

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**BUCKET NO.:** 2008-0024-AIR-E **TCEQ ID:** RN102017068; RN102017241; RN102023058; RN102034436; RN102053402; RN102390507; RN102396173; RN102387396; RN102393170; RN102384666; RN102384260; RN100823913; RN102389228; RN102388816; RN102390960; RN101463321; RN100942085; and RN102209822

**CASE NO.:** 35164

**RESPONDENT NAME:** Southwest Convenience Stores, LLC

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 1098 Country Club Road (7-Eleven 53313); 5598 Doniphan Drive (7-Eleven 53324); 1811 Hunter Drive (7-Eleven 53327); 2955 George Dieter Drive (7-Eleven 53343); 400 South Mesa Hills Drive (7-Eleven 53347); 3525 North Yarbrough Drive (7-Eleven 57607); 5003 Alabama Street (7-Eleven 57608); 301 Shadow Mountain Drive (7-Eleven 57610); 8901 Diana Drive (7-Eleven 57611); 2112 North Mesa Street (7-Eleven 57614); 2050 Trawood Drive (7-Eleven 57615); 599 North Yarbrough Drive (7-Eleven 57634); 10026 Montana Avenue (7-Eleven 57635); 1797 George Dieter Drive (7-Eleven 57638); 8300 Dyer Street (7-Eleven 57641); 6680 Montana Avenue (7-Eleven 57643); 7790 Gateway Boulevard East (7-Eleven 57644); and 1330 North Zaragoza Road (7-Eleven 57650), El Paso, El Paso County</p> <p><b>TYPE OF OPERATION:</b> Convenience stores with retail gasoline sales</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 12, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Ted Moon, District Manager, Southwest Convenience Stores, LLC, 2002 North Piedras Road, El Paso, Texas 79930          Mr. Scott Prau, Director of Fuel and Transportation, Southwest Convenience Stores, LLC, 2002 North Piedras Road, El Paso, Texas 79930          Mr. Mark Owens, President, EE&amp;G, Inc, 606 Palo Pinto Street, Weatherford, Texas 76086  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 1, 2, 3, 4, 5, 6, 8, and 12, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 30, December 4, and December 6, 2007 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the mid-grade unleaded gasoline at pump number two of 7-Eleven 53313 was found to be 2.0% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular grade and premium grade unleaded gasoline at pump number five of 7-Eleven 53324 was found to be 1.7% and 1.5% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number three of 7-Eleven 53327 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$24,860</p> <p><b>Total Deferred:</b> \$4,972  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$19,888</p> <p>RN102209822, RN100942085, RN102384260, RN102387396; and RN102034436</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>RN101463321, RN102390960, RN102388816, RN102389228, RN100823913, RN102384666, RN102393170, RN102396173, RN102390507, RN102053402, RN102017241, and RN102017068</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>RN102023058</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by November 1, 2007, the Respondent has come into compliance at Station numbers 53313, 53324, 53343, 57607, 57608, 57610, 57611, 57614, 57615, 57635, 57638, 57641, 57644, and 57650.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1st and March 31st of each year shall have the minimum oxygen content of 2.7% by weight at Stations 53327, 53347, 57634, and 57643; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

4) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 53343 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular grade unleaded gasoline at pump number one of 7-Eleven 53347 was found to be 2.1% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number one of 7-Eleven 57607 was found to be 1.8% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the mid-grade and premium grade unleaded gasoline at pump number four of 7-Eleven 57608 was found to be 2.5% and 1.7% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number one of 7-Eleven 57610 was found to be 1.8% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular grade and premium grade unleaded gasoline at pump number four of 7-Eleven 57611 was found to be

2.5% and 2.0% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the mid-grade and premium grade unleaded gasoline at pump number four of 7-Eleven 57614 was found to be 2.3% and 1.9% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular grade, mid-grade, and premium grade unleaded gasoline at pump number four of 7-Eleven 57615 was found to be 2.2%, 1.8% and 1.0% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular grade unleaded gasoline at pump number four of 7-Eleven 57634 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 57635 was found to be 1.3% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number two of 7-Eleven 57638 was found to be 2.0% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

<p>15) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 57641 was found to be 1.6% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>16) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 57643 was found to be 2.1% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>17) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular grade unleaded gasoline at pump number five of 7-Eleven 57644 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>18) Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the mid-grade and premium grade unleaded gasoline at pump number nine of 7-Eleven 57650 was found to be 2.1% and 1.6% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): EE0995H, EE1130W, EE1131U, EE1141R, EE1143N, EE1050V, EE1159V, EE1161L, EE1162J, EE1165D, EE1166B, EE1007W, EE1180H, EE1183B, EE1184W, EE1187Q, EE1188O, EE2066W





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	10-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$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		
Ordinary	X	
N/A		(mark with x)

Notes

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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** 19-Dec-2007 **Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102017068

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**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**

Penalty enhancement due to two nonsimilar NOVs.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>	
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN102017068			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> James Nolan			
<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the mid-grade unleaded gasoline at pump number two was found to be 2.0% oxygen content by weight.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>
Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<b>&gt;&gt;Programmatic Matrix</b>			
	Falsification	Major    Moderate    Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
	<b>Adjustment</b>	<input style="width: 100px;" type="text" value="\$9,000"/>	
			<input style="width: 100px;" type="text" value="\$1,000"/>
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input style="width: 50px;" type="text" value="1"/>	<b>Number of violation days</b>
		<input style="width: 50px;" type="text" value="5"/>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$1,000"/>
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input style="width: 100px;" type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input style="width: 100px;" type="text" value="\$790"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input style="width: 100px;" type="text" value="\$790"/>

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC 7 Eleven Station 53313  
**Case ID No.** 35164  
**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
<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	\$600	12-Oct-2007	17-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102017068 7 ELEVEN 53313 Classification: AVERAGE Site Rating: 0.57  
 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: 9/1/2007 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 28, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 27, 2002 to December 27, 2007  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: James Nolan Phone: (512) 239-6634

## 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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	03/17/2003	(28124)
2	10/22/2003	(252409)
3	05/04/2004	(270906)
4	07/26/2004	(280867)
5	06/22/2005	(396098)
6	08/29/2005	(404890)
7	07/19/2006	(482516)
8	11/29/2006	(531556)
9	01/08/2007	(533092)
10	04/25/2007	(555299)
11	07/18/2007	(565925)
12	07/20/2007	(564235)
13	12/05/2007	(600339)
- 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)		

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)

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 November 6, 2007

<b>DATES</b>	Assigned	3-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 55% Enhancement Subtotals 2, 3, & 7

Notes

**Culpability** No 0% Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply** 25% Reduction Subtotal 5

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

Notes

Total EB Amounts  Subtotal 6   
 Approx. Cost of Compliance  \*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.

