

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
DECEMBER 13, 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, December 13, 2012 at the following locations:

Carson City: Nevada Department of Transportation, 1263 S. Carson St., Room 301

Las Vegas: Nevada Department of Transportation, E. Washington Ave., Room B, Training Rm

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 SEPTEMBER 13, 2012 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 DETERMINATIONS (FOR POSSIBLE ACTION)

- A. Site Specific Board Determination No. C2012-10 (FOR POSSIBLE ACTION)**
Proposed Site Specific Board Determination to Provide Reduced Petroleum Fund Coverage to ARCO AM/PM, 2000 E. Cheyenne Ave., N. Las Vegas, NV, Facility ID No. 8-001107, Petroleum Fund Case ID No. 2012000018.
- B. Site Specific Board Determination No. C2012-11 (FOR POSSIBLE ACTION)**
Proposed Site Specific Board Determination to Provide Third Party Liability Coverage to Winner's Corner, Cold Springs, NV, Facility ID No. 4-000204, Petroleum Fund Case ID No. 2005000025.

VII. REQUEST FOR RECONSIDERATION OF EXISTING SITE SPECIFIC BOARD DETERMINATION

- A. Site Specific Board Determination No. C2003-08 (FOR POSSIBLE ACTION)**
Request to reconsider 7-Eleven #27607 existing Site Specific Board Determination (SSBD) which mandates a 40% Fund Coverage reduction. The request is to reduce/eliminate the 40% coverage reduction. Pursuant to Resolution No. 2012-06, NDEP had determined that 7-Eleven #27607 meets the specified criteria and therefore recommends the Board to reconsider SSBD No. C2003-08.
- B. Site Specific Board Determination No. C95-005 (FOR POSSIBLE ACTION)**
Request to reconsider 7-Eleven #20826 existing Site Specific Board Determination (SSBD) which mandates a 25% Fund Coverage reduction. The request is to reduce/eliminate the 25% coverage reduction. Pursuant to Resolution No. 2012-06, NDEP had determined that 7-Eleven #20826 meets the specified criteria and therefore recommends the Board to reconsider SSBD No. C95-005.

VIII. BOARD POLICY RESOLUTION AMENDMENT

- A. Board Policy Resolution No. 2008-04 (FOR POSSIBLE ACTION)**
Amendment of existing Board Policy Resolution No. 2008-04, which addresses the Source Identification information required in all Petroleum Fund coverage applications. The purpose of this amendment is to emphasize that any method which can accurately identify the Release Source may be used. Other housekeeping modifications were made that did not change the content of the Policy Resolution. Industry and the consulting community had an opportunity to review the proposed amended Resolution and expressed no concerns.

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 – DECEMBER 13, 2012**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000102H	Lyon County School District: Yerington Elementary	\$14,720.81	\$14,720.81
FOR POSSIBLE ACTION	2.	2007000013H	Churchill County School District: Bus Barn	\$9,667.77	\$9,667.77
FOR POSSIBLE ACTION	3.	2012000001H	Roy Engelke: Engelke Property	\$1,200.00	\$1,200.00
FOR POSSIBLE ACTION	4.	2012000015H	Don Sinnar: Sinnar Residence	\$2,130.00	\$2,130.00
FOR POSSIBLE ACTION	5.	2013000002H	Joseph McDonnell: McDonnell Property	\$22,072.03	\$21,822.03
HEATING OIL SUB TOTAL:				<u>\$49,790.61</u>	<u>\$49,540.61</u>
 <u>NEW CASES, OTHER PRODUCTS</u>				 <u>REQUESTED</u>	 <u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000003	7-Eleven, Inc.: 7-Eleven #26627	\$21,272.65	\$15,316.31
FOR POSSIBLE ACTION	2.*	2012000018	Kamar Brothers LV, LLC: ARCO AM/PM	\$12,936.44	\$9,055.84
FOR POSSIBLE ACTION	3.	2012000020	Big Daddy's Oil, LLC: Charleston AM/PM #85155	\$31,844.50	\$28,660.05
FOR POSSIBLE ACTION	4.	2012000023	Cowboy Corners, LLC: Cowboy Corners	\$10,321.56	\$9,289.40
NEW CASES, OTHER PRODUCTS SUB TOTAL:				<u>\$76,375.15</u>	<u>\$62,321.60</u>

ONGOING CASES/OTHER PRODUCTS

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	1.	1993000051	Atlantic Richfield Company: ARCO #4950	\$2,732.91	\$2,187.79
FOR POSSIBLE ACTION	2.	1993000103	Russell Yardley: Charlie Brown Construction	\$7,885.10	\$7,727.40
FOR POSSIBLE ACTION	3.	1993000115	City of Fallon: Former Bootlegger Texaco	\$10,153.84	\$10,153.84
FOR POSSIBLE ACTION	4.	1994000003	Allied Washoe: Allied Petroleum	\$9,028.60	\$9,028.60
FOR POSSIBLE ACTION	5.	1994000012	Wirtz Beverage Nevada, Inc.: Former DeLuca Liquor	\$38,596.16	\$37,736.16
FOR POSSIBLE ACTION	6.	1994000029	7-Eleven, Inc.: 7-Eleven #20826	\$163,888.17	\$122,916.13
FOR POSSIBLE ACTION	7.	1994000037	Param Investments and or Broadbent: Gofer Market	\$13,272.29	\$13,272.29
FOR POSSIBLE ACTION	8.	1994000065	Avis Rent-A-Car Systems: Avis Rent-A-Car	\$432,628.04	\$425,863.04
FOR POSSIBLE ACTION	9.†	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	\$31,540.65	\$35,922.25
FOR POSSIBLE ACTION	10.	1994000122	Ron or Gary Michelsen: Mike's Gas-A-Mart	\$10,587.33	\$10,587.33
FOR POSSIBLE ACTION	11.	1995000012	Northern Nevada Asset Holdings: Parker's Model T	\$12,643.53	\$10,741.05
FOR POSSIBLE ACTION	12.	1995000039	Al Park Petroleum, Inc.: Crescent Valley Market	\$20,721.78	\$18,400.16
FOR POSSIBLE ACTION	13.	1995000074	Vera Hester: Glendale Service Facility	\$23,416.19	\$21,074.57
FOR POSSIBLE ACTION	14.	1995000105	Redman Petroleum Corp.: Redman Petroleum	\$14,641.05	\$13,176.94
FOR POSSIBLE ACTION	15.	1995000142	7-Eleven, Inc.: 7-Eleven #29644	\$10,894.76	\$9,805.29
FOR POSSIBLE ACTION	16.	1996000026	Moapa Valley Federal Credit Union: Former Russ Auto	\$15,728.75	\$11,311.74
FOR POSSIBLE ACTION	17.	1996000063	Joan Pennachio: V&V Automotive	\$8,450.71	\$7,605.64
FOR POSSIBLE ACTION	18.	1996000064	H&A Esslinger, LLC: Red Rock Mini Mart	\$4,493.00	\$3,549.47
FOR POSSIBLE ACTION	19.	1996000101	Phillips 66 Company: Circle K #695	\$15,453.92	\$13,908.53
FOR POSSIBLE ACTION	20.	1996000102	Phillips 66 Company: Circle K #542	\$1,703.05	\$1,150.42
FOR POSSIBLE ACTION	21.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$3,123.15	\$2,810.83
FOR POSSIBLE ACTION	22.	1997000024	BP Products North America, Inc.: ARCO #399	\$6,823.14	\$5,948.82
FOR POSSIBLE ACTION	23.	1998000046	Willdens Automotive Holdings: Allstate Rent A Car	\$25,933.22	\$23,339.90
FOR POSSIBLE ACTION	24.	1998000068	Phillips 66 Company: Conoco #28003	\$27,257.57	\$24,531.81
FOR POSSIBLE ACTION	25.	1998000080	Seven Crown Resorts: Echo Bay Resort	\$29,459.02	\$26,450.11
FOR POSSIBLE ACTION	26.	1999000011	Terrible Herbst Oil Company: Terrible Herbst #133	\$694.50	\$625.05
FOR POSSIBLE ACTION	27.	1999000014	Al Park Petroleum, Inc.: Conoco Pit Stop #7	\$51,491.94	\$46,279.06
FOR POSSIBLE ACTION	28.	1999000015	Terrible Herbst Oil Company: Terrible Herbst #144	\$2,038.50	\$1,834.65
FOR POSSIBLE ACTION	29.	1999000017	Reed, Inc.: Reed R-Place Shell	\$4,133.35	\$3,720.02
FOR POSSIBLE ACTION	30.	1999000022	Terrible Herbst Oil Company: Terrible Herbst #129	\$61,254.45	\$29,651.90

ONGOING CASES/OTHER PRODUCTS

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	31.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$7,152.70	\$6,482.43
FOR POSSIBLE ACTION	32.	1999000037	Longley Construction Company: Longley Construction	\$37,334.00	\$33,600.60
FOR POSSIBLE ACTION	33.	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$5,754.96	\$5,754.96
FOR POSSIBLE ACTION	34.	1999000052	Estate of Martin Wessel: Ted's Chevron	\$14,557.54	\$13,032.49
FOR POSSIBLE ACTION	35.	1999000064	Al Park Petroleum, Inc.: Conoco Pit Stop	\$37,412.21	\$33,495.76
FOR POSSIBLE ACTION	36.	1999000066	HP Management, LLC: Former Haycock Petroleum	\$9,796.54	\$8,816.88
FOR POSSIBLE ACTION	37.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	\$24,546.51	\$22,091.86
FOR POSSIBLE ACTION	38.	1999000090	HP Management, LLC: Former Haycock Petroleum	\$12,939.04	\$11,645.13
FOR POSSIBLE ACTION	39.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	\$55,698.17	\$46,634.17
FOR POSSIBLE ACTION	40.	1999000114	City of Fallon: Fallon Maintenance Yard	\$83,344.75	\$61,842.02
FOR POSSIBLE ACTION	41.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$10,858.51	\$9,772.66
FOR POSSIBLE ACTION	42.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$8,147.69	\$7,229.42
FOR POSSIBLE ACTION	43.	1999000162	Terrible Herbst Oil Company: Terrible Herbst #159	\$2,451.00	\$1,968.30
FOR POSSIBLE ACTION	44.	1999000167	City of Las Vegas: Fire Station #1	\$3,916.00	\$3,916.00
FOR POSSIBLE ACTION	45.	1999000186	Gloria Pilger: Former D&G Oil Facility	\$32,045.19	\$28,840.67
FOR POSSIBLE ACTION	46.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$62,649.62	\$62,649.62
FOR POSSIBLE ACTION	47.	1999000257	University of Nevada: Newlands Agriculture	\$3,662.00	\$3,662.00
FOR POSSIBLE ACTION	48.	1999000273	V.K. Leavitt: The Waterhole	\$33,748.23	\$18,207.13
FOR POSSIBLE ACTION	49.	1999000275	Phillips 66 Company: Circle K #1248	\$2,471.79	\$1,997.90
FOR POSSIBLE ACTION	50.	2004000011	William Rodriguez: Four Way Truck Stop	\$28,713.50	\$23,121.72
FOR POSSIBLE ACTION	51.	2004000013	Nevada Nanak Petroleum, Inc.: NV Nanak Petroleum	\$3,306.32	\$1,785.41
FOR POSSIBLE ACTION	52.	2004000014	Atlantic Richfield Company: ARCO #437	\$42,265.83	\$33,830.75
FOR POSSIBLE ACTION	53.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$8,915.63	\$8,024.07
FOR POSSIBLE ACTION	54.	2005000004	7-Eleven, Inc.: 7-Eleven #21285	\$6,744.97	\$6,070.47
FOR POSSIBLE ACTION	55.*	2005000025	Bordertown, Inc.: Winner's Corner	\$31,857.47	\$28,671.72
FOR POSSIBLE ACTION	56.	2005000029	Phillips 66 Company: Circle K #1302	\$6,502.88	\$6,060.49
FOR POSSIBLE ACTION	57.	2005000036	Phillips 66 Company: Circle K #1791	\$4,445.71	\$3,179.37
FOR POSSIBLE ACTION	58.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$40,406.33	\$31,815.09
FOR POSSIBLE ACTION	59.	2007000002	Consolidated Nevada Corp.: Berry-Hinckley #201	\$9,231.13	\$8,308.01
FOR POSSIBLE ACTION	60.	2007000014	Ace Cab Company, Inc.: Ace Cab Company	\$24,881.53	\$22,376.83
FOR POSSIBLE ACTION	61.	2007000016	TOC Holdings Company: Former Time Oil #6-100	\$36,540.00	\$32,863.32

