

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2038-AIR-E **TCEQ ID:** RN102394756, RN102403383, RN102006459, RN102056835, RN102038890, RN102017241, RN102011822, RN102396702, RN102395662, RN102393170, RN102384666, RN102395274, RN102389228, RN102388816, and RN102388345 **CASE NO.:** 31756
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"/> 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: 7-Eleven 53316, 1259 North Zaragoza Road; 7-Eleven 53320, 4130 Hercules Avenue; 7-Eleven 53324, 5598 Doniphan Drive; 7-Eleven 53333, 9787 McCombs Street; 7-Eleven 57604, 10418 Rushing Road; 7-Eleven 57609, 5201 Fairbanks Drive; 7-Eleven 57611, 8901 Diana Drive; 7-Eleven 57614, 2112 North Mesa Street; 7-Eleven 57618, 10300 McCombs Street; 7-Eleven 57635, 10026 Montana Avenue; 7-Eleven 57638, 1797 George Dieter Drive; 7-Eleven 57642, 2066 Wedgewood Drive; 7-Eleven 53301, 8386 Alameda Avenue; 7-Eleven 57620, 9635 McCombs Street; and 7-Eleven 57651, 6200 Gateway Boulevard East, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Convenience stores 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 one pending enforcement action, Docket No. 2006-1261-AIR-E, regarding facility 57620, 57642, and 57611.</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 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lindsey Jones, Enforcement Division, Enforcement Section III, MC 149, (512) 239-4930; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Scott Prall, Fuel Manager, Southwest Convenience Stores, LLC dba 7-Eleven, P.O. Box 711, Odessa, Texas 79760-0711 Mr. Ted Moon, District Manager, Southwest Convenience Stores, LLC, 2002 North Piedras Street, El Paso, Texas 79930 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 Investigations: <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 Investigations Relating to this Case: October 1, 2, 3, 5, 12, 2006,</p> <p>Date of NOEs Relating to this Case: November 10 and 13, 2006(NO)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 1 of 7-Eleven 57620 was found to be 2.18% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 5 of 7-Eleven 57651 was found to be 2.03% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 of 7-Eleven 53301 was found to be 1.40% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the</p>	<p>Total Assessed: \$18,820</p> <p>Total Deferred: \$3,764 <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: \$15,056</p> <p>Site Compliance History Classification 7-Eleven 53316 <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor 7-Eleven 53320 <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor 7-Eleven 53324 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 53333 <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor 7-Eleven 57604 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57609 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57611 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57614 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57618 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57635 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57638 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57642 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 53301 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57620 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57651 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification 7-Eleven 53316 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 53320 <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor 7-Eleven 53324 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 53333 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor 7-Eleven 57604 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that October 5, 2006, Southwest Convenience Stores has come into compliance at Station numbers 57620, 57651, 53320, 53324, 53333, 57604, 57609, 57611, 57614, 57618, 57638, and 57642.</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 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 at Station numbers 53301, 53316, and 57635; 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 record to demonstrate compliance with Ordering Provision No. 2.a.</p>

regular unleaded gasoline at pump number 1 of 7-Eleven 53316 was found to be 2.14% oxygen content by weight [30 TEX. ADMIN. CODE § 114.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the mid-grade and premium gasoline pump number 2 of 7-Eleven 53320 were found to be 2.04% and 1.19% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 6 of 7-Eleven 53324 was found to be 1.52% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 of 7-Eleven 53333 was found to be 1.70% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the regular unleaded and mid-grade gasoline at pump number 2 of 7-Eleven 57604 were found to be 1.05% and 1.60% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 4 of 7-Eleven 57611 was found to be 1.77% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 of

7-Eleven 57609 High X Average
Poor
7-Eleven 57611 High X Average
Poor
7-Eleven 57614 High X Average
Poor
7-Eleven 57618 High X Average
Poor
7-Eleven 57635 High X Average
Poor
7-Eleven 57638 High X Average
Poor
7-Eleven 57642 High X Average
Poor
7-Eleven 53301 High X Average
Poor
7-Eleven 57620 High X Average
Poor
7-Eleven 57651 High X Average
Poor

Major Source: Yes X No

Applicable Penalty Policy: September 2002

7-Eleven 57609 was found to be 2.03% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 4 of 7-Eleven 57614 was found to be 1.15% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 of 7-Eleven 57618 was found to be 2.25% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 of 7-Eleven 57635 was found to be 1.98% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 of 7-Eleven 57638 was found to be 0.00% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the regular unleaded and mid-grade gasoline at pump number 2 of 7-Eleven 57642 were found to be 0.67% and 2.02% oxygen content by weight [30 TEX. HEALTH & SAFETY CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 15, 2006

DATES	Assigned	6-Nov-2006	Screening	7-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

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

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 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 penalty was enhanced due to one previous 1660-style enforcement order containing a denial of liability.
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Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes	Respondent does not meet the culpability criteria.
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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 x)

Notes	The Respondent came into compliance on October 5, 2006.
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0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$250	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$250	

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	
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Final Penalty Amount	\$950
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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.
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PAYABLE PENALTY	\$760
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Screening Date: 7-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent: Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN102394756

Media [Statute]: Air Quality

Enf. Coordinator: Lindsey Jones

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 judgments 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 submitted)	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) 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 penalty was enhanced due to one previous 1660-style enforcement order containing a denial of liability.

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

Screening Date 7-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN102394756

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 1 was found to be 2.18% oxygen content by weight.

