STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
MARCH 8, 2012

The State of Nevada Board to Review Claims (Board) meeting which is being video-conferenced will begin promptly at 10:00 a.m. on Thursday, March 8, 2012 at the following locations:

Carson City: Legislative Counsel Bureau, 401 S. Carson St., Room 2134

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

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

I. CALL TO ORDER AND ROLL CALL

II. 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.

III. APPROVAL OF THE AGENDA (FOR POSSIBLE ACTION)

IV. APPROVAL OF THE DECEMBER 8, 2011 MINUTES (FOR POSSIBLE ACTION)

V. 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).

VI. SITE SPECIFIC BOARD DETERMINATION

A. **Site Specific Board Determination No. C2012-01 (FOR POSSIBLE ACTION)**
Proposed Site Specific Board Determination to Provide Reduced Petroleum Fund Coverage for Cimarron West, 1400 Mountain City Highway, Elko, NV Facility ID No. 6-000156, Petroleum Fund Case ID No. 2011000009.

B. **Site Specific Board Determination No. C2012-02 (FOR POSSIBLE ACTION)**
Proposed Site Specific Board Determination to Reduce Petroleum Fund Coverage for Eagle Gas South, 1360 S. Carson Street, Carson City, NV, Facility ID No. 1-000076, Petroleum Fund Case ID No. 2004000029.

C. **Site Specific Board Determination No. C2012-03 (FOR POSSIBLE ACTION)**
Proposed Site Specific Board Determination to Provide Third Party Liability Coverage to 7-Eleven #20826, 1600 N. Decatur Blvd., Las Vegas, NV, Facility ID No. 8-000610, Petroleum Fund Case ID No. 1994000029.

VII. APPEAL MADE BY MR. WILLIAM RODRIGUEZ FOR DECREASE OR ELIMINATION OF 20% COVERAGE REDUCTION FOR 4-WAY TRUCK STOP, WELLS, NV (FOR POSSIBLE ACTION)

A. Appeal from claimant to Reduce/Eliminate 20% Fund Reduction, for 4-Way Truck Stop, 174 Highway 93, Wells, NV, Facility ID No. 6-000329, Petroleum Fund Case ID No. 2004000011.

VIII. AMENDED RESOLUTIONS (FOR POSSIBLE ACTION)

A. Amended Resolution #96-001 (FOR POSSIBLE ACTION)
Addresses Costs associated with Underground Storage Tank (UST) removals. The amendment removes the requirement that the recommendation be based solely on monetary comparisons and refines the overall language.

B. Amended Resolution #96-003 (FOR POSSIBLE ACTION)
Addresses authority provided to the Executive Secretary of the Board to Review Claims to Waive the Reimbursement Claim Submittal Deadlines for Certain Cases Pursuant to NAC 590.780(1).

IX. 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 appealed where the requested amount is less than the recommended amount.

STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS – MARCH 8, 2012

HEATING OIL				**REQUESTED**	**RECOMMENDED**
FOR POSSIBLE ACTION	1.	1992000102H	Lyon County School District: Yerington Elementary	$14,518.52	$14,517.94
FOR POSSIBLE ACTION	2.	2007000013H	Churchill County School District: Bus Barn	$4,267.27	$4,267.27
FOR POSSIBLE ACTION	3. †	2012000001H	Roy Engelke: Engelke Property	$4,694.22	$6,772.99
FOR POSSIBLE ACTION	4.	2012000002H	City of Elko: 5th Street Project	$14,682.54	$14,182.54
FOR POSSIBLE ACTION	5.	2012000007H	Ed Friberg: Friberg Property	$2,467.50	$2,467.50
FOR POSSIBLE ACTION	6.	2012000016H	Bernard Sables: Sables Property	$7,857.50	$7,607.50
			HEATING OIL SUB TOTAL:	**$48,487.55**	**$49,815.74**

NEW CASES, OTHER PRODUCTS				**REQUESTED**	**RECOMMENDED**
FOR POSSIBLE ACTION	1.	2012000005	Travel Systems, LLC: Zephyr Cove Resort	$237,728.40	$205,728.12
			NEW CASES, OTHER PRODUCTS SUB TOTAL:	**$237,728.40**	**$205,728.12**

ONGOING CASES/OTHER PRODUCTS				REQUESTED	RECOMMENDED
FOR POSSIBLE ACTION	1.	1993000102	Rebel Oil Company: Rebel #8	$16,793.25	$13,254.86
FOR POSSIBLE ACTION	2.	1993000103	Russell Yardley: Charlie Brown Construction	$8,478.29	$8,308.72
FOR POSSIBLE ACTION	3.	1993000115	City of Fallon: Former Bootlegger Texaco	$35,383.00	$35,085.80
FOR POSSIBLE ACTION	4.	1994000003	Allied Washoe: Allied Petroleum	$5,386.60	$5,386.60
FOR POSSIBLE ACTION	5.	1994000027	7-Eleven, Inc.: 7-Eleven #19653	$20,913.84	$20,913.84
FOR POSSIBLE ACTION	6.*	1994000029	7-Eleven, Inc.: 7-Eleven #20826	$37,799.14	$18,349.35
FOR POSSIBLE ACTION	7.	1994000037	Param Investments and or Broadbent: Gofer Market	$20,657.11	$20,657.11
FOR POSSIBLE ACTION	8.	1994000065	Avis Rent-A-Car Systems: Avis Rent-A-Car	$85,157.32	$80,760.50
FOR POSSIBLE ACTION	9.	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	$39,903.56	$39,892.04
FOR POSSIBLE ACTION	10.†	1994000120	ConocoPhillips Company: Union 76 #3846	$385.00	$6,336.68
FOR POSSIBLE ACTION	11.	1994000122	Ron or Gary Michelsen: Mike's Gas-A-Mart	$24,305.68	$24,305.68
FOR POSSIBLE ACTION	12.	1995000012	Northern Nevada Asset Holdings: Parker's Model T	$7,670.55	$6,525.49
FOR POSSIBLE ACTION	13.	1995000042	FBF, Inc.: Gas For Less	$4,219.61	$3,793.15
FOR POSSIBLE ACTION	14.	1995000074	Vera Hester: Glendale Service Facility	$18,181.28	$16,340.85
FOR POSSIBLE ACTION	15.	1995000105	Redman Petroleum Corp.: Redman Petroleum	$5,343.80	$4,809.42
FOR POSSIBLE ACTION	16.	1996000037	Kumiva Group, LLC: Former Armored Transport	$20,620.90	$14,721.05
FOR POSSIBLE ACTION	17.	1996000063	Joan Pennachio: V&V Automotive	$5,983.31	$5,384.98
FOR POSSIBLE ACTION	18.	1996000101	ConocoPhillips Company: Circle K #695	$20,319.71	$18,287.73
FOR POSSIBLE ACTION	19.	1996000102	ConocoPhillips Company: Circle K #542	$4,204.35	$3,022.48
FOR POSSIBLE ACTION	20.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	$2,415.00	$2,173.50
FOR POSSIBLE ACTION	21.	1997000093	ConocoPhillips Company: Union 76 #5257	$1,007.50	$544.05
FOR POSSIBLE ACTION	22.	1998000046	Willdens Automotive Holdings: Allstate Rent A Car	$44,726.32	$40,250.98
FOR POSSIBLE ACTION	23.	1998000068	ConocoPhillips Company: Conoco #28003	$15,767.20	$14,190.48
FOR POSSIBLE ACTION	24.	1998000080	Seven Crown Resorts: Echo Bay Resort	$1,686.00	$1,517.40
FOR POSSIBLE ACTION	25.	1999000017	Reed, Inc.: Reed R-Place Shell	$16,817.84	$15,181.95
FOR POSSIBLE ACTION	26.	1999000022	Terrible Herbst Oil Company: Terrible Herbst #129	$13,082.31	$11,666.08
FOR POSSIBLE ACTION	27.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	$17,117.56	$15,405.81
FOR POSSIBLE ACTION	28.	1999000048	Estate of Robert Cowan: Former Lightning Lube	$6,827.83	$6,318.07
FOR POSSIBLE ACTION	29.	1999000052	Estate of Martin Wessel: Ted's Chevron	$10,303.19	$9,272.87
FOR POSSIBLE ACTION	30.	1999000066	HP Management, LLC: Former Haycock Petroleum	$11,607.88	$10,447.09
FOR POSSIBLE ACTION	31.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	$25,759.09	$23,183.18

ONGOING CASES/OTHER PRODUCTS: CONTINUED				REQUESTED	RECOMMENDED
FOR POSSIBLE ACTION	32.	1999000090	HP Management, LLC: Former Haycock Petroleum	$10,787.94	$9,709.15
FOR POSSIBLE ACTION	33.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	$21,492.29	$19,331.45
FOR POSSIBLE ACTION	34.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	$2,613.07	$2,351.77
FOR POSSIBLE ACTION	35.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	$5,793.75	$5,214.38
FOR POSSIBLE ACTION	36.	1999000167	City of Las Vegas: Fire Station #1	$3,435.00	$3,435.00
FOR POSSIBLE ACTION	37.	1999000186	Gloria Pilger: Former D&G Oil Facility	$26,113.76	$23,502.38
FOR POSSIBLE ACTION	38.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	$36,661.34	$36,661.34
FOR POSSIBLE ACTION	39.	1999000257	University of Nevada: Newlands Agriculture	$5,271.32	$5,271.32
FOR POSSIBLE ACTION	40.	1999000273	V.K. Leavitt: The Waterhole	$29,626.46	$14,010.82
FOR POSSIBLE ACTION	41.	1999000275	ConocoPhillips Company: Circle K #1248	$7,761.53	$6,286.85
FOR POSSIBLE ACTION	42.*	2004000011	William Rodriguez: Four Way Truck Stop	$56,133.26	$38,551.15
FOR POSSIBLE ACTION	43.	2004000013	Nevada Nanak Petroleum, Inc.: NV Nanak Petroleum	$18,524.33	$10,003.14
FOR POSSIBLE ACTION	44.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	$11,783.61	$10,605.25
FOR POSSIBLE ACTION	45.	2005000004	7-Eleven, Inc.: 7-Eleven #21285	$12,887.44	$11,598.69
FOR POSSIBLE ACTION	46.	2005000025	Bordertown, Inc.: Winner's Corner	$37,178.88	$33,460.99
FOR POSSIBLE ACTION	47.	2005000029	ConocoPhillips Company: Circle K#1302	$4,275.59	$3,848.03
FOR POSSIBLE ACTION	48.	2005000036	ConocoPhillips Company: Circle K #1791	$2,634.10	$1,896.55
FOR POSSIBLE ACTION	49.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	$18,252.25	$14,784.32
FOR POSSIBLE ACTION	50.	2007000002	Consolidated Nevada Corp.: Berry-Hinckley #201	$6,093.79	$5,484.41
FOR POSSIBLE ACTION	51.	2007000003	7-Eleven, Inc.: 7-Eleven #29648	$38,519.60	$19,450.59
FOR POSSIBLE ACTION	52.	2007000004	7-Eleven, Inc.: 7-Eleven #29660	$16,422.18	$11,823.96
FOR POSSIBLE ACTION	53.	2007000014	Ace Cab Company, Inc.: Ace Cab Company	$26,058.58	$23,448.22
FOR POSSIBLE ACTION	54.	2007000016	TOC Holdings Company: Former Time Oil #6-100	$5,951.85	$5,356.67
FOR POSSIBLE ACTION	55.	2007000023	7-Eleven, Inc.: 7-Eleven #29643	$113,199.96	$81,503.97
FOR POSSIBLE ACTION	56.	2008000009	Pilot Travel Centers, LLC: Flying J Travel Plaza	$11,225.13	$8,082.09
FOR POSSIBLE ACTION	57.	2008000017	Big Daddy's Oil, LLC: Flamingo AM/PM #82153	$24,182.91	$13,058.77
FOR POSSIBLE ACTION	58.	2008000018	B-H Ind. dba Terrible's: Terrible Herbst #830	$5,064.25	$4,456.89
FOR POSSIBLE ACTION	59.	2009000009	Tom Schwarz: Zak's Mini Mart	$15,678.25	$11,288.34
FOR POSSIBLE ACTION	60.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	$24,311.07	$21,879.96
FOR POSSIBLE ACTION	61.	2009000020	Western Energetix: Battle Mountain Bulk Plant	$4,856.23	$4,370.60
FOR POSSIBLE ACTION	62.	2009000024	Parampreet Investment, LLC: Chuck's Circle C	$35,183.48	$31,665.14

