



**CORRESPONDENCE COVER SHEET  
WASTE PERMITS DIVISION  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Date:  
 Facility Name: Circle Lake Transfer Station  
 Permit or Registration No.: 2412

Nature of Correspondence:  
 Initial/New  
 Response/Revision\*

\*If Response/Revision, please provide previous TCEQ Tracking No.: 27428169  
 (Previous TCEQ Tracking No. can be found in the Subject line of the TCEQ's response letter to your original submittal.)

This cover sheet should accompany all correspondences submitted to the Waste Permits Division and should be affixed to the front of your submittal as a cover page. Please check the appropriate box for the type of correspondence being submitted. For questions regarding this form, please contact the Waste Permits Division at (512) 239-2335.

**Table 1 - Municipal Solid Waste**

APPLICATIONS	REPORTS and RESPONSES
<input checked="" type="checkbox"/> New Notification	<input type="checkbox"/> Closure Report
<input checked="" type="checkbox"/> New Permit (including Subchapter T)	<input type="checkbox"/> Groundwater Alternate SRC Demonstration
<input type="checkbox"/> New Registration (including Subchapter T)	<input type="checkbox"/> Groundwater Corrective Action
<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Groundwater Monitoring Report
<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> Groundwater Statistical Evaluation
<input type="checkbox"/> Limited Scope Major Amendment	<input type="checkbox"/> Landfill Gas Corrective Action
<input type="checkbox"/> Notice Modification	<input type="checkbox"/> Landfill Gas Monitoring
<input type="checkbox"/> Non-Notice Modification	<input type="checkbox"/> Liner Evaluation Report
<input type="checkbox"/> Transfer/Name Change Modification	<input type="checkbox"/> Soil Boring Plan
<input type="checkbox"/> Temporary Authorization	<input type="checkbox"/> Special Waste Request
<input type="checkbox"/> Voluntary Revocation	<input type="checkbox"/> Other:
<input type="checkbox"/> Subchapter T Workplan	
<input type="checkbox"/> Other:	

**Table 2 - Industrial & Hazardous Waste**

APPLICATIONS	REPORTS and RESPONSES
<input type="checkbox"/> New	<input type="checkbox"/> Annual/Biennial Site Activity Report
<input type="checkbox"/> Renewal	<input type="checkbox"/> CfPT Plan/Result
<input type="checkbox"/> Post-Closure Order	<input type="checkbox"/> Closure Certification/Report
<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Construction Certification/Report
<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> CPT Plan/Result
<input type="checkbox"/> Class 3 Modification	<input type="checkbox"/> Extension Request
<input type="checkbox"/> Class 2 Modification	<input type="checkbox"/> Groundwater Monitoring Report
<input type="checkbox"/> Class 1 ED Modification	<input type="checkbox"/> Interim Status Change
<input type="checkbox"/> Class 1 Modification	<input type="checkbox"/> Interim Status Closure Plan
<input type="checkbox"/> Endorsement	<input type="checkbox"/> Soil Core Monitoring Report
<input type="checkbox"/> Temporary Authorization	<input type="checkbox"/> Treatability Study
<input type="checkbox"/> Voluntary Revocation	<input type="checkbox"/> Trial Burn Plan/Result
<input type="checkbox"/> 335.6 Notification	<input type="checkbox"/> Unsaturated Zone Monitoring Report
<input type="checkbox"/> Other:	<input type="checkbox"/> Waste Minimization Report
	<input type="checkbox"/> Other:



TCEQ Use Only

# TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

<b>1. Reason for Submission</b> (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
<b>2. Customer Reference Number (if issued)</b>	<a href="#">Follow this link to search for CN or RN numbers in Central Registry**</a>	<b>3. Regulated Entity Reference Number (if issued)</b>
<b>CN 605953009</b> <small>Technical NOD Rev. Comment No. 1 6/2/2022</small>		<b>RN 106844061</b> <small>Technical NOD Rev. Comment No. 1 6/2/2022</small>

## SECTION II: Customer Information

<b>4. General Customer Information</b>		<b>5. Effective Date for Customer Information Updates</b> (mm/dd/yyyy)	
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)		<input type="checkbox"/> Change in Regulated Entity Ownership	
<b>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</b>			
<b>6. Customer Legal Name</b> (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Circle Lake Transfer, LLC			
<b>7. TX SOS/CPA Filing Number</b>	<b>8. TX State Tax ID</b> (11 digits)	<b>9. Federal Tax ID</b> (9 digits)	<b>10. DUNS Number</b> (if applicable)
804040465	32078929653	86-3552957	N/A
<b>11. Type of Customer:</b>	<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other	<input type="checkbox"/> Sole Proprietorship	<input checked="" type="checkbox"/> Other: Limited liability company (LLC)	
<b>12. Number of Employees</b>		<b>13. Independently Owned and Operated?</b>	
<input type="checkbox"/> 0-20 <input checked="" type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>14. Customer Role</b> (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following			
<input type="checkbox"/> Owner		<input type="checkbox"/> Operator	
<input type="checkbox"/> Occupational Licensee		<input checked="" type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Responsible Party		<input type="checkbox"/> Voluntary Cleanup Applicant	
<input type="checkbox"/> Other:			
<b>15. Mailing Address:</b>	13727 Office Park Drive		
	City	Houston	State TX ZIP 77070 ZIP + 4
<b>16. Country Mailing Information</b> (if outside USA)		<b>17. E-Mail Address</b> (if applicable)	
		Jon@zters.com	
<b>18. Telephone Number</b>		<b>19. Extension or Code</b>	
( 832 ) 698-2203			
		<b>20. Fax Number</b> (if applicable)	
		( 832 ) 698-2204	

## SECTION III: Regulated Entity Information

<b>21. General Regulated Entity Information</b> (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information	
<b>The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).</b>	
<b>22. Regulated Entity Name</b> (Enter name of the site where the regulated action is taking place.)	
Circle Lake Transfer Station	



23. Street Address of the Regulated Entity: <i>(No PO Boxes)</i>	34910 Circle Lake Drive							
	City	Pinehurst	State	TX	ZIP	77362	ZIP + 4	0
24. County	Montgomery							

**Enter Physical Location Description if no street address is provided.**

25. Description to Physical Location:	2,700 ft northeast on Circle Lake Drive from its intersection with TX-249/FM1774 (1,000 ft north of Aggie Expressway) Pinehurst, Montgomery County, Texas								
26. Nearest City	Magnolia				State	TX		Nearest ZIP Code	77354
27. Latitude (N) In Decimal:	30.173144			28. Longitude (W) In Decimal:	-95.671292				
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds				
30	23	23.32	95	40	16.65				
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)					
4212	4953	562111							
33. What is the Primary Business of this entity? <i>(Do not repeat the SIC or NAICS description.)</i>									
Type V MSW Transfer Station									
34. Mailing Address:	13727 Office Park Drive								
	City	Houston	State	TX	ZIP	77070	ZIP + 4		
35. E-Mail Address:	Jon@zters.com								
36. Telephone Number		37. Extension or Code			38. Fax Number <i>(if applicable)</i>				
( 832 ) 698-2203					( 832 ) 698-2204				

**39. TCEQ Programs and ID Numbers** Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

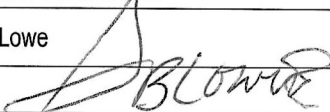
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input checked="" type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

**SECTION IV: Preparer Information**

40. Name:	Mr. Jeff Allen, Allen Engineering & Science	41. Title:	CEO & Principal
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
( 601 ) 955-8495		( 601 ) 936-4463	jallen@allenes.com

**SECTION V: Authorized Signature**

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Circle Lake Transfer LLC	Job Title:	President
Name <i>(In Print)</i> :	Shelby Lowe	Phone:	( 214 ) 605- 2933
Signature:		Date:	6-2-22

ID	App. Part	Checklist Item	Item Type	Citation	Complete?	Location	Applicant Comments	Application Area
1	General	Submit all four parts of the permit, permit amendment or registration application	Required	330.57(a) & (b)	Yes	Parts I-IV are included within the submittal		Format-Application
2	General	Submit TCEQ Part I Form (Form No. 0650)	Required	330.57(c)(1)	Yes	Part I is included within the submittal		Forms
8	General	Part II of the application contains location and coordination information.	Informational	330.57(c)(2)		Completed		Format-Application
9	General	Part III of the application contains design information	Informational	330.57(c)(3)		Completed		Format-Application
10	General	Part IV of the application contains the site operating plan	Informational	330.57(c)(4)		Completed		Format-Application
11	General	The application should address all aspects of application and design requirements, even to show why not applicable (N/A)	Informational	330.57(d)		Completed		Format-Application
12	General	Submit data of sufficient completeness, accuracy and clarity	Required	330.57(d)	Yes	Application is completed		Format-Application
13	General	Failure to provide complete information may be cause for ED to return application.	Informational	330.57(d)		Understood		Format-Application
14	General	Provide 4 Copies for Initial Submittal (1 original and 3 copies)	Required	330.57(e)	Yes	4 copies have been provided		Format-Application
15	General	Provide 4 copies for NOD Responses including 1 copy with marked revisions (redline/strikeout)	Required	330.57(g)(6)	Yes	N/A	Initial response. Once the NOD response process begins, 4 copies with marked revisions will be submitted.	Format-Application
16	General	Application must be prepared in accordance with Texas Occupations Code, Texas Engineering Practice Act, Chapter 1001 and Texas Geoscience Practice Act, Chapter 1002	Informational	330.57(f)		Completed		Format-Application
17	General	Provide a PE signature, seal and date on the title page of each bound engineering report or individual engineering plan, and on each engineering drawing	Required	330.57(f)(1)	Yes	A PE seal, signed and dated, is provided where required.		Format-Application
18	General	Provide PG sign, seal, & date for applicable items	Required	330.57(f)(2)	Yes	N/A	A PG seal is not required for any of the information as this is a Transfer Station and not a landfill.	Format-Application
19	General	Applications that are not sealed are incomplete and shall be returned	Informational	330.57(f)(3)		Understood		Format-Application
20	General	Submit the application in three ring-binders	Required	330.57(g)(1)	Yes	Application is submitted within 3 ring binders.		Format-Application
21	General	Submit Title Page with Name, Application No., Site Operator Name, Operator Name (if applicable), Location, Date Prepared and Revision Date(s)	Required	330.57(g)(2)	Yes	Parts I-IV contain a Title Page that contains all required information.		Format-Application
22	General	Provide Table of Contents with PE seal	Required	330.57(g)(3)	Yes	Parts II, III, IV Table of Contents		Format-Application
23	General	Use 8.5x11 inch or 11x17 paper (folded to 8.5x11 inch)	Required	330.57(g)(4)	Yes	Documentation is 8.5x11 inch paper and drawings/maps are 11x17 inches		Format-Application
24	General	Provide pages with date (original and revised) and sequential page numbers	Required	330.57(g)(5)	Yes	Provided		Format-Application
25	General	Provide legible drawings/maps	Required	330.57(h)(1)	Yes	Part I/II PAR Engineering Drawing Set		Format-Maps/Drawings
26	General	Provide color coding on all figures and drawings that is legible and distinct after copying in black & white	Required	330.57(h)(2)	Yes	All drawings are legible whether printed in color or black and white.		Format-Maps/Drawings
27	General	Provide a standard engineering scale on each figure or drawing	Required	330.57(h)(3)	Yes	Part I/II PAR Engineering Drawing Set		Format-Maps/Drawings
28	General	Provide a dated title block on each figure or drawing	Required	330.57(h)(4)(A)	Yes	Part I/II PAR Engineering Drawing Set	All drawings/maps have a title block that includes the date.	Format-Maps/Drawings

29	General	Provide a bar scale at least 1 inch on all figures and drawings	Required	330.57(h)(4)(B)	Yes	Part I/II PAR Engineering Drawing Set	All drawings that are to scale include a 1 inch scale bar.	Format-Maps/Drawings
30	General	Provide a revision block on all figures and drawings	Required	330.57(h)(4)(C)	Yes	Part I/II PAR Engineering Drawing Set	All drawings/maps include a revision block.	Format-Maps/Drawings
31	General	Provide a PE or PG seal ,if required, on all figures and drawings	Required	330.57(h)(4)(D)	Yes	Part I/II PAR Engineering Drawing Set		Format-Maps/Drawings
32	General	Include drawing number and a page number on each drawing and figure	Required	330.57(h)(4)(E)	Yes	Part I/II PAR Engineering Drawing Set	All drawings/maps are numbered.	Format-Maps/Drawings
33	General	Include a north arrow on each map or plan drawing	Required	330.57(h)(5)(A)	Yes	Part I/II PAR Engineering Drawing Set	All drawings/maps include a north arrow.	Format-Maps/Drawings
34	General	Include a reference to base map & date of most current base map used, if the map is based upon another map	Required	330.57(h)(5)(B)	Yes	Part I/II PAR Engineering Drawing Set	All drawings/maps that include a base map have the reference and date of the reference.	Format-Maps/Drawings
35	General	Include a legend on each map or plan drawing	Required	330.57(h)(5)(C)	Yes	Part I/II PAR Engineering Drawing Set	All drawings/maps include a legend.	Format-Maps/Drawings
36	General	Provide match lines and section lines that reference the drawing where the match or section is shown.	Required	330.57(h)(6)	Yes	Part I/II PAR Engineering Drawing Set		Format-Maps/Drawings
45	General	Acknowledge that the construction and operation of the waste management facility shall comply with Subchapter U of 30 TAC Chapter 330 (relating to Standard Air Permits for Municipal Solid Waste Landfill Facilities and Transfer Stations) or other approved air authorizations. Owners or operators of these types of facilities should consult with the Air Permits Division on or before the date that the municipal solid waste application is filed with the executive director	Acknowledgement	330.55(a)	Yes	Acknowledged All applicable air permitting will be completed prior to construction.		Other Authorizations
46	General	Acknowledge that all liquids resulting from the operation of solid waste facilities shall be disposed of in a manner that will not cause surface water or groundwater pollution. Facilities shall provide for the treatment of wastewaters resulting from waste management activities and from cleaning and washing. Owners or operators shall ensure that storm water and wastewater management is in compliance with the regulations of the commission	Acknowledgement	330.55(a)	Yes	Section 9.3		Other Authorizations
49	General	It is the responsibility of an owner or operator to possess or acquire a sufficient interest in or right to the use of the surface estate of the property for which a permit is issued, including the access route. The granting of a permit does neither convey any property rights or interest in either real or personal property; nor does it authorize any injury to private property, invasion of personal rights, or impairment of previous contract rights; nor any infringement of federal, state, or local laws or regulations outside the scope of the authority under which a permit is issued	Informational	330.67(a)		Part I/II PAR Sections 4 and 5	§330.67 is listed in Section 5 for acknowledgement purposes but does not list specifics.	General Information

51	General	Executive director approval or a permit will be required if any on-site operations subsequent to closure of a landfill facility involve disturbing the cover or liner of the landfill.	Informational	330.67(c)		Part I/II PAR Section 5	§330.67 is listed for acknowledgement purposes but does not list specifics.	General Information
52	General	It is the responsibility of an owner or operator to obtain any permits or approvals that may be required by local agencies such as for building construction, discharge of uncontaminated waters into ditches under control of a drainage district, discharge of effluent into a local sanitary sewer system, etc.	Informational	330.67(d)		Part I/II PAR Section 5	§330.67 is listed for acknowledgement purposes but does not list specifics.	General Information
58	General	If at any time during the life of the facility the owner or operator becomes aware of any condition in the permit or registration that necessitates a change to accommodate new technology or improved methods or that makes it impractical to keep the facility in compliance, the owner or operator shall submit to the executive director requested changes to the permit or registration in accordance with 30 TAC §305.62 or §305.70 and must be approved prior to their implementation	Informational	330.73(a)		Part I/II PAR Section 5	§330.73 is listed for acknowledgement purposes but does not list specifics.	General Information
60	General	The owner or operator shall obtain and submit certification by a Texas-licensed professional engineer that the facility has been constructed as designed in accordance with the issued registration or permit and in general compliance with the regulations prior to initial operation. The owner or operator shall maintain that certification on site for inspection	Informational	330.73(d)		Completed	§330.73 is listed for acknowledgement purposes but does not list specifics.	General Information
61	General	After all initial construction activity has been completed and prior to accepting any solid waste, the owner or operator shall contact the executive director and region office in writing and request a pre-opening inspection. A pre-opening inspection shall be conducted by the executive director within 14 days of notification by the owner or operator that all construction activities have been completed, accompanied by representatives of the owner or operator and the engineer	Informational	330.73(e)			§330.73 is listed for acknowledgement purposes but does not list specifics.	General Information
62	General	The MSW facility shall not accept solid waste until the executive director has confirmed in writing that all applicable submissions required by the permit or registration and this chapter have been received and found to be acceptable, and that construction is in compliance with the permit or registration and the approved site development plan. If the executive director has not provided a written or verbal response within 14 days of completion of the pre-opening inspection, the facility shall be considered approved for acceptance of waste	Informational	330.73(f)			§330.73 is listed for acknowledgement purposes but does not list specifics.	General Information
63	General	Identify if the Regulated Entity or Customer has any delinquent fees	Required	330.59(h), 330.671, 330.675	Yes	N/A	The Customer has no delinquent fees at this time.	Delinquent Fees
64	Part I	Provide a copy of the application, including all revisions and supplements on a publicly accessible Web site	Required in Part I Form	330.57(i)(1)		Part I; Item 5 <a href="http://www.circlelaketransfer.com">http://www.circlelaketransfer.com</a>		Part I Form

65	Part I	Provide the commission with the Web address link for the application materials	Required in Part I Form	330.57(i)(1)		Part I; Item 5 <a href="http://www.circlelaketransfer.com">http://www.circlelaketransfer.com</a>		Part I Form
66	Part I	Signature Page must have signature and notarization	Required in Part I Form	330.59(a)(1)		Part I ; Signature Page, Page 10		Part I Form
67	Part I	Applicant's name, mailing address & phone no.	Required in Part I Form	330.59(a)(1)		Part I; Item 17		Part I Form
68	Part I	Description of the nature of the business	Required in Part I Form	330.59(a)(1)		Part I; Item 16		Part I Form
69	Part I	Activities that require a permit (conducted at the facility)	Required in Part I Form	330.59(a)(1)		Part I; Items 13-15		Part I Form
70	Part I	Location description, facility name & mailing address	Required in Part I Form	330.59(b)(1); 305.45(a)(1)		Part I; Item 12		Part I Form
71	Part I	Access routes	Required in Part I Form	330.59(b)(2)		Part I; Item 12		Part I Form
72	Part I	Lat. & Long. of the facility	Required in Part I Form	330.59(b)(3)		Part I; Item 12		Part I Form
73	Part I	Lat. & Long. depicted	Required in Part I Form	330.59(c)(1)(A)		Part I/II PAR Engineering Drawing Set		Part I Form
74	Part I	All maps should show the facility location	Required in Part I Form	305.45(a)(6)		Part I/II PAR Engineering Drawing Set		Part I Form
76	Part I	All maps should show other structures or locations regarding the regulated facility and associated activities	Required in Part I Form	305.45(a)(6)		Part I/II PAR Engineering Drawing Set		Part I Form
77	Part I	At least one map with a scale not less than 1 inch = 1 mile	Required in Part I Form	305.45(a)(6)		Part I/II PAR Engineering Drawing Set		Part I Form
78	Part I	Permit/Registration boundary and 1 mile beyond to show the following:	Required in Part I Form	330.59(c)(1)(B)		Part I/II PAR Engineering Drawing Set		Part I Form
79	Part I	Wells, springs, surface water bodies	Required in Part I Form	305.45(a)(6)(A)		Part I/II PAR Engineering Drawing Set		Part I Form
80	Part I	Character of adjacent land including public roads, towns, development as residential, commercial, agricultural, etc.	Required in Part I Form	305.45(a)(6)(B)		Part I/II PAR Engineering Drawing Set		Part I Form
81	Part I	Location of any waste disposal activities conducted on the tract but not included in the application	Required in Part I Form	305.45(a)(6)(C)		Part I/II PAR Engineering Drawing Set		Part I Form
82	Part I	General location map, TXDOT, scale of ½ inch = 1 mile and most current map used	Required in Part I Form	330.59(c)(2)		Part I/II PAR Engineering Drawing Set		Part I Form
83	Part I	Land Ownership Map, within ¼ mile & mineral interest ownership	Required in Part I Form	330.59(c)(3)(A)		Part I/II PAR Engineering Drawing Set Part I/II Appendix A		Part I Form
84	Part I	Land Ownership List both in hardcopy and electronic form (alternatively pre-printed mailing labels)	Required in Part I Form	330.59(c)(3)(B)		Part I/II PAR Engineering Drawing Set Part I/II Appendix A		Part I Form
85	Part I	Legal description of property or other documentation of ownership	Required in Part I Form	330.59(d)(1)(A)		Part I/II Appendix B		Part I Form
86	Part I	If Platted; plat record with county, book, page number and acreage information	Required in Part I Form	330.59(d)(1)(B)		Part I/II Appendix B		Part I Form
87	Part I	Signed, sealed and dated surveyed metes and bounds description of the facility	Required in Part I Form	330.59(d)(1)(C)		Part I/II Appendix B		Part I Form
88	Part I	Signed & sealed metes & bounds drawing	Required in Part I Form	330.59(d)(1)(D)		Part I/II Appendix B		Part I Form
89	Part I	Signed property owner affidavit	Required in Part I Form	330.59(d)(2)		Part I/II Appendix C		Part I Form
90	Part I	Acknowledge that State may hold owner responsible	Required in Part I Form	330.59(d)(2)(A)		Part I/II Appendix C		Part I Form
92	Part I	Acknowledge that the owner & State shall have access during life of the facility and during closure	Required in Part I Form	330.59(d)(2)(C)		Part I/II Appendix C		Part I Form
94	Part I	Verified legal status of applicant and list of persons with 20% or more ownership in the facility	Required in Part I Form	330.59(e)		Part I/II Appendix C	Also in Part I/II PAR §4.4.1	Part I Form
95	Part I	Ownership status as federal, state, private, public, or other	Required in Part I Form	305.45(a)(2)		Part I; Item 19		Part I Form
96	Part I	List of all Texas solid waste sites that the owner or operator has owned or operated within the last ten years. The site name, site type, permit or registration number, county, and dates of operation shall also be submitted.	Required in Part I Form	330.59(f)(1)		N/A		Part I Form

97	Part I	List of all solid waste sites in all states, territories, or countries in which the owner or operator has a direct financial interest. The type of site shall be identified by location, operating dates, name, and address of the regulatory agency, and the name under which the site was operated.	Required in Part I Form	330.59(f)(2)		N/A		Part I Form
98	Part I	Shall employ a licensed solid waste facility supervisor before operating	Required in Part I Form	330.59(f)(3)		Part I; Item 18	The Supervisor that shall be employed will have a Class B License.	Part I Form
99	Part I	Names of principals & supervisors owner or operators organization together with previous affiliations with other organizations involved with solid waste activities	Required in Part I Form	330.59(f)(4)		Part I/II Appendix D		Part I Form
101	Part I	Signatory meets 305.44, documentation of delegated signatory authority	Required in Part I Form	330.59(g)		Part I/II Appendix E	The appointment letter is provided in Appendix E with the signature authority delegated.	Part I Form
102	Part I	Corporations - signed by a corporate officer	Required in Part I Form			Part I; Signature Page Authority delegated in Part I/II Appendix D	The appointment letter is provided in Appendix E with the signature aurtherity delegated.	Part I Form
103	Part I	Partnership or proprietorship -signed by a general partner or proprietor	Required in Part I Form			N/A		Part I Form
104	Part I	Municipality, public agency -signed by an executive officer or elected official	Required in Part I Form			N/A		Part I Form
105	Part I	Signatory certification statement	Required in Part I Form			Part I; Signature Page		Part I Form
106	Part I	Hazardous Waste Management	Required in Part I Form	305.45(a)(7)(A)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
107	Part I	Underground Injection Control	Required in Part I Form	305.45(a)(7)(B)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
108	Part I	NPDES	Required in Part I Form	305.45(a)(7)(C)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
109	Part I	Prevention of Significant Deterioration	Required in Part I Form	305.45(a)(7)(D)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
110	Part I	Nonattainment Program	Required in Part I Form	305.45(a)(7)(E)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
111	Part I	NESHAPS	Required in Part I Form	305.45(a)(7)(F)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
112	Part I	Ocean dumping permit	Required in Part I Form	305.45(a)(7)(G)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
113	Part I	Dredge & fill permit	Required in Part I Form	305.45(a)(7)(H)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
114	Part I	Licenses under the TRCA	Required in Part I Form	305.45(a)(7)(I)		Part I; Item 11 Part I/II, Section 5.2		Part I Form
115	Part I	Other environmental permits	Required in Part I Form	305.45(a)(7)(K)		Part I/II Section 5		Part I Form
116	Part I	Permit Application Fee is \$2050.00	Required in Part I Form	THSC 361.0675		Part I Item 4 Part I/II Section 5.4		Part I Form
117	Part I	A copy of the payment receipt to the MSW Permits Section, if paid by check.	Required in Part I Form	330.59(h)(1)		Part I Item 4	A copy of the receipt is also provided with the cover letter.	Part I Form
118	Part I	Prepared by PE, PG, or qualified person	Required in Part I Form	330.57(f)		The application and accompanying reports have been prepared by qualified individuals.		Part I Form
119	Part I	Description of facility & systems	Required in Part I Form	305.45(a)(8)(A)		Part I; Item 16		Part I Form
120	Part I	Volume, average & max rate of disposal for each place of disposal	Required in Part I Form	305.45(a)(8)(B)(i)		Part I/II, Section 3, Table 3-1		Part I Form
121	Part I	Physical, chemical, thermal, organic, bacteriological, radiological properties of waste	Required in Part I Form	305.45(a)(8)(B)(ii)		Part I/II Section 3.1		Part I Form
122	Part I	Other reasonable information	Required in Part I Form	305.45(a)(8)(C)		Other information can be provided if requested.		Part I Form
123	Part II	Provide the sources and characteristics of all waste to be accepted.	Required	330.61(b)(1)	Yes	Part I/II PAR Characteristics: Section 3.1 Sources: Section 3.3.1		Waste Acceptance Plan
124	Part II	Specify parametric limitations of each type of waste to be managed by the facility	Required	330.61(b)(1)	Yes	N/A Part II, Section 3.0 Part IV, Section 4.0		Waste Acceptance Plan



125	Part II	Provide a brief description of the general sources and generation areas contributing wastes to the facility. This description shall include an estimate of the population or <u>population equivalent served by the facility</u>	Required	330.61(b)(1)(A)	Yes	Part I/II PAR Sources: Section 3.3.1 Population Equivalent: Section 3.3.2		Waste Acceptance Plan
126	Part II	Provide a descriptive narrative that describes the percentage of incoming waste that must be <u>recovered and its intended use</u>	Required if Requested	330.61(b)(1)(A)	Yes	Part I/II PAR Section 3.5		Waste Acceptance Plan
127	Part II	Provide the maximum amount of solid waste to be received daily and annually projected for five years. Provide the maximum amount of solid waste to be stored and the maximum and average lengths of time that solid waste is to remain at the facility. Provide the intended destination of the solid waste received at this facility	Required	330.61(b)(1)(B)	Yes	Part I/II PAR Section 3.2		Waste Acceptance Plan
130	Part II	Provide any site specific conditions that require special design considerations & possible mitigation of conditions identified under sections (h) - (o)	Required	330.61(a)	Yes	N/A	There are no specific site conditions that require special design consideration or mitigation.	Facility Impact
131	Part II	Provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals.	Required	330.61(h)	Yes	Part I/II PAR Section 6		Facility Impact
132	Part II	Provide information on the compatibility of the facility with surrounding land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest.	Required	330.61(h)	Yes	Part I/II PAR Section 6.1		Facility Impact
133	Part II	Provide information on the character of <u>surrounding land use within one mile</u>	Required	330.61(h)(2)	Yes	Part I/II PAR Section 6.1.2		Existing Conditions
134	Part II	Provide information about the growth trends within five miles & directions of development	Required	330.61(h)(3)	Yes	Part I/II PAR Section 6.1.3		Existing Conditions
135	Part II	Indicate the proximity to residences & items listed in 330.61(c)(4) & (12), ~ no. of residences & commercial establishments including direct & distance to nearest, population density, all <u>within one mile.</u>	Required	330.61(h)(4)	Yes	Part I/II PAR Section 6.1.4		Existing Conditions
136	Part II	Indicate all wells and the well density within 500 ft.	Required	330.61(h)(5)	Yes	Part I/II PAR Section 6.2		Existing Conditions
137	Part II	Provide any other information requested by the ED	Required	330.61(h)(6)	Yes	Information can be provided as it is requested.		Existing Conditions
138	Part II	Provide data on availability & adequacy of <u>access roads</u>	Required	330.61(i)(1)	Yes	Part I/II PAR Section 7.1	See also Appendix G for the Transportation Study	Transportation
139	Part II	Provide the existing & expected traffic volumes on access roads within one mile of the facility during the expected life of the facility	Required	330.61(i)(2)	Yes	Part I/II PAR Section 7.1	See also Appendix G for the Transportation Study	Transportation
140	Part II	Provide an estimate of traffic volume generated by the facility on access roads within one mile of the facility	Required	330.61(i)(3)	Yes	Part I/II PAR Section 7.1	See also Appendix G for the Transportation Study	Transportation
141	Part II	Provide documentation of coordination for roadway improvements and documentation of coordination with TXDOT for traffic and <u>location restrictions</u>	Required	330.61(i)(4)	Yes	Part I/II PAR Section 7.1	See also Appendix G for the Transportation Study	Transportation
146	Part II	Provide notice to the airport & the FAA for MSW units within 6 miles of a small airport or <u>within 5 miles of a large commercial airport.</u>	Required	330.545(b)	Yes	Part I/II PAR Section 7.2		Transportation
148	Part II	Discuss in general terms the geology and soils of the proposed site	Required	330.61(j)(1)	Yes	Part I/II PAR Section 8		Geology
152	Part II	Provide data on site specific groundwater conditions	Required	330.61(k)(1)	Yes	Part I/II PAR Section 9.1		Groundwater and Surface Water

153	Part II	Provide data on surface water at or near the site	Required	330.61(k)(2)	Yes	Part I/II PAR Section 9.2		Groundwater and Surface Water
154	Part II	Provide information on how facility will comply with applicable Texas Pollutant Discharge Elimination System (TPDES) storm water permitting requirements and the Clean Water Act, §402, as amended.. This may include the information requires by 30 TAC 330.61(k)(3)(A) & (B)	Required	330.61(k)(3)	Yes	Part I/II PAR Section 9.3		Groundwater and Surface Water
155	Part II	As applicable, provide a certification statement indicating the owner/operator will obtain the appropriate TPDES permit coverage when required	Required	330.61(k)(3)(A)	Yes	Part I/II PAR Section 5		Groundwater and Surface Water
156	Part II	As applicable, provide a copy of permit number under an individual wastewater permit	Required	330.61(k)(3)(B)	Yes	N/A	The facility will be covered under the Multi-Sector General Permit.	Groundwater and Surface Water
157	Part II	Provide the location of any water wells.	Required	330.61(l)(1)	Yes	Part I/II PAR Section 10.1 Drawing 10		Abandoned Oil and Water Wells
158	Part II	All water supply wells must be outside monitoring system or approved in the permit	Informational	330.61(l)(1)		N/A	See Part I/II PAR Sections 6 and 10.	Abandoned Oil and Water Wells
160	Part II	Provide the location of oil & gas wells production wells may remain if identified & don't disrupt operations	Required	330.61(l)(2)	Yes	Part I/II PAR Section 10.2 Drawing 11		Abandoned Oil and Water Wells
161	Part II	Production wells may remain if identified & they do not disrupt facility operations	Informational	330.61(l)(2)		N/A	See Part I/II PAR Sections 6 and 10.	Abandoned Oil and Water Wells
162	Part II	Indicate if the facility is within the 100yr floodplain. If facility within a floodplain see location restrictions in 30 TAC Chapter 330 Subchapter M	Required	330.61(m)(1)	Yes	Part I/II PAR Section 11.1		Floodplains and Wetlands
165	Part II	Acknowledge that the construction and operation of the facility shall not result in the destruction or adverse modification of the critical habitat or cause or contribute to the taking of endangered or threatened species.	Acknowledgement	330.61(n)(1)	Yes	Part I/II PAR Section 12		Endangered Species
165	Part II	Acknowledge that the construction and operation of the facility shall not result in the destruction or adverse modification of the critical habitat or cause or contribute to the taking of endangered or threatened species. If the WWTP permit contains a coordination and a review letter from the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department, the owner or operator shall submit these documents as an attachment/appendix to the registration application and by referencing where this information is addressed in the WWTP Permit and/or permit application.	Acknowledgement	330.61(n)(1)	Yes	Part I/II PAR Section 12		Endangered Species
166	Part II	Provide a demonstration of whether facility is located within species range and provide a biological assessment.	Required	330.61(n)(2)	Yes	Part I/II PAR Section 12 Letters/documentation from USFWS and TPWD are in Appendix H		Endangered Species

166	Part II	Provide a demonstration of whether facility is located within species range and provide a biological assessment. If the WWTP permit contains a coordination and a review letter from the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department, the owner or operator shall submit these documents as an attachment/appendix to the registration application and by referencing where this information is addressed in the WWTP Permit and/or permit application.	Required	330.61(n)(2)	Yes	Part I/II PAR Section 12 Letters/documentation from USFWS and TPWD are in Appendix H	At this time, the facility has submitted a Waters of the US Delineation report to the USACE Galveston District. This letter report has not been processed and the USACE has not responded as of yet. When the facility receives the letter reply, the facility will submit that information to the TCEQ.	Endangered Species
167	Part II	Provide documentation of compliance with Natural Resource Code, Chapter 191 (Texas Antiquities Code)	Required	330.61(o)	Yes	Part I/II PAR Section 13 Appendix I		Historical Commission
167	Part II	Provide documentation of compliance with Natural Resource Code, Chapter 191 (Texas Antiquities Code). If the WWTP permit contains coordination and a review letter from the Texas Historical Commission, the owner or operator shall submit these documents as an attachment/appendix to the registration application and by referencing where this information is addressed in the WWTP Permit and/or permit application.	Required	330.61(o)	Yes	Part I/II PAR Section 13 Appendix I		Historical Commission
168	Part II	Provide documentation that Parts I and II of the application were submitted for review to the applicable council of governments for compliance with regional solid waste plans.	Required	330.61(p)	Yes	Part I/II PAR Section 14 Appendix J		COG Review
169	Part II	Acknowledgement that the owner or operator requested a review letter from any local government, as appropriate for compliance with local solid waste plans. A review letter is not a prerequisite to a final determination on a permit or registration application.	Acknowledgement	330.61(p)	Yes	Part I/II PAR Section 14 Appendix J		COG Review
170	Part II	Provide a constructed map showing boundary, zoning, & land use within one mile including info from 330.61(c)(4), (5), & (10) (schools, hospitals, etc.)	Required	330.61(g)	Yes	Part I/II PAR Section 6	There are no zoning requirements for Montgomery County where the facility is located.	Maps/Drawings
171	Part II	Provide the prevailing wind direction with a wind rose.	Required	330.61(c)(1)	Yes	Part I/II PAR Engineering Drawing Set Drawing 9		Maps/Drawings
172	Part II	Provide the location of all known water wells within 500 feet of the proposed permit boundary with the state well numbering system designation for Water Development Board "located wells".	Required	330.61(c)(2)	Yes	Part I/II PAR Engineering Drawing Set Drawing 10		Maps/Drawings
173	Part II	Provide the location of all structures and inhabitable buildings within 500 feet of the facility	Required	330.61(c)(3)	Yes	Part I/II PAR Engineering Drawing Set Drawing 9		Maps/Drawings
174	Part II	Provide the location of all schools, licensed day-cares, churches, hospitals, cemeteries, ponds, lakes, residential, commercial, & recreational areas within one mile of the facility	Required	330.61(c)(4)	Yes	Part I/II PAR Engineering Drawing Set Drawing 7		Maps/Drawings
175	Part II	Provide the location and surface type of roads used for access within one mile of the facility	Required	330.61(c)(5)	Yes	Part I/II PAR Engineering Drawing Set Drawing 2	See also Appendix G for the Transportation Study	Maps/Drawings
176	Part II	Provide the latitude & longitude of the facility	Required	330.61(c)(6)	Yes	Part I/II PAR Engineering Drawing Set Drawings 1 and 3		Maps/Drawings
177	Part II	Provide the location of all area streams	Required	330.61(c)(7)	Yes	Part I/II PAR Engineering Drawing Set Drawings 3 and 12		Maps/Drawings
178	Part II	Provide the location of all airports within six miles	Required	330.61(c)(8)	Yes	Part I/II PAR Engineering Drawing Set Drawing 8B		Maps/Drawings

179	Part II	Indicate the property boundary of facility	Required	330.61(c)(9)	Yes	All Drawings		Maps/Drawing s
180	Part II	Indicate all drainage, pipeline, and utility easements within & adjacent to the facility	Required	330.61(c)(10)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawing s
181	Part II	Provide the location of all access control features	Required	330.61(c)(11)	Yes	Part I/II PAR Section 2		Maps/Drawing s
182	Part II	Provide the location of all archaeological sites, historical sites, and sites with an aesthetic quality adjacent to the facility	Required	330.61(c)(12)	Yes	N/A	See THC Letter within Appendix I, and Part I/II PAR Section 6.	Maps/Drawing s
183	Part II	Provide a facility layout map	Required	330.61(d)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawing s
184	Part II	A set of maps may be provided	Informational	330.61(d)		The PAR Engineering Drawing Set has been included within the Part I/II Application		Maps/Drawing s
186	Part II	Provide the location of interior roads	Required	330.61(d)(2)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawing s
187	Part II	Indicate the location of monitor wells	Required	330.61(d)(3)	Yes	N/A	There are no monitoring wells due to this being a transfer station.	Maps/Drawing s
188	Part II	Provide the location of all facility buildings	Required	330.61(d)(4)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawing s
189	Part II	Provide notes on sequence of development	Required	330.61(d)(5)	Yes	N/A	This site will be a singular development and not sequenced.	Maps/Drawing s
190	Part II	Indicate the location of all facility fencing	Required	330.61(d)(6)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawing s
192	Part II	Indicate the location of site entrance roads	Required	330.61(d)(8)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawing s
198	Part II	Provide a general topographic maps: USGS 7.5 minute or equivalent one map at scale 1 in. = 2,000 ft.	Required	330.61(e)	Yes	Part I/II PAR Engineering Drawing Set Drawing 3		Maps/Drawing s
199	Part II	Provide Aerial Photograph(s) that are at least 9 in. by 9 in. at scale range of one inch = 1,667-3,334 ft. that covers an area at least one mile in radius of the site. Facility boundary and fill areas (as applicable) must be shown.	Required	330.61(f)	Yes	Part I/II PAR Engineering Drawing Set Drawings 4A, 4B, and 4C		Maps/Drawing s
200	Part II	A series of photos showing growth trends may be used	Informational	330.61(f)(2)		PAR I/II PAR Engineering Drawing Set Drawings 4A, 4B, and 4C		Maps/Drawing s
201	Part II	All submitted prints & photocopies must be legible	Informational	330.61(f)(3)		All submitted documents are legible.		Maps/Drawing s
202	Part II	Provide zoning map within two miles and a copy of any nonconforming use or special permit required for the facility	Required	330.61(h)(1)	Yes	There are no zoning requirements for Montgomery County where the facility is located.		Maps/Drawing s
210	Part II	No solid waste disposal operations are permitted in the 100yr. floodway	Informational	330.547(a)		N/A	See Part I/II PAR Section 11.	Floodplains and Wetlands
211	Part II	Demonstrate that, a facility located in 100 year flood plains, does not restrict the flow of the 100 yr. flood, reduce temporary storage capacity, or result in washout of solid waste so as to pose a hazard to human health and the environment	Required	330.547(b)	Yes	Part I/II PAR Engineering Drawing Set Drawing 12		Floodplains and Wetlands
212	Part II	Demonstrate that storage and processing facilities are located outside of the 100 year floodplain.	Required	330.547(c)	Yes	Part I/II PAR Engineering Drawing Set Drawing 12		Floodplains and Wetlands
213	Part II	For storage and processing facilities located within the 100 year floodplain, please provide a demonstration that the facility is designed to prevent washout during a 100 year storm event, or a conditional letter of map amendment from the Federal Emergency Management Administration administrator	Required	330.547(c)	Yes	Part I/II PAR Section 11.1		Floodplains and Wetlands
214	Part II	Acknowledge if the facility will be located in wetlands.	Acknowledgement	330.553(a) & (b)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
215	Part II	Demonstrate, if located within wetlands, that there is no practicable alternative location	Required	330.553(b)(1)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands

216	Part II	Acknowledge that the facility's construction & operations shall not cause or contribute to violations of state water quality standards, violation of any applicable toxic effluent standard or prohibition under the Clean Water Act §307; jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973, or violate any requirement under the Marine protection, Research, & Sanctuaries Act	Acknowledgement	330.553(b)(2)(A) - (D)	Yes	Part I/II PAR Sections 9 and 12	See Appendix H for letters from the TPWD	Floodplains and Wetlands
217	Part II	If wetlands are located within the facility, submit a demonstration for the integrity of landfill unit by addressing erosion, stability, & migration potential of native wetland soils, muds, and deposits used to support the landfill unit	Required	330.553(b)(3)(A)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
218	Part II	If wetlands are located within the facility, submit a demonstration for the integrity of landfill unit by addressing erosion, stability, & migration potential of dredged and fill materials used to support the landfill	Required	330.553(b)(3)(B)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
219	Part II	If wetlands are located within the facility, submit a demonstration for the integrity of landfill unit by addressing the volume and chemical nature of the waste managed in the landfill unit	Required	330.553(b)(3)(C)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
220	Part II	If wetlands are located within the facility, submit a demonstration for the integrity of landfill unit by addressing the impacts on fish, wildlife, and other aquatic resources and their habitat for the release of solid waste	Required	330.553(b)(3)(D)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
221	Part II	If wetlands are located within the facility, submit a demonstration for the integrity of landfill unit by addressing the potential effects of catastrophic release of waste to the wetlands and the resulting impacts on the environment	Required	330.553(b)(3)(E)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
222	Part II	If wetlands are located within the facility, submit a demonstration for the integrity of landfill unit by addressing any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected	Required	330.553(b)(3)(F)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
223	Part II	Sufficient information shall be provided to the ED to allow a reasonable determination to be made with respect to the demonstrations cited in 30 TAC §330.553(b)	Informational	330.553(b)(5)		N/A	See Part I/II PAR Section 11.	Floodplains and Wetlands
224	Part II	Provide the steps taken to achieve no net loss of wetlands	Required	330.553(b)(4)	Yes	Part I/II PAR Section 11.2	The facility is not located within wetlands.	Floodplains and Wetlands
225	Part II	Acknowledge that the operation of this facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species	Acknowledgement	330.551(a)	Yes	Part I/II PAR Section 12	A review of the area has shown that constructing/operating the facility will not impact any threatened or endangered species.	Endangered Species
226	Part II	The term "Harassing" means; An intentional or negligent act or omission that creates the likelihood of injury to wildlife	Informational	330.551(b)(1)		Understood		Endangered Species
227	Part II	The term "Harming" means; An act of omission that actually injures or kills wildlife, including acts that annoy it to such an extent as to significantly disrupt essential behavioral patterns	Informational	330.551(b)(2)		Understood		Endangered Species

228	Part II	The term "Taking" means; collecting an endangered or threatened species or attempting to engage in such conduct	Informational	330.551(b)(3)		Understood		Endangered Species
229	Part II	Acknowledge that no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility	Acknowledgement	330.543(a)	Yes	Part I/II PAR Section 4.3		Easements and Buffer Zone
268	Part II	Submit information for on-site local geologic or geomorphologic features	Required	330.559(2)	Yes	Part I/II PAR Section 8		Geology
269	Part II	Identify local human-made features or events	Required	330.559(3)	Yes	Part I/II PAR Section 8	There are no unstable areas, and therefore no local human-made features to identify that could make it unstable	Geology
270	Part III	Describe facility access control features	Required	330.63(b)(1)	Yes	Part III PAR Section 2.2		General Facility Design
271	Part III	Submit a process design for the facility [that includes items 330.63(b)(2)(A) through 330.63(b)(2)(I)]	Required	330.63(b)(2)	Yes	Part III PAR Section 2.3		General Facility Design
272	Part III	Submit a flow diagram(s) to describe the storage, processing, and disposal sequences for each type of waste and/or	Required	330.63(b)(2)(A)	Yes	Part I/II Engineering Drawing Set Drawing 14		General Facility Design
273	Part III	Submit a schematic view drawing(s) showing phases for collection, separation and processing/disposal of each type of waste and/or feedstock/recyclable material	Required	330.63(b)(2)(B)	Yes	Part I/II Engineering Drawing Set Drawing 6		General Facility Design
274	Part III	Provide ventilation & odor control measures for each unit	Required	330.63(b)(2)(C)	Yes	Part III PAR Section 2.3.3		General Facility Design
275	Part III	Provide construction details of storage, processing units & components, dimensions, capacity, materials used, etc.	Required	330.63(b)(2)(D)	Yes	Part III PAR Section 2.3.4		General Facility Design
276	Part III	Provide performance data for all storage and processing units and ancillary equipment	Required	330.63(b)(2)(D)	Yes	Part III PAR Section 2.3.4		General Facility Design
278	Part III	Submit location and engineering designs for containment of storage, processing and loading & unloading areas including freeboard	Required	330.63(b)(2)(F)	Yes	Part III PAR Section 2.3.4		General Facility Design
279	Part III	Describe the storage and handling of grease, oil and sludge, including the maximum time waste will be on-site and details of ultimate disposition	Required	330.63(b)(2)(G)	Yes	N.A	The facility does not propose to accept or process grease, oil or sludges.	General Facility Design
280	Part III	Provide details of effluent disposal	Required	330.63(b)(2)(H)	Yes	Part III PAR Section 2.4		General Facility Design
281	Part III	Provide designs for noise pollution control	Required	330.63(b)(2)(I)	Yes	Part III PAR Section 2.3.5		General Facility Design
282	Part III	Describe how the processing areas will be designed for proper cleaning and to prevent surface water runoff onto, into, and off the treatment areas	Required	330.63(b)(3)(A)	Yes	Part III PAR Sections 2.4, 3, 4		General Facility Design
283	Part III	Describe construction material used for walls and floors that can be hosed down and scrubbed	Required	330.63(b)(3)(B)	Yes	Part III PAR Section 2.3.4		General Facility Design
284	Part III	Describe water or steam connections and equipment for cleaning	Required	330.63(b)(3)(C)	Yes	Part III PAR Section 2.4		General Facility Design
285	Part III	Provide adequate floor drains and/or sumps	Required	330.63(b)(3)(D)	Yes	Part III PAR Sections 2.3.4, 2.4, 3, 4		General Facility Design
286	Part III	Describe proper disposal of liquids resulting from waste processing, cleaning, and washing and provide for the treatment of waste water	Required	330.63(b)(4)	Yes	Part III PAR Sections 2.3.4, 2.4, 3, 4		General Facility Design
287	Part III	Describe how facility will be designed to protect endangered species	Required	330.63(b)(5)	Yes	Part I/II PAR Section 12		General Facility Design



336	Part III	Submit if applicable, a floodplain development permit from any agency with jurisdiction over the proposed improvements	Required if Requested	330.63(c)(2)(D)(ii)	Yes	N/A	The facility is not located within a 100-year floodplain.	Surface Water Drainage Report
337	Part III	Submit if applicable a Conditional Letter of Map Amendment from FEMA	Required if Requested	330.63(c)(2)(D)(iii)	Yes	N/A	The facility is not located within a 100-year floodplain.	Surface Water Drainage Report
338	Part III	Submit if applicable, Corps of Engineers Section 404 Specification of Disposal Sites for Dredged or Fill Material permit for construction of all necessary improvements	Required if Requested	330.63(c)(2)(D)(iv)	Yes	N/A Part I/II PAR Section 5.2	The facility does not have a Dredge or Fill permit	Surface Water Drainage Report
339	Part III	Provide for storage & transfer units a description of design features for the rapid processing and minimum detention of solid waste at the facility	Required	330.63(d)(1)(A)	Yes	Part III PAR Section 4		Waste Management Unit Design
340	Part III	Provide design features for a facility to prevent the creation of nuisances or public health hazards	Required	330.63(d)(1)(A)	Yes	Part III PAR Section 4.2		Waste Management Unit Design
545	Part III	Indicate that a characterization of the contaminated groundwater, including concentrations of assessment constituents as defined in §330.409	Required	330.63(f)(7)(A)	Yes	N/A	As the facility is not a landfill, no groundwater monitoring wells exist.	Groundwater Sampling & Analysis Plan
701	Part III	Specify in the closure plan that the operator will begin closure no later than 30 days after final receipt of waste or no later than one year if the unit has remaining capacity and additional waste may be received	Required	330.457(f)(3)	Yes	Part III PAR Section 5.2		Closure Plan
702	Part III	Provide for closure activities to be completed within 180 days of initiation	Required	330.457(f)(4)	Yes	Part III PAR Section 5.2		Closure Plan
704	Part III	Acknowledge that following receipt of closure documents and the inspection report by the TCEQ region, the ED may acknowledge termination of operation & closure & deem the facility properly closed	Acknowledgement	330.457(f)(6)	Yes	Part III PAR Section 5.3		Closure Plan
706	Part III	Indicate that notice of closure will be published in the newspaper of largest circulation 90 days prior to the initiation of a final facility closure. The notice shall provide the name, address, and physical location of the facility; the TCEQ authorization number; and the last date of intended receipt of waste.	Required	330.461(a)	Yes	Part III PAR Section 5.2		Closure Plan
707	Part III	Acknowledge that notice of closure will be provided to the ED 90 days prior to the initiation of a final facility closure and that the owner or operator will also make available an adequate number of copies of the approved final closure and post-closure plans (if applicable) for public access and review	Acknowledgement	330.461(a)	Yes	Part III PAR Section 5.2		Closure Plan
708	Part III	Acknowledge that least one closure sign will be posted at every point of access and notify all persons who utilize the facility of the date of closure and the prohibition against further receipt of waste materials.	Acknowledgement	330.461(b)	Yes	Part III PAR Section 5.2		Closure Plan
709	Part III	Indicate that suitable barriers will be installed at all access points to adequately prevent the unauthorized dumping of solid waste at the closed facility.	Required	330.461(b)	Yes	Part III PAR Section 5.2		Closure Plan

710	Part III	Indicate that an Affidavit to the Public will be submitted to the ED by registered mail, if waste will remain onsite and indicate that The Owner or Operator will also record a certified notation on the deed to the facility property that the land has been used as a landfill and submit a certified copy of the modified deed to the ED.	Required if Requested	330.461(c)(1)	Yes	Part III PAR Section 5.3		Closure Plan
711	Part III	Acknowledge that a certification, signed by a P.E., will be provided within 10 days of final closure activities, verifying that final facility closure has been completed in accordance with the approved closure plan and will include all applicable documentation necessary for certification	Acknowledgement	330.461(c)(2)	Yes	Part III PAR Section 5.3		Closure Plan
713	Part III	The owner or operator may request permission from the ED to remove the notation from the deed if all wastes are removed from the facility	Informational	330.461(d)		N/A	See Part III PAR Section 5.	Closure Plan
714	Part III	Submit a closure plan for Storage and Processing units to remove all waste, waste residues, and any recovered materials. Units shall be dismantled and removed off-site or decontaminated.	Required	330.459(a)	Yes	Part III PAR Section 5.2		Closure Plan For Processing Facilities
715	Part III	Provide plans for the evacuation of all material on-site to an authorized facility and the disinfecting of all contaminated water handling units, tipping areas, processing and post-processing areas (as applicable)	Required	330.459(b)	Yes	Part III PAR Section 5.2		Closure Plan For Processing Facilities
716	Part III	Acknowledge that if there is evidence of a release, the ED may require an investigation, assessment, and or corrective action.	Acknowledgement	330.459(c)	Yes	Part III PAR Section 5.2		Closure Plan For Processing Facilities
717	Part III	Submit a plan (if combustible material is stored outdoors) for closure of a recycling facility that includes collecting processed and unprocessed materials, and transporting the materials to an authorized facility for disposition	Required	330.459(d)(1)	Yes	N/A Part IV PAR, Section 4.1	Combustible material is not proposed to be stored	Closure Plan For Processing Facilities
718	Part III	Provide for the closure plan to be implemented (if combustible material is stored outdoors) and completed within 180 days following the most recent acceptance of processed or unprocessed materials	Required	330.459(d)(2)	Yes	N/A Part III PAR, Section 5	Combustible material is not proposed to be stored outdoors.	Closure Plan For Processing Facilities
737	Part III	Submit cost estimates for closure & post-closure. Existing facilities must submit a copy of the financial assurance documentation. New facilities must submit financial assurance within 60 days prior to receipt of waste	Required	330.63(j)	Yes	Part III PAR Section 6		Closure Cost Estimates
742	Part III	Provide cost estimates to close a Recycling facility that stores combustible materials outdoors.	Required	330.505(a)(1)	Yes	N/A Part IV PAR, Section 4.1	Combustible material is not proposed to be stored outdoors.	Closure Cost Estimates
743	Part III	Provide a closure cost estimate that equals the costs of closure of the facility, including disposition of the maximum inventories of all waste; processed and unprocessed combustible materials stored outdoors on site during the life of the facility	Required	330.505(a)(2)(A)	Yes	Part III PAR Section 6, Table 6-1		Closure Cost Estimates
744	Part III	Provide a closure cost estimate that is based on the costs of hiring a third party that is not affiliated with the owner or operator; and is based on a per cubic yard and/or short ton measure for collection and disposition costs.	Required	330.505(a)(2)(B-C)	Yes	Part III PAR Section 6.2		Closure Cost Estimates

745	Part III	Provide for the closure cost estimate & financial assurance to be increased if conditions change which increase the maximum cost of closure at any time during the active life of the facility	Required	330.505(a)(3)	Yes	Part III PAR Section 6.3		Closure Cost Estimates
746	Part III	A reduction in the closure cost estimate and the amount of financial assurance may be approved if the cost estimate exceeds the maximum cost of closure at any time during the remaining life of the facility.	Required if Requested	330.505(a)(4)	Yes	Part III PAR Section 6.3		Closure Cost Estimates
747	Part III	Provide for the maintenance of financial assurance for Recycling facilities that store combustible materials outdoors or that pose a risk	Required	330.505(b)(1)	Yes	N/A Part IV PAR, Section 4.1	Combustible material is not proposed to be stored outdoors.	Closure Cost Estimates
748	Part III	Provide for the maintenance of financial assurance until closure is approved by ED.	Required	330.505(b)(2)	Yes	Part III PAR Section 5		Closure Cost Estimates
758	Part IV	A site operating plan shall cover all on-site units in accordance with Subchapters D & E of Chapter 330.	Informational	330.65(a)		Acknowledged.		Site Operating Plan
785	Part IV	Indicate that the facility will provide the reports required by 30 TAC §330.675 to the Executive Director	Required	330.675	Yes	Part IV PAR Section 2.8 Table 2-1		Site Operating Plan
988	Part IV	Provide information identifying any permit required under the TPDES and any permit requirements imposed by other agencies for a grease, grit, & septage processing facility	Required	330.65(d)	Yes	N/A	This facility is not a grease, grit, or septage processing facility.	Site Operating Plan
989	Part IV	Identify source & characteristics of wastes that will be received and Specify any limiting parameters that may influence the design and operation of the facility	Required	330.203(a)	Yes	Part IV PAR Section 4.1		Site Operating Plan
990	Part IV	Provide estimate of the amount of each waste to be received daily, max amount stored at any one time, max & average time waste will remain on-site, max & average processing time, intended destination of generated wastes, & description of how 10% will be recovered if applicable.	Required	330.203(b)	Yes	Part IV PAR Section 4.2		Site Operating Plan
991	Part IV	Acknowledge that 10% recovery of material for beneficial use is considered to be the recovery of fats, oil, and greases, but does not include the recovery of water.	Acknowledgement	330.203(b)	Yes	N/A	This facility is not held to recovering 10% of incoming waste.	Site Operating Plan
1000	Part IV	Acknowledge that failure to achieve the relevant 10 percent recycling rate in any two quarters within any one-year period will cause a registration to terminate and will require the owner or operator of the facility to obtain a permit to continue facility operations.	Acknowledgement	330.9(g)(1)	Yes	N/A	This is in reference to a mobile liquid waste processing unit, which the proposed facility will not have.	Site Operating Plan
1001	Part IV	Provide for a quarterly report to be submitted that will include volume of waste received, percent solids, and the method of determining the percent solids, processed, disposed, and recycled or reused.	Required	330.9(g)(1)	Yes	N/A	This is in reference to a mobile liquid waste processing unit, which the proposed facility will not have.	Site Operating Plan
1002	Part IV	Provide in the quarterly report, the method(s) utilized to achieve at least 10% recycling or reuse of incoming material	Required	330.9(g)(1)	Yes	N/A	This is in reference to a mobile liquid waste processing unit, which the proposed facility will not have.	Site Operating Plan
1003	Part IV	Submit a quarterly report that reconciles the volume of waste with the amounts on manifests, shipping documents, or trip tickets and indicate where the recyclable material was taken for recycling.	Required	330.9(g)(1)	Yes	N/A	This is in reference to a mobile liquid waste processing unit, which the proposed facility will not have.	Site Operating Plan

1004	Part IV	Acknowledge that the addition of any material such as lime, polymer, or flocculent added as part of the recycling process is not allowed to be considered as part of the 10% recovery of material from the waste stream and must be subtracted from the material considered as recycled.	Acknowledgement	330.9(g)(1)	Yes	N/A	This is in reference to a mobile liquid waste processing unit, which the proposed facility will not have.	Site Operating Plan
1005	Part IV	Acknowledge that diverting material from the waste stream without processing is not considered to be recycling as part of this activity.	Acknowledgement	330.9(g)(1)	Yes	N/A	This is in reference to a mobile liquid waste processing unit, which the proposed facility will not have.	Site Operating Plan
1006	Part IV	Provide the characteristics and constituent concentrations of wastes generated by the facility and indicate that documentation that all wastes leaving the facility can be adequately managed by other authorized facilities will be provided.	Required	330.205(a)	Yes	Part IV PAR Section 5	The only waste generated will be contaminated water.	Site Operating Plan
1007	Part IV	Indicate that all wastes generated by a facility must be processed or disposed at an authorized solid waste management facility.	Required	330.205(b)	Yes	Part IV PAR Sections 4.3, 5		Site Operating Plan
1008	Part IV	Indicate that all wastewaters generated by a facility shall be managed as contaminated water in accordance with 330.207.	Required	330.205(c)	Yes	Part IV PAR Sections 4.3, 5		Site Operating Plan
1010	Part IV	Indicate that the facility shall be designed and operated to produce a sludge that is acceptable at municipal solid waste landfills and does not exceed standards specified in 30 TAC §330.205(d).	Required If Requested	330.205(d)	Yes	N/A	This facility will not be producing sludges.	Site Operating Plan
1011	Part IV	Indicate that sludges exceeding the limits shall not be disposed in municipal solid waste landfills and must be sent to an authorized facility for further processing or disposal as a hazardous waste, as appropriate or disposed in a municipal solid waste landfill with dedicated Class 1 industrial solid waste cells if the sludge is nonhazardous.	Required If Requested	330.205(d)	Yes	N/A	This facility will not be producing sludges.	Site Operating Plan
1012	Part IV	The owner or operator shall not discharge contaminated water without specific written authorization.	Informational	330.207(a)		Part IV PAR Section 5		Site Operating Plan
1013	Part IV	Provide a plan that describes how all liquids resulting from the operation of the facility shall be disposed of in a manner that will not cause surface water or groundwater pollution.	Required	330.207(a)	Yes	Part IV PAR Section 5		Site Operating Plan
1014	Part IV	Indicate that contaminated water shall be collected and contained until properly managed.	Required	330.207(b)	Yes	Part IV PAR Section 5		Site Operating Plan
1015	Part IV	Indicate that leachate shall be collected and contained until properly managed.	Required	330.207(b)	Yes	Part IV PAR Section 5		Site Operating Plan
1016	Part IV	Indicate that collection units other than storage tanks shall have a clay or synthetic liner and the liner shall be constructed in accordance with 30 TAC §330.331(b).	Required If Requested	330.207(b)	Yes	N/A	Storage tanks are proposed as the means of collection and holding contact stormwater/leachate.	Site Operating Plan
1018	Part IV	Indicate that the use of leachate & gas condensate in mining process is prohibited.	Required	330.207(c)	Yes	N/A	This is not a mining process	Site Operating Plan
1019	Part IV	Indicate that the facility will not discharge to a septic system.	Required	330.207(d)	Yes	N/A	Processed waste will not be discharged into the septic system.	Site Operating Plan
1020	Part IV	Indicate that off-site discharge of contaminated waters shall be made only after approval under the Texas Pollutant Discharge Elimination System authority.	Required	330.207(e)	Yes	Part IV PAR Section 5		Site Operating Plan

1021	Part IV	Acknowledge that wastewaters discharged to a facility permitted under Texas Water Code, Chapter 26 must not interfere with or pass-through the treatment facility processes or operations, interfere with or pass-through its sludge processes, use, or disposal or otherwise be inconsistent with the prohibited discharge standards, including 40 Code of Federal Regulations Part 403, General Pretreatment Regulations for Existing and New Source Pollution	Acknowledgement	330.207(f)(1)	Yes	Part IV PAR Section 5		Site Operating Plan
1022	Part IV	Indicate that the daily effluent design standard for oil and grease concentration leaving the facility and entering a public sewer system shall not exceed 200 milligrams per liter, the concentration established in the wastewater discharge permit pretreatment limit or the concentration established by the treatment facility permitted under Texas Water Code, Chapter 26, the National Pollutant Discharge Elimination System, or the limits established in 30 TAC §330.207, if the discharge points do not require compliance with locally set limits.	Required	330.207(g)	Yes	Part IV PAR Section 5		Site Operating Plan
1023	Part IV	Indicate that lagoons, open-top storage tanks, open vessels, and underground storage units are prohibited at liquid waste transfer facilities	Required	330.207(h)	Yes	N/A	This is not a liquid transfer facility.	Site Operating Plan
1024	Part IV	Provide plans demonstrating that all waste shall be stored in such a manner that it does not constitute a fire, safety, or health hazard or provide food or harborage for animals and vectors, and shall be contained or bundled so as not to result in litter	Required	330.209(a)	Yes	Part IV PAR Section 6		Site Operating Plan
1025	Part IV	Provide a description of on-site storage area for source-separated or recyclable materials that is separate from a transfer station or process area and provides for the control of odors, vectors, and windblown waste	Required If Requested	330.209(b)	Yes	Part IV PAR Section 6		Site Operating Plan
1026	Part IV	Provide plans for process area of transfer stations that recover material from putrescible or liquid waste. Such plans shall provide for the storage of processed and unprocessed waste & recycled materials in enclosed buildings, vessels, or containers.	Required If Requested	330.209(c)	Yes	N/A	Part IV PAR, Section 6 states that the facility will not recover materials from solid waste that contains putrescible materials, nor process liquid waste.	Site Operating Plan
1027	Part IV	Provide a plan that describes how all waste containing food wastes shall be stored in covered or closed containers that are leak-proof, durable, and designed for safe handling and easy cleaning	Required	330.211	Yes	Part IV PAR Section 6		Site Operating Plan
1028	Part IV	Indicate that nonreusable containers shall be of suitable strength to minimize vector scavenging or rupturing.	Required	330.211(1)	Yes	Part IV PAR Section 6		Site Operating Plan
1029	Part IV	Indicate that reusable containers must be maintained in a clean condition as not to constitute a nuisance, harbor, feed, and propagate vectors.	Required	330.211(2)	Yes	Part IV PAR Section 6		Site Operating Plan
1030	Part IV	Indicate that any containers emptied manually must be capable of being serviced without physical contact with waste.	Required	330.211(2)(A)	Yes	Part IV PAR Section 6		Site Operating Plan
1031	Part IV	Indicate that containers that are mechanically handled must be designed to prevent spillage/leakage during storage, handling, and transport.	Required	330.211(2)(B)	Yes	Part IV PAR Section 6		Site Operating Plan

1032	Part IV	Provide a plan that describes how a citizen's collection stations shall be operated in accordance with 30 TAC §330.213	Required If Requested	330.213(a)	Yes	N/A	A separate citizen's collection station is not planned for this facility.	Site Operating Plan
1033	Part IV	Indicate that it is the responsibility of the person that owns or operates the collection center to provide for the collection of deposited waste on a scheduled basis and supervise the facility in order to maintain it in a sanitary condition.	Required If Requested	330.213(a)	Yes	N/A	A separate citizen's collection station is not planned for this facility.	Site Operating Plan
1034	Part IV	A citizen's collection station may accept sharps from single-family or multi-family dwellings, hotels, motels, or other establishments that provide lodging and related services for the public. The sharps will not be considered medical waste, as defined in 30 TAC §330.3	Required If Requested	330.213(b)	Yes	N/A	A separate citizen's collection station is not planned for this facility.	Site Operating Plan
1035	Part IV	Provide operational standards for stationary compactors that describe how they will operated and maintained in such a way as not to create a public nuisance through material loss or spillage, odor, vector breeding or harborage, or other condition.	Required If Requested	330.215(1) and (2)	Yes	N/A	A stationary compactor is not planned for this facility.	Site Operating Plan
1036	Part IV	Indicate that a copy of the permit or registration, application, and any other plans or related documents, and as-built plans will be maintained in the site operating record and shall be made available for inspections by agency representatives or other interested parties	Required	330.219(a)	Yes	Part IV PAR Section 2.1		Site Operating Plan
1037	Part IV	Indicate that operator shall record & retain location restriction demonstrations, inspection records, training procedures, closure plans, monitoring, testing, analytical data relating to closure, cost estimates, financial assurance documents, all correspondence, modification, approvals, manifests, shipping documents, tickets relating to special waste, & documents as specified by the executive director in the operating record.	Required	330.219(b)(1) - (7)	Yes	Part IV PAR Section 2.2 Table 2-1		Site Operating Plan
1038	Part IV	Indicate that trip tickets will be maintained according to the record retention provisions in 30 TAC §312.145.	Required	330.219(b)(8)	Yes	Part IV PAR Table 2-1		Site Operating Plan
1040	Part IV	Indicate that all reports will be signed by a person who is a duly authorized as a signatory for reports. A person is duly authorized if authorized in writing by the owner or operator in accordance with 30 TAC §305.44(a) and the authorization specifies individual or position with responsibility and this written authorization is submitted to the executive director	Required	330.219(c)(1)(A) - (C)	Yes	Part IV PAR Section 2.3		Site Operating Plan
1041	Part IV	Acknowledge that if the authorization to sign is not longer accurate a new authorization will be submitted	Acknowledgement	330.219(c)(2)	Yes	Part IV PAR Section 2.3		Site Operating Plan
1042	Part IV	Indicate that any person signing a report shall make the certification in 305.44(b).	Required	330.219(c)(3)	Yes	Part IV PAR Section 2.3		Site Operating Plan
1043	Part IV	Indicate that the operator shall maintain records on-site, available for inspection by the executive director for a period consisting of the two most recent calendar years	Required	330.219(d)	Yes	Part IV PAR Section 2		Site Operating Plan



1045	Part IV	Indicate that the results of final product testing under 30 TAC §330.613 or §332.71 will be maintained in the site operating record	Required	330.219(d)(2)	Yes	Part IV PAR Section 2		Site Operating Plan
1046	Part IV	Indicate that copies of annual reports will be maintained in the site operating record for 5yrs	Required	330.219(d)(3)	Yes	Part IV PAR Section 2.1		Site Operating Plan
1047	Part IV	Indicate that the site operating record shall be furnished and available for inspection by executive director.	Required	330.219(e)	Yes	Part IV PAR Section 2.4		Site Operating Plan
1048	Part IV	Indicate that the operator shall retain site operating record for the life of the facility.	Required	330.219(f)	Yes	Part IV PAR Section 2.5		Site Operating Plan
1049	Part IV	Indicate that the executive director may set alternative recordkeeping & notification schedules.	Required	330.219(g)	Yes	Part IV PAR Section 2.6		Site Operating Plan
1051	Part IV	Provide a fire protection plan that describes the source of fire protection (a local fire department, fire hydrants, fire extinguishers, water tanks, water well, etc.), procedures for using the fire protection source, and employee training and safety procedures. The fire protection plan shall comply with local fire codes.	Required	330.221(c)	Yes	Part IV PAR Section 7		Site Operating Plan
1052	Part IV	Provide a description of the availability of water under pressure for firefighting purposes	Required	330.221(a)	Yes	Part IV PAR Section 7		Site Operating Plan
1053	Part IV	Provide a description of on-site firefighting equipment	Required	330.221(b)	Yes	Part IV PAR Section 7		Site Operating Plan
1054	Part IV	Indicate that all employees shall be trained in the contents and use of the fire protection plan	Required	330.221(c)	Yes	Part IV PAR Section 7		Site Operating Plan
1055	Part IV	Provide a description of the artificial barriers, natural barriers, or a combination of both, appropriate to protect human health and safety and the environment that are used to control access to the facility and indicate that uncontrolled access to the facility shall be prevented.	Required	330.223(a)	Yes	Part IV PAR Section 8.1		Site Operating Plan
1056	Part IV	Provide a description of the, minimum two lane, access road from the public road and how it is designed for expected traffic volumes and adequate turning radii.	Required	330.223(b)	Yes	Part IV PAR Section 8.1		Site Operating Plan
1057	Part IV	Provide a description of vehicle parking for equipment, employees, and visitors. Indicate that safety bumpers at hoppers must be provided for vehicles. And provide a description of the positive means to control dust and mud	Required	330.223(b)	Yes	Part IV PAR Section 8.1		Site Operating Plan
1058	Part IV	Provide a description of perimeter control fencing that includes having lockable gates and attendant on site during operating hours. Operating and transport areas shall be enclosed by walls or fencing	Required	330.223(c)	Yes	Part IV PAR Section 8.1		Site Operating Plan
1059	Part IV	Provide a description of the unloading areas and indicate that unloading areas will be confined to as small an area as practical and be monitored by attendant.	Required	330.225(a)	Yes	Part IV PAR Section 8.2		Site Operating Plan
1060	Part IV	Provide a description of the signs & forced access lanes used to prevent indiscriminate dumping	Required	330.225(a)	Yes	Part IV PAR Section 8.2		Site Operating Plan
1061	Part IV	Indicate that the facility is not required to accept any solid waste that he/she determines will cause or may cause problems in maintaining full and continuous compliance	Required	330.225(a)	Yes	Part IV PAR Section 8.2		Site Operating Plan

1062	Part IV	Provide procedures to ensure that waste in unauthorized areas is removed immediately and disposed of properly.	Required	330.225(b)	Yes	Part IV PAR Section 8.2	Site Operating Plan
1063	Part IV	Provide procedures for the detection and prevention of the unloading of processing of prohibited wastes.	Required	3330.225©	Yes	Part IV PAR Section 8.2	Site Operating Plan
1064	Part IV	Indicate that prohibited waste must be returned immediately to the transporter or generator.	Required	330.225(c)	Yes	Part IV PAR Section 8.2	Site Operating Plan
1065	Part IV	Provide a description of how storage & processing areas are designed to control and contain worst case spill or release and will account for precipitation from a 25-year, 24-hour storm.	Required	330.227	Yes	Part IV PAR Section 8.3	Site Operating Plan
1066	Part IV	Specify the waste acceptance and facility operating hours	Required	330.229(a)	Yes	Part IV PAR Section 8.4	Site Operating Plan
1067	Part IV	The waste acceptance hours may be any time between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless otherwise approved by the executive director or commission for a permit. The operating hours for operating heavy equipment and transporting materials on- or off-site may be any time between the hours of 5:00 a.m. and 9:00 p.m., Monday through Friday, unless otherwise approved in the authorization.	Required	330.229(a)	Yes	Part IV PAR Section 8.4	Site Operating Plan
1068	Part IV	Specify alternative operating hours of up to five days in a calendar year to accommodate special occasions, special purpose events, holidays, or other special occurrences	Required	330.229(b)	Yes	Part IV PAR Section 8	Site Operating Plan
1069	Part IV	Indicate that the facility will record in the site operating record the dates, times, and duration when any alternative operating hours are utilized.	Required	330.229(d)	Yes	Part IV PAR Section 8.4	Site Operating Plan
1070	Part IV	Indicate that the commission's regional offices may allow additional temporary operating hours to address disaster or other emergency situations, or other unforeseen circumstances that could result in the disruption of waste management services in the area.	Required	330.229(c)	Yes	Part IV PAR Section 8.4	Site Operating Plan
1071	Part IV	Indicate that a sign measuring at least 4' X 4' must be displayed at all entrances. Indicate that information on the sign must including the facility name and type, hours and days of operation, authorization number, and facility rules.	Required	330.231	Yes	Part IV PAR Section 8.5	Site Operating Plan
1072	Part IV	Indicate that windblown material and litter shall be collected as necessary, throughout the facility, along fences and access roads, and at the gate, at least once per day on days that the facility is in operation, to minimize unhealthy, unsafe, or unsightly conditions.	Required	330.233(a)	Yes	Part IV PAR Section 8.6	Site Operating Plan
1073	Part IV	Indicate the measures used to control windblown waste.	Required	330.233(a)(1)	Yes	Part IV PAR Section 8.6	Site Operating Plan
1074	Part IV	Provide a description of fence or screen used to minimize windblown waste if the facility is not completely enclosed.	Required	330.233(b)	Yes	Part IV PAR Section 8.6	Site Operating Plan
1075	Part IV	Provide procedures to encourage waste hauling vehicles to cover loads that may include posting signs, reporting offenders, and assessing surcharges.	Required	330.235	Yes	Part IV PAR Section 8.7	Site Operating Plan

1077	Part IV	Provide a description of all weather access roads at the facility and how the tracking of mud and debris onto public roadways will be minimized.	Required	330.237(a)	Yes	Part IV PAR Section 8.7		Site Operating Plan
1078	Part IV	Provide procedures use to ensure that dust from on-site and other access roadways shall not become a nuisance to surrounding areas and indicate that a water source and necessary equipment or other means of dust control shall be provided.	Required	330.237(b)	Yes	Part IV PAR Section 8.7		Site Operating Plan
1079	Part IV	Provide procedures to be used to maintain on site roads and minimize depressions, ruts, and potholes.	Required	330.237(c)	Yes	Part IV PAR Section 8.7		Site Operating Plan
1080	Part IV	Describe screening or other means used to prevent noise pollution & adverse visual impacts.	Required	330.239	Yes	Part IV PAR Section 8.9		Site Operating Plan
1081	Part IV	Provide procedures used to ensure that the design capacity of the facility shall not be exceeded and that waste will not be allowed to accumulate in quantities that create a nuisance, create odors, or harbor vectors.	Required	330.241(a)	Yes	Part IV PAR Section 8.10		Site Operating Plan
1082	Part IV	Provide procedures that describe how unprocessed grease, grit, & septage will only be stored up to 72hrs.	Required	330.241(a)(1)	Yes	N/A	These wastes will not be accepted at the facility.	Site Operating Plan
1083	Part IV	Provide procedures that provide for the restriction, diversion or removal of waste if the facility experiences a significant work stoppage.	Required	330.241(b)	Yes	Part IV PAR Section 8.10		Site Operating Plan
1084	Part IV	Provide an alternative processing/disposal procedures for when facility is inoperable for more than 24hrs.	Required	330.241(c)	Yes	Part IV PAR Section 8.10		Site Operating Plan
1085	Part IV	Provide procedures for washing down all working surfaces in contact with waste at least weekly or twice per week for facilities that operate continuously.	Required	330.243(a)	Yes	Part IV PAR Section 8.11		Site Operating Plan
1086	Part IV	Provide procedures to ensure that wash water shall not be allowed to accumulate without proper treatment.	Required	330.243(b)	Yes	Part IV PAR Section 8.11		Site Operating Plan
1087	Part IV	Provide procedures that demonstrate that wash water shall be collected & disposed of in an authorized manner.	Required	330.243(c)	Yes	Part IV PAR Section 8.11		Site Operating Plan
1088	Part IV	Acknowledge that air emissions from municipal solid waste facilities must not cause or contribute to a condition of air pollution as defined in the Texas Clean Air Act.	Acknowledgement	330.245(a)	Yes	Part IV PAR Section 8.12		Site Operating Plan
1090	Part IV	Provide a description of odor-retaining containers & vessels used to store liquid and solid waste	Required	330.245(c)	Yes	Part IV PAR Section 8.12		Site Operating Plan
1091	Part IV	Provide a description of how the facility has been designed and will be operated to provide adequate ventilation and prevent nuisance odors from leaving boundary of facility	Required	330.245(d)	Yes	Part IV PAR Section 8.12		Site Operating Plan
1092	Part IV	Indicate that air pollution emission capture & abatement equipment shall be cleaned and maintained per manufacturer's recommendations and as necessary so that the equipment efficiency can be adequately maintained.	Required	330.245(e)	Yes	Part IV PAR Section 8.12		Site Operating Plan
1093	Part IV	Provide a description of the measures/equipment, in accordance with 30 TAC §330.245(f)(1) - (4), that will be use to control odor at the facility.	Required	330.245(f)(1) - (4)	Yes	Part IV PAR Section 8.12		Site Operating Plan

1094	Part IV	Indicate that the process areas that recover material from solid waste that contains putrescibles shall be maintained totally within an enclosed building and describe how openings to the process area shall be controlled to prevent releases of nuisance odors from leaving the property boundary of the facility.	Required	330.245(g)	Yes	N/A	This facility will not recover materials from solid waste that contain putrescible materials.	Site Operating Plan
1095	Part IV	Provide a description of how facility shall be designed to allow a minimal time of exposure of liquid waste to the air and minimize waste contact with air during unloading of liquid waste into the facility.	Required	330.245(h)	Yes	N/A	This facility will not process liquid waste.	Site Operating Plan
1096	Part IV	Acknowledge that the reporting of emissions events shall be made in accordance with §101.201 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements) and reporting of scheduled maintenance shall be made in accordance with §101.211 of this title (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).	Acknowledgement	330.245(j)	Yes	Part IV PAR Section 8.12		Site Operating Plan
1097	Part IV	Provide procedures for the control of ponded water to avoid its becoming a nuisance and alleviate any objectionable odors	Required	330.245(k)	Yes	Part IV PAR Section 8.12		Site Operating Plan
1098	Part IV	Indicate that facility personnel will be trained in the appropriate sections of the facility's <u>health and safety plan</u> .	Required	330.247	Yes	Part IV PAR Section 8.13		Site Operating Plan
1099	Part IV	Indicate that the facility shall provide potable water and sanitary facilities for all employees and visitors.	Required	330.249	Yes	Part IV PAR Section 8.14		Site Operating Plan

Admin  
NOD Rev.  
Comment  
2

Facility Name: Circle Lake Transfer Station  
Permittee/Registrant Name: Circle Lake Transfer, LLC  
MSW Authorization #:2412  
Initial Submittal Date: 4/1/2022  
Revision Date: 4/20/2022



**Texas Commission on Environmental Quality**  
**Part I Application Form for New Permit, Permit  
Amendment, or Registration for a  
Municipal Solid Waste Facility**

<b>1. Reason for Submittal</b>
<input checked="" type="checkbox"/> Initial Submittal <input type="checkbox"/> Notice of Deficiency (NOD) Response
<b>2. Authorization Type</b>
<input checked="" type="checkbox"/> Permit <input type="checkbox"/> Registration
<b>3. Application Type</b>
<input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Permit Major Amendment <input type="checkbox"/> Permit Major Amendment (Limited Scope) <input type="checkbox"/> New Registration
<b>4. Application Fees</b>
Amount <input checked="" type="checkbox"/> \$2,050 for Permits and Permit Amendments <input type="checkbox"/> \$150 for Registrations Payment Method <input checked="" type="checkbox"/> Check <input type="checkbox"/> Online through ePay portal < <a href="https://www3.tceq.texas.gov/epay/">https://www3.tceq.texas.gov/epay/</a> > If paid online, enter ePay Trace Number:
<b>5. Application URL</b> <b>Admin NOD Rev. Comment No.3</b>
Is the application submitted for a Type I Arid Exempt (AE) or Type IV AE facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If the answer is "No", provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted. <a href="http://www.circlelaketransfer.com">http://www.circlelaketransfer.com</a>

## 6. Application Publishing

Party Responsible for Publishing Notice:

Applicant       Agent in Service       Consultant

Contact Name: **Mr. Shelby Lowe**

Title: **President, Circle Lake Transfer LLC**

## 7. Alternative Language Notice

Is an alternative language notice required for this application? (For determination refer to Alternative Language Checklist on the Public Notice Verification Form TCEQ-20244-Waste)

Yes       No

## 8. Public Place Location of Application

Name of the Public Place: **Malcolm Purvis Library**

Physical Address: **510 Melton Street**

City: **Magnolia**      County: **Montgomery**      State: **TX**      Zip Code: **77355**

(Area code) Telephone Number: **936-442-7704**

## 9. Consolidated Permit Processing

Is this submittal part of a consolidated permit processing request, in accordance with 30 TAC Chapter 33?

Yes       No       Not Applicable

If "Yes", state the other TCEQ program authorizations requested:

## 10. Confidential Documents

Does the application contain confidential documents?

Yes       No

If "Yes", cross-reference the confidential documents throughout the application and submit as a separate attachment in a binder clearly marked "CONFIDENTIAL."



**11. Permits and Construction Approvals**

Permit or Approval	Received	Pending	Not Applicable
Hazardous Waste Management Program under the Texas Solid Waste Disposal Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Underground Injection Control Program under the Texas Injection Well Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
National Pollutant Discharge Elimination System Program under the Clean Water Act and Waste Discharge Program under Texas Water Code, Chapter 26	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prevention of Significant Deterioration Program under the Federal Clean Air Act (FCAA). Nonattainment Program under the FCAA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
National Emission Standards for Hazardous Air Pollutants Preconstruction Approval under the FCAA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ocean Dumping Permits under the Marine Protection Research and Sanctuaries Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dredge or Fill Permits under the CWA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Licenses under the Texas Radiation Control Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (describe) TPDES MSGP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**12. General Facility Information Admin NOD Rev. Comment No.4**

Facility Name: Circle Lake Transfer Station

Contact Name: **Mr. Shelby Lowe**

Title: **President**

MSW Authorization No. (if available): **2412**

Regulated Entity Reference No. (if issued)\*: **RN106844061**

Physical or Street Address (if available): **34910 Circle Lake Drive**

City: **Pinehurst** County: **Montgomery** State: **TX** Zip Code: **77362**

(Area Code) Telephone Number: **214-605-2933**

Latitude (Degrees, Minutes Seconds): **30° 10' 23.32"**

Longitude (Degrees, Minutes Seconds): **95° 40' 16.65"**

Benchmark Elevation (above mean sea level): **237.67ft.**

Provide a description of the location of the facility with respect to known or easily identifiable landmarks: **2,700 ft northeast on Circle Lake Drive from its intersection with TX-249/FM1774 (intersection is 1,000 ft north of Aggie Expressway).**

Detail access routes from the nearest United States or state highway to the facility: **2,700 ft northeast on Circle Lake Drive from its intersection with TX-249/FM1774 (intersection is 1,000 ft north of Aggie Expressway) Pinehurst, Montgomery County, Texas. Site located on deadend road so there is no other access.**

\*If this number has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

### 13. Facility Type(s)

- Type I                       Type IV                       Type V  
 Type I AE                   Type IV AE                   Type VI

### 14. Activities Conducted at the Facility

- Storage                   Processing                   Disposal

### 15. Facility Waste Management Unit(s)

- Landfill Unit(s)                   Incinerator(s)  
 Class 1 Landfill Unit(s)           Autoclave(s)  
 Process Tank(s)                   Refrigeration Unit(s)  
 Storage Tank(s)                   Mobile Processing Unit(s)  
 Tipping Floor                       Type VI Demonstration Unit  
 Storage Area                       Compost Pile(s) and/or Vessel(s)  
 Container(s)                       Other (specify):  
 Roll-off Boxes                       Other (specify):  
 Surface Impoundment               Other (specify)

### 16. Description of Proposed Facility or Changes to Existing Facility

Provide a brief description of the proposed activities if application is for a new facility, or the proposed changes to an existing facility or permit conditions if the application is for an amendment.

**This is a permit application for a proposed new Type V MSW facility (transfer station)**

### 17. Facility Contact Information Admin NOD Rev. Comment No.5

**Site Operator (Permittee/Registrant) Name: Circle Lake Transfer, LLC**

Customer Reference No. (if issued)\*: **CN605953009**

Contact Name: **Shelby Lowe**

Title: **President**

Mailing Address: **13727 Office Park Drive**

City: **Houston** County: **Harris** State: **Texas** Zip Code: **77070**

(Area Code) Telephone Number: **214-605-2933**

Email Address: **Shelby.L@zsites.com**

TX Secretary of State (SOS) Filing Number: **804040465**

\*If the Site Operator (Permittee/Registrant) does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the Customer.

**Admin NOD Rev. Comment No.5**

**Operator Name<sup>1</sup>: Same as "Site Operator (Permittee/Registrant)"**

Customer Reference No. (if issued)\*: **TBD**

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

(Area Code) Telephone Number: \_\_\_\_\_

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

TX SOS Filing Number: \_\_\_\_\_

<sup>1</sup>If the Operator is the same as Site Operator/Permittee type "Same as "Site Operator (Permittee/Registrant)".  
\*If the Operator does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Operator as the customer.

**Consultant Name (if applicable): Allen Engineering an Science, Inc.**

Texas Board of Professional Engineers Firm Registration Number: **139569**

Contact Name: **Jeff Allen** Title: **President and Senior Engineer**

Mailing Address: **6360 I55 North**

City: **Jackson** County: **Hinds** State: **Mississippi** Zip Code: **39211**

(Area Code) Telephone Number: **601-936-4440**

Email Address: **jallen@allenes.com**

**Agent in Service Name (required only for out-of-state): CT Corporation System**

Mailing Address: **1999 Bryan Street, Suite 900**

City: **Dallas** County: **Dallas** State: **TX** Zip Code: **75201-3136**

(Area Code) Telephone Number: **214-979-1172**

Email Address: **ct-statecommunications@wolterskluwer.com**

**18. Facility Supervisor's License**

Select the Type of License that the Solid Waste Facility Supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations, will obtain prior to commencing facility operations.

Class A  Class B

**19. Ownership Status of the Facility**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Corporation         | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Federal Government   |
| <input type="checkbox"/> Individual          | <input type="checkbox"/> City Government     | <input type="checkbox"/> Other Government   |
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> County Government   | <input type="checkbox"/> Military   |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> State Government    | <input checked="" type="checkbox"/> Other (specify): <b>LLC (limited liability company)</b> |

Does the Site Operator (Permittee/Registrant) own all the facility units and all the facility property?

Yes       No

If "No", provide the information requested below for any additional ownership.

**Owner Name: Ztopia LLC**

Street or P.O. Box: **13727 Office Park Drive**

City: **Houston** County: **Harris** State: **TX** Zip Code: **77070-2892**

(Area Code) Telephone Number: **832-698-2203**

Email Address: **Jon@Zters.com**

## 20. Other Governmental Entities Information

**Texas Department of Transportation District: Houston**

District Engineer's Name: **Eliza Paul, P.E.**

Street Address or P.O. Box: **7600 Washington Avenue**

City: **Houston** County: **Harris** State: **TX** Zip Code: **77007**

(Area Code) Telephone Number: **713-802-5000**

Email Address: **eliza.paul@txdot.gov**

**The Local Governmental Authority Responsible for Road Maintenance (if applicable): Montgomery County Commission Precinct 2**

Contact Person's Name: **JoAnne Moore**

Street Address or P.O. Box: **19110 Unity Park Drive**

City: **Magnolia** County: **Montgomery** State: **TX** Zip Code: **77355**

(Area Code) Telephone Number: **281-259-6492**

Email Address: **joanne.moore@mctx.org**

### City Mayor Information

City Mayor's Name: **Not Applicable**

Office Address:

City:                      County:                      State:                      Zip Code:

(Area Code) Telephone Number:

Email Address:

**City Health Authority: N/A**

Contact Person's Name:

Street Address or P.O. Box:

City:                      County:                      State:                      Zip Code:

(Area Code) Telephone Number:

Email Address:

**County Judge Information**

County Judge's Name: **Mark J. Keough**

Street Address or P.O. Box: **501 North Thompson**

City: **Conroe** County: **Montgomery** State: **TX** Zip Code: **77301**

(Area Code) Telephone Number: **936-539-7812**

Email Address: **cojudge@mctx.org**

**County Health Authority:** Montgomery County Public Health District

Contact Person's Name: **Alicia Williams, MPH**

Street Address or P.O. Box: **1300 South Loop 336 West**

City: **Conroe** County: **Montgomery** State: **TX** Zip Code: **77304**

(Area Code) Telephone Number: **936-523-5025**

Email Address: **a.williams@mchd-tx.org**

**State Representative Information**

District Number: **District 3**

State Representative's Name: **Rep. Cecil Bell Jr.**

District Office Address: **18230 FM 1488 Ste. 302**

City: **Magnolia** County: **Montgomery** State: **TX** Zip Code: **77354**

(Area Code) Telephone Number: **281-259-3700**

Email Address: **cecil.bell@house.texas.gov**

**State Senator Information**

District Number: **District 4**

State Senator's Name: **Honorable Brandon Creighton**

District Office Address: **2829 Technology Forest, Suite 240**

City: **The Woodlands** County: **Montgomery** State: **TX** Zip Code: **77381**

(Area Code) Telephone Number: **281-292-4128**

Email Address: **brandon.creighton@senate.texas.gov**

**Council of Government (COG) Name:** HGAC - Houston-Galveston Area Council

COG Representative's Name: **Cheryl Mergo**

COG Representative's Title: **Manager, Community and Environmental Planning**

Street Address or P.O. Box: **3555 Timmons Lane, Suite 120 - (PO Box 22777 Zip 77227)**

City: **Houston** County: **Harris** State: **TX** Zip Code: **77027**

(Area Code) Telephone Number: **713-993-4520**

Email Address: **cheryl.mergo@h-gac.com**

**River Basin Authority Name:** San Jacinto River Authority

Contact Person's Name: **Jace Houston, General Manager**

Watershed Sub-Basin Name: **Spring Creek**

Street Address or P.O. Box: **1577 Dam Site Road**

City: **Conroe** County: **Montgomery** State: **TX** Zip Code: **77304**

(Area Code) Telephone Number: **936-588-3111**

Email Address: **jhouston@sjra.net**

**Coastal Management Program**

Is the facility within the Coastal Management Program boundary?

Yes  No

**U.S. Army Corps of Engineers**

The facility is located in the following District of the U.S. Army Corps of Engineers:

Albuquerque, NM  Galveston, TX

Ft. Worth, TX  Tulsa, OK

**Local Government Jurisdiction**

Within City Limits of: **None - Located in Pinehurst (Census designated area only) unincorporated area of Montgomery County, Precinct # 2 Commissioner Charlie Riley**

Within Extraterritorial Jurisdiction of: **N/A**

Is the facility located in an area in which the governing body of the municipality or county has prohibited the storage, processing or disposal of municipal or industrial solid waste?

Yes  No

If "Yes", provide a copy of the ordinance or order as an attachment.

**Signature Page**

I, Shelby Lowe, \_\_\_\_\_ President,  
(Site Operator (Permittee/Registrant)'s Authorized Signatory) \_\_\_\_\_ (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: [Handwritten Signature]

Date: 6-2-22

-----  
TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, \_\_\_\_\_, hereby designate \_\_\_\_\_  
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

\_\_\_\_\_  
Printed or Typed Name of Operator or Principal Executive Officer

\_\_\_\_\_  
Signature

-----  
SUBSCRIBED AND SWORN to before me by the said \_\_\_\_\_

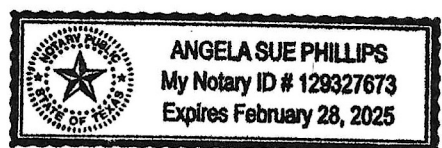
On this 2<sup>nd</sup> day of June, 2022

My commission expires on the 28<sup>th</sup> day of February 2022

[Handwritten Signature]

Notary Public in and for  
Harris County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)





## Part I Attachments

(See Instructions for P.E. seal requirements.)

