

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

**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 Actions: None  
Past-Due Penalties: None  
Past-Due Fees: None  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** March 11, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$15,750  
**Total Paid to General Revenue:** \$15,750  
**Total Due to General Revenue:** \$0

**Compliance History Classifications:**  
Person/CN - Satisfactory  
Site/RN - High

**Major Source:** No  
**Statutory Limit Adjustment:** None  
**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** March 26, 2020 through April 7, 2020  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** April 27, 2020

**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.

- 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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	4-May-2020	<b>Screening</b>	12-May-2020	<b>EPA Due</b>	
	<b>PCW</b>	29-Sep-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)
<b>Reg. Ent. Ref. No.</b>	RN101742831
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59338	<b>No. of Violations</b>	3
<b>Docket No.</b>	2020-0721-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,750
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$203  
 Estimated Cost of Compliance: \$3,180  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$2,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,750
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$2,750
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<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101742831			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

### Compliance History Worksheet

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

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

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

No

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

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

Satisfactory Performer

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

**>> Compliance History Summary**

**Compliance History Notes** No adjustment for compliance history.

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

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101742831			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="5.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>					
<b>Adjustment</b>					<input type="text" value="\$23,750"/>

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	

**Violation Subtotal**

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

**Estimated EB Amount**       **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101742831  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated delayed cost to install overfill shut off devices for the three tanks. 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				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



<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101742831			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101742831  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Estimated delayed cost to obtain the required operator training and designate a Class A and Class B 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				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 \$90

**TOTAL** \$4

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101742831			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<b>Percent</b> <input type="text" value="1.0%"/>
<b>Matrix Notes</b>	<input type="text" value="Less than 30% of the rule requirement was not met."/>				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

**Reduction**

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40515 (Facility 1)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101742831  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Estimated delayed cost to maintain release detection and financial assurance records and make them immediately available for inspection upon request by TCEQ personnel (\$45 per record type). 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				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 \$90

**TOTAL** \$4



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	4-May-2020	<b>Screening</b>	12-May-2020	<b>EPA Due</b>	
	<b>PCW</b>	29-Sep-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)
<b>Reg. Ent. Ref. No.</b>	RN101753457
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59338	<b>No. of Violations</b>	4
<b>Docket No.</b>	2020-0721-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$398  
 Estimated Cost of Compliance: \$6,180  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$6,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,500
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,500
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<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101753457			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

### Compliance History Worksheet

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

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

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

No

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

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

Satisfactory Performer

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

**>> Compliance History Summary**

<b>Compliance History Notes</b>	No adjustment for compliance history.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage** *\*capped at 100%* 0%

**Screening Date** 12-May-2020 **Docket No.** 2020-0721-PST-E **PCW**  
**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2) *Policy Revision 4 (April 2014)*  
**Case ID No.** 59338 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101753457  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Stephanie McCurley

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.51(b)(2)(C)(i) and Tex. Water Code § 26.3475(c)(2)  
**Violation Description** 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.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5.0%
Potential		x			

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 35 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the April 7, 2020 investigation end date to the May 12, 2020 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,250

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

**Estimated EB Amount** \$195 **Violation Final Penalty Total** \$1,250

**This violation Final Assessed Penalty (adjusted for limits)** \$1,250

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101753457  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to install overfill shut off devices for the three tanks. 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				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	<b>TOTAL</b>	\$195
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<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101753457			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to identify and designate for the underground storage tank ("UST") facility at least one named individual for each class of operator - Class A, Class B, and Class C. Specifically, there was no Class A and Class B operator designated and trained.

**Base Penalty**

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

**OR**

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

**Matrix Notes**

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the April 7, 2020 investigation end date to the May 12, 2020 screening date.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101753457  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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**

Estimated delayed cost to obtain the required operator training and designate a Class A and Class B 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				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 \$90

**TOTAL** \$4

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	59338			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN101753457			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.10(b)(2)			
<b>Violation Description</b>	Failed to assure that all UST record keeping requirements are met. Specifically, release detection and financial assurance records were not made available for review.			
		<b>Base Penalty</b>	\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual			
Potential				<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				x
	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">1.0%</span>			
<b>Matrix Notes</b>	Less than 30% of the rule requirement was not met.			
		<b>Adjustment</b>	\$24,750	
			\$250	
<b>Violation Events</b>				
	Number of Violation Events	1	35	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$250</span>		
	One single event is recommended.			
<b>Good Faith Efforts to Comply</b>				
	<b>0.0%</b>		<b>Reduction</b>	\$0
	Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	\$250	
<b>Economic Benefit (EB) for this violation</b>				
	<b>Estimated EB Amount</b>	\$4	<b>Violation Final Penalty Total</b>	\$250
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$250

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101753457  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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**

Estimated delayed cost to maintain release detection and financial assurance records and make them immediately available for inspection upon request by TCEQ personnel (\$45 per record type). 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				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**

\$90

**TOTAL**

\$4

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101753457			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				
	<b>Adjustment</b>				<input type="text" value="\$21,250"/>

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$3,750"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input type="text" value="x"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input type="text"/>	

**Good Faith Efforts to Comply**  Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40516 (Facility 2)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN101753457  
**Media** Petroleum Storage Tank  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated delayed cost to remove or address the corrosion from the unleaded fuel STP, replace cracked spill buckets for the STP sumps, 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.

### 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				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>				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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	4-May-2020	<b>Screening</b>	12-May-2020	<b>EPA Due</b>	
	<b>PCW</b>	29-Sep-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)
<b>Reg. Ent. Ref. No.</b>	RN102277068
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59338	<b>No. of Violations</b>	4
<b>Docket No.</b>	2020-0721-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$395  
 Estimated Cost of Compliance: \$6,135  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$6,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,500
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,500
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<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102277068			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

### Compliance History Worksheet

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

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

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

No

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

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

Satisfactory Performer

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

**>> Compliance History Summary**

<b>Compliance History Notes</b>	No adjustment for compliance history.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%



<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102277068			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>					
<b>Adjustment</b>					<input type="text" value="\$23,750"/>

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	

**Violation Subtotal**

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

**Estimated EB Amount**       **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN102277068  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### 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
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to install overfill shut off devices for the four tanks. 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				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

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102277068			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,250"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input checked="" type="text" value="x"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input type="text"/>	

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN102277068  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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**

Estimated delayed cost to obtain the required operator training and designate a Class A and Class B 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				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 \$90

**TOTAL** \$4

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102277068			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input type="text" value="1.0%"/>
	<input type="text" value="Less than 30% of the rule requirement was not met."/>				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN102277068  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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	\$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
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 maintain release detection records and make them immediately available for inspection upon request by TCEQ personnel. The Date Required is the investigation start date and the Final Date is the 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				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** \$45

**TOTAL** \$1

<b>Screening Date</b>	12-May-2020	<b>Docket No.</b>	2020-0721-PST-E	<b>PCW</b>
<b>Respondent</b>	7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59338			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102277068			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Stephanie McCurley			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

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. Specifically, the metallic components of all the submersible turbine pumps ("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.

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

**Matrix Notes**

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the April 7, 2020 investigation end date to the May 12, 2020 screening date.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** 7-ELEVEN, INC. dba 7-Eleven Store 40518 (Facility 3)  
**Case ID No.** 59338  
**Reg. Ent. Reference No.** RN102277068  
**Media** Petroleum Storage Tank  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### 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
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.

### 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				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



The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600240329, 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, Kerr 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 Contact for Additional Information Regarding This Compliance History.**

**Name:** Stephanie McCurley **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? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? 7-Eleven, Inc. OWNER OPERATOR since 1/23/2018
- 4) Who was/were the prior owner(s)/operator(s)? Stripes LLC, OWNER OPERATOR, 6/1/2011 to 1/22/2018

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1 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):**

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**

(1409354)

Item 1\*

April 27, 2017\*\*

For Informational Purposes Only

(1643885)

Item 2

April 27, 2020

For Informational Purposes Only

\* No violations documented during this investigation

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

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



# Compliance History Report

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

<b>Customer, Respondent, or Owner/Operator:</b>	CN600240329, 7-ELEVEN, INC.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 0.21
<b>Regulated Entity:</b>	RN101753457, 7-Eleven Store 40516	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	3305 MEMORIAL Boulevard in Kerrville, Kerr County, Texas		
<b>TCEQ Region:</b>	REGION 13 - SAN ANTONIO		
<b>ID Number(s):</b>	<b>PETROLEUM STORAGE TANK REGISTRATION</b>		
	REGISTRATION 68433		
<b>Compliance History Period:</b>	September 01, 2014 to August 31, 2019	<b>Rating Year:</b> 2019	<b>Rating Date:</b> 09/01/2019
<b>Date Compliance History Report Prepared:</b>	May 12, 2020		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	May 12, 2015 to May 12, 2020		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Stephanie McCurley		<b>Phone:</b> (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? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? 7-Eleven, Inc. OWNER OPERATOR since 1/23/2018
- 4) Who was/were the prior owner(s)/operator(s)? Stripes LLC, OWNER OPERATOR, 6/1/2011 to 1/22/2018

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1          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**

(1409378)

Item 1\*

April 27, 2017\*\*

For Informational Purposes Only

(1643894)

Item 2

April 27, 2020

For Informational Purposes Only

\* No violations documented during this investigation

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

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600240329, 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:** SATISFACTORY **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 Fredericksburg, 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 Selected:** May 12, 2015 to May 12, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Stephanie McCurley **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? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? 7-Eleven, Inc. OWNER OPERATOR since 1/23/2018
- 4) Who was/were the prior owner(s)/operator(s)? Stripes LLC, OWNER OPERATOR, 6/1/2011 to 1/22/2018

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	February 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):**

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 NOV's 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**

(1306983)

Item 1\*

February 11, 2016\*\*

For Informational Purposes Only

(1402314)

Item 2\*

March 29, 2017\*\*

For Informational Purposes Only

(1643895)

Item 3

April 27, 2020

For Informational Purposes Only

\* No violations documented during this investigation

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**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

Erin E. Chanallop

03/28/22

-----  
For the Executive Director

-----  
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:*

\_\_\_\_\_