



City of Garden Ridge

"A way of life, not just a place to live"

AGENDA QUARRY COMMISSION SPECIAL MEETING MONDAY, AUGUST 12, 2019, 6:00 P.M.

The Garden Ridge Quarry Commission will meet in a special session on Monday, August 12, 2019, at 6:00 p.m. in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted by August 9, 2019, before 6:00 p.m. providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Citizen Comment Period – limited to 30 minutes total

Rules for Citizens' Participation:

The Quarry Commission welcomes citizen participation and comments at all Quarry Commission Meetings. The Quarry Commission offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you should follow these guidelines:

a) Respect and courtesy:

- i. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
- ii. Show the Commission the same respect that you would like to be shown.
- iii. End your speaking at the time allotted below.

b) Speaking:

- i. First citizen comment period
 1. You are required to sign up to speak.
 2. You are limited to one 3-minute period.
- ii. Business item period
 1. You are required to sign up to speak.
 2. You are limited to one 3-minute period.
- iii. Second citizen comment period
 1. You are not required to sign up.
 2. You are limited to one 2-minute period.
- iv. State your name and address before your comments begin.
- v. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Quarry Commission is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

5. Business Items

The following items are for discussion, consideration, and/or action.

a) Approvals

- i. Approval of Minutes for June 10, 2019, Quarry Commission Special Meeting.
- ii. Approval of Minutes for July 8, 2019, Quarry Commission Regular Meeting.

9400 Municipal Parkway * Garden Ridge, Texas 78266-2600

Phone (210) 651-6632 * Fax (210) 651-9638 * www.ci.garden-ridge.tx.us

b) Discussions/Reports/Reviews

- i. Review and discussion on the monthly Hanson Quarry blasting analysis data reported by Vibratex. Discussion with Hanson Servtex and blasting contractors on recent quarry operations, including any unusual blasts that occurred during reported month/s and/or current month.
- ii. Review individual citizen blast report/s, follow up on citizen blast report/s and/or assign Quarry Commissioner contact with citizen/s, as necessary.
- iii. Discussion on number of, placement, and location of monitors and other matters related to monitoring of blasts by Vibratex and notification to residents of monitor placements. Discuss placement of roving monitor which is currently at the Baker residence.

c) Updates/Recommendations

- i. Request from Buckley Powder Co., for a Partial Exemption Permit to conduct blasting activities at the Hanson Quarry for the period of October 1, 2019-September 30, 2020.
 1. Review request and make recommendation to the City Council.
- ii. Ordinance No. 34-072019 An Ordinance of the City of Garden Ridge prohibiting blasting within the city limits; providing for partial exemption permit; establishing regulations pertaining to blasting; establishing criminal and civil penalties for violation; providing that this ordinance shall be cumulative; providing for severability; including a repealer clause; and declaring an effective date.
 1. Discuss implementation status.
 2. Discuss functions and responsibilities of the Quarry Commission.
- iii. City Council Regular Meeting on August 7, 2019.
- iv. Ordinance No. 210-022018 An Ordinance of the City Council of the City of Garden Ridge adopting board and commission policy and procedures; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; providing a savings clause; and providing an effective date.
 1. Discuss expiring terms (September 30, 2019) of Commissioner Shands, Commissioner Mudge, Commissioner Haddad, and Commissioner Holloway.
 2. Make recommendation to City Council for consideration of reappointment.
 3. Discuss and make recommendations related to application of Ordinance provisions to Commission members, if needed.

d) Future Agenda Items

- i. Commissioners input for items on upcoming agendas.
- ii. Update on future education/training sessions and Grapevine articles.
- iii. Announcement of next Quarry Commission Regular Meeting (Monday, September 9, 2019, at 6:00 p.m. at City Hall – City Council Chambers)

**6. Citizen Comment Period – limited to 20 minutes total
See “Rules for Citizen’s Participation” under Item 4.**

7. Adjournment

AGENDA NOTICES:

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Commission may vote or act upon any item within this Agenda. The Commission reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Title 5, Chapter 551, of the Texas Government Code.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of the City Council, other city boards, commissions, and/or committees may attend the meeting in numbers that may constitute a quorum of the City Council, other city boards, commissions, and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the City Council, other boards, commissions, and/or committees of the City, whose members may be in attendance. The members of the boards, commissions, and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action are specifically provided for on an agenda for that board, commission, or committee subject to the Texas Open Meetings Act.

This is to certify that I, Kat Balbi, posted this Agenda at 11:00 a.m. on August 7, 2019, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

Kat Balbi
Assistant City Secretary



City of Garden Ridge

"A way of life, not just a place to live"

MINUTES QUARRY COMMISSION SPECIAL MEETING MONDAY, JUNE 10, 2019, 6:00 P.M.

Commissioners Present:

Chair Mike Shands
Vice-Chair Wayne Mudge
Commissioner Jerry Barucky
Commissioner Mark DuBois
Commissioner Richard Holloway
Councilmember Bryan Lantzy, Ex-officio member

Commissioners Absent:

Commissioner Johnell Holly (Voluntary Announced Absence)
Commissioner Albert Haddad (Unannounced Absence)

City Staff Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Cynthia Trevino, City Attorney

Other City Councilmembers or Commissioners Present:

Councilmember Lisa Swint
Karen Diaz, Vice-Chair, Planning and Zoning Commission

1. Call to Order

With a quorum of the Quarry Commission Members present, Chair Shands called the special meeting of the Garden Ridge Quarry Commission to order at 6:00 p.m. on Monday, June 10, 2019, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas, 78266.

2. Roll Call

See above.

3. Pledge of Allegiance

Chair Shands led the Pledge of Allegiance.

4. Citizen Comment Period – limited to 30 minutes total

No one signed up to speak.

5. Business Items

The following items are for discussion, consideration, and/or action.

a) Discussions/Reports/Reviews

- i. Review and discussion on the monthly Hanson Quarry blasting analysis data reported by Vibratex. Discussion with Hanson Servtex and blasting contractors on recent quarry operations, including any unusual blasts that occurred during reported month/s and/or current month.**

Geoffrey Rigsby, Vibra-Tech, presented and discussed the May blast analysis. He stated that 14 shots occurred during the month of May and none (0) of the blasts exceeded the limits of Ordinance 34 or the Federal U.S. Bureau of Mines Guidelines for protection of residential structures. He reported the highest PPV reading of 0.393 occurred on May 22, 2019, at the Holly Residence and the highest Air Overpressure of

112 dB occurred on May 6, 13, and 30, 2019, at the Warden Residence and on May 28, 2019, at the City Property Line.

ii. Review individual citizen blast report/s, follow up on citizen blast report/s and/or assign Quarry Commissioner contact with citizen/s, as necessary.

Geoffrey Rigsby, Vibra-Tech, discussed citizen blast reports received for May. He reviewed the citizen concerns and relevant blasts from Armando Diaz, Karen McNealy, Beverly Pickering, Missy Lantzy, Nancy Ober, Susan Harkins, Mark Bither, Leon/Evelyn Timmermann, and Larry Meeks.

The Commission discussed historically receiving more Citizen Blast Impact Reports when blasting is conducted in the Base Pit. Hal Halamuda, Hanson Servtex Quarry Plant Manager, stated they have not been doing anything differently. He stated they are using the same patterns, monitoring, and location as blasts that have occurred before in addition to maintaining compliance with the Garden Ridge City Ordinance as well as Federal Guidelines. Councilmember Lantzy spoke regarding his conversations with three citizens. He reported that one of those citizens stated their foundation issues ended up being from drainage instead of blasting activity.

The Commission discussed obtaining current and future blasting plans and physical boundaries from Quarry Representatives during the Quarry Commission meeting in July.

iii. Discussion on number of, placement, and location of monitors and other matters related to monitoring of blasts by Vibratex and notification to residents of monitor placements.

Discuss placement of roving monitor which is currently at the Baker residence.

The Commission agreed to leave the roving monitor at the Baker residence.

c) Updates/Recommendations

i. City Council Regular Meeting on June 5, 2019.

Chair Shands stated the City Council received the Quarry Commission's recommendation regarding Ordinance No. 34 and City Council agreed to postpone taking action on the ordinance until July in order to hear from Quarry Representatives at this special meeting.

6. Citizen Comment Period – limited to 20 minutes total

Tracey Blackwell, 9745 Trophy Oaks Drive, spoke regarding correlations between blasting techniques and impacts as well as noise at the Hanson Quarry.

Jan Martin, 20418 Wahl Lane, spoke regarding Ordinance No. 34 and suggested stricter hours of operation.

Armando Diaz, 21010 Gunther Grove, spoke regarding documenting blasts to see if there are any relevant correlations and the physical boundaries for blasting.

7. Adjournment

Motion: A motion was made by Commissioner Holloway, seconded by Commissioner DuBois to adjourn. There being no further business, the Monday, June 10, 2019, Quarry Commission Special Meeting was adjourned at 7:00 p.m. by Chair Shands.

Mike Shands
Chair

ATTEST:

Marisa Spencer
City Secretary

June 10, 2019 Quarry Commission Special Meeting

2nd Citizen Comment Period

	NAME	ADDRESS	SUBJECT
1.	Tracey Blackwell	9745 Trophy Oaks	GRTX 78266 Blast
2.	Jan Martin	20418 Wahl Lane	GRTX 78266 Noise
3.	Armando Diaz	21010 Gunther Grv	GRTX 78266 Ordinance Blast
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MINUTES
QUARRY COMMISSION REGULAR MEETING
MONDAY, JULY 8, 2019, 6:00 P.M.

Commissioners Present:

Chair Mike Shands
Commissioner Richard Holloway
Commissioner Jerry Barucky
Commissioner Johnell Holly
Commissioner Albert Haddad

Commissioners Absent:

Vice-Chair Wayne Mudge (Excused Absence)
Commissioner Mark DuBois (Voluntary Announced Absence)
Councilmember Bryan Lantzy, Ex-officio member

City Staff Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary

Other City Councilmembers or Commissioners Present:

None

1. Call to Order

With a quorum of the Quarry Commission Members present, Chair Shands called the regular meeting of the Garden Ridge Quarry Commission to order at 6:00 p.m. on Monday, July 8, 2019, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas, 78266.

2. Roll Call

See above.

3. Pledge of Allegiance

Chair Shands led the Pledge of Allegiance.

4. Citizen Comment Period – limited to 30 minutes total

No one signed up to speak.

5. Business Items

The following items are for discussion, consideration and/or action.

a) Approvals

i. Approval of Minutes for May 13, 2019, Quarry Commission Regular Meeting.

Motion: A motion was made by Commissioner Haddad, seconded by Commissioner Barucky, to approve the May 13, 2019, Quarry Commission Regular Meeting Minutes. The Quarry Commission voted four (4) for and none (0) opposed. The motion carried unanimously.

b) Discussions/Reports/Reviews

i. Review and discussion on the monthly Hanson Quarry blasting analysis data reported by Vibratex. Discussion with Hanson Servtex and blasting contractors on recent quarry operations, including any unusual blasts that occurred during reported month/s and/or current month.

Geoffrey Rigsby, Vibra-Tech, presented and discussed the June blast analysis. He stated that 11 shots occurred during the month of June and none of the blasts exceeded the limits of Ordinance 34. He reported the highest PPV reading of 0.055 occurred on June 4, 2019, at the Warden Residence and the highest Air Overpressure of 114 dB occurred on June 26, 2019, at the Warden Residence.

ii. Review individual citizen blast report/s, follow up on citizen blast report/s and/or assign Quarry Commissioner contact with citizen/s, as necessary.

Geoffrey Rigsby, Vibra-Tech, discussed citizen blast reports received for the month of June. He reviewed the citizen concerns and relevant blasts from Armando Diaz.

**iii. Discussion on number of, placement, and location of monitors and other matters related to monitoring of blasts by Vibratex and notification to residents of monitor placements.
Discuss placement of roving monitor which is currently at the Baker residence.**

The Commission agreed to leave the roving monitor at the Baker residence.

c) Updates

i. City Council Regular Meeting on July 2, 2019.

Nancy Cain, City Administrator, stated City Council approved Ordinance No. 34-072019.

ii. Ordinance No. 210-022018 An Ordinance of the City Council of the City of Garden Ridge adopting board and commission policy and procedures; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; providing a savings clause; and providing an effective date.

1. Discuss and make recommendations related to application of ordinance provisions to commission members, if needed.

The Commission discussed the limitation on term limits in Ordinance No. 210-022018. Commissioner Holloway stated since he has reached the limitation on term limits once his current term ends on September 30, 2019, he would decline reappointment if there are other candidates interested in serving on the Quarry Commission. Commissioner Holloway stated he would submit to City Council for reappointment if there are no other candidates interested in serving on the Quarry Commission.

d) Future Agenda Items

i. Commissioners input for items on upcoming agendas.

Chair Shands requested to discuss Ordinance No. 34-072019 during the September regular meeting.

ii. Update on future education/training sessions and Grapevine articles.

The Commission requested another "question and answer" open forum be held at the next meeting.

iii. Announcement of next Quarry Commission Regular Meeting – Monday, September 9, 2019, at 6:00 p.m. at City Hall.

Chair Shands announced the next Quarry Commission Regular Meeting will be held on Monday, September 9, 2019, at 6:00 p.m. at City Hall.

e) Education/Training – limited to 20 minutes

i. Question and answer session with Vibratex, Hanson representatives, blasting contractor/s, and the public.

The Commission discussed blasting locations and techniques with Geoffrey Rigsby, Vibra-Tech. The Commission also discussed plans for future blasting with Hal Halamuda, Hanson Plant Manager.

6. Citizen Comment Period – limited to 20 minutes total

No one wished to speak.

7. Adjournment

Motion: A motion was made by Commissioner Holloway, seconded by Commissioner Holly, to adjourn. There being no further business, the Monday, July 8, 2019, Quarry Commission Regular Meeting was adjourned at 6:20 p.m. by Chair Shands.

Mike Shands, Chair

ATTEST:

Marisa Spencer
City Secretary



August 1, 2019

Mr. Mike Shands
Garden Ridge Quarry Commission
9400 Municipal Parkway
Garden Ridge, Texas 78266

4818 E. Ben White Blvd.
Suite 202
Austin, TX 78741

Phone 512.442.6464
Fax 512.442.6552

Dear Mr. Shands,

Enclosed is the analysis for the blasting conducted during the month of July 2019 at the Hanson Aggregates Quarry in Garden Ridge, Texas. Please place this information in your 2019 Blast Data Management Book.

