



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

Christopher B. Pepper
(512) 236-2236 (Direct Dial)
(512) 391-2196 (Direct Fax)
cpepper@jw.com

March 19, 2007

Via Hand Delivery and U.S. Mail

Ms. LaDonna Castanuela
TCEQ, Chief Clerk
Building F, 1st Floor
Austin, Texas 78711-3025

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAR 19 PM 3:56
CHIEF CLERKS OFFICE

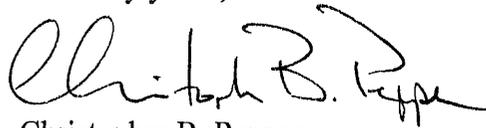
Re: Lonestar Prestress Mfg., Inc.; TCEQ Docket No. 2006-1746-AIR
Permit No. 76688L001

Dear Ms. Castanuela:

Please find enclosed an original and eleven copies of Applicant's Response to Hearing Requests being filed by Lonestar Prestress Mfg., Inc.'s. Please date stamp the extra copy and return it to our courier. We are hand-delivering and mailing copies to the persons on the Certificate of Service and Mailing List.

Please call me should you have any questions. Thank you.

Sincerely yours,


Christopher B. Pepper

Enclosure

cc: Certificate of Service
Mailing List
Brad Boyer

TCEQ STANDARD PERMIT REGISTRATION NO. 76688L001
DOCKET NO. 2006-1746-AIR

2007 MAR 19 PM 3:56

APPLICATION BY	§	BEFORE THE	CHIEF CLERKS OFFICE
	§		
LONESTAR PRESTRESS MFG., INC.	§	TEXAS COMMISSION ON	
	§		
HOUSTON, HARRIS COUNTY, TEXAS	§	ENVIRONMENTAL QUALITY	

APPLICANT'S RESPONSE TO HEARING REQUESTS

Lonestar Prestress MFG., Inc. (Lonestar) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein.

I. Background Information

Lonestar manufactures concrete poles at 9316 Reid Lake, Houston, Texas. Their manufacturing process consists of the hand pouring of pre-washed specialty aggregate (e.g., crushed granite) into a wet slurry mix that is contained in a batch mixer. The mix is then poured into a wheeled trolley and dispensed along the length of the pole forms.

To facilitate this manufacturing operation, Lonestar would like to operate a small, specialty concrete batch plant and on September 21, 2005, they submitted an application for Air Quality Standard Permit No. 76688L001 to the Texas Commission on Environmental Quality (TCEQ). Their permit application would authorize the operation of an existing, specialty concrete batch plant that is located on-site. The application was declared administratively complete on September 26, 2005. The Notice of Receipt and Intent to Obtain (NORI) an Air Quality Permit was published on October 27, 2005, in the *Houston Chronicle*. Alternative Language Notice was published October 26, 2005, in *La Voz de Houston*. The Notice of Application and Preliminary Decision (NAPD) was published on February 2, 2006, in the *Houston Chronicle*. Alternative Language Notice was published February 1, 2006, in *La Voz de Houston*. The TCEQ Enforcement Database was searched and no enforcement activities were found that inconsistent with the compliance history.

The Executive Director (ED) filed an Amended Response to Public Comment (RTC) in November 2006. This document was mailed to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comment or requests for contested case hearing on November 7, 2007. The Original RTC was filed on August 18, 2006. The cover letters attached to the Amended RTC and the Original RTC and mailed on November 7, 2006, and August 25, 2006, respectively, included information about making requests for contested case hearing or for reconsideration of the ED's decision.

The TCEQ received timely hearing requests during the public comment period: Mr. Tommy Shelton, Jr.; Ms. Rita Ashby, representing "Affected & Concerned Persons, 8910 Elsie Lane"; Barbara Farley, representing "Affected & Concerned Persons, 9230 Windfern" (September 19, 2006); and Mr. Richard Ashby, representing "Reid Lake Civics Club" (February 23, 2006).

II. Applicable Law

The Commission must assess the timeliness and form of the hearing requests and must determine whether the requests were filed by "affected persons."¹ Hearing requests on a concrete batch plant standard permit are considered under § 382.058(c) of the Texas Clean Air Act (TCAA),² and "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 (emphasis added)." If a requester does not actually reside within 440 yards, the requester would fail to meet the distance requirement of § 382.058(c) and would be statutorily barred from requesting a hearing. If the Commission determines a hearing request is timely and fulfills the requirements for proper form, and the hearing requester is an affected person, the Commission must determine if any of the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing as follows:

- (1) The issue must involve a disputed question of fact;
- (2) The issue must have been raised during the public comment period; and
- (3) The issue must be relevant and material to the decision on the application.³

III. Analysis of Hearing Requests

All hearing requests were submitted during the proper time period for requesting a contested case hearing after the close of the comment period; therefore the only issue for consideration is whether or not such requesters are affected persons. TEX. HEALTH & SAFETY CODE (THSC) § 382.058(c) provides that only those persons actually residing within 440 yards of the proposed facility may request a hearing as an affected party. Lonestar does not contest the affected person status of those persons actually residing within 440 yards of the site. Lonestar contests the affected person status of Mr. Tommy Shelton, Jr.; Ms. Zsuzsanna Cohen; Ms. Barbara Farley and the Reid Estates Civics Club.

