

**STATE OF NEVADA BOARD TO REVIEW CLAIMS  
AGENDA  
DECEMBER 14, 2017**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 11:00 AM on Thursday, December 14, 2017 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. 4401

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 chairperson.

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 SEPTEMBER 14, 2017 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. RECOGNITION OF SERVICE: GEORGE ROSS (FOR DISCUSSION)**

The recognition of accomplishments and service of Chairman George Ross.

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

**Site Specific Board Determination No. C2017-05**

Proposed Site Specific Board Determination (SSBD) to Provide Third Party Liability Coverage and Associated Claim Reimbursement to The Riviera, 2901 Las Vegas Blvd. South, Las Vegas, Nevada, Facility ID No. 8-001540, Petroleum Fund Case ID No. 2016000028

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2017-05 as proposed, granting third party liability Fund coverage to the subject site for one underground storage tank system with a 30% reduction and a 10% copayment. Additionally, the approval of payment of the claim exceedance in the amount of \$504,470.56.

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

**Site Specific Board Determination No. C2017-06**

Proposed Site Specific Board Determination (SSBD) to provide reduced Petroleum Fund Coverage for MLK Gas Mart, Las Vegas, Nevada

Facility ID No. 8-001654, Petroleum Fund Case ID No. 2017000027

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2017-06, as proposed, granting coverage under the State of Nevada Petroleum Fund to MLK Gas Mart for one UST system and associated underground piping with a 20% reduction and 10% copayment.

**8. ADOPTION OF REGULATORY PETITION R032-17 (FOR POSSIBLE ACTION)**

NDEP will present for adoption Regulatory Petition R032-17 that addresses a grant program for UST owner/operators and a technical assistance program.

RECOMMENDATION:

Adoption of Regulatory Petition R032-17 as proposed.

**9. ADOPTION OF POLICY RESOLUTION 2017-02 PROVIDING BOARD AUTHORIZATION TO NDEP FOR DIRECT PAYMENT OF UNCONTESTED CLAIMS (FOR POSSIBLE ACTION)**

NDEP will present Policy Resolution No. 2017-02 for adoption, which will provide authorization for the NDEP to make payments on behalf of the Board prior to a Board meeting for claims that have an uncontested payment recommendation.

RECOMMENDATION:

Adoption of Policy Resolution No. 2017-02 as proposed.

**10. INTERNAL REVENUE SERVICE FORM 1099 (FOR DISCUSSION)**

Mr. Peter Keegan, Deputy Attorney General for the Board to Review Claims, will update the Board on the requirement for issuing 1099 IRS Forms and progress in seeking a Determination from the Secretary of Agriculture to allow private residents receiving reimbursement funds to exclude those funds from their gross income calculations.

**11. 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 - DECEMBER 14, 2017**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000020 University Of Nevada Reno: Albert Fragione Property	\$2,175.00	\$2,175.00
FOR POSSIBLE ACTION	2.	2007000013 Churchill County School District: Churc. Co. S.d. Bus Barn	\$6,848.75	\$6,848.75
FOR POSSIBLE ACTION	3.	2012000017 Churchill County School District: Old High School	\$7,144.27	\$7,144.27
FOR POSSIBLE ACTION	4.	2017000029 Carson City School District: Carson City School District	\$18,673.72	\$16,806.35
FOR POSSIBLE ACTION	5.	2017000030 Thayer Morrow: Thayer K. Morrow Property	\$12,014.93	\$11,764.93
FOR POSSIBLE ACTION	6.	2017000031 S3 Development Company: 4395 W 4th	\$18,772.90	\$18,522.90
FOR POSSIBLE ACTION	7.	2017000034 Johnnie Stolz: Johnnie D. Stolz Residence	\$13,082.22	\$12,832.22
FOR POSSIBLE ACTION	8.	2017000036 William Jackson: William S. Jackson Property	\$15,187.58	\$14,937.58
FOR POSSIBLE ACTION	9.	2017000037 Noreen Leary: Veterans Guest House, Inc.	\$11,322.10	\$11,072.10
FOR POSSIBLE ACTION	10.	2017000038 Mark Creighton: Mark Creighton Property	\$16,830.34	\$16,580.34
FOR POSSIBLE ACTION	11.	2017000040 Joseph Miller: Miller Residence, Glenbrook	\$9,809.89	\$9,559.89

**SUB TOTAL:                    \$131,861.70                    \$128,244.33**

<u>NEW CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2016000011 Frederick Enterprises Llc: Arco Am/pm	\$261,695.50	\$214,466.03

FOR POSSIBLE ACTION	2. *	2016000028	Las Vegas Convention Center And Visitors Authority: The Riviera	\$1,800,746.92	\$1,134,470.56
FOR POSSIBLE ACTION	3.	2017000015	Gmr National A Nevada General Partnership: 24x7 Mini Mart	\$75,898.81	\$54,647.15
<b>SUB TOTAL:</b>				<b><u>\$2,138,341.23</u></b>	<b><u>\$1,403,583.74</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	\$8,476.00	\$8,218.90
FOR POSSIBLE ACTION	2.	1993000102	Rebel Oil Company: Rebel Store #2008	\$12,486.86	\$12,486.86
FOR POSSIBLE ACTION	3.	1993000103	Charlie Brown Construction: Charlie Brown Const.	\$6,422.01	\$6,293.57
FOR POSSIBLE ACTION	4.	1994000015	Pilger Family Holdings: Former D & G Oil Company	\$32,920.97	\$32,920.97
FOR POSSIBLE ACTION	5.	1994000037	Param Investments Llc: Go-Fer Supermarket	\$76,318.97	\$76,318.97
FOR POSSIBLE ACTION	6.	1994000067	Peppermill Casinos Inc: Frmr Peppermill Truckstop	\$6,814.90	\$6,814.90
FOR POSSIBLE ACTION	7.	1994000113	Pilot Travel Centers Llc: Former Unocal Truck Stop #6328	\$37,253.26	\$26,259.03
FOR POSSIBLE ACTION	8.	1994000122	Michelsen's Gas A Mart, Inc: Mike's Chevron	\$16,656.00	\$16,656.00
FOR POSSIBLE ACTION	9.	1995000039	Al Park Petroleum Inc: Crescent Valley Market	\$129,654.40	\$116,614.03
FOR POSSIBLE ACTION	10.	1996000063	Joan Pennachio: V & V Automotive	\$9,434.69	\$9,434.69
FOR POSSIBLE ACTION	11.	1996000101	Phillips 66 Company: Circle K #695	\$5,011.25	\$4,510.13
FOR POSSIBLE ACTION	12.	1997000008	Ewing Bros Inc: Ewing Bros INC	\$2,710.00	\$2,439.00
FOR POSSIBLE ACTION	13.	1998000034	Chevron Usa Products CO.: Chevron #9-4116	\$340,174.65	\$297,376.57
FOR POSSIBLE ACTION	14.	1998000046	Willdens Automotive Holdings: Frmr Allstate Rent A Car	\$11,655.54	\$10,489.99
FOR POSSIBLE ACTION	15.	1998000075	Jeff Bumb : McDermitt Motel & Convenience Store	\$7,677.14	\$6,909.43
FOR POSSIBLE ACTION	16.	1999000014	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$16,423.81	\$14,703.80
FOR POSSIBLE ACTION	17.	1999000022	Terrible Herbst, INC.: Terrible Herbst #129 (Chevron)	\$15,503.65	\$13,953.29
FOR POSSIBLE ACTION	18.	1999000023	Nevada Ready Mix Corp: Nevada Ready Mix	\$69,472.50	\$62,525.25
FOR POSSIBLE ACTION	19.	1999000029	Terrible Herbst, INC.: Terrible Herbst #136 (Arco)	\$13,974.92	\$12,577.43
FOR POSSIBLE ACTION	20.	1999000052	Estate Of Martin T. Wessel: Ted's Chevron	\$10,033.37	\$9,030.03
FOR POSSIBLE ACTION	21.	1999000064	Al Park Petroleum Inc: Pit Stop #4 (Conoco)	\$14,252.75	\$12,744.93
FOR POSSIBLE ACTION	22.	1999000066	HP Management, Llc: Former Haycock Petroleum	\$3,320.00	\$2,988.00
FOR POSSIBLE ACTION	23.	1999000086	Terrible Herbst, INC.: Terrible Herbst #126 (Arco)	\$9,311.25	\$8,380.13
FOR POSSIBLE ACTION	24.	1999000090	HP Management, Llc: Former Haycock Petroleum	\$207,408.54	\$186,649.69
FOR POSSIBLE ACTION	25.	1999000104	Terrible Herbst, INC.: Terrible Herbst #118 (Arco)	\$6,931.25	\$6,238.13
FOR POSSIBLE ACTION	26.	1999000114	City Of Fallon: Fallon Maint. Yard	\$6,373.73	\$5,736.36
FOR POSSIBLE ACTION	27.	1999000135	Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$14,591.03	\$13,131.93
FOR POSSIBLE ACTION	28.	1999000137	Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$7,649.89	\$6,879.29
FOR POSSIBLE ACTION	29.	1999000199	Village Springs, Llc: Lakeshore Orbit Station	\$34,244.45	\$34,244.45

FOR POSSIBLE ACTION	30.	1999000243	7-Eleven Inc: 7-Eleven #27607	\$3,161.43	\$2,845.29
FOR POSSIBLE ACTION	31.	1999000273	Mr. V. K. Leavitt: The Waterhole	\$78,508.75	\$70,657.87
FOR POSSIBLE ACTION	32.	2004000011	Travel Centers Of America: Wells Petro Truck Service	\$44,749.19	\$40,274.27
FOR POSSIBLE ACTION	33.	2005000002	Carson Valley Oil Co Inc: Carson Valley Oil CO	\$2,799.50	\$2,519.55
FOR POSSIBLE ACTION	34.	2005000025	Bordertown Inc: Bordertown Winners Corner	\$2,582.32	\$2,324.09
FOR POSSIBLE ACTION	35.	2005000044	Ewing Bros Inc: Ewing Bros INC	\$15,339.53	\$13,333.98
FOR POSSIBLE ACTION	36.	2007000014	Ace Cab Company: Ace Cab Company	\$14,690.72	\$10,900.92
FOR POSSIBLE ACTION	37.	2008000005	Avis Rent A Car System Llc: Avis Rent A Car	\$21,449.21	\$19,304.29
FOR POSSIBLE ACTION	38.	2008000009	Pilot Travel Centers Llc: Flying J Travel Plaza #770	\$75,892.69	\$54,433.92
FOR POSSIBLE ACTION	39.	2008000017	Big Daddy's Oil Llc: Arco Am/pm Mini Market	\$61,534.10	\$55,380.69
FOR POSSIBLE ACTION	40.	2008000018	Jacksons Food Stores Inc: Jacksons Food Stores #0145	\$11,187.31	\$10,068.58
FOR POSSIBLE ACTION	41.	2008000019	One Panou Llc: Golden Market #3	\$15,706.83	\$14,136.15
FOR POSSIBLE ACTION	42.	2009000017	D & J Holdings, Llc: Convenience Corner Shell	\$8,074.75	\$7,267.27
FOR POSSIBLE ACTION	43.	2009000024	Parampreet Investment Llc: Chucks Circle C Market	\$40,437.72	\$35,173.55
FOR POSSIBLE ACTION	44.	2009000028	Vegas Rainbows, Inc: Mick & Mac's Food Mart	\$36,690.64	\$30,898.39
FOR POSSIBLE ACTION	45.	2010000001	Smitten Oil And Tire Co Inc: The Gas Store	\$8,002.75	\$7,202.47
FOR POSSIBLE ACTION	46.	2010000007	Pecos Express: Pecos Station	\$9,944.94	\$8,950.45
FOR POSSIBLE ACTION	47.	2010000009	Travel Centers Of America: Mill City Travel Center	\$220,688.74	\$144,444.82
FOR POSSIBLE ACTION	48.	2011000006	7-Eleven Inc: 7-Eleven #29384	\$14,884.96	\$13,396.46
FOR POSSIBLE ACTION	49.	2011000009	Cimarron West: Cimarron West	\$106,565.96	\$95,909.36
FOR POSSIBLE ACTION	50.	2012000005	Aramark Corporation: Zephyr Cove Resort	\$32,187.94	\$28,969.15
FOR POSSIBLE ACTION	51.	2012000012	Dewey Has Gas, Inc: Smart Mart	\$36,617.74	\$32,955.97
FOR POSSIBLE ACTION	52.	2013000005	R B Properties Inc: South Pointe Market	\$6,839.94	\$6,155.95
FOR POSSIBLE ACTION	53.	2013000009	Western Petroleum: Western Petroleum	\$32,899.23	\$29,609.31
FOR POSSIBLE ACTION	54.	2013000011	Har Moor Investments, Llc: Village Shop #4	\$9,798.50	\$8,818.65
FOR POSSIBLE ACTION	55.	2013000019	Hardy Enterprises Inc: Elko Sinclair #53	\$26,627.99	\$23,965.19
FOR POSSIBLE ACTION	56.	2013000021	7-Eleven Inc: 7-Eleven #27700	\$11,083.66	\$9,975.29
FOR POSSIBLE ACTION	57.	2014000004	Alsaker Corp: Broadway Colt Service Center	\$40,112.54	\$36,101.29
FOR POSSIBLE ACTION	58.	2014000016	Smitten Oil And Tire Co Inc: Former Smitten Oil	\$6,643.46	\$5,979.11
FOR POSSIBLE ACTION	59.	2014000025	Superior Campgrounds Of America Llc: Silver City Rv Resort	\$11,316.78	\$10,185.10
FOR POSSIBLE ACTION	60.	2014000033	Speedee Mart Inc: Speedee Mart #108	\$23,936.21	\$21,542.59
FOR POSSIBLE ACTION	61.	2014000041	Forever Resorts: Callville Bay Resort Marina	\$15,042.50	\$13,538.25
FOR POSSIBLE ACTION	62.	2015000005	Elko Acquisitions LLC dba Red Lion Chevron: Red Lion Chevron	\$14,240.52	\$12,816.47
FOR POSSIBLE ACTION	63.	2015000009	Travel Centers Of America: Las Vegas Travel Center	\$8,988.75	\$8,089.87
FOR POSSIBLE ACTION	64.	2015000014	Abe Kaabipour: City Express	\$9,058.88	\$8,152.99
FOR POSSIBLE ACTION	65.	2015000025	Blue Horizon Investments, INC.: Horizon Market #5	\$3,442.50	\$3,098.25

FOR POSSIBLE ACTION	66.	2016000005	Golden Gate S.e.t. Retail Of Nevada Llc: Golden Gate Facility #65 - Fallon	\$1,186.25	\$1,067.63
FOR POSSIBLE ACTION	67.	2016000006	Wendover Fuels Llc: Chevron	\$2,262.87	\$1,629.27
FOR POSSIBLE ACTION	68.	2016000023	Al Park Petroleum Inc: Pit Stop #1	\$26,237.98	\$18,891.34
			<b>SUB TOTAL:</b>	<b><u>\$2,244,574.06</u></b>	<b><u>\$1,944,489.79</u></b>
			<b>CLAIMS TOTAL:</b>	<b><u>\$4,514,776.99</u></b>	<b><u>\$3,476,317.86</u></b>

**12. EXECUTIVE SUMMARY (FOR DISCUSSION)**

NDEP will brief the Board on Fund coverage activities, Fund expenditures, tank enrollment status, and Eagle Gas North cleanup status.

**13. 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.

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

**MARCH 8, 2018 (THURSDAY) AT 11:00 AM**

**15. 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 89106

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 89701-4285

State Fire Marshal's Office, Stewart Facility, 107 Jacobsen Way, Carson City, NV 89711

State of Nevada, Environmental Protection, Bureau Of Corrective Actions, 901 S. Stewart St., Carson City, NV 89701-5249

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., Reno, NV 89512

Washoe County District Health Department - Environmental Health Services Division, PO Box 11130, Reno, NV 89520-0027

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> .

It Is also posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and the Department of Administrations's website at <https://notice.nv.gov>.

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 December 11, 2017.

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.