

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2007-1914-AIR-E TCEQ ID: RN101695716, RN102706314, RN101962066,
RN101695765, RN102777497 and RN101695740 CASE NO.: 35007
RESPONDENT NAME: CIRCLE K STORES INC.**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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>SITES WHERE VIOLATIONS OCCURRED: (Store #2700020) 10744 Vista Del Sol Drive, (Store #2705306) 6095 Montana Avenue, (Store #2700481) 10616 McCombs Street, (Store #2701534) 650 North Resler Drive, (Store #2701506) 1500 George Dieter Drive, and (Store #2700213) 11096 Pebble Hills Boulevard, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Convenience stores with retail sales of gasoline</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional enforcement actions currently pending against these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 3, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Benjamin O. Thompson, Litigation Division, MC 175, (512) 239-0107 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Kim Morales, Air Enforcement Section, MC R-12, (713) 422-8938 TCEQ Regional Contact: Mr. Kent Waggoner, El Paso Regional Office, MC R-6, (915) 834-4949 Respondent: Mr. Brian Hannasch, President, Circle K Stores Inc., 1130 West Warner Road, Tempe, Arizona 85284 Mr. Brian Hannasch, President, The Circle K Corporation, 4422 Mallard Point, Columbus, Indiana 47201 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: October 1, 2007 (Store #2700020 and 2705306) October 7, 2007 (Store #2700481 and 2701534) October 9, 2007 (Store #2701506) October 11, 2007 (Store #2700213)</p> <p>Dates of NOEs Relating to this Case: November 16, 2007 November 19, 2007 November 30, 2007 December 4, 2007 December 6, 2007</p> <p>Background Facts: The EDRP was filed May 6, 2008, and mailed to the Respondent's Registered Agent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent's Registered Agent received notice of the EDRP May 7, 2008, as evidenced by the signature on the card. The Respondent failed to answer the EDRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent has not submitted documentation demonstrating compliance.</p> <p>AIR: Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$8,040</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$8,040</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification Store #2700020 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor Store #2705306 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor Store #2700481 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor Store #2701534 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor Store #2701506 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor Store #2700213 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions</p> <p>The Respondent's UST delivery certificates are revoked immediately. The Respondent may submit an application for new delivery certificates only after the Respondent has complied with all of the requirements of this Order</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 10 days, send its UST delivery certificates to the TCEQ. 2. Within 30 days, 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 has the minimum oxygen content of 2.7% by weight at all facilities. 3. Within 45 days, submit written certification to demonstrate compliance with this Ordering Provision.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ DATES	Assigned	19-Nov-2007	Screening	28-Nov-2007	EPA Due	
	PCW	3-Apr-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Circle K Stores Inc	Circle K Stores	2700020
Reg. Ent. Ref. No.	RN101695716		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35007	No. of Violations	1
Docket No.	2007-1914-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$40
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Notes: Penalty enhancement due to one previous NOV issued for non-similar violations.

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

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

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

Good Faith Effort to Comply	0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$24	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$600	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$2,040
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OTHER FACTORS AS JUSTICE MAY REQUIRE		<i>Adjustment</i>	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$2,040
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$2,040
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DEFERRAL		Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY		\$2,040
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PCW 1 of 6

Screening Date 28-Nov-2007

Docket No. 2007-1914-AIR-E

PCW

Respondent Circle K Stores Inc

Policy Revision 2 (September 2002)

Case ID No. 35007

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101695716

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to one previous NOV issued for non-similar violations.

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

Screening Date 28-Nov-2007	Docket No. 2007-1914-AIR-E	PCW
Respondent Circle K Stores Inc	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35007	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101695716		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, gasoline sampled from Pump No. 3 at Circle K Stores 2700020 on October 1, 2007 was 2.2% oxygen content by weight for the mid-grade and 2.3% oxygen content by weight for the premium."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Circle K Stores Inc
Case ID No.: 35007
Reg. Ent. Reference No.: RN101695716
Media: Air
Violation No.: 1

Circle K Stores 2700020

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	1-Oct-2007	15-Jul-2008	0.8	\$24	n/a	\$24
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 to implement measures designed to ensure the required oxygenated fuel content is maintained. Date required is the investigation date. Final date is the date corrective actions are projected to be completed.

