

400 S. Zang Blvd., Ste. 1420
Dallas, Texas 75208
469.458.9009



July 14, 2025

Via eFile: www.tceq.texas.gov/goto/efilings

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

RE: Joppa Freedman Town Association's Reply to Executive Director's Response to Requests for Reconsideration and Hearing Requests and the Office of Public Interest Counsel's Response to Requests for Hearing and Request for Reconsideration. 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 June 18, 2025, we submit Joppa Freedman Town Association's (JFTA) Reply to the Executive Director's (ED) Response to Requests for Reconsideration and Hearing Requests and the Office of Public Interest Counsel's (OPIC) Response to Requests for Hearing and Request for Reconsideration regarding the renewal application of TAMKO Building Products LLC ("TAMKO" or "Applicant") for an air quality permit no. 4421A. This response incorporates by reference any request and comments previously filed with TCEQ by JFTA and others opposed to this permit renewal.

All contact to JFTA on this matter should be directed to their counsel at LANWT, listed below.

Respectfully submitted,

A handwritten signature in blue ink that reads "Wendi Hammond".

Wendi Hammond
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cc: Certificate of Service

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TCEQ DOCKET NO. 2025-0791-AIR

APPLICATION BY TAMKO	§	BEFORE THE
BUILDING PRODUCTS LLC	§	
ASPHALT ROOFING	§	TEXAS COMMISSION ON
MANUFACTURING PLANT	§	
DALLAS, DALLAS COUNTY	§	ENVIRONMENTAL QUALITY

**JOPPA FREEDMANS TOWN ASSOCIATION’S REPLY TO
THE EXECUTIVE DIRECTOR’S RESPONSE TO REQUESTS FOR
RECONSIDERATION AND HEARING REQUESTS AND
THE OFFICE OF PUBLIC INTEREST COUNSEL’S RESPONSE TO REQUESTS FOR
HEARING AND REQUEST FOR RECONSIDERATION**

Through its counsel at Legal Aid of NorthWest Texas, Joppa Freedman Town Association (JFTA) files this its Reply to the Executive Director’s (ED) Response to Requests for Reconsideration and Hearing Requests and the Office of Public Interest Counsel’s (OPIC) Response to Requests for Hearing and Request for Reconsideration regarding the renewal application of TAMKO Building Products LLC (“TAMKO” or “Applicant”) for an air quality permit no. 4421A. The legal and factual basis are set forth below.

I. ARGUMENT

A. The Executive Director’s interpretation and application of the statute violates public notice requirements.

The Executive Director’s (ED) response regarding “Request for Reconsideration of Response 5: Public Notice /Public Participation” interprets and applies the applicable statute in a manner that violates basic canons of statutory interpretation by erroneously making statutory language superfluous and resulting in absurdity. Specifically, the statutory language at issues is the Health and Safety Code section 382.056(b)(4) which states that the public notice “must” include “a description, including a telephone number, of the manner in which the applicant may be contacted for further information.”

In this matter, the published notice included a phone number for the applicant that did not work. When the published phone number was called, the result was a never-ending robotic loop in which a member of the public was completely unable to ever reach a human and was completely unable to even leave a message so that the Applicant would even be able to call someone back. Therefore, the published notice never provided an accurate and functioning telephone number that the public could use to contact the applicant for further information as statutorily required.

The ED's dismissive response erroneously claims that the "applicant's contact information is provided in the notice; however, the agency cannot require the applicant to be responsive to phone calls or other inquiries from the public." It is extremely problematic that the ED's overall position is that the statutory language does not require an applicant to communicate with the public at all because if communication is not required, then what is the point of even requiring the publishing of Applicant's phone number?

Regardless of whether an applicant decides to respond to a person's telephonic request for further information, the ED's response allows this Applicant (and other applicants) to intentionally mislead the public without any repercussion because the ED's response completely ignores whether the information provided within the statutorily required published notice *at the very least* includes **accurate** information. Thus, the ED's response in this matter results in a more grossly absurd statutory interpretation and application.

The statute clearly requires that a phone number must be provided that allows the public to contact an applicant for further information. "Contact" is generally defined as "an establishing of communication with someone."¹ "Communication" is generally defined as "a process by which information is exchanged between individuals through a common system of symbols, signs or

¹ <https://www.merriam-webster.com/dictionary/contact>.

behavior.”² Obviously, no “contact” or “communication” can occur when a published phone number does not allow someone to reach a live human representative for an applicant or, at the very least, leave a recorded message so an applicant would even know that the public was attempting to contact for further information. Therefore, since Applicant’s published notice failed to meet even a basic statutory requirement, this renewal application must be denied, or in the alternative, be remanded back to the Executive Director with instructions that Applicant must publish the required public notice with an accurate and functioning telephone number so that the public may contact the Applicant for further information during the required public comment period.

II. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, JFTA respectfully requests that the Commission deny Applicant’s renewal application, or in the alternative, remand the matter back to the Executive Director with instructions that Applicant must publish the required public notice with an accurate and functioning telephone number so that the public may contact the Applicant for further information during the required public comment period.

Respectfully submitted,



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² <https://www.merriam-webster.com/dictionary/communication>

CERTIFICATE OF SERVICE

I certify that on this 14th day of July 2025, a true and correct copy of the “Joppa Freedman Town Association’s (JFTA) Reply to the Executive Director’s (ED) Response to Requests for Reconsideration and Hearing Requests and the Office of Public Interest Counsel’s (OPIC) Response to Requests for Hearing and Request for Reconsideration” for Air Quality Permit No. 4421A was served on all persons on the service list by the undersigned via electronic filing, electronic mail, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Wendi Hammond

FOR THE APPLICANT

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Respectfully submitted,



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Wendi Hammond

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