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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

4 Number of violation days

mark only one with an 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 \$250

Violation Final Penalty Total \$950

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

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC **7-Eleven 57620**
Case ID No.: 31756
Reg. Ent. Reference No.: RN102394756
Media: Air Quality
Violation No.: 1

Item Cost	Date Required	Final Date	Yrs	Interest-Saved	Onetime Costs	Percent Interest	Years of Depreciation
						5.0	15
Item Description: No commas or \$							

Delayed Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest-Saved	Onetime Costs	EB Amount
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)	\$250	1-Oct-2006	5-Oct-2006	0.0	\$0	\$250	\$250
Notes for AVOIDED costs							
The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.							

Approx. Cost of Compliance **TOTAL**
\$250 \$250

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102394756 7 ELEVEN 57620 Classification: AVERAGE Site Rating: 4.50

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

Location: 9635 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: December 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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.

- 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	11/01/2006	(518057)
6	12/21/2004	(339858)
7	05/31/2003	(61462)
8	03/25/2002	(74317)
9	08/10/2002	(3441)
10	08/12/2005	(403021)
11	08/27/2005	(407384)

- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	6-Nov-2006	Screening	7-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 57651	
Reg. Ent. Ref. No.	RN102403383		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 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 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes: No change due to average performer classification.

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

Notes: Respondent does not meet the 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 x)

Notes: The Respondent came into compliance on October 5, 2006.

Total EB Amounts \$250
Approx. Cost of Compliance \$250
0% Enhancement* Subtotal 6 **\$0**
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 Final Subtotal **\$750**

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 **\$750**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$750**

DEFERRAL 20% Reduction Adjustment **-\$150**

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	7-Nov-2006	Docket No.	2006-2038-AIR-E	PGW
Respondent	Southwest Convenience Stores, LLC			Policy Revision 2 (September 2002)
Case ID No.	31756			PGW Revision November 17, 2006
Reg. Ent. Reference No.	RN102403383			
Media [Statute]	Air Quality			
Enf. Coordinator	Lindsey Jones			

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)	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 (number of judgments 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 submitted)	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) 0%

>> **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	No change due to average performer classification.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 7-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102403383

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 3, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 5 was found to be 2.03% oxygen content by weight.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	10%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 2

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven 57651
Case ID No: 31756
Reg. Ent. Reference No: RN102403383
Media: 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
No commas or \$							

Delayed Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$250	3-Oct-2006	5-Oct-2006	0.0	\$0	\$250	\$250

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance	\$250	TOTAL	\$250
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102403383 7 ELEVEN 57651 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 52874
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1267R
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1267R
 Location: 6200 GATEWAY BLVD E, EL PASO, TX, 79905 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: November 17, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: November 17, 2001 to November 17, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lindsey Jones Phone: 512-239-4930

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	07/14/2003	(140953)	7	06/23/2005	-397032
2	11/01/2006	(516847)	8	08/13/2002	(2953)
3	05/27/2003	(36508)	9	11/07/2002	(14937)
4	07/26/2004	(278112)	10	10/28/2002	(8684)
5	05/06/2004	(269776)	11	03/17/2003	(28054)
6	03/27/2002	(74721)			
 - 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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the tools used for data collection.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend in the relationship between the variables being studied.

4. The fourth part of the document discusses the implications of the findings. It highlights the potential applications of the research in various fields and the need for further investigation in this area.

5. The fifth part of the document provides a conclusion and a summary of the key findings. It reiterates the importance of the research and the need for continued efforts in this field.

6. The sixth part of the document includes a list of references and a bibliography. It cites the works of other researchers in the field and provides a comprehensive overview of the current state of knowledge.

7. The seventh part of the document contains a list of appendices and supplementary materials. These materials provide additional information and data that support the findings of the study.

8. The eighth part of the document includes a list of figures and tables. These visual aids help to present the data in a clear and concise manner, making it easier to understand the results of the study.

9. The ninth part of the document contains a list of footnotes and endnotes. These notes provide additional details and clarifications regarding the research and the data presented in the document.

10. The tenth part of the document includes a list of acknowledgments and a thank you note. It expresses gratitude to the individuals and organizations that supported the research and provided valuable feedback.



Penalty Calculation Worksheet (PCW)

DATES	Assigned	13-Nov-2006			
	PCW	21-Nov-2006	Screening	16-Nov-2006	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 53301	
Reg. Ent. Ref. No.	RN102006459		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 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: No adjustment due to average performer classification.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$288	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$850		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
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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	\$1,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,000
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DEFERRAL	20% Reduction	Adjustment	-\$200
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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	\$800
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102006459

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (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 submitted)	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) 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 adjustment due to average performer classification.

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

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102006459

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 5, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 was found to be 1.40% oxygen content by weight.

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
				0%

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 42

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 \$288

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC **7-Eleven 53301**
Case ID No.: 31756
Reg. Ent. Reference No.: RN102006459
Media: 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
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	\$600	5-Oct-2006	5-Jun-2007	0.7	\$20	n/a	\$20
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

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the estimated 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)	\$250	5-Oct-2006	31-Mar-2007	1.4	\$18	\$250	\$268

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the last day of the control period of oxygenated fuel requirements.

Approx. Cost of Compliance	\$850	TOTAL	\$288
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102006459 7 ELEVEN 53301 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 57182
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE0981S

Location: 8386 ALAMEDA AVE, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 21, 2001 to November 21, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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	08/13/2003	(149768)	7	07/18/2006	(485405)
2	08/10/2002	(3110)	8	01/22/2004	(260650)
3	06/21/2002	(3308)	9	03/28/2003	(28244)
4	06/22/2005	(396162)	10	07/30/2004	(283155)
5	11/09/2006	(518002)	11	11/29/2004	(342470)
6	11/07/2002	(13942)	12	03/27/2006	(452074)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	21-Nov-2006				

RESPONDENT/FACILITY INFORMATION

Respondent	Southwest Convenience Stores, LLC	7-Eleven 53316
Reg. Ent. Ref. No.	RN102056835	
Facility/Site Region	6-El Paso	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 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 35% Enhancement Subtotals 2, 3, & 7 \$350

Notes The penalty was enhanced due to one previous court order.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes Respondent does not meet the 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 x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$287 *Capped at the Total EB \$ Amount \$850

SUM OF SUBTOTALS 1-7 Final Subtotal \$1,350

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 \$1,350

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$1,350

DEFERRAL 20% Reduction Adjustment -\$270

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 \$1,080

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102056835

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (number of judgments 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	1	35%
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 submitted)	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) 35%

>> 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 penalty was enhanced due to one previous court order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102056835

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 12, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 1 was found to be 2.14% oxygen content by weight.