At the request of the Garden Ridge Quarry Commission, Vibra-Tech, Inc. personnel conducted seismic monitoring at various locations for all blasting activities.

The attached report contains the original seismograph records obtained from the blasting along with a comparison of the recorded vibrations to the latest recommended U.S. Bureau of Mines (USBM) Variable Particle Velocity vs. Frequency Limits Report of Investigations (RI)-8507 (Nov. 1980).

The recorded ground vibrations **satisfy** the Variable Particle Velocity vs. Frequency Limits recommended by the USBM RI-8507 (Nov. 1980), and the levels set forth in Garden Ridge City Ordinance 34.

The recorded air-borne effects **satisfy** the recommended levels set forth in the USBM RI-8485 (Nov. 1980), and the levels set forth in Garden Ridge City Ordinance 34.

If there are any additional questions, please contact the Quarry Commission, Mike Shands at (210) 257-0868, or attend the Quarry Commission meeting held every other month (odd months) at 6:00 PM.

Respectfully submitted,

VIBRA-TECH, INC.



Geoffrey Rigsby
Regional Manager

cc: Hal Halamuda, Hanson – Servtex

07/10/2019 Upper West 3H
07/16/2019 Upper West 3E

Michels

Baker

Warden Property Line
City Property Line

Warden

Holly

Garden Ridge

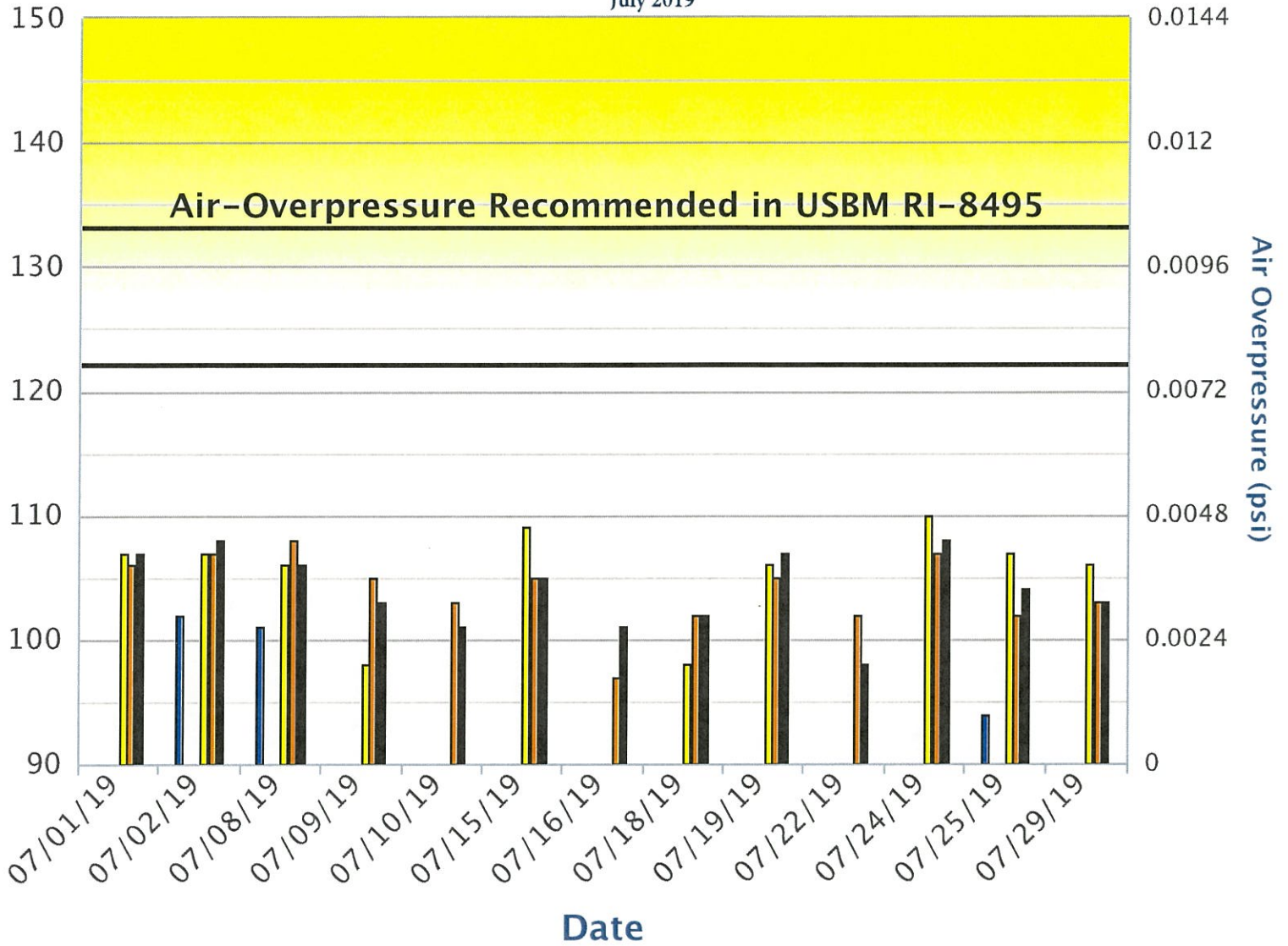
07/25/2019 Base Pit West Wall D

07/22/2019 Base Pit S. Wall B
07/18/2019 Base Pit S. Wall B

07/15/2019 Lower S. East Face

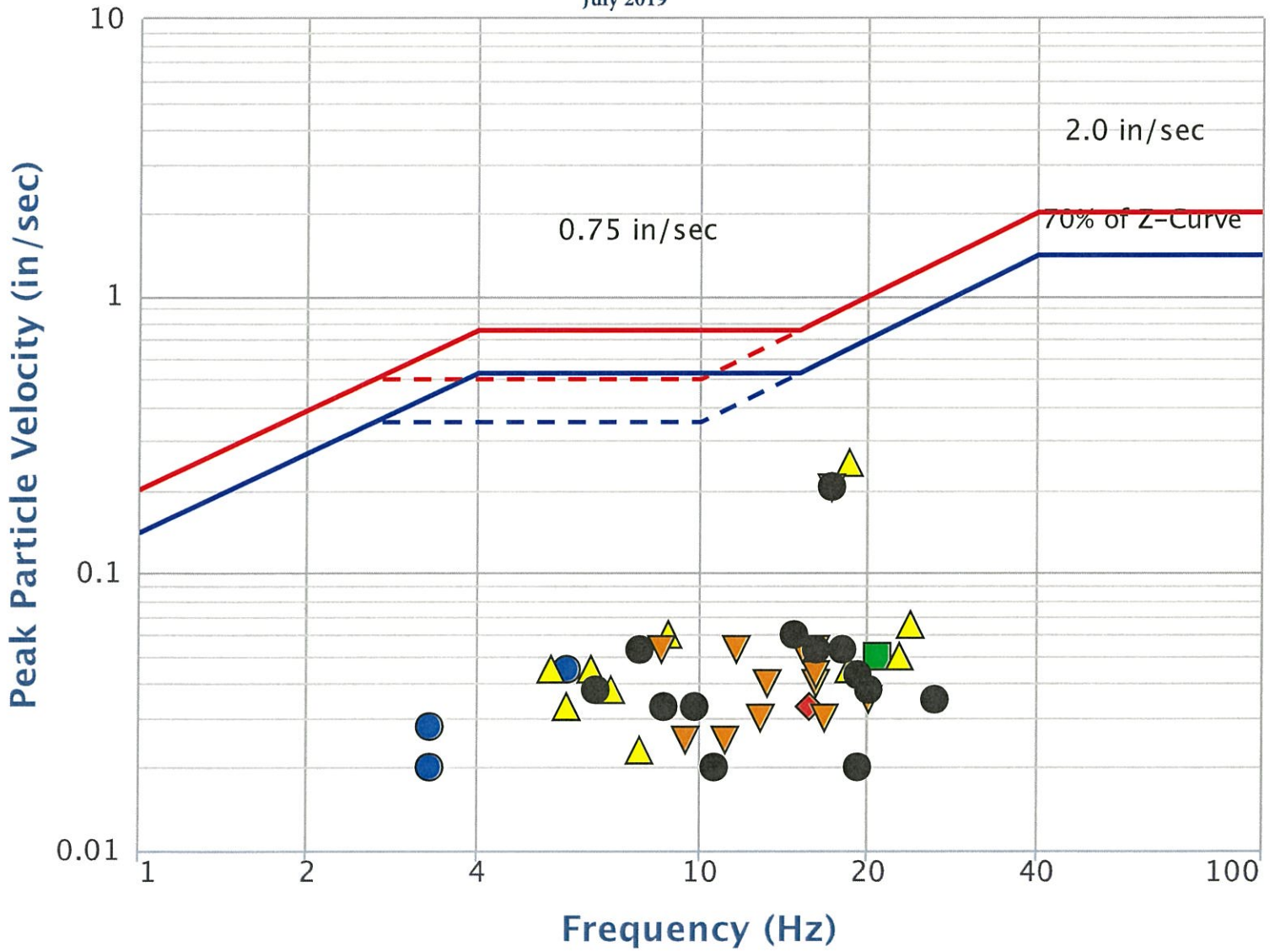
07/02/2019 Lower S. Wall C
07/19/2019 Lower S. Wall D
07/24/2019 Lower S. Wall E
07/08/2019 Lower S. Wall C

Garden Ridge Quarry Commission
Garden Ridge, Texas
AO Graph
July 2019



City Property Line Michels Residence Baker Residence Holly Residence
Warden Prop Line Warden Residence

Garden Ridge Quarry Commission
Garden Ridge, Texas
USBM Graph
July 2019



- City Property Line
- Michels Residence
- Baker Residence
- Holly Residence
- Warden Prop Line
- Warden Residence

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
GARDEN RIDGE, TEXAS
JULY 2019

DATE	SHOT # LOCATION	SHOT LOCATION GPS READING	WEATHER	TIME	PPV (in/sec)	FREQ (Hz)	AIR (dB)	SHOT DURATION (MS)	MAX LBS/ DELAY	DISTANCE FROM BLAST	SEISMOGRAPH LOCATION
07/01/19	07/01/2019 Lower S. Wall F	N 29° 38' 0.77" W 098° 16' 57.91"	CLOUDY 83° S 8	12:08	NT	NT	NT	1886	576.00	8,328	Baker Residence
07/01/19	07/01/2019 Lower S. Wall F	N 29° 38' 0.77" W 098° 16' 57.91"	CLOUDY 83° S 8	12:08	NT	NT	NT	1886	576.00	8,412	City Property Line
07/01/19	07/01/2019 Lower S. Wall F	N 29° 38' 0.77" W 098° 16' 57.91"	CLOUDY 83° S 8	12:08	0.060	8.8	107.0	1886	576.00	2,894	Holly - 9916 Trophy Oaks
07/01/19	07/01/2019 Lower S. Wall F	N 29° 38' 0.77" W 098° 16' 57.91"	CLOUDY 83° S 8	12:08	NT	NT	NT	1886	576.00	8,571	Michels - 9118 Tuscan Hills
07/01/19	07/01/2019 Lower S. Wall F	N 29° 38' 0.77" W 098° 16' 57.91"	CLOUDY 83° S 8	12:08	0.060	14.7	107.0	1886	576.00	4,338	Warden - 21375 Gunther Grove
07/02/19	07/02/2019 Lower S. Wall C	N 29° 38' 4.13" W 098° 16' 45.34"	SUNNY 87° SE 7	13:20	NT	NT	NT	814	715.00	9,272	Baker Residence
07/02/19	07/02/2019 Lower S. Wall C	N 29° 38' 4.13" W 098° 16' 45.34"	SUNNY 87° SE 7	13:20	0.028	3.3	102.0	814	715.00	6,329	City Property Line
07/02/19	07/02/2019 Lower S. Wall C	N 29° 38' 4.13" W 098° 16' 45.34"	SUNNY 87° SE 7	13:20	0.045	5.4	107.0	814	715.00	3,779	Holly - 9916 Trophy Oaks
07/02/19	07/02/2019 Lower S. Wall C	N 29° 38' 4.13" W 098° 16' 45.34"	SUNNY 87° SE 7	13:20	NT	NT	NT	814	715.00	9,354	Michels - 9118 Tuscan Hills
07/02/19	07/02/2019 Lower S. Wall C	N 29° 38' 4.13" W 098° 16' 45.34"	SUNNY 87° SE 7	13:20	0.053	7.8	108.0	814	715.00	5,180	Warden - 21375 Gunther Grove
07/08/19	07/08/2019 Lower S. Wall C	N 29° 38' 3.34" W 098° 16' 48.00"	SUNNY 92° S 8	12:42	NT	NT	NT	1430	807.00	9,070	Baker Residence
07/08/19	07/08/2019 Lower S. Wall C	N 29° 38' 3.34" W 098° 16' 48.00"	SUNNY 92° S 8	12:42	0.020	3.3	101.0	1430	807.00	6,131	City Property Line
07/08/19	07/08/2019 Lower S. Wall C	N 29° 38' 3.34" W 098° 16' 48.00"	SUNNY 92° S 8	12:42	0.045	18.5	106.0	1430	807.00	3,581	Holly - 9916 Trophy Oaks
07/08/19	07/08/2019 Lower S. Wall C	N 29° 38' 3.34" W 098° 16' 48.00"	SUNNY 92° S 8	12:42	NT	NT	NT	1430	807.00	9,186	Michels - 9118 Tuscan Hills
07/08/19	07/08/2019 Lower S. Wall C	N 29° 38' 3.34" W 098° 16' 48.00"	SUNNY 92° S 8	12:42	0.038	6.5	106.0	1430	807.00	4,995	Warden - 21375 Gunther Grove

NT = No Trigger, <0.020ips.
NT = No Trigger, <122dB

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
GARDEN RIDGE, TEXAS
JULY 2019