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 19-Dec-2007 Docket No. 2008-0024-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35164

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102017241

Media [Statute] Air

Enf. Coordinator James Nolan

### 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	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) 55%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to one previous 1660 style AO and one previous adjudicated court order.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>			
<b>Respondent</b> Southwest Convenience Stores, LLC	7 f	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN102017241					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> James Nolan					
<b>Violation Number</b> <input type="text" value="1"/>					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 2, 2007. Specifically, samples taken from the regular grade and premium grade unleaded gasoline at pump number five were found to be 1.7% and 1.5% oxygen content by weight, respectively.				
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt;Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>			
		<input type="text" value="\$1,000"/>			
<b>Violation Events</b>					
	Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="10"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text"/>	<input type="text"/>		
	quarterly	<input type="text"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>	
	Two single events are recommended.				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
	Estimated EB Amount	<input type="text" value="\$1"/>	Violation Final Penalty Total	<input type="text" value="\$2,600"/>	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$2,600"/>	

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102017241  
**Media Air**  
**Violation No.** 1  
 7 Eleven Station 53324

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	2-Oct-2007	12-Oct-2007	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$1

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
Regulated Entity: RN102017241 7 ELEVEN 53324 Classification: AVERAGE Site Rating: 37.50  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 8334  
REGISTRATION  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1130W  
Location: 5598 DONIPHAN DR, EL PASO, TX, 79932 Rating Date: September 01 07 Repeat Violator: NO  
TCEQ Region: REGION 06 - EL PASO  
Date Compliance History Prepared: December 27, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 27, 2002 to December 27, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: James Nolan Phone: (512) 239-6634

## 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.
5. When did the change(s) in ownership occur? 01/12/2006

## Components (Multimedia) for the Site :

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

Effective Date: 08/18/2003 COURTORDER

Classification: Major

Citation: 30 TAC Chapter 37, SubChapter I 37.815

Rqmt Prov: 1994-0270-PST-E ORDER

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

Classification: Major

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

Rqmt Prov: 1994-0270-PST-E ORDER

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

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 1994-0270-PST-E ORDER

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

Effective Date: 08/10/2007 ADMINORDER 2006-2038-AIR-E

Classification: Moderate

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

Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1 03/28/2003 (28636)

N/A

2 10/29/2003 (253465)

3 03/19/2004 (248323)

4 07/15/2004 (282324)

5 03/16/2005 (349455)

6 08/27/2005 (404654)

7 11/29/2005 (438719)

8 03/29/2006 (453907)

9 11/10/2006 (518627)

10 01/08/2007 (535497)

11 01/08/2007 (533093)

12 07/31/2007 (565138)  
13 11/29/2007 (600445)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	3-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$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"/> X	(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.

**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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102023058

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 35%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to one previous adjudicated court order.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102023058		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number three was found to be 2.2% oxygen content by weight."/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	<b>Release</b>	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"/>
	<b>Percent</b>	<input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b>	Major    Moderate    Minor
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>
		<input type="text" value="\$1,000"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="69"/> <b>Number of violation days</b>
<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"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
	<input type="text" value="One single event is recommended."/>	
<b>Economic Benefit (EB) for this violation</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$14"/>	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,350"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,350"/>	

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102023058  
**Media Air**  
**Violation No. 1**

7 Eleven Station 53327

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	12-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the final date of the oxygenated fuel compliance period.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$14

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102023058	7 ELEVEN 53327	Classification: POOR	Site Rating: 68.57
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	8339
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	EE1131U
Location:	1811 HUNTER DR, EL PASO, TX, 79915		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	December 27, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 27, 2002 to December 27, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>James Nolan</u>		Phone:	<u>(512) 239-6634</u>

## 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<br>Good Time Stores, Inc. |
| 5. When did the change(s) in ownership occur?  | 07/13/2007<br>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	
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 | 03/05/2003 | (25442)  |
| 2 | 03/15/2003 | (26203)  |
| 3 | 11/04/2004 | (340074) |
| 4 | 08/27/2005 | (405580) |
| 5 | 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 November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	10-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	3-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Southwest Convenience Stores, LLC	7 Eleven Station 53343	
Reg. Ent. Ref. No.	RN102034436		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV    NOV to EDPRP/Settlement Offer

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

Notes

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102034436

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

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

**Adjustment Percentage (Subtotal 2)** 0%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

No penalty enhancement due to average performer classification.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102034436		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four was found to be 2.2% oxygen content by weight.	
	<b>Base Penalty</b>	\$10,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>			X	<b>Percent</b> 10%
<b>Potential</b>					

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> 0%

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

**Adjustment** \$9,000

\$1,000

Violation Events

Number of Violation Events 1      1 Number of violation days

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

**Violation Base Penalty** \$1,000

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <span style="border:1px solid black; padding:2px 20px;">\$0</span>	Violation Final Penalty Total <span style="border:1px solid black; padding:2px 20px;">\$750</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border:1px solid black; padding:2px 20px;">\$750</span>	

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC 7 Eleven Station 53343  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102034436  
**Media Air**  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	6-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

1  
\$0

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.42  
 Regulated Entity: RN102034436 7 ELEVEN 53343 Classification: HIGH Site Rating: 0.0  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 44143  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1141R  
 Location: 2955 GEORGE DIETER DR, EL PASO, TX, 79936 Rating Date: 9/1/07 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: January 03, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 27, 2002 to December 27, 2007

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

Name: James Nolan Phone: (512) 239-6634

## 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	03/16/2003	(26678)
2	03/28/2003	(28782)
3	02/26/2004	(258103)
4	07/30/2004	(282895)
5	10/19/2004	(337983)
6	08/27/2005	(405593)
7	07/18/2006	(485821)
8	11/29/2006	(531477)
9	06/22/2007	(564614)
10	12/03/2007	(601027)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	10-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	4-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Southwest Convenience Stores, LLC		7 Eleven Station 53347
Reg. Ent. Ref. No.	RN102053402		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability** **Subtotal 4**

Notes

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

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

Notes

**Subtotal 6**  **Subtotal 6**

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

Approx. Cost of Compliance

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

Notes

**PAYABLE PENALTY** **Final Assessed Penalty**

**Screening Date** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102053402

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**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**

Penalty enhancement due to one previous nonsimilar NOV.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102053402		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the regular grade unleaded gasoline at pump number one was found to be 2.1% oxygen content by weight.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

