

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:17 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** ana\_campos3@icloud.com <ana\_campos3@icloud.com>  
**Sent:** Friday, May 5, 2023 10:05 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Ana Campos

**EMAIL:** [ana\\_campos3@icloud.com](mailto:ana_campos3@icloud.com)

**COMPANY:**

**ADDRESS:** 400 CROSSBILL ST  
LAREDO TX 78045-4117

**PHONE:** 9563268845

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we

obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

\* <https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>  
(<https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>)

## Ellie Guerra

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 1:54 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** raviles75@live.con <raviles75@live.con>  
**Sent:** Friday, May 5, 2023 4:58 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**FROM**

**NAME:** Rosalinda Canales-Aviles

**EMAIL:** [raviles75@live.con](mailto:raviles75@live.con)

**COMPANY:**

**ADDRESS:** 417 CINNAMON TEAL LOOP  
LAREDO TX 78045-4121

**PHONE:** 9566939121

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released

two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

## Vincent Redondo

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, October 18, 2023 2:41 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557

H

**From:** rcantu@earthjustice.org <rcantu@earthjustice.org>  
**Sent:** Tuesday, October 17, 2023 8:47 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Rodrigo Cantu

**EMAIL:** [rcantu@earthjustice.org](mailto:rcantu@earthjustice.org)

**COMPANY:** Earthjustice

**ADDRESS:** 845 TEXAS ST The Sq. Ste. 200  
HOUSTON TX 77002-2858

**PHONE:** 2816755841

**FAX:**

**COMMENTS:** Please consider this comment an addition to the comments that Earthjustice submitted on 10/17/2023 on behalf of the Rio Grande International Study Center (RGISC). This comment describes an additional member of RGISC who is an affected person with regards to the Midwest Sterilization facility: Lucy DeLeon lives at 821 Wolf Creek Dr., Laredo, TX 78045, 1.3 miles from the Midwest facility. Mrs. DeLeon is 64 years old has lived at this address since 2002 with her husband. She works as a mission pastor at New Vision Community Church. Of her 8 children and 18 grandchildren, Mrs. DeLeon has one daughter and two grandchildren who live in Laredo. Her daughter teaches at Tarver Elementary School and her two grandchildren also attend Tarver, which is 5 miles from the Midwest facility. Mrs.

DeLeon learned about the threat of ethylene oxide pollution from advertising and flyers made by RGISC. Mrs. DeLeon and her husband like to spend a lot of time outside when they can, particularly in their garden, where she enjoys tending to her plants. Because of how close Mrs. DeLeon lives to the facility, her everyday activities put her in regular and proximate contact with ethylene oxide emissions from the facility. Around 2007 or 2008, a few years after moving to Laredo, Mrs. DeLeon began developing allergies that she previously did not suffer from in Chicago. Her symptoms occur year-round and include watery eyes and nasal drip. To manage her symptoms, Mrs. DeLeon uses Flonase every morning and Zyrtec every night. Without this medication, it is difficult for her to be outdoors, and fluid accumulation makes her prone to ear infections and vertigo. When Mrs. DeLeon visits her family in Virginia and Guatemala, she does not suffer allergy symptoms. Additionally, Mrs. DeLeon was hospitalized in 2015 for two weeks due to trouble breathing, which was diagnosed as a bacterial infection in her lungs. Mrs. DeLeon is concerned about the impacts of ethylene oxide on the health of her family and her community. In particular, she is concerned about the health of her grandchildren, other children, and elderly people who live in her community who may be particularly vulnerable. Ethylene oxide pollution causes Mrs. DeLeon to worry about whether she should have moved to her current home and about whether she should move elsewhere to avoid exposure despite loving where she lives. Stronger ethylene oxide pollution controls would give her peace of mind when living her day-to-day life. Because of her regular exposure to ethylene oxide emissions from the facility, as well as her stress and increased health risks potentially related to emissions from the facility, Mrs. DeLeon is an affected person with standing to request a contested case hearing.

**Vincent Redondo**

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, October 18, 2023 2:43 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557  
**Attachments:** 2023.10.17 Midwest Permit Renewal Comments FILING VERSION1.pdf

H

**From:** rcantu@earthjustice.org <rcantu@earthjustice.org>  
**Sent:** Tuesday, October 17, 2023 5:39 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** MR Rodrigo Cantu

**EMAIL:** [rcantu@earthjustice.org](mailto:rcantu@earthjustice.org)

**COMPANY:** Earthjustice

**ADDRESS:** 845 TEXAS ST Suite 200  
HOUSTON TX 77002-2858

**PHONE:** 2816755841

**FAX:**

**COMMENTS:** Please see the attached



October 17, 2023  
Ms. Laurie Gharis  
Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

**Re: Public Comments and Request for Contested Hearing Submitted on Behalf of the Rio Grande International Study Center on Midwest Sterilization Corporation’s Air Permit Renewal, Air Quality Permit Number 55557**

On behalf of its client, the Rio Grande International Study Center (“RGISC,” pronounced “risk”), Earthjustice submits these comments regarding Midwest Sterilization Corporation’s (“Midwest”) application for a renewal of its Air Quality Permit, Number 55557, which would allow continued operation of Midwest’s facility located at 12010 General Milton Dr., Laredo, Webb County, Texas 78045.

RGISC is a 501c3 nonprofit organization headquartered in Laredo, Texas, and chartered by the State of Texas in January 1994. As a frontline environmental advocacy group, RGISC is dedicated to using science, data, grassroots organizing, and creative actions to preserve and protect the Rio Grande-Rio Bravo watershed, local ecosystems, and its people. Over the past two years, RGISC has worked to inform the residents of Laredo of the danger of EtO emissions and to push EPA to control these emissions from facilities, like Midwest.

RGISC has helped to get several anchor institutions to take formal action and join the Clean Air Laredo Coalition, and to provide funds to launch a fence-line air monitoring program around Midwest given the failure of the company and the TCEQ to conduct critical air monitoring and data gathering at Midwest’s Laredo facility. The RGISC air monitoring plan has been reviewed by Air & Radiation staff from the U.S. Environmental Protection Agency’s Region 6 office to ensure quality control of this public data.

**I. Midwest’s Laredo Facility Has Failed to Comply with its Current Air Permit**

Medical devices are meant to save lives, not destroy them. And yet for years, residents in Laredo, Texas have breathed in ethylene oxide (“EtO”)— a flammable, colorless gas that is used to sterilize medical devices—emitted from Midwest’s medical sterilization facility. As a

ProPublica analysis concluded, “Laredo, a border city of 250,000” has the unfortunate distinction of being “home to the most toxic commercial sterilizer in the country.”<sup>1</sup>

This is a problem, however, that has been known for years to federal and state regulators. In 2016, EPA’s Integrated Risk Information System (IRIS) program finalized and published its toxicological review of EtO cancer risk.<sup>2</sup> IRIS, an independent and impartial research office housed in EPA’s Office of Research and Development, employed a multi-year systematic peer-review process that concluded that EtO is definitively “carcinogenic to humans” through exposure by inhalation. In particular, IRIS found that epidemiological studies showed that regular exposure to EtO increased the risks of developing lymphohematopoietic cancers such as non-Hodgkin lymphoma, lymphocytic leukemia, and breast cancer. And according to IRIS, it is the same property that makes EtO an effective sterilizing agent—its ability to damage DNA, or mutagenicity—that also makes it a powerful carcinogen.

Following up on this finding, in 2020, EPA’s inspector general issued a management alert to EPA that “prompt action” was needed “to inform residents who live near facilities with significant EtO emissions about their elevated estimated cancer risks so they can manage their health risks.”<sup>3</sup> According to the alert, in 2018, EPA—based on data from 2014—identified 22 facilities that contribute to elevated estimated cancer risks equal to or greater than 100 in one million at the census tract level.<sup>4</sup> Included on that list was Midwest’s Laredo facility.<sup>5</sup>

Two years later, using updated data from 2021 and 2022, EPA conducted another analysis of the public health risks posed by commercial sterilizers in the U.S. This time, the agency identified 23 commercial sterilization facilities—many of whom had not been previously identified—where there were elevated cancer risk rates above 100 in one million. And once again, Midwest was included on the list of “high-risk” commercial sterilization facilities.<sup>6</sup>

In 2022, at the request of the City of Laredo Health Department, the Texas Department of State Health Services (“DSHS”) conducted two cancer cluster assessments in six census tracts located near Midwest’s Laredo facility. Following CDC protocols, DSHS staff analyzed Texas’

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<sup>1</sup> Lisa Song, *EPA Proposes Major Air Pollution Reforms to Lower Residents’ Cancer Risk Near Industrial Facilities*, ProPublica (Apr. 13, 2023), <https://www.propublica.org/article/air-pollution-epa-sacrifice-zones>; see also, Kiah Collier, *A Laredo plant that sterilizes medical equipment spews cancer-causing pollution on schoolchildren*, The Texas Tribune (Dec. 27, 2021), <https://www.texastribune.org/2021/12/27/laredo-texas-ethylene-oxide/>.

<sup>2</sup> EPA IRIS, *Evaluation of the Inhalation Carcinogenicity of EtO at 1-1* (Dec. 2016), <https://www.regulations.gov/document/EPA-HQ-OAR-2019-0178-0477> [hereinafter “IRIS 2016”];

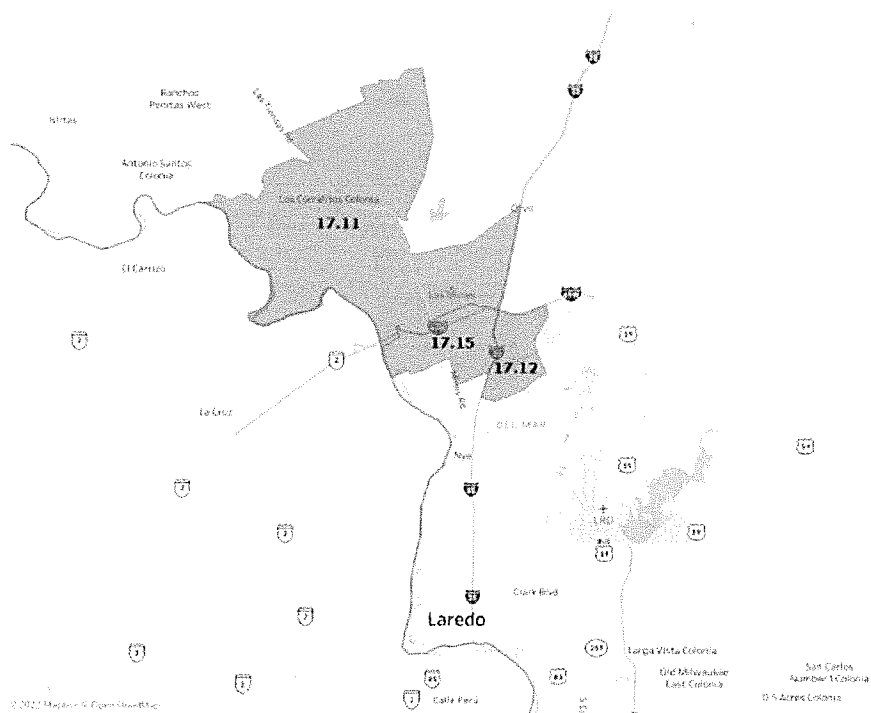
<sup>3</sup> EPA OIG, *Management Alert - Prompt Action Needed to Inform Residents Living Near EtO-Emitting Facilities About Health Concerns and Actions to Address Those Concerns*, Report No. 20-N-0128 (Mar. 31, 2020), [https://www.epaoig.gov/sites/default/files/2020-03/documents/\\_epaoig\\_20200331-20-n-0128\\_0.pdf](https://www.epaoig.gov/sites/default/files/2020-03/documents/_epaoig_20200331-20-n-0128_0.pdf).

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.* Appendix A.

<sup>6</sup> EPA New Release, *EPA Launches Community Engagement Efforts on New EtO Risk Information* (Aug. 3, 2022), <https://www.epa.gov/newsreleases/epa-launches-community-engagement-efforts-new-ethylene-oxide-risk-information>;

Cancer Registry for a 14-year period of 2006–2019, to see if there were any statistically significant cancer clusters. DHS found statistically “significant rates” of the types of lymphohematopoietic cancers that EPA’s IRIS program has found to be associated with the inhalation of EtO, such as non-Hodgkin lymphoma, acute lymphocytic leukemia, and breast cancer. For example, there were 20-25% more breast cancer cases in the neighboring census tracts than the baseline (population of Texas). In three census tracts, there were twice as many cases of extranodal non-Hodgkin lymphoma than expected, and in the other three tracts, there were twice as many acute lymphocytic leukemia cases than expected.<sup>7</sup>



Selected Census Tracts from TX DSHS’s *Assessment of the Occurrence of Cancer: Laredo, TX 2006-2019* (Jul. 19, 2022), p. 7.

<sup>7</sup> TX DSHS, *Assessment of the Occurrence of Cancer: Laredo, TX, 2006-2019*, (Jul. 19, 2022), <https://www.dshs.texas.gov/sites/default/files/epitox/CancerClusters/CSum-22001.pdf>; TX DSHS, *Assessment of the Occurrence of Cancer: Laredo, TX, 2006-2019*, (Oct. 21, 2022), [https://www.dshs.texas.gov/sites/default/files/CHI-ESTB/CSum%2022002\\_Full%20Report\\_Final.pdf](https://www.dshs.texas.gov/sites/default/files/CHI-ESTB/CSum%2022002_Full%20Report_Final.pdf)



facility are 0.16 tons per year, or roughly 320 pounds per year.<sup>12</sup> It is unclear if this 0.16 tons (320 pounds) long-term emissions number is a yearly expectation or limit on its fugitive emissions, or how Midwest otherwise calculated these emissions. But in its response to an information collection request by EPA, Midwest reported that annual fugitive emissions regularly exceeded this 320-pound estimate by at least 45% from 2016 to 2018, and by 68% and 73% in 2019 and 2020, respectively. This significant discrepancy raises questions about the accuracy of Midwest’s EtO emissions calculations, reporting to TCEQ, and overall permit compliance.

A-41	
Annual EtO fugitive emissions of facility for the last 5 years	
Enter calendar year in this column	Enter the value of annual EtO emissions in this column (pounds)
2020	554.10
2019	540.00
2018	481.00
2017	471.00
2016	467.00

Midwest’s EPA Information Collection Request Response

As EPA has recently found, fugitive emissions can be a major source of cancer risk to communities living near sterilization facilities and can come from a number of sources, including EtO storage and post-aeration handling of sterilized materials.<sup>13</sup> By regularly exceeding its permit limits for fugitive emissions by 25-50%, Midwest has potentially exposed residents of Laredo to a concerning amount of EtO emissions.

Furthermore, as RGISC’s expert witness report details, the stated emissions under Midwest’s current permit are likely underestimated due to:

- (1.) no attempt by Midwest to explain fugitive emissions, or accurately calculate them;
- (2.) faulty assumptions by Midwest regarding the percentage of EtO emitted;
- (3.) citation to testing done outside of Texas that is not representative of the conditions under which Midwest conducts its emission events;
- (4.) an improper assumption by Midwest that regulatory limits are met in emission calculations; and

<sup>12</sup> Midwest Sterilization Corporations Form P1 Workbook, version 4.0 (Apr. 17, 2020). \_

<sup>13</sup> See generally, *National Emission Standards for Hazardous Air Pollutants: EtO Emissions Standards for Sterilization Facilities Residual Risk and Technology Review Proposed Rule*, 88 Fed. Reg. 22792, 22824 (April 13, 2023) “The [maximum individual risk] is estimated to be 6,000-in-1 million, driven by EtO from Group 2 room air emissions (70 percent) and sterilization chamber vents (28 percent).”

(5.) several faulty assumptions regarding testing done in 2016 that support Midwest's statements about the control efficiency of the scrubber.

The result of these multiple faulty assumptions and deficiencies is that Midwest *underestimates* the quantity of emissions that come from its facility even as its reported emissions place the community at a significant public health risk (see Attachment I for full description of these permit application deficiencies).<sup>14</sup> This brings into question whether this is truly a no increase renewal. This permit should be submitted to more rigorous regulations.

## II. Request for Contested Case Hearing

As outlined above, due to a history of compliance issues at the facility, including, among others, a failure to meet emission limits under its current permit, TCEQ should deny Midwest's permit renewal application. TCEQ should then require Midwest to remedy each one of the deficiencies identified in these comments and in the attached expert report. In the event that TCEQ decides to approve and issue Midwest's permit renewal application, RGISC respectfully requests that TCEQ refer this matter to the State Office of Administrative Hearings ("SOAH") for a contested Case Hearing ("CCH").

RGISC's members are affected persons for the purposes of a CCH. For an organization to be designated affected persons, RGISC's members must show that they have "a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application."<sup>15</sup>

Specifically, RGISC may request a CCH if it meets all the following requirements:

"(1) one or more members of the group or association would otherwise have standing to request a hearing in their own right; (2) the interests the group or association seeks to protect are germane to the organization's purpose; and (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case." 30 T.A.C. §55.205(a).

When "determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

"(1) whether the interest claimed is one protected by the law under which the application will be considered; (2) distance restrictions or other limitations imposed by law on the affected interest; (3) whether a reasonable relationship exists between the interest claimed and the activity regulated; (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; (5) likely impact of the regulated activity on use of the impacted natural resource by the person 30 T.A.C. §55.203(c).

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<sup>14</sup> Please see attached expert witness report (Attachment 1) for full description of these permit application deficiencies

<sup>15</sup> 30 T.A.C. § 55.103.

RGISC requests a CCH because several of its members currently reside within 3 miles of the facility and have experienced quality-of-life impacts due to ongoing EtO emissions. In its proposed air permit renewal, Midwest has not proposed any changes to its permitted emission levels nor any additional controls to reduce emissions. As far as RGISC can see, Midwest has not put forth a remedy or plan that is adequate to address ongoing concerns regarding the health and safety of RGISC members living close to the facility.

As described in further detail below, the affected members have interests “protected by the law under which the application will be considered,” including health concerns and enjoyment of private and public property.<sup>16</sup> RGISC members living in close proximity to the facility have changed their everyday actions to reduce exposure, such as spending less time on outdoor exercise and taking longer routes to avoid driving past the facility. Accordingly, the regulated activity has and will continue to have a likely impact on RGISC members’ “health and safety” and “use of property.”<sup>17</sup> RGISC seeks to protect the interests of its members which are germane to its purpose as an organization whose purpose is, among other objectives, to protect the people of Laredo and the community’s quality of life.<sup>18</sup>

Affected RGISC members include:

1. Angelica Flores is 42 years old and lives at 11411 Sierra Gorda Dr., which is approximately 2 miles from the Site. Mrs. Flores lives at this address with her husband and three children and has lived there since 2015. However, she has lived most of her life less than 3 miles from the facility. For 3 years prior to her current address, she lived within 2 miles of the facility at 830 Fasken Blvd. From the ages of 11-25, Mrs. Flores lived at 502 Lobo Loop, which is less than 3 miles from the facility. Since the age of 11, Mrs. Flores has lived in Census Tracts 17.15 and 17.16, both of which were included in DSHS’s cancer assessments.

Mrs. Flores’s two youngest children attend Finley Elementary School, approximately 2.5 miles from the facility. Her oldest child attends United High School. The daily commute to and from United brings them within a mile of the facility twice a day.

Mrs. Flores and her family like to spend significant time doing various outdoor activities, which include swimming and grilling in their backyard as well as riding bikes, walking, jogging, and playing sports around the neighborhood. They frequently visit nearby Father McNaboe Park and the Fasken Recreation Center nearby, running or biking there and back. For Mrs. Flores, these activities are an important way to stay active and share quality time as a family. Additionally, Mrs. Flores’s oldest child spends at least 2 hours outside every day participating in sports and the ROTC

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<sup>16</sup> 30 T.A.C. §55.203(c); Tex. Health & Safety Code § 382.024.

<sup>17</sup> 30 T.A.C. §55.203(c).

<sup>18</sup> 30 T.A.C. §55.2059(b)(3).

program at United High School. Through their daily activities, Mrs. Flores and her family are put into regular and frequent contact with EtO emissions from the Site.

Mrs. Flores's husband and two of her children have bronchitis. Her husband was diagnosed with bronchitis around 2012 and was hospitalized for two weeks in 2021, when the family all tested positive for COVID-19. Her youngest child, now 7, was diagnosed with bronchitis when he was around 1 year old. When he was around 3 or 4 years old, he was hospitalized due to bronchitis, where the doctors told Mrs. Flores that he also presented with asthma symptoms that will likely recur throughout his life. When he is not sick, Mrs. Flores's youngest child must limit his running to avoid a hacking cough. Her oldest child, now 16, was diagnosed with bronchitis when he was less than 6 months old.

Mrs. Flores's husband takes allergy medication to manage allergy symptoms from time to time, and doing so requires him to take time away from his work as a diesel mechanic because they cause drowsiness. Caring for her children requires significant time and energy when they get sick: her and her husband must take time off from their jobs and daily activities to tend to their children's symptoms, make sure they are seen in a timely manner at the doctor's office, and obtain the specific name brand medication necessary to minimize tachycardia. Her children often take 2-3 weeks to fully recover, with her youngest child sometimes taking 4-6 weeks.

Mrs. Flores's mother has lived in the Mines Road area since 1995 and was diagnosed with uterine cancer in 2022. Mrs. Flores's grandfather passed away from lung cancer in 2016. He lived in the Mines Road area for many years, including from 2005 until his death. Mrs. Flores also had one uncle who frequently visited family in the area and passed away from melanoma, and one uncle who moved to Laredo in 2018 and passed away from kidney or liver cancer in 2021.

Mrs. Flores works as a registered nurse at an oncology office, where many of her patients are cancer patients. While she has not expressed her concerns about EtO to her patients, she feels concerned that many people living in the area with cancer may have had their risks increased by EtO exposure.

Learning about EtO pollution in the neighborhood has caused Mrs. Flores and her family to avoid participating in as much outside activity, including by keeping her kids indoors as much as possible. When they do engage in outdoor activity, both Mrs. Flores and her children have significant concern about the safety of the local air, and she bears the burden of explaining to her children that the air outside is not safe. Had she known that the neighborhood was exposed to EtO prior to moving to her current address, she and her husband would have considered buying a home elsewhere. Stronger EtO protections would give her and her family greater peace of mind by reassuring them that they are being protected from EtO exposure, which they otherwise cannot avoid in their day-to-day lives.

2. Juan B. Rueda who resides at 17409 College Port Dr., Laredo, TX 78045, located in the Green Ranch subdivision less than 3 miles from the Midwest facility. Mr. Rueda lives in Census Tract 17.11, which was included in DSHS's July 2022 study. Mr. Rueda is 51 years old, lives at this address with his wife and four children, and has lived at this address since 2007. His youngest child currently attends Muller Elementary School, which is approximately 1.6 miles from the Midwest facility. His three older children currently attend United High School, which is less than 3 miles from the Midwest facility. Mr. Rueda's three oldest children previously attended Muller Elementary School and George Washington Middle School, the latter of which is also less than 3 miles from the Midwest facility. Mr. Rueda works as an accountant near Mall del Norte.