DATE	SHOT # LOCATION	SHOT LOCATION GPS READING	WEATHER	TIME	PPV (in/sec)	FREQ (Hz)	AIR (dB)	SHOT DURATION (MS)	MAX LBS/ DELAY	DISTANCE FROM BLAST	SEISMOGRAPH LOCATION
07/09/19	07/09/2019 Base Pit S. Wall C	N 29° 38' 8.32" W 098° 16' 59.37"	PARTLY CLOUDY 91° S 7	12:24	NT	NT	NT	1156	672.00	7,967	Baker Residence
07/09/19	07/09/2019 Base Pit S. Wall C	N 29° 38' 8.32" W 098° 16' 59.37"	PARTLY CLOUDY 91° S 7	12:24	NT	NT	NT	1156	672.00	5,023	City Property Line
07/09/19	07/09/2019 Base Pit S. Wall C	N 29° 38' 8.32" W 098° 16' 59.37"	PARTLY CLOUDY 91° S 7	12:24	0.065	23.8	98.0	1156	672.00	2,473	Holly - 9916 Trophy Oaks
07/09/19	07/09/2019 Base Pit S. Wall C	N 29° 38' 8.32" W 098° 16' 59.37"	PARTLY CLOUDY 91° S 7	12:24	NT	NT	NT	1156	672.00	8,065	Michels - 9118 Tuscan Hills
07/09/19	07/09/2019 Base Pit S. Wall C	N 29° 38' 8.32" W 098° 16' 59.37"	PARTLY CLOUDY 91° S 7	12:24	0.053	16.1	103.0	1156	672.00	3,876	Warden - 21375 Gunther Grove
07/10/19	07/10/2019 Upper West 3H	N 29° 39' 1.24" W 098° 17' 46.48"	SUNNY 90° S 5	13:08	NT	NT	NT	1084	67.00	4,758	Baker Residence
07/10/19	07/10/2019 Upper West 3H	N 29° 39' 1.24" W 098° 17' 46.48"	SUNNY 90° S 5	13:08	NT	NT	NT	1084	67.00	3,968	City Property Line
07/10/19	07/10/2019 Upper West 3H	N 29° 39' 1.24" W 098° 17' 46.48"	SUNNY 90° S 5	13:08	NT	NT	NT	1084	67.00	3,239	Michels - 9118 Tuscan Hills
07/10/19	07/10/2019 Upper West 3H	N 29° 39' 1.24" W 098° 17' 46.48"	SUNNY 90° S 5	13:08	0.033	9.8	101.0	1084	67.00	3,917	Warden - 21375 Gunther Grove
07/10/19	07/10/2019 Upper West 3H	N 29° 39' 1.24" W 098° 17' 46.48"	SUNNY 90° S 5	13:08	0.025	9.4	103.0	1084	67.00	3,723	Warden Property Line
07/15/19	07/15/2019 Lower S. East Face	N 29° 38' 10.29" W 098° 16' 34.89"	SUNNY 87° S 6	10:57	NT	NT	NT	1308	607.00	10,018	Baker Residence
07/15/19	07/15/2019 Lower S. East Face	N 29° 38' 10.29" W 098° 16' 34.89"	SUNNY 87° S 6	10:57	NT	NT	NT	1308	607.00	7,077	City Property Line
07/15/19	07/15/2019 Lower S. East Face	N 29° 38' 10.29" W 098° 16' 34.89"	SUNNY 87° S 6	10:57	0.050	22.7	109.0	1308	607.00	4,559	Holly - 9916 Trophy Oaks
07/15/19	07/15/2019 Lower S. East Face	N 29° 38' 10.29" W 098° 16' 34.89"	SUNNY 87° S 6	10:57	NT	NT	NT	1308	607.00	9,928	Michels - 9118 Tuscan Hills
07/15/19	07/15/2019 Lower S. East Face	N 29° 38' 10.29" W 098° 16' 34.89"	SUNNY 87° S 6	10:57	0.053	17.9	105.0	1308	607.00	5,878	Warden - 21375 Gunther Grove

NT = No Trigger, <0.020ips.
NT = No Trigger, <122dB

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
GARDEN RIDGE, TEXAS
JULY 2019

DATE	SHOT # LOCATION	SHOT LOCATION GPS READING	WEATHER	TIME	PPV (in/sec)	FREQ (Hz)	AIR (dB)	SHOT DURATION (MS)	MAX LBS/ DELAY	DISTANCE FROM BLAST	SEISMOGRAPH LOCATION
07/16/19	07/16/2019 Upper West 3E	N 29° 38' 59.08" W 098° 17' 46.33"	CLOUDY 89° S 12	12:23	NT	NT	NT	1038	88.00	4,623	Baker Residence
07/16/19	07/16/2019 Upper West 3E	N 29° 38' 59.08" W 098° 17' 46.33"	CLOUDY 89° S 12	12:23	NT	NT	NT	1038	88.00	3,755	City Property Line
07/16/19	07/16/2019 Upper West 3E	N 29° 38' 59.08" W 098° 17' 46.33"	CLOUDY 89° S 12	12:23	NT	NT	NT	1038	88.00	3,159	Michels - 9118 Tuscan Hills
07/16/19	07/16/2019 Upper West 3E	N 29° 38' 59.08" W 098° 17' 46.33"	CLOUDY 89° S 12	12:23	0.033	8.6	101.0	1038	88.00	3,698	Warden - 21375 Gunther Grove
07/16/19	07/16/2019 Upper West 3E	N 29° 38' 59.08" W 098° 17' 46.33"	CLOUDY 89° S 12	12:23	0.030	12.8	97.0	1038	88.00	3,505	Warden Property Line
07/18/19	07/18/2019 Base Pit S. Wall B	N 29° 38' 9.13" W 098° 16' 55.42"	SUNNY 89° S 11	10:52	NT	NT	NT	1004	664.00	8,281	Baker Residence
07/18/19	07/18/2019 Base Pit S. Wall B	N 29° 38' 9.13" W 098° 16' 55.42"	SUNNY 89° S 11	10:52	NT	NT	NT	1004	664.00	5,335	City Property Line
07/18/19	07/18/2019 Base Pit S. Wall B	N 29° 38' 9.13" W 098° 16' 55.42"	SUNNY 89° S 11	10:52	0.023	7.8	98.0	1004	664.00	2,791	Holly - 9916 Trophy Oaks
07/18/19	07/18/2019 Base Pit S. Wall B	N 29° 38' 9.13" W 098° 16' 55.42"	SUNNY 89° S 11	10:52	NT	NT	NT	1004	664.00	8,333	Michels - 9118 Tuscan Hills
07/18/19	07/18/2019 Base Pit S. Wall B	N 29° 38' 9.13" W 098° 16' 55.42"	SUNNY 89° S 11	10:52	0.020	19.2	102.0	1004	664.00	4,171	Warden - 21375 Gunther Grove
07/19/19	07/19/2019 Lower S. Wall D	N 29° 38' 2.41" W 098° 16' 51.01"	CLOUDY 89° S 14	12:14	NT	NT	NT	1780	704.00	8,846	Baker Residence
07/19/19	07/19/2019 Lower S. Wall D	N 29° 38' 2.41" W 098° 16' 51.01"	CLOUDY 89° S 14	12:14	NT	NT	NT	1780	704.00	5,912	City Property Line
07/19/19	07/19/2019 Lower S. Wall D	N 29° 38' 2.41" W 098° 16' 51.01"	CLOUDY 89° S 14	12:14	0.038	6.9	106.0	1780	704.00	3,367	Holly - 9916 Trophy Oaks
07/19/19	07/19/2019 Lower S. Wall D	N 29° 38' 2.41" W 098° 16' 51.01"	CLOUDY 89° S 14	12:14	NT	NT	NT	1780	704.00	9,001	Michels - 9118 Tuscan Hills
07/19/19	07/19/2019 Lower S. Wall D	N 29° 38' 2.41" W 098° 16' 51.01"	CLOUDY 89° S 14	12:14	0.038	20.0	107.0	1780	704.00	4,793	Warden - 21375 Gunther Grove

NT = No Trigger, <0.020ips.
NT = No Trigger, <122dB

**GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
GARDEN RIDGE, TEXAS
JULY 2019**

DATE	SHOT # LOCATION	SHOT LOCATION GPS READING	WEATHER	TIME	PPV (in/sec)	FREQ (Hz)	AIR (dB)	SHOT DURATION (MS)	MAX LBS/ DELAY	DISTANCE FROM BLAST	SEISMOGRAPH LOCATION
07/22/19	07/22/2019 Base Pit S. Wall B	N 29° 38' 9.57" W 098° 16' 53.38"	CLOUDY 86° SW 9	10:48	NT	NT	NT	852	665.00	8,444	Baker Residence
07/22/19	07/22/2019 Base Pit S. Wall B	N 29° 38' 9.57" W 098° 16' 53.38"	CLOUDY 86° SW 9	10:48	NT	NT	NT	852	665.00	5,498	City Property Line
07/22/19	07/22/2019 Base Pit S. Wall B	N 29° 38' 9.57" W 098° 16' 53.38"	CLOUDY 86° SW 9	10:48	NT	NT	NT	852	665.00	2,958	Holly - 9916 Trophy Oaks
07/22/19	07/22/2019 Base Pit S. Wall B	N 29° 38' 9.57" W 098° 16' 53.38"	CLOUDY 86° SW 9	10:48	NT	NT	NT	852	665.00	8,473	Michels - 9118 Tuscan Hills
07/22/19	07/22/2019 Base Pit S. Wall B	N 29° 38' 9.57" W 098° 16' 53.38"	CLOUDY 86° SW 9	10:48	0.020	10.6	98.0	852	665.00	4,326	Warden - 21375 Gunther Grove
07/24/19	07/24/2019 Lower S. Wall E	N 29° 38' 1.35" W 098° 16' 54.52"	SUNNY 79° NE 10	9:53	NT	NT	NT	1308	562.00	8,588	Baker Residence
07/24/19	07/24/2019 Lower S. Wall E	N 29° 38' 1.35" W 098° 16' 54.52"	SUNNY 79° NE 10	9:53	NT	NT	NT	1308	562.00	5,663	City Property Line
07/24/19	07/24/2019 Lower S. Wall E	N 29° 38' 1.35" W 098° 16' 54.52"	SUNNY 79° NE 10	9:53	0.033	5.8	110.0	1308	562.00	3,130	Holly - 9916 Trophy Oaks
07/24/19	07/24/2019 Lower S. Wall E	N 29° 38' 1.35" W 098° 16' 54.52"	SUNNY 79° NE 10	9:53	NT	NT	NT	1308	562.00	8,791	Michels - 9118 Tuscan Hills
07/24/19	07/24/2019 Lower S. Wall E	N 29° 38' 1.35" W 098° 16' 54.52"	SUNNY 79° NE 10	9:53	0.035	26.3	108.0	1308	562.00	4,567	Warden - 21375 Gunther Grove
07/25/19	07/25/2019 Base Pit West Wall D	N 29° 38' 20.15" W 098° 17' 7.66"	SUNNY 83° E 7	12:09	0.050	20.8	87.0	1432	442.00	7,004	Baker Residence
07/25/19	07/25/2019 Base Pit West Wall D	N 29° 38' 20.15" W 098° 17' 7.66"	SUNNY 83° E 7	12:09	0.045	5.8	94.0	1432	442.00	4,086	City Property Line
07/25/19	07/25/2019 Base Pit West Wall D	N 29° 38' 20.15" W 098° 17' 7.66"	SUNNY 83° E 7	12:09	0.250	18.5	107.0	1432	442.00	1,726	Holly - 9916 Trophy Oaks
07/25/19	07/25/2019 Base Pit West Wall D	N 29° 38' 20.15" W 098° 17' 7.66"	SUNNY 83° E 7	12:09	0.033	15.6	90.0	1432	442.00	6,928	Michels - 9118 Tuscan Hills
07/25/19	07/25/2019 Base Pit West Wall D	N 29° 38' 20.15" W 098° 17' 7.66"	SUNNY 83° E 7	12:09	0.205	17.2	104.0	1432	442.00	2,863	Warden - 21375 Gunther Grove

NT = No Trigger, <0.020ips.
NT = No Trigger, <122dB

**GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
GARDEN RIDGE, TEXAS
JULY 2019**

DATE	SHOT # LOCATION	SHOT LOCATION GPS READING	WEATHER	TIME	PPV (in/sec)	FREQ (Hz)	AIR (dB)	SHOT DURATION (MS)	MAX LBS/ DELAY	DISTANCE FROM BLAST	SEISMOGRAPH LOCATION
07/29/19	07/29/2019 Lower S. Wall F	N 29° 38' 0.27" W 098° 16' 57.54"	SUNNY 90° SW 9	13:17	NT	NT	NT	920	639.00	8,376	Baker Residence
07/29/19	07/29/2019 Lower S. Wall F	N 29° 38' 0.27" W 098° 16' 57.54"	SUNNY 90° SW 9	13:17	NT	NT	NT	920	639.00	5,462	City Property Line
07/29/19	07/29/2019 Lower S. Wall F	N 29° 38' 0.27" W 098° 16' 57.54"	SUNNY 90° SW 9	13:17	0.045	6.4	106.0	920	639.00	2,948	Holly - 9916 Trophy Oaks
07/29/19	07/29/2019 Lower S. Wall F	N 29° 38' 0.27" W 098° 16' 57.54"	SUNNY 90° SW 9	13:17	NT	NT	NT	920	639.00	8,626	Michels - 9118 Tuscan Hills
07/29/19	07/29/2019 Lower S. Wall F	N 29° 38' 0.27" W 098° 16' 57.54"	SUNNY 90° SW 9	13:17	0.043	19.2	103.0	920	639.00	4,392	Warden - 21375 Gunther Grove

NT = No Trigger, <0.020ips.
NT = No Trigger, <122dB

Print

Citizen Quarry Blast Impact Report - Submission #1362

Date Submitted: 7/8/2019

First Name

Armando

Last Name

Diaz

Report Date

7/8/2019

Address1

21010 Gunther Grove

Blast Date/Time:

07/08/2019 -12:41

Please describe the event.

I heard walls shake, did not feel it as I typically do.

How did this blast compare to other blasts?

Less intense

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

1

What was your activity at the time of blast?

In master bathroom

In what general direction does you house face? (N,E,S or W)

W

What is the approximate square footage of your home?

2800

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

Representatives of the monitoring company and the blasting contractor as well as the Quarry Manager normally attend every meeting and are available to answer questions. The Commission meets the second Monday of every other month at 6:00 PM in the City Council Chambers in City Hall.

