

**TCEQ AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANTS  
REGISTRATION NUMBER 173973L002  
TCEQ DOCKET NUMBER 2025-0118-AIR**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>GCC SUN CITY MATERIALS, LLC</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>CONCRETE BATCH PLANT</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>BRECKENRIDGE, STEPHENS COUNTY</b>	<b>§</b>	

**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR  
RECONSIDERATION**

**I. INTRODUCTION**

The Executive Director of the Texas Commission on Environmental Quality (commission or TCEQ) files this response (Response) to the requests for a contested case hearing and requests for reconsideration submitted by persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Texas Health & Safety Code (THSC) § 382.056(n), requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code (TWC) § 5.556.<sup>1</sup> This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

Maps showing the location of the proposed plant are included with this Response and have been provided to all hearing requesters listed on the mailing list for this application. In addition, the technical review summary, which includes a compliance summary, and a copy of the Standard Permit for Concrete Batch Plants prepared by the Executive Director’s staff have been filed as backup material for the commissioners’ agenda. The Executive Director’s Response to Public Comment (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the commission’s consideration.

**II. PLANT DESCRIPTION**

GCC Sun City Materials, LLC (Applicant) has applied to the TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) § 382.05195. This will authorize the construction of a new facility that may emit air contaminants. This permit will authorize the Applicant to construct a temporary Concrete Batch Plant, consisting of two portable concrete batch plants, located using the following driving directions: from the intersection of US Highway 180 East and Farm-to-Market Road 717, travel South on Farm-to-Market Road 717 for approximately 7.7 miles; stay left at the fork and travel on County Road 128 for approximately 0.62 miles to find the facility site on the left, Breckenridge, Stephens County. Contaminants authorized under this permit include particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

---

<sup>1</sup> Statutes cited in this response may be viewed online at [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us). Relevant statutes are found primarily in the THSC and the TWC. The rules in the TAC may be viewed online at [www.sos.state.tx.us/tac/index.shtml](http://www.sos.state.tx.us/tac/index.shtml), or follow the “Rules” link on the TCEQ website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

### **III. PROCEDURAL BACKGROUND**

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain an authorization from the commission. This permit application is for an initial issuance of Air Quality Permit Number 173973L002.

The permit application was received on April 18, 2024, and declared administratively complete on April 22, 2024. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (public notice) for this permit application was published in English on May 22, 2024, in the Breckenridge American. A public meeting was held on September 17, 2024, at 7:00 P.M. at the Breckenridge Woman's Forum, 1804 West Walker Street, Breckenridge, Texas 76424. The notice of public meeting was mailed on August 13, 2024. The public comment period ended on September 19, 2024. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

The TCEQ received timely hearing requests that were not withdrawn during the comment period from Judy K. Brown, Zola Loyd George, Michael James Rudd, and Coy David Leonard and requests for reconsideration from Micheal James Rudd, Zola Loyd George, and Stephen Wesley Dempsey.

The Executive Director's RTC was filed with the Chief Clerk's Office on December 5, 2024, and mailed to all interested persons on December 12, 2024, including to those who asked to be placed on the mailing list for this application and those who submitted comments or requests for a contested case hearing. The cover letter attached to the RTC included information about making requests for a contested case hearing or for reconsideration of the Executive Director's decision. The letter also explained that hearing requestors should specify any of the Executive Director's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy. The time for requests for reconsideration and hearing requests ended on January 13, 2025.

### **IV. APPLICABLE LAW FOR REQUESTS FOR RECONSIDERATION**

Any person may file a request for reconsideration of the Executive Director's decision. However, for the commission to consider the request, it must substantially comply with the following requirements set forth in 30 TAC § 55.201(e): give the name, address, daytime telephone number and, when possible, fax number of the person who files the request; expressly state that the person is requesting reconsideration of the Executive Director's decision; and give reasons why the decision should be reconsidered.

## **V. RESPONSE TO REQUESTS FOR RECONSIDERATION**

The TCEQ received requests for reconsideration from Micheal James Rudd, Zola Loyd George, and Stephen Wesley Dempsey. Although the Executive Director determined that the permit application meets the applicable rules and requirements, a final decision to approve the proposed registration has not been made. The application must be considered by the commissioners of the TCEQ at a regularly scheduled public meeting before any final action can be taken on the application.

