

**Technical Summary and
Executive Director's Preliminary Decision
of the**

**Circle Lake Transfer Station
MSW Permit Application
No. 2412**

**Type V Municipal Solid Waste Facility
Montgomery County, Texas**

**Applicant:
Circle Lake Transfer, LLC**

Date Prepared: August 1, 2022

By the
Municipal Solid Waste (MSW) Permits Section
Office of Waste, Waste Permits Division
Texas Commission on Environmental Quality

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The information contained in this summary is based upon the permit application and has not been independently verified.

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1. Applicant Contact Information

Name of Applicant: Circle Lake Transfer, LLC
34910 Circle Lake Drive
Pinehurst, Texas 77362

Name of Facility: Circle Lake Transfer Station

Contact Person: Shelby Lowe, President
13727 Office Park Drive
Houston, Texas 77070
214-605-2399

Consulting Engineer: Jeff Allen, P.E., President
Allen Engineering and Science, Inc.
6360 I55 North
Jackson, Mississippi 39211
601-936-4440

2. General Information

2.1 Permit Application

The applicant has submitted this application requesting authorization to construct and operate a new Type V transfer station in Montgomery County, Texas. This application was submitted on April 4, 2022, in accordance with Title 30 of the Texas Administrative Code (30 TAC) Chapter 330.

Wastes to be Accepted

The facility may accept 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.

The facility may not accept wastes that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330, and any waste that is not authorized for acceptance.

2.2 Waste Acceptance Rate

Authorized wastes may be accepted at a maximum rate of 3,200 tons per day.

3. Technical Review

The application has been technically reviewed by the Municipal Solid Waste Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 305 sets forth standards and requirements for applications; Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. It has been determined that the information in the permit application, along with the draft permit, demonstrates compliance with these regulatory requirements. A draft permit has been prepared; the application has been declared technically complete.

4. Facility Location and Size

4.1 Location

The Circle Lake Transfer Station is located in Montgomery County, Texas at 2,700 feet northeast on Circle Lake Drive from the intersection of TX-249/FM1774 Pinehurst, Texas.

4.2 Facility Coordinates

Latitude: 30° 10' 23.32" N

Longitude: 95° 40' 16.65" W

Elevation: 237.67 feet above mean sea level (ft msl)

4.3 Facility Size

The total area within the permit boundary under the proposed permit is approximately 5.54 acres.

5. Facility Design, Construction, and Operation

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 facility will process and transfer solid waste up to the permitted maximum daily waste acceptance rate of 3,200 tons per day. Facility design is detailed in Part III, section 2.0 of the application.

The transfer station structure is designed to provide ventilation. Ventilation in the transfer station building will be provided by the openings through which waste hauling vehicles will enter and exit, and vents which will be installed on the building roof. The transfer facility doors on each end of the transfer truck loadout area may also be

opened, if needed, for additional ventilation. Excessive dust and particulates that occur at the transfer station facility will be controlled using water sprays or similar methods. No significant air pollution emissions are expected to result from the operation of the transfer station. The operator will prevent nuisance odors from leaving the transfer station permit boundary. Odors are controlled by limiting operations to within the structure and limiting the time solid waste may be stored on the tipping floor. Mist systems (using water) may be used within the transfer station structure to suppress odors, if needed. The mist (or similar) systems may also be used to control odors through the addition of chemical deodorizers. Ponding water will be controlled to avoid objectionable odors.

The permittee will be authorized to receive, consolidate, and transfer municipal solid wastes subject to the limitations contained in the permit. All waste processing operations will be limited to the units and other features identified in the Site Development Plan and the Site Operating Plan.

6. Land Use

The application provides information about land use in the vicinity of the site in accordance with 30 TAC §330.61(h).

6.1 Zoning

The facility will be located at 2,700 feet northeast on Circle Lake Drive from the intersection of TX-249/FM1774 Pinehurst, Texas. The location is outside of the incorporated limits of any city and is therefore not subject to any known city zoning ordinances.

6.2 Surrounding Land Uses Within One Mile

Land use within one mile of the facility is shown in Drawing 7 (General Land Use Map). The application indicates that land use is approximately 69% undeveloped property, 13% residential, 5% Highway, 2% agricultural, 2% industrial, 1% roads, and 2% churches, water, parks, and recreations, public, and utility. See Parts I/II, Section 6.1.2 of the application for more detail.

There are no sites of historic or archaeological significance within 1 mile of the facility.

6.3 Growth Trends

General growth information is provided in Part I/II, section 6.1.3 of the application. The facility is located within Montgomery County and population grew from 589,770 in 2018 to 607,391 in 2019, which was a growth of 3%, and one of the top 10 fastest-growing counties in the state of Texas according to the US Census Bureau. With current trends, household population growth in Montgomery County is to be upwards of 133.5% by 2045.

6.4 Residences and Businesses

There are approximately 350-370 residential homes located within one mile of the facility. The nearest residence is approximately a half mile to the Southwest of the facility. There are approximately 45-55 businesses within one mile of the site, representing a mix of both commercial and industrial activity.

6.5 Schools and Churches

There are three churches located within one mile of the site.

6.6 Cemeteries

There are no known cemeteries within one mile of the site.

6.7 Historical Sites

There are no known historical sites within one mile of the site.

6.8 Water Wells Within 500 Feet of the Facility

A well search concluded that there are no known wells located within a 500 feet radius of the facility boundary. Circle Lake Transfer Station plans to install additional water wells onsite for operations as needed.

7. Location Restrictions

Location restrictions for municipal solid waste landfills are set forth in 30 TAC Chapter 330 Subchapter M.

