

**TCEQ AIR QUALITY PERMIT NUMBER 55557
TCEQ DOCKET NUMBER 2026-0043-AIR**

APPLICATION BY	§	BEFORE THE
MIDWEST STERILIZATION	§	
CORPORATION	§	
MIDWEST STERILIZATION LAREDO	§	TEXAS COMMISSION ON
FACILITY	§	
LAREDO, WEBB COUNTY	§	ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR’S RESPONSE TO REQUESTS FOR RECONSIDERATION AND
HEARING REQUESTS**

The Executive Director of the Texas Commission on Environmental Quality (commission or TCEQ) files this Response (Response) to the Request for a Contested Case Hearing submitted by persons listed herein. The Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC) § 382.056(n) requires the Commission to consider hearing requests in accordance with the procedures provided in Texas Water Code (TWC) § 5.556.¹ This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

The final draft of the permit special conditions, Maximum Allowable Emission Rates, compliance history summary, and the permit renewal source analysis and technical review prepared by the Executive Director’s staff are being filed concurrently with TCEQ’s Office of the Chief Clerk for the Commission’s consideration. In addition, the Executive Director’s Response to Public Comments (RTC), which was mailed by the Chief Clerk to all persons on the mailing list, is on file with the Chief Clerk for the Commission’s consideration.

I. APPLICATION AND PROCEDURAL BACKGROUND

Midwest Sterilization Corporation (Applicant) has applied to the TCEQ for a New Source Review Authorization under THSC § 382.0518. This will authorize the continued operation of an existing facility that may emit air contaminants. This permit will authorize the Applicant to continue operation of Midwest Sterilization Laredo Facility. The facility is located at 12010 General Milton, Laredo, Webb County. Contaminants authorized under this permit include carbon monoxide (CO), hazardous air pollutants, nitrogen oxides, organic compounds particulate matter (PM), including PM with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively), and sulfur dioxide (SO₂).

To continue operating an existing permitted facility that may emit air contaminants, the person planning the continued operation must obtain a permit renewal from the commission. This permit application is for a permit renewal of Air Quality Permit Number 55557.

The permit application was received on February 24, 2023, and declared administratively complete on March 30, 2023. The Notice of Receipt of Application and Intent to Obtain

¹ Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the Texas Health and Safety Code and the Texas Water Code. The rules in the Texas Administrative Code may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the “Rules, Policy & Legislation” link on TCEQ’s website at www.tceq.texas.gov.

an Air Permit (NORI) Renewal (public notice) for this permit application was published in English on April 20, 2023, in the *Laredo Morning Times* and in Spanish on April 20, 2023, in *El Mañana*. The public meeting was held on October 17, 2023, at Texas A&M International University, Center for Fine and Performing Arts Recital Hall, 5201 University Boulevard, Student Center 127, Laredo, Texas 78041. The notice of public meeting was issued by the TCEQ on September 12, 2023. The public comment period ended on October 17, 2023. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

The Executive Director's Response to Comments was filed on October 20, 2025, and mailed to all interested persons on November 26, 2025, including those who asked to be placed on the mailing list for this application and those who submitted comments or requests for a contested case hearing. The cover letter attached to the RTC included information about making requests for a contested case hearing or for reconsideration of the Executive Director's decision. The letter also explained that hearing requestors should specify any of the Executive Director's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy.

The time period to submit requests for reconsideration and hearing requests ended on December 29, 2025. TCEQ received twenty timely hearing requests during the public comment period that were not withdrawn from Ana Campos, Rosalinda Canales-Aviles, Rodrigo Cantu on behalf of Rio Grande International Study Center, Melody Carriere, Eduardo Cavazos, Julio De La Cruz, Raul Garza, Ricardo X. Guerra, Analaila Gutierrez, Reynaldo Gutierrez, Edna Ibarra, Lauro Martinez, Jaqueline Mendoza, Roxana Moyeda, Pamela Neumann, Tannya Perez, Vanessa J. Perez, Marissa Perez-Garcia, Ariana Salinas, and Mayor Victor D. Trevino on behalf of the City of Laredo. The Executive Director received one Request for Reconsideration from Jorge Serrato.

