

REID ESTATES CIVIC CLUB

8910 ELSIE LANE
HOUSTON, TEXAS 77064
TELEPHONE (713) 896-8872

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
FEB 28 11 11 AM '07
CHIEF CLERKS OFFICE

FEBRUARY 21, 2006

MS. LADONNA CASTANUELA, CHIEF CLERK
OFFICE OF THE CHIEF CLERK, MC-105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TEXAS 78753

H OPA
FEB 28 2006
BY KG

MSR
50384

RE: LONESTAR PRESTRESS MFG, INC. AIR QUALITY STANDARD PERMIT,
REGISTRATION NO. 76688L001; REQUEST FOR CONTESTED CASE HEARING

DEAR MS. CASTANUELA:

WE THE UNDERSIGNED REQUEST A CONTESTED CASE HEARING BECAUSE WE ARE AN AFFECTED PARTY IN RELATION TO PROPOSED REGISTRATION NUMBER 76688L001 ("NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANT REGISTRATION", FILED BY LONESTAR PRESTRESS MANUFACTURING, INC. AT 9316 REID LAKE, HOUSTON, TEXAS 77064).

THIS REQUEST FOR A CONTESTED CASE HEARING IS BEING FILED ON BEHALF OF RESIDENTS LIVING WITHIN THE PROXIMITY OF ONE-QUARTER MILE/440 YARDS FROM THE SITE OF LONESTAR PRESTRESS BATCH PLANT FACILITY.

CONCERNS ARE AS FOLLOWS:

- 1) THE AIR QUALITY WOULD BE COMPROMISED FROM DUST COMING FROM THIS BATCH PLANT. THIS DUST WOULD CONTAMINATE ALL HOMES, TREES, GRASS, FLOWERS, ETC.; SILICA PARTICLES ARE A DEFINITE HEALTH HAZARD.
- 2) BREATHING DUST FROM THIS BATCH PLANT WOULD BE MOST HARMFUL TO ANYONE LIVING ANYWHERE CLOSE TO THIS OPERATION. ANYONE LIVING IN THE AREA WITH ASTHMA OR OTHER RELATED PROBLEMS WOULD BE PARTICULARLY AFFECTED. THIS DUST WOULD MOST CERTAINLY FILTER INSIDE HOMES AS WELL AS OUTSIDE. BREATHING AIR BORNE PARTICLES FROM THIS OPERATION, THOSE EMITTED BY CEMENT POWDER COMING FROM THE BATCH PLANT IS OF GREAT CONCERN.
- 3) REID ESTATES CIVIC CLUB ALSO HAS A LAKE FOR THE ENJOYMENT OF ITS RESIDENTS. THIS TYPE OF OPERATION WOULD CONTAMINATE OUR LAKE AND CAUSE HARM TO THE FISH AND OTHER WILD LIFE THAT WE ENJOY AROUND OUR LAKE. OF FURTHER CONCERN WOULD BE CONTAMINATION OF SHALLOW WELL SYSTEMS THAT PROVIDE WATER TO OUR HOMES. ALSO OF CONCERN ARE ISSUES WITH PUMPS, PIPES ETC., LEADING INTO AND OUT OF THE LAKE (AT THE SOUTHWEST AND NORTHWEST CORNERS), THE OVERT AND COVERT USE OF, FOR IT HAS LONG BEEN A PRACTICE OF THIS COMPANY AND SISTER COMPANY, BOYER CONSTRUCTION, TO REMOVE WATER FROM THE LAKE DURING THE PRODUCTION OF CONCRETE AND WHILE PRODUCING RELATED OTHER MATERIALS. THERE HAS BEEN PUMPING FROM AND POSSIBLE DUMPING INTO THE LAKE.
AFTER DISCOVERY, AND AFTER HAVING OBSERVED CONCERNED RESIDENTS INSPECTING THE PIPES IN QUESTION, THE PIPES WERE QUICKLY REMOVED AND/OR DESTROYED BY WHO WE SUSPECT WAS THE COMPANY (LONESTAR PRESTRESS).

Handwritten mark or signature at the bottom right corner.

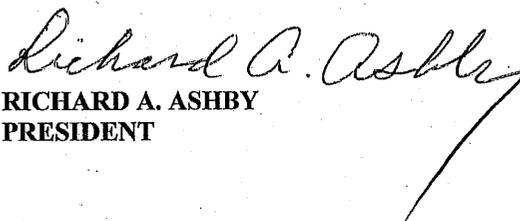
4) THE PLANT NOISE LEVEL FROM THIS OPERATION IS EXTREMELY LOUD AND HAS CONTINUED TO ESCALATE. THE CONTINUED OPERATION OF THIS BATCH PLANT WOULD MOST CERTAINLY DESTROY THE SERENITY OF THIS NEIGHBORHOOD. NOT ONLY THE NOISE FROM THIS PLANT, BUT THE FLOW OF CONCRETE TRUCKS AND DUMP TRUCKS IN AND OUT OF THE PLANT WOULD ALSO INCREASE THE NOISE LEVELS, AND IS A REAL NUISANCE.

THE COMPANY HAS A PAST HISTORY OF ABUSES FOR IT HAS BEEN NON-PERMITTED AND NON-REGULATED FOR YEARS... AND MUCH TO THE DETRIMENT OF, AND AT A SIGNIFICANT COST TO THE ENVIROMENT, THE COMMUNITY, THE COUNTY AND STATE, TO THE MEMBERS AND RESIDENTS WITHIN THE LOCAL JURISDICTION OF THE REID ESTATES CIVIC CLUB.

THE REID ESTATES CIVIC CLUB REQUESTS A CONTESTED CASE HEARING ON BEHALF OF ITS MEMBERSHIP AND FOR NEARBY RESIDENTS - ALL OF WHOM STAND TO BE AFFECTED.

YOUR CONSIDERATION IN THIS MATTER IS GREATLY APPRECIATED.

REID ESTATES CIVIC CLUB


RICHARD A. ASHBY
PRESIDENT

FAXED COPY
SENT 02-23-06

TELEVISION
COMMUNICATIONS
ON ENHANCING
QUALITY
2006 FEB 28 AM 12:12
CHIEF CLERKS OFFICE

OPA
FEB 28 2006
BY RS

F A X T R A N S M I S S I O N
TCEQ - OFFICE OF THE CHIEF CLERK
TO: _____ FROM: SEC. ANN BONEFAS
PRES. RICHARD ASHBY

FAX # 512 239 3311 SENDERS PHONE 713 466 3428
Phone # 1800 687 4040 CEEL PHONE 713 870 6471
DATE _____ TOTAL # PAGES W/COVER _____

IF YOU HAVE ANY DIFFICULTY WITH THIS TRANSMISSION, PLEASE CONTACT THE SENDER AT THE PHONE # LISTED ABOVE.

MESSAGE/COMMENT PETITION AND LETTER AND REQUEST
FOR A CONTESTED CASE HEARING REGARDING

PROPOSED REGISTRATION NUMBER 766882001
" NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR
AN AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH
PLANT REGISTRATION (LONESTAR PRESTRESS MFG, INC.
AT 9316 REID LAKE DRIVE HOUSTON, TX. 77064). THANK YOU

REQUEST FOR A CONTESTED CASE HEARING BEING MADE
BY THE MEMBERS OF THE REID ESTATES CIVIC CLUB.

PRESIDENT RICHARD ASHBY 713 896 8872
VICE-PRESIDENT HARVEY PRASEK 713 466 7551
SECRETARY ANN BONEFAS 713 466 3428

Z16

NEXT WEEK

■ Cy-Fair resident Sherman Minter has been a police officer, worked for a petroleum company and has taught Eskimo children in Alaska for more than a decade.

CYFAIR

★★

THURSDAY

FEBRUARY 2, 2006

HOUSTON CHRONICLE
chron.com

COPYRIGHT © 2006 BY HOUSTON CHRONICLE. ALL RIGHTS RESERVED.

1245 LEGAL
NOTICES

1245 LEGAL
NOTICES

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANT REGISTRATION

PROPOSED REGISTRATION NUMBER: 76688L001
APPLICATION AND PRELIMINARY DECISION
Lonestar Prestress Manufacturing, Inc., 9316 Reid Lake Drive, Houston, Texas 77064-7750, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant Registration Number 76688L001 which would authorize a specialty concrete batch plant under Title 30 Texas Administrative Code (30 TAC) § 106.611 at 9316 Reid Lake Drive, Houston, Harris County, Texas. This application was submitted to the TCEQ on September 21, 2005. The facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, and road dust.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision to issue the permit because it meets all rules and regulations. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at Harris County Public Library, 7122 North Gessner, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1486.

MAILING LIST. You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the TCEQ Office of the Chief Clerk at the address below.

PUBLIC COMMENT/PUBLIC MEETING. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

You may submit additional written public comment to the TCEQ Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 within 30 days of the date of newspaper publication of this notice.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comment, the executive director will consider the comments and prepare a response to all relevant and material or significant public comment. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application. The mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.

A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decisions on the application. Further, the Commission will only grant a hearing on issues raised by you or others during the public comment period and have not been withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. A timely hearing request has been received by the TCEQ. However, if all timely contested case hearing requests have been withdrawn and no additional comments are received, the executive director may issue final approval of the application. If all timely hearing requests are not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled commission meeting.

INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040. Si desea informacion en Espanol, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our Web site at www.tceq.state.tx.us.

Further information may also be obtained from Lonestar Prestress Manufacturing, Inc., at the address stated above or by calling Mr. Brad Boyer at (713) 896-0994.

Issuance Date: December 14, 2005

Blair

**PETITION SIGNATURES
REID ESTATE CIVIC CLUB**

PA
H FEB 28 2006
BY KY

Page 1
SIGNED 28 MAR 08
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NAME

ADDRESS

TELE. #

- | | | | | |
|---------------------|-----------------------|----------------------------|------------------|--------------|
| | Glen J Fornerette | Glen J Fornerette | Houston TX 77064 | |
| | 1. Glenn J Fornerette | 9300 Reid Lake Dr | Houston TX 77064 | 713-893-7555 |
| | | DONNA STANLEY | | 713-466 |
| | 2. Donna Stanley | 9300 Reid Lake | Houston TX 77064 | 9658 |
| | | JAY COULING | | |
| JAY
Coulting | 3. Jay Couling | 9211 Reid Lake Dr | Houston TX 77064 | 713-937-9997 |
| | | Pedro De Leon | | |
| | 4. Pedro De Leon | 8912 PRAIRIE Dr | Houston TX 77064 | 713-896-1563 |
| | 5. X MARK WILDE | 8915 Prairie | Houston TX 77064 | 713-856-5532 |
| | | Mark Wilde | | |
| | 6. Rod Jackson | 8914 Prairie | Houston TX 77064 | 832-347-4638 |
| | | Will Deas | | |
| | 7. Will Deas | 9011 Prairie Dr | Houston TX 77064 | 713-466-1384 |
| | | Sharmen Deas | | |
| | 8. Sharmen Deas | 9011 Prairie Dr | Hou TX 77064 | 713-466-1384 |
| | | Melba Jo Murray | | |
| MELBA JO
MURRAY | 9. Melba Jo Murray | 9014 Prairie Dr | Houston TX 77064 | 713-849-4302 |
| | | Melba Jo Mountain | | |
| MELBA
A MOUNTAIN | 10. Melba Jo Mountain | 9014 Prairie Dr #4 | Houston TX 77064 | 713-849-4302 |
| | | JAMES MURRAY | | |
| | 11. James Murray | 9014 PRAIRIE #2 | Houston TX 77064 | 713-856-5598 |
| | | Kim Murray | | |
| | 12. Kim Murray | 9014 Prairie Dr #6 | Houston TX 77064 | 713-983-0105 |
| | | 3 children
Chris Murray | | |
| | 13. Chris Murray | 9014 Prairie Dr #6 | Houston TX 77064 | 713-983-0105 |
| | | KATHI SCHATZ | | |
| | 14. Kathi Schatz | 9019 PRAIRIE RD | Houston TX 77064 | 713-983-9454 |
| | | KENNETH BERGE | | |
| | 15. Kenneth Berge | 9019 PRAIRIE RD | Houston TX 77064 | 713-983-9454 |
| | | ALYSSA LENGYEL | | |
| | 16. Alyssa Lengyel | 9112 PRAIRIE DR | Houston TX 77064 | 713-896-4167 |
| | | PATRICIA LENGYEL | | |
| | 17. Patricia Lengyel | 9112 Prairie Dr | Houston TX 77064 | 713-896-4167 |

