

## Tammy Johnson

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, April 23, 2025 5:52 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 4421A

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RFR

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** hammondw@lanwt.org <hammondw@lanwt.org>  
**Sent:** Wednesday, April 23, 2025 3:59 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 1 of 8. 400 S. Zang Blvd., Ste. 1420 Dallas, Texas 75208 469.458.9009 April 23, 2025 Via Electronic submission: [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) Ms. Laurie Gharis, Chief Clerk TCEQ, MC-105 P.O. Box 13087 Austin, TX 78711-3087 Re: Request for a Contested Case Hearing and Request for Reconsideration of the Executive Director's Response to Comments on the Renewal Application of TAMKO Building Products LLC for Air Quality Permit No. 4421A for an existing asphalt roofing manufacturing plant located at 7910 South Central Expressway, Dallas, Dallas County, Texas 75216. Dear Ms. Gharis: On behalf of my client the Joppa Freedman Town Association ("JFTA"), and as instructed by your letter dated March 24, 2025, we submit: 1) a supplemental request for a contested case hearing; and 2) a request for reconsideration of the Executive Director's decision regarding the renewal application of TAMKO Building Products LLC ("TAMKO" or "Applicant") for an air quality permit no. 4421A. These requests and comments incorporate by reference any request and comments previously filed with TCEQ by JFTA and others opposed to this permit renewal. JFTA opposes the renewal application of TAMKO and urges the Texas Commission on Environmental Quality ("TCEQ") to deny it for the reasons set forth below. All communication with JFTA and its members regarding this matter must be through its legal counsel. My contact information is: Wendi Hammond Staff Attorney Legal Aid of NorthWest Texas 400 S. Zang Blvd., Ste. 1420 Dallas, Texas 75208 Phone: (469) 917-5970, ext.8903 Email: [hammondw@lanwt.org](mailto:hammondw@lanwt.org) Fax: (817) 736-1602 I. Request for a Contested Case Hearing On January 22, 2025, Joppa Freedman Town Association ("JFTA") timely requested a contested case hearing on behalf of its members; however, the Executive Director's Response to Comments (RTC) did not address JFTA's hearing request, qualification as an "affected person," or the relevant and material issues raised during the public comment period that should be referred for the contested case hearing. Also, the instructions provided in TCEQ's letter dated

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**From:** hammondw@lanwt.org <hammondw@lanwt.org>  
**Sent:** Wednesday, April 23, 2025 4:02 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

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**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

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**NAME:** Wendi Hammond

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**COMPANY:** Legal Aid of NorthWest Texas

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Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 2 of 8. March 24, 2025, included instructions for requesting a contested case hearing and identified a different mechanism for filing these requests than which was provided during the public comment period. Therefore, in an abundance of caution, JFTA is filing this supplemental request for a contested case hearing. JFTA is a small nonprofit membership organization dedicated to enhancing the livability of its members and others located in the Joppa area. Located in South Dallas and surrounding the Applicant's existing asphalt roofing manufacturing plant, Joppa is a historic freedman's town. It is a low income, majority African-American community. Founded in 1872 by freed slaves, Joppa is one of Dallas' oldest neighborhoods. The neighborhood is landlocked, with only two roads leading in and out from Interstate 45. Joppa is bordered to the West by the railroad, Highway 310 and I-45, to the north by industry, to the east by the Trinity River, and to the South by Joppa Preserve and McCommas Bluff Landfill. A group has standing to request a contested case hearing if: • the interests the group seeks to protect are germane to its purpose; • one or more members of the group are adversely affected by the application and air emissions from the facility in a way not common to the general public; and • neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case. JFTA meets these requirements. JFTA's request and participation in a contested case hearing qualifies as an organizational interest that is germane to the organization's purpose. One of JFTA's organizational purposes includes "performing all activities and engaging in any lawful activity" to enhance the livability of its membership and others located in the Joppa area. This includes, but is not limited to, protecting its membership from the adverse effects of industrial pollution sources impacting the area. Additionally, JFTA's members are adversely affected by Applicant's existing plant in a way not common to the general public because JFTA's members live, work and/or recreate in the immediate area around and downwind of Applicant's plant. JFTA's members are adversely impacted by the air pollutants from Applicant's emissions which include, but may not be limited to: carbon monoxide, hazardous air pollutants, hydrogen sulfide, nitrogen oxides, organic compounds, sulfur dioxide and particulate matter (PM), particulate matter with diameters of 10 microns or less (PM10), and particulate matter of 2.5 microns or less (PM2.5). For example, particulate matter is a dangerous pollutant made up of microscopic solids or liquid droplets so small they can be inhaled and penetrate the lungs and even enter the bloodstream, causing serious and long-lasting health problems. Furthermore, JFTA members are already adversely impacted not only by the constant stream of air pollution from the surrounding heavily trafficked highways, but also by the other surrounding industrial sources. For example, within a 1.5 mile radius of Applicant's plant, the following existing industries currently emit harmful air pollutants: Martin Marietta/Miller Yard, Union Pacific Railroad/Miller Yard, and Texas Star Ready Mix (a concrete batch plant). All of these sources cause and/or contribute to the degradation of air quality, human health, and safety in the Joppa community. These air pollution sources along with Applicant's air pollution adversely impacts JFTA members' enjoyment and use of their property and the local recreational areas like the South Central Park and Joppa Preserve trails. Applicant's plant actively causes and/or contributes to the concentration of harmful air pollutants within this small area, and

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**Sent:** Wednesday, April 23, 2025 4:04 PM  
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**Subject:** Public comment on Permit Number 4421A

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**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

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**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

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**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 3 of 8. therefore, endangers the health and safety of JFTA's members and other residents of Joppa. They are concerned that their health may continue to be adversely impacted further by the pollutants from Applicant's facility and that their aesthetic enjoyment of their property and surrounding recreation areas will be adversely affected. Additionally, neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case; and one or more member(s) would otherwise have standing to request a hearing in their own right. For example: • Temeckia Derrough and her family are members of JFTA. The family resides at 7931 Kiska St., Dallas, Texas, located less than 0.5 miles from Applicant's facility. The close proximity to Applicant's facility demonstrates that they will be especially impacted by the Applicant's pollutants in a way not common to the general public. The family is concerned that their health may be adversely affected. This includes, but is not limited to, concerns about the adverse effects from Applicant's pollutants. The family is also concerned that their aesthetic enjoyment of their property and surrounding recreation areas will be adversely affected. This includes adverse effects to the family's general enjoyment of the outdoors on or around their property, such as running/walking/hiking around the neighborhood and in the parks, some of which are located within 0.5 miles from the Applicant's plant. For the foregoing reasons, JFTA has standing to request a contested case hearing in this matter. This request for a contested case hearing was initially timely filed within 15 days after newspaper notice has been published and extended the deadline for requesting a contested case hearing to 30 days after the mailing of the Executive Director's response to comments. TCEQ's letter mailing the Executive Director's Response to Comments was dated March 24, 2025; and therefore, this supplemental contested case hearing request is timely filed within 30 days. Again, all communications with JFTA must be through counsel. My contact information, including a daytime phone number, is listed above and in my signature block. II. Relevant and Material Disputed Issues for Contested Case Hearing Raised During the Public Comment Period The Commission should deny the Applicant's renewal application. If the Commission decides otherwise, then the following relevant and material disputed issues raised during the public comment period should be referred to the State Office of Administrative Hearings for a contested case hearing: • Whether TCEQ and/or Applicant failed to comply with federal and state public notice requirements; • Whether the information provided by the Applicant in the application is factually accurate; • Whether the application and permit fail to protect the public health, welfare, property, and the environment;

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**Sent:** Wednesday, April 23, 2025 4:10 PM  
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**Subject:** Public comment on Permit Number 4421A

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**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 4 of 8. Whether the application and permit fail to protect the public health, welfare, property, and the environment due to the cumulative impacts of the other surrounding emissions along with the emissions from Applicant's facility; • Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations, and policies; • Whether the Executive Director's preliminary decision fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations, and policies;<sup>1</sup> • Whether the permit fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations, and policies; • Whether the proposed emissions are reasonable considering the degree of injury and interference with the public's health and physical property; • Whether the proposed emissions are reasonable considering the source's lack of social and economic value; • Whether the proposed emissions are reasonable considering the non-priority of location of the area involved; • Whether the proposed emissions are reasonable considering the technical practicability and economic reasonableness of further reducing or eliminating the proposed emissions; • Whether the proposed activity will cause nuisance conditions in violation of 30 TAC § 101.4; • Whether the permit conditions are adequate to protect against nuisance conditions; • Whether the permit conditions are adequate to protect against cumulative impacts; • Whether the permit conditions are adequate to protect environmental justice concerns; • Whether the proposed activity will create visible emissions at the property line; • Whether the permit conditions are adequate to protect against visible emissions at the property line; • Whether the proposed activity will cause or contribute to any exceedance of NAAQS including, but not limited to, ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. • Whether the permit conditions are adequate to protect against causing or contributing to exceedances of NAAQS including, but not limited to, ozone, PM<sub>10</sub> and PM<sub>2.5</sub>; • Whether the proposed facility will utilize Best Available Control Technology (BACT); 1. Although JFTA is not aware of a technical review being completed prior to the issuance of the Executive Director's preliminary decision being issued, JFTA is timely raising this issue as instructed in TCEQ's instructions in this matter.