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

\$24

Compliance History

Customer/Respondent/Owner-Operator: CN600134456 Circle K Stores Inc Classification: AVERAGE Rating: 2.12
Regulated Entity: RN101695716 CIRCLE K STORES 2700020 Classification: AVERAGE Site Rating: 0.27
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1019P
PETROLEUM STORAGE TANK REGISTRATION 5467
REGISTRATION
Location: 10744 VISTA DEL SOL DR, EL PASO, TX, 79935 Rating Date: September 01 07 Repeat Violator:
NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: November 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 26, 2002 to November 26, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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? Circle K Stores Inc
4. If Yes, who was/were the prior owner(s)? ConocoPhillips Company
5. When did the change(s) in ownership occur? 11/14/2005

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 | 03/18/2003 | (27731) |
| 2 | 06/30/2004 | (277402) |
| 3 | 07/09/2004 | (271025) |
| 4 | 07/07/2005 | (398704) |
| 5 | 11/15/2005 | (436726) |
| 6 | 01/20/2006 | (436946) |
| 7 | 11/28/2006 | (531562) |
| 8 | 02/12/2007 | (534955) |
| 9 | 08/03/2007 | (565507) |
| 10 | 11/16/2007 | (600139) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|--------------|--|--------------------------|
| Date: | 01/15/2007 | (534955) |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.245(2) | |
| Description: | Failure to verify proper operation of the Stage II equipment at least every twelve months. | |
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

CH 1 of 6



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	19-Nov-2007	Screening	28-Nov-2007	EPA Due	
	PCW	3-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Circle K Stores Inc Circle K Stores 2705306
Reg. Ent. Ref. No.	RN102706314
Facility/Site Region	6-El Paso Major/Minor Source Minor

CASE INFORMATION			
Enf./Case ID No.	35007	No. of Violations	1
Docket No.	2007-1914-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	Subtotals 2, 3, & 7	\$0
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Notes: No penalty enhancements or reductions are applicable.

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

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

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

Total EB Amounts	\$24	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$600	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$2,000**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$2,000**

DEFERRAL

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

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY

\$2,000

PCW-2 of 6

Screening Date 28-Nov-2007

Docket No. 2007-1914-AIR-E

PCW

Respondent Circle K Stores Inc

Policy Revision 2 (September 2002)

Case ID No. 35007

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102706314

Media [Statute] Air

Enf. Coordinator Trina Grieco

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 enhancements or reductions are applicable.

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

Screening Date 28-Nov-2007 **Docket No.** 2007-1914-AIR-E **PCW**

Respondent Circle K Stores Inc *Policy Revision 2 (September 2002)*

Case ID No. 35007 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN102706314

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

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

Violation Description Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, gasoline sampled from Pump No. 1 at Circle K Stores 2705306 on October 1, 2007 was 2.27% oxygen content by weight for the mid-grade and 0.87% oxygen content by weight for the premium.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Two single events are recommended.

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Circle K Stores Inc

Circle K Stores 2705306

Case ID No. 35007

Reg. Ent. Reference No. RN102706314

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	1-Oct-2007	15-Jul-2008	0.8	\$24	n/a	\$24
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 to implement measures designed to ensure the required oxygenated fuel content is maintained. Date required is the investigation date. Final date is the date corrective actions are projected to be completed.

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

\$24

Compliance History

Customer/Respondent/Owner-Operator: CN600134456 Circle K Stores Inc Classification: AVERAGE Rating: 2.12
Regulated Entity: RN102706314 CIRCLE K STORES 2705306 Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1943T
PETROLEUM STORAGE TANK REGISTRATION 67544
REGISTRATION
Location: 6095 MONTANA AVE, EL PASO, TX, 79925 Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: November 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 26, 2002 to November 26, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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	05/06/2003	(36004)
2	07/26/2004	(280557)
3	10/06/2004	(333732)
4	12/17/2004	(344240)
5	01/14/2005	(339860)
6	06/26/2005	(397278)
7	04/21/2006	(439105)
8	08/29/2006	(483240)
9	11/13/2006	(519383)
10	11/12/2007	(600427)

- 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

CH 2 of 6



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	19-Nov-2007		
	PCW	3-Apr-2008	Screening	28-Nov-2007
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	Circle K Stores Inc	Circle K Store 2700481	
Reg. Ent. Ref. No.	RN101962066		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35007	No. of Violations	1
Docket No.	2007-1914-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	0% Enhancement Subtotals 2, 3, & 7 \$0

Notes: No penalty enhancements or reductions are applicable.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	-----

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

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

	0% Enhancement*	Subtotal 6	\$0
--	-----------------	-------------------	-----

Total EB Amounts	\$23
Approx. Cost of Compliance	\$600

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	
---	--	-------------------	--

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,000
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,000
-----------------------------------	-------------------------------	---------

DEFERRAL		Reduction	Adjustment	\$0
-----------------	--	-----------	-------------------	-----

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

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,000
------------------------	---------

PCW 3 of 6

Screening Date 28-Nov-2007

Docket No. 2007-1914-AIR-E

PCW

Respondent Circle K Stores Inc

Policy Revision 2 (September 2002)

Case ID No. 35007

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101962066

Media [Statute] Air

Enf. Coordinator Trina Grieco

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 enhancements or reductions are applicable.

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

Screening Date 28-Nov-2007	Docket No. 2007-1914-AIR-E	PCW
Respondent Circle K Stores Inc	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35007	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101962066		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, premium gasoline sampled from Pump No. 1 at Circle K Stores 2700481 on October 7, 2007 was 2.0% oxygen content by weight."/>	
Base Penalty	<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Circle K Stores Inc

Circle K Store 2700481

Case ID No.: 35007

Reg. Ent. Reference No.: RN101962066

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	7-Oct-2007	15-Jul-2008	0.8	\$23	n/a	\$23
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 to implement measures designed to ensure the required oxygenated fuel content is maintained. Date required is the investigation date. Final date is the date corrective actions are projected to be completed.

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

\$23

Compliance History

Customer/Respondent/Owner-Operator: CN600134456 Circle K Stores Inc Classification: AVERAGE Rating: 2.12
Regulated Entity: RN101962066 CIRCLE K STORES 2700481 Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1024W
PETROLEUM STORAGE TANK REGISTRATION 25199
REGISTRATION
Location: 10616 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: November 26, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 26, 2002 to November 26, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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 12/12/2002 (17929)
 - 2 05/07/2004 (269902)
 - 3 07/06/2004 (278521)
 - 4 07/19/2005 (398483)
 - 5 11/08/2005 (436575)
 - 6 01/19/2006 (436944)
 - 7 11/12/2007 (600720)
 - 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

CH 3 of 6

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision November 6, 2007

TCEQ

DATES	Assigned	10-Dec-2007		
	PCW	3-Apr-2008	Screening	18-Dec-2007
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Circle K Stores Inc	Circle K Stores 2701534
Reg. Ent. Ref. No.	RN101695765	
Facility/Site Region	6-EI Paso	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	35007	No. of Violations	1
Docket No.	2007-1914-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	0% Enhancement	Subtotals 2, 3, & 7
		\$0
Notes	No penalty enhancements or reductions are applicable.	
Culpability	No	0% Enhancement
		Subtotal 4
		\$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	0% Reduction	Subtotal 5
		\$0
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	
		0% Enhancement*
		Subtotal 6
		\$0
Total EB Amounts	\$23	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$600	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment
		\$0
Notes		
	Final Penalty Amount	\$1,000
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty
		\$1,000
DEFERRAL		Reduction Adjustment
		\$0
Notes	Deferral not offered for non-expedited settlement.	
PAYABLE PENALTY		\$1,000

PCW 4 of 6

Screening Date 18-Dec-2007

Docket No. 2007-1914-AIR-E

PCW

Respondent Circle K Stores Inc

Policy Revision 2 (September 2002)

Case ID No. 35007

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101695765

Media [Statute] Air

Enf. Coordinator Trina Grieco

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 enhancements or reductions are applicable.

