

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1261-AIR-E **TCEQ ID:** RN102388345, RN102397189, RN102394756, RN100826239, RN102383627, RN102394368, RN102392214, RN102391331, RN102390960, RN102393170, and RN102399094 **CASE NO.:** 30744

RESPONDENT NAME: Southwest Convenience Stores, LLC dba 7-Eleven

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: 2066 Wedgewood Drive (7-Eleven 57642); 9300 Acer Avenue (7-Eleven 57624); 9635 McCombs Street (7-Eleven 57620); 2000 North Piedras Street (7-Eleven 57601); 1598 Lomaland Drive (7-Eleven 57617); 5710 Hondo Pass Drive (7-Eleven 57627); 4950 Hercules Drive (7-Eleven 57629); 3601 Montana Avenue (7-Eleven 57637); 8300 Dyer Street (7-Eleven 57641); 8901 Diana Drive (7-Eleven 57611); and 8701 Alameda Avenue (7-Eleven 57625), El Paso, El Paso County

TYPE OF OPERATION: Convenience stores with retail sales of gasoline

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding 7-Eleven 57642, 7-Eleven 57620, and 7-Eleven 57611, Docket No. 2006-2038-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Jason Kemp, Enforcement Division, Enforcement Section III, MC 149, (512) 239-5610; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Local Program Investigator: Mr. Al Melero, El Paso City-County Health and Environmental District, 222 South Campbell Street, El Paso, Texas 79901

Respondent: Mr. Jeffrey D. Morris, Registered Agent, Southwest Convenience Stores, LLC dba 7-Eleven, 7616 Lyndon B. Johnson Freeway, Suite 300, Dallas, Texas 75251

Mr. Mark A. Owens, Authorized Agent, Southwest Convenience Stores, LLC dba 7-Eleven, 7616 Lyndon B. Johnson Freeway, Suite 300, Dallas, Texas 75251

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None.</p> <p>Dates of Investigations Relating to this Case: June 4, June 5, June 9, June 10, June 12, 2006.</p> <p>Dates of NOEs Relating to this Case: July 14, July 28, and August 9, 2006 (NOE)</p> <p>Background Facts: These were routine investigations. Eleven violations were documented.</p> <p>AIR</p> <p>1) Failed to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a mid-grade and a premium grade gasoline sample with readings of 7.60 psia and 7.86 psia were taken from pump number two at 7-Eleven 57642 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.89 psia was taken from pump number two at 7-Eleven 57624 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.61 psia was taken from pump number three at 7-Eleven 57620 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$11,380</p> <p>Total Deferred: \$2,276 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$9,104</p> <p>RN102399094, RN102388345, RN102383627, RN102394368, RN102392214, and RN102393170 Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>RN102397189, RN102394756, RN100826239, RN102391331, and RN102390960 Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that by June 28, 2006, Southwest Convenience Stores has come into compliance at Station numbers 57642, 57624, 57620, 57601, 57617, 57627, 57637, 57641, 57611, and 57625.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st and September 16th of each year shall not exceed 7.0 psia at Station No. 57629; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.79 psia was taken from pump number three at 7-Eleven 57601 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.40 psia was taken from pump number three at 7-Eleven 57617 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.51 psia was taken from pump number one at 7-Eleven 57627 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.30 psia was taken from pump number three at 7-Eleven 57629 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.38 psia was taken from pump number two at 7-Eleven 57637 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a mid-grade and a premium grade gasoline sample with readings of 7.34 psia and 7.38 psia were taken from pump number three at 7-Eleven 57641 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>10) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.51 psia was taken from pump number three at 7-Eleven 57611 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>11) Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.38 psia was taken from pump number four at 7-Eleven 57625 [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	08-Aug-2006	EPA Due	
	PCW	29-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7- Eleven 57642
Reg. Ent. Ref. No.	RN102388345
Facility/Site Region	6-EI Paso Major/Minor Source Minor source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 40% Enhancement **Subtotals 2, 3, & 7** \$400

Notes The compliance history was enhanced by two Agreed Orders.

Culpability No < 0% Enhancement **Subtotal 4** \$0

Notes Respondent does not meet culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5** -\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes The respondent came into compliance on June 28, 2006.

Economic Benefit 0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$2,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,150

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$1,150

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$1,150

DEFERRAL 20% Reduction **Adjustment** -\$230

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$920

Screening Date 08-Aug-2006	Docket No. 2006-1261-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC		ember 2002)
Case ID No. 30744		PCW Revision May 19, 2005
Reg. Ent. Reference No. RN102388345		
Media [Statute] Air Quality		
Enf. Coordinator Jason Kemp		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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>	2	40%
	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 judgements 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)</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	<i>Please Enter Yes or No</i>		
	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) 40%

>> Repeat Violator (Subtotal 3)

<input type="text" value="No"/>	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

<input type="text" value="Average Performer"/>	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	The compliance history was enhanced by two Agreed Orders.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<i>ember 2002)</i>
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102388345			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	<input type="text" value="1"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2)"/>			
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a mid-grade and a premium grade gasoline sample with readings of 7.60 psia and 7.86 psia were taken from pump number two as documented during an inspection conducted on June 12, 2006.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven
 Case ID No: 30744
 Reg. Ent. Reference No: RN102388345
 Media [Statute]: Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	12-Jun-2006	28-Jun-2006	0.0	\$0	\$2,000	\$2,000
Notes for AVOIDED costs							
Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$2,000 **TOTAL** \$2,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102388345 7 ELEVEN 57642 Classification: AVERAGE Site Rating: 4.09

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7272
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1186S

Location: 2066 WEDGEWOOD DR, EL PASO, TX, 79925 Rating Date: 9/1/2005

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: July 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2001 to July 18, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

Effective Date: 04/10/2005

ADMINORDER 2004-0076-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with 30 TAC 114.100(a), oxygenated fuel requirements.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 07/02/2003 (126782)
- 2 01/30/2003 (22949)
- 3 03/23/2006 (451792)
- 4 08/03/2004 (283445)
- 5 08/12/2005 (402769)
- 6 01/14/2004 (259420)
- 7 12/06/2003 (256470)
- 8 08/10/2002 (3605)
- 9 10/20/2002 (13919)
- 10 06/24/2004 (268544)

11 07/11/2006 (485619)

12 08/27/2005 (406995)

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

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	08-Aug-2006	EPA Due	
	PCW	29-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7- Eleven 57624
Reg. Ent. Ref. No.	RN102397189
Facility/Site Region	6-El Paso Major/Minor Source Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	22% Enhancement	Subtotals 2, 3, & 7	\$220
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Notes The compliance history was enhanced by one non-similar NOV and one Agreed Order.

Culpability	No <1	0% Enhancement	Subtotal 4	\$0
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Notes Respondent does not meet culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with a small x)

Notes The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,000	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$970
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$970
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$970
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DEFERRAL	20% Reduction	Adjustment	-\$194
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$776
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Screening Date 08-Aug-2006	Docket No. 2006-1261-AIR-E	PCW ember 2002)
Respondent Southwest Convenience Stores, LLC		PCW Revision May 19, 2005
Case ID No. 30744		
Reg. Ent. Reference No. RN102397189		
Media [Statute] Air Quality		
Enf. Coordinator Jason Kemp		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
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) 22%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by one non-similar NOV and one Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<i>ember 2002)</i>
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102397189			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.89 psia was taken from pump number two as documented during an inspection conducted on June 9, 2006.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input type="text"/>
use a small x	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7- Eleven
 Case ID No: 30744
 Reg. Ent. Reference No: RN102397189
 Media [Statute]: Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	09-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs							
Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating 0.78

Regulated Entity: RN102397189 7 ELEVEN 57624 Classification: HIGH Site Rating: 0.05

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7293
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1173E

Location: 9300 ACER AVE, EL PASO, TX, 79925 Rating Date: 9/1/2005

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: July 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2001 to July 18, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

1	07/13/2004	(281476)
2	11/18/2005	(431525)
3	05/16/2003	(37940)
4	12/30/2003	(258111)
5	08/12/2005	(403187)
6	07/11/2006	(485607)
7	02/12/2002	(74336)
8	11/13/2001	(74335)
9	11/29/2004	(342554)
10	07/25/2001	(74334)
11	11/20/2002	(14675)
12	08/27/2005	(407052)
13	07/18/2002	(5047)
14	04/25/2003	(34088)

Mathematical Analysis

Chapter 1: Introduction

The first part of the course deals with the foundations of real analysis, including the construction of the real numbers and the properties of the real line.

Key concepts include: \mathbb{Q} , \mathbb{R} , Dedekind cuts, Cauchy sequences, and the completeness property of the real numbers.

The second part of the course covers the theory of functions, including the definition of a function, the properties of continuous functions, and the intermediate value theorem.

Key concepts include: $f: X \rightarrow Y$, domain, range, continuity, and the epsilon-delta definition of a limit.

The third part of the course deals with the theory of sequences and series, including the convergence of sequences and the convergence of series.

Key concepts include: (x_n) , (y_n) , $\sum x_n$, $\sum y_n$, and the Cauchy criterion for convergence.

The fourth part of the course covers the theory of differentiation, including the definition of a derivative and the properties of differentiable functions.

Key concepts include: $f'(x)$, $f''(x)$, and the geometric interpretation of the derivative as the slope of the tangent line.

The fifth part of the course deals with the theory of integration, including the definition of a definite integral and the properties of integrable functions.

Key concepts include: $\int_a^b f(x) dx$, Riemann sum, and the fundamental theorem of calculus.

The sixth part of the course covers the theory of differential equations, including the definition of a differential equation and the methods for solving them.

Key concepts include: $y' = f(x, y)$, $y'' = f(x, y, y')$, and the method of separation of variables.

The seventh part of the course deals with the theory of vector spaces, including the definition of a vector space and the properties of linear transformations.

Key concepts include: V , W , $T: V \rightarrow W$, and the rank-nullity theorem.

The eighth part of the course covers the theory of inner products, including the definition of an inner product and the properties of orthogonal vectors.

Key concepts include: $\langle x, y \rangle$, $\|x\|$, and the Gram-Schmidt process.

The ninth part of the course deals with the theory of linear transformations, including the definition of a linear transformation and the properties of matrix representations.

Key concepts include: A , B , C , and the change of basis formula.

The final part of the course covers the theory of eigenvalues and eigenvectors, including the definition of an eigenvalue and the properties of eigenvectors.

15 03/28/2003 (28833)
16 08/13/2002 (2947)
17 12/17/2003 (257482)

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

Date: 04/25/2003 (34088)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Description: An employee of six years had not been trained in the purpose and correct operating procedures of the Stage II system.

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	08-Aug-2006	EPA Due	
	PCW	14-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57620
Reg. Ent. Ref. No.	RN102394756
Facility/Site Region	6-EI Paso Major/Minor Source Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 20% Enhancement Subtotals 2, 3, & 7 **\$200**

Notes: The compliance history was enhanced by one Agreed Order.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: Respondent does not meet culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 **-\$250**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$1,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7 Final Subtotal **\$950**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$950**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$950**

DEFERRAL 20% Reduction Adjustment **-\$190**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$760**

Screening Date 08-Aug-2006	Docket No. 2006-1261-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC		ember 2002)
Case ID No. 30744		PCW Revision May 19, 2005
Reg. Ent. Reference No. RN102394756		
Media [Statute] Air Quality		
Enf. Coordinator Jason Kemp		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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>	1	20%
	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 judgements 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)</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) 20%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by one Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102394756			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.61 psia was taken from pump number three as documented during an inspection conducted on June 4, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
Actual				X	Percent <input type="text" value="10%"/>
Potential					

OR

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					<input type="text"/>

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1,000"/>	Violation Final Penalty Total <input type="text" value="\$950"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$950"/>	

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven
 Case ID No. 30744
 Reg. Ent. Reference No. RN102394756
 Media [Statute]: Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	04-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs							
Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the Inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$1,000 **TOTAL** \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102394756 7 ELEVEN 57620 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7287
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE11711

Location: 9635 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: 9/1/2005

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: July 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2001 to July 18, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

1	07/15/2004	(281438)
2	12/12/2002	(17941)
3	10/19/2002	(2630)
4	07/14/2006	(486221)
5	12/21/2004	(339858)
6	05/31/2003	(61462)
7	03/25/2002	(74317)
8	11/08/2001	(74316)
9	08/30/2001	(74315)
10	08/10/2002	(3441)
11	08/12/2005	(403021)
12	08/27/2005	(407384)

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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the specific procedures and protocols that must be followed when recording these transactions. This includes details on how data should be collected, stored, and reviewed to ensure its integrity and accuracy.

3. The third part addresses the role of various departments and individuals in the record-keeping process. It clarifies the responsibilities of each party involved, from data entry to final review and reporting.

4. The fourth part discusses the importance of regular audits and reviews of the records. This helps to identify any discrepancies or errors early on and allows for prompt corrective action to be taken.

5. The fifth part covers the security and confidentiality of the records. It outlines the measures that should be in place to protect sensitive information from unauthorized access or disclosure.

6. The sixth part discusses the retention and archiving of records. It provides guidance on how long records should be kept and how they should be properly stored for future reference.

7. The seventh part addresses the training and education of staff members involved in the record-keeping process. It emphasizes the need for ongoing education to ensure that everyone is up-to-date on the latest procedures and best practices.

8. The eighth part discusses the importance of communication and collaboration between different departments and individuals. This is essential for ensuring that everyone is working together effectively to maintain accurate records.

9. The ninth part covers the final steps of the record-keeping process, including the preparation and submission of reports and summaries. It provides guidance on how to format and present the data in a clear and concise manner.

10. The tenth part discusses the overall impact of maintaining accurate records on the organization's success. It highlights how this practice can lead to improved decision-making, increased efficiency, and greater transparency and accountability.

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006			
	PCW	29-Aug-2006	Screening	08-Aug-2006	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57601
Reg. Ent. Ref. No.	RN100826239
Facility/Site Region	6-El Paso Major/Minor Source Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: The compliance history was not enhanced due to average performer classification.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$750
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DEFERRAL	20% Reduction	Adjustment	-\$150
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$600
------------------------	-------

Screening Date 08-Aug-2006 **Docket No.** 2006-1261-AIR-E **PCW**
Respondent Southwest Convenience Stores, LLC ember 2002)
Case ID No. 30744 PCW Revision May 19, 2005
Reg. Ent. Reference No. RN100826239
Media [Statute] Air Quality
Enf. Coordinator Jason Kemp

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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 judgements 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)</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)

>> **Repeat Violator (Subtotal 3)**

 Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

 Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<i>ember 2002)</i>
Case ID No.	30744			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN100826239			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.79 psia was taken from pump number three as documented during an inspection conducted on June 5, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events: 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,000	Violation Final Penalty Total \$750
This violation Final Assessed Penalty (adjusted for limits) \$750	

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7- Eleven
 Case ID No. 30744
 Reg. Ent. Reference No. RN100826239
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	05-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the Inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$1,000 **TOTAL** \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN100826239 7-ELEVEN 57601 Classification: HIGH Site Rating: 0.00

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1155G
PETROLEUM STORAGE TANK REGISTRATION 7336
REGISTRATION

Location: 2000 N PIEDRAS ST, EL PASO, TX, 79930 Rating Date: 9/1/2005

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: July 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2001 to July 18, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

1	03/25/2002	(74152)
2	03/28/2003	(28804)
3	11/05/2001	(74151)
4	09/10/2001	(74150)
5	07/20/2005	(397530)
6	08/31/2003	(147519)
7	08/13/2002	(4231)
8	07/14/2006	(486298)
9	12/17/2003	(257112)
10	12/12/2002	(18703)
11	11/11/2005	(436590)
12	07/26/2004	(278357)

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

N/A

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

1. The sum of two numbers is 10. One number is 4 more than the other. Find the numbers.

Solution: Let the smaller number be x . Then the larger number is $x + 4$. The sum is 10, so $x + (x + 4) = 10$. Simplifying, $2x + 4 = 10$. Subtract 4 from both sides: $2x = 6$. Divide by 2: $x = 3$. The numbers are 3 and 7.

2. A number is 5 less than twice another number. The sum of the two numbers is 22. Find the numbers.

Solution: Let the first number be x . Then the second number is $2x - 5$. The sum is 22, so $x + (2x - 5) = 22$. Simplifying, $3x - 5 = 22$. Add 5 to both sides: $3x = 27$. Divide by 3: $x = 9$. The numbers are 9 and 13.

3. The difference between two numbers is 12. The larger number is 3 times the smaller number. Find the numbers.

Solution: Let the smaller number be x . Then the larger number is $3x$. The difference is 12, so $3x - x = 12$. Simplifying, $2x = 12$. Divide by 2: $x = 6$. The numbers are 6 and 18.

4. A number is 10 more than three times another number. The sum of the two numbers is 44. Find the numbers.

Solution: Let the first number be x . Then the second number is $3x + 10$. The sum is 44, so $x + (3x + 10) = 44$. Simplifying, $4x + 10 = 44$. Subtract 10 from both sides: $4x = 34$. Divide by 4: $x = 8.5$. The numbers are 8.5 and 25.5.

5. The sum of three numbers is 15. The first number is 2 more than the second, and the second is 3 more than the third. Find the numbers.

Solution: Let the third number be x . Then the second number is $x + 3$, and the first number is $(x + 3) + 2 = x + 5$. The sum is 15, so $x + (x + 3) + (x + 5) = 15$. Simplifying, $3x + 8 = 15$. Subtract 8 from both sides: $3x = 7$. Divide by 3: $x = \frac{7}{3}$. The numbers are $\frac{7}{3}$, $\frac{16}{3}$, and $\frac{22}{3}$.

6. A number is 8 less than four times another number. The sum of the two numbers is 36. Find the numbers.

Solution: Let the first number be x . Then the second number is $4x - 8$. The sum is 36, so $x + (4x - 8) = 36$. Simplifying, $5x - 8 = 36$. Add 8 to both sides: $5x = 44$. Divide by 5: $x = 8.8$. The numbers are 8.8 and 27.2.

7. The sum of two numbers is 20. One number is 6 more than the other. Find the numbers.

Solution: Let the smaller number be x . Then the larger number is $x + 6$. The sum is 20, so $x + (x + 6) = 20$. Simplifying, $2x + 6 = 20$. Subtract 6 from both sides: $2x = 14$. Divide by 2: $x = 7$. The numbers are 7 and 13.

8. A number is 15 more than twice another number. The sum of the two numbers is 57. Find the numbers.

Solution: Let the first number be x . Then the second number is $2x + 15$. The sum is 57, so $x + (2x + 15) = 57$. Simplifying, $3x + 15 = 57$. Subtract 15 from both sides: $3x = 42$. Divide by 3: $x = 14$. The numbers are 14 and 29.

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

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006		
	PCW	29-Aug-2006	Screening	08-Aug-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57617
Reg. Ent. Ref. No.	RN102383627
Facility/Site Region	6-El Paso <input type="button" value="Major/Minor Source"/> Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	2% Enhancement	Subtotals 2, 3, & 7	\$20
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Notes: The compliance history was enhanced by one non-similar NOV.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		<small>(mark with a small x)</small>

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
-------------------------	-----------------	-------------------	-----

Total EB Amounts	\$1,000	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$770
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$770
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$770
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DEFERRAL	20% Reduction	Adjustment	-\$154
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$616
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Screening Date: 08-Aug-2006 **Docket No.:** 2006-1261-AIR-E **PCW**
Respondent: Southwest Convenience Stores, LLC *ember 2002)*
Case ID No.: 30744 *PCW Revision May 19, 2005*
Reg. Ent. Reference No.: RN102383627
Media [Statute]: Air Quality
Enf. Coordinator: Jason Kemp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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	1	2%
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 judgements 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)</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%
<i>Please Enter Yes or No</i>			
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102383627			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.40 psia was taken from pump number three as documented during an inspection conducted on June 10, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input type="text" value="10%"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7- Eleven
 Case ID No: 30744
 Reg. Ent. Reference No: RN102383627
 Media [Statute]: Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
------	-----------	---------------	------------	-----	----------------	----------------	-----------

Description No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	10-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000

Notes for AVOIDED costs

Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102383627 7 ELEVEN 57617 Classification: AVERAGE Site Rating: 0.21

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7262
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1168U