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**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

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**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 5 of 8. • Whether the MAERT improperly allows higher emissions than necessary for the operation of this facility considering the existing pollution control technology and evidence from the facility's past air emission tests and air emission reports. • Whether the continued operation of this facility fails to comply with federal and state environmental justice executive orders, laws, regulations and policy guidelines. • Whether the modeling conducted to support the application, including the proposed activity air dispersion modeling, is outdated, inadequate or flawed; • Whether there are insufficient air monitoring requirements in the draft permit; • Whether the proposed activity will threaten the health and safety of nearby residents; and • Whether the draft permit fails to account for other potential air contaminants resulting from the proposed activity. Examples of the deficiencies and problems with Applicant's facility related to the above listed relevant and material issues raised were timely provided during the public comment period by JFTA and others opposed to the issuance of Applicant's renewal permit. These examples were in addition to, and in no way should be construed to limit in any way the above identified relevant and material disputed issues to be addressed at a contested case hearing. III. Request to Reconsider the Executive Director's Decision In addition to a request for a contested case hearing request, JFTA files this Request to Reconsider to the Executive Director's (ED's) decision and files the following replies to the ED's Response To Comments (RTC). The following is meant to be examples of problems with the RTC responses for the Commissioners' reconsideration and should in no way be construed to limit in any way the above identified relevant and material disputed issues to be addressed at a contested case hearing A. TCEQ and Applicant failed to meet all requirements for public notice (ED's RTC Response 5) JFTA raised the relevant and material issue that TCEQ and/or Applicant failed to meet all requirements for public notice. For example, the public notice states that further information may also be obtained from Applicant by calling Ms. Shyla Blackketter Dwyer, Director of Corporate EH&S, at (417) 624-6644. However, JFTA representatives were unable to reach anybody at the number provided to find out when the notice had actually been published to determine a deadline for filing public comments or any other questions. Therefore, to date the public was robbed of its opportunity to meaningfully participate in the public process throughout the entire available public comment period, and public notice must be published again. The ED's Response 5 fails address the fundamental problem: the public is completely unaware of when the extremely limited 15-day public comment period started or ended. TCEQ mailed the Notice of Receipt of Application and Intent to Obtain Air Permit (NORI) Renewal with an "Notice Issuance Date: December 16, 2024" and instructions that the "deadline to submit a request for a contested case hearing is 15 days after newspaper notice is published."

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**Sent:** Wednesday, April 23, 2025 4:15 PM  
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**PHONE:** 2142432583

**FAX:**

**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 6 of 8. Some of the public erroneously believed that the deadline to request a contested case hearing would have been on December 31, 2024, which is 15 days TCEQ's specified "Notice Issuance Date: December 16, 2024" as demonstrated through some of the public comments TCEQ received. Therefore, the majority of the public that actively participates in public comments by signing up for mailed TCEQ's notices were clearly confused by TCEQ's notice language. Meanwhile, other members of the public, like JFTA, tried to ascertain when the notice was actually published. Since TCEQ would not know this information until Applicant provided TCEQ with tear sheets (which may not occur until after the extremely limited 15-day period had passed), the public's only recourse is to contact the Applicant, though the information provided by TCEQ's mailed notice, but the contact information completely failed to work. The phone number provided resulted in a never-ending robotic loop in which the public was unable to reach a human or leave a message.<sup>2</sup> While the ED merely claims that "the agency cannot require the applicant to be responsive to phone calls or other inquiries," the ED completely misses the point. The information provided within the statutorily required notice must at the very least include accurate information. Otherwise, an Applicant may intentionally mislead the public without any repercussions. Additionally, the ED's RTC erroneously accepts conclusory statements rather than verifiable facts that either the Lone Star TX Newspaper or the La Prensa qualify as paper of general circulation in the municipality in which the proposed facility is located. B. Published Notice and Compliance History (ED's RTC Response 4 and 5) JFTA raised a relevant and material issue of concern about notice and compliance history. The ED's RTC states that a compliance history review is conducted during the technical review of the permit application. However, during the extremely limited 15-day public comment period, a technical review was unavailable because the application had only been determined to be administratively complete. Notably, TCEQ's published notice specifically states that the executive director "will" conduct a technical review of the application, which informs the public of nothing during the known public comment period. Also, the Texas Public Information Act does not remedy the problem because the public cannot get access to something that is not completed. For example as of today's date, TCEQ's online website only provides a "Start Date" of "02/18/2025" that "APPLICATION IS TECHNICALLY COMPELTE (DATE)" and fails to provide any "Complete Date." Furthermore, TCEQ's online website only provides a "Start Date" of "01/16/2025" that "COMPLIANCE HISTORY REVIEW COMPELTED (DATE)" and fails to provide any "Complete Date." Therefore, TCEQ is currently informing the public that neither the compliance history or technical review is completed, and today is well after the public comment period deadline of January 24, 2025. Therefore, TCEQ should require publication of the notice again with accurate information and availability of crucial information to allow for meaningful public participation. C. ED's RTC Responses:1, 2, 3, 7, 8, 9, 10 and 11) 2 Meanwhile, it's not until sometime after January 9th that TCEQ posted online that the notice was published in the Lone Star TX Newspaper on January 7, 2025 and La Prensa on January 9, 2025. This is well beyond 15-days after the "Notice Issuance Date: December 16, 2024," which is the only clearly available date provided in TCEQ's confusing mailed notice.