The request for reconsideration was submitted during the request for reconsideration period. Because some requests for reconsideration raised concerns about several RTC responses, where possible, the Executive Director is interpreting statements in the requests for reconsideration as they correspond to the appropriate response in the RTC. The Executive Director provides the following responses to the request for reconsideration.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 1**

Zola Loyd George and Stephen Wesley Dempsey requested reconsideration of the application given concerns about health effects of the proposed plant. Mr. Dempsey asked how this was evaluated without a site plan.

**TCEQ RESPONSE:** During the development of the Standard Permit, the Executive Director conducted an extensive protectiveness review to ensure protectiveness of human health and the environment. The protectiveness review determined potential impacts to human health and welfare or the environment by comparing emissions allowed by the standard permit to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS) and TCEQ rules. The Executive Director determined that the emissions authorized by the standard permit are protective of both human health and welfare and the environment. A site plan was used to determine that the applicant complied with the standard permit, including distance requirements.

A further discussion of the health effects and air quality was included in the RTC, specifically in Response 1.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 2**

Zola Loyd George requests reconsideration of given health risks of dust and concerns over nuisance.

**TCEQ RESPONSE:** The Standard Permit for Concrete Batch Plants requires substantial dust control processes to minimize dust emissions, which include paving in-plant roads and work areas, using water sprays on stockpiles, and using a suction shroud with a three-sided curtain to prevent flyaway dust at the product loading point. When a company operates in compliance with the Standard Permit, they should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment. Concrete production facilities operating under standard permits have been determined to not make a significant contribution of these types of air contaminants to the atmosphere. The commission performed an updated air quality analysis (AQA) in support of the 2024 concrete batch plant standard permit amendment to address public concern about potential health impacts from concrete batch plants registered under the standard permit. The adopted revisions to the standard permit are a result of the updated AQA. No adverse effects are expected to occur from facilities that meet all requirements of the Air Quality Standard Permit for Concrete Batch Plants. Nuisance conditions are not expected to occur if the facility is operated in compliance with the terms of the permit, but individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Abilene Regional Office at 325-698-9674 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 3**

Zola Loyd George requests reconsideration due to endangered species in the area. Stephen Dempsey requests reconsideration due to cattle, wildlife, and vegetation.

**TCEQ RESPONSE:** If operated in accordance with the requirements of the permit, adverse impacts from the proposed plant are not expected. The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the emissions from this facility should not cause an exceedance of the NAAQS, air emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. Response 1 included further evaluation of the Standard Permit's impacts in relation to the NAAQS. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life. Compliance with rules and regulations regarding endangered species is handled at the state level by the Texas Parks and Wildlife Department and at the federal level by the United States Fish and Wildlife Service. It is incumbent upon an applicant to request and acquire any additional authorizations that may be required under state or federal law.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 4**

Zola Loyd George and Stephen Dempsey request reconsideration due to concerns about additional authorization, including water authorizations.

TCEQ RESPONSE: As discussed in Response 4 of the RTC, although the TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air-related issues. This registration, if issued, will regulate the control and abatement of air emissions only; therefore, issues regarding water quality or discharge and the handling of hazardous waste are not within the scope of this review. Additionally, should the nature of the facility's operation require, the Applicant may be required to apply for separate authorizations that regulate water quality, water usage, or the handling of hazardous waste. The issuance of an air quality registration does not negate the responsibility of an applicant to apply for any additional required authorizations prior to operating a facility.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 8**

Zola Loyd George, Michael James Rudd, and Stephen Wesley Dempsey requested reconsideration due to concerns regarding the location of the plant, specifically in relation to New Hope Baptist Church. Additionally, Stephen Wesley Dempsey requested reconsideration due to traffic concerns.

TCEQ RESPONSE: This issue was addressed in the RTC in Response 8. The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider plant location when determining whether to approve or deny a permit application.

The TCEQ also does not have jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application. In addition, trucks are considered mobile sources, which are not regulated by the TCEQ. Moreover, the TCEQ is prohibited from regulating roads per the TCAA § 382.003(6) which excludes roads from the definition of "facility." Although the TCEQ is prohibited from regulating trucks, TCEQ rules prohibit anyone from causing a traffic hazard. Specifically, 30 TAC § 101.5 states: "No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use." Accordingly, the Applicant is prohibited from creating a traffic hazard with emissions from its facility. Jurisdiction over traffic on public roads, including any load-bearing restrictions and public safety, including access, speed limits, and public roadway issues, are typically the responsibility of local, county, or other state agencies, such as the Texas Department of Transportation (TxDot) and the Texas Department of Public Safety (DPS). An air quality permit does not authorize a violation of any road safety or load-bearing restrictions.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 10**

Zola Loyd George requested reconsideration based on questions related to TCEQ investigation processes if there are complaints related to the proposed plant. Mr. George wanted assurance that TCEQ would investigate.

TCEQ RESPONSE: The TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Abilene Regional Office at 325-698-9674 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

Monitoring requirements are included in the Standard Permit. Owners or operators are required to keep written records on-site for a rolling 24-month period. Emissions will be monitored and demonstrate compliance by including records of road cleaning, application of road dust control, stockpile dust suppression, monthly silo warning devices or system shut-off tests, quarterly visible emissions observations, and repairs/maintenance of dust suppression controls. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all required recordkeeping.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 14**

Zola Loyd Georga requested reconsideration of the TCEQ's scope of review of air permits, in the interest of the community. Specifically, Mr. George requested that if the executive director has not, would not, or could not ask the applicant if they had considered alternative locations for the proposed plant, then the application should be denied.

TCEQ RESPONSE: These specific questions or concerns are outside the scope of review for this air permit review and were therefore included for completeness in the RTC but not addressed by the Executive Director in the RTC. TCEQ cannot, except for narrow exceptions not present in this application, consider location when reviewing a permit application, TCEQ's scope of review for air permits is beyond the scope for review of this application.

## **VI. THE EVALUATION PROCESS FOR HEARING REQUESTS**

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

### **A. Response to Requests**

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;
- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- 6) whether the issues are relevant and material to the decision on the application; and
- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

### **B. Hearing Request Requirements**

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;

- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

### **C. Requirement that Requestor be an Affected Person/"Affected Person" Status**

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
  - 1) whether the interest claimed is one protected by the law under which the application will be considered;
  - 2) distance restrictions or other limitations imposed by law on the affected interest;
  - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
  - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
  - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
  - 6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application which were not withdrawn; and
  - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the commission. Commission rules also include a general prohibition against causing a nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

Additionally, this application is for registration for the Standard Permit for Concrete Batch Plants. Hearing requests on a concrete batch plant standard permit are subject to the requirements in TCAA § 382.058(c), which states that "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing...as a person who may be affected."

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the commission to consider, to the extent consistent with case law:

- 1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
- 2) the analysis and opinions of the Executive Director; and
- 3) any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

#### **D. Referral to the State Office of Administrative Hearings**

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

### **VII. ANALYSIS OF THE HEARING REQUESTS**

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

The following persons submitted timely hearing requests that were not withdrawn: Judy K. Brown, Zola Loyd George, Michael James Rudd, and Coy David Leonard. The hearing requests were submitted during the public comment period. Furthermore, the ED has determined the hearing requests substantially complied with all of the requirements for form in 30 TAC § 55.201(d).

### **Judy K. Brown**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Judy K. Brown is not an affected person.

Judy K. Brown submitted a timely hearing request during the comment period. The hearing request was in writing and provided the required contact information. In her hearing request, Ms. Brown stated that she is concerned about the proposed plant location, wildlife preservation, and truck traffic. Based on the representations provided by the applicant and the map generated by the ED, the residence of the requestor is outside of the 440 yards. Because Ms. Brown is outside of the 440 yards, the ED recommends denying her request.

In her request Ms. Brown raised the following issues:

**Issue 1:** Whether the proposed plant location is appropriate.

**Issue 2:** Whether the proposed plant will negatively affect wildlife.

**Issue 3:** Whether the proposed plant will increase truck traffic and negatively impact roads.

### **Zola Loyd George**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Zola Loyd George is not an affected person.

Zola Loyd George submitted a timely hearing request during the comment period and an additional request during the hearing request period following the RTC. The hearing requests were in writing and provided the required contact information. In his hearing requests, Mr. George stated that he is concerned about air quality, plant location, truck traffic, local wildlife, light pollution, water availability, use and enjoyment of his property, and noise. Based on the representations provided by the applicant and the map generated by the ED, the residence of the requestor is outside of the 440 yards. Mr. George noted that his future retirement home is closer to the proposed plant, but did not provide that address in his hearing request or indicate that it is his current residence. Based on the address provided, because Mr. George is outside of the 440 yards, the ED recommends denying his request.

