

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 2, 2016**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 a.m. on Thursday, June 2, 2016 at the following locations:

Carson City: Nevada Legislative Building, 401 S. Carson St., Rm. 2134

Las Vegas: Grant Sawyer Building, 555 E. Washington Ave., Rm. 4412

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. ELECTION OF VICE-CHAIRMAN (FOR POSSIBLE ACTION)

4. APPROVAL OF THE AGENDA (FOR POSSIBLE ACTION)

5. APPROVAL OF THE MARCH 15, 2016 MINUTES (FOR POSSIBLE ACTION)

6. 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).

7. CONTROLLER’S OFFICE – COLLECTION STATUS UPDATE (FOR DISCUSSION)

Mr. James Smack, Chief Deputy of the Controller’s Office, will update the Board on the status of the collection efforts related to the Eagle Gas North station located in Carson City.

8. REQUEST FOR RECONSIDERATION OF SITE SPECIFIC BOARD DETERMINATION (SSBD) #C2014-05 (FOR POSSIBLE ACTION)

On June 12, 2014, the Board approved SSBD #C2014-05, which provides Petroleum Fund Coverage with a 40% reduction to Silver City RV Resort, located at 3164 US Highway 395 North, Minden, NV, Petroleum Fund No. 2014000025, Facility ID No. 2-000075.

Silver City RV Resort is requesting that the Board reconsider SSBD #C2014-05 and eliminate the 40% reduction in exchange for Silver City RV Resort implementing a NDEP-approved Compliance Plan and Schedule that expedites the cleanup and closure of the corrective action site.

The Board previously approved Policy Resolution No. 2012-06, which establishes criteria for the Board to reconsider a Site Specific Board Determination. The Board may make an exception to a Policy Resolution based upon the facts of a case. NDEP recommends the Board reconsider SSBD #C2014-05 and, in exchange for the successful implementation of the approved Compliance Plan and Schedule, eliminate the 40% coverage reduction with the stipulation that if Silver City RV Resort fails to comply with the Compliance Plan and Schedule, the original coverage conditions of SSBD #C2014-05 with a 40% reduction will be automatically reinstated.

9. ADOPTION OF PERMANENT REGULATORY PETITION R009-16 (FOR POSSIBLE ACTION)

The proposed amendments to NAC chapter 590 contained in LCB File No. R009-16 are necessary for the NAC to better represent current industry practices associated with the Petroleum Fund. Two workshops were held to obtain input from Certified Environmental Managers, industry and any other interested member of the public. The proposed regulations will increase the value of corrective action costs that require three competitive bids; increase the timeframe to 60 days for submittal of documentation that indicates the owner has paid Fund money to contractors/vendors within 30 days; provide a mechanism to reclaim refunded Fund money; and will delay Board reimbursement approval for subsequent claims for failure to meet the deadlines of the 60 day submittal or the 30 day payment requirements.

10. 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.

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 2, 2016

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1994000008H	James Tuxon, LLC	\$9,992.30	\$9,992.30
FOR POSSIBLE ACTION	2.	2007000013H	Churchill County School District: Bus Barn	\$5,602.60	\$5,602.60
FOR POSSIBLE ACTION	3.	2012000015H	Don Sinnar: Sinnar Residence	\$2,972.50	\$2,972.50
FOR POSSIBLE ACTION	4.	2012000017H	Churchill Co. School District: Old High School	\$12,726.30	\$12,726.30
FOR POSSIBLE ACTION	5.	2013000012H	Roger & Gemma Mateossian: Mateossian Residence	\$6,893.40	\$6,893.40
FOR POSSIBLE ACTION	6.	2013000015H	Gary Cornwall: Gary Cornwall Property	\$604.00	\$604.00
FOR POSSIBLE ACTION	7.	2014000021H	Town of Gardnerville: Former Eagle Gas - Gardnerville	\$1,760.00	\$1,760.00
FOR POSSIBLE ACTION	8.	2015000020H	Lauren Evans: Evans Residence	\$7,440.00	\$7,440.00
FOR POSSIBLE ACTION	9.	2015000022H	Reno Land Development Co.: Rancharra - Beedle House	\$274,891.28	\$101,465.65
FOR POSSIBLE ACTION	10.	2015000023H	Reno Land Development Co.: Rancharra - Wright House	\$63,950.55	\$63,950.55
FOR POSSIBLE ACTION	11.	2015000028H	John L. Gillmartin: Gillmartin Residence	\$4,482.70	\$4,482.70
FOR POSSIBLE ACTION	12.	2015000029H	Sandy Kerr: Kerr Property	\$2,922.60	\$2,922.60
FOR POSSIBLE ACTION	13.	2015000033H	Alayne Meeks: Meeks Residence	\$685.00	\$685.00

