

December 9, 2011

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

**Reference: Response to Preliminary Review
Application for New MSW Registration
Nexus Continuum, LLC
Type V Material Recovery and Transfer Station
Harris County, Texas
Application No. 40260
Tracking Nos. 15035373 and 15058216; RN/CN Pending**

Dear Mr. Schaefer:

On behalf of Nexus Continuum, LLC (Nexus), HDR is submitting an original, two unmarked copies, and one marked copy of application revisions to Part I of the referenced application. This submittal is in response to a preliminary review (administrative NOD) letter from TCEQ dated November 18, 2011 requesting additional information. Nexus' attorney requested additional time for our reply in a letter dated November 29, 2011 which was granted by Christine Bergren in a letter dated December 7, 2011 re-establishing the due date for a response to December 9, 2011. This response letter provides the additional information requested, and the attached Part I Form and Part I text have been revised as appropriate. For ease of review, TCEQ questions are reproduced below:

- 1. A Property Owner Affidavit (Page 9 of the Part I Form) was submitted with the application but appears to disagree with land owner information provided in the application. The signature provided is from Mr. Efrain Gonzalez, Jr. Please note, the landowners corresponding with the parcels containing the proposed facility reflect two separate owning parties. The two shown are EM Realty I LLC (#85), and Quinlan Dan & Trustee (#78). Nexus Continuum, LLC is stated on page 5 of Part I, to be titled as EM Realty I LLC but there is no mention of the owners of parcel #78. Please address this issue and submit a Property Owner Affidavit for parcel #78, and parcel #85 or explain how the submitted paperwork satisfies the requirements.*

The Property Owner Affidavit has been modified to provide the signature of Mr. Efrain Gonzalez, Sr. The property ownership information provided in the application has also been updated to show that parcel #78 is owned by E.M.G. Realty X, LLC and #85 is owned by E.M.G. Realty II, LLC. Mr. Gonzalez, Sr. is the manager of E.M.G. Realty II, LLC, a single member, manger-run Texas limited liability company and the sole member of E.M.G. Realty X, LLC, a single member, member-run Texas limited liability company and is an authorized signatory of both companies. Therefore, the revised Property Owner Affidavit provides the signature of the appropriate representative of the property owners of both parcels within the registration boundary.

2. *Please revise Page 3 of the Part I Form to include a public place where the administratively complete registration application will be located. As indicated in the Part I Form, Applicants must make a copy of the administratively complete application available at a public place in the county where the facility is, or will be, located for review and copying by the public.*

Page 3 of the Part I Form has been revised to show the Harris County Fairbanks Branch Public Library as the public location where the administratively complete application will be available.

3. *It is stated in the Part I Form that the application can be found at <http://www.nexusdisposal.com>. We were unable to locate the application at this web site. Please revise Page 4 of the Part I Form to indicate the URL address of a publicly accessible Internet Website where the application and all revisions to that application is posted. This information must be provided in accordance with 30 TAC Section (§)330.57(i)(1).*

The application can be located at the internet address provided on the original Part I Form. This has been verified in conjunction with TCEQ staff. No changes were made to the application material.

4. *It is stated on page 5 of Part I of the application that "These parcels, as well as Parcel 37, have been updated to show Nexus' ownership of the land and the associated mineral rights by the Applicant, Nexus Continuum, LLC (titled as EM Realty I, LLC)." Please clarify if the mineral rights under the parcels containing the facility are owned by Nexus Continuum, LLC. Please provide a revised adjacent and potentially affected landowners property map to show all mineral interest ownership under the facility.*

The mineral rights for parcels #78 and #85 are owned by their respective property owners, E.M.G. Realty X, LLC and E.M.G. Realty II, LLC. The mineral rights for these parcels are not owned by Nexus Continuum, LLC. As stated in response to #1, Mr. Efrain Gonzalez, Sr. is an authorized signatory for both entities, as well as Nexus Continuum, LLC. Part I, Section 3 text has been edited as appropriate. The Land Ownership Map (Part I, Figure 3) has not been revised.

