

Meeting Agenda

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
MARCH 10, 2022**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Thursday, March 10, 2022 at the following locations:

Carson City: This meeting will be held by video/teleconference in accordance with Assembly Bill 253 (Amends NRS 241). Participation information is provided below the agenda.

Las Vegas: See above

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. PUBLIC HEARING FOR PROPOSED AMENDMENTS OF CHAPTER 445C OF THE NEVADA ADMINISTRATIVE CODE (FOR DISCUSSION)

Staff will present a summary of proposed amendments to Petroleum Fund requirements outlined in Chapter 445C of the Nevada Administrative Code (LCB File No. R049-21) and introduce non-substantive revisions for the Board's consideration.

The proposed amendments include: (1) Revising the definition of small business as it pertains to coverage of petroleum discharges from storage tank systems and eligibility of operators to obtain grants to defray storage tank infrastructure upgrade costs; (2) Clarifying storage tank testing and record keeping requirements, (3) Establishing deadlines for submittals of applications for coverage and claims for reimbursement, (4) Amendment of requirements demonstrating proof of payment to contractors and vendors following reimbursement of a claim, (5) Clarification of grant allocations to operators that have demonstrated a financial need to defray costs to upgrade storage tanks, and (6) Updating general citations and dates. A copy of the regulation to be considered can be reviewed on the following website: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/whats-new-in-petroleum-fund>

The Board will hear oral comments from the public followed by any written comments received on the regulatory amendments and staff proposed revisions described above. The Board will consider and discuss all comments received.

4. ADOPTION OF PROPOSED AMENDMENTS TO NAC 445C; LCB PROPOSED DRAFT R049-21 (FOR POSSIBLE ACTION)

Staff will recommend Board adoption of proposed draft regulations under LCB File No. R049-21 with the inclusion of NDEP's proposed revisions as presented during the public hearing.

5. APPROVAL OF THE DECEMBER 09, 2021 MINUTES (FOR POSSIBLE ACTION)

6. 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.

7. AMEND CEM COST GUIDELINES TASK J.1 AND J.2 SOIL DISPOSAL RATE (FOR POSSIBLE ACTION)

Staff will recommend the Board adopt an increase in the soil disposal rate from \$80 to \$100 per ton under Task J.1 and J.2 of the CEM Cost Guidelines (Board Policy Resolution 2001-05)

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 - MARCH 10, 2022**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80197	Churchill County School District: Old High School	\$4,365.46	\$4,365.46
FOR POSSIBLE ACTION	2.	2018000043; 80156	Mr. William Kennedy: William Kennedy Residential Heating Oil Tank	\$8,017.35	\$8,003.12
FOR POSSIBLE ACTION	3.	2021000010; 80131	CA Student Living Reno III, LLC: Reno Student Living III, LLC At 333 9th St	\$40,962.25	\$37,228.50
SUB TOTAL:				<u>\$53,345.06</u>	<u>\$49,597.08</u>
<u>NEW CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2021000026; 80104	7-Eleven Inc: 7-Eleven #25578	\$26,314.76	\$23,674.28
FOR POSSIBLE ACTION	2.	2021000027; 80208	Horizon C Stores LLC: Horizon Market #5	\$20,559.04	\$18,462.64
SUB TOTAL:				<u>\$46,873.80</u>	<u>\$42,136.92</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	1.	1992000126; 80152	Clark County School District: Rc White (Arville) Transportation Satellite	\$19,411.52	\$19,411.52
FOR POSSIBLE ACTION	2.	1995000039; 80187	Al Park Petroleum Inc: Crescent Valley Market	\$13,663.61	\$12,297.25
FOR POSSIBLE ACTION	3.	1995000042; 80007	FBF INC: Gas 4 Less	\$21,919.24	\$19,727.32
FOR POSSIBLE ACTION	4.	1996000064; 80205	The Esslinger Family Trust: Red Rock Mini Mart	\$10,953.22	\$10,624.62
FOR POSSIBLE ACTION	5.	1998000075; 80189	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$29,405.50	\$26,464.95
FOR POSSIBLE ACTION	6.	1999000014; 80190	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,881.83	\$5,293.65
FOR POSSIBLE ACTION	7.	2004000011; 80191	Hpt Ta Properties Trust: Wells Petro Truck Service	\$2,712.50	\$2,441.25
FOR POSSIBLE ACTION	8.	2007000014; 80212	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$38,036.07	\$33,864.72
FOR POSSIBLE ACTION	9.	2007000016; 80192	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$19,386.33	\$17,339.70
FOR POSSIBLE ACTION	10.	2008000019; 80188	One Panou LLC: Golden Market #3	\$22,554.82	\$18,240.86
FOR POSSIBLE ACTION	11.	2010000009; 80200	Hpt Ta Properties Trust: Mill City Travel Center	\$23,194.19	\$18,787.29
FOR POSSIBLE ACTION	12.	2011000009; 80196	Cimarron West: Cimarron West	\$19,584.47	\$17,101.93
FOR POSSIBLE ACTION	13.	2013000019; 80201	Hardy Enterprises INC: Elko Sinclair #53	\$16,495.01	\$14,845.51
FOR POSSIBLE ACTION	14.	2014000004; 80199	Alsaker Corp: Broadway Colt Service Center	\$8,890.27	\$7,472.04
FOR POSSIBLE ACTION	15.	2014000016; 80194	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$2,613.62	\$2,352.26
FOR POSSIBLE ACTION	16.	2014000025; 80195	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$24,741.68	\$22,267.51
FOR POSSIBLE ACTION	17.	2016000005; 80203	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$2,558.62	\$2,302.76
FOR POSSIBLE ACTION	18.	2016000009; 80161	7-Eleven Inc: 7-Eleven #13685	\$20,813.05	\$18,731.75
FOR POSSIBLE ACTION	19.	2016000012; 80209	DLF Corporation: Mr Ds Fastlane	\$4,440.58	\$3,929.85
FOR POSSIBLE ACTION	20.	2016000023; 80204	Al Park Petroleum Inc: Pit Stop #1	\$14,040.79	\$10,102.17
FOR POSSIBLE ACTION	21.	2017000015; 80061	Ellen 5 LLC: Green Valley Grocery #63	\$29,677.11	\$26,709.40
FOR POSSIBLE ACTION	22.	2017000035; 80182	Rebel Oil Company: Rebel Store #2177	\$23,116.56	\$20,058.35
FOR POSSIBLE ACTION	23.	2019000044; 80159	7-Eleven Inc: 7-Eleven #15829	\$36,935.34	\$33,241.74
FOR POSSIBLE ACTION	24.	2020000015; 80206	Canyon Plaza, LLC: Gas 2 Go	\$19,729.98	\$10,654.19
FOR POSSIBLE ACTION	25.	2020000016; 80193	LV Petroleum LLC: Us Gas #7	\$6,649.50	\$5,984.55
FOR POSSIBLE ACTION	26.	2020000046; 80207	Midjit Market Inc: Green Valley Grocery #34	\$6,348.86	\$3,428.39
			SUB TOTAL:	<u>\$443,754.27</u>	<u>\$383,675.53</u>
			RECOMMENDED CLAIMS TOTAL:	<u>\$543,973.13</u>	<u>\$475,409.53</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

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2021000030; 80160 597 Grand Canyon Reno LLC: 597 Grand Canyon Reno LLC	\$16,978.50	\$16,728.50
FOR DISCUSSION	2.	2021000035; 80151 Edward & Linda Halicki: Residential Heating Oil Tank At 19605 Paddlewheel Lane	\$17,238.46	\$16,988.46
FOR DISCUSSION	3.	2021000036; 80155 Richie Bednarski: Residential Heating Oil Tank At 953 Yori Ave, Reno	\$22,552.10	\$22,302.10
FOR DISCUSSION	4.	2021000037; 80158 Nicolette Paulsen: Residential Heating Oil Tank At 820 Bates Ave	\$25,405.59	\$25,155.59
FOR DISCUSSION	5.	2021000039; 80169 Craig Depolo: Residential Heating Oil Tank At 11125 Vincent Lane, Reno	\$34,815.62	\$34,565.62
FOR DISCUSSION	6.	2022000001; 80184 Robert & Judith Winzeler: Residential Heating Oil Tank At 1579 Belford Rd	\$14,962.47	\$14,712.47
FOR DISCUSSION	7.	2022000002; 80215 Bajwa Properties LLC: Bajwa Properties At 49 High Street	\$22,327.90	\$22,077.90
FOR DISCUSSION	8.	2022000003; 80217 Matthew Rutledge: Residential Heating Oil Tank At 1085 Sharon Way	\$23,794.30	\$23,544.30
SUB TOTAL:			<u>\$178,074.94</u>	<u>\$176,074.94</u>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80178 Rebel Oil Company: Rebel Store #2008	\$8,325.75	\$8,325.75
FOR DISCUSSION	2.	1994000015; 80170 Pilger Family Holdings: Former D & G Oil Company	\$26,409.87	\$26,353.90
FOR DISCUSSION	3.	1999000022; 80165 Terrible Herbst Oil Company Inc: Terrible Herbst #129	\$6,558.88	\$5,902.99

FOR DISCUSSION	4.	1999000023; 80177	Nevada Ready Mix Corp: Nevada Ready Mix	\$26,066.65	\$23,459.99	
FOR DISCUSSION	5.	1999000066; 80171	HP Management, LLC: Former Haycock Petroleum	\$28,467.71	\$25,620.94	
FOR DISCUSSION	6.	1999000086; 80167	Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$4,666.25	\$3,997.13	
FOR DISCUSSION	7.	1999000104; 80166	Terrible Herbst Oil Company Inc: Terrible Herbst #118	\$2,665.00	\$2,398.50	
FOR DISCUSSION	8.	2012000012; 80142	Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$27,029.25	\$24,265.57	
FOR DISCUSSION	9.	2013000009; 80185	Western Petroleum: Western Petroleum Of Nevada	\$81,804.60	\$73,624.14	
FOR DISCUSSION	10.	2013000011; 80172	Har Moor Investments, LLC: Village Shop #4	\$20,185.75	\$18,167.17	
FOR DISCUSSION	11.	2014000033; 80175	Speedee Mart INC: Speedee Mart #108	\$20,655.90	\$18,590.31	
FOR DISCUSSION	12.	2016000027; 80168	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$16,050.00	\$13,000.50	
FOR DISCUSSION	13.	2017000019; 80183	Rebel Oil Company: Rebel Store #2197	\$27,165.68	\$24,449.11	
FOR DISCUSSION	14.	2018000005; 80179	Rebel Oil Company: Rebel Store # 2153	\$14,312.75	\$12,881.47	
FOR DISCUSSION	15.	2019000001; 80180	Rebel Oil Company: Rebel Store #2160	\$5,545.00	\$4,990.50	
FOR DISCUSSION	16.	2019000002; 80181	Rebel Oil Company: Rebel Store #2166	\$10,644.75	\$9,580.27	
FOR DISCUSSION	17.	2019000005; 80174	Fairway Chevrolet Co: Fairway Chevrolet CO	\$9,434.25	\$8,490.83	
FOR DISCUSSION	18.	2019000014; 80173	Western Cab Co: Western Cab CO	\$6,082.25	\$5,474.03	
				SUB TOTAL:	<u>\$342,070.29</u>	<u>\$309,573.10</u>
				DIRECT PAYMENT CLAIMS TOTAL:	<u>\$520,145.23</u>	<u>\$485,648.04</u>
				BOARD MEETING CLAIMS TOTAL:	<u>\$1,064,118.36</u>	<u>\$961,057.57</u>

10. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on tank enrollment status, Fund coverage activities, Fund expenditures to-date, and current audit progress.

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) JUNE 9, 2022 (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:

- Board to Review Claims meetings webpage at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>
- Department of Administration's website at: <https://notice.nv.gov>.
- Legislative Counsel Bureau's website: <https://www.leg.state.nv.us/App/Notice/A/>

Additional physical postings were requested at the following locations:

- Department of Conservation and Natural Resources, Richard H. Bryan Bldg., 901 S. Stewart St., 1st floor, Carson City, NV 89701
- NDEP -Bureau of Corrective Actions, Richard H. Bryan Bldg., 901 S. Stewart St., 3rd floor, Carson City, NV 89701
- NDEP - Bureau of Corrective Actions, 375 E. Warm Springs Road, Suite 200, Las Vegas, NV 89119
- Legislative Counsel Bureau, Nevada Legislative Bldg., 401 S. Carson St., Carson City, NV 89701
- Legislative Counsel Bureau, Grant Sawyer Bldg., 555 E. Washington Ave., Rm #1003, Las Vegas, NV 89101
- Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701
- Downtown Reno Library, 301 S. Center St. Reno, NV 89501
- Elko County Library, 720 Court St., Elko, NV 89801

Viewing of and participation in the March 10, 2022 Board to Review Claims Meeting will be available via video/teleconference, and attendance by these means are encouraged. Meeting access information is listed below:

Videoconference: <https://call.lifesizecloud.com/12908775>

Teleconference: Call in by Phone (audio only)

United States: +1 (877) 422-8614

Meeting extension: 12908775#

The agency can accommodate limited seating at the meeting location if requested in advance. Members of the public that need prior assistance to participate in the meeting or wish to submit a written public comment to be read aloud during the meeting should contact Michael Cabbie by email at mcabbie@ndep.nv.gov, by calling (775) 687-9488, in writing at NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or by facsimile (775) 687-8335 no later than March 7, 2022.

Note: Supporting material for this meeting and prior meeting minutes are posted on the Board to Review Claims meetings webpage at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>. Audio recordings of previous meetings are located in the Nevada Division of Environmental Protection (NDEP) Carson City office and can be obtained from Tristin Alishio by sending a request in writing via email to talishio@ndep.nv.gov, by mail to NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or by calling (775) 687-9369.

**Agenda Item 1:
Call to Order and Roll Call**

**Agenda Item 2:
Public Comment**
(FOR DISCUSSION)

Agenda Item 3:
Public Hearing for Proposed Amendments
of Chapter 445C of the Nevada
Administrative Code

(FOR DISCUSSION)

**PROPOSED REGULATION OF THE
BOARD TO REVIEW CLAIMS**

LCB File No. R049-21

January 11, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 445C.310 and 445C.380, as amended by section 6 of Assembly Bill No. 40, chapter 314, Statutes of Nevada 2021, at page 1865; §§ 2, 3 and 6-11, NRS 445C.310; §§ 4 and 5, NRS 445C.310 and 445C.360, as amended by section 4 of Assembly Bill No. 40, chapter 314, Statutes of Nevada 2021, at page 1864.

A REGULATION relating to storage tanks; revising certain definitions; requiring an operator to submit additional documents to the Division of Environmental Protection of the State Department of Conservation and Natural Resources to be designated as a small business; revising which federal regulations that relate to underground storage tanks are adopted by reference; making various revisions to provisions governing the testing and inspection of storage tanks; revising the duties of operators and what must be submitted in an application for coverage in the event of a discharge to the environment from a storage tank; providing how an operator, certified environmental manager, vendor or contractor may file a claim for reimbursement by the Fund for Cleaning Up Discharges of Petroleum; revising when an operator or certified environmental manager must pay a vendor or contractor, or both, and when confirmation of such payment must be submitted to the Division; revising the information an operator needs to provide to the Division to be eligible for a grant to purchase and install certain upgrades; revising what an operator must include in an application for certain grants to purchase and install certain upgrades; revising the maximum amounts of money that an applicant may be awarded for certain grants to purchase and install certain upgrades; revising certain requirements that a recipient of grants to purchase and install certain upgrades must comply with; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board to Review Claims to adopt appropriate regulations for: (1) the investigation and payment of claims against the Fund for Cleaning Up Discharges of Petroleum; (2) the administration by the Division of Environmental Protection of the State Department of Conservation and Natural Resources of a grant program through which the Division may award grants of money from the Fund to certain operators; and (3) the administration by the Division of a program to provide assistance to an operator in complying

with any law or regulation relating to the prevention of discharges which are applicable to storage tanks. (NRS 445C.310)

Existing law allocates the costs of payments relating to the cleanup of discharges of petroleum from storage tanks and the liability of damages for such discharges between the Fund and the operator of the storage tank. Existing law prescribes a specific allocation for an operator which is a small business that is responsible for a discharge. (NRS 445C.380, as amended by section 6 of Assembly Bill No. 40, chapter 314, Statutes of Nevada 2021, at page 1865) During the 81st Legislative Session, the Nevada Legislature removed the definition of “small business” from existing law and instead required the Board to define “small business” by regulation. (NRS 445C.380, as amended by section 6 of Assembly Bill No. 40, chapter 314, Statutes of Nevada 2021, at page 1865) **Section 1** of this regulation interprets the term “small business.”

Existing regulations set forth the documents an operator must submit to the Division for the operator to be designated as a small business. (NAC 445C.220) **Section 2** of this regulation provides that an operator must also submit: (1) records of the volume of petroleum sold at the site for certain periods of time; (2) an application for coverage by the Fund or a notification of a change in operator if the operator becomes responsible for the management and cleanup of a discharge from a storage tank and the operator was not affiliated with the operator or business that caused the discharge; and (3) evidence that the operator is registered and in good standing with the Secretary of State, if such evidence is requested by the Division.

Existing law defines “storage tank” to mean any tank, and the distribution piping associated with the tank, used to store petroleum, except petroleum for use in a chemical process. (NRS 445C.280, as amended by section 2 of Assembly Bill No. 40, chapter 314, Statutes of Nevada 2021, at page 1863) **Section 1** revises the term “storage tank” to conform with the statutory definition. **Sections 1, 4, 5 and 6** of this regulation make conforming changes by replacing certain references to “tank” with “storage tank.”

Federal regulations provide the technical standards and corrective action requirements for owners and operators of underground storage tanks. (40 C.F.R. Part 280) Existing regulations adopt by reference certain provisions of these federal regulations. (NAC 445C.230) **Section 3** of this regulation adopts by reference certain federal regulations that relate to underground storage tank systems. **Section 3** additionally clarifies where a copy of such federal regulations may be obtained or viewed.

Existing law requires each operator who is required or who chooses to register a storage tank to demonstrate that the storage tank is being monitored for a discharge and that a discharge has not occurred. Existing law exempts an operator from this requirement if the storage tank has been tested for tightness under federal standards within the previous 6 months. (NRS 445C.360, as amended by section 4 of Assembly Bill No. 40, chapter 314, Statutes of Nevada 2021, at page 1864) Federal regulations set forth tank tightness testing standards and line tightness testing standards for storage tanks. (40 C.F.R. §§ 280.43(c), 280.44(b)) Existing regulations set forth the testing and inspection requirements for storage tanks. (NAC 445C.250) **Section 4** of this regulation makes various revisions to the testing and inspection of storage tanks. **Section 4** clarifies that the operator of a registered underground storage tank has to comply with certain tightness standards that conform with federal regulations. **Section 4** additionally requires an operator of an above-ground registered storage tank which has any portion of the distribution piping underground so that a visual inspection cannot occur to annually hire certain contractors and testers to ensure that the distribution piping is in compliance with certain federal regulations. Finally, **section 4** requires the operator of a registered storage tank to: (1) maintain records of

each test or inspection and any maintenance or repairs that result from a test or inspection for certain periods of time; and (2) provide to the Division a copy of the record when so requested by the Division.

Existing law requires the operator of every storage tank, and every person who for compensation puts petroleum into a storage tank, to report to the Division every discharge from that storage tank of which the operator or other person is aware or has reason to believe has occurred. (NRS 445C.360) Existing regulations require such operators to: (1) report any discharge promptly; (2) as soon as possible after the discharge, submit an application for coverage by the Fund; (3) take all reasonable steps to protect the site of the discharge from further damage; and (4) prepare and maintain certain records and perform certain other actions. (NAC 445C.270) **Section 5** of this regulation clarifies when the operator of a storage tank must report a discharge to the environment promptly. **Section 5** additionally clarifies that the operator must submit an application for coverage by the Fund as soon as possible after the discharge, but not later than 12 months after the date the discharge is discovered unless the operator demonstrates good cause for the failure to comply with the deadline. **Section 5** requires the operator to include in such an application certain information if the operator is seeking to be designated as a small business. **Section 5** further requires the operator to obtain approval from the Division of certain competitive bids for a task included in a corrective action that costs more than \$6,000, which is an increase from the previous amount of \$3,000.

Existing regulations require an operator, vendor or contractor who seeks to be reimbursed by the Fund for costs for cleaning up or liability for damages resulting from a discharge to submit to the Division a verified claim for reimbursement in a form prescribed by the Board. Existing regulations require an initial claim to be submitted within 12 months after the date on which the operator, vendor or contractor knew or should have known of the discharge and further require the final claim to be submitted within 12 months after the completion of the corrective action necessitated by the discharge. (NAC 445C.310) **Section 7** of this regulation requires an operator, certified environmental manager, vendor or contractor to submit: (1) the initial claim within 12 months after the date of the discharge, as identified in the application for coverage; (2) any subsequent claims within 12 months after the date on which the operator, certified environmental manager, vendor or contractor performed the cleanup activity for which reimbursement is being requested; and (3) the final claim within 12 months after the completion of the corrective action necessitated by the discharge. **Section 7** requires an operator or certified environmental manager to provide any additional information required by the Board in order to determine his or her eligibility for payment from the Fund.

If money from the Fund is paid to an operator before the operator pays a vendor or contractor, or both, existing regulations require an operator to: (1) not more than 30 days after receiving money from the Fund, pay the vendor or contractor, or both; and (2) not more than 60 days after receiving money from the Fund, provide the Division with confirmation that such payment was made. (NAC 445C.310) **Section 7** requires an operator or certified environmental manager to: (1) pay the vendor or contractor, or both, as soon as practicable but not more than 60 days after receiving the money from the Fund, which may be extended by the Division for good cause shown; (2) provide the Division with confirmation that such payment was made not more than 60 days after receiving money from the Fund, which may be extended by the Division for good cause shown; and (3) demonstrate to the Division the payment of certain cost allocations that are set forth in existing law. Existing regulations provide that if an operator fails to pay a vendor or contractor for costs approved and paid by the Board within 30 days: (1) the operator

shall reimburse the Board for the money paid by the Board; and (2) the Board will not approve or pay any subsequent claim unless the operator reimburses the Board. (NAC 445C.310) **Section 7** provides that if an operator or certified environmental manager fails to demonstrate to the Division that payment was made to a vendor or contractor for costs approved and paid by the Board within 60 days, which may be extended by the Division for good cause shown: (1) the operator or certified environmental manager shall reimburse the Fund any money that is not confirmed, up to the full claim amount, that was paid by the Board; and (2) the Board will not approve the payment of any subsequent claim unless the operator or certified environmental manager reimburses the Fund.

Existing regulations provide that an operator of one or more storage tanks is eligible to apply to the Division for a grant of money to finance or assist in financing the purchase and installation of upgrades necessary to comply with certain provisions governing storage tanks if the operator provides certain information to the Division. (NAC 445C.320, 445C.330) **Section 8** of this regulation removes the requirement that an operator demonstrate that he or she: (1) has submitted three bids for the applicable upgrades in a certain manner; and (2) is unable to finance the purchase and installation of the applicable upgrades.

Existing regulations prescribe what the operator must include in an application for such a grant of money. Existing regulations require the application to include, among other things: (1) a complete list of the permits and notifications that are required before initiating and completing the purchase and installation of the upgrades and an explanation of how the applicant will obtain the permits and make the notifications; (2) three bids for the completion of anticipated work; and (3) a demonstration of the financial need of the applicant. (NAC 445C.340) **Section 9** of this regulation removes the requirement to include this information in such an application. **Section 9** instead requires: (1) at least one cost estimate for the purchase and installation of the upgrades for the storage tanks that is prepared by a handler of underground storage tanks; and (2) certain information required for an operator to be designated as a small business.

Existing regulations require the Division to review such applications for grants of money. Existing regulations set forth that the maximum amounts of money that an applicant may be awarded are: (1) \$38,000 for upgrades to a petroleum dispensing location with a single storage tank; (2) \$64,000 for upgrades to a petroleum dispensing location with two storage tanks; and (3) \$90,000 for upgrades to a petroleum dispensing location with three or more storage tanks. (NAC 445C.350) **Section 10** of this regulation removes these existing maximum amounts and instead provides that the maximum amounts of money that an applicant may be awarded are: (1) \$90,000 for upgrades to a petroleum dispensing location; and (2) if the applicant applies for a grant for two or more petroleum dispensing location, \$180,000 per applicant. **Section 10** authorizes an applicant to receive multiple grant allocations for each petroleum dispensing location, so long as the maximum amounts are not exceeded.

Existing regulations require a recipient of such a grant to notify the Division before commencing the purchase and installation of upgrades which are financed in whole or in part by grant money. (NAC 445C.360) **Section 11** of this regulation requires a recipient of such a grant to only purchase and install equipment for upgrades that is approved by the Division. Existing regulations require a recipient of such a grant to submit to the Division documentation that the recipient obtained all necessary permits and provided all required notifications not later than 60 days after installation of the upgrade is complete. (NAC 445C.360) **Section 11** removes this requirement and instead requires the recipient to submit to the Division documentation of testing

that occurred after the installation of the upgrades. Such testing must comply with certain federal regulations.

Section 1. NAC 445C.210 is hereby amended to read as follows:

445C.210 1. For the purposes of NRS 445C.150 to 445C.410, inclusive, the Board interprets:

(a) “Costs for cleaning up” to mean any expense of corrective action necessitated by a discharge from a storage tank. The term does not include:

- (1) The expense of any bond posted to release a writ of attachment;
- (2) Any expense incurred by an operator to investigate or defend any claim or suit, except any such expense incurred at the request of the Board;
- (3) Any expense taxed against the operator as costs of suit in a suit or administrative proceeding;
- (4) Any award of prejudgment interest, except for interest awarded on that part of the judgment paid by the Fund;
- (5) Any expense of repairing, replacing or upgrading any storage tank or its contents;
- (6) Any expense incurred by an operator during the transportation, loading or unloading of a portable storage tank; and
- (7) Any loss of income or revenue of the business of an operator that is incurred by an operator during a corrective action necessitated by a discharge.

(b) “Damages” to mean any money the operator of a storage tank becomes legally obligated to pay as damages because of bodily injury or property damage to any person other than the State or the operator caused by a discharge. The term does not include:

- (1) Any expense excluded from the definition contained in paragraph (a);

(2) Any obligation of the operator imposed pursuant to any statute providing benefits for workers' compensation, disability or unemployment compensation;

(3) Any bodily injury to an employee of the operator, or the spouse, parent, brother or sister of the employee, arising out of and in the course of the employee's employment by the operator. This exclusion applies whether the operator may be liable as an employer or in any other capacity, and to any obligation to share damages with or reimburse another person who must pay damages because of the injury;

(4) Any obligation of the operator imposed by a contractual assumption of liability; or

(5) Any expense incurred by an operator during the transportation, loading or unloading of a portable storage tank.

(c) "Emergency action" to mean any action that:

(1) Stops the release of petroleum;

(2) Identifies or mitigates existing or potential hazards from fire, explosion, vapor or other hazards associated with a release; or

(3) Prevents the migration of petroleum which poses a substantial imminent threat to the environment.

(d) "Marina storage tank" to mean a petroleum storage tank used to provide fuel to water vessels, at least 90 percent of which is either above ground level or in or over water and which has a capacity of at least 110 gallons but not more than 12,000 gallons. The term includes all piping connected to the *marina storage* tank, except piping, valves, hoses, filters and nozzles associated with the fuel dispenser.

(e) "Site" to mean the facility, whether situated on a single parcel or on multiple adjacent parcels, where the *storage* tank is located.

(f) “Small business” to mean a business which ~~receives~~ :

(1) Receives \$4,000,000 or less ~~than \$500,000~~ in gross annual receipts or in total income, whichever is greater, from the site where the storage tank is located, based upon the average ~~annual gross receipts~~ for the following period:

~~(1)~~ *(I) If the operator or business has been in operation for ~~5~~ 3 or more fiscal years on the date on which the discharge is discovered, the ~~5~~ 3 fiscal years immediately preceding the date on which the discharge was discovered; or*

~~(2)~~ *(II) If the operator or business has been in operation for less than ~~5~~ 3 fiscal years on the date the discharge is discovered, the total number of years the operator or business has been in operation ~~1~~ ;*

(2) Has a combined annual average throughput of 1,000,000 gallons or less for all petroleum products stored on site and sold to the public during the previous 2 years;

(3) Employs 150 or fewer full-time or part-time employees; and

(4) Is registered and in good standing with the Secretary of State.

(g) “Storage tank” to mean any tank, *and the distribution piping associated with the tank*, including any connected pipes, except piping above the dispenser shear valve, used to ~~contain an accumulation of~~ store petroleum. The term does not include any tank that is:

(1) Exempted from the provisions of NRS 445C.150 to 445C.410, inclusive, unless the operator of the tank chooses to register it pursuant to ~~paragraph (b) of~~ subsection ~~1~~ 2 of NRS 445C.410;

(2) Excluded from the definition of “underground storage tank” in 40 C.F.R. § 280.12, except that ~~it~~ :

(I) A farm or residential tank having a capacity of 1,100 gallons or less and that is used for storing motor fuel for noncommercial purposes is a storage tank; and

(II) A tank used to store heating oil for consumption on the same premises where the oil is stored is a storage tank;

(3) Permanently closed in accordance with NAC 459.9972 and 40 C.F.R. § 280.71; or

(4) Not federally regulated which is permanently closed in accordance with a rule or an ordinance of a local governmental entity.

2. As used in this section:

(a) “Bodily injury” means any injury, sickness, disease or death suffered by a person as a proximate result of a discharge.

(b) *“Combined annual average throughput” means the average annual volume of petroleum sold, which is calculated by the Division and based on the information provided pursuant to subsection 2 of NAC 445C.220.*

(c) “Property damage” means any actual injury to real or tangible personal property, loss of use of the property, or both, occurring as a proximate result of a discharge.

~~(e)~~ (d) “Suit” means any civil proceeding in which damages are sought for which the Fund is potentially liable. The term includes any arbitration proceeding in which such damages are sought, to which the operator must submit or to which he or she submits with the consent of the Board.

Sec. 2. NAC 445C.220 is hereby amended to read as follows:

445C.220 To be designated as a small business as described in paragraph (f) of subsection 1 of NAC 445C.210, an operator must submit the following to the Division:

1. Copies of forms reporting federal income tax which show the operator's gross annual receipts *or total income* for the following period:

(a) If the *operator or* business has been in operation for ~~15~~ 3 or more fiscal years on the date on which the discharge is discovered, the ~~15~~ 3 fiscal years immediately preceding the date on which the discharge was discovered; or

(b) If the *operator or* business has been in operation for less than ~~15~~ 3 fiscal years on the date the discharge is discovered, the total number of years the *operator or* business has been in operation.

2. *Records of the volume of petroleum sold at the site for the following period:*

(a) If the operator has been in operation for 2 or more years on the date on which the discharge is discovered, the 2 years immediately preceding the date on which the discharge was discovered; or

(b) If the operator has been in operation for less than 2 years on the date the discharge is discovered, each month the operator has been in operation.

3. *An application for coverage by the Fund, as described in subsection 2 of NAC 445C.270, or, if the operator becomes responsible for the management and cleanup of a discharge from a storage tank and the operator was not affiliated with the operator or business that caused the discharge, a notification of a change in operator, which must be submitted on a form approved by the Division.*

4. *If requested by the Division, the operator shall demonstrate to the Division that he or she is registered and in good standing with the Secretary of State.*

5. Any other information requested by the Division which is necessary to determine whether the operator is a small business.