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

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

**>>Programmatic Matrix**

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$14"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,020"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,020"/>	

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102053402  
**Media Air**  
**Violation No. 1**

7 Eleven Station 53347

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	8-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the final date of the oxygenated fuel compliance period.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$14

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102053402 7 ELEVEN 53347 Classification: AVERAGE Site Rating: 0.27  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 45902  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1143N  
 Location: 400 S MESA HILLS DR, EL PASO, TX, 79912 Rating Date: 9/1/07 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 28, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 27, 2002 to December 27, 2007

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

Name: James Nolan Phone: (512) 239-6634

## 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 05/12/2003 (36383)
- 2 07/14/2003 (140949)
- 3 10/29/2003 (253247)
- 4 05/03/2004 (268468)
- 5 07/02/2004 (274716)
- 6 08/03/2004 (285377)
- 7 10/21/2004 (338145)
- 8 08/17/2005 (401039)
- 9 02/05/2007 (535846)
- 10 12/03/2007 (600712)

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

Date: 05/04/2004 (268468)

Self Report? NO

Classification: Moderate

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

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	3-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	3-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Southwest Convenience Stores, LLC	7 Eleven Station 57607	
Reg. Ent. Ref. No.	RN102390507		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV      NOV to EDRP/Settlement Offer

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

Notes

**Total EB Amounts**  **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.

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** 19-Dec-2007 **Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102390507

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

### 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** Penalty enhancement due to one previous nonsimilar NOV.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>												
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>												
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>												
<b>Reg. Ent. Reference No.</b> RN102390507														
<b>Media [Statute]</b> Air														
<b>Enf. Coordinator</b> James Nolan														
<b>Violation Number</b> <input type="text" value="1"/>														
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>													
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number one was found to be 1.8% oxygen content by weight."/>													
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	<b>Harm</b>													
	Release    Major    Moderate    Minor													
	Actual <input type="text"/> <input type="text"/> <input type="text"/> <input type="text" value="x"/>	<b>Percent</b> <input type="text" value="10%"/>												
Potential <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>														
<b>&gt;&gt; Programmatic Matrix</b>														
	Falsification    Major    Moderate    Minor													
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>												
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>													
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>												
		<input type="text" value="\$1,000"/>												
<b>Violation Events</b>														
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="9"/> <b>Number of violation days</b>												
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
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"/>													
	<input type="text" value="One single event is recommended."/>													
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount</b> <input type="text" value="\$1"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$770"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$770"/>													

### Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC

7 Eleven Station 57607

**Case ID No.** 35164

**Reg. Ent. Reference No.** RN102390507

**Media Air**

**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	1-Oct-2007	10-Oct-2007	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$1

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102390507 7 ELEVEN 57607	Classification: AVERAGE	Site Rating: 1.09
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION  ACCOUNT NUMBER	7277  EE1050V
Location:	3525 N YARBROUGH DR, EL PASO, TX, 79925	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 27, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>James Nolan</u>	Phone:	<u>(512) 239-6634</u>

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 03/06/2003 | (19201)  |
| 2 | 07/13/2004 | (281264) |
| 3 | 11/29/2004 | (342523) |
| 4 | 05/06/2005 | (377125) |
| 5 | 07/01/2005 | (398325) |
| 6 | 07/06/2006 | (484137) |
| 7 | 07/13/2006 | (483215) |
| 8 | 08/14/2006 | (497170) |
| 9 | 11/29/2007 | (600138) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 07/13/2006   | (483215) |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.245(2)  |          |                          |
| Description: | Failure to conduct triennial testing in accordance with TCEQ rules and regulations. At the time of investigation it was noted that the triennial testing was overdue. Last successful triennial testing was conducted on April 9, 2003 and therefore should have been conducted by the end of April, 2006. |          |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.246(6)  |          |                          |
| Description: | Failure to record daily inspections of Stage II Vapor Recovery system.   |          |                          |
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b> <input style="width: 100%;" type="text"/>
	PCW	3-Jan-2008			

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Southwest Convenience Stores, LLC
Reg. Ent. Ref. No.	RN102396173
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35164	No. of Violations	1	
Docket No.	2008-0024-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	James Nolan	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

### Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability** **Subtotal 4**

Notes

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	X	<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.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

Notes

**PAYABLE PENALTY**

**Screening Date** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102396173

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	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%
<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**

Penalty enhancement due to one previous nonsimilar NOV.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102396173		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 5, 2007. Specifically, samples taken from the mid-grade and premium grade unleaded gasoline at pump number four were found to be 2.5% and 1.7% oxygen content by weight, respectively."/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release      Major      Moderate      Minor	
	Actual <input type="text"/> <input type="text"/> <input type="text" value="X"/>	<b>Percent</b> <input type="text" value="10%"/>
Potential <input type="text"/> <input type="text"/> <input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification      Major      Moderate      Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>
		<input type="text" value="\$1,000"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="2"/>	<input type="text" value="5"/> <b>Number of violation days</b>
<i>mark only one with an x</i>	daily <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>
	monthly <input type="text"/>	
	quarterly <input type="text"/>	
	semiannual <input type="text"/>	
	annual <input type="text"/>	
	single event <input type="text" value="X"/>	
<input type="text" value="Two single events are recommended."/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,540"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,540"/>

### Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC

7 Eleven Station 57608

**Case ID No.** 35164

**Reg. Ent. Reference No.** RN102396173

**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	\$600	5-Oct-2007	10-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102396173 7 ELEVEN 57608	Classification: AVERAGE	Site Rating: 0.46
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7290
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1159V
Location:	5003 ALABAMA ST, EL PASO, TX, 79930	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 27, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		

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

Name: James Nolan Phone: (512) 239-6634

## 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  | 04/08/2003 | (31380)  |
| 2  | 06/11/2003 | (40885)  |
| 3  | 05/07/2004 | (271543) |
| 4  | 07/06/2004 | (278487) |
| 5  | 07/13/2004 | (280861) |
| 6  | 07/20/2005 | (397549) |
| 7  | 11/11/2005 | (436721) |
| 8  | 07/25/2006 | (482858) |
| 9  | 11/29/2006 | (531563) |
| 10 | 04/10/2007 | (555298) |
| 11 | 06/20/2007 | (564444) |
| 12 | 11/30/2007 | (600495) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |          |                          |
|--------------|---|----------|--------------------------|
| Date:        | 04/11/2007  | (555298) |                          |
| Self Report? | NO  |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(C)   |          |                          |
| Description: | Failure to permanently label USTs according to the self-certification form.   |          |                          |
| Self Report? | NO  |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 334, SubChapter A 334.7(d)(3)  |          |                          |
| Description: | Failure to update the facility registration to reflect that temporarily out-of-service tank (#2) is not empty. The registration indicates that UST #2 is empty, although an inventory report provided on March 14, 2007, indicates that 3.8 inches of fuel remain in the UST. |          |                          |
- F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	10-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 57610
<b>Reg. Ent. Ref. No.</b>	RN102387396		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV      NOV to EDRP/Settlement Offer

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

Notes

**Total EB Amounts**  **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.

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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102387396

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

### Compliance History Worksheet

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

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

**Adjustment Percentage (Subtotal 2)** 0%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

No penalty enhancement due to average performer classification.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>		
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN102387396				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> James Nolan				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number one was found to be 1.8% oxygen content by weight.			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	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"/>
		<b>Percent</b>	<input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="2"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>	<input type="text"/>
	monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>
	quarterly	<input type="text"/>	<input type="text"/>	<input type="text"/>
	semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	annual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>		
	One single event is recommended.			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
	Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$750"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$750"/>

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102387396  
**Media** Air  
**Violation No.** 1

7 Eleven Station 57610

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	8-Oct-2007	10-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102387396 7 ELEVEN 57610	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7270
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1161L
Location:	301 SHADOW MOUNTAIN DR, EL PASO, TX, 79912	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 28, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		

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

Name: James Nolan Phone: (512) 239-6634

### 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	04/18/2003	(33606)
2	05/05/2003	(31683)
3	07/26/2004	(278127)
4	12/20/2004	(339855)
5	07/21/2005	(399869)
6	11/29/2006	(531567)
7	12/03/2007	(600630)
- 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

Department of Political Science  
1100 East 58th Street  
Chicago, Illinois 60637

Dear \_\_\_\_\_:

I am pleased to inform you that you have been selected for the position of \_\_\_\_\_ in the Department of Political Science. This position is a full-time, permanent position and is part of the regular faculty.

The position is in the area of \_\_\_\_\_ and you will be expected to teach and conduct research in this area. You will also be expected to participate in the department's activities and to contribute to the development of the department.

The salary for this position is \$\_\_\_\_\_. This salary is based on your qualifications and experience and is in line with the salaries of other faculty members in the department.

The position is available starting on \_\_\_\_\_ and you will be expected to report to work on that date. If you have any questions or need further information, please contact \_\_\_\_\_ at \_\_\_\_\_.

I am confident that you will find this position to be a challenging and rewarding one and that you will make a valuable contribution to the Department of Political Science. We look forward to your arrival and to working with you.

Sincerely,  
\_\_\_\_\_  
Chair, Search Committee

\_\_\_\_\_  
Department of Political Science



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	3-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

	Before NOV	NOV to EDP RP/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.

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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102393170

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**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)	4	80%
	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)** 82%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to four previous 1660 style AOs and one nonsimilar NOV.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 82%

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102393170		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 3, 2007. Specifically, samples taken from the regular grade and premium grade unleaded gasoline at pump number four were found to be 2.5% and 2.0% oxygen content by weight, respectively."/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <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>	<b>daily</b>	<input type="text"/>
	<b>monthly</b>	<input type="text"/>
	<b>quarterly</b>	<input type="text"/>
	<b>semiannual</b>	<input type="text"/>
	<b>annual</b>	<input type="text"/>
	<b>single event</b>	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$3,140"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,140"/>	

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC

7 Eleven Station 57611

**Case ID No.** 35164

**Reg. Ent. Reference No.** RN102393170

**Media Air**

**Violation No. 1**

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	3-Oct-2007	10-Oct-2007	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$1

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102393170 7 ELEVEN 57611	Classification: AVERAGE	Site Rating: 13.35
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7283
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1162J
Location:	8901 DIANA DR, EL PASO, TX, 79904	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 27, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		

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

Name: James Nolan Phone: (512) 239-6634

## 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: 04/10/2005 | ADMINORDER 2004-0076-AIR-E |
| Classification: Moderate  |                            |                            |
| Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)<br>5C THC Chapter 382, SubChapter A 382.085(b)  |                            |                            |
| Description: Failure to comply with 30 TAC 114.100(a), Oxygenated Fuel Requirements.  |                            |                            |
| Effective Date: 05/12/2006  |                            | ADMINORDER 2005-1670-AIR-E |
| Classification: Moderate  |                            |                            |
| Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)<br>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: Major   |                            |                            |
| Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)<br>5C THC Chapter 382, SubChapter D 382.085(b)  |                            |                            |
| Description: Failure to comply with 30 TAC 115.252(2) RVP Fuel Requirements.  |                            |                            |
| Effective Date: 08/10/2007  |                            | ADMINORDER 2006-2038-AIR-E |
| Classification: Moderate  |                            |                            |
| Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)<br>5C THC Chapter 382, SubChapter D 382.085(b)  |                            |                            |
| Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.            |                            |                            |

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 | 01/21/2003 | (19698) |
| 2 | 05/19/2003 | (38033) |

3 06/30/2003 (126931)  
 4 01/05/2004 (258690)  
 5 06/24/2004 (268471)  
 6 07/13/2004 (280875)  
 7 07/08/2005 (399010)  
 8 08/03/2005 (403181)  
 9 08/27/2005 (407113)  
 10 07/28/2006 (486294)  
 11 11/10/2006 (516414)  
 12 01/08/2007 (535488)  
 13 04/24/2007 (555293)  
 14 06/27/2007 (563648)  
 15 11/30/2007 (600483)

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

Date	04/27/2007	(555293)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 334, SubChapter A 334.10(b)			
Description:	Failure to provide inventory control records of the unleaded regular UST for the month of February 2007, in order to determine whether or not a suspected release had occurred from that tank. This tank failed inventory control for the month of January 2007.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 334, SubChapter A 334.8(c)(5)(C)			
Description:	Failure to permanently label USTs with the tank number according to the self-certification form.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 334, SubChapter C 334.54(b)(2)			
Description:	Failure to ensure that fill cap and Stage I riser cap are locked to prevent unauthorized access to the temporarily out-of-service UST (UST #3).			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 334, SubChapter C 334.54(e)(4)(A)			
Description:	Failure to provide documentation that UST #3 (temporarily-out-of-service) has been emptied of all regulated substances (to a level less than 2.5 cm).			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV      NOV to EDRP/Settlement Offer

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

Notes

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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** 19-Dec-2007 **Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102384666

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

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

**Adjustment Percentage (Subtotal 2)** 20%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to one previous 1660 style AO.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102384666		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 4, 2007. Specifically, samples taken from the mid-grade and premium grade unleaded gasoline at pump number four were found to be 2.3% and 1.9% oxygen content by weight, respectively."/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual <input type="text"/> <input type="text"/> <input type="text" value="x"/>	<b>Percent</b> <input type="text" value="10%"/>
Potential <input type="text"/> <input type="text"/> <input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>
		<input type="text" value="\$1,000"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="2"/>	<b>Number of violation days</b> <input type="text" value="1"/>
<i>mark only one with an x</i>	daily <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>
	monthly <input type="text"/>	
	quarterly <input type="text"/>	
	semiannual <input type="text"/>	
	annual <input type="text"/>	
	single event <input type="text" value="x"/>	
<input type="text" value="Two single events are recommended."/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,900"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,900"/>

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102384666  
**Media** Air  
**Violation No.** 1

7 Eleven Station 57614

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$.

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	4-Oct-2007	4-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102384666 7 ELEVEN 57614	Classification: AVERAGE	Site Rating: 3.46
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7264
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1165D
Location:	2112 N MESA ST, EL PASO, TX, 79902	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 27, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	James Nolan	Phone:	(512) 239-6634

## 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	Effective Date: 08/10/2007	ADMINORDER 2006-2038-AIR-E
	Classification: Moderate	
	Citation: 30 TAC Chapter 114, SubChapter D 114.100(a) 5C THC Chapter 382, SubChapter D 382.085(b)	

Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

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

N/A

C. Chronic excessive emissions events.

N/A

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

- |    |            |          |
|----|------------|----------|
| 1  | 06/23/2003 | (119418) |
| 2  | 07/14/2003 | (142012) |
| 3  | 11/11/2003 | (254675) |
| 4  | 07/30/2004 | (280789) |
| 5  | 12/02/2004 | (342645) |
| 6  | 06/22/2005 | (380851) |
| 7  | 07/20/2005 | (400382) |
| 8  | 06/15/2006 | (465110) |
| 9  | 11/10/2006 | (518522) |
| 10 | 01/11/2007 | (535575) |
| 11 | 07/05/2007 | (566486) |
| 12 | 11/29/2007 | (600508) |

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV      NOV to EDRP/Settlement Offer

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

Notes

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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** 19-Dec-2007 **Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102384260

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

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

**Adjustment Percentage (Subtotal 2)** 0%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

No penalty enhancement due to average performer classification.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>												
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<small>Policy Revision 2 (September 2002)</small>												
<b>Case ID No.</b> 35164		<small>PCW Revision November 6, 2007</small>												
<b>Reg. Ent. Reference No.</b> RN102384260														
<b>Media [Statute]</b> Air														
<b>Enf. Coordinator</b> James Nolan														
<b>Violation Number</b> <input type="text" value="1"/>														
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>													
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2007. Specifically, samples taken from the regular grade, mid-grade, and premium grade unleaded gasoline at pump number four were found to be 2.2%, 1.8% and 1.0% oxygen content by weight, respectively."/>													
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
<b>OR</b>	<b>Harm</b>													
	<b>Release</b>	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"/>												
	<b>Percent</b>	<input type="text" value="10%"/>												
<b>&gt;&gt; Programmatic Matrix</b>														
	<b>Falsification</b>	Major    Moderate    Minor												
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>												
	<b>Percent</b>	<input type="text" value="0%"/>												
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>													
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>												
		<input type="text" value="\$1,000"/>												
<b>Violation Events</b>														
	<b>Number of Violation Events</b> <input type="text" value="3"/>	<input type="text" value="6"/> <b>Number of violation days</b>												
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	<b>Violation Base Penalty</b> <input type="text" value="\$3,000"/>
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"/>													
	<input type="text" value="Three single events are recommended."/>													
<b>Economic Benefit (EB) for this violation</b>														
	<b>Estimated EB Amount</b> <input type="text" value="\$0"/>	<b>Statutory Limit Test</b>												
		<b>Violation Final Penalty Total</b> <input type="text" value="\$2,250"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,250"/>													

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102384260  
**Media Air**  
**Violation No.** 1

7 Eleven Station 57615

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	1-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102384260 7 ELEVEN 57615	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION  ACCOUNT NUMBER	7263  EE1166B
Location:	2050 TRAWOOD DR, EL PASO, TX, 79935	Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 27, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>James Nolan</u>	Phone:	<u>(512) 239-6634</u>

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	08/26/2003	(143762)
2	08/31/2003	(151456)
3	06/30/2004	(277587)
4	07/02/2004	(271022)
5	07/07/2005	(398346)
6	11/09/2005	(436584)
7	05/02/2007	(543567)
8	07/25/2007	(565928)
9	11/29/2007	(600137)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	10-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	4-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Southwest Convenience Stores, LLC	7 Eleven Station 57634	
Reg. Ent. Ref. No.	RN100823913		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

### Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes:  42% - Enhancement

**Culpability** **Subtotal 4**

Notes:  No  Enhancement

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

Notes:  0% Reduction

	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)	

**Subtotal 6**  0% Enhancement\*

Approx. Cost of Compliance  Total EB Amounts

\*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.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

Notes:  20% Reduction

**PAYABLE PENALTY**

**Screening Date** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN100823913

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

### 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)	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)** 42%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to two previous 1660 style AOs and one nonsimilar NOV.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN100823913		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the regular grade unleaded gasoline at pump number four was found to be 2.2% oxygen content by weight.	
	<b>Base Penalty</b>	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

<b>Matrix Notes</b>	<b>Falsification</b>			
	Major	Moderate	Minor	
				<b>Percent</b> <input style="width:50px" type="text" value="0%"/>
Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

**Adjustment**

\$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.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input style="width:150px" type="text" value="\$14"/>	Violation Final Penalty Total <input style="width:100px" type="text" value="\$1,420"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width:100px" type="text" value="\$1,420"/>	

### Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC

7 Eleven Station 57634

**Case ID No.** 35164

**Reg. Ent. Reference No.** RN100823913

**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	\$600	12-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is last date of the compliance period.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$14

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
Regulated Entity: RN100823913 7 ELEVEN 57634 Classification: AVERAGE Site Rating: 7.00  
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1007W  
PETROLEUM STORAGE TANK REGISTRATION 7299  
REGISTRATION  
Location: 599 N YARBROUGH DR, EL PASO, TX, 79915 Rating Date: 9/1/2007 Repeat Violator: NO  
TCEQ Region: REGION 06 - EL PASO  
Date Compliance History Prepared: December 28, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 27, 2002 to December 27, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: James Nolan Phone: (512) 239-6634

## 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: 04/10/2005 ADMINORDER 2004-0076-AIR-E  
Classification: Moderate