Mr. Rueda and his family like to spend ample time outdoors, walking around the Green Ranch neighborhood, visiting the local park, and gardening in their backyard. Mr. Rueda and his family also frequently travel along Mines Road and through Killam Industrial Park, passing close to the facility on the way to and from school and work roughly 2-3 times a day. Mr. Rueda's children frequently pass by the Midwest facility on the school bus to and from United High School, and previously, George Washington Middle School. Every day, Mr. Rueda spends approximately 30-60 minutes in traffic on Mines Road. Mr. Rueda and his family undoubtedly come into constant and frequent contact with the emissions from the Midwestern Facility, given their daily travels. For the Ruedas these travels mean that there is no other option but to come near the facility.

One of Mr. Rueda's children was born with asthma. Mr. Rueda's child was hospitalized due to his asthma one time when he was a young infant, and today continues to suffer from respiratory symptoms including frequent sneezing, congestion, a runny nose, and headaches. Mr. Rueda's child also takes precautions to prevent illness, such as keeping a regular body temperature and avoiding getting wet. Mr. Rueda's child took medication on and off to manage his asthma.

Midwest's EtO emissions negatively impact Mr. Rueda's enjoyment of his home and community by causing him concern about the safety of the local air. Mr. Rueda is concerned that the incidence of cancer has increased over time and that EtO has been released in the community for many years without signs of stoppage. Stronger controls on EtO pollution would make Mr. Rueda and his family feel more secure exercising, relaxing, and participating in recreational activities outside. Stronger EtO controls would give Mr. Rueda and his family greater peace of mind to enjoy everyday life in their community.

3. Ernestina Keefer who is 69 years old and lives with her husband at 310 Mescalero Dr., Laredo, TX 78045 which is in the Indian Sunset neighborhood less than 2 miles

from the Midwest facility. Mrs. Keefer has lived at this address for 12 years. She is retired. From 2006-2012, Mrs. Keefer worked as a supervisor at Walmart Supercenter located at 2615 Bob Bullock Loop, which is less than 3 miles from the facility. From 2006-2012, she also worked for the Laredo International School District as a substitute teacher, primarily at Tarver Elementary School.

Mrs. Keefer's home is in Census Tract 17.11, which was included in the July 2022 DSHS study that found elevated levels of extranodal non-Hodgkin lymphoma in the area.<sup>19</sup> Additionally, Mrs. Keefer worked for six years at the Walmart in Census Tract 17.13, which was included in the October 2022 DSHS study that found elevated levels of acute lymphocytic leukemia and breast cancer in the area.

Previously, Mrs. Keefer liked to walk to a local park every day to maintain physical fitness. When she learned about Midwest's EtO emissions at a RGISC meeting, she became scared and concerned about the safety of the local air. To minimize her EtO exposure, she avoids exercising outdoors. Mrs. Keefer also spends ample time at the Fasken Senior Center, which is less than 3 miles away from the facility. At the Fasken Senior Center, she has avoided eating meals or socializing outdoors specifically to minimize exposure to EtO. Mrs. Keefer's concerns about EtO toxicity have made her want to move away from the area, but financial concerns make this an impossibility.

Stronger EtO controls would enable Mrs. Keefer to lead a more peaceful life without the fear of EtO toxicity. She would be more empowered to participate in the outdoor activities that she previously enjoyed, but now avoids due to EtO pollution.

4. Jack Keefer who is 69 years old and lives with his wife at 310 Mescalero Dr., Laredo, TX 78045 which is in the Indian Sunset neighborhood less than 2 miles from the Midwest facility. Mr. Keefer has lived at this address for 12 years and has lived in Laredo since 2002. Mr. Keefer is currently retired, but previously worked as a truck driver for an employer located at 1202 Carriers Dr. From 2016 until he retired in 2020, he drove close to the facility on Killam Industrial Boulevard twice a day, six days a week, on his way to and from work. This commute put Mr. Keefer into consistent and frequent contact with emissions from the Midwest facility. Mr. Keefer's home is in Census Tract 17.11, which was included in the July 2022 DSHS study that found elevated levels of extranodal non-Hodgkin lymphoma in the area.<sup>20</sup>

Previously, Mr. Keefer enjoyed spending time in his backyard, tending to his yard, and woodworking on his patio after retirement. Mr. Keefer also commutes to Laredo College four times a week. For a period four years ago, he walked to the park about half a mile away every day. However, since learning about EtO pollution from the

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<sup>19</sup> TX DSHS, *Assessment of the Occurrence of Cancer: Laredo, TX, 2006-2019*, (Jul. 19, 2022), <https://www.dshs.texas.gov/sites/default/files/epitox/CancerClusters/CSum-22001.pdf>.

<sup>20</sup> TX DSHS, *Assessment of the Occurrence of Cancer: Laredo, TX, 2006-2019*, (Jul. 19, 2022), <https://www.dshs.texas.gov/sites/default/files/epitox/CancerClusters/CSum-22001.pdf>.

facility at a RGISC meeting, he has chosen to spend less time outdoors and to avoid driving past the facility as much as possible to minimize his exposure, even if avoiding the facility means taking a longer route to his destination. Because he lives close to Mines Road, fully avoiding the Killam industrial area will not be possible for him.

In addition to causing Mr. Keefer to take longer routes avoiding the Site, EtO emissions cause Mr. Keefer to feel stress about the potential health risks every time he steps out the door. He is also concerned about other members of his community, especially his neighbors and their children who frequently play outside. With stronger EtO controls, Mr. Keefer would feel much more comfortable and assured of his safety being outside enjoying his hobbies and day-to-day life.

It is therefore clear that one or more members of RGISC would have standing to request a contested case hearing in their own right. With regard to the second requirement for requesting a contested case hearing as a group, RGISC's founding purpose is to protect the environment of the Rio Grande Basin and, in this case, it seeks to protect its members' enjoyment and safety in the local outdoors. The contested case hearing process does not require participation of individual RGISC members. Accordingly, RGISC has met the requirements to request a contested case hearing as a group.

Additionally, for permits filed after September 1, 2015, the commission may also consider the following when determining whether a person is an affected person:

“(1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance; ... and (3) any other expert reports, affidavits, opinions, or data submitted by [the applicant].” 30 T.A.C. §55.203(d).

As described previously in this comment and in the attached expert witness report, Midwest has previously underreported EtO fugitive emissions to TCEQ and there are significant technical deficiencies with regard to the company's emissions calculation methodology. Given Midwest's inconsistent emissions estimates and the facility's manifest impacts on RGISC members' ability to enjoy everyday activities, RGISC has met the requirements for a contested case hearing.

### III. Conclusion and Request for Relief

RGISC respectfully requests that TCEQ deny Midwest's requested renewal application. TCEQ should require Midwest to remedy each of one of the deficiencies identified in these comments and the attached report. The renewal application in its current form does not comply with relevant regulations and is therefore legally deficient.

In the event that TCEQ decides to move forward and issue the requested permit to Midwest, RGISC respectfully requests that TCEQ refer the matter to SOAH for a CCH and that RGISC be named an affected person for purposes of challenging the sufficiency of the permit.

If TCEQ or Midwest needs to contact either RGISC or its named members, they may do so by contacting counsel below.

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*Counsel for RGISC*

# **Attachment 1**

## Comments on Renewal of Midwest Sterilization Permit No. 55557

by

**Dr. Ranajit (Ron) Sahu<sup>1</sup>**

### **Introduction**

Midwest Sterilization Corporation, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit No. 55557, which would authorize continued operation of the Midwest Sterilization Laredo Facility located at 12010 General Milton, Laredo, Webb County, Texas 78045. (TCEQ Customer Reference Number: CN602788465; TCEQ Regulated Entity Number: RN103376901).

A facility location screenshot from Google Maps is shown below, with the red pin indicating the plant location. There are a significant number of houses within 2 miles of the plant. In addition, there appear to be a substantial number of other businesses and workers in the immediate vicinity of the plant.



### **Comments**

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<sup>1</sup> Resume provided in Attachment A.

1. Although there are a number of deficiencies in the permit renewal package, the most critical aspect is the emissions estimate for ethylene oxide (EtO) emissions from the facility. In short, the estimated maximum EtO emissions, both short term (i.e., maximum hourly) and long term (annual average) rely on several unsupported and erroneous assumptions – making these estimates too small.

Since the heart of any air permit is the “size” of the facility as defined by its emissions to the ambient atmosphere, any underestimation of the potential (or actual) emissions from the facility has numerous ramifications – including whether the facility is wrongly classified as a “minor” source when, in fact, it is not; the applicability of potential additional regulations that may apply to larger sources; the need to conduct a thorough health impact evaluation given the highly toxic nature of EtO, etc.

We address emissions deficiencies in some detail later in these comments.

2. While the record contains a number of TCEQ inspection reports, especially in recent time periods, none of them appear to delve into the emissions estimation assumptions or methodologies. TCEQ simply appears to accept Midwest’s emissions calculations and assumptions, without question. As such, these inspection reports are therefore not just limited in value, but highly misleading because they seem to accept Midwest’s erroneous and flawed assumptions.

3. It is clear that in recent years, guided by regulatory developments in other contract sterilization locations (such as Sterigenics in Willowbrook, IL) and by regulatory developments such as the proposed update to the EtO NESHAPS, Midwest has chosen to “voluntarily” connect its back vent emissions to air pollution controls while not having controlled these emissions for many years. These back vent controls will be required per EPA’s NESHAPS when this regulation is finalized. Thus Midwest’s “voluntary” actions simply recognize the inevitability of these controls and seek to paint a “proactive” picture when, in fact, these back vent emissions should have been controlled in the past. We note that Midwest seeks to increase the permitted production rate – i.e., EtO usage – at the facility by a substantial amount – from 1,564,390 pounds per year to 2,007,500 pounds per year. Collectively, given EtO’s high carcinogenicity, we believe that a proper emissions analysis, subject to verification, will show substantial harm to surrounding populations (both residents and other workers) as a result of this permit renewal. We note that with the usage of over 2 million pounds of EtO per year as would be allowed under the renewed permit, this facility would be the largest or among the largest EtO contract sterilization plants in the country. Two million pounds of EtO usage a year is almost double the usage for the next largest plant, Sterigenics in Santa Teresa, New Mexico.

4. While the permit renewal seems to admit that back vent emissions are a problem and is only now proposing to control these emissions, the renewal does not address the many sources of fugitive EtO emissions that are inherent in any contract sterilization operation and which represent uncaptured emissions of EtO that are directly emitted into ambient air without any control. These include: emissions from the drum room or drum area where EtO is received in drums and where they are stored; emissions associated with connecting drums to the sterilization chambers; emissions that escape from the sterilization chambers when the doors are opened upon completion

of the sterilization cycle (even though the back vent blowers may be on); emissions when transporting the sterilized materials from the chambers to the aeration rooms; post-aeration off-gassing of EtO including from the shipping area; and assorted leaks and spills etc. In short, there are a large number of potential fugitive emission pathways that are now well recognized, including by EPA in its proposed NESHAPS rulemaking. Emissions calculations provided in the permitting materials do not address these fugitive emissions and make no attempt to quantify these emissions. This is a serious and fatal error. Nonetheless, the TCEQ permit form simply states, with no supporting calculations, that annual fugitive emissions are 0.16 tons/year or 320 pounds per year. Even more puzzling is the fact that Midwest has reported fugitive emissions of 467 to 554 pounds per year for the years 2016 through 2020 to EPA as part of its Information Collection Response (ICR) supporting the revised NESHAPS rulemaking. No details of how Midwest arrived at the fugitive emissions reported to EPA.

5. We note also that compliance with OSHA requirements (i.e., minimizing exposures to workers) is often accomplished by ventilating such sterilization plants, whether by using mechanical blowers and fans or simply by leaving doors open as needed. These actions, of course, add to the fugitive emissions noted in the prior comment. The permit renewal does not address these emissions and makes no attempt to quantify these emissions. This is also a serious and fatal error.

6. The verification aspects of the permit renewal are weak. For example, EtO Continuous Emissions Monitoring Systems (CEMS) should be required at each exhaust vent to the atmosphere – including from the scrubber(s) and the dry beds. It should certainly be required at the common stack. This technology has long been available and its use if now required per the EtO NESHAPS regulations.

7. The permit renewal relies on parametric monitoring, such as noting the liquid levels and ethylene glycol concentrations at the scrubber in order to infer its proper operation at high control efficiencies. While we discuss problems with testing of the scrubber later in these comments, we note that the reference of glycol levels in the permit record is ambiguous. The EtO acid/water reaction does not just produce ethylene glycol (or, more accurately mono-ethylene glycol) but also additional glycols such as diethylene glycol, triethylene glycol, etc. The presence of these additional glycols also adversely affects the scrubber efficiency. In fact, just focusing on mono ethylene glycol (i.e., ensure that its concentration is kept below some specified level) may be misleading since higher glycols may also be present and the TOTAL glycol content is therefore critical. We ask that the TCEQ address this issue and require monitoring of total glycol content of the scrubber liquor as the relevant parameters as opposed to just the mono ethylene glycol.

8. The permitting record contains descriptions of the plant operations. Some of these are relied upon in the emissions calculations. In each such instance, the permit should make these enforceable conditions. For example:

- (i) the calculations presume that 2.143 sterilizer loads will be processed per chamber per day. This should be made enforceable in the permit, supported by recordkeeping;

(ii) the calculations presume that the maximum quantity of EtO changed into any chamber will not exceed 200 lb per batch or cycle for the 28-pallet chambers and 60 pounds per cycle for the 8-pallet chambers. These values should be made enforceable in the permit;

(iii) the calculations assume that the control efficiency of the wet scrubber will not be less than 99.63%. This should be made enforceable;

(iv) the calculations assume that the EtO concentration from aeration will not exceed 1 ppm. This should be made enforceable, using CEMS located at the proper locations in order to verify the specific emissions from aeration;

(v) the calculations assume that only 3% of the EtO used will be emissions via aeration. This should be made enforceable;

(vi) the calculations assume that back vent emissions will not exceed 1 pound per cycle (relying on a test from a different plant). This should be made enforceable with verification using CEMS;

(vii) the calculations presume that “[U]nder normal operations, only two of the thirteen chambers will be unloaded at a time. As such, maximum hourly emissions for the common stack (EPI) are based on the combined emissions from two chamber back vents, the aeration rooms, and the acid scrubber.” This should therefore be make an enforceable requirement, demonstrated by proper recordkeeping;

(viii) Midwest provides inconsistent descriptions of how long the back vents are open upon the conclusion of a sterilization cycle. In one instance, the record notes that “[T]he time required to unload and reload a chamber is typically one hour and is representative of the time a chamber back vent exhaust fan is operational per batch processed.” However, the November 9, 2020 test report (for the back vents) states that “[T]he duration of the back vent emission phase is controlled by the operator’s ability unload the chamber. Typically, this period was 30 minutes.” It is therefore unclear as to what the “representative” back venting duration is. We ask that TCEQ clarify this and include the proper representation as an enforceable permit condition;

(ix) The emissions calculations also note that the maximum flow rate from the aeration Safe Cells is 52,000 acfm. This should be made into an enforceable permit condition.

9. While we note in the previous comment that the assumptions made in the emissions calculations should be made enforceable, in this comment we show that many of the assumptions used in the emissions calculations are either not supported or rely on test results that are improper.

(i) first, we note that the emissions calculations simply assume, with no basis whatsoever, that 3% of the EtO used at the facility will be emitted in the aeration rooms. No site or plant specific basis is provided for this assumption. We know of no engineering rule or calculation that can support such a blanket assumption. In fact, we have seen instances in other contract sterilization plants, with operations that are similar to Midwest, where

aeration emissions can be as high as 12% of the usage of EtO at the facility. Midwest should be required to provide plant-specific data and support for its 3% assumption;

(ii) second, we note that the calculations assume that back vent emissions will not exceed 1 lb/batch or cycle for the 28-pallet chambers or 0.3 lb/event for the 8-pallet chambers. Midwest cites to some testing conducted at its Jackson, Missouri facility in support. Below, we excerpt the results of this testing (conducted in 2005), as reported to the EPA (as part of the current NESHAPS rulemaking):

FACID (PFID)	Company	Plant Location (City)	Plant Location State	Det based on EtO Usage	Det based on EtO Emission	Emission Source	ata Reference	Test Date	Run	Source ID	Sources Controlled by APCD (Configuration)	Test Methods	EtO Used During Test (lbs)
96	Midwest Sterilization	Jackson	MO	Source using 10+ tpy EtO	Synthetic Area	CEV	Test Summary March 2005 (Uncontrolled)	2/16/2005	1	Backvent #10	1 CEV per test	EPA Methods 1, 2, 18	195.9
96	Midwest Sterilization	Jackson	MO	Source using 10+ tpy EtO	Synthetic Area	CEV	Test Summary March 2005 (Uncontrolled)	2/16/2005	2	Backvent #11	1 CEV per test	EPA Methods 1, 2, 18	212.0
96	Midwest Sterilization	Jackson	MO	Source using 10+ tpy EtO	Synthetic Area	CEV	Test Summary March 2005 (Uncontrolled)	2/17/2005	3	Backvent #3	1 CEV per test	EPA Methods 1, 2, 18	96.1
96	Midwest Sterilization	Jackson	MO	Source using 10+ tpy EtO	Synthetic Area	CEV	Test Summary March 2005 (Uncontrolled)	2/17/2005	4	Backvent #5	1 CEV per test	EPA Methods 1, 2, 18	91.0

OUTLET EtO Concentration Calculated from Assumed Moisture	OUTLET Calculated Units	OUTLET Test run Flag	Use this Outlet EtO Concentration	OUTLET EtO Concentration Converted to (ug/dscm)	OUTLET EtO Emission (lb/hr)	Overall Comments
63.367	ppmv	ADL	63.3673	116,054	1.01	All CEV are uncontrolled. 64.32 min run duration. Limited data provided in report. Report doesn't clarify if data are wet or dry. Test included 4 CEV runs. The purpose of the testing was to demonstrate that the sterilization chamber back vent EtO emissions were less than 0.0080 pounds of EtO per pound of EtO charged into each chamber.
67.755	ppmv	ADL	67.7551	124,090	1.06	All CEV are uncontrolled. 67.05 min run duration. Limited data provided in report. Report doesn't clarify if data are wet or dry. Test included 4 CEV runs. The purpose of the testing was to demonstrate that the sterilization chamber back vent EtO emissions were less than 0.0080 pounds of EtO per pound of EtO charged into each chamber.
30.816	ppmv	ADL	30.8163	56,439	0.40	All CEV are uncontrolled. 22.75 min run duration. Limited data provided in report. Report doesn't clarify if data are wet or dry. Test included 4 CEV runs. The purpose of the testing was to demonstrate that the sterilization chamber back vent EtO emissions were less than 0.0080 pounds of EtO per pound of EtO charged into each chamber.
37.755	ppmv	ADL	37.7551	69,147	0.49	All CEV are uncontrolled. 20.33 min run duration. Limited data provided in report. Report doesn't clarify if data are wet or dry. Test included 4 CEV runs. The purpose of the testing was to demonstrate that the sterilization chamber back vent EtO emissions were less than 0.0080 pounds of EtO per pound of EtO charged into each chamber.

We cannot find support for the 1 lb/0.3 lb per chamber event emission rates for the two different pallet sizes from this data. In addition, we note, per the comments noted in the last column in the lower panel above, that the test durations for the back vents ranged from a low of just 20.33 minutes to 64.32 minutes. As we have noted prior, the duration of the back vent emissions event is obviously critical in determining the emission rate per event. Without more certainty on this critical duration assumption as well as pallet size information, the Jackson test noted above and relied upon by Midwest is not reliable.

Importantly, we show below the test results from the more recent (November 2020) testing of back vents from the Midwest facility itself.

### Stack Test Results

Midwest Sterilization Corporation, Laredo, TX Back Vent AAT Performance Summary							
Dates	AAT Beds	Test ID	Ethylene Oxide ppmvd	Destruction Removal Efficiency (%)	Ethylene Oxide lbs-hr	Destruction Removal Efficiency (%)	DSCFM
10/7-9/2020	1,2	AAT Inlet Average	289.9	99.72%	3.8	99.72%	1913.13
		AAT Outlet Average	0.8		0.0		
10/7-9/2020	3,4	AAT Inlet Average	292.5	99.68%	2.7	99.68%	1303.53
		AAT Outlet Average	0.9		0.0		
10/7-9/2020	5,6	AAT Inlet Average	353.8	99.53%	4.3	99.53%	1667.40
		AAT Outlet Average	1.6		0.0		
10/7-9/2020	7,8	AAT Inlet Average	415.3	99.84%	4.6	99.85%	1584.79
		AAT Outlet Average	0.7		0.0		
10/7-9/2020	ALL	AAT Inlet Average	337.9	<b>99.69%</b>	3.8	99.70%	1617.21
		AAT Outlet Average	1.0		0.0		

Note the redbox column, in particular the Inlet Average values in each run. They are shown as 3.8 lb/hr, 2.7 lb/hr, 4.3 lb/hr, and 3.8 lb/hr. These are all substantially greater than the four values from the Jackson MO testing shown above, which are 1.01 lb/hr, 1.06 lb/hr, 0.40 lb/hr, and 0.49 lb/hr. Based on this, the presumption of 1 lb/0.3 lb per event (for the two different pallet sizes noted prior), from the Jackson testing are far too small. The 2020 testing from Laredo shows that back vent emissions are 3 to 4 times (or even) greater.

Thus, the emissions calculations, which rely on the Jackson testing for back vent emissions are simply wrong as applied to Laredo.

(iii) the emission calculations for aeration presume that they will not exceed 1 ppm, simply because that is the limitation for such emissions in the regulation, i.e., the current NESHAPS. However, using a regulatory limit as an assumption in the emissions calculations makes no sense. It effectively means that the regulatory limit will not be

exceeded. But that is not assured. Aeration emissions are controlled by using dry bed absorbers and the emissions that result are a function of how the dry beds are maintained and how often the bed material is changed, among other factors. It is entirely possible that actual aeration emissions can exceed the regulatory limit of 1 ppm (as has been shown to be the case in other plants/instances). Thus, using a regulatory limit as part of the emissions calculations, is improper.

(iv) finally, a crucial assumption in the emissions calculations is the control efficiency of the scrubber, which is presumed to be 99.63 percent, based on testing conducted in 2016. Setting aside the fact that this was just a single test and is therefore unlikely to be representative of scrubber performance across all operating conditions; and setting aside the fact that stack testing is usually conducted by ensuring that conditions are as close to perfect as possible (and therefore tend to overestimate performance and overestimate control efficiency), the 99.63% control efficiency, even as derived from the 2016 test is wrong for the following reasons, all of which lead to actual control efficiencies being substantially lower.

First, the testing (conducted on April 6/7 2016) used 4 chambers that simultaneously exhausted to the scrubber. This is important because scrubber efficiency increases as the inlet load to the scrubber increases. Thus, by increasing the loading of the EtO to the scrubber artificially during the 2016 test (i.e., 4 chambers exhausting simultaneously), the resulting efficiency was higher than would be the case under normal, representative, conditions when 4 simultaneous chambers do not exhaust to the scrubber;

Second, skewing the test even more, none of the four chambers in the 2016 tests had any product in them during the testing. While this was likely done in order to make the EtO quantity calculation easier (since it could be derived from Ideal Gas Law), it is clearly unrepresentative of actual operations, where there is product in the chamber. The 2016 testing was plainly unrepresentative on this score alone;

Third, we excerpt the summary table from the 2016 testing below.

**Table 1 – Summary of Results  
Cro Reynolds Scrubber Performance Test  
Midwest Sterilization Corporation, Laredo, Texas  
April 6th and 7th, 2016**

Run No.	Date	Chamber	Mass EtO Charged to Chambers (pounds)	Percent Chamber Gas Evacuated (%)	Scrubber Outlet Gas Volume (dscf)	Scrubber Outlet EtO Concentration (ppm)	Mass EtO at Scrubber Inlet (pounds)	Scrubber Outlet (pounds)	DRE (%)
1	4/6/2016	1	150.7	42.43%	3328.7	1997.9	63.93	1,217.07	99.525%
		2	152.6	42.46%			64.80		
		3	150.6	42.66%			64.25		
		4	147.8	42.72%			63.14		
		total	601.7				266.12		
2	4/6/2016	1	151.5	42.33%	5621.9	1233.4	64.12	0.79269	99.691%
		2	162.0	42.76%			84.99		
		3	149.3	49.84%			63.34		
		4	160.0	42.52%			63.79		
		total	602.8				256.24		
3	4/7/2016	1	150.7	42.33%	3684.6	1993.0	63.79	0.83949	99.673%
		2	152.9	42.23%			64.56		
		3	152.7	42.86%			65.14		
		4	147.9	42.52%			62.89		
		total	604.2				256.38		
<b>AVERAGE REMOVAL EFFICIENCY</b>									<b>99.629%</b>

Note the highlighted redboxed column. It shows that the testing was done only during the first evacuation in each run, when the highest quantity of EtO would be exhausted to the scrubber, maximizing the control efficiency. The fact that the testing was only conducted during the first evacuations is also confirmed in the details provided in the 2016 test report. We have excerpted a portion of a detailed table for Run 1, to confirm that is the case.

Mass H2O at chamber pressure		pounds	3.77	3.78	3.76	3.76
Mass EtO charged to chamber		lb	68	69	68	67
Mass EtO charged to chamber	Wc	pounds	150.7	152.6	150.6	147.8
Chamber pressure after EtO injection		mbars				
Chamber pressure after EtO injection		inch Hg	24.40	24.50	24.50	24.40
Chamber Temperature after EtO injection		degree C	50.0	51.1	50.6	48.3
Chamber Temperature after EtO injection		degree R	582.0	584.0	583.0	579.0
Chamber temperature after nitrogen blanket		degree R	582.0	584.0	583.0	579.0
Total Moles N2 in chamber			5.46	5.46	5.42	5.42
Total mass nitrogen in chamber		pounds	152.80	152.80	151.75	151.75
Total volume gas in chamber		std. cubic feet	2665.65	2667.41	2671.99	2679.46
Pound Moles EtO injected			3.42	3.46	3.42	3.36
Weight % N2	WN2	%	49.73%	49.42%	49.57%	50.03%
Weight % water	WH2O	%	1.23%	1.22%	1.23%	1.24%
Weight % EtO	WEtO	%	49.05%	49.36%	49.20%	48.73%
EtO mole fraction	%EOv	%	37.65%	37.94%	37.79%	37.35%
H2O mole fraction	%H2Ov	%	2.30%	2.30%	2.31%	2.32%
N2 mole fraction	%N2v	%	60.88%	60.59%	60.73%	61.17%
Chamber pressure after evacuation		mbars				
Chamber pressure after evacuation		inch Hg	14	14	14	14
Chamber temperature after 1st evacuation		degree C	48.9	48.9	49.4	48.9
Chamber temperature after 1st evacuation		degree R	580.0	580.0	581.0	580.0
Total volume gas in chamber		std. cubic feet	1534.75	1534.75	1532.10	1534.75
Percent chamber gas evacuated		%	42.43%	42.46%	42.66%	42.72%
Residual Mass EtO remaining in chamber	Wr	pounds	86.77	87.80	86.35	84.65
Mass EtO at Inlet to scrubber	Wl	pounds	63.93	64.80	64.25	63.14
Concentration EtO in bag sample	C	ppm	1997.9			
Volume gas exiting scrubber	V	dscf	5328.7			
Mass EtO exiting scrubber	Wb	pounds	1,217.07			
Control Device Efficiency	% Eff	%	99.5248%			

The crucial point is that by limiting the 2016 test to just the first evacuations only, the control efficiency was maximized. The control efficiency for the whole cycle (i.e., not just the first evacuation but also all of the subsequent nitrogen and air washes, with declining quantities of EtO to the scrubber) would be lower than just what was determined for the first evacuation.

Therefore, deriving the 99.63% efficiency for just the first evacuations (in which roughly 42% or so of the EtO was exhausted to the scrubber) but then applying this same efficiency to the entire cycle – as is assumed in the emissions calculations – is simply wrong from a technical standpoint. The whole cycle control efficiency would be smaller than 99.63%.

10. The net result of the flaws in the emissions calculations is that the estimated emissions are too small. First, the permit calculations simply omit any fugitive emissions although, as I have noted above, Midwest seems to have reported inconsistent amounts of fugitive emissions, none of which have any supporting calculations. Most sterilizers have fugitive emissions that are around 2% of their usage. Thus, a facility that uses between 1 and 2 million pounds of EtO per year would have fugitive emissions of around 20,000 to 40,000 pounds per year. Second, the back vent emissions are clearly underestimated. Third, the control efficiency of 99.63% for the chamber vacuum emissions is too high. Setting aside all of the other flaws, the emissions calculations are too small just considering these three aspects.

Yet, even with the underestimated emissions, the risks posed by EtO emissions to the surrounding area residents is unacceptably high as EPA has assessed. In reality, with properly estimated emissions, the risks posed by Midwest are and would be far greater than what EPA has estimated.

## Attachment A

### RANAJIT (RON) SAHU, PH.D

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#### EXPERIENCE SUMMARY

Dr. Sahu has over thirty two years of experience in the fields of environmental, mechanical, and chemical engineering including: program and project management services; design and specification of pollution control equipment for a wide range of emissions sources including stationary and mobile sources; soils and groundwater remediation including landfills as remedy; combustion engineering evaluations; energy studies; multimedia environmental regulatory compliance (involving statutes and regulations such as the Federal CAA and its Amendments, Clean Water Act, TSCA, RCRA, CERCLA, SARA, OSHA, NEPA as well as various related state statutes); transportation air quality impact analysis; multimedia compliance audits; multimedia permitting (including air quality NSR/PSD permitting, Title V permitting, NPDES permitting for industrial and storm water discharges, RCRA permitting, etc.), multimedia/multi-pathway human health risk assessments for toxics; air dispersion modeling; and regulatory strategy development and support including negotiation of consent agreements and orders.

He has over thirty years of project management experience and has successfully managed and executed hundreds of projects in this time period. This includes basic and applied research projects, design projects, regulatory compliance projects, permitting projects, energy studies, risk assessment projects, and projects involving the communication of environmental data and information to the public.

He has provided consulting services to numerous private sector, public sector and public interest group clients. His major clients over the past three decades include various trade associations as well as individual companies such as steel mills, petroleum refineries, chemical plants, cement manufacturers, aerospace companies, power generation facilities, lawn and garden equipment manufacturers, spa manufacturers, chemical distribution facilities, land development companies, and various entities in the public sector including EPA, the US Dept. of Justice, several states (including New York, New Jersey, Connecticut, Kansas, Oregon, New Mexico, Pennsylvania, and others), various agencies such as the California DTSC, and various cities and municipalities. Dr. Sahu has executed projects in all 50 US states, numerous local jurisdictions and internationally.

In addition to consulting, for approximately two decades, Dr. Sahu taught numerous courses in several Southern California universities as adjunct faculty, including UCLA (air pollution), UC Riverside (air pollution, process hazard analysis), and Loyola Marymount University (air pollution, risk assessment, hazardous waste management). He also taught at Caltech, his alma mater (various engineering courses), at the University of Southern California (air pollution controls) and at California State University, Fullerton (transportation and air quality).

Dr. Sahu has and continues to provide expert witness services in a number of environmental and engineering areas discussed above in both state and Federal courts as well as before administrative bodies (please see Annex A).

#### EXPERIENCE RECORD

2000-present **Independent Consultant.** Providing a variety of private sector (industrial companies, land development companies, law firms, etc.), public sector (such as the US Department of Justice), and public interest group clients with project management, environmental consulting, project management, as well as regulatory and engineering support consulting services.

- 1995-2000 Parsons ES, **Associate, Senior Project Manager and Department Manager for Air Quality/Geosciences/Hazardous Waste Groups**, Pasadena, CA.  
Parsons ES, **Manager for Air Source Testing Services**. Responsible for the management of 8 individuals in the area of air source testing and air regulatory permitting projects located in Bakersfield, California.
- 1992-1995 Engineering-Science, Inc. **Principal Engineer and Senior Project Manager** in the air quality department.
- 1990-1992 Engineering-Science, Inc. **Principal Engineer and Project Manager** in the air quality department.
- 1989-1990 Kinetics Technology International, Corp. **Development Engineer**. Involved in thermal engineering R&D and project work related to low-NOx ceramic radiant burners, fired heater NOx reduction, SCR design, and fired heater retrofitting.
- 1988-1989 Heat Transfer Research, Inc. **Research Engineer**. Involved in the design of fired heaters, heat exchangers, air coolers, and other non-fired equipment. Also did research in the area of heat exchanger tube vibrations.

### EDUCATION

- 1984-1988 Ph.D., Mechanical Engineering, California Institute of Technology (Caltech), Pasadena, CA.
- 1984 M. S., Mechanical Engineering, California Institute of Technology (Caltech), Pasadena, CA.
- 1978-1983 B. Tech (Honors), Mechanical Engineering, Indian Institute of Technology (IIT) Kharagpur, India

### TEACHING EXPERIENCE

#### Caltech

- "Thermodynamics," Teaching Assistant, California Institute of Technology, 1983, 1987.
- "Air Pollution Control," Teaching Assistant, California Institute of Technology, 1985.
- "Caltech Secondary and High School Saturday Program," - taught various mathematics (algebra through calculus) and science (physics and chemistry) courses to high school students, 1983-1989.
- "Heat Transfer," - taught this course in the Fall and Winter terms of 1994-1995 in the Division of Engineering and Applied Science.
- "Thermodynamics and Heat Transfer," Fall and Winter Terms of 1996-1997.

#### U.C. Riverside, Extension

- "Toxic and Hazardous Air Contaminants," University of California Extension Program, Riverside, California. Various years since 1992.
- "Prevention and Management of Accidental Air Emissions," University of California Extension Program, Riverside, California. Various years since 1992.
- "Air Pollution Control Systems and Strategies," University of California Extension Program, Riverside, California, Summer 1992-93, Summer 1993-1994.
- "Air Pollution Calculations," University of California Extension Program, Riverside, California, Fall 1993-94, Winter 1993-94, Fall 1994-95.
- "Process Safety Management," University of California Extension Program, Riverside, California. Various years since 1992-2010.
- "Process Safety Management," University of California Extension Program, Riverside, California, at SCAQMD, Spring 1993-94.

"Advanced Hazard Analysis - A Special Course for LEPCs," University of California Extension Program, Riverside, California, taught at San Diego, California, Spring 1993-1994.

"Advanced Hazardous Waste Management" University of California Extension Program, Riverside, California. 2005.

#### Loyola Marymount University

"Fundamentals of Air Pollution - Regulations, Controls and Engineering," Loyola Marymount University, Dept. of Civil Engineering. Various years beginning 1993.

"Air Pollution Control," Loyola Marymount University, Dept. of Civil Engineering, Fall 1994.

"Environmental Risk Assessment," Loyola Marymount University, Dept. of Civil Engineering. Various years beginning 1998.

"Hazardous Waste Remediation" Loyola Marymount University, Dept. of Civil Engineering. Various years beginning 2006.

#### University of Southern California

"Air Pollution Controls," University of Southern California, Dept. of Civil Engineering, Fall 1993, Fall 1994.

"Air Pollution Fundamentals," University of Southern California, Dept. of Civil Engineering, Winter 1994.

#### University of California, Los Angeles

"Air Pollution Fundamentals," University of California, Los Angeles, Dept. of Civil and Environmental Engineering, Spring 1994, Spring 1999, Spring 2000, Spring 2003, Spring 2006, Spring 2007, Spring 2008, Spring 2009.

#### International Programs

"Environmental Planning and Management," 5 week program for visiting Chinese delegation, 1994.

"Environmental Planning and Management," 1 day program for visiting Russian delegation, 1995.

"Air Pollution Planning and Management," IEP, UCR, Spring 1996.

"Environmental Issues and Air Pollution," IEP, UCR, October 1996.

#### **PROFESSIONAL AFFILIATIONS AND HONORS**

**President of India Gold Medal, IIT Kharagpur, India, 1983.**

Member of the Alternatives Assessment Committee of the Grand Canyon Visibility Transport Commission, established by the Clean Air Act Amendments of 1990, 1992.

American Society of Mechanical Engineers: Los Angeles Section Executive Committee, Heat Transfer Division, and Fuels and Combustion Technology Division, 1987-mid-1990s.

Air and Waste Management Association, West Coast Section, 1989-mid-2000s.

#### **PROFESSIONAL CERTIFICATIONS**

EIT, California (#XE088305), 1993.

REA I, California (#07438), 2000.

Certified Permitting Professional, South Coast AQMD (#C8320), since 1993.

QEP, Institute of Professional Environmental Practice, 2000 - 2021.

CEM, State of Nevada (#EM-1699).

### PUBLICATIONS (PARTIAL LIST)

- "Physical Properties and Oxidation Rates of Chars from Bituminous Coals," with Y.A. Levendis, R.C. Flagan and G.R. Gavalas, *Fuel*, **67**, 275-283 (1988).
- "Char Combustion: Measurement and Analysis of Particle Temperature Histories," with R.C. Flagan, G.R. Gavalas and P.S. Northrop, *Comb. Sci. Tech.* **60**, 215-230 (1988).
- "On the Combustion of Bituminous Coal Chars," PhD Thesis, California Institute of Technology (1988).
- "Optical Pyrometry: A Powerful Tool for Coal Combustion Diagnostics," *J. Coal Quality*, **8**, 17-22 (1989).
- "Post-Ignition Transients in the Combustion of Single Char Particles," with Y.A. Levendis, R.C. Flagan and G.R. Gavalas, *Fuel*, **68**, 849-855 (1989).
- "A Model for Single Particle Combustion of Bituminous Coal Char." Proc. ASME National Heat Transfer Conference, Philadelphia, **HTD-Vol. 106**, 505-513 (1989).
- "Discrete Simulation of Cenospheric Coal-Char Combustion," with R.C. Flagan and G.R. Gavalas, *Combust. Flame*, **77**, 337-346 (1989).
- "Particle Measurements in Coal Combustion," with R.C. Flagan, in "**Combustion Measurements**" (ed. N. Chigier), Hemisphere Publishing Corp. (1991).
- "Cross Linking in Pore Structures and Its Effect on Reactivity," with G.R. Gavalas in preparation.
- "Natural Frequencies and Mode Shapes of Straight Tubes," Proprietary Report for Heat Transfer Research Institute, Alhambra, CA (1990).
- "Optimal Tube Layouts for Kamui SL-Series Exchangers," with K. Ishihara, Proprietary Report for Kamui Company Limited, Tokyo, Japan (1990).
- "HTRI Process Heater Conceptual Design," Proprietary Report for Heat Transfer Research Institute, Alhambra, CA (1990).
- "Asymptotic Theory of Transonic Wind Tunnel Wall Interference," with N.D. Malmuth and others, Arnold Engineering Development Center, Air Force Systems Command, USAF (1990).
- "Gas Radiation in a Fired Heater Convection Section," Proprietary Report for Heat Transfer Research Institute, College Station, TX (1990).
- "Heat Transfer and Pressure Drop in NTIW Heat Exchangers," Proprietary Report for Heat Transfer Research Institute, College Station, TX (1991).
- "NO<sub>x</sub> Control and Thermal Design," Thermal Engineering Tech Briefs, (1994).
- "From Purchase of Landmark Environmental Insurance to Remediation: Case Study in Henderson, Nevada," with Robin E. Bain and Jill Quillin, presented at the AQMA Annual Meeting, Florida, 2001.
- "The Jones Act Contribution to Global Warming, Acid Rain and Toxic Air Contaminants," with Charles W. Botsford, presented at the AQMA Annual Meeting, Florida, 2001.

### PRESENTATIONS (PARTIAL LIST)

- "Pore Structure and Combustion Kinetics - Interpretation of Single Particle Temperature-Time Histories," with P.S. Northrop, R.C. Flagan and G.R. Gavalas, presented at the AIChE Annual Meeting, New York (1987).
- "Measurement of Temperature-Time Histories of Burning Single Coal Char Particles," with R.C. Flagan, presented at the American Flame Research Committee Fall International Symposium, Pittsburgh, (1988).
- "Physical Characterization of a Cenospheric Coal Char Burned at High Temperatures," with R.C. Flagan and G.R. Gavalas, presented at the Fall Meeting of the Western States Section of the Combustion Institute, Laguna Beach, California (1988).

"Control of Nitrogen Oxide Emissions in Gas Fired Heaters - The Retrofit Experience," with G. P. Croce and R. Patel, presented at the International Conference on Environmental Control of Combustion Processes (Jointly sponsored by the American Flame Research Committee and the Japan Flame Research Committee), Honolulu, Hawaii (1991).

"Air Toxics - Past, Present and the Future," presented at the Joint AIChE/AAEE Breakfast Meeting at the AIChE 1991 Annual Meeting, Los Angeles, California, November 17-22 (1991).

"Air Toxics Emissions and Risk Impacts from Automobiles Using Reformulated Gasolines," presented at the Third Annual Current Issues in Air Toxics Conference, Sacramento, California, November 9-10 (1992).

"Air Toxics from Mobile Sources," presented at the Environmental Health Sciences (ESE) Seminar Series, UCLA, Los Angeles, California, November 12, (1992).

"Kilns, Ovens, and Dryers - Present and Future," presented at the Gas Company Air Quality Permit Assistance Seminar, Industry Hills Sheraton, California, November 20, (1992).

"The Design and Implementation of Vehicle Scrapping Programs," presented at the 86th Annual Meeting of the Air and Waste Management Association, Denver, Colorado, June 12, 1993.

"Air Quality Planning and Control in Beijing, China," presented at the 87th Annual Meeting of the Air and Waste Management Association, Cincinnati, Ohio, June 19-24, 1994.

## Annex A

### Expert Litigation Support

#### A. Occasions where Dr. Sahu has provided Written or Oral testimony before Congress:

1. In July 2012, provided expert written and oral testimony to the House Subcommittee on Energy and the Environment, Committee on Science, Space, and Technology at a Hearing entitled “Hitting the Ethanol Blend Wall – Examining the Science on E15.”

#### B. Matters for which Dr. Sahu has provided affidavits and expert reports include:

2. Affidavit for Rocky Mountain Steel Mills, Inc. located in Pueblo Colorado – dealing with the technical uncertainties associated with night-time opacity measurements in general and at this steel mini-mill.
3. Expert reports and depositions (2/28/2002 and 3/1/2002; 12/2/2003 and 12/3/2003; 5/24/2004) on behalf of the United States in connection with the Ohio Edison NSR Cases. *United States, et al. v. Ohio Edison Co., et al.*, C2-99-1181 (Southern District of Ohio).
4. Expert reports and depositions (5/23/2002 and 5/24/2002) on behalf of the United States in connection with the Illinois Power NSR Case. *United States v. Illinois Power Co., et al.*, 99-833-MJR (Southern District of Illinois).
5. Expert reports and depositions (11/25/2002 and 11/26/2002) on behalf of the United States in connection with the Duke Power NSR Case. *United States, et al. v. Duke Energy Corp.*, 1:00-CV-1262 (Middle District of North Carolina).
6. Expert reports and depositions (10/6/2004 and 10/7/2004; 7/10/2006) on behalf of the United States in connection with the American Electric Power NSR Cases. *United States, et al. v. American Electric Power Service Corp., et al.*, C2-99-1182, C2-99-1250 (Southern District of Ohio).
7. Affidavit (March 2005) on behalf of the Minnesota Center for Environmental Advocacy and others in the matter of the Application of Heron Lake BioEnergy LLC to construct and operate an ethanol production facility – submitted to the Minnesota Pollution Control Agency.
8. Expert Report and Deposition (10/31/2005 and 11/1/2005) on behalf of the United States in connection with the East Kentucky Power Cooperative NSR Case. *United States v. East Kentucky Power Cooperative, Inc.*, 5:04-cv-00034-KSF (Eastern District of Kentucky).
9. Affidavits and deposition on behalf of Basic Management Inc. (BMI) Companies in connection with the BMI vs. USA remediation cost recovery Case.
10. Expert Report on behalf of Penn Future and others in the Cambria Coke plant permit challenge in Pennsylvania.
11. Expert Report on behalf of the Appalachian Center for the Economy and the Environment and others in the Western Greenbrier permit challenge in West Virginia.
12. Expert Report, deposition (via telephone on January 26, 2007) on behalf of various Montana petitioners (Citizens Awareness Network (CAN), Women’s Voices for the Earth (WVE) and the Clark Fork Coalition (CFC)) in the Thompson River Cogeneration LLC Permit No. 3175-04 challenge.
13. Expert Report and deposition (2/2/07) on behalf of the Texas Clean Air Cities Coalition at the Texas State Office of Administrative Hearings (SOAH) in the matter of the permit challenges to TXU Project Apollo’s eight new proposed PRB-fired PC boilers located at seven TX sites.
14. Expert Testimony (July 2007) on behalf of the Izaak Walton League of America and others in connection with the acquisition of power by Xcel Energy from the proposed Gascoyne Power Plant – at the State of

- Minnesota, Office of Administrative Hearings for the Minnesota PUC (MPUC No. E002/CN-06-1518; OAH No. 12-2500-17857-2).
15. Affidavit (July 2007) Comments on the Big Cajun I Draft Permit on behalf of the Sierra Club – submitted to the Louisiana DEQ.
  16. Expert Report and Deposition (12/13/2007) on behalf of Commonwealth of Pennsylvania – Dept. of Environmental Protection, State of Connecticut, State of New York, and State of New Jersey (Plaintiffs) in connection with the Allegheny Energy NSR Case. *Plaintiffs v. Allegheny Energy Inc., et al.*, 2:05cv0885 (Western District of Pennsylvania).
  17. Expert Reports and Pre-filed Testimony before the Utah Air Quality Board on behalf of Sierra Club in the Sevier Power Plant permit challenge.
  18. Expert Report and Deposition (October 2007) on behalf of MTD Products Inc., in connection with *General Power Products, LLC v MTD Products Inc.*, 1:06 CVA 0143 (Southern District of Ohio, Western Division) .
  19. Expert Report and Deposition (June 2008) on behalf of Sierra Club and others in the matter of permit challenges (Title V: 28.0801-29 and PSD: 28.0803-PSD) for the Big Stone II unit, proposed to be located near Milbank, South Dakota.
  20. Expert Reports, Affidavit, and Deposition (August 15, 2008) on behalf of Earthjustice in the matter of air permit challenge (CT-4631) for the Basin Electric Dry Fork station, under construction near Gillette, Wyoming before the Environmental Quality Council of the State of Wyoming.
  21. Affidavits (May 2010/June 2010 in the Office of Administrative Hearings)/Declaration and Expert Report (November 2009 in the Office of Administrative Hearings) on behalf of NRDC and the Southern Environmental Law Center in the matter of the air permit challenge for Duke Cliffside Unit 6. Office of Administrative Hearing Matters 08 EHR 0771, 0835 and 0836 and 09 HER 3102, 3174, and 3176 (consolidated).
  22. Declaration (August 2008), Expert Report (January 2009), and Declaration (May 2009) on behalf of Southern Alliance for Clean Energy in the matter of the air permit challenge for Duke Cliffside Unit 6. *Southern Alliance for Clean Energy et al., v. Duke Energy Carolinas, LLC*, Case No. 1:08-cv-00318-LHT-DLH (Western District of North Carolina, Asheville Division).
  23. Declaration (August 2008) on behalf of the Sierra Club in the matter of Dominion Wise County plant MACT.us
  24. Expert Report (June 2008) on behalf of Sierra Club for the Green Energy Resource Recovery Project, MACT Analysis.
  25. Expert Report (February 2009) on behalf of Sierra Club and the Environmental Integrity Project in the matter of the air permit challenge for NRG Limestone’s proposed Unit 3 in Texas.
  26. Expert Report (June 2009) on behalf of MTD Products, Inc., in the matter of *Alice Holmes and Vernon Holmes v. Home Depot USA, Inc., et al.*
  27. Expert Report (August 2009) on behalf of Sierra Club and the Southern Environmental Law Center in the matter of the air permit challenge for Santee Cooper’s proposed Pee Dee plant in South Carolina).
  28. Statements (May 2008 and September 2009) on behalf of the Minnesota Center for Environmental Advocacy to the Minnesota Pollution Control Agency in the matter of the Minnesota Haze State Implementation Plans.
  29. Expert Report (August 2009) on behalf of Environmental Defense, in the matter of permit challenges to the proposed Las Brisas coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH).
  30. Expert Report and Rebuttal Report (September 2009) on behalf of the Sierra Club, in the matter of challenges to the proposed Medicine Bow Fuel and Power IGL plant in Cheyenne, Wyoming.
  31. Expert Report (December 2009) and Rebuttal reports (May 2010 and June 2010) on behalf of the United States in connection with the Alabama Power Company NSR Case. *United States v. Alabama Power Company*, CV-01-HS-152-S (Northern District of Alabama, Southern Division).

32. Pre-filed Testimony (October 2009) on behalf of Environmental Defense and others, in the matter of challenges to the proposed White Stallion Energy Center coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH).
33. Pre-filed Testimony (July 2010) and Written Rebuttal Testimony (August 2010) on behalf of the State of New Mexico Environment Department in the matter of Proposed Regulation 20.2.350 NMAC – *Greenhouse Gas Cap and Trade Provisions*, No. EIB 10-04 (R), to the State of New Mexico, Environmental Improvement Board.
34. Expert Report (August 2010) and Rebuttal Expert Report (October 2010) on behalf of the United States in connection with the Louisiana Generating NSR Case. *United States v. Louisiana Generating, LLC*, 09-CV100-RET-CN (Middle District of Louisiana) – Liability Phase.
35. Declaration (August 2010), Reply Declaration (November 2010), Expert Report (April 2011), Supplemental and Rebuttal Expert Report (July 2011) on behalf of the United States in the matter of DTE Energy Company and Detroit Edison Company (Monroe Unit 2). *United States of America v. DTE Energy Company and Detroit Edison Company*, Civil Action No. 2:10-cv-13101-BAF-RSW (Eastern District of Michigan).
36. Expert Report and Deposition (August 2010) as well as Affidavit (September 2010) on behalf of Kentucky Waterways Alliance, Sierra Club, and Valley Watch in the matter of challenges to the NPDES permit issued for the Trimble County power plant by the Kentucky Energy and Environment Cabinet to Louisville Gas and Electric, File No. DOW-41106-047.
37. Expert Report (August 2010), Rebuttal Expert Report (September 2010), Supplemental Expert Report (September 2011), and Declaration (November 2011) on behalf of Wild Earth Guardians in the matter of opacity exceedances and monitor downtime at the Public Service Company of Colorado (Xcel)'s Cherokee power plant. No. 09-cv-1862 (District of Colorado).
38. Written Direct Expert Testimony (August 2010) and Affidavit (February 2012) on behalf of Fall-Line Alliance for a Clean Environment and others in the matter of the PSD Air Permit for Plant Washington issued by Georgia DNR at the Office of State Administrative Hearing, State of Georgia (OSAH-BNR-AQ-1031707-98-WALKER).
39. Deposition (August 2010) on behalf of Environmental Defense, in the matter of the remanded permit challenge to the proposed Las Brisas coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH).
40. Expert Report, Supplemental/Rebuttal Expert Report, and Declarations (October 2010, November 2010, September 2012) on behalf of New Mexico Environment Department (Plaintiff-Intervenor), Grand Canyon Trust and Sierra Club (Plaintiffs) in the matter of *Plaintiffs v. Public Service Company of New Mexico* (PNM), Civil No. 1:02-CV-0552 BB/ATC (ACE) (District of New Mexico).
41. Expert Report (October 2010) and Rebuttal Expert Report (November 2010) (BART Determinations for PSCo Hayden and CSU Martin Drake units) to the Colorado Air Quality Commission on behalf of Coalition of Environmental Organizations.
42. Expert Report (November 2010) (BART Determinations for TriState Craig Units, CSU Nixon Unit, and PRPA Rawhide Unit) to the Colorado Air Quality Commission on behalf of Coalition of Environmental Organizations.
43. Declaration (November 2010) on behalf of the Sierra Club in connection with the Martin Lake Station Units 1, 2, and 3. *Sierra Club v. Energy Future Holdings Corporation and Luminant Generation Company LLC*, Case No. 5:10-cv-00156-DF-CMC (Eastern District of Texas, Texarkana Division).
44. Pre-Filed Testimony (January 2011) and Declaration (February 2011) to the Georgia Office of State Administrative Hearings (OSAH) in the matter of Minor Source HAPs status for the proposed Longleaf Energy Associates power plant (OSAH-BNR-AQ-1115157-60-HOWELLS) on behalf of the Friends of the Chattahoochee and the Sierra Club).
45. Declaration (February 2011) in the matter of the Draft Title V Permit for RRI Energy MidAtlantic Power Holdings LLC Shawville Generating Station (Pennsylvania), ID No. 17-00001 on behalf of the Sierra Club.

46. Expert Report (March 2011), Rebuttal Expert Report (June 2011) on behalf of the United States in *United States of America v. Cemex, Inc.*, Civil Action No. 09-cv-00019-MSK-MEH (District of Colorado).
47. Declaration (April 2011) and Expert Report (July 16, 2012) in the matter of the Lower Colorado River Authority (LCRA)'s Fayette (Sam Seymour) Power Plant on behalf of the Texas Campaign for the Environment. *Texas Campaign for the Environment v. Lower Colorado River Authority*, Civil Action No. 4:11-cv-00791 (Southern District of Texas, Houston Division).
48. Declaration (June 2011) on behalf of the Plaintiffs MYTAPN in the matter of Microsoft-Yes, Toxic Air Pollution-No (MYTAPN) v. State of Washington, Department of Ecology and Microsoft Corporation Columbia Data Center to the Pollution Control Hearings Board, State of Washington, Matter No. PCHB No. 10-162.
49. Expert Report (June 2011) on behalf of the New Hampshire Sierra Club at the State of New Hampshire Public Utilities Commission, Docket No. 10-261 – the 2010 Least Cost Integrated Resource Plan (LCIRP) submitted by the Public Service Company of New Hampshire (re. Merrimack Station Units 1 and 2).
50. Declaration (August 2011) in the matter of the Sandy Creek Energy Associates L.P. Sandy Creek Power Plant on behalf of Sierra Club and Public Citizen. *Sierra Club, Inc. and Public Citizen, Inc. v. Sandy Creek Energy Associates, L.P.*, Civil Action No. A-08-CA-648-LY (Western District of Texas, Austin Division).
51. Expert Report (October 2011) on behalf of the Defendants in the matter of *John Quiles and Jeanette Quiles et al. v. Bradford-White Corporation, MTD Products, Inc., Kohler Co., et al.*, Case No. 3:10-cv-747 (TJM/DEP) (Northern District of New York).
52. Declaration (October 2011) on behalf of the Plaintiffs in the matter of *American Nurses Association et al. (Plaintiffs), v. US EPA (Defendant)*, Case No. 1:08-cv-02198-RMC (US District Court for the District of Columbia).
53. Declaration (February 2012) and Second Declaration (February 2012) in the matter of *Washington Environmental Council and Sierra Club Washington State Chapter v. Washington State Department of Ecology and Western States Petroleum Association*, Case No. 11-417-MJP (Western District of Washington).
54. Expert Report (March 2012) and Supplemental Expert Report (November 2013) in the matter of *Environment Texas Citizen Lobby, Inc and Sierra Club v. ExxonMobil Corporation et al.*, Civil Action No. 4:10-cv-4969 (Southern District of Texas, Houston Division).
55. Declaration (March 2012) in the matter of *Center for Biological Diversity, et al. v. United States Environmental Protection Agency*, Case No. 11-1101 (consolidated with 11-1285, 11-1328 and 11-1336) (US Court of Appeals for the District of Columbia Circuit).
56. Declaration (March 2012) in the matter of *Sierra Club v. The Kansas Department of Health and Environment*, Case No. 11-105,493-AS (Holcomb power plant) (Supreme Court of the State of Kansas).
57. Declaration (March 2012) in the matter of the Las Brisas Energy Center *Environmental Defense Fund et al., v. Texas Commission on Environmental Quality*, Cause No. D-1-GN-11-001364 (District Court of Travis County, Texas, 261<sup>st</sup> Judicial District).
58. Expert Report (April 2012), Supplemental and Rebuttal Expert Report (July 2012), and Supplemental Rebuttal Expert Report (August 2012) on behalf of the states of New Jersey and Connecticut in the matter of the Portland Power plant *State of New Jersey and State of Connecticut (Intervenor-Plaintiff) v. RRI Energy Mid-Atlantic Power Holdings et al.*, Civil Action No. 07-CV-5298 (JKG) (Eastern District of Pennsylvania).
59. Declaration (April 2012) in the matter of the EPA's EGU MATS Rule, on behalf of the Environmental Integrity Project.
60. Expert Report (August 2012) on behalf of the United States in connection with the Louisiana Generating NSR Case. *United States v. Louisiana Generating, LLC*, 09-CV100-RET-CN (Middle District of Louisiana) – Harm Phase.
61. Declaration (September 2012) in the Matter of the Application of *Energy Answers Incinerator, Inc.* for a Certificate of Public Convenience and Necessity to Construct a 120 MW Generating Facility in Baltimore City, Maryland, before the Public Service Commission of Maryland, Case No. 9199.

62. Expert Report (October 2012) on behalf of the Appellants (Robert Concilus and Leah Humes) in the matter of Robert Concilus and Leah Humes v. Commonwealth of Pennsylvania Department of Environmental Protection and Crawford Renewable Energy, before the Commonwealth of Pennsylvania Environmental Hearing Board, Docket No. 2011-167-R.
63. Expert Report (October 2012), Supplemental Expert Report (January 2013), and Affidavit (June 2013) in the matter of various Environmental Petitioners v. North Carolina DENR/DAQ and Carolinas Cement Company, before the Office of Administrative Hearings, State of North Carolina.
64. Pre-filed Testimony (October 2012) on behalf of No-Sag in the matter of the North Springfield Sustainable Energy Project before the State of Vermont, Public Service Board.
65. Pre-filed Testimony (November 2012) on behalf of Clean Wisconsin in the matter of Application of Wisconsin Public Service Corporation for Authority to Construct and Place in Operation a New Multi-Pollutant Control Technology System (ReACT) for Unit 3 of the Weston Generating Station, before the Public Service Commission of Wisconsin, Docket No. 6690-CE-197.
66. Expert Report (February 2013) on behalf of Petitioners in the matter of Credence Crematory, Cause No. 12-A-J-4538 before the Indiana Office of Environmental Adjudication.
67. Expert Report (April 2013), Rebuttal report (July 2013), and Declarations (October 2013, November 2013) on behalf of the Sierra Club in connection with the Luminant Big Brown Case. *Sierra Club v. Energy Future Holdings Corporation and Luminant Generation Company LLC*, Civil Action No. 6:12-cv-00108-WSS (Western District of Texas, Waco Division).
68. Declaration (April 2013) on behalf of Petitioners in the matter of *Sierra Club, et al., (Petitioners) v. Environmental Protection Agency et al. (Respondents)*, Case No., 13-1112, (Court of Appeals, District of Columbia Circuit).
69. Expert Report (May 2013) and Rebuttal Expert Report (July 2013) on behalf of the Sierra Club in connection with the Luminant Martin Lake Case. *Sierra Club v. Energy Future Holdings Corporation and Luminant Generation Company LLC*, Civil Action No. 5:10-cv-0156-MHS-CMC (Eastern District of Texas, Texarkana Division).
70. Declaration (August 2013) on behalf of A. J. Acosta Company, Inc., in the matter of *A. J. Acosta Company, Inc., v. County of San Bernardino*, Case No. CIVSS803651.
71. Comments (October 2013) on behalf of the Washington Environmental Council and the Sierra Club in the matter of the Washington State Oil Refinery RACT (for Greenhouse Gases), submitted to the Washington State Department of Ecology, the Northwest Clean Air Agency, and the Puget Sound Clean Air Agency.
72. Statement (November 2013) on behalf of various Environmental Organizations in the matter of the Boswell Energy Center (BEC) Unit 4 Environmental Retrofit Project, to the Minnesota Public Utilities Commission, Docket No. E-015/M-12-920.
73. Expert Report (December 2013) on behalf of the United States in *United States of America v. Ameren Missouri*, Civil Action No. 4:11-cv-00077-RWS (Eastern District of Missouri, Eastern Division).
74. Expert Testimony (December 2013) on behalf of the Sierra Club in the matter of Public Service Company of New Hampshire Merrimack Station Scrubber Project and Cost Recovery, Docket No. DE 11-250, to the State of New Hampshire Public Utilities Commission.
75. Expert Report (January 2014) on behalf of Baja, Inc., in *Baja, Inc., v. Automotive Testing and Development Services, Inc. et. al.*, Civil Action No. 8:13-CV-02057-GRA (District of South Carolina, Anderson/Greenwood Division).
76. Declaration (March 2014) on behalf of the Center for International Environmental Law, Chesapeake Climate Action Network, Friends of the Earth, Pacific Environment, and the Sierra Club (Plaintiffs) in the matter of *Plaintiffs v. the Export-Import Bank (Ex-Im Bank) of the United States*, Civil Action No. 13-1820 RC (District Court for the District of Columbia).

77. Declaration (April 2014) on behalf of Respondent-Intervenors in the matter of *Mexichem Specialty Resins Inc., et al., (Petitioners) v Environmental Protection Agency et al.*, Case No., 12-1260 (and Consolidated Case Nos. 12-1263, 12-1265, 12-1266, and 12-1267), (Court of Appeals, District of Columbia Circuit).
78. Direct Prefiled Testimony (June 2014) on behalf of the Michigan Environmental Council and the Sierra Club in the matter of the Application of DTE Electric Company for Authority to Implement a Power Supply Cost Recovery (PSCR) Plan in its Rate Schedules for 2014 Metered Jurisdictional Sales of Electricity, Case No. U-17319 (Michigan Public Service Commission).
79. Expert Report (June 2014) on behalf of ECM Biofilms in the matter of the US Federal Trade Commission (FTC) v. ECM Biofilms (FTC Docket #9358).
80. Direct Prefiled Testimony (August 2014) on behalf of the Michigan Environmental Council and the Sierra Club in the matter of the Application of Consumers Energy Company for Authority to Implement a Power Supply Cost Recovery (PSCR) Plan in its Rate Schedules for 2014 Metered Jurisdictional Sales of Electricity, Case No. U-17317 (Michigan Public Service Commission).
81. Declaration (July 2014) on behalf of Public Health Intervenors in the matter of *EME Homer City Generation v. US EPA* (Case No. 11-1302 and consolidated cases) relating to the lifting of the stay entered by the Court on December 30, 2011 (US Court of Appeals for the District of Columbia).
82. Expert Report (September 2014), Rebuttal Expert Report (December 2014) and Supplemental Expert Report (March 2015) on behalf of Plaintiffs in the matter of *Sierra Club and Montana Environmental Information Center (Plaintiffs) v. PPL Montana LLC, Avista Corporation, Puget Sound Energy, Portland General Electric Company, Northwestern Corporation, and PacifiCorp (Defendants)*, Civil Action No. CV 13-32-BLG-DLC-JCL (US District Court for the District of Montana, Billings Division).
83. Expert Report (November 2014) on behalf of Niagara County, the Town of Lewiston, and the Villages of Lewiston and Youngstown in the matter of CWM Chemical Services, LLC New York State Department of Environmental Conservation (NYSDEC) Permit Application Nos.: 9-2934-00022/00225, 9-2934-00022/00231, 9-2934-00022/00232, and 9-2934-00022/00249 (pending).
84. *Declaration (January 2015) relating to Startup/Shutdown in the MATS Rule (EPA Docket ID No. EPA-HQ-OAR-2009-0234) on behalf of the Environmental Integrity Project.*
85. Pre-filed Direct Testimony (March 2015), Supplemental Testimony (May 2015), and Surrebuttal Testimony (December 2015) on behalf of Friends of the Columbia Gorge in the matter of the Application for a Site Certificate for the Troutdale Energy Center before the Oregon Energy Facility Siting Council.
86. Brief of Amici Curiae Experts in Air Pollution Control and Air Quality Regulation in Support of the Respondents, On Writs of Certiorari to the US Court of Appeals for the District of Columbia, No. 14-46, 47, 48. *Michigan et. al., (Petitioners) v. EPA et. al., Utility Air Regulatory Group (Petitioners) v. EPA et. al., National Mining Association et. al., (Petitioner) v. EPA et. al.*, (Supreme Court of the United States).
87. Expert Report (March 2015) and Rebuttal Expert Report (January 2016) on behalf of Plaintiffs in the matter of *Conservation Law Foundation v. Broadrock Gas Services LLC, Rhode Island LFG GENCO LLC, and Rhode Island Resource Recovery Corporation (Defendants)*, Civil Action No. 1:13-cv-00777-M-PAS (US District Court for the District of Rhode Island).
88. Declaration (April 2015) relating to various Technical Corrections for the MATS Rule (EPA Docket ID No. EPA-HQ-OAR-2009-0234) on behalf of the Environmental Integrity Project.
89. Direct Prefiled Testimony (May 2015) on behalf of the Michigan Environmental Council, the Natural Resources Defense Council, and the Sierra Club in the matter of the Application of DTE Electric Company for Authority to Increase its Rates, Amend its Rate Schedules and Rules Governing the Distribution and Supply of Electric Energy and for Miscellaneous Accounting Authority, Case No. U-17767 (Michigan Public Service Commission).
90. Expert Report (July 2015) and Rebuttal Expert Report (July 2015) on behalf of Plaintiffs in the matter of *Northwest Environmental Defense Center et. al., v. Cascade Kelly Holdings LLC, d/b/a Columbia Pacific Bio-Refinery, and Global Partners LP (Defendants)*, Civil Action No. 3:14-cv-01059-SI (US District Court for the District of Oregon, Portland Division).

91. Declaration (August 2015, Docket No. 1570376) in support of “Opposition of Respondent-Intervenors American Lung Association, et. al., to Tri-State Generation’s Emergency Motion;” Declaration (September 2015, Docket No. 1574820) in support of “Joint Motion of the State, Local Government, and Public Health Respondent-Intervenors for Remand Without Vacatur;” Declaration (October 2015) in support of “Joint Motion of the State, Local Government, and Public Health Respondent-Intervenors to State and Certain Industry Petitioners’ Motion to Govern, *White Stallion Energy Center, LLC v. US EPA*, Case No. 12-1100 (US Court of Appeals for the District of Columbia).
92. Declaration (September 2015) in support of the Draft Title V Permit for Dickerson Generating Station (Proposed Permit No 24-031-0019) on behalf of the Environmental Integrity Project.
93. Expert Report (Liability Phase) (December 2015) and Rebuttal Expert Report (February 2016) on behalf of Plaintiffs in the matter of *Natural Resources Defense Council, Inc., Sierra Club, Inc., Environmental Law and Policy Center, and Respiratory Health Association v. Illinois Power Resources LLC, and Illinois Power Resources Generating LLC (Defendants)*, Civil Action No. 1:13-cv-01181 (US District Court for the Central District of Illinois, Peoria Division).
94. Declaration (December 2015) in support of the Petition to Object to the Title V Permit for Morgantown Generating Station (Proposed Permit No 24-017-0014) on behalf of the Environmental Integrity Project.
95. Expert Report (November 2015) on behalf of Appellants in the matter of *Sierra Club, et al. v. Craig W. Butler, Director of Ohio Environmental Protection Agency et al.*, ERAC Case No, 14-256814.
96. Affidavit (January 2016) on behalf of Bridgewatch Detroit in the matter of *Bridgewatch Detroit v. Waterfront Petroleum Terminal Co., and Waterfront Terminal Holdings, LLC.*, in the Circuit Court for the County of Wayne, State of Michigan.
97. Expert Report (February 2016) and Rebuttal Expert Report (July 2016) on behalf of the challengers in the matter of the Delaware Riverkeeper Network, Clean Air Council, et. al., vs. Commonwealth of Pennsylvania Department of Environmental Protection and R. E. Gas Development LLC regarding the Geyer well site before the Pennsylvania Environmental Hearing Board.
98. Direct Testimony (May 2016) in the matter of Tesoro Savage LLC Vancouver Energy Distribution Terminal, Case No. 15-001 before the State of Washington Energy Facility Site Evaluation Council.
99. Declaration (June 2016) relating to deficiencies in air quality analysis for the proposed Millenium Bulk Terminal, Port of Longview, Washington.
100. Declaration (December 2016) relating to EPA’s refusal to set limits on PM emissions from coal-fired power plants that reflect pollution reductions achievable with fabric filters on behalf of Environmental Integrity Project, Clean Air Council, Chesapeake Climate Action Network, Downwinders at Risk represented by Earthjustice in the matter of *ARIPPA v EPA, Case No. 15-1180*. (D.C. Circuit Court of Appeals).
101. Expert Report (January 2017) on the Environmental Impacts Analysis associated with the Huntley and Huntley Poseidon Well Pad on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
102. Expert Report (January 2017) on the Environmental Impacts Analysis associated with the Apex Energy Backus Well Pad on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
103. Expert Report (January 2017) on the Environmental Impacts Analysis associated with the Apex Energy Drakulic Well Pad on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
104. Expert Report (January 2017) on the Environmental Impacts Analysis associated with the Apex Energy Deutsch Well Pad on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
105. Affidavit (February 2017) pertaining to deficiencies water discharge compliance issues at the Wood River Refinery in the matter of *People of the State of Illinois (Plaintiff) v. Phillips 66 Company, ConocoPhillips Company, WRB Refining LP (Defendants)*, Case No. 16-CH-656, (Circuit Court for the Third Judicial Circuit, Madison County, Illinois).