Sec. 3. NAC 445C.230 is hereby amended to read as follows:

445C.230 The Board hereby adopts by reference:

1. The provisions of 40 C.F.R. §§ ~~280.12, 280.40 to 280.45,~~ **280.10 to 280.74**, inclusive, ~~280.50, 280.53, 280.70 and 280.71~~ **and 280.240 to 280.245, inclusive**, as they existed on July ~~1, 1990, and the provisions of 40 C.F.R. §§ 280.61 and 280.62 as they existed on January 1, 2006.~~ **15, 2015, except when they conflict with NAC 445C.200 to 445C.390, inclusive.** A copy of the volume containing these provisions may be ~~obtained~~ :

(a) *Obtained* at a cost of ~~50 by~~ **56**:

(1) *By* mail from the ~~Superintendent of Documents,~~ U.S. Government ~~Printing~~ **Publishing** Office, P.O. Box 979050, St. Louis, Missouri 63197-9000 ~~, or by~~ ;

(2) *By* toll-free telephone at (866) 512-1800 ~~+~~ ; *or*

(3) *At* <https://bookstore.gpo.gov>; *and*

(b) *Viewed in electronic format at* <https://ecfr.federalregister.gov/>.

2. The provisions of chapters 2, 22 and 34 of the *International Fire Code*, 2003 edition. A copy of the volume containing these provisions may be obtained at a cost of ~~70~~ **78.50** from the International Code Council at the Internet address <http://www.iccsafe.org>.

Sec. 4. NAC 445C.250 is hereby amended to read as follows:

445C.250 1. Except as otherwise provided in this section, each operator of a registered **underground** storage tank shall comply with the provisions of NAC 459.994.

2. The operator of a registered storage tank that is above ground shall perform or cause to be performed an inspection of the storage tank at least once each month. The monthly inspection must include, without limitation:

- (a) Visual inspection of the aboveground storage tank system to identify cracks or other defects in the secondary containment area and product transfer area;
- (b) Visual inspection of the exterior surfaces of the *storage* tanks, piping, valves, pumps and other equipment for cracks, corrosion, releases and maintenance deficiencies and to identify malfunctioning equipment, needed maintenance and needed revisions to current operating practices;
- (c) Visual inspection of the elevated *storage* tanks or *storage* tanks on concrete slabs; and
- (d) Unless the secondary containment of the *storage* tank has a sound concrete floor or liner ~~or~~ *or is of a double-walled construction:*

- (1) Visual inspection of the area between the outer shell of the *storage* tank or the floor of the *storage* tank and the containment area; or

- (2) Vapor monitoring of the soil directly beneath the *storage* tank bottom or perimeter and the water table.

3. *The operator of a registered storage tank that is above ground and which has any portion of the distribution piping associated with the storage tank underground so that the distribution piping cannot be visually inspected shall, at least once each year, hire:*

- (a) A contractor who is certified by the Division to perform line tightness testing in accordance with to 40 C.F.R. § 280.44(b); and*

- (b) If the underground portion of the distribution piping associated with the storage tank is constructed of metal and the metal is in contact with the ground, a qualified cathodic protection tester to verify that the distribution piping which is metal and which is in contact with the ground is adequately protected from corrosion in accordance with 40 C.F.R. § 280.31.*

If the distribution piping which is metal and which is in contact with the ground is not adequately protected from corrosion, the operator must:

(1) Upgrade the distribution piping pursuant to 40 C.F.R. § 280.21(c); or

(2) Repair the existing cathodic protection system to ensure compliance with 40 C.F.R. § 280.21(c).

4. A registered portable storage tank must be inspected visually by the operator immediately before and after the portable storage tank is relocated.

~~4.~~ 5. A marina storage tank must be tested and inspected in accordance with the provisions of NAC 459.9938.

~~5.~~ 6. The operator of a registered storage tank shall maintain a record of each *test or* inspection conducted pursuant to this section on a form approved by the Division ~~for~~ *in the following manner:*

(a) For at least 12 months after the date of the test or inspection for an underground storage tank with such records containing the information required by 40 C.F.R. § 280.45; or

(b) For at least 3 years after the date of the test or inspection ~~for~~ for a storage tank that is above ground.

7. *The operator of a registered storage tank that is above ground shall maintain a record of any maintenance or repairs for the storage tank that is made as a result of a test or inspection conducted pursuant to this section. Such a record must be maintained on a form approved by the Division for at least 3 years after the date of the maintenance or repair.*

8. *An operator who is required to maintain a record pursuant to subsection 6 or 7 shall provide to the Division a copy of the record when so requested by the Division.*

Sec. 5. NAC 445C.270 is hereby amended to read as follows:

445C.270 1. The operator of a storage tank shall report any *suspected or confirmed* discharge *from a storage tank to the environment* promptly in accordance with the requirements of NAC 445A.347 and 40 C.F.R. §§ 280.50, 280.53 and 280.61.

2. As soon as possible after the discharge, *but not later than 12 months after the date the discharge is discovered*, the operator shall submit to the Division an application for coverage by the Fund for the discharge. *The Division will not accept an application for coverage after the deadline unless the operator demonstrates good cause for the failure to comply with the deadline.* The application for coverage must be submitted on the form prescribed by the Division and must include:

(a) A written description of how, when and where the discharge occurred;

(b) A description of any damage known to the operator to have been caused by the discharge;

~~and~~

(c) If the services of a person certified as an environmental manager pursuant to NAC 459.972 have been obtained, the name of that person ~~+~~; *and*

(d) If the operator is seeking to be designated as a small business as described in paragraph (f) of subsection 1 of NAC 445C.210, the information required by NAC 445C.220.

3. The operator shall take all reasonable steps to protect the site of the discharge from further damage in accordance with the provisions of 40 C.F.R. §§ 280.61 and 280.62.

4. The operator shall:

(a) Prepare and maintain a record of all costs incurred by him or her in cleaning up the discharge.

(b) Permit the Division to inspect any property or records relating to the discharge or damage caused by the discharge.

(c) Notify the Division if the cost of:

(1) An emergency action; or

(2) The initial response actions and abatement measures prescribed by 40 C.F.R. §§ 280.61 and 280.62,

↳ will exceed \$5,000.

(d) If the operator is seeking reimbursement by the Fund for the costs of cleaning up the *discharge from a storage* tank or of liability for damages, unless an employee of the operator will be providing services that are exempted from the provisions of NAC 459.970 to 459.9729, inclusive, by subsection 1 of NAC 459.9718, obtain the services of a person who is certified as an environmental manager pursuant to NAC 459.972.

(e) Obtain approval from the Division or secure not less than three competitive bids for a task included in a corrective action that costs more than ~~1\$3,000,1~~ *\$6,000*, an amount which may be adjusted annually by the Division and published on the website of the Division on or before March 1 of each year to reflect the change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor between December ~~1989~~ *2018* and December of the immediately preceding year and rounded to the nearest \$1,000, if:

(1) The corrective action necessitated by a discharge from a storage tank is not an emergency *action* pursuant to paragraph (c) of subsection 1 of NAC 445C.210 ~~1~~ *or an initial abatement measure prescribed by 40 C.F.R. § 280.62*; and

(2) The operator is seeking reimbursement by the Fund for the costs of cleaning up the *discharge from a storage* tank or of liability for damages.

Sec. 6. NAC 445C.290 is hereby amended to read as follows:

445C.290 If a discharge occurs from a storage tank, the Administrator of the Division may, at such times as are reasonably required:

1. Question the operator of the *storage* tank, under oath, about any matter relating to the discharge; and
2. Examine the books and records of the operator.

Sec. 7. NAC 445C.310 is hereby amended to read as follows:

445C.310 1. An operator, *certified environmental manager*, vendor or contractor who seeks to be reimbursed by the Fund for costs for cleaning up or liability for damages resulting from a discharge must submit to the Division *pursuant to subsection 2* a verified claim for reimbursement in the form prescribed by the Board along with any supporting documents required to substantiate his or her eligibility for reimbursement.

2. An operator, certified environmental manager, vendor or contractor must submit:

(a) The initial claim ~~must be submitted~~ for reimbursement within 12 months after the date ~~on which the operator, vendor or contractor knew or should have known~~ of the discharge, as identified in the application for coverage pursuant to subsection 2 of NAC 445C.270;

(b) Any subsequent claims within 12 months after the date on which the operator, certified environmental manager, vendor or contractor performed the cleanup activity for which reimbursement is being requested; and ~~the~~

(c) The final claim ~~must be submitted~~ within 12 months after the completion of the corrective action necessitated by the discharge.

↪ The Board will not accept a claim after ~~either~~ *the applicable* deadline *set forth in paragraphs (a), (b) or (c)* unless the operator, *certified environmental manager*, vendor or contractor demonstrates good cause for the failure to comply with the deadline.

~~{2.}~~ 3. The operator *or certified environmental manager* shall provide any additional information required by the Board in order to determine his or her eligibility for payment from the Fund.

~~{3.}~~ 4. The Board may authorize payment from the Fund to:

(a) An operator;

(b) *A certified environmental manager;*

(c) A vendor;

~~{(e)}~~ (d) A contractor; or

~~{(d)}~~ (e) Any combination of persons listed in ~~{paragraph (a), (b) or (c).}~~ *paragraphs (a) to (d), inclusive,* jointly.

~~{4.}~~ 5. If money from the Fund is paid to an operator *or certified environmental manager* before ~~{the operator pays}~~ *payment is made to* a vendor or contractor, or both, the operator *or certified environmental manager, as applicable,* shall:

(a) ~~{Not}~~ *As soon as practicable but not* more than ~~{30}~~ *60* days after receiving the money from the Fund, *which may be extended by the Division for good cause shown,* pay the vendor or contractor, or both. ~~{; and}~~

(b) Not more than 60 days after receiving the money from the Fund, *which may be extended by the Division for good cause shown,* provide the Division with confirmation that, in accordance with paragraph (a), the operator *or certified environmental manager, as applicable,* made payment to the vendor or contractor, or both, of the money paid ~~{to the operator}~~ by the Board. If confirmation of payment is not received by the Division within 60 days after the operator *or certified environmental manager, as applicable,* receives the money from the Fund,

the Board will not approve ~~{or pay}~~ *payment of* any subsequent claims until the second meeting of the Board after confirmation of payment is received.

(c) Demonstrate to the Division the payment of the applicable cost allocation that the operator must pay pursuant to NRS 445C.370 or 445C.380, as applicable. Upon receiving the submission for the payment of the final claim from the Fund, the Division may require the payment of the applicable cost allocation that the operator must pay before payment of the remaining allocation from the Fund that was approved by the Board.

~~{5.}~~ 6. If an operator *or certified environmental manager* fails to ~~{pay}~~ *demonstrate to the Division that payment was made to* a vendor or contractor for costs approved and paid by the Board within ~~{30}~~ 60 days ~~{.}~~, *which may be extended by the Division for good cause shown:*

(a) The operator *or certified environmental manager, as applicable*, shall reimburse the ~~{Board for the money}~~ *Fund any money that is not confirmed pursuant to paragraph (b) of subsection 5, up to the full claim amount, that was* paid by the Board; and

(b) The Board will not approve ~~{or pay}~~ *the payment of* any subsequent claim unless the operator *or certified environmental manager, as applicable*, reimburses the ~~{Board.}~~ *Fund*. Any subsequent claim, including the claim associated with the reimbursed money, may be presented to the Board for approval and payment only after the operator *or certified environmental manager, as applicable*, reimburses the ~~{Board.}~~ *Fund*.

~~{6.}~~ 7. If an operator *or certified environmental manager* is entitled to receive payment for his or her necessary expenses for the costs of cleaning up, the Board will authorize payment of the per diem allowance and travel expenses at the same rate provided for state officers and employees generally.

~~{7.}~~ 8. As used in this section ~~{, "claim"}~~:

(a) “Certified environmental manager” means a person who is certified as an environmental manager pursuant to NAC 459.972 and whose services are obtained by an operator.

(b) “Claim” or “claim for reimbursement” means a request for reimbursement by the Fund of a sum of money, accompanied by the required supporting documents. The term does not include an application for coverage under the Fund.

Sec. 8. NAC 445C.330 is hereby amended to read as follows:

445C.330 An operator of one or more storage tanks is eligible to apply to the Division for a grant from the money made available pursuant to NAC 445C.320 if the operator provides information to demonstrate:

1. That the applicable storage tanks are registered storage tanks and the applicant is the operator, pursuant to NRS 445C.250, who registered the storage tanks.
2. That the operator is a small business as ~~{that term is defined in NRS 233B.0382.}~~ *described in NAC 445C.210.*
3. That the operator independently operates and owns or leases the petroleum dispensing location where the applicable storage tanks are installed and operated.
4. Except as otherwise provided in this subsection, that all storage tanks operated by the operator in this State are operated in compliance with the provisions of NAC 459.9921 to 459.999, inclusive. The ~~{Director of the State Department of Conservation and Natural Resources}~~ *Administrator of the Division* may grant a waiver from the requirements of this subsection if the ~~{Director}~~ *Administrator* determines that the purchase and installation of the anticipated upgrades to the storage tanks which are the subject of the application will result in the operator’s compliance with the provisions of this subsection.

~~{5. That the operator has submitted three bids for the applicable upgrades, in the manner specified by paragraph (e) of subsection 1 of NAC 445C.340.~~

~~—6. In accordance with the provisions of paragraph (f) of subsection 1 of NAC 445C.340, that the operator is unable to finance the purchase and installation of the applicable upgrades.}~~

Sec. 9. NAC 445C.340 is hereby amended to read as follows:

445C.340 1. An eligible operator who wishes to apply for a grant of money made available pursuant to NAC 445C.320 must submit to the Division on or after ~~{January}~~ *July* 1 but before ~~{March 31}~~ *April 1* of the ~~{applicable}~~ *fiscal* year a complete grant application which must include, but is not limited to, the following information:

- (a) The number of storage tanks for which upgrades are needed;
- (b) A description of the necessity for the upgrades;
- (c) A plan and schedule for the initiation and completion of the purchase and installation of the upgrades;
- (d) ~~{A complete list of the permits and notifications that are required before initiating and completing the purchase and installation of the upgrades and an explanation of how the applicant will obtain the permits and make the notifications;~~
- ~~—(e) Three bids for the completion of anticipated work using bid forms and procedures approved by the Division, unless waived by the Director of the State Department of Conservation and Natural Resources for good cause;~~
- ~~—(f) Demonstration of the financial need of the applicant, including, without limitation:~~
 - ~~——(1) A current balance sheet and income statement prepared in conformity with generally accepted accounting principles;~~
 - ~~——(2) If the documents required by subparagraph (1) are not available:~~

~~—— (I) A current balance sheet containing, at a minimum, the unrestricted cash or equivalents, investment securities and outstanding debt; and~~

~~—— (II) A current income statement containing, at a minimum, the gross sales, cost of goods sold, operating expenses, depreciation, interest expense and amortization;~~

~~—— (3) The three previous years of filed tax returns of the small business, or the three previous years of filed tax returns of the individual owner, if the entity is a sole proprietor;~~

~~—— (4) Three credit reports of the small business or of the individual owner, if the entity is a sole proprietor;~~

~~—— (5) Any funding or credit denial letters; and~~

~~—— (6) Any other information the Division determines is necessary to make a determination of the financial need of the applicant;~~

~~—— (g) At least one cost estimate for the purchase and installation of the upgrades prepared by a handler of underground storage tanks who is certified pursuant to NAC 459.9722, if applicable;~~

(e) The information required pursuant to subsections 1, 2, 4 and 5 of NAC 445C.220;

(f) Verification that the applicable storage tanks are available for public use;

~~(h)~~ *(g)* A list of all other operating storage tanks owned or operated by the grant applicant in other locations;

~~(i)~~ *(h)* The total number of employees employed by the applicant at all petroleum dispensing locations owned or operated by the applicant;

~~(j)~~ *(i)* The volume of petroleum sold at the petroleum dispensing location annually during the 2 years immediately preceding the date of application;

~~(j)~~ (j) A list of all petroleum dispensing locations available for public use that are located not more than 15 miles from the applicable petroleum dispensing location; and

~~(k)~~ (k) Any other information which the Division determines is necessary to evaluate the eligibility of the applicant.

2. All records acquired by the Division relating to the earnings, revenue and other internal financial matters of any applicant are confidential and will not be revealed in whole or in part except:

- (a) For the necessary administration of NAC 445C.320 to 445C.380, inclusive; or
- (b) Upon the order of a court of competent jurisdiction.

Sec. 10. NAC 445C.350 is hereby amended to read as follows:

445C.350 1. The Division shall review the applications submitted pursuant to NAC 445C.340 to 445C.380, inclusive, and rank the eligible applications according to:

(a) The demonstrated financial need of the applicant. The greater the demonstrated financial need of the applicant, the higher the ranking which must be assigned to the application.

(b) The annual volume of petroleum dispensed at the applicable fuel dispensing location of the applicant during the 2 years immediately preceding the year in which the application is submitted. The less annual volume of petroleum dispensed, the higher the ranking which must be assigned to the application.

(c) The proximity to the applicant's petroleum dispensing location of other petroleum dispensing locations available for public use. The more remote the applicant's petroleum dispensing location, the higher the ranking which must be assigned to the application.

2. ~~The amount of a grant awarded to an applicant:~~

~~—(a) For upgrades to a petroleum dispensing location with a single storage tank must not exceed \$38,000;~~

~~—(b) For upgrades to a petroleum dispensing location with two storage tanks must not exceed \$64,000; and~~

~~—(c) For upgrades to a petroleum dispensing location with three or more storage tanks must not exceed \$90,000.~~

~~—3.†~~ The Division shall annually allocate the available grant money, beginning with the highest ranked applicant, until there is no more grant money available for that year. An applicant that is otherwise eligible to receive grant money but is not ranked high enough to receive money during any particular year may submit a new application during a subsequent application period.

3. Except as otherwise provided in subsections 4 and 5, a grant awarded to an applicant for upgrades will be paid by the Division pursuant to a cost schedule that is approved by the Board.

4. Except as otherwise provided in subsection 5, the total amount of a grant awarded to an applicant for upgrades to a petroleum dispensing location must not exceed \$90,000.

5. An applicant with two or more petroleum dispensing locations may apply for a grant for one or more petroleum dispensing locations. Allocations that are approved for each location must comply with subsections 3 and 4, except that the total amount paid to a single applicant must not exceed \$180,000.

6. An applicant may receive ~~{only one}~~ multiple grant ~~{allocation per}~~ allocations for each petroleum dispensing location ~~{†}~~, not to exceed the amounts set forth in subsections 4 and 5, as applicable. An applicant shall submit a separate application for each allocation and such applications must be submitted pursuant to NAC 445C.340 to 445C.380.

Sec. 11. NAC 445C.360 is hereby amended to read as follows:

445C.360 1. A recipient shall ~~notify the Division before commencing the~~ **only** purchase and ~~installation of~~ **install equipment for** upgrades ~~which are~~ **that is approved by the Division. Equipment that is** financed in whole or in part by grant money ~~it~~ **must comply with 40 C.F.R. § 280.20 and must meet the compatibility standards set forth in 40 C.F.R. § 280.32.**

2. The Division shall:

(a) Inspect and approve the completed installation of the upgrades; or

(b) In lieu of inspecting and approving the completed installation of the upgrades as described in paragraph (a), authorize the recipient to submit to the Division materials that demonstrate that the purchase and installation of the upgrades complies with the requirements of NAC 445C.320 to 445C.380, inclusive.

3. A recipient shall submit to the Division:

(a) All invoices related to the upgrades not later than 30 days after the installation of the upgrades is complete.

(b) Documentation ~~that the recipient obtained all necessary permits and provided all required notifications not later than 60 days after installation of the upgrade is complete.~~ **of testing that occurred after the installation of the upgrades. Such testing must comply with the standards set forth in 40 C.F.R. § 280.35.**

(c) Upon request, any other documents that the Division determines necessary to verify that the recipient has complied with the provisions of NAC 445C.320 to 445C.380, inclusive.

4. A recipient shall retain all records relating to the upgrades financed in whole or in part by grant money for at least 3 years after the date on which the installation of the upgrades is complete.

On January 11, 2022, the Legislative Council Bureau (LCB) provided the Nevada Division of Environmental Protection, Petroleum Fund Program with the attached Proposed Draft for LCB File No. R049-21P, which includes amendments to Chapter 445C of the Nevada Administrative Code (NAC). Revisions made by LCB do not alter the intent of the initial draft submitted for review on September 30, 2021; however, the NDEP is proposing a few minor additional revisions to specific sections provided below to further clarify proposed changes in R049-21P. These non-substantive revisions will be discussed with the Board to Review Claims during the Public Hearing and will not impose a direct and significant economic burden upon a small business, nor directly restrict the formation, operation, or expansion of a small business. A recommendation will be made by staff to incorporate the below revisions if the regulations are adopted by the Board following the hearing.

EXPLANATION – Matter in blue ***bold italics*** is new material in the Proposed Draft (R049-21P); matter in red ~~text~~ bound by brackets, is material to be omitted from the original regulation; matter in green ***bold italics*** identify NDEP recommended revisions to the proposed draft; matter in violet ~~text~~ bound by brackets, is material NDEP recommends be omitted from the proposed draft.

Section 4, Subsection 3(a); NAC 445C.250:

3. ***The operator of a registered storage tank that is above ground and which has any portion of the distribution piping associated with the storage tank underground so that the distribution piping cannot be visually inspected shall, at least once each year, hire:***

(a) A contractor who is certified by the Division to perform line tightness testing in accordance with ~~to~~ 40 C.F.R. § 280.44(b); and

Section 5, Subsection 2(c); NAC 445C.270:

2. As soon as possible after the discharge, ***but not later than 12 months after the date the discharge is discovered***, the operator shall submit to the Division an application for coverage by the Fund for the discharge. ***The Division will not accept an application for coverage after the deadline unless the operator demonstrates good cause for the failure to comply with the deadline.*** The application for coverage must be submitted on the form prescribed by the Division and must include:

(a) A written description of how, when and where the discharge occurred;

(b) A description of any damage known to the operator to have been caused by the discharge; ~~and~~

(c) If the services of ~~a person certified as~~ an environmental manager ~~pursuant to NAC 459.972~~ ***as defined in NAC 459.9704*** have been obtained, the name of that person ~~;~~ ***and***

(d) If the operator is seeking to be designated as a small business as described in paragraph (f) of subsection 1 of NAC 445C.210, the information required by NAC 445C.220.

Section 5, Subsection 4(d); NAC 445C.270:

4. The operator shall:

(a) Prepare and maintain a record of all costs incurred by him or her in cleaning up the discharge.

(b) Permit the Division to inspect any property or records relating to the discharge or damage caused by the discharge.

(c) Notify the Division if the cost of:

(1) An emergency action; or

(2) The initial response actions and abatement measures prescribed by 40 C.F.R. §§ 280.61 and 280.62,

will exceed \$5,000.

(d) If the operator is seeking reimbursement by the Fund for the costs of cleaning up the ***discharge from a storage*** tank or of liability for damages, unless an employee of the operator will be providing services that are exempted from the provisions of NAC 459.970 to 459.9729, inclusive, by subsection 1 of NAC 459.9718, obtain the services of ~~[a person who is certified as]~~ an environmental manager ~~[pursuant to NAC 459.972]~~ ***as defined in NAC 459.9704.***

Section 7, Subsection 5(c); NAC 445C.310:

5. If money from the Fund is paid to an operator ***or certified environmental manager*** before ~~the operator pays~~ ***payment is made to*** a vendor or contractor, or both, the operator ***or certified environmental manager, as applicable,*** shall:

(a) ~~[Not]~~ ***As soon as practicable but not*** more than ~~[30]~~ ***60*** days after receiving the money from the Fund, ***which may be extended by the Division for good cause shown,*** pay the vendor or contractor, or both. ~~[;and]~~

(b) Not more than 60 days after receiving the money from the Fund, ***which may be extended by the Division for good cause shown,*** provide the Division with confirmation that, in accordance with paragraph (a), the operator ***or certified environmental manager, as applicable,*** made payment to the vendor or contractor, or both, of the money paid ~~[to the operator]~~ by the Board. If confirmation of payment is not received by the Division within 60 days after the operator ***or certified environmental manager, as applicable,*** receives the money from the Fund, the Board will not approve

~~for pay~~ **payment of** any subsequent claims until the second meeting of the Board after confirmation of payment is received.

(c) Demonstrate to the Division the payment of the applicable cost allocation that the operator must pay pursuant to NRS 445C.370 or 445C.380, as applicable. Upon receiving the submission for the payment of the final claim from the Fund, the Division may require that the operator demonstrate payment of the applicable cost allocation that the operator must pay before the Division will pay ~~payment of~~ the remaining allocation from the Fund that was approved by the Board.

Section 7, Subsection 8(a); NAC 445C.310:

8. As used in this section ~~“claim”~~:

(a) “Certified environmental manager” ~~means a person who is certified as an environmental manager pursuant to NAC 459.972~~ has the meaning ascribed to “environmental manager” in NAC 459.9704 and whose services are obtained by an operator.

Section 9, Subsection 1(d); NAC 445C.340:

1. An eligible operator who wishes to apply for a grant of money made available pursuant to NAC 445C.320 must submit to the Division on or after ~~January~~ **July** 1 but before ~~March 31~~ **April 1** of the ~~applicable~~ **fiscal** year a complete grant application which must include, but is not limited to, the following information:

- (a)** The number of storage tanks for which upgrades are needed;
- (b)** A description of the necessity for the upgrades;
- (c)** A plan and schedule for the initiation and completion of the purchase and installation of the upgrades;
- (d) At least one cost estimate for the purchase and installation of the upgrades prepared by a handler of underground storage tanks ~~who is certified pursuant to NAC 459.9722~~ as defined in NAC 459.9705, if applicable;**

**Agenda Item 4:
Adoption of Proposed Amendments to NAC
445C; LCB Proposed Draft R049-21**

(FOR POSSIBLE ACTION)

Agenda Item 5:
Approval of December 9, 2021 Minutes
(FOR POSSIBLE ACTION)

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
BOARD MEETING MINUTES
DECEMBER 9, 2021**

1. CALL TO ORDER

Chair Tappan called the meeting to order at 10:00 a.m. The meeting was conducted via video/phone conference. She introduced new Board Member, Jason Case, who shared a brief review of his background and experience.

A. BOARD MEMBERS PRESENT

Chair, Maureen Tappan – Representative of the General Public
Vice-Chair, Rod Smith– Representative of Refiners of Petroleum
Karen Stoll – Department of Motor Vehicles
Greg Lovato – Nevada Division of Environmental Protection
LeRoy Perks – Representative of Independent Retailers of Petroleum
Jason Case – Representative of Independent Dealers in Petroleum

BOARD MEMBERS NOT PRESENT

Mike Dzyak – State Fire Marshal’s Office

OTHERS PRESENT

Ian Carr, State Attorney General’s Office – Carson City

Jeff Collins, Jeff Kinder, Michael Cabbie, Kim Valdez, Megan Slayden, Don Warner, Tristin Alishio, Ben Moan, Chuck Enberg, and Kevin Barnes – Nevada Division of Environmental Protection (NDEP)

Kurt Goebel - Converse Consultants
Matthew Grandjean- Stantec Consulting Services, Inc.
Elizabeth Guth – Primadonna Company LLC
Jeremy Holst – Broadbent & Associates, Inc.
Stephanie Holst – Broadbent and Associates, Inc.
Kathleen Johnson – The Westmark Group
Peter Kruger – NV Petroleum Marketers & Convenience Store Association (NPM & CSA)
Lonnie Mercer – Geosyntec Consultants
Brian Northam – Southern Nevada Health District
Kevin Paprocki- Converse Consultants

In addition to the above-named participants, four additional guests called into the meeting by telephone and were not identified by name.

2. PUBLIC COMMENT

There were no public comments.

3. **APPROVAL OF THE SEPTEMBER 9, 2021 MINUTES**

Chair Tappan called for any modifications to the minutes. There were no proposed changes.

LeRoy Perks moved to approve the September 9, 2021 minutes. Rod Smith seconded the motion. Motion carried unanimously.

4. **STATUS OF THE FUND**

Michael Cabble presented the status of the Fund for State Fiscal Year 2022. The balance forward from State Fiscal Year 2021 was \$7,500,000 with approximately \$383,800.00 received for tank system enrollment fees for enrollment year 2022. Approximately \$2,779,180 was generated by the \$0.0075 petroleum fee. The Fund has earned approximately \$14,196 in interest. Total revenue for Fiscal Year 2022 is \$10,677,176.11. Expenditures include Board Member salaries of \$315. In-state travel costs total \$59. Board meeting operating costs totaled approximately \$556. Total funds transferred to NDEP and used for program administration, State-led cleanups, staff salaries and ongoing maintenance was approximately \$343,100. Reimbursement of Petroleum Fund claims totaled approximately \$1,600,075. Total expenditures for the Fund for State Fiscal Year 2022 are \$1,944,105.81. The current balance available for claims is \$8,733,070.30.

5. **SITE-SPECIFIC BOARD DETERMINATION FOR RECONSIDERATION**

Request for Reconsideration of Previous Site-Specific Board Determination No. C2019-02; Whiskey Pete's Stateline Stop; Petroleum Fund Case 2018000018

Don Warner presented the request for reconsideration of a previous site-specific board determination for Whiskey Pete's Stateline Stop, owned by Primadonna Company LLC, which received reduced Petroleum Fund coverage due to failure to respond to six months of statistical inventory reconciliation (SIR) reports indicating that there was a potential release from an UST system. Furthermore, the recent release at this site was comingled with a previous release that was not eligible for Fund coverage. Both issues led to an overall 45 percent reduction in coverage. Lonnie Mercer with Geosyntec Consultants was present to petition the Board, on behalf of Primadonna Company LLC, to reconsider its original reduction in coverage for the site. NDEP has reviewed the request and determined that it meets the criteria for submitting an NDEP-approved Compliance Plan and Schedule established in Board Policy Resolution 2012-06. As such, staff recommends the Board reconsider the original Site-Specific Board Determination.

Mr. Warner provided a summary of the events leading to the Board's actions and determination during its meeting in June 2019. On February 16, 2018, tank tightness tests were performed on the master and slave USTs containing 87-octane unleaded gasoline. The 87-master tank passed tightness testing; however, the 87-slave tank failed its tightness test. Review of the monthly SIR reports from January 2017 to February 2018 indicated that there was a potential problem with the 87-master/slave UST system beginning in August of 2017. From August 2017 through February 2018, the SIR reports for the 87-slave UST system showed a "Fail" result for the tank and line status. In addition, the October 2017 through January 2018 SIR reports noted, "Losing trend exceeds regulatory parameters. Follow the state specific guidelines for non-passing SIR results and perform loss investigation protocol as outlined in the enclosed checklist or the Veeder-Root manual." That is six months of SIR reports indicating that there was a potential problem with 87-master/slave UST system before the system was tightness tested in February of 2018. During this

time, an estimated 37,000 gallons of gasoline appeared to have been released to the environment. When the SIR reports indicated a potential problem in August of 2017, a suspected release was not reported to NDEP or the Southern Nevada Health District (SNHD) as required by federal and state regulations, nor was the suspected release investigated and confirmed within seven days or another reasonable time specified by the implementing agency. This resulted in a staff recommendation of 40 percent reduction. The Board lowered the reduction to 25 percent, based on the facts of the case. There are four other known releases at this site, which were ineligible for Fund coverage and have contributed to petroleum impacted soil and groundwater. Most of the petroleum hydrocarbon impacted soil appears to have been removed by previous excavation; however, some impacted soil remains in place and groundwater contamination is present. The ineligible previous contamination comingled with the 2018 release required staff to recommend an additional 20 percent reduction under Site-Specific Board Determination C2019-02.

