EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59125 7-ELEVEN, INC. dba Stripes 5145, Stripes 9579, and 7-Eleven Store 40529 RN102346707 RN102350881, RN101876043 Docket No. 2020-0459-PST-E

Order Type:

Agreed Order

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

840 Farm-to-Market 802, Brownsville, Cameron County ("Facility 1") 1601 Central Boulevard in Brownsville, Cameron County ("Facility 2") 2100 Veterans Boulevard, in Del Rio, Val Verde County ("Facility 3")

Type of Operation:

three underground storage tank ("UST") systems and convenience stores with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: None Past-Due Penalties: None Past-Due Fees: None Other: None Interested Third Parties: None

Texas Register Publication Date: March 11, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed:\$12,659Total Paid to General Revenue:\$12,659Total Due to General Revenue:\$0

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: No Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: January 21, 2020

Date(s) of NOV(s): N/A

Date(s) of NOE(s): February 21, 2020; February 23, 2020

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59125 7-ELEVEN, INC. dba Stripes 5145, Stripes 9579, and 7-Eleven Store 40529 RN102346707 RN102350881, RN101876043 Docket No. 2020-0459-PST-E

Violation Information

At Facility 1:

1. Failed to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition [30 Tex. ADMIN. CODE § 334.7(d)(1)(A) and (d)(3)].

At Facility 2:

- 2. Failed to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition [30 Tex. Addin. Code § 334.7(d)(1)(A) and (d)(3)].
- 3. Failed to report suspected releases to the TCEQ within 24 hours of discovery [30 Tex. ADMIN. CODE § 334.72].

At Facility 3:

- 4. Failed to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition [30 Tex. Addin. Code § 334.7(d)(1)(A) and (d)(3)].
- 5. Failed to report suspected releases to the TCEQ within 24 hours of discovery [30 Tex. ADMIN. CODE § 334.72].
- 6. Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days at Facility 3 [Tex. Water Code § 26.3475(c)(1) and 30 Tex. ADMIN. Code § 334.50(b)(1)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent submitted amended registrations for Facility 1, Facility 2, and Facility 3 to reflect the current Class A, Class B, and Class C operator training information on August 20, 2020.

Technical Requirements:

- 1. At Facility 2, within 30 days, develop and implement a process for reporting suspected releases timely.
- 2. At Facility 3, within 30 days:
 - a. Develop and implement a process for reporting suspected releases timely.
 - b. Implement a release detection method for the USTs at the Facility.
- 3. Within 45 days, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirements Nos. 1 and 2.

Litigation Information

Date Petition(s) Filed:September 30, 2021Date Green Card(s) Signed:October 2, 2021Settlement Date:February 9, 2022

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59125 7-ELEVEN, INC. dba Stripes 5145, Stripes 9579, and 7-Eleven Store 40529 RN102346707 RN102350881, RN101876043 Docket No. 2020-0459-PST-E

Contact Information

TCEQ Attorneys: Casey Kurnath, Litigation Division, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Ken Moller, Enforcement, (512) 239-6111

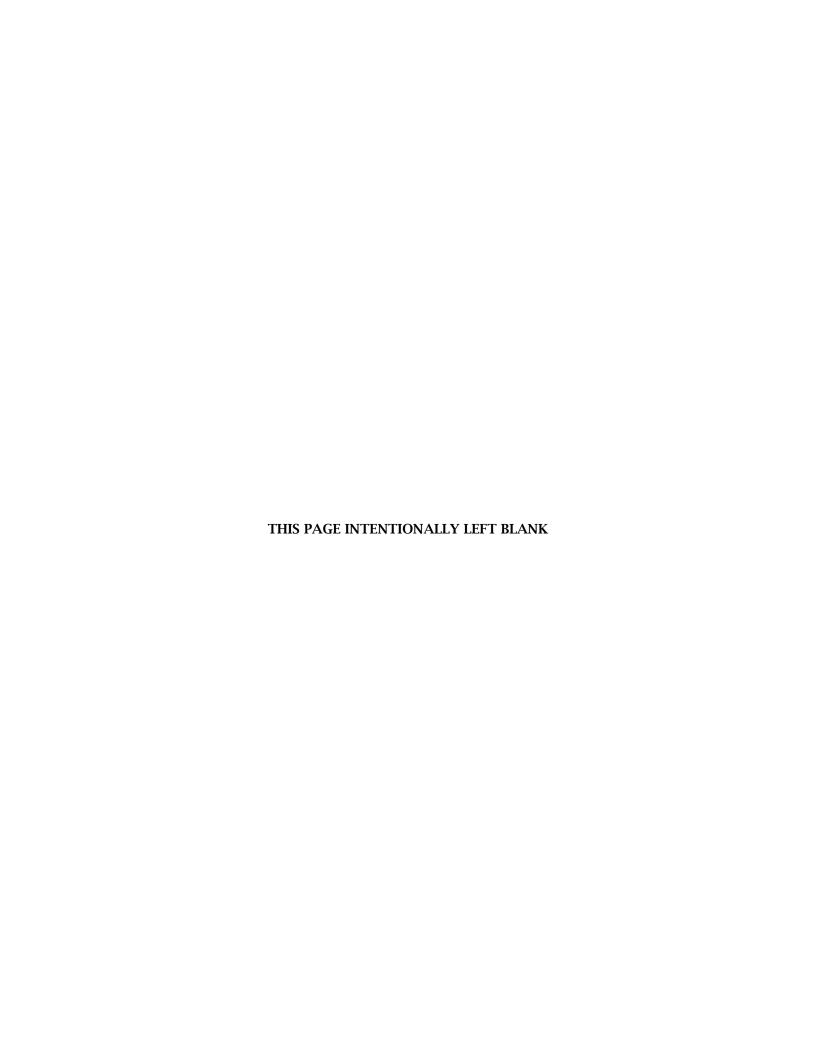
TCEQ Regional Contact: Francisco J. Chavero, Harlingen Regional Office, (956) 425-6010

