

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60717
Alliance Wholesale Tires, L.L.C.
RN107286437
Docket No. 2021-0763-MSW-E

Page 1 of 2

Order Type:
Agreed Order

Media:
MSW; Used Oil

Small Business:
Yes

Location Where Violations Occurred:
2310 United States Highway 259 North, Kilgore, Gregg County (the “Site”)

Type of Operation:
wholesale tire distributor and unauthorized scrap tire business

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: April 25, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$10,855

Deferred for Financial Inability to Pay: \$9,655
Confidential Information, which may include financial information, has been provided to the Commission for its consideration.

Total Paid to General Revenue: \$1,200

Total Due to General Revenue: \$0

Compliance History Classifications:
Person/CN – N/A
Site/RN – N/A

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date of Investigation: March 10, 2021

Date(s) of NOV(s): N/A

Dates of NOE: April 29, 2021

Alliance Wholesale Tires, L.L.C.

RN107286437

Docket No. 2021-0763-MSW-E

Violation Information

1. Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers [TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE § 328.60(a)].
2. Failed to prevent the disposal of used oil on the ground and failed to clean up and manage properly the released used oil [30 TEX. ADMIN. CODE § 324.4(1) and 40 C.F.R. § 279.22(d)(3)].

Corrective Actions/Technical Requirements**Corrective Actions Completed:**

The Executive Director recognizes that Respondent:

- a. Removed the tires from the Site as of January 27, 2022; and
- b. No longer operates the Site as of January 27, 2022.

Technical Requirements:

None

Litigation Information

Date Petition Filed:	June 29, 2022
Date of Service:	July 5, 2022
Date Answer Filed:	July 25, 2022
SOAH Referral Date:	October 10, 2024
Hearing Date:	
Preliminary hearing:	December 12, 2024
Settlement Date:	March 10, 2025

Contact Information

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Stephanie McCurley, Enforcement Division, (512) 239 2607

TCEQ Regional Contact: Michelle Baetz, Tyler Regional Office, (903) 535-5100

Respondent Contact: Thomas Weston Brown, Director, Alliance Wholesale Tires, L.L.C., P.O. Box 5022, Georgetown, Texas 78627

Respondent's Attorney: Michael Howell, West Short & Howell P.L.L.C., 313 West 10th Street, Georgetown, Texas 78626



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-May-2021	Screening	5-May-2021	EPA Due	
	PCW	27-Feb-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Alliance Wholesale Tires, L.L.C.
Reg. Ent. Ref. No.	RN107286437
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	60717	No. of Violations	1
Docket No.	2021-0763-MSW-E	Order Type	1660
Media Program(s)	Waste Tires	Government/Non-Profit	No
Multi-Media	Used Oil	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$6,902
Estimated Cost of Compliance	\$156,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$10,000
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Screening Date	5-May-2021	Docket No.	2021-0763-MSW-E	PCW
Respondent	Alliance Wholesale Tires, L.L.C.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60717			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN107286437			
Media	Waste Tires			
Enf. Coordinator	Stephanie McCurley			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 5-May-2021 Respondent Alliance Wholesale Tires, L.L.C. Case ID No. 60717 Reg. Ent. Reference No. RN107286437 Media Waste Tires Enf. Coordinator Stephanie McCurley	Docket No. 2021-0763-MSW-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 328.60(a) and Tex. Health & Safety Code § 361.112(a)		
Violation Description	Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 31,200 passenger tire equivalents were stored on the ground at the Site.		
Base Penalty			\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="20.0%"/>
Matrix Notes	100% of the rule requirement ws not met.				
Adjustment					\$20,000

Violation Events

Number of Violation Events	2	56	Number of violation days							
<div style="display: flex; flex-direction: column; align-items: flex-end;"> <div style="margin-bottom: 2px;">daily</div> <div style="margin-bottom: 2px;">weekly</div> <div style="margin-bottom: 2px;">monthly</div> <div style="margin-bottom: 2px;">quarterly</div> <div style="margin-bottom: 2px;">semiannual</div> <div style="margin-bottom: 2px;">annual</div> <div>single event</div> </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"><input type="text"/></td></tr> <tr><td style="height: 15px;"><input type="text"/></td></tr> <tr><td style="height: 15px; text-align: center;">x</td></tr> <tr><td style="height: 15px;"><input type="text"/></td></tr> <tr><td style="height: 15px;"><input type="text"/></td></tr> <tr><td style="height: 15px;"><input type="text"/></td></tr> <tr><td style="height: 15px;"><input type="text"/></td></tr> </table>			<input type="text"/>	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>										
<input type="text"/>										
x										
<input type="text"/>										
<input type="text"/>										
<input type="text"/>										
<input type="text"/>										
Violation Base Penalty			\$10,000							
Two monthly events are recommended from the March 10, 2021 investigation date to the May 5, 2021 screening date.										

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$10,000

Economic Benefit (EB) for this violation

	Statutory Limit Test	
Estimated EB Amount	\$6,902	
Violation Final Penalty Total		\$10,000
This violation Final Assessed Penalty (adjusted for limits)		\$10,000

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

Alliance Wholesale Tires, L.L.C.

60717

RN107286437

Waste Tires

1

Percent Interest

Years of Depreciation

5.0

15

Item Cost

Date Required

Final Date

Yrs

Interest Saved

Costs Saved

EB Amount

Item Description

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$156,000	10-Mar-2021	27-Jan-2022	0.88	\$6,902	n/a	\$6,902
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to dispose of the scrap tires at the Site at an authorized facility (\$5 per tire). The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$156,000

TOTAL

\$6,902



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-May-2021	Screening	5-May-2021	EPA Due	
	PCW	27-Feb-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Alliance Wholesale Tires, L.L.C.
Reg. Ent. Ref. No.	RN107286437
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	60717	No. of Violations	1
Docket No.	2021-0763-MSW-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Waste Tires	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$105	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$100	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	14.0%	Adjustment	\$105
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with the violation.
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Final Penalty Amount	\$855
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$855
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$855
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Screening Date	5-May-2021	Docket No.	2021-0763-MSW-E	PCW
Respondent	Alliance Wholesale Tires, L.L.C.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60717			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN107286437			
Media	Used Oil			
Enf. Coordinator	Stephanie McCurley			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 5-May-2021 Respondent Alliance Wholesale Tires, L.L.C. Case ID No. 60717 Reg. Ent. Reference No. RN107286437 Media Used Oil Enf. Coordinator Stephanie McCurley	Docket No. 2021-0763-MSW-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1	
Rule Cite(s)		30 Tex. Admin. Code § 324.4(1) and 40 Code of Federal Regulations § 279.22(d)(3)
Violation Description		Failed to prevent the disposal of used oil on the ground and failed to clean up and manage properly the released used oil. Specifically, four containers of used oil/used oil and water mixtures were open and overflowing onto the concrete parking lot at the Site.

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual			x	
	Potential				

	Percent	15.0%
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>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	

	Percent	0.0%
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Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$4,250
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	\$750
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Violation Events

Number of Violation Events	1	56	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$750
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One quarterly event is recommended from the March 10, 2021 investigation date to the May 5, 2021 screening date.	
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Good Faith Efforts to Comply

	0.0%	
		Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$750
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Economic Benefit (EB) for this violation

	\$105	
Estimated EB Amount		Statutory Limit Test

	Violation Final Penalty Total	\$855
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This violation Final Assessed Penalty (adjusted for limits)	\$855
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Economic Benefit Worksheet

Respondent Alliance Wholesale Tires, L.L.C.
Case ID No. 60717
Reg. Ent. Reference No. RN107286437
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	7-Jan-2021	27-Jan-2022	1.05	\$5	\$100	\$105

Notes for AVOIDED costs

Estimated delayed cost to properly remove and dispose of all containers of used oil at an authorized used oil collection center, clean up all used oil spills using appropriate corrective measures, and dispose of the waste material from the Site at an authorized facility (\$100). The Date Required is the initial complaint investigation date and the Final Date is the date the Respondent ceased operating at the Site.

Approx. Cost of Compliance

\$100

TOTAL

\$105

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN604581637, RN107286437, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604581637, Alliance Wholesale Tires, L.L.C. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN107286437, Alliance Wholesale Tires **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 2310 United States Highway 259 North in Kilgore, Gregg County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: January 25, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 25, 2017 to January 25, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Stephanie McCurley

Phone: (512) 239-2607

Site and Owner/Operator History:

- | | |
|--|----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
ALLIANCE WHOLESALE TIRES, L.L.C.;
RN107286437

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2021-0763-MSW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alliance Wholesale Tires, L.L.C. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Michael Howell of the law firm West Short and Howell, P.L.L.C., together stipulate that:

1. Respondent operated a wholesale tire distributor and unauthorized scrap tire business located at 2310 United States Highway 259 North in Kilgore, Gregg County, Texas (the "Site"). The Site contains and/or involves the management of municipal solid waste ("MSW"), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,855 is assessed by the Commission in settlement of the violations alleged in Section II. The Revenue Operations Section of TCEQ's Financial Administration Division reviewed the financial documentation submitted by Respondent and determined that Respondent is unable to pay all or part of the penalty. Therefore, \$9,655 of the penalty is deferred contingent upon Respondent's timely and satisfactory compliance with all terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. Respondent paid \$1,200 of the \$1,200 undeferred penalty.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.

7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent:
 - a. Removed the tires from the Site as of January 27, 2022; and
 - b. No longer operates the Site as of January 27, 2022.

II. ALLEGATIONS

1. During an investigation conducted on March 10, 2021, an investigator documented that Respondent:
 - a. Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers, in violation of TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE § 328.60(a). Specifically, approximately 31,200 passenger tire equivalents were stored on the ground at the Site; and
 - b. Failed to prevent the disposal of used oil on the ground and failed to clean up and manage properly the released used oil, in violation of 30 TEX. ADMIN. CODE § 324.4(1) and 40 C.F.R. § 279.22(d)(3). Specifically, four containers of used oil/used oil and water mixtures were open and overflowing onto the concrete parking lot at the Site.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

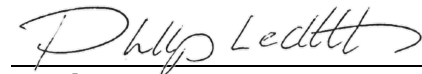
5. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/23/2025

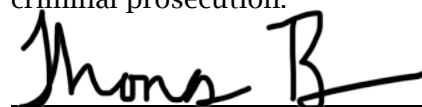
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Thomas Weston Brown, Director

3/10/25

Date

Alliance Wholesale Tires, L.L.C.
P.O. Box 5022
Georgetown, Texas 78627

☐ If mailing address has changed, please check this box and provide the new address below: