

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1181-AIR-E **TCEQ ID:** RN102056538, RN102028636, RN102056835, RN102048048, RN102044005, RN102028883, RN102017514, RN102011822, RN102048030, RN102011277, RN100826262, RN102384666, RN102395274, RN102388816, and RN100825728 **CASE NO.:** 34214

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 convenience stores located at: 10100 North Loop Drive, Socorro (7-Eleven 53303); 6390 Alameda Avenue, El Paso (7-Eleven 53312); 1259 North Zaragoza Road, El Paso (7-Eleven 53316); 12901 Alameda Avenue, Clint (7-Eleven 53318); 9829 Socorro Road, El Paso (7-Eleven 53319); 3400 Hondo Pass Drive, El Paso (7-Eleven 53321); 6100 Trowbridge Drive, El Paso (7-Eleven 53328); 9787 McCombs Street, El Paso (7-Eleven 53333); 11761 Vista Del Sol Drive, El Paso (7-Eleven 53336); 6060 Alameda Avenue, El Paso (7-Eleven 53341); 5001 Trowbridge Drive, El Paso (7-Eleven 57600); 2112 North Mesa Street, El Paso (7-Eleven 57614); 10300 McCombs Street, El Paso (7-Eleven 57618); 1797 George Dieter Drive, El Paso (7-Eleven 57638); and 4525 Sun Valley Drive, El Paso (7-Eleven 57645), 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 are two additional pending enforcement actions regarding these facilities, Docket No. 2008-0024-AIR-E for 7-Elevens 57638 and 57614, and Docket No. 2007-1957-AIR-E for 7-Eleven 57618.</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 January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jeffrey D. Morris, Registered Agent, Southwest Convenience Stores, LLC, 7616 Lyndon B. Johnson Freeway, Suite 300, Dallas, Texas 75251-1100 Ms. DeAnne Patman, License and Permit Manager, Southwest Convenience Stores, LLC, 7875 North Loop Drive, El Paso, Texas 79915 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 1, June 2, June 3, June 5, June 7, June 9, June 11, and June 13, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 6, July 10, July 11, July 13, and July 17, 2007 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch average ("psia") during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53303 was found to have an RVP of 7.8 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53312 were found to have an RVP of 7.7 and 8.4 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53316 were found to have an RVP of 9.7 and 9.0 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY</p>	<p>Total Assessed: \$21,240</p> <p>Total Deferred: \$4,248 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$8,496</p> <p>Total Paid to General Revenue: \$8,496</p> <p>RN102048048, RN100825728, RN102388816, RN102384666, RN100826262, RN102011277, RN102056538, RN102028883, RN102048030</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Sources: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>RN102395274, RN102028636</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Sources: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>RN102056835, RN102044005, RN102017514, RN102011822,</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Sources: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Stations:</p> <p>a. Implemented procedures to come into compliance with the maximum RVP requirement of 7.0 psia at Station Nos. 53303, 53312, 53318, 53321, 53328, 53336, 57600, 57614, 57618, 57638, and 57645 by July 17, 2007; and</p> <p>b. Discontinued the retail sale of mid and premium grade gasoline to the public on July 17, 2007 at Station No. 53333 and by July 26, 2007 at Station Nos. 53312 and 53328 in order to prevent the reoccurrence of same or similar events.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed during the control period of June 1 through September 16 of each year shall not exceed 7.0 psia at Station Nos. 53316, 53319, and 53341; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.</p>

115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53341 was found to have an RVP of 7.5 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 57600 was found to have an RVP of 7.5 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 57614 was found to have an RVP of 7.5 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 57618 were found to have an RVP of 7.9 and 8.0 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 57638 were found to have an RVP of 8.5 and 8.4 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 57645 was found to have an RVP of 8.2 psia [30

CODE § 382.085(b)].

4) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53318 was found to have an RVP of 8.0 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53319 was found to have an RVP of 8.3 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53321 were found to have an RVP of 7.6 and 8.0 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 5 of 7-Eleven 53328 was found to have an RVP of 7.4 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 53333 were found to have an RVP of 8.7 and 10.2 psia, respectively [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53336 were found to have an RVP of 7.5 and 8.0 psia, respectively [30 TEX. ADMIN. CODE §

TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s): EE1136K, EE1125P, EE0808K, EE1122V, EE0975N, EE1011I, EE1165D, EE1133Q, EE1128J, EE1169S, EE1190M, EE1183B, EE0976L, EE1154I, AND EE1126N

Attachment A
Docket Number: 2007-1181-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven
Payable Penalty Amount: Sixteen Thousand Nine Hundred Ninety-Two Dollars (\$16,992)
SEP Amount: Eight Thousand Four Hundred Ninety-Six Dollars (\$8,496)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP: El Paso County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon

Southwest Convenience Stores, LLC dba 7-Eleven
Agreed Order – Attachment A

emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

4. The fourth part of the document is a list of names and addresses of the members of the committee.

5. The fifth part of the document is a list of names and addresses of the members of the committee.

6. The sixth part of the document is a list of names and addresses of the members of the committee.

7. The seventh part of the document is a list of names and addresses of the members of the committee.

8. The eighth part of the document is a list of names and addresses of the members of the committee.

9. The ninth part of the document is a list of names and addresses of the members of the committee.

10. The tenth part of the document is a list of names and addresses of the members of the committee.

11. The eleventh part of the document is a list of names and addresses of the members of the committee.

12. The twelfth part of the document is a list of names and addresses of the members of the committee.

13. The thirteenth part of the document is a list of names and addresses of the members of the committee.

14. The fourteenth part of the document is a list of names and addresses of the members of the committee.

15. The fifteenth part of the document is a list of names and addresses of the members of the committee.

16. The sixteenth part of the document is a list of names and addresses of the members of the committee.

17. The seventeenth part of the document is a list of names and addresses of the members of the committee.

18. The eighteenth part of the document is a list of names and addresses of the members of the committee.

Southwest Convenience Stores, LLC dba 7-Eleven
Agreed Order – Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

