Level Microphone for Micromate, also called a noise microphone, can perform unattended monitoring of noise in applications such as building activities, construction, traffic, and mining operations. The Micromate now lets you synchronize noise and vibration data on the same monitoring unit, making the Micromate a cost effective and flexible monitor for these applications.

The Instantel[®] Sound Level Microphone for the Micromate meets the requirements for IEC 61672 Class 1, which includes A and C weighted specifications. It has a measuring range from 30 to 140 dB with a Fast or Slow response. The record mode can be set to Waveform Manual, Waveform (records up to 90 seconds once a preset trigger level has been exceeded), Histogram (with intervals from 2 seconds to 30 minutes) or Histogram Combo[™] (combining histogram and waveform monitoring at the same time).



Sound Level Microphone

The microphone connects directly to the Microphone port of the Micromate. This microphone can be connected directly to the unit or using an extension cable up to 75 meters (250 feet) long.

Weighting	A-Weight or C-Weight
Frequency Range	Up to 20 kHz
Response	Fast (125 ms) or Slow (1 s)
Resolution	0.05 dB (display limit 0.1dB)
Range	Automatic
Trigger Levels	33 dB to 140 dB
Temperature Range	-10° to 50°C (14° to 122°F)
Cable Length	2 m (6.5 ft)
Maximum Amplitude	160 dB

Specifications



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The World's Most Trusted Monitors — Vibration · Noise · Air Overpressure

ES-642

Particulate Monitoring Solutions

Remote Dust Monitor Model ES-642



The ES-642 Remote Dust Monitor is an industrial air-guality sensor designed to provide accurate measurements of particle concentration in both indoor and outdoor environments. The unit is supplied in a rugged weatherproof enclosure. It includes an LCD display to provide information about particulate concentration, flow rate, instrument status and power. The electronics and optical system are protected from moisture by a built in intake heater that is humidity level controlled. The heater power is regulated to maintain a minimum humidity level. Additional features include a purge air system and an automatic zero calibration routine. The sensor can be wall mounted or installed on a vertical mast up to 3 inch in diameter.

- Designed to provide accurate information on particle concentration and operate continuously in adverse environments.
- Special features such as the purge air system and automatic zero calibration enable the monitor to operate 24/7.
- A sheath air system isolates the aerosol in the chamber to keep the optics clean for long term reliability and low maintenance.
- LCD Display provided information on operation including: power, heater power, flow operation, status and particulate concentration.

The ES-642 is supplied with a 10 ft cable and connector for power (15 to 40 VDC) and signal output.

The ES-642 measures particulate concentration using a highly sensitive forward scatter laser nephelometer, having a measurement range of 0 to 100 mg/cubic meter or 0 to 100,000 ug/ cubic meter. Optional sharp-cut cyclones are used to set the measurement level of the ES-642. As supplied it provides particulate monitoring for TSP, with the addition of the sharp-cut cyclone it can be set for particulate smaller than PM10 or smaller than PM2.5, or PM1. The accuracy of the instrument is +/-5% based on a traceable PSL 0.6 micron reference standard.

Met One Instruments

1600 NW Washington Blvd, Grants Pass, OR 97526 Tel: (541) 471-7111 E-Mail: sales@metone.com WWW.METONE.COM

INDUSTRIAL OUTPUTS

Serial ASCII Text RS-232 and RS-485 0-10 Volts Analog Signal 4-20 mA Analog Signal

FEATURES

Automatic zero calibration Controlled input heater Easily removable filters Contact closure alarm output Front panel LCD Display Sealed environmental enclosure

APPLICATIONS

Building Automation Military Applications Environmental Cleanup Sites Air Pollution Level Monitoring Dust Level Warning Systems

PARAMETER	SPECIFICATION				
Measurement Principles:	Particulate concentration by forward light scatter laser Nephelometer.				
Available Cut Points:	TSP Inlet Standard. PM_{10} , $PM_{2.5}$, and PM_1 sharp-cut cyclone inlets available.				
Measurement Range:	0 to 100 mg/m ³ (0 to 100,000 μ g/m ³)				
Measurement Sensitivity:	.001 mg/m ³ .				
Nephelometer Accuracy:	± 5% traceable standard with 0.6um PSL.				
Particle Size Sensitivity:	0.1 to 100 micron. Optimal sensitivity 0.5 to 10 micron particles.				
Display:	2 X 16 backlit LCD. Provides information on operation including: Power, Flow Operation, Status and Concentration.				
Zero Calibration:	Automatic Zero Calibration every hour or as programmed from 1 to 999 minutes.				
Flow Rate:	2.0 liters/minute ± 0.1 lpm.				
Power:	15 – 40 VDC @ 1.5 A maximum.				
Power Consumption:	350 mA (no heater) 1.1 A (with heater) @ 15 VDC.				
Analog Output:	4-20 mA and 0 – 10 VDC.				
Digital I/O:	RS-485 full and half duplex, RS-232.				
Serial Communication:	ASCII Text data format and MODBUS RTU.				
Alarm Output:	Normally open and normally closed relay 30 VDC @ 1A maximum.				
Operating Temperature:	0 to +50°C . (Ambient Temperature Sensor Range -30 to +50°C).				
Barometric Pressure:	600 to 1040 mbar pressure sensor range.				
Ambient Humidity Range:	0 to 90% RH, non-condensing.				
Intake Moisture Control:	Automatic 10 Watt inlet heater module controlled to sample RH set point.				
Factory Service Interval:	24 Months typical, under continuous use in normal ambient air.				
Mounting Options:	Wall mount bracket standard. Optional EX-905 tripod.				
Unit Weight:	2.27 kg (6.0 lbs)				
Unit Dimensions:	22.9cm high, 17.8cm wide, 10.8cm deep. (9.0" x 7.0" x 4.25"). w/out inlet assy. 48.3cm high, 17.8cm wide, 10.8cm deep. (19.0" x 7.0" x 4.25"). w/ inlet assy.				

ATTACHMENT 7 BLASTING PERMIT COMPLIANCE

(Ordinance Refence: Page 13 of 18 Attachment A. Include documentation and facts demonstrating blasting operation is going to be conducted in a manner that reduces related adverse impact on surrounding properties through compliance with ordinance. Please specifically list all steps taken, such as distance limitations related to adjacent properties, use of berms and any dust and noise remediation efforts, etc.)

