

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
MEETING MINUTES - MARCH 7, 2024**

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 South 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.

Jeff Collins, Bureau of Corrective Actions Chief, introduced Megan Slayden as the new Petroleum Fund Program Supervisor and Executive Secretary to the Board.

A. BOARD MEMBERS PRESENT

Maureen Tappan, Chair – Representative of the General Public
Rod Smith, Vice Chair – Representative of Refiners of Petroleum
LeRoy Perks – Representative of the Independent Retailers in Petroleum
Jason Case - Representative of the Independent Dealers in Petroleum
Jennifer Carr – Nevada Division of Environmental Protection
Karen Stoll – Department of Motor Vehicles
Mike Dzyak – State Fire Marshal’s Office

OTHERS PRESENT

Katie Armstrong – Legal Counsel, State Attorney General’s Office
Jeff Collins, Jeff Kinder, Megan Slayden, Don Warner, Michael Cabbie, Ben Moan, Ruby Wood, Dean Peterson, Tristin Alishio, Michael Mazziotta, Chuck Enberg, John Karr – Nevada Division of Environmental Protection
William Thompson – Southern Nevada Health District
Keith Stewart – Stewart Environmental
Rex Hepe – Broadbent & Associates
Stephanie Holst – Broadbent & Associates
Caitlyn Jelle – Universal Engineering Science
Jeremy Holst – Broadbent & Associates
Kathleen Johnson – Westmark Group
Sarah Collins – i3 Public Affairs
Victoria Joncas

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

2. PUBLIC COMMENT

There were no public comments.

3. APPROVAL OF THE DECEMBER 14, 2023 MINUTES

Chair Tappan called for changes to the minutes. There were no changes requested.

Vice Chair Smith moved to approve the December 14, 2023 minutes as presented. LeRoy Perks seconded the motion. Motion carried unanimously.

4. STATUS OF THE FUND

Ms. Slayden reviewed the Fund status. The summary of revenues into the Fund for Fiscal Year 2024 thus far includes a balance forward from State Fiscal Year 2023 of \$7,500,000. Approximately \$404,700 has been received for annual tank enrollment fees. Approximately \$6,009,513 has been generated by the \$0.0075 Petroleum Fund fee. The Fund has earned approximately \$115,964 in interest. Total revenue received this fiscal year thus far is \$14,030,177.14. Expenditures for State Fiscal Year 2024 include Board member salaries of approximately \$728. In-state travel costs for Board Members total approximately \$116. Board meeting operating costs total approximately \$690. Money transferred to NDEP for program administration, staff salaries and ongoing program maintenance was approximately \$862,940. Funding for State led petrochemical cleanups was approximately \$72,941. The reimbursement of Petroleum Fund claims thus far total approximately \$2,702,261. Expenditures from the Fund thus far total \$3,639,676.68. The balance in the Fund available for cleanup funding is \$10,390,500.46.

5. ADOPTION OF CONSENT ITEMS

The Board reviewed all items as a consent agenda item.

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS - MARCH 7, 2024**

HEATING OIL

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80608	\$6,712.80	\$6,712.80
FOR POSSIBLE ACTION	2.	2023000023; 80642	\$17,551.76	\$17,239.26
		SUB TOTAL:	<u>\$24,264.56</u>	<u>\$23,952.06</u>

NEW CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2023000018; 80677	\$49,366.18	\$44,429.56
		SUB TOTAL:	<u>\$49,366.18</u>	<u>\$44,429.56</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80663	\$27,148.46	\$27,148.46
FOR POSSIBLE ACTION	2.	1994000015; 80644	\$9,859.00	\$8,459.00
FOR POSSIBLE ACTION	3.	1995000039; 80604	\$17,619.15	\$15,103.03
FOR POSSIBLE ACTION	4.	1995000042; 80657	\$58,815.65	\$58,815.65
FOR POSSIBLE ACTION	5.	1996000064; 80661	\$26,493.66	\$24,413.91
FOR POSSIBLE ACTION	6.	1998000075; 80606	\$20,710.38	\$18,639.34
FOR POSSIBLE ACTION	7.	1999000014; 80666	\$8,921.51	\$8,029.36
FOR POSSIBLE ACTION	8.	1999000086; 80659	\$2,168.75	\$1,951.87
FOR POSSIBLE ACTION	9.	1999000114; 80577	\$29,952.86	\$29,934.86
FOR POSSIBLE ACTION	10.	2007000014; 80665	\$66,359.79	\$59,723.81
FOR POSSIBLE ACTION	11.	2007000016; 80669	\$7,160.16	\$6,444.14
FOR POSSIBLE ACTION	12.	2010000009; 80667	\$22,972.94	\$18,608.09
FOR POSSIBLE ACTION	13.	2011000009; 80670	\$17,233.56	\$15,510.20
FOR POSSIBLE ACTION	14.	2012000012; 80658	\$25,865.68	\$23,279.11
FOR POSSIBLE ACTION	15.	2013000004; 80640	\$19,519.32	\$17,567.39