Respondent Contact: Joseph DePinto, President, 7-ELEVEN, INC. dba Stripes 5145, Stripes 9579, and

7-Eleven Store 40529, 3200 Hackberry Road, Irving, Texas 75063

Respondent's Attorney: Tobias Smith, Clark Hill Strasburger, 901 Main Street, Suite 6000, Dallas,

Texas 75202



\$1,250

Notes

PAYABLE PENALTY

Penalty Calculation Worksheet (PCW)

SILIPONMENTAL OU	Policy R	evision 4 (April 2014))				PCW F	Revision March 26, 2014
DATES	Assigned	3-Mar-2020						
	PCW	30-Oct-2020	Screening	18-Mar-2020	EPA Due			
RESPO		TY INFORMATI						
D	Respondent	7-ELEVEN, INC.	<u>dba Stripes 5</u>	145 ("Facility 1	.")			
_	j. Ent. Ref. No. ty/Site Region				Maior/M	linor Source	Minor	
гаспі	ly/Site Region	15-naringen			Majoi / M	illoi Source	MILLIOI	
CASE II	NFORMATION							
	f./Case ID No.	59125			No. o	of Violations	1	
		2020-0459-PST-	E			Order Type		
Med	ia Program(s)	Petroleum Stora	ge Tank		Government			
	Multi-Media				Enf.	Coordinator	Ken Moller	
	•	_		_		EC's Team	Enforcement T	eam 6
Adn	nin. Penalty \$ L	imit Minimum	\$0	Maximum	\$25,000			
				,	tion Section	on		
TOTAL	L BASE PENA	LTY (Sum of	violation	base penalt	ties)		Subtotal 1	\$1,250
ADJUS	STMENTS (+)	/-) TO SUBTO	OTAL 1)	Nove the attended on			
		tained by multiplying	the Total Base F				tals 2, 3, & 7	\$0
	Compliance His	Story		0.0%	Adjustment	Subto	lais 2, 3, & 7	ΨU
	Notes		No adjustme	ent for complian	nce history			
	Notes		No dajastino	and for compilar	ice motory.			
	I.							
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
		Tl D -			and a last the contract			
	Notes	The Re	spondent doe	s not meet the	culpability crite	ria.		
	Ĺ							
	Good Faith Fff	ort to Comply T	otal Adiustn	nents			Subtotal 5	\$0
	0000 1 01011 2111	ore to compry r	otal Hajastii					70
	Economic Bene	efit _		0.0%	Enhancement*		Subtotal 6	\$0
	Fatina ata d	Total EB Amounts	\$3	*Cappe	d at the Total EB \$ A	Amount	•	
	Estimated	Cost of Compliance	\$40					
SIIM C	OF SUBTOTAL	S 1-7				E	inal Subtotal	\$1,250
JUN C	JI JUDIUIAI	LJ I-/				F	mai Sublutal	Ψ±,230
OTHE	D EACTODS A	AS JUSTICE M	IAV DECILI	DE	0.0%		Adjustment	\$0
		Subtotal by the indic			0.0%		Aujustment	40
		, , , , , , , , , , , , , , , , , , , ,	, , , , , , , , , , , , , , , , , , ,					
	Notes							
	ı					Final Pen	alty Amount	\$1,250
							,	, , , ,
STATL	JTORY LIMIT	ADJUSTMEN	IT			Final Asse	ssed Penalty	\$1,250
								, ,
DEFER	RRAL				0.0%	Reduction	Adjustment	\$0
		nalty by the indicated	d percentage.					Τ-
	í						1	

Deferral not offered for non-expedited settlement.

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Screening Date 18-Mar-2020

Docket No. 2020-0459-PST-E

PCW

Respondent 7-ELEVEN, INC. dba Stripes 5145 ("Facility 1")

Case ID No. 59125

Reg. Ent. Reference No. RN102346707

Media Petroleum Storage Tank

Enf. Coordinator Ken Moller

	Enf. Coc	ordinator Ken Moller		
		Compliance History Worksheet		
> C	ompliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.
	NOVs	Written notices of violation ("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%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders	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	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%
	Decrees	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%
	Addits	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%
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Gener	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 Pere	centage (Sub	ototal 2) 0%
>> R	epeat Violator	·	contago (Sul	ototal 3) 0%
>> C	ompliance Hist	ory Person Classification (Subtotal 7)	centage (Sul	(1014) 5) 096
				4-4-1 =>
	Satisfactory	Performer Adjustment Pero	centage (Sub	ototal 7) 0%
·> C	ompliance Hist	ory Summary		
	Compliance History Notes	No adjustment for compliance history.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 0%
>> Fin	nal Compliance	History Adjustment		
		Final Adjustment Percenta	age *capped	at 100% 0%