ONGOING CASES/OTHER PRODUCTS: CONTINUED				REQUESTED	RECOMMENDED
FOR POSSIBLE ACTION	63.	2009000028	Vegas Rainbows, Inc.: Mick & Mac's Food Mart	$14,220.33	$12,478.34
FOR POSSIBLE ACTION	64.	2010000001	Smitten Oil & Tire Company: The Gas Store	$3,280.06	$2,952.05
FOR POSSIBLE ACTION	65.	2010000003	Big Wheel Properties, LLC: Big Wheel Travel Center	$360.00	$324.00
FOR POSSIBLE ACTION	66.	2010000005	7-Eleven, Inc.: 7-Eleven #27071	$5,663.38	$5,097.04
FOR POSSIBLE ACTION	67.	2010000007	Pecos Express, Inc.: Pecos Express	$40,041.60	$35,947.44
FOR POSSIBLE ACTION	68.	2010000013	Argyris Enterprises, LLC: City Stop #12	$33,193.04	$29,552.41
FOR POSSIBLE ACTION	69.	2011000001	Short Line Express Market: Short Line Express	$33,035.50	$29,437.65
FOR POSSIBLE ACTION	70.†	2011000003	7-Eleven, Inc.: 7-Eleven #29662	$5,145.30	$6,460.52
FOR POSSIBLE ACTION	71.	2011000006	7-Eleven, Inc.: 7-Eleven #29384	$9,114.06	$8,202.65
FOR POSSIBLE ACTION	72.†	2011000007	Echo Bay Marina, LLC: Echo Bay Marina	$0.00	$16,382.86
			ONGOING CASES/OTHER PRODUCTS SUB TOTAL:	**$1,330,850.49**	**$1,135,514.94**
				REQUESTED	**RECOMMENDED**
			CLAIMS TOTAL:	**$1,617,066.44**	**$1,391,058.80**

X. EXECUTIVE SUMMARY (DISCUSSION)

Bureau of Corrective Action staff will report to the Board tank enrollments, reimbursement activity trends, the status of noncompliant facilities with claims being withheld and other items that warrant attention or may be of concern to the Board.

XI. 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.

XII. CONFIRMATION OF NEXT BOARD MEETING DATE (DISCUSSION) JUNE 7, 2012 (THURSDAY) at 10:00 am

XIII. ADJOURNMENT

This agenda will be posted no later than ten 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, 101 E. 9th St., Reno, NV 89520
Washoe County District Health Department – Environmental Health Services Division, PO Box 11130, Reno, NV 89520-0027
Washoe County Library, PO Box 2151, Reno, NV 89505
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
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 February 28, 2012.

Note: An audio recording of the meeting can be obtained from Mrs. Victoria Joncas, by sending a request to the Nevada Division of Environmental Protection (NDEP) 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.