

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Verti-Crete Houston, LLC for issuance of Air Quality Standard Permit for Concrete Batch Plants Registration No. 176289; TCEQ Docket No. 2025-1292-AIR.

On October 8, 2025, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several requests for hearing and reconsideration concerning the application by Verti-Crete Houston, LLC (Applicant) for issuance of Air Quality Standard Permit for Concrete Batch Plants Registration No. 176289, which seeks authorization to construct and operate a specialty central mix concrete batch plant at 953 Pheasant Valley Drive, Missouri City, Fort Bend County, Texas. The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director and Office of Public Interest Counsel; timely filed replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Allison Sullivan, Karen Sullivan, and Michael Sullivan are affected persons under applicable law. All remaining hearing requests and requests for reconsideration were denied. The Commission next determined whether the requests for hearing raised disputed issues of fact or mixed questions of fact and law

that were raised by the affected persons during the comment period, and that are relevant and material to its decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH): A) Whether the proposed permit will be protective of the health and safety of the requesters and their families; B) Whether the proposed permit will negatively affect air quality; C) Whether the proposed permit will be protective of the environment, including vegetation; D) Whether the proposed Facility will adversely affect the use and enjoyment of the requesters' property; E) Whether the proposed permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions; and F) Whether the Applicant substantially complied with applicable notice requirements.

The Commission next referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts. Finally, the Commission specified a maximum duration for the contested case hearing of 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.


NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The hearing requests filed by Allison Sullivan, Karen Sullivan, and Michael Sullivan are hereby GRANTED;
2. The remaining hearing requests and all requests for reconsideration are hereby DENIED;
3. The following issues are REFERRED to SOAH for a contested case hearing on the application:

- A) Whether the proposed permit will be protective of the health and safety of the requesters and their families;
 - B) Whether the proposed permit will negatively affect air quality;
 - C) Whether the proposed permit will be protective of the environment, including vegetation;
 - D) Whether the proposed Facility will adversely affect the use and enjoyment of the requesters' property;
 - E) Whether the proposed permit will be protective against dust emissions generated from the proposed plant, including nuisance dust emissions; and
 - F) Whether the Applicant substantially complied with applicable notice requirements;
4. This matter is hereby REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling process;
5. The maximum duration of the contested case hearing is SET at 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH; and
6. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

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ENVIRONMENTAL QUALITY


For the Commission


Date Signed