		_	18-Mar-2020		ket No. 2020-0459-PST-E	PCW
				dba Stripes 5145 ("Facility	/ 1") P	olicy Revision 4 (April 2014)
		Case ID No.			PO	CW Revision March 26, 2014
Reg.	Ent. Ref		RN102346707			
			Petroleum Storag	je Tank		
		coordinator				
	VIOI	ation Number				
		Rule Cite(s)		30 Tex. Admin. Code § 334	4.7(d)(1)(A) and (d)(3)	
	Violatio	n Description	to the agency re from the date	egarding the underground e of the occurrence of the	for any change or additional informati storage tanks ("USTs") within 30 day change or addition. Specifically, the he current Class A, Class B, or Class G g information.	<mark>/S</mark>
					Base Pena	s25,000
>> En:	vironmo	ntal Dropo	rty and Huma	n Health Matrix		
// EIIV	viioiiiie	iltai, Piopei	ty and numa	Harm		
		Release	Major	Moderate Minor		
OR		Actual				
		Potential			Percent 0.0%	
D		M				
>>Pro	gramma	tic Matrix Falsification	Major	Moderate Minor		
		Taisincation	Major x	Moderate Millor	Percent 5.0%	
			Λ		3.070	
	Matrix		1000	% of the rule requirement	was not mot	
	Notes		1009	o of the rule requirement	was not met.	
					Adjustment \$23,7	FO
					Aujustinent \$23,7	30
						\$1,250
*** ·	·					
violatio	on Even	IS				
		Number of \	/iolation Events	1	194 Number of violation days	
			daily weekly monthly			
			quarterly semiannual annual single event	X	Violation Base Pena	\$1,250
			semiannual annual single event			\$1,250
			semiannual annual single event	x One single event is recomi		\$1,250
Good F	iaith Eff	orts to Com	semiannual annual single event	One single event is recomi	mended.	
Good F	aith Effo	orts to Com	semiannual annual single event	One single event is recomi	mended. Reducti	
Good F	aith Eff	orts to Com	semiannual annual single event	One single event is recomi	mended.	
Good F	aith Effo	orts to Com	semiannual annual single event	One single event is recomi	mended. Reducti	
Good F	aith Effo	orts to Com	semiannual annual single event	One single event is recomi	mended. Reducti	
Good F	aith Effo	orts to Com	semiannual annual single event ply Extraordinary Ordinary N/A	One single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is rec	mended. Reducti	
Good F	aith Effo	orts to Com	semiannual annual single event	One single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is recommoderate of the single event is recommoderate of the single event is recommoderate. The single event is rec	Reducti PRP/Settlement Offer meet the good faith criteria	on \$0
			semiannual annual single event	One single event is recoming the single event is recoming to t	meet the good faith criteria violation.	on \$0
		efit (EB) for	semiannual annual single event	One single event is recoming the single event is recoming to t	mended. Reduction Re	on \$0
		efit (EB) for	semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single event is recommon to the single event is recommon t	meet the good faith criteria violation. Violation Subto Statutory Limit Test	tal \$1,250

	E	conomic	Benefit	Wo	rksheet		
Respondent	7-FLEVEN INC	C. dba Stripes 51	45 ("Facility 1")				
Case ID No.		c. aba Stripes SI	15 (Tuellity 1)				
Reg. Ent. Reference No.							
	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					T CI COINT ZINTOI COT	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Doloved Costs							
Delayed Costs		71		0.00	L 40	40	40
Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	6-Aug-2019	28-Dec-2020	1.40	\$3	n/a	\$3
		-					•
						e Date Required is	
Notes for DELAYED costs	change in	Class A, Class B,	and Class C US	T opera	tor training inform	ation, and the Final	Date is the
			estimate	d date	of compliance.		
Avaided Costs	ANNUL	NI TZE avoidod o	asts hafara am	toring	itom (oveent for	one-time avoide	d costs)
Avoided Costs	ANNU	ALIZE avolueu C	osts before en				
Disposal				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0 \$0
other (as needed)				0.00	1 \$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$40			TOTAL		\$3



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

DATES Assigned 3-Mar-2020

PCW 30-Oct-2020 Screening 18-Mar-2020 EPA Due

RESPONDENT/FACILITY INFORMATION
Respondent 7-ELEVEN, INC. dba Stripes 9579 ("Facility 2')
Reg. Ent. Ref. No. RN102350881
Facility/Site Region 15-Harlingen Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 59125

Docket No. 2020-0459-PST-E

Media Program(s)
Multi-Media

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History 0.0%** Adjustment Subtotals 2, 3, & 7 \$0 Notes No adjustment for compliance history. Culpability Subtotal 4 No \$0 **0.0%** Enhancement Notes The Respondent does not meet the culpability criteria. **Good Faith Effort to Comply Total Adjustments** Subtotal 5 **\$0** Subtotal 6 **Economic Benefit** 0.0% Enhancement* \$0 Total EB Amounts Capped at the Total EB \$ Amount \$88 Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** \$3,750 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 2.1% \$80 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with Notes Violation No. 2. Final Penalty Amount \$3,830 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$3,830 **DEFERRAL** 0.0% Reduction Adiustment \$0 Reduces the Final Assessed Penalty by the indicated percentage. Deferral not offered for non-expedited settlement. Notes **PAYABLE PENALTY** \$3,830

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Screening Date 18-Mar-2020 Docket No. 2020-0459-PST-E

PCW

Respondent 7-ELEVEN, INC. dba Stripes 9579 ("Facility 2')

Case ID No. 59125

Reg. Ent. Reference No. RN102350881

Media Petroleum Storage Tank
Enf. Coordinator Ken Moller

		Enf. Coo	rdinator Ken Moller							
	Compliance History Worksheet									
>>	Co		ory Site Enhancement (Subtotal 2)							
	ĺ	Component	Number of	Number	Adjust.					
		NOVs	Written notices of violation ("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%					
			Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%					
		Orders	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	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%					
		and Consent Decrees	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 (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%					
		Audits	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%					
			Environmental management systems in place for one year or more	No	0%					
		Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%					
		33 .	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 Per	centage (Sub	total 2) 0%					
>>	Re	peat Violator	(Subtotal 3)							
		No	Adjustment Per	centage (Sub	total 3) 0%					
>>	Co	mpliance Hist	ory Person Classification (Subtotal 7)							
		Satisfactory I	Performer Adjustment Per	centage (Sub	total 7) 0%					
>>	Co	mpliance Hist	ory Summary							
		Compliance History Notes	No adjustment for compliance history.							
	-:	I Comon!!	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 0%					
>> l	-ına	Compliance	History Adjustment Final Adjustment Percent	age *capped.	at 100% 0%					
					2					