7.1 Easements and Buffer Zones

No solid waste unloading, storage, disposal, or processing operations will occur within any easement, buffer zone, or right-of-way that crosses the facility. All pipeline and utility easements will be clearly marked. A minimum separating distance of 50 feet will be maintained between feedstock and final product storage areas and between solid waste storage and processing units and the facility boundary. The buffer zone must provide safe passage for firefighting and other emergency vehicles.

7.2 Floodplains

The area within the proposed permit boundary is not located in a 100-year floodplain. The facility is considered to be in compliance with 30 TAC §330.547.

7.3 Groundwater

The facility is not located over the recharge zone of the Edwards Aquifer. The facility is considered to be in compliance with 30 TAC §330.549.

7.4 Endangered or Threatened Species

Correspondence with the United States Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD) indicates that no impacts to threatened or endangered of plant or animal species are expected from the proposed operation of this facility. Therefore, the facility is considered in compliance with 30 TAC §330.551. However, the TPWD had a list of recommendations and Circle Lake Transfer Station will incorporate four of their recommendations. These recommendations include soil stabilization within the proposed project area, reduced speed limits during the construction, operations and maintenance of the facility, vegetation clearing outside of bird nesting season, and reviewing the Federal Law: Migratory Bird Treaty Act section for recommendations.

7.5 Wetlands

There are no jurisdictional wetland areas within the permit boundary. The facility is considered to be in compliance with 30 TAC §330.553.

8. Facility Transportation and Access

The primary access route to the facility is from Circle Lake Drive, which 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.

The volume of traffic to the facility is anticipated to be 116 to 637 vehicles per day at the maximum daily capacity.

9. Surface Water Protection

The tipping floor is designed with a slope to drain towards the center of the building and flow to the northwest to the contaminated water tank for off-site transfer. Additionally, there is a collection sump in the transfer truck loading area to collect any incidental stormwater flowing into the facility's loading area or washdown water from the same source. This water will be routed to the contaminated water tank mentioned above. The contaminated water tank will be a minimum 2,000 gallon (nominal) holding tank.

10. Site Development Plan and Site Operating Plan

The Site Development Plan (SDP) is Part III of the permit application and sets forth the engineering design and other technical aspects of the facility. The Site Operating Plan (SOP) is Part IV of the permit application and provides operating procedures for the site personnel for the daily operation of the facility to maintain the facility in compliance with the engineering design and applicable regulatory requirements. These documents become part of the permit.

11. Financial Assurance

Financial assurance will be maintained for the facility in accordance with 30 TAC Chapter 37 (Financial Assurance) and 30 TAC Chapter 330 Subchapter L.

12. Public Participation Process

Technical review of the application has been completed, the application has been declared technically complete, and a draft permit and *Notice of Application and Preliminary Decision* (NAPD) have been prepared. Information about the application, the draft permit, the notice, and this technical summary will be filed in the TCEQ Office of the Chief Clerk for processing.

The public can participate in the final decision on the issuance of a permit as follows:

- 12.1 The TCEQ will hold a public meeting if the executive director determines that there is substantial public interest in the application or if requested by a local legislator. During a public meeting the commission accepts formal comments on an application and holds an informal question and answer period.
- 12.2 The NAPD will be sent to the applicant and published in a newspaper. The NAPD provides instructions for submitting comments, requesting a public meeting, or requesting a hearing on the application, and that all comments or requests must be submitted within 30 days from the date of newspaper publication of the notice.
- 12.3 After the comment period has ended, if comments are received a *Response to Comments* (RTC) will be prepared. The RTC will be sent to all persons who submitted comments or requested a public meeting or hearing on the application. Persons who receive the RTC will have an additional 30 days after the date the RTC is mailed in which to request a public hearing.
- 12.4 After the 30-day period to request a hearing has ended, if any requests have been received the matter will be placed on an agenda for a meeting of the TCEQ commissioners to determine whether to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.

- 12.5 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When the hearing process is complete, the ALJ will issue a *Proposal for Decision* (PFD). The PFD will be placed on an agenda for a meeting of the TCEQ commissioners to consider whether to grant or deny the application.
- 12.6 After the commission has acted on an application, a motion for rehearing may be made by a party that does not agree with the decision. A motion for rehearing must be filed no later than 25 days after the party or the party's attorney of record is notified of the decision. The motion may be set on another agenda for consideration by the commission, or allowed to expire by operation of law.
- 12.7 Applications for which no one requests a contested case hearing, and which meet all other requirements in 30 TAC 50.133(a) are uncontested applications and will be acted on by the executive director. An uncontested application will be placed on the executive director's agenda and the permit will be issued. The TCEQ will then mail notice that the permit was issued. The notice will be mailed according to 30 TAC 50.133(b) to the applicant, to any person who requested to be on the mailing list for the application, any person who submitted comments during the public comment period, and any person who timely filed a request for a contested case hearing. The notice will include information about the opportunity to file a motion to overturn the executive director's decision. Any motion to overturn the executive director's decision must be submitted no later than 23 days after the date the agency mails notice of the issued permit.

13. Executive Director's Preliminary Decision

The executive director has made the preliminary decision that this proposed permit, if issued, meets all statutory and regulatory requirements.

14. Additional Information

For information concerning the regulations covering this application, contact the MSW project manager:

Mr. Adam Schnuriger
Municipal Solid Waste Permits Section, MC 124
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711
(512) 239-0526

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For more detailed technical information concerning any aspect of this application or to request a copy of the Site Development Plan, please contact the consulting engineer or the applicant at the address provided at the beginning of this summary.

The application can be viewed on the internet at <<http://www.circlelaketransfer.com/>>.

For information concerning the legal aspects of the hearing process, agency rules, and submitting public comments, please contact the TCEQ Office of the Public Interest Counsel at (512) 239-6363.