

February 8, 2013

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

NSR
85636

To Whom It May Concern:

Enclosed you will find a copy of our REQUEST FOR A CONTEST HEARING regarding Michael Bradley Smith's renewal application concerning Permit #51836.

We respectfully request that we be allowed to voice our concerns about his current application.

Also, could you please put me (us) on a mailing list to receive future public notices for this specific application? Thank you very much.

Sincerely,

Sharon Brown
Sharon Brown
Representative, FM 2296 Group
Huntsville, TX 77340

REVIEWED
FEB 14 2013
By *AP*

H

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2013 FEB 13 PM 3:16
CHIEF CLERK'S OFFICE

mw

Sharon Brown, Official Representative
 832 FM 2296
 Huntsville, TX 77340
 Daytime Phone number: 936/435-8229 or 936/581-5988
 No available fax number

TCEQ Applicant's Name: Michael Bradley Smith

Permit Number: #51836

I/We respectfully request a contested case hearing:

We are adversely affected by the application and air emissions from the facility in a way not common to the general public. Our air quality and our quality of life is disturbed significantly due to the working hours and conditions of Service Ready Mix Concrete. Michael Bradley Smith has repeatedly shown disregard for TCEQ guidelines/specifications, and we suffer in a variety of ways depending on where our homes are in relation to his entrance/exit and where his batch plant operates. Heavy air emissions and dust particles reduce the quality of the air we breathe, and Mr. Smith's failure to take appropriate action (in following TCEQ guidelines) has resulted in significant distress for each of us.

<u>Name</u>	<u>Address</u>	<u>City/TX/Zip</u>	<u>Location/Distance</u>
✓ Sharon Brown	✓ 832 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
✓ Donald Brown	✓ 832 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
✓ Kimberly Brown	✓ 832 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
✓ Sabrina Williams	✓ 850 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
✓ Duane Walden	✓ 850 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
✓ Michael Robinson	✓ 850 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
✓ James Bryan	✓ 788 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
✓ Judy Bryan	✓ 788 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
✓ Jennifer Williams	✓ 858 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
✓ Toniual White	✓ 794 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility
✓ James E. White	✓ 794 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility
✓ Tara Williams	✓ 858 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
✓ Richard Humphrey	✓ 734 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility
✓ Barbara Humphrey	✓ 734 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility

[Redacted signature area]

mw

For all members affected by Michael Bradley Smith's Service Ready Mix Concrete plant, our permanent family residences are impacted by his facility and failure to follow TCEQ and air quality guidelines.

Proposed conditions for the (walk safety) renewal contract

- Mr. Smith to put down tire chips or upgrade his entrance/exit road where there are no cracks/chunks missing out of his driveway in order to reduce air emissions since (some of) our property lines are so close to his driveway. [Registration Checklist, (5) (E)(iii)]
- Mr. Smith to completely pave driveway (according to TCEQ requirements) so that dust emissions are reduced. [Amendment 9, Section F] Several families suffer from repeated respiratory illnesses.
- Mr. Smith to operate ONLY 12 hours per day as stated in TCEQ guidelines. [Table 20, Maximum Operations: 12 hours/day] Starting at 2 a.m. and finishing at 7 p.m. does not constitute a 12-hour day.
- Mr. Smith to "construct these barriers borders to a height of at least 12 feet." [Amendment 10, Section E, Part ii] Google Earth map indicates that no such barriers exist.
- Have Mr. Smith to REALLY water his entrance/exit during periods of extended drought instead of watering it every now and then when convenient. (The last several years have been the worst drought years suffered in Texas for many years.)

Could we please point out that he has not complied with these guidelines over the past ten years, so his promises of abiding by TCEQ regulations for this renewal contract seem a bit ironic. How can we trust him to follow these renewal specifications when he didn't follow the regulations the first time? We spent a great deal of money for lawyers as well as protesting his inability to follow regulations ten years ago, and we have already proven this time that he didn't properly place signs by his property. As you reflect on our request for a hearing, please review his file. While our complaints last time were ignored and considered to be "unfounded," perhaps you should reconsider your position in supporting this applicant. Doesn't it concern you that he is continuing in this noncompliant behavior again? Is it really your intention to support such a prevaricator? Also, what are the requirements for how many hours a day his drivers can operate his different trucks and where is he dumping his water that is cleaning out his concrete trucks? These are other concerns we have as his neighbors. We appreciate the fact that he is trying to operate a business, and we are more than willing to work with him as a neighbor. With this being said, we don't feel that our requests are unreasonable as long as he operates within the confines of his application.

We are currently awaiting word from Mr. Nelson as to whether the 15-day comment period will be extended since Mr. Smith failed to properly place his signs on his property on 1/25/2013.

Date of newspaper article: January 25, 2013 (Huntsville Item)

Date Huntsville Public Library located "misplaced" application: February 5, 2013.

*Brown
832 FM 2296
Montville, Tx 77340*

RECEIVED

FEB 13 2013

TOEQ MAIL CENTER
AJ

7010 3090 0000 0764 5136

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL



1000



78711

U.S. POSTAGE
PAID
NEW MEVERLY, TX
77358
FEB 11, 13
AMOUNT

\$3.56
00010903-04

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2013 FEB 13 PM 3:16

CHIEF CLERK'S OFFICE

7871139087 8012

Marisa Weber

From: PUBCOMMENT
Sent: Monday, February 11, 2013 9:49 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836
Attachments: Contested Hearing.doc

H

*NSR
005636*

From: PUBCOMMENT-OCC
Sent: Friday, February 08, 2013 11:19 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Friday, February 08, 2013 10:08 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MRS SHARON A BROWN

E-MAIL: sab048@shsu.edu

COMPANY:

ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9365815988

FAX:

COMMENTS: As neighbors of Bradley Michael Smith, we respectfully request a **CONTESTED CASE HEARING**. Attached to this request is the detailed information requested based on the 1/25/2013 newspaper article placed in the Huntsville Item Legals section. We do not feel that Mr. Smith will comply with TCEQ guidelines in order to run his business in a manner that protects our personal safety. We have already proven that he hasn't placed his signs in the correct place the first time, and as of this morning, they are still incorrectly placed based on my conversation with Kathy of TCEQ on Friday, February 1, 2013. Perhaps we could respectfully request a visit from your Houston office to address these concerns and show why we are so worried. Google Earth provides for a pretty accurate view of the problem based on TCEQ standards as set out in his permit renewal request form. These issues have been addressed in earlier comments! Thank you for your time and consideration. We do not expect special considerations. We only ask that you imagine if your home was built on FM 2296 in Huntsville, TX, and Mr. Smith operated in your neighborhood. Would you want to be smothered in dust and dangerous particles? Would you want to try and reason with a man who constantly prevaricates to his neighbors? Would you want to request visits to check up on him and then get mail that says he is in compliance with his application, when you know full well his behavior is a facade for the truth? Consider the belligerent teen. When the parents are gone, the teen throws a fabulous party for all his friends. As soon as the parents announce that they are returning, the teen cleans up before their arrival. We consider Mr. Smith to be the teen and TCEQ to be the parent. Again, we appreciate your time and consideration. Sharon Brown

Sharon Brown, Official Representative
 832 FM 2296
 Huntsville, TX 77340
 Daytime Phone number: 936/435-8229 or 936/581-5988
 No available fax number

TCEQ Applicant's Name: Michael Bradley Smith

Permit Number: #51836

I/We respectfully request a contested case hearing:

We are adversely affected by the application and air emissions from the facility in a way not common to the general public. Our air quality and our quality of life is disturbed significantly due to the working hours and conditions of Service Ready Mix Concrete. Michael Bradley Smith has repeatedly shown disregard for TCEQ guidelines/specifications, and we suffer in a variety of ways depending on where our homes are in relation to his entrance/exit and where his batch plant operates. Heavy air emissions and dust particles reduce the quality of the air we breathe, and Mr. Smith's failure to take appropriate action (in following TCEQ guidelines) has resulted in significant distress for each of us.