	Screening Date			cket No. 2020-0459-PST-E	PCW
	•	7-ELEVEN, INC. dba S	stripes 9579 ("Facilit	y 2')	Policy Revision 4 (April 2014)
	Case ID No.				PCW Revision March 26, 2014
Reg.	Ent. Reference No.				
		Petroleum Storage Ta	nk		
	Enf. Coordinator	Ken Moller			
	Violation Number	1			
	Rule Cite(s)	30 Te	ex. Admin. Code § 3	34.7(d)(1)(A) and (d)(3)	
	Violation Description	to the agency regard from the date of t	ding the undergroun the occurrence of the	n for any change or additional in d storage tanks ("USTs") within e change or addition. Specificall he current Class A, Class B, and ng information.	y, the
				Bas	e Penalty \$25,000
>> Env	ironmental, Proper				
		Ha	rm		
OR	Release Actual		erate Minor		
JK	Actual Potential			Percent 0.0%	
	roterida			0.0 %	
>>Proc	grammatic Matrix				
	Falsification	Major Mode	erate Minor		
		Х		Percent 5.0%	
	Matrix Notes	100% of t	the rule requiremen	t was not met.	
				Adjustment	\$23,750
					¢1.250
					\$1,250
Violatio	on Events				
		Calabian Franks		November of citation	4
	Number of \	/iolation Events	1	194 Number of violation	days
		daily weekly monthly quarterly semiannual annual single event	×	Violation Bas	e Penalty \$1,250
		One :	single event is recon	nmended.	
Good F	aith Efforts to Com	ply	0.0%		Reduction \$0
		Before NO	DE/NOV NOE/NOV to E	OPRP/Settlement Offer	
		Extraordinary			
		Ordinary			
		N/A N/A	x		
		Notes The Re		meet the good faith criteria for violation.	
				Violation	Subtotal \$1,250
Econon	nic Benefit (EB) for	this violation		Statutory Limit	t Test
	Eatimat	ad ED America	#3	Violation Final Ban	alty Total
	Estimato	ed EB Amount	\$3	Violation Final Pen	alty Total \$1,277
		Th	is violation Final A	Assessed Penalty (adjusted f	or limits) \$1,277
				- · · · ·	

	F	conomic	Renefit	Wo	rksheet		
Daamandank		C. dba Stripes 957		110	RSHECE		
		aba Stripes 957	9 (Facility 2)				
Case ID No.							
Reg. Ent. Reference No.	RN102350881						
Media	Petroleum Sto	rage Tank				D	Years of
Violation No.	1	•				Percent Interest	Depreciation
	5.0						
	Itam Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
· · ·	Item Cost	Date Required	rillai Date	113	Interest Saveu	Costs Saveu	LB Alliount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	6-Aug-2019	28-Dec-2020	1.40	\$3	n/a	\$3
Notes for DELAYED costs			and Class C US	Γopera		e Date Required is talion, and the Final	
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$40			TOTAL		\$3

	Screening Date	18-Mar-2020 Docket No. 2020-0459-PST-E		PCW
	Respondent	7-ELEVEN, INC. dba Stripes 9579 ("Facility 2')	Policy	Revision 4 (April 2014)
	Case ID No.		PCW R	Revision March 26, 2014
Reg.	Ent. Reference No.			
		Petroleum Storage Tank		
	Enf. Coordinator			
	Violation Number	2		
	Rule Cite(s)	30 Tex. Admin. Code § 334.72		
		Failed to report suspected releases to the TCEQ within 24 hours of dis Specifically, automatic tank gauge test results for Tank No. 1 from Febi	,	
	Violation Description			
		January 1, 9, 17, 26, and 31, July 12 and 17, and September 14, 2019		
		suspected releases that were not reported.		
		Bas	se Penalty	\$25,000
>> Env	vironmental Prone	ty and Human Health Matrix		
// LIIV	inoninientai, Frope	Harm		
	Release	Major Moderate Minor		
OR	Actual		7	
	Potential	Percent 0.0%		
>>Proc	grammatic Matrix			
//1109	Falsification	Major Moderate Minor		
		X Percent 5.0%	,	
	Matrix			
	Notes	100% of the rule requirement was not met.		
		Adjustment	\$23,750	
				*1 250
			l	\$1,250
Violatio	on Events			
	Number of '	/iolation Events 2 441 Number of violation	ı days	
		daily		
		weekly		
		monthly		
		quarterly Violation Base	se Penalty	\$2,500
		semiannual		
		annual		
		single event x		
		Two single events are recommended.		
Good F	aith Efforts to Com	ply 0.0%	Reduction	\$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
		Extraordinary		
		Ordinary		
		N/A x	1	
		Notes The Respondent does not meet the good faith criteria for		
		this violation.		
			<u> </u>	
		Violatio	n Subtotal	\$2,500
Econon	nic Benefit (EB) for	this violation Statutory Limi	t Test	
		ed EB Amount \$85 Violation Final Per	_	\$2,553
	Latillat		-	
		This violation Final Assessed Penalty (adjusted	6 II II \	\$2,553

	Е	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, IN	C. dba Stripes 957	9 ("Facility 2')				
Case ID No.	59125	•					
Reg. Ent. Reference No.							
	Petroleum Sto						Years of
Violation No.		rage rank				Percent Interest	Depreciation
Violation ito.	2					г о	•
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Reporting Costs Other (as needed)	\$100	21-Jan-2020	28-Dec-2020	0.00	\$0 \$5	n/a n/a	<u>\$0</u> \$5
Notes for DELAYED costs		•	•			suspected releases e estimated date of	, ,
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$76	17-Feb-2019	18-Mar-2020	1.08	\$4	\$76	\$80
Other (as needed) Notes for AVOIDED costs					` '	\$0 wo reports). The Da e Final Date is the so	•
!			·				



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

DATES Assigned 3-Mar-2020

PCW 30-Oct-2020 Screening 18-Mar-2020 EPA Due

RESPONDENT/FACILITY INFORMATION
Respondent 7-ELEVEN, INC. dba 7-Eleven Store 40529 ("Facility 3")
Reg. Ent. Ref. No. RN101876043
Facility/Site Region 16-Laredo Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 59125

Docket No. 2020-0459-PST-E

Media Program(s) Multi-Media

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$7,500 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 0.0%** Adjustment Subtotals 2, 3, & 7 \$0 Notes No adjustment for compliance history. Culpability Subtotal 4 No \$0 **0.0%** Enhancement Notes The Respondent does not meet the culpability criteria. **Good Faith Effort to Comply Total Adjustments** Subtotal 5 **\$0** Subtotal 6 **Economic Benefit** 0.0% Enhancement* \$0 Total EB Amounts Capped at the Total EB \$ Amount \$157 Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$7,500 OTHER FACTORS AS JUSTICE MAY REQUIRE 1.1% \$79 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement to capture the avoided cost of compliance associated with Notes Violation No. 2. Final Penalty Amount \$7,579 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$7,579 **DEFERRAL** 0.0% Reduction Adiustment \$0 Reduces the Final Assessed Penalty by the indicated percentage. Deferral not offered for non-expedited settlement. Notes **PAYABLE PENALTY** \$7,579

Screening Date 18-Mar-2020

Docket No. 2020-0459-PST-E

PCW

Respondent 7-ELEVEN, INC. dba 7-Eleven Store 40529 ("Facility 3")

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Case ID No. 59125

Reg. Ent. Reference No. RN101876043

Media Petroleum Storage Tank

Enf. Coordinator Ken Moller

		Compliance History Worksheet		
> Co	mpliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.
	Component	Written notices of violation ("NOVs") with same or similar violations as those in		
	NOVs	the current enforcement action (number of NOVs meeting criteria)	0	0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders Any adjudicated final enforcement orders, agreed final enforcement without a denial of liability, or default orders of this state or the government, or any final prohibitory emergency orders issued by the comm		0	0%
	Judgments and Consent	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%
	Addits	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%
		Environmental management systems in place for one year or more	No	0%
		Environmental management systems in place for one year or more	No	0%
	Other	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 Perc	entage (Sub	ototal 2) 0%
> Re	peat Violator	(Subtotal 3)		
	No	Adjustment Perd	entage (Sub	ototal 3) 0%
> Co	mpliance Hist	ory Person Classification (Subtotal 7)		
	Satisfactory		entage (Sub	ototal 7) 0%
> Co	mpliance Hist	ory Summary		
	Compliance History Notes	No adjustment for compliance history.		
		Total Compliance History Adjustment Percentage (S	ubtotals 2,	3, & 7) 0%
> Fina	al Compliance	History Adjustment Final Adjustment Percenta	Ge *canned	at 100% 0%
		i mai najastinent reitenta	30 capped	0 /0

	Screening Date		Docket No. 2020-0459-PST-E	PCW
	Respondent	7-ELEVEN, INC. dba 7-Elever	n Store 40529 ("Facility 3")	Policy Revision 4 (April 2014)
	Case ID No.			PCW Revision March 26, 2014
Reg.	Ent. Reference No.			
		Petroleum Storage Tank		
	Enf. Coordinator	Ken Moller		
	Violation Number	1		
	Rule Cite(s)	30 Tex. Adr	min. Code § 334.7(d)(1)(A) and (d)(3)	
	Violation Description	to the agency regarding th from the date of the occ registration was not update	ed registration for any change or additional inform e underground storage tanks ("USTs") within 30 currence of the change or addition. Specifically, the ed to reflect the current Class A, Class B, and Cla perator training information.	days le
			Base Pe	enalty \$25,000
>> Env	ironmental, Proper	ty and Human Health	Matrix	
		Harm		
OR	Release	Major Moderate	Minor	
UK	Actual Potential		Percent 0.0%	
	Foteritial		reicent 0.0%	
>>Proc	grammatic Matrix			
	Falsification	Major Moderate	Minor	
		Х	Percent 5.0%	
	Matrix Notes	100% of the rul	e requirement was not met.	
			Adjustment \$2	3,750
			, injustinent	.577.55
				\$1,250
Violetie	m Evente			
violatio	on Events			
	Number of \	/iolation Events 1	194 Number of violation days	5
			,	
		daily		
		weekly		
		monthly	Walakan Basa Ba	#1 250
		quarterly	Violation Base Pe	enalty \$1,250
		semiannualannual		
		single event x		
	!	gio 010110	Ш	
		One single (event is recommended.	
Good Fa	aith Efforts to Com		1	uction \$0
		Before NOE/NOV Extraordinary	NOE/NOV to EDPRP/Settlement Offer	
		Ordinary		
		N/A x		
		Notes The Respond	ent does not meet the good faith criteria for this violation.	
			Violation Sul	\$1,250
Econon	nic Benefit (EB) for	this violation	Statutory Limit Te	st
	Estimat	od ER Amount	\$3 Violation Final Penalty	Total #1 262
	Estimato	ed EB Amount	\$3 Violation Final Penalty	Total \$1,263
		This viol	ation Final Assessed Penalty (adjusted for li	mits) \$1,263