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**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 7 of 8. The ED's RTC provides contradictory or outright incorrect responses that the Commissioners must reconsider. For example, the ED erroneously states that "TCEQ does not have jurisdiction to consider local economic impacts or community improvements in the surrounding areas when determining whether to approve or deny a permit application." Texas Health and Safety Code, section 382.024 clearly state that the commission "shall" consider the facts and circumstances bearing on the reasonableness of emissions, including: • "the character and degree of injury to or interference with the public's health and physical property;" • "the source's social and economic value;" • "the question of priority of location in the area involved;" • "the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the source." Therefore, the Commissioners should reconsider the ED's conclusory statements that blatantly ignore facts necessitating denial of the permit application which include, but is not limited to: • Dallas County has been and will be in the future violating several NAAQS; • the City of Dallas' supports creating a planned development that would help limit industrial pollution from facilities like Tamko;<sup>3</sup> and • the adverse cumulative impacts of emissions from other facilities surrounding the immediate Joppa area. Additionally, the ED repeatedly discusses special conditions within the permit to ensure the Applicant can demonstrate compliance with the emission limitation set forth in the permit; however, many of these records are maintained only on-site. although the ED claims that TCEQ "evaluates all complaints received," everyone knows that the agency is limited in time and resources to timely and thoroughly investigate every complaint. Unfortunately, TCEQ has previously taken the position that these on-site records are not available to the public through a Texas Public Information Act request.<sup>4</sup> Therefore, TCEQ purposefully withholds crucially important, and statutorily defined "public information" that hampers the public's ability to determine Applicant's compliance with the permit. The Commissioners could easily remedy this problem by including a provision within the permit stating that permit required record-keeping records must be provided in response to a Texas Public Information Act request. D. Conclusion JFTA urges TCEQ to deny the application based on the information already available. If TCEQ does not deny the application, then JFTA respectfully requests that the Commissioners grant a contested case hearing regarding each issue raised during the public comment period. <sup>3</sup> See, e.g., <https://www.keranews.org/news/2024-10-21/dallas-officials-back-rezoning-mostly-minority-joppa-area-to-limit-industrial-polluters-near-residences> <sup>4</sup> See, e.g., JFTA's numerous filings and Travis County Court appeals related to TCEQ Docket No. 2022-1557-AIRE and TCEQ Docket No. 2024-1455-AIR.

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**FAX:**

**COMMENTS:** The online attachment feature is not working; therefore, this filing is submitted in parts. This is Part 8 of 8. Thank you for your assistance in this matter. Respectfully submitted, Wendi Hammond  
Staff Attorney Legal Aid of NorthWest Texas 400 S. Zang Blvd., Ste. 1420 Dallas, Texas 75208 Phone:  
(469) 917-5970, ext.8903 Email: [hammondw@lanwt.org](mailto:hammondw@lanwt.org) Fax: (817) 736-1602



## Tammy Johnson

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, January 23, 2025 3:20 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 4421A

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Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** hammondw@lanwt.org <hammondw@lanwt.org>  
**Sent:** Wednesday, January 22, 2025 4:35 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** TCEQ's attachment feature isn't working properly. Therefore, I will be pasting the comments and hearing request in several parts. This is part 1. January 22, 2025 Via Electronic submission: [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) Ms. Laurie Gharis Office of the Chief Clerk Texas Commission on Environmental Quality MC-105 P.O. Box 13087 Austin, TX 78711-3087 Re: Request for a Contested Case Hearing, Request for Public Meeting, and Public Comments on the Renewal Application of TAMKO Building Products LLC for Air Quality Permit No. 4421A for an existing asphalt roofing manufacturing plant located at 7910 South Central Expressway, Dallas, Dallas County, Texas 75216.