106. Expert Report (March 2017) on behalf of the Plaintiff pertaining to non-degradation analysis for waste water discharges from a power plant in the matter of *Sierra Club (Plaintiff) v. Pennsylvania Department of Environmental Protection (PADEP) and Lackawanna Energy Center*, Docket No. 2016-047-L (consolidated), (Pennsylvania Environmental Hearing Board).
107. Expert Report (March 2017) on behalf of the Plaintiff pertaining to air emissions from the Heritage incinerator in East Liverpool, Ohio in the matter of *Save our County (Plaintiff) v. Heritage Thermal Services, Inc. (Defendant)*, Case No. 4:16-CV-1544-BYP, (US District Court for the Northern District of Ohio, Eastern Division).
108. Rebuttal Expert Report (June 2017) on behalf of Plaintiffs in the matter of *Casey Voight and Julie Voight (Plaintiffs) v Coyote Creek Mining Company LLC (Defendant)*, Civil Action No. 1:15-CV-00109 (US District Court for the District of North Dakota, Western Division).
109. Expert Affidavit (August 2017) and Penalty/Remedy Expert Affidavit (October 2017) on behalf of Plaintiff in the matter of *Wildearth Guardians (Plaintiff) v Colorado Springs Utility Board (Defendant)*, Civil Action No. 1:15-cv-00357-CMA-CBS (US District Court for the District of Colorado).
110. Expert Report (August 2017) on behalf of Appellant in the matter of *Patricia Ann Troiano (Appellant) v. Upper Burrell Township Zoning Hearing Board (Appellee)*, Court of Common Pleas of Westmoreland County, Pennsylvania, Civil Division.
111. Expert Report (October 2017), Supplemental Expert Report (October 2017), and Rebuttal Expert Report (November 2017) on behalf of Defendant in the matter of *Oakland Bulk and Oversized Terminal (Plaintiff) v City of Oakland (Defendant)*, Civil Action No. 3:16-cv-07014-VC (US District Court for the Northern District of California, San Francisco Division).
112. Declaration (December 2017) on behalf of the Environmental Integrity Project in the matter of permit issuance for ATI Flat Rolled Products Holdings, Breckenridge, PA to the Allegheny County Health Department.
113. Expert Report (Harm Phase) (January 2018), Rebuttal Expert Report (Harm Phase) (May 2018) and Supplemental Expert Report (Harm Phase) (April 2019) on behalf of Plaintiffs in the matter of *Natural Resources Defense Council, Inc., Sierra Club, Inc., and Respiratory Health Association v. Illinois Power Resources LLC, and Illinois Power Resources Generating LLC (Defendants)*, Civil Action No. 1:13-cv-01181 (US District Court for the Central District of Illinois, Peoria Division).
114. Declaration (February 2018) on behalf of the Chesapeake Bay Foundation, et. al., in the matter of the Section 126 Petition filed by the state of Maryland in *State of Maryland v. Pruitt (Defendant)*, Civil Action No. JKB-17-2939 (Consolidated with No. JKB-17-2873) (US District Court for the District of Maryland).
115. Direct Pre-filed Testimony (March 2018) on behalf of the National Parks Conservation Association (NPCA) in the matter of *NPCA v State of Washington, Department of Ecology and BP West Coast Products, LLC*, PCHB No. 17-055 (Pollution Control Hearings Board for the State of Washington).
116. Expert Affidavit (April 2018) and Second Expert Affidavit (May 2018) on behalf of Petitioners in the matter of *Coosa River Basin Initiative and Sierra Club (Petitioners) v State of Georgia Environmental Protection Division, Georgia Department of Natural Resources (Respondent) and Georgia Power Company (Intervenor/Respondent)*, Docket Nos: 1825406-BNR-WW-57-Howells and 1826761-BNR-WW-57-Howells, Office of State Administrative Hearings, State of Georgia.
117. Direct Pre-filed Testimony and Affidavit (December 2018) on behalf of Sierra Club and Texas Campaign for the Environment (Appellants) in the contested case hearing before the Texas State Office of Administrative Hearings in Docket Nos. 582-18-4846, 582-18-4847 (Application of GCGV Asset Holding, LLC for Air Quality Permit Nos. 146425/PSDTX1518 and 146459/PSDTX1520 in San Patricio County, Texas).
118. Expert Report (February 2019) on behalf of Sierra Club in the State of Florida, Division of Administrative Hearings, Case No. 18-2124EPP, Tampa Electric Company Big Bend Unit 1 Modernization Project Power Plant Siting Application No. PA79-12-A2.
119. Declaration (March 2019) on behalf of Earthjustice in the matter of comments on the renewal of the Title V Federal Operating Permit for Valero Houston refinery.

120. Expert Report (March 2019) on behalf of Plaintiffs for Class Certification in the matter of *Resendez et al v Precision Castparts Corporation* in the Circuit Court for the State of Oregon, County of Multnomah, Case No. 16cv16164.
121. Expert Report (June 2019), Affidavit (July 2019) and Rebuttal Expert Report (September 2019) on behalf of Appellants relating to the NPDES permit for the Cheswick power plant in the matter of *Three Rivers Waterkeeper and Sierra Club (Appellants) v. State of Pennsylvania Department of Environmental Protection (Appellee) and NRG Power Midwest (Permittee)*, before the Commonwealth of Pennsylvania Environmental Hearing Board, EHB Docket No. 2018-088-R.
122. Affidavit/Expert Report (August 2019) relating to the appeal of air permits issued to PTTGCA on behalf of Appellants in the matter of *Sierra Club (Appellants) v. Craig Butler, Director, et. al., Ohio EPA (Appellees)* before the State of Ohio Environmental Review Appeals Commission (ERAC), Case Nos. ERAC-19-6988 through -6991.
123. Expert Report (October 2019) relating to the appeal of air permit (Plan Approval) on behalf of Appellants in the matter of *Clean Air Council and Environmental Integrity Project (Appellants) v. Commonwealth of Pennsylvania Department of Environmental Protection and Sunoco Partners Marketing and Terminals L.P.*, before the Commonwealth of Pennsylvania Environmental Hearing Board, EHB Docket No. 2018-057-L.
124. Expert Report (December 2019), Affidavit (March 2020), Supplemental Expert Report (July 2020), and Declaration (February 2021) on behalf of Earthjustice in the matter of *Objection to the Issuance of PSD/NSR and Title V permits for Riverview Energy Corporation, Dale, Indiana*, before the Indiana Office of Environmental Adjudication, Cause No. 19-A-J-5073.
125. Affidavit (December 2019) on behalf of Plaintiff-Intervenor (Surfrider Foundation) in the matter of *United States and the State of Indiana (Plaintiffs), Surfrider Foundation (Plaintiff-Intervenor), and City of Chicago (Plaintiff-Intervenor) v. United States Steel Corporation (Defendant)*, Civil Action No. 2:18-cv-00127 (US District Court for the Northern District of Indiana, Hammond Division).
126. Declarations (January 2020, February 2020, May 2020, July 2020, and August 2020) and Pre-filed Testimony (April 2021) in support of Petitioner's Motion for Stay of PSCAA NOC Order of Approval No. 11386 in the matter of the *Puyallup Tribe of Indians v. Puget Sound Clean Air Agency (PSCAA) and Puget Sound Energy (PSE)*, before the State of Washington Pollution Control Hearings Board, PCHB No. P19-088.
127. Expert Report (April 2020) on behalf of the plaintiff in the matter of Orion Engineered Carbons, GmbH (Plaintiff) vs. Evonik Operations, GmbH (formerly Evonik Degussa GmbH) (Respondent), before the German Arbitration Institute, Case No. DIS-SV-2019-00216.
128. Expert Independent Evaluation Report (June 2020) for *PacifiCorp's Decommissioning Costs Study Reports dated January 15, 2020 and March 13, 2020 relating to the closures of the Hunter, Huntington, Dave Johnston, Jim Bridger, Naughton, Wyodak, Hayden, and Colstrip (Units 3&4) plants*, prepared for the Oregon Public Utility Commission (Oregon PUC).
129. Direct Pre-filed Testimony (July 2020) on behalf of the Sierra Club in the matter of *the Application of the Ohio State University for a certificate of Environmental Compatibility and Public Need to Construct a Combined Heat and Power Facility in Franklin County, Ohio*, before the Ohio Power Siting Board, Case No. 19-1641-EL-BGN.
130. Expert Report (August 2020) and Rebuttal Expert Report (September 2020) on behalf of WildEarth Guardians (petitioners) in the matter of *the Appeals of the Air Quality Permit No. 7482-M1 Issued to 3 Bear Delaware Operating – NM LLC (EIB No. 20-21(A) and Registrations Nos. 8729, 8730, and 8733 under General Construction Permit for Oil and Gas Facilities (EIB No. 20-33 (A)*, before the State of New Mexico, Environmental Improvement Board.
131. Expert Report (July 2020) on the *Initial Economic Impact Analysis (EIA) for A Proposal To Regulate NOx Emissions from Natural Gas Fired Rich-Burn Natural Gas Reciprocating Internal Combustion Engines (RICE) Greater Than 100 Horsepower* prepared on behalf of Earthjustice and the National Parks Conservation Association in the matter of Regulation Number 7, Alternate Rules before the Colorado Air Quality Control Commission.

132. Expert Report (August 2020) and Supplemental Expert Report (February 2021) on the Potential Remedies to Avoid Adverse Thermal Impacts from the Merrimack Station on behalf of Plaintiffs in the matter of *Sierra Club Inc. and the Conservation Law Foundation (Plaintiffs) v. Granite Shore Power, LLC et. al., (Defendants)*, Civil Action No. 19-cv-216-JL (US District Court for the District of New Hampshire.)
133. Expert Report (August 2020) and Supplemental Expert Report (December 2020) on behalf of Plaintiffs in the matter of *PennEnvironment Inc., and Clean Air Council (Plaintiffs) and Allegheny County Health Department (Plaintiff-Intervenor) v. United States Steel Corporation (Defendant)*, Civil Action No. 2-19-cv-00484-MJH (US District Court for the Western District of Pennsylvania.)
134. Pre-filed Direct Testimony (October 2020) and Sur-rebuttal Testimony (November 2020) on behalf of petitioners (Ten Persons Group, including citizens, the Town of Braintree, the Town of Hingham, and the City of Quincy) in the matter of Algonquin Gas Transmission LLC, Weymouth MA, No. X266786 Air Quality Plan Approval, before the Commonwealth of Massachusetts, Department of Environmental Protection, the Office of Appeals and Dispute Resolution, OADR Docket Nos. 2019-008, 2019-009, 2019010, 2019-011, 2019-012 and 2019-013.
135. Expert Report (November 2020) on behalf of Protect PT in the matter of *Protect PT v. Commonwealth of Pennsylvania Department of Environmental Protection and Apex Energy (PA) LLC*, before the Commonwealth of Pennsylvania Environmental Hearing Board, Docket No. 2018-080-R (consolidated with 2019-101-R)(the “Drakulic Appeal”).
136. Expert Report (December 2020) on behalf of Plaintiffs in the matter of *Sierra Club Inc. (Plaintiff) v. GenOn Power Midwest LP (Defendants)*, Civil Action No. 2-19-cv-01284-WSS (US District Court for the Western District of Pennsylvania.)
137. Pre-filed Testimony (January 2021) on behalf of the Plaintiffs (Shrimpers and Fishermen of the Rio Grande Valley represented by Texas RioGrande Legal Aid, Inc.) in the matter of the Appeal of Texas Commission on Environmental Quality (TCEQ) Permit Nos. 147681, PSDTX1522, GHGPSDTX172 for the Jupiter Brownsville Heavy Condensate Upgrader Facility, Cameron County, before the Texas State Office of Administrative Hearings, SOAH Docket No. 582-21-0111, TCEQ Docket No. 2020-1080-AIR.
138. Expert Reports (March 2021 and May 2021) regarding the Aries Newark LLC Sludge Processing Facility, Application No. CPB 20-74, Central Planning Board, City of Newark, New Jersey.
139. Expert Report (April 2021) for *Charles Johnson Jr. (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 2:20-CV-01329 (Related to 12-968 BELO in MDL No. 2179). (US District Court for the Eastern District of Louisiana, New Orleans Division).
140. Expert Report (April 2021) for *Floyd Ruffin (Plaintiff), v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 2:20-cv-00334-CJB-JCW (US District Court for the Eastern District of Louisiana, New Orleans Division).
141. Expert Report (April 2021) and Sur-Rebuttal Report (June 2021) on behalf of the Plaintiffs in the matter of *Modern Holdings, LLC, et al. (Plaintiffs) v. Corning Inc., et al. (Defendants)*, Civil Action No. 5:13-cv-00405-GFVT, (US District Court for the Eastern District of Kentucky, Central Division at Lexington).
142. Expert Report (May 2021) for *Clifford Osmer (Plaintiff) v. BP Exploration and Production Inc., et. al., (Defendants)* related to No. 18-CV-12557 (US District Court for the Eastern District of Louisiana).
143. Expert Report (May 2021) and Rebuttal Expert Report (January 2022) for *James Noel (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 1:19-CV-00694-JB-MU-C (US District Court for the Southern District of Alabama, Southern Division).
144. Expert Report (June 2021) and Declarations (May 2021 and June 2021) on behalf of Plaintiffs in the matter of *Sierra Club (Plaintiff) v. Woodville Pellets, LLC (Defendant)*, Civil Action No. 9:20-cv-00178-MJT (US District Court for the Eastern District of Texas, Lufkin Division.)
145. Expert Witness Disclosure (June 2021) on behalf of the Plaintiffs in the matter of *Jay Burdick, et. al., (Plaintiffs) v. Tanoga Inc. (d/b/a Taconic) (Defendant)*, Index No. 253835, (State of New York Supreme Court, County of Rensselaer).

146. Expert Report (June 2021) on behalf of Appellants in the matter of *PennEnvironment and Earthworks (Appellants) v. Commonwealth of Pennsylvania Department of Environmental Protection (Appellee) and MarkWest Liberty Midstream and resource, LLC (Permittee)*, before the Commonwealth of Pennsylvania Environmental Hearing Board, EHB Docket No. 2020-002-R.
147. Expert Report (June 2021) for *Antonia Saavedra-Vargas (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 2:18-CV-11461 (US District Court for the Eastern District of Louisiana, New Orleans Division).
148. Affidavit (June 2021) for Lourdes Rubi in the matter of *Lourdes Rubi (Plaintiff) v. BP Exploration and Production Inc., et. al., (Defendants)*, related to 12-968 BELO in MDL No. 2179 (US District Court for the Eastern District of Louisiana, New Orleans Division).
149. Expert Report (June 2021) for *Wallace Smith (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 2:19-CV-12880 (US District Court for the Eastern District of Louisiana, New Orleans Division).
150. Declaration (July 2021) on behalf of Plaintiffs in the matter of *Stephanie Mackey and Nick Migliore, on behalf of themselves and all others similarly situated (Plaintiffs) v. Chemtool Inc. and Lubrizol Corporation (Defendants)*, Case No. 2021-L-0000165, State of Illinois, Circuit Court of the 17<sup>th</sup> Judicial Circuit, Winnebago County.
151. Declaration (July 2021, August 2021) on behalf of Petitioners in the matter of the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3340-RMD issued to New Mexico Terminal Services, LLC by *Mountain View Neighborhood Association et. al., (Petitioners) v. City of Albuquerque Environmental Health Department, AQCB Petition No. 2020-1* before the Albuquerque-Bernalillo County Air Quality Control Board.
152. Expert Disclosure (September 2021) on behalf of the Plaintiffs in the matter of *State of New York, Town of Hempstead, Town of Brookhaven, Incorporated Village of Garden City and Long Island Power Authority et. al., (Plaintiffs) v. Covanta Hempstead Company et. al., (Defendants)*, Index No. 7549/2013 before the Supreme Court of the State of New York, County of Nassau.
153. Expert Report (October 2021) for *John A. Battiste (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 1:21-CV-00118 (US District Court for the Southern District of Alabama, Mobile Division)
154. Declaration/Expert Report (October 2021) for *Charles K. Grasley et. al., (Plaintiffs) v. Chemtool Incorporated (Defendant)*, Case No. 2021-L-0000162 (State of Illinois, In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, Winnebago County).
155. Declaration (October 2021) and Expert Report (November 2021) on behalf of the Plaintiffs in the matter of *Toll Brothers, Inc., and Porter Ranch Development Company (Plaintiffs) v. Sempra Energy, Southern California Gas Company et. al., (Defendants)*, Southern California [Aliso Canyon] Gas Leak Cases, JCCP No.: 4861, Lead Case No.: BC674622, Superior Court of the State of California for the County of Los Angeles.
156. Expert Report (November 2021) and Declaration (September 2022) on behalf of Plaintiffs in Re: Deepwater Horizon BELO Cases, Case No. 3:19cv963-MCR-GRJ (US District Court for the Northern District of Florida, Pensacola Division).
157. Declaration (November 2021) for the *United States of America and the State of Kansas, Department of Health and Environment (Plaintiffs) v. Coffeyville Resources Refining & Marketing, LLC (Defendant)*, Civ. No. 6:04-cv-01064-JAR-KGG (US District Court for the District of Kansas).
158. Expert Report/Affidavit (December 2021) on behalf of the City of Detroit in the matter of *Marathon Petroleum Company (Claimant) v. City of Detroit Building Safety Engineering and Environmental Department, BSEED Case No. MCR 2018-2525, DAH Appeal No. 21-SWA-01*, before the State of Michigan, City of Detroit Department of Appeals and Hearings.
159. Expert Report (December 2021) for *John Pabst (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 21-CV-00290 (US District Court for the Eastern District of Louisiana).

160. Expert Report (December 2021) for *Audrey Annette Tillery-Perdue individually and as person representative of the estate of Eddie Lewis Perdue (Plaintiff) v. BP Exploration and Production Inc., et. al., (Defendant)*, Civil Action No. 5:19-cv-00052-MCR-GRJ (US District Court for the Northern District of Florida, Pensacola Division).
161. Expert Report (February 2022) for *Richard Dufour (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 19-cv-00591 (US District Court for the Southern District of Mississippi).
162. Expert Report (February 2022) and Rebuttal Expert Report (June 2022, in preparation) for *Kamuda (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010475 (Circuit Court of Cook County, Illinois).
163. Expert Report (February 2022) in the matter of the *Appeal Petition for Hearing on Air Quality Permit No. 8585 on behalf of Earth Care New Mexico et. al., (Petitioners) v. New Mexico Environment Department and Associated Asphalt and Materials, LLC (Applicant)*, No. EIB 21-48 before the State of New Mexico Environmental Improvement Board.
164. Expert Report (March 2022) and Affidavit (June 2022) in the matter of *Clean Air Council et. al., (Appellants) v. Commonwealth of Pennsylvania, Department of Environmental Protection (Appellee) and Renovo Energy Center (Permittee)* EHB Docket No. 2021-055-R before the Commonwealth of Pennsylvania Environmental Hearing Board.
165. Declaration (March 2022) in the matter of *Max Midstream Texas LLC Air Quality Permit No. 162941 for the Seahawk Crude Condensate Terminal in Calhoun County Texas*, TCEQ Docket No. 2022-0157-AIR, before the Texas Commission on Environmental Quality.
166. Expert Pre-filed Testimony (April 2022) in the matter of *Application of TPC Group LLC for New State and PSD Air Quality Permits (various)*, TCEQ Docket No. 2021-1422-AIR, SOAH Docket No. 582-22-0799, Before the Texas State Office of Administrative Hearings.
167. Expert Report (April 2022) and Rebuttal Report (August 2022) for *Teresa Fornek (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010744 (Circuit Court of Cook County, Illinois.)
168. Rule 26 Disclosure (May 2022) in the matter of the *Water Works and Sewer Board of the City of Gadsden (Plaintiff) v. 3M Company, et. al., (Defendants)*, Civil Action No.: 31 CV-2016-900676.00 (Circuit County of Etowah County, Alabama)
169. Expert Report (June 2022) for *Heather Schumacher (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-011939 (Circuit Court of Cook County, Illinois.)
170. Expert Report (June 2022), Rebuttal Reports (August 2022, September 2022) for Plaintiffs in *Phylliss Grayson et. al. (Plaintiffs), v Lockheed Martin Corporation (Defendant)*, Case No. 6:20-cv-01770. (US District Court for the Middle District of Florida – Orlando Division.)
171. Expert Affidavit (July 2022) for Center for Environmental Rights in connection with the 2019 South Africa Integrated Resource Plan in *African Climate Alliance et. al. v. The Minister of Mineral Resources and Energy et. al.*, in the High Court of South Africa, Gauteng Division, Pretoria.
172. Expert Affidavit (July 2022) for Center for Environmental Rights in connection with the Limpopo Mine (Lephalale Coal Mines Ltd.) in *Earthlife Africa v. The Minister of Forestry, Fisheries and Environment et. al.*, in the High Court of South Africa, Gauteng Division, Pretoria, Case No. 9149/2022.
173. Pre-filed Testimony (July 2022) and Rebuttal Testimony (September 2020) on behalf of the Puyallup Tribe of Indians in the matter of *Washington Utilities and Transportation Commission (Complainant) v. Puget Sound Energy (Respondent)* before the Washington Utilities and Transportation Commission, Docket UE-220066 and UG-220067 (Consolidated).
174. Expert Affidavit (October 2022) for *Concerned Citizens of Cook County GA (Petitioner) v. Georgia Department of Natural Resources (Respondent) and Spectrum Energy Georgia, LLC (Respondent Intervenor)* before the Office of State Administrative Hearings, State of Georgia, Docket No: 2303405-OSAH-BNR-AQ-37-Barnes.

C. Occasions where Dr. Sahu has provided oral testimony in depositions, at trial or in similar proceedings include the following:

175. Deposition on behalf of Rocky Mountain Steel Mills, Inc. located in Pueblo, Colorado – dealing with the manufacture of steel in mini-mills including methods of air pollution control and BACT in steel mini-mills and opacity issues at this steel mini-mill.
176. Trial Testimony (February 2002) on behalf of Rocky Mountain Steel Mills, Inc. in Denver District Court.
177. Trial Testimony (February 2003) on behalf of the United States in the Ohio Edison NSR Cases, *United States, et al. v. Ohio Edison Co., et al.*, C2-99-1181 (Southern District of Ohio).
178. Trial Testimony (June 2003) on behalf of the United States in the Illinois Power NSR Case, *United States v. Illinois Power Co., et al.*, 99-833-MJR (Southern District of Illinois).
179. Deposition (10/20/2005) on behalf of the United States in connection with the Cinergy NSR Case. *United States, et al. v. Cinergy Corp., et al.*, IP 99-1693-C-M/S (Southern District of Indiana).
180. Oral Testimony (August 2006) on behalf of the Appalachian Center for the Economy and the Environment re. the Western Greenbrier plant, WV before the West Virginia DEP.
181. Oral Testimony (May 2007) on behalf of various Montana petitioners (Citizens Awareness Network (CAN), Women’s Voices for the Earth (WVE) and the Clark Fork Coalition (CFC)) re. the Thompson River Cogeneration plant before the Montana Board of Environmental Review.
182. Oral Testimony (October 2007) on behalf of the Sierra Club re. the Sevier Power Plant before the Utah Air Quality Board.
183. Oral Testimony (August 2008) on behalf of the Sierra Club and Clean Water re. Big Stone Unit II before the South Dakota Board of Minerals and the Environment.
184. Oral Testimony (February 2009) on behalf of the Sierra Club and the Southern Environmental Law Center re. Santee Cooper Pee Dee units before the South Carolina Board of Health and Environmental Control.
185. Oral Testimony (February 2009) on behalf of the Sierra Club and the Environmental Integrity Project re. NRG Limestone Unit 3 before the Texas State Office of Administrative Hearings (SOAH) Administrative Law Judges.
186. Deposition (July 2009) on behalf of MTD Products, Inc., in the matter of *Alice Holmes and Vernon Holmes v. Home Depot USA, Inc., et al.*
187. Deposition (October 2009) on behalf of Environmental Defense and others, in the matter of challenges to the proposed Coletto Creek coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH).
188. Deposition (October 2009) on behalf of Environmental Defense, in the matter of permit challenges to the proposed Las Brisas coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH).
189. Deposition (October 2009) on behalf of the Sierra Club, in the matter of challenges to the proposed Medicine Bow Fuel and Power IGL plant in Cheyenne, Wyoming.
190. Deposition (October 2009) on behalf of Environmental Defense and others, in the matter of challenges to the proposed Tenaska coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH). (April 2010).
191. Oral Testimony (November 2009) on behalf of the Environmental Defense Fund re. the Las Brisas Energy Center before the Texas State Office of Administrative Hearings (SOAH) Administrative Law Judges.
192. Deposition (December 2009) on behalf of Environmental Defense and others, in the matter of challenges to the proposed White Stallion Energy Center coal fired power plant project at the Texas State Office of Administrative Hearings (SOAH).

193. Oral Testimony (February 2010) on behalf of the Environmental Defense Fund re. the White Stallion Energy Center before the Texas State Office of Administrative Hearings (SOAH) Administrative Law Judges.
194. Deposition (June 2010) on behalf of the United States in connection with the Alabama Power Company NSR Case. *United States v. Alabama Power Company*, CV-01-HS-152-S (Northern District of Alabama, Southern Division).
195. Trial Testimony (September 2010) on behalf of Commonwealth of Pennsylvania – Dept. of Environmental Protection, State of Connecticut, State of New York, State of Maryland, and State of New Jersey (Plaintiffs) in connection with the Allegheny Energy NSR Case in US District Court in the Western District of Pennsylvania. *Plaintiffs v. Allegheny Energy Inc., et al.*, 2:05cv0885 (Western District of Pennsylvania).
196. Oral Direct and Rebuttal Testimony (September 2010) on behalf of Fall-Line Alliance for a Clean Environment and others in the matter of the PSD Air Permit for Plant Washington issued by Georgia DNR at the Office of State Administrative Hearing, State of Georgia (OSAH-BNR-AQ-1031707-98-WALKER).
197. Oral Testimony (September 2010) on behalf of the State of New Mexico Environment Department in the matter of Proposed Regulation 20.2.350 NMAC – *Greenhouse Gas Cap and Trade Provisions*, No. EIB 10-04 (R), to the State of New Mexico, Environmental Improvement Board.
198. Oral Testimony (October 2010) on behalf of the Environmental Defense Fund re. the Las Brisas Energy Center before the Texas State Office of Administrative Hearings (SOAH) Administrative Law Judges.
199. Oral Testimony (November 2010) regarding BART for PSCo Hayden, CSU Martin Drake units before the Colorado Air Quality Commission on behalf of the Coalition of Environmental Organizations.
200. Oral Testimony (December 2010) regarding BART for TriState Craig Units, CSU Nixon Unit, and PRPA Rawhide Unit) before the Colorado Air Quality Commission on behalf of the Coalition of Environmental Organizations.
201. Deposition (December 2010) on behalf of the United States in connection with the Louisiana Generating NSR Case. *United States v. Louisiana Generating, LLC*, 09-CV100-RET-CN (Middle District of Louisiana).
202. Deposition (February 2011 and January 2012) on behalf of Wild Earth Guardians in the matter of opacity exceedances and monitor downtime at the Public Service Company of Colorado (Xcel)'s Cherokee power plant. No. 09-cv-1862 (D. Colo.).
203. Oral Testimony (February 2011) to the Georgia Office of State Administrative Hearings (OSAH) in the matter of Minor Source HAPs status for the proposed Longleaf Energy Associates power plant (OSAH-BNR-AQ-1115157-60-HOWELLS) on behalf of the Friends of the Chattahoochee and the Sierra Club).
204. Deposition (August 2011) on behalf of the United States in *United States of America v. Cemex, Inc.*, Civil Action No. 09-cv-00019-MSK-MEH (District of Colorado).
205. Deposition (July 2011) and Oral Testimony at Hearing (February 2012) on behalf of the Plaintiffs MYTAPN in the matter of Microsoft-Yes, Toxic Air Pollution-No (MYTAPN) v. State of Washington, Department of Ecology and Microsoft Corporation Columbia Data Center to the Pollution Control Hearings Board, State of Washington, Matter No. PCHB No. 10-162.
206. Oral Testimony at Hearing (March 2012) on behalf of the United States in connection with the Louisiana Generating NSR Case. *United States v. Louisiana Generating, LLC*, 09-CV100-RET-CN (Middle District of Louisiana).
207. Oral Testimony at Hearing (April 2012) on behalf of the New Hampshire Sierra Club at the State of New Hampshire Public Utilities Commission, Docket No. 10-261 – the 2010 Least Cost Integrated Resource Plan (LCIRP) submitted by the Public Service Company of New Hampshire (re. Merrimack Station Units 1 and 2).
208. Oral Testimony at Hearing (November 2012) on behalf of Clean Wisconsin in the matter of Application of Wisconsin Public Service Corporation for Authority to Construct and Place in Operation a New Multi-Pollutant Control Technology System (ReACT) for Unit 3 of the Weston Generating Station, before the Public Service Commission of Wisconsin, Docket No. 6690-CE-197.

209. Deposition (March 2013) in the matter of various Environmental Petitioners v. North Carolina DENR/DAQ and Carolinas Cement Company, before the Office of Administrative Hearings, State of North Carolina.
210. Deposition (August 2013) on behalf of the Sierra Club in connection with the Luminant Big Brown Case. *Sierra Club v. Energy Future Holdings Corporation and Luminant Generation Company LLC*, Civil Action No. 6:12-cv-00108-WSS (Western District of Texas, Waco Division).
211. Deposition (August 2013) on behalf of the Sierra Club in connection with the Luminant Martin Lake Case. *Sierra Club v. Energy Future Holdings Corporation and Luminant Generation Company LLC*, Civil Action No. 5:10-cv-0156-MHS-CMC (Eastern District of Texas, Texarkana Division).
212. Deposition (February 2014) on behalf of the United States in *United States of America v. Ameren Missouri*, Civil Action No. 4:11-cv-00077-RWS (Eastern District of Missouri, Eastern Division).
213. Trial Testimony (February 2014) in the matter of *Environment Texas Citizen Lobby, Inc and Sierra Club v. ExxonMobil Corporation et al.*, Civil Action No. 4:10-cv-4969 (Southern District of Texas, Houston Division).
214. Trial Testimony (February 2014) on behalf of the Sierra Club in connection with the Luminant Big Brown Case. *Sierra Club v. Energy Future Holdings Corporation and Luminant Generation Company LLC*, Civil Action No. 6:12-cv-00108-WSS (Western District of Texas, Waco Division).
215. Deposition (June 2014) and Trial (August 2014) on behalf of ECM Biofilms in the matter of the *US Federal Trade Commission (FTC) v. ECM Biofilms* (FTC Docket #9358).
216. Deposition (February 2015) on behalf of Plaintiffs in the matter of *Sierra Club and Montana Environmental Information Center (Plaintiffs) v. PPL Montana LLC, Avista Corporation, Puget Sound Energy, Portland General Electric Company, Northwestern Corporation, and Pacificorp (Defendants)*, Civil Action No. CV 13-32-BLG-DLC-JCL (US District Court for the District of Montana, Billings Division).
217. Oral Testimony at Hearing (April 2015) on behalf of Niagara County, the Town of Lewiston, and the Villages of Lewiston and Youngstown in the matter of CWM Chemical Services, LLC New York State Department of Environmental Conservation (NYSDEC) Permit Application Nos.: 9-2934-00022/00225, 9-2934-00022/00231, 9-2934-00022/00232, and 9-2934-00022/00249 (pending).
218. Deposition (August 2015) on behalf of Plaintiff in the matter of *Conservation Law Foundation (Plaintiff) v. Broadrock Gas Services LLC, Rhode Island LFG GENCO LLC, and Rhode Island Resource Recovery Corporation (Defendants)*, Civil Action No. 1:13-cv-00777-M-PAS (US District Court for the District of Rhode Island).
219. Testimony at Hearing (August 2015) on behalf of the Sierra Club in the matter of *Amendments to 35 Illinois Administrative Code Parts 214, 217, and 225* before the Illinois Pollution Control Board, R15-21.
220. Deposition (May 2015) on behalf of Plaintiffs in the matter of *Northwest Environmental Defense Center et. al., (Plaintiffs) v. Cascade Kelly Holdings LLC, d/b/a Columbia Pacific Bio-Refinery, and Global Partners LP (Defendants)*, Civil Action No. 3:14-cv-01059-SI (US District Court for the District of Oregon, Portland Division).
221. Trial Testimony (October 2015) on behalf of Plaintiffs in the matter of *Northwest Environmental Defense Center et. al., (Plaintiffs) v. Cascade Kelly Holdings LLC, d/b/a Columbia Pacific Bio-Refinery, and Global Partners LP (Defendants)*, Civil Action No. 3:14-cv-01059-SI (US District Court for the District of Oregon, Portland Division).
222. Deposition (April 2016) on behalf of the Plaintiffs in *UNatural Resources Defense Council, Respiratory Health Association, and Sierra Club (Plaintiffs) v. Illinois Power Resources LLC and Illinois Power Resources Generation LLC (Defendants)*, Civil Action No. 1:13-cv-01181 (Central District of Illinois, Peoria Division).
223. Trial Testimony at Hearing (July 2016) in the matter of Tesoro Savage LLC Vancouver Energy Distribution Terminal, Case No. 15-001 before the State of Washington Energy Facility Site Evaluation Council.
224. Trial Testimony (December 2016) on behalf of the challengers in the matter of the Delaware Riverkeeper Network, Clean Air Council, et. al., vs. Commonwealth of Pennsylvania Department of Environmental

- Protection and R. E. Gas Development LLC regarding the Geyer well site before the Pennsylvania Environmental Hearing Board.
225. Trial Testimony (July-August 2016) on behalf of the United States in *United States of America v. Ameren Missouri*, Civil Action No. 4:11-cv-00077-RWS (Eastern District of Missouri, Eastern Division).
  226. Trial Testimony (January 2017) on the Environmental Impacts Analysis associated with the Huntley and Huntley Poseidon Well Pad Hearing on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
  227. Trial Testimony (January 2017) on the Environmental Impacts Analysis associated with the Apex energy Backus Well Pad Hearing on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
  228. Trial Testimony (January 2017) on the Environmental Impacts Analysis associated with the Apex energy Drakulic Well Pad Hearing on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
  229. Trial Testimony (January 2017) on the Environmental Impacts Analysis associated with the Apex energy Deutsch Well Pad Hearing on behalf citizens in the matter of the special exception use Zoning Hearing Board of Penn Township, Westmoreland County, Pennsylvania.
  230. Deposition Testimony (July 2017) on behalf of Plaintiffs in the matter of *Casey Voight and Julie Voight v Coyote Creek Mining Company LLC (Defendant)* Civil Action No. 1:15-CV-00109 (US District Court for the District of North Dakota, Western Division).
  231. Deposition Testimony (November 2017) on behalf of Defendant in the matter of *Oakland Bulk and Oversized Terminal (Plaintiff) v City of Oakland (Defendant,)* Civil Action No. 3:16-cv-07014-VC (US District Court for the Northern District of California, San Francisco Division).
  232. Deposition Testimony (December 2017) on behalf of Plaintiff in the matter of *Wildearth Guardians (Plaintiff) v Colorado Springs Utility Board (Defendant)* Civil Action No. 1:15-cv-00357-CMA-CBS (US District Court for the District of Colorado).
  233. Deposition Testimony (January 2018) in the matter of National Parks Conservation Association (NPCA) v. State of Washington Department of Ecology and British Petroleum (BP) before the Washington Pollution Control Hearing Board, Case No. 17-055.
  234. Trial Testimony (January 2018) on behalf of Defendant in the matter of *Oakland Bulk and Oversized Terminal (Plaintiff) v City of Oakland (Defendant,)* Civil Action No. 3:16-cv-07014-VC (US District Court for the Northern District of California, San Francisco Division).
  235. Trial Testimony (April 2018) on behalf of the National Parks Conservation Association (NPCA) in the matter of NPCA v State of Washington, Department of Ecology and BP West Coast Products, LLC, PCHB No. 17-055 (Pollution Control Hearings Board for the State of Washington).
  236. Deposition (June 2018) (harm Phase) on behalf of Plaintiffs in the matter of *Natural Resources Defense Council, Inc., Sierra Club, Inc., and Respiratory Health Association v. Illinois Power Resources LLC, and Illinois Power Resources Generating LLC (Defendants)*, Civil Action No. 1:13-cv-01181 (US District Court for the Central District of Illinois, Peoria Division).
  237. Trial Testimony (July 2018) on behalf of Petitioners in the matter of *Coosa River Basin Initiative and Sierra Club (Petitioners) v State of Georgia Environmental Protection Division, Georgia Department of Natural Resources (Respondent) and Georgia Power Company (Intervenor/Respondent)*, Docket Nos: 1825406-BNR-WW-57-Howells and 1826761-BNR-WW-57-Howells, Office of State Administrative Hearings, State of Georgia.
  238. Deposition (January 2019) and Trial Testimony (January 2019) on behalf of Sierra Club and Texas Campaign for the Environment (Appellants) in the contested case hearing before the Texas State Office of Administrative Hearings in Docket Nos. 582-18-4846, 582-18-4847 (Application of GCGV Asset Holding, LLC for Air Quality Permit Nos. 146425/PSDTX1518 and 146459/PSDTX1520 in San Patricio County, Texas).

239. Deposition (February 2019) and Trial Testimony (March 2019) on behalf of Sierra Club in the State of Florida, Division of Administrative Hearings, Case No. 18-2124EPP, Tampa Electric Company Big Bend Unit 1 Modernization Project Power Plant Siting Application No. PA79-12-A2.
240. Deposition (June 2019) relating to the appeal of air permits issued to PTTGCA on behalf of Appellants in the matter of *Sierra Club (Appellants) v. Craig Butler, Director, et. al., Ohio EPA (Appellees)* before the State of Ohio Environmental Review Appeals Commission (ERAC), Case Nos. ERAC-19-6988 through -6991.
241. Deposition (September 2019) on behalf of Appellants relating to the NPDES permit for the Cheswick power plant in the matter of *Three Rivers Waterkeeper and Sierra Club (Appellants) v. State of Pennsylvania Department of Environmental Protection (Appellee) and NRG Power Midwest (Permittee)*, before the Commonwealth of Pennsylvania Environmental Hearing Board, EHB Docket No. 2018-088-R.
242. Deposition (December 2019) on behalf of the Plaintiffs in the matter of David Kovac, individually and on behalf of wrongful death class of Irene Kovac v. BP Corporation North America Inc., Circuit Court of Jackson County, Missouri (Independence), Case No. 1816-CV12417.
243. Deposition (February 2020, virtual) and testimony at Hearing (August 2020, virtual) on behalf of Earthjustice in the matter of *Objection to the Issuance of PSD/NSR and Title V permits for Riverview Energy Corporation, Dale, Indiana*, before the Indiana Office of Environmental Adjudication, Cause No. 19-A-J-5073.
244. Hearing (July 14-15, 2020, virtual) on behalf of the Sierra Club in the matter of *the Application of the Ohio State University for a certificate of Environmental Compatibility and Public Need to Construct a Combined Heat and Power Facility in Franklin County, Ohio*, before the Ohio Power Siting Board, Case No. 19-1641-EL-BGN.
245. Hearing (September 2020, virtual) on behalf of WildEarth Guardians (petitioners) in the matter of *the Appeals of the Air Quality Permit No. 7482-M1 Issued to 3 Bear Delaware Operating – NM LLC (EIB No. 20-21(A) and Registrations Nos. 8729, 8730, and 8733 under General Construction Permit for Oil and Gas Facilities (EIB No. 20-33 (A))*, before the State of New Mexico, Environmental Improvement Board.
246. Deposition (December 2020, March 4-5, 2021, all virtual) and Hearing (April 2021, virtual) in support of Petitioner's Motion for Stay of PSCAA NOC Order of Approval No. 11386 in the matter of the *Puyallup Tribe of Indians v. Puget Sound Clean Air Agency (PSCAA) and Puget Sound Energy (PSE)*, before the State of Washington Pollution Control Hearings Board, PCHB No. P19-088.
247. Hearing (September 2020, virtual) on the *Initial Economic Impact Analysis (EIA) for A Proposal To Regulate NOx Emissions from Natural Gas Fired Rich-Burn Natural Gas Reciprocating Internal Combustion Engines (RICE) Greater Than 100 Horsepower* prepared on behalf of Earthjustice and the National Parks Conservation Association in the matter of Regulation Number 7, Alternate Rules before the Colorado Air Quality Control Commission.
248. Deposition (December 2020, virtual and Hearing February 2021, virtual) on behalf of the Plaintiffs (Shrimpers and Fishermen of the Rio Grande Valley represented by Texas RioGrande Legal Aid, Inc.) in the matter of the Appeal of Texas Commission on Environmental Quality (TCEQ) Permit Nos. 147681, PSDTX1522, GHGPSDTX172 for the Jupiter Brownsville Heavy Condensate Upgrader Facility, Cameron County, before the Texas State Office of Administrative Hearings, SOAH Docket No. 582-21-0111, TCEQ Docket No. 2020-1080-AIR.
249. Deposition (January 2021, virtual) on behalf of Plaintiffs in the matter of *PennEnvironment Inc., and Clean Air Council (Plaintiffs) and Allegheny County Health Department (Plaintiff-Intervenor) v. United States Steel Corporation (Defendant)*, Civil Action No. 2-19-cv-00484-MJH (US District Court for the Western District of Pennsylvania.)
250. Deposition (February 2021, virtual) on behalf of Plaintiffs in the matter of *Sierra Club Inc. (Plaintiff) v. GenOn Power Midwest LP (Defendants)*, Civil Action No. 2-19-cv-01284-WSS (US District Court for the Western District of Pennsylvania.)
251. Deposition (April 2021, virtual) on the Potential Remedies to Avoid Adverse Thermal Impacts from the Merrimack Station on behalf of Plaintiffs in the matter of *Sierra Club Inc. and the Conservation Law*

- Foundation (Plaintiffs) v. Granite Shore Power, LLC et. al., (Defendants)*, Civil Action No. 19-cv-216-JL (US District Court for the District of New Hampshire.)
252. Deposition (June 2021, virtual) on behalf of Plaintiffs in the matter of *Sierra Club (Plaintiff) v. Woodville Pellets, LLC (Defendant)*, Civil Action No. 9:20-cv-00178-MJT (US District Court for the Eastern District of Texas, Lufkin Division).
  253. Deposition (June 2021, virtual) on behalf of the Plaintiffs in the matter of *Modern Holdings, LLC, et al. (Plaintiffs) v. Corning Inc., et al. (Defendants)*, Civil Action No. 5:13-cv-00405-GFVT, (US District Court for the Eastern District of Kentucky, Central Division at Lexington).
  254. Testimony (June 2021, virtual) regarding the Aries Newark LLC Sludge Processing Facility, Application No. CPB 20-74, (Central Planning Board, City of Newark, New Jersey).
  255. Testimony at Hearing (October 2021) on behalf of Evraz Rocky Mountain Steel in the matter of Colorado's Proposed Revisions to Regulation 22, the Greenhouse Gas Emissions and Energy Management for the Manufacturing Sector in Colorado (GEMM Rule), before the Colorado Air Quality Control Commission.
  256. Deposition (November 2021) for *Charles Johnson Jr. (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 2:20-CV-01329 (Related to 12-968 BELO in MDL No. 2179). (US District Court for the Eastern District of Louisiana).
  257. Testimony at Hearing (November 2021) on behalf of *National Parks Conservation Association, et. al.*, in the matter of the Proposed Revisions to Colorado's Regional Haze State Implementation Plan (SIP) and Colorado Regulation 23, before the Colorado Air Quality Control Commission.
  258. Deposition (December 2021) on behalf of Plaintiffs in Re: Deepwater Horizon BELO Cases, Case No. 3:19cv963-MCR-GRJ (US District Court for the Northern District of Florida, Pensacola Division).
  259. Deposition (December 2021) for *James Noel (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 1:19-CV-00694-JB-MU-C (US District Court for the Southern District of Alabama, Southern Division).
  260. Testimony at Hearing (February 2022, virtual) in the matter of the *Appeal Petition for Hearing on Air Quality Permit No. 8585 on behalf of Earth Care New Mexico et. al., (Petitioners) v. New Mexico Environment Department and Associated Asphalt and Materials, LLC (Applicant)*, No. EIB 21-48 before the State of New Mexico Environmental Improvement Board.
  261. Deposition (March 2022) and Rebuttal Deposition (July 2022) for *Kamuda (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010475 (Circuit Court of Cook County, Illinois.)
  262. Deposition (April 2022, virtual) in the matter of Application of TPC Group LLC for New State and PSD Air Quality Permits (various), TCEQ Docket No. 2021-1422-AIR, SOAH Docket No. 582-22-0799, Before the Texas State Office of Administrative Hearings.
  263. Deposition (May 2022, virtual) in the matter of the *Water Works and Sewer Board of the City of Gadsden (Plaintiff) v. 3M Company, et. al., (Defendants)*, Civil Action No.: 31 CV-2016-900676.00 (Circuit County of Etowah County, Alabama)
  264. Deposition (June 2022 and September 2022, both virtual) for *Teresa Fornek (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010744 (Circuit Court of Cook County, Illinois.)
  265. Deposition (June 2022, virtual) on behalf of the Plaintiffs in the matter of Toll Brothers, Inc., and Porter Ranch Development Company (Plaintiffs) v. Sempra Energy, Southern California Gas Company et. al., (Defendants), Southern California [Aliso Canyon] Gas Leak Cases, JCCP No.: 4861, Lead Case No.: BC674622, Superior Court of the State of California for the County of Los Angeles.
  266. Deposition (July 2022) for *Richard Dufour (Plaintiff) v. BP Exploration and Production Inc., et. al. (Defendant)*, Civil Action No. 19-cv-00591 (US District Court for the Southern District of Mississippi).
  267. Trial (August 2022) on behalf of the Plaintiffs in the matter of *Modern Holdings, LLC, et al. (Plaintiffs) v. Phillips (Defendants)*, Civil Action No. 5:13-cv-00405-GFVT, (US District Court for the Eastern District of Kentucky, Central Division at Lexington).