### Required Attachments

	<b>Attachment No.</b>
Supplementary Technical Report	<b>Part I/II Report</b>
Property Legal Description	<b>Part I/II Appendix B</b>
Property Metes and Bounds Description	<b>Part I/II Appendix B</b>
Facility Legal Description	<b>Part I/II Appendix B</b>
Facility Metes and Bounds Description	<b>Part I/II Appendix B</b>
Metes and Bounds Drawings	<b>Part I/II Appendix B</b>
On-Site Easements Drawing	<b>Part I/II Appendix B</b>
Land Ownership Map	<b>Part I/II PAR Engineering Drawing Set DWG13</b>
Land Ownership List	<b>Part I/II Appendix A and PAR Engineering Drawing Set DWG13</b>
Electronic List or Mailing Labels	<b>With Cover Letter</b>
Texas Department of Transportation (TxDOT) County Map	<b>Part I/II PAR Engineering</b>
<b>Drawing Set</b>	
General Location Map	<b>Part I/II PAR Engineering Drawing Set</b>
General Topographic Map	<b>Part I/II PAR Engineering Drawing Set DWG3</b>
Verification of Legal Status	<b>Part I/II Appendix C</b>
Property Owner Affidavit	<b>Part I/II Appendix C</b>
Evidence of Competency	<b>Appendix I/IE</b>
<b>Additional Attachments as Applicable- Select all those apply and add as necessary</b>	
<input checked="" type="checkbox"/> TCEQ Core Data Form(s)	<b>With Cover Letter</b>
<input type="checkbox"/> Signatory Authority Delegation	
<input checked="" type="checkbox"/> Fee Payment Receipt	<b>With Cover Letter</b>
<input type="checkbox"/> Confidential Documents	
<input type="checkbox"/> Waste Storage, Processing and Disposal Ordinances	
<input checked="" type="checkbox"/> Final Plat Record of Property	<b>Part I/II Appendix B</b>
<input checked="" type="checkbox"/> Certificate of Fact (Certificate of Incorporation)	<b>Part I/II Appendix C</b>
<input type="checkbox"/> Assumed Name Certificate	

# **Instructions for Part I Application Form for New Permit, Permit Amendment, or Registration for a Municipal Solid Waste Facility**

## **Form Availability**

This form, as well as other Municipal Solid Waste (MSW) documents and rules are available on the TCEQ website site at <[www.tceq.texas.gov/search\\_forms.html](http://www.tceq.texas.gov/search_forms.html)>. The number for this form is 0650. For further instructions regarding completion of this form, send an e mail to <[mswper@tceq.texas.gov](mailto:mswper@tceq.texas.gov)> or call 512-239-2335.

The original application and all copies for New Applications and Major Amendments should be submitted to:

Municipal Solid Waste Permits Section, MC 124  
Waste Permits Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

## **Application Submittal**

See 30 Texas Administrative Code (30 TAC) Section (§)305.43(c) for who can submit the application.

The complete application should be typewritten or printed neatly in black ink.

For a new permit/registration and major amendment to a permit application, submit:

1. The original application plus three (3) complete copies (prepared in accordance with 30 TAC §330.57) which includes:
  - a. the TCEQ Core Data Form (See Attachment as applicable);
  - b. the Application Table of Contents and Title Pages for Parts I, II, III, and IV shall be signed and sealed in accordance with 30 TAC §330.57(g)(2) & (3);
  - c. the Application Part I Form;
  - d. the Application Part I Form Attachments; and
  - e. Parts II through IV
2. Include an electronic copy of a completed MSW Application Checklist, in Excel format, available on the TCEQ website at <[www.tceq.texas.gov/goto/mswforms](http://www.tceq.texas.gov/goto/mswforms)>.
3. If fee is paid by check, a check for payment of application fees transmitted directly to the TCEQ Financial Administration Division with a photocopy of the check included in the original application; and
4. Pre-printed mailing labels of the adjacent landowners or an electronic mailing list on a CD in Microsoft Word compatible format.

For all submittals, provide the Facility Name, Permittee/Registrant Name, MSW Authorization No., and dates in the form header. For initial submittals, leave "MSW Authorization No." in the form header blank.

For all notice of deficiency responses (NODs), (administrative and/or technical), submit the original plus three (3) copies of the response package which includes:

1. page 1 of this form to indicate that the submittal is for "Notice of Deficiency Response";
2. all revised pages of this form and/or attachments to Part I;
3. a new Signature Page; and
4. revised pages of Parts II through IV; and
5. marked (redline/strikeout) copy of the revised pages.

## 1. Reason for Submittal

Select **ONE** box that indicates if this form is being submitted in conjunction with an initial application or as part of an NOD response.

## 2. Authorization Type

Select **ONE** box that indicates the type of authorization sought.

## 3. Application Type

Select **ONE** box that indicates the application type for the submittal.

## 4. Application Fees

### Amount

Check the box that indicates which fee was paid. The application fee for a new permit or permit amendment is \$2,050. The application fee for a new registration is \$150.

### Payment Method

Check the box that indicates which method was used to pay the application fee.

Fees may be paid online using the TCEQ ePay portal at <https://www3.tceq.texas.gov/epay/> or may be paid by check. If payment is made online, enter the ePay trace number on the application form.

If a fee is paid by check, send the payment directly to the following address:

Financial Administration Division, MC 214  
Texas Commission on Environmental Quality  
P. O. Box 13088  
Austin, Texas 78711-3088

## 5. Application URL

If the application is for a Type I AE and/or Type IV AE landfill, the URL address of a publicly accessible internet web site is **not** required.

For any other application and/or facility type, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.

## 6. Application Publishing

Select **ONE** box that indicates the party responsible for publishing all public notices for this application.

## **7. Alternative Language Notice**

For certain permit, registration and amendment applications, public notice in an alternate language is required. If an elementary school or middle school nearest to the facility offers a bilingual program, notice may be required to be published in an alternative language. The Texas Education Code, upon which the TCEQ alternative language notice requirements are based, trigger a bilingual education program to apply to an entire school district should the requisite alternative language speaking student population exist. However, there may not exist any bilingual students at a particular school within a district which is required to offer the bilingual education program. For this reason, the requirement to publish notice in an alternative language is triggered if the nearest elementary or middle school, as a part of a larger school district, is required to make a bilingual education program available to qualifying students and either the school has students enrolled at such a program onsite, or has students who attend such a program at another location in satisfaction of the school's obligation to provide such a program as a member of a triggered district.

It is the burden of the applicant to demonstrate compliance with alternative language notice requirements. To assist you in meeting these requirements, the TCEQ Office of Chief Clerk will provide a Public Notice Verification Form (TCEQ-20244-Waste). You must follow instructions provided by the Office of Chief Clerk regarding completion and submittal of the Public Notice Verification Form indicating your compliance with the requirements regarding publication in an alternative language.

If it is determined that an alternative language notice is required, the applicant is responsible for ensuring that the publication in the alternate language is complete and accurate in that language. Electronic versions of the Spanish template examples are available from the TCEQ to help the applicant complete the publication in the alternative language.

More information about the Alternative Language Notice requirement and the Public Notice Verification Form are available on the TCEQ internet site at:

[http://www.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/msw\\_notice.html](http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_notice.html).

## **8. Public Place Location of Application**

Identify a public place in the county in which the facility is located or proposed to be located, at which a copy of the application will be available for review and copying (e.g. Public Library, Courthouse, City Hall).

## **9. Consolidated Permit Processing**

For consolidated permit process, refer to 30 TAC Chapter 33.

## **10. Confidential Documents**

The Commission has a responsibility to provide a copy of each application to other agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the Commission requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The Commission suggests that the applicant **NOT** submit confidential information as part of the permit or registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL."

Reasons of confidentiality include the concept of trade secrecy and other related legal concepts which give a business the right to preserve confidentiality of business information to obtain or retain advantages from its right in the information. This includes authorizations under, 18 U.S.C. 1905 and special rules cited in 40 CFR Chapter I, Part 2, Subpart B.

The applicant may elect to withdraw any confidential material submitted with the application. However, the permit cannot be issued, amended, or modified if the application is incomplete.

### **11. Permits and/or Construction Approvals**

Select **ALL** permits or construction approvals received or applied for under any of the programs listed in this Section.

### **12. General Facility Information**

Provide general facility information as listed under this Section. Facility name provided in this Section should match the Regulated Entity Name (Item #23) in the TCEQ Core Data Form.

If the Regulated Entity Reference Number has not been issued for the facility, complete a TCEQ Core Data Form and submit it with this application.

### **13. Facility Type**

Select **ALL** boxes that apply to the facility. For facility types, refer to 30 TAC §330.5.

### **14. Activities Conducted at the Facility**

Select **ALL** boxes that apply to the facility. For definitions of "storage, processing and disposal", refer to 30 TAC §330.3.

### **15. Facility Waste Management Units**

Select **ALL** boxes that best describe the waste management units that will be authorized at the facility. If you are including other unit types, select "Other" and list them.

### **16. Description of Proposed Facility or Changes to Existing Facility**

This section is only applicable for permit amendments. If the submittal is an amendment application, provide a brief description of the specific revisions to the permit conditions and supporting documents referenced by the permit. Also, provide an explanation of why the amendment is requested.

### **17. Facility Contact Information**

#### **Site Operator (Permittee/Registrant) Name**

Enter Site Operator (Permittee/Registrant) information. Site Operator is defined in 30 TAC §330.3.

If the Site Operator (Permittee/Registrant) has filed with the Texas Secretary of State (SOS) as a Corporation, Limited Partnership or non-profit organization it will have been issued an SOS filing number which may be entered here. If the Site Operator (Permittee/Registrant) has not filed with the SOS, leave blank. Search for the SOS Filing number at: <http://www.sos.state.tx.us/corp/sosda/index.shtml>.

### **Operator Name**

Enter Operator information. Operator is defined in 30 TAC §330.3.

If the Operator has filed with the SOS as a Corporation, Limited Partnership or non-profit organization it will have been issued an SOS filing number which may be entered here. If the Operator has not filed with the SOS, leave blank. Search for the SOS Filing number at: <http://www.sos.state.tx.us/corp/sosda/index.shtml>.

### **Consultant Name**

Enter the consultant company's name and contact information responsible for the preparation of the application on behalf of the facility.

### **Agent in Service Name**

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas SOS office and provide a complete mailing address for the agent. The agent must be a Texas resident and the address provided for them should be within the State of Texas. Provide information if this is applicable for the facility. If not, enter "Not Applicable".

## **18. Facility Supervisor's License**

Select the Type of License that the Solid Waste Facility Supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations (Figure 30 TAC §30.213(a)), will obtain prior to commencing facility operations. Include the rest of the Evidence of Competency information as an attachment (See List of Attachments).

## **19. Ownership Status of the Facility**

### **Corporation**

The Customer meets all of the following:

- Is legally incorporated under the laws of any state or country
- Is recognized as a corporation by the Texas SOS
- Has proper operating authority to operate in Texas

### **Sole Proprietorship**

This is a business that is owned by only one person and has not been incorporated. This business may:

- Be under the person's name
- Have its own name ("doing business as", or DBA)
- Have any number of employees
- Customers must register assumed names with the county

**Government**

City, County, State or Federal: This is either an agency of one of these levels of government or the governmental body itself (ex. Blanco County, City of Houston)

**General Partnership**

A general partnership is created when two or more persons associate to carry on a business for profit. A partnership generally operates in accordance with a partnership agreement, but there is no requirement that the agreement be in writing and no state-filing requirement.

**Limited Partnership (LP & LLP)**

This is a partnership formed by two or more persons, having one or more general partners and one or more limited partners. The limited partnership operates in accordance with a partnership agreement, written or oral, of the partners as to the affairs of the limited partnership and the conduct of its business. While the partnership agreement is not filed for public record, the limited partnership must file a certificate of limited partnership with the Texas SOS. The Texas SOS provides a form for the certificate of limited partnership which meets minimum state law requirements.

**Government – Other**

This is a utility district, water district, tribal government, college district, council of governments or river authority (ex. Lower Colorado River Authority).

**Other**

Fits none of the above descriptions.

**20. Other Governmental Entities Information****Texas Department of Transportation (TxDOT) District**

Enter the district name and contact information for the district in which the facility is/will be located. TxDOT's District information can be found at

<http://www.txdot.gov/inside-txdot/district.html>.

**The Local Governmental Authority Responsible for Road Maintenance**

Enter the local authority name (e.g. local TxDOT maintenance office, city or county road maintenance authority) and contact information responsible for road maintenance. As required in 30 TAC §330.145 and §330.235, on days when the facility is in operation, the Site Operator (Permittee/Registrant) or Operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of-way of public access roads serving the facility for a distance of two miles in either direction from any entrances used for the delivery of waste to the facility. The facility operator shall consult with the TxDOT, county, and/or local governments with maintenance authority over the roads concerning cleanup of public access roads and rights-of-way.

**City Mayor Information**

Enter the Mayor's name and contact information for the city in which the facility is/will be located.

**City Health Authority**

Enter the Health Authority's name and contact information for the city in which the facility is/will be located.

**County Judge Information**

Enter the Judge's name and contact information for the county in which the facility is/will be located.

**County Health Authority**

Enter the Health Authority's name and contact information for the county in which the facility is/will be located.

**State Representative Information**

Enter the District Number, State Representative's name and District Office information for the district in which the facility is/will be located. State Representative's information can be found at:

<http://www.house.state.tx.us/members/find-your-representative/> .

**State Senator Information**

Enter District Number, State Senator's name and District Office information for the district in which the facility is/will be located. State Senator's information can be found at:

<http://www.house.state.tx.us/members/find-your-representative/> .

**Council of Government (COG) Name**

Enter the COG name and COG Office information for the COG area in which the facility is/will be located. COG information can be found at:

[http://www.txregionalcouncil.org/display.php?page=regions\\_map.php](http://www.txregionalcouncil.org/display.php?page=regions_map.php).

**River Basin Authority Name**

Enter the River Basin Authority name and contact information for the river basin area in which the facility is/will be located. River Basin Authority information can be found at:

<http://www.tpwd.state.tx.us/landwater/water/habitats/rivers/authorities.phtml>.

**Coastal Management Program**

The boundary is established in Texas Natural Resources Code, §33.2053(k), as defined in Title 31, Texas Administrative Code, §503.1 (relating to Coastal Management Program Boundary).

**U.S. Army Corps of Engineers**

Select the box representing the District of the U.S. Army Corps of Engineers in which the facility is located.



**Local Government Jurisdiction**

Enter the name of the city or extraterritorial jurisdiction where the facility is located. If the facility is located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste, provide a copy of the ordinance and add it to the Additional Attachments list with the Attachment number provided.

## **Instructions - ATTACHMENTS**

### **Supplementary Technical Report**

Provide information about the facility as required under 30 TAC §305.45(a)(8). The report should be signed and sealed by a PE.

### **Property Legal Description, Property Metes and Bounds Description, Facility Legal Description, Facility Metes and Bounds Description, On-Site Easements, and Metes and Bounds Drawings**

Provide a legal description of the facility including the following information, as required by 30 TAC §330.59(d)(1).

- a. The abstract number, as maintained by the Texas General Land Office, for the surveyed tract of land.
- b. A legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record.
- c. For property that is platted, the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the **Final Plat Record of Property**.
- d. A boundary metes and bounds description of the property signed and sealed by a registered professional land surveyor.
- e. A boundary metes and bounds description and drawing for the facility signed and sealed by a registered professional land surveyor.
- f. A drawing showing any on-site easements at the facility.

If the facility and property boundaries are identical, one metes and bounds description and drawing is sufficient. Refer to the same attachment number for above items (d) and (e).

### **Land Ownership Map**

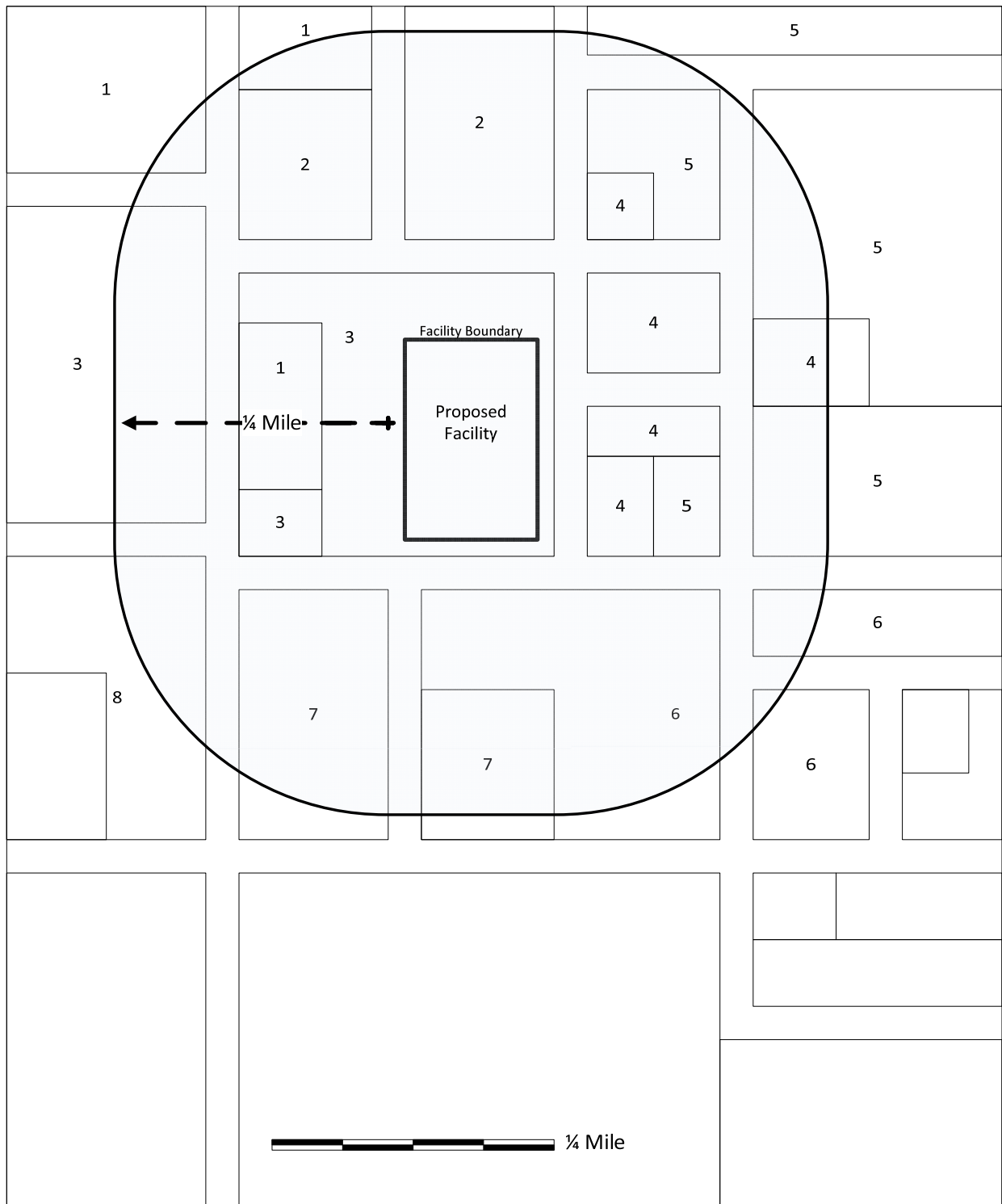
Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

### **Land Ownership List**

Provide the adjacent and potentially affected landowners' list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 1/4 mile of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders', and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed.

Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map, list and labels.

# Sample Land Ownership Map



**Landowners Cross-Referenced To Landowners Map**

The persons identified below would be considered as affected persons.

- |   |   |
|---|---|
| 1. MR & MRS SAMUEL L DAVIS<br>11901 STAR BLVD<br>AUSTIN, TX 78759 | 5. JAXSON BREWING CO<br>4240 KNIGHTS BRIDGE<br>DALLAS TX 77640  |
| 2. MR & MRS EDWARD SANCHEZ<br>1405 LINE ROAD<br>WACO TX 76710     | 6. PLAINVIEW COMPANY<br>6647 CRAIGMONT LANE<br>HOUSTON TX 77590 |
| 3. TEX-LINK CORP<br>8411 NW HWY<br>HOUSTON TX 77590               | 7. ABC CHEMICALS INC<br>1212 ZIP STREET<br>DALLAS TX 77640      |
| 4. MR & MRS TED GOLDSBY<br>3210 LEON BLVD<br>WACO TX 76724        | 8. BIG-C BOTTLE CO<br>10024 REGIONAL BLVD<br>BOVINA TX 79402    |

**Mineral Interest Ownership Under The Facility\***

- |  |   |
|--|---|
| 1. BOB SANDERS<br>867 HOLLOWBEND ROAD<br>SEGUIN TX 78155 | 3. CAROL SANDERS<br>5309 MAPLE LANE<br>GAUSE TX 77857 |
| 2. TED HENDERSON<br>459 MAGUIRE AVE<br>HARPER TX 78631   | 4. ALICE HENDERSON<br>2222 LONGWAY<br>HDOOLE TX 76836 |

**Facility Easement Holders\***

- |  |  |
|--|--|
| 1. GULF PIPELINE<br>11200 S FANNIN<br>HOUSTON TX 77002 | 2. TEXAS STAR UTILITIES<br>8100 COMMERCE ST<br>DALLAS TX 75230 |
|--|--|

\*If available in Real Property Appraisal records as listed on the date that the application is filed.

In accordance with 30 TAC §39.5(b), submit this mailing list electronically. The electronic list must contain only the name, mailing address, city, state, and zip code with no reference to the lot number or lot location.

As an alternative to an electronic list, the applicant may elect to submit pre-printed mailing labels of this mailing list with the application. If you elect to provide the pre-printed mailing labels, use a label format that has 30 labels to a page (e.g. AVERY 5160). Each letter in the name and address must be capitalized, contain no punctuation, and the appropriate two-character abbreviation must be used for the state. Each entity listed must be blocked and spaced consecutively. Provide four complete sets of labels of the landowner list. Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map, list and labels.

**Maps (Texas Department of Transportation (TxDOT) County Map, General Location Map and General Topographic Map**

Submit at least one general location map at a scale of one-half inch equals one mile. This map shall be all or a portion of a county map prepared by TxDOT. If TxDOT publishes more detailed maps of the proposed facility area, the more detailed maps shall also be included in Part I. Use the latest revision of all maps.

Submit a topographic map, ownership map, county highway map, or a map prepared by a registered professional engineer or a registered surveyor which shows the facility and each of its intake and discharge structures and any other structure or location regarding the regulated facility and associated activities. The maps must be of material suitable for a permanent record, and shall be no larger than 11 inches by 17 inches and shall be on a scale of not less than one inch equals one mile.

The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant and shall extend at least one mile beyond the tract boundaries sufficient to show the following:

- each well, spring, and surface water body or other water in the state within the map area;
- the general character of the areas adjacent to the facility, including public roads, towns and the nature of development of adjacent lands such as residential, commercial, agricultural, recreational, undeveloped, etc.;
- the location of any waste disposal activities conducted on the tract not included in the application; and
- the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge, deposit, injection, or other place of disposal or activity.

**Verification of Legal Status (30 TAC §281.5 and §330.59(e))**

Provide verification of legal status. **Normally**, this is a one-page certificate of incorporation (Certificate of Fact) issued by the Texas SOS (see additional Attachments List). If you choose to provide a verification of the legal status by another mechanism, provide it under this Attachment. Also, provide a list of all persons having over a 20% ownership in the proposed facility. See example table provided below:

**List of All Persons Having Over 20% Ownership in the Facility:**

Name	Title	Contact Information

**Property Owner Affidavit**

Provide a Property Owner Affidavit by using the appropriate format provided below.

**Signatory Name**

The name of the individual signing the affidavit. If the individual signing the affidavit is the property owner of record, enter the name on "Printed Signatory Name" line only and omit the "Signatory Capacity" and "Printed Name of Property Owner of Record" lines. Otherwise, provide all information requested below.

**Signatory Capacity**

Indicate under what authority the Signatory is signing on behalf of the property owner of record.

**Property Owner Of Record**

The person(s) who, according to public records, is/are the owner(s) of a particular property.

**For Landfills:**

<b>Property Owner Affidavit</b>	
"I/We, _____, as _____, <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> <span>(Printed Signatory Name)</span> <span>(Signatory Capacity)</span> </div>	
As authorized signatory for _____, <div style="display: flex; justify-content: center; width: 80%; margin: 0 auto;"> <span>(Printed Name of Property Owner of Record)</span> </div>	
<p>acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advertising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Restriction. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period."</p>	
_____ (Property Owner's Signature)	_____ (Date)

**For Processing Facilities:**

<b>Property Owner Affidavit</b>	
"I/We, _____, as _____, <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> <span>(Printed Signatory Name)</span> <span>(Signatory Capacity)</span> </div>	
As authorized signatory for _____, <div style="display: flex; justify-content: center; width: 80%; margin: 0 auto;"> <span>(Printed Name of Property Owner of Record)</span> </div>	
<p>acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure of the facility. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life, and after closure for the purpose of inspection and maintenance, if required.</p>	
_____ (Property Owner's Signature)	_____ (Date)

**Evidence of Competency**

At a minimum, provide the information listed below to comply with 30 TAC §330.59(f) as applicable to the facility type for which the application is submitted:

List of all Texas solid waste sites that the owner and operator have owned or operated within the last ten years.

Site Name	Site Type	Permit/Reg. No.	County	Dates of Operation

List of all solid waste sites in all states, territories, or countries in which the owner and operator have a direct financial interest.



Site Name	Location	Dates of Operation	Regulatory Agency (Name & Address)

Names of the principals and supervisors of the owner's and operator's organization, together with previous affiliations with other organizations engaged in solid waste activities.

Name	Previous Affiliation	Other Organization

For landfill permit applications only, evidence of competency to operate the facility shall also include landfilling and earthmoving experience if applicable, and other pertinent experience, or licenses as described in 30 TAC Chapter 30 possessed by key personnel. The number and size of each type of equipment to be dedicated to facility operation should be specified in greater detail on Part IV of the application within the site operating plan.

Landfilling/Earthmoving Equipment Types	Personnel Experience or Licenses

For mobile liquid waste processing units, submit a list of all solid waste, liquid waste, or mobile waste units that the owner and operator have owned or operated within the past five years. Submit a list of any final enforcement orders, court judgments, consent decrees, and criminal convictions of this state and the federal government within the last five years relating to compliance with applicable legal requirements relating to the handling of solid or liquid waste under the jurisdiction of the commission or the United States Environmental Protection Agency. Applicable legal requirement means an environmental law, regulation, permit, order, consent decree, or other requirement.

Solid waste, liquid waste, or mobile waste units owned or operated within past 5 years	Texas and federal final enforcement orders, court judgments, consent decrees, and criminal convictions



## **Additional Attachments (as applicable)**

### **TCEQ Core Data Form(s)**

If the Site Operator (Permittee/Registrant) does not have a Customer Reference Number (CN Number), complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the customer.

If Regulated Entity Reference Number (RN Number) has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

If the Operator does not have a Customer Reference Number (CN Number), complete another TCEQ Core Data Form (TCEQ-10400) for the "Operator" and submit it with this application. List the Operator as the customer.

Only under the following circumstances should a TCEQ Core Data Form be submitted:

- Your information is not yet in the Central Registry database or is incomplete
- Your information has changed from what is currently in the Central Registry database
- It is requested by the agency. You can check the status of your information in Central Registry on-line at <http://www.tceq.texas.gov/goto/centralregistry/>.

### **Signatory Authority Delegation**

Provide documentation that the person signing the application meets the requirements of 30 TAC §305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the Site Operator (Permittee/Registrant) or Operator authorizing the person that signed the application to act as agent for the owner or operator.

### **Fee Payment Receipt**

As indicated in the "Application Fees" section, include a photocopy of the check in the initial application submitted to the MSW Permits Section.

### **Confidential Documents**

The confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL." Refer to Instructions, Section "Confidential Documents" for further detail.

### **Waste Storage, Processing and Disposal Ordinances**

If the facility is located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste, provide a copy of the ordinance.

**Final Plat Record of Property**

For the property that is platted, provide the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the final plat (30 TAC §330.59(d)(1)(B)).

**Certificate of Fact (Certificate of Incorporation)**

The Site Operator/ (Permittee/Registrant) or Operator shall provide verification of their legal status. If you choose to provide a one-page certificate of incorporation (Certificate of Fact) issued by the secretary of state, provide it as an attachment here.

**Assumed Name Certificate**

If the Site Operator/ (Permittee/Registrant) or Operator is an individual and/or partnership doing business under an assumed name, it must attach to the application an assumed name certificate.

# TYPE V TRANSFER FACILITY

## PERMIT APPLICATION REPORT (PAR) PACKAGE

**MSW PERMIT NO. 2412**

### PARTS I AND II

PREPARED FOR:

**CIRCLE LAKE TRANSFER, LLC.**

13727 OFFICE PARK DRIVE  
HOUSTON, TEXAS 77070

PREPARED BY:



6360 I-55 NORTH, SUITE 330  
JACKSON, MISSISSIPPI 39211



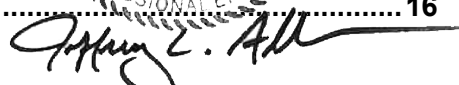
*Jeffrey L. Allen*  
6-2-2022  
Firm No. F-14712

**APRIL-JUNE-2022**



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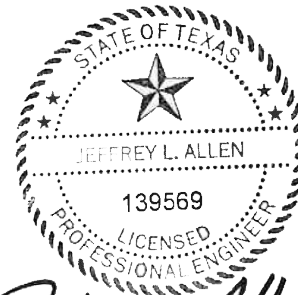
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*Jeffrey L. Allen*  
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## ACRONYMS:

AllenES	ALLEN ENGINEERING AND SCIENCE, INC.
bls	BELOW LAND SURFACE
CFR	CODE OF FEDERAL REGULATIONS
CLT	CIRCLE LAKE TRANSFER, LLC
CLTS	CIRCLE LAKE TRANSFER STATION
FAA	FEDERAL AVIATION ADMINISTRATION
FCAA	FEDERAL CLEAN AIR ACT
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
FIRM	FLOOD INSURANCE RATE MAP
g	GRAVITY
GIS	GEOGRAPHIC INFORMATION SYSTEM
HGAC	HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENT
IPAC	INFORMATION FOR PLANNING AND CONSULTATION
MSL	MEAN SEA LEVEL
MSW	MUNICIPAL SOLID WASTE
NPDES	NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM
NRACM	NON-REGULATED ASBESTOS-CONTAINING
PAR	PERMIT APPLICATION REPORT
PCB	POLYCHLORINATED BIPHENYLS
P-CO	PUBLIC, WITH CONDITIONAL OVERLAY
PGA	PEAK GROUND ACCELERATION
RRC	RAILROAD COMMISSION
SOP	SITE OPERATING PLAN
SWPPP	STORMWATER POLLUTION PREVENTION PLAN
T&E	THREATENED AND ENDANGERED
TAC	TEXAS ADMINISTRATIVE CODE
TCEQ	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
THC	TEXAS HISTORICAL COMMISSION
TPDES	TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM
TPWD	TEXAS PARKS AND WILDLIFE DEPARTMENT
TWDB	TEXAS WATER DEVELOPMENT BOARD
TxDOT	TEXAS DEPARTMENT OF TRANSPORTATION
UIC	UNDERGROUND INJECTION CONTROL
USACE	UNITED STATES ARMY CORPS OF ENGINEERS
USFWS	UNITED STATES FISH AND WILDLIFE SERVICES
USGS	UNITED STATES GEOLOGIC SURVEY
UWZ	UPPERMOST WATER-BEARING ZONE
WOTUS	WATERS OF THE US



## 1.0 INTRODUCTION

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### 1.1 TERMS OF REFERENCE

Circle Lake Transfer, LLC (CLT) is submitting an application to permit a Type V Municipal Solid Waste (MSW) transfer facility. The facility will be located in the southwestern corner of Montgomery County, near Pinehurst, Texas. The site is located approximately one-half mile northeast of Circle Lake Drive's intersection with State Highway 1774 (Magnolia Boulevard) near its intersection (north) with State Highway 249. The facility will be located within the property boundary shown in the attached drawing set. The purpose of this transfer facility is to provide efficient means to transfer MSW to local regional landfills. The Circle Lake Transfer Station (CLTS) will accept waste from private waste hauling vehicles. Waste material will be transferred to a permitted MSW landfill. The Circle Lake Transfer Station will be owned and operated by Circle Lake Transfer, LLC.

The complete permit application is separated into **Parts I-IV** as required by 30 TAC §330.57. **Part I** includes the **Part I Application Form**, this report, and attached appendices. These materials collectively present site and applicant information to address the items required by 30 TAC §330.59, §281.5, and §305.45. **Part II** presents an existing conditions summary and information on the character of the facility and surrounding area. **Part II** has been combined with **Part I**, as allowed. This includes provision of a single **Part I/II Permit Application Report (PAR)**, referencing and attaching as appendices, the various required informational items of **Parts I** and **II**. **Part III** presents general facility design information, schematic designs of the facility, and required plans. **Part IV** presents the **Site Operating Plan (SOP)**, which describes the general procedures for conducting day-to-day operations at the facility.





## **2.0 FACILITY DESCRIPTION**

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This section provides information on the general facility location, to address 30 TAC §330.59(b) and (c); as well as §330.61(c), (e), (f), and (g) to show proximity to surrounding features. Facility layout, pursuant to §330.61(d) is also addressed.

### **2.1 OVERVIEW**

The Type V transfer facility will be located on an approximate 5.5-acre site located in Pinehurst, Texas. The facility is located 2,700 ft northeast on Circle Lake Drive from its intersection with TX-249/FM1774 (the Circle Lake Drive TX-249/FM1774 intersection is 1,000 ft north of the Aggie Expressway and 5 miles south on FM 1774 from the center of town of Magnolia, Texas) Pinehurst, Montgomery County, Texas. The facility is located on dead end road so there is no other access. The transfer facility and associated features (building, access roads, turnaround areas, approach ramps, parking, support features, etc.) will utilize approximately four (4) acres of the site, while the building is expected to occupy less than one (1) acre.

The transfer station will provide CLT the ability to collect, process, load, and transport solid waste and recyclables more efficiently by allowing small solid waste collection vehicles to transfer the solid waste into larger transfer trailers before transport to a permitted MSW landfill.

The facility will contain four scales onsite. Two scales will be for collection trucks, located along the ingress/egress routes of the facility for collection trucks, and two will be for transfer trucks, located within the facility loadout area. There is expected to be two attendant buildings located adjacent to the collection truck scales, and one small office building located along the southeastern corner of the transfer station building.

The transfer station building will be a pre-engineered metal building with a roof, exterior walls, openings for collection vehicles to enter the building to unload, covered loadout, and ancillary support features. The inside of the transfer station building will have a reinforced concrete slab (minimum 4,000 psi 28-day compression strength) tipping floor with an area of approximately 30,000 square feet, and reinforced concrete push walls to resist typical forces of transfer station operations.

The transfer station will have controlled access through a gate and scale house. Incoming loads will be weighed and directed to the tipping floor inside the enclosed transfer station building. The unloading area for waste collection vehicles will consist of a reinforced concrete tipping floor (where incoming waste will be deposited) that extends beneath the entire overhead roof structure. The tipping floor will be well-lit (via natural and overhead lighting) and include an area where transfer trailers will park during loading from the tipping floor. Incoming loads will be directed to the tipping floor for transfer operations. Typically, MSW deposited on the tipping floor will be pushed by a front-end loader to a grapple loader (or similar materials handling equipment), which will load the MSW into a transfer trailer. The grapple loader may also be used to compact the waste or more evenly distribute the waste within the transfer trailer. The transfer trailer will haul the MSW to a permitted MSW landfill.

Ventilation in the transfer station building will be provided by the openings through which waste hauling vehicles will enter and exit, and vents which will be installed on the building roof. The transfer facility doors on each end of the transfer truck loadout area may also be opened, if needed, for additional ventilation. Excessive dust and particulates that occur at the transfer station



facility will be controlled using water sprays or similar methods. No significant air pollution emissions are expected to result from the operation of the transfer station.

The quantity and types of waste to be transferred at the CLTS, as well as the site development and site operations, are discussed in the following subsections.

Details on the layout of the transfer facility, design features, and design criteria, are provided in the **Site Development Plan (Part III)** portion of the application, as required; and details regarding the operations of the facility, including scale house, unloading, loading and transfer, can be found in **Part IV - SOP**, as required.

## **2.2 EXISTING CONDITIONS SUMMARY**

Currently, the site is being utilized as a solid waste collection depot including solid waste collection truck/equipment parking, maintenance, and storage of equipment and dumpsters. No MSW is stored on-site. The site's previous use was a heavy industrial use as a debarking and bark processor of large timber/logs. The existing facility infrastructure includes a perimeter fence, front gate, site office, maintenance shop, all-weather access roads, and all general overhead and underground utilities.

On the northwest portion of the site, there is a small stormwater holding pond that generally receives runoff from the entire site. The pond drains north-northwest to a 30-foot-wide drainage easement, which is directly adjacent to the holding pond. Additionally, there is a 50-foot wide Superior Oil Company easement which is comprised of a 40-foot-wide pipeline easement and a 10-foot-wide telephone line easement.

## **2.3 MAPS AND DRAWINGS**

Maps and drawings are presented in the **PAR Engineering Drawing Set** to show the general location of the facility, proximity to surrounding features, land use of the area, etc. This set also includes a facility layout plan for the transfer facility. As mentioned, the required transfer facility process and design drawings are provided in the **Site Development Plan (Part III)**, as required.

## **2.4 ADJACENT LAND OWNERSHIP**

A map presenting the adjacent land ownership is included in the **PAR Engineering Drawing Set**. The facility is located on a dead-end road. The permit boundary of the facility is over 500 feet from the nearest residence and/or retail business (there are other heavy industrial operations on Circle Lake Drive including a steel pipe supplier, asphalt plant, concrete plant, gas pipeline, utility corridor and gas compressor station). The map shows properties within a quarter mile from the permit boundary and addresses mineral interest ownership under the facility. A land ownership list, keyed to the land ownership maps, is also provided in **Appendix A**.

This information has been provided to satisfy the requirements of 30 TAC §330.59(c)(3), 30 TAC §305.45(a)(6)(D), and 30 TAC §281.5.



### 3.0 WASTE ACCEPTANCE PLAN

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This section provides information on waste acceptance to address 30 TAC §330.61(b); including a description of the waste characteristics, the maximum amount of waste to be received daily and annually for five years, and other amounts and duration of, and capacity for, receipt and/or storage as detailed herein. Other than the waste classification and/or source of waste as outlined below, there are no waste constituent(s) or waste characteristic(s) that are limiting parameters (such as pH or other constituents) that may impact or influence the design and operation of the facility.

#### 3.1 WASTE CHARACTERISTICS

The facility is a Type V MSW facility (a transfer facility). The general classifications of solid waste that are allowed to be accepted at the transfer facility, and that are prohibited from acceptance, are provided below. The classifications of waste are defined in 30 TAC §330.3.

Allowable Wastes: The facility is allowed to accept the following classifications of solid wastes for subsequent transfer to a properly permitted municipal solid waste landfill facility for disposal:

- Household waste,
- Yard waste,
- Commercial waste,
- Construction waste,
- Demolition waste,
- Brush,
- Rubbish,
- Class 2 non-hazardous industrial solid waste,
- Class 3 non-hazardous industrial solid waste,
- Shredded or quartered tires, and
- Certain special wastes.

Each classification of waste is defined in Title 30 TAC §330.3 and summarized below:

**Household Waste** – Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas); does not include brush.

**Yard Waste** – Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter, that results from landscaping maintenance and land-clearing operations. The term does not include stumps, roots, or shrubs with intact root balls.

**Commercial Solid Waste** – All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

**Construction or Demolition Waste** – Waste resulting from construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.



Brush – Cuttings or trimmings from trees, shrubs, or lawns and similar materials.

Rubbish – Non-putrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, brush, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Class 2 wastes – Any individual solid waste or combination of industrial solid waste that are not described as Hazardous, Class 1, or Class 3 as defined in §335.506 of this title (relating to Class 2 Waste Determination).

Class 3 wastes – Inert and essentially insoluble industrial solid waste, usually including, but not limited to, materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable, as further defined in §335.507 of this title (relating to Class 3 Waste Determination).

Certain Special Wastes – Special waste is defined by TCEQ's solid waste regulations (30 TAC §330.3(154)). Only those certain special wastes specifically listed below are allowed to be accepted at this facility without prior written approval from the Executive Director. Further, such special waste must be compatible with the compaction and loading equipment operated at the facility or unless modifications are made to the facility to accommodate the special waste.

- Dead animals and slaughterhouse waste that are incidental to routine collection of municipal solid waste and that can be systematically processed along with other solid waste.
- Drugs, contaminated foods, or contaminated beverages, other than those contained in normal household waste.
- Empty containers which have been used for pesticides, herbicides, fungicides, or rodenticides will be accepted for disposal provided the containers have been triple rinsed, crushed or rendered unusable upon receipt at the gate.
- Incidental amounts of non-regulated asbestos-containing materials (NRACM). The incidental amount is defined as the maximum of 10 percent of the waste received on an annual basis by scale weight (annual basis is defined as the latest 4 consecutive quarters).
- Waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas when those wastes are to be processed, treated, or disposed of at a solid waste management facility. Only those wastes authorized for disposal at a solid waste management facility will be accepted.
- Waste generated outside the boundaries of Texas that contains any industrial waste; any waste associated with oil, gas, and geothermal exploration, production, or development activities; or any material that is listed in the bullets above.
- Other special waste than as described above and approved for acceptance by the Executive Director.

Prohibited Wastes: The facility is prohibited from accepting, and shall not accept the following wastes:

- Regulated hazardous waste,
- Polychlorinated biphenyls (PCBs),
- Liquid wastes,



- Certain special wastes not listed above as allowable, namely:
  - Hazardous waste from conditionally exempt small-quantity generators that may be exempt from full controls under Title 30 TAC Chapter 335, Subchapter N (relating to Household Materials Which Could Be Classified as Hazardous Wastes),
  - Class 1 non-hazardous industrial waste,
  - Untreated medical waste,
  - Municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, and water-supply treatment plant sludges,
  - Septic tank pumpings,
  - Grease and grit trap wastes,
  - Wastes from commercial or industrial wastewater treatment plants, air pollution control facilities; and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in Title 40 Code of Federal Regulations (CFR), Part 261, Appendix VIII but has not been listed as a commercial chemical product in 40 CFR §261.33(e) or (f),
  - Incinerator ash,
  - Used oil,
  - Lead acid storage batteries, and
  - Used-oil filters from internal combustion engines.

### 3.2 WASTE ACCEPTANCE AMOUNTS AND STORAGE DURATIONS

**TABLE 3-1: WASTE ACCEPTANCE EVALUATION**

Year <sup>1</sup>	Daily Waste Acceptance <sup>2</sup> (tons/day)	Waste Accepted <sup>3</sup> (tons/year)
1	500	143,000
2	1,000	286,000
3	1,500	429,000
4	1,800	514,800
5	2,500	715,000
5 Year Average	1,460	417,560

1. "Year" 1 is estimated to be 2023 – 2024.
2. Based on projected population increase for service area and ramp of volume
3. Based on 5.5 days per week operation.

Note in **TABLE 3-1** that the daily acceptance rates for the first 5 years of transfer station operation are less than the maximum daily waste acceptance rate of 3,200 tons per day. The TS sizing has been designed to provide for the safe and efficient transfer of waste it is projected to receive, with additional tipping floor provided for staging and storage of waste. It is estimated that the CLTS will reach its maximum capacity of 3,200 tons/day in Year 14 or 2035-2036. This maximum was determined by evaluating the storage capacities and waste hauling rates of other transfer stations within the area. Thus, CLTS based the future maximum waste acceptance and capacity on existing facilities.

The maximum amount of waste that will be stored at the facility is 2,500 tons. If market conditions change and the facility stores more than 2,500 tons of waste overnight, a TCEQ authorization will be obtained to meet the provisions of Title 30 TAC §330.991(a)(2)(B). The maximum length of



time material will remain onsite is 48 hours, except holidays and weekends, as discussed in **Part IV - SOP SECTION 8.10**. During holidays and/or weekends, waste may be temporarily stored at the facility not to exceed a time period of 72 hours.

### **3.3 FACILITY SERVICE AREA**

The primary service area of the facility will be Montgomery County, other County members of the Houston-Galveston Council and surrounding counties.

#### **3.3.1 WASTE SOURCES AND GENERATION AREAS**

The facility will serve individuals, businesses, communities, institutions, and private solid waste collection vehicles in Montgomery County, other geographic areas of the other County members of the Houston-Galveston Council and surrounding counties.

#### **3.3.2 POPULATION-EQUIVALENT SERVED**

According to the U.S. Census Bureau in 2018/2019, Montgomery County was one of the top 10 fastest-growing counties in the state of Texas. The county's population grew 3% from July 1, 2018, to July 1, 2019—increasing from 589,770 to 607,391. The Census Bureau current estimated population for Montgomery County for 2020 is 642,633 making Montgomery County the 12th largest county in Texas with a 39.9 % growth rate from 2010 to 2020. In 2010 the County Population was 459,208 and in 2000 Population was 293,768 (119% growth rate from 2000 to 2010).

Montgomery County is expected to continue on the population growth trend and is expected to be the second-fastest growing county in the Houston metropolitan area, with a projected household population growth of 133.5% by 2045. The completion of Highway 249 – the “Aggie Expressway” and the outer loop Highway 99 – the “Grand Parkway” are expected to contribute to the growth of Montgomery County. The addition of both of these highways will also greatly augment and facilitate traffic to and from the transfer station facility.

The population of the service area that is within 45-minute drive time from the facility is 4,436,576. Based on the TCEQ Report titled, “*Municipal Solid Waste in Texas – A Year in Review – FY 2016 Data Summary and Analysis*” the average waste generation *per capita* (i.e., pounds per person per day) for all of Texas is 6.83 pounds/day and for the Houston-Galveston Area Council (H-GAC) is 7.08 pounds/day. Based on the average *per capita* rate for all of Texas of 6.83 pounds/day, the estimated MSW generated within the 45-minute drive time of the facility is 5.5 million tons per year.

Based on the five (5) year average of waste received by the facility per year of 417,560 tons in **SECTION 3.2** above, this average annual intake will equate to 8% of the tonnage generated (based on current population) annually within a 45-minute drive time from the facility.

From a *Population-Equivalent Served* perspective, the average population-equivalent of areas served by the facility, using the above 5-year average daily projected waste acceptance rate of 1,460 tons/day and a per capita disposal rate of 6.83 *per capita*, is 427,525 persons.



$$\frac{(1,460 \text{ tons/day}) \times (2,000 \text{ pounds/ton})}{(6.83 \text{ pounds/persons/day})} = 427,525 \text{ persons}$$

Waste will be transferred on a daily basis to a TCEQ permitted MSW landfill. As economic conditions, population growth, and waste generation rates change, the volume of incoming waste may vary. The estimated maximum annual waste acceptance rate for the facility for five years is shown in **TABLE 3-2** above in **SECTION 3.2**.

### 3.4 FACILITY DESIGN CAPACITY

**TABLE 3-2: FACILITY DESIGN CAPACITY**

Description	Number	Explanation
<b><i>Unloading Capacity</i></b>		
No. of Tipping Floor Unloading Positions	6	Given based on design of facility tip floor
Average Time to Unload a Collection Vehicle (minutes)	8	Conservative value - typically able to unload more quickly
Number of Vehicles Unloaded Per Hour, Per Position	7.5	Calculated per 60 minutes (60 divided by 8)
Hourly Unloading Capacity (tons/hour)	315	Calculated as number of vehicles per hour per position x number of positions x average collection vehicle capacity (i.e. 7 tons)
Daily Unloading Capacity (tons/day)	3,780	Calculated as the hourly capacity multiplied by the number of operating hours per day ( <b>assumed to be 12 hours</b> - but not a limiting parameter of the permit).
<b><i>Trailer Loading/Loadout Capacity</i></b>		
Number of Transfer Trailer Loading Positions	2	Given based on design of facility tip floor.
Average Time to Load a Transfer Trailer (minutes)	12	Conservative value - typically able to transfer and load-out more quickly
Number of Vehicles Loaded Per Hour, Per Position	5	Calculated as 60 minutes per hour divided by the average loading time (and rounded down to nearest whole number)
Hourly Load-out Capacity (tons/hour)	200	Calculated as number of positions x number of vehicles per hour per position x average transfer trailer vehicle capacity (i.e. 20 tons)
Daily Load-out Capacity (tons/day)	3,200	Calculated as the hourly capacity multiplied by the number of operating hours per day (assumed to be <b>16 hours</b> - but not a limiting parameter of the permit)
<b><i>Design Capacity</i></b>		
Design capacity is determined by the lower value of the unloading and loadout capacity. Therefore, the design capacity is 3,200 tons/day, which is the proposed maximum daily waste acceptance rate.		





## 4.0 PROPERTY, OWNER, AND OPERATOR INFORMATION

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This section provides property and owner-related information, to address the requirements of 30 TAC §330.59(d) through (h).

### 4.1 LEGAL DESCRIPTION OF FACILITY

A legal description of the transfer facility property boundary is included within **Appendix B**.

### 4.2 PROPERTY OWNERSHIP

As shown on the documentation provided in **Appendix B**, Ztopia is the owner of the land within the 5.5-acre property boundary.

### 4.3 EASEMENTS

A survey of easements within the property boundary are presented on the property plat in **Appendix B**. These easement locations are derived from the surveyor's easement research on the recorded easements listed in the property records of Montgomery County for the subject parcels of land. As shown, there is a 30-foot drainage easement on the northwestern portion of the property. Additionally, there is a 50-foot Superior Oil Company easement which is comprised of a 40-foot pipeline easement and a 10-foot telephone line easement.

A duplicate of this survey map that has been modified to show the transfer station permit boundary and transfer station building location is also provided in **Appendix B**. As shown, there are three (3) easements within or adjacent to the transfer station permit boundary, but there are no easements in the area that will be occupied by the transfer station building. Accordingly, no solid waste loading or storage will occur within any easement (or right of way) that crosses the facility.

### 4.4 PROPERTY OWNER AFFIDAVIT AND LEGAL AUTHORITY

#### ***4.4.1 LIST OF ALL PERSONS HAVING OVER 20% OWNERSHIP IN THE CIRCLE LAKE TRANSFER FACILITY AND PROPERTY.***

CLT is submitting an application to permit a Type V MSW transfer facility. CLT will own and operate the transfer station facility. CLT is a Texas domestic limited liability company registered with the Texas Secretary of State under registration #804040465. There is only one person who owns 20% or more of CLT, as outlined in the **TABLE 4-1** below.

**TABLE 4-1: ALL PERSONS HAVING OVER 20% OWNERSHIP**

Name	Title	Contact Information
Mr. Jon Farley	Manager of LLC of Circle Lake Transfer LLC and Ztopia LLC	13727 Office Park Drive Houston, Texas 77070 832-698-2203 Jon@Zters.com





#### **4.4.2 VERIFICATION OF LEGAL STATUS (30 TAC §281.5 AND §330.59(E))**

Texas Secretary of State Certificates of Fact can be found in **Appendix C**.

#### **4.4.3 PROPERTY OWNER AFFIDAVIT**

A signed property owner affidavit, pursuant to 30 TAC §330.59(d)(2), is presented in **Appendix C**. The legal authority and status of the applicant has been verified as required by 30 TAC §330.59(e) and §281.5 and is also included in **Appendix C**.

#### **4.5 FACILITY MANAGEMENT AND PERSONNEL**

Jon Farley (LLC Manager) and Shelby Lowe (President) will be the primary management personnel of CLT. Their experience and qualifications from past waste management responsibilities is included as **Appendix D**.

Both the owner and operator of CLT are new companies and consequently as such the companies have not owned or operated a solid waste site in Texas or any other area within ten (10) years; however, the LLC Manager (Jon Farley) and President (Shelby Lowe) have many years of experience in the solid waste industry in Texas and many other states. Their experience and qualifications from past waste management responsibilities is included as **Appendix D**.

CLT will have an appropriately licensed solid waste facility supervisor as defined by 30 TAC 330.59(f) employed by the facility before commencement of, during the operational life and closure of the facility.

#### **4.6 APPOINTMENT LETTERS**

Letters that authorize the Applicant's Agent to sign the application, and that designate the Engineer, are presented in **Appendix E**.



## 5.0 OTHER PERMITS, AUTHORIZATIONS, AND ACKNOWLEDGEMENTS

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### 5.1 OTHER PERMITS OR APPROVALS/AUTHORIZATIONS

Besides this TCEQ permit application for the Type V MSW facility (transfer facility), other applicable facility permits, authorizations, or construction approvals are identified on the **Part I Application Form**.

#### 5.1.1 LOCAL AND COUNTY PERMITS

Montgomery County Commissioners require certain commercial development permits and approvals prior to commercial development being approved by Montgomery County. The items required by CLTS and/or Ztopia are the following:

- Site Plan – Showing the location of existing and planned buildings, storage areas, pipeline crossings, detention pond, and gravel and/or paved areas.
- Paving Plan – showing various types and locations of paving recommended in the geotechnical report provided by the owner.
- Grading Plan – showing storm drainage features, pad layout, proposed minimum finished floor elevations of buildings, existing and proposed topography, etc. The primary emphasis is on proposed grades.
- Drainage Plan & Calculations – delineating drainage post developed areas and showing runoff, inlets, storm sewer calculations and storm sewer layout.
- Stormwater Pollution Prevention Plan (SWPPP) (plan only, no report) – showing layout of erosion and sediment protection elements (i.e. rock dams, sediment fence, inlet protection, etc.) to be used during the construction phase to minimize pollutants into the City/County's storm sewer system.
- Utility Plan – showing proposed layout and design of on-site private domestic water distribution up to public point of connection and private sanitary sewer facilities up to public point of connection. It is assumed that water and sewer facilities to serve the site will all be privately maintained
- Septic plan and permit/approval
- Fire permit/approval

CLT and/or the property owner, Ztopia, has received all such required permits and approvals from Montgomery County. A copy of these permits may be found in **Appendix L**.

#### 5.1.2 STORMWATER PERMITS

In addition to the Montgomery County Development Plan permits/approvals above the facility will also require a National Pollution Discharge Elimination System Program (NPDES) under the Clean Water Act and Waste Discharge Program under the Texas Water Code 26. However, the state of Texas has assumed the authority to administer the NPDES program in Texas, and thus the TCEQ Texas Pollutant Discharge Elimination System (TPDES) program has federal regulatory authority over the discharges to Texas surface water. Therefore, CLT will acquire a TPDES permit, as required.

The transfer facility has been designed to prevent the discharge of pollutants into waters of the state of Texas or water of the United States, as defined by the Texas Water Code and the federal Clean Water Act, respectively. Surface water from the existing facility will discharged under the



TPDES Multi-Sector General Permit TXR050000 for Storm Water Discharges Associated with Industrial Activity.

The facility will be subject to TCEQ's stormwater permit requirements under the TPDES program; and accordingly, CLTS will operate in accordance with the TPDES permit requirements of the appropriate industry sector for the transfer facility, including a site-specific SWPPP.

### **5.1.3 AIR PERMITS**

The facility is claiming Permit By Rule (PBR) per 30 TAC §106.4 and §106.534 for operation. TCEQ documents 10149 and 20303 proving the calculations required are included within **Appendix K**. Additionally, prior to when construction begins, CLT will acquire all applicable air construction permits for development of the facility.

## **5.2 NON-APPLICABLE REGULATORY PROGRAMS**

The facility will not accept or manage hazardous or radioactive waste, perform underground injection or ocean dumping of waste, or discharge waste into waters of the U.S. Also, the facility does not propose to perform subsurface area drip dispersal. No jurisdictional wetlands will be affected. Therefore, the facility does not require any additional permits or construction approvals under the following programs.

- Hazardous Waste Management Program under the Texas Solid Waste Disposal Act;
- Underground Injection Control (UIC) Program under the Texas Injection Well Act;
- Prevention of Significant Deterioration Program under the Federal Clean Air Act (FCAA);
- Nonattainment Program under the FCAA;
- National Emission Standards for Hazardous Air Pollutants Preconstruction Approval under the FCAA;
- Ocean dumping permits under the Marine Protection Research and Sanctuaries Act;
- Dredge or fill permits under the Federal Clean Water Act;
- Licenses under the Texas Radiation Control Act; or
- Subsurface area drip dispersal system permits under Texas Water Code, Chapter 32.

## **5.3 APPLICATION FEES**

On behalf of the applicant, Allen Engineering and Science, Inc. (AllenES) has paid \$2,050 permit application fee. The e-pay receipt confirmation number is provided on **the Part I Application Form**, and a copy of the payment receipt is attached to the overall application cover letter at the front of the application binder.

## **5.4 INTERNET POSTING**

In accordance with 30 TAC §330.67(i), a complete copy of this application will be posted (upon submittal of the application to TCEQ) to the internet at the publicly accessible website identified [www.circlelaketransfer.com](http://www.circlelaketransfer.com) on the **Part I Application Form**. Future revisions and supplements to the application will be posted at the same location. The internet posting is for informational purposes only.



## 5.5 OTHER OWNER/OPERATOR ACKNOWLEDGEMENTS AND INFORMATIONAL ITEMS

The owner/operator acknowledges the following:

- Liquids resulting from the operation of this solid waste facility will be disposed of in a manner that will not cause surface water or groundwater pollution. The facility will provide for the treatment of wastewaters resulting from waste management activities and from cleaning and washing. The operator will ensure that stormwater and wastewater management is in compliance with the regulations of the commission. As indicated in the table in **Part I Application Form**, the facility has received a TPDES Multi-Sector General Permit.

The owner/operator is providing a discussion as follows to address the other general informational requirements for which they will be responsible, as indicated below.

- It is the responsibility of an owner or operator to possess the property-related rights and interests required by applicable provisions of 30 TAC §330.67.
- It is the responsibility of an owner or operator to obtain any permits or approvals that may be required by local agencies such as for building construction, discharge of uncontaminated waters into ditches under control of a drainage district, discharge of effluent into a local sanitary sewer, etc.
- The owner or operator will be aware of and meet their requirements and responsibilities associated with standard permit conditions for MSW facilities, as required by applicable provisions of 30 TAC §330.73.



## 6.0 LAND USE

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### 6.1 LAND USE INFORMATION

A land use evaluation was conducted for this project to assess the potential impact of the transfer facility on the surrounding area. Land uses in the area were determined using Montgomery County Geographic Information System (GIS) data including land use mapping, 2020 aerial imagery, Texas Historical Commission's (THC) Historic Sites Atlas, and any other relevant sources required to accurately depict the use of the surrounding areas.

#### 6.1.1 ZONING

The facility will be located in unincorporated areas of Montgomery County, Texas near Pinehurst, Texas. AllenES confirmed with county officials that Montgomery County has no zoning regulations or requirements. Attached within **Appendix F** is the Montgomery County Codes and Zoning letter for unincorporated areas that states that "... Montgomery County does not have zoning regulations...".

#### 6.1.2 SURROUNDING LAND USE

The surrounding area within 1 mile of the facility was evaluated to determine the land use. The **Table 6-1: Surrounding Land-Use** provides the breakdown of the land use within the radius.

**TABLE 6-1: SURROUNDING LAND-USE**

Designation / Land Use	Acreage	Percentage
Undeveloped	1,582.7	68.58
Residential	296.9	12.87
Highway	105.9	4.59
Agricultural	58.3	2.53
Commercial	57.8	2.50
Right of Way	49.8	2.16
Industrial	48.2	2.09
Surface Mine	30.0	1.30
Roads	28.5	1.23
Church	22.7	0.98
Water	9.4	0.41
Parks and Recreational	6.4	0.28
Public	6.1	0.26
Utility	5	0.22

As seen above, the Undeveloped categorization comprises most of the area to the northwest and to the southeast, with Residential, Highway, then Agricultural and Commercial following as the next largest areas from the west-northwest to south-southeastern area. A general land use map is included within the attached drawing set.



Structures within a 500-foot radius of the facility are gas pipeline control stations and/or maintenance buildings for neighboring industrial companies. The existing structures within the property boundary are temporary and consist of sheds and trailers which will be removed or altered to fit the general facility design. None of the structures are residential. A map showing the structures and inhabitable buildings has been provided as **Drawing 9**.

### **6.1.3 GROWTH TRENDS AND DIRECTIONS OF MAJOR DEVELOPMENT**

According to the U.S. Census Bureau in 2018/2019, Montgomery County was one of the top 10 fastest-growing counties in the state of Texas. The county's population grew 3% from July 1, 2018, to July 1, 2019—increasing from 589,770 to 607,391. The Census Bureau current estimated population for Montgomery County for 2020 is 642,633 making Montgomery County the 12th largest county in Texas with a 39.9 % growth rate from 2010 to 2020. In 2010 the County Population was 459,208 and in 2000 Population was 293,768 (119% growth rate from 2000 to 2010).

Montgomery County is expected to continue on the population growth trend and is expected to be the second-fastest growing county in the Houston metropolitan area, with a projected household population growth of 133.5% by 2045. The completion of Highway 249 – the “Aggie Expressway” and the outer loop Highway 99 – the “Grand Parkway” are expected to contribute to the growth of Montgomery County. The addition of both of these highways will also greatly augment and facilitate traffic to and from the transfer station facility.

Specifically, within 5 miles of the facility, the growth trends are as follows:

1. Intersection of Highway 249 and FM 1488, Magnolia, Texas

Audubon, a 3,000-acre residential development in Magnolia is expecting to have 4,200 single-family homes at buildout. Drees Custom Homes and Perry Homes both recently began home sales in the community. Construction will begin in 2022 on a new section of Audubon, a master-planned community taking shape at Hwy. 249 and FM 1488 in Magnolia. According to Audubon, the new section of homes will be located at the southwest corner of Hwy. 249 and FM 1488. The new section will be called Creekside South.

2. Intersection of FM 1774 and FM 1486, Magnolia, Texas

Airia Development Company master-planned community spanning 5,700 acres and bordering FM 1486, FM 1774 and the Hwy. 249 tollway. Home sales are anticipated to begin in 2023, according to a recent company press release.

3. Decker Prairie-Rosehill Road, Magnolia, Texas

Two new residential communities are in development by the Pulte Group on Decker-Prairie Rosehill Road in Magnolia, according to Lee Jones, vice president of land acquisition. Pulte Group is a national single-family homebuilder. Rosehill Lakes will offer 112 lots built by Pulte Homes on Decker-Prairie Rosehill Road just south of Shields Road, according to Jones.

Decker Farms, directly south of Rosehill Lakes, will consist of 466 lots built by Centex Homes, which builds homes across the Houston area as well as in multiple other states. The community will include the existing Baker Cemetery as well as water and sewer plants, according to a site



plan of the development. Both communities will be zoned to Tomball ISD schools, Jones said. Construction has started on both residential developments with homes expected to be available in late spring or early summer, Jones said. Home prices will be announced later in the spring, according to Jones.

#### **6.1.4 PROXIMITY TO SPECIFIED USES**

- Based on a review of the latest available aerial imagery (obtained in Google Earth / Maps, with latest available imagery dated November 2020), it is estimated that there are approximately 350-370 existing residences located within one mile of the facility. The nearest existing residence is approximately a half mile to the southwest of the facility.
- Based on a review of the latest available aerial imagery (obtained in Google Earth / Maps, with latest available imagery dated November 2020), it is estimated that there are approximately there are approximately 45-55 businesses within one mile of the site, representing a mix of both commercial and industrial activity.
- There are three churches located within one mile of the site.
- There are no historic sites located within one mile of the site.
- There are no known parks or recreational areas within one mile of the facility.
- There are no schools or day care centers located within one mile of the site.
- Ponds and Lakes. There are 9 ponds located within the one-mile radius around the site, including the stormwater pond that is on-site. All ponds appear to be man-made. There are no lakes within one mile of the site.
- The Circle Lake Catholic Retreat is not adjacent to but is approximately one mile east-northeast of the facility. There are no archaeological sites, historical sites, or other known sites having exceptional aesthetic quality adjacent to the facility.
- The specified uses outlined above in this subsection 6.1.4 are shown on **Drawing 7**.

#### **6.2 WELLS WITHIN 500 FEET OF THE FACILITY**

**Drawings 10** and **11** present water and oil and gas well maps. These maps include a 500-foot offset line from the facility property boundary and illustrate the following:

- Water Wells: The facility has a single active water well on the northeastern portion of the property and plans to continue utilization of this well during facility operations. CLTS will install additional water wells onsite for operations as needed. Otherwise, there are no water wells registered with the Texas Water Development Board (TWDB) located within 500 feet of the facility. The closest registered water well is approximately 3,000 feet away and is either plugged or destroyed. The nearest active well is approximately 3,677 feet away and is 105 feet in depth.
- Oil and Gas Wells: Per the Texas Oil and Gas Board and the Railroad Commission of Texas, there are no oil and gas wells located within 500 feet of the facility. Additionally, there are no active wells within one mile of the facility.

#### **6.3 PREVAILING WIND DIRECTIONS**

A wind rose is included on **Drawing 9**. The wind rose indicates that the prevailing wind direction in the area is from the south-southeast.



## **6.4 EASEMENTS AND BUFFER ZONES**

### **6.4.1 EASEMENTS**

As previously discussed in **SECTION 4.3**, there is a 30-foot drainage easement on the northwestern portion of the property and a 50-foot Superior Oil Company easement which is comprised of a 40-foot pipeline easement and a 10-foot telephone line easement. None of these easements shall be in the area that is occupied by the transfer facility building. No solid waste loading or storage will occur within any easement on the facility property.

### **6.4.2 BUFFER ZONES**

30 TAC §330.543(b) requires that a minimum 50-foot separating distance be maintained between the facility's permit boundary and solid waste storage and processing areas. The buffer zone must provide for safe passage for fire-fighting and other emergency vehicles.

The buffer zones are shown on the facility layout plan presented in **Drawing 6**. As shown, a 50-foot or greater buffer will be maintained between the transfer facility and the facility permit boundary.

## **6.5 CONCLUSIONS REGARDING LAND USE**

The facility will be used as described in this application and will be compatible with the existing land uses on Circle Lake Drive and the surrounding area. This facility will not adversely impact any of the surrounding area when construction and/or operations begin.





## 7.0 TRANSPORTATION

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### 7.1 ROADS AND TRAFFIC

A comprehensive Transportation Study evaluating roads and traffic was performed for the CLTS – covering a study period through the year 2047. Copies of the transportation study and the Texas Department of Transportation (TxDOT) coordination letters and response(s) are provided in **Appendix G** of this application to serve as the basis for satisfying the following requirements for this application:

- Availability and adequacy of roads that the owner or operator will use to access the site;
- The volume of vehicular traffic on access roads within one mile of the facility, both existing and expected, during the expected life of the facility (which was studied through the year 2047); and
- The volume of traffic expected to be generated by the facility on the access roads within one mile of the facility.

### 7.2 AIRPORTS

An airport map, which presents the current edition of the Federal Aviation Administration (FAA) Sectional Aeronautical Chart for the area, identifies the site location and shows a 6-mile offsite radius from the facility property boundary, and is provided as **Drawing 8B**.

As shown, there are no airports within 6 miles of the facility property. The nearest airport to the site is Jones International, approximately 8 miles south of the facility. Furthermore, the transfer facility will manage solid waste indoors within a single-story building with a roof; therefore, no adverse impacts to air traffic or airport safety will be created by transfer facility operation.



## **8.0 GENERAL GEOLOGY AND SOILS STATEMENT**

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### **8.1 GEOLOGY**

The subject site is located within the southwest portion of Montgomery County, Texas, approximately 32 miles northwest of Downtown Houston. The regional geology of Southeast Texas mainly consists of geologically younger Quaternary and Tertiary Period coastal sedimentary facies. The site is underlain by the Willis Formation within the Pleistocene Epoch and Quaternary Period. The surficial geologic deposits at the site are approximately one (1) million years old. These fluviatile deposits within the Willis Formation mostly consists of clay, silt, sand, and pebble-sized siliceous gravel (United States Geologic Survey (USGS), 2021) The Willis Formation has a thickness of approximately 100 feet and includes some petrified wood and sand. The sand is coarser than in younger rocks, noncalcareous, mostly deeply weathered and lateritic, indurated by clay, and cemented by iron oxide (USGS, 2021).

Underlying the Willis Formation is the Fleming Formation within the Fleming Group, Miocene Epoch, and Tertiary Period. The approximately ten (10) million-year-old deposits within the Fleming Formation consists mostly of calcareous clay with light to yellowish gray indurated silt and sand (USGS, 2021). The Fleming Formation has an approximate thickness of 1,300 – 1,450 feet (USGS, 2021). Underlying the Fleming Group are the Tertiary Period Catahoula, Whitsett, and Manning Formations with a combined thickness of approximately 600 feet. These formations consist of mudstone, clay, sand, and sandstone (USGS, 2021).

### **8.2 TOPOGRAPHY AND SOILS**

The subject site's elevation is approximately 250 feet above mean sea level (MSL). The topography of the subject area generally increases to the northwest and decreases to the southeast with no sharp changes in relief. The subject site is located within Coastal Prairies Region within the Gulf Coastal Plains Physiographic Province. The Coastal Prairies Region is characteristic of generally flat areas to rolling hills with grass, various species of deciduous trees, and mostly clay soils.

Onsite surficial soils are part of the Woodtell-Pinetucky-Conroe Group (General Soil Map of Texas, USDA-NRCS, 9-25-2008). The Conroe Series consists of mostly brown gravelly, loamy, fine sand from the surface to approximately two (2) feet below land surface (bls) and mostly a sandy clay to approximately eight (8) feet bls (National Cooperative Soil Survey).

### **8.3 FAULTS**

Relevant information and maps from USGS Quaternary Faults and Folds Database (USGS, 2010), as well as Federal Emergency Management Agency (FEMA), TCEQ, and public universities, were reviewed in order to determine the site's location in relation to any Holocene-aged faults. No active faults were identified within 200 feet of the subject property. The Hockley-Conroe Fault is the nearest fault system to the subject area approximately seven (7) miles south of the subject site (Saribudak, 2006).

### **8.4 SEISMIC IMPACT ZONES**

The USGS publishes probabilistic seismic hazard analyses for the United States under its National Hazard Mapping Project, the goal of which is to quantify the rate (or probability) of



exceeding various ground motion levels at a given location (USGS, 2018). Traditionally, peak ground acceleration (PGA), expressed as a percentage of the acceleration of gravity (g), is used to quantify ground motion rates by examining and including the likelihood of an actual earthquake exceeding the design ground motion. A probabilistic, risk-level scenario, like the two and ten-percent probability of PGA exceedance in 50 years is considered to assist engineers in design parameters. The PGA expected in Montgomery County, Texas is 1-to-2% g for the ten percent probability and 2%-4%g for the two percent, risk-level scenario.

Given the low hazard PGA percentages demonstrated by the USGS for the subject region, the long-term seismic risk associated with construction or operation of the waste transfer facility is very low to non-existent.

## **8.5 UNSTABLE AREAS**

An unstable area assessment of the site was completed through research of the subject area soils and drainage, with the conclusion that no unstable areas exist at the site. The site is situated on a low/gentle graded plateau with a substantial thickness of stiff and stable Willis Formation soils that provide good foundation. The nearest creek is approximately 4,000 feet away from the site. The site is not prone to mass movement or susceptible to differential subsidence, karst activity, or any forces that could impair or damage structures, given the geology of the review area.



## 9.0 GROUNDWATER AND SURFACE WATER STATEMENT

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### 9.1 GROUNDWATER

The uppermost water-bearing zone (UWZ) is the Chicot aquifer approximately 20 – 50 feet bls (TWDB) Report 136, Fig. 26, 1971). This UWZ generally and likely flows in conformity with the general area topography and drainage patterns in all directions except to the northwest at the subject site.

There are six (6) recognized hydrologic units in Montgomery County, Texas: the Catahoula Sandstone (deepest 300 - 500 feet thickness), the lower part of the Jasper aquifer (1,100 - 2,200 feet thick), the upper part of the Jasper aquifer (100 – 400 feet thick), the Burkeville aquiclude (0 – 300 feet thick), the Evangeline aquifer (0 – 1,300 feet thick), and the Chicot aquifer (most shallow 0 – 200 feet thick) (TWDB Report 136, 1971).

The Catahoula Sandstone consists of sand overlain by clay and is the deepest fresh water-bearing unit in Montgomery County, Texas. The lower part of the Jasper aquifer is separated from the upper part based on lithology. The lower part is a mostly interbedded sand and clay layer with 30-60% sand. The upper part is mostly a massive sand layer with 50%-80% sand. The Burkeville aquiclude is generally a massive clay layer near the top of the Fleming Formation. The Evangeline aquifer is part of the Fleming Formation on top of the Burkeville aquiclude and is an alternating sand and clay layer and an important source of water for the Houston area. The Chicot aquifer consists of the Willis Formation Sand and is mostly present in southern portions of Montgomery County, Texas, same as the subject site (TWDB Report 136, 1971).

### 9.2 SURFACE WATER

Surface water at the subject site flows into the Decker Branch-Mill Creek Sub Watershed, which is part of the Walnut Creek-Spring Creek Watershed just northwest of Houston. These watersheds are located within the San Jacinto River Basin (Texas Watershed Viewer, May 2021). Major surface water features within the San Jacinto River Basin include Peach Creek, Caney Creek, White Oak Creek, Spring Creek, and Buffalo Bayou. Various lakes and ponds are scattered throughout the subject area as well. The transfer facility is topographically located on a highpoint within the subject area.

The subject site generally drains towards the north-northwest. Onsite stormwater drains to Mill Creek approximately 4,350 feet to the north-northwest of the site. This overall drainage pathway drains into Spring Creek and finally into Galveston Bay. (Google Earth, May 2021).

### 9.3 STORMWATER PERMITTING UNDER TPDES

As stated in **SECTION 5.1.2**, the transfer facility has been designed to prevent the discharge of pollutants into waters of the state of Texas or water of the United States, as defined by the Texas Water Code and the federal Clean Water Act, respectively. Surface water from the facility will be discharged under the TPDES Multi-Sector General Permit TXR050000 for Storm Water Discharges Associated with Industrial Activity.

The facility will be subject to TCEQ's stormwater permit requirements under the TPDES program; and accordingly, CLT will operate in accordance with the TPDES permit requirements of the appropriate industry sector for the transfer facility, including a site-specific SWPPP.



## **10.0 ABANDONED OIL AND WATER WELLS**

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Pursuant to 30 TAC §330.61(1), this section provides a description and discussion of all existing or abandoned water and oil and gas wells situated within the facility permit boundary.

### **10.1 WATER WELLS WITHIN THE FACILITY BOUNDARY**

As stated in **SECTION 6.2**, the facility has a single active water well on the northeastern portion of the property and plans to continue utilization of this well during facility operations. Otherwise, there are no water wells registered with the TWBD located within 500 feet of the facility.

In the event that previously unknown or abandoned water wells are discovered during development of the transfer facility, the facility will provide written notification to the TCEQ executive director of their location within 30 days of their discovery; the facility shall also provide, within 30 days prior to construction, the TCEQ executive director with written certification that the well has been capped, plugged, and closed in accordance with all applicable rules and regulations of the Commission or other state agency.

### **10.2 OIL AND GAS WELLS WITHIN THE FACILITY BOUNDARY**

As stated in **SECTION 6.2**, There are no known oil and gas wells within the facility boundary, per the Texas Oil and Gas Board and the Railroad Commission of Texas.

In the event that previously unknown or abandoned oil and gas wells are discovered during development of the transfer facility, the facility will provide written notification to the TCEQ executive director of their location within 30 days of their discovery. The facility will also properly cap, plug, and close the wells in accordance with all applicable rules and regulations of the RRC. A copy of the plugging report will be submitted to the TCEQ executive director within 30 days after the well has been plugged.



## **11.0 FLOODPLAINS AND WETLANDS STATEMENT**

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### **11.1 FLOODPLAINS**

#### ***11.1.1 INTRODUCTION AND PURPOSE***

Pursuant to 30 TAC §330.61(m)(l), this section provides data on floodplains. This section also discusses how the facility will be in compliance with the applicable provisions of the floodplain location restriction given in 30 TAC §330.547 as they pertain to transfer facilities.

#### ***11.1.2 FEMA MAP***

With respect to mapped floodplains, the site and vicinity are part of FEMA Flood Insurance Rate Map (FIRM), Map No. 48339C0495G (August 18, 2014). As illustrated, there are no mapped floodplain or floodways on or adjacent to the site. The nearest floodplain is approximately 2,000 feet away to the north, which drains into Mill Creek.

### **11.2 WETLANDS**

A jurisdictional waters determination was performed on June 22, 2021, to determine the extent of federal jurisdictional “waters of the U.S.” (WOTUS) on the subject site. Waters of the United States were identified in accordance with the United States Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). Other waters (e.g., streams) were identified based on the presence/absence of an observable ordinary high-water mark in accordance with USACE Regulatory Guidance Letter No. 05-05.

One 0.36-acre isolated, manmade freshwater pond was identified within the site review area. No defined nexus was observed linking this area to a jurisdictional wetland or other waters. Therefore, AllenES does not believe the isolated feature is jurisdictional.

Water was observed seeping from the adjacent property pond through the berm and onto the subject property, ultimately draining to the drainage easement as a result of site topography. The duration of the seep was unclear but soil conditions along the property boundary did not indicate obvious long-term changes (i.e., anaerobic conditions were not evident).

Based on the available literature and the site reconnaissance, the review area does not contain any jurisdictional wetlands including jurisdictional perennial and intermittent streams. Please note that while AllenES is confident in our delineations, jurisdictional waters determinations must be verified by the USACE. We have requested an Approved Jurisdictional Determination from the USACE and are awaiting the response. Once received, that determination can be provided.

A copy of the wetland documentation is provided in **Appendix H**.



## 12.0 PROTECTION OF ENDAGERED SPECIES

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A threatened and endangered (T&E) species evaluation was performed to identify the presence of any T&E species and any supporting critical habitats associated with the subject site.

The T&E evaluation was completed by reviewing the list of T&E species published by the United States Fish and Wildlife Services (USFWS) Environmental Conservation Online System website. Specifically, the USFWS Information for Planning and Consultation (IPaC) tool was utilized to evaluate the potential presence of T&E Species within the identified project review area. In addition to the USFWS, AllenES coordinated with the Texas Parks and Wildlife Department (TPWD) to identify the potential presence of any state listed T&E species and critical habitats within the review area.

According to the USFWS IPaC tool, the following species were identified to potentially occur within the review area:

- |              |  |
|--------------|--|
| • Endangered | Red-cockaded Woodpecker ( <i>Picoides borealis</i> ) |
| • Threatened | Piping Plover ( <i>Charadrius melodus</i> )          |
| • Threatened | Red Knot ( <i>Calidris canutus rufa</i> )            |

The USFWS did not identify any critical habitats within the project area.

AllenES did not identify any habitats suitable for the species identified by the USFWS. Furthermore, the USFWS stated the Piping Plover and Red Knot only need to be considered for “wind related projects along migratory routes”. The development of a Type V MSW transfer facility is not a wind related project and will not affect migratory routes, therefore, AllenES does not believe the development will affect these species.

Consultation with the TPWD did not identify any T&E species or critical habitats within the identified project review area. AllenES reviewed shape file data provided by the TPWD for any listed species within our review area.

Consultation records with the USFWS and TPWD are included in **Appendix H**.



### 13.0 TEXAS HISTORICAL COMMISSION REVIEW

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AllenES coordinated with the THC pursuant to review under Section 106 of the National Historic Preservation Act to identify the potential presence of any cultural resources within the identified project review area.

For this transfer facility permit application, coordination with THC has been performed to inform them of this project, and to confirm the understanding that the portion of the facility for the transfer facility was covered under the previous fining, or otherwise is in compliance with the Texas Antiquities Code and may proceed.

According to the THC, no identified historic properties, archaeological sites, or other cultural resources are present or affected within the project review area. THC requests that if cultural materials are encountered during project development, all work should cease in the immediate area pending consultation with the THC Archaeology Division to determine necessary actions to protect cultural remains.

A copy of the THC coordination letter, which also includes backup information from the previous coordination efforts, is provided with this application as **Appendix I**.





## 14.0 COUNCIL OF GOVERNMENTS REVIEW REQUEST

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30 TAC §330.61(p) requires that the owner or operator shall submit documentation that **Parts I and II** of the application were submitted for review to the applicable council of governments for compliance with regional solid waste plans. The owner or operator shall also submit documentation that a review letter was requested from any local governments as appropriate for compliance with local solid waste plans. A review letter is not a prerequisite to a final determination on a permit or registration application.

The applicable council of governments for this facility location is the HGAC. Documentation that **Parts I and II** of this application were submitted to HGAC for their review for compliance with regional solid waste plans and the acceptance of the facility into the regional solid waste plan is provided in **Appendix J** (Item 8(a) on Page 13 of the Minutes).



## 15.0 SIGNATURE OF PREPARER

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I certify that the information provided in this application report and engineering drawings is a true and correct representation of that which is requested. I am aware that there are significant penalties for knowingly submitting false information.

I also confirm that based on my professional judgment, and on information collected during the application preparation, the design and planned operations of the facility is in compliance with the TCEQ regulations and criteria and will be protective of the environment.



*Jeffrey L. Allen*  
Firm No. F-14712

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Signature of Preparer

---

President & Senior Principal Engineer  
Title, if applicable

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Jeffrey L. Allen, P.E.  
Name

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4-1-2022  
Date



## 16.0 BIBLIOGRAPHY

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**PERMIT APPLICATION REPORT  
ENGINEERING DRAWING SET**

# TYPE V MSW TRANSFER FACILITY PERMIT APPLICATION REPORT ENGINEERING DRAWING SET

PREPARED FOR:

## CIRCLE LAKE TRANSFER FACILITY

CIRCLE LAKE TRANSFER, LLC  
13727 OFFICE PARK DRIVE  
HOUSTON, TEXAS 77070

APRIL 2022  
BY:

PREPARED BY:



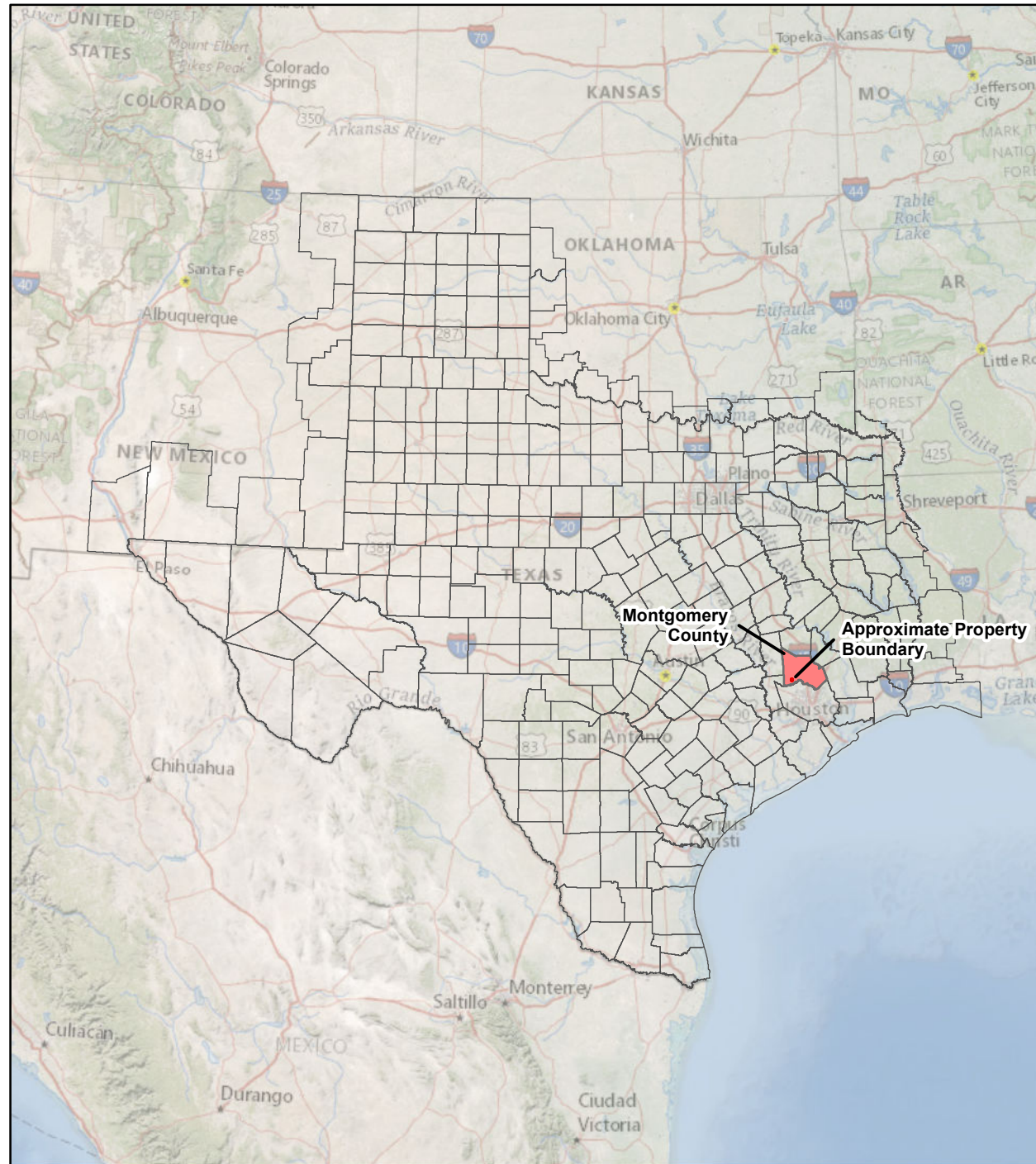
*Jeffrey L. Allen*  
FIRM NO. F-14712  
4-1-2022

JEFFREY L. ALLEN, P.E.  
PROFESSIONAL ENGINEER  
TEXAS REGISTRATION NO. 139569

**ALLEN** ENGINEERING AND SCIENCE

6360 I-55 North, Suite 330, Jackson, MS  
TEL: (601) 936-4440

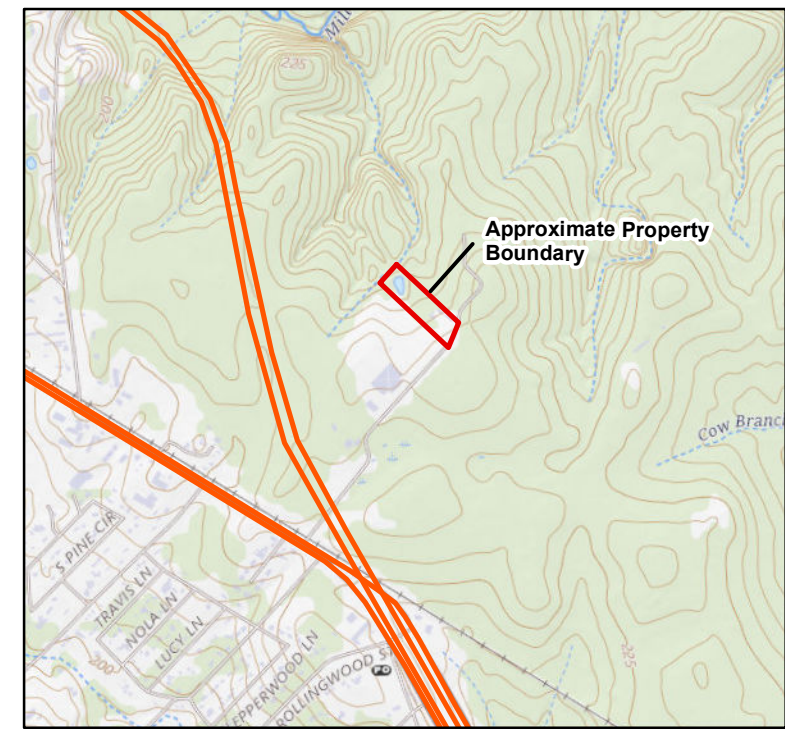
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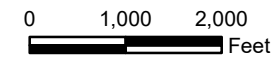
VICINITY MAP  
SCALE: N.T.S.



*Jeffrey L. Allen*  
FIRM NO. F-14712  
4-1-2022



PROJECT LOCATION MAP  
SCALE: 1" = 2,000'  
LATITUDE: 30.173722  
LONGITUDE: -95.671617



DRAWING INDEX		
DRAWING NO.	DESCRIPTION	REVISION NO.
0	TITLE PAGE	0
1	PROJECT LOCATION MAP, VICINITY MAP, AND DRAWING INDEX	0
2	DETAILED HIGHWAY MAP	0
3	GENERAL TOPO QUAD MAP	0
4A	AERIAL PHOTOGRAPH OF SURROUNDINGS (2020)	0
4B	AERIAL PHOTOGRAPH OF SURROUNDINGS (2016)	0
4C	AERIAL PHOTOGRAPH OF SURROUNDINGS (2010)	0
5	SITE AERIAL PHOTOGRAPH	0
6	FACILITY LAYOUT PLAN	0
7	GENERAL LAND USE MAP	0
8A	AERONAUTICAL MAP	0
8B	AIRPORT MAP	0
9	STRUCTURES AND INHABITABLE BUILDINGS MAP	0
10	WATER WELLS MAP	0
11	OIL & GAS WELLS MAP	0
12	FLOODPLAIN MAP	0
13	ADJACENT PROPERTY OWNERS MAP	0
14	WASTE FLOW DIAGRAM	0

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022

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**LEGEND**  
 Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-

Source: National Geographic Service US Topo

CIRCLE LAKE TRANSFER FACILITY  
PINEHURST, TEXAS



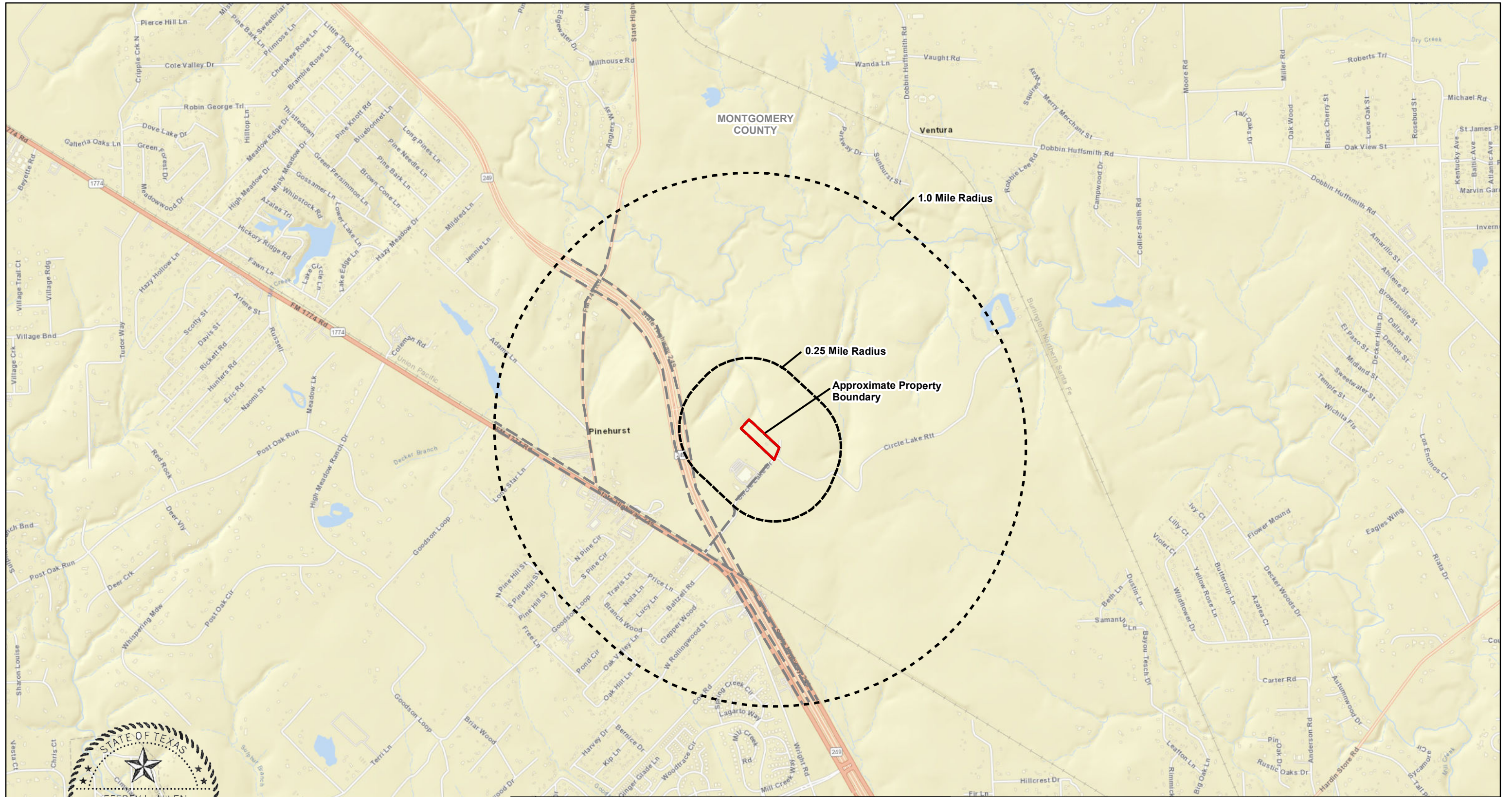
SCALE: AS SHOWN | DRAWN BY: PML | DATE: 04-01-2022  
 CHKD BY: MH | DATE: 04-01-2022

PROJECT NO. FILE  
 21052 | 21052 040122 DWG01 R00 D GTQM

PROJECT LOCATION MAP,  
VICINITY MAP, AND DRAWING INDEX | DRAWING 1







*Jeffrey L. Allen*  
 FIRM NO. F-14712  
 4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius
- Primary Ingress/Egress Roads to Facility

Note:  
 All primary access road are asphalted.