- 18. SUKMDEV MEEMTA 9202 PRAIRIE DR 713 937 3854
Sundar Smit Chuma Houston, TX. 77064
- 19. MIRCEA LENGYEL Shircea Lengyel
9112 Prairie Hwy, TX 77064 713 896 4167
- 20. RAJINDER DHILLON 9202 PRAIRIE DR 713 937 3854
Ric Dhilon Houston, TX 77064
- 21. ZSUZSANNA COHEN 9302 REID LANE 713 856 6750
Anna Cohen Houston, TX. 77064 Houston TX 77064
- 22. Ann Bonefas 9301 Kay Lane 713-466-3428
ANN Bonefas MAURICE BONEFAS Houston, TX. 77064
- 23. Maria Bonifas 9301 Kay Lane 713-466-3428
Houston, TX. 77064
- 24. CIPRIANO RUVAKABA 8918 PRAIRIE 713 248 5532
Cipriano Ruvakaba Houston, TX. 77064
- 25. Hans Boone 9510 WINDFERN 713-896 9238
Hans Boone Maria Reyes Houston, TX. 77064
- 26. Mario Reyes 8913 ELSIE 713-856-9997
Mario Reyes Charles Reyes Houston, TX. 77064
- 27. Wray Lilly 8913 ELSIE 713-856-9997
Wray Lilly Houston, TX. 77064
- 28. Wray Lilly 8814 ELSIE 713-895-7376
Wray Lilly Houston, TX. 77064
- 29. ROBERT ELLIOTT 9102 PRAIRIE DR 713 937 3008
Robert Elliott Houston, TX 77064
- 30. ZOE BRADSTREET 9102 B PRAIRIE DR (713) 937-9278
Zoe Bradstreet Houston, TX 77064
- 31. Dennis Farley 9230 WINDFERN 713-466-6678
Dennis Farley HOV TX. 77064
- 32. Barbara Farley 9230 Windfern 713-466-6678
Barbara Farley Houston, TX 77064
- 33. ELSI Rhea 9203 Elsie Ln. 713-466-5018
Elsie Rhea Houston, TX 77064
- 34. Gail Prasek 9305 Kay Lane 713-819-3590
Gail Prasek Houston, Texas 77064
- 35. Harvey Prasek 9303 KAY LANE 713-466-7551
Harvey Prasek Houston, Texas 77064
- 36. Mary Craft 9303 Kay Lane 713-466-7551
Mary Craft Houston, TX 77064
- 37. Tim Sandusky 9302 KAY 713 466 6440
Tim Sandusky Houston, TX 77064

OPA

H FEB 28 2006

TEXAS
COMMISSION
PETITION SIGNATURES
REID ESTATE CIVIC CLUB

2006 FEB 28 AM 10:08

NAME ADDRESS TELE. #
CHIEF CLERKS OFFICE

- Kenneth Mongonia ~~38. DE Kenneth W. Mongonia Houston Texas 77064
8911 1/2 ELSIE LN 77064 713 466 608~~
- ~~39. ALMA MONGONIA Houston Texas 77064
8911 ELSIE LN 77064 713-466-6082~~
- ~~40. JUDY A. CHRISTIAN Houston Texas
8902 ELSIE LANE 77064 713-937-6288~~
- ~~41. DONALD L CHRISTIAN Houston Texas 77064
8902 ELSIE LANE 713-937-6288~~
- ~~42. MARY A. MORAL Houston Texas 77064
9117 Prairie, Hk 77064 713-937-3622~~
- ~~43. ARVE WEATHERS Houston Texas 77064
9410 WINDFERN 713 466 8762~~
- ~~44. ASA WEATHERS Houston Texas 77064
8919 ELSIE 713 539 1780~~
- ~~45. Sara August 77064
9002 Elsie, Houtx 713 937 0412~~
- **~~46. JOHNNIE J. CHALOUPKA Houston 77064
9006 ELSIE LN. 713-466-7280~~
- ~~47. Gladys Chaloupka Houston Texas 77064
9006 ELSIE Lane 213-466-7280~~
- ~~48. Michael Malone Houston TX 77064
9009 ELSIE LANE 713 937-0736~~
- ~~49. FLOYD TELSCHOW Houston TX. 77064
9010 ELSIE LN. 713-466-8209~~
- ~~50. TED TANK Houston Texas 77064
9015 ELSIE LN / 77064 713-466-8004~~
- ~~51. Karon Tank Houston Texas 77064
9015 ELSIE LN / 77064 713-466-8004~~
- ~~52. Gilbert Charros Houston Texas 77064
9418 Windfern 713-466-9410~~
- ~~53. Children 2 Angelina Mireles Houston Texas 77064
9113 ELSIE~~
- ~~54. Children 2 1/2 Susana Puga Houston Texas 77064
9109 ELSIE TX 77064 713-896-10-72~~

H FEB 28 2006

BY

- 55. Ernest L. Wallingford
Janette Malone
- 56. ^{2 1/2 children} Janette Malone
Tommy Malone
- 57. Tommy Malone
- 58. PABLO GARZA
Dolores Garza
- 59. FLORE GARZA
Dolores Garza
- 60. ^{3 children} Leticia Mosqueda
Leticia Mosqueda
- M. Elena Gomez
- 61. M. Elena Gomez
- 62. ^{Octavio Cabrera} Octavio Cabrera
- 63. Graciela Mosqueda
Graciela Mosqueda
- 64. Dolores Castillo
Dolores Castillo
- 65. ^{2 children} Jim Deveau
Jim Deveau
- 66. Glenda Deveau
Glenda Deveau
- 67. Henry Castillo
Henry Castillo
- 68. ANNISA BLANCHARD
PAUL BLANCHARD
- 69. Paul J. Blanchard
Paul J. Blanchard
- 70. Steve Doan
Steve Doan
- 71. Billie Malone
Billie Malone
- 72. Gertrude Nowak
Gertrude Nowak
- 73. Gertrude Nowak
- 74. Angel Suarez
Angel Suarez

- Houston Texas 77064
9106 Elsie 713-466-5046
- Houston Texas 77064
9003 Elsie Lane (713) 896-7154
- Houston Texas 77064
9003 Elsie Lane (713) 896-7154
- Houston Tex 77064
8918 ELSIE LN 713 983 8266
- Houston Tex 77064
8918 Elsie LN 713-983-8266
- Houston Texas 77064
933A Kay Ln #2 713-466-1614
- Houston tex 77064
9334 KAY LN #3 713-466-1614
- Houston Texas 77064
9334 KAY Ln 713 466 1614
- Houston Texas 77064
9334 KAY LN #C 713-849-3104
- Houston Texas 77064
9319 Kay Lane 713-466-5905
- Houston Texas 77064
9300 Ray Lane 713-896-7717
- Houston Texas 77064
9300 Kay Lane 713-896-7717
- Houston Texas 77064
9319 Kay Lane 713 466 5905
- Houston Texas 77064
9008 Elsie Lane 713-937-4378
- Houston Texas 77064
9008 ELSIE LANE 713-937-4378
- Houston Texas 77064
9008 Elsie Lane 713-937-4378
- Houston Texas 77064
9009 Elsie Lane 713-937-0936
- Houston Texas 77064
9009 Elsie Lane 713-937-0936
- Houston Texas 77064
9011 Elsie 713 466 7991
- Houston Texas 77064
9019 Elsie Lane 281-924-9921

TEXAS
 COMMISSION
 ON ELECTRONIC
 RECORDS
 FEB 28 2006
 11:58 AM

H FEB 28 2006
 BY *[Signature]*

[Handwritten mark]

**PETITION SIGNATURES
REID ESTATE CIVIC CLUB**

NAME

ADDRESS

TELE. #

75. <u>CALVIN D. VU</u>	<u>HOUSTON TX 77064</u>	<u>832-467-0920</u>
76. <u>NGUYEN VU</u>	<u>9119 Prairie Dr.</u>	<u>832-467-0920</u>
77. <u>SAUGHERS MEYER</u>	<u>HOUSTON, TX 77064</u>	<u>77064</u>
78. <u>KEN MATTHEWS</u>	<u>9115 PRAIRIE HOUSTON TX</u>	<u>713-937-9900</u>
79. <u>RHINDER SINGH</u>	<u>9002 PRAIRIE DR</u>	<u>713-466-7972</u>
80. <u>DORIS CHESSEY</u>	<u>8819 Prairie Dr.</u>	<u>713-466-6538</u>
81. <u>DORIS CHESSEY</u>	<u>H TX 77064</u>	<u>713-937-0536</u>
82. <u>JAMES CHEPPER</u>	<u>9303 REID LAKE DR TX 77064</u>	<u>713-466-7863</u>
83. <u>JAMES CHEPPER</u>	<u>HOUSTON TX 77064</u>	<u>713-466-7863</u>
84. <u>DENNIS CULBERSON</u>	<u>8902 1/2 PRAIRIE DR.</u>	<u>713-725-2051</u>
85. <u>MATTHEWS CULBERSON</u>	<u>HOUSTON, TX 77064</u>	<u>713-818-0836</u>
86. <u>SUANN RAZO</u>	<u>9331 KAY LN</u>	<u>713-849-1312</u>
87. <u>MARIA L RAZO</u>	<u>HOUSTON TX 77064</u>	<u>713-849-1312</u>
88. <u>MARICELA CANO</u>	<u>9331 KAY LN</u>	<u>713-849-1312</u>
89. <u>MARICELA CANO</u>	<u>HOUSTON TX 77064</u>	<u>713-983-6037</u>
90. <u>TONY SHEPHERD</u>	<u>HOUSTON, TX 77064</u>	<u>713-575-9205</u>
91. _____	_____	_____
92. _____	_____	_____
93. _____	_____	_____
94. _____	_____	_____
95. _____	_____	_____
96. _____	_____	_____
97. _____	_____	_____

DENNIS CULBERSON
MATTHEW S. CULBERSON

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
FEB 28 AM 11:12
CLERK'S OFFICE
OPA

FEB 28 2006
BY KY

OPA

FEB 24 2006

BY

[Signature]

CHIEF CLERKS OFFICE

23 FEB 23 PM 4:16

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*NSZ
50385*

FAX TRANSMISSION

TCEQ - OFFICE OF THE CHIEF CLERK

SEC. ANN BONEFAS

TO: FROM: PRES. RICHARD ASHBY

FAX # 512 237 3311

SENDERS PHONE 713 466 3428

Phone # 1800 687 4040

CEEL PHONE 713 896 6471

DATE 02-23-06

TOTAL # PAGES W/COVER 8

IF YOU HAVE ANY DIFFICULTY WITH THIS TRANSMISSION, PLEASE CONTACT THE SENDER AT THE PHONE # LISTED ABOVE.

MESSAGE/COMMENT PETITION AND LETTER AND REQUEST FOR A CONTESTED CASE HEARING REGARDING

PROPOSED REGISTRATION NUMBER 766882002

" NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANT REGISTRATION (LOWESTAR PRESTRESS MFG, INC. AT 9316 REID LAKE DRIVE HOUSTON, TX. 77064). THANK YOU

REQUEST FOR A CONTESTED CASE HEARING BEING MADE BY THE MEMBERS OF THE REID ESTATES CIVIC CLUB.

PRESIDENT RICHARD ASHBY 713 896 8872

VICE-PRESIDENT HARVEY PRASEK 713 466 7551

SECRETARY ANN BONEFAS 713 466 3428

dw

REID ESTATES CIVIC CLUB

8910 ELSIE LANE
HOUSTON, TEXAS 77064
TELEPHONE (713) 896-8872

FEBRUARY 21, 2006

MS. LADONNA CASTANUELA, CHIEF CLERK
OFFICE OF THE CHIEF CLERK, MC-105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TEXAS 78753

HR
OPA
FEB 24 2006

BY *[Signature]*

CHIEF CLERKS OFFICE

2006 FEB 23 PM 4:17

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: LONESTAR PRESTRESS MFG, INC. AIR QUALITY STANDARD PERMIT,
REGISTRATION NO. 76688L001; REQUEST FOR CONTESTED CASE HEARING

DEAR MS. CASTANUELA:

WE THE UNDERSIGNED REQUEST A CONTESTED CASE HEARING BECAUSE WE ARE AN AFFECTED PARTY IN RELATION TO PROPOSED REGISTRATION NUMBER 76688L001 ("NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANT REGISTRATION", FILED BY LONESTAR PRESTRESS MANUFACTURING, INC. AT 9316 REID LAKE, HOUSTON, TEXAS 77064).

THIS REQUEST FOR A CONTESTED CASE HEARING IS BEING FILED ON BEHALF OF RESIDENTS LIVING WITHIN THE PROXIMITY OF ONE-QUARTER MILE/440 YARDS FROM THE SITE OF LONESTAR PRESTRESS BATCH PLANT FACILITY.

CONCERNS ARE AS FOLLOWS:

- 1) THE AIR QUALITY WOULD BE COMPROMISED FROM DUST COMING FROM THIS BATCH PLANT. THIS DUST WOULD CONTAMINATE ALL HOMES, TREES, GRASS, FLOWERS, ETC.; SILICA PARTICLES ARE A DEFINITE HEALTH HAZARD.
- 2) BREATHING DUST FROM THIS BATCH PLANT WOULD BE MOST HARMFUL TO ANYONE LIVING ANYWHERE CLOSE TO THIS OPERATION. ANYONE LIVING IN THE AREA WITH ASTHMA OR OTHER RELATED PROBLEMS WOULD BE PARTICULARLY AFFECTED. THIS DUST WOULD MOST CERTAINLY FILTER INSIDE HOMES AS WELL AS OUTSIDE. BREATHING AIR BORNE PARTICLES FROM THIS OPERATION, THOSE EMITTED BY CEMENT POWDER COMING FROM THE BATCH PLANT IS OF GREAT CONCERN.
- 3) REID ESTATES CIVIC CLUB ALSO HAS A LAKE FOR THE ENJOYMENT OF ITS RESIDENTS. THIS TYPE OF OPERATION WOULD CONTAMINATE OUR LAKE AND CAUSE HARM TO THE FISH AND OTHER WILD LIFE THAT WE ENJOY AROUND OUR LAKE. OF FURTHER CONCERN WOULD BE CONTAMINATION OF SHALLOW WELL SYSTEMS THAT PROVIDE WATER TO OUR HOMES. ALSO OF CONCERN ARE ISSUES WITH PUMPS, PIPES ETC., LEADING INTO AND OUT OF THE LAKE (AT THE SOUTHWEST AND NORTHWEST CORNERS), THE OVERT AND COVERED USE OF, FOR IT HAS LONG BEEN A PRACTICE OF THIS COMPANY AND SISTER COMPANY, BOYER CONSTRUCTION, TO REMOVE WATER FROM THE LAKE DURING THE PRODUCTION OF CONCRETE AND WHILE PRODUCING RELATED OTHER MATERIALS. THERE HAS BEEN PUMPING FROM AND POSSIBLE DUMPING INTO THE LAKE.
AFTER DISCOVERY, AND AFTER HAVING OBSERVED CONCERNED RESIDENTS INSPECTING THE PIPES IN QUESTION, THE PIPES WERE QUICKLY REMOVED AND/OR DESTROYED BY WHO WE SUSPECT WAS THE COMPANY (LONESTAR PRESTRESS).