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

2019-39Q

Citizen Quarry Blast Impact Report - Submission #1369

Date Submitted: 7/10/2019

First Name

Armando

Last Name

Diaz

Report Date

7/10/2019

Address1

21010 Gunther Grove

Blast Date/Time:

07/10/2019 - 1:09

Please describe the event.

Heard the quarry blast.

How did this blast compare to other blasts?

Seemed to be less intense, however I was outside in my front yard at the time

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

1

What was your activity at the time of blast?

Outside on my front yard.

In what general direction does you house face? (N,E,S or W)

W

What is the approximate square footage of your home?

2800

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

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2019-400

Citizen Quarry Blast Impact Report - Submission #1372

Date Submitted: 7/15/2019

First Name

Armando

Last Name

Diaz

Report Date

7/15/2019

Address1

21010 Gunther Grove

Blast Date/Time:

07/15/2019 / 10:57

Please describe the event.

In the hallway at the time of the blast. Felt slight floor vibration and heard walls shaking.

How did this blast compare to other blasts?

Not as intense as other blasts

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

1

What was your activity at the time of blast?

In a hallway by the master bedroom

In what general direction does you house face? (N,E,S or W)

W

What is the approximate square footage of your home?

2800

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

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2019-41Q

Citizen Quarry Blast Impact Report - Submission #1375

Date Submitted: 7/18/2019

First Name

Armando

Last Name

Diaz

Report Date

7/18/2019

Address1

21010 Gunther Grove

Blast Date/Time:

07/18/2019

Please describe the event.

Heard blast shake walls in the house. Felt nothing in the foundation. Probably air over pressure

How did this blast compare to other blasts?

Slightly less intense

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

2

What was your activity at the time of blast?

In kitchen area of house

In what general direction does you house face? (N,E,S or W)

W

What is the approximate square footage of your home?

2800

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

Representatives of the monitoring company and the blasting contractor as well as the Quarry Manager normally attend every meeting and are available to answer questions. The Commission meets the second Monday of every other month at 6:00 PM in the City Council Chambers in City Hall.

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2019-42Q

Citizen Quarry Blast Impact Report - Submission #1382

Date Submitted: 7/24/2019

First Name

Armando

Last Name

Diaz

Report Date

7/24/2019

Address1

21010 Gunther Grove

Blast Date/Time:

07/24/2019 / 9:54

Please describe the event.

Blast vibrated walls but was not felt on floor foundation.

How did this blast compare to other blasts?

It was a little more intense than the most recent blasts, however it was not felt on the floor.

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

3

What was your activity at the time of blast?

In kitchen area

In what general direction does you house face? (N,E,S or W)

W

What is the approximate square footage of your home?

2800

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

Representatives of the monitoring company and the blasting contractor as well as the Quarry Manager normally attend every meeting and are available to answer questions. The Commission meets the second Monday of every other month at 6:00 PM in the City Council Chambers in City Hall.

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2019-43Q

Citizen Quarry Blast Impact Report - Submission #1383

Date Submitted: 7/25/2019

First Name

Philip and Gineen

Last Name

Platt

Report Date

mm/dd/yyyy

Address1

22204 Via Posada Dr

Blast Date/Time:

7-25-19/1210

Please describe the event.

Shaking and rattling around my home.

How did this blast compare to other blasts?

Similar. Had some worse over past 2 years.

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

3

What was your activity at the time of blast?

Working on my computer

In what general direction does you house face? (N,E,S or W)

w

What is the approximate square footage of your home?

3200

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

Representatives of the monitoring company and the blasting contractor as well as the Quarry Manager normally attend every meeting and are available to answer questions. The Commission meets the second Monday of every other month at 6:00 PM in the City Council Chambers in City Hall.

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

2019-44Q

Print

Citizen Quarry Blast Impact Report - Submission #1384

Date Submitted: 7/25/2019

First Name

Nancy

Last Name

Ober

Report Date

7/25/2019

Address1

9915 Trophy Oaks Drive

Blast Date/Time:

12:10pm

Please describe the event.

WORST blast in 4 years.

How did this blast compare to other blasts?

10 being the worst - This was a 15.

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

6

What was your activity at the time of blast?

sitting in my house

In what general direction does your house face? (N,E,S or W)

North

What is the approximate square footage of your home?

3000

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

Yes

We encourage you to attend the next meeting of the Quarry Commission.

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

2019-450

[Print](#)

Citizen Quarry Blast Impact Report - Submission #1385

Date Submitted: 7/25/2019

First Name

Karen

Last Name

Carney

Report Date

7/25/2019

Address1

Blast Date/Time:

7/25/2019. 12:09pm

Please describe the event.

Felt like an earthquake! That was ridiculous.

How did this blast compare to other blasts?

Much larger. Worst ever

On a 1 to 5 scale, please
rate the blast intensity.
(1=minor, 5 = major)

5

What was your activity at the time of
blast?

Walking thru house

In what general direction
does you house face?
(N,E,S or W)

N

What is the approximate
square footage of your
home?

4,000

Is your home a 1 story, 1 1/2 , or 2
story or large?

1

Would you like a Quarry
Commission member to
contact you regarding your
report?

No

We encourage you to attend the next meeting of the Quarry Commission.

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2019-460Q

Print

Citizen Quarry Blast Impact Report - Submission #1386

Date Submitted: 7/25/2019

First Name

Steve

Last Name

Ober

Report Date

7/25/2019

Address1

9915 Trophy Oaks Drive

Blast Date/Time:

12:10

Please describe the event.

We experienced a vary loud, large, earth shaking blast

How did this blast compare to other blasts?

this may have been the largest, most potentially destructive blast I have heard in the 5 years we have lived here. This level of blast is unacceptable to us as homeowners

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

5

What was your activity at the time of blast?

eating lunch in the house

In what general direction does you house face? (N,E,S or W)

N

What is the approximate square footage of your home?

3000

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

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2019-47Q

Print

Citizen Quarry Blast Impact Report - Submission #1387

Date Submitted: 7/25/2019

First Name

Juliann

Last Name

Fontenot

Report Date

7/25/2019

Address1

9722 Trophy Oaks Drive

Blast Date/Time:

12:09 pm

Please describe the event.

Went on forever. HUGE blast that rumbled and rattled glasses. Thought it would not end. HORRIBLE!!!

How did this blast compare to other blasts?

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

10

What was your activity at the time of blast?

sitting

In what general direction does you house face? (N,E,S or W)

What is the approximate square footage of your home?

2908

Is your home a 1 story, 1 1/2 , or 2 story or large?

1

Would you like a Quarry Commission member to contact you regarding your report?

Yes

We encourage you to attend the next meeting of the Quarry Commission.

Representatives of the monitoring company and the blasting contractor as well as the Quarry Manager normally attend every meeting and are available to answer questions. The Commission meets the second Monday of every other month at 6:00 PM in the City Council Chambers in City Hall.

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2019-480

Print

Citizen Quarry Blast Impact Report - Submission #1388

Date Submitted: 7/25/2019

First Name

John

Last Name

Hendrick

Report Date

mm/dd/yyyy

Address1

21035 Gunther Grove

Blast Date/Time:

25 Jul '19/1200

Please describe the event.

LARGE blast. I am a retired Army officer and this was the equivalent to a 155mm battalion fire for effect, or a very heavy combat engineer demolition. I've also been in several earthquakes, this would have registered a 5.

How did this blast compare to other blasts?

Loudest heard to date, gave the house the biggest shake I've ever experienced in Garden Ridge

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

5+

What was your activity at the time of blast?

Working at my computer

In what general direction does you house face? (N,E,S or W)

N

What is the approximate square footage of your home?

4500

Is your home a 1 story, 1 1/2 , or 2 story or large?

2

Would you like a Quarry Commission member to contact you regarding your report?

Yes

We encourage you to attend the next meeting of the Quarry Commission.

Representatives of the monitoring company and the blasting contractor as well as the Quarry Manager normally attend every meeting and are available to answer questions. The Commission meets the second Monday of every other month at 6:00 PM in the City Council Chambers in City Hall.

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2019-490

Print

Citizen Quarry Blast Impact Report - Submission #1389

Date Submitted: 7/25/2019

First Name

Stephen

Last Name

White

Report Date

7/25/2019

Address1

9345 Osage Circle

Blast Date/Time:

9/25/2019 12:09 P.M.

Please describe the event.

The worst blast we have experienced in years! The entire house shook for several seconds, cabinets rattled, and our exterior door was jarred open. This felt like an earthquake..

How did this blast compare to other blasts?

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

5

What was your activity at the time of blast?

reading a book

In what general direction does you house face? (N,E,S or W)

SE

What is the approximate square footage of your home?

2400

Is your home a 1 story, 1 1/2 , or 2 story or large?

1 story

Would you like a Quarry Commission member to contact you regarding your report?

Yes

We encourage you to attend the next meeting of the Quarry Commission.

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

2019-500

Print

Citizen Quarry Blast Impact Report - Submission #1393

Date Submitted: 7/25/2019

First Name

Stephanie

Last Name

Klueh

Report Date

7/25/2019

Address1

8926 Comanche Path

Blast Date/Time:

July 25, a little after Noon

Please describe the event.

I have lived in our current home for almost 9 years and have never felt a blast before today. I almost thought something had hit our house.

How did this blast compare to other blasts?

First time we have felt one.

On a 1 to 5 scale, please rate the blast intensity. (1=minor, 5 = major)

First time not sure but probably 1 to 2 - we are far from the quarry

What was your activity at the time of blast?

Sitting in my office working.

In what general direction does you house face? (N,E,S or W)

W

What is the approximate square footage of your home?

3900

Is your home a 1 story, 1 1/2 , or 2 story or large?

2

Would you like a Quarry Commission member to contact you regarding your report?

No

We encourage you to attend the next meeting of the Quarry Commission.

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

2019-53Q



Buckley Powder Co.

A Dyno Nobel Distributor

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

DYNO
Dyno Nobel

July 17, 2019

City Administrator
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, TX 78266

To whom it may concern:

Buckley Powder Company would like to be considered for a Partial Exemption Permit with the City of Garden Ridge. We have four gentlemen that will be our representatives for the purpose of this application, Mr. Steven Davis, Mr. Riley Pumphrey, Mr. Darryl Borg, and Mr. Dustin Althoff. The complete contact information for these gentlemen is as follows:

Steven Davis, Health & Safety Manager (512) 818-7731

Riley Pumphrey, General Manager (512) 864-4185

Darryl Borg, Senior Technical Representative (830) 214-5635

Dustin Althoff, Technical Representative (512) 229-7894

Buckley Powder Company
6305 N. IH-35
New Braunfels, TX 78130

Buckley Powder will be blasting for the crushed stone operation of Lehigh Hanson Aggregates for the 2020 fiscal year. If you have any questions or concerns, please feel free to contact Mr. Davis, Mr. Borg or Mr. Althoff.

Sincerely,

Steven Davis
Health & Safety Manager

Hanson Aggregates
Servtex Quarry

July 9, 2019

Nancy Cain
City Administrator
City of Garden Ridge
9500 Municipal Parkway
Garden Ridge, Texas, 78266-2600

RE: Buckley Powder Application for a Partial Exemption Permit for Blasting in October 2019 through September 2020.

Nancy,

We have asked Buckley Powder to pursue obtaining a Partial Exemption Permit for Blasting within the City Limits of Garden Ridge per Ordinance 34 for the fiscal year of 2020. We will assist with any necessary documentation for the permit. If there is any questions or concerns, please contact me directly at _____ or my office phone (210) 658-7461.

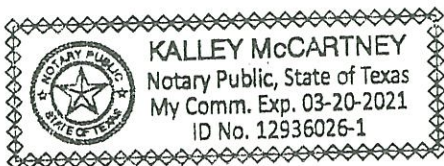
Best Regards

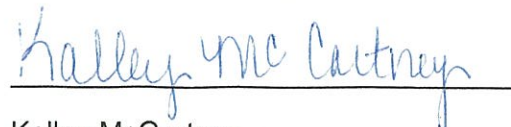


Hal Halamuda

CC: Pierre Levesque, Buckley Powder

Sworn to and subscribed before me by Hal Halamuda, on this the 13th day of July, 2018.




Kalley McCartney
Notary Public in and for
The State of Texas
My Commission expires: 3-20-2021



Buckley Powder Co.

A Dyno Nobel Distributor

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

DYNO
Dyno Nobel

TO: City of Garden Ridge

CC: Riley Pumphrey, Darryl Borg, Dustin Althoff

From: Steven Davis
Health & Safety Manager
Buckley Powder Company

Date: July 17, 2019

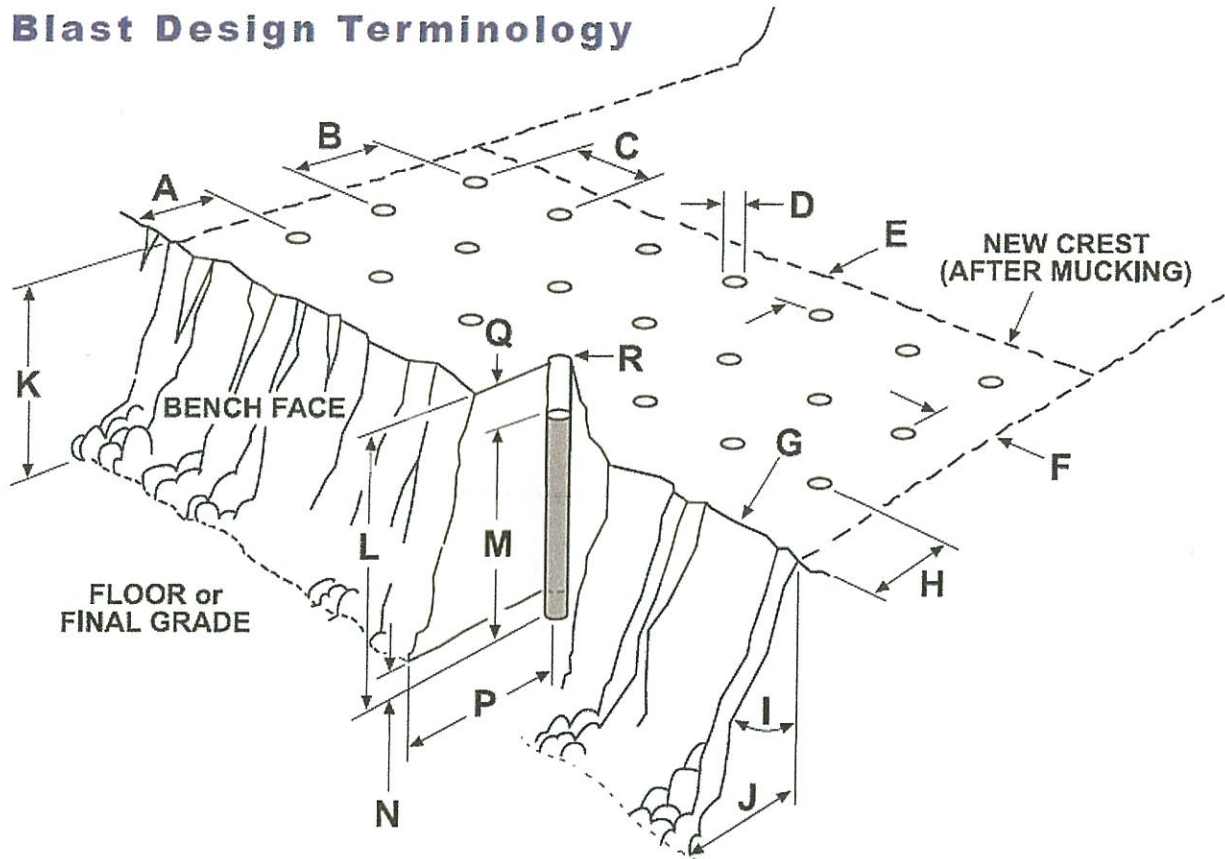
Included with this packet is a copy of the Buckley Powder Blasting Standard Operating Procedures. This document is very specific as to the proper procedures required to provide optimum results for our customer while also providing a safe environment for Buckley Powder employees, those employed by our 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.