1. Mr. Tommy Shelton, Jr., no longer resides at 9302 Reid Lake Drive; therefore, he fails to live within 440 yards of the specialty batch plant. Mr. Shelton sold the property on

¹ TEX. WATER CODE § 5.115.

² TEX. HEALTH AND SAFETY CODE (THSC), Chapter 382.

³ 30 TAC § 50.115(c).

January 26, 2007 (See Exhibit 1 – Public Property Record 9302 Reid Lake Dr.). Because he does not actually reside in a permanent residence within 440 yards of the proposed plant, he does not have standing to request a hearing in this matter as an affected person.

2. Ms. Zsuzsanna Cohen does not reside at 9302 Reid Lake Drive; this property was sold on January 26, 2007. Therefore, she fails to live within 440 yards of specialty batch plant (See Exhibit 1 – Public Property Record 9302 Reid Lake Dr.). She lacks standing to request a hearing in this matter.

3. Ms. Barbara Farley timely requested a contested case hearing on behalf of herself and 15 additional persons, called the “Affected & Concerned Persons 9230 Windfern.” As noted, Ms. Barbara Farley no longer owns or resides at 9230 Windfern, and she has moved away (See Exhibit 2 – Public Property Record 9230 Windfern.). The property was sold to Mr. Christopher Lyn on October 30, 2006. Because Ms. Farley no longer resides within 440 yards of the proposed specialty batch plant, she has no standing to request a hearing in her own right.

4. Reid Estates Civics Club (RECC) – Mr. Richard Ashby timely requested a contested case hearing on behalf of the RECC. Mr. Ashby resides at 8910 Elsie Lane, which is within 440 yards of the proposed specialty batch plant. Therefore, Mr. Ashby has standing in his own right to request a hearing. A group or association may request a contested case hearing only if the group or association meets all of the following requirements: (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right; (2) the interests the group or association seek to protect are germane to the organization's purpose; and (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.⁴ The reason RECC does not have standing is because the interests the group are seeking to protect are not germane to the organization's purpose. RECC was established on May 1, 1977, but it was abandoned sometime in 1984 and not reestablished until June 14, 2005. Moreover, the primary community activities the RECC has engaged in concern fishing privileges on a small private lake, which is partly maintained by the owners of Lonestar (See Exhibit 3 – Historical Documents Reid Estates Civics Club). Since water quality issues are neither material nor relevant to an air quality permit hearing, and because “fishing privileges” are not germane to air quality, the RECC has no standing in this matter.

IV. Analysis of Issues that Should be Referred to SOAH

All Issues (No. 1 - 5) upon which the hearing requests in this matter are based were raised in comments received during the public comment period, so the only issue to be decided is whether the issues are relevant and material to the decision on the application. In making the determination, the Commission should review each issue to see if it is relevant to these statutory and regulatory requirements that must be satisfied by this permit application.

⁴ 30 TAC § 55.205(a).

1. Whether the air emissions from the proposed facility will adversely affect the air quality in the area.

The proposed facility is seeking a TCEQ-issued standard air permit for a specialty mix concrete batch plant issued under the authority of THSC § 382.05195.⁵ The ED has determined that the Applicant meets the statutory and regulatory requirements for a specialty concrete batch plant standard air permit.⁶ Lonestar notes that the maximum production rate of their permit would be 10 cubic yards per hour and 3750 cubic yards per year; however, the special concrete batch plant standard air permit generally authorizes production at much greater levels (up to 30 cubic yards per hour).⁷ Even though the standard air permit is based on conservative modeling techniques and worst-case assumptions that would allow a much larger batching operation to occur, this issue is factually disputed and relevant and material to the Commission's decision on this application.

2. Whether the air emissions from the proposed facility will adversely affect the health and homes of the affected persons living within 440 yards of the proposed facility.

The TCEQ Air Permits Division, in conjunction with the Chief Engineer's Office, establish emission levels in air quality permits that are protective of human health and the environment and are set with sensitive subpopulations in mind.⁸ The ED notes that the proposed standard air permit was issued after a protectiveness review that satisfies TCEQ's toxicology, risk assessment and health effects guidelines was completed. Lonestar's owners own lots within Reid Lake area and next to the proposed batch plant.⁹ Even so, this is a factual issue that is relevant and material to the Commission's decision on this application.

3. Whether the air emissions from the proposed facility will adversely affect water quality in the area.

The scope of any air quality permit application review does not include a consideration of issues involving water quality, so this issue is not relevant and material to the Commission's decision on this application for an air permit, and should not be referred to SOAH.

⁵ Amended Air Quality Standard Air Permit for Concrete Batch Plants, July 2003, Draft RG-056, pp. 2-3, available at <http://www.tceq.state.tx.us/assets/public/permitting/air/NewSourceReview/Mechanical/cbpsp.pdf>, last visited March 19, 2007.

⁶ See ED's Amended Response to Comment, p. 3.

⁷ Id.

⁸ Id. at pp. 4-5.

⁹ The Boyer Family own or have a property interest in Lots 4, 5, 6 and 21, which are adjacent to or in close proximity of the batch plant. Mr. Mark Boyer currently resides with his family in a home within 440 yards of the proposed facility. See Attachment 1 – Maps (Aerial & Appraisal District).

4. Whether the air emissions from the proposed facility will create unreasonable noise levels in the area.

The TCEQ does not have jurisdiction to regulate noise associated with the operation of the proposed facility, so this issue is not relevant and material to the Commission's decision on this application and should not be referred to SOAH.

5. Whether the Applicant's operating history justifies denial of the registration.

Lonestar has an acceptable compliance history and has secured all necessary environmental permits to conduct current operations on-site, including Permits by Rule Registration No. 77880 that authorizes the manufacturing of concrete poles. TCEQ's Houston Regional Office performed a site inspection on February 13, 2006, and no violations were alleged as a result of the inspection. As noted by Ms. Karon Tank,¹⁰ Mr. Boyer (Lonestar) is a "neighbor" and a "good one" (See Exhibit 4 – Comment Letter). Although this issue is under the Commission's jurisdiction, and is usually relevant and material, there is no disputed issue of fact raised. Therefore this issue should not be referred to SOAH. This issue was fully address in the ED's Amended RTC.¹¹

V. Maximum Expected Duration of the Contested Case Hearing

The Applicant recommends the contested case hearing should last no longer than four months from the preliminary hearing to the proposal for decision.

VI. Applicant's Recommendation

The Applicant respectfully recommends the Commission:

- A. Find all hearing requests in this matter were timely filed;
- B. Find the hearing requests of Ms. Rita Ashby and Mr. Richard Ashby, as individuals, and any requesters determined to actually reside within 440 yards, satisfy the requirements of 30 TAC § 55.201(d).
- C. Find that Reid Lake Civics Club (RECC); Ms. Barbara Farley; Mr. Tommy Shelton, Jr. and Ms. Zsuzsanna Cohen are not affected persons in this matter.
- D. Refer the following issues (Issues 1 and 2) to the State Office of Administrative Hearings:

¹⁰ Ms. Karon Tank, residing on 9015 Elsie Lane, filed a comment letter to the "Lonestar Prestress MFG., Inc. Mailing List." She requested that her name be removed from the mailing list.

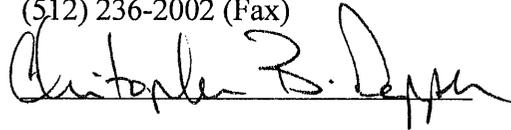
¹¹ ED's Amended RTC, p. 5.

1. **Whether the air emissions from the proposed facility will adversely affect the air quality in the area.**
 2. **Whether the air emissions from the proposed facility will adversely affect the health and homes of the affected persons living within 440 yards of the proposed facility.**
- E. Find the issues regarding water quality; noise pollution and operational history are not relevant and material to the decision on this air permit application.
- F. Find the maximum expected duration of the contested case hearing be four months.

Respectfully submitted,

JACKSON WALKER L.L.P.
100 Congress Avenue, Suite 1100
Austin, Texas 78701
(512) 236-2000
(512) 236-2002 (Fax)

By:



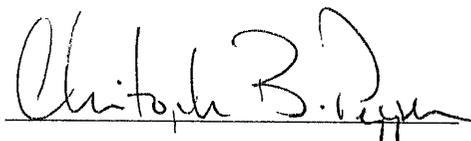
CHRISTOPHER B. PEPPER
State Bar Number 24034622

**ATTORNEY FOR LONESTAR
PRESTRESS MFG., INC.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been filed with the Office of the Chief Clerk, Texas Commission on Environmental Quality, and provided to the persons listed on the attached mailing list via facsimile transmission, first class mail and/or hand delivery on March 19, 2007.

By:

A handwritten signature in black ink that reads "Christopher B. Pepper". The signature is written in a cursive style and is positioned above a horizontal line.

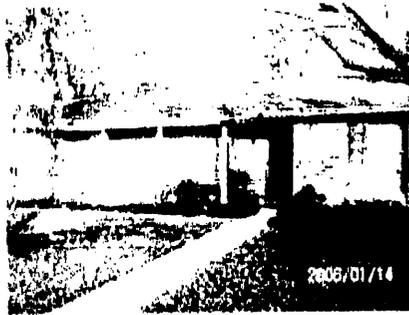
CHRISTOPHER B. PEPPER
State Bar Number 24034622

**ATTORNEY FOR LONESTAR
PRESTRESS MFG., INC.**

Exhibit 1 – Public Property Record 9302 Reid Lake Dr

Agent Full Report

Page 1 of 2



Single- ML Family # 7777151	Status	LP \$225,000 SP/HP Ratio 0.92	LP/SF \$ 177.30
County HARRIS	Tax Acc # 095-411-000-0007-001	Lot Value Yes	Also For Lease No
Area 11 - Near North	Location 25 - Cypress	Mkt Area 290 Beltway 8	KM 410F
Addr 9302 REID LAKE DR		City HOUSTON	Zip 77064-7750
Sub REID ESTATES UNR	Sec # 0	State Texas	Country United States
Masler Planned Community No/	Legal LT 7 BLK C REID ESTATES UNR		DOM 61
SqFt: 1269/Appraisal District	Lot Size 88949/Appraisal District	Year Built 1965/Appraisal District	PAR
SchDist: 13 Cypress-Fairbanks	Elem Cy Fair	Middle Cy Fair	High Cy Fair

Media: 1 # 12

Listing Broker PAFI01/ERA Pathfinder Properties
Listing Agent serrato/Arthonisa Serrato
Addr 810 S Mason Rd Ste 150
Email art@pathfinderproperties.com

Office # (281)395-8333 Ext
Fax # (281)395-8150
Office Web:
Agent Web
http://www.click2theartorealestate.com

Appt # (832)878-0374/Agent
PM #
Cell Phone 832-878-0374
Pager #

Style Traditional	# Stories 1	New Construction No/	Builder Name	# Bedrooms 3 /
Type Free Standing		ApproxComplete	Access	#FB/HB 2/0
LotSize 88949/Appraisal District	LotDim	Acres 1 Up to 2 Acres	Utility Rm	Garage 2/Attached Garage
Living Dining: 9X11	Kitchen 12X8	1st Bed: 11X11	4th Bed	Carport /
Den 18X12	Brkfst 8X12	2nd Bed: 10X14	5th Bed	FrdDoorFaces
Game Rm	ExtraRm	3rd Bed 12X14	Gar/Car Circle Driveway	
Study 13X11		Media	Show Accompany, Appointment Required	

Agent Remarks Showings must be accompanied by Art Serrato 832-878-0374 No restrictions. Can be used as business/home. Great access roads close to 290 and Beltway 8.
Dir Hwy. 290, North on Windfern, Right on Reid Lake, just south of Elsie.
Property Description - Public: An abundance of mature oaks & pecans with this 14.5 acre community lake and home offer a serene setting for this rural area. No restrictions. Can be used as commercial business/home. Home has been updated (tile flooring, kitchen countertops and appliances, interior and exterior paint, recent roof and A/C). Wonderfully maintained. Multiple points of entry for access. Just minutes from US 290&Beltway 8. Come and enjoy the wildlife.

Microwave Yes	Dishwasher Yes	Cmpotr. No	Dispsl Yes	SepticMkr Yes	Oven Gas	Oven Range Electric	Range Electric
Fireplace 0/	Connect Electric Dryer Connections, Washer Connections			UtilRm Utility Rm in House			
Energy Interior Fire/Smoke Alarm, Tile	Master Bath			Bedrooms Split Plan			
Extr Constr Brick & Wood	Extr Patio/Deck			Rooms 1 Living Area			
Lot Desc Wooded	Golf Course Name	Heat Central Gas		Flooring Carpet, Laminate, Tile	Countertops Updated	AreaPool Yes	
Restrictions No Restrictions	Images 12			Prvt Pool No/			
Disclosures Sellers Disclosure Management	1/Date	List Date 10/23/2006	BuyerAgt. 3%	Roof Composition			
Compensation SubAgt 3%				Foundation Slab			
				3/ Surf Asphalt, Concrete	Utility Dep. No	Wtr/Swr Septic Tank, Well	
				Cool Central Electric			
				Defects No Known Defects			
				Addr on Web Yes			
				Exclusions			
				List Type Exclusive Right to Sell/Lease			
				Expire Date	OPEnd Date 1/4/2007		
				Bonus	Var/Qual Rate No		

1st Assumable No
FinAvl Cash Sale, Conventional
Annual Maint No\$0
Other Mandatory Fees No\$0 /
Taxes w/o Exemptions/Yr \$ 1,507/2006
Tax Rate 2.62697
Maintenance Fees Payment Schedule Exemptions Surviving Spouse

PD 12/23/2006 ED 1/26/2007 SA Public ID JUANER DOM 61
Sell Broker PAFI01/ERA Pathfinder Properties
Sale Price \$ 207,500 Terms Conventional Total Discount Pts Close Date 1/26/2007
SP/SI \$ 2.33 Interest Rate Amortized Years 30 Days to Close 34 CoOp No
New Loan \$ 167,000

states). <http://www.harmls.com/SearchDetail/Scripts/PrtAgtFul/PrtAgtFul.asp?UlidList=1786196&p> 3/6/2007



Profile Report

Additional Reports

9302 REID LAKE DR, HOUSTON, TX. 77064-7750 Harris County

General Property Description

Map Page/Coord. 419F School District CYPRESS FAIRBANKS ISD MLS Area 11
 ParcelID Card 305-411-020-0207-001 001 Census Tract/Block 482015341 / 1 Map Facet 4563E
 Subdivision REID ESTATES UIR
 Legal Desc LT 7 BLK C REID ESTATES UIR

Property Characteristics

Improved SqFt 1,259	Built 1965	Remodeled 0
Bedrooms 03	Baths 02	Total Rooms 5
Foundation Slab	Swimming Pool No	Stones 1 0
Fireplace No	Exterior Walls Brick - Veneer	Misc2 OPEN FRAME
Style Traditional	Misc3 Frame Detached Storage	Misc4
Heat & A/C Central Heat/A/C	Misc5	Misc1 MASBRK GAR

Land Characteristics

Acres 2.0420	Land SqFt 88,946	Depth 0
Land Use Res Imprvd Table Val - 1001	Longitude -95.555270	Front 0
Latitude 29.907320		

Deed and Sales Information

Last Sale Date 06 Jan 2007	Sales Amount \$207,500	MLS No 111
Last Deed Date	Loan Amount	Seller
Deed History	Broker servitu	CCF#

Taxpayer Information

Name SHELTON TOMMY R SR
 Address 11519 KINGRIDGE CT
 MONTGOMERY TX 75116-9646

Owner Information

Name SHELTON TOMMY R SR
 Address 11519 KINGRIDGE CT
 MONTGOMERY TX
 75116-9646

County Appraisal District Property Values

2006	Change (%)	2005	Change (%)	2004
Total Value \$76,000	\$18,500 (32%)	\$57,400	\$8,000	\$57,400
Imprv \$18,500				
Land \$59,474				
CAD Mkt Val \$76,000	Exempt Status Non-Exempt		Lot / Block 110	

Taxes

Tax Entity/Collector	Tax Rate	Bonds Authorized	Bonds Issued	Estimated (Rate * Val)
CYPRESS-FAIRBANKS ISD	1.65400000			\$1.25
HARRIS CO	0.40235000			\$3.09
HARRIS CO DPT EDUC	0.00829000			\$0.63
HARRIS CO ESD 9	0.05913000			\$4.57
HARRIS CO FLOOD CONTRL	0.03041000			\$2.31
HARRIS CO HOSPITAL	0.19216000			\$1.47
N. HARRIS-MONT COLLG.	0.11670000			\$0.89
PORT OF HOUSTON AUTH	0.01302000			\$1.00
Total:	2.46100000			\$19.11



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Exhibit 2 – Public Property Record 9230 Windfern

stewart
•title

Deed History Report

9230 WINDFERN RD, HOUSTON, TX. 77064-7743
Parcel ID: 995011000010 001

Deed Description	Grantor	Grantee
File: 20060152538 File Date: 30 Oct 2006 Inst Code: WV Book/Page: - Inst. Date: 26 Oct 2006 Amount: \$179,200	FARLEY BARBARA S & DENNIS	LYN CHRISTOPHER



Data is provided by third parties and is presumed reliable, but not warranted, guaranteed or verified.
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Exhibit 3 - Historical Documents Reid Estates Civics Club

Phone call @ 6:00 pm to let Ann know
there was money in Rick's mail box.
Received envelope from Judy Christian - Opened
w/ Harvey

Received 9/9/65

Opened w/ Harvey Prasek
\$525.00 cash

Rick, Ann & Harvey,

After everyone abandoned the Civic Club more than 15 years ago, Bud & Maxine was left to take care of the problems of the Lake and the taxes, they paid one year and possibly 2 years out of their own pockets. When they moved away it got dumped in my lap. I have done the best that I could. I tried to take care of this myself, but I can't do it all.

We have Never had more than 4 to 6 fishermen at a time, and some years we didn't have any at all. I did all the upkeep on the land, mowed, weed eaten, cleaned, chopped trees. I have pretty much taken care of the school tax part of it, but I can't do the county. I figure myself & everyone else owes at least 15 years of back dues. So here is my pay. \$525.00 \$35.00 X 15 years.

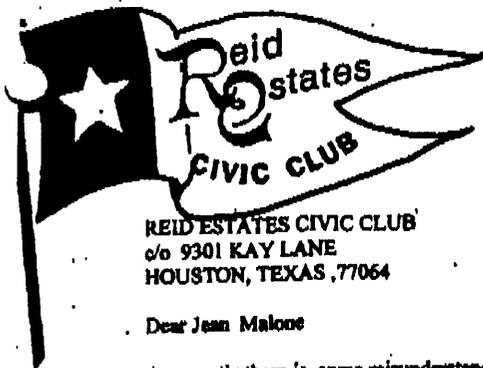
RECC01817

Send this money to the County
and you are going to have to
get everyone else to help.

I would like you to change all
the bills into your names, Rick, Harvey
and Anne. When everyone abandons
the civic club again (and they will) you
guys can figure out what to do.
I will be more than glad to still
maintain the property, keep an
eye on the guys but when money
is due, I will send them to you.
I will no longer be responsible
for that part. I should have
been honest up front but I
was trying on my own to figure
this out and take care of it, but
I just can't anymore. I need
your help.

Jeanette Malone
and since ^{none} ~~any~~ of you have spoken
more than 10 words to me in the 15
years I will assume the communication
will continue in that direction.

