## **TCEQ Interoffice Memorandum**

**To:** Mary Smith, General Counsel

Audrey Liter, Assistant General Counsel

Thru: Anna Treadwell, Senior Attorney

Litigation Division

From: / PTaylor Pearson, Staff Attorney

Litigation Division

Date: September 12, 2025

**Subject:** Backup Revision

September 24, 2025 Commission Agenda

Draft Item No. 18

Docket No. 2022-0222-MLM-E

### Enclosed please find the following:

### **Unsworn Declaration**

Date of declaration was incorrect and has been re-signed and dated.

### **Respondent Contact:**

Allen Christian 14569 Farm-to-Market Road 14 Tyler, Texas 75706

Please do not hesitate to call Taylor Pearson at (512) 920-3265 if you have any questions regarding this matter.

cc: Stephanie McCurley, Enforcement Division

Michelle Baetz, Tyler Regional Office Gill Valls, Office of the General Counsel Michael Parrish, Enforcement Division Leslie Gann, Enforcement Division Stuart Beckley, Enforcement Division

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### UNSWORN DECLARATION OF TAYLOR WAYNE PEARSON

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Allen Christian dba Christian Parts' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 19, 2023.

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Allen Christian dba Christian Parts' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on April 2, 2024.

The EDFARP was mailed to Respondent's last known address on April 2, 2024, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDFARP was re-filed in the TCEQ Chief Clerk's office on July 19, 2024.

The EDFARP was mailed to Respondent's last known address on July 19, 2024, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDFARP in accordance with 30 Tex. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."

"My name is Taylor Wayne Pearson and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Execute	ed in		Travis	County
State of	f Texas,			
on the	12	_ day of _	September	, 2025

Declarant

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 61961 Allen Christian dba Christian Parts RN103971784

Docket No. 2022-0222-MLM-E

**Order Type:** Default Order

Media:

MLM: IHW and Used Oil

**Small Business:** 

Yes

**Location Where Violations Occurred:** 

14565 Farm-to-Market Road 14, Tyler, Smith County

Type of Operation:

automotive service shop

Other Significant Matters:

Additional Pending Enforcement Actions: None Past-Due Penalties: None Past-Due Fees: \$325.82 Other: None Interested Third Parties: None

**Texas Register Publication Date:** August 8, 2025

Comments Received: None

**Penalty Information** 

**Total Penalty Assessed:** \$21,750

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$21,750

**Compliance History Classifications:** 

Person/CN - High

Site/RN - High

Major Source: Yes and No

Statutory Limit Adjustment: None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information** 

Complaint Date(s): N/A

**Dates of Investigation:** March 29, 2021 and November 29, 2021

Date of NOV: N/A

Date of NOE: November 30, 2021

# EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 61961 Allen Christian dba Christian Parts RN103971784 Docket No. 2022-0222-MLM-E

### **Violation Information**

- 1. Failed to use manifests, work orders, invoices, or other records to document removal and management of all scrap tires generated on-site [30 Tex. ADMIN. CODE § 328.56(c)].
- 2. Failed to obtain a scrap tire storage site registration for the Facility 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 §§ 328.56(d)(2) and 328.60(a)].
- 3. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks [30 Tex. Admin. Code § 328.56(d)(4)].
- 4. Failed to maintain a record of each individual load of used or scrap tires or tire pieces transported from the Facility and make it available upon request by agency personnel [30 Tex. ADMIN. CODE § 328.58(a)].
- 5. Failed to ensure that containers used to store used oil are in good condition and not leaking [Tex. Health & Safety Code § 371.041, 30 Tex. Admin. Code § 324.1, and 40 C.F.R. § 279.22(b)].
- 6. Failed to mark or clearly label used oil storage containers with the words "Used Oil" [30 Tex. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.22(c)(1)].
- 7. Failed to store used oil and oil filters in approved containers [30 Tex. ADMIN. CODE §§ 324.1 and 328.23(a) and 40 C.F.R. § 279.22(a)].
- 8. Failed to maintain hazardous waste containers closed except when adding or removing waste [30 Tex. Admin. Code § 335.112(a)(8) and 40 C.F.R. § 265.173(a)].
- 9. Failed to label all hazardous waste containers with the words "Hazardous Waste" [30 Tex. ADMIN. CODE § 335.69(a)(3) and 40 C.F.R. § 262.34(d)(4)].

### Corrective Actions/Technical Requirements

### **Corrective Action Completed:**

None

### **Technical Requirements:**

- 1. Immediately cease storing any additional scrap tires at the Facility until proper authorization is obtained.
- 2. Within 30 days:
  - a. Obtain a scrap tire storage site registration for the Facility;
  - b. Ensure manifests, work orders, invoices or other records documenting the removal and management of all scrap tires generated at the Facility are completed and maintained at the Facility;
  - c. Establish and implement a consistent vector control program utilizing appropriate measures;
  - d. Begin maintaining records of each individual load of used or scrap tires or tire pieces transported from the Facility, including manifests, work orders, invoices, or other documentation related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces, and make them available for review upon request by agency personnel:
  - e. Replace the rusted and leaking used oil tank and broken plastic storage buckets;
  - f. Mark or clearly label the used oil storage tank with the words "Used Oil";
  - g. Store used oil and used oil filters in approved containers;
  - h. Securely close both parts washers containing hazardous waste; and
  - i. Label both hazardous waste containers with the words "Hazardous Waste".

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61961 Allen Christian dba Christian Parts RN103971784 Docket No. 2022-0222-MLM-E

- 3. In lieu of Technical Requirement 2.a., within 30 days reduce the number of scrap tires stored at the Facility to less than 500 on the ground or 2,000 tires in enclosed and lockable containers.
- 4. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2, or with Technical Requirement Nos. 1, 2.b. through 2.i., and 3.