In his request Mr. George raised the following issues:

**Issue 1:** Whether the proposed plant location is appropriate.

**Issue 2:** Whether the proposed plant will negatively affect wildlife.

**Issue 3:** Whether the proposed plant will increase truck traffic and negatively impact roads.

**Issue 4:** Whether the proposed plant will negatively affect air quality and impact human health.

**Issue 5:** Whether water availability or quality will be negatively impacted.

**Issue 6:** Whether the plant will create nuisance noise issues.

**Issue 7:** Whether the plant will create nuisance light pollution issues.

**Issue 8:** Whether the plant will interfere with use and enjoyment of property.

### **Michael James Rudd**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Michael James Rudd is not an affected person.

Michael James Rudd submitted a timely hearing request during the comment period. The hearing request was in writing and provided the required contact information. In his hearing request, Mr. Rudd stated that he is concerned about plant location, water availability and contamination, air quality and health effects, noise, and light pollution. Based on the representations provided by the applicant and the map generated by the ED, the residence of the requestor is outside of the 440 yards. Because Mr. Rudd is outside of the 440 yards, the ED recommends denying his request.

In his request Mr. Rudd raised the following issues:

**Issue 1:** Whether the proposed plant location is appropriate.

**Issue 4:** Whether the proposed plant will negatively affect air quality and impact human health.

**Issue 5:** Whether water availability or quality will be negatively impacted.

**Issue 6:** Whether the plant will create nuisance noise issues.

**Issue 7:** Whether the plant will create nuisance light pollution issues.

### **Coy David Leonard**

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Coy David Leonard is not an affected person.

Coy David Leonard submitted a timely hearing request during the hearing request period, and referenced a comment made during the comment period. The hearing request was in writing and provided the required contact information. In his hearing request, Mr. Leonard stated that he is concerned about health effects, impacts on livestock, truck traffic, and use and enjoyment of his property. Based on the representations provided by the applicant and the map generated by the ED, the residence of the requestor is outside of the 440 yards. While Mr. Leonard stated that he owns the property across the street and uses it for cattle grazing, the addresses provided were significantly further away. The addresses provided indicated that Mr. Leonard's residence was further than 440 yards away. Because Mr. Leonard's permanent residence is outside of the 440 yards, the ED recommends denying his request.

In his request Mr. Leonard raised the following issues:

**Issue 2:** Whether the proposed plant will negatively affect wildlife.

**Issue 3:** Whether the proposed plant will increase truck traffic and negatively impact roads.

**Issue 4:** Whether the proposed plant will negatively affect air quality and impact human health.

#### **VIII. WHETHER ISSUES RAISED ARE REFERABLE TO SOAH FOR A CONTESTED CASE HEARING**

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requestor whose request is granted may be referred.<sup>2</sup> The Executive Director does not recommend referral of any issues, because there are no affected persons in this matter.

---

<sup>2</sup> Tex. Govt. Code § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

## IX. CONCLUSION

The Executive Director respectfully recommends the Commission:

1. Find the hearing requests in this matter were timely filed;
2. Find that no persons were affected;
3. Deny the hearing requests of Judy K. Brown, Zola Loyd George, Michael James Rudd, and Coy David Leonard; and
4. Deny the requests for reconsideration filed by Micheal James Rudd, Zola Loyd George, and Stephen Wesley Dempsey.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine K. Backens, Deputy Director  
Environmental Law Division



---

Abigail Adkins, Staff Attorney  
Environmental Law Division  
State Bar Number 24132018

MC-173, P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-2496  
Fax: (512) 239-0606

REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that on this 24th day of March 2025, a true and correct copy of the "Executive Director's Response to Hearing Requests and Requests for Reconsideration" for Air Quality Permit No. 176138 was served on all persons on the service list by the undersigned via electronic filing, electronic mail, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



---

Abigail Adkins, Staff Attorney  
Environmental Law Division

**MAILING LIST**  
**GCC Sun City Materials, LLC**  
**TCEQ Docket No. 2025-0118-AIR; Air Permit No. 173973L002**

**FOR THE CHIEF CLERK:**

*via eFilings*

Docket Clerk  
Texas Commission on Environmental Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711  
[www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings)

**FOR THE APPLICANT:**

*via electronic mail*

Chad Henrich  
General Manager South Dakota  
GCC Sun City Materials, LLC  
2800 U.S. Highway 12 West  
Aberdeen, South Dakota 57401  
[chad.henrich@gcc.com](mailto:chad.henrich@gcc.com)

Samantha Kretz  
GCC Sun City Materials, LLC  
1 McKelligon Canyon Road  
El Paso, Texas 79930  
[skretz@gcc.com](mailto:skretz@gcc.com)

**FOR PUBLIC INTEREST COUNSEL:**

*via electronic mail*

Sheldon Wayne, Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711  
Tel: 512/239-6363 Fax: 512/239-6377  
[sheldon.wayne@tceq.texas.gov](mailto:sheldon.wayne@tceq.texas.gov)

**FOR THE EXECUTIVE DIRECTOR:**

*via electronic mail*

Abigail Adkins, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711  
Tel: 512/239-0600 Fax: 512/239-0606  
[abigail.adkins@tceq.texas.gov](mailto:abigail.adkins@tceq.texas.gov)

Alexander Hilla, Technical Staff  
Texas Commission on Environmental Quality  
Air Permits Division, MC-163  
P.O. Box 13087  
Austin, Texas 78711  
Tel: 512/239-0157 Fax: 512/239-1400  
[alexander.hilla@tceq.texas.gov](mailto:alexander.hilla@tceq.texas.gov)

Ryan Vise, Director  
Texas Commission on Environmental Quality  
External Relations Division  
Public Education Program, MC-108  
P.O. Box 13087  
Austin, Texas 78711  
Tel: 512/239-4000 Fax: 512/239-5678  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

**FOR ALTERNATIVE DISPUTE RESOLUTION:**

*via electronic mail*

Kyle Lucas, Attorney  
Texas Commission on Environmental Quality  
Alternative Dispute Resolution, MC-222  
P.O. Box 13087  
Austin, Texas 78711  
Tel: 512/239-0687 Fax: 512/239-4015  
[kyle.lucas@tceq.texas.gov](mailto:kyle.lucas@tceq.texas.gov)

**FOR THE REQUESTERS:**

*via electronic mail*

Judy K. Brown  
1755 FM 172  
HENRIETTA TX 76365-7108  
[randyandjudybrown@gmail.com](mailto:randyandjudybrown@gmail.com)

Coy David Leonard  
849 FM 3201  
BRECKENRIDGE TX 76424-7799  
[dleonard424@verizon.net](mailto:dleonard424@verizon.net)

Stephen Wesley Dempsey  
PO BOX 98  
RANGER, TX, 76470 -0098  
[swdempsey11@yahoo.com](mailto:swdempsey11@yahoo.com)

Michael James Rudd  
336 HUGGINS DR.  
SPRINGTOWN, TX 76082-2708  
[mjrudd1@msn.com](mailto:mjrudd1@msn.com)

Zola Loyd George  
336 PRIVATE ROAD 2074  
RANGER, TX, 76470 -4126  
[zlgeorge@suddenlink.net](mailto:zlgeorge@suddenlink.net)



