

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Roundabout Towing, LLC
159 Mattox Drive STS-UAD
Talladega, Talladega County, Alabama**

Order No. XX-XXX-SW/ST

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, *as amended*; the Solid Wastes and Recyclable Materials Management Act (SWRMMA), Ala. Code §§ 22-27-1 to 22-27-18, *as amended*; the Alabama Scrap Tire Environmental Quality Act (ASTEQA), Ala. Code §§ 22-40A-1 to 22-40A-24, *as amended*; and the Alabama Department of Environmental Management's ("ADEM" or "Department") Administrative Code of Regulations ("ADEM Admin. Code r.") promulgated pursuant thereto, the Department makes the following FINDINGS:

1. Roundabout Towing, LLC operates a towing service located at 159 Mattox Drive, which is further identified as Parcel ID Number 13-02-09-0-000-029.003, in Talladega, Talladega County, Alabama ("the Site").

2. Pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, *as amended*, the Department is a duly constituted department of the State of Alabama.

3. Pursuant to Ala. Code § 22-22A-4(n), *as amended*, and Ala. Code § 22-27-9(a), *as amended*, the Department is the state agency authorized to administer and enforce the provisions of the SWRMMA, Ala. Code §§ 22-27-1 to 22-27-18, *as amended*.

4. Pursuant to Ala. Code § 22-40A-11, *as amended*, the Department is the state agency authorized to administer and enforce the provisions of the ASTEQA, Ala. Code §§ 22-40A-1 to 22-40A-24, *as amended*.

5. Pursuant to Ala. Code § 22-27-2(38), *as amended*, and ADEM Admin. Code r. 335-13-1-.03(146), an unauthorized dump ("UAD") is defined as any collection of solid

wastes either dumped or caused to be dumped or placed on any public or private property, whether or not regularly used, and not having a permit from the Department.

6. Pursuant to ADEM Admin. Code rs. 335-13-1-.13(1)(a) and (2), unauthorized dumps are prohibited and must be closed in a manner determined to be necessary by the Department.

7. Pursuant to Ala. Code § 22-27-10(b), *as amended*, and ADEM Admin. Code r. 335-13-11-.03(2), any person who participates in the creation or operation of an unauthorized dump, or contributed to an unauthorized dump, shall be responsible for the removal of the waste or otherwise the closure of the unauthorized dump in accordance with the rules of the Department. If those who created, operated, or contributed to an unauthorized dump do not remove or close the unauthorized dump, the landowner shall also be responsible for the removal or otherwise the closure of the unauthorized dump, unless the landowner qualifies as an innocent landowner, as detailed in rules 335-13-1-.03(75) and 335-13-11-.02(1), and complies with the requirements of rule 335-13-11-.02(4)

8. Pursuant to ADEM Admin. Code r. 335-4-1-.02(ww), a scrap tire site (“STS”) is defined as a site or location where scrap tires or tire pieces are illegally stored or accumulated and is not in compliance with the ASTEQA or ADEM Admin. Code div. 335-4.

9. Pursuant to Ala. Code § 22-40A-4(a) and (b), *as amended*, and ADEM Admin. Code r. 335-4-4-.01(1), no person may accumulate more than 100 scrap tires, except a permitted processor, a person who registers as required in ADEM Admin. Code r. 335-4-3-.01(2), a permitted SWDF [Solid Waste Disposal Facility], or transporter who has requested and been granted a storage limit by the Department. No person may expose scrap tires to the elements for more than thirty days.

10. Pursuant to Ala. Code § 22-40A-5(a), *as amended*, and ADEM Admin. Code r. 335-4-2-.01(2), accumulations of scrap tires for whatever purpose, not in accordance with the ASTEQA or ADEM Admin. Code div. 335-4, shall be removed by the person who

created or maintained the accumulation, or if that person is not determined, by the landowner or financial interest holder if the landowner or financial interest holder does not qualify as an innocent landowner as defined in 335-4-1-.02.

11. Pursuant to Ala. Code 22-40A-7(a), *as amended*, and ADEM Admin. Code r. 335-4-3-.03, no person, except properly registered receivers, may engage in the transportation of scrap tires, whether or not for profit, without holding a valid transporter permit issued by the Department, unless otherwise exempted by the Alabama Scrap Tire Environmental Quality Act (ASTEQA) or unless allowed by department regulation, if he or she transports more than eight scrap tires at any one time.