HEATING OIL: CONTINUED

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	14.	2016000001H	Lifestyle Homes Foundation: Project Solution Community	\$18,657.94	\$18,407.94
FOR POSSIBLE ACTION	15.	2016000004H	Held Properties: Rolling Wheel Manor	\$1,357.50	\$1,357.50
FOR POSSIBLE ACTION	16.	2016000007H	Rising Tides, LLC: Former Log House	\$1,940.00	\$1,690.00
FOR POSSIBLE ACTION	17.	2016000008H	Stephen Williams: Williams Property	\$18,188.08	\$17,938.08
HEATING OIL SUB TOTAL:				<u>\$435,066.75</u>	<u>\$260,891.12</u>

NEW CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2015000030	Interstate Oil Company: Interstate Oil Company	\$18,106.00	\$16,295.40
FOR POSSIBLE ACTION	2.	2016000005	Golden Gate/SET Retail: Golden Gate Petroleum	\$74,343.40	\$66,909.06
NEW CASES, OTHER PRODUCTS SUB TOTAL:				<u>\$92,449.40</u>	<u>\$83,204.46</u>

ONGOING CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000102	Rebel Oil Company: Rebel #8	\$170,335.48	\$153,016.62
FOR POSSIBLE ACTION	2.	1993000103	Russell Yardley: Charlie Brown Construction	\$13,683.20	\$13,303.65
FOR POSSIBLE ACTION	3.	1993000115	City of Fallon: Former Bootlegger Texaco	\$6,455.53	\$6,455.53
FOR POSSIBLE ACTION	4.	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	\$7,108.06	\$7,108.06
FOR POSSIBLE ACTION	5.	1994000122	Mike's Gas-A-Mart: Mike's Gas-A-Mart	\$4,596.42	\$4,596.42
FOR POSSIBLE ACTION	6.	1995000012	N Nevada Asset Holdings LLC: Parker's Model T	\$5,992.34	\$4,268.10
FOR POSSIBLE ACTION	7.	1995000039	Al Park Petroleum, Inc.: Crescent Valley Market	\$23,950.62	\$21,555.55
FOR POSSIBLE ACTION	8.	1995000042	FBF Inc. dba Gas For Less	\$13,000.05	\$11,340.95
FOR POSSIBLE ACTION	9.	1995000105	Redman Petroleum Corp.: Redman Petroleum	\$19,272.09	\$16,115.94
FOR POSSIBLE ACTION	10.	1996000063	Joan Pennachio: V&V Automotive	\$19,217.04	\$19,217.04
FOR POSSIBLE ACTION	11.	1996000064	H&A Esslinger, LLC: Red Rock Mini Mart	\$166,300.38	\$161,283.86
FOR POSSIBLE ACTION	12.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$3,200.00	\$2,880.00
FOR POSSIBLE ACTION	13.	1998000046	Willdens Automotive Holdings: Frmr Allstate Rent A Car	\$22,347.72	\$20,112.95
FOR POSSIBLE ACTION	14.	1998000080	Seven Crown Resorts, Inc.: Echo Bay Resort	\$3,813.50	\$3,432.15
FOR POSSIBLE ACTION	15.	1999000014	Al Park Petroleum: Conoco Pit Stop #7	\$28,213.76	\$25,392.38
FOR POSSIBLE ACTION	16.	1999000022	Terrible Herbst: Terrible Herbst #129	\$3,453.75	\$3,108.38

