

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 8, 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, June 08, 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 MARCH 9, 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. CONTROLLER'S OFFICE – COLLECTION STATUS UPDATE (DISCUSSION)

Mr. James Smack, Chief Deputy of the Controller's Office, will update the Board on the status of the collection efforts associated with the Eagle Gas North Station located in Carson City.

6. ISSUANCE OF INTERNAL REVENUE SERVICE FORM 1099 (DISCUSSION)

Mr. Peter Keegan, Deputy Attorney General for the Board to Review Claims, will brief 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.

7. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2017-03

Proposed Site Specific Board Determination (SSBD) to provide reduced Petroleum Fund Coverage for Terrible Herbst 272, 2395 North Rancho Drive, Las Vegas, Nevada
Facility ID No. 8-001810, Petroleum Fund Case ID No. 2016000027

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2017-03, as proposed, granting coverage under the State of Nevada Petroleum Fund to Terrible Herbst #272 for four releases, one release with a 40% reduction and 10% copayment and three releases with full coverage and 10% copayment, resulting in a weighted 10% total reduction. In addition, all cleanup costs incurred prior to January 13, 2016 shall be reimbursed with a 40% reduction.

8. SITE SPECIFIC BOARD DETERMINATION FOR RECONSIDERATION (FOR POSSIBLE ACTION)

Request for Reconsideration of Previous Site Specific Board Determination No. C2017-01

A request was made on behalf of Frederick Enterprises, LLC. for the Board to reconsider its previous March 2017 determination granting Fund coverage with a 40% reduction for the RSS #205 facility, located at 205 North McCarran Boulevard, Sparks, Nevada.
Petroleum Fund Case No. 2016000011, Facility ID No. 4-000328

NDEP has determined that the NDEP-approved Compliance Plan and Schedule meets the criteria established in Policy Resolution No. 2012-06, which allows NDEP to recommend that the Board reconsiders its previous determination.

RECOMMENDATION:

Reconsideration of Site Specific Board Determination C2017-01 to modify the existing 40% Coverage reduction condition, or take other action as appropriate.

9. POLICY RESOLUTION 2017-01 ABOVE GROUND STORAGE TANK ENROLLMENT REQUIREMENTS AND FUND COVERAGE REDUCTIONS (FOR POSSIBLE ACTION)

Proposed Policy Resolution 2017-01 requires ASTs with underground conveyance piping that cannot be visibly inspected to demonstrate line tightness, and if piping is steel, cathodic protection, upon enrollment into the Fund beginning fiscal year 2019 and annually thereafter. In addition, it stipulates reductions in Fund coverage for certain business practices that cause or are proximate to the cause of a release to the environment.

RECOMMENDATION:

Adoption of Policy Resolution No. 2017-01, which addresses AST enrollment requirements and also stipulates reductions in Fund coverage for certain business practices.

10. 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 - JUNE 8, 2017**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000020	University Of Nevada Reno: Albert Fragione Property	\$8,171.54	\$8,171.54
FOR POSSIBLE ACTION	2.	2007000013	Churchill County School District: Churc. Co. S.d. Bus Barn	\$7,061.71	\$7,061.71
FOR POSSIBLE ACTION	3.	2012000017	Churchill County School District: Old High School	\$9,001.31	\$9,001.31
FOR POSSIBLE ACTION	4.	2016000007	Rising Tides, Llc: Former Log House	\$3,160.00	\$3,160.00
FOR POSSIBLE ACTION	5.	2017000002	Rising Tides, Llc: Stone House	\$13,347.27	\$13,097.27
FOR POSSIBLE ACTION	6.	2017000008	Devin Knauft: Devin B. Knauft Property	\$10,720.87	\$10,470.87
FOR POSSIBLE ACTION	7.	2017000009	Carrie Lewis: Carrie J. Lewis Property	\$15,618.54	\$15,368.54
FOR POSSIBLE ACTION	8.	2017000010	Bill Stephens: William C. Stephens Residence	\$11,675.81	\$11,425.81
FOR POSSIBLE ACTION	9.	2017000016	Gail Humphreys: Kenneth R. Humphreys Residence	\$12,226.42	\$11,976.42
				SUB TOTAL:	
				<u>\$90,983.47</u>	<u>\$89,733.47</u>

<u>NEW CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2016000012	Dlf Corporation: Mr Ds Fastlane	\$11,338.56	\$10,204.70
				SUB TOTAL:	
				<u>\$11,338.56</u>	<u>\$10,204.70</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	1.	1992000126	Clark County School District: Rc White (Arville) Transportation Satellite	\$42,428.50	\$42,428.50
FOR POSSIBLE ACTION	2.	1993000103	Charlie Brown Construction: Charlie Brown Const.	\$6,857.20	\$6,720.06
FOR POSSIBLE ACTION	3.	1993000115	City Of Fallon: Former Bootlegger Texaco	\$8,134.55	\$8,134.55
FOR POSSIBLE ACTION	4.	1994000012	Breakthru Beverage: Frmr Deluca Liquor & Wine	\$40,764.96	\$40,762.96
FOR POSSIBLE ACTION	5.	1994000015	Pilger Family Holdings: Former D & G Oil Company	\$158,239.90	\$148,543.15
FOR POSSIBLE ACTION	6.	1994000067	Peppermill Casinos Inc: Frmr Peppermill Truckstop	\$1,060.00	\$1,060.00
FOR POSSIBLE ACTION	7. †	1994000113	Pilot Travel Centers Llc: Former Unocal Truck Stop #6328	\$13,007.89	\$13,008.30
FOR POSSIBLE ACTION	8.	1994000122	Michelsen's Gas A Mart, Inc: Mike's Chevron	\$4,275.64	\$4,275.64
FOR POSSIBLE ACTION	9.	1995000039	Al Park Petroleum Inc: Crescent Valley Market	\$83,380.95	\$73,737.85
FOR POSSIBLE ACTION	10.	1995000042	FBF Inc: Gas 4 Less	\$96,292.13	\$86,662.92
FOR POSSIBLE ACTION	11.	1995000094	Tropicana Entertainment Inc.: Montbleu Resort Casino & Spa	\$31,782.77	\$28,604.49
FOR POSSIBLE ACTION	12.	1996000063	Joan Pennachio: V & V Automotive	\$11,966.46	\$11,966.46
FOR POSSIBLE ACTION	13.	1996000101	Phillips 66 Company: Circle K #695	\$18,215.14	\$16,393.63
FOR POSSIBLE ACTION	14.	1997000008	Ewing Bros Inc: Ewing Bros INC	\$3,270.00	\$2,943.00
FOR POSSIBLE ACTION	15.	1998000046	Willdens Automotive Holdings: Frmr Allstate Rent A Car	\$36,493.29	\$32,671.87
FOR POSSIBLE ACTION	16.	1998000068	Phillips 66 Company: Conoco #28003	\$32,657.32	\$29,225.57
FOR POSSIBLE ACTION	17.	1999000014	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$28,231.16	\$25,408.04
FOR POSSIBLE ACTION	18.	1999000022	Terrible Herbst, INC.: Terrible Herbst #129 (Chevron)	\$8,222.04	\$7,399.84
FOR POSSIBLE ACTION	19.	1999000023	Nevada Ready Mix Corp: Nevada Ready Mix	\$8,988.00	\$8,089.20
FOR POSSIBLE ACTION	20.	1999000029	Terrible Herbst, INC.: Terrible Herbst #136 (Arco)	\$9,253.46	\$8,328.11
FOR POSSIBLE ACTION	21.	1999000064	Al Park Petroleum Inc: Pit Stop #4 (Conoco)	\$5,885.86	\$5,297.27
FOR POSSIBLE ACTION	22.	1999000066	HP Management, Llc: Former Haycock Petroleum	\$3,917.00	\$3,525.30
FOR POSSIBLE ACTION	23.	1999000086	Terrible Herbst, INC.: Terrible Herbst #126 (Arco)	\$1,111.25	\$1,000.13
FOR POSSIBLE ACTION	24.	1999000090	HP Management, Llc: Former Haycock Petroleum	\$14,797.50	\$13,317.75
FOR POSSIBLE ACTION	25.	1999000104	Terrible Herbst, INC.: Terrible Herbst #118 (Arco)	\$8,927.41	\$8,034.67
FOR POSSIBLE ACTION	26.	1999000135	Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$9,759.32	\$8,783.39
FOR POSSIBLE ACTION	27.	1999000137	Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$6,075.65	\$5,468.09
FOR POSSIBLE ACTION	28.	1999000167	City Of Las Vegas: Fire Station #1	\$5,652.39	\$5,652.39
FOR POSSIBLE ACTION	29.	1999000199	Village Springs, Llc: Lakeshore Orbit Station	\$25,711.57	\$25,711.57
FOR POSSIBLE ACTION	30.	1999000273	Mr. V. K. Leavitt: The Waterhole	\$29,313.65	\$26,382.28
FOR POSSIBLE ACTION	31.	2004000011	Travel Centers Of America: Wells Petro Truck Service	\$44,224.84	\$39,802.36
FOR POSSIBLE ACTION	32.	2005000002	Carson Valley Oil Co Inc: Carson Valley Oil CO	\$10,891.97	\$9,802.77
FOR POSSIBLE ACTION	33.	2005000036	Phillips 66 Company: Circle K #1791	\$5,763.45	\$4,149.68