RECC01818



REID ESTATES CIVIC CLUB
c/o 9301 KAY LANE
HOUSTON, TEXAS 77064

JANUARY 30, 2006

Dear Jean Malone

Apparently there is some misunderstanding in the relationship of an individual resident versus the legalities of managing a civic club and overseeing the lake in regards to visitors: a member must be a resident of Reid Estates Subdivision. **NO ONE INDIVIDUAL MEMBER HAS THE AUTHORITY TO ALLOW ACCESS TO THE LAKE, THIS IS A MEMBERSHIP DECISION, DULY VOTED DURING A GENERAL MEETING.**

1. We have no way of knowing who paid you--when and how much for the privilege to fish.-
-PREVIOUSLY REQUESTED.--Was this a month to month or annual payment??
2. WE HAVE NO WRITTEN DISCLAIMERS: SIGNED AND NOTORIZED, as was the rules when the REID ESTATES CIVIC CLUB received the lake in 1978.
3. Due to the fact that we have no liability insurance, we could be liable for any accident/incident that may occur on these premises.
- 4 We placed a lock at the entry of the lake on Elmie Lane., on January 13, 2006. Further a no trespassing sign was also placed on the gate. Violators will be prosecuted. **AT THIS TIME:** this also means any one -- including paid members.
5. We are still awaiting a complete accounting of A. records of funds received and their source...(we are in contact with TIME WARNER), B. HOW MANY FISHER MEN, AMOUNT PAID, WHAT YEAR, DOLLAR AMOUNTS OF DISBURSEMENTS -ESPECIALLY THE TWO TAXING ENTITIES.

SINCERELY

Rick Ashby
RICK ASHBY, PRESIDENT

Harvey Prasek
HARVEY PRASEK, VICE PRESIDENT

Ann Bonafas
ANN BONAFAS, SECRETARY/TREASURER

JANUARY 30, 2006
RECEIVED--HAND DELIVERED

SIGNED: JEAN MALONE

Jean Malone

RECC01819

Exhibit 4 – Comment Letter (Dated on or about November 14, 2006)

Karon H. Tank
9015 Elsie Lane
Houston, TX 77064-7705

MEMORANDUM

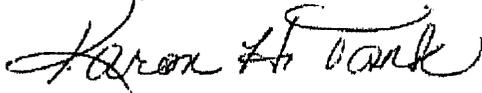
To: MAILING LIST for Lonestar Prestress MFG., Inc.

Re: Mailing List

I would like to request my name to be removed from this list. I would like to request to be removed from any list you people have circulating. This man is my neighbor. He is and has been a good one. I have no quarrel with him, nor do I want one started. If I have ever needed anything done, by Mr. Boyer, I have spoken to him, or his father, and whatever the request it was resolved, immediately and mutually.

Thanking you in advance for your cooperation, in this matter.

