



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

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

Nature of Correspondence:
 Initial/New
 Response/Revision*

*If Response/Revision, please provide previous TCEQ Tracking No.:

(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

1. Reason for Submission (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	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN		RN

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (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	
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).			
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Circle Lake Transfer, LLC			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
080404465	32078929653	86-3552957	N/A
11. Type of Customer:	<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)	
12. Number of Employees		13. Independently Owned and Operated?	
<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	
14. Customer Role (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:			
15. Mailing Address:	13727 Office Park Drive		
	City	Houston	State TX ZIP 77070 ZIP + 4
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
		Jon@zters.com	
18. Telephone Number		19. Extension or Code	
(832) 698-2203			
		20. Fax Number (if applicable)	
		(832) 698-2204	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (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	
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).	
22. Regulated Entity Name (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.

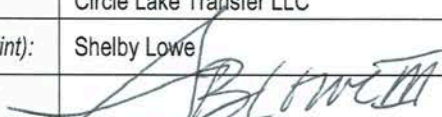
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input checked="" type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source 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:	3-31-22

Facility Name: Circle Lake Transfer Station
Permittee/Registrant Name: Circle Lake Transfer, LLC
MSW Authorization #:
Initial Submittal Date: 9/30/2021
Revision Date:



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

1. Reason for Submittal

Initial Submittal Notice of Deficiency (NOD) Response

2. Authorization Type

Permit Registration

3. Application Type

New Permit Permit Major Amendment Permit Major Amendment (Limited Scope)
 New Registration

4. Application Fees

Amount
 \$2,050 for Permits and Permit Amendments \$150 for Registrations
Payment Method
 Check Online through ePay portal <<https://www3.tceq.texas.gov/epay/>>
If paid online, enter ePay Trace Number:

5. Application URL

Is the application submitted for a Type I Arid Exempt (AE) or Type IV AE facility?
 Yes 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.
<http://www.circlelakettransfer.com>

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: **77354**

(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

Facility Name: Circle Lake Transfer Station

Contact Name: **Mr. Shelby Lowe**

Title: **President**

MSW Authorization No. (if available): **To Be Assigned**

Regulated Entity Reference No. (if issued)*: **RNTBD**

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

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

Customer Reference No. (if issued)*: CNTBD

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: **080404465**

*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.

Operator Name¹: 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:

¹If 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): LLC (limited liability company) |

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:

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: **Not available**

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: **Not available**

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: **N/A**

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:

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: 3-31-22

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 Shelby Lowe

On this 31st day of March, 2022

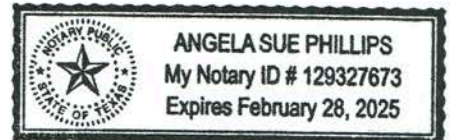
My commission expires on the 28th day of February, 2022

[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

	Attachment No.
Supplementary Technical Report	Part I/II Report
Property Legal Description	Part I/II Appendix B
Property Metes and Bounds Description	Part I/II Appendix B
Facility Legal Description	Part I/II Appendix B
Facility Metes and Bounds Description	Part I/II Appendix B
Metes and Bounds Drawings	Part I/II Appendix B
On-Site Easements Drawing	Part I/II Appendix B
Land Ownership Map	Part I/II PAR Engineering Drawing Set DWG13
Land Ownership List	Part I/II Appendix A and PAR Engineering Drawing Set DWG13
Electronic List or Mailing Labels	With Cover Letter
Texas Department of Transportation (TxDOT) County Map	Part I/II PAR Engineering
Drawing Set	
General Location Map	Part I/II PAR Engineering Drawing Set
General Topographic Map	Part I/II PAR Engineering Drawing Set DWG3
Verification of Legal Status	Part I/II Appendix C
Property Owner Affidavit	Part I/II Appendix C
Evidence of Competency	Appendix I/IE
Additional Attachments as Applicable- Select all those apply and add as necessary	
<input checked="" type="checkbox"/> TCEQ Core Data Form(s)	With Cover Letter
<input type="checkbox"/> Signatory Authority Delegation	
<input checked="" type="checkbox"/> Fee Payment Receipt	With Cover Letter
<input type="checkbox"/> Confidential Documents	
<input type="checkbox"/> Waste Storage, Processing and Disposal Ordinances	
<input checked="" type="checkbox"/> Final Plat Record of Property	Part I/II Appendix B
<input checked="" type="checkbox"/> Certificate of Fact (Certificate of Incorporation)	Part I/II Appendix C
<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>. The number for this form is 0650. For further instructions regarding completion of this form, send an e mail to <mswiper@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>.
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.

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.

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

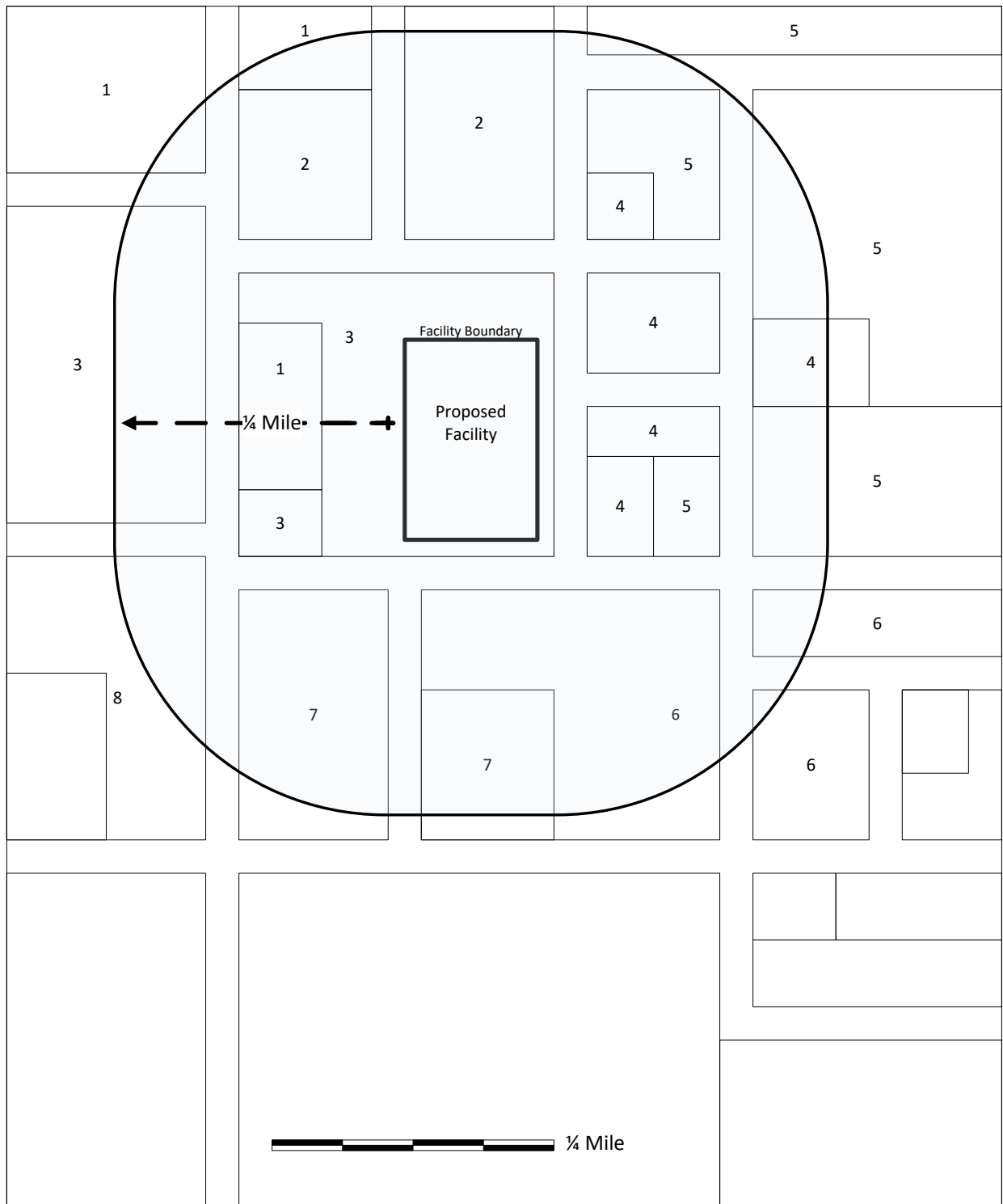
Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

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

Mineral Interest Ownership Under The Facility*

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

Facility Easement Holders*

- | | |
|--|--|
| 1. GULF PIPELINE
11200 S FANNIN
HOUSTON TX 77002 | 2. TEXAS STAR UTILITIES
8100 COMMERCE ST
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:

Property Owner Affidavit	
"I/We, _____, as _____, (Printed Signatory Name) (Signatory Capacity)	
As authorized signatory for _____, (Printed Name of Property Owner of Record)	
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."	
_____	_____
(Property Owner's Signature)	(Date)

For Processing Facilities:

Property Owner Affidavit	
"I/We, _____, as _____, (Printed Signatory Name) (Signatory Capacity)	
As authorized signatory for _____, (Printed Name of Property Owner of Record)	
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.	
_____	_____
(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.

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 http://www.circlelaketransfer.com		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 http://www.circlelaketransfer.com		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/Drawings
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/Drawings
181	Part II	Provide the location of all access control features	Required	330.61(c)(11)	Yes	Part I/II PAR Section 2		Maps/Drawings
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/Drawings
183	Part II	Provide a facility layout map	Required	330.61(d)	Yes	Part I/II PAR Engineering Drawing Set Drawing 6		Maps/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
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/Drawings
201	Part II	All submitted prints & photocopies must be legible	Informational	330.61(f)(3)		All submitted documents are legible.		Maps/Drawings
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/Drawings
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 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 health and safety plan.	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

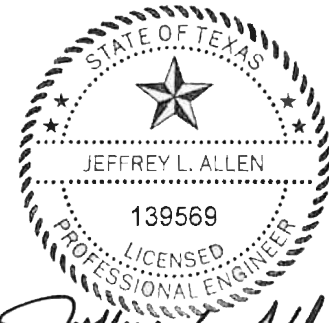
**TYPE V TRANSFER FACILITY
PERMIT APPLICATION
REPORT (PAR) PACKAGE
PARTS I AND II**

PREPARED FOR:

CIRCLE LAKE TRANSFER, LLC.

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

PREPARED BY:



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APRIL 2022



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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

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

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

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 ¹	Daily Waste Acceptance ² (tons/day)	Waste Accepted ³ (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
<i>Unloading Capacity</i>		
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 (assumed to be 12 hours - but not a limiting parameter of the permit).
<i>Trailer Loading/Loadout Capacity</i>		
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 16 hours - but not a limiting parameter of the permit)
<i>Design Capacity</i>		
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

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

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 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

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

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

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

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

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

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

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

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

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.

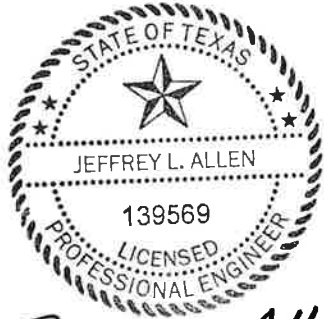
The applicable council of governments for this facility location is the HGAC. Documentation that **Parts I and II** of this application were submitted to HGAC for their review for compliance with regional solid waste plans and the acceptance of the facility into the regional solid waste plan is provided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



15.0 SIGNATURE OF PREPARER

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



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:



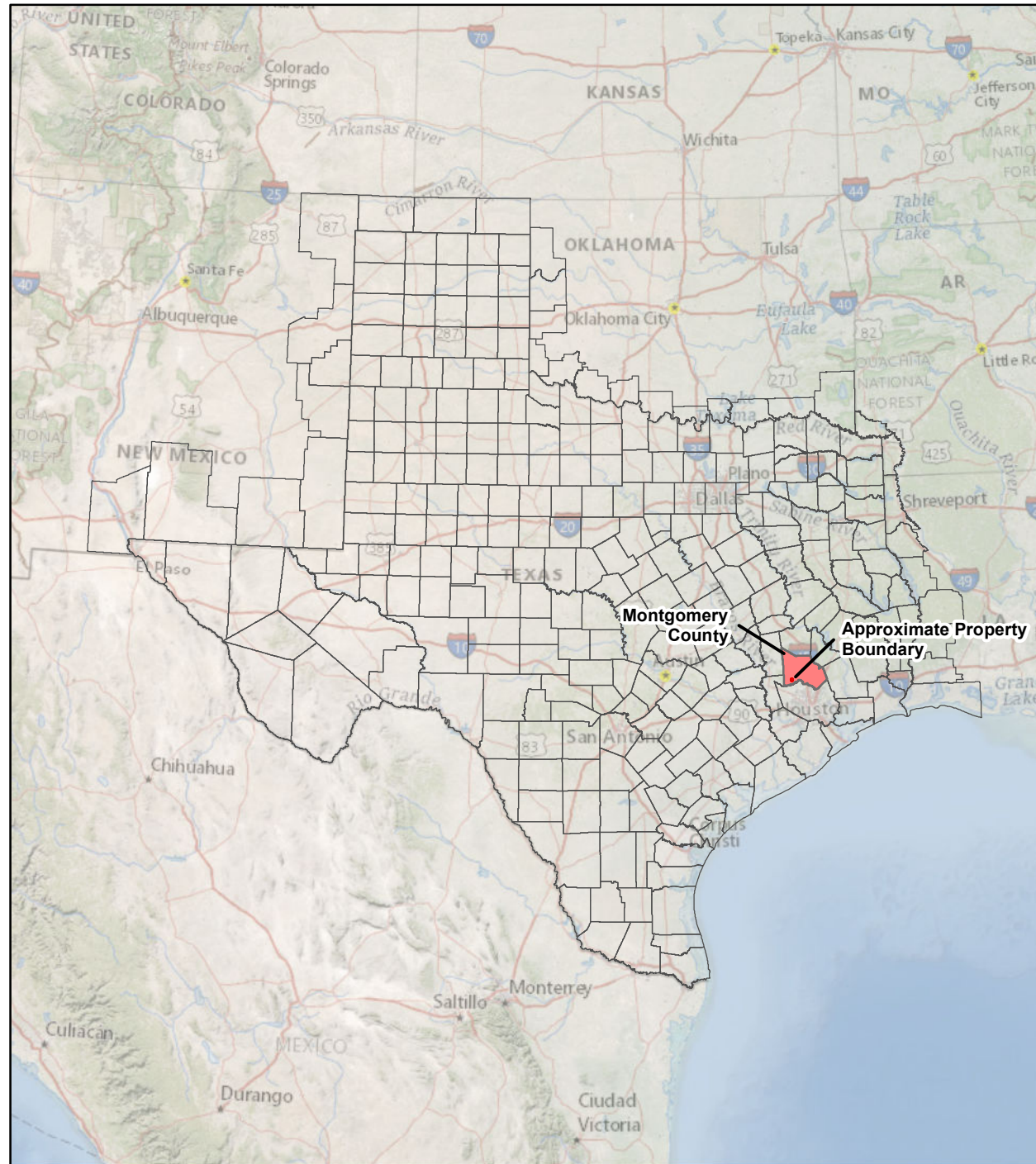
Jeffrey L. Allen
FIRM NO. F-14712
4-1-2022

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TEXAS REGISTRATION NO. 139569

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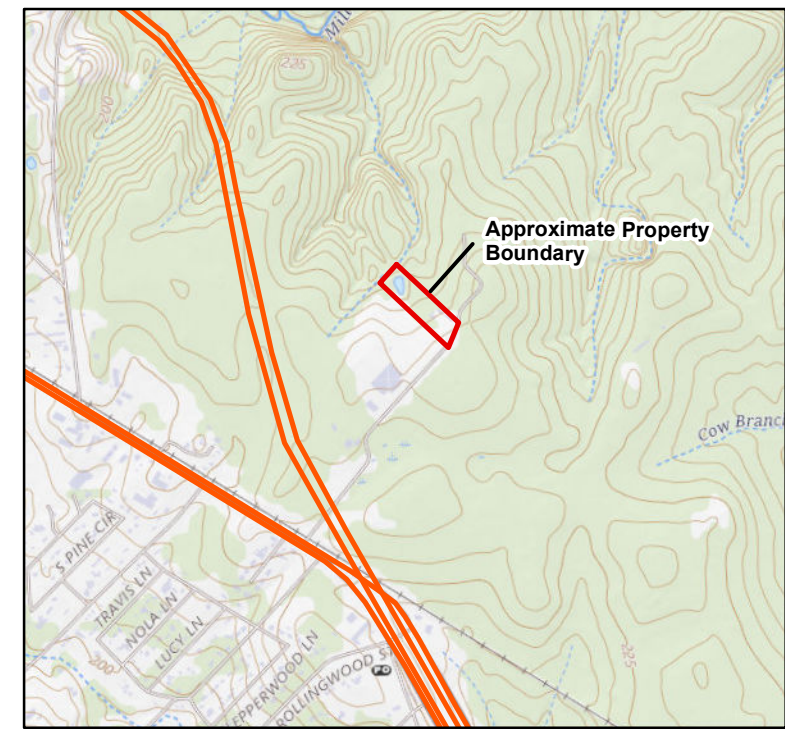
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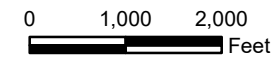
VICINITY MAP
SCALE: N.T.S.



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FIRM NO. F-14712
4-1-2022



PROJECT LOCATION MAP
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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

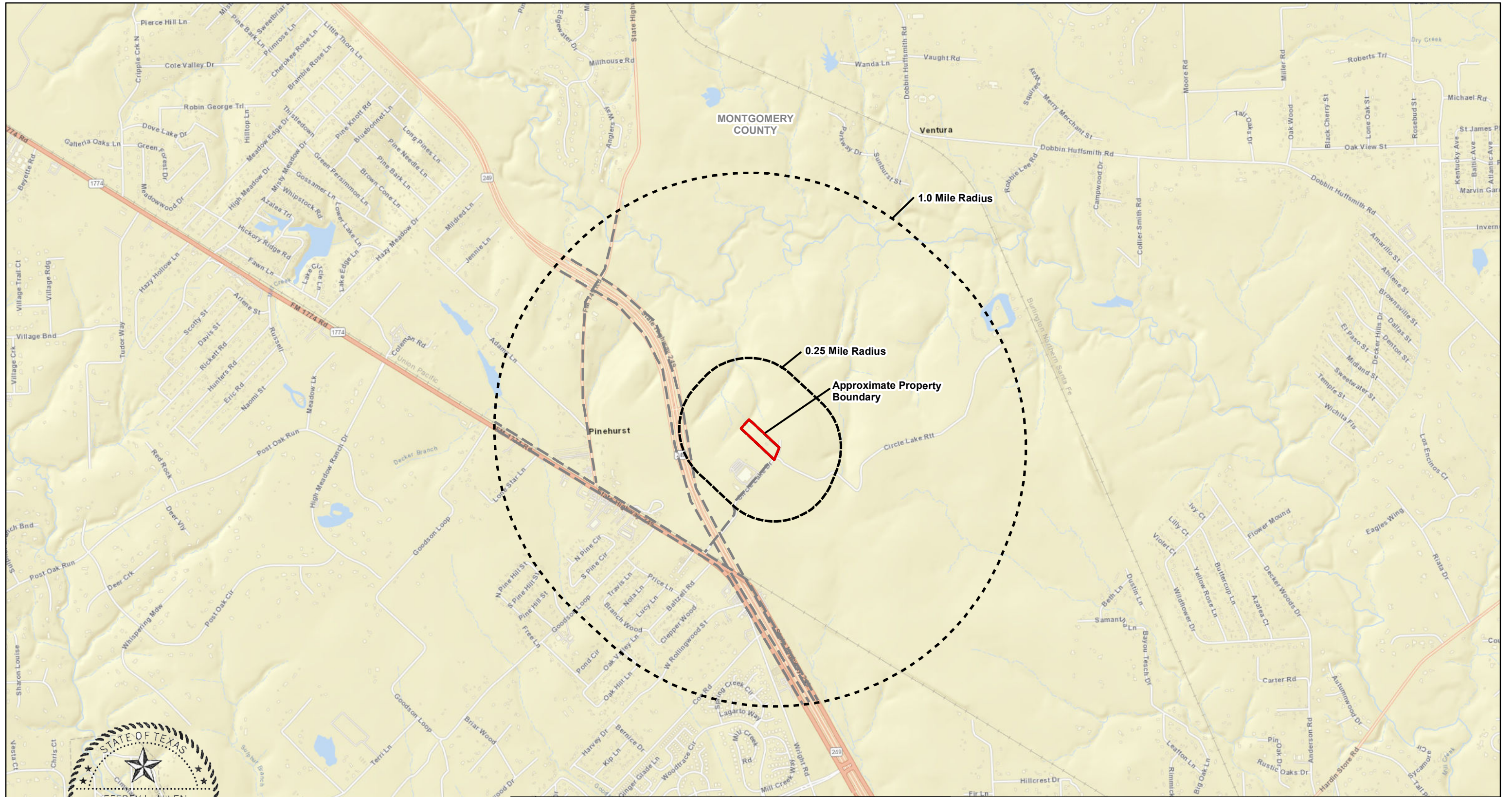


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CHKD BY: MH DATE: 04-01-2022

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PROJECT LOCATION MAP,
VICINITY MAP, AND DRAWING INDEX DRAWING
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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
- Primary Ingress/Egress Roads to Facility

Note:
 All primary access road are asphalted.

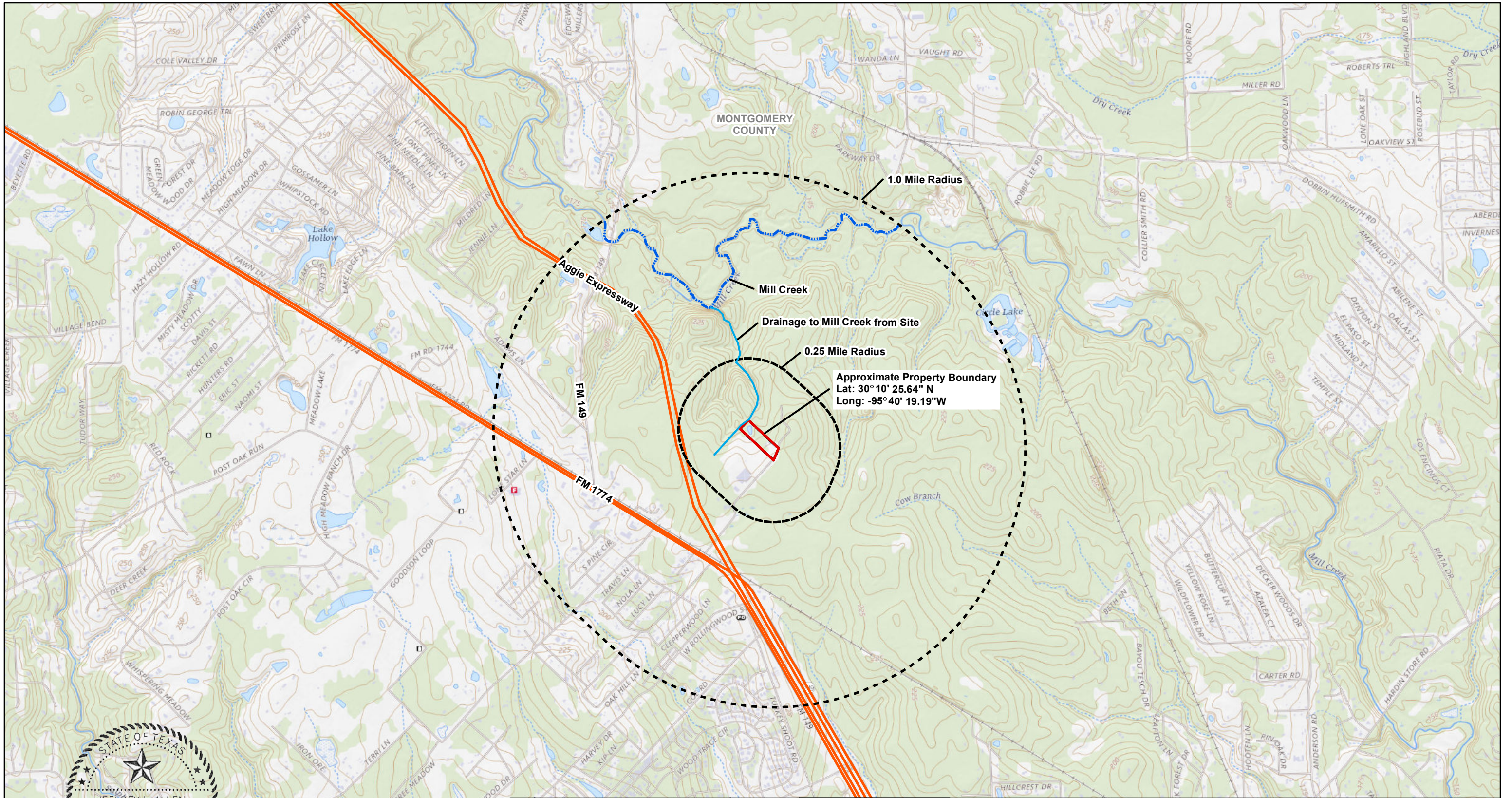
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Source: World Street Map Basemap

**CIRCLE LAKE TRANSFER FACILITY
 PINEHURST, TEXAS**

ALLEN ENGINEERING AND SCIENCE

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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