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

Description: Failure to comply with 30 TAC 115.252 (2) RVP Fuel Requirements.  
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	04/25/2003	(29193)
2	05/29/2003	(38028)
3	07/07/2003	(119177)
4	06/24/2004	(277354)
5	07/09/2004	(280469)
6	01/27/2005	(343321)
7	08/16/2005	(405082)
8	08/29/2005	(406330)
9	11/29/2006	(531410)
10	12/05/2007	(601203)

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

Date: 05/28/2003 (38028)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(D)  
Description: Failure to maintain the Stage II vapor recovery system in proper condition. The Face-plate on the Nozzle Bellow on pump # 3 had a 1" square hole.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$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="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102389228

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 40%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to two previous 1660 style AOs.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>	
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN102389228			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> James Nolan			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>		
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 5, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four was found to be 1.3% oxygen content by weight."/>		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual	<input type="text"/>	<input type="text" value="x"/>
	Potential	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major    Moderate    Minor	
	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>		
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
<b>Violation Events</b>			
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="5"/>	<b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
single event	<input type="text" value="x"/>		
	<input type="text" value="One single event is recommended."/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,150"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,150"/>

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102389228  
**Media Air**  
**Violation No.** 1

7 Eleven Station 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**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	5-Oct-2007	10-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102389228 7 ELEVEN 57635	Classification: AVERAGE	Site Rating: 5.29
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7274
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1180H
Location:	10026 MONTANA AVE, EL PASO, TX, 79925	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 27, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	James Nolan	Phone:	(512) 239-6634

## 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                                      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: 08/10/2007                                      ADMINORDER 2006-2038-AIR-E  
 Classification: Moderate

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

Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

- 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   | 04/25/2003 | (29186)  |
| N/A |            |          |
| 2   | 06/24/2004 | (268541) |
| 3   | 07/15/2004 | (281568) |
| 4   | 07/19/2004 | (282205) |
| 5   | 11/29/2004 | (342564) |
| 6   | 05/06/2005 | (371637) |
| 7   | 08/12/2005 | (402742) |
| 8   | 08/27/2005 | (406359) |
| 9   | 03/30/2006 | (455301) |
| 10  | 07/06/2006 | (484225) |
| 11  | 11/10/2006 | (517039) |
| 12  | 01/11/2007 | (535666) |

13 07/16/2007 (567396)

14 11/29/2007 (600140)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	10-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	PCW	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

### Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes

**Culpability** No  Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply** 25% Reduction **Subtotal 5**

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

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.

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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102388816

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	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**

Penalty enhancement due to one previous 1660 style AO.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>		
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN102388816				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> James Nolan				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number two was found to be 2.0% oxygen content by weight.			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="1"/>	<b>Number of violation days</b>
<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		
		<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>	
	One single event is recommended.			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$950"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$950"/>

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC 7 Eleven Station 57638  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102388816  
**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	\$600	6-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600
-------

TOTAL	\$0
-------	-----

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102388816 7 ELEVEN 57638	Classification: AVERAGE	Site Rating: 3.46
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7273
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1183B
Location:	1797 GEORGE DIETER DR, EL PASO, TX, 79936	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 28, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		

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

Name: James Nolan Phone: (512) 239-6634

### 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                      Effective Date: 08/10/2007                      ADMINORDER 2006-2038-AIR-E  
 Classification: Moderate  
  
 Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

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

N/A

C. Chronic excessive emissions events.

N/A

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

- |     |            |          |
|-----|------------|----------|
| 1   | 03/15/2003 | (26679)  |
| N/A |            |          |
| 2   | 04/19/2004 | (263171) |
| 3   | 07/28/2004 | (281200) |
| 4   | 12/08/2004 | (342560) |
| 5   | 02/02/2005 | (348411) |
| 6   | 07/20/2005 | (400319) |
| 7   | 03/27/2006 | (439494) |
| 8   | 08/08/2006 | (490322) |
| 9   | 11/10/2006 | (516593) |
| 10  | 01/11/2007 | (535602) |
| 11  | 07/10/2007 | (567081) |
| 12  | 12/03/2007 | (601029) |

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$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="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes**

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102390960

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

### 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%
<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)** 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**

Penalty enhancement due to two previous 1660 style AOs and two nonsimilar NOVs.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN102390960		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 3, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four was found to be 1.6% oxygen content by weight.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual <input type="text"/> <input type="text"/> <input type="text"/> <input type="text" value="x"/>	<b>Percent</b> <input type="text" value="10%"/>
Potential <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>
		<input type="text" value="\$1,000"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="7"/> <b>Number of violation days</b>
<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"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
One single event is recommended.		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,190"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,190"/>

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC

7 Eleven Station 57641

**Case ID No.** 35164

**Reg. Ent. Reference No.** RN102390960

**Media Air**  
**Violation No. 1**

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	3-Oct-2007	10-Oct-2007	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$1

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102390960 7 ELEVEN 57641 Classification: AVERAGE Site Rating: 8.73  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7278  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1184W  
 Location: 8300 DYER ST, EL PASO, TX, 79904 Rating Date: 9/1/2007 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 28, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 27, 2002 to December 27, 2007

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

Name: James Nolan Phone: (512) 239-6634

## 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 Effective Date: 05/12/2006 ADMINORDER 2005-1670-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

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

Effective Date: 07/13/2007 ADMINORDER 2006-1261-AIR-E  
 Classification: Major  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 02/19/2003 (25330)
- 2 03/20/2003 (28372)
- 3 07/07/2003 (126749)
- 4 05/04/2004 (270803)
- 5 07/06/2004 (278494)
- 6 11/04/2004 (340316)
- 7 07/28/2005 (402437)
- 8 08/27/2005 (407377)
- 9 07/28/2006 (486825)
- 10 10/23/2006 (516407)
- 11 04/27/2007 (554464)
- 12 06/05/2007 (560890)
- 13 11/29/2007 (600583)

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

Date: 04/30/2007 (554464)

Self Report? NO Classification Moderate

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

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

Date 06/06/2007 (560890)

Self Report? NO Classification Moderate

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

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC	7 Eleven Station 57643	
<b>Reg. Ent. Ref. No.</b>	RN101463321		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$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"/> X	(mark with x)

Notes

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN101463321

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**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%
<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**