FOR POSSIBLE ACTION	34.	2005000044	Ewing Bros Inc: Ewing Bros INC	\$22,007.18	\$19,806.46
FOR POSSIBLE ACTION	35.	2007000014	Ace Cab Company: Ace Cab Company	\$36,844.21	\$32,751.47
FOR POSSIBLE ACTION	36.	2008000005	Avis Rent A Car System Llc: Avis Rent A Car	\$35,745.78	\$31,807.06
FOR POSSIBLE ACTION	37.	2008000017	Big Daddy's Oil Llc: Arco Am/pm Mini Market	\$7,296.50	\$6,566.85
FOR POSSIBLE ACTION	38.	2008000018	Jacksons Food Stores Inc: Jacksons Food Stores #0145	\$10,031.22	\$9,028.10
FOR POSSIBLE ACTION	39.	2008000019	One Panou Llc: Golden Market #3	\$11,162.57	\$10,046.31
FOR POSSIBLE ACTION	40.	2009000017	D & J Holdings, Llc: Convenience Corner Shell	\$15,056.93	\$13,551.24
FOR POSSIBLE ACTION	41.	2010000001	Smitten Oil And Tire Co Inc: The Gas Store	\$4,305.82	\$3,875.24
FOR POSSIBLE ACTION	42.	2010000007	Pecos Express: Pecos Station	\$5,842.37	\$5,258.13
FOR POSSIBLE ACTION	43.	2010000010	Pacific Convenience & Fuels Llc: Victorian Foodmart	\$5,852.50	\$5,267.25
FOR POSSIBLE ACTION	44.	2011000009	Cimarron West: Cimarron West	\$5,706.29	\$5,135.66
FOR POSSIBLE ACTION	45.	2012000004	7-Eleven Inc: 7-Eleven #15426	\$172,401.33	\$155,134.85
FOR POSSIBLE ACTION	46.	2012000005	Aramark Corporation: Zephyr Cove Resort	\$41,456.36	\$37,310.72
FOR POSSIBLE ACTION	47.	2012000011	Golden Gate Petroleum Of Nevada Llc: Baldinis Grand Pavilion	\$6,170.92	\$5,553.83
FOR POSSIBLE ACTION	48.	2012000012	Dewey Has Gas, Inc: Smart Mart	\$50,120.47	\$45,108.43
FOR POSSIBLE ACTION	49.	2013000005	R B Properties Inc: South Pointe Market	\$26,563.81	\$23,907.43
FOR POSSIBLE ACTION	50.	2013000009	Western Petroleum: Western Petroleum	\$217,569.50	\$182,560.05
FOR POSSIBLE ACTION	51.	2013000011	Slots Unlimited, Llc: Village Shop #4	\$16,063.25	\$14,456.93
FOR POSSIBLE ACTION	52.	2013000015	Gary Cornwall: Gary Cornwall Property	\$3,913.00	\$3,913.00
FOR POSSIBLE ACTION	53.	2013000019	Hardy Enterprises Inc: Elko Sinclair #53	\$52,551.10	\$47,295.99
FOR POSSIBLE ACTION	54.	2014000004	Alsaker Corp: Broadway Colt Service Center	\$35,438.09	\$31,894.28
FOR POSSIBLE ACTION	55.	2014000016	Golden Gate S.e.t. Retail Of Nevada Llc: Golden Gate Facility #65 - Fallon	\$7,247.03	\$6,522.33
