June 18, 2025

LCRA Response to Comments from the Public
Re: Quarry/Mine Permit Application 2024-5606 From Asphalt Inc.

Background: On Jan. 2, 2025, Westward Environmental Inc. submitted a Quarry/Mine Permit application to LCRA on behalf of Asphalt Inc.

The application, Burnet Quarry 2024-5606, proposes an aggregate processing plant and quarry operation on an approximately 710-acre site at 3221 Farm to Market Road 3509 in Burnet County. The primary quarrying area includes a 327-acre quarry pit, a processing plant, haul roads, rock crusher, a truck scale with scale house, test pits, stockpiles and material handling areas. The water quality measures in the application include pit areas to capture stormwater runoff, earthen berms, natural vegetative areas, check dams, rock berms and a water quality buffer area.

The permit application was submitted under LCRA's Highland Lakes Watershed Ordinance (HLWO), which was promulgated under the authority of the LCRA Enabling Act per the Texas Special District Local Laws Code Chapter 8503 and other applicable laws. The HLWO applies to quarry/mine activities proposed within the jurisdictional area defined in the ordinance, specifically to ensure the use of best management practices for control of stormwater runoff affected from quarry and mine activities.

An LCRA Quarry/Mine Permit is required prior to commencement of any quarry and mine activity for sites acquired or leased after March 1, 2007, that will create more than 10,000 square feet of impervious cover or disturb more than 5 acres of land in accordance with section 4.2(d) of the ordinance.

The public comment process: LCRA welcomed public comments on the proposed project from Jan. 2 through May 13. Due to significant interest and requests from affected persons and local governmental entities within the jurisdiction of the proposed project, LCRA held a formal public meeting on the project in Burnet on May 13.

LCRA received 2,385 comments from members of the public though an online form, email and U.S. mail, and delivered in person or in writing at the public meeting.

Public Comment Summary and LCRA Responses

LCRA reviewed and considered all comments it received from members of the public and greatly appreciates the feedback on the application. All of the submitted comments expressed opposition to the quarry permit application.

The comments described an assortment of concerns related to the proposed project, but pursuant to the HLWO, LCRA may only consider issues and comments related to water quality as described in HLWO, which focuses on protection of water quality that may be impacted by stormwater runoff from the proposed project.

About 20% of the comments received were related to matters within the jurisdiction of the HLWO and were considered and implemented into the technical review of the permit application. During the technical review process, LCRA often required additional information from the applicant. The information was considered in the review and was posted on the Quarry and Mine Permit Application webpage on LCRA.org.

LCRA has combined comments raising the same or similar issues in this response.

Water Quality Management

Best Management Practices (BMPs): Commenters described concerns the proposed quarry and mine activity would pollute stormwater runoff and said the applicant did not propose appropriate BMPs to control the potentially polluted stormwater. Quarrying operations involve significant excavation of the natural landscape that exposes more sediment to erosion, which some commenters said directly impacts stormwater that has the potential to pollute tributaries and groundwater connections.

Commenters said installing detention ponds as proposed in the application is not an adequate BMP. Some commenters questioned the proposed location of the ponds along the property boundaries and said the ponds posed a risk to groundwater if unlined. Some commenters wanted the ponds to be designed for at least a 100-year storm event and said the current design creates the potential for the ponds to overflow during heavy rain events. They said discharge could result in sediment-laden water flowing off-site.
Some commenters said they were concerned that silt fence and vegetative filter strips were not enough to appropriately manage erosion and sedimentation, and some asked for clarification on the project area topography and how drainage areas would be managed.

LCRA Response: LCRA requires projects to manage stormwater run-off from quarry and mine activity by using best management practices in accordance with the HLWO and following the guidelines in the HLWO Technical Manual. During technical review of the application, LCRA required the applicant to provide design details and additional clarification for the proposed BMPs. This included, but was not limited to, the construction of temporary and permanent controls and actions proposed by the applicant to protect groundwater and surface water from contaminated runoff. Updates provided by the applicant include revised BMP sizing calculations to demonstrate capacity, updated temporary and permanent BMP technical details to plan sheets, and increased width of a vegetative filter strip to 60 feet. The additional information provided met the requirements of the HLWO.

LCRA allows stormwater from quarry projects to be captured in quarry pits designed to contain runoff volume of a 10-year (24-hour) storm without discharge in accordance with the Technical Manual. LCRA's technical review required the applicant to demonstrate the design, location, and sizing of these water quality ponds were adequate for the drainage areas each pond served.

The additional information provided by the applicant better illustrated the various drainage areas and how each drainage area would manage stormwater runoff. The proposed water quality ponds are located within the boundaries of the proposed project limits, which meets setback requirements in the HLWO, and are in a location to capture runoff from the entire drainage area.