Economic Benefit Worksheet								
Respondent	7-ELEVEN, IN	C. dba 7-Eleven S	tore 40529 ("Fa	cility 3'	')			
Case ID No.	Case ID No. 59125							
Reg. Ent. Reference No.	RN101876043	3						
	Petroleum Sto						Years of	
Violation No.		age ram.				Percent Interest	Depreciation	
Violation ito:	_					5.0	15	
	Thom Cook	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
	Item Cost	Date Required	rinai Date	TIS	Interest Saveu	Costs Saveu	EB Amount	
Item Description								
Delayed Costs	1	1						
Equipment				0.00	\$0	\$0	\$0	
Buildings				0.00	\$0	\$0	\$0	
Other (as needed)				0.00	\$0	\$0	\$0	
Engineering/Construction				0.00	\$0	\$0	\$0	
Land				0.00	\$0	n/a	\$0	
Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$0	
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0	
Permit Costs				0.00	\$0	n/a	\$0	
Other (as needed)	\$40	6-Aug-2019	28-Dec-2020	1.40	\$3	n/a	\$3	
Notes for DELAYED costs			and Class C US	Г opera		e Date Required is tation, and the Final		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d costs)	
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0	
Supplies/Equipment				0.00	\$0	\$0	\$0	
Financial Assurance				0.00	\$0	\$0	\$0	
ONE-TIME avoided costs				0.00	\$0	\$0	\$0	
Other (as needed)				0.00	\$0	\$0	\$0	
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$40			TOTAL		\$3	

	Screening Date	18-Mar-2020 Docket No. 2020-0459-PST-E	PCW
		7 FLEVEN THE H 7 FL C: 40F00 (HE H: 0H)	Policy Revision 4 (April 2014)
	Case ID No	59125	PCW Revision March 26, 2014
Reg.	Ent. Reference No	RN101876043	
	Media	Petroleum Storage Tank	
	Enf. Coordinato	Ken Moller	
	Violation Numbe	2	
	Rule Cite(s	30 Tex. Admin. Code § 334.72	
		55 74 11 15 15 15 15 15 15 15 15 15 15 15 15	
		Following the control of the control	
	Violation Description	Failed to report suspected releases to the TCEQ within 24 hours of discovery. Specifically, automatic tank gauge test results for Tank Nos. 1 and 2 from June	
	Violation Description	2019 indicated suspected releases that were not reported.	0,
		Base Pena	alty \$25,000
>> Env	ironmental, Prope	rty and Human Health Matrix	
		Harm	
00	Releas	The state of the s	
OR	Actua		
	Potentia	Percent 0.0%	
>>Proc	grammatic Matrix		
, ,	Falsification	Major Moderate Minor	
		x Percent 5.0%	
	Matrix		
	Notes	100% of the rule requirement was not met.	
		Adjustment \$23,	750
			±1.250
			\$1,250
Violatio	on Events		
	Number of	Violation Events 2 285 Number of violation days	
		daily	
		weekly	
		monthly	
		quarterly Violation Base Pena	alty \$2,500
		semiannual	•
		annual	
		single event x	
			_
		Two single events are recommended.	
Good E	aith Efforts to Con	ply 0.0% Reduct	cion \$0
Jour F	artii Enorts to con	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	φ0
		Extraordinary	
		Ordinary	
		N/A x	
		The Respondent does not meet the good faith criteria for	
		Notes this violation.	
		Violation Subto	otal \$2,500
Econom	nic Bonofit (ED) f-		
Econon	nic Benefit (EB) fo	this violation Statutory Limit Test	
	Estima	ed EB Amount \$84 Violation Final Penalty To	s 2,526
		This violation Final Assessed Penalty (adjusted for limi	its) \$2,526
		(aujusteu ioi iiii	Ψ2,320

	E	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, INC	C. dba 7-Eleven S	tore 40529 ("Fa	cility 3"	')		
Case ID No.	59125						
Reg. Ent. Reference No.							
	Petroleum Sto						Years of
Violation No.		rage rank				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
•							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Reporting Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	21-Jan-2020	28-Dec-2020	0.94	\$5	n/a	\$5
Notes for DELAYED costs Avoided Costs	The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						
Avoided Costs Disposal	ANNO	ALIZE avoided C	osts before en	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
rersonner repection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$76	7-Jun-2019	18-Mar-2020	0.78	\$3	\$76	\$79
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to report the suspected releases (\$76 total for two reports). The Date Required is the date the suspected releases should have been reported, and the Final Date is the screening date.						
Approx. Cost of Compliance		\$176		_	TOTAL		\$84