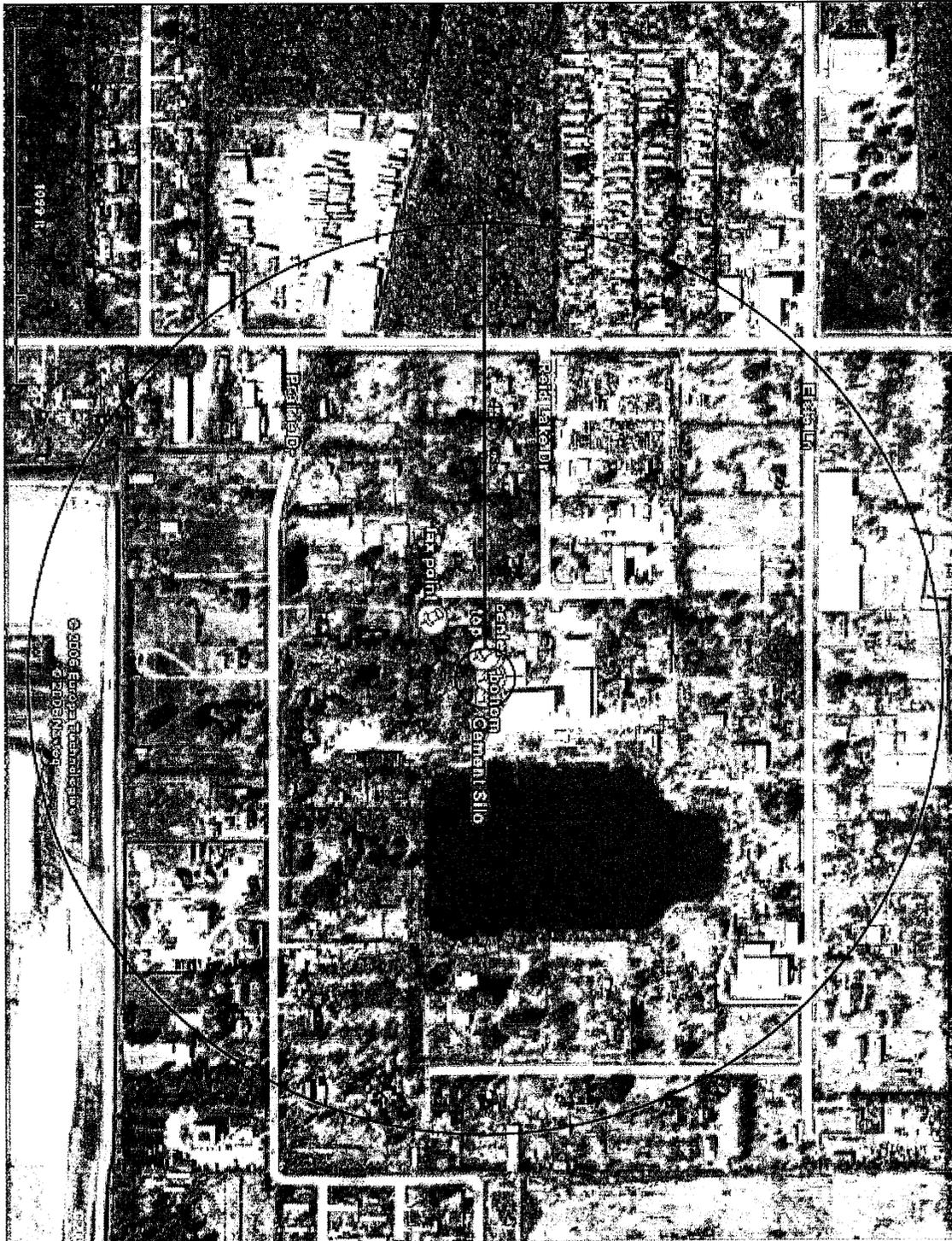
Sincerely,



Karon H. Tank

Cc: Chris B. Pepper, Brad B. Boyer, Douglas Brown, Michael D. Gould,
Jodena Henneke, Blas J. Coy, LaDonna Castanuela, Ann Bonefas

Attachment 1 – Maps (Aerial & Appraisal District)



MAILING LIST
LONESTAR PRESTRESS MFG, INC.
DOCKET NO. 2006-1746-AIR; PERMIT NO. 76688L001

FOR THE APPLICANT

Chris B. Pepper, Attorney at Law
Jackson Walker LLP
100 Congress Avenue, Ste. 1100
Austin, Texas 78701

Brad B. Boyer
President
Lonestar Prestress MFG, Inc.
9316 Reid Lake Drive
Houston, Texas 77064

FOR THE EXECUTIVE DIRECTOR:

Douglas Brown
Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division
MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Michael D. Gould
Technical Staff
Texas Commission on Environmental Quality
Air Permits Division
MC-163
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE PUBLIC INTEREST COUNSEL

Mr. Blas J. Coy, Jr.
Attorney
Texas Commission on Environmental Quality
Public Interest Counsel
MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Jody Henneke
Director
Texas Commission on Environmental Quality
Office of Public Assistance
MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR ALTERNATIVE DISPUTE
RESOLUTION:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution
MC-222
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

Ms. LaDonna Castanuela
Texas Commission on Environmental Quality
Office of the Chief Clerk
MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Beecher Cameron
Texas Commission on Environmental Quality
Air Permits Division
MC-163
P.O. Box 13087
Austin, Texas 78711-3087

REQUESTERS:

Richard A. Ashby
Reid Estates Civic Club
8910 Elsie Lane
Houston, Texas 77064-7704

Rita Ashby
8910 Elsie Lane
Houston, Texas 77064-7704

Paul & Annisa Blanchard
9008 Elsie Lane
Houston, Texas 77064-7706

Hans Boone
9510 Windfern Road
Houston, Texas 77064-7740

Octavio Cabrera
9334 Kay Lane
Houston, Texas 77064-7712

Mary W. Carter
Blackburn Carter PC
4709 Austin Street
Houston, Texas 77004-5004
Johnnie & Gladys Chaloupka
9006 Elsie Lane
Houston, Texas 77064-7706