### Litigation Information

**Date Petitions Filed:** October 19, 2023; April 2, 2024; July 19, 2024

**Dates of Service:** unclaimed; unclaimed; unclaimed

Date Answer Filed: N/A

### **Contact Information**

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400

Sheldon Wayne, Public Interest Counsel, (512) 239-6363

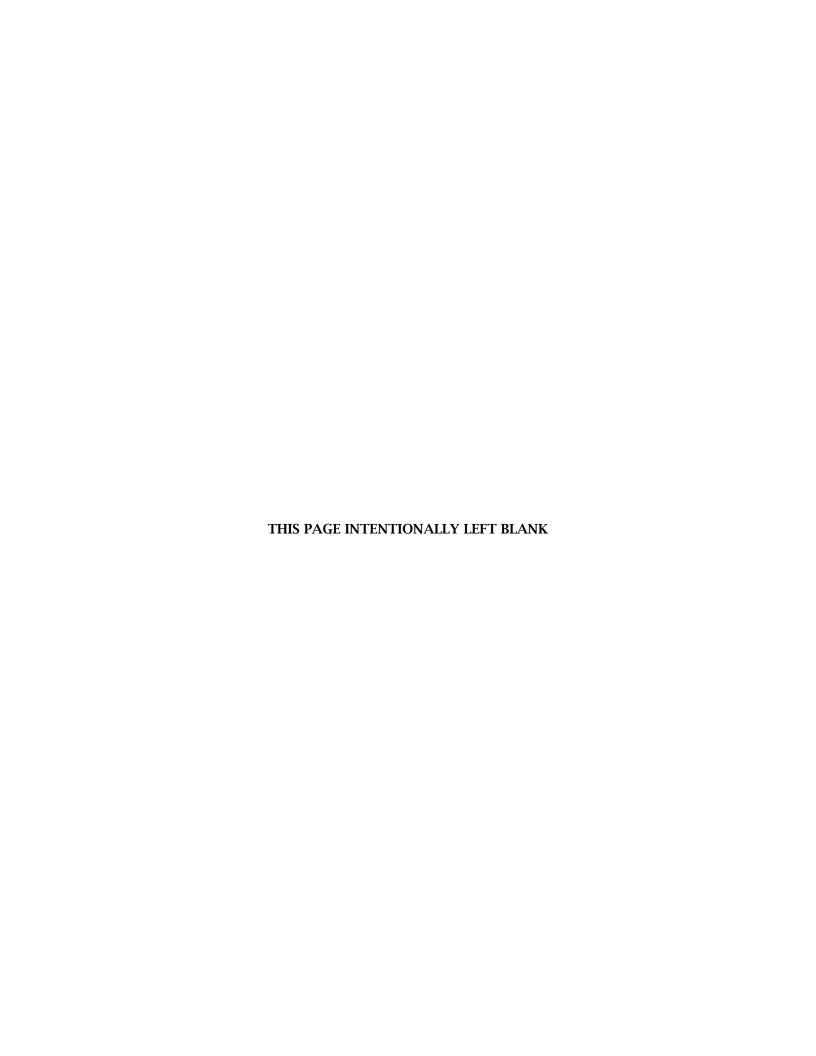
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575 **TCEQ Enforcement Coordinator:** Stephanie McCurley, Enforcement Division, (512) 239-2607

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

Respondent Contact: Allen Christian, Allen Christian dba Christian Parts, 14569 Farm-to-Market Road

14, Tyler, Texas 75706

Respondent's Attorney: N/A



\$16,750



Reduces the Final Assessed Penalty by the indicated percentage.

Notes

**PAYABLE PENALTY** 

## Penalty Calculation Worksheet (PCW)

THE PROPERTY OF	Policy R	evision 5 (January 28	•	arcaracio	ii works	11000 (1 0	PCW Rev	rision February 1	1, 2021
<b>DATES</b>	Assigned	6-Dec-2021							
	PCW	11-Sep-2023	Screening	7-Dec-2021	EPA Due				
RESPO	NDENT/FACILI	TY INFORMATI	ON						
		Allen Christian o	lba Christian	Parts (PCW 1 of	f 3)				
_	j. Ent. Ref. No.								
Facilit	ty/Site Region	5-Tyler			Major/I	Minor Source	Major		
	NFORMATION								
En	f./Case ID No.				No.	of Violations			
		2022-0222-MLM	I-E			Order Type			
Med	lia Program(s)				Governmen	t/Non-Profit	No		
		Industrial and H	lazardous Wa	ste, Used Oil,			Ctonbonio McC	Curlos (	
	Multi-Media	and Used Oil Filt	ter		Enf.	Coordinator	Stephanie McC	Luriey	
							Enforcement T	eam 3	
Adn	nin. Penalty \$ I	Limit Minimum	\$0	Maximum	\$25,000		Linor content	carr 5	
7101	······································		Ψ0	· · · · · · · · · · · · · · · · · · ·	Ψ23,000				
			Penalt	ty Calcula	tion Secti	ion			
				•		011			
TOTAL	L BASE PENA	LTY (Sum of	f violation	base penal	ties)		Subtotal 1	\$1	6,750
ADJUS	STMENTS (+	/-) TO SUBT	OTAL 1	D 11 (0 1) 1 1					
		btained by multiplyin	g the Total Base				tale 2 2 9 7	*	1,675
	Compliance Hi	Story		-10.0%	Adjustment	Subto	tals 2, 3, & 7	-φ	1,075
	Notes	P.	eduction for I	High Performer	classification				
	Notes	1	caaction for i	riigii i ciroriiici	ciassification.				
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	espondent doe	es not meet the	culpability crit	eria.			
	Good Faith Eff	ort to Comply T	otal Adjustr	nents			Subtotal 5		\$0
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6		\$0
	Zeonomic Den	Total EB Amounts	\$1,445		d at the Total EB \$	Amount	Subtotui o		70
	Estimated	Cost of Compliance		· ·					
SUM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$1	5,075
OTHE	R FACTORS A	AS JUSTICE N	1AY REQU	IRE	11.1%		Adjustment	\$	1,675
Reduces of	or enhances the Fina	Subtotal by the indi	cated percentage	2.	,				
	Notes	Recommend	ded enhancen	nent to offset H	igh Performer i	reduction.			
							]		
						Final Per	nalty Amount	\$1	6,750
STATU	JTORY LIMIT	T ADJUSTMEI	NT			Final Asse	ssed Penalty	\$1	6,750
DEFER	RRAL					Reduction	Adjustment		\$0

Deferral not offered for non-expedited settlement.

Screening Date 7-Dec-2021

**Docket No.** 2022-0222-MLM-E

**PCW** 

**Respondent** Allen Christian dba Christian Parts (PCW 1 of 3)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Case ID No. 61961

Reg. Ent. Reference No. RN103971784

Media Waste Tires

Enf. Coordinator Stephanie McCurley

	Compliance History Worksheet		
ompliance Hist Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.
Component	Written notices of violation ("NOVs") with same or similar violations as those in		
NOVs	the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Decrees	and Consent  Any adjudicated final court judgments and default judgments or non-adjudicated		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Aud Privilege Act, 74th Legislature, 1995 (number of audits for which violations well disclosed)		0%
	<u> </u>		00/
	Environmental management systems in place for one year or more	No	0%
Other	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%
Repeat Violator	Adjustment Per (Subtotal 3)	centage (Sul	ototal 2) [
No	Adjustment Per	centage (Sul	ototal 3)
Compliance Hist	ory Person Classification (Subtotal 7)		
High Per	former Adjustment Per	centage (Sul	ototal 7)
Compliance Hist	ory Summary		
Compliance History Notes	Reduction for High Performer classification.		
	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) [
nal Compliance	History Adjustment	*	-1.4000/
	Final Adjustment Percenta	age *capped	at 100%

	Screening Date	7-Dec-2021		Doc	ket No. 2022	-0222-MLM-E		PCW
	Respondent		dba Christian	Parts (PCW 1	of 3)		Policy Re	evision 5 (January 28, 2021)
	Case ID No.						PCW	Revision February 11, 2021
Reg.	Ent. Reference No.							
		Waste Tires						
	Enf. Coordinator Violation Number		urley					
		1						
	Rule Cite(s)		30 T	Tex. Admin. C	ode § 328.56(c)	)		
		Failed to	:6		:			
	<b>Violation Description</b>				nvoices, or othe scrap tires gen			
		101110	var ana mana	igernent or an	scrup thes gen	icrated on site.		
						D		¢2E 000
						Base	e Penalty	\$25,000
>> Env	vironmental, Prope	rty and Hum	an Health	Matrix				
			Harm					
<b>0</b> D	Release	Major	Moderate	Minor				
OR	Actual Potential				Perc	ont 0.00/		
	Potential				Perc	ent 0.0%		
>>Pro	grammatic Matrix							
	Falsification	Major	Moderate	Minor				
		Х			Perc	<b>ent</b> 20.0%		
	Matrix							
	Notes	100	0% of the rule	e requirement	was not met.			
					Adjustm	ent	\$20,000	
					, tajaotiii		Ψ20/000	
								\$5,000
Violati	on Events							
Violati	on Events							
	Number of V	iolation Events	1		8 Numb	ber of violation	days	
				_				
		daily 						
		weekly						
		monthly quarterly			,	Violation Base	. Denalty	\$5,000
		semiannual				Violation base	crematy	Ψ5,000
		annual						
		single event	х					
				•				
			One single s	want is reserve	amandad			
			One single e	event is recom	imenaea.			
Good F	aith Efforts to Com	ply	0.0%				Reduction	\$0
		T. Control of the Con	Sefore NOE/NOV	NOE/NOV to ED	PRP/Settlement Off	er		
		Extraordinary						
		Ordinary						
		N/A	X					
		Notes	The Respon	dent does not	meet the good	faith criteria		
		ivotes		for this	violation.			
		l.						
						Violation	Subtotal	\$5,000
Econo	nic Donofit (ED) for	thic vicint	<b>.</b> n		Chat	huton Line	Toot	
ECONOR	mic Benefit (EB) for	uns violatio	J11		Stat	tutory Limit	rest	
	Estimate	ed EB Amount		\$63	Violat	ion Final Pena	alty Total	\$5,000
			This viole	tion Einal Aa	seesed Danalt	v (adiustod f	or limita)	¢E 000
			i nis viola	uon rinai As	sessed Penalt	y (aujusted f	or ilmits)	\$5,000