ONGOING CASES: CONTINUED

<u>ONGOING CASES: CONTINUED</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	17.	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$14,365.32	\$11,546.93
FOR POSSIBLE ACTION	18.	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$7,531.34	\$7,531.34
FOR POSSIBLE ACTION	19.	1999000064	Al Park Petroleum, Inc.: Conoco Pit Stop	\$6,666.84	\$6,000.15
FOR POSSIBLE ACTION	20.	1999000066	HP Management LLC: Former Haycock Petroleum	\$4,705.25	\$4,234.72
FOR POSSIBLE ACTION	21.	1999000090	HP Management LLC: Former Haycock Petroleum	\$16,230.25	\$14,607.22
FOR POSSIBLE ACTION	22.	1999000104	Terrible Herbst Oil Co.: Terrible Herbst #118	\$2,665.70	\$2,399.13
FOR POSSIBLE ACTION	23.	1999000114	City of Fallon: Fallon Maintenance Yard	\$5,391.41	\$4,852.27
FOR POSSIBLE ACTION	24.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$4,875.45	\$4,387.91
FOR POSSIBLE ACTION	25.	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$6,845.60	\$6,161.04
FOR POSSIBLE ACTION	26.	1999000167	City of Las Vegas: Fire Station #1	\$4,370.52	\$4,370.52
FOR POSSIBLE ACTION	27.	1999000186	Gloria Gayle Pilger: Former D&G Oil Facility	\$40,576.49	\$33,818.84
FOR POSSIBLE ACTION	28.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$70,650.21	\$70,650.21
FOR POSSIBLE ACTION	29.	1999000257	University of Nevada: Newlands Agriculture	\$4,502.10	\$4,502.10
FOR POSSIBLE ACTION	30.	1999000273	V.K. Leavitt: The Waterhole	\$33,879.88	\$30,491.89
FOR POSSIBLE ACTION	31.	2004000011	TA Operating LLC: Four Way Truck Stop	\$49,658.54	\$44,691.32
FOR POSSIBLE ACTION	32.†	2004000039	Clark Co. Dept. of Aviation: Former National Car Rental	\$0.00	\$1,880.94
FOR POSSIBLE ACTION	33.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$10,429.94	\$9,386.89
FOR POSSIBLE ACTION	34.	2005000025	Bordertown, Inc.: Winner's Corner	\$397.50	\$357.75
FOR POSSIBLE ACTION	35.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$19,180.62	\$15,536.31
FOR POSSIBLE ACTION	36.	2007000014	Ace Cab Company: Ace Cab Company	\$47,441.55	\$42,697.40
FOR POSSIBLE ACTION	37.	2007000016	TOC Holdings Company: Former Time Oil #6-100	\$8,818.38	\$7,936.54
FOR POSSIBLE ACTION	38.	2008000005	Avis Rent A Car Systems: Former Avis Rent A Car	\$142,626.32	\$121,655.40
FOR POSSIBLE ACTION	39.	2008000017	Francois Alvandi: Flamingo AM/PM #82153	\$19,314.98	\$10,290.37
FOR POSSIBLE ACTION	40.	2008000018	Jacksons Food Stores, Inc.: Former Terrible's #830	\$111,250.64	\$90,122.95
FOR POSSIBLE ACTION	41.	2008000019	One Panou, LLC: Stop N Shop #2	\$10,571.18	\$9,514.07
FOR POSSIBLE ACTION	42.	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$17,945.63	\$16,151.07
FOR POSSIBLE ACTION	43.	2009000024	Aman Singh: Chuck's Circle C	\$22,675.72	\$20,404.77
FOR POSSIBLE ACTION	44.	2009000028	Vegas Rainbows, Inc.: Mick & Mac's Food Mart	\$26,004.10	\$22,818.60
FOR POSSIBLE ACTION	45.	2010000001	Smitten Oil & Tire Company: The Gas Store	\$6,970.00	\$5,686.58
FOR POSSIBLE ACTION	46.	2010000007	Pecos Express, Inc.: Pecos Express	\$4,621.13	\$4,159.01
FOR POSSIBLE ACTION	47.	2010000010	Pacific Convenience & Fuel: Victorian Food Mart	\$3,688.30	\$3,319.47
FOR POSSIBLE ACTION	48.	2011000007	Echo Bay Marina, LLC: Echo Bay Marina	\$14,385.00	\$12,946.50
FOR POSSIBLE ACTION	49.	2011000009	Cimarron West: Cimarron West	\$4,235.08	\$3,811.57