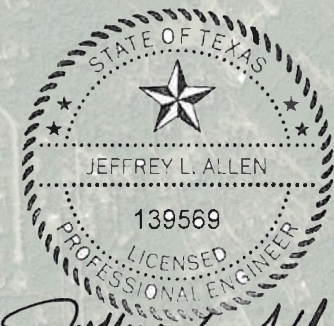
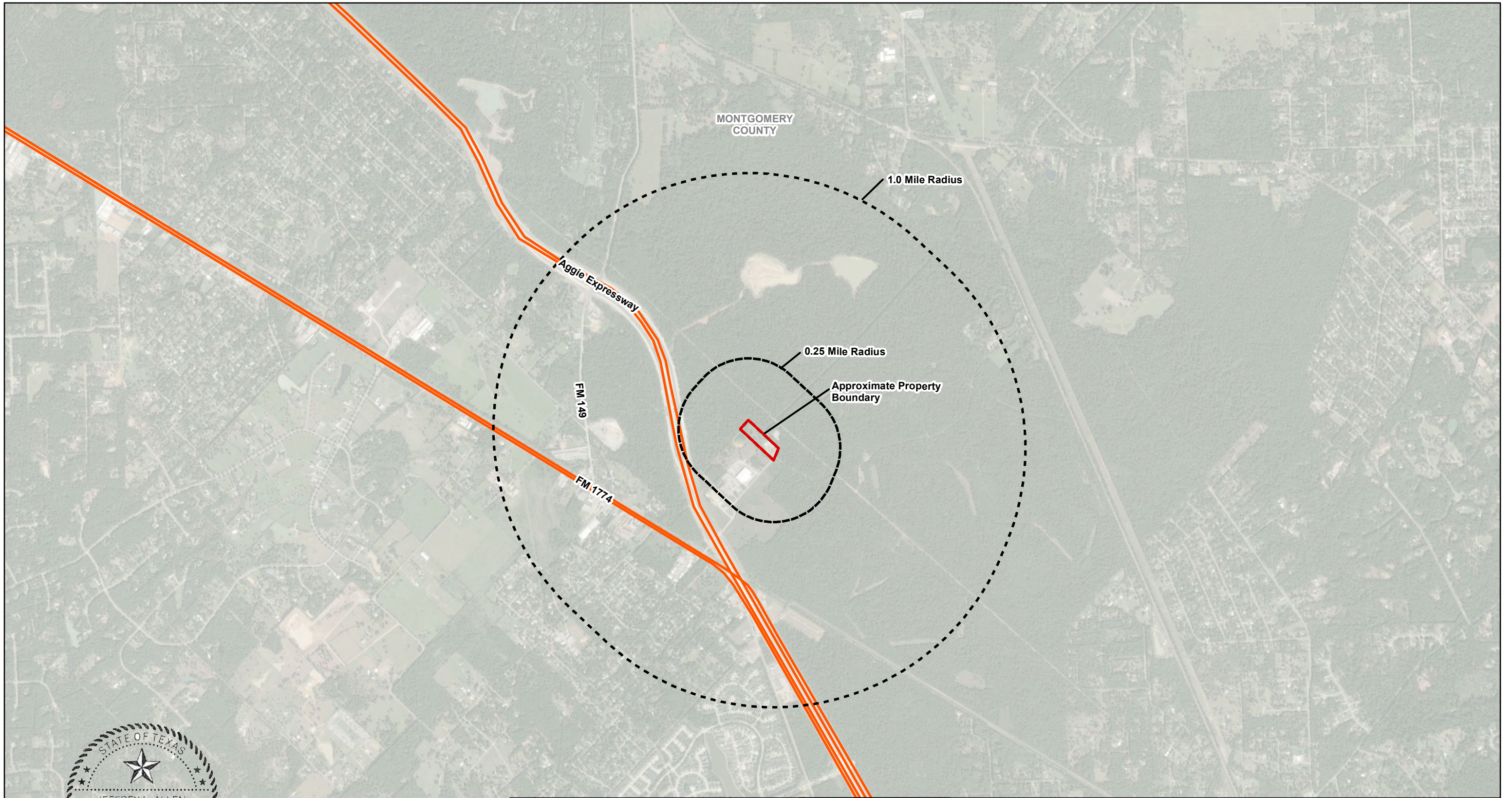
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Source: National Geographic Service US Topo

**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 DWG03 R00 D GTQM	
GENERAL TOPO QUAD MAP		DRAWING 3



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

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
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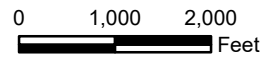
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LEGEND

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

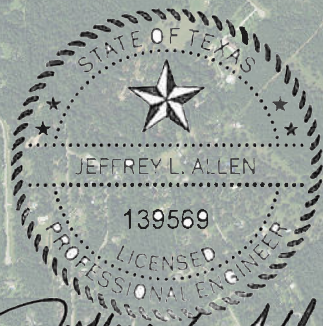
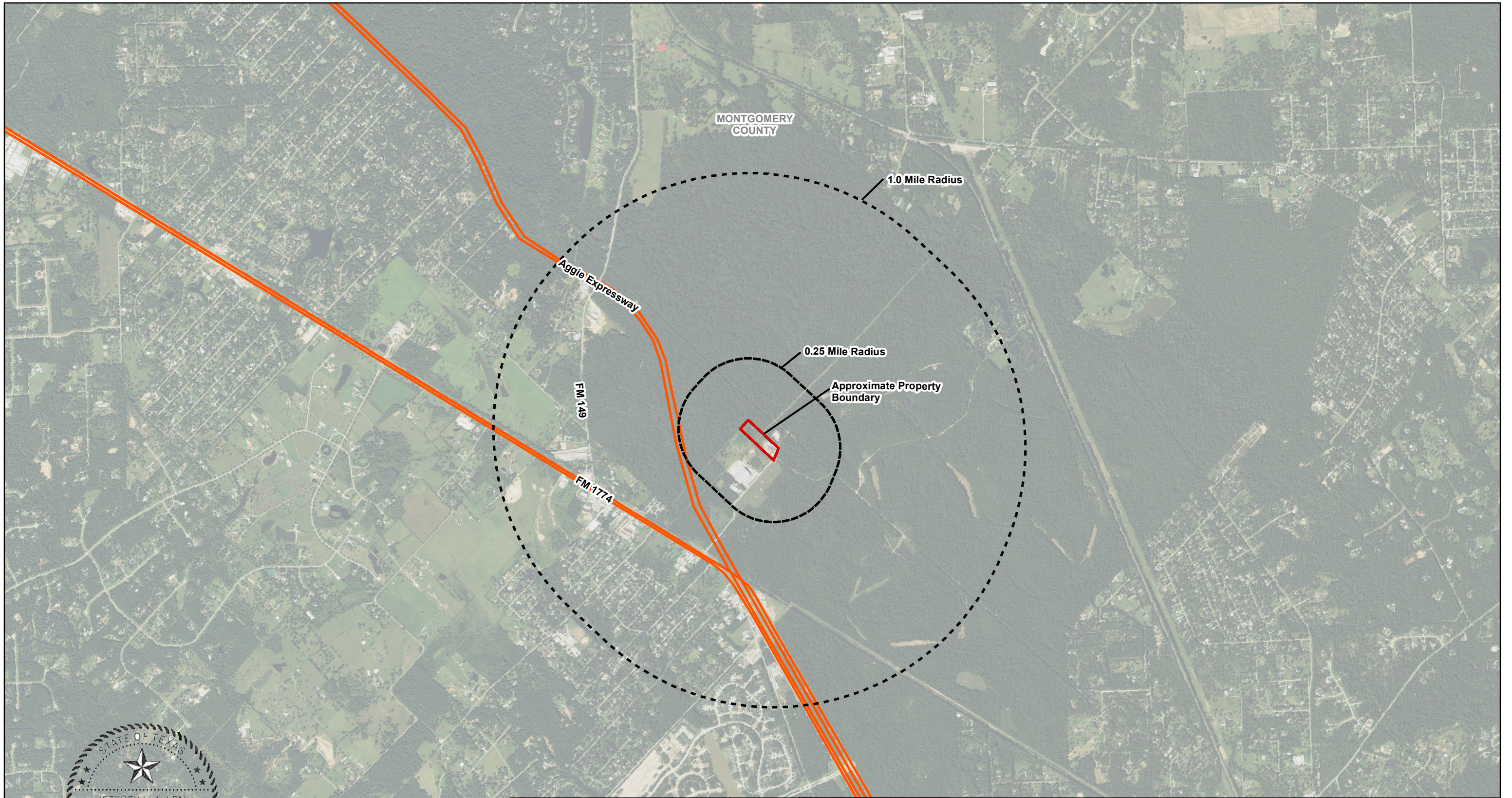
Source: National Geographic World Imagery



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
 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 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. 21052	FILE 21052 040122 DWG04B R00 D APOS	
AERIAL PHOTOGRAPH OF SURROUNDINGS (2016)		DRAWING 4B



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 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



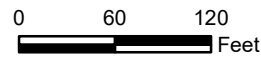
Jeffrey L. Allen
 FIRM NO. F-14712
 4-1-2022

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. +/-



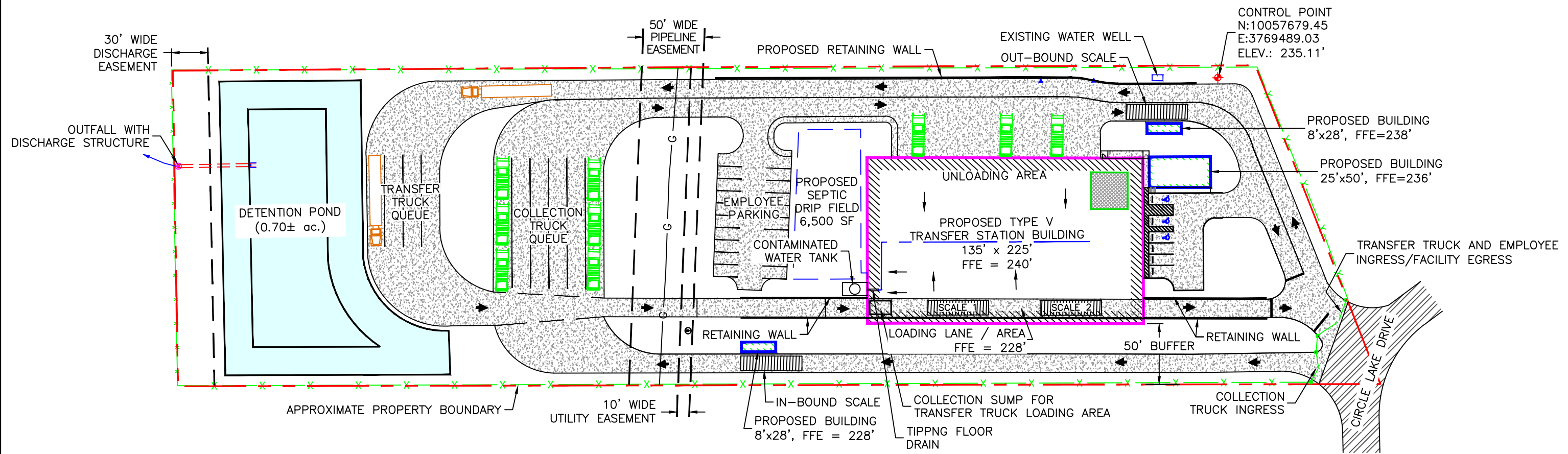
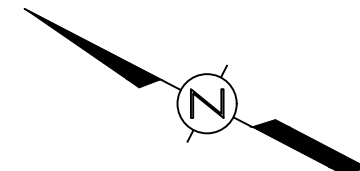
Source: AllenES Drone Aerial - 06/24/2021



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

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

CIRCLE LAKE TRANSFER, LLC

SCALE: 1" = 80'
 DRAWN: N. SISSON
 CHECKED: W. PENTECOST
 REVIEWED: M. HOHM
 PROJECT MANAGER: M. HOHM
 DATE: 04/01/22



SITE LAYOUT PLAN
 CIRCLE LAKE TRANSFER, LLC
 PINEHURST, TEXAS

PROJECT No. 21052.01	
CAD FILE NAME 040122 DWG06 RO SLP	
DRAWING 6	REVISION 0

MONTGOMERY COUNTY

1.0 Mile Radius

Approximate Property Boundary

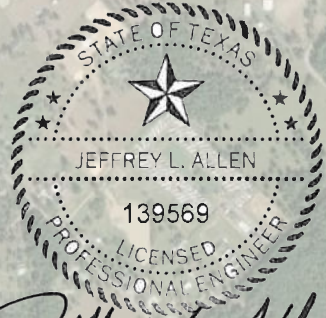
Aggie Expressway

Circle Lake Drive

FM 149

FM 1774

GENERAL LAND USE	
	Agricultural - 58.3 Ac. +/-
	Church - 22.7 Ac. +/-
	Commercial - 57.8 Ac. +/-
	Highway - 105.9 Ac. +/-
	Industrial - 48.2 Ac. +/-
	Parks and Recreational Areas - 6.4 Ac. +/-
	Public - 6.1 Ac. +/-
	Residential - 296.9 Ac. +/-
	Road - 28.5 Ac. +/-
	Surface Mine - 30.0 Ac. +/-
	Undeveloped - 1,582.7 Ac. +/-
	Utility - 5.0 Ac. +/-
	Utility Right of Way - 49.8 Ac. +/-
	Water - 9.4 Ac. +/-



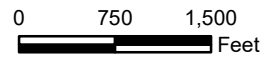
Jeffrey L. Allen
 FIRM NO. F-14712
 4-1-2022

REV.	DESCRIPTION OF REVISION	BY	CURRENT DATE
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LEGEND	
	Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
	Approximate 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



TION
 ider Activity
 3.3

6.0 Mile Radius

Approximate Property Boundary

Magnolia

See NOTAMS/Supplement for Class D eff hrs

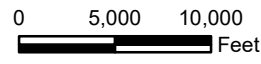


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- LEGEND**
- Approximate Transfer Facility Property Boundary - 5.54 Ac. +/-
 - Approximate 6.0 Mile Buffer Radius

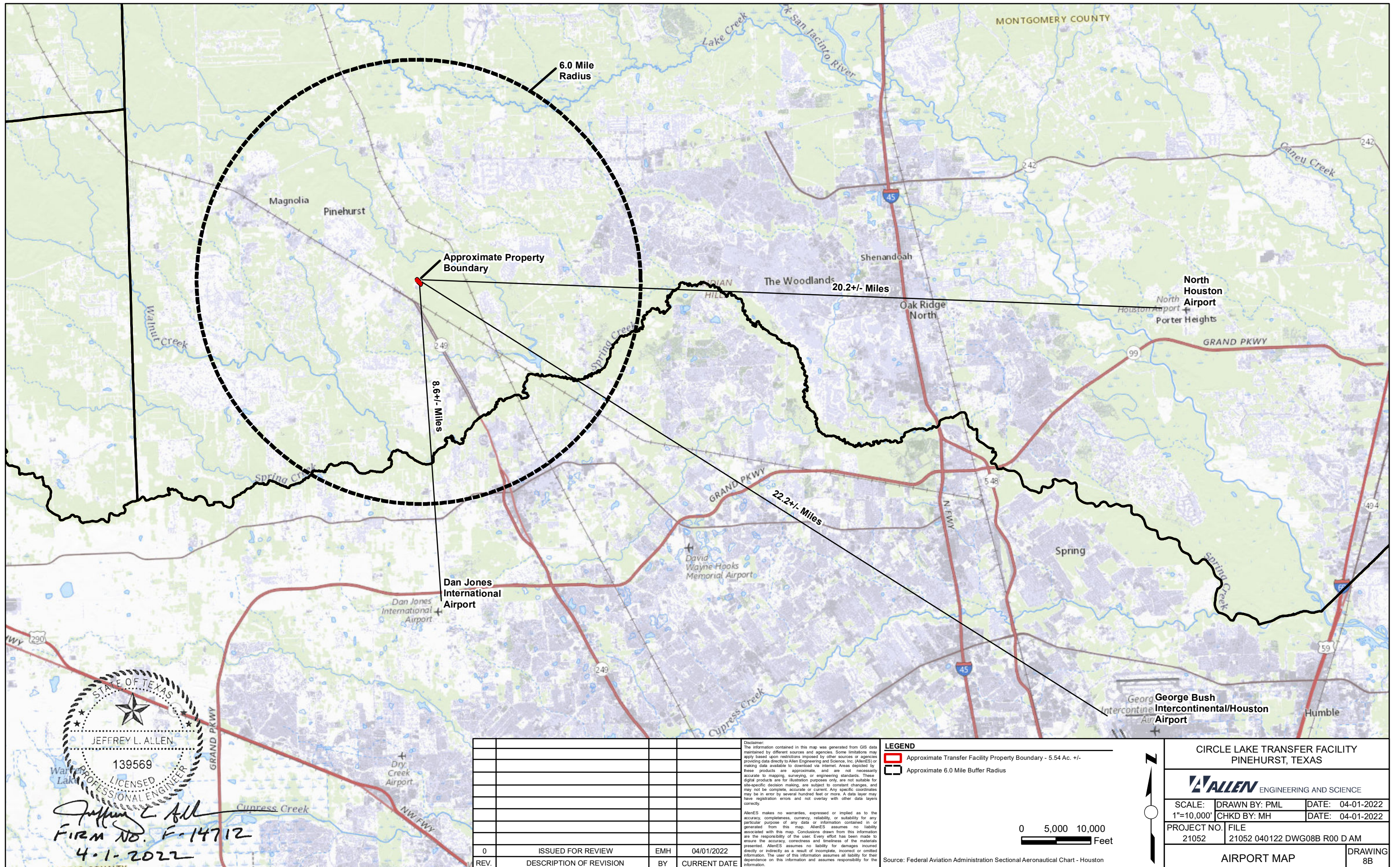


Source: Federal Aviation Administration Sectional Aeronautical Chart - Houston

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

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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

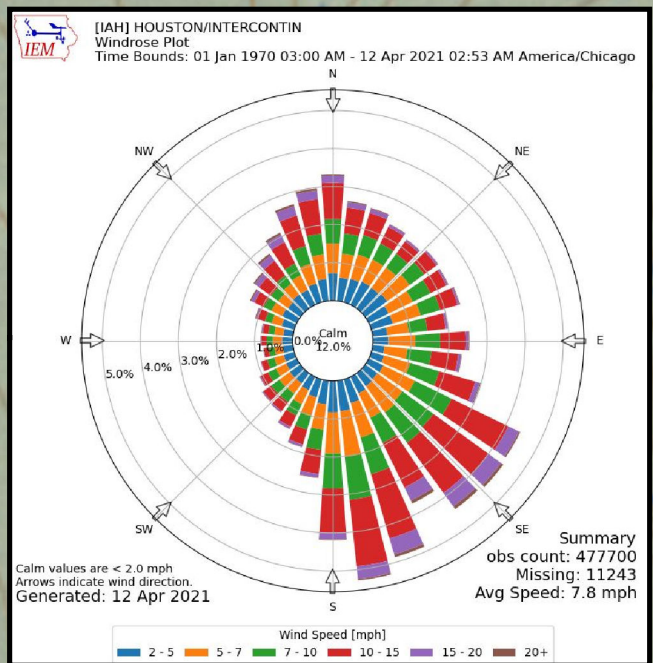
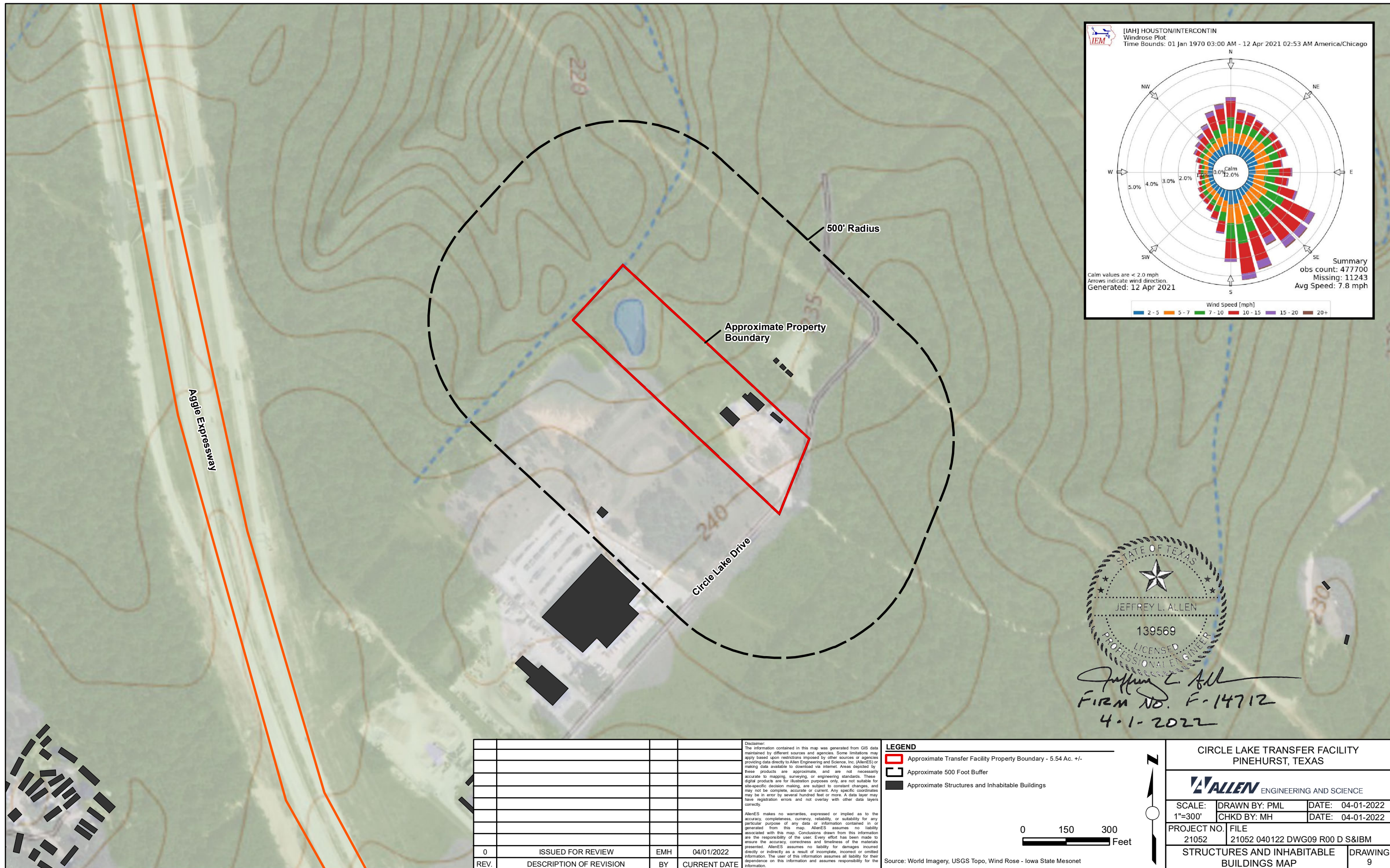
Source: Federal Aviation Administration Sectional Aeronautical Chart - Houston

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

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LEGEND

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

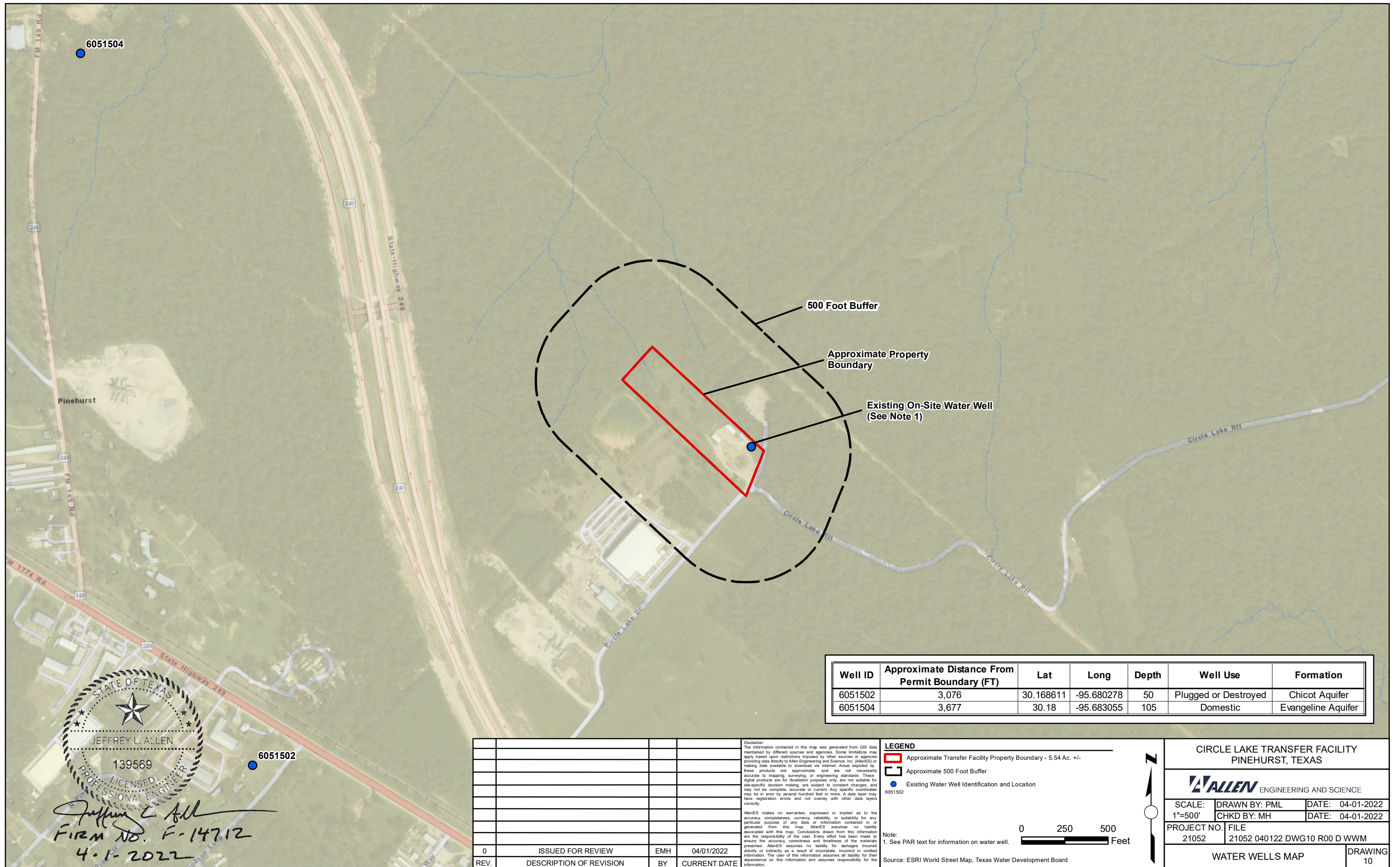
0 150 300 Feet

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

**CIRCLE LAKE TRANSFER FACILITY
PINEHURST, TEXAS**

ALLEN ENGINEERING AND SCIENCE

SCALE: 1"=300'	DRAWN BY: PML	DATE: 04-01-2022
	CHKD BY: MH	DATE: 04-01-2022
PROJECT NO. 21052	FILE 21052 040122 DWG09 R00 D S&IBM	
STRUCTURES AND INHABITABLE BUILDINGS MAP		DRAWING 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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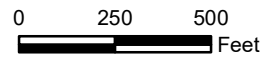
LEGEND

