

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
SEPTEMBER 11, 2014
RESCHEDULED TO SEPTEMBER 16, 2014**

The State of Nevada Board to Review Claims (Board) meeting which is being video-conferenced will begin promptly at 10:00 a.m. on Tuesday, September 16, 2014 at the following locations:

Carson City: Nevada Legislative Building, 401 S. Carson St., Room 3137

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

The public is invited to attend at 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 (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 AGENDA (FOR POSSIBLE ACTION)

4. APPROVAL OF THE JUNE 12, 2014 MINUTES (FOR POSSIBLE ACTION)

5. STATUS OF THE FUND (DISCUSSION)

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

6. SITE SPECIFIC BOARD DETERMINATION (FOR POSSIBLE ACTION)

A. Site Specific Board Determination No. C2014-06 (FOR POSSIBLE ACTION)

Proposed Site Specific Board Determination (SSBD) to Provide Third Party Liability Coverage to the Lyon County School District, 112 N. California St., Yerington, NV
Petroleum Fund ID No. 1992000102, Facility ID No. 3-000035

RECOMMENDATION: Approve SSBD No. C2014-06, granting third party liability Fund coverage to the subject site for one underground storage tank system with a \$10,000 deductible.

B. Site Specific Board Determination No. C2014-07 (FOR POSSIBLE ACTION)

Proposed Site Specific Board Determination to Provide Reduced Petroleum Fund Coverage to Hertz Rent-A-Car, 1551 National Guard Way, Reno, NV
Petroleum Fund ID No. 1994000112, Facility ID No. 4-000503

RECOMMENDATION: Approve SSBD No. 2014-07, reopening Fund case No. 1994000112 and providing Petroleum Fund coverage to Hertz Rent-A-Car with a 20% Reduction and 10% co-payment.

C. Site Specific Board Determination No. C2014-08 (FOR POSSIBLE ACTION)

Proposed Site Specific Board Determination to Provide Reimbursement for Claim #0006 in the total amount of \$161,497.65 to Kamar Brothers, LV, LLC, for the Arco AM/PM site located at 2000 East Cheyenne Ave., North Las Vegas, Nevada
Facility ID No. 8-001107, Petroleum Fund Case ID No. 2012000018

During the June 12, 2014 meeting, the Board to Review Claims approved reimbursement of \$293,848.83 for Claim #0006. Upon approval of this SSBD, a refund of \$132,351.18 will be due.

RECOMMENDATION: Approve SSBD No. 2014-08, reimbursing Claim #0006, Fund Case 2012000018 in the amount of \$161,497.65, resulting in Mr. Kamar refunding the Petroleum Fund \$132,351.18 for Claim #0006.

D. Site Specific Board Determination No. C2014-09 (FOR POSSIBLE ACTION)

Proposed Site Specific Board Determination to Provide Reimbursement for Claim #0007 in the total amount of \$44,475.98 to Kamar Brothers, LV, LLC, for the Arco AM/PM site located at 2000 E. Cheyenne Ave., N. Las Vegas, Nevada
Facility ID No. 8-001107, Petroleum Fund Case ID No. 2012000018

If the prior SSBD No.2014-08 is approved as recommended, a refund of \$132,351.18 for Claim #0006 will be required. The recommended reimbursement for Claim #0007, \$44,475.98, will reduce Mr. Kamar's refund to \$87,875.20.

RECOMMENDATION: Approve No.2014-09, reimbursing Claim #0007, Fund Case 2012000018 in the amount of \$44,475.98, reducing Mr. Kamar's refund to the Petroleum Fund to \$87,875.20.

7. BOARD POLICY RESOLUTION (FOR POSSIBLE ACTION)

Proposed Resolution No. 2014-01 provides clarification regarding Petroleum Fund Coverage for Discharges from a Pipeline which is connected to Multiple Storage Tanks and also Discharges from Multiple Release Sources in a Single Tank System.

RECOMMENDATION: Approve Board Policy Resolution No.2014-01 regarding single pipelines connected to multiple storage tanks, a single storage tank system with multiple releases sources and multiple storage tanks with multiple release sources prior to the junction of a single pipeline.