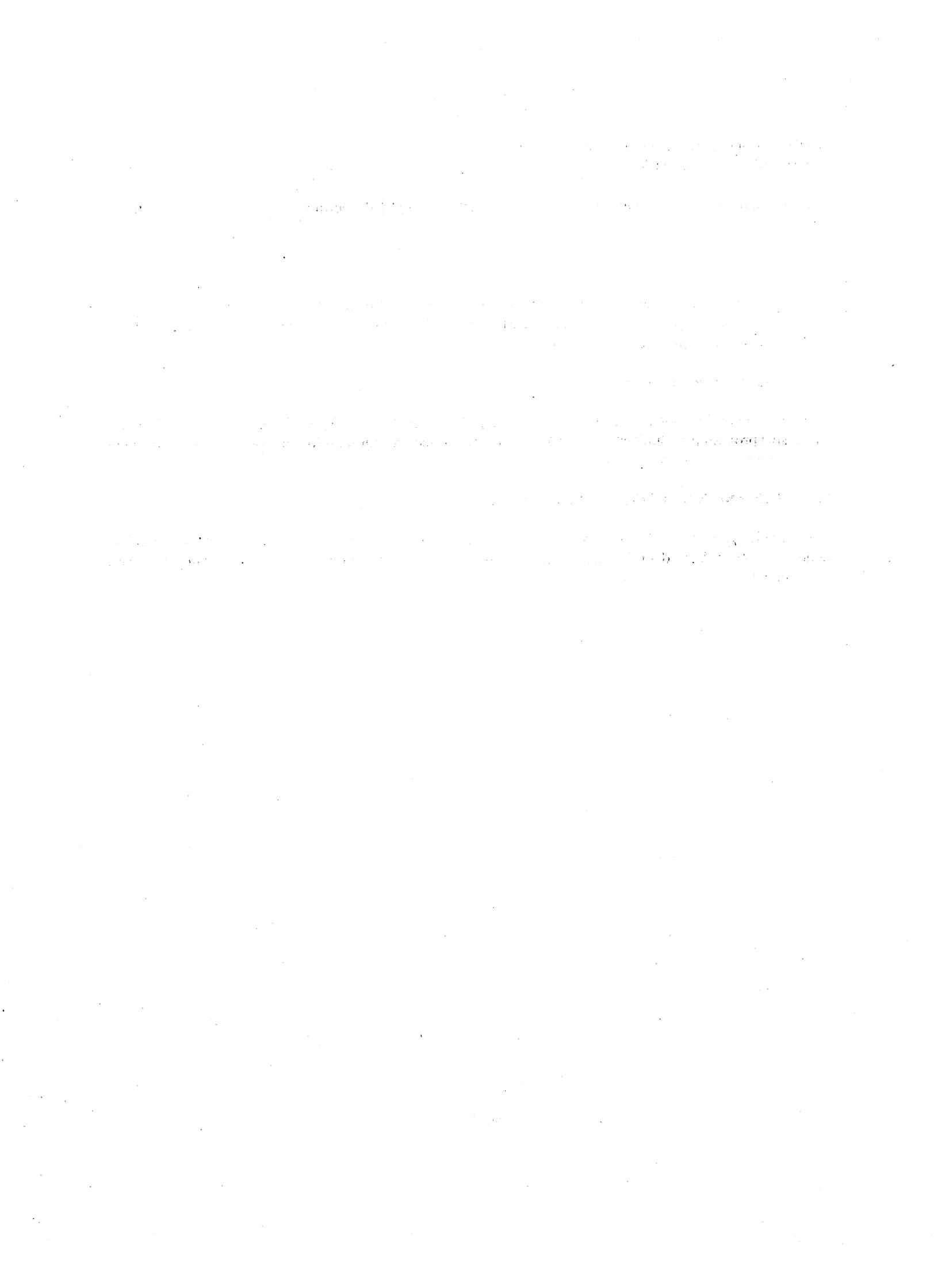
Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	16-Jul-2007	Screening	20-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53303
Reg. Ent. Ref. No.	RN102056538		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
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: The 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 returned to compliance by June 25, 2007, which was before the NOE dated July 13, 2007.

Total EB Amounts	\$0	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$100	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$750
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OTHER FACTORS AS JUSTICE MAY REQUIRE

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

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

Notes:

Deferral offered for expedited settlement.

Adjustment	20% Reduction	Adjustment	-\$150
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PAYABLE PENALTY

\$600

PCW

Screening Date 20-Jul-2007

Docket No. 2007-1181-AIR-E

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102056538

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 20-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102056538		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input ("psia")="" 1="" 13,="" 16,="" 2007.="" 4="" 7.0="" 7.8="" a="" absolute="" an="" as="" at="" by="" conducted="" control="" documented="" during="" found="" from="" gasoline="" grade="" have="" inch="" investigation="" june="" no.="" of="" on="" per="" period="" pounds="" premium="" psia."="" pump="" requirement="" rvp="" rvp")="" sample="" september="" specifically,="" square="" taken="" the="" through="" to="" type="text" unleaded="" value="Failed to comply with the maximum Reid Vapor Pressure (" was=""/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	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 <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$750"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$750"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102056538
Media Air Quality
Violation No. 1

53303

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

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)	\$100	13-Jun-2007	25-Jun-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
Regulated Entity: RN102056538 7 ELEVEN 53303 Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2550
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1122V
Location: 10100 N LOOP DR, SOCORRO, TX, 79927 Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 26, 2002 to July 26, 2007
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 08/14/2002 (3123)
 - 2 11/20/2002 (14667)
 - 3 06/17/2003 (33612)
 - 4 07/14/2003 (140956)
 - 5 10/01/2003 (248800)
 - 6 11/19/2003 (253538)
 - 7 08/03/2004 (283564)
 - 8 06/26/2005 (396747)
 - 9 10/28/2005 (433889)
 - 10 07/26/2006 (487391)
 - 11 11/29/2006 (518534)
 - 12 11/29/2006 (531569)
 - 13 07/12/2007 (565700)
- 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 June 26, 2007

DATES	Assigned	9-Jul-2007	Screening	20-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53312	
Reg. Ent. Ref. No.	RN102028636		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
-------------------------------------------------------------	-------------------	---------

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	\$700
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Notes: The penalty was enhanced due to one previous court order.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The 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 returned to compliance by June 25, 2007, which was before the NOE dated July 13, 2007.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$0	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$200		

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 indicted 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 20-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102028636

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 20-Jul-2007	Docket No. 2007-1181-AIR-E	PCW			
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 34214	<i>PCW Revision June 26, 2007</i>				
Reg. Ent. Reference No. RN102028636					
Media [Statute] Air Quality					
Enf. Coordinator Lindsey Jones					
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 11, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 were found to have an RVP of 7.7 and 8.4 psia, respectively.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		Percent	10%		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		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 the environment.				
		Adjustment	\$9,000		
		\$1,000			
Violation Events					
Number of Violation Events		2	Number of violation days		14
<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 \$2,000			
Two single events are recommended based on the violation of two grades of gasoline at Pump No. 1.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$0		Violation Final Penalty Total \$2,200	
				This violation Final Assessed Penalty (adjusted for limits) \$2,200	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102028636
Media Air Quality
Violation No. 1

53312

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	11-Jun-2007	25-Jun-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$200**

TOTAL **\$0**

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN102028636 7 ELEVEN 53312 Classification: AVERAGE Site Rating: 40.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8347
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE0975N

