

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

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Thursday, September 14, 2017 at the following locations:

Carson City: Laxalt Building, 401 N. Carson St., 2nd Floor Chambers

Las Vegas: Grant Sawyer Building, 555 E. Washington Ave., Governor's Conference Room 5100

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 (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 JUNE 8, 2017 MINUTES (FOR POSSIBLE ACTION)

4. STATUS OF THE FUND (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. C2017-04

Proposed Site Specific Board Determination (SSBD) to provide Fund Coverage with a 20% reduction to 24x7 Mini Mart, Las Vegas, Nevada

Facility ID No. 8-001471, Petroleum Fund Case ID No. 2017000015

RECOMMENDATION:

Adoption of SSBD No. C2017-04, as proposed, granting coverage under the State of Nevada Petroleum Fund to 24x7 Mini Mart for one UST system and associated underground piping with a 20% reduction and 10% copayment, resulting in \$720,000 for cleanup costs and \$720,000 for third party liability costs.

6. AMENDMENT TO THE CEM COST GUIDELINES - TASK TABLE J.1 (FOR POSSIBLE ACTION)

Cost Guidelines Task Table J.1 was recently developed as a cost control mechanism for initial abatement activities when impacted soil is observed in a heating oil tank excavation. The current table addresses the upper limits of soil excavation/disposal and uses a multiplier to provide a maximum dollar amount to control Non-CEM costs. This amendment provides flexibility when the soil excavation tonnage is minimal, which does not allow the formula to result in a dollar value that is as large as the actual Non-CEM costs expended (for travel and equipment rental, for example). This amendment will provide the opportunity for a case officer to approve a small overage in such event.

RECOMMENDATION:

Approve changes to Cost Guidelines Task Table J.1, allowing for Case officers to approve additional dollars to cover actual non-CEM costs.

7. PRESENTATION OF DRAFT POLICY RESOLUTION 2017-02 PROVIDING BOARD AUTHORIZATION TO NDEP FOR DIRECT PAYMENT OF UNCONTESTED CLAIMS (DISCUSSION)

NDEP will introduce a draft Policy Resolution, No. 2017-02, that 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. If the Board is in favor of this concept, NDEP will move forward to bring the Policy Resolution to the December 2017 Board meeting for adoption.

8. PROPOSED PERMANENT REGULATORY PETITION R032-17 (DISCUSSION)

NDEP will introduce Regulatory Petition R032-17 that addresses a grant program for UST owners/operators and a technical assistance program. The regulatory petition will be brought before the Board for adoption during the December 2017 Board meeting.

9. INTERNAL REVENUE SERVICE FORM 1099 (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 the need to seek a Determination from the Secretary of Agriculture to allow private residents receiving reimbursement funds to exclude those funds from their gross income calculations.

10. PRESENTATION: OVERVIEW OF THE ADMINISTRATION OF THE PETROLEUM FUND PROGRAM (DISCUSSION)

A brief presentation to introduce the background, statutory authority, Fund staff responsibility, and basic operating principles of the Nevada Petroleum Fund program and how it relates to the Board to Review Claims.

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 - SEPTEMBER 14, 2017**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000020	University Of Nevada Reno: Albert Fragione Property	\$24,487.87	\$24,237.87
FOR POSSIBLE ACTION	2.	2007000013	Churchill County School District: Churc. Co. S.d. Bus Barn	\$3,585.66	\$3,585.66
FOR POSSIBLE ACTION	3.	2012000017	Churchill County School District: Old High School	\$6,574.93	\$6,574.93
FOR POSSIBLE ACTION	4.	2017000002	Rising Tides, Llc: Stone House	\$1,580.00	\$1,553.00
FOR POSSIBLE ACTION	5.	2017000005	Mw Properties, Llc: M.w. Properties, LLC	\$45,522.80	\$45,272.80
FOR POSSIBLE ACTION	6.	2017000006	Washoe County School District: Lemmon Valley Elementary School	\$40,408.56	\$39,908.56
FOR POSSIBLE ACTION	7.	2017000007	Roger Lewis: Roger A. Lewis Property	\$12,129.50	\$11,879.50
FOR POSSIBLE ACTION	8.	2017000011	Miranda Chitwood: Nathaniel B. Chitwood Residence	\$16,492.51	\$16,242.51
FOR POSSIBLE ACTION	9.	2017000012	Dwight Beerwinkle: Beerwinkle Home	\$10,866.39	\$10,616.39
FOR POSSIBLE ACTION	10.	2017000013	Haskell Row Llc: Haskell Row Home	\$11,063.52	\$10,813.52
FOR POSSIBLE ACTION	11.	2017000014	Jerad Mochel: Jerad Mochel Residence	\$13,614.00	\$13,364.00
FOR POSSIBLE ACTION	12.	2017000017	Donald Welsh: Donald C. Welsh Prpoerty	\$10,293.94	\$10,043.94
FOR POSSIBLE ACTION	13.	2017000018	Alyson Hamilton: Hal G. Hamilton Residence	\$17,203.44	\$16,953.44
FOR POSSIBLE ACTION	14.	2017000020	Russell & Tiann Keegan: Russell A. Keegan Residence	\$11,090.46	\$10,840.46
FOR POSSIBLE ACTION	15.	2017000021	Shirley Rhodes: Shirley D. Rhodes Residence	\$11,291.72	\$11,041.72
FOR POSSIBLE ACTION	16.	2017000022	Wayne Chimarusti: Wayne S. Chimarusti Property	\$12,801.52	\$12,351.52