- a. *Please explain if Nexus Continuum, LLC owns EM Realty I, LLC.*

No, Nexus Continuum, LLC does not own EM Realty I, LLC which title was inaccurately displayed by the Harris County Appraisal District. Furthermore, as explained above, Nexus Continuum, LLC does not own E.M.G. Realty II, LLC or E.M.G. Realty X, LLC. However, Mr. Efrain Gonzalez, Sr. who is the sole manager and member of the companies which own the two parcels which are the locus of the proposed transfer station is also the president and chief executive officer of applicant Nexus Continuum, LLC and is an authorized signatory for all entities. Part I, Section 3 text has been edited as appropriate.

- b. *Provide a list keyed to the land and mineral interest ownership map and give each owner's name and mailing address derived from the real property appraisal records, as required by 30 TAC §§281.5(6) and 330.59(c)(3). An example map and list are provided on Pages iii and iv of the Part I Form.*

As stated, the property ownership information provided in the original submittal has been revised as discussed above. The parcel number allocations on the Land Ownership Map (Part I, Figure 3) have not been revised.

- c. Additionally, please provide the list in electronic form or on pre-printed mailing labels as the pdf of the application that was included does not provide the mailing list in a usable format. If you elect to provide the pre-printed mailing labels, please ensure that the labels conform to the requirements stated on Page iv of the Part I Form. Please 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. Please revise the electronic version of the adjacent landowner mailing list to provide the mailing list in label format. If you wish to provide the list on printed labels, please provide four complete sets of labels of the landowner list.

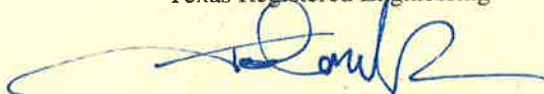
The land ownership listing has been formatted as requested and is submitted electronically in MS Word (Avery 5160) format via CD.

5. The Signature Page of the Part I Form is signed by Mr. Efrain Gonzalez, Jr., Operations Manager. This does not appear to satisfy the requirement to have a signature page signed by a corporate officer, as required by 30 TAC §§281.5(1) and 305-44. Please note, 30 TAC §305.44(a) states "For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals." Please explain how the signature that was provided meets the rule requirements on signature authority. As further instructed below, if necessary, please include a new original signature page for the application contents. The appropriate signature page to use can be found on Page 10 of the Part I Form.

The signature page of the Part I Form has been signed by Mr. Efrain Gonzalez, Jr. As shown on the Certificate of Formation documents in Part I, Attachment A, Mr. Gonzalez, Jr. is a Registered Agent of Nexus Continuum, LLC. A revised signature page has been provided with Mr. Gonzalez Sr. naming Mr. Gonzalez Jr. as Authorized Representative..

This registration application and associated additional information is being submitted under the provisions of Title 30 of the Texas Administrative Code (30 TAC) Chapter 330.9(f). The application revisions attached have been edited and noted with footers as requested by TCEQ. If you have any questions or require additional information, please contact me at 512-498-4716.

Sincerely,
HDR Engineering, Inc.
Texas Registered Engineering Firm F-754



Joel Miller, P.E.
Project Manager

cc: Ms. Nicole Bealle, Waste Program Manager, TCEQ
Mr. Efrain Gonzalez, Jr.
Ms. Helen S Gilbert





Texas Commission on Environmental Quality

Permit or Registration Application for Municipal Solid Waste Facility

Part I

A. General Information

Facility Name:	Nexus Material Recovery and Transfer Station			
Physical or Street Address (if available):	6124 Cunningham Road			
(City) (County)(State)(Zip Code):	Houston	Harris	TX	77041
(Area Code) Telephone Number:	731-996-9090			
Charter Number:				

If the application is submitted on behalf of a corporation, provide the Charter Number as recorded with the Office of the Secretary of State for Texas.

