

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

ROBERT J. BENTLEY
GOVERNOR

April 25, 2016

Fed Ex *8054 7434 7757*

Mr. William Trapp
T C Tire and Wrecker Service
122 Country Hill Drive
Russellville, Alabama 35654

Dear Mr. Trapp:

RE: Order No. 16-041-ST

Please find enclosed ADEM Order No. 16-041-ST which requires you to take certain actions in regard to alleged violations of the Alabama Scrap Tire Environmental Quality Act. This Order underwent a 30 day public notice and no comments were received by the Department. Please note that the assessed civil penalty is due within 45 days, and an abatement plan is due within 30 days of the issuance date of the Order.

Pursuant to Code of Alabama 1975, §22-22A-7(c)(1), as amended, this Order may be appealed by filing a request for a hearing before the Environmental Management Commission which should comply with the requirements of ADEM Admin. Code chap. 335-2-1.

If you have any questions concerning this matter, please contact Paul Searcy at (334) 271-7819 in Montgomery.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip D. Davis", is written over a horizontal line.

Phillip D. Davis, Chief
Land Division

Enclosure

PDD/pes

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

William Trapp)	
d.b.a. T C Tire and Wrecker Service)	
Receiver Reg. #S0000025689)	Order No. 16-041-ST
122 Country Hill Drive)	
Russellville, Franklin County, Alabama)	

FINDINGS OF FACTS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, (2006 Rplc. Vol.), the Alabama Scrap Tire Environmental Quality Act, Ala. Code §§ 22-40A-1 to 22-40A-24, as amended, and the ADEM Administrative Code promulgated hereunder, the Alabama Department of Environmental Management (hereinafter "ADEM" or "the Department") makes the following finding of facts:

1. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.).

2. William Trapp d.b.a. T C Tire and Wrecker Service (hereinafter "the Registrant") is a registered Class One Scrap Tire Receiver facility located at 122 Country Hill Drive, Franklin County, Alabama, which is the subject of this administrative order.

3. Pursuant to Ala. Code § 22-40A-11, the Department is the state agency authorized to administer and enforce the provisions of the Alabama Scrap Tire Environmental Quality Act, Ala. Code §§ 22-40A-1 to 22-40A-24, as amended.

4. On December 22, 2004, the Department issued Class One Receiver Registration No. S0000025689 to the Registrant for a scrap tire facility located at 122 Country Hill Drive, Russellville, Franklin County, Alabama.

5. On April 22, 2015, Department personnel conducted an inspection of the Registrant's facility to determine compliance with Division 4 of the ADEM Administrative Code. During the inspection, the following violations were documented:

Journal of Management Studies, 19(1), 67-80.

14-00000

...and the fact that the *in vitro* and *in vivo* results are in good agreement.

[illegible]

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

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ADEM Admin. Code r. 335-4-5-.01(2) requires that no receiver may expose scrap tires to the elements for more than thirty (30) days. If scrap tires are exposed to the elements for more than seven (7) days, a Vector Control Plan shall be prepared and implemented. Department personnel documented that the Registrant had exposed scrap tires to the elements for more than thirty days and had failed to develop and implement a vector control plan.

6. On May 12, 2015, the Department issued a Warning Letter for the violations documented during the April 22, 2015, inspection.

7. The Department did not receive a response to the May 12, 2015, Warning Letter.

8. On July 14, 2015, the Department issued a Notice of Violation (hereinafter "NOV") for the violations documented during the April 22, 2015, inspection.

9. The Department did not receive a response to the July 14, 2015, NOV.

10. On September 18, 2015, Department personnel conducted an inspection of the Registrant's facility to determine compliance with Division 4 of the ADEM Administrative Code. During the inspection, the following violations were documented:

ADEM Admin. Code r. 335-4-5-.01(2) requires that no receiver may expose scrap tires to the elements for more than thirty (30) days. If scrap tires are exposed to the elements for more than seven (7) days, a Vector Control Plan shall be prepared and implemented. Department personnel documented that the Registrant had exposed scrap tires to the elements for more than thirty days and had failed to develop and implement a vector control plan.

11. Pursuant to Ala. Code § 22-22A-5(18)c. (2006 Rplc. Vol.), in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by the Registrant; the economic benefit which delayed compliance may confer upon the Registrant; the nature, extent and degree of success of the Registrant's efforts to minimize or mitigate the effects of such violation upon the environment; the Registrant's history of previous violations; and the ability of the Registrant to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order

issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: The Registrant did not comply with provisions of ADEM Admin. Code div. 335-4. The Department has no evidence of any irreparable harm to the environment. Exposing tires to the elements for longer than thirty days and failing to implement a vector control plan may pose a threat to human health and to the safety of the public as a result of the potential presence of disease vectors.

B. THE STANDARD OF CARE: The Registrant failed to operate in a manner commensurate with applicable scrap tire regulatory requirements and failed to respond to notices from the Department.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to ascertain if the Registrant has realized a significant economic benefit as a result of the violations noted.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of any efforts employed by the Registrant to mitigate any effects upon the environment.

E. HISTORY OF PREVIOUS VIOLATIONS: The Registrant does not have a history of similar violations.

F. THE ABILITY TO PAY: The Registrant has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c (2006 Rplc. Vol.), as well as the need for timely and effective enforcement, and has concluded that a civil penalty in the amount of \$4,000.00 is appropriate given the repeat actions of the violator, and in keeping with a penalty range imposed by the Department for similar violations at other facilities, as follows:

Violation Type

Penalty Range for Violation Type

Scrap Tire Facility Operation Requirements

\$100 - \$25,000

ORDER

Based on the foregoing findings of facts and pursuant to Ala. Code, §§ 22-22A-5(1), 22-22A-5(10), 22-22A-5(18) and 22-40A-11 it is hereby ordered:

A. That, not later than forty-five days after issuance of this Order, the Registrant shall pay to the Department a civil penalty in the amount of \$4,000.00 for the violations cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified check or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

All checks shall reference the Registrant's name and address and the ADEM Administrative Order number of this action.

B. That, immediately upon the issuance date of this Order and continuing each and every day thereafter, the Registrant shall comply with all applicable provisions of ADEM Admin. Code div. 335-4 and Registration No. S0000025689.

C. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Registrant for the violations cited herein.

D. That failure to comply with the provisions of the Order shall constitute cause for commencement of legal action by the Department against the Registrant for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

E. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or

State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

ORDERED and ISSUED this 16th day of March, 2016.

Mandy Elliott

Lance R. LeFleur

Director

Attachment A

**William Trapp d.b.a. T C Tire and Wrecker Service
Russellville, Franklin County**

Facility ID No. S0000025689

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Tires exposed longer than 30 days	2	\$2,000	\$500	\$0	
Failure to develop and implement a vector control plan	2	\$1,000	\$500	\$0	
					Total of Three Factors
TOTAL PER FACTOR		\$3,000	\$1,000	\$0	\$4,000

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$0
	\$0

Economic Benefit (+)	\$0
Amount of Initial Penalty	\$4,000
Total Adjustments (+/-)	\$0
FINAL PENALTY	\$4,000

Footnotes

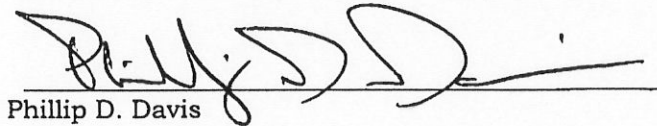
* See the "Department's Contentions" portion of the Order for a detailed description of each violation and the penalty factors.

CERTIFICATE OF SERVICE

I, Phillip D. Davis, hereby certify that I have this date served the foregoing
Administrative Order by regular United States Mail, properly addressed and postage
prepaid to:

Mr. William Trapp
T C Tire and Wrecker Service
122 Country Hill Drive
Russellville, Alabama 35654

Done this 26th day of April, 2016.


Phillip D. Davis

1 From Please print and press hard.

Date 4-28-16 Sender's FedEx Account Number 1196 048619

Sender's Name Paul Searcy

Company ADEM

Phone 334 271-7819

Address 1400 Coliseum Blvd

Dept./Floor/Suite/Room

City Montgomery

State AL

ZIP 36110

2 Your Internal Billing Reference

First 24 characters will appear on invoice.