Scale: 0 1,000 2,000 Feet

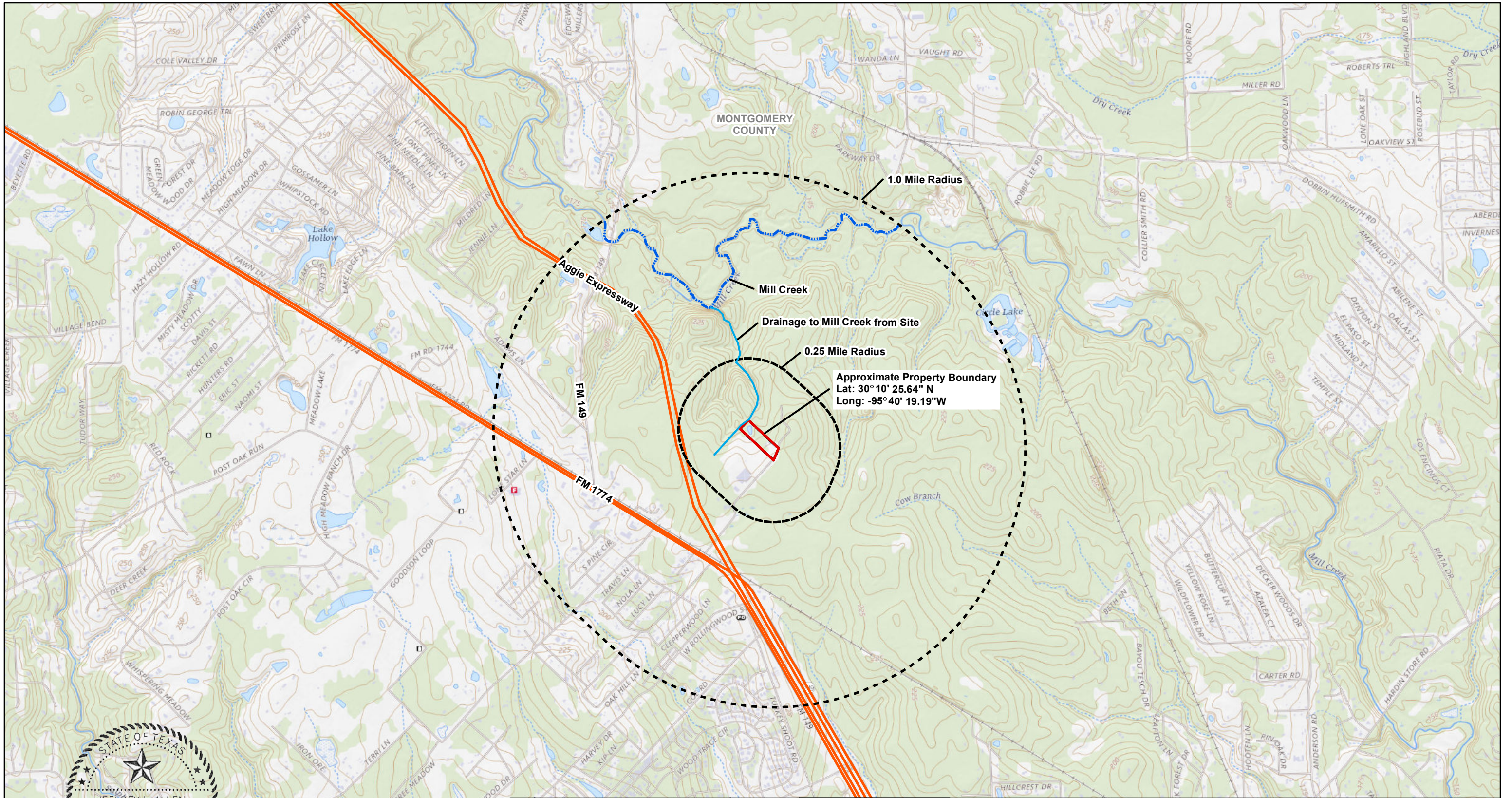
Source: World Street Map Basemap

**CIRCLE LAKE TRANSFER FACILITY  
 PINEHURST, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=2,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE 21052	21052 040122 DWG02 R00 D DHM	
DETAILED HIGHWAY MAP		DRAWING 2





*Jeffrey L. Allen*  
 FIRM NO. F-14712  
 4-1-2022

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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius
- Approximate Highway Locations
- Approximate Mill Creek
- Approximate Drainage Way

0 1,000 2,000 Feet

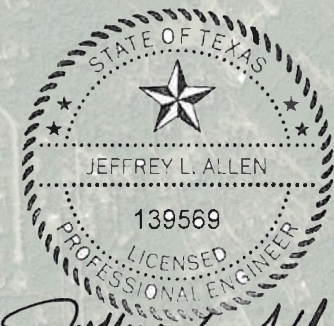
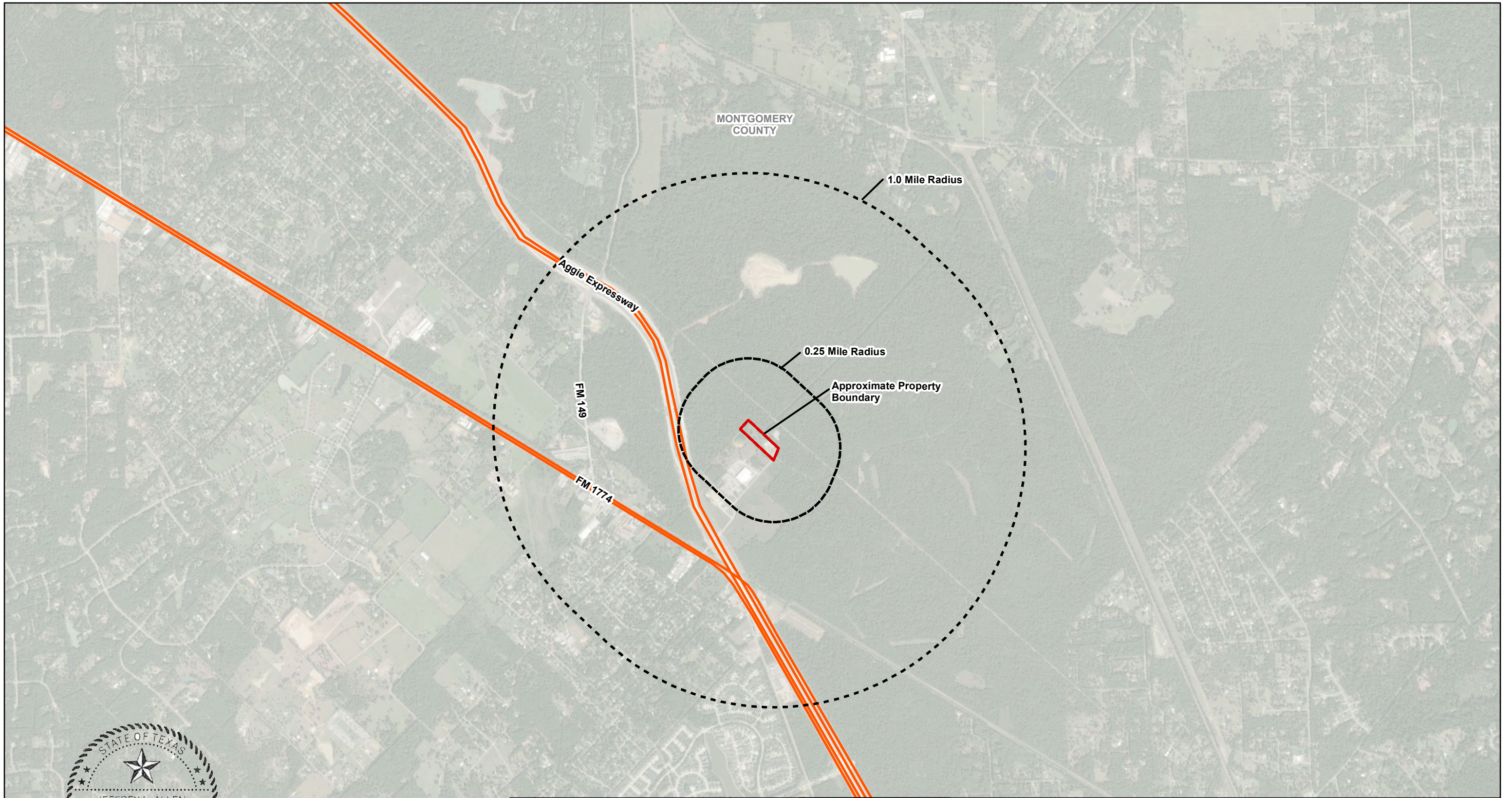
Source: National Geographic Service US Topo

**CIRCLE LAKE TRANSFER FACILITY  
 PINEHURST, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=2,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE	21052 21052 040122 DWG03 R00 D GTQM	
GENERAL TOPO QUAD MAP		DRAWING 3





*Jeffrey L. Allen*  
 FIRM NO. F-14712  
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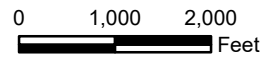
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius
- Approximate Highway Locations

Source: National Geographic World Imagery

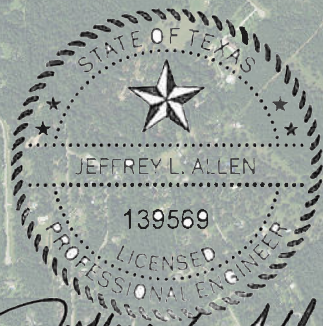
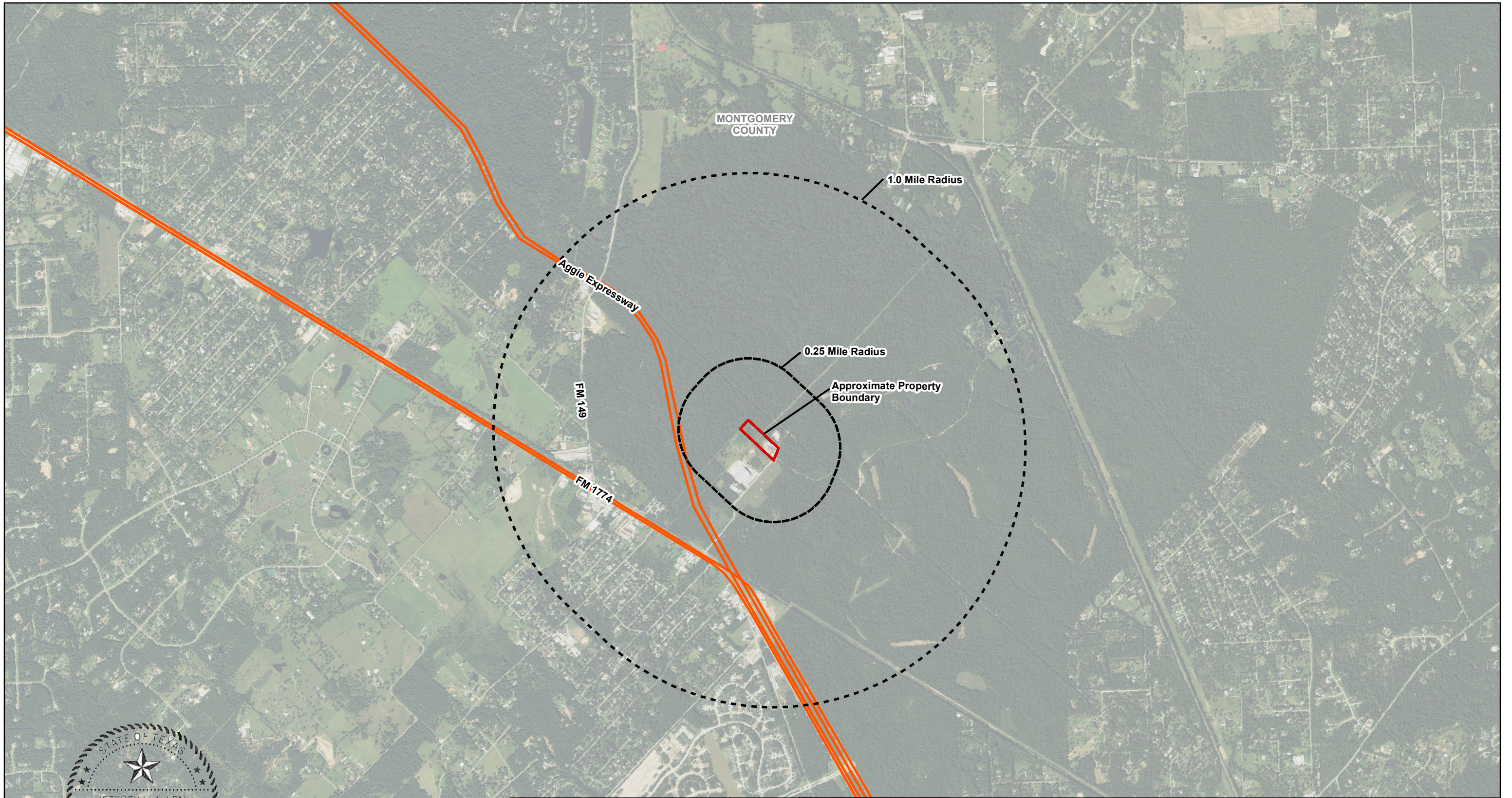


**CIRCLE LAKE TRANSFER FACILITY**  
 PINEHURST, TEXAS

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=2,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO.:	FILE	
21052	21052 040122 DWG04A R00 D APOS	
AERIAL PHOTOGRAPH OF SURROUNDINGS (2020)		DRAWING 4A





*Jeffrey L. Allen*  
 FIRM NO. F-14712  
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius
- Approximate Highway Locations

0 1,000 2,000 Feet

Source: Texas Natural Resource Information System (NAIP 2016 Imagery)

**CIRCLE LAKE TRANSFER FACILITY  
 PINEHURST, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=2,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE 21052	21052 040122 DWG04B R00 D APOS	
AERIAL PHOTOGRAPH OF SURROUNDINGS (2016)		DRAWING 4B





*Jeffrey L. Allen*  
 FIRM NO. F-14712  
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius
- Approximate Highway Locations

0 1,000 2,000 Feet

Source: Texas Natural Resource Information System (NAIP 2016 Imagery)

**CIRCLE LAKE TRANSFER FACILITY  
 PINEHURST, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=2,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE 21052	21052 040122 DWG04C R00 D APOS	
AERIAL PHOTOGRAPH OF SURROUNDINGS (2010)		DRAWING 4C





Approximate Property Boundary

Circle Lake Drive



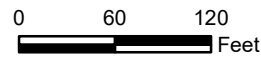
*Jeffrey L. Allen*  
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 4-1-2022

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**LEGEND**  
 Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-



Source: AllenES Drone Aerial - 06/24/2021

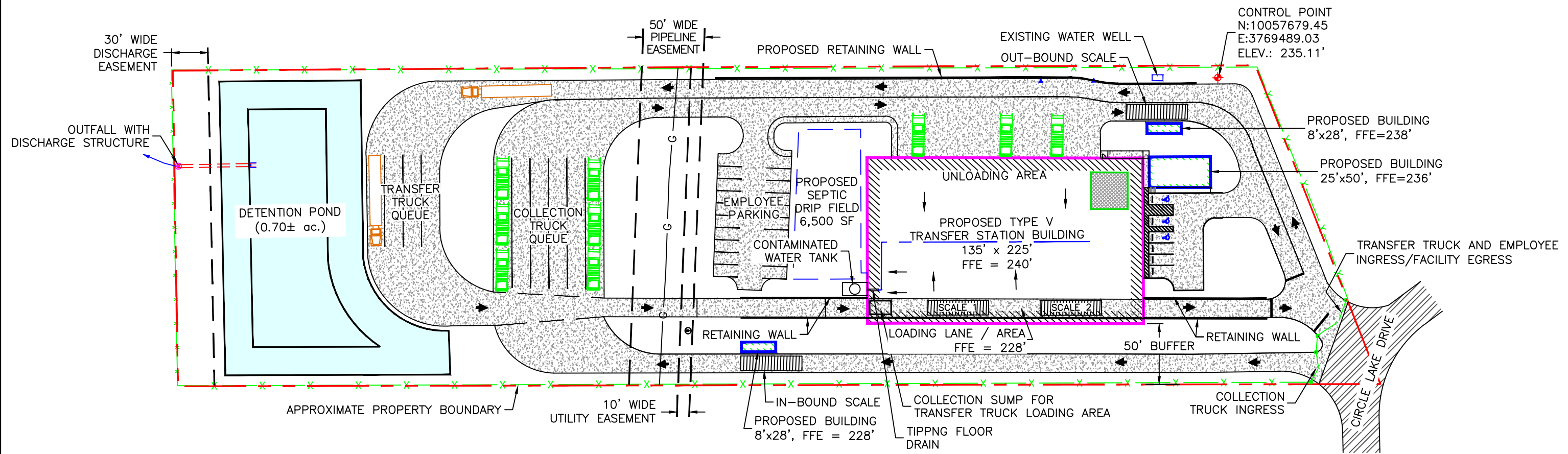
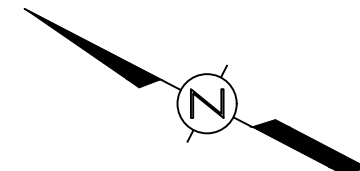


**CIRCLE LAKE TRANSFER FACILITY**  
 PINEHURST, TEXAS

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=120'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. 21052	FILE 21052 040122 DWG05 R00 D SAP	
SITE AERIAL PHOTOGRAPH		DRAWING 5





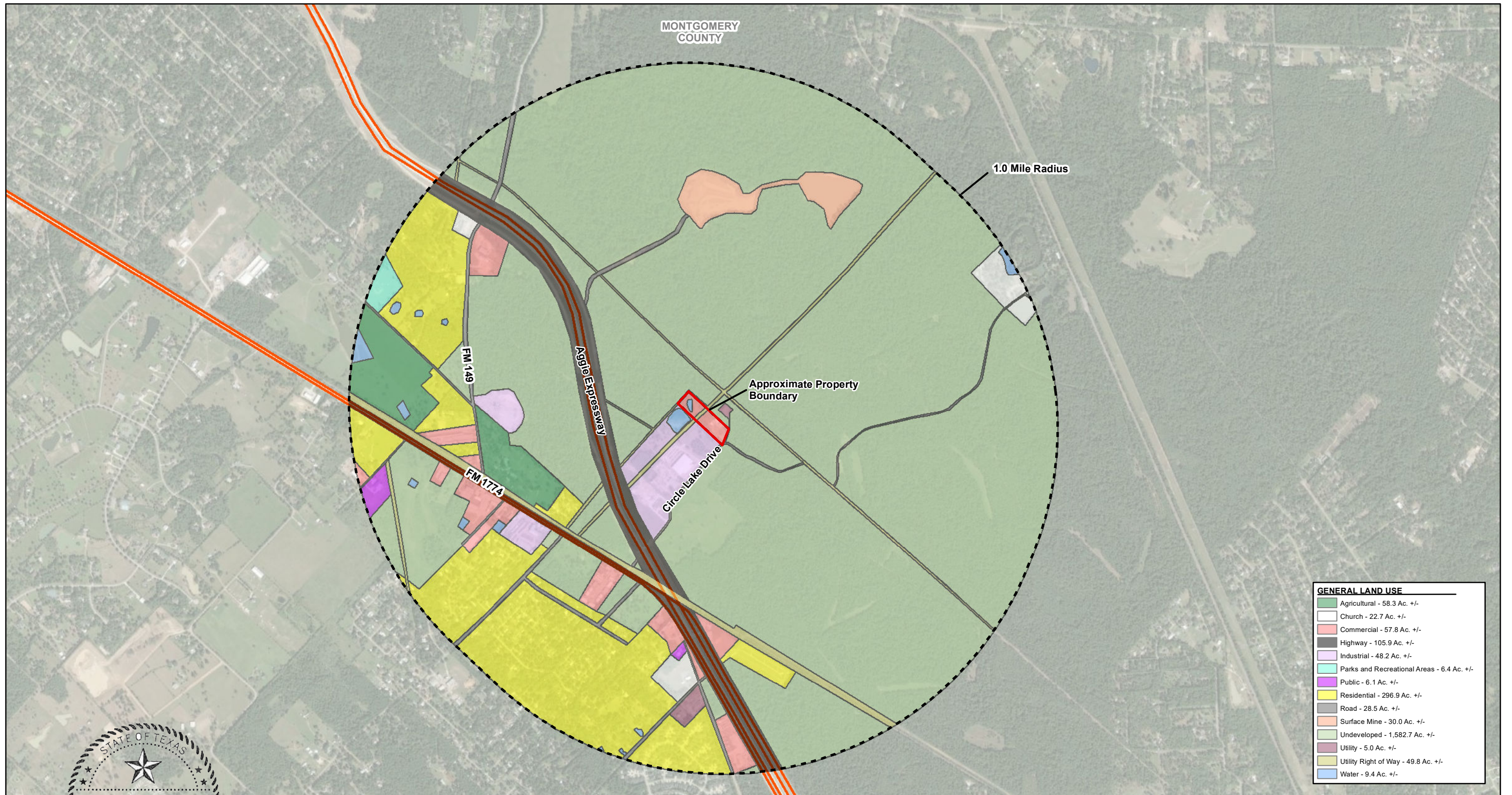
- NOTES:**
1. SEE APPENDIX B OF THE PAR PACKAGE FOR ADDITIONAL INFORMATION ON EASEMENTS.
  2. ALL FOUNDATION SUBGRADE, CONTAMINATED WATER TANK, AND STRUCTURAL SPECIFICATIONS OF THE TYPE V TRANSFER STATION SHALL CONFORM WITH APPLICABLE LOCAL BUILDING CODES.
  3. BUILDING CONSTRUCTION AND MATERIAL SELECTION SHALL CONFORM WITH APPLICABLE LOCAL BUILDING CODES WHILE MEETING THE MINIMUM DIMENSIONS SHOWN (i.e. PRE-FABRICATED STEEL OR EQUIVALENT).
  4. TIPPING FLOOR SHALL BE CONSTRUCTED OF CONCRETE SLAB WITH STEEL REBAR REINFORCEMENT AND ACHIEVE A 4,000 PSI (MIN) 28-DAY COMPRESSION STRENGTH. OTHER REBAR FOUNDATION AND SUBGRADE REQUIREMENTS SHALL BE DESIGNED BY A TEXAS PROFESSIONAL ENGINEER AS DETERMINED FROM A GEOTECHNICAL FIELD INVESTIGATION AND FOUNDATION LOADING ANALYSIS (i.e. BEARING CAPACITY ANALYSIS) OF THE TIPPING FLOOR AREA.
  5. CONTAMINATED WATER TANK SHALL HAVE A MINIMUM 2,000 GALLON (NOMINAL) CAPACITY AND BE COMPATIBLE WITH LIQUIDS ASSOCIATED WITH TRANSFER ACTIVITIES OF MSW WASTE (i.e. HIGH-DENSITY POLYETHYLENE OR EQUIVALENT).
  6. CONTAMINATED WATER TANK AND THE CONTRIBUTING TIPPING FLOOR DRAIN SHALL UTILIZE A RISER STRUCTURE OR OVERFLOW VALVE TO PREVENT CONTAMINATED OVERFLOW DURING HIGH-VOLUME MSW TRANSFER AND WASHDOWN ACTIVITIES. GRADING OF THE AREAS ADJACENT TO THE BUILDING, ROOF GUTTERS, AND ALL-WEATHER SITE ROAD SHALL ROUTE STORM WATER AWAY FROM THE BUILDING AND CONTAMINATED WATER TANK, SUCH THAT THE TIPPING FLOOR DRAIN AND CONTAMINATED WATER TANK ONLY RECEIVE LIQUIDS ASSOCIATED WITH WASTE TRANSFER AND WASHDOWN ACTIVITIES. A SECONDARY CONTAINMENT STRUCTURE (REINFORCED CONCRETE OR EQUIVALENT) SHALL BE INSTALLED AROUND THE WATER TANK. THE INSTALLATION OPERATION AND LEAK PREVENTION PROCEDURES OF THE CONTAMINATED WATER TANK AND CONTRIBUTING TIPPING FLOOR DRAIN SHALL BE PLACED INTO THE SITE OPERATING RECORDS.
  7. TRANSFER STATION BUILDING ENTRANCE SHALL BE INSTALLED WITH AN APPROPRIATE ODOR CONTROL SYSTEM.

**LEGEND**

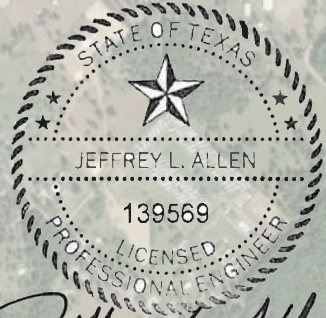
	APPROXIMATE PROPERTY BOUNDARY
	TRANSFER STATION BUILDING
	SUPPORT BUILDING
	SCALE
	SECURITY FENCE LINE
	SECURITY GATE
	EASEMENT
	GAS LINE
	CONCRETE
	ASPHALT
	MAN HOLE
	APPROXIMATE DRUM STORAGE AREA

<b>CIRCLE LAKE TRANSFER, LLC</b>		SCALE: 1" = 80'		<b>ALLEN ENGINEERING AND SCIENCE</b>	<b>SITE LAYOUT PLAN</b>	PROJECT No. 21052.01	
		DRAWN: N. SISSON				CAD FILE NAME 040122 DWG06 RO SLP	
		CHECKED: W. PENTECOST				DRAWING	
		REVIEWED: M. HOHM				6	
		PROJECT MANAGER: M. HOHM				REVISION	
		DATE: 04/01/22				0	
0	ISSUED FOR REVIEW	JLA	04/01/22	<b>CIRCLE LAKE TRANSFER, LLC</b> PINEHURST, TEXAS			
REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE				





GENERAL LAND USE	
<span style="color: green;">■</span>	Agricultural - 58.3 Ac. +/-
<span style="color: white;">■</span>	Church - 22.7 Ac. +/-
<span style="color: pink;">■</span>	Commercial - 57.8 Ac. +/-
<span style="color: grey;">■</span>	Highway - 105.9 Ac. +/-
<span style="color: purple;">■</span>	Industrial - 48.2 Ac. +/-
<span style="color: cyan;">■</span>	Parks and Recreational Areas - 6.4 Ac. +/-
<span style="color: magenta;">■</span>	Public - 6.1 Ac. +/-
<span style="color: yellow;">■</span>	Residential - 296.9 Ac. +/-
<span style="color: brown;">■</span>	Road - 28.5 Ac. +/-
<span style="color: orange;">■</span>	Surface Mine - 30.0 Ac. +/-
<span style="color: lightgreen;">■</span>	Undeveloped - 1,582.7 Ac. +/-
<span style="color: grey;">■</span>	Utility - 5.0 Ac. +/-
<span style="color: yellow;">■</span>	Utility Right of Way - 49.8 Ac. +/-
<span style="color: blue;">■</span>	Water - 9.4 Ac. +/-



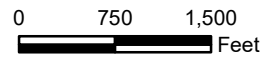
*Jeffrey L. Allen*  
 FIRM NO. F-14712  
 4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022

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LEGEND	
<span style="color: red;">■</span>	Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
<span style="border: 1px dashed black; display: inline-block; width: 10px; height: 10px;"></span>	Approximate 500 Foot Buffer



**CIRCLE LAKE TRANSFER FACILITY  
 PINEHURST, TEXAS**

**ALLEN ENGINEERING AND SCIENCE**

SCALE: 1"=1,500'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE	21052 21052 040122 DWG07 R00 D GLUM	
GENERAL LAND USE MAP		DRAWING 7

Source: World Imagery, USGS Topo, PhotoInterpretation





ION  
ider Activity  
3.3

6.0 Mile  
Radius

Approximate Property  
Boundary

Magnolia

See NOTAMS/Supplement  
for Class D eff hrs



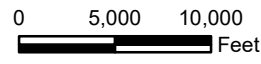
*Jeffrey L. Allen*  
FIRM NO. F-14712  
4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022

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- LEGEND**
- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
  - Approximate 6.0 Mile Buffer Radius



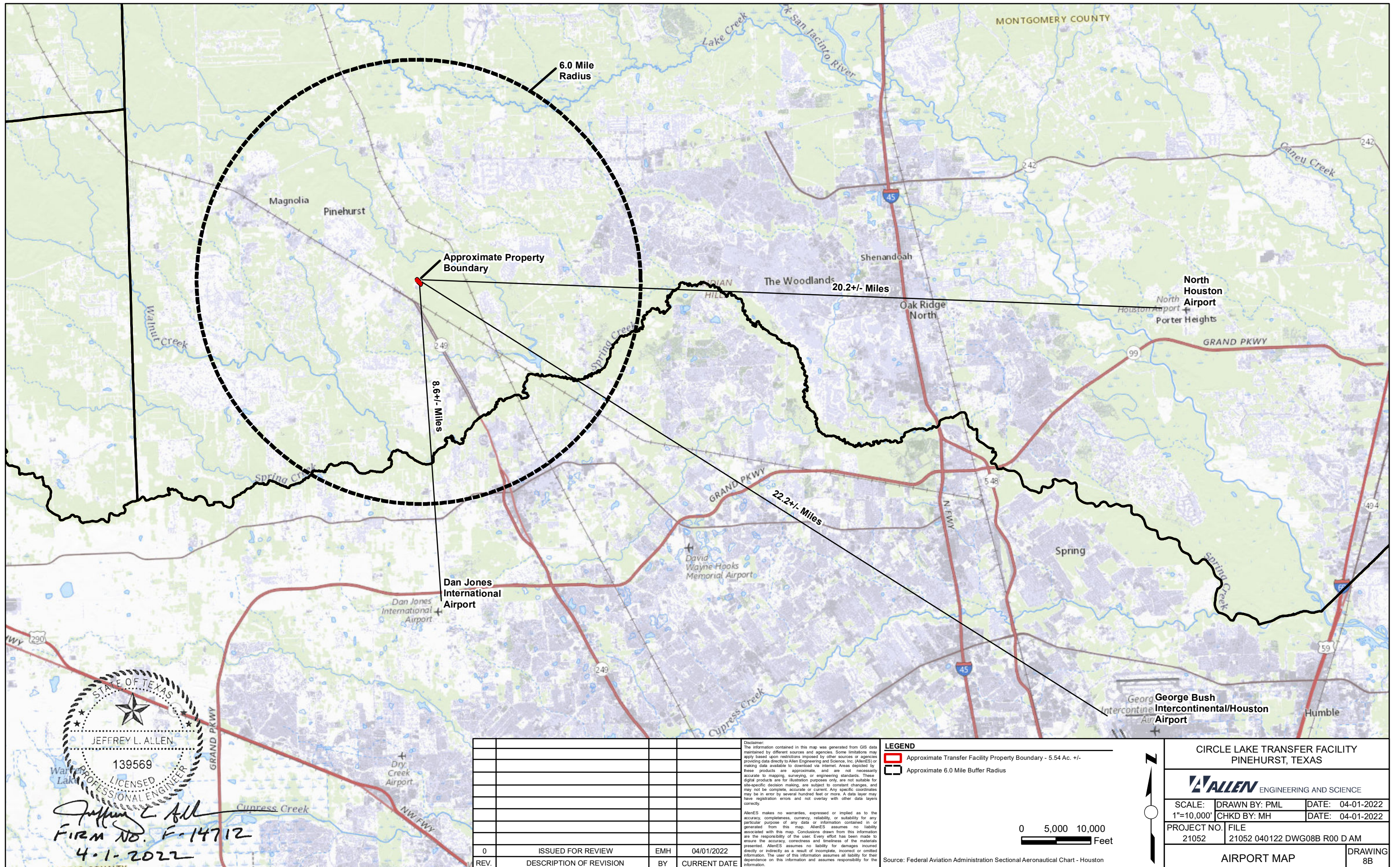
Source: Federal Aviation Administration Sectional Aeronautical Chart - Houston

**CIRCLE LAKE TRANSFER FACILITY  
PINEHURST, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=10,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE 21052	21052 040122 DWG08A R00 D AM	
AERONAUTICAL MAP		DRAWING 8A





STATE OF TEXAS  
 JEFFREY L. ALLEN  
 139569  
 LICENSED PROFESSIONAL ENGINEER  
*Jeffrey L. Allen*  
 FIRM NO. F-14712  
 4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 6.0 Mile Buffer Radius

0 5,000 10,000 Feet

Source: Federal Aviation Administration Sectional Aeronautical Chart - Houston

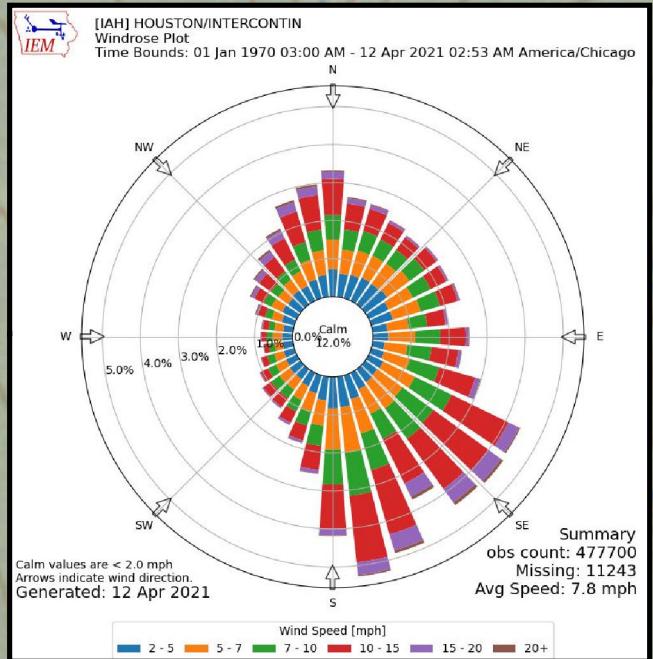
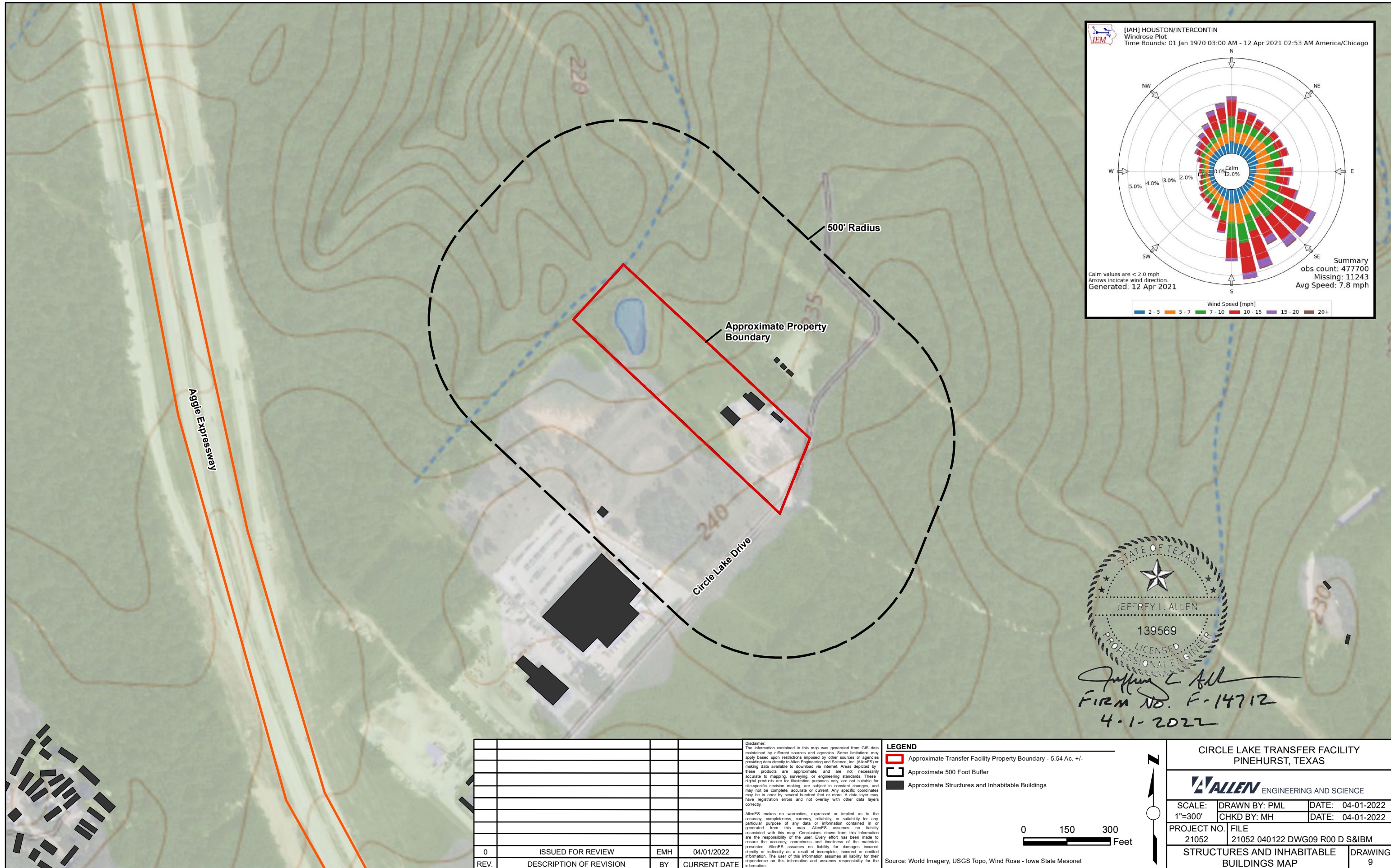
**CIRCLE LAKE TRANSFER FACILITY**  
PINEHURST, TEXAS

**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=10,000'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. 21052	FILE 21052 040122 DWG08B R00 D AM	

AIRPORT MAP DRAWING 8B





STATE OF TEXAS  
JEFFREY L. ALLEN  
139569  
LICENSED PROFESSIONAL ENGINEER  
*Jeffrey L. Allen*  
FIRM NO. F-14712  
4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022

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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 500 Foot Buffer
- Approximate Structures and Inhabitable Buildings

0 150 300 Feet

Source: World Imagery, USGS Topo, Wind Rose - Iowa State Mesonet

**CIRCLE LAKE TRANSFER FACILITY  
PINEHURST, TEXAS**

**ALLEN ENGINEERING AND SCIENCE**

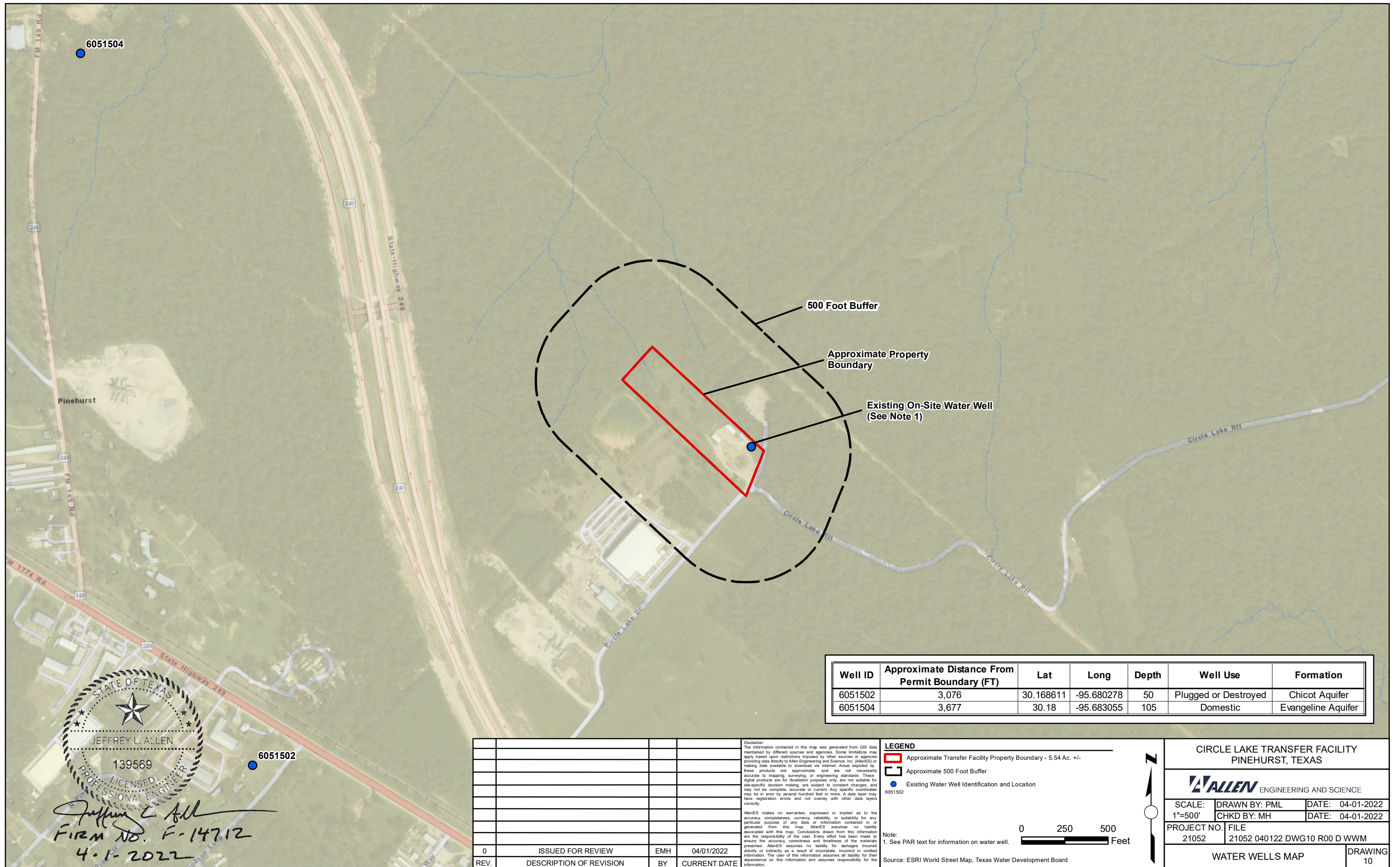
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	CHKD BY: MH	DATE: 04-01-2022

PROJECT NO. FILE  
21052 21052 040122 DWG09 R00 D S&IBM

**STRUCTURES AND INHABITABLE BUILDINGS MAP**

9





Well ID	Approximate Distance From Permit Boundary (FT)	Lat	Long	Depth	Well Use	Formation
6051502	3,076	30.168611	-95.680278	50	Plugged or Destroyed	Chicot Aquifer
6051504	3,677	30.18	-95.683055	105	Domestic	Evangeline Aquifer



*Jeffrey L. Allen*  
 FIRM NO. F-14712  
 4-1-2022

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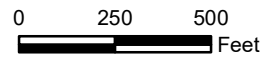
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 500 Foot Buffer
- Existing Water Well Identification and Location

Note:  
 1. See PAR text for information on water well.

Source: ESRI World Street Map, Texas Water Development Board



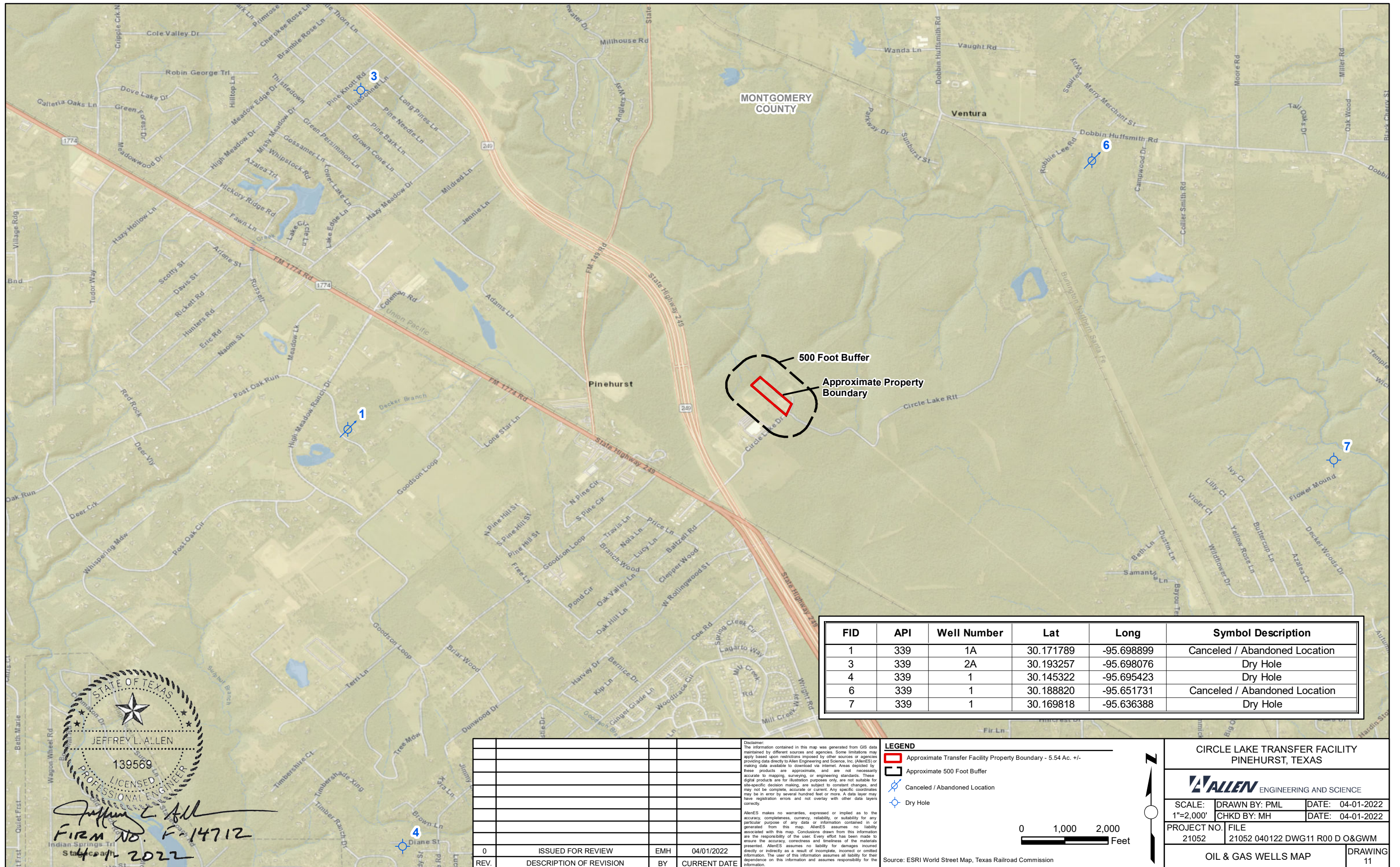
**CIRCLE LAKE TRANSFER FACILITY  
 PINEHURST, TEXAS**

**ALLEN ENGINEERING AND SCIENCE**

SCALE: 1"=500'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE 21052	21052 040122 DWG10 R00 D WWM	

**WATER WELLS MAP** DRAWING 10





FID	API	Well Number	Lat	Long	Symbol Description
1	339	1A	30.171789	-95.698899	Canceled / Abandoned Location
3	339	2A	30.193257	-95.698076	Dry Hole
4	339	1	30.145322	-95.695423	Dry Hole
6	339	1	30.188820	-95.651731	Canceled / Abandoned Location
7	339	1	30.169818	-95.636388	Dry Hole



*Jeffrey L. Allen*  
**FIRM NO. F-14712**  
 State of Texas  
 04/01/2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022

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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 500 Foot Buffer
- Canceled / Abandoned Location
- Dry Hole

0 1,000 2,000 Feet

Source: ESRI World Street Map, Texas Railroad Commission

**CIRCLE LAKE TRANSFER FACILITY**  
 PINEHURST, TEXAS

**ALLEN** ENGINEERING AND SCIENCE

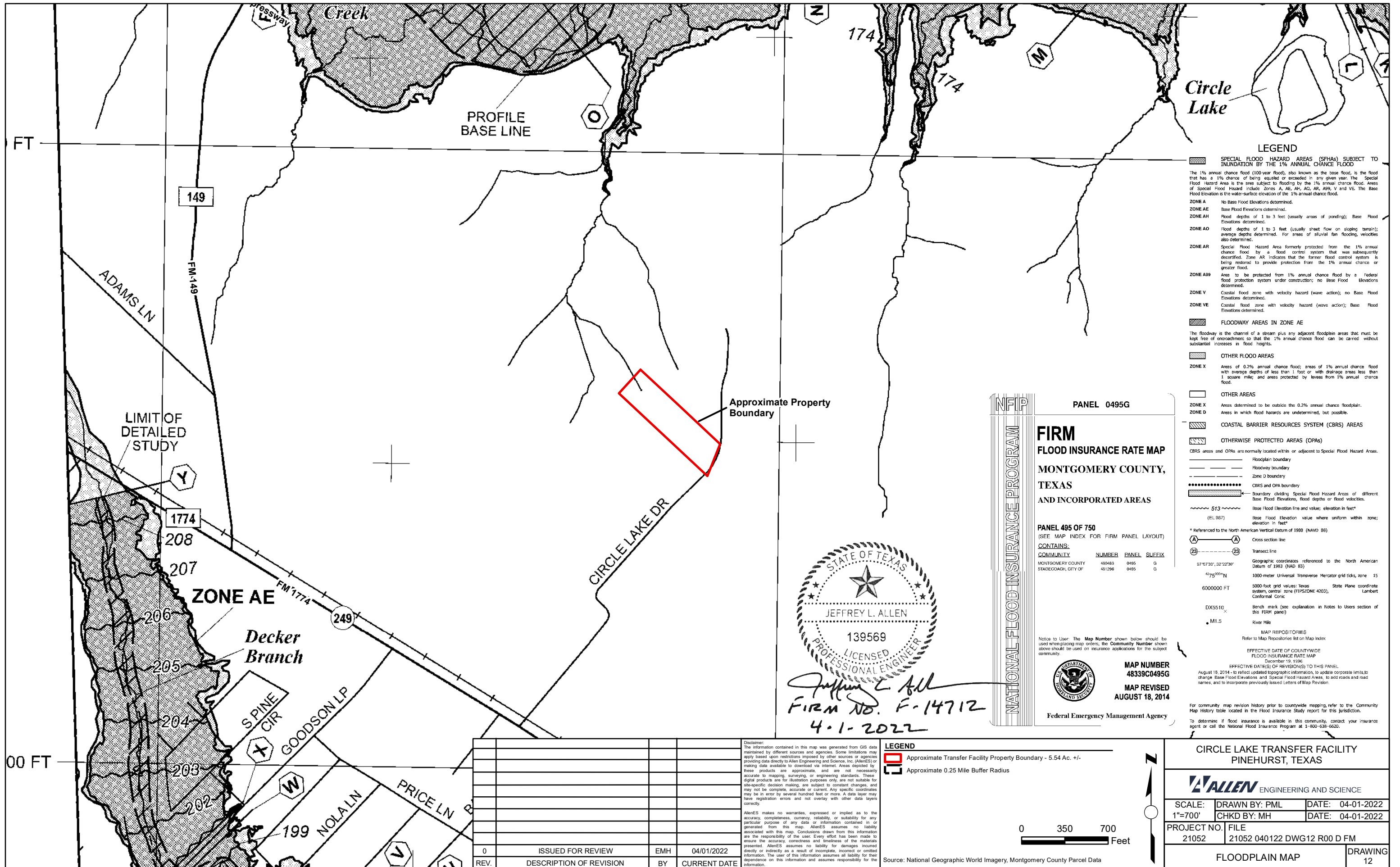
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 DATE: 04-01-2022  
 CHKD BY: MH  
 DATE: 04-01-2022

PROJECT NO. FILE  
 21052 21052 040122 DWG11 R00 D O&GWM

OIL & GAS WELLS MAP

DRAWING 11





**LEGEND**

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A** No Base Flood Elevations determined.

**ZONE AE** Base Flood Elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

**OTHER FLOOD AREAS**

**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.

**ZONE D** Areas in which flood hazards are undetermined, but possible.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary  
 Floodway boundary  
 Zone D boundary  
 CBRS and OPA boundary  
 Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.  
 Base Flood Elevation line and value; elevation in feet\*  
 Base Flood Elevation value where uniform within zone; elevation in feet\*  
 \* Referenced to the North American Vertical Datum of 1988 (NAVD 88)

(A) (A) Cross section line  
 (23) (23) Transsect line  
 07°17'30", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)  
 4750000N 1000-meter Universal Transverse Mercator grid ticks, zone 15  
 6000000 FT 5000-foot grid values: Texas State Plane coordinate system, central zone (FIPSZONE 4203), Lambert Conformal Conic  
 DX5510, X Bench mark (see explanation in Notes to Users section of this FIRM panel)  
 M1.5 River Mile  
 MAP REPOSITORIES Refer to Map Repositories list on Map Index

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0495G**

**FIRM FLOOD INSURANCE RATE MAP**

**MONTGOMERY COUNTY, TEXAS**

**AND INCORPORATED AREAS**

**PANEL 495 OF 750**  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

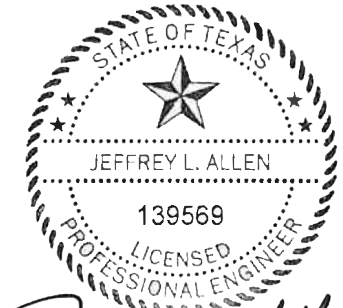
**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
MONTGOMERY COUNTY	480483	0495	G
STAGECOACH, CITY OF	491296	0495	G

**MAP NUMBER 48339C0495G**

**MAP REVISED AUGUST 18, 2014**

Federal Emergency Management Agency



*Jeffrey L. Allen*  
**FIRM NO. F-14712**  
**4-1-2022**

**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius

Source: National Geographic World Imagery, Montgomery County Parcel Data

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022

**CIRCLE LAKE TRANSFER FACILITY**  
**PINEHURST, TEXAS**

**ALLEN ENGINEERING AND SCIENCE**

SCALE: 1"=700'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. FILE	21052 21052 040122 DWG12 R00 D FM	
FLOODPLAIN MAP		DRAWING 12

00 FT

0 350 700 Feet

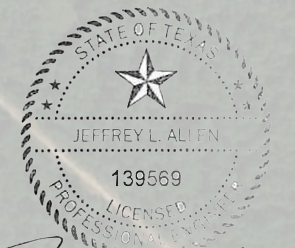
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Parcel	Property Number	State	County	Owner	Owner Address	Acreage
1	0255-00-00100	TX	Montgomery	Terra Investments LP	10001 Westheimer Road, ste 2888, Houston, TX 77042-3140	516.85
2	0255-00-00106	TX	Montgomery	Shah, Ashok	4318 Pensacola Oaks, Sugar Land, TX 77479-2735	0.12
3	0255-00-00107	TX	Montgomery	Shah, Lalit	5918 Gentlewood Ln., Sugar Land, TX 77479-1684	0.12
4	0255-00-00108	TX	Montgomery	Parikh, Bhagirath N	3031 Bissonnet St., Houston, TX 77005-4018	0.12
5	0255-00-00111	TX	Montgomery	Patel, Atul Shantilal	11623 Kirkshaw Dr. Richmond, TX 77047-3027	0.12
6	0255-00-00112	TX	Montgomery	Parikh, Girish Ramanlal	4302 Village Forest Dr., Sugar Land, TX 77479-3412	0.12
7	0123-00-00301	TX	Montgomery	Sunoco Pipeline LP Mag Tex	1735 Market St., Ste LL 29, Philadelphia, PA 19103-7528	4.08
8	0123-00-00300	TX	Montgomery	Primewood Investments LP	10001 Westheimer Rd., Ste 2888, Houston, TX 77042-3140	858.71
9	0120-01-02700	TX	Montgomery	Holderieth Road Properties LLC	19211 Circle Lake Dr., Pinehurst, TX 77362-4193	18.57
10	0120-01-02805	TX	Montgomery	Circle Lake SC LLC	130 Wicklow Road, Campobello, SC 29322-9424	4.30
11	0120-01-02900	TX	Montgomery	CCB Land Partners, LTD	P.O. Box 1137, Montgomery, TX 77356	16.80
12	0513-00-00200	TX	Montgomery	CCB Land Partners, LTD	P.O. Box 1137, Montgomery, TX 77356	49.00
13	0120-01-01300	TX	Montgomery	Texcrete Inc.	1061 Inovation, Bryan, TX 77808-1528	11.13
14	0120-01-01301	TX	Montgomery	Hindsight 7, LLC	10526 Tanner Rd., Houston, TX 77041-7217	5.08
15	0120-01-01302	TX	Montgomery	Ramarsr Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	4.29
16	0120-01-02810	TX	Montgomery	Wiseman Development I, LLC	19602 Country Lake Dr., Magnolia, TX 77355-1817	24.75
17	0120-01-02810	TX	Montgomery	Ramarsr Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	1.50



*Jeffrey L. Allen*  
 4-20-2022  
 F-14712

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	EMH	04/01/2022
1	ADMIN NOD REV. COMMENT 8	EMH	04/20/2022

**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate Highway Locations
- Approximate Tax Parcel Boundaries

Scale: 0 250 500 Feet

Source: National Geographic World Imagery, Montgomery County Parcel Data

**CIRCLE LAKE TRANSFER FACILITY**  
 PINEHURST, TEXAS

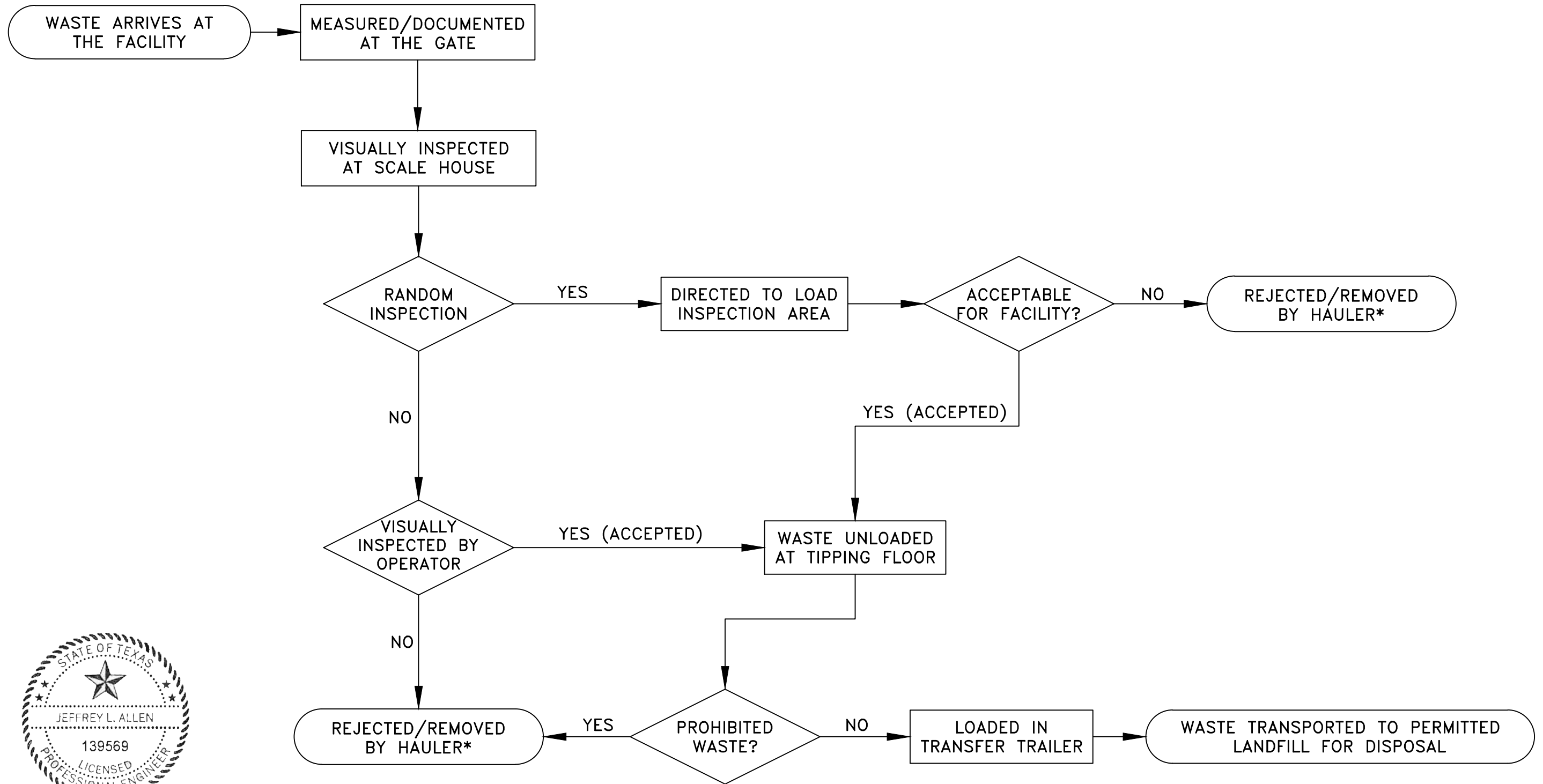
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SCALE: 1"=500'  
 DRAWN BY: PML  
 DATE: 04-20-2022  
 CHKD BY: MH  
 DATE: 04-20-2022

PROJECT NO. 21052  
 FILE 21052 042022 DWG13 R01 D APOM

ADJACENT PROPERTY OWNERS MAP  
 DRAWING 13





\* WASTE REJECTION OR DISCREPANCY REPORT FILED AT FACILITY



*Jeffrey L. Allen*  
 FIRM NO. F-14712  
 4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
0	ISSUED FOR REVIEW	JLA	04/01/22

CIRCLE LAKE TRANSFER, LLC

SCALE: N.T.S.  
 DRAWN: N. SISSON  
 CHECKED: M. EVANS  
 REVIEWED: M. HOHM  
 PROJECT MANAGER: M. HOHM  
 DATE: 04/01/22



WASTE FLOW DIAGRAM  
 CIRCLE LAKE TRANSFER, LLC  
 PINEHURST, TEXAS

PROJECT No. 21052.01
CAD FILE NAME 040122 DWG14 RO WFD
DRAWING 14
REVISION 0



## APPENDICES



**APPENDIX A**  
**ADJACENT LAND OWNERSHIP MAP AND LIST**



### Adjacent Land Ownership List

Parcel	Property Number	State	County	Owner	Owner Address	Acreage
1	0255-00-00100	TX	Montgomery	Terra Investments LP	10001 Westheimer Road, ste 2888, Houston, TX 77042-3140	516.85
2	0255-00-00106	TX	Montgomery	Shah, Ashok	4318 Pensacola Oaks, Sugar Land, TX 77479-2735	0.12
3	0255-00-00107	TX	Montgomery	Shah, Lalit	5918 Gentlewood Ln., Sugar Land, TX 77479-1684	0.12
4	0255-00-00108	TX	Montgomery	Parikh, Bhagirath N	3031 Bissonnet St., Houston, TX 77005-4018	0.12
5	0255-00-00111	TX	Montgomery	Patel, Atul Shantilal	11623 Kirkshaw Dr. Richmond, TX 77407-3027	0.12
6	0255-00-00112	TX	Montgomery	Parikh, Girish Ramanlal	4302 Village Forest Dr., Sugar Land, TX 77479-3412	0.12
7	0123-00-00301	TX	Montgomery	Sunoco Pipeline LP Mag Tex	1735 Market St., Ste LL 29, Philadelphia, PA 19103-7528	4.08
8	0123-00-00300	TX	Montgomery	Primewood Investments LP	10001 Westheimer Rd., Ste 2888, Houston, TX 77042-3140	858.71
9	0120-01-02700	TX	Montgomery	Holderrieth Road Properties LLC	19211 Circle Lake Dr., Pinehurst, TX 77362-4193	18.57
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11	0120-01-02900	TX	Montgomery	CCB Land Partners, LTD	P.O. Box 1137, Montgomery, TX 77356	16.80
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13	0120-01-01300	TX	Montgomery	Texcrete Inc.	1061 Inovation, Bryan, TX 77808-1528	11.13
14	0120-01-01301	TX	Montgomery	Hindsight 7, LLC	10526 Tanner Rd., Houston, TX 77041-7217	5.08
15	0120-01-01302	TX	Montgomery	Ramarsr Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	4.29
16	0120-01-02810	TX	Montgomery	Wiseman Development I, LLC	19602 Country Lake Dr., Magnolia, TX 77355-1817	24.75
17	0120-01-02810	TX	Montgomery	Ramarsr Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	1.50

Terra Investments LP  
10001 Westheimer Road Ste 2888  
Houston TX 77042-3140

Ashok Shah  
4318 Pensacola Oaks  
Sugar Land TX 77479-2735

Lalit Shah  
5918 Gentlewood Ln  
Sugar Land TX 77479-1684

Bhagirath N Parikh  
3031 Bissonnet St  
Houston TX 77005-4018

Atul Shantilal Patel  
11623 Kirkshaw Dr  
Richmond TX 77407-3027

Girish Ramanlal Parikh  
4302 Village Forest Dr  
Sugar Land TX 77479-3412

Sunoco Pipeline LP Mag Tex  
1735 Market St Ste LL 29  
Philadelphia PA 19103-7528

Primewood Investments LP  
10001 Westheimer Rd Ste 2888  
Houston TX 77042-3140

Holderrieth Road Properties LLC  
19211 Circle Lake Dr  
Pinehurst TX 77362-4193

Circle Lake SC LLC  
130 Wicklow Road  
Campobello SC 29322-9424

CCB Land Partners LTD  
P.O. Box 1137  
Montgomery TX 77356

Texcrete Inc  
1061 Inovation  
Bryan TX 77808-1528

Hindsight 7 LLC  
10526 Tanner Rd  
Houston TX 77041-7217

Ramarsr Inc  
20023 Cypresswood Creek  
Spring TX 77373-3283

Wiseman Development I LLC  
19602 Country Lake Dr  
Magnolia TX 77355-1817



**APPENDIX B**  
**PERMIT BOUNDARY, PROPERTY OWNERSHIP AND EASEMENT INFORMATION**



# *C & C Surveying, Inc.*

7424 F.M. 1488, Suite A

Magnolia, Texas 77354

Office: 281-259-4377 Metro: 281-356-5172 Metro Fax: 281-356-1935

## **Metes and Bounds**

### **5.512 Acres**

### **J. D. Cochran Survey, Abstract 123**

### **Montgomery County, Texas**

*Being a 5.512 acre tract of land situated in the J. D. Cochran Survey, Abstract 123, of Montgomery County, Texas, being all of a called 5.5181 acre tract, as recorded in Clerk's File Number 2020-152511 of the Real Property Records of Montgomery County, Texas; and said 5.512 acre tract being more particularly described as follows with all bearings based on said deed;*

BEGINNING at a ½ inch iron rod, found for the South corner of the herein described tract, common with the Southerly West corner of a called 2,253.2253 acre tract, as recorded in Clerk's File Number 2004-023496 of the Real Property Records of Montgomery County, being on the Northeast line of a called 5.7393 acre tract, and on the Northeast right-of-way line of Circle Lake Drive, said Point of Beginning also being on the common line of the J. D. Cochran Survey, Abstract 123 and the B. Canfield Survey, Abstract Number 120, and proceeding;

THENCE North 45 degrees 01 minutes 25 seconds West (called North 45 degrees 10 minutes 07 seconds West), along the Southwest line of the herein described tract, common with the Northeast line of Circle Lake Drive and the called 5.7393 acre tract, and being on the common line of the J. D. Cochran Survey, Abstract 123 and the B. Canfield Survey, Abstract Number 120, a distance of 24.20 feet (called 24.03 feet), to a PK nail, found for an angle point of the herein described tract, common with the North corner of said called 5.7393 acre tract and being the East corner of a called 18.568 acre tract, as recorded in Clerk's File Number 2017-058204 of the Real Property Records of Montgomery County;

THENCE North 45 degrees 04 minutes 04 seconds West (called North 45 degrees 03 minutes 08 seconds West), continuing along the Southwest line of the herein described tract, common with the Northeast line of said called 18.568 acre tract, and with said survey line, a distance of 955.21 feet (called 956.26 feet), to a ½ inch iron rod, found for the West corner of the herein described tract, common with the North corner of said called 18.568 acre tract, and being on a Southeast line of the aforementioned called 2,253.2253 acre tract, and being on the common corner of said J. D. Cochran Survey, Abstract 123 the B. Canfield Survey, Abstract Number 120, and the A. J. Hensley Survey, Abstract Number 255;

THENCE North 44 degrees 01 minutes 54 seconds East (called North 44 degrees 02 minutes 58 seconds East), along the Northwest line of the herein described tract, common with a Southeast line of said called 2,253.2253 acre tract, and along the Southeast line of the following tracts;

Called 0.1148 acre tract, as recorded in Clerk's File Number 2019-089175,

Called 0.1148 acre tract, as recorded in Clerk's File Number 2019-089178,

Called 0.1148 acre tract, as recorded in Clerk's File Number 2019-089181,

Called 0.1148 acre tract, as recorded in Clerk's File Number 2019-089270,

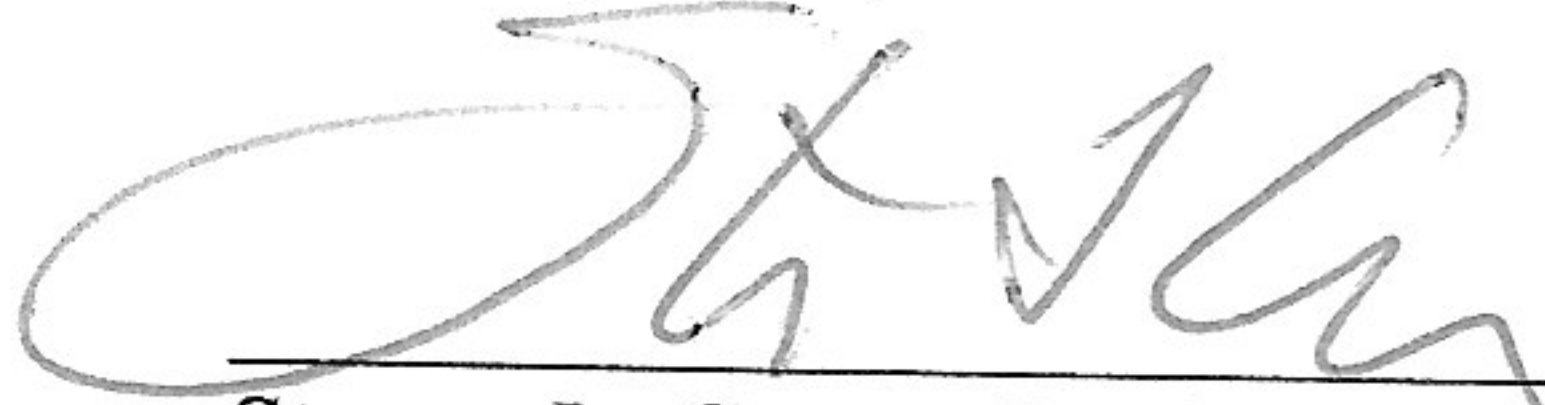
Called 0.1148 acre tract, as recorded in Clerk's File Number 2019-089273,

and along the common J. D. Cochran Survey, and the A. J. Hensley Survey line, a distance of 257.57 feet (called 257.48 feet), to a 4 inch iron pipe, found for the North corner of the herein described tract, common with an interior corner of said called 2,253.2253 acre tract;



THENCE South 45 degrees 00 minutes 00 seconds East, along the Northeast line of the herein described tract, common with a Southwest line of said called 2,253.2253 acre tract, departing said called J. D. Cochran Survey, and the A. J. Hensley Survey line, at a distance of 433.83 feet, passing a concrete monument, found for the West corner of a called 4.080 acre tract, as recorded in Clerk's File Number 2008-11916 of the Real Property Records of Montgomery County, at 803.30 feet passing a concrete monument, found for the South corner of said called 4.080 acre tract, and a total distance of 889.23 feet (called 890.10 feet), to an axle, found for the East corner of the herein described tract, common with an interior corner of said called 2,253.2253 acre tract;

THENCE South 24 degrees 45 minutes 45 seconds West (called South 24 degrees 46 minutes 56 seconds West), along the Southeast line of the herein described tract, common with a Northwest line of said called 2,253.2253 acre tract, a distance of 273.27 feet (called 273.35 feet), back to the **POINT OF BEGINNING** and containing 5.512 acres, as computed based on the survey and plat prepared by C & C Surveying Inc. dated April 01, 2021.



Steven L. Crews, Registered Professional Land Surveyor, Number 4141  
21-0067  
04/01/2021



Notes:  
 1. Basis of bearings: Northeast Property Line of subject Deed.  
 2. Property is subject to a blanket Center Point Energy Houston Electric Easement, as recorded in CF No. 2008-032980 R.P.R.H.C.T.  
 3. Property is subject to a blanket Superior Oil Company Pipeline Easement, as recorded in Volume 272, Page 168 D.R.H.C.T.  
 4. A 15 ft. roadway easement as recorded in Volume 528, Page 65 H.C.D.R., does not effect affect this property  
 5. Revised April 14, 2021 added Title Commitment.

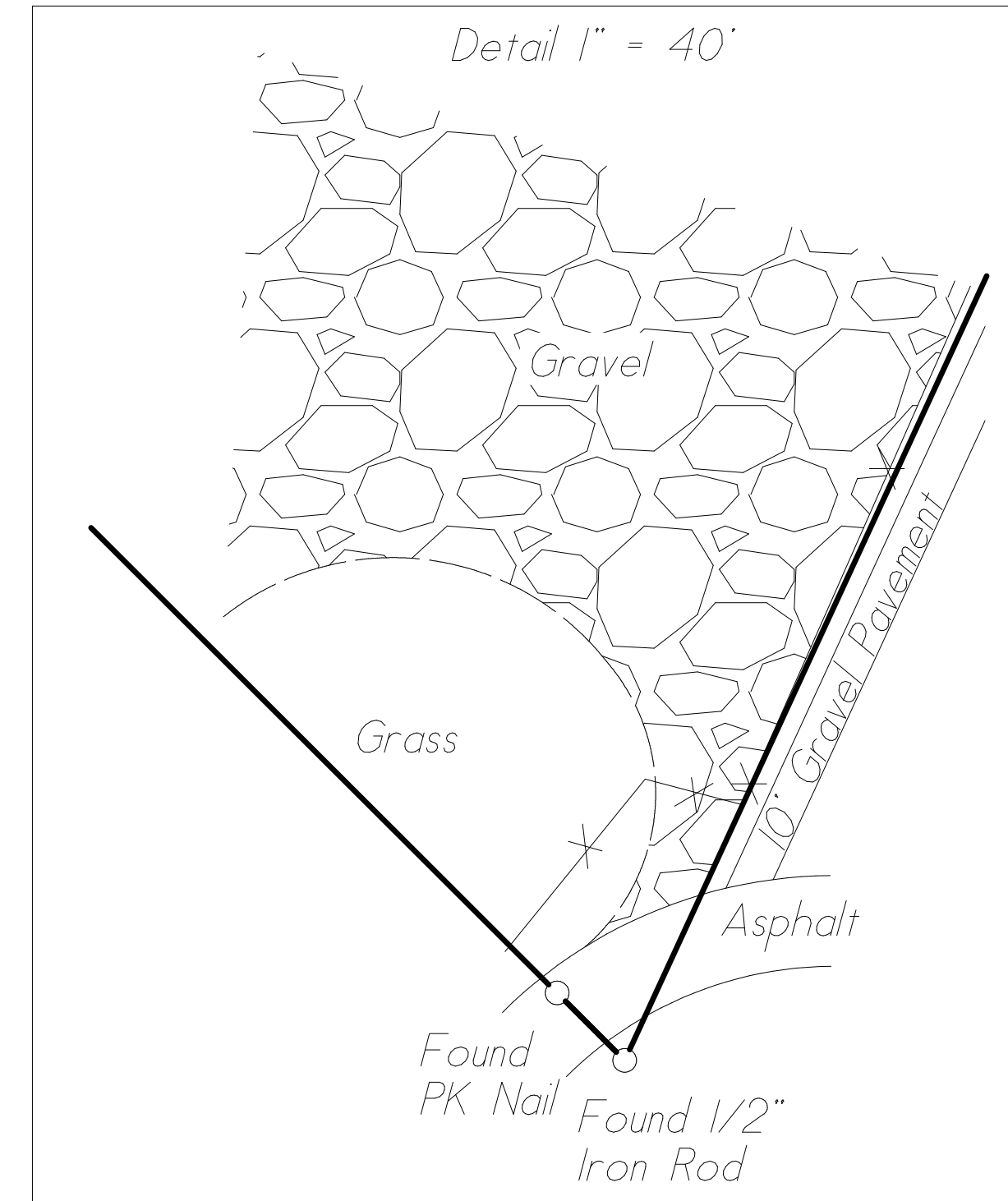
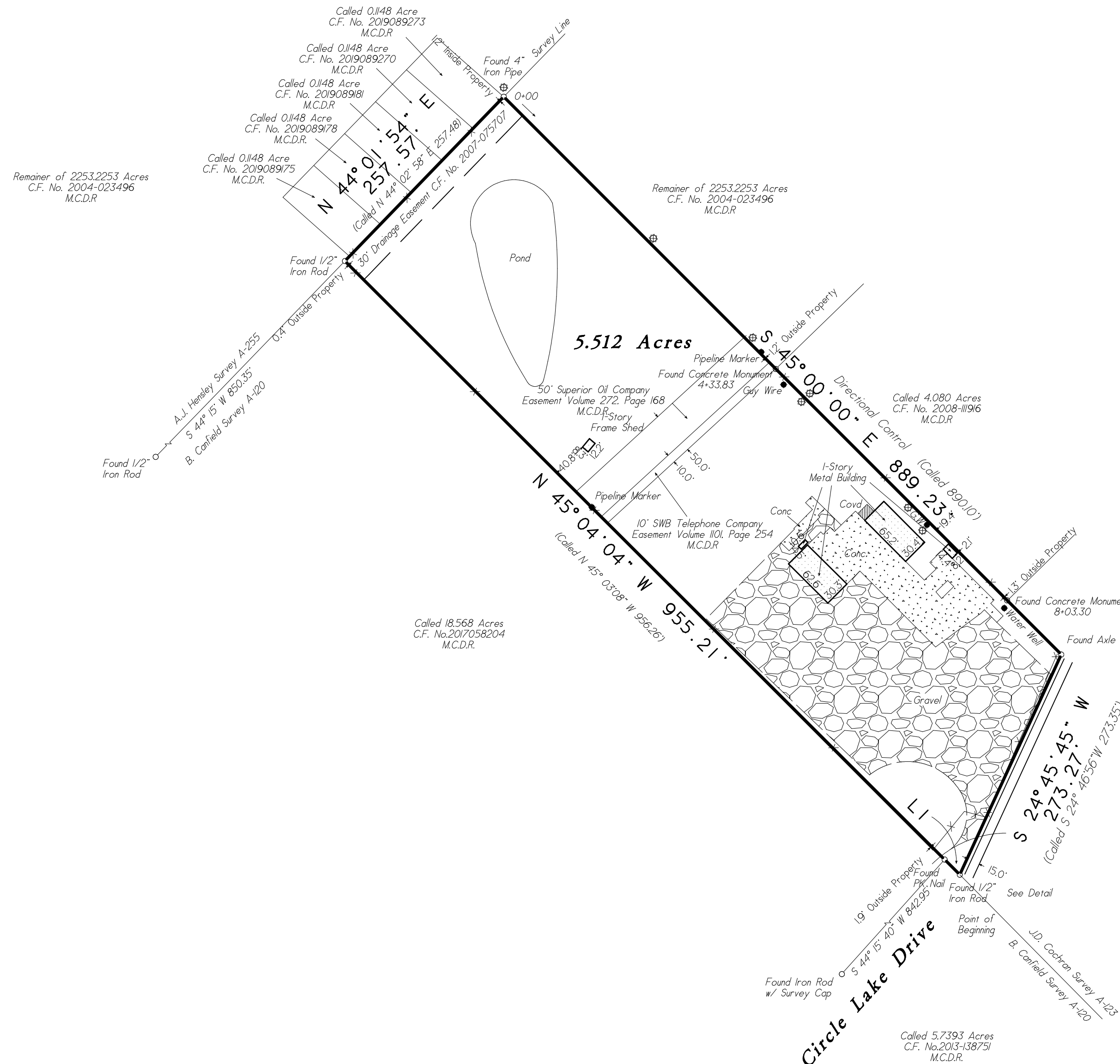
LINE	BEARING	DISTANCE
L1	N 45°01'25" W	24.20'
Called	N 45°00'07" W	24.03'

This property lies within ZONE " " as SCALED from FEMA Map Panel Number 48 dated August 18, 2014.

THIS MEANS THAT THE SUBJECT PROPERTY SCALES OUTSIDE THE 100 YEAR FLOOD PLAIN.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.

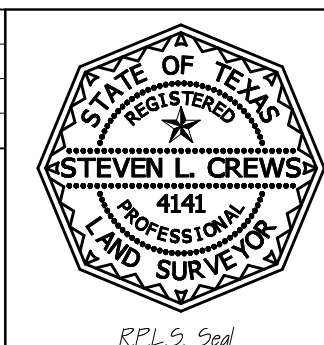
—x—x— - WIRE FENCE  
 ○ - POWER POLE  
 G.W. - GUY WIRE



Remainder of 2253.2253 Acres  
 C.F. No. 2004-023496  
 M.C.D.R.

Being a 5.512 acre tract of land situated in the J.D. Cochran Survey, Abstract Number 123, Montgomery County, Texas, and being out of a called 5.5181 acres as described in deed recorded in Clerk's File Number 2020-152511 of the Real Property Records of Montgomery County, Texas;

Date: April 1, 2021  
 Job No: 21-0067  
 Address: 34810 Circle Lake Drive  
 City, State: Pinehurst, Texas  
 G.F. No. ATCH-16-ATGH2010-4480TC  
 Scale: 1" = 100' (16x24)  
 Drawn By: DY  
 Rev: 4/14/21  
**C & C Surveying, Inc.**  
 Firm Number 10009400  
 7424 F.M. 1488, Suite A, Magnolia, Texas 77354  
 Office: 281-259-4377 Metro: 281-356-5172  
 Email: survey@ccsurveying.com Web: www.ccsurveying.com



Certified To: Alamo Title Insurance Company and Ztopia, LLC  
 Client: Jon Farley  
 I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION III, TSPS STANDARD LAND SURVEY, AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.  
 Steven L. Crews R.P.L.S. # 4141

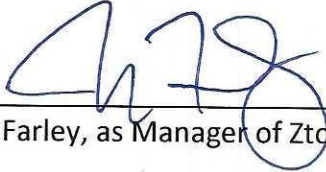


**APPENDIX C**  
**PROPERTY OWNER AFFIDAVIT AND LEGAL AUTHORITY**



**Property Owner Affidavit**

I, Jon Farley, as the manager and authorized signatory for Ztopia, LLC (the "Owner"), the owner of 34910 Circle Lake Drive, Pinehurst, Texas 77362 (the "Property"), acknowledge that the State of Texas may hold the Owner either jointly or severally responsible for the operation, maintenance, and closure of the proposed transfer station facility (the "Facility") located at the Property. I further acknowledge that the I or the operator and the State of Texas shall have access to the Property during the active life, and after closure, of the Facility, for the purposes of inspection and maintenance, if required.



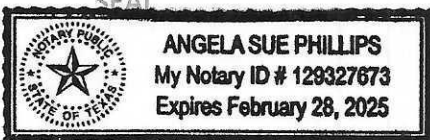
Jon Farley, as Manager of Ztopia, LLC

8/30/2021

Date Signed

STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

SWORN TO AND SUBSCRIBED BEFORE ME by Mr. Jon Farley, as the Manager of Ztopia, LLC, on this 30<sup>th</sup> day of August, 2021, which witnesses my hand and seal of office.



Notary Public in and for The State of Texas

Angela Sue Phillips

Printed Name

My Commission Expires: February 28, 2025





## Office of the Secretary of State

### Certificate of Fact

The undersigned, as Deputy Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Circle Lake Transfer LLC (file number 804040465), a Domestic Limited Liability Company (LLC), was filed in this office on April 27, 2021.

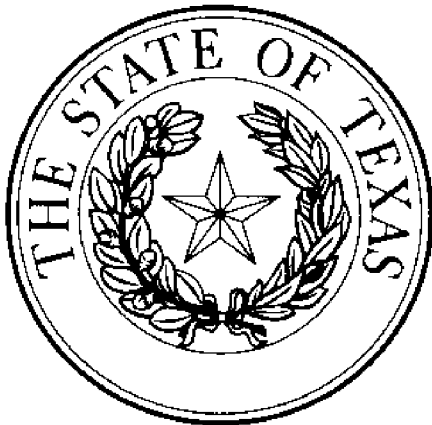
It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate JON FARLEY as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

13727 OFFICE PARK DRIVE

HOUSTON, TX - 77070 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on July 17, 2021.



A handwritten signature in black ink, appearing to read "Jose A. Esparza".

Jose A. Esparza  
Deputy Secretary of State



## Office of the Secretary of State

### Certificate of Fact

The undersigned, as Deputy Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Ztopia LLC (file number 801840758), a Domestic Limited Liability Company (LLC), was filed in this office on August 26, 2013.

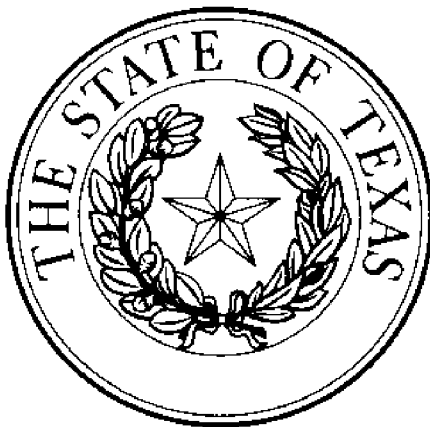
It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate JON FARLEY as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

13727 OFFICE PARK DRIVE

HOUSTON, TX - 77070 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on July 17, 2021.



A handwritten signature in black ink, appearing to read "Jose A. Esparza".

Jose A. Esparza  
Deputy Secretary of State



**APPENDIX D**  
**EVIDENCE OF COMPETENCY**

## **EVIDENCE OF COMPETENCY**

### **MR. JON FARLEY, MANAGING PARTNER, CIRCLE LAKE TRANSFER LLC**

Mr. Farley, with over 45 years of solid waste industry experience, is the CEO/Owner of Zters, Inc and Zters Site Services, LLC and Managing Partner of Circle Lake Transfer, LLC. Zters, based in Cypress, Texas, has been named to the Inc 5000 fastest growing businesses and the Houston Chronicle top workplaces for the last 3 years running. Before founding Zters Inc ([www.zters.com](http://www.zters.com)) in 2009, Mr. Farley has been involved in all aspects of the industry, ranging from collection, recycling, and disposal of solid waste to landfill, transfer station, and recycle operations and management. Mr. Farley has held management positions with Republic Services, Allied Waste and Browning Ferris Industries. He has built and/or operated landfills, transfer stations and recycling facilities in Houston, Dallas, the Rio Grande Valley and Denver, Colorado. In his role as DVP of Public Sector and Strategic Planning for BFI, he was responsible for over a \$1 billion book of business with cities and counties across the United States.

### **MR. SHELBY LOWE, PRESIDENT OF CIRCLE LAKE TRANSFER LLC**

Mr. Lowe has over 45 years in the solid waste industry, both in the commercial and residential transportation operations. He also managed Type I and Type 4 landfills, and Transfer Stations across five states for a Fortune 500 company. Mr. Lowe owned a solid waste company in Lafayette, Louisiana, and sold the multi-million-dollar company to Browning-Ferris Industries (BFI). He rose through the BFI ranks and became a Regional Vice-President for Allied Waste (acquired BFI) managing 5 states with annual revenues over \$980 million dollars. As a Regional Vice President, he was responsible for numerous solid waste commercial, residential, and recycling transportation, recycling plants, Type 1 and Type 4 landfills, and transfer stations.

Mr. Lowe was also a Vice President of Operations over 32 states for a multi-million-dollar bio-solids company managing dewatering, land applying, and recycling bio-solids. He developed an organics program for Liquid Environmental Solutions and was awarded a Texas wide multi-million-dollar organics contract with Walmart. Liquid Environmental Solutions expanded his responsibilities to manage industrial wastewater transportation and over-see industrial wastewater plants throughout Texas and Louisiana.



**APPENDIX E  
APPOINTMENTS**



Appointment Letters



March 16, 2022

Municipal Solid Waste Permits Section, MC 124  
Waste Permits Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Subject: Notice of Appointment  
Permit Application - Type V MSW Facility  
Circle Lake Transfer Station  
Pinehurst, Montgomery County, Texas

To Whom it May Concern:

This is to advise you that Circle Lake Transfer, LLC (CLT) has appointed Allen Engineering and Science, Inc. (AllenES) as the design and permit engineering consulting firm for the purposes of submitting engineering reports, planning materials, plans, drawings, specifications, responses to comments, and related data for the above-referenced permit application. Mr. Jeffrey Allen, P.E. of AllenES, a licensed Professional Engineer in good standing in the State of Texas, is the responsible engineer for this project and for the overall preparation of this permit application.

We herewith authorize you to review and comment on such reports, planning material, plans, drawings, specifications and related data that AllenES may submit to you pertaining to this permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelby Lowe". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Shelby Lowe  
President of Circle Lake Transfer LLC and Director of Disposal Operations

Appointment Letters



March 16, 2022

Municipal Solid Waste Permits Section, MC 124  
Waste Permits Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Subject: Notice of Appointment  
Permit Application - Type V MSW Facility  
Circle Lake Transfer Station  
Pinehurst, Montgomery County, Texas

To Whom it May Concern:

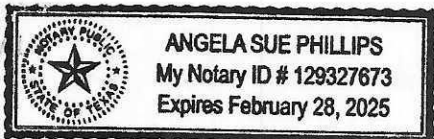
I am a **corporate officer** of Circle Lake Transfer, LLC (CLT). I also hold the title of Manager of the LLC and I have responsibility for the overall management of CLT and its operations throughout Texas. I hereby delegate authority to Mr. Shelby Lowe, President of CLT and Director of Disposal Operations, to act as agent for Circle Lake Transfer, LLC in the execution of this permit application for the above-referenced Type V MSW facility, and to sign documents and conduct other business in connection with the TCEQ permit application.

Sincerely,

Jon Farley  
Manager of Circle Lake Transfer, LLC

STATE OF TEXAS     §  
                                  §  
COUNTY OF HARRIS §

SWORN TO AND SUBSCRIBED BEFORE ME by Mr. Jon Farley on this 17<sup>th</sup> day of March, 2022, which witnesses my hand and seal of office.



Notary Public in and for The State of Texas

Angela Sue Phillips  
Printed Name

My Commission Expires: February 28, 2025



**APPENDIX F**  
**ZONING AND ORDINANCES**



## MONTGOMERY COUNTY

PERMIT DEPARTMENT  
501 N. THOMPSON, SUITE 100  
CONROE, TEXAS 77301  
(936) 539-7836 / FAX (936) 538-8155

RE: Building Codes/Fire Codes/Zoning in Unincorporated Areas of Montgomery County.  
Certificates of Occupancy and Certificates of Compliance.

### TO WHOM IT MAY CONCERN:

Building Codes are not enforced for single family residential structures or multi-family complexes with less than four (4) units. Please be advised that Montgomery County does not have zoning regulations, and does not issue Certificates of Occupancy for buildings or structures. Primarily, Certificates of Occupancy are issued by incorporated areas or subdivision associations.

The Montgomery County Fire Marshal will enforce fire codes and applicable building codes under the 2018 IFC, IBC and NFPA for relevant commercial structures. No codes were enforced before January 1, 2008. A Certificate of Compliance will be issued by the Montgomery County Fire Marshal's office for commercial Fire Code Permits after final inspection and approval.

Montgomery County does require septic permits, development permits, food service permits, and fire code permits, if applicable.

Sincerely,

Phil D. Jones, CFM

Director, Permit Department



## **Texas Counties have no Authority to Regulate Noise**

Many Texas cities have adopted ordinances to regulate noise, including engine-braking ordinances. Cities' authority to regulate noise is found in Texas Local Government Code Chapter 51, which grants them general police power.<sup>1</sup> As the Texas Supreme Court has observed, cities "look to the Legislature not for grants of power, but only for limitations on their power."<sup>2</sup>

In contrast, counties lack general police power and may exercise only those powers expressly conferred upon them by the Constitution and by the Legislature.<sup>3</sup> To date, the Legislature has not conferred upon counties the authority to regulate noise in their unincorporated areas. Since at least 2009, various bills have been presented in legislative session that would have empowered counties to pass noise ordinances, but none of the bills made it out of session. Until the Texas Legislature grants the state's counties authority to adopt noise ordinances, Montgomery County will remain unable to regulate noise.