12. On March 31, 2026, in response to a complaint, the Department commenced an investigation that included a site inspection and a review of relevant records. During the investigation, the following was noted:

A. Approximately twenty cubic yards of regulated solid waste were discovered openly dumped at the Site. The waste consisted of construction and demolition waste and rubbish. Additionally, approximately 200 scrap tires had been transported to the Site and deposited there without any cover, thus exposing the scrap tires to the elements.

B. A review of departmental records revealed that the solid waste disposal area was not permitted as a land disposal facility by the Department, as required under ADEM Admin. Code ch. 335-13-5. In addition, the review of departmental records indicated that neither the landowner nor any other persons legally associated with the Site had registered as required by ADEM Admin. Code r. 335-4-3-.01(2), nor had they obtained a scrap tire processor, a SWDF, or a transporter permit from the Department.

C. The disposal of the aforementioned regulated solid waste at the Site, without a valid solid waste disposal facility permit issued by the Department, constitutes the creation of an unauthorized dump, which violates rules 335-13-1-.13(1) and 335-13-1-.13(2), for which Roundabout Towing, LLC is responsible.

D. The accumulation of the aforementioned scrap tires at the Site, without proper registration with the Department or the acquisition of a valid permit, constitutes the creation of an illegal STS, for which Roundabout Towing, LLC is responsible.

E. The transportation of approximately 200 scrap tires to the Site without holding a valid transporter permit issued by the Department, constitutes the unlawful transportation of scrap tires, for which Roundabout Towing, LLC is responsible.

F. According to Talladega County property tax records, at the time of the inspection, Melissa Lumpkin and Kevin Waldrup were the owners of the Site. Furthermore, Kevin Waldrup was listed as the registered agent for Roundabout Towing, LLC on the Alabama Secretary of State's website.

13. On April 22, 2026, the Department issued Roundabout Towing, LLC a Notice of Violation (NOV) via the United States Postal Service ("USPS") Certified Mail. The Department's directive mandated that Roundabout Towing, LLC must immediately stop operating or contributing to the aforementioned UAD and STS and transporting scrap tires without holding a valid transporter permit issued by the Department. Additionally, Roundabout Towing, LLC was required to remediate and close the UAD and STS. According to the USPS online tracking system, the NOV was delivered on June 8, 2026.

14. To date, the Department has not received a response to the NOV from Roundabout Towing, LLC.

15. Pursuant to Ala. Code § 22-22A-5(18)c., *as amended*, 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 such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the

ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000. Each day such a 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 creation, contribution to, or operation of a UAD and/or a STS is inherently a public nuisance, a threat to public health, and a threat to the environment, including the creating of a fire hazard, vector attraction, air or water pollution, or other contamination. However, the Department has no knowledge of any irreversible damage to the environment, nor any imminent threat to human health or the safety of the public stemming from the presence of the UAD and STS at the Site. Nevertheless, the potential presence of disease vectors indicates that uncovered scrap tires could pose a threat to human health and public safety.

B. THE STANDARD OF CARE: Upon evaluating the standard of care demonstrated by Roundabout Towing, LLC, the Department observed that the aforementioned violations were non-technical and readily avoidable. As a result, Roundabout Towing, LLC did not display a standard of care that aligns with the relevant regulatory standards regarding the proper disposal of regulated solid waste and the management of scrap tires.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has determined that Roundabout Towing, LLC has not obtained a significant economic benefit by delaying compliance with the relevant regulatory requirements associated with proper disposal or recycling of the aforementioned regulated solid waste and scrap tires.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of efforts by Roundabout Towing, LLC to mitigate any potential adverse effects upon the

environment, human health, or public safety that may have been caused due to the presence of the UAD or the STS.

E. HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, Roundabout Towing, LLC does not appear to have a recorded history of similar violations related to the referenced requirements of Divisions 335-13 or 335-4 of the ADEM Admin. Code.

F. THE ABILITY TO PAY: The Department has no evidence indicating Roundabout Towing, LLC's inability to pay the civil penalty assessed herein.

G. OTHER FACTORS: Pursuant to Ala. Code §22-40A-19(e), *as amended*, a fine of five dollars (\$5) per tire shall be assessed against any party who accumulates, transfers, transports, processes, or engages in unauthorized disposal of scrap tires. This fee shall be in addition to all other fines or penalties that may be assessed. Due to this statutory requirement, the Department has adjusted the civil penalty as reflected in Attachment A.

17. The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c, *as amended*, as well as other factors, and has concluded that a civil penalty is appropriate for the violation cited herein (see Attachment A, which is made a part of the Department's FINDINGS).

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§ 22-22A-5(1), 22-22A-5(10), 22-22A-5(18), 22-27-4(b), 22-27-7, 22-27-11, 22-40A-4(a), 22-40A-4(b), and 22-40A-5(a), *as amended*, it is hereby ORDERED:

A. That, not later than forty-five days of the receipt of this Order, Roundabout Towing, LLC shall pay the Department a civil penalty of \$9,270 for the violations cited herein. The penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment acceptable to the Department and shall be remitted to:

Office of General Counsel

Alabama Department of Environmental Management

P.O. Box 301463

Montgomery, Alabama 36130-1463

All payments shall reference Roundabout Towing, LLC's name and address and the ADEM Administrative Order number of this action.

B. That, immediately upon receipt of this Order and continuing each and every day thereafter, Roundabout Towing, LLC shall cease and desist from creating, operating, or contributing to any UADs or STSs, as well as transporting scrap tires without a Department-issued permit.

C. That, within thirty days of receipt of this Order, Roundabout Towing, LLC shall submit a site remediation and closure plan ("Plan") to the Department in accordance with ADEM Admin. Code rs. 335-13-1-.13(2)(b)1. and 335-4-2-.01(6). This Plan shall include a description of the actions Roundabout Towing, LLC intends to take to remove all regulated solid waste, scrap tires, and scrap tire materials from the Site and deposit them in an approved landfill unit or at a registered recycling facility. The Plan shall include a timeline for the completion of all remediation and closure actions. Unless

otherwise directed by the Department, Roundabout Towing, LLC shall implement the Plan as presented and comply with all applicable requirements of Divisions 335-4 and 335-13 of the ADEM Admin. Code.

D. That, should Roundabout Towing, LLC choose to personally remove scrap tires or scrap tire materials from the Site and transport them to a permitted scrap tire processor or SWDF, Roundabout Towing, LLC must obtain a limited-use transporter permit, as defined in ADEM Admin. Code r. 335-4-1-.02, from the Department.

E. That, within fifteen days of completion of all remediation and closure actions, Roundabout Towing, LLC shall provide the following information to the Department as proof that all remediation and closure actions have been completed:

1. Time period in which the remediation activities took place.
2. Total number or volume of regulated solid waste, scrap tires, and scrap tire materials removed from the Site.
3. Documentation confirming that all regulated solid waste, scrap tires, and scrap tire materials, including both surface and subsurface waste, have been removed from the Site.
4. Copies of receipts showing that all regulated solid waste, scrap tires, and scrap tire materials were taken to an authorized facility.
5. Photographs of solid waste disposal and scrap tire accumulation areas at the Site taken before and after remediation.
6. Documentation confirming that the solid waste disposal and scrap tire accumulation areas at the Site were properly closed to prevent erosion on the Site, if applicable.
7. Documentation confirming that the Site has been secured to prevent any future unauthorized dumping of regulated solid waste or illegal accumulation of scrap tires, if applicable.

F. 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.

G. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Roundabout Towing, LLC for the violations cited herein.

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

ORDERED and ISSUED this ____ day of _____, 2026.

Edward F. Poolos

Director

Attachment A

Roundabout Towing, LLC

159 Mattox Drive

Talladega, Talladega County, Alabama

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Creation of an unauthorized dump (UAD)	1	\$3,000	\$500	\$0	Total of Three Factors
Creation of an illegal scrap tire site (STS)	1	\$3,000	\$500	\$0	
Transporting scrap tires without a permit	1	\$845	\$425	\$0	
TOTAL PER FACTOR		\$6,845	\$1,425	\$0	\$8,270

Adjustments to Amount of Initial Penalty*	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$1,000 ¹
	\$1,000 ¹

Economic Benefit (+) *	\$0
Amount of Initial Penalty	\$8,270
Total Adjustments (+/-)	\$1,000 ¹
FINAL PENALTY	\$9,270

Footnotes:

¹ Additive fine of five dollars (\$5) per tire as required by the Code of Alabama 1975, § 22-40A-19(e).

* See the "Findings" portion of the Order for a detailed description of each violation and the penalty factors.