Location: 6390 ALAMEDA AVE, EL PASO, TX, 79905 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 26, 2002 to July 26, 2007

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? Good Time Enterprise, LLC
Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? 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 334, SubChapter B 334.22(a)
 Rqmt Prov: Docket No. 94-0270-PST-E, OP 2.a. ORDER
 Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, by failing to pay tank fees,
- Classification: Major
 Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]
 Rqmt Prov: Docket No. 94-0270-PST-E, OP 2.b. ORDER
 Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, by failing to submit documentation demonstrating financial assurance.
- Classification: Major
 Citation: 2A TWC Chapter 7, SubChapter A 7.101
 Rqmt Prov: Docket NO. 94-0270-PST-E, OP 1 ORDER
 Description: Failed to comply with Commission Order 94-0270-PST-E by failing to pay the 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	08/13/2002	(3087)
2	10/28/2002	(8382)
3	11/07/2002	(15671)
4	02/17/2003	(24961)
5	03/28/2003	(28394)
6	07/14/2003	(140958)
7	12/30/2003	(258402)
8	07/16/2004	(264865)
9	07/23/2004	(283359)
10	11/03/2004	(340071)
11	08/17/2005	(401007)
12	11/16/2006	(519463)
13	11/29/2006	(514706)
14	07/12/2007	(565699)

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 June 26, 2007

TCEQ

DATES	Assigned	9-Jul-2007	Screening	20-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
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: The penalty was enhanced due to one previous court order.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The 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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Total EB Amounts	\$3	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$200	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,700
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OTHER FACTORS AS JUSTICE MAY REQUIRE

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

Adjustment	\$0
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Notes:

Final Penalty Amount	\$2,700
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$2,700
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DEFERRAL

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

20% Reduction	Adjustment	-\$540
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Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,160
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Screening Date 20-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 20-Jul-2007	Docket No. 2007-1181-AIR-E	PCW		
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102056835				
Media [Statute] Air Quality				
Enf. Coordinator Lindsey Jones				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input ("psia")="" 1="" 1,="" 16,="" 2007.="" 7.0="" 9.0="" 9.7="" absolute="" an="" and="" as="" at="" by="" conducted="" control="" documented="" during="" found="" from="" gasoline="" grade="" have="" inch="" investigation="" june="" mid="" no.="" of="" on="" per="" period="" pounds="" premium="" psia,="" pump="" requirement="" respectively."="" rvp="" rvp")="" samples="" september="" specifically,="" square="" taken="" the="" through="" to="" type="text" unleaded="" value="Failed to comply with the maximum Reid Vapor Pressure (" were=""/>			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment."/>			
		Adjustment	<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="107"/>
	<small>mark only one with an x</small>	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	<input type="text" value="\$2,000"/>	
<input type="text" value="Two single events are recommended based on the violation of two grades of gasoline at Pump No. 1."/>				
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total	<input type="text" value="\$2,700"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$2,700"/>

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102056835
Media Air Quality
Violation No. 1

53316

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)	\$200	1-Jun-2007	16-Sep-2007	0.3	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the last date of the RVP control period.

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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$3

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN102056835 7 ELEVEN 53316 Classification: POOR Site Rating: 68.57
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8355
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1125P
 Location: 1259 N ZARAGOZA RD, EL PASO, TX, 79907 Rating Date: September 01 06 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: July 26, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 26, 2002 to July 26, 2007
 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	08/13/2002	(3511)
2	11/20/2002	(14733)
3	03/28/2003	(28431)
4	08/02/2004	(283149)
5	10/27/2004	(338133)
6	07/29/2005	(401105)
7	11/10/2006	(517311)
8	11/17/2006	(511948)
9	01/08/2007	(535163)
10	07/09/2007	(564355)

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 June 26, 2007

DATES	Assigned	16-Jul-2007	Screening	20-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53318	
Reg. Ent. Ref. No.	RN102048048		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

Total EB Amounts **Subtotal 6**

Approx. Cost of Compliance	\$100
----------------------------	-------

0% Enhancement*
*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE

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

Adjustment

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

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

20% Reduction **Adjustment**

Notes

PAYABLE PENALTY

Screening Date 20-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102048048

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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment due to average performer classification.

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

Screening Date 20-Jul-2007 **Docket No.** 2007-1181-AIR-E **PCW**
Respondent Southwest Convenience Stores, LLC dba 7-Eleven *Policy Revision 2 (September 2002)*
Case ID No. 34214 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102048048

Media [Statute] Air Quality
Enf. Coordinator Lindsey Jones

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 7, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 8.0 psia.

Base Penalty

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

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

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	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

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

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven 63318
Case ID No. 34214
Reg. Ent. Reference No. RN102048048
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)	\$100	7-Jun-2007	18-Jun-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$0
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
Regulated Entity: RN102048048 7 ELVEN 53318 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8352
REGISTRATION

Location: 12901 ALAMEDA AVE, CLINT, TX, 79836 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 26, 2002 to July 26, 2007

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	08/14/2002	(2959)
2	11/20/2002	(14205)
3	11/27/2002	(17217)
4	03/28/2003	(28573)
5	07/07/2003	(126781)
6	04/20/2004	(267234)
7	07/15/2004	(277815)
8	01/25/2005	(347084)
9	06/22/2005	(396104)
10	11/28/2006	(531541)
11	07/09/2007	(565701)

- 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 June 26, 2007

TCEQ

DATES	Assigned	16-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53319
Reg. Ent. Ref. No.	RN102044005		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

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

Notes

Total EB Amounts **Subtotal 6**
Approx. Cost of Compliance **0% Enhancement***
**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

Reduction

PAYABLE PENALTY

Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102044005

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%
<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) 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 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW		
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102044005				
Media [Statute] Air Quality				
Enf. Coordinator Lindsey Jones				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input ("psia")="" 1="" 16,="" 2007.="" 4="" 7.0="" 8.3="" 9,="" a="" absolute="" an="" as="" at="" by="" conducted="" control="" documented="" during="" found="" from="" gasoline="" grade="" have="" inch="" investigation="" june="" no.="" of="" on="" per="" period="" pounds="" premium="" psia."="" pump="" requirement="" rvp="" rvp")="" sample="" september="" specifically,="" square="" taken="" the="" through="" to="" type="text" unleaded="" value="Failed to comply with the maximum Reid Vapor Pressure (" was=""/>			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text" value="x"/>	
	Potential	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
>>Programmatic Matrix				
	Falsification	Major Moderate Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment."/>			
Adjustment		<input type="text" value="\$9,000"/>		
			<input type="text" value="\$1,000"/>	
Violation Events				
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="99"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		Violation Base Penalty <input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended."/>				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$1"/>		Violation Final Penalty Total <input type="text" value="\$1,350"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,350"/>		

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven 53319
Case ID No. 34214
Reg. Ent. Reference No. RN102044005
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)	\$100	9-Jun-2007	16-Sep-2007	0.3	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the last date of the RVP control period.