# GCC Sun City Materials Hearing Requestors



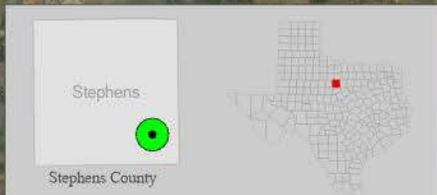
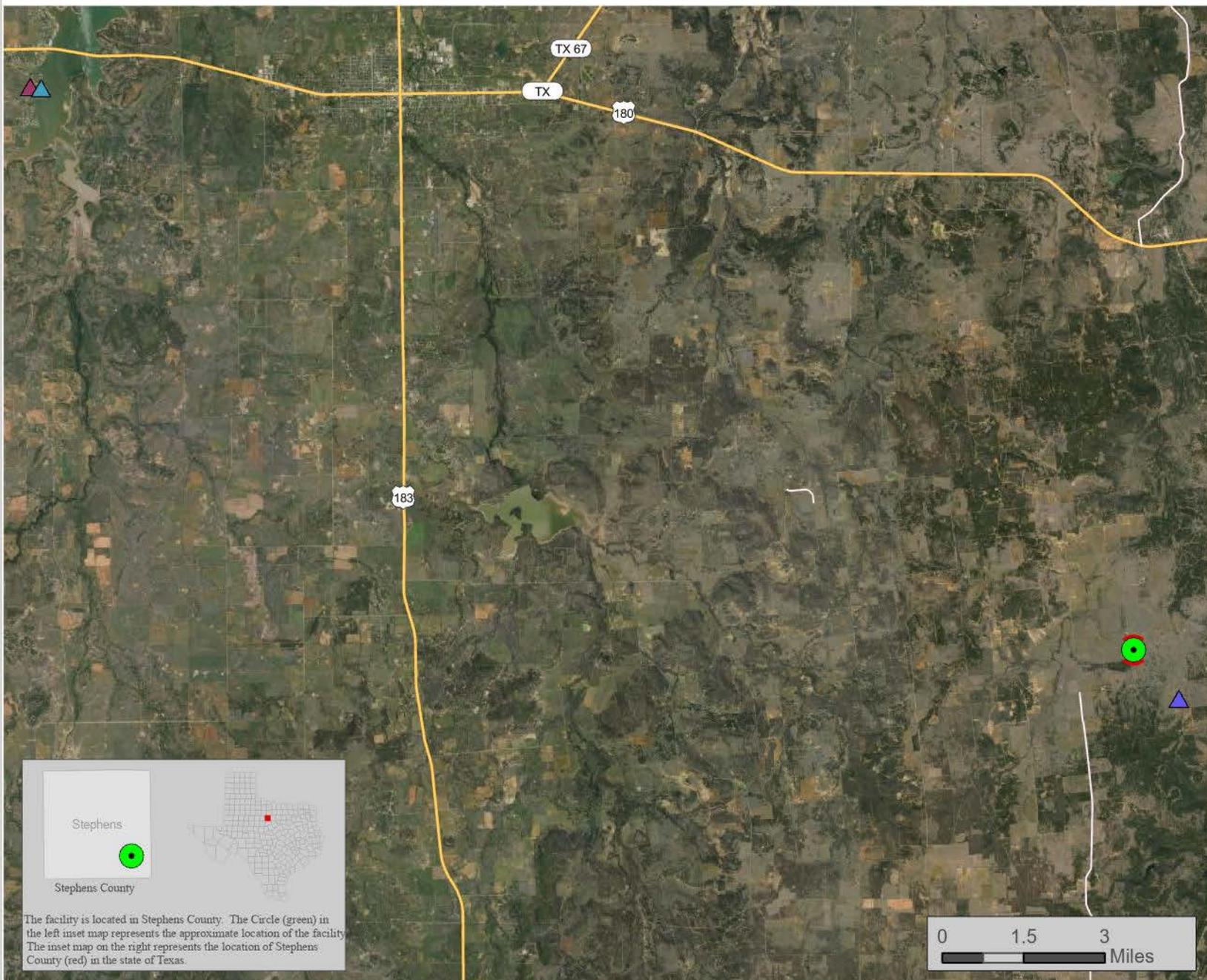
*Protecting Texas by  
Reducing and  
Preventing Pollution*

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

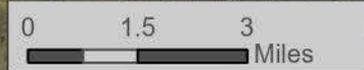
Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 1/30/2025  
CRF 0115684  
Cartographer: mattoh



- GCC Sun City Concrete Batch Plant
- BROWN, JUDY K
- GEORGE, ZOLA LOYD
- LEONARD, COY DAVID
- LEONARD, COY DAVID
- RUDD, MICHAEL JAMES
- 440-yards From Facility Emission Point



The facility is located in Stephens County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Stephens County (red) in the state of Texas.



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

# GCC Sun City Materials Hearing Requestors



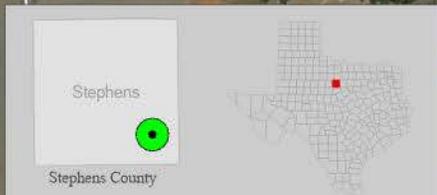
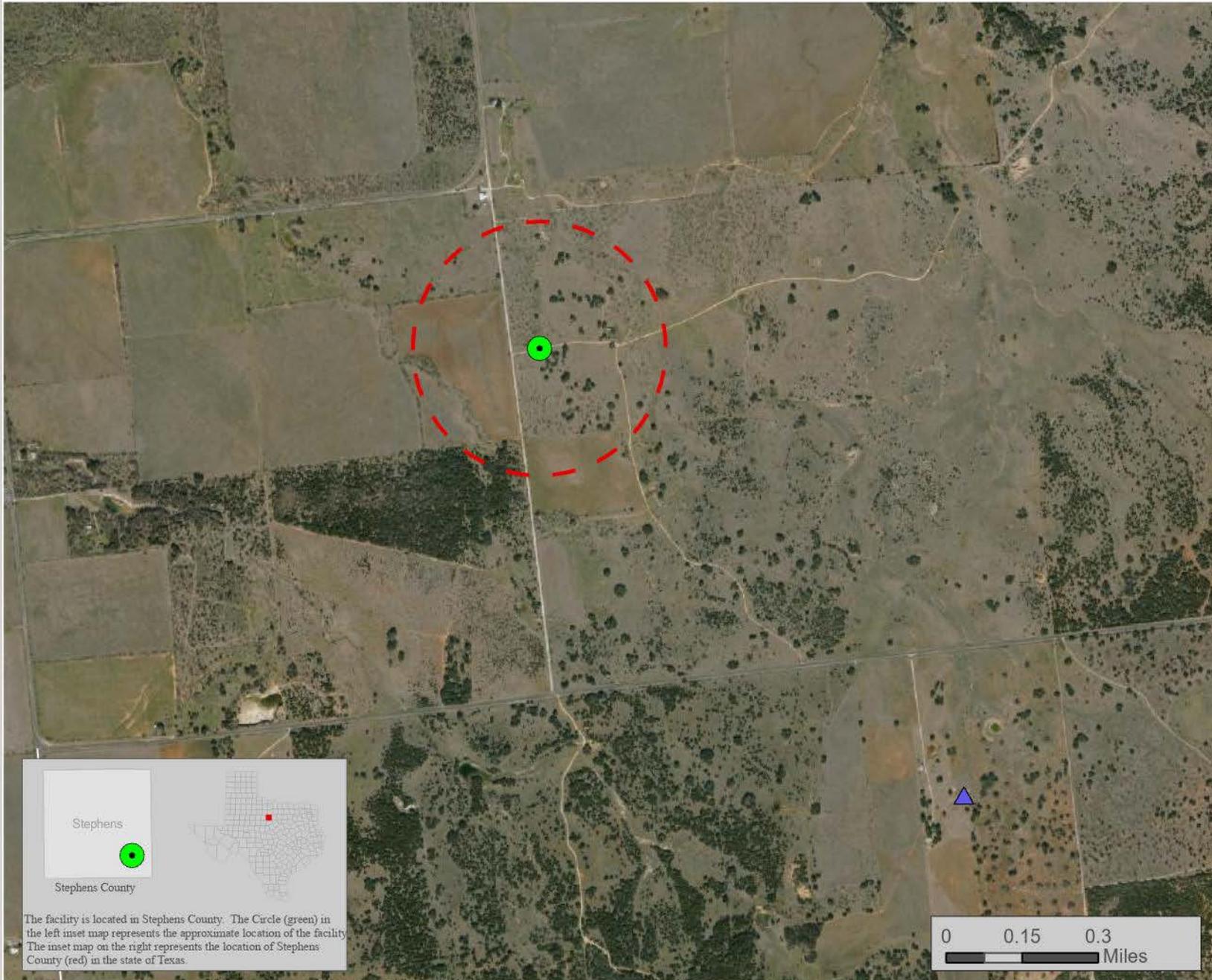
Protecting Texas by  
Reducing and  
Preventing Pollution

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 1/30/2025  
CRF 0115684  
Cartographer: mattoh



-  GCC Sun City Concrete Batch Plant
-  BROWN, JUDY K
-  GEORGE, ZOLA LOYD
-  LEONARD, COY DAVID
-  LEONARD, COY DAVID
-  RUDD, MICHAEL JAMES
-  440-yards From Facility Emission Point



The facility is located in Stephens County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Stephens County (red) in the state of Texas.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

