

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1268-AIR-E **TCEQ ID:** RN102006459, RN102061124, RN102017068, RN102032422, RN102033800, RN102023058, RN102024072, RN102039070, RN102043999, RN102061140, RN102384260, RN102390028, RN102397189, RN102387024, RN102389228, and RN100942085 **CASE NO.:** 34343
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 53301, 8386 Alameda Avenue; 7-Eleven 53313, 1098 Country Club Road; 7-Eleven 53322, 9370 North Loop Drive; 7-Eleven 53323, 295 Padres Drive; 7-Eleven 53327, 1811 Hunter Drive; 7-Eleven 53329, 995 Lomaland Dive; 7-Eleven 53335, 8601 North Loop Drive; 7-Eleven 53339, 7879 North Loop Drive; 7-Eleven 57615, 2050 Trawood Drive; 7-Eleven 57616, 3101 North Yarbrough Drive; 7-Eleven 57624, 9300 Acer Avenue; 7-Eleven 57626, 5385 North Mesa Street; 7-Eleven 57635, 10026 Montana Avenue; and 7-Eleven 57644, 7790 Gateway Boulevard, El Paso; 7-Eleven 53306, 720 North Fabens, Fabens; and 7-Eleven 53334, 2018 Antonio Street, Anthony; 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 pending enforcement actions, Docket No. 2007-1957-AIR-E, regarding Facilities 53327, 57615, 57616, 57635, and 57644; and Docket No. 2008-0024-AIR-E, regarding Facilities 53313, 57616, 57615, 57635, and 57644.</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. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; 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, 7616 Lyndon B. Johnson Freeway, Suite 300, Dallas, Texas 75251-1100 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 2, 3, 4, 7, 8, 9, and 11, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 17, 19, 20, and 26, 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 absolute ("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 53301 was found to have an RVP of 8.1 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, a sample taken from the premium grade unleaded gasoline at Pump No. 6 of 7-Eleven 53306 was found to have an RVP of 7.6 psia [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, a sample taken from the premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 53313 was found to have an RVP of 8.09 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to comply with the maximum RVP requirement of 7.0 psia during the</p>	<p>Total Assessed: \$17,450</p> <p>Total Deferred: \$3,490 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,980</p> <p>Total Paid (Due) to General Revenue: \$6,980</p> <p>RN102389228, RN102397189, RN102017068, RN102032422, RN102024072, RN102061140</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>RN100942085, RN102387024, RN102390028, RN102384260, RN102043999, RN102039070, RN102061124, RN102006459</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>RN102033800, RN102023058</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>The Executive Director recognizes that by July 13, 2007, the Respondent has come into compliance at Station numbers 53301, 53313, 53322, 53323, 53327, 53329, 53334, 53335, 53339, 57615, 57616, 57624, 57626, 57635, and 57644.</p> <p>Ordering Provisions:</p> <p>1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See Attachment A)</p> <p>2. 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 and September 16 of each year shall not exceed 7.0 psia at Station No. 53306; 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 a.</p>

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 53322 was found to have an RVP of 7.54 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. 2 of 7-Eleven 53323 was found to have an RVP of 7.6 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, a sample taken from the premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 53327 was found to have an RVP of 8.8 psia [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, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53329 was found to have an RVP of 7.93 and 8.64 psia, respectively [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, a sample taken from the premium grade unleaded gasoline at Pump No. 14 of 7-Eleven 53334 was found to have an RVP of 8.04 psia [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, a sample taken from the premium grade unleaded gasoline at Pump No. 5 of 7-Eleven 53335 was found to have an RVP of 8.31 psia [30 TEX. ADMIN. CODE § 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, samples taken from the mid and premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 53339 were found to have an RVP of 7.88 and 8.44 psia, respectively [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 57615 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)].

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 57616 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)].

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. 2 of 7-Eleven 57624 were both found to have an RVP of 8.3 psia [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, a sample taken from the premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 57626 was found to have an RVP of 8.57 psia [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. 3 of 7-Eleven 57635 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)].

16) Failed to comply with the maximum RVP requirement of 7.0 psia during the

<p>control period of June 1 through September 16. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 6 of 7-Eleven 57644 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)].</p>		
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Additional ID No(s): EE0981S, EE1306J, EE0995H, EE1129H, EE0991P, EE1131U, EE1132S, EE1134O, EE135M, EE1283T, EE1166B, EE1167W, EE1173E, EE1175A, EE1180H, and EE1188O

Attachment A
Docket Number: 2007-1268-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven
Payable Penalty Amount: Thirteen Thousand Nine Hundred Sixty Dollars (\$13,960)
SEP Amount: Six Thousand Nine Hundred Eighty Dollars (\$6,980)
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

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

DATES	Assigned	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53329
Reg. Ent. Ref. No.	RN102024072		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	25% Reduction	Subtotal 5	\$500
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Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent came into compliance by July 5, 2007, which was before the July 17, 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	\$2,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$2,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,200
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DEFERRAL	20% Reduction	Adjustment	-\$440
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,760
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Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102024072

Media [Statute] Air

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%
	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) 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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34343		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN102024072		
Media [Statute] Air		
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 7.93 and 8.64 psia, respectively.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					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

\$1,000

Violation Events

Number of Violation Events	2		33	Number of violation days	
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			Violation Base Penalty <input style="width: 100px;" type="text" value="\$2,000"/>

Two single events are recommended, based on the two grades of gasoline out of compliance.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 150px;" type="text" value="\$1"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$2,200"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$2,200"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

53329

Case ID No. 34343

Reg. Ent. Reference No. RN102024072

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$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: 2.07
Regulated Entity: RN102024072 7 ELEVEN 53329 Classification: AVERAGE Site Rating: 43.64

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8362
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1132S

Location: 995 LOMALAND DR, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2002 to July 31, 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 37, SubChapter I 37.815[G]

Rqmt Prov: 1994-0270-PST-E ORDER

Description: Failure to comply with Docket No. 1994-0270-PST-E, failure to provide financial assurance.

Classification: Major

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

Rqmt Prov: 1994-0270-PST-E ORDER

Description: Failure to comply with Docket No. 1994-0270-PST-E, failure to pay PST fees.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 1994-0270-PST-E ORDER

Description: Failure to comply with Docket No. 1994-0270-PST-E, failure to pay assessed administrative penalty.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	08/13/2002	(3560)
2	11/19/2002	(14127)
3	12/13/2002	(18701)
4	03/28/2003	(28653)
5	11/04/2003	(253358)
6	11/21/2003	(255620)
7	08/11/2004	(282581)
8	01/18/2005	(343318)
9	07/19/2005	(396061)
10	03/27/2006	(450439)
11	11/16/2006	(531206)
12	07/16/2007	(564532)

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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53322	
Reg. Ent. Ref. No.	RN102032422		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	<input type="checkbox"/>	<input type="checkbox"/> (mark with x)

Notes

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 **\$880**

Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102032422

Media [Statute] Air

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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34343	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102032422		
Media [Statute] Air		
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, a sample taken from the premium grade unleaded gasoline at Pump No. 5 was found to have an RVP of 7.54 psia.	
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="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

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	<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 <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$1,100"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,100"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34343
Reg. Ent. Reference No. RN102032422
Media Air
Violation No. 1

53322

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	2-Jun-2007	19-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: 2.07
Regulated Entity: RN102032422 7 ELEVEN 53322 Classification: AVERAGE Site Rating: 40.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8349
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1129H
Location: 9370 N LOOP DR, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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 COURTOORDER
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	08/14/2002	(3099)
2	09/07/2002	(4083)
3	11/20/2002	(14754)
4	03/28/2003	(28628)
5	04/23/2003	(34045)
6	02/20/2004	(260101)
7	08/02/2004	(283190)
8	10/27/2004	(338687)
9	04/29/2005	(371671)
10	06/22/2005	(396092)
11	03/27/2006	(450441)
12	11/14/2006	(519050)
13	12/27/2006	(533090)
14	07/16/2007	(564583)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53313
Reg. Ent. Ref. No.	RN102017068		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	4% Enhancement	Subtotals 2, 3, & 7	\$40
Notes	The penalty was enhanced due to two previous dissimilar NOV's.		
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 19, 2007.		
	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$0	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$100		
SUM OF SUBTOTALS 1-7	Final Subtotal		\$790
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>			
Notes			
	Final Penalty Amount		\$790
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$790
DEFERRAL	20% Reduction	Adjustment	-\$158
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$632

Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102017068

Media [Statute] Air

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	2	4%
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) 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 NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34343		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN102017068		
Media [Statute] Air		
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,="" 2="" 2007.="" 7.0="" 8.09="" 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	<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 <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$790"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$790"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven 53313
Case ID No. 34343
Reg. Ent. Reference No. RN102017068
Media Air
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	1-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 came into 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: 2.07
Regulated Entity: RN102017068 7 ELEVEN 53313 Classification: AVERAGE Site Rating: 0.18
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2554
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE0995H
Location: 1098 COUNTRY CLUB RD, EL PASO, TX, 79932 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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	(2997)
2	10/28/2002	(14928)
3	03/17/2003	(28124)
4	10/22/2003	(252409)
5	05/04/2004	(270906)
6	07/26/2004	(280867)
7	06/22/2005	(396098)
8	08/29/2005	(404890)
9	07/19/2006	(482516)
10	11/29/2006	(531556)
11	01/08/2007	(533092)
12	04/25/2007	(555299)
13	06/15/2007	(564235)
14	07/18/2007	(565925)

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

Date: 08/24/2005 (404890)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: The facility failed to amend their registration to show what type of release detection is being conducted on their piping.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)[G]
Description: The Facility failed to have the following records available for review during the investigation: 1) monthly reconciliation(daily calculations), 2) monthly ATG test mode printouts.

Date 04/24/2007 (555299)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)[G]
Description: Failure to provide the following records at the time of the investigation: 1) unleaded regular UST inventory control report for November 2006 and 2) ATG test results for December 2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.49(d)(1)(D)(i)
Description: Failure to ensure that the cathodic protection system was repaired within 60 days of failing the triennial cathodic protection test.

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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	44% Enhancement	Subtotals 2, 3, & 7	\$880
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Notes The penalty was enhanced due to two previous dissimilar NOVs and two previous 1660-style agreed orders.

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

Notes The Respondent returned to compliance by July 13, 2007, which was before the NOE dated July 17, 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	\$2,380
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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	\$2,380
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,380
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DEFERRAL	20% Reduction	Adjustment	-\$476
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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	\$1,904
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Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102397189

Media [Statute] Air

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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) 44%

>> 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 NOVs and two previous 1660-style agreed orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 44%

Screening Date 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34343	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102397189		
Media [Statute] Air		
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 8, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 2 were found to have an RVP of 8.3 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"/>		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

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

Two single events are recommended, based on the two grades of gasoline out of compliance.

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="\$2,380"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,380"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34343
Reg. Ent. Reference No. RN102397189
Media Air
Violation No. 1

57624

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	8-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)

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: 2.07
Regulated Entity: RN102397189 7 ELEVEN 57624 Classification: AVERAGE Site Rating: 3.07
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7293
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1173E
Location: 9300 ACER AVE, EL PASO, TX, 79925 Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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: 05/12/2006 ADMINORDER 2005-1670-AIR-E
Classification: Moderate

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

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

Effective Date: 07/13/2007 ADMINORDER 2006-1261-AIR-E
Classification: Moderate

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

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

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	08/13/2002	(2947)
2	11/20/2002	(14675)
3	03/28/2003	(28833)
4	04/25/2003	(34088)
5	05/16/2003	(37940)
6	12/17/2003	(257482)
7	12/30/2003	(258111)
8	07/13/2004	(281476)
9	11/29/2004	(342554)
10	08/12/2005	(403187)
11	08/27/2005	(407052)
12	11/18/2005	(431525)
13	07/11/2006	(485607)
14	11/17/2006	(514703)
15	04/20/2007	(557413)
16	07/16/2007	(567397)

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

Date 04/25/2003 (34088)

Self Report? NO

Classification: Minor

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

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

Date 11/20/2006 (514703)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)[G]

Description: Failure to conduct the annual Stage II Vapor Recovery System test within twelve months.

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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20% Enhancement	Subtotals 2, 3, & 7	\$200
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Notes: The penalty was enhanced due to one previous 1660-style agreed 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	\$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 18, 2007, which was before the NOE dated July 17, 2007.

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

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

Notes:

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$760
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Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102389228

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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) 20%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced due to one previous 1660-style agreed order.

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

Screening Date 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34343	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102389228		
Media [Statute] Air		
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.="" 3="" 7,="" 7.0="" 7.4="" 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"/>		<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	<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 <input type="text" value="1"/>	<input type="text" value="11"/>	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 <input type="text" value="\$1,000"/>	

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="\$950"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$950"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34343
Reg. Ent. Reference No. RN102389228
Media Air
Violation No. 1

57635

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)	\$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 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: 2.07
Regulated Entity: RN102389228 7 ELEVEN 57635 Classification: AVERAGE Site Rating: 3.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7274
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1180H
Location: 10026 MONTANA AVE, EL PASO, TX, 79925 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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: 05/12/2006 ADMINORDER 2005-1670-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	08/15/2002	(6876)
2	09/11/2002	(10544)
3	11/20/2002	(14198)
4	12/06/2002	(12442)
5	04/25/2003	(29186)
6	06/24/2004	(268541)
7	07/15/2004	(281568)
8	07/19/2004	(282205)
9	11/29/2004	(342564)
10	05/06/2005	(371637)
11	08/12/2005	(402742)
12	08/27/2005	(406359)
13	03/30/2006	(455301)
14	07/06/2006	(484225)
15	11/10/2006	(517039)
16	01/11/2007	(535666)
17	07/16/2007	(567396)

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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

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

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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 20, 2007.

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

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

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

Notes:

Final Penalty Amount	\$750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$750
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DEFERRAL	20% Reduction	Adjustment	-\$150
-----------------	---------------	-------------------	--------

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

Notes:

Deferral offered for expedited settlement.

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

Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102006459

Media [Statute] Air

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%

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 27-Jul-2007 **Docket No.** 2007-1268-AIR-E **PCW**

Respondent Southwest Convenience Stores, LLC dba 7-Eleven *Policy Revision 2 (September 2002)*

Case ID No. 34343 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102006459

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Violation Number

Rule Cite(s)

Violation Description

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$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. 34343
Reg. Ent. Reference No. RN102006459
Media Air
Violation No. 1

53301

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	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: 2.07
Regulated Entity: RN102006459 7 ELEVEN 53301 Classification: HIGH Site Rating: 0.00

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

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

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2002 to July 31, 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 | (3110) |
| 2 | 11/07/2002 | (13942) |
| 3 | 03/28/2003 | (28244) |
| 4 | 08/13/2003 | (149768) |
| 5 | 01/22/2004 | (260650) |
| 6 | 07/30/2004 | (283155) |
| 7 | 11/29/2004 | (342470) |
| 8 | 06/22/2005 | (396162) |
| 9 | 03/27/2006 | (452074) |
| 10 | 07/18/2006 | (485405) |
| 11 | 11/09/2006 | (518002) |
| 12 | 01/11/2007 | (535684) |
| 13 | 07/19/2007 | (566072) |
- 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	30-Jul-2007	Screening	6-Aug-2007	EPA Due	
	PCW	6-Aug-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53306	
Reg. Ent. Ref. No.	RN102061124		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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 EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 6-Aug-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102061124

Media [Statute] Air

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%

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 6-Aug-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34343	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102061124		
Media [Statute] Air		
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 during an investigation conducted on June 11, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 6 was found to have an RVP of 7.6 psia.	
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 type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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="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

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. 34343
Reg. Ent. Reference No. RN102061124
Media Air
Violation No. 1

53306

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)	\$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)

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

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 2.07
Regulated Entity: RN102061124 7 ELEVEN 53306 Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 2551
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1306J
Location: 720 N FABENS, FABENS, TX, 79838 Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: August 08, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 08, 2002 to August 08, 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? Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? Good Time Stores, Inc.
Good Time Enterprise, LLC
5. When did the change(s) in ownership occur? 01/12/2006
10/01/2006

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	08/14/2002	(3127)
2	11/20/2002	(14592)
3	02/20/2003	(24057)
4	03/28/2003	(28345)
5	07/07/2003	(134034)
6	12/17/2003	(256839)
7	07/30/2004	(282526)
8	11/29/2004	(342462)
9	06/26/2005	(396742)
10	11/14/2006	(518720)
11	12/27/2006	(532917)
12	07/25/2007	(565692)

- 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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53334	
Reg. Ent. Ref. No.	RN102039070		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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 EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance by July 13, 2007, which was before the NOE dated July 20, 2007.

Total EB Amounts \$1 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

Screening Date 27-Jul-2007 **Docket No.** 2007-1268-AIR-E
Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34343
Reg. Ent. Reference No. RN102039070
Media [Statute] Air
Enf. Coordinator Lindsey Jones

PCW

Policy Revision 2 (September 2002)
 PCW Revision June 26, 2007

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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34343		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN102039070		
Media [Statute] Air		
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="" 14="" 16,="" 2007.="" 4,="" 7.0="" 8.04="" 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	<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. 34343
Reg. Ent. Reference No. RN102039070
Media Air
Violation No. 1

53334

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	4-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)

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: 2.07
Regulated Entity: RN102039070 7 ELEVEN 53334 Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2558
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE11340
Location: 2018 ANTONIO ST, ANTHONY, TX, 79821 Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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 (2931)
 - 2 11/07/2002 (15443)
 - 3 03/15/2003 (26745)
 - 4 03/28/2003 (28668)
 - 5 07/07/2003 (114303)
 - 6 10/27/2003 (253201)
 - 7 04/22/2004 (269163)
 - 8 07/15/2004 (274961)
 - 9 08/27/2005 (404679)
 - 10 11/29/2006 (531554)
 - 11 02/14/2007 (535841)
 - 12 07/19/2007 (565642)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53335
Reg. Ent. Ref. No.	RN102043999		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	\$1,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
Notes	No adjustment due to average performer classification.		
Culpability	No	0% Enhancement	Subtotal 4
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$250
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A		(mark with x)	
Notes	The Respondent returned to compliance by June 25, 2007, which was before the NOE dated July 17, 2007.		
		0% Enhancement*	Subtotal 6
Total EB Amounts	\$0	*Capped at the Total EB \$ Amount	\$0
Approx. Cost of Compliance	\$100		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$750
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>			
Notes			
		Final Penalty Amount	\$750
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$750
DEFERRAL	20% Reduction	Adjustment	-\$150
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$600

Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102043999

Media [Statute] Air

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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34343	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102043999		
Media [Statute] Air		
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,="" 2,="" 2007.="" 5="" 7.0="" 8.31="" 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"/>		<input 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	<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	<input type="text" value="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 53335
Case ID No.: 34343
Reg. Ent. Reference No.: RN102043999
Media: Air
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	2-Jun-2007	25-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)

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: 2.07
Regulated Entity: RN102043999 7 ELEVEN 53335 Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2559
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1135M
Location: 8601 N LOOP DR, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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 (3117)
 - 2 11/19/2002 (14605)
 - 3 12/16/2002 (19551)
 - 4 03/28/2003 (28672)
 - 5 12/05/2003 (249526)
 - 6 12/19/2003 (257443)
 - 7 04/01/2004 (264858)
 - 8 03/18/2005 (349580)
 - 9 06/26/2005 (396081)
 - 10 10/18/2005 (434732)
 - 11 07/16/2007 (564586)
- 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	30-Jul-2007	Screening	6-Aug-2007	EPA Due	
	PCW	6-Aug-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	57615	
Reg. Ent. Ref. No.	RN102384260		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	<input type="checkbox"/>	(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 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 6-Aug-2007 **Docket No.** 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102384260

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

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 6-Aug-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34343	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102384260		
Media [Statute] Air		
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 during an investigation conducted on June 9, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 2 was found to have an RVP of 7.8 psia.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					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="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	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. 34343
Reg. Ent. Reference No. RN102384260
Media Air
Violation No. 1

57615

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)	\$100	9-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)

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: 2.07
Regulated Entity:	RN102384260 7 ELEVEN 57615	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7263
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1166B
Location:	2050 TRAWOOD DR, EL PASO, TX, 79935	Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	August 06, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 06, 2002 to August 06, 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	(3558)
2	11/19/2002	(14233)
3	08/26/2003	(143762)
4	08/31/2003	(151456)
5	06/30/2004	(277587)
6	07/02/2004	(271022)
7	07/07/2005	(398346)
8	11/09/2005	(436584)
9	05/02/2007	(543567)
10	07/25/2007	(565928)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	30-Jul-2007	Screening	6-Aug-2007	EPA Due	
	PCW	6-Aug-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		57616
Reg. Ent. Ref. No.	RN102390028		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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 EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance by June 18, 2007, which was before the NOE date July 26, 2007.

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

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

Notes:

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$600
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Screening Date 6-Aug-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102390028

Media [Statute] Air

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 6-Aug-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34343		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN102390028		
Media [Statute] Air		
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 during an investigation conducted on June 9, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 7.4 psia.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				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

\$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

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
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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. 34343
Reg. Ent. Reference No. RN102390028
Media Air
Violation No. 1

57616

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	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

Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 2.07
Regulated Entity: RN102390028 7 ELEVEN 57616 Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 7276
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1167W
Location: 3101 N YARBROUGH DR, EL PASO, TX, 79925 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: August 06, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 06, 2002 to August 06, 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 | (3597) |
| 2 | 11/19/2002 | (14770) |
| 3 | 03/15/2003 | (26822) |
| 4 | 07/03/2003 | (133919) |
| 5 | 05/27/2004 | (272761) |
| 6 | 07/13/2004 | (281394) |
| 7 | 06/09/2005 | (377122) |
| 8 | 07/01/2005 | (398426) |
| 9 | 11/09/2005 | (436210) |
| 10 | 05/19/2006 | (463828) |
| 11 | 11/14/2006 | (516682) |
| 12 | 07/25/2007 | (565687) |
- 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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		57626
Reg. Ent. Ref. No.	RN102387024		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2% Enhancement	Subtotals 2, 3, & 7	\$20
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Notes: The 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	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 July 5, 2007, which was before the NOE dated July 20, 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	\$770
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$616
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Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102387024

Media [Statute] Air

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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34343	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102387024		
Media [Statute] Air		
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, a sample taken from the premium grade unleaded gasoline at Pump No. 3 was found to have an RVP of 8.57 psia.	
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 type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification			
		Major	Moderate	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				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="1"/>	<input type="text" value="32"/>	Number of violation days
<i>mark only one with an x</i> 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 <input type="text" value="\$1,000"/>	

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="\$770"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$770"/>	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34343
Reg. Ent. Reference No. RN102387024
Media Air
Violation No. 1

57626

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	3-Jun-2007	5-Jul-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)

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: 2.07
 Regulated Entity: RN102387024 7 ELEVEN 57626 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7269
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1175A

Location: 5385 N MESA ST, EL PASO, TX, 79912 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2002 to July 31, 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	(3437)
2	10/23/2002	(14500)
3	03/15/2003	(26702)
4	07/14/2003	(140950)
5	07/16/2004	(277992)
6	07/20/2005	(400607)
7	03/30/2007	(555287)
8	07/19/2007	(565881)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/02/2007	(555287)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.246(1)	
Description:	Failure to maintain a copy of the correct CARB Executive Order for the Stage II system (G-70-169-AA).	
- 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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	57644	
Reg. Ent. Ref. No.	RN100942085		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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 EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)

Notes

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 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 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100942085

Media [Statute] Air

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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34343	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN100942085		
Media [Statute] Air		
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.="" 6="" 7.0="" 7.4="" 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"/>		<input 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

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 type="text" value="x"/>

Violation Base Penalty

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven 57644
Case ID No.: 34343
Reg. Ent. Reference No.: RN100942085
Media: Air
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	8-Jun-2007	5-Jul-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)

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: 2.07
Regulated Entity: RN100942085 7 ELEVEN 57644 Classification: HIGH Site Rating: 0.08

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE11880
PETROLEUM STORAGE TANK REGISTRATION 23257
REGISTRATION

Location: 7790 GATEWAY BLVD E, EL PASO, TX, 79915

Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: July 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2002 to July 31, 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 (3403)
- 2 11/19/2002 (14033)
- 3 02/17/2003 (24566)
- 4 03/05/2003 (26367)
- 5 03/15/2003 (27049)
- 6 04/08/2003 (31382)
- 7 04/25/2003 (28866)
- 8 11/04/2003 (254172)
- 9 06/04/2004 (268546)
- 10 08/11/2004 (287190)
- 11 10/15/2004 (337826)
- 12 07/20/2005 (399908)
- 13 03/20/2007 (540199)
- 14 04/20/2007 (557429)
- 15 07/16/2007 (567398)

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

Date: 02/14/2003 (24566)

Self Report? NO

Classification: Minor

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

Description: Failure to conduct daily inspection

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	30-Jul-2007	Screening	6-Aug-2007	EPA Due	
	PCW	6-Aug-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven		53323
Reg. Ent. Ref. No.	RN102033800		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	35% Enhancement	Subtotals 2, 3, & 7	\$350
Notes	The penalty was enhanced due to one previous court order.		
Culpability	No	0% Enhancement	Subtotal 4
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 25, 2007, which was before the NOE dated July 26, 2007.		
		0% Enhancement*	Subtotal 6
Total EB Amounts	\$0	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$100		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$1,100
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>			
Notes			
		Final Penalty Amount	\$1,100
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$1,100
DEFERRAL	20% Reduction	Adjustment	-\$220
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$880

Screening Date 6-Aug-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102033800

Media [Statute] Air

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 6-Aug-2007 **Docket No.** 2007-1268-AIR-E **PCW**

Respondent Southwest Convenience Stores, LLC dba 7-Eleven *Policy Revision 2 (September 2002)*

Case ID No. 34343 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102033800

Media [Statute] Air

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 during an investigation conducted on June 9, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 2 was found to have an RVP of 7.6 psia.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 16 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,100

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

Economic Benefit Worksheet

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No.: 34343
Reg. Ent. Reference No.: RN102033800
Media: Air
Violation No.: 1

53323

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	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: 2.07
Regulated Entity: RN102033800 7 ELEVEN 53323 Classification: POOR Site Rating: 48.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8348
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE0991P

Location: 295 PADRES DR, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: August 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 08, 2002 to August 08, 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? Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? Good Time Stores, Inc.
Good Time Enterprise, LLC
5. When did the change(s) in ownership occur? 01/12/2006
10/01/2006

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: 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, Ordering Provision 2.b., failed to provide financial assurance.

Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: 94-0270-PST-E ORDER
Description: Failed to comply with Commission Order, Docket No. 94-0270-PST-E, Order Provision 1, failed to pay administrative penalty.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

- 1 08/10/2002 (3510)
- 2 11/06/2002 (15061)
- 3 11/21/2002 (16047)
- 4 03/28/2003 (28633)
- 5 04/24/2003 (34438)
- 6 07/30/2004 (283162)
- 7 11/29/2004 (342472)
- 8 02/18/2005 (349082)
- 9 06/22/2005 (396182)
- 10 07/25/2007 (566105)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven 53327
Reg. Ent. Ref. No.	RN102023058
Facility/Site Region	6-El Paso Major/Minor Source Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	35% Enhancement	Subtotals 2, 3, & 7	\$350
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Notes: 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	\$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 20, 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	\$1,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,100
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DEFERRAL	20% Reduction	Adjustment	-\$220
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$880
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Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102023058

Media [Statute] Air

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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34343	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102023058		
Media [Statute] Air		
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 8, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 3 was found to have an RVP of 8.8 psia.	
	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 type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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="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

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. 34343
Reg. Ent. Reference No. RN102023058
Media Air
Violation No. 1

53327

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	8-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: 2.07
Regulated Entity: RN102023058 7 ELEVEN 53327 Classification: POOR Site Rating: 68.57
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8339
REGISTRATION
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1131U
Location: 1811 HUNTER DR, EL PASO, TX, 79915 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: July 31, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 31, 2002 to July 31, 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? Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? Good Time Enterprise, LLC
Good Time Stores, Inc.
5. When did the change(s) in ownership occur? 07/13/2007
07/19/2007

Components (Multimedia) for the Site :

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

Effective Date: 08/18/2003 COURTORDER
Classification: Major
Citation: 30 TAC Chapter 37, SubChapter I 37.815[G]
Rqmt Prov: 94-0270-PST-E ORDER
Description: Failed to comply with commission Order, Docket No. 94-0270-PST-E, Ordering Provision 2.b., failed to provide financial assurance.
Classification: Major
Citation: 30 TAC Chapter 334, SubChapter B 334.22(a)
Rqmt Prov: 94-0270-PST-E ORDER
Description: Failed to comply with commission order, Docket No. 94-0270-PST-E, failed to pay tank fees.
Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: 94-0270-PST-E ORDER
Description: Failed to comply with commission order, Docket No. 94-0270-PST-E, Ordering 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 08/10/2002 (3544)
- 2 11/19/2002 (14075)
- 3 03/05/2003 (25442)
- 4 03/15/2003 (26203)
- 5 11/04/2004 (340074)
- 6 08/27/2005 (405580)
- 7 07/19/2007 (567853)

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	23-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southwest Convenience Stores, LLC dba 7-Eleven	53339	
Reg. Ent. Ref. No.	RN102061140		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34343	No. of Violations	1
Docket No.	2007-1268-AIR-E	Order Type	1660
Media Program(s)	Air	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	25% Reduction	Subtotal 5	\$500
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance by June 13, 2007, which was before the NOE dated July 17, 2007.

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

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,540
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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	\$1,540
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,540
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DEFERRAL	20% Reduction	Adjustment	-\$308
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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	\$1,232
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Screening Date 27-Jul-2007

Docket No. 2007-1268-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC dba 7-Eleven

Policy Revision 2 (September 2002)

Case ID No. 34343

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102061140

Media [Statute] Air

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were 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) 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 27-Jul-2007	Docket No. 2007-1268-AIR-E	PCW		
Respondent Southwest Convenience Stores, LLC dba 7-Eleven	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34343	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102061140				
Media [Statute] Air				
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. 2 were found to have an RVP of 7.88 and 8.44 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	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	
		11		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty \$2,000	
	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 two grades of gasoline out of compliance.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$0	Violation Final Penalty Total	\$1,540	
		This violation Final Assessed Penalty (adjusted for limits)	\$1,540	

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC dba 7-Eleven
Case ID No. 34343
Reg. Ent. Reference No. RN102061140
Media Air
Violation No. 1

53339

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	2-Jun-2007	13-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)

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	\$0
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Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 2.07
 Regulated Entity: RN102061140 7 ELEVEN 53339 Classification: AVERAGE Site Rating: 0.60
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 2563
 REGISTRATION
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1283T
 Location: 7879 N LOOP DR, EL PASO, TX, 79915 Rating Date: September 01 06 Repeat Violator: NO
 TCEQ Region: REGION 06 - EL PASO
 Date Compliance History Prepared: July 31, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 31, 2002 to July 31, 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 | 08/14/2002 | (3100) |
| 2 | 11/18/2002 | (8702) |
| 3 | 11/19/2002 | (14765) |
| 4 | 03/28/2003 | (28739) |
| 5 | 10/01/2003 | (152910) |
| 6 | 07/23/2004 | (282794) |
| 7 | 07/19/2005 | (396205) |
| 8 | 08/25/2005 | (405872) |
| 9 | 10/12/2005 | (433978) |
| 10 | 01/26/2007 | (536078) |
| 11 | 07/16/2007 | (564531) |

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

Date: 08/26/2005 (405872)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)[G]

Description: Failure to provide following records at the time of the investigation: 1) proof of financial assurance 2) ATG monthly test mode results 3) monthly inventory control and leak check results for May, June and July of 2005.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failure to indicate release detection method for piping; all possible methods are indicated on the registration form, even though annual tightness testing is the only method being used.