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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$1
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
Regulated Entity: RN102044005 7 ELEVEN 53319 Classification: POOR Site Rating: 53.33

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 8351
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1126N
AIR NEW SOURCE PERMITS REGISTRATION 55786

Location: 9829 SOCORRO RD, EL PASO, TX, 79927 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 26, 2002 to July 26, 2007

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: Docket No. 94-0270-E, OP 2.a. ORDER
Description: Failed to comply with Comission Order, Docket No. 94-0270-PST-E, by failing to pay tank fees.

Classification: Major

Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]
Rqmt Prov: Docket No. 94-0270-PST-E, OP 2.b. ORDER
Description: Failed to comply with Comission Order, Docket No. 94-0270-PST-E, by failing to submit documentation demonstrating financial assurance.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: Docket No. 94-0270-PST-E, OP 1 ORDER
Description: Failed to comply with Commission Order 94-0270-PST-E by failing to pay the 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	08/10/2002	(3380)
2	11/06/2002	(15065)
3	12/16/2002	(16048)
4	06/03/2003	(61085)
5	05/28/2004	(268502)
6	08/03/2004	(283646)
7	01/14/2005	(347086)
8	06/22/2005	(396176)
9	11/29/2006	(531557)
10	07/12/2007	(565697)

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 June 26, 2007

TCEQ

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53321
Reg. Ent. Ref. No.	RN102028883		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	2% Enhancement	Subtotals 2, 3, & 7	\$40
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Notes: The penalty was enhanced due to one previous dissimilar NOV.

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

Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$200
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Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes: The Respondent returned to compliance by July 13, 2007, which was after the NOE dated July 11, 2007.

Total EB Amounts	\$1	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$200	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,840
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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	\$1,840
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,840
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DEFERRAL	20% Reduction	Adjustment	-\$368
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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	\$1,472
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Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102028883

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 Emissions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	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 previous dissimilar NOV.

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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102028883		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 5, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 were found to have an RVP of 7.6 and 8.0 psia, respectively.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width:50px;" type="text" value="10%"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input style="width:50px;" 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 the environment.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two single events are recommended based on the violation of two grades of gasoline at Pump No. 1.

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 dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102028883
Media Air Quality
Violation No. 1

53321

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)	\$200	6-Jun-2007	13-Jul-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
Regulated Entity: RN102028883 7 ELEVEN 53321 Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2556
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1128J
Location: 3400 HONDO PASS DR, EL PASO, TX, 79904 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 26, 2002 to July 26, 2007
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? Good Time Enterprise, LLC
Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? 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.
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 08/10/2002 (3199)
 - 2 11/27/2002 (16446)
 - 3 03/28/2003 (28591)
 - 4 04/24/2003 (34762)
 - 5 04/21/2004 (269083)
 - 6 06/14/2004 (119923)
 - 7 07/15/2004 (278419)
 - 8 02/15/2005 (350813)
 - 9 06/28/2005 (397877)
 - 10 11/10/2006 (519284)
 - 11 12/27/2006 (533095)
 - 12 04/13/2007 (555297)
 - 13 06/15/2007 (564266)
 - 14 07/06/2007 (565795)

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

Date: 04/13/2007 (555297)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.74(3)

Description: Failure to submit to the agency a report containing a detailed description of the investigative procedures followed which should include the results of all tests or monitoring performed within 45 days after the first observation of the suspected release.

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 June 26, 2007

TCEQ

DATES	Assigned	16-Jul-2007	Screening	20-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven 53328
Reg. Ent. Ref. No.	RN102017514
Facility/Site Region	6-El Paso Major/Minor Source Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

55% Enhancement

Notes

Culpability **Subtotal 4**

No 0% Enhancement

Notes

Good Faith Effort to Comply **Subtotal 5**

25% Reduction

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

Notes

Total EB Amounts **0% Enhancement*** **Subtotal 6**

Approx. Cost of Compliance *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**

20% Reduction

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

Notes

PAYABLE PENALTY

Screening Date 20-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102017514

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 55%

>> **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 order and one previous court order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 20-Jul-2007	Docket No. 2007-1181-AIR-E	PCW		
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102017514				
Media [Statute] Air Quality				
Enf. Coordinator Lindsey Jones				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 11, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 5 was found to have an RVP of 7.4 psia.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<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 the environment.			
		Adjustment	<input type="text" value="\$9,000"/>	
			<input type="text" value="\$1,000"/>	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="2"/>	
		Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text" value="x"/>		
One single event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$1"/>		Violation Final Penalty Total <input type="text" value="\$1,300"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,300"/>		

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102017514
Media Air Quality
Violation No. 1

53328

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	11-Jun-2007	26-Jul-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
Regulated Entity: RN102017514 7 ELEVEN 53328 Classification: POOR Site Rating: 47.73
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 8361
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE10111
Location: 6100 TROWBRIDGE DR, EL PASO, TX, 79905 Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 26, 2002 to July 26, 2007
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? Good Time Enterprise, LLC
Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? 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: 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.

Effective Date: 03/06/2006 ADMINORDER 2005-1543-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005.

- 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	08/13/2002	(3564)
2	11/07/2002	(14932)
3	03/15/2003	(26805)
4	03/28/2003	(28644)
5	06/23/2003	(119951)
6	10/22/2003	(252613)
7	04/19/2004	(268811)
8	11/03/2004	(340072)
9	08/24/2005	(406888)
10	08/27/2005	(407414)
11	11/10/2006	(518960)
12	02/05/2007	(535840)
13	07/12/2007	(565695)

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 June 26, 2007

TCEQ

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
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: The penalty was enhanced due to one previous court order.

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

Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$200
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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 by July 17, 2007, which was after NOE dated July 11, 2007.

Total EB Amounts	\$1	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$200	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE

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

Adjustment	\$0
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Notes:

Final Penalty Amount	\$2,500
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$2,500
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DEFERRAL

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

20% Reduction	Adjustment	-\$500
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Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$2,000

Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

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

The penalty was enhanced due to one previous court order.