Operator Name ¹ :	Nexus Continuum, LLC			
Mailing Address:	P.O. Box 41188			
(City) (County)(State)(Zip Code):	Houston	Harris	TX	77241
(Area Code) Telephone Number:	731-996-9090			
(Area Code) FAX Number:	731-996-9595			
Charter Number:				

If the permittee is the same as the operator, type "Same as Operator".

Permittee Name:	Same as Operator			
Physical or Street Address (if available):				
(City) (County)(State)(Zip Code):			TX	
(Area Code) Telephone Number:				
Charter Number:				

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 Secretary of State's office and provide a complete mailing address for the agent. The agent must be a Texas resident.

Agent Name:	N/A			
Mailing Address:				
(City) (County)(State)(Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

Application Type:

<input type="checkbox"/> Permit	<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Minor Amendment
<input checked="" type="checkbox"/> Registration	<input type="checkbox"/> Modification	<input type="checkbox"/> Temporary Authorization
	<input checked="" type="checkbox"/> w/Public Notice	
	<input type="checkbox"/> w/out Public Notice	<input checked="" type="checkbox"/> Notice of Deficiency Response

¹ The operator has the duty to submit an application if the facility is owned by one person and operated by another [30 TAC 305.43(b)]. The permit will specify the operator and the owner who is listed on this application [Section 361.087 Texas Health and Safety Code].

Facility Classification:

<input type="checkbox"/> Type I	<input type="checkbox"/> Type IV	<input checked="" type="checkbox"/> Type V	<input type="checkbox"/> Type IX
<input type="checkbox"/> Type I AE	<input type="checkbox"/> Type IV AE	<input type="checkbox"/> Type VI	

Activities covered by this application (check all that apply):

<input checked="" type="checkbox"/> Storage	<input checked="" type="checkbox"/> Processing	<input type="checkbox"/> Disposal
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Waste management units covered by this application (check all that apply):

<input checked="" type="checkbox"/> Containers	<input type="checkbox"/> Tanks	<input type="checkbox"/> Surface Impoundments	<input type="checkbox"/> Landfills
<input type="checkbox"/> Incinerators	<input type="checkbox"/> Composting	<input type="checkbox"/> Type IV Demonstration Unit	<input type="checkbox"/> Type IX Energy/Material Recovery
<input checked="" type="checkbox"/> Other (Specify)	Transfer Station	<input type="checkbox"/> Other (Specify)	
<input checked="" type="checkbox"/> Other (Specify)	Material Recovery	<input type="checkbox"/> Other (Specify)	

Is this submittal part of a Consolidated Permit Processing request, in accordance with 30 TAC Chapter 33?

Yes No

If yes, state the other TCEQ program authorizations requested.

N/A

Provide a brief description of the portion of the facility covered by this application. For amendments, modifications, and temporary authorizations, provide a brief description of the exact changes to the permit or registration conditions and supporting documents referenced by the permit or registration. Also, provide an explanation of why the amendment, modification, or temporary authorization is requested.

The Nexus facility will be used for the recovery of recyclable or reusable materials as well as the operation of a municipal solid waste transfer station. Material will be consolidated by material type, stored in containers and subsequently transferred to market or a permitted solid waste disposal facility.

Does the application contain confidential Material? Yes No

If yes, cross-reference the confidential material *throughout the application* and submit as a separate document or binder conspicuously marked "CONFIDENTIAL."

Alternative Language Notice Instructions

For certain permit 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 on-site, 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.

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.

Alternative Language Notice Application Form:

Alternative language notice confirmation for this application:

1. Is a bilingual program required by the Texas Education Code in the school district where the facility is located? YES NO

(If NO, alternative language notice publication not required)

2. If YES to question 1, are students enrolled in a bilingual education program at either the elementary school or the middle school nearest to the facility? YES NO

(IF YES to questions 1 and 2, alternative language publication is required; If NO to question 2, then consider the next question)

3. If YES to question 1, are there students enrolled at either the elementary school or the middle school nearest to the facility who attend a bilingual education program at another location? YES NO

(If Yes to questions 1 and 3, alternative language publication is required; If NO to question 3, then consider the next question)

4. If YES to question 1, would either the elementary school or the middle school nearest to the facility be required to provide a bilingual education program but for the fact that it secured a waiver from this requirement, as available under 19 TAC '89.1205(g)?
 YES NO

(If Yes to questions 1 and 4, alternative language publication is required; If NO to question 4, alternative language notice publication not required)

If a bilingual education program(s) is provided by either the elementary school or the middle school nearest to the facility, which language(s) is required by the bilingual program? Spanish

Note: Applicants for new permits and major amendments must make a copy of the administratively complete application available at a public place in the county where the facility is, or will be, located for review and copying by the public.

Public place where administratively complete permit application will be located.				
Public Place (e.g., public library, county court house, city hall, etc.):	Harris County Fairbanks Branch Public Library			
Mailing Address:	7122 North Gessner			
(City) (County)(State)(Zip Code):	Houston	Harris	TX	77040
(Area Code) Telephone Number:	713-466-4438			

B. Facility Location

Except for Type I AE and Type IV AE landfill facilities, for permits, registrations, amendments, and modifications requiring public notice, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.

www.nexusdisposal.com

Local Government Jurisdiction: Harris County

Within City Limits of: N/A

Within Extraterritorial Jurisdiction of City of: Houston

Is the proposed municipal or industrial solid waste disposal or processing facility 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? (If YES, provide a copy of the ordinance or order):

YES NO

Provide a description of the location of the facility with respect to known or easily identifiable landmarks.

Approximately 0.6 miles south of the intersection of Cunningham Road and Little York Road, on Cunningham Road in northeast Houston.

Detail the access routes from the nearest United States or state highway to the facility.

From the Sam Houston Tollway, West on Little York Road. South on Cunningham Road for approximately 0.6 mile.

Provide the latitudinal and longitudinal geographic coordinates of the facility.

Latitude N 29d51'28"

Longitude W 95d34'49"

Elevation (above msl) 100 feet

Is the facility within the Coastal Management Program boundary? Yes No

Texas Department of Transportation District Location:

TXDOT District Name & Number: Houston District

District Engineer's Name: Michael W. Alford, P.E.

Street or P. O. Box: 7600 Washington Avenue

(City) (County)(State)(Zip Code): Houston Harris TX 77007

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

(Area Code) FAX Number: 713-802-5075

The local governmental authority or agency responsible for road maintenance:

Agency Name Harris County

Contact Person's Name: Alan J. Potok, P.E.

Street or P. O. Box: 9900 Northwest Frwy

(City) (County)(State)(Zip Code): Houston Harris TX 77092

(Area Code) Telephone Number: 713-684-4000

(Area Code) FAX Number:

State Representative:

District Number: House District 135

State Representative's Name: Gary Elkins

District Office Address: 9601 Jones Road, Suite 215

(City) (County)(State)(Zip Code): Houston Harris TX 77065

(Area Code) Telephone Number:	832-912-8380
(Area Code) FAX Number:	

State Senator:

District Number:	District 7			
State Senator's Name:	Dan Patrick			
District Office Address:	11451 Katy Fwy, Suite 209			
(City) (County)(State)(Zip Code):	Houston	Harris	TX	77079
(Area Code) Telephone Number:	713-464-0282			
(Area Code) FAX Number:				

Council of Government (COG) Information:

COG Name:	Houston-Galveston Area Council			
COG Representative's Name:	Cheryl Mergo			
COG Representative's Title:	Manager Sustainability Programs			
Street or P. O. Box:	P.O. Box 22777, 3555 (Timmons, Suite 120, 77027)			
(City) (County)(State)(Zip Code):	Houston	Harris	TX	77227
(Area Code) Telephone Number:	713-993-4520			
(Area Code) FAX Number:				

River Basin Information:

River Authority:	N/A			
Watershed Sub-Basin Name:				
Street or P. O. Box:				
(City) (County)(State)(Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

This site is located in the following District of the U.S. Army Corps of Engineers:				
<input type="checkbox"/> Albuquerque, NM	<input type="checkbox"/> Ft. Worth, TX	<input checked="" type="checkbox"/> Galveston, TX	<input type="checkbox"/> Tulsa, OK	

C. Maps

General

For permits, registrations, and amendments only, 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. Maps must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, 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.

General location maps

For permits, registrations, and amendments only, 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 Texas Department of Transportation (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.

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.

Landowners 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. Provide the list in electronic form, as well.

D. Property owner information

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operator only, provide the following:

- E. the legal description of the facility;
- E. the abstract number as maintained by the Texas General Land Office for the surveyed tract of land;
- (B) the legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record;
- I 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, in addition to a written legal description;
- (D) a boundary metes and bounds description of the facility signed and sealed by a registered professional land surveyor;
- (E) on-site easements at the facility, and
- (F) drawings of the boundary metes and bounds description; and

(2) a property owner affidavit signed by the owner.

E. Legal authority

Provide verification of the legal status of the owner and operator, such as a one-page certificate of incorporation issued by the secretary of state. List all persons having over a 20% ownership in the proposed facility.

Indicate Ownership status of the facility:									
<input checked="" type="checkbox"/>	Private	<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Proprietorship	<input type="checkbox"/>	Non-Profit Organization
<input type="checkbox"/>	Public	<input type="checkbox"/>	Federal	<input type="checkbox"/>	Military	<input type="checkbox"/>	State	<input type="checkbox"/>	Regional
<input type="checkbox"/>	County	<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Other (Specify)				

Does the operator own the facility units and the facility property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If "No," for permits, registrations, amendments, and modifications that changes the legal description, a change in owner, or a change in operators submit a copy of the lease for the use of or the option to buy the facility units or facility property, as appropriate, and identify:				
Owner Name:	N/A			
Street or P. O. Box:				
(City) (County)(State)(Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				
Charter Number:				

F. Evidence of competency

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operators submit a 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
N/A				

Submit a 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)
N/A			

A licensed solid waste facility supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations will be employed before commencing facility operation.

Provide the 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
Efrain Gonzalez, Sr.	Best Pak Disposal, Inc. Nexus Disposal LLC	Nexus Continuum, LLC
Efrain Gonzalez, Jr.	Nexus Disposal LLC	Nexus Continuum, LLC

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 will be specified in greater detail on Part IV of the application within the site operating plan.

Landfilling/Earthmoving Equipment Types	Personnel Experience or Licenses
N/A	

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
N/A	

G. Appointments

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 owner or operator authorizing the person that signed the application to act as agent for the owner or operator.

H. Application Fees

For a new permit, registration, amendment, modification, or temporary authorization, submit a \$150 application fee.

For authorization to construct an enclosed structure over an old, closed municipal solid waste landfill in accordance with 30 TAC 330 Subchapter T, submit a \$2,500 application fee.

If paying by check, send payment to:

Texas Commission on Environmental Quality
 Financial Administration Division, MC 214
 P. O. Box 13087
 Austin, Texas 78711-3087

Payment maybe made online using TCEQ e-pay at www.tceq.state.tx.us/e-services/	
E-pay confirmation number	Paid by check

Signature Page

I, Efrain Gonzalez, PRESIDENT
(Operator) (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: Efrain Gonzalez Date: 12/02/2011

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

I, Efrain Gonzalez, hereby designate Efrain Gonzalez Jr.
(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.

Efrain Gonzalez Jr.
Printed or Typed Name of Operator or Principal Executive Officer

Efrain Gonzalez Jr.
Signature

SUBSCRIBED AND SWORN to before me by the said Efrain Gonzalez / Efrain Gonzalez Jr

On this 2 day of December, 2011

My commission expires on the 27 day of February, 2013



[Signature]
Notary Public in and for
Harris County, Texas

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

PROPERTY OWNER AFFIDAVIT

"I, Efrain Gonzalez
(property owner)

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 advising 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 Recordation. 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, if required, after closure for the purpose of inspection and maintenance."

Efrain Gonzalez
(Owner signature)

12/02/11
(Date)