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

Screening Date 18-Dec-2007 **Docket No.** 2007-1914-AIR-E **PCW**
Respondent Circle K Stores Inc *Policy Revision 2 (September 2002)*
Case ID No. 35007 *PCW Revision November 6, 2007*
Reg. Ent. Reference No. RN101695765
Media [Statute] Air
Enf. Coordinator Trina Grieco

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, mid-grade gasoline sampled from Pump No. 3 at Circle K Stores 2701534 on October 7, 2007 was 2.2% oxygen content by weight.
Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels protective of human health or environmental receptors.
Adjustment

Violation Events

Number of Violation Events **Number of violation days**
mark only one with an x

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

Violation Base Penalty

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

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Circle K Stores Inc

Circle K Stores 2701534

Case ID No.: 35007

Reg. Ent. Reference No.: RN101695765

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	7-Oct-2007	15-Jul-2008	0.8	\$23	n/a	\$23
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 to implement measures designed to ensure the required oxygenated fuel content is maintained. Date required is the investigation date. Final date is the date corrective actions are projected to be completed.

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

\$23

Compliance History

Customer/Respondent/Owner-Operator: CN600134456 Circle K Stores Inc Classification: AVERAGE Rating: 2.12
Regulated Entity: RN101695765 CIRCLE K STORES 2701534 Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1103C
PETROLEUM STORAGE TANK REGISTRATION 25191
REGISTRATION
Location: 650 N RESLER DR, EL PASO, TX, 79912 Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: December 18, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 18, 2002 to December 18, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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 | 03/21/2003 | (26528) |
| 2 | 05/01/2003 | (34956) |
| 3 | 07/26/2004 | (278399) |
| 4 | 07/20/2005 | (399095) |
| 5 | 08/08/2005 | (401316) |
| 6 | 10/06/2006 | (511494) |
| 7 | 11/02/2007 | (594391) |
| 8 | 12/03/2007 | (600739) |
- 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

CH 4 of 6

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision November 6, 2007

TCEQ

DATES	Assigned	10-Dec-2007	Screening	18-Dec-2007	EPA Due	
	PCW	3-Apr-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Circle K Stores Inc	Circle K Stores 2701506
Reg. Ent. Ref. No.	RN102777497	
Facility/Site Region	6-El Paso	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	35007	No. of Violations	1
Docket No.	2007-1914-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	0% Enhancement	Subtotals 2, 3, & 7
Notes	No penalty enhancements or reductions are applicable.	
Culpability	No	0% Enhancement
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	0% Reduction	Subtotal 5
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	
	0% Enhancement*	Subtotal 6
Total EB Amounts	\$23	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$600	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment
Notes	Reduces or enhances the Final Subtotal by the indicated percentage.	
	Final Penalty Amount	\$1,000
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty
		\$1,000
DEFERRAL		Adjustment
Notes	Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	
	Deferral not offered for non-expedited settlement.	
PAYABLE PENALTY		\$1,000

PCW 5 of 6

Screening Date 18-Dec-2007

Docket No. 2007-1914-AIR-E

PCW

Respondent Circle K Stores Inc

Policy Revision 2 (September 2002)

Case ID No. 35007

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102777497

Media [Statute] Air

Enf. Coordinator Trina Grieco

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 enhancements or reductions are applicable.

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

<p>Screening Date 18-Dec-2007</p> <p>Respondent Circle K Stores Inc</p> <p>Case ID No. 35007</p> <p>Reg. Ent. Reference No. RN102777497</p> <p>Media [Statute] Air</p> <p>Enf. Coordinator Trina Grieco</p> <p>Violation Number <input type="text" value="1"/></p> <p>Rule Cite(s) 30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)</p> <p>Violation Description Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, mid-grade gasoline sampled from Pump No. 4 at Circle K Stores 2701506 on October 9, 2007 was 2.0% oxygen content by weight.</p>	<p style="text-align: right;">Docket No. 2007-1914-AIR-E</p> <p style="text-align: right;">PCW</p> <p style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision November 6, 2007</p> <p style="text-align: right;">Base Penalty <input type="text" value="\$10,000"/></p>																			
>> Environmental, Property and Human Health Matrix																				
<p>OR</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="10%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="10%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Harm																			
Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="10%"/>																
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
>> Programmatic Matrix																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td style="text-align: center;">Matrix Notes</td> <td colspan="3" style="text-align: center;">Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels protective of human health or environmental receptors.</td> </tr> </table> <p style="text-align: right;">Adjustment <input type="text" value="\$9,000"/></p>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	Matrix Notes	Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels protective of human health or environmental receptors.							
	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Matrix Notes	Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels protective of human health or environmental receptors.																			
<input type="text" value="\$1,000"/>																				
Violation Events																				
	<p>Number of Violation Events <input type="text" value="1"/> <input type="text" value="71"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center; font-size: small;">mark only one with an x</td> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table> <p style="text-align: right;">Violation Base Penalty <input type="text" value="\$1,000"/></p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> One single event is recommended. </div>		daily	<input type="text"/>		monthly	<input type="text"/>	mark only one with an x	quarterly	<input type="text"/>		semiannual	<input type="text"/>		annual	<input type="text"/>		single event	x	
	daily	<input type="text"/>																		
	monthly	<input type="text"/>																		
mark only one with an x	quarterly	<input type="text"/>																		
	semiannual	<input type="text"/>																		
	annual	<input type="text"/>																		
	single event	x																		
Economic Benefit (EB) for this violation																				
Estimated EB Amount <input type="text" value="\$23"/>	Statutory Limit Test																			
	Violation Final Penalty Total <input type="text" value="\$1,000"/>																			
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,000"/>																			

Economic Benefit Worksheet

Respondent Circle K Stores Inc

Circle K Stores 2701506

Case ID No. 35007

Reg. Ent. Reference No. RN102777497

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	9-Oct-2007	15-Jul-2008	0.8	\$23	n/a	\$23
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 to implement measures designed to ensure the required oxygenated fuel content is maintained. Date required is the investigation date. Final date is the date corrective actions are projected to be completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$23

Compliance History

Customer/Respondent/Owner-Operator: CN600134456 Circle K Stores Inc Classification: AVERAGE Rating: 2.12
Regulated Entity: RN102777497 CIRCLE K STORES 2701506 Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1101G
PETROLEUM STORAGE TANK REGISTRATION 5464
REGISTRATION
Location: 1500 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 18, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 18, 2002 to December 18, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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 | 03/27/2003 | (25049) |
| 2 | 05/01/2003 | (35316) |
| 3 | 07/30/2004 | (282783) |
| 4 | 10/19/2004 | (338054) |
| 5 | 11/01/2004 | (339373) |
| 6 | 08/24/2005 | (406610) |
| 7 | 08/27/2005 | (407406) |
| 8 | 12/29/2005 | (449458) |
| 9 | 07/31/2006 | (489327) |
| 10 | 11/14/2006 | (516686) |
| 11 | 01/08/2007 | (533100) |
| 12 | 07/30/2007 | (565497) |
| 13 | 12/03/2007 | (601032) |
- 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

CH 5 of 6

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision November 6, 2007

TCEQ DATES	Assigned	10-Dec-2007	Screening	18-Dec-2007	EPA Due	
	PCW	3-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Circle K Stores Inc Circle K Stores 2700213
Reg. Ent. Ref. No.	RN101695740
Facility/Site Region	6-El Paso Major/Minor Source Minor

CASE INFORMATION			
Enf./Case ID No.	35007	No. of Violations	1
Docket No.	2007-1914-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum \$10,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 <input type="text" value="\$1,000"/>
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	Subtotals 2, 3, & 7 <input type="text" value="\$0"/>
Notes	No penalty enhancements or reductions are applicable.
Culpability	Subtotal 4 <input type="text" value="\$0"/>
Notes	The Respondent does not meet the culpability criteria.
Good Faith Effort to Comply	Subtotal 5 <input type="text" value="\$0"/>
<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>
N/A	X (mark with x)
Notes	The Respondent does not meet the good faith criteria.
Subtotal 6 <input type="text" value="\$0"/>	
<small>Total EB Amounts <input type="text" value="\$23"/> *Capped at the Total EB \$ Amount</small>	
<small>Approx. Cost of Compliance <input type="text" value="\$600"/></small>	
SUM OF SUBTOTALS 1-7	Final Subtotal <input type="text" value="\$1,000"/>
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment <input type="text" value="\$0"/>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>	
Notes	
Final Penalty Amount <input type="text" value="\$1,000"/>	
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty <input type="text" value="\$1,000"/>
DEFERRAL	Adjustment <input type="text" value="\$0"/>
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>	
Notes	Deferral not offered for non-expedited settlement.
PAYABLE PENALTY	<input type="text" value="\$1,000"/>

PCW 6 of 6

Screening Date 18-Dec-2007

Docket No. 2007-1914-AIR-E

PCW

Respondent Circle K Stores Inc

Policy Revision 2 (September 2002)

Case ID No. 35007

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101695740

Media [Statute] Air

Enf. Coordinator Trina Grieco

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 enhancements or reductions are applicable.

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

Screening Date 18-Dec-2007	Docket No. 2007-1914-AIR-E	PCW
Respondent Circle K Stores Inc	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35007	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101695740		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, premium gasoline sampled from Pump No. 4 at Circle K Stores 2700213 on October 11, 2007 was 1.8% oxygen content by weight.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$23"/>	Violation Final Penalty Total <input type="text" value="\$1,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,000"/>	

Economic Benefit Worksheet

Respondent: Circle K Stores Inc

Circle K Stores 2700213

Case ID No.: 35007

Reg. Ent. Reference No.: RN101695740

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	11-Oct-2007	15-Jul-2008	0.8	\$23	n/a	\$23
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 to implement measures designed to ensure the required oxygenated fuel content is maintained. Date required is the investigation date. Final date is the date corrective actions are projected to be completed.

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

\$23

Compliance History

Customer/Respondent/Owner-Operator: CN600134456 Circle K Stores Inc Classification: AVERAGE Rating: 2.12
Regulated Entity: RN101695740 CIRCLE K STORES 2700213 Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1022D
PETROLEUM STORAGE TANK REGISTRATION 5451
REGISTRATION
Location: 11096 PEBBLE HILLS BLVD, EL PASO, TX, 79936 Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: December 17, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 17, 2002 to December 17, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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 | 04/28/2003 | (34266) |
| 2 | 07/03/2003 | (133866) |
| 3 | 07/13/2004 | (271031) |
| 4 | 08/11/2004 | (286997) |
| 5 | 07/20/2005 | (398508) |
| 6 | 07/26/2006 | (487215) |
| 7 | 10/23/2006 | (516823) |
| 8 | 11/29/2006 | (516185) |
| 9 | 07/10/2007 | (567202) |
| 10 | 12/05/2007 | (601031) |
- 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

CH 6 of 6

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CIRCLE K STORES INC.,
RN101695716; RN102706314;
RN101962066; RN101695765;
RN102777497; RN101695740**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2007-1914-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent and revocation of the respondent's fuel delivery certificates. The respondent made the subject of this Order is Circle K Stores Inc. ("Circle K").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Circle K owns and/or operates convenience stores with retail sales of gasoline at the following locations in El Paso, El Paso County, Texas (the "Stations"):
 - a. 10744 Vista Del Sol Drive (Circle K Stores 2700020)
 - b. 6095 Montana Avenue (Circle K Stores 2705306);
 - c. 10616 McCombs Street (Circle K Stores 2700481);
 - d. 650 North Resler Drive (Circle K Stores 2701534);
 - e. 1500 George Dieter Drive (Circle K Stores 2701506); and
 - f. 11096 Pebble Hills Boulevard (Circle K Stores 2700213).

2. The Stations each consist of one or more source as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on October 1, 2007, an El Paso City-County Health & Environmental District investigator documented that Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, gasoline sampled from Pump No. 3 at Circle K Stores 2700020 on October 1, 2007 was 2.2% oxygen content by weight for the mid-grade and 2.3% oxygen content by weight for the premium.
4. During an investigation conducted on October 1, 2007, an El Paso City-County Health & Environmental District investigator documented that Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, gasoline sampled from Pump No. 1 at Circle K Stores 2705306 on October 1, 2007 was 2.27% oxygen content by weight for the mid-grade and 0.87% oxygen content by weight for the premium.
5. During an investigation conducted on October 7, 2007, an El Paso City-County Health & Environmental District investigator documented that Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, premium gasoline sampled from Pump No. 1 at Circle K Stores 2700481 on October 7, 2007 was 2.0% oxygen content by weight.
6. During an investigation conducted on October 7, 2007, an El Paso City-County Health & Environmental District investigator documented that Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, mid-grade gasoline sampled from Pump No. 3 at Circle K Stores 2701534 on October 7, 2007 was 2.2% oxygen content by weight.
7. During an investigation conducted on October 9, 2007, an El Paso City-County Health & Environmental District investigator documented that Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, mid-grade gasoline sampled from Pump No. 4 at Circle K Stores 2701506 on October 9, 2007 was 2.0% oxygen content by weight.
8. During an investigation conducted on October 11, 2007, an El Paso City-County Health & Environmental District investigator documented that Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. Specifically, premium gasoline sampled from Pump No. 4 at Circle K Stores 2700213 on October 11, 2007 was 1.8% oxygen content by weight.

9. Circle K received notices of the violations on or about November 21 and 24, and December 5, 9, and 11, 2007.
10. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Circle K Stores Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on May 6, 2008.
11. By letter dated May 6, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Circle K with notice of the EDPRP. According to the return receipt "green card," Circle K received notice of the EDPRP on May 7, 2008, as evidenced by the signature on the card.
12. More than 20 days have elapsed since Circle K received notice of the EDPRP, provided by the Executive Director. Circle K failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Circle K is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. at Circle K Stores 2700020, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 4, Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. at Circle K Stores 2705306, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 5, Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. at Circle K Stores 2700481, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. As evidenced by Finding of Fact No. 6, Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. at Circle K Stores 2701534, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 7, Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. at Circle K Stores 2701506, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 8, Circle K failed to meet the minimum oxygen content of 2.7% by weight for gasoline during the control period of October 1st through March 31st. at Circle K Stores 2700213, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Finding of Fact Nos. 10 and 11, the Executive Director timely served Circle K with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
9. As evidenced by Finding of Fact No. 12, Circle K failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Circle K and assess the penalty recommended by the Executive Director.
10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Circle K for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of eight thousand forty dollars (\$8,040.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
12. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
13. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke Circle K's UST fuel delivery certificates if the Commission finds that good cause exists.

14. Good cause for revocation of Circle K's UST fuel delivery certificates exists as justified by Findings of Fact Nos. 2 through 8 and 10 through 12, and Conclusions of Law Nos. 2 through 9.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Circle K is assessed an administrative penalty in the amount of eight thousand forty dollars (\$8,040.00) for violations of TEX. HEALTH & SAFETY CODE ch. 382 and rules of the TCEQ. The payment of this administrative penalty and Circle K's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Circle K Stores Inc.; Docket No. 2007-1914-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. Circle K's UST fuel delivery certificates are revoked immediately upon the effective date of this Order. Circle K may submit applications for new delivery certificates only after Circle K has complied with all of the requirements of this Order.
3. Within 10 days after the effective date of this Order, Circle K shall send its UST fuel delivery certificates to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

2. Circle K shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this 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 has the minimum oxygen content of 2.7% by weight at Station numbers 2700020, 2705306, 2700481; 2701534; 2701506; and 2700213; and
- b. Within 45 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Environmental Health Manager
El Paso City-County Health Environmental District
222 South Campbell Street
El Paso, Texas 79901-2838

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Circle K. Circle K is ordered to give notice of this Order to personnel who maintain day-to-day control over the Station operations referenced in this Order.
5. If Circle K fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Circle K's failure to comply is not a violation of this Order. Circle K shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Circle K shall notify the Executive Director within seven days after Circle K becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Circle K shall be made in writing to the Executive Director. Extensions are not effective until Circle K receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Circle K if the Executive Director determines that Circle K has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF BENJAMIN O. THOMPSON

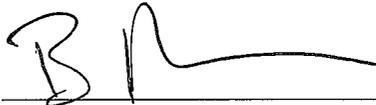
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Benjamin O. Thompson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Circle K Stores Inc.” (the “EDPRP”) with the Office of the Chief Clerk on May 6, 2008.

I sent the EDPRP to Circle K Stores Inc. at its registered agent’s last known address on May 6, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Circle K Stores Inc.’s registered agent received notice of the EDPRP on May 7, 2008, as evidenced by the signature on the card.

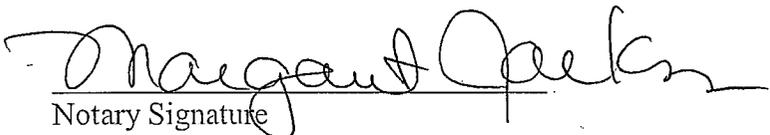
More than 20 days have elapsed since Circle K Stores Inc.’s registered agent received notice of the EDPRP. Circle K Stores Inc. failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Benjamin O. Thompson
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Benjamin O. Thompson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 3 day of March A.D., 2009.



Notary Signature