

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 4, 2019**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Tuesday, June 04, 2019 at the following locations:

Carson City: Nevada Department of Transportation, 1263 South Stewart St., Room 302, Carson City, NV 89712

Las Vegas: Nevada Department of Transportation, 123 East Washington Ave., Bldg. B – Training Room, Las Vegas, NV 89101

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 MARCH 13, 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. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2019-02

Proposed Site Specific Board Determination (SSBD) to provide reduced Petroleum Fund Coverage for Whiskey Pete's Stateline Stop, Primm, Nevada Facility ID No. 8-000772, Petroleum Fund Case ID No. 2018000018

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2019-02, as proposed, granting coverage under the State of Nevada Petroleum Fund to Whiskey Pete's Stateline Stop for one 10,000 gallon gasoline UST system (87 slave

tank) with a 40% reduction, plus an additional 20% coverage reduction due to a non-Fund eligible release source that is comingled with a Fund eligible release source, and a 10% copayment.

6. NDEP SUMMARY OF LONGSTANDING REMEDIATION CASES (FOR DISCUSSION)

During the March 13, 2019 quarterly meeting, the Board to Review Claims requested that NDEP provide an informational summary regarding active Petroleum Fund cases greater than 10 years of age. Following the summary, NDEP will discuss actions taken by Leaking Underground Storage Tank Program case officers to identify potential impediments to cleanup of these older remediation cases, and identify possible remedies to progress these cases forward to closure.

7. UPDATES TO BOARD MEMBER BINDERS (FOR DISCUSSION)

During the March 13, 2019 quarterly meeting, a Board member requested Fund staff include a brief description of work performed for each claim listed on the consent agenda. These descriptions have been included with the Staff Recommendation for each claim, and clarifying text has been added to the consent agenda indicating a Board member may request further discussion of listed claims prior to approval.

8. 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 - JUNE 4, 2019**

HEATING OIL

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000020 University Of Nevada Reno: Albert Fragione Property	\$1,742.50	\$1,742.50
FOR POSSIBLE ACTION	2.	2012000017 Churchill County School District: Old High School	\$4,272.31	\$4,272.31
FOR POSSIBLE ACTION	3.	2018000034 University Of Nevada Reno: 1121 Evans Avenue	\$1,982.50	\$1,982.50
		SUB TOTAL:	<u>\$7,997.31</u>	<u>\$7,997.31</u>

NEW CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2018000042 7-Eleven INC: 7-Eleven #23759	\$36,364.83	\$32,728.35
		SUB TOTAL:	<u>\$36,364.83</u>	<u>\$32,728.35</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000103 Charlie Brown Construction: Charlie Brown Const.	\$4,223.97	\$4,139.49

FOR POSSIBLE ACTION	2.	1994000067	Peppermill Casinos INC: Frmr Peppermill Truckstop	\$2,167.05	\$2,167.05
FOR POSSIBLE ACTION	3.	1994000113	Pilot Travel Centers LLC: Former Unocal Truck Stop #6328	\$14,695.34	\$14,695.34
FOR POSSIBLE ACTION	4.	1995000039	Al Park Petroleum Inc: Crescent Valley Market	\$51,432.08	\$45,921.99
FOR POSSIBLE ACTION	5.	1996000064	The Esslinger Family Trust: Red Rock Mini Mart	\$35,323.11	\$34,133.96
FOR POSSIBLE ACTION	6.	1996000101	Phillips 66 Company: Circle K #695	\$21,094.99	\$18,400.35
FOR POSSIBLE ACTION	7.	1999000023	Nevada Ready Mix Corp: Nevada Ready Mix	\$28,975.16	\$25,458.22
FOR POSSIBLE ACTION	8.	1999000052	Estate Of Martin T. Wessel: Ted's Chevron	\$23,166.06	\$20,849.45
FOR POSSIBLE ACTION	9.	2005000002	Carson Valley Oil Co Inc: Carson Valley Oil CO	\$3,020.00	\$2,718.00
FOR POSSIBLE ACTION	10.	2007000014	Ace Cab Company: Ace Cab Company	\$45,574.77	\$41,017.29
FOR POSSIBLE ACTION	11.	2008000005	Avis Rent A Car System LLC: Avis Rent A Car	\$7,335.90	\$4,023.00
FOR POSSIBLE ACTION	12.	2008000018	Jacksons Food Stores INC: Jacksons Food Stores #0145	\$18,457.03	\$16,611.33
FOR POSSIBLE ACTION	13.	2010000007	Pecos Express: Pecos Express	\$12,253.11	\$11,025.86
FOR POSSIBLE ACTION	14.	2011000009	Cimarron West: Cimarron West	\$26,537.10	\$23,833.89
FOR POSSIBLE ACTION	15.	2012000005	Travel Systems, LLC: Zephyr Cove Resort	\$32,490.78	\$29,230.90
FOR POSSIBLE ACTION	16.	2012000012	Dewey Has Gas, INC: Smart Mart	\$35,910.81	\$32,112.36
FOR POSSIBLE ACTION	17.	2015000005	Elko Acquisitions LLC dba Red Lion Chevron: Red Lion Chevron	\$5,110.79	\$4,507.50
FOR POSSIBLE ACTION	18.	2016000005	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Facility #65 - Fallon	\$2,485.57	\$2,237.01
FOR POSSIBLE ACTION	19.	2016000006	Wendover Fuels LLC: Chevron	\$4,952.50	\$3,565.80
FOR POSSIBLE ACTION	20.	2016000012	DLF Corporation: Mr Ds Fastlane	\$17,203.96	\$15,478.61
FOR POSSIBLE ACTION	21.	2016000023	Al Park Petroleum Inc: Pit Stop #1	\$57,476.63	\$40,935.19
FOR POSSIBLE ACTION	22.	2017000015	Gmr National A Nevada General Partnership: 24x7 Mini Mart	\$35,031.97	\$25,093.57
FOR POSSIBLE ACTION	23.	2017000035	Rebel Oil Company: Rebel Store #2177	\$51,994.54	\$46,766.38
FOR POSSIBLE ACTION	24.	2018000005	Rebel Oil Company: Rebel Store # 2153	\$69,177.79	\$60,735.42
FOR POSSIBLE ACTION	25.	2018000009	Reed Incorporated: Pacific Pride	\$3,810.00	\$3,429.00
FOR POSSIBLE ACTION	26.	2018000029	Rebel Oil Company: Rebel Oil CO #25	\$7,640.00	\$6,876.00
SUB TOTAL:				<u>\$617,541.01</u>	<u>\$535,962.96</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$661,903.15</u>	<u>\$576,688.62</u>

9. 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

HEATING OIL

			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2013000012 Roger & Gemma Mateossian: Mateossian Residence	\$39,041.05	\$39,041.05
FOR DISCUSSION	2.	2019000003 Marlow Living Trust: Steve Marlow Property	\$18,269.64	\$18,019.64
FOR DISCUSSION	3.	2019000007 324 E. 4th St LLC: 324 E 4th Street LLC	\$7,080.35	\$6,830.35
SUB TOTAL:			<u>\$64,391.04</u>	<u>\$63,891.04</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1994000015 Pilger Family Holdings: Former D & G Oil Company	\$45,368.68	\$44,959.48
FOR DISCUSSION	2.	1997000008 Ewing Bros Inc: Ewing Bros INC	\$2,922.50	\$2,630.25
FOR DISCUSSION	3.	1999000014 Al Park Petroleum Inc: Pit Stop #7 Conoco	\$7,526.36	\$6,765.62
FOR DISCUSSION	4.	1999000022 Terrible Herbst, INC.: Terrible Herbst #129	\$7,389.62	\$6,650.66
FOR DISCUSSION	5.	1999000029 Terrible Herbst, INC.: Terrible Herbst #136 (Arco)	\$7,882.24	\$7,094.02
FOR DISCUSSION	6.	1999000066 HP Management, LLC: Former Haycock Petroleum	\$46,471.61	\$41,824.45
FOR DISCUSSION	7.	1999000086 Terrible Herbst, INC.: Terrible Herbst #126	\$2,517.55	\$2,265.79
FOR DISCUSSION	8.	1999000104 Terrible Herbst, INC.: Terrible Herbst #118 & #120 Lube	\$7,537.56	\$6,783.80
FOR DISCUSSION	9.	1999000135 Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$7,900.53	\$7,110.48
FOR DISCUSSION	10.	1999000137 Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$1,771.25	\$1,594.13

FOR DISCUSSION	11.	1999000199	Village Springs, LLC: Lakeshore Orbit Station	\$6,832.59	\$6,832.59
FOR DISCUSSION	12.	2004000011	Travel Centers Of America: Wells Petro Truck Service	\$27,030.11	\$24,277.60
FOR DISCUSSION	13.	2005000044	Ewing Bros Inc: Ewing Bros INC	\$11,046.86	\$9,901.67
FOR DISCUSSION	14.	2008000019	One Panou LLC: Golden Market #3	\$17,134.24	\$15,420.82
FOR DISCUSSION	15.	2009000017	D & J Holdings, LLC: Convenience Corner Shell	\$13,280.74	\$11,952.67
FOR DISCUSSION	16.	2010000003	Sira Truck Holdings, Lllp: Big Wheel Truck Center	\$4,488.00	\$4,039.20
FOR DISCUSSION	17.	2010000009	Travel Centers Of America: Mill City Travel Center	\$155,188.57	\$125,702.74
FOR DISCUSSION	18.	2013000009	Western Petroleum: Western Petroleum	\$16,712.11	\$15,040.90
FOR DISCUSSION	19.	2013000011	Har Moor Investments, LLC: Village Shop #4	\$23,244.81	\$20,920.33
FOR DISCUSSION	20.	2013000019	Hardy Enterprises INC: Elko Sinclair #53	\$39,836.95	\$35,853.25
FOR DISCUSSION	21.	2014000004	Alsaker Corp: Broadway Colt Service Center	\$61,180.15	\$55,012.63
FOR DISCUSSION	22.	2014000016	Smitten Oil And Tire Co Inc: Former Smitten Oil	\$4,817.82	\$4,336.04
FOR DISCUSSION	23.	2014000025	Superior Campgrounds Of America LLC: Silver City Rv Resort	\$78,032.41	\$70,229.17
FOR DISCUSSION	24.	2014000033	Speedee Mart INC: Speedee Mart #108	\$22,187.52	\$19,968.77
FOR DISCUSSION	25.	2014000041	Forever Resorts: Callville Bay Resort Marina	\$6,815.00	\$6,133.50
FOR DISCUSSION	26.	2015000009	Travel Centers Of America: Las Vegas Travel Center	\$2,795.00	\$2,515.50
FOR DISCUSSION	27.	2016000011	Reno Seven Seas INC: Arco Am/pm	\$5,723.75	\$4,893.80
FOR DISCUSSION	28.	2016000027	Terrible Herbst, INC.: Terrible Herbst #272	\$9,440.38	\$7,646.70
FOR DISCUSSION	29.	2017000027	John Edmond: Milk Gas Mart	\$7,670.00	\$6,903.00
			SUB TOTAL:	<u>\$650,744.91</u>	<u>\$575,259.56</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$715,135.95</u>	<u>\$639,150.60</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,377,039.09</u>	<u>\$1,215,839.22</u>

10. 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 status.

11. 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.

**12. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION)
SEPTEMBER 12, 2019 (THURSDAY) AT 10:00 AM**

13. 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., 1st 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 Tourism, Paul Laxalt Bldg., 401 N. Carson St., Carson City, NV 89701
Nevada Division of Environmental Protection, Bureau of Corrective Actions, 901 S. Stewart St., 3rd Floor, Carson City, NV 89701
Nevada Division of Environmental Protection, Bureau of Corrective Actions, 2030 E. Flamingo Rd., Ste. 230, Las Vegas, NV 89119
Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701
State Fire Marshal's Office, 107 Jacobsen Way, Carson City, NV 89701
Washoe County Commission Chambers, 1001 E. 9th St., Bldg. A, Reno, NV 89512
Washoe County District Health Department - Environmental Health Services Division, 1001 E. 9th St., Bldg. B, 1st Floor, 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 May 28, 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, or by calling (775) 687-9369.