All Buckley Powder Blasters must successfully complete the 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 30,000,000 tons of rock per year in the San Antonio – New Braunfels area. Our blasters and technical staff are very familiar with the geological abnormalities which must be addressed to keep environmental effects to a minimum. The included documents are quite lengthy – so we will list below the typical process involved for blasting in the Edwards Aquifer area.

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.

Blast Design Terminology



A	Hole - to - Crest	G	Crest	M	Explosive Column Height
B	Apparent Burden*	H	Crest Burden	N	Subdrilling
C	Apparent Spacing*	I	Bank Angle	P	Toe Burden
D	Hole Diameter	J	Toe	Q	Stemming Height
E	Back Break	K	Bench Height	R	Collar
F	Side Break	L	Hole Depth		

* 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 two dimensional laser profiler will be used to determine at what distance from the crest holes should be placed in order to have the 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 marked 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 laser profiler. 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, a three dimensional auto scan laser profiler will be used. This unit allows the exact location of each hole to be surveyed. It then can be set up to scan the face and collect upwards of 100,000 data points. If there are any "divots" in the face that requires more refinement of resolution, additional points can be scanned in that area. 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 can also be set to look a predetermined distance on either side of the hole for any lesser burdens which might be influenced by this hole. 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

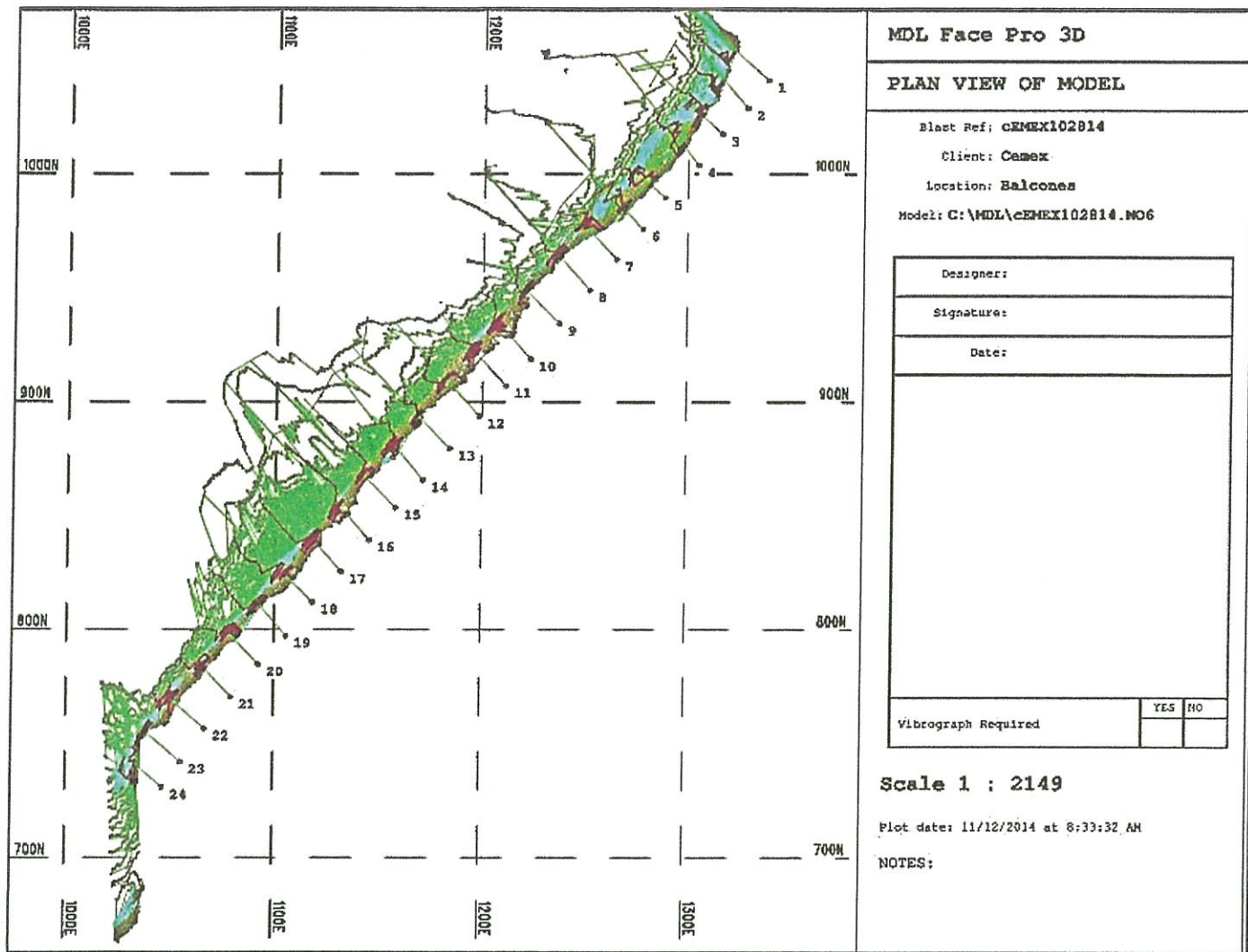
large to maintain the desired vibration level; the load in the hole may be divided into smaller charges separated by inert material. These smaller charges will be timed to detonate separately to reduce vibration. If seams of softer material or clay have been noted on drill logs or observed by the blaster 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

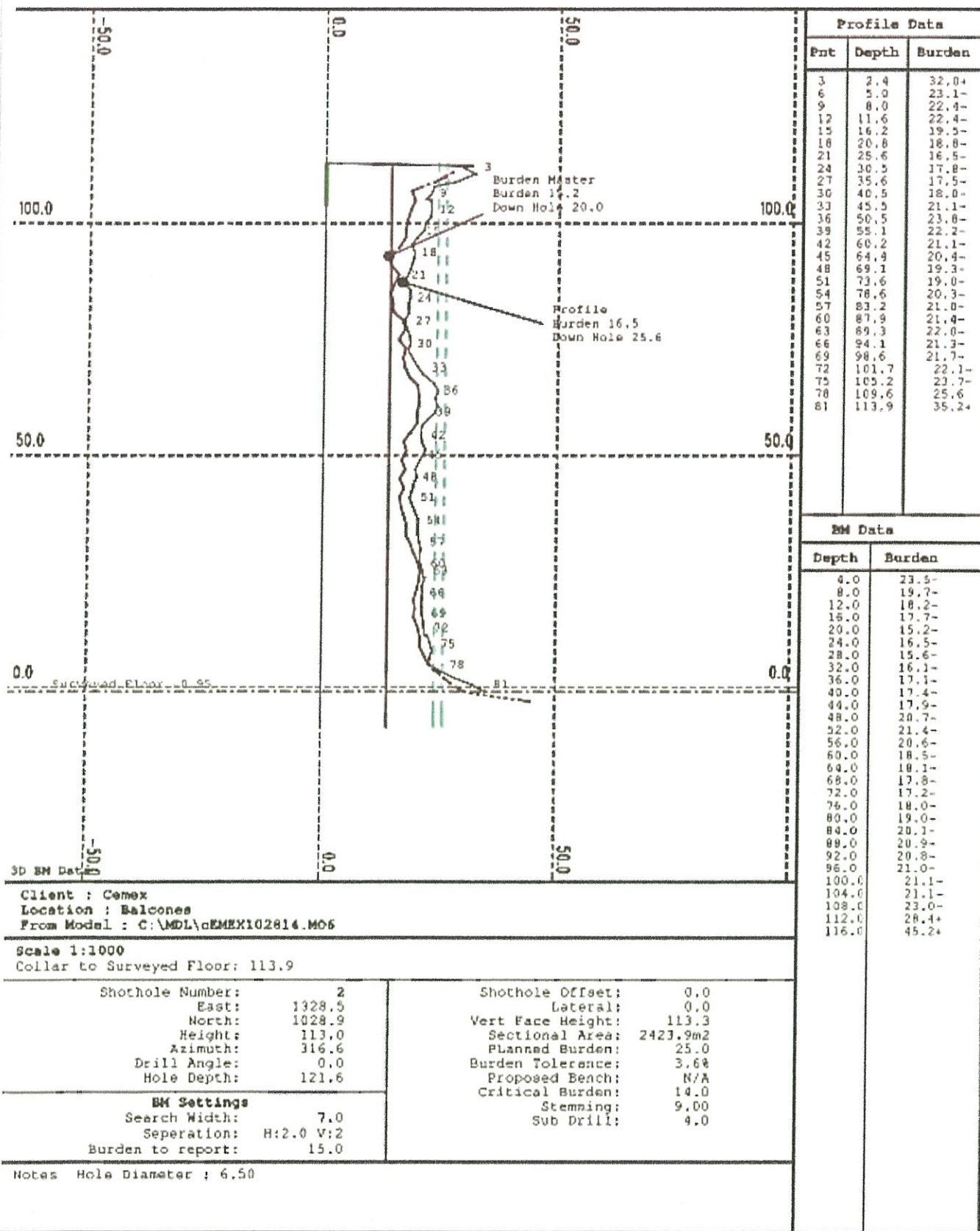
There are few places left where our customers have not had developments build around them. Buckley Powder has been very successful helping those customers deal with community concerns. We take great pride in our education program for our personnel concerning safety and technology. If you have further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



Aerial view of blast pattern created from 3D profile software

MDL Face Pro 3D

Shothole No: 2



Profile of a blasthole. Burden master data is from searching 7' on either side of hole



BUCKPOW-01

OMOHLE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/26/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER JLT Specialty Insurance Services Inc. 5847 San Felipe St. Suite 2800 Houston, TX 77057	CONTACT NAME: Olivia Mohle	FAX (A/C, No): (713) 789-0415	
	PHONE (A/C, No, Ext): (713) 325-7633	E-MAIL ADDRESS:	
INSURED Buckley Powder Co. 42 Inverness Dr. East Englewood, CO 80112	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Starr Indemnity & Liability Company		38318
	INSURER B : American Guarantee and Liability Insurance Company		26247
	INSURER C :		
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☒ PRO-JECT ☒ LOC OTHER:			1000090348191	07/01/2019	07/01/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			1000198724191	07/01/2019	07/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			AUC 3793061-11	04/01/2019	04/01/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	1000002255	07/01/2019	07/01/2020	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Subject always to policy terms, conditions and exclusions, City of Garden Ridge is named as Additional Insured (excluding Workers' Compensation and Employers' Liability) but only to the extent of risks and liabilities assumed by the Named Insured in a signed written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, TX 78266

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

JLT Specialty Insurance Services Inc.

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number
5-TX-091-20-9J-01236

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date
September 1, 2019

Name
BUCKLEY POWDER CO

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**6305 1H 35 NORTH
NEW BRAUNFELS, TX 78130-**

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**BUCKLEY POWDER CO
42 INVERNESS DRIVE EAST
ENGLEWOOD, CO 80112-**

Licensee/Permittee Responsible Person Signature

Position Title

Printed Name

Date

Previous Edition is Obsolete BUCKLEY POWDER CO 6305 1H 35 NORTH 78130-5 TX 091-20-9J-01236 September 1, 2019 20 MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14, 5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License Permit Name: **BUCKLEY POWDER CO**

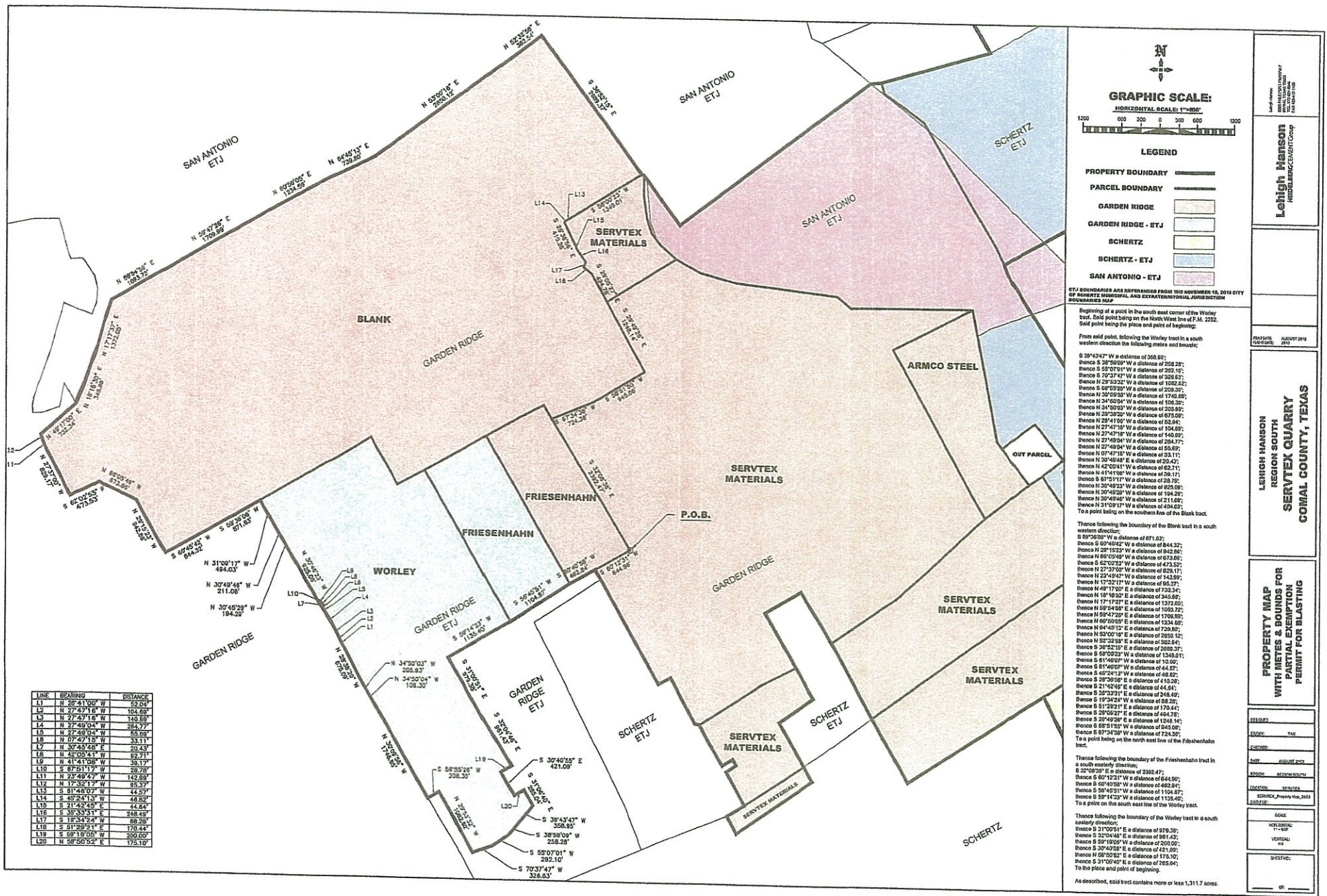
Business Name:

License Permit Number: **5-TX-091-20-9J-01236**

License Permit Type: **20-MANUFACTURER OF EXPLOSIVES**

Expiration: **September 1, 2019**

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



ATTACHMENT A

**Request for Partial Exemption Permit to Conduct Blasting
Instruction Sheet**

To be considered for a Partial Exemption Permit to conduct Blasting as defined in City of Garden Ridge, Texas Ordinance 34, please prepare a letter addressed to the attention of the City Administrator for the City of Garden Ridge, Texas, 9400 Municipal Parkway, Garden Ridge, Texas 78266. For purposes of **Attachment A**, Property Owner means the Hanson SERVTEX Quarry and its agents or duly authorized designee.

In the letter, please include:

1. The name of the Property Owner;
2. The name of the Applicant, if other than the Property Owner;
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;
4. The name of the Applicant/Designee's representative for purposes of the application (if the Applicant/Designee is not a natural person);
5. Copies of any state or federal licenses and permits authorizing the Applicant to possess and use explosives.
6. Complete contact information, including name, address, phone number, facsimile number and e-mail 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;
7. A full description of the designee's legal and factual relationship to the property(ies) upon which the Blasting shall be conducted;
8. A detailed description of the operation to be conducted;
9. The period of time the anticipated use shall continue;
10. Any supplemental information requested and deemed pertinent by the City Administrator;
11. Any supplemental information the designee deems pertinent prior to City Council consideration;

Also, include with your letter, the attachments identified below:

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".
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.
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.
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.
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 & welfare interests, including the quality of life within the City, neighboring properties and the public.
6. Payment of the appropriate application fee, including any related City fees for monitoring blasting for each permitted Partial Exemption Permit site.

All applications for Partial Exemption Permits to conduct Blasting activities shall be submitted for review to the City Administrator, who shall route such permit to determine whether the request is complete. If incomplete, the City shall inform the designee what aspects of the application are insufficient and will provide the designee seven (7) business days to supplement and/or modify the application to permit it to be placed for City Council consideration as a completed application. Typically, it will take approximately sixty (60) days for review.

If the application meets all criteria provided by the ordinance as determined by the City, or by subsequent supplementation as provided in the determination of the City, the permit request shall be scheduled for City Council action as provided below for complete applications. Any application considered incomplete shall not be considered for approval by City Council. Any application that remains incomplete for a period of more than 60 days shall be considered withdrawn.

If the request is found complete, the City Administrator shall place the matter on the next regular City Council meeting agenda for action (but may include it on an agenda for a specially called meeting at his/her discretion). If the City Council approves the permit, the City Administrator shall issue a Partial Exemption Permit to the Applicant, which is not transferable or assignable and is subject to suspension under the terms of the Ordinance.

ORDINANCE NO. 34-072019

AN ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS, PROHIBITING BLASTING WITHIN THE CITY LIMITS; PROVIDING FOR PARTIAL EXEMPTION PERMIT; ESTABLISHING REGULATIONS PERTAINING TO BLASTING; ESTABLISHING CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR SEVERABILITY; INCLUDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it adopted Ordinance 34-072012 after substantial study through its Quarry Commission on the various aspects of Excavation sites, Surface Mining Operations, and Blasting both generally and within and adjacent to the City of Garden Ridge and the related impact Excavation sites, Surface Mining Operations and Blasting has on property value, development, the economy, employment, property taxes and the public and communities who live and work adjacent to such operations; and

WHEREAS, the City Council hereby readopts all findings as listed in the preamble of Ordinance 34-072012 and all data as contained in the Attachments thereto; and

WHEREAS, the City Council finds that through continued analysis of Blasting Operations and operational blasting data conducted under Ordinance 34-072012, and limited effectiveness of the penalty provisions of Ordinance 34-072012, that certain changes are prudent in order to effectuate continued Blasting regulations as set forth in this Ordinance without infringing on the rights of and/or improperly infringing upon any land use, or unreasonably interfering with any reasonable investment backed expectations of existing property owners regulated by this Ordinance; and

WHEREAS, the City Council finds that the Regulatory Authority has worked closely and cooperatively with the Hanson SERVTEX Quarry, the primary regulated entity under Ordinance 34-072012; and

WHEREAS, the City Council finds the City of Garden Ridge, Texas possesses the police power of the state, which is delegated to cities by law, and hereby invokes such power to aid in the enforcement and the adoption this Ordinance; and

WHEREAS, the City Council finds that this Ordinance, when considered by any City Commission and the City Council has done so in full and complete compliance with the Texas Open Meetings Act at properly posted and conducted public meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. CITY OF GARDEN RIDGE, ORDINANCE 34.

The City Council hereby revokes and repeals in its entirety the now existing Ordinance 34 and replaces it by the adoption of the regulations contained in this Ordinance which is effective upon adoption. This ordinance shall be referred to as the 2019 Blasting Regulations.

SECTION 2. DEFINITIONS.

All technical industry words or phrases related to Excavation sites, Surface Mining Operations, and Blasting not specifically defined in this Ordinance shall have the meanings customarily attributable thereto by prudent and reasonable persons in the field of Excavation, Surface Mining and Blasting unless otherwise provided in this Ordinance. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section.

Air Overpressure or Air Blast¹ is the airborne shock wave or acoustic transient generated by an explosion. As this air wave (measured in decibels (dBL)) contacts structures, it causes walls to vibrate.

Blasting shall mean the firing of any Explosive Material that generates seismic waves and/or Air Blast. It does not include or apply to those explosives generally referred to as "fireworks", which is governed under a separate ordinance.

City Council means the City Council of the City of Garden Ridge, Texas comprised of the five council members and the Mayor, unless contrary to Texas law.

City Hall means 9400 Municipal Parkway, Garden Ridge, Texas 78266.

Decibel shall mean a unit of sound pressure commonly used to measure Air Blast from explosives.

Excavation means the act of digging, mining or otherwise removing Minerals. This term does not include site grading or other site development activity that has been reviewed and/or authorized by the City of Garden Ridge; or site preparation activities on land that is the subject of a then applicable development permit or agreement with the City of Garden Ridge.

Explosive Material is a term which includes, but is not necessarily limited to, dynamite and other high explosives, slurries, water gels, emulsions, blasting agents, black powder, pellet powder, initiating explosives, or any other similar Blasting materials used in Excavation activities, as well as any detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

Flyrock means the fragments of rock thrown and scattered during quarry blasting.

Frequency refers to how many waves occur within a second, which is measured in Hertz.

Hertz is a term used to express the frequency of ground vibrations and Air Blast; one hertz is one cycle per second.

Minerals shall mean shall include limestone, coal, lignite, uranium, clay, sand, hard rock, soil or other substances of value (commercial or otherwise), from natural deposits on or in the earth.

Municipal Limits means the municipal limits of the City of Garden Ridge, Texas.

Noise shall mean any undesired sound, especially a statistically random and persistent disturbance that provokes strong discomfort on the part of those people experiencing the noise.

¹ See generally USBM standards

Noise Level is the weighted sound pressure level called sound level, with measurement as defined in dBA below.

dBA is the term used to measure noise and involves quantifying both the rate (frequency in Hz) and intensity (pressure) relative to normal atmospheric pressure. People do not perceive all frequencies with same sensitivity and are more responsive to higher frequencies. A dBA sound level measurement weighs the various frequency components of sound as perceived by the human ear in order to yield a single number indicator of its relative intensity.

Partial Exemption Permit means a permit issued from the Regulatory Authority, for a single event or for continuing operations, for a maximum term not exceeding a period of twelve (12) months to be automatically renewed annually at the end of the fiscal year, permitting a Permit Holder to conduct Blasting activities otherwise prohibited by this Ordinance.

Peak Particle Velocity (PPV) the measure of the intensity of ground vibration, specifically the velocity of motion of the ground particles as they are excited by the wave energy.

Permit Holder means either the Property Owner or any designee of the Property Owner, designated in writing by the Property Owner that has obtained a Partial Exemption Permit from the Regulatory Authority.

Property Owner means either the actual Property Owner as shown in the deed records of Comal County, or in the case of a continuing operations permit means Lehigh Hanson, Inc. and its agents and authorized representatives, but may be referred to herein as the Hanson SERVTEX Quarry.

Regulatory Authority shall mean the City of Garden Ridge, Texas.

Surface Mining means the mining of Minerals by Excavation or other commercial removal of the overburden lying above the natural deposit of Minerals and mining directly from the natural deposits that are exposed and those aspects of underground mining having significant effects on the surface.

Surface Mining Operation means those Surface Mining activities conducted at or near an Excavation site and concomitant with Surface Mining including extraction, storage, processing and shipping of minerals and reclamation of the land affected.

SECTION 3. BLASTING PROHIBITED.

All non-permitted Blasting within the Municipal Limits is a public nuisance and is prohibited.

Any violation of any state or federal law, rule, or regulation related to blasting now in effect or in effect at the time of the violation is additionally prohibited by this Ordinance.

SECTION 4. SCOPE AND APPLICABILITY.

Nothing contained herein is intended to, nor shall it be interpreted to mean, that future action of the Regulatory Authority is in any manner regulated, affected or constrained through the terms of this Ordinance; rather, all Regulatory Authority operations are specifically exempted from the provision of this Ordinance.

SECTION 5. PARTIAL EXEMPTION PERMITS – BLASTING.

The City Council may, by the issuance of a Partial Exemption Permit to the owner of property or his designee seeking a Partial Exemption Permit, allow the Permit Holder to engage in an activity contrary to the prohibitions contained in this Ordinance for a single event or for continuing operations as defined herein, upon a finding of the following conditions:

- a) Partial Exemption Permits may be issued for Blasting. Such permits may be issued by the City Council upon the finding of a complete application for a Partial Exemption Permit to conduct Blasting within the Municipal Limits as provided by this Ordinance. All applications for Partial Exemption Permits must be in the form as provided in Attachment A.
- b) The City Council shall evaluate all information pertinent to the Partial Exemption Permit request exercising reasonable discretion to ensure the aspects contained in the findings of this Ordinance are adequately being remediated by the applicant. If the City Council finds inadequate remediation, it may deny the application or move to authorize the City to mediate with the applicant before taking final action on the application. The City Council will endeavor to make a determination with regard to the Partial Exemption Permit within sixty (60) days of the receipt of the administratively complete application. The decision of the City Council is final as to administrative remedies with the City and not subject to appeal. The City will timely notify the Property Owner and/or Permit Holder that the permit application is administratively complete. Notwithstanding, once the Property Owner and/or Permit Holder has been notified by City that it has submitted a timely permit application that is administratively complete, the Property Owner and/or Permit Holder is (1) authorized to continue blasting under the existing permit and (2) considered to be in compliance with this Ordinance, until the processing of the new permit application by the City is complete and a new permit is issued or denied.
- c) Any Partial Exemption Permit otherwise approved by the City Council is not valid unless any and all conditions are met and all fees, including any payments for third party monitoring pursuant to Section 7(1), are paid in full. Such validity shall be reviewed by the City annually for compliance with the Administrative Requirements of this Ordinance. Should the Permit Holder be out of compliance with the Administrative Requirements, the City shall give a ten (10) calendar day cure period for compliance.

SECTION 6. REGULATIONS ON BLASTING WITH PERMIT.

Blasting with a Partial Exemption Permit must be conducted pursuant to the limitations and conditions provided for such Blasting in this Ordinance. All quarry blasting and surface mining operations are to be in strict compliance with any and all local, state, and federal regulations and permits with respect to environment including air quality, water quality, and noise pollution. All Blasting activity conducted by Partial Exemption Permit shall comply with the following regulations:

- a) **Distance Requirements** – No blasting shall occur from either a distance of 500 feet from the nearest adjacent property line or the berm contour (for quarry operations) on the subject property from the nearest adjacent property line, whichever distance is greater unless the owner of the affected real property(s) issues written permission, which must be filed with

the Regulatory Authority prior to the Blasting taking place, or the Permit Holder complies with Section 6(3)(c)(ii) and Section 6(3)(d)(ii). See Attachment D for berm contour coordinates.