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

6051502

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

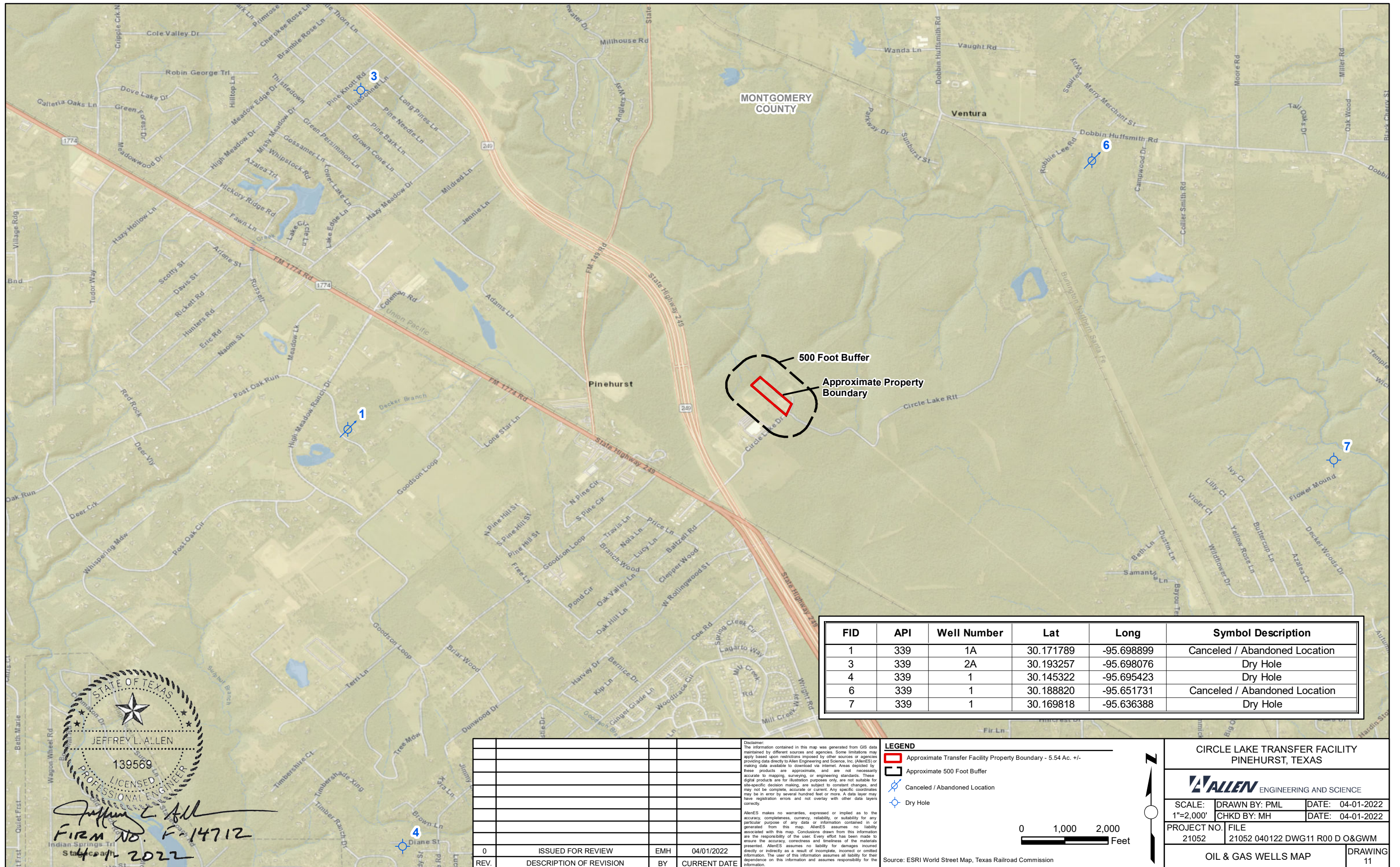
Source: ESRI World Street Map, Texas Water Development Board



**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



MONTGOMERY COUNTY

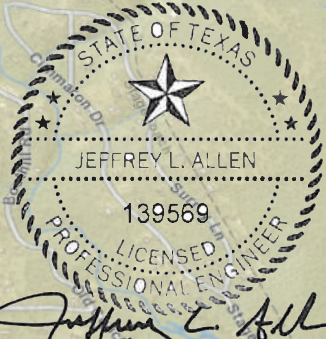
Ventura

Pinehurst

500 Foot Buffer

Approximate Property Boundary

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

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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

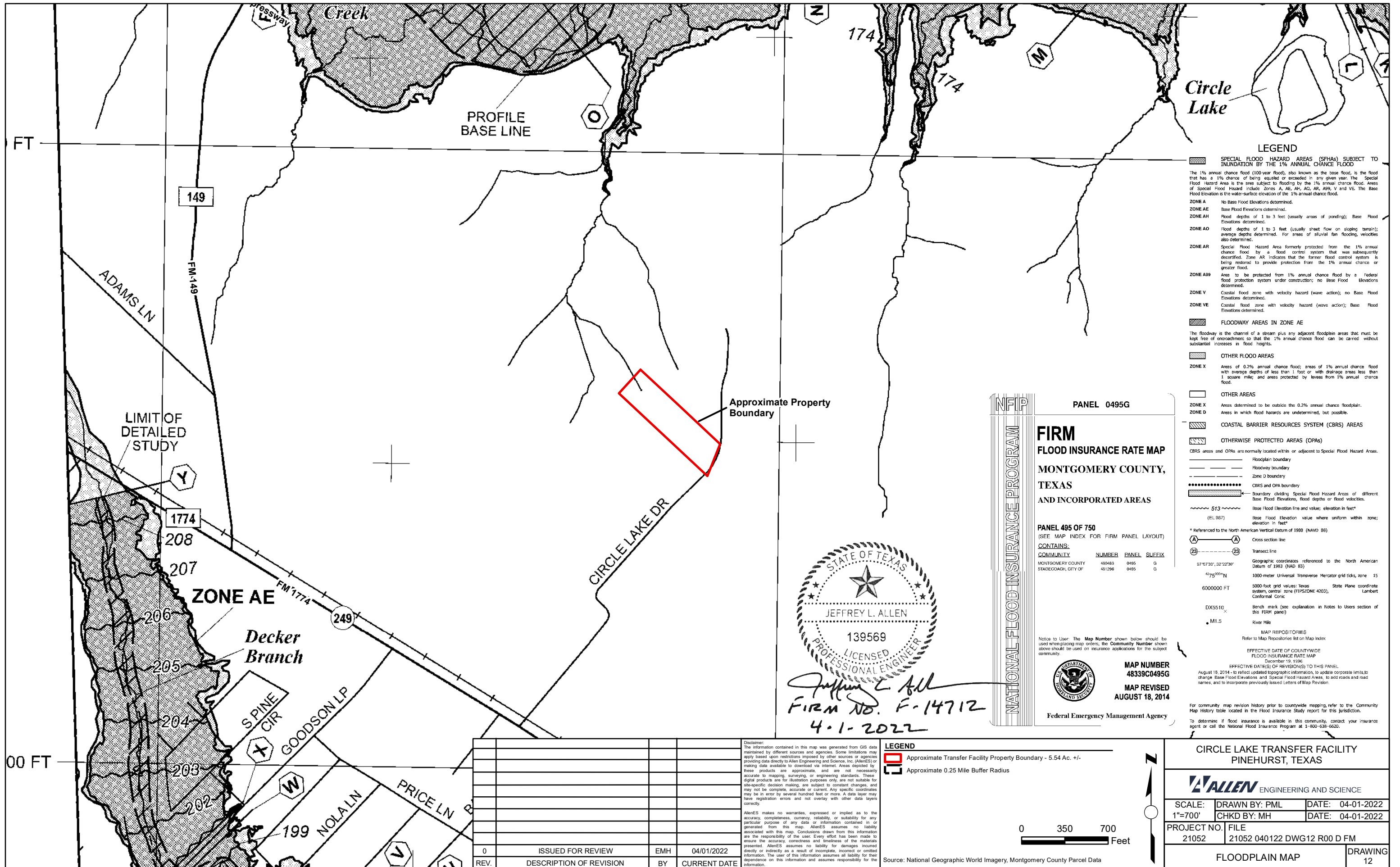
CIRCLE LAKE TRANSFER FACILITY
 PINEHURST, TEXAS

ALLEN ENGINEERING AND SCIENCE

SCALE: 1"=2,000'
 DRAWN BY: PML
 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

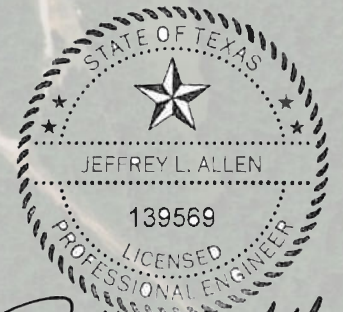
0 350 700 Feet

0 ISSUED FOR REVIEW EMH 04/01/2022

REV. DESCRIPTION OF REVISION BY CURRENT DATE



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	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	Lane Associates, LLC	36 Buttonbush CT, Spring, TX 77380-1499	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	Ramars 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	Ramars Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	1.50



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

LEGEND

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

Scale: 1"=500'

0 250 500 Feet

Source: National Geographic World Imagery, Montgomery County Parcel Data

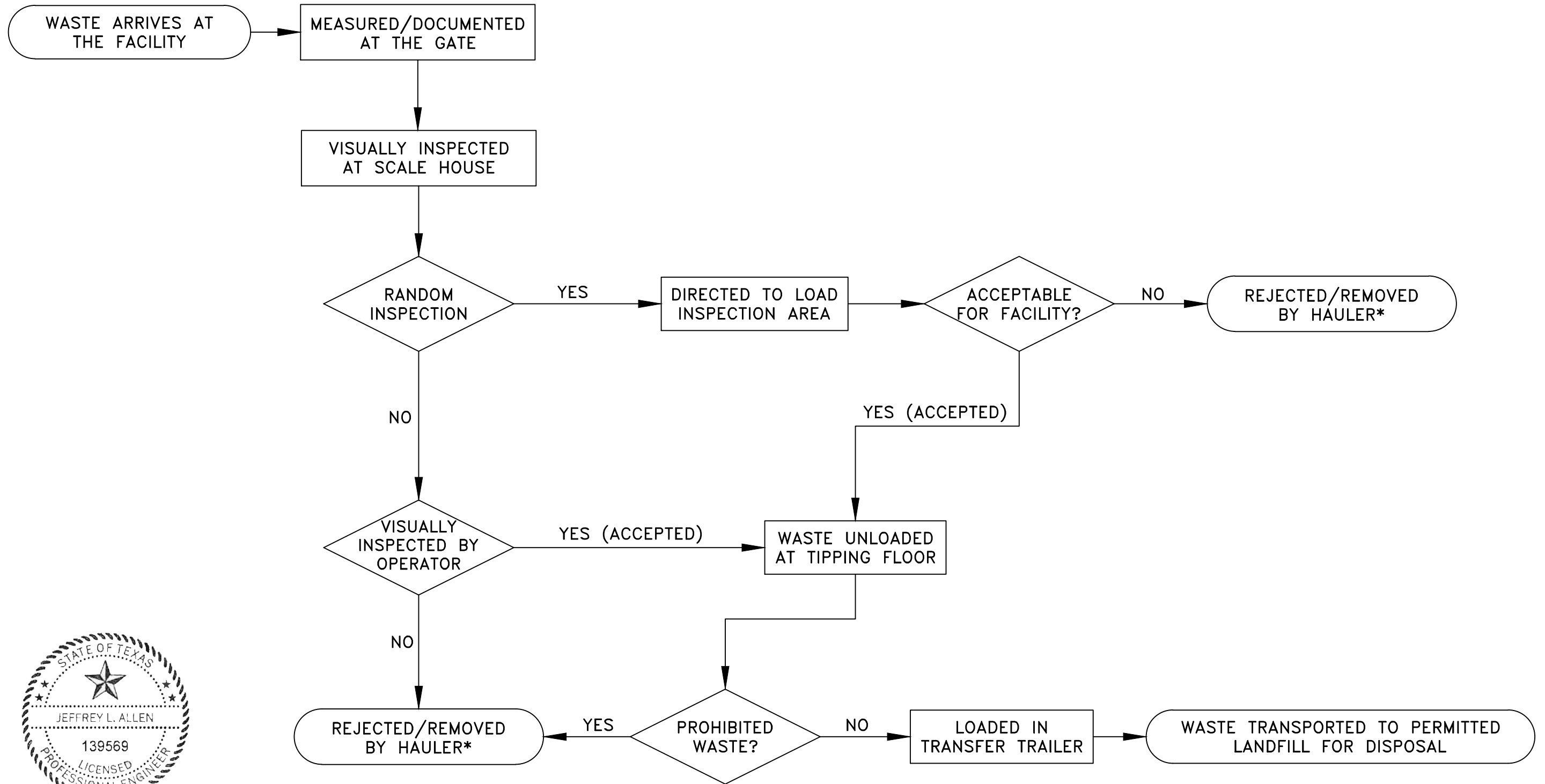
CIRCLE LAKE TRANSFER FACILITY
 PINEHURST, TEXAS

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 DWG13 R00 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
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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
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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	Lane Associates, LLC	36 Buttonbush CT, Spring, TX 77380-1499	11.13
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15	0120-01-01302	TX	Montgomery	Ramarsr Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	4.29
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17	0120-01-02810	TX	Montgomery	Ramarsr Inc.	20023 Cypresswood Creek, Spring, TX 77373-3283	1.50



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,

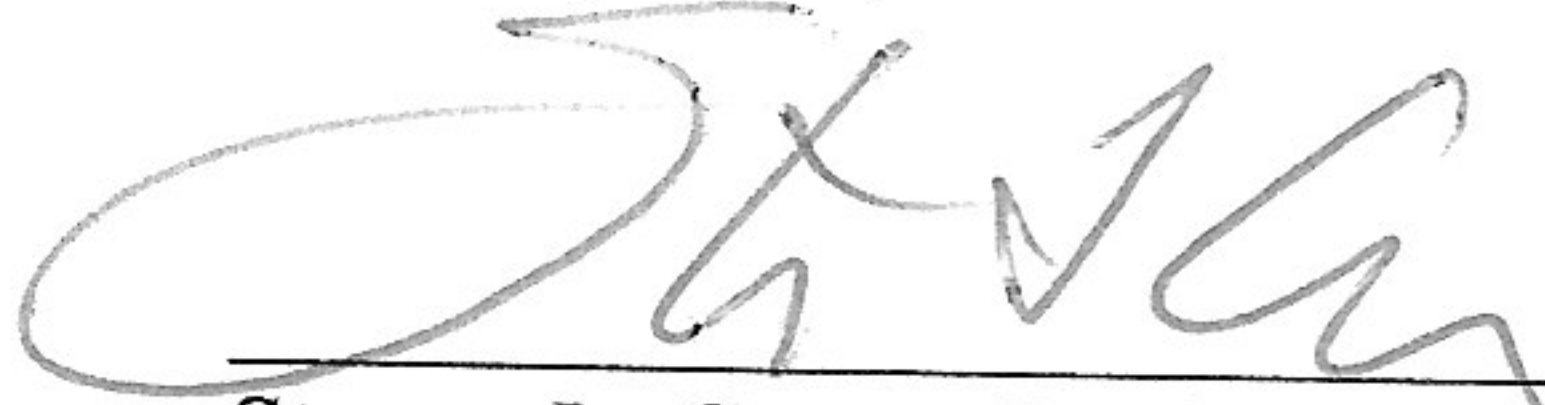
Called 0.1148 acre tract, as recorded in Clerk's File Number 2019-089270,

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 affect this property.
 5. Revised April 14, 2021 added Title Commitment.

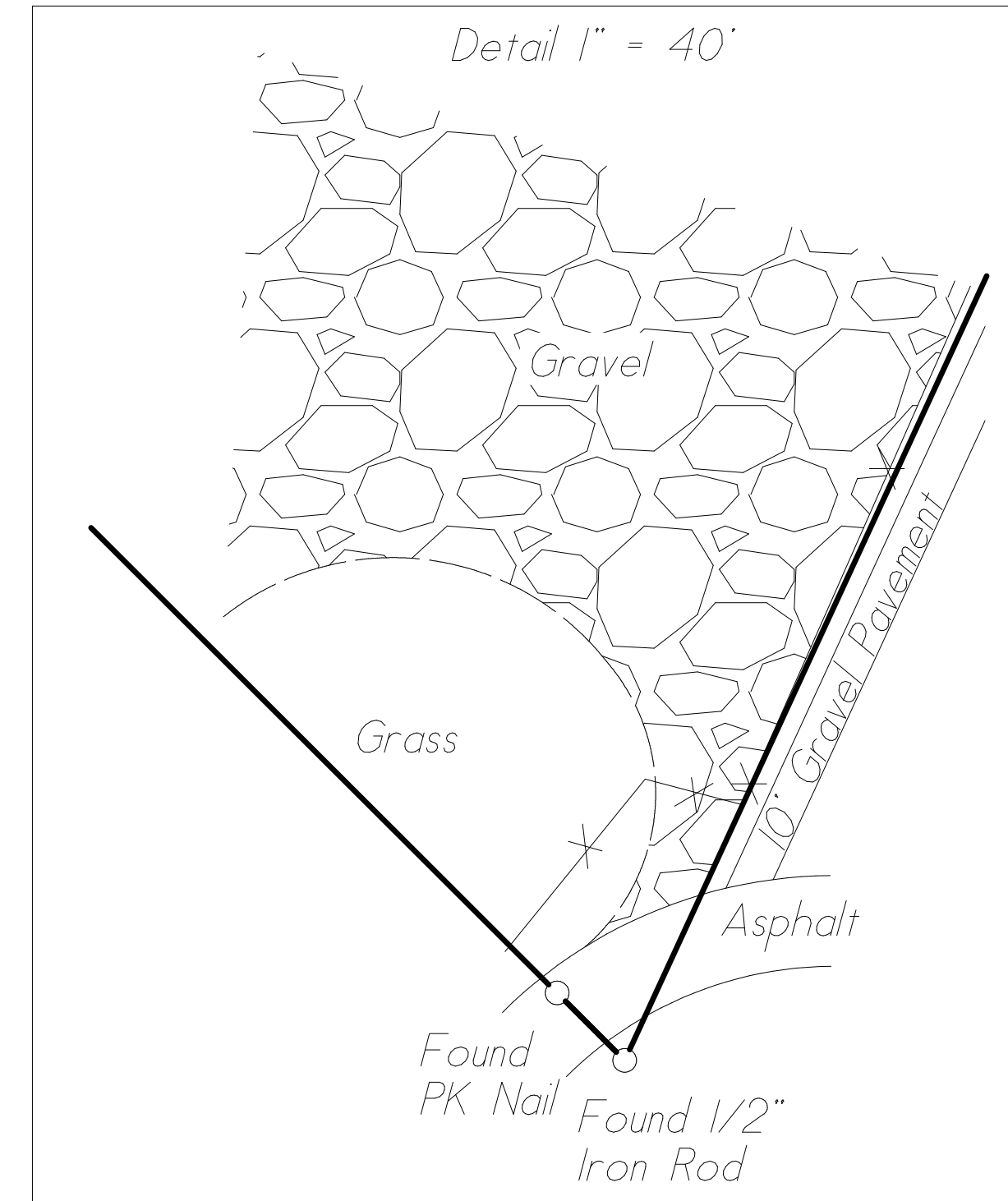
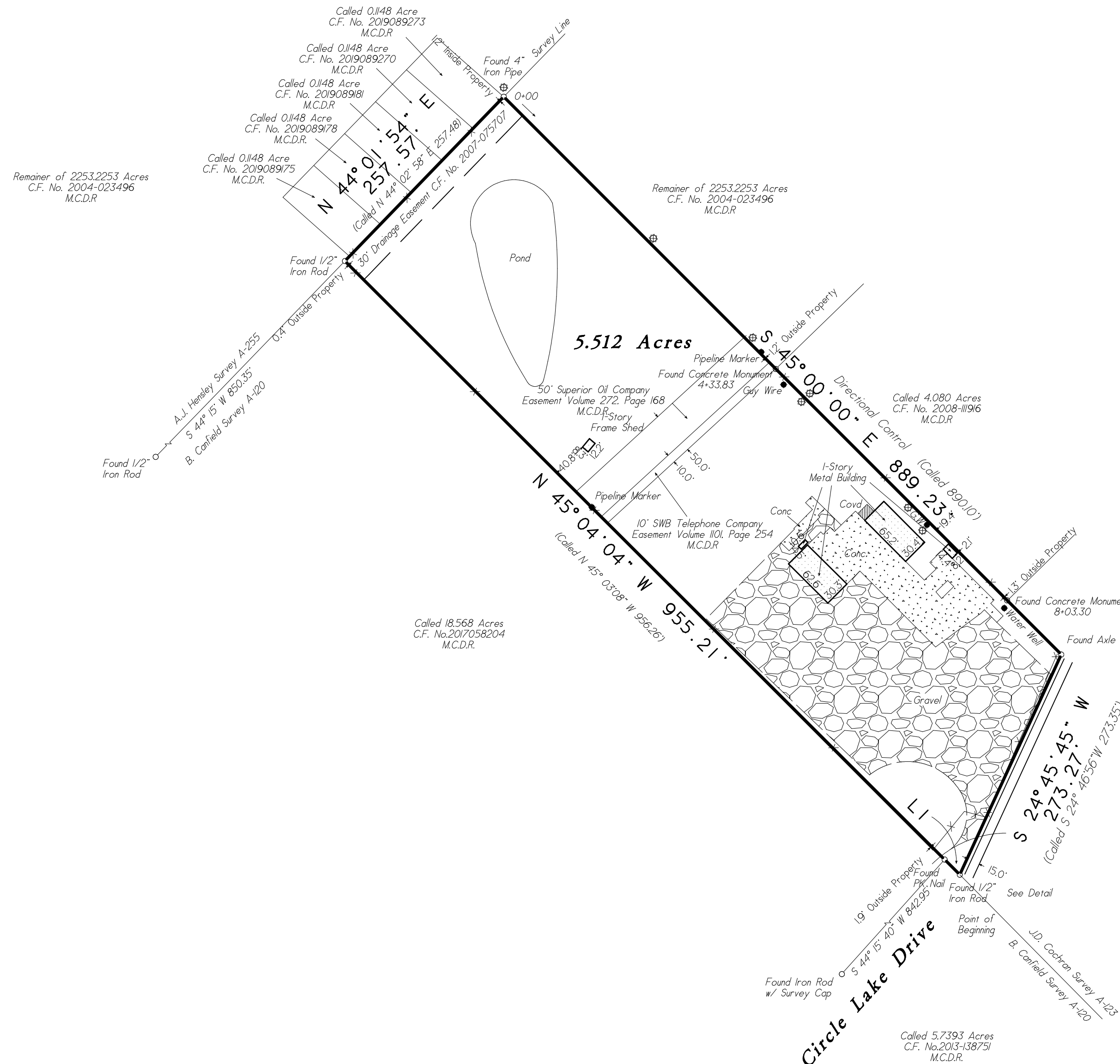
LINE	BEARING	DISTANCE
L1	N 45°01'25" W	24.20'
Called	N 45°00'07" W	24.03'

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



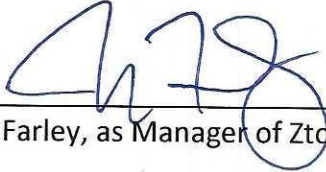
Certified To: Alamo Title Insurance Company and Ztopia, LLC
 Client: Jon Farley
 I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS 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.



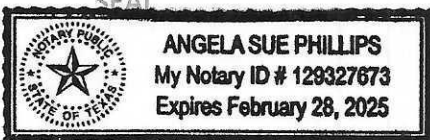
Jon Farley, as Manager of Ztopia, LLC

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 30th 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.