8. **ADOPTION OF CONSENT ITEMS**

The Board will review all items as consent items, unless marked with an asterisk (*). 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 (†) indicates previously disallowed monies have been successfully appealed where the requested amount is less than the recommended amount.

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS – SEPTEMBER 16, 2014**

HEATING OIL

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000102H	Lyon County School District: Yerington Elementary	\$4,497.28	\$4,497.28
FOR POSSIBLE ACTION	2.	2007000013H	Churchill County School District: Bus Barn	\$11,347.88	\$11,347.88
FOR POSSIBLE ACTION	3.	2012000017H	Churchill Co. School District: Old High School	\$12,714.29	\$12,384.56
FOR POSSIBLE ACTION	4.	2013000012H	Roger & Gemma Mateossian: Mateossian Residence	\$3,591.76	\$3,591.76
FOR POSSIBLE ACTION	5.	2013000015H	Gary Cornwall: Gary Cornwall Property	\$774.30	\$774.30
FOR POSSIBLE ACTION	6.	2014000006H	Loretta J. Jones: Loretta Jones Residence	\$5,826.87	\$5,826.87
FOR POSSIBLE ACTION	7.	2014000017H	Derek Warneke: Warneke Residence	\$13,278.81	\$13,278.81
FOR POSSIBLE ACTION	8.	2014000019H	JEF Enterprises: Next Generation Day Care	\$29,610.86	\$29,610.86
FOR POSSIBLE ACTION	9.	2014000021H	Town of Gardnerville: Former Eagle Gas - Gardnerville	\$2,282.50	\$2,282.50
FOR POSSIBLE ACTION	10.	2014000022H	Sanders Winnemucca, LLC: Ace Hardware	\$14,355.62	\$12,994.17
FOR POSSIBLE ACTION	11.	2014000030H	Jeffrey Morby: Morby Property	\$13,061.97	\$12,811.97
FOR POSSIBLE ACTION	12.	2014000031H	Larry Tuntland: Tuntland Property	\$6,482.60	\$3,852.60
HEATING OIL SUB TOTAL:				<u>\$117,824.74</u>	<u>\$113,253.56</u>

NEW CASES, OTHER PRODUCTS

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1997000071	7-Eleven, Inc.: 7-Eleven #25586	\$161,040.26	\$139,613.27
FOR POSSIBLE ACTION	2.	2013000003	7-Eleven, Inc.: 7-Eleven #25586	\$74,420.30	\$66,978.27
FOR POSSIBLE ACTION	3.	2014000002	Chapman Las Vegas Dodge: Chapman Dodge	\$26,676.96	\$3,770.77
FOR POSSIBLE ACTION	4.	2014000007	7-Eleven, Inc.: 7-Eleven #29658	\$57,837.09	\$52,053.38
FOR POSSIBLE ACTION	5.	2014000025	Superior Campgrounds of America: Silver City RV Resort	\$15,989.15	\$8,634.14
FOR POSSIBLE ACTION	6.	2014000029	Red Lion Hotel and Casino: Red Lion Chevron	\$4,972.50	\$4,475.25
NEW CASES, OTHER PRODUCTS SUB TOTAL:				<u>\$340,936.26</u>	<u>\$275,525.08</u>

ONGOING CASES/OTHER PRODUCTS

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000011	7-Eleven, Inc.: 7-Eleven #29646	\$17,871.64	\$17,871.64
FOR POSSIBLE ACTION	2.	1993000015	Budget Rent A Car Systems., Inc.: Former Budget Rent-A-Car	\$29,606.49	\$29,606.49
FOR POSSIBLE ACTION	3.	1993000103	Russell Yardley: Charlie Brown Construction	\$9,447.40	\$9,258.45
FOR POSSIBLE ACTION	4.	1993000115	City of Fallon: Former Bootlegger Texaco	\$4,800.00	\$4,800.00
FOR POSSIBLE ACTION	5.	1994000003	Allied Washoe: Allied Petroleum	\$6,622.50	\$6,622.50
FOR POSSIBLE ACTION	6.	1994000012	Wirtz Beverage NV, Inc.: Former DeLuca Liquor & Wine	\$113,222.63	\$113,222.63
FOR POSSIBLE ACTION	7.	1994000027	7-Eleven, Inc.: 7_-Eleven #19653	\$10,184.29	\$10,184.29
FOR POSSIBLE ACTION	8.	1994000065	Avis Rent A Car Systems: Avis Rent A Car	\$47,928.86	\$47,529.11
FOR POSSIBLE ACTION	9.	1994000067	Peppermill, Inc.: Former Peppermill Truckstop	\$8,823.02	\$8,471.67
FOR POSSIBLE ACTION	10.	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	\$35,155.84	\$35,123.86
FOR POSSIBLE ACTION	11.	1994000122	Mike's Gas-A-Mart: Mike's Gas-A-Mart	\$7,742.96	\$7,742.96
FOR POSSIBLE ACTION	12.	1995000012	N Nevada Asset Holdings LLC: Parker's Model T	\$7,264.00	\$6,537.60
FOR POSSIBLE ACTION	13.	1995000039	Al Park Petroleum, Inc.: Crescent Valley Market	\$30,166.05	\$27,149.44
FOR POSSIBLE ACTION	14.	1995000042	FBF Inc. dba Gas For Less: Gas For Less	\$585,092.57	\$526,583.32
FOR POSSIBLE ACTION	15.	1995000074	Vera Hester: Glendale Service Facility	\$36,195.57	\$32,576.02
FOR POSSIBLE ACTION	16.	1996000063	Joan Pennachio: V&V Automotive	\$5,987.80	\$5,389.02
FOR POSSIBLE ACTION	17.	1996000064	H&A Esslinger, LLC: Red Rock Mini Mart	\$9,973.00	\$9,673.81
FOR POSSIBLE ACTION	18.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$2,467.00	\$2,220.30
FOR POSSIBLE ACTION	19.	1998000046	Willdens Automotive Holdings: Frmr Allstate Rent A Car	\$236,949.64	\$213,198.14
FOR POSSIBLE ACTION	20.	1999000011	Terrible Herbst Oil Company: Terrible Herbst #133	\$248.00	\$223.20
FOR POSSIBLE ACTION	21.	1999000014	Al Park Petroleum: Conoco Pit Stop #7	\$26,145.97	\$23,531.38
FOR POSSIBLE ACTION	22.	1999000017	Reed, Inc.: Reed R-Place Shell	\$71,423.42	\$58,441.86
FOR POSSIBLE ACTION	23.	1999000022	Terrible Herbst: Terrible Herbst #129	\$19,658.79	\$17,692.91
FOR POSSIBLE ACTION	24.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$8,494.61	\$7,645.15
FOR POSSIBLE ACTION	25.	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$5,306.12	\$5,306.12
FOR POSSIBLE ACTION	26.*	1999000052	Estate of Martin T Wessel: Ted's Chevron	\$12,500.49	\$14,760.44
FOR POSSIBLE ACTION	27.	1999000064	Al Park Petroleum, Inc.: Conoco Pit Stop	\$32,184.88	\$28,966.39
FOR POSSIBLE ACTION	28.	1999000066	HP Management LLC: Former Haycock Petroleum	\$12,420.60	\$10,945.67
FOR POSSIBLE ACTION	29.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	\$8,113.42	\$7,302.08
FOR POSSIBLE ACTION	30.	1999000090	HP Management LLC: Former Haycock Petroleum	\$18,592.73	\$16,547.38
FOR POSSIBLE ACTION	31.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	\$74,580.77	\$69,452.66
FOR POSSIBLE ACTION	32.	1999000114	City of Fallon: Fallon Maintenance Yard	\$4,316.44	\$3,884.80
FOR POSSIBLE ACTION	33.	1999000115	Shell Oil Products US: Former Shell Service Station	\$12,822.98	\$10,778.73
FOR POSSIBLE ACTION	34.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$10,438.65	\$9,394.78

ONGOING CASES/OTHER PRODUCTS: CONTINUED

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	35.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$14,964.46	\$12,101.63
FOR POSSIBLE ACTION	36.	1999000167	City of Las Vegas: Fire Station #1	\$223,423.26	\$223,423.26
FOR POSSIBLE ACTION	37.	1999000186	Gloria Gayle Pilger: Forger D&G Oil Facility	\$27,000.20	\$24,138.18
FOR POSSIBLE ACTION	38.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$34,785.55	\$34,785.55
FOR POSSIBLE ACTION	39.	1999000243	7-Eleven, Inc.: 7-Eleven #27607	\$11,492.97	\$10,343.68
FOR POSSIBLE ACTION	40.	1999000244	7-Eleven, Inc.: 7-Eleven #22070	\$11,510.36	\$10,359.32
FOR POSSIBLE ACTION	41.	1999000257	University of Nevada: Newlands Agriculture	\$3,361.60	\$3,361.60
FOR POSSIBLE ACTION	42.	1999000273	V.K. Leavitt: The Waterhole	\$40,840.14	\$36,756.12
FOR POSSIBLE ACTION	43.	2004000011	TA Operating LLC: Four Way Truck Stop	\$80,435.51	\$72,380.23
FOR POSSIBLE ACTION	44.	2004000039	Clark Co. Dept. of Aviation: Former National Car Rental	\$101,539.37	\$100,618.41
FOR POSSIBLE ACTION	45.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$19,323.25	\$17,376.05
FOR POSSIBLE ACTION	46.	2005000025	Bordertown, Inc.: Winner's Corner	\$5,126.79	\$4,614.11
FOR POSSIBLE ACTION	47.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$20,232.80	\$16,388.57
FOR POSSIBLE ACTION	48.	2007000014	Ace Cab Company: Ace Cab Company	\$26,333.90	\$22,769.01
FOR POSSIBLE ACTION	49.	2007000016	TOC Holdings Company: Former Time Oil #6-100	\$16,753.14	\$15,077.83
FOR POSSIBLE ACTION	50.	2008000005	Avis Rent A Car Systems: Former Avis Rent A Car	\$4,501.68	\$4,051.51
FOR POSSIBLE ACTION	51.	2008000017	Francois Alvandi: Flamingo AM/PM #82153	\$23,220.63	\$12,539.14
FOR POSSIBLE ACTION	52.	2008000018	Jacksons Food Stores, Inc.: Former Terrible's #830	\$26,953.58	\$24,890.02
FOR POSSIBLE ACTION	53.	2008000019	One Panou, LLC: Stop N Shop #2	\$14,236.96	\$12,813.27
FOR POSSIBLE ACTION	54.	2009000009	Mr. Tom Schwarz: Zak's Mini Mart	\$14,552.00	\$10,477.44
FOR POSSIBLE ACTION	55.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$27,197.18	\$24,477.47
FOR POSSIBLE ACTION	56.	2009000028	Vegas Rainbows, Inc.: Mick & Mac's Food Mart	\$22,333.03	\$19,597.23
FOR POSSIBLE ACTION	57.	2010000001	Smitten Oil & Tire Company: The Gas Store	\$4,905.80	\$4,415.22
FOR POSSIBLE ACTION	58.	2010000003	SIRA Truck Holdings LLP: Big Wheel Travel Center	\$782.50	\$704.25
FOR POSSIBLE ACTION	59.	2010000007	Pecos Express, Inc.: Pecos Express	\$19,546.22	\$17,551.10
FOR POSSIBLE ACTION	60.*	2010000009	TA Operating: Mill City Travel Center	\$0.00	\$53,420.51
FOR POSSIBLE ACTION	61.	2010000010	Pacific Convenience & Fuel: Victorian Food Mart	\$6,887.18	\$6,198.47
FOR POSSIBLE ACTION	62.	2011000006	7-Eleven, Inc.: 7-Eleven #29384	\$70,849.85	\$63,764.87
FOR POSSIBLE ACTION	63.	2011000007	Echo Bay Marina, LLC: Echo Bay Marina	\$39,277.03	\$35,349.33
FOR POSSIBLE ACTION	64.	2011000009	Cimarron West: Cimarron West	\$9,516.03	\$7,662.18
FOR POSSIBLE ACTION	65.	2012000003	7-Eleven, Inc.: 7-Eleven #26627	\$4,758.73	\$3,426.28
FOR POSSIBLE ACTION	66.	2012000004	7-Eleven, Inc.: 7-Eleven #15426	\$58,870.71	\$37,182.87
FOR POSSIBLE ACTION	67.	2012000005	ARAMARK Corporation: Zephyr Cove Resort	\$48,460.95	\$43,614.86
FOR POSSIBLE ACTION	68.	2012000011	Golden Gate Petroleum: Baldini's Grand Pavilion	\$4,820.88	\$4,337.04

