

**STATE OF NEVADA BOARD TO REVIEW CLAIMS  
AGENDA  
DECEMBER 18, 2014**

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 18, 2014 at the following locations:

Carson City: Nevada Department of Transportation, 1301 Old Hot Springs Rd., Main Training Rm, Rm 121

Las Vegas: Nevada Department of Transportation, 123 E. Washington Ave., Training Room B

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.

**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 AGENDA (FOR POSSIBLE ACTION)**

**4. APPROVAL OF THE SEPTEMBER 16, 2014 MINUTES (FOR POSSIBLE ACTION)**

**5. 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).

**6. REQUEST FOR RECONSIDERATION OF EXISTING SITE SPECIFIC BOARD DETERMINATION. NDEP RECOMMENDS TO THE BOARD IF IT SHOULD RECONSIDER AN EXISTING DETERMINATION (FOR POSSIBLE ACTION)**

**A. Request for Reconsideration of Existing Site Specific Board Determination (SSBD)**

Village Shop #2, 4620 S. Boulder Hwy., Las Vegas, NV  
Petroleum Fund No. 2013000010, Facility ID No. 8-001827, SSBD No. 2013-01

This is a request for the Board to reconsider Village Shop #2's existing SSBD No. 2013-01, which allows Fund Coverage with a 20% reduction. The violation which triggered the reduction was approximately five (5) months delay in investigating a failed product line tightness test. The claimant is requesting the Board eliminates the reduction based upon the assertion that the violation did not increase the cleanup costs the Fund is responsible for reimbursing.

Although active remediation has not been required for this release, it is unknown whether the delay allowed contamination to reach groundwater, thereby increasing impacts to the environment and consequently the investigative costs. The "new information" (groundwater sampling data) provided with the claimant's request for a Board Reconsideration would not have impacted NDEP's original recommendation to the Board to provide coverage with a 40% reduction (ultimately reduced by the Board to 20%). **Therefore, NDEP recommends the Board does NOT reconsider existing SSBD No. 2013-01.**

7. **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 successfully appealed where the requested amount is less than the recommended amount.

**STATE BOARD TO REVIEW CLAIMS  
REQUESTED/RECOMMENDED AMOUNTS – DECEMBER 18, 2014**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000102H	Lyon County School District: Yerington Elementary	\$5,421.32	\$5,016.10
FOR POSSIBLE ACTION	2.	2007000013H	Churchill County School District: Bus Barn	\$15,155.65	\$15,155.65
FOR POSSIBLE ACTION	3.	2012000017H	Churchill Co. School District: Old High School	\$20,623.16	\$19,888.16
FOR POSSIBLE ACTION	4.	2013000012H	Roger & Gemma Mateossian: Mateossian Residence	\$4,327.85	\$4,327.85
FOR POSSIBLE ACTION	5.	2013000015H	Gary Cornwall: Gary Cornwall Property	\$2,266.35	\$2,266.35
FOR POSSIBLE ACTION	6.	2014000019H	JEF Enterprises: Next Generation Day Care	\$6,699.50	\$6,699.50
FOR POSSIBLE ACTION	7.	2014000021H	Town of Gardnerville: Former Eagle Gas - Gardnerville	\$770.00	\$770.00
FOR POSSIBLE ACTION	8.	2014000022H	Sanders Winnemucca, LLC: Ace Hardware	\$14,162.89	\$10,170.24
FOR POSSIBLE ACTION	9.	2014000031H	Larry Tuntland: Tuntland Property	\$6,204.39	\$6,204.39
FOR POSSIBLE ACTION	10.	2014000035H	Jay Olcott: Olcott Residence	\$23,507.93	\$23,257.93
FOR POSSIBLE ACTION	11.	2014000036H	Charlene Merle Herman: Former Herman Residence	\$9,551.55	\$9,301.55
FOR POSSIBLE ACTION	12.	2014000037H	D. Buhrmann: Buhrmann Residence	\$29,506.94	\$29,256.94
FOR POSSIBLE ACTION	13.	2014000038H	Charlene Merle Herman: Charlene Herman Residence	\$5,973.60	\$5,723.60
FOR POSSIBLE ACTION	14.	2014000039H	University of Nevada: UNR Humanities Dept.	\$28,993.50	\$27,945.00
FOR POSSIBLE ACTION	15.	2014000040H	Patricia Clock: Nozu Residence	\$11,615.81	\$11,365.81
<b>HEATING OIL SUB TOTAL:</b>				<b><u>\$184,780.44</u></b>	<b><u>\$177,349.07</u></b>

