

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
DECEMBER 10, 2009**

Note: An audio recording of the meeting can be obtained from Mrs. Victoria Joncas, by sending a request to NDEP in writing to 901 South Stewart Street, Suite 4001, Carson City, NV 89701, via electronic mail to vjoncas@ndep.nv.gov, or by calling (775) 687-9369.

The State of Nevada Board to Review Claims (Board) for Petroleum Releases meeting will be video-conferenced beginning at 10:00 a.m. on (Thursday) December 10, 2009 at the following locations:

Carson City: Nevada Legislative Building, 401 South Carson Street, Room 2135.

Las Vegas: Grant Sawyer Building, 555 East Washington Avenue, Room 4412E.

This agenda will be posted at the Grant Sawyer Building in Las Vegas, Legislative Counsel Bureau in Carson City, Washoe County Commission Chambers in Reno, Washoe County District Health Department – Environmental Health Services Division in Reno, Washoe County Library in Reno, Clark County Managers Office in Las Vegas, Nevada State Library & Archives in Carson City, State Fire Marshal's Office in Carson City, and Department of Conservation and Natural Resources in Carson City and Las Vegas.

You may find the agenda posted on our web site at: <http://ndep.nv.gov/bca/fundhome.htm>

The following items will be discussed and acted upon, but may be taken in different order to accommodate the interest and time of persons attending.

I. CALL TO ORDER (ACTION)

A. BOARD MEMBERS PRESENT / ABSENT

II. APPROVAL OF THE AGENDA (ACTION)

III. APPROVAL OF THE SEPTEMBER 10, 2009 MINUTES (ACTION)

IV. PUBLIC FORUM (DISCUSSION)

Members of the public will be invited to speak before the Board on any issue that was not included on the agenda.

V. STATUS OF THE FUND (DISCUSSION)

The Nevada Division of Environmental Protection (NDEP) reports to the Board the receipts, expenditures, liabilities, and current balance of the State of Nevada Petroleum Fund (Fund).

VI. DETERMINATION OF FUND COVERAGE (ACTION)

- A.** Resolution to Provide Third Party Liability Coverage to Conoco Station #28003, 1420 W. Bonanza Rd., Las Vegas, NV, Facility ID No. 8-000253, Petroleum Fund Case ID No. 1998000068
Resolution No. 2009-08
- B.** Resolution to Designate Former Red Rock Mini Mart, 5525 W. Charleston Blvd., Las Vegas, NV, as a Small Business, Facility ID No. 8-000161, Petroleum Fund Case ID No. 1996000064
Resolution No. 2009-09

VII. ADOPTION OF CONSENT ITEMS (ACTION)

The Board will review all items as a consent calendar item, unless the item is marked by an asterisk (*), or a member of the public wishes to speak in regards to the item.

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 –DECEMBER 10, 2009**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
1.	1992000102H	Lyon County School Dist.: Yerington Elementary	\$36,941.64	\$36,935.22
2.	2006000020H	Bruno Benna: Benna Residence	\$513.85	\$513.85
3.	2007000013H	Churchill County School District: Bus Barn	\$14,946.25	\$14,946.25
4.	2010000004H	Jeff Jacobsen: Jacobsen Residence	\$5,829.75	\$4,129.25
5.	2010000008H	Suzanne Meehan: Meehan Property	\$16,682.72	\$15,693.57
HEATING OIL SUB TOTAL:			<u>\$74,914.21</u>	<u>\$72,218.14</u>

<u>NEW CASES, OTHER PRODUCTS</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
1.	2009000025	Western Energetix, LLC: Western Energetix Cardlock	\$22,295.70	\$20,066.13
2.	2009000028	John McSweeney: Mick & Mac's Food Mart	\$16,285.14	\$13,923.79
3.	2010000003	Big Wheel Properties, LLC: Big Wheel Travel Center	\$73,054.40	\$65,748.96
NEW CASES, OTHER PRODUCTS SUB TOTAL:			<u>\$111,635.24</u>	<u>\$99,738.88</u>

ON GOING CASES/OTHER PRODUCTS**REQUESTED****RECOMMENDED**

1. †	1992000127	City of Las Vegas: Former Obie's Texaco	\$0.00	\$3,117.00
2.	1993000010	7-Eleven, Inc.: 7-Eleven #20687	\$4,078.75	\$3,670.87
3.	1993000011	7-Eleven, Inc.: 7-Eleven #29646	\$5,888.00	\$5,888.00
4.	1993000015	Avis Budget, LLC: Budget Rent A Car	\$143,672.15	\$114,494.55
5.	1993000102	Rebel Oil Company: Rebel #8	\$16,949.45	\$16,949.43
6.	1993000103	Russell Yardley: Charlie Brown Construction	\$8,346.60	\$8,179.67
7.	1994000003	Allied Washoe: Allied Petroleum	\$13,949.19	\$10,296.07
8.	1994000012	Wirtz Beverage of NV, Inc.: DeLuca Liquor & Wine	\$9,670.00	\$9,670.00
9.	1994000027	7-Eleven, Inc.: 7-Eleven #19653	\$69,225.47	\$69,193.33
10.	1994000029	7-Eleven, Inc.: 7-Eleven #20826	\$19,914.65	\$14,922.76
11.	1994000037	Param Investments and/or Broadbent: Gofer Market	\$64,363.02	\$64,346.20
12.	1994000065	Avis Rent A Car Systems: Avis Rent A Car	\$74,960.47	\$73,884.51
13.	1994000067	Peppermill, Inc.: Former Peppermill Truck Stop	\$46,725.55	\$46,725.55
14.	1994000086	Falconi Motors, Inc.: Falconi's Tropicana Honda	\$86,702.72	\$86,696.34
15. †	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	\$14,130.62	\$15,530.22
16.	1994000120	Conoco Phillips Company: Union 76 #3846	\$30,291.70	\$27,262.53
17.	1994000122	Ron or Gary Michelsen: Mike's Gas-A-Mart	\$36,819.02	\$36,819.02
18.	1994000125	Conoco Phillips Company: Union 76 #5558	\$18,954.82	\$18,954.82
19.	1995000012	Model T Casino: Parker's Model T	\$78,483.94	\$70,623.38
20.	1995000028	Gita Corporation: Gita Corporation Facility	\$11,273.59	\$10,146.23
21.	1995000042	FBF, Inc.: Fayeghi Texaco	\$8,749.27	\$7,874.35
22.	1995000094	Harrah's Operating Company: Former Caesar's Tahoe	\$58,961.00	\$50,534.10
23.	1995000105	Redman Petroleum Corp.: Redman Petroleum	\$7,524.13	\$6,771.72
24.	1996000007	Seven Crown Resorts, Inc.: Lake Mead Marina	\$4,882.50	\$4,394.25
25.	1996000063	Joan Pennachio: V&V Automotive	\$21,287.80	\$19,159.02
26.	1996000101	Conoco Phillips Company: Circle K #695	\$29,196.94	\$26,736.42
27.	1996000102	Conoco Phillips Company: Circle K #542	\$26,141.99	\$18,822.22
28.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$5,685.00	\$5,116.50
29.	1997000093	Conoco Phillips Company: Union 76 #5257	\$5,787.96	\$3,125.50
30.	1998000046	Willdens Automotive Holdings: Allstate Rent A Car	\$35,027.12	\$31,418.18
31.*	1998000068	Conoco Phillips Company: Conoco #28003	\$22,319.85	\$20,087.87
32.	1998000073	City of Reno: City of Reno Police Station	\$6,847.24	\$6,847.24
33.	1998000075	Anne Dufurrena: McDermitt Service Motel	\$998.75	\$898.87
34.	1998000080	Seven Crown Resorts: Echo Bay Resort	\$18,514.55	\$16,663.09
35.	1999000011	Terrible Herbst Oil Company: Terrible Herbst #133	\$7,033.30	\$6,329.97
36.	1999000015	Terrible Herbst Oil Company: Terrible Herbst #144	\$6,204.55	\$5,643.49
37.	1999000017	Reed, Inc.: Reed R-Place Shell	\$24,573.61	\$21,715.50
38.	1999000022	Terrible Herbst Oil Company: Terrible Herbst #129	\$27,302.27	\$24,572.04
39.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$14,732.66	\$13,313.85
40. †	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$31,609.87	\$73,605.31
41.	1999000052	Estate of Martin Wessel: Ted's Chevron	\$5,672.40	\$5,105.16
42.	1999000061	Rich Sorani: Former Rich's Unocal	\$7,491.27	\$7,491.27
43.	1999000066	HP Management, LLC: Former Haycock Petroleum	\$10,358.38	\$9,322.55
44.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	\$25,197.06	\$23,685.78
45.	1999000090	HP Management, LLC: Former Haycock Petroleum	\$12,345.78	\$11,070.70
46.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	\$14,146.60	\$12,830.94
47.	1999000115	Shell Oil Products, US: Former Shell, Zephyr Cove	\$6,294.93	\$4,823.65
48.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$7,031.00	\$6,327.90
49.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$5,446.05	\$4,901.45

ON GOING CASES/OTHER PRODUCTS: CONTINUED

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
50.	1999000155	Varney Padgett: Old Washoe Station	\$1,201.45	\$1,081.30
51.	1999000162	Terrible Herbst Oil Company: Terrible Herbst #159	\$1,940.60	\$1,746.54
52.	1999000167	City of Las Vegas: Fire Station #1	\$5,534.38	\$5,534.38
53.	1999000186	Gloria Pilger: Former D&G Oil Facility	\$27,405.43	\$24,638.51
54.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$44,015.96	\$39,519.94
55.	1999000243	7-Eleven, Inc.: 7-Eleven #27607	\$36,870.26	\$19,909.95
56.†	1999000244	7-Eleven, Inc.: 7-Eleven #22070	\$0.00	\$6,347.19
57.	1999000257	University of Nevada: Newlands Agriculture	\$18,668.84	\$18,418.84
58.	1999000273	V.K. Leavitt: The Waterhole	\$28,432.44	\$9,967.00
59.	1999000275	Conoco Phillips Company: Circle K #1248	\$10,846.83	\$8,785.93
60.	1999000276	Robert Harris: Pecos Station Texaco	\$2,450.20	\$2,205.18
61.	2004000011	William Rodriguez: Four Way Truck Stop	\$58,134.67	\$41,777.29
62.	2004000013	Jesse Jhawar: Nevada Nanak Petroleum	\$3,460.18	\$1,868.50
63.	2004000039	Clark Co. Dept. of Aviation: Former Ntl. Car Rental	\$18,744.80	\$18,559.80
64.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$17,875.27	\$15,246.24
65.	2005000004	7-Eleven, Inc.: 7-Eleven #21285	\$2,685.50	\$2,079.68
66.	2005000018	BP West Coast Products, LLC: ARCO #1718	\$28,148.18	\$25,329.11
67.	2005000021	B-H Ind. dba Terrible's: Former Berry-Hinckley #95	\$3,316.28	\$2,984.65
68.	2005000025	Bordertown, Inc.: Winner's Corner	\$42,283.80	\$38,055.42
69.	2005000039	Petrosun Fuel, Inc.: Taylor Street Market	\$9,300.70	\$8,370.63
70.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$21,736.18	\$17,606.31
71.	2006000007	7-Eleven, Inc.: 7-Eleven #33022	\$3,849.95	\$3,464.95
72.†	2006000016	Dansk Inv. and/or Broadbent: USA Pet. Station #207	\$105,278.25	\$133,523.08
73.	2006000017	7-Eleven, Inc.: 7-Eleven #26994	\$4,642.45	\$3,342.56
74.	2007000002	Consolidated Nevada Corp.: Berry-Hinckley #201	\$6,169.15	\$5,552.24
75.†	2007000003	7-Eleven, Inc.: 7-Eleven #29648	\$0.00	\$1,158.30
76.	2007000004	7-Eleven, Inc.: 7-Eleven #29660	\$10,095.61	\$7,268.84
77.	2007000014	Ace Cab Company, Inc.: Ace Cab Company	\$37,390.84	\$33,606.75
78.	2007000016	TOC Holdings Company: Former Time Oil #6-100	\$6,815.90	\$6,134.31
79.	2008000017	Big Daddy's Oil, LLC: Flamingo AM/PM #82153	\$21,012.00	\$11,346.48
80.	2008000018	B-H Ind. dba Terrible's: Terrible's Store #830	\$23,461.83	\$20,593.65
81.†	2009000009	Tom Schwarz: Zak's Mini Mart	\$23,154.76	\$25,579.27
82.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$4,136.03	\$3,560.43
83.†	2009000020	Western Energetix, LLC: Western Energetix Bulk Plant	\$16,590.43	\$19,636.14
84.	2009000024	Parampreet Investment, LLC: Chuck's Circle C	\$204,382.74	\$183,189.08

ON GOING CASES/OTHER PRODUCTS SUB TOTAL:**\$2,061,795.43****\$1,924,547.84****REQUESTED****RECOMMENDED****CLAIMS TOTAL: \$2,248,344.88****\$2,096,504.86****VIII. EXECUTIVE SUMMARY (DISCUSSION)**

Mr. Kottler reports to the Board tank enrollments, reimbursement activity trends, the status of noncompliant facilities with claims withheld from presentation to the Board, and other items that warrant attention or may be of concern to the Board.

IX. REQUEST TO RECONSIDER PAST BOARD DETERMINATIONS (ACTION)

On behalf of NDEP, Deputy Attorney General presents a recommendation for Board consideration as part of a settlement agreement with Al Park Petroleum Inc.

**X. CONFIRMATION OF NEXT BOARD MEETING DATE (ACTION)
MARCH 10, 2010 (WEDNESDAY)**

XI. ADJOURNMENT

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, to NDEP, State of Nevada Board to Review Claims, in care of Mrs. Victoria Joncas, 901 South Stewart Street, Suite 4001, Carson City, NV 89701, facsimile (775) 687-8335, or by calling (775) 687-9369, no later than December 1, 2009.