Lonnie Mercer addressed the request for reconsideration by providing context for three issues specific to the site: Improvements in UST compliance at the site, plans for future remediation as outlined in the Compliance Plan and Schedule submitted to NDEP, and the cost split agreement with a third-party insurance provider and the Fund after coverage was initially granted. In terms of UST compliance, Affinity Gaming, parent company for Primadonna Company LLC, recognized the UST compliance issues that occurred at the time of the 2018 release and has made improvements. This included expansion of UST operator training of more than 20 Classification A, B and C operators. At the time of the 2018 release, Primadonna was using statistical inventory reconciliation for UST release detection, which is and was an approved method; however, there was acknowledgement that it may not be the best method. Since then, they have implemented continuous in-tank leak detection through a contractor, Warren Rogers. They continue to perform SIR as a secondary method to provide redundancy for UST release detection. In terms of required inspections and testing, Primadonna Company LLC performs annual tank tightness tests that are not required by regulations but are done as a risk management strategy. They have performed tightness tests following earthquakes in Primm. They have taken UST compliance very seriously since the 2018 release and have made a number of improvements to mitigate potential for another significant release.

Regarding remediation progress, Primadonna Company LLC has implemented site assessment, monitoring, and remediation activities. Additional remediation is outlined in the Compliance Plan and Schedule. Mr. Mercer noted Primadonna had significant business impacts resulting from the pandemic and have continued to perform cleanup work despite these impacts. Primadonna operates the hotels and casinos as well as the gas stations in Primm. Since June 2019, corrective actions performed include preparation of a corrective action plan, routine LNAPL recovery, SVE pilot testing, and design of a SVE biosparge system. They are in the process of installing the system, which should be ready for startup in first quarter 2022. After approximately a year of initial operation and collection of system performance data, there are plans for expansion.

When coverage was granted in June 2019, the 20 percent reduction related to comingled contamination was applied in accordance with Board Policy Resolution 99-022. The understanding is that the intent of the resolution is to provide a standard coverage reduction of 20 percent for cases where the percentage of contamination from non-Fund-eligible releases cannot be readily determined. After coverage was granted in June 2019, Primadonna coordinated with their third-party insurance provider and Fund staff to reach an agreement on cost splits based on the comingled contamination. It was agreed that the insurance provider would cover 55 percent of costs incurred and 45 percent would be eligible for Fund reimbursement. This agreement was reached in December 2019; costs that have been incurred since that time have been submitted both to insurance and then to the Petroleum Fund for reimbursement, based on the 55/45 percent cost split. The

request to reconsider the current SSBD should take into consideration that the agreement for cost splitting for comingled contamination essentially makes the 20 percent reduction a duplicative penalty. Mr. Mercer noted that a representative of the operator is also present if there are any questions.

Chair Tappan called for questions from Board Members.

Greg Lovato posed three questions: 1) What is the depth of the water table; 2) Are there any nearby receptors, including drinking water wells; 3) How close is the release to the California state line. **Mr. Mercer** stated that depth to groundwater is approximately 85 to 90 feet below ground surface. They have completed a sensitive receptor survey. There are no drinking water wells or other water supply wells within three miles of the site. The nearest wells are located approximately three and a half miles to the southwest; those are the water supply wells that Primadonna operates to provide drinking water to Primm. Proximity to the California State Line has been tracked closely. Primm sits on a groundwater divide, where a portion of the plume has flowed to the southwest and a portion of the plume has flowed to the north. Going to the southwest to the California border, the MTBE dissolve phase plume has extended in that direction and is probably a couple hundred feet from the border but appears to be stable. Since the 2018 release, the LNAPL and dissolve phase plumes primarily flowed to the north, away from the border.

Mr. Lovato cited Policy Resolution 2012-06, which establishes the requirements for reconsideration of a Site-Specific Board Determination. He asked for clarification regarding the requirement under Item 5B that there be a demonstration of five years consecutive compliance. The understanding is that the determination to reduce coverage in 2019 was based on failure to follow up with and report the release for a period of six months. It is not clear that there has been five years of consecutive compliance. **Mr. Cable** clarified that there are three applicable criteria, and the operator is not required to satisfy all three. These criteria include: a) New information associated with the release is provided and good reasons exist for why that information was not presented to the Board when made its original decision; b) The owner/operator implements an NDEP-approved Corrective Action Plan (CAP) and can demonstrate five consecutive years of compliance; or c) Which is being evaluated today - the operator can provide a Plan and Schedule that must be approved by NDEP and set aggressive but realistic cleanup goals to expedite cleanup of the release at the site. The owner/operator has provided an expedited Plan and Schedule that has been approved by the cleanup program. The UST compliance program has also looked at it. With NDEP's approval, the owner/operator is now requesting the Board to reconsider its original reduction. The Board may rule to keep the reduction as is, reduce it from 45 percent to a lower percentage, or remove the reduction altogether. NDEP notes that the request for consideration falls under the parameters of criteria "c". **Mr. Lovato** commented that the language is not clear that the request can be made merely under one of the three criteria, as opposed to the requirement that all three be met. **Mr. Cable** acknowledged that updates are needed in several of the policies, and he will make a note to clarify that language.

Mr. Lovato stated that Mr. Mercer's explanation was helpful in terms of the additional steps taken by the owner/operator to prevent recurrence. He asked that Brian Northam of Southern Nevada Health District, verify that the facility has been in compliance over the past couple of years. **Mr. Northam** stated that the site has been inspected annually. Following inspections, the Southern Nevada Health District (SNHD) will issue a letter with a 30-day deadline to provide documentation not available at the time of inspection. This is common with many sites that do not keep records onsite. If the requested documentation is not received within 30-days, following letters with 30-day deadlines will be issued until approximately 90-days has passed. At that time, formal enforcement action is pursued, including applying a red-tag to the noncompliant fuel tank. The site has not been

red-tagged by the State through the SNHD and have been compliant overall. They have been provided both 30-day and 60-day letters but have ultimately provided any SNHD requested documentation, demonstrating compliance.

LeRoy Perks stated that he has reviewed the photographs and data and the owner/operator appears to be exceeding State requirements at this time, which is commendable. As a Board, it is appropriate to recognize owner/operators who make the effort to go beyond the State requirements.

Mr. Mercer said that in terms of UST release detection, Primadonna Company also considered CSLD as a method for release detection. However, this was not determined to be appropriate, due to the high volume of fuel going through the site. They have worked to identify the best UST release detection for this site. **Mr. Northam** stated that their highest technical inspector evaluated all the leak detection methodologies provided by Primadonna for the site and verified that they are, in fact, using adequate and functional processes, especially considering the extreme fuel volume at the site.

Chair Tappan commented on the extensiveness of the project and accompanying Compliance Plan and Schedule. It appears that a Board decision to reduce or eliminate the percentage would be conducive toward expediting the cleanup in accordance with the plan. She asked for Board input on whether to keep the 45 percent reduction, reduce the reduction rate, or eliminate it.

Mr. Lovato requested clarification of the current reduction. His understanding was the original staff recommendation of 40 percent was already reduced to 25 percent. He asked if this was the current reduction. **Mr. Cabbie** stated that the current reduction is 25 percent for noncompliance with release detection follow-up and failure to investigate a suspected release. There is an additional 20 percent reduction for comingled contamination with a noneligible fuel release (45 percent cumulative). **Mr. Cabbie** also noted the intent of the reconsideration policy resolution is not for the Board to hear multiple reconsideration requests and duplicate discussions of Site-Specific Board Determinations. Instead, the Board's determination should be considered final and based on the facts of the case. If the Board changes or eliminates the current reduction percentage and the operator returns to a noncompliant status, the original reduction can be reinstated without eligibility for reconsideration at a later date. **Mr. Cabbie** further clarified in regard to Mr. Mercer's reference to cost sharing, the amount that the Fund pays on this case is further reduced by the splitting of costs between the Fund and a third-party insurance company. The Petroleum Fund portion for overall cleanup costs at the site is 45 percent. The remaining 55 percent is covered by the insurance carrier. This means, staff currently apply a 45 percent reduction to 45 percent of the overall cleanup costs.

Mr. Lovato inquired as to the magnitude of the comingling component. **Mr. Mercer** said that at the time coverage was granted in June 2019, the comingling was known. However, there was not yet agreement with the third-party insurance provider as to what portion would be eligible for reimbursement by insurance. The agreement was later reached at 55 to 45 percent split, insurance covering 55 percent and 45 percent was eligible for Fund reimbursement. **Mr. Lovato** stated that from the Board's perspective, the 55 percent more than covers the 20 percent already.

Mr. Perks ask for clarification as whether the non-Fund eligible contamination is being cleaned up with Fund eligible contamination as one project; in other words, one claim is submitted for both. **Mr. Cabbie** confirmed that is correct. The cleanup is managed as one single project and the insurance company is paying for 55 percent of both issues. The Fund covers the remaining 45 percent of the cleanup costs, and then applies the coverage reduction and copayment. If the

reduction were removed altogether, there would just be a 10 percent copayment required of the operator on 45 percent of the overall cleanup costs.

Mr. Mercer commented that since 2019, roughly \$900,000 has been spent. The insurance provider has covered approximately \$450,000. Roughly \$440,000 has been submitted to the Fund for reimbursement. The penalties and deductible total approximately \$215,000. Fund coverage totaled approximately \$210,000. The 20 percent penalty for comingled contamination is essentially a double penalty, after reaching the cost agreement with the insurance provider.

Mr. Lovato inquired as to whether the work plan has been approved by NDEP. **Ben Moan**, NDEP Case Officer, confirmed that NDEP has approved the CAP for the site as well as various work plans for individual components. They have completed a soil vapor extraction pilot test which was promising. Quite a bit of contamination remains in the soil column, which is feeding the plume. Based on this, NDEP has approved scaling up of the system, which will focus mostly in the new source area near the more recent release. The system should be installed in the first quarter of next year. In the meantime, they are quantifying the natural plume depletion for comparison to other potential techniques. One of the driver compounds in the dissolved phase is MTBE. MTBE was not present in the release from several years ago, as it is no longer being used in gasoline. However, because it is present in nearly all the wells, this is evidence of a very comingled plume. One of the goals is to ensure remediation begins before the MTBE plume migrates too far. Potential receptors are several miles from the site, but MTBE can travel significant distances under the right conditions.

Chair Tappan inquired as to the projected costs. **Mr. Mercer** stated that it is a multimillion-dollar cleanup, exceeding \$2 million.

Chair Tappan invited Board Members to set forth a motion, which could potentially include either keeping the reduction as is or amending the reduction. **Mr. Perks** noted that the owner/operator has spent significant funds on completing upgrades and has paid over \$200,000 in penalties so far.

LeRoy Perks moved to remove the 45 percent reduction for Site-Specific Board Determination No. C2019-02.

Discussion:

Rod Smith asked for clarification that Mr. Perks is suggesting 100 percent removal. **Mr. Perks** stated that they will still have their 10 percent copayment, but they will exceed Fund coverage and go out of pocket again on further expenses. This motion will expedite the process. The owner/operator has spent significant funds to reach this point, including improvements not covered by the Fund.

Chair Tappan addressed Mr. Cabbie, asking whether AB40 limits what the Petroleum Fund can pay. **Mr. Cabbie** stated that for initial Petroleum Fund coverage on a per-tank basis, there is available funding of \$1 million for cleanup and \$1 million for third-party damages. The adoption of AB40 opens the door to allow cases that have exceeded their \$1 million in cleanup to apply for an additional \$1 million allocation. The site was allocated \$1 million for one tank release. It is expected that they will return to the Board shortly after system installation to ask for a second \$1 million under AB40. There is no cap. They are free to ask for additional allotments; however, they are only permitted to ask for \$1 million at a time. For each request, a list of requirements must be met and evaluated by NDEP and approved by the Board.

Jason Case seconded the motion.

Discussion:

Mr. Case stated that a vote of approval sends a clear message that doing the right thing and going above and beyond will result in the NDEP working with the owner/operator towards resolution.

Mr. Lovato stated that he appreciates the efforts made as well as the comprehensive approach. However, it is appropriate to maintain a nominal reduction, due to the amount of the release. He would be willing to discuss a separate resolution in the range of 5 to 10 percent and reducing from 45 percent. He intends to vote no on the proposed resolution. **Mr. Smith** voiced agreement with **Mr. Lovato**.

Motion failed two (2) to four (4) with Leroy Perks and Jason Case voting for, and Chair Tappan, Rod Smith, Greg Lovato, and Karen Stoll voting against.

Chair Tappan invited Board members to offer an alternative motion.

Greg Lovato moved to reduce the 45 percent reduction for Petroleum Fund Case 2018000018 to 10 percent. Rod Smith seconded the motion.

Discussion:

Mr. Perks asked for clarification that it would be a 10 percent total reduction. **Mr. Lovato** said the 10 percent co-pay would remain. This would be a 10 percent additional reduction from the 45 percent. **Mr. Smith** asked whether the total would then be 35 percent. **Mr. Cabbie** said the original Site-Specific Board Determination C2019-02 set a 45 percent reduction in coverage. The operator, in addition to the 45 percent reduction, is also required to pay a 10 percent copayment. The motion, as he understands it is that the 45 percent reduction would be reduced to 10 percent and there would also be 10 percent copayment.

Motion carried unanimously.

6. LEGISLATIVE COUNSEL BUREAU PROPOSED DRAFT REGULATIONS: R049-21

Mr. Cabbie stated that the draft of the amended regulations was submitted to the Legislative Counsel Bureau (LCB) on September 30th, following the September 9th Board meeting and discussion. In a recent conversation with LCB, it was indicated that a proposed draft should be available by the end of the week. A public hearing notice cannot move forward until staff are in receipt of the proposed draft from LCB. **Mr. Cabbie** provided an overview of the changes made after the September meeting based on Board member and public comment:

Section 1: Subsection 1(f): Small Business Definition

Mr. Cabbie noted that there was a lengthy discussion regarding the small business monetary cap during the last meeting, and a request to somehow build in an adjustment factor to offset variable fuel costs. Staff were not comfortable pursuing a change to the regulations to account for fuel price variation without further consulting the Board. He cited to a list of national government agencies

and entities, which were reviewed for potential guidance. Prior to 2005, an argument could have been made that applying an adjustment factor for fuel pricing around the \$2 mark would be reasonable. This was one of the discussion topics in the last meeting. Looking at data beyond 2005 to present, there are more significant oscillations of highs and lows, but the overall average is \$3.30 to \$3.50 per gallon for both gasoline and diesel fuels. Based on this research and just looking at operator fuel costs, an operator would have to approach the one million gallon throughput cap, per year, to approach the \$4 million cap in the draft regulations. With this in mind, staff made the decision to not delay the adoption of the regulations further and submitted the regulations with the small business definition largely unchanged. **Mr. Cabbie** commented that the Board could revisit this issue at some point in the future.

In the same section of the draft regulations (Section 1: Subsection 1(f)), regarding maximum fuel throughput under the small business definition, **Mr. Cabbie** stated that a change was made to clarify that the throughput would be averaged over two years and would be specific to petroleum products sold to the public at that site.

Mr. Smith cited another requirement of the small business definition, “Employs 150 or fewer full-time or part-time employees,” and asked whether this applies to the site or the total corporation. **Mr. Cabbie** stated they will be looking at the entity or operator owning the UST system. The operator will need to decide if their business oversees one or multiple sites. The 150 employees reference is consistent with other Nevada Statutes and is not believed to be a significant limiting factor when defining a small business.

Section 7: Subsection 2

Mr. Cabbie reviewed the updated language, “The initial claim must be submitted within 12 months following the date of the discharge as identified in the application for coverage.” There was concern identified by members in the September Board meeting regarding the original language of when an operator “knew or should have known” about a discharge to the environment. Staff will rely on information provided in the application for coverage.

Section 8: Subsection 5

Mr. Cabbie stated that the revision strikes out the following: “That the operator has submitted three bids for the applicable upgrades in the manner specified by paragraph (e) of subsection 1 of NAC 445C.340.” This section of the regulations is specific to the grant program and there was significant discussion during the September Board meeting about removing a bid requirement and replacing it with a cost schedule for allowed upgrades. Revisions to sections 8, 9, and 10 further address cost controls for grant upgrades in lieu requiring three bids.

Section 8: Subsection 6

Mr. Cabbie stated that the revision strikes out the following: “In accordance with the provisions of paragraph (f) of NAC 445C.340, that the operator is unable to finance the purchase and installation of the applicable upgrades.”

Section 9: Subsection 1(d)

Mr. Cabbie stated that the modification replaces three bids with requiring a cost estimate from a certified tank handler.

Section 10, Subsection 3

Mr. Cabbie noted that the revision adds, “A grant award paid by the Division to an applicant for upgrades will be in accordance with a cost schedule approved by the Board.”

Section 10, Subsection 4

Mr. Cabbie noted that the revision adds, “The total amount of a grant award to an applicant for upgrades to a petroleum dispensing location must not exceed \$90,000.”

Mr. Smith requested clarification on a reference to bids in Section 5: Subsection 4(e). His understanding was the program was moving away from bids. **Mr. Cabbie** clarified the discussion in September and the following removal of bids was specific to UST upgrades where there is a small list of components that are eligible to be upgraded under the grant program. For this short list of items and the associated labor to install them, staff can work directly with contractors and vendors to establish a specific cost the Fund will pay to upgrade certain UST system components. The section referred to by Mr. Smith is a bid requirement for cleanup work or remediation following a release. Cleanup activities and appropriate remediation methods vary significantly from site to site, which makes it far more difficult for staff to set specific rates for varying subcontractor costs. As such, staff has proposed no change to the bid requirement for cleanup costs exceeding \$6,000.

Mr. Smith had another question regarding Section 4: Subsection 2(d) and how it applied to single wall aboveground storage tanks. **Mr. Cabbie** clarified that language requires an operator that enrolls in the Fund to visually inspect the entire outer surface of a single wall tank, which is generally going to be placed over a containment area where a release should be observed if the tank or piping is leaking. In the same section, under Subsection 6, **Mr. Smith** inquired about the record keeping requirements for testing of storage tanks. **Mr. Cabbie** indicated the 12-month record requirement for underground storage tanks is pulled from federal UST requirements that the state has adopted by reference.

Following the above summary of the draft regulation changes, **Mr. Cabbie** stated that if the proposed draft is received back from the LCB in a timely manner, the Board will need to determine when it wishes to hear the regulations for adoption. A brief overview of potential timelines was provided, including the possibility of scheduling an intermediate meeting. Discussion ensued regarding potential meeting scheduling and meeting format. There was consensus to leave open the potential to convene an intermediary meeting for adoption of the regulations, dependent upon the timing of the proposed draft received from LCB. If the draft is delayed, then the public hearing would be agendized for March in conjunction with the next quarterly meeting.

Chair Tappan thanked Mr. Cabbie and staff for addressing the Board’s concerns, as reflected in the modifications reviewed in the draft.

7. **ADOPTION OF CONSENT AGENDA ITEMS**

The Board reviewed all items as a consent agenda item. There were no items marked by an asterisk (*), or members of the public who wished to speak regarding the agenda item.

A dagger (†) indicates previously disallowed monies have been 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>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80121	Churchill County School District: Old High School	\$1,982.57	\$1,982.57
SUB TOTAL:				<u>\$1,982.57</u>	<u>\$1,982.57</u>

NEW CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2019000044; 80110	7Eleven Inc: 7Eleven #15829	\$18,930.97	\$17,037.87
FOR POSSIBLE ACTION	2.	2021000009; 80106	7Eleven Inc: 7Eleven #27111	\$7,884.75	\$7,096.27
SUB TOTAL:				<u>\$26,815.72</u>	<u>\$24,134.14</u>

ONGOING CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000103; 80143	Charlie Brown Construction: Charlie Brown Const.	\$5,678.48	\$5,564.91
FOR POSSIBLE ACTION	2.	1994000027; 80109	7Eleven Inc: 7Eleven #19653	\$95,062.76	\$95,042.13
FOR POSSIBLE ACTION	3.	1995000039; 80112	Al Park Petroleum Inc: Crescent Valley Market	\$23,584.46	\$21,226.01
FOR POSSIBLE ACTION	4.	1996000064; 80146	The Esslinger Family Trust: Red Rock Mini Mart	\$12,168.12	\$11,090.13
FOR POSSIBLE ACTION	5.	1997000071; 80101	7Eleven Inc: 7-Eleven #25586	\$17,616.68	\$15,855.01
FOR POSSIBLE ACTION	6.	1998000075; 80115	55 McDermit Crude LLC: McDermit Motel & Convenience Store	\$6,766.90	\$6,090.21
FOR POSSIBLE ACTION	7.	1999000014; 80117	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,036.71	\$4,524.04
FOR POSSIBLE ACTION	8.	1999000022; 80099	Terrible Herbst Oil Company Inc: Terrible Herbst #129	\$4,537.50	\$4,083.75
FOR POSSIBLE ACTION	9.	1999000086; 80096	Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$12,151.78	\$10,936.60
FOR POSSIBLE ACTION	10.	1999000104; 80097	Terrible Herbst Oil Company Inc: Terrible Herbst #118	\$1,821.25	\$1,639.13
FOR POSSIBLE ACTION	11.	1999000199; 79844	Village Springs LLC: Lakeshore Orbit Station	\$64,499.73	\$64,499.73
FOR POSSIBLE ACTION	12.	1999000243; 80118	7Eleven Inc: 7Eleven #27607	\$46,516.55	\$41,807.65

FOR POSSIBLE ACTION	13.	2004000011; 80125	Hpt Ta Properties Trust: Wells Petro Truck Service	\$3,527.50	\$3,174.75
FOR POSSIBLE ACTION	14.	2007000014; 80154	Raiders Oz Business LLC: Former Ace Cab/Frias Transportation	\$37,224.72	\$33,502.25
FOR POSSIBLE ACTION	15.	2007000016; 80124	Golden Gate Petroleum of Nevada LLC: Golden Gate Petroleum	\$4,061.25	\$3,655.13
FOR POSSIBLE ACTION	16.	2009000020; 79789	Western Energetix LLC: Battle Mountain Bulk Plant #3006/flyers #772	\$17,337.50	\$14,827.05
FOR POSSIBLE ACTION	17.	2010000009; 80123	Hpt Ta Properties Trust: Mill City Travel Center	\$27,725.65	\$22,457.78
FOR POSSIBLE ACTION	18.	2011000009; 80122	Cimarron West: Cimarron West	\$21,874.69	\$19,687.22
FOR POSSIBLE ACTION	19.	2013000004; 80095	7Eleven Inc: 7Eleven #29665	\$18,341.97	\$16,507.77
FOR POSSIBLE ACTION	20.	2013000019; 80120	Hardy Enterprises INC: Elko Sinclair #53	\$25,534.51	\$22,981.06
FOR POSSIBLE ACTION	21.	2013000021; 80102	7Eleven Inc: 7Eleven #27700	\$7,065.00	\$6,358.50
FOR POSSIBLE ACTION	22.	2014000004; 80148	Alsaker Corp: Broadway Colt Service Center	\$15,750.56	\$14,175.50
FOR POSSIBLE ACTION	23.	2014000007; 80094	7Eleven Inc: 7Eleven #29658	\$16,597.43	\$14,937.69
FOR POSSIBLE ACTION	24.	2014000016; 80116	Smitten Oil and Tire Co Inc: Former Smedley's Chevron	\$4,737.78	\$4,264.00
FOR POSSIBLE ACTION	25.	2014000025; 80119	Superior Campgrounds of America LLC: Silver City RV Resort	\$30,590.29	\$27,531.26
FOR POSSIBLE ACTION	26.	2015000009; 80153	Hpt Ta Properties Trust: Las Vegas Travel Center	\$2,307.50	\$2,076.75
FOR POSSIBLE ACTION	27.	2016000005; 80114	Golden Gate S.e.t. Retail of Nevada LLC: Golden Gate Petroleum 65 Fallon	\$3,064.49	\$2,758.04
FOR POSSIBLE ACTION	28.	2016000012; 80144	DLF Corporation: Mr. Ds Fastlane	\$7,061.29	\$6,355.16
FOR POSSIBLE ACTION	29.	2016000023; 80113	Al Park Petroleum Inc: Pit Stop #1	\$8,302.80	\$5,978.02
FOR POSSIBLE ACTION	30.	2016000027; 80098	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$8,472.75	\$6,862.92
FOR POSSIBLE ACTION	31.	2018000009; 80111	Reed Incorporated: Pacific Pride	\$10,561.20	\$9,505.08
FOR POSSIBLE ACTION	32.	2018000018; 80069	Primadonna Company LLC: Whiskey Pete's Stateline Stop	\$157,440.83	\$76,190.62
FOR POSSIBLE ACTION	33.	2020000015; 80145	Canyon Plaza LLC: Gas 2 Go	\$43,564.08	\$23,521.58
FOR POSSIBLE ACTION	34.	2020000016; 80062	LV Petroleum LLC: Us Gas #7	\$82,782.10	\$74,136.78
FOR POSSIBLE ACTION	35.	2020000046; 80064	Midjit Market Inc: Green Valley Grocery #34	\$31,921.52	\$17,237.62
SUB TOTAL:				<u>\$881,288.33</u>	<u>\$711,041.83</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$910,086.62</u>	<u>\$737,158.54</u>

Mr. Smith moved for approval of the consent items as listed. Mr. Perks seconded the motion.

Discussion:

Mr. Lovato addressed Item 32, Whiskey Pete's and asked whether the amount will change. Mr. Cabbie stated that the vote will not affect the claim or its numbers. The reduction will be applied to future claims for all work performed from today forward.

Motion carried unanimously.

DRAFT

8. DIRECT PAYMENT OF UNCONTESTED CLAIMS MADE PER BOARD POLICY RESOLUTION 2017-02

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 claim payments made on the Board's behalf in accordance with Policy Resolution No. 2017-02 since the previous Board meeting.

A dagger (†) indicates previously disallowed monies have been 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.	2021000025; 80100	Michael Matheus: Michael Powell Matheus Residence	\$19,927.63	\$19,677.63
FOR DISCUSSION	2.	2021000028; 80107	Jonathon King: Jonathan H & Eve M King Family Trust Residential Heating Oil Tank	\$19,134.09	\$18,884.09
FOR DISCUSSION	3.	2021000029; 80108	Lucas & Amanda Stewart: Residential Heating Oil Tank, 14585 Rim Rock Road	\$21,442.12	\$21,192.12
FOR DISCUSSION	4.	2021000033; 80147	Elena Corpus: Residential Heating Oil Tank At 955 Belgrave Ave	\$14,926.76	\$14,676.76
FOR DISCUSSION	5.	2021000034; 80150	Marilyn Newton: Residential Heating Oil Tank At 340 Country Drive, Reno	\$17,519.09	\$17,269.09
			SUB TOTAL:	<u>\$92,949.69</u>	<u>\$91,699.69</u>

ONGOING CASES

				<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80133	Rebel Oil Company: Rebel Store #2008	\$70,323.31	\$70,323.31
FOR DISCUSSION	2.	1994000015; 80127	Pilger Family Holdings: Former D & G Oil Company	\$29,203.67	\$29,203.67
FOR DISCUSSION	3.	1999000023; 80135	Nevada Ready Mix Corp: Nevada Ready Mix	\$26,854.46	\$23,588.23
FOR DISCUSSION	4.	1999000066; 80136	HP Management LLC: Former Haycock Petroleum	\$28,137.97	\$25,324.17
FOR DISCUSSION	5.	2008000019; 80063	One Panou LLC: Golden Market #3	\$15,897.31	\$13,983.07
FOR DISCUSSION	6.	2012000012; 80105	Las Vegas Land Acquisition 2020 Co. LLC: Green Valley Grocery #61	\$6,671.50	\$6,004.35
FOR DISCUSSION	7.	2013000009; 80128	Western Petroleum: Western Petroleum Of Nevada	\$8,473.25	\$7,625.93
FOR DISCUSSION	8.	2013000011; 80129	Har Moor Investments LLC: Village Shop #4	\$18,209.38	\$16,388.44

FOR DISCUSSION	9.	2014000033; 80134	Speedee Mart INC: Speedee Mart #108	\$29,679.50	\$26,711.55
FOR DISCUSSION	10.	2017000019; 80139	Rebel Oil Company: Rebel Store #2197	\$20,426.18	\$18,383.56
FOR DISCUSSION	11.	2017000035; 80140	Rebel Oil Company: Rebel Store #2177	\$19,550.94	\$17,595.85
FOR DISCUSSION	12.	2018000005; 80137	Rebel Oil Company: Rebel Store # 2153	\$18,648.75	\$16,783.87
FOR DISCUSSION	13.	2019000001; 80138	Rebel Oil Company: Rebel Store #2160	\$3,837.50	\$3,453.75
FOR DISCUSSION	14.	2019000002; 80141	Rebel Oil Company: Rebel Store #2166	\$7,557.50	\$6,801.75
FOR DISCUSSION	15.	2019000005; 80132	Fairway Chevrolet Co: Fairway Chevrolet CO	\$6,293.25	\$5,663.93
FOR DISCUSSION	16.	2019000014; 80130	Western Cab Co: Western Cab CO	\$5,008.00	\$4,507.20

SUB TOTAL: \$314,772.47 \$292,342.63

DIRECT PAYMENT CLAIMS TOTAL: \$407,722.16 \$384,042.32

BOARD MEETING CLAIMS TOTAL: \$1,317,808.78 \$1,121,200.86

DRAFT

9. **EXECUTIVE SUMMARY**

Mr. Cabbie stated annual invoices for enrollment year 2022 were issued on August 19, 2021. Total facilities invoiced to date is 1,238 facilities. Payment has been received for approximately 97 percent of the invoices. Since the Fund was created, a total of 1,755 remediation cases have applied for Fund coverage. Of those applications, 173 have been denied due to ineligibility or other reasons. Of the cases that were provided Fund coverage, 1,478 cases have since been closed and no longer receive Fund reimbursement. Currently, there are 100 active Fund cases. NDEP has received 34 new coverage applications for Fund coverage in Calendar Year 2021. Four applications are currently pending. Prior to this Board meeting, the Board to Review Claims has approved a cumulative total of \$249,005,237.39. This includes \$384,042.32 for direct payment claims since the last Board meeting. With today's approval of \$737,158.54, the cumulative Fund expenditure will increase to \$249,742,395.93. No UST upgrade grant allocations were made this quarter.

In terms of audits, Report No. 19-05 included five findings and recommendations. Staff has taken action to address four of the five recommendations. The final recommendation to be resolved is Number 1, which expressed concern about the program's lack of coverage for smaller operators. To address this, staff drafted the regulations discussed at this meeting and expanded the small business definition. Because adoption of the regulations has been delayed, it is expected they will be heard in the first quarter of 2022. Upon passage, staff anticipate all five recommendations under this report to be fully implemented.

The second audit, under Report No. 21-04 had four additional findings and recommendations. The implementation date for most recommendations is January 2022. NDEP recently received correspondence from the Division of Internal Audits (DIA). It appears that the annual report for follow up will not be heard by the Executive Audit Branch Committee until November of 2022. Given the delay, it is believed that all audit findings will be addressed by the second quarter of next year. A brief update on remaining items was provided.

Mr. Smith asked for an update on Eagle Gas. **Mr. Cabbie** stated that remedial action was successful at the site and no further cleanup actions are occurring at this time. The State continues to pursue collection of the debt owed with available resources.

10. **PUBLIC COMMENT**

Peter Kruger, NV Petroleum Marketers & Convenience Store Association (NPM & CSA), commended Mr. Cabbie and Fund staff for working so diligently in conjunction with the regulated community on the regulations.

11. **CONFIRMATION OF NEXT BOARD MEETING DATE**

It was confirmed the next meeting date would be Thursday, March 10, 2022.

Chair Tappan suggested the possibility of having a training session, in light of the newly appointed members and to review program requirements. **Mr. Cabbie** agreed that it would be helpful for the Board Members to have a firm grasp on statutes, regulations, and policy resolutions. A training session would also be a good opportunity for Board Members to ask questions. It would be ideal for such training to occur prior to adoption of the regulations.

12. **ADJOURNMENT**

The meeting adjourned at 11:49 a.m.

DRAFT

**Agenda Item 6:
Status of the Fund**
(FOR DISCUSSION)

Petroleum Discharge Cleanup Fund
 Balance Sheet - State Fiscal Year 2022
 As of February 18, 2022

REVENUE

Balance Forward	\$	7,500,000.00
Enrollment and Registration Fees	\$	392,100.00
Petroleum Fees	\$	6,233,341.20
Interest Earned	\$	20,116.60
Balance Forward to New Year	\$	-
Total Revenue	\$	14,145,557.80

EXPENDITURES

Board Salary	\$	624.54
In-State Travel	\$	114.24
Operating	\$	800.81
Transfer to Highway Fund	\$	-
Transfer to Division of Environmental Protection	\$	536,391.25
Senate Bill No. 89	\$	-
Petroleum Grant Program	\$	-
Department of Motor Vehicles Fee Collection Service	\$	12,714.00
Reimbursement of Claims	\$	2,822,881.85
Total Expenditures	\$	3,373,526.69

LIABILITIES

Petroleum Board Costs	\$	2,460.41
Highway Fund Budgeted Amount	\$	8,000,000.00
Pending Obligated Claims	\$	8,717.74
Total Liabilities	\$	8,011,178.15

ACTUAL FUNDING AVAILABLE

\$ 10,772,031.11

DocuSigned by:

Susan Genzler

2/23/2022 | 10:37 AM PST

Prepared By

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Date:

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My [Signature]

2/23/2022 | 2:36 PM PST

Reviewed By

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Date:

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Mike Cable

2/23/2022 | 2:41 PM PST

Petroleum Fund Staff Approval

Date:

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**Agenda Item 7:
Amend CEM Cost Guidelines Task J.1 and
J.2 soil disposal rate**

(FOR POSSIBLE ACTION)

J. INITIAL ABATEMENT ACTIVITIES

TASK J.1: INITIAL ABATEMENT FOR HEATING OIL TANK CLEANUP ACTIVITY
Fund Coverage provided ONLY if a LUST/Corrective Action Case Number is Assigned

Scope of Work: This task consists of all personnel time and maximum allowable contractor costs to conduct initial abatement work on heating oil tank removal and cleanup projects prior to engaging in standard cost controls established through NTEPs and bids. Because the CEM provides direct oversight of the contractor during this phase, it is the CEM’s responsibility to ensure the CEM costs and contractor costs are consistent with this task table. Detailed non-CEM invoices must be provided to NDEP in the reimbursement claim to support initial abatement costs. Details include, but are not limited to, contractor’s timesheets, daily activity logs and any transportation, lodging, equipment and/or rental costs. The soil disposal invoice must also be included.

To minimize safety concerns with having an open excavation and facilitate rapid initial abatement activities, the Fund will reimburse rapid turnaround results for laboratory analyses for soils that have apparent petroleum impacts. Rapid turnaround times should not be pursued if there are not obvious signs of a discharge to the environment. The initial abatement period ends once equipment used to remove the tank system(s) is demobilized from the site and/or the excavation is backfilled. If additional assessment and remediation work is required for the site, those activities must be requested through an NTEP and performed under regulatory case officer concurrence (refer to Appendix F).

SKILL LEVEL/ACTIVITY	ACTIVITY/COSTS	TOTAL HRS
Project Manager/ Senior Engineer/ Senior Geologist	Coordination Activities and Project Management	2
Staff Engineer/ Staff Geologist	Oversight of Excavation Activities and Generation of Required Reports	24
Technician or Staff Geologist	Prepare field equipment, recover samples from pit(s), decontaminate equipment, deliver or ship samples for analyses	4
Administration/Clerical	Word processing and administrative support	4
Drafter	Drafting	2
<u>All Non-CEM Activities*</u> (Not to include Tank Removal or Laboratory Analyses Costs)	[Soil Removed (tons)] x \$80 \$100 [Disposal Rate Per Ton] x [3.75**] = <u>\$\$ Maximum Allowable Non-CEM Cost</u> Maximum Allowable Soil Removal = 48 tons (approximately 32 yards³) per storage tank. Where multiple storage tanks are removed from a site, the total volume of soil removed shall not exceed 210 tons (approximately 140 yards³).	N/A
Tank Removal	\$2,000 maximum to defray removal costs (Applies only if a LUST/Corrective Action Case Number is Assigned to Project)	N/A
TOTAL HOURS FOR TASK		36

* Activities include, but are not limited to, excavating, transporting and disposal of impacted soil, importing and placement of backfill, site restoration and ALL supplemental charges

** Multiplier is the average contractor costs for Nevada heating oil projects based upon the amount of soil disposed from 2013 – 2015

Typical activities included in total hours for above task:

- Coordination and excavation oversight of soils that have apparent petroleum impacts
- Backfilling of tank pit
- Collection of soil samples for analyses
- Time to deliver samples to laboratory or prepare shipping package
- Project management
- Travel time if site is located within metropolitan area of consultant
- Coordination of disposal of contaminated soils
- Consultant coordination of traffic control plan and placement of traffic barriers (if necessary)
- Vehicle mileage, CEM in-house supplies, per diem and vendor markup may be added to above table as necessary

Additional considerations for the above task:

- “Soils that have apparent petroleum impacts” must be evident by soils saturated with petroleum product, have elevated volatile organic compounds identified via field equipment (e.g. PID), or obvious petroleum staining with strong odor. Costs associated with excavation, disposal, and sampling of impacted soils will not be reimbursed if the initial storage tank closure sample results are below NDEP action levels.
- For large cleanup sites where multiple heating oil storage tanks are removed from separate tank excavations (i.e. tank pits), an additional 1.5 hours may be requested for oversight of the fourth tank pit and each additional pit thereafter (Staff Engineer/Staff Geologist skill level). The above additional hours may not be requested at a site for the removal of three or less storage tanks, regardless of the number of tank excavation pits.
- For large cleanup sites where multiple heating oil storage tanks are removed from separate tank excavations (i.e. tank pits), an additional 0.5 hours may be requested for sampling of the fourth tank pit and each additional pit thereafter (Staff Geologist/Technician skill level). The above additional hours may not be requested at a site for the removal of three or less storage tanks, regardless of the number of tank excavation pits.
- Drafting hours in the task table above should be reserved for large heating oil tank system removal projects (e.g. schools, hospitals, casinos) that require detailed drawings to make informed decisions about closure or further remediation beyond the scope of this task. Drawings must be in a scaled electronic format and display the following: former tank and piping locations, sample locations and depth, surrounding structures, sensitive receptors where appropriate, and off-property impacts. **These types of drawings are not typically associated with, nor required, for small residential heating oil tank (<1,100 gallon) sites.**
- If the CEM believes the site can be closed or future corrective action costs would be significantly reduced by excavating additional soil beyond the “maximum allowable soil removal” referenced in the table above, **he/she must request and obtain written approval for a specific tonnage/volume of additional excavation from the regulatory case officer, Fund staff, or NDEP supervisor.** Any additional excavation approved by the regulatory case officer, as part of initial abatement, must be invoiced using the same formula for Maximum Allowable Non-CEM Costs.

If the regulatory case officer does not provide approval for additional soil excavation, any further excavation is considered beyond the scope of initial abatement. The CEM must contact the regulatory case officer to initiate the required cost control measures established through a NTEP and bids, when the cost meets the bid criteria. Work beyond the scope of initial abatement must be conducted in accordance with a corrective action plan approved by the NDEP.

- If the volume of excavated soil is relatively small, forcing the maximum allowable Non-CEM costs down to a value that does not cover the actual Non-CEM expenses, the CEM may request that the regulatory case officer increase the maximum allowable cost to cover the actual expenses incurred.
- If the site is located outside of the metropolitan area of the consultant, additional hours for consultant travel time (billed at technician rate), mileage, and per diem may be included with an initial abatement claim submittal. State mileage and per diem rates apply (Appendix B).
- Nevada disposal facilities should be used for impacted soil disposal, when possible. If the site is located in a rural area of the state where transport costs to a Nevada disposal facility will cause the Non-CEM costs to exceed the maximum allowed by the formula in the table above, an out-of-state disposal facility located closer to the site may be used. The disposal rate of the out-of-state facility must be equal to or less than the disposal rate in the task table unless the cost analysis outlined below is provided and approved.
- If the soil disposal rate of an out-of-state facility or a Nevada disposal facility in close proximity to a rural site is greater than \$80 per ton, a cost analysis must be submitted for reimbursement consideration. The cost analysis must demonstrate that costs associated with transporting impacted soils to a Nevada disposal facility with a rate equal to or less than \$80 per ton will exceed the Maximum Allowable Non-CEM Cost provided by the formula in the table above and using the disposal facility with a higher disposal rate will result in a cost savings to the Fund.

If this Task can be performed in less time than summarized in the above table, the reduced level of effort/hours must be applied.

TASK J.2: INITIAL ABATEMENT FOR REGULATED UNDERGROUND STORAGE TANK CLEANUP ACTIVITIES

Scope of Work: This task consists of all personnel time and maximum allowable contractor costs to conduct initial abatement work on discharges from regulated underground storage tank (UST) systems prior to engaging in standard cost controls established through NTEPs and bids. Initial abatement specifically includes the following: initial assessment immediately after UST removal (i.e. UST closure sampling required by the implementing agency); initial excavation of soils that have been confirmed by laboratory analysis to be above 100 mg/Kg for TPH and total greater than 3 cubic yards; further excavation of soils with apparent petroleum impacts caused by the removed USTs; and confirmation sampling following the removal of impacted soils. “Soils that have apparent petroleum impacts” must be evident by soils saturated with petroleum product, have elevated volatile organic compounds identified via field equipment (e.g. PID), or obvious petroleum staining with strong odor. Costs associated with excavation/disposal of soils and confirmation sampling will not be reimbursed if the initial UST closure samples are below NDEP action levels (i.e. petroleum contamination must be confirmed by laboratory analysis of the UST closure samples prior to excavation activities).

To expedite the UST closure sampling and post-excavation confirmation sampling, the Petroleum Fund (Fund) will reimburse rapid turnaround results for laboratory analyses for soils that have apparent petroleum impacts. Rapid turnaround times should not be pursued if there are not obvious signs of a discharge to the environment. The initial abatement period ends once equipment used to remove the tank system(s) is demobilized from the site and/or the excavation is backfilled. If additional assessment and remediation work is required for the site, those activities must be requested through an NTEP and performed under regulatory case officer concurrence (refer to Appendix F).

Because the CEM provides direct oversight of the contractor(s) during this phase, it is the CEM’s responsibility to ensure the CEM costs and contractor costs are consistent with the below task table. Detailed non-CEM invoices must be provided to NDEP in the reimbursement claim to support initial abatement costs. Details include, but are not limited to, contractor’s timesheets, daily activity logs and any transportation, lodging, equipment and/or rental costs. Invoices, manifests, and soil profile analyses required for soil disposal must also be included with the reimbursement claim(s). **Note: A reimbursement claim for initial abatement costs associated with a regulated UST system cannot be submitted until a leaking underground storage tank (LUST) case officer/case number has been assigned and the Fund has approved coverage for the UST(s) that caused the discharge to the environment.**

NDEP strongly recommends the CEM contact a LUST case officer/supervisor or Fund staff at the time the discharge is observed, and after the UST closure sample analytical results are received, to obtain verbal concurrence for initial abatement activities. If initial abatement activities need to occur during hours that NDEP offices are closed (weekends, holidays, etc.), the CEM should use their judgment to implement methods to expedite cleanup and minimize project costs. The above activities may be performed prior to Fund coverage being established for the facility; however, the CEM must understand and inform the operator that any costs incurred under this task shall be borne by the operator if reimbursement coverage is denied. Additionally, if coverage is granted with a reduction, reimbursement by the Fund for these initial abatement activities will be reduced. For additional information on reductions or potential denial of Fund coverage, please review Policy Resolution #94-023 at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-policy-resolutions>

SKILL LEVEL/ACTIVITY	ACTIVITY/COSTS	TOTAL HRS
Project Manager/ Senior Engineer/ Senior Geologist	Coordination Activities and Project Management	2
Staff Engineer/ Staff Geologist	Oversight of Excavation Activities and Generation of Required Reports	24
Technician or Staff Geologist	Prepare field equipment, recover samples from beneath tank system(s), decontaminate equipment, deliver or ship samples for analyses	6
Administration/Clerical	Word processing and administrative support	2
<u>All</u> Non-CEM Activities* (<i>Not to include Laboratory Analyses Costs</i>)	[Soil Removed (tons)] x \$80 -100 [Disposal Rate Per Ton] x [3.75**] = <u>\$\$ Maximum Allowable Non-CEM Cost</u> Maximum Allowable Soil Removal = 210 tons (approximately 140 yards³)	N/A
TOTAL HOURS FOR TASK		34

* Activities include, but are not limited to, additional excavation following initial UST closure sampling; transport and disposal of impacted soil; import and replacement backfill for excavated petroleum impacted soils; and ALL supplemental charges

** Multiplier is for contractor costs for removal, transport, and disposal of petroleum impacted soils

Typical activities included in total hours for above task:

- Coordination and oversight of excavation and sampling activities
- Coordination and oversight for backfill activities
- Coordination and oversight of disposal/treatment of contaminated soils
- Collection of all soil samples for analyses
- Time to deliver samples to laboratory and/or prepare shipping package
- Project management
- Travel time if site is located within metropolitan area of consultant
- Consultant coordination of traffic control plan and placement of traffic barriers (if necessary)
- A description and incorporation of initial abatement activities within the UST closure report

Additional considerations for the above task:

- If the CEM believes the site can be closed or future corrective action costs would be significantly reduced by excavating additional soil beyond the “maximum allowable soil removal” referenced in the table above, **he/she must request and obtain written approval for a specific tonnage/volume of additional excavation from the regulatory case officer, Fund staff, or NDEP supervisor.** Any additional excavation approved by a regulatory case officer/supervisor or Fund staff, as part of initial abatement, must be invoiced using the same formula for Maximum Allowable Non-CEM Costs. If regulatory approval for the additional excavation is not provided, any further excavation is considered beyond the scope of initial abatement and the CEM must contact the regulatory case officer to initiate the required cost control measures established through

a NTEP and bids. Work beyond the scope of initial abatement must be conducted in accordance with a corrective action plan approved by the NDEP.

- If the volume of excavated soil is relatively small, forcing the maximum allowable Non-CEM costs down to a value that does not cover the actual Non-CEM expenses, the CEM may request that NDEP increase the maximum allowable cost to cover the actual expenses incurred.
- If the site is located outside of the metropolitan area of the consultant, additional hours for consultant travel time (billed at technician rate), mileage, and per diem may be included with an initial abatement claim submittal. State mileage and per diem rates apply (Appendix B).
- Nevada disposal facilities should be used for impacted soil disposal, when possible. If the site is located in a rural area of the state where transport costs to a Nevada disposal facility will cause the Non-CEM costs to exceed the maximum allowed by the formula in the table above, an out-of-state disposal facility located closer to the site may be used. The disposal rate of the out-of-state facility should be equal to or less than the disposal rate in the task table unless the cost analysis outlined below is provided and approved.
- If the soil disposal rate of an out-of-state facility or a Nevada disposal facility in close proximity to a rural site is greater than \$80 per ton, a cost analysis must be submitted for reimbursement consideration. The cost analysis must demonstrate that costs associated with transporting impacted soils to a Nevada disposal facility with a rate equal to or less than \$80 per ton will exceed the Maximum Allowable Non-CEM Cost provided by the formula in the table above and using the disposal facility with a higher disposal rate will result in a cost savings to the Fund.
- CEM in-house supplies necessary for field sample screening (e.g. PID) may be claimed under this task in accordance with rates provided in Appendix A

If this Task can be performed in less time than summarized in the above table, the reduced level of effort/hours must be applied.

Agenda Item 8:
Adoption of Consent Items
(FOR POSSIBLE ACTION)

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS - MARCH 10, 2022**

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

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80197 Churchill County School District: Old High School	\$4,365.46	\$4,365.46
FOR POSSIBLE ACTION	2.	2018000043; 80156 Mr. William Kennedy: William Kennedy Residential Heating Oil Tank	\$8,017.35	\$8,003.12
FOR POSSIBLE ACTION	3.	2021000010; 80131 CA Student Living Reno III, LLC: Reno Student Living III, LLC At 333 9th St	\$40,962.25	\$37,228.50
SUB TOTAL:			<u>\$53,345.06</u>	<u>\$49,597.08</u>
 <u>NEW CASES</u>			 <u>REQUESTED</u>	 <u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2021000026; 80104 7-Eleven Inc: 7-Eleven #25578	\$26,314.76	\$23,674.28
FOR POSSIBLE ACTION	2.	2021000027; 80208 Horizon C Stores LLC: Horizon Market #5	\$20,559.04	\$18,462.64
SUB TOTAL:			<u>\$46,873.80</u>	<u>\$42,136.92</u>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80152 Clark County School District: Rc White (Arville) Transportation Satellite	\$19,411.52	\$19,411.52
FOR POSSIBLE ACTION	2.	1995000039; 80187 Al Park Petroleum Inc: Crescent Valley Market	\$13,663.61	\$12,297.25

FOR POSSIBLE ACTION	3.	1995000042; 80007	FBF INC: Gas 4 Less	\$21,919.24	\$19,727.32
FOR POSSIBLE ACTION	4.	1996000064; 80205	The Esslinger Family Trust: Red Rock Mini Mart	\$10,953.22	\$10,624.62
FOR POSSIBLE ACTION	5.	1998000075; 80189	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$29,405.50	\$26,464.95
FOR POSSIBLE ACTION	6.	1999000014; 80190	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,881.83	\$5,293.65
FOR POSSIBLE ACTION	7.	2004000011; 80191	Hpt Ta Properties Trust: Wells Petro Truck Service	\$2,712.50	\$2,441.25
FOR POSSIBLE ACTION	8.	2007000014; 80212	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$38,036.07	\$33,864.72
FOR POSSIBLE ACTION	9.	2007000016; 80192	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$19,386.33	\$17,339.70
FOR POSSIBLE ACTION	10.	2008000019; 80188	One Panou LLC: Golden Market #3	\$22,554.82	\$18,240.86
FOR POSSIBLE ACTION	11.	2010000009; 80200	Hpt Ta Properties Trust: Mill City Travel Center	\$23,194.19	\$18,787.29
FOR POSSIBLE ACTION	12.	2011000009; 80196	Cimarron West: Cimarron West	\$19,584.47	\$17,101.93
FOR POSSIBLE ACTION	13.	2013000019; 80201	Hardy Enterprises INC: Elko Sinclair #53	\$16,495.01	\$14,845.51
FOR POSSIBLE ACTION	14.	2014000004; 80199	Alsaker Corp: Broadway Colt Service Center	\$8,890.27	\$7,472.04
FOR POSSIBLE ACTION	15.	2014000016; 80194	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$2,613.62	\$2,352.26
FOR POSSIBLE ACTION	16.	2014000025; 80195	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$24,741.68	\$22,267.51
FOR POSSIBLE ACTION	17.	2016000005; 80203	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$2,558.62	\$2,302.76
FOR POSSIBLE ACTION	18.	2016000009; 80161	7-Eleven Inc: 7-Eleven #13685	\$20,813.05	\$18,731.75
FOR POSSIBLE ACTION	19.	2016000012; 80209	DLF Corporation: Mr Ds Fastlane	\$4,440.58	\$3,929.85
FOR POSSIBLE ACTION	20.	2016000023; 80204	Al Park Petroleum Inc: Pit Stop #1	\$14,040.79	\$10,102.17
FOR POSSIBLE ACTION	21.	2017000015; 80061	Ellen 5 LLC: Green Valley Grocery #63	\$29,677.11	\$26,709.40
FOR POSSIBLE ACTION	22.	2017000035; 80182	Rebel Oil Company: Rebel Store #2177	\$23,116.56	\$20,058.35
FOR POSSIBLE ACTION	23.	2019000044; 80159	7-Eleven Inc: 7-Eleven #15829	\$36,935.34	\$33,241.74
FOR POSSIBLE ACTION	24.	2020000015; 80206	Canyon Plaza, LLC: Gas 2 Go	\$19,729.98	\$10,654.19
FOR POSSIBLE ACTION	25.	2020000016; 80193	LV Petroleum LLC: Us Gas #7	\$6,649.50	\$5,984.55
FOR POSSIBLE ACTION	26.	2020000046; 80207	Midjit Market Inc: Green Valley Grocery #34	\$6,348.86	\$3,428.39
SUB TOTAL:				<u>\$443,754.27</u>	<u>\$383,675.53</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$543,973.13</u>	<u>\$475,409.53</u>

Case: #1992000126
Claim #: 80152

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$19,411.52 from the Petroleum Fund for cleanup costs.

	\$2,577,269.68	Amount Requested to Date
	(\$160,571.38)	Amount Disallowed, Past Claims
	(\$40,000.00)	Deductible/Co-Payment Satisfied to Date
	<u>(\$2,336,664.77)</u>	Amount Paid to Date
SUB TOTAL	\$19,411.52	Amount Requested this Meeting
	\$0.00	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$19,411.52</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 06/08/2021 and 10/07/2021

Summary of work completed: 2nd Quarter Groundwater Report Preparation, July Monthly groundwater sampling event, August Monthly groundwater sampling event, September Quarterly groundwater sampling event, non-hazardous waste disposal and 55-gallon drum replacement.

Site Summary Report

Case Number: 1992000126 Site Name: Rc White (Arville) Transportation Satellite

Site Status

Synopsis: MARCH 7, 1992 ONE 1000 WASTE OIL UNDERGROUND STORAGE TANK (UST) WAS REMOVED FROM THE SITE (IDENTIFIED ON THE APPLICATION AS TANK 4). APRIL 7, 1992 THREE MORE USTS WERE CLOSED. THESE ADDITIONAL TANKS WERE IDENTIFIED AS: A 12,000 GALLON DIESEL TANK (TANK #1), A 12,000 GALLON UNLEADED GASOLINE TANK (TANK #2), AND A 6,000 GALLON UNLEADED GASOLINE (TANK #3); EACH HAD RELEASE SOURCES IDENTIFIED AS THE PIPING AND DISPENSERS. COVERAGE WAS GRANTED WITH A \$10,000 DEDUCTIBLE DUE TO THE FACILITY BEING OPERATED BY A POLITICAL SUBDIVISION OF STATE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$4,000,000.00
Amount Fund Will Pay	\$3,960,000.00
Amount Requested	\$2,577,269.68
Amount Disallowed	\$160,571.38
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$40,000.00
Amount Recommended	\$2,376,698.30
Amount Paid	\$2,357,286.78

Site Identification

Date Submitted:	06/10/1992	DEP Facility Number:	8-000825
Site Name	Rc White (Arville) Transportation Satellite		
Site Contact		Telephone:	
Site Address	4499 Arville St Las Vegas, NV 89103		
County:	Clark County		
Owner/Operator Name:	Clark County School District		
Contact Name of Owner/Operator:	Lori Olson	Telephone:	(702)799-0990 Ext: 5
	Environmental Services Henderson, NV 89074		
Prime Contractor	Converse Consultants		
Contact Name	Robert Gegenheimer		
Contractor Address	6610 West Arby Avenue Suite 104 Las Vegas, NV 89118		
Telephone:	(702)269-8336 Ext: 2	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	Closed	Regulated UST	See Synopsis
002	12000	50	Regulated UST	See Synopsis
003	12000	50	Regulated UST	See Synopsis
004	12000	50	Regulated UST	See Synopsis

Case: #1995000039
Claim #: 80187

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$12,297.25 from the Petroleum Fund for cleanup costs.

	\$1,937,963.56	Amount Requested to Date
	(\$94,708.57)	Amount Disallowed, Past Claims
	(\$117,990.84)	Board Reduction, Past Claims
	(\$171,160.06)	Deductible/Co-Payment Satisfied to Date
	(\$1,442,948.76)	Amount Paid to Date
SUB TOTAL	<u>\$13,663.61</u>	Amount Requested this Meeting
	(\$1,366.36)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$12,297.25</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/28/2021 and 12/31/2021

Summary of work completed: Conduct O& M on remediation system, evaluate data and make adjustments on necessary, meet with NDEP onsite, prepare petroleum fund documentation, project management and client communication, conduct O&M on heater for remediation, conduct 4th quarter groundwater sampling event, preparation of 2nd half of groundwater monitoring report.

Site Summary Report

Case Number: 1995000039 Site Name: Crescent Valley Market

Site Status

Synopsis: 40% REDUCTION FOR ALL WORK PERFORMED PRIOR TO 12-9-09. FULL COVERAGE THEREAFTER. TOTAL REIMBURSABLE CAP IS \$1,487,536.77. SEE NDEP LETTER DATED 3-23-11.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,652,818.63
Amount Fund Will Pay	\$2,387,536.77
Amount Requested	\$1,937,963.56
Amount Disallowed	\$94,708.57
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$117,990.84
Pending Copay/Deductible	\$1,366.36
Copay/Deductible	\$171,160.06
Amount Recommended	\$1,525,400.23
Amount Paid	\$1,513,102.98

Site Identification

Date Submitted:	09/21/1994	DEP Facility Number:	6-000318
Site Name	Crescent Valley Market	Telephone:	(775)738-3835
Site Contact	Galen Schorsch		
Site Address	3093 Crescent Ave Crescent Valley, NV 89821		
County:	Eureka County		
Owner/Operator Name:	AL Park Petroleum INC		
Contact Name of Owner/Operator:	Galen Schorsch P. O. Box 1600 Elko, NV 89803	Telephone:	(775)738-3835
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	3000	Closed	Regulated UST	See Synopsis
002	3000	55	Regulated UST	See Synopsis

Case: #1995000042
Claim #: 80007

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$19,727.32 from the Petroleum Fund for cleanup costs.

	\$2,661,430.56	Amount Requested to Date
	(\$47,511.05)	Amount Disallowed, Past Claims
	(\$259,200.01)	Deductible/Co-Payment Satisfied to Date
	<u>(\$2,332,800.26)</u>	Amount Paid to Date
SUB TOTAL	\$21,919.24	Amount Requested this Meeting
	<u>(\$2,191.92)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$19,727.32	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 12/31/2020 and 11/30/2021

Summary of work completed: Project management; groundwater sampling; quarterly monitoring report preparation; update of the HASP; preparation of a traffic plan; preparation of a work plan for pilot testing; and preparation of Fund documents.

Site Summary Report

Case Number: 1995000042 Site Name: Gas 4 Less

Site Status

Synopsis: IT IS BELIEVED THAT THE CONTAMINATION ORIGINATED FROM THE PIPING SYSTEM. COPAYEES: FBF, INC. & BROADBENT & ASSOC. 2/20/97. 3RD PARTY COVERAGE GRANTED TO FIRST RELEASE. FULL COVERAGE FOR ADDITIONAL RELEASE GRANTED 5-21-08.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$2,661,430.56
Amount Disallowed	\$47,511.05
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,191.92
Copay/Deductible	\$259,200.01
Amount Recommended	\$2,352,527.58
Amount Paid	\$2,332,800.26

Site Identification

Date Submitted:	10/25/1994	DEP Facility Number:	8-000251
Site Name	Gas 4 Less	Telephone:	(702)643-6165
Site Contact	Sean Fayeghi		
Site Address	3283 Las Vegas Blvd N Las Vegas, NV 89115		
County:	Clark County		
Owner/Operator Name:	FBF INC		
Contact Name of Owner/Operator:	Sean Fayeghi 3283 Las Vegas Blvd. N. Las Vegas, NV 89115	Telephone:	(702)643-6165
Prime Contractor	Broadbent & Associates		
Contact Name	Jonathan Bell		
Contractor Address	8 West Pacific Ave. Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	8000	7	Regulated UST	See Synopsis
002	4000	7	Regulated UST	See Synopsis

Case: #1996000064
Claim #: 80205

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$10,624.62 from the Petroleum Fund for cleanup costs.

	\$2,213,141.94	Amount Requested to Date
	(\$67,282.32)	Amount Disallowed, Past Claims
	(\$227,554.01)	Board Reduction, Past Claims
	(\$50,000.00)	Deductible/Co-Payment Satisfied to Date
	<u>(\$1,800,080.26)</u>	Amount Paid to Date
SUB TOTAL	\$10,953.22	Amount Requested this Meeting
	<u>(\$328.60)</u>	Board Reduction, This Meeting
SUB TOTAL	\$10,624.62	
	\$0.00	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$10,624.62</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/01/2021 and 12/31/2021

Summary of work completed: Project management; quarterly groundwater monitoring and sampling; quarterly status report preparation; maintenance of SVE remediation system; and preparation of Fund documents.

Site Summary Report

Case Number: 1996000064 Site Name: Red Rock Mini Mart

Site Status

Synopsis: TWO GASOLINE RELEASES IMPRINTED UPON THIRD OLDER, NON- REIMBURSIBLE RELEASE: 21% REDUCTION. SMALL BUSINESS DESIGNATION; COPAY IS CAPPED @ \$50,000; MAXIMUM REIMBURSEMENT = \$1,530,000 3/14/13 BOARD MEETING REDUCED REDUCTION FROM 21% TO 3% PURSUANT TO N

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,890,000.00
Amount Requested	\$2,213,141.94
Amount Disallowed	\$67,282.32
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$227,882.61
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$50,000.00
Amount Recommended	\$1,859,854.62
Amount Paid	\$1,849,230.00

Site Identification

Date Submitted:	04/29/1996	DEP Facility Number:	8-000161
Site Name	Red Rock Mini Mart	Telephone:	(480)694-1890
Site Contact	Harold T. Crutcher		
Site Address	5525 W Charleston Blvd Las Vegas, NV 89146		
County:	Clark County		
Owner/Operator Name:	The Esslinger Family Trust		
Contact Name of Owner/Operator:	Harold T. Crutcher 12932 North 136th Street Scottsdale, AZ 85259	Telephone:	(480)694-1890
Prime Contractor	Broadbent And Associates, Inc.		
Contact Name	Jeremy Holst		
Contractor Address	8 West Pacific Avenue Henderson, NV 89015		
Telephone:	(702)353-5743	% Board Reduction:	3.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	Closed	Regulated UST	See Synopsis
002	10000	49	Regulated UST	See Synopsis

Case: #1998000075
Claim #: 80189

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$26,464.95 from the Petroleum Fund for cleanup costs.

	\$571,864.53	Amount Requested to Date
	(\$12,307.65)	Amount Disallowed, Past Claims
	(\$53,015.14)	Deductible/Co-Payment Satisfied to Date
	(\$477,136.24)	Amount Paid to Date
SUB TOTAL	<u>\$29,405.50</u>	Amount Requested this Meeting
	(\$2,940.55)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$26,464.95</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 07/27/2021 and 11/30/2021

Summary of work completed: Project management and client communication, coordinate waste disposal, prepare petroleum fund documentation, 3rd Qtr GMR preparation, prepare NOI and waiver for NDWR, oversee installation of new monitoring wells.

Site Summary Report

Case Number: 1998000075 Site Name: McDermitt Motel & Convenience Store

Site Status

Synopsis: CORROSION HOLES OBSERVED IN TANKS DURING REMOVAL.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$571,864.53
Amount Disallowed	\$12,307.65
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,940.55
Copay/Deductible	\$53,015.14
Amount Recommended	\$503,601.19
Amount Paid	\$477,136.24

Site Identification

Date Submitted:	06/01/1998	DEP Facility Number:	5-000056
Site Name	McDermitt Motel & Convenience Store		
Site Contact	Narinder Mall	Telephone:	(775)421-6484
Site Address	55 Us-95 N Mc Dermitt, NV 89421		
County:	Humboldt County		
Owner/Operator Name:	55 McDermitt Crude, LLC		
Contact Name of Owner/Operator:	Narinder Mall	Telephone:	(775)421-6484
	1620 West Winnemucca Boulevard Winnemucca, NV 89445		
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
8	6000	22	Regulated UST	See Synopsis
7	10000	22	Regulated UST	See Synopsis

Case: #1999000014
Claim #: 80190

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$5,293.65 from the Petroleum Fund for cleanup costs.

	\$1,087,934.08	Amount Requested to Date
	(\$65,162.93)	Amount Disallowed, Past Claims
	(\$71,518.04)	Board Reduction, Past Claims
	(\$94,537.15)	Deductible/Co-Payment Satisfied to Date
	(\$809,548.78)	Amount Paid to Date
SUB TOTAL	<u>\$5,881.83</u>	Amount Requested this Meeting
	(\$588.18)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$5,293.65</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 12/31/2021

Summary of work completed: Prepare and submit 3rd quarter GMR, discuss site with new case officer, prepare petroleum documentation, coordinate and conduct 4th qtr groundwater sampling event, begin preparation of 4th qtr groundwater monitoring report.

Site Summary Report

Case Number: 1999000014 Site Name: Pit Stop #7 Conoco

Site Status

Synopsis: FOAV ISSUED ON 12/14/98 FOR LUST NON-COMPLIANCE. 2ND FOAV ISSUED ON 2/3/09. 40% REDUCTION FOR ALL WORK CONDUCTED PRIOR TO 12-9-09, FULL COVERAGE THEREAFTER. REIMBURSABLE CAP =\$725,400.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,625,400.00
Amount Requested	\$1,087,934.08
Amount Disallowed	\$65,162.93
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$71,518.04
Pending Copay/Deductible	\$588.18
Copay/Deductible	\$94,537.15
Amount Recommended	\$856,127.78
Amount Paid	\$850,834.13

Site Identification

Date Submitted:	09/10/1998	DEP Facility Number:	6-000009
Site Name	Pit Stop #7 Conoco	Telephone:	(775)738-3835
Site Contact	Galen Schorsch		
Site Address	1600 Idaho St Elko, NV 89801		
County:	Elko County		
Owner/Operator Name:	AL Park Petroleum INC		
Contact Name of Owner/Operator:	Galen Schorsch PO Box 1600 Elko, NV 89803	Telephone:	(775)738-3835
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	Closed	Regulated UST	See Synopsis

Case: #2004000011
Claim #: 80191

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$2,441.25 from the Petroleum Fund for cleanup costs.

	\$2,225,478.61	Amount Requested to Date
	(\$24,345.03)	Amount Disallowed, Past Claims
	(\$183,131.02)	Board Reduction, Past Claims
	(\$201,529.00)	Deductible/Co-Payment Satisfied to Date
	(\$1,750,716.44)	Amount Paid to Date
SUB TOTAL	<u>\$2,712.50</u>	Amount Requested this Meeting
	(\$271.25)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$2,441.25</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 11/30/2021

Summary of work completed: Prepare draft site closure request, discuss site with new case officer, finalize and submit request for NFA report, prepare petroleum fund documentation.

Site Summary Report

Case Number: 2004000011 Site Name: Wells Petro Truck Service

Site Status

Synopsis: PRE 9/13/12 BOARD MEETING: CORRODED PRODUCT PIPING ON A S T SYSTEMS. 20% REIMBURSEMENT REDUCTION. 9/13/12 BOARD MEETING: ELIMINATION OF 20% COVERAGE REDUCTION - FULL COVERAGE RESULTING IN \$3,676,050 CAP.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$4,084,500.00
Amount Fund Will Pay	\$3,676,050.00
Amount Requested	\$2,225,478.61
Amount Disallowed	\$24,345.03
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$183,131.02
Pending Copay/Deductible	\$271.25
Copay/Deductible	\$201,529.00
Amount Recommended	\$1,816,202.31
Amount Paid	\$1,813,761.06

Site Identification

Date Submitted:	10/03/2003	DEP Facility Number:	6-000329
Site Name	Wells Petro Truck Service	Telephone:	
Site Contact			
Site Address	174 Us-93 Wells, NV 89835		
County:	Elko County		
Owner/Operator Name:	Hpt Ta Properties Trust		
Contact Name of Owner/Operator:	Sarah Paulson 24601 Center Ridge Road Westlake, OH 44145	Telephone:	(440)808-4459
Prime Contractor	McGinley & Associates, Inc.		
Contact Name	Joseph McGinley		
Contractor Address	815 Maestro Drive Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	42	Aboveground	See Synopsis
002	20000	42	Aboveground	See Synopsis
003	20000	42	Aboveground	See Synopsis
004	20000	42	Aboveground	See Synopsis
005	12000	42	Aboveground	See Synopsis

Case: #2007000014
Claim #: 80212

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$33,864.72 from the Petroleum Fund for cleanup costs.

	\$4,512,410.19	Amount Requested to Date
	(\$36,703.98)	Amount Disallowed, Past Claims
	(\$443,767.01)	Deductible/Co-Payment Satisfied to Date
	<u>(\$3,823,689.92)</u>	Amount Paid to Date
SUB TOTAL	\$38,036.07	Amount Requested this Meeting
	<u>(\$408.60)</u>	Amount Disallowed this Meeting
SUB TOTAL	\$37,627.47	
	<u>(\$3,762.75)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$33,864.72	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 09/28/2021 and 01/04/2022

Summary of work completed: 3rd Quarter 2021 Report preparation, 4th quarter 2021 groundwater sampling annual event, coordination for electrical power relocation, oversight of remediation system installation, and permit modification.

Site Summary Report

Case Number: 2007000014 Site Name: Former Ace Cab/frias Transportation

Site Status

Synopsis: INITIAL APPLICATION (2007000014) - THREE USTS WERE REMOVED FROM THE SITE ON SEPTEMBER 20, 2006. THE BOTTOM OF TANK #1 WAS OBSERVED TO BE CORRODED. SAMPLING REVEALED TPH ABOVE THE STATE ACTION LEVEL. 2ND \$1,000,000 PROVIDED 6/9/11 (THIRD PART LIABILITY). A SECOND APPLICATION (2017000001) WAS RECEIVED ON JANUARY 19, 2017 FOR TWO TANK RELEASES. TANK #1 WAS ALREADY COVERED AND NOT ELIGIBLE FOR ADDITIONAL COVERAGE. TANK #3 (INSTALLED IN 1996) WAS ADDED ON 4/4/17 UNDER THE EXISTING CASE NUMBER OF 2007000014. NEW APPLICATION (2019000038) F...

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$6,000,000.00
Amount Fund Will Pay	\$5,400,000.00
Amount Requested	\$4,512,410.19
Amount Disallowed	\$37,112.58
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$3,762.75
Copay/Deductible	\$443,767.01
Amount Recommended	\$4,027,767.85
Amount Paid	\$3,993,903.13

Site Identification

Date Submitted:	11/30/2006	DEP Facility Number:	8-000204
Site Name	Former Ace Cab/frias Transportation		
Site Contact	Don Webb	Telephone:	(510)610-7667
Site Address	5010 S Valley View Blvd Las Vegas, NV 89118		
County:	Clark County		
Owner/Operator Name:	Raiders Oz Business, LLC		
Contact Name of Owner/Operator:	Greg Gilbert	Telephone:	(702)669-4600
	6623 Las Vegas Blvd S, Ste 380 Las Vegas, NV 89119		
Prime Contractor	Converse Consultants		
Contact Name	Kurt Goebel		
Contractor Address	6610 W. Arby, Suite 104 Las Vegas, NV 89118		
Telephone:	(702)271-6839 Ext: 2	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	Closed	Regulated UST	See Synopsis
001	10000	Closed	Regulated UST	Tank
003	10000	33	Regulated UST	Tank
003	10000	15	Regulated UST	Pipe
001	20000	25	Regulated UST	tank fill riser

Case: #2007000016
Claim #: 80192

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$17,339.70 from the Petroleum Fund for cleanup costs.

	\$634,423.30	Amount Requested to Date
	(\$1,126.49)	Amount Disallowed, Past Claims
	(\$61,391.04)	Deductible/Co-Payment Satisfied to Date
	(\$548,269.33)	Amount Paid to Date
SUB TOTAL	<u>\$19,386.33</u>	Amount Requested this Meeting
	(\$120.00)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$19,266.33</u>	
	(\$1,926.63)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$17,339.70</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 12/06/2021

Summary of work completed: Project management and client communication, prepare petroleum fund documentation, prepare NDWR monitoring well permits, oversee installation of monitoring wells, coordinate soil cuttings disposal

Site Summary Report

Case Number: 2007000016 Site Name: Golden Gate Petroleum

Site Status

Synopsis: INITIAL 2006 RELEASE WAS DISCOVERED DURING A PHASE II ESA . DURING A TIGHTNESS TEST, A LEAK WAS DISCOVERED IN THE VENT LINE AND SUBSEQUENTLY REPAIRED ON A 10,000 GALLON GASOLINE UST. A SECOND RELEASE WAS AWARDED COVERAGE UNDER CASE 2020000056. THIS RELEASE OCCURRED FROM PIPING BENEATH A DISPENSER ASSOCIATED TO A 12,000 GALLON REGULAR UNLEADED GASOLINE UST. GROUNDWATER APPEARS TO BE IMPACTED BY BOTH RELEASES, AND THE CONTAMINANT PLUMES ARE COMINGLED PER THE CEM. SINCE BOTH RELEASES WERE IDENTIFIED AS ELIGIBLE FOR COVERAGE AND NEITHER CASE H...

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$634,423.30
Amount Disallowed	\$1,246.49
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$1,926.63
Copay/Deductible	\$61,391.04
Amount Recommended	\$569,859.14
Amount Paid	\$552,519.44

Site Identification

Date Submitted:	12/14/2006	DEP Facility Number:	4-000408
Site Name	Golden Gate Petroleum		
Site Contact	Graham Brown	Telephone:	(775)850-3010
Site Address	5190 Sun Valley Blvd Sun Valley, NV 89433		
County:	Washoe County		
Owner/Operator Name:	Golden Gate Petroleum Of Nevada LLC		
Contact Name of Owner/Operator:	Nacho Aguilar 16580 Wedge Parkway Reno, NV 89511	Telephone:	(775)850-3010
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
024	10000	Closed	Regulated UST	See Synopsis
030	12000	30	Regulated UST	Connection to piping under UDC, Pipe

Case: #2008000019
Claim #: 80188

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$18,240.86 from the Petroleum Fund for cleanup costs.

	\$704,244.88	Amount Requested to Date
	(\$18,259.74)	Amount Disallowed, Past Claims
	(\$66,343.01)	Deductible/Co-Payment Satisfied to Date
	(\$553,774.69)	Amount Paid to Date
SUB TOTAL	<u>\$22,554.82</u>	Amount Requested this Meeting
	(\$2,287.20)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$20,267.62</u>	
	(\$2,026.76)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$18,240.86</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 07/30/2021 and 11/30/2021

Summary of work completed: Project management; LNAPL gauging, quarterly monitoring report preparation, drum pick up coordination, review of single system remediation technology, system design, and NTEP preparation.

Site Summary Report

Case Number: 2008000019 Site Name: Golden Market #3

Site Status

Synopsis: CONTAMINATION WAS RE-DISCOVERED DURING A PHASE II ENVIRONMENTAL SITE ASSESSMENT, CONDUCTED DURING A PROPERTY TRANSACTION IN 2007. THE APPLICATION IDENTIFIED A LEAKING TURBINE ASSOCIATED TO THE NORTHENMOST 10,000 GALLON UNDERGROUND STORAGE TANK (UST) SYSTEM, WHICH CONTAINED GASOLINE AT THE TIME OF RELEASE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$704,244.88
Amount Disallowed	\$20,546.94
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,026.76
Copay/Deductible	\$66,343.01
Amount Recommended	\$615,328.17
Amount Paid	\$597,087.31

Site Identification

Date Submitted:	04/16/2008	DEP Facility Number:	8-001393
Site Name	Golden Market #3	Telephone:	
Site Contact			
Site Address	3025 Las Vegas Blvd North North Las Vegas, NV 89030		
County:	Clark County		
Owner/Operator Name:	One Panou LLC		
Contact Name of Owner/Operator:	Amer (Jack) Panou 3025 North Las Vegas Blvd. Las Vegas, AL 89030	Telephone:	(702)285-3678
Prime Contractor	Broadbent & Associates		
Contact Name	Jonathan Bell		
Contractor Address	8 West Pacific Ave. Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	32	Regulated UST	See Synopsis

Case: #201000009
Claim #: 80200

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$18,787.29 from the Petroleum Fund for cleanup costs.

	\$1,261,688.78	Amount Requested to Date
	(\$58,518.84)	Amount Disallowed, Past Claims
	(\$115,465.02)	Board Reduction, Past Claims
	(\$106,451.06)	Deductible/Co-Payment Satisfied to Date
	(\$713,988.29)	Amount Paid to Date
SUB TOTAL	<u>\$23,194.19</u>	Amount Requested this Meeting
	(\$2,319.42)	Board Reduction, This Meeting
SUB TOTAL	<u>\$20,874.77</u>	
	(\$2,087.48)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$18,787.29</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/23/2021 and 01/04/2022

Summary of work completed: Project management and client communication, conduct O&M on remediation system, evaluate data and make adjustments as necessary, prepare draft 3rd quarter GMR, prepare petroleum fund documentation, conduct 4th quarter groundwater sampling event

Site Summary Report

Case Number: 2010000009 Site Name: Mill City Travel Center

Site Status

Synopsis: GASOLINE DISCOVERED IN SUMP THAT IS ATTACHED TO TRENCH THAT HOUSES PIPING.
10% REDUCTION.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,620,000.00
Amount Requested	\$1,261,688.78
Amount Disallowed	\$58,518.84
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$117,784.44
Pending Copay/Deductible	\$2,087.48
Copay/Deductible	\$106,451.06
Amount Recommended	\$976,846.96
Amount Paid	\$958,059.67

Site Identification

Date Submitted:	11/16/2009	DEP Facility Number:	5-000016
Site Name	Mill City Travel Center	Telephone:	(775)538-7311
Site Contact	Jack Burnett		
Site Address	6000 Frontage Rd Mill City, NV 89418		
County:	Pershing County		
Owner/Operator Name:	Hpt Ta Properties Trust		
Contact Name of Owner/Operator:	Sarah Paulson 24601 Center Ridge Road Westlake, OH 44145	Telephone:	(440)808-4459
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	10.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	20000	Closed	Regulated UST	See Synopsis
002	20000	37	Regulated UST	See Synopsis

Case: #2011000009
Claim #: 80196

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$17,101.93 from the Petroleum Fund for cleanup costs.

	\$1,147,015.86	Amount Requested to Date
	(\$13,319.81)	Amount Disallowed, Past Claims
	(\$111,411.16)	Deductible/Co-Payment Satisfied to Date
	(\$894,679.11)	Amount Paid to Date
SUB TOTAL	<u>\$19,584.47</u>	Amount Requested this Meeting
	(\$582.32)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$19,002.15</u>	
	(\$1,900.22)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$17,101.93</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 01/10/2020 and 01/03/2022

Summary of work completed: Project management and client communication, conduct O&M on site remediation system, evaluate data and pulsing efficacy, and make adjustments as necessary meet with NDEP onsite, prepare draft 3rd quarter GMR, prepare petroleum fund documentation, finalize and submit 3rd quarter GMR, conduct 4th quarter sampling event.

Site Summary Report

Case Number: 2011000009 Site Name: Cimarron West

Site Status

Synopsis: CONTAMINATION DISCOVERED 12/8/2010 FROM FAULTY SPILL BUCKETS, AND FAULTY PRODUCT PIPING WITHIN TURBINE SUMPS AND UNDER DISPENSERS OF ONE 10,000 GALLON UST CONTAINING DIESEL, ONE 10,000-GALLON UST CONTAINING GASOLINE, AND ONE 6,000-GALLON UST CONTAINING GASOLINE. PER SSBD 2012-01: CONTAMINATION FROM SPILL EVENTS MUST BE SEPARATED FROM OTHER CONTAMINATION TO MAINTAIN FULL COVERAGE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$1,147,015.86
Amount Disallowed	\$13,902.13
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$1,900.22
Copay/Deductible	\$111,411.16
Amount Recommended	\$1,015,265.45
Amount Paid	\$998,163.52

Site Identification

Date Submitted:	06/06/2011	DEP Facility Number:	6-000156
Site Name	Cimarron West	Telephone:	(775)738-9861
Site Contact	John Carpenter		
Site Address	1400 Mountain City Hwy Elko, NV 89801		
County:	Elko County		
Owner/Operator Name:	Cimarron West		
Contact Name of Owner/Operator:	Linda Meo P O Box 190 Elko, NV 89803	Telephone:	(775)738-9861
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	Closed	Regulated UST	See Synopsis
002	10000	37	Regulated UST	See Synopsis
003	6000	37	Regulated UST	See Synopsis

Case: #2012000017
Claim #: 80197

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$4,365.46 from the Petroleum Fund for cleanup costs.

	\$445,548.70	Amount Requested to Date
	(\$1,997.97)	Amount Disallowed, Past Claims
	(\$10,250.00)	Deductible/Co-Payment Satisfied to Date
	(\$417,091.18)	Amount Paid to Date
SUB TOTAL	<u>\$4,365.46</u>	Amount Requested this Meeting
	\$0.00	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$4,365.46</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 12/21/2021 and 01/05/2022

Summary of work completed: Project management and client communication, prepare petroleum fund documentation, conduct 4th quarter groundwater sampling event.

Site Summary Report

Case Number: 2012000017 Site Name: Old High School

Site Status

Synopsis: CORROSION HOLES AND FREE PRODUCT WERE DISCOVERED DURING TANK REMOVAL. 5% COPAY TO BE CAPPED AT \$10,000

Contaminant: Heating Oil

Fund Coverage	\$1,250,250.00
Amount Fund Will Pay	\$1,240,000.00
Amount Requested	\$445,548.70
Amount Disallowed	\$1,997.97
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$10,250.00
Amount Recommended	\$433,291.73
Amount Paid	\$428,926.27

Site Identification

Date Submitted:	02/03/2012	DEP Facility Number:	E-000030
Site Name	Old High School	Telephone:	(775)428-7720
Site Contact	Ms. Christi Fielding		
Site Address	690 Maine Street Fallon, NV 89406		
County:	Churchill County		
Owner/Operator Name:	Churchill County School District		
Contact Name of Owner/Operator:	Christi Fielding 690 South Maine Street Fallon, NV 89406	Telephone:	(775)428-7720
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	5	Non-Regulated	See Synopsis
002	1000	5	Non-Regulated	See Synopsis

Case: #2013000019
Claim #: 80201

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$14,845.51 from the Petroleum Fund for cleanup costs.

	\$1,191,488.09	Amount Requested to Date
	(\$45,263.91)	Amount Disallowed, Past Claims
	(\$112,972.91)	Deductible/Co-Payment Satisfied to Date
	(\$726,311.13)	Amount Paid to Date
SUB TOTAL	<u>\$16,495.01</u>	Amount Requested this Meeting
	(\$1,649.50)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$14,845.51</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 07/31/2021 and 12/31/2021

Summary of work completed: Project management and client communication, conduct O&M on remediation system, evaluate data and make adjustments as necessary, prepare and submit 3rd quarter GMR, prepare petroleum fund documentation, conduct 4th quarter groundwater sampling, review remediation system warranty issues, restart and conduct O&M on air sparge system.

Site Summary Report

Case Number: 2013000019 Site Name: Elko Sinclair #53

Site Status

Synopsis: TWO USTS FAILED TIGHTNESS TESTS. CONTAMINATION DISCOVERED DURING UST REMOVAL.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$6,000,000.00
Amount Fund Will Pay	\$5,400,000.00
Amount Requested	\$1,191,488.09
Amount Disallowed	\$45,263.91
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$1,649.50
Copay/Deductible	\$112,972.91
Amount Recommended	\$1,030,783.53
Amount Paid	\$1,015,938.02

Site Identification

Date Submitted:	08/16/2013	DEP Facility Number:	6-000103
Site Name	Elko Sinclair #53	Telephone:	(801)298-3409
Site Contact	Dennis Haggard		
Site Address	1790 Idaho St Elko, NV 89801		
County:	Elko County		
Owner/Operator Name:	Hardy Enterprises INC		
Contact Name of Owner/Operator:	Dennis Haggard P.O. Box 248 Bountiful, UT 84011	Telephone:	(801)298-1180
Prime Contractor	McGinley & Associates		
Contact Name	Justin Fike		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	Closed	Regulated UST	See Synopsis
002	12000	42	Regulated UST	See Synopsis
001	20000	37	Regulated UST	See Synopsis
004	12000	42	Regulated UST	See Synopsis
005	12000	42	Regulated UST	See Synopsis
006	12000	42	Regulated UST	See Synopsis

Case: #2014000004
Claim #: 80199

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$7,472.04 from the Petroleum Fund for cleanup costs.

	\$1,550,659.56	Amount Requested to Date
	(\$8,783.02)	Amount Disallowed, Past Claims
	(\$153,298.67)	Deductible/Co-Payment Satisfied to Date
	<u>(\$1,240,447.05)</u>	Amount Paid to Date
SUB TOTAL	\$8,890.27	Amount Requested this Meeting
	<u>(\$588.00)</u>	Amount Disallowed this Meeting
SUB TOTAL	\$8,302.27	
	<u>(\$830.23)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$7,472.04	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 01/10/2022

Summary of work completed: Project management and client communication, conduct 4th quarter groundwater sampling event, prepare draft 3rd quarter GMR, prepare petroleum fund documentation, finalize and submit 3rd quarter GMR, begin preparation of 4th quarter GMR.

Site Summary Report

Case Number: 2014000004 Site Name: Broadway Colt Service Center

Site Status

Synopsis: INVENTORY RECONCILIATION LEAD TO DISCOVERY OF LEAKS IN LINES FROM AST TO FUEL DISPENSERS.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$1,550,659.56
Amount Disallowed	\$9,371.02
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$830.23
Copay/Deductible	\$153,298.67
Amount Recommended	\$1,387,159.64
Amount Paid	\$1,379,687.60

Site Identification

Date Submitted:	08/02/2013	DEP Facility Number:	5-000283
Site Name	Broadway Colt Service Center		
Site Contact	Damon Borden	Telephone:	(509)710-7749
Site Address	660 W Front St Battle Mountain, NV 89820		
County:	Lander County		
Owner/Operator Name:	Alsaker Corp		
Contact Name of Owner/Operator:	Damon Borden	Telephone:	(509)710-7749
	6409 E. Sharp Ave Spokane Valley, WA 99212		
Prime Contractor	McGinley & Associates		
Contact Name	Justin Fike		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	20000	45	Aboveground	See Synopsis
002	20000	55	Aboveground	See Synopsis

Case: #2014000016
Claim #: 80194

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$2,352.26 from the Petroleum Fund for cleanup costs.

	\$467,534.64	Amount Requested to Date
	(\$15.00)	Amount Disallowed, Past Claims
	(\$46,490.61)	Deductible/Co-Payment Satisfied to Date
	(\$395,461.60)	Amount Paid to Date
SUB TOTAL	<u>\$2,613.62</u>	Amount Requested this Meeting
	(\$261.36)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$2,352.26</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/21/2021 and 12/31/2021

Summary of work completed: Conduct 4th quarter groundwater sampling event, begin preparation of 3rd quarter GMR, prepare petroleum fund documentation, finalize and submit 3rd quarter groundwater sampling report, discuss site with NDEP, prepare draft 4th quarter GMR.

Site Summary Report

Case Number: 2014000016 Site Name: Former Smedley's Chevron

Site Status

Synopsis: GROUNDWATER CONTAMINATION DISCOVERED DURING PHASE II INVESTIGATION. ATTRIBUTED TO 2008 RELEASE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$467,534.64
Amount Disallowed	\$15.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$261.36
Copay/Deductible	\$46,490.61
Amount Recommended	\$420,767.67
Amount Paid	\$418,415.41

Site Identification

Date Submitted:	11/18/2013	DEP Facility Number:	5-000228
Site Name	Former Smedley's Chevron	Telephone:	(775)423-5454
Site Contact	Ms. Fran Smitten		
Site Address	1625 West Williams Ave. Fallon, NV 89406		
County:	Churchill County		
Owner/Operator Name:	Smitten Oil And Tire CO INC		
Contact Name of Owner/Operator:	Fran Smitten P.O. Box 1235 Fallon, NV 89407	Telephone:	(775)423-5454
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	Closed	Regulated UST	See Synopsis

Case: #2014000025
Claim #: 80195

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$22,267.51 from the Petroleum Fund for cleanup costs.

	\$1,614,979.00	Amount Requested to Date
	(\$27,592.48)	Amount Disallowed, Past Claims
	(\$21,457.21)	Board Reduction, Past Claims
	(\$154,118.77)	Deductible/Co-Payment Satisfied to Date
	<u>(\$1,073,930.92)</u>	Amount Paid to Date
SUB TOTAL	\$24,741.68	Amount Requested this Meeting
	<u>(\$2,474.17)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$22,267.51	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 01/24/2022

Summary of work completed: Project management and client communication, conduct O&M on remediation system, evaluate data and make adjustments as necessary, prepare petroleum fund documentation, conduct 4th quarter groundwater sampling event, prepare and submit 3rd quarter GMR.

Site Summary Report

Case Number: 2014000025 Site Name: Silver City Rv Resort

Site Status

Synopsis: TANK #1 FAILED TIGHTNESS TEST. THE 40% REDUCTION REMOVED PURSUANT TO BOARD TO REVIEW CLAIMS MEETING DECISION ON JUNE 2, 2016. APPLICATION 2018000019 WAS RECEIVED ON JULY 19, 2018. THIS APPLICATION WAS FOR A DISCHARGE FROM THE PIPING OF 2 ADDITIONAL SYSTEMS (TANKS #2 AND #4). 2018000019 WAS MERGED INTO 2014000025 UPON APPROVAL.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,571,423.01
Amount Requested	\$1,614,979.00
Amount Disallowed	\$27,592.48
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$21,457.21
Pending Copay/Deductible	\$2,474.17
Copay/Deductible	\$154,118.77
Amount Recommended	\$1,408,201.92
Amount Paid	\$1,385,934.41

Site Identification

Date Submitted:	02/24/2014	DEP Facility Number:	2-000075
Site Name	Silver City Rv Resort		
Site Contact	Marci Appleton	Telephone:	(775)267-3359
Site Address	3165 Us Highway 395 N Minden, NV 89423		
County:	Douglas County		
Owner/Operator Name:	Superior Campgrounds Of America, LLC		
Contact Name of Owner/Operator:	Tom Day Sr. 265 N. Joy Street Corona, CA 92879	Telephone:	(909)241-7700
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	8000	Closed	Regulated UST	See Synopsis
004	15000	22	Regulated UST	Pipe
002	8000	38	Regulated UST	Pipe

Case: #201600005
Claim #: 80203

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$2,302.76 from the Petroleum Fund for cleanup costs.

	\$176,108.26	Amount Requested to Date
	(\$725.05)	Amount Disallowed, Past Claims
	(\$17,282.45)	Deductible/Co-Payment Satisfied to Date
	(\$152,906.01)	Amount Paid to Date
SUB TOTAL	<u>\$2,558.62</u>	Amount Requested this Meeting
	(\$255.86)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$2,302.76</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 12/31/2021

Summary of work completed: Conduct 4th quarter groundwater sampling event, begin preparation of 3rd quarter GMR, prepare petroleum fund documentation, finalize and submit 3rd quarter groundwater sampling event, discuss site with NDEP, prepare 4th quarter GMR

Site Summary Report

Case Number: 2016000005 Site Name: Golden Gate Petroleum 65 - Fallon

Site Status

Synopsis: LEAK DISCOVERED WHEN UST SYSTEMS WERE REMOVED. LEAK OCCURRED FROM PRODUCT PIPING AND SHEAR VALVES.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$176,108.26
Amount Disallowed	\$725.05
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$255.86
Copay/Deductible	\$17,282.45
Amount Recommended	\$157,844.90
Amount Paid	\$155,542.14

Site Identification

Date Submitted:	02/24/2016	DEP Facility Number:	5-000228
Site Name	Golden Gate Petroleum 65 - Fallon		
Site Contact	Nacho Aguilar	Telephone:	(775)850-3010
Site Address	1625 West Williams Ave. Fallon, NV 89406		
County:	Churchill County		
Owner/Operator Name:	Golden Gate S.e.t. Retail Of Nevada LLC		
Contact Name of Owner/Operator:	Nacho Aguilar	Telephone:	(925)356-1040
	16580 Wedge Parkway #300 Reno, NV 89511		
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	Closed	Regulated UST	See Synopsis
002	12000	29	Regulated UST	See Synopsis
003	10000	29	Regulated UST	See Synopsis

Case: #201600009
Claim #: 80161

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$18,731.75 from the Petroleum Fund for cleanup costs.

	\$301,211.42	Amount Requested to Date
	(\$3,946.84)	Amount Disallowed, Past Claims
	(\$27,645.14)	Deductible/Co-Payment Satisfied to Date
	<u>(\$222,796.71)</u>	Amount Paid to Date
SUB TOTAL	\$20,813.05	Amount Requested this Meeting
	<u>(\$2,081.30)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$18,731.75	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 03/05/2021 and 10/29/2021

Summary of work completed: Project management, scheduling and client invoicing, annual HASP preparation, quarterly monitoring, sampling and reporting, preparation of reimbursement claim packages and NTEPs, waste disposal. Continue the temporary remediation event field activities including installing the remediation well, conducting the event, coordinating utility clearance and waste disposal. Prepare the temporary remediation event report and drafting the well log.

Site Summary Report

Case Number: 201600009 Site Name: 7-Eleven #13685

Site Status

Synopsis: CONTAMINATION DISCOVERED 4/24/2015 AND 11/17/15. SOURCE IDENTIFIED AS DEGRADATION OF TANK WALLS WITH AGE IN THREE 10,000-GALLON UST SYSTEMS EACH CONTAINING GASOLINE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$301,211.42
Amount Disallowed	\$3,946.84
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,081.30
Copay/Deductible	\$27,645.14
Amount Recommended	\$267,538.14
Amount Paid	\$248,806.39

Site Identification

Date Submitted:	04/20/2016	DEP Facility Number:	8-000586
Site Name	7-Eleven #13685		
Site Contact	Audrey Welty	Telephone:	(702)452-3835
Site Address	2577 N Pecos Rd Las Vegas, NV 89115		
County:	Clark County		
Owner/Operator Name:	7-Eleven INC		
Contact Name of Owner/Operator:	Jennifer Dart	Telephone:	(817)235-0971
	3200 Hackberry Road - Loc 0148 Irving, TX 75063		
Prime Contractor	Stantec Consulting Services, Inc.		
Contact Name	Matthew Grandjean		
Contractor Address	3010 West Charleston Boulevard, Suite 100 Las Vegas, NV 89102		
Telephone:	(702)878-8010	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
002	10000	Closed	Regulated UST	Tank
001	10000	35	Regulated UST	Tank
003	10000	35	Regulated UST	Tank

Case: #2016000012
Claim #: 80209

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$3,929.85 from the Petroleum Fund for cleanup costs.

	\$235,343.95	Amount Requested to Date
	(\$425.50)	Amount Disallowed, Past Claims
	(\$23,047.78)	Deductible/Co-Payment Satisfied to Date
	(\$148,940.24)	Amount Paid to Date
SUB TOTAL	<u>\$4,440.58</u>	Amount Requested this Meeting
	(\$74.08)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$4,366.50</u>	
	(\$436.65)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$3,929.85</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 09/30/2021 and 12/31/2021

Summary of work completed: Project management; quarterly status report preparation; and preparation of Fund documents.

Site Summary Report

Case Number: 2016000012 Site Name: Mr Ds Fastlane

Site Status

Synopsis: CONTAMINATION WAS DISCOVERED APRIL 7, 2016. THE APPLICATION IDENTIFIED TANK #003 (PREMIUM), A 10,000 GALLON FIBERGLASS UNDERGROUND STORAGE TANK (UST) AS THE SOURCE OF THE RELEASE. ON OCTOBER 16, 2017, A SECOND 10,000 GALLON FIBERGLASS UST (TANK #002 - REGULAR UL) FAILED A TANK TIGHTNESS TEST. THIS TANK WAS REMOVED ALONG WITH TANKS #001, #003, AND #004 IN FEBRUARY 2018, AFTER WHICH PETROLEUM IMPACTED SOILS WERE IDENTIFIED. TWO NEW COMPARTMENTALIZED USTS REPLACED THE FOUR REMOVED 10,000 UST SYSTEMS.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$235,343.95
Amount Disallowed	\$499.58
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$436.65
Copay/Deductible	\$23,047.78
Amount Recommended	\$211,359.94
Amount Paid	\$207,430.09

Site Identification

Date Submitted:	07/22/2016	DEP Facility Number:	8-000683
Site Name	Mr Ds Fastlane		
Site Contact	David Larson	Telephone:	(702)564-5695
Site Address	432 S Boulder Hwy Henderson, NV 89015		
County:	Clark County		
Owner/Operator Name:	DLF Corporation		
Contact Name of Owner/Operator:	David Larson	Telephone:	(702)564-5695
	432 S. Boulder Highway Henderson, NV 89015		
Prime Contractor	Broadbent & Associates, Inc.		
Contact Name	William Wiggins		
Contractor Address	8 West Pacific Ave. Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	Closed	Regulated UST	Tank
002	10000	38	Regulated UST	Tank

Case: #2016000023
Claim #: 80204

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$10,102.17 from the Petroleum Fund for cleanup costs.

	\$840,581.50	Amount Requested to Date
	(\$59,275.63)	Amount Disallowed, Past Claims
	(\$153,453.03)	Board Reduction, Past Claims
	(\$61,381.21)	Deductible/Co-Payment Satisfied to Date
	(\$510,147.77)	Amount Paid to Date
SUB TOTAL	<u>\$14,040.79</u>	Amount Requested this Meeting
	(\$10.00)	Amount Disallowed this Meeting
	<u>(\$2,806.16)</u>	Board Reduction, This Meeting
SUB TOTAL	\$11,224.63	
	(\$1,122.46)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$10,102.17</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 01/10/2022

Summary of work completed: Project management and client communication, conduct O&M on LNAPL system, prepare petroleum fund documentation, coordinate and conduct semi-annual groundwater sampling event, begin preparation of 2nd half GMR.

Site Summary Report

Case Number: 2016000023 Site Name: Pit Stop #1

Site Status

Synopsis: DISCHARGE DISCOVERED SEPTEMBER 29, 2015. THE APPLICATION IDENTIFIED THE UNDERGROUND PIPING ASSOCIATED TO A 14,000 GALLON ABOVEGROUND STORAGE TANK (AST) SYSTEM (TANK 005), CONTAINING GASOLINE AS THE SOURCE OF THE RELEASE. SSBD 2016-07 WAS APPROVED AT THE DECEMBER 8, 2016 BOARD MEETING, GRANTING COVERAGE WITH A 20% REDUCTION DUE TO A COMINGLED PLUME.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$720,000.00
Amount Requested	\$840,581.50
Amount Disallowed	\$59,285.63
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$156,259.19
Pending Copay/Deductible	\$1,122.46
Copay/Deductible	\$61,381.21
Amount Recommended	\$562,533.01
Amount Paid	\$552,430.84

Site Identification

Date Submitted:	09/19/2016	DEP Facility Number:	6-000317
Site Name	Pit Stop #1		
Site Contact	Galen Schorsch	Telephone:	(775)738-3835
Site Address	275 12th St Elko, NV 89801		
County:	Elko County		
Owner/Operator Name:	AL Park Petroleum INC		
Contact Name of Owner/Operator:	Galen Schorsch PO Box 1600 Elko, NV 89803	Telephone:	(775)738-3835
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	20.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
005	14000	38	Aboveground	Pipe, Underground product piping - Only piping was removed from service. Tank was re-plumbed into differen

Case: #2017000015
Claim #: 80061

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$26,709.40 from the Petroleum Fund for cleanup costs.

	\$563,910.85	Amount Requested to Date
	(\$5,652.82)	Amount Disallowed, Past Claims
	(\$63,738.62)	Board Reduction, Past Claims
	(\$46,484.23)	Deductible/Co-Payment Satisfied to Date
	(\$314,145.41)	Amount Paid to Date
SUB TOTAL	<u>\$29,677.11</u>	Amount Requested this Meeting
	(\$2,967.71)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$26,709.40</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 03/31/2021 and 12/31/2021

Summary of work completed: Project management; quarterly groundwater sampling and report preparation; update HASP; O&M of PulseOx system; preparation of a remediation feasibility report; and preparation of Fund documents.

Site Summary Report

Case Number: 2017000015 Site Name: Green Valley Grocery #63

Site Status

Synopsis: DISCHARGE DISCOVERED MARCH 20, 2017. THE APPLICATION IDENTIFIES THE SHEAR VALVE AT MID-GRADE DISPENSER 5/6, ASSOCIATED TO A 10,000 GALLON UNDERGROUND STORAGE TANK (UST) SYSTEM CONTAINING GASOLINE AS THE SOURCE OF THE RELEASE. SSBD 2017-04 WAS APPROVED AT THE SEPTEMBER 14, 2017 BOARD MEETING AND PROVIDED COVERAGE WITH A 20% REDUCTION FOR NON-COMPLIANCE ISSUES.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$842,635.23
Amount Requested	\$563,910.85
Amount Disallowed	\$5,652.82
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$63,738.62
Pending Copay/Deductible	\$2,967.71
Copay/Deductible	\$46,484.23
Amount Recommended	\$445,067.47
Amount Paid	\$418,358.07

Site Identification

Date Submitted:	05/03/2017	DEP Facility Number:	8-001471
Site Name	Green Valley Grocery #63	Telephone:	(702)258-0488
Site Contact	Amit Sahgal		
Site Address	4030 W Charleston Blvd Las Vegas, NV 89102		
County:	Clark County		
Owner/Operator Name:	Ellen 5 LLC		
Contact Name of Owner/Operator:	Tedd Rosenstein 2500 W Sahara Ave Ste 211 Las Vegas, NV 89102	Telephone:	(702)362-4144
Prime Contractor	Broadbent & Associates		
Contact Name	Jonathan Bell		
Contractor Address	8 West Pacific Ave. Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	Closed	Regulated UST	Product shear valve and vapor recovery shear valve at mid-grade dispenser 5/6.

Case: #2017000035
Claim #: 80182

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$20,058.35 from the Petroleum Fund for cleanup costs.

	\$956,755.25	Amount Requested to Date
	(\$72,609.34)	Amount Disallowed, Past Claims
	(\$86,102.93)	Deductible/Co-Payment Satisfied to Date
	(\$527,785.17)	Amount Paid to Date
SUB TOTAL	<u>\$23,116.56</u>	Amount Requested this Meeting
	(\$829.50)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$22,287.06</u>	
	(\$2,228.71)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$20,058.35</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/18/2021 and 01/03/2022

Summary of work completed: Project management and coordination, remedial operation and maintenance, quarterly report preparation, petroleum fund submittal, troubleshoot the SVE vacuum blower, quarterly sampling and monitoring, and laboratory analysis.

Site Summary Report

Case Number: 2017000035 Site Name: Rebel Store #2177

Site Status

Synopsis: DISCHARGE DISCOVERED ON JUNE 12, 2017 FOLLOWING A PHASE II ENVIRONMENTAL SITE ASSESSMENT. THE APPLICATION IDENTIFIED THE SHEAR VALVE A PIPING BENEATH DISPENSER 3/4 SEEPING INTO A LEAKING UNDER DISPENSER CONTAINMENT ASSOCIATED TO A 12,000 GALLON UNDERGROUND STORAGE TANK (UST) SYSTEM CONTAINING GASOLINE AS THE SOURCE OF THE CONTAMINATION.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$956,755.25
Amount Disallowed	\$73,438.84
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,228.71
Copay/Deductible	\$86,102.93
Amount Recommended	\$794,984.77
Amount Paid	\$774,926.42

Site Identification

Date Submitted:	01/24/2018	DEP Facility Number:	8-001928
Site Name	Rebel Store #2177	Telephone:	
Site Contact			
Site Address	6400 W Lake Mead Blvd Las Vegas, NV 89108		
County:	Clark County		
Owner/Operator Name:	Rebel Oil Company		
Contact Name of Owner/Operator:	Dana Cason Teepe 2200 S Highland Dr Las Vegas, NV 89102	Telephone:	(702)382-5866
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
1	12000	23	Regulated UST	The shear valve and piping beneath dispenser 3/4 were documented as seeping into the Under-Dispenser

Case: #2018000043
Claim #: 80156

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$8,003.12 from the Petroleum Fund for cleanup costs.

	\$68,548.47	Amount Requested to Date
	(\$439.96)	Amount Disallowed, Past Claims
	(\$250.00)	Deductible/Co-Payment Satisfied to Date
	<u>(\$36,480.15)</u>	Amount Paid to Date
SUB TOTAL	\$8,017.35	Amount Requested this Meeting
	<u>(\$14.23)</u>	Amount Disallowed this Meeting
SUB TOTAL	\$8,003.12	
	\$0.00	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$8,003.12</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 06/30/2021 and 10/31/2021

Summary of work completed: Preparation and submittal of A-K Closure Request Report; solicitation of well abandonment bid specs; correspondence scheduling of well abandonment activities with subcontractor and client; well abandonment activities; preparation of reimbursement claim; conference call with NDEP regarding project status; preparation and submittal of Well Installation and Groundwater Monitoring Report.

Site Summary Report

Case Number: 2018000043 **Site Name:** William Kennedy Residential Heating Oil Tank

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM A 500 GALLON TANK CONTAINING HEATING OIL AT A RESIDENTIAL PROPERTY.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$68,548.47
Amount Disallowed	\$454.19
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$67,844.28
Amount Paid	\$59,841.16

Site Identification

Date Submitted:	02/22/2019	DEP Facility Number:	C-000071
Site Name	William Kennedy Residential Heating Oil Tank		
Site Contact	William Kennedy	Telephone:	(775)721-2689
Site Address	260 River Road Dayton, NV 89403		
County:	Lyon County		
Owner/Operator Name:	Mr. William Kennedy		
Contact Name of Owner/Operator:	William Kennedy	Telephone:	(775)721-2689
	260 River Road Dayton, NV 89403		
Prime Contractor	Broadbent & Associates		
Contact Name	Brandon Reiff		
Contractor Address	5450 Louie Lane Suite: 101 Reno, NV 89511		
Telephone:	(775)313-2096	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
Heating Oil Tank	500	66	Non-Regulated	Tank

Case: #2019000044
Claim #: 80159

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$33,241.74 from the Petroleum Fund for cleanup costs.

	\$55,866.31	Amount Requested to Date
	(\$1,893.10)	Deductible/Co-Payment Satisfied to Date
	<u>(\$17,037.87)</u>	Amount Paid to Date
SUB TOTAL	\$36,935.34	Amount Requested this Meeting
	<u>(\$0.07)</u>	Amount Disallowed this Meeting
SUB TOTAL	\$36,935.27	
	<u>(\$3,693.53)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$33,241.74	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 07/16/2019 and 03/30/2020

Summary of work completed: Project management, client invoicing and field scheduling. HASP preparation. Continue preparing for preliminary assessment, conduct fieldwork and prepare the assessment report. Negotiate with agencies on a forward path. Begin a quarterly groundwater monitoring and sampling program. Prepare a Petroleum Fund application for coverage and initial NTEP.

Site Summary Report

Case Number: 2019000044 Site Name: 7-Eleven #15829

Site Status

Synopsis: AUGUST 2018, PREMIUM TANK (TANK 1) FAILED TIGHTNESS TESTING, SOIL BORINGS CONFIRMED DISCHARGE. JULY 2020, FREE PRODUCT FOUND IN MONITORING WELL. AUGUST 2020 TANK 2 AND TANK 3 FAILED TIGHTNESS TESTING. DISCHARGE EMANATED FROM 3, 10,000-GALLON, REGULATED UNDERGROUND STORAGE TANK SYSTEMS, CONTAINING GASOLINE AT THE TIME OF RELEASE DISCOVERY. ALL 3 TANK SYSTEMS REMOVED FROM GROUND IN FEBRUARY 2021.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$55,866.31
Amount Disallowed	\$0.07
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$3,693.53
Copay/Deductible	\$1,893.10
Amount Recommended	\$50,279.61
Amount Paid	\$17,037.87

Site Identification

Date Submitted:	09/02/2021	DEP Facility Number:	8-000618
Site Name	7-Eleven #15829		
Site Contact	Satinderpa S. Padda	Telephone:	(702)452-1749
Site Address	10 N Nellis Blvd Las Vegas, NV 89110		
County:	Clark County		
Owner/Operator Name:	7-Eleven INC		
Contact Name of Owner/Operator:	Jennifer Dart PO Box 711 Dallas, TX 75221	Telephone:	(817)235-0971
Prime Contractor	Stantec Consulting Services, Inc.		
Contact Name	Matthew Grandjean		
Contractor Address	3010 West Charleston Boulevard, Suite 100 Las Vegas, NV 89102		
Telephone:	(702)878-8010	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	9728	Closed	Regulated UST	Tank
003	9728	36	Regulated UST	Tank
002	9728	36	Regulated UST	Tank

Case: #202000015
Claim #: 80206

STAFF RECOMMENDATION
March 10, 2022

Staff recommends this claim be reimbursed \$10,654.19 from the Petroleum Fund for cleanup costs.

	\$249,731.94	Amount Requested to Date
	(\$857.60)	Amount Disallowed, Past Claims
	(\$91,657.74)	Board Reduction, Past Claims
	(\$13,748.66)	Deductible/Co-Payment Satisfied to Date
	<u>(\$123,737.96)</u>	Amount Paid to Date
SUB TOTAL	\$19,729.98	Amount Requested this Meeting
	<u>(\$7,891.99)</u>	Board Reduction, This Meeting
SUB TOTAL	\$11,837.99	
	<u>(\$1,183.80)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$10,654.19	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 12/31/2021

Summary of work completed: Project management; weekly LNAPL gauging; quarterly groundwater monitoring; quarterly status report preparation; work plan preparation for ESA activities; and preparation of Fund documents.

Site Summary Report

Case Number: 2020000015 Site Name: Gas 2 Go

Site Status

Synopsis: GASOLINE RELEASE FROM 10,000 GALLON PREMIUM TANK (TANK #3) DISCOVERED FOLLOWING TANK REMOVAL ON JANUARY 23, 2020 (INSTALLED 1991).

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$540,000.00
Amount Requested	\$249,731.94
Amount Disallowed	\$857.60
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$99,549.73
Pending Copay/Deductible	\$1,183.80
Copay/Deductible	\$13,748.66
Amount Recommended	\$134,392.15
Amount Paid	\$123,737.96

Site Identification

Date Submitted:	06/05/2020	DEP Facility Number:	8-001529
Site Name	Gas 2 Go		
Site Contact	Matthew Becker	Telephone:	(702)878-1903
Site Address	6390 W Lake Mead Blvd Las Vegas, NV 89108		
County:	Clark County		
Owner/Operator Name:	Canyon Plaza, LLC		
Contact Name of Owner/Operator:	Matthew Becker	Telephone:	(702)878-1903
	50 South Jones Boulevard, Suite 100 Las Vegas, NV 89107		
Prime Contractor	Broadbent And Associates, Inc.		
Contact Name	Stephanie Holst		
Contractor Address	8 West Pacific Avenue Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	40.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	Closed	Regulated UST	Tank

Case: #202000016
Claim #: 80193

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$5,984.55 from the Petroleum Fund for cleanup costs.

	\$198,942.20	Amount Requested to Date
	(\$454.90)	Amount Disallowed, Past Claims
	(\$19,183.78)	Deductible/Co-Payment Satisfied to Date
	(\$136,934.14)	Amount Paid to Date
SUB TOTAL	<u>\$6,649.50</u>	Amount Requested this Meeting
	(\$664.95)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$5,984.55</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 09/30/2021 and 12/31/2021

Summary of work completed: Project management; quarterly monitoring report preparation, and preparation of Fund documents.

Site Summary Report

Case Number: 2020000016 Site Name: Us Gas #7

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM TWO UNDERGROUND STORAGE TANKS IN WHICH THERE WAS TANK FAILURE. BOTH TANKS WERE 10,000-GALLONS, ONE CONTAINING DIESEL AND ONE CONTAINING GASOLINE.

Contaminant: Diesel, Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$198,942.20
Amount Disallowed	\$454.90
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$664.95
Copay/Deductible	\$19,183.78
Amount Recommended	\$178,638.57
Amount Paid	\$172,654.02

Site Identification

Date Submitted:	09/23/2020	DEP Facility Number:	8-000132
Site Name	Us Gas #7	Telephone:	(702)845-6951
Site Contact	Val Amiel		
Site Address	798 W Mesquite Blvd Mesquite, NV 89027		
County:	Clark County		
Owner/Operator Name:	LV Petroleum LLC	Telephone:	(702)683-8008
Contact Name of Owner/Operator:	Val Amiel 4495 W Hacienda Ave Las Vegas, NV 89008		
Prime Contractor	Broadbent & Associates		
Contact Name	Kyle Virva		
Contractor Address	12760 Stroh Ranch Way, Suite 101 Parker, CO 80134		
Telephone:	(561)309-1682	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
002	10000	Closed	Regulated UST	Tank
001	10000	36	Regulated UST	Tank

Case: #202000046
Claim #: 80207

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$3,428.39 from the Petroleum Fund for cleanup costs.

	\$91,702.58	Amount Requested to Date
	(\$34,141.49)	Board Reduction, Past Claims
	(\$5,121.22)	Deductible/Co-Payment Satisfied to Date
	(\$46,091.01)	Amount Paid to Date
SUB TOTAL	<u>\$6,348.86</u>	Amount Requested this Meeting
	(\$2,539.54)	Board Reduction, This Meeting
SUB TOTAL	<u>\$3,809.32</u>	
	(\$380.93)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$3,428.39</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/31/2021 and 12/31/2021

Summary of work completed: Project management; preparation of a no further action request; solicitation of well abandonment bids; coordination of abandonment activities; preparation of a closure letter; and preparation of Fund documents.

Site Summary Report

Case Number: 2020000046 Site Name: Green Valley Grocery #34

Site Status

Synopsis: RELEASE FROM HOLE IN TANK OF 10,000-GALLON, REGULATED, UNDERGROUND STORAGE TANK SYSTEM CONTAINING PREMIUM GASOLINE. INITIAL ABATEMENT ACTIVITIES REMOVED ~372 TONS OF PETROLEUM-IMPACTED SOIL.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$540,000.00
Amount Requested	\$91,702.58
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$36,681.03
Pending Copay/Deductible	\$380.93
Copay/Deductible	\$5,121.22
Amount Recommended	\$49,519.40
Amount Paid	\$46,091.01

Site Identification

Date Submitted:	12/03/2020	DEP Facility Number:	8-001366
Site Name	Green Valley Grocery #34	Telephone:	(702)337-0771
Site Contact	Ed Montalvo		
Site Address	6055 W Flamingo Rd Las Vegas, NV 89103		
County:	Clark County		
Owner/Operator Name:	Midjit Market INC		
Contact Name of Owner/Operator:	David Crawford 1580 S Jones Blvd Las Vegas, NV 89146	Telephone:	(702)367-0056 Ext: 1
Prime Contractor	Broadbent And Associates, Inc.		
Contact Name	Jeremy Holst		
Contractor Address	8 West Pacific Avenue Henderson, NV 89015		
Telephone:	(702)353-5743	% Board Reduction:	40.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	Closed	Regulated UST	Tank

Case: #2021000010
Claim #: 80131

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$37,228.50 from the Petroleum Fund for cleanup costs.

	\$40,962.25	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$40,962.25</u>	Amount Requested this Meeting
	(\$2,483.75)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$38,478.50</u>	
	(\$1,250.00)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$37,228.50</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 09/04/2020 and 10/01/2021

Summary of work completed: Conduct IA following removal of UST, collect confirmation soil samples, prepare UST closure report, prepare petroleum fund documentation

Site Summary Report

Case Number: 2021000010 Site Name: Reno Student Living III, LLC At 333 9th St

Site Status

Synopsis: FIVE NON-REGULATED UNDERGROUND STORAGE TANKS WERE REMOVED FROM THE PROPERTY, WHICH INCLUDED SEVEN FORMER HOME PARCELS. CONTAMINATION WAS DISCOVERED AUGUST 24, 2020, DURING TANK REMOVAL ACTIVITIES. 201 TONS OF CONTAMINATED SOIL WERE REMOVED FROM THE FIVE FORMER TANK PITS.

Contaminant: Heating Oil

Fund Coverage	\$1,251,250.00
Amount Fund Will Pay	\$1,250,000.00
Amount Requested	\$40,962.25
Amount Disallowed	\$2,483.75
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$1,250.00
Copay/Deductible	\$0.00
Amount Recommended	\$37,228.50
Amount Paid	\$0.00

Site Identification

Date Submitted:	03/29/2021	DEP Facility Number:	D-001178
Site Name	Reno Student Living III, LLC At 333 9th St		
Site Contact	Dan Titus	Telephone:	(219)742-4970
Site Address	333 E. 9th Street Reno, NV 89512		
County:	Washoe County		
Owner/Operator Name:	CA Student Living Reno III, LLC		
Contact Name of Owner/Operator:	Dan Titus	Telephone:	(219)742-4970
	130 East Randolph Street, Suite 2100 Chicago, IL 60601		
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
900 Evans	150	102	Non-Regulated	Tank
912 Evans	300	90	Non-Regulated	Tank
920 Evans	325	90	Non-Regulated	Tank
333 E 9th	250	88	Non-Regulated	Tank
337 E 9th	625	90	Non-Regulated	Tank

Case: #2021000026
Claim #: 80104

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$23,674.28 from the Petroleum Fund for cleanup costs.

	\$26,314.76	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$26,314.76</u>	Amount Requested this Meeting
	(\$10.00)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$26,304.76</u>	
	(\$2,630.48)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$23,674.28</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 12/18/2020 and 08/27/2021

Summary of work completed: Project management, scheduling and client invoicing. Begin preparing the release response report. Additional site assessment workplan preparation. Fieldwork preparation including drilling contractor bidding, scheduling, NDWR well permit applications, coordinating public and private utility clearance. Conduct field activities, groundwater sampling, coordinate surveying and waste disposal. Prepare the additional assessment report. Prepare a second additional assessment report. Begin preparing the Petroleum Fund application for coverage.

Site Summary Report

Case Number: 2021000026 Site Name: 7-Eleven #25578

Site Status

Synopsis: DISCHARGE WAS DISCOVERED ON OCTOBER 29, 2020 DURING TANK REMOVAL ACTIVITIES. TANK FAILURE OF TWO 10,000 GALLON UNDERGROUND STORAGE TANKS CONTAINING GASOLINE WAS THE SOURCE OF THE RELEASE. A THIRD TANK REMOVED FROM THE SITE WAS NOT COVERED UNDER THE FUND BECAUSE THERE WAS NOT ENOUGH EVIDENCE TO SUPPORT THE TANK HAD FAILED.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$26,314.76
Amount Disallowed	\$10.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,630.48
Copay/Deductible	\$0.00
Amount Recommended	\$23,674.28
Amount Paid	\$0.00

Site Identification

Date Submitted:	09/02/2021	DEP Facility Number:	8-000590
Site Name	7-Eleven #25578	Telephone:	(702)641-6908
Site Contact	Amrik Singh		
Site Address	4151 Boulder Hwy Las Vegas, NV 89121		
County:	Clark County		
Owner/Operator Name:	7-Eleven INC		
Contact Name of Owner/Operator:	Jennifer Dart PO Box 711 Dallas, TX 75221	Telephone:	(817)235-0971
Prime Contractor	Stantec Consulting Services, Inc.		
Contact Name	Matthew Grandjean		
Contractor Address	3010 West Charleston Boulevard, Suite 100 Las Vegas, NV 89102		
Telephone:	(702)878-8010	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	9728	Closed	Regulated UST	Tank
001	9728	36	Regulated UST	Tank
002	9728	36	Regulated UST	Tank

Case: #2021000027
Claim #: 80208

STAFF RECOMMENDATION

March 10, 2022

Staff recommends this claim be reimbursed \$18,462.64 from the Petroleum Fund for cleanup costs.

	\$20,559.04	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$20,559.04</u>	Amount Requested this Meeting
	(\$45.00)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$20,514.04</u>	
	(\$2,051.40)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$18,462.64</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 03/30/2021 and 02/10/2022

Summary of work completed: Project management; observation of excavation activities; collection of soil samples; and coordination of soil disposal.

Site Summary Report

Case Number: 2021000027 Site Name: Horizon Market #5

Site Status

Synopsis: THE PREMIUM UST PIPING FAILED TIGHTNESS TESTING ON FEBRUARY 8, 2021. AFTER FURTHER INVESTIGATION THE SOURCE OF THE DISCHARGE WAS IDENTIFIED AS A BREAK IN THE PRODUCT LINE ASSOCIATED WITH THE PREMIUM TANK SYSTEM. A PREVIOUS RELEASE ASSOCIATED WITH THE REGULAR UNLEADED TANK SYSTEM WAS IDENTIFIED AT THIS FACILITY IN MARCH 2015 AND SINCE BEEN ISSUED A NO FURTHER ACTION DETERMINATION ON AUGUST 15, 2015.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$20,559.04
Amount Disallowed	\$45.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$2,051.40
Copay/Deductible	\$0.00
Amount Recommended	\$18,462.64
Amount Paid	\$0.00

Site Identification

Date Submitted:	09/15/2021	DEP Facility Number:	7-000778
Site Name	Horizon Market #5	Telephone:	(775)727-4100
Site Contact	Teri Champala		
Site Address	840 E Highway 372 Pahrump, NV 89048		
County:	Nye County		
Owner/Operator Name:	Horizon C Stores LLC		
Contact Name of Owner/Operator:	Teri Champala 2050 N Highway 160 Pahrump, NV 89048	Telephone:	(775)727-4100
Prime Contractor	Broadbent & Associates		
Contact Name	Jonathan Bell		
Contractor Address	8 West Pacific Ave. Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
002	10000	25	Regulated UST	Pipe

**Agenda Item 9:
Direct Payment of Uncontested Claims
(Board Policy 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

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2021000030; 80160 597 Grand Canyon Reno LLC: 597 Grand Canyon Reno LLC	\$16,978.50	\$16,728.50
FOR DISCUSSION	2.	2021000035; 80151 Edward & Linda Halicki: Residential Heating Oil Tank At 19605 Paddlewheel Lane	\$17,238.46	\$16,988.46
FOR DISCUSSION	3.	2021000036; 80155 Richie Bednarski: Residential Heating Oil Tank At 953 Yori Ave, Reno	\$22,552.10	\$22,302.10
FOR DISCUSSION	4.	2021000037; 80158 Nicolette Paulsen: Residential Heating Oil Tank At 820 Bates Ave	\$25,405.59	\$25,155.59
FOR DISCUSSION	5.	2021000039; 80169 Craig Depolo: Residential Heating Oil Tank At 11125 Vincent Lane, Reno	\$34,815.62	\$34,565.62
FOR DISCUSSION	6.	2022000001; 80184 Robert & Judith Winzeler: Residential Heating Oil Tank At 1579 Belford Rd	\$14,962.47	\$14,712.47
FOR DISCUSSION	7.	2022000002; 80215 Bajwa Properties LLC: Bajwa Properties At 49 High Street	\$22,327.90	\$22,077.90
FOR DISCUSSION	8.	2022000003; 80217 Matthew Rutledge: Residential Heating Oil Tank At 1085 Sharon Way	\$23,794.30	\$23,544.30
SUB TOTAL:			<u>\$178,074.94</u>	<u>\$176,074.94</u>
<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80178 Rebel Oil Company: Rebel Store #2008	\$8,325.75	\$8,325.75
FOR DISCUSSION	2.	1994000015; 80170 Pilger Family Holdings: Former D & G Oil Company	\$26,409.87	\$26,353.90
FOR DISCUSSION	3.	1999000022; 80165 Terrible Herbst Oil Company Inc: Terrible Herbst #129	\$6,558.88	\$5,902.99
FOR DISCUSSION	4.	1999000023; 80177 Nevada Ready Mix Corp: Nevada Ready Mix	\$26,066.65	\$23,459.99
FOR DISCUSSION	5.	1999000066; 80171 HP Management, LLC: Former Haycock Petroleum	\$28,467.71	\$25,620.94
FOR DISCUSSION	6.	1999000086; 80167 Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$4,666.25	\$3,997.13
FOR DISCUSSION	7.	1999000104; 80166 Terrible Herbst Oil Company Inc: Terrible Herbst #118	\$2,665.00	\$2,398.50
FOR DISCUSSION	8.	2012000012; 80142 Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$27,029.25	\$24,265.57

FOR DISCUSSION	9.	2013000009; 80185	Western Petroleum: Western Petroleum Of Nevada	\$81,804.60	\$73,624.14
FOR DISCUSSION	10.	2013000011; 80172	Har Moor Investments, LLC: Village Shop #4	\$20,185.75	\$18,167.17
FOR DISCUSSION	11.	2014000033; 80175	Speedee Mart INC: Speedee Mart #108	\$20,655.90	\$18,590.31
FOR DISCUSSION	12.	2016000027; 80168	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$16,050.00	\$13,000.50
FOR DISCUSSION	13.	2017000019; 80183	Rebel Oil Company: Rebel Store #2197	\$27,165.68	\$24,449.11
FOR DISCUSSION	14.	2018000005; 80179	Rebel Oil Company: Rebel Store # 2153	\$14,312.75	\$12,881.47
FOR DISCUSSION	15.	2019000001; 80180	Rebel Oil Company: Rebel Store #2160	\$5,545.00	\$4,990.50
FOR DISCUSSION	16.	2019000002; 80181	Rebel Oil Company: Rebel Store #2166	\$10,644.75	\$9,580.27
FOR DISCUSSION	17.	2019000005; 80174	Fairway Chevrolet Co: Fairway Chevrolet CO	\$9,434.25	\$8,490.83
FOR DISCUSSION	18.	2019000014; 80173	Western Cab Co: Western Cab CO	\$6,082.25	\$5,474.03
			SUB TOTAL:	<u>\$342,070.29</u>	<u>\$309,573.10</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$520,145.23</u>	<u>\$485,648.04</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,064,118.36</u>	<u>\$961,057.57</u>

Case: #1993000102
Claim #: 80178

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$2,482,659.03	Amount Requested to Date
	(\$27,274.04)	Amount Disallowed, Past Claims
	(\$30,000.00)	Deductible/Co-Payment Satisfied to Date
	<u>(\$2,265,103.52)</u>	Amount Paid to Date
SUB TOTAL	\$8,325.75	Amount Requested this Meeting
	<u>\$0.00</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$8,325.75	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 12/17/2021 and 01/03/2022

Summary of work completed: Project management and coordination, preparation of quarterly status report, quarterly well monitoring and sampling, and laboratory analysis.

Site Summary Report

Case Number: 1993000102 Site Name: Rebel Store #2008

Site Status

Synopsis: TWO USTS RELEASED GASOLINE IN 1992. PIPING FROM ONE TANK SYSTEM FAILED AND THE TANK FAILED IN THE SECOND SYSTEM. ONE ALLOTMENT OF THIRD PARTY LIABILITY FUNDS HAS BEEN APPROVED FOR CLEANUP ACTIVITIES FOR THIS CASE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,970,000.00
Amount Requested	\$2,482,659.03
Amount Disallowed	\$27,274.04
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$30,000.00
Amount Recommended	\$2,436,599.24
Amount Paid	\$2,436,599.24

Site Identification

Date Submitted:	03/15/1993	DEP Facility Number:	8-000523
Site Name	Rebel Store #2008	Telephone:	(702)382-5866
Site Contact	Dana Cason Teepe		
Site Address	3225 Las Vegas Blvd N Las Vegas, NV 89115		
County:	Clark County		
Owner/Operator Name:	Rebel Oil Company	Telephone:	(702)382-5866 Ext: 2
Contact Name of Owner/Operator:	Dana Cason Teepe 2200 S Highland Drive Las Vegas, NV 89102		
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	Closed	Regulated UST	See Synopsis
002	10000	41	Regulated UST	See Synopsis

Case: #1994000015
Claim #: 80170

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 28, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$2,002,451.89	Amount Requested to Date
	(\$77,127.09)	Amount Disallowed, Past Claims
	(\$20,000.00)	Deductible/Co-Payment Satisfied to Date
	(\$1,341,540.43)	Amount Paid to Date
SUB TOTAL	<u>\$26,409.87</u>	Amount Requested this Meeting
	(\$55.97)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$26,353.90</u>	
	\$0.00	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$26,353.90</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/13/2021 and 01/03/2022

Summary of work completed: Project management, quarterly well monitoring and sampling, VES and GWTS cleaning and shutdown procedures, laboratory analysis, removal and disposal of spent carbon, quarterly status report preparation, and drafting services.

Site Summary Report

Case Number: 1994000015 Site Name: Former D & G Oil Company

Site Status

Synopsis: CONTAMINATION WAS DISCOVERED FEBRUARY 3, 1993, FROM A 10,000 GALLON UNDERGROUND STORAGE TANK CONTAINING DIESEL FUEL AND IDENTIFIED AS TANK 3. THE LOCATION OF THE LEAK WAS NOTED ON THE APPLICATION AS THE TANK. THIS CASE WAS GRANTED COVERAGE ON SEPTEMBER 9, 1993, WITH A \$10,000 DEDUCTIBLE. THIRD PARTY LIABILITY COVERAGE WAS GRANTED AT THE DECEMBER 8, 2016 BOARD MEETING, PURSUANT TO SSBD 2016-06.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,980,000.00
Amount Requested	\$2,002,451.89
Amount Disallowed	\$77,183.06
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$20,000.00
Amount Recommended	\$1,905,268.83
Amount Paid	\$1,905,268.83

Site Identification

Date Submitted:	02/04/1993	DEP Facility Number:	8-000147
Site Name	Former D & G Oil Company	Telephone:	(760)447-5192
Site Contact	Pilger, Jessica		
Site Address	6176 Las Vegas Blvd Las Vegas, NV 89119		
County:	Clark County		
Owner/Operator Name:	Pilger Family Holdings		
Contact Name of Owner/Operator:	Jessica Pilger 5127 Crown Street San Diego, CA 92110	Telephone:	(702)641-5216
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	Closed	Regulated UST	See Synopsis

Case: #1999000022
Claim #: 80165

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$1,472,014.80	Amount Requested to Date
	(\$50,600.27)	Amount Disallowed, Past Claims
	(\$141,485.56)	Deductible/Co-Payment Satisfied to Date
	<u>(\$1,208,077.17)</u>	Amount Paid to Date
SUB TOTAL	\$6,558.88	Amount Requested this Meeting
	<u>(\$655.89)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$5,902.99	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 01/01/2022 and 01/01/2022

Summary of work completed: Preparation of groundwater monitoring reports; preparation and submittal of claim packet; and preparation and submittal of proof of payment documentation.

Site Summary Report

Case Number: 1999000022 Site Name: Terrible Herbst #129

Site Status

Synopsis: CONTAMINATION DISCOVERED SEPTEMBER 15, 1998. THE APPLICATION IDENTIFIED THE SOURCE OF RELEASE AS THE TANK OF A 10,000 GALLON UNDERGROUND STORAGE TANK (UST) SYSTEM (TANK 001) CONTAINING GASOLINE. COVERAGE WAS ISSUED WITH A 10% COPAYMENT.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$1,472,014.80
Amount Disallowed	\$50,600.27
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$141,485.56
Amount Recommended	\$1,279,273.08
Amount Paid	\$1,279,273.08

Site Identification

Date Submitted:	11/05/1998	DEP Facility Number:	8-000658
Site Name	Terrible Herbst #129	Telephone:	
Site Contact			
Site Address	4895 Spring Mountain Rd Las Vegas, NV 89102		
County:	Clark County		
Owner/Operator Name:	Terrible Herbst Oil Company INC		
Contact Name of Owner/Operator:	Bob Laszcik 5195 Las Vegas Blvd. South Las Vegas, NV 89119	Telephone:	(702)798-6400
Prime Contractor	The Westmark Group		
Contact Name	Kathleen Johnson		
Contractor Address	7145 South Buffalo Drive, Suite C105 Las Vegas, NV 89113		
Telephone:	(702)305-2650	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	Closed	Regulated UST	See Synopsis

Case: #1999000023
Claim #: 80177

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$698,859.65	Amount Requested to Date
	(\$2,888.97)	Amount Disallowed, Past Claims
	(\$66,990.40)	Deductible/Co-Payment Satisfied to Date
	<u>(\$324,425.62)</u>	Amount Paid to Date
SUB TOTAL	\$26,066.65	Amount Requested this Meeting
	<u>(\$2,606.66)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$23,459.99	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/05/2021 and 01/03/2022

Summary of work completed: Project management and coordination, remedial system monitoring, quarterly status report preparation, petroleum fund preparation, drafting services, remedial well jetting services, quarterly monitoring and sampling, and laboratory analysis.

Site Summary Report

Case Number: 1999000023 Site Name: Nevada Ready Mix

Site Status

Synopsis: CONTAMINATION DISCOVERED AUGUST 21, 1998. THE APPLICATION IDENTIFIES A THREE UNDERGROUND STORAGE TANK (UST) SYSTEMS AS THE CAUSE OF THE RELEASE. THE DISPENSER PUMPS AND PIPING WERE THE SOURCE IDENTIFIED FOR THE 8,000 GALLON UST (TANK 1) CONTAINING DIESEL AND THE 8,000 GALLON UST (TANK 2) CONTAINING GASOLINE. THE WASTE OIL CONTAMINATION EMANATED FROM CORROSION HOLES IN THE 500 GALLON UST (TANK 3). COVERAGE GRANTED WITH A 10% COPAYMENT.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$698,859.65
Amount Disallowed	\$2,888.97
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$66,990.40
Amount Recommended	\$626,373.62
Amount Paid	\$626,373.62

Site Identification

Date Submitted:	11/06/1998	DEP Facility Number:	8-000272
Site Name	Nevada Ready Mix		
Site Contact	Miller, Randy	Telephone:	(702)457-1115
Site Address	601 W Bonanza Rd Las Vegas, NV 89106		
County:	Clark County		
Owner/Operator Name:	Nevada Ready Mix Corp		
Contact Name of Owner/Operator:	Larry Miller 151 Cassia Way Henderson, NV 89014	Telephone:	(702)457-1115
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	8000	Closed	Regulated UST	See Synopsis
002	8000	70	Regulated UST	See Synopsis
003	500	55	Regulated UST	See Synopsis

Case: #1999000066
Claim #: 80171

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 28, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$3,643,539.99	Amount Requested to Date
	(\$8,601.72)	Amount Disallowed, Past Claims
	(\$360,647.07)	Deductible/Co-Payment Satisfied to Date
	<u>(\$2,809,351.54)</u>	Amount Paid to Date
SUB TOTAL	\$28,467.71	Amount Requested this Meeting
	<u>(\$2,846.77)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$25,620.94	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/06/2021 and 01/03/2022

Summary of work completed: Project coordination, operation and maintenance of remedial system, quarterly well monitoring and sampling, laboratory analysis, quarterly status report preparation, and drafting services.

Site Summary Report

Case Number: 1999000066 **Site Name:** Former Haycock Petroleum

Site Status

Synopsis: TWO RELEASES: ONE FROM A 25,000 GALLON DIESEL AST SYSTEM (LEAKING VALVE) AND ONE FROM A 20,000 GALLON GASOLINE AST (UNDERGROUND PIPING).

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$4,000,000.00
Amount Fund Will Pay	\$3,600,000.00
Amount Requested	\$3,643,539.99
Amount Disallowed	\$8,601.72
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$360,647.07
Amount Recommended	\$3,271,444.43
Amount Paid	\$3,271,444.43

Site Identification

Date Submitted:	03/30/1999	DEP Facility Number:	8-001512
Site Name	Former Haycock Petroleum		
Site Contact	John Haycock	Telephone:	(702)219-5643
Site Address	715 W Bonanza Rd Las Vegas, NV 89106		
County:	Clark County		
Owner/Operator Name:	HP Management, LLC		
Contact Name of Owner/Operator:	John Haycock P.O. Box 100 Pmb 380 Mammoth Lakes, CA 93546	Telephone:	(702)219-5643
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	25000	55	Aboveground	See Synopsis
006	20000	55	Aboveground	See Synopsis

Case: #1999000086
Claim #: 80167

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$1,745,872.31	Amount Requested to Date
	(\$89,446.70)	Amount Disallowed, Past Claims
	(\$165,175.96)	Deductible/Co-Payment Satisfied to Date
	<u>(\$1,429,100.37)</u>	Amount Paid to Date
SUB TOTAL	\$4,666.25	Amount Requested this Meeting
	<u>(\$225.00)</u>	Amount Disallowed this Meeting
SUB TOTAL	\$4,441.25	
	<u>(\$444.12)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$3,997.13	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 11/01/2021 and 12/01/2021

Summary of work completed: Semiannual groundwater monitoring, sampling, and reporting; preparation and submittal of claim packet; proof of payment documentation preparation and submittal.

Site Summary Report

Case Number: 1999000086 Site Name: Terrible Herbst #126

Site Status

Synopsis: CONTAMINATION DISCOVERED MAY 11, 1999. THE APPLICATION IDENTIFIED DETERIORATED FIBERGLASS PRODUCT PIPING ASSOCIATED TO TWO 12,000 GALLON UNDERGROUND STORAGE TANK SYSTEMS CONTAINING GASOLINE (TANK 1 AND TANK 2). COVERAGE FOR TANK 1 AWARDED JULY 26, 1999 AND COVERAGE FOR TANK 2 AWARDED JANUARY 25, 2000.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$1,745,872.31
Amount Disallowed	\$89,671.70
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$165,175.96
Amount Recommended	\$1,490,580.53
Amount Paid	\$1,490,580.53

Site Identification

Date Submitted:	05/24/1999	DEP Facility Number:	8-000657
Site Name	Terrible Herbst #126	Telephone:	(702)876-3474
Site Contact			
Site Address	1195 E Sahara Ave Las Vegas, NV 89104		
County:	Clark County		
Owner/Operator Name:	Terrible Herbst Oil Company INC		
Contact Name of Owner/Operator:	Bob Laszcik 5195 Las Vegas Blvd South Las Vegas, NV 89119	Telephone:	(702)876-3474
Prime Contractor	The Westmark Group		
Contact Name	Kathleen Johnson		
Contractor Address	7145 South Buffalo Drive, Suite C105 Las Vegas, NV 89113		
Telephone:	(702)305-2650	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	Closed	Regulated UST	See Synopsis
002	12000	45	Regulated UST	See Synopsis

Case: #1999000104
Claim #: 80166

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$2,801,412.02	Amount Requested to Date
	(\$154,624.02)	Amount Disallowed, Past Claims
	(\$264,412.29)	Deductible/Co-Payment Satisfied to Date
	<u>(\$2,327,685.30)</u>	Amount Paid to Date
SUB TOTAL	\$2,665.00	Amount Requested this Meeting
	<u>(\$266.50)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$2,398.50	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 07/30/2021 and 01/01/2022

Summary of work completed: semi-annual groundwater sampling/laboratory analysis of groundwater sample (non CEM cost billed through Westmark Invoice 15531); semiannual report preparation, preparation and submittal of claim packet; and proof of payment preparation and submittal.

Site Summary Report

Case Number: 1999000104 Site Name: Terrible Herbst #118

Site Status

Synopsis: CONTAMINATION DISCOVERED JUNE 10, 1999 DURING REMOVAL OF THE UNDERGROUND STORAGE TANK (UST) SYSTEMS. THE ORIGINAL APPLICATION IDENTIFIED CORROSION HOLES IN THE NORTHERNMOST 12,000 GALLON UST (TANK 1) CONTAINING GASOLINE AS THE SOURCE OF THE CONTAMINATION. AN AMENDED APPLICATION IDENTIFIED FISSURES IN THE FIBERGLASS PRODUCT PIPING ASSOCIATED TO A 12,000 GALLON UST SYSTEM (TANK 2) AND DISCOVERED DURING PIPING REMOVAL ACTIVITIES APRIL 17, 2000 AS THE SOURCE FOR THE SECOND RELEASE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$3,000,000.00
Amount Fund Will Pay	\$2,700,000.00
Amount Requested	\$2,801,412.02
Amount Disallowed	\$154,624.02
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$264,412.29
Amount Recommended	\$2,382,109.21
Amount Paid	\$2,382,109.21

Site Identification

Date Submitted:	07/30/1999	DEP Facility Number:	8-000655
Site Name	Terrible Herbst #118		
Site Contact		Telephone:	
Site Address	3650 W Sahara Ave Las Vegas, NV 89102		
County:	Clark County		
Owner/Operator Name:	Terrible Herbst Oil Company INC		
Contact Name of Owner/Operator:	Bob Laszcik 5195 Las Vegas Blvd. South Las Vegas, NV 89119	Telephone:	(702)798-6400
Prime Contractor	The Westmark Group		
Contact Name	Kathleen Johnson		
Contractor Address	7145 South Buffalo Drive, Suite C105 Las Vegas, NV 89113		
Telephone:	(702)305-2650	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	Closed	Regulated UST	See Synopsis
002	12000	46	Regulated UST	See Synopsis

Case: #2012000012
Claim #: 80142

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 28, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$1,739,948.92	Amount Requested to Date
	(\$24,219.97)	Amount Disallowed, Past Claims
	(\$167,259.96)	Deductible/Co-Payment Satisfied to Date
	(\$1,160,947.90)	Amount Paid to Date
SUB TOTAL	<u>\$27,029.25</u>	Amount Requested this Meeting
	(\$67.51)	Amount Disallowed this Meeting
SUB TOTAL	<u>\$26,961.74</u>	
	(\$2,696.17)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$24,265.57</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 06/16/2021 and 09/30/2021

Summary of work completed: Project management; PulseOx and SVE system O&M, hydrogen peroxide purchase and delivery, quarterly groundwater report preparation; and preparation of Fund documents.

Site Summary Report

Case Number: 2012000012 Site Name: Green Valley Grocery #61

Site Status

Synopsis: LEAKING PRODUCT PIPING IN STP SUMP DISCOVERED DURING COMPLIANCE INSPECTION.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$1,739,948.92
Amount Disallowed	\$24,287.48
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$169,956.13
Amount Recommended	\$1,529,605.29
Amount Paid	\$1,529,605.29

Site Identification

Date Submitted:	12/14/2011	DEP Facility Number:	8-001775
Site Name	Green Valley Grocery #61	Telephone:	(415)734-0223
Site Contact	Seamus Comerford		
Site Address	4207 S Las Vegas Blvd Las Vegas, NV 89119		
County:	Clark County		
Owner/Operator Name:	Las Vegas Land Acquisition 2020 CO., LLC		
Contact Name of Owner/Operator:	Seamus Comerford 345 California Street, Suite 3300 San Francisco, CA 94104	Telephone:	(415)734-0223
Prime Contractor	Broadbent & Associates, Inc.		
Contact Name	William Wiggins		
Contractor Address	8 West Pacific Ave. Henderson, NV 89015		
Telephone:	(702)563-0600	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	27	Regulated UST	See Synopsis

Case: #2013000009
Claim #: 80185

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$935,832.07	Amount Requested to Date
	(\$17,317.38)	Amount Disallowed, Past Claims
	(\$83,671.01)	Deductible/Co-Payment Satisfied to Date
	<u>(\$539,592.72)</u>	Amount Paid to Date
SUB TOTAL	\$81,804.60	Amount Requested this Meeting
	<u>(\$8,180.46)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$73,624.14	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/26/2021 and 01/13/2022

Summary of work completed: Project management and coordination, proof of payment preparation, submittal, removal carbon from remedial system for site closure, preparation of NTEP, and preparation of site closure Power Point Presentation, coordinate and observe well closure activities, remedial system decommission, and prepare final petroleum fund submittal.

Site Summary Report

Case Number: 201300009 Site Name: Western Petroleum Of Nevada

Site Status

Synopsis: AUGUST 2012 TIGHTNESS TEST FAILED. PRODUCT REMOVED NEXT DAY AND HAIRLINE FRACTURE INSIDE SINGLE WALL FIBERGLASS UST DISCOVERED AND REPAIRED ON NOVEMBER 14, 2012.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$935,832.07
Amount Disallowed	\$17,317.38
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$83,671.01
Amount Recommended	\$826,663.22
Amount Paid	\$826,663.22

Site Identification

Date Submitted:	12/21/2012	DEP Facility Number:	8-000176
Site Name	Western Petroleum Of Nevada	Telephone:	(702)375-1736
Site Contact	Jim Johnson		
Site Address	2051 E Sahara Ave Las Vegas, NV 89104		
County:	Clark County		
Owner/Operator Name:	Western Petroleum		
Contact Name of Owner/Operator:	Jim Johnson	Telephone:	(702)375-1736
	2051 East Sahara Avenue Las Vegas, NV 89104		
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	10000	38	Regulated UST	See Synopsis

Case: #2013000011
Claim #: 80172

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$823,227.40	Amount Requested to Date
	(\$10,366.88)	Amount Disallowed, Past Claims
	(\$79,267.49)	Deductible/Co-Payment Satisfied to Date
	<u>(\$457,480.70)</u>	Amount Paid to Date
SUB TOTAL	\$20,185.75	Amount Requested this Meeting
	<u>(\$2,018.58)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$18,167.17	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/27/2021 and 01/03/2022

Summary of work completed: Project management and coordination, preparation of quarterly status report, preparation of petroleum fund submittal, monthly operation and maintenance, weekly monitoring, quarterly sampling and analysis, and laboratory analysis.

Site Summary Report

Case Number: 2013000011 Site Name: Village Shop #4

Site Status

Synopsis: JULY 2012 SITE ASSESSMENT FOR POTENTIAL PROPERTY SALE IDENTIFIED BENZENE IN GROUNDWATER. TESTING IDENTIFIED A LEAK IN PIPING BENEATH DISPENSER #2 WHICH WAS REPAIRED OCTOBER 12, 2012.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$823,227.40
Amount Disallowed	\$10,366.88
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$79,267.49
Amount Recommended	\$729,927.95
Amount Paid	\$729,927.95

Site Identification

Date Submitted:	12/21/2012	DEP Facility Number:	8-001804
Site Name	Village Shop #4	Telephone:	(970)376-1300
Site Contact	John Moorman		
Site Address	2151 N Rancho Dr Las Vegas, NV 89106		
County:	Clark County		
Owner/Operator Name:	Har Moor Investments, LLC		
Contact Name of Owner/Operator:	John Moorman P.O. Box 2831 Edwards, CO 81632	Telephone:	(970)376-1300
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	25	Regulated UST	See Synopsis

Case: #2014000033
Claim #: 80175

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$821,053.48	Amount Requested to Date
	(\$4,316.50)	Amount Disallowed, Past Claims
	(\$79,608.12)	Deductible/Co-Payment Satisfied to Date
	<u>(\$344,101.21)</u>	Amount Paid to Date
SUB TOTAL	\$20,655.90	Amount Requested this Meeting
	<u>(\$2,065.59)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$18,590.31	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/16/2021 and 01/03/2022

Summary of work completed: Project management and coordination, prepare quarterly status report, remedial system operation and maintenance, quarterly well sampling and monitoring, and laboratory analysis.

Site Summary Report

Case Number: 2014000033 Site Name: Speedee Mart #108

Site Status

Synopsis: CONTAMINATION DISCOVERED, LEAK IN PIPING UNDERLYING DISPENSER

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$821,053.48
Amount Disallowed	\$4,316.50
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$79,608.12
Amount Recommended	\$735,063.27
Amount Paid	\$735,063.27

Site Identification

Date Submitted:	01/16/2015	DEP Facility Number:	8-001779
Site Name	Speedee Mart #108	Telephone:	(702)450-2726
Site Contact	Paul Orluske		
Site Address	4701 W Lake Mead Blvd Las Vegas, NV 89108		
County:	Clark County		
Owner/Operator Name:	Speedee Mart INC		
Contact Name of Owner/Operator:	Brad Emery 1188 Wigwam Parkway Henderson, NV 89074	Telephone:	(702)450-2726
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	15000	25	Regulated UST	See Synopsis

Case: #2016000027
Claim #: 80168

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$373,584.92	Amount Requested to Date
	(\$916.70)	Amount Disallowed, Past Claims
	(\$62,896.81)	Board Reduction, Past Claims
	(\$29,372.13)	Deductible/Co-Payment Satisfied to Date
	<u>(\$102,898.02)</u>	Amount Paid to Date
SUB TOTAL	\$16,050.00	Amount Requested this Meeting
	<u>(\$1,605.00)</u>	Board Reduction, This Meeting
SUB TOTAL	\$14,445.00	
	<u>(\$1,444.50)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$13,000.50	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/11/2021 and 01/01/2022

Summary of work completed: Quarterly groundwater monitoring, sampling, and preparation of multiple quarterly reports; Fund claim packet preparation and submittal; and preparation and submittal of Fund proof of payment documentation Fund claim packet preparation and submittal.

Site Summary Report

Case Number: 2016000027 Site Name: Terrible Herbst #272

Site Status

Synopsis: NDEP RECEIVED TWO SEPARATE COVERAGE APPLICATIONS. THE FIRST APPLICATION WAS RECEIVED IN MARCH 2013 FOR A SINGLE RELEASE DISCOVERED IN MAY 2012 AND THE SECOND COVERAGE APPLICATION WAS RECEIVED OCTOBER 2016 FOR THREE ADDITIONAL RELEASES DISCOVERED IN JANUARY 2016. THE RELEASE DISCOVERED IN MAY 2012 IS ASSOCIATED WITH MULTIPLE NON-COMPLIANCE ISSUES AND A 40% COVERAGE REDUCTION APPLIED. THE JANUARY 2016 RELEASE RECEIVED FULL COVERAGE FOR ALL THREE RELEASES. PER SSB D C2017-03 THE 40% COVERAGE REDUCTION FOR THE SINGLE RELEASE WILL BE WEIGHTED EQU...

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$4,000,000.00
Amount Fund Will Pay	\$3,240,000.00
Amount Requested	\$373,584.92
Amount Disallowed	\$916.70
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$64,501.81
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$29,372.13
Amount Recommended	\$301,861.26
Amount Paid	\$301,861.26

Site Identification

Date Submitted:	11/01/2016	DEP Facility Number:	8-001810
Site Name	Terrible Herbst #272		
Site Contact	Bob Laszcik	Telephone:	(702)327-0302
Site Address	2395 N Rancho Dr Las Vegas, NV 89130		
County:	Clark County		
Owner/Operator Name:	Terrible Herbst Oil Company INC		
Contact Name of Owner/Operator:	Bob Laszcik	Telephone:	(702)798-6400
	5195 Las Vegas Boulevard South Las Vegas, NV 89199		
Prime Contractor	The Westmark Group		
Contact Name	Kathleen Johnson		
Contractor Address	7145 South Buffalo Drive, Suite C105 Las Vegas, NV 89113		
Telephone:	(702)305-2650	% Board Reduction:	10.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	10000	25	Regulated UST	Pipe
001	15000	25	Regulated UST	Pipe
002	10000	25	Regulated UST	Pipe
001	15000	25	Regulated UST	See Synopsis

Case: #2017000019
Claim #: 80183

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$611,385.42	Amount Requested to Date
	(\$16,887.44)	Amount Disallowed, Past Claims
	(\$56,733.23)	Deductible/Co-Payment Satisfied to Date
	<u>(\$101,122.87)</u>	Amount Paid to Date
SUB TOTAL	\$27,165.68	Amount Requested this Meeting
	<u>(\$2,716.57)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$24,449.11	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/15/2021 and 01/03/2022

Summary of work completed: Project management and coordination, remedial system operation and maintenance, petroleum fund preparation, quarterly report preparation, carbon change out services, quarterly monitoring well sampling and analysis, and laboratory analysis.

Site Summary Report

Case Number: 2017000019 Site Name: Rebel Store #2197

Site Status

Synopsis: DISCHARGE DISCOVERED JULY 19, 2016 AS A RESULT OF A PHASE II ENVIRONMENTAL SITE ASSESSMENT. THE APPLICATION IDENTIFIES A FAILED SHEAR VALVE AND LEAKING UNDER DISPENSER CONTAINMENT ASSOCIATED TO A 12,000 GALLON UNDERGROUND STORAGE TANK (UST) SYSTEM CONTAINING GASOLINE AS THE SOURCE OF THE RELEASE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$611,385.42
Amount Disallowed	\$16,887.44
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$56,733.23
Amount Recommended	\$535,048.18
Amount Paid	\$535,048.18

Site Identification

Date Submitted:	05/17/2018	DEP Facility Number:	8-001781
Site Name	Rebel Store #2197	Telephone:	(702)434-2505
Site Contact	Helene Dickerson		
Site Address	4665 E Sunset Rd Henderson, NV 89014		
County:	Clark County		
Owner/Operator Name:	Rebel Oil Company	Telephone:	(702)382-5866 Ext: 2
Contact Name of Owner/Operator:	Dana Cason Teepe 2200 S Highland Dr Las Vegas, NV 89102		
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
001	12000	26	Regulated UST	The shear valve failed allowing fuel to enter the UDC. Based on the location of the hydrocarbon con

Case: #2018000005
Claim #: 80179

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$195,453.77	Amount Requested to Date
	(\$2,161.99)	Amount Disallowed, Past Claims
	(\$17,897.92)	Deductible/Co-Payment Satisfied to Date
	(\$86,289.50)	Amount Paid to Date
SUB TOTAL	<u>\$14,312.75</u>	Amount Requested this Meeting
	(\$1,431.28)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$12,881.47</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 11/01/2021 and 01/03/2022

Summary of work completed: Project management and coordination, quarterly sampling and monitoring, preparation of quarterly status report, preparation of petroleum fund submittal, preparation of NTEP, preparation of Work Plan, and laboratory analysis.

Site Summary Report

Case Number: 2018000005 Site Name: Rebel Store # 2153

Site Status

Synopsis: DISCHARGE DISCOVERED ON OCTOBER 7, 2015 AS A RESULT OF A PHASE II ENVIRONMENTAL SITE ASSESSMENT. THE APPLICATION IDENTIFIES THE SPILL BUCKET ASSOCIATED TO A 6,000 GALLON UNDERGROUND STORAGE TANK (UST) SYSTEM CONTAINING DIESEL (TANK 005), AND THE SPILL BUCKET ASSOCIATED TO A 12,000 GALLON UST CONTAINING GASOLINE AS THE SOURCES OF THE RELEASE.

Contaminant: Diesel, Gasoline (containing > 10% ethanol)

Fund Coverage	\$2,000,000.00
Amount Fund Will Pay	\$1,800,000.00
Amount Requested	\$195,453.77
Amount Disallowed	\$2,161.99
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$17,897.92
Amount Recommended	\$173,962.58
Amount Paid	\$173,962.58

Site Identification

Date Submitted:	07/13/2018	DEP Facility Number:	8-001429
Site Name	Rebel Store # 2153	Telephone:	(702)555-5555
Site Contact	Pending		
Site Address	4595 E Tropicana Ave Las Vegas, NV 89121		
County:	Clark County		
Owner/Operator Name:	Rebel Oil Company		
Contact Name of Owner/Operator:	Dana Cason Teepe 2200 S Highland Dr Las Vegas, NV 89102	Telephone:	(702)382-5866
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
005	6000	30	Regulated UST	Spill Bucket
002	12000	30	Regulated UST	Spill Bucket

Case: #2019000001
Claim #: 80180

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$66,713.00	Amount Requested to Date
	(\$27.00)	Amount Disallowed, Past Claims
	(\$6,114.09)	Deductible/Co-Payment Satisfied to Date
	<u>\$0.00</u>	Amount Paid to Date
SUB TOTAL	\$5,545.00	Amount Requested this Meeting
	<u>(\$554.50)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$4,990.50	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 11/01/2021 and 01/03/2022

Summary of work completed: Project management and coordination, preparation of petroleum fund submittal, preparation of Power Point Closure Presentation, and preparation of well abandonment bids.

Site Summary Report

Case Number: 2019000001 Site Name: Rebel Store #2160

Site Status

Synopsis: COVERAGE APPLICATION IDENTIFIES THE CAUSE OF THE RELEASE AS A FAILED SPILL BUCKET ASSOCIATED WITH A 6,000 GALLON GASOLINE UST.

Contaminant: Gasoline (containing > 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$66,713.00
Amount Disallowed	\$27.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$6,114.09
Amount Recommended	\$60,017.41
Amount Paid	\$60,017.41

Site Identification

Date Submitted:	08/05/2019	DEP Facility Number:	8-001562
Site Name	Rebel Store #2160	Telephone:	(702)382-5866
Site Contact	Dana Cason Teepe		
Site Address	4325 E Charleston Blvd Las Vegas, NV 89104		
County:	Clark County		
Owner/Operator Name:	Rebel Oil Company		
Contact Name of Owner/Operator:	Dana Cason Teepe 2200 S Highland Dr Las Vegas, NV 89102	Telephone:	(702)382-5866 Ext: 2
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
003	6000	28	Regulated UST	Spill Bucket

Case: #2019000002
Claim #: 80181

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$156,237.66	Amount Requested to Date
	(\$841.42)	Amount Disallowed, Past Claims
	(\$14,475.16)	Deductible/Co-Payment Satisfied to Date
	(\$58,103.77)	Amount Paid to Date
SUB TOTAL	<u>\$10,644.75</u>	Amount Requested this Meeting
	(\$1,064.48)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$9,580.27</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 11/01/2021 and 01/03/2022

Summary of work completed: Project management and coordination, quarterly sampling and monitoring, preparation of quarterly status report, preparation of petroleum fund submittal, preparation of well bids, obtain affidavits, and laboratory analysis.

Site Summary Report

Case Number: 2019000002 Site Name: Rebel Store #2166

Site Status

Synopsis: A PHASE II SITE ASSESSMENT IDENTIFIED A RELEASE TO THE ENVIRONMENT IN OCTOBER 2015. A SOURCE FOR THE CONTAMINATION WAS LATER IDENTIFIED THROUGH FURTHER CHARACTERIZATION AND SITE REPAIR HISTORY. THE 8,000 GALLON MID-GRADE GASOLINE PIPING HAD A RELEASE AND THE VAPOR RECOVERY LINE ASSOCIATED WITH THE SYSTEM WAS ALSO QUESTIONABLE. REPAIRS WERE DOCUMENTED IN MARCH 2013.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$156,237.66
Amount Disallowed	\$841.42
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$14,475.16
Amount Recommended	\$139,856.60
Amount Paid	\$139,856.60

Site Identification

Date Submitted:	06/13/2019	DEP Facility Number:	8-001721
Site Name	Rebel Store #2166	Telephone:	(453)423-6555
Site Contact	Dana Cason-Teppe		
Site Address	4115 S Decatur Blvd Las Vegas, NV 89103		
County:	Clark County		
Owner/Operator Name:	Rebel Oil Company	Telephone:	(702)382-5866
Contact Name of Owner/Operator:	Dana Cason-Teppe 2200 S Highland Dr Las Vegas, NV 89102		
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
004-M	8000	26	Regulated UST	Pipe

Case: #2019000005
Claim #: 80174

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 02, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$220,316.37	Amount Requested to Date
	(\$6,149.00)	Amount Disallowed, Past Claims
	(\$20,473.30)	Deductible/Co-Payment Satisfied to Date
	(\$92,191.13)	Amount Paid to Date
SUB TOTAL	<u>\$9,434.25</u>	Amount Requested this Meeting
	(\$943.42)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$8,490.83</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 11/01/2021 and 01/03/2022

Summary of work completed: Project management and coordination, preparation of quarterly status report, preparation of petroleum fund submittal, quarterly monitoring and sampling, and laboratory analysis.

Site Summary Report

Case Number: 2019000005 Site Name: Fairway Chevrolet CO

Site Status

Synopsis: RELEASE OF GASOLINE DISCOVERED JANUARY 16, 2019 DURING SYSTEM REMOVAL ACTIVITIES. RELEASE OCCURRED FROM THE UNION ON THE GASOLINE PUMP BETWEEN THE PUMP AND THE BALL VALVE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$220,316.37
Amount Disallowed	\$6,149.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$20,473.30
Amount Recommended	\$192,750.65
Amount Paid	\$192,750.65

Site Identification

Date Submitted:	07/16/2019	DEP Facility Number:	8-000363
Site Name	Fairway Chevrolet CO	Telephone:	(702)755-8900
Site Contact	John Gibbons		
Site Address	3100 E Sahara Ave Las Vegas, NV 89104		
County:	Clark County		
Owner/Operator Name:	Fairway Chevrolet CO		
Contact Name of Owner/Operator:	John Gibbons	Telephone:	(702)641-1400 Ext: 1
	3100 East Sahara Avenue Las Vegas, NV 89104		
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
000	20000	Closed	Regulated UST	Pipe

Case: #2019000014
Claim #: 80173

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 31, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$205,269.01	Amount Requested to Date
	(\$19,918.67)	Deductible/Co-Payment Satisfied to Date
	(\$7,036.43)	Amount Paid to Date
SUB TOTAL	<u>\$6,082.25</u>	Amount Requested this Meeting
	(\$608.22)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$5,474.03</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 11/01/2021 and 01/03/2022

Summary of work completed: Project management and coordination, preparation of quarterly status report, preparation petroleum fund submittal, quarterly well monitoring and sampling, and laboratory analysis.

Site Summary Report

Case Number: 2019000014 Site Name: Western Cab CO

Site Status

Synopsis: CONTAMINATION DISCOVERED ON APRIL 9, 2019 DURING TANK REMOVAL ACTIVITIES. THE SOURCE OF THE CONTAMINATION WAS DETERMINED TO BE THE FUEL FLEX LINE CONNECTING THE SHEAR VALVE TO THE DOUBLE-WALL FIBERGLASS PIPING OF A 12,000-GALLON UST SYSTEM STORING GASOLINE.

Contaminant: Gasoline (containing <= 10% ethanol)

Fund Coverage	\$1,000,000.00
Amount Fund Will Pay	\$900,000.00
Amount Requested	\$205,269.01
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$19,918.67
Amount Recommended	\$184,742.12
Amount Paid	\$184,742.12

Site Identification

Date Submitted:	08/14/2019	DEP Facility Number:	8-001122
Site Name	Western Cab CO	Telephone:	(702)595-1946
Site Contact	Martha Sarver		
Site Address	801 S Main St Las Vegas, NV 89101		
County:	Clark County		
Owner/Operator Name:	Western Cab CO		
Contact Name of Owner/Operator:	Martha Sarver P.O. Box 36550 Las Vegas, NV 89133	Telephone:	(702)595-1946
Prime Contractor	Stewart Environmental, Inc.		
Contact Name	Keith Stewart		
Contractor Address	10300 W. Charleston Blvd. Suite 13-B32 Las Vegas, NV 89135		
Telephone:	(702)254-6731	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
01	12000	Closed	Regulated UST	Pipe

Case: #2021000030
Claim #: 80160

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: December 16, 2021

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$16,978.50	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$16,978.50</u>	Amount Requested this Meeting
	<u>(\$250.00)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$16,728.50</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 07/27/2021 and 10/15/2021

Summary of work completed: Project management and client communication, conduct initial abatement for impacted soil, collect and analyze confirmation samples, prepare UST and IA report for submission to the NDEP, and prepare petroleum fund documentation.

Site Summary Report

Case Number: 2021000030 Site Name: 597 Grand Canyon Reno LLC

Site Status

Synopsis: DISCHARGE DISCOVERED JUNE 30, 2021, DURING TANK REMOVAL ACTIVITIES. CONTAMINATION EMANATED FROM APPARENT CORROSION HOLES IN STEEL 575-GALLON NON-REGULATED UNDERGROUND STORAGE TANK. 39.5 TONS OF CONTAMINATED REMOVED DURING INITIAL ABATEMENT ACTIVITIES.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$16,978.50
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$16,728.50
Amount Paid	\$16,728.50

Site Identification

Date Submitted:	09/23/2021	DEP Facility Number:	D-001217
Site Name	597 Grand Canyon Reno LLC	Telephone:	(917)292-9200
Site Contact	George Graham		
Site Address	597 Grand Canyon Blvd Reno, NV 89502		
County:	Washoe County		
Owner/Operator Name:	597 Grand Canyon Reno LLC		
Contact Name of Owner/Operator:	George Graham 1105 Park Ave New York, NY 10128	Telephone:	(917)292-9200
Prime Contractor	McGinley & Associates		
Contact Name	Caitlin Jelle		
Contractor Address	5410 Longley Lane Reno, NV 89511		
Telephone:	(775)829-2245	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
Heating Oil	575	61	Non-Regulated	Tank

Case: #2021000035
Claim #: 80151

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: December 16, 2021

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$17,238.46	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$17,238.46</u>	Amount Requested this Meeting
	<u>(\$250.00)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$16,988.46	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 08/20/2021 and 10/13/2021

Summary of work completed: Release discovered by Reno Drain Oil Service at time of home heating oil tank removal. RDO confirmed this was a home heating oil tank visually confirming return lines to the heating oil furnace in side the home. The home heating oil tank, which supplied heating oil to the heating oil furnace inside the home leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground home heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2021000035 **Site Name:** Residential Heating Oil Tank At 19605 Paddlewheel Lane

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM A 500-GALLON TANK CONTAINING HEATING OIL AT A RESIDENTIAL PROPERTY. APPROXIMATELY 36.53 TONS OF CONTAMINATED SOIL WAS REMOVED.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$17,238.46
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$16,988.46
Amount Paid	\$16,988.46

Site Identification

Date Submitted:	10/19/2021	DEP Facility Number:	D-001229
Site Name	Residential Heating Oil Tank At 19605 Paddlewheel Lane		
Site Contact	Linda Halicki	Telephone:	(775)849-2106
Site Address	19605 Paddlewheel Lane Reno, NV 89521		
County:	Washoe County		
Owner/Operator Name:	Edward & Linda Halicki		
Contact Name of Owner/Operator:	Linda Halicki	Telephone:	(775)849-2106
	19605 Paddlewheel Dr. Reno, NV 89521		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
19605 Paddlewheel Tank	500	58	Non-Regulated	Tank

Case: #2021000036
Claim #: 80155

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: December 16, 2021

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$22,552.10	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$22,552.10</u>	Amount Requested this Meeting
	<u>(\$250.00)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$22,302.10	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 09/03/2021 and 10/26/2021

Summary of work completed: Release discovered by Reno Drain Oil Service at time of home heating oil tank removal. RDO confirmed this was a home heating oil tank visually confirming return lines to the heating oil furnace in side the home. The home heating oil tank, which supplied heating oil to the heating oil furnace inside the home leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground home heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2021000036 **Site Name:** Residential Heating Oil Tank At 953 Yori Ave, Reno

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING REMOVAL OF 350-GALLON, NON-REGULATED, STEEL UNDERGROUND STORAGE TANK, CONTAINING HEATING OIL AT THE TIME OF RELEASE. INITIAL ABATEMENT ACTIVITIES REMOVED 64.14 TONS OF SOURCE MATERIAL.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$22,552.10
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$22,302.10
Amount Paid	\$22,302.10

Site Identification

Date Submitted:	11/01/2021	DEP Facility Number:	D-001283
Site Name	Residential Heating Oil Tank At 953 Yori Ave, Reno		
Site Contact	Richie Bednarski	Telephone:	(775)527-2156
Site Address	953 Yori Ave Ren, NV 89502		
County:	Washoe County		
Owner/Operator Name:	Richie Bednarski		
Contact Name of Owner/Operator:	Richie Bednarski	Telephone:	(775)527-2156
	953 Yori Avenue Reno, NV 89502		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
953 Yori Tank	350	72	Non-Regulated	Tank

Case: #2021000037
Claim #: 80158

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: December 16, 2021

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$25,405.59	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$25,405.59</u>	Amount Requested this Meeting
	<u>(\$250.00)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$25,155.59	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/08/2021 and 10/26/2021

Summary of work completed: Release discovered by Reno Drain Oil Service at time of home heating oil tank removal. RDO confirmed this was a home heating oil tank visually confirming return lines to the heating oil furnace in side the home. The home heating oil tank, which supplied heating oil to the heating oil furnace inside the home leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground home heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2021000037 **Site Name:** Residential Heating Oil Tank At 820 Bates Ave

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM A 285-GALLON TANK CONTAINING HEATING OIL AT A RESIDENTIAL PROPERTY. APPROXIMATELY 82.38 TONS OF CONTAMINATED SOIL WAS REMOVED.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$25,405.59
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$25,155.59
Amount Paid	\$25,155.59

Site Identification

Date Submitted:	11/05/2021	DEP Facility Number:	D-001315
Site Name	Residential Heating Oil Tank At 820 Bates Ave		
Site Contact	Nicolette Paulsen	Telephone:	(214)288-9054
Site Address	820 Bates Ave Reno, NV 89502		
County:	Washoe County		
Owner/Operator Name:	Nicolette Paulsen		
Contact Name of Owner/Operator:	Nicolette Paulsen	Telephone:	(214)288-9054
	820 Bates Avenue Reno, NV 89502		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
820 Bates Tank	285	71	Non-Regulated	Tank

Case: #2021000039
Claim #: 80169

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: January 10, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$34,815.62	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$34,815.62</u>	Amount Requested this Meeting
	<u>(\$250.00)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$34,565.62</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/06/2021 and 11/30/2021

Summary of work completed: Release discovered by Reno Drain Oil Service at time of home heating oil tank removal. RDO confirmed this was a home heating oil tank visually confirming return lines to the heating oil furnace in side the home. The home heating oil tank, which supplied heating oil to the heating oil furnace inside the home leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground home heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2021000039 **Site Name:** Residential Heating Oil Tank At 11125 Vincent Lane, Reno

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM A 500-GALLON TANK CONTAINING HEATING OIL AT A RESIDENTIAL PROPERTY. APPROXIMATELY 106.21 TONS OF CONTAMINATED SOIL WAS REMOVED.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$34,815.62
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$34,565.62
Amount Paid	\$34,565.62

Site Identification

Date Submitted:	12/17/2021	DEP Facility Number:	D-001317
Site Name	Residential Heating Oil Tank At 11125 Vincent Lane, Reno		
Site Contact	Craig Depolo	Telephone:	(775)343-2500
Site Address	11125 Vincent Lane Reno, NV 89511		
County:	Washoe County		
Owner/Operator Name:	Craig Depolo		
Contact Name of Owner/Operator:	Craig Depolo	Telephone:	(775)343-2500
	11125 Vincent Lane Reno, NV 89511		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
11125 Vincent Tank	500	53	Non-Regulated	Tank

Case: #2022000001
Claim #: 80184

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$14,962.47	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$14,962.47</u>	Amount Requested this Meeting
	<u>(\$250.00)</u>	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	\$14,712.47	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/01/2021 and 12/21/2021

Summary of work completed: Release discovered by Reno Drain Oil Service at time of home heating oil tank removal. RDO confirmed this was a home heating oil tank visually confirming return lines to the heating oil furnace in side the home. The home heating oil tank, which supplied heating oil to the heating oil furnace inside the home leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground home heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2022000001 **Site Name:** Residential Heating Oil Tank At 1579 Belford Rd

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM A 500-GALLON TANK CONTAINING HEATING OIL AT A RESIDENTIAL PROPERTY. APPROXIMATELY 12.65 TONS OF CONTAMINATED SOIL WAS REMOVED.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$14,962.47
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$14,712.47
Amount Paid	\$14,712.47

Site Identification

Date Submitted:	01/11/2022	DEP Facility Number:	D-001318
Site Name	Residential Heating Oil Tank At 1579 Belford Rd		
Site Contact	Judith Winzeler	Telephone:	(775)827-4263
Site Address	1579 Belford Rd Reno, NV 89509		
County:	Washoe County		
Owner/Operator Name:	Robert & Judith Winzeler		
Contact Name of Owner/Operator:	Judith Winzeler	Telephone:	(775)827-4263
	1579 Belford Road Reno, NV 89509		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
1579 Belford Tank	500	44	Non-Regulated	Tank

Case: #2022000002
Claim #: 80215

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 23, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$22,327.90	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$22,327.90</u>	Amount Requested this Meeting
	(\$250.00)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$22,077.90</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 09/28/2021 and 01/17/2022

Summary of work completed: Release discovered by Reno Drain Oil Service at time of heating oil tank removal. RDO confirmed this was a heating oil tank visually confirming return lines to the heating oil furnace for the motel. The heating oil tank, which supplied heating oil to the heating oil furnace inside the motel leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2022000002 Site Name: Bajwa Properties At 49 High Street

Site Status

Synopsis: DISCHARGE DISCOVERED NOVEMBER 16, 2021, DURING REMOVAL OF NON-REGULATED 550-GALLON UNDERGROUND STORAGE TANK, CONTAINING HEATING OIL AT THE TIME OF DISCOVERY.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$22,327.90
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$0.00
Amount Recommended	\$22,077.90
Amount Paid	\$22,077.90

Site Identification

Date Submitted:	01/31/2022	DEP Facility Number:	D-001320
Site Name	Bajwa Properties At 49 High Street		
Site Contact	Nav Bajwa	Telephone:	(775)771-6667
Site Address	49 High Street Reno, NV 89502		
County:	Washoe County		
Owner/Operator Name:	Bajwa Properties LLC		
Contact Name of Owner/Operator:	Nav Bajwa	Telephone:	(775)771-6667
	2406 Prater Way Sparks, NV 89431		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
49 High St Tank	550	64	Non-Regulated	Tank

Case: #2022000003
Claim #: 80217

STAFF AUTHORIZED DIRECT PAYMENT

Payment Date: February 22, 2022

The Nevada Division of Environmental Protection (NDEP), Petroleum Fund staff reviewed and approved the following claim amount. The owner provided a declaration to NDEP indicating the approved claim amount is uncontested in accordance with Fund Policy Resolution 2017-02. NDEP authorized payment of the subject claim on behalf of the Board to Review Claims.

	\$23,794.30	Amount Requested to Date
	\$0.00	Deductible/Co-Payment Satisfied to Date
	\$0.00	Amount Paid to Date
SUB TOTAL	<u>\$23,794.30</u>	Amount Requested this Meeting
	(\$250.00)	Applicable Deductible/10% Co-Payment, this Meeting
TOTAL	<u>\$23,544.30</u>	Allowable Amount, this Board Meeting

The above claim amount represents reimbursement for invoices submitted between 10/14/2021 and 01/21/2022

Summary of work completed: Release discovered by Reno Drain Oil Service at time of home heating oil tank removal. RDO confirmed this was a home heating oil tank visually confirming return lines to the heating oil furnace in side the home. The home heating oil tank, which supplied heating oil to the heating oil furnace inside the home leaked from rust holes in single wall steel tank shell. For documentation of tank removal, site and sample location maps, remediation and laboratory results see the closing report. Heating oil contaminated soil was isolated to an area adjacent to the removed underground home heating oil tank. Contaminated soil was removed and delivered to Nevada Thermal Service for thermal treatment processing. Confirmation samples were obtained at the direction of the NDEP Case Officer a closing report was submitted and a No Further Action determination was granted for this remediation project. Groundwater was not encountered during this project.

Site Summary Report

Case Number: 2022000003 **Site Name:** Residential Heating Oil Tank At 1085 Sharon Way

Site Status

Synopsis: CONTAMINATION DISCOVERED DURING TANK REMOVAL ACTIVITIES. DISCHARGE EMANATED FROM A NON-REGULATED 500-GALLON UNDERGROUND STORAGE TANK CONTAINING HEATING OIL AT A RESIDENTIAL PROPERTY. APPROXIMATELY 47.23 TONS OF CONTAMINATED SOIL WAS REMOVED.

Contaminant: Heating Oil

Fund Coverage	\$250,250.00
Amount Fund Will Pay	\$250,000.00
Amount Requested	\$23,794.30
Amount Disallowed	\$0.00
Misc Debit/Credit	\$0.00
Reduction Amount Paid	\$0.00
Pending Copay/Deductible	\$0.00
Copay/Deductible	\$250.00
Amount Recommended	\$23,544.30
Amount Paid	\$23,544.30

Site Identification

Date Submitted:	01/31/2022	DEP Facility Number:	D-001321
Site Name	Residential Heating Oil Tank At 1085 Sharon Way		
Site Contact	Matthew Rutledge	Telephone:	(415)834-8721
Site Address	1085 Sharon Way Reno, NV 89509		
County:	Washoe County		
Owner/Operator Name:	Matthew Rutledge		
Contact Name of Owner/Operator:	Matthew Rutledge	Telephone:	(415)834-8721
	1085 Sharon Way Reno, NV 89509		
Prime Contractor	Reno Drain Oil Service		
Contact Name	Steven Aguilar		
Contractor Address	11970 Interstate 80 E Sparks, NV 89434		
Telephone:	(775)342-0351	% Board Reduction:	0.00

Site Characteristics

Alt ID	Tank Cap. (Gallons)	Tank Age (Years)	Tank Type	Leak Location
1085 Sharon Tank	500	63	Non-Regulated	Tank

**Agenda Item 10:
Execute Summary**
(FOR DISCUSSION)

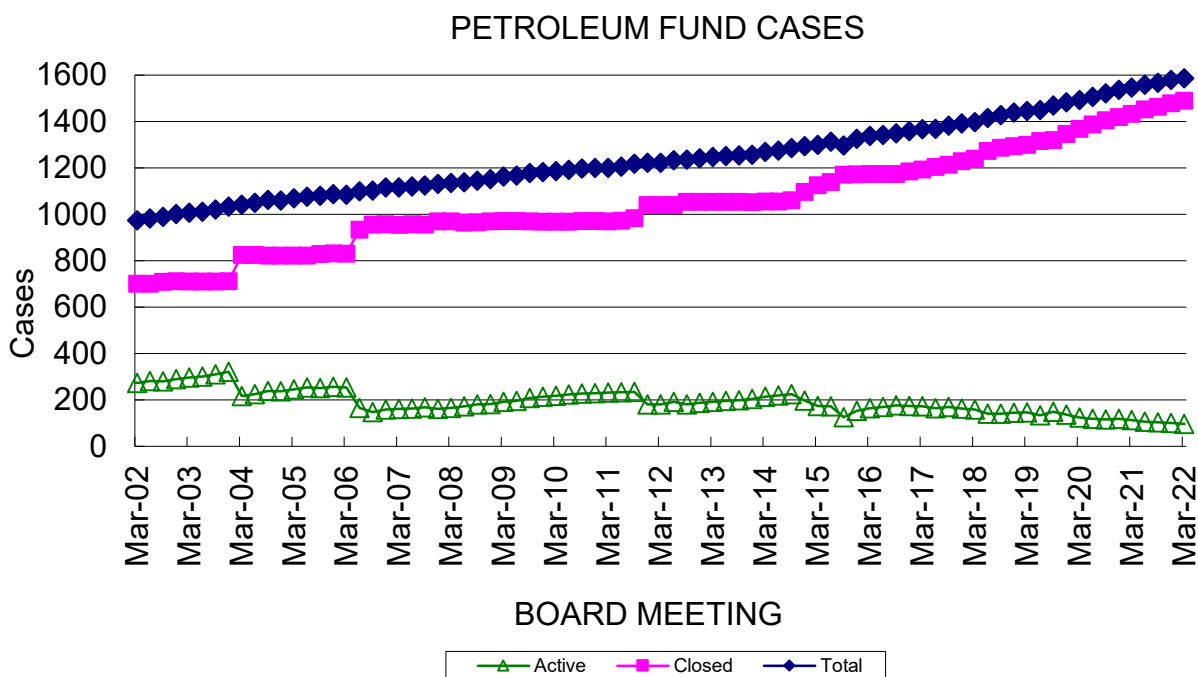
**STATE BOARD TO REVIEW CLAIMS
MARCH 10, 2022 BOARD MEETING**

EXECUTIVE SUMMARY REPORT

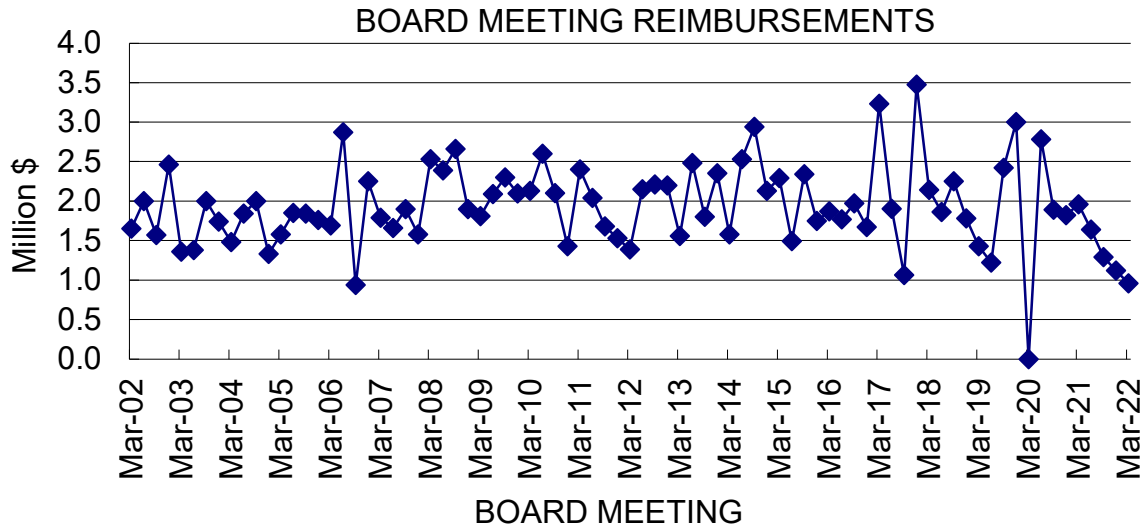
The Petroleum Fund (Fund) was established in 1989 by the Nevada Legislature. The Fund facilitates the protection of Nevada’s environment, including its water resources, by allowing for prompt cleanup of petroleum discharges from storage tank systems. It also provides a mechanism for regulated underground petroleum storage tank operators to meet the federal financial responsibility requirements (40 CFR 280, Subpart H) that facilitate prompt remediation of petroleum discharges to the environment.

Tank enrollment fees are tracked pursuant to the Federal Fiscal Year (FFY). FFY 2022 runs October 1, 2021 through September 30, 2022. The annual tank system enrollment invoices for FFY 2022 were issued August 19, 2021. Additional invoices have also been generated for subsequent requests for tank enrollment. Currently, a total of 1,266 facilities have been invoiced at \$100 per petroleum tank system. As of February 24, 2022, 1,238 (~97.8%) of the facilities have submitted the required enrollment fees.

Since the Fund was created, a total of 1,759 remediation cases have applied for Fund coverage. Of those applications, 173 have been denied due to ineligibility or other reasons. Of the cases that were provided Fund coverage, 1,489 cases have since been closed and no longer receive Fund reimbursement. Currently, there are 97 open Fund cases. Since January 1, 2022, NDEP has received 3 new applications for Fund coverage. There are no applications currently under review and pending a coverage determination.



Prior to this Board meeting, the Board to Review Claims has approved a cumulative total of \$250,228,043.97 for reimbursement to petroleum storage tank operators throughout Nevada for cleanup expenses. This cumulative total includes 26 claims paid via the direct payment method since the December 2021 Board meeting, totaling \$485,648.04. With today's approval of \$475,409.53 in pending claims, the cumulative Fund expenditure will increase to \$250,703,453.50.



* Note: The March 12, 2020 meeting was postponed and later cancelled. No claims were approved by the Board.

There were no UST upgrade grant award payments processed during the past quarter.

On January 24, 2019, the NDEP and Petroleum Fund staff were informed of a pending audit of the Petroleum Fund program by the Governor's Finance Office, Division of Internal Audits (DIA). Their findings and follow up recommendations can be reviewed in the June 25, 2019 DIA Report (No. 19-05). An annual status report was provided by NDEP to the DIA on October 23, 2020 and presented during the January 28, 2021 Executive Branch Audit Committee (EBAC) meeting. During the meeting, DIA staff noted that the NDEP had fully implemented 3 of the 5 recommendations made in the 19-05 audit report and two remained partially implemented.

NDEP staff have since made progress on the remaining two recommendations. Assembly Bill 40 allows the Board to define small business in regulation and removed the outdated definition from statute. The bill passed the 2021 legislative session. This was the first step towards amending the Fund's small business definition, which should address concerns raised by the DIA that the Fund is not covering enough small businesses (Recommendation #1 – Adhere to Legislative Intent for the Petroleum Fund). Amended regulations (NAC 445C), including an updated small business definition, have been drafted, were workshopped to the regulated community September 2, 2021, and presented to the Board for initial input during the September 9, 2021 meeting. Following the September meeting, staff submitted a draft of the regulations to the Legislative Counsel Bureau (LCB) on September 30, 2021. On January 11, 2022, LCB provided a proposed draft incorporating revisions to the original draft. On February 4, 2022, the notice of public hearing was posted to the LCB website, at the Nevada State Library & Archives, the agency website, and NDEP's office locations in accordance with NRS 233B.0607 and AB 253 (81st Leg. Session (2021)). The hearing was scheduled for March 10, 2022. Following the hearing and pending any comments opposing the regulation amendments, Fund staff will recommend the Board adopt the proposed draft regulation. If adopted by the Board and approved by the Legislative Commission or Subcommittee to Review Regulations, staff believe Recommendation #1 in DIA Report 19-05 will be addressed.

Staff believe that Recommendation #2 (Follow Statute for Third Party Liability Funds) of DIA Report No. 19-05 was addressed during the September 9, 2021 Board meeting. During the meeting, staff made a recommendation to the Board to repeal Board Policy Resolution 2007-10. This policy was called into question in the audit because it allowed third party liability funding to be used for corrective action to prevent or mitigate third party damages. Upon review of this policy, staff found that many terms defined in the policy are already included in regulation and federal law governing storage tanks. Furthermore, the recent passage of Assembly Bill 40 includes amendments to allow additional allotments of funding for corrective action without the use of third party liability funds. Given the above, the policy was repealed by the Board. Staff believe repeal of the policy has addressed the findings of the report.

On July 8, 2020, NDEP was informed that the DIA would conduct a second audit of the Petroleum Fund program. Four additional findings/recommendations were reported to the EBAC on January 28, 2021 and can be reviewed in DIA Audit Report No. 21-04. On May 17, 2021, NDEP provided a summary to DIA of its progress towards addressing one of the four findings in preparation of a June 29, 2021 EBAC meeting. Recommendation #2 (Establish a Rate Schedule for Professional Services) had a shorter implementation period than the other recommendations, so an analysis was conducted to better understand how much cost savings to the Fund would result from setting certified environmental manager (CEM) professional rates. Our analysis did not support setting rates would result in significant cost saving to the Fund; however, DIA and EBAC committee members strongly recommended additional review and significant progress in addressing all four recommendations by January 2022.

Staff continue to work towards revising the CEM Cost Guidelines to move away from restricting the number of hours for professional services and instead establish an overall cost that the Fund will pay for oversight of cleanup activities at a site. Establishing an overall cost for oversight of cleanup activities will provide cost control yet allow consulting companies to have flexibility in how they bill hours for individual skill levels overseeing cleanup work. Staff had hoped to provide a draft of the new Cost Guidelines for review and comment by the regulated community in the first quarter of 2022; however, delayed review of the regulation amendments and follow up (see above) pulled focus away from this task. Staff did conduct a secondary evaluation of rates for professional services in the states of California, Utah, and Colorado and have taken recent inflation into account. A new draft of the Cost Guidelines is underway and should be available for industry review and possibly Board adoption during the second quarter of 2022.

The above revisions to the Cost Guidelines will also be used to address Recommendation #1 (Reconcile Project Costs) of DIA Report #21-04. The guidelines will establish a format for requesting cleanup tasks that are required by a regulatory case officer and approved in a database system. Those tasks will be used to create a maximum cap for project phase costs. The guidelines will also establish a format by which an invoice must be drafted and uploaded to the database system. Staff will work within the system to reconcile the invoiced project phase costs to the approved overall task costs. Updates to the current database system have begun and will evolve once the draft Cost Guidelines are reviewed by the regulated community.

Recommendation #3 (Strengthen CEM Certification Requirements) of the report is under review with NDEP's certification program. New regulations are in draft and will need to go through the same process as the Petroleum Fund regulations; however, the certification revisions will go before the State Environmental Commission for adoption.

Recommendation #4 (Perform Random Verification of Proofs of Payment) is being addressed by including language in the proposed Petroleum Fund regulation amendments to require documentation of operator co-payments on reimbursed claims.

During the October 26, 2021 EBAC meeting, a general comment was made by DIA staff that there were no concerns about the progress agencies are making towards addressing outstanding audit concerns. NDEP was also recently informed that progress for both of the above audits will be revisited prior to the November

2022 EBAC meeting. Staff have not received further direction from DIA to date and anticipate all remaining findings and recommendations to be addressed before the next EBAC meeting in November.

Eagle Gas North Cleanup Status: Remedial action was successful at the site and no further cleanup actions are occurring at this time. The state has hired a debt collector, who is evaluating available assets.

**Agenda Item 11:
Public Comment**
(FOR DISCUSSION)

Agenda Item 12:
Confirmation of Next Board Meeting Date
(FOR DISCUSSION)

STATE BOARD TO REVIEW CLAIMS
CONFIRMATION OF NEXT MEETING

DATE	LOCATION
June 9, 2022 Thursday 10:00 AM	<u>Videoconference</u> TBD

Upcoming Board Meetings
September 8, 2022 - 10:00 AM
December 8, 2022 - 10:00 AM
March 9, 2023 - 10:00 AM