

**STATE BOARD TO REVIEW CLAIMS
BOARD MEETING MINUTES
SEPTEMBER 10, 2009**

I. CALL TO ORDER

Vice Chairman George Ross called the meeting to order from the Carson City location at 10:00 a.m. The meeting was conducted via videoconference with locations in Las Vegas at the College of Southern Nevada, 3200 E. Cheyenne Ave., Room 2638 and in Carson City at the Bryan Building, 901 S. Stewart St., 2nd Floor Tahoe Hearing Room.

A. BOARD MEMBERS PRESENT

Vice Chairman George Ross, Refiners of Petroleum
Leo Drozdoff, Nevada Department of Environmental Protection
(NDEP)
Dawn Lietz, Department of Motor Vehicles (DMV)
Maureen Tappan, General Public
James Wright, State Fire Marshal's Office

BOARD MEMBERS ABSENT

Chairman John Haycock, Independent Dealers of Petroleum
John Meeters, Independent Retailers of Petroleum

OTHERS PRESENT

Rose Marie Reynolds, State Attorney General's Office - Las Vegas
Bennett Kottler, Victoria Joncas, Steve Fischenich, Hayden Bridwell,
Art Gravenstein, Jim Najima, James Dotchin, and Marlene Huderski,
(NDEP)
John McSweeney, Mick and Mac's Food Mart
Scott McNulty, Broadbent and Associates, Inc.
Jason Patchett, John Wagner and Eddie Ridenour,
Southern Nevada Health District
Rex Heppe, ATC Associates, Inc.
Ary Benoualid, The M Resort LLC
Neal Tomlinson, Ace Cab Company

II. APPROVAL OF THE AGENDA

**Ms. Tappan moved to approve the agenda. Ms. Lietz seconded the motion.
Motion carried unanimously.**

III. APPROVAL OF THE JUNE 11, 2009 MINUTES

**Mr. Drozdoff moved to approve the minutes. Ms. Tappan seconded the
motion. Motion carried unanimously.**

IV. PUBLIC FORUM

There were no requests to speak.

V. STATUS OF THE FUND

Mr. Kottler reported on the status of the Fund for fiscal year 2010, which runs from July 1, 2009 through June 30, 2010. Mr. Kottler informed the Board there is a limited amount of financial data available regarding the new fiscal year. The total cumulative revenue in the Fund for the current fiscal year is approximately \$2.5 million, which was the balance forwarded from fiscal year 2009. Mr. Kottler stated that figure will likely to be closer to \$3.3 million, by the December meeting. In addition, approximately \$1,000 was collected from tank enrollment fees for registration of storage tanks. He stated that information regarding funds collected from the ¾ cent per gallon Fund fee is not available until the end of September and the interest earned from the Fund is also not available. Total expenditures from the Fund were approximately \$2,800. Mr. Kottler stated that figure is low partly because this was the first meeting of the fiscal year. The remaining Fund balance is approximately \$2.5 million for the current fiscal year.

Mr. Kottler stated staff is recommending the approval of approximately \$2.3 million in reimbursements. There will be a balance of \$0.2 million in the Fund if the Board approves all reimbursement recommendations. The remaining balance is in addition to the monthly revenue that is being collected since the fiscal year started on July 1, 2009. Discussion ensued among Mr. Kottler and the Board members in regards to the accuracy of the figures he reported and the funds actually available. Mr. Kottler noted that the data are only current to the past 60 days. Nonetheless, he also noted the value of resuming collection of the ¾ cent per gallon fee, given the relatively low amount of funds available.

VI. DETERMINATION OF FUND COVERAGE

A. Resolution to Provide Reduced Petroleum Fund Coverage to Mick and Mac's Food Mart, 902 S. Boulder Hwy, Henderson, NV, Facility ID No. 8-001384, Petroleum Fund Case ID No. 2009000028, Resolution No. 2009-06

Mr. Kottler presented the resolution and concluded that the subject facility failed to report and investigate a suspected release. As per Board Resolution No. 94-023, Mr. Kottler recommended that the subject facility receive Fund coverage with a 40% reduction plus a 10% co-payment.

The owner, Mr. McSweeney, and his certified environmental manager (CEM), Mr. McNulty, also made presentations before the Board. Discussion ensued among the Board members, the owner and his CEM, NDEP Fund and LUST personnel, as well as SNHD UST staff.

As a result of the discussion Mr. Drozdoff moved to amend Item No. VI.A, Resolution No. 2009-06, to grant coverage with a 5% reduction, in addition to the 10% co-payment. Mr. Wright seconded the motion. Motion carried unanimously.

B. Resolution to Provide Reduced Petroleum Fund Coverage to Stop & Save Mini Mart & Gas, 99 S. Martin Luther King Blvd., Las Vegas, NV, Facility ID No. 8-001630, Petroleum Fund Case ID No. 2009000023, Resolution No. 2009-07

Mr. Bridwell presented the resolution and noted the NDEP staff is recommending the subject facility receive a 40% reduction for violation of release investigation reporting and detection regulations plus a 10% co-payment.

Ms. Lietz moved to approve Item No. VI.B with a 10% co-payment and a 40% reduction. Mr. Wright seconded the motion. Motion carried unanimously.

VII. ADOPTION OF CONSENT ITEMS

Items marked with a single asterisk (*) are consent items.

A dagger (†) indicates previously disallowed monies have been appealed where the requested amount is less than the recommended amount.

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS – SEPTEMBER 10, 2009**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
1.	1992000102H	Lyon County School District: Yerington Elementary	\$11,213.40	\$11,039.78
2.	2006000020H	Bruno Benna: Benna Residence	\$1,942.05	\$1,942.05
3.	2007000013H	Churchill County School District: Bus Barn	\$14,594.90	\$14,594.90
4.	2009000018H	Phil Satre: Satre Property	\$18,640.27	\$18,640.27
5.	2009000021H	Regional Transportation Comm.: 4th Street Bus Station	\$7,009.00	\$7,009.00
6.	2009000022H	Regional Transportation Comm.: 4th Street Bus Station	\$5,403.00	\$4,862.70
7.	2009000026H	Brett Barker: Barker Property	\$4,903.20	\$4,634.60
8.	2009000027H	Claude Hutchison: Hutchison Residence	\$7,196.39	\$6,946.39
HEATING OIL: SUB TOTAL:			<u>\$70,902.21</u>	<u>\$69,669.69</u>

NEW CASES/OTHER PRODUCTS

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
1.	2008000021	The M Resort, LLC: Vegas Valley Travel Center	\$466,057.28	\$419,451.55
2.	2009000009	Tom Schwarz: Zak's Mini Mart	\$67,841.09	\$38,715.18
3.	2009000012	United Parcel Services: UPS Reno Hub	\$37,952.42	\$34,157.18
4.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$35,918.91	\$31,980.52
5.	2009000019	Rebel Oil Company, Inc.: Rebel #8	\$17,983.24	\$16,184.92
6.	2009000020	Western Energetix, LLC: W. Energetix Bulk Plant	\$24,874.59	\$17,560.88
7.	2009000024	Parampreet Inv., LLC: Chuck's Circle C	\$25,952.92	\$23,357.63
NEW CASES, OTHER PRODUCTS: SUB TOTAL:			<u>\$676,580.45</u>	<u>\$581,407.86</u>

ON GOING CASES/OTHER PRODUCTS

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
1.	1992000014	BP West Coast Products, LLC: ARCO #6068	\$5,029.25	\$4,853.37
2.	1992000087	Anderson Dairy, Inc.: Anderson Dairy	\$3,523.60	\$3,523.60
3.	1992000127	City of Las Vegas: Former Obie's Texaco	\$10,040.00	\$7,214.74
4.	1993000051	BP West Coast Products, LLC: ARCO #4950	\$3,532.24	\$3,532.24
5.	1993000102	Rebel Oil Company: Rebel #8	\$41,461.28	\$45,790.49
6.	1993000103	Russell Yardley: Charlie Brown Construction	\$8,032.40	\$7,871.75
7.	1993000115	City of Fallon: Former Bootlegger Texaco	\$10,915.20	\$10,910.20
8.	1994000003	Allied Washoe: Allied Petroleum	\$14,491.14	\$11,667.69
9.	1994000012	Wirtz Beverage of NV, Inc.: DeLuca Liquor & Wine	\$40,357.13	\$40,319.71
10.	1994000028	7-Eleven, Inc.: 7-Eleven #20084	\$7,620.96	\$7,485.25
11.	1994000037	Param Investments and/or Broadbent: Gofer Market	\$17,357.00	\$17,347.00
12.†	1994000065	Avis Rent A Car Systems: Avis Rent A Car	\$36,008.00	\$36,880.91
13.†	1994000086	Falconi Motors, Inc.: Falconi's Tropicana Honda	\$36,306.40	\$36,384.79
14.	1994000113	Pilot Travel Centers: Former Unocal Truck Stop #6328	\$34,400.19	\$32,991.84
15.	1994000120	Conoco Phillips Company: Union 76 #3846	\$10,336.10	\$9,302.49
16.	1994000122	Ron or Gary Michelsen: Mike's Gas-A-Mart	\$52,802.26	\$52,802.26
17.	1994000125	Conoco Phillips Company: Union 76 #5558	\$3,111.63	\$3,111.63
18.	1995000012	Model T Casino: Parker's Model T	\$59,774.97	\$53,797.48
19.	1995000028	Gita Corporation: Gita Corporation Facility	\$1,050.00	\$1,346.18
20.	1995000029	BP West Coast Products, LLC: ARCO #1903	\$2,308.63	\$1,869.54
21.	1995000042	FBF, Inc.: Fayeghi Texaco	\$10,982.51	\$9,884.26
22.	1995000074	Vera Hester: Glendale Service Facility	\$7,960.00	\$7,101.00
23.	1995000105	Redman Petroleum Corp.: Redman Petroleum	\$7,171.75	\$6,454.57
24.	1996000007	Seven Crown Resorts, Inc.: Lake Mead Marina	\$1,150.00	\$1,035.00
25.	1996000026	Moapa Valley Credit Union: Former Russ Auto	\$15,238.69	\$10,971.85
26.	1996000063	Joan Pennachio: V&V Automotive	\$5,048.80	\$4,543.92

ON GOING CASES/OTHER PRODUCTS: CONTINUED

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
27.	1996000064	H&A Esslinger Trust: Red Rock Mini Mart	\$23,993.25	\$12,099.80
28.	1996000100	Conoco Phillips Company: Circle K #1246	\$74,863.39	\$44,835.18
29.	1996000101	Conoco Phillips Company: Circle K #695	\$25,102.29	\$22,592.07
30.	1996000102	Conoco Phillips Company: Circle K #542	\$135,790.48	\$67,351.78
31.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$4,257.50	\$3,831.75
32.	1997000024	BP West Coast Products, LLC: ARCO #399	\$6,216.68	\$2,902.33
33.	1997000093	Conoco Phillips Company: Union 76 #5257	\$2,947.50	\$1,591.65
34.	1998000046	Willdens Automotive Holdings: Allstate Rent A Car	\$13,944.22	\$12,549.80
35.	1998000053	7-Eleven, Inc.: 7-Eleven #27361	\$6,056.25	\$1,362.65
36.†	1998000068	Conoco Phillips Company: Conoco #28003	\$68,196.20	\$150,967.53
37.	1998000073	City of Reno: City of Reno Police Station	\$10,854.80	\$10,854.80
38.	1998000075	Anne Dufurrena: McDermitt Service Motel	\$7,752.55	\$6,861.20
39.	1998000080	Seven Crown Resorts: Echo Bay Resort	\$20,499.04	\$18,449.14
40.	1999000007	7-Eleven, Inc.: 7-Eleven #21850	\$28,773.21	\$25,537.11
41.	1999000011	Terrible Herbst Oil Company: Terrible Herbst #133	\$6,994.40	\$6,294.96
42.	1999000012	BP West Coast Products, LLC: ARCO #5319	\$12,383.63	\$6,203.71
43.	1999000015	Terrible Herbst Oil Company: Terrible Herbst #144	\$7,798.15	\$6,958.94
44.	1999000017	Reed, Inc.: Reed R-Place Shell	\$34,756.14	\$30,619.02
45.	1999000022	Terrible Herbst Oil Company: Terrible Herbst #129	\$23,347.13	\$21,012.42
46.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$17,361.31	\$15,570.72
47.	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$22,422.34	\$22,401.36
48.	1999000052	Estate of Martin Wessel: Ted's Chevron	\$24,471.25	\$22,024.11
49.	1999000061	Rich Sorani: Former Rich's Unocal	\$30,509.06	\$30,509.06
50.	1999000066	HP Management, LLC: Former Haycock Petroleum	\$11,464.54	\$10,318.08
51.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	\$26,646.38	\$22,973.31
52.	1999000090	HP Management, LLC: Former Haycock Petroleum	\$12,807.33	\$11,486.10
53.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	\$13,503.40	\$12,054.06
54.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$9,319.05	\$8,387.14
55.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$6,323.10	\$5,690.79
56.	1999000162	Terrible Herbst Oil Company: Terrible Herbst #159	\$6,556.75	\$5,901.07
57.	1999000167	City of Las Vegas: Fire Station #1	\$14,915.75	\$14,915.75
58.†	1999000186	Gloria Pilger: Former D&G Oil Facility	\$26,314.16	\$27,561.96
59.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$32,274.62	\$29,047.16
60.	1999000204	Berry-Hinckley Industries: Trailside General Store	\$14,708.68	\$13,237.81
61.	1999000224	BP West Coast Products, LLC: ARCO #5326	\$104,437.03	\$85,340.37
62.	1999000244	7-Eleven, Inc.: 7-Eleven #22070	\$32,348.26	\$26,923.70
63.	1999000257	University of Nevada: Newlands Agriculture	\$17,287.87	\$17,287.87
64.	1999000273	V.K. Leavitt: The Waterhole	\$47,826.93	\$21,515.92

ON GOING CASES/OTHER PRODUCTS: CONTINUED

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
65.	1999000275	Conoco Phillips Company: Circle K #1248	\$12,188.22	\$9,872.46
66.	1999000276	Robert Harris: Pecos Station Texaco	\$12,985.10	\$11,686.59
67.	2004000011	William Rodriguez: Four Way Truck Stop	\$39,687.33	\$28,526.27
68.	2004000013	Jesse Jhawar: Nevada Nanak Petroleum	\$6,119.75	\$3,299.93
69.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$18,360.99	\$16,524.89
70.	2005000018	BP West Coast Products, LLC: ARCO #1718	\$45,479.13	\$40,834.07
71.	2005000021	B-H Ind. dba Terrible's: Former Berry-Hinckley #95	\$4,946.75	\$2,558.70
72.	2005000025	Bordertown, Inc.: Winner's Corner	\$38,309.74	\$34,478.77
73.	2005000039	Petrosun Fuel, Inc.: Taylor Street Market	\$6,779.14	\$6,101.22
74.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$17,906.79	\$14,504.48
75.	2006000016	USA Petroleum Corporation: USA Pet. Station #207	\$252,697.10	\$78,699.64
76.	2006000017	7-Eleven, Inc.: 7-Eleven #26994	\$48,856.66	\$31,536.06
77.	2007000002	Consolidated Nevada Corp.: Berry-Hinckley #201	\$7,263.27	\$6,536.94
78.	2007000014	Ace Cab Company, Inc.: Ace Cab Company	\$84,251.05	\$75,825.95
79.	2007000016	TOC Holdings Company: Former Time Oil #6-100	\$10,641.44	\$9,577.30
80.	2008000017	Big Daddy's Oil, LLC: Flamingo AM/PM #82153	\$26,154.30	\$14,123.32
81.	2008000018	B-H Ind. dba Terrible's: Terrible's Store #830	\$8,979.30	\$8,081.37
82.	2008000019	Stop N Shop 2 Land, LLC: Stop N Shop #2	\$8,309.30	\$7,457.85
83.	2008000023	Jacksons Food Stores, Inc.: Jacksons Food Store #27	\$4,474.63	\$4,022.67

ON GOING CASES/OTHER PRODUCTS: SUB TOTAL: \$2,086,424.74 \$1,689,264.42

REQUESTED RECOMMENDED

CLAIMS TOTAL: \$2,833,907.40 \$2,340,341.97

Mr. Drozdoff moved for approval of Item No. VII, Heating Oil, 1 through 8, New Cases/Other Products, 1 through 7, On Going Cases/Other Products, 1 through 83. Mr. Wright seconded the motion. Discussion followed.

Mr. Ross disclosed he is a former ARCO and BP employee and still holds stock options pertaining to ARCO and BP West Coast Products Facilities under On Going Cases C, Item Numbers 1, 4, 20, 32, 42, 61 and 70. Mr. Ross also announced he is a member of the law firm which represents Ace Cab Company, Item Number 78. However, he stated these interests will not affect his voting.

Motion carried unanimously.

VIII. EXECUTIVE SUMMARY

Mr. Kottler reported on the status of the Fund for fiscal year 2010, which began July 1, 2009. NDEP has received 23 new cases for evaluation of coverage. Since the inception of the program, 1,347 cases have been evaluated for reimbursement. There are currently 208 active remediation sites expected to continue with requests for reimbursement. A total of 969 cases have been closed, 111 cases have been denied coverage, and 42 cases have expired (meaning that an initial claim was not submitted within 12 months from the date of discharge discovery and an appeal has not been filed). A total of 17 cases are currently in a pending status, awaiting either submittal of additional information or initial staff evaluation for coverage.

Not counting today's Board authorization, approximately \$150.5 million has been reimbursed. Adding today's reimbursement recommendations, approximately \$152.8 million will have been reimbursed from the Petroleum Fund to date.

Mr. Kottler informed the Board, that there are a limited number of data that are available for the current fiscal year. Therefore, He provided the final information regarding the tank enrollment from the previous fiscal year, which will end September 30, 2009. 1,437 facilities have been invoiced at \$100 per petroleum tank system for tank enrollment into the Fund for fiscal year 2009. As of August 11, 2009, 98% of the facilities have paid.

IX. CONFIRMATION OF NEXT MEETING DATE

It was confirmed that the next meeting date will be Thursday, December 10, 2009.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 11:24 am.