Location: 1598 LOMALAND DR, EL PASO, TX, 79935 Rating Date: 9/1/2005

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: July 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2001 to July 18, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 05/12/2003 (36606)
 - 2 12/06/2003 (256474)
 - 3 08/15/2002 (6868)
 - 4 08/11/2004 (286775)
 - 5 05/27/2004 (272750)
 - 6 03/10/2005 (349658)
 - 7 05/30/2002 (1137)
 - 8 11/15/2005 (436281)
 - 9 07/01/2005 (398423)
 - 10 07/14/2006 (485930)
 - 11 12/26/2003 (258653)
 - 12 03/27/2002 (74287)
 - 13 09/24/2002 (12044)
 - 14 11/09/2001 (74286)
 - 15 08/30/2001 (74285)
 - 16 11/29/2004 (342530)
 - 17 11/19/2002 (14132)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

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THE DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5780 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700
WWW.CHEM.UCHICAGO.EDU

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5780 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700
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CHICAGO, ILLINOIS 60637
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CHICAGO, ILLINOIS 60637
TEL: 773-936-3700
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Date: 04/20/2004 (272750)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(K)

Description: The system monitor was out of paper. The last print-out was May 3, 2003.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(5)

Description: During the investigation the Fill-tube on the Super-unleaded was observed to be broken.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	08-Aug-2006	EPA Due	
	PCW	29-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7- Eleven 57627
Reg. Ent. Ref. No.	RN102394368
Facility/Site Region	6-El Paso <input type="text"/> Major/Minor Source <input type="text"/> Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	42% Enhancement	Subtotals 2, 3, & 7	\$420
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Notes: The compliance history was enhanced by one non-similar NOV and two Agreed Orders.

Culpability	No <input type="text"/> 0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
-----------------------------	---------------	-------------------	--------

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		<i>(mark with a small x)</i>

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
------------------	-----------------	-------------------	-----

Total EB Amounts	\$1,000	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,170
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,170
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,170
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DEFERRAL	20% Reduction	Adjustment	-\$234
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$936
------------------------	-------

Screening Date: 08-Aug-2006 **Docket No.:** 2006-1261-AIR-E **PCW**
Respondent: Southwest Convenience Stores, LLC ember 2002)
Case ID No.: 30744 **PCW Revision:** May 19, 2005
Reg. Ent. Reference No.: RN102394368
Media [Statute]: Air Quality
Enf. Coordinator: Jason Kemp

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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 judgements 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</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	<i>Please Enter Yes or No</i>		
	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) 42%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by one non-similar NOV and two Agreed Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<i>ember 2002)</i>
Case ID No.	30744	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102394368			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.51 psia was taken from pump number one as documented during an inspection conducted on June 12, 2006.			
Base Penalty	\$10,000			

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input type="text" value="10%"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1,000"/>	Violation Final Penalty Total <input type="text" value="\$1,170"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,170"/>	

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7- Eleven
 Case ID No.: 30744
 Reg. Ent. Reference No.: RN102394368
 Media [Statute]: Air Quality
 Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	12-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$1,000 **TOTAL** \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102394368 7 ELEVEN 57627 Classification: AVERAGE Site Rating: 5.22

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7286
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1176V

Location: 5710 HONDO PASS DR, EL PASO, TX, 79924 Rating Date: September 01 05

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: August 15, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2001 to July 31, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: 512-239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

Effective Date: 04/10/2005

ADMINORDER 2004-0076-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the 7.0 psia Maximum Reid Vapor Pressure requirement.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with 30 TAC 115.252(2), RVP Fuel Requirements.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 02/21/2003 (25099)
- 2 07/16/2004 (278519)
- 3 06/24/2004 (268532)
- 4 03/19/2002 (74368)
- 5 11/13/2001 (74367)
- 6 09/20/2001 (74366)

Section 1: Introduction

The first part of the document discusses the importance of maintaining accurate records and the role of the committee in overseeing the process.

It is noted that the committee has received several reports regarding the current state of affairs and the need for further investigation.

The committee has decided to conduct a thorough review of the data provided and to report back to the relevant authorities.

It is expected that this review will provide valuable insights into the issues at hand and help to identify areas for improvement.

The committee is committed to ensuring that all procedures are followed correctly and that the highest standards of integrity are maintained.

Finally, it is hoped that the findings of this review will be used to inform future decision-making and to prevent similar incidents from occurring.

The committee will continue to monitor the situation and will be available to provide further information as needed.

Thank you for your attention to this matter. We appreciate your cooperation and support in this process.

Yours faithfully,
[Signature]

Enclosed are the reports and documents mentioned in the text above. Please refer to them as you proceed with your work.

If you have any questions or require further clarification, please do not hesitate to contact the committee.

We look forward to your feedback and to working together to address the challenges ahead.

Best regards,
[Signature]

The committee members are: [List of names]

For more information, please visit our website at [URL]

Our contact details are: [Address, Phone, Email]

We are open for business from [Hours]

Thank you once again for your support and commitment.

7 08/20/2001 (74365)
8 12/12/2002 (17923)
9 11/27/2002 (6743)
10 08/27/2005 (407095)
11 08/05/2005 (403673)
12 11/14/2002 (9230)
13 03/17/2003 (27621)
14 04/25/2003 (28991)
15 07/28/2006 (486126)

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

Date: 02/21/2003 (25099)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: The entity was found in violation of Rule 30 TAC 115.242(3)

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	PCW	29-Aug-2006	Screening	08-Aug-2006	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57629
Reg. Ent. Ref. No.	RN102392214
Facility/Site Region	6-EI Paso
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 40% Enhancement **Subtotals 2, 3, & 7** \$400

Notes: The compliance history was enhanced by two Agreed Orders.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes: Respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent does not meet the good faith criteria.

Economic Benefit 0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$1,050	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,400

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$1,400

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$1,400

DEFERRAL 20% Reduction **Adjustment** -\$280

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY \$1,120

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102392214			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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) 40%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by two Agreed Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<small>ember 2002)</small>
Case ID No.	30744			<small>PCW Revision May 19, 2005</small>
Reg. Ent. Reference No.	RN102392214			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.30 psia was taken from pump number three as documented during an inspection conducted on June 12, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input type="text" value="10%"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input type="text"/>

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<small>mark only one use a small x</small>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1,050"/>	Violation Final Penalty Total <input type="text" value="\$1,400"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,400"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC 7- Eleven
 Case ID No. 30744
 Reg. Ent. Reference No. RN102392214
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	12-Jun-2006	16-Sep-2006	1.0	\$50	\$1,000	\$1,050

Notes for AVOIDED costs
 Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the last day of the control period with RVP requirements.

Approx. Cost of Compliance **\$1,000** **TOTAL \$1,050**

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102392214 7 ELEVEN 57629 Classification: AVERAGE Site Rating: 2.50

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7281
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1177T

Location: 4950 HERCULES AVE, EL PASO, TX, 79904 Rating Date: September 01 05

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: August 15, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2001 to July 31, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: 512-239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

Effective Date: 04/10/2005

ADMINORDER 2004-0076-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with 30 TAC 114.100(a), Oxygenated Fuel Requirements.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 07/15/2004 (281863)
- 2 04/25/2003 (29081)
- 3 03/19/2002 (74379)
- 4 11/09/2001 (74378)
- 5 06/25/2004 (268536)
- 6 05/16/2003 (38015)
- 7 03/18/2005 (349456)
- 8 12/12/2003 (257172)
- 9 08/27/2005 (407337)
- 10 08/10/2002 (3520)

Mathematical Analysis

The first part of the course deals with the theory of functions of a real variable. We start with the real number system, the real line, and the properties of real numbers. Then we discuss the concept of a function, its domain, range, and graph. We also study the properties of continuous functions, the Intermediate Value Theorem, and the Extreme Value Theorem.

The second part of the course is devoted to the theory of limits and continuity. We define the limit of a function and prove the basic properties of limits. We also study the concept of continuity and the properties of continuous functions. The Weierstrass Theorem and the Bolzano-Weierstrass Theorem are also discussed.

The third part of the course deals with the theory of derivatives and differentials. We define the derivative of a function and prove the basic properties of derivatives. We also study the concept of differentials and the Taylor series expansion.

Integration and Applications

The fourth part of the course is devoted to the theory of integration. We define the Riemann integral and prove the basic properties of integrals. We also study the concept of improper integrals and the Gamma function. The Fundamental Theorem of Calculus is also discussed.

The fifth part of the course deals with the applications of integration. We study the area under a curve, the volume of a solid, and the arc length of a curve. We also discuss the applications of integration in physics and engineering.

The sixth part of the course is devoted to the theory of series. We define the convergence of a series and prove the basic properties of convergent series. We also study the concept of absolute convergence and the ratio test. The Taylor series expansion is also discussed.

The seventh part of the course deals with the theory of differential equations. We define the solution of a differential equation and prove the basic properties of solutions. We also study the concept of linear and nonlinear differential equations.

The eighth part of the course is devoted to the theory of vector calculus. We define the gradient, divergence, and curl of a vector field. We also study the concept of line integrals, surface integrals, and the Gauss, Stokes, and Green theorems. The theory of vector fields and potential functions is also discussed.

11 11/27/2002 (16445)
12 08/03/2005 (403191)
13 01/14/2004 (256467)
14 07/28/2006 (486471)

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

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	08-Aug-2006	EPA Due	
	PCW	29-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7- Eleven 57637
Reg. Ent. Ref. No.	RN102391331
Facility/Site Region	6-EI Paso Major/Minor Source Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	20% Enhancement	Subtotals 2, 3, & 7	\$200
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Notes: The compliance history was enhanced by one Agreed Order.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$950
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$950

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$950
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DEFERRAL	20% Reduction	Adjustment	-\$190
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$760
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Screening Date: 08-Aug-2006	Docket No.: 2006-1261-AIR-E	PCW
Respondent: Southwest Convenience Stores, LLC		ember 2002)
Case ID No.: 30744		PCW Revision May 19, 2005
Reg. Ent. Reference No.: RN102391331		
Media [Statute]: Air Quality		
Enf. Coordinator: Jason Kemp		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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>)	1	20%
	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 judgements 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</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) 20%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by one Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<i>ember 2002)</i>
Case ID No.	30744	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN102391331			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	<input type="text" value="1"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2)"/>			
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.38 psia was taken from pump number two as documented during an inspection conducted on June 4, 2006.			
Base Penalty	<input type="text" value="\$10,000"/>			

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7- Eleven
 Case ID No. 30744
 Reg. Ent. Reference No. RN102391331
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	04-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs							
Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102391331 7 ELEVEN 57637 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7279
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1182D

Location: 3601 MONTANA AVE, EL PASO, TX, 79903 Rating Date: September 01 05

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: August 15, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2001 to July 31, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: 512-239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 09/24/2002 (12317)
- 2 07/28/2006 (486814)
- 3 11/23/2004 (342085)
- 4 08/23/2002 (3844)
- 5 08/12/2005 (401229)
- 6 09/07/2002 (6755)
- 7 12/20/2002 (20110)
- 8 08/27/2003 (152521)
- 9 08/27/2005 (407359)
- 10 04/04/2003 (28754)
- 11 08/02/2004 (282669)
- 12 07/03/2003 (33616)
- 13 06/17/2004 (268504)

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

QUESTIONNAIRE

1. Name of the respondent: _____

2. Address: _____

3. Telephone: _____

4. Occupation: _____

5. How long have you been in the country? _____

6. How long have you been in the area? _____

7. How long have you been in the community? _____

8. How long have you been in the neighborhood? _____

9. How long have you been in the street? _____

10. How long have you been in the block? _____

11. How long have you been in the lot? _____

12. How long have you been in the house? _____

13. How long have you been in the room? _____

14. How long have you been in the bed? _____

15. How long have you been in the bath? _____

16. How long have you been in the kitchen? _____

17. How long have you been in the living room? _____

18. How long have you been in the dining room? _____

19. How long have you been in the study? _____

20. How long have you been in the office? _____

21. How long have you been in the garage? _____

22. How long have you been in the driveway? _____

23. How long have you been in the yard? _____

24. How long have you been in the garden? _____

25. How long have you been in the lawn? _____

26. How long have you been in the pool? _____

27. How long have you been in the spa? _____

28. How long have you been in the hot tub? _____

29. How long have you been in the sauna? _____

30. How long have you been in the gym? _____

31. How long have you been in the club? _____

32. How long have you been in the bar? _____

33. How long have you been in the restaurant? _____

34. How long have you been in the hotel? _____

35. How long have you been in the motel? _____

36. How long have you been in the inn? _____

37. How long have you been in the guest house? _____

38. How long have you been in the apartment? _____

39. How long have you been in the condo? _____

40. How long have you been in the townhouse? _____

41. How long have you been in the duplex? _____

42. How long have you been in the triplex? _____

43. How long have you been in the quadplex? _____

44. How long have you been in the penthouse? _____

45. How long have you been in the loft? _____

46. How long have you been in the studio? _____

47. How long have you been in the warehouse? _____

48. How long have you been in the factory? _____

49. How long have you been in the office building? _____

50. How long have you been in the school? _____

51. How long have you been in the church? _____

52. How long have you been in the synagogue? _____

53. How long have you been in the mosque? _____

54. How long have you been in the temple? _____

55. How long have you been in the shrine? _____

56. How long have you been in the mausoleum? _____

57. How long have you been in the cemetery? _____

58. How long have you been in the park? _____

59. How long have you been in the zoo? _____

60. How long have you been in the museum? _____

61. How long have you been in the library? _____

62. How long have you been in the bookstore? _____

63. How long have you been in the record store? _____

64. How long have you been in the clothing store? _____

65. How long have you been in the grocery store? _____

66. How long have you been in the hardware store? _____

67. How long have you been in the drug store? _____

68. How long have you been in the pharmacy? _____

69. How long have you been in the hospital? _____

70. How long have you been in the clinic? _____

71. How long have you been in the doctor's office? _____

72. How long have you been in the dentist's office? _____

73. How long have you been in the veterinarian's office? _____

74. How long have you been in the optician's office? _____

75. How long have you been in the hair salon? _____

76. How long have you been in the beauty salon? _____

77. How long have you been in the spa? _____

78. How long have you been in the gym? _____

79. How long have you been in the fitness center? _____

80. How long have you been in the swimming pool? _____

81. How long have you been in the hot tub? _____

82. How long have you been in the sauna? _____

83. How long have you been in the steam bath? _____

84. How long have you been in the whirlpool? _____

85. How long have you been in the jacuzzi? _____

86. How long have you been in the pool house? _____

87. How long have you been in the garage? _____

88. How long have you been in the driveway? _____

89. How long have you been in the yard? _____

90. How long have you been in the garden? _____

91. How long have you been in the lawn? _____

92. How long have you been in the pool? _____

93. How long have you been in the spa? _____

94. How long have you been in the hot tub? _____

95. How long have you been in the sauna? _____

96. How long have you been in the steam bath? _____

97. How long have you been in the whirlpool? _____

98. How long have you been in the jacuzzi? _____

99. How long have you been in the pool house? _____

100. How long have you been in the garage? _____

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	08-Aug-2006	EPA Due	
	PCW	29-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57641
Reg. Ent. Ref. No.	RN102390960
Facility/Site Region	6-El Paso Major/Minor Source Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20% Enhancement	Subtotals 2, 3, & 7	\$200
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Notes: The compliance history was enhanced by one Agreed Order.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement	Subtotal 6	\$0
-------------------------	----------------	-------------------	------------

Total EB Amounts	\$2,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$950
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$950
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$950
-----------------------------------	-------------------------------	--------------

DEFERRAL	20% Reduction	Adjustment	-\$190
-----------------	---------------	-------------------	---------------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$760
------------------------	--------------

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102390960			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 20%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by one Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			<i>ember 2002)</i>
Case ID No.	30744			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102390960			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a mid-grade and a premium grade gasoline sample with readings of 7.34 psia and 7.38 psia were taken from pump number three as documented during an inspection conducted on June 12, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

	Harm			
Release	Major	Moderate	Minor	
Actual			X	Percent 10%
Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent

Matrix Notes
Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,000

Violation Final Penalty Total \$950

This violation Final Assessed Penalty (adjusted for limits) \$950

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven
 Case ID No: 30744
 Reg. Ent. Reference No: RN102390960
 Media [Statute]: Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	12-Jun-2006	28-Jun-2006	0.0	\$0	\$2,000	\$2,000
Notes for AVOIDED costs							
Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$2,000

TOTAL \$2,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102390960 7 ELEVEN 57641 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7278
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1184W

Location: 8300 DYER ST, EL PASO, TX, 79904 Rating Date: September 01 05

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: August 15, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2001 to July 31, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: 512-239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 07/07/2003 (126749)
- 2 07/28/2005 (402437)
- 3 03/20/2003 (28372)
- 4 11/04/2004 (340316)
- 5 08/27/2005 (407377)
- 6 10/19/2002 (4373)
- 7 07/06/2004 (278494)
- 8 02/19/2003 (25330)
- 9 08/10/2002 (3497)
- 10 11/27/2002 (16010)
- 11 07/28/2006 (486825)
- 12 05/04/2004 (270803)

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

QUESTIONNAIRE

1. Name: _____

2. Address: _____

3. Telephone: _____

4. Date: _____

5. How long have you been using the product? _____

6. How often do you use the product? _____

7. How do you feel about the product? _____

8. How do you like the service? _____

9. How do you like the price? _____

10. How do you like the quality? _____

11. How do you like the appearance? _____

12. How do you like the taste? _____

13. How do you like the smell? _____

14. How do you like the texture? _____

15. How do you like the color? _____

16. How do you like the sound? _____

17. How do you like the feel? _____

18. How do you like the smell? _____

19. How do you like the taste? _____

20. How do you like the texture? _____

SECTION II: DEMOGRAPHIC INFORMATION

21. Age: _____

22. Sex: _____

23. Marital Status: _____

24. Education: _____

25. Income: _____

26. Occupation: _____

27. Ethnicity: _____

28. Religion: _____

29. Political Party: _____

30. Other: _____

SECTION III: ADDITIONAL COMMENTS

31. _____

32. _____

33. _____

34. _____

35. _____

36. _____

37. _____

38. _____

39. _____

40. _____

41. _____

42. _____

43. _____

44. _____

45. _____

46. _____

47. _____

48. _____

49. _____

50. _____

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006		
	PCW	29-Aug-2006	Screening	08-Aug-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7- Eleven 57611
Reg. Ent. Ref. No.	RN102393170
Facility/Site Region	6-EI Paso
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	40% Enhancement	Subtotals 2, 3, & 7	\$400
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Notes: The compliance history was enhanced by two Agreed Orders.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,150
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,150
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DEFERRAL	20% Reduction	Adjustment	-\$230
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$920
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Screening Date 08-Aug-2006	Docket No. 2006-1261-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC		ember 2002)
Case ID No. 30744		PCW Revision May 19, 2005
Reg. Ent. Reference No. RN102393170		
Media [Statute] Air Quality		
Enf. Coordinator Jason Kemp		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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>	2	40%
	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 judgements 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 (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</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%
<i>Please Enter Yes or No</i>			
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) 40%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by two Agreed Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102393170			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.51 psia was taken from pump number three as documented during an inspection conducted on June 12, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input type="text" value="10%"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC
 Case ID No: 30744
 Reg. Ent. Reference No: RN102393170
 Media [Statute]: Air Quality
 Violation No: 1

7- Eleven

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	12-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs							
Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance **\$1,000**

TOTAL \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78

Regulated Entity: RN102393170 7 ELEVEN 57611 Classification: AVERAGE Site Rating: 2.25

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7283
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1162J

Location: 8901 DIANA DR, EL PASO, TX, 79904 Rating Date: September 01 05

TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO

Date Compliance History Prepared: August 15, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2001 to July 31, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: 512-239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

Effective Date: 04/10/2005

ADMINORDER 2004-0076-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with 30 TAC 114.100(a), Oxygenated Fuel Requirements.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- | | | |
|----|------------|----------|
| 1 | 09/18/2002 | (5263) |
| 2 | 07/28/2006 | (486294) |
| 3 | 08/27/2005 | (407113) |
| 4 | 07/13/2004 | (280875) |
| 5 | 01/21/2003 | (19698) |
| 6 | 03/19/2002 | (74222) |
| 7 | 07/08/2005 | (399010) |
| 8 | 11/13/2001 | (74221) |
| 9 | 08/28/2001 | (74220) |
| 10 | 01/05/2004 | (258690) |

Mathematical Analysis

The first part of the course deals with the theory of functions of a real variable. We start with the real number system, the real line, and the properties of intervals. Then we discuss the concept of a function, its domain, range, and graph. The next section is devoted to the study of limits and continuity. We define the limit of a function and prove the basic theorems on limits. We then discuss the concept of a continuous function and prove the Intermediate Value Theorem and the Weierstrass Theorem. The final part of this section is devoted to the study of the derivative and the differential. We define the derivative of a function and prove the basic theorems on differentiation. We then discuss the concept of the differential and its applications to the study of the geometry of curves.

Integration and Applications

The second part of the course deals with the theory of integration. We start with the Riemann integral and prove the basic theorems on integration. We then discuss the concept of the definite integral and its applications to the study of the area under a curve and the volume of a solid. The next section is devoted to the study of the improper integral and the Gamma function. We then discuss the concept of the double integral and its applications to the study of the area of a region in the plane and the volume of a solid. The final part of this section is devoted to the study of the line integral and the surface integral. We define the line integral and the surface integral and prove the basic theorems on integration. We then discuss the concept of the vector field and its applications to the study of the flow of a fluid and the work done by a force field.

Series and Special Functions

The third part of the course deals with the theory of series and special functions. We start with the theory of the infinite series and prove the basic theorems on convergence. We then discuss the concept of the power series and its applications to the study of the function of a complex variable. The next section is devoted to the study of the Fourier series and the Fourier integral. We then discuss the concept of the Bessel function and the Legendre function. The final part of this section is devoted to the study of the Gamma function and the Beta function. We define the Gamma function and the Beta function and prove the basic theorems on their properties. We then discuss the concept of the hypergeometric function and its applications to the study of the theory of differential equations.

- 11 08/03/2005 (403181)
- 12 06/30/2003 (126931)
- 13 05/19/2003 (38033)
- 14 12/12/2002 (18985)
- 15 06/24/2004 (268471)
- 16 08/13/2002 (4384)

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

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006		
	PCW	29-Aug-2006	Screening	08-Aug-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57625
Reg. Ent. Ref. No.	RN102399094
Facility/Site Region	6-El Paso
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30744	No. of Violations	1
Docket No.	2006-1261-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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	42% Enhancement	Subtotals 2, 3, & 7	\$420
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Notes: The compliance history was enhanced by one non-similar NOV and two Agreed Orders.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on June 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,000	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,170
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,170
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,170
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DEFERRAL	20% Reduction	Adjustment	-\$234
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$936
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Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102399094			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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 judgements 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 (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 42%

>> **Repeat Violator (Subtotal 3)**

No	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes The compliance history was enhanced by one non-similar NOV and two Agreed Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

Screening Date	08-Aug-2006	Docket No.	2006-1261-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC			ember 2002)
Case ID No.	30744			PCW Revision May 19, 2005
Reg. Ent. Reference No.	RN102399094			
Media [Statute]	Air Quality			
Enf. Coordinator	Jason Kemp			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.252(2)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006. Specifically, a premium grade gasoline sample with a reading of 7.38 psia was taken from pump number four as documented during an inspection conducted on June 9, 2006.			
	Base Penalty	\$10,000		

>> **Environmental, Property and Human Health Matrix**

	Harm			
Release	Major	Moderate	Minor	
Actual			X	Percent 10%
Potential				

OR

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,000	Violation Final Penalty Total \$1,170
This violation Final Assessed Penalty (adjusted for limits) \$1,170	

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven
 Case ID No. 30744
 Reg. Ent. Reference No. RN102399094
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	09-Jun-2006	28-Jun-2006	0.0	\$0	\$1,000	\$1,000
Notes for AVOIDED costs Costs avoided by dispensing and utilizing gasoline having a RVP greater than 7.0 psia. The Date Required is the date of the inspection. The Final Date is the date the respondent returned to compliance.							

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 0.78
Regulated Entity: RN102399094 7 ELEVEN 57625 Classification: AVERAGE Site Rating: 2.09
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7298
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1174C
Location: 8701 ALAMEDA AVE, EL PASO, TX, 79907 Rating Date: September 01 05
TCEQ Region: REGION 06 - EL PASO Repeat Violator: NO
Date Compliance History Prepared: August 15, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2001 to July 31, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: 512-239-5610

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.

Effective Date: 01/08/2005

ADMINORDER 2004-0033-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the 7.0 psia. maximum Reid Vapor Pressure (RVP) requirement.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 09/17/2003 (145557)
- 2 07/13/2004 (280167)
- 3 09/02/2002 (5635)
- 4 03/22/2003 (19586)
- 5 11/30/2003 (255963)
- 6 11/11/2005 (436035)
- 7 11/06/2002 (15382)
- 8 02/12/2002 (74347)

9 10/30/2001 (74346)
10 06/11/2003 (60677)
11 12/30/2003 (256838)
12 12/21/2004 (339859)
13 08/15/2002 (7958)
14 09/07/2002 (4270)
15 08/16/2005 (405083)
16 08/27/2005 (407398)
17 06/20/2005 (380889)
18 08/25/2003 (151837)

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

Date: 07/18/2002 (4270)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)

Description: CARB Excutive Order was not available for review, an NOV will be issued.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.244(1)

Description: No daily inspection are been conducted.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Healy Vacuum Monitor was out of printing paper for an undetermind time.

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
SOUTHWEST CONVENIENCE
STORES, LLC DBA 7-ELEVEN
RN102388345, RN102397189,
RN102394756, RN100826239,
RN102383627, RN102394368,
RN102392214, RN102391331,
RN102390960, RN102393170,
RN102399094

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-1261-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwest Convenience Stores, LLC dba 7-Eleven ("Southwest Convenience Stores") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Southwest Convenience Stores appear before the Commission and together stipulate that:

1. Southwest Convenience Stores owns and operates eleven 7-Eleven convenience stores with retail gasoline sales at the following locations in El Paso, El Paso County, Texas (the "Stations"):
 - a. 2066 Wedgewood Drive (7-Eleven 57642);
 - b. 9300 Acer Avenue (7-Eleven 57624);
 - c. 9635 McCombs Street (7-Eleven 57620);
 - d. 2000 North Piedras Street (7-Eleven 57601);
 - e. 1598 Lomaland Drive (7-Eleven 57617);
 - f. 5710 Hondo Pass Drive (7-Eleven 57627);
 - g. 4950 Hercules Drive (7-Eleven 57629);

- h. 3601 Montana Avenue (7-Eleven 57637);
 - i. 8300 Dyer Street (7-Eleven 57641);
 - j. 8901 Diana Drive (7-Eleven 57611); and
 - k. 8701 Alameda Avenue (7-Eleven 57625).
2. The Stations consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
 3. The Commission and Southwest Convenience Stores agree that the Commission has jurisdiction to enter this Agreed Order, and that Southwest Convenience Stores is subject to the Commission's jurisdiction.
 4. Southwest Convenience Stores received notice of the violations alleged in Section II ("Allegations") on or about July 19, August 2, and 14, 2006.
 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Southwest Convenience Stores of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
 6. An administrative penalty in the amount of Eleven Thousand Three Hundred Eighty Dollars (\$11,380) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Southwest Convenience Stores has paid Nine Thousand One Hundred Four Dollars (\$9,104) of the administrative penalty and Two Thousand Two Hundred Seventy-Six Dollars (\$2,276) is deferred contingent upon Southwest Convenience Stores' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Southwest Convenience Stores fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Southwest Convenience Stores to pay all or part of the deferred penalty.
 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and Southwest Convenience Stores have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that by June 28, 2006, Southwest Convenience Stores has come into compliance at Station numbers 57642, 57624, 57620, 57601, 57617, 57627, 57637, 57641, 57611, and 57625.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Southwest Convenience Stores has not complied with one or more of the terms or conditions in this Agreed Order.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It provides strategies to overcome these challenges and ensure that the data remains reliable and accessible.

5. The fifth part of the document discusses the importance of data governance and compliance. It outlines the necessary policies and procedures to ensure that data is handled in a responsible and lawful manner, in accordance with relevant regulations.

6. The sixth part of the document explores the benefits of data-driven decision-making. It illustrates how analyzing data can provide valuable insights into organizational performance, customer behavior, and market trends, leading to more informed and effective decisions.

7. The seventh part of the document discusses the role of data in strategic planning and forecasting. It explains how data analysis can help organizations identify opportunities, assess risks, and make long-term strategic decisions based on evidence and data.

8. The eighth part of the document focuses on the importance of data literacy and training. It emphasizes that all employees should have a basic understanding of data and be able to interpret and use it effectively in their work.

9. The ninth part of the document discusses the role of data in innovation and research. It highlights how data analysis can help organizations identify new trends, develop new products, and improve existing ones through continuous research and development.

10. The tenth part of the document concludes by summarizing the key points discussed throughout the document. It reiterates the importance of data in driving organizational success and the need for a strong data management strategy.

11. The eleventh part of the document provides a list of resources and references for further reading and research. It includes books, articles, and online resources that provide additional information on data management and analysis.

12. The twelfth part of the document discusses the future of data management and analysis. It explores emerging trends and technologies, such as artificial intelligence and big data, and their potential impact on the way organizations handle and use data.

13. The thirteenth part of the document provides a final summary and conclusion. It emphasizes the importance of data in the modern business environment and the need for organizations to embrace a data-driven culture to achieve long-term success.

Executive Director determines that Southwest Convenience Stores has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Stations, Southwest Convenience Stores is alleged to have:

1. Failed to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 12, 2006. Specifically, a mid-grade and a premium grade gasoline sample with readings of 7.60 psia and 7.86 psia were taken from pump number two at 7-Eleven 57642.
2. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 9, 2006. Specifically, a premium grade gasoline sample with a reading of 7.89 psia was taken from pump number two at 7-Eleven 57624.
3. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 4, 2006. Specifically, a premium grade gasoline sample with a reading of 7.61 psia was taken from pump number three at 7-Eleven 57620.
4. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 5, 2006. Specifically, a premium grade gasoline sample with a reading of 7.79 psia was taken from pump number three at 7-Eleven 57601.
5. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 10, 2006. Specifically, a premium grade gasoline sample with a reading of 7.40 psia was taken from pump number three at 7-Eleven 57617.

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6. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 12, 2006. Specifically, a premium grade gasoline sample with a reading of 7.51 psia was taken from pump number one at 7-Eleven 57627.
7. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 12, 2006. Specifically, a premium grade gasoline sample with a reading of 7.30 psia was taken from pump number three at 7-Eleven 57629.
8. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 4, 2006. Specifically, a premium grade gasoline sample with a reading of 7.38 psia was taken from pump number two at 7-Eleven 57637.
9. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 12, 2006. Specifically, a mid-grade and a premium grade gasoline sample with readings of 7.34 psia and 7.38 psia were taken from pump number three at 7-Eleven 57641.
10. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 12, 2006. Specifically, a premium grade gasoline sample with a reading of 7.51 psia was taken from pump number three at 7-Eleven 57611.
11. Failed to comply with the maximum 7.0 psia RVP requirements during the control period of June 1 - September 16, 2006, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 9, 2006. Specifically, a premium grade gasoline sample with a reading of 7.38 psia was taken from pump number four at 7-Eleven 57625.

III. DENIALS

Southwest Convenience Stores generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Southwest Convenience Stores pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and

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Southwest Convenience Stores' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Southwest Convenience Stores, LLC dba 7-Eleven, Docket No. 2006-1261-AIR-E" to:

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

2. It is further ordered that Southwest Convenience Stores shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st and September 16th of each year shall not exceed 7.0 psia at Station No. 57629;
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and 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"; and

- c. Submit the certification required by these Ordering Provisions to:

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

with a copy to:

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Manager
Air Section
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1212

3. The provisions of this Agreed Order shall apply to and be binding upon Southwest Convenience Stores. Southwest Convenience Stores is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Stations operations referenced in this Agreed Order.
4. If Southwest Convenience Stores fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Southwest Convenience Stores' failure to comply is not a violation of this Agreed Order. Southwest Convenience Stores shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Southwest Convenience Stores shall notify the Executive Director within seven days after Southwest Convenience Stores becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Southwest Convenience Stores shall be made in writing to the Executive Director. Extensions are not effective until Southwest Convenience Stores receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Southwest Convenience Stores in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Southwest Convenience Stores, or three days after the date on which the Commission mails notice of the Order to Southwest Convenience Stores, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

THE HISTORY OF THE
CITY OF BOSTON

From the first settlement of the city in 1630 to the present time.

By JOHN GARDNER, Esq. of the Middle Temple, Barrister at Law.

Printed and Sold by G. B. LITTLE, at the Sign of the Anchor, in the City of Boston.

1800.

THE HISTORY OF THE CITY OF BOSTON, FROM THE FIRST SETTLEMENT IN 1630 TO THE PRESENT TIME.

By JOHN GARDNER, Esq. of the Middle Temple, Barrister at Law.

Southwest Convenience Stores, LLC dba 7-Eleven
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



5/11/07
Date

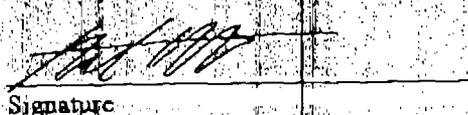
For the Executive Director

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



10-24-06
Date

MARCO A. OWENS - AUTHORIZED AGENT
Name (Printed or typed)
Authorized Representative of
Southwest Convenience Stores, LLC dba 7-Eleven

AUTHORIZED AGENT
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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