II. APPLICABLE LAW FOR REQUESTS FOR RECONSIDERATION

Any person may file a request for reconsideration of the Executive Director's decision. However, for the Commission to consider the request, it must substantially comply with the following requirements set forth in 30 TAC § 55.201(e): give the name, address, daytime telephone number and, when possible, fax number of the person who files the request; expressly state that the person is requesting reconsideration of the Executive Director's decision; and give reasons why the decision should be reconsidered.

Although the Executive Director determined that the permit application meets the applicable rules and requirements, a final decision to approve the proposed registration has not been made. The application must be considered by the commissioners of the TCEQ at a regularly scheduled public meeting before any final action can be taken on the application.

III. ANALYSIS OF REQUESTS FOR RECONSIDERATION

TCEQ received a timely request for reconsideration from Jorge Serrato during the comment period. The request for reconsideration reiterated concerns that the Executive Director responded to in the RTC. The Executive Director provides the following responses to the requests for reconsideration for which reasons to be reconsidered were provided by the requester.

Request for Reconsideration of Response 1: Health Effects/Air Quality

Jorge Serrato expressed concerns that the facility's emissions of ethylene oxide (EtO) could potentially contribute to significant health implications, including cancer. Mr. Serrato raised concerns that TCEQ does not follow the U.S. Environmental Protection Agency's (EPA) guidelines, nor that TCEQ has clear established limits for ethylene oxide.

EXECUTIVE DIRECTOR'S RESPONSE:

The Executive Director responded to concerns about potential health impacts in Response 1. Potential impacts to human health and welfare or the environment are determined by comparing proposed air emissions to appropriate federal and state standards and guidelines. Federal standards and guidelines include the National Ambient Air Quality Standards (NAAQS), which evaluate potential impacts of six criteria pollutants, including CO, lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), SO₂, PM₁₀, and PM_{2.5}. Federal standards also include the National Emission Standards for Hazardous Air Pollutants (NESHAPs). A new NESHAP was recently implemented in 2024 for commercial sterilizers, setting more stringent requirements for capturing and controlling off-gassing emissions, which is expected to reduce EtO emissions. TCEQ intends to implement the new federal standards, which will require the Applicant to comply with these requirements before the compliance date.

State guidelines include TCEQ Effects Screening Levels (ESLs) and TCEQ rules. TCEQ ESLs evaluate impacts of non-criteria pollutants, including EtO, and are set below levels that produce adverse health effects. TCEQ produced an assessment of EtO in 2020, and accordingly set a long-term comparison value for EtO that is protective of the population from potential health effects, including the formation of some cancers. Additionally, the Texas Department of State Health Services (DSHS) conducted two cancer cluster investigations in Laredo in 2022, which did not ultimately result in clear evidence that the Midwest Sterilization Facility would contribute to cancers in the community.

This renewal application does not seek to authorize an increase in the allowable emission rates nor request to emit any new air pollutants. Accordingly, emissions authorized by this permit would not be expected to impact air quality or result in adverse health effects.

Request for Reconsideration of Response 2: Air Monitoring

Jorge Serrato expressed concern that TCEQ did not have the necessary instruments to measure EtO limits.

EXECUTIVE DIRECTOR'S RESPONSE:

The Executive Director responded to concerns about Air monitoring in Response 2 of the RTC. TCEQ's placement of air monitors is based on the level of priority of providing air quality data in areas frequented by the public. TCEQ's Laredo Region Office conducted a compliance investigation along the perimeter of the facility on July 5, 2023. A MultiRAE Pro device capable of measuring concentrations of EtO ranging from 0 to 10 parts per million (ppm) was used in this investigation, and did not provide any readings above 0.0 ppm. Also, no visible emissions from the common stack were observed and no odors were detected.

Additionally, TCEQ evaluates the number and locations of air monitors to ensure compliance with federal monitoring requirements and adequacy of monitoring coverage. As part of these requirements, TCEQ provides an Annual Monitoring Network Plan to EPA, and members of public may request additional monitoring during the public review period of this plan.

IV. ANALYSIS OF HEARING REQUESTS

The Applicant is seeking a renewal that would not result in an increase in allowable emissions and would not result in an emission of an air contaminant not previously emitted. THSC § 382.056(g) states: "The commission may not seek further comment or hold a public hearing...in response to a request for a public hearing on an amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted."² Therefore, the commission should deny the hearing requests as a matter of law and approve the renewal of Applicant's Permit No. 55557.

Although this renewal application will not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted, THSC § 382.056(o) states: "Notwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the commission determines that the application involves a facility for which the applicant's compliance history is in the lowest classification under TWC §§ 5.753 and 5.754, and rules adopted and procedures developed under those sections."³ The Commission adopted 30 TAC Chapter 60 to evaluate compliance history. The lowest classification under the TWC §§ 5.753 and 5.754 and 30 TAC § 60.2 is an "unsatisfactory performer." Under 30 TAC § 60.3(a)(3)(B), TCEQ may hold a hearing on an air permit renewal if the site is classified as an unsatisfactory performer. The compliance history for the company and the site is typically reviewed for the five-year period prior to the date the permit application was received by the Executive Director.

When the compliance history summary report was rated, the site had a rating of 0.00 and a classification of satisfactory, the company had a rating of 0.00 and a classification of satisfactory. Therefore, a hearing should not be granted under THSC § 382.056(o) based on the compliance history of the Applicant.

V. EXECUTIVE DIRECTOR'S RECOMMENDATION

The renewal of this permit would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. Under these circumstances, THSC § 382.056(g) directs the Commission to "not seek further comment or hold a public hearing." Because consideration of hearing requests on a "no

² See also 30 TAC § 55.201(i)(3)(D) (Renewals of air applications that "would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted" are applications for which there is no right to a contested case hearing).

³ See also 30 TAC § 55.201(i)(3)(D) (stating the commission may hold a hearing if the application "involves a facility for which the applicant's compliance history contains violations which are unresolved and which constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations").

increase" renewal application is governed by THSC § 382.056(g) and (o), this Response does not include an analysis of the individual hearing requests. Accordingly, the Executive Director respectfully recommends the Commission deny the hearing requests as a matter of law and approve the renewal of Applicant's Permit No. 55557.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Amy L. Browning, Acting Deputy Director
Environmental Law Division



Ivan Naranjo, Staff Attorney
Environmental Law Division
State Bar Number 24149712
PO Box 13087, MC 173
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on this 13th day of February 2026, a true and correct copy of the “Executive Director’s Response to Requests for Reconsideration and Hearing Requests” for Air Quality Permit No. 55557 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.

A handwritten signature in black ink, appearing to read "Ivan Naranjo". The signature is written in a cursive style with a horizontal line underneath it.

Ivan Naranjo, Staff Attorney
Environmental Law Division

MAILING LIST
MIDWEST STERILIZATION CORPORATION
DOCKET NO. 2026-0043-AIR; PERMIT NO. 55557

FOR APPLICANT(S):

Karen E. Eldridge, President
Midwest Sterilization Corporation
P.O. Box 411
Jackson, MO 63755
karene@midweststerilization.com

Gerardo Garcia, General Manager
Midwest Sterilization Corporation
P.O. Box 411
Jackson, MO 63755
gerardog@midweststerilization.com

REQUESTER(S):

See attached list

FOR THE EXECUTIVE DIRECTOR:

via electronic mail

Amanda Kraynok, Staff Attorney
Ivan Naranjo, Staff Attorney
Texas Commission on
Environmental Quality
Environmental Law Division,
P.O. Box 13087
Austin, TX 78711
Amanda.kraynok@tceq.texas.gov
Ivan.naranjo@tceq.texas.gov

Jean Xu Shaw, Technical Staff
Texas Commission on
Environmental Quality
Air Permits Division, 171
P.O. Box 13087
Austin, TX 78711
Jean.shaw@tceq.texas.gov

Ryan Vise, Deputy Director
Texas Commission on
Environmental Quality
Environmental Assistance Division
Public Education Program, MC 108
P.O. Box 13087
Austin, Texas 78711
pep@tceq.texas.gov

FOR PUBLIC INTEREST COUNSEL:

via electronic mail

Garrett T. Arthur, Attorney
Eli Martinez, Attorney
Melissa Schmidt
Texas Commission on
Environmental Quality
Public Interest Counsel, MC 103
P.O. Box 13087
Austin, Texas 78711
Garrett.arthur@tceq.texas.gov
Eli.Martinez@tceq.texas.gov
Melissa.Schmidt@tceq.texas.gov

FOR ALTERNATIVE DISPUTE RESOLUTION

via electronic mail

Kyle Lucas
Texas Commission on
Environmental Quality
Alternative Dispute Resolution, MC 222
P.O. Box 13087
Austin, Texas 78711
Kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK:

via eFilings

Docket Clerk
Texas Commission on
Environmental Quality
Office of Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efilings>

CAMPOS, ANA
400 CROSSBILL ST
LAREDO, TX 78045-4117

CANALES-AVILES, ROSALINDA
417 CINNAMON TEAL LOOP
LAREDO, TX 78045-4121

CANTU, MR RODRIGO G
EARTHJUSTICE
STE 200
845 TEXAS ST
HOUSTON, TX 77002-2858

CARRIERE, MELODY
418 SABAL LOOP
LAREDO, TX 78045-5016

CAVAZOS JR, EDUARDO
1406 KEY DEER DR
LAREDO, TX 78045-7159

DE LA CRUZ, JULIO
6743 SPRING HURST ST
SAN ANTONIO TX 78249-2919

GARZA, MR RAUL
126 REDWING CT
LAREDO, TX 78045-4155

GUERRA, RICARDO X
1340 KIMBERLY DR
LAREDO, TX 78045-7599

GUTIERREZ, ANALAILA
1117 COAHUILA LOOP
LAREDO, TX 78045-6635

GUTIERREZ JR, REYNALDO
1117 COAHUILA LOOP
LAREDO, TX 78045-6635

IBARRA, EDNA
102 MOCKINGBIRD CT
LAREDO, TX 78045-4151

MARTINEZ, MR LAURO
1519 GALVESTON ST
LAREDO, TX 78040-8737

MENDOZA, JAQUELINE
503 STARLING CREEK LOOP
LAREDO, TX 78045-8895

MOYEDA, ROXANA
2032 PORT LOUISIANA DR
LAREDO, TX 78045-9074

NEUMANN, PAMELA
APT 403
9114 MCPHERSON RD
LAREDO, TX 78045-6473

PEREZ, TANNYA
504 GOLDFINCH ST
LAREDO, TX 78045-4125

PEREZ, MRS VANESSA J
CITY OF LAREDO GOVERNMENT
414 CROSSBILL ST
LAREDO, TX 78045-4117

PEREZ-GARCIA, MARISSA
419 PLYMOUTH LN
LAREDO, TX 78041-2734

SALINAS, ARIANA
1224 LONGHORN DR
LAREDO, TX 78045-8332

SERRATO, DR. JORGE
1229 LARVOTTO LOOP
LAREDO, TX 78045-6934

TREVINO, MAYOR VICTOR D
CITY OF LAREDO
1110 HOUSTON ST
LAREDO, TX 78040-8019