When neighbors in unincorporated areas of the county disagree on appropriate times and volumes for noise, county residents' may have legal recourse by contacting their local constable or sheriff's office if the noise is so loud that it violates the state's criminal statute. Under Section 42.01(5) of the Texas Penal Code, a person commits an offense if he or she "intentionally or knowingly . . . makes unreasonable noise . . . in or near a private residence that he has no right to occupy." Section 42.01(c)(2) of the Texas Penal Code states that a noise is presumed unreasonable if the decibel level exceeds 85. Noise is considered unreasonable—and in violation of the statute—if it is 85 decibels at the point where it is observed by others.

---

<sup>1</sup> See TEX. LOCAL GOV. CODE § 51.001, stating that "[t]he governing body of a municipality may adopt . . . an ordinance, rule, or police regulation that (1) is for the good government, peace or order of the municipality."

<sup>2</sup> *Dallas Merchants & Concessionaires Ass'n v. City of Dallas*, 852 S.W.2d 489, 490–91 (Tex. 1993).

<sup>3</sup> See *Canales v. Laughlin*, 214 S.W.2d 451 (Tex. 1948).





**APPENDIX G  
TRANSPORTATION**

**TRANSPORTATION IMPACT STUDY  
FOR THE  
CIRCLE LAKE TRANSFER STATION  
PINEHURST, TEXAS**

**PREPARED FOR:**

**CIRCLE LAKE TRANSFER, LLC.**

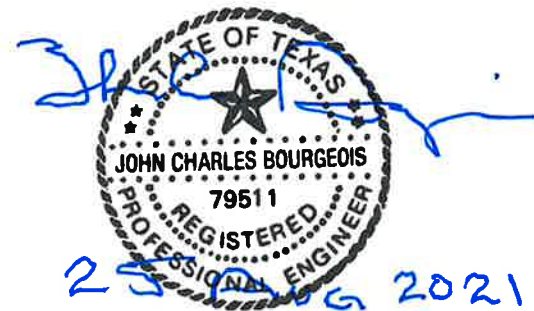
**13727 OFFICE PARK DRIVE  
HOUSTON, TEXAS 77070**

**PREPARED BY:**



**6360 I-55 NORTH, SUITE 330  
JACKSON, MISSISSIPPI 39211**

**AUGUST 2021**





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## **1.0 BACKGROUND, PROJECT PURPOSE AND SCOPE of WORK**

---

### **1.1 BACKGROUND**

Circle Lake Transfer, LLC is proposing to permit a Municipal Solid Waste Transfer Station in Pinehurst, Texas. The proposed site is approximately 1/4 miles Northeast of the intersection of FM 1774 and Circle Lake Drive in Pinehurst, Texas. The Transfer Station will be located at the following location:

Latitude N30 10' 22"

Longitude W95 40' 16"

### **1.2 PROJECT PURPOSE AND SCOPE OF WORK**

Allen Engineering and Science, Inc. (AllenES), was retained by the Circle Lake Transfer, LLC to perform a Transportation Impact Study of the proposed Transfer Station site. The scope of the project is to:

- Provide data on the availability and adequacy of roads that the owner or operator will use to access the site;
- Obtain 12-hour turning movement counts at the intersection of:
  - FM 149 at Aggie Expressway Service Roads
  - FM 149 at FM 1774
  - FM 149/1774 at Circle Lake Drive
  - Aggie Expressway Service Roads at Rollingwood Drive West
- Obtain 24-hour approach counts for: FM 149/1774 between Circle Lake Drive and FM 149 and on FM 149 between FM 1774 and Aggie Expressway.
- Project the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility; and
- Prepare documentation for submittal demonstration coordination of the preliminary designs of proposed public roadway improvements such as turning lanes, storage lanes, potential traffic signal at the intersection of Circle Lake Drive/FM 1774, etc., associated agency exercising maintenance responsibility of the public roadway involved, including completion of TCEQ Form 20719.



## 2.0 INTRODUCTION

---

Circle Lake Transfer, LLC intends to permit and operate a new municipal solid waste Transfer Station, in Pinehurst, Texas. The purpose of this traffic report is to address traffic/transportation as required by TCEQ in support of a permit application for the municipal solid waste Transfer Station. The facilities will use a two-lane site access road. This traffic report addresses the requirements for Transfer Station located in Pinehurst, Texas.

The primary access to the Transfer Station will be from Aggie Expressway (FM 249) into Pinehurst. Circle Lake vehicles and collection vehicles will access the Transfer Station via FM 149 and FM 1774, and then northeasterly on Circle Lake Drive then into the entrance into the Transfer Station. The Transfer Station is proposed to operate with hours for incoming waste hauling vehicles of 5:00 AM to 7:00 PM Monday through Friday during a typical week. Limited operation of 7:00 AM to 12:00 PM is anticipated on Saturdays. The facility is expected to be closed on Sundays.

**FIGURE 1** presents a detailed highway map prepared for the site that depicts the general location of proposed development and the surrounding roadway network. A one-mile radius around the site is also shown on the figure.

Three analysis years are addressed as part of this study:

- 2022** - the projected opening year;
- 2027** - five years after the facility opens; and
- 2047** - expected life of the facility.

The expected life year analysis for the year 2047 was conducted and presented first due to the fact that if an intersection operates adequately under 2047 traffic volumes, then it will also do so under 2022 and 2027 volumes as well.

The expected life year of 2047 was selected based on the Texas Commission on the Environmental Quality (TCEQ) rule requiring analysis during the life of the facility.

While build-out and future year (five years after build out) analyses are commonplace in development of traffic impact analyses, it should be noted that an analysis of the expected life of 25 years is not standard practice. The Institute of Transportation Engineers recommends that an analysis period of five to ten years be used for most site impact analyses. However, in this case, TCEQ requires this uncommon analysis of life expectancy of the development.

The study area for this traffic study consisted of the primary access roads within one mile of the proposed facility. These roadways are Circle Lake Drive, FM 1774, FM 149, West Rollingwood Drive, and Aggie Expressway (FM 249). These roadways are described in more detail below:

**Circle Lake Drive** – Circle Lake Drive is a two-lane local industrial access road with a no posted speed limit in the vicinity of the site. The roadway currently serves a ready-mix concrete plant, an asphalt paving contractor, a specialty steel supplier, a wood products company, and a lake retreat. The assumed speed limit is 30 miles per hour. Circle Lake Drive is constructed with an asphalt surface.





**FM 1774** – FM 1774 is a four-lane curb and gutter farm to market roadway with two-way center turn lane (TWCTL) with a 45-55 miles per hour posted speed limit in the vicinity of the site. FM 1774 is constructed with a concrete surface.

**FM 149** – FM 149 is a two-lane farm to market road with a posted speed limit of 40 miles per hour in the vicinity of the site. FM 149 is constructed with asphalt pavement.

**West Rollingwood Drive** – West Rollingwood Drive is a two-lane local road with a 30 miles per hour posted speed limit in the vicinity of the site. The roadway currently serves as an access to Aggie Expressway. West Rollingwood Street is constructed with an asphalt surface.

**Aggie Expressway (FM 249)** – Aggie Expressway is a new four-lane median divided expressway with a speed limit of 70 miles per hour in the vicinity of the site. Aggie Expressway has two lane, one way service roads in each direction. Aggie Expressway has recently been opened for traffic. Aggie Expressway is constructed with a concrete surface.



### 3.0 TRIP GENERATION, DISTRIBUTION, AND ASSIGNMENT

---

#### 3.1 TRIP GENERATION

~~Representatives of Circle Lake Transfer, LLC provided trip generation data based on the expected operation of the facility. The trip generation estimates were developed based on the facility waste acceptance rate and anticipated customer mix. A detailed breakdown of this estimate appears in the appendix of this study.~~

~~Most vehicles accessing the facility are expected to be waste route collection vehicles and waste transfer trucks. A route collection vehicle is approximately 35 feet long and is considered a single unit vehicle.~~

~~Representatives of Circle Lake Transfer, LLC provided trip generation data based on the expected operation of the facility. The trip generation estimates were developed based on the facility waste acceptance rate and anticipated customer mix. A detailed breakdown of this estimate appears in **APPENDIX A** of this study.~~

~~Most vehicles accessing the facility are expected to be waste route collection vehicles and waste transfer trucks. Based on upon the experience of CLTS's management, coupled with the Environmental Protection Agency's *Waste Transfer Stations: A Manual for Decision-Making* document, the volumes of the collection trucks and transfer trucks are estimated to be 7 tons per truck and (conservatively) 20 tons per truck, respectively. Using the truck capacity vs the average daily incoming waste (500 tons per day in Year 1 up to 3,200 tons per day in Year 25) we can estimate the amount of incoming trucks (collection vehicles) and outgoing trucks (transfer vehicles) for the facility.~~

~~That is, the facility is expected to receive 500 tons of waste in one day in Year 1. Therefore, at 7 tons per truck, the facility is expected to have approximately 71 collection trucks come into the facility and leave the facility per day. Likewise, the facility anticipates transferring the same amount of waste in a day, therefore, at 20 tons per truck, the facility is expected to have 25 transfer trucks enter and exit the facility in a day per day. The amount of trucks vs tons per year can be seen in further detail in **APPENDIX A**. An example of the math can be seen below.~~

$$\frac{500 \text{ tons per day}}{7 \text{ tons per collection truck}} \approx 71 \text{ collection trucks per day}$$

$$\frac{500 \text{ tons per day}}{20 \text{ tons per transfer truck}} \approx 25 \text{ transfer trucks per day}$$

~~Furthermore, a transfer truck is a semi-trailer combination vehicle with a 53-foot-long trailer. The impact of single unit vehicles, such as busses and RVs, and combination vehicles, such as semi-trailers, on traffic operations is different than that of passenger cars. This is primarily due to the different acceleration, deceleration, and handling characteristics of these larger vehicles.~~

~~The *Highway Capacity Manual* contains an adjustment factor to convert truck and bus volumes into passenger car equivalents. Using a passenger car equivalency adjustment factor of 1.5 for each truck, the trips generated by the transfer station were converted into passenger car equivalents to estimate the traffic impacts of the facility. The adjusted daily trip generation data is also presented in **TABLE 1**.~~



**TABLE 1: PROJECTED DAILY TRIP GENERATION**

<b>2022 Trip Generation (Facility Opening Year)</b>						
<b>Vehicle Types</b>	<b>Average Daily Trips (Actual Vehicle)</b>			<b>Average Daily Trips (Passenger Car Equivalents)</b>		
	<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
Route Collection Trucks	71	71	142	107	107	213
Transfer Trucks	25	25	50	38	38	75
Small Trucks & Passenger Cars	20	20	40	20	20	40
<b>Totals</b>	<b>116</b>	<b>116</b>	<b>232</b>	<b>164</b>	<b>164</b>	<b>328</b>
<b>2027 Trip Generation (5 Years After Facility Opening)</b>						
<b>Vehicle Types</b>	<b>Average Daily Trips (Actual Vehicle)</b>			<b>Average Daily Trips (Passenger Car Equivalents)</b>		
	<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
Route Collection Trucks	357	357	714	536	536	1071
Transfer Trucks	125	125	250	188	188	375
Small Trucks & Passenger Cars	20	20	40	20	20	40
<b>Totals</b>	<b>502</b>	<b>502</b>	<b>1004</b>	<b>743</b>	<b>743</b>	<b>1486</b>
<b>2047 Trip Generation (Projected Year of Expected Life of Facility)</b>						
<b>Vehicle Types</b>	<b>Average Daily Trips (Actual Vehicle)</b>			<b>Average Daily Trips (Passenger Car Equivalents)</b>		
	<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
Route Collection Trucks	457	457	914	686	686	1371
Transfer Trucks	160	160	320	240	240	480
Small Trucks & Passenger Cars	20	20	40	20	20	40
<b>Totals</b>	<b>637</b>	<b>637</b>	<b>1274</b>	<b>946</b>	<b>946</b>	<b>1891</b>

~~Source: Circle Lake Transfer Facility, LLC~~

Representatives of Circle Lake Transfer, LLC provided an estimated distribution of arriving traffic during each hour of a typical operational day, and these are included in the appendix of this study. This distribution of traffic over the day allows the estimation of traffic generated by the site during any specific hour.

Traffic operations during the traditional AM and PM peak periods of the adjacent street (FM 149) are typically analyzed within a traffic study for a development. Traffic operations are analyzed for the peak one hour within each peak period. The AM peak hour selected for analysis was 7:00 AM to 8:00 AM based on the traffic counts collected and the site trip generation characteristics. The PM peak hour of the adjacent street was determined to occur between 4:45 PM and 5:45 PM based on the automated traffic counts collected.





The facility is anticipated to generate the highest amount of traffic during the 10:00 AM to 11:00 AM hour with 5.3% of the daily site generated traffic occurring during this hour. The 10:00 AM to 11:00 AM hour was selected for analysis as the peak hour of the generator. **TABLE 2** presents the percentage of daily traffic accessing the facility during each analysis hour.

**TABLE 2: PERCENTAGE OF DAILY TRAFFIC ACCESSING SITE**

Period	Hour	Percentage of Daily Site Traffic During the Analysis Hour
AM Peak Hour of FM 1774	0700 - 0800	7.7%
PM Peak Hour of FM 1774	1645 - 1745	8.2%
Peak Hour of Circle Lake Transfer Station	1000 - 1100	5.3%

Peak Hour Based on Traffic Counts Collected (06/15/2021)

Projected Peak % and Hour of Facility Based on Projections by Circle Lake Transfer, LLC

The passenger car equivalent volumes from **TABLE 1** were then multiplied by the hourly percentages to determine the amount of traffic accessing the site during the three-analysis peak hours. This results in the hourly trip generation presented in **TABLE 3**.



**TABLE 3: PROJECTED PEAK HOUR TRIP GENERATION**

<b>2022 Trip Generation (Facility Opening Year)</b>								
<b>AM Peak Hour (7.7% of Daily Traffic) (Passenger Car Equivalents)</b>			<b>PM Peak Hour (8.2% of Daily Traffic) (Passenger Car Equivalents)</b>			<b>Facility Peak Hour (5.3% of Daily Traffic) (Passenger Car Equivalents)</b>		
<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
8	8	16	9	9	18	6	6	11
3	3	6	3	3	6	2	2	4
2	2	3	2	2	3	1	1	2
<b>13</b>	<b>13</b>	<b>25</b>	<b>14</b>	<b>14</b>	<b>27</b>	<b>9</b>	<b>9</b>	<b>17</b>
<b>2027 Trip Generation (5 Years After Facility Opening)</b>								
<b>AM Peak Hour (7.7% of Daily Traffic) (Passenger Car Equivalents)</b>			<b>PM Peak Hour (8.2% of Daily Traffic) (Passenger Car Equivalents)</b>			<b>Facility Peak Hour (5.3% of Daily Traffic) (Passenger Car Equivalents)</b>		
<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
42	42	84	45	45	90	30	30	60
15	15	30	16	16	32	10	10	20
2	2	4	2	2	4	1	1	2
<b>59</b>	<b>59</b>	<b>118</b>	<b>63</b>	<b>63</b>	<b>126</b>	<b>41</b>	<b>41</b>	<b>82</b>
<b>2047 Trip Generation (Projected Year of Expected Life of Facility)</b>								
<b>AM Peak Hour (7.7% of Daily Traffic) (Passenger Car Equivalents)</b>			<b>PM Peak Hour (8.2% of Daily Traffic) (Passenger Car Equivalents)</b>			<b>Facility Peak Hour (5.3% of Daily Traffic) (Passenger Car Equivalents)</b>		
<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
54	54	108	58	58	116	38	38	76
19	19	38	21	21	42	13	13	26
2	2	4	2	2	4	1	1	2
<b>75</b>	<b>75</b>	<b>150</b>	<b>81</b>	<b>81</b>	<b>162</b>	<b>52</b>	<b>52</b>	<b>104</b>

The volumes shown above are the passenger car equivalent volumes for the site that were used in traffic analyses. The predicted number of actual vehicles accessing the site is lower than the equivalent number shown in **TABLE 3**. This results in a conservative estimate of site impact.

The site is also expected to accept waste at the facility on Saturdays during the morning only. The predicted amount of this daily traffic on Saturday accessing the facility is relatively low. Saturday volumes on the local network are generally lower than those occurring during the weekday AM and PM peak hours. As such, no analysis is conducted for the Saturday volumes as they are not anticipated to have an impact on the access roadways.



### 3.2 TRIP DISTRIBUTION

The distribution of site generated traffic entering and leaving Circle Lake Transfer Station on the area roadways was prepared based on the locations of principal roadways and information provided by Circle Lake Transfer, LLC. The primary access to Circle Lake Transfer Station will be from Aggie Expressway (FM 249) into Pinehurst, vehicles will access the transfer station via northbound FM 249 frontage road, then FM 1774 to Circle Lake Drive and then northeasterly approximately ½ mile to the transfer station site. Thus, all site traffic will enter the site by making a northwesterly bound turn into the site via Circle Lake Drive. All site traffic and Circle Lake Drive traffic will be accessed via FM 1774 from either eastbound or westbound FM 1774:

- Approximately 60% of site traffic is estimated to ingress/egress the site to/from the east via FM 1774
- Approximately 40% of site traffic is estimated to ingress/egress the site to/from the west via FM 1774

The directional distribution was used to assign site traffic to the adjacent roadway network and the site access road.

### 3.3 TRAFFIC ASSIGNMENT

Traffic volumes expected to be generated by the Circle Lake Transfer Station were assigned to the area roadways and the site access road based on the directional distribution described above.

The 2022 (Opening Year) site-generated traffic volumes are provided in **FIGURE 2**.

The 2027 (5 Years After Opening) site-generated traffic volumes are provided in **FIGURE 3**.

The 2047 (Expected Life) site-generated traffic volumes are provided in **FIGURE 4**.





## 4.0 EXISTING AND PROJECTED TRAFFIC VOLUMES

### 4.1 EXISTING VOLUMES

Twenty-four-hour automated traffic counts were collected on FM 1774 and FM 149 in the vicinity of the site on Tuesday, June 15, 2021. The counts on FM 1774 and FM 149 are in alignment with counts collected by Texas DOT and available on their website. Additional 12 hour turning movement counts were also collected at the intersections of Aggie Expressway (FM 249)/FM 149, FM 149/FM 1774, FM 1774/Circle Lake Drive and Aggie Expressway (FM 249)/West Rollingwood Drive. The 24-hour counts collected are summarized in **TABLE 4**.

**TABLE 4: AUTOMATED TRAFFIC VOLUMES COLLECTED**

Location	Direction	24 Hour Volume	AM Peak Hour of FM 1774 (0700-0800) (vehicles per hour)	Facility Peak Hour (1000-1100) (vehicles per hour)	PM Peak Hour of FM 1774 (1645-1745) (vehicles per hour)
FM 1774 Westbound between FM 149 & Circle Lake Drive	WB	11,638	626	534	1,188
FM 1774 Eastbound between FM 149 & Circle Lake Drive	EB	12,699	1,237	755	799
FM 149 Northbound between FM 1774 & Aggie Expressway	NB	3,754	309	213	359
FM 149 Southbound between FM 1774 & Aggie Expressway	SB	3,614	253	193	307

24 Hour volume counts collected June 15, 2021

Manual 12 hour turning movement counts for the AM and PM peak periods were also collected at the intersections of Aggie Expressway (FM 249)/FM 149, FM 149/FM 1774, FM 1774/Circle Lake Drive and Aggie Expressway (FM 249)/West Rollingwood Drive. **FIGURE 5** presents the existing 12 hour turning movement counts collected Tuesday, June 15, 2021.

### 4.2 HISTORICAL TRAFFIC VOLUME DATA

Historical count data for the area was obtained from TxDOT Houston District count maps for 1999 through 2019. An image excerpt from the 2019 count map appears in **FIGURE 6**. The map also illustrates average annual daily traffic for Circle Lake Drive at 232 vehicles per day, which is consistent with the volumes collected on June 15, 2021.



Historical volumes during the period 2008 - 2019 are depicted in **TABLE 5** for FM 149 and FM 1774.

**TABLE 5: TEXAS DOT EXISTING TRAFFIC VOLUMES**

Year	FM 149 Between FM 1774 & Aggie Expressway Annual Average Daily Traffic (AADT) (vehicles per day)	FM 1774 Between FM 149 & Circle Lake Drive Annual Average Daily Traffic (AADT) (vehicles per day)
2021	7,368*	24,337*
2020	11,555	30,310
2019	13,010	28,250
2018	12,603	26,481
2017	11,833	26,468
2016	13,288	30,095
2015	12,457	29,347
2014	10,928	20,428
2013	10,748	23,741
2012	9,800	24,000
2011	8,800	24,000
2010	8,600	24,000
2009	8,300	22,000
2008	8,800	25,000

Source: TXDOT District Traffic Web Viewer

\* Data collected by CJ Hensch 06/15/21

Based on the average annual daily traffic volumes shown in **TABLE 5**, traffic volumes in the study area are relatively stable. The traffic volumes fluctuate upwards and downwards over the 12-year period. The overall trend for FM 1774 has been growth of 1.08 percent per year. The traffic volumes collected in 2021 reflect the changes that have occurred as a result of the recent construction of Aggie Expressway (FM 249).

#### **4.3 BACKGROUND TRAFFIC VOLUMES (2022 AND 2027)**

An annual average growth rate of 1.08 percent for traffic on FM 1774 will be utilized to trend the traffic for the roads in the vicinity of Circle Lake Transfer Station. The existing turning movement volumes collected and shown in **FIGURE 5** were grown annually by 1.08 percent to arrive at background traffic volumes for the years 2022 and 2027. These background volumes are shown in **FIGURE 7** and **FIGURE 8**.

#### **4.4 BACKGROUND TRAFFIC VOLUMES (2047)**

The Circle Lake Transfer Station is expected to have a service life of 25 years. The 1.08 percent annual growth used to develop the 2022 and 2027 volumes was maintained in order to estimate the 2047 background volume. The projected 2047 traffic volumes are shown in **FIGURE 9**.

#### **4.5 TOTAL TRAFFIC VOLUMES**



The site generated traffic volumes shown in Figures 2, 3, and 4 were added to the background traffic volumes shown in **FIGURES 7, 8, and 9** to obtain the projected total traffic volumes for each of the analysis years - 2022 (Opening Year), 2027 (5 Years After Opening), and 2047 (25 Year Life Expectancy).

The projected 2022 (Opening Year) total traffic volumes are shown in **FIGURE 10**.

The projected 2027 (5 Years After Opening) total traffic volumes are shown in **FIGURE 11**.

The projected 2047 (25 Year Life Expectancy) total traffic volumes are shown in **FIGURE 12**.



## 5.0 TRAFFIC ANALYSES

### 5.1 INTERSECTION TRAFFIC ANALYSIS

Intersection capacity analysis was conducted using the 2047 Expected Life year total traffic volumes. If an intersection operates acceptably under the 2047 volumes, then it will also perform acceptably under the 2022 and 2027 volumes.

The *Highway Capacity Manual* defines levels of service for automobiles at intersections based on the amount of average delay, in seconds/vehicle, experienced at the intersection. The Level of Service (LOS) of an intersection is a qualitative measure of the capacity and operating conditions and is directly related to vehicle delay.

### 5.2 UNSIGNALIZED INTERSECTIONS

For unsignalized intersections, the levels of service, as shown in **TABLE 6**, are defined by average control delay in seconds per vehicle. LOS is given a letter designation from A to F, with LOS A representing shorter delays and LOS F representing longer delays.

**TABLE 6: LEVEL OF SERVICE CRITERIA FOR TWO-WAY STOP-CONTROLLED UNSIGNALIZED INTERSECTIONS**

Level-of-Service (LOS)	Average Control Delay (seconds/vehicles)
A	< 10
B	10 - 15
C	15 - 25
D	25 - 35
E	35 - 50
F	> 50

Source: Highway Capacity Manual, Transportation Research Board, 2010

The existing intersection at FM 1774 and Circle Lake Drive is currently unsignalized with two-way stop-control on Circle Lake Drive. Unsignalized two-way stop-control analysis was performed for the existing intersection at FM 1774 at Circle Lake Drive since this will be the primary access to Circle Lake Transfer Station.

Based on the existing 24-hour automated traffic counts in **TABLE 4**, the 10:00 AM to 11:00 AM Circle Lake Transfer Station peak hour (1,289 vph) is a significantly lower volume (65% -69%) for background traffic as compared to the peak AM (1,863 vph) and peak PM period (1,987 vph).

### FM 1774/Circle Lake Drive Traffic Analysis

**TABLE 7** presents the results of the 2021, 2022, 2027, and 2047 capacity analysis for the intersection at FM 1774 and Circle Lake Drive. As can be seen in the table, the FM 1774 and Circle Lake Drive experiences major delays if operated as a two lane, stop control on Circle Lake





Drive, unsignalized intersection currently and through 2047. It should be noted that the southbound left turn from Circle Lake Drive is currently experiencing a level of service of F. As a result, the TXDOT has posted this approach as right turn only, **no left turn**. It will be necessary to improve the capacity of the intersection by making geometric changes or lane additions to Circle Lake Drive and to signalize the intersection. The analysis indicates that the intersection will not operate at an acceptable level of service as a unsignalized intersection in the current state and with the projected traffic volumes. It will be necessary to signalize the intersection to improve function.

**TABLE 7: UNSIGNALIZED INTERSECTION CAPACITY ANALYSIS**

<b>Circle Lake Drive at FM 1774</b>			
<b>Peak</b>	<b>Intersection Delay in Seconds (LOS)</b>	<b>Eastbound Left Delay in Seconds (LOS)</b>	<b>Southbound Left Delay in Seconds (LOS)</b>
2021 AM Peak Hour	0.2s (A)	9.0s(A)	17.3s(C)
2021 PM Peak Hour	0.5s (A)	0.0s(A)	61.2s(F)
2021 Site Peak Hour	0.2s (A)	8.7s(A)	15.9s(C)
2022 AM Peak Hour	0.4s (A)	9.0s(A)	22.1s(C)
2022 PM Peak Hour	1.0s (A)	12.1s(B)	67.2s(F)
2022 Site Peak Hour	0.3s (A)	8.7s(A)	15.9s(C)
2027 AM Peak Hour	1.7 s(A)	9.4 s (B)	43.5 s (E)
2027 PM Peak Hour	8.7 s(A)	13.2 s (B)	244.3 s (F)
2027 Site Peak Hour	0.9 s(A)	8.9 s (A)	20.1 s (C)
2047 AM Peak Hour	6.8 s(A)	10.3 s (B)	177 s (F)
2047 PM Peak Hour	43.6 s(E)	16.8 s (C)	1,215.7 s (F)
2047 Site Peak Hour	1.3 s(A)	9.6 s (A)	30.9 s (D)

**West Rollingwood Drive/Aggie Expressway (FM 249) Service Roads Traffic Analysis**

TABLES 8 and 9 presents the results of the 2021, 2022, 2027, and 2047 capacity analysis for the intersection at West Rollingwood Drive/Aggie Expressway (FM 249) Service Roads. As can be seen in the table, the intersection at West Rollingwood Drive/Aggie Expressway (FM 249) Service



Road experiences delays if operated with the current geometry as a unsignalized intersections in 2047. It will not be necessary to improve the capacity of the intersection at this time. The analysis indicates that the intersection will operate at an acceptable level of service as a unsignalized intersection in the current state with the projected traffic volumes. The AM and PM peak for the eastbound and westbound movements will experience significant delays in 2047, but this is not attributable to the volumes generated by Circle Lake Transfer Station.

**TABLE 8: UNSIGNALIZED INTERSECTION CAPACITY ANALYSIS**

<b>West Rollingwood Drive/NB Service Rd Aggie Expressway (FM 249)</b>			
<b>Peak</b>	<b>Intersection Delay in Seconds (LOS)</b>	<b>Eastbound Lane Delay in Seconds (LOS)</b>	<b>Westbound Lane Delay in Seconds (LOS)</b>
2021 AM Peak Hour	0.4 s(A)	11.8 s (B)	10.4 s (B)
2021 PM Peak Hour	0.5 s(A)	18.0 s (C)	26.7 s (D)
2021 Site Peak Hour	0.9 s(A)	11.7 s (B)	12.6 s (B)
2022 AM Peak Hour	0.4 s(A)	11.9 s (B)	10.5 s (B)
2022 PM Peak Hour	0.5 s(A)	18.3 s (C)	27.4 s (D)
2022 Site Peak Hour	0.9 s(A)	11.8 s (B)	12.6 s (B)
2027 AM Peak Hour	0.4 s(A)	12.3 s (B)	10.7 s (B)
2027 PM Peak Hour	0.5 s(A)	20.0 s (C)	31.2 s (D)
2027 Site Peak Hour	0.9 s(A)	12.2 s (B)	13.2 s (B)
2047 AM Peak Hour	0.4 s(A)	13.8 s (B)	19.2 s (C)
2047 PM Peak Hour	0.8 s(A)	28.2 s (D)	<b>50.8 s (F)</b>
2047 Site Peak Hour	1.0 s(A)	13.8 s (B)	15.5 s (C)



**TABLE 9: UNSIGNALIZED INTERSECTION CAPACITY ANALYSIS**

<b>West Rollingwood Drive/SB Service Rd Aggie Expressway (FM 249)</b>			
<b>Peak</b>	<b>Intersection Delay in Seconds (LOS)</b>	<b>Eastbound Lane Delay in Seconds (LOS)</b>	<b>Westbound Lane Delay in Seconds (LOS)</b>
2021 AM Peak Hour	0.8 s(A)	26.4 s (D)	28.7 s (D)
2021 PM Peak Hour	1.0 s(A)	18.7 s (C)	17.1 s (C)
2021 Site Peak Hour	1.3 s(A)	17.8 s (C)	15.3s (C)
2022 AM Peak Hour	0.9 s(A)	27.1 s (D)	29.7 s (D)
2022 PM Peak Hour	1.0 s(A)	19.1 s (C)	17.4 s (C)
2022 Site Peak Hour	1.3 s(A)	18.1 s (C)	15.4 s (C)
2027 AM Peak Hour	1.0 s(A)	31.1 s (D)	34.6 s (D)
2027 PM Peak Hour	1.1 s(A)	21.2 s (C)	19.0 s (C)
2027 Site Peak Hour	1.4 s(A)	19.7s (C)	16.5 s (C)
2047 AM Peak Hour	1.8 s(A)	<b>57.6 s (F)</b>	<b>63.1 s (F)</b>
2047 PM Peak Hour	1.5 s(A)	29.8 s (D)	26.1 s (D)
2047 Site Peak Hour	1.9 s(A)	26.9 s (D)	21.3 s (C)

**5.3 SIGNALIZED INTERSECTIONS**

For signalized intersections, the levels of service, as shown in **TABLE 10** are defined by average control delay in seconds per vehicle. LOS is given a letter designation from A to F, with LOS A representing shorter delays and LOS F representing longer delays.

**TABLE 10: LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS**

<b>Level-of-Service (LOS)</b>	<b>Control Delay Per Vehicle (seconds/vehicles)</b>
A	< 10
B	10 - 20
C	20 - 35
D	35 - 55
E	55 - 80
F	> 80

Source: Highway Capacity Manual, Transportation Research Board, 2010



## **FM 1774/FM 149 Traffic Analysis**

**TABLE 11** presents the results of the 2021, 2022, 2027, and 2047 capacity analysis for the intersection at FM 1774/FM 149. As can be seen in the table, the intersection at FM 1774/FM 149 experiences minor delays if operated with the current geometry as a signalized intersection during the period 2022 to 2047. It will not be necessary to improve the capacity of the intersection. The analysis indicates that the intersection will operate at an acceptable level of service as a signalized intersection in the current state with the projected traffic volumes.

The movements that that are projected to experience delays is the FM 1774 eastbound left and FM 149 southbound during the PM peak in 2047. This delay may result in vehicles being congested during multiple cycles of the signal. The eastbound left movement on FM 1774 is clearly not a movement impacted by access to the Circle Lake Transfer Station.





**TABLE 11: SIGNALIZED INTERSECTION CAPACITY ANALYSIS**

FM 1774/FM 149						
Peak	Intersection Delay in Seconds (LOS)	Eastbound Left Delay in Seconds (LOS)	Eastbound Delay in Seconds (LOS)	Westbound Delay in Seconds (LOS)	Northbound Delay in Seconds (LOS)	Southbound Delay in Seconds (LOS)
2021 AM Peak Hour	12.0 s(B)	8.9 s (A)	10.3 s (B)	12.3 s (B)	11.3 s (B)	19.0 s (B)
2021 PM Peak Hour	18.7 s(B)	10.1 s (B)	7.7 s (A)	23.6 s (C)	15.3 s (B)	28.4 s (C)
2021 Site Peak Hour	8.2 s(A)	5.9 s (A)	5.8 s (A)	10.0 s (B)	11.6 s (B)	11.9 s (B)
2022 AM Peak Hour	12.3 s(B)	9.2 s (A)	10.8 s (B)	12.4 s (B)	11.4 s (B)	19.0 s (B)
2022 PM Peak Hour	18.3 s(B)	11.0 s (B)	7.5 s (A)	21.6 s (C)	16.6 s (B)	32.4 s (C)
2022 Site Peak Hour	8.4 s(A)	6.1 s (A)	6.0 s (A)	10.2 s (B)	11.0 s (B)	11.7 s (B)
2027 AM Peak Hour	13.9 s(B)	10.2 s (B)	11.8 s (B)	14.5 s (B)	11.3 s (B)	21.7 s (C)
2027 PM Peak Hour	21.4 s(C)	14.8 s (B)	8.4 s (A)	24.1 s (C)	19.0 s (B)	40.6 s (D)
2027 Site Peak Hour	9.2 s(A)	6.8 s (A)	6.6 s (A)	10.9 s (B)	10.7 s (B)	12.9 s (B)
2047 AM Peak Hour	25.8 s(C)	17.0 s (B)	24.8 s (C)	22.4 s (C)	11.1 s (B)	38.1 s (D)
2047 PM Peak Hour	42.5 s(D)	72.8 s (E)	12.3 s (B)	48.1 s (D)	26.5 s (C)	75.0 s (E)
2047 Site Peak Hour	12.3 s(B)	8.9 s (A)	9.0 s (A)	14.9 s (B)	10.9 s (B)	16.2 s (B)

**FM 149/Aggie Expressway (FM 249) Service Roads Traffic Analysis**

TABLES 12 and 13 presents the results of the 2021, 2022, 2027, and 2047 capacity analysis for the intersection at FM 149/Aggie Expressway (FM 249) Service Roads. As can be seen in the table, the intersection at FM 149/Aggie Expressway (FM 249) Service Roads experience minor delays if operated with the current geometry as a signalized intersection in 2022 to 2047. It will not be necessary to improve the capacity of the intersection due to the impacts of Circle Lake Transfer Station. The analysis indicates that the intersection will operate at an acceptable level of service as a signalized intersection in the current state with the projected traffic volumes.

The intersection does experience significant delays due to two movements that are not the result of impacts by Circle Lake Transfer Station, the Northbound and the Southbound through on FM 149 is a level of service F and E for the 2047 PM peak hour. These delays are created by the 2-lane existing capacity of FM 149. Neither of these movements are the result of traffic generated by Circle Lake Transfer Station.



**Table 12: Signalized Intersection Capacity Analysis**

<b>FM 149/SB Service Road Aggie Expressway (FM 249)</b>							
<b>Peak</b>	<b>Intersection Delay in Seconds (LOS)</b>	<b>Eastbound Left Delay in Seconds (LOS)</b>	<b>Eastbound Thru Delay in Seconds (LOS)</b>	<b>Northbound Thru Delay in Seconds (LOS)</b>	<b>Northbound Right Delay in Seconds (LOS)</b>	<b>Southbound Left Delay in Seconds (LOS)</b>	<b>Southbound Thru Delay in Seconds (LOS)</b>
2021 AM Peak Hour	6.0 s(A)	13.5 s (B)	0.0 s (A)	9.4 s (A)	0.0 s (A)	6.2 s (A)	1.3 s (A)
2021 PM Peak Hour	4.4 s(A)	12.0 s (B)	0.0 s (A)	7.9 s (A)	0.0 s (A)	3.4 s (A)	2.5 s (A)
2021 Site Peak Hour	4.3 s(A)	11.0 s (B)	8.4 s (A)	8.4 s (A)	0.0 s (A)	3.4 s (A)	1.5 s (A)
2022 AM Peak Hour	6.1 s(A)	13.8 s (B)	0.0 s (A)	9.5 s (A)	0.0 s (A)	6.4 s (A)	1.3 s (A)
2022 PM Peak Hour	1.9 s(A)	33.5 s (C)	0.1 s (A)	1.0 s (A)	0.3 s (A)	2.8 s (A)	1.3 s (A)
2022 Site Peak Hour	4.4 s(A)	11.0 s (B)	7.9 s (A)	8.4 s (A)	0.0 s (A)	3.5 s (A)	1.5 s (A)
2027 AM Peak Hour	7.8 s(A)	17.2 s (B)	0.1 s (A)	12.3 s (B)	0.0 s (A)	8.1 s (A)	2.1 s (A)
2027 PM Peak Hour	5.8 s(A)	14.8 s (B)	0.1 s (A)	10.2 s (B)	0.0 s (A)	4.6 s (A)	2.5 s (A)
2027 Site Peak Hour	4.7 s(A)	12.0 s (B)	7.2 s (A)	9.0 s (A)	0.0 s (A)	3.5 s (A)	1.5 s (A)
2047 AM Peak Hour	11.2 s(B)	27.0 s (C)	0.1 s (A)	19.2 s (B)	0.0 s (A)	11.0 s (B)	2.4 s (A)
2047 PM Peak Hour	6.5 s(A)	16.4 s (B)	0.1 s (A)	11.0 s (B)	0.0 s (A)	5.8 s (A)	2.6 s (A)
2047 Site Peak Hour	6.6 s(A)	13.8 s (B)	7.8 s (A)	10.7 s (B)	0.0 s (A)	6.2 s (A)	2.2 s (A)



**TABLE 13: SIGNALIZED INTERSECTION CAPACITY ANALYSIS**

<b>FM 149/NB Service Road Aggie Expressway (FM 249)</b>							
<b>Peak</b>	<b>Intersection Delay in Seconds (LOS)</b>	<b>Westbound Left Delay in Seconds (LOS)</b>	<b>Westbound Thru Delay in Seconds (LOS)</b>	<b>Westbound Right Delay in Seconds (LOS)</b>	<b>Northbound Left Delay in Seconds (LOS)</b>	<b>Northbound Thru Delay in Seconds (LOS)</b>	<b>Southbound Thru Delay in Seconds (LOS)</b>
2021 AM Peak Hour	7.4 s(A)	12.3 s (B)	12.0s (B)	6.2 s (A)	4.3 s (A)	6.1 s (A)	8.4 s (A)
2021 PM Peak Hour	19.0 s(B)	8.3 s (A)	8.2 s (A)	28.9 s (C)	8.6 s (A)	13.4 s (B)	10.7 s (B)
2021 Site Peak Hour	5.5 s(A)	7.8 s (A)	7.7 s (A)	4.3 s (A)	5.3 s (A)	6.1 s (A)	5.7 s (A)
2022 AM Peak Hour	7.5 s(A)	12.3 s (B)	12.0 s (B)	6.1 s (A)	4.5 s (A)	6.1 s (A)	8.4 s (A)
2022 PM Peak Hour	19.7 s(B)	8.3 s (A)	8.2 s (A)	30.4 s (C)	8.8 s (A)	13.6 s (B)	10.8 s (B)
2022 Site Peak Hour	6.9 s(A)	10.9 s (B)	11.0 s (B)	5.5 s (A)	4.8 s (A)	5.8 s (A)	7.9s (A)
2027 AM Peak Hour	7.7 s(A)	12.5s (B)	12.2 s (B)	6.2 s (A)	4.9 s (A)	6.3 s (A)	8.8 s (A)
2027 PM Peak Hour	22.0 s(C)	7.7 s (A)	7.5 s (A)	29.1 s (C)	14.5 s (B)	20.6 s (C)	15.2 s (B)
2027 Site Peak Hour	6.9 s(A)	11.1 s (B)	11.0 s (B)	5.6 s (A)	4.9 s (A)	5.9 s (A)	7.9 s (A)
2047 AM Peak Hour	9.2 s(A)	15.9 s (B)	15.6 s (B)	7.4 s (A)	4.8 s (A)	6.4 s (A)	10.9 s (B)
2047 PM Peak Hour	<b>59.7 s(E)</b>	10.0 s (A)	9.9 s (A)	46.5 s (D)	30.2 s (C)	<b>99.7 s (F)</b>	<b>56.3 s (E)</b>
2047 Site Peak Hour	7.5 s(A)	11.8 s (B)	11.6 s (B)	5.8 s (A)	5.2 s (A)	6.4 s (A)	8.7 s (A)



## 6.0 AUXILLARY LANE ANALYSES

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### 6.1 DECELERATION LANES

Access to the proposed Circle Lake Transfer Station will be provided via the existing intersection along FM 1774 at Circle Lake Drive. This intersection will be evaluated for deceleration lanes.

Guidelines contained in TxDOT's Access Management Manual for un-divided roadways with a posted speed limit greater than 45 mph indicate that right turn deceleration lanes should be considered for right turn volumes greater than 50 vehicles per hour. Un-divided roadways with a posted speed limit less than or equal to 45 mph indicate that right turn deceleration lanes should be considered for right turn volumes greater than 60 vehicles per hour.

The intersection at FM 1774 and Circle Lake Drive is projected to have a 2047 northbound right turning traffic peak at 55 vehicles per hour during the AM peak. The posted speed limit near Circle Lake Drive is 45 MPH. Based on site traffic data provided by Circle Lake Transfer, LLC, the adjusted site traffic (passenger car equivalents) is unlikely to exceed 60 right turns per hour during the projected 25 year expected life of the Circle Lake Transfer Station. Therefore, based strictly on volume, the intersection of FM 1774 at Circle Lake Drive **does not** warrant a deceleration lane.

Other conditions that might affect the need for a deceleration lane at intersections include:

- High crash experience
- Heavier than normal peak flow movements on the main roadway
- Large volume of truck traffic
- Highways where sight distance is limited

Crash data has not been evaluated for this intersection. However, due the rural nature of the intersection, intersection geometry and volumes, it is unlikely that this intersection would have high crash experience. Peak volumes are relatively normal, truck volume is not large (approximately 11%), and sight distance is adequate. Based on these conditions at this intersection, a deceleration lane is **not recommended** for this intersection.

### 6.2 ACCELERATION LANES

Access to the proposed Circle Lake Transfer Station will be provided via the existing intersection along FM 1774 at Circle Lake Drive. This intersection will be evaluated for acceleration lanes.

Guidelines in TxDOT's Access Management Manual indicate that right turn acceleration lanes should be considered where right turn egress volumes exceed 200 vehicles per hour. The facility peak hour is predicted to generate 43 exiting vehicles during the 2047 AM peak at the intersection of FM 1774 at Circle Lake Drive. Therefore, based strictly on volume, the intersection of FM 1774 at Circle Lake Drive **does not** warrant an acceleration lane.

The roadway profile along FM 1774 is sloped uphill slightly away from Circle Lake Drive. Due to the low volume nature of the exit movement along with the slight uphill slope, an acceleration lane is **not** recommended for northbound acceleration on FM 1774.





## 7.0 INTERSECTION SIGHT DISTANCE

As part of this traffic analysis, the required and available sight distances for motorists accessing the proposed site were evaluated. Guidelines for providing sight distance on roadways and intersections are provided by the *Roadway Design Manual Texas DOT, 2018*. TABLES 2-1 and 2-2 from the *Roadway Design Manual*, illustrates the recommended Stopping Sight and Decision Sight Distance Values for Texas highways for the minimum (stopping sight) and desirable (intersection) sight distances, is provided below:

**TABLE 2-1: STOPPING SIGHT DISTANCE**

Design Speed (mph)	Brake reaction distance (ft)	Braking distance on level (ft)	Stopping sight distance	
			Calculated (ft)	Design (ft)
15	55.1	21.6	76.7	80
20	73.5	38.4	111.9	115
25	91.9	60.0	151.9	155
30	110.3	86.4	196.7	200
35	128.6	117.6	246.2	250
40	147.0	153.6	300.6	305
45	165.4	194.4	359.8	360
50	183.8	240.0	423.8	425
55	202.1	290.3	492.4	495
60	220.5	345.5	566.0	570
65	238.9	405.5	644.4	645
70	257.3	470.3	727.6	730
75	275.6	539.9	815.5	820
80	294.0	614.3	908.3	910

Note: brake reaction distance predicated on a time of 2.5s; deceleration rate 11.2 ft/sec<sup>2</sup>

Source: TXDOT *Roadway Design Manual*



**TABLE 2-2: RECOMMENDED DECISION SIGHT DISTANCE VALUES**

Design speed (mph)	Decision sight distance (ft) Avoidance maneuver				
	A	B	C	D	E
30	220	490	450	535	620
35	275	590	525	625	720
40	330	690	600	715	825
45	395	800	675	800	930
50	465	910	750	890	1030
55	535	1030	865	980	1135
60	610	1150	990	1125	1280
65	695	1275	1050	1220	1365
70	780	1410	1105	1275	1445
75	875	1545	1180	1365	1545
80	970	1685	1260	1455	1650

Avoidance Maneuver A: Stop on rural road – t = 3.0s  
 Avoidance Maneuver B: Stop on urban road – t = 9.1s  
 Avoidance Maneuver C: Speed/path/direction change on rural road – t varies between 10.2 and 11.2s  
 Avoidance Maneuver D: Speed/path/direction change on suburban road – t varies between 12.1 and 12.9s  
 Avoidance Maneuver E: Speed/path/direction change on urban road – t varies between 14.0 and 14.5s

Source: TXDOT *Roadway Design Manual*

**FM 1774/Circle Lake Drive**

For the intersection of FM 1774 and Circle Lake Drive, the minimum required (based on stopping sight distance) and desirable (based on intersection sight distance) sight distances were estimated using the aforementioned tables. The design vehicles used were a combination truck and passenger car.

In order to evaluate the adequacy of existing sight distances looking left and right from Circle Lake Drive along FM 1774, the available intersection sight distances were estimated by observing earth imagery.



The summary of the sight distance evaluation is presented in **TABLE 14**.

**TABLE 14: ANALYSIS OF INTERSECTION SIGHT DISTANCE**

<b>Circle Lake Drive at FM 1774</b>		
Major Roadway	FM 1774	
Posted Speed Limit	45 MPH	
Minor Roadway	Circle Lake Drive	
Design Vehicle	Passenger Car	Combination Truck WB67
Observation Height	3.5'	7.6'
Target Height	3.5'	3.5'
Stopping Sight Distance (MINIMUM)	360'	360'
Intersection Sight Distance (DESIRABLE)	429'	693'
Estimated Sight Distance to Left	1,060'	1,060'
Estimated Sight Distance to the Right	1,050'	1,050'
Sight Distance Available to Left (MINIMUM)	YES	YES
Sight Distance Available to Right (MINIMUM)	YES	YES
Sight Distance Available to Left (DESIRABLE)	YES	YES
Sight Distance Available to Right (DESIRABLE)	YES	YES

Based on the imagery observations, adequate stopping sight distance is available at the intersection of Circle Lake Drive at FM 1774 for both directions. Desirable sight distance is available within the rights-of-way of FM 1774.



## 8.0 CONCLUSIONS AND RECOMMENDATIONS

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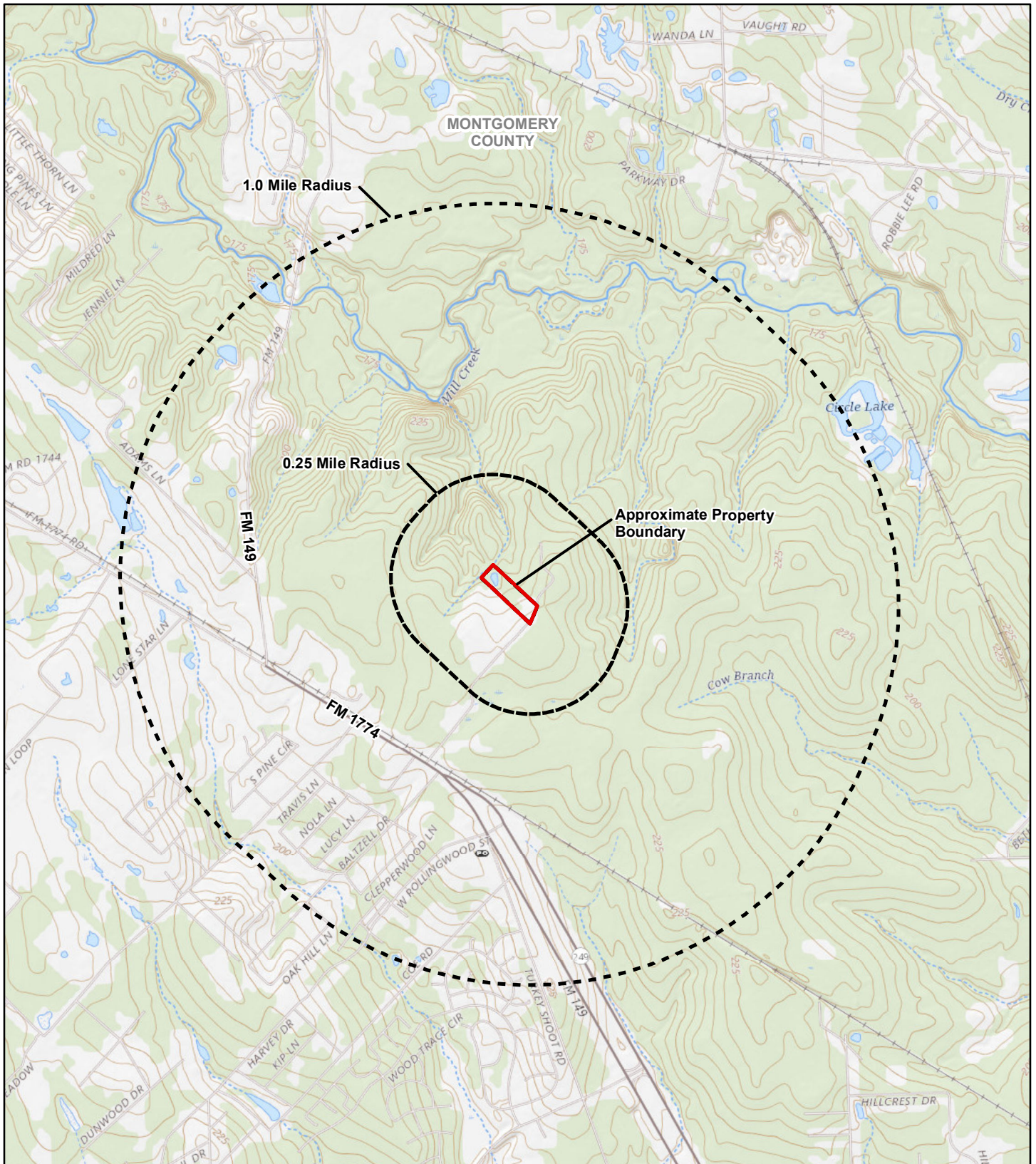
Based on the results of this study for the Circle Lake Transfer Station, the conclusions and recommendations are as follows:

- The Circle Lake Transfer Station is estimated to generate approximately 330 trips on a daily basis during 2022 (Facility Opening Year), 1,488 per day during 2027 (5 Years After Opening), and 1,892 per day during 2047 (Expected Life of Facility).
- Intersection capacity analysis results for Circle Lake Drive/FM 1774 an existing unsignalized intersections are predicted to operate at unacceptable levels of service under 2022 to 2047 total traffic conditions. It will be necessary to signalize this intersection and construct geometric improvements on Circle Lake Drive at FM 1774 to improve capacity and safety. A schematic of the proposed improvements to Circle Lake Drive at FM 1774 are illustrated on **FIGURE 13**.
- Intersection capacity analysis results for the existing signalized intersections within 1 mile of Circle Lake Transfer Station are predicted to operate at acceptable levels of service under 2022 to 2047 total traffic conditions. The intersections of FM 1774/FM 149, FM 149/Aggie Expressway (FM 249) Service Roads, and West Rollingwood Drive/Aggie Expressway (FM 249) Service Roads will not need improvements to accommodate the traffic of Circle Lake Transfer Station.
- Circle Lake Drive, FM 1774, FM 149, West Rollingwood Drive and Aggie Expressway (FM 249) have adequate capacity available to serve the traffic generated by Circle Lake Transfer Station. Circle Lake Transfer Station traffic is predicted to have minimal impact to the roadways within 1 mile of the facility.
- Auxiliary lanes, deceleration and acceleration lanes, are not recommended for the existing intersections within 1 mile of Circle Lake Transfer Station.
- There is no need to improve sight distance at the intersection Circle Lake Drive/FM 1774.
- No other roadway improvements are necessary to accommodate traffic generated by Circle Lake Transfer Station. The existing roadway infrastructure has adequate capacity to accommodate the site generated traffic.





## FIGURES



**PROJECT LOCATION**  
-95.671930 , 30.173757

LEGEND	
	Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
	Approximate 0.25 Mile Buffer Radius
	Approximate 1.0 Mile Buffer Radius

Source: National Geographic Service US Topo



**TRANSFER FACILITY  
PINEHURST, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

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	CHKD BY: JB	DATE: 07-15-2021

PROJECT NO. 21052	FILE 21052 071521 FIG01 R00 D Site Loc.
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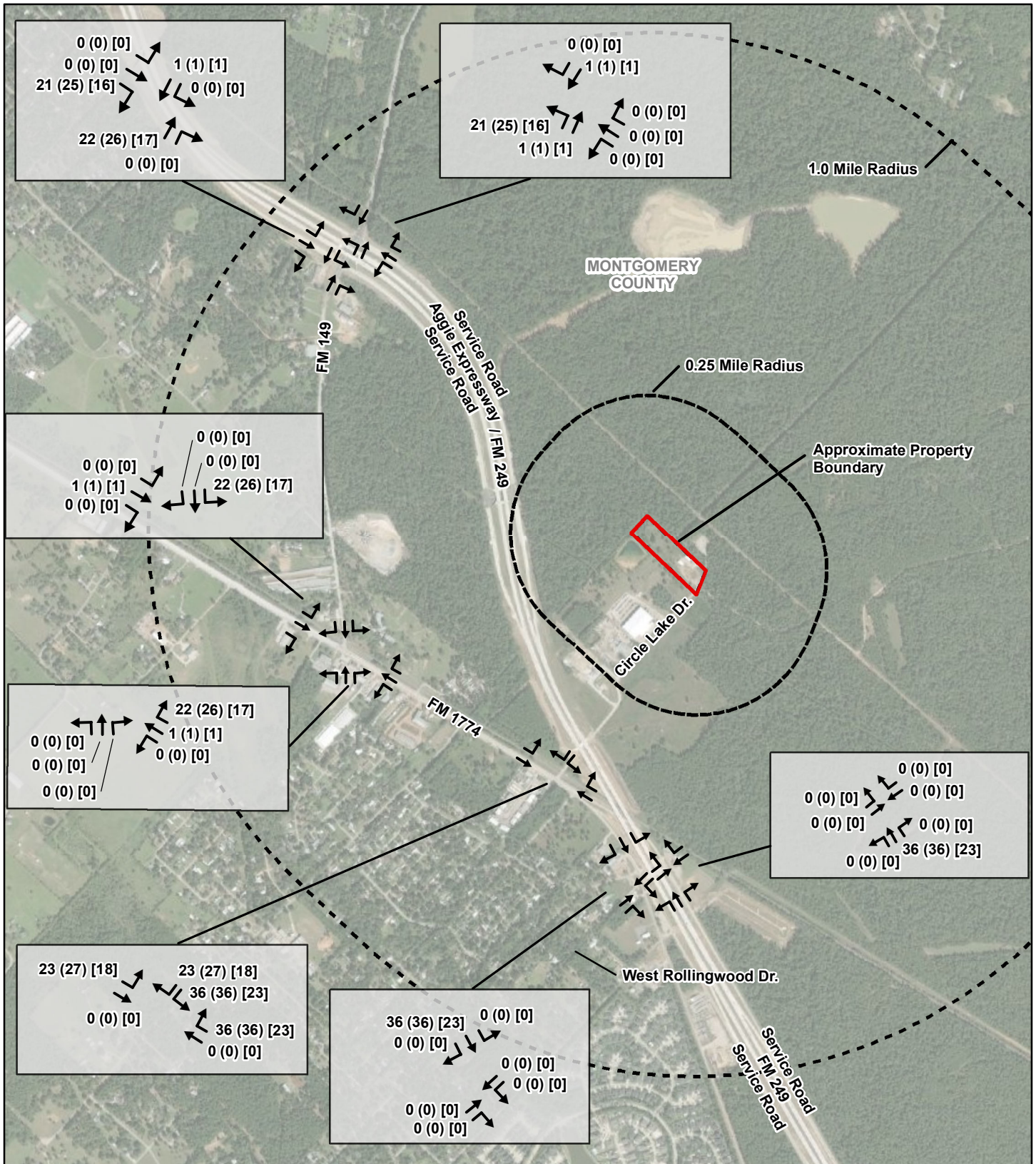
**SITE LOCATION MAP**

**FIGURE  
1**









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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

17 (24) [27] = AM Peak (PM Peak) [Site Peak]

Source: World Imagery

**TRANSFER FACILITY  
PINEHURST, TEXAS**

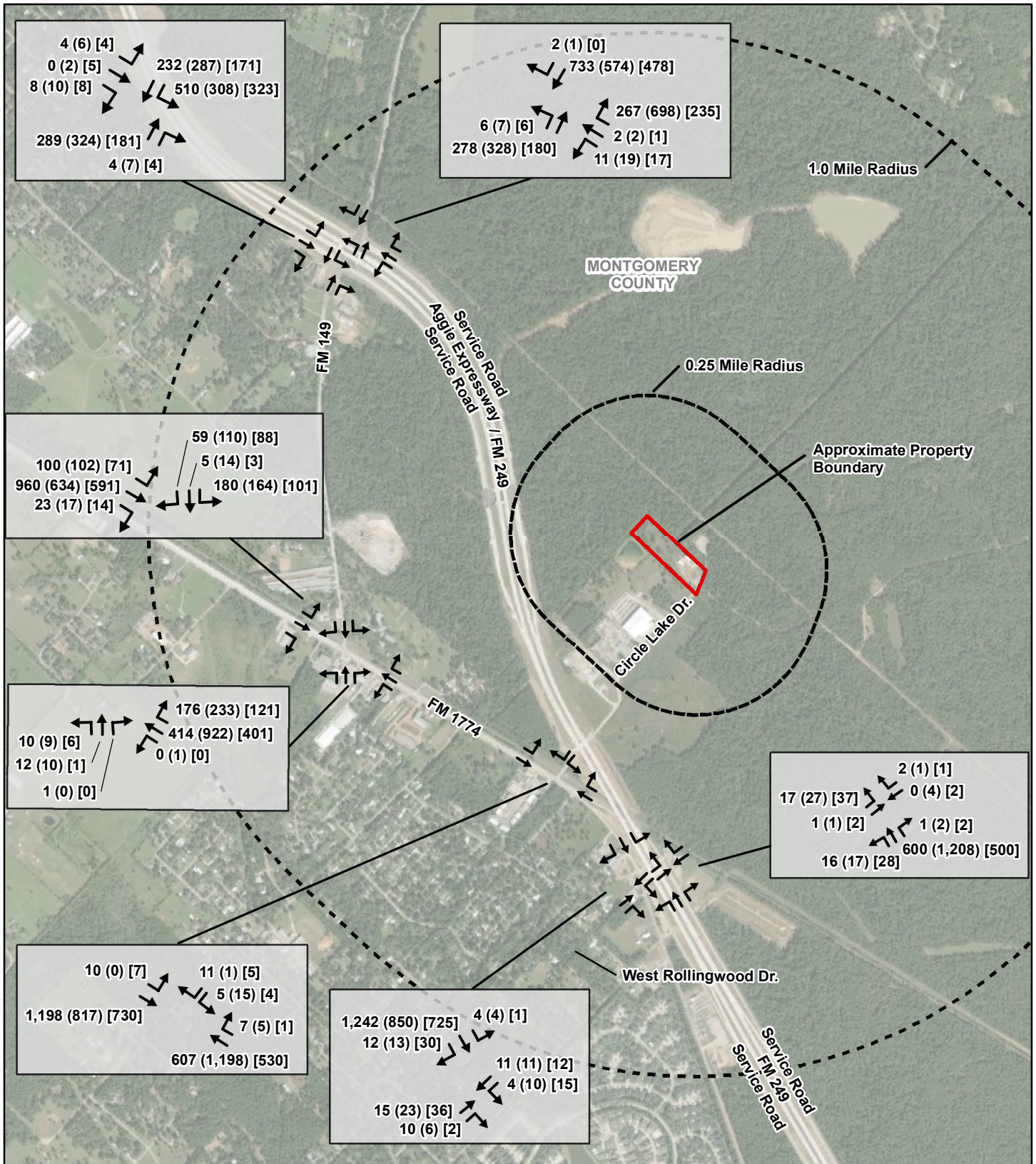
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SCALE: 1"=1,500'	DRAWN BY: PML	DATE: 07-15-2021	
	CHKD BY: JB	DATE: 07-15-2021	
PROJECT NO. 21052	FILE 21052 071521 FIG03 R00 D SGTV 27		
SITE GENERATED TRAFFIC VOLUMES (2027 5 YEARS OPEN) - PASSENGER CAR EQUIVALENTS			<b>FIGURE 3</b>









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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

17 (24) [27] = AM Peak (PM Peak) [Site Peak]

Source: World Imagery

**TRANSFER FACILITY  
PINEHURST, TEXAS**

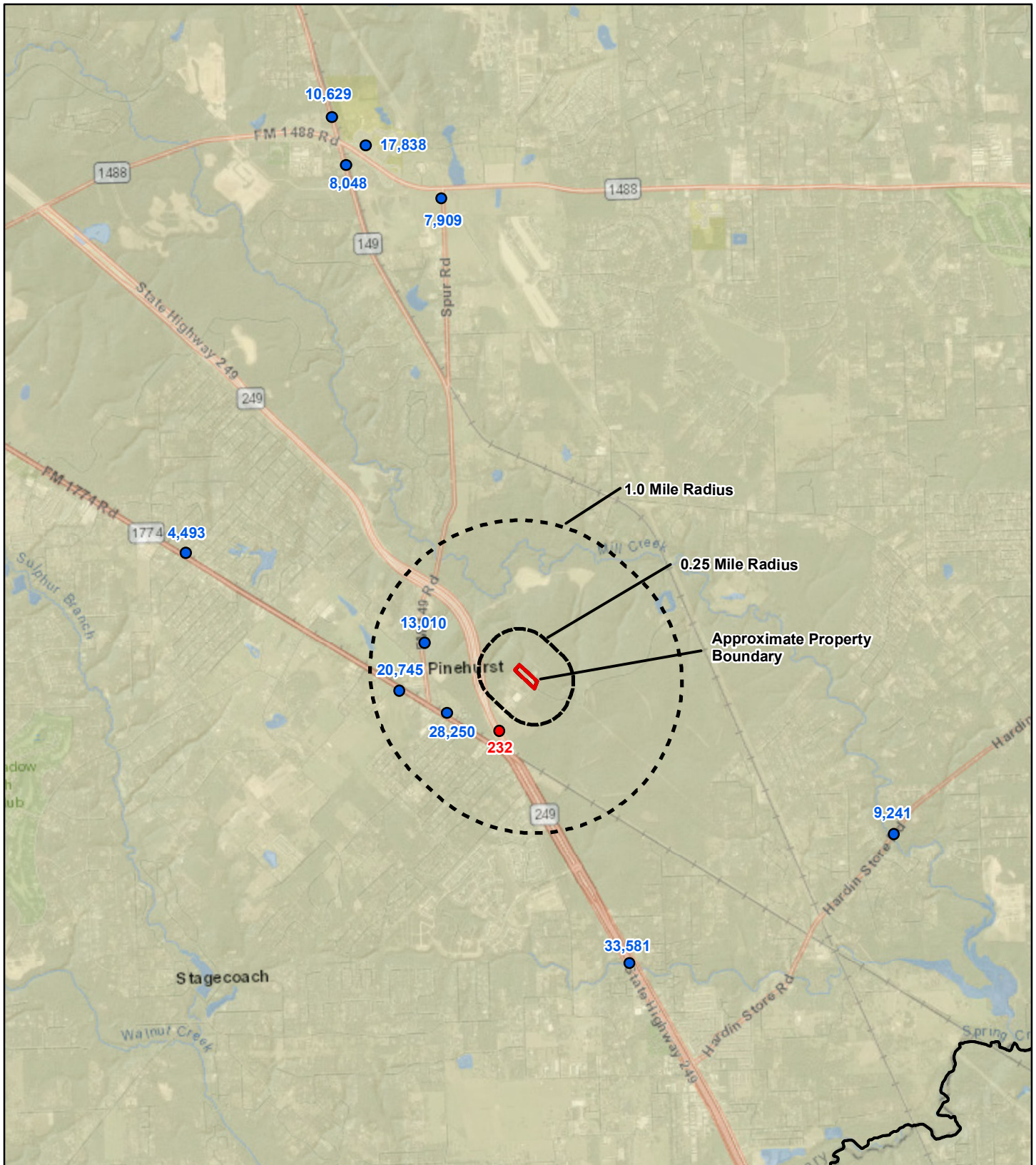
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PROJECT NO. 21052 FILE 21052 071521 FIG05 R00 D ETMC

EXISTING TURNING MOVEMENT COUNTS (JUNE 15, 2021)	FIGURE 5
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**LEGEND**

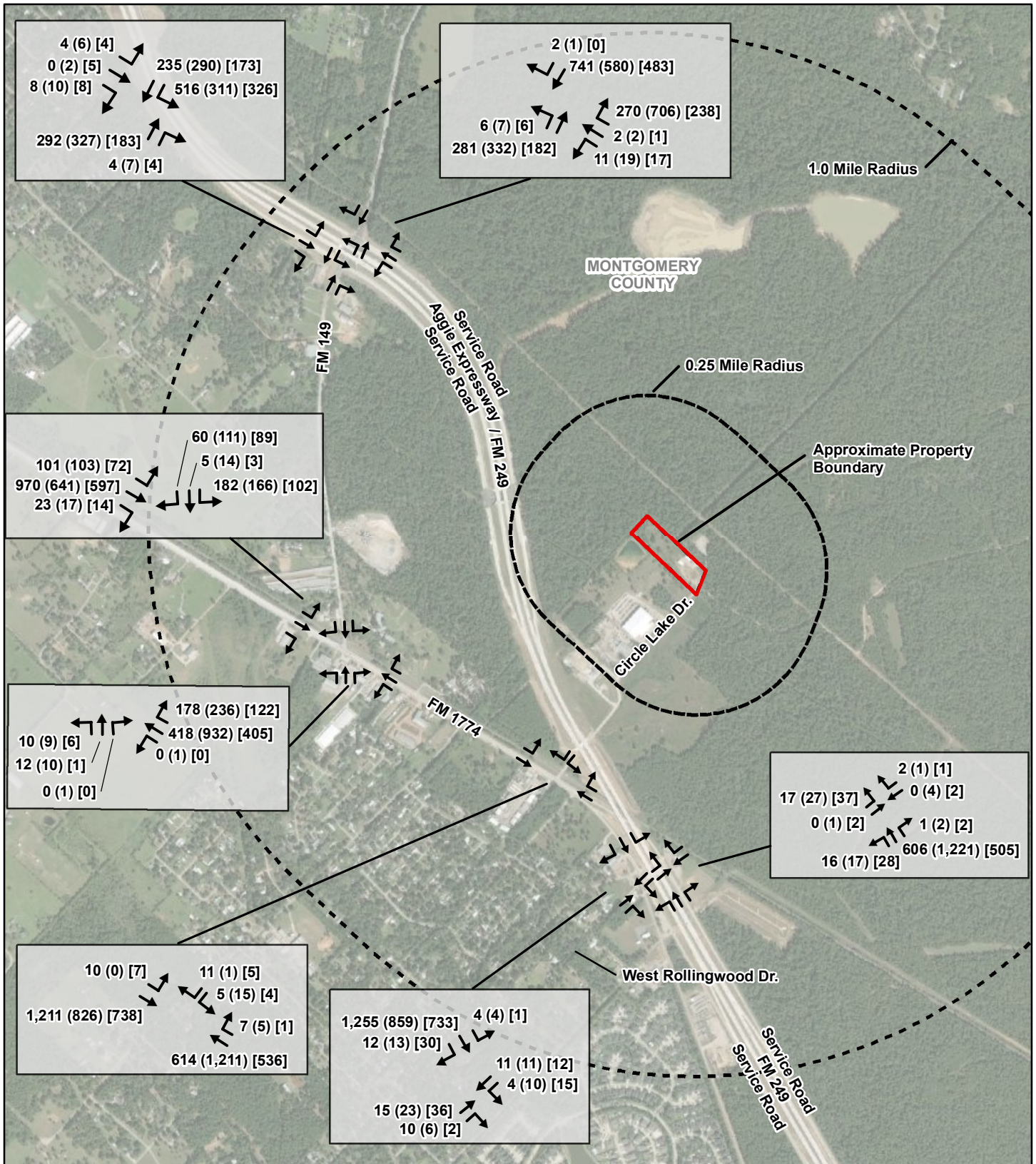
- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius
- Texas Department of Transportation (TXDOT) 2019 Annual ACR
- Texas Department of Transportation (TXDOT) 2016 Annual ACR

Source: World Imagery and World Street Map Basemap



<b>TRANSFER FACILITY PINEHURST, TEXAS</b>		
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	CHKD BY: JB	DATE: 07-15-2021
PROJECT NO. 21052	FILE 21052 071521 FIG06 R00 D TX DOT HA	
TXDOT 2019/2016 HISTORICAL ANNUAL AVERAGE DAILY TRAFFIC		FIGURE 6





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**LEGEND**

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- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

17 (24) [27] = AM Peak (PM Peak) [Site Peak]

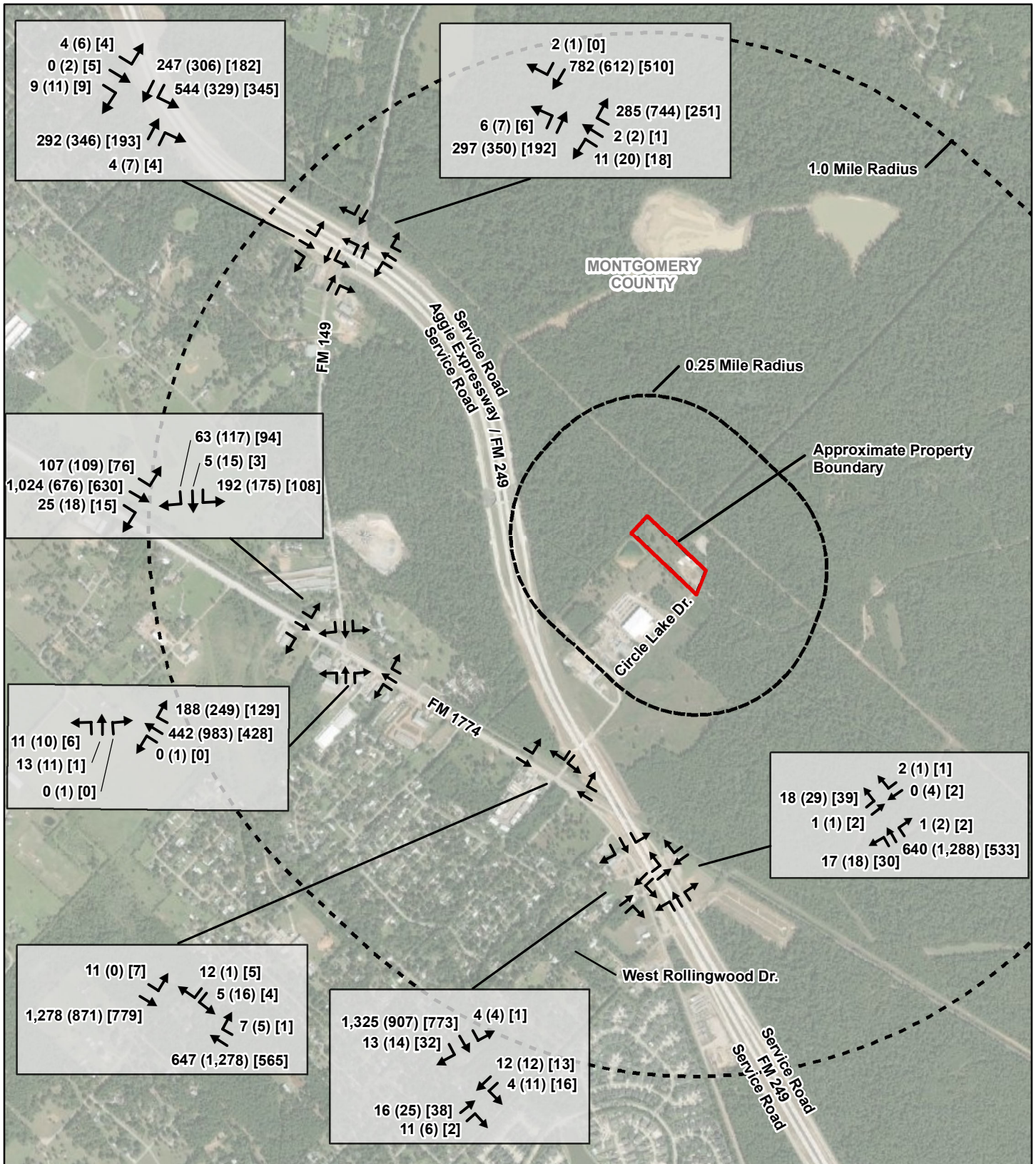
Source: World Imagery

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PROJECT NO. 21052	FILE 21052 071521 FIG07 R00 D 22OYBTV		
2022 OPENING YEAR BACKGROUND TRAFFIC VOLUMES - PASSENGER CAR EQUIVALENTS			FIGURE 7





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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

17 (24) [27] = AM Peak (PM Peak) [Site Peak]

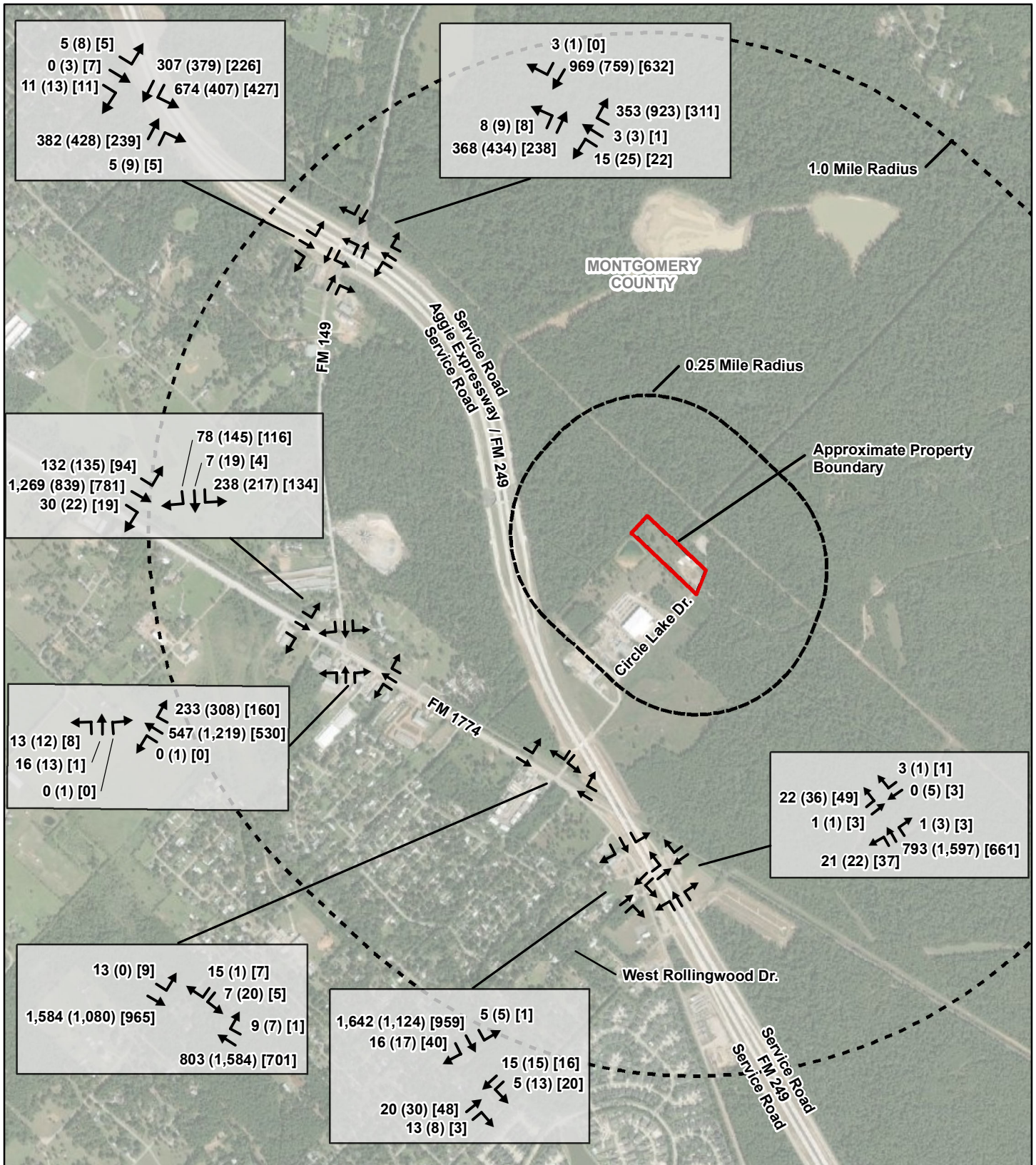
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**TRANSFER FACILITY  
PINEHURST, TEXAS**

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	CHKD BY: JB	DATE: 07-15-2021	
PROJECT NO. 21052	FILE 21052 071521 FIG08 R00 D 27 5YOBT		
2027 (5 YEARS OPEN) BACKGROUND TRAFFIC VOLUMES			FIGURE 8





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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

17 (24) [27] = AM Peak (PM Peak) [Site Peak]

Source: World Imagery



**TRANSFER FACILITY  
PINEHURST, TEXAS**

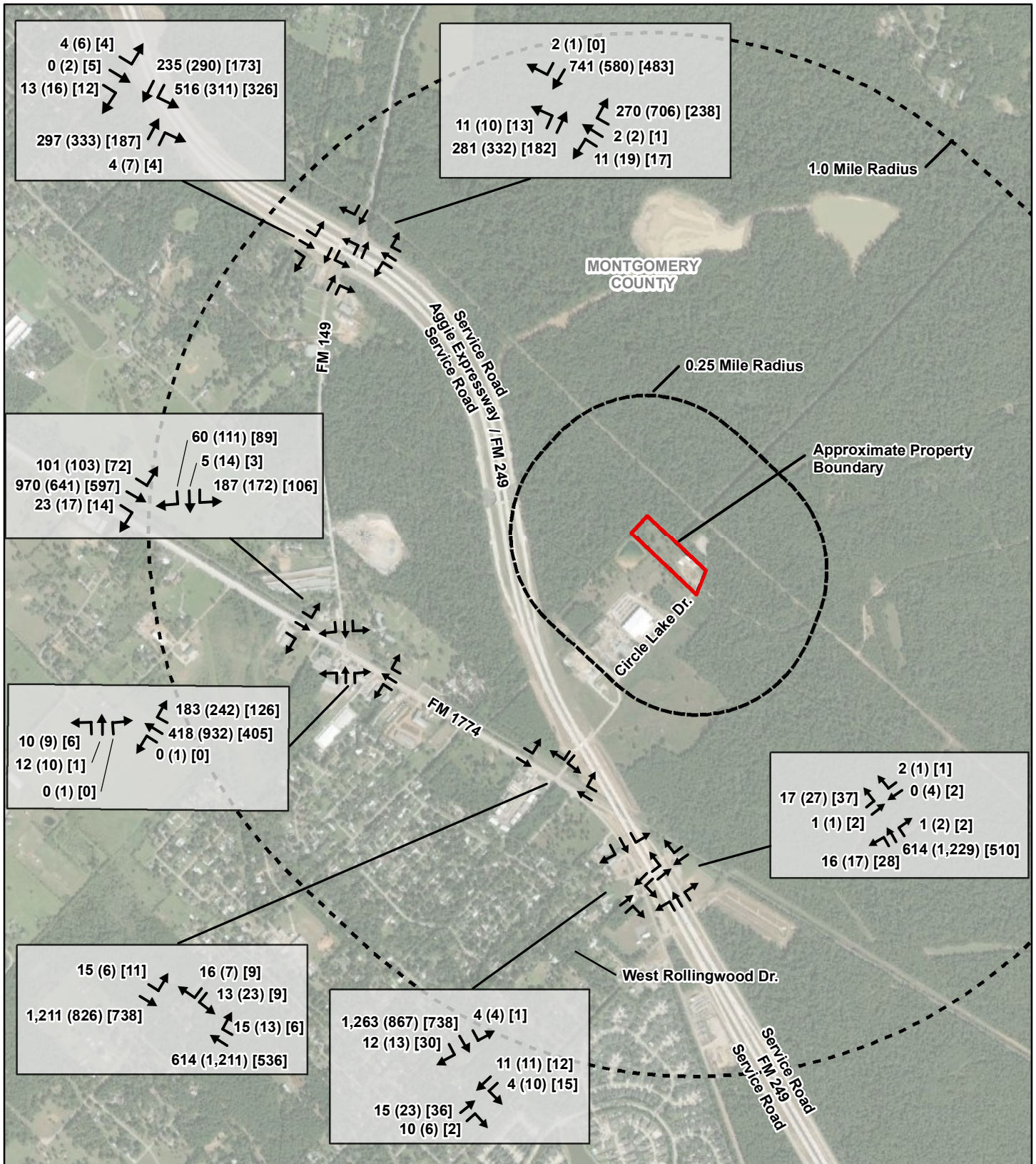
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	CHKD BY: JB	DATE: 07-15-2021	

PROJECT NO. 21052    FILE 21052 071521 FIG09 R00 D 47 25YLEBT

2047 (25 YEARS LIFE EXPECTANCY) BACKGROUND TRAFFIC VOLUMES	FIGURE 9
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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

17 (24) [27] = AM Peak (PM Peak) [Site Peak]

Source: World Imagery

**TRANSFER FACILITY  
PINEHURST, TEXAS**

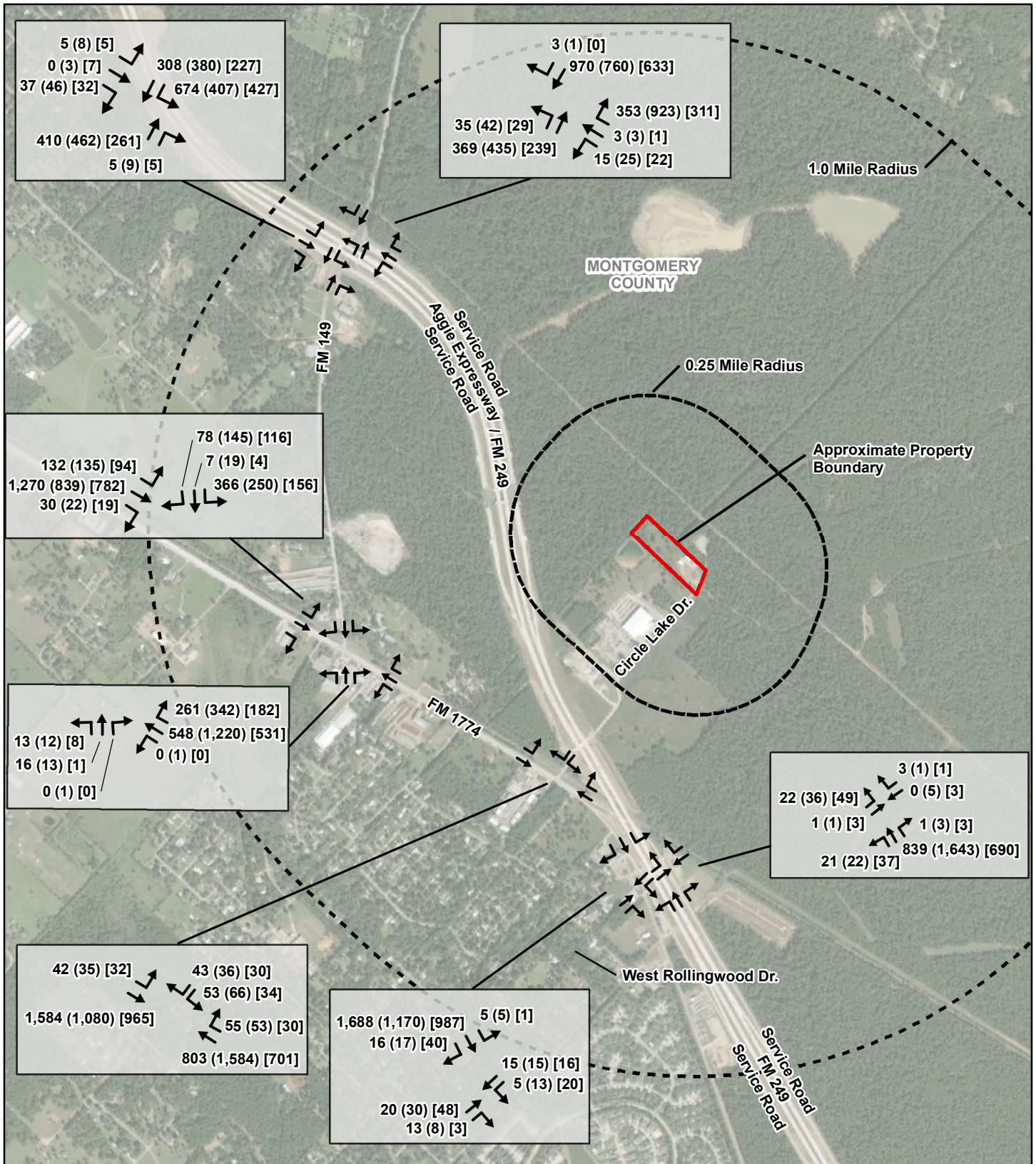
**ALLEN** ENGINEERING AND SCIENCE

SCALE: 1"=1,500'	DRAWN BY: PML	DATE: 07-15-2021	
	CHKD BY: JB	DATE: 07-15-2021	
PROJECT NO. 21052	FILE 21052 071521 FIG10 R00 D 22OYBTV		
2022 OPENING YEAR TOTAL TRAFFIC VOLUMES - PASSENGER CAR EQUIVALENTS			FIGURE 10









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**LEGEND**

- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
- Approximate 0.25 Mile Buffer Radius
- Approximate 1.0 Mile Buffer Radius

**VOLUME LEGEND (VEHICLES PER HOUR)**

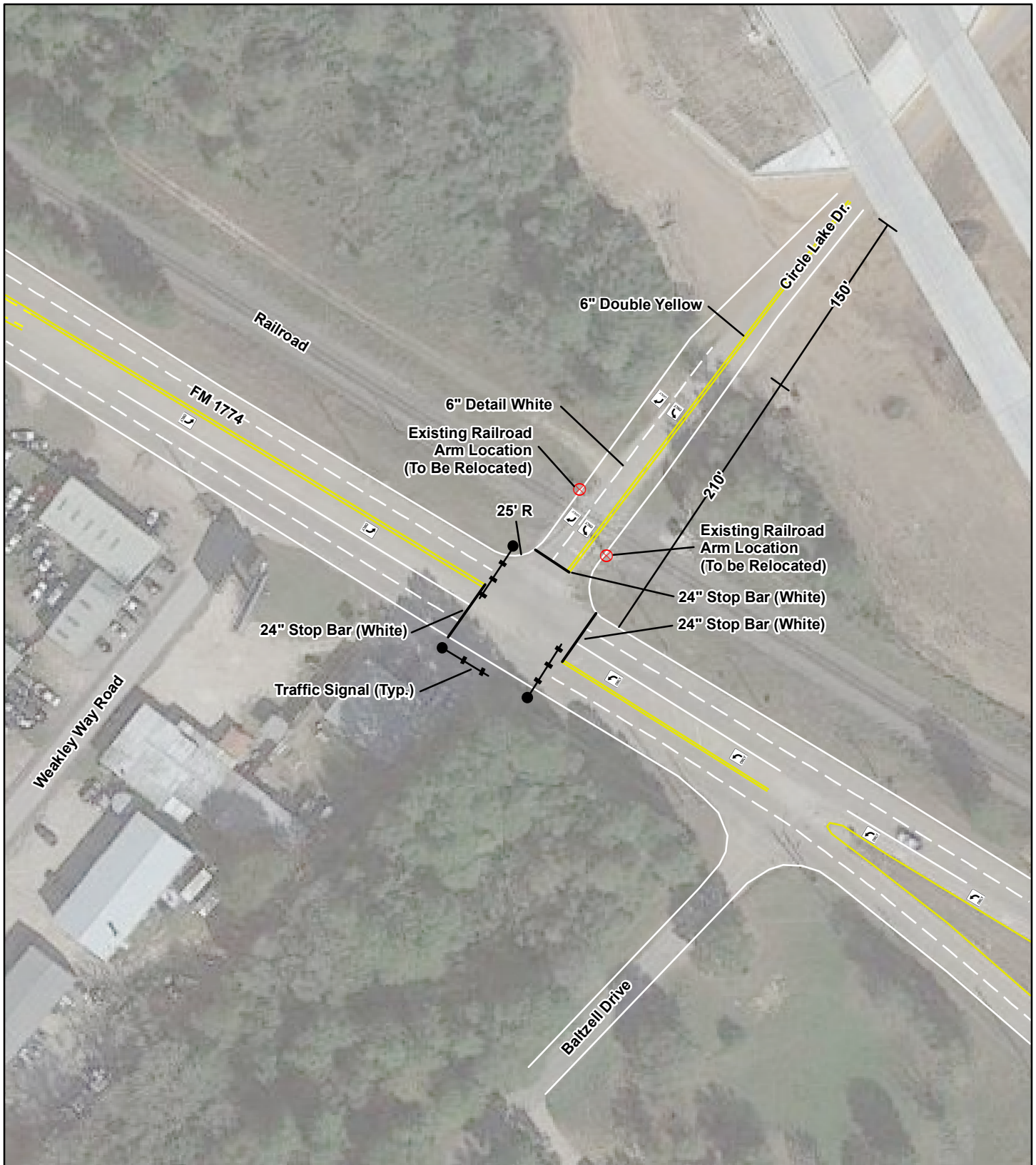
17 (24) [27] = AM Peak (PM Peak) [Site Peak]

Source: World Imagery



<b>TRANSFER FACILITY PINEHURST, TEXAS</b>		
SCALE: 1"=1,500'	DRAWN BY: PML	DATE: 07-15-2021
	CHKD BY: JB	DATE: 07-15-2021
PROJECT NO. 21052	FILE 21052 071521 FIG12 R00 D 47 25YLETT	
2047 (25 YEARS LIFE EXPECTANCY) TOTAL TRAFFIC VOLUMES		FIGURE 12





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**LEGEND**

 Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-

Source: Google Earth 11/16/2020



**TRANSFER FACILITY  
 PINEHURST, TEXAS**



SCALE: 1"=100'	DRAWN BY: PML	DATE: 07-15-2021
	CHKD BY: JB	DATE: 07-15-2021

PROJECT NO. 21052	FILE 21052 071521 FIG13 R00 D CLD/FM1774
----------------------	---

CIRCLE LAKE DRIVE/FM 1774  
 GEOMETRIC IMPROVEMENTS

FIGURE  
 13





## **APPENDICES**



**APPENDIX A**  
**ESTIMATED SITE TRAFFIC PROVIDED BY CIRCLE LAKE TRANSFER, LLC**

**Appendix A**  
**Circle Lake Transfer Station**  
**Estimated Site Traffic**

Assumptions:		
Incoming / Outgoing Waste Volume Year 1 :	500	TPD
Tons per Incoming Route Truck :	7	TPD
Tons per Outgoing Transfer Truck :	20	TPD
Passengers Cars and Small Trucks per day (employees, vendors, supplies, vistors,	20	TPD

Year	Route Trucks			Transfer Trucks			Passengers Cars and Small Trucks			Totals		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
1	71	71	143	25	25	50	20	20	40	116	116	233
2	143	143	286	50	50	100	20	20	40	213	213	426
3	214	214	429	75	75	150	20	20	40	309	309	619
4	257	257	514	90	90	180	20	20	40	367	367	734
5	357	357	714	125	125	250	20	20	40	502	502	1,004
6	368	368	736	129	129	258	20	20	40	517	517	1,033
7	379	379	758	133	133	265	20	20	40	532	532	1,063
8	390	390	781	137	137	273	20	20	40	547	547	1,094
9	402	402	804	141	141	281	20	20	40	563	563	1,125
10	414	414	828	145	145	290	20	20	40	579	579	1,158
11	426	426	853	149	149	299	20	20	40	596	596	1,191
12	439	439	878	154	154	307	20	20	40	613	613	1,226
13	452	452	905	158	158	317	20	20	40	631	631	1,262
14	457	457	914	160	160	320	20	20	40	637	637	1,274
15	457	457	914	160	160	320	20	20	40	637	637	1,274
16	457	457	914	160	160	320	20	20	40	637	637	1,274
17	457	457	914	160	160	320	20	20	40	637	637	1,274
18	457	457	914	160	160	320	20	20	40	637	637	1,274
19	457	457	914	160	160	320	20	20	40	637	637	1,274
20	457	457	914	160	160	320	20	20	40	637	637	1,274
21	457	457	914	160	160	320	20	20	40	637	637	1,274
22	457	457	914	160	160	320	20	20	40	637	637	1,274
23	457	457	914	160	160	320	20	20	40	637	637	1,274
24	457	457	914	160	160	320	20	20	40	637	637	1,274
25	457	457	914	160	160	320	20	20	40	637	637	1,274

Year of Operation	Estimated Daily Average Waste Acceptance (tons/day)	Estimated Annual Average Waste Acceptance (tons/year)
1	500	143,000
2	1,000	286,000
3	1,500	429,000
4	1,800	514,800
5	2,500	715,000
6	2,575	736,450
7	2,652	758,544
8	2,732	781,300
9	2,814	804,739
10	2,898	828,881
11	2,985	853,747
12	3,075	879,360
13	3,167	905,741
14	3,200	915,200
15	3,200	915,200
16	3,200	915,200
17	3,200	915,200
18	3,200	915,200
19	3,200	915,200
20	3,200	915,200
21	3,200	915,200
22	3,200	915,200
23	3,200	915,200
24	3,200	915,200
25	3,200	915,200





**APPENDIX B**  
**ESTIMATED HOURLY SITE TRAFFIC PROVIDED BY CIRCLE LAKE TRANSFER, LLC**

**Appendix B**  
**Circle Lake Transfer Station**  
**Estimated Hourly Site Traffic - Year 1**

<b>Assumptions:</b>		
Total Incoming / Outgoing Volume	500	TPD
Traffic Volume of Route Trucks	143	trips / day
Traffic Volume of Transfer Trucks	50	trips / day
Passengers Cars and Small Trucks per day (employees, vendors, supplies, vistors, etc.)	40	trips / day

<b>Total Incoming/Outgoing Vehicles</b>	<b>5 - 6 AM</b>	<b>6 - 7 AM</b>	<b>7 - 8 AM</b>	<b>8 - 9 AM</b>	<b>9 - 10 AM</b>	<b>10 - 11 AM</b>	<b>11 - 12 PM</b>	<b>12 - 1 PM</b>	<b>1 - 2 PM</b>	<b>2 - 3 PM</b>	<b>3 - 4 PM</b>	<b>4 - 5 PM</b>	<b>5 - 6 PM</b>	<b>6 - 7 PM</b>	<b>Totals</b>
Route Trucks	0	0	0	0	29	57	29	7	14	7	0	0	0	0	<b>143</b>
Transfer Trucks	0	0	0	0	0	10	10	10	13	3	3	3	0	0	<b>50</b>
Passenger Cars & Small Trucks	10	0	1	2	3	0	4	4	0	3	2	1	0	10	<b>40</b>
<b>Hourly Totals</b>	<b>10</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>32</b>	<b>67</b>	<b>43</b>	<b>21</b>	<b>27</b>	<b>13</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>10</b>	<b>233</b>
<b>% Hourly</b>	<b>4.3%</b>	<b>0.0%</b>	<b>0.4%</b>	<b>0.9%</b>	<b>13.6%</b>	<b>28.8%</b>	<b>18.3%</b>	<b>9.1%</b>	<b>11.5%</b>	<b>5.4%</b>	<b>1.9%</b>	<b>1.5%</b>	<b>0.0%</b>	<b>4.3%</b>	<b>100.0%</b>

<b>Estimated Directional Distribution (% of incoming vehicles)</b>	
From Southbound Aggie Expressway	75%
From Northbound Aggie Expressway	20%
From Southbound Local via FM 149/FM 1774	3%
From Northbound Local via FM 149/FM 1775	2%

<b>Estimated Directional Distribution (% of outgoing vehicles)</b>	
To Southbound Aggie Expressway	0%
To Northbound Aggie Expressway	100%
To Southbound Local	0%
To Northbound Local	0%



**APPENDIX H**  
**WETLANDS AND T&E SPECIES DOCUMENTATION**





902 20th Avenue  
Meridian, Mississippi 39301  
www.AllenES.com

**Phone** 601.696.7146  
**Fax** 601.696.7149

July 21, 2021

U.S. Army Corps of Engineers  
Regulatory Branch - Galveston District  
P.O. Box 1229  
Galveston, TX 77553

Re: Waters of the U. S. Delineation  
Circle Lake Transfer, LLC – Title V Municipal Solid Waste Transfer Facility  
Pinehurst, Montgomery County, Texas

Dear Regulatory Branch:

Allen Engineering and Science, Inc. (AllenES) completed a jurisdictional waters of the U.S. delineation for Circle Lake Transfer, LLC (Circle Lake). The proposed project is located off Circle Lake Drive, approximately ½ mile from TX-249. The review area is approximately 5.51 acres and is specifically located at latitude 30.173938, and longitude -95.672008. A site location map of the area is provided as **Figure 1**. The proposed project activities include potential development for a Type V Municipal Solid Waste (MSW) transfer facility. The project work will consist of clearing, excavation, earthwork, and construction. The purpose of this transfer facility is to provide efficient means to transfer MSW to local regional landfills.