482

3 To

Recipient's Name

William Trapp

Phone ()

Company

T C Tire & Wrecker Service

Address

122 Co Hill Dr.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

HOLD Weekday
FedEx location address
not acceptable. Not available for
FedEx First Overnight.

Address

Use this line for the HOLD location address or for continuation of your shipping address.

City Russellville

State AL

ZIP 35654



Easy new Peel-and-Stick airbill. No pouch needed.

Apply airbill directly to your package. See directions on back.

4 Express Package Service

NOTE: Service order has changed. Please select carefully.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon. Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning. Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day. Saturday Delivery NOT available.

Packages up to 150 lbs.
For packages over 150 lbs., use the new FedEx Express Freight US Airbill.

5 Packaging

*Declared value limit \$500.

FedEx Envelope*

FedEx Pak*

FedEx Box

FedEx Tube

Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery

NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required

Package may be left without obtaining a signature for delivery.

Direct Signature

Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature

Someone at recipient's address may sign for delivery. Fee applies.

Does this shipment contain dangerous goods?

One box must be checked.

Yes

No

As per attached Shipper's Declaration, not required.

Shipper's Declaration not required.

Shipment cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

Dry Ice

Dry Ice, UN 1845

Cargo Aircraft Only

Bill to:

Sender

Recipient

Third Party

Credit Card

Cash/Check

Total Packages

Total Weight

Total Declared Value*

11 lbs. \$ 0.00

Your liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the conditions on the back of this Airbill and in the current FedEx Service Guide, including terms and conditions of liability.

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805474347757

Ship date:

Thu 4/28/2016

Actual delivery:

Fri 4/29/2016 10:54 am

MON US

Delivered

AL US

Signed for by: L.SMITH

Travel History

Date/Time	Activity	Location
■ 4/29/2016 - Friday		
10:54 am	Delivered	AL
8:49 am	On FedEx vehicle for delivery	CORINTH, MS
7:09 am	At local FedEx facility	CORINTH, MS
3:45 am	Departed FedEx location	MEMPHIS, TN
■ 4/28/2016 - Thursday		
11:32 pm	Arrived at FedEx location	MEMPHIS, TN
8:00 pm	Left FedEx origin facility	MONTGOMERY, AL
3:19 pm	Picked up	MONTGOMERY, AL

Shipment Facts

Tracking number	805474347757	Service	FedEx Priority Overnight
Weight	0.5 lbs / 0.23 kgs	Signature services	Indirect signature required
Delivered To	Receptionist/Front Desk	Total pieces	1
Total shipment weight	0.5 lbs / 0.23 kgs	Terms	Shipper
Shipper reference	422	Packaging	FedEx Envelope
Special handling section	Deliver Weekday, Indirect Signature Required		

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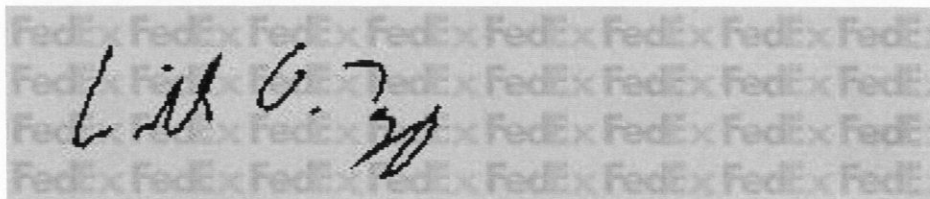
May 10, 2016

Dear Customer:

The following is the proof-of-delivery for tracking number **805474347757**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	L.SMITH	Delivery location:	122 COUNTRY HILL AL 35654
Service type:	FedEx Priority Overnight	Delivery date:	Apr 29, 2016 10:54
Special Handling:	Deliver Weekday		
	Indirect Signature Required		



Shipping Information:

Tracking number:	805474347757	Ship date:	Apr 28, 2016
		Weight:	0.5 lbs/0.2 kg

Recipient:
WILHANI TIAPP
T C TIE JRECKA SERVICE
122 CN HILL DR
AL 35654 US

Shipper:
PAUL SEAREY
MON 36110 US

Reference 422

Thank you for choosing FedEx.