268. Trial (August 2022, in person) for *Susan Kamuda (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010475 (Circuit Court of Cook County, Illinois).
269. Deposition (September 2022, virtual) for *Heather Schumacher (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010744 (Circuit Court of Cook County, Illinois.)
270. Deposition (September 2022) on behalf of Plaintiffs in *Phylliss Grayson et. al. (Plaintiffs), v Lockheed Martin Corporation (Defendant)*, Case No. 6:20-cv-01770. (US District Court for the Middle District of Florida – Orlando Division.)
271. Hearing (October 2022) on behalf of the Puyallup Tribe of Indians in the matter of *Washington Utilities and Transportation Commission (Complainant) v. Puget Sound Energy (Respondent)* before the Washington Utilities and Transportation Commission, Docket UE-220066 and UG-220067 (Consolidated).
272. Deposition (September 2022) for *Teresa Fornek (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010475 (Circuit Court of Cook County, Illinois).
273. Trial (October 2022, in person) for *Teresa Fornek (Plaintiff) v. Sterigenics U.S., LLC, et. al., (Defendant)*, Case No. 2018-L-010475 (Circuit Court of Cook County, Illinois).

**Elie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:19 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557  
**Attachments:** 2023.05.05 FINAL TCEQ extension request4.pdf

H  
PM

**From:** rcantu@earthjustice.org <rcantu@earthjustice.org>  
**Sent:** Friday, May 5, 2023 11:14 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** MR Rodrgio Cantu

**EMAIL:** [rcantu@earthjustice.org](mailto:rcantu@earthjustice.org)

**COMPANY:** Earthjustice

**ADDRESS:** 845 TEXAS ST Suite 200  
HOUSTON TX 77002-2858

**PHONE:** 2816755841

**FAX:**

**COMMENTS:** Please see the attached, a request for extension to time, public meeting, and request for a contested case hearing



May 5, 2023

Ms. Laurie Gharis,  
Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087

**Re: Request by Rio Grande International Study Center for Delay for Filing of Public Comments and Request for Contested Hearing for Midwest Sterilization Corporation's Air Permit Renewal, Air Quality Permit Number 55557**

Dear Ms. Gharis,

On behalf of the Rio Grande International Study Center ("RGISC," pronounced "risk"), we submit this request regarding Midwest Sterilization Corporation's application to the Texas Commission on Environmental Quality ("TCEQ") for renewal of Air Quality Permit No. 55557, which would allow continued operation of the Midwest Sterilization Facility located at 12010 General Milton, Laredo, TX 78045. In particular, RGISC requests the following (1) an extension for filing public comments, (2) an extension for requests for a Contested Case Hearing, (3) TCEQ conduct a public meeting on Midwest's permit renewal; and (4) that the TCEQ grant RGISC party status in a Contested Case Hearing before the State Office of Administrative Hearings

RGISC is a chartered nonprofit organization headquartered in Laredo, Texas, and founded in January 1994. RGISC is a frontline environmental advocacy organization dedicated to using science, data, people power, and creative actions to preserve and protect the Rio Grande-Rio Bravo watershed, local ecosystems, and its people. RGISC pushes for a positive vision of our South Texas border region via research, public awareness campaigns, grassroots building, signature community events, and advocacy for local ordinances and policy making.

As outlined below, members of RGISC are affected by this permit renewal in a manner that is not common to the general public. In particular, RGISC's members live, work, and recreate in the immediate vicinity of the Midwest Sterilization facility, which uses ethylene oxide to sterilize medical equipment. Ethylene oxide, a flammable, colorless, gas, is a well-known carcinogen. Since the 1940s, ethylene oxide's mutagenetic, or DNA-damaging, properties have been well known to scientists.<sup>1</sup> In 2016, EPA's Integrated Risk Information System ("IRIS") program completed a long-awaited evaluation of the inhalation carcinogenicity

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<sup>1</sup> EPA, IRIS, Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide, Executive Summary at 5-6 (Dec. 2016), [https://cfpub.epa.gov/ncea/iris/iris\\_documents/documents/subst/1025\\_summary.pdf](https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/1025_summary.pdf).

of ethylene oxide. The evaluation found that based on the weight of the evidence, ethylene oxide is “‘carcinogenic to humans’ by the inhalation route of exposure.”<sup>2</sup> Based on this conclusion, EPA determined that ethylene oxide is 60 times more toxic than previously understood, with a greater risk posed to children, whose cells divide more frequently than adults.<sup>3</sup> And in 2022, an EPA risk assessment “identified elevated cancer risk in the Laredo community” from ethylene oxide emissions from the Midwest Sterilization facility.<sup>4</sup>

A handful of RGISC members live, recreate, and work in the area affected by Midwest’s permit renewal, including the following individual:

1. JoAnn Pilard, 508 Sandpiper Lane, Laredo, TX 78045 (956-285-1925). Ms. Pilard lives approximately 2 miles from the Midwest Sterilization facility. Ms. Pilard suffers from frequent eye irritation and headaches, which she believes to be caused by the Midwest Sterilization facility. As a result, she tries to avoid traveling near the facility, and generally avoids traveling near the industrial park where Midwest Sterilization is located. But whenever she leaves Laredo, TX, Ms. Pilard must drive by the Midwest facility. As a member of RGISC, Ms. Pilard may be contacted by and through RGISC’s counsel, listed below.

Notice of the permit renewal was published on April 20, 2023, in the Laredo Morning Times (attachment 1). The notice states that the deadline to request a contested hearing is “15 days after newspaper notice is published,” or May 5, 2023. Currently, the deadline to comment on the permit renewal and request a contested hearing is May 5, 2023. But fifteen days is not enough time for RGISC to reach out to neighbors affected by the permit, ensure that they are reasonably aware of the situation affecting their health, and to assist them in preparing their comments. In addition, RGISC would like to engage an expert to assist in its own preparation of public comments. In order to have time to educate the public, prepare their comments, and engage an expert, RGISC respectfully requests additional time to file comments and to request a contested hearing. RGISC also respectfully requests that TCEQ host a public meeting which would be attended by representatives of the TCEQ and Midwest Sterilization Corporation. The meeting should be noticed well in advance and TCEQ should coordinate with RGISC regarding the appropriate time and place for such an important event. The TCEQ should also clearly state whether the comment period extends to the conclusion of the meeting. A public meeting is important because it would allow members of the community to learn about the facility from

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<sup>2</sup> Id. at 2.

<sup>3</sup> EPA established a cancer risk factor for ethylene oxide of  $3.0 \times 10^{-3}$  per  $\mu\text{g}/\text{m}^3$  for adult exposure, or  $5.0 \times 10^{-3}$  per  $\mu\text{g}/\text{m}^3$  over a lifetime, accounting for increased vulnerability from early-life exposure. Id. at 5-6; see EPA, Frequent Questions about Ethylene Oxide (EtO), <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/frequent-questions-about-ethyleneoxide-eto>.

<sup>4</sup> EPA, *Laredo, Texas (Midwest Sterilization Corporation)*, <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/forms/laredo-texas-midwest-sterilization-corporation>.

representatives of the TCEQ and Midwest Sterilization during a question and answer phase. It will also provide community members an opportunity to render oral comments on the record, using the information they learned during the question and answer portion to formulate their comments.

Please feel free to contact the undersigned counsel with any questions.

Respectfully submitted by,

EARTHJUSTICE

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Rodrigo G. Cantú,  
TX Bar: 24094581  
Earthjustice  
845 Texas Ave.,  
The Sq. Suite 200  
Houston, TX 77002  
rcantu@earthjustice.org  
281.675.5841

*Counsel for RGISC*

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:21 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557  
**Attachments:** 2023.05.05 FINAL TCEQ extension request4.pdf

H  
PM

**From:** rcantu@earthjustice.org <rcantu@earthjustice.org>  
**Sent:** Friday, May 5, 2023 11:51 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** MR Rodrgio Cantu

**EMAIL:** [rcantu@earthjustice.org](mailto:rcantu@earthjustice.org)

**COMPANY:** Earthjustice

**ADDRESS:** 845 TEXAS ST Suite 200  
HOUSTON TX 77002-2858

**PHONE:** 2816755841

**FAX:**

**COMMENTS:** please see the attached request for extension, contested case hearing, and public meeting.



May 5, 2023

Ms. Laurie Gharis,  
Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087

**Re: Request by Rio Grande International Study Center for Delay for Filing of Public Comments and Request for Contested Hearing for Midwest Sterilization Corporation's Air Permit Renewal, Air Quality Permit Number 55557**

Dear Ms. Gharis,

On behalf of the Rio Grande International Study Center ("RGISC," pronounced "risk"), we submit this request regarding Midwest Sterilization Corporation's application to the Texas Commission on Environmental Quality ("TCEQ") for renewal of Air Quality Permit No. 55557, which would allow continued operation of the Midwest Sterilization Facility located at 12010 General Milton, Laredo, TX 78045. In particular, RGISC requests the following (1) an extension for filing public comments, (2) an extension for requests for a Contested Case Hearing, (3) TCEQ conduct a public meeting on Midwest's permit renewal; and (4) that the TCEQ grant RGISC party status in a Contested Case Hearing before the State Office of Administrative Hearings

RGISC is a chartered nonprofit organization headquartered in Laredo, Texas, and founded in January 1994. RGISC is a frontline environmental advocacy organization dedicated to using science, data, people power, and creative actions to preserve and protect the Rio Grande-Rio Bravo watershed, local ecosystems, and its people. RGISC pushes for a positive vision of our South Texas border region via research, public awareness campaigns, grassroots building, signature community events, and advocacy for local ordinances and policy making.

As outlined below, members of RGISC are affected by this permit renewal in a manner that is not common to the general public. In particular, RGISC's members live, work, and recreate in the immediate vicinity of the Midwest Sterilization facility, which uses ethylene oxide to sterilize medical equipment. Ethylene oxide, a flammable, colorless, gas, is a well-known carcinogen. Since the 1940s, ethylene oxide's mutagenetic, or DNA-damaging, properties have been well known to scientists.<sup>1</sup> In 2016, EPA's Integrated Risk Information System ("IRIS") program completed a long-awaited evaluation of the inhalation carcinogenicity

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<sup>1</sup> EPA, IRIS, Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide, Executive Summary at 5-6 (Dec. 2016), [https://cfpub.epa.gov/ncea/iris/iris\\_documents/documents/subst/1025\\_summary.pdf](https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/1025_summary.pdf).

of ethylene oxide. The evaluation found that based on the weight of the evidence, ethylene oxide is “‘carcinogenic to humans’ by the inhalation route of exposure.”<sup>2</sup> Based on this conclusion, EPA determined that ethylene oxide is 60 times more toxic than previously understood, with a greater risk posed to children, whose cells divide more frequently than adults.<sup>3</sup> And in 2022, an EPA risk assessment “identified elevated cancer risk in the Laredo community” from ethylene oxide emissions from the Midwest Sterilization facility.<sup>4</sup>

A handful of RGISC members live, recreate, and work in the area affected by Midwest’s permit renewal, including the following individual:

1. JoAnn Pilard, 508 Sandpiper Lane, Laredo, TX 78045 (956-285-1925). Ms. Pilard lives approximately 2 miles from the Midwest Sterilization facility. Ms. Pilard suffers from frequent eye irritation and headaches, which she believes to be caused by the Midwest Sterilization facility. As a result, she tries to avoid traveling near the facility, and generally avoids traveling near the industrial park where Midwest Sterilization is located. But whenever she leaves Laredo, TX, Ms. Pilard must drive by the Midwest facility. As a member of RGISC, Ms. Pilard may be contacted by and through RGISC’s counsel, listed below.

Notice of the permit renewal was published on April 20, 2023, in the Laredo Morning Times (attachment 1). The notice states that the deadline to request a contested hearing is “15 days after newspaper notice is published,” or May 5, 2023. Currently, the deadline to comment on the permit renewal and request a contested hearing is May 5, 2023. But fifteen days is not enough time for RGISC to reach out to neighbors affected by the permit, ensure that they are reasonably aware of the situation affecting their health, and to assist them in preparing their comments. In addition, RGISC would like to engage an expert to assist in its own preparation of public comments. In order to have time to educate the public, prepare their comments, and engage an expert, RGISC respectfully requests additional time to file comments and to request a contested hearing. RGISC also respectfully requests that TCEQ host a public meeting which would be attended by representatives of the TCEQ and Midwest Sterilization Corporation. The meeting should be noticed well in advance and TCEQ should coordinate with RGISC regarding the appropriate time and place for such an important event. The TCEQ should also clearly state whether the comment period extends to the conclusion of the meeting. A public meeting is important because it would allow members of the community to learn about the facility from

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<sup>2</sup> Id. at 2.

<sup>3</sup> EPA established a cancer risk factor for ethylene oxide of  $3.0 \times 10^{-3}$  per  $\mu\text{g}/\text{m}^3$  for adult exposure, or  $5.0 \times 10^{-3}$  per  $\mu\text{g}/\text{m}^3$  over a lifetime, accounting for increased vulnerability from early-life exposure. Id. at 5-6; see EPA, Frequent Questions about Ethylene Oxide (EtO), <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/frequent-questions-about-ethyleneoxide-eto>.

<sup>4</sup> EPA, *Laredo, Texas (Midwest Sterilization Corporation)*, <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/forms/laredo-texas-midwest-sterilization-corporation>.

representatives of the TCEQ and Midwest Sterilization during a question and answer phase. It will also provide community members an opportunity to render oral comments on the record, using the information they learned during the question and answer portion to formulate their comments.

Please feel free to contact the undersigned counsel with any questions.

Respectfully submitted by,

EARTHJUSTICE

*Rodrigo G Cantu*

---

Rodrigo G. Cantú,

TX Bar: 24094581

Earthjustice

845 Texas Ave.,

The Sq. Suite 200

Houston, TX 77002

rcantu@earthjustice.org

281.675.5841

*Counsel for RGISC*

25

# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: RODRIGO CONTRA

Mailing Address: \_\_\_\_\_

Physical Address (if different): \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: \_\_\_\_\_

Phone Number: (       ) \_\_\_\_\_

• Are you here today representing a municipality, legislator, agency, or group?     Yes     No

If yes, which one? \_\_\_\_\_

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

## Christina Bourque

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, April 24, 2023 10:28 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H

**From:** girly\_53@yahoo.com <girly\_53@yahoo.com>  
**Sent:** Friday, April 21, 2023 9:06 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**FROM**

**NAME:** Melody Carriere

**EMAIL:** [girly\\_53@yahoo.com](mailto:girly_53@yahoo.com)

**COMPANY:**

**ADDRESS:** 418 SABAL LOOP  
LAREDO TX 78045-5016

**PHONE:** 2255055858

**FAX:**

**COMMENTS:** I am requesting a contested case hearing. My son goes to United Day School and we live very close to the school. UDS is in the FIRST PERCENTILE OF THE UNITED STATES for the amount of EtO being emitted. THIS FACTORY SHOULD NOT BE ALLOWED TO OPERATE WITHIN CITY LIMITS.

# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: Dr. Melody Carriere

Mailing Address: 418 Sabal Loop

Physical Address (if different): \_\_\_\_\_

City/State: Laredo Zip: 78045

**\*\*This information is subject to public disclosure under the Texas Public Information Act\*\***

Email: girly - 53@yahoo.com

Phone Number: ( ) \_\_\_\_\_

- Are you here today representing a municipality, legislator, agency, or group?  Yes  No

If yes, which one? \_\_\_\_\_

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)



Please give this form to the person at the information table. Thank you.

My son is eight years old and attends United Day School, which is in the 2<sup>nd</sup> percentile of the US of toxicity of EtO. There have been children diagnosed with cancer from Muller elementary. The levels of EtO emitted from Midwest are at unsafe levels. I have grave concerns for the welfare of my own child as well as for others in the community. This renewal application needs to be denied for the health and safety of Laredo citizens.

RECEIVED  
OCT 17 2023  
AT PUBLIC MEETING

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:24 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** eddie\_cavazosjr@yahoo.com <eddie\_cavazosjr@yahoo.com>  
**Sent:** Friday, May 5, 2023 2:21 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Eduardo Cavazos, JR

**EMAIL:** [eddie\\_cavazosjr@yahoo.com](mailto:eddie_cavazosjr@yahoo.com)

**COMPANY:**

**ADDRESS:** 1406 KEY DEER DR  
LAREDO TX 78045-7159

**PHONE:** 9562510330

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo.

## Vincent Redondo

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, October 18, 2023 2:38 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557

H

**From:** juliocesar.dlc@icloud.com <juliocesar.dlc@icloud.com>  
**Sent:** Wednesday, October 18, 2023 5:10 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** C F HAWN FWY SUNOCO

**RN NUMBER:** RN101563476

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:** 2018-0080-PST-E

**COUNTY:** DALLAS

**PRINCIPAL NAME:** SJ&F LLC

**CN NUMBER:** CN604508630

**NAME:** Julio De La Cruz

**EMAIL:** [juliocesar.dlc@icloud.com](mailto:juliocesar.dlc@icloud.com)

**COMPANY:**

**ADDRESS:** 6743 SPRING HURST ST  
SAN ANTONIO TX 78249-2919

**PHONE:** 9566526040

**FAX:**

**COMMENTS:** I've been personally impacted. I lost my friend, of 25 years to Leukemia 2 months ago. He lived in a highly impacted neighborhood. He was a very talented young man who was just setting his legacy. Laredo is full of hard working talented people. We need to protect our future. I would please like to request a contested case hearing for this permit renewal application.

**Vincent Redondo**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, October 18, 2023 2:40 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557

H

Please disassociate from 2018-0080-PST-E and associate to AIRNSR 55557.

**From:** juliocesar.dlc@icloud.com <juliocesar.dlc@icloud.com>  
**Sent:** Tuesday, October 17, 2023 11:18 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** C F HAWN FWY SUNOCO

**RN NUMBER:** RN101563476

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:** 2018-0080-PST-E

**COUNTY:** DALLAS

**PRINCIPAL NAME:** SJ&F LLC

**CN NUMBER:** CN604508630

**NAME:** Julio De La Cruz

**EMAIL:** [juliocesar.dlc@icloud.com](mailto:juliocesar.dlc@icloud.com)

**COMPANY:**

**ADDRESS:** 6743 SPRING HURST ST  
SAN ANTONIO TX 78249-2919

**PHONE:** 9566526040

**FAX:**

**COMMENTS:** I've been personally impacted. I lost my friend, of 25 years to Leukemia 2 months ago. He lived in a highly impacted neighborhood. He was a very talented young man who was just setting his legacy. Laredo is full of hard working talented people. We need to protect our future. I would please like to request a contested case hearing for this permit renewal application.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:12 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** raul@gap-cpa.com <raul@gap-cpa.com>  
**Sent:** Friday, May 5, 2023 8:24 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** MR Raul Garza

**EMAIL:** [raul@gap-cpa.com](mailto:raul@gap-cpa.com)

**COMPANY:**

**ADDRESS:** 126 REDWING CT  
LAREDO TX 78045-4155

**PHONE:** 9562066738

**FAX:** 9567274122

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we

obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision. \*

<https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 8, 2023 12:03 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** ricardoxgp@hotmail.com <ricardoxgp@hotmail.com>  
**Sent:** Sunday, May 7, 2023 2:55 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Ricardo X Guerra

**EMAIL:** [ricardoxgp@hotmail.com](mailto:ricardoxgp@hotmail.com)

**COMPANY:**

**ADDRESS:** 1340 KIMBERLY DR  
LAREDO TX 78045-7599

**PHONE:** 2106855133

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we

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\* <https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>  
(<https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>)

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:14 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** ricardoxgp@hotmail.com <ricardoxgp@hotmail.com>  
**Sent:** Friday, May 5, 2023 8:55 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Ricardo X Guerra

**EMAIL:** [ricardoxgp@hotmail.com](mailto:ricardoxgp@hotmail.com)

**COMPANY:**

**ADDRESS:** 1340 KIMBERLY DR  
LAREDO TX 78045-7599

**PHONE:** 2106855133

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we

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\* <https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>  
(<https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>)

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 8, 2023 11:53 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** agarza.13@hotmail.com <agarza.13@hotmail.com>  
**Sent:** Friday, May 5, 2023 5:40 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Analaila Gutierrez

**EMAIL:** [agarza.13@hotmail.com](mailto:agarza.13@hotmail.com)

**COMPANY:**

**ADDRESS:** 1117 COAHUILA LOOP  
LAREDO TX 78045-6635

**PHONE:** 9564825772

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we

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**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 8, 2023 11:52 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** rgtzjr95@yahoo.com <rgtzjr95@yahoo.com>  
**Sent:** Friday, May 5, 2023 5:38 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Reynaldo Gutierrez, JR

**EMAIL:** [rgtzjr95@yahoo.com](mailto:rgtzjr95@yahoo.com)

**COMPANY:**

**ADDRESS:** 1117 COAHUILA LOOP  
LAREDO TX 78045-6635

**PHONE:** 9562864255

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we

obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

## Ellie Guerra

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, May 3, 2023 9:26 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

PM  
H

**From:** ednaibarra86@hotmail.com <ednaibarra86@hotmail.com>  
**Sent:** Tuesday, May 2, 2023 8:35 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**FROM**

**NAME:** Edna Ibarra

**EMAIL:** [ednaibarra86@hotmail.com](mailto:ednaibarra86@hotmail.com)

**COMPANY:**

**ADDRESS:** 102 MOCKINGBIRD CT  
LAREDO TX 78045-4151

**PHONE:** 9563071326

**FAX:**

**COMMENTS:** As a citizen of Laredo, I would like to request that the TCEQ extend the public comment deadline by 60 days, extend the contested hearing request deadline by 60 days and hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of EtO in our community for 17 years. Our community deserves to be heard and protected by the TCEQ.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, April 20, 2023 4:00 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H

**From:** lauromtz44@gmail.com <lauromtz44@gmail.com>  
**Sent:** Thursday, April 20, 2023 3:24 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**FROM**

**NAME:** MR Lauro Martinez

**EMAIL:** [lauromtz44@gmail.com](mailto:lauromtz44@gmail.com)

**COMPANY:**

**ADDRESS:** 1519 GALVESTON ST  
LAREDO TX 78040-8737

**PHONE:** 9562515044

**FAX:**

**COMMENTS:** Midwest Sterilization has proved to be incapable of safely handling dangerous chemicals. They have historically been negligent with ethylene oxide. I am requesting a contested case hearing. Our community is already severely medically under served, do not continue to let them pollute our air.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:20 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** marajben@yahoo.com <marajben@yahoo.com>  
**Sent:** Friday, May 5, 2023 11:39 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Jaqueline Mendoza

**EMAIL:** [marajben@yahoo.com](mailto:marajben@yahoo.com)

**COMPANY:**

**ADDRESS:** 503 STARLING CREEK LOOP  
LAREDO TX 78045-8895

**PHONE:** 9564582987

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. I am a resident of Laredo, Texas who lives within a three mile radius of Midwest Sterilization, which is a corporation that emits ethylene oxide and is the number one user of this pesticide and known carcinogen in the entire country. I am also a mother to two young children who live and attend elementary school within the same three mile radius to this facility. I am horrified and disappointed to have learned, with the publication of a ProPublica article in

2021, that this corporation has been operating in such close proximity to my children, myself and my community. The entities in place to protect us from environmental pollutants and carcinogens, namely the TCEQ and EPA, have failed us thus far by allowing this facility to operate in perpetuity and leaving our communities in the dark about the posted findings in 2016 by the EPA that when inhaled, ethylene oxide is significantly more toxic and carcinogenic to adults and even more so to the still-developing bodies of children than previously known. My children, community and I deserve the basic human right of clean air. We should not live in fear of an invisible, odorless, carcinogenic gas that we have been unknowingly and perpetually exposed to simply by nature of living and breathing. My life and health matters, my children's lives and health matter and my fellow Laredoans' lives and health matter. I reject the approval of any permit to Midwest Sterilization. Furthermore, I am requesting that you deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 19, 2023 8:30 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557  
**Attachments:** Public comment on Permit Number 55557 Failed; Public comment on Permit Number 55557 Failed; Public comment on Permit Number 55557 Failed; Public comment on Permit Number 55557 Failed

PM  
H

**From:** Meghan Taack <Meghan.Taack@tceq.texas.gov>  
**Sent:** Friday, May 19, 2023 7:53 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

Please paste the comment from the failed emails into CID. There were two attempts to submit (four emails).

