Order Type: Agreed Order

Media: PST

Small Business: Yes

Location(s) Where Violation(s) Occurred:

2109 Sidney Baker Street, Kerrville, Kerr County ("Facility 1") 3305 Memorial Boulevard in Kerrville, Kerr County ("Facility 2") 2204 South State Highway 16 in Fredericksburg, Gillespie 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 A Past-Due Penalties: Past-Due Fees: Other: Interested Third Parties:	Actions: None None None None None
Texas Register Publication Date:	March 11, 2022
Comments Received:	None
	Penalty Information
Total Penalty Assessed:	\$15,750
Total Paid to General Revenue:	\$15,750
Total Due to General Revenue:	\$0
Compliance History Classifications Person/CN – Satisfactory Site/RN – High	s:
Major Source:	No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	April 2014
	Investigation Information
Complaint Date(s):	N/A

14/11
March 26, 2020 through April 7, 2020
N/A
April 27, 2020

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59338 7-ELEVEN, INC. dba 7-Eleven Store 40515, 40516, and 40518 RN101742831, RN101753457, RN102277068 Docket No. 2020-0721-PST-E

Violation Information

At Facility 1:

- 1. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity [Tex. WATER CODE § 26.3475(c)(2) and 30 Tex. ADMIN. CODE § 334.51(b)(2)(C)(i)].
- 2. Failed to identify and designate for the UST facility at least one named individual for each class of operator Class A, Class B, and Class C [30 TEX. ADMIN. CODE § 334.602(a)].
- 3. Failed to assure that all UST record keeping requirements are met [30 Tex. ADMIN. CODE § 334.10(b)(2)].

At Facility 2:

- 4. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity [Tex. WATER CODE § 26.3475(c)(2) and 30 Tex. ADMIN. CODE § 334.51(b)(2)(C)(i)].
- 5. Failed to identify and designate for the UST facility at least one named individual for each class of operator Class A, Class B, and Class C [30 TEX. ADMIN. CODE § 334.602(a)].
- 6. Failed to assure that all UST record keeping requirements are met [30 TEX. ADMIN. CODE § 334.10(b)(2)].
- 7. Failed to design, install, and operate the corrosion protection system in a manner that will prevent releases of regulated substances from the metal components of the UST system due to structural failure or corrosion [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.42(a) and 334.49(a)(2) and (a)(4)].

At Facility 3:

- 8. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity [Tex. WATER CODE § 26.3475(c)(2) and 30 Tex. ADMIN. CODE § 334.51(b)(2)(C)(i)].
- 9. Failed to identify and designate for the UST facility at least one named individual for each class of operator Class A, Class B, and Class C [30 TEX. ADMIN. CODE § 334.602(a)].
- 10. Failed to assure that all UST record keeping requirements are met [30 Tex. ADMIN. CODE § 334.10(b)(2)].
- 11. Failed to design, install, and operate the corrosion protection system in a manner that will prevent releases of regulated substances from the metal components of the UST system due to structural failure or corrosion [Tex. WATER CODE § 26.3475(d) and 30 Tex. ADMIN. CODE § 334.42(a) and 334.49(a)(2) and (a)(4)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent installed an automatic shutoff device for each tank at Facility 1 and Facility 2 on September 17, 2020 and for each tank at Facility 3 on May 6, 2020.

Technical Requirements:

1. Within 30 days:

- a. Designate, train, and certify at least one named individual for each class of operator Class A, and Class B for Facility 1, Facility 2, and Facility 3.
- b. Begin maintaining financial assurance records at Facility 1 and Facility 2 and make them immediately available for inspection upon request by TCEQ personnel.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59338 7-ELEVEN, INC. dba 7-Eleven Store 40515, 40516, and 40518 RN101742831, RN101753457, RN102277068 Docket No. 2020-0721-PST-E

- c. Begin maintaining release detection records at Facility 1 and Facility 2 and make them immediately available for inspection upon request by TCEQ personnel.
- d. Replace all cracked STP sumps and test the system to ensure electrical isolation and remove or address the corrosion from the unleaded fuel STP at Facility 2.
- e. Relace the cracked STP sump, ensure the metallic components are kept dry, and remove any dirt and test the system to ensure electrical isolation at Facility 3.
- 2. Within 45 days, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirements No. 1.a. through 1.e.

Litigation Information

Date Petition(s) Filed:	October 26, 2021
Date Green Card(s) Signed:	October 28, 2021
Settlement Date:	February 9, 2022

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: Stephanie McCurley, Enforcement, (512) 239-2607

TCEQ Regional Contact: Cameron Lopez, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Joseph M. Depinto, President, 7-ELEVEN, INC. dba 7-Eleven Store 40515, 40516, and 40518, P.O. Box 711, Dallas, Texas 75221

Respondent's Attorney: Tobias Smith, Clark Hill Strasburger, 901 Main Street, Suite 6000, Dallas, Texas 75202

THIS PAGE INTENTIONALLY LEFT BLANK

PCW 1 of 3

REAL OF THE REAL OF	Policy R	Pe Revision 4 (April 2014)	-	alculatio	n Worksh	neet (PC	-	Revision March 26, 20.	14
DATES	Assigned	4-May-2020	- · [1		
	PCW	29-Sep-2021	Screening	12-May-2020	EPA Due				
RESPO		TY INFORMATIC							
Reg	g. Ent. Ref. No.	7-ELEVEN, INC. 0 RN101742831	iba /-Eleven	<u>Store 40515 (F</u>	-acility 1)				
Facili	ty/Site Region	13-San Antonio			Major/M	inor Source	Minor		
CASE I	NFORMATION								_
	f./Case ID No.				No. c	of Violations	-		
Mod		2020-0721-PST-E Petroleum Storag			Government	Order Type			
Med	Multi-Media					•	Stephanie McC	Curley	
6 .d.	uin Develoy & I		¢0	Massimum	+2F 000	EC's Team	Enforcement T	eam 7	
Adr	nin. Penalty \$ I		\$0	Maximum	\$25,000				
			Penalt	y Calcula	tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation	, base penalt	ies)		Subtotal 1	\$2,75	50
ADJU	STMENTS (+	/-) TO SUBTO	TAL 1						
	Subtotals 2-7 are of	tained by multiplying		, ,					
	Compliance Hi	story		0.0%	Adjustment	Subto	tals 2, 3, & 7		\$0
	Notes		No adjustme	ent for compliar	nce history.				
	Culpability	No		0.0%	Enhancement		Subtotal 4	4	\$0
	Notes	The Res	spondent doe	s not meet the	culpability crite	ria.			
	Good Faith Eff	ort to Comply To	otal Adjustm	nents			Subtotal 5		\$0
			,,,						
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	4	\$0
		Total EB Amounts Cost of Compliance	\$203 \$3,180		d at the Total EB \$ A	Amount			
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$2,75	50
OTHE	R FACTORS /	AS JUSTICE M		RF	0.0%		Adjustment	4	\$0
		Subtotal by the indica			0.070		Aujustment	٩	70
	Notes								
						Final Pen	alty Amount	\$2,75	50
STATI	JTORY LIMI	ADJUSTMEN	т			Final Asse	ssed Penalty	\$2,75	50
DEFE	RRAL				0.0%	Reduction	Adjustment	9	\$0
		nalty by the indicated	percentage.				1	· · · · · · · · · · · · · · · · · · ·	<u> </u>
	Notes	Defer	ral not offere	d for non-expe	dited settlemen	t.			
PAYA	BLE PENALT	1						\$2,75	50

Ing Date 12-May-2020 Docket No. 2020-0721-PST-E		
		icy Revision 4 (Ap
	PCV	/ Revision March
Number of	Number	Adjust.
Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
Other written NOVs	0	0%
Any agreed final enforcement orders containing a denial of liability (<i>number of</i> 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%
Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Chronic excessive emissions events (number of events)	0	0%
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 (<i>number of audits for which violations were disclosed</i>)	0	0%
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%
-	centage (Sul	ototal 2)
(Subtotal 3)		
	contaca (S	statal 2)
Adjustment Per	centage (Sul	ototal 3)
	centage (Sul	ototal 3)
Adjustment Per		
Adjustment Per Fory Person Classification (Subtotal 7) Performer Adjustment Per		
Adjustment Per		
5	spondent 7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1) se ID No. 59338 ence No. RN101742831 Media Petroleum Storage Tank ordinator Stephanie McCurley Compliance History Worksheet tory Site Enhancement (Subtotal 2) Number of Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) Other written NOVs Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) 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 Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or devents of the federal government (<i>number of counts</i>) Chronic excessive emissions events (<i>number of events</i>) 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>) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices</i> were submi	Spondent 7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1) Point See ID No. 59338 PCW Geter at the other of the other of other othe other otheother other other otheothere other other other othere