	Screening Date Respondent		Docket No. 2020-0459-PST-E dba 7-Eleven Store 40529 ("Facility 3")	Policy Revision 4 (April 2014)
_	Case ID No.	59125		PCW Revision March 26, 2014
Reg.	Ent. Reference No.	RN101876043 Petroleum Stora	age Tank	
	Enf. Coordinator		age runk	
	Violation Number			
	Rule Cite(s)	30 Tex. Adm	nin. Code § $334.50(b)(1)(A)$ and Tex. Water Code § $26.3475(c)(1)$)
		Failed to moni	or the USTs for releases in a manner which will detect a release a	at a
	Violation Description		frequency of at least once every 30 days.	
			Base Pena	alty \$25,000
>> En	vironmental, Prope	rty and Hum	an Health Matrix	-
// EII	vironinientai, Propei	ty and num	Harm	
OR	Release		Moderate Minor	
OK	Actual Potential		Percent 15.0%	
_				
>>Pro	grammatic Matrix Falsification	Major	Moderate Minor	
	T distribution	. iaje.	Percent 0.0%	
			ment will or could be exposed to pollutants that would exceed leve	els
	Notes that are p	rotective of hum	nan health or environmental receptors as a result of the violation.	
			A. d	250
			Adjustment \$21,	250
				\$3,750
Violati	on Events			
	Number of N	/iolation Events	1 57 Number of violation days	
	Namber of	riolation Events	1 37 Notation days	
		daily		
		weekly monthly		
		quarterly	X Violation Base Pena	alty \$3,750
		semiannual		
		annual single event		
		3		
	One quarter	y event is recon	nmended from the January 21, 2020 investigation date to the Mar	<mark>ch</mark>
			18, 2020 screening date.	
Good F	Faith Efforts to Com	ply	0.0% Reduct	tion \$0
I		В	efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	70
		Extraordinary		
		Ordinary N/A	x	
		19/74		
		Notes	The Respondent does not meet the good faith criteria for this violation.	
			Violation Subto	s 3,750
Econo	mic Benefit (EB) for	this violation	on Statutory Limit Test	
	Estimat	ed EB Amount	\$70 Violation Final Penalty To	otal \$3,790
			This violation Final Assessed Penalty (adjusted for lim	its) \$3,790

	F	conomic	Ronofit	Wa	rkshoot		
Economic Benefit Worksheet Respondent 7-ELEVEN, INC. dba 7-Eleven Store 40529 ("Facility 3")							
		C. dba /-Eleven Si	tore 40529 ("Fa	cility 3")		
Case ID No.	59125						
Reg. Ent. Reference No.	RN101876043						
	Petroleum Sto						Years of
Violation No.		. ago . a				Percent Interest	Depreciation
Violation No.	3					[
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	21-Jan-2020	28-Dec-2020	0.94	\$70	n/a	\$70
Notes for DELAYED costs	Estimated delayed cost to implement a release detection method for the USTs. The date required is the investigation date, and the final date is the estimated date of compliance.						
Avoided Costs	ANNU	ALIZE avoided c	osts before en			r one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,500			TOTAL		\$70

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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600240329, RN102346707, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, CN600240329, 7-ELEVEN, INC. Classification: SATISFACTORY Rating: 0.21

or Owner/Operator:

Regulated Entity: RN102346707, Stripes 5145 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 840 Farm-to-Market Road 802, Brownsville, Cameron County, Texas 78520-9133

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 20491

Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019

Date Compliance History Report Prepared: March 10, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2015 to March 10, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ken Moller **Phone:** (512) 239-6111

Site and Owner/Operator History:

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/operator of the site during the compliance period? YES

3) Who is the current owner/operator? 7-Eleven, Inc. OWNER OPERATOR since 1/23/2018

4) Who was/were the prior owner(s)/operator(s)? Stripes LLC, OWNER OPERATOR, 9/24/2001 to 1/22/2018

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 23, 2017 (1390242)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs): $_{\mbox{\scriptsize N/A}}$

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 3/10/2015 and 3/10/2020

N/A For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period March 10, 2015 and March 10, 2020

(1390242)

Item 1* February 23, 2017** For Informational Purposes Only

(1631495)

Item 2 February 23, 2020 For Informational Purposes Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600240329, RN102350881, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, CN600240329, 7-ELEVEN, INC. Classification: SATISFACTORY Rating: 0.21

or Owner/Operator:

Regulated Entity: RN102350881, Stripes 9579 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 1601 Central Boulevard, Brownsville, Cameron County, Texas 78520-8326

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 45954

Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019

Date Compliance History Report Prepared: March 10, 2020

Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: March 10, 2015 to March 10, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ken Moller **Phone:** (512) 239-6111

Site and Owner/Operator History:

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/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 23, 2017 (1390283)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 3/10/2015 and 3/10/2020

N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period March 10, 2015 and March 10, 2020

(1390283)

Item 1* February 23, 2017** For Informational Purposes Only

(1631510)

Item 2 February 23, 2020 For Informational Purposes Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600240329, RN101876043, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, CN600240329, 7-ELEVEN, INC. Classification: SATISFACTORY Rating: 0.21

or Owner/Operator:

Regulated Entity: RN101876043, 7-Eleven Store 40529 Classification: HIGH Rating: 0.00

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

Location: 2100 Veterans Boulevard, Del Rio, Val Verde County, Texas 78840-3042

TCEQ Region: REGION 16 - LAREDO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 647

Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019

Date Compliance History Report Prepared: March 10, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2015 to March 10, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ken Moller **Phone:** (512) 239-6111

Site and Owner/Operator History:

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/operator of the site during the compliance period? YES

3) Who is the current owner/operator? 7-Eleven, Inc. OWNER OPERATOR since 1/23/2018

4) Who was/were the prior owner(s)/operator(s)? Stripes LLC, OWNER OPERATOR, 6/1/2011 to 1/22/2018

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 07, 2017 (1388004)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 3/10/2015 and 3/10/2020

N/A For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period March 10, 2015 and March 10, 2020

(1388004)

Item 1* February 07, 2017** For Informational Purposes Only

(1629607)

Item 2 February 21, 2020 For Informational Purposes Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT	§	BEFORE THE
ACTION CONCERNING	§	
7-ELEVEN, INC. DBA STRIPES 5145,	§	TEXAS COMMISSION ON
STRIPES 9579, AND 7-ELEVEN STORE	§	
40529;	§	ENVIRONMENTAL QUALITY
RN102346707, RN102350881, AND	§	
RN101876043	§	
	§	