Feb 23 06 04:19p

A.P. Bon, as

713466342

p.3

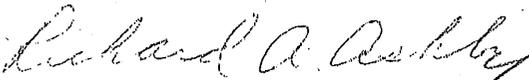
4) THE PLANT NOISE LEVEL FROM THIS OPERATION IS EXTREMELY LOUD AND HAS CONTINUED TO ESCALATE. THE CONTINUED OPERATION OF THIS BATCH PLANT WOULD MOST CERTAINLY DESTROY THE SERENITY OF THIS NEIGHBORHOOD. NOT ONLY THE NOISE FROM THIS PLANT, BUT THE FLOW OF CONCRETE TRUCKS AND DUMP TRUCKS IN AND OUT OF THE PLANT WOULD ALSO INCREASE THE NOISE LEVELS, AND IS A REAL NUISANCE.

THE COMPANY HAS A PAST HISTORY OF ABUSES FOR IT HAS BEEN NON-PERMITTED AND NON-REGULATED FOR YEARS... AND MUCH TO THE DETRIMENT OF, AND AT A SIGNIFICANT COST TO THE ENVIROMENT, THE COMMUNITY, THE COUNTY AND STATE. TO THE MEMBERS AND RESIDENTS WITHIN THE LOCAL JURISDICTION OF THE REID ESTATES CIVIC CLUB.

THE REID ESTATES CIVIC CLUB REQUESTS A CONTESTED CASE HEARING ON BEHALF OF ITS MEMBERSHIP AND FOR NEARBY RESIDENTS - ALL OF WHOM STAND TO BE AFFECTED.

YOUR CONSIDERATION IN THIS MATTER IS GREATLY APPRECIATED.

REID ESTATES CIVIC CLUB



RICHARD A. ASHBY
PRESIDENT

Page
Signature

PETITION SIGNATURES
REID ESTATE CIVIC CLUB

2006 FEB 23 PM 4:21

TXAS
CHANGING
ON ENVIRONMENTAL
QUALITY

NAME

ADDRESS

TELE. #

Glen J
Fornerette

Glen J Fornerette

Houston TX 77064

1.

Glen J Fornerette

4300 Reid Lake Dr

713.895

2.

JAY COLLIN

9300 Reid Lake

Houston, TX. 77064

JAY
Collin

3.

Pedro De Leon

9211 Reid Lake Dr

713 937 9897

4.

MARK WILDE

8912 PRAIRIE Dr

713-896-563

5.

ROD JACKSON

8815 Prairie

713-856-5532

6.

Deas

8914 Prairie

832-347-4638

7.

Deas

9011 Prairie Dr

713-466-1384

8.

Deas

901 Prairie Dr

713-466-1384

9.

Melba J Murray

9014 Prairie Dr

713-849-4302

10.

Melba J Murray

9014 Prairie Dr #4

713-849-4302

11.

JAMES MURRAY

9014 PRAIRIE #2

713-856-5548

12.

Kim Murray

9014 PRAIRIE DR #6

713-983-0105

13.

3 children

9014 PRAIRIE DR #6

713-983-0105

14.

KATHI SCHWARTZ

9019 PRAIRIE RD

713 983 9450

15.

KENNETH BEAS

9019 PRAIRIE RD

713 983 0454

16.

AUSBA LENGYEL

9112 PRAIRIE DR

713-896-4167

17.

PATRICIA LENGYEL

9112 PRAIRIE DR

713 896 4167

LBA JO
MURRAY
ELBA
MOUNTAIN

Page 5
Signature

- 18. SUKHDEV MEENA 9202 PRAIRIE DR 713 937
Sundar Singh Meena Houston, TX. 77064 8854
- 19. MIRCEA LENGYEL 9112 Prairie Hwy, TX 77064 713 890-4167
Shoucat Lengyel
- 20. RAJINDER DHILLON 9202 PRAIRIE DR 713 937385
Ric Dhilon Houston, TX 77064
- 21. Anna Chen 9302 RED LAKE DR 713 856 6750
ZSUZSANNA COHEN Houston, TX. 77064
- 22. Ann Bonetas 9301 Kay Lane 713-466-3428
MAURICE BONETAS Houston, TX. 77064
- 23. Maria Bonetas 9301 Kay Lane 713-466-3428
Houston, TX. 77064
- 24. IPYANO 8718 PRAIRIE 713 248-5532
MILCABA Houston, TX. 77064
- 25. Hans 9510 WINDFERN 713-846-9238
BEANE Houston, TX. 77064
Maria Reyes
- 26. MACIO REYES 8513 ELSIE 713-850-9997
Houston, TX. 77064
Carlos Reyes
- 27. Wray Lilly 8913 ELSIE 713-8
Lilly Houston, TX. 77064
- 28. ROBERT ELLIOTT 8814 ELSIE 713-895-1376
Houston, TX. 77064
- 29. ZOE RAO STREET 9102 PRAIRIE DR 713 937-0082
Houston, TX 77064
9102 B PRAIRIE DR (713) 937-0082
HOUSTON, TX 77064
- 30. Dennis Farley 9230 WINDFERN 713-466-6678
HOU TX. 77064
- 31. Barbara Farley 9230 Windfern 713-466-6678
HOUSTON, TX 77064
- 32. ELSIE Rhea 9203 Elcie Ln. 713-466-9018
Houston, TX 77064
- 33. Mail Prasek 9305 Kay Lane 713-819-3541
MAIL PRASEK Houston, Tex 77064
- 34. Harvey Prasek 9303 KAY LANE 713-466-7357
Houston Texas 77064
- 35. Wary Craft 9303 Kay Lane 713-466-7357
MARY CRAFT Houston, TX. 77064
- 36. Tim Sandusky 9302 KAY 713-466-6640
Houston, TX. 77064

page 3
519
CHIEF CLERKS OFFICE
FEB 23 PM 4:21
TELE. #
COMMUNICATIONS
QUALITY

PETITION SIGNATURES
REID ESTATE CIVIC CLUB

NAME

ADDRESS

TELE. #

- Kenneth Mongonica 38. D Kenneth Mongonica Houston Texas 77064
8911 1/2 Elsie Ln 77064 713-466-6012
- 39. Alma Mongonica Houston Texas 77064
8911 Elsie Ln 77064 713-466-608
- 40. Judy A Christian Houston Texas
8902 Elsie Lane 77064 713-931-6288
- 41. Donald L Christian Houston Texas 77064
8902 Elsie Lane 77064 713-931-6288
- 42. Mary A Mical Houston Texas 77064
9119 Prairie Hill Rd 713-931-6288
- 43. Arvie Weathers Houston Texas 77064
9410 Windfern 713-466-8762
- 44. Asa Weathers Houston Texas 77064
8919 Elsie 713-531-1180
- 45. Sara Weathers Houston Texas 77064
9002 Elsie 713-931-412
- 46. Johanna J Chaloupka Houston Texas 77064
9006 Elsie Ln 713-466-7280
- 47. Gladys Chaloupka Houston Texas 77064
9006 Elsie Lane 713-466-7280
- 48. Michael Malone Houston TX 77064
9009 Elsie Ln 713-931-0736
- 49. Floyd Telschow Houston TX 77064
9010 Elsie Ln 713-466-1109
- 50. Ted Tank Houston Texas 77064
9015 Elsie Ln / 77064 713-466-8054
- 51. Karon Tank Houston Texas 77064
9015 Elsie Ln / 77064 713-466-8054
- 52. Robert Nicks Houston Texas 77064
9418 Windfern 713-466-1410
- 53. Angelina Mirales Houston Texas 77064
9113 Elsie
- 54. Susana Puga Houston Texas 77064
9109 Elsie Tx 77064 713-891-1172

MICHAEL MALONE

FLOYD TELSCHOW

ROBERT CHARROS

Children 2

Children 2 1/2

CHIEF OFFICE
 FEB 23 2006
 2154
 2154
 2154

55. Ernest L. Wallingford
 Jeanette Malishe

2 1/2 children
 56. Juanette Malone
 Tommy Maloney

57. Tommy Malone
 P. P. MALONE & ARZA

58. Nellie Malone
 FLORE G. MALONE

59. Leticia Masqueda
 Leticia Masqueda

3 children
 60. M. Elena Gomez
 M. Elena Gomez

61. Octavio Cabrera
 Octavio Cabrera

62. Graciela Masqueda
 Graciela Masqueda

Dolores
 63. Dolores Castillo
 Dolores Castillo

64. Jim Deveau
 Jim Deveau

2 children
 65. Glenda Deveau
 Glenda Deveau

66. Henry Castillo
 Henry Castillo

67. Annisa Blanchard
 Annisa Blanchard

68. Paul J. Blanchard
 Paul J. Blanchard

69. Steve Deveau
 Steve Deveau

70. Bille Malone
 Bille Malone

71. Gerale Malone
 Gerale Malone

72. Contrude Nunez
 Contrude Nunez

73. Angel J. Nunez
 Angel J. Nunez

74. Angel J. Nunez
 Angel J. Nunez

Houston Texas 77064
 9106 Elsie 713-5546
 Houston Texas 77064
 9003 Elsie Lane (713) 554-2154
 Houston Texas 77064
 9003 Elsie Lane (713) 554-2154
 Houston Tex 77064
 8918 ELSIE LN 713-554-266
 Houston Tex 77064
 8918 Elsie L. N. 713-554-82
 Houston Texas 77064
 9339 KAY LN #2 713-616-14
 Houston tex 77064
 9334 KAY LN #3 713-616-14
 Houston Texas 77064
 9334 KAY LN 713-616-14
 Houston Texas 77064
 9334 KAY LN #C 713-616-14
 Houston Texas 77064
 9319 Kay Lane 713-466-5905
 Houston Texas 77064
 9300 Kay Lane 713-816-7717
 Houston Texas 77064
 9300 Kay Lane 713-816-7717
 Houston Texas 77064
 9319 Kay Lane 713-466-5905
 Houston Texas 77064
 9008 Elsie Lane 713-554-4338
 Houston Texas 77064
 9008 Elsie Lane 713-554-4338
 Houston Texas 77064
 9008 Elsie Lane 713-554-4338
 Houston Texas 77064
 9009 Elsie Lane 713-554-4338
 Houston Texas 77064
 9009 Elsie Lane 713-554-4338
 Houston Texas 77064
 9011 Elsie 713-466-5905
 Houston Texas 77064
 9011 Elsie 713-466-5905

Page 5

CHIEF CLERKS OFFICE

FEB 23 PM 4:21

TEXAS JUDICIAL CONFERENCE ON QUALITY

**PETITION SIGNATURES
REID ESTATE CIVIC CLUB**

NAME

ADDRESS

TELE. #

75.	DALVIN D. VAN C. Van	Houston TX 77064 9119 Prairie Dr.	832-467-0920
76.	NGUYEN VU Thuy Nga Social-Center Manager	9119 Prairie Dr Houston, TX 77064 Houston TX 77064	832-467-0920
77.	Ken Matthews Matthews Sikhaenter RASINDER SINGH	9115 Prairie Houston TX Houston TX 77064 9002 PRAIRIE DR	713-9 7134
78.	78. T. Lott	889 Prairie Dr. Htx. 77064	713- 555
79.	Doris Chesser	9307 REID Lake Dr TX 77064 Houston TX 77064	713 951-556
80.	Doris Chesser	8902 PRAIRIE HOUSTON, TEX 77064	713-466-7863
81.	James Chesser	8902 1/2 Prairie, Houston TX 77064	713-466-7863
82.	James Chase	8902 1/2 Prairie Dr. Houston Tx. 77064	713-728-2051
83.	Dennis Culberson	8902 1/2 PRAIRIE DR. #1 HOUSTON, TX 77064	713-818-0836
84.	Matthews Culberson Luan Razo	9331 KAY LN HOUSTON TX-77064	713-849-1312
85.	JUAN RAZO Maria L Razo	9331 KAY LN Houston tx 77064	713 849-1312
86.	Maria L Razo	9327 KAY LN HOUSTON TX 77064	713-983-6037
87.	Mariçela Cano Tommy Shelton et al.	Houston, TX. 77064	71354-265
88.	Tommy Shelton et al.	9302 Reid Lake Dr.	
89.			
90.			
91.			
92.			
93.			
94.			
95.			
96.			
97.			

DENNIS
CULBERSON
MATTHEW S.
CULBERSON

- 3.) There is a 14 acre lake within 50 yards of the batch plant site. This lake is spring fed and supplies our water wells in the area. This is our only source of drinking water and it will be compromised from both hazardous air borne particles and toxic waste-water runoff created by the batch plant operation. Toxic chemicals are used in the production of these specialty concrete products. Air borne particles, rain water and waste water runoff at the batch plant site go directly into the lake and also onto the adjoining property. This lake is not the property of the owners of the batch plant. Many residents in the area catch and eat the fish from the lake and all have water wells that are directly affected by the purity of the spring-fed water of the lake..
- 4.) The noise level from this operation is extremely loud and has continued to escalate. The continued operation of this batch plant would most certainly destroy the safety and serenity of this neighborhood. Not only from the noise generated by the batch plant but the constant intrusion on a permanent basis of traffic from extremely large concrete trucks, dump trucks, over-loaded 18-wheelers emitting offensive, unhealthy, and unsafe fumes in a neighborhood. On many occasions, these large trucks have failed to negotiate turning onto the narrow public road which the batch plant uses as its entrance to their facility. They are destroying the roadway and culverts. They are constantly blocking the roadway as well as access to our properties.
- 5.) We cannot understand why a permanent batch plant would be authorized in an established neighborhood at the cost of compromising our safety, health and peace of mind and in such close proximity to our homes of many years. This company has a past history of abuses as it employs undocumented workers, has been operating non-permitted and non-regulated for several years to the detriment of and at a significant cost to the environment, the community, the County, the State and the residents of this area.
- 6.) The concrete batch plant is in violation by being less than 440 yds. from the nearest residence. There are many homes within this distance and all would be adversely affected.

One particular home and property line, that most affected, the Shelton home at 9302 Reid Lake Dr. (next door), lies within feet of the proposed location for the Lonestar Prestress Mfg., Inc. batch plant, aggregate bins, silo, equipment, etc. – less than 440 yards, less than 25 feet – and all the above without a twelve (12) foot barrier wall or high fence, as required by the terms of the application and rules for a standard permit [see TCEQ – 10377 (checklist for concrete batch plants), for example, sec. (4) (d) concerning rules for a 12 foot wall].

As of this date, no barrier wall or fence exists for the relief of any affected party. It appears as if this particular term or requirement – rule of law – is not being met.

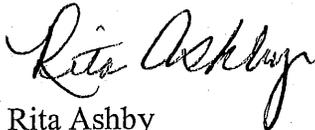
If permitted to operate this concrete batch plant, the TCEQ and the Executive Director would be condoning a situation where a central baghouse and concrete batch plant operates within 440 yards of “...*buildings used as a single or multifamily residence, school, or place of worship at the time the standard permit registration is filed with the commission.*” This rule, as listed by the TCEQ, applies to areas not subject to municipal zoning regulations, etc. Please take note for review and protest and reconsideration of the Executive Director’s, the Board’s decision.

- 7.) Another cause for concern is the plant's, Lonestar Prestress Mfg., Inc.'s, past status as an operational facility lacking a permit or proper permit, i.e. a plant having operating while with an illegal batch plant, one not registered with the State for purpose of compliance; one company that, in the past, and as documented by evidence, operated with a previous disregard for the environment, neighborhood and neighbors/residents.

We, the affected, the undersigned, disagree with the Executive Director's decision that the above referenced application meets the standards and requirements of applicable law. Therefore, we request for a reconsideration of the Executive Director's decision. We request a contested case hearing before any action is taken on the above application for an air quality standard permit for a concrete batch plant registration filed by Lonestar Prestress Mfg., Inc. at 9316 Reid Lake, Houston, Tx. 77064.

Your consideration in this matter is greatly appreciated.

Sincerely,



Rita Ashby
8910 Elsie Lane
Houston, Texas 77064
(713) 896-887
Fax: (713) 641-0066

ETITION SIGNATURES
AFFECTED & CONCERNED PERSONS

<u>NAME</u> (Signed & Printed)	<u>ADDRESS</u> (Houston, Tx. 77064)	<u>PHONE #</u>
✓ ① Tommy Shelton Jr.	9302 Reid Lake Drive	713 856-6750
	Houston, Tx. 77064	713 545-9265
✓ ② Rick Ashby	8910 Elsie Ln.	713-896-8872
R. Q. Ashby	Houston Tx 77064	(7) 713-201-5746
✓ ③ HARVEY PRASER	9303 KAY LN.	
Harvey Praser	HOUSTON, TEX, 77064	713-466-9551
✓ ④ DONALD L. CHRISTIAN	8902 ELSIE LN.	713-937-6288
Donald L. Christian	HOUSTON, TEXAS 77064	
✓ ⑤ Ann Bonafas	9301 Kay Lane	Home 713-466-3428
Ann Bonafas	Houston Tx 77064	Cell 713-870-8767
✓ ⑥ Rita Ashby	8910 Elsie Ln	
RITA ASHBY	HOUSTON TX 77064	713-896-8872
✓ ⑦ Mail Praser	9318 Kay Lane	(7) 713-202-2318
GAR PRASER	HOUSTON, TX 77064	713-819-3590
✓ ⑧ Tom Tipton	9318 Kay Lane	
TIM TIPTON	HOUSTON, TX 77064	713-896-8576
✓ ⑨ Mary L Craft	9303 Kay Lane	
MARY L CRAFT	HOUSTON TX 77064	713-466-9551
✓ ⑩ Robert Ellis	9305 Kay Lane	
ROBERT ELLIS	HOUSTON	713 397 9667
✓ ⑪ Floyd Telschow	9010 ELSIE LN	
FLOYD TELSCHOW	HOUSTON 77064	713-466-8909
✓ ⑫ Elsie Rhea	9203 Elsie Ln 77064	713-466-5018
ELSIE RHEA		
✓ ⑬ Judy Christian	8902 Elsie Lane	713-937-6288
JUDY CHRISTIAN	HOUSTON TX 77064	
✓ ⑭ Kenneth W Mangonia	8911 Elsie Lane	
KENNETH W MANGONIA	HOUSTON TX 77064	713-466-6080
✓ ⑮ Alma Mangonia	Houston Tx 77064	713-466-6080
ALMA MANGONIA	HOUSTON TX 77064	713 466-6080

CHIEF OF POLICE
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

mw

- 3.) There is a 14 acre lake within 50 yards of the batch plant site. This lake is spring fed and supplies our water wells in the area. This is our only source of drinking water and it will be compromised from both hazardous air borne particles and toxic waste-water runoff created by the batch plant operation. Toxic chemicals are used in the production of these specialty concrete products. Air borne particles, rain water and waste water runoff at the batch plant site go directly into the lake and also onto the adjoining property. This lake is not the property of the owners of the batch plant. Many residents in the area catch and eat the fish from the lake and all have water wells that are directly affected by the purity of the spring-fed water of the lake.
- 4.) The noise level from this operation is extremely loud and has continued to escalate. The continued operation of this batch plant would most certainly destroy the safety and serenity of this neighborhood. Not only from the noise generated by the batch plant but the constant intrusion on a permanent basis of traffic from extremely large concrete trucks, dump trucks, over-loaded 18-wheelers emitting offensive, unhealthy, and unsafe fumes in a neighborhood. On many occasions, these large trucks have failed to negotiate turning onto the narrow public road which the batch plant uses as its entrance to their facility. They are destroying the roadway and culverts. They are constantly blocking the roadway as well as access to our properties.
- 5.) We cannot understand why a permanent batch plant would be authorized in an established neighborhood at the cost of compromising our safety, health and peace of mind and in such close proximity to our homes of many years. This company has a past history of abuses as it employs undocumented workers, has been operating non-permitted and non-regulated for several years to the detriment of and at a significant cost to the environment, the community, the County, the State and the residents of this area.
- 6.) The concrete batch plant is in violation by being less than 440 yds. from the nearest residence. There are many homes within this distance and all would be adversely affected.

One particular home and property line, that most affected, the Shelton home at 9302 Reid Lake Dr. (next door), lies within feet of the proposed location for the Lonestar Prestress Mfg., Inc. batch plant, aggregate bins, silo, equipment, etc. ~ less than 440 yards, less than 25 feet ~ and all the above without a twelve (12) foot barrier wall or high fence, as required by the terms of the application and rules for a standard permit [see TCEQ - 10377 (checklist for concrete batch plants), for example, sec. (4) (d) concerning rules for a 12 foot wall].

As of this date, no barrier wall or fence exists for the relief of any affected party. It appears as if this particular term or requirement - rule of law - is not being met.

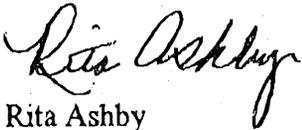
If permitted to operate this concrete batch plant, the TCEQ and the Executive Director would be condoning a situation where a central baghouse and concrete batch plant operates within 440 yards of "...buildings used as a single or multifamily residence, school, or place of worship at the time the standard permit registration is filed with the commission." This rule, as listed by the TCEQ, applies to areas not subject to municipal zoning regulations, etc. Please take note for review and protest and reconsideration of the Executive Director's, the Board's decision.

- 7.) Another cause for concern is the plant's, Lonestar Prestress Mfg., Inc.'s, past status as an operational facility lacking a permit or proper permit, i.e. a plant having operating while with an illegal batch plant, one not registered with the State for purpose of compliance; one company that, in the past, and as documented by evidence, operated with a previous disregard for the environment, neighborhood and neighbors/residents.

We, the affected, the undersigned, disagree with the Executive Director's decision that the above referenced application meets the standards and requirements of applicable law. Therefore, we request for a reconsideration of the Executive Director's decision. We request a contested case hearing before any action is taken on the above application for an air quality standard permit for a concrete batch plant registration filed by Lonestar Prestress Mfg., Inc. at 9316 Reid Lake, Houston, Tx. 77064.

Your consideration in this matter is greatly appreciated.

Sincerely,



Rita Ashby
8910 Elsie Lane
Houston, Texas 77064
(713) 896-887
Fax: (713) 641-0066

PETITION SIGNATURES
AFFECTED & CONCERNED PERSONS

NAME (Signed & Printed)	ADDRESS (Houston, Tx. 77064)	PHONE #
✓ ① Tommy Shelton Jr.	9302 Reid Lake Drive Houston, Tx. 77064	713 856-6950 713 545-9265
✓ ② Rick Ashby	8910 Elsie Ln. Houston Tx 77064	713-896-8872 C) 713-201-5766
✓ ③ Harry Prasek	9303 Kay Ln. Houston, TEX, 77064	713-466-7551
✓ ④ DONALD L. CHRISTIAN	8702 ELSIE LN. HOUSTON, TEXAS 77064	713-937-6288
✓ ⑤ Ann Bonafas	9301 Kay Lane Houston Tx 77064	Home 713-466-3428 Call 713-870-1647
✓ Rita Ashby	8910 Elsie Ln Houston Tx 77064	713-896-8872
✓ ⑩ Carl Prasek	9318 Kay Lane Houston, Tx 77064	C) 713-202-2318 713-819-3590
✓ ⑧ Tim Tipton	9318 Kay Lane HOUSTON, TX 77064	713-896-8576
✓ ⑨ Mary Craft	9303 Kay Lane Houston TX 77064	713-466-2551
✓ ⑪ Robert Ellis	9305 Kay Lane Houston	713 397 9667
✓ ⑫ Floyd Telschow	9060 ELSIE LN HOUSTON 77064	713-466-8909
✓ ⑬ Elsie Rhea	9203 Elsie Ln 77064	713-466-5018
✓ ⑭ Judy Christian	8902 Elsie Lane Houston Tx 77064	713-937-6288
✓ ⑮ Kenneth W. Mangonia	8911 Elsie Lane Houston Tx 77064	713-466-6080
✓ ⑯ Alona Mangonia	Houston Tx 77064	713-466-6080

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 PUBLIC AFFAIRS OFFICE
 12/06/2006 10:18 AM '06

There are major issues with this application regarding the willingness and ability of the applicant to meet the terms and conditions of a standard permit. This facility had been in operation without proper authorization for many years. There is a history of nuisance levels of dust at this facility. (30 T.A.C. § 101.4) There are major issues regarding the proximity of key pieces of equipment to the property line, the location of storage piles, the generation of dust from vehicular movement to and from the dust piles, the failure of the facility to use dust suppression devices, the dumping of excess materials onto the land surface and numerous other operational problems. These problems have been documented to some extent by the TCEQ, yet have not been included in the response to comments.

Based on this past operational history, this plant should receive no presumption that it can or will comply with a standard permit or that it will operate in accordance with that permit. Issues such as meeting property line standards for particulate matter; NAAQS for PM10 and PM2.5 (30 T.A.C. § 101.21), the adequacy of controls on waste piles and stock piles, construction too close to the property line; and the existence of nuisance conditions as well as the prior compliance record of the applicant are disputed issues of fact that are relevant and material to the Commission's decision on this application.

In our letter dated November 4, 2005, we submitted photographs demonstrating that Mr. Shelton's property already has been impacted by particulate matter including aggregate cement and road dust. We ask that those photographs be incorporated into the requests for a Contested Case Hearing.

Although we submitted the information supporting requests for contested case hearing at an earlier time, out of an abundance of caution we resubmit the following information:

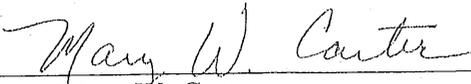
1. The party requesting the contested case hearing is Tommy Shelton, Jr. who resides at 9302 Reid Lake Drive, Houston, Texas 77064 adjacent to the Lonestar facility.
2. Mr. Shelton hereby requests a contested case hearing on the application by Lonestar Prestress MFG, Inc. for Registration No. 76688L001.

In closing, we urge the TCEQ to seriously examine their Response in Comment 5. Here TCEQ identifies that the facility was operating without a permit and that inspections were undertaken by both Harris County Public Health and Environmental Services Office and the TCEQ, Houston office. However, there is no discussion of the findings of those investigations. We disagree that the applicant "voluntarily" shut down. Instead the applicant shut down after complaints were filed and inspections conducted verifying that the applicant was operating without a permit.

Thank you for considering this request.

Sincerely,

BLACKBURN CARTER, P.C.

by 
Mary W. Carter

c: Tommy Shelton, Jr.
9302 Reid Lake Drive
Houston, Texas 77064

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

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

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

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

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

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

LACKBURN CARTER
A Professional Corporation
Lawyers

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

James B. Blackburn, Jr.
Mary W. Carter
Charles W. Irvine

December 5, 2006

NSR
50384

Via Facsimile: (512) 239-3311
and Federal Express
Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

H OPA
DEC 06 2006
BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERK'S OFFICE
DEC 5 11 14 26

Re: Lonestar Prestress MFG, Inc. Air Quality Standard Permit, Registration No. 76688L001; Request for Contested Case Hearing

Dear Ms. Castañuela:

This letter is being submitted on behalf of Mr. Tommy Shelton, Jr. who permanently resides at 9302 Reid Lake Drive, Houston, Texas 77064. On behalf of Mr. Shelton, we hereby request a Contested Case Hearing on TCEQ proposed Air Quality Registration No. 76688L001, by Lonestar Prestress MFG, Inc. ("Lonestar" or "Applicant"). Lonestar applied to the TCEQ for an air quality standard Permit Registration No. 76688L001, which would authorize the operation of an existing specialty concrete batch plant located at 9316 Reid Lake Drive, Houston, Texas. The facility will emit the following air contaminants: particulate matter, including but not limited to aggregate, cement, and road dust.

Mr. Shelton resides in a permanent residence on property adjacent to the Lonestar Prestress MFG, Inc. property. In fact, his property line is within 75 feet of the specialty mix plant. Inasmuch as Mr. Shelton lives next door to this facility, he and his home will be adversely affected by the application and air emissions from the facility in a way not common to the general public. Because this facility is already constructed, Mr. Shelton already has been impacted and will continue to be impacted by the emission of air contaminants from the facility. Mr. Shelton has made two previous requests for a contested case hearing and set forth the basis for his hearing request, namely the fact that dust was being produced by the facility and had been produced by the facility and that it was adversely affecting the surrounding air quality.

On the basis of those existing facts, a request for a contested case hearing was made that the issuance of this proposed permit would cause harmful effects to people, homes, animals and vegetation located in near proximity. These issues of fact are disputed and are relevant and material to the Commission's decision on this application, and were raised during the comment period. In Response No. 1, the TCEQ commented that if the applicant fully complies with the criteria of the air quality standard permit for concrete batch plants, there is no reason to expect that the welfare of people, property, plants or animals will be harmed by the Applicant's permitted emissions. In Response No. 2, again TCEQ assumes the Applicant will comply with emission limits set in the air quality permits.

Handwritten initials or mark.

There are major issues with this application regarding the willingness and ability of the applicant to meet the terms and conditions of a standard permit. This facility had been in operation without proper authorization for many years. There is a history of nuisance levels of dust at this facility. (30 T.A.C. § 101.4) There are major issues regarding the proximity of key pieces of equipment to the property line, the location of storage piles, the generation of dust from vehicular movement to and from the dust piles, the failure of the facility to use dust suppression devices, the dumping of excess materials onto the land surface and numerous other operational problems. These problems have been documented to some extent by the TCEQ, yet have not been included in the response to comments.

Based on this past operational history, this plant should receive no presumption that it can or will comply with a standard permit or that it will operate in accordance with that permit. Issues such as meeting property line standards for particulate matter; NAAQS for PM10 and PM2.5 (30 T.A.C. § 101.21), the adequacy of controls on waste piles and stock piles, construction too close to the property line; and the existence of nuisance conditions as well as the prior compliance record of the applicant are disputed issues of fact that are relevant and material to the Commission's decision on this application.

In our letter dated November 4, 2005, we submitted photographs demonstrating that Mr. Shelton's property already has been impacted by particulate matter including aggregate cement and road dust. We ask that those photographs be incorporated into the requests for a Contested Case Hearing.

Although we submitted the information supporting requests for contested case hearing at an earlier time, out of an abundance of caution we resubmit the following information:

1. The party requesting the contested case hearing is Tommy Shelton, Jr. who resides at 9302 Reid Lake Drive, Houston, Texas 77064 adjacent to the Lonestar facility.
2. Mr. Shelton hereby requests a contested case hearing on the application by Lonestar Prestress MI'G, Inc. for Registration No. 76688L001.

In closing, we urge the TCEQ to seriously examine their Response in Comment 5. Here TCEQ identifies that the facility was operating without a permit and that inspections were undertaken by both Harris County Public Health and Environmental Services Office and the TCEQ, Houston office. However, there is no discussion of the findings of those investigations. We disagree that the applicant "voluntarily" shut down. Instead the applicant shut down after complaints were filed and inspections conducted verifying that the applicant was operating without a permit.

Thank you for considering this request.

Sincerely,

BLACKBURN CARTER, P.C.

by 
Mary W. Carter

c: Tommy Shelton, Jr.
9302 Reid Lake Drive
Houston, Texas 77064

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

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

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

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

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

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

BLACKBURN CARTER

A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

September 22, 2006

*Via Facsimile: (512) 239-3311
and Federal Express*

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

H OPA
SEP 27 2006
BY RG

SEP 25 11 10 50
CHIEF CLERKS OFFICE
TCEQ
COMMISSION ON ENVIRONMENTAL QUALITY
AIRNSR
50384

Re: Lonestar Prestress MFG, Inc. Air Quality Standard Permit, Registration No. 76688L001; Request for Contested Case Hearing

Dear Ms. Castañuela:

This letter is being submitted on behalf of Mr. Tommy Shelton, Jr. who permanently resides at 9302 Reid Lake Drive, Houston, Texas 77064. On behalf of Mr. Shelton, we hereby request a Contested Case Hearing on TCEQ proposed Standard Permit Registration No. 76688L001, application by Lonestar Prestress MFG, Inc. ("Lonestar" or "Applicant").

Lonestar applied to the TCEQ for an Air Quality Standard Permit Registration No. 76688L001 which would authorize the operation of an existing specialty concrete plant to be located at 9316 Reid Lake Drive, Houston, Harris County, Texas. Mr. Shelton's permanent residence is directly adjacent to the Lonestar Prestress MFG, Inc. property, and well within 440 yards of the Lonestar facility. Inasmuch as Mr. Shelton lives next door to the plant, he and his home will be adversely affected by the application and air emissions from the facility in a way not common to the general public. The following disputed issues of fact are relevant and material to the Commission's decision on this application, and were raised during the comment period.

At an earlier time, Mr. Shelton requested a contested case hearing and set forth as a basis for this hearing request the fact that dust was being produced by the facility (which was operating at that time without full permitting) and that it was adversely affecting the surrounding air quality at this time. On the basis of those existing facts, a request for a contested case hearing was made that the issuance of this proposed permit would cause harmful effects to people, homes, animals and vegetation located in near proximity. In Response No. 1, the TCEQ commented that if the applicant fully complies with the criteria of the air quality standard permit for concrete batch plants, there is no reason to expect that the welfare of people, property, plants or animals will be harmed by the Applicant's permitted emissions.

There are major issues with this application regarding the willingness and ability of the applicant to meet the terms and conditions of a standard permit. This facility had been in operation without proper authorization for many years. There is a history of nuisance levels of dust at this facility. (30 T.A.C. § 101.4) There are major issues regarding the proximity of key pieces of equipment to the property line, the location of storage piles, the generation of dust from vehicular movement to and from the dust piles, the failure of the facility to use dust suppression devices, the dumping of excess materials onto the land surface and numerous other operational

Ms. LaDonna Castañuela

September 22, 2006

Page 2

problems. These problems have been documented to some extent by the TCEQ, yet have not been included in the response to comments.

Based on this past operational history, this plant should receive no presumption that it can or will comply with a standard permit or that it will operate in accordance with that permit. Issues such as meeting property line standards for particulate matter; NAAQS for PM10 and PM2.5 (30 T.A.C. § 101.21), the adequacy of controls on waste piles and stock piles, construction too close to the property line; and the existence of nuisance conditions as well as the prior compliance record of the applicant are disputed issues of fact that are relevant and material to the Commission's decision on this application.

In our letter dated November 4, 2005, we submitted photographs demonstrating that Mr. Shelton's property already has been impacted by particulate matter including aggregate cement and road dust. We ask that those photographs be incorporated into this request for a Contested Case Hearing.

Although we submitted the information supporting a request for contested case hearing at an earlier time, out of an abundance of caution we resubmit the following information:

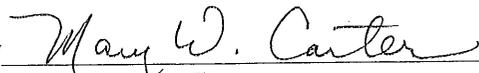
1. The party requesting the contested case hearing is Tommy Shelton, Jr. who resides at 9302 Reid Lake Drive, Houston, Texas 77064 within 440 yards of the Lonestar facility.
2. Mr. Shelton hereby requests a contested case hearing on the application by Lonestar Prestress MFG, Inc. for Registration No. 76688L001.

In closing, we urge the TCEQ to seriously examine their Response in Comment 5. Here TCEQ identifies that the facility was operating without a permit and that inspections were undertaken by both Harris County Public Health and Environmental Services Office and the TCEQ, Beaumont. However, there is no discussion of the findings of those investigations. We disagree that the applicant "voluntarily" shut down. Instead the applicant shut down after complaints were filed and inspections conducted verifying that the applicant was operating without a permit.

Thank you for considering this request.

Sincerely,

BLACKBURN CARTER, P.C.

by 
Mary W. Carter

Ms. LaDonna Castañuela
September 22, 2006
Page 3

c: Tommy Shelton, Jr.
9302 Reid Lake Drive
Houston, Texas 77064

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

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

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

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

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

Sep-22-06 11:42

From-BLACKBURN

CARTER

+7135245165

T-216 P 02/04 F-658

BLACKBURN CARTER
A Professional Corporation
Lawyers

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

James H Blackburn, Jr
Mary W Carter

September 22, 2006

*Via Facsimile: (512) 239-3311
and Federal Express*

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

*NSR
30384*

OPA H

SEP 22 2006

BY

[Signature]

CHIEF CLERKS OFFICE

2006 SEP 22 AM 11:35

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Lonestar Prestress MFG, Inc. Air Quality Standard Permit, Registration No. 76688L001; Request for Contested Case Hearing

Dear Ms. Castañuela.

This letter is being submitted on behalf of Mr. Tommy Shelton, Jr. who permanently resides at 9302 Reid Lake Drive, Houston, Texas 77064. On behalf of Mr. Shelton, we hereby request a Contested Case Hearing on TCEQ proposed Standard Permit Registration No. 76688L001, application by Lonestar Prestress MFG, Inc. ("Lonestar" or "Applicant").

Lonestar applied to the TCEQ for an Air Quality Standard Permit Registration No. 76688L001 which would authorize the operation of an existing specialty concrete plant to be located at 9316 Reid Lake Drive, Houston, Harris County, Texas. Mr. Shelton's permanent residence is directly adjacent to the Lonestar Prestress MFG, Inc. property, and well within 440 yards of the Lonestar facility. Inasmuch as Mr. Shelton lives next door to the plant, he and his home will be adversely affected by the application and air emissions from the facility in a way not common to the general public. The following disputed issues of fact are relevant and material to the Commission's decision on this application, and were raised during the comment period.

At an earlier time, Mr. Shelton requested a contested case hearing and set forth as a basis for this hearing request the fact that dust was being produced by the facility (which was operating at that time without full permitting) and that it was adversely affecting the surrounding air quality at this time. On the basis of those existing facts, a request for a contested case hearing was made that the issuance of this proposed permit would cause harmful effects to people, homes, animals and vegetation located in near proximity. In Response No. 1, the TCEQ commented that if the applicant fully complies with the criteria of the air quality standard permit for concrete batch plants, there is no reason to expect that the welfare of people, property, plants or animals will be harmed by the Applicant's permitted emissions.

There are major issues with this application regarding the willingness and ability of the applicant to meet the terms and conditions of a standard permit. This facility had been in operation without proper authorization for many years. There is a history of nuisance levels of dust at this facility. (30 T.A.C. § 101.4) There are major issues regarding the proximity of key pieces of equipment to the property line, the location of storage piles, the generation of dust from vehicular movement to and from the dust piles, the failure of the facility to use dust suppression devices, the dumping of excess materials onto the land surface and numerous other operational

Ms. LaDonna Castañuela
September 22, 2006
Page 2

problems. These problems have been documented to some extent by the TCEQ, yet have not been included in the response to comments.

Based on this past operational history, this plant should receive no presumption that it can or will comply with a standard permit or that it will operate in accordance with that permit. Issues such as meeting property line standards for particulate matter; NAAQS for PM10 and PM2.5 (30 T.A.C. § 101.21), the adequacy of controls on waste piles and stock piles, construction too close to the property line; and the existence of nuisance conditions as well as the prior compliance record of the applicant are disputed issues of fact that are relevant and material to the Commission's decision on this application.

In our letter dated November 4, 2005, we submitted photographs demonstrating that Mr. Shelton's property already has been impacted by particulate matter including aggregate cement and road dust. We ask that those photographs be incorporated into this request for a Contested Case Hearing.

Although we submitted the information supporting a request for contested case hearing at an earlier time, out of an abundance of caution we resubmit the following information:

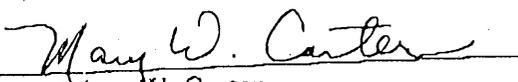
1. The party requesting the contested case hearing is Tommy Shelton, Jr. who resides at 9302 Reid Lake Drive, Houston, Texas 77064 within 440 yards of the Lonestar facility.
2. Mr. Shelton hereby requests a contested case hearing on the application by Lonestar Prestress MFG, Inc. for Registration No. 76688L001.

In closing, we urge the TCEQ to seriously examine their Response in Comment 5. Here TCEQ identifies that the facility was operating without a permit and that inspections were undertaken by both Harris County Public Health and Environmental Services Office and the TCEQ, Beaumont. However, there is no discussion of the findings of those investigations. We disagree that the applicant "voluntarily" shut down. Instead the applicant shut down after complaints were filed and inspections conducted verifying that the applicant was operating without a permit.

Thank you for considering this request.

Sincerely,

BLACKBURN CARTER, P.C.

by 
Mary W. Carter

Ms. LaDonna Castañuela
September 22, 2006
Page 3

c: Tommy Shelton, Jr.
9302 Reid Lake Drive
Houston, Texas 77064

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

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

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

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

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

BLACKBURN CARTER

A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

November 4, 2005

*Via Facsimile: (512) 239-3311
and Federal Express*

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

OPA
NOV 07 2005
BY g
76688L001
NSP
50305
CHIEF CLERKS OFFICE
2005 NOV -7 AM 10:06
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Lonestar Prestress MFG, Inc. Air Quality Standard Permit, Registration No. 76688L001; Request for Contested Case Hearing

Dear Ms. Castañuela:

This letter is being submitted on behalf of Mr. Tommy Shelton, Jr., 9302 Reid Lake Drive, Houston, Texas 77064. On behalf of Mr. Shelton, we hereby request a contested case hearing on the above reference air quality standard permit, proposed Air Quality Registration No. 76688L001. Lonestar Prestress Manufacturing, Inc. has applied to the TCEQ for a Standard Permit, which would authorize construction of a specialty mix plant located at 9316 Reid Lake Drive, Houston, Harris County, Texas. Mr. Shelton resides in a permanent residence well within 440 yards of the plant on property adjacent to the Lonestar Prestress Manufacturing, Inc. property. In fact, his property line is within approximately 75 feet of the specialty mix plant.

Inasmuch as Mr. Shelton lives next door, he and his home will be adversely affected by the application and air emissions from the facility in a way not common to the general public. Because this facility is already constructed, Mr. Shelton already has been impacted and will continue to be impacted by the emission of air contaminants from the facility. Indeed, Mr. Shelton's property already has been impacted by particulate matter including aggregate, cement, and road dust. The attached photographs show the impact of the dust emissions from this facility on Mr. Shelton's property.

The following issues are relevant and material to the Commission's decision on this application and provide appropriate issues for a contested case hearing:

1. Inasmuch as this plant has been operating without a permit, prior compliance of the applicant with the TCEQ rules is an issue for hearing.
2. Mr. Shelton alleges that property line standards for particulate matter are being violated.
3. Mr. Shelton alleges that NAAQS for PM10 and PM2.5 are being violated.
4. Mr. Shelton alleges that the terms and conditions of a standard permit are being violated.
5. Mr. Shelton alleges that there are inadequate controls on waste piles and stockpiles at this facility.
6. Mr. Shelton alleges that the batch plant is too close to the property line.
7. Mr. Shelton alleges that the facility creates nuisance conditions.

Ms. LaDonna Castañuela
November 4, 2005
Page 2

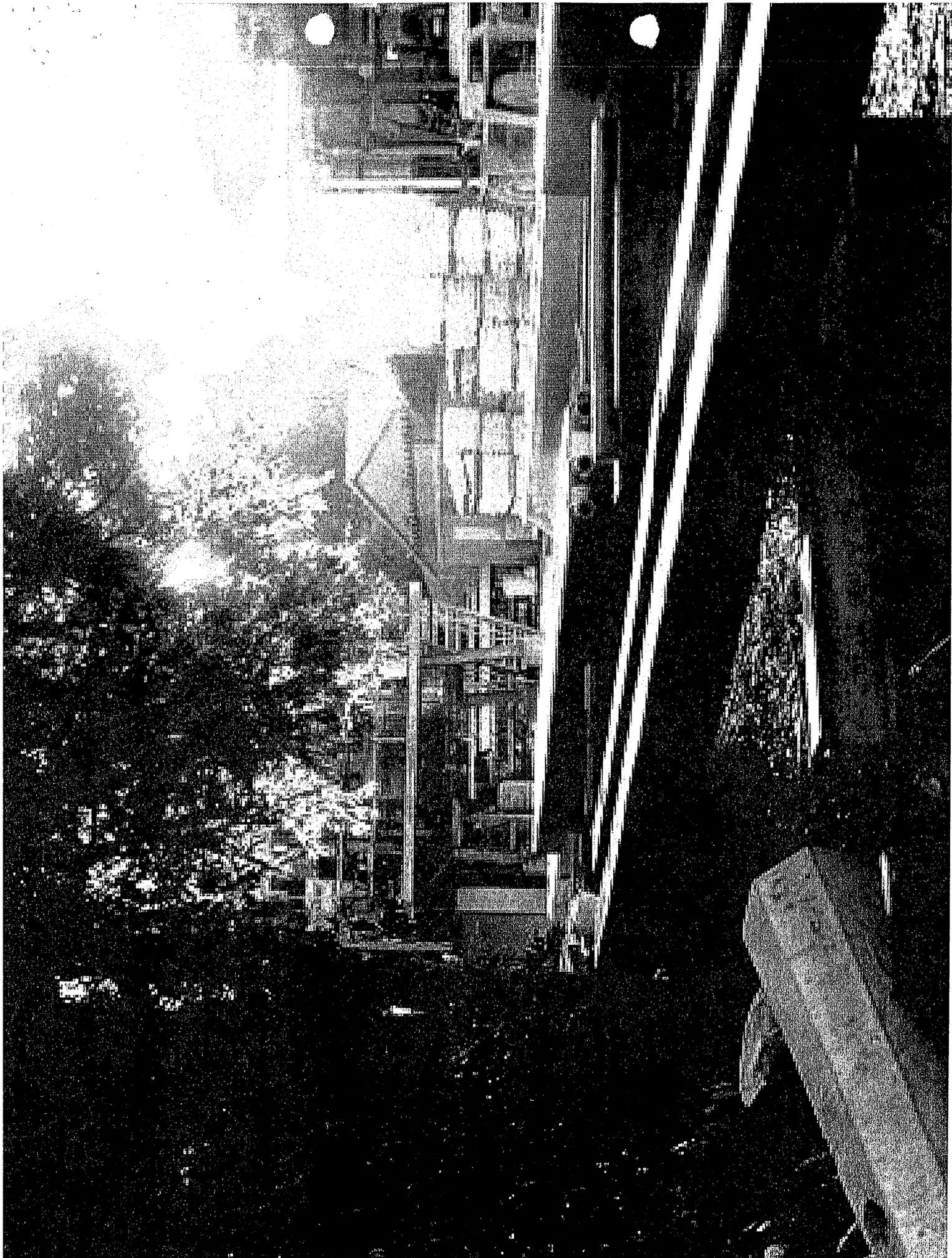
Again, we request a contested case hearing on behalf of Mr. Shelton. Thank you for your consideration of this matter.

Sincerely,

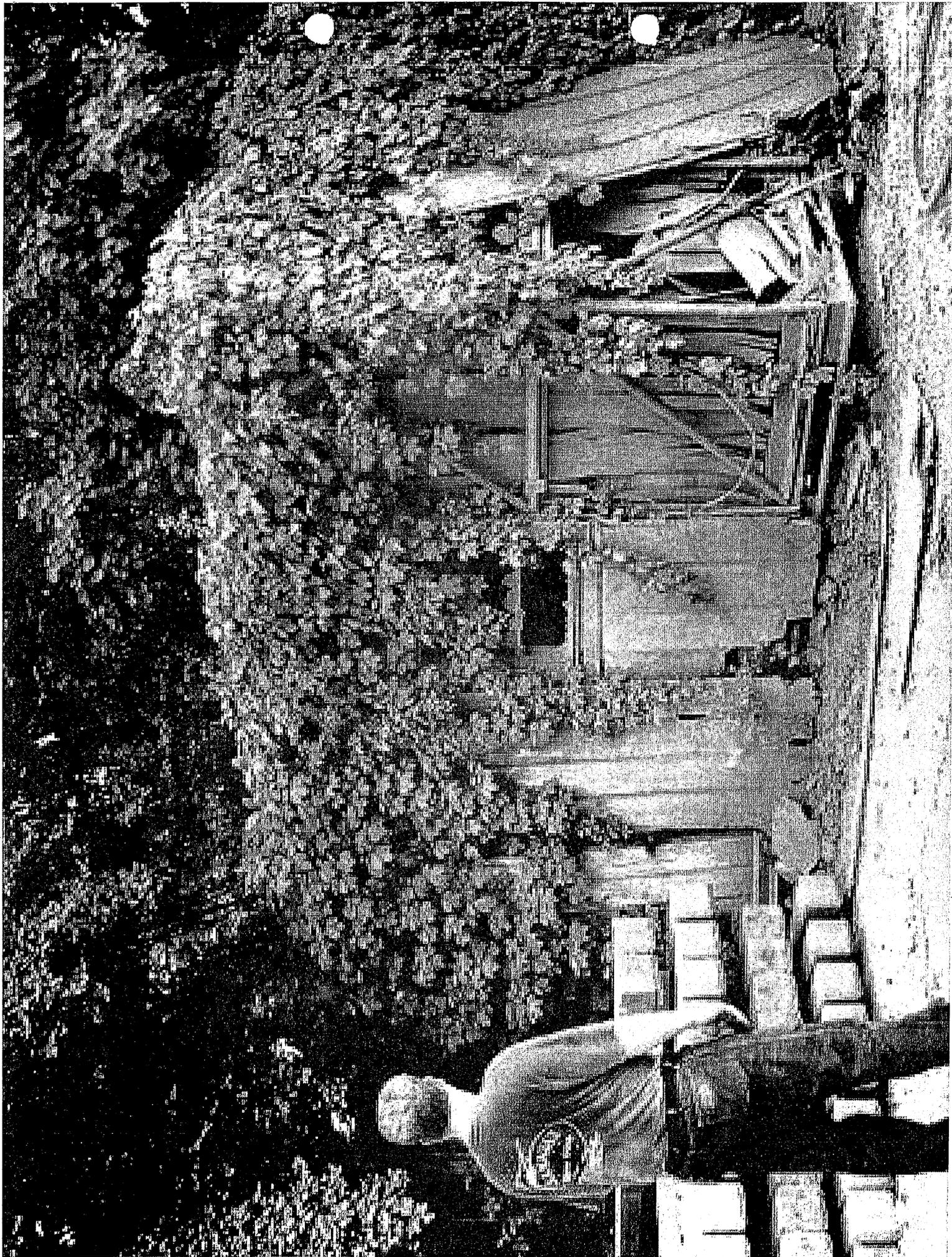
BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: Tommy Shelton, Jr.









Ms. LaDonna Castañuela
November 4, 2005
Page 2

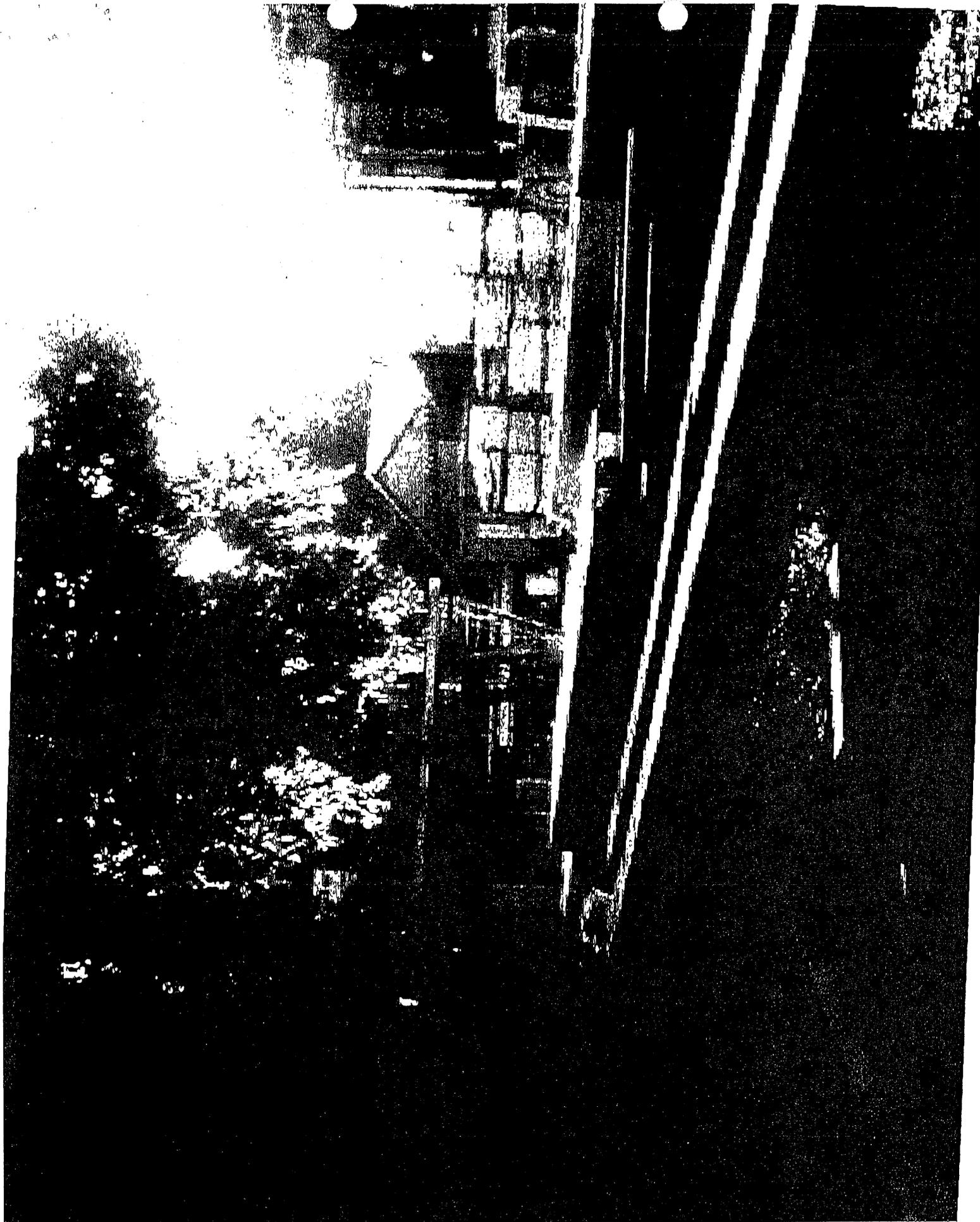
Again, we request a contested case hearing on behalf of Mr. Shelton. Thank you for your consideration of this matter.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

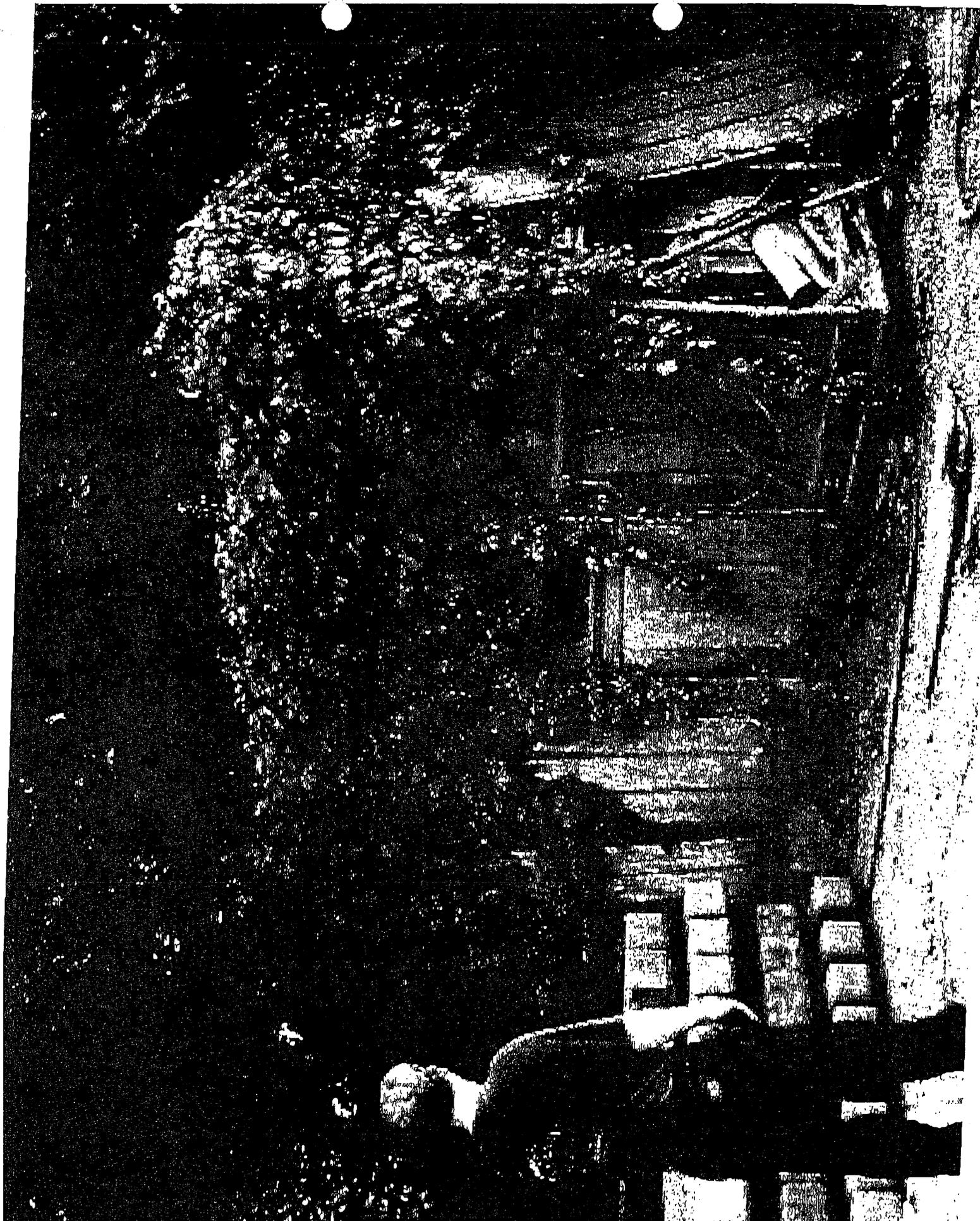
c: Tommy Shelton, Jr.



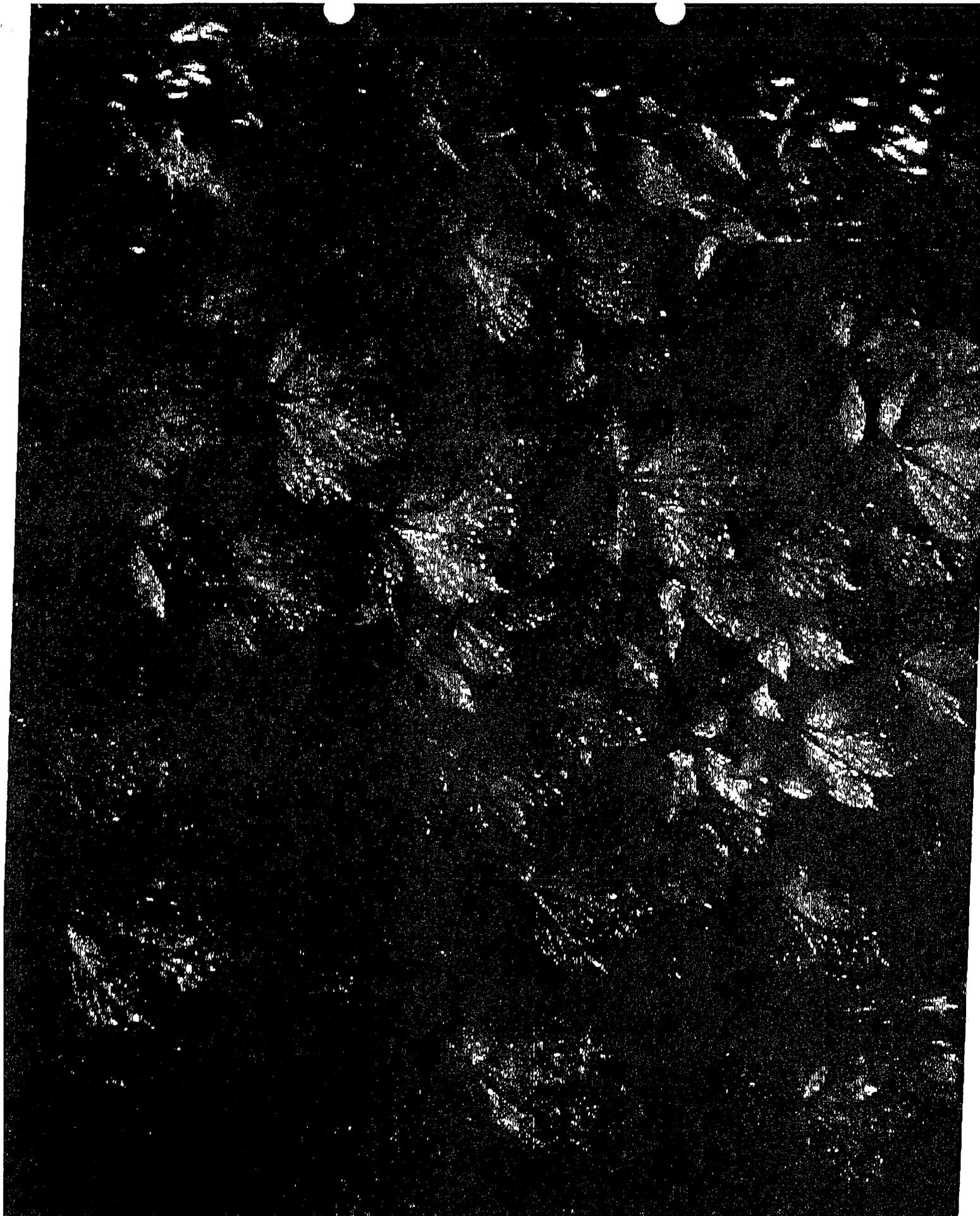
Nov-04-05 15:54 From:BLACKBURN & CARTER
Nov 4 2005 14:47 P.04
+7135245165
T-286 P 04/07 F-657



Nov-04-05 15:54 From: +7135245165
From: +7135245165
Nov 4 2005 14:47 P.05
+7135245165
T-286 P 05/07 F-657



Nov-04-05 15:54 From: +7135245165
Nov 4 2005 14:47 P.06
From-BLACKBURN & CARTER +7135245165 T-288 P 06/07 F-657



From: +7135245165
Nov 4 2005 14:47 P.07
Nov-04-05 15:54 From-BLACKBURN & CARTER
+7135245165 T-286 P 07/07 F-657

BLACKBURN CARTER

A PROFESSIONAL CORPORATION
LAWYERS
4709 AUSTIN
HOUSTON, TEXAS 77004
(713) 524-1012

FAX TRANSMITTAL SHEET

CONFIDENTIAL: THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS MESSAGE CONTAINS INFORMATION FROM THE LAW FIRM OF BLACKBURN CARTER, P.C WHICH MAY BE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY AT OUR TELEPHONE NUMBER ABOVE. WE WILL PROMPTLY ARRANGE FOR THE RETURN OF THIS MESSAGE TO US AT NO INCONVENIENCE TO YOU

Date: November 4, 2005

Time: _____

To: Ms LaDonna Castañuela

Fax No.: (512) 239-3311

From: Mary W. Carter
BLACKBURN CARTER, P.C.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2005 NOV -4 PM 4:52
CHIEF CLERKS OFFICE

Client/Matter: Tommy Shelton, Jr. No. of Pages Including the Cover Sheet: 7

This transmittal is being forwarded to you in lieu of a hard copy. Please retain a copy for your records.

The original of this transmittal, or a copy thereof, is being forwarded to you by mail or special delivery.

Message: CCH Request.

If you did not receive all of the pages, or they are illegible,
please call back as soon as possible:

Telephone: (713) 524-1012

Telecopier: (713) 524-5165

Sent By: vag

Nov-04-05 15:53 From-BLACKBURN & CARTER +7135245165

Nov 4 2005 14:46 P.01

F-657

AFFECTED & CONCERNED PERSONS

**% 9230 WINDFERN
HOUSTON, TEXAS 77064
TELEPHONE 713/466-6678
FAX: 713/641-0066**

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

September 19, 2006

2006 SEP 25 AM 10:37

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

H OPA
SEP 27 2006
BY [Signature]
AIRNSR
50384

CHIEF CLERKS OFFICE

RE: Decision of the Executive Director
Concerning
Lonestar Prestress MFG., Inc.
Permit No. 76688L001

Dear Ms. Castanuela:

We, the affected undersigned, disagree with the Executive Director's decision that the above-referenced application meets the requirements of applicable law. Therefore, we request a Contested Case Hearing before any action is taken on the above application for an air quality standard permit for a concrete batch plant registration filed by Lonestar Prestress MFG., Inc. at 9316 Reid Lake, Houston, Texas 77064.

This application for a contested case hearing is being filed on behalf of affected parties living within the proximity of one-quarter mile (440 yds.) from the site of Lonestar Prestress Batch Plant facility.

CONCERNS ARE AS FOLLOWS:

- 1.) The air quality will be compromised from dust coming from this batch plant. It has been, and will continue to be a detriment to our health, homes, and general pursuit of happiness. It affects our lives on a daily basis.
- 2.) Extreme emission of dust and crystalline silica (i.e. the International Agency for Research on Cancer has designated this substance a Level 1 carcinogen). Concrete batch plants produce tremendous amounts of dust and crystalline silica. They are a proven health hazard. Those living in the area of this operation, who have respiratory problems, have been, and will continue to be, severely affected. The harmful air borne particles from this batch plant will most certainly affect persons in the near vicinity. The effects of Silicosis are lung cancer, bronchitis/chronic obstructive pulmonary disorder, high susceptibility to Tuberculosis, Scleroderma and possible renal disease. It is noted by OSHA that sources of exposure are sandblasting, crushing and drilling concrete, masonry and concrete work, cement manufacturing, etc. Lonestar Prestress Mfg. is a specialty concrete products manufacturer. They use many other toxic chemicals than are normally used in a batch plant operation.

- 3.) There is a 14 acre lake within 50 yards of the batch plant site. This lake is spring fed and supplies our water wells in the area. This is our only source of drinking water and it will be compromised from both hazardous air borne particles and toxic waste-water runoff created by the batch plant operation. Toxic chemicals are used in the production of these specialty concrete products. Air borne particles, rain water and waste water runoff at the batch plant site go directly into the lake and also onto the adjoining property. This lake is not the property of the owners of the batch plant. Many residents in the area catch and eat the fish from the lake and all have water wells that are directly affected by the purity of the spring-fed water of the lake..
- 4.) The noise level from this operation is extremely loud and has continued to escalate. The continued operation of this batch plant would most certainly destroy the safety and serenity of this neighborhood. Not only from the noise generated by the batch plant but the constant intrusion on a permanent basis of traffic from extremely large concrete trucks, dump trucks, over-loaded 18-wheelers emitting offensive, unhealthy, and unsafe fumes in a neighborhood. On many occasions, these large trucks have failed to negotiate turning onto the narrow public road which the batch plant uses as its entrance to their facility. They are destroying the roadway and culverts. They are constantly blocking the roadway as well as access to our properties.
- 5.) We cannot understand why a permanent batch plant would be authorized in an established neighborhood at the cost of compromising our safety, health and peace of mind and in such close proximity to our homes of many years. This company has a past history of abuses as it employs undocumented workers, has been operating non-permitted and non-regulated for several years to the detriment of and at a significant cost to the environment, the community, the County, the State and the residents of this area.
- 6.) The concrete batch plant is in violation by being less than 440 yds. from the nearest residence. There are many homes within this distance and all would be adversely affected.

One particular home and property line, that most affected, the Shelton home at 9302 Reid Lake Dr. (next door), lies within feet of the proposed location for the Lonestar Prestress Mfg., Inc. batch plant, aggregate bins, silo, equipment, etc. – less than 440 yards, less than 25 feet – and all the above without a twelve (12) foot barrier wall or high fence, as required by the terms of the application and rules for a standard permit [see TCEQ – 10377 (checklist for concrete batch plants), for example, sec. (4) (d) concerning rules for a 12 foot wall].

As of this date, no barrier wall or fence exists for the relief of any affected party. It appears as if this particular term or requirement – rule of law – is not being met.

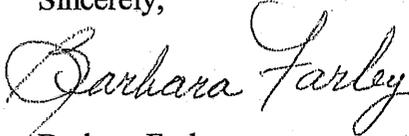
If permitted to operate this concrete batch plant, the TCEQ and the Executive Director would be condoning a situation where a central baghouse and concrete batch plant operates within 440 yards of “...*buildings used as a single or multifamily residence, school, or place of worship at the time the standard permit registration is filed with the commission.*” This rule, as listed by the TCEQ, applies to areas not subject to municipal zoning regulations, etc. Please take note for review and protest and reconsideration of the Executive Director’s, the Board’s decision.

- 7.) Another cause for concern is the plant's, Lonestar Prestress Mfg., Inc.'s, past status as an operational facility lacking a permit or proper permit, i.e. a plant having operating while with an illegal batch plant, one not registered with the State for purpose of compliance; one company that, in the past, and as documented by evidence, operated with a previous disregard for the environment, neighborhood and neighbors/residents.

We, the affected, the undersigned, disagree with the Executive Director's decision that the above referenced application meets the standards and requirements of applicable law. Therefore, we request for a reconsideration of the Executive Director's decision. We request a contested case hearing before any action is taken on the above application for an air quality standard permit for a concrete batch plant registration filed by Lonestar Prestress Mfg., Inc. at 9316 Reid Lake, Houston, Tx. 77064.

Your consideration in this matter is greatly appreciated.

Sincerely,



Barbara Farley
9230 Windfern
Houston, Texas 77064
(713) 466-6678
Fax: (713) 641-0066

PETITION SIGNATURES
AFFECTED & CONCERNED PERSONS

NAME (Signed & Printed)	ADDRESS (Houston, Tx. 77064)	PHONE #
1. <u>Barbara Farley</u> BARBARA FARLEY	9230 WINDFERN	713/466-6678
2. <u>Jay Conlin</u> JAY CONLIN	9211 Reid Lake	713 937 9997
3. <u>Dennis Farley</u> DENNIS FARLEY	9230 WINDFERN	713-466-6678
4. <u>Tommy Shelton</u> Tommy Shelton	9302 REID LAKE DR.	7138566750
5. <u>Suzanna Cohen</u> SUZANNA COHEN	9302 REID LAKE DR.	713 856 6750
6. <u>Elsie Rhea</u> ELSIE RHEA	9203 ELSIE LN	713-466-5888
7. <u>Floyda Telschow</u> FLOYDA TELSCHOW	9010 ELSIE LN.	713-466-8909
8. <u>Ann Bonetas</u> ANN BONETAS	9301 Kay Lane ^{HooTx} 77064	713-466-3428
9. <u>Harvey Prazek</u> HARVEY PRAZEK	9303 Kay Lane	713-466-7551

10. Mary L Craft 9303 Kay Lane 713-466-7351
~~9303 Kay Lane~~
 MARY L. CRAFT
11. Kenneth Mongsonia 89 1/2 Elsie Ln. 713 466 3102
 KENNETH W. MONGSONIA
12. Rita J. Ashby 8910 Elsie Ln 713-896-8872
 RITA J. ASHBY
13. R. A. Ashby 8910 Elsie Ln 713-896-8872
 R. A. Ashby
14. Judy A. Christian 8902 Elsie Ln 713-937-6288
 JUDY A. CHRISTIAN
15. MAURICE BONETAS 9301 KAY LANE 713 466.3428
 Maurice Bonetas
16. Donald L. Christian 8902 ELSIE LANE 713-937-6288
 DONALD L. CHRISTIAN
17. _____
18. _____
19. _____

- 3.) There is a 14 acre lake within 50 yards of the batch plant site. This lake is spring fed and supplies our water wells in the area. This is our only source of drinking water and it will be compromised from both hazardous air borne particles and toxic waste-water runoff created by the batch plant operation. Toxic chemicals are used in the production of these specialty concrete products. Air borne particles, rain water and waste water runoff at the batch plant site go directly into the lake and also onto the adjoining property. This lake is not the property of the owners of the batch plant. Many residents in the area catch and eat the fish from the lake and all have water wells that are directly affected by the purity of the spring-fed water of the lake.
- 4.) The noise level from this operation is extremely loud and has continued to escalate. The continued operation of this batch plant would most certainly destroy the safety and serenity of this neighborhood. Not only from the noise generated by the batch plant but the constant intrusion on a permanent basis of traffic from extremely large concrete trucks, dump trucks, over-loaded 18-wheelers emitting offensive, unhealthy, and unsafe fumes in a neighborhood. On many occasions, these large trucks have failed to negotiate turning onto the narrow public road which the batch plant uses as its entrance to their facility. They are destroying the roadway and culverts. They are constantly blocking the roadway as well as access to our properties.
- 5.) We cannot understand why a permanent batch plant would be authorized in an established neighborhood at the cost of compromising our safety, health and peace of mind and in such close proximity to our homes of many years. This company has a past history of abuses as it employs undocumented workers, has been operating non-permitted and non-regulated for several years to the detriment of and at a significant cost to the environment, the community, the County, the State and the residents of this area.
- 6.) The concrete batch plant is in violation by being less than 440 yds. from the nearest residence. There are many homes within this distance and all would be adversely affected

One particular home and property line, that most affected, the Shelton home at 9302 Reid Lake Dr. (next door), lies within feet of the proposed location for the Lonestar Prestress Mfg., Inc. batch plant, aggregate bins, silo, equipment, etc. - less than 440 yards, less than 25 feet - and all the above without a twelve (12) foot barrier wall or high fence, as required by the terms of the application and rules for a standard permit [see TCEQ - 10377 (checklist for concrete batch plants), for example, sec. (4) (d) concerning rules for a 12 foot wall].

As of this date, no barrier wall or fence exists for the relief of any affected party. It appears as if this particular term or requirement - rule of law - is not being met.

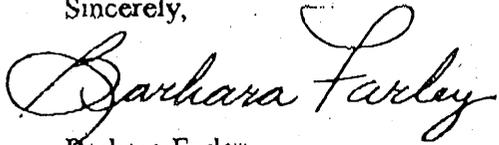
If permitted to operate this concrete batch plant, the TCEQ and the Executive Director would be condoning a situation where a central barehouse and concrete batch plant operates within 440 yards of "... *buildings used as a single or multifamily residence, school, or place of worship at the time the standard permit registration is filed with the commission.*" This rule, as listed by the TCEQ, applies to areas not subject to municipal zoning regulations, etc. Please take note for review and protest and reconsideration of the Executive Director's, the Board's decision.

- 7.) Another cause for concern is the plant's, Lonestar Prestress Mfg., Inc.'s, past status as an operational facility lacking a permit or proper permit, i.e. a plant having operating while with an illegal batch plant, one not registered with the State for purpose of compliance; one company that, in the past, and as documented by evidence, operated with a previous disregard for the environment, neighborhood and neighbors/residents.

We, the affected, the undersigned, disagree with the Executive Director's decision that the above referenced application meets the standards and requirements of applicable law. Therefore, we request for a reconsideration of the Executive Director's decision. We request a contested case hearing before any action is taken on the above application for an air quality standard permit for a concrete batch plant registration filed by Lonestar Prestress Mfg., Inc. at 9316 Reid Lake, Houston, Tx. 77064.

Your consideration in this matter is greatly appreciated.

Sincerely,



Barbara Farley
9230 Windfern
Houston, Texas 77064
(713) 466-6678
Fax: (713) 641-0066

**PETITION SIGNATURES
AFFECTED & CONCERNED PERSONS**

TEXAS JUDICIAL
COMMISSION
ON QUALITY
713/466-6678
713/466-6678
713/466-6678
CHIEF CLERK'S OFFICE

NAME
(Signed & Printed)

ADDRESS
(Houston, Tx. 77064)

- | | | | |
|----|---|---|---------------------|
| 1. | <u>Barbara Farley</u>
BARBARA FARLEY | <u>9230 WINDFERN</u> | <u>713/466-6678</u> |
| 2. | <u>Jay Conlin</u>
JAY CONLIN | <u>9211 Red Lake</u> | <u>713 937 9997</u> |
| 3. | <u>Dennis Farley</u>
DENNIS FARLEY | <u>9230 WINDFERN</u> | <u>713-466-6678</u> |
| 4. | <u>Tommy Shelton</u>
Tommy Shelton | <u>9302 REID LAKE DR.</u> | <u>7138566750</u> |
| 5. | <u>Zsuzanna Cohen</u>
ZSUZANNA COHEN | <u>9302 REID LAKE DR</u> | <u>713 856 6750</u> |
| 6. | <u>Elsie Rhea</u>
ELSIE RHEA | <u>9203 ELSIE LN</u> | <u>713-466-5888</u> |
| 7. | <u>Floyd A. Telschow</u>
FLOYD A. TELSCHOW | <u>9010 ELSIE LN.</u> | <u>713-466-8909</u> |
| 8. | <u>Ann Bonetas</u>
ANN BONETAS | <u>9301 Kay Lane</u> ^{Hou Tx} <u>77064</u> | <u>713-466-3428</u> |
| 9. | <u>Harley Prasek</u>
HARLEY PRASEK | <u>9303 Kay Lane</u> | <u>713-466-7551</u> |

- 10. Mary L Craft 9303 Kay Lane 713-466-7551
9303 Kay Lane
MARY L. CRAFT
- 11. Dorothy Mangonia 89 1/2 Elsie Ln. 713 466 310
Kenneth W. Mangonia
- 12. Rita J. Ashby 8910 Elsie Ln 713-896-8872
RITA J. ASHBY
- 13. R. A. Ashby 8910 Elsie Ln 713-896-8872
R. A. Ashby
- 14. Judy A. Christian 8902 Elsie Ln 713-937-6288
JUDY A. CHRISTIAN
- 15. MAURICE BONETAS 9301 KAY LANE 713 466 3428
Maurice Bonetas
- 16. Donald L. Christian 8902 ELSIE LANE 713-937-6288
DONALD L. CHRISTIAN
- 17. _____
- 18. _____
- 19. _____

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 206 SEP 21 AM 10:29
 CHIEF CLERKS OFFICE

FAX TRANSMISSION

TO: TCEQ - OFFICE OF CHIEF CLERK
LA DONNA CASTANHELA

FROM: CONCERNED/AFFECTED PERSONS
70 BARBARA FARLEY

FAX NO.: 512 239-3311

SENDER PHONE: 713-466-6678

PHONE NO.: 800-687-4040

FAX
CELL PHONE: 713-641-0066

DATE: 9-20-06

TOTAL # PAGES W/COVER: 6

If you have any difficulty with this transmission, please contact the sender at the phone number listed above.

MESSAGE/COMMENT: PETITION, LETTER + REQUEST

FOR A CONTESTED CASE HEARING REGARDING

PROPOSED REG. # 76688L⁰⁰¹ ~~002~~ LONESTAR

PRESTRESS MFG, INC. AT 9316 REID LAKE DR,

HOUSTON, TX 77064. ON BEHALF OF

CONCERNED/AFFECTED RESIDENTS.

TO BE FOLLOWED BY SENDING

THIS BY U.S. MAIL.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 SEP 21 AM 9:43
CHIEF CLERKS OFFICE