

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
MEETING MINUTES - SEPTEMBER 14, 2023**

1. CALL TO ORDER

Chair Tappan called the meeting to order at 10:00 a.m. The meeting was held in the Tahoe Room of the Richard H. Bryan Building located at 901 S. Stewart Street, Carson City, NV and video-conferenced to the NDEP Las Vegas Office located at 375 East Warm Springs Road, Suite 200, Las Vegas, NV. Remote participation was also available via Microsoft Teams.

A. BOARD MEMBERS PRESENT

Maureen Tappan, Chair – Representative of the General Public
LeRoy Perks – Representative of the Independent Retailers of Petroleum
Jason Case – Representative of Independent Dealers in Petroleum
Karen Stoll – Department of Motor Vehicles
Jeffrey Kinder – Nevada Division of Environmental Protection

BOARD MEMBERS NOT PRESENT

Rod Smith, Vice-Chair – Representative of Refiners of Petroleum
Mike Dzyak – State Fire Marshal’s Office

OTHERS PRESENT

Katie Armstrong – Legal Counsel, State Attorney General’s Office
Peter Krueger, Sarah Collins - Nevada Petroleum Marketers & Convenience Store Association
Jeff Collins, Michael Cabbie, Megan Slayden, Don Warner, Kim Valdez, Tristin Alishio, Ben Moan, Chuck Enberg, John Karr, and Michael Mazziotta– Nevada Division of Environmental Protection
William Thompson – Southern Nevada Health District
Keith Stewart – Stewart Environmental
Caitlin Jelle, Brett Bottenberg – Universal Engineering Sciences
Matt Grandjean – Stantec
Kurt Goebel – Converse Consultants

No additional participants called into the meeting using the teleconference number.

2. PUBLIC COMMENT

Peter Krueger of Nevada Petroleum Marketers & Convenience Store Association, representing tank owners and operators, cited discussion at the June meeting regarding prior passage of statutes under Assembly Bill 40. The Association supported the legislation originating from NDEP and was particularly supportive of the provisions that would permit the Board to consider an additional \$1 million of coverage, should a claimant meet certain requirements. However, he brought forth a circumstance in which some Association members sold sites years ago, which were in compliance with all federal and state regulations regarding underground storage tanks (USTs) at that time. Many contracts included provisions that a discharge discovered at or after the sale is the responsibility of the former owner (claimant). The former site owners are unable to satisfy the requirements, as they are no longer identified as the current site operators for the USTs. As such, they are unable to take advantage

of included provisions within the proposed resolution on the agenda for adoption today. He requested that the Board delay adoption of Board Resolution 2023-01 until the December meeting.

LeRoy Perks commented that the term “operator” is causing the problem, as it excludes the previous operator, thus preventing them from receiving state funding. **Mr. Krueger** agreed and stated that there is a potential workaround, which would involve a modification of the definition of operator.

Chair Tappan noted that the item will be addressed in greater detail under Agenda Item 5. **Michael Cabbie** added that during Agenda Item 5, he will address requests made by the Board during the last meeting, including the estimated number of sites that may be affected by concerns raised by Mr. Krueger. He suggested an additional public comment period be opened under agenda item 5 to further discuss these concerns.

3. APPROVAL OF THE JUNE 8, 2023 MINUTES

Chair Tappan called for changes to the minutes.

Jeffrey Kinder made a typographical correction on page 5, item 6.

LeRoy Perks moved to approve the June 8, 2023 minutes as amended. Jeffrey Kinder seconded the motion. Motion carried unanimously.

4. STATUS OF THE FUND

Mr. Cabbie noted the Board packets contain two balance sheets, including end of year numbers for State Fiscal Year 2023, which ended June 30th, 2023, and the current numbers for State Fiscal Year 2024.

The summary of the Fund for Fiscal Year 2023 includes a balance forward from State Fiscal Year 2022 of \$7,500,000. Approximately \$407,800 was received in 2023 for tank enrollment fees. Approximately \$14,161,389 was generated by the \$0.0075 Petroleum Fund fee. The Fund earned approximately \$275,013 in interest. Approximately \$1,292,480 was reimbursed to the Fund for state-led cleanups. Total revenue received for the Fund for this State Fiscal Year 2023 minus the balance forward for the new fiscal year is \$16,136,681.98. Expenditures for State Fiscal Year 2023 include Board member salaries of approximately \$1,400. In-state travel costs for Board Members total approximately \$241. Board meeting operating costs total \$999. Income transferred to the State Highway Fund was \$8,618,343.18. Money transferred to NDEP for program administration, state-led cleanup, staff salaries and ongoing program maintenance totals \$2,102,652. The new annual transfer to the account for management of air quality was \$58,511.41. Grant award payments total \$136,704 for UST upgrades. The fee paid to the DMV for the \$0.0075 petroleum fee collection totals \$12,714. The reimbursement of Petroleum Fund claims thus far total approximately \$5,205,119. Total expenditures from the Fund for Fiscal Year 2023 balance out with revenue collected, at \$16,136,681.98.

The current fiscal year began July 1, 2023. The balance forward from Fiscal Year 2023 was \$7,500,000. Approximately \$9,300 was received for tank system enrollment fees, with total revenues thus far totaling \$7,509,300. Board salaries total \$41. The reimbursement of Petroleum Fund claims thus far total approximately \$363,843. Total expenditures total \$363,883.98. The balance in the Fund available for cleanup funding is \$7,145,416.02.

5. ADOPTION OF BOARD POLICY RESOLUTION NO. 2023-01

Mr. Cabble referred to the June 2023 Board meeting, where this policy was discussed at length. During those discussions, the following questions were raised by members of the Board: How many cases are expected to request an additional allotment of cleanup funding? Of the sites that were likely to request additional funding, how many have a cleanup operator being reimbursed by the Fund (claimant) that differs from the operator of active USTs onsite? How much does the Fund generally spend on a cleanup case?

To answer Board member questions, staff provided a couple of lists in the meeting packet. The lists are focused on regulated sites and larger cleanup cases, which have been awarded \$1 million per tank system and did not include smaller heating oil cases. The first list discussed was requested by Rod Smith, which identifies Petroleum Fund cases closed in the past five years and the amounts spent on each. Upon review, 77 regulated underground tank cases closed in the last five years. Each case listed includes approved cleanup coverage, third-party funding provided for cleanup under prior policy resolutions, the total amount paid by the Fund, remaining case amount unpaid, and the number of tanks covered. The number of tanks generally dictates the amount of cleanup coverage initially awarded and any third-party funds would have been in addition to initial coverage. Mr. Cabble noted the prior resolution that allowed third-party liability money to be moved to cleanup is no longer valid and was replaced by requirements adopted under Assembly Bill (AB) 40 in NRS 445C.380, on which Policy Resolution 2023-01 is based.

In response to a question from **Mr. Perks** as to whether heating tanks were included, **Mr. Cabble** clarified that the lists are specific to regulated USTs. The policy resolution to be discussed specifically addresses cases that will exceed \$1 million in Petroleum Fund coverage. Small heating oil tanks are not considered in the statute.

Mr. Cabble concluded that approximately 10% of the cases on the list have exceeded the \$1 million coverage amount. In the past, the Fund could award additional money for cleanup by using the third-party allocation, which is no longer available. Now, the Board must focus on the newer statutes in place under Subsection 4 of NRS 445C.380, which were adopted under AB 40. The remaining cases on the list were closed under \$1 million or under their original awarded coverage amount.

Mr. Cabble reviewed the Board packet list entitled, "Petroleum Fund cases near funding cap." The amount of \$150,000 was used by staff to anticipate which cases are most likely to come before the Board to request additional allotments of cleanup funding within the next one to two years. Answering one of the Board questions from the June meeting, **Mr. Cabble** indicated there are twelve cases most likely to reach their funding cap soon. He further explained that a highlighted "Yes" in the second to last column of the table means that the cleanup operator receiving Petroleum Fund reimbursement is different from the UST operator for the site. There are seven cases that meet the criterion nearing their funding cap and have a cleanup operator (claimant) that is different from the UST operator. Lastly, **Mr. Cabble** explained that of the seven cases identified, three are nearing closure and will likely close without an extra allotment request. This leaves four cases with the potential for additional funding requests from the Board where the Fund claimant is different from the UST operator.

Mr. Cabble further noted one of the four cases identified on the list has exhausted its funding. They did submit an additional allotment request to Fund staff for review prior to the meeting. Unfortunately, they are the first example of the cleanup operator being different than the UST operator, and the UST operator was not in compliance with requirements at the time the request was received. The claimant has been notified they will have to wait out the UST enforcement process before the request is presented to the Board.

The UST operator has been issued a letter of notice of noncompliance. The UST operator has submitted partial documentation toward addressing the compliance issues but has not yet addressed all of the issues to allow the UST program to make a determination that the site is back in compliance. Until the facility has complied with UST requirements, a recommendation cannot be brought forward. This is the contention discussed today by Mr. Krueger and those he represents. This topic was also discussed at length during the last quarterly meeting.

Mr. Cabbie reiterated that four sites will likely come before the Board in the next year or two. One of these has already fallen into the narrative of having a cleanup operator different from the UST operator, and the UST facility does not currently comply with state requirements. The Fund is sympathetic to this situation and has actively sought to have discussion and determine whether any flexibility exists within the statutes that allows the Fund to move away from “the facility” (terminology used in statute), to the operator. That flexibility was not identified. As such, this site will have to go through the enforcement process. Staff will do all they can to facilitate a speedy process to bring the site back into compliance with UST statutes.

Mr. Perks stated that the claimant must continue the cleanup process regardless, and asked whether the claimant will be reimbursed when the site comes back into compliance. **Mr. Cabbie** confirmed that if awarded the additional allotment, the costs spent on cleanup will be reimbursable. The operator is not out of pocket in the sense that the Fund is going to deny payment of costs incurred between when funding was exhausted and an additional allotment awarded. All costs can be recovered after-the-fact. The primary issue is the process of being awarded additional funding is delayed due to the UST compliance issue.

Mr. Perks commented that the process of coming into compliance could theoretically take a year or more, as the claimant continues to pay out of pocket. He asked about the possibility of enforcing a 90-day limit. **Mr. Cabbie** deferred back to the discussion that occurred during the last meeting, where the UST program supervisor reviewed the issue. A typical noncompliance resolution timeline is around 90 days. Most UST facility operators come into compliance within the 90-day period. It is not likely that a site will be navigating the process for one or more years.

Mr. Perks asked what can be done to help the claimant in the meantime. **Mr. Cabbie** acknowledged that there is only so much the Fund can do. At some point, responsibility falls between the operators. The cleanup operator must perform cleanup and there are established regulations to guide this process, regardless of funding. The UST compliance operator must follow similar directives on the UST compliance side. The Petroleum Fund is not the warden, so to speak, charged with telling everyone what to do. The regulatory processes will play out within their own programs.

Mr. Cabbie stated that he is prepared to present a resolution for adoption at this time. Mr. Krueger has asked the Board to reconsider and not adopt the resolution; however, the Board should be aware the resolution does nothing to make an interpretation of regulation. The purpose of this resolution is to provide guidance to those seeking the additional allotment by identifying what must be provided in a submittal in accordance with the statute. Failure to pass the resolution will not change the operator situation discussed earlier. It just means that claimants will be referred to the statutes when preparing a request, which could lead to ambiguity and misinterpretation of the requirements. Incomplete submittals will cause delays. The goal is to provide clear and concise guidance on the requirements.

Chair Tappan welcomed additional Board Member questions. There being no additional questions, she opened the item to public comments.

Jeff Collins, NDEP, Bureau of Corrective Actions Chief, stated that with all due respect to Mr. Krueger and the concerns discussed during the last Board meeting, delaying a vote on the resolution to the next

meeting doesn't make any sense. He will compel the Board to make a decision on either acceptance or denial during this meeting. The resolution will provide transparency for the regulated public, rather than requiring them to rely on the statute, which may not provide complete explanation of the Fund's expectations. The resolution clarifies the statute language in greater detail. Denying the resolution will eliminate transparency, and Fund staff are still required to make decisions based on the statute. It does not make sense to delay approval in search of a workaround that the program does not believe exists, particularly given that only four sites may have additional allocations postponed. Instead, time should be allowed to test the statute language, and if there are more cases impacted over the next couple years then what has been presented today, it will become incumbent on Fund staff to seek statutory changes.

Jason Case commented that Rebel Oil Company is one of the four cases cited. Prior to Mr. Cabbie's clarification, his understanding had previously been that as a claimant nearing the available reimbursement limit and with the UST operator out of compliance, the cleanup process would just continue as required with no opportunity down the road for reimbursement should the operator eventually come into compliance. With **Mr. Cabbie's** clarification, Mr. Case now understands that once an operator comes into compliance, there is indeed an opportunity to request the additional allotment from the Fund to cover prior cleanup costs. **Mr. Cabbie** confirmed this understanding.

Mr. Krueger stated that based on discussion with Mr. Cabbie, he agrees that the role of the Association is not to stand in the way of the resolution to provide greater clarification. The purpose is to look for alternatives. There seems to be general agreement that a fix to the overall concerns cannot be made until the legislature reconvenes in February of 2025. He believes there may be an alternative and would like to explore that possibility. Unfortunately, the situation reflects that the legislature, industry, and NDEP did not look hard enough at the wording in Section 380 of NRS 445C, which defines the eligibility and refers to the word "operator." He is not opposed to adoption of the resolution, if there is a path forward for interested parties to meet with NDEP. This would be followed by a decision by the administrator or director to ask the Governor for an emergency regulation, which would not change the requirements, but provide clarity of term definitions, such as for the operator. Emergency regulations are only valid for 120 days. During this period, NDEP would work on development of a NAC regulation. Such a regulation could be adopted that would meet the legislative intent of Assembly Bill 40 while granting the claimant the ability to continue to submit claims. He stated that he would withdraw opposition to passage of the resolution in hopes that NDEP will work with the Association. He described a similar case with the Department of Insurance and an Assembly Bill that poses negative consequences. In that case, the Governor did approve an emergency regulation.

Mr. Cabbie noted that the definition for operator is included under the Petroleum Fund statutes and regulations. The term that poses the challenge currently is "facility," which is not directly defined in statute. However, the term "site" is defined. The site includes "facility." When speaking about a "facility," unfortunately, it is independent of the operator. Fund staff is certainly open to ways to address this. However, delaying passage of the resolution will not serve to move this process forward, but will delay guidance for operators seeking funding.

Chair Tappan invited Mr. Cabbie to formally present the resolution.

Mr. Cabbie stated that as per discussion in the June meeting, the resolution is meant to bring consistency to the request and approval process for an operator seeking the additional \$1 million in cleanup funding. It follows the Petroleum Fund statutes nearly line by line. The resolution identifies the documentation necessary for Board members to determine whether the statute has been met. It focuses primarily on Subsections 4 and 5 of NRS 445C.380.

Much of the policy language was reviewed in the last meeting and has not changed, however there

were a few sections that received updates and **Mr. Cabbie** reviewed them as follows:

Page 3, Item 1 under “Therefore, be it resolved that,” there was a second sentence added to ensure that the operator’s request lists out each statute to be considered and provides a brief description of how the statute is met or is not applicable to the case. Similar formatting was submitted in a request during the June meeting and the Board requested to include a similar format in the resolution.

Other minor revisions include a listing of each statute. These are reflected in Items 2 through 8.

Page 4, Item 6 includes language for more flexibility meant to clarify that UST noncompliance in the past three-year period does not prevent additional funding. It simply means that noncompliance issues must be addressed and the relevant records of such must be provided.

Mr. Cabbie concluded by stating there are a few other minor text edits that do not alter the intent of the original language. He offered to provide more details at the Board’s request and invited additional questions.

Mr. Perks referred to page 2, Item 6 language, “The operator has not received money for damages pursuant to Subsection 1 before July 1, 2021.” **Mr. Cabbie** stated that this is the actual statute language and was not written by Fund staff. What the statement means is that if the Fund has paid out money for damages, generally as a result of a lawsuit to a third-party (an entity other than those performing the cleanup), the operator is not eligible for an additional allotment under this policy. Situations where damages are paid could be the result of a cleanup not progressing as it should, or the operator has been recalcitrant. As a result, the Fund has incurred undue liability. There are no such open cases that staff are aware of that fit into this scenario.

Mr. Kinder thanked Mr. Cabbie and Fund staff for the work they did with the data, which has provided greater insight into the discussion as well as their work on the resolution. Statutory language challenges do happen from time to time. This resolution is important to provide clarity for eligible facilities.

A final opportunity for public comments was offered. There were no further public comments.

Mr. Perks acknowledged the value of the resolution. He asked for Fund staff input on the possibility of addressing the terms “operator” and “facility,” and whether there is intent to address this through the legislature in 2025. **Mr. Cabbie** stated that there are processes for changing statutes. Staff have already evaluated the existing statutes and this evaluation is reflected in the language of the resolution. If there is discussion to move forward with additional changes in the next session, such a request could come from the Board or from outside entities. For example, Mr. Krueger’s Association may choose to introduce a bill. During the last meeting, it was discussed that state agencies are limited in the number of bills that may be introduced into a legislative session. It is up to agency administrators, directors, and the Governor to decide which get through. Potential bill proposals will have to be developed and submitted by mid-2024.

Mr. Kinder stated that as a public agency, they are available to meet with stakeholders and would be seeking the best possible outcome. This may include a statutory change or interim opportunity for discussion.

Chair Tappan invited a motion on the resolution.

LeRoy Perks moved to approve Board Policy Resolution No. 2023-01. Jason Case seconded the motion. Motion carried unanimously.

6. **INCREASE TO NON-CEM COSTS FOR TASK J.1 OF THE COST GUIDELINES**

Mr. Cabbie stated that this task sets funding limits for initial abatement for cleanup activities associated with smaller heating oil tanks generally located on residential properties. In prior meetings, it has been discussed that there is one disposal facility in Northern Nevada that accepts petroleum impacted soils from these cleanups. Over the past four years, the facility has increased its rates substantially. The proposal is for the Board to approve an increase for non-CEM costs by \$4,200 for sites with one tank that has leaked and is eligible for coverage. For sites with more than one tank, an additional \$4,200 is proposed. The intent is to keep pace with the rate increases for disposal. The rates are based upon data reviewed and claims submitted.

Chair Tappan invited questions from the Board. There being no questions, she invited a motion.

LeRoy Perks moved to adopt the increase to non-CEM costs as proposed by staff related to Task J.1 of the Cost Guidelines. Jeffrey Kinder seconded the motion. Motion carried unanimously.

7. ADOPTION OF CONSENT AGENDA

The Board reviewed all items as a consent agenda item. There was no discussion regarding an individual item.

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS - SEPTEMBER 14, 2023**

HEATING OIL

		<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1. 2012000017; 80567 Churchill County School District: Old High School	\$7,302.83	\$7,302.83
	SUB TOTAL:	<u>\$7,302.83</u>	<u>\$7,302.83</u>

NEW CASES

		<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1. 2019000008; 80504 Circle K Stores, Inc.: Circle K Store #2701354	\$40,060.82	\$21,118.36
FOR POSSIBLE ACTION	2. 2022000018; 80466 Pilot Travel Centers LLC: Pilot Travel Centers LLC #341	\$23,595.99	\$16,989.11
FOR POSSIBLE ACTION	3. 2022000035; 80501 7-Eleven, Inc: 7-Eleven #29407	\$41,544.79	\$37,390.13
	SUB TOTAL:	<u>\$105,201.60</u>	<u>\$75,497.60</u>

ONGOING CASES

		<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1. 1992000126; 80546 Clark County School District: RC White (Arville) Transportation Satellite	\$21,317.62	\$21,227.62
FOR POSSIBLE ACTION	2. 1994000027; 80513 7-Eleven, Inc: 7-Eleven #19653	\$54,475.15	\$54,475.15
FOR POSSIBLE ACTION	3. 1995000042; 80542 FBF Inc.: Gas 4 Less	\$31,153.88	\$31,058.85
FOR POSSIBLE ACTION	4. 1996000064; 80540 The Esslinger Family Trust: Red Rock Mini Mart	\$15,159.66	\$13,969.63
FOR POSSIBLE ACTION	5. 1998000075; 80557 55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$7,974.29	\$7,106.83
FOR POSSIBLE ACTION	6. 1999000014; 80555 Al Park Petroleum, Inc.: Pit Stop #7 Conoco	\$8,012.48	\$7,211.23
FOR POSSIBLE ACTION	7. 1999000243; 80516 7-Eleven, Inc: 7-Eleven #27607	\$45,772.15	\$41,161.69
FOR POSSIBLE ACTION	8. 2004000011; 80563 HPT Ta Properties Trust: Wells Petro Truck Service	\$80,249.55	\$72,224.59
FOR POSSIBLE ACTION	9. 2007000014; 80547 Raiders Oz Business, LLC: Former Ace Cab/Frias Transportation	\$57,190.90	\$51,471.81
FOR POSSIBLE ACTION	10. 2007000016; 80558 Golden Gate Petroleum of Nevada LLC: Golden Gate Sun Valley #43	\$6,648.50	\$5,983.65
FOR POSSIBLE ACTION	11. 2010000009; 80568 HPT Ta Properties Trust: Mill City Travel Center	\$11,227.42	\$9,051.28
FOR POSSIBLE ACTION	12. 2012000012; 80543 Clark County Department of Aviation: Former Smart Mart	\$15,943.47	\$14,250.29
FOR POSSIBLE ACTION	13. 2013000004; 80571 7-Eleven, Inc: 7-Eleven #29665	\$27,944.51	\$25,150.06
FOR POSSIBLE ACTION	14. 2014000004; 80457 Alsaker Corporation: Broadway Colt Service Center	\$18,026.66	\$16,223.99

FOR POSSIBLE ACTION	15.	2014000007; 80519 7-Eleven, Inc: 7-Eleven #29658	\$24,679.75	\$21,923.44
FOR POSSIBLE ACTION	16.	2014000025; 80564 Superior Campgrounds of America, LLC: Silver City RV Resort	\$17,400.94	\$15,660.85
FOR POSSIBLE ACTION	17.	2016000009; 80512 7-Eleven, Inc: 7-Eleven #13685	\$9,084.25	\$8,175.83
FOR POSSIBLE ACTION	18.	2018000009; 80570 Reed Incorporated: Pacific Pride	\$77,530.73	\$69,721.41
FOR POSSIBLE ACTION	19.	2019000044; 80572 7-Eleven, Inc: 7-Eleven #15829	\$46,013.95	\$41,412.55
FOR POSSIBLE ACTION	20.	2020000015; 80509 Canyon Plaza, LLC: Gas 2 Go	\$19,055.33	\$10,289.88
FOR POSSIBLE ACTION	21.	2021000014; 80460 Pilot Travel Centers LLC: Pilot Travel Centers LLC #341	\$57,662.90	\$51,695.66
FOR POSSIBLE ACTION	22.	2021000026; 80517 7-Eleven, Inc: 7-Eleven #25578	\$8,181.93	\$7,363.74
FOR POSSIBLE ACTION	23.	2021000027; 80549 Horizon C Stores, LLC: Horizon Market #5	\$4,950.00	\$4,455.00
		SUB TOTAL:	<u>\$665,656.01</u>	<u>\$601,265.03</u>
		RECOMMENDED CLAIMS TOTAL:	<u>\$778,160.44</u>	<u>\$684,065.46</u>

LeRoy Perks moved for approval of the consent items. Jeffrey Kinder seconded the motion. Motion carried unanimously.

8. DIRECT PAYMENT OF UNCONTESTED CLAIMS MADE PER 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 all quarterly claim payments made on the Board’s behalf in accordance with Policy Resolution No. 2017-02.

HEATING OIL

			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2023000008; 80511 Robert & Martha Tote: Tote Living Trust Leaking Residential Heating Oil Tank	\$27,016.25	\$26,766.25
FOR DISCUSSION	2.	2023000008; 80520 Robert & Martha Tote: Tote Living Trust Leaking Residential Heating Oil Tank	\$43,160.17	\$43,160.17
FOR DISCUSSION	3.	2023000009; 80510 Sindlinger Capital LLC: Sindlinger Capital LLC Residential Heating Oil Tank	\$31,517.96	\$31,267.96
FOR DISCUSSION	4.	2023000011; 80515 James Hardesty: Residential Heating Oil Tank At 5300 Valley Vista Drive	\$27,549.67	\$27,299.67
FOR DISCUSSION	5.	2023000012; 80514 Packer Family Trust: Packer Family Trust Leaking Residential Heating Oil Tank	\$30,538.34	\$30,288.34
		SUB TOTAL:	<u>\$159,782.39</u>	<u>\$158,782.39</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80537 Rebel Oil Company: Rebel Store #2008	\$103,639.50	\$103,639.50
FOR DISCUSSION	2.	1994000015; 80524 Pilger Family Holdings: Former D & G Oil Company	\$9,189.77	\$9,189.77
FOR DISCUSSION	3.	1999000023; 80530 Nevada Ready Mix Corp: Nevada Ready Mix	\$17,901.69	\$16,012.62
FOR DISCUSSION	4.	1999000066; 80527 HP Management, LLC: Former Haycock Petroleum	\$27,008.09	\$24,293.78
FOR DISCUSSION	5.	2013000011; 80531 Har Moor Investments, LLC: Village Shop #4	\$63,718.00	\$56,086.20
FOR DISCUSSION	6.	2014000033; 80529 Speedee Mart Inc.: Speedee Mart #108	\$12,278.93	\$10,961.04
FOR DISCUSSION	7.	2017000019; 80536 Rebel Oil Company: Rebel Store #2197	\$2,627.50	\$2,364.75
FOR DISCUSSION	8.	2018000005; 80534 Rebel Oil Company: Rebel Store # 2153	\$4,150.50	\$3,735.45
FOR DISCUSSION	9.	2019000002; 80535 Rebel Oil Company: Rebel Store #2166	\$5,072.75	\$4,565.47
FOR DISCUSSION	10.	2019000014; 80532 Western Cab Co: Western Cab CO	\$8,123.00	\$7,243.20
FOR DISCUSSION	11.	2022000012; 80533 Neissan Koroghli: City C-store (7-11)	\$15,267.50	\$13,569.30
FOR DISCUSSION	12.	2022000015; 80538 Rebel Oil Company: Rebel Store #2197	\$16,720.66	\$11,434.08
		SUB TOTAL:	<u>\$285,697.89</u>	<u>\$263,095.16</u>

DIRECT PAYMENT CLAIMS TOTAL: \$445,480.28 \$421,877.55

BOARD MEETING CLAIMS TOTAL: \$1,223,640.72 \$1,105,943.01

9. EXECUTIVE SUMMARY

Mr. Cabbie stated that tank enrollment fees are tracked pursuant to the Federal Fiscal Year, which runs October 1, 2022 through September 30, 2023. Annual invoices for enrollment year 2023 were issued on August 17, 2022. Total facilities invoiced is 1,309 facilities. Approximately 98% of the facilities have paid the required enrollment fees. Since the Fund was created, a total of 1,807 remediation cases have applied for Fund coverage. Of those applications, 174 have been denied due to ineligibility or other reasons. Of the cases that were provided Fund coverage, 1,551 cases have since been closed and no longer receive Fund reimbursement. Currently, there are 82 active Fund cases. Since January 1, 2023, NDEP has received 13 new coverage applications, and all have been reviewed. Prior to this Board meeting, the Board to Review Claims has approved a cumulative total of \$257,596,840.68 for reimbursement to Petroleum Fund operators. This includes \$421,877.55 for direct payment claims paid since the last meeting. With today's Board approval of \$684,065.46, the overall expenditure will increase to \$258,280,906.14. No grant applications for UST upgrades have been received in the past quarter.

10. PUBLIC COMMENT

There were no public comments.

11. CONFIRMATION OF NEXT BOARD MEETING DATE

It was confirmed that the next meeting date would be December 14, 2023 at 10 a.m.

12. ADJOURNMENT

The meeting adjourned at 11:16 a.m.