**NEW CASES, OTHER PRODUCTS**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>	
FOR POSSIBLE ACTION	1.	2013000003	7-Eleven, Inc.: 7-Eleven #25586	\$1,000.00	\$900.00
FOR POSSIBLE ACTION	2.	2014000001	The Primadonna Company, LLC: Whiskey Pete's	\$154,264.92	\$94,117.55
FOR POSSIBLE ACTION	3. †	2014000002	Chapmans Las Vegas Dodge: Chapman Dodge	\$0.00	\$20,238.49
FOR POSSIBLE ACTION	4.	2014000026	7-Eleven, Inc.: 7-Eleven #26637	\$43,273.27	\$38,945.94

**NEW CASES, OTHER PRODUCTS SUB TOTAL:      \$198,538.19                      \$154,201.98**

**ONGOING CASES/OTHER PRODUCTS**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>	
FOR POSSIBLE ACTION	1.	1991000039	7-Eleven, Inc.: 7-Eleven #29643	\$22,356.15	\$22,356.15
FOR POSSIBLE ACTION	2.	1993000102	Rebel Oil Company: Rebel #8	\$44,582.88	\$43,282.88
FOR POSSIBLE ACTION	3.	1993000103	Russell Yardley: Charlie Brown Construction	\$4,314.20	\$4,227.92
FOR POSSIBLE ACTION	4.	1993000115	City of Fallon: Former Bootlegger Texaco	\$5,901.78	\$5,901.78
FOR POSSIBLE ACTION	5.	1994000003	Allied Washoe: Allied Petroleum	\$8,158.85	\$8,158.85
FOR POSSIBLE ACTION	6.	1994000065	Avis Rent A Car Systems: Avis Rent A Car	\$31,094.88	\$10,619.65
FOR POSSIBLE ACTION	7.	1994000067	Peppermill, Inc.: Former Peppermill Truckstop	\$3,397.36	\$3,285.53
FOR POSSIBLE ACTION	8. †	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	\$27,161.96	\$27,193.94
FOR POSSIBLE ACTION	9.	1994000122	Mike's Gas-A-Mart: Mike's Gas-A-Mart	\$6,140.56	\$6,140.56
FOR POSSIBLE ACTION	10.	1995000012	N Nevada Asset Holdings LLC: Parker's Model T	\$26,190.52	\$20,743.45
FOR POSSIBLE ACTION	11.	1995000039	Al Park Petroleum, Inc.: Crescent Valley Market	\$19,929.52	\$17,936.57
FOR POSSIBLE ACTION	12.	1995000042	FBF Inc. dba Gas For Less: Gas For Less	\$52,669.33	\$36,649.71
FOR POSSIBLE ACTION	13.	1995000074	Vera Hester: Glendale Service Facility	\$54,875.96	\$48,713.36
FOR POSSIBLE ACTION	14.	1995000105	Redman Petroleum Corp.: Redman Petroleum	\$12,381.88	\$11,143.69
FOR POSSIBLE ACTION	15.	1995000142	7-Eleven, Inc.: 7-Eleven #29644	\$16,076.97	\$14,469.27
FOR POSSIBLE ACTION	16.	1996000063	Joan Pennachio: V&V Automotive	\$1,423.04	\$1,280.73
FOR POSSIBLE ACTION	17.	1996000101	Phillips 66 Company: Circle K #695	\$24,843.20	\$22,358.88
FOR POSSIBLE ACTION	18.	1996000102	Phillips 66 Company: Circle K #542	\$2,758.44	\$1,986.08
FOR POSSIBLE ACTION	19.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$2,855.00	\$2,569.50
FOR POSSIBLE ACTION	20.	1997000071	7-Eleven, Inc.: 7-Eleven #25586	\$262,357.75	\$240,276.73
FOR POSSIBLE ACTION	21.	1998000046	Willdens Automotive Holdings: Frmr Allstate Rent A Car	\$93,705.01	\$84,334.51
FOR POSSIBLE ACTION	22.	1998000068	Phillips 66 Company; Conoco #28003	\$28,880.28	\$23,742.26
FOR POSSIBLE ACTION	23.	1999000014	Al Park Petroleum: Conoco Pit Stop #7	\$32,958.51	\$29,662.66
FOR POSSIBLE ACTION	24.	1999000022	Terrible Herbst: Terrible Herbst #129	\$11,276.91	\$6,812.48