- b) **Timing** – No Blasting shall occur on Saturdays, Sundays and legal holidays. Blasting operations shall only occur between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. The Permit Holder shall notify the Regulatory Authority, or its designee, at least 10 minutes prior to and after each Blast. In the case of circumstances resulting in a potential danger to public safety requiring the detonation of explosives outside this time period, notification and approval of the detonation outside this time limitation may be obtained from either the Chief of Police, City Administrator, or their designee, of the City of Garden Ridge, Texas. In the event that reasonable efforts have been made to obtain such approval, but the danger is imminent, approval shall be presumed.
- c) **Air Blast Limit** – Air Blast shall not exceed 134dB as recorded by any monitor designated by the Regulatory Authority. If written permission from the affected property owner(s) is not obtained pursuant to Section 6(1)(a), a Permit Holder may either (i) request a variance to the minimum distance requirement from the Regulatory Authority or (ii) Air Blast shall not exceed 110dB as recorded by any monitor designated by the Regulatory Authority.
- d) **Ground Vibration Limit** – Ground vibration shall not exceed the frequency based PPV limit of 100% of the USBM Z-Curve as recorded by any monitor designated by the Regulatory Authority. See Attachment C. If written permission from the affected property owner(s) is not obtained pursuant to Section 6(1)(a), a Permit Holder may either (i) request a variance to the minimum distance requirement from the Regulatory Authority or (ii) Ground vibration shall not exceed the frequency based PPV limit of 40% of the USBM Z-Curve as recorded by any monitor designated by the Regulatory Authority. See Attachment C.
- e) **Air Particulate Limit** - Air Particulates shall not exceed the lowest permissible limits as identified in any required state or federal permits obtained by the Permit Holder or its blaster. A copy of all such permits shall be filed with the Regulatory Authority upon any new or renewal application for Partial Exemption Permit(s).
- f) **Noise Limit** - Noise shall not exceed 85 dBA. Noise in excess of 85 dBA, when monitored at the designated property line or a residence, shall constitute a noise level that is deemed reasonably calculated to disturb the peace and unreasonably offensive to the public. This noise limit does not apply to Air Blast.
- g) **Flyrock control** - Flyrock traveling in the air or along the ground shall not be cast from the Blasting site beyond the area under the control of the operator.
- h) **Voluntary Dispute Resolution Process** – 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.

- i) **Educational Materials** – as a condition of the Partial Exemption Permit for any continuing operations permit, the Property Owner shall assist the City in creating an Educational Program to be displayed on a City website, which shall include, at a minimum, video materials generally educating the public on the effects and causative factors of potential damages related to blasting.
- j) Any real property owner who permits Blasting activities on their property in violation of this Ordinance violates this Ordinance and is held jointly and severally responsible for any such civil or criminal penalty, cost or fee, including attorney's fees expended in the pursuit of enforcing this Ordinance.

SECTION 7. ADMINISTRATIVE PROVISIONS AND REQUIREMENTS.

- a) **Third-Party Monitoring** – all Blasting shall be monitored by a third-party industry technical expert selected and retained by the Regulatory Authority, in consultation with the Property Owner, and paid for through reimbursement to the Regulatory Authority by the Property Owner within thirty (30) days of receipt of invoice by the Regulatory Authority, to accumulate data with respect to the seismographic, frequency and Air Blast effects of said Blasting activities. Additionally in order to monitor environmental effects of blasting and surface mining operations with respect to particulate air quality and operational noise, monitor(s) may be utilized, at the discretion of the Regulatory Authority and in accordance with USBM standards, and paid for through the same reimbursement process, at designated locations to take air samples and record noise levels during Permit Holder's operations. Should any easement be required for monitor placement the third-party shall be required to work jointly with the City in obtaining same and costs for same, if any, shall be borne through the application process.
 - 1. Single event blasting operations, such as pool excavations or basement excavations may be monitored at the discretion of the third-party consultant retained by the Regulatory Authority.
 - 2. Any Blasting operations taking place beyond single events shall be regularly monitored and such monitoring shall be performed at a minimum six and a maximum of nine different locations. Additionally, two noise monitors and two air particulate monitors may be utilized at designated locations. While the location of all monitoring devices will remain at the discretion of the Regulatory Authority and be in accordance with USBM standards, the Regulatory Authority, or its designee, will seek to recover, at least on a monthly basis, all data obtained from other than single event monitoring locations.
 - 2.1. A seismographic record including both particle velocity and vibration-frequency levels shall be maintained for each blast.
 - 2.2. Seismographs shall be self-triggering and capable of recording three mutually perpendicular components of ground motion time histories, in terms of velocity. Additionally, the units shall be capable of recording Air Blast levels and reporting the frequency as well as peak values for all vibration time histories.
 - 2.3. Seismographic units shall be calibrated annually to ensure the units are operating within the specifications.

- 2.4. Air particulate monitor(s) shall be able to sample air on a continuous or intermittent basis and record air particulate size consistent with quarry operational air permitting requirements.
- 2.5. Noise monitor(s) shall be capable of monitoring and recording on a continuous or intermittent basis any noise level in excess of 85 dBA.
3. All monitoring data obtained by monitoring devices used to monitor Quarry Operations including Blasting Activities and environmental effects shall be posted for public inspection at City Hall and shall be available for inspection by the public. Data will be provided on a monthly basis and shall be posted at City Hall (if available electronic posting on the Regulatory Authority's internet site will satisfy this posting requirement).
4. Nothing in this section shall prohibit a Permit Holder or Property Owner from separately utilizing and/or entering into an agreement with the Third-Party Monitor selected by the Regulatory Authority for any other services.
- b) **Proof of Insurance** – Permit Holder (or Property Owner) shall have in effect \$10,000,000 of insurance insuring against any loss or damage suffered by a third-party, naming City as additional insured, and shall provide to the Regulatory Authority all information necessary in order to verify insurance and that would allow a person to file a claim. The Regulatory Authority shall make the information available to any person wishing to file a claim.
- c) **Annual Fee** – Any Partial Exemption Permit issued shall be automatically suspended for lack of payment of the required fee, or for failure to comply with this section, including without limitation any required payments for third party monitoring pursuant to Section 7(1). If Permit Holder's Partial Exemption Permit expires, there is no refund of any fee paid and the Permit Holder must re-apply for a new Partial Exemption Permit should they wish to continue or resume blasting activities within the Municipal Limits.
 1. Should a Permit Holder be considered to be in non-compliance with this Section, they shall be afforded an opportunity of ten (10) days to cure.
 2. Failure to cure under this Section shall cause immediate suspension of the Permit, until same is cured.
 3. Any suspension, hereunder, shall be lifted if the Permit Holder remedies such violation and the Permit will be in effect under its original terms.
- d) **Inspection of Records** – as a condition of the Partial Exemption Permit, any Permit Holder shall allow the Regulatory Authority's designees to observe all Blasting activity to ensure compliance with this Ordinance and shall make all business records created within the past year and related to the alleged noncompliance available for inspection to the Regulatory Authority, to the extent necessary to ensure compliance and enforcement of this Ordinance. Any request for records shall be fulfilled within 7 days of request.

SECTION 8. ENFORCEMENT AND INSPECTION.

This Ordinance shall be enforced by the Regulatory Authority and its designated agencies or representatives through all means available by law.

SECTION 9. SUSPENSIONS AND PENALTIES.

- a) Violation of the Administrative provisions of this Ordinance shall be handled as follows:
 - 1. Should a Permit Holder be considered to be in non-compliance with an Administrative Provision, they shall be afforded an opportunity of ten (10) days to cure prior to suspension of the Permit, with the exceptions of 3 through 5 of this subsection.
 - 1.1. Failure to cure under this Section shall cause immediate suspension of the Permit, until same is cured.
 - 1.2. Any suspension, hereunder, shall be lifted if the Permit Holder remedies such violation and the Permit will be in effect under its original terms.
 - 2. Failure of a Permit Holder to cooperate with the Third-Party Monitor shall be considered an Administrative violation of this Ordinance.
 - 3. Failure of a Permit Holder (or Property Owner) to have in effect the requisite amount of insurance, failure to name the City as additional insured, or failure to provide to the Regulatory Authority all information necessary in order to verify such insurance that would allow a person to file a claim, shall be an Administrative violation of this Ordinance.
 - 3.1. Failure to comply under this Section shall cause immediate suspension of the Permit, until same is cured.
 - 3.2. Any suspension, hereunder, shall be lifted if the Permit Holder remedies such violation and the Permit will be in effect under its original terms.
 - 4. Failure to pay the initial fee by the date the Partial Exemption Permit is set to be issued shall be an Administrative violation of this Ordinance.
 - 4.1. This failure to pay shall delay issuance until same is cured.
 - 4.2. Any subsequent renewal fee not paid by the date of any subsequent renewal of such Permit shall cause immediate suspension of such permit until same is cured. Any suspension, hereunder, shall be lifted if the Permit Holder remedies such violation and the Permit will be in effect under its original terms.
 - 5. Failure to provide access and/or inspection of records constitutes a voluntary suspension of any such Partial Exemption Permit effective upon the failure by the Permit Holder until same is cured. Any suspension, hereunder, shall be lifted if the Permit Holder remedies such violation and the Permit will be in effect under its original terms.
- b) Violation of any USBM standard in this Ordinance (numerical PPV or Air Overpressure limit violation) is classified as a Class C misdemeanor and upon conviction shall be punished by a fine of not greater than \$500 per violation.
- c) Violation of any provision of this Ordinance that affects fire safety, zoning, or public health and sanitation shall be subject to a fine of not less than \$500 nor more than \$2,000 per violation upon conviction.
- d) Each violation of any USBM standard in this Ordinance (numerical PPV or Air Overpressure limit violation) constitutes a separate violation and each day such a violation occurs is a separate violation.
- e) The remedies provided for in this Ordinance are not exclusive of any other remedies that the City may have under state or federal law. The City may take more than one enforcement action against any violator and enforcement actions may be taken concurrently.

SECTION 10. SEVERABILITY.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part. In the event that changes are made to Texas Health & Safety Code §§ 342 or 343, or Texas Transportation Code § 683, the provisions of state law will govern in the event of a conflict.

SECTION 11. INTERIM COMPLIANCE PROCEDURES.

This interim compliance procedure provision shall be effective until the new permits are issued by the City. During this interim period, any permit issued under the prior Ordinance 34 shall remain in effect so long as the Permit Holder is attempting to come into compliance with this Ordinance; however, any blasting activity must be conducted in compliance with this Ordinance. Any pending blasting application submitted before the adoption of this ordinance may be approved by the City Administrator provided the application and its content is in substantial compliance with the applicable provisions of this Ordinance. Any such interim approval shall expire upon the expiration of this interim period and is not subject to extension.

SECTION 12. NOTICE.

The City Secretary for the City of Garden Ridge, Texas, is hereby directed to publish notice of this Ordinance as required by the laws of the State of Texas.

SECTION 13. FEES.

All fees assessed in this Ordinance shall be determined by amending Ordinance No. 11 which is the Regulatory Authority's Fees ordinance and are subject to change without prior notice. Such fees shall be revisited by the City Council after one year of the effective date of this Ordinance to determine whether such fees remain merited or justified and/or should be increased or decreased.

SECTION 14. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED ON this 2nd day of July, 2019.

Larry Thompson
Mayor

ATTEST:

Marisa Spencer
City Secretary

ATTACHMENT A

Request for Partial Exemption Permit to Conduct Blasting Instruction Sheet

To be considered for a Partial Exemption Permit to conduct Blasting as defined in City of Garden Ridge, Texas Ordinance 34, please prepare a letter addressed to the attention of the City Administrator for the City of Garden Ridge, Texas, 9400 Municipal Parkway, Garden Ridge, Texas 78266. For purposes of **Attachment A**, Property Owner means the Hanson SERVTEX Quarry and its agents or duly authorized designee.

In the letter, please include:

1. The name of the Property Owner;
2. The name of the Applicant, if other than the Property Owner;
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;
4. The name of the Applicant/Designee's representative for purposes of the application (if the Applicant/Designee is not a natural person);
5. Copies of any state or federal licenses and permits authorizing the Applicant to possess and use explosives.
6. Complete contact information, including name, address, phone number, facsimile number and e-mail 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;
7. A full description of the designee's legal and factual relationship to the property(ies) upon which the Blasting shall be conducted;
8. A detailed description of the operation to be conducted;
9. The period of time the anticipated use shall continue;
10. Any supplemental information requested and deemed pertinent by the City Administrator;
11. Any supplemental information the designee deems pertinent prior to City Council consideration;

Also, include with your letter, the attachments identified below:

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".
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.
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.
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.
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 & welfare interests, including the quality of life within the City, neighboring properties and the public.
6. Payment of the appropriate application fee, including any related City fees for monitoring blasting for each permitted Partial Exemption Permit site.

All applications for Partial Exemption Permits to conduct Blasting activities shall be submitted for review to the City Administrator, who shall route such permit to determine whether the request is complete. If incomplete, the City shall inform the designee what aspects of the application are insufficient and will provide the designee seven (7) business days to supplement and/or modify the application to permit it to be placed for City Council consideration as a completed application. Typically, it will take approximately sixty (60) days for review.

If the application meets all criteria provided by the ordinance as determined by the City, or by subsequent supplementation as provided in the determination of the City, the permit request shall be scheduled for City Council action as provided below for complete applications. Any application considered incomplete shall not be considered for approval by City Council. Any application that remains incomplete for a period of more than 60 days shall be considered withdrawn.

If the request is found complete, the City Administrator shall place the matter on the next regular City Council meeting agenda for action (but may include it on an agenda for a specially called meeting at his/her discretion). If the City Council approves the permit, the City Administrator shall issue a Partial Exemption Permit to the Applicant, which is not transferable or assignable and is subject to suspension under the terms of the Ordinance.

Attachment B

Citizen Blasting Complaints – Alternative Dispute Resolution

For citizen complaints regarding blasting under a continuous blasting permit issued pursuant to Ordinance 34 there shall be available a voluntary Alternative Dispute Resolution Process (“ADR”) which shall be administered by the Property Owner.