	E	conomic	Benefit	Woı	ksheet		
•		dba Christian Par	ts (PCW 1 of 3)				
Case ID No.	61961						
Reg. Ent. Reference No.	RN103971784						
Media	Waste Tires					Damasut Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	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	1500			0.00	\$0	n/a	\$0
Record Keeping System	\$500	29-Mar-2021	2-Oct-2023	2.51	\$63	n/a	\$63
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)		<u> </u>				, -	
Notes for DELAYED costs	other record	ds documenting th	e removal and in the Facility. The	manage Date R	ment of all scrap t	nanifests, work orde ires generated at th al investigation date e.	e Facility are
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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		\$500			TOTAL		\$63

	Screening Date	7-Dec-2021	<b>Docket No.</b> 2022-0222-MLM-E	PCW
	-	Allen Christian dba Christian	Parts (PCW 1 of 3)	licy Revision 5 (January 28, 2021)
Pog	Case ID No. Ent. Reference No.			PCW Revision February 11, 2021
Keg.		Waste Tires		
	<b>Enf.</b> Coordinator	Stephanie McCurley		
	Violation Number			
	Rule Cite(s)	30 Tex. Admin. Code §§ 328	3.56(d)(2) and 328.60(a) and Tex. Health & Safety C § 361.112(a)	ode
			3 301.112(u)	
			storage site registration for the Facility prior to stori	
	<b>Violation Description</b>		rap tires on the ground or 2,000 used or scrap tires iners. Specifically, approximately 2,000 scrap tires w	
			ed on the ground at the Facility.	
			Base Pena	<b>alty</b> \$25,000
> > F	vius u us subst. Dus u s	where and Hermann Health	Matrix	
>> EN	vironmentai, Propei	rty and Human Health Harm	і матгіх	
	Release	Major Moderate	Minor	
OR	Actual Potential		Percent 0.0%	
	Foteritial		Percent 0.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor Percent 20.0%	
		X	201070	
	Matrix			
	Notes	100% of the ru	le requirement was not met.	
			Adjustment \$20,	000
				\$5,000
				ψ3/000
Violati	on Events			
	Number of \	/iolation Events 1	8 Number of violation days	
		daily weekly		
		monthly x		
		quarterly	Violation Base Pena	<b>alty</b> \$5,000
		semiannual annual		
		single event		
	·			
	One monthly		the November 29, 2021 follow up investigation date	to
		the Decembe	er 7, 2021 screening date.	
Cood	Faith Efforts to Com	mly 0.00%	Dadus	tion \$0
Good	aith Efforts to Com	Ply 0.0%  Before NOE/NOV		tion \$0
		Extraordinary		
		Ordinary		
		N/A x		
		Notes The Respond	dent does not meet the good faith criteria for	
			this violation.	
			Violation Subto	otal \$5,000
Econo	mic Benefit (EB) for	this violation	Statutory Limit Test	
	Estimate	ed EB Amount	\$1,256 Violation Final Penalty To	<b>s</b> 5,000
		This vio	plation Final Assessed Penalty (adjusted for lim	its) \$5,000
			• • •	

	Е	conomic	Benefit	ıoW	ksheet		
Respondent	Allen Christian	dba Christian Par	ts (PCW 1 of 3)	)			
Case ID No.	61961						
Reg. Ent. Reference No.	RN103971784						
	Waste Tires						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)	\$10,000	29-Mar-2021	2-Oct-2023	0.00 2.51	\$0 \$1,256	n/a n/a	\$0 \$1,256
Notes for DELAYED costs		,				the Facility. The Deed date of complian	· ·
Avoided Costs	ANNU	ALIZE avoided c	osts before er	nterina	item (except for	one-time avoided	l 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		\$10,000			TOTAL		\$1,256

	Screening Date	7-Dec-2021			et No. 2022-0222-MLI	M-E	PCW
	Respondent	Allen Christian	dba Christian	Parts (PCW 1 of 3	3)	Policy R	evision 5 (January 28, 2021)
	Case ID No.					PCV	/ Revision February 11, 2021
Reg.	<b>Ent. Reference No.</b>						
		Waste Tires					
	Enf. Coordinator		ırley				
	Violation Number						1
	Rule Cite(s)		30 Te	ex. Admin. Code	§ 328.56(d)(4)		
	Violation Description	Failed to mo	nitor tires sto	red outside for ve	ectors and utilize approp	oriate vector	
	Violation Description		control mea	asures at least or	nce every two weeks.		
						Base Penalty	\$25,000
> > E	vivonmental Dvene	what sand black	طداحم المحالم	Matrix			
>> EN	vironmental, Prope	rty and Hum	Harm	матгіх			
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential			Х	Percent 7	.0%	
> > D	augustia Matrix						
>>Pro	grammatic Matrix Falsification	Major	Moderate	Minor			
	1 disilication	Major	Moderate	MINO	Percent 0	.0%	
					0	.0 70	
	Human healt	h or the environ	ment will or c	rould be exposed	to insignificant amounts	s of pollutants	
	Matrix that would no				ealth or environmental		
	Notes			t of the violation.			
					Adjustment	\$23,250	
							\$1,750
Violati	on Events						
	Number of \	/iolation Events	1	1	8 Number of viola	ation days	
			_			,	
		daily					
		weekly					
		monthly					
		quarterly			Violation	<b>Base Penalty</b>	\$1,750
		semiannual					
		annual single event	v				
		Single event	Α	J			
			One single	event is recomme	ended.		
Good F	aith Efforts to Com	vlq	0.0%			Reduction	\$0
		В		NOE/NOV to EDPRP,	/Settlement Offer		
		Extraordinary					
		Ordinary					
		N/A	Х				
			The Respond	ent does not mee	et the good faith criteria	for	
		Notes	····c · · · copo···a	this viol			
					Viola	ation Subtotal	\$1,750
F	min Daw - 6th (ED) C	Abia			Chatai	· :	
conoi	mic Benefit (EB) for	this violation	on		Statutory L	imit i est	
	Estimate	ed EB Amount		\$63	<b>Violation Final</b>	Penalty Total	\$1,750
			This viol	lation Final Acc	essed Penalty (adjus	ted for limite)	\$1,750
			i ilis vio	iauvii riiidi ASS	esseu renalty (adjust	teu ioi iimits)	\$1,/50

	E	conomic	Benefit	Woi	ksheet		
Respondent	Allen Christian	dba Christian Par	ts (PCW 1 of 3)				
Case ID No.							
Reg. Ent. Reference No.							
_	Waste Tires						Years of
Violation No.						<b>Percent Interest</b>	Depreciation
Violation No.	3					F 0	
						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	\$500	20 Mar 2021	2.0+ 2022	0.00	\$0 \$63	n/a	\$0 \$63
Other (as needed)	\$500	29-Mar-2021	2-Oct-2023	2.51	\$63	n/a	\$63
Notes for DELAYED costs	The Date Re	quired is the initia	l investigation d	ate and	the Final Date is t	ring and vector control the estimated date of	of compliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)  Notes for AVOIDED costs		JI II		0.00	1 \$0	1 \$0 1	\$0
Approx. Cost of Compliance		\$500			TOTAL		\$63

	Screening Date	7-Dec-2021		Docket N	0. 2022-0222-MLM-E		PCW	
			dba Christian	Parts (PCW 1 of 3)		Policy R	Revision 5 (January 28, 2021	1)
_	Case ID No.					PCV	V Revision February 11, 202	1
Reg.	Ent. Reference No.							
	Enf. Coordinator	Waste Tires	ırlov					
	Violation Number		пеу					
	Rule Cite(s)		20	Toy Admin Codo S 2	20 E0(2)			
			30	Tex. Admin. Code § 3	20.30(d)			
	Violation Description	pieces transpo personnel. Sp related to the	orted from the pecifically, ma accumulation,	e Facility and make it a nifests, work orders, , handling, and shipmo	ad of used or scrap tires available upon request b invoices, or other docun ent of used or scrap tire ne of the investigation.	y agency nentation		
					Bas	e Penalty	\$25,00	ıO
					-40	C : C,	Ψ23/00	Ť
>> En	vironmental, Prope	rty and Hum	an Health Harm	Matrix				
	Release	Major	Moderate	Minor				
OR	Actual							
	Potential				Percent 0.0%			
>> Dro	grammatic Matrix							
	Falsification	Major	Moderate	Minor				
		X			Percent 20.0%			
							1	
	Matrix	10	100% of the rul	le requirement was no	at mot			
	Notes	10	10 70 OF LITE TUI	ie requirement was no	it met.			
					Adjustment	\$20,000	l	
							\$5,00	0
							15/55	Ť
Violati	ion Events							
	Number of \	/iolation Events	1	8	Number of violation	davs		
			_	<u> </u>		/-		
		daily						
		weekly monthly						
		quarterly			Violation Bas	e Penalty	\$5,00	0
		semiannual			Violation Bas	c i cilaity	Ψ3/00	_
		annual						
		single event	Х					
			One single	event is recommende	d.			
Good	Faith Efforts to Com	vlq	0.0%			Reduction	\$	0
				NOE/NOV to EDPRP/Settl	ement Offer	riou de ciron		_
		Extraordinary						
		Ordinary						
		N/A	X			Ī		
		Notes	The Respond		e good faith criteria for			
				this violation				
		•			Violation	Subtotal	\$5,00	ın
							Ψ3,00	_
cono	mic Benefit (EB) for	this violation	DΠ		Statutory Limit	t lest		
	Estimate	ed EB Amount		\$63	Violation Final Pen	alty Total	\$5,00	0
			This vio	lation Final Assesse	ed Penalty (adjusted f	or limits)	\$5,00	0

	E	conomic	Benefit	Woı	rksheet		
		dba Christian Par	rts (PCW 1 of 3)	)			
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Waste Tires 4					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	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	1500			0.00	\$0	n/a	\$0
Record Keeping System	\$500	29-Mar-2021	2-Oct-2023	2.51	\$63	n/a	\$63
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	pieces trans work orders, i	sported from the F invoices, or other	Facility and mak documentation ces. The Date R	e availa related equired	ble, upon request to the accumulation	load of used or scra by agency personne on, handling, and sh tigation date and th	el, manifests, ipment of used
Avoided Costs	ANNU	ALIZE avoided c	osts before er	ntering	item (except for	one-time avoided	l 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		\$500			TOTAL		\$63

\$1,000



Notes

**PAYABLE PENALTY** 

## Penalty Calculation Worksheet (PCW) vision 5 (January 28, 2021)

ZEIRONMENTAL QU	Policy R	evision 5 (January 28	3, 2021)				PCW Rev	vision February 11, 2021
DATES	Assigned	6-Dec-2021						
	PCW	11-Sep-2023	Screening	7-Dec-2021	EPA Due			
ESPO!		TY INFORMATI						
В	Respondent	Allen Christian o	lba Christian	Parts (PCW 2 o	f 3)			
_	g. Ent. Ref. No.				Maior /M	inar Cauraa	Minor	
aciiii	ty/Site Region	5-Tyler			мајог/ м	inor Source	MILIOI	
ASE I	NFORMATION							
En	f./Case ID No.	61961			No. o	f Violations	3	
	Docket No.	2022-0222-MLM	I-E			<b>Order Type</b>		
Med	lia Program(s)				Government	/Non-Profit	No	
		Industrial and H		iste, Waste			Stephanie McC	Curley
	Multi-Media	Tires, and Used	Oil Filter		Ent.	Coordinator	-	
۸ d =	min Donalty & I	limit Minimum	<b>#</b> 0	Maximum	¢E 000	EC's Team	Enforcement T	eam 3
Aur	nin. Penaity \$ 1	Limit Minimum	\$0	Maximum	\$5,000			
			Danal	to Coloudo	tion Cootie			
				•	tion Section	ווכ		
DTAI	L BASE PENA	LTY (Sum of	f violation	base penal	ties)		Subtotal 1	\$1,000
<b>-</b> 1114	CTMENTS ( )	/	OTAL 1					
יטנע		/-) TO SUBTO		Penalty (Subtotal	1) by the indicated n	ercentage		
	Compliance Hi	, , ,	g the rotal base	-10.0%	Adjustment		tals 2, 3, & 7	-\$100
		,		2010 /0			]	T
	Notes	R	Reduction for	High Performer	classification.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Culpability	NO		0.0%	Lilliancement		Subtotal 4	<b>40</b>
	Notes	The Re	espondent do	es not meet the	culpability crite	eria.		
			•		. ,			
							_	
	Good Faith Eff	ort to Comply T	Total Adjust	ments			Subtotal 5	\$0
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$0
	20011011110 2011	Total EB Amounts	\$1,383		ed at the Total EB \$ A	Amount	Subtotal o	40
	Estimated	Cost of Compliance		]				
						_		
JM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$900
	D EACTORS	AC ILICATOR A	AAV DEGU		44.40			+100
		AS JUSTICE N I Subtotal by the indi			11.1%		Adjustment	\$100
iuces c	or enhances the rina	Subtotal by the indi	cateu percentag	с.			1	
	Notes	Recommend	ded enhancer	ment to offset H	ligh Performer re	eduction.		
	Notes	recomment	aca cimaneci	nene to onoce n	ingin i cironinei i c	ou de croi in		
						Final Per	nalty Amount	\$1,000
							,	4 = , 300
TATI	UTORY LIMIT	T ADJUSTMEI	NT			Final Asse	ssed Penalty	\$1,000
			· = •			7ar A530	court charty	Ţ- <b>,</b> 300
EFEF	RRAL				0.0%	Reduction	Adjustment	\$0
		enalty by the indicate	d percentage.				,	+-

Deferral not offered for non-expedited settlement.

Screening Date 7-Dec-2021

**Docket No.** 2022-0222-MLM-E

**PCW** 

**Respondent** Allen Christian dba Christian Parts (PCW 2 of 3)

**Case ID No.** 61961

Reg. Ent. Reference No. RN103971784

Media Used Oil

Enf. Coordinator Stephanie McCurley

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

	Compliance History Worksheet ory 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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
5 31.5	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%
Repeat Violator	Adjustment Perd	centage (Sul	ototal 2) [
No	Adjustment Per	centage (Sul	ototal 3)
Compliance Hist	ory Person Classification (Subtotal 7)		
High Peri	<u> </u>	centage (Sul	ototal 7)
Compliance Hist	ory Summary		
Compliance History	Reduction for High Performer classification.		

Notes

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

	Screening Date	7-Dec-2021		Doo	cket No. 2022-0	222-MLM-E		PCW
	Respondent	Allen Christian	dba Christian	Parts (PCW	2 of 3)		Policy R	evision 5 (January 28, 2021)
	Case ID No.						PCV	V Revision February 11, 2021
Reg.	Ent. Reference No.							
		Used Oil						
	Enf. Coordinator	Stephanie McC	urley					
	Violation Number	1						
	Rule Cite(s)	30 Tex. Ad	dmin. Code §	324.1, 40 Cd	ode of Federal Reg	ulations ("C	FR") §	
		2	279.22(b), an	d Tex. Health	h & Safety Code §	371.041		
		Failed to ensu	re that contai	ners used to	store used oil are	in good con	dition and	
	Violation Description	not leaking.	Specifically,	the used oil	storage area cont	ained broker	n plastic	
	Violation Description	buckets and	a used oil tar		rusted and leakin	g into the se	econdary	
				containm	ent area.			
						Bas	se Penalty	\$5,000
							_	12,222
>> Env	ironmental, Prope	rty and Hum		Matrix				
	Dalanca	Moior	Harm	Minor				
OR	<b>Release</b> Actual	Major	Moderate	Minor				
OIX	Potential		X		Percei	nt 5.0%	1	
	i occinciai		A		. 0.00.	3.070		
>>Pro	grammatic Matrix							
,	Falsification	Major	Moderate	Minor			_	
					Percei	nt 0.0%		
								1
					osed to significant			
	Notes that would no	t exceed levels			nan health or envir	onmental re	eceptors as	
			a resu	t of the viola	ition.			
					Adjustma	nt	¢4 750	
					Adjustme	IIL	\$4,750	
								\$250
	_							
Violatio	on Events							
	Number of V	iolation Events	1	1 [	8 Numbe	r of violation	n davs	
				I L	0			
		daily						
		weekly						
		monthly						
		quarterly	X		Vi	olation Bas	se Penalty	\$250
		semiannual						
		annual single event						
		single event						
			1 16		20 2024 6 11			
	One quarterly				per 29, 2021 follow reening date.	up investig	jation date	
		10	the December	7, 2021 30	reening date.			
0	- the Effects to Com-							40
Good F	aith Efforts to Com		0.0% Sefore NOE/NOV	NOE/NOV/ to E	OPRP/Settlement Offer		Reduction	\$0
		Extraordinary	CIOIE NOL/NOV	NOL/NOV TO EL	or repositionistic offer			
		Ordinary						
		N/A	Х					
		IN/ A					1	
		Notes	The Respon		t meet the good fa	ith criteria		
				for this	s violation.			
		L					<b>-</b>	
						Violatio	n Subtotal	\$250
Econor	nic Benefit (EB) for	this violation	on		Statu	tory Limi	t Test	
	Fetimate	ed EB Amount		\$1,256	Violatio	n Final Per	alty Total	\$250
	Estimate	/ount	i					
			This viola	tion Final A	ssessed Penalty	(adjusted	for limits)	\$250

	Economic Benefit Worksheet								
Respondent	Allen Christian	dba Christian Par	ts (PCW 2 of 3)						
Case ID No.			,						
Reg. Ent. Reference No.									
_	Used Oil						Years of		
Media Violation No.						<b>Percent Interest</b>	Depreciation		
Violation No.	1					5.0	15		
	Thoma Cook	Data Danvinad	Final Data	V	Tutawast Carrad				
	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 #0	n/a	\$0		
Permit Costs Other (as needed)	\$10,000	29-Mar-2021	2-Oct-2023	2.51	\$0 \$1,256	n/a n/a	\$0 \$1,256		
Notes for DELAYED costs	The Date Re	quired is the initia	l investigation d	ate and	the Final Date is t	nd broken plastic sto he estimated date o	of compliance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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		\$10,000			TOTAL		\$1,256		

	Screening Date		<b>Docket No.</b> 2022-0222-MLM-E	PCW
	Respondent Case ID No.	Allen Christian dba Christian	Parts (PCW 2 of 3)	Policy Revision 5 (January 28, 2021)
Reg.	Ent. Reference No.			PCW Revision February 11, 2021
	Media	Used Oil		
	Enf. Coordinator Violation Number			
	Rule Cite(s)		Code C 224 1 and 40 CED C 270 22(a)(1)	
	` `	30 Tex. Admin	. Code § 324.1 and 40 CFR § 279.22(c)(1)	
	Violation Description		el used oil storage containers with the words "Use	
		Specifically, the used of	oil tank was not labeled with the words "Used Oil".	•
			Base P	enalty \$5,000
	····			
>> En	vironmentai, Prope	rty and Human Health Harm	Matrix	
00	Release	Major Moderate	Minor	
OR	Actual Potential		Percent 0.0%	
>>Pro	grammatic Matrix Falsification	Major Moderate	Minor	
	Talsineation	X	Percent 10.0%	
	Matrix	100% of the ru	le requirement was not met.	
	Notes	100 /0 01 the 14	ic requirement was not met.	
	<u>-</u>		Adiustusout	t4 F00
			Adjustment	\$4,500
				\$500
Violati	on Events			
	Number of \	/iolation Events 1	8 Number of violation day	'S
	ı			
		daily weekly		
		monthly x		
		quarterlysemiannual	Violation Base Po	enalty \$500
		annual		
		single event		
	One monthly		the November 29, 2021 follow up investigation date: 7, 2021 screening date.	ate to
			, , , , , , , , , , , , , , , , , , , ,	
Good F	aith Efforts to Com			luction \$0
		Before NOE/NOV Extraordinary	NOE/NOV to EDPRP/Settlement Offer	
		Ordinary		
		N/A x		
		The Respond	dent does not meet the good faith criteria for	
		Notes	this violation.	
		Į <del>-</del>	Violation Su	btotal \$500
_				<u> </u>
Econor	mic Benefit (EB) for	tnis violation	Statutory Limit Te	est
	Estimate	ed EB Amount	\$1 Violation Final Penalty	Total \$500
			lation Final Assessed Penalty (adjusted for I	imits) \$500

	Economic Benefit Worksheet							
Pesnondent	_	dba Christian Par						
<u> </u>		uba Cilistiali Fai	ts (FCW 2 01 3)					
Case ID No.								
Reg. Ent. Reference No.								
Media	Used Oil					Percent Interest	Years of	
Violation No.	2					i ci cont interest	Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
	Item Cost	Date Required	rillai Date	113	Interest Saveu	Costs Saveu	LB Alliount	
Item Description								
Delayed Costs				=1				
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	410	20 May 2021	2.0-+ 2022	0.00	\$0	n/a	\$0	
Other (as needed)	\$10	29-Mar-2021	2-Oct-2023	2.51	\$1	n/a	\$1	
	Estimated	delayed cost to ma	ark or clearly la	bel the	used oil tank with	the words "Used Oil	". The Date	
Notes for DELAYED costs						stimated date of cor		
	•		_				•	
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoided	l 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								
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$10			TOTAL		\$1	
		<b>Ģ10</b>			IOIAL		ΨI	

	Screening Date				et No. 2022-0222-MLM-E		PCW
			dba Christian	Parts (PCW 2 of 3	3)	Policy R	Revision 5 (January 28, 2021
_	Case ID No.					PCW	V Revision February 11, 2021
Reg.	Ent. Reference No.						
		Used Oil					
	Enf. Coordinator Violation Number		uriey				
	Rule Cite(s)						
		30 Tex.	Admin. Code	§§ 324.1 and 328	3.23(a) and 40 CFR § 279.22	(a)	
		Failed to store	e used oil and	oil filters in appro	oved containers. Specifically,	used oil	
	<b>Violation Description</b>				used oil filters were stored or		
				above the used	oil tank.		
						-	1
					Base	e Penalty	\$5,000
>> En	vironmental, Prope	rty and Hum	nan Health	Matrix			
		_	Harm				
OΒ	Release		Moderate	Minor			
OR	Actua Potentia		X		Percent 5.0%		
	Fotentia		X		7.0%		
>>Pro	grammatic Matrix						
	Falsification	Major	Moderate	Minor			
					Percent 0.0%		
							1
					significant amounts of pollu		
	Notes Would not exc	ceed levels that a		or numan nealth	or environmental receptors a	is a result	
				· circ violacioni			
					Adjustment	\$4,750	
						ı	\$250
							\$230
Violati	on Events						
	No week and a C	Violetian France	-	īl	No contract of the biggs	4	
	number or	Violation Events	1		8 Number of violation	uays	
		daily		1			
		weekly					
		monthly					
		quarterly	Х		Violation Base	e Penalty	\$250
		semiannual					
		annual single event					
		Single event		1			
	One quarter	y ayant is resom	monded from	the Nevember 20	), 2021 follow up investigation	n data ta	
	One quarteri	y event is recom		er 7, 2021 screeni		ii date to	
				,	<u> </u>		
Good F	aith Efforts to Com	vlar	0.0%			Reduction	\$(
				NOE/NOV to EDPRP		223.011	
		Extraordinary					
		Ordinary					
		N/A	Х				
		Nahaa	The Respond	lent does not mee	et the good faith criteria for		
		Notes	·	this viola			
					Violation	Subtotal	\$250
Fcono	mic Benefit (EB) fo	r this violeti	on		Statutory Limit	Test	
LCOHOL	inc benefit (EB) 10	tilis violati	U11		Statutory Limit	1631	
	Estimat	ed EB Amount		\$126	Violation Final Pena	alty Total	\$250
			This vio	lation Final Ass	essed Penalty (adjusted f	or limits)	\$250

Economic Benefit Worksheet								
Respondent	Allen Christian	dba Christian Par	ts (PCW 2 of 3)					
Case ID No.		aba Cirristian rai	ts (1 CW 2 01 5)					
Reg. Ent. Reference No.							\	
Media						<b>Percent Interest</b>	Years of	
Violation No.	3						Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount	
Item Description		•						
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	#1.000	20.14 2021	2.0-+ 2022	0.00	\$0	n/a	\$0	
Other (as needed)	\$1,000	29-Mar-2021	2-Oct-2023	2.51	\$126	n/a	\$126	
Notes for DELAYED costs	th	e initial investigat	ion date and the	e Final [	Date is the estimat	containers. The Da ed date of complian	ce.	
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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)		<u> </u>		0.00	\$0	\$0	\$0	
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$1,000			TOTAL		\$126	



## Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

DATES Assigned 6-Dec-2021

PCW 11-Sep-2023 Screening 7-Dec-2021 EPA Due

RESPONDENT/FACILITY INFORMATION
Respondent
Reg. Ent. Ref. No.
Facility/Site Region

Region
Respondent
Ref. No.
RN103971784
Rajor/Minor Source
Minor

**CASE INFORMATION** Enf./Case ID No. 61961 No. of Violations 2 Docket No. 2022-0222-MLM-E Order Type 1660 Media Program(s) Industrial and Hazardous Waste Government/Non-Profit No Waste Tires, Used Oil, and Used Oil Filter Stephanie McCurley Multi-Media **Enf. Coordinator** EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

		Penalty Calculation Section	on	
TOTA	L BASE PENA	LTY (Sum of violation base penalties)	Subtotal 1	\$4,000
ADJU	STMENTS (+	/-) TO SUBTOTAL 1		
	Compliance Hi	tained by multiplying the Total Base Penalty (Subtotal 1) by the indicated p <b>***********************************</b>	Subtotals 2, 3, & 7	-\$400
	Notes	Reduction for High Performer classification.		
	Culpability	No <b>0.0%</b> Enhancement	Subtotal 4	\$0
	Notes	The Respondent does not meet the culpability crite	eria.	
	Good Faith Eff	ort to Comply Total Adjustments	Subtotal 5	\$0
	Economic Ben	Total EB Amounts \$6 *Capped at the Total EB \$ A Cost of Compliance \$40	Subtotal 6	\$0
		, <u> </u>	_	
SUM	OF SUBTOTA	.S 1-7	Final Subtotal	\$3,600
		S JUSTICE MAY REQUIRE 11.1% Subtotal by the indicated percentage.	Adjustment	\$400
	Notes	Recommended enhancement to offset High Performer re	eduction.	
			Final Penalty Amount	\$4,000
STAT	UTORY LIMIT	ADJUSTMENT	Final Assessed Penalty	\$4,000
<b>DEFE</b> Reduces		0.0% nalty by the indicated percentage.	Reduction <b>Adjustment</b>	\$0
	Notes	Deferral not offered for non-expedited settlemen	ıt.	
PAYA	BLE PENALT			\$4,000

Screening Date 7-Dec-2021

**Docket No.** 2022-0222-MLM-E

**PCW** 

**Respondent** Allen Christian dba Christian Parts (PCW 3 of 3)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

**Case ID No.** 61961

Reg. Ent. Reference No. RN103971784

Media Industrial and Hazardous Waste

	Enf. Coo	ordinator Stephanie McCurley		
		Compliance History Worksheet		
		ory <i>Site</i> Enhancement (Subtotal 2)  Number of	Number	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	and Consent Decrees	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	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 (number of audits for which notices were submitted)	0	0%
	Addits	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%
ĺ		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Gener	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 Per	centage (Sub	ototal 2) 0%
>> Re	peat Violator	(Subtotal 3)		
	No	Adjustment Per	centage (Sub	ototal 3) 0%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)		
	High Perf	ormer Adjustment Per	centage (Sub	ototal 7) -10%
>> Co	mpliance Hist	ory Summary		
	Compliance History Notes	Reduction for High Performer classification.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> -10%
>> Fina	l Compliance	History Adjustment	200 *******	-+ 1000/
		Final Adjustment Percent	aye *capped	at <b>100%</b> -10%

	Screening Date	7-Dec-2021		Dock	et No. 2022-022	22-MLM-E		PCW
	-	Allen Christian o	dba Christian	Parts (PCW 3	of 3)		Policy R	evision 5 (January 28, 2021)
	Case ID No.						PCW	/ Revision February 11, 2021
Reg.	Ent. Reference No.							
		Industrial and H		iste				
	Enf. Coordinator Violation Number		ırley					
		_						
	Rule Cite(s)	30 Tex. Adn	nin. Code § 3	335.112(a)(8) ("CFR") § 26	and 40 Code of Fed 5.173(a)	deral Regula	ations	
	Violation Description				ainers closed exce two parts washers			
						Base	Penalty	\$25,000
>> Fnv	vironmental, Prope	rtv and Huma	an Health	Matrix				
	Jimiental, i Topel	ey and main	Harm	···				
	Release	Major	Moderate	Minor				
OR	Actual				B	2.00/		
	Potential			X	Percent	3.0%		
>>Pro	grammatic Matrix							
	Falsification	Major	Moderate	Minor				
					Percent	0.0%		
	Matrix Human health	or the environm	nent will or co	ould be expose	d to insignificant a	mounts of p	ollutants	
	Notes that would no	t exceed levels t			n health or enviror	nmental rece	eptors as	
	110100		a resul	t of the violati	on.			
					Adinatusant		¢24.250	
					Adjustment		\$24,250	
								\$750
Violeti.	an Evanta							
violatio	on Events							
	Number of V	iolation Events	2		8 Number o	of violation of	days	
		daily						
		weekly monthly						
		quarterly			Viol	ation Base	Penalty	\$1,500
		semiannual						Ψ2/333
		annual						
		single event	Х					
		Two single event	ts are recomi	mended (one e	event for each cont	ainer)		
		Two single event	ts are recomm	menaca (one e	vent for each cont	dirici j.		
	<u> </u>							
Good F	aith Efforts to Com		0.0%			F	Reduction	\$0
			efore NOE/NOV	NOE/NOV to EDP	RP/Settlement Offer			
		Extraordinary Ordinary						
			ν.					
		N/A	Х					
		Notes	The Respond		meet the good fait	h criteria		
		1.5255		for this	violation.			
							_	
						Violation		\$1,500
Econor	nic Benefit (EB) for	_	n			ory Limit		
	Estimate	ed EB Amount		\$3	Violation	Final Pena	Ity Total	\$1,500
			This violat	tion Final Ass	sessed Penalty (a	adjusted fo	r limits)	\$1,500
					, (-	_	7	1 /

	Е	conomic	Benefit	Wor	ksheet		
•		dba Christian Par	ts (PCW 3 of 3)				
Case ID No.							
Reg. Ent. Reference No.	RN103971784						
Media	Industrial and	Hazardous Waste				Percent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	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 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)	\$20	29-Mar-2021	2-Oct-2023	2.51	\$0 \$3	n/a	\$3
Notes for DELAYED costs	container). <sup>-</sup>	The Date Required	is the initial in	vestigati complia	on date and the Fi ance.	azardous waste (\$1 nal Date is the estir	nated date of
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoided	
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 ONE-TIME avoided costs				0.00	\$0	\$0	\$0
				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)  Notes for AVOIDED costs		<u>                                     </u>		<u>   0.00</u>	1 \$0	\$U I	\$0
Approx. Cost of Compliance		\$20			TOTAL		\$3

	Screening Date	7-Dec-2021	<b>Docket No.</b> 2022-0222-MLM-E		PCW
		Allen Christian dba Christian	Parts (PCW 3 of 3)	Policy Re	vision 5 (January 28, 2021)
	Case ID No.			PCW	Revision February 11, 2021
Reg.	Ent. Reference No.	RN103971784			
		Industrial and Hazardous Wa	aste		
	Enf. Coordinator				
	Violation Number				
	Rule Cite(s)	30 Tex. Admin. C	ode § 335.69(a)(3) and 40 CFR 262.34(d)(4)		
		Failed to label all bazarden	s waste containers with the words "Hazardous V	Masta"	
	Violation Description		ste containers with the words. Hazardous v ste containers for the parts washers were not p		
	p	opeamean,, nazaraeae ma	labeled.	. орс,	
			Base	Penalty	\$25,000
>> Fnv	vironmental Prone	rty and Human Health	Matrix		
// LII	in omnemal, i rope	Harm	Huttix		
	Release	Major Moderate	Minor		
OR	Actua				
	Potentia		Percent 0.0%		
>>Pro	grammatic Matrix				
	Falsification	Major Moderate	Minor		
		X	Percent 10.0%		
	Matrix				
	Notes	100% of the ru	le requirement was not met.		
			Adjustment	\$22,500	
			Aujubilielle	<b>Ψ</b> 22/300	
					\$2,500
Violatio	on Events				
Violati	on Evenes				
	Number of	Violation Events 1	8 Number of violation d	ays	
			ត		
		daily			
		weeklyx			
		quarterly	Violation Base	Penalty	\$2,500
		semiannual			7-/
		annual			
		single event			
	One monthly		the November 29, 2021 follow up investigation	date to	
		the Decembe	er 7, 2021 screening date.		
		_	1		
Good F	aith Efforts to Con	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	eduction	\$0
		Extraordinary	NOL/NOV to EDFRF/Settlement offer		
		Ordinary			
		N/A x			
		Notes The Respond	dent does not meet the good faith criteria for this violation.		
			tilis violation.		
			Violation S	Subtatal	\$2,500
				_	φ2,300
Econor	nic Benefit (EB) fo	this violation	Statutory Limit	Test	
	Estimat	ed EB Amount	\$3 Violation Final Penal	ty Total	\$2,500
		This wis	lation Final Assessed Bonalty (adjusted fo	r limita\	42 F00
		i nis Vio	lation Final Assessed Penalty (adjusted for	i iiiiits)	\$2,500

	Е	conomic	Benefit	Woı	ksheet		
Respondent	Allen Christian	dba Christian Par	ts (PCW 3 of 3)	_			
Case ID No.			,				
Reg. Ent. Reference No.							
		Hazardous Waste					Years of
Violation No.		Tiuzuruous Wuste				<b>Percent Interest</b>	Depreciation
Violation No.	_					5.0	
	T1 6	Data Bassilia d	Fire I Baka		T		15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				=1			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Land 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)	\$20	29-Mar-2021	2-Oct-2023	2.51	\$3	n/a	\$3
Notes for DELAYED costs	Date Requ	ired is the initial in	nvestigation dat	e and th	ne Final Date is the	words "Hazardous e estimated date of	compliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	d 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 #0	\$0 #0
Other (as needed)  Notes for AVOIDED costs		<u>.                                     </u>		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$20			TOTAL		\$3

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 CN602467102, RN103971784, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, CN602467102, Allen Christian

Classification: HIGH

Rating: 0.00

or Owner/Operator: Regulated Entity:

RN103971784, Allen Christian DBA Christian Parts

Classification: HIGH

Repeat Violator:

Rating: 0.00

**Complexity Points:** 

14 - Other

CH Group:

Location:

14565 Farm-to-Market Road 14 in Tyler, Smith County, Texas

**TCEQ Region:** 

**REGION 05 - TYLER** 

ID Number(s):

**TIRES REGISTRATION 14888** 

Compliance History Period: September 01, 2017 to August 31, 2022

Rating Year: 2022

**Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** 

February 24, 2023

Agency Decision Requiring Compliance History:

Enforcement

**Component Period Selected:** 

February 24, 2018 to February 24, 2023

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?