Penalty enhancement due to one previous nonsimilar NOV.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>												
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>												
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>												
<b>Reg. Ent. Reference No.</b> RN101463321														
<b>Media [Statute]</b> Air														
<b>Enf. Coordinator</b> James Nolan														
<b>Violation Number</b> <input type="text" value="1"/>														
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>													
<b>Violation Description</b>	<input type="text" value="Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four was found to be 2.1% oxygen content by weight."/>													
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
<b>OR</b>	<b>Harm</b>													
	<b>Release</b>	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"/>												
	<b>Percent</b>	<input type="text" value="10%"/>												
<b>&gt;&gt; Programmatic Matrix</b>														
	<b>Falsification</b>	Major    Moderate    Minor												
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>												
	<b>Percent</b>	<input type="text" value="0%"/>												
<b>Matrix Notes</b>	<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 environmental receptors as a result of the violation."/>													
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>												
		<input type="text" value="\$1,000"/>												
<b>Violation Events</b>														
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="75"/> <b>Number of violation days</b>												
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="X"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="X"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input checked="" type="text" value="X"/>													
	<input type="text" value="One single event is recommended."/>													
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount</b>	<input type="text" value="\$15"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,020"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,020"/>													

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC      7 Eleven Station 57643  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN101463321  
**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	\$600	6-Oct-2007	31-Mar-2008	0.5	\$15	n/a	\$15
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is last date of the compliance period.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$15

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN101463321 7 ELEVEN 57643	Classification: AVERAGE	Site Rating: 0.33
ID Number(s):	AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION	ACCOUNT NUMBER REGISTRATION	EE1187Q 32377
Location:	6680 MONTANA AVE, EL PASO, TX, 79925	Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 28, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>James Nolan</u>	Phone:	<u>(512) 239-6634</u>

## 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   | 04/25/2003 | (29064)  |  |
| N/A |            |          |  |
| 2   | 06/17/2004 | (268556) |  |
| 3   | 08/03/2004 | (283488) |  |
| 4   | 03/18/2005 | (350593) |  |
| 5   | 07/20/2005 | (400291) |  |
| 6   | 11/14/2005 | (437388) |  |
| 7   | 11/29/2007 | (600566) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |                 |          |
|--------------|--|-----------------|----------|
| Date:        | 04/20/2004   | (268556)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.222(3)<br>30 TAC Chapter 115, SubChapter C 115.242(4) |                 |          |
| Description: | Failure to ensure that no gasoline leaks exist anywhere in the dispensing equipment.       |                 |          |
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	3-Dec-2007	<b>Screening</b>	19-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-Jan-2008				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0024-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes:  **2% Enhancement**

**Culpability** **Subtotal 4**

Notes:  **No** **0% Enhancement**

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

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

Notes:  **25% Reduction**

**Subtotal 6**  **0% Enhancement\***

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.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

Notes:  **20%** **Reduction**

**PAYABLE PENALTY**

**Screening Date** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN100942085

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

### 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 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)** 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**

Penalty enhancement due to one previous nonsimilar NOV.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 I	<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 35164		<small>PCW Revision November 6, 2007</small>
<b>Reg. Ent. Reference No.</b> RN100942085		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the regular grade unleaded gasoline at pump number five was found to be 2.2% oxygen content by weight.	
	<b>Base Penalty</b>	\$10,000

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

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

**>> Programmatic Matrix**

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

**Adjustment**

\$1,000

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$770"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$770"/>	

### Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN100942085  
**Media Air**  
**Violation No.** 1

7 Eleven Station 57644

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	12-Oct-2007	1-Nov-2007	0.1	\$2	n/a	\$2
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is date Station 57644 was closed for business.

**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**

<b>Approx. Cost of Compliance</b>	\$600	<b>TOTAL</b>	20	\$2
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# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN100942085 7 ELEVEN 57644	Classification: HIGH	Site Rating: 0.07
ID Number(s):	AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION	ACCOUNT NUMBER REGISTRATION	EE11880 23257
Location:	7790 GATEWAY BLVD E, EL PASO, TX, 79915	Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 28, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 28, 2002 to December 27, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>James Nolan</u>	Phone:	<u>(512) 239-6634</u>

## 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   | 02/17/2003 | (24566)  |  |
| N/A |            |          |  |
| 2   | 03/05/2003 | (26367)  |  |
| 3   | 03/15/2003 | (27049)  |  |
| 4   | 04/08/2003 | (31382)  |  |
| 5   | 04/25/2003 | (28866)  |  |
| 6   | 11/04/2003 | (254172) |  |
| 7   | 06/04/2004 | (268546) |  |
| 8   | 08/11/2004 | (287190) |  |
| 9   | 10/15/2004 | (337826) |  |
| 10  | 07/20/2005 | (399908) |  |
| 11  | 03/20/2007 | (540199) |  |
| 12  | 04/20/2007 | (557429) |  |
| 13  | 07/16/2007 | (567398) |  |
| 14  | 11/28/2007 | (609493) |  |
- 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



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	10-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	4-Jan-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Southwest Convenience Stores, LLC	7 Eleven Station 57650	
Reg. Ent. Ref. No.	RN102209822		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35164	No. of Violations	1
Docket No.	2008-0024-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$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	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No penalty enhancement due to average performer classification.

Culpability	No	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	<b>Subtotal 5</b>	\$500
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Before NOV      NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent came into compliance on October 7, 2007.

Total EB Amounts	\$0	<b>Subtotal 6</b>	\$0
Approx. Cost of Compliance	\$600		

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

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

	<b>Final Penalty Amount</b>	\$1,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$1,500
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<b>DEFERRAL</b>	20%	<b>Adjustment</b>	-\$300
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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.

<b>PAYABLE PENALTY</b>	<b>\$1,200</b>
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**Screening Date** 19-Dec-2007

**Docket No.** 2008-0024-AIR-E

**PCW**

**Respondent** Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 35164

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN102209822

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

### 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 penalty enhancement due to average performer classification.

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

<b>Screening Date</b> 19-Dec-2007	<b>Docket No.</b> 2008-0024-AIR-E	<b>PCW</b>		
<b>Respondent</b> Southwest Convenience Stores, LLC	7 E	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 35164		<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN102209822				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> James Nolan				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 6, 2007. Specifically, samples taken from the mid-grade and premium grade unleaded gasoline at pump number nine were found to be 2.1% and 1.6% oxygen content by weight, respectively.			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	x
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt;Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
				<b>Adjustment</b> <input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
<b>Violation Events</b>				
	<b>Number of Violation Events</b> <input type="text" value="2"/>	<input type="text" value="1"/>	<b>Number of violation days</b>	
<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		
			<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>	
	Two single events are recommended.			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,500"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,500"/>		

## Economic Benefit Worksheet

**Respondent** Southwest Convenience Stores, LLC 7 Eleven Station 57650  
**Case ID No.** 35164  
**Reg. Ent. Reference No.** RN102209822  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$600	6-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778 Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102209822 7 ELEVEN 57650	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION	ACCOUNT NUMBER REGISTRATION	EE2066W 70613
Location:	1330 N ZARAGOZA RD, EL PASO, TX, 79936	Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	December 28, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 27, 2002 to December 27, 2007		

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

Name: James Nolan Phone: (512) 239-6634

### 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	12/30/2002	(19506)
2	07/31/2003	(147330)
3	06/30/2004	(277597)
4	07/02/2004	(271023)
5	11/04/2004	(340250)
6	07/21/2005	(397558)
7	11/14/2005	(436762)
8	04/26/2007	(543564)
9	06/22/2007	(564613)
10	12/03/2007	(601030)
- 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

2020-2021

Sites Outside of Texas

N/A

2020-2021

N/A

2020-2021

2020-2021

2020-2021

2020-2021

2020-2021

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SOUTHWEST CONVENIENCE  
STORES, LLC  
RN102017068; RN102017241;  
RN102023058; RN102034436;  
RN102053402; RN102390507;  
RN102396173; RN102387396;  
RN102393170; RN102384666;  
RN102384260; RN100823913;  
RN102389228; RN102388816;  
RN102390960; RN101463321;  
RN100942085; RN102209822

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-0024-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 ("the Respondent") 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 the Respondent, appear before the Commission and together stipulate that:

1. The Respondent owns and operates eighteen 7-Eleven convenience stores with retail gasoline sales at the following locations in El Paso, El Paso County, Texas (the "Stations"):
  - a. 1098 Country Club Road (7-Eleven 53313);
  - b. 5598 Doniphan Drive (7-Eleven 53324);
  - c. 1811 Hunter Drive (7-Eleven 53327);



- d. 2955 George Dieter Drive (7-Eleven 53343);
  - e. 400 South Mesa Hills Drive (7-Eleven 53347);
  - f. 3525 North Yarbrough Drive (7-Eleven 57607);
  - g. 5003 Alabama Street (7-Eleven 57608);
  - h. 301 Shadow Mountain Drive (7-Eleven 57610);
  - i. 8901 Diana Drive (7-Eleven 57611);
  - j. 2112 North Mesa Street (7-Eleven 57614);
  - k. 2050 Trawood Drive (7-Eleven 57615);
  - l. 599 North Yarbrough Drive (7-Eleven 57634);
  - m. 10026 Montana Avenue (7-Eleven 57635);
  - n. 1797 George Dieter Drive (7-Eleven 57638);
  - o. 8300 Dyer Street (7-Eleven 57641);
  - p. 6680 Montana Avenue (7-Eleven 57643);
  - q. 7790 Gateway Boulevard East (7-Eleven 57644); and
  - r. 1330 North Zaragoza Road (7-Eleven 57650).
2. The Stations consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
  3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
  4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about December 5, 2007, December 9, 2007, and December 11, 2007.
  5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
  6. An administrative penalty in the amount of Twenty-Four Thousand Eight Hundred Sixty Dollars (\$24,860) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nineteen Thousand Eight Hundred Eighty-Eight Dollars (\$19,888) of the administrative penalty and Four Thousand Nine Hundred Seventy-Two Dollars (\$4,972) is deferred contingent upon the Respondent's 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 the Respondent fails to timely and



satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent 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 November 1, 2007, the Respondent has come into compliance at Station numbers 53313, 53324, 53343, 57607, 57608, 57610, 57611, 57614, 57615, 57635, 57638, 57641, 57644, and 57650.
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the mid-grade unleaded gasoline at pump number two of 7-Eleven 53313 was found to be 2.0% oxygen content by weight.
2. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the regular grade and premium grade unleaded gasoline at pump number five of 7-Eleven 53324 was found to be 1.7% and 1.5% oxygen content by weight, respectively.
3. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number three of 7-Eleven 53327 was found to be 2.2% oxygen content by weight.
4. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a)



and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 53343 was found to be 2.2% oxygen content by weight.

5. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the regular grade unleaded gasoline at pump number one of 7-Eleven 53347 was found to be 2.1% oxygen content by weight.
6. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 1, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number one of 7-Eleven 57607 was found to be 1.8% oxygen content by weight.
7. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 5, 2007. Specifically, a sample taken from the mid-grade and premium grade unleaded gasoline at pump number four of 7-Eleven 57608 was found to be 2.5% and 1.7% oxygen content by weight, respectively.
8. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number one of 7-Eleven 57610 was found to be 1.8% oxygen content by weight.
9. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 3, 2007. Specifically, a sample taken from the regular grade and premium grade unleaded gasoline at pump number four of 7-Eleven 57611 was found to be 2.5% and 2.0% oxygen content by weight, respectively.
10. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 4, 2007. Specifically, a sample taken from the mid-grade and premium grade unleaded gasoline at pump number four of 7-Eleven 57614 was found to be 2.3% and 1.9% oxygen content by weight, respectively.
11. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 1, 2007. Specifically, a sample taken from the regular grade, mid-grade, and premium grade unleaded gasoline at pump number four of 7-Eleven 57615 was found to be 2.2%, 1.8% and 1.0% oxygen content by weight, respectively.



12. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the regular grade unleaded gasoline at pump number four of 7-Eleven 57634 was found to be 2.2% oxygen content by weight.
13. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 5, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 57635 was found to be 1.3% oxygen content by weight.
14. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number two of 7-Eleven 57638 was found to be 2.0% oxygen content by weight.
15. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 3, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 57641 was found to be 1.6% oxygen content by weight.
16. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at pump number four of 7-Eleven 57643 was found to be 2.1% oxygen content by weight.
17. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 12, 2007. Specifically, a sample taken from the regular grade unleaded gasoline at pump number five of 7-Eleven 57644 was found to be 2.2% oxygen content by weight.
18. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 6, 2007. Specifically, a sample taken from the mid-grade and premium grade unleaded gasoline at pump number nine of 7-Eleven 57650 was found to be 2.1% and 1.6% oxygen content by weight, respectively.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's 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, Docket No. 2008-0024-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1st and March 31st of each year shall have the minimum oxygen content of 2.7% by weight at Stations 53327, 53347, 57634, and 57643; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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

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

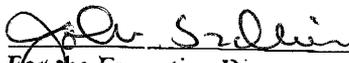


Southwest Convenience Stores, LLC  
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### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

7/2/2008  
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

3-4-08  
Date

Scott Prose  
Name (Printed or typed)  
Authorized Representative of  
Southwest Convenience Stores, LLC

Assistant of State & Transportation  
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.