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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW																		
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 34214		<small>PCW Revision June 26, 2007</small>																		
Reg. Ent. Reference No. RN102011822																				
Media [Statute] Air Quality																				
Enf. Coordinator Lindsey Jones																				
Violation Number <input type="text" value="1"/>																				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>																			
Violation Description	<input ("psia")="" 1="" 10.2="" 16,="" 2007.="" 3="" 3,="" 7.0="" 8.7="" absolute="" an="" and="" as="" at="" by="" conducted="" control="" documented="" during="" found="" from="" gasoline="" grade="" have="" inch="" investigation="" june="" mid="" no.="" of="" on="" per="" period="" pounds="" premium="" psia,="" pump="" requirement="" respectively."="" rvp="" rvp")="" samples="" september="" specifically,="" square="" taken="" the="" through="" to="" type="text" unleaded="" value="Failed to comply with the maximum Reid Vapor Pressure (" were=""/>																			
	Base Penalty	<input type="text" value="\$10,000"/>																		
>> Environmental, Property and Human Health Matrix																				
	Harm																			
	Major	Minor																		
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Actual</td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text" value="x"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Actual	<input type="text"/>	<input type="text" value="x"/>	Potential	<input type="text"/>	<input type="text"/>												
Actual	<input type="text"/>	<input type="text" value="x"/>																		
Potential	<input type="text"/>	<input type="text"/>																		
	Percent	<input type="text" value="10%"/>																		
>> Programmatic Matrix																				
	Falsification																			
	Major	Minor																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> </tr> </table>		<input type="text"/>	<input type="text"/>																
<input type="text"/>	<input type="text"/>																			
	Percent	<input type="text" value="0%"/>																		
Matrix Notes	<input type="text" value="Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment."/>																			
	Adjustment	<input type="text" value="\$9,000"/>																		
		<input type="text" value="\$1,000"/>																		
Violation Events																				
	Number of Violation Events <input type="text" value="2"/>	Number of violation days <input type="text" value="44"/>																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50px;"></td> <td style="width:50px;">daily</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>single event</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		daily	<input type="text"/>		monthly	<input type="text"/>		quarterly	<input type="text"/>		semiannual	<input type="text"/>		annual	<input type="text"/>		single event	<input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$2,000"/>
	daily	<input type="text"/>																		
	monthly	<input type="text"/>																		
	quarterly	<input type="text"/>																		
	semiannual	<input type="text"/>																		
	annual	<input type="text"/>																		
	single event	<input checked="" type="checkbox"/>																		
	<input type="text" value="Two single events are recommended based on the violation of two grades of gasoline at Pump No. 3."/>																			
Economic Benefit (EB) for this violation																				
	Estimated EB Amount <input type="text" value="\$1"/>	Statutory Limit Test																		
		Violation Final Penalty Total <input type="text" value="\$2,500"/>																		
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,500"/>																			

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102011822
Media Air Quality
Violation No. 1

53333

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	3-Jun-2007	17-Jul-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date retail sales to the public of mid and premium grade gasoline with an RVP greater than 7.0 psia were discontinued.

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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200 TOTAL \$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
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: July 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 26, 2002 to July 26, 2007
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? Good Time Enterprise, LLC
Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? 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. (CEEDS Inv. Track. No.)

1	10/19/2002	(1323)
2	11/14/2002	(3825)
3	12/12/2002	(17928)
4	08/13/2003	(149715)
5	07/01/2004	(271036)
6	07/15/2004	(281616)
7	02/09/2005	(346645)
8	08/27/2005	(406053)
9	07/14/2006	(486527)
10	11/10/2006	(518672)
11	12/20/2006	(534841)
12	01/11/2007	(535719)
13	07/06/2007	(565682)

E. Written notices of violations (NOV). (CEEDS 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 June 26, 2007

TCEQ

DATES	Assigned	9-Jul-2007	Screening	20-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53336
Reg. Ent. Ref. No.	RN102048030	
Facility/Site Region	6-El Paso	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

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

Notes

Total EB Amounts **Approx. Cost of Compliance** **0% Enhancement*** **Subtotal 6**
**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 Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 20-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102048030

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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment due to average performer classification.

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

Screening Date 20-Jul-2007	Docket No. 2007-1181-AIR-E	PCW			
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>				
Reg. Ent. Reference No. RN102048030					
Media [Statute] Air Quality					
Enf. Coordinator Lindsey Jones					
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 5, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 4 were found to have an RVP of 7.5 and 8.0 psia, respectively.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		Percent	10%		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				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 the environment.				
		Adjustment		\$9,000	
				\$1,000	
Violation Events					
Number of Violation Events		2	Number of violation days		21
<small>mark only one with an x</small>	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	\$2,000
Two single events are recommended based on the violation of two grades of gasoline at Pump No. 4.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$1	Violation Final Penalty Total		\$1,500
This violation Final Assessed Penalty (adjusted for limits)					\$1,500

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven 53336
Case ID No. 34214
Reg. Ent. Reference No. RN102048030
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)	\$200	5-Jun-2007	26-Jun-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN102048030 7 ELEVEN 53336 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2560
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1136K

Location: 11761 VISTA DEL SOL DR, EL PASO, TX 79936 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 26, 2002 to July 26, 2007

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 08/13/2002 (3557)
- 2 10/29/2002 (6942)
- 3 11/06/2002 (15876)
- 4 03/14/2003 (27539)
- 5 03/28/2003 (28716)
- 6 04/13/2004 (260191)
- 7 07/01/2004 (264869)
- 8 08/11/2004 (285286)
- 9 11/29/2004 (342514)
- 10 06/22/2005 (396007)
- 11 11/29/2006 (531528)
- 12 07/09/2007 (564411)

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 June 26, 2007

DATES	Assigned	16-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53341	
Reg. Ent. Ref. No.	RN102011277		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

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

Notes

Total EB Amounts **Subtotal 6**

Approx. Cost of Compliance ***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

Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102011277

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 previous dissimilar NOV.

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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34214		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN102011277		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input ("psia")="" 1="" 11,="" 16,="" 2007.="" 7.0="" 7.5="" a="" absolute="" an="" as="" at="" by="" conducted="" control="" documented="" during="" found="" from="" gasoline="" grade="" have="" inch="" investigation="" june="" no.="" of="" on="" per="" period="" pounds="" premium="" psia."="" pump="" requirement="" rvp="" rvp")="" sample="" september="" specifically,="" square="" taken="" the="" through="" to="" type="text" unleaded="" value="Failed to comply with the maximum Reid Vapor Pressure (" was=""/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment."/>				

Adjustment

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 dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN102011277
Media Air Quality
Violation No. 1

53341

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)	\$100	11-Jun-2007	16-Sep-2007	0.3	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the last date of the RVP control period.

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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN102011277 7 ELEVEN 53341 Classification: HIGH Site Rating: 0.00
 ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE0976L
 PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 2565
 Location: 6060 ALAMEDA AVE, EL PASO, TX 79905 Rating Date: September 01 06 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: July 26, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 26, 2002 to July 26, 2007
 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? | Good Time Enterprise, LLC
Southwest Convenience Stores, LLC |
| 4. If Yes, who was/were the prior owner(s)? | 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.

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 | 08/13/2002 | (3208) |
| 2 | 11/06/2002 | (15856) |
| 3 | 02/17/2003 | (24867) |
| 4 | 03/28/2003 | (28779) |
| 5 | 11/20/2003 | (254793) |
| 6 | 07/23/2004 | (283550) |
| 7 | 04/12/2005 | (350600) |
| 8 | 08/17/2005 | (401004) |
| 9 | 11/16/2006 | (519428) |
| 10 | 11/30/2006 | (514705) |
| 11 | 12/20/2006 | (534018) |
| 12 | 07/12/2007 | (565698) |

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

Date: 11/30/2006 (514705)

Self Report? NO

Classification: Moderate

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

Description: Failure to maintain the Stage II Vapor Recovery System in proper operating condition.

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 June 26, 2007

TCEQ

DATES	Assigned PCW	16-Jul-2007	Screening	18-Jul-2007	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven 57600
Reg. Ent. Ref. No.	RN100826262
Facility/Site Region	6-El Paso Major/Minor Source Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
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
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Notes: No adjustment due to average performer classification.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The 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 EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance by June 25, 2007, which was before the NOE dated July 13, 2007.

Total EB Amounts	\$0	Subtotal 6	\$0
Approx. Cost of Compliance	\$100	*Capped at the Total EB \$ Amount	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$750
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OTHER FACTORS AS JUSTICE MAY REQUIRE

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

Adjustment	\$0
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Notes:

Final Penalty Amount	\$750
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$750
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DEFERRAL

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

20% Reduction	Adjustment	-\$150
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Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$600
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Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100826262

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment due to average performer classification.

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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34214		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN100826262		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input ("psia")="" 1="" 11,="" 16,="" 2="" 2007.="" 7.0="" 7.5="" a="" absolute="" an="" as="" at="" by="" conducted="" control="" documented="" during="" found="" from="" gasoline="" grade="" have="" inch="" investigation="" june="" no.="" of="" on="" per="" period="" pounds="" premium="" psia."="" pump="" requirement="" rvp="" rvp")="" sample="" september="" specifically,="" square="" taken="" the="" through="" to="" type="text" unleaded="" value="Failed to comply with the maximum Reid Vapor Pressure (" was=""/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	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 dba 7-Eleven
Case ID No.: 34214
Reg. Ent. Reference No.: RN100826262
Media: Air Quality
Violation No.: 1

57600

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)	\$100	11-Jun-2007	25-Jun-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
Regulated Entity: RN100826262 7 ELEVEN 57600 Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE11541
PETROLEUM STORAGE TANK REGISTRATION 7334
REGISTRATION
Location: 5001 TROWBRIDGE DR, EL PASO, TX 79903 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 26, 2002 to July 26, 2007
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 08/13/2002 (2922)
 - 2 12/12/2002 (18578)
 - 3 05/12/2003 (37809)
 - 4 05/07/2004 (268527)
 - 5 11/29/2004 (342566)
 - 6 07/20/2005 (400360)
 - 7 11/16/2006 (519508)
 - 8 04/18/2007 (554412)
 - 9 07/12/2007 (565696)
- 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 June 26, 2007

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
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 adjustment due to average performer classification.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent returned to compliance by June 26, 2007, which was before the NOE dated July 6, 2007.

Total EB Amounts \$0 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$100 *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

PCW

Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

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 adjustment due to average performer classification.

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

Screening Date	18-Jul-2007	Docket No.	2007-1181-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven			Policy Revision 2 (September 2002)
Case ID No.	34214			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102384666			
Media [Statute]	Air Quality			
Enf. Coordinator	Lindsey Jones			
Violation Number	<input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 7, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 7.5 psia.			
		Base Penalty	<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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	<input checked="" type="text" value="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 dba 7-Eleven 57614
Case ID No. 34214
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 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)	\$100	7-Jun-2007	26-Jun-2007	0.1	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 1.80
Regulated Entity:	RN102384666	7 ELEVEN 57614	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION			7264
	AIR NEW SOURCE PERMITS			ACCOUNT NUMBER EE1165D
Location:	2112 N MESA ST, EL PASO, TX 79902		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	July 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 26, 2002 to July 26, 2007			
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	08/18/2002	(3192)
2	10/23/2002	(14494)
3	06/23/2003	(119418)
4	07/14/2003	(142012)
5	11/11/2003	(254675)
6	07/30/2004	(280789)
7	12/02/2004	(342645)
8	06/22/2005	(380851)
9	07/20/2005	(400382)
10	06/15/2006	(465110)
11	11/10/2006	(518522)
12	01/11/2007	(535575)
13	07/05/2007	(566486)
- 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 June 26, 2007

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

Total EB Amounts Enhancement* **Subtotal 6**
Approx. Cost of Compliance *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 Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 18-Jul-2007

Docket No. 2007-1181-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34214

PCW Revision June 26, 2007

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 previous dissimilar NOV.

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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34214	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102395274		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 3, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 were found to have an RVP of 7.9 and 8.0 psia, respectively.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		Percent
	Actual			x		
Potential						

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					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 the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Two single events are recommended based on the violation of two grades of gasoline at Pump No. 1.

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 dba 7-Eleven

57618

Case ID No. 34214

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

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)	\$200	3-Jun-2007	29-Jun-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 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: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: July 26, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 26, 2002 to July 26, 2007
 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 | 08/10/2002 | (3458) |
| 2 | 11/27/2002 | (3057) |
| 3 | 12/12/2002 | (17925) |
| 4 | 05/19/2003 | (40901) |
| 5 | 04/20/2004 | (269537) |
| 6 | 07/15/2004 | (281437) |
| 7 | 07/20/2005 | (400230) |
| 8 | 11/29/2005 | (438639) |
| 9 | 11/10/2006 | (518605) |
| 10 | 01/11/2007 | (535711) |
| 11 | 03/27/2007 | (540200) |
| 12 | 07/06/2007 | (565658) |
- 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 maintenance 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)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

0% Enhancement

Notes:

Culpability **Subtotal 4**

No 0% Enhancement

Notes:

Good Faith Effort to Comply **Subtotal 5**

25% Reduction

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

Notes:

Total EB Amounts **Subtotal 6**

Approx. Cost of Compliance 0% Enhancement* *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**

20% Reduction

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

Notes:

PAYABLE PENALTY

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34214		<i>PCW Revision June 26, 2007</i>
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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment due to average performer classification.

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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34214		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102388816		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 2, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 were found to have an RVP of 8.5 and 8.4 psia, respectively.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events <input type="text" value="2"/>	<input type="text" value="33"/>	Number of violation days												
<table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>		Violation Base Penalty <input type="text" value="\$2,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input checked="" type="checkbox"/>													

Two single events are recommended based on the violation of two grades of gasoline at Pump No. 1.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$1,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,500"/>	

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven 57638
Case ID No.: 34214
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
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)	\$200	2-Jun-2007	5-Jul-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN102388816 7 ELEVEN 57638 Classification: HIGH Site Rating: 0.00
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 7273
 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: July 26, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 26, 2002 to July 26, 2007
 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	08/15/2002	(3016)
2	08/26/2002	(8973)
3	11/20/2002	(14336)
4	03/15/2003	(26679)
5	04/19/2004	(263171)
6	07/28/2004	(281200)
7	12/08/2004	(342560)
8	02/02/2005	(348411)
9	07/20/2005	(400319)
10	03/27/2006	(439494)
11	08/08/2006	(490322)
12	11/10/2006	(516593)
13	01/11/2007	(535602)
14	07/10/2007	(567081)
- 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 June 26, 2007

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		57645
Reg. Ent. Ref. No.	RN100825728		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34214	No. of Violations	1
Docket No.	2007-1181-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

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

Approx. Cost of Compliance **Subtotal 6**

Total EB Amounts	\$0
Approx. Cost of Compliance	\$100

0% Enhancement*
*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

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN100825728		
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 NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	0	0%
	Other written NOV's	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<small>Please Enter Yes or No</small>			
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) 4%

>> **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 previous dissimilar NOV's.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 18-Jul-2007	Docket No. 2007-1181-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34214	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN100825728		
Media [Statute] Air Quality		
Enf. Coordinator Lindsey Jones		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 5, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 8.2 psia.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	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 dba 7-Eleven
Case ID No. 34214
Reg. Ent. Reference No. RN100825728
Media Air Quality
Violation No. 1

57645

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)	\$100	5-Jun-2007	18-Jun-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain and dispense gasoline with a maximum RVP of 7.0 psia. Date required is the date of the inspection. Final date is the date the Respondent returned to 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN100825728 7 ELEVEN 57645 Classification: HIGH Site Rating: 0.00
 ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1189M
 PETROLEUM STORAGE TANK REGISTRATION 55409
 REGISTRATION
 Location: 4525 SUN VALLEY DR, EL PASO, TX 79924 Rating Date: September 01 06 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: July 26, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 26, 2002 to July 26, 2007
 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 | 08/10/2002 | (3548) |
| 2 | 10/19/2002 | (1163) |
| 3 | 12/03/2002 | (17662) |
| 4 | 12/12/2002 | (18978) |
| 5 | 04/08/2003 | (31379) |
| 6 | 12/17/2003 | (256219) |
| 7 | 07/06/2004 | (278491) |
| 8 | 10/18/2004 | (338022) |
| 9 | 06/30/2005 | (398212) |
| 10 | 07/12/2006 | (483556) |
| 11 | 04/27/2007 | (554542) |
| 12 | 06/05/2007 | (560895) |
| 13 | 07/06/2007 | (565816) |

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

Date: 04/30/2007 (554542)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 334, SubChapter D 334.72(3)(B)
 30 TAC Chapter 334, SubChapter D 334.74(1)
 Description: Failure to report a suspected release from an underground storage tank (UST) system to the TCEQ within 24 hours, and follow the procedures in 30 TAC 334.74 (relating to Release Investigation and Confirmation Steps) in the case of inventory reconciliation failure for two months in a row.

Date: 06/06/2007 (560895)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.72(3)(B)
30 TAC Chapter 334, SubChapter D 334.74(1)

Description: Failure to report a suspected release from an underground storage tank (UST) system to the TCEQ within 24 hours, and follow the procedures in 30 TAC 334.74 (relating to Release Investigation and Confirmation Steps) in the case of inventory reconciliation failure for two months in a row.

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SOUTHWEST CONVENIENCE
STORES, LLC DBA 7-ELEVEN
RN102056538; RN102028636;
RN102056835; RN102048048;
RN102044005; RN102028883;
RN102017514; RN102011822;
RN102048030; RN102011277;
RN100826262; RN102384666;
RN102395274; RN102388816;
RN100825728

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1181-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Southwest Convenience Stores owns and operates fifteen 7-Eleven convenience stores with retail gasoline sales at the following locations in El Paso County, Texas (the "Stations"):
 - a. 10100 North Loop Drive, Socorro, Texas (7-Eleven 53303);
 - b. 6390 Alameda Avenue, El Paso, Texas (7-Eleven 53312);
 - c. 1259 North Zaragoza Road, El Paso, Texas (7-Eleven 53316);
 - d. 12901 Alameda Avenue, Clint, Texas (7-Eleven 53318);

- e. 9829 Socorro Road, El Paso, Texas (7-Eleven 53319);
 - f. 3400 Hondo Pass Drive, El Paso, Texas (7-Eleven 53321);
 - g. 6100 Trowbridge Drive, El Paso, Texas (7-Eleven 53328);
 - h. 9787 McCombs Street, El Paso, Texas (7-Eleven 53333);
 - i. 11761 Vista Del Sol Drive, El Paso, Texas (7-Eleven 53336);
 - j. 6060 Alameda Avenue, El Paso, Texas (7-Eleven 53341);
 - k. 5001 Trowbridge Drive, El Paso, Texas (7-Eleven 57600);
 - l. 2112 North Mesa Street, El Paso, Texas (7-Eleven 57614);
 - m. 10300 McCombs Street, El Paso, Texas (7-Eleven 57618);
 - n. 1797 George Dieter Drive, El Paso, Texas (7-Eleven 57638); and
 - o. 4525 Sun Valley Drive, El Paso, Texas (7-Eleven 57645)
2. The Stations consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
 3. The Commission and Southwest Convenience Stores agree that the Commission has jurisdiction to enter this Agreed Order, and that Southwest Convenience Stores is subject to the Commission's jurisdiction.
 4. Southwest Convenience Stores received notice of the violations alleged in Section II ("Allegations") on or about July 11, 15, 16, 18, and 22, 2007.
 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 Twenty-One Thousand Two Hundred Forty Dollars (\$21,240) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Southwest Convenience Stores has paid Eight Thousand Four Hundred Ninety-Six Dollars (\$8,496) of the administrative penalty and Four Thousand Two Hundred Forty-Eight Dollars (\$4,248) 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. Eight Thousand Four Hundred Ninety-Six Dollars (\$8,496) shall be conditionally offset by Southwest Convenience Stores' completion of a Supplemental Environmental Project.