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
				0%

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 35

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$287

Violation Final Penalty Total \$1,350

This violation Final Assessed Penalty (adjusted for limits) \$1,350

Economic Benefit Worksheet

Respondent:	Southwest Convenience Stores, LLC	7-Eleven 53316
Case ID No.:	31756	
Reg. Ent. Reference No.:	RN102056835	
Media:	Air Quality	
Violation No.:	1	
	Item Cost	Date Required
	Final Date	Yrs
	Interest Saved	Onetime Costs
	EB Amount	
Item Description:	No commas or \$	

Percent Interest	Years of Depreciation
5.0	15

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$600	12-Oct-2006	12-Jun-2007	0.7	\$20	n/a	\$20
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 Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$250	12-Oct-2006	31-Mar-2007	1.4	\$17	\$250	\$267

Notes for AVOIDED costs The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the last day of the control period of oxygenated fuel requirements.

Approx. Cost of Compliance	\$850	TOTAL	\$287
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102056835 7 ELEVEN 53316 Classification: POOR Site Rating: 68.57

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 8355
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1125P

Location: 1259 N ZARAGOZA RD, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 21, 2001 to November 21, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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: 08/18/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 334, SubChapter B 334.22(a)

Rqmt Prov: 94-0270-PST-E ORDER

Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, Order Provision 2.A., Failed to pay tank fees.

Classification: Major

Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]

Rqmt Prov: 94-0270-PST-E ORDER

Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, Order Provision 2.B., failed to provide financial assurance.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 94-0279-pst-e ORDER

Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, Order Provision 1, failed to pay administrative penalty.

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 10/27/2004 (338133)	5 08/02/2004 (283149)
2 07/29/2005 (401105)	6 03/28/2003 (28431)
3 11/20/2002 (14733)	7 11/10/2006 (517311)
4 11/17/2006 (511948)	8 08/13/2002 (3511)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	21-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 53320	
Reg. Ent. Ref. No.	RN102038890		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	35% Enhancement	Subtotals 2, 3, & 7	\$700
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Notes: Penalty was enhanced due to one previous court order.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$500
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent came into compliance on October 5, 2006.

Total EB Amounts	\$500	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$500	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,200
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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	\$2,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,200
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DEFERRAL	20% Reduction	Adjustment	-\$440
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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	\$1,760
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102038890

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (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	1	35%
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 submitted)	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) 35%

>> 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

Penalty was enhanced due to one previous court order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102038890

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 2, 2006. Specifically, samples taken from the mid-grade and premium gasoline at pump number 2 were found to be 2.04% and 1.19% oxygen content by weight, respectively.

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
				0%

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 3 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,000

Two single events are recommended, one for each grade of gasoline.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$500

Violation Final Penalty Total \$2,200

This violation Final Assessed Penalty (adjusted for limits) \$2,200

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC		7-Eleven 53320	
Case ID No.: 31756			
Reg. Ent. Reference No.: RN102038890			
Media: Air Quality			
Violation No.: 1			

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	Percent Interest	Years of Depreciation
							5.0	15
Item Description:	No commas or \$							

Delayed Costs								
Equipment				0.0	\$0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0	\$0
Record Keeping System				0.0	\$0	n/a	\$0	\$0
Training/Sampling				0.0	\$0	n/a	\$0	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0	\$0
Permit Costs				0.0	\$0	n/a	\$0	\$0
Other (as needed)				0.0	\$0	n/a	\$0	\$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	\$0
Personnel				0.0	\$0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	\$0
Other (as needed)	\$500	2-Oct-2006	5-Oct-2006	0.0	\$0	\$500	\$500	\$500
Notes for AVOIDED costs: The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.								

Approx. Cost of Compliance	\$500	TOTAL	\$500
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102038890 7 ELEVEN 53320 Classification: POOR Site Rating: 48.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8350
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1127L

Location: 4130 HERCULES AVE, EL PASO, TX, 79904 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 27, 2001 to November 27, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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: 08/18/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]

Rqmt Prov: 94-0270-PST-E ORDER

Description: Failed to comply with commission Order, Docket No. 94-0270-PST-E, Ordering Provision 2.b., failed to provide financial assurance.

Failed to comply with commission Order, Docket No. 94-0270-PST-E, Ordering Provision 2.b., failed to provide financial assurance.

Failed to comply with commission Order, Docket No. 94-0270

Classification: Major

Citation: 30 TAC Chapter 334, SubChapter B 334.22(a)

Rqmt Prov: 94-0270-PST-E ORDER

Description: Failed to comply with commission order, Docket No. 94-0270-PST-E, failed to pay tank fees.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 94-0270-PST-E ORDER

Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, Order Provision 1., failed to pay administrative penalty.

- 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 05/29/2003 (60175)
- 2 08/10/2002 (3979)
- 3 07/15/2004 (281945)
- 4 06/27/2005 (397643)
- 5 11/27/2002 (16411)
- 6 08/06/2004 (286810)
- 7 06/30/2004 (271035)
- 8 07/13/2006 (485604)
- 9 04/06/2005 (371645)
- 10 11/10/2006 (516416)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

DATES	Assigned	13-Nov-2006		
	PCW	21-Nov-2006	Screening	16-Nov-2006
	EPA Due			

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 53324	
Reg. Ent. Ref. No.	RN102017241		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 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	35% Enhancement	Subtotals 2, 3, & 7	\$350
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Notes: Penalty was enhanced due to one previous court order.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet the 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 x)

Notes: The Respondent came into compliance on October 5, 2006.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$250	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$250		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,100
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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: \$1,100

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,100
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DEFERRAL	20% Reduction	Adjustment	-\$220
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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		\$880
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102017241

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (number of judgments 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	1	35%
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 submitted)	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) 35%

>> 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

Penalty was enhanced due to one previous court order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102017241

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 6 was found to be 1.52% oxygen content by weight.

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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

4 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC **7-Eleven 53324**
Case ID No.: 31756
Reg. Ent. Reference No.: RN102017241
Media: 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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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)	\$250	1-Oct-2006	5-Oct-2006	0.0	\$0	\$250	\$250

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance	\$250	TOTAL	\$250
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102017241 7 ELEVEN 53324 Classification: AVERAGE Site Rating: 43.64

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8334
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1130V

Location: 5598 DONIPHAN DR, EL PASO, TX, 79932 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 21, 2001 to November 21, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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? Yes
3. If Yes, who is the current owner? Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? Good Time Enterprise, LLC
Good Time Stores, Inc.
5. When did the change(s) in ownership occur? 1/12/2006

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: 08/18/2003 COURTORDER
Classification: Major
Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]
Rqmt Prov: 1994-0270-PST-E ORDER
Description: Failure to comply with Docket No. 1994-0270-PST-E, failure to provide financial assurance.
Classification: Major
Citation: 30 TAC Chapter 334, SubChapter B 334.22(a)
Rqmt Prov: 1994-0270-PST-E ORDER
Description: Failure to comply with Docket No. 1994-0270-PST-E, failure to pay PST fees.
Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: 1994-0270-PST-E ORDER
Description: Failure to comply with Docket No. 1994-0270-PST-E, failure to pay assessed administrative penalty.

- 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 03/28/2003 (28636)
- 2 10/29/2003 (253465)
- 3 03/16/2005 (349455)
- 4 08/10/2002 (3071)
- 5 03/19/2004 (248323)
- 6 11/10/2006 (518627)
- 7 11/29/2005 (438719)
- 8 07/15/2004 (282324)
- 9 08/27/2005 (404654)
- 10 03/29/2006 (453907)
- 11 10/28/2002 (15173)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	21-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 53333	
Reg. Ent. Ref. No.	RN102011822		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 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	35% Enhancement	Subtotals 2, 3, & 7	\$350
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Notes: Penalty was enhanced due to one previous court order.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet the 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 x)

Notes: The Respondent came into compliance on October 5, 2006.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$250	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$250		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,100
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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 \$1,100

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,100
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DEFERRAL	20% Reduction	Adjustment	-\$220
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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	\$880
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102011822

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (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	1	35%
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 submitted)	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) 35%

>> 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

Penalty was enhanced due to one previous court order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102011822

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 was found to be 1.70% oxygen content by weight.

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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

4 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC		7-Eleven 53333	
Case ID No.: 31756			
Reg. Ent. Reference No.: RN102011822			
Media: Air Quality			
Violation No.: 1			
		Percent Interest:	Years of Depreciation:
		5.0	15
Item Cost	Date Required	Final Date	Yrs
Interest Saved	Onetime Costs	EB Amount	
Item Description: No commas or \$			
Delayed Costs			
Equipment			0.0
Buildings			0.0
Other (as needed)			0.0
Engineering/construction			0.0
Land			0.0
Record Keeping System			0.0
Training/Sampling			0.0
Remediation/Disposal			0.0
Permit Costs			0.0
Other (as needed)			0.0
Notes for DELAYED costs			
AVOIDED COSTS			
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)			
Disposal			0.0
Personnel			0.0
Inspection/Reporting/Sampling			0.0
Supplies/equipment			0.0
Financial Assurance [2]			0.0
ONE-TIME avoided costs [3]			0.0
Other (as needed)	\$250	1-Oct-2006	5-Oct-2006
Notes for AVOIDED costs			
The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.			
Approx. Cost of Compliance		\$250	
		TOTAL	\$250

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102011822 7 ELEVEN 53333 Classification: POOR Site Rating: 48.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8360
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1133Q

Location: 9787 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 21, 2001 to November 21, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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? Yes
3. If Yes, who is the current owner? Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? Good Time Enterprise, LLC
Good Time Stores, Inc.
5. When did the change(s) in ownership occur? 01/12/2006

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: 08/18/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]

Rqmt Prov: Docket No. 94-0270-PST-E ORDER

Description: Failure to comply with Commission Order, Docket No. 94-0270-PST-E, Ordering Provision 2.b., failed to provide financial assurance (formerly 30 Tex. Admin. Code § 334.93).

Classification: Major

Citation: 30 TAC Chapter 334, SubChapter B 334.22(a)

Rqmt Prov: Docket No. 94-0270-PST-E ORDER

Description: Failure to comply with Commission Order, Docket No. 94-0270-PST-E, Ordering Provision 2.a., failed to pay fees.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: Docket No. 94-0270-PST-E ORDER

Description: Failure to comply with Commission Order, Docket No. 94-0270-PST-E, Ordering Provision 1., failed to pay penalty.

- 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 08/13/2003 (149715)
- 2 07/15/2004 (281616)
- 3 07/14/2006 (486527)
- 4 11/14/2002 (3825)
- 5 02/09/2005 (346645)
- 6 07/01/2004 (271036)
- 7 12/12/2002 (17928)
- 8 08/27/2005 (406053)
- 9 10/19/2002 (1323)
- 10 11/10/2006 (518672)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 57604	
Reg. Ent. Ref. No.	RN102396702		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	\$800
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Notes: The penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$500
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent came into compliance on October 5, 2006.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,000
Approx. Cost of Compliance	\$1,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,300
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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	\$2,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,300
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DEFERRAL	20% Reduction	Adjustment	-\$460
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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	\$1,840
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PGW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102396702

Media (Statute) Air Quality

Enf. Coordinator Lindsey Jones

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 judgments 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 submitted)	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 penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

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

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102396702

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, samples taken from the regular and mid-grade gasoline at pump number 2 were found to be 1.05% and 1.60% oxygen content by weight, respectively.

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
				0%

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,000

Two single events are recommended based on the violation of two grades of gasoline at pump no. 2.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$2,300

This violation Final Assessed Penalty (adjusted for limits) \$2,300

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven 57604
Case ID No: 31756
Reg. Ent. Reference No: RN102396702
Media: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description <small>No commas or \$</small>						

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	1-Oct-2006	5-Oct-2006	0.0	\$0	\$1,000

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

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

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102396702 7 ELEVEN 57604 Classification: AVERAGE Site Rating: 7.50

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7291
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1157C

Location: 10418 RUSHING RD, EL PASO, TX, 79924 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: December 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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 the 30 TAC Chapter 114.100(a) Oxygenated Fuel 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	07/15/2004	(281434)		
2	07/13/2004	(255124)		
3	05/16/2003	(37893)		
4	07/06/2006	(485180)	10	06/25/2004 (268470)
5	08/12/2005	(403241)	11	08/27/2005 (407245)
6	11/10/2006	(518081)	12	12/09/2002 (9253)
7	09/07/2002	(6770)		
8	12/12/2002	(17949)		
9	05/18/2004	(272842)		

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 57609	
Reg. Ent. Ref. No.	RN102395662		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		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 penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

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

Notes Respondent does not meet the 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 x)

Notes The Respondent came into compliance on October 5, 2006.

Total EB Amounts **\$250** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$250** ***Capped at the Total EB \$ Amount**

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 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102395662

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 judgments 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 submitted)	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 penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

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

Screening Date 16-Nov-2006 **Docket No.** 2006-2038-AIR-E **PCW**
Respondent Southwest Convenience Stores, LLC *Policy Revision 2 (September 2002)*
Case ID No. 31756 *PCW Revision November 17, 2006*
Reg. Ent. Reference No. RN102395662
Media [Statute] Air Quality
Enf. Coordinator Lindsey Jones

Violation Number

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 was found to be 2.03% oxygen content by weight.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

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 environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	X	

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 57609**
Case ID No.: 31756
Reg. Ent. Reference No.: RN102395662
Media: Air Quality
Violation No.: 1

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

No commas or \$

Delayed Costs

Item Description	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
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)

Item Description	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
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)	\$250	1-Oct-2006	5-Oct-2006	0.0	\$0	\$250

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance	\$250	TOTAL	\$250
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102395662 7 ELEVEN 57609 Classification: AVERAGE Site Rating: 6.92
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 7289
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1160N
 Location: 5201 FAIRBANKS DR, EL PASO, TX, 79924 Rating Date: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: November 14, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: November 14, 2001 to November 14, 2006
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lindsey Jones Phone: 512-239-4930

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 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 08/10/2002 (3410)
- 2 12/12/2002 (17893)
- 3 08/27/2005 (407120)
- 4 12/30/2003 (257546)
- 5 10/19/2002 (2919)
- 6 04/13/2005 (371673)
- 7 11/10/2006 (518323)
- 8 03/25/2002 (74202)
- 9 07/06/2006 (485241)
- 10 03/28/2003 (28748)
- 11 05/21/2003 (55169)
- 12 06/23/2003 (37957)
- 13 08/05/2005 (403424)
- 14 07/06/2004 (278515)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	17-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

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

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 5	
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**

Notes: 40% Enhancement

Culpability **Subtotal 4**

Notes: No 0% Enhancement

Good Faith Effort to Comply **Subtotal 5**

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

Notes: 25% Reduction

Good Faith Effort to Comply **Subtotal 6**

Total EB Amounts	\$250	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

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**

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

Notes:

PAYABLE PENALTY

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102393170

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 judgments 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 submitted)	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 penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

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

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102393170

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 2, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 4 was found to be 1.77% oxygen content by weight.

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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

3 Number of violation days

mark only one with an 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 \$250

Violation Final Penalty Total \$1,150

This violation Final Assessed Penalty (adjusted for limits) \$1,150

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC 7-Eleven 57611
Case ID No.: 31756
Reg. Ent. Reference No.: RN102393170
Media: 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
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)	\$250	2-Oct-2006	5-Oct-2006	0.0	\$0	\$250	\$250

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the Respondent returned to compliance.

Approx. Cost of Compliance	\$250	TOTAL	\$250
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102393170 7 ELEVEN 57611 Classification: AVERAGE Site Rating: 6.43
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7283
 REGISTRATION ACCOUNT NUMBER EE1162J
 AIR NEW SOURCE PERMITS
 Location: 8901 DIANA DR, EL PASO, TX, 79904 Rating Date: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: November 14, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: November 14, 2001 to November 14, 2006
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lindsey Jones Phone: 512-239-4930

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)	11	05/19/2003 (38033)
6	03/19/2002	(74222)	12	12/12/2002 (18985)
7	07/08/2005	(399010)	13	06/24/2004 (268471)
8	01/05/2004	(258690)	14	08/13/2002 (4384)
9	08/03/2005	(403181)	15	11/10/2006 (516414)
10	06/30/2003	(126931)		

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



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC 7-Eleven 57614
Reg. Ent. Ref. No.	RN102384666
Facility/Site Region	6-El Paso Major/Minor Source Minor

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 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 No change due to average performer classification.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes Respondent does not meet the 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 x)

Notes The Respondent came into compliance on October 5, 2006.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$250	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$250	

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
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102384666

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (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 submitted)	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) 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 change due to average performer classification.

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

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102384666

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 2, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 4 was found to be 1.15% oxygen content by weight.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	10%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 3

mark only one with an 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 \$250

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC		7-Eleven 57614	
Case ID No.: 31756			
Reg. Ent. Reference No.: RN102384666			
Media: Air Quality			
Violation No.: 1			
		Percent Interest	Years of Depreciation
		5.0	15
Item Cost	Date Required	Final Date	Yrs
Interest Saved	Onetime Costs	EB: Amount	
Item Description <small>No commas or \$</small>			
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)	\$250	2-Oct-2006 5-Oct-2006	0.0 \$0 \$250 \$250
Notes for AVOIDED costs			
The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.			
Approx. Cost of Compliance		\$250	
TOTAL			\$250

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102384666 7 ELEVEN 57614 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7264
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1165D

Location: 2112 N MESA ST, EL PASO, TX, 79902 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 14, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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 06/22/2005 (380851)
 - 2 10/23/2002 (14494)
 - 3 06/23/2003 (119418)
 - 4 07/14/2003 (142012)
 - 5 07/30/2004 (280789)
 - 6 12/02/2004 (342645)
 - 7 11/11/2003 (254675)
 - 8 07/20/2005 (400382)
 - 9 11/10/2006 (518522)
 - 10 08/18/2002 (3192)
 - 11 06/15/2006 (465110)
- 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



Penalty Calculation Worksheet (PCW)

DATES	Assigned	13-Nov-2006	Screening	17-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

RESPONDENT/FACILITY INFORMATION		
Respondent	Southwest Convenience Stores, LLC	7-Eleven 57618
Reg. Ent. Ref. No.	RN102395274	
Facility/Site Region	6-EI Paso	Major/Minor Source
		Minor

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 5
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**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

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

Notes

0% Enhancement* **Subtotal 6**

Total EB Amounts	\$250
Approx. Cost of Compliance	\$250

*Capped at the Total EB \$ Amount

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**

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

Notes

PAYABLE PENALTY **\$616**

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102395274

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (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 submitted)	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) 2%

>> 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 penalty was enhanced due to one prior non-similar Notice of Violation.

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

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102395274

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 was found to be 2.25% oxygen content by weight.

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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

4 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single-event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$770

This violation Final Assessed Penalty (adjusted for limits) \$770

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC

7-Eleven 57618

Case ID No: 31756

Reg. Ent. Reference No: RN102395274

Media: 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

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$250	1-Oct-2006	5-Oct-2006	0.0	\$0	\$250	\$250

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance \$250

TOTAL \$250

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102395274 7 ELEVEN 57618 Classification: AVERAGE Site Rating: 0.11
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7288
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1169S
 Location: 10300 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: September 01 06 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: November 14, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: November 14, 2001 to November 14, 2006
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lindsey Jones Phone: 512-239-4930

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 | 07/20/2005 | (400230) |
| 2 | 05/19/2003 | (40901) |
| 3 | 07/15/2004 | (281437) |
| 4 | 08/10/2002 | (3458) |
| 5 | 11/29/2005 | (438639) |
| 6 | 11/10/2006 | (518605) |
| 7 | 02/12/2002 | (74297) |
| 8 | 04/20/2004 | (269537) |
| 9 | 11/27/2002 | (3057) |
| 10 | 12/12/2002 | (17925) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|-----------------------|
| Date: | 04/19/2004 | (269537) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.246(3) | | |
| Description: | The Stage II records pertaining to the Healy Monitor were showing several failures on the Daily Printouts. There were no records of maintenace being performed on the Healy System when the daily printout showed a failure. | | |
- 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)

DATES	Assigned	13-Nov-2006			
	PCW	17-Nov-2006	Screening	17-Nov-2006	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 57635	
Reg. Ent. Ref. No.	RN102389228		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 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		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	20% Enhancement	Subtotals 2, 3, & 7
		\$200
Notes	The penalty was enhanced due to one prior 1660-style enforcement order.	
Culpability	No	Subtotal 4
	0% Enhancement	\$0
Notes	Respondent does not meet the 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 x)
Notes	The Respondent does not meet the good faith criteria.	
	0% Enhancement*	Subtotal 6
		\$0
Total EB Amounts	\$288	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$850	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,200
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>		
Notes		
	Final Penalty Amount	\$1,200
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,200
DEFERRAL	20% Reduction	Adjustment
		-\$240
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$960

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102389228

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 judgments 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 submitted)	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) 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 penalty was enhanced due to one prior 1660-style enforcement order.

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

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102389228

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 3, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 was found to be 1.98% oxygen content by weight.

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
				0%

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 45

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$288

Violation Final Penalty Total \$1,200

This violation Final Assessed Penalty (adjusted for limits) \$1,200

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC
Case ID No.: 31756
Reg. Ent. Reference No.: RN102389228
Media: 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$600	3-Oct-2006	3-Jun-2007	0.7	\$20	n/a	\$20
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

Estimated cost of implementing procedures to ensure the required oxygenated fuel requirement is maintained. Date required is the investigation date and the final date is the estimated 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)	\$250	3-Oct-2006	31-Mar-2007	1.4	\$18	\$250	\$268

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the last day of the control period for oxygenated fuel.

Approx. Cost of Compliance	\$850	TOTAL	\$288
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102389228 7 ELEVEN 57635 Classification: AVERAGE Site Rating: 3.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7274
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1180H

Location: 10026 MONTANA AVE, EL PASO, TX, 79925 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: December 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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.

- 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 12/06/2002 (12442)
- 2 07/06/2006 (484225)
- 3 05/06/2005 (371637)
- 4 03/30/2006 (455301)
- 5 07/15/2004 (281568)
- 6 11/29/2004 (342564)
- 7 04/25/2003 (29186)
- 8 06/24/2004 (268541)
- 9 09/11/2002 (10544)
- 10 07/19/2004 (282205)
- 11 08/15/2002 (6876)
- 12 11/20/2002 (14198)
- 13 08/27/2005 (406359)
- 14 08/12/2005 (402742)
- 15 11/10/2006 (517039)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	16-Nov-2006	EPA Due	
	PCW	17-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC	7-Eleven 57638	
Reg. Ent. Ref. No.	RN102388816		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	31756	No. of Violations	1	
Docket No.	2006-2038-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones	
Multi-Media		EC's Team	EnforcementTeam 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: No change due to average performer classification.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet the 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 x)

Notes: The Respondent came into compliance on October 5, 2006.

Total EB Amounts	\$250	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$250	*Capped at the Total EB \$ Amount		

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
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Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102388816

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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)	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 (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 submitted)	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) 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 change due to average performer classification.

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

Screening Date 16-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102388816

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 was found to be 0.00% oxygen content by weight.

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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

4 Number of violation days

mark only one with an 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 \$250

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC
Case ID No.: 31756

7-Eleven 57638

Reg. Ent. Reference No.: RN102388816

Media: 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
<small>No commas or \$</small>							

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)	\$250	1-Oct-2006	5-Oct-2006	0.0	\$0	\$250	\$250

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance	\$250	TOTAL	\$250
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
Regulated Entity: RN102388816 7 ELEVEN 57638 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7273
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1183B

Location: 1797 GEORGE DIETER DR, EL PASO, TX, 79936 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: November 14, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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 08/26/2002 (8973)
 - 2 07/20/2005 (400319)
 - 3 02/02/2005 (348411)
 - 4 03/15/2003 (26679)
 - 5 03/27/2006 (439494)
 - 6 11/20/2002 (14336)
 - 7 08/08/2006 (490322)
 - 8 07/28/2004 (281200)
 - 9 04/19/2004 (263171)
 - 10 08/15/2002 (3016)
 - 11 12/08/2004 (342560)
 - 12 11/10/2006 (516593)
- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	13-Nov-2006	Screening	17-Nov-2006	EPA Due	
	PCW	17-Nov-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

CASE INFORMATION			
Enf./Case ID No.	31756	No. of Violations	1
Docket No.	2006-2038-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		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**

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**

Notes: The penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

Culpability **Subtotal 4**

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

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

Notes: The Respondent came into compliance on October 5, 2006.

0% Enhancement* **Subtotal 6**

Total EB Amounts	\$500	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

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**

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

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102388345

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 judgments 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 submitted)	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 penalty was enhanced due to two (2) previous 1660-style orders containing denial of liability.

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

Screening Date 17-Nov-2006

Docket No. 2006-2038-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 31756

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102388345

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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 oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 3, 2006. Specifically, samples taken from the regular unleaded and mid-grade gasoline at pump number 2 were found to be 0.67% and 2.02% oxygen content by weight, 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

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$2,000

Two single events are recommended, one for each fuel grade.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$500

Violation Final Penalty Total \$2,300

This violation Final Assessed Penalty (adjusted for limits) \$2,300

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC **7-Eleven 57642**
Case ID No.: 31756
Reg. Ent. Reference No.: RN102388345
Media: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	3-Oct-2006	5-Oct-2006	0.0	\$0	\$500	\$500

Notes for AVOIDED costs

The avoided cost is based on the price difference between compliant and noncompliant fuel. The date required is the date of investigation. The final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance **\$500** **TOTAL** **\$500**

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.09
 Regulated Entity: RN102388345 7 ELEVEN 57642 Classification: AVERAGE Site Rating: 6.43

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: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: December 18, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Lindsey Jones Phone: 512-239-4930

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	07/02/2003	(126782)		
2	08/31/2006	(511133)		
3	11/10/2006	(517052)	10	08/10/2002 (3605)
4	01/30/2003	(22949)	11	10/20/2002 (13919)
5	03/23/2006	(451792)	12	06/24/2004 (268544)
6	08/03/2004	(283445)	13	07/11/2006 (485619)
7	08/12/2005	(402769)	14	08/27/2005 (406995)
8	01/14/2004	(259420)		
9	12/06/2003	(256470)		

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

- d. 1259 North Zaragoza Road (7-Eleven 53316);
 - e. 4130 Hercules Avenue (7-Eleven 53320);
 - f. 5598 Doniphan Drive (7-Eleven 53324);
 - g. 9787 McCombs Street (7-Eleven 53333);
 - h. 10418 Rushing Road (7-Eleven 57604);
 - i. 5201 Fairbanks Drive (7-Eleven 57609);
 - j. 8901 Diana Drive (7-Eleven 57611);
 - k. 2112 North Mesa Street (7-Eleven 57614);
 - l. 10300 McCombs Street (7-Eleven 57618);
 - m. 10026 Montana Avenue (7-Eleven 57635);
 - n. 1797 George Dieter Drive (7-Eleven 57638); and
 - o. 2066 Wedgewood Drive (7-Eleven 57642).
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 notices of the violations alleged in Section II ("Allegations") on or about November 15 and 18, 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 Eighteen Thousand Eight Hundred Twenty Dollars (\$18,820) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Southwest Convenience Stores has paid Fifteen Thousand Fifty-Six Dollars (\$15,056) of the administrative penalty and Three Thousand Seven Hundred Sixty-Four Dollars (\$3,764) 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.

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Main body of handwritten text, consisting of several lines of cursive script.

Second section of handwritten text, appearing as a distinct paragraph or entry.

Third section of handwritten text, continuing the narrative or list of items.

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 October 5, 2006, Southwest Convenience Stores has come into compliance at Station numbers 57620, 57651, 53320, 53324, 53333, 57604, 57609, 57611, 57614, 57618, 57638, and 57642.
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.
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 minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 1 of 7-Eleven 57620 was found to be 2.18% oxygen content by weight.
2. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 3, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 5 of 7-Eleven 57651 was found to be 2.03% oxygen content by weight.
3. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 5, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 of 7-Eleven 53301 was found to be 1.40% oxygen content by weight.
4. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a)

1. The first part of the document is a letter from the author to the reader, explaining the purpose of the study and the methods used.

2. The second part of the document is a literature review, which discusses the current state of research on the topic.

3. The third part of the document is the main body of the study, which presents the results of the experiments and discusses their implications.

4. The fourth part of the document is a conclusion, which summarizes the findings of the study and provides recommendations for future research.

5. The fifth part of the document is a list of references, which includes all the sources cited in the text.

6. The sixth part of the document is an appendix, which contains additional information that is not included in the main text.

7. The seventh part of the document is a glossary, which defines the key terms used in the study.

8. The eighth part of the document is a list of figures, which includes all the charts and graphs used in the study.

9. The ninth part of the document is a list of tables, which includes all the tables used in the study.

10. The tenth part of the document is a list of acknowledgments, which thanks the people and organizations that supported the study.

11. The eleventh part of the document is a list of appendices, which includes all the additional information provided in the study.

12. The twelfth part of the document is a list of references, which includes all the sources cited in the text.

13. The thirteenth part of the document is a list of figures, which includes all the charts and graphs used in the study.

14. The fourteenth part of the document is a list of tables, which includes all the tables used in the study.

and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 12, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 1 of 7-Eleven 53316 was found to be 2.14% oxygen content by weight.

5. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 2, 2006. Specifically, samples taken from the mid-grade and premium gasoline at pump number 2 of 7-Eleven 53320 were found to be 2.04% and 1.19% oxygen content by weight, respectively.
6. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 6 of 7-Eleven 53324 was found to be 1.52% oxygen content by weight.
7. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 of 7-Eleven 53333 was found to be 1.70% oxygen content by weight.
8. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, samples taken from the regular unleaded and mid-grade gasoline at pump number 2 of 7-Eleven 57604 were found to be 1.05% and 1.60% oxygen content by weight, respectively.
9. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 3 of 7-Eleven 57609 was found to be 2.03% oxygen content by weight.
10. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 2, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 4 of 7-Eleven 57611 was found to be 1.77% oxygen content by weight.
11. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 2, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 4 of 7-Eleven 57614 was found to be 1.15% oxygen content by weight.

12. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 of 7-Eleven 57618 was found to be 2.25% oxygen content by weight.
13. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 3, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 of 7-Eleven 57635 was found to be 1.98% oxygen content by weight.
14. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 1, 2006. Specifically, a sample taken from the regular unleaded gasoline at pump number 2 of 7-Eleven 57638 was found to be 0.00% oxygen content by weight.
15. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, 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 3, 2006. Specifically, samples taken from the regular unleaded and mid-grade gasoline at pump number 2 of 7-Eleven 57642 were found to be 0.67% and 2.02% oxygen content by weight, respectively.

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 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. 2006-2038-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

The Board of Directors has reviewed the financial statements of the Corporation for the year ended December 31, 1998, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1997, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1996, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1995, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1994, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1993, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1992, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1991, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

The Board of Directors has also reviewed the financial statements of the Corporation for the year ended December 31, 1990, and has approved the same for release to the stockholders. The financial statements are prepared in accordance with generally accepted accounting principles and are true and correct.

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 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 at Station numbers 53301, 53316, and 57635; 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 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."

The certification shall be submitted 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:

Manager
Air Section
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 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

The following is a list of the names of the members of the American Medical Association who have been elected to the office of Secretary for the year 1937.

The following is a list of the names of the members of the American Medical Association who have been elected to the office of Treasurer for the year 1937.

The following is a list of the names of the members of the American Medical Association who have been elected to the office of President for the year 1937.

The following is a list of the names of the members of the American Medical Association who have been elected to the office of Vice-President for the year 1937.

The following is a list of the names of the members of the American Medical Association who have been elected to the office of Secretary for the year 1937.

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The following is a list of the names of the members of the American Medical Association who have been elected to the office of Secretary for the year 1937.

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 first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in the organization's operations.

In addition, the document highlights the need for regular communication and collaboration between all stakeholders. By fostering a culture of open dialogue, the organization can better address challenges and seize opportunities for growth and innovation.

Furthermore, the document outlines the importance of continuous learning and development. Encouraging employees to pursue professional growth and acquire new skills will help the organization stay competitive in a rapidly changing market.

Overall, the document serves as a comprehensive guide for the organization's strategic direction. It provides clear goals and objectives, along with actionable steps to ensure the organization's long-term success and sustainability.

The document concludes by reiterating the organization's commitment to excellence and its dedication to serving its stakeholders. It expresses confidence in the organization's ability to achieve its goals and create a positive impact on the community.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director



Date

6/4/07

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.

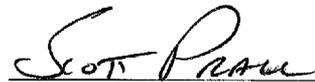
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- 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.

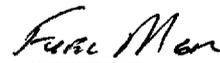
Signature

Date



2-6-07

Name (Printed or typed)



Authorized Representative of

Title

Southwest Convenience Stores, LLC dba 7-Eleven

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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