BLASTING COMPLIANCE

All blasting will be in compliance with any and all local, state, and federal regulations.

Distance Requirements

Figure 7.1 shows the limits of SCS's proposed quarry blasting.

The blasting limits proposed are as follows:

- 500 feet from the property line shared by SCS and the Double Horn Subdivision (Western Property Line);
- 500 feet from the property line shared by SCS and the Spicewood Trails Subdivision (Eastern/Southern Property Line);
- 300 feet from the property line shared by SCS and the Carrington Family property (Northern Property Line).

The 300 feet setback along the boundary between SCS and the Carrington Family property is closer than the 500-foot distance requirement per City Ordinance No. 2019-ORD015 Section 5A; however, this area is currently uninhabited ranch land with no adjacent residences. SCS requests a variance to the distance requirements along this section of property line.

Blasting distances shall be maintained from the property line by survey.

Timing

Blasting will occur between the hours of 9:00AM to 4:30PM Monday through Friday. Due to increased ambient noise during these hours, the perceived noise impact will be reduced. No blasting will occur on Saturdays, Sundays, and legal holidays.

Several residents have requested to be notified prior to blasts occurring. SCS has compiled a list of these residents and will provide them a notification message prior to each blast. Notifications will occur at least 30 minutes prior to each blast per the Ordinance requirement.

Air Blast Limit

Air blast shall not exceed 134 dB

Ground Vibration Limit

Ground vibration will not exceed the frequency based PPV limit of 100% of the USBM Z-Curve.

Air Particulate Limit

Air particulates shall not exceed the lowest permissible limits as identified in any required state or federal permits.

Noise Limit

Noise shall not exceed 85 dB(A). This noise limit does not apply to Air Blast.

Flyrock Control

Flyrock from blasting operations will not be cast from the blasting site beyond the area under SCS's control.

Additional Controls

SCS has retained some of the most highly regarded professionals in their fields to ensure the blasting operation is conducted properly

Included this this permit application is a document from Buckley Powder Co. detailing standard operating procedure including:

- Personnel Training
- Terminology
- o Blast pattern layout
- Drilling
- Loading of explosive materials
- Use of electronic detonators
- o Buckley Powder Qualifications

Blasts will not be planned if weather forecasts indicate the perceived effects of the blast will be exaggerated by strong wind toward the receiver or severe temperature inversions.

Berms to mitigate noise will be built in stages utilizing material from the first series of blasting and excavation (See Figure 7.2). Currently the berm along the north boundary of the property is built. The next stage is to build the berm proceeding south parallel to the Double Horn Subdivision boundary. As material is available from the excavation, the berm will advance. The excavation of the quarry is planned to proceed from the north to the south. Initial data from the test blast taken in January 2020 indicate compliance without berms, however, the berms will help to provide additional visual and noise buffering.

The area between Double Horn Subdivision boundary and the permanent power lines will remain naturally vegetated. With this buffer maintained, there is little if any visual impacts of the operation on Double Horn.

The vegetative buffers and berms proposed exceed any regulatory requirement and follow industry best practice.



Figure 7.1 - Actual Blasting Limits vs. ORD015 500 FT Distance Setback Requirement



			REV				
VERSION	DATE	TE MADE CHECKED DESCRIPTIONS					
					DATE:		-
					DESIGNED BY:	CHECKED BY:	
					DRAWN BY: ND		-
					DRAWN BT: MD	APPROVED BI:	

Figure 7.2

SPICEWOOD CRUSHED STONE, LLC

QUARRY BERMS

SPICEWOOD QUARRY BURNET COUNTY, TEXAS

SHEET	NO.
1	

PAGE NO. 1

ATTACHMENT 8 MITIGATION PLAN

(Ordinance Reference: Page 7 of 18. Section 5. The property Owner shall as part of the Partial Exemption Permit application submit a Mitigation Plan which includes the construction of vibration and sound attenuation berms and placement or construction of such other measures as are necessary to meet the requirements of this Ordinance.)

Mitigation Plan

The compliance with the conditions and regulations of this Ordinance will mitigate the effects of blasting operations. The specific regulatory criteria will not be repeated in this section. The specific plan to ensure compliance are as follows:

Communication

Open communication between the Mayor, neighbors, and SCS has been established with contact names and numbers. Our staff is committed to meet at reasonable times to address any issues. Currently the City website contains a link which includes SCS contact information. This has been utilized by citizens; as of this permit application date we have had twelve residences who have requested pre-blast notifications and eleven residences who have requested home baseline foundation inspections (provided at no cost the homeowners).

In addition, several neighbors have reached out to meet personally. SCS has also identified blasting contractor and geotechnical consultant personnel who are available to meet with the Mayor and neighbors. This establishes the ability to provide a timely response to concerns or questions.

Production Goals

Compliance with the US Bureau of Mines established standards, which contain safety factors, has been the industry standard for some time. The major issues today are perceptions of blasting activities - especially air overpressure. It should be noted that in large remote quarries it is not necessary to incorporate these more expensive blasting procedures and practices as outlined below. However, to create a sustainable operation at this location, the following best practices will be utilized:

- Use of electronic blasting caps or equal to precisely time the explosions.
- Reduction in Bench Height from 95+/-ft which is typical for Texas to 50+/- ft. This requires a 2nd blast for the lower bench which should have much reduced effects.
- Blast face orientation will be considered during the initial opening up to set the stage for optimal orientation once full production begins. Operational flexibility is required to optimize the results based upon the geology encountered.
- Blasting will be scheduled taking into consideration the effects of weather. The air overpressure effects can be increased by weather. However, it should be noted, "studies have been made on weather effects on airblasts; however, a practical prediction scheme has not been developed." <u>Reference: Structural Response And Damage Produced By</u>
 <u>Airblast from Surface Mining, Siskand et al 2000.</u> "Wind direction and speed are the most critical weather influences on air overpressure propagation. Inversions are secondary. Strong winds blowing from the sound source toward the receiver can increase

the sound level by over 20 dB from the normal cube-root-scaled propagation". <u>Reference: Structural Response And Damage Produced By Airblast from Surface</u> <u>Mining, Siskand et al 2000.</u> Windspeed, direction, terrain between blast and receptors, and bench height and direction will be considered in blast scheduling. Wind speed and direction can contribute to dust leaving the site therefore blasts will be rescheduled if the forecast calls for winds in excess of a moderate breeze.

Sound Attenuation

Vegetated buffers, terrain and constructed berms are industry proven features which mitigate noise from quarry operations. Our development design for the quarry incorporated those features into the design. These features: width of buffers, berms and high wall setbacks from property lines, far exceed any required permit and permanently stranded valuable reserves.

The berms were not required by LCRA or TCEQ, however, they were incorporated into the Spicewood operation to act as additional noise/visual buffers.

Part of the LCRA approval process was an extensive design review to ensure that the berm construction does not negatively impact water quality. Several hundreds of thousands of dollars were spent on the design work. To clarify the approved design:

- 1. The berms may be built up to 20 feet high and 90 feet wide but may also be less in berm height and width. This was done to allow operational flexibility in the actual constructed dimensions depending on line of sight from receptors to the operations.
- 2. The vegetated buffer setback was designed as 100 feet along the northern property line, 200 feet along the Double Horn boundary.
- 3. LCRA drawings show all berms in their proposed final built out locations. This was done so that all engineering and hydrologic effects were preapproved. The sequence of building the berms follows common sense to build the berms to mitigate the effects of current operations first and complete them as operations progress. As an example, SCS built the berm near the scale area first to mitigate the effects of our shop and scale house construction.
- 4. During the next year, the berms will progress from the northwest corner of the property towards the south along the Double Horn boundary. Material from our initial development blasts will be utilized.
- 5. Based upon topography and line of sight to receptors from operations, the eastern most berms (along Spicewood Trails Subdivision) and southern most berms along Double Horn subdivision may not be built for years, nor would they serve any purpose if constructed today.

ATTACHMENT 9 MITIGATION OF PERCIEVED NEGATIVE EFFECTS

(Ordinance Refence: Page 13 of 18 Attachment A. Include documentation and facts demonstrating efforts by designee to protect and mitigate the perceived negative adverse effects such activity has on real property values, public safety, health and welfare interests.)

Mitigation of Perceived Negative Effects

Real Property Values

The Spicewood quarry property was purchased and permitted for quarry operations prior to the enactment of the blasting ordinance and City incorporation. The quarry design voluntarily created buffer zones, setbacks, and blasting limits which exceeded regulations at the time of design. These design decisions stranded valuable mineral reserves; thereby reducing the value of the property from its full legal use prior to the incorporation of the City.

Protecting property rights and values for all parties is a goal of our operations. Accordingly, we have adopted numerous voluntary industry best practices to eliminate negative impact on our neighbors.

A recent impartial independent study by The Phoenix Center for Advanced Legal & Economic Public Policy Studies entitled: <u>"Quarry Operations and Property Values: Revisiting Old and</u> <u>Investigating New Empirical Evidence"</u> dated March 12, 2018 provides analysis of this topic. The study concludes "we find no compelling statistical evidence that either the anticipation of or the ongoing operations of, rock quarries negatively impact home prices."

https://www.phoenix-center.org/pcpp/PCPP53Final.pdf

Public Safety

Blasting and the handling and transport of explosives is highly regulated by Federal ATF regulations.

Heath/Welfare

Conformance with the City's blasting Ordinance, which is based on the US Bureau of Mines, provides adequate safeguards and safety factors based on extensive research. In addition, the buffer areas, berms, and operating hours mitigate impact.

Property Damage

In addition, to the requirements of the City's blasting Ordinance, SCS has voluntarily arranged for property inspectors and baseline surveys for homeowners bordering our property. These have been completed at no cost to the homeowners and will be forwarded directly to them. These baseline studies will help the homeowners evaluate the existing condition of their home prior to the commencement of blasting operations.

The definitive US Bureau of Mines 8507 Report recognizes the structural response from everyday activities including the effects of wind and temperature changes. Per that study, it should be noted that "comparison between blast – and human – produced effects suggest that house superstructures are continuously subjected to transients producing localized strains equivalent to ground vibrations of up to 0.50 in/sec".

ATTACHMENT 10 PROOF OF INSURANCE

(Ordinance Reference: Page 9 of 18. Section 6 b. Proof of Insurance. Property Owner shall have in effect \$10,000,000 of insurance insuring against any loss or damage suffered by a third-party, naming the City as additional insured and shall provide to Regulator Authority all information necessary in order to verify insurance and that would allow a person to file a claim.)



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DATE	(MM/DD/YYYY)	
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East	t Greenbush, NY	′ 12061				E-MAIL ADDRESS:				
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								MED EXP (Any one person)	\$	5,000
								PERSONAL & ADV INJURY	\$	2,000,000
								GENERAL AGGREGATE	\$	4,000,000
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RE: Citv	of Double Horn i	n Permit s added as additional	insur	ed to	general lablity with respec	t to permit being re	equested by in	nsured.		
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AUTHORIZED REPRESENTATIVE

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ACORD 25 (2016/03)

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AGENCY CUSTOMER ID: DALRGRA-01

LOC #: 0

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Page



ADDITIONAL REMARKS SCHEDULE

AGENCY		NAMED INSURED
Rose & Kiernan, Inc.		Spicewood Crushed Stone LLC 3490 FM 78
POLICY NUMBER		Mc Queeney, TX 78123
SEE PAGE 1		
CARRIER	NAIC CODE	
SEE PAGE 1	SEE P 1	EFFECTIVE DATE: SEE PAGE 1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

FORMS NOTED

General Liability: Contractors Xtend Endorsement CGD316 (01/11) - Additional Insured, and Waiver of Subrogation clauses included Blanket Additional Insured (Contractors) CGD246 0805- Additional Insured for Completed Operations, Primary Non Contributory

Commercial Auto: Blanket Additional Insured - Primary and Non-contributory with other insurance CAT474 2/16; New York Business Auto Coverage Extension Form CA T9 60 (2/15) - Blanket Waiver of Subrogation clause included

Commercial Umbrella Liablty Policy Excess Follow-Form and Umbrella Liability Ins.- Form EU00 01

Commercial Umbrella Liability Policy U-UMB-103-C CW (03/10): Blanket Additional Insured & Waiver of Subrogation

Workers Compensation: Waiver of Our Right to Recover WC000313

1 of 1

ATTACHMENT 11 DISPUTE RESOLUTION PROCESS

(Ordinance Reference: Page 8 of 18. As a condition of the Partial Exemption Permit for any continuing operations permit, the Property Owner shall establish a Voluntary Dispute Resolution Process for a property owner to avail themselves of, outside the confines of this Ordinance, in accordance with Attachment B.)

Voluntary Dispute Resolution Process

The following instructions should be posted on the City's website.

"Citizen Blasting Complaints - Alternate Dispute Resolution"

Steps to Follow:

- 1. Reference Attachment B of City Ordinance No. 2019-ORD015
- 2. Submit Citizen Quarry Blast Impact Report
- 3. Upon receipt of a properly completed form, a representative of Spicewood Crushed Stone will meet with the complainant to review the claim and discuss the issues. The meeting will be scheduled within a reasonable period of time during business hours.
- 4. If a resolution cannot be achieved the complainant may request to continue the process as outlined in Attachment B.
City of Double Horn

Citizen Quarry Blast Impact Report

Name:	Report Date:
Address:	Email Address:
Phone:	Blast Date/Time:
Please Describe the Event:	
Please Describe the Damage:	
Estimated amount of compensation	
In what general direction does your house face? (N,S,E,W)	
Is your home a 1 story, 1 ½ story, 2 story or larger?	
What is the approximate square footage of your home?	
Was a baseline study conducted prior to blasting? If so when? Please provide copy	

Please complete the form and print it, then submit the completed report(s) to the City Hall. Thank you for submitting the form.

Note: By filing this report, you consent to the public release of this information.

ATTACHMENT 12 EDUCATIONAL MATERIAL

(Ordinance Reference: Page 8 of 18. Educational Material)

Educational Materials

Spicewood Crushed Stone has put together the following articles, which can be posted on the City's website. These articles are meant to educate the public with respect to blasting.

The following topics are discussed:

- Air Overpressure
- $\circ \quad \text{Ground Vibrations from Mining}$

For further information, the public can use the following link to access the report upon which many industry standards are based:

https://www.osmre.gov/resources/blasting/docs/USBM/RI8507BlastingVibration1989.pdf

Air Overpressure

When a mine blasts, if you are standing in the nearby area you may hear the blast fire. This sound is similar to a term known as air overpressure. In many cases if you are at a distance from the blast you will not hear or feel this air overpressure, but if you live nearby you will hear it. This noise lasts less than a second and is kept to low levels.

This air overpressure is measured by scientific instrumentation called a seismograph which uses an advanced microphone to detect the sound. This sound is measured in decibels, which is a logrithmic scale which can sometimes lead to confusion. Every 6 decibels is a doubling of the sound, so 128 dB is half of 134 dB. The U.S. Government limits a mines blasting to 134 dB at the nearest house, which is equivalent to about a 20 mile per hour wind gust – these low levels are in place to ensure protection of the community and were extensively studied by the U.S. Burea of Mines. This is actually 3% of the level of air overpressure that causes windows to break, this ensures that the mine does not only prevent damage but also does not scare the local community.

Mines will then develop site specific models to predict the air overpressure before any blast. They will recruit and hire expert engineers to help them develop blasting plans to ensure that the air overpressure is reduced to below these legal limts. This is all in an effort to help work with the local community and their nearby neighbors. This does not mean you won't hear or feel the air overpressure, this just means it shouldn't worry you because it is controlled to ensure you and your house are safe.

See below to find the scale which compares the mines air overpressure to different levels of wind gusts that your area may experience.



Air Overpressure Compared to Wind Pressure

Ground Vibration from Mining

Mining of the modern world is a safe, efficient business that employees some of the best scientists and engineers in the world to help protect community interests. The primary area that these experts are brought into assist is to develop procedures to limit the ground vibration, or the movement of the earth, that the local community feels. These events may be scary for someone who doesn't fully understand what is happening, but these ground vibrations are well controlled, monitored, and optimized to provide minimal trouble to nearby neighbors. The human body is one of the best seismographs in the world and will easily feel these ground vibrations – but that does not mean that they are worrisome or that they may cause damage. Most of these vibrations last under one second and the ground moves less than the thickness of a piece of paper.

These vibrations are not earthquakes and are not anywhere near similar to earthquakes. These vibrations are very small and are legally limited to prevent any risk of damage to houses. The mine does not measure the total distance the ground moves, but instead it measures how fast the ground moves – or the velocity. This has been shown by numerous U.S. Federal Agencies over a century of testing to be the important parameter in controlling ground vibration. These are legally limited to be extremely low, with a maximum legal limit of 2.0 in/s of movement – remember this is not the distance moved but the speed. The common distances that the ground moves are about 0.0001 inches.

How does the ground vibration that a mine produces compare to your everyday life activities?

- Slamming a door produces about 0.25 inches per second of vibration
- A kid jumping in the house produces vibration of 0.25 inches per second
- The daily temperature change causes your house to move like 2.0 inches per second of ground vibration
- Driving in your car produces over 4.0 inches per second of vibration

Most people never would worry about their house or well-being from these events, because they are a part of everyday life and we understand that they don't cause damage. The biggest concern of communities near mines are because of misunderstandings as humans can feel ground vibration as low as 0.001 inches per second and are not used to or predicting the mines blasting.

Remember: Mine blasting is highly regulated and controlled, mines fall under legal obligations to ensure they do not damage your house. The ground vibration you feel from a mine is normal and is being monitored and predicted by some of the best engineers in the world.

ATTACHMENT 13 OTHER PERMITS

OTHER PERMITS

The following permits have been attached to this permit application.

- o TCEQ Air Permito LCRA Permit

Jon Niermann, *Chairman* Emily Lindley, *Commissioner* Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 16, 2019

MS ELIZABETH FARMER PROJECT ENGINEER SPICEWOOD CRUSHED STONE LLC 3490 FM 78 MC QUEENEY TX 78123-3542

Re: Air Quality Standard Permit for Permanent Rock and Concrete Crushers (As effective July 31, 2008) Standard Permit Registration Number: 152977 Standard Permit Expiration Date: January 16, 2029 Spicewood Crushed Stone, LLC Rock Crushing Plant Spicewood, Burnet County Regulated Entity Number: RN110467511 Customer Reference Number: CN605555341

Dear Ms. Farmer:

This is in response to your registration Form PI-1S (Registration for Air Quality Standard Permit) regarding the proposed construction of a permanent rock crushing plant to be located at 5550 East State Highway 71, near Spicewood, Burnet County. Also, this will acknowledge that your application for the above-referenced registration is technically complete as of August 28, 2018.

After evaluation of the information you submitted, the Texas Commission on Environmental Quality (TCEQ) has determined that your proposed construction is authorized by the Air Quality Standard Permit for Rock and Concrete Crushers effective July 31, 2008, if constructed and operated as represented in your application. This standard permit was issued under the Texas Clean Air Act (TCAA) § 382.011, which authorizes the commission to control the quality of the state's air, TCAA § 382.023, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the TCAA, and § 382.05195, which authorizes the commission to issue standard permits.

Copies of the air quality standard permit general and specific conditions in effect at the time of this registration are enclosed. You must begin construction or modification of these facilities in accordance with the standard permit no later than 18 months after the date of this letter. You must notify the appropriate TCEQ Regional Office and any other local air pollution control agency having jurisdiction of the start and completion of construction; and prior to starting operation activities.

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all rules and regulations of the TCEQ and of the U.S. Environmental Protection Agency at all times.

If you need further information or have any questions, please contact Mr. Donald D. Nelon at (512) 239-0894 or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

P.O. Box 13087 · Austin, Texas 78711-3087 · 512-239-1000 · tceq.texas.gov

Ms. Elizabeth Farmer Page 2 January 16, 2019

Re: Standard Permit Registration Number 152977

This action is taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,

Michallo

Michael Wilson, P.E., Director Air Permits Division Office of Air Texas Commission on Environmental Quality

Enclosure

cc: Mr. Jon Greene, Project Engineer, Wood Environment & Infrastructure Solutions Inc, Austin Air Section Manager, Region 11 - Austin

Project Number: 288784

Standard Permit General Conditions

The following general conditions are applicable to holders of standard permits, but will not necessarily be specifically stated within the standard permit document.

- 1. <u>Protection of public health and welfare</u>. The emissions from the facility must comply with all applicable rules and regulations of the commission adopted under the Texas Health and Safety Code, Chapter 382, and with intent of the TCAA, including protection of health and property of the public.
- 2. <u>Standard permit representations</u>. All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110) (relating to Applicability). Any changes in representations are subject to the following requirements:
 - (A) For the addition of a new facility, the owner or operator shall submit a new registration incorporating existing facilities with a fee, in accordance with §116.611 and §116.614 (relating to Registration to use a Standard Permit and Standard Permit Fees) prior to commencing construction. If the applicable standard permit requires public notice, construction of the new facility or facilities may not commence until the new registration has been issued by the executive director.
 - (B) For any change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions, the owner or operator shall submit written notification to the executive director describing the change(s), along with the designated fee, no later than 30 days after the change.
 - (C) For any other change to the representations, the owner or operator shall submit written notification to the executive director describing the change(s) no later than 30 days after the change.
 - (D) Any facility registered under a standard permit which contains conditions or procedures for addressing changes to the registered facility which differ from subparagraphs (A) - (C) of this paragraph shall comply with the applicable requirements of the standard permit in place of subparagraphs (A) - (C) of this paragraph.
- 3. <u>Standard permit in lieu of permit amendment</u>. All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
- 4. <u>Construction progress</u>. Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office not later than 15 working days after occurrence of the event, except where a different time period is specified for a particular standard permit.
- 5. <u>Start-up notification</u>. The appropriate air program regional office of the commission and any other air pollution control program having jurisdiction shall be notified prior to the commencement of operations of the facilities authorized by the standard permit in such a manner that a representative of the executive director may be present. For phased construction, which may involve a series of units commencing operations at different times, the owner or operator of the facility shall provide separate notification for the commencement of operations for each unit. A particular standard permit may modify start-up notification requirements.
- 6. <u>Sampling requirements</u>. If sampling of stacks or process vents is required, the standard permit holder shall contact the Office of Air and any other air pollution control program having jurisdiction prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The standard permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.
- 7. <u>Equivalency of methods</u>. The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as

alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the standard permit.

- 8. <u>Recordkeeping</u>. A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the executive director, the U.S. Environmental Protection Agency, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include (but is not limited to) production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
- 9. <u>Maintenance of emission control</u>. The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §§ 101.201 and 101.211 (relating to Emissions Event Reporting and Recordkeeping Requirements, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, Recordkeeping; and Operational Requirements).
- 10. <u>Compliance with rules</u>. Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.
- 11. <u>Distance Limitations</u>. Distance limitations, setbacks, and buffer zones. Notwithstanding any requirement in any standard permit, if a standard permit for a facility requires a distance, setback, or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback, or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:
 - (A) The date new construction, expansion, or modification of a facility begins; or
 - (B) The date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

Air Quality Standard Permit for Permanent Rock and Concrete Crushers Effective Date July 31, 2008

This air quality standard permit authorizes rock and concrete crushing facilities that meet all of the conditions listed in sections (1), (2), and (3) of this standard permit. It is the permit holder's responsibility to demonstrate compliance with all conditions of this permit upon request by the executive director or any air pollution control agency having jurisdiction.

- (1) General Requirements:
 - (A) For the purposes of this standard permit, the following definitions apply.
 - (i) A site is one or more contiguous or adjacent properties which are under common control of the same person (or persons under common control).
 - (ii) Associated sources are sources of air emissions that are related to the rock or concrete crushing operation, that are not "facilities" as defined under Title 30 Texas Administrative Code (30 TAC) § 116.10, General Definitions. Associated sources include, but are not limited to, stockpiles and outdoor work areas. Screens, belt conveyors, generator sets, and material storage or feed bins are considered to be facilities and are not associated sources.
 - (iii) A residence is a structure primarily used as a permanent dwelling.
 - (B) Except as provided in subsections (C) and (D) of this section, when crushing concrete, the concrete crushing facility shall be operated at least 440 yards from any building which was in use as a single or multi-family residence, school, or place of worship at the time an application was filed. The measurement of distance shall be taken from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the building in use as a residence, school, or place of worship toward the point on the building in use as a residence, school, or place of worship that is nearest the concrete crushing facility.
 - (C) Subsection (B) does not apply to:
 - (i) a concrete crushing facility at a location for which the distance requirements of subsection (B) were satisfied at the time an application was filed with the commission, provided that the authorization was granted and maintained, regardless of whether a single or multi-family residence, school, or place of worship is subsequently built or put to use within 440 yards of the facility; or
 - (ii) structures occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
 - (D) Subsection (B) does not apply to a concrete crushing facility that:
 - (i) is engaged in crushing concrete and other materials resulting from the demolition of a structure on that site and the concrete and other materials are being crushed primarily for use at that site;
 - (ii) operates at that site during one period of no more than 180 calendar days;
 - (iii) complies with all applicable conditions stated in commission rules, including operating conditions; and
 - (iv) is not located in a county with a population of 2.4 million or more persons, or in a county adjacent to such a county.
 - (E) For any owner or operator with a facility authorized by this standard permit, the TCEQ will not accept an application for authorization of a crushing facility under Texas Health and Safety Code (THSC) § 382.0518, Preconstruction Permit, located at the same site for a period of 12 months from the date of authorization.
 - (F) An applicant for authorization of a rock crusher under THSC § 382.0518, is not eligible for this standard permit at the same site until 12 months after the application for authorization under § 382.0518 is withdrawn. Facilities already authorized by a permit under § 382.0518 are not eligible for this standard permit.

- (G) Applications for this standard permit shall be registered in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit (including a current Form PI-1S, Crushing Plant Standard Permit Checklist and Table 17). A compliance history review shall be performed by the executive director in accordance with 30 TAC Chapter 60, Compliance History. If a facility is determined to be a poor performer, as defined in 30 TAC Chapter 60, a standard permit registration shall not be issued.
- (H) No owner or operator of a crushing facility shall begin construction and/or operation without obtaining written approval from the executive director (except for crushers in non operational storage for which construction has not commenced as considered under the Texas Clean Air Act). Start of construction of any facility registered under this standard permit shall be no later than 18 months from the date of authorization. Construction progress and startup notification shall be made in accordance with 30 TAC § 116.115(b)(2), General and Special Conditions.
- (I) Applications for registration under this standard permit shall comply with 30 TAC § 116.614, Standard Permit Fees.
- (J) All affected facilities authorized by this standard permit must meet all applicable conditions of Title 40 Code of Federal Regulations (40 CFR) Part 60, Subpart A, General Provisions, and OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.
- (K) Only crushing facilities that are processing nonmetallic minerals or a combination of nonmetallic minerals that are described in 40 (CFR) Part 60, Subpart OOO, shall be authorized by this standard permit.
- (L) This standard permit does not supersede the requirements of any other commission rule, including 30 TAC Chapter 101, Subchapter H, Division 3, Mass Emissions Cap and Trade Program; and 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds.
- (M) Written records shall be kept for a rolling 24-month period and shall always remain on site. These records shall be made available at the request of any personnel from the TCEQ or any air pollution control program having jurisdiction. These written records shall contain the following:
 - (i) daily hours of operation;
 - (ii) the throughput per hour;
 - (iii) road and work area cleaning and dust suppression logs; and
 - (iv) stockpile dust suppression logs.
- (N) Crushing operations and related activities shall comply with applicable requirements of 30 TAC Chapter 101, Subchapter F, Emission Events and Scheduled Maintenance, Startup, and Shutdown Activities.
- (O) Facilities which meet the conditions of this standard permit do not have to meet the emissions and distance limitations listed in 30 TAC § 116.610(a)(1), Applicability.
- (P) Maintenance emissions are not included in this permit and must be approved under separate authorization. Startup and shutdown emissions that exceed those expected during production operations must be approved under separate authorization.
- (Q) Owners or operators of facilities authorized by this standard permit are not eligible for any authorization in 30 TAC Chapter 106, Subchapter E, Aggregate and Pavement or 30 TAC § 106.512, Stationary Engines and Turbines, for a facility located at the same site as a rock crusher authorized by this standard permit.
- (R) Upon issuance of this standard permit, the TCEQ will no longer accept a registration for § 106.142, Rock Crushers.
- (2) Public Notice Requirements:

- (A) An application for authorization to construct and operate a rock crusher under this standard permit is not subject to the public notice requirements in 30 TAC Chapter 39 Subchapter H, Applicability and General Provisions, and Subchapter K, Public Notice of Air Quality Applications.
- (B) For authorization to use this standard permit, an applicant must publish notice under this section not later than the earlier of:
 - (i) the 30th day after the date the applicant receives written notice from the executive director that the application is technically complete; or
 - (ii) the 75th day after the date the executive director receives the application.
- (C) The applicant must publish notice at least once in a newspaper of general circulation in the municipality in which the plant is proposed to be located or in the municipality nearest to the proposed location of the crusher. If the elementary or middle school nearest to the proposed plant provides a bilingual education program as required by Subchapter B, Chapter 29, Texas Education Code, the applicant must also publish the notice at least once in an additional publication of general circulation in the municipality or county in which the plant is proposed to be located that is published in the language taught in the bilingual education program. This requirement is waived if such a publication does not exist or if the publisher refuses to publish the notice.
- (D) The notice must include:
 - (i) a brief description of the proposed location and nature of the proposed crusher;
 - (ii) a description, including a telephone number, of the manner in which the executive director may be contacted for further information;
 - (iii) a description, including a telephone number, of the manner in which the applicant may be contacted for further information;
 - (iv) the location and hours of operation of the commission's regional office at which a copy of the application is available for review and copying; and
 - (v) a brief description of the public comment process, including the mailing address and deadline for filing written comments.
- (E) At the applicant's expense, a sign or signs shall be placed at the site of the proposed facility declaring the filing of an application for a permit and stating the manner in which the commission may be contacted for further information. Such signs shall be provided by the applicant and shall meet the following requirements:
 - (i) signs shall consist of dark lettering on a white background and shall be no smaller than 18 inches by 28 inches;
 - (ii) signs shall be headed by the words "PROPOSED AIR QUALITY PERMIT" in no less than two-inch boldface block-printed capital lettering;
 - (iii) signs shall include the words "APPLICATION NUMBER" and the number of the permit application in no less than one-inch boldface block-printed capital lettering (more than one number may be included on the signs if the respective public comment periods coincide);
 - (iv) signs shall include the words "for further information contact" in no less than 1/2-inch lettering;
 - signs shall include the words "Texas Commission on Environmental Quality," and the address of the appropriate commission regional office in no less than one-inch boldface capital lettering and 3/4-inch boldface lower case lettering; and

- (vi) signs shall include the phone number of the appropriate commission office in no less than two-inch boldface numbers.
- (F) The sign or signs must be in place by the date of publication of the newspaper notice required by subsection (2)(C) of this section and must remain in place and legible throughout the period of public comment provided for in subsection (2)(I) of this section.
- (G) Each sign placed at the site must be located within ten feet (ft.) of each (every) property line paralleling a street or other public thoroughfare. Signs must be completely visible from the street and spaced at not more than 1,500-ft. intervals. A minimum of one sign, but no more than three signs shall be required along any property line paralleling a public thoroughfare. The commission may approve variations from these requirements if it is determined that alternative sign posting plans proposed by the applicant are more effective in providing notice to the public.
- (H) The alternate language sign posting requirements of this subsection are applicable whenever either the elementary school or the middle school located nearest to the facility or proposed facility provides a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B, and 19 TAC § 89.1205(a) or if either school has waived out of such a required bilingual education program under the provisions of 19 TAC § 89.1205(g). Schools not governed by the provisions of 19 TAC § 89.1205(a) shall not be considered in determining applicability of the requirements of this subsection. Each affected facility shall meet the following requirements.
 - (i) The applicant shall post an additional sign in each alternate language in which the bilingual education program is taught. If the nearest elementary or middle school has waived out of the requirements of 19 TAC § 89.1205(a) under 19 TAC § 89.1205(g), the alternate language signs shall be published in the alternate languages in which the bilingual education program would have been taught had the school not waived out of the bilingual education program.
 - (ii) The alternate language signs shall be posted adjacent to each English language sign required in this section.
 - (iii) The alternate language sign posting requirements of this subsection shall be satisfied without regard to whether alternate language notice is required under subsection (C) of this section.
 - (iv) The alternate language signs shall meet all other requirements of this section.
- (I) The public comment period begins on the first date notice is published under subsection (2)(B) and extends no less than 30 days from the publication date.
- (J) Not later than the 30th day after the end of the public comment period, the executive director will approve or deny the application for authorization to use the standard permit. The executive director must base the decision on whether the application meets the requirements of this standard permit. The executive director must consider all comments received during the public comment period in determining whether to approve the application. If the executive director denies the application, the executive director must state the reasons for the denial and any modifications to the application necessary for the proposed plant to qualify for the authorization.
- (K) The executive director will issue a written response to any public comments received related to the issuance of an authorization to use the standard permit at the same time as or as soon as practicable after the executive director grants or denies the application. Issuance of the response after the granting or denial of the application does not affect the validity of the executive director's decision to grant or deny the application. The executive director will:
 - (i) mail the response to each person who filed a comment; and
 - (ii) make the response available to the public.
- (3) Operational Requirements:

- (A) The primary crusher throughput shall not exceed 200 tons per hour.
- (B) The crusher and all associated facilities, including engines and/or generator sets, but not including associated sources, shall be located no less than 200 ft. from the nearest property line, as measured from the point on the facility nearest the property line.
- (C) The crusher and all associated facilities, including engines and/or generator sets, but not including associated sources, shall be located no less than 440 yards from any building which was in use as a single or multi-family residence, school, or place of worship, at the time an application was filed, as measured from the point on the facility nearest the residence, school, or place of worship to the point on the residence, school, or place of worship to the point on the residence, school, or place of worship nearest the facility.
- (D) The crushing facilities (not including associated sources) operating under this standard permit shall be located at least 550 ft. from any other rock crusher, concrete crusher, concrete batch plant, or hot mix asphalt plant. If this distance cannot be met, then the crusher shall not operate at the same time as the other rock crusher, concrete crusher, concrete batch plant, or hot mix asphalt plant. Measurement shall be from the closest point on the rock crushing facility to the closest point on any other facility.
- (E) All associated sources, including but not limited to, roads (except for incidental traffic and the entrance and exit to the site), work areas, and stockpiles, shall be located at least 100 ft. from the property line.
- (F) The facilities (as defined in 30 TAC § 116.10(4)) authorized under this standard permit shall be limited to one primary crusher, one secondary crusher, one vibrating grizzly, two screens, any conveyors, and one internal combustion engine (or combination of engines) of no more than 1,000 total horsepower. Equipment that is not a source of emissions does not require authorization.
- (G) All crushers, associated facilities, and associated sources (excluding stockpiles) shall not operate for more than an aggregate of 2,640 hours at the authorized site in any rolling 12 month period. Once the operating hours (2,640 hours) for the site have been exhausted, the owner or operator shall not use a standard permit to operate another rock crusher on the site.
- (H) The rock crusher and associated facilities shall not operate from one hour after official sunset to one hour before official sunrise.
- (I) Each crusher shall be equipped with a runtime meter, which will be operating during crushing operations.
- (J) Permanently mounted spray bars shall be installed at the inlet and outlet of all crushers, at all shaker screens, and at all material transfer points and used as necessary to maintain compliance with all TCEQ rules and regulations.
- (K) Opacity of emissions from any transfer point on belt conveyors or any screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent, averaged over a six-minute period, and according to U.S. Environmental Protection Agency (EPA) Test Method (TM) 9.
- (L) Visible emissions from the crusher, associated facilities, associated sources, and in-plant roads associated with the plant shall not leave the property for a period exceeding 30 seconds in duration in any six-minute period as determined using EPA TM 22.
- (M) Dust emissions from all in-plant roads and active work areas that are associated with the operation of the crusher, associated facilities, and associated sources shall be minimized at all times by at least one of the following methods:
 - (i) covered with a material such as, but not limited to, roofing shingles or tire chips (when used in combination with (ii) or (iii) of this subsection);
 - (ii) treated with dust-suppressant chemicals;
 - (iii) watered; or

- (iv) paved with a cohesive hard surface that is maintained intact and cleaned.
- (N) All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or covered, as necessary, to minimize dust emissions.
- (O) Raw material and product stockpile heights shall not exceed 45 ft.
- (P) The crusher shall be equipped with a weigh hopper or scale belt to accurately determine the mass of material being crushed.
- (Q) The crusher may relocate on the site for which it has been authorized without reauthorization as long as it remains at least 440 yards from any residence, school, or place of worship that was in existence at the time of the move.



LCRA HIGHLAND LAKES WATERSHED ORDINANCE QUARRY/MINE PERMIT No. 2018-3631

Lower Colorado River Authority (LCRA) hereby authorizes:

Spicewood Crushed Stone, LLC 3490 FM 78 McQueeney, TX 78123

Hereinafter called Operator

To: Develop and operate a guarry to mine limestone and dolomite on a 281 acre site

At: 5550 E State Highway 71 Spicewood, TX 78669

in accordance with the plans, drawings, maps, correspondence and/or other materials which are attached hereto or referenced herein and made a part of this Permit. Operator and engineering firm shall be solely responsible for design, planning and operation under this Quarry/Mine Permit. LCRA is not responsible for any defects resulting from the design or construction under this Quarry/Mine Permit.

Issuance Date: 1/18/2019 Expiration Date: 1/18/2022

This permit is subject to the following conditions:

GENERAL CONDITIONS

- A. Notify LCRA 24 to 48 hours before commencing any quarry/mine activity as defined by Section 3 of the Ordinance.
- B. After the Permit has been issued, following installation of temporary Erosion and Sediment Controls and prior to commencing quarry/mine activity, an on-site pre-development inspection is required to be attended by the Operator, or his representative, and LCRA.
- C. Allow LCRA to enter the site for purposes of inspecting compliance with the Permit, or for performing any work necessary to bring the site into compliance with the Permit.
- D. Designate a location on the site for the posting of notice and inform LCRA of that location.
- E. Keep a copy of the Permit and quarry/mine plans on the site.
- F. Promptly notify LCRA in writing, of any assignment of the Permit or change in the name, address or telephone number of the Operator.
- G. Inspect all temporary Erosion and Sedimentation Controls after each rain of 0.5 inches or more and at least once a week and make repairs to restore full function of all controls.
- H. Repair any siltation or erosion damage resulting from this project.
- I. Contact LCRA to determine if a Permit amendment is required for any Best Management Practice (BMP) modifications. Obtain LCRA approval for any required Permit amendment prior to modifying BMPs.
- J. Upon completion of the quarry/mine activity, a registered professional engineer shall certify in writing to LCRA that the Permanent BMPs were constructed in accordance with the Permit conditions and the Ordinance.
- K. Comply with the approved surface water monitoring and groundwater protection plans.
- L. This Permit shall expire within three (3) years from the date of issuance if the quarry/mine activity has not commenced or upon sooner termination by LCRA General Manager or his designee.
- M. Failure to maintain financial security provided to LCRA for erosion and sediment control shall be cause for termination of this Permit.

N. The Operator is responsible for complying with regulations or restrictions imposed by any governmental authority that imposes higher standards, requirements, or restrictions. Failure to comply with other governmental regulations or restrictions may result in enforcement action by the governmental authority whose regulations have been violated. Municipal and country regulations that apply to this property are not considered in the review and issuance of this LCRA Permit.

SPECIAL CONDITIONS

 The following documents prepared by Wood Environment & Infrastructure Solutions, Inc. are approved as a part of this permit:

-Hydrologic Report Revision 2.0 January 2019 (including Figure 5A dated 1/10/2019)

-Hydrogeologic Report September 2018

Install Erosion and Sediment Controls and Permanent Water Quality Management Practices (BMPs) as identified and detailed on the approved plans.

- 2) Install and maintain temporary erosion and sedimentation controls as necessary to prevent sediment from leaving the project site during construction. Such controls must remain in place until the project area has achieved final stabilization including establishment of perennial vegetative cover to a uniform density of at least seventy percent (70%).
- Provide a construction schedule for the site improvements at the pre-construction meeting. The schedule shall include final stabilization and any temporary stabilization measures proposed.
- 4) Commence final stabilization within 21 days of suspension or completion of the roadway and building site development or any phased construction such as perimeter berms. Temporary stabilization may be approved if construction ends or is suspended when perennial vegetation is out of season (late fall/winter) or during drought, however Final Stabilization shall be completed no later than 3 months after the onset of favorable growing conditions as per the LCRA Technical Manual.
- 5) Prior to occupancy of site facilities, provide a signed BMP maintenance plan to LCRA for approval.
- Comply with the approved BMP maintenance plan.
- Additional erosion and sedimentation controls may be required to correct inadequate or ineffective controls.
- 8) Provide an Annual Report to LCRA including Quarterly Groundwater Monitoring and Visual Stormwater Sampling results, Rain Gauge monitoring log and laboratory analyses for Quarterly Discharge and Groundwater Monitoring samples as described in the approved Surface Water Monitoring and Groundwater Protection Plans. Provide said report annually within 45 days of the one-year anniversary of the date when quarry operations began on the tract.

If at any time, the terms and conditions of this Permit are not met, LCRA may revoke the Permit after notifying the Operator of non-compliance and allowing ten (10) days to reestablish compliance. If the Operator fails to comply within this period, the Permit shall automatically terminate, unless otherwise agreed to by LCRA.

Zml

1/18/2019

Erik Harris, LCRA

Date