Currently, the site is being utilized as a solid waste collection depot including solid waste collection truck/equipment parking, maintenance, and storage of equipment and dumpsters (no waste is stored on-site). The existing facility infrastructure includes a perimeter fence, front gate, site office, maintenance shop, all-weather access roads, and all general overhead and underground utilities.

## **SCOPE**

A delineation of potentially jurisdictional water features was conducted in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual, the 2010 Atlantic and Gulf Coastal Plain (Version 2.0) regional supplement, and the 2005 Regulatory Guidance Letter N. 05-05. AllenES reviewed the U. S. Geological Survey (USGS) topographic map (**Figure 1**), National Wetland Inventory (NWI) Map (**Figure 2**), aerial photography (**Figure 3**), and Natural Resource Conservation Service (NRCS) Web Soil Survey (**Figure 4**). Representative photographs of the area are included as **Appendix A**. Wetland delineation data forms are included in **Appendix B**.



## GENERAL SITE OBSERVATIONS

The topography of the review area is generally flat with a gentle slope northwest. Elevations on the site range from approximately 218 to 240 feet above mean sea level. A gas pipeline (Southcross Energy) intersects the central portion of the site. On the northwest side of the property is an approximate 0.36-acre manmade stormwater pond. The pond was identified on the National Wetlands Inventory (NWI) map as a Freshwater Pond (PUBHh). A drainage easement was observed on the northwest boundary and extended through the subject site. A larger sediment pond (approximately 1.80 acres) was observed to the south of the review area on the neighboring property associated with Specialty Steel Supply. The neighboring sediment pond discharges onto the subject site via a culvert as part of the drainage easement. The drainage easement channel was lined with riprap/concrete blocks with no visible discharge from the culvert at the time of the site visit. The drainage channel appeared to be approximately 2 to 3 feet wide with only standing water observed immediately at the culvert. The drainage lacked an ordinary high-water mark (OHW) throughout the reach. Photos of the culvert/channel and other site features are included in Appendix A.

Portions of the berm of the neighboring property pond shares the southwestern property boundary with the subject site. Water was observed seeping from the adjacent property pond through the berm and onto the subject property, ultimately draining to the drainage easement as a result of site topography. The duration of the seep was unclear but soil conditions along the property boundary did not indicate obvious long-term changes (i.e., anaerobic conditions were not evident).

The NWI map also identified an intermittent riverine system (R4SBC) potentially occurring along the northernmost portion of the subject site. However, field reconnaissance revealed that the drainage system does not intercept the subject site. An existing site conditions map is provided as **Figure 3**.

The vegetation on the majority of the upland portions of the site consists of the following two habitat types: mixed pine hardwood forest and maintained grass field.

The mixed pine hardwood forest habitat generally consists of shortleaf pine (*Pinus echinata*) and sweetgum (*Liquidambar styraciflua*) in the overstory stratum with sweetgum, American beautyberry (*Callicarpa americana*), winged sumac (*Rhus copallinum*), tallowtree (*Triadica sebifera*), southern dewberry (*Rubus trivialis*), and slender woodoats (*Chasmanthium laxum*) in the understory/herbaceous strata.

The maintained field habitat generally consisted of bahiagrass (*Paspalum notatum*) and vasey's grass (*Paspalum urvillei*) with large portions of the area recently plowed and planted with unknown grass seed still visible in the topsoil.

The USACE wetland determination data forms associated with field data collection are provided in **Appendix B**.

According to the *Soil Survey of Montgomery County, Texas*, the site contains only one soil unit, Conroe loamy fine sand, 0 to 5 percent slopes. The soil is moderately well drained and is found



on gentle slopes. A map depicting the NRCS soil locations is included as **Figure 4**. The soil observed on the site generally correlate with the mapped soil.

Photographs from the site visit are included as **Appendix A**. Wetland Determination Data Forms are included as **Appendix B**.

## **CLOSING**

The report presents a review of environmental conditions as specified in our scope of work with Circle Lake. AllenES gathered background information, reviewed records, and conducted a site reconnaissance of the project site to determine the presence of potential jurisdictional waters of the U.S. Based on the available literature and our site reconnaissance, the review area contains an approximate 0.36-acre manmade stormwater pond, a result of prior site development, and a drainage easement on the northwest property boundary. A larger sediment pond (approximately 1.80 acres) was observed to the south of the review area on the neighboring property associated with Specialty Steel Supply. The neighboring sediment pond discharges onto the subject site via a culvert as part of the drainage easement.

AllenES did not identify any jurisdictional waters on the subject site. The soils observed onsite and immediately surrounding the freshwater pond were sandy, well drained and lacked indicators of hydrology. AllenES does not believe the observed features are jurisdictional and requests concurrence from your office via an Approved Jurisdictional Determination.

Please forward a copy of your determination to:

Allen Engineering and Science  
**Attn: Travis Beard**  
902 20<sup>th</sup> Avenue  
Meridian, Mississippi 39301

If during your review, you or members of your staff have any questions or require any additional information, please do not hesitate to contact me at [tbeard@allenes.com](mailto:tbeard@allenes.com) or (205) 310-8345. Any efforts on your part to expedite the review would be greatly appreciated.

Thank you in advance for your timely attention in this matter.

Sincerely,  
**Allen Engineering and Science, Inc.**

**Travis Beard**  
Environmental Scientist

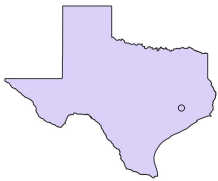
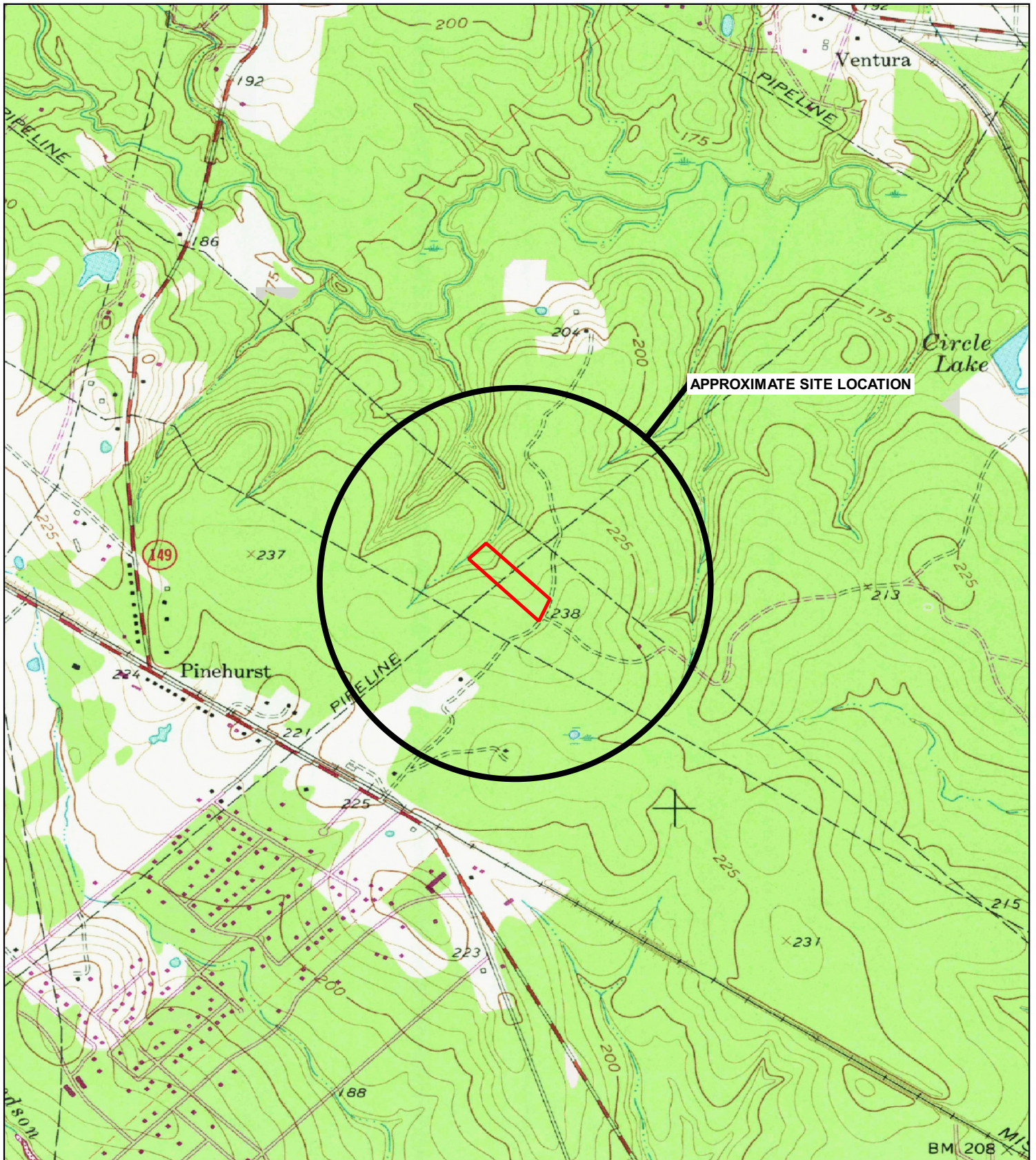
Attachments






## FIGURES





**PROJECT LOCATION**  
30.173938, -95.672008

**LEGEND**

 Approximate Property Boundary (5.51 ac. +/-)

Source: USGS Topo - Magnolia East, TX

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

Scale: 1" = 1000'	DRAWN BY: OB	DATE: 06/11/21
	CHKD BY: TB	DATE: 06/11/21

PROJECT NO. 21052.02	CAD FILE: 21052.02 061121 FIG01 R00 D SLM
-------------------------	--

**SITE LOCATION MAP**

**FIGURE  
1**





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**LEGEND**

- Approximate Property Boundary (5.51 ac. +/-)
- National Wetlands Inventory (0.35 ac. +/- within Property Boundary)

Source: National Wetlands Mapper / Google Satellite 2018

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**



Scale: 1" = 100'	DRAWN BY: OB	DATE: 06/11/21
	CHKD BY: TB	DATE: 06/11/21

PROJECT NO. 21052.02	CAD FILE: 21052.02 061121 FIG02 R00 D NW1
-------------------------	--

**NATIONAL WETLANDS  
INVENTORY MAP**

**FIGURE  
2**





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**LEGEND**

- ▭ Approximate Property Boundary (5.51 ac +/-)
- ▭ Approximate Freshwater Pond (0.36 ac +/-)
- ▭ Approximate Culvert Location +/-
- ▭ Approximate Drainage Easement Location +/-
- Approximate 2' Contour Interval
- Approximate Data Point Identification and Location

Source: AllenES Drone (06.23.21)

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**



ENGINEERING AND SCIENCE

Scale: 1" = 100'	DRAWN BY: OB	DATE: 07/06/21
	CHKD BY: TB	DATE: 07/06/21

PROJECT NO. 21052.02	CAD FILE: 21052.02 070621 FIG03 R00 D ECM
-------------------------	--

**EXISTING CONDITIONS MAP**

**FIGURE  
3**





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**LEGEND**

- Approximate Property Boundary (5.51 ac. +/-)
- NRCS Soil Web Survey (2020)**
- Bb - Bibb soils, frequently flooded
- CoC - Conroe loamy fine sand, 0 to 5 percent slopes
- Fs - Libbert loamy fine sand
- Ho - Hockley loamy fine sand, 1 to 3 percent slopes
- LelA - Lelavale silt loam, 0 to 1 percent slopes, frequently ponded
- SpIB - Splendor fine sandy loam, 0 to 2 percent slopes
- Ss - Conroe soils
- SuD - Woodville fine sandy loam, 5 to 12 percent slopes
- WkD - Fetzer loamy fine sand, 5 to 12 percent slopes

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**



Scale: 1" = 400'	DRAWN BY: OB	DATE: 06/11/21
	CHKD BY: TB	DATE: 06/11/21

PROJECT NO. 21052.02	CAD FILE: 21052.02 061121 FIG04 R00 D SM
-------------------------	---

**SOILS MAP**

**FIGURE  
4**





**APPENDIX A  
SITE PHOTOGRAPHS**





**APPENDIX A SITE PHOTOGRAPHS  
MONTGOMERY COUNTY, TEXAS**



**Photo 01.** Aerial image of subject site looking northwest.



**Photo 02.** Aerial image of subject site looking southeast.





**APPENDIX A SITE PHOTOGRAPHS  
MONTGOMERY COUNTY, TEXAS**



**Photo 03** Existing site conditions photo of central portion of subject site looking southeast.



**Photo 04.** Photo of drainage easement exiting the west portion of subject site boundary.





**APPENDIX A SITE PHOTOGRAPHS  
MONTGOMERY COUNTY, TEXAS**



**Photo 05** Photo of culvert connected to south neighboring sediment pond located on west side of subject site.



**Photo 06.** Photo of existing site conditions near DP-1 and DP-2 on west portion of the subject site.





**APPENDIX A SITE PHOTOGRAPHS  
MONTGOMERY COUNTY, TEXAS**



**Photo 07.** Data Point 1 (DP-1) soil profile.



**Photo 08.** Data Point 2 (DP-2) soil profile.





**APPENDIX A SITE PHOTOGRAPHS  
MONTGOMERY COUNTY, TEXAS**



**Photo 09.** Data Point 3 (DP-3) soil profile.



**APPENDIX B  
WETLAND DELINEATION DATA FORMS**



**WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region**

Project/Site: Circle Lake Transfer Station City/County: Pinehurst, TX Sampling Date: 06/22/21  
 Applicant/Owner: Circle Lake Transfer, LLC State: TX Sampling Point: DP-1  
 Investigator(s): T. Beard, O. Birch Section, Township, Range: 339120 Canfield B  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex Slope (%): 5  
 Subregion (LRR or MLRA): 133B Lat: ° 30.174536 Long: - ° 95.673225 Datum: \_\_\_\_\_  
 Soil Map Unit Name: Conroe Loamy Fine Sand 0-5% Slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Significant rain event occurred within previous 24 hours.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) _____ <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b> <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) <b>(LRR T, U)</b>
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: DP-1

	Absolute % Cover	Dominant Species?	Indicator Status		
<b>Tree Stratum</b> (Plot size: <u>30</u> )					
1. <u>Pinus echinata</u>	<u>20</u>	x		<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A)  Total Number of Dominant Species Across All Strata: <u>8</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>63</u> (A/B)	
2. <u>Quercus nigra</u>	<u>15</u>	x	FAC		
3. <u>Liquidambar styraciflua</u>	<u>15</u>	x	FAC		
4. _____					
5. _____					
6. _____					
7. _____					
8. _____					
<u>50</u> = Total Cover 50% of total cover: <u>25</u> 20% of total cover: <u>10</u>				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A)      _____ (B)  Prevalence Index = B/A = _____	
<b>Sapling/Shrub Stratum</b> (Plot size: <u>30</u> )					
1. <u>Callicarpa americana</u>	<u>10</u>	x	FACU		
2. <u>Rhus copallinum</u>	<u>10</u>	x	UPL		
3. <u>Triadica sebifera</u>	<u>10</u>	x	FAC		
4. <u>Ulmus americana</u>	<u>5</u>		FAC		
5. _____					
6. _____					
7. _____					
8. _____					
<u>35</u> = Total Cover 50% of total cover: <u>17.5</u> 20% of total cover: <u>7</u>					<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
<b>Herb Stratum</b> (Plot size: _____ )					
1. <u>Chasmanthium laxum</u>	<u>20</u>	x	FACW		
2. <u>Rubus trivialis</u>	<u>15</u>	x	FACU		
3. <u>Smilax bona-nox</u>	<u>10</u>	x	FAC		
4. _____					
5. _____					
6. _____					
7. _____					
8. _____					
9. _____					
10. _____					
11. _____					
12. _____					
<u>45</u> = Total Cover 50% of total cover: <u>22.5</u> 20% of total cover: <u>9</u>				<b>Definitions of Four Vegetation Strata:</b>  <b>Tree</b> – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/Shrub</b> – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vine</b> – All woody vines greater than 3.28 ft in height.   <b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>Woody Vine Stratum</b> (Plot size: <u>30</u> )					
1. _____					
2. _____					
3. _____					
4. _____					
5. _____					
_____ = Total Cover 50% of total cover: _____      20% of total cover: _____					
Remarks: (If observed, list morphological adaptations below).					

**SOIL**

Sampling Point: DP-1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4	10YR 6/3	100					Fine Sand	
4-16	10YR 6/4	93	5YR 5/6	7			Fine Sand	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)

- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Reduced Vertic (F18) (outside MLRA 150A,B)
- Piedmont Floodplain Soils (F19) (LRR P, S, T)
- Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

Remarks:



**WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region**

Project/Site: Circle Lake Transfer Station City/County: Pinehurst, TX Sampling Date: 06/22/21  
 Applicant/Owner: Circle Lake Transfer, LLC State: TX Sampling Point: DP-2  
 Investigator(s): T. Beard, O. Birch Section, Township, Range: 339120 Canfield B  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): 3  
 Subregion (LRR or MLRA): 133B Lat: ° 30.174452 Long: - ° 95.673091 Datum: \_\_\_\_\_  
 Soil Map Unit Name: Conroe Loamy Fine Sand 0-5% Slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Significant rain event occurred within previous 24 hours.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> Surface Water (A1)</td> <td><input type="checkbox"/> Aquatic Fauna (B13)</td> </tr> <tr> <td><input type="checkbox"/> High Water Table (A2)</td> <td><input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b></td> </tr> <tr> <td><input type="checkbox"/> Saturation (A3)</td> <td><input type="checkbox"/> Hydrogen Sulfide Odor (C1)</td> </tr> <tr> <td><input type="checkbox"/> Water Marks (B1)</td> <td><input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)</td> </tr> <tr> <td><input type="checkbox"/> Sediment Deposits (B2)</td> <td><input type="checkbox"/> Presence of Reduced Iron (C4)</td> </tr> <tr> <td><input type="checkbox"/> Drift Deposits (B3)</td> <td><input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)</td> </tr> <tr> <td><input type="checkbox"/> Algal Mat or Crust (B4)</td> <td><input type="checkbox"/> Thin Muck Surface (C7)</td> </tr> <tr> <td><input type="checkbox"/> Iron Deposits (B5)</td> <td><input type="checkbox"/> Other (Explain in Remarks)</td> </tr> <tr> <td><input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Water-Stained Leaves (B9)</td> <td></td> </tr> </table>	<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b>	<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		<input type="checkbox"/> Water-Stained Leaves (B9)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) <b>(LRR T, U)</b>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Aquatic Fauna (B13)																				
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b>																				
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)																				
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)																				
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Presence of Reduced Iron (C4)																				
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)																				
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Thin Muck Surface (C7)																				
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Other (Explain in Remarks)																				
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)																					
<input type="checkbox"/> Water-Stained Leaves (B9)																					

<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: DP-2

	Absolute % Cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (Plot size: <u>30</u> )				
1. <u>Pinus echinata</u>	20	x		<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>6</u> (A)  Total Number of Dominant Species Across All Strata: <u>9</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>67</u> (A/B)
2. <u>Quercus nigra</u>	15	x	FAC	
3. <u>Liquidambar styraciflua</u>	15	x	FAC	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
50 = Total Cover				
50% of total cover: <u>25</u> 20% of total cover: <u>10</u>				
<b>Sapling/Shrub Stratum</b> (Plot size: <u>30</u> )				
1. <u>Callicarpa americana</u>	10	x	FACU	<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A)      _____ (B)  Prevalence Index = B/A = _____
2. <u>Rhus copallinum</u>	10	x	UPL	
3. <u>Triadica sebifera</u>	10	x	FAC	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
30 = Total Cover				
50% of total cover: <u>15</u> 20% of total cover: <u>6</u>				
<b>Herb Stratum</b> (Plot size: _____ )				
1. <u>Chasmanthium laxum</u>	10	x	FACW	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
2. <u>Rubus trivialis</u>	10	x	FACU	
3. <u>Smilax bona-nox</u>	10	x	FAC	
4. <u>Lygodium japonicum</u>	10	x	FAC	
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
40 = Total Cover				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
50% of total cover: <u>20</u> 20% of total cover: <u>8</u>				
<b>Woody Vine Stratum</b> (Plot size: <u>30</u> )				
1. _____				<b>Definitions of Four Vegetation Strata:</b>  <b>Tree</b> – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/Shrub</b> – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vine</b> – All woody vines greater than 3.28 ft in height.
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
50% of total cover: _____      20% of total cover: _____				
Remarks: (If observed, list morphological adaptations below).				

**SOIL**

Sampling Point: DP-2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	10YR 5/4	100					Fine Sand	
6-12	10YR 6/4	95	5YR 5/6	5			Fine Sand	
12-16	10YR 7/3	95	5YR 5/6	5			Fine Sand	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)
- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Reduced Vertic (F18) (outside MLRA 150A,B)
- Piedmont Floodplain Soils (F19) (LRR P, S, T)
- Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

Remarks:



**WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region**

Project/Site: Circle Lake Transfer Station City/County: Pinehurst, TX Sampling Date: 06/22/21  
 Applicant/Owner: Circle Lake Transfer, LLC State: TX Sampling Point: DP-3  
 Investigator(s): T. Beard, O. Birch Section, Township, Range: 339120 Canfield B  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Convex Slope (%): 2  
 Subregion (LRR or MLRA): 133B Lat: ° 30.174649 Long: - ° 95.672538 Datum: \_\_\_\_\_  
 Soil Map Unit Name: Conroe Loamy Fine Sand 0-5% Slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Significant rain event occurred within previous 24 hours.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) _____ <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b> <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) <b>(LRR T, U)</b>
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: DP-3 area recently cleared and planted with unknown grass seed. Seeds were visible in the topsoil.	

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: DP-3

	Absolute % Cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (Plot size: <u>30</u> )				
1. <u>Quercus nigra</u>	<u>10</u>	<u>x</u>	<u>FAC</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A)  Total Number of Dominant Species Across All Strata: <u>3</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
<u>10</u> = Total Cover				
50% of total cover: <u>5</u>		20% of total cover: <u>2</u>		
<b>Sapling/Shrub Stratum</b> (Plot size: <u>30</u> )				
1. <u>Triadica sebifera</u>	<u>10</u>	<u>x</u>	<u>FAC</u>	<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
<u>10</u> = Total Cover				
50% of total cover: <u>5</u>		20% of total cover: <u>2</u>		
<b>Herb Stratum</b> (Plot size: _____ )				
1. <u>Paspalum urvillei</u>	<u>20</u>	<u>x</u>	<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
2. <u>Carex sp</u>	<u>10</u>	<u>x</u>	_____	
3. <u>Smilax bona-nox</u>	<u>5</u>	_____	<u>FAC</u>	
4. <u>Cuphea carthagenensis</u>	<u>5</u>	_____	<u>FAC</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
<u>40</u> = Total Cover				
50% of total cover: <u>20</u>		20% of total cover: <u>8</u>		
<b>Woody Vine Stratum</b> (Plot size: <u>30</u> )				
1. _____	_____	_____	_____	<b>Definitions of Four Vegetation Strata:</b>  <b>Tree</b> – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/Shrub</b> – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vine</b> – All woody vines greater than 3.28 ft in height.
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____		20% of total cover: _____		
				<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks: (If observed, list morphological adaptations below).				

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-5	10YR 5/4	100					Fine Sand	
5-16	10YR 6/4	95	5YR 5/6	5			Fine Sand	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)

- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Reduced Vertic (F18) (outside MLRA 150A,B)
- Piedmont Floodplain Soils (F19) (LRR P, S, T)
- Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_  
 Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

Remarks:





**APPENDIX I**  
**TEXAS HISTORICAL COMMISSION (THC), ANTIQUITIES CODE DOCUMENTATION**



ENGINEERING  
AND SCIENCE

6360 I-55 North, Suite 330  
Jackson, Mississippi 39211  
[www.AllenES.com](http://www.AllenES.com)

**Phone** 601.936.4440  
**Fax** 601.936.4463

June 8, 2021

Mr. Mark Wolfe  
State Historic Preservation Officer  
Texas Historical Commission  
P.O. Box 12276  
Austin, Texas 78711-2276  
Via Electronic Mail: [mark.wolfe@thc.texas.gov](mailto:mark.wolfe@thc.texas.gov)

Re: **Request for Information  
Cultural Resource Assessment  
Montgomery County, Texas**

Dear Mr. Wolfe:

On behalf of Circle Lake Transfer, LLC, Allen Engineering and Science, Inc. (AllenES) is requesting assistance from Texas Historical Commission in providing a cultural resource assessment for proposed work located in Montgomery County, Texas. Specifically, the proposed facility is located at latitude 30.173938, and longitude -95.672008 on Circle Lake Drive, Pinehurst, Texas. A USGS 7.5-minute site location map (*Magnolia East, Texas*) for the project area is included as **Figure 1**. The proposed facility includes the construction of a Type V transfer facility on an approximate 5.5-acres of land. The transfer facility and associated features (building, access roads, turnaround areas, approach ramps, parking, support features, etc.) will utilize approximately four (4) acres of the site, while the building is expected to be less than one (1) acre. The project work will consist of clearing, excavation, earthwork and construction. The site is generally developed and has a pipeline right-of-way through the middle of the site. The entire site has been previously disturbed during initial development by previous owners. AllenES does not believe any cultural resources will be impacted by this facility upgrade.

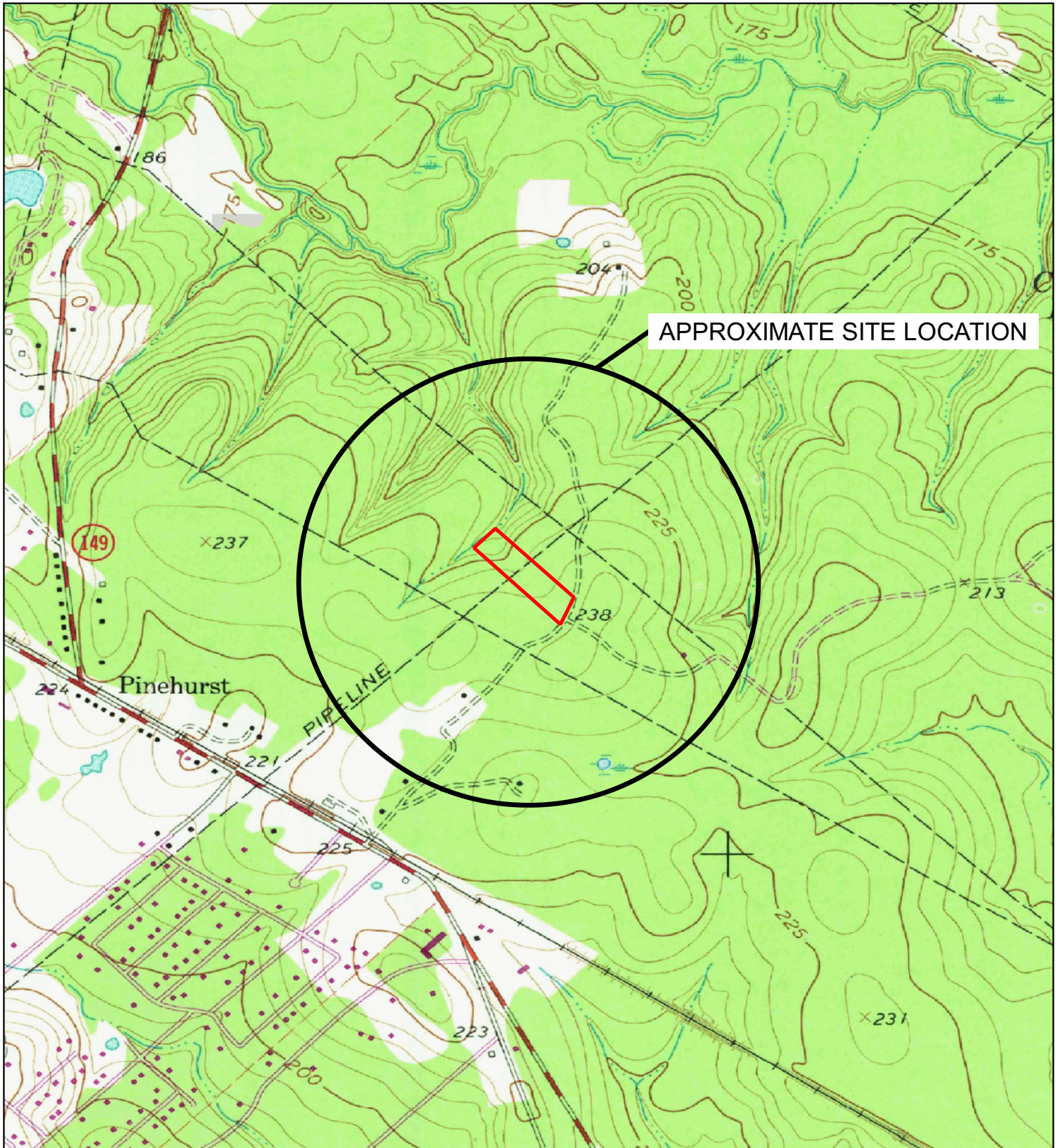
Any information from your office concerning the known presence of cultural resources for the proposed project area is greatly appreciated. If you need additional information or have any questions regarding this request, please contact me at (601) 696-7146 or [tbeard@allenes.com](mailto:tbeard@allenes.com).

Sincerely,  
**Allen Engineering and Science, Inc.**

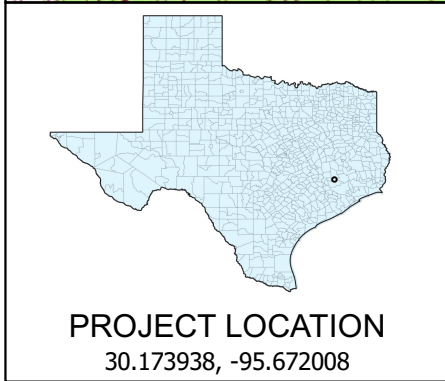
**Travis Beard**  
Environmental Scientist

Attachments: **Figure 1: Site Location Map**






APPROXIMATE SITE LOCATION



**LEGEND**

 Approximate Transfer Facility Property Boundary (5.54 ac. +/-)

Source: USGS TOPO MAGNOLIA EAST, TX

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

Scale: 0 0.05 0.1 0.15 0.2 0.25 mi	DRAWN BY: OB	DATE: 06/07/21
	CHKD. BY: TB	DATE: 06/07/21
PROJECT NO. 21052	CAD FILE: 21052 FIG01 SLM	
<b>SITE LOCATION MAP</b>		<b>FIGURE 1</b>



**This Correspondence sent to [tbeard@allenes.com](mailto:tbeard@allenes.com) on 07-08-2021**

**Re:** Project Review under Section 106 of the National Historic Preservation Act

**THC Tracking #202110301**

**Date:** 07/08/2021

Circle Lake Transfer LLC

34910 Circle Lake Road

Pinehurst, TX 77362

**Description:** The proposed facility includes the construction of a Type V transfer facility on an approximate 5.5-acres of land.

Dear Travis Beard:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Marie Archambeault, has completed its review and has made the following determinations based on the information submitted for review:

**Archeology Comments**

- No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: [marie.archambeault@thc.texas.gov](mailto:marie.archambeault@thc.texas.gov).

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

for Mark Wolfe, State Historic Preservation Officer  
Executive Director, Texas Historical Commission

**Please do not respond to this email.**



ENGINEERING  
AND SCIENCE

6360 I-55 North, Suite 330  
Jackson, Mississippi 39211  
[www.AllenES.com](http://www.AllenES.com)

**Phone** 601.936.4440  
**Fax** 601.936.4463

June 8, 2021

Texas Parks and Wildlife Department  
Wildlife Division: Wildlife Habitat Assessment Program  
4200 Smith School Road  
Austin, Texas 78744-3291  
Via Electronic Mail: [whab@tpwd.texas.gov](mailto:whab@tpwd.texas.gov)

Re: **Request for Information  
Endangered / Threatened Species Assessment  
Montgomery County, Texas**

Dear Sir/Madam:

On behalf of Circle Lake Transfer, LLC, Allen Engineering and Science, Inc. (AllenES) is requesting assistance from Texas Parks & Wildlife in providing an endangered or threatened species/critical habitat and species of special status determination for proposed work located in Montgomery County, Texas. Specifically, the proposed facility is located at latitude 30.173938, and longitude -95.672008 on Circle Lake Drive, Pinehurst, Texas. A USGS 7.5-minute site location map (*Magnolia East, Texas*) for the project area is included as **Figure 1**. The proposed facility includes the construction of a Type V transfer facility on an approximate 5.5-acres of land. The transfer facility and associated features (building, access roads, turnaround areas, approach ramps, parking, support features, etc.) will utilize approximately four (4) acres of the site, while the building is expected to be less than one (1) acre. The project work will consist of clearing, excavation, earthwork and construction. The site is generally developed and has a pipeline right-of-way through the middle of the site. The entire site has been previously disturbed during initial development by previous owners.

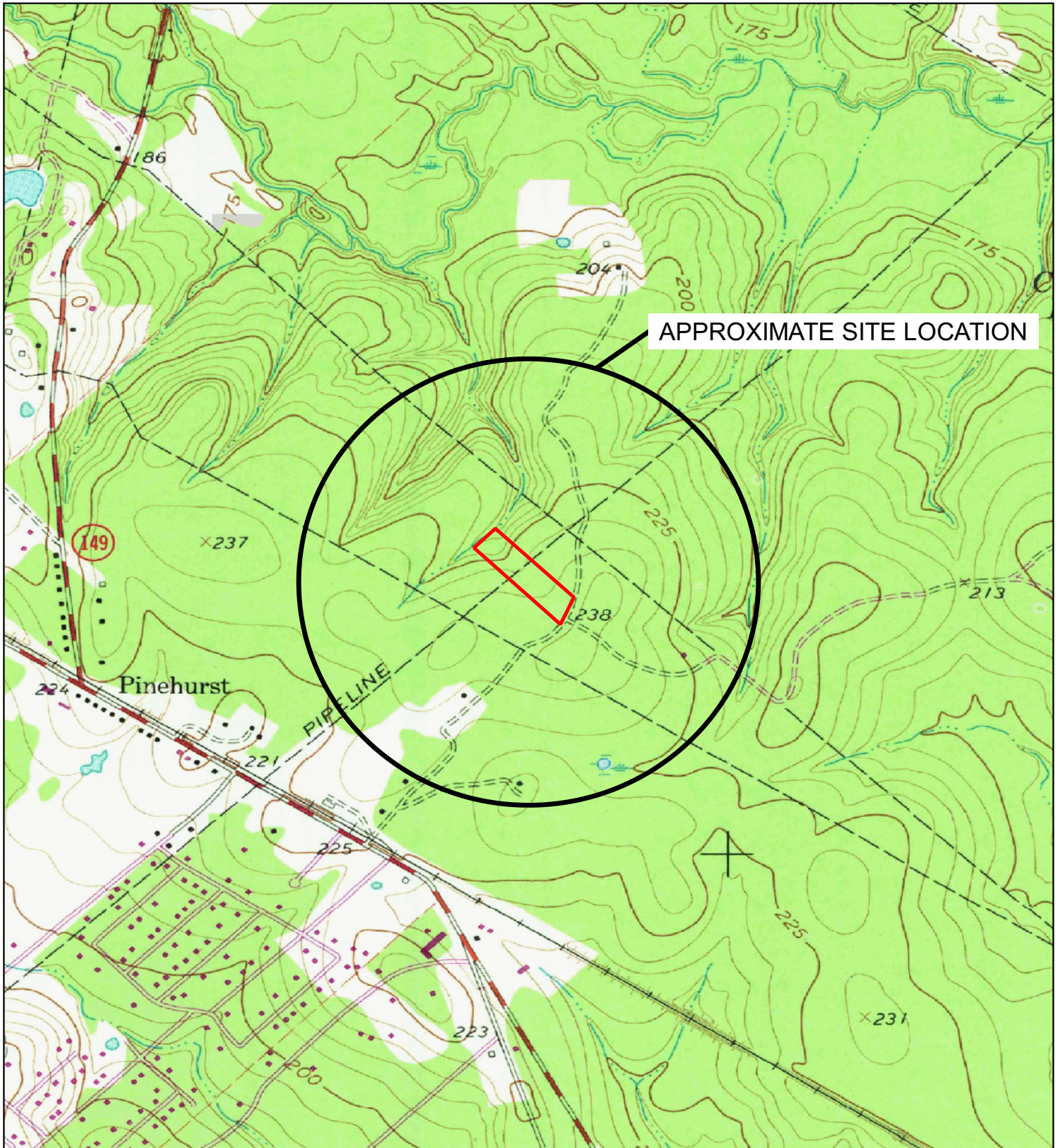
Any information from your office concerning the known presence of threatened or endangered species and critical habitat for the proposed project area is greatly appreciated. If you need additional information or have any questions regarding this request, please contact myself at [obirch@allenes.com](mailto:obirch@allenes.com) or Travis Beard at (601) 696-7146 or [tbeard@allenes.com](mailto:tbeard@allenes.com).

Sincerely,  
**Allen Engineering and Science, Inc.**

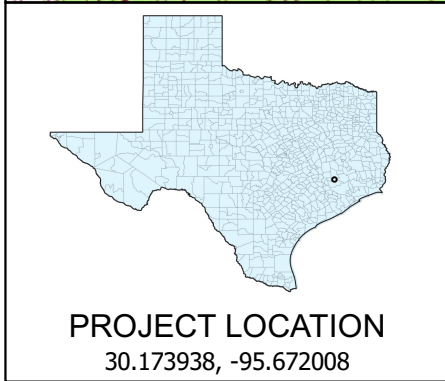
**Travis Beard**  
Environmental Scientist

Attachments: **Figure 1: Site Location Map**





APPROXIMATE SITE LOCATION



**LEGEND**

 Approximate Transfer Facility Property Boundary (5.54 ac. +/-)

Source: USGS TOPO MAGNOLIA EAST, TX

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

Scale: 0 0.05 0.1 0.15 0.2 0.25 mi	DRAWN BY: OB	DATE: 06/07/21
	CHKD. BY: TB	DATE: 06/07/21
PROJECT NO. 21052	CAD FILE: 21052 FIG01 SLM	
<b>SITE LOCATION MAP</b>		<b>FIGURE 1</b>





July 15, 2021

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T. Dan Friedkin  
Chairman-Emeritus  
Houston

Carter P. Smith  
Executive Director

Oliver Birch  
Allen Engineering and Science  
902 20<sup>th</sup> Ave.  
Meridian, MS 39301

RE: Proposed Circle Lake Transfer Facility; Montgomery County, Texas

Dear Mr. Birch:

Texas Parks and Wildlife Department (TPWD) has received and reviewed the submitted documentation regarding the above-referenced project.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code (PWC), section 12.0011. For tracking purposes, please refer to TPWD project number 46780 in any return correspondence regarding this project.

**Project Description**

Circle Lake Transfer, LLC (Circle Lake Transfer), proposes to develop a waste transfer facility (facility) in Pinehurst, Texas. The proposed facility includes the construction of a Type V transfer facility on an approximate 5.5-acres of land. The facility and ancillary features will utilize approximately four acres of the site, while the building is expected to be less than one acre. The project work will consist of clearing, excavation, earthwork and construction. The site is generally developed and has a pipeline right-of-way (ROW) transecting the proposed project area. The site has been previously disturbed.

TPWD offers the following comments and recommendations concerning the development of the proposed facility.

**Construction Recommendations**

*General Construction Recommendations*

**Recommendation:** For soil stabilization within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes, birds, and other wildlife species. Because the

mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting and hydromulch containing microplastics should be avoided.

**Recommendation:** During construction, operation, and maintenance of the proposed facility, TPWD recommends observing slow (25 miles per hour, or less) speed limits within the project site. Reduced speed limits would allow personnel to see wildlife in the vehicle path and avoid harming them.

*Federal Law: Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful action that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Within the project area, potential impacts to migratory birds may occur during site preparation and grading activities through the disturbance of existing vegetation and bare ground that may harbor active bird nests, including nests that may occur in grass, shrubs and trees and on bare ground.

**Recommendation:** TPWD recommends any vegetation clearing be scheduled outside of the general bird nesting season of March 15th to September 15th; however, if clearing must occur during nesting season, nest surveys should be conducted prior to clearing. Nest surveys should be conducted not more than 5 days prior to scheduled clearing to maximize detection of active nests. If nests are observed during surveys, a vegetation buffer area of no less than 150-feet in diameter should remain around the nest until all young have fledged.

*State Law: Parks and Wildlife Code – Chapter 64, Birds*

PWC section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. PWC section 64.003, regarding destroying nests or eggs, provides that no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl.

Mr. Oliver Birch  
Page 3  
July 15, 2021

**Recommendation:** Please review the *Federal Law: Migratory Bird Treaty Act* section above for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.

Thank you for considering project impacts to Texas' fish and wildlife resources. If you have any questions, please contact me at Rachel.Lange@tpwd.texas.gov or (979) 732-4213.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Lange".

Rachel Lange  
Wildlife Habitat Assessment Program  
Wildlife Division

RAL/46780





ENGINEERING  
AND SCIENCE

6360 I-55 North, Suite 330  
Jackson, Mississippi 39211  
[www.AllenES.com](http://www.AllenES.com)

**Phone** 601.936.4440  
**Fax** 601.936.4463

June 8, 2021

Ms. Tanya Sommer  
U.S. Fish and Wildlife Service  
Austin Ecological Services Field Office  
10711 Burnet Rd. Suite #200  
Austin, TX 78758  
Via Electronic Mail: [Tanya\\_Sommer@fws.gov](mailto:Tanya_Sommer@fws.gov)

Re: **Request for Information  
Endangered / Threatened Species Assessment  
Montgomery County, Texas**

Dear Ms. Sommer:

On behalf of Circle Lake Transfer, LLC, Allen Engineering and Science, Inc. (AllenES) is requesting assistance from U.S. Fish and Wildlife Service in providing an endangered or threatened species/critical habitat and species of special status determination for proposed work located in Montgomery County, Texas. Specifically, the proposed facility is located at latitude 30.173938, and longitude -95.672008 on Circle Lake Drive, Pinehurst, Texas. A USGS 7.5-minute site location map (*Magnolia East, Texas*) for the project area is included as **Figure 1**. The proposed facility includes the construction of a Type V transfer facility on an approximate 5.5-acres of land. The transfer facility and associated features (building, access roads, turnaround areas, approach ramps, parking, support features, etc.) will utilize approximately four (4) acres of the site, while the building is expected to be less than one (1) acre. The project work will consist of clearing, excavation, earthwork and construction. The site is generally developed and has a pipeline right-of-way through the middle of the site. The entire site has been previously disturbed during initial development by previous owners.

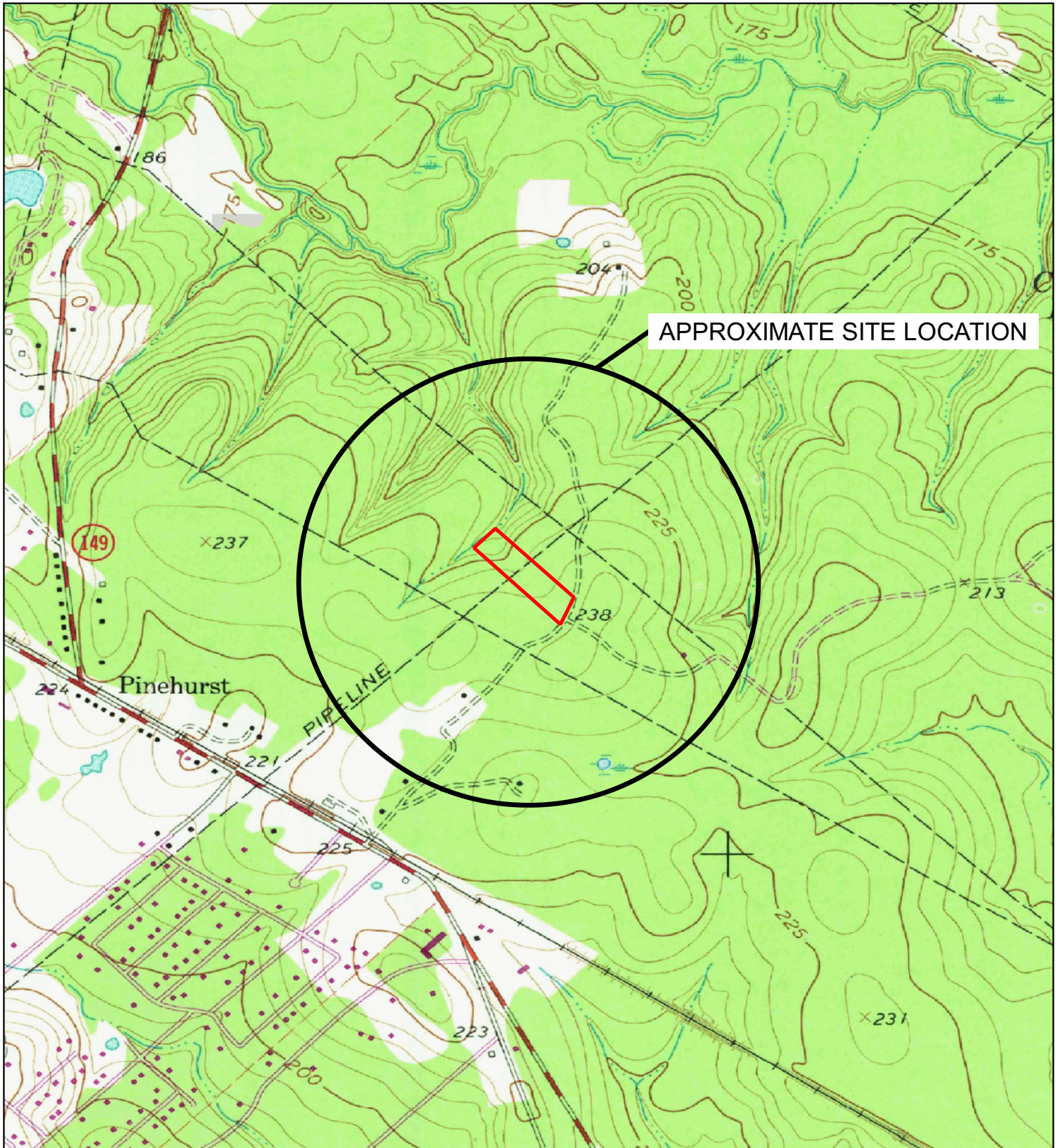
Any information from your office concerning the known presence of threatened or endangered species and critical habitat for the proposed project area is greatly appreciated. If you need additional information or have any questions regarding this request, please contact me at (601) 696-7146 or [tbeard@allenes.com](mailto:tbeard@allenes.com).

Sincerely,  
**Allen Engineering and Science, Inc.**

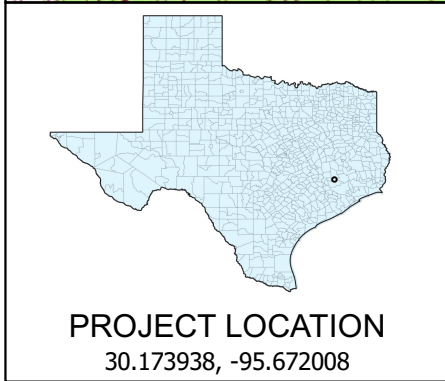
**Travis Beard**  
Environmental Scientist

Attachments: **Figure 1: Site Location Map**





APPROXIMATE SITE LOCATION



**LEGEND**

 Approximate Transfer Facility Property Boundary (5.54 ac. +/-)

Source: USGS TOPO MAGNOLIA EAST, TX

**CIRCLE LAKE TRANSFER STATION  
MONTGOMERY COUNTY, TEXAS**

**ALLEN** ENGINEERING AND SCIENCE

Scale: 0 0.05 0.1 0.15 0.2 0.25 mi	DRAWN BY: OB	DATE: 06/07/21
	CHKD. BY: TB	DATE: 06/07/21
PROJECT NO. 21052	CAD FILE: 21052 FIG01 SLM	
<b>SITE LOCATION MAP</b>		<b>FIGURE 1</b>





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Texas Coastal Ecological Services Field Office  
4444 Corona Drive, Suite 215  
Corpus Christi, TX 78411  
Phone: (281) 286-8282 Fax: (281) 488-5882  
<http://www.fws.gov/southwest/es/TexasCoastal/>  
[http://www.fws.gov/southwest/es/ES\\_Lists\\_Main2.html](http://www.fws.gov/southwest/es/ES_Lists_Main2.html)

In Reply Refer To:

June 10, 2021

Consultation Code: 02ETTX00-2021-SLI-2156

Event Code: 02ETTX00-2021-E-04988

Project Name: Circle Lake Transfer Station

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation for updates to species list and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.



Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

### **Section 7**

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

**Is not likely to adversely affect** - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial.

Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

**Is likely to adversely affect** - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

**No effect** - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

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Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: [http://www.fws.gov/ endangered/esa-library/pdf/esa\\_section7\\_handbook.pdf](http://www.fws.gov/ endangered/esa-library/pdf/esa_section7_handbook.pdf)

### **Section 10**

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: [http://www.fws.gov/ endangered/esa-library/pdf/HCP\\_Handbook.pdf](http://www.fws.gov/ endangered/esa-library/pdf/HCP_Handbook.pdf)

### **Service Response**

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

### **Proposed Species and/or Proposed Critical Habitat**

While consultations are required when the proposed action may affect listed species, section 7(a)(4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek concurrence from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

### **Candidate Species**

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem health in the local area and avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a

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project, the Service recommends that that you implement the best management practices found at: <http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html>.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at <http://www.fws.gov/endangered/what-we-do/cca.html>.

### **Migratory Birds**

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidelines, we recommend you review information provided at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at <http://www.aplic.org/>.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Construction, Operation and Decommissioning, found online at: <http://www.fws.gov/habitatconservation/communicationtowers.html>, to minimize the threat of avian mortality at these towers.

Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

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We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files.

If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: <http://www.fws.gov/southwest/es/TexasCoastal/ProjectReviews.html>.

### **Wetlands and Wildlife Habitat**

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion.

These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses.

Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Wetlands and riparian areas are high priority fish and wildlife habitat, serving as important sources of food, cover, and shelter for numerous species of resident and migratory wildlife.

Waterfowl and other migratory birds use wetlands and riparian corridors as stopover, feeding, and nesting areas. We strongly recommend that the selected project site not impact wetlands and riparian areas, and be located as far as practical from these areas. Migratory birds tend to concentrate in or near wetlands and riparian areas and use these areas as migratory flyways or corridors. After every effort has been made to avoid impacting wetlands, you anticipate unavoidable wetland impacts will occur; you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is necessary prior to commencement of construction activities.

If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (COE).

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For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, Texas 77553-1229, (409) 766-3002.

### **Beneficial Landscaping**

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping (42 C.F.R. 26961), where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs, and herbaceous species that are adaptable, drought tolerant and conserve water.

### **State Listed Species**

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8021) for information concerning fish, wildlife, and plants of State concern or visit their website at: [http://www.tpwd.state.tx.us/huntwild/wild/wildlife\\_diversity/texas\\_rare\\_species/listed\\_species/](http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/listed_species/).

If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Texas Coastal Ecological Services Field Office**

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

(281) 286-8282

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## Project Summary

Consultation Code: 02ETTX00-2021-SLI-2156

Event Code: 02ETTX00-2021-E-04988

Project Name: Circle Lake Transfer Station

Project Type: DEVELOPMENT

Project Description: The proposed facility includes the construction of a Type V transfer facility on an approximate 5.5-acres of land. The project work will consist of clearing, excavation, earthwork and construction.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@30.173965449999997,-95.6719902010165,14z>



Counties: Montgomery County, Texas

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## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Birds

NAME	STATUS
<p>Piping Plover <i>Charadrius melodus</i></p> <p>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.</p> <p>There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Wind related projects within migratory route.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a></p>	Threatened
<p>Red Knot <i>Calidris canutus rufa</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Wind related projects within migratory route.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a></p>	Threatened
<p>Red-cockaded Woodpecker <i>Picoides borealis</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/7614">https://ecos.fws.gov/ecp/species/7614</a></p>	Endangered

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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**APPENDIX J**  
**HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENT (HGAC) DOCUMENTATION**





**HOUSTON- GALVESTON AREA COUNCIL**  
OFFICE OF THE EXECUTIVE DIRECTOR

March 23, 2022

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

RE: H-GAC Review of Circle Lake Transfer Station

Dear Ms. Gharis:

Circle Lake Transfer Station, LLC is applying to the Texas Commission on Environmental Quality for a registration for a new transfer station to be called Circle Lake Transfer Station.

This letter is to advise you that the H-GAC staff and Board of Directors have reviewed the Circle Lake Transfer Station application to be located in unincorporated Montgomery County, on Circle Lake Drive. After considering the staff review, the H-GAC Board of Directors found the Circle Lake Transfer Station project to be consistent with regional plans, policies, and H-GAC review criteria.

The H-GAC Board took this action at its regular monthly meeting on February 15, 2022. Please contact Erin Livingston at [erin.livingston@h-gac.com](mailto:erin.livingston@h-gac.com) if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'CW', is positioned above the name 'Chuck Wemple'.

Chuck Wemple

CW/eal  
Enclosures

cc: Shelby Lowe, President, Circle Lake Transfer, LLC, 13727 Office Park Drive, Houston, Texas 77070



**AGENDA**  
**HOUSTON-GALVESTON AREA**  
**COUNCIL**  
**BOARD OF DIRECTORS MEETING**  
**March 15, 2022 10:00 AM**  
**3555 Timmons Lane, 2nd Floor**  
**Conference Room B**  
**Houston, TX 77027**

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. PUBLIC COMMENT – Members of the public may participate by registering to attend onsite; by sending comments to [BoardPublicComments@h-gac.com](mailto:BoardPublicComments@h-gac.com); by joining online via our website; or by dialing 1-877-853-5247 or 1-888-788-0099 (Meeting ID 845 3478 8023; Passcode 210190)
4. DECLARE CONFLICTS OF INTEREST

**ACTION**

5. CONSENT AGENDA

Items listed are of a routine nature and may be acted on in a single motion unless requested otherwise by a member of the Board.

- a. H-GAC BOARD MEETING MINUTES – FEBRUARY 15, 2022  
Request approval of the minutes of the February 15, 2022 H-GAC Board Meeting. (Staff Contact: Rick Guerrero)
  - b. H-GAC 3555 TIMMONS LEASE  
Request authorization to allow the Executive Director to extend the lease in accordance with the terms outlined herein. (Staff Contact: Nancy Haussler)
  - c. RENEWAL OF BUSINESS AND RESIDENTIAL DATA  
Request approval to purchase Data Axle’s business and residential databases, on behalf of contributing members of Geographic Data Workgroup; amount not to exceed \$51,450. (Staff Contact: Brooks Andrews)
  - d. TRANSPORTATION PLANNING STUDIES – FUNDING AGREEMENTS  
Request authorization to split the Mobility and Corridor Planning Studies Bundle into three Funding Agreements and the High-Capacity Feasibility Studies Bundle into two Funding Agreements, with no change to the prior identified projects or authorized amounts. (Staff Contact: Craig Raborn).
6. FINANCE AND BUDGET COMMITTEE  
Report on activities and Committee recommendations.
    - a. MONTHLY FINANCIAL REPORT – FEBRUARY 2022  
Request approval of the monthly financial report ending February 28, 2022. (Staff Contact: Nancy Haussler)
  7. WATER RESOURCES COMMITTEE

- a. WATER RESOURCES COMMITTEE  
Request approval of Water Resources Committee recommendation to add the City of Sealy Allens Creek Conveyance Improvement Project to the H-GAC Priority Flood Mitigation Projects List. (Staff Contact: Justin Bower)
8. REQUEST TO COMBINE MITIGATION FUNDING
  - a. REQUEST TO COMBINE REGIONAL MITIGATION FUNDING  
Request the adoption of resolution regarding Community Development Block Grant – Mitigation funds for the Houston-Galveston region. (Staff Contact: Chuck Wemple)
9. PLANS AND PROJECTS REVIEW COMMITTEE
  - a. STATE HOMELAND SECURITY PROGRAM GRANT FUNDING – FISCAL YEAR 2022  
Request adoption of the fiscal year 2022 State Homeland Security Program grant projects, as recommended by the Regional Homeland Security Coordinating Council. (Staff Contact: Justin Riley)
10. H-GAC ADVISORY COMMITTEE APPOINTMENTS
  - a. H-GAC MARCH 2022 ADVISORY COMMITTEE APPOINTMENTS  
Request approval of appointments to H-GAC advisory committees. (Staff Contact: Rick Guerrero)
11. H-GAC BOARD COMMITTEE APPOINTMENTS
  - a. H-GAC 2022 BOARD CHAIR'S COMMITTEE APPOINTMENTS  
Request approval of the Chair's committee appointments. (Staff Contact: Rick Guerrero)

## **INFORMATION**

12. EXECUTIVE DIRECTOR'S REPORT
  - a. 2021 END-OF-YEAR REPORT  
No action requested. For information only. (Staff Contact: Chuck Wemple)
  - b. H-GAC SPOTLIGHT – HGACBUY  
No action requested. For information only. (Staff Contact: Marlana Mack)
  - c. CURRENT AND UPCOMING H-GAC ACTIVITIES  
Report on current and upcoming H-GAC activities. (Staff Contact: Chuck Wemple)
13. EXECUTIVE SESSION
  - a. EXECUTIVE SESSION – EVALUATION OF H-GAC EXECUTIVE DIRECTOR  
The Board of Directors will hold an Executive Session to conduct an annual evaluation of the Executive Director in accordance with Government Code, Title 5, Section 551.074. (Contact: Chair William King, III)

## **ACTION**



14. EXECUTIVE SESSION - FOLLOW-UP SESSION

a. EVALUATION OF H-GAC EXECUTIVE DIRECTOR

Discuss and possibly take action following Executive Session to evaluate performance of H-GAC's Executive Director. (Contact: Chair William King, III)

15. ADJOURNMENT

In compliance with the Americans with Disabilities Act, H-GAC will provide for reasonable accommodations for persons attending H-GAC functions. Requests should be received by H-GAC 24 hours prior to the function.

## **H-GAC BOARD MEETING MINUTES – FEBRUARY 15, 2022**

### **Background**

The H-GAC Board of Directors convenes on the third Tuesday of each month at 10:00 a.m. Meeting minutes are prepared following each Board meeting to summarize any action taken and document the attendance of Board members.

### **Current Situation**

A summary of the February 15 meeting of the H-GAC Board of Directors is attached and recommended for approval.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Request approval of the minutes of the February 15, 2022 H-GAC Board Meeting. (Staff Contact: Rick Guerrero)

### **ATTACHMENTS:**

- ▣ Board Meeting Minutes – February 15 2022      Cover Memo

**MEETING MINUTES**  
**H-GAC BOARD OF DIRECTORS**  
**February 15, 2022**

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**ATTENDANCE ROSTER**

The following members of the Board of Directors (Board) of the Houston-Galveston Area Council (H-GAC) attended all or a portion of the February 15, 2022 Board meeting, in person or via videoconference:

Austin County Judge Tim Lapham	City of La Porte Councilmember Bill Bentley (Alternate)
Brazoria County Commissioner Stacy Adams	City of Lake Jackson Mayor Gerald Roznovsky
Chambers County Commissioner Tommy Hammond	City of League City Council Member Larry Millican
Colorado County Judge Ty Prause	City of Missouri City Mayor Pro Tem Jeffrey Boney
Fort Bend County Commissioner Andy Meyers	City of Pasadena Councilmember Cary Bass
Galveston County Commissioner Ken Clark	City of Pearland Mayor Kevin Cole
Harris County Commissioner Adrian Garcia	City of Sugar Land Mayor Joe Zimmerman
Liberty County Judge Jay Knight	City of Texas City Commissioner Jami Clark
Matagorda County Judge Nate McDonald	
Walker County Commissioner Jimmy Henry	
Waller County Judge Trey Duhon	<i>Home Rule Cities (Less than 25,000):</i>
Wharton County Judge Phillip Spenrath	City of Dickinson Councilmember William H. King III
	City of Sealy Mayor Carolyn Bilski
City of Conroe Mayor Pro Tem Raymond McDonald	<i>General Law Cities:</i>
City of Deer Park Councilman Bill Patterson	City of Waller Council Member Nancy Arnold
City of Friendswood Councilmember Sally Harris Branson	City of Pattison Mayor Joe Garcia
City of Galveston Mayor Dr. Craig Brown	
City of Houston Council Member Sallie Alcorn	<i>Independent School Districts:</i>
City of Houston Council Member Edward Pollard (Alternate)	Huntsville ISD Trustee Rissie Owens
City of Huntsville Mayor Andy Brauningner	

The following Board members were not marked in attendance at the February 15, 2022 Board meeting:

Harris County Judge Lina Hidalgo	City of Alvin Mayor Pro Tem Martin Vela
Montgomery County Commissioner Charlie Riley	City of Baytown Council Member Charles Johnson
	City of Rosenberg Mayor Kevin Raines

(over)



## **CALL TO ORDER**

The Board Chair, City of Dickinson Mayor Pro Tem William H. King III, called the meeting to order at 10:02 a.m. on Tuesday, February 15, 2022 in person at 3555 Timmons Lane and connecting via Zoom videoconference.

## **ROLL CALL**

Chair King asked Rick Guerrero, Houston-Galveston Area Council Director of Intergovernmental Relations, to conduct the Board of Directors roll call. Mr. Guerrero conducted the roll call and announced that a quorum was present.

### **1. INVOCATION**

Wharton County Judge and immediate past H-GAC Board of Directors Chair Phillip Spenrath gave the invocation.

### **2. PLEDGE OF ALLEGIANCE**

City of Friendswood Councilmember and H-GAC Board of Directors Vice Chair Sally Harris Branson led the Pledge of Allegiance and the Pledge to the Texas Flag.

### **3. PUBLIC COMMENT**

Chair King invited comments from any members of the public who wished to participate during the call and asked Mr. Guerrero if any public comments had been received via email prior to the meeting. Mr. Guerrero stated that several individuals had signed up for public comments, both virtually and in-person; and that preference would be given to in-person individuals first.

City of Houston Mayor Sylvester Turner spoke on the Draft Method of Distribution, item 9b of today's agenda, for the \$488 million from the US Housing and Urban Development via the Texas General Land Office. Mayor Turner stated that the City of Houston has dealt with seven federally declared disasters in the past six years. He stated that from Hurricane Harvey alone, 125,000 single family homes and 100,000 other properties were impacted. Mayor Turner challenged the Water Resources Committee recommendation that 1.9% of the \$488 million would be distributed to the City of Houston and requested that more of the funds be allocated to the City of Houston. Mayor Turner stated that the City of Houston is slated to not receive any direct funding from the US Housing and Urban Development while Harris County is slated to receive \$750 million, which they have stated will not be allocated to any individual cities within Harris County. Mayor Turner requested that the current formula would be set aside and a more equitable formula be used which will allocate more funds to the City of Houston.

Several other individuals supported and reiterated Mayor Turner's request. Mayor Pro Tem of the City of Houston Dave Martin asked that H-GAC table the current recommendation for the Draft Method of Distribution and wait for the amended action plan from the General Land Office; and spoke about the need for a regional approach to flood mitigation. Other in-person commenters included: City of Houston Council Member and H-GAC Alternate Board Member Amy Peck, District A; City of Houston Chief Recovery Officer, Stephen Costello; Vice Mayor Pro Tem Martha Castex-Tatum, District K. Virtual public comments were made by City of Houston Council Member Abbie Kamin, District C; Sylvester Skip Reederill, citizen advocate with Houston One Voice organization; Harris County Commissioner Adrian Garcia,

Precinct 2 (who also mentioned that the US Housing and Urban Development has rejected the Texas General Land Office distribution plan for Harris County); Tina Petersen, incoming Director of the Harris County Flood Control District. Page 4 of 12

Mr. Guerrero stated that a letter was received earlier during the week addressing the same concerns mentioned from the City of Houston Mayor and council members.

Mr. Guerrero announced if there was anyone on the line who would like to make a public comment, they could do so now by raising their hand in the Zoom chat function.

Mr. Guerrero noted that additional Board members had joined the meeting since the roll call and proceeded with an additional roll call to record the additional attendance.

Mr. Guerrero then welcomed the following special guests: Melissa Washington, Brooke Bacuetes, and Randall Lee Freeze from the Texas General Land Office; Jay Guerrero and Hudson Petersen from Senator John Cornyn's office; Jason Fuller from Senator Ted Cruz's office; Claudia Morales from Congresswomen Lizzie Fletcher's office; Ginny Lewis Ford, Executive Director of the Texas Association of Regional Councils; H-GAC Board Alternates Teresa Vasquez Evans from the City of Kemah and Susan Schwartz from the City of Bunker Hill Village. Board Alternate Commissioner Joe Giusti was also present as proxy until Galveston County Commissioner Ken Clark arrived.

Chair King administered the Oath of Office to Commissioner Ken Clark, newly elected Chair Elect for the H-GAC Board of Directors.

After all public comments were heard, Chair King proceeded to the next item on the agenda.

#### **4. DECLARE CONFLICTS OF INTEREST**

Chair King called for any Board member with a conflict of interest to declare it at that time. Hearing none, Chair King proceeded to the next item on the agenda.

City of Sugar Land Joe Zimmerman moved that item 9, the Water Resources Committee, be moved from later in the agenda to immediately after item 5, the Consent Agenda. Commissioner Garcia seconded the motion. Chair King then called for a vote, which resulted in unanimous approval by all members present.

#### **5. CONSENT AGENDA**

Chair King called for the Consent Agenda and asked if there were any questions. Hearing none, he entertained motions from the floor for approval of the seven items on the Consent Agenda.

Mayor Zimmerman moved to approve the Consent Agenda and City of Pattison Mayor Joe Garcia seconded the motion. Chair King then called for a vote, upon which the vote resulted in unanimous approval by all members present.

The following items were acted on by approval of the consent agenda:

(over)

- a. **H-GAC BOARD MEETING MINUTES – JANUARY 18, 2022** – approved the minutes of the January 18, 2022 H-GAC Board Meeting.
- b. **INVESTMENT REPORT – 4TH QUARTER 2021** – approved the fourth quarter investment report ending December 31, 2021.
- c. **EXTERNAL AUDITOR CONTRACT** – approved a third-year contract with BKD CPAs as the independent auditor for the 2022 reporting period for fiscal year 2021; amount is \$111,200.
- d. **PUBLIC SERVICES – SMALL BUSINESS FUNDING** – approved to contract with Fort Bend County to administer a small business funding program of up to \$7,395,000 and to accept an initial capitalization of \$2,000,000.
- e. **WORKFORCE CONTRACT AMENDMENTS** – authorized to amend existing workforce contracts with BakerRipley in the amount of \$90,000; Interfaith of the Woodlands in the amount of \$90,000; and Outreach Strategists in the amount of \$275,000. Amendments combined total is \$455,000.
- f. **H-GAC PRIORITY CONSERVATION PROJECTS** – approved quarterly update to the Regional Conservation Initiative – Priority Project List.
- g. **CLOVERLEAF LIVABLE CENTERS STUDY** – authorized to contract with firms in order ranked to conduct the Cloverleaf Livable Centers Study for Harris County Precinct 2; total amount is \$251,750.

Please note that the next two items are taken out of order per the motion by Mayor Zimmerman recorded under item 4.

## 9. **WATER RESOURCES COMMITTEE**

### b. **Draft Method Of Distribution**

Chair King recognized the Water Resources Committee chair, Fort Bend County Commissioner Andy Meyers. Commissioner Meyers thanked the members of the committee for their hard work. He mentioned that the committee spent more than one year discussing the issues, and many public comments were taken into consideration. Commissioner Meyers also stated that what's being considered today is simply the next step in the process. The committee agreed that should Harris County reconsider and decide to allocate funds to their cities, the Water Resources Committee would re-evaluate their allocations as well.

Commissioner Meyers introduced Jeff Taebel, H-GAC Director of Community and Environmental Planning. Mr. Taebel stated that the Water Resources Committee has two items for approval today. The first item is to request approval for the addition of the City of Surfside project to the H-GAC Priority Flood Mitigation Projects List and was included in the agenda packet. This includes a summary of comments from the three public planning meetings on February 3, 2022. These meetings did not include a discussion of the allocation formula, because the formula is yet to be approved by the H-GAC Board or the Texas General Land Office. The next step would be Board approval to send the recommendation to the Texas General Land Office for conditional approval for public comments or return to H-GAC with necessary revisions. Once



the Texas General Land Office approves the Draft Method of Distribution, H-GAC will present the plan for an extended public comment period where we will share the formula, allocations, assumptions and inclusions for the Method of Distribution and funding options. Mr. Taebel stated that at that time, H-GAC will also be required to send a funding acknowledgment letter to any jurisdictions receiving an allocation informing them that they have eligible projects and have met the Low-to-Moderate-Income requirements. If the jurisdictions cannot use the funding, it will be reallocated. The final Method of Distribution will be amended accordingly and a public hearing will be held. Mr. Taebel stated that H-GAC has a contract with the Texas General Land Office that requires us to deliver this Method of Distribution within six months of the contract date, which will be June 2022.

Mr. Taebel again mentioned that the State Action Plan (from the Texas General Land Office) has yet to be approved by the US Department of Housing and Urban Development. The original State Action Plan was to distribute \$209,410,00 to H-GAC for our region. The amended State Action Plan is to distribute \$488,762,000 to H-GAC for our region with an additional \$750,000,000 going directly to Harris County with their own Method of Distribution. The requirement for the H-GAC funding is that 91.1% must be allocated to the most impacted and distressed communities as defined by the US Department of Housing and Urban Development, while 8.9% must be allocated to the most impacted and distressed communities as defined by the state. Mr. Taebel stated that there is a list of eligible and not eligible projects. A few of the eligible projects include flood control and drainage improvements, natural or green infrastructure, communications infrastructure, public facilities, economic development and activities designed to move families outside of the flood zone. A few of the ineligible project types are emergency response services, enlargement of dam or levee, facilities used for general conduct of government.

Mr. Taebel stated that 189 individuals attended the three public comments session on February 3, 2022 and 56 comments were received by February 4, 2022. H-GAC staff categorized the comments by jurisdictions and by categories for types of comments. Mr. Taebel stated that the Water Resources Committee has used three main mitigation factors for establishing their Draft Method of Distribution: 2015-2019 individual housing data from the Federal Emergency Management Agency; Low-to-Moderate Income individuals; and population within floodway, 100-year and 55-year flood plain. The current formula weights four categories at 25% each: households impacted; person and real property damage; Low-to-Moderate Income populations; population within flood plain. Mr. Taebel also stated that allocations which are declined or cannot be used by local governments will be reallocated to cities within Harris County and General Law Cities within the region. Mr. Taebel gave a brief overview of the timeline, subject to change, for the Method of Distribution process: February 2022 – submit draft to Texas General Land Office upon Board approval; April 2022 – acknowledgment letters to be sent upon approval by Texas General Land Office; May 2022 – reallocations as needed and final approval with Texas General Land Office. Mr. Taebel then yielded the floor to Commissioner Meyers, chair of the committee.

Commissioner Meyers thanked Melissa Washington with the Texas General Land Office and stated that she was always available to answer questions posed by the Water Resources Committee. Commissioner Meyers added that the Water Resources Committee considered five scenarios for the Draft Method of Distribution. He stated that since Harris County is receiving a direct allocation of \$750,000,000, which is 61% of the total coming to our region, they should establish a similar Method of Distribution to the cities within their county.

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Commissioner Meyers moved to adopt scenario four as the Water Resources Committee recommendation for the Draft Method of Distribution with provisions that should Harris County not include allocated funds to cities within Harris County, that the Water Resources Committee will reconvene to reconsider the recommended Method of Distribution and that unspent funds be reallocated to General Law Cities and cities within Harris County. Additionally, H-GAC is seeking a reduction in the Low-to-Moderate Income definition from 51% to 44%.

Harris County Commissioner Adrian Garcia called for a substitute motion for the Water Resources Committee to refer this item back to the Texas General Land Office. City of Houston Council Member Sallie Alcorn seconded the motion. Council Member Alcorn stated that the committee could benefit from taking additional time to consider the public comments before making a recommendation to the Texas General Land Office. Mayor Zimmerman suggested sending a resolution to the Texas General Land Office requesting that the H-GAC \$488,762,000 and the Harris County \$750,000,000 be combined for one Method of Distribution. Waller County Judge Trey Duhon requested information from the Texas General Land Office on the timeline, and the consequences if H-GAC does not take action at this time. Mr. Wemple stated that Mr. Taebel should be able to clarify the timeline. Mr. Taebel stated that the contract with the Texas General Land Office stipulates that we have the Method of Distribution submitted by June 2022 with a possibility of extension should circumstances warrant. City of Houston Council Member Edward Pollard (Alternate) supported Councilmember Alcorn's comments.

Mayor Zimmerman again suggested sending a resolution to the Texas General Land Office requesting that the H-GAC \$488,762,000 and the Harris County \$750,000,000 be combined for one Method of Distribution. Commissioner Garcia responded that his recommendation is based on the letter that Harris County received from the US Department of Housing and Urban Development that they have notified the State of Texas that it is disapproving the State Action Plan because it does not include the required assessment on how the funds will be used may affect members of protected classes, racially and ethnically concentrated areas, and concentrated areas of poverty – and is therefore substantially incomplete. Commissioner Garcia stated that hence, he does not see a way to accept any other recommendation because the US Department of Housing and Urban Development has already rejected the Texas General Land Office State Action Plan. Colorado County Judge Ty Prause commented that in his rural county, if the 50 years old sewer system which is 100-feet from being swept into the river is washed into river, 20% of his entire county will be without drinking water and sewage for possibly 11-15 months. Judge Prause is requesting a sense of fairness as disasters affect rural counties differently.

Judge Spenrath and Matagorda County Judge Nate McDonald also made comments regarding this item and stating that H-GAC Board Members always work together and take actions that are good for everyone in the region, not individual jurisdictions.

Commissioner Meyers requested that Melissa Washington from the Texas General Land Office clarify Commissioner Garcia's concerns about the letter from the US Department of Housing and Urban Development. Ms. Washington confirmed that the Texas General Land Office is working to provide the supplemental information that the US Department of Housing and Urban Development has requested. She also confirmed that the US Department of Housing and Urban Development will make the decision on the allocations for H-GAC and Harris County.

Commissioner Garcia asked Ms. Washington if she was confirming the accuracy of the letter she received; specifically confirming that there are deficiencies in the Texas General Land Office action plan and that the Texas General Land Office is submitting corrections. Ms. Washington confirmed. Councilmember Alcorn restated her second of Commissioner Garcia's motion to table this item until further information is received. page 8 of 12

Chair King called for the roll call vote and Mr. Guerrero proceeded as requested. The ayes were made by Harris County Commissioner Adrian Garcia; City of Deer Park Council Member Bill Patterson; City of Houston Council Member Sallie Alcorn; City of Houston Council Member Edward Pollard; City of LaPorte Council Member Bill Bentley; City of Missouri City Jeffrey Boney; and City of Pasadena Councilmember Cary Bass. The motion failed for lack of votes: 7 ayes to 24 nays.

A second substitute motion was made by Council Member Alcorn. Council Member Alcorn moved to use the same formula that was derived for the original \$209,410,000 proposed allocation for the \$488,762,000 proposed allocation. Commissioner Garcia seconded the motion. Mayor Zimmerman again suggested sending a resolution to the Texas General Land Office requesting that the H-GAC \$488,762,000 and the Harris County \$750,000,000 be combined for one Method of Distribution. Commissioner Meyers responded that the committee could address his concerns at a later time. Mayor Zimmerman withdrew his request. City of League City Council Member Larry Millican asked Commissioner Meyers if Council Member Alcorn's substitute motion is the same as the Scenario B that was discussed during the Water Resources Committee meetings. Commissioner Meyers said it was not the same. Council Member Alcorn stated that in her substitute motion, the City of Houston would receive approximately 30% of the funds instead of 1.9% as the committee is recommending. Her desire is to have the allocations be more proportional for the damages sustained and that the cities in Harris County not be left out. Mayor Garcia stated that throughout the Water Resources Committee meetings, he argued for the inclusion of the cities in Harris County and voted against the proposal on the agenda today for the same reason. He further mentioned that he represents 11 General Law Cities in Harris County that are excluded in the committee proposal. Mayor Garcia further stated that it was his understanding that Harris County was allowed to share the funds with cities in their county; however, Harris County has not announced that they will share, so the committee is working under the assumption that Harris County will not share the funds with their cities.

Chair King thanked the committee members and mentioned that they have met multiple times and engaged in lengthy discussions based on damages sustained, not just population count. Commissioner Meyers concluded that all Board members are welcome to join the committee meetings at any time. He also reminded everyone again that this Draft Method of Distribution is simply the next step in the process. It will still need to be approved and go through public hearings. Judge McDonald stated that the new substitute motion is being rushed through for recommendation. Commissioner Garcia stated that the reason for his substitute motion and his current position is that he believes H-GAC should not be forced to make these allocation decisions. He stated that Harris County has gone through the process of submitting their needs and were promised by the Texas General Land Office that their needs would be addressed. Commissioner Garcia stated that if any political strategy was made, it was not made locally but at the state level. Commissioner Garcia further stated that Harris County has committed \$2.5 billion of their own funds to this project. Commissioner Meyers answered a question which had been asked earlier by Brazoria County Commissioner Stacy Adams. Brazoria County would

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receive \$78 million with the Water Resources Committee recommendation and \$41 million with Council Member Alcorn's substitute motion.

Chair King called for the roll call vote and Mr. Guerrero proceeded as requested. The ayes were made by Harris County Commissioner Adrian Garcia; City of Deer Park Council Member Bill Patterson; City of Houston Council Member Sallie Alcorn; City of Houston Council Member Edward Pollard; City of LaPorte Council Member Bill Bentley; City of Pasadena Councilmember Cary Bass; and City of Sugar Land Mayor Joe Zimmerman. The motion failed for lack of votes: 7 ayes to 24 nays.

Commissioner Meyers moved to approve the original item, and Matagorda County Judge Nate McDonald seconded the motion. With no additional discussion, Chair King called for the vote. The nays were made by Harris County Commissioner Adrian Garcia; City of Deer Park Council Member Bill Patterson; City of Houston Council Member Sallie Alcorn; City of Houston Council Member Edward Pollard; City of LaPorte Council Member Bill Bentley; City of Pasadena Councilmember Cary Bass; City of Sugar Land Mayor Joe Zimmerman; and City of Pattison Mayor Joe Garcia. The motion carried with 23 ayes to 8 nays.

**a. Water Resources Committee Update**

Commissioner Meyers announced that the other item for the Water Resources Committee is to add the City of Surfside to the H-GAC Flood Mitigation Projects List as an urgent need project. Commissioner Meyers moved to approve, and Vice Chair Branson seconded the motion. With no additional discussion, Chair King called for the vote which passed unanimously.

**6. FINANCE AND BUDGET COMMITTEE**

**a. Monthly Financial Report – January 2022**

The Finance Committee met prior to the Board meeting under the leadership of Vice Chair Branson.

Vice Chair Branson recognized Nancy Haussler, H-GAC Chief Financial Officer, to present the financial report for January. Ms. Haussler stated that since January is the start of our fiscal year, we spend the majority of the time collecting financial data that pertains to the year-end activities. Hence, the figures in the current financial report are still preliminary and the large variances will diminish over time as we continue to gather current year information.

Ms. Haussler asked if there were any questions on the January financial report. There being none, Mayor Zimmerman moved to approve and Waller County Judge Duhon seconded the motion. Chair King called for the vote, which resulted in unanimous approval by all members present.

**b. Revised Salary Schedule – Fiscal Year 2022**

Vice Chair Branson recognized Nancy Haussler, H-GAC Chief Financial Officer, to present the revised employee salary ranges for 2022. Ms. Haussler stated that in December, the Board approved the recommended salary schedule. The approved salary schedule was then submitted to the State of Texas Auditor's office with a request for an exception to the required match to the state's salary schedule. The request was declined due to a 1% variance. Ms. Haussler has determined that matching the state's salary schedule will not have a detrimental impact on employees' salaries.

Ms. Haussler asked if there were any questions on the revised salary schedule. There being none, Mayor Zimmerman moved to approve, and City of Waller Council Member Nancy Arnold seconded the motion. Chair King called for the vote, which resulted in unanimous approval by all members present.

## **7. HUMAN SERVICES**

### **a. Workforce Contract Amendment – Employer Service**

Chair King announced that the next item is a request to amend 2022 existing contract with Adaptive Construction Solutions by \$1,382,000 for a total of \$4,882,000. He called on Brenda Williams, Senior Manager for the Workforce Department, to present this item.

Ms. Williams stated that the Adaptive Construction Solutions provides employer services in our region. The increased contract funding will allow them to expand capacity and increase high-level relationships with chambers of commerce and economic development corporations. It will also introduce new business to Workforce Solutions, increase outreach, ensure repeat business, and help create 1,700 new jobs as part of our talent development efforts.

Chair King asked if there were any questions for Ms. Williams. There being none, Mayor Garcia moved to approve, and Commissioner Meyers seconded the motion. Chair King called for the vote, which resulted in unanimous approval by all members present.

## **8. PLANS AND PROJECTS REVIEW COMMITTEE**

### **a. 2022-2042 Circle Lake Transfer Station Registration Review**

Chair King recognized Judge Duhon as the chair of the Plans And Projects Review committee. Judge Duhon stated that the committee met earlier today to consider two items on the agenda. Judge Duhon also stated that both projects were determined to be consistent with H-GAC plans, policies and review criteria; and were approved unanimously by the committee. Hence, in the interest of time, Judge Duhon recommended that unless any Board member would specifically like to hear the presentation from staff, he would move to approve this item. After Judge Duhon so moved, Commissioner Meyers seconded the motion. Chair King called for the vote, which resulted in unanimous approval by all members present.

### **b. Regionally Coordinated Transportation Plan**

Judge Duhon recommended the same for the Regionally Coordinated Transportation Plan; that unless any Board member would specifically like to hear the presentation from staff, he would move to approve this item. He further stated this item will also be presented to the Transportation Policy Council and other transportation-related committees. After Judge Duhon so moved, Commissioner Meyers seconded the motion. Chair King called for the vote, which resulted in unanimous approval by all members present.

## **10. SPECIAL COMMITTEE ON H-GAC BOARD COMPOSITION**

### **a. Select Committee Report – H-GAC Board Composition**

Chair King recognized Commissioner Garcia as the chair of this special committee on H-GAC Board Composition. Mr. Wemple gave an introduction of this item before yielding the floor to Commissioner Garcia. Mr. Wemple stated that prior to the 2020 Census, former City of Pearland Mayor Tom Reid mentioned that a review of the Board seats might be in order due to the upcoming census. Mr. Wemple concurred and also discussed the idea with Commissioner

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Garcia, Judge Spenrath and other Board members. A special committee was formed and several meetings were held beginning in May 2021 to discuss various options and opportunities to possibly increase Board seats. Several factors were considered, including growth in our region, the composition of other councils of governments across the country, and potential service gaps. The options for increasing votes for high growth areas benefitted urban areas including Fort Bend County, Harris County, Montgomery County, and the City of Houston. Mr. Wemple further stated that the committee is recommending that the board composition remains as it currently exists, and to have no by-laws change to adjust the current board composition.

Commissioner Garcia thanked the committee members and stated that the committee sought to understand the growth in our region and how it would apply to the H-GAC Board. He stated that the will of the committee was to not make any changes at this time, and he supports the will of the body. Commissioner Garcia also thanked Mr. Wemple and H-GAC staff for gathering and analyzing the data for the committee, based on other councils of governments in the state and across the country who have also considered and/or changed their governing boards composition.

Chair King thanked Commissioner Garcia for his leadership of the committee, staff members for their knowledge, and committee members for attending with open minds and sincere desires for evaluating the board composition. He then called for a motion on this item. Mayor Zimmerman moved to approve, and Council Member Arnold seconded the motion. With no additional discussion, Chair King called for the vote, which resulted in unanimous approval by all members present.

## **11. ELECTION COMMITTEE**

### **a. Proposed Amendment to H-GAC Bylaws**

Chair King recognized Mr. Wemple to request discussion of proposed amendments to H-GAC bylaws and authorization to mail amendment ballots. Mr. Guerrero added that this proposal is to ensure that board committees, in the absence of the committee chair and vice chair, can appoint a presiding officer so that the committee can take action on agenda items.

Mayor Zimmerman moved to approve, and Commissioner Meyers seconded the motion. With no additional discussion, Chair King called for the vote, which resulted in unanimous approval by all members present.

## **12. H-GAC ADVISORY COMMITTEE APPOINTMENTS**

### **a. H-GAC February 2022 Advisory Committee Appointments**

Chair King recognized Rick Guerrero to request approval of appointments to our H-GAC Advisory Committees. Mr. Guerrero stated that there is one appointment to the Criminal Justice Advisory Committee and four appointments to the Regional Homeland Security Coordinating Council.

Mayor Zimmerman moved to approve, and Council Member Arnold seconded the motion. With no additional discussion, Chair King called for the vote, which resulted in unanimous approval by all members present.

## **13. EXECUTIVE SESSION**

### **a. Executive Session – Cybersecurity**



Pursuant to Chapter 551.089 of the Texas Government Code, the Board of Directors may go into executive session, if necessary, to discuss security devices or security audits. Chair King recessed the regular board meeting at 12:25 p.m. and moved to the private executive session. At 12:37 p.m., the Board of Directors returned from the executive session and resumed the regularly scheduled open session. No action was taken.

When the Board members returned from the executive session, a brief statement was made by Mr. Wemple and Commissioner Meyers, as also suggested by Mayor Zimmerman earlier, that a resolution or a formal letter be presented at the March board meeting directed to the Texas General Land Office requesting that the \$488 million to H-GAC and the \$750 million to Harris County be combined for a more fair and equitable allocation to the entire H-GAC region.

#### **14. EXECUTIVE DIRECTOR'S REPORT**

##### **a. 2021 END-OF-YEAR REPORT**

Mr. Wemple stated the for the sake of brevity, he will go more in depth on the 2021 end-of-year report at the next Board meeting. The report has been provided with the agenda packet.

##### **b. H-GAC Spotlight – HGACBuy**

Mr. Wemple stated that the HGACBuy spotlight will also be presented at next month's Board meeting.

##### **c. Current and Upcoming H-GAC Activities**

Mr. Wemple concluded the meeting with a brief report on current and upcoming H-GAC activities. He stated that the Board installed newly elected officers at the February 4 Annual Meeting: Chair – Mayor Pro Tem William King III, City of Dickinson; Chair Elect – Commissioner Ken Clark, Galveston County; and Vice Chair – Councilmember Sally Branson, City of Friendswood, the birthplace of Houston-Galveston Area Council.

Mr. Wemple stated his Executive Director annual performance evaluation will be held at next month's Board meeting; with surveys going out in the near future and are due back by March 4. Committee preference forms will also be going out soon via email and are available in-person today.

#### **15. ADJOURNMENT**

Chair King thanked staff and general assembly for their participation today and Council Member Arnold and the election committee for their vote of confidence. There being no further business to discuss, Chair King adjourned the February 2022 Meeting of the H-GAC Board of Directors at 12:44 p.m.

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## H-GAC 3555 TIMMONS LEASE

### Background

H-GAC currently leases approximately 70,777 square feet of space at 3555 Timmons Lane at an annualized cost over the lease term of \$25.40 per rentable square foot (“rsf”). The lease is scheduled to end on January 31, 2025. The last lease negotiation occurred in September 2017. That lease negotiation allowed H-GAC to expand office space to accommodate a request from the Texas Workforce Commission to co-locate some TWC staff for better coordination of services with H-GAC. H-GAC acquired an additional 5,578 square feet on the 7th floor which it subleases to TWC. The sublease is co-terminus with H-GAC’s lease. Additionally, the lease provided a tenant improvement of approximately \$20/sf.

