

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Audrey Liter, Assistant General Counsel

Thru: Anna Treadwell, Senior Attorney
AMT Litigation Division

From: *TP* Taylor 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."

Executed in Travis County,
State of Texas,
on the 12 day of September, 2025

A handwritten signature in blue ink that reads "Taylor Pearson". The signature is written in a cursive style with a large "T" and "P".

Declarant

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

Page 1 of 3

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

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

Page 3 of 3

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

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Dec-2021	Screening	7-Dec-2021	EPA Due	
	PCW	11-Sep-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Allen Christian dba Christian Parts (PCW 1 of 3)				
Reg. Ent. Ref. No.	RN103971784				
Facility/Site Region	5-Tyler	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	61961	No. of Violations	4
Docket No.	2022-0222-MLM-E	Order Type	1660
Media Program(s)	Waste Tires	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste, Used Oil, and Used Oil Filter	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,750
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,675
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Notes	Reduction for High Performer classification.
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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	\$1,445	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$11,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,075
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$1,675
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to offset High Performer reduction.
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Final Penalty Amount	\$16,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,750
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DEFERRAL		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	\$16,750
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Screening Date	7-Dec-2021	Docket No.	2022-0222-MLM-E	PCW
Respondent	Allen Christian dba Christian Parts (PCW 1 of 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61961			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN103971784			
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)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

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)	
Case ID No.	61961	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN103971784			
Media	Waste Tires			
Enf. Coordinator	Stephanie McCurley			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 328.56(c)			
Violation Description	Failed to use manifests, work orders, invoices, or other records to document removal and management of all scrap tires generated on-site.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

OR		Harm			
	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$20,000
Base Penalty	
\$5,000	

Violation Events

Number of Violation Events	1	Number of violation days	8														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty			\$5,000														
One single event is recommended.																	

Good Faith Efforts to Comply

	0.0%	
		Reduction
		\$0
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.	
Violation Subtotal		
\$5,000		

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$63
Violation Final Penalty Total	\$5,000
This violation Final Assessed Penalty (adjusted for limits)	
\$5,000	

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 1 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
Media Waste Tires
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	\$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

Estimated delayed cost to develop and implement procedures to 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. The Date Required is the initial investigation date and the Final Date is the estimated 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

\$500

TOTAL

\$63

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)	
Case ID No.	61961	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN103971784			
Media	Waste Tires			
Enf. Coordinator	Stephanie McCurley			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 328.56(d)(2) and 328.60(a) and Tex. Health & Safety Code § 361.112(a)			
Violation Description	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.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

OR	Harm					
	Falsification	Major	Moderate	Minor		
					Percent	20.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$20,000
\$5,000	

Violation Events

Number of Violation Events	1	Number of violation days	8
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	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty	\$5,000
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One monthly event is recommended from the November 29, 2021 follow up investigation date to the December 7, 2021 screening date.

Good Faith Efforts to Comply

	0.0%	
	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.	
Violation Subtotal		\$5,000

Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,256	Statutory Limit Test	
		Violation Final Penalty Total	\$5,000
		This violation Final Assessed Penalty (adjusted for limits)	\$5,000

Economic Benefit Worksheet

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

Case ID No. 61961

Case ID No.	01901
Req. Ent. Reference No.	RN103971784

Media Waste Tires

Violation No. 2

Percent Interest	Years of Depreciation
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5.0	15
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Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Delayed Costs				2023	2024	2025	2026
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)	\$10,000	29-Mar-2021	2-Oct-2023	2.51	\$1,256	n/a	\$1,256

Notes for DELAYED costs

Estimated delayed cost to obtain a scrap tire storage site registration for the Facility. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Avoided Costs				Prevention 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	Docket No.	2022-0222-MLM-E	PCW
Respondent	Allen Christian dba Christian Parts (PCW 1 of 3)		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	61961	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN103971784			
Media	Waste Tires			
Enf. Coordinator	Stephanie McCurley			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 328.56(d)(4)			
Violation Description	Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential			x		
					Percent	7.0%

>> Programmatic Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential			x		
					Percent	0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,250
Total Penalty	
\$1,750	

Violation Events

Number of Violation Events	1	Number of violation days	8														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty			\$1,750														

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	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.	
Violation Subtotal		\$1,750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$63	Statutory Limit Test
Violation Final Penalty Total		\$1,750
This violation Final Assessed Penalty (adjusted for limits)		\$1,750

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

Allen Christian dba Christian Parts (PCW 1 of 3)

61961

RN103971784

Waste Tires

3

Percent Interest

Years of Depreciation

5.0

15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	\$500	29-Mar-2021	2-Oct-2023	2.51	\$63	n/a	\$63
Notes for DELAYED costs	Estimated delayed cost to establish and implement a consistent monitoring and vector control program. The Date Required is the initial investigation date and the Final Date is the estimated 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	\$500			TOTAL		\$63	

Screening Date 7-Dec-2021 Respondent Allen Christian dba Christian Parts (PCW 1 of 3) Case ID No. 61961 Reg. Ent. Reference No. RN103971784 Media Waste Tires Enf. Coordinator Stephanie McCurley	Docket No. 2022-0222-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 4		
Rule Cite(s) 30 Tex. Admin. Code § 328.58(a)		
Violation Description 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. 		
Base Penalty		\$25,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
	Major Moderate Minor	
	Actual Potential	
		Percent 0.0%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	x	Percent 20.0%
Matrix Notes	100% of the rule requirement was not met.	
Adjustment		\$20,000
		\$5,000
Violation Events		
Number of Violation Events 1		8 Number of violation days
	daily weekly monthly quarterly semiannual annual single event	 x
		Violation Base Penalty \$5,000
One single event is recommended.		
Good Faith Efforts to Comply		
0.0%		Reduction \$0
	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.	
Violation Subtotal		\$5,000
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$63	Violation Final Penalty Total \$5,000
This violation Final Assessed Penalty (adjusted for limits)		\$5,000

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 1 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
Media Waste Tires
Violation No. 4

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	\$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

Estimated delayed cost to begin maintaining records of each individual load of used or scrap tires or tire pieces transported from the Facility and make available, upon request by agency personnel, manifests, work orders, invoices, or other documentation related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces. The Date Required is the initial investigation date and the Final Date is the estimated 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

\$500

TOTAL

\$63



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Dec-2021	Screening	7-Dec-2021	EPA Due	
	PCW	11-Sep-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Allen Christian dba Christian Parts (PCW 2 of 3)				
Reg. Ent. Ref. No.	RN103971784				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61961	No. of Violations	3
Docket No.	2022-0222-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste, Waste Tires, and Used Oil Filter	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$100
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Notes	Reduction for High Performer classification.
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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	\$1,383	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$11,010	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$100
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to offset High Performer reduction.
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Final Penalty Amount	\$1,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,000
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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.
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PAYABLE PENALTY	\$1,000
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Screening Date	7-Dec-2021	Docket No.	2022-0222-MLM-E	PCW
Respondent	Allen Christian dba Christian Parts (PCW 2 of 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61961			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN103971784			
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)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	7-Dec-2021	Docket No.	2022-0222-MLM-E	PCW
Respondent	Allen Christian dba Christian Parts (PCW 2 of 3)			Policy Revision 5 (January 28, 2021)
Case ID No.	61961			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN103971784			
Media	Used Oil			
Enf. Coordinator	Stephanie McCurley			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 324.1, 40 Code of Federal Regulations ("CFR") § 279.22(b), and Tex. Health & Safety Code § 371.041			
Violation Description	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.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		
				Percent	5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$4,750
	\$250

Violation Events

Number of Violation Events	1	Number of violation days	8
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$250
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One quarterly event is recommended from the November 29, 2021 follow up investigation date to the December 7, 2021 screening date.	
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Good Faith Efforts to Comply

	0.0%				
	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.				

Violation Subtotal	\$250
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$1,256
Violation Final Penalty Total	\$250
This violation Final Assessed Penalty (adjusted for limits)	\$250

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 2 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
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)	\$10,000	29-Mar-2021	2-Oct-2023	2.51	\$1,256	n/a	\$1,256

Notes for DELAYED costs

Estimated delayed cost to replace the rusted and leaking used oil tank and broken plastic storage buckets. The Date Required is the initial investigation date and the Final Date is the estimated 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

\$10,000

TOTAL

\$1,256

Screening Date 7-Dec-2021 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	Docket No. 2022-0222-MLM-E PCW	<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 324.1 and 40 CFR § 279.22(c)(1)	
Violation Description	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".		
Base Penalty		\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0.0%"/>

>> Programmatic Matrix

OR	Harm				
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="10.0%"/>
Matrix Notes	100% of the rule requirement was not met.				
Adjustment					\$4,500

	\$500
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Violation Events

Number of Violation Events	1	8	Number of violation days
	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input checked="" type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Violation Base Penalty			\$500
One monthly event is recommended from the November 29, 2021 follow up investigation date to the December 7, 2021 screening date.			

Good Faith Efforts to Comply

	0.0%		Reduction	\$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			\$500	

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$1
Violation Final Penalty Total	\$500
This violation Final Assessed Penalty (adjusted for limits)	\$500

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 2 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
Media Used Oil
Violation No. 2

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)	\$10	29-Mar-2021	2-Oct-2023	2.51	\$1	n/a	\$1

Notes for DELAYED costs

Estimated delayed cost to mark or clearly label the used oil tank with the words "Used Oil". The Date Required is the initial investigation date and the Final Date is the estimated 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

\$10

TOTAL

\$1

Screening Date	7-Dec-2021	Docket No.	2022-0222-MLM-E	PCW
Respondent	Allen Christian dba Christian Parts (PCW 2 of 3)		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	61961	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN103971784			
Media	Used Oil			
Enf. Coordinator	Stephanie McCurley			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 324.1 and 328.23(a) and 40 CFR § 279.22(a)			
Violation Description	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.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
	Potential		x		

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
		Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment	\$4,750
\$250	

Violation Events

Number of Violation Events	1	Number of violation days	8														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event			
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
Violation Base Penalty			\$250														

One quarterly event is recommended from the November 29, 2021 follow up investigation date to the December 7, 2021 screening date.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
	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.		
Violation Subtotal			\$250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$126
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Statutory Limit Test

Violation Final Penalty Total	\$250
This violation Final Assessed Penalty (adjusted for limits)	\$250

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 2 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
Media Used Oil
Violation No. 3

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)	\$1,000	29-Mar-2021	2-Oct-2023	2.51	\$126	n/a	\$126

Notes for DELAYED costs

Estimated delayed cost to store used oil and used oil filters in approved containers. The Date Required is the initial investigation date and the Final Date is the estimated 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

\$1,000

TOTAL

\$126



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Dec-2021	Screening	7-Dec-2021	EPA Due	
	PCW	11-Sep-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Allen Christian dba Christian Parts (PCW 3 of 3)				
Reg. Ent. Ref. No.	RN103971784				
Facility/Site Region	5-Tyler	Major/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
Multi-Media	Waste Tires, Used Oil, and Used Oil Filter	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
-------------------------------------------------------------	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$400
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Notes	Reduction for High Performer classification.			
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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 \$6
 Estimated Cost of Compliance \$40
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$400
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to offset High Performer reduction.			
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Final Penalty Amount	\$4,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,000
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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.			
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PAYABLE PENALTY	\$4,000
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Screening Date	7-Dec-2021	Docket No.	2022-0222-MLM-E	PCW
Respondent	Allen Christian dba Christian Parts (PCW 3 of 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61961			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN103971784			
Media	Industrial and Hazardous Waste			
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)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	7-Dec-2021	Docket No.	2022-0222-MLM-E
Respondent	Allen Christian dba Christian Parts (PCW 3 of 3)	PCW	
Case ID No.	61961	<i>Policy Revision 5 (January 28, 2021)</i>	
Reg. Ent. Reference No.	RN103971784	<i>PCW Revision February 11, 2021</i>	
Media	Industrial and Hazardous Waste		
Enf. Coordinator	Stephanie McCurley		
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 335.112(a)(8) and 40 Code of Federal Regulations ("CFR") § 265.173(a)		
Violation Description	Failed to maintain hazardous waste containers closed except when adding or removing waste. Specifically, the two parts washers were open.		
Base Penalty			\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events	2	8	Number of violation days
----------------------------	---	---	--------------------------

	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				

Violation Base Penalty \$1,500

Two single events are recommended (one event for each container).

Good Faith Efforts to Comply

	0.0%	
		Reduction \$0
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$3
Violation Final Penalty Total	\$1,500
This violation Final Assessed Penalty (adjusted for limits)	
	\$1,500

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 3 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
Media Industrial and Hazardous Waste
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$20	29-Mar-2021	2-Oct-2023	2.51	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to securely close two containers containing hazardous waste (\$10 for each container). The Date Required is the initial investigation date and the Final Date is the estimated 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

\$20

TOTAL

\$3

Screening Date 7-Dec-2021 Respondent Allen Christian dba Christian Parts (PCW 3 of 3) Case ID No. 61961 Reg. Ent. Reference No. RN103971784 Media Industrial and Hazardous Waste Enf. Coordinator Stephanie McCurley	Docket No. 2022-0222-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>			
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 335.69(a)(3) and 40 CFR 262.34(d)(4)"/>			
Violation Description	<input type="text" value="Failed to label all hazardous waste containers with the words 'Hazardous Waste'. Specifically, hazardous waste containers for the parts washers were not properly labeled."/>			
Base Penalty		<input type="text" value="\$25,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="0.0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="10.0%"/>	
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>			
Adjustment			<input type="text" value="\$22,500"/>	
			<input type="text" value="\$2,500"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="8"/> Number of violation days		
	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Violation Base Penalty			<input type="text" value="\$2,500"/>	
<input type="text" value="One monthly event is recommended from the November 29, 2021 follow up investigation date to the December 7, 2021 screening date."/>				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction <input type="text" value="\$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 type="text" value="x"/>	<input type="text"/>		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal			<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total	<input type="text" value="\$2,500"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$2,500"/>	

Economic Benefit Worksheet

Respondent Allen Christian dba Christian Parts (PCW 3 of 3)
Case ID No. 61961
Reg. Ent. Reference No. RN103971784
Media Industrial and Hazardous Waste
Violation No. 2

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)	\$20	29-Mar-2021	2-Oct-2023	2.51	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to label all hazardous waste containers with the words "Hazardous Waste". The Date Required is the initial investigation date and the Final Date is the estimated 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

\$20

TOTAL

\$3



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, or Owner/Operator:	CN602467102, Allen Christian	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN103971784, Allen Christian DBA Christian Parts	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator:	NO
CH Group:	14 - Other		
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.):

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
ALLEN CHRISTIAN DBA
CHRISTIAN PARTS;
RN103971784

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

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. ADMIN. 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 tires 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.

S I G N A T U R E P A G E

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 Travis County,
State of Texas,
on the 18 day of July, 2024

A handwritten signature in blue ink that reads "Taylor Pearson". The signature is written in a cursive, flowing style.

Declarant