FOR POSSIBLE ACTION	56.	2014000025	Superior Campgrounds Of America Llc: Silver City Rv Resort	\$234,603.39	\$207,507.05
FOR POSSIBLE ACTION	57.	2014000033	Speedee Mart Inc: Speedee Mart #108	\$43,584.40	\$39,225.96
FOR POSSIBLE ACTION	58.	2014000041	Forever Resorts: Callville Bay Resort Marina	\$12,585.00	\$11,326.50
FOR POSSIBLE ACTION	59.	2015000005	Elko Acquisitions LLC dba Red Lion Chevron: Red Lion Chevron	\$9,209.41	\$8,288.47
FOR POSSIBLE ACTION	60.	2015000014	Abe Kaabipour: City Express	\$8,986.21	\$8,087.59
FOR POSSIBLE ACTION	61.	2015000034	Town Of Gardnerville: Eagle Gardnerville	\$6,642.50	\$5,978.25
FOR POSSIBLE ACTION	62.	2016000003	Washoe County School District: Dilworth Middle School	\$4,687.50	\$4,218.75
FOR POSSIBLE ACTION	63.	2016000005	Golden Gate S.e.t. Retail Of Nevada Llc: Golden Gate Facility #65 - Fallon	\$10,807.58	\$9,726.82
FOR POSSIBLE ACTION	64.	2016000006	Wendover Fuels Llc: Chevron	\$45,999.80	\$33,119.86
FOR POSSIBLE ACTION	65.	2016000023	Al Park Petroleum Inc: Pit Stop #1	\$26,003.29	\$18,722.37
FOR POSSIBLE ACTION	66.	2016000025	Topaz Lodge Inc: Topaz Lodge INC (Chevron)	\$19,662.39	\$17,696.15
SUB TOTAL:				<u>\$2,027,670.92</u>	<u>\$1,813,941.17</u>

Refund Reimbursements

FOR POSSIBLE ACTION 1. 1994000113 Pilot Travel Centers Llc: Former Unocal Truck Stop #6328

REQUESTED

RECOMMENDED

\$18,186.59

\$18,186.59

SUB TOTAL:

\$18,186.59

\$18,186.59

CLAIMS TOTAL:

\$2,148,179.54

\$1,932,065.93

11. EXECUTIVE SUMMARY (DISCUSSION)

NDEP will brief the Board on Fund coverage activities, Fund expenditures, tank enrollment status, Senate Bill 251 and Eagle Gas North cleanup status.

12. 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.

**13. CONFIRMATION OF NEXT BOARD MEETING DATE (DISCUSSION)
SEPTEMBER 7, 2017 (THURSDAY) AT 10:00 AM**

14. 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/bca/fundhome.htm> 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 Ms. 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 June 5, 2017.

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 Ms. 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.