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

>> Final Compliance History Adjustment

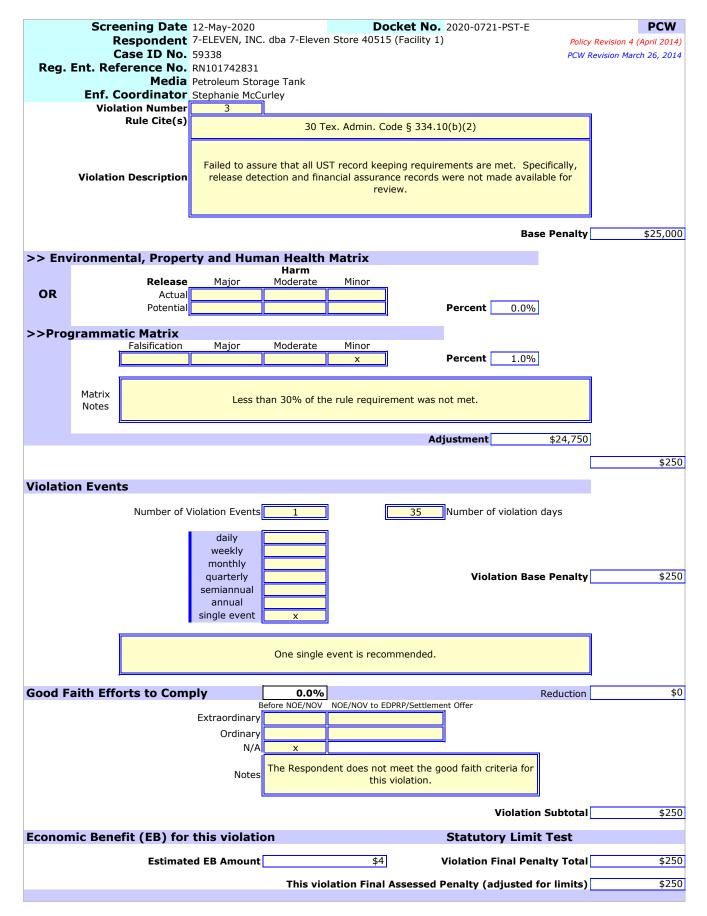
Final Adjustment Percentage *capped at 100% 0%

	Screening Dat		Docket No. 2020-0721-PST-E	PCW
	-	t 7-ELEVEN, INC. dba 7-Eleven S	Store 40515 (Facility 1)	Policy Revision 4 (April 2014)
Reg.	Case ID No Ent. Reference No			PCW Revision March 26, 2014
		Petroleum Storage Tank		
		r Stephanie McCurley		
	Violation Numbe			
	Rule Cite(s) 30 Tex. Admin. Code § 334.5	1(b)(2)(C)(i) and Tex. Water Code § 26.347	<mark>5(c)(2)</mark>
		Failed to equip each texts with		
	Violation Descriptio		In a valve or other device designed to automa substances into the tank when the liquid level	
		tank reach	nes no higher than 95% capacity.	
			Base	Penalty \$25,000
>> En\	vironmental, Prop	erty and Human Health M Harm	latrix	
	Releas	e Major Moderate	Minor	
OR	Actu Potenti		Percent 5.0%	
	Potenti			
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor Percent 0.0%	
			ould be exposed to significant amounts of poll	
	Notes which would		ctive of human health or environmental reception of the violation.	ptors as
			Adjustment	\$23,750
				\$1,250
Vieleti				
violatio	on Events			
	Number o	Violation Events 1	35 Number of violation da	ays
		daily		
		weekly		
		monthly		
		quarterly <u>x</u> semiannual	Violation Base	Penalty \$1,250
				<i>q_1_200</i>
		annual		¢2/200
		annual single event		
	One quarter	annual single event	e April 7, 2020 investigation end date to the creening date.	
	One quarter	annual single event		
Good F	One quarter	annual single event y event is recommended from the 2020 s	creening date.	
Good F		annual single event y event is recommended from th 2020 s nply 0.0% Before NOE/NOV N	creening date.	May 12,
Good F		annual single event y event is recommended from the 2020 s nply 0.0% Before NOE/NOV N Extraordinary	creening date.	May 12,
Good F		annual single event y event is recommended from th 2020 s nply 0.0% Before NOE/NOV N	creening date.	May 12,
Good F		annual single event y event is recommended from th 2020 s nply 0.0% Extraordinary Ordinary N/A The Responden	Creening date.	May 12,
Good F		annual single event y event is recommended from th 2020 s apply 0.0% Extraordinary Ordinary N/A x	creening date.	May 12,
Good F		annual single event y event is recommended from th 2020 s nply 0.0% Extraordinary Ordinary N/A The Responden	Accreening date.	May 12, eduction \$0
Good F		annual single event y event is recommended from th 2020 s nply 0.0% Extraordinary Ordinary N/A The Responden	Re IOE/NOV to EDPRP/Settlement Offer IOE /NOV to EDPRP/Settlement Offer Int does not meet the good faith criteria for	May 12, eduction \$0
		annual single event y event is recommended from th 2020 s nply 0.0% Before NOE/NOV N Extraordinary Ordinary N/A x The Responden	Accreening date.	May 12, eduction \$0 Subtotal \$1,250
	Faith Efforts to Cor	annual single event y event is recommended from th 2020 s ply 0.0% Before NOE/NOV N Extraordinary Ordinary N/A x Notes The Responden r this violation	Acreening date.	May 12, eduction \$0 Subtotal \$1,250
	Faith Efforts to Cor	annual single event y event is recommended from the 2020 s apply 0.0% Before NOE/NOV Extraordinary Ordinary N/A x Notes The Responden the Responden ted EB Amount	Re IOE/NOV to EDPRP/Settlement Offer IOE does not meet the good faith criteria for this violation. Violation S	May 12, eduction \$0 Subtotal \$1,250 Fest ty Total \$1,250

	E	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, ING	C. dba 7-Eleven S	tore 40515 (Fac	ility 1)			
Case ID No.	59338						
Reg. Ent. Reference No.							
							Veene of
	Petroleum Sto	гаде тапк				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							1105
Equipment	\$3,000	26-Mar-2020	28-Feb-2021	0.93	\$9	\$186	\$195
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		investigation star	t date and the I	inal Da	te is the estimated	tanks. The Date Re d date of compliance	
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		\$3,000			TOTAL		\$195

		ening Date		Docket No. 2020-0721-PST-E	PCW
				ven Store 40515 (Facility 1)	Policy Revision 4 (April 2014)
Dec		Case ID No.			PCW Revision March 26, 2014
Reg.	EIII. REI		RN101742831 Petroleum Storage Tank		
	Enf. C		Stephanie McCurley		
		ation Number	2		
		Rule Cite(s)	3	30 Tex. Admin. Code § 334.602(a)	
	Violatio	n Description	least one named individua	ignate for the underground storage tank ("UST") fa al for each class of operator - Class A, Class B, and o no Class A and Class B operator designated and tra	Class C.
				Base I	Penalty \$25,000
>> En	vironme	ntal, Proper	ty and Human Heal	th Matrix	
		Release	Harm Major Moderate	e Minor	
OR		Actual			
		Potential	X	Percent 5.0%	
			,,,,,,,		
>>Pro	ogramma	tic Matrix	Madau Madauat		
		Falsification	Major Moderate	e Minor Percent 0.0%	
	Matrix Notes			could be exposed to significant amounts of pollutative of human health or environmental receptors as of the violation.	
		•		Adjustment	\$23,750
				Aujustinent	
					\$1,250
Violati	ion Event	ts			
		Number of \	/iolation Events 1	Number of violation da	ys
			daily weekly monthly quarterly	Violation Base F	Penalty \$1,250
			semiannual annual single event		φ1,230
		One quarterly		om the April 7, 2020 investigation end date to the N 020 screening date.	1ay 12,
Good F	Faith Effo	orts to Com	ply 0.0	%	duction \$0
			Before NOE/NO	NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary		
			Ordinary		
			N/A × Notes The Respo	pondent does not meet the good faith criteria for this violation.	
				Violation S	ubtotal \$1,250
Econor	mic Bene	efit (EB) for	this violation	Statutory Limit T	est
		Estimate	ed EB Amount	\$4 Violation Final Penalt	y Total \$1,250
			This	violation Final Assessed Penalty (adjusted for	limits) \$1,250

	E	conomic	Benefit	Wo	rksheet		
		C. dba 7-Eleven S	tore 40515 (Fac	cility 1)			
Case ID No.							
Reg. Ent. Reference No.	RN101742831						
Media	Petroleum Sto	rage Tank					Years of
Violation No.		- 5				Percent Interest	Depreciation
	_					5.0	15
		D . L . D	Elucit Data	Maria			
	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	\$90	26-Mar-2020	28-Feb-2021	0.93	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	operator. T	he Date Required	l is the investiga	compli	art date and the Finance.	designate a Class A nal Date is the estin	nated date of
	ANNO	ALIZE AVOIUEU C	USIS Delore el	0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0	\$0 \$0	<u>\$0</u> \$0
Inspection/Reporting/Sampling				0.00	\$0 \$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		\$90			TOTAL		\$4



	E	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, INC	C. dba 7-Eleven S	tore 40515 (Fac	cility 1)			
Case ID No.							
leg. Ent. Reference No.	RN101742831						
Media Violation No.	Petroleum Sto 3	rage Tank				Percent Interest	Years of 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	\$90	26-Mar-2020	28-Feb-2021	0.93	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
	Estimated of	delayed cost to m	aintain release	detectio	on and financial as	surance records and	
Notes for DELAYED costs	immediately	v available for ins	pection upon rea	quest by	y TCEQ personnel	surance records and (\$45 per record typ stimated date of cor	make them e). The Date
Notes for DELAYED costs	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	quest by ind the	y TCEQ personnel Final Date is the e	(\$45 per record type	make them e). The Date npliance.
	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	quest by ind the	y TCEQ personnel Final Date is the e	(\$45 per record type stimated date of cor	make them e). The Date npliance.
Avoided Costs	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering	y TCEQ personnel Final Date is the e item (except for \$0 \$0	(\$45 per record typ stimated date of cor r one-time avoider \$0 \$0	make them e). The Date npliance. d costs) \$0 \$0
Avoided Costs Disposal Personnel	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering	y TCEQ personnel Final Date is the e item (except for \$0	(\$45 per record typ stimated date of cor r one-time avoide \$0 \$0 \$0	make them e). The Date npliance. d costs) \$0
Avoided Costs Disposal Personnel	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering 0.00 0.00 0.00 0.00 0.00	y TCEQ personnel Final Date is the e item (except for \$0 \$0 \$0 \$0 \$0	(\$45 per record typ stimated date of cor r one-time avoide \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering 0.00 0.00 0.00 0.00 0.00 0.00	y TCEQ personnel Final Date is the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	(\$45 per record typ stimated date of cor r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	make them e). The Date npliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	y TCEQ personnel Final Date is the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	(\$45 per record typ stimated date of cor r one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	make them p). The Date pliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering 0.00 0.00 0.00 0.00 0.00 0.00	y TCEQ personnel Final Date is the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	(\$45 per record typ stimated date of cor r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	make them e). The Date npliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	immediately Require	available for insp d is the investiga	pection upon rec tion start date a	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	y TCEQ personnel Final Date is the e item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	(\$45 per record typ stimated date of cor r one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	make them e). The Date npliance. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

S COMMISSION	Policy F	Pe Revision 4 (April 2014	nalty Calc	ulatio	n Worksh	eet (PC	-	Revision March 26, 2014
DATES	Assigned						1	
	PCW	29-Sep-2021	Screening 12-N	1ay-2020	EPA Due			
RESPO		TY INFORMATI						
Red	g. Ent. Ref. No.	<u>7-ELEVEN, INC.</u> RN101753457	dba 7-Eleven Store	<u>e 40516 (F</u>	-acility 2)			
	ty/Site Region				Major/M	inor Source	Minor	
CASE I	NFORMATION							
	f./Case ID No.				No. o	f Violations		
Med		2020-0721-PST-				Order Type		
Med	Multi-Media	Petroleum Stora	уе тапк		Government Enf.		Stephanie Mc	Curley
۸dr	nin. Penalty \$ I	imit Minimum	\$0 Max	imum	\$25,000		Enforcement 1	
Au	iiii. Fenalty \$1		φ0 Plax		\$23,000			
			Penalty C	Calculat	tion Sectio	n		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation base	e penalt	ies)		Subtotal 1	\$6,500
ADJU	STMENTS (+	/-) TO SUBTO	DTAL 1					
	Subtotals 2-7 are of Compliance Hi		the Total Base Penalty	(Subtotal 1) 0.0%) by the indicated pe Adjustment		tals 2, 3, & 7	\$0
	compliance m	story		0.070	Aujustinent	Subto		φ.
	Notes		No adjustment fo	r compliar	nce history.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Culpability			0.0%	Emancement		Sublotal 4	<u></u> هد
	Notes	The Re	spondent does not	meet the	culpability crite	ria.		
	Good Faith Eff	ort to Comply I	otal Adjustments	5			Subtotal 5	\$0
	Economic Ben	-fit		0.00/	F		Subtotal 6	\$0
		Total EB Amounts	\$398		Enhancement* d at the Total EB \$ A	mount	Sublotaro	\$ 0
	Estimated	Cost of Compliance	\$6,180					
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$6,500
OTHE			AY REQUIRE		0.0%		A	\$0
		Subtotal by the indic			0.0%		Adjustment	, , ,
	Notos							
	Notes							
						Final Pen	alty Amount	\$6,500
STATU	UTORY LIMI		IT			Final Asses	ssed Penalty	\$6,500
DEEF				ľ	0.0%	Doduction	Additional to the second	\$0
DEFER Reduces t		nalty by the indicated	l percentage.		0.0%	Reduction	Adjustment	ຸ່
	Notes	Defe	rral not offered for	non-expe	aited settlemen			
							J	-
PAYA	BLE PENALT	Y						\$6,500

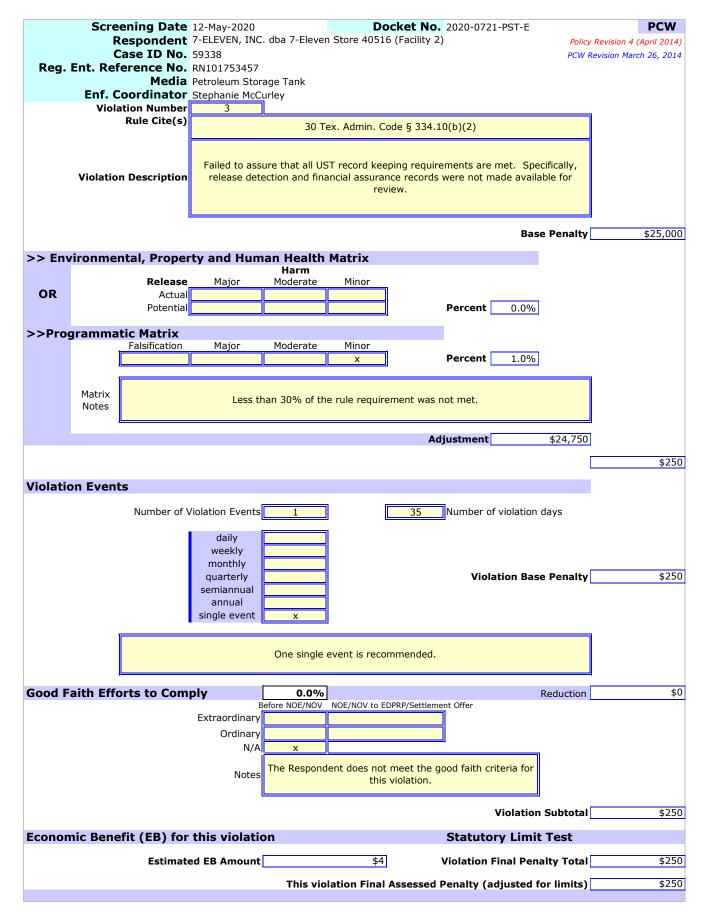
Screen	ing Date 12-May-2020 Docket No. 2020-0721-PST-E			PCV
Res Cas	 pondent 7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2) se ID No. 59338 ence No. RN101753457 Media Petroleum Storage Tank 		icy Revision 4 (A V Revision Marcl	·
Enf. Coo	ordinator Stephanie McCurley			
	Compliance History Worksheet			
	ory Site Enhancement (Subtotal 2)	Number	Adiust	
Component NOVs	Number of Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	Number 0	Adjust.	
	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%	
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%	
, iduite	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%	
		NL-	00/	
	Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0% 0%	
Other	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 (Sul	ototal 2)	0%
Repeat Violator	(Subtotal 3)			
No	Adjustment Per	centage (Sul	ototal 3)	0%
Compliance Hist	ory Person Classification (Subtotal 7)			
Satisfactory	Performer Adjustment Pere	centage (Sul	ototal 7)	0%
Compliance Hist	ory Summary			
Compliance History Notes	No adjustment for compliance history.			
	Total Compliance History Adjustment Percentage (S	Subtotals 2,	⊐ <i>3,</i> & 7) [0%
Final Compliance	History Adjustment	,		
	Final Adjustment Percenta	age *capped	at 100%	0%

	Screening Date		Docket No. 2020-0721-PST-E	PCW
	Responden Case ID No	7-ELEVEN, INC. dba 7-Eleve	n Store 40516 (Facility 2)	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg.	Ent. Reference No	RN101753457		
	Media Enf. Coordinato	Petroleum Storage Tank		
	Violation Numbe			
	Rule Cite(s	30 Tex. Admin. Code § 334	1.51(b)(2)(C)(i) and Tex. Water Code § 26.34	75(c)(2)
	Violation Description		with a valve or other device designed to auton ad substances into the tank when the liquid lev	
		tank rea	ches no higher than 95% capacity.	
			Base	Penalty \$25,000
>> Env	vironmental, Prope	rty and Human Health	Matrix	
	Release	Harm Major Moderate	Minor	
OR	Actua			
	Potentia	<u> </u>	Percent 5.0%	
>>Pro	grammatic Matrix Falsification	Majar Madarata	Minor	
	Faisincation	Major Moderate	Minor Percent 0.0%	
	Matrix which would		could be exposed to significant amounts of po tective of human health or environmental rec	
	Notes		It of the violation.	
			Adjustment	\$23,750
			· · · · · · · · · · · · · · · · · · ·	
				\$1,250
Violati	on Events			
	Number of	Violation Events 1	35 Number of violation of	Jays
		daily		
		weekly		
		monthly quarterly x	Violation Base	Penalty \$1,250
		semiannual		+-,
		annualsingle event		
			<u>ــــــــــــــــــــــــــــــــــــ</u>	
	One quarterl		the April 7, 2020 investigation end date to the	e May 12,
		2020) screening date.	
Good F	aith Efforts to Con	ply 0.0%	F	Reduction \$0
		Before NOE/NOV Extraordinary	NOE/NOV to EDPRP/Settlement Offer	
		Ordinary		
		N/A x	j'	
		Notes The Respond	ent does not meet the good faith criteria for	
			this violation.	
			Violation	Subtotal \$1,250
Econor	nic Benefit (EB) fo	r this violation	Statutory Limit	Test
		ed EB Amount	\$195 Violation Final Pena	
		<u> </u>	ation Final Assessed Penalty (adjusted fo	-
			auon rinai Assesseu Pendity (aujusted fo	\$1,250

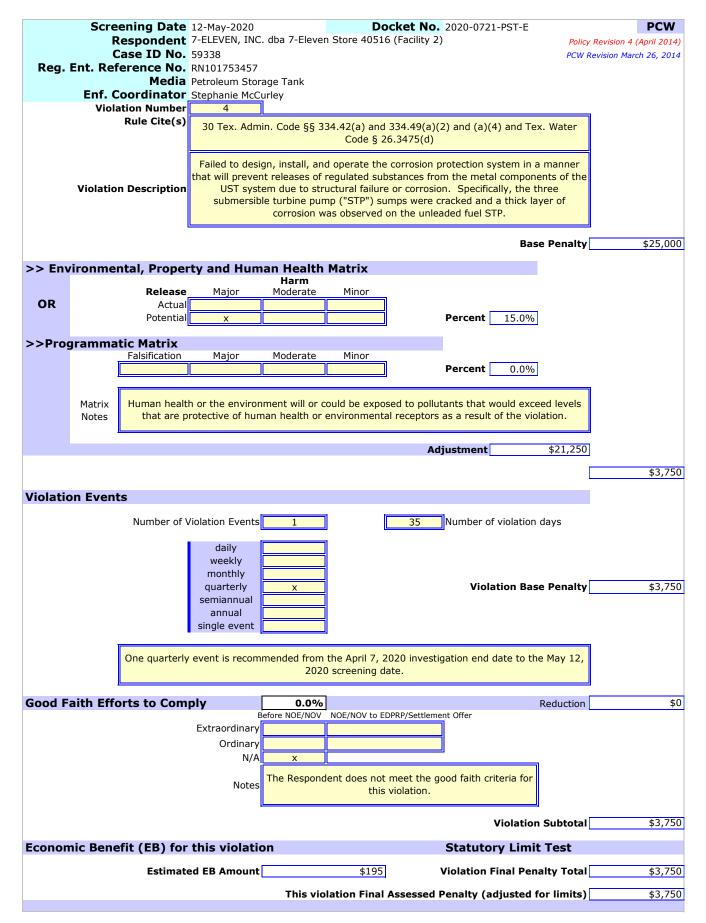
	E	conomic	Benefit	Wo	rksheet		
Perpendent		C. dba 7-Eleven S		-			
		c. uba /-Lieven 5		liity Z)			
Case ID No.							
Reg. Ent. Reference No.							
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					r creent interest	Depreciation
						5.0	15
	Thom Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
		Date Required	Filial Date	115	Interest Saveu	Costs Saveu	ED AIIIOUIIL
Item Description							
Delayed Costs				_			
Equipment	\$3,000	26-Mar-2020	28-Feb-2021	0.93	\$9	\$186	\$195
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
Permit Costs Other (as needed)	Estimated o	lelayed cost to inc	tall overfill shut	0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed) Notes for DELAYED costs		investigation star	t date and the I	0.00 0.00 off dev inal Da	\$0 \$0 rices for the three te is the estimated	n/a n/a tanks. The Date Re d date of compliance	\$0 \$0 quired is the 2.
Other (as needed) Notes for DELAYED costs Avoided Costs		investigation star	t date and the I	0.00 0.00 off dev inal Da	\$0 \$0 rices for the three te is the estimated item (except for	n/a n/a tanks. The Date Re d date of compliance r one-time avoide	\$0 \$0 equired is the e. d costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00	\$0 \$0 rices for the three te is the estimated item (except for \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoide \$0	\$0 \$0 equired is the e. d costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00	\$0 \$0 rices for the three te is the estimated item (except for \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoide \$0 \$0	\$0 \$0 quired is the d costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00 0.00	\$0 \$0 ices for the three te is the estimated item (except for \$0 \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoide \$0 \$0 \$0	\$0 \$0 equired is the d costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00 0.00	\$0 \$0 vices for the three te is the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00 0.00 0.00	\$0 \$0 ices for the three te is the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 ices for the three te is the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00 0.00 0.00	\$0 \$0 ices for the three te is the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs		investigation star	t date and the I	0.00 0.00 inal Da tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 ices for the three te is the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a tanks. The Date Re d date of compliance r one-time avoider \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	12-May-2020	Docket No. 2020-0721-PST-E	PCW
				even Store 40516 (Facility 2)	Policy Revision 4 (April 2014)
	C	ase ID No.	59338		PCW Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN101753457		
			Petroleum Storage Tank		
	Enf. C	oordinator	Stephanie McCurley		
		ation Number	2		
		Rule Cite(s)			
				30 Tex. Admin. Code § 334.602(a)	
	Violatio	n Description	least one named individua	signate for the underground storage tank ("UST") fac al for each class of operator - Class A, Class B, and C no Class A and Class B operator designated and trai	Class C.
				Base P	enalty \$25,000
>> Env	vironme	ntal, Proper	ty and Human Heal	th Matrix	
		,	Harm		
		Release	Major Moderat	e Minor	
OR		Actual			
		Potential	X	Percent 5.0%	
>>Pro	gramma	tic Matrix			
		Falsification	Major Moderat		
				Percent 0.0%	
	Matrix Notes			r could be exposed to significant amounts of pollutan ive of human health or environmental receptors as a of the violation.	
				Adjustment \$	23,750
					\$1,250
					\$1,230
Violati	on Event	re			
Violati					
		Number of \	/iolation Events 1	35 Number of violation day	/S
			daily weekly monthly quarterly x semiannual annual	Violation Base P	
			single event		
		One quarterly		om the April 7, 2020 investigation end date to the M 020 screening date.	ay 12,
Coad	aith Fff				
Good F	aith Effo	orts to Com			duction \$0
			Before NOE/N Extraordinary	OV NOE/NOV to EDPRP/Settlement Offer	
			Ordinary		
			N/A <mark>x</mark>		
			Notes The Resp	ondent does not meet the good faith criteria for this violation.	
				Violation Su	ibtotal \$1,250
Econor	nic Bene	efit (EB) for	this violation	Statutory Limit To	est
		Estimate	ed EB Amount	\$4 Violation Final Penalty	y Total \$1,250
			-		
1			This	violation Final Assessed Penalty (adjusted for	limits) \$1,250

Respondent Case ID No. 59338 Reg. Ent. Reference No. Media Violation No. Years of Percent Interest Vears of Depreciation Years of Depreciation Years of Depreciation Titem Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Delayed Costs Equipment Buildings Other (as needed) 0.00 \$0 \$0 \$0 Land 0.00 \$0 \$0 \$0 Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$0 \$2 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 Buildings Other (as needed) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 <th <="" colspan="2" th=""></th>		
Reg. Ent. Reference No. RN101753457 Media Violation No. Petroleum Storage Tank Percent Interest Vears of Depreciation 1 1 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Delayed Costs Equipment Buildings Other (as needed) 0.00 \$0 \$0 \$0 \$0 Land Record Keeping System Training/Sampling 2 0.00 \$0 \$0 \$0 Remediation/Disposal Permit Costs Other (as needed) 2 2 0.00 \$0 \$0 Permit Costs Other (as needed) 2 0.00 \$0 \$0 \$0 Other (as needed) 2 0.00 \$0 \$0 \$0 Record Keeping System Training/Sampling \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Permit Costs 0.00 \$0 \$0 \$0 \$0 \$0 Determing Source (as needed) 0.00 \$0 \$0 \$0 \$0		
Media Violation No. Petroleum Storage Tank Percent Interest Storage Tank Percent Interest Storage Tank Violation No. 2 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Item Description 0.00 \$0 \$0 \$0 \$0 Delayed Costs Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Record Keeping System 0.00 \$0 \$0 \$0 Training/Sampling \$90 26-Mar-2020 28-Feb-2021 0.93 \$44 \$0 Permit Costs 0.00 \$0 \$0 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0		
Violation No. 2 Percent Interest Depreciation Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Item Description Delayed Costs 0.00 \$0 \$0 \$0 \$0 Buildings Other (as needed) 0.00 \$0 \$0 \$0 \$0 \$0 Equipment Buildings Multidings 0.00 \$0 \$0 \$0 \$0 \$0 \$0 Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal 90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Permit Costs 0.00 \$0 n/a \$0 n/a \$0 Other (as needed) 0.00 \$0 n/a \$0 n/a \$0		
Violation No. 2 Depreciation Jepreciation Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount Item Description Delayed Costs Equipment Buildings Control 0.00 \$0 \$0 \$0 Control 0.00 \$0 \$0 \$0 Equipment Buildings 0.00 \$0 \$0 \$0 Control 0.00 \$0 \$0 \$0 Equipment Buildings 0.00 \$0 \$0 \$0 Control 0.00 \$0 \$0 \$0 \$0 Engineering/Construction Land 2 0.00 \$0 n/a \$0 Record Keeping System Training/Sampling \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$44 Permit Costs 0.00 \$0 n/a \$0 \$0 n/a \$0 Other (as needed) 0.00 \$0 n/a \$0 \$0 n/a \$0		
Item CostDate RequiredFinal DateYrsInterest SavedCosts SavedEB AmountItem DescriptionDelayed CostsEquipment BuildingsOther (as needed)Engineering/Construction LandRecord Keeping System Training/Sampling Remediation/Disposal Permit CostsSother (as needed)Delayed CostsImage: Sother (as needed)Engineering Construction LandCost Sother (as needed)Barrow Cost Sother (as needed)Cost Sother (as needed)		
Item Description Delayed Costs Equipment Buildings Other (as needed) 0.00 \$0 \$0 \$0 Engineering/Construction Land 0.00 \$0		
Delayed Costs Equipment Buildings Other (as needed) 0.00 \$0 \$0 \$0 Engineering/Construction Land 0.00 \$0 \$0 \$0 Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Other (as needed) 0.00 \$0 n/a \$0 \$0 \$0		
Equipment Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0 Engineering/Construction Land 0.00 \$0 \$0 \$0 \$0 Record Keeping System Training/Sampling Remediation/Disposal 0.00 \$0 n/a \$0 90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Permit Costs 0.00 \$0 n/a \$0 \$0 \$0 Other (as needed) 0.00 \$0 n/a \$0 \$0 \$0 \$0 \$0		
Equipment Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0 Engineering/Construction Land 0.00 \$0 \$0 \$0 \$0 Record Keeping System Training/Sampling Remediation/Disposal 0.00 \$0 n/a \$0 90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Permit Costs 0.00 \$0 n/a \$0 \$0 \$0 Other (as needed) 0.00 \$0 n/a \$0 \$0 \$0 \$0 \$0		
Equipment Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0 Engineering/Construction Land 0.00 \$0 \$0 \$0 \$0 Record Keeping System Training/Sampling Remediation/Disposal 0.00 \$0 n/a \$0 90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Permit Costs 0.00 \$0 n/a \$0 \$0 \$0 Other (as needed) 0.00 \$0 n/a \$0 \$0 \$0 \$0 \$0		
Other (as needed) 0.00 \$0 \$0 \$0 Engineering/Construction 0.00 \$0 \$0 \$0 \$0 Land 0.00 \$0 \$0 \$0 \$0 \$0 Record Keeping System 0.00 \$0 \$0 \$0 \$0 Training/Sampling \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 \$1/a \$4 Permit Costs 0.00 \$0 \$0 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0 \$0		
Engineering/Construction Land 0.00 \$0 \$0 \$0 Record Keeping System Training/Sampling Remediation/Disposal Permit Costs 0.00 \$0 n/a \$0		
Land 0.00 \$0 n/a \$0 Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Remediation/Disposal 0.00 \$0 n/a \$0 Permit Costs 0.00 \$0 n/a \$0 Other (as needed) 0.00 \$0 n/a \$0		
Record Keeping System Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal Permit Costs \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Other (as needed) 0.00 \$0 n/a \$0		
Training/Sampling \$90 26-Mar-2020 28-Feb-2021 0.93 \$4 n/a \$4 Remediation/Disposal 0.00 \$0 n/a \$0 Permit Costs 0.00 \$0 n/a \$0 Other (as needed) 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) 0.00 \$0 n/a \$0		
Permit Costs 0.00 \$0 n/a \$0 Other (as needed) 0.00 \$0 n/a \$0		
Other (as needed) 0.00 \$0 n/a \$0		
Estimated delayed cost to obtain the required operator training and designate a Class A and Class B		
Notes for DELAYED costs operator. The Date Required is the investigation start date and the Final Date is the estimated date of		
compliance.		
Avoided Costs ANNUALIZE avoided costs before entering item (except for one-time avoided costs)		
Disposal 0.00 \$0 \$0 \$0		
Personnel 0.00 \$0 \$0 \$0		
Inspection/Reporting/Sampling		
Supplies/Equipment 0.00 \$0 \$0 \$0		
Financial Assurance 0.00 \$0 \$0 \$0		
ONE-TIME avoided costs 0.00 \$0 \$0 \$0 \$0		
Other (as needed) 0.00 \$0 \$0 \$0		
Notes for AVOIDED costs		
Approx. Cost of Compliance \$90 TOTAL \$4		



	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	59338	C. dba 7-Eleven S	tore 40516 (Fa	cility 2)			
	Petroleum Sto					Percent Interest	Years of 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	\$90	26-Mar-2020	28-Feb-2021	0.93	\$4	n/a	\$4
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	immediately Require	v available for insp d is the investigat	pection upon re- tion start date a	quest by Ind the	/ TCEQ personnel Final Date is the e	surance records and (\$45 per record typ stimated date of cor	e). The Date npliance.
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							



	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	59338	C. dba 7-Eleven S	tore 40516 (Fac	ility 2)			
	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	¢2,000	26 Mar 2020	20 Eab 2021	0.02	±0	¢100	¢105
Equipment Buildings	\$3,000	26-Mar-2020	28-Feb-2021	0.93	<u>\$9</u> \$0	\$186 \$0	<u>\$195</u> \$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		1					
Fernit Costs				0.00	\$0	n/a	\$0
Other (as needed)	Estimated d	elayed cost to ren	nove or address	0.00	\$0	n/a n/a	\$0
Other (as needed) Notes for DELAYED costs	spill buckets th	for the STP sump ne investigation st	os, and test the art date and the	0.00 the cor system Final [\$0 rrosion from the ur to ensure electrica Date is the estimat	n/a	\$0 place cracked te Required is ce.
Other (as needed)	spill buckets th	for the STP sump ne investigation st	os, and test the art date and the	0.00 the cor system Final [\$0 rrosion from the ur to ensure electrica Date is the estimat	n/a nleaded fuel STP, re al isolation. The Da red date of complian	\$0 place cracked te Required is ce.
Other (as needed) Notes for DELAYED costs Avoided Costs	spill buckets th	for the STP sump ne investigation st	os, and test the art date and the	0.00 the cor system Final I	\$0 rrosion from the ur to ensure electrica Date is the estimat item (except for	n/a nleaded fuel STP, re al isolation. The Da ed date of complian one-time avoide	\$0 place cracked te Required is ce. d costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	spill buckets th	for the STP sump ne investigation st	os, and test the art date and the	the corsystem Final I tering 0.00 0.00	\$0 rosion from the ur to ensure electric: Date is the estimat item (except for \$0 \$0 \$0 \$0	n/a nleaded fuel STP, re al isolation. The Da red date of complian r one-time avoide \$0 \$0 \$0	\$0 place cracked te Required is ce. d costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	spill buckets th	for the STP sump ne investigation st	os, and test the and the art date and the	0.00 the corsystem Final I tering 0.00 0.00 0.00	\$0 rosion from the ur to ensure electric Date is the estimat item (except for \$0 \$0 \$0 \$0 \$0	n/a nleaded fuel STP, re al isolation. The Da red date of complian r one-time avoide \$0 \$0 \$0 \$0 \$0	\$0 place cracked te Required is ce. d costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	spill buckets th	for the STP sump ne investigation st	os, and test the and the art date and the	0.00 the corsystem Final I 0.00 0.00 0.00 0.00 0.00	\$0 rosion from the ur to ensure electric Date is the estimat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nleaded fuel STP, re al isolation. The Da red date of complian r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 place cracked te Required is ce. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	spill buckets th	for the STP sump ne investigation st	os, and test the and the art date and the	0.00 the corsistence Final I 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 rosion from the ur to ensure electric Date is the estimat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nleaded fuel STP, re al isolation. The Da red date of complian r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 place cracked te Required is ce. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	spill buckets th	for the STP sump ne investigation st	os, and test the and the art date and the	0.00 the corsystem Final I 0.00 0.00 0.00 0.00 0.00	\$0 rosion from the ur to ensure electric Date is the estimat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nleaded fuel STP, re al isolation. The Da red date of complian r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 place cracked te Required is ce. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	spill buckets th	for the STP sump ne investigation st	os, and test the and the art date and the	0.00 the corsistence Final I 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 rosion from the ur to ensure electric Date is the estimat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nleaded fuel STP, re al isolation. The Da red date of complian r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 place cracked te Required is ce. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

PCW 3 of 3

S COMMENT	Policy R	Pe Revision 4 (April 2014)	nalty Ca	alculation	n Worksh	neet (PC	-	Revision March 26, 2014
DATES	Assigned	4-May-2020	• · ·	12.14 2020			1	
	PCW	29-Sep-2021		12-May-2020	EPA Due			
RESPO		TY INFORMATIC		Chama 40510 (5				
Reg	g. Ent. Ref. No.	7-ELEVEN, INC. 0 RN102277068	iba /-Eleven :	Store 40518 (F	acility 3)			
Facili	ty/Site Region	13-San Antonio			Major/M	linor Source	Minor	
CASE I	NFORMATION							
	f./Case ID No.				No. a	of Violations		
Mod		2020-0721-PST-E Petroleum Storag			Government	Order Type		
med	Multi-Media	Petroleum Storag				•	Stephanie McC	Curley
						EC's Team	Enforcement T	eam 7
Adr	nin. Penalty \$ I		\$0 I	Maximum	\$25,000			
			Penalt	y Calculat	tion Section	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation b	, base penalt	ies)		Subtotal 1	\$6,50
ADJU	STMENTS (+	/-) TO SUBTO	TAL 1					
	Subtotals 2-7 are of	btained by multiplying		, , ,				
	Compliance Hi	story		0.0%	Adjustment	Subto	tals 2, 3, & 7	\$1
	Notes		No adjustme	nt for complian	ice history.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$(
	Notes	The Res	pondent does	s not meet the	culpability crite	ria.		
	Good Faith Eff	ort to Comply To	otal Adiustm	ents			Subtotal 5	\$(
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$(
	Estimated	Total EB Amounts Cost of Compliance	\$395 \$6,135	*Cappec	l at the Total EB \$ A	Amount		·
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$6,50
OTHE	R FACTORS A	S JUSTICE M	AY REQUI	RE	0.0%		Adjustment	\$(
Reduces of	or enhances the Final	Subtotal by the indica	ated percentage.				ے ا	
	Notes							
						Final Pen	alty Amount	\$6,50
STAT	JTORY LIMIT	ADJUSTMEN	т			Final Asse	ssed Penalty	\$6,50
DEFER	RRAL				0.0%	Reduction	Adjustment	\$(
Reduces t	he Final Assessed Pe	nalty by the indicated	percentage.				1	· · · · · · · · · · · · · · · · · · ·
	Notes	Defer	ral not offered	d for non-expe	dited settlemen	t.		
PAYA	BLE PENALT	1						\$6,500

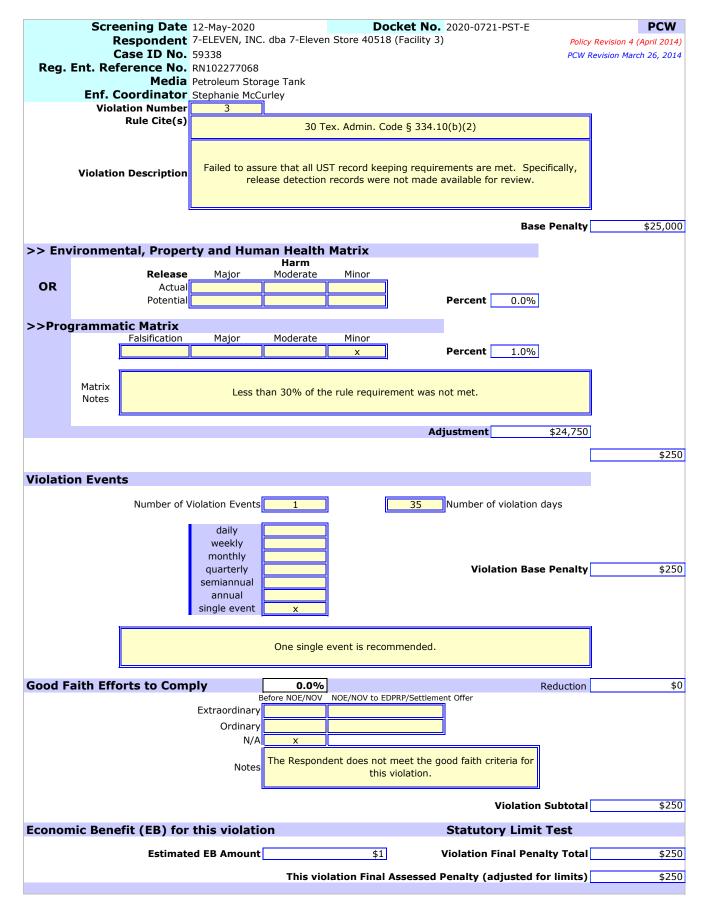
Re	Res Cas g. Ent. Refere	ing Date12-May-2020Docket No.2020-0721-PST-Epondent7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)se ID No.59338ence No.RN102277068MediaPetroleum Storage TankordinatorStephanie McCurley		cy Revision 4 / Revision Mar	
>> C		Compliance History Worksheet ory Site Enhancement (Subtotal 2)			
	Component	Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%	
		Other written NOVs	0	0%	
		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 (<i>number of judgments or consent decrees meeting criteria</i>)	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%	
	Auto	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%	
			•	0.01	
		Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0% 0%	
	Other	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	ototal 2)	0%
>> R	Repeat Violator	(Subtotal 3)			
	No		centage (Sub	ototal 3)	0%
>> C		ory Person Classification (Subtotal 7)			
	Satisfactory	Performer Adjustment Per	centage (Sub	ototal 7)	0%
>> C	Compliance Hist	ory Summary			
	Compliance History Notes	No adjustment for compliance history.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	0%
>> Fir	nal Compliance	History Adjustment			0.51
		Final Adjustment Percente	age *capped	at 100%	0%

		ening Date		Docket No. 2020-0721-PST-E	PCW
		lespondent Case ID No.	7-ELEVEN, INC. dba 7-Elever 59338	n Store 40518 (Facility 3)	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg.		erence No.	RN102277068		
	Enf. C		Petroleum Storage Tank Stephanie McCurley		
		ation Number			
		Rule Cite(s)	20 Tay Admin Codo & 224	.51(b)(2)(C)(i) and Tex. Water Code § 26.347	F(c)(2)
			SU Tex. Autiliti. Code g 554		5(C)(Z)
	Violatio	n Description		vith a valve or other device designed to automa d substances into the tank when the liquid leve	
	Violatio	ii Description		ches no higher than 95% capacity.	
				Base	Penalty \$25,000
NN Em	vironmo	ntal Brance	rty and Human Hoalth		,
>> EN	vironme		rty and Human Health _{Harm}		
OR		Release Actual		Minor	
UK		Potential		Percent 5.0%	
		tia Matuin	· · · · ·		
>>Pro	gramma	tic Matrix Falsification	Major Moderate	Minor	
				Percent 0.0%	
		Human hoal	th or the environment will or	could be exposed to significant amounts of poll	utants
	Matrix Notes			tective of human health or environmental rece	
	notes		a resu	It of the violation.	
				Adjustment	\$23,750
					\$1,250
	_				φ1,230
Violatio	on Event	ts			
		Number of \	Violation Events 1	35 Number of violation da	iys
			daily		
			weekly		
			monthly quarterly x	Violation Base	Penalty \$1,250
			semiannual	Violation Dase	
			annual		
			single event	U	
		One quarterly	event is recommended from	the April 7, 2020 investigation end date to the	May 12,
			2020	screening date.	
Good F	aith Eff	orts to Com	0.0%	R2	eduction \$0
			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary Ordinary		
			The Respond	ent does not meet the good faith criteria for	
			Notes	this violation.	
			L		
				Violation S	
Econor	nic Bene	efit (EB) for	this violation	Statutory Limit 1	ſest
		Estimate	ed EB Amount	\$195 Violation Final Penal	ty Total \$1,250
			This viol	ation Final Assessed Penalty (adjusted for	limits) \$1,250

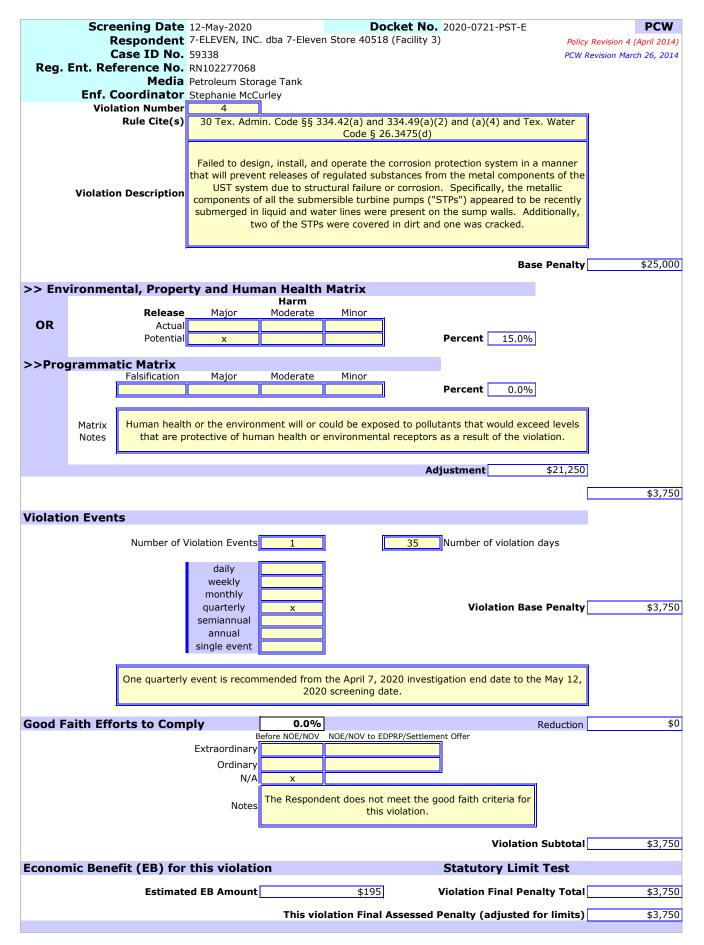
	E	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, IN	C. dba 7-Eleven S	tore 40518 (Fac	ility 3)			
Case ID No.	59338						
Reg. Ent. Reference No.	RN102277068						
Media	Petroleum Sto	rage Tank				Deveent Teteveet	Years of
Violation No.		•				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
Item Description	rtem cost	Dute Required	That Date		Interest Suveu		ED Amount
item Description							
Delayed Cente							
Delayed Costs	\$3,000	26 Mar 2020	29 Eab 2021	0.02	¢0	¢196	\$195
Equipment Buildings	\$3,000	26-Mar-2020	28-Feb-2021	0.93	\$9 \$0	<u>\$186</u> \$0	\$195
Other (as needed)				0.00	\$0	\$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0 \$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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		investigation star	t date and the F	inal Da	te is the estimated	anks. The Date Re date of compliance	2.
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		\$3,000			TOTAL		\$195

	Scre	ening Date	12-May-2020	Docket No. 2020-0721-PST-E	PCW
				even Store 40518 (Facility 3)	Policy Revision 4 (April 2014)
	C	ase ID No.	59338		PCW Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102277068		· · · · · · · · · · · · · · · · · · ·
			Petroleum Storage Tank		
	Enf. C		Stephanie McCurley		
		ation Number	2		
		Rule Cite(s)			
				30 Tex. Admin. Code § 334.602(a)	
	Violatio	n Description	least one named individua	signate for the underground storage tank ("UST") fac al for each class of operator - Class A, Class B, and C no Class A and Class B operator designated and train	lass C.
				Base Po	enalty \$25,000
>> Env	vironme	ntal, Proper	ty and Human Heal	Ith Matrix	
		,	Harm		
		Release	Major Moderat	te Minor	
OR		Actual			
		Potential	X	Percent 5.0%	
>>Pro	gramma	tic Matrix			
		Falsification	Major Moderat		
				Percent 0.0%	
	Matrix Notes			r could be exposed to significant amounts of pollutan tive of human health or environmental receptors as a of the violation.	
				Adjustment \$	23,750
					\$1,250
					\$1,230
Violati	on Event	te			
Violati					
		Number of \	/iolation Events 1	35 Number of violation day	'S
			daily weekly monthly quarterly x semiannual annual single event	Violation Base Po	
		One quarterly		om the April 7, 2020 investigation end date to the Ma 2020 screening date.	ay 12,
Cood	aith Fff	who to Corre		20/	lu atian to
900a F		orts to Com	ply 0.0 Before NOE/N		luction \$0
			Extraordinary		
			Ordinary		
			N/A <u> </u>	ondent does not meet the good faith criteria for this violation.	
				Violation Su	btotal \$1,250
Econor	mic Bene	efit (EB) for	this violation	Statutory Limit Te	est
			ed EB Amount	\$4 Violation Final Penalty	
1			This	violation Final Assessed Penalty (adjusted for I	imits) \$1,250

	E	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, INC	C. dba 7-Eleven S	tore 40518 (Fac	cility 3)			
Case ID No.							
Reg. Ent. Reference No.	RN102277068						
	Petroleum Sto						Years of
Violation No.		5				Percent Interest	Depreciation
	-					5.0	15
	Thomas Count	Data Daminad	Final Data	Vee	Interest Saved	Costs Saved	EB Amount
		Date Required	Final Date	Trs	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	\$90	26-Mar-2020	28-Feb-2021	0.93	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs				compli	ance.	nal Date is the estim	
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							



	E	conomic	Benefit	Wo	r ksheet		
Respondent Case ID No.		C. dba 7-Eleven S	tore 40518 (Fac	cility 3)			
Reg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Cente							
Delayed Costs Equipment			1	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	\$45	26-Mar-2020	6-Oct-2020	0.53	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/ Disposal							
Permit Costs				0.00	\$0	n/a	\$0
· ·	Estimated d	lelayed cost to ma	iintain release d	0.00	\$0 \$0		\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 letection The D s the da	\$0 \$0 n records and mak ate Required is the ate of compliance.	n/a n/a e them immediately e investigation start	\$0 \$0 available for date and the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 Ietection The D s the da	\$0 \$0 n records and mak ate Required is the ate of compliance. item (except for	n/a n/a e them immediately investigation start one-time avoide	\$0 \$0 available for date and the d costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 The D s the da tering 0.00	\$0 \$0 n records and mak ate Required is the ate of compliance. item (except for \$0	n/a n/a e them immediately investigation start one-time avoide \$0	\$0 \$0 v available for date and the d costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 Ietection The D s the da tering 0.00 0.00	\$0 \$0 records and mak ate Required is the ate of compliance. item (except for \$0 \$0	n/a n/a e them immediately e investigation start one-time avoide \$0 \$0	\$0 \$0 v available for date and the d costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 The D s the da tering 0.00 0.00	\$0 \$0 records and mak ate Required is the ate of compliance. item (except for \$0 \$0 \$0 \$0	n/a n/a e them immediately e investigation start one-time avoide \$0 \$0 \$0	\$0 \$0 v available for date and the d costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 The D s the da 0.00 0.00 0.00	\$0 \$0 records and mak ate Required is the ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a e them immediately e investigation start one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 v available for date and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 The D s the da 0.00 0.00 0.00 0.00	\$0 \$0 records and mak ate Required is the ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a e them immediately investigation start one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 y available for date and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 The D s the da 0.00 0.00 0.00	\$0 \$0 records and mak ate Required is the ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a e them immediately e investigation start one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 v available for date and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	inspection ι	pon request by T	CEQ personnel. Final Date i	0.00 0.00 The D s the da 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 n records and mak ate Required is the ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a e them immediately investigation start one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 y available for date and the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



	E	conomic	Benefit	Wo	rksheet		
Respondent	7-ELEVEN, INC	C. dba 7-Eleven S	tore 40518 (Fac	ility 3)			
Case ID No.	59338						
Reg. Ent. Reference No.	RN102277068						
	Petroleum Sto						Years of
Violation No.	4	•				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrs	Interest Saved	Costs Saved	EB Amount
Itom Description		Date Required	That Date	113	Interest Saved	costs Saveu	LD Amount
Item Description							
Delayed Costs	\$3,000	26 Mar 2020	28-Feb-2021	0.02	¢0	¢100	¢105
Equipment Buildings	\$3,000	26-Mar-2020	28-FeD-2021	0.93	\$9 \$0	\$186 \$0	<u>\$195</u> \$0
Buildings Other (as needed)				0.00	\$0	\$0 \$0	<u>\$0</u> \$0
Engineering/Construction		¦		0.00	\$0	\$0	<u>\$0</u> \$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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Estimated delayed cost to replace the cracked STP sump, keep the metallic components dry, and remove any dirt and test the system to ensure electrical isolation. The Date Required is the investigation start date and the Final Date is the estimated date of compliance.							
	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est	on. The Date Req imated date of cor	uired is the investig npliance.	ation start date
Avoided Costs	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering	on. The Date Req imated date of cor item (except for	uired is the investig npliance. r one-time avoide	ation start date
Avoided Costs Disposal	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering 0.00	on. The Date Req imated date of cor item (except for \$0	uired is the investig npliance. r one-time avoide \$0	ation start date d costs) \$0
Avoided Costs Disposal Personnel	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0	uired is the investig npliance. r one-time avoide \$0 \$0	ation start date d costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering 0.00 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0 \$0	uired is the investig npliance. r one-time avoider \$0 \$0 \$0	ation start date d costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering 0.00 0.00 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0 \$0 \$0 \$0	uired is the investig npliance. • one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	ation start date d costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est 0.00 0.00 0.00 0.00 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	uired is the investig npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ation start date \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	uired is the investig npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ation start date (costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est 0.00 0.00 0.00 0.00 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	uired is the investig npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ation start date \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	any dirt and te	est the system to and t	ensure electrica he Final Date is	l isolati the est tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	on. The Date Req imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	uired is the investig npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ation start date (costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



Compliance History Report

Compliance History Report for CN600240329, RN101742831, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN600240329, 7-ELEVEN, INC.	Classification: SATISFACTORY	Rating: 0.21		
Regulated Entity:	RN101742831, 7-Eleven Store 40515	Classification: HIGH	Rating: 0.00		
Complexity Points:	3	Repeat Violator: NO			
CH Group:	14 - Other				
Location:	2109 Sidney Baker Street in Kerrville, Ke	rr County, Texas			
TCEQ Region:	REGION 13 - SAN ANTONIO				
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 68436 Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019 Date Compliance History Report Prepared: May 12, 2020					
Agency Decision Requiring Compliance History: Enforcement					
Component Period Selected: May 12, 2015 to May 12, 2020					
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance Hi	istory.		
Name: Stephanie McC	urley	Phone: (512) 239-2607	,		
Site and Owner/Operator History:					
1) Has the site been in existence and/or operation for the full five year compliance period?YES2) 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 April 27, 2017 (1409354)
- 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): $_{\mbox{$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 5/12/2015 and 5/12/2020

N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period May 12, 2015 and May 12, 2020

Item 1*	April 27, 2017**	(1409354) For Informational Purposes Only
Item 2	April 27, 2020	(1643885) 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.



Compliance History Report

Compliance History Report for CN600240329, RN101753457, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

2019
20

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 April 27, 2017 (1409378)
- 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 5/12/2015 and 5/12/2020 N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period May 12, 2015 and May 12, 2020

Item 1*	April 27, 2017**	(1409378) For Informational Purposes Only
Itom 2		(1643894) For Informational Purposes Only
Item 2	April 27, 2020	ror informational Fulposes Only

* No violations documented during this investigation

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



Compliance History Report

Compliance History Report for CN600240329, RN102277068, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN600240329, 7-ELEVEN, INC.	Classification: SATISFACTOR	Y Rating: 0.21		
Regulated Entity:	RN102277068, 7-Eleven Store 40518	Classification: HIGH	Rating: 0.00		
Complexity Points:	2	Repeat Violator: NO			
CH Group:	14 - Other				
Location:	2204 South State Highway 16 in Frederic	ksburg, Gillespie County, Texas			
TCEQ Region:	REGION 13 - SAN ANTONIO				
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 47504 Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019 Date Compliance History Report Prepared: May 12, 2020					
Agency Decision Requiring Compliance History: Enforcement					
Component Period Selec	cted: May 12, 2015 to May 12, 2020				
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance H	listory.		
Name: Stephanie McC	urley	Phone: (512) 239-260	7		
Site and Owner/Oper					
,	nce and/or operation for the full five year c change in ownership/operator of the site d		YES 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 11, 2016	(1306983)
Item 2	March 29, 2017	(1402314)

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): $_{\mbox{$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 5/12/2015 and 5/12/2020

For Informational Purposes Only

N/A Appendix B

All Investigations Conducted During Component Period May 12, 2015 and May 12, 2020

Item 1*	February 11, 2016**	(1306983) For Informational Purposes Only
Item 2*	March 29, 2017**	(1402314) For Informational Purposes Only
Item 3	April 27, 2020	(1643895) 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



§§§§§§§§§

S

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING 7-ELEVEN, INC. DBA 7-ELEVEN STORE 40515, 40516, AND 40518; RN101742831, RN101753457, & RN102277068 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2020-0721-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-ELEVEN, INC. dba 7-Eleven Store 40515, 40516, and 40518 ("Respondent") under the authority of Litigation Division, hereby issues this Preliminary Report and Petition pursuant to TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Tobias Smith of the law firm Clark 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 2109 Sidney Baker Street in Kerrville, Kerr County, Texas (Facility ID No. 68436) (Facility 1); 3305 Memorial Boulevard in Kerrville, Kerr County, Texas (Facility ID No. 68433) (Facility 2); and 2204 South State Highway 16 in Fredericksburg, Gillespie County, Texas (Facility ID No. 47504) (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 fifteen thousand seven hundred fifty dollars (\$15,750.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid fifteen thousand seven hundred fifty dollars (\$15,750.00) 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 installed an automatic shutoff device for each tank at Facility 1 and Facility 2 on September 17, 2020.
- 10. The Executive Director recognizes that Respondent installed an automatic shutoff device for each tank at Facility 3 on May 6, 2020.

II. ALLEGATIONS

- 1. During an investigation conducted on March 26, 2020 through April 7, 2020, at Facility 1, an investigator documented that Respondent:
 - a. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i);
 - b. Failed to identify and designate for the UST facility at least one named individual for each class of operator Class A, Class B, and Class C, in violation of 30 TEX. ADMIN. CODE § 334.602(a). Specifically, there was no Class A and Class B operator designated and trained; and
 - c. Failed to assure that all UST record keeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, release detection and financial assurance records were not made available for review;
- 2. During an investigation conducted on March 26, 2020 through April 7, 2020, at Facility 2, an investigator documented that Respondent:
 - a. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i);
 - b. Failed to identify and designate for the UST facility at least one named individual for each class of operator Class A, Class B, and Class C, in violation of 30 TEX. ADMIN. CODE § 334.602(a). Specifically, there was no Class A and Class B operator designated and trained;
 - c. Failed to assure that all UST record keeping requirements are met, in violation of 30 Tex. ADMIN. CODE § 334.10(b)(2). Specifically, release detection and financial assurance records were not made available for review; and
 - d. Failed to design, install, and operate the corrosion protection system in a manner that will prevent releases of regulated substances from the metal components of the UST system due to structural failure or corrosion, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.42(a) and 334.49(a)(2) and (a)(4).

Specifically, the three submersible turbine pump ("STP") sumps were cracked and a thick layer of corrosion was observed on the unleaded fuel STP.

- 3. During an investigation conducted on March 26, 2020 through April 7, 2020, at Facility 3, an investigator documented that Respondent:
 - a. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2)(C)(i);
 - b. Failed to identify and designate for the UST facility at least one named individual for each class of operator Class A, Class B, and Class C, in violation of 30 TEX. ADMIN. CODE § 334.602(a). Specifically, there was no Class A and Class B operator designated and trained;
 - c. Failed to assure that all UST record keeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, release detection records were not made available for review; and
 - d. Failed to design, install, and operate the corrosion protection system in a manner that will prevent releases of regulated substances from the metal components of the UST system due to structural failure or corrosion, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.42(a) and 334.49(a)(2) and (a)(4). Specifically, the metallic components of all the STPs appeared to be recently submerged in liquid and water lines were present on the sump walls. Additionally, two of the STPs were covered in dirt and one was cracked.

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 7-Eleven Store 40515, 40516, and 40518, Docket No. 2020-0721-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. Within 30 days of the effective date of this Order:
 - i. Designate, train, and certify at least one named individual for each class of operator Class A, and Class B for Facility 1, Facility 2, and Facility 3, in accordance with 30 Tex. ADMIN. CODE § 334.602;

- ii. Begin maintaining financial assurance records at Facility 1 and Facility 2 and make them immediately available for inspection upon request by TCEQ personnel, in accordance with 30 Tex. ADMIN. CODE § 37.875;
- iii. Begin maintaining release detection records at Facility 1, Facility 2, and Facility 3 and make them immediately available for inspection upon request by TCEQ personnel, in accordance with 30 Tex. ADMIN. CODE §§ 334.10;
- iv. Replace all cracked STP sumps and test the system to ensure electrical isolation and remove or address the corrosion from the unleaded fuel STP at Facility 2, in accordance with 30 Tex. ADMIN. CODE § 334.49; and
- v. Replace the cracked STP sump, ensure the metallic components are kept dry, and remove any dirt and test the system to ensure electrical isolation at Facility 3, in accordance with 30 Tex. ADMIN. CODE §§ 334.42 and 334.49.
- b. 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.i through 2.a.v. 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:

Waste Section Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

- 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. Chanallop

For the Executive Director

_03/28/22_____ Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

February 9, 2022 Date

Kirk F. Sniff Name (Printed or typed) Authorized representative of 7-Eleven, Inc.

Attorney-in-Fact	
Title	

□ If mailing address has changed, please check this box and provide the new address below: