

**STATE OF NEVADA BOARD TO REVIEW CLAIMS  
AGENDA  
SEPTEMBER 12, 2019**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Thursday, September 12, 2019 at the following locations:

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

Las Vegas: Grant Sawyer Building, 555 E. Washington Ave., Room 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 Chair.

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. APPROVAL OF THE JUNE 4, 2019 MINUTES (FOR POSSIBLE ACTION)**

**4. 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.

**5. APPEAL FOR 561 N. CENTER ST. HEATING OIL TANK APPLICATION DENIAL (FOR POSSIBLE ACTION)**

Fund staff have denied this application due to an operator (as defined by Petroleum Fund statute) not being identified for the tank. The tank has been identified as an orphaned tank in the coverage application, which is a subset of abandoned tanks and subject to Board Policy Resolution #96-002. The tank was not tested for tightness and enrolled prior to removal of the tank and discovery of the petroleum discharge.

**6. GOVERNOR'S OFFICE OF FINANCE AUDIT FINDINGS (FOR DISCUSSION)**

NDEP will present the recommendations made by the Governor's Office of Finance, Division of Internal Audits as outlined in the June 25, 2019 DIA Report (No. 19-05). Fund staff will also propose follow up action for the Board's consideration and solicit input to address the recommendations and timetable for implementation.



**7. ADOPTION OF CONSENT ITEMS (FOR POSSIBLE ACTION)**

The Board may approve all items in the following list as a consent agenda unless a listed item is marked with an asterisk (\*). Items may be marked with an asterisk if a member of the public has requested to address the claim before the Board or the item is associated with a Fund Site Specific Board Determination (SSBD). In the case of an item being marked with an asterisk pending a SSBD, the item is considered part of the consent agenda upon approval of that (SSBD). In addition to asterisked items, a Board member may request an item be moved from the list for immediate discussion prior to approval or moved to a discussion agenda item and tabled for the next meeting.

A dagger (†) indicates previously disallowed monies have been successfully appealed (i.e. the requested amount may be 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 - SEPTEMBER 12, 2019**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017 Churchill County School District: Old High School	\$5,645.56	\$5,645.56
FOR POSSIBLE ACTION	2.	2013000012 Roger & Gemma Mateossian: Mateossian Residence	\$5,009.25	\$5,009.25
FOR POSSIBLE ACTION	3.	2018000041 Adolf Allesch: Adolf S. Allesch Property	\$1,990.00	\$0.00
FOR POSSIBLE ACTION	4.	2019000012 Mark LA Barber: Mark Labarber Residential Heating Oil Tank	\$10,583.02	\$10,183.02
FOR POSSIBLE ACTION	5.	2019000018 Canyon Flats III LLC: 621, 623, 625 N. Center St. Heating Oil Tank	\$25,488.77	\$11,438.40
FOR POSSIBLE ACTION	6.	2019000020 Canyon Flats III LLC: 615 N., 617 N. & 619 N. Center St. Heating Oil	\$20,947.90	\$9,968.86
FOR POSSIBLE ACTION	7.	2019000022 Poker Brown LLC.: Poker Brown, LLC	\$18,509.40	\$18,259.40
FOR POSSIBLE ACTION	8.	2019000026 Albrecht Family Trust: Michael Fischer Residential Heating Oil Tanks	\$14,169.67	\$11,169.67
FOR POSSIBLE ACTION	9.	2019000028 Danielle Dewey: Danielle Dewey Residence	\$28,409.97	\$27,909.97
FOR POSSIBLE ACTION	10.	2019000029 Jamie Rittenbach: Chris L. Rittenbach Residence	\$18,190.76	\$17,940.76
<b>SUB TOTAL:</b>			<b><u>\$148,944.30</u></b>	<b><u>\$117,524.89</u></b>

**NEW CASES**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>	
FOR POSSIBLE ACTION	1.	2018000035	Cd/park7 Reno Owner, LLC: Wolf Fastop	\$75,103.44	\$60,833.79
FOR POSSIBLE ACTION	2.	2019000002	Rebel Oil Company: Rebel Store #2166	\$57,414.46	\$51,454.84
FOR POSSIBLE ACTION	3.	2019000005	Fairway Chevrolet Co: Fairway Chevrolet CO	\$79,232.25	\$65,819.93
			<b>SUB TOTAL:</b>	<b><u>\$211,750.15</u></b>	<b><u>\$178,108.56</u></b>

**ONGOING CASES**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>	
FOR POSSIBLE ACTION	1.	1992000126	Clark County School District: Rc White (Arville) Transportation Satellite	\$23,142.16	\$23,142.16
FOR POSSIBLE ACTION	2.	1993000011	7-Eleven INC: 7-Eleven #29646	\$14,426.57	\$14,426.57
FOR POSSIBLE ACTION	3.	1993000103	Charlie Brown Construction: Charlie Brown Const.	\$5,210.50	\$5,106.29
FOR POSSIBLE ACTION	4.	1994000015	Pilger Family Holdings: Former D & G Oil Company	\$45,879.06	\$44,431.54
FOR POSSIBLE ACTION	5.	1994000027	7-Eleven INC: 7-Eleven #19653	\$41,389.02	\$41,209.86
FOR POSSIBLE ACTION	6.	1994000037	Param Investments LLC: Go-Fer Supermarket	\$85,085.93	\$40,943.37
FOR POSSIBLE ACTION	7.	1994000067	Peppermill Casinos INC: Frmr Peppermill Truckstop	\$46,120.90	\$46,120.90
FOR POSSIBLE ACTION	8.	1994000113	Pilot Travel Centers LLC: Former Unocal Truck Stop #6328	\$8,835.56	\$8,835.56
FOR POSSIBLE ACTION	9.	1995000039	Al Park Petroleum Inc: Crescent Valley Market	\$31,168.14	\$6,113.83
FOR POSSIBLE ACTION	10.	1996000063	Joan Pennachio: V & V Automotive	\$8,567.04	\$8,526.44
FOR POSSIBLE ACTION	11.	1996000064	The Esslinger Family Trust: Red Rock Mini Mart	\$28,726.80	\$27,690.80
FOR POSSIBLE ACTION	12.	1996000101	Phillips 66 Company: Circle K #695	\$46,846.52	\$41,525.95
FOR POSSIBLE ACTION	13.	1997000071	7-Eleven INC: 7-Eleven #25586	\$6,335.02	\$5,701.52
FOR POSSIBLE ACTION	14.	1998000034	Chevron Usa Products CO.: Chevron #9-4116	\$115,693.80	\$96,703.54
FOR POSSIBLE ACTION	15.	1999000014	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$6,857.66	\$6,171.89
FOR POSSIBLE ACTION	16.	1999000022	Terrible Herbst, INC.: Terrible Herbst #129	\$4,632.50	\$4,169.25
FOR POSSIBLE ACTION	17.	1999000023	Nevada Ready Mix Corp: Nevada Ready Mix	\$25,853.52	\$22,999.07
FOR POSSIBLE ACTION	18.	1999000064	Al Park Petroleum Inc: Pit Stop #4 (Conoco)	\$7,007.00	\$6,306.30
FOR POSSIBLE ACTION	19.	1999000086	Terrible Herbst, INC.: Terrible Herbst #126	\$8,108.30	\$7,297.47
FOR POSSIBLE ACTION	20.	1999000104	Terrible Herbst, INC.: Terrible Herbst #118 & #120 Lube	\$1,568.75	\$1,411.87
FOR POSSIBLE ACTION	21.	1999000114	City Of Fallon: Fallon Maint. Yard	\$7,717.87	\$6,946.08
FOR POSSIBLE ACTION	22.	1999000244	7-Eleven INC: 7-Eleven #22070	\$33,092.94	\$29,783.65
FOR POSSIBLE ACTION	23.	2004000011	Travel Centers Of America: Wells Petro Truck Service	\$37,033.03	\$33,115.71
FOR POSSIBLE ACTION	24.	2004000039	Clark County Dept Of Aviation: Frmr National Car Rental	\$80,825.94	\$79,161.83

FOR POSSIBLE ACTION	25.	2005000002	Carson Valley Oil Co Inc: Carson Valley Oil CO	\$1,645.00	\$1,480.50
FOR POSSIBLE ACTION	26.	2005000036	Phillips 66 Company: Circle K #1791	\$17,732.17	\$12,767.17
FOR POSSIBLE ACTION	27.	2007000014	Ace Cab Company: Ace Cab Company	\$26,257.37	\$23,631.63
FOR POSSIBLE ACTION	28.	2007000016	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$5,202.59	\$4,682.33
FOR POSSIBLE ACTION	29.	2008000005	Avis Rent A Car System LLC: Avis Rent A Car	\$30,265.00	\$27,238.50
FOR POSSIBLE ACTION	30.	2008000019	One Panou LLC: Golden Market #3	\$60,329.85	\$54,296.87
FOR POSSIBLE ACTION	31.	2009000024	Parampreet Investment LLC: Chucks Circle C Market	\$32,179.94	\$27,932.81
FOR POSSIBLE ACTION	32.	2010000005	7-Eleven INC: 7-Eleven #27071	\$46,309.53	\$41,666.53
FOR POSSIBLE ACTION	33.	2010000007	Pecos Express: Pecos Express	\$8,150.89	\$7,312.83
FOR POSSIBLE ACTION	34.	2010000009	Travel Centers Of America: Mill City Travel Center	\$122,082.91	\$91,800.12
FOR POSSIBLE ACTION	35.	2011000006	7-Eleven INC: 7-Eleven #29384	\$36,324.46	\$32,692.01
FOR POSSIBLE ACTION	36.	2011000009	Cimarron West: Cimarron West	\$33,834.41	\$30,450.97
FOR POSSIBLE ACTION	37.	2012000003	7-Eleven INC: 7-Eleven #26627	\$8,446.36	\$6,081.38
FOR POSSIBLE ACTION	38.	2012000004	7-Eleven INC: 7-Eleven #15426	\$19,211.22	\$17,245.10
FOR POSSIBLE ACTION	39.	2012000011	Golden Gate Petroleum Of Nevada LLC: Baldinis Grand Pavilion	\$21,442.89	\$19,164.28
FOR POSSIBLE ACTION	40.	2012000012	Dewey Has Gas, INC: Smart Mart	\$36,917.31	\$33,080.68
FOR POSSIBLE ACTION	41.	2013000003	7-Eleven INC: 7-Eleven #25586	\$5,896.70	\$5,307.03
FOR POSSIBLE ACTION	42.	2013000004	7-Eleven INC: 7-Eleven #29665	\$53,896.62	\$48,492.43
FOR POSSIBLE ACTION	43.	2013000011	Har Moor Investments, LLC: Village Shop #4	\$22,262.38	\$18,389.64
FOR POSSIBLE ACTION	44.	2013000021	7-Eleven INC: 7-Eleven #27700	\$11,212.39	\$10,091.15
FOR POSSIBLE ACTION	45.	2014000004	Alsaker Corp: Broadway Colt Service Center	\$42,488.81	\$38,072.60
FOR POSSIBLE ACTION	46.	2014000007	7-Eleven INC: 7-Eleven #29658	\$9,621.12	\$8,659.01
FOR POSSIBLE ACTION	47.	2014000010	7-Eleven INC: 7-Eleven #29667	\$31,951.99	\$28,756.79
FOR POSSIBLE ACTION	48.	2014000016	Smitten Oil And Tire Co Inc: Former Smitten Oil	\$3,653.26	\$3,287.93
FOR POSSIBLE ACTION	49.	2015000005	Elko Acquisitions LLC dba Red Lion Chevron: Red Lion Chevron	\$18,770.89	\$16,893.80
FOR POSSIBLE ACTION	50.	2015000009	Travel Centers Of America: Las Vegas Travel Center	\$5,506.25	\$4,955.63
FOR POSSIBLE ACTION	51.	2016000005	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Facility #65 - Fallon	\$1,918.20	\$1,726.38
FOR POSSIBLE ACTION	52.	2016000009	7-Eleven INC: 7-Eleven #13685	\$60,292.37	\$54,243.80
FOR POSSIBLE ACTION	53.	2016000012	DLF Corporation: Mr Ds Fastlane	\$25,033.25	\$22,529.93
FOR POSSIBLE ACTION	54.	2016000021	7-Eleven INC: 7-Eleven #29647	\$10,517.89	\$9,466.10
FOR POSSIBLE ACTION	55.	2016000023	Al Park Petroleum Inc: Pit Stop #1	\$28,315.48	\$20,387.14
FOR POSSIBLE ACTION	56.	2017000004	Regional Transportation Commission: Regional Transportation Commission	\$32,518.89	\$32,518.89
FOR POSSIBLE ACTION	57.	2017000015	Gmr National A Nevada General Partnership: 24x7 Mini Mart	\$12,565.07	\$9,046.85

FOR POSSIBLE ACTION	58.	2017000019	Rebel Oil Company: Rebel Store #2197		\$89,410.58	\$77,506.33
FOR POSSIBLE ACTION	59.	2018000009	Reed Incorporated: Pacific Pride		\$3,827.50	\$3,444.75
				<b>SUB TOTAL:</b>	<b><u>\$1,696,116.07</u></b>	<b><u>\$1,453,141.34</u></b>
				<b>RECOMMENDED CLAIMS TOTAL:</b>	<b><u>\$2,056,810.52</u></b>	<b><u>\$1,748,774.79</u></b>

**8. 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.**

**A dagger (†) indicates 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**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2019000015 Edith Waklee: Don Waklee Residence	\$9,033.09	\$8,003.09
FOR DISCUSSION	2.	2019000017 Tilio Lagatta: Tilio G. Lagatta Property	\$13,816.49	\$13,566.49
FOR DISCUSSION	3.	2019000023 John Raphael: John E. Raphael Residence	\$15,803.78	\$15,553.78
FOR DISCUSSION	4.	2019000025 Kira Sorensen: Kira Sorensen Residence	\$17,030.90	\$16,780.90
			<b>SUB TOTAL:</b>	<b><u>\$55,684.26</u></b>
				<b><u>\$53,904.26</u></b>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1997000008 Ewing Bros Inc: Ewing Bros INC	\$3,975.02	\$3,577.52
FOR DISCUSSION	2.	1999000029 Terrible Herbst, INC.: Terrible Herbst #136 (Arco)	\$8,690.29	\$7,821.26
FOR DISCUSSION	3.	1999000066 HP Management, LLC: Former Haycock Petroleum	\$29,404.26	\$26,463.83
FOR DISCUSSION	4.	1999000135 Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$9,147.06	\$8,232.35
FOR DISCUSSION	5.	1999000137 Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$16,161.13	\$14,545.02
FOR DISCUSSION	6.	1999000199 Village Springs, LLC: Lakeshore Orbit Station	\$9,134.85	\$9,134.85
FOR DISCUSSION	7.	2005000044 Ewing Bros Inc: Ewing Bros INC	\$13,128.91	\$11,816.02
FOR DISCUSSION	8.	2010000003 Sira Truck Holdings, Lllp: Big Wheel Truck Center	\$321,326.52	\$281,471.87
FOR DISCUSSION	9.	2013000009 Western Petroleum: Western Petroleum	\$21,926.67	\$19,734.00

FOR DISCUSSION	10.	2013000019	Hardy Enterprises INC: Elko Sinclair #53	\$192,523.43	\$169,973.94
FOR DISCUSSION	11.	2014000033	Speedee Mart INC: Speedee Mart #108	\$18,649.99	\$16,784.99
FOR DISCUSSION	12.	2014000041	Forever Resorts: Callville Bay Resort Marina	\$24,060.00	\$21,654.00
FOR DISCUSSION	13.	2016000027	Terrible Herbst, INC.: Terrible Herbst #272	\$7,587.50	\$6,145.87
FOR DISCUSSION	14.	2017000027	Nucleus Investments INC: Mlk Gas Mart	\$18,830.00	\$16,947.00
			<b>SUB TOTAL:</b>	<b><u>\$694,545.63</u></b>	<b><u>\$614,302.52</u></b>
			<b>DIRECT PAYMENT CLAIMS TOTAL:</b>	<b><u>\$750,229.89</u></b>	<b><u>\$668,206.78</u></b>
			<b>BOARD MEETING CLAIMS TOTAL:</b>	<b><u>\$2,807,040.41</u></b>	<b><u>\$2,416,981.57</u></b>

**9. 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/cost recovery status.

**10. 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.

**11. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION)**

**DECEMBER 12, 2019 (THURSDAY) AT 10:00 AM**

**12. ADJOURNMENT**

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

Clark County Government Center, 500 S. Grand Central Pkwy., Las Vegas, NV 89155  
Department of Conservation and Natural Resources, Richard H. Bryan Bldg., 901 S. Stewart St., 1<sup>st</sup> Floor, Carson City, NV 89701  
Legislative Counsel Bureau, Nevada Legislative Bldg., 401 S. Carson St., Carson City, NV 89701  
Legislative Counsel Bureau, Grant Sawyer Building, 555 E. Washington Ave., Rm. 1003, Las Vegas, NV 89101  
Nevada Division of Environmental Protection, Bureau of Corrective Actions, 901 S. Stewart St., 3<sup>rd</sup> Floor, Carson City, NV 89701  
Nevada Division of Environmental Protection, Bureau of Corrective Actions, 2030 E. Flamingo Rd., Ste. 230, Las Vegas, NV 89119  
State Fire Marshal's Office, Stewart Facility, 107 Jacobsen Way, Carson City, NV 89701  
Washoe County District Health Department - Environmental Health Services Division, 1001 E. 9th St., Bldg. B, Reno, NV 89520  
Washoe County Library, 301 S. Center St., Reno, NV 89501

**You may also 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 September 5, 2019.

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](mailto:vjoncas@ndep.nv.gov), or by calling (775) 687-9369.