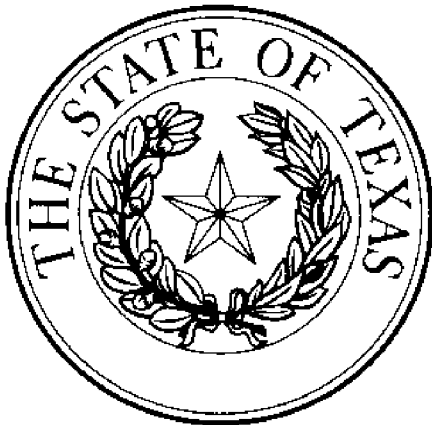
It is further certified that the entity status in Texas is in existence.

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", written over a horizontal line.

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.

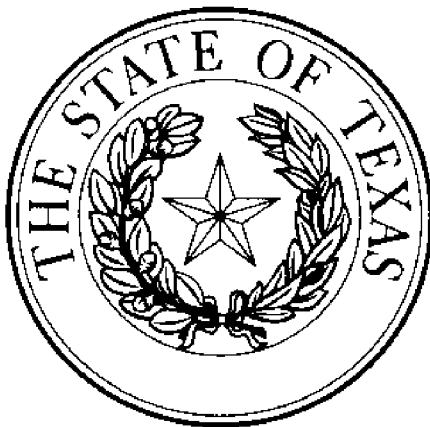
It is further certified that the entity status in Texas is in existence.

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

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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) 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**



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.¹ As the Texas Supreme Court has observed, cities "look to the Legislature not for grants of power, but only for limitations on their power."²

In contrast, counties lack general police power and may exercise only those powers expressly conferred upon them by the Constitution and by the Legislature.³ 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.

¹ 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."

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

³ 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:

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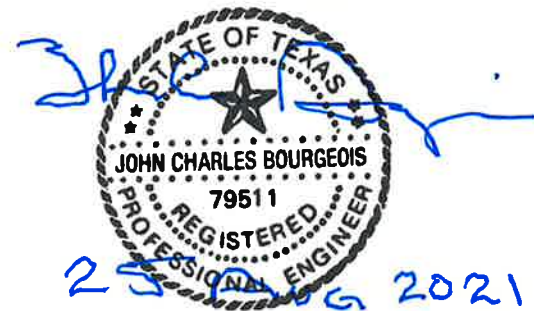




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1.0 BACKGROUND, PROJECT PURPOSE AND SCOPE of WORK

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. 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

2022 Trip Generation (Facility Opening Year)						
Vehicle Types	Average Daily Trips (Actual Vehicle)			Average Daily Trips (Passenger Car Equivalents)		
	Enter	Exit	Total	Enter	Exit	Total
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
Totals	116	116	232	164	164	328
2027 Trip Generation (5 Years After Facility Opening)						
Vehicle Types	Average Daily Trips (Actual Vehicle)			Average Daily Trips (Passenger Car Equivalents)		
	Enter	Exit	Total	Enter	Exit	Total
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
Totals	502	502	1004	743	743	1486
2047 Trip Generation (Projected Year of Expected Life of Facility)						
Vehicle Types	Average Daily Trips (Actual Vehicle)			Average Daily Trips (Passenger Car Equivalents)		
	Enter	Exit	Total	Enter	Exit	Total
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
Totals	637	637	1274	946	946	1891

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

2022 Trip Generation (Facility Opening Year)								
AM Peak Hour (7.7% of Daily Traffic) (Passenger Car Equivalents)			PM Peak Hour (8.2% of Daily Traffic) (Passenger Car Equivalents)			Facility Peak Hour (5.3% of Daily Traffic) (Passenger Car Equivalents)		
Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
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
13	13	25	14	14	27	9	9	17
2027 Trip Generation (5 Years After Facility Opening)								
AM Peak Hour (7.7% of Daily Traffic) (Passenger Car Equivalents)			PM Peak Hour (8.2% of Daily Traffic) (Passenger Car Equivalents)			Facility Peak Hour (5.3% of Daily Traffic) (Passenger Car Equivalents)		
Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
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
59	59	118	63	63	126	41	41	82
2047 Trip Generation (Projected Year of Expected Life of Facility)								
AM Peak Hour (7.7% of Daily Traffic) (Passenger Car Equivalents)			PM Peak Hour (8.2% of Daily Traffic) (Passenger Car Equivalents)			Facility Peak Hour (5.3% of Daily Traffic) (Passenger Car Equivalents)		
Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
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
75	75	150	81	81	162	52	52	104

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

Circle Lake Drive at FM 1774			
Peak	Intersection Delay in Seconds (LOS)	Eastbound Left Delay in Seconds (LOS)	Southbound Left Delay in Seconds (LOS)
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

West Rollingwood Drive/NB Service Rd Aggie Expressway (FM 249)			
Peak	Intersection Delay in Seconds (LOS)	Eastbound Lane Delay in Seconds (LOS)	Westbound Lane Delay in Seconds (LOS)
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)	50.8 s (F)
2047 Site Peak Hour	1.0 s(A)	13.8 s (B)	15.5 s (C)



TABLE 9: UNSIGNALIZED INTERSECTION CAPACITY ANALYSIS

West Rollingwood Drive/SB Service Rd Aggie Expressway (FM 249)			
Peak	Intersection Delay in Seconds (LOS)	Eastbound Lane Delay in Seconds (LOS)	Westbound Lane Delay in Seconds (LOS)
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)	57.6 s (F)	63.1 s (F)
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

Level-of-Service (LOS)	Control Delay Per Vehicle (seconds/vehicles)
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

FM 149/SB Service Road Aggie Expressway (FM 249)							
Peak	Intersection Delay in Seconds (LOS)	Eastbound Left Delay in Seconds (LOS)	Eastbound Thru Delay in Seconds (LOS)	Northbound Thru Delay in Seconds (LOS)	Northbound Right Delay in Seconds (LOS)	Southbound Left Delay in Seconds (LOS)	Southbound Thru Delay in Seconds (LOS)
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

FM 149/NB Service Road Aggie Expressway (FM 249)							
Peak	Intersection Delay in Seconds (LOS)	Westbound Left Delay in Seconds (LOS)	Westbound Thru Delay in Seconds (LOS)	Westbound Right Delay in Seconds (LOS)	Northbound Left Delay in Seconds (LOS)	Northbound Thru Delay in Seconds (LOS)	Southbound Thru Delay in Seconds (LOS)
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	59.7 s(E)	10.0 s (A)	9.9 s (A)	46.5 s (D)	30.2 s (C)	99.7 s (F)	56.3 s (E)
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

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/sec²

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

Circle Lake Drive at FM 1774		
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.



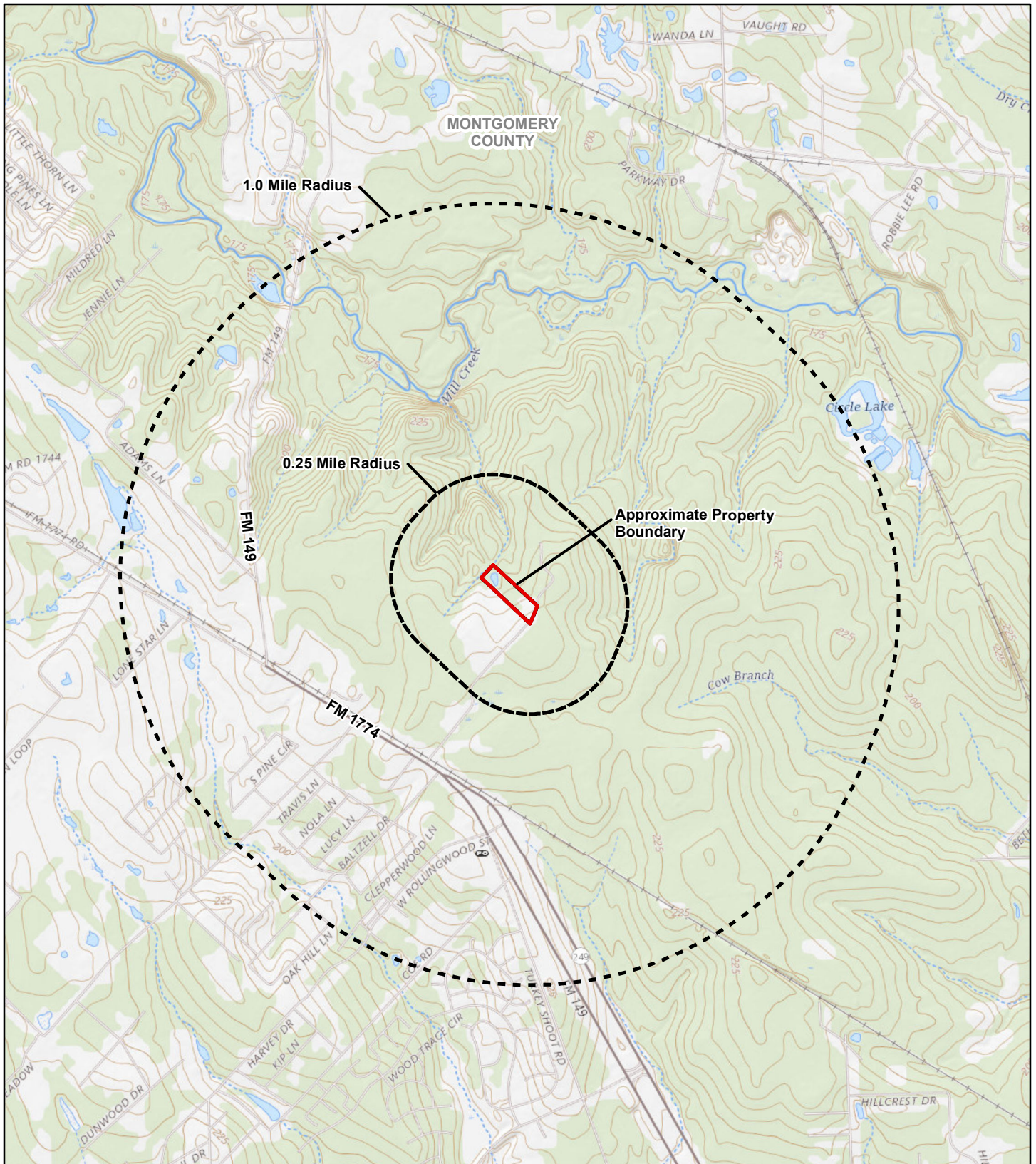
8.0 CONCLUSIONS AND RECOMMENDATIONS

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.



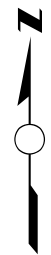
FIGURES



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**

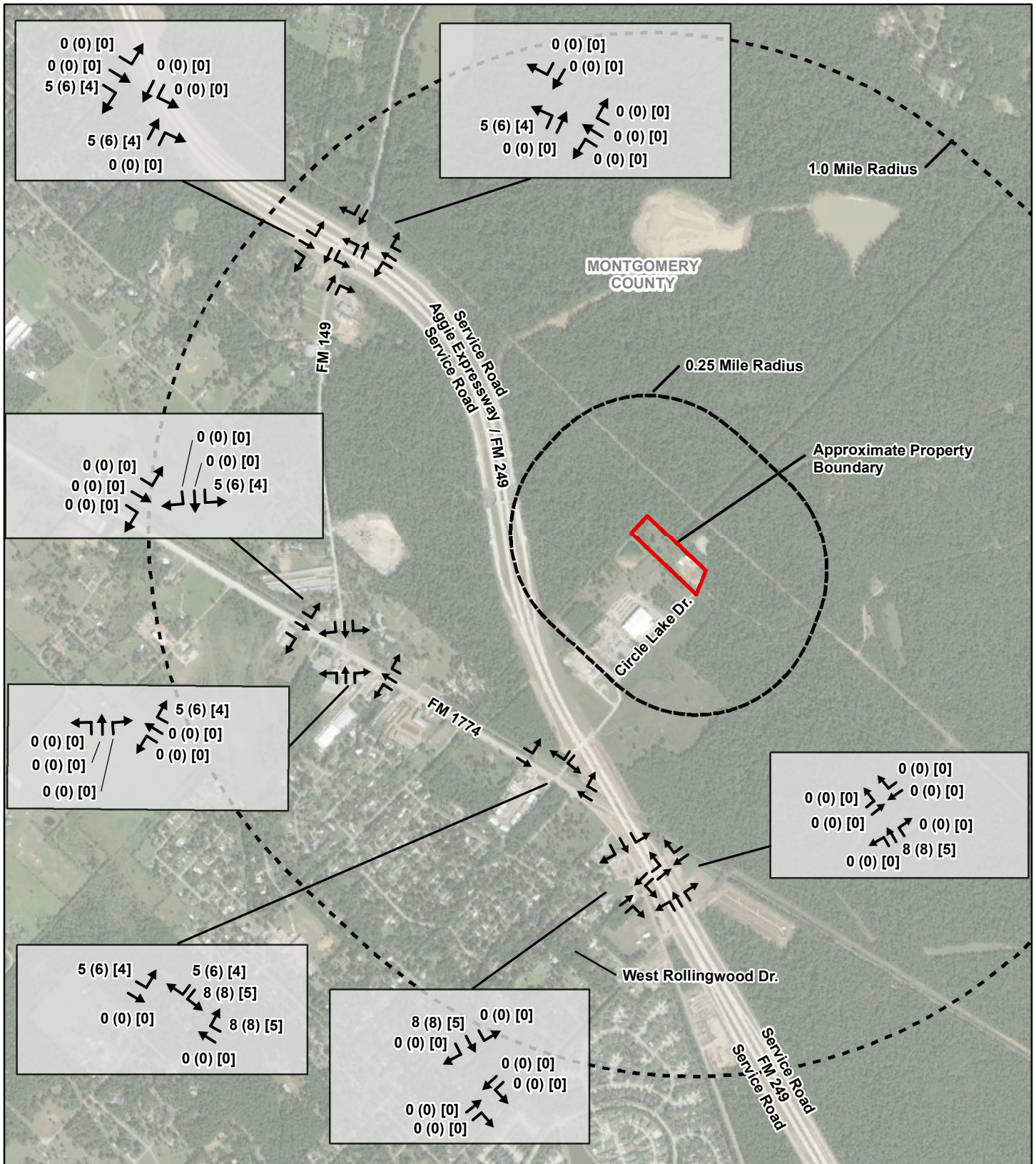
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SCALE: 1"=2,000'	DRAWN BY: PML	DATE: 07-15-2021
	CHKD BY: JB	DATE: 07-15-2021

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**

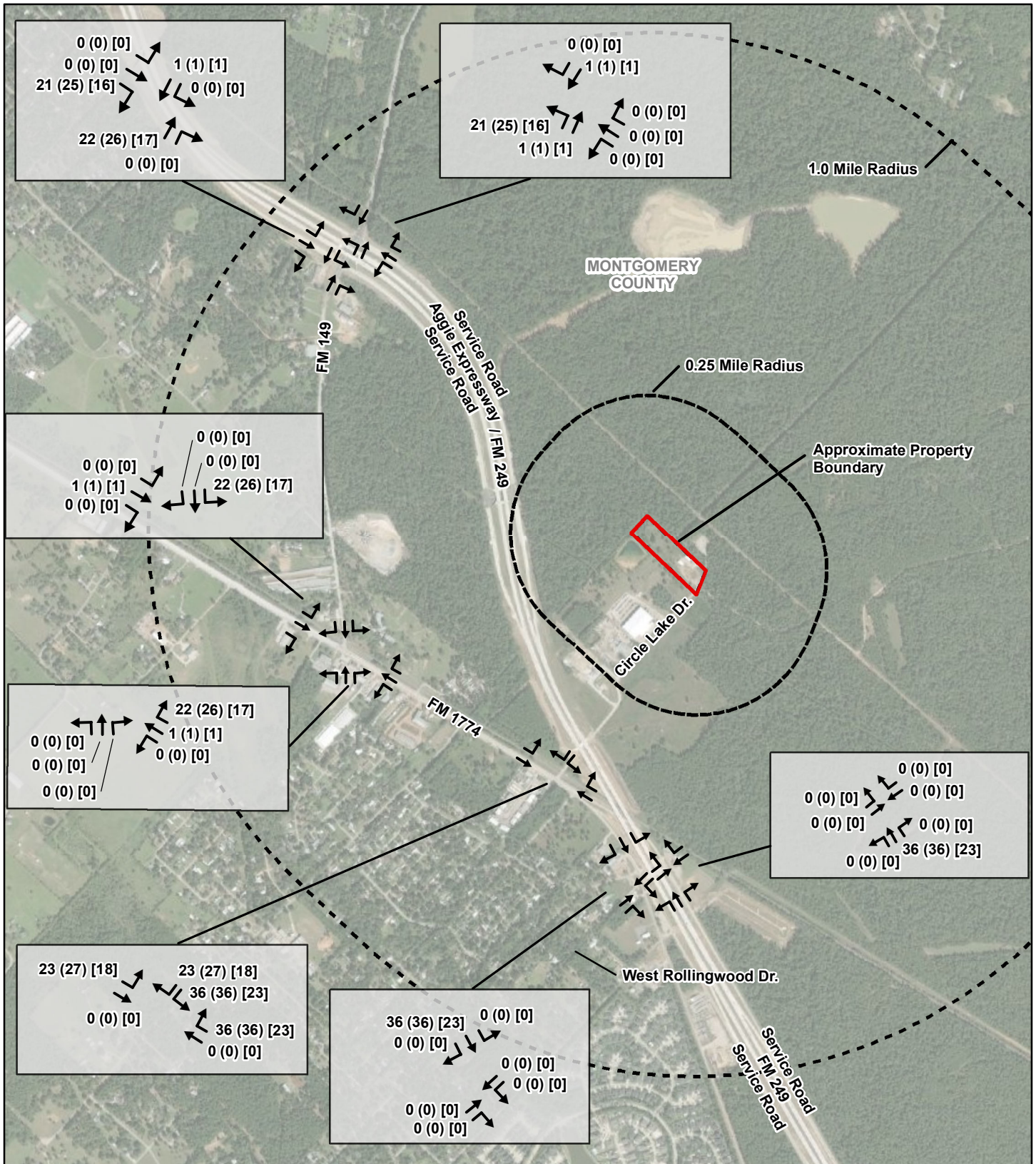
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SCALE: 1"=1,500'	DRAWN BY: PML	DATE: 07-15-2021
	CHKD BY: JB	DATE: 07-15-2021

PROJECT NO. 21052 FILE 21052 071521 FIG02 R00 D SGTV 22

SITE GENERATED TRAFFIC VOLUMES (2022 OPENING YEAR) - PASSENGER CAR EQUIVALENTS

FIGURE 2



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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)

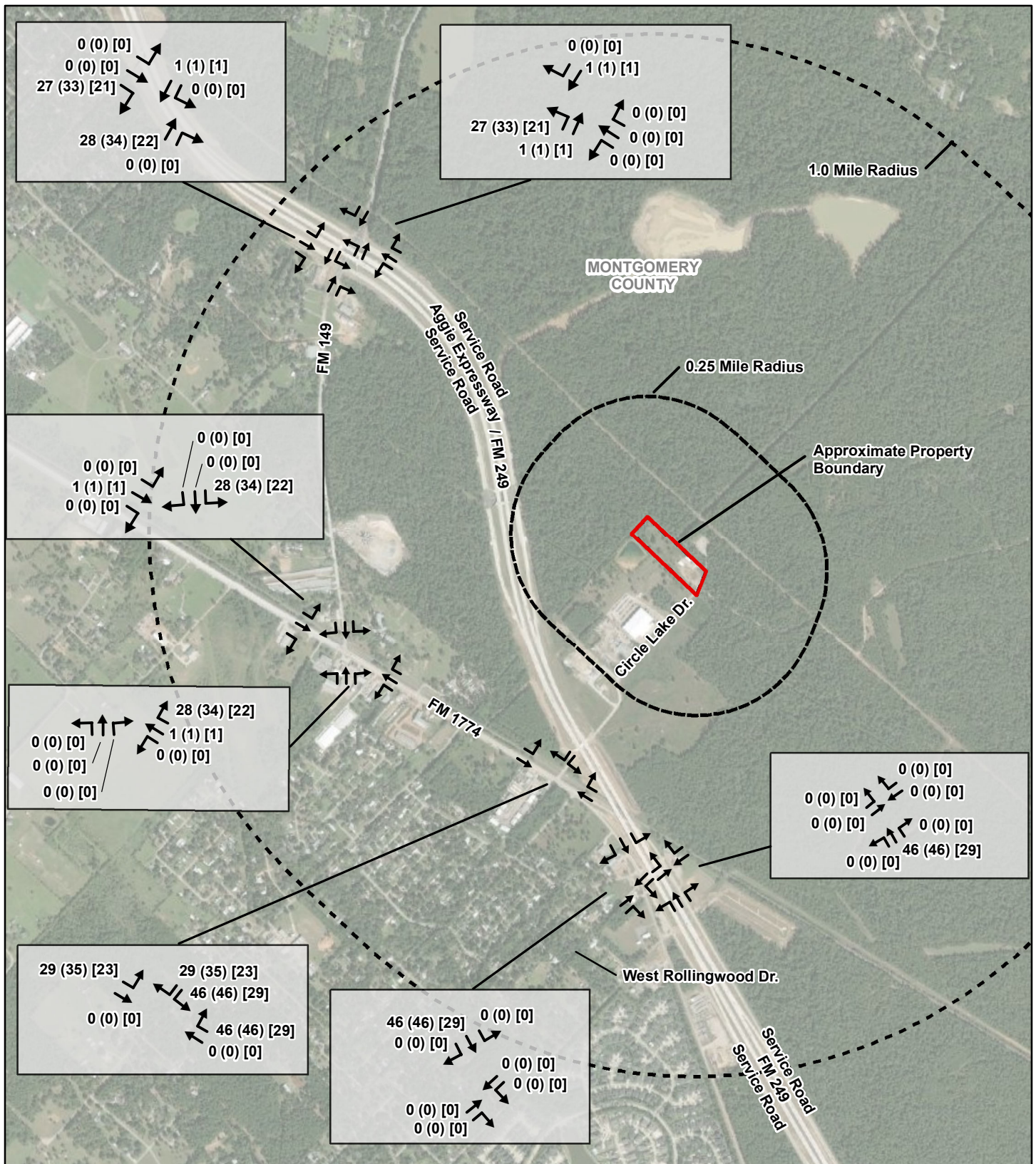
17 (24) [27] = AM Peak (PM Peak) [Site Peak]

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			FIGURE 3



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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

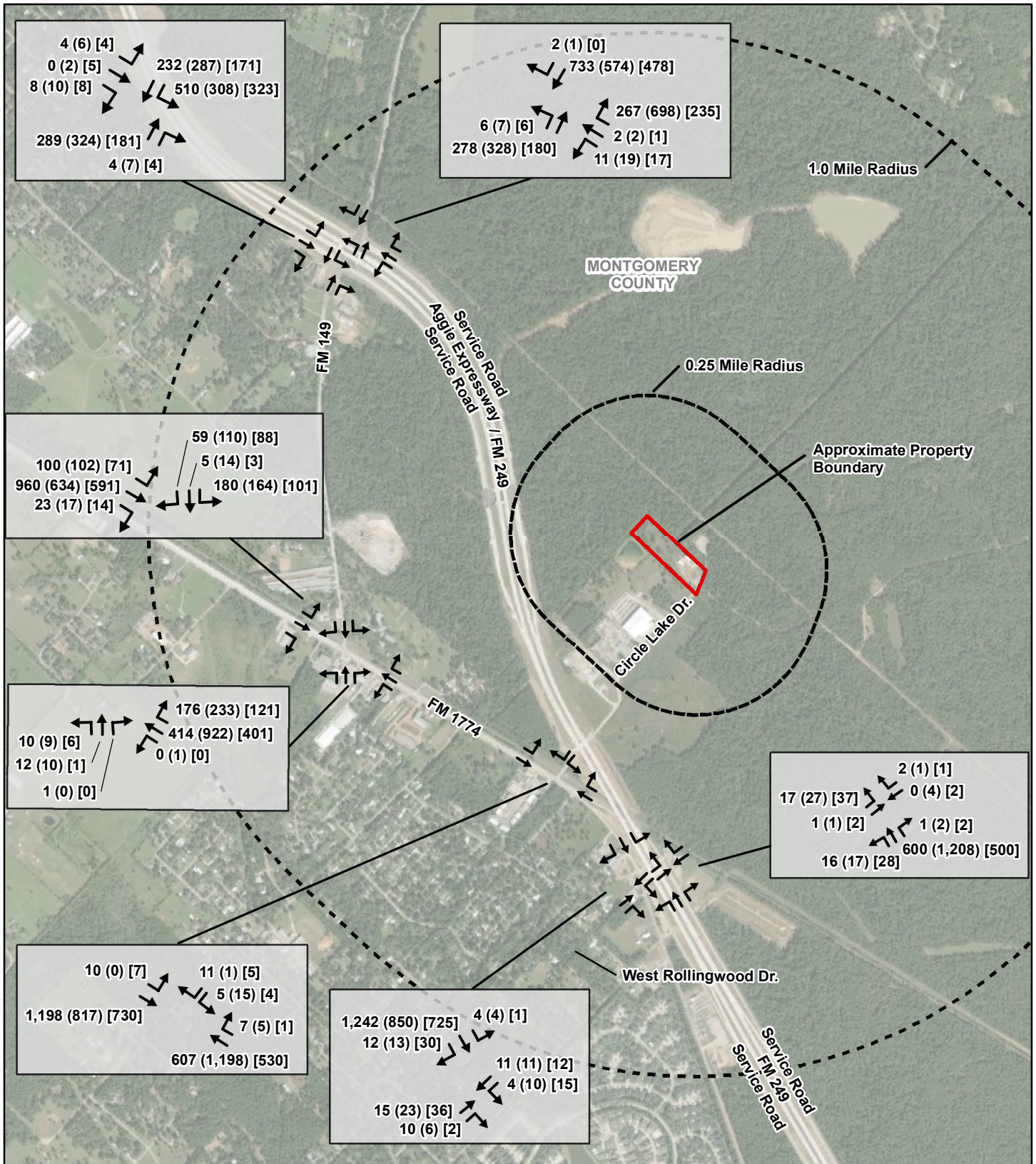
VOLUME LEGEND (VEHICLES PER HOUR)