**ONGOING CASES/OTHER PRODUCTS: CONTINUED**

				<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>
FOR POSSIBLE ACTION	25.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$6,578.30	\$5,920.47
FOR POSSIBLE ACTION	26.	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$5,568.53	\$5,568.53
FOR POSSIBLE ACTION	27.	1999000052	Estate of Martin T Wessel: Ted's Chevron	\$13,490.36	\$12,141.32
FOR POSSIBLE ACTION	28.	1999000064	Al Park Petroleum, Inc.: Conoco Pit Stop	\$24,721.93	\$22,249.74
FOR POSSIBLE ACTION	29.	1999000066	HP Management LLC: Former Haycock Petroleum	\$13,130.36	\$11,817.32
FOR POSSIBLE ACTION	30.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	\$36,053.08	\$28,982.90
FOR POSSIBLE ACTION	31.	1999000090	HP Management LLC: Former Haycock Petroleum	\$39,417.03	\$34,638.33
FOR POSSIBLE ACTION	32.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	\$109,312.08	\$97,897.86
FOR POSSIBLE ACTION	33.	1999000114	City of Fallon: Fallon Maintenance Yard	\$6,092.78	\$5,483.50
FOR POSSIBLE ACTION	34.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$9,331.90	\$8,398.71
FOR POSSIBLE ACTION	35.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$12,382.65	\$11,144.38
FOR POSSIBLE ACTION	36.	1999000186	Gloria Gayle Pilger: Former D&G Oil Facility	\$45,326.72	\$40,054.10
FOR POSSIBLE ACTION	37.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$48,532.35	\$48,532.35
FOR POSSIBLE ACTION	38.	1999000243	7-Eleven, Inc.: 7-Eleven #27607	\$15,274.21	\$13,746.79
FOR POSSIBLE ACTION	39.	1999000257	University of Nevada: Newlands Agriculture	\$4,420.35	\$4,420.35
FOR POSSIBLE ACTION	40.	1999000273	V.K. Leavitt: The Waterhole	\$44,105.19	\$39,694.67
FOR POSSIBLE ACTION	41.	2004000011	TA Operating LLC: Four Way Truck Stop	\$22,591.30	\$20,000.97
FOR POSSIBLE ACTION	42.	2004000039	Clark Co. Dept. of Aviation: Former National Car Rental	\$28,817.92	\$28,817.92
FOR POSSIBLE ACTION	43.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$6,863.83	\$6,177.45
FOR POSSIBLE ACTION	44.	2005000025	Bordertown, Inc.: Winner's Corner	\$10,864.38	\$9,777.94
FOR POSSIBLE ACTION	45.	2005000036	Phillips 66 Company; Circle K #1791	\$2,675.29	\$1,926.21
FOR POSSIBLE ACTION	46.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$52,810.76	\$42,416.77
FOR POSSIBLE ACTION	47.	2007000014	Ace Cab Company: Ace Cab Company	\$25,639.05	\$21,922.88
FOR POSSIBLE ACTION	48.	2008000005	Avis Rent A Car Systems: Former Avis Rent A Car	\$4,762.40	\$4,215.29
FOR POSSIBLE ACTION	49.	2008000017	Francois Alvandi: Flamingo AM/PM #82153	\$24,372.47	\$13,161.14
FOR POSSIBLE ACTION	50.	2008000018	Jacksons Food Stores, Inc.: Former Terrible's #830	\$15,480.18	\$13,928.79
FOR POSSIBLE ACTION	51.	2008000019	One Panou, LLC: Stop N Shop #2	\$12,227.77	\$11,004.99
FOR POSSIBLE ACTION	52.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$22,714.97	\$20,443.47
FOR POSSIBLE ACTION	53.	2009000028	Vegas Rainbows, Inc.: Mick & Mac's Food Mart	\$16,702.23	\$15,128.92
FOR POSSIBLE ACTION	54.	2010000001	Smitten Oil & Tire Company: The Gas Store	\$7,105.10	\$6,394.59
FOR POSSIBLE ACTION	55.	2010000003	SIRA Truck Holdings LLP: Big Wheel Travel Center	\$600.00	\$540.00
FOR POSSIBLE ACTION	56.	2010000007	Pecos Express, Inc.: Pecos Express	\$12,845.45	\$11,560.90
FOR POSSIBLE ACTION	57.	2010000010	Pacific Convenience & Fuel: Victorian Food Mart	\$4,055.95	\$3,650.35

**ONGOING CASES/OTHER PRODUCTS: CONTINUED**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>	
FOR POSSIBLE ACTION	58.	2011000006	7-Eleven, Inc.: 7-Eleven #29384	\$7,511.38	\$6,760.24
FOR POSSIBLE ACTION	59.	2011000007	Echo Bay Marina, LLC: Echo Bay Marina	\$28,008.80	\$25,207.92
FOR POSSIBLE ACTION	60.	2011000009	Cimarron West: Cimarron West	\$55,634.68	\$50,071.21
FOR POSSIBLE ACTION	61.	2012000004	7-Eleven, Inc.: 7-Eleven #15426	\$23,416.75	\$20,379.83
FOR POSSIBLE ACTION	62.	2012000005	ARAMARK Corporation: Zephyr Cove Resort	\$190,753.83	\$130,574.91
FOR POSSIBLE ACTION	63.	2012000011	Golden Gate Petroleum: Baldini's Grand Pavilion	\$4,059.13	\$3,653.21
FOR POSSIBLE ACTION	64.	2012000020	Francois Alvandi: Charleston AM/PM #85155	\$4,682.25	\$4,214.02
FOR POSSIBLE ACTION	65.	2012000022	7-Eleven, Inc.: 7-Eleven #26873	\$7,601.78	\$6,841.61
FOR POSSIBLE ACTION	66.	2012000023	Bently Enterprises, LLC: Former Cowboys Corner	\$9,116.16	\$8,204.55
FOR POSSIBLE ACTION	67.	2013000009	Western Petroleum: Western Petroleum	\$14,807.25	\$13,326.52
FOR POSSIBLE ACTION	68.	2013000010	Slots Unlimited, LLC, Village Shop #2	\$3,921.25	\$2,823.30
FOR POSSIBLE ACTION	69.	2013000011	Slots Unlimited, LLC, Village Shop #4	\$93,287.40	\$81,361.26
FOR POSSIBLE ACTION	70.	2013000019	Hardy Enterprises, Inc.: Sinclair Mini-Mart	\$1,762.50	\$1,586.25
FOR POSSIBLE ACTION	71.	2013000021	7-Eleven, Inc.: 7-Eleven #27700	\$28,412.73	\$25,571.46
FOR POSSIBLE ACTION	72.	2014000003	Sterling-UN Reno, LLC: Former Luce & Sons	\$11,594.94	\$6,738.75
FOR POSSIBLE ACTION	73.	2014000004	Alsaker Corporation: Broadway Colt Service Center	\$4,251.92	\$3,826.72
FOR POSSIBLE ACTION	74.	2014000007	7-Eleven, Inc.: 7-Eleven #29658	\$17,015.16	\$15,313.64
FOR POSSIBLE ACTION	75.	2014000008	Highland Store Inc.: Bi Rite Market	\$1,890.50	\$1,361.16
FOR POSSIBLE ACTION	76.	2014000014	7-Eleven, Inc.: 7-Eleven #27904	\$18,819.85	\$16,937.87
FOR POSSIBLE ACTION	77.	2014000016	Fran Smitten: Smedley's Chevron	\$27,656.16	\$24,890.54
FOR POSSIBLE ACTION	78.	2014000029	Red Lion Hotel & Casino: Red Lion Chevron	\$40,593.30	\$36,533.97

**ONGOING CASES/OTHER PRODUCTS SUB TOTAL:    \$2,095,955.53                    \$1,801,785.98**

**REQUESTED                                    RECOMMENDED**

**CLAIMS TOTAL:            \$2,479,274.16                    \$2,133,337.03**

**8. EXECUTIVE SUMMARY (DISCUSSION)**

Bureau of Corrective Actions staff will report to the Board on tank enrollment status, reimbursement activity, cumulative Fund expenditures, updates on program activities, contract with Lewis Roca Rothgerber, LLP and other items that warrant attention or that may be of concern to the Board.

**9. 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.

**10. CONFIRMATION OF NEXT BOARD MEETING DATE (DISCUSSION)  
MARCH 12, 2015 (THURSDAY) at 10:00 am**

**11. ADJOURNMENT**

**This agenda will be posted no later than three 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, 1001 E. 9<sup>th</sup> 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

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

State of Nevada, Environmental Protection, Bureau of 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 December 15, 2014.

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 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](mailto:vjoncas@ndep.nv.gov), or by calling (775) 687-9369.