ONGOING CASES/OTHER PRODUCTS: CONTINUED

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	62.	2007000023	7-Eleven, Inc.: 7-Eleven #29643	\$141,969.80	\$91,445.62
FOR POSSIBLE ACTION	63.	2008000005	Avis Rent A Car Systems: Former Avis Rent A Car	\$133,054.31	\$119,748.88
FOR POSSIBLE ACTION	64.	2008000009	Pilot Travel Centers, LLC: Flying J Travel Plaza	\$8,426.68	\$3,295.89
FOR POSSIBLE ACTION	65.	2008000017	Big Daddy's Oil, LLC: Flamingo AM/PM #82153	\$29,899.27	\$11,609.60
FOR POSSIBLE ACTION	66.	2008000018	B-H Ind. dba Terrible's: Terrible Herbst #830	\$14,704.70	\$4,199.40
FOR POSSIBLE ACTION	67.	2009000009	Tom Schwarz: Zak's Mini Mart	\$19,524.19	\$14,057.41
FOR POSSIBLE ACTION	68.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$23,175.61	\$17,948.14
FOR POSSIBLE ACTION	69.	2009000020	Western Energetix: Flyers Energy Bulk Plant	\$11,411.88	\$10,270.69
FOR POSSIBLE ACTION	70.	2009000024	Parampreet Investment, LLC: Chuck's Circle C	\$28,496.99	\$25,647.29
FOR POSSIBLE ACTION	71.	2009000028	Vegas Rainbows, Inc.: Mick & Mac's Food Mart	\$33,747.86	\$29,613.74
FOR POSSIBLE ACTION	72.	2010000001	Smitten Oil & Tire Company: The Gas Store	\$4,912.25	\$4,421.02
FOR POSSIBLE ACTION	73.	2010000005	7-Eleven, Inc.: 7-Eleven #27071	\$22,945.86	\$20,651.27
FOR POSSIBLE ACTION	74.	2010000007	Pecos Express, Inc.: Pecos Express	\$136,658.85	\$121,861.03
FOR POSSIBLE ACTION	75.	2010000013	Argyris Enterprises, LLC: City Stop #12	\$36,024.61	\$25,480.45
FOR POSSIBLE ACTION	76.	2011000006	7-Eleven, Inc.: 7-Eleven #29384	\$7,185.71	\$6,467.14
FOR POSSIBLE ACTION	77.†	2011000007	Echo Bay Marina, LLC: Echo Bay Marina	\$13,081.81	\$16,152.13
FOR POSSIBLE ACTION	78.	2011000009	Cimarron West: Cimarron West	\$12,415.83	\$11,174.25
FOR POSSIBLE ACTION	79.	2012000005	Travel Systems, LLC: Zephyr Cove Resort	\$93,708.39	\$85,674.46
FOR POSSIBLE ACTION	80.	2012000011	Golden Gate Petroleum: Baldini's Grand Pavilion	\$19,379.06	\$17,441.15
FOR POSSIBLE ACTION	81.	2012000012	Dewey Has Gas, Inc.: Smart Mart	\$25,350.92	\$22,815.82
FOR POSSIBLE ACTION	82.	2012000019	7-Eleven, Inc.: 7-Eleven #20272	\$28,596.93	\$25,736.43
			ONGOING CASES/OTHER PRODUCTS SUB TOTAL:	<u>\$2,597,637.93</u>	<u>\$2,224,769.85</u>

	<u>REQUESTED</u>	<u>RECOMMENDED</u>
CLAIMS TOTAL:	<u>\$2,723,803.69</u>	<u>\$2,336,632.06</u>

X. EXECUTIVE SUMMARY (DISCUSSION)

Bureau of Corrective Action staff will report to the Board tank enrollments, reimbursement activity, the status of noncompliant facilities with claims being withheld and other items that warrant attention or that 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)
MARCH 14, 2013 (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 November 30, 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.