FOR POSSIBLE ACTION	17.	2017000023	Stephen Abele: Stephen Abele Residence	\$12,124.11	\$11,874.11
FOR POSSIBLE ACTION	18.	2017000024	Jeffrey Aaron: Jeffrey Aaron Property	\$10,567.22	\$10,317.22
FOR POSSIBLE ACTION	19.	2017000025	Arjen Kuyper: Arjen P. Kuyper Property	\$12,653.52	\$12,403.52
FOR POSSIBLE ACTION	20.	2017000026	Robert Klieforth: Robert B. Klieforth	\$12,253.88	\$12,003.88
FOR POSSIBLE ACTION	21.	2017000028	Michael Mitchell: Jeanine M. Landsinger Residence	\$11,374.39	\$11,124.39

SUB TOTAL: \$307,979.94 \$303,002.94

NEW CASES

FOR POSSIBLE ACTION	1.	2017000004	Regional Transportation Commission: Regional Transportation Commission	<u>\$147,255.66</u>	<u>\$137,255.66</u>
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SUB TOTAL: \$147,255.66 \$137,255.66

ONGOING CASES

FOR POSSIBLE ACTION	1.	1992000126	Clark County School District: Rc White (Arville) Transportation Satellite	<u>\$11,143.54</u>	<u>\$11,102.40</u>
FOR POSSIBLE ACTION	2.	1993000103	Charlie Brown Construction: Charlie Brown Const.	\$3,986.61	\$3,906.88
FOR POSSIBLE ACTION	3.	1994000015	Pilger Family Holdings: Former D & G Oil Company	\$91,929.35	\$91,929.35
FOR POSSIBLE ACTION	4.	1994000122	Michelsen's Gas A Mart, Inc: Mike's Chevron	\$12,736.60	\$12,736.60
FOR POSSIBLE ACTION	5.	1995000039	Al Park Petroleum Inc: Crescent Valley Market	\$36,854.37	\$33,168.93
FOR POSSIBLE ACTION	6.	1995000042	FBF Inc: Gas 4 Less	\$12,357.85	\$11,122.07
FOR POSSIBLE ACTION	7.	1995000094	Tropicana Entertainment Inc.: Montbleu Resort Casino & Spa	\$69,446.22	\$62,096.60
FOR POSSIBLE ACTION	8.	1996000063	Joan Pennachio: V & V Automotive	\$14,063.99	\$14,063.99
FOR POSSIBLE ACTION	9.	1996000064	H & A Esslinger, Llc: Red Rock Mini Mart	\$14,361.70	\$13,930.84
FOR POSSIBLE ACTION	10.	1996000101	Phillips 66 Company: Circle K #695	\$42,889.21	\$38,600.29
FOR POSSIBLE ACTION	11.	1997000008	Ewing Bros Inc: Ewing Bros INC	\$3,070.00	\$2,763.00
FOR POSSIBLE ACTION	12.	1998000046	Willdens Automotive Holdings: Frmr Allstate Rent A Car	\$24,719.25	\$21,958.43
FOR POSSIBLE ACTION	13.	1998000068	Phillips 66 Company: Conoco #28003	\$53,900.59	\$48,475.14
FOR POSSIBLE ACTION	14.	1999000014	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$29,823.80	\$26,841.42
FOR POSSIBLE ACTION	15.	1999000022	Terrible Herbst, INC.: Terrible Herbst #129 (Chevron)	\$6,235.43	\$5,611.89
FOR POSSIBLE ACTION	16.	1999000023	Nevada Ready Mix Corp: Nevada Ready Mix	\$115,783.50	\$104,070.15
FOR POSSIBLE ACTION	17.	1999000029	Terrible Herbst, INC.: Terrible Herbst #136 (Arco)	\$8,325.00	\$7,492.50
FOR POSSIBLE ACTION	18.	1999000048	Estate Of Robert Cowan: Former Lightning Lube	\$49,410.35	\$49,410.35
FOR POSSIBLE ACTION	19.	1999000052	Estate Of Martin T. Wessel: Ted's Chevron	\$22,288.27	\$20,018.94
FOR POSSIBLE ACTION	20.	1999000064	Al Park Petroleum Inc: Pit Stop #4 (Conoco)	\$5,003.75	\$4,503.37
FOR POSSIBLE ACTION	21.	1999000066	HP Management, Llc: Former Haycock Petroleum	\$4,665.00	\$4,198.50

FOR POSSIBLE ACTION	22.	1999000086	Terrible Herbst, INC.: Terrible Herbst #126 (Arco)	\$14,035.35	\$12,631.81
FOR POSSIBLE ACTION	23.	1999000090	HP Management, Llc: Former Haycock Petroleum	\$29,328.25	\$26,395.43
FOR POSSIBLE ACTION	24.	1999000104	Terrible Herbst, INC.: Terrible Herbst #118 (Arco)	\$7,983.92	\$7,185.53
FOR POSSIBLE ACTION	25.	1999000114	City Of Fallon: Fallon Maint. Yard	\$9,671.00	\$8,703.90
FOR POSSIBLE ACTION	26.	1999000135	Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$9,186.59	\$8,267.93
FOR POSSIBLE ACTION	27.	1999000137	Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$7,740.79	\$6,966.71
FOR POSSIBLE ACTION	28.	1999000167	City Of Las Vegas: Fire Station #1	\$4,486.65	\$4,486.65
FOR POSSIBLE ACTION	29.	1999000199	Village Springs, Llc: Lakeshore Orbit Station	\$48,496.58	\$48,496.58
FOR POSSIBLE ACTION	30.	1999000273	Mr. V. K. Leavitt: The Waterhole	\$50,024.41	\$45,021.97
FOR POSSIBLE ACTION	31.	2004000011	Travel Centers Of America: Wells Petro Truck Service	\$43,736.55	\$39,362.89
FOR POSSIBLE ACTION	32.	2004000039	Clark County Dept Of Aviation: Frmr National Car Rental	\$75,275.93	\$72,472.63
FOR POSSIBLE ACTION	33.	2005000002	Carson Valley Oil Co Inc: Carson Valley Oil CO	\$3,918.10	\$3,526.29
FOR POSSIBLE ACTION	34.	2005000025	Bordertown Inc: Bordertown Winners Corner	\$18,795.00	\$16,915.50
FOR POSSIBLE ACTION	35.	2005000036	Phillips 66 Company: Circle K #1791	\$18,315.59	\$13,187.22
FOR POSSIBLE ACTION	36.	2005000044	Ewing Bros Inc: Ewing Bros INC	\$17,002.69	\$15,302.42
FOR POSSIBLE ACTION	37.	2007000014	Ace Cab Company: Ace Cab Company	\$27,388.77	\$24,363.67
FOR POSSIBLE ACTION	38.	2008000005	Avis Rent A Car System Llc: Avis Rent A Car	\$24,789.20	\$22,310.28
FOR POSSIBLE ACTION	39.	2008000017	Big Daddy's Oil Llc: Arco Am/pm Mini Market	\$9,582.77	\$8,624.49
FOR POSSIBLE ACTION	40.	2008000018	Jacksons Food Stores Inc: Jacksons Food Stores #0145	\$9,768.07	\$8,791.26
FOR POSSIBLE ACTION	41.	2008000019	One Panou Llc: Golden Market #3	\$14,849.82	\$13,364.84
FOR POSSIBLE ACTION	42.	2009000017	D & J Holdings, Llc: Convenience Corner Shell	\$14,304.00	\$12,873.60
FOR POSSIBLE ACTION	43.	2009000028	Vegas Rainbows, Inc: Mick & Mac's Food Mart	\$57,584.54	\$48,156.91
FOR POSSIBLE ACTION	44.	2010000001	Smitten Oil And Tire Co Inc: The Gas Store	\$532.50	\$479.25
FOR POSSIBLE ACTION	45.	2010000007	Pecos Express: Pecos Station	\$7,605.76	\$6,845.18
FOR POSSIBLE ACTION	46.	2010000009	Travel Centers Of America: Mill City Travel Center	\$3,470.00	\$2,810.70
FOR POSSIBLE ACTION	47.	2011000009	Cimarron West: Cimarron West	\$47,296.71	\$42,567.04
FOR POSSIBLE ACTION	48.	2012000011	Golden Gate Petroleum Of Nevada Llc: Baldinis Grand Pavilion	\$4,002.72	\$3,602.45
FOR POSSIBLE ACTION	49.	2012000012	Dewey Has Gas, Inc: Smart Mart	\$46,785.11	\$42,106.42
FOR POSSIBLE ACTION	50.	2013000005	R B Properties Inc: South Pointe Market	\$12,038.58	\$10,834.72
FOR POSSIBLE ACTION	51.	2013000009	Western Petroleum: Western Petroleum	\$71,187.10	\$64,068.40
FOR POSSIBLE ACTION	52.	2013000011	Har Moor Investments, Llc: Village Shop #4	\$26,517.15	\$23,865.43
FOR POSSIBLE ACTION	53.	2013000015	Gary Cornwall: Gary Cornwall Property	\$1,015.00	\$1,015.00
FOR POSSIBLE ACTION	54.	2013000019	Hardy Enterprises Inc: Elko Sinclair #53	\$42,576.33	\$38,318.70
FOR POSSIBLE ACTION	55.	2014000004	Alsaker Corp: Broadway Colt Service Center	\$35,354.70	\$25,148.43
FOR POSSIBLE ACTION	56.	2014000016	Smitten Oil And Tire Co Inc: Former Smitten Oil	\$5,869.32	\$5,282.39
FOR POSSIBLE ACTION	57.	2014000025	Superior Campgrounds Of America Llc: Silver City Rv Resort	\$60,439.25	\$54,395.33

