

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2041-AIR-E **TCEQ ID:** RN102879442 **CASE NO.:** 31825

RESPONDENT NAME: Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Love's Country Store 214, 12800 Horizon Boulevard, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 2, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Section II, MC 219, (512) 239-0321; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Brad Jenkins, Director, Love's Travel Stops & County Stores, Inc., 12800 Horizon Boulevard, El Paso, Texas 79928 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 14, 2006</p> <p>Date of NOE Relating to this Case: November 13, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>AIR</p> <p>Failed to comply with the minimum 2.7% by weight, oxygenated fuel requirement for motor vehicle fuel within El Paso County during the control period between October 1st and March 31st. Specifically, samples taken from pump #10 showed that mid-grade and premium gasoline was being dispensed with average oxygen content of 2.4% and 2.18%, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$2,000</p> <p>Total Deferred: \$400 <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: \$1,600</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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>Ordering Provisions:</p> <p>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 that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1st and March 31st of each year shall have the minimum oxygen content of 2.7% by weight; 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 receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

DATES	Assigned	13-Nov-2006	Screening	1-Dec-2006	EPA Due	
	PCW	5-Dec-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214		
Reg. Ent. Ref. No.	RN102879442		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31825	No. of Violations	1
Docket No.	2006-2041-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

0% Enhancement

Notes

Culpability **Subtotal 4**

No 0% Enhancement

Notes

Good Faith Effort to Comply **Subtotal 5**

0% Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

Subtotal 6

0% Enhancement*

Total EB Amounts *Capped at the Total EB \$ Amount

Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

20% Reduction

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

Notes

PAYABLE PENALTY **\$1,600**

Screening Date 1-Dec-2006

Docket No. 2006-2041-AIR-E

PCW

Respondent Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214

Policy Revision 2 (September 2002)

Case ID No. 31825

PCW Revision November 17, 2008

Reg. Ent. Reference No. RN102879442

Media [Statute] Air Quality

Enf. Coordinator Harvey Wilson

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 judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 0%

>> 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

No penalty adjustment due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 1-Dec-2006

Docket No: 2006-2041-AIR-E

PCW

Respondent Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214

Policy Revision 2 (September 2002)

Case ID No. 31825

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102879442

Media [Statute] Air Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code 382.085(b)

Violation Description

Failed to comply with the minimum 2.7% by weight, oxygenated fuel requirement for motor vehicle fuel within El Paso County during the control period between October 1st and March 31st, as documented during an investigation on October 14, 2006. Specifically, samples taken from pump #10 on October 14, 2006, showed that mid-grade and premium gasoline was being dispensed with average oxygen contents of 2.4% and 2.18%, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Dispensing fuel with an oxygen content of less than 2.7% by weight constitutes release of insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

48 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent: Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214
Case ID No.: 31825
Reg. Ent. Reference No.: RN102879442
Media: 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
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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)	\$250	14-Oct-2006	30-Jun-2007	0.7	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to implement procedures to ensure compliance with the minimum oxygen content of 2.7% by weight for any gasoline dispensed for the use as motor vehicle fuel in El Paso County during the controlled period. Date Required is the inspection date. Final Date is the projected date of compliance.

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)	\$500	14-Oct-2006	31-Mar-2007	0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated price difference between compliant and non-compliant gasoline from the investigation date to the end of the control period date.

Approx. Cost of Compliance

\$250

TOTAL

\$9

Compliance History

Customer/Respondent/Owner-Operator:	CN601101173	Love's Travel Stops & Country Stores, Inc.	Classification: AVERAGE	Rating: 2.08
Regulated Entity:	RN102879442	LOVES COUNTRY STORE 214	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION	ACCOUNT NUMBER REGISTRATION	EE1053P 44280	
Location:	IHW CORRECTIVE ACTION 12800 HORIZON BLVD, EL PASO, TX, 79928	ID NUMBER	T1940	Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	November 28, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 28, 2001 to November 28, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Harvey Wilson	Phone:	239-0321	

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? | <u>N/A</u> |
| 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	03/13/2002	(73547)
N/A		
2	03/14/2003	(27070)
3	08/14/2002	(2878)
4	10/27/2004	(337980)
5	11/10/2006	(518541)
6	03/20/2003	(14071)
7	07/28/2004	(281432)
8	11/20/2003	(255143)
9	06/23/2003	(119397)
10	06/26/2005	(380305)
- 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC. DBA
LOVE'S COUNTRY STORE 214
RNI02879442

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-2041-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 Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214 ("Love's Country 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 Love's Country Stores appear before the Commission and together stipulate that:

1. Love's Country Stores owns and operates a convenience store with retail gasoline sales at 12800 Horizon Boulevard, El Paso, El Paso County, Texas (the "Station").
2. The Station consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
3. The Commission and Love's Country Stores agree that the Commission has jurisdiction to enter this Agreed Order, and that Love's Country Stores is subject to the Commission's jurisdiction.
4. Love's Country Stores received notice of the violations alleged in Section II ("Allegations") on or about November 18, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Love's Country Stores of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Dollars (\$2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Love's Country Stores has paid One Thousand Six Hundred Dollars (\$1,600) of the administrative penalty and Four Hundred Dollars (\$400) is deferred contingent upon Love's Country 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 Love's Country Stores fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Love's Country 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 Love's Country 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 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 Love's Country Stores has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 Station, Love's Country Stores is alleged to have failed to comply with the minimum 2.7% by weight, oxygenated fuel requirement for motor vehicle fuel within El Paso County during the control period between October 1st and March 31st, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 14, 2006. Specifically, samples taken from pump #10 showed that mid-grade and premium gasoline was being dispensed with average oxygen content of 2.4% and 2.18%, respectively.

III. DENIALS

Love's Country Stores generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

The second part of the document provides a detailed description of the experimental setup. It includes information about the equipment used, the procedures followed, and the conditions under which the data was collected. This section is crucial for understanding the context and limitations of the study.

The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the data collected. The results show a clear trend, indicating that the data is consistent and reliable. This section also discusses the implications of the findings and how they relate to the overall objectives of the study.

The final part of the document concludes the study and provides a summary of the key findings. It emphasizes the importance of the results and how they contribute to the field of research. The document also includes a list of references and a bibliography, providing a comprehensive overview of the work.

1. It is, therefore, ordered by the TCEQ that Love's Country Stores pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Love's Country 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: Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214, Docket No. 2006-2041-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 Love's Country 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 that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1st and March 31st of each year shall have the minimum oxygen content of 2.7% by weight; and
 - 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 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."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy auditing of the accounts. The text also mentions that regular reconciliation of the books is essential to identify any discrepancies early on.

In the second section, the author details the process of recording sales and purchases. It explains how to handle cash sales, credit sales, and returns. The importance of using the correct accounting entries for each type of transaction is highlighted. The text also covers the treatment of discounts and interest on accounts payable and receivable.

The third part of the document focuses on the recording of expenses. It provides guidelines for categorizing different types of costs, such as salaries, rent, utilities, and depreciation. The author stresses the need to allocate expenses to the appropriate cost center or department. This helps in analyzing the profitability of different areas of the business.

The fourth section discusses the recording of income and losses. It explains how to account for interest income, dividend income, and capital gains. The text also covers the treatment of losses, including bad debts and inventory shrinkage. The author emphasizes the importance of providing a clear explanation for any unusual items in the income statement.

The fifth part of the document deals with the recording of assets and liabilities. It provides instructions on how to value property, plant, and equipment. The author also discusses the treatment of loans, mortgages, and other forms of debt. The importance of maintaining accurate records of the book value of assets is stressed.

The final section of the document summarizes the key points discussed. It reiterates the importance of accuracy, consistency, and transparency in the accounting process. The author concludes by stating that a well-maintained set of books is essential for the success of any business.

with a copy to

Jesus Reynoso
Environmental Health Manager
El Paso City-County Health and Environmental District
222 South Campbell Street
El Paso, Texas 79901

and

Air Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Love's Country Stores. Love's Country Stores is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Love's Country 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, Love's Country Stores' failure to comply is not a violation of this Agreed Order. Love's Country Stores shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Love's Country Stores shall notify the Executive Director within seven days after Love's Country 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 Love's Country Stores shall be made in writing to the Executive Director. Extensions are not effective until Love's Country 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 Love's Country 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.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 551

LECTURE 1

LECTURE 2

LECTURE 3

LECTURE 4

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Love's Country Stores, or three days after the date on which the Commission mails notice of the Order to Love's Country Stores, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/11/07

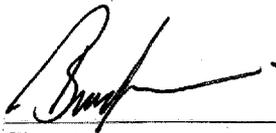
Date

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.



Signature

1/22/07

Date

Brad Jenkins

Name (Printed or typed)
Authorized Representative of
Love's Travel Stops & Country Stores, Inc.
dba Love's Country Store 214

Director

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.

2000

2001

[Handwritten signature]

[Handwritten signature]

2002