

Texas Commission on Environmental Quality



Permit for a Municipal Solid Waste (MSW) Management Facility

Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Permit No.: 2412

Name of Site Operator/Permittee: Circle Lake Transfer, LLC

Operator: Circle Lake Transfer, LLC

Property Owner: Ztopia, LLC

Facility Name: Circle Lake Transfer Station

Facility Address: 34910 Circle Lake Drive, Pinehurst, Texas

Facility Classification: Type V Municipal Solid Waste Transfer Station Facility

The permittee is authorized to store and process waste in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the Commission and laws of the State of Texas, and it replaces any previously issued permit. Nothing in this permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This permit will be valid until canceled, amended, or revoked by the Commission.

Approved, Issued and Effective in accordance with Title 30, Texas Administrative Code (30 TAC), Chapter 330.

Issued Date: December 23, 2022



For the Commission

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I. Facility Location and Size

A. Facility Physical Location

Circle Lake Transfer Station
34910 Circle Lake Drive
Pinehurst, Montgomery County

B. Facility Permanent Benchmark

Latitude: 30° 10' 23.32" N
Longitude: 95° 40' 16.65" W
Elevation: 237.67 feet above mean sea level

C. Facility Legal Description

The legal description is contained in Part I/II, Appendix B found in Section X of this permit.

D. Facility Size

5.54 acres

II. Hours of Waste Acceptance and Operation

- A. The waste acceptance hours will be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday; and 7:00 a.m. and 12:00 p.m. on Saturday. The operating hours for operating heavy equipment and transporting materials on- or off-site will be between the hours of 5:00 a.m. and 9:00 p.m., Monday through Saturday.
- B. The operator shall post the actual hours and days of operation on the site sign in accordance with 30 TAC §330.231.
- C. In accordance with 30 TAC §330.229(c), the TCEQ Regional Office 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. The facility must record, in the site operating record, the dates, times, and duration when any alternative operating hours are utilized as required by 30 TAC §330.229(d).

III. Authorized Waste Streams, Waste Acceptance Rate, and Storage Capacity

A. Authorized Waste Streams

The permittee is authorized to accept, for storage and processing, household waste, yard wastes, commercial waste, construction waste, demolition waste, brush, rubbish, and shredded or quartered tires; Class 2 non-hazardous industrial solid waste; Class 3 non-hazardous industrial solid waste; and certain special wastes, including empty containers which have been used for pesticides, herbicides, fungicides, or rodenticides, non-regulated asbestos-containing materials (NRACM), waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas, and dead animals.

B. Prohibited Waste Streams

Any other waste which is prohibited, consistent with 30 TAC §330.15(e), or not listed in Section III.A of this permit may not be accepted.

C. Waste Acceptance Rate

Authorized solid waste may be accepted for storing and processing at this facility at a rate of up to 3,200 tons per day.

D. Maximum Storage Capacity

Total available waste storage capacity of this facility is 2,500 tons with a maximum storage limit of 72 hours.

IV. Facility Design, Construction, and Operation

A. General Facility Requirements

1. Facility design, construction, operation and maintenance must comply with the provisions of this permit; commission rules, including but not limited to 30 TAC Chapter 330; special provisions contained in this permit; Parts I through IV of the permit application; and amendments, corrections, and modifications incorporated by reference in Section X of this permit. The facility construction and operation shall be conducted in a manner that is protective of human health and the environment.
2. The facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance defined in 30 TAC §330.3, and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, and processing area shall have a containment system that will collect spills and incidental precipitation in such a manner that prevents:
 - a. The release of any contaminated runoff spills, or precipitation.
 - b. Washout of any waste by a 100-year frequency flood.
 - c. Run-on into the waste storage or processing areas from off-site areas.
3. The site shall be designed and operated so as not to cause a violation of:
 - a. The requirements of §26.121 of the Texas Water Code;
 - b. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements of §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;
 - c. The requirements under §404 of the Federal Clean Water Act, as amended; and
 - d. Any requirement of an area wide or statewide water quality management plan that has been approved under §208 or §319 of the Federal Clean Water Act, as amended.

B. Authorized Waste Management Units

The permittee is authorized to operate the waste management units related to the processing and storage of the wastes authorized, and related to the recycling of the

recovered materials, which shall include units, structures, appurtenances, or improvements as described in the permit application.

The facility 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.

C. Management of Contaminated Water

All contaminated surface water and groundwater shall be handled, stored, treated, and disposed of in accordance with 30 TAC §330.207 and Part IV found in Section X of this permit.

D. Facility Sign Requirements

The permittee shall conspicuously display at all entrances to the facility through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the facility name; type of facility; the hours and days of operation; and the permit number or facility number.