FOR POSSIBLE ACTION	58.	2014000033	Speedee Mart Inc: Speedee Mart #108	\$41,140.60	\$37,026.54
FOR POSSIBLE ACTION	59.	2014000041	Forever Resorts: Callville Bay Resort Marina	\$14,290.00	\$12,860.55
FOR POSSIBLE ACTION	60.	2015000005	Elko Acquisitions LLC dba Red Lion Chevron: Red Lion Chevron	\$9,698.04	\$8,728.24
FOR POSSIBLE ACTION	61.	2015000014	Abe Kaabipour: City Express	\$8,810.01	\$7,929.01
FOR POSSIBLE ACTION	62.	2016000005	Golden Gate S.e.t. Retail Of Nevada Llc: Golden Gate Facility #65 - Fallon	\$747.50	\$672.75
FOR POSSIBLE ACTION	63.	2016000006	Wendover Fuels Llc: Chevron	\$917.50	\$660.60
FOR POSSIBLE ACTION	64.	2016000023	Al Park Petroleum Inc: Pit Stop #1	\$131,478.22	\$94,664.31
FOR POSSIBLE ACTION	65.	2016000025	Topaz Lodge Inc: Topaz Lodge INC (Chevron)	\$3,459.35	\$3,113.41
			SUB TOTAL:	<u>\$1,724,490.40</u>	<u>\$1,542,405.00</u>
			CLAIMS TOTAL:	<u>\$2,179,726.00</u>	<u>\$1,982,663.60</u>

12. EXECUTIVE SUMMARY (DISCUSSION)

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

13. 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.

14. CONFIRMATION OF NEXT BOARD MEETING DATE (DISCUSSION)

DECEMBER 14, 2017 (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> 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 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 11, 2017.

Note: Supporting material for this meeting and audio recordings of previous meetings are located in the Nevada Division of Environmental Protection (NDEP) Carson City 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.