Unless otherwise agreed by the Property Owner the claim will be limited to physical property damage not to exceed \$10,000.00. The ADR will be non-binding. For purposes of the ADR, Property Owner means the Hanson SERVTEX Quarry or their duly appointed ADR representative.

Complainants must be an owner of the property affected and the property must be within the city limits of the City of Garden Ridge. The Complainant must agree that as a participant in the ADR process that this process is governed by and they will be bound by the confidentiality provisions of the Texas Civil Practice and Remedies Code § 154.073.

Initiation of a claim

Complainants will initiate a claim by submitting a claim form using a “user friendly” on-line process. In the claim form, the Complainant will describe the alleged damage, when it occurred, and the amount they are seeking as compensation. No interest or attorneys' fees may be awarded.

Pre-ADR Process

Once a claim is submitted, Property Owner will meet with the Complainant at his or her property to inspect and discuss the alleged damage and amount of compensation sought.

If requested by the Complainant, and determined to be warranted by the Property Owner, an industry technical expert shall prepare a Damage Claim Assessment for the incident.

If the Complainant is not satisfied with the proposed resolution by the Property Owner in the Pre-ADR, the Complainant can request a hearing.

Requirements for a Hearing

If the Complainant requests a hearing, they can present their claim to a panel of three independent industry technical experts (“Panel”). The Panel will meet quarterly to hear qualified complaints.

A complaint shall qualify for a hearing only if the Panel determines that on its face, the complaint meets the minimum scientific requirements for a violation. This determination shall be made within 15 days of request of the hearing.

All costs of the ADR Process, including those of the hearing itself, any preliminary reviews, and the costs of the industry technical experts as selected by the Property Owner in relation thereto, shall be borne by Property Owner but in no event to exceed \$2,000.00 per hearing.

The following are the scientific requirements that must be met by the Complainant in order to qualify for a hearing, based on the category of the complaint:

- **For a Distance Complaint:** The complaint must be based on a blast that occurs closer than either 500 feet from the nearest adjacent property line or the berm contour (for quarry operations) on the subject property from the nearest adjacent property line, whichever distance is greater, or for which the owner of the affected real property(s) has issued written permission.
- **For a Timing Complaint:** The complaint must be based on a blast that occurs on a Saturday, Sunday, or legal holiday, or outside the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday (unless the blast has been approved to take place outside these timeframes under the public safety exception by the Chief of Police or City Administrator of the City).
- **For an Air Blast Complaint:** The complaint must be based on a blast that exceeds 134dB as recorded by any monitor designated by the City.
- **For a Ground Vibration Complaint:** The complaint must be based on a blast that exceeds the frequency based PPV limit of the USBM Z Curve as recorded by any monitor designated by the City.
- **For an Air Particulate Limit Complaint:** The complaint must be based on a blast that exceeds the lowest permissible limits as identified in any required state or federal permits for this site obtained by Property Owner.
- **For a Noise Limit Complaint:** The complaint must be based on a blast that exceeds 85 dBA as recorded by any monitor designated by the City at the designated property line or a residence (this noise limit does not apply to Air Blast complaints).
- **For a Flyrock Complaint:** The complaint must be based on a blast for which there is evidence that flyrock was cast from the blasting site beyond the area under control of the Property Owner or, if so designated, the Permit Holder.

If the Panel determines that a hearing is *not* warranted, the complaint shall be forwarded directly to the Property Owner for independent resolution with the Complainant. At any time after the request for a hearing is denied, the Complainant is free to take any other action they see fit.

If the Panel determines that a hearing *is* warranted, a hearing will be scheduled within 30 days of the filing of the complaint.

At any time prior to the hearing, Property Owner can choose not to contest the complaint and can settle the claim with the Complainant.

Hearing Procedure

At the hearing, the Panel will hear the Complainant's claim and any rebuttal evidence presented by the Property Owner. *The burden of proof is on the Complainant to prove that the blasting caused the claimed damage.* The Complainant must prove by a "preponderance of the evidence" (i.e., more than 50%), that the blasting caused the alleged damage.

Before the hearing, the Property Owner will provide monitoring data to the Complainant and the Panel for all blasts around the time the alleged damage occurred.

The Panel will use the monitoring data and science based on USBM standards to determine by a "preponderance of the evidence" whether the evidence points to blasting having caused the claimed damage. If the Panel finds that the blast caused the damage, the Panel will also determine the amount of the damage claim. The Panel shall have the authority to award damages in an amount not to exceed \$10,000. The Panel will prepare a written decision within 30 days of the completion of the hearing and will provide a copy to the Complainant and the Property Owner.

Order of Hearing:

At the hearing, both the Complainant and the Property Owner will have the opportunity to present evidence regarding the complaint to the Panel. The Panel will have the opportunity to review such evidence in making its determination. With this in mind, written evidence is the preferred method of presentation.

The following describes the order of the hearing:

1. Complainant will be afforded ten (10) minutes for Opening Remarks.
2. Property Owner or, if so designated, the Permit Holder will be afforded ten (10) minutes for Opening Remarks.
3. Complainant will be afforded twenty (20) minutes to present its evidence to the Panel. If such evidence is in writing, such evidence should consist of all proof of damages and any evidence in the form of causation connecting such damage to a specific blast(s). If such documentation is in the form of witness testimony, it should be in the form a sworn notarized statement. *
4. Property Owner will be afforded twenty (20) minutes to present its evidence to the Panel refuting any claim of Complainant. If such documentation is in the form of witness testimony, it should be in the form a sworn notarized statement. *

* Although written evidence is the preferred method, testimonial evidence may be taken by the Panel at the sole discretion of the Panel upon a finding of good cause. If such a determination is made, the Presiding Officer of the Panel (determined by the Panel at the start of the hearing) shall have the authority to administer oaths, and testimony hereunder shall be sworn.

5. Complainant will have five (5) minutes to refute any testimony brought by Property Owner.
6. Complainant will have five (5) minutes for Closing Remarks.

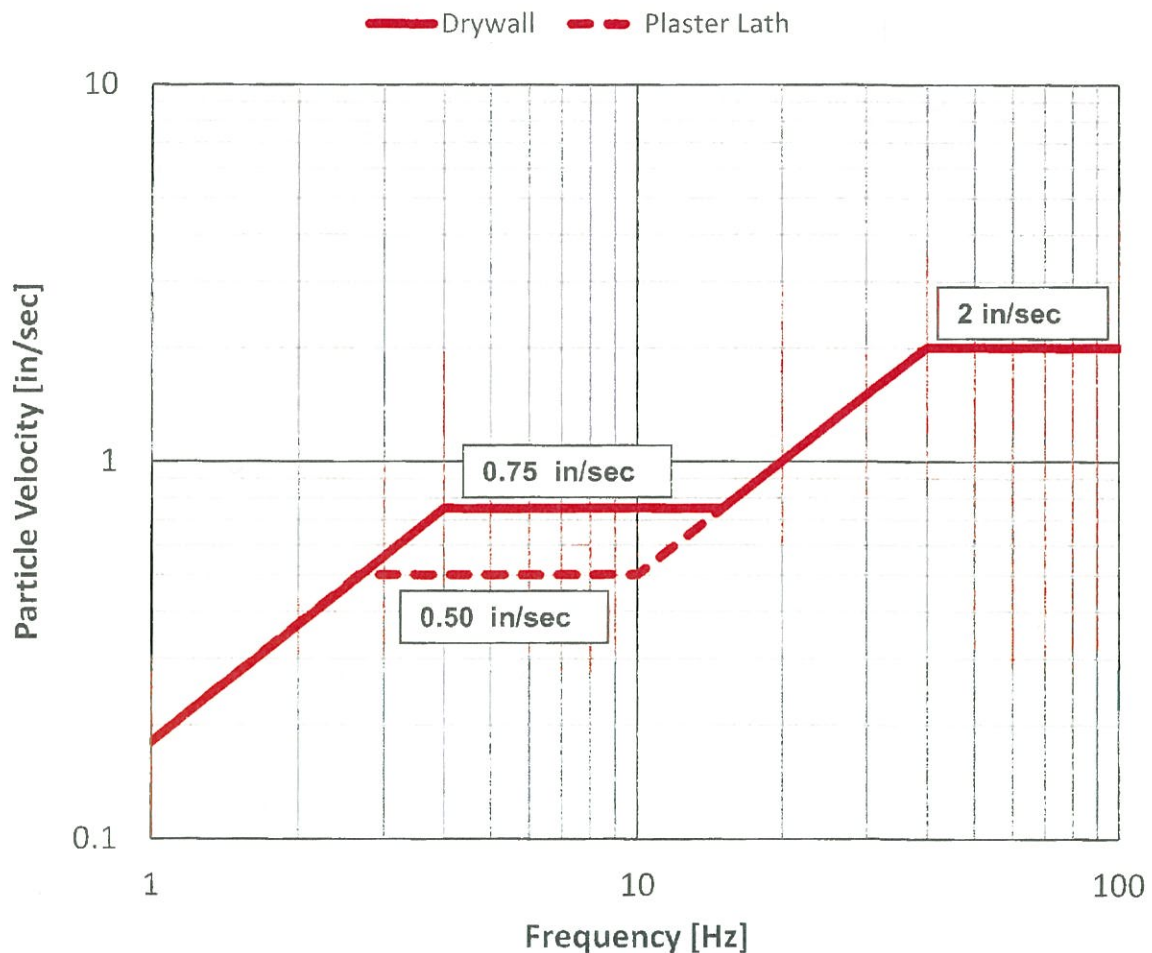
7. Property Owner will have five (5) minutes for Closing Remarks.
8. Complainant will have one (1) additional minute to refute Property Owner's Closing Remarks.
9. The Panel will close the Hearing.
10. The Panel will make a determination whether or not there is a need to go into closed session to discuss any matter presented.
11. The Panel will make one of the following determinations:
 - a. A finding of causation and grant the full amount of damages claimed by the Complainant;
 - b. A finding of causation and grant a lesser amount of damages claimed by the Complainant;
 - c. A finding of no causation and grant no damages to the Complainant.

Attachment C

Ground Vibration

Safe levels of Blasting Vibration

(Figure B-1, Page 73, US Bureau of Mines RI 8507)



Note:

1. Vibration levels measured at the Seismographs installed at the Residential Structures in accordance with USBM requirements.
2. Most if not all the structures within the City of Garden Ridge are newer construction "Drywall" structures, therefore Solid line applies.

Attachment D

500 ft. from nearest property boundary



Note:

1. Line represents 500 ft. distance from the nearest property boundary. Exact distance to be determined using licensed surveyor.
2. Any berms or berm contours outside 500 ft. distance from the nearest property boundary could be located or relocated within this 500 ft. area so that no blasting occurs in this area except in accordance with Ordinance 34.

QUARRY COMMISSION

Name	Appt/ Expires	Appt/ Expires	Appt/ Expires	Appt/ Expires	Appt/ Expires	Appt/ Expires	Appt/ Expires	Appt/ Expires
Mike Shands (Chair)	Jan 14 Sept 15	Sept 15 Sept 17	Sept 17 Sept 19					
Albert Haddad	Oct 15 Sept 17	Sept 17 Sept 19						
Richard Holloway	Apr 04 Sept 05	Sept 05 Sept 07	Sept 07 Sept 09	Sept 09 Sept 11	Sept 11 Sept 13	Sept 13 Sept 15	Sept 15 Sept 17	Sept 17 Sept 19
Mark DuBois	Sept 16 Sept 18	Sept 18 Sept 20						
Wayne Mudge (Vice-Chair)	Oct 07 Sept 09	Sept 09 Sept 11	Sept 11 Sept 13	Sept 13 Sept 15	Sept 17 Sept 19			
Johnell Holly	Sept 08 Sept 10	Sep 10 Sept 12	Sep 12 Sept 14	Sept 14 Sept 16	Sept 16 Sept 18	Sept 18 Sept 20		
Jerry Barucky	Sep 14 Sept 16	Sept 16 Sept 18	Sept 18 Sept 20					

Future Agenda Items

Quarry Commission

September 9, 2019

Regular Meeting

- | | | |
|-------------------------------|------------|--|
| 12 days before Meeting | (08/28/19) | Commission and Staff items are due |
| 10 days before Meeting | (08/30/19) | City Administrator and Chair review agenda.
City Attorney is sent the agenda for approval. |
| 7 days before Meeting | (09/02/19) | Post Agenda on bulletin board and Commission will receive packet.
(allowing a day and half for corrections and to request additional information to be added) |
| 4 days before Meeting | (09/05/19) | Post Agenda Packet to City Website |
| 3 days before Meeting | (09/06/19) | (72 hours) – Local Government Code requirement for posting |

City Council = Red
 Impact Fee Committee = Pink
 Quarry Commission = Purple
 Planning & Zoning = Green
 Water Commission = Blue
 Wildlife Management Advisory Commission = Brown
 City Holiday = Orange
 Municipal Court = Gray

Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Approvals

- Minutes 08-12-19

Public Hearings/Recommendations

Discussion/Reports

- Monthly Blasting Analysis Data and Monitoring of Blasts
- Citizen Blast Impact Reports
- City Council Update
- Ordinance No. 210-022018
- Future Agenda Items
 - Commissioners' input
 - Reschedule next meeting (November 9, 2019) due to Veterans Day Holiday

Education/Training Session

Executive Session

PENDING FUTURE AGENDA ITEMS

Quarry Commission Rolling Attendance

Commissioner	5/13/19 Regular Meeting	6/10/19 Special Meeting	7/8/19 Regular Meeting	8/12/19 Special Meeting	9/9/19 Regular Meeting	11/11/19 Regular Meeting	1/13/20 Regular Meeting	3/9/20 Regular Meeting	5/11/20 Regular Meeting	7/13/20 Regular Meeting	9/14/20 Regular Meeting	11/9/20 Regular Meeting
Shands	P	P	P									
Barucky	P	P	P									
DuBois	P	P	A									
Haddad	U	U	P									
Holloway	A	P	P									
Holly	P	A	P									
Mudge	P	P	P									

P	Present
P-QNM	Present but quorum not met
E	Excused for reasons allowed in Ord. 210
A	Voluntary Announced Absence
U	Unannounced Absence
	Not member yet

Quarry Commission's Attendance at City Council Regular Meetings

[illegible]