### Current Situation

In March of 2020, H-GAC required employees to work remotely from their homes because of the Covid-19 pandemic. The temporary closure of the office, remote working, and testing of hybrid work schedules allowed H-GAC to re-evaluate our future space needs. In December 2021 the landlord, DAR 3555 LLC, approached H-GAC with an opportunity to renegotiate the lease. This has provided several favorable incentives that will increase our efficiency and be competitive in the current and future job market. The following is a summary of the key items in the negotiation:

- H-GAC’s lease term would extend to January 31, 2030
- H-GAC would lease an additional 443 sq. ft. on the 2<sup>nd</sup> floor to expand the bathroom facilities.
- H-GAC would have the option of reducing its leased square footage by vacating the 3<sup>rd</sup> floor (12,260 square feet) and reducing its share of building operating expense by the pro-rata share of office space. This would equate to a blended annualized savings of \$332,000 in rent per year and reduce the pro-rata share of operating costs from 31.53% to 26.1%.
- The base year for determining operating costs will shift from 2020 to 2023 which is more favorable to H-GAC.
- TWC space on the 7<sup>th</sup> floor remains within this lease amendment. TWC would also be granted the option to terminate their sublease on the original termination date of January 31, 2025 and H-GAC would have no obligation to assume the subleased space. Should TWC wish to modify their leased space, the landlord shall take over the sublease and offer identical terms to H-GAC’s terms for their revised space including their portion of the tenant improvement allowance. Tenant improvement allowance on the 7<sup>th</sup> floor would be negotiated between H-GAC and TWC, if they elect to retain their sublease tenancy.
- H-GAC’s blended rate over the lease term adjusts from the current rate of \$25.73 to \$27.08. This blended rate includes the reduction of the current monthly rate per square foot from \$26.25 to \$25.50 and adds an escalation of \$0.50 per square foot each year during the lease term. The lease term would commence on 2/1/2022 and end on 01/31/2030.
- H-GAC would receive a tenant improvement allowance of \$25 per square foot of leased space as of May 1, 2022. Should H-GAC exercise its option to reduce the lease space on the 3<sup>rd</sup> floor, the corresponding improvement allowance would be reduced by the proportionate share.
- Landlord agrees to provide outdoor covered lounge space on the 5<sup>th</sup> floor of the parking garage with seating and other amenities for use by H-GAC.

**Funding Source**

N/A

**Budgeted**

N/A

**Action Requested**

Request authorization to allow the Executive Director to extend the lease in accordance with the terms outlined herein. (Staff Contact: Nancy Haussler)



## **RENEWAL OF BUSINESS AND RESIDENTIAL DATA**

### **Background**

H-GAC and members of Geographic Data Workgroup rely on business, and residential data for various mapping activities. For several years, H-GAC has relied on Data Axle (formerly known as Infogroup) as the most reliable resource for location accuracy of business and address classifications. In addition, individual residential data has been a resource relied on by the Greater Harris County 9-1-1 Emergency Network and the Gulf Coast Regional 9-1-1 Emergency Communications District for address verifications.

### **Current Situation**

On behalf of contributing members of the Geographic Data Workgroup, H-GAC has negotiated to renew the license agreement of Data Axle's 2022 Business and Residential database. The renewed license agreement would allow H-GAC and contributing members of Geographic Data Workgroup to obtain the Data Axle 2022 Business and Residential database containing approximately 1,524,650 business records and 6,358,775 residential records, as well as continue to use past year's licensed databases. Cost of the renewal would be \$51,450; borne collectively through elective cost-sharing contributions which have already been committed.

### **Funding Source**

Funds committed by participating cost-share organizations

### **Budgeted**

Yes

### **Action Requested**

Request approval to purchase Data Axle's business and residential databases, on behalf of contributing members of Geographic Data Workgroup; amount not to exceed \$51,450. (Staff Contact: Brooks Andrews)

## **TRANSPORTATION PLANNING STUDIES – FUNDING AGREEMENTS**

### **Background**

In November 2021, the Board of Directors authorized Houston-Galveston Area Council to enter into Advance Funding Agreements with the Texas Department of Transportation for \$2,700,000 to fund Mobility and Corridor Planning Studies Bundle consisting of seven planning studies and \$2,500,000 to fund the High-Capacity Feasibility Studies Bundle consisting of four planning studies.

### **Current Situation**

Staff is proposing to split the previously approved Mobility and Corridor Planning Studies Bundle into three Funding Agreements and the High-Capacity Feasibility Studies Bundle into two Funding Agreements to streamline the management of project activities and budget. The scopes of work and budgets for the studies remain unchanged. The project area maps are in the attachments. This action will only change how previously approved projects are administered.

### **Funding Source**

Federal – Surface Transportation Block Grant Funds: \$5,200,000

### **Budgeted**

Yes

### **Action Requested**

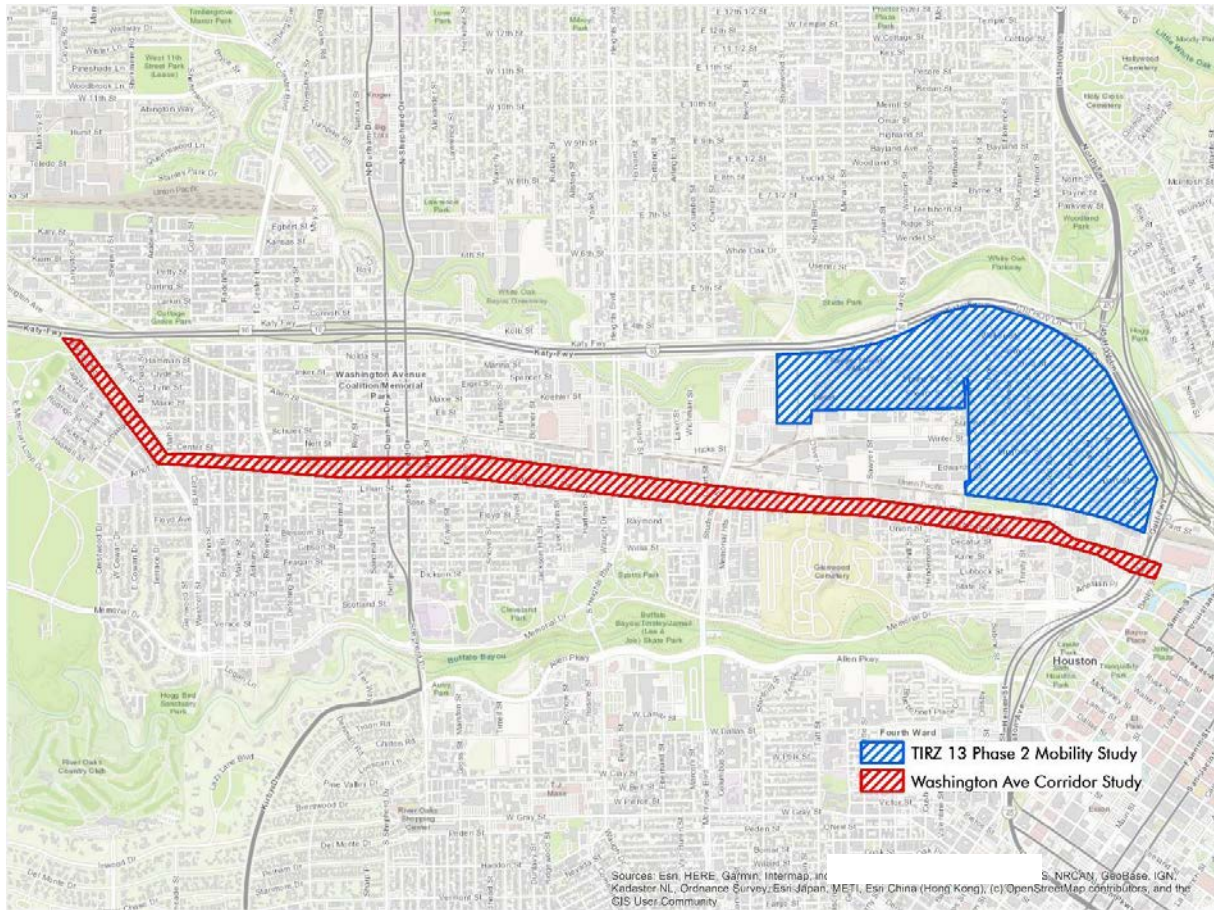
Request authorization to split the Mobility and Corridor Planning Studies Bundle into three Funding Agreements and the High-Capacity Feasibility Studies Bundle into two Funding Agreements, with no change to the prior identified projects or authorized amounts. (Staff Contact: Craig Raborn).

### **ATTACHMENTS:**

▫ Attachment 1 - Maps of Study Areas

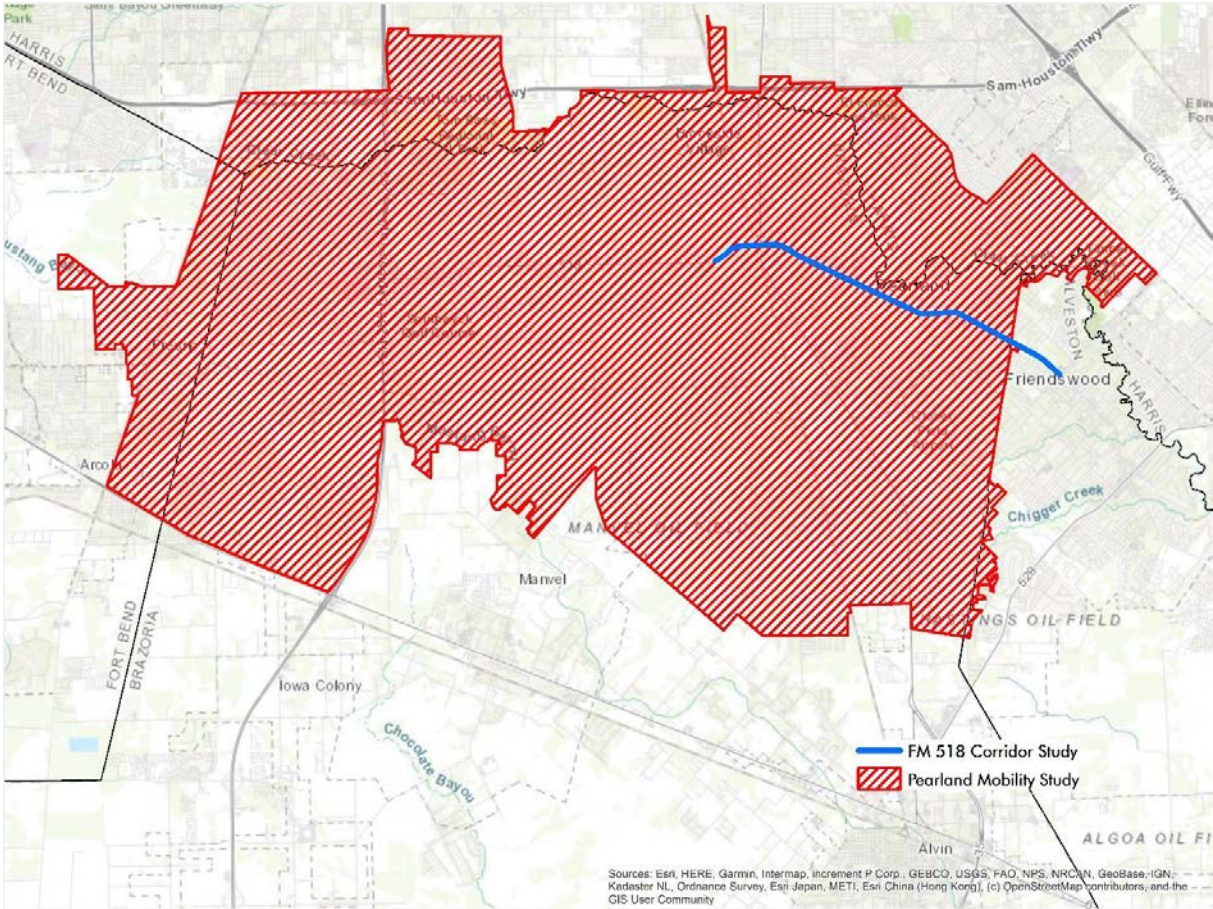
Exhibit

**Map 1 - Central Regional Planning Projects Approximate Study Area**

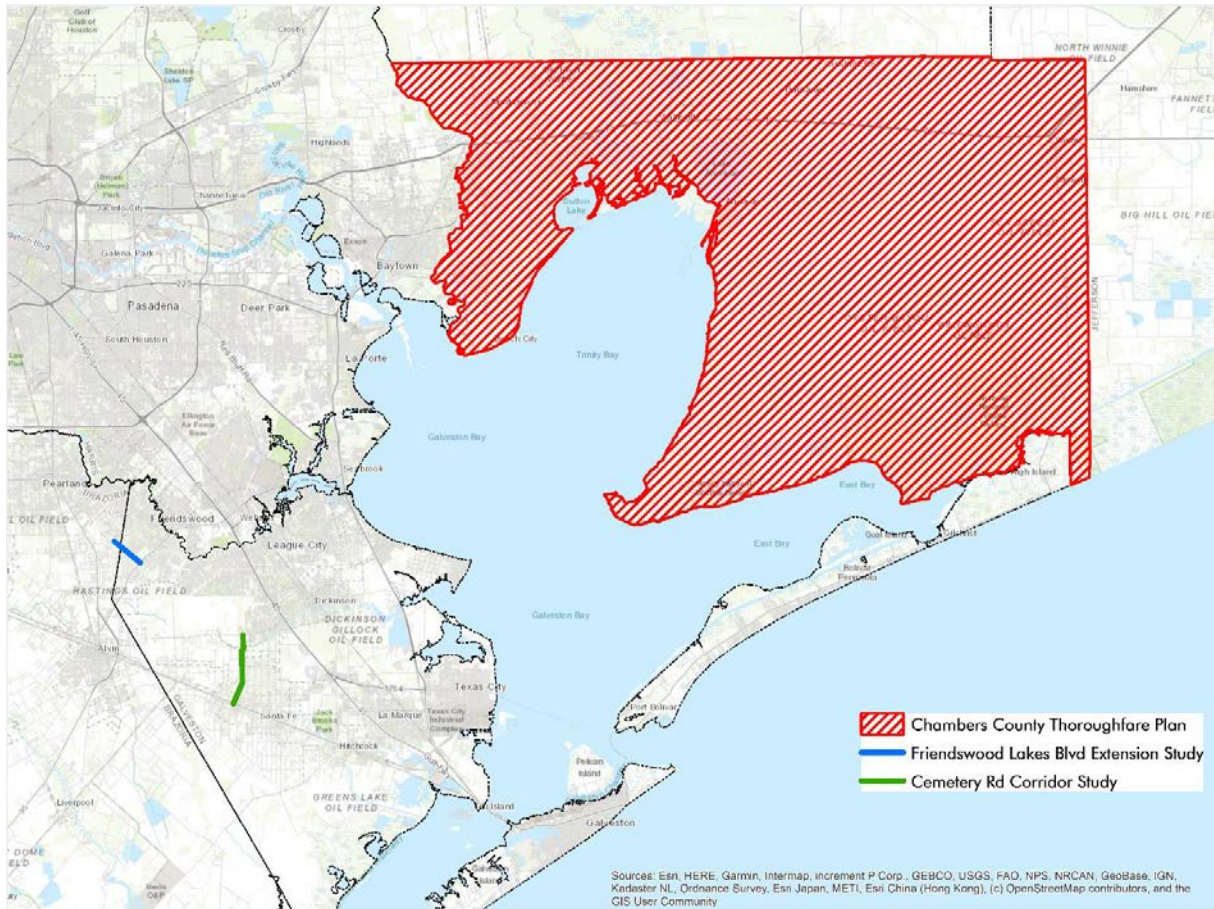




Map 2 - South Regional Planning Projects Approximate Study Area



### Map 3 - Southeast Regional Planning Projects Approximate Study Area





### Map 4: High-Capacity Transit Feasibility Studies





## MONTHLY FINANCIAL REPORT – FEBRUARY 2022

### **Background**

N/A

### **Current Situation**

N/A

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Request approval of the monthly financial report ending February 28, 2022. (Staff Contact: Nancy Haussler)

### **ATTACHMENTS:**

- ▢ Monthly Financial Report - February 2022      Cover Memo

**HOUSTON-GALVESTON AREA COUNCIL  
FINANCIAL STATUS REPORT  
For the Two Months Ended February 2022**

	Budget Year to date	Actual Year to date	Variance Dollar	%
<b>Combined Revenues and Expenditures</b>				
Revenues	\$ 79,729,709	\$ 55,733,010	\$ (23,996,699)	-30%
Expenditures	(79,886,945)	(55,962,962)	23,923,983	-30%
<b>Change in Combined Fund Balance</b>	<b>\$ (157,236)</b>	<b>\$ (229,952)</b>	<b>\$ (72,716)</b>	

<b>Change in Fund Balance by Fund Type</b>				
Change in fund balance - General Fund	\$ (145,116)	\$ 17,481	\$ 162,597	
Change in fund balance - Gulf Coast Regional 911	264,533	(97,721)	(362,254)	
Change in fund balance - Enterprise Fund	(12,120)	(149,711)	(137,592)	
<b>Total Change in Fund Balances</b>	<b>\$ 107,297</b>	<b>\$ (229,951)</b>	<b>\$ (337,248)</b>	

**Variance Analysis**

The presentation of the change in fund balance by fund type is intended to highlight the effects of revenue and expenditure transactions by fund. The General Fund (GF) consists of those funds not associated with grant programs or enterprise activities. The Special Revenue Fund (SRF) consists of those funds that are restricted for a specific purpose. HGAC's grant programs are in this fund. The Enterprise Fund is used to track activities of the Cooperative Purchasing program and the Energy Purchasing Corporation. The variances of specific revenues and expenditures are explained on the second page of this report.

\*\*\* The Cooperative Purchasing program has a (\$145,956) decrease toward the Enterprise fund balance YTD, and the Energy Purchasing Corporation is reflecting a (\$3,757) decrease to the Enterprise fund balance.

**HOUSTON-GALVESTON AREA COUNCIL  
FINANCIAL STATUS REPORT  
For the Two Months Ended February 2022**

	Annual Budget	Budget Year to Date	Actual Year to Date	Variance Dollar	%
<b>Revenues</b>					
<b>General and Enterprise Fund</b>					
Membership dues(a)	\$ 462,137	\$ 77,023	\$ 122,118	\$ 45,095	59%
HGAC Energy Purchasing Corporation	90,000	15,000	10,722	(4,278)	-29%
Cooperative Purchasing fees (b)	5,750,000	958,333	449,047	(509,286)	-53%
Gulf Coast Regional 911 fees (c)	2,989,523	498,254	347,540	(150,714)	-30%
Interest Income (d)	25,000	4,167	95	(4,072)	-98%
Other	6,281,246	1,046,874	352,048	(694,826)	-66%
<b>Total General and Enterprise Fund revenues</b>	<b>\$ 15,597,906</b>	<b>\$ 2,599,651</b>	<b>\$ 1,281,571</b>	<b>\$ (1,318,080)</b>	<b>-51%</b>
<b>Special Revenue Fund</b>					
Federal Grant (e)	\$ 3,483,782	\$ 580,630	\$ 31,797	\$ (548,833)	-95%
State Grants (e)	459,296,567	76,549,428	54,419,642	(22,129,786)	-29%
<b>Total Special Revenue Fund revenues</b>	<b>\$ 462,780,349</b>	<b>\$ 77,130,058</b>	<b>\$ 54,451,439</b>	<b>\$ (22,678,619)</b>	<b>-29%</b>
<b>Total Revenues</b>	<b>\$ 478,378,255</b>	<b>\$ 79,729,709</b>	<b>\$ 55,733,009</b>	<b>\$ (23,996,700)</b>	<b>-30%</b>
<b>Expenditures</b>					
Personnel	\$ 30,867,961	\$ 5,144,660	\$ 4,362,507	\$ (782,153)	-15%
Pass-through funds - grant (f)	428,461,002	71,410,167	50,146,648	(21,263,519)	-30%
Consultant and contract services	11,106,676	1,851,113	656,359	(1,194,754)	-65%
Lease of office space	1,884,146	314,024	284,663	(29,361)	-9%
Equipment	3,169,221	528,204	57,372	(470,832)	-89%
Travel	357,705	59,618	15,900	(43,718)	-73%
Other expense	3,474,959	579,160	439,512	(139,648)	-24%
<b>Total Expenditures</b>	<b>\$ 479,321,670</b>	<b>\$ 79,886,945</b>	<b>\$ 55,962,961</b>	<b>\$ (23,923,984)</b>	<b>-30%</b>
<b>Excess of Revenues over(under) Expenditures</b>	<b>\$ (943,415)</b>	<b>\$ (157,236)</b>	<b>\$ (229,951)</b>	<b>\$ (72,716)</b>	

**Variations:**

*Revenues and expense variances are large for the first month of the year. This is normal for H-GAC because our fiscal year ends in December. The month of January and part of February usually has financial events, like billings and revenue recognition, that are associated with the prior year. As the year progresses, H-GAC's revenues and expenditures will more closely track the budgeted revenue and expense projections.*

- a) Membership dues were billed in early January. We anticipate that most dues will be received by May
- b). Cooperative purchasing continues to show delays and fiscal reluctance to commit to large ticket items until supply chains have been restored.
- c). The Commission on State Emergency Communications had delays in submitting the 9-1-1 fees in February. They were received in March and will be reflected in that report.
- d). Interest income is down due to the Federal Reserve holding interest rates low. H-GAC will have some investment maturities before the end of the year.
- d) Pass-thru revenue and expense appear low because most of the billings received from suprecipients were for expenses incurred in 2021.
- e) Pass-thru expenses and corresponding revenue is down in three major program areas: Transportation, Workforce, Criminal Justice and Aging Services. Most of these programs received additional funds during the previous fiscal year which have not been spent. The grantors are allowing most of this money to carry forward into 2022.



## **WATER RESOURCES COMMITTEE**

### **Background**

The H-GAC Board of Directors Water Resources Committee has been working to identify and support flood mitigation projects of regional significance. The committee also deliberates and provides recommendations to the Board regarding significant funding and policy issues pertaining to flood mitigation and water supply.

### **Current Situation**

The H-GAC Board Water Resources Committee met on March 9, 2022. The committee recommended adding the following project to the Priority Flood Mitigation Project List.

#### **City of Sealy Allens Creek Conveyance Improvement Project (Tier 2):**

This project would involve engineering and implementation of dredging and conveyance improvements to a section of Allens Creek on the southwest side of the City of Sealy. The creek section impacts regional transportation corridors Highway 36 and I10, has caused flooding in adjacent commercial and residential areas, and contributes to downstream impacts. This project will be coordinated with an Austin County project addressing adjacent sections of the Allens Creek system. *(City of Sealy, Austin County)*

The Committee also received a briefing on the current status of the H-GAC-approved preliminary Method of Distribution for Community Development Block Grant-Mitigation funds.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Request approval of Water Resources Committee recommendation to add the City of Sealy Allens Creek Conveyance Improvement Project to the H-GAC Priority Flood Mitigation Projects List. (Staff Contact: Justin Bower)

### **ATTACHMENTS:**

▢ Priority Flood Mitigation Projects List

Cover Memo

**H-GAC PRIORITY FLOOD MITIGATION PROJECTS**  
**Presented for consideration by the H-GAC Board of Directors on March 15, 2022**

The H-GAC Board of Directors has approved this project priority list, grouped into priority tiers indicating the level of engagement and support H-GAC could provide, and identifying a separate group of projects of urgent need. This list will be regularly reviewed and updated, as necessary.

**TIER 1:** Projects benefitting multiple jurisdictions for which there are specific opportunities for H-GAC to provide support, coordination, or to serve as the lead in securing funding.

**Cedar Bayou Alliance** – Judge Sylvia of Chambers County appointed H-GAC to lead a coalition of governments and industry in the Cedar Bayou watershed of Harris, Chambers, and Liberty Counties to identify joint flood mitigation projects. H-GAC has been working with Cedar Bayou Alliance partners to identify and promote projects of shared priority and to coordinate activities among the entities involved. Longer-term steps may include creating a special district/authority to develop revenue and implement resiliency projects in the watershed (*Harris, Liberty and Chambers Counties; Cities of Baytown, Mont Belvieu*).

**Lower Colorado River and San Bernard River Flood Warning System** – Wharton, Colorado, and Matagorda Counties, and the Cities of Bay City, Columbus, and Wharton, along with the Lower Colorado River Authority, have collaborated on a study of the Lower Colorado River, post-Harvey. This project involves new inundation maps that can be used to enhance flood warning information. H-GAC and Wharton County are considering potential funding opportunities to mirror this modeling and mapping project in the San Bernard River and Caney Creek Watersheds and install river gauges in both Lower Colorado and San Bernard systems (*Austin, Brazoria, Colorado, Fayette, Fort Bend, Lee, Matagorda, Wharton*).

**Chambers County and City of Mont Belvieu Flood Protection Planning for Watersheds** Chambers County and the Cities of Liberty, Dayton and Mont Belvieu, in coordination with other local entities, are initiating a flood protection planning project for approximately 900 miles of watersheds in Chambers, Liberty, Galveston, Harris, and Jefferson Counties. The project will develop hydrologic models for the study area and produce inundation maps for a variety of storm events. The project will also seek to identify areas of highest risk, recommend flood mitigation measures to address them and develop planning level estimates of provable costs. (*Chambers, Liberty, Harris, Galveston, and Jefferson counties; Cities of Mont Belvieu, Liberty and Dayton*).

**Lower Brazos Flood Protection Planning Study** –Includes analysis of medium- to large-scale structural solutions and buyouts, and recommendations for additional modeling, engineering, and environmental studies that benefit parts of the region along the lower Brazos River. The study involved several of H-GAC's local governments and includes some projects inside the region and others that, while outside the region, would benefit H-GAC counties and their communities (*Fort Bend, Brazoria, Austin, and Waller Counties*).

**Brazos River Pinch Point Project** - This project would use structural barriers to prevent further erosion of a new channel through a pinch point of the Brazos River near Simonton, at a cost of \$25.8 million. The barriers would protect area landowners and communities, prevent higher river velocities downstream, and ensure the viability of existing emergency evacuation

routes and the Allen's Creek Reservoir project (*Fort Bend County, Missouri City, Richmond, Rosenberg, Simonton, Sugar Land, Thompsons, Weston Lakes*).

**Coordinated Detention Pilot Project** – Waller County is seeking funding to implement a study and pilot implementation of coordinated detention basin network and technologies in multiple watersheds. The pilot study would involve two phases of initial evaluation of potential downstream impacts from coordinated releases, focusing on risk mitigation effectiveness and potential adoption of practices by the County. A third phase would involve installation of networked sensors on existing detention basins at multiple locations in the County. The pilot project will evaluate hydrological benefits for potential flood loss reduction, positive impacts to low-to-moderate income communities, and water quality and conservation benefits. The project will also assess how the data may support alternative engineering, construction and maintenance of detention-retention assets and how it may impact placement of future retrofits (*Waller County*).

**Lower Clear Creek and Dickinson Bayou Flood Mitigation Plan Study** – Multiple local partners worked with the U.S. Army Corps of Engineers to conduct a \$1.5 million flood mitigation study of the Lower Clear Creek and Dickinson Bayou watersheds of Galveston County. Local participants included League City, Friendswood, Harris County Flood Control District, and Galveston County, with Brazoria County and Pearland as potential contributing participants. The study was finalized in 2021, and evaluated combinations of detention, conveyance improvements, flood tunnels and other alternatives ranging from \$275 million to \$1.25 billion for Lower Clear Creek and \$220 to \$500 million for Dickinson Bayou. Participants are working to further the primary recommendations of the study, including refining estimates of costs and benefits and recommending preferred alternatives. (<https://www.leaguecity.com/3645/Lower-Clear-Creek-Dickinson-Bayou-Waters>) (*Covered areas listed in summary table*).

**San Jacinto Regional Watershed Master Drainage Plan Projects** – multiple local jurisdictions worked to develop the [San Jacinto Regional Watershed Master Drainage Plan](#). Using Atlas 14 rainfall data to develop inundation maps and estimates of impacted areas, the plan identified flood mitigation projects and policies that can be implemented in the near- and long-term to reduce flood risks to people and property throughout the San Jacinto watershed. (*Harris County Flood Control District, San Jacinto River Authority, Montgomery County, City of Houston*).

**URGENT NEED:** Projects that are not necessarily regional, but which address high-impact local risks that are time-sensitive and lack reasonable mitigation alternatives.

**City of Columbus Wastewater Plant Replacement (*Urgent Need Project*)** – The City of Columbus wastewater treatment plant is threatened by erosion caused by recent flood events on the Colorado River. The project would entail the City building a new facility further from the banks of the river. Urgent assistance is needed to prevent loss of service and potential impacts to the Colorado River from the current plant if it is compromised by erosion. (*City of Columbus*).

**City of Seabrook Wastewater Plant Replacement (*Urgent Need Project*)** – The City of Seabrook's wastewater treatment plant and primary lift station are highly susceptible to



flooding events due to their low-lying, island location and damaged infrastructure. The project would entail the City building a new facility further inland, modifying its lift stations, and abandoning the old facility. Urgent assistance is needed to prevent community-wide loss of service and infrastructure damage in flooding events. (*City of Seabrook, City of Pasadena*).

**City of Surfside Wastewater Collection System Rehabilitation (Urgent Need Project)** – The City of Surfside’s existing vacuum wastewater collection system and related infrastructure are highly susceptible to repeat flooding and surge events, have been damaged repeatedly in recent storms, and are unable to adequately handle increased flows from redeveloped properties. The project would entail replacing the most vulnerable line of the system with a more resilient gravity line and lift stations, increasing its resilience and protecting the remaining vacuum system from further impact. Urgent assistance is needed to prevent community-wide loss of service and infrastructure damage in surge events and increase future resilience. (City of Surfside).

**TIER 2:** Projects that H-GAC endorses which benefit individual or multiple jurisdictions and for which funding already exists or is programmed.

**Metropolitan Houston Regional Watershed Assessment** – The U.S. Army Corps of Engineers is conducting a 22-watershed assessment of drainage planning and flood mitigation in the Houston area in conjunction with the Harris County Flood Control District and other local partners. As part of the study, the project partners are considering a recommendation for a regional coordinating body for flood management. (*22 watersheds in Harris County and adjacent counties*).

**Southeast Texas Flood Control District** – Liberty and Chambers counties are participating in ongoing flood control studies and efforts as part of an 8-county southeast Texas area effort that also includes several area river authorities. Additional work is ongoing through 2021 as a continuation of these studies (*Liberty and Chambers Counties; areas outside the region*).

**Harris County Flood Control District (HCFCD) Bond Projects** – Projects arising from HCFCD’s [2018 bond program](#) are moving forward throughout the county, and the District is coordinating with local partners (*Harris County*).

**Harris County Flood Tunnel Study** – the first phase of the study identified [flood tunnels as a viable flood management option](#) to study further. The second phase is currently underway, looking at potential routing, and will complete soon. A third phase looking at more specific design will take an additional 12-18 months (*Harris County*).

**City of Sealy Allens Creek Conveyance Improvement Project** - This project would involve engineering and implementation of dredging and conveyance improvements to a section of Allens Creek on the southwest side of the City of Sealy. The creek section impacts regional transportation corridors Highway 36 and I10, has caused flooding in adjacent commercial and residential areas, and contributes to downstream impacts. This project will be coordinated with

an Austin County project addressing adjacent sections of the Allens Creek system. (*City of Sealy, Austin County, USACE*).

**TIER 3:** Projects that do not currently have specific components identified that could be advanced for funding. H-GAC will continue to track progress on these projects and provide coordination or support as warranted.

**River Authority Flood Mitigation Implementation**– The committee discussed the potential future role for river authorities to implement flood mitigation planning and implementation activities. San Jacinto River Authority (SJRA) is considering this type of approach and also developing a Flood Forecasting and Reservoir Operations Tool to help predict peak releases from Lake Conroe and better coordinate with local emergency management entities. The expected completion is Spring, 2021 (*Montgomery and Harris Counties; additional counties covered by other Authorities*).

**Flood Upgrades – Fort Bend County** – Fort Bend County is working to improve its flood readiness by incorporating Atlas 14 into its infrastructure planning and design and flood risk assessments as part of an interim drainage criteria manual. Portions of Fort Bend County, especially those areas impacted by Barker Reservoir during Hurricane Harvey, have also been the focus of several recent studies and efforts, including a 2018 study on the feasibility of a levee on the western end of Barker reservoir and a 2019 desilting project (*Fort Bend County*).

### Summary of Projects by Tier and H-GAC Local Governments Benefitting

<b>Tier 1</b>	<b>H-GAC Local Governments Benefitting</b>
Cedar Bayou Alliance	Harris, Liberty and Chambers Counties; Cities of Baytown and Mont Belvieu.
Lower Colorado River and San Bernard River Flood Warning System	Portions of Austin, Brazoria, Colorado, Fort Bend, Matagorda, and Wharton counties and cities therein; portions of Fayette and Lee Counties outside of H-GAC region.
Chambers County and City of Mont Belvieu Flood Protection Planning for Watersheds	Chambers, Liberty, Harris, Galveston, and Jefferson Counties; Cities of Mont Belvieu, Liberty and Dayton.
Lower Brazos Flood Protection Planning Study	Areas within the Lower Brazos River watershed; including some outside the region.
Brazos River Pinch Point Project	Fort Bend County, Missouri City, Richmond, Rosenberg, Simonton, Sugar Land, Thompsons, Weston Lakes
Coordinated Detention Pilot Project	Waller County
Lower Clear Creek and Dickinson Bayou Study	Areas in Harris and Galveston County, League City, Friendswood and other area municipalities within Clear Creek/Dickinson Bayou watersheds.
San Jacinto River Master Drainage Plan	Harris County, Montgomery County, City of Houston, other local governments and organizations in the San Jacinto River Basin above Highway I-10.
<b>Urgent Need</b>	
City of Columbus Wastewater Plant Replacement	City of Columbus and areas immediately downstream on the Colorado River.
City of Seabrook Wastewater Treatment Plant Replacement	City of Seabrook, City of Pasadena
City of Surfside Wastewater Collection System Rehabilitation	City of Surfside
<b>Tier 2</b>	
Metropolitan Houston Regional Watershed Assessment	22 watersheds in Harris, Chambers, Liberty, Galveston, Brazoria, Fort Bend County, Montgomery, and Waller Counties.
Southeast Texas Flood Control District	Liberty and Chambers Counties; six (6) other southeast Texas counties outside the region; River authorities in the study area.
Harris County Flood Control District (HCFCD) Bond Projects	Harris County
Harris County Flood Tunnel Study	Harris County
City of Sealy Allens Creek Conveyance Improvement Project	City of Sealy, Austin County, USACE
<b>Tier 3</b>	
River Authority Flood Mitigation Implementation	Harris and Montgomery Counties, potentially other river authorities and counties.
Flood Upgrades -- Fort Bend County	Areas within Fort Bend County, including those impacted by Barker Reservoir.

## **REQUEST TO COMBINE REGIONAL MITIGATION FUNDING**

### **Background**

H-GAC has been working with the Texas General Land Office to develop a Method of Distribution to allocate \$488,762,000 in federal Community Development Block Grant Mitigation funds to support a variety of eligible activities that mitigate risks from natural disasters impacting the region. The H-GAC Water Resources Committee and H-GAC staff expended considerable time and effort in discussing possible scenarios as to the including or not including Harris County cities in our allocation. The Texas General Land office provided Harris County with a direct allocation of \$750,000,000 without a requirement to provide funding to the eligible cities therein, an important factor that has made development of a truly regional allocation formula especially challenging and created unnecessary and substantial strain on our regional leaders to work together

The H-GAC Board approved a draft Method of Distribution formula on February 15, 2022. The allocation does not include Harris County or its cities in hopes that Harris County will fairly distribute its direct allocation to eligible cities.

### **Current Situation**

At the February 15, 2022 Board meeting, the Board took action to direct the Executive Director to develop a resolution requesting the Texas General Land Office combine the two allocations of funding to our region into a single funding amount that would undergo a regional allocation by the Houston-Galveston Area Council.

This process would include allocating funds across all 13 counties and eligible cities. The combination of \$488,762,000 currently allocated to H-GAC for regional distribution and the \$750,000,000 currently allocated to Harris County would total \$1,238,762,000.

As with our recently submitted method of distribution, the process would be transparent, include substantial discussion and input from the H-GAC Board and other local governments in our region, and public engagement. The process would be compliant with Texas General Land Office guidance. By way of example, H-GAC staff have applied the recently approved allocation formula to the proposed new amount. The results are for demonstration purposes only and do not represent an amendment to our recently submitted method of distribution.

The next step would be for the Board to consider the proposed resolution.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Request the adoption of resolution regarding Community Development Block Grant – Mitigation



funds for the Houston-Galveston region. (Staff Contact: Chuck Wemple)

**ATTACHMENTS:**

- ▢ Demonstration of Allocations by County            Cover Memo
- ▢ Demonstration of Allocations by Jurisdiction      Cover Memo

<b>Table 1 Demonstration of Regional Allocation - County Summary</b>			
<b>County</b>	<b>Board Approved H-GAC MOD</b>	<b>H-GAC and Harris County Combined MOD</b>	<b>Difference</b>
Austin county	\$6,750,123	\$6,360,020	-\$390,103
Brazoria county	\$78,376,411	\$68,332,241	-\$10,044,169
Chambers county	\$17,610,063	\$16,688,421	-\$921,642
Colorado county	\$6,302,786	\$5,896,614	-\$406,173
Fort Bend county	\$82,573,768	\$72,978,067	-\$9,595,700
Galveston county	\$88,727,345	\$78,373,917	-\$10,353,428
Harris County		\$791,768,914	\$791,768,914
Liberty county	\$26,903,064	\$24,398,713	-\$2,504,351
Matagorda county	\$12,622,464	\$11,188,426	-\$1,434,039
Montgomery county	\$69,987,847	\$61,151,169	-\$8,836,678
Walker county	\$8,431,255	\$7,655,449	-\$775,806
Waller county	\$10,803,451	\$9,843,842	-\$959,609
Wharton county	\$17,673,422	\$16,126,207	-\$1,547,215
H-GAC	\$62,000,000	\$68,000,000	\$6,000,000
<b>Total</b>	<b>\$488,762,000</b>	<b>\$1,238,762,000</b>	<b>\$750,000,000</b>

**Table 2 Demonstration of Regional Allocation - Jurisdiction Summary**

Jurisdiction	Board Approved H-GAC MOD	H-GAC and Harris County Combined MOD	Difference	Jurisdiction	Board Approved H-GAC MOD	H-GAC and Harris County Combined MOD	Difference
Alvin city	\$6,000,500	\$4,961,586	-\$1,038,914	Katy city	\$1,128,164	\$2,888,919	\$1,760,755
Angleton city	\$1,792,931	\$1,490,159	-\$302,772	La Marque city	\$4,165,518	\$3,658,530	-\$506,988
Austrin county uninc	\$6,750,123	\$6,360,020	-\$390,103	La Porte city		\$5,657,042	\$5,657,042
Bay City city	\$3,189,453	\$2,625,737	-\$563,716	Lake Jackson city	\$2,138,654	\$1,724,842	-\$413,812
Baytown city	\$2,686,858	\$15,556,547	\$12,869,689	League City city	\$15,561,525	\$14,274,778	-\$1,286,747
Bellaire city		\$7,831,225	\$7,831,225	Liberty city	\$2,684,331	\$2,248,577	-\$435,755
Brazoria county uninc	\$43,326,945	\$39,579,595	-\$3,747,350	Liberty county uninc	\$21,274,203	\$19,592,058	-\$1,682,145
Brookshire city	\$1,309,959	\$1,113,909	-\$196,050	Manvel city	\$1,557,251	\$1,316,837	-\$240,414
Brookside Village city	\$1,580,216	\$1,476,351	-\$103,865	Matagorda county uninc	\$8,048,311	\$7,440,298	-\$608,013
Chambers county uninc	\$14,923,205	\$14,132,366	-\$790,839	Missouri City city	\$5,070,896	\$5,672,820	\$601,923
Cleveland city	\$1,498,233	\$1,279,346	-\$218,887	Montgomery county uninc	\$60,374,962	\$53,138,921	-\$7,236,041
Clute city	\$1,220,939	\$1,010,716	-\$210,224	Nassau Bay city		\$1,284,101	\$1,284,101
Colorado county uninc	\$5,284,438	\$5,896,614	\$612,176	Palacios city	\$1,384,701	\$1,122,392	-\$262,309
Columbus city	\$1,018,348		-\$1,018,348	Pasadena city		\$25,329,358	\$25,329,358
Conroe city	\$7,584,677	\$6,183,004	-\$1,401,673	Patton Village city	\$1,259,091	\$1,161,144	-\$97,948
Dayton city	\$1,453,575	\$1,284,844	-\$168,730	Pearland city	\$14,008,886	\$13,441,949	-\$566,937
Deer Park city		\$2,574,658	\$2,574,658	Regional Projects	\$62,000,000	\$68,000,000	\$6,000,000
Dickinson city	\$15,761,030	\$14,476,798	-\$1,284,232	Richmond city	\$1,535,524	\$1,294,403	-\$241,121
El Campo city	\$1,554,085	\$1,240,873	-\$313,212	Richwood city	\$2,456,538	\$2,124,422	-\$332,116
Fort Bend county uninc	\$56,030,013	\$50,361,267	-\$5,668,746	Rosenberg city	\$4,121,319	\$3,431,282	-\$690,038
Freeport city	\$1,837,967	\$1,514,755	-\$323,212	Santa Fe city	\$2,743,680	\$2,506,141	-\$237,538
Friendswood city	\$4,636,109	\$10,380,491	\$5,744,382	Seabrook city		\$3,256,961	\$3,256,961
Galena Park city		\$1,610,768	\$1,610,768	Simonton city	\$1,559,065	\$1,495,613	-\$63,452
Galveston city	\$15,761,417	\$12,631,756	-\$3,129,661	South Houston city		\$6,328,615	\$6,328,615
Galveston county uninc	\$18,221,223	\$16,445,961	-\$1,775,262	Stafford city	\$1,228,083	\$1,060,756	-\$167,327
Harris county uninc		\$265,939,338	\$265,939,338	Sugar Land city	\$4,063,639	\$3,397,415	-\$666,224
Hitchcock city	\$3,864,155	\$3,355,303	-\$508,852	Texas City city	\$8,012,689	\$6,951,486	-\$1,061,202
Holiday Lakes town	\$1,581,999	\$1,491,513	-\$90,485	Walker county uninc	\$6,175,023	\$5,821,469	-\$353,554
Houston city	\$9,232,730	\$444,584,164	\$435,351,434	Waller county uninc	\$8,774,400	\$8,087,932	-\$686,468
Humble city		\$3,520,186	\$3,520,186	Webster city		\$1,937,142	\$1,937,142
Huntsville city	\$2,256,232	\$1,833,979	-\$422,253	West University Place city		\$2,573,037	\$2,573,037
Iowa Colony village	\$958,846		-\$958,846	Wharton city	\$4,360,821	\$3,812,330	-\$548,492
Jacinto City city		\$1,693,130	\$1,693,130	Wharton county uninc	\$11,758,516	\$11,073,004	-\$685,511
Jersey Village city		\$1,220,467	\$1,220,467	<b>Total</b>	<b>\$488,762,000</b>	<b>\$1,238,762,000</b>	<b>\$750,000,000</b>

## STATE HOMELAND SECURITY PROGRAM GRANT FUNDING – FISCAL YEAR 2022

### **Background**

The H-GAC region is expected to receive an allocation of the fiscal year 2022 State Homeland Security Program grant; however, because FEMA has not yet released a Notice of Funding Opportunity, this year's regional allocation is still unknown. As in previous years, prospective projects were prioritized by the Regional Homeland Security Coordinating Council and approved based on alignment with state, national and regional priorities (see eligible activities below), project quality, sustainability and potential impact on multiple jurisdictions and/or multiple capability gaps.

Project applications were submitted within one of seven eligible activities as listed in the Fiscal Year 2022 Request for Applications:

- Addressing Emerging Threats
- Emergency Operations Centers and Technology
- Information and Intelligence Sharing/Cooperation
- Interoperable Emergency Communications
- Planning and Community Preparedness
- Protection of Soft Targets/Crowded Places
- Support of First Responder Capabilities

### **Current Situation**

The Regional Homeland Security Coordinating Council reviewed the eligible fiscal year 2022 State Homeland Security Program grant applications and made funding recommendations for 29 projects on February 21, 2022 and February 23, 2022. The Regional Homeland Security Coordinating Council drafted and approved a scoring methodology over the course of several meetings in calendar year 2021. The Regional Homeland Security Coordinating Council's priority list and funding recommendations can be found in the attached table.

### **Funding Source**

Office of the Governor, Public Safety Office, Homeland Security Grants Division

### **Budgeted**

Yes

### **Action Requested**

Request adoption of the fiscal year 2022 State Homeland Security Program grant projects, as recommended by the Regional Homeland Security Coordinating Council. (Staff Contact: Justin Riley)



**ATTACHMENTS:**

▢ Homeland Security Funding Table

Cover Memo

Table – Fiscal Year 2022 State Homeland Security Program Grant Priority List  
 Prioritized by the Regional Homeland Security Coordinating Council on February 21 and 23, 2022

1	Houston, City of	Houston Police Department Bomb Squad Enhancements	\$100,500.00
2	Harris County	HCSO Bomb Unit Equipment	\$64,000.00
3	Harris County	HCSO SWAT Unit Equipment and Training	\$73,000.00
4	Matagorda County	Tower License	\$155,000.00
5	Harris County	HCSO SRG Equipment	\$22,050.00
6	Houston, City of	Type I SWAT Team Enhancements	\$112,800.00
7	Colorado County	Communications Connectivity and Maintenance Project	\$32,608.56
8	Harris County	HCSO Air Operations Section	\$31,000.00
9	Wharton County	End of Life Replacement Radios	\$146,689.00
10	Houston, City of	City of Houston - Continued Support for RCPI Planning	\$129,690.12
11	H-GAC	FY 2022 H-GAC Regional Homeland Security Planning Initiative	\$196,433.04
12	Montgomery County	MCL E PPE	\$124,000.00
13	Harris County	HCSO Marine Unit Equipment	\$35,500.00
14	Houston, City of	Ballistic Protective Equipment for HFD Special Response Group	\$28,961.00
15	Austin County	Interoperable Communications - APX 6000	\$112,377.60
16	Montgomery County*	MC Rapid Intervention Kits, Medical	\$0.00
17	Huntsville, City of	Mobile Fingerprinting Devices	\$25,200.00
18	Montgomery County	Intel Analyst, Year 2	\$146,700.00
19	Friendswood, City of	Active Attack Emergency Medical Equipment	\$11,157.88
20	METRO	Panoramic Night Vision Goggles	\$75,000.00
21	Pasadena, City of	Pasadena SWAT Sustainment	\$274,362.00
22	League City, City of	League City Prime Mover Project	\$64,000.00
23	Harris County	HCSO Mobile Command Post Upgrades	\$85,000.00
24	Webster, City of	Public Safety Radios	\$436,250.80
25	Webster, City of	Police Department Radios	\$607,705.18
26	Surfside Beach, City of	Risk Mitigation Project	\$211,050.00
27	Friendswood, City of	Tactical Combat Casualty Care (TCCC) Training Equipment	\$7,749.99

(over)

28	Webster, City of	City of Webster Emergency Operations Center	\$299,722.00
29	Meadows Place, City of	Replace Dispatch Console	\$172,066.00

\*Montgomery County elected to withdraw this project to make room for other projects; however, this project will be first to receive funding during the reallocation period (December 2022).

## **H-GAC MARCH 2022 ADVISORY COMMITTEE APPOINTMENTS**

### **Background**

H-GAC advisory committees are appointed by H-GAC's Board as a whole, based upon nominations from individual Board members and other groups. This month there are nominations to the Regional Homeland Security Coordinating Council and the Natural Resources Advisory Committee.

### **Current Situation**

N/A

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Request approval of appointments to H-GAC advisory committees. (Staff Contact: Rick Guerrero)

### **ATTACHMENTS:**

- H-GAC MARCH 2022 ADVISORY  
COMITTEE APPOINTMENTS

Cover Memo



**H-GAC MARCH 2022 ADVISORY COMMITTEE APPOINTMENTS**

**Regional Homeland Security Coordinating Council**

Coordinates local planning for Homeland Security.

Nominations received for terms expiring May 2023:

<b>Name</b>	<b>Representing</b>	<b>Nominated by</b>
Russell McDougal (Primary)	Wharton County	Judge Spenrath
Andy Krikland (Alternate)	Wharton County	Judge Spenrath

**Natural Resources Advisory Committee**

This committee makes recommendations to the Board on issues related to natural resources in the Gulf Coast Planning Region.

Nomination received for term expiring May 2022:

<b>Name</b>	<b>Representing</b>	<b>Nominated by</b>
William Hajdik (Primary)	Other Cities	NRAC

## **H-GAC 2022 BOARD CHAIR'S COMMITTEE APPOINTMENTS**

### **Background**

Each year, the H-GAC Board chair makes recommendations for committee appointments to H-GAC Committees. In accordance with H-GAC bylaws, the Chair may also create, modify, or dissolve committees with confirmation by the Board of Directors.

### **Current Situation**

Committee preference forms were distributed electronically on February 15 with a submission deadline of March 1. We have received and reviewed all committee preference requests. Modifications can also be requested when this item is considered at the Board meeting. All committee terms are for one year.

Committee assignments will be announced at the March 15 Board meeting.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Request approval of the Chair's committee appointments. (Staff Contact: Rick Guerrero)

## **2021 END-OF-YEAR REPORT**

### **Background**

Twice per year, H-GAC produces a report on agency productivity and performance.

### **Current Situation**

The 2021 End-of-Year Report reflects planned versus actual results for the year. This report is based upon planned outcomes and performance measures included in H-GAC's 2021 Budget and Service Plan. The report also includes an analysis of progress made towards achieving goals and objectives.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

No action requested. For information only. (Staff Contact: Chuck Wemple)

### **ATTACHMENTS:**

## **H-GAC SPOTLIGHT – HGACBUY**

### **Background**

The H-GAC Cooperative Purchasing Program, H-GACBuy, establishes contracts for a variety of products and services through competitive solicitations. Member governments are able to use the contracts to make purchases.

### **Current Situation**

For more information, please contact [Marlana.Mack@h-gac.com](mailto:Marlana.Mack@h-gac.com).

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

No action requested. For information only. (Staff Contact: Marlana Mack)



## **CURRENT AND UPCOMING H-GAC ACTIVITIES**

### **Background**

N/A

### **Current Situation**

N/A

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Report on current and upcoming H-GAC activities. (Staff Contact: Chuck Wemple)

## **EXECUTIVE SESSION – EVALUATION OF H-GAC EXECUTIVE DIRECTOR**

### **Background**

In April 2018, a committee composed of Board officers, Election Committee members, Past Chairs, and representatives from Cities/Counties appointed Chuck Wemple as Executive Director of the Houston-Galveston Area Council.

### **Current Situation**

Chuck Wemple has completed his third year of service as Executive Director. The Board of Directors conducts an annual evaluation of the Executive Director's performance. A survey was sent to all Board members to complete Chuck Wemple's performance review.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

The Board of Directors will hold an Executive Session to conduct an annual evaluation of the Executive Director in accordance with Government Code, Title 5, Section 551.074. (Contact: Chair William King, III)

## **EVALUATION OF H-GAC EXECUTIVE DIRECTOR**

### **Background**

Chuck Wemple has completed his fourth year of service as Executive Director. The Board of Directors conducts an annual evaluation of the Executive Director's performance. A survey was sent to all Board members to complete Chuck Wemple's performance review.

### **Current Situation**

The Chair of the Finance and Budget Committee sent a memorandum and performance survey to all Board members. Following a duly called closed session, the H-GAC Board may take action in open session regarding the Executive Director's performance.

### **Funding Source**

N/A

### **Budgeted**

N/A

### **Action Requested**

Discuss and possibly take action following Executive Session to evaluate performance of H-GAC's Executive Director. (Contact: Chair William King, III)

## 2022 H-GAC BOARD OF DIRECTORS

### AUSTIN COUNTY

County Judge Tim Lapham  
VACANT

### BRAZORIA COUNTY

Commissioner Stacy Adams  
Commissioner Ryan Cade

### CHAMBERS COUNTY

Commissioner Tommy Hammond  
Commissioner Mark Tice

### COLORADO COUNTY

County Judge Ty Prause  
Commissioner Darrell Gertson

### FORT BEND COUNTY

Commissioner Andy Meyers  
Judge K.P. George

### GALVESTON COUNTY

Commissioner Ken Clark  
Commissioner Joseph Giusti

### HARRIS COUNTY

Judge Lina Hidalgo  
Commissioner Rodney Ellis  
Commissioner Adrian Garcia  
Commissioner Tom Ramsey

### LIBERTY COUNTY

County Judge Jay Knight  
Commissioner Greg Arthur

### MATAGORDA COUNTY

County Judge Nate McDonald  
Commissioner Kent Pollard

### MONTGOMERY COUNTY

Commissioner Charlie Riley  
Judge Mark L. Keough

### WALKER COUNTY

Commissioner Jimmy Henry  
Commissioner Bill Daugette

### WALLER COUNTY

County Judge Trey Duhon  
Commissioner Justin Beckendorff

### WHARTON COUNTY

Judge Phillip Spenrath  
Commissioner Richard Zahn

### CITY OF ALVIN

Mayor Pro Tem Martin Vela  
Council Member Joel Castro

### CITY OF BAYTOWN

Council Member Charles Johnson  
Council Member Laura Alvarado

### CITY OF CONROE

Mayor Pro Tem Raymond McDonald  
Mayor Jody Czajkoski

### CITY OF DEER PARK

Council Member Bill Patterson  
Council Member Tommy Ginn

### CITY OF FRIENDSWOOD

Councilmember Sally Branson  
Councilmember Mike Foreman

### CITY OF GALVESTON

Mayor Dr. Craig Brown  
Mayor Pro Tem David Collins

### CITY OF HOUSTON

Council Member Sallie Alcorn  
Council Member Amy Peck  
Council Member Dr. Letitia Plummer  
Council Member Edward Pollard

### CITY OF HUNTSVILLE

Mayor Andy Brauningner  
VACANT

### CITY OF LA PORTE

Councilmember Chuck Engelken, Jr.  
Councilman Bill Bentley

### CITY OF LAKE JACKSON

Mayor Gerald Roznovsky  
Councilmember R.L. "Buster" Buell

### CITY OF LEAGUE CITY

Council Member Larry Millican  
Council Member Andy Mann

### CITY OF MISSOURI CITY Page 1 of 6

Mayor Pro Tem Jeffrey Boney  
Council Member Floyd Emery

### CITY OF PASADENA

Councilmember Cary Bass  
Councilmember Phil Cayten

### CITY OF PEARLAND

Mayor Kevin Cole  
Councilmember Tony Carbone

### CITY OF ROSENBERG

Mayor Kevin Raines  
Councilor Tim Krugh

### CITY OF SUGAR LAND

Mayor Joe Zimmerman  
Council Member Stewart Jacobson

### CITY OF TEXAS CITY

Commissioner Jami Clark  
Mayor Dedrick Johnson, Sr.

### HOME RULE CITIES

Mayor Pro Tem William King III,  
City of Dickinson  
Mayor Cecil Willis, City of Stafford  
Mayor Carolyn Bilski, City of Sealy  
Mayor Brian Rowland, City of Prairie View

### GENERAL LAW CITIES

Council Member Nancy Arnold, City of Waller  
Council Member Susan Schwartz,  
City of Bunker Hill Village  
Mayor Joe Garcia, City of Pattison  
Councilmember Teresa Vazquez-Evans,  
City of Kemah

### ISDs

Trustee Rissie Owens, Huntsville ISD  
Trustee Jennifer Key, Alief ISD

*Note: Names of Alternates are indented*

### 2022 OFFICERS

#### CHAIR

Mayor Pro Tem William H. King III, City of Dickinson

#### CHAIR ELECT

Commissioner Ken Clark, Galveston County

#### VICE CHAIR

Council Member Sally Harris Branson, City of Friendswood



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HON. STACY L. ADAMS COMMISSIONER, PRECINCT 3 BRAZORIA COUNTY PO Box 548 ALVIN, TX 77512 (281)331-3197 (281)331-6586 FAX STACYA@BRAZORIA-COUNTY.COM	HON. SALLIE ALCORN COUNCIL MEMBER, AT-LARGE POSITION 5 CITY OF HOUSTON 900 BAGBY ST, 1ST FLOOR HOUSTON, TX 77002 (832)393-3017 (832)395-9426 FAX ATLARGE5@HOUSTONTX.GOV
HON. NANCY ARNOLD COUNCIL MEMBER CITY OF WALLER 2105 BOIS D'ARC ST WALLER, TX 77484 (281)813-2511 (936)372-3477 FAX ARNOLDN@MSN.COM	HON. CARY BASS COUNCIL MEMBER, DISTRICT G CITY OF PASADENA PO Box 672 PASADENA, TX 77501-0672 (713)475-7858 (713)475-7817 FAX CBASS@CI.PASADENA.TX.US
HON. CAROLYN BILSKI MAYOR CITY OF SEALY 415 MAIN ST SEALY, TX 77565 (979)885-3511 (979)885-3513 FAX CBILSKI@CI.SEALY.TX.US	HON. JEFFREY BONEY MAYOR PRO TEM CITY OF MISSOURI CITY 1522 TEXAS PKWY MISSOURI CITY, TX 77489-2170 (281)403-8500 (281)403-0683 FAX JEFFREY.BONEY@MISSOURICITYTX.GOV
HON. SALLY HARRIS BRANSON COUNCILMEMBER, POSITION 2 CITY OF FRIENDSWOOD 910 S FRIENDSWOOD DR FRIENDSWOOD, TX 77546-4856 (281)996-3270 (281)482-1634 FAX SBRANSON@FRIENDSWOOD.COM	HON. ANDY BRAUNINGER MAYOR CITY OF HUNTSVILLE 1212 AVE M HUNTSVILLE, TX 77340 (936)291-5403 ABRAUNINGER@HUNTSVILLETX.GOV
HON. DR. CRAIG BROWN MAYOR CITY OF GALVESTON PO BOX 779 GALVESTON, TX 77553 (409)797-3510 (409)797-3511 FAX CRAIGBROWN@GALVESTONTX.GOV	HON. JAMI CLARK COMMISSIONER, DISTRICT 4 CITY OF TEXAS CITY PO Box 2608 TEXAS CITY, TX 77592-2608 (409)948-3111(409)949-3090 FAX DISTRICT4@TEXASCITYTX.GOV
HON. KENNETH CLARK COMMISSIONER, PRECINCT 4 GALVESTON COUNTY 174 CALDER DR, ROOM 112 LEAGUE CITY, TX 77573 (281)316-8744 (281)316-2000 FAX KEN.CLARK@CO.GALVESTON.TX.US	HON. KEVIN COLE MAYOR CITY OF PEARLAND 3519 LIBERTY DR PEARLAND, TX 77581 (281)652-1780 (281)652-1708 FAX KCOLE@PEARLANDTX.GOV
HON. TREY DUHON III COUNTY JUDGE WALLER COUNTY 836 AUSTIN ST, STE 203 HEMPSTEAD, TX 77445 (979)826-3357 (979)826-2112 FAX T.DUHON@WALLERCOUNTY.US	HON. CHUCK ENGELKEN JR. COUNCILMEMBER, DISTRICT 2 CITY OF LA PORTE 604 W FAIRMONT PKWY LA PORTE, TX 77571 (281)471-5020 (281)842-3701 FAX ENGELKENC@LAPORTETX.GOV
HON. ADRIAN GARCIA COMMISSIONER, PRECINCT 2 HARRIS COUNTY 1001 PRESTON ST, STE 924 HOUSTON, TX 77002 (713)755-6220 (713)755-8810 FAX ADRIAN.GARCIA@PCT2.HCTX.NET	HON. JOE GARCIA MAYOR CITY OF PATTISON PO Box 223 PATTISON, TX 77466-0223 (281)705-5025 (281)934-3516 FAX JOE.GARCIA@PATTISONTEXAS.ORG
HON. TOMMY HAMMOND COMMISSIONER, PRECINCT 3 CHAMBERS COUNTY 10616 EAGLE DRIVE MONT BELVIEU, TX 77580 (281)576-2243 (281)385-5635 FAX TGHAMMOND@CHAMBERSTX.GOV	HON. JIMMY HENRY COMMISSIONER, PRECINCT 4 WALKER COUNTY 9368 SH 75 S NEW WAVERLY, TX 77358 (936)436-4912 (936)436-4914 FAX JHENRY@CO.WALKER.TX.US

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HON. LINA HIDALGO COUNTY JUDGE HARRIS COUNTY 1001 PRESTON ST, STE 911 HOUSTON, TX 77002 (713)274-7000 (713)755-8379 FAX JUDGE.HIDALGO@CJO.HCTX.NET	HON. CHARLES JOHNSON COUNCIL MEMBER, DISTRICT 3 CITY OF BAYTOWN PO Box 424 BAYTOWN, TX 77522 (281)420-6500 (281)420-7176 FAX DISTRICT.3@BAYTOWN.ORG
HON. WILLIAM H. KING III COUNCILMAN, POSITION 6 CITY OF DICKINSON 408 GULLEY RANCH CT DICKINSON, TX 77539 (281)337-2489 (281)337-6190 FAX WHKINGIII@GMAIL.COM	HON. JAY KNIGHT COUNTY JUDGE LIBERTY COUNTY 1923 SAM HOUSTON ST, RM 201 LIBERTY, TX 77575 (936)336-4665 (936)336-4518 FAX COJUDGE@CO.LIBERTY.TX.US
HON. TIM LAPHAM COUNTY JUDGE AUSTIN COUNTY ONE E MAIN ST BELLVILLE, TX 77418 (979)865-5911 (979)865-8786 FAX TLAPHAM@AUSTINCOUNTY.COM	HON. NATE McDONALD COUNTY JUDGE MATAGORDA COUNTY 1700 7TH ST, RM 301 BAY CITY, TX 77414 (979)244-7605 (979)245-3697 FAX COJUDGE@CO.MATAGORDA.TX.US
HON. RAYMOND McDONALD MAYOR PRO TEM CITY OF CONROE PO Box 3066 CONROE, TX 77305 (936)522-3010 (936)522-3009 FAX RMCDONALD@CITYOFCONROE.ORG	HON. ANDY MEYERS COMMISSIONER, PRECINCT 3 FORT BEND COUNTY 22333 GRAND CORNER DR, STE 105 KATY, TX 77494 (281)238-1400 (281)238-1401 FAX ANDY.MEYERS@FORTBENDCOUNTYTX.GOV
HON. LARRY MILLICAN COUNCIL MEMBER CITY OF LEAGUE CITY 300 W WALKER ST LEAGUE CITY, TX 77573 (713)828-1312 (281)554-1020 FAX LARRY.MILLICAN@LEAGUECITYTX.GOV	HON. RISSIE L. OWENS TRUSTEE, POSITION 2 HUNTSVILLE INDEPENDENT SCHOOL DISTRICT 180 ELKINS LAKE HUNTSVILLE, TX 77340-7304 (936)294-0262 (936)291-3444 FAX RLAODST@YAHOO.COM
HON. BILL PATTERSON COUNCIL MEMBER, POSITION 4 CITY OF DEER PARK 2309 WEST LONESOME DOVE DEER PARK, TX 77536 (281)478-7247 (281)542-9796 FAX BPATTERSON@DEERPARKTX.ORG	HON. DR. LETITIA PLUMMER COUNCIL MEMBER, AT-LARGE POSITION 4 CITY OF HOUSTON 900 BAGBY ST, 1ST FLOOR HOUSTON, TX 77002 (832)393-3012 (832)393-3327 FAX ATLARGE4@HOUSTONTX.GOV
HON. TY PRAUSE COUNTY JUDGE COLORADO COUNTY PO Box 236 COLUMBUS, TX 78934 (979)732-2604 (979)732-9389 FAX TY.PRAUSE@CO.COLORADO.TX.US	HON. KEVIN RAINES MAYOR CITY OF ROSENBERG PO Box 32 ROSENBERG, TX 77471 (832)595-3340 (832)595-3333 FAX KRAINES@ROSENBERGTX.GOV
HON. CHARLIE RILEY COUNTY COMMISSIONER, PRECINCT 2 MONTGOMERY COUNTY 19110 UNITY PARK DR MAGNOLIA, TX 77353 (281)259-6492 (936)760-6954 FAX COMMISSIONER.RILEY@MCTX.ORG	HON. GERALD ROZNOVSKY MAYOR CITY OF LAKE JACKSON 25 OAK DR LAKE JACKSON, TX 77566 (979)415-2500 (979)297-8823 FAX GROZNOVSKY@LAKEJACKSONTX.GOV
HON. PHILLIP S. SPENRATH COUNTY JUDGE WHARTON COUNTY 100 S FULTON ST #100 WHARTON, TX 77488 (979)532-4612 (979)532-1970 FAX JUDGE.SPENRATH@CO.WHARTON.TX.US	HON. MARTIN VELA MAYOR PRO TEM CITY OF ALVIN 216 W SEALY ALVIN, TX 77511 (281)388-4278 (281)388-4278 FAX MVELA@CITYOFALVIN.COM

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HON. JOE R. ZIMMERMAN  
MAYOR  
CITY OF SUGAR LAND  
PO Box 110  
SUGAR LAND, TX 77487-0110  
(281)275-2710 (281)275-2721 FAX  
[JZIMMERMAN@SUGARLANDTX.GOV](mailto:JZIMMERMAN@SUGARLANDTX.GOV)

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HON. LAURA ALVARADO COUNCIL MEMBER, DISTRICT 1 CITY OF BAYTOWN PO Box 424 BAYTOWN, TX 77522 (281)420-6500 (281)420-7176 FAX DISTRICT.1@BAYTOWN.ORG	HON. GREG ARTHUR COMMISSIONER, PRECINCT 2 LIBERTY COUNTY PO Box 77 HARDIN, TX 77561 (936)298-2790 (936)298-9737 FAX GREG.ARTHUR@CO.LIBERTY.TX.US
HON. JUSTIN BECKENDORFF COMMISSIONER, PRECINCT 4 WALLER COUNTY PO Box 7 PATTISON, TX 77466 (281)375-5231 (281)375-7751 FAX J.BECKENDORFF@WALLERCOUNTY.US	HON. BILL BENTLEY COUNCILPERSON, DISTRICT 3 CITY OF LA PORTE 604 W FAIRMONT PKWY LA PORTE, TX 77571 (281)471-5020 (281)842-3701 FAX DISTRICT3@LAPORTETX.GOV
HON. R.L. BUSTER BUELL COUNCILMEMBER, POSITION 4 CITY OF LAKE JACKSON 25 OAK DR LAKE JACKSON, TX 77566-5289 (979)415-2400 (979)297-8823 FAX RBUELL@LAKEJACKSONTX.GOV	HON. RYAN CADE, JR. COMMISSIONER, PRECINCT 2 BRAZORIA COUNTY 21017 CR 171, DEPT 3 ANGLETON, TX 77515 (979)864-1548 (979)864-1080 FAX RCADE@BRAZORIA-COUNTY.COM
HON. TONY CARBONE COUNCILMEMBER, POSITION 2 CITY OF PEARLAND 3519 LIBERTY DR PEARLAND, TX 77581 (281)652-1662 (281)652-1708 FAX TCARBONE@PEARLANDTX.GOV	HON. JOEL CASTRO COUNCIL MEMBER, AT LARGE 2 CITY OF ALVIN 216 W SEALY ALVIN, TX 77511 (281)388-4278 JCASTRO@CITYOFALVIN.COM
HON. PHIL CAYTEN COUNCIL MEMBER, DISTRICT F CITY OF PASADENA PO Box 672 PASADENA, TX 77501-0672 (713)475-7858 (713)475-7817 FAX PCAYTEN@CI.PASADENA.TX.US	HON. JODY CZAJKOSKI MAYOR CITY OF CONROE PO Box 399 EAST BERNARD, TX 77435 (936)522-3010 (936)522-3009 FAX JCZAJKOSKI@CITYOFCONROE.ORG
HON. JODY CZAJKOSKI MAYOR CITY OF CONROE PO Box 399 EAST BERNARD, TX 77435 (936)522-3010 (936)522-3009 FAX JCZAJKOSKI@CITYOFCONROE.ORG	HON. BILL DAUGETTE COMMISSIONER WALKER COUNTY 2986-B HWY 19 HUNTSVILLE, TX 77320 (936)295-7999 (936)522-3009 FAX BDAUGETTE@CO.WALKER.TX.US
HON. RODNEY ELLIS COMMISSIONER, PRECINCT 1 HARRIS COUNTY 1001 PRESTON, 9 <sup>TH</sup> FLOOR HOUSTON, TX 77002-4310 (713)755-6111 (713)755-6114 FAX COMM_ELLIS@CP1.HCTX.NET	HON. FLOYD EMERY COUNCIL MEMBER, DISTRICT D CITY OF MISSOURI CITY 1522 TEXAS PKWY MISSOURI CITY, TX 77489-2170 (281)403-8500 (281)403-0683 FAX FLOYD.EMERY@MISSOURICITYTX.GOV
HON. MIKE FOREMAN MAYOR CITY OF FRIENDSWOOD 910 S FRIENDSWOOD DR FRIENDSWOOD, TX 77546-4856 (281)996-3270(281)482-1634 FAX MFOREMAN@FRIENDSWOOD.COM	HON. KP GEORGE COUNTY JUDGE FORT BEND COUNTY 301 JACKSON ST RICHMOND, TX 77469 (281)341-8608 (281)341-8609 FAX KP.GEORGE@FORTBENDCOUNTYTX.GOV
HON. DARRELL GERTSON COMMISSIONER, PRECINCT 4 COLORADO COUNTY 310 S MCCARTY AVE EAGLE LAKE, TX 77434 (979)234-2633 (979)234-3832 FAX DARRELL.GERTSON@CO.COLORADO.TX.US	HON. TOMMY GINN COUNCIL MEMBER, POSITION 3 CITY OF DEER PARK PO Box 700 DEER PARK, TX 77536 (281)478-7247 (281)478-7217 FAX TGINN@DEERPARKTX.ORG
HON. JOSEPH GIUSTI COMMISSIONER, PRECINCT 2 GALVESTON COUNTY 722 MOODY GALVESTON, TX 77550 (409)766-2244 (409) 765-2915 FAX JOSEPH.GIUSTI@CO.GALVESTON.TX.US	HON. STEWART JACOBSON COUNCIL MEMBER, DISTRICT 3 CITY OF SUGAR LAND PO Box 110 SUGAR LAND, TX 77487-0110 (281)275-2313 (281)275-2721 FAX SJACOBSON@SUGARLANDTX.GOV

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HON. DEDRICK JOHNSON, SR MAYOR CITY OF TEXAS CITY PO Box 2608 TEXAS CITY, TX 77592-2608 (409)948-3111 (409)949-3090 FAX MAYOR-TX@TEXASCITYTX.GOV	HON. MARK J. KEOUGH COUNTY JUDGE MONTGOMERY COUNTY 501 NORTH THOMPSON, STE 401 CONROE, TX 77301 (936)539-7812 (936)760-6919 FAX COJUDGE@MCTX.ORG
HON. JENNIFER KEY TRUSTEE, POSITION 6 ALIEF INDEPENDENT SCHOOL DISTRICT 4250 COOK RD HOUSTON, TX 77072 (281)498-8110 (281)983-8466 FAX JENNIFER.KEY@ALIEFISD.NET	HON. TIM KRUGH COUNCILOR AT-LARGE, POSITION 1 CITY OF ROSENBERG PO Box 32 ROSENBERG, TX 77471 (832)595-3340 (832)595-3333 FAX TKRUGH@ROSENBERGTX.GOV
HON. ANDY MANN COUNCIL MEMBER, POSITION 1 CITY OF LEAGUE CITY 300 W WALKER ST LEAGUE CITY, TX 77573 (281)667-5013 (281)554-1020 FAX ANDY.MANN@LEAGUECITYTX.GOV	HON. AMY PECK COUNCIL MEMBER, DISTRICT A CITY OF HOUSTON 900 BAGBY ST, 1ST FLOOR HOUSTON, TX 77002 (832)393-3010 (832)393-3302 FAX DISTRICTA@HOUSTONTX.GOV
HON. EDWARD POLLARD COUNCIL MEMBER, DISTRICT J CITY OF HOUSTON 900 BAGBY ST, 1ST FLOOR HOUSTON, TX 77002 (832)393-3015 (832)395-9423 FAX DISTRICTJ@HOUSTONTX.GOV	HON. KENT POLLARD COMMISSIONER, PRECINCT 2 MATAGORDA COUNTY PO Box 571 MATAGORDA, TX 77457 (979)863-7861 (979)863-2155 FAX KPOLLARD@CO.MATAGORDA.TX.US
HON. TOM RAMSEY COMMISSIONER, PRECINCT 3 HARRIS COUNTY 10001 PRESTON, 9 <sup>TH</sup> FLOOR HOUSTON, TX 77002 (713)755-6306 (713)827-8752 FAX PCT3@PCT3.COM	HON. SUSAN SCHWARTZ COUNCILMEMBER, POSITION 2 CITY OF BUNKER HILL VILLAGE 11977 MEMORIAL DR HOUSTON, TX 77024 (713)467-9762 (713)827-8752 FAX SSCHWARTZ@BUNKERHILLTX.GOV
HON. MARK TICE COMMISSIONER, PRECINCT 2 CHAMBERS COUNTY 7911 COVE LOOP COVE, TX 77523 (409)267-2409 (409)267-6685 FAX KMTICE@CHAMBERSTX.GOV	HON. TERESA VAZQUEZ-EVANS COUNCIL MEMBER, POSITION 1 CITY OF KEMAH 1401 Hwy 146 KEMAH, TX 77565 (281)334-1611 (281)334-6583 FAX TVAZQUEZ-EVANS@KEMAH-TX.COM
HON. CECIL WILLIS JR. MAYOR CITY OF STAFFORD 13102 FRANCES ST STAFFORD, TX 77477 (281)261-3900 (281)261-3994 FAX CWILLIS@STAFFORDTX.GOV	HON. RICHARD ZAHN COMMISSIONER, PRECINCT 1 WHARTON COUNTY PO Box 399 EAST BERNARD, TX 77435 (979)335-7541 (979)335-6029 FAX RICHARD.ZAHN@CO.WHARTON.TX.US

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**APPENDIX K**  
**AIR PERMIT BY RULE DOCUMENTATION**

**Texas Commission on Environmental Quality  
Permit by Rule Applicability Checklist  
Title 30 Texas Administrative Code § 106.4**

The following checklist was developed by the Texas Commission on Environmental Quality (TCEQ), **Air Permits Division**, to assist applicants in determining whether or not a facility meets all of the applicable requirements. Before claiming a specific Permit by Rule (PBR), a facility must first meet all of the requirements of **Title 30 Texas Administrative Code § 106.4** (30 TAC § 106.4), "Requirements for Permitting by Rule." Only then can the applicant proceed with addressing requirements of the specific Permit by Rule being claimed.

The use of this checklist is not mandatory; however, it is the responsibility of each applicant to show how a facility being claimed under a PBR meets the general requirements of 30 TAC § 106.4 and also the specific requirements of the PBR being claimed. If all PBR requirements cannot be met, a facility will not be allowed to operate under the PBR and an application for a construction permit may be required under 30 TAC § 116.110(a).

Registration of a facility under a PBR can be performed by completing **Form PI-7** (Registration for Permits by Rule) or **Form PI-7-CERT** (Certification and Registration for Permits by Rule). The appropriate checklist should accompany the registration form. Check the most appropriate answer and include any additional information in the spaces provided. If additional space is needed, please include an extra page and reference the question number. The PBR forms, tables, checklists, and guidance documents are available from the TCEQ, Air Permits Division website at: [www.tceq.texas.gov/permitting/air/nav/air\\_pbr.html](http://www.tceq.texas.gov/permitting/air/nav/air_pbr.html).

1. 30 TAC § 106.4(a)(1) and (4): Emission Limits	Answer
List emissions in tpy for <b>each</b> facility (add additional pages or table if needed):	
Are the SO <sub>2</sub> , PM <sub>10</sub> , VOC, or other air contaminant emissions claimed for <b>each</b> facility in this PBR submittal less than 25 tpy?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are the NO <sub>x</sub> and CO emissions claimed for each facility in this PBR submittal less than 250 tpy?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<i>If the answer to both is "Yes," continue to the question below. If the answer to either question is "No," a PBR cannot be claimed.</i>	
Has any facility at the property had public notice and opportunity for comment under 30 TAC Section 116 for a regular permit or permit renewal? (This does not include public notice for voluntary emission reduction permits, grandfathered existing facility permits, or federal operating permits.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<i>If "Yes," skip to Section 2. If "No," continue to the questions below.</i>	
If the site has had no public notice, please answer the following:	
Are the SO <sub>2</sub> , PM <sub>10</sub> , VOC, or other emissions claimed for <b>all</b> facilities in this PBR submittal less than 25 tpy?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are the NO <sub>x</sub> and CO emissions claimed for all facilities in this PBR submittal less than 250 tpy?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<i>If the answer to both questions is "Yes," continue to Section 2.</i>	
<i>If the answer to either question is "No," a PBR cannot be claimed. A permit will be required under Chapter 116.</i>	

**Texas Commission on Environmental Quality  
Permit by Rule Applicability Checklist  
Title 30 Texas Administrative Code § 106.4**

2. 30 TAC § 106.4(a)(2): Nonattainment Check	Answer
Are the facilities to be claimed under this PBR located in a designated ozone nonattainment county?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "Yes," please indicate which county by checking the appropriate box to the right.</i>	
(Moderate) - Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties:	<input checked="" type="checkbox"/> HGB
(Moderate) - Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties:	<input type="checkbox"/> DFW
<i>If "Yes," to any of the above, continue to the next question. If "No," continue to Section 3.</i>	
Does this project trigger a nonattainment review?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is the project's potential to emit (PTE) for emissions of VOC or NO <sub>x</sub> increasing by 100 tpy or more?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<i>PTE is the maximum capacity of a stationary source to emit any air pollutant under its worst-case physical and operational design unless limited by a permit, rules, or made federally enforceable by a certification.</i>	
Is the site an existing major nonattainment site and are the emissions of VOC or NO <sub>x</sub> increasing by 40 tpy or more?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<i>If needed, attach contemporaneous netting calculations per nonattainment guidance.</i>	
Additional information can be found at: <a href="http://www.tceq.texas.gov/permitting/air/forms/newsource/tables/nsr_table8.html">www.tceq.texas.gov/permitting/air/forms/newsource/tables/nsr_table8.html</a> and <a href="http://www.tceq.texas.gov/permitting/air/nav/air_docs_newsource.html">www.tceq.texas.gov/permitting/air/nav/air_docs_newsource.html</a>	
<i>If "Yes," to any of the above, the project is a major source or a major modification and a PBR may not be used. A Nonattainment Permit review must be completed to authorize this project. If "No," continue to Section 3.</i>	
3. 30 TAC § 106.4(a)(3): Prevention of Significant Deterioration (PSD) check	
Does this project trigger a review under PSD rules?	
To determine the answer, review the information below:	
Are emissions of any regulated criteria pollutant increasing by 100 tpy of any criteria pollutant at a named source?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are emissions of any criteria pollutant increasing by 250 tpy of any criteria pollutant at an unnamed source?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are emissions increasing above significance levels at an existing major site?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PSD information can be found at: <a href="http://www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/Tables/10173tbl.pdf">www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/Tables/10173tbl.pdf</a> and <a href="http://www.tceq.texas.gov/permitting/air/nav/air_docs_newsource.html">www.tceq.texas.gov/permitting/air/nav/air_docs_newsource.html</a>	
<i>If "Yes," to any of the above, a PBR may not be used. A PSD Permit review must be completed to authorize the project.</i>	
<i>If "No," continue to Section 4.</i>	



**Texas Commission on Environmental Quality  
Permit by Rule Applicability Checklist  
Title 30 Texas Administrative Code § 106.4**

4. 30 TAC § 106.4(a)(6): Federal Requirements	Answer
Will all facilities under this PBR meet applicable requirements of Title 40 Code of Federal Regulations (40 CFR) Part 60, New Source Performance Standards (NSPS)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
If "Yes," which Subparts are applicable? ( <i>answer below.</i> )	
Will all facilities under this PBR meet applicable requirements of 40 CFR Part 63, Hazardous Air Pollutants Maximum Achievable Control Technology (MACT) standards?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
If "Yes," which Subparts are applicable? ( <i>answer below.</i> )	
Will all facilities under this PBR meet applicable requirements of 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAPs)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
If "Yes," which Subparts are applicable? ( <i>answer below.</i> )	
<i>If "Yes" to any of the above, please attach a discussion of how the facilities will meet any applicable standards.</i>	
5. 30 TAC § 106.4(a)(7): PBR prohibition check	
Are there any air permits at the site containing conditions which prohibit or restrict the use of PBRs?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<i>If "Yes," PBRs may not be used or their use must meet the restrictions of the permit. A new permit or permit amendment may be required.</i>	
List permit number(s):	
6. 30 TAC § 106.4(a)(8): NO <sub>x</sub> Cap and Trade	
Is the facility located in Harris, Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, or Waller County?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "Yes," answer the question below.</i>	
<i>If "No," continue to Section 7.</i>	
Will the proposed facility or group of facilities obtain required allowances for NO <sub>x</sub> if they are subject to 30 TAC Chapter 101, Subchapter H, Division 3 (relating to the Mass Emissions Cap and Trade Program)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**Texas Commission on Environmental Quality  
Permit by Rule Applicability Checklist  
Title 30 Texas Administrative Code § 106.4**

<b>7. Highly Reactive Volatile Organic Compounds (HRVOC) check</b>		
Is the facility located in Harris County?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," skip to the box below.</i>		
Will the project be constructed after June 1, 2006?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question.</i>		
<i>If "No," skip to the box below.</i>		
Will one or more of the following HRVOC be emitted as a part of this project?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<i>If "Yes," complete the information below:</i>		
<b>Information</b>	<b>lb/hr</b>	<b>tpy</b>
▶ 1,3-butadiene		
▶ all isomers of butene (e.g., isobutene [2-methylpropene or isobutylene])		
▶ alpha-butylene (ethylethylene)		
▶ beta-butylene (dimethylethylene, including both cis- and trans-isomers)		
▶ ethylene		
▶ propylene		
Is the facility located in Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, or Waller County?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," the checklist is complete.</i>		
Will the project be constructed after June 1, 2006?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," the checklist is complete.</i>		
Will one or more of the following HRVOC be emitted as a part of this project?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," complete the information below:</i>		
<b>Information</b>	<b>lb/hr</b>	<b>tpy</b>
▶ ethylene		
▶ propylene		

**Save Form**

**Reset Form**



**Municipal Solid Waste Landfills (MSWLF) and Transfer Stations  
Permit by Rule (PBR) § 106.534 Quick Screen Checklist**

If the answers to all of the questions below are “YES,” and the site meets the general conditions under § 106.4 through §106.8, then PBR § 106.534 can be claimed. Use the 106.534 Checklist to aid the MSW landfill applicability determination and compliance with the PBR § 106.534. If any of the answers are “NO,” go to the Standard Permit (SP) § 330 Quick Screen Checklist to determine if the site qualifies for the Standard Permit.

Questions/Descriptions	Response
<b>MSWLF With or Without a Transfer Station Co-Located at the Site</b>	
Does this site meet the definition of municipal solid waste (MSW) landfill general conditions and limitations under § 106.4 through § 106.8?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the owner/operator have a valid permit or registration under 30 TAC § 330.7 (Permit Required), for one of the following type sites: Type I, Type I-AE, Type II, Type III, Type IV, or Type IV-AE, or Type V transfer station?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the MSWLF and transfer station (if applicable) have a design capacity less than 2.5 million megagrams (MMg) by mass or 2.5 million cubic meters (M <sup>3</sup> ) by volume, if constructed, modified (as defined in 40 CFR § 60.751), or reconstructed after May 30, 1991?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the MSWLF and transfer station (if applicable) have a non-methane organic compound (NMOC) emission rate less than 50 megagrams per year (50 Mg/yr) as determined by the latest version of LandGEM computer model?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the MSWLF site and transfer station (if applicable) have emissions of 25 tons per year, or less of volatile organic compounds (VOC) or particulate matter (PM) respectively?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are the visible emissions at the MSWLF and transfer station (if applicable) controlled in a matter such that no visible emissions leave the property for a period exceeding 30 seconds in any six-minute period as determined by United States Environmental Protection Agency Test Method 22?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Transfer Stations <u>Not</u> Located at a MSWLF</b>	
Are the visible emissions at the transfer station controlled in a matter such that no visible emissions leaves the property for a period exceeding 30 seconds in any six-minute period as determined by United States Environmental Protection Agency Test Method 22?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Does the transfer station operate in compliance with the Texas Solid Waste Disposal Act? ( <i>Texas Health and Safety Code, Chapter 361</i> )	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Does the Transfer Station retaining, over 1000 tons (over-night, defined as sun-down to sun-rise) have the area transfer and temporary storage enclosed by a building with a minimum exhaust ventilation of 45,000 cubic feet per minute exiting vertically from a minimum height of 16 feet above the building’s foundation?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO



**APPENDIX L**  
**MONTGOMERY COUNTY DEVELOPMENT PERMITS**



MONTGOMERY COUNTY DEVELOPMENT PERMIT STRUCTURE  
501 N Thompson Ste 100  
Conroe, TX 77301  
(936) 539-7836

CLASS AC

PERMIT NO. 190295-21  
HODGE/MASON # 10.5  
CLERK JR

STATE OF TEXAS  
COUNTY OF MONTGOMERY

} **COMMERCIAL**

This notice confirms that this CLASS AC permit was issued to:  
Applicant: ZTOPIA, LLC Owner: CIRCLE LAKE TRANSFER  
on 29 OCT 21 in Montgomery County, Texas and is NONTRANSFERABLE. This permit  
authorizes the permittee to construct, install or make improvements to a  
C-BLD B SOLID WASTE TRANSFER BLD on the following described property:

Legal Description: BEING 5.5AC 0/O 24AC REC IN VOL 1105 PG 566

Nearest Major Road:

REQUIRED CULVERT SIZE: FLOOD INSURANCE ZONE: X  
FLOODPLAIN DETERMINATION IS FOR PERMITTING PURPOSES. OFFICIAL  
DETERMINATIONS ARE MADE FEMA.

Application for this permit has been reviewed by the Permit Office  
and it has been determined that the property where construction and/  
or improvements will be made is above the base flood elevation. The permittee  
is therefore, authorized to proceed with the development.  
Prior to beginning work, a copy of the permit  
must be posted at the location where it can be viewed from the nearest road.  
It must be protected from the weather and secure from vandalism and will  
remain posted until construction is completed. Montgomery County recommends  
finished floor/slab be constructed 12 inches above natural ground.  
Permit expires if construction does not begin within 180 days.

  
Phil D. Jones, CFM  
Manager Permits

Notes:

MONTGOMERY COUNTY  
501 N Thompson Ste 101  
Conroe, TX 77301  
(936) 539-7836

FIRE CODE

PERMIT NO. 190295-21  
HODGE/MASON # 10.5  
CLERK JR

STATE OF TEXAS }  
COUNTY OF MONTGOMERY }


**FIRE CODE**

This notice confirms that this FIRE CODE permit was issued to:  
Applicant: ZTOPIA, LLC Owner: CIRCLE LAKE TRANSFER  
on in Montgomery County, Texas and is NONTRANSFERABLE. This permit  
authorizes the permittee to construct, install or make improvements to a  
C-BLD B SOLID WASTE TRANSFER BLD on the following described property:

Legal Description: BEING 5.5AC O/O 24AC REC IN VOL 1105 PG 566  
Nearest Major Road:

Failure to follow the plans and specifications as outlined on the permit  
application and approved by Montgomery County, will place the applicant  
in violation and will invalidate the permit.

The Applicant must notify the Fire Marshal's office upon completion of  
the project for inspection.

  
Phil D. Jones, CFM  
Administrator Permits/Floodplain

Notes:

MONTGOMERY COUNTY DEVELOPMENT PERMIT STRUCTURE

501 N Thompson Ste 100

Conroe, TX 77301

(936) 539-7836

PERMIT NO. 190296-21

HODGE/MASON # 10.5

CLERK JR

CLASS AC

STATE OF TEXAS  
COUNTY OF MONTGOMERY

**COMMERCIAL**

This notice confirms that this CLASS AC permit was issued to:  
Applicant: ZTOPIA LLC Owner: CIRCLE LAKE TRANSFER  
on 29 OCT 21 in Montgomery County, Texas and is NONTRANSFERABLE. This permit  
authorizes the permittee to construct, install or make improvements to a  
C-BLD SCALE HOUSE EAST on the following described property:

Legal Description: BEING 5.5AC O/O 24AC REC IN VOL 1105 PG 566

Nearest Major Road:

REQUIRED CULVERT SIZE:


FLOOD INSURANCE ZONE: X

FLOODPLAIN DETERMINATION IS FOR PERMITTING PURPOSES. OFFICIAL

DETERMINATIONS ARE MADE FEMA.

Application for this permit has been reviewed by the Permit Office  
and it has been determined that the property where construction and/  
or improvements will be made is above the base flood elevation. The permittee  
is therefore, authorized to proceed with the development.

Prior to beginning work, a copy of the permit  
must be posted at the location where it can be viewed from the nearest road.  
It must be protected from the weather and secure from vandalism and will  
remain posted until construction is completed. Montgomery County recommends  
finished floor/slab be constructed 12 inches above natural ground.  
Permit expires if construction does not begin within 180 days.

  
Phil D. Jones, CFM  
Manager Permits

Notes:

MONTGOMERY COUNTY DEVELOPMENT PERMIT STRUCTURE

501 N Thompson Ste 100

Conroe, TX 77301

(936) 539-7836

PERMIT NO. 190297-21

HODGE/MASON # 10.5

CLERK JR

CLASS AC

STATE OF TEXAS  
COUNTY OF MONTGOMERY

} **COMMERCIAL**

This notice confirms that this CLASS AC permit was issued to:  
Applicant: ZTOPIA LLC Owner: CIRCLE LAKE TRANSFER  
on 29 OCT 21 in Montgomery County, Texas and is NONTRANSFERABLE. This permit  
authorizes the permittee to construct, install or make improvements to a  
C-BLD D SCALE HOUSE WEST on the following described property:

Legal Description: BEING 5.5AC O/O 24AC REC IN VOL 1105 PG 566

Nearest Major Road:

REQUIRED CULVERT SIZE:

FLOOD INSURANCE ZONE: X

FLOODPLAIN DETERMINATION IS FOR PERMITTING PURPOSES. OFFICIAL  
DETERMINATIONS ARE MADE FEMA.

Application for this permit has been reviewed by the Permit Office  
and it has been determined that the property where construction and/  
or improvements will be made is above the base flood elevation. The permittee  
is therefore, authorized to proceed with the development.

Prior to beginning work, a copy of the permit  
must be posted at the location where it can be viewed from the nearest road.  
It must be protected from the weather and secure from vandalism and will  
remain posted until construction is completed. Montgomery County recommends  
finished floor/slab be constructed 12 inches above natural ground.  
Permit expires if construction does not begin within 180 days.

*Phil D. Jones*  
Phil D. Jones, CFM  
Manager Permits

Notes:







# Montgomery County Fire Marshal's Office



501 N. Thompson, Suite 102 • Conroe, Texas 77301 • P (936) 538-8288 • F (936) 538-8277  
www.mctx.org/fire - fire.codes@mctx.org

The following are items that shall be addressed and require a response stating all deficiencies will be addressed.

1. The property shall have fire hydrants in accordance with IFC appendix B and C. If fire hydrants are not available the property is required to have a minimum of **108,000** gallons of onsite fire protection water. Please submit the location of the hydrants, fire protection tank or other approved fire water holding method complying with NFPA 1142. The fire protection tank connection shall not be located further than 15 feet from a fire lane. The tank connection shall be a 6 inch female NST connection. The tank construction shall comply with NFPA 22. Please submit tank plans prior to installation for approval.
2. The Office shall be equipped with a fire sprinkler and fire alarm system in accordance with NFPA 13 and NFPA 72 or the rear wall facing the transfer center shall be a 2 hour fire rated barrier.
3. Fire Rated Assemblies - All penetrations shall be sealed. All fire walls shall have signs or stenciling permanently installed above any decorative ceiling and/or in concealed spaces. The lettering shall be 2 inches in height and spaced every 12 feet. The following wording is required, "(X) HOUR FIRE AND SMOKE WALL – PROTECT ALL PENETRATIONS"
4. The **Transfer Station BUILDING** shall be protected throughout with a Fire Sprinkler System and in accordance with IFC 903 and Montgomery County Exhibit A and be installed in accordance with NFPA 13. A registered firm shall submit plans directly to MCFMO during construction.
5. The **Transfer Station BUILDING** shall be protected throughout with an Automatic Fire Detection and Notification System in accordance with IFC 907 and Montgomery County Exhibit A and be installed in accordance with NFPA 72. A registered firm shall submit plans directly to MCFMO during construction.
6. State licensed fire protection contractors shall submit as-built plans and installation paperwork directly to Montgomery County Fire Marshal's Office.
7. Fire Department Connection location shall be coordinated with the local fire department and approved by MCFMO and local fire department. Please contact Magnolia Fire Department at 281-356-3288 for placement requirement.
8. Submit plans for fire department access road (fire lanes) to Montgomery County Fire Marshal's Office.
9. Provide fire extinguishers per IFC Section 906.
10. Exit doors shall be readily operable from the egress side without the use of a key or special knowledge or effort. Door handles, pulls, latches, locks and other operating devices on doors shall **not** require tight grasping, tight pinching or twisting of the wrist to operate.
11. Main front exit doors requiring the use of a key, under IFC 1008.1.8.3, shall have a sign readily visible stating "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" in one inch letters contrasting background.
12. Exit signs and emergency lighting needed in proper locations with **back-up power**.
13. All bathrooms that are multi-stall or larger than 64sq. ft shall be equipped with **Emergency lighting**.

*Brian Com*  
Reviewed By

12-27-11  
Date

In accordance with Local Government Code Chapter 352.016, all Fire and Life Safety Inspections in unincorporated Montgomery County must be performed by a Fire Inspector. All code reference has been taken from the current adopted editions of the International Fire Code and NFPA 101. The Montgomery County Fire Marshal's Office reserves the right to make any changes and correction for errors overlooked in the inspection process, and shall require the corrections of errors in construction documents, other data, or on-site installations.



# Montgomery County Fire Marshal's Office



501 N. Thompson, Suite 102 • Conroe, Texas 77301 • P (936) 538-8288 • F (936) 538-8277  
www.mctx.org/fire - fire.codes@mctx.org

14. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector shall operate the alarm communication system. Smoke Detectors shall be located as follows:
  - In each mechanical equipment, electrical, transformer, telephone equipment, corridors, lobbies, storage rooms larger than 200 Sq. Ft., elevator machine rooms, and in elevator lobbies.
  - In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 cubic feet per minute. Such detectors shall be located in a serviceable area downstream of the last duct inlet.
15. **KNOX EQUIPMENT** - **Magnolia Fire Department at 281-356-3288**
  - All Fire Department Connections shall be equipped with KNOX locking caps with swivel guard and can be purchased through Montgomery County Fire Marshal's Office or above listed Fire Department.
  - KNOX Boxes are required on all building that has Fire Alarm system. KNOX boxes shall be purchased through above listed fire department. KNOX boxes shall be keyed to the local fire department. MCFMO only approves 3200 or 4400 series with **hinged lid**. KNOX Boxes with lift off lids are not permitted.
  - All keys shall be placed in KNOX box prior to final inspection. Contact the local fire department to have the KNOX box locked. All KNOX items shall be installed and in place before COC can be issued.
  - All required KNOX padlocks (remote PIV, WPIV, backflow preventers, etc.) shall be ordered through MCFMO and keyed to the Montgomery County KNOX key. Please contact the Inspections Coordinator at MCFMO to order.
  - All locked access gates are required to comply with the Montgomery County Gate Access Program.
16. All projects shall submit an Emergency Response Information form.
17. Upon Completion of all work, a Request for Final Inspection form must be submitted to the Fire Marshal's Office. This project may not be occupied until a final inspection has been performed and a Certificate of Compliance has been issued by Montgomery County.

Please respond back to this email addressing the deficiencies in **3 to 5 business days** for completion of the permitting process. If there are further questions or comments please contact our office at [fire.codes@mctx.org](mailto:fire.codes@mctx.org)

Montgomery County Fire Marshal's Use Only  
BC 11-29-21

## FIRE MARSHAL

These plans have been reviewed for general conformity to the Montgomery County fire and building codes. Any errors overlooked in the review process shall not prevent the Fire Marshal from requiring the correction of errors in construction documents, other data or on-site installation.

*Bruce Crow*  
Reviewed by

12-22-21  
Date

In accordance with Local Government Code Chapter 352.016, all Fire and Life Safety Inspections in unincorporated Montgomery County must be performed by a Fire Inspector. All code reference has been taken from the current adopted editions of the International Fire Code and NFPA 101. The Montgomery County Fire Marshal's Office reserves the right to make any changes and correction for errors overlooked in the inspection process, and shall require the corrections of errors in construction documents, other data, or on-site installations.



# Guidelines for Fire Code Permits in Montgomery County

140295-21



Name of Business: Ztopia LLC / Circle Lake Transfer  
 Address: 34910 Circle Lake Drive City: Pinehurst  
 Fax: Phone: 214-605-2933 Other Phone:  
 E-Mail Address: Shelby.L@zsites.com 281-723-8898  
 Alternate E-Mail Address: Jon@zters.com

1. OCCUPANCY TYPE: \_\_\_\_\_
2. SQUARE FOOTAGE OF NEW CONSTRUCTION: 30,375 SF
3. SQUARE FOOTAGE OF ENTIRE STRUCTURE: 30,375 SF
4. A) HEIGHT OF BUILDING 30' FT B) NUMBER OF STORIES: 1
5. A) HOURS OPEN PER DAY: 7 HRS B) NUMBER OF EMPLOYEES: 10
6. OCCUPANCY LOAD: \_\_\_\_\_

7. WILL THERE BE ANY TYPE OF FOOD PREPARED? YES  NO   
 EXPLAIN: \_\_\_\_\_
8. INSTALLATION OF FIRE SEPARATION? YES \_\_\_\_\_ HRS NO
9. INSTALLATION OF SPRINKLER SYSTEM: YES   
 TYPE OF SPRINKLER SYSTEM: 13 13R 13D N/A OTHER: \_\_\_\_\_
10. INSTALLATION OF STAND PIPES: YES
11. INSTALLATION OF FIRE ALARM SYSTEM: YES   
 TYPE OF ALARM SYSTEM: AUTOMATIC MANUAL N/A OTHER: \_\_\_\_\_
12. OCCUPANCY NOTIFICATION, EMERGENCY EXIT SIGNS, AND EMERGENCY LIGHTING INSTALLED YES  NO
13. FIRE LANES DESIGNATED YES  NO
14. PLANS SUBMITTED: (THREE TOTAL, ONE ELECTRONIC)  
 SITE PLAN YES  NO   
 FIRE LANES PLANS YES  NO   
 SPRINKLER PLANS YES  NO  N/A   
 ALARM PLANS YES  NO  N/A   
 M.E.P. PLANS YES  NO
15. PLANS DRAWN BY AN: ARCHITECT  ENGINEER  OTHER: SAVING  
 CONTACT INFORMATION (NAME, PHONE NUMBER AND E-MAIL ADDRESS):  
ANDREW ROSS, 281-384-3976, Andrew@rossdesignservice.com
16. ALL PLANS ARE DESIGNED BASED UPON THE MONTGOMERY COUNTY ADOPTED CODES IFC 2006 ED, IBC 2006 ED, MC AMENDMENTS, AND NFPA 101 2006 ED.  
 YES  NO

I UNDERSTAND THAT THIS DEPARTMENT IS RELYING ON INFORMATION PROVIDED BY ME AT THE TIME OF PERMITTING TO DETERMINE COMPLIANCE WITH MONTGOMERY COUNTY REQUIREMENTS. I ALSO UNDERSTAND THAT FAILURE TO PROVIDE CORRECT INFORMATION WILL RESULT IN THIS PERMIT IMMEDIATELY BECOMING NULL AND VOID. IF THERE ARE ANY CHANGES IN THESE PLANS, I WILL CONTACT THIS DEPARTMENT IMMEDIATELY.

[Signature]  
 Signature of Owner

10-26-21  
 Date

These plans have been reviewed for general conformity to the Montgomery County fire and building codes. Any errors overlooked in the review process shall not prevent the Fire Marshal from requiring the correction of errors in construction documents, other data or on-site installation.

[Signature] 12-27-21  
 Reviewed by Date



Permit # 190295-21

B - TRANSFER BUILDING

**DRAINAGE**

Montgomery County

Old Permit # \_\_\_\_\_

**Development Permit Application - STRUCTURE**

TO BE FILLED OUT BY COUNTY OFFICIAL

DATE ISSUED: 10-29-21

DEVELOPMENT PERMIT TYPE: AC 60563

SEPTIC PERMIT TYPE: \_\_\_\_\_

FEE: \_\_\_\_\_

TDH FEE: \_\_\_\_\_

PRECINCT# 2-66 ZONE X

CENSUS TRACT # 6404

FLOODPLAIN LETTER ATTACHED \_\_\_\_\_

CLASS A  CLASS B \_\_\_\_\_ CODE AC

IS PROPERTY IN FLOODPLAIN? NO

FLOODWAY? \_\_\_\_\_

HM# 10.5 CLERK JL

**FIRE CODE**

1. Applicant's Name: Ztopia LLC / Circle Lake Transfer (H) 214-605-2933

Mailing Address: 13727 Office Park Drive City Houston State TX Zip 77070

Owner's Name: Ztopia (W/H) 281-723-8898

Mailing Address: 13727 Office Park Drive City Houston State TX Zip 77070

**2. LOCATION**

Subdivision A0120 - Canfield Beckman Tract 27-A (Located in A0123)

Section \_\_\_\_\_ Acreage/Lot Size 5.5181

Defined Loca BEING 5.5AC O/O 24AC REC IN VOL 1105 PG566

Property Address 34910 Circle Lake Drive

City Pinehurst State TX Zip 77362

Survey Name/Abstract # C&C Surveying #1009400 / Abstract #123 Closest Major Road TX-249 / FM 1774

3. **RESIDENTIAL** A-120 **COMMERCIAL**

A. Manufactured Home \_\_\_\_\_ A. Industrial/Manufacturing \_\_\_\_\_

B. Single Family House \_\_\_\_\_ B. Business/Office BARB

C. Other \_\_\_\_\_ C. Retail/Wholesale \_\_\_\_\_

D. Multi-Family \_\_\_\_\_ D. Other Solid Waste Transfer Building

E. # Residences/Buildings on Property? \_\_\_\_\_ E. Estimated Cost \$2,000,000.00

F. Estimated Cost \_\_\_\_\_

# of People/ Residents per day \_\_\_\_\_ # Bedrooms 0 # Restrooms 0

Square Foot of Living Area 0 Square Foot of Structure 30,375 (135' x 225')

**4. SEWAGE TREATMENT**

Installing Septic Yes Existing Septic None Public System N/A

**5. WATER SYSTEM**

Private Well Yes Water District N/A Other N/A

**NOTICE**

\*If the permit applicant is a corporation, partnership, or other legal entity other than a natural person, state the name of one or more natural persons who will be responsible to Commissioner's Court to see that all provisions of the Development Permit and Septic Permit will be faithfully complied with.

\* Notice of Approval will not be issued until a final inspection and approval of the septic system is given by Montgomery County Environmental Health Department.

\* Any person securing a permit does so on the representation to Commissioner's Court that he/she will comply with all requirements and county regulations, and obtain all necessary permits required for this property.

Signature [Signature]

**FIRE MARSHAL**

These plans have been reviewed for general conformance to the Montgomery County fire and building codes. Any errors overlooked in the review process shall not prevent the Fire Marshal from requiring the correction of errors in construction documents, site data or on-site installation.

Date 10-26-21

Reviewed By [Signature] Date 10-26-21

Guideline for Commercial Permits

Permit # 190295-21

In Montgomery County

Name of project being permitted: ZTOPIA LLC / CIRCLE LAKE TRANSFER  
Address of property being permitted: 34910 CIRCLE LAKE  
Suite \_\_\_\_\_ City PINEHURST State TX Zip 77362  
Type of business WASTE TRANSFER Property ID R # R374517  
Open to public use? NO Hours open 8-5 # of employees 4

<b>Is this an Existing Development?</b>	YES or NO
Sq. ft. of build out/lease space/remodel space for existing structure	-
Sq. ft. of all existing structures on property	<u>32,073</u>
Sq. ft. of all existing impervious cover. (Concrete, asphalt, crushed rock, limestone, driveways, etc.)	<u>107,606</u>
<b>Is this a New Development?</b>	YES or NO
Sq. ft. of this new structure or addition	<u>30,375</u>
Sq. ft. of all new impervious cover. (Concrete, asphalt, crushed rock, limestone, driveways, etc.)	<u>75,533</u>
<b>Total Development</b>	
Total sq. ft. of <u>all</u> structures and <u>all</u> impervious cover on <u>entire</u> property	<u>107,606</u>

Will there be new or modified driveway access on TXDOT road? NO

Septic system on property? 1 <sup>new</sup> How many? 1

If different addresses, please list NO

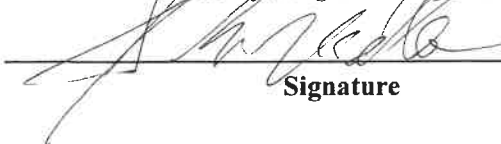
Water well to be used? NO If yes, for public consumption? NO Future expansion planned? NO


Food preparation? Y or N Foods to be served \_\_\_\_\_

**\*\*OTHER PERMITS MAY BE REQUIRED\*\***

**SEE - Dev Structure Permit, Fire Code Permit, Septic Permit, Food Permit or Non-Structure Permit**

I understand that this department is relying on information provided by me at the time of permitting to satisfy the Montgomery County Permit Requirements. I also understand that failure to provide correct information will result in this permits immediately becoming null and void. If there are any changes in these plans, I will contact this department immediately.

  
Signature

These plans have been reviewed for general conformity to the Montgomery County fire and building codes. Any errors overlooked in the review process will not prevent the Fire Marshal from requiring **Date** correction of errors in construction documents, other data or on-site installation.  
10-26-21  
  
Reviewed by \_\_\_\_\_ Date 10-26-21



190298-21



# Guidelines for Fire Code Permits in Montgomery County

Name of Business: Ztopia LLC / Circle Lake Transfer  
 Address: 34910 Circle Lake Drive City: Pinehurst  
 Fax: \_\_\_\_\_ Phone: 214-605-2933 Other Phone: \_\_\_\_\_  
 E-Mail Address: Shelby.L@zsites.com 281-723-8898  
 Alternate E-Mail Address: Jon@zters.com

1. OCCUPANCY TYPE: \_\_\_\_\_
2. SQUARE FOOTAGE OF NEW CONSTRUCTION: 1250 SF
3. SQUARE FOOTAGE OF ENTIRE STRUCTURE: 1250 SF
4. A) HEIGHT OF BUILDING 10' FT B) NUMBER OF STORIES: 1
5. A) HOURS OPEN PER DAY: 3 HRS B) NUMBER OF EMPLOYEES: 5
6. OCCUPANCY LOAD: \_\_\_\_\_

7. WILL THERE BE ANY TYPE OF FOOD PREPARED? YES NO  
 EXPLAIN: \_\_\_\_\_
8. INSTALLATION OF FIRE SEPARATION? YES \_\_\_\_\_ HRS NO
9. INSTALLATION OF SPRINKLER SYSTEM: YES NO  
 TYPE OF SPRINKLER SYSTEM: 13 13R 13D N/A OTHER: \_\_\_\_\_
10. INSTALLATION OF STAND PIPES: YES NO
11. INSTALLATION OF FIRE ALARM SYSTEM: YES  
 TYPE OF ALARM SYSTEM: AUTOMATIC MANUAL N/A OTHER: \_\_\_\_\_
12. OCCUPANCY NOTIFICATION, EMERGENCY EXIT SIGNS, AND EMERGENCY LIGHTING INSTALLED YES NO
13. FIRE LANES DESIGNATED YES NO
14. PLANS SUBMITTED: (THREE TOTAL, ONE ELECTRONIC)  
 SITE PLAN YES NO  
 FIRE LANES PLANS YES NO  
 SPRINKLER PLANS YES NO N/A  
 ALARM PLANS YES NO N/A  
 M.E.P. PLANS YES NO
15. PLANS DRAWN BY AN: ARCHITECT ENGINEER OTHER: \_\_\_\_\_  
 CONTACT INFORMATION (NAME, PHONE NUMBER AND E-MAIL ADDRESS):  
Andrew Ross, 281-384-3976, Andrew@rossdesignservice.com
16. ALL PLANS ARE DESIGNED BASED UPON THE MONTGOMERY COUNTY ADOPTED CODES IFC 2006 ED, IBC 2006 ED, MC AMENDMENTS, AND NFPA 101 2006 ED.  
 YES NO

I UNDERSTAND THAT THIS DEPARTMENT IS RELYING ON INFORMATION PROVIDED BY ME AT THE TIME OF PERMITTING TO DETERMINE COMPLIANCE WITH MONTGOMERY COUNTY REQUIREMENTS. I ALSO UNDERSTAND THAT FAILURE TO PROVIDE CORRECT INFORMATION WILL RESULT IN THIS PERMIT IMMEDIATELY BECOMING NULL AND VOID. IF THERE ARE ANY CHANGES IN THESE PLANS, I WILL CONTACT THIS DEPARTMENT IMMEDIATELY.

**FINE MARGINAL**

Signature of Owner

Date

These plans have been reviewed for general conformity to the Montgomery County fire and building codes. Any errors overlooked in the review process shall not prevent the Fire Marshal from requiring the correction of errors in construction documents, other data or on-site installation.

Brian Crow  
 Reviewed By

12-22-11  
 Date



# DRAINAGE

A. office Building

Permit # 190298-21

Montgomery County

Old Permit # \_\_\_\_\_

## Development Permit Application - STRUCTURE

TO BE FILLED OUT BY COUNTY OFFICIAL

DATE ISSUED: 10-29-21  
 DEVELOPMENT PERMIT TYPE: AC 1168.75  
 SEPTIC PERMIT FEE: C-34500  
 FEE: Fire Code 500.00  
 TDH FEE: 1013.75

PRECINCT# 2-64 ZONE \_\_\_\_\_  
 CENSUS TRACT # 6904X  
 FLOODPLAIN LETTER ATTACHED \_\_\_\_\_  
 CLASS A  CLASS B \_\_\_\_\_ CODE AC  
 IS PROPERTY IN FLOODPLAIN? NO  
 FLOODWAY? \_\_\_\_\_  
 HM# 10.5 CLERK JW

## FIRE CODE

(H) 214-605-2933  
 (W) Shelby.L@zsites.com

1. Applicant's Name: Ztopia LLC / Circle Lake Transfer  
 Mailing Address: 13727 Office Park Drive City Houston State TX Zip 77070  
 Owner's Name: Ztopia (W/H) 281-723-8898  
 Mailing Address: 13727 Office Park Drive City Houston State TX Zip 77070

### 2. LOCATION

Subdivision A0120 - Canfield Beckman Tract 27-A (Located in A0123)  
 Section \_\_\_\_\_ BEING 5.5AC O/O 24AC REC IN VOL 1105 PG566 Acreage/Lot Size 5.5181  
 Defined Location \_\_\_\_\_  
 Property Address 34910 Circle Lake Drive  
 City Pinehurst State TX Zip 77362  
 Survey Name/Abstract # C&C Surveying #1009400 / Abstract #123 Closest Major Road TX-249 / FM 1774

3. **RESIDENTIAL** A-120 **COMMERCIAL**

A. Manufactured Home \_\_\_\_\_  
 B. Single Family House \_\_\_\_\_  
 C. Other \_\_\_\_\_  
 D. Multi Family \_\_\_\_\_ /# of Units \_\_\_\_\_  
 E. # Residences/Buildings on Property? \_\_\_\_\_  
 F. Estimated Cost \_\_\_\_\_

A. Industrial/Manufacturing \_\_\_\_\_  
 B. Business/Office \_\_\_\_\_  
 C. Retail/Wholesale \_\_\_\_\_  
 D. Other Office Building Bld A  
 E. Estimated Cost \$125,000.00

# of People/ Residents per day \_\_\_\_\_ # Bedrooms 0 # Restrooms 2  
 Square Foot of Living Area 0 Square Foot of Structure 1,250 (25' x 50')

### 4. SEWAGE TREATMENT

Installing Septic Yes Existing Septic None Public System N/A

### 5. WATER SYSTEM

Private Well Yes Water District N/A Other N/A

### NOTICE

\*If the permit applicant is a corporation, partnership, or other legal entity other than a natural person, state the name of one or more natural persons who will be responsible to Commissioner's Court to see that all provisions of the Development Permit and Septic Permit will be faithfully complied with.

\* Notice of Approval will not be issued until a final inspection and approval of the septic system is given by Montgomery County Environmental Health Department.

\* Any person securing a permit does so on the representation to Commissioner's Court that he/she will comply with all requirements and county regulations, and obtain all necessary permits required for this property.

Signature [Signature]

These plans have been reviewed for general conformity to the Montgomery County fire and building codes. All errors overlooked in the review process shall not be the Fire Marshal from factoring the correction of errors in construction of the office building on-site installation.

Date 10-26-21  
[Signature]  
 12-27-21



Guideline for Commercial Permits

Permit # 190298-21

In Montgomery County

Name of project being permitted: ZTOPIA LLC / CIRCLE LAKE TRANSOL  
Address of property being permitted: 34910 CIRCLE LAKE  
Suite \_\_\_\_\_ City PINEHURST State TX Zip 77362  
Type of business WASTE TRANSOL Property ID R # R374517  
Open to public use? NO Hours open 8-5 # of employees 4

<b>Is this an Existing Development?</b>	YES or <u>NO</u>
Sq. ft. of build out/lease space/remodel space for existing structure	_____
Sq. ft. of all existing structures on property	_____
Sq. ft. of all existing impervious cover. (Concrete, asphalt, crushed rock, limestone, driveways, etc.)	<u>107,606</u>
<b>Is this a New Development?</b>	<u>YES</u> or NO
Sq. ft. of this new structure or addition	<u>1250</u>
Sq. ft. of all new impervious cover. (Concrete, asphalt, crushed rock, limestone, driveways, etc.)	<u>75,533</u>
<b>Total Development</b>	
Total sq. ft. of <u>all</u> structures and <u>all</u> impervious cover on <u>entire</u> property	<u>107,606</u>

Will there be new or modified driveway access on TXDOT road? NO

Septic system on property? 1 <sup>new</sup> How many? 1

If different addresses, please list NO

Water well to be used? Y If yes, for public consumption? NO Future expansion planned? NO

Food preparation? Y or N Foods to be served \_\_\_\_\_

**\*\*OTHER PERMITS MAY BE REQUIRED\*\***

**SEE - Dev Structure Permit, Fire Code Permit, Septic Permit, Food Permit or Non-Structure Permit**

I understand that this department is relying on information provided by me at the time of permitting to satisfy the Montgomery County Permit Requirements. I also understand that failure to provide correct information will result in this permits immediately becoming null and void. If there are any changes in these plans, I will contact this department immediately.

[Signature]  
Signature

**FIRE MARSHAL**  
These plans have been reviewed for general conformity to the Montgomery County Fire Code and building codes. Any errors overlooked in the review process shall not prevent the Fire Marshal from requiring the correction of errors in construction documents, other data or on-site installation.  
10-20-21  
[Signature] Date  
10-22-21

MONTGOMERY COUNTY  
501 N Thompson Ste 101  
Conroe, TX 77301  
(936) 539-7836

PERMIT NO. 190298-21  
HODGE/MASON # 10.5  
CLERK JR

FIRE CODE

STATE OF TEXAS  
COUNTY OF MONTGOMERY }

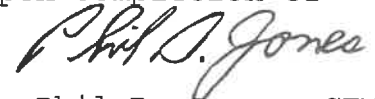
**FIRE CODE**

This notice confirms that this FIRE CODE permit was issued to:  
Applicant: ZTOPIA LLC Owner: CIRCLE LAKE TRANSFER  
on 10/29/21 in Montgomery County, Texas and is NONTRANSFERABLE. This permit  
authorizes the permittee to construct, install or make improvements to a  
C-BLD A OFFICE BUILDING on the following described property:

Legal Description: BEING 5.5AC O/O 24AC REC IN VOL 1105 PG 566  
Nearest Major Road:

Failure to follow the plans and specifications as outlined on the permit  
application and approved by Montgomery County, will place the applicant  
in violation and will invalidate the permit.

The Applicant must notify the Fire Marshal's office upon completion of  
the project for inspection.



Phil D. Jones, CFM  
Administrator Permits/Floodplain

Notes:

MONTGOMERY COUNTY DEVELOPMENT PERMIT STRUCTURE  
501 N Thompson Ste 100  
Conroe, TX 77301

CLASS AC WITH SEPTIC

(936) 539-7836

PERMIT NO. 190298-21

HODGE/MASON # 10.5

CLERK JR

STATE OF TEXAS }  
COUNTY OF MONTGOMERY }

**COMMERCIAL**

This notice confirms that this CLASS AC WITH SEPTIC permit was issued to:  
Applicant: ZTOPIA LLC Owner: CIRCLE LAKE TRANSFER  
on 29 OCT 21 in Montgomery County, Texas and is NONTRANSFERABLE. This permit  
authorizes the permittee to construct, install or make improvements to a  
C-BLD A OFFICE BUILDING on the following described property:

Legal Description: BEING 5.5AC O/O 24AC REC IN VOL 1105 PG 566

Nearest Major Road:

REQUIRED CULVERT SIZE:

FLOOD INSURANCE ZONE: X

FLOODPLAIN DETERMINATION IS FOR PERMITTING PURPOSES. OFFICIAL

DETERMINATIONS ARE MADE FEMA.

Application for this permit has been reviewed by the Permit Office  
and it has been determined that the property where construction and/  
or improvements will be made is above the base flood elevation. The permittee  
is therefore, authorized to proceed with the development.  
Prior to beginning work, a copy of the permit  
must be posted at the location where it can be viewed from the nearest road.  
It must be protected from the weather and secure from vandalism and will  
remain posted until construction is completed. Montgomery County recommends  
finished floor/slab be constructed 12 inches above natural ground.  
Permit expires if construction does not begin within 180 days.

*Phil D. Jones*  
Phil D. Jones, CFM  
Manager Permits

Notes:

The requirements for the onsite sewage facility are based on the site  
evaluation performed by ROSS, ANDREW on 21 OCT 2021.

Ground water encountered: N. Soil: IV  
Acres Sq. Ft. of Living Area 0 No. of Bedrooms  
.1 Application Rate PRIVATE WELL

MINIMUM REQUIREMENTS:

1. Total capacity of Tanks in Gallons: 1000 Gallons. Max GPD :256  
TOTAL SQUARE FOOTAGE TRENCH BOTTOM REQUIRED: 2560 SQ. FT.
2. System Type: DRIP EMITTERS Designed By: ROSS, ANDREW  
The construction, installation or substantial modification of a private  
sewage facility shall be made in accordance with the approved design and  
requirements of the Permit to Construct.
3. ANY CHANGES TO EQUIPMENT SPECIFIED OR GPD WILL REQUIRE OFFICE APPROVAL  
PRIOR TO INSPECTION  
MAINT. AGREEMENT REQUIRED PRIOR TO INSPECTION. FAX 936-788-8388

NOTE: Authorization to construct Septic System expires: 29 OCT 2022  
Re-application will be required if septic system has not been installed by the  
above date. Licensed installer or apprentice must be on site for inspection.

Approved by *[Signature]* Date: 12-29-21

NOTE REGARDING SEPTIC SYSTEMS: This Development Permit is an authorization to  
CONSTRUCT a septic system. In order to obtain a NOTICE OF APPROVAL for this  
septic system, a final inspection and approval by the Montgomery County  
Environmental Health Department will be required.



Ross Design Service  
P.O. Box 1167, 77362, 281-384-3976

## SITE EVALUATION

### FLOOD HAZARD

OUTSIDE 100 YEAR FLOOD PLAIN	
PARTIALLY IN THE 100 YEAR FLOOD PLAIN	
IN 100 YEAR FLOOD PLAIN	
IN 100-YEAR FLOOD PLAIN AND FLOOD WAY	
FIRM PANEL #	

### WATER SUPPLY

COMMUNITY		COMPANY	X
WATER WELL	X	DRILLER	UNKNOWN
YEAR DRILLED			
DEPTH		DIST FROM DISPOSAL AREA	50+
SIZE		PRESSURE CEMENTED	YES

ALL WELL REQUIRED DISTANCES MUST BE MAINTAINED  
IF NEIGHBORING WELLS EXIST THEY MUST BE SHOWN

### TOPOGRAPHY

<b>SLOPE</b>	
FLAT >2%	
SLIGHT <6%	X
SEVERE >30%	
<b>VEGETATION</b>	
GRASS/BRUSH	X
LIGHTLY WOODED	
HEAVILY WOODED	
<b>DRAINAGE</b>	
POOR	
ADEQUATE	X
GOOD	

## LANDSCAPE PLAN

For JIM McNAUGHTON  
at 34910 CIRCLE LAKE DR. PINEHURST, TEXAS 77362

Homeowner will maintain existing vegetation and/or seed or sod any bare areas irrigated by the aerobic system at all times. Do not plant any shade trees in this area. Settling of the backfill will occur over time. Owner should continually check for this & fill in any low places to prevent rainfall from pooling on the surface of the drain field. Plant a dense grass or groundcover in the drain field area. Over-seed with winter grasses for absorption during dormant growing seasons. The grass should be kept mowed to allow as much sunlight as possible to reach the ground surface. This aids in the evapo-transpiration of water/wastewater & prevent soil erosion.



Registered Sanitarian #4283  
Site Evaluator #OS0027998

ANDREW ROSS  
DATE 10-21-2021



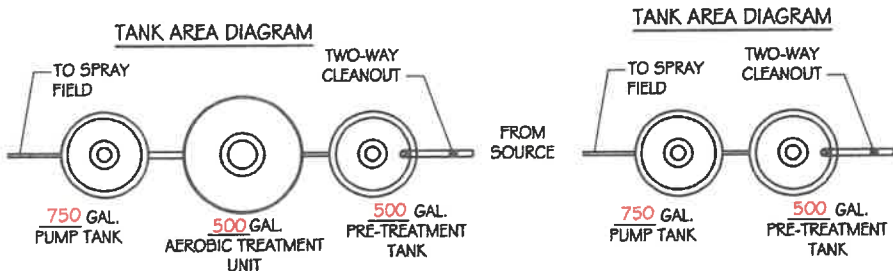
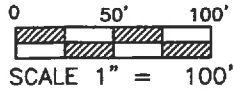




**ROSS DESIGN SERVICE**  
 P.O. Box 1167  
 Pinehurst, TX 77362  
 281-384-3976  
 ANDREW@ROSSDESIGNSERVICE.COM

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**ZTERS SITE SERVICES LLC**  
 34910 CIRCLE LAKE DRIVE  
 PINEHURST, TEXAS 77362



**DRIP SYSTEMS MUST HAVE FULL SUN LIGHT TO OPERATE PROPERLY**

COUNTY:	<b>MONTGOMERY</b>
ACREAGE:	<b>5.5181</b>
SURVEY:	<b>CANFIELD BECKMAN</b>
ABSTRACT:	<b>A-120</b>
SUBDIVISION:	
SECTION:	
BLOCK:	
TRACT:	<b>27-A</b>
FLOOD ZONE:	<b>X</b>
FEMA #:	
SLOPE:	<b>&lt; 5%</b>
USE:	<b>OFFICE WAREHOUSE</b>
TYPE:	<b>COMMERCIAL</b>

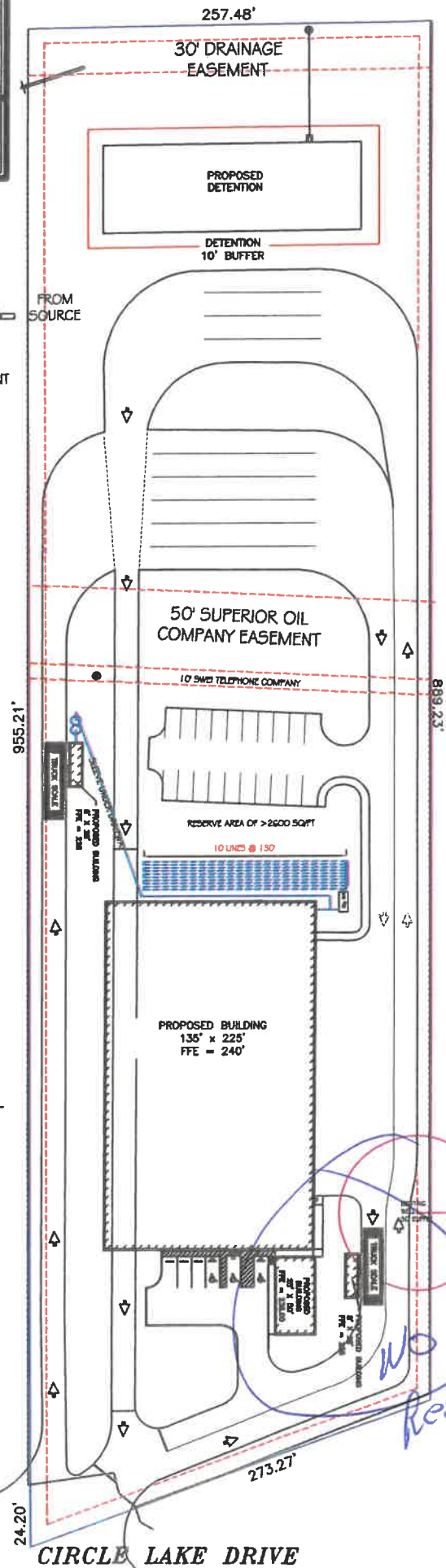
DATE:	09-21-2021
DRAWN BY:	AKR
DESIGNED BY:	AKR
SCALE:	AS NOTED
TOTAL GPD:	256
LOADING RATE:	0.10
REQUIRED DRIP LINE (LF)	1,280
PROVIDED DRIP LINE (LF)	1,300



MONTGOMERY COUNTY INTERPOSES NO OBJECTIONS PROVIDED THE SYSTEM IS INSTALLED IN ACCORDANCE WITH THESE PLANS  
 190 898-21  
 Permit # 190 898-21  
 Date 10-21-21  
 Initials AKR/SL  
 Any changes to EQUIPMENT SPECIFIED or GPD will REQUIRE OFFICE APPROVAL PRIOR TO INSPECTION.

PROPOSED ON-SITE SEWAGE FACILITY	
<b>EQUIPMENT SPECIFICATIONS</b>	
PRETREATMENT TANK:	500 GALLON ~ PRE-CAST CONCRETE
AEROBIC TREATMENT UNIT:	500 GALLON ~ PROH 10500 OR EQUAL
PUMP TANK:	750 GALLON ~ PRE-CAST CONCRETE
	N/A
<b>TANK NOTES</b>	
1. ALL EXISTING SEPTIC TANKS TO BE ABANDONED	
2. TANKS NOT BUILT FOR TRAFFIC BEARING LOADS	
3. TANKS INSTALLED IN LINE ON 90° OFFSETS	
<b>MISCELLANEOUS NOTES</b>	
1. MAINTAIN ALL BUFFER ZONES SHOWN ON DRAWING	
2. PRIVATE WATER WELL MUST BE A MINIMUM OF 90 FT. FROM SEPTIC TANKS AND 100 FT. FROM SPRAY FIELD. UNLESS IT IS PRESSURE CEMENTED, THEN IT MUST BE 50 FT. FROM SEPTIC TANKS AND SPRAY FIELD.	
<b>BUFFER ZONE NOTES</b>	
~ SEPTIC TANKS MUST BE AT LEAST 10 FT. FROM:	
~ ANY EASEMENT NOT SHOWN ON DRAWING.	
~ 5' FROM ANY SLAB.	

GENERAL NOTES:	
1. AN ON-SITE SEWAGE LICENSE MUST BE OBTAINED PRIOR TO INSTALLING THIS WASTEWATER DISPOSAL SYSTEM.	
2. SYSTEM INSTALLATION MUST BE BY A REGISTERED INSTALLER OF ON-SITE SEWAGE FACILITIES AS REQUIRED BY ARTICLE 4477.7E OF VERNONS CIVIL STATUTES OR BY THE OWNER OF THE PROPERTY UNDER LICENSE. NO COMPONENT OF THIS SYSTEM SHALL BE COVERED UP WITHOUT COUNTY'S APPROVAL.	
3. IF ANY DISCREPANCIES EXIST BETWEEN THIS DESIGN AND ACTUAL FIELD CONDITIONS IT IS THE INSTALLER'S RESPONSIBILITY TO IMMEDIATELY NOTIFY THE ENGINEER AND THE JURISDICTION PRIOR TO BEGINNING OF CONSTRUCTION.	
4. ALL CONSTRUCTION METHODS AND MATERIALS MUST BE IN ACCORDANCE WITH COUNTY AND STATE RULES AND POLICIES, UNLESS SPECIFICALLY NOTED ON THESE DRAWINGS AND ARE APPROVED BY THE JURISDICTION.	
5. SITE SHALL BE CAREFULLY FINISH GRADED AFTER CONSTRUCTION OF SYSTEM IS COMPLETED, TO PROVIDE ADEQUATE STORM WATER DRAINAGE. ABSORPTION AREA SHALL BE CROWNED. DRAINAGE SWALES SHALL BE CONSTRUCTED TO ADEQUATELY CONVEY STORM WATER DRAINAGE AWAY FROM ABSORPTION AREA.	
6. THIS SYSTEM INSTALLED AND OPERATED IN ACCORDANCE WITH THIS PLAN SHALL NOT PRESENT A HAZARD TO PUBLIC HEALTH, OR THREATEN PROPOSED OR ADJACENT WATER WELLS.	
7. THERE SHALL BE AT LEAST ONE DAY OF DRY STORAGE VOLUME OF ONE-THIRD THE DAILY FLOW BETWEEN THE ALARM-ON LEVEL AND THE INLET TO THE PUMP TANK.	
8. ALL COMPONENTS OF THE SYSTEM MUST BE INSTALLED 10 FT FROM WATERLINES, ACCEPT AT BUILDING CONNECTION. WATERLINE CROSSING MUST BE CONSTRUCTED IN ACCORDANCE WITH 30 TAC 290, 44(e)	
9. PUMP TANK FLOAT ELEVATIONS MUST BE SET IN COMPLIANCE WITH 30 TAC 285.33(d)(2)(G)(iii)(1)	
10. SPRAY HEADS TO BE NO CLOSER THAN 10' FROM TREES OR OTHER OBSTRUCTIONS THAT INTERFERE WITH SPRAY PATTERN.	
11. TIMER MUST BE SET TO DISCHARGE BETWEEN THE HOURS OF MIDNIGHT AND 5 am.	





## ON-SITE WASTEWATER SYSTEM CHECK LIST

The following information must be included with all design packages for review by the Texas Commission on Environmental Quality and/or the permitting Authority. Failure to include or address all of the following items may result in approval delays.

- Plans and reports must bear a signature address, telephone number and a dated seal on each page.
- A report must be included in the submittal containing the following information:
  - Basis of design*
  - Soil analysis and site evaluation*
  - System flow diagram and sizing calculations*
  - Material specifications and illustrations*
  - Size and model number of approved aerobic system (if used)*
- Construction drawings must include the following information:
  - o A scaled, legible site plan with boundary description*
  - o The location of all buildings & structures (existing or proposed)*
  - o The location of the wastewater treatment units and disposal area*
  - o Buffer zones and water wells must be identified and located on the site plan.*
  - o The site plan must also include topographical contours for slopes greater than 30 percent.*
  - o Easements and bodies of water (lakes, streams, ponds) must also be identified.*
    - Installation details such as septic tank configuration, layouts, and cross-sections of drain fields and disposal beds, irrigation systems, pump station including piping and controls.*
  - o Affidavit to the Public for surface application systems recorded by the county.*
  - o Records of testing and frequency for surface applications.*

<b>HOME / BUSINESS OWNER</b>	JIM MCNAUGHTON	<b>COUNTY</b>	MONTGOMERY
<b>STREET ADDRESS</b>	34910 CIRCLE LAKE DR	<b>ACREAGE / LOT SIZE</b>	5.5181
<b>SUBDIVISION</b>		<b>SECTION</b>	
<b>BLOCK</b>		<b>LOT</b>	27-A
<b>SURVEY</b>	CANFIELD BECKMAN	<b>ABSTRACT</b>	A-120

DATE ON SITE	08-17-2021	WATER SUPPLY	COMPANY
<b>RESIDENTIAL</b>		<b>COMMERCIAL</b>	X
BEDROOM HOME		TYPE OF FACILITY	OFFICE
LIVING AREA		SQUARE FEET	1680
PERMANENT RESIDENTS		EMPLOYEES	4 O / 20 W

<b>SYSTEM TYPE</b>	STANDARD PVC	GRAVEL-LESS PIPE	LPD	
	SURFACE APPLICATION	DRIP EMITTER	X OTHER	

### SYSTEM PERMITTED FOR: 256 GPD

*This septic system was designed based on the above data and any discrepancies should be discussed with Andrew Ross prior to installation of the system. **Any change to the design may require a redraw fee.** Ross Design Service, nor its employees, will be held liable for any system malfunctions.*



ANDREW ROSS  
DATE 10-21-2021

Registered Sanitarian #4283  
Site Evaluator #OS0027998



Ross Design Service  
P.O. Box 1167, 77362, 281-384-3976

## SOIL EVALUATION

PROFILE DEPTH	TEXTURE (USDA)	GRAVEL ANALYSIS (CLASS II & III)	RESTRICTIVE HORIZON	GROUND WATER	COLOR	COMMENTS
0-10"	SANDY LOAM	NO	NO	NO	BROWN	
10-20"	SANDY CLAY	NO	NO	NO	BROWN	
20"+	CLAY	NO	YES	NO	BROWN	

PROFILE DEPTH	TEXTURE (USDA)	GRAVEL ANALYSIS (CLASS II & III)	RESTRICTIVE HORIZON	GROUND WATER	COLOR	COMMENTS
0-10"	SANDY LOAM	NO	NO	NO	BROWN	
10-20"	SANDY CLAY	NO	NO	NO	BROWN	
20"+	CLAY	NO	YES	NO	BROWN	

- Normal textures (USDA): Coarse sand/gravel/sand/loamy sand/sandy loam/loam/ sandy clay loam/sandy clay/clay loam/silty clay loam/silty loam/silt or clay/silty clay
- Normal structures: Massive, Block, Platy

*Subsurface horizons with colors of red, yellow, and brown generally indicate good soil aeration and drainage throughout the year. Subsurface horizons that are in colors of gray, olive or blackish colors indicate poor aeration and poor soil drainage. Any soil profile that has the grayish colors indicative of high-water (or mottling) within thirty-six (36) inches of the surface or has ground water visible in the test bore less than forty-eight (48) inches below the ground surface shall be deemed unsuitable for a conventional subsurface disposal due to internal drainage.*

X	SOIL TEXTURE	SOIL CLASS	LONG TERM LOADING RATE
	COARSE SAND/GRAVEL	Ia	>.50
	SAND/LOAM SAND	Ib	0.38
	SANDY LOAM/LOAM	II	0.25
	SANDY CLAY/ SANDY CLAY LOAM/CLAY LOAM/SILTY CLAY LOAM/SILT	III	0.20
X	CLAY/SILTY CLAY	IV	0.10

SOIL ANALYSIS	YES	NO
IS THE SOIL SUITABLE FOR A STANDARD SYSTEM		X
INDICATION OF SEASONABLE WATER TABLE DEPTH		X

I, Andrew Ross, a Registered Sanitarian did personally conduct this site evaluation at

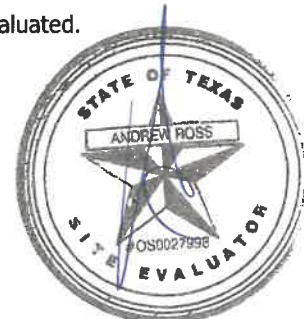
**34910 CIRCLE LAKE DR., PINEHURST**

I certify these results are true and correct for the property evaluated.



Registered Sanitarian #4283  
Site Evaluator #OS0027998

ANDREW ROSS  
DATE 10-21-2021







Ross Design Service  
P.O. Box 1167, 71562, 281-384-5916

## ENGINEERING REPORT FOR ON-SITE WASTEWATER DISPOSAL SYSTEM

### CONDITIONS FOR A CLASS I SEWER PLANT WITH DRIP SYSTEM

- Class I sewer plant will have a pump tank to distribute water to drip field.
- Aerobic tank will treat 500 gal/day of septic.

### DESIGN SPECIFICATION SUMMARY

HOME/BUSINESS OWNER	JIM McNAUGHTON	ADDRESS	34910 CIRLCE LAKE DR
STRUCTURE	OFFICE/WAREHOUSE	FACILITY TYPE	COMMERCIAL
SOIL TYPE -CLASS	III - SANDY CLAY	LOW FLOW FIXTURES	YES
BUILDING AREA	1250	TOTAL SQ FT	1250

### DRIP AREA

GPD	256	LOADING FACTOR, GPD/SQ FT	0.10
ABSORPTION AREA REQUIRED, SQ FT	2560	ABSORPTION AREA SHOWN, SQ FT	2600
LINEAR FEET OF LINE REQUIRED	1280	ABSORPTION AREA SHOWN, L FT	1300
EMITTERS, EVERY 2 FT(4SQ FT)	640	EMITTERS SHOWN	650

### DOSING DETAILS

GPM (0.62/60min)	0.62/60	0.0103
TOTAL GPM (GPM * EMITTERS SHOWN)	0.0103 * 650	6.695
MINUTES OPERATING TIME PER DAY (GPD/GPM)	256 / 6.695	38.2
OPERATING TIME / 5	38.2 / 5	8 MIN DOSING TIME
DOSE TIMES DOSES PER DAY	8 * 5	40
DOSES PER DAY TIMES GALLONS PER MINUTE	40 * 6.695	264.8

IF DOSING TIME IS LESS THAN 15 MIN, DIGITAL TIMER MUST BE USED.

### TANK SIZING

TANK	SIZE (GAL) REQ	SIZE (GAL) TO BE INSTALLED	MODEL NAME & NUMBER
PRE TREAT	500	500	
AEROBIC TREATMENT	500	500	PROFLO500 OR EQUAL
PUMP TANK	750	750	

### P

#### PUMP TANK REQUIREMENTS

Pressure Drops in System  
Elevation Head loss in system feet 4  
Friction Head loss in system feet 1.2  
Total system head loss, feet 66

#### PUMP SELECTION

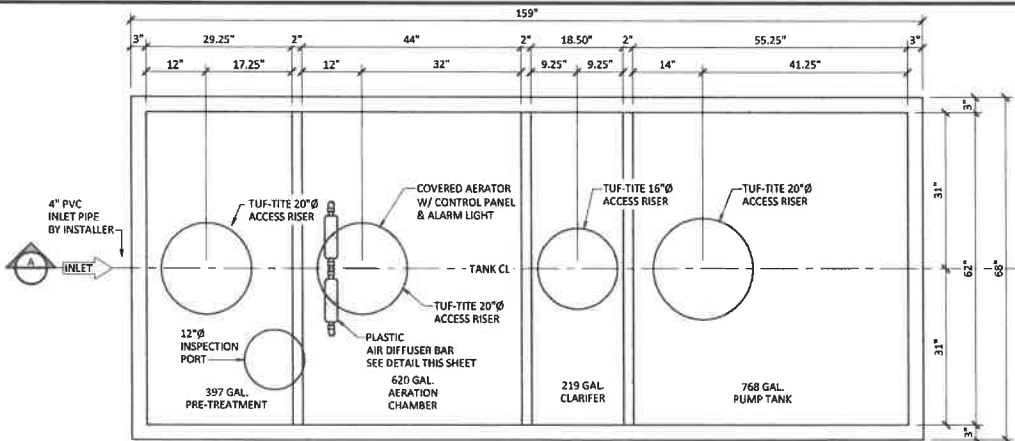
Volume, GPM 20 gal  
NPDH, Feet 66  
Pressure, psi 29  
Supply+Manifold 1.00" Sch 40 240



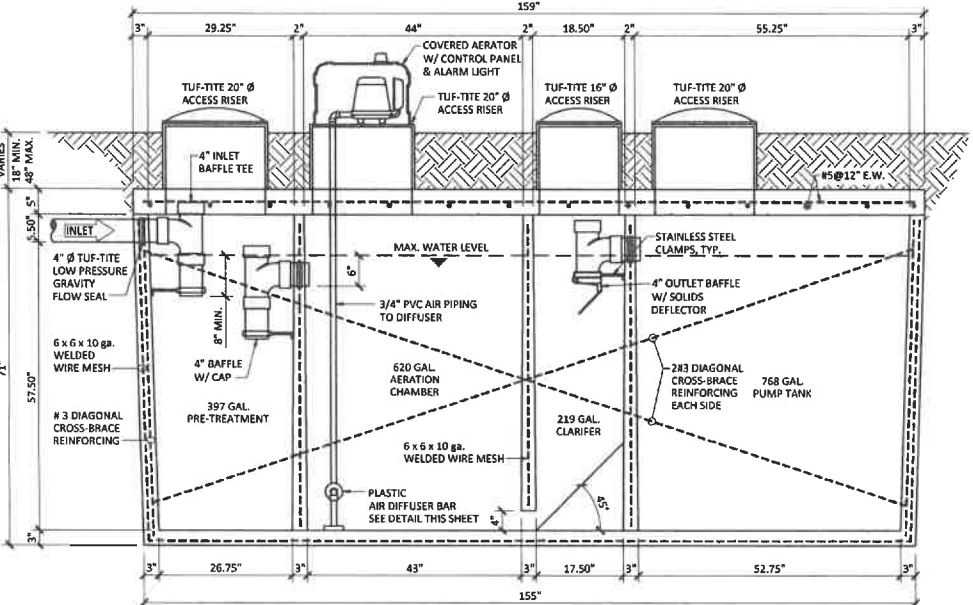
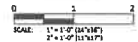
ANDREW ROSS  
DATE 10-21-2021

Registered Sanitarian #4283  
Site Evaluator #OS0027998

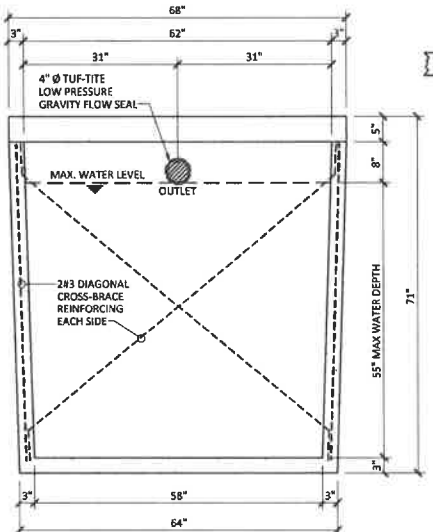




TANK PLAN



TANK SECTION A



TANK ELEVATION OUTLET END



CONCRETE SPECIFICATIONS:

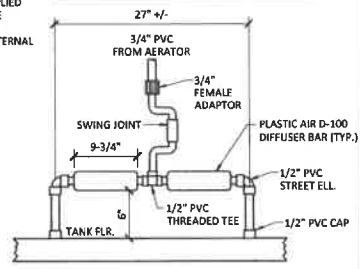
1. THE MINIMUM COMPRESSIVE STRENGTH SHALL BE 4500 PSI @ 28 DAYS OF AGE.
2. THE CONCRETE COVER FOR REINFORCING BARS, MATS, OR FABRIC SHALL NOT BE LESS THAN 1 IN.

GENERAL NOTES:

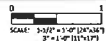
1. THIS TANK IS TO BE BUILT AND INSTALLED PER THE CURRENT EDITION OF ASTM C1227-12 STANDARD SPECIFICATION FOR PRECAST CONCRETE SEPTIC TANKS.
2. ACCESS COVERS MAY BE BURIED BELOW GRADE W/ A MINIMUM 6" COVER, BUT NOT TO EXCEED 12". IF COVER EXCEEDS 12", RISERS WILL BE REQUIRED TO MAKE TOP OF COVER MEET REQUIREMENTS.
3. TANKS SHALL BE CLEARLY MARKED WITHIN 2'-0" OF TANK INLET, PROVIDING THE FOLLOWING INFORMATION:
  - MANUFACTURED NAME OR TRADEMARK OF MANUFACTURER
  - MANUFACTURED DATE
  - TANK CAPACITY
  - EXTERNAL LOAD CAPACITY (SEE DETAIL THIS SHEET)
4. EXPOSED OPENINGS 12" O.D. OR LARGER SHALL BE PROVIDED WITH A LOCK SYSTEM, TO PREVENT UNAUTHORIZED ENTRANCE.
5. ANY ACCESS OPENING 8" O.D. AND LARGER SHALL BE CLEARLY MARKED "ENTRANCE TO TANK COULD BE FATAL".
6. ALL INLET/OUTLET FITTINGS TO BE 4" Ø TUF-TITE LOW PRESSURE GRAVITY SEAL (MODEL No. TS-4PRD) CAST INTO TANK WALL.
7. BAFFLES OR TEES SHALL BE PLACED AT THE INFLUENT PIPE. SHALL EXTEND AT LEAST 8 IN. BELOW THE LIQUID LEVEL AND AT LEAST 5 IN. ABOVE THE LIQUID LEVEL. (BY INSTALLER)
8. THE MANUFACTURER IS REQUIRED TO DEMONSTRATE THAT FAILURE WILL NOT OCCUR BY PHYSICALLY APPLYING LOADS TO THE TANK. THE LOAD APPLIED SHALL BE 1.5 TIMES THE DESIGN DEAD LOAD. SUCH TESTING SHALL BE WITNESSED & CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER.
9. A 2-1/2" THICK WALL MAY BE USED IN LIEU OF THE CAST IN PLACE INTERNAL WALL BETWEEN THE AERATION & CLARIFIER.

TANK DIMENSIONS		
TANK LENGTH (TOP)	159.00	in.
TANK LENGTH (BOTTOM)	155.00	in.
TANK WIDTH (TOP)	68.00	in.
TANK WIDTH (BOTTOM)	64.00	in.
TANK HEIGHT	71.00	in.
WALL THICKNESS	3.00	in.
FLOOR THICKNESS	3.00	in.
LID THICKNESS	5.00	in.
BOTTOM TO INLET	60.50	in.

TANK VOLUMES			
PRETREATMENT CAPACITY	397	gal.	
AERATION CAPACITY	620	gal.	
CLARIFIER CAPACITY	219	gal.	
PUMP TANK CAPACITY	768	gal.	
WATER DEPTH	55	in.	
TANK CONCRETE VOLUME	86.72	FT <sup>3</sup>	3.21 YD <sup>3</sup>
TANK LID CONCRETE VOLUME	27.65	FT <sup>3</sup>	1.02 YD <sup>3</sup>
TANK WEIGHT (EMPTY)	13008	lbs.	
LID WEIGHT	4148	lbs.	
TOTAL TANK WEIGHT (EMPTY)	17156	lbs.	



AIR DIFFUSER DETAIL



REVISIONS / ISSUANCE

REF.	DATE	DESC.

**WATERENGINEERS, INC.**  
 Water & Wastewater Treatment Consultants  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM No. 2066  
 TEL: 281-373-6000  
 FAX: 281-373-1115  
 17230 HUFFMASTER ROAD  
 CYPRESS, TEXAS 77429

THE DRAWING CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND LOCAL AUTHORITIES.

PRO FLO AEROBIC SYSTEMS, LP  
 WASTEWATER TREATMENT SYSTEMS  
 20222 FM 962  
 WALLER, TEXAS 77484

**AEROBIC WASTEWATER TREATMENT UNIT**

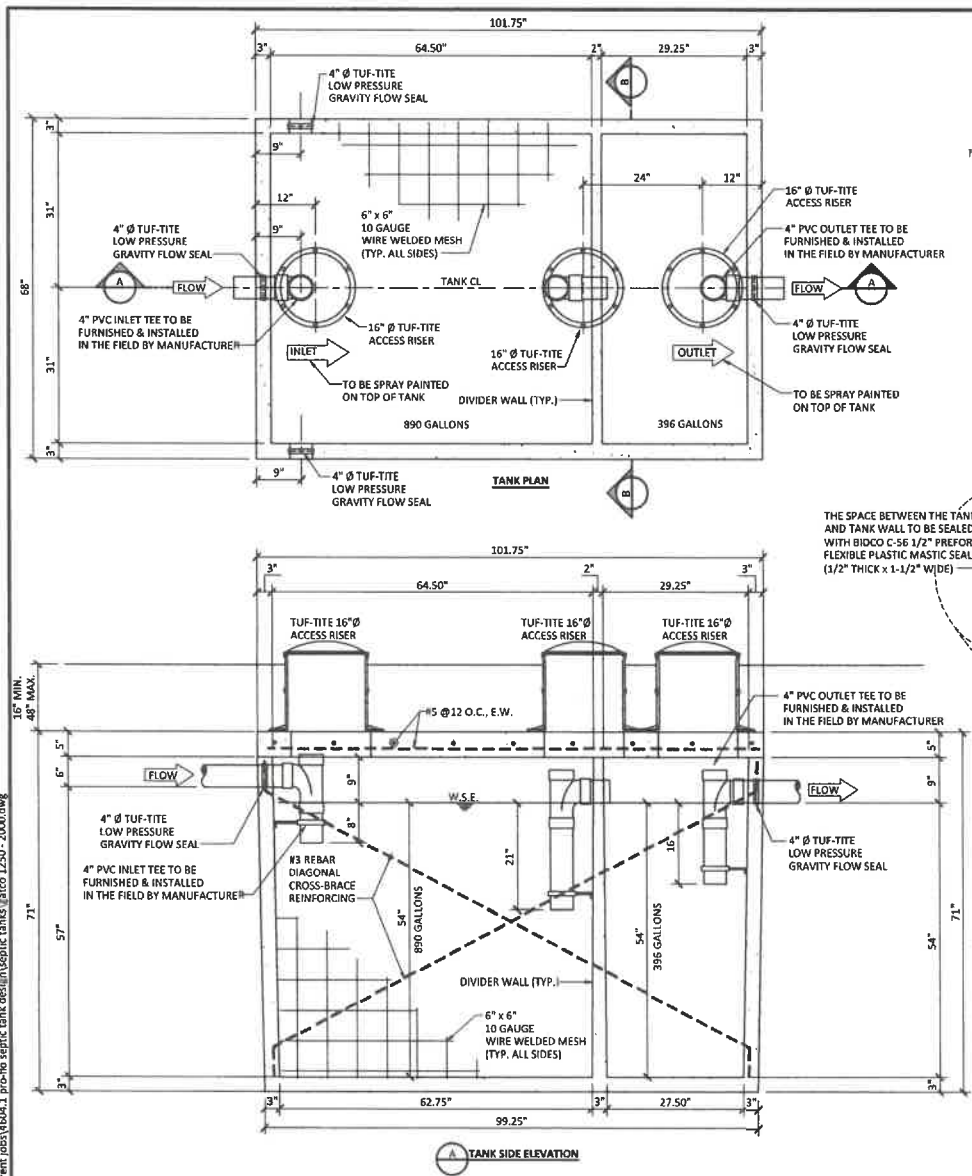
MODEL No. **500 SLPTZ**

DRAWN BY: JLW  
 DATE: 9/2/2015  
 JOB No.: 4604-12  
 SHEET No.: 01 of 01

STATE OF TEXAS  
 D. RAY YOUNG  
 37068  
 LICENSED PROFESSIONAL ENGINEER

*D. Ray Young*  
 09-02-2015

\\server\wrt\cad\current\jobs\604.1.pro\ho.septic.tank.design\septic tanks\gato 1250 - 2000.dwg



**GTS**  
 MODEL NO.  
 DZ-1250-SEP 2COMP  
 MANF date: XX-XX-XXXX  
 TANK CAP.: 1286 GAL.  
 18" MAX. COVER  
**TANK MARKING DETAIL**

SPRAY PAINT MARKING ON TANK LID WITHIN 2'-0" OF INLET OF THE TANK

THE SPACE BETWEEN THE TANK LID AND TANK WALL TO BE SEALED WITH BIDCO C-56 1/2" PREFORMED FLEXIBLE PLASTIC MASTIC SEALANT (1/2" THICK x 1-1/2" WIDE)



TANK DIMENSIONS		
TANK LENGTH (TOP)	101.75	in.
TANK LENGTH (BOTTOM)	99.25	in.
TANK WIDTH (TOP)	68.00	in.
TANK WIDTH (BOTTOM)	64.00	in.
TANK HEIGHT	66.00	in.
WALL THICKNESS	3.00	in.
FLOOR THICKNESS	3.00	in.
LID THICKNESS	5.00	in.
FLOW LINE OF INLET TO BOTTOM OF TANK	54.00	in.

TANK VOLUMES			
COMPARTMENT No. 1	890	gal.	
COMPARTMENT No. 2	396	gal.	
WATER DEPTH	54	in.	
TANK CONCRETE VOLUME	51.38	FT <sup>3</sup>	1.90 YD <sup>3</sup>
TANK LID CONCRETE VOLUME	17.95	FT <sup>3</sup>	0.66 YD <sup>3</sup>
TANK WEIGHT (EMPTY)	7707	lbs.	
LID WEIGHT	2693	lbs.	
TOTAL TANK WEIGHT (EMPTY)	10400	lbs.	

**CONCRETE SPECIFICATIONS:**

- THE MINIMUM COMPRESSIVE STRENGTH SHALL BE 4500 PSI @ 28 DAYS OF AGE.
- THE CONCRETE COVER FOR REINFORCING BARS, MATS, OR FABRIC SHALL NOT BE LESS THAN 1 IN.

**GENERAL NOTES:**

- THIS TANK MEETS THE REQUIREMENTS OF ASTM C1227-12 STANDARD SPECIFICATION FOR PRECAST CONCRETE SEPTIC TANKS.
- ACCESS COVERS MAY BE BURIED BELOW GRADE W/ A MINIMUM 6" COVER, BUT NOT TO EXCEED 12". IF COVER EXCEEDS 12", RISERS WILL BE REQUIRED TO MAKE TOP OF COVER MEET REQUIREMENTS.
- TANKS SHALL BE CLEARLY MARKED WITHIN 2'-0" OF TANK INLET, PROVIDING THE FOLLOWING INFORMATION:
  - MANUFACTURED NAME OR TRADEMARK OF MANUFACTURER
  - MANUFACTURED DATE
  - TANK CAPACITY
  - EXTERNAL LOAD CAPACITY (SEE DETAIL THIS SHEET)
- EXPOSED ACCESS OPENINGS 12" O.D. OR LARGER SHALL BE PROVIDED WITH A LOCK SYSTEM, TO PREVENT UNAUTHORIZED ENTRANCE.
- ANY ACCESS OPENING 8" O.D. AND LARGER SHALL BE CLEARLY MARKED "ENTRANCE TO TANK COULD BE FATAL"
- ALL INLET/OUTLET FITTINGS TO BE 4" TUF-TITE LOW PRESSURE GRAVITY SEAL (MODEL No. TS-4PRO) CAST INTO TANK WALL.
- BAFFLES OR TEES SHALL BE PLACED AT THE INFLUENT PIPE. SHALL EXTEND AT LEAST 8 IN. BELOW THE LIQUID LEVEL AND AT LEAST 5 IN. ABOVE THE LIQUID LEVEL (BY INSTALLER)
- WHEN USED AS A CONVENTIONAL SEPTIC TANK, PER ASTM 1227-12 THE MIN. DISTANCE BETWEEN THE INLET & OUTLET TO BE A MIN. OF 6' FEET. THE SEPTIC TANK SYSTEM SHALL INCLUDE TWO COMPARTMENTS.



*D. Ray Young*  
 09-21-2018

REVISION	DATE

<p><b>Water &amp; Wastewater Treatment Consultants</b>                  7203 BOARD OF PROFESSIONAL ENGINEERS BUILDING, 2066                  CYPRUS, TEXAS 77429                  PHONE: 361-373-1113                  FAX: 361-373-1113</p>	<p><b>WaterEngineers, Inc.</b>                  WATERWATER TREATMENT STRUCTURE                  GATCO TREATMENT SYSTEMS, LP                  32107 ROCHEN RD                  WALLER, TEXAS 77484                  TELEPHONE: 936-372-5403</p>
--	--

<p>SHEET NAME:</p> <p>MODEL No.                  DZ-1250                  2 COMP</p>	
<p>DRAWN BY: JLW</p> <p>CHECKED BY: DRY</p> <p>PROJECT No.: 4604.19</p> <p>DATE: 8/30/2018</p> <p>SHEET No.:</p>	<p><b>01 OF 01</b></p>



Ross Design Service  
 31225 Walnut Creek, 77355, 713-542-9095

**BOD calculations for OSSF**

**Subject Address: ZTERS - 34910 CIRCLE LAKE, PINEHURST**

**US EPA Table 3-3**  
 Toilet - % Total 26.70%  
 Faucet - % Total 15.70%  
 42%

**Typical residential wastewater strength (from US EPA Table 3-7)** 220

2.38 \* 220 mg/L = 524 mg/L

**Wastewater Usage Rate (TCEQ: Chapter 285, Table 3)**

4	OFFICE *	4	gal/d	=	16	gal
20	WAREHOUSE *	12	gal/d	=	240	gal
		<b>TOTAL</b>	gal/d	=	<u>256</u>	

256 gal \* 524 mg/L \* 8.34 lbs = 1.12 lbs/d  
 1,000,000 mg of water / L

1.12	BOD	*	0.4	=	0.45		
500	gal tank	=	1.25	*	0.4	=	0.5
			MANUFACTURER'S BOD		40%		

Therefore 0.50 > or = 0.45

**Tank is adequate to treat waste**



**TYPE V TRANSFER FACILITY  
PERMIT APPLICATION  
REPORT (PAR) PACKAGE**

**MSW PERMIT No. 2412**

**PART III**

**PREPARED FOR:**

**CIRCLE LAKE TRANSFER, LLC**

**13727 OFFICE PARK DRIVE  
HOUSTON, TEXAS 77070**

**PREPARED BY:**



*Jeffrey L. Allen*  
6-2-2022

**6360 I-55 NORTH, SUITE 330 FIRM No. F-14712  
JACKSON, MISSISSIPPI 39211**

**APRIL-JUNE-2022**





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*Jeffrey L. Allen*  
6-2-2022  
FIRM No. F-14712



**TABLES:**

**TABLE 6-1: CIRCLE LAKE TRANSFER STATION COST ESTIMATE FOR THIRD PARTY CLOSURE**

**APPENDICES:**

**APPENDIX A: ~~SURFACE WATER DRAINAGE REPORT~~**

**ACRONYMS:**

AllenES	ALLEN ENGINEERING AND SCIENCE, INC.
CLT	CIRCLE LAKE TRANSFER, LLC
CLTS	CIRCLE LAKE TRANSFER STATION
MSW	MUNICIPAL SOLID WASTE
PAR	PERMIT APPLICATION REPORT
SDP	SITE DEVELOPMENT PLAN
SOP	SITE OPERATING PLAN
TAC	TEXAS ADMINISTRATIVE CODE
TCEQ	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TPWD	TEXAS PARKS AND WILDLIFE DEPARTMENT
TxDOT	TEXAS DEPARTMENT OF TRANSPORTATION
USFWS	UNITED STATES FISH AND WILDLIFE SERVICES



*Jeffrey L. Allen*  
6-2-2022  
Firm No. F-14712



## 1.0 INTRODUCTION

---

This **Site Development Plan (Part III) Permit Application Report (PAR)** has been prepared for the Circle Lake Transfer Station (hereafter also referred to as the “facility” or “site”) consistent with the requirements of 30 Texas Administrative Code (TAC) §330.63. The **Site Development Plan (SDP)** addresses the criteria used in the selection and design of this facility for safeguarding the health, welfare, and physical property of the public and the environment. This narrative report includes discussion of the drainage, land use, zoning, adequacy of access roads and highways, and other considerations specific to this facility.

### 1.1 BACKGROUND

The Circle Lake Transfer Station (CLTS) near Pinehurst, Texas will provide an efficient means to process and transfer the waste that is generated in Montgomery County and the surrounding areas and transfer the waste to a Texas Commission on Environmental Quality (TCEQ) permitted municipal solid waste (MSW) landfill. The CLTS will be owned and operated by Circle Lake Transfer, LLC (CLT).

Support facilities for the CLTS will include a site entrance road, scales(s), scale house, solid waste collection and transfer equipment parking/staging area(s), transfer station building, and employee facilities.

### 1.2 SITE LOCATION

The facility is located 2,700 ft northeast on Circle Lake Drive from its intersection with TX-249/FM1774 (the Circle Lake Drive TX-249/FM1774 intersection is 1,000 ft north of the Aggie Expressway and 5 miles south on FM 1774 from the center of town of Magnolia, Texas) Pinehurst, Montgomery County, Texas. The facility is located on a dead-end road so there is no other access.

### 1.3 LAND USE AND ZONING

An analysis of land use and zoning, and potential impact on the area surrounding the facility, is presented in the **Part I/II PAR, SECTION 6**.

### 1.4 ADEQUACY OF ACCESS ROADS AND HIGHWAYS

Adequacy of access roads and highways is addressed in **SECTION 7** of the **Part I/II PAR**. The traffic evaluation is presented in **Part I/II** of the application, with additional supporting documentation including a comprehensive **Transportation Study** contained in **Appendix G**, concludes that for this transfer station access roads are available and adequate.

A facility layout plan showing the access points is presented on **Drawing 6** of the **Part I/II PAR Engineering Drawing Set**.

As discussed in **Part I/II, Appendix G**, the primary access routes to the facility on Circle Lake Road include the Aggie Expressway, TX-249, FM1774. The primary access routes are public roads and are maintained by Montgomery County and the Texas Department of Transportation (TxDOT). There are no known weight restrictions on these roads in one-mile proximity to the facility, other than the maximum legal weight limit of 80,000 pounds.



In accordance with Title 30 TAC §330.61(i)(4), TxDOT was contacted to determine if any traffic or location restrictions apply to the facility. The TxDOT coordination information is included in **Part I/II, Appendix G.**





## 2.0 GENERAL FACILITY DESIGN

---

### 2.1 INTRODUCTION

**SECTION 2** of this report has been prepared to address the general facility design topics required by 30 TAC §330.63(b).

### 2.2 FACILITY ACCESS CONTROL

This section describes how access will be controlled for the facility, pursuant to 30 TAC §330.63(b)1. The access controls described below are designed to prevent the entry of livestock, protect the public from exposure to potential health and safety hazards, and to discourage unauthorized entry or uncontrolled disposal of solid waste or hazardous materials. Refer to **SECTION 8** of the **SOP (Part IV)**, for operating requirements related to access control.

Fencing and gates will serve as the primary **landfill** access controls. Outside of operating hours, a gate constructed of 6-foot chain link fence is located across the facility entrance road south of the scale house to prevent unauthorized vehicle access. The height and material for the entrance gate may vary. The scale house entrance will be locked to prevent unauthorized access. Vehicle access to the site at points other than the entry gate will be minimized by suitable fencing, which will be a 6-foot chain link fence or 4-foot barbed wire.

The operating area (i.e. the transfer station) is a building. The general facility layout is shown on **Drawing 6** in the **Part I/II PAR Engineering Drawing Set**.

A facility attendant will be on-site during operating hours and will monitor and restrict access to the facility. The Scale House Attendant will be present at all hours when the transfer station facility is open to receive waste (i.e. 7:00 a.m. to 7:00 p.m., Monday through Friday and Saturday 7:00 a.m. to 12:00 (noon) p.m.). In addition to these hours to receive waste, the hours of operation for heavy equipment and transporting materials on- or off-site may be any time between the hours of 5:00 a.m. and 9:00 p.m., Monday through Friday and Saturday 5:00 a.m. to 2:00 p.m. During these heavy equipment operating hours (when the facility is closed for receiving waste) the lead operator will monitor and restrict access to the facility. The lead operator will be the responsible person to close, lock and secure the facility at the end of each operating day. In addition to the waste acceptance and operating hours, other non-waste management activities, including administrative and maintenance activities, may occur 24 hours per day, 7 days per week. The facility gates shall be closed during any other non-waste management activities and the employees on duty shall be responsible to monitor and restrict access to the facility.

Entry to the transfer station will be restricted to designated personnel, appropriate subcontractors, approved waste haulers, TCEQ personnel, and properly identified persons whose entry is authorized by facility management. The facility attendant will direct waste transport drivers to the transfer station. There, the drivers will be directed to a specific unloading area. Additionally, when appropriate, signs with directional arrows and/or barricades may be placed along site roads to direct traffic and control interior access.

When the site is closed, the entry gate at the main entrance/exit will be closed to prevent site access and locked when no personnel are present on site.



## **2.3 WASTE MOVEMENT**

### **2.3.1 WASTE FLOW DIAGRAM**

Pursuant to 30 TAC §330.63(b)(2)(A), a waste flow diagram indicating the processing and storage sequences (there is no on-site disposal) for wastes received is shown on **Drawing 14** in the **Part I/II PAR Engineering Drawing Set**.

### **2.3.2 WASTE PROCESS SCHEMATIC**

Pursuant to 30 TAC §330.63(b)(2)(B), a schematic indicating the waste processing and storage areas is shown on the “**Site Layout Plan**” in the **Part I/II PAR Engineering Drawing Set (Drawing 6)**. The **Site Layout Plan** shows the location of the transfer station within the permit boundary, and also for informational purposes and context, references other features on the site that are not associated with the permit application. Additional drawings are provided in Part III Attachment 1 to show the layout of the transfer station within the permit boundary at an enlarged scale, and also show the traffic flow patterns to help better define the waste process schematics. Note that there is no disposal as part of this permit application, and there is no phased sequence of development (the transfer station will be built all at once in order to commence operations).

### **2.3.3 VENTILATION AND ODOR CONTROL**

As required by 30 TAC §330.63(b)(2)(C), the transfer station structure is designed to provide adequate ventilation. Ventilation in the transfer station building will be provided by the openings through which waste hauling vehicles will enter and exit, and vents which will be installed on the building roof. The transfer facility doors on each end of the transfer truck loadout area may also be opened, if needed, for additional ventilation. Excessive dust and particulates that occur at the transfer station facility will be controlled using water sprays or similar methods. No significant air pollution emissions are expected to result from the operation of the transfer station.

The transfer station will be operated to provide adequate ventilation for odor control and employee safety. The operator will prevent nuisance odors from leaving the transfer station permit boundary. If nuisance odors are detected near the transfer station permit boundary, the site will immediately take action to abate the condition. Odors are controlled by limiting operations to within the structure and limiting the time solid waste may be stored on the tipping floor (refer to **Part IV – SOP, SECTIONS 4 and 8**). All processing of solid waste will occur within the transfer station structure. Mist systems (using water) may be used within the transfer station structure to suppress odors, if needed. The mist (or similar) systems may also be used to control odors through the addition of chemical deodorizers. Ponding water will be controlled to avoid objectionable odors.

### **2.3.4 GENERALIZED CONSTRUCTION DETAILS REQUIRED BY §330.63(b)(2)(D – F)**

The general facility layout can be seen on **Drawing 6** of the **Part I/II PAR Engineering Drawing Set** and contains all building layouts and dimensions, estimated finished floor elevations, general material specifications, locations of all roads and parking, all easements located on the property, detention pond location, estimated retaining wall locations, and the septic drip field.



The facility will contain four scales onsite. Two scales will be for collection trucks, located along the ingress/egress routes of the facility for collection trucks, and two will be for transfer trucks, located within the facility loadout area. There is expected to be two attendant buildings located adjacent to the collection truck scales, and one small office building located along the southeastern corner of the transfer station building.

The transfer station building will be a pre-engineered metal building with a roof, exterior walls, openings for collection vehicles to enter the building to unload, covered loadout, and ancillary support features. The inside of the transfer station building will have a reinforced concrete slab (minimum 4,000 psi 28-day compression strength) tipping floor with an area of approximately 30,000 square feet, and reinforced concrete push walls to resist typical forces of transfer station operations.

The tipping floor is designed with a slope to drain toward the western end of the building. The eastern side of the building has openings for collection vehicles to enter the tipping floor for unloading. The western side of the building has one entrance and exit for loading of transfer trailer vehicles. The tipping floor is designed with a slope to drain towards the center of the building and flow to the northwest to the contaminated water tank for off-site transfer. Additionally, there is a collection sump in the transfer truck loading area to collect any incidental stormwater flowing into the facility's loading area or washdown water from the same source. This water will be routed to the contaminated water tank mentioned above. The contaminated water tank will be a minimum 2,000 gallon (nominal) holding tank. Secondary containment for this tank is discussed within **Section 5 of Part IV – SOP**.

### **2.3.5 TAC §330.63(B)(2)(G – H)**

Waste grease, oil, or sludge will not be received or accepted at the facility. Other than contaminated water, the transfer station facility will not produce any effluent. All contaminated water will be managed in accordance with the procedures set forth in **SECTION 5 of Part IV - SOP**.

The **Part I/II PAR Engineering Drawing Set** presents the general site location and general site plan for the transfer station.

### **2.3.6 NOISE POLLUTION CONTROL**

As required by 30 TAC §330.63(b)(2)(I), the transfer station will be designed to control noise pollution. Since transfer station activities take place within the building structure, generated noise is mostly confined to the structure. The facility is located on dead-end road next to industrial facilities. Furthermore, it appears that the nearest residential area is approximately a half mile to the southwest across Texas Highway 249. This road that the facility is located on does not receive regular public traffic. The transfer station structure is located at a sufficient distance from nearby residences and businesses so that activities at the site are not readily visible.

Per the Montgomery County Commissioners Court, the Noise Ordinance provided states that "...the Legislature has not conferred upon counties the authority to regulate noise in their unincorporated areas...". As stated in **Part I/II - PAR, SECTION 6**, the facility is located in an unincorporated area of Montgomery County. However, the letter further states that under "Section 42.01(c)(2) of the Texas Penal Code states that a noise is presumed unreasonable if



the decibel level exceeds 85. Noise is considered unreasonable – and in violation of the statute – if it is 85 decibels at the point where it is observed by others.”. This letter can be found within **Part I/II Appendix F**.

As stated previously, this is an indoor facility, located next to other industrial facilities, surrounding mostly by forested area, with the nearest residential area approximately 2,600 feet to the southwest on the other side of Texas Highway 249, a major highway. It is Allen Engineering and Science, Inc.’s (AllenES’) opinion that the facility will not exceed a decibel level of 85 at any point outside of the property boundary.

## **2.4 SANITATION AND WATER POLLUTION CONTROL**

As required by 30 TAC §330.63(b)(3) and (4), the transfer station will be designed to facilitate proper cleaning. The transfer station structure will include a metal roof that covers the concrete slab waste processing area (tipping floor) and the waste storage area. Waste will be unloaded and processed on the concrete tipping floor. The operator of the facility will control surface drainage in the vicinity of the facility to prevent surface water runoff onto, into, and off of the waste tipping and storage areas. The transfer station site will be graded to prevent run-on drainage and flow of stormwater onto the tipping floor. The push walls will be composed of reinforced concrete to resist typical forces on transfer operations and be able to be hosed down and scrubbed. Other walls in operating areas will be masonry, concrete, or other hard-surfaced materials that can be hosed down and scrubbed by the operator.

The tipping floor is designed with a slope to drain toward the center and then to the northwest corner of the building. The loadout area floor is designed with a slope to drain toward a grate drain in the northwestern area of the loadout floor. The grate drains will convey water (primarily wash water), which will be managed as contaminated water, to a minimum 2,000 gallon (nominal) holding tank.

The facility will be designed with the necessary utility connections to allow for the adequate cleaning of the facility with water, (steam or pressure).

Details of water supply connections and grate drains can be found in **Part I/II PAR Engineering Drawing Set** presents the site plan, general construction details and associated design criteria for the transfer station.

Sanitation procedures will be conducted by the Operator in accordance with the procedures set forth in **SECTION 8.11** of **Part IV - SOP**.

### **2.4.1 SURFACE WATER AND GROUNDWATER PROTECTION**

As required by 30 TAC §330.63(b)(3)(A) and §330.63(b)(4), surface drainage in the vicinity of the facility will be controlled to prevent surface water runoff onto, into, and off the treatment area. Based on the facility design information presented in this Site Development Plan, the transfer station is designed to prevent discharge of pollutants into water of the United States, as defined by the Texas Water Code and the Federal Clean Water Act, respectively. The facility will be constructed, maintained, and operated to manage run-on and runoff during the peak discharge of a 25-year rainfall event and prevent the off-site discharge of waste material, including, but not limited to, in-process and/or processed materials. Surface water drainage in





and around the facility will be controlled to prevent surface water from running into, onto, and off the processing area.

Waste grease, oil, or sludge will not be received or accepted at the facility. Other than contaminated water, the transfer station facility will not produce any effluent. All contaminated water will be managed in accordance with the procedures set forth in **SECTION 5 of Part IV - SOP**.

Since all contaminated water is managed in a controlled manner, as discussed above, surface water and groundwater are protected.

#### **2.4.2 FLOOR WASH DOWN**

As required by 30 TAC §330.63(b)(3)(A) through (D) and §330.243(a), the transfer station will be constructed to facilitate proper cleaning. Waste processing operations within the transfer station structure will be conducted on a covered tipping floor. All floors in operating areas will be constructed of reinforced concrete. The push walls will be composed of reinforced concrete to resist typical forces on transfer operations and be able to be hosed down and scrubbed. Other walls in operating areas will be masonry, concrete, or other hard-surfaced materials that can be hosed down and scrubbed by the operator. A connection to a supply of water under pressure will be provided for cleaning. All contaminated water will be managed in accordance with the procedures set forth in **SECTION 5 of Part IV - SOP**.

Water supply for wash down purposes will be provided by an on-site water well with an appropriately sized water tank that is capable of providing the facility with an around-the-clock supply of potable water.

Details of water supply storage, water connections and grate drains can be found in **Part I/II PAR Engineering Drawing Set** presents the general site plan and general construction details the transfer station.

#### **2.5 PROTECTION OF ENDANGERED SPECIES**

Pursuant to 30 TAC §330.61(n), §330.63(b)(5), and §330.551, site specific endangered and threatened species assessments were conducted by a qualified biologist for this project site. The assessment included a review of state and federal reference information of the United States Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD) and a field survey for threatened or endangered species and their habitats. The endangered species assessment and related documentation is provided in **Part I/II, Appendix H**.

The outcome of the assessment is that no federal or state-listed endangered or threatened species, or any critical habitats for such species, were found at the site. The findings are that ongoing facility development and operation is not expected to cause or result in the destruction or adverse modification of critical habitats or contribute to the taking or harming of any endangered or threatened species.

However, the TPWD did offer the following comments and recommendations concerning the development of the facility in their response letter:



- Recommendation: For soil stabilization within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes, birds, and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting and hydromulch containing microplastics should be avoided.
- Recommendation: During construction, operation, and maintenance of the proposed facility, TPWD recommends observing slow (25 miles per hour, or less) speed limits within the project site. Reduced speed limits would allow personnel to see wildlife in the vehicle path and avoid harming them.
- Recommendation: TPWD recommends any vegetation clearing be scheduled outside of the general bird nesting season of March 15th to September 15th; however, if clearing must occur during nesting season, nest surveys should be conducted prior to clearing. Nest surveys should be conducted not more than 5 days prior to scheduled clearing to maximize detection of active nests. If nests are observed during surveys, a vegetation buffer area of no less than 150-feet in diameter should remain around the nest until all young have fledged.
- Recommendation: Please review the Federal Law: Migratory Bird Treaty Act section for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.

The CLTS will incorporate the four (4) above referenced TPWD recommendations into the facility's best management practices.



## 3.0 SURFACE WATER DRAINAGE REPORT

---

### 3.1 INTRODUCTION

Section 3 of this report has been prepared to address the applicable surface water drainage design topics required by 30 TAC §330.63(c) and §330.303.

### 3.2 DRAINAGE DESIGN

The facility has been designed to maintain and manage run-on and runoff during the peak discharge of a 25-year rainfall event and will prevent the off-site discharge of waste and feedstock material, including, but not limited to, in-process and/or processed materials. Additionally, surface water drainage in and around the facility will be controlled to minimize surface water running onto, into, and off the treatment area.

The facility process area is located within an enclosed building designed to prevent stormwater contact with process materials in addition to preventing any wash-down or contaminated water from leaving the building footprint. Therefore, the transfer facility design allows for water generated inside of the building to be isolated and maintained. The stormwater management system outside of the building, which includes curb/gutters, drainage channels, letdowns, and detention pond prevents stormwater from coming into contact with any waste.

Montgomery County required that the facility provide a Surface Water Drainage Report to detail how the facility's post development stormwater runoff is equal to or less than the pre-development stormwater runoff. ~~Details for the drainage system and associated design demonstrations are included in within this report as Appendix A, Surface Water Drainage Report.~~ That report has not been included within this registration application but is available for review if requested.

The determination of the Surface Water Drainage Report to satisfy county requirements was to develop a detention pond to maintain stormwater in such a way to prevent post-development stormwater runoff from exceeding the pre-development stormwater runoff. As of this time, the county has approved the pond sizing and layout as shown on the drawings within report.

### 3.3 FLOODPLAIN CONSIDERATIONS

As shown on **Drawing 12** in the **Part I/II PAR Engineering Drawing Set** and documented/discussed further in **SECTION 11** of the **Part I/II PAR**, the transfer station area is not located within a 100-year floodplain.



## 4.0 WASTE PROCESSING FACILITY DESIGN

---

### 4.1 INTRODUCTION

**SECTION 4** of this report presents waste management unit design information, pursuant to 30 TAC §330.63(d)(1)(A). The general facility design was previously addressed in **SECTION 2. Drawing 6** of the **Part I/II PAR Engineering Drawing Set** provides the supporting engineering drawings, plans, specifications, and calculations for the design of the waste processing facility.

### 4.2 WASTE OPERATIONS

Pursuant to 30 TAC §330.63(d)(1)(A), the transfer station facility is designed for rapid processing and minimum detention of solid waste, up to and including the permitted maximum daily waste acceptance rate as set forth in the **Waste Acceptance Plan** (see **SECTION 3** of the **Part I/II PAR**). The area to be used for waste transfer operations will be the building footprint, which is approximately 135 feet by 225 feet.

All solid waste capable of creating public health hazards or nuisances will be stored within the building, processed, or transferred promptly, and will not be allowed to result in a nuisance or public health hazard. All solid waste stored overnight at the facility will either be in a transfer trailer with a tarp over it or on the tipping floor with a tarp over it. Recyclable materials on the tipping floor or within enclosed containers will not require tarping.

Procedures for the unloading of waste are provided in **SECTION 8** of **Part IV - SOP**. This includes procedures for traffic control on-site, and procedures for the detection and prevention of unauthorized waste.

Unloading of waste in unauthorized areas is prohibited. Any waste that is identified as having been deposited in an unauthorized area will be immediately moved to the proper unloading areas.

### 4.3 SPILL PREVENTION AND CONTROL

Pursuant to 30 TAC §330.63(d)(1)(B), the transfer station facility is designed to control and contain spills and contaminated water. Staging and processing areas at this facility will be located within the transfer station structure. The unloading areas are designed to control and contain spills and contaminated water. The building walls in waste operations areas (discussed above in **Section 2.4.2** of this report) will serve as a form of spill containment. All contaminated water will be managed in accordance with the procedures set forth in **SECTION 5** of the **SOP (Part IV)**.

Uncontaminated stormwater run-on and run-off will be directed away from the transfer station building entrances by site design and grading to a storm water pond. ~~Details for the drainage system and associated design demonstrations are included in Appendix A, Surface Water Drainage Report.~~ The transfer station building interior where waste is managed will not result in any storm-generated run-off since the transfer station building is completely covered.





#### **4.4 WASTE STORAGE PERIOD**

Pursuant to 30 TAC §330.63(d)(1)A) and (C), the period of time that wastes will remain on site will be limited. The facility will not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, insect breeding, or harborage of other vectors. Solid waste will be stored in a manner to prevent fires, ensure safety, prevent a health hazard, or preclude food or harborage for animals and vectors, and contained to minimize windblown solid waste and litter. Solid waste will be stored either in a transfer trailer with a tarp cover or on the tipping floor with a tarp cover. Recyclable materials stored on the tipping floor or in enclosed containers will not require tarping. The maximum time waste material will be stored will not exceed 48 hours for the transfer station, except on holidays or weekends. On holidays and/or weekends, the maximum time will not exceed 72 hours.



## 5.0 CLOSURE PLAN

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### 5.1 INTRODUCTION

Pursuant to 30 TAC §330.63(h), this Closure Plan is included with **Part III**. The Closure Plan has been prepared to meet the requirements of 30 TAC §330.459 (Closure requirements for MSW Storage and Processing Units).

### 5.2 CLOSURE ACTIVITIES

Closure will be accomplished by the owner or operator removing all waste, waste residues, and any recovered materials. Processing equipment and other non-permanent facility units will either be dismantled and removed off-site or decontaminated. Processing equipment shall not be relied upon or used for closure activities.

No later than 90 days prior to the initiation of final closure, the facility will, through a public notice in the newspaper(s) of largest circulation in the vicinity of the facility, provide public notice for final facility closure. The notice will include the name, address and physical location of the facility, the permit number, and the intended last day of receipt of materials at the facility. The facility will also make an adequate number of copies of the approved Closure Plan available for public review. Also, no later than 90 days prior to the initiation of a final facility closure, the owner or operator will also provide written notice of closure to the Executive Director of the intent to close the facility and place this notice of intent in the Site Operating Record.

Initiation of closure activities for the facility will begin no later than 30 days after the date on which the facility receives the known final receipt of waste. Closure of the facility must be completed within 180 days following the most recent acceptance of processed or unprocessed materials unless otherwise directed or approved in writing by the Executive Director.

The following steps will be taken for closure:

- Notify TCEQ when closure is initiated.
- At least one sign will be posted at the main entrance notifying all persons who may utilize the facility of the date of closing and the prohibition against further receipt of waste materials after the stated date. Additional signs will be posted at other frequently used points of access.
- Suitable barriers to all gates or access points will be installed, or alternatively, the entire perimeter property boundary will have a fence as a barrier, to adequately prevent the unauthorized dumping of solid waste at the closed facility.
- Cleanup of the site and removal of wastes will be completed. All waste, waste residues, contaminated water and any recovered materials will be removed and will be transported to an authorized facility for disposal.
- Partial or full dismantling of process unit(s) including cleanup and decommission (equipment should be rendered unusable) of process equipment/facility.
- No dismantling of the concrete pad (tipping floor) or other permanent structures will be conducted at closure.
- No changes to the site elevations at closure will occur that will affect the final contour map.



- General Cleanup to include wash down and disinfection of facility (floors, walls, containment areas, processing areas). To include removal, transport, treatment, and disposal of all wash down waters/media.
- Vector control will be implemented as outlined in the approved Site Operating Plan
- If there is evidence of a release of waste from the facility, the Executive Director may require an investigation into the nature and extent of the release and an assessment of measures necessary to correct an impact to groundwater. As part of the closure activities, after general cleanup and wash down/disinfection, the underground contaminated water storage tank and any contaminated water in the tank will be removed and properly disposed of. Soils below the tank will be tested for contamination before earth work or grading of the area. As part of closure activities and prior to sampling for testing, TCEQ will be contacted for sampling and testing requirements of soil below (or around) the tank.
- Removal, treatment, and disposal of any contaminated soils, concrete, storm water, or other contaminated materials on site.
- The closed facility will be inspected by an independent professional engineer who will verify that final facility closure has been completed in accordance with the approved closure plan, and who will then prepare a certification of final facility closure as set forth in **SECTION 5.3**.
- The certification of closure will be submitted to the Executive Director as set forth in **SECTION 5.3**.

### **5.3 CERTIFICATION OF FINAL FACILITY CLOSURE**

Within 10 days after completion of the final closure activities for the facility, the operator will submit to the Executive Director by registered mail the following:

1. Certification of abandonment and completion of cleanup.
  - a. Sampling/testing/classification of waste (ash, liquids, sludge, other waste not readily identifiable as garbage, trash, refuse). To include lab reports, chain of custody, quality assurance and quality control.
  - b. Perform site inspection and prepare certification of closure.
  - c. The certification, signed by an independent licensed professional engineer, verifying that final facility closure has been completed in accordance with the approved closure plan. The submittal to the Executive Director shall include all applicable documentation necessary for certification of final facility closure; and
  - d. A request for voluntary revocation of the facility registration.

Following receipt of the closure documents and the inspection report by the TCEQ Region, the Executive Director may acknowledge termination of operation and closure and deem the facility properly closed.

### **5.4 POST CLOSURE LAND USE**

All wastes and waste residues will be removed from the facility as part of closure; no wastes will remain at the closed facility. Accordingly, this facility does not require post closure care requirement.



A request for voluntary revocation of the facility's registration will be submitted to the Executive Director within 10 days after completion of the final closure activities, in conjunction with the certification of closure described in **SECTION 5.3** of this Plan.





## **6.0 COST ESTIMATE FOR CLOSURE**

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### **6.1 INTRODUCTION**

This Cost Estimate for Closure for the CLTS was prepared to meet the applicable requirements of 30 TAC §330.63(j), §330.501, and §330.505. The Cost Estimate is based upon the maximum inventory of stored waste allowed to be at the facility, and therefore represents the maximum anticipated closure cost. This Cost Estimate also presents information on financial assurance for closure which will be established for the facility in accordance with 30 TAC Chapter 37, Subchapter R.