AGREED ORDER DOCKET NO. 2020-0459-PST-E I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality
("Commission" or "	TCEQ") considered this agreement of the parties, resolving an enforcement
action regarding 7-1	Eleven, Inc. dba Stripes 5145, Stripes 9579, and 7-Eleven Store 40529
("Respondent") und	ler the authority of Tex. Water Code chs. 7 and 26. The Executive Director of
the TCEQ, represen	ted by the Litigation Division, and Respondent, represented by Tobias Smith of
the law firm Clark I	Hill Strasburger together stipulate that:

- 1. Respondent owns and operates, as defined in 30 Tex. Admin. Code § 334.2(78) and (75), three underground storage tank ("UST") systems and convenience stores with retail sales of gasoline located at 840 Farm-to-Market 802 in Brownsville, Cameron County, Texas (Facility ID No. 20491) (Facility 1); 1601 Central Boulevard in Brownsville, Cameron County, Texas (Facility ID No. 45954) (Facility 2); and 2100 Veterans Boulevard, in Del Rio, Val Verde County, Texas (Facility ID No. 647) (Facility 3), (collectively the "Facilities"). The USTs at the Facilities are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
- 2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of twelve thousand six hundred fifty-nine dollars (\$12,659.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid twelve thousand six hundred fifty-nine dollars (\$12,659.00) of the penalty.
- 5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a). 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.

- 6. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that Respondent submitted amended registrations for Facility 1, Facility 2, and Facility 3 to reflect the current Class A, Class B, and Class C operator training information on August 20, 2020.

II. ALLEGATIONS

- 1. During an investigation conducted on January 21, 2020, at Facility 1, an investigator documented that Respondent failed to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. ADMIN. CODE § 334.7(d)(1)(A) and (d)(3). Specifically, the registration for Facility 1 was not updated to reflect the current Class A, Class B, and Class C operator training information.
- 2. During an investigation conducted on January 21, 2020, at Facility 2, an investigator documented that Respondent:
 - a. Failed to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. Admin. Code § 334.7(d)(1)(A) and (d)(3). Specifically, the registration for Facility 2 was not updated to reflect the current Class A, Class B, and Class C operator training information; and
 - b. Failed to report suspected releases to the TCEQ within 24 hours of discovery, in violation of 30 Tex. Admin. Code § 334.72. Specifically, automatic tank gauge ("ATG") test results for Tank No. 1 at Facility 2 from February 16, March 16 and 23, April 14, May 29, and August 24, 2019, and for Tank No. 2 from January 1, 9, 17, 26, and 31, July 12 and 17, and September 14, 2019, indicated suspected releases that were not reported.
- 3. During an investigation conducted on January 21, 2020, at Facility 3, an investigator documented that Respondent:
 - a. Failed to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. Admin. Code § 334.7(d)(1)(A) and (d)(3). Specifically, the registration for Facility 3 was not updated to reflect the current Class A, Class B, and Class C operator training information;
 - b. Failed to report suspected releases to the TCEQ within 24 hours of discovery, in violation of 30 Tex. Admin. Code § 334.72. Specifically, ATG test results for Tank Nos. 1 and 2 at Facility 3 on June 6, 2019, indicated suspected releases that were not reported; and
 - c. Failed to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days at Facility 3, in violation of Tex. Water Code § 26.3475(c)(1) and 30 Tex. Admin. Code § 334.50(b)(1)(A).

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: 7-ELEVEN, INC. dba Stripes 5145 and dba Stripes 9579 and dba 7-Eleven Store 40529. Docket No. 2020-0459-PST-E" to:

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

- 2. Respondent shall undertake the following technical requirements:
 - a. At Facility 2, within 30 days after the effective date of this Order, develop and implement a process for reporting suspected releases timely, in accordance with 30 Tex. Admin. Code § 334.72.
 - b. At Facility 3, within 30 days after the effective date of this Order:
 - i. Develop and implement a process for reporting suspected releases timely, in accordance with 30 Tex. ADMIN. CODE § 334.72; and
 - ii. Implement a release detection method for the USTs at the Facility, in accordance with 30 Tex. Admin. Code § 334.50.
 - c. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a., and 2.b. The certification shall be signed by the Respondent and shall 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 written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

7-ELEVEN, INC. dba Stripes 5145, Stripes 9579, and 7-Eleven Store 40529 Docket No. 2020-0459-PST-E Page 4

Waste Section Manager Harlingen Regional Office Texas Commission on Environmental Quality 1804 W Jefferson Ave Harlingen, Texas 78550-5247

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Order.
- 5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 6. If Respondent 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Frint. Chanallox	03/28/22
For the Executive Director	Date
I, the undersigned, have read and understand the a attached Order, and I do agree to the terms and co acknowledge that the TCEQ, in accepting payment such representation.	onditions specified therein. I further
I also understand that failure to comply with the C to timely pay the penalty amount may result in:	Ordering Provisions in this Order and/or failure
 A negative impact on compliance history; 	
 Greater scrutiny of any permit applications; 	
 Referral of this case to the Attorney General's penalties, and/or attorney fees, or to a collection 	office for contempt, injunctive relief, additional on agency;
 Increased penalties in any future enforcement 	actions;
 Automatic referral to the Attorney General's of 	ffice of any future enforcement actions; and
 TCEQ seeking other relief as authorized by law 	7.
In addition, I understand that any falsification of a criminal prosecution.	any compliance documents may result in
10121	February 9, 2022
Signature	Date
Kirk F. Sniff	Attorney-in-Fact
Name (Printed or typed) Authorized representative of 7-Eleven, Inc.	Title
lacktriang If mailing address has changed, please check th	nis box and provide the new address below: