

MEMORANDUM

To: Mayor and City Council Members
Doug Faseler, City Manager

From: Rick Cortes, Assistant City Manager

Subject: Ingram Contested Case Hearing Withdrawal

Date: March 3, 2015

On December 30, 2014, the City of Seguin received notification from the Texas Commission on Environmental Quality (TCEQ), of Ingram Readymix (Ingram) submittal of an application for a permit renewal for its Concrete Batch Plant located at 1316 N. Bowie. The permit renewal request was submitted by Ingram to TCEQ on December 8, 2014 and has a pending renewal date of June 3, 2015.

As part of the air permitting process, Ingram was required to publish a formal public notice of the pending renewal application. The notice informs the public of its right to ask questions, make comments, or request a contested case hearing. In an effort not to miss the deadline to request a hearing, staff requested a “contested case hearing”; this action was ratified by City Council during its January 9, 2015 regular Council meeting. Please be advised that a contested case hearing is a legal proceeding similar to a civil trial in state district court.

Since the January 9th Council meeting, staff has been in direct communication with representatives from Ingram Readymix to discuss the City’s concerns and reasoning for requesting a hearing. The City’s concerns included but were not limited to excessive dust to unsightly appearance of the site. In an effort to mitigate the City’s concerns, Ingram Readymix has agreed to install a 10’ fence around the perimeter of the property, and to pave the employee parking area to the east side of the property. Representatives from Ingram have also assured staff of its intent to work closely with City staff to mitigate any further issues or concerns.

Based on the latest development, staff is recommending that the City withdraw its requests for a contested case hearing.