ONGOING CASES/OTHER PRODUCTS: CONTINUED

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	69.	2012000012	Dewey Has Gas, Inc.: Smart Mart	\$35,099.88	\$28,190.67
FOR POSSIBLE ACTION	70.	2012000020	Francois Alvandi: Charleston AM/PM #85155	\$4,376.00	\$3,938.40
FOR POSSIBLE ACTION	71.	2012000022	7-Eleven, Inc.: 7-Eleven #26873	\$41,848.66	\$37,663.79
FOR POSSIBLE ACTION	72.	2013000005	RB Properties, Inc.: South Pointe Market	\$12,098.80	\$10,888.92
FOR POSSIBLE ACTION	73.	2013000009	Western Petroleum: Western Petroleum	\$5,340.52	\$4,806.47
FOR POSSIBLE ACTION	74.	2013000010	Slots Unlimited, LLC, Village Shop #2	\$4,249.00	\$3,059.28
FOR POSSIBLE ACTION	75.	2013000011	Slots Unlimited, LLC, Village Shop #4	\$18,120.22	\$16,308.20
FOR POSSIBLE ACTION	76.	2013000014	7-Eleven, Inc.: 7-Eleven #22579	\$7,382.19	\$6,643.97
FOR POSSIBLE ACTION	77.	2013000019	Hardy Enterprises, Inc.: Sinclair Mini-Mart	\$4,592.11	\$4,132.90
FOR POSSIBLE ACTION	78.	2013000020	7-Eleven, Inc.: 7-Eleven #26395	\$12,299.58	\$11,069.62
FOR POSSIBLE ACTION	79.	2013000021	7-Eleven, Inc.: 7-Eleven #27700	\$3,971.65	\$3,574.48
FOR POSSIBLE ACTION	80.	2014000003	Sterling-UN Reno, LLC: Former Luce & Sons	\$5,140.30	\$4,626.27
FOR POSSIBLE ACTION	81.	2014000010	7-Eleven, Inc.: 7-Eleven #29667	\$27,456.03	\$24,710.43
FOR POSSIBLE ACTION	82.	2014000016	Fran Smitten: Smedley's Chevron	\$2,302.50	\$2,072.25
FOR POSSIBLE ACTION	83.	2014000018	Morrey Distributing: Morrey Distributing	\$2,397.45	\$2,157.71

ONGOING CASES/OTHER PRODUCTS SUB TOTAL: \$2,748,218.26 \$2,553,444.77

REQUESTED RECOMMENDED
CLAIMS TOTAL: \$3,206,979.26 \$2,942,223.41

9. EXECUTIVE SUMMARY (DISCUSSION)

Bureau of Corrective Actions staff will report to the Board on tank enrollment status, reimbursement activity, cumulative Fund expenditures and other items that warrant attention or that may be of concern to the Board.

10. PUBLIC COMMENT (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 (DISCUSSION)
DECEMBER 11, 2014 (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:

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

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

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

Clark County Managers Office, 500 S. Grand Central Pkwy., Las Vegas, NV 89106,

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, Corrective Actions, 2030 E. Flamingo Rd. Ste. 230, Las Vegas, NV 89119

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

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 S. Stewart St., Ste. 4001, Carson City, NV 89701, facsimile (775) 687-8335, or by calling (775) 687-9369 no later than September 10, 2014.

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 Mrs. 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.