E. Facility Personnel

The permittee shall comply with 30 TAC §330.59(f)(3) regarding employment of a licensed solid waste facility supervisor. The permittee shall ensure that the facility's personnel are familiar with safety procedures, contingency plans, the requirements of the Commission's rules and this permit, commensurate with their levels and positions of responsibility as specified in the permit application, Part IV, Section 3.0 found in Section X of this permit. All facility employees and other persons involved in facility operations must obtain and maintain the level of training or certification as required by applicable regulations.

V. Financial Assurance

- A. Authorization to operate the facility is contingent upon compliance with this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and 30 TAC Chapter 37.
- B. Within 60 days prior to the initial receipt of waste, the permittee shall provide to the executive director financial assurance instrument(s) for demonstration of closure in an amount not less than \$263,300 (2022 dollars). The permittee shall maintain continuous financial assurance coverage for closure until all requirements of the final closure plan have been completed and the site is determined to be closed in writing by the executive director in accordance with 30 TAC §330.505(b)(2).
- C. The permittee shall annually adjust the closure cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument in accordance with 30 TAC §37.131.
- D. If the facility's closure plan is modified, the permittee shall provide new cost estimates in current dollars, which meet the requirements 30 TAC Chapter 37 and 30 TAC Chapter 330, Subchapter L. Modifications shall be made pursuant to 30 TAC §305.70. The amount of the financial assurance mechanism shall be adjusted within 60 days after the modification is approved. Adjustments to the cost estimates and/or financial assurance instrument to comply with any financial assurance regulation that is adopted by the TCEQ

subsequent to the issuance of this permit shall be initiated as a modification within 30 days after the effective date of the new regulation.

VI. Facility Closure

A. Closure of the facility must commence:

1. Upon direction by the executive director of the TCEQ for failure of the permittee to comply with the terms and conditions of this permit or violation of State or Federal regulations. The executive director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
2. Upon abandonment of the site by the permittee;
3. Upon direction by the executive director for failure of the permittee to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
4. Upon the permittee's notification to the TCEQ that the facility will no longer operate.

B. Closure Completion Requirements:

Facility closure shall be performed and completed in accordance with 30 TAC §§330.21, 330.451, 330.459, and 330.461 and Part III Section 5.0, found in Section X of this permit.

VII. Standard Permit Conditions

- A. This permit is based on, and the permittee shall follow the permit application dated April 1, 2022, and received April 4, 2022, and revisions dated April 20, 2022, and June 16, 2022, respectively. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ, and are incorporated into this permit by reference in Section X as if fully set out herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control. Any and all revisions to these application submittals shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all revisions and supporting documentation at the facility and make them available for inspection by TCEQ personnel.
- B. This permit shall consist of all duly executed amendments, modifications, and corrections to this permit. These amendments, modifications, and corrections are incorporated into this permit by reference in Section X.
- C. The permittee shall comply with all conditions of this permit. Failure to comply with any condition may constitute a violation of the permit, the rules of the Commission, and the Texas Solid Waste Disposal Act and is grounds for an enforcement action, revocation, or suspension.
- D. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(f). The facility shall not accept waste until the executive director has confirmed in writing that all applicable submissions required by the permit and applicable rules have been received and found to be acceptable and that construction is in compliance with the permit and the approved site development plan.
- E. In compliance with the requirements of 30 TAC §330.235, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority

responsible for road maintenance, as applicable, to determine standards for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be placed in the site operating record prior to receipt of waste at the facility.

- F. The permittee shall maintain all on-site and other access roadways. A positive means to control dust and mud must be provided.
- G. The permittee shall allow entry onto the site by TCEQ personnel for inspection purposes during the site operating life in accordance with §361.032 of the Texas Health and Safety Code.
- H. The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the remainder of this permit shall not be affected.
- I. Regardless of the specific design contained in the application or adopted by reference in Section X of this permit, the permittee shall be required to meet all performance standards required by the permit, the Texas Administrative Code, and local, state, and federal laws or ordinances.
- J. The permittee shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC Chapters 106 and 116 and 30 TAC Chapter 330, Subchapter U.
- K. The permittee shall furnish to the executive director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit, and copies of records required to be kept by the permittee.
- L. The permittee shall report any noncompliance to the executive director which may endanger human health and safety, or the environment in accordance with 30 TAC §305.125(9).
- M. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application, or in any report to the executive director, it shall promptly submit such facts or information.
- N. The permittee shall notify the executive, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy in accordance with 30 TAC §305.125(22).
- O. Any proposed facility changes, additions, or expansions must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

VIII. Incorporated Regulatory Requirements

- A. The permittee shall comply with all applicable federal, state, and local regulations and shall obtain any and all other required permits prior to the beginning of any on-site improvements or construction approved by this permit.
- B. To the extent applicable, the requirements of 30 TAC Chapters 37, 281, 305, and 330 are adopted by reference and are hereby made provisions and conditions of this permit.

IX. Special Provisions

No special provisions are necessary

X. Permit Application Submittal References

- A. Permit Application: Parts I, II, III, and IV
- B. Amendments, corrections, and modifications issued for MSW Permit No. 2412