ONGOING CASES: CONTINUED

<u>ONGOING CASES: CONTINUED</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	50.	2012000004	7-Eleven, Inc.: 7-Eleven #15426	\$126,391.85	\$89,317.91
FOR POSSIBLE ACTION	51.	2012000005	ARAMARK Corporation: Zephyr Cove Resort	\$29,636.69	\$26,313.02
FOR POSSIBLE ACTION	52.	2012000011	Golden Gate Petroleum: Baldini's Grand Pavilion	\$3,565.30	\$3,208.77
FOR POSSIBLE ACTION	53.	2012000012	Dewey Has Gas, Inc.: Smart Mart	\$29,695.03	\$26,725.52
FOR POSSIBLE ACTION	54.	2013000005	RB Properties, Inc.: South Pointe Market	\$8,218.58	\$7,396.72
FOR POSSIBLE ACTION	55.	2013000009	Western Petroleum: Western Petroleum	\$10,999.75	\$9,899.78
FOR POSSIBLE ACTION	56.	2013000011	Slots Unlimited, LLC, Village Shop #4	\$17,154.98	\$14,066.54
FOR POSSIBLE ACTION	57.	2013000019	Hardy Enterprises, Inc.: Sinclair Mini-Mart	\$13,595.83	\$12,236.25
FOR POSSIBLE ACTION	58.	2014000003	Sterling-UN Reno, LLC: Former Luce & Sons	\$4,688.70	\$4,219.83
FOR POSSIBLE ACTION	59.	2014000004	Alsaker Corporation: Broadway Colt Service Center	\$53,867.62	\$48,480.85
FOR POSSIBLE ACTION	60.	2014000016	Fran Smitten: Smedley's Chevron	\$10,312.97	\$9,281.67
FOR POSSIBLE ACTION	61.	2014000020	Ken & Bonnie Goodness: Waterhole Truck Plaza	\$4,834.75	\$4,351.27
FOR POSSIBLE ACTION	62.	2014000025	Superior Campgrounds of America: Silver City RV Resort	\$7,524.50	\$4,063.23
FOR POSSIBLE ACTION	63.	2014000033	Speedee Mart, Inc.: Speedee Mart #108	\$6,378.75	\$5,740.87
FOR POSSIBLE ACTION	64.	2014000041	Callville Bay Resort Marina: Callville Bay Resort	\$23,153.00	\$20,837.70
FOR POSSIBLE ACTION	65.	2015000005	Red Lion Hotel & Casino: Red Lion Chevron	\$6,005.65	\$5,405.09
FOR POSSIBLE ACTION	66.	2015000014	City Express: City Express	\$22,410.07	\$10,169.07
FOR POSSIBLE ACTION	67.	2015000034	City of Gardnerville: Former Eagle Gas	\$6,913.90	\$6,222.51

ONGOING CASES/OTHER PRODUCTS SUB TOTAL: \$1,639,758.83 \$1,430,045.96

REQUESTED RECOMMENDED

CLAIMS TOTAL: \$2,167,274.98 \$1,774,141.54

11. EXECUTIVE SUMMARY (DISCUSSION)

NDEP will report to the Board on the following: tank enrollment status, reimbursement activity, cumulative Fund expenditures, interactive database status, Attorney General contract, a pending reimbursement issue that has been resolved and an “Eagle Gas North” status update.

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 8, 2016 (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: <http://ndep.nv.gov/bca/fundhome.htm> . It is also posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and the Department of Administration'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, 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 May 30, 2016.

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, or by calling (775) 687-9369.