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 FIG04 R00 D SGTV 47	
SITE GENERATED TRAFFIC VOLUMES (2047 25 YEARS LIFE EXPECTANCY) - PASSENGER CAR EQUIVALENTS		FIGURE 4



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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

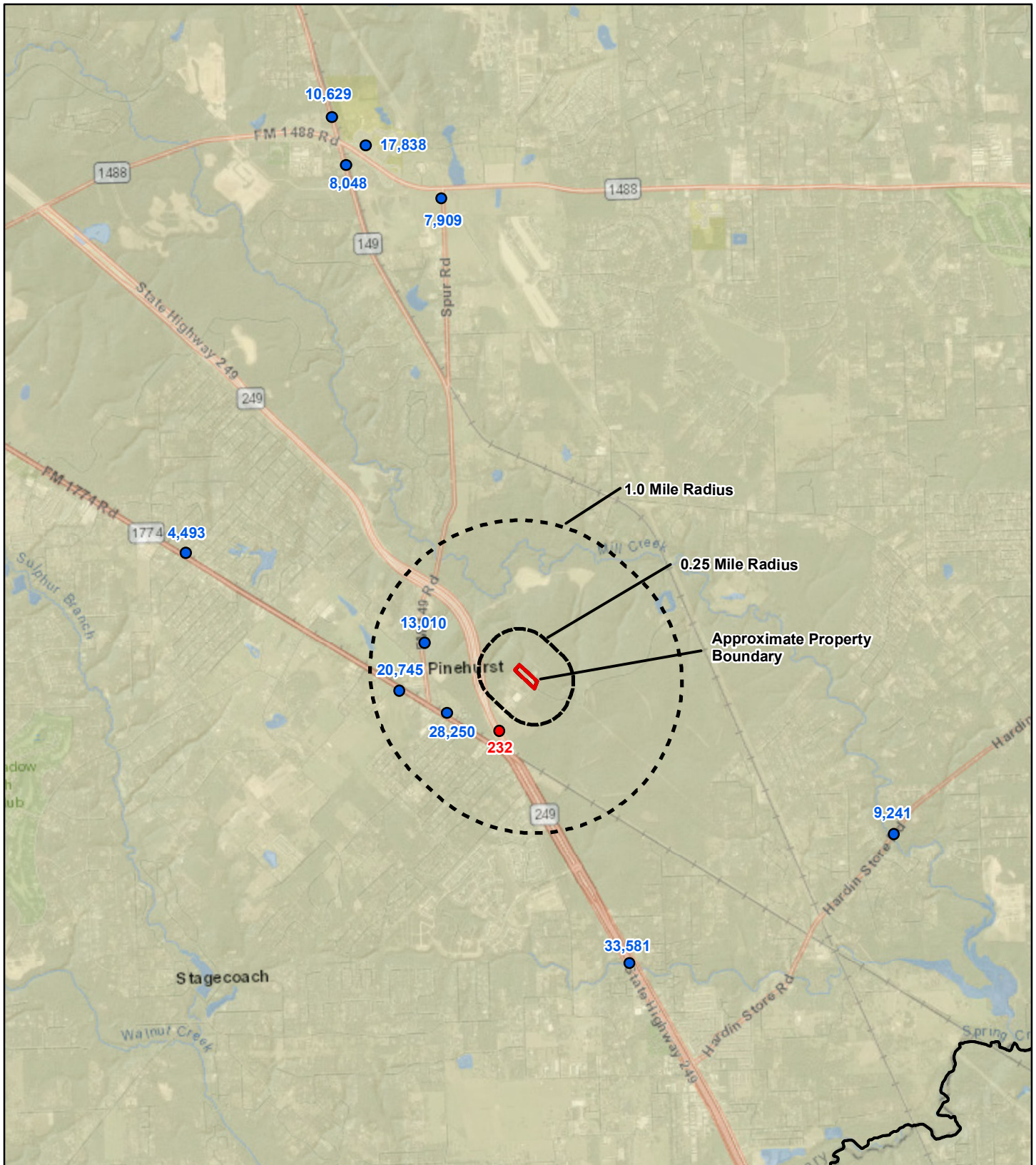
**TRANSFER FACILITY
PINEHURST, TEXAS**

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 FIG05 R00 D ETMC

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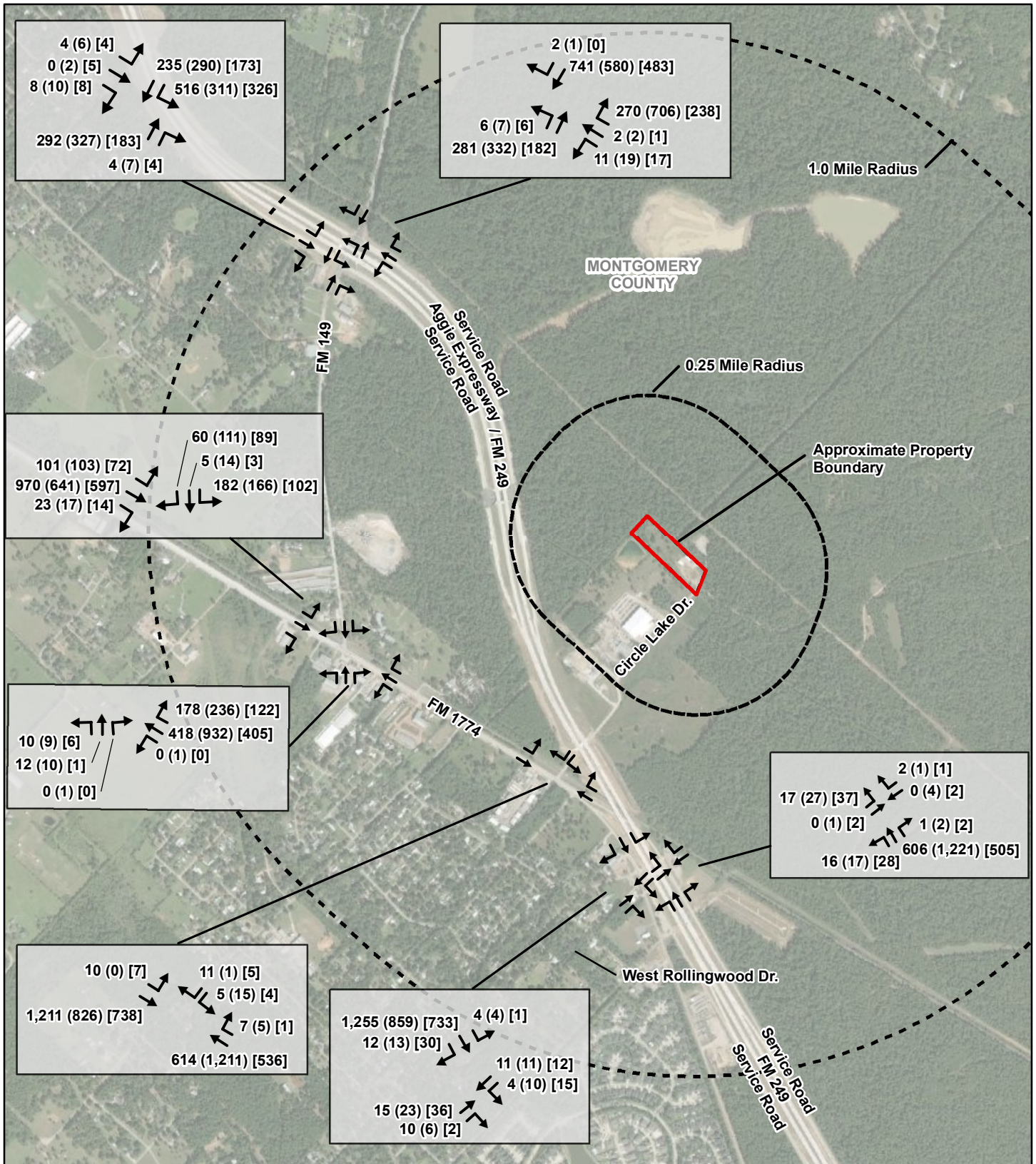
LEGEND

- 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



TRANSFER FACILITY PINEHURST, TEXAS		
SCALE: 1"=5,000'	DRAWN BY: PML	DATE: 07-15-2021
	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

- 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

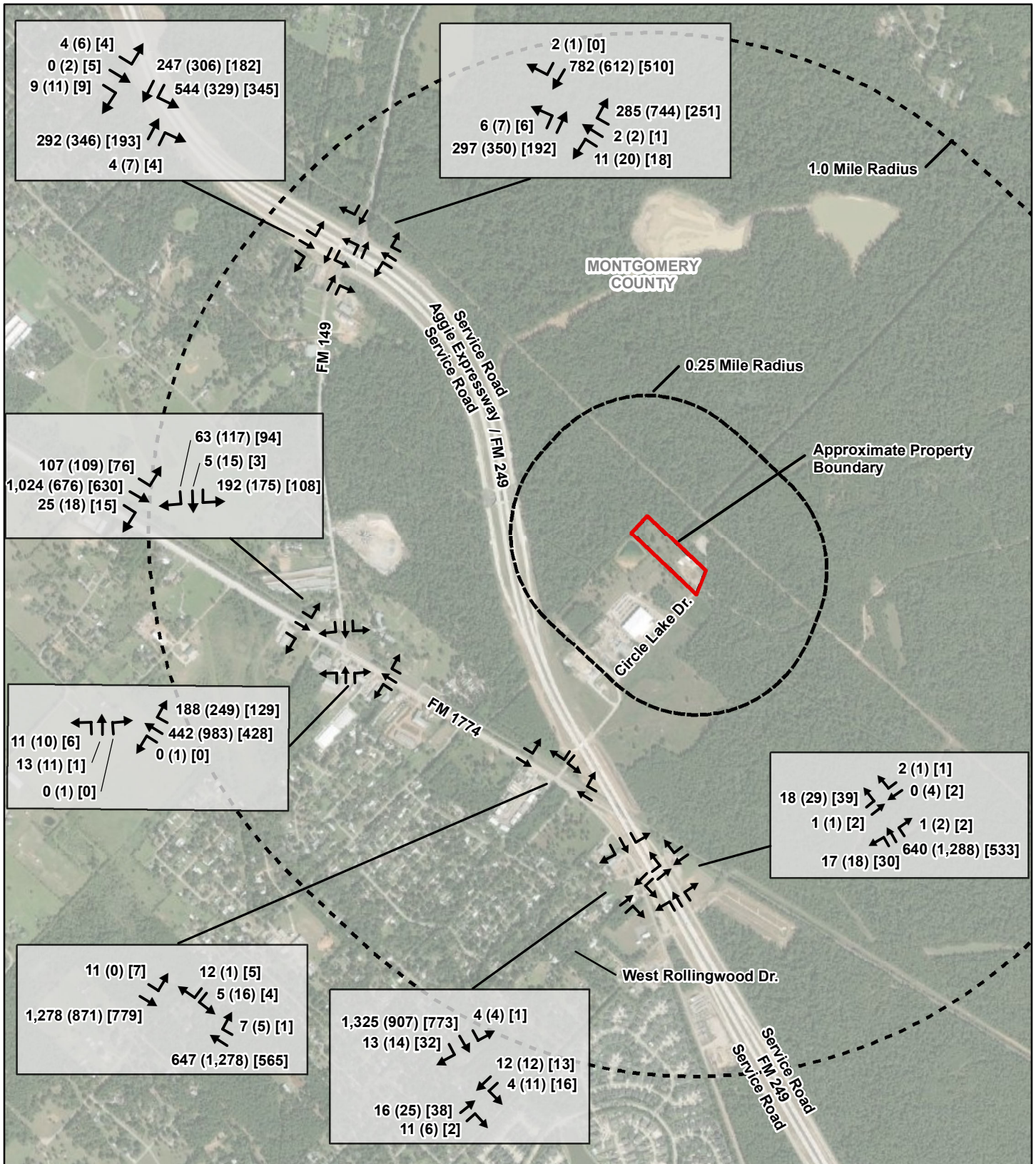
**TRANSFER FACILITY
PINEHURST, TEXAS**

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 FIG07 R00 D 22OYBTV

2022 OPENING YEAR BACKGROUND TRAFFIC VOLUMES - PASSENGER CAR EQUIVALENTS	FIGURE 7
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Disclaimer:
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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)

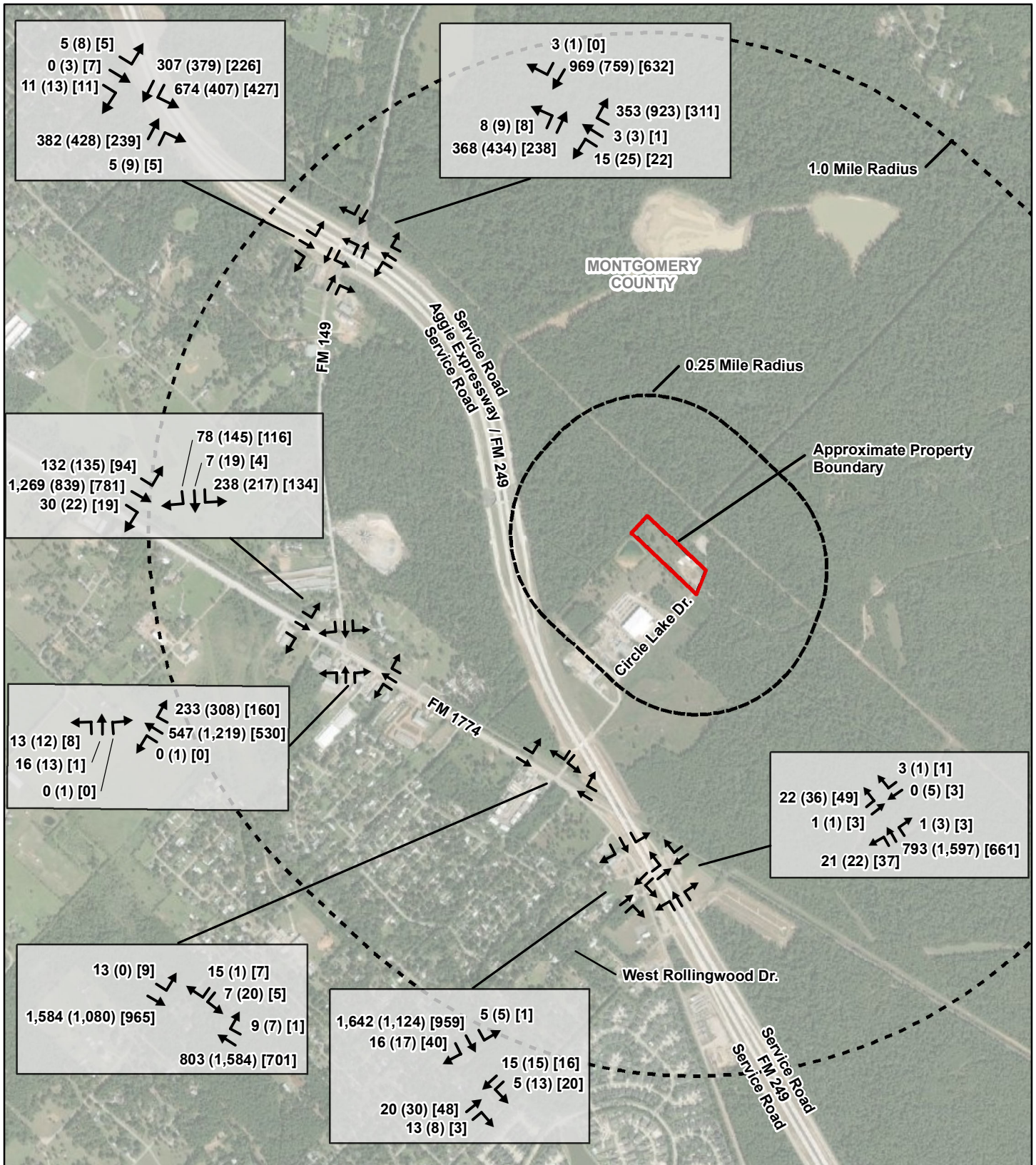
17 (24) [27] = AM Peak (PM Peak) [Site Peak]

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 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**

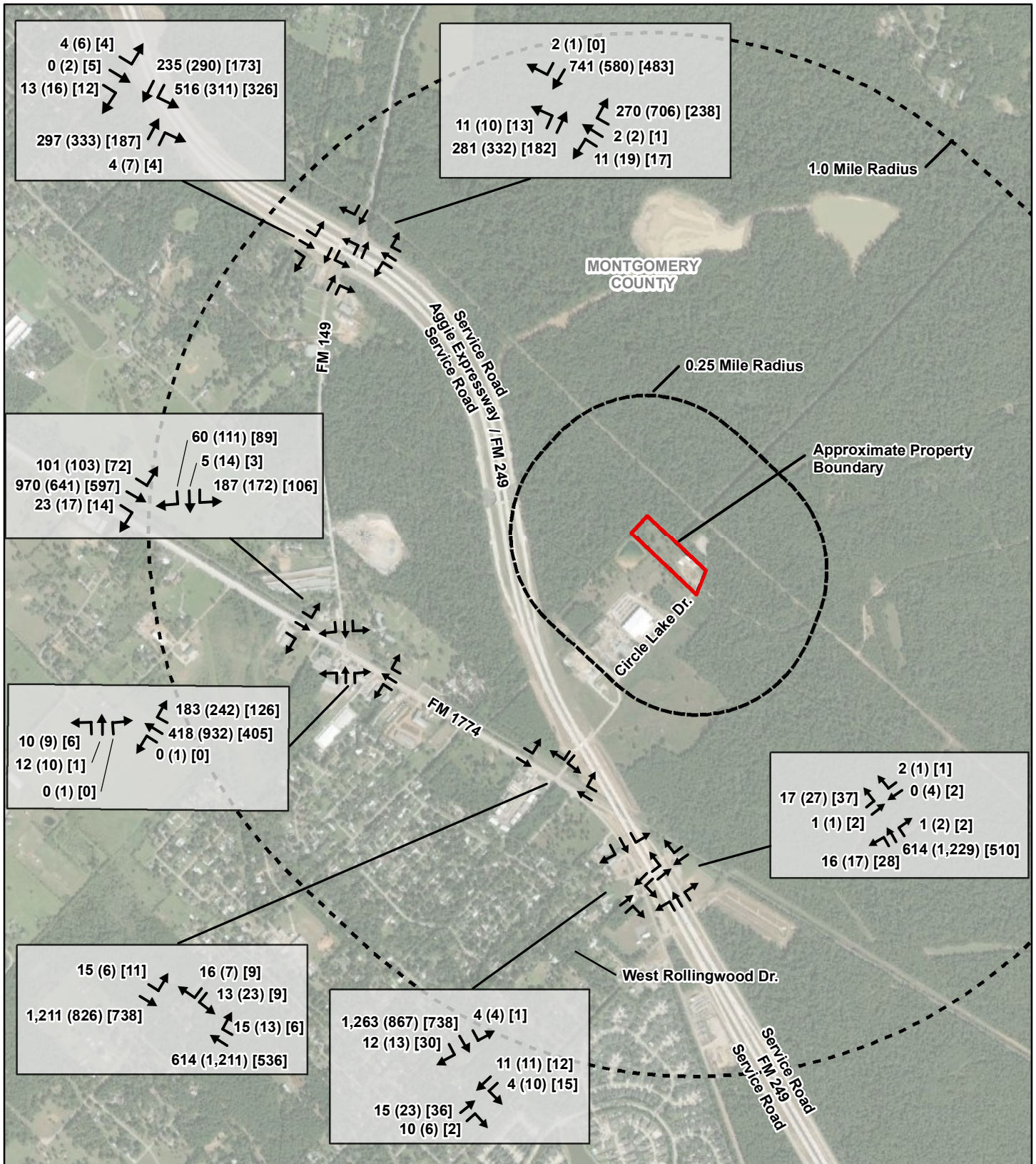


SCALE: 1"=1,500'	DRAWN BY: PML	DATE: 07-15-2021
	CHKD BY: JB	DATE: 07-15-2021

PROJECT NO. 21052	FILE 21052 071521 FIG09 R00 D 47 25YLEBT
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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

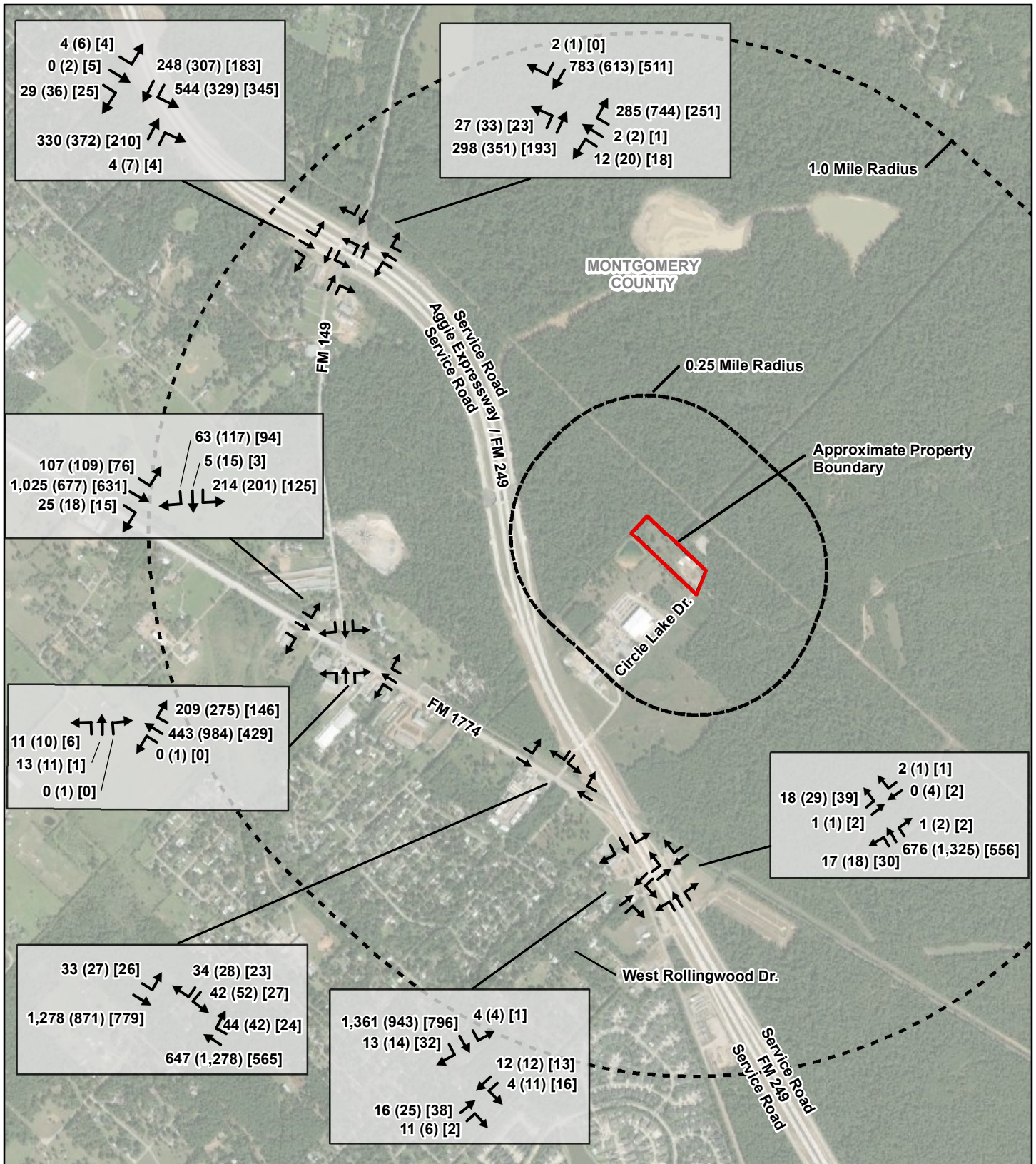
**TRANSFER FACILITY
PINEHURST, TEXAS**

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)