Dear Ms. Gharis: On behalf of my client, the Joppa Freedman Town Association ("JFTA"), we submit: 1) a request for a contested case hearing; 2) a request for a public meeting; and 3) public comments regarding the renewal application of TAMKO Building Products LLC ("TAMKO" or "Applicant") for an air quality permit no. 4421A. These requests and comments incorporate by reference any request and comments previously filed with TCEQ by others opposed to this permit renewal. JFTA opposes the renewal application of TAMKO and urges the Texas Commission on Environmental Quality ("TCEQ") to deny it for the reasons set forth below. From this date forward, all communication with JFTA and its members regarding this matter must be through its legal counsel. My contact information is: Wendi Hammond Staff Attorney Legal Aid of NorthWest Texas 400 S. Zang Blvd., Ste. 1420 Dallas, Texas 75208 Phone: (469) 917-5970, ext.8903 Email: [hammondw@lanwt.org](mailto:hammondw@lanwt.org) Fax: (817) 736-1602 I. Request for a Contested Case Hearing Joppa Freedman Town Association ("JFTA") requests a contested case hearing on behalf of its members. JFTA is a small nonprofit membership organization dedicated to enhancing the livability of its members and others located in the Joppa area. Located in South Dallas and surrounding the Applicant's existing asphalt roofing manufacturing plant, Joppa is a historic freedman's town. It is a low income, majority African-American community. Founded in 1872 by freed slaves, Joppa is one of Dallas' oldest neighborhoods. The neighborhood is landlocked, with only two roads leading in and out from Interstate 45. Joppa is bordered to the West by the railroad, Highway 310 and I-45, to the north by industry, to the east by the Trinity River, and to the South by Joppa Preserve and McCommas Bluff Landfill. A group has standing to request a contested case hearing if: • the interests the group seeks to protect are germane to its purpose; • one or more members of the group are adversely affected by the application and air emissions from the facility in a way not common to the general public; and • neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case. JFTA meets these requirements. JFTA's request and participation in a contested case hearing qualifies as an organizational interest that is germane to the organization's purpose. One of JFTA's organizational purposes includes "performing all activities and engaging in any lawful activity" to enhance the livability of its membership and others located in the Joppa area. This includes, but is not limited to, protecting its membership from the adverse effects of industrial pollution sources impacting the area. Additionally, JFTA's members are adversely affected by Applicant's existing plant in a way not common to the general public because JFTA's members live, work and/or recreate in the immediate area around and downwind of Applicant's plant. JFTA's members are adversely impacted by the air pollutants from Applicant's emissions which include, but may not be limited to: carbon monoxide, hazardous air pollutants, hydrogen sulfide, nitrogen oxides, organic compounds, sulfur dioxide and particulate matter (PM), particulate matter with diameters of 10 microns or less (PM10), and particulate matter of 2.5 microns or less (PM2.5). For example, particulate matter is a dangerous pollutant made up of microscopic solids or liquid droplets so small they can be inhaled and penetrate the lungs and even enter the bloodstream, causing serious and long-lasting health problems. Furthermore, JFTA members are already adversely impacted not only by the constant stream of air pollution from the surrounding heavily trafficked highways, but also by the other surrounding industrial sources. For example, within a 1.5 mile radius of Applicant's plant, the following existing industries currently emit harmful air pollutants:

Martin Marietta/Miller Yard, Union Pacific Railroad/Miller Yard, and Texas Star Ready Mix (a concrete batch plant). All of these sources cause and/or contribute to the degradation of air quality, human health, and safety in the Joppa community. These air pollution sources along with Applicant's air pollution adversely impacts JFTA members' enjoyment and use of their property and the local recreational areas like the South Central Park and Joppa Preserve trails. Applicant's plant actively causes and/or contributes to the concentration of harmful air pollutants within this small area, and therefore, endangers the health and safety of JFTA's members and other residents of Joppa. They are concerned that their health may continue to be adversely impacted further by the pollutants from Applicant's facility and that their aesthetic enjoyment of their property and surrounding recreation areas will be adversely affected.

## Tammy Johnson

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, January 23, 2025 3:22 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 4421A

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**From:** hammondw@lanwt.org <hammondw@lanwt.org>  
**Sent:** Wednesday, January 22, 2025 4:38 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** TCEQ's attachment feature isn't working properly. Therefore, I will be pasting the comments and hearing request in several parts. This is part 2. Additionally, neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case; and one or more member(s) would otherwise have standing to request a hearing in their own right. For example: • Temeckia Derrough and her family are members of JFTA. The family resides at 7931 Kiska St., Dallas, Texas, located less than 0.5 miles from Applicant's plant. The family is concerned that their health may be adversely affected. This includes, but is not limited to, concerns about the adverse effects from Applicant's pollutants. The family is also concerned that their aesthetic enjoyment of their property and surrounding recreation areas will be adversely affected. This includes adverse effects to the family's general enjoyment of the outdoors, such as running/walking/hiking around the neighborhood and on the parks, some of which are located within 0.5 miles from the Applicant's plant. For the foregoing reasons, JFTA has standing to request a contested case hearing in this matter. This request for a contested case hearing is being timely filed within 15 days after newspaper notice has been published and should extend the deadline for requesting a contested case hearing to 30 days after the mailing of the Executive Director's response to comments. Again, all communications with JFTA must be through counsel. My contact information, including a daytime phone number, is listed above and in my signature block. II. Relevant and Material Disputed Issues for Contested Case Hearing Raised During the Public Comment Period The following relevant and material disputed issues should be referred to the State Office of Administrative Hearings for a contested case hearing: • Whether TCEQ and/or Applicant failed to comply with federal and state public notice requirements; • Whether the information provided by the Applicant in the application is factually accurate; • Whether the application and permit fail to protect the public health, welfare, property, and the environment; • Whether the application and permit fail to protect the public health, welfare, property, and the environment due to the cumulative impacts of the other surrounding emissions along with the emissions from Applicant's facility; • Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations, and policies; TCEQ's attachment feature isn't working properly. Therefore, I will be pasting the comments and hearing request in several parts. This is part 3. • Whether the Executive Director's preliminary decision fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations, and policies; • Whether the permit fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations, and policies; • Whether the proposed emissions are reasonable considering the degree of injury and interference with the public's health and physical property; • Whether the proposed emissions are reasonable considering the source's lack of social and economic value; • Whether the proposed emissions are reasonable considering the non-priority of location of the area involved; • Whether the proposed emissions are reasonable considering the technical practicability and economic reasonableness of further reducing or eliminating the proposed emissions; • Whether the proposed activity will cause nuisance conditions in violation of 30 TAC § 101.4; • Whether the permit conditions are adequate to protect against nuisance conditions; • Whether the permit conditions are adequate to protect against cumulative impacts; • Whether the permit conditions are adequate to protect environmental justice concerns; • Whether the proposed activity will create visible emissions at the property line; • Whether the permit conditions are adequate to protect against visible emissions at the property line; • Whether the proposed activity will cause or contribute to any exceedance of NAAQS including, but not limited to, ozone, PM10, and PM2.5. • Whether the permit conditions are adequate to protect against causing or contributing to exceedances of NAAQS including, but not limited to, ozone, PM10 and PM2.5; • Whether the proposed facility will utilize Best Available Control Technology (BACT);

## Tammy Johnson

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, January 23, 2025 3:22 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 4421A

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**From:** hammondw@lanwt.org <hammondw@lanwt.org>  
**Sent:** Wednesday, January 22, 2025 4:41 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** TCEQ's attachment feature isn't working properly. Therefore, I will be pasting the comments and hearing request in several parts. This is part 4. • Whether the MAERT improperly allows higher emissions than necessary for the operation of this facility considering the existing pollution control technology and evidence from the facility's past air emission tests and air emission reports. • Whether the continued operation of this facility fails to comply with federal and state environmental justice executive orders, laws, regulations and policy guidelines. • Whether the modeling conducted to support the application, including the proposed activity air dispersion modeling, is outdated, inadequate or flawed; • Whether there are insufficient air monitoring requirements in the draft permit; • Whether the proposed activity will threaten the health and safety of nearby residents; and • Whether the draft permit fails to account for other potential air contaminants resulting from the proposed activity. Examples of the deficiencies and problems with Applicant's facility are provided below in the Public Comment section. These examples are in addition to, and in no way should be construed to limit in any way the above identified relevant and material disputed issues to be addressed at a public meeting and contested case hearing. The Commission should deny the Applicant's renewal application.

**III. Request for Public Meeting** JFTA requests a public meeting on behalf of its members and the residents of the neighborhoods it represents. This public meeting should be held at a location, date and time that maximizes active public participation from the affected surrounding community.

**IV. Public Comments** The public comments in this section expand upon the previously discussed "relevant and material disputed issues for a contested case hearing raised during the public comment period" by providing additional details and examples. These examples are in addition to, and should not be construed to limit, the previously identified "relevant and material disputed issues" that TCEQ and the Applicant should address at a public meeting, in the Executive Director's Response to Comments, and at a contested case hearing.

**A. TCEQ and Applicant failed to meet all requirements for public notice** TCEQ and/or Applicant failed to meet all requirements for public notice. For example, the public notice states that further information may also be obtained from Applicant by calling Ms. Shyla Blackketter Dwyer, Director of Corporate EH&S, at (417) 624-6644. However, JFTA representatives were unable to reach anybody at the number provided to find out when the notice had actually been published to determine a deadline for filing public comments or any other questions. Therefore, to date the public was robbed of its opportunity to meaningfully participate in the public process throughout the entire available public comment period, and public notice must be published again.

**B. Applicant may have failed to establish compliance with all applicable federal and state statutes, regulations, and policies** The application may be incomplete and inconsistent, and therefore, fails to comply with all applicable federal and state statutes, regulations, and policies. Examples include, but are not limited to:

- Failure to demonstrate that the proposed plant's emissions will not violate the applicable regulatory requirements, including but not limited to: the National Ambient Air Quality Standards for particulate matter and ozone.
- Failure to demonstrate that Applicant will operate in such a manner as to comply with 30 TAC § 101.4 which prohibits any person or entity from discharging air pollutants in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property. 30 TAC § 101.4.
- Applicant's proposed emissions are unreasonable considering the degree of injury and interference with the public's health and physical property; the source's lack of social and economic value; the non-priority of location of the area involved; and the technical practicability and economic reasonableness of further reducing or eliminating the proposed emissions.
- The application, draft permit and Executive Directors preliminary decision fails to protect the community from cumulative risks of other industrial activity in the area.
- o The application fails to protect the community from cumulative risks of other industrial activity, including air emissions, in the area. This protection is required by statute: "The

Commission shall: (1) develop and implement policies, by specific environmental media, to protect the public from cumulative risks in areas of concentrated operations; and (2) give priority to monitoring and enforcement in areas in which regulated facilities are concentrated.” o The neighborhoods JFTA represents are already surrounded by industrial pollution. All these sources cause and contribute to the degradation of air quality, human health, and safety in the Joppa neighborhoods. o While TCEQ only considers Applicant’s production numbers in isolation, viewing Applicant’s emissions in isolation does not satisfy TCEQ’s affirmative duty to the public health, welfare, property, and the environment; therefore, the cumulative emissions from all industrial operators in and around Joppa must be analyzed. TCEQ must consider the cumulative risks from those nearby industrial sources of



## Tammy Johnson

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, January 23, 2025 3:23 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 4421A

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**From:** hammondw@lanwt.org <hammondw@lanwt.org>  
**Sent:** Wednesday, January 22, 2025 4:42 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:**

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** Wendi Hammond

**EMAIL:** [hammondw@lanwt.org](mailto:hammondw@lanwt.org)

**COMPANY:** Legal Aid of NorthWest Texas

**ADDRESS:** 400 S. Zang Blvd. 1420  
Dallas, TX 75208

**PHONE:** 2142432583

**FAX:**

**COMMENTS:** TCEQ's attachment feature isn't working properly. Therefore, I will be pasting the comments and hearing request in several parts. This is part 5. air pollution to determine whether the continued emissions from Applicant's facility will have a negative impact on human health and the environment. o The Application fails to consider the cumulative risks created by existing sources of air pollution in and around Joppa. Here, there are numerous additional sources of particulate matter and other pollutants surrounding Applicant's facility and Joppa area. · The application, draft permit, and Executive Director's preliminary decision fail to consider the adverse impacts of the proposed project on the surrounding environmental justice community in violation of Executive Order 12898. o Executive Order 12898 requires each federal agency to conduct its programs, policies and activities that substantially affect human health and the environment, in a manner that ensures that those programs, policies and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination because of their race, color, national origin or income level. o With respect to the approval of industrial facilities, Executive Order 12898 requires federal agencies to evaluate its actions for disproportionately high and adverse effects on people of color or low-income populations and to find ways to avoid or minimize these adverse impacts where possible. This mandate extends to any local government or governmental agency in receipt of federal funding, such as federal funding from EPA. Thus, TCEQ has a federal obligation to evaluate its actions (including permitting) for disproportionately high and adverse effects on people of color or low-income populations and find ways to avoid or minimize these adverse impacts. o To trigger Executive Order 12898, the effects of the project must be both adverse, and affect a low-income minority population more so than it would the public. Adverse effects that appreciably put a people of color or low-income population at an increase health risk or appreciably affect their physical or economic wellbeing will trigger Executive Order 12898. o This permit decision triggers TCEQ's obligations under Executive Order 12898 because of the well-known adverse effects of air pollution on human health and safety in West Dallas. o Executive Order 12898 requires TCEQ to take the cumulative effect of industry causes by this discrimination into account when it determines where facilities may be sited. C. Conclusion JFTA urges TCEQ to deny the application based on the information already available. If TCEQ does not deny the application, then JFTA requests a public meeting to address the significant community concerns and requests a contested case hearing regarding each issue raised during the public comment period. Thank you for your assistance in this matter. Respectfully submitted, Wendi Hammond Staff Attorney Legal Aid of NorthWest Texas 400 S. Zang Blvd., Ste. 1420 Dallas, Texas 75208 Phone: (469) 917-5970, ext.8903 Email: [hammondw@lanwt.org](mailto:hammondw@lanwt.org) Fax: (817) 736-1602

## **Tammy Johnson**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, January 9, 2025 11:41 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 4421A

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**From:** caleb@downwindersatrisk.org <caleb@downwindersatrisk.org>  
**Sent:** Wednesday, January 8, 2025 5:06 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 4421A

**REGULATED ENTY NAME** TAMKO BUILDING PRODUCTS DALLAS

**RN NUMBER:** RN100664853

**PERMIT NUMBER:** 4421A

**DOCKET NUMBER:** 2023-0533-AIR-E

**COUNTY:** DALLAS

**PRINCIPAL NAME:** TAMKO BUILDING PRODUCTS LLC

**CN NUMBER:** CN600124127

**NAME:** MR Caleb Roberts

**EMAIL:** [caleb@downwindersatrisk.org](mailto:caleb@downwindersatrisk.org)

**COMPANY:** Downwinders at Risk

**ADDRESS:** 1808 S Good Latimer EXPY 202  
Dallas, TX 75216

**PHONE:** 4146887340

**FAX:**

**COMMENTS:** Good Evening, My name is Caleb Roberts and I am the Executive Director of Downwinders at Risk. We are opposed to the renewal of the TAMKO's 4421A TCEQ Air Permit. Joppa is already a health burdened community with Joppa residents having asthma rates more than twice as high as the DFW average and higher rates of other respiratory illnesses according to Texas A&M's Joppa Environmental Health Project (JEHP). The report also identifies that over a third of Joppa residents are at medium or high risk for COPD. In 2019, TAMKO landed at number 3 on a list of major polluters as reported by the Dallas Morning News, releasing chemicals such as: benzene, particulate matter, nitrogen oxides, hydrogen sulfide and sulfur dioxide. The release of these toxic chemicals coincide with the life expectancy of most of Joppa being in the bottom 10% of the entire country and some areas of Joppa having a life expectancy rate in the bottom 5%, according to the EPA's EJ Screen. Joppa residents are well aware that they are burdened by pollution, expressing concerns throughout the JEHP surveying process about air quality in Joppa; with 62% rating air quality in Joppa as low or very low, and an additional 16% considering it "fair." A substantial 88% agreed or strongly agreed that air pollution in the neighborhood is indeed a problem, and an overwhelming 91% believed nearby industries contributed to this issue. Survey participants reported high levels of exposure to different pollution sources, including traffic (58%), factories/smokestacks (78%), and trains (82%). Furthermore, a striking 83% of respondents believed that air pollution in Joppa negatively affected their health or their family's health. TAMKO is a major contributor to these issues and has long had an outdated relationship with the Joppa community. TAMKO has been nonconforming since the late 80's, nearly 40 years, which means they are already not in the city's long term plans for the area. Furthermore, in October of 2024 as reported by KERA, city officials have agreed to continue to downzone industry in Joppa to prevent the encroachment of harmful industries to the community. TCEQ should honor the city and the community's push to deindustrialize Joppa and deny the air permit due to the area no longer wanting to be a hub for harmful industries. Downwinders believes that this permit deserves a public hearing and the notice issuance date being close to the Christmas and New Years Holidays prevented community groups from requesting this hearing during the 15 day window. We ask the TCEQ to honor this request and host a public hearing in Joppa to hear public feedback on how TAMKO has negatively impacted the enjoyment of their community and has been a detriment to their health. Thank you, Caleb Roberts