Sukudev Cheema
9202 Prairie Drive
Houston, Texas 77064-7814

Donald L. & Judy A. Christian
8902 Elsie Lane
Houston, Texas 77064-7704

Rick & Rita J. Ashby
8910 Elsie Lane
Houston, Texas 77064-7704

Ken Bengle
9019 Prairie Drive
Houston, Texas 77064-7809

Maurice & Ann Bonefas
9301 Kay Lane
Houston, Texas 77064-7711

Zoe Bradstreet
9102B Prairie Drive
Houston, Texas 77064-7812

Maricela Cano
9327 Kay Lane
Houston, Texas 77064-7711

Henry & Dolores Castillo
9319 Kay Lane
Houston, Texas 77064-7711

Gilbert Charros
9418 Windfern Road
Houston, Texas 77064-7751

James & Doris Chesser
8902 Prairie Drive
Houston, Texas 77064-7808

Judy Christian
8902 Elsie Lane
Houston, Texas 77064-7704

Zsuzsanna Cohen
9302 Reid Lake Drive
Houston, Texas 77064-7750

Mary L. Craft
9303 Kay Lane
Houston, Texas 77064-7711

William & Sharmon Deas
9011 Prairie Drive
Houston, Texas 77064-7809

Jim & Glenda Deveau
9300 Kay Lane
Houston, Texas 77064

Steve Donn
9008 Elsie Lane
Houston, Texas 77064-7706

Robert Ellis
9305 Kay Lane
Houston, Texas 77064-7711

Glen J. Fornerette
9300 Reid Lake Drive
Houston, Texas 77064-7750

M. Elena Gomez
9334 Kay Lane #3
Houston, Texas 77064-7712

Angel Juarez
9019 Elsie Lane
Houston, Texas 77064-7705

Alyssa, Mireca & Patricia Lengyel
9112 Prairie Drive
Houston, Texas 77064-7812

Jay Conlin
9211 Reid Lake Drive
Houston, Texas 77064-7739

Dennis Culberson & Matthew S. Culberson
8902 1/2 Prairie Drive
Houston, Texas 77064-7808

Pedro Deleon
8912 Prairie Drive
Houston, Texas 77064-7808

Rajinder Dhillon
9202 Prairie Drive
Houston, Texas 77064-7814

Robert Elliott
9102 Prairie Drive
Houston, Texas 77064-7812

Dennis & Barbara Farley
9230 Windfern Road
Houston, Texas 77064-7743

Pablo & Flore Garza
8918 Elsie Lane
Houston, Texas 77064-7704

Rod Jackson
8914 Prairie Drive
Houston, Texas 77064-7808

Melba La Mountain
9014 Prairie Drive
Houston, Texas 77064-7810

W. Ray Lilly
8814 Elsie Lane
Houston, Texas 77064-7702

Johnny T. Lott
9323 Reid Lane
Houston, Texas 77064

Tommy & Jeanette Malone
9003 Elsie Lane
Houston, Texas 77064-7705

J. Meyer
9115 Prairie Drive
Houston, Texas 77064-7811

Kenneth & Alma Mongonia
8911 Elsie Lane
Houston, Texas 77064-7703

Mary A. Moral
9117 Prairie Drive
Houston, Texas 77064-7811

Leticia Mosqueda
9334 Kay Lane #2
Houston, Texas 77064-7712

James Murray
9014 Prairie Drive Ste. 2
Houston, Texas 77064-7810

Gertrude Nowak
9011 Elsie Lane
Houston, Texas 77064-7705

Gail Prasek
9305 Kay Lane
Houston, Texas 77064-7711

Harvey Prasek
9303 Kay Lane
Houston, Texas 77064-7711

Juan & Maria L. Razo
9331 Kay Lane
Houston, Texas 77064-7711

Billie Jo, Gerald & Michael Malone
9009 Elsie Lane
Houston, Texas 77064-7705

Ken Mathews
9002 Prairie Drive
Houston, Texas 77064-7810

Angelina Mireles
9113 Elsie Lane
Houston, Texas 77064-7707

Kenneth Mongonia
8911 ½ Elsie Lane
Houston, Texas 77064-7703

Graciela Mosqueda
9334 Kay Lane #C
Houston, Texas 77064-7712

Chris & Kim Murray
9014 Prairie Drive #6
Houston, Texas 77064-7810

Melba Jo Murray
9014 Prairie Drive
Houston, Texas 77064-7810

Sara Nugent
9002 Elsie Lane
Houston, Texas 77064-7706

Gail Prasek
9318 Kay Lane
Houston, Texas 77064-7712

Susana Puga
9109 Elsie Lane
Houston, Texas 77064-7707

Carlos & Maria Reyes
8913 Elsie Lane
Houston, Texas 77064-7703

Elsie Rhea
9203 Elsie Lane
Houston, Texas 77064-7709

Tim Sandusky
9302 Kay Lane
Houston, Texas 77064-7712

Tommy Shelton, Jr.
9302 Reid Lake Drive
Houston, Texas 77064-7750

Donna Stanley
9300 Reid Lake Drive
Houston, Texas 77064-7750

Floyd A. Telschow
9010 Elsie Lane
Houston, Texas 77064-7706

Tim Tipton
9318 Kay Lane
Houston, Texas 77064-7712

Ernest L. Wallingford
9106 Elsie Lane
Houston, Texas 77064-7708

Asa Weathers
8919 Elsie Lane
Houston, Texas 77064-7703

Cipriano Ruvalcaba
8918 Prairie Drive
Houston, Texas 77064-7808

Kathi Schatz
9019 Prairie Drive
Houston, Texas 77064-7809

Rhjinder Singh
8819 Prairie Drive
Houston, Texas 77064-7805

Ted & Karon Tank
9015 Elsie Lane
Houston, Texas 77064-7705

Floyd Telschow
9010 Elsie Lane
Houston, Texas 77064-7706

Calvin D. & Nguyen Vu
9119 Prairie Lane
Houston, Texas 77064-7811

Art E. Weathers
9410 Windfern Road
Houston, Texas 77064-7741

Mark Wilde
8915 Prairie Drive
Houston, Texas 77064-7807