<u>Name</u>	<u>Address</u>	<u>City/TX/Zip</u>	<u>Location/Distance</u>
Sharon Brown	832 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
Donald Brown	832 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
Kimberly Brown	832 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
Sabrina Williams	850 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
Duane Walden	850 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
Michael Robinson	850 FM 2296	Huntsville, TX 77340	Within 440 yards of SRMC facility/shared property lines
James Bryan	788 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
Judy Bryan	788 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
Jennifer Williams	858 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
Toniual White	794 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility
James E. White	794 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility
Tara Williams	858 FM 2296	Huntsville, TX 77340	Less than ½ mile from SRMC facility.
Richard Humphrey	734 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility
Barbara Humphrey	734 FM 2296	Huntsville, TX 77340	Approx. ½ miles or less from SRMC facility

How we use the property impacted by the facility

For all members affected by Michael Bradley Smith's Service Ready Mix Concrete plant, our permanent family residences are impacted by his facility and failure to follow TCEQ and air quality guidelines.

Proposed adjustments that would satisfy our concerns:

- Mr. Smith to put down tire chips or upgrade his entrance/exit road where there are no cracks/chunks missing out of his driveway in order to reduce air emissions since (some of) our property lines are so close to his driveway. [Registration Checklist, (5) (E)(iii)]
- Mr. Smith to completely pave driveway (according to TCEQ requirements) so that dust emissions are reduced. [Amendment 9, Section F] Several families suffer from repeated respiratory illnesses.
- Mr. Smith to operate ONLY 12 hours per day as stated in TCEQ guidelines. [Table 20, Maximum Operations: 12 hours/day] Starting at 2 a.m. and finishing at 7 p.m. does not constitute a 12-hour day.
- Mr. Smith to "construct these barriers borders to a height of at least 12 feet." [Amendment 10, Section E, Part ii] Google Earth map indicates that no such barriers exist.
- Have Mr. Smith to REALLY water his entrance/exit during periods of extended drought instead of watering it every now and then when convenient. (The last several years have been the worst drought years suffered in Texas for many years.)

Could we please point out that he has not complied with these guidelines over the past ten years, so his promises of abiding by TCEQ regulations for this renewal contract seem a bit ironic. How can we trust him to follow these renewal specifications when he didn't follow the regulations the first time? We spent a great deal of money for lawyers as well as protesting his inability to follow regulations ten years ago, and we have already proven this time that he didn't properly place signs by his property. As you reflect on our request for a hearing, please review his file. While our complaints last time were ignored and considered to be "unfounded," perhaps you should reconsider your position in supporting this applicant. Doesn't it concern you that he is continuing in this noncompliant behavior again? Is it really your intention to support such a prevaricator? Also, what are the requirements for how many hours a day his drivers can operate his different trucks and where is he dumping his water that is cleaning out his concrete trucks? These are other concerns we have as his neighbors. We appreciate the fact that he is trying to operate a business, and we are more than willing to work with him as a neighbor. With this being said, we don't feel that our requests are unreasonable as long as he operates within the confines of his application.

We are currently awaiting word from Mr. Nelson as to whether the 15-day comment period will be extended since Mr. Smith failed to properly place his signs on his property on 1/25/2013.

Date of newspaper article: January 25, 2013 (Huntsville Item)

Date Huntsville Public Library located "misplaced" application: February 5, 2013.

Marisa Weber

From: PUBCOMMENT
Sent: Friday, February 08, 2013 8:29 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836
Attachments: Cracked Up Driveway 2.7.2013.pdf

*NSR
85636*

From: PUBCOMMENT-OCC
Sent: Friday, February 08, 2013 7:17 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Thursday, February 07, 2013 4:31 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MRS SHARON A. BROWN

E-MAIL: sab048@shsu.edu

COMPANY:

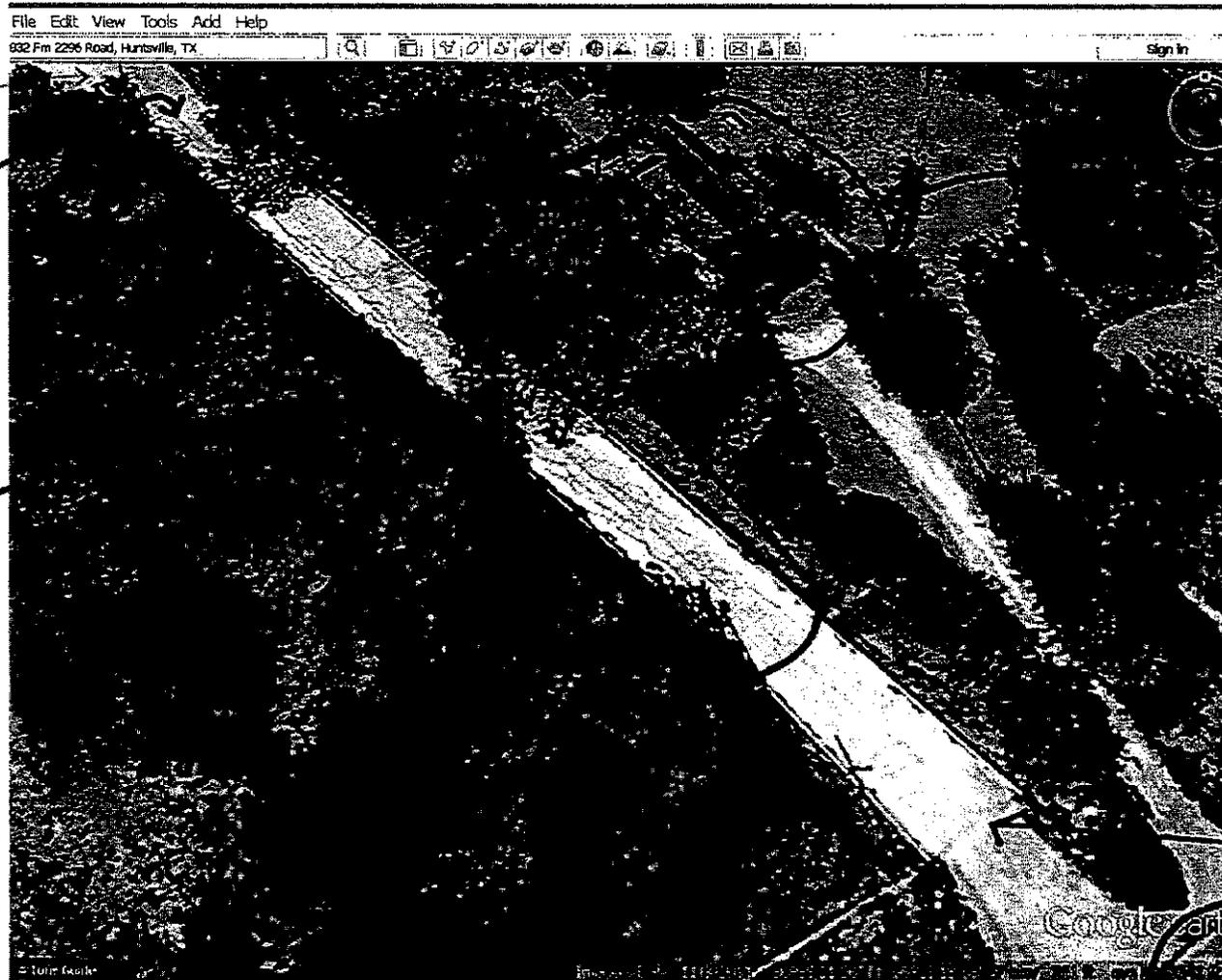
ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9365815988

MSW

FAX:

COMMENTS: We, as a group of neighbors, respectfully request that you deny Michael Bradley Smith's application for renewal of a TCEQ permit since he has not followed the guidelines set out by you over the past ten years. After reviewing the current permit at the Huntsville Public Library yesterday, we are most unhappy that he continues to flagrantly ignore your specifications. As you already know, he didn't place the signs properly (and STILL hasn't) even though promising in his permit that he did place them correctly. Surely you must know that he has made other false statements. Our biggest concern at this point is his incorrect representation to have an entrance and exit that follows TCEQ specifications. He does not have it paved, or fire-chipped, or protected from our property line by a 12-foot fence since our home is so close to his entrance/exit. The aerial photo attached will vouch for our concerns.



Unpaved
Paving begins

Cracked, broken
chunks of concrete
run almost totally
parallel with our
home.

Brown's
home

Concrete
ends.

FM 2296 - where
Smith's road
intersect w/road w

Aerial view (from Google Earth) of Mr. Smith's driveway. Notice at the top left where his concrete drive begins? Notice it is not paved but the dust coats our property on the north end. Then notice the crumbled concrete as you travel down the driveway toward FM2296. His trucks beat, bang, and pump their air breaks as they slow down and or speed up, often coating us in air particles so thick we much cover our faces in order to breathe. Lastly, look on the bottom right of the photograph. Notice where the concrete ends? It actually ends before it intersects with FM 2296. Also, there are CLEARLY no tire chips or wall to protect us from his dust emissions as stated in his application. This clearly does not conform with the TCEQ specifications. Thus, Mr. Smith has clearly falsified his application for renewal based on the permit application we reviewed last night just as he falsified where he actually placed his signs.

Sharon Brown
Sharon Brown 2/7/2013

Marisa Weber

From: PUBCOMMENT
Sent: Thursday, February 07, 2013 8:13 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836
Attachments: TCEQ photos 2.6.20131.pdf

*NSR
85636*

From: PUBCOMMENT-OCC
Sent: Thursday, February 07, 2013 7:19 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Wednesday, February 06, 2013 1:52 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MRS SHARON A BROWN

E-MAIL: sab048@shsu.edu

COMPANY:

ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9365815988

mw

FAX:

COMMENTS: Yesterday afternoon I sent a comment making you aware that I had received a phone call from Huntsville Public Library from someone named Kristen that apologized on behalf of the library for allowing Mr. Smith's application slide behind some other items. (She did not elaborate as to how this may have happened. My daughter also texted me during my ESC training yesterday to let me know that Mr. Smith had moved his signs, so I assume someone from TCEQ contacted him. Upon returning home yesterday evening, I took these two photos to send to you. Both pictures were taken on 2/5/2013. Both photos have been lightened because they pictures were taken at dusk. I still have the original, untouched photo in my phone. Has Mr. Smith requested a waiver for proper sign placement based on an earlier email TO me FROM Mr. Nelon at TCEQ? If not, then I must assume he continues to mock your instructions. His signs STILL AREN'T parallel with his driveway or located properly based on property lines. Based on this information, we respectfully request that you temporarily revoke his application and/or the application process until he complies with TCEQ directives. We surely don't mind following your directions as long as you demand that your applicant do the same. After all, if he doesn't follow these obvious directives, surely you must know that there are other rules and regulations he is ignoring. Since we learned of the application's whereabouts yesterday, we are under a very tight time crunch to request a hearing. I will be going to the Huntsville Public Library tonight to review his application. Thank you very kindly for this opportunity to submit comments based on Application Permit #51836. Won't you please consider this request to extend the time period for us in filing comments since he hasn't followed the few guidelines we are aware of at this time. Sincerely, Sharon Brown



This photo indicates that Bradley Michael Smith's signs have been moved to the front of his property and are visible from the roadway, as long as you know to look at his business sign. (Photo taken 2/5/2013)

Please note that they are not PARALLEL with his driveway or placed at various property lines, as indicated in my conversation with Kathy, of TCEQ, last Friday, Feb. 1, 2013.



This photo, also taken on 2/5/2013 shows where the signs were placed in relation to Bradley Michael Smith's driveway. Mr. Smith moved his signs at some point between 7:20 a.m. and 1:24 p.m. on February 5, 2013. (Originally they were to the left of his driveway behind a telephone pole and electrical pole.) My daughter was home and noticed that someone was in his driveway. When she went to check the mail shortly afterwards, the signs had been moved to their current position.

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, February 06, 2013 9:12 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836

WSR
85636

From: PUBCOMMENT-OCC
Sent: Wednesday, February 06, 2013 7:23 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Tuesday, February 05, 2013 5:28 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MRS SHARON A. BROWN

E-MAIL: sab048@shsu.edu

COMPANY:

**ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433**

PHONE: 9365815988

FAX:

My

COMMENTS: Thank you to Mr. Nelon for responding to my email this morning. I appreciate that you realized that you gave me the wrong email address LAST FRIDAY and you corrected it today, TUESDAY morning. (That is a five-day delay that has made comments difficult to say the least. Once I spoke with you, Mr. Nelon, on the phone, you indicated that the TCEQ application was signed for by Linda at the Huntsville Public Library on January 23, 2013. I spent my lunch time today and PHYSICALLY went to the library. (I sent my daughter PHYSICALLY last Tuesday.) I had called on Thursday (1/31) and Friday (2/1) and Monday (2/4), but Denise indicated there was still no TCEQ application to review. Then today, after our early morning phone call with Mr. Nelon, I went to the library but had to leave a message with Denise because Linda was unavailable. (Doris and Kimberly are other names I have called/spoken with/left messages with who can verify that we have been trying to locate this application.) Then at 12:45 p.m. today, Kristen (a name I had not heard before associated with the public library) called and said it was the LIBRARY's fault that we had not been able to view the application because it had slid down behind some other papers. Their phone number is 936/291-5472 if you would like to verify my story. I have spoken most often with Denise (and she is the one I spoke to each day when I called to ask if the application was received.) I do not believe that the HPL intentionally misplaced the file. Yet, for whatever reason it was misplaced, We have been unable to view it. Now it is available, but I can't get there until Wed. or Thursday night of this week due to prior obligations. I respectfully request that you verify my story and then I respectfully request that you extend the viewing period for Mr. Smith's application so that all of us have an opportunity to check for ourselves what he agrees to comply with. Thank you. Sharon Brown

Marisa Weber

From: PUBCOMMENT
Sent: Friday, February 22, 2013 8:29 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836
Attachments: Signs on 2.20.2013.doc

From: PUBCOMMENT-OCC
Sent: Thursday, February 21, 2013 3:09 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

*NSR
51836*

From: sab048@shsu.edu [mailto:sab048@shsu.edu]
Sent: Thursday, February 21, 2013 3:01 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MR DONALD BROWN

E-MAIL: sab048@shsu.edu

COMPANY:

ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9362958908

MCC

FAX:

COMMENTS: I have attached an updated photo of Mr. Smith's TCEQ signs. Notice that they still aren't PARALLEL to his driveway, as stated in TCEQ guidelines. According to Don Nelson of TCEQ, his 15 days won't begin until proper placement of signs. Can we assume that his 15 days have still not started? DCB

The following is a photo of the TCEQ signs on Brad Smith's property. The one on the left is leaning precariously, and the one on the right is upright and somewhat covering his regular business sign.

NOTICE: NEITHER SIGN IS PARALLEL TO HIS DRIVEWAY AS STATED IN THE TCEQ SPECIFICATIONS. Mr. Nelon indicated that his 15 days would begin once his signs were placed correctly. Can we assume that 15-day period has not begun as of yesterday?

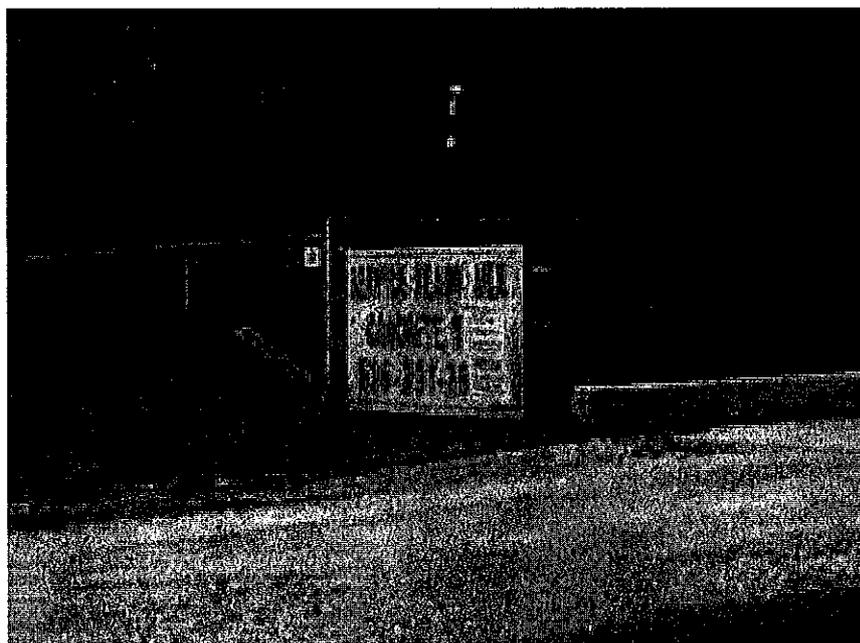


Photo taken by Sharon Brown on the morning of February 20, 2012.

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, February 06, 2013 9:13 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836

*NSP
05636*

From: PUBCOMMENT-OCC
Sent: Wednesday, February 06, 2013 7:22 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Tuesday, February 05, 2013 4:59 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MR Donald C. Brown

E-MAIL: sab048@shsu.edu

COMPANY:

ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9362958908

FAX:

Crly

COMMENTS: Good Afternoon, I would like to request that you update Mr. Smith's application so that you are aware that he has moved his signs from near his gate to the front where his Work name is by his roadway. Sadly, the signs are still NOT PARALLEL to his driveway, as stated to my wife last Friday by a TCEQ employee named Kathy. I also do not believe that the signs are the correct number of feet from the various property lines, but I will have to get my wife to take pictures and send them to you tomorrow. Thank you for your help. Sincerely, Donald Brown

Marisa Weber

From: PUBCOMMENT
Sent: Monday, February 04, 2013 10:48 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836
Attachments: TCEQ photos 2.3.2013.pdf

*MSR
85636*

From: PUBCOMMENT-OCC
Sent: Monday, February 04, 2013 10:17 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Sunday, February 03, 2013 11:32 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MR DONALD C. BROWN

E-MAIL: sab048@shsu.edu

COMPANY:

ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9365815989

241

FAX:

COMMENTS: Michael Bradley Smith has submitted an application for renewal of a current permit. He (as of 2/1, 4:50 p.m.) still hadn't submitted his application for review, so making comments is damn near impossible. My wife spoke with Kathy at TCEQ and she read the sign specs over the phone. The photos in the attachment clearly prove that filing the application and placing it at the Huntsville Public Library isn't Mr. Smith's only prevarication. He VERY CLEARLY hasn't followed the rules (that we know of) set forth by TCEQ. Therefore, I respectfully request that his application process be reviewed and revoked until he can properly FOLLOW TCEQ's own rules. Otherwise, it doesn't seem fair that we have 15 days to review an APPLICATION THAT ISN'T AVAILABLE. After all, how can we refute that which we do not have access to? There are now five days (or less) left and WE STILL HAVE NO MEANS OF VIEWING this invisible application. I work full time, so driving to Houston is an impossibility. Perhaps TCEQ could email his application since MBSmith didn't make it available? Do you have time for that? Donald Brown We don't mind following your rules as long as you make your applicants follow rules. After all, if ordinary citizens are made to follow the speed limit signs while law enforcement can ignore speed limits, what sort of message does that send?

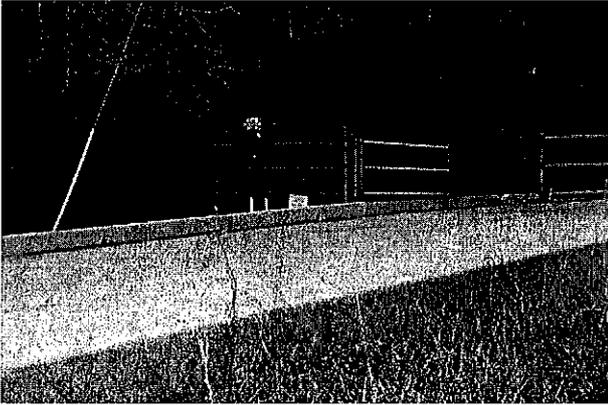


Photo taken 1/25 at 8:26 a.m. This was the first time we observed signs. THEY ARE NOT CLEARLY VISIBLE FROM THE ROAD.



Photo taken 1/27 at 6:44 p.m. from road/street. Signs are NOT CLEARLY VISIBLE nor are they NEAR THE PROPERTY LINES according to TCEQ policy.

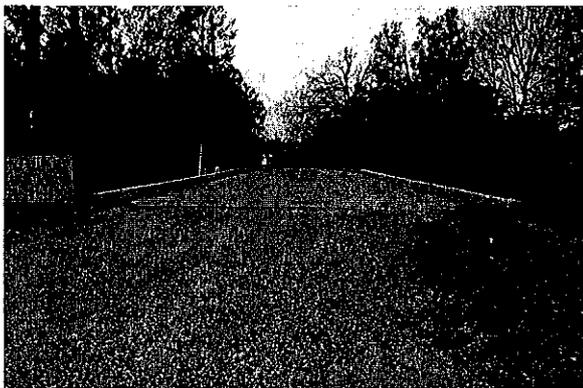


Photo taken on 1/27 at 6:44 p.m. The signs are (barely) Visible from road/street. This photo shows distance From roadway. (Certainly not in line with TCEQ policy).

Photo taken 1/27 at 6:45 p.m. from road/street (FM 2296). Sign in English is almost completely hidden by Mr. Smith's business sign/fencing/poles.



Photo taken on 2/1 at 6:34. Shows distance from FM 2296 to Smith driveway. Clearly more than 10 feet. Notice that there are no TCEQ signs within 10 feet or RUNNING PARALLEL to DRIVEWAY (as stated in TCEQ guidelines).



Photo taken on 2/1/2013 at 6:35. Walking past Brad Smith concrete plant. Signs are nearly invisible. (Speed on FM 2296 is 70 mph). 1/31 Called WCSO. Officer Joe Jeffcoat reported signage info. in 2/1 call notes.

Marisa Weber

From: PUBCOMMENT
Sent: Monday, February 04, 2013 10:46 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836

*NSR
85636*

From: PUBCOMMENT-OCC
Sent: Monday, February 04, 2013 10:17 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

From: sab048@shsu.edu [<mailto:sab048@shsu.edu>]
Sent: Friday, February 01, 2013 6:12 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: MR Donald C. Brown

E-MAIL: sab048@shsu.edu

COMPANY:

ADDRESS: 832 FM 2296 RD
HUNTSVILLE TX 77340-2433

PHONE: 9362958908

FAX:

mw

COMMENTS: The Huntsville Item newspaper posted a TCEQ notice on January 25, 2013. It stated that Mr Smith would have a copy of his application available for review at the Huntsville Public Library. We went to the library on Tuesday, 1/29 and it WAS NOT available. There were 3 other TCEQ apps but NONE belonging to #51836. My wife called on 1/31 and again on 2/1 and it was still NOT at the library!!!! How are we supposed to make comments and request a hearing when there is no application for us to review? Since Mr. Smith has not followed the stated TCEQ rules, we respectfully request an investigation into this matter. Perhaps our time to review the application should be extended since we have no application to review? Thank you, Donald Brown

Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, February 05, 2013 3:25 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 51836

From: PUBCOMMENT-OCC
Sent: Tuesday, February 05, 2013 3:14 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 51836

MSR
51836

From: doubleranch@att.net [<mailto:doubleranch@att.net>]
Sent: Tuesday, February 05, 2013 3:10 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 51836

REGULATED ENTITY NAME SMITH CBP NO 1

RN NUMBER: RN102802956

PERMIT NUMBER: 51836

DOCKET NUMBER:

COUNTY: WALKER

PRINCIPAL NAME: SMITH, MICHAEL BRADLEY

CN NUMBER: CN604241513

FROM

NAME: Judy and James Bryan

E-MAIL: doubleranch@att.net

COMPANY:

ADDRESS: 788 FM 2296 RD
HUNTSVILLE TX 77340-2431

PHONE: 9362951106

FAX:

mw

COMMENTS: Dear Sirs: As I was driving home this week, I had to slow down for a truck existing Brad Smith place of business. I have always seen his very large Service Ready Mix sign that is located about 15 feet from the road hanging on a fence, but is what I saw located about 15 feet behind this sign that make me very upset. There behind his Service Ready Mix sign are two small signs that are his signs for applying for renewal of permit 51836. These are clearly not visable from FM2296 and are not parallel with his driveway. This is the second time that Brad Smith has applied for a permit that we know of only because of him hiding the signs. I have also tried to locate his application at the Huntsville Public Library and have not been successful. It clearly states in his newspaper notice filed Jan. 25, 2013 that the application is filed there. At this point without a application to review I request that his license be revoked or an extension of this process be extended so that I can obtain a copy of the application to review. If Brad Smith has not submitted his application to the Library, he has clearly not followed procedure and therefore his application should be revoked. So two procedures not followed as outlined by requirementsw of tceq. So how far can Brad go and still get away with his application being renewed. This cement plant is located about 3 places from our driveway. FM2296 is already a very busy connection road for a lot of commuters and you add these large trucks entering and existing the road it becomes very dangerous. There are some Saturday mornings I would like to sleep in, but starting around 4:00AM yes AM the large trucks are rolling up and down fm2296. This includes all of the gravel and sand trucks going in and out as well. Since Mr. Smith has not submitted his application to the Library I request that his application be revoked. Respectfully submitted. James and Judy Bryan, 788FM2296, Huntsville, TX 77340