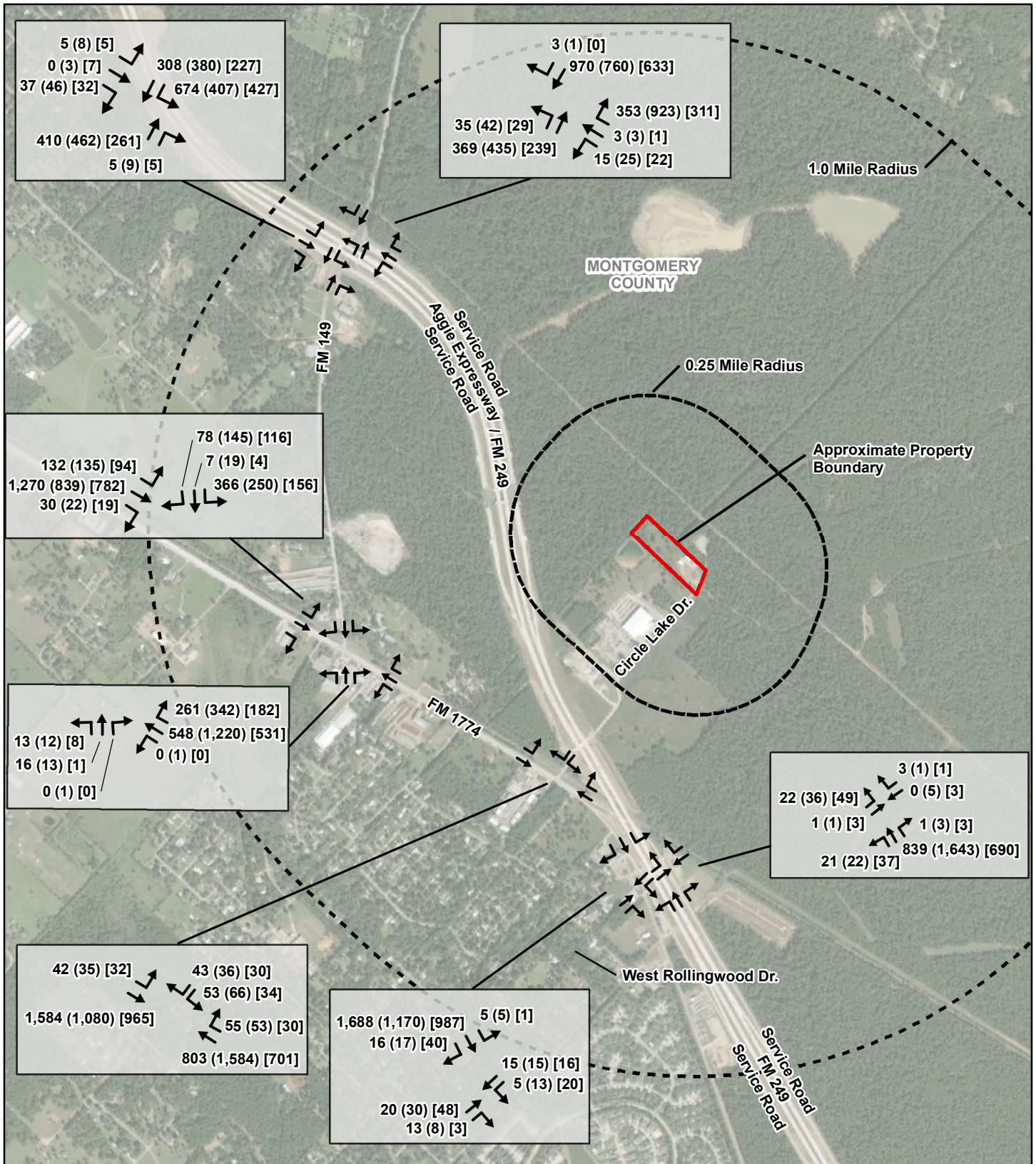
17 (24) [27] = AM Peak (PM Peak) [Site Peak]

Source: World Imagery

**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 FIG11 R00 D 27 5YOTT		
2027 (5 YEARS OPEN) TOTAL TRAFFIC VOLUMES			FIGURE 11



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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

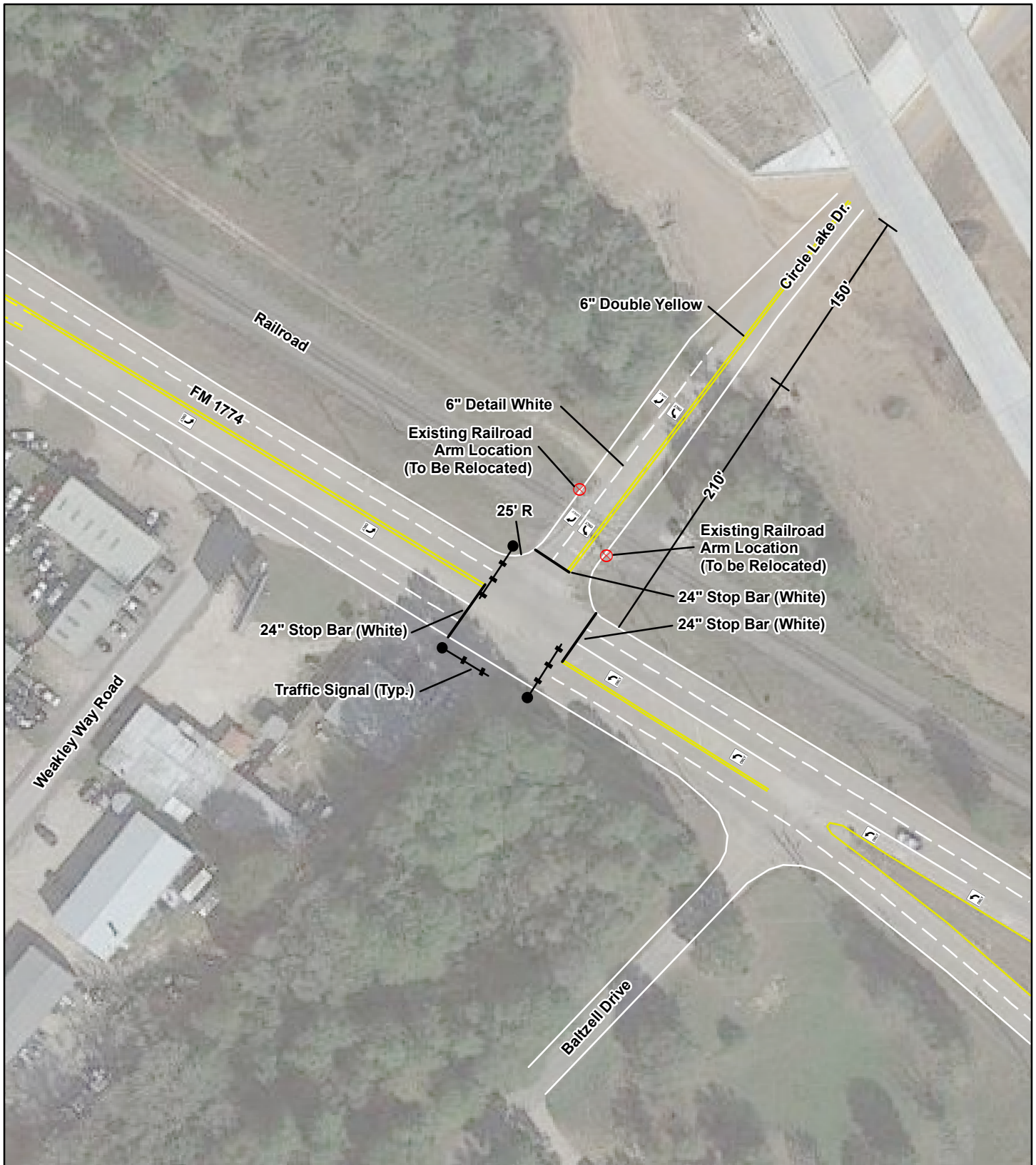
VOLUME LEGEND (VEHICLES PER HOUR)

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

Source: World Imagery



TRANSFER FACILITY PINEHURST, TEXAS		
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



APPENDIX B
ESTIMATED HOURLY SITE TRAFFIC PROVIDED BY CIRCLE LAKE TRANSFER, LLC

Appendix B
Circle Lake Transfer Station
Estimated Hourly Site Traffic - Year 1

Assumptions:		
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

Total Incoming/Outgoing Vehicles	5 - 6 AM	6 - 7 AM	7 - 8 AM	8 - 9 AM	9 - 10 AM	10 - 11 AM	11 - 12 PM	12 - 1 PM	1 - 2 PM	2 - 3 PM	3 - 4 PM	4 - 5 PM	5 - 6 PM	6 - 7 PM	Totals
Route Trucks	0	0	0	0	29	57	29	7	14	7	0	0	0	0	143
Transfer Trucks	0	0	0	0	0	10	10	10	13	3	3	3	0	0	50
Passenger Cars & Small Trucks	10	0	1	2	3	0	4	4	0	3	2	1	0	10	40
Hourly Totals	10	0	1	2	32	67	43	21	27	13	5	4	0	10	233
% Hourly	4.3%	0.0%	0.4%	0.9%	13.6%	28.8%	18.3%	9.1%	11.5%	5.4%	1.9%	1.5%	0.0%	4.3%	100.0%

Estimated Directional Distribution (% of incoming vehicles)	
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%

Estimated Directional Distribution (% of outgoing vehicles)	
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 20th 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 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.

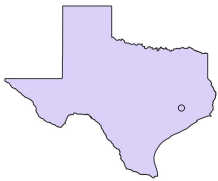
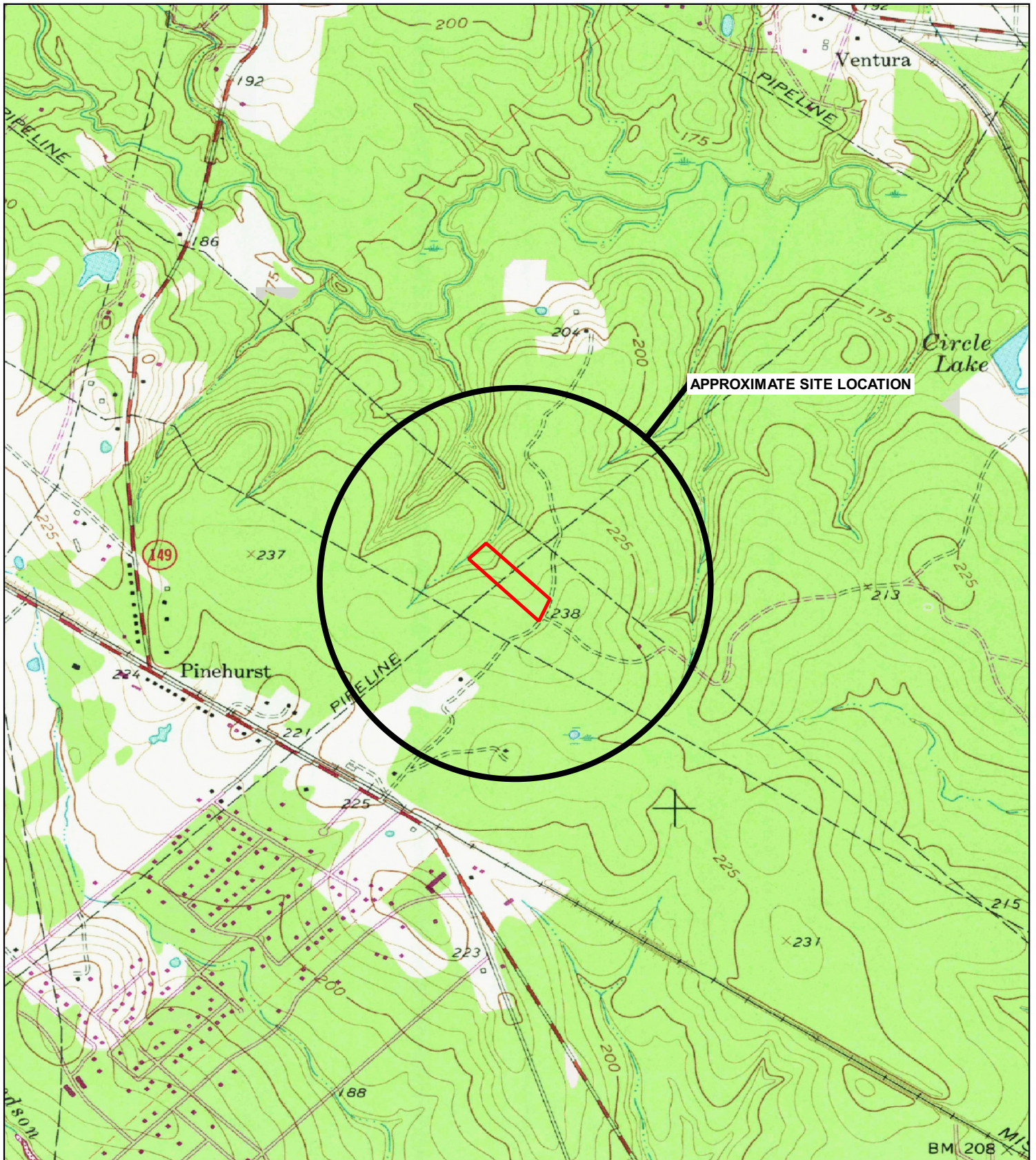
Sincerely,
Allen Engineering and Science, Inc.

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**



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
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SITE LOCATION MAP

**FIGURE
1**



Disclaimer:

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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**



ENGINEERING AND SCIENCE

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
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**NATIONAL WETLANDS
INVENTORY MAP**

**FIGURE
2**



Disclaimer:

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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**



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
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EXISTING CONDITIONS MAP

**FIGURE
3**



Disclaimer:

The information contained in this map was generated from GIS data maintained by different sources and agencies. Some limitations may apply based upon restrictions imposed by other sources or agencies providing data directly to Allen Engineering and Science, Inc. (A/E/C/S) or making data available to download via internet. Areas depicted by these products are approximate, and are not necessarily accurate to mapping, surveying, or engineering standards. These digital products are for illustration purposes only, are not suitable for site-specific decision making, are subject to constant changes, and may not be complete, accurate or current. Any specific coordinates may be in error by several hundred feet or more. A data layer may have registration errors and not overlay with other data layers correctly.

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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
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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"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Significant rain event occurred within previous 24 hours.	

HYDROLOGY

Wetland Hydrology Indicators: 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) (LRR U) <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)	Secondary Indicators (minimum of two required) <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) (LRR T, U)
Field Observations: 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): _____	Wetland Hydrology Present? 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	
<u>Tree Stratum</u> (Plot size: <u>30</u>)				
1. <u>Pinus echinata</u>	<u>20</u>	<u>x</u>		Dominance Test worksheet: 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>	<u>x</u>	<u>FAC</u>	
3. <u>Liquidambar styraciflua</u>	<u>15</u>	<u>x</u>	<u>FAC</u>	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
<u>50</u> = Total Cover				
50% of total cover: <u>25</u> 20% of total cover: <u>10</u>				
<u>Sapling/Shrub Stratum</u> (Plot size: <u>30</u>)				
1. <u>Callicarpa americana</u>	<u>10</u>	<u>x</u>	<u>FACU</u>	Prevalence Index worksheet: 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>	<u>10</u>	<u>x</u>	<u>UPL</u>	
3. <u>Triadica sebifera</u>	<u>10</u>	<u>x</u>	<u>FAC</u>	
4. <u>Ulmus americana</u>	<u>5</u>		<u>FAC</u>	
5. _____				
6. _____				
7. _____				
8. _____				
<u>35</u> = Total Cover				
50% of total cover: <u>17.5</u> 20% of total cover: <u>7</u>				
<u>Herb Stratum</u> (Plot size: _____)				
1. <u>Chasmanthium laxum</u>	<u>20</u>	<u>x</u>	<u>FACW</u>	Hydrophytic Vegetation Indicators: <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 ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Rubus trivialis</u>	<u>15</u>	<u>x</u>	<u>FACU</u>	
3. <u>Smilax bona-nox</u>	<u>10</u>	<u>x</u>	<u>FAC</u>	
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>				
<u>Woody Vine Stratum</u> (Plot size: <u>30</u>)				
1. _____				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
Hydrophytic Vegetation Present?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 ¹	Loc ²		
0-4	10YR 6/3	100					Fine Sand	
4-16	10YR 6/4	93	5YR 5/6	7			Fine Sand	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: 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 Soils³:

- 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)

³Indicators 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"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Significant rain event occurred within previous 24 hours.	

HYDROLOGY

Wetland Hydrology Indicators: 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) (LRR U)</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) (LRR U)	<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)		Secondary Indicators (minimum of two required) <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) (LRR T, U)
<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) (LRR U)																				
<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)																					

Field Observations: 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): _____	Wetland Hydrology Present? 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-2

	Absolute % Cover	Dominant Species?	Indicator Status	
Tree Stratum (Plot size: <u>30</u>)				
1. <u>Pinus echinata</u>	<u>20</u>	x		Dominance Test worksheet: 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>	<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>				
Sapling/Shrub Stratum (Plot size: <u>30</u>)				
1. <u>Callicarpa americana</u>	<u>10</u>	x	FACU	Prevalence Index worksheet: 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>	<u>10</u>	x	UPL	
3. <u>Triadica sebifera</u>	<u>10</u>	x	FAC	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
<u>30</u> = Total Cover				
50% of total cover: <u>15</u> 20% of total cover: <u>6</u>				
Herb Stratum (Plot size: _____)				
1. <u>Chasmanthium laxum</u>	<u>10</u>	x	FACW	Hydrophytic Vegetation Indicators: <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 ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Rubus trivialis</u>	<u>10</u>	x	FACU	
3. <u>Smilax bona-nox</u>	<u>10</u>	x	FAC	
4. <u>Lygodium japonicum</u>	<u>10</u>	x	FAC	
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>				
Woody Vine Stratum (Plot size: <u>30</u>)				
1. _____				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 ¹	Loc ²		
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	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: 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 Soils³:

- 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)

³Indicators 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"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Significant rain event occurred within previous 24 hours.	

HYDROLOGY

Wetland Hydrology Indicators: 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) (LRR U) <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)	Secondary Indicators (minimum of two required) <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) (LRR T, U)
Field Observations: 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): _____	Wetland Hydrology Present? 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	
Tree Stratum (Plot size: <u>30</u>)				
1. <u>Quercus nigra</u>	<u>10</u>	<u>x</u>	<u>FAC</u>	Dominance Test worksheet: 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>		
Sapling/Shrub Stratum (Plot size: <u>30</u>)				
1. <u>Triadica sebifera</u>	<u>10</u>	<u>x</u>	<u>FAC</u>	Prevalence Index worksheet: 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>		
Herb Stratum (Plot size: _____)				
1. <u>Paspalum urvillei</u>	<u>20</u>	<u>x</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators: <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 ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (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>		
Woody Vine Stratum (Plot size: <u>30</u>)				
1. _____	_____	_____	_____	Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____		20% of total cover: _____		
				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks: (If observed, list morphological adaptations below).				

SOIL

Sampling Point: DP-3

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 ¹	Loc ²		
0-5	10YR 5/4	100					Fine Sand	
5-16	10YR 6/4	95	5YR 5/6	5			Fine Sand	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: 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 Soils³:

- 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)

³Indicators 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

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

Re: **Request for Information
Cultural Resource Assessment
Montgomery County, Texas**

Dear Mr. Wolfe:

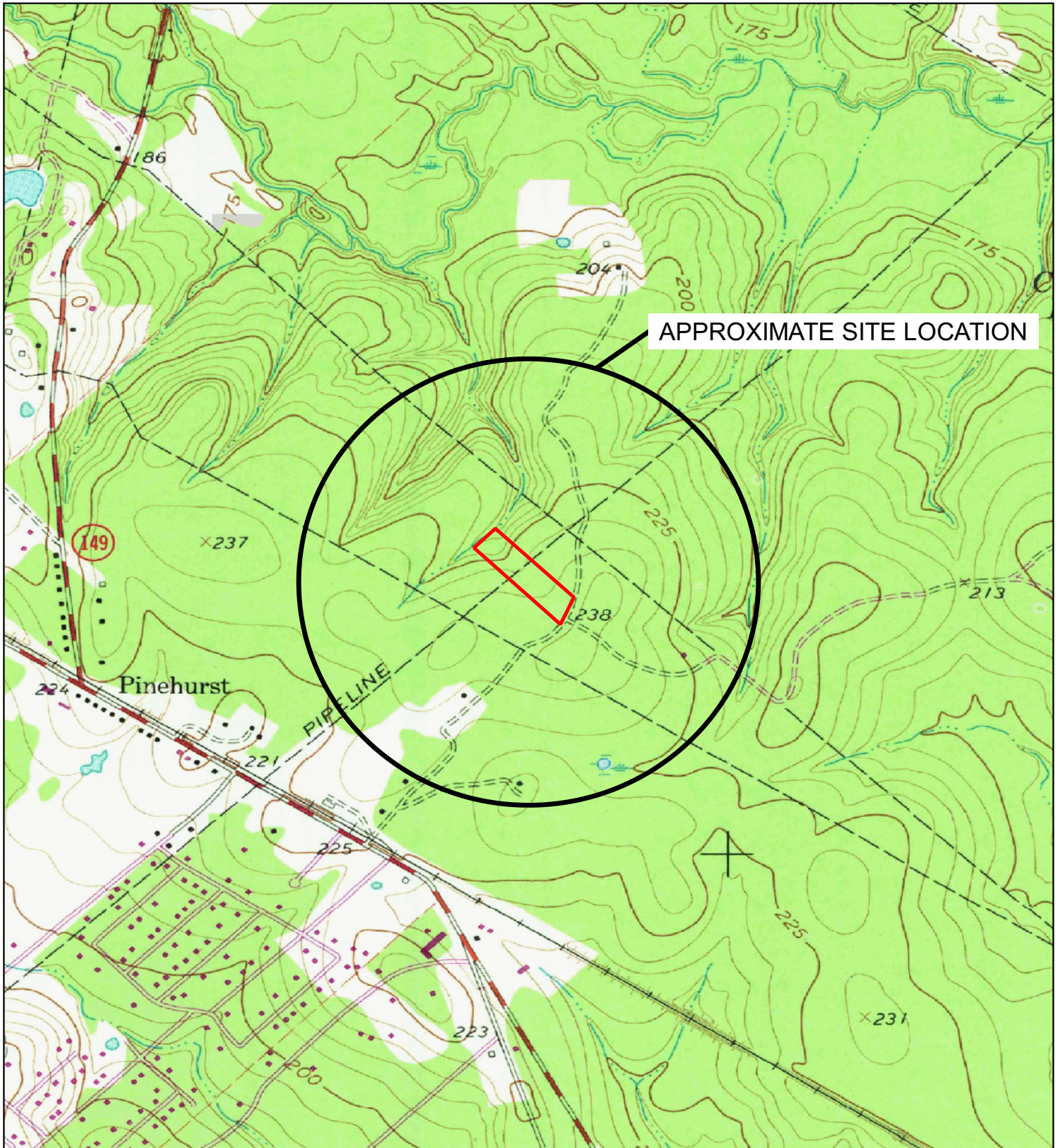
On behalf of Circle Lake Transfer, LLC, Allen Engineering and Science, Inc. (AllenES) is requesting assistance from Texas Historical Commission in providing a cultural resource assessment for proposed work located in Montgomery County, Texas. Specifically, the proposed facility is located at latitude 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.

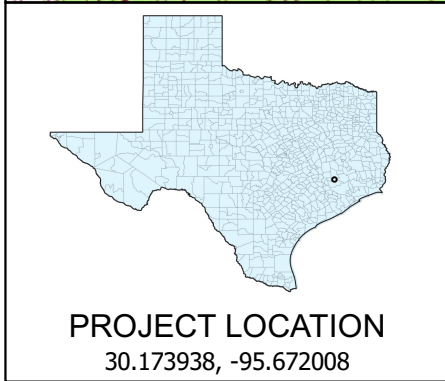
Sincerely,
Allen Engineering and Science, Inc.

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	
SITE LOCATION MAP		FIGURE 1

This Correspondence sent to 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.

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

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

Re: **Request for Information
Endangered / Threatened Species Assessment
Montgomery County, Texas**

Dear Sir/Madam:

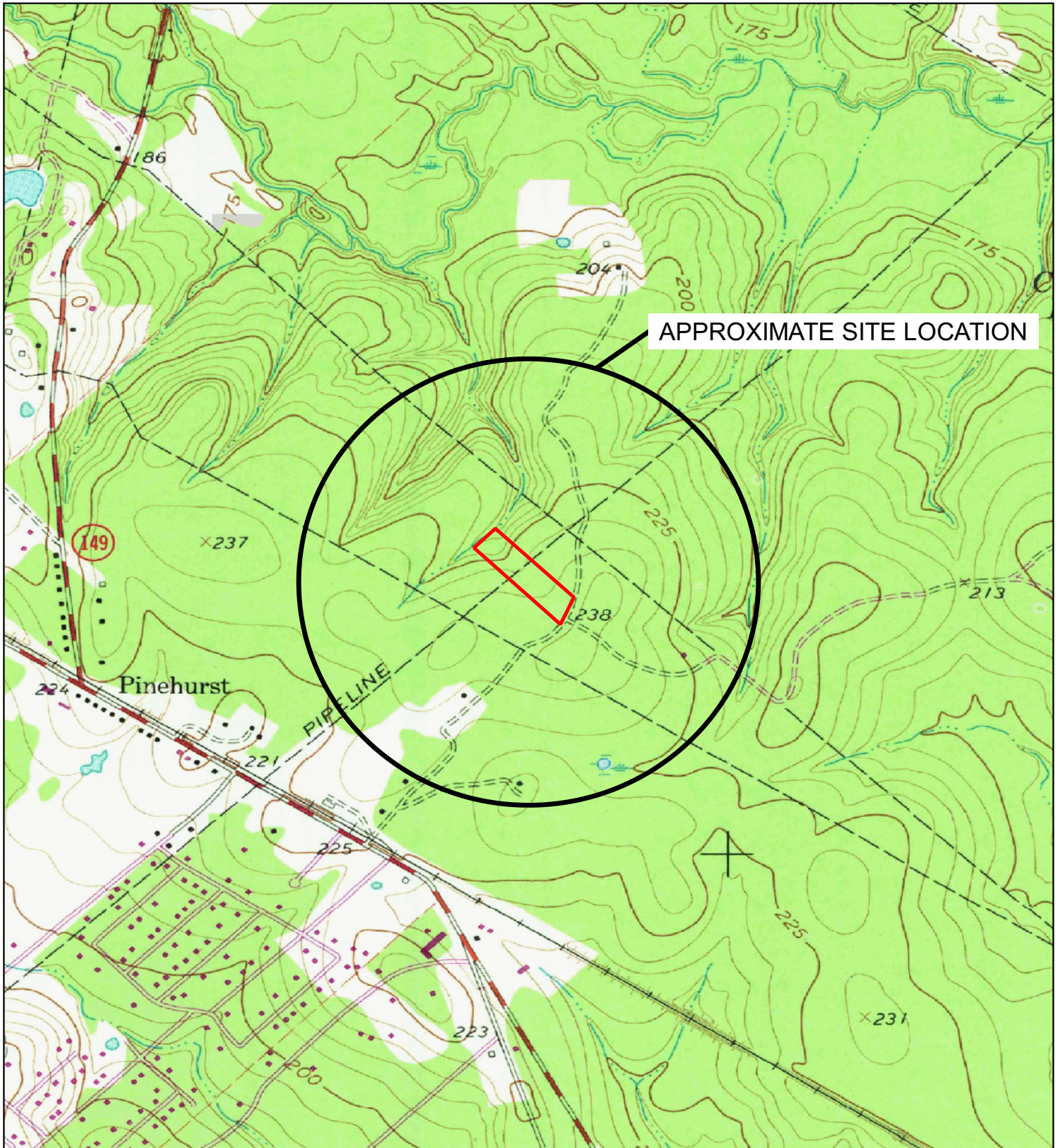
On behalf of Circle Lake Transfer, LLC, Allen Engineering and Science, Inc. (AllenES) is requesting assistance from Texas Parks & Wildlife in providing an endangered or threatened species/critical habitat and species of special status determination for proposed work located in Montgomery County, Texas. 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 or Travis Beard at (601) 696-7146 or tbeard@allenes.com.

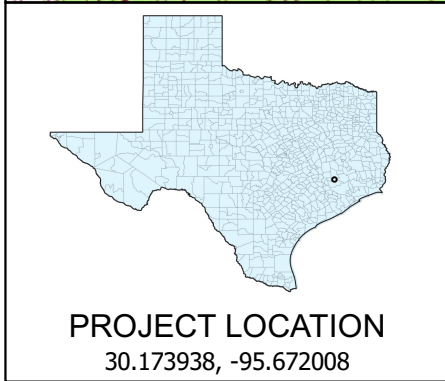
Sincerely,
Allen Engineering and Science, Inc.

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	
SITE LOCATION MAP		FIGURE 1



July 15, 2021

Life's better outside.®

Commissioners

Arch "Beaver" Aplin, III
Chairman
Lake Jackson

James E. Abell
Kilgore

Oliver J. Bell
Cleveland

Paul L. Foster
El Paso

Anna B. Galo
Laredo

Jeffery D. Hildebrand
Houston

Robert L. "Bobby" Patton, Jr.
Fort Worth

Travis B. "Blake" Rowling
Dallas

Dick Scott
Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

T. Dan Friedkin
Chairman-Emeritus
Houston

Carter P. Smith
Executive Director

Oliver Birch
Allen Engineering and Science
902 20th 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 black ink that reads "Rachel Lange". The signature is written in a cursive, flowing style.

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

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

Re: **Request for Information
Endangered / Threatened Species Assessment
Montgomery County, Texas**

Dear Ms. Sommer:

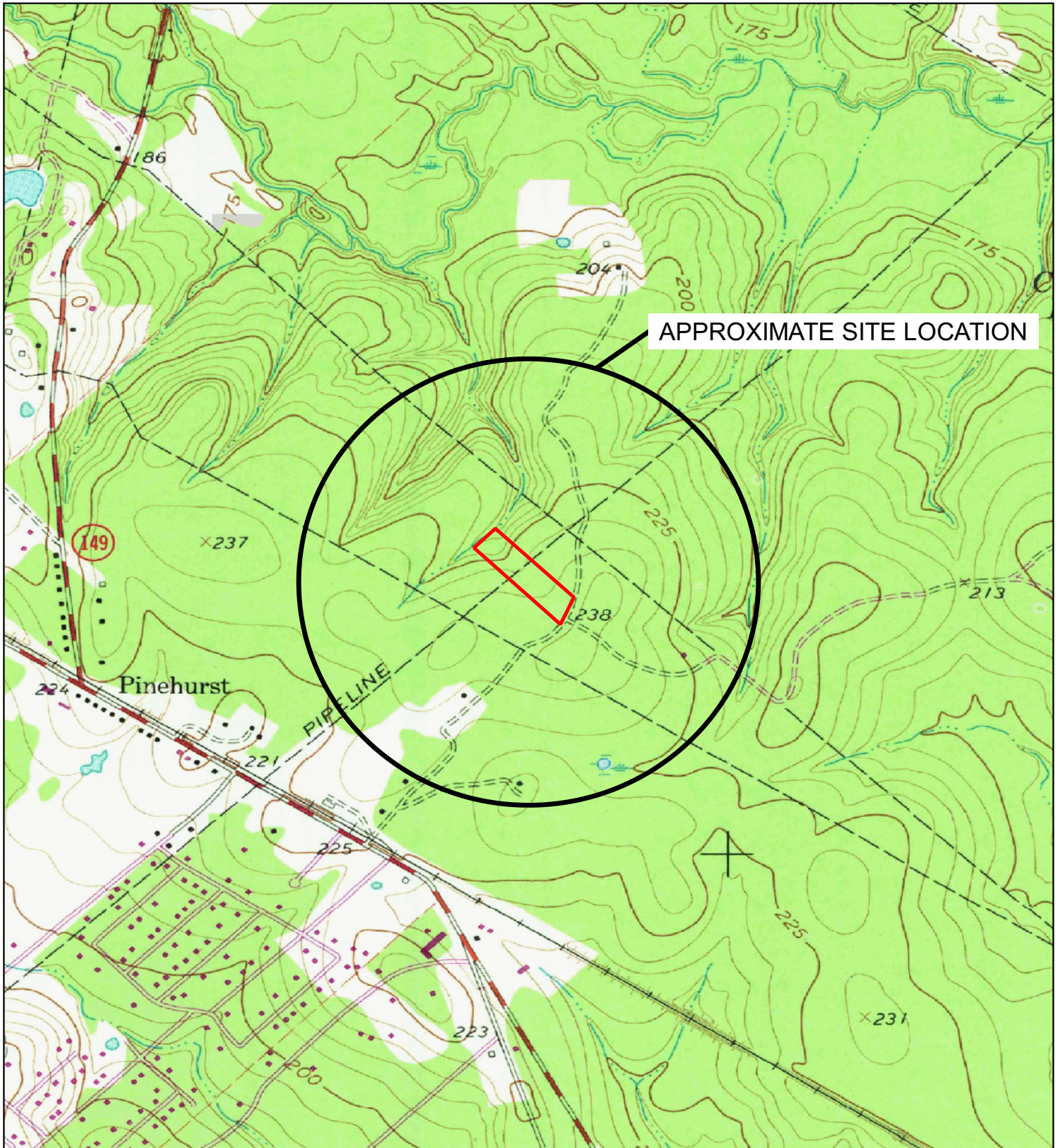
On behalf of Circle Lake Transfer, LLC, Allen Engineering and Science, Inc. (AllenES) is requesting assistance from U.S. Fish and Wildlife Service in providing an endangered or threatened species/critical habitat and species of special status determination for proposed work located in Montgomery County, 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.

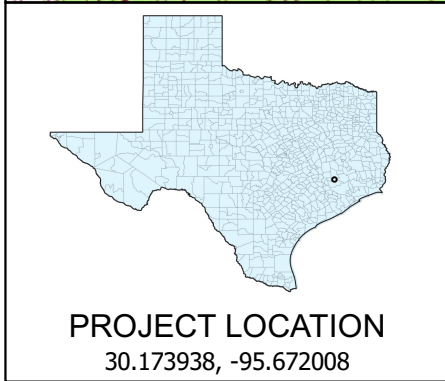
Sincerely,
Allen Engineering and Science, Inc.

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	
SITE LOCATION MAP		FIGURE 1



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

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.

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

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

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

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.

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).

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/.

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

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

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 Fisheries¹, 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.

-
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 final 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"> ▪ Wind related projects within migratory route. <p>Species profile: https://ecos.fws.gov/ecp/species/6039</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"> ▪ Wind related projects within migratory route. <p>Species profile: https://ecos.fws.gov/ecp/species/1864</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: https://ecos.fws.gov/ecp/species/7614</p>	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



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 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; 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

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	<i>Independent School Districts:</i>
City of Houston Council Member Sallie Alcorn	Huntsville ISD Trustee Rissie Owens
City of Houston Council Member Edward Pollard (Alternate)	
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:

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- 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 2nd floor to expand the bathroom facilities.
- H-GAC would have the option of reducing its leased square footage by vacating the 3rd 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 7th 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 7th 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 3rd floor, the corresponding improvement allowance would be reduced by the proportionate share.
- Landlord agrees to provide outdoor covered lounge space on the 5th 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

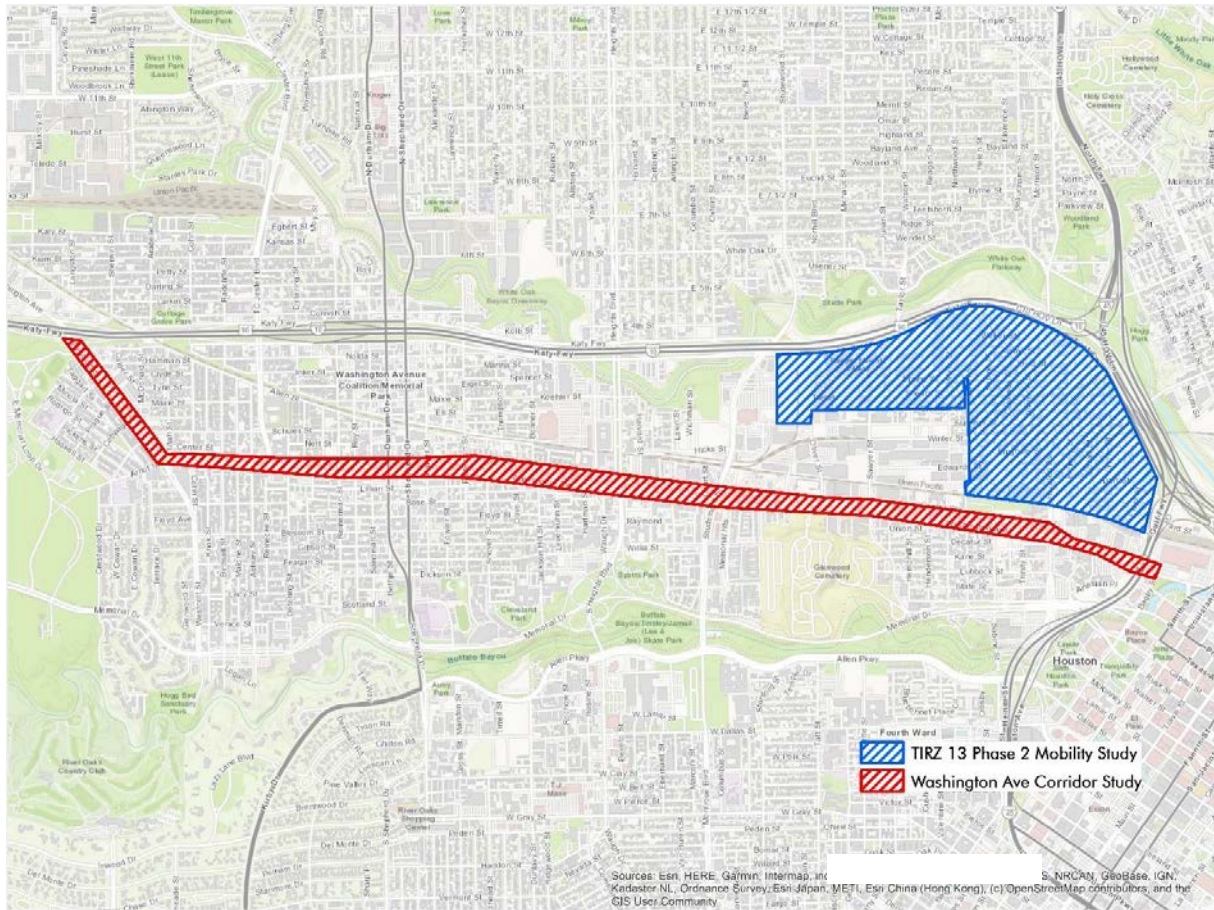
Request authorization to split the Mobility and Corridor Planning Studies Bundle into three Funding Agreements and the High-Capacity Feasibility Studies Bundle into two Funding Agreements, with no change to the prior identified projects or authorized amounts. (Staff Contact: Craig Raborn).

ATTACHMENTS:

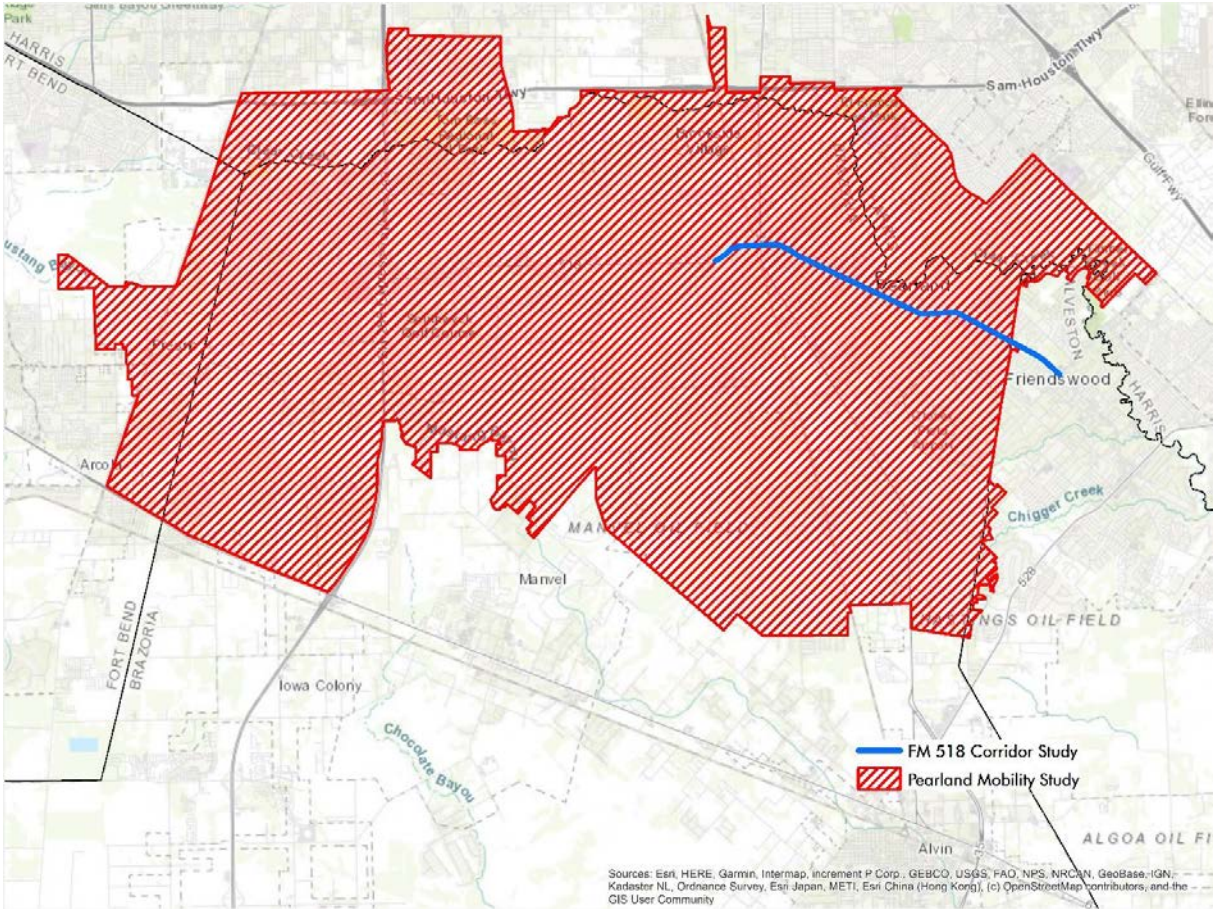
▫ Attachment 1 - Maps of Study Areas

Exhibit

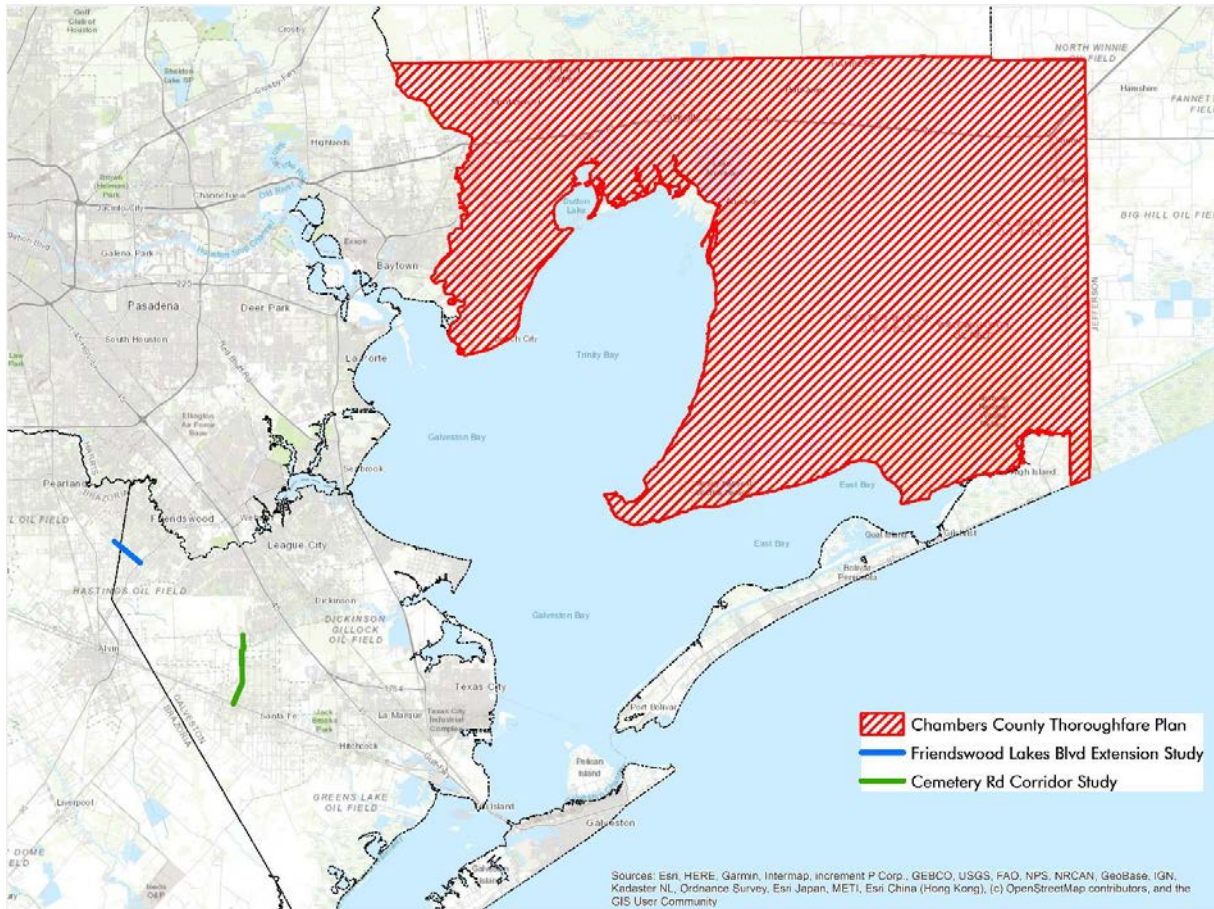
Map 1 - Central Regional Planning Projects Approximate Study Area



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	%
Combined Revenues and Expenditures				
Revenues	\$ 79,729,709	\$ 55,733,010	\$ (23,996,699)	-30%
Expenditures	(79,886,945)	(55,962,962)	23,923,983	-30%
Change in Combined Fund Balance	\$ (157,236)	\$ (229,952)	\$ (72,716)	

Change in Fund Balance by Fund Type				
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)	
Total Change in Fund Balances	\$ 107,297	\$ (229,951)	\$ (337,248)	

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	%
Revenues					
General and Enterprise Fund					
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%
Total General and Enterprise Fund revenues	\$ 15,597,906	\$ 2,599,651	\$ 1,281,571	\$ (1,318,080)	-51%
Special Revenue Fund					
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%
Total Special Revenue Fund revenues	\$ 462,780,349	\$ 77,130,058	\$ 54,451,439	\$ (22,678,619)	-29%
Total Revenues	\$ 478,378,255	\$ 79,729,709	\$ 55,733,009	\$ (23,996,700)	-30%
Expenditures					
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%
Total Expenditures	\$ 479,321,670	\$ 79,886,945	\$ 55,962,961	\$ (23,923,984)	-30%
Excess of Revenues over(under) Expenditures	\$ (943,415)	\$ (157,236)	\$ (229,951)	\$ (72,716)	

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

Tier 1	H-GAC Local Governments Benefitting
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.
Urgent Need	
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
Tier 2	
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
Tier 3	
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

Table 1 Demonstration of Regional Allocation - County Summary			
County	Board Approved H-GAC MOD	H-GAC and Harris County Combined MOD	Difference
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
Total	\$488,762,000	\$1,238,762,000	\$750,000,000

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	Total	\$488,762,000	\$1,238,762,000	\$750,000,000

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:

Name	Representing	Nominated by
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:

Name	Representing	Nominated by
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.

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. 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
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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.

1. 30 TAC § 106.4(a)(1) and (4): Emission Limits	Answer
List emissions in tpy for each facility (add additional pages or table if needed):	
Are the SO ₂ , PM ₁₀ , VOC, or other air contaminant emissions claimed for each facility in this PBR submittal less than 25 tpy?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are the NO _x 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 ₂ , PM ₁₀ , VOC, or other emissions claimed for all facilities in this PBR submittal less than 25 tpy?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are the NO _x 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 _x 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 _x 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: www.tceq.texas.gov/permitting/air/forms/newsource/tables/nsr_table8.html and www.tceq.texas.gov/permitting/air/nav/air_docs_newsource.html	
<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: www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/Tables/10173tbl.pdf and www.tceq.texas.gov/permitting/air/nav/air_docs_newsource.html	
<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 _x 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 _x 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**

7. Highly Reactive Volatile Organic Compounds (HRVOC) check		
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>		
Information	lb/hr	tpy
▶ 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>		
Information	lb/hr	tpy
▶ 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
MSWLF With or Without a Transfer Station Co-Located at the Site	
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 ³) 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
Transfer Stations <u>Not</u> Located at a MSWLF	
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:

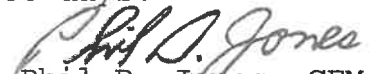
REQUIRED CULVERT SIZE:

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, 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

During the review of **Ztopia – Circle Lake Transfer – Office and Transfer Station** project, located at 34910 Circle Lake Dr., the following Items were identified and must be addressed before a permit may be issued:

Occupancy Evaluation			
Occupancy Classification (IFC 202)	B / S-1	Occupancy Load (IFC 1004):	Office – 13 Transfer N/A
Sprinkler System Required (IFC 903):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fire Alarm and Detection System Required (IFC 907):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Standpipes Required (IFC 905):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Ventilating Hood and Duct Extinguishing System:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Construction Type (IBC 602):	<input type="checkbox"/> Type I <input checked="" type="checkbox"/> Type II <input type="checkbox"/> Type III <input type="checkbox"/> Type IV <input type="checkbox"/> Type V	First Responder In Building Radio (IFC 510)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Fire Rated Corridor (IBC 1018):	<input type="checkbox"/> Yes <input type="checkbox"/> 30 min <input type="checkbox"/> 1 Hour <input checked="" type="checkbox"/> No	Rated Separation Walls (IBC 508):	<input type="checkbox"/> Yes <input type="checkbox"/> 1 Hour <input type="checkbox"/> 2 Hour <input checked="" type="checkbox"/> No <input type="checkbox"/> 3 Hour <input type="checkbox"/> 4 Hour
Alternative Automatic Fire-Extinguishing System (IFC 904):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number of Required Exits (IFC 1021):	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 or More
Fire Lane Design and Approved (Appendix D):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Supply (Appendix B and C):	<input type="checkbox"/> Hydrant <input type="checkbox"/> N/A <input checked="" type="checkbox"/> NFPA 1142 - Tank
Use of Approved Code Consultant or Third Party Review:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional Information and response is required to continue with the review process (See Below):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Bucci
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.



Montgomery County Fire Marshal's Office



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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**.

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 construction of the building. The Fire Marshal's Office reserves the right to require correction of errors in construction documents, other data, or on-site installations.