### **6.2 CLOSURE COST ESTIMATE**

The Closure Cost Estimate is provided in **TABLE 6-1**. This cost estimate, which is presented in current dollars, has been developed in accordance with 30 TAC §330.505. The cost estimate accounts for closure of the maximum inventory of waste potentially stored at the transfer facility and assumes that the work will be performed by a third party not affiliated with the owner or operator of the facility. The registrant will conduct an annual review to evaluate whether the cost estimate is sufficient based on current operating conditions. As outlined in **SECTION 6.3**, the estimate and financial assurance will be adjusted as necessary.

As outlined in 30 TAC Chapter 37, Subchapter R, the registrant will establish and maintain financial assurance for closure. The financial assurance for closure will be maintained continuously until all requirements of the final closure plan have been met as evidenced in writing by the TCEQ Executive Director. Cost estimate and financial assurance adjustments will be made as described in **SECTION 6.3**.

### **6.3 COST ESTIMATE AND FINANCIAL ASSURANCE ADJUSTMENTS**

During the active life of the facility, the registrant will annually adjust the current cost estimates for inflation within 60 days prior to the anniversary date of the first establishment of the financial assurance mechanism. The adjustment may be made by recalculating the maximum costs of closure and post-closure care in current dollars, or by using an inflation factor published on TCEQ's website.

The permittee will evaluate the closure cost annually to determine whether an increase in the closure cost is required as a result of continued facility development or otherwise changed facility conditions. This will include a review the facility's permit conditions on an annual basis to verify that the current active areas match the areas on which closure cost estimates are based. An increase in the closure cost estimate and the amount of financial assurance will be made if changes to the final Closure Plan or the facility conditions increase the maximum cost of closure.

A reduction in the closure cost estimate and amount of financial assurance provided may be requested if the cost estimate exceeds the maximum costs of closure at any time during the remaining life of the facility. The permittee will provide written notice to the TCEQ Executive Director of the detailed justification for the reduction of the closure cost estimate the amount of financial assurance. The permittee may request a reduction in the cost estimate and the financial assurance as a permit modification.



**TABLE 6-1: CIRCLE LAKE TRANSFER STATION COST ESTIMATE FOR THIRD PARTY CLOSURE**

Item	Description	Unit	Amount	Unit Cost <sup>1</sup>	Cost <sup>1</sup>
<b>A</b>	<b>Administration Third-Party Closure</b>				
1A	Site survey and file review to determine closure activities	LS	1	\$5,000	\$5,000
2A	Preparation of engineering plans	LS	1	\$5,000	\$5,000
3A	Procurement of bids	LS	1	\$2,000	\$2,000
4A	Contract Award and admin of contract	LS	1	\$2,000	\$2,000
5A	Installation of closure signage	LS	1	\$1,000	\$1,000
6A	Securing of building and site	LS	1	\$2,500	\$2,500
7A	Vector Control	LS	1	\$2,500	\$2,500
<b>B</b>	<b>Contractor Mobilization</b>				
1B	Mobilization	LS	1	\$2,000	\$2,000
<b>C</b>	<b>Waste Disposal</b>				
1C	Cleanup/removal of waste stored on-site	Ton	2,500	\$10.00	\$25,000
2C	Waste Transport by authorized transporter	Ton	3,200	\$20.00	\$64,000
3C	Treatment/disposal of waste at authorized facility	Ton	3,200	\$30.00	\$96,000
<b>D</b>	<b>General Cleanup to Include Washdown, Disinfection and Removal, Transport, Treatment and Disposal of All Washdown Waters/Media</b>				
1D	General Cleanup	LS	1	\$5,000	\$5,000
<b>E</b>	<b>Cleanup and Decommissioning of Process Equipment/Facility</b>				
1E	Cleanup and Decommissioning	LS	1	\$5,000	\$5,000
<b>F</b>	<b>Inspection and Certification of Closure</b>				
1F	Inspection and Certification	LS	1	\$5,000	\$5,000
<b>Closure Subtotal</b>					<b>\$222,000</b>
<b>Contingency (18.6%) of Subtotal</b>					<b>\$41,300</b>
<b>TOTAL</b>					<b>\$263,300</b>



**7.0 SIGNATURE OF PREPARER**

---

I certify that the information provided in this application report and engineering drawings is a true and correct representation of that which is requested. I am aware that there are significant penalties for knowingly submitting false information.

I also confirm that based on my professional judgment, and on information collected during the application preparation, the design and planned operations of the facility is in compliance with the TCEQ regulations and criteria and will be protective of the environment.



*Jeffrey L. Allen*  
FIRM No. F-14712

---

Signature of Preparer

---

President & Senior Principal Engineer  
Title, if applicable

---

Jeffrey L. Allen, P.E.  
Name

---

4-1-2022  
Date



## **APPENDICES**





**APPENDIX A**  
**SURFACE WATER DRAINAGE REPORT**

# TYPE V TRANSFER FACILITY

## PERMIT APPLICATION REPORT (PAR) PACKAGE

**MSW PERMIT No. 2412**

### PART IV

PREPARED FOR:

**CIRCLE LAKE TRANSFER, LLC.**

13727 OFFICE PARK DRIVE  
HOUSTON, TEXAS 77070

PREPARED BY:



*Jeffrey L. Allen*  
6-2-2022  
Firm No. F-14712

6360 I-55 NORTH, SUITE 330  
JACKSON, MISSISSIPPI 39211

**APRIL-JUNE 2022**



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## ACRONYMS:

BMP	BEST MANAGEMENT PRACTICE
CFCS	CHLORINATED FLUOROCARBONS
CFR	CODE OF FEDERAL REGULATIONS
CLT	CIRCLE LAKE TRANSFER LLC
CLTS	CIRCLE LAKE TRANSFER STATION
H-GAC	HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS
IIED	INFRASTRUCTURE IN ENVIRONMENTAL DEVELOPMENT
MSW	MUNICIPAL SOLID WASTE
NRACM	NON-REGULATED ASBESTOS-CONTAINING MATERIAL
PAR	PERMIT APPLICATION REPORT
PCBs	POLYCHLORINATED BIPHENYLS
POTW	PUBLICLY OWNED TREATMENT WORKS
RACM	REGULATED ASBESTOS-CONTAINING MATERIAL
SDP	SITE DEVELOPMENT PLAN
SOP	SITE OPERATING PLAN
SPCC	SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN
SWP	SPECIAL WASTE PROFILE
SWPPP	STORMWATER POLLUTION PREVENTION PLAN
TAC	TEXAS ADMINISTRATIVE CODE
TCEQ	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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## 1.0 INTRODUCTION

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This **Site Operating Plan (SOP)** has been prepared for the Circle Lake Transfer Station (CLTS). The CLTS (hereafter also referred to as the “facility” or “site”) is a Type V municipal solid waste (MSW) facility, owned and operated by Circle Lake Transfer LLC (CLT). This **SOP** provides general and facility-specific instructions for site management and personnel to operate the facility on a daily basis in a manner consistent with the design of the facility and with the applicable rules of the Texas Commission on Environmental Quality (TCEQ). This **SOP** complies with the requirements of Texas Administrative Code (TAC) Title 30, Chapter 330, Subchapter E, “Operational Standards for Municipal Solid Waste Landfill Storage and Processing Units,” applicable to Type V MSW transfer station permits. This **SOP** will be retained onsite throughout the active life of the facility until after certification of closure.

The CLTS is located in the census-designated place of Pinehurst in Montgomery County, Texas and is accessed from Circle Lake Drive. The site is located approximately one-half mile northeast of Circle Lake Drive’s intersection with State Highway 1774 (Magnolia Boulevard) near its intersection (north) with State Highway 249. The CLTS will accept waste from private waste hauling vehicles. Waste material will be transferred to a permitted MSW landfill. Support facilities include a site entrance road, scale house, and break room.

This **SOP** provides guidance for facility management and operating personnel for daily operation of the CLTS. This **SOP** also includes provisions for facility management and operating personnel to meet the general and facility-specific requirements.

The specific procedures outlined in this **SOP** are operational requirements and must be understood, acknowledged, and followed by the site personnel. This **SOP** will be retained at the facility throughout the active life of the facility until after certification of closure.

References to the terms “Executive Director” or “TCEQ” used in this **SOP** shall refer to the Executive Director of the TCEQ or the designated representative(s) of the TCEQ. References to information in the “permit” or “permit application” for this facility shall refer to the most current version of those documents, including any amendments, modifications, or revisions as approved.



## **2.0 RECORDKEEPING AND REPORTING REQUIREMENTS (30 tac §330.219)**

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### **2.1 DOCUMENTS (§330.219(a))**

The CLTS Facility will maintain the operating record for the facility on site. These plans will be furnished upon request to TCEQ representatives and made available for inspection by TCEQ representatives or other interested parties. These plans and documents are part of the facility operating record. The operating record will be maintained in an organized format which will allow information to be easily located and retrieved. All information contained within the operating record and the different required plans will be retained during the active life of the facility until after certification of closure. A list of records required to be maintained is provided below in **TABLE 2-1**. These documents will be made available for inspection by TCEQ agency representatives or other interested parties. Site Operating Record files that are older than five (5) years may be stored in a secured off-site records storage facility. Records stored off-site will be made available for review within 72 hours of a request. Records, including waste manifests, may be maintained electronically and/or in a manner consistent with the e-manifest database requirements.

Consistent with 30 TAC §330.219, copies of documents that are part of the approved permit process and are considered part of the Site Operating Record for the facility are listed in **TABLE 2-1**.

### **2.2 REQUIRED RECORDS TO BE MAINTAINED (§330.219(b))**

The CLTS Facility, in accordance with Title 30 TAC §330.219(b), will promptly record and retain in the operating record any and all records for those items listed in **TABLE 2-1**. In addition to the records maintained in **TABLE 2-1** the records listed below will be kept, maintained, and filed as part of the facility operating record. Logbooks and schedules may be used.

- Access Control Inspection and Maintenance
- Daily Litter Pickup
- Windblown Waste and Litter Control Operations
- Dust Nuisance Control Efforts
- Access Roadway Regrading
- Salvaged Material Storage Nuisance Control Efforts
- Special Waste Acceptance Plan Compliance
- Class I Industrial Waste Acceptance Plan Compliance
- Waste Rejection and Waste Discrepancy Reports
- Fire Occurrence Notices
- Documentation of Compliance with Approved Odor Management Plan

All records will be placed in the operating record within seven working days of completion or upon receipt of analytical data, as appropriate. All records may be kept by the facility operator in electronic or other approved format(s).



### **2.3 REPORT SIGNATORIES (§330.219(c))**

The owner or operator will sign all reports and other information requested by the Executive Director as described in 30 TAC §305.44(a) if applicable, or they will be signed by a duly authorized representative of the owner or operator only if:

The authorization is made in writing by the owner or operator as described in 30 TAC §305.44(a)

The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity or for environmental matters for the owner or operator (e.g., environmental manager, or a position of equivalent responsibility). A duly authorized representative may thus be either a named individual or any individual occupying a named position

The written authorization is submitted to the Executive Director.

If an authorization under this section is no longer accurate because of a change in individuals or position, a new authorization satisfying the requirements of this section must be submitted to the Executive Director prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

Any person signing a report shall make the certification in 30 TAC §305.44(b).

### **2.4 EXECUTIVE DIRECTOR ACCESS TO INFORMATION (§330.219(e))**

The CLTS Facility, in accordance with Title 30 TAC §330.219(e), will furnish the operating record to the Executive Director upon request and will be made available at all reasonable times at the facility for inspection by the Executive Director.

### **2.5 RECORD RETENTION (§330.219(f))**

In accordance with Title 30 TAC §330.219(f), the site will retain all information contained within the operating record of the facility, and all plans required for the facility for the life of the facility until after certification of closure.

### **2.6 ALTERNATIVE SCHEDULES FOR RECORDKEEPING AND NOTIFICATIONS (§330.219(g))**

The Executive Director, in accordance with Title 30 TAC §330.219(g), may set alternative schedules for recordkeeping and notification requirements as specified in Title 30 TAC §330.219(a) - (e).

### **2.7 PERSONNEL TRAINING RECORDS AND LICENSES**

The CLTS Facility will maintain personnel training records. Personnel training requirements will be consistent with **SECTION 2 - PERSONNEL AND TRAINING**. Personnel training records for current facility personnel will be maintained until closure of the facility. The facility will maintain operator licenses for municipal solid waste supervisors as required by 30 TAC Chapter 30, Subchapter F. Personnel training records and personnel operator licenses will be maintained in the operating record as listed in **TABLE 2-1**.





All operator licenses and facility permits shall be prominently displayed (i.e. framed and mounted on the wall) in the on-site office at the facility.

## **2.8 ANNUAL WASTE ACCEPTANCE RATE AND WASTE ACCEPTANCE RATE (§330.675)**

As listed in **TABLE 2-1**, the facility will maintain records to document the annual waste acceptance rate for the facility. Documentation will include maintaining the quarterly solid waste summary reports and the annual solid waste summary reports required by Title 30 TAC §330.675 in the site operating record.



**TABLE 2-1: RECORDKEEPING REQUIREMENTS**

<b>Records to be Maintained in the Site Operating Record *</b>	<b>Frequency</b>	<b>Rule Citation</b>
MSW Permit Application	Once upon issuance	§330.219(a)
Approved Permit Application	Updated as modifications are approved	§330.219(a)
Site Operating Plan, as-built set of construction plans and any other plans or related documents	Upon approval and as updated	§330.219(a)
Location restriction demonstrations	As updated	§330.219(b)(1)
Inspection records (including drainage inspections and action taken for drainage repairs) and training procedures	Per Occurrence	§330.219(b)(2)
Closure Plans and any monitoring, testing or analytical data relating to closure requirements	As required	§330.219(b)(3)
Cost estimates and financial assurance documentation relating to closure	Annually	§330.219(b)(4)
Copies of correspondence and responses relating to facility operation, permit modifications, approvals and technical assistance	Per Occurrence	§330.219(b)(5)
All documents, manifests, shipping documents, trip tickets, etc., involving special waste	Per Occurrence	§330.219(b)(6)
Other documents specified in the permit or by the Executive Director	As Required	§330.219(b)(7)
Trip tickets as required by 30 TAC §312.145(b)(2)	Per Occurrence (retained for 5 years)	§312.145 §330.219(b)(8)
Dates, times and duration of alternative operating hours	As Needed	§330.229(d)
Alternate schedules and notification requirements, if required	As Required	§330.219(g)
Inspection records and training procedures relating to Fire Protection Plan and facility safety	Approval of Permit Application	§330.221(c)
Personnel training records (including topics covered and attendee list) and detailed job descriptions	As Needed	§330.219(b)(2)
Records to document the annual waste acceptance rate and annual s/w summary report	Annually	§330.675(b)
Waste unloading/ prohibited waste discovery, unauthorized material removal	Per Occurrence	§330.225
Personnel operator licenses issued under 30 TAC Chapter 30, Subchapter F	As Needed	§330.59(f)(3)
All site inspection and maintenance documentation noted in "Facility Inspection and Maintenance Schedule"	As Required	§330.223 - §330.243
Documentation that all wastes leaving the facility are managed by other licensed or permitted facilities	As Needed	§330.205(a)
Log of abnormal events	Per Occurrence	§330.219(d)(1)

\* All records may be kept by the facility operator in electronic or other approved format(s).



## 3.0 PERSONNEL AND TRAINING

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### 3.1 FACILITY PERSONNEL

This section lists the personnel involved with the operation of the CLTS. The CLTS Management Team and Site Personnel are listed on the organizational chart shown on **FIGURE 3-1**. The following subsections describe the personnel involved with operating the CLTS.

The general organizational structure for facility personnel who will be involved in the operation of the facility will be as shown on the organizational chart provided below as **FIGURE 3-1**. The Site Manager will have overall responsibility for daily operations. Individual job titles and personnel are subject to change based on changes in operational conditions and changes in roles and responsibilities. However, the total number of key site personnel will be sufficient to meet the requirements outlined in this **SOP**. In addition, personnel training regarding duties and responsibilities will be maintained to ensure ongoing compliance with the requirements of this **SOP**.

#### 3.1.1 CORPORATE MANAGEMENT

The President of CLT has management and oversight responsibilities for all operations within the geographic area including the CLTS. The President is responsible for all hauling, recycling, and transfer operations in the area. His responsibilities include staff management, financial planning, as well as other management responsibilities. The President reports to the CEO of CLT. The CLTS Site Manager will be able to rely on the support and knowledge base of the CEO, President and Circle Lake Corporate Management for critical decisions affecting all aspects of the transfer station design, permitting, management and operations; however, the CEO, President and Circle Lake Corporate Management may be considered personnel employed by the Circle Lake Transfer Station.

#### 3.1.2 TRANSFER STATION SITE MANAGER

The CLTS Site Manager (or Site Manager) will be ultimately responsible for daily facility operations. As such, this individual will be directly responsible for staff and equipment allocation to ensure operation of the facility in accordance with the approved **Site Development Plan (SDP)**, **SOP**, and applicable local, state, and federal regulations. The Site Manager serves as the emergency contact and coordinator for the facility and will be responsible for maintaining the Site Operating Record and required logs.

The Site Manager has the responsibility for overall management and the general direction of the facility; participates in the orientation and training of employees; and, has overall responsibility for implementation and adherence to this **SOP**. Wherever this **SOP** describes procedures or requirements without naming a specific individual or position responsible for those requirements, the Site Manager shall have primary responsibility for those requirements. Where a specific individual or position is responsible for a particular task, that responsibility is described. Otherwise, the Site Manager may delegate authority and assign qualified personnel to accomplish the requirements of this **SOP**. The Site Manager will designate an individual(s) with the requisite licensure and training as his or her designee to fulfill duties during periods when the Site Manager is absent.



Onsite personnel shall perform the job functions of Scale House Attendant, Lead Operator, Equipment Operator(s), Mechanic(s), and Laborer(s) and are under the supervision of the Site Manager or his designee. The same individual may perform these functions provided that the minimum staffing compliment are available on site. The Site Manager is responsible for hiring and terminating personnel in these positions.

The Site Manager will have a minimum education of a high school diploma or equivalent and will have experience in MSW processing operations. The Site Manager will have and maintain an MSW Facility Class A or B License as a MSW facility supervisor in accordance with 30 TAC Chapter 30, Subchapter F; and, as such, must meet the specific qualification standards (training, education, experience, applicable examination) contained in that Subchapter to obtain and maintain a Class B License.

### **3.1.3 LEAD OPERATOR**

The Site Manager will appoint a Lead Operator who will be responsible for managing daily work operations, equipment maintenance and repair, and personnel safety of the facility's operation in accordance with federal and state regulations and guidelines. This individual will be responsible for detecting prohibited waste, potentially dangerous conditions, and potentially careless or improper actions of persons while on the premises. The Lead Operator will consider personnel safety and will direct Equipment Operators on a daily basis regarding waste processing operations. The Lead Operator will also perform other required tasks as directed by the Site Manager. The Lead Operator must, at a minimum, have a high school diploma or equivalent, experience in municipal solid waste processing operations, be knowledgeable of **SOP** requirements, and have the aptitude to manage personnel and implement operational aspects of solid waste processing operations and obtain/maintain a license as a municipal solid waste facility Supervisor consistent with the requirements of Chapter 30, Subchapter F (i.e. MSW Supervisor Occupational license Grade B or above).

### **3.1.4 SCALE HOUSE ATTENDANT**

The Scale House Attendant (or Attendant) is primarily responsible for maintaining complete and accurate records of vehicles and solid waste entering the facility. The Attendant will be trained in facility safety procedures, to visually check for unauthorized wastes, to weigh vehicles, measure waste volumes if necessary, and to collect waste disposal fees. There may be more than one (1) Attendant utilized at the facility depending on the hours of the facility, volume and types of waste/vehicles being processed at the facility. Specifically, the Attendant is required to: (1) screen the incoming vehicles for waste type(s) and to exclude prohibited waste or unauthorized waste; (2) inspect waste loads to confirm that they are authorized for disposal; (3) review manifests and other shipping documents; (4) record incoming waste loads; (5) review and confirm special waste documents; (6) provide general customer direction and information; and (7) accept tipping fees. The Attendant will be present at all hours when the transfer station facility is open receive waste. The Scale House Attendant, at a minimum, will be required to have a basic understanding of accounting principles and basic communication skills; and, at a minimum, will have a high school diploma or equivalent, along with experience or education/training in municipal solid waste processing operations. The Scale House Attendant will be under the daily supervision of the Transfer Station Site Manager but will also have accounting and financial reporting responsibilities to the President or his designee.





### **3.1.5 EQUIPMENT OPERATORS**

The Equipment Operator(s) primary responsibilities will include the safe operation of the solid waste transfer-related and other facility equipment. Equipment Operators will be responsible for detecting potentially dangerous conditions and potentially careless or improper actions of persons while on the premises. Equipment Operators will monitor and direct unloading vehicles and are also responsible for maintenance, construction, litter abatement, and general facility cleanup. Equipment Operators will intervene as necessary to prevent accidents and report unsafe conditions immediately to the Lead Operator or Site Manager. Equipment Operators are also responsible for screening and identifying prohibited and unauthorized wastes.

Equipment Operators, at a minimum, must be experienced in the operation of heavy equipment and demonstrate the ability to be trained in MSW processing operations. Equipment operators will have a minimum of six (6) months experience in heavy equipment operation or supervised on-the-job training. At all times when the facility is open to receive waste, at least one Equipment Operator will be designated as the Lead Operator on duty, who will assume the role and responsibilities as described above for that position.

### **3.1.6 LABORERS**

Laborers will provide miscellaneous operations support at the facility. This support will include but is not limited to: check for prohibited and unauthorized wastes, sweep the operation area, perform facility wash-down, collection and disposing of windblown and other litter control (e.g. litter fencing installation and maintenance), installation and maintenance of stormwater best management practices (BMPs), general equipment and building maintenance, and directing and spotting vehicles in the unloading areas.

### **3.1.7 MECHANICS**

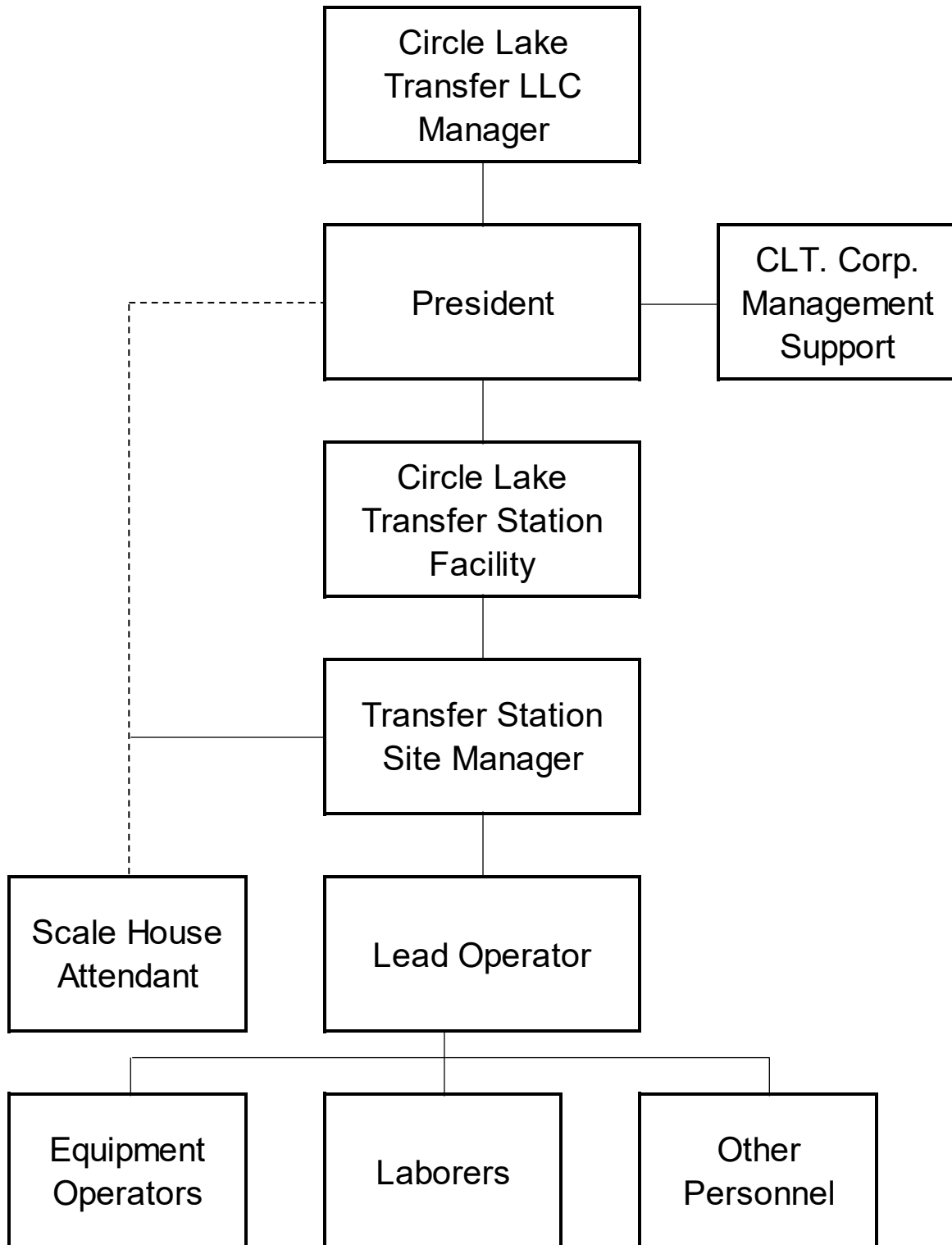
Mechanics perform necessary and routine maintenance on equipment. Mechanics may substitute as Equipment Operators. Mechanics report to the Site Manager. The minimum qualifications for the Mechanics are being able to fulfill the duties described in this section. The site may also use third party mechanics to perform maintenance on the equipment.

### **3.1.8 OTHER SITE PERSONNEL**

Other Site Personnel may be employed from time to time in categories such as maintenance, construction, litter abatement, and general site cleanup. Other Site Personnel report to the Transfer Station Site Manager or his designee. Also, additional personnel will be utilized in the event of a temporary incoming waste increase due to an extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent. .



FIGURE 3-1 – ORGANIZATIONAL CHART





## 3.2 TRAINING

Training of facility personnel will consist of classroom instruction and/or on-the-job training that instructs site personnel in the performance of their duties and compliance with this **SOP**, the facility's permit requirements and provisions, and applicable regulations. Training will be directed by employees, supervisors, or other individuals experienced in waste management procedures and operations, health and safety, and related subjects needed for satisfactory job performance. This may include in-house training by qualified individuals within company affiliates, as well as training at TCEQ-sponsored training courses or training events provided by other organizations as deemed appropriate by facility management. Training will include instruction in the solid waste management and related skills, duties, and procedures relevant to each specific job as set forth herein (e.g., fire prevention, facility safety, prohibited waste management procedures, etc.). Job-specific training may include **SOP** requirements, regulatory compliance, and compliance with other plans such as the Spill Prevention Control and Countermeasure Plan (SPCC) (if required), the Storm Water Pollution Prevention Plan (SWPPP) (if required), the content and use of the fire protection plan, the Special Waste Acceptance Plan, and general safety procedures.

A description of the training provided to each employee will be maintained in the Site Operating Record.

The owner or operator will ensure that the transfer station site manager at the facility is knowledgeable in the proper operation of a municipal solid waste facility and the current operational standards required by the TCEQ. The Transfer Station Site Manager will be experienced and will maintain a Class A or B license as defined in 30 TAC §330.210. The Lead Operator will be experienced and will maintain MSW Supervisor Occupational license Grade B or above. The Transfer Station Site Manager will ensure that all personnel are properly trained and are operating the transfer station in accordance with this **SOP**, operational standards required by the permit, the TCEQ municipal solid waste regulations and Occupational Safety and Health Administration regulations.

The personnel training program will be directed by a person trained in waste management procedures and will include instruction that teaches facility personnel waste management procedures and contingency plan implementation relevant to the positions in which they are employed.

New employees will receive a comprehensive overview of all aspects of transfer station operations, focusing on information that is necessary to protect the health and welfare of the new employee and enable them to perform their duties in accordance with this **SOP** and operational standards required by the permit and the TCEQ municipal solid waste regulations. Initial training subject matter will include applicable requirements found in the **SDP**, attachments to the **SDP**, the **SOP** and other plans such as the SPCC Plan, the SWPPP and general safety procedures. Following the initial training, the new employee training will continue during monthly or more frequent training sessions, during on-the-job training, and during the annual review of their initial training.

Training meetings will be scheduled and conducted for all employees at least once per month. If a regular monthly meeting is cancelled, it will be rescheduled or combined with the scheduled training the next month. Training sessions will be scheduled to allow facility operations to be uninterrupted. Records of personnel attending each training session and the topics covered will



be maintained at the facility. Topics for training may vary, but will be conducted at least annually for the following:

- Safety;
- Fire protection, prevention, and evacuation;
- Fire extinguisher use;
- Emergency response;
- Litter control and windblown waste pick-up;
- Hazardous waste and polychlorinated biphenyls (PCB) waste detection and control (waste screening), if applicable;
- Prohibited and unauthorized waste management; and
- Random inspection procedures.

Facility personnel will take part in an annual review of their initial training. A written description of the type and amount of introductory and continued training provided to each employee will be maintained in the facility operating record.

Facility personnel will receive training at TCEQ- sponsored or approved training courses, as deemed appropriate by Facility management and as required by TCEQ.

### **3.3 EQUIPMENT**

The facility will typically use bucket front-end loaders and raised-cab basket grapple loaders with a scale (or similar materials handling equipment) for the transfer operations. The minimum equipment required to operate the facility is one front-end loader. Collection vehicles will unload MSW within the transfer station on the tipping floor. A front-end loader will typically push the MSW towards a grapple loader (or similar materials handling equipment), which will transfer the MSW from the tipping floor into the transfer trailers or directly load waste from tipping floor to transfer trailers. The facility will have a permitted maximum rate of waste acceptance of 3,200 tons per day. CLTS will provide sufficient equipment if the volume of daily waste transfer will require additional equipment.

Additional company-owned or rental equipment, such as road tractors, water trucks, and backhoes, may be provided as necessary to enhance operational efficiency. At infrequent times, such as during equipment breakdown or periodic maintenance, additional equipment stationed at other company or rental equipment company facilities will be transported to the transfer station as needed. Other equivalent types of equipment may be substituted on an as-needed basis to adequately maintain the transfer station and meet the operational standards required by the TCEQ's regulations in accordance with all applicable local, state, and federal regulations. Equipment used for waste staging and loading (e.g., the front-end loader) will be maintained in an operational state, and periodically will be cleaned (washing, sweeping) on an as-needed basis to prevent the accumulation of waste residue on the equipment and the creation of odors.





## 4.0 WASTE ACCEPTANCE, ANALYSIS (§330.203 AND §330.205) AND MATERIALS RECOVERY AND DIVERSION (§330.9(e)(1))

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### 4.1 PROPERTIES AND CHARACTERISTICS OF WASTE (§330.203(a))

The facility is a Type V MSW facility (a transfer station). The general classifications of solid waste that are allowed to be accepted at the transfer station (Allowable Wastes), and that are prohibited from acceptance (Prohibited Wastes), are provided below. The waste classifications are defined in 30 TAC §330.3.

Other than the waste classification and/or source of waste as outlined below, there are no waste constituent(s) or waste characteristic(s) that are limiting parameters (such as pH or other constituents) that may impact or influence the design and operation of the facility.

**Allowable Wastes:** The facility is allowed to accept the following classifications of solid wastes, for subsequent transfer to a properly-permitted MSW landfill facility for disposal:

- yard waste;
- commercial waste;
- construction waste;
- demolition waste;
- brush;
- rubbish;
- Class 2 non-hazardous industrial solid waste;
- Class 3 non-hazardous industrial solid waste;
- shredded or quartered tires; and
- certain special wastes allowed to be accepted without written approval from the Executive Director.

Special waste is defined by 30 TAC §330.3(154). Only those special wastes listed below are allowed to be accepted at this facility without prior written approval from the Executive Director. Further, such special waste must be compatible with the compaction and loading equipment operated at the facility, unless modifications are made to the facility to accommodate the special waste, as follows:

- Empty containers which have been used for pesticides, herbicides, fungicides, or rodenticides, provided the containers have been triple rinsed, crushed, or rendered unusable upon receipt at the gate.
- Incidental amounts of non-regulated asbestos-containing materials (NRACM). An incidental amount is defined as the maximum of 10-percent of the waste received on an annual basis by scale weight (annual basis is defined as the most recent four consecutive quarters).
- Waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas when those wastes are to be processed, treated, or disposed of at a solid waste management facility. Only those wastes authorized for disposal at a solid waste management facility will be accepted.
- Dead animals that are incidental to routine collection of MSW and that can be systematically processed along with other solid waste.



- Special waste other than as described above and approved for acceptance by the TCEQ Executive Director.
- Class 2 and Class 3 industrial solid wastes may be accepted at the facility, provided processing of these wastes does not interfere with proper operation of the facility.

Class 2 industrial solid waste is any individual industrial solid waste or combination of industrial solid wastes that cannot be described as Class 1 or Class 3, as defined in 30 TAC §335.506 (relating to Class 2 waste determination). Examples of Class 2 non-hazardous industrial waste include “plant trash” or waste originating in the facility offices or plant producing areas that are composed of paper and/or wooden packaging materials, glass, aluminum foil, aluminum cans, aluminum scrap, stainless steel, steel, iron scrap, Styrofoam, rope, twine, uncontaminated rubber, uncontaminated wooden materials, equipment belts, wiring, uncontaminated cloth, metal buildings, empty containers with a holding capacity of five gallons or less, uncontaminated floor sweepings, or food packaging that are produced as a result of plant production.

Class 3 industrial solid waste is any inert and essentially insoluble industrial solid waste, including materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable as defined in 30 TAC §335.507 (relating to Class 3 waste determination).

Class 2 and Class 3 industrial solid wastes may be accepted at the facility, provided processing of these wastes does not interfere with proper operation of the facility. The facility will maintain the right to reject the acceptance of any waste that, in the sole discretion of the Transfer Station Site Manager, interferes with the normal operations of the facility or the facility employees in the performance of their duties.

Bulky and large items arriving at the transfer station will be placed on the tipping floor so as to allow the front-end loader to crush and flatten the items prior to loading into the transfer trailer. Where this is not possible, bulky or large items will be loaded into transfer trailers that have been partially filled to prevent damage to the trailer from impact due to the heavy weight of the bulky and large items. Appliances potentially containing refrigerant will be inspected to ensure that any refrigerant has been extracted in accordance with Section 608 of the federal Clean Air Act.

Large, heavy, or bulky items which cannot be incorporated in the regular compaction and loading operations at the transfer or subsequent landfill disposal maybe recycled provided the items are non-combustible. A special area will be established to collect these items. This special collection area will be designated as a large-item salvage area. The operator will remove the items from the facility often enough to prevent these items from becoming a nuisance and to preclude the discharge of any pollutants from the area. Additionally, waste material items classified as large, heavy, or bulky can include, but are not limited to, white goods (household appliances), air conditioner units, metal tanks and large metal pieces may be recycled (provided the items are non-combustible) or rejected at the discretion of the facility operator.

The facility shall not accept any combustible items for recycling.

Items containing chlorinated fluorocarbons (CFCs) will be handled in accordance with the Code of Federal Regulations (CFR), Title 40, Part 82.



**Prohibited Wastes:** The facility is prohibited from accepting, and shall not accept, the following wastes:

- regulated hazardous waste;
- PCBs;
- liquid wastes;
- certain special wastes ***not listed above as allowable***, namely:
  - hazardous waste from conditionally exempt small-quantity generators that may be exempt from full controls under Title 30 TAC Chapter 335, Subchapter N (relating to Household Materials Which Could Be Classified as Hazardous Wastes);
  - Waste generated outside the boundaries of Texas that contains any industrial waste; any waste associated with oil, gas, and geothermal exploration, production, or development activities; or any material that is listed in the bullets above.
  - Drugs and contaminated foods, other than those contained in normal household waste.
  - Class 1 non-hazardous industrial waste;
  - untreated medical waste;
  - municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, and water-supply treatment plant sludges; septic tank pumpings;
  - grease and grit trap wastes;
  - wastes from commercial or industrial wastewater treatment plants; air pollution control facilities; and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in 40 CFR, Part 261, Appendix VIII but has not been listed as a commercial chemical product in 40 CFR §261.33(e) or (f);
  - soil contaminated by petroleum products, crude oils, or chemicals in concentrations of greater than 1,500 milligrams per kilogram total petroleum hydrocarbons; or contaminated by constituents of concern that exceed the concentrations listed in Table 1 of 30 TAC §335.521(a)(1);
  - incinerator ash;
  - used oil;
  - lead acid storage batteries; and
  - used-oil filters from internal combustion engines.

Consistent with 30 TAC §330.15, the facility will not accept Class 1 non-hazardous industrial wastes, regulated hazardous wastes, regulated asbestos-containing material (RACM), liquid wastes, radioactive wastes, PCB wastes, untreated medical wastes, or other wastes prohibited by TCEQ regulations.

**Unacceptable Waste and Waste Rejection:** A waste may be determined to be unacceptable and rejected from the facility for the following reasons:

- The waste is a prohibited waste
- There is prohibited waste within the load.
- The delivery vehicle is unsuitable for facility operations / conditions.
- The load is not accompanied by the correct documentation.
- The waste is significantly deteriorated and/or malodorous.
- The waste is determined to present a hazard to the facility or its employees/users



- The waste is a non-conforming waste (non-conforming waste is any waste that is not consistent with its special waste profile, manifest or prevailing/generally accepted standards for the particular waste)

If a waste is identified as being unacceptable at the facility entrance or at the point of offloading the Facility Manager or Lead Operator will be contacted and a Waste Discrepancy Report is issued to the driver. The driver will be informed of the reasons for the rejection and requested to leave the Facility. If safe and appropriate, a rejected load should be reloaded onto the delivery vehicle and returned to the generator of the waste or delivered to an appropriate licensed facility.

If it is determined that the load is not safe to be sent back onto the road, then the vehicle or load shall be detained until appropriate arrangements can be made for its removal.

If unacceptable waste cannot be reloaded onto the delivery vehicle, the waste will be stored in a separate area or container. The customer will be contacted, arrangements to remove the unacceptable waste will be made and a copy of the rejection form containing reasons for the rejection will be supplied.

If arrangements for the customer to remove the waste cannot be made, CLTS will make such arrangements. All unacceptable waste material removed by CLTS will be exported off Facility by a licensed waste carrier to an appropriately licensed facility. Details of all waste rejections, Waste Discrepancy Reports and its subsequent removal from facility will be recorded and retained in the Site Operating Record until the final closure of the facility.

In the event of a rejected load the TCEQ may be contacted by telephone and / or email with details of the rejected load. These details should include information relating to the nature and quantity of waste involved, the time and date, the name and address of the waste producer, the registration number of the vehicle delivering the waste and the company name and address of the vehicle driver and waste generator.

#### **4.2 VOLUME AND RATE OF TRANSFER (§330.203(b) AND §330.205(a) AND (b))**

The facility will serve, in general, the individuals, businesses, institutions, and private collection vehicles from Montgomery County and surrounding counties. The facility will process and transfer solid waste up to the permitted maximum daily waste acceptance rate of 3,200 tons/day. The facility is designed for efficient waste processing. The area to be used for unloading and waste transfer operations will be approximately 135 feet by 225 feet. Facility layout drawings are included in the **PAR Engineering Drawing Set of Part I/II**.

The following types and estimated percentages of waste are expected to be received at the facility. These waste types and percentages are estimates only and may vary based upon the actual wastes received at the facility.

**TABLE 4-1 TYPES OF WASTE**

TYPE OF WASTE	EXPECTED PERCENTAGE
Residential	45%
Commercial/Institutional	30%
Construction / Demolition	15%
Class 2 & 3 Non-Haz Industrial	5%
Other Authorized Waste	5%
Total	100%





The facility is designed for the efficient transfer of MSW to trucks for transport to a permitted MSW landfill for disposal, typically on the same day the waste is received at the facility. As economic conditions, population growth, and waste generation rates change, the volume of incoming waste may vary. As noted in **SECTION 2** of this **SOP**, the waste acceptance rate for the facility will be reported annually. The maximum amount of waste that may be temporarily stored at the facility is 2,500 tons. On average (i.e., under typical operating conditions), MSW accepted at the facility will be transferred on a daily basis (i.e., in less than 24-hours). The maximum length of time waste material will remain (i.e., be temporarily stored) on-site is 48 hours.

The destination of the MSW collected by the facility is a properly permitted Type I MSW facility where the waste will be disposed. The facility will maintain documentation in the Site Operating Record that all wastes leaving the facility are being adequately managed by other authorized solid waste management facilities.

#### **4.3 FACILITY GENERATED WASTES (§330.205)**

Facility generated wastes will include small amounts of solid waste generated by the administrative offices, scale house(s), maintenance of the facility and equipment. These waste materials will include paper, cardboard, packing materials, pallets, discarded parts, discarded food/beverage containers from employees and other waste materials generated by the operations of the facility (i.e. collected litter, discarded litter fencing, discarded storm water BMPs such as hay bales and silt fencing).

Liquid facility generated wastes will include septic waste from the on-site restroom usage (no off-site septic waste will be accepted) and wastewater generated as a result of wash water resulting from washing the tipping floor and small amounts of liquids contained within the incoming waste loads and other water that has come into contact with waste (“contaminated water”).

Septic waste generated by on-site restrooms shall be handled by an on-site septic system approved by the Montgomery County Permit Department and maintained by the facility.

The contaminated water generated by the transfer station facility shall be managed in accordance with Title 30 TAC §330.207 (relating to Contaminated Water Management) as outlined with the provisions set forth in **SECTION 5** of this **SOP**. This water will be handled and managed as contaminated water and will be transported to a duly-permitted off-site treatment and disposal facility in accordance with the provisions set forth in **SECTION 5** of this **SOP**.

All wastes generated by the facility will be processed or disposed at an authorized solid waste management facility.

Wastewaters generated by the transfer station will be managed in accordance with §330.207, Contaminated Water Management which is found in **SECTION 5** of this **SOP**.

No sludges are planned to be produced by the transfer station

Special Waste Acceptance and Handling Procedures - A Special Waste Acceptance Plan, which outlines the acceptance requirements and handling procedures for special wastes that are allowed for acceptance at this facility, is provided in **SECTION 10** of this **SOP**.



#### **4.4 SAMPLING AND ANALYSIS FOR EXPERIMENTAL FACILITIES (§330.203(c))**

This regulation is not applicable to this facility. This facility is not an experimental facility and there will be no on-site processing of grit trap wastes, sludge other generation of effluent from a treatment process. As such, there will be no effluent discharged to a trap, interceptor, or treatment facility permitted under Texas Water Code, Chapter 26. Therefore, the sampling and analysis requirements of 30 TAC §330.203(c)(1) and (2) are not applicable.



## 5.0 CONTAMINATED WATER MANAGEMENT

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The facility shall manage contaminated water in accordance with 30 TAC §330.207. All potentially contaminated liquids resulting from the operation of the facility shall be disposed of in a manner that will not cause surface water or groundwater pollution, and the facility shall implement necessary steps to control and prevent the unauthorized discharge of contaminated water from the facility. As noted in the **SOP – Part III**, the facility is designed to manage stormwater in a controlled manner in order to not cause surface water or groundwater pollution.

Contaminated water generated by the facility will consist of wash water resulting from washing the tipping floor and, potentially, small amounts of liquids contained within the incoming waste loads (i.e., leachate). This contaminated water and leachate will be directed via floor drains in the tipping floor and loading bays to a minimum 2,000-gallon contaminated water holding tank where it will be collected and contained until properly managed (i.e. disposed of). The contaminated water collected in the holding tank will be pumped as necessary into a tanker truck (properly registered hauler) for transportation to a duly-permitted off-site treatment and disposal facility that is authorized to accept this type of wastewater. The Circle Lake Transfer Station will adhere to the sampling and analysis (testing) requirements of the receiving treatment facility (and associated treatment facility concentration or other discharge requirements of acceptance for treatment).

The discharge of stormwater from the tipping floor area will not occur. All water coming in contact with waste will be managed as contaminated water. The transfer station will be operated consistent with 30 TAC §330.15(h)(1)-(4), prohibiting the discharge of solid wastes or pollutants into waters of the United States. The facility will not discharge contaminated water without a separate, specific written authorization from TCEQ under the authority of the Texas Pollutant Discharge Elimination System.

Wastewaters discharged to a treatment facility permitted under Texas Water Code, Chapter 26 will not:

1. Interfere with or pass-through the treatment facility processes or operations,
2. Interfere with or pass-through its sludge processes, use, or disposal,
3. Otherwise be inconsistent with the prohibited discharge standards, including 40 code of federal regulations part 403, general pretreatment regulations for existing and new source pollution

The daily effluent design standard for oil and grease concentration leaving the facility and entering a public sewer system will not exceed the concentration established in the wastewater discharge permit pretreatment limit or the concentration established by the treatment facility permitted under Texas Water Code, Chapter 26, the National Pollutant Discharge Elimination System.

Uncontaminated stormwater run-on and run-off will be directed away from the transfer station building entrances by site grading. The building interior where waste is processed will not result in any storm-generated run-off since the enclosed transfer station building will have a roof to prevent precipitation from coming in contact with waste. Stormwater will be managed by maintaining the stormwater patterns identified in the **SOP - Part III** in areas outside of the transfer station building footprint.



## 5.1 WASTEWATER TANK SECONDARY CONTAINMENT

The contaminated water tank will be held within secondary containment to prevent spills from occurring. The secondary containment will be required to hold 100% of the volume of the tank, with an additional 10% volume to allow for overflow and will account for the precipitation resulting from a 24 hour, 2 year storm event. Any water found within the secondary containment will be inspected prior to discharge, and any contaminated water identified within the secondary containment will be disposed of in the same manner as the contents of the tank. Currently, the secondary containment is calculated to hold approximately 468 cubic feet of liquid.

An example of the calculations for a 2,000 gallon wastewater tank can be seen below. The facility has opted to utilize a tank of a minimum size of 2,000 gallons. In the event the facility decides to implement a larger size tank, the calculations will be rerun to accommodate a larger volume.

$$\text{Secondary Containment Volume} = \text{Tank Volume} + 0.1 * \text{Tank Volume} + \text{Precipitation}$$

Wastewater Tank Dimensions		Unit
Given Volume	2,000.00	gal
Tank Height	83.00	in
	6.92	ft
Tank Diameter	90.00	in
	7.50	ft
Tank Radius	45.00	in
	3.75	ft
Radius Squared	2,025.00	in
	14.06	ft <sup>2</sup>
Tank Volume	2,285.81	gal
	305.57	ft <sup>3</sup>

Precipitation		Unit
Event	24hr/2yr	
Precipitation	4.78	in
	0.40	ft
Secondary Containment Area	200	ft <sup>2</sup>
Precipitation Volume	79.67	ft <sup>3</sup>

Secondary Containment		Unit
Volume Required	3110.13	gal
	415.79	ft <sup>3</sup>
Containment Height	3.00	ft
Containment Length	20.00	ft
Containment Width	10.00	ft
Containment Volume	600.00	ft <sup>3</sup>
	4,488.00	gal
Containment Volume less Tank Volume	467.46	ft <sup>3</sup>
	3,496.63	gal





## **6.0 STORAGE REQUIREMENTS**

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### **6.1 SOLID WASTE STORAGE (§330.209(a))**

Solid waste storage will be located either inside the enclosed transfer station building on the southeastern area of the tipping floor within the waste boundary, or in tarped transfer trailers in designated locations within the transfer truck queueing area awaiting transport. All solid waste will be stored in such a manner that it does not constitute a fire, safety, or health hazard, or provide food or harborage for animals and vectors, or cause odors; and will be contained to prevent windblown solid waste and litter.

On-site storage areas for acceptable source separated or recyclable materials will be in a location separate from the transfer station waste tipping area and transfer vehicle loading operation areas.

No solid waste loading or storage will occur within any easement, buffer zone, or right-of-way that crosses the facility. On-site storage of waste will comply with the maximum storage times and volumes set forth in this **SOP**. Waste that is stored overnight at the facility will be either stored in tarped transfer trailers or stored indoors in the enclosed transfer station building on the tipping floor.

The transfer station will not recover materials from solid waste that contains putrescible materials. The transfer station will not process liquid waste.

### **6.2 APPROVED CONTAINERS (§330.211)**

It is required that all solid waste containing food wastes shall be stored in covered or closed containers that are leakproof, durable, and designed for safe handling and easy cleaning. This will be accomplished through the use of approved containers, along with the waste processing methods to limit the length of time waste is stored on the tipping floor, as follows: Incoming waste will be deposited onto the concrete tipping floor within the enclosed transfer station building. Waste will be transferred to transfer trailers on a daily basis (i.e., within less than 24-hours) under typical operating conditions, and under all circumstances waste will not be stored on-site for more than 48 hours. The transfer trailers will be maintained in a condition such that they do not create a nuisance or conditions conducive for the harborage, feeding, and propagation of vectors. The transfer trailers will be leak-proof, durable, and designed for safe handling and easy cleaning. The transfer trailers will be equipped with tarps or covers to be used during on-site storage and transport. These containers (mechanically handled) are designed to prevent spillage or leakage during storage, handling, and transport.

Non-reusable containers, if used, will be of suitable strength to minimize animal scavenging or rupturing during collection operations. All containers to be emptied manually will be capable of being serviced without the collector coming into contact with waste.

### **6.3 CITIZEN'S COLLECTION STATION / DROPOFF AREA (§330.213)**

A separate citizen's collection station/dropoff area is not planned for the facility. Therefore, the requirements of 30 TAC §330.213 are not applicable to this facility. Montgomery County has a Recycling Center for residents nearby at 31354 Friendship Drive in Magnolia, Texas 77355. The Recycling Center is open Monday – Saturdays from 7:00 a.m. until 5:00 p.m. (except for County Holidays). The Center accepts Paper, Cardboard, Tin Cans, Aluminum, Scrap Metal, Glass



Bottles and Jars, Plastic Bags, Plastic Containers (No Styrofoam), Appliances (Freon Removed), Lawn Mowers (Gas Removed), Electronics.

#### **6.4 STATIONARY COMPACTORS (§330.215)**

A stationary compactor is not planned for the facility. Therefore, the requirements of 30 TAC §330.215 are not applicable to this facility.



## **7.0 FIRE PROTECTION PLAN**

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This Fire Protection Plan describes the source(s) of fire protection (i.e., fire prevention and protection methodology), procedures for using the fire protection source(s), and employee training and safety procedures. This plan has been prepared to address compliance with local fire codes of Montgomery County, Texas, and has been approved by the Montgomery County Fire Marshall.

### **7.1 FIRE PREVENTION**

In order to minimize fire hazards at the facility, the following fire prevention steps or procedures will be implemented.

- Flammable and combustible materials such as fuel, oils and lead-acid batteries will be stored and dispensed only in authorized areas away from the tipping area. Efforts will be made to contain and control fuel spills immediately upon discovery. Spilled fuel and impacted soil will be promptly collected, profiled, and properly disposed.
- Equipment used at the facility will be routinely cleaned through the use of water, steam cleaners, or compressed air. The water or steam cleaning will remove combustible waste and caked material which can cause equipment overheating and increase fire potential. Equipment wash water will be managed as contaminated water.
- The open burning of waste is prohibited at the facility.
- The facility will be equipped with readily available fire extinguishers of a type, size, location, and number as recommended by the Montgomery County fire code. Each fire extinguisher will be fully-charged and ready for use at all times. Each extinguisher will be inspected on an annual basis and recharged as necessary. These inspections will be performed by a qualified service company, and all extinguishers will display a current inspection tag. Inspection and recharging will be performed following each use.
- In conjunction with the development and building permit process through/approved by Montgomery County, the transfer station building will be designed to comply with applicable local fire codes, including the provision of fire protection systems (e.g., fire alarm, fire extinguishing or smoke control systems, approved water supply capable of supplying the required fire flow or fire hydrant access, as applicable) as required by Montgomery County Fire Code for the size and usage of the building. After selection of fire protection system an on-site tank may be required to meet flow demands.
- Burning waste from incoming loads will be prevented from being dumped in the active area of the transfer station. The Scale House Attendants and Equipment Operators will be alert and will observe incoming loads for signs of burning waste such as smoke, steam, or heat. The vehicle will be directed to an area outside the transfer station building where waste can be safely discharged and isolated, and the fire extinguished. Upon extinguishing the fire, the waste will be immediately moved inside the transfer station building.
- Smoking is not allowed in the working areas of the site. Smoking is allowed only in designated areas. Smoking is specifically prohibited:
  - at fuel storage and dispensing areas;
  - at the active waste tipping and loading areas;
  - other fire-sensitive areas.

### **7.2 GENERAL FIRE FIGHTING PROCEDURES**

The following general procedures will be implemented in the event of a fire.



- If it can be done safely, fires will be promptly extinguished by trained site personnel.
- If necessary:
  - Contact the local fire department by calling 911.
  - Closest Fire Station is Magnolia Volunteer Fire Department Station 187 located 1.3 miles from facility
  - Notify the Site Manager
  - Alert other facility personnel
  - Prevent customer access to facility until fire is assessed and controlled
  - Assess the extent of the fire and the potential for the fire to spread
  - If safe, attempt to contain or extinguish the fire until the local fire department arrives.
  - Be familiar with the use and limitations of firefighting equipment available onsite.
  - Firefighting methods include spraying the burning material with water from the hose. If detected soon enough, a small fire may be fought with a handheld fire extinguisher.
  - Direct the local fire department to the fire and provide assistance as appropriate.
  - Do not attempt to fight the fire alone.
  - Do not attempt to fight the fire without adequate personal protective equipment.
  - Evacuate the facility as necessary.

General fire-fighting methods include separating burning material from other waste and spraying the burning material with water from the wash-down hoses or using a fire extinguisher. All transfer station equipment and vehicles will be equipped with a fire extinguisher, and two additional fire extinguishers will be located in the transfer station building as required by the Montgomery County Fire Code.

### **7.3 SPECIFIC FIRE FIGHTING PROCEDURES**

The following specific procedures will be followed in the event of a fire.

- If a fire occurs on a vehicle or piece of equipment, the Equipment Operator should bring the vehicle or equipment to a safe stop. If the safety of personnel will allow, the vehicle must be parked outside of the facility away from fuel supplies, solid wastes, and other vehicles. The engine should be shut off and the brake engaged (or other methods implemented) to prevent movement of the vehicle or equipment. Fire extinguishers should be used to extinguish the fire, if possible, without risk to the Equipment Operator.
- If a fire is on the tipping floor, the burning area should be promptly isolated and pushed away from the other waste. The burning area should be sprayed with water from the wash-down hoses, or, if small enough, extinguished with a hand-held fire extinguisher.
- If burning waste materials are discovered after having been unloaded at the transfer station, the load will be extinguished with water or by fire extinguisher, as appropriate.
- Use the fire extinguishers located in the transfer station building and equipment, or the water hoses, to extinguish a fire, as appropriate.
- The facility water supply for fighting fires is supplied by the on-site water supply as approved by the Montgomery County Fire Department





#### **7.4 FIRE PROTECTION TRAINING**

Facility operations personnel (not including personnel with administrative duties only) will receive annual training in the contents of this section of the **SOP**. The training will include:

- review and discussion of this Fire Protection Plan;
- fire prevention and hazard awareness;
- fire safety; and
- fire-fighting procedures

Administrative personnel will receive training relating to fire prevention and hazard awareness and fire safety. Records of fire protection training will be kept in the Site Operating Record.

#### **7.5 TCEQ NOTIFICATION**

If a fire is not extinguished within 10 minutes of detection, the facility will make every reasonable effort to immediately contact the appropriate TCEQ Regional Office by phone, but not later than four (4) hours after detection. The facility will provide the appropriate TCEQ Regional office with a written description of the fire and resulting response within 14 days of the event.



## **8.0 OPERATIONAL PROCEDURES (§330.223 - §330.249)**

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### **8.1 ACCESS CONTROLS (§330.223)**

Access to the facility shall be controlled by means of artificial barriers, natural barriers, or a combination of both, appropriate to protect human health and safety and the environment. Uncontrolled access to the facility shall be prevented. Public access to the site will be limited to the gated facility entrance. The Scale House Attendant controls access and monitors vehicles entering and exiting the facility. An attendant shall be on-site during operating hours.

The facility perimeter is fenced to control access and prevent unauthorized access and has lockable gates. Fencing will be composed of a combination of (at minimum) a four-foot barbed wire fence and a six-foot chain-link fence or equivalent (e.g., iron or metal bar-style fencing) to prevent unauthorized access to the facility.

Operating areas and transport unit storage areas shall be enclosed by walls or fencing. The operating area for unloading vehicles will be the transfer station building. Safety bumpers shall be provided at hoppers or other floor openings for all vehicles.

A positive means to control dust and mud shall be provided and is discussed in **SECTION 8.8**.

#### **8.1.1 FACILITY SECURITY**

Facility security measures are designed to prevent unauthorized persons from entering the facility, to protect the site and its equipment from possible damage caused by trespassers, and to prevent disruption of facility operations caused by unauthorized facility entry.

Unauthorized entry into the facility will be minimized by controlling access to the site with fencing (see **SECTION 8.1** above). Gates constructed of suitable fencing materials will be located on the entrance road. The gates will be locked when the facility is not accepting waste and the offices are closed. The collection truck and primary employee access shall be through Gate 1, and all transfer trucks and facility egress shall be through Gate 2. This is illustrated on **Drawing 6** of the **PART II PAR ENGINEERING DRAWING SET**.

Entrance to the facility will be monitored by the scale house personnel during facility operating hours. Outside waste acceptance hours, entrance gates will be locked. A sign regulating access at the Circle Lake Drive entrance will be posted to restrict access during non-operating hours to company personnel only.

Entry to the facility will be restricted to designated personnel, appropriate subcontractors, approved waste haulers, TCEQ personnel, and properly identified persons whose entry is authorized by facility management. Visitors may be allowed on the site only when accompanied by a facility representative.

The facility will comply with the schedule and notification requirements in **TABLE 8-1** for any access breach.



**TABLE 8-1: SCHEDULE NOTIFICATION/REPAIR OF PERIMETER ACCESS CONTROL BREACHES**

<b>Requirement</b>	<b>Access Breach Permanently Repaired Within 8 Hours</b>	<b>Access Breach Not Permanently Repaired Within 8 Hours</b>
Notify TCEQ region office of breach and repair schedule	Not required	Within 24 hours of breach detection
Make temporary repairs	(not applicable)	Within 24 hours of breach detection
Make permanent repairs	Within 8 hours of breach detection	Within schedule indicated in initial breach report submitted to regional office
Notify TCEQ regional office when permanent repair completed	Not required	Within schedule indicated in initial breach report submitted to regional office

**8.1.2 TRAFFIC CONTROL AND ACCESS ROADS**

Access to the facility will be provided via the facility and shall be at least a two-lane paved road, designed for the expected traffic flow from Circle Lake Drive, and through the gates into the facility. Safe on-site access for all collection vehicles shall be provided. The access road design must include adequate turning radii according to the vehicles that will utilize the facility and avoid disruption of normal traffic patterns. The Scale House Attendant stationed at the scales will restrict facility access to authorized vehicles, will direct waste collection vehicles appropriately, and will monitor waste vehicle traffic to ensure vehicles are following the directed route. After leaving the scale area, waste collection vehicles will drive to the tipping floor unloading area. These vehicles will deposit their loads and then depart the site. Transfer trailers will drive to the waste loadout tunnels at the transfer station building where they will be loaded before departing the site.

Within the facility, signs will be placed along the entrance road at a frequency adequate to guide users to the proper areas and which roads are to be used. Roads not being used for access will be blocked or otherwise marked for no entry. An adequate turning radius for the vehicles utilizing the facility will be provided to maintain normal traffic flow.

In addition to the Scale House Attendant and other facility personnel providing traffic directions to facilitate the safe movement of vehicles at the facility (including into and out of the transfer station building), appropriate signs will be positioned at the facility to guide users and indicate where vehicles are to unload. Signs will be placed along the entrance road to direct vehicles, at a frequency/spacing that is adequate to guide users to the proper areas and identify which roads are to be used. The use of forced access lanes through barricades, flagging, or other means will be used in conjunction with signs for the prevention of unauthorized dumping. Roads not being used for access will be blocked or otherwise marked for no entry. Signs will also direct vehicles to the facility exit.

The entrance and the on-site roads will be all-weather surfaced (e.g., gravel, asphalt, concrete) and will have a minimum width of two-lanes. The scale area is equipped with a bypass lane in each direction (inbound and outbound). The entrance and facility roads have been designed for the expected traffic flow, to provide safe on-site access for commercial collection vehicles and the



public, to avoid disruption of normal traffic patterns, and to provide safe turning radii for vehicles that utilize the facility. Vehicle parking is provided at the facility for employees and visitors.

Equipment parking and staging will be directed by transfer station personnel so as not to block or hinder waste collection vehicles or transfer trailers from ingress or egress to the tipping floor and loadout tunnels.

## **8.2 UNLOADING OF WASTE (§330.223)**

### **8.2.1 WASTE UNLOADING PROCEDURES**

The Scale House Attendant will monitor all incoming loads of waste (see **SECTION 8.2.2**). Incoming waste hauling traffic will be directed to the tipping floor (waste unloading area) once the vehicle's incoming weight or volume has been recorded at the scale area by the Scale House Attendant. Appropriate signs shall also be used to indicate where vehicles are to unload. The unloading of waste in unauthorized areas shall be prohibited. The use of forced access lanes, identified by ditches, dikes, fences, or other means, shall be used in conjunction with signs for the prevention of indiscriminate dumping. Waste loading and unloading operations will only occur within the transfer station building and will be confined to as small an area as practical. The facility personnel shall ensure that any waste deposited in an unauthorized area will be removed immediately and disposed of properly. Safety bumpers at hoppers and floor openings will be provided for vehicles.

Incoming vehicles will unload solid waste within the transfer station building on the tipping floor. Equipment Operators will monitor the unloading of incoming waste. Typically, a front-end loader will push the solid waste towards a grapple loader, which will transfer the waste from the tipping floor into the transfer trailers. Waste transfer operations will be confined within the transfer station structure and will not be exposed outside the building.

The facility will provide sufficient equipment to effectively operate in accordance with the operational standards required by this **SOP**, applicable TCEQ regulations, and applicable local, state, and federal regulations.

The Scale House Attendant is the first point of contact with the hauler. The hauler will be asked to inform the Scale House Attendant of the content of the load. The Scale House Attendant visually inspects containers to verify contents. In the event prohibited wastes are identified in the load, the entire load is turned away from the gate and not allowed entrance to the site. In addition, if the waste haul vehicle is delivering special or industrial waste, site personnel will visually compare the material presented for disposal to the Special Waste Profile (SWP) or similar form to confirm that the physical characteristics (i.e., color, odor, and appearance) of the material match those detailed on the SWP. In the event that the physical characteristics of the waste differ from the approved waste stream, the waste load will be rejected. Class 1 nonhazardous solid waste (including railroad commission waste above 1,500 mg/kg total petroleum hydrocarbons) will not be accepted at the transfer station.

Any prohibited waste that is unloaded at the facility will be returned immediately to the transporter or generator of the waste.

In the event unauthorized waste is not discovered until after the collection vehicle that delivered it is gone, the site will attempt to segregate the unauthorized waste and manage it properly as directed by the Transfer Station Site Manager. The site will, if necessary, notify the TCEQ and





seek guidance on how to dispose of the waste. Documentation will be included in the site operating record each time unauthorized or prohibited waste is discovered and removed from the site. Site personnel will have a basic understanding of both industrial and hazardous waste and their transportation and disposal requirements.

### **8.2.2 PROCEDURES FOR THE DETECTION AND PREVENTION OF UNAUTHORIZED WASTE**

This section provides procedures for the detection and prevention of unauthorized waste, including regulated hazardous waste as defined in 40 CFR Part 261 and PCB wastes as defined in 40 CFR Part 761.

Prohibited waste will not be accepted at the facility. Additionally, the facility is not required to accept any solid waste that the facility determines will cause or may cause problems in maintaining full and continuous compliance with this **SOP** and applicable TCEQ regulations.

The Scale House Attendant is the first point of contact with the hauler. The hauler will be asked to inform the Scale House Attendant of the content of the load. The Scale House Attendant will visually inspect containers to verify contents. In the event prohibited wastes are identified in the load, the entire load is turned away from the gate and not allowed entrance to the site. In addition, if the waste hauling vehicle is delivering special or industrial waste, facility personnel will visually compare the material presented for disposal with the waste profile form to confirm that the physical characteristics (e.g., color, odor, appearance) of the material matches that detailed on the profile. In the event that the physical characteristics of the waste differ from the approved waste stream, the waste load will be rejected.

Equipment Operators will visually monitor the unloading of waste. Should any indication of prohibited waste be detected, appropriate facility personnel will stop the unloading of the vehicle to allow facility personnel to conduct a thorough evaluation of the load. The driver will be directed to a load inspection area, where the load will be discharged from the vehicle. The load inspector will break up the waste pile and inspect the material for any prohibited waste. Known prohibited waste will be placed back into the vehicle and the driver will be instructed to depart the facility. Should any regulated hazardous waste be detected, the entire load will be rejected.

Any prohibited waste that is not discovered by the facility until after it is unloaded will be returned to the vehicle that delivered the waste. That party will be responsible for the proper disposal of this rejected waste. In the event the unauthorized waste is not discovered until after the vehicle that delivered it has departed the site, the waste will be segregated and controlled as necessary. An effort will first be made to identify the entity that deposited the prohibited waste and have them return to the facility and properly dispose of the waste. In the event that identification of the responsible party is not possible, the facility will arrange for the proper management of the waste or will notify the TCEQ and seek guidance on how to dispose of the waste.

In addition to the above procedure, incoming loads will be visually inspected on a random basis. The Transfer Station Site Manager will be responsible for determining the random load inspection schedule. The driver of the randomly selected load will be notified and instructed to proceed as above to a load inspection area.

Although the inspection location may vary, all inspections will be made in areas where containment is provided and/or potential spills of unauthorized waste would be minimized. Vehicles that transport commercial and industrial waste will be considered for inspections. Such



vehicles typically include front-end loaders, commercial rear-end loaders, side loaders, trucks with roll-off boxes, stake-bed trucks, dump trucks, pick-up trucks, and pick-up trucks with trailers transporting non-household wastes.

Vehicles containing suspicious loads will be inspected. Suspicious loads may include:

- Drums or containers with warning labels
- Loads which have a visible emission, smoke, strong chemical odor, or cause physical symptoms (e.g., irritation of eyes, nose, throat, skin, nausea, dizziness, or headache).

The inspector will not physically inspect any vehicle that appears to present possible physical danger. The Site Manager or his designee will be contacted immediately if such a load enters the facility.

The Transfer Station Site Manager will maintain and include in the operating record the load inspection reports for randomly inspected loads. Load inspection reports, recorded on standardized forms, will be completed for each inspected load. The reports will include, at a minimum, the date and time of inspection, the name and address of the hauling company and driver, the type of vehicle, the size and source of the load, contents of the load, indicators of prohibited waste, and results of the inspection.

### **8.3 SPILL PREVENTION AND CONTROL (§330.227)**

The waste unloading, processing and storage areas have been designed to control and contain spills and contaminated water from leaving the facility. The design is sufficient to control and contain a worst-case spill or release (refer to **Part III - SDP** of the Application for details of the transfer station design). Because the transfer station waste unloading, processing and storage areas will be under a building with a roof, and because liquid wastes are not allowed to be delivered to the transfer station, only small amounts of contaminated water incidental to MSW may be within the materials delivered to the transfer station (i.e. precipitation from storm events will not enter the roofed/enclosed transfer station building). The reinforced concrete transfer station unloading, storage and processing areas will be sloped towards floor drains and with interior and exterior push walls to serve as containment of spills and wash waters. These areas shall be designed to control and contain spills and contaminated water from leaving the facility.

All contaminated water will be managed as described in **SECTION 5** of this **SOP**.

### **8.4 OPERATING HOURS (§330.229)**

The waste acceptance hours for the facility will be 7:00 a.m. to 7:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 p.m. on Saturdays. The hours for operation of heavy equipment and transporting materials on- or off-site may be any time between the hours of 5:00 a.m. and 9:00 p.m. Monday through Friday and 5:00 a.m. to 2:00 p.m. on Saturdays. These times were selected to allow maximum availability and flexibility for commercial customers to ensure that their waste is able to be properly captured and transferred.

A facility attendant will be on-site during operating hours that the facility is open to receive waste and will monitor and restrict access to the facility (i.e. 7:00 a.m. to 7:00 p.m., Monday through Friday and Saturday 7:00 a.m. to 12:00 p.m.). In addition to these hours to receive waste, the hours of operation for heavy equipment and transporting materials on- or off-site may be any time



between the hours of 5:00 a.m. and 9:00 p.m., Monday through Friday and Saturday 5:00 a.m. to 2:00 p.m. During these heavy equipment operating hours (when the facility is closed for receiving waste) the lead operator will monitor and restrict access to the facility. The lead operator will be the responsible person to close, lock and secure the facility at the end of each operating day. In addition to the waste acceptance and operating hours, other non-waste management activities, including administrative and maintenance activities, may occur 24 hours per day, 7 days per week. The facility gates shall be closed during any other non-waste management activities and the employees on duty shall be responsible to monitor and restrict access to the facility.

When warranted, the facility supervisor will request approval from the commission's regional office to allow additional temporary operating hours to address disaster or other emergency situations, or other unforeseen circumstances (such as traffic delays or adverse weather) that could result in the disruption of waste management services in the area. The facility personnel will document the reason or reasons for the delay for each day on which a delay occurs and place the documentation in the operating record.

The facility will record the dates, time, and duration when any alternative operating hours are utilized. The information will be maintained with the site operating record.

#### **8.5 FACILITY ENTRANCE SIGN (§330.231)**

A conspicuous sign measuring at least 4-ft by 4-ft will be maintained at the entrance to the facility through which wastes are received. The sign will be readable from the facility entrance and will state, at a minimum, in letters at least three (3) inches high:

- Facility Name;
- Facility MSW permit number.
- Type of facility (i.e., Type V MSW facility);
- Hours and days of operation for waste acceptance;
- 24-hour emergency contact phone number(s);
- Emergency phone number of the local fire department (i.e., 911); and
- Facility rules (e.g., regarding prohibited wastes, stating that all loads must be properly covered or otherwise secured, etc.).

Other relevant information may also be included on the sign. In no instance will normal waste acceptance hours be outside the allowable hours for waste acceptance as set forth in **SECTION 8.4** of this **SOP**.

#### **8.6 CONTROL OF WINDBLOWN MATERIAL AND LITTER (§330.233)**

Windblown material and litter will be collected and properly managed to control unhealthy, unsafe, or unsightly conditions by the following methods:

- Waste transportation vehicles using this facility must be enclosed or use adequate covers, such as a tarp, net, or other means, to effectively secure the load consistent with §330.235. The adequacy of covers or other means to secure incoming wastes will be checked at the facility gatehouse/scale area (see **SECTION 8.7**).
- When the facility is in operation, the facility operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of-way of public access roads serving the facility for a distance of two miles in either direction from



any entrances used for the delivery of waste to the facility. The facility operator shall consult with the Texas Department of Transportation, county, and/or local governments with maintenance authority over the roads concerning cleanup of public access roads and rights-of-way.

- Portable fencing may be employed to confine windblown material resulting from unloading. If a portable fence is not practical, other suitable practices shall be employed to control windblown material.
- Windblown material and litter scattered throughout the facility, along fences and access roads, and at the gate must be picked up once a day on the days the facility is in operation.
- The transfer station building will be a covered/enclosed structure with openings on the sides (i.e. unloading vehicle bays/doors on one (1) side and transfer trailer doors on two (2) sides) to facilitate the safe and efficient flow of vehicles through the facility while minimizing windblown material and litter. Unloading and loading of waste will be performed within the enclosed building to control windblown material and litter. The facility will provide litter control devices (including wire or other type fencing or screening) constructed of appropriate materials for the control of windblown material and litter, as necessary, at appropriate locations near the unloading areas and elsewhere. Should wind, weather or other conditions occur that create excess (i.e. more than normal) windblown material and litter to be generated on the facility, the facility will use supplemental litter control measures (i.e. more litter fencing and more frequent litter collection) to abate the windblown material and litter.

#### **8.7 MATERIALS ALONG ROUTE TO THE FACILITY (§330.235)**

The facility operator shall take steps to require that vehicles hauling waste to the facility are enclosed or provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling. The facility operator shall take actions such as posting signs, reporting offenders to proper law enforcement officers, adding surcharges, or similar measures. Transfer trailers loaded with waste that are leaving the facility will be tarped prior to leaving the facility. On days when the facility is in operation, the facility operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of-way of public access roads serving the facility for a distance of two miles in either direction from any entrances used for the delivery of waste to the facility. The facility operator shall consult with the Texas Department of Transportation, county, and/or local governments with maintenance authority over the roads concerning cleanup of public access roads and rights-of-way consistent with 30 TAC §330.235. An alternative clean-up frequency and distance may be approved by the executive director.

Should wind, weather or other conditions occur that create excess (i.e. more than normal) windblown material and litter to be generated along the route to the facility, the facility will use supplemental litter control measures (i.e. more frequent litter collection) to abate the windblown material and litter.

#### **8.8 FACILITY ACCESS ROADS (§303.245)**

The entrance road will provide access from Circle Lake Drive to the facility for waste hauling vehicles, operating personnel, and visitors. The entrance road will be two lanes with a concrete or asphalt surface from the Circle Lake Drive connection. All other internal access roads will be constructed with an all-weather surface. The concrete or asphalt surface entrance, access road,





and internal roads will provide mud control for the waste hauling vehicles and transfer trailers prior to exiting the facility and returning to public access roads. It is not anticipated that mud or other debris will be tracked onto Circle Lake Drive given the concrete or asphalt surface that will exist on these roads. The onsite access roads will be maintained in a reasonably mud and dust free condition by routine mechanical sweeping and/or periodic water spraying from a water truck dispatched to the site (or from the wash down hose), as necessary. All on-site and other access roadways shall be maintained on a regular basis. Access roadways shall be regraded as necessary to minimize depressions, ruts, and potholes. Repairs will be performed as identified during routine inspections.

### **8.9 NOISE POLLUTION AND VISUAL SCREENING (§330.239)**

Since transfer activities will occur within the enclosed transfer station building structure, generated noise will be largely confined to the inside of the transfer station building, and waste unloading, processing and transfer operations are screened from the public roadway to prevent adverse visual impacts. Additionally, the facility entrance at the public roadway (Circle Lake Drive) will utilize vegetated earthen berms and vegetation on top of the berms as a means of visual screening and noise abatement, and these features will remain in-place and be maintained.

The facility is located at a significant distance from any residences and retail businesses such that activities at the site will not be visible. The permit boundary and facility structure is located more than 500 feet from the nearest residence. The permit boundary is over 500 feet from the nearest retail business (there are other heavy industrial operations on Circle Lake Drive including a steel pipe supplier, asphalt plant, concrete plant, gas pipeline, utility corridor and gas compressor station).

The entrance for customer vehicles entering the transfer station building will be oriented to face in a northerly direction (facing an industrial facility - gas compression station) away from the public access roadway of Circle Lake Drive. Additionally, as appropriate along the facility boundaries, fencing, wattles and other landscaping effects including vegetation will be utilized to visibly screen the conspicuous aspects of the operations. There are no schools, churches, historic cemeteries, or aesthetically significant sites within a half mile radius of the facility.

These setbacks, which are greater than the regulatory minimums, are such that waste transfer unloading, processing and storage operations at the site will not be readily visible from off-site locations. Additionally, such operations will be at a distance and orientation such that potential noise pollution will be attenuated (i.e., by being blocked by the building walls, roof, and existing terrain, and/or by being dissipated across the setback distances from potential off-site receptors).

The operator of the facility shall provide other screening and other measures as necessary to minimize noise pollution and adverse visual impacts.

### **8.10 OVERLOADING AND BREAKDOWN (§330.241)**

As required by 30 TAC 330.241(a), the design capacity of the transfer station will not be exceeded during operation. The design capacity of the facility is computed in the **Part I/II PAR**. Such overloading beyond the design capacity will be prevented by conducting real-time tracking of incoming waste tonnage received at the facility throughout each operating day (i.e. each load is weighed and the data are recorded by the facility). Through this real-time tracking of cumulative



daily total waste receipts, the facility will continually monitor the incoming tonnage and will stop accepting waste before the permitted maximum daily waste acceptance rate is exceeded, thus ensuring that the design capacity is not exceeded.

The design capacity of the solid waste facility set forth in **SECTION 4.2** of this **SOP** will not be exceeded during operation. The facility will not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, insect breeding, or harborage of other vectors. If such accumulations occur, additional solid waste will not be received until the adverse conditions are abated.

The maximum time waste material will be stored, prior to off-site transport, will not exceed 48 hours, except holidays and weekends. During holidays and/ or weekends, waste may be temporarily stored at the facility not to exceed a time period of 72 hours. Waste is generally stored for 24 hours or less prior to transport off-site.

If a significant work stoppage should occur at the facility due to a mechanical breakdown, or other causes such as an extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent, or the facility is expected to become inoperable for a period of 24 hours or more beyond the storage periods listed in **SECTION 4.2** of this **SOP**, or the facility cannot operate in accordance with this **SOP**, the facility will restrict the receiving of solid waste and direct incoming solid waste to other approved processing or disposal facilities. If the work stoppage is anticipated to last long enough to create objectionable odors, insect breeding, or harborage of vectors, the accumulated solid waste will be removed from the facility to an approved backup processing or disposal facility. In no event will waste remain (i.e., be temporarily stored) on-site for more than 72 hours.

#### **Backup Provision:**

In the event of equipment repairs or during equipment maintenance periods, the facility will obtain equipment from other facilities, contractors, or local rental companies to avoid interruption of waste services.

#### **8.11 SANITATION (§330.243)**

The tipping floor will be washed down at least once per week at the completion of the daily processing period, or more frequently if it is determined to be necessary to control odors within the transfer station facility.

Wash waters will not be allowed to accumulate on the tipping floor; the tipping floor will be sloped towards a floor drain, where all wash water will be collected and managed as contaminated water, and properly disposed of in an authorized manner as set forth in **SECTION 5** of this **SOP**.

#### **8.12 VENTILATION AND AIR POLLUTION CONTROL**

Air emissions from the facility will not cause or contribute to a condition of air pollution as defined in the Texas Clean Air Act.

The facility is claiming Permit By Rule (PBR) per 30 TAC §106.4 and §106.534 for operation. TCEQ documents 10149 and 10228 proving the calculations required are included within **Part**



**I/II, Appendix K.** Additionally, prior to when construction begins, CLT will acquire all applicable air construction permits prior to development of the facility.

All liquid waste and solid waste will be stored in covered odor-retaining containers and vessels.

The facility will be designed and operated to provide adequate ventilation for odor control and employee safety. Ventilation in the transfer station building will be provided by the openings through which waste hauling vehicles will enter and exit, and vents installed on the building roof. The transfer facility doors on each end of the transfer truck loadout tunnel may also be opened, if needed, for additional ventilation.

The operator will prevent nuisance odors from leaving the boundary of the facility. If nuisance odors are found to be passing the facility boundary, the facility operator may suspend operations until the nuisance is abated or immediately take action to abate the nuisance.

The operator will prevent nuisance odors from leaving the boundary of the facility. The following measures will be employed:

- On-site buffer zones will be maintained. All waste processing and storage will occur in areas setback from the facility boundary by a minimum of 50 feet.
- Solid waste processing will occur within the enclosed transfer station building.
- Stored solid waste will be kept in odor-retaining containers (i.e., either indoors in the enclosed transfer station building or in tarped transfer trailers awaiting transport off-site).
- All air pollution emission capture and abatement equipment or equivalent technology will be properly maintained and operated during the facility operation. Cleaning and maintenance of the abatement equipment will be performed as recommended by the manufacturer and as necessary so that the equipment efficiency can be adequately maintained. Abatement measures may include misting systems (using water) to suppress odors, if needed. The misting system may also be used to control odors through the addition of chemical deodorizers in the water or nonaqueous odor control systems may be utilized. Air authorization will be obtained from TCEQ as necessary for the odor control system used.
- Poned water will be controlled to avoid objectionable odors and nuisance conditions. In the event that objectionable odors do occur from any ponded water, appropriate measures shall be taken to alleviate the condition. The site will be graded to drain naturally so that stormwater will not accumulate. Any unanticipated low spots where stormwater may pond will be addressed by filling or grading.
- There are no process areas that recover material from any solid waste that contains putrescible wastes. Additionally, the facility will not accept liquid waste; thus, there will be no exposure of liquid waste to the air. There is also no mobile waste processing unit equipment at the facility.

Prior to operations, the appropriate air permit or authorization will be obtained, and the facility will operate in accordance with applicable air permit/authorization provisions so that air emissions from the transfer station facilities do not cause or contribute to a condition of air pollution as defined in the Texas Clean Air Act.

If required, the reporting of emissions events shall be made in accordance with §101.201 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements) and reporting of scheduled maintenance shall be made in accordance with §101.211 of this title



(relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).

### **8.13 HEALTH AND SAFETY (§330.247)**

Facility personnel will be trained in accordance with the procedures and topics outlined in **SECTION 3** of this **SOP**, which will include training on the facility's health and safety plan (which is addressed in **SECTION 9** of this **SOP**).

### **8.14 EMPLOYEE SANITATION FACILITIES (§330.249)**

Potable water and sanitary facilities will be provided for all employees and visitors.

### **8.15 FACILITY INSPECTION AND MAINTENANCE SCHEDULE**

**TABLE 8-2** provides the facility inspection and maintenance schedule.





**TABLE 8-2: FACILITY INSPECTION AND MAINTENANCE SCHEDULE**

Item	Task	Frequency
Fence/Gates	Inspect perimeter fence and gates for damage. Make repairs if necessary.	Weekly
Windblown Waste	Police working area, wind fences, access roads, entrance areas, and perimeter fence for loose trash. Clean up as necessary.	Daily as specified in <b>SECTION 8.6.</b>
Waste Spilled on Route to the Facility	Police the entrance areas and all roads at least 2 miles from the facility entrances for loose trash. Clean up as necessary.	Daily as specified in <b>SECTION 8.7.</b>
Facility Access Road	Inspect facility access road for damage from vehicle traffic, erosion, or excessive mud accumulation. Maintain as needed with crushed rock or stone. Grading equipment will be used at least once per week to control or remove mud accumulations on roads as well as minimize depressions, ruts, and potholes.	Daily – more often during wet weather or extended dry weather periods.
Facility Signs	Inspect all facility signs for damage, general location, and accuracy of posted information.	Weekly
Odor	Inspect the perimeter of the facility to assess the performance of facility operations to control odor.	Daily
Perimeter Channels/Ponds	Inspect perimeter channels and detention ponds to verify that they are functioning as designed (e.g., excess sediment removed, outlet structures intact).	Weekly and within 72-hours of a rainfall event of 0.5 inches or more.



## **9.0 GENERAL INSTRUCTIONS**

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### **9.1 GENERAL FACILITY SAFETY**

This section addresses general facility safety and serves as a health and safety plan for the promotion of safe operations and activities at the facility. The facility may implement additional company policies regarding health and safety, but such policies are beyond the scope of this **SOP**.

Facility safety will be promoted by facility personnel using well-maintained equipment to perform standard work procedures. Facility safety will be enhanced by limiting access to working areas to only authorized personnel. In the event of an emergency, planned emergency response procedures will be followed.

Access to the facility will be limited to authorized personnel as described in the access control section of this **SOP (SECTION 8.1)**. As indicated, access is controlled by physical barriers (i.e., fencing and lockable gates), and signage will be present to enhance access control and general facility safety. Facility personnel are responsible to be alert for the presence of unauthorized personnel or persons in prohibited areas.

In the event of an emergency, facility personnel will assess the situation, notify the Site Manager or designee, and take appropriate actions, such as rendering aid, calling for assistance, or closing access to the emergency scene. Additional measures specific to fire protection are provided in **SECTION 7** of this **SOP**.

The **emergency phone number is 911**; this will be posted beside the telephone in the gatehouse.



## 10.0 SPECIAL WASTE ACCEPTANCE PLAN

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### 10.1 INTRODUCTION

This Special Waste Acceptance Plan outlines the acceptance requirements and review and approval process that will be used to accept special waste. Special waste is defined by TCEQ's MSW regulations (30 TAC §330.3(154)). Only those special wastes specifically listed below will be accepted at this facility without prior written approval from the Executive Director.

- Empty containers that have been used for pesticides, herbicides, fungicides, or rodenticides provided the containers have been triple rinsed, crushed, or rendered unusable upon receipt at the gate.
- Incidental amounts of NRACM. An incidental amount is defined as the maximum of 10-percent of the waste received on an annual basis by scale weight (annual basis is defined as the most recent four consecutive quarters).
- Waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas when those wastes are to be processed, treated, or disposed of at a solid waste management facility. Only those wastes authorized for disposal at a solid waste management facility will be accepted.
- Dead animals that are incidental to routine collection of MSW and that can be systematically processed along with other solid waste.
- Special waste other than as described above and approved for acceptance by the TCEQ Executive Director.

No special waste will be received at the facility unless it is compatible with the compaction and loading equipment operated at the facility or unless modifications are made to the facility to accommodate the special waste. Any changes in operations must be approved in writing by the Executive Director prior to implementation.

The following wastes will not be accepted at this facility:

- Regulated hazardous waste
- PCBs
- Liquid wastes
- Certain special wastes, including:
  - hazardous waste from conditionally exempt small-quantity generators that may be exempt from full controls under 30 TAC Chapter 335, Subchapter N (relating to Household Materials Which Could Be Classified as Hazardous Wastes);
  - Class 1 industrial nonhazardous waste;
  - untreated medical waste;
  - municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, and water-supply treatment plant sludges;
  - septic tank pumpings;
  - grease and grit trap wastes;
  - wastes from commercial or industrial wastewater treatment plants; air pollution control facilities; and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in 40 CFR, Part 261, Appendix VIII but has not been listed as a commercial chemical product in 40 CFR §261.33(e) or (f);



- Soil contaminated by petroleum products, crude oils, or chemicals in concentrations of greater than 1,500 milligrams per kilogram total petroleum hydrocarbons; or contaminated by constituents of concern that exceed the concentrations listed in Table 1 of 30 TAC §335.521(a)(1).
- Waste generated outside of Texas that contains any industrial waste; any waste associated with oil, gas, and geothermal exploration, production, or development activities; or any material that is listed in the bullets above.
- Drugs and contaminated foods, other than those contained in normal household waste.
- Incinerator ash;
- Used oil;
- Lead acid storage batteries; and
- Used-oil filters from internal combustion engines.

## **10.2 SPECIAL WASTE ACCEPTANCE**

Prior to being accepted at the facility, special wastes must be preapproved by the landfill that will be receiving the waste, in accordance with the receiving landfill's special waste screening, acceptance procedures and permit. Special waste evaluation and approval will take place prior to delivery of the waste to the transfer station. Typically, the special waste analyst for the landfill will utilize information provided by the generator (e.g., waste-specific chemical and characteristic information or process knowledge information) to determine the acceptability of a waste for disposal at the landfill. The special waste analyst will be responsible for maintaining and utilizing current regulatory guidelines and constituent limits for evaluation of wastes. The special waste analyst also will be responsible for knowing and applying applicable future changes to state and federal disposal regulations, review and acceptance procedures. This information will be provided to transfer station personnel prior to waste acceptance at the transfer station.

The preceding special waste review procedures will include the following.

- The SWP sheet or waste profile document will be reviewed for completeness. The SWP will typically be completed electronically through final disposal destination or other third-party portal set up for this process and may include electronic signatures. The review will include:
  - The SWP must be completely and legibly filled out by the generator of the waste with all appropriate addresses, contact names, phone and fax numbers, and signatures.
  - The waste stream information must include sufficient information to provide the special waste analyst a clear understanding of the waste type(s), origin, shipping method, and anticipated frequency of disposal. This information will be used by the special waste analyst to compare the waste with applicable state and federal regulations. If the description is not explicit, additional information will be requested of the generator. The physical characteristics of waste must include information on the chemical and physical properties of the waste sufficient to allow the special waste analyst to identify the waste and correlate the waste properties to applicable state and federal regulations.
  - The generator maybe required to provide analytical data, safety datasheets, or process knowledge information to the special waste analyst, showing the characteristics of the waste used as the basis to comply with 30 TAC





§330.203(c)(2) and RG-003 for wastes regulated by the Railroad Commission and related wastes.

- Site Specific Evaluation - It will be confirmed that all special waste acceptance is acceptable in accordance with the following: (1) TCEQ and local regulations and (2) permit conditions of the receiving landfill. The special waste analyst may request additional information from the generator before rendering a decision. This may include additional analytical, process description, safety data sheets, or other applicable information.

Facility personnel may visually compare the material presented for disposal to the SWP to confirm that the physical characteristics (i.e., color, odor, and appearance) or manifest description of the material match those detailed on the SWP. In the event that the waste differs from the approved waste stream, the waste load will be held at the gate while the discrepancy is investigated and resolved; or if it cannot be resolved, the load will be rejected. The generator will be notified of the reasons for rejecting the load. Additional process information and/or chemical analyses may be required to further characterize the waste.

In accordance with 30 TAC §330.219(b)(6), the facility will maintain in the Site Operating Record all documents, manifests, shipping documents, trip tickets, etc., involving special waste.

### 10.3 SPECIAL WASTE HANDLING PROCEDURES

The transfer station facility will exercise appropriate care and safeguards when processing special wastes. **The facility personnel will ensure that any special waste(s) loaded on a transfer trailer is preapproved at the destination landfill. In the event that special waste(s) are found to be incompatible with the destination landfill, the facility will unload that transfer trailer and reload to ensure permit compliance of the landfill.**

**Additionally, the facility will keep a written record detailing the amount(s) of special waste(s) that have been loaded onto transfer trailers for disposal at a preapproved landfill.**

**Furthermore, drivers of transfer trucks containing special waste will provide the required documentation to the receiving landfill concerning the special waste contained within the transfer trailer. The receiving landfill will be responsible to ensure the transferred special waste is disposed of in accordance with the landfill's permit.**

Specific handling/disposal procedures are detailed below for the special wastes that will be processed at this facility, as follows:



**TABLE 10-1: SPECIAL WASTE HANDLING PROCEDURES**

Special Waste Type	Handling Procedures
<p>Empty containers, including paper, cardboard, and metal that have been used for pesticides, herbicides, fungicides, or rodenticides</p>	<p>These containers will be processed in the transfer station upon receipt. These containers will not be allowed to accumulate on the tipping floor. All containers received will be handled in accordance with Title 30 TAC §330.171 and will be triple rinsed prior to arrival. If containers cannot be processed upon receipt they will be crushed with the loader and rendered unusable.</p>
<p>Incidental amounts of non-regulated asbestos- containing materials (NRACM)</p>	<p>Loads of primarily NRACM will be transferred directly from the tipping floor of the transfer station into the transfer trailers. The front-end loader will not attempt to compact or travel over the NRACM. These procedures will minimize the handling of NRACM so that the integrity of the material is maintained.</p>
<p>Selected waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas</p>	<p>This waste will be accepted at this facility provided the incoming loads are delivered in quantities that will allow the waste to be processed safely and efficiently along with other solid waste. In addition, prior to acceptance at the transfer station, waste acceptance approval information from the landfill that will dispose of this waste will be obtained. The approval information will include all applicable information used to characterize this material. No liquids or sludges will be accepted. This waste material will only be accepted if the requirements set forth in TCEQ RG-003 are met.</p>
<p>Dead animals</p>	<p>Dead animals that are incidental to routine collection of municipal solid waste and that can be systematically processed along with other solid waste will be accepted at this facility. This waste may contain some animal remains; however, this facility will not accept bulk quantities of dead animals or animal remains in a specific shipment or load. All slaughterhouse waste, including contaminated packaging materials, and dead animals will be processed upon receipt or covered with a minimum of three feet of solid waste until it is processed into transfer trailers. The tipping floor and equipment will be cleaned at the end of each day when special waste containing dead animals or slaughterhouse waste is processed.</p>



## 11.0 SIGNATURE OF PREPARER

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I certify that the information provided in this application report and engineering drawings is a true and correct representation of that which is requested. I am aware that there are significant penalties for knowingly submitting false information.

I also confirm that based on my professional judgment, and on information collected during the application preparation, the design and planned operations of the facility is in compliance with the TCEQ regulations and criteria and will be protective of the environment.



*Jeffrey L. Allen*  
*FIRM NO. F-14712*  
\_\_\_\_\_  
Signature of Preparer

*President & Senior Principal Engineer*  
\_\_\_\_\_  
Title, if applicable

*Jeffrey L. Allen, P.E.*  
\_\_\_\_\_  
Name

*4-1-2022*  
\_\_\_\_\_  
Date