

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 14, 2018**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 11:00 AM on Thursday, June 14, 2018 at the following locations:

Carson City: Nevada Legislative Building, 401 S. Carson St., Rm. 2134

Las Vegas: Grant Sawyer Building, 555 E. Washington Ave., Rm. 4412

The public is invited to attend either location.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the Board may delay discussion relating to an item on the agenda at any time.

Public comment may be limited to ten minutes per person at the discretion of the Chairman.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT (FOR DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

3. ELECTION OF BOARD CHAIRMAN AND VICE-CHAIRMAN (FOR POSSIBLE ACTION)

The Board will select a new Chairman in accordance with Nevada Revised Statute 445C.300.3. Nominations for a new Board Chairman will be heard and a vote will follow. Upon selection of a new Chairman, the Board may choose to nominate and vote for a new Vice Chairman as well.

4. APPROVAL OF THE MARCH 8, 2018 MINUTES (FOR POSSIBLE ACTION)

5. STATUS OF THE FUND (FOR DISCUSSION)

NDEP reports to the Board the receipts, expenditures, liabilities, and current balance of the State of Nevada Petroleum Fund.

6. SITE SPECIFIC BOARD DETERMINATION FOR 3RD PARTY LIABILITY (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2018-05

Proposed Site Specific Board Determination to Provide Third Party Liability Coverage to Smart Mart, 4207 South Las Vegas Boulevard, Las Vegas, Nevada
Facility ID No. 8-001775, Petroleum Fund Case ID No. 2012000012

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2018-05 as proposed, granting third party liability Fund coverage to the subject site for one underground storage tank system with a 10% copayment.

7. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2018-06

Proposed Site Specific Board Determination (SSBD) to Provide Reduced Petroleum Fund Coverage to Arco AM/PM, 205 North McCarran Boulevard, Sparks, Nevada
Petroleum Fund Case ID No. 2017000041, Facility ID No. 4-000328

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2018-06 as proposed, granting coverage under the State of Nevada Petroleum Fund to the Arco AM/PM for one UST system with a 20% reduction and a 10% copayment.

8. SITE SPECIFIC BOARD DETERMINATION FOR RECONSIDERATION (FOR POSSIBLE ACTION)

Request for Reconsideration of Previous Site Specific Board Determination No. C2011-04

A request was made on behalf of Pilot Travel Centers for the Board to reconsider its previous June 2011 determination granting Fund coverage with a 20% reduction for the Flying J Travel Plaza #770 facility, located at 1880 West Winnemucca Boulevard, Winnemucca, Nevada
Petroleum Fund Case No. 2008000009, Facility ID No, 5-000254

NDEP has determined that the site has demonstrated five years of compliance with federal underground storage tank and leaking underground storage tank regulations.

RECOMMENDATION:

Board Reconsideration of Site Specific Board Determination C2011-04. In accordance with Board Policy Resolution No. 2012-06, the Board may choose to maintain, eliminate, or to modify the existing 20% coverage reduction.

9. AMEND POLICY RESOLUTION 2017-01 ABOVEGROUND STORAGE TANK ENROLLMENT REQUIREMENTS AND FUND COVERAGE REDUCTIONS (FOR POSSIBLE ACTION)

Policy Resolution 2017-01 requires ASTs with underground conveyance piping that cannot be visibly inspected to demonstrate line tightness, and if the piping is steel, corrosion protection, prior to enrollment into the Fund beginning enrollment year 2019 and annually thereafter. In addition, it stipulates reductions in Fund coverage for certain business practices that cause or are proximate cause of a release to the environment.

RECOMMENDATION:

Adoption of Amended Policy Resolution No. 2017-01 as proposed, including additional recommended coverage reductions for failure to comply with corrosion and tightness testing requirements associated with product piping that cannot be visually inspected.

10. UPDATE TO THE BOARD ON RECEIVED GRANT APPLICATIONS (FOR DISCUSSION)

During the March 8, 2018 Board meeting, NDEP was requested to provide a status update to the Board including the number of Grant Program applications received and any feedback provided by operators and industry.

11. BOARD MEMBER REQUEST TO DISCUSS REOCCURRING TRAINING REQUIREMENT FOR CLASS A AND CLASS B OPERATORS (FOR DISCUSSION)

Discussion on continuing education for underground storage tank operators to encourage general awareness of releases from their systems. The discussion will focus on whether or not Nevada should be more proactive in providing education to these owners/operators and implement continuing education programs similar to other States.

This agenda item will be open to public comment in addition to the public comment periods at the start and end of the meeting. Comments will be limited to 5 minutes and no action will be taken on this item during the June 14, 2018 meeting. The Board may choose to add an action item to future meetings following discussion of this item.

12. ADOPTION OF CONSENT ITEMS (FOR POSSIBLE ACTION)

The Board will review all items as consent items, unless marked with an asterisk (*) indicates a nonconsent item, which either a member of the public has requested to address before the Board or the item is associated with a Fund Site Specific Board Determination. Upon Board adoption of the relevant Site Specific Board Determination, the nonconsent item is considered to be a consent item.

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

An omega (ω) indicates Board approved reimbursement monies have been subtracted from the amount requested due to new information

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS - JUNE 14, 2018**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2007000013	Churchill County School District: Churc. Co. S.d. Bus Barn	\$1,025.70	\$1,025.70
FOR POSSIBLE ACTION	2.	2013000012	Roger & Gemma Mateossian: Mateossian Residence	\$701.25	\$701.25
FOR POSSIBLE ACTION	3.	2018000008	Stanley Kanarowski: Stanley M. Kanarowski	\$13,320.40	\$13,070.40
FOR POSSIBLE ACTION	4.	2018000011	Mindy Hsu: Mindy S. Hsu Residence	\$13,982.91	\$13,732.91
FOR POSSIBLE ACTION	5.	2018000012	Linda Mercurio: David T. Mercurio Residence	\$18,718.58	\$18,468.58
FOR POSSIBLE ACTION	6.	2018000013	March Properties: Washoe Fuel Inc	\$11,706.20	\$11,331.20
FOR POSSIBLE ACTION	7.	2018000014	Mike Bonano: Michael P. Bonano Property	\$13,564.41	\$13,314.41
FOR POSSIBLE ACTION	8.	2018000015	Elisabeth Lau: Elisabeth M. Lau Residence	\$14,411.77	\$14,161.77
SUB TOTAL:				<u>\$87,431.22</u>	<u>\$85,806.22</u>

<u>NEW CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2017000035	Rebel Oil Company: Rebel Store #2177	\$136,442.36	\$58,628.25
FOR POSSIBLE ACTION	2.	2017000043	Jeanne W Murr Living Trust: Jeanne W Murr Living Trust	\$9,296.52	\$6,693.50
FOR POSSIBLE ACTION	3.	2017000045	Midjit Market Inc: Green Valley Grocery #43	\$21,057.14	\$18,951.43

SUB TOTAL:

\$166,796.02

\$84,273.18

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	1.	1992000126	Clark County School District: Rc White (Arville) Transportation Satellite	\$14,474.10	\$14,474.10
FOR POSSIBLE ACTION	2.	1993000102	Rebel Oil Company: Rebel Store #2008	\$31,383.19	\$31,383.19
FOR POSSIBLE ACTION	3.	1993000103	Charlie Brown Construction: Charlie Brown Const.	\$3,697.50	\$3,623.55
FOR POSSIBLE ACTION	4.	1994000012	Breakthru Beverage: Frmr Deluca Liquor & Wine	\$84,540.58	\$84,532.49
FOR POSSIBLE ACTION	5.	1994000015	Pilger Family Holdings: Former D & G Oil Company	\$42,490.38	\$42,490.38
FOR POSSIBLE ACTION	6. †	1994000029	7-Eleven INC: 7-Eleven #20826	\$21,664.44	\$23,703.19
FOR POSSIBLE ACTION	7.	1994000037	Param Investments LLC: Go-Fer Supermarket	\$6,929.91	\$6,929.91
FOR POSSIBLE ACTION	8.	1994000067	Peppermill Casinos INC: Frmr Peppermill Truckstop	\$4,467.55	\$4,429.75
FOR POSSIBLE ACTION	9.	1994000113	Pilot Travel Centers LLC: Former Unocal Truck Stop #6328	\$11,045.28	\$11,045.28
FOR POSSIBLE ACTION	10.	1996000063	Joan Pennachio: V & V Automotive	\$4,311.84	\$4,311.84
FOR POSSIBLE ACTION	11.	1996000064	H & A Esslinger, LLC: Red Rock Mini Mart	\$33,471.11	\$32,466.98
FOR POSSIBLE ACTION	12.	1996000101	Phillips 66 Company: Circle K #695	\$16,577.98	\$14,920.18
FOR POSSIBLE ACTION	13.	1997000008	Ewing Bros Inc: Ewing Bros INC	\$5,537.50	\$4,983.75
FOR POSSIBLE ACTION	14.	1998000068	Phillips 66 Company: Conoco #28003	\$19,732.64	\$17,603.09
FOR POSSIBLE ACTION	15.	1998000075	Phillip M. Stone: McDermitt Motel & Convenience Store	\$4,589.63	\$4,124.62
FOR POSSIBLE ACTION	16.	1999000014	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$15,346.86	\$13,812.17
FOR POSSIBLE ACTION	17.	1999000022	Terrible Herbst, INC.: Terrible Herbst #129 (Chevron)	\$19,557.42	\$17,601.68
FOR POSSIBLE ACTION	18.	1999000023	Nevada Ready Mix Corp: Nevada Ready Mix	\$28,491.22	\$25,642.10
FOR POSSIBLE ACTION	19.	1999000029	Terrible Herbst, INC.: Terrible Herbst #136 (Arco)	\$16,338.02	\$14,704.22
FOR POSSIBLE ACTION	20.	1999000052	Estate Of Martin T. Wessel: Ted's Chevron	\$7,589.20	\$6,830.28
FOR POSSIBLE ACTION	21.	1999000064	Al Park Petroleum Inc: Pit Stop #4 (Conoco)	\$9,464.39	\$8,517.95
FOR POSSIBLE ACTION	22.	1999000066	HP Management, LLC: Former Haycock Petroleum	\$45,848.47	\$41,263.62
FOR POSSIBLE ACTION	23.	1999000086	Terrible Herbst, INC.: Terrible Herbst #126 (Arco)	\$14,885.08	\$13,396.57
FOR POSSIBLE ACTION	24.	1999000104	Terrible Herbst, INC.: Terrible Herbst #118 (Arco)	\$13,642.92	\$12,278.63
FOR POSSIBLE ACTION	25.	1999000135	Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$12,219.53	\$10,997.58
FOR POSSIBLE ACTION	26.	1999000137	Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$27,599.81	\$24,839.83
FOR POSSIBLE ACTION	27.	1999000199	Village Springs, LLC: Lakeshore Orbit Station	\$8,798.44	\$8,798.44
FOR POSSIBLE ACTION	28.	1999000273	Mr. V. K. Leavitt: The Waterhole	\$26,145.75	\$23,531.17
FOR POSSIBLE ACTION	29.	2004000011	Travel Centers Of America: Wells Petro Truck Service	\$42,686.51	\$38,417.86
FOR POSSIBLE ACTION	30.	2004000039	Clark County Dept Of Aviation: Frmr National Car Rental	\$45,567.75	\$45,437.75
FOR POSSIBLE ACTION	31.	2005000036	Phillips 66 Company: Circle K #1791	\$5,334.41	\$3,840.78
FOR POSSIBLE ACTION	32.	2005000044	Ewing Bros Inc: Ewing Bros INC	\$19,508.40	\$17,557.56

FOR POSSIBLE ACTION	33.	2007000014	Ace Cab Company: Ace Cab Company	\$23,077.51	\$20,769.76
FOR POSSIBLE ACTION	34.	2008000005	Avis Rent A Car System LLC: Avis Rent A Car	\$24,943.65	\$22,449.29
FOR POSSIBLE ACTION	35.	2008000019	One Panou LLC: Golden Market #3	\$12,059.24	\$10,072.66
FOR POSSIBLE ACTION	36.	2009000017	D & J Holdings, LLC: Convenience Corner Shell	\$17,608.75	\$15,847.87
FOR POSSIBLE ACTION	37.	2009000024	Parampreet Investment LLC: Chucks Circle C Market	\$15,668.41	\$14,101.57
FOR POSSIBLE ACTION	38.	2009000028	Vegas Rainbows, INC: Mick & Mac's Food Mart	\$2,222.50	\$1,950.25
FOR POSSIBLE ACTION	39.	2010000003	Pilot Travel Centers LLC: Flying J Travel Plaza #1005	\$4,968.90	\$4,472.01
FOR POSSIBLE ACTION	40.	2010000007	Pecos Express: Pecos Station	\$11,492.48	\$10,343.23
FOR POSSIBLE ACTION	41.	2010000009	Travel Centers Of America: Mill City Travel Center	\$6,637.93	\$5,318.67
FOR POSSIBLE ACTION	42.	2013000009	Western Petroleum: Western Petroleum	\$25,092.08	\$22,582.87
FOR POSSIBLE ACTION	43.	2013000011	Har Moor Investments, LLC: Village Shop #4	\$20,096.92	\$18,087.23
FOR POSSIBLE ACTION	44.	2013000015	Gary Cornwall: Gary Cornwall Property	\$2,600.00	\$2,600.00
FOR POSSIBLE ACTION	45.	2013000019	Hardy Enterprises INC: Elko Sinclair #53	\$15,287.33	\$13,758.60
FOR POSSIBLE ACTION	46.	2013000020	7-Eleven INC: 7-Eleven #26395	\$9,728.63	\$8,755.77
FOR POSSIBLE ACTION	47.	2014000004	Alsaker Corp: Broadway Colt Service Center	\$34,768.78	\$31,291.90
FOR POSSIBLE ACTION	48.	2014000016	Smitten Oil And Tire Co Inc: Former Smitten Oil	\$4,021.13	\$3,619.02
FOR POSSIBLE ACTION	49.	2014000025	Superior Campgrounds Of America LLC: Silver City Rv Resort	\$236,568.97	\$212,912.07
FOR POSSIBLE ACTION	50.	2014000033	Speedee Mart Inc: Speedee Mart #108	\$27,914.02	\$25,122.62
FOR POSSIBLE ACTION	51.	2014000041	Forever Resorts: Callville Bay Resort Marina	\$22,065.00	\$19,858.50
FOR POSSIBLE ACTION	52.	2015000005	Elko Acquisitions LLC dba Red Lion Chevron: Red Lion Chevron	\$9,074.84	\$8,167.36
FOR POSSIBLE ACTION	53.	2015000009	Travel Centers Of America: Las Vegas Travel Center	\$69,921.04	\$61,663.31
FOR POSSIBLE ACTION	54.	2015000014	Abe Kaabipour: City Express	\$1,214.75	\$1,093.27
FOR POSSIBLE ACTION	55.	2016000005	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Facility #65 - Fallon	\$4,370.93	\$3,933.84
FOR POSSIBLE ACTION	56.	2016000011	Reno Seven Seas INC: Arco Am/pm	\$6,367.74	\$5,444.41
FOR POSSIBLE ACTION	57.	2016000023	Al Park Petroleum Inc: Pit Stop #1	\$177,982.87	\$115,416.40
FOR POSSIBLE ACTION	58.	2016000027	Terrible Herbst, INC.: Terrible Herbst #272	\$90,783.97	\$49,022.96
FOR POSSIBLE ACTION	59.	2017000015	Gmr National A Nevada General Partnership: 24x7 Mini Mart	\$32,746.80	\$23,577.70
FOR POSSIBLE ACTION	60.	2017000027	John Edmond: Mlk Gas Mart	\$8,617.50	\$7,755.75
SUB TOTAL:				<u>\$1,581,840.48</u>	<u>\$1,368,479.38</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$1,836,067.72</u>	<u>\$1,538,558.78</u>

13. DIRECT PAYMENT OF UNCONTESTED CLAIMS MADE PER POLICY RESOLUTION 2017-02 (FOR DISCUSSION)

The Board to Review Claims authorizes NDEP to make claim payments prior to a Board meeting when the recommended payment value is uncontested. This authorized delegation is consistent with the findings in the memorandum from the Attorney General’s Office dated August 3, 2017 (Attachment A of Policy Resolution 2017-02). Below is a list of all quarterly claim payments made on the Board’s behalf in accordance with Policy Resolution No. 2017-02.

An omega (ω) indicates Board approved reimbursement monies have been subtracted from the amount requested due to new information

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2012000017 Churchill County School District: Old High School	\$7,516.90	\$7,317.70
FOR DISCUSSION	2.	2017000047 Paul Crozier: Paul And Jeanne Crozier Property	\$11,628.50	\$11,378.50
FOR DISCUSSION	3.	2018000006 Kevin Reilly: Kevin Reilly Residence	\$16,174.40	\$15,924.40
FOR DISCUSSION	4.	2018000010 John McCann: John W. McCann Property	\$17,380.66	\$17,130.66
SUB TOTAL:			<u>\$52,700.46</u>	<u>\$51,751.26</u>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>PAID</u>
FOR DISCUSSION	1.	1994000029 7-Eleven INC: 7-Eleven #20826	\$46,724.31	\$37,846.69
FOR DISCUSSION	2.	1994000122 Michelsen's Gas A Mart, Inc: Mike's Chevron	\$12,316.25	\$12,316.25
FOR DISCUSSION	3.	1995000039 Al Park Petroleum Inc: Crescent Valley Market	\$56,427.04	\$50,784.34
FOR DISCUSSION	4.	2010000009 Travel Centers Of America: Mill City Travel Center	\$8,545.65	\$6,921.98
FOR DISCUSSION	5.	2011000009 Cimarron West: Cimarron West	\$47,891.35	\$43,102.21
FOR DISCUSSION	6.	2012000012 Dewey Has Gas, INC: Smart Mart	\$75,561.70	\$68,005.53
FOR DISCUSSION	7.	2016000012 DLF Corporation: Mr Ds Fastlane	\$59,380.72	\$53,442.65
SUB TOTAL:			<u>\$306,847.02</u>	<u>\$272,419.65</u>
DIRECT PAYMENT CLAIMS TOTAL:			<u>\$359,547.48</u>	<u>\$324,170.91</u>
 BOARD MEETING CLAIMS TOTAL:			 <u>\$2,195,615.20</u>	 <u>\$1,862,729.69</u>

14. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on Fund coverage activities, Fund expenditures, tank enrollment status, 1099 tax form determination from the Department of Agriculture, and Eagle Gas North cleanup status.

15. PUBLIC COMMENT (FOR DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

**16. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION)
SEPTEMBER 6, 2018 (THURSDAY) AT 11:00 AM**

17. ADJOURNMENT

This agenda will be posted no later than three working days prior to the meeting at the following locations:

Clark County Managers Office, 500 S. Grand Central Pkwy., Las Vegas, NV 89155

Grant Sawyer Building, 555 E. Washington Ave., Rm. 1003, Las Vegas, NV 89101

Legislative Counsel Bureau, 401 S. Carson St., Carson City, NV 89701

Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701

State Fire Marshal's Office, Stewart Facility, 107 Jacobsen Way, Carson City, NV 89701

State of Nevada - Environmental Protection, Bureau Of Corrective Actions, 901 S. Stewart St., 1st and 3rd Floors, Carson City, NV 89701

State of Nevada - Environmental Protection, Bureau Of Corrective Actions, 2030 E. Flamingo Rd., Ste. 230, Las Vegas, NV 89119

Washoe County Commission Chambers, 1001 E. 9th St., Bldg. B, Reno, NV 89512

Washoe County District Health Department - Environmental Health Services Division, 1001 E. 9th St., Bldg. A, Reno, NV 89520

Washoe County Library, 301 S. Center St., Reno, NV 89501

You may find the agenda posted on our web site at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes> and the Department of Administration's website at <https://notice.nv.gov> under State Government, Department of Conservation and Natural Resources, State of Nevada Board to Review Claims.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, NDEP, State of Nevada Board to Review Claims, in care of Victoria Joncas, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, facsimile (775) 687-8335, or by calling (775) 687-9369 no later than June 11, 2018.

Note : Supporting material for this meeting and audio recordings of previous meetings are located in the Carson City Nevada Division of Environmental Protection (NDEP) office and can be obtained from Victoria Joncas by sending a request in writing to 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, via electronic mail to vjoncas@ndep.nv.gov, or by calling (775) 687-9369.