The HLWO does not require water quality ponds to be sized to manage flood events. The water quality ponds are not required to be lined. The Technical Manual requires the applicant to seal any geologic feature encountered during the construction of the ponds, prior to operation.

LCRA's technical review required updates to the applicant's BMP maintenance plan to address inspection and maintenance requirements for the water quality ponds and other best management practices. The applicant provided the information and described general site maintenance and dewatering actions for the water quality ponds including BMP-specific requirements such as regular inspection schedules and water quality sampling before any dewatering commences.

Any discharge of stormwater off-site would require permits from other authorities. Unauthorized discharges of polluted stormwater are within the jurisdiction and would be addressed by the permitting authorities such as the Texas Commission on Environmental Quality. LCRA would initiate a separate enforcement action if the permittee did not meet the BMP maintenance plan, approved Quarry/Mine Permit conditions, or HLWO.

LCRA's technical review required revisions and clarification on other measures proposed to manage erosion and sedimentation during the operational stages of the quarry project. For example, details for use of water trucks for dust control, wheel washes, berms to direct runoff, expanded vegetative filter strips and designated areas that will remain in their natural state. LCRA requested clarification on the description of the site's slopes to ensure each drainage area met the applicable BMPs. The permit application was updated to reflect an average slope of 4.61%.

During the technical review, LCRA required a timeline as to when the initial phase would move into a more operational phase and how the BMPs would be updated. The applicant provided a timeline and said the water quality ponds are to be installed prior to any clearing. The expansion of the pit will be less than 10 acres at a time and silt fence and perimeter berms will be extended and stabilized with each expansion. The applicant added the requested information to the plan sheet notes. In addition, LCRA required the applicant to include notes in the quarry plans saying that erosion and sedimentation controls would need to be installed and inspected by an LCRA inspector before any work commences. The information provided by the applicant met the requirements of the HLWO.

Pollutant Sources: Commenters said the project would cause pollution and expressed concern about the risk of impacts to off-site areas. Most comments on this topic said sediment would be the main pollutant of concern, and some also said other sources such as oil, grease, lubricants and fuel from heavy equipment and storage could expose the area to additional pollutants. Some commenters were concerned with how the project would deal with isolated pollutant sources, such as the wheel wash area and detention ponds, and one commenter asked how toxins in runoff would be removed. A commenter said the proposed site may have a significant amount of naturally occurring asbestos in the rock, and one commenter asked if additional water treatment would be required to local wells to make it safe for drinking water.

LCRA Response: Quarry and mine projects include various pollutant sources that have the potential to be exposed to stormwater. During its review, LCRA required more information about management of sediment from quarry operations, including updates to the inspection and maintenance requirements of BMPs. The applicant provided additional information including an inspection schedule based on the manufacturers' specifications and updated BMPs to manage containment of pollutants as required by the HLWO.

LCRA's technical review also required the applicant to provide details for areas of concentrated pollutant sources and to demonstrate how these pollutant sources will be controlled. These areas included the fuel storage area, the wheel wash area, concrete washout containments, stockpiles and the product processing area. On-site fuel storage tanks would be provided with secondary containment, and the wheel wash would be used for trucks leaving the facility. Water from the wheel wash would be recirculated and sediment retained onsite. The purpose of each area is to contain and properly manage the pollutant sources generated from the proposed quarry operation and limit impact to stormwater. These measures meet the requirements of the HLWO.

LCRA also required the applicant to acknowledge that the removal and disposal of contaminants classified as hazardous or toxic that impact the water quality ponds must comply with federal and state laws.

LCRA did not request information regarding exposure to stormwater from naturally occurring asbestos in the rock, because LCRA does not regulate asbestos and has no jurisdiction over its use or removal. Water treatment requirements for local surrounding wells are not regulated by LCRA.

Process Water: Commenters asked about the use of Gorman pits and how the operator would manage water used for washing aggregate and lubricating rock crushing activities. Some commenters requested clarification about the pits sizing and final use as process-water areas. One commenter said Gorman pits are subject to leaking from expanding fissures resulting from blasting, increasing the risk of groundwater contamination. Commenters asked if other wastewater would be generated from the quarry operations and how the wastewater will be managed.

LCRA Response: During technical review of the application, LCRA required additional information about the Gorman pits, including the sequence of construction and use, details about the proposed sizing and how the design would minimize impacts to stormwater. The Gorman pits would be the initial stormwater basins to manage runoff during the initial phases of the quarry operation. As the operation expands, the Gorman pits would be used as the process water storage areas. The applicant provided additional information showing the Gorman pits would be designed as a closed-loop system with 1 foot of freeboard. The applicant also clarified there would be three Gorman pits.

The application also provided more details about the Gorman pits, saying the pits would be self-contained, used for water recycling and material capture, and be approximately 6.9 acres of surface area. The three Gorman pits would not be lined and would be sized to retain stormwater runoff from the process plant maintenance area. Water would be pumped from the Gorman pits to the wash plant and then allowed to flow back to the Gorman pits. If during the construction of the pits a feature or fracture is encountered, the applicant would be required to seal the feature prior to operation. The information provided meets the requirements of the HLWO.

LCRA required additional details about the quarry operations to properly identify sources of other waste, such as the location of on-site sewage facilities (OSSF). Any OSSF would have to be reviewed and approved by the applicable permitting authority.

Hydrogeologic Report

DRASTIC Analysis: Commenters questioned the accuracy of the information provided in the hydrogeologic report and whether it accurately represented the project site. Some commenters asked whether the DRASTIC analysis section of the report used an accurate analysis to determine depth to water table and net recharge. One comment questioned the reference to the state well in lieu of a resource closer to the project area. Comments asked whether there was a geophysical survey and asked for the installation of monitoring on-site wells to determine the water depth and contended the Net Recharge referencing 30 inches of annual rainfall was not representing drought situations for the area.

LCRA Response: The HLWO requires a hydrogeologic report to be prepared by a Texas licensed professional geoscientist (P.G.). The report must describe the project's geologic characteristics and include the aquifer, drastic classification, any man-made or geologic features and the depth to the water table. The information provided is used to support the proposed best management practices and site development.

After evaluating the report provided, LCRA required additional references and confirmation of sources used to demonstrate the on-site depth to the water table and to calculate the DRASTIC rating. The applicant provided copies of the state well reports and updated the description of the depth to the water table section. The additional details about the state well and an on-site well include water level measurements. Based on the information provided, an estimate of depth to groundwater was proposed to be 250 feet below the surface.

LCRA did not request a geophysical survey or the installation of monitoring wells on-site to further support the proposed water depth on-site, as the P.G. who completed the Hydrogeologic report conducted his review within the parameters of the LCRA technical guidance. Background conditions may be established by referencing historical data at existing wells or springs or by data collected by the applicant during operations in accordance with HLWO. LCRA has the authority to request monitoring wells for water levels or water quality determination at a future date if it determines they are necessary based on- site conditions.

Though a 30-inch rainfall is not representative of drought conditions for the Net Recharge rating index, the information provided is based on the annual precipitation for Burnet County supported by the Texas Water Development Board. LCRA did not request an update to the Net Recharge rating index. The information provided meets the HLWO requirements.

Feature Identification: Some commenters said they were concerned about whether the narrative and geologic table provided by the applicant was accurate, as it did not identify springs or karst features on-site. In addition, some commenters said karst features near the site were not identified, including an artesian well or Longhorn Caverns. Comments asked whether the report accurately described features such as Peters Creek within the project limits and if faults were accurately accounted for in the hydrogeologic report. A comment asked why a potential wetland area did not include additional details.

Commenters asked whether the field investigation and desktop review described in the report were adequate. Some said the field investigation should have been conducted following a rain event sufficient to cause storm water runoff, and others said a proper field investigation should have included a thorough geophysical survey using ground-penetrating radar (GPR). A GPR survey could detect voids beneath the ground surface typical of karst conditions, as karst features would not be visible to a person walking around the site due to native vegetation. Some commenters asked LCRA to conduct a field evaluation prior to issuing any permit.

LCRA Response: LCRA required updates to the karst identification section of the Hydrogeologic report and verified the karst identification process included literature search, study of topographic maps and aerial photo, field reconnaissance by a qualified Texas licensed P.G., and the study of available wells logs. In accordance with the LCRA Technical Manual, when a recharge feature with a surface opening greater than 1 square foot in area is found during construction, it will be sealed or protected to prevent sediment from infiltrating stormwater runoff. Under the HLWO, the permit application is not required to officially document any karst or other geologic or man-made features located outside the property boundaries such as any springs, wells, or caverns.

LCRA required updates to the Hydrogeologic report to document all on-site geologic and man-made features. The updates included revisions to an on-site tributary, published faults within the project site, and a re-evaluation of the potential wetland marked on the plan sheets. The published fault illustrated on the site geology map referenced the Geologic Database of Texas. The Hydrogeologic report and supportive plan sheets were revised accordingly. The applicant updated the report to meet HLWO requirements.

The field investigation was conducted by a Texas licensed P.G. and supported by a professional site study referenced in the report, which meets the HLWO requirements. LCRA did not request the use of geophysical survey using ground-penetrating radar to detect voids beneath the ground surface, as that is not required in the HLWO. The Hydrogeologic report is only required to document any surface feature identified by the P.G. LCRA staff completed a site assessment during the technical review of the permit application to verify the Hydrogeologic report accurately described the site and to confirm no construction activity was taking place without prior approvals.

Well & Spring Inventory: Commenters said they were concerned about information referenced in the Well & Spring Inventory section. One commenter questioned why Attachment D, Well & Spring Inventory Map, documented no springs located within 1 mile of the site in the map legend, but said the map identifies a spring (5722202) located within 1,000 feet of the southern boundary of the proposed site. The commenter also said the spring feature was not investigated.

Another comment referenced a water well and stock tank located less than 100 feet from the site, across FM 3509 from the project site. The commenter said the well may be less than 50-100 feet deep and the presence of this well and stock tank brings into question the depth of water on the site.

LCRA Response: LCRA reviewed the Well & Spring Inventory Map and required an update to Attachment D to accurately represent the spring identified within the vicinity of the project. The spring was not assessed by a Texas licensed P.G. because the feature is located outside property boundaries and LCRA has no authority to require such an assessment.

LCRA also documented the water well and stock tank referenced in the comment and required clarification from the applicant to demonstrate this was referenced in the Well & Spring Inventory section. LCRA also verified the feature was captured in the Well & Spring Inventory section and it did not indicate the water depth to be different than what was represented in the permit application

Buffer Zones

Commenters said the permit application had insufficient buffer zones and said quarry activity would disturb the buffer area. Some commenters said they were concerned with the proximity of operations to the buffer zones. Commenters said a spring is located on the project site that feeds Sandy Creek, which ultimately flows to Inks Lake. The commenter asked if a buffer zone was proposed for the spring and whether it would result in Sandy Creek no longer flowing or potentially becoming contaminated from quarry operations.

Commenters expressed concern about caverns in the area. Some commenters said the proposed project and the surrounding area includes numerous caverns that connect to Longhorn Cavern State Park and asked if a buffer was proposed to protect the caverns. Commenters asked for clarification on crossing of buffers zones and said creeks located on the adjacent property, Backbone Creek, Long Branch and Honey Creek had no protection.

Some commenters said the 200-foot buffer from FM 3509, the 50-foot buffer from the property line and 25-foot buffer from the edge of the bank are insufficient given the nature of the proposed project and questioned whether the best environmental practices typically recommend larger setbacks from sensitive hydrological features.

LCRA Response: Buffer zones are intended to protect waterways and aquatic resources from the short- and long-term impacts of quarrying activities. Buffer zones must remain free of activity except for utility or roadway crossings. Per the HLWO, a buffer zone must be a minimum width of 25 feet from the top of the channel bank on each side of the creek.

LCRA required clarification on the proposed buffer zone and how the buffer zone will be protected from heavy equipment or disturbances related to the quarry and mine activities. The applicant updated the buffer area and expanded it with a revised boundary illustrated on the latest plan sheet. The applicant will construct an earthen berm to protect the buffer area from any impact from quarry operations. These activities meet the requirements of the HLWO.

Buffer zones are required for creeks or rivers draining more than 320 acres in accordance with the HLWO. A spring was not identified within the proposed buffer zone or anywhere else on-site, according to the Hydrogeologic report.

The permit application submitted to LCRA for review does not require the assessment of adjacent features or tributaries located off-site, so the application does not propose buffer zones for those areas. Any development proposed by the adjacent property owners would be required to demonstrate buffer zones applicable to drainage features such as Honey Creek. Any buffer zones crossings proposed would be limited to buffer areas within the proposed project, and the permit application did not propose any crossings in the buffer zone.

LCRA verified that the setbacks are in accordance with the HLWO. Other setback requirements, such as the 200-ft buffer from FM 3509, are regulated by the Texas Department of Transportation. The 50-ft perimeter buffer is regulated by Mine Safety and Health Administration (MSHA).

Erosion and Sediment Control

Commenters said neighboring stock tanks are fed by water runoff from the quarry property and said water runoff from the site would adversely affect livestock and land. One commenter described the increased construction in the area in recent years and noted additional sediment accumulation, reduced channel capacity and spring output in the area. The commenter said the quarry will magnify the issues described and will allow pollutants direct access to the aquifer.

Some comments asked how runoff from the site will affect nearby areas such as Inks Lake, Camp Longhorn, Longhorn Caverns and other neighboring properties, with particular concerns about whether the site would affect drinking water taken from Inks Lake or cause additional sediment that would limit sunlight, affect oxygen in the water and provide fuel for algae blooms.

LCRA Response: LCRA requires the management of stormwater runoff from quarry and mine activity. Details of site improvements, drainage and erosion and sedimentation controls proposed within the quarry project are required to be demonstrated in the Hydrologic report completed by a Texas licensed professional engineer (P.E.).

LCRA required descriptions of the erosion and sedimentation controls that will be in place during the initial phases of construction and an approximate timeline for when the project would move into a more operational phase and how the BMPs will be updated. LCRA required the applicant to demonstrate that drainage areas outside the plant operations would remain in their natural states. The project design directs stormwater runoff to water quality basins on-site using berms and channels. Stormwater collected in the water quality ponds would be used on-site. This meets the requirements of the HLWO.

If the water quality ponds require discharge off-site, the permittee would be required to obtain additional authorizations from the Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency. Discharges would be completed by an authorized dewatering process to prevent unauthorized discharge of sediment-laden water.

If a TCEQ permit is obtained to discharge stormwater, a copy of the permit would be provided to LCRA, and details would be captured in the LCRA Surface Water Monitoring Plan. A Surface Water Monitoring plan must be submitted to LCRA annually for review, followed by an on-site inspection.

Groundwater Quality Protection

Commenters said quarry and mining activities such as deep excavation and blasting have the potential to expose karst features or other direct recharge features within the site. Commenters expressed about potential groundwater contamination resulting from the quarry activity and impacting groundwater sources off-site.

Commenters stated the area near the proposed project site has underground caves that may be partially filled with water. Some commenters said they were concerned water used at the quarry would be sent back underground and would resurface in off-site caves or impact groundwater. Comments said runoff from the quarry is not prevented from entering the vertical faults that underlie the quarry.

Comments asked why a groundwater monitoring plan would not be necessary. Some commenters said the applicant should describe BMPs to protect groundwater quality located up-gradient and within the pit to limit discharge to groundwaters, and some said monitoring wells should be constructed on-site to assess the potential for groundwater pollution and to support the BMPs proposed in the project. Comments asked how monitoring would be conducted during mining operations to establish pre-mining background conditions. One commenter suggested LCRA should require installation of monitoring wells to measure on-site water levels and to collect groundwater samples for one year to establish background conditions prior to commencement of any mining activities.

LCRA Response: LCRA requires the management of stormwater runoff from quarry and mine activity to prevent negative impacts to surface water and groundwater. The proposed temporary and permanent BMPs and operational measures in the permit application are designed to minimize impact to both water sources as required by the HLWO.

LCRA required additional clarification in the Hydrogeologic report to verify the proposed mining activities would not encounter groundwater and required the applicant to describe how features encountered during construction would be protected in accordance with the HLWO and within the guidelines of the LCRA Technical Manual to avoid contamination. The applicant added the additional well data information to the Hydrogeologic report and added the description to protect features in the Engineer report. The additional information provided by the applicant met HLWO requirement.

The permit application described the site's background conditions with historical references, and LCRA required the applicant to provide additional details. The applicant submitted a groundwater background sampling plan. LCRA will require the permittee to sample existing and proposed wells located on-site quarterly. The applicant provided the required information and met the requirements of the HLWO.

LCRA is not requiring the installation of monitoring wells in addition to the existing and proposed wells located on-site that will be monitored quarterly. In the event of groundwater contact, LCRA will be notified and will work in conjunction with the Central Texas Groundwater Conservation District to determine what type of groundwater monitoring plan would be required for the existing development and if any updates are needed to on-site BMPs.

LCRA will impose the following special permit conditions:

1. **If groundwater is encountered, all activity must cease within the vicinity and the permittee is required to notify LCRA. An updated groundwater monitoring plan may be required to be prepared by the permittee and submitted to LCRA for review and approval. LCRA will coordinate with the Central Texas Groundwater Conservation District (CTGCD) to determine applicable requirements.**

2. **If potentially sensitive features, including geologic faults, are encountered during construction, all construction and excavation activity will cease within the vicinity. The feature will be protected by temporary BMPs, evaluated by a professional trained representative and mitigated according to the provisions of this permit to achieve and maintain compliance with the provisions of the permit and the HLWO. LCRA will be notified and provided mitigation documentation.**

Monitoring & Reporting

Commenters asked what monitoring requirements for surface water and groundwater would be imposed to demonstrate compliance with the permit. Some commenters requested clarification on LCRA procedures to address an applicant's failure to properly meet the performance standards for stormwater runoff control.

Commenters asked for clarification on the inspection requirements described in the permit application, with some commenters skeptical that inspections proposed every week or after every rain would happen. One commenter asked if the quarry would hire an outside specialist to monitor operations and if so, if that information would be available to the public. A comment asked whether language in the inspection adequately demonstrates the need for immediate attention to address repairs or deficiencies noticed on-site through quarry staff or regulatory inspectors.

Commenters asked what consequences the operation would face if the BMPs failed and caused an off-site impact. Some commenters wanted to know who would be responsible for monitoring and levying consequences and what kind of retention plan the applicant has for possible leakage or contamination off-site.

Commenters asked whether LCRA would monitor neighboring wells to ensure the quarry is operating in compliance with the permit. One commenter provided the total dissolved solids count measured at a private well and wanted it to remain unchanged. If an impact occurs, the commenter wants the applicant held accountable with severe financial penalties and an extensive monitoring remediation in a conditional approval. Another commenter asked for clarification on drilling into Texas waters.

LCRA Response: All records required by LCRA and other agencies must be kept on-site while the facility is in operation. LCRA reports will be provided in accordance with the approved permit and requirements of the HLWO. LCRA may perform site reviews on a quarterly basis and LCRA will meet with the quarry operator on-site annually. If at any time, LCRA determines activities have occurred or are occurring that are not in compliance with terms of the permit or the HLWO, LCRA may issue a Notice of Violation and pursue further enforcement if compliance is not achieved. This would include failure of a permittee to maintain BMPs in accordance with the permit or approved maintenance plan, or failure of a permittee to comply with any term or condition of an approved permit.

The Notice of Violation can include a Stop Work Order to direct that no further activity takes place until the permittee comes into full compliance with the HLWO or permit. Failure to address the Notice of Violation can result in a penalties and revocation of the permit.

LCRA required the applicant to update the inspection and maintenance requirements for temporary and permanent BMPs. LCRA staff may require updates or adjustments to BMPs based on site inspections. Internal inspections and maintenance may be completed by permittee staff or a hired specialist. All inspections and maintenance should be documented and records retained on-site. LCRA may request to review all applicable records.

Failure to comply with inspection and maintenance requirements that result in negative impact will result in a Notice of Violation and further enforcement. LCRA will coordinate with other regulatory authorities, such as TCEQ, to address any unauthorized discharge or impact off-site resulting from the quarry operation. Compliance with the provisions of the HLWO may also be enforced through other remedies at law or in equity including injunctive relief.

LCRA does not have the authority to regulate private or public water wells and would not monitor neighboring wells to ensure the quarry is operating in compliance with the permit. If there were to be an impact to surface or groundwater off-site, LCRA would take appropriate enforcement actions as described above.

The LCRA HLWO does not regulate the use of Texas waters. The permitting of wells or other water sources are acquired through other regulatory authorities.

Administrative

One commenter said the owner of Asphalt Inc. had changed and questioned if that meant the LCRA permit application is no longer administratively complete. The commenter said Construction Partners Inc (CPI) is the applicable company, and the permit application should be resubmitted under the name CPI. The comment also said CPI should be evaluated for compliance history in other state operations.

A commenter said different applications were submitted by Westward Environmental to LCRA and TCEQ. Some commenters asked why Westward Environmental submitted revised information to meet LCRA's standards and asked if it is appropriate for Westward Environmental to represent the findings when they were hired by the applicant, Asphalt Inc. One commenter asked under what circumstances would LCRA deny the permit.

LCRA Response: LCRA completes an administrative review upon receipt of an application. Unlike a technical review, an administrative review is a determination of application completeness and verification of an applicant's authority to request a permit. The proposed permittee is Asphalt Inc. as named in the application.

After LCRA confirms the application is complete, it moves to a technical review period to determine whether the application meets the standards in the HLWO. During technical review, LCRA confirmed the applicability of the landowner to be Burnet Ranch Investments LLC through the General Warranty Deed. LCRA confirmed the permittee to be Asphalt Inc., authorization to undertake the quarry and mine activities by the landowner.

It is standard practice for an applicant to hire an engineer to complete a permit application and design a project site to meet the requirements of the HLWO. The review completed by LCRA is to ensure the project engineer meets the requirements of the HLWO.

LCRA received a permit application under the Highland Lakes Watershed Ordinance. The applicant is allowed to update and change the application during technical review to meet the requirements of the HLWO and guidelines of the Technical Manual. During the technical review, LCRA requested and received additional details about the processing plant area and proposed rock crusher. If during the LCRA permit process the applicant changes the project conditions as proposed to TCEQ for an Air Permit, the permittee is responsible for providing any applicable updates to TCEQ to ensure the Air Permit is still applicable.