Thank you,  
Meghan

**Ellie Guerra**

---

**From:** GENWEB  
**Sent:** Thursday, May 18, 2023 8:09 PM  
**To:** GENWEB; CHIEFCLK  
**Subject:** Public comment on Permit Number 55557 Failed

CID Interested Person Data saved Successfully. Save ecomment Document Failed.

Web Service uploadCommentAndDoc failed. Below is the Response object

Comment header Id: None returned

Error Message: Invalid JSON response

Return Code: -999

response - struct	
ERRORMSG	Invalid JSON response
FILECONTENT	<!DOCTYPE HTML PUBLIC "-//IETF//DTD HTML 2.0//EN"> <html><head> <title>404 Not Found</title> </head><body><h1>Not Found</h1> <p>The requested URL /cta-webservices/webservice/uploadCommentAndDoc was not found on this server.</p> <hr> <address>JBCS httpd/2.4.29-SP2-40 (Red Hat) Server at tceq4avrctup1.tceq.texas.gov Port 443</address> </body></html>
OBJ	[empty string]
RETURNCD	-999

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Roxana Moyeda

**EMAIL:** [roxy33221@hotmail.com](mailto:roxy33221@hotmail.com)

**COMPANY:**

**ADDRESS:** 2032 PORT LOUISIANA DR  
LAREDO TX 78045-9074

**PHONE:** 9563260996

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

**JAVA\_CALL: 0**

**Ellie Guerra**

---

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**To:** GENWEB; CHIEFCLK  
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Error Message: Invalid JSON response

Return Code: -999

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ERRORMSG	Invalid JSON response
FILECONTENT	<!DOCTYPE HTML PUBLIC "-//IETF//DTD HTML 2.0//EN"> <html><head> <title>404 Not Found</title> </head><body> <h1>Not Found</h1> <p>The requested URL /cta-webservices/webservice/uploadCommentAndDoc was not found on this server.</p> <hr> <address>JBCS httpd/2.4.29-SP2-40 (Red Hat) Server at tceq4avrctup1.tceq.texas.gov Port 443</address> </body></html>
OBJ	[empty string]
RETURNCD	-999

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Roxana Moyeda

**EMAIL:** [roxy33221@hotmail.com](mailto:roxy33221@hotmail.com)

**COMPANY:**

**ADDRESS:** 2032 PORT LOUISIANA DR  
LAREDO TX 78045-9074

**PHONE:** 9563260996

**FAX:**

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**JAVA\_CALL: 0**

**Ellie Guerra**

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**To:** GENWEB; CHIEFCLK  
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Comment header Id: None returned

Error Message: Invalid JSON response

Return Code: -999

response - struct	
ERRORMSG	Invalid JSON response
FILECONTENT	Connection Failure
OBJ	[empty string]
RETURNCD	-999

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Roxana Moyeda

**EMAIL:** [roxy33221@hotmail.com](mailto:roxy33221@hotmail.com)

**COMPANY:**

**ADDRESS:** 2032 PORT LOUISIANA DR  
LAREDO TX 78045-9074

**PHONE:** 9563260996

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

**JAVA\_CALL:** 0

**Ellie Guerra**

---

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**To:** GENWEB; CHIEFCLK  
**Subject:** Public comment on Permit Number 55557 Failed

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Error Message: Invalid JSON response

Return Code: -999

response - struct	
ERRORMSG	Invalid JSON response
FILECONTENT	Connection Failure
OBJ	[empty string]
RETURNCD	-999

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Roxana Moyeda

**EMAIL:** [roxy33221@hotmail.com](mailto:roxy33221@hotmail.com)

**COMPANY:**

**ADDRESS:** 2032 PORT LOUISIANA DR  
LAREDO TX 78045-9074

**PHONE:** 9563260996

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision.

**JAVA\_CALL:** 0

# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: Roxana Moyeda

Mailing Address: 2032 Port Louisiana Dr

Physical Address (if different): \_\_\_\_\_

City/State: Laredo, TX Zip: 78045

**\*\*This information is subject to public disclosure under the Texas Public Information Act\*\***

Email: Rox433221@hotmail.com

Phone Number: (956) 326-0996

- Are you here today representing a municipality, legislator, agency, or group?  Yes  No

If yes, which one? \_\_\_\_\_

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please reduce fumes emitted by the  
company to help reduce pollution in  
Laredo. This plant is causing a slight cancer  
rise in the community. There is an elementary  
school less than 5 miles away, and kids  
are more susceptible to these fumes.

Please give this form to the person at the information table. Thank you.

School less than 5 miles away, and kids  
are more susceptible to these fumes.

RECEIVED

OCT 17 2023

AT PUBLIC MEETING

## Ellie Guerra

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, April 20, 2023 10:56 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H

**From:** pamela.j.neumann@gmail.com <pamela.j.neumann@gmail.com>  
**Sent:** Thursday, April 20, 2023 10:08 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**FROM**

**NAME:** Pamela Neumann

**EMAIL:** [pamela.j.neumann@gmail.com](mailto:pamela.j.neumann@gmail.com)

**COMPANY:**

**ADDRESS:** 9114 MCPHERSON RD 403  
LAREDO TX 78045-6473

**PHONE:** 2104883241

**FAX:**

**COMMENTS:** I am requesting a contested case hearing. I am opposed to the renewal of this permit for the Midwest Sterilization Corporation.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 8, 2023 11:54 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** tannya\_69191@hotmail.com <tannya\_69191@hotmail.com>  
**Sent:** Friday, May 5, 2023 6:36 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Tannya Perez

**EMAIL:** [tannya\\_69191@hotmail.com](mailto:tannya_69191@hotmail.com)

**COMPANY:**

**ADDRESS:** 504 GOLDFINCH ST  
LAREDO TX 78045-4125

**PHONE:** 9563243033

**FAX:**

**COMMENTS:** As a citizen who is affected by emissions from Midwest sterilization I petition for a contested state hearing, extend the public comment deadline by 60 days and for a public meeting to be held in Laredo. I believe Texas commission of environmental quality is committed to prevent any dangerous emissions into the public air and water. These emissions brought by Midwest Sterilization are affecting us as a whole community. We cannot turn a blind eye and allow anymore exposure to this carcinogen discharges. Please take into considerations the amount of children that

are and will be affected by this. Please be as stern as you are whenever violations occur within the water and wastewater plants of Laredo.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 10:33 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** District7@ci.laredo.tx.us <District7@ci.laredo.tx.us>  
**Sent:** Friday, May 5, 2023 12:23 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**FROM**

**NAME:** MRS Vanessa J Perez

**EMAIL:** [District7@ci.laredo.tx.us](mailto:District7@ci.laredo.tx.us)

**COMPANY:** City of Laredo Government

**ADDRESS:** 414 CROSSBILL ST  
LAREDO TX 78045-4117

**PHONE:** 9564739129

**FAX:**

**COMMENTS:** As the Mayor Pro Tempore for the City of Laredo, and someone that is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years.

The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision. \* <https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>

**Misty Botello**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, September 1, 2023 7:57 AM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557

PM  
H

---

**From:** District7@ci.laredo.tx.us <District7@ci.laredo.tx.us>  
**Sent:** Friday, September 1, 2023 12:26 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** MRS Vanessa J Perez

**EMAIL:** [District7@ci.laredo.tx.us](mailto:District7@ci.laredo.tx.us)

**COMPANY:** City of Laredo Government

**ADDRESS:** 414 CROSSBILL ST  
LAREDO TX 78045-4117

**PHONE:** 9564739129

**FAX:**

**COMMENTS:** As the Mayor Pro Tempore for the City of Laredo, and someone that is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't

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19

# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: Vanessa Perez

Mailing Address: 414 Crossbill

Physical Address (if different):

City/State: Laredo TX Zip: 78045

**\*\*This information is subject to public disclosure under the Texas Public Information Act\*\***

Email: perezvanessa2512@gmail.com

Phone Number: (956) 473-9129

• Are you here today representing a municipality, legislator, agency, or group?  Yes  No  
If yes, which one? City of Laredo

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 11, 2023 12:37 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: 55557  
**Attachments:** Public comment on Permit Number 55557 Failed; Public comment on Permit Number 55557 Failed

H  
PM

**From:** Mehgan Taack <Mehgan.Taack@tceq.texas.gov>  
**Sent:** Thursday, May 11, 2023 11:01 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** 55557

**Ellie Guerra**

---

**From:** GENWEB  
**Sent:** Friday, May 5, 2023 7:55 PM  
**To:** GENWEB; CHIEFCLK  
**Subject:** Public comment on Permit Number 55557 Failed

CID Interested Person Data saved Successfully. Save ecomment Document Failed.

Web Service uploadCommentAndDoc failed. Below is the Response object

Comment header Id: None returned

Error Message: Invalid JSON response

Return Code: -999

response - struct	
ERRORMSG	Invalid JSON response
FILECONTENT	<!DOCTYPE HTML PUBLIC "-//IETF//DTD HTML 2.0//EN"> <html><head> <title>404 Not Found</title> </head><body> <h1>Not Found</h1> <p>The requested URL /cta-webservices/webservice/uploadCommentAndDoc was not found on this server.</p> <hr> <address>JBCS httpd/2.4.29-SP2-40 (Red Hat) Server at tceq4avrctup2.tceq.texas.gov Port 443</address> </body></html>
OBJ	[empty string]
RETURNCD	-999

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Marissa Perez-Garcia

**EMAIL:** [marissaveronica@gmail.com](mailto:marissaveronica@gmail.com)

**COMPANY:**

**ADDRESS:** 419 PLYMOUTH LN  
LAREDO TX 78041-2734

**PHONE:** 9562867718

**FAX:**

**COMMENTS:** The ethylene oxide they spew raises our cancer risk As a citizen who is affected by emissions from Midwest Sterilization, I: -petition for a contested case hearing. -request TCEQ extend the public comment deadline by 60 days; and -request TCEQ hold a public meeting in Laredo. Midwest Sterilization is the #1 user of ethylene oxide in the country, and has emitted dangerous levels of this pesticide and know carcinogen into the air we breathe for 17 years. The Texas Department of State Health has released two reports titled, "Assessments on the Occurrence of Cancer in Laredo", and in both reports, every cancer type had observed Cancer rates that exceed the expected rates.\* It wasn't without great reluctance from the agency that we obtained this data. We can not ignore these findings and require a more in depth analysis of the health of our community. Given the fact that the six census tracts in the report are the ones immediately surrounding Midwest Sterilization, we reject the approval of any permit to this facility. Additionally, we are concerned with the technical requirements of the facility equipment and quantity of emissions that are escaping, including fugitive emissions that are not currently regulated but very much affect the amount of ethylene oxide released into our environment. Our residents deserve to be heard and protected by the Texas Commission on Environmental Quality. Please deny any permit renewals and allow the people most affected by this facility that operates at your approval, the courtesy of outreach, education, and the opportunity to have their feedback considered for this important decision. \* <https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations> (<https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>)

**JAVA\_CALL:** 0

**Ellie Guerra**

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LAREDO TX 78041-2734

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**JAVA\_CALL: 0**

**Ellie Guerra**

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H  
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**From:** Mehgan Taack <Mehgan.Taack@tceq.texas.gov>  
**Sent:** Thursday, May 11, 2023 11:00 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** 55557

**Ellie Guerra**

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**COMPANY:**

**ADDRESS:** 419 PLYMOUTH LN  
LAREDO TX 78041-2734

**PHONE:** 9562867718

**FAX:**

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**JAVA\_CALL:** 0

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 11, 2023 12:38 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: 55557  
**Attachments:** Public comment on Permit Number 55557 Failed; Public comment on Permit Number 55557 Failed

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**Subject:** 55557

**Ellie Guerra**

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**To:** GENWEB; CHIEFCLK  
**Subject:** Public comment on Permit Number 55557 Failed

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**COUNTY:** WEBB

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**DOCKET NUMBER:**

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**CN NUMBER:** CN602788465

**NAME:** Marissa Perez-Garcia

**EMAIL:** [marissaveronica@gmail.com](mailto:marissaveronica@gmail.com)

**COMPANY:**

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**JAVA\_CALL: 0**

**Ellie Guerra**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 5, 2023 2:15 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557

H  
PM

**From:** Arianasalinas@ymail.com <Arianasalinas@ymail.com>  
**Sent:** Friday, May 5, 2023 9:15 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** Ariana Salinas

**EMAIL:** [Arianasalinas@ymail.com](mailto:Arianasalinas@ymail.com)

**COMPANY:**

**ADDRESS:** 1224 LONGHORN DR  
LAREDO TX 78045-8332

**PHONE:** 9513756614

**FAX:**

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(<https://www.dshs.texas.gov/environmental-surveillance-toxicology/cancer-cluster-investigations>)

## Vincent Redondo

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, October 18, 2023 2:35 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557

RFR

**From:** Jorge.serrat@gmail.com <Jorge.serrat@gmail.com>  
**Sent:** Wednesday, October 18, 2023 6:27 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** DR. Jorge Serrato

**EMAIL:** [Jorge.serrat@gmail.com](mailto:Jorge.serrat@gmail.com)

**COMPANY:**

**ADDRESS:** 1229 LARVOTTO LOOP  
LAREDO TX 78045-6934

**PHONE:** 9566080640

**FAX:**

**COMMENTS:** Ethylene oxide in any amount is bad. There is clear evidence that it causes cancer. We should not allow companies like this to establish another 10 years of cancer producing pollutant in the city of Laredo. The TCEQ does not follow USEPA guidelines nor has a clear established limit to the amount of ethylene oxide that is safe. TCEQ also doesn't have the necessary instruments to measure those limits. Therefore, we shouldn't be thinking of whether or not TCEQ should renew the permit. Clearly we need to reconsider and deny the permit.

## Vincent Redondo

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, October 18, 2023 2:39 PM  
**To:** PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 55557

RFR

**From:** Jorge.serrat@gmail.com <Jorge.serrat@gmail.com>  
**Sent:** Tuesday, October 17, 2023 11:42 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME:** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

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**CN NUMBER:** CN602788465

**NAME:** DR. Jorge Serrato

**EMAIL:** [Jorge.serrat@gmail.com](mailto:Jorge.serrat@gmail.com)

**COMPANY:**

**ADDRESS:** 1229 LARVOTTO LOOP  
LAREDO TX 78045-6934

**PHONE:** 9566080640

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# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: Jorge Serrate

Mailing Address: 1229 Carvotto Loop

Physical Address (if different): \_\_\_\_\_

City/State: Laredo, TX Zip: 78045

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: jorge.serrat@gmail.com

Phone Number: (956) 608-0640

• Are you here today representing a municipality, legislator, agency, or group?  Yes  No

If yes, which one? \_\_\_\_\_

RECEIVED

OCT 17 2023

AT PUBLIC MEETING

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

*It is unfortunate that the community of Laredo lacks any formal information about the risks associated with exposure to ethylene oxide.*

Please give this form to the person at the information table. Thank you.

11 Jorge  
12 Mayte

# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: Jorge Serrato, Mayte Gonzalez

Mailing Address: 1224 Lavotto Loop, Corado TX 79045

Physical Address (if different): \_\_\_\_\_

City/State: Corado, TX Zip: 79045

**\*\*This information is subject to public disclosure under the Texas Public Information Act\*\***

Email: jorge-serrat@gmail.com

Phone Number: ( 956 ) 609-0640

• Are you here today representing a municipality, legislator, agency, or group?  Yes  No  
If yes, which one? \_\_\_\_\_

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 8, 2023 11:53 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 55557  
**Attachments:** DOC0505231.pdf

H

**From:** jarodrigu1@ci.laredo.tx.us <jarodrigu1@ci.laredo.tx.us>  
**Sent:** Friday, May 5, 2023 5:38 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 55557

**REGULATED ENTY NAME** MIDWEST STERILIZATION LAREDO FACILITY

**RN NUMBER:** RN103376901

**PERMIT NUMBER:** 55557

**DOCKET NUMBER:**

**COUNTY:** WEBB

**PRINCIPAL NAME:** MIDWEST STERILIZATION CORPORATION

**CN NUMBER:** CN602788465

**NAME:** MR Joaquin Alberto Rodriguez

**EMAIL:** [jarodrigu1@ci.laredo.tx.us](mailto:jarodrigu1@ci.laredo.tx.us)

**COMPANY:** City of Laredo

**ADDRESS:** 1110 HOUSTON ST  
LAREDO TX 78040-8019

**PHONE:** 9567917494

**FAX:**

**COMMENTS:** Please see attached letter and resolution from the City of Laredo

**RESOLUTION 2023-R-108**

**A RESOLUTION FROM THE CITY COUNCIL OF THE CITY OF LAREDO OPPOSING THE MIDWESTERN STERILIZATION CORPORATION'S TCEQ PERMIT CONCERNING ETHYLENE OXIDE EMISSIONS AND REQUEST FOR A 60-DAY EXTENSION FOR PUBLIC COMMENTS**

**WHEREAS**, the City of Laredo finds that Midwest Sterilization Corporation (“Midwestern”) utilizes ethylene oxide to sterilize medical equipment and materials;

**WHEREAS**, the United States Environmental Protection Agency has concluded that individuals exposed to ethylene oxide, a known carcinogen, may be at risk of contracting various forms of cancer;

**WHEREAS**, the EPA has proposed new actions to address emissions of ethylene oxide from commercial sterilizers to reduce the risks for people who live, work, or to go school near these facilities;

**WHEREAS**, Midwestern is obligated to renew its permit with TCEQ;

**WHEREAS**, the City of Laredo is alarmed by the information contained within Midwestern’s permit renewal application (5557);

**WHEREAS**, Midwestern is permitted to use a daily maximum allowance of 7,007 pounds of ethylene oxide, which equates to 2,557,555 pounds yearly;

**WHEREAS**, the City of Laredo is concerned with potential adverse health impacts from Midwestern’s emissions and respectfully requests that TCEQ consider these concerns;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:**

**Section 1:** The City of Laredo is extremely concerned regarding the renewal of Midwestern’s TCEQ permit and requests a 60-day extension before the renewal. During the extension period, the City of Laredo requests that a public hearing be held to comprehensively evaluate the potential health impacts of emissions from Midwestern’s facility.

**Section 2:** The City of Laredo remains committed to protecting its citizens’ health, safety, and welfare.

**Section 3:** This Resolution is effective immediately upon passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS 5th  
DAY OF MAY, 2023.**

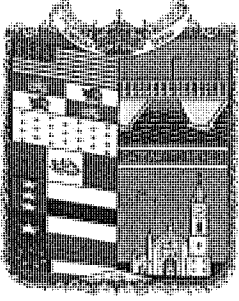
/s/ Victor D. Trevino  
**DR. VICTOR D. TREVINO**  
**MAYOR**

**ATTESTED:**

/s/ Jose A. Valdez, Jr.  
**JOSE A. VALDEZ, JR.**  
**CITY SECRETARY**

**APPROVED AS TO FORM:**

/s/ Doanh "Zone" T. NGUYEN  
**DOANH "ZONE" T. NGUYEN**  
**CITY ATTORNEY**



# CITY OF LAREDO

## Office of the City Manager

May 5, 2023

Donna Huff  
Deputy Director-Air Quality  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, TX 78753  
512-239-1000

Dear Donna Huff,

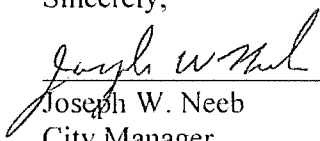
Midwestern Sterilization Corporation ("Midwestern") is or has applied for the renewal of its TCEQ permit to continue operations sterilizing medical equipment using ethylene oxide, a known carcinogen. Midwestern is located near neighborhoods within the City of Laredo. Citizens are concerned that Midwestern can emit a daily maximum allowance of 7,007 pounds of ethylene oxide into the air, equating to 2,557,555 pounds yearly.

Laredo Citizens are concerned about the potential adverse health impacts of ethylene oxide emissions from Midwestern's plant. Near the plant are homes, schools, and parks. There are already instances of cancer clusters beginning to form in the surrounding area.

We are extremely concerned regarding the renewal of Midwestern's TCEQ Permit. We ask that you extend the period for public comment from fifteen days to sixty days. This extension will ensure that the citizens of Laredo can provide you with their concerns regarding how the emissions from Midwestern's plant affect their community. The City also requests that a representative from TCEQ come to Laredo to hear directly from our citizens.

The City of Laredo appreciates your time, attention, and consideration. We hope that you take the additionally requested steps before deciding on the renewal of Midwestern's TCEQ permit.

Sincerely,

  
\_\_\_\_\_  
Joseph W. Neeb  
City Manager  
City of Laredo, Texas

# TCEQ Registration Form

October 17, 2023

## Midwest Sterilization Corporation Proposed Renewal of Air Quality Permit No. 55557

PLEASE PRINT

Name: Dr. Victor Trevino or Representative

Mailing Address: 1110 Houston street.

Physical Address (if different): \_\_\_\_\_

City/State: Laredo / TX Zip: 78041

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: Mayortrevino@ci.laredo.tx.us

Phone Number: (956) 489-4027

• Are you here today representing a municipality, legislator, agency, or group?  Yes  No

If yes, which one? Municipality

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.