

Mr. & Mrs. John Donahue

2007 SEP 26 PM 2:47

*3590 Lariat Ridge
JDJ Ranch
New Braunfels, TX 78132-2039
(830) 899-3491*

CHIEF CLERKS OFFICE

To: Texas Commission on Environmental Quality

Ref: Application by Canyon Lake Ready Mix, Inc., for permit No. 78844

Date: September 20, 2007

Dear Sirs, Madams,

This letter represents a request for reconsideration in the above referenced application. My wife and I wish to restate the concerns and issues, which I have previously reported to the TCEQ. Included are relative facts, which have changed since our first correspondence with the TCEQ.

Those items of concern include, but are not limited to the following:

The property previously owned by petitioners Edwina and Ernest Bagley, namely, Lot 34-A, JDJ Ranch, also known as 3491 Lariat Ridge, New Braunfels, Texas 78132, have been purchased and now owned by John P. and Sherry D. Donahue. The importance of this matter is that we now own the properties, which directly surround on three sides (south, east and west) of the proposed site at Lot 34-C, JDJ Ranch. This lot 34-C is also known as 5001 FM 2673. Applicant William P. Murphy owns this property.

In previous communications received from the TCEQ, dated August 13, 2007, on page 6, it had been suggested that my wife and I have a residential address of 5004 FM 2673. Our permanent residence is in fact 3590 Lariat Ridge, JDJ Ranch, New Braunfels, Texas, 78132-2039. Please amend your records to reflect our proper mailing address.

The main concerns of my family are the effect of the air pollution produced by this proposed plant, and the vehicle exhausts at that location. Our properties are directly south of and above the applicants proposed site. We are aware of the prevailing winds that constantly rise up from the Canyon Lake area then cross over the proposed site area, prior to our properties. We are not aware of any State surveys that may have done in this area, regarding airflow. We feel that this should be a critical consideration prior to any permits being granted to a business that regularly operates with any aggregate, which could potentially affect the health of persons living within a few hundred feet of such a facility.

Regarding those persons in close proximity of this proposed concrete batch plant, hearing requestor Helen Thayer is the closest. The TCEQ has indicated by an overhead view map that Mrs. Thayer resides 186 yards (or 560 feet) from the closest edge of the proposed main section of this plant. Actual footage from the middle of Lot 34-C, heading east along FM 2673, to the property line of Lot 34-B, owned by John P. Donahue, to the property line of Lot 33, the permanent residence of Mrs. Thayer, is in actuality 200 feet. This was ascertained by dividing the width of the proposed plant property in half ($280 \text{ feet} \div 2 = 140 \text{ feet}$) plus the width of Lot 34-B (60 feet), to Mrs. Thayer's property. These numbers are conservative, taking into consideration the fact that the proposed plant would obviously be constructed closer to property lines.

It has been suggested that the actual locations of our properties do not matter, as long as they fall within the guidelines of the 440-yard radius of the proposed plant. The obvious impact to property owners being affected will be much greater when the true distances are realized. This information should be taken into account by the TCEQ.

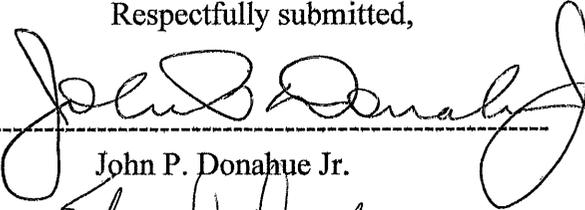
The applicant had filed a Notice of Application in the Times Guardian, in 2006. It is to be noted that the undersigned's do not subscribe to this Canyon Lake weekly publication, but rather to the New Braunfels Herald Zeitung, a large circulation, accredited daily newspaper, which serves New Braunfels residents, and as such, were never observed by the undersigned's.

A hand written sign was apparently placed on the applicant's property, regarding his intent. This sign, apparently was removed by the elements, within a few short days. Neither I, nor any member of my family could be properly notified of its context, or the intent of the owner.

There are other considerations that concern close neighbors to this proposed concrete batch plant. They are the facts that if this permit is granted, adjoining property values will diminish, air pollutants, possible water contamination of wells, noise factors in early morning hours, truck exhausts, etc. will adversely affect neighbors within this close proximity.

While I realize that several of our concerns are not under the realm of the TCEQ, we would hope that they would be taken into your consideration. Thank you.

Respectfully submitted,



John P. Donahue Jr.

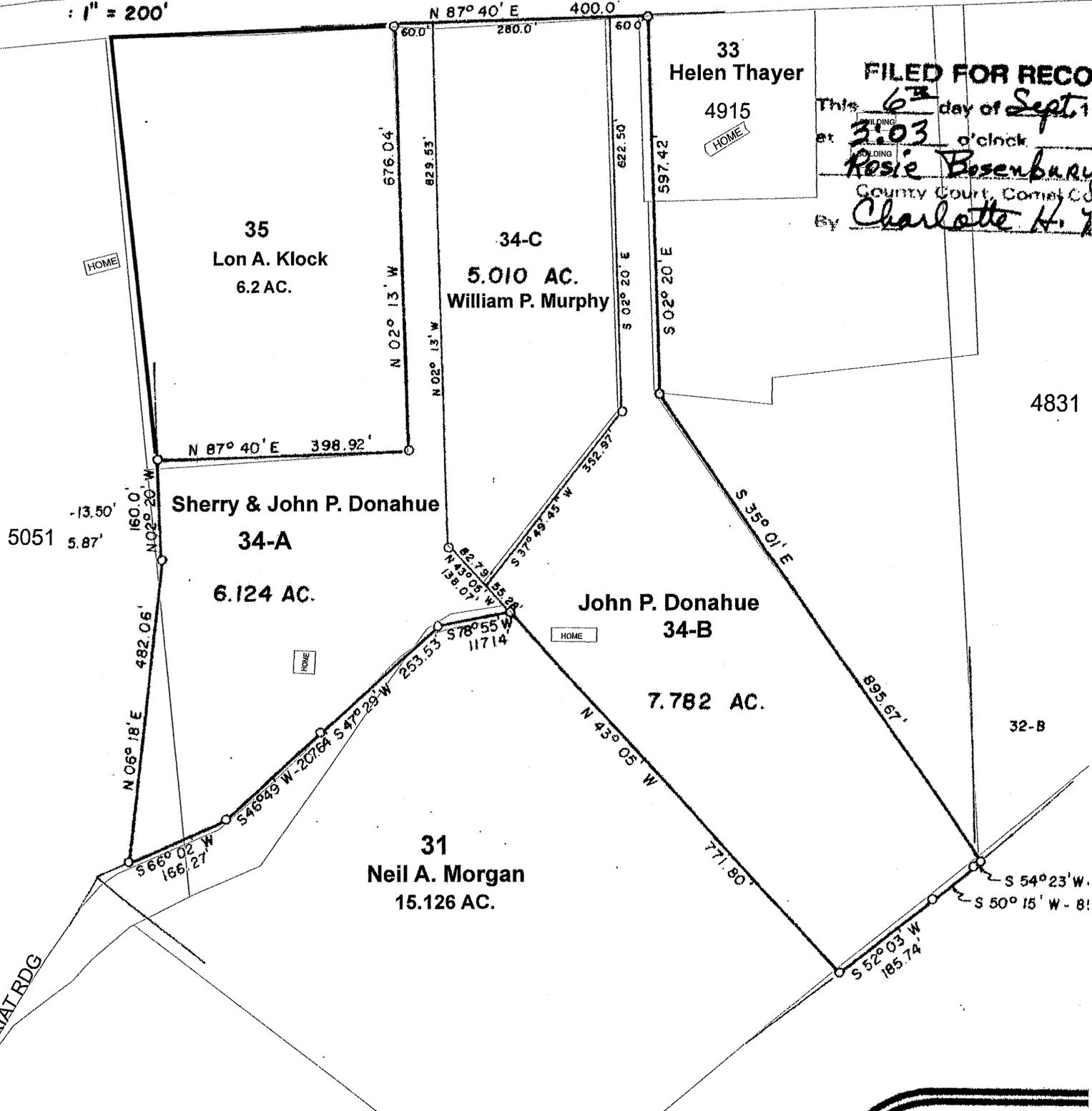


Sherry D. Donahue

1" = 200'

N 87° 40' E 400.0'

FILED FOR RECO
 This 6th day of Sept.
 at 3:03 o'clock
Rosie Rosenbury
 County Court, Comal Co
 By Charlotte H. J.



SION PLAT OF LOTS 34-A, 34-B, & 34-C

J RANCH
J.D.J. RANCH

area of land situated in the Park Transportation Co

STATE OF TEXAS
 COUNTY OF COMAL
 I HEREBY CERTIFY THAT THIS
 IS THE ACTUAL SURVEY OF THE PROP