Brian Com
 Reviewed By _____ Date 12-27-11

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

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

- OCCUPANCY TYPE: _____
- SQUARE FOOTAGE OF NEW CONSTRUCTION: 30,375 SF
- SQUARE FOOTAGE OF ENTIRE STRUCTURE: 30,375 SF
- A) HEIGHT OF BUILDING 30' FT B) NUMBER OF STORIES: 1
- A) HOURS OPEN PER DAY: 7 HRS B) NUMBER OF EMPLOYEES: 10
- OCCUPANCY LOAD: _____

- WILL THERE BE ANY TYPE OF FOOD PREPARED? YES NO
 EXPLAIN: _____
- INSTALLATION OF FIRE SEPARATION? YES _____ HRS NO
- INSTALLATION OF SPRINKLER SYSTEM: YES
 TYPE OF SPRINKLER SYSTEM: 13 13R 13D N/A OTHER: _____
- INSTALLATION OF STAND PIPES: YES
- INSTALLATION OF FIRE ALARM SYSTEM: YES
 TYPE OF ALARM SYSTEM: AUTOMATIC MANUAL N/A OTHER: _____
- OCCUPANCY NOTIFICATION, EMERGENCY EXIT SIGNS, AND EMERGENCY LIGHTING INSTALLED YES NO
- FIRE LANES DESIGNATED YES NO
- 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
- 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
- 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

FIRE MARSHAL

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 B&B

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 conformit 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

Is this an Existing Development?	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>
Is this a New Development?	<u>YES</u> 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>
Total Development	
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 ^{new} How many? 1

If different addresses, please list NO

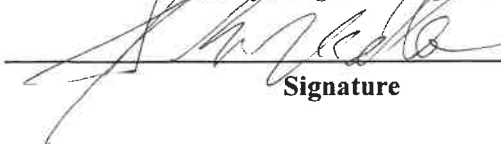
Water well to be used? NO If yes, for public consumption? NO Future expansion planned? NO


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.

Reviewed By

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
 TYPE: Fire Code 500.00
 FEE: 1013.75
 TDH FEE: _____

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

Is this an Existing Development?	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>
Is this a New Development?	<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>
Total Development	
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 ^{new} 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]
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
10-20-21

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 }

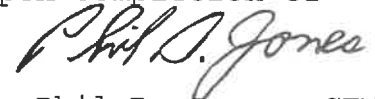
FIRE CODE

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

SLOPE	
FLAT >2%	
SLIGHT <6%	X
SEVERE >30%	
VEGETATION	
GRASS/BRUSH	X
LIGHTLY WOODED	
HEAVILY WOODED	
DRAINAGE	
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

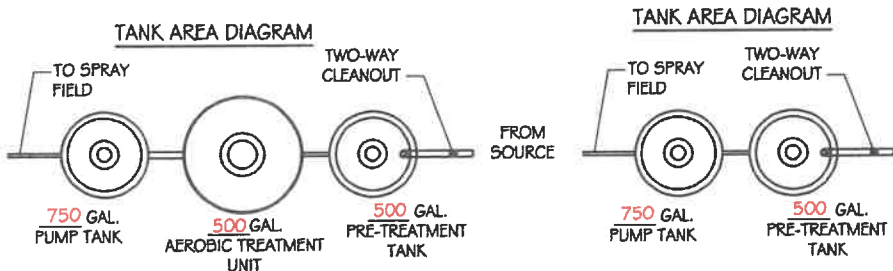
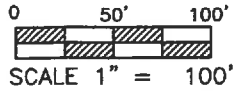
ANDREW ROSS
DATE 10-21-2021





ROSS DESIGN SERVICE
 P.O. Box 1167
 Pinehurst, TX 77362
 281-384-3976
 ANDREW@ROSSDESIGNSERVICE.COM

ZTERS SITE SERVICES LLC
 34910 CIRCLE LAKE DRIVE
 PINEHURST, TEXAS 77362



DRIP SYSTEMS MUST HAVE FULL SUN LIGHT TO OPERATE PROPERLY

COUNTY:	MONTGOMERY
ACREAGE:	5.5181
SURVEY:	CANFIELD BECKMAN
ABSTRACT:	A-120
SUBDIVISION:	
SECTION:	
BLOCK:	
TRACT:	27-A
FLOOD ZONE:	X
FEMA #:	
SLOPE:	< 5%
USE:	OFFICE WAREHOUSE
TYPE:	COMMERCIAL

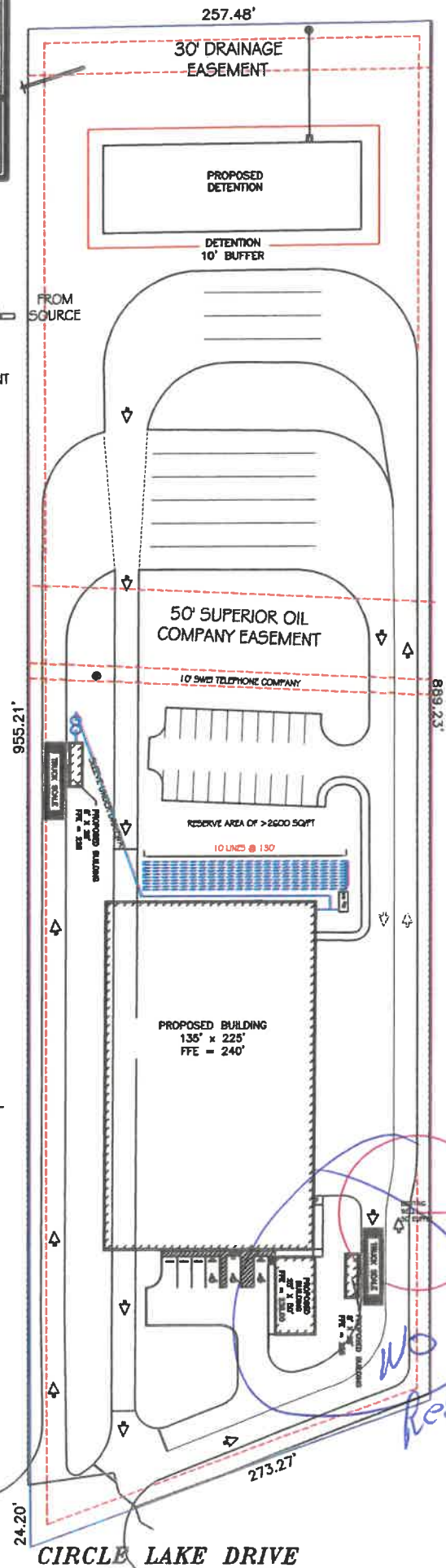
DATE:	09-21-2021
DRAWN BY:	AKR
DESIGNED BY:	AKR
SCALE:	AS NOTED
TOTAL GPD:	256
LOADING RATE:	0.10
REQUIRED DRIP LINE (LF)	1,280
PROVIDED DRIP LINE (LF)	1,300



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	
EQUIPMENT SPECIFICATIONS	
PRETREATMENT TANK:	500 GALLON ~ PRE-CAST CONCRETE
AEROBIC TREATMENT UNIT:	500 GALLON ~ PROHLO500 OR EQUAL
PUMP TANK:	750 GALLON ~ PRE-CAST CONCRETE
	N/A
TANK NOTES	
1. ALL EXISTING SEPTIC TANKS TO BE ABANDONED	
2. TANKS NOT BUILT FOR TRAFFIC BEARING LOADS	
3. TANKS INSTALLED IN LINE ON 90° OFFSETS	
MISCELLANEOUS NOTES	
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.	
BUFFER ZONE NOTES	
~ 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.*

HOME / BUSINESS OWNER	JIM MCNAUGHTON	COUNTY	MONTGOMERY
STREET ADDRESS	34910 CIRCLE LAKE DR	ACREAGE / LOT SIZE	5.5181
SUBDIVISION		SECTION	
BLOCK		LOT	27-A
SURVEY	CANFIELD BECKMAN	ABSTRACT	A-120

DATE ON SITE	08-17-2021	WATER SUPPLY	COMPANY
RESIDENTIAL		COMMERCIAL	X
BEDROOM HOME		TYPE OF FACILITY	OFFICE
LIVING AREA		SQUARE FEET	1680
PERMANENT RESIDENTS		EMPLOYEES	4 O / 20 W

SYSTEM TYPE	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

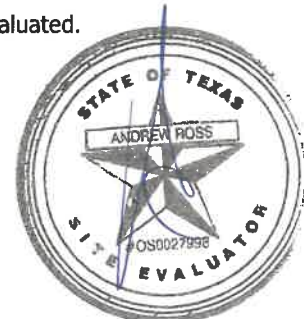
34910 CIRCLE LAKE DR., PINEHURST

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, 77562, 281-384-3976

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

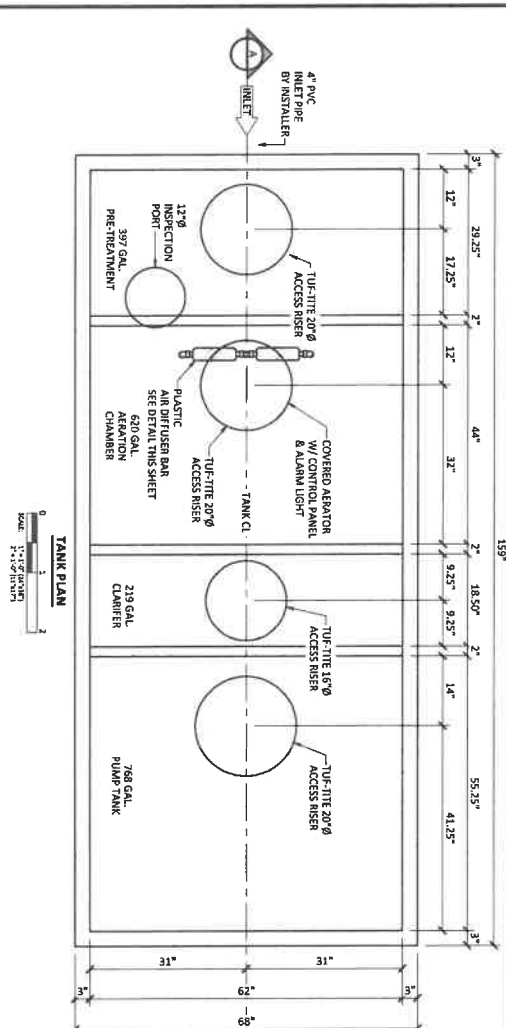
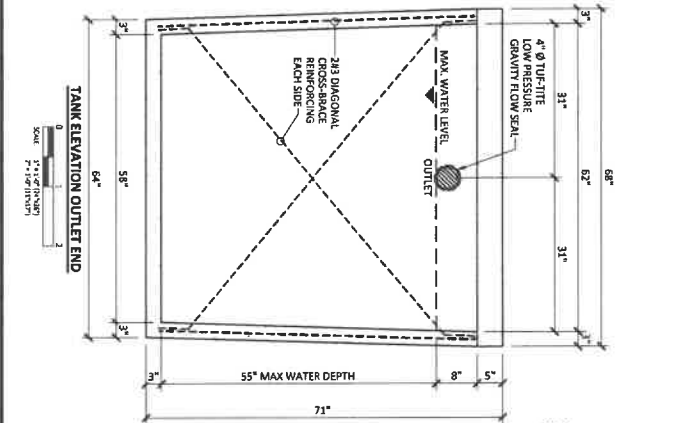
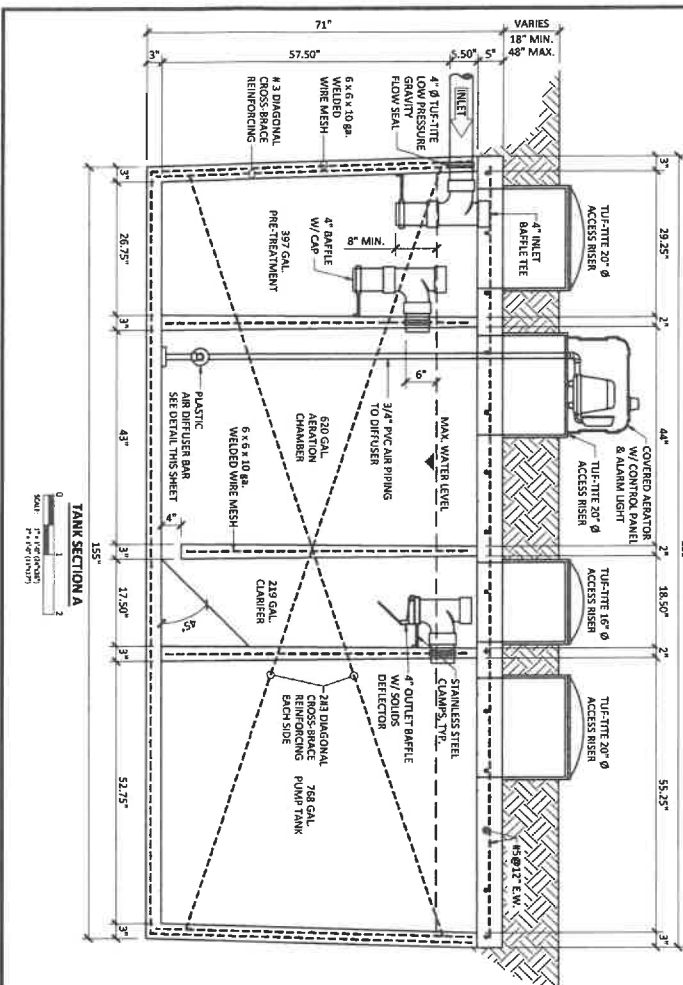
PUMP SELECTION

Volume, GPM 20 gal
NPDH, Feet 66
Pressure, psi 29
Supply+Manifold 1.00" Sch 40 240



ANDREW ROSS
DATE 10-21-2021

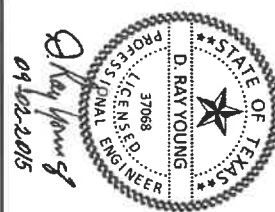
Registered Sanitarian #4283
Site Evaluator #OS0027998



- 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 C1277-12 STANDARD SPECIFICATION FOR PRECAST CONCRETE SEPTIC TANKS.
 2. ACCESS COVERS MAY BE BURIED BELOW GRADE W/ A MINIMUM 6" COVER. BUT 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
 - TANK CAPACITY
 - EXTERNAL LOAD CAPACITY (SEE DETAIL THIS SHEET)
 4. EXPOSED ACCESS OPENINGS 12" O.D. OR LARGER SHALL BE PROVIDED WITH A LOCK SYSTEM TO PREVENT UNAUTHORIZED ENTRANCE.
 5. TANKS SHALL BE CLEARLY MARKED WITHIN 2'-0" OF TANK INLET.
 6. ALL INLET/OUTLET FITTINGS TO BE 4" TUF-TITE LOW PRESSURE GRAVITY SEAL (MODEL NO. TS-4PRO) CAST INTO TANK WALL.
 7. BARFITE OR TEES SHALL BE PLACED AT THE INFLUENT PIPE SHALL EXTEND AT LEAST 8" IN INSTALLER THE DRAIN LEVEL AND AT LEAST 3" IN ABOVE THE LIQUID LEVEL. 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 PERFORMED BY THE MANUFACTURER.
 8. A 2'-1/2" THICK WALL MAY BE USED INSTEAD OF THE CAST IN PLACE INTERNAL WALL BETWEEN THE ABATEMENT & CLAMBER.

TANK DIMENSIONS	
TANK LENGTH (TOP)	153.00 IN
TANK LENGTH (BOTTOM)	153.00 IN
TANK WIDTH (TOP)	68.00 IN
TANK WIDTH (BOTTOM)	68.00 IN
TANK HEIGHT	64.00 IN
WALL THICKNESS	3.00 IN
FLOOR THICKNESS	3.00 IN
BOTTOM TO INLET	50.50 IN

TANK VOLUMES	
PRETREATMENT CAPACITY	397 GAL
ABATEMENT CAPACITY	620 GAL
CLAMBER CAPACITY	219 GAL
PUMP TANK CAPACITY	768 GAL
WATER DEPTH	55 IN
TANK CONCRETE VOLUME	86.72 FT ³
TANK ID CONCRETE VOLUME	27.65 FT ³
TANK WEIGHT (EMPTY)	13008 LBS
LD WEIGHT	4148 LBS
TOTAL TANK WEIGHT (EMPTY)	17156 LBS

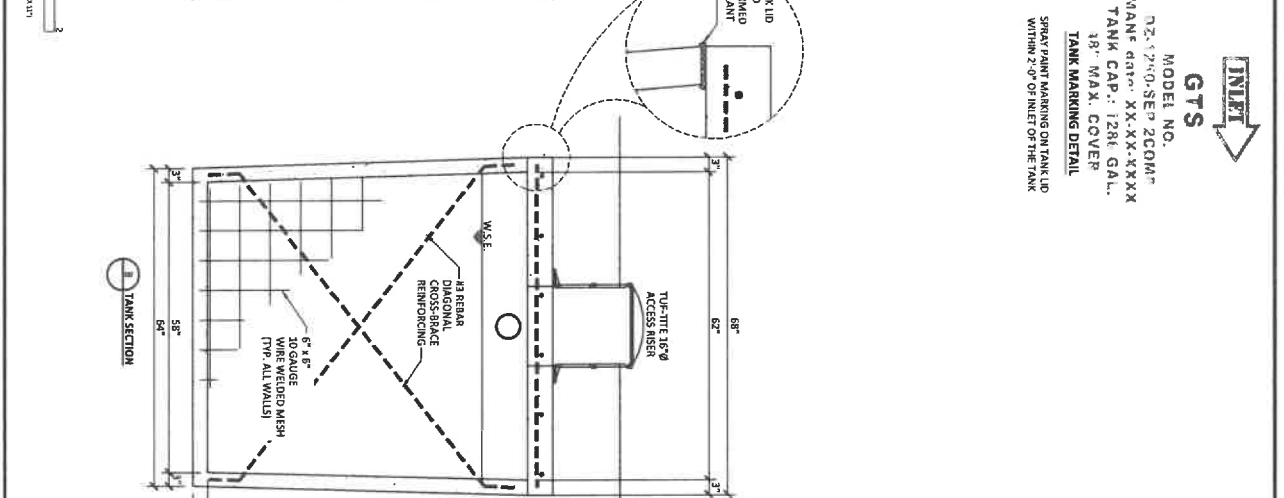
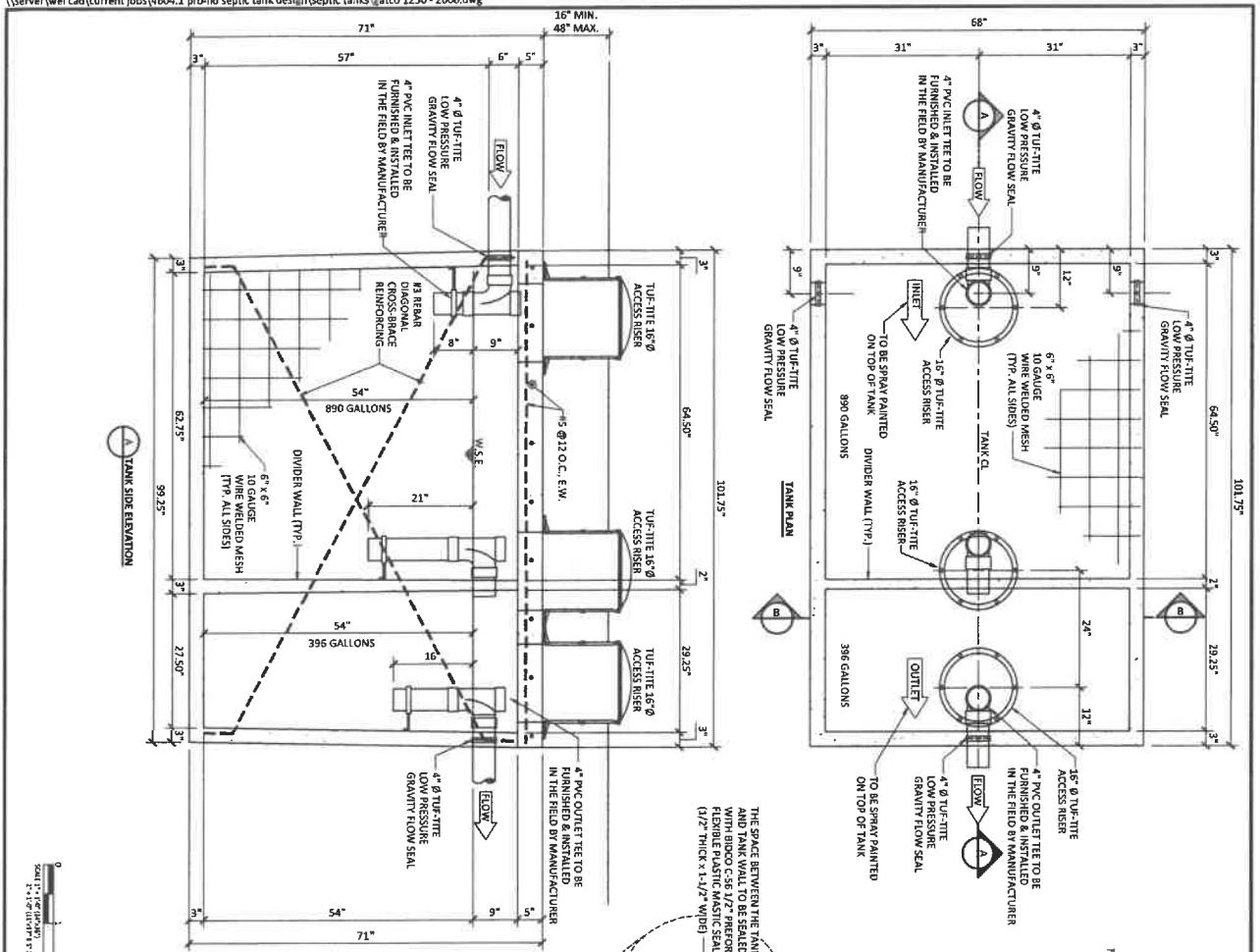


PRO FLO AEROBIC SYSTEMS, LP
 WASTEWATER TREATMENT SYSTEMS
 20222 FM 362
 WALLER, TEXAS 77484

500 SLP72

01 of 01

WaterEngineers, Inc.
 Water & Wastewater Treatment Consultants
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM No. 2066
 17230 HUFFMEISTER ROAD
 CYPRESS, TEXAS 77429
 TEL: 281-373-0500
 FAX: 281-373-1113



TANK DIMENSIONS

COMPARTMENT	TANK LENGTH (TOP)	TANK LENGTH (BOTTOM)	TANK WIDTH (TOP)	TANK WIDTH (BOTTOM)	TANK HEIGHT	WALL THICKNESS	FLOOR THICKNESS	LID THICKNESS	FLOW LINE TO INLET TO BOTTOM OF TANK
1	101.75	101.75	64.50	64.50	66.00	3.00	5.00	5.00	54.00
2	396	396	64.00	64.00	66.00	3.00	5.00	5.00	54.00
3	396	396	64.00	64.00	66.00	3.00	5.00	5.00	54.00

TANK VOLUMES

COMPARTMENT	NO. 1	NO. 2	NO. 3	TOTAL
TANK CONCRETE VOLUME	51.38	51.38	51.38	154.14
TANK LID CONCRETE VOLUME	1.795	1.795	1.795	5.385
TANK WEIGHT (EMPT)	7707	7707	7707	23121
LID WEIGHT	2693	2693	2693	8079
TOTAL TANK WEIGHT (EMPT)	10400	10400	10400	31200

CONCRETE SPECIFICATIONS:

- THE MINIMUM COMPRESSIVE STRENGTH SHALL BE 4900 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 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 CONFORM TO ALL APPLICABLE CODES.
- TANKS SHALL BE CLEARLY MARKED WITHIN 2'-0" OF PROVIDING THE FOLLOWING INFORMATION:
 - MANUFACTURER NAME OR TRADEMARK OR
 - MANUFACTURED DATE
 - TANK CAPACITY
 - EXTERNAL LOAD CAPACITY (SEE DETAIL THIS SHEET)
- EXPANSION JOINTS SHALL BE PROVIDED WITH A LOCK SYSTEM TO PREVENT UNAUTHORIZED ENTRANCE.
- ANY ACCESS OPENING 8" O.D. AND LARGER SHALL BE CAPABLE OF BEING CLOSED BY A 15" TUF-TITE LOW PRESSURE GRAVITY SEAL.
- ALL INLET/OUTLET FITTINGS TO BE 4" TUF-TITE LOW PRESSURE GRAVITY SEAL.
- BRACES OR TEES SHALL BE PLACED AT THE HIGHEST LEVEL AND AT LEAST 5 IN. ABOVE THE LIQUID LEVEL (BY INSTALLER).
- WHEN USED AS A CONVENTIONAL SEPTIC TANK, PER ASTM 1257-12 THE MIN. DISTANCE BETWEEN THE TANK 9" DIA. ENDS SHALL INCLUDE TWO COMPARTMENTS.

STATE OF TEXAS
 PROFESSIONAL ENGINEER
D. RAY YOUNG
 37068
 07/21/2018

WASTEWATER TREATMENT STRUCTURE

GATCO TREATMENT SYSTEMS, LP
 32107 ROCHEM RD
 WALLER, TEXAS 77484
 TELEPHONE: 936-372-5403

WATER ENGINEERS, INC.
 Water & Wastewater Treatment Consultants
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM NO. 2006
 17230 KUFFMEISTER ROAD
 CYPRESS, TEXAS 77429 FAX: 281-373-5500

MODEL NO. DZ-1250
 2 COMP

DRAWN BY: JLV
 CHECKED BY: ORY
 DATE: 8/30/2018
 SHEET NO.: 01 OF 01

REVISION DATE

NO.	DESCRIPTION	DATE

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)

2.38	*	220	mg/L	=	524	mg/L	
4	OFFICE *	4	gal/d	=	16	gal	
20	WAREHOUSE *	12	gal/d	=	240	gal	
	TOTAL		gal/d	=	256		
256	gal	*	524	mg/L	*	8.34	lbs
			1,000,000	mg of water / L			= 1.12

Wastewater Usage Rate (TCEQ: Chapter 285, Table 3)

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

