

**From:** [Susan Jablonski](#)  
**To:** [Wade Wheatley](#)  
**Cc:** [Ramiro Garcia](#); [OCE](#); [Charly Fritz](#); [Michelle Harris](#); [Rosalind Stockton](#); [Cameron Lopez](#)  
**Subject:** RE: Enforcement Discretion Response - Texmed Medical Waste Facility in San Antonio  
**Date:** Friday, August 7, 2020 1:27:41 PM

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Mr. Wade Wheatley, P.E.  
Request On Behalf Of:  
Texmed Consulting LLC  
7250 FM 1346  
San Antonio, Texas 78220

Dear Mr. Wheatley:

This is in response to your request on behalf of Texmed Consulting LLC, dated July 30, 2020, seeking enforcement discretion to begin construction and operation of a medical waste facility located at 7250 FM 1346 in San Antonio, Texas 78220, while the registration application is under Texas Commission on Environmental Quality (TCEQ) review. This request is being made while the TCEQ works to expedite the review of new registration applications for medical waste during this global pandemic.

The TCEQ is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing operational difficulties as they provide critical services due to the COVID-19 pandemic. The Texmed Consulting LLC registration application is only in the initial application review stage, and a notice of the pending registration application has yet to be mailed. As part of the review process, the TCEQ plans to send a Notice of Deficiency on the pending registration application and the notice documents are being prepared. Due to these factors, it is premature to consider enforcement discretion to begin construction and operation of this facility.

The TCEQ is committed to working with you and Texmed Consulting LLC through the application process. The TCEQ encourages Texmed Consulting LLC to be timely and responsive to the TCEQ requests through the application process to help expedite the authorization. If you have any questions on compliance issues associated with this planned facility, please feel free to contact Cameron Lopez, San Antonio Region Waste Section Manager at [Cameron.Lopez@tceq.texas.gov](mailto:Cameron.Lopez@tceq.texas.gov), or (210) 403-4044.

Sincerely,

Susan Jablonski, P.E.  
Area Director for Central Texas  
Texas Commission on Environmental Quality  
(512) 239-6731

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**From:** Wade Wheatley <[REDACTED]>  
**Sent:** Thursday, July 30, 2020 9:52 AM

**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>

**Cc:** [rimerogarcia@tceq.texas.gov](mailto:rimerogarcia@tceq.texas.gov)

**Subject:** Request for Enforcement Discretion for Construction and Operation of a Medical Waste Facility

Office of Compliance and Enforcement:

On behalf of my client, TEXMED CONSULTING LLC, CN605795947, this email is to request enforcement discretion to allow for the construction and operation of the Medical Waste Treatment Facility proposed by Texmed Consulting LLC, at 7250 FM 1346, San Antonio, TX 78220 and described in registration application number 40316. This application is pending with the MSW permits section and is under technical review.

The pending application can be located at:

[https://www.gdsassociates.com/wp-content/uploads/2020/06/7250-FM1346-Med-Waste-Reg-App\\_200616.pdf](https://www.gdsassociates.com/wp-content/uploads/2020/06/7250-FM1346-Med-Waste-Reg-App_200616.pdf)

Application attachments located at:

[https://www.gdsassociates.com/wp-content/uploads/2020/06/ROLLUP\\_Atts-7250-FM-1346\\_200616.pdf](https://www.gdsassociates.com/wp-content/uploads/2020/06/ROLLUP_Atts-7250-FM-1346_200616.pdf)

The basis for the request is to address the on-going emergency situation related to the Covid-19 epidemic, recent article: <https://www.msn.com/en-us/news/us/coronavirus-is-ravaging-entire-south-texas-families-and-medical-teams/ar-BB17lr7v> , and which has greatly increase the need for medical waste treatment capacity throughout the country. Also, attached are articles documenting the significant increase in the generation of medical facilities related to the current pandemic.

DWM understands that the construction of the facility will be “at risk” and that changes to the facility could be required before the final issuance of the MSW Registration #40316.

Respectfully Requested,  
Wade M. Wheatley, P.E.  
Managing Director  
GDS Associates, Inc.  
512 508-1423



**GDS Associates, Inc.**  
Engineers and Consultants

**Wade M. Wheatley, P.E.**

Managing Director

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