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 Southwest Convenience Stores has implemented the following corrective measures at the Stations:
 - a. Implemented procedures to come into compliance with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") at Station Nos. 53303, 53312, 53318, 53321, 53328, 53336, 57600, 57614, 57618, 57638, and 57645 by July 17, 2007; and
 - b. Discontinued the retail sale of mid and premium grade gasoline to the public on July 17, 2007 at Station No. 53333 and by July 26, 2007 at Station Nos. 53312 and 53328 in order to prevent the reoccurrence of same or similar events.
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 Site, Southwest Convenience Stores is alleged to have:

1. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 13, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53303 was found to have an RVP of 7.8 psia.
2. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 11, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53312 were found to have an RVP of 7.7 and 8.4 psia, respectively.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also notes that records should be kept for a sufficient period of time to allow for a thorough audit.

The second part of the document outlines the specific requirements for record-keeping. It states that all transactions must be recorded in a clear and concise manner, and that the records must be accessible to all authorized personnel. The document also requires that records be kept in a secure and confidential manner, and that they be protected from unauthorized access or destruction.

The third part of the document discusses the role of the auditor in the record-keeping process. It states that the auditor is responsible for verifying the accuracy and completeness of the records, and for reporting any discrepancies to the appropriate authorities. The document also notes that the auditor should maintain a separate set of records to document the audit process.

The fourth part of the document discusses the consequences of non-compliance with the record-keeping requirements. It states that failure to maintain accurate records can result in the loss of the company's ability to operate, and can also lead to the imposition of penalties and fines. The document also notes that non-compliance can damage the company's reputation and its ability to attract investment.

The fifth part of the document discusses the importance of training and education in the record-keeping process. It states that all personnel involved in the process should receive appropriate training and education to ensure that they are able to perform their duties accurately and efficiently. The document also notes that training should be ongoing and should be updated as the requirements of the financial system evolve.

The sixth part of the document discusses the importance of internal controls in the record-keeping process. It states that internal controls are essential for ensuring the accuracy and completeness of the records, and for preventing fraud and other types of misstatements. The document also notes that internal controls should be designed to be effective and efficient, and should be regularly reviewed and updated.

The seventh part of the document discusses the importance of external audits in the record-keeping process. It states that external audits are essential for providing an independent and objective assessment of the company's financial statements, and for ensuring that the records are accurate and complete. The document also notes that external audits should be conducted by qualified and independent auditors, and that the results of the audits should be made available to the company's shareholders and other interested parties.

3. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 1, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53316 were found to have an RVP of 9.7 and 9.0 psia, respectively.
4. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 7, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53318 was found to have an RVP of 8.0 psia.
5. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 9, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53319 was found to have an RVP of 8.3 psia.
6. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53321 were found to have an RVP of 7.6 and 8.0 psia, respectively.
7. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 11, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 5 of 7-Eleven 53328 was found to have an RVP of 7.4 psia.
8. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 3, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 53333 were found to have an RVP of 8.7 and 10.2 psia, respectively.
9. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 53336 were found to have an RVP of 7.5 and 8.0 psia, respectively.
10. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 11, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53341 was found to have an RVP of 7.5 psia.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of the financial statements.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and the public, have a right to know how their money is being managed and to have confidence in the information provided. This requires a high level of ethical conduct and adherence to established standards and regulations.

The document further outlines the responsibilities of those involved in the financial process, from management to board members. It stresses that each individual has a duty to act in the best interests of the organization and to ensure that all activities are conducted in a lawful and ethical manner. The text also discusses the importance of internal controls and the role of the board in overseeing the financial reporting process.

Finally, the document concludes by reiterating the commitment to high standards of financial reporting and the ongoing effort to improve the quality and reliability of the financial system. It expresses confidence that these measures will ensure the long-term success and stability of the organization and the financial markets as a whole.

The document also includes a section on the importance of communication and the role of the financial reporting process in providing timely and accurate information to stakeholders. It notes that clear and concise communication is essential for building trust and ensuring that all parties have a clear understanding of the organization's financial position and performance.

In summary, the document provides a comprehensive overview of the financial reporting process and the key principles that govern it. It serves as a guide for all those involved in the financial system, from management to board members, and emphasizes the importance of integrity, transparency, and accountability in all financial activities.

The document also includes a section on the importance of the financial reporting process in providing timely and accurate information to stakeholders. It notes that clear and concise communication is essential for building trust and ensuring that all parties have a clear understanding of the organization's financial position and performance.

In conclusion, the document reaffirms the organization's commitment to the highest standards of financial reporting and its dedication to providing reliable and transparent financial information to all stakeholders. It expresses confidence that these efforts will continue to support the organization's success and the stability of the financial markets.

11. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 11, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 57600 was found to have an RVP of 7.5 psia.
12. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 7, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 57614 was found to have an RVP of 7.5 psia.
13. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 3, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 57618 were found to have an RVP of 7.9 and 8.0 psia, respectively.
14. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 2, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 57638 were found to have an RVP of 8.5 and 8.4 psia, respectively.
15. Failed to comply with the maximum RVP requirement of 7.0 psia during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 57645 was found to have an RVP of 8.2 psia.

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. 2007-1181-AIR-E" to:

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

2. Southwest Convenience Stores shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Four Hundred Ninety-Six Dollars (\$8,496) of the assessed administrative penalty shall be offset with the condition that Southwest Convenience Stores implement the SEP defined in Attachment A, incorporated herein by reference. Southwest Convenience Stores' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that Southwest Convenience Stores shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed during the control period of June 1 through September 16 of each year shall not exceed 7.0 psia at Station Nos. 53316, 53319, and 53341; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.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:

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

4. 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.
5. If Southwest Convenience Stores fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Southwest Convenience Stores' failure to comply is not a violation of this Agreed Order. Southwest Convenience Stores shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Southwest Convenience Stores shall notify the Executive Director within seven days after Southwest Convenience Stores becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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.
7. 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.
8. 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.
9. 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.

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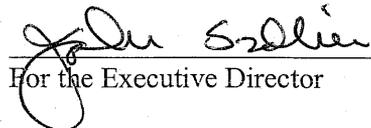
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/25/2008

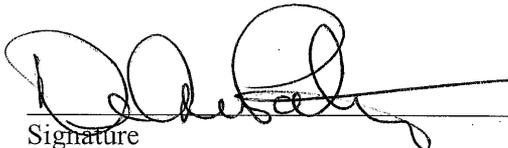
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

11/6/07

Date

DeAnne Patman

Name (Printed or typed)
Authorized Representative of
Southwest Convenience Stores, LLC dba 7-Eleven

License + Permit Mgr

Title

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

Attachment A
Docket Number: 2007-1181-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven
Payable Penalty Amount: Sixteen Thousand Nine Hundred Ninety-Two Dollars (\$16,992)
SEP Amount: Eight Thousand Four Hundred Ninety-Six Dollars (\$8,496)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP: El Paso County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon

emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