LCRA will deny an application if it does not meet the requirements of the HLWO.

Legislative Activity

Commenters expressed support for two pieces of quarry-related legislation introduced during the 89th Legislative session - House Bill 3482 by State Rep. Ellen Troxclair and House Bill 5151 by State Rep. Terry Wilson.

LCRA Response: LCRA closely followed both bills through the legislative process. Neither bill was approved by the Legislature.

Additional Public Comment Summary and LCRA Response

Approximately 80% of the comments described concerns other than water quality issues and outside of the jurisdiction of the HLWO. LCRA can only consider water quality issues as outlined in the HLWO in its review of the application and is not authorized to consider other issues in its review of the application. The following section summarizes those comments.

Environmental-Economic Impact

Environmentally Sensitive Areas: About 30% of the comments described a concern with the proximity and potential impact of the site to sensitive areas and sites such as Camp Longhorn, Inks Lake State Park, Inks Dan National Fish Hatchery, Lake LBJ or other surrounding areas. Concerns included potential effects on the ecosystem, tourism, local real estate and businesses, and demand on local resources.

A significant number of comments concerned potential impacts to Camp Longhorn and included many statements from people who provided personal testimony of the positive impact Camp Longhorn has had on their lives and their families.

LCRA Response: LCRA regulates development activities within the boundaries of the project site pursuant to the requirements of the HLWO. The HLWO does not include restrictions on the location of proposed projects. Land use and land use restrictions are regulated by local governments with that authority.

Ecosystem: Some commenters said they were concerned about potential impacts to surrounding species and vegetation, including possible impacts on the migratory path for birds such as waterfowls and whooping cranes and local nesting areas.

Some commenters requested studies be conducted to identify whether species such as the horned lizard or Texas blind salamander are at the site, and one commenter expressed concern about the health of animals at the petting zoo area at Camp Longhorn. Others said they were concerned about potential impacts on the nearby fish hatchery, white bass breeding areas and mussels.

LCRA Response: LCRA does not oversee habitat protection programs or endangered species programs and the HLWO limits LCRA's review of the application to water quality issues. Federal and state authorities such as Texas Parks and Wildlife Department are responsible for management actions protecting natural habitats.

Industrialization: Some commenters said the applicant should be obligated to enhance the area by providing new parks and roads, and by revitalizing and expanding the downtown area. Other commenters said the project could result in higher property appraisals, an increased tax burden to the community, and an increase of resale of local homes. Some commenters said they feared the area would become industrialized and change the way of life in the rural area.

LCRA Response: LCRA cannot require an applicant to participate in restoration projects or local area improvements. The consideration of property values and property appraisals are outside of the scope and jurisdiction of the HLWO. Any future developments would be required to secure all applicable permits.

LCRA's review of the application is limited to water quality issues as outlined in the HLWO. The HLWO does not regulate economic or environmental impacts caused by the operation of a quarry.

Water Issues

Some commenters said they were concerned about the proposed quarry's potential impact on groundwater availability and adverse effects from flooding.

Approximately 20% of the comments submitted described concerns related to reduced or disrupted groundwater availability due to the potential amount of water that will be used for quarry operations. Some commenters said some neighboring properties have already documented dry wells or inconsistent water availability due to drought conditions and said some nearby homeowners have had to drill new wells, rely on rainwater collection or have water trucked to their properties. Commenters said they were concerned that future businesses such as a proposed winery would not have enough water to operate.

Some commenters said they were concerned the surrounding springs would run dry and no longer provide a water resource to the natural habitat. Other commenters expressed concern about the availability of water in the case of wildfires. Commenters requested the quarry identify how much water would be used annually in the permit application and explain how the applicant would measure water usage on-site. One commenter asked for a comprehensive water impact assessment to detail the projected water consumption by the plant and potential effects to groundwater levels and existing water users.

Some commenters said they were concerned about potential flooding originating from the site, including whether the engineering design would be able to manage run-off appropriately. Other commenters asked how the applicant would implement a flood prevention plan and wondered who would monitor run-off during a flood event.

Some commenters were concerned about drought restrictions and whether businesses that require significant water to operate should be allowed in an area managing through critical drought conditions. Commenters said the quarry could keep run-off from increasing lake levels.

LCRA Response: LCRA's review of the application is limited to water quality issues as outlined in the HLWO. The HLWO does not regulate groundwater usage, water availability or impose restrictions on site design for flood control. The applicant would be required to obtain a permit from the Central Texas Groundwater Conservation District for groundwater wells. Local government regulations determine if a project is to adhere to any flood control requirements.

Air Quality and Health Effects

Commenters describe significant concerns about the impact quarry/mining operations could have on air quality and the potential adverse health effects to people, wildlife, and vegetation in the surrounding area.

Some commenters reiterated what was submitted to the Texas Commission on Environmental Quality during the review of the rock crusher's air permit application and expressed concerns about emissions and silica dust impacting the area due to quarry operations such as mining, blasting, rock crushing and removal of natural vegetation that helps stabilize sediment.

Some commenters wanted more details about the impact of air quality from the quarry operations documented in the permit application and contended that using water to manage dust is a waste of reserves and should not be allowed.

Some said the local population is particularly vulnerable, as it includes children, youth camp attendees, the elderly and individuals with respiratory conditions. Some commenters expressed concern about the potential impact poor air quality could have on livestock.

LCRA Response: LCRA's review of the application is limited to water quality issues as outlined in the HLWO. The HLWO does not regulate or have jurisdiction over air quality or public health, which is managed by the Texas Commission on Environmental Quality and local authorities.

The quarry/mine application included dust suppression measures such as irrigation conducted with a water truck as an erosion-control best management practice. This meets the requirements in the HLWO.

Traffic and Public Infrastructure

Some commenters said they were concerned about traffic impacts related to the quarry operation, including the impact heavy vehicles could have on the roads and increased safety risks. One commenter said the project could use a lot of power and expressed concern about how it would access its power supply.

LCRA Response: LCRA's review of the application is limited to water quality issues as outlined in the HLWO. It does not have jurisdiction over traffic or road issues, or where/how the project secures power for the site. The Texas Department of Transportation and local authorities would be responsible for traffic and public infrastructure.

Noise, Light and Blasting

Commenters described concerns that noise and light from the proposed quarry operation would disrupt wildlife, families and outdoor recreation in the area. Some said the noise resulting from day-to-day noise resulting from standard quarry operations and transporting material on and off-site would disrupt the lives of people living nearby.

Other commenters expressed concern about blasting activities at the site and the potential impact it could have on the structural integrity of buildings, a dam, groundwater and geologic features such as caverns near the site. Some expressed concern that blasting could startle horses at a neighboring youth camp.

LCRA Response: LCRA's review of the application is limited to water quality issues as outlined in the HLWO. LCRA does not regulate noise levels or lighting produced by a quarry. Noise and light restrictions are administered by local authorities. The HLWO does not regulate or have jurisdiction over blasting activities, which is managed by the Mine Safety and Health Administration.

Environmental Studies

Some commenters requested that LCRA complete an Environmental Impact Study or have an assessment completed by a third party to evaluate the impact the proposed quarry project would have on the surrounding area, including such as the Inks Lake State Park, Inks Lake, Camp Longhorn and the aquifers. Some commenters wanted the findings to be available to the public and suggested a permit should be contingent on findings demonstrating the project would have no negative impact. Some wanted the study to include information on the potential geological and water impacts the project could have, including whether long-term vibration could affect the structural integrity at Longhorn Caverns.

Some commenters provided reference materials for consideration in the review, including the National Library of Medicine: Assessing the Impact of Quarrying as an Environmental Ethic Crisis: A Case Study of Limestone Mining in a Rural Community, and a letter from Texas Parks and Wildlife Department (TPWD) to the Texas Commission on Environmental Quality (TCEQ) related to the air permit the applicant received from TCEQ.

LCRA Response: LCRA's review of the application is limited to water quality issues as outlined in the HLWO. Therefore, LCRA cannot require an environmental study that would evaluate matters outside of the scope of the HLWO and beyond LCRA's authority.

Business Practices

Some commenters said the land was acquired through fraudulent means and maintained the land was purchased by a company named Burnet Ranches LLC for future residential development, but the company then leased the property to Asphalt Inc. Some commenters said Asphalt Inc. does not operate current sites in compliance with regulatory requirements and said Asphalt Inc. would not safely or reliably follow protocols.

LCRA Response: LCRA's review of the application is limited to water quality issues as outlined in the HLWO. The HLWO does not regulate business practices or withhold permitting based upon poor compliance history. LCRA will require the applicant to comply with all appliable regulatory requirements from LCRA.

Conclusion

LCRA's review of the application is limited to determining whether the application meets the requirements of the HLWO, which focuses on protecting water quality that may be impacted by stormwater runoff from the project site. Many of the issues raised by members of the public in evaluating the application are outside the scope of HLWO requirements, and therefore LCRA's authority.

After a thorough review of the application, subsequent information provided by the applicant and all comments provided by members of the public, LCRA has determined the application meets the requirements of the HLWO. A Quarry/Mine Permit will be issued for Burnet Quarry application 2024-5606 on June 18, 2025.