YES

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.):

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):

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

**Sites Outside of Texas:** 

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ALLEN CHRISTIAN DBA	§	TEAAS COMMISSION ON
CHRISTIAN PARTS;	§	
RN103971784	§	ENVIRONMENTAL QUALITY

### DEFAULT ORDER DOCKET NO. 2022-0222-MLM-E

On \_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Allen Christian dba Christian Parts ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

- 1. Respondent owns and operates an automotive service shop located at 14565 Farm-to-Market Road 14 in Tyler, Smith County, Texas (the "Facility"). The Facility involves or involved the management of industrial and hazardous waste ("IHW"), municipal solid waste ("MSW"), including scrap tires and used oil, as defined in Tex. Health & Safety Code chs. 361 and 371.
- 2. During an investigation conducted on March 29, 2021 and November 29, 2021, an investigator documented that Respondent:
  - a. Failed to use manifests, work orders, invoices, or other records to document removal and management of all scrap tires generated on-site;
  - b. Failed to obtain a scrap tire storage site registration for the Facility 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 2,000 scrap tires were stored on the ground at the Facility;
  - c. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks;
  - d. Failed to maintain a record of each individual load of used or scrap tires or tire pieces transported from the Facility and make it available upon request by agency personnel. Specifically, manifests, work orders, invoices, or other documentation related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces were not available at the time of the investigation;
  - e. Failed to ensure that containers used to store used oil are in good condition and not leaking. Specifically, the used oil storage area contained broken plastic buckets and a used oil tank which was rusted and leaking into the secondary containment area;
  - f. Failed to mark or clearly label used oil storage containers with the words "Used Oil." Specifically, the used oil tank was not labeled with the words "Used Oil;"
  - g. Failed to store used oil and oil filters in approved containers. Specifically, used oil was stored in an open tank with no lid and used oil filters were stored on a rack above the used oil tank;

- h. Failed to maintain hazardous waste containers closed except when adding or removing waste. Specifically, the two parts washers were open; and
- i. Failed to label all hazardous waste containers with the words "Hazardous Waste." Specifically, hazardous waste containers for the parts washers were not properly labeled.
- 3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Allen Christian dba Christian Parts" (the "EDPRP") in the TCEQ Chief Clerk's office on October 19, 2023.
- 4. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Allen Christian dba Christian Parts" (the "EDFARP") in the TCEQ Chief Clerk's office on April 2, 2024.
- 5. The EDFARP was mailed to Respondent's last known address on April 2, 2024, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."
- 6. The Executive Director re-filed the EDFARP in the TCEQ Chief Clerk's office on July 19, 2024.
- 7. By letter dated July 19, 2024, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDFARP.
- 8. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.

### CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code chs. 361 and 371 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to use manifests, work orders, invoices, or other records to document removal and management of all scrap tires generated on-site, in violation of 30 Tex. ADMIN. CODE § 328.56(c).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain a scrap tire storage site registration for the Facility 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 §§ 328.56(d)(2) and 328.60(a).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks, in violation of 30 Tex. Admin. Code § 328.56(d)(4).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain a record of each individual load of used or scrap tires or tire pieces transported from the Facility and make it available upon request by agency personnel, in violation of 30 Tex. Admin. Code § 328.58(a).
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure that containers used to store used oil are in good condition and not leaking, in violation of Tex. Health & Safety Code § 371.041, 30 Tex. Admin. Code § 324.1, and 40 C.F.R. § 279.22(b).

- 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to mark or clearly label used oil storage containers with the words "Used Oil," in violation of 30 Tex. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.22(c)(1).
- 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to store used oil and oil filters in approved containers, in violation of 30 Tex. ADMIN. CODE §§ 324.1 and 328.23(a) and 40 C.F.R. § 279.22(a).
- 9. As evidenced by Finding of Fact No. 2.h., Respondent failed to maintain hazardous waste containers closed except when adding or removing waste, in violation of 30 Tex. Adding. Code § 335.112(a)(8) and 40 C.F.R. § 265.173(a).
- 10. As evidenced by Finding of Fact No. 2.i., Respondent failed to label all hazardous waste containers with the words "Hazardous Waste," in violation of 30 Tex. Admin. Code § 335.69(a)(3) and 40 C.F.R. § 262.34(d)(4).
- 11. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by Tex. Water Code § 7.055 and 30 Tex. Admin. Code § 70.104(c)(2).
- 12. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by Tex. Water Code § 7.056 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Water Code § 7.057 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
- 13. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 14. An administrative penalty in the amount of \$21,750 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 15. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

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

- 1. Respondent is assessed an administrative penalty in the amount of \$21,750 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
- 2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Allen Christian dba Christian Parts; Docket No. 2022-0222-MLM-E" to:

Financial Administration Division Revenue Operations Section Texas Commission on Environmental Quality Attention: Cashier's Office, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

3. Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Order, cease storing any additional scrap tires at the Facility until proper authorization is obtained;
- b. Within 30 days after the effective date of this Order:
  - i. Obtain a scrap tire storage site registration for the Facility, in accordance with 30 Tex. Admin. Code § 328.60;
  - ii. Ensure manifests, work orders, invoices or other records documenting the removal and management of all scrap tires generated at the Facility are completed and maintained at the Facility, in accordance with 30 Tex. Admin. Code § 328.56;
  - iii. Establish and implement a consistent vector control program utilizing appropriate measures, in accordance with 30 Tex. ADMIN. Code § 328.56;
  - iv. Begin maintaining records of each individual load of used or scrap tires or tire pieces transported from the Facility, including manifests, work orders, invoices, or other documentation related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces, and make them available for review upon request by agency personnel, in accordance with 30 Tex. Admin. Code § 328.58;
  - v. Replace the rusted and leaking used oil tank and broken plastic storage buckets, in accordance with 40 C.F.R. § 279.22;
  - vi. Mark or clearly label the used oil storage tank with the words "Used Oil," in accordance with 30 Tex. Admin. Code § 324.1 and 40 C.F.R. § 279.22;
  - vii. Store used oil and used oil filters in approved containers, in accordance with 30 Tex. Admin. Code § 328.23 and 40 C.F.R. § 279.22;
  - viii. Securely close both parts washers containing hazardous waste, in accordance with 30 Tex. Admin. Code § 335.69; and
  - ix. Label both hazardous waste containers with the words "Hazardous Waste," in accordance with 30 Tex. Admin. Code § 335.69 and 40 C.F.R. § 262.34;
- c. In lieu of Ordering Provision No. 3.b.i., within 30 days after the effective date of this Order, reduce the number of scrap tires stored at the Facility to less than 500 on the ground or 2,000 tries in enclosed and lockable containers, in accordance with 30 Tex. Admin. Code § 328.60;
- d. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b., or with 3.a., 3.b.ii. through 3.b.ix. and 3.c. The certification shall be signed by Respondent and shall include the following certification language:
  - "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- 4. The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

and:

Waste Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 5. All relief not expressly granted in this Order is denied.
- 6. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 7. 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.
- 8. 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.
- 9. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
- 10. 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.
- 11. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 12. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. Admin. Code § 70.106(d) and Tex. Gov't Code § 2001.144.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY						
For the Commission	Date					

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### UNSWORN DECLARATION OF TAYLOR WAYNE PEARSON

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Allen Christian dba Christian Parts' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 19, 2023.

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Allen Christian dba Christian Parts' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on April 2, 2024.

The EDFARP was mailed to Respondent's last known address on April 2, 2024, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDFARP was re-filed in the TCEQ Chief Clerk's office on July 19, 2024.

The EDFARP was mailed to Respondent's last known address on July 19, 2024, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDFARP in accordance with 30 Tex. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."

"My name is Taylor Wayne Pearson and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed	in	Tr	avis	County
State of T	exas,			
on the	18	day of	July	, 2024

Declarant