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
RN102006459; RN102061124;
RN102017068; RN102032422;
RN102033800; RN102023058;
RN102024072; RN102039070;
RN102043999; RN102061140;
RN102384260; RN102390028;
RN102397189; RN102387024;
RN102389228; RN100942085

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1268-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 sixteen 7-Eleven convenience stores with retail gasoline sales at the following locations in El Paso County, Texas (the "Stations"):
 - a. 8386 Alameda Avenue, El Paso, Texas (7-Eleven 53301);
 - b. 720 North Fabens, Fabens, Texas (7-Eleven 53306);
 - c. 1098 Country Club Road, El Paso, Texas (7-Eleven 53313);
 - d. 9370 North Loop Drive, El Paso, Texas (7-Eleven 53322);

- e. 295 Padres Drive, El Paso, Texas (7-Eleven 53323);
 - f. 1811 Hunter Drive, El Paso, Texas (7-Eleven 53327);
 - g. 995 Lomaland Drive, El Paso, Texas (7-Eleven 53329);
 - h. 2018 Antonio Street, Anthony, Texas (7-Eleven 53334);
 - i. 8601 North Loop Drive, El Paso, Texas (7-Eleven 53335);
 - j. 7879 North Loop Drive, El Paso, Texas (7-Eleven 53339);
 - k. 2050 Trawood Drive, El Paso, Texas (7-Eleven 57615);
 - l. 3101 North Yarbrough Drive, El Paso, Texas (7-Eleven 57616);
 - m. 9300 Acer Avenue, El Paso, Texas (7-Eleven 57624);
 - n. 5385 North Mesa Street, El Paso, Texas (7-Eleven 57626);
 - o. 10026 Montana Avenue, El Paso, Texas (7-Eleven 57635); and
 - p. 7790 Gateway Boulevard East, El Paso, Texas (7-Eleven 57644).
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 22, 24, 25, and 31, 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 Seventeen Thousand Four Hundred Fifty Dollars (\$17,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Southwest Convenience Stores has paid Six Thousand Nine Hundred Eighty Dollars (\$6,980) of the administrative penalty and Three Thousand Four Hundred Ninety Dollars (\$3,490) 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. Six

Thousand Nine Hundred Eighty Dollars (\$6,980) 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 by July 13, 2007, Southwest Convenience Stores has come into compliance at Station numbers 53301, 53313, 53322, 53323, 53327, 53329, 53334, 53335, 53339, 57615, 57616, 57624, 57626, 57635, and 57644.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Southwest Convenience Stores has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with the 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, 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 53301 was found to have an RVP of 8.1 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, a sample taken from the premium grade unleaded gasoline at Pump No. 6 of 7-Eleven 53306 was found to have an RVP of 7.6 psia.
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 11, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 53313 was found to have an RVP of 8.09 psia.

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 2, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 5 of 7-Eleven 53322 was found to have an RVP of 7.54 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. 2 of 7-Eleven 53323 was found to have an RVP of 7.6 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 8, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 53327 was found to have an RVP of 8.8 psia.
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 2, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 1 of 7-Eleven 53329 was found to have an RVP of 7.93 and 8.64 psia, respectively.
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 4, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 14 of 7-Eleven 53334 was found to have an RVP of 8.04 psia.
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 2, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 5 of 7-Eleven 53335 was found to have an RVP of 8.31 psia.
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 2, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 53339 were found to have an RVP of 7.88 and 8.44 psia, respectively.
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 9, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 57615 was found to have an RVP of 7.8 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 9, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 of 7-Eleven 57616 was found to have an RVP of 7.4 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 8, 2007. Specifically, samples taken from the mid and premium grade unleaded gasoline at Pump No. 2 of 7-Eleven 57624 were both found to have an RVP of 8.3 psia.
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 3, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 57626 was found to have an RVP of 8.57 psia.
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 7, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 3 of 7-Eleven 57635 was found to have an RVP of 7.4 psia.
16. 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 8, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 6 of 7-Eleven 57644 was found to have an RVP of 7.4 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. 2007-1268-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, Six Thousand Nine Hundred Eighty Dollars (\$6,980) 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 and September 16 of each year shall not exceed 7.0 psia at Station No. 53306; 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:

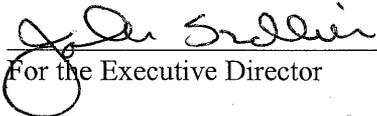
Air Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/20/2008
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: 2007-1268-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Southwest Convenience Stores, LLC dba 7-Eleven
Payable Penalty Amount: Thirteen Thousand Nine Hundred Sixty Dollars (\$13,960)
SEP Amount: Six Thousand Nine Hundred Eighty Dollars (\$6,980)
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

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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.

