

DATE: September 3, 2008

TO: THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

2008 SEP -5 PM 3:07

CHIEF CLERKS OFFICE

FROM: DALLAS PIERRE DDS
106 McMULLEN STREET
LUFKIN TX 75904

RE: APPLICATION OF ASPEN POWER, L.L.C. FOR LUFKIN GENERATING
PLANT LUFKIN, ANGELINA COUNTY—AIR QUALITY PERMIT
REQUEST NO. 81706 & PSD TX 1089—
MOVANT'S RESPONSE TO ASPEN POWER'S RESPONSE TO MTO
THE DECISION OF THE EXECUTIVE DIRECTOR OF THE
COMMISSION ON ENVIRONMENTAL QUALITY.

STIPULATED DATE FOR TIMELY RESPONSE: SEPTEMBER 5, 2008

Cc: STIPULATED ELEVEN COPIES.

REFERENCE STATEMENT BY ASPEN POWER:

"Neither Texas statutes nor TCEQ rules require a hearing request withdrawal letter to be notarized, certified, signed..." "...Dr. Pierre does not demonstrate or explain how he signed the hearing request withdrawal letter under false pretenses."

MOVANT'S RESPONSE:

Aspen Power did not specify the statutes of Texas nor TCEQ which even require letters of withdrawal to previous objections to Biomass Plants in a community. If such letters are required, then it is obvious that, in all fairness, a letter to withdraw a letter of approval should be likewise allowed. Never the less, to demonstrate and explain how I signed the hearing request withdrawal letter under false pretenses as requested by Aspen Power please accept the following:

Rodney Richards knocked on my back door wanting to talk to me concerning losing his job at Citation and how his wife was going to divorce him as a result. Since I am President of the Local NAACP, he gave me the impression that he wanted the NAACP's assistance in getting his job back or getting him another job. He said he wanted to get several ministers together at my office to discuss the situation. Knowing all of the ministers in the community, I readily agreed, but I made the suggestion that my good friends Rev. Bettye Kennedy and Rev. N. C. Simmons are invited also.

In less than an hour, my office was inundated with ministers, none of whom belonged to the NAACP, with the exception of Rev. Kennedy and

Rev. Simmons. Those present were: Rev. Andro Branch, Bishop Leroy Shankle, Sr., Rev. Whitaker, Rev. Cedric Kennebrew, Bishop J. R. Shankle, Robert Shankle, Rev. Kennedy, Rev. Simmons and Rodney Richards. I set the agenda for the meeting which had nothing to do with Aspen Power. I then had Rodney to explain his situation and had everyone to express themselves on the situation. It did not take too long to discover that I had been hoodwinked. The ministers, with the exception of Rev. Kennedy and Rev. Simmons, began to speak on how Aspen Power will help the community and how they knew that I wanted to help the community also. The lid was placed on the case when Robert Shankle got up and said the company is losing millions of dollars a day and they will have to lay off him and other workers if the plant is not approved. Everyone in my community knows that I will help my neighbors as best I can. As a matter of fact, I am almost bankrupted now because of the money I have shelled out in my community.

The meeting closed with Rev. Kennedy saying that what happened in this meeting should stay in this meeting and that we should form a "core," (thus, the name Core) or bound before leaving the meeting. Everyone agreed.

In less than an hour this "bound" was broken when Rev. Kennebrew, Robert Shankle and Rodney Richards came back to my office with papers which I thought were agreements by Aspen Co. to clean up North Lufkin. The very next day Robert called my office and asked which trees do I want trimmed on Kurth Drive.

If I, a very skeptical person, could have been hoodwinked in this way I can not help but understand why those individuals signed for the plant in place and, indeed, how others who signed against it reversed their decisions.

REFERENCE STATEMENT BY ASPEN POWER

"The location of the plant..." "Aspen applied for a biomass plant, and TCEQ reviewed the application to ensure the facility complied with all statues, rules and regulations."

MOVANT'S RESPONSE

Regardless of TCEQ'S jurisdiction, review and determination, North Lufkin community holds Aspen Company to its word. In public meetings after public meetings Aspen Power has stated that they wanted to be a "good neighbor."

Good neighbors do not make promises for which there are no contracts and assurances...

Good neighbors do not construct industrial complexes in the middle of neighborhoods.

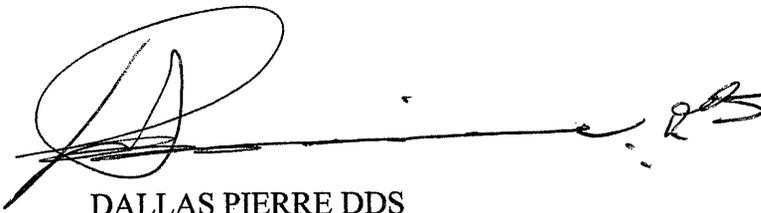
Good neighbors do not submit its neighbors to potential dangers of pollutants of Carbon Monoxide, Nitrogen Oxides, Particulates, Sulfur Oxides, Hydrogen Chloride, VOC, Sulfuric Acid Mist, Lead, Mercury, Organic Hazardous Air Pollutants, Metallic Hazardous Air Pollutants, and POM Hazardous Air Pollutants.

Good neighbors do not submit the neighborhood to noise pollution on Sundays and 24/7,

Good neighbors do not submit the neighborhood to the danger of 18-Wheelers going in and out of the neighborhood 24/7.

IT IS MISLEADING TO GIVE THE PUBLIC THE IMPRESSION THAT MINISTERS, AND OTHERS WHO SIGN FOR THE PLANT IN MY COMMUNITY ARE FOR THE PLANT FOR STRAIGHTFORWARD REASONS (JOBS, ECONOMIC DEVELOPMENT, DECREASE THE TAX LOAD ON RESIDENTS, ETC.). STATE AND REGULATORY BODIES WHOSE JOB IT IS TO PROTECT THE HONEST LITTLE MAN IN OUR COMMUNITY SHOULD INVESTIGATE THE APPARENT ULTERIOR MOTIVES OF THESE SIGNEES.

SINCERELY,

A handwritten signature in black ink, appearing to read 'Dallas Pierre DDS', with a long horizontal line extending to the right and a small flourish at the end.

DALLAS PIERRE DDS