FOR POSSIBLE ACTION	16.	2013000019; 80672	Hardy Enterprises, Inc.: Elko Sinclair #53	\$38,230.85	\$34,407.77
FOR POSSIBLE ACTION	17.	2014000025; 80668	Superior Campgrounds Of America, LLC: Silver City RV Resort	\$11,538.72	\$10,384.85
FOR POSSIBLE ACTION	18.	2016000023; 80627	Al Park Petroleum, Inc.: Pit Stop #1	\$35,776.24	\$25,758.89
FOR POSSIBLE ACTION	19.	2016000027; 80602	Terrible Herbst, Inc.: Terrible Herbst #272	\$15,775.03	\$12,777.78
FOR POSSIBLE ACTION	20.	2017000019; 80654	Rebel Oil Company: Rebel Store #2197	\$20,500.00	\$18,450.00
FOR POSSIBLE ACTION	21.	2017000035; 80656	Rebel Oil Company: Rebel Store #2177	\$71,062.35	\$62,801.41
FOR POSSIBLE ACTION	22.	2018000009; 80671	Reed Incorporated: Pacific Pride	\$72,064.04	\$64,857.64
FOR POSSIBLE ACTION	23.	2019000002; 80655	Rebel Oil Company: Rebel Store #2166	\$6,300.00	\$5,670.00
FOR POSSIBLE ACTION	24.	2019000014; 80646	Western Cab Co: Western Cab CO	\$7,709.50	\$6,938.55
FOR POSSIBLE ACTION	25.	2020000015; 80662	Canyon Plaza, LLC: Gas 2 Go	\$24,357.94	\$13,153.28
FOR POSSIBLE ACTION	26.	2020000016; 80660	LV Petroleum, LLC: Us Gas #7	\$6,010.00	\$5,409.00
FOR POSSIBLE ACTION	27.	2021000014; 80624	Pilot Travel Centers LLC: Pilot Travel Centers LLC #341	\$25,632.00	\$23,068.79
FOR POSSIBLE ACTION	28.	2021000027; 80612	Horizon C Stores, LLC: Horizon Market #5	\$3,755.62	\$3,380.06
FOR POSSIBLE ACTION	29.	2022000015; 80653	Rebel Oil Company: Rebel Store #2197	\$27,158.66	\$19,554.24
FOR POSSIBLE ACTION	30.	2022000018; 80625	Pilot Travel Centers LLC: Pilot Travel Centers LLC #341	\$10,469.60	\$7,538.11
SUBTOTAL:				<u>\$737,141.42</u>	<u>\$647,778.59</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$810,772.16</u>	<u>\$716,160.21</u>

Vice-Chair Smith referenced Item 9 and sought clarification on the \$18 difference. **Ms. Slayden** stated that this was due to a disallowance of ineligible items during staff review. She clarified that the value of the disallowed item in this instance was \$18 and is reflected in the difference between requested and recommended amounts. All recommended items and disallowances are processed through a primary and secondary review and any disallowances are discussed with both the operator and the environmental manager prior to the recommendation to the Board.

Vice Chair Smith referenced Claim 80656, noting that the second page indicates that Fund coverage is \$2 million. He asked whether this reflects a case where an additional \$1 million has been approved and suggested that the additional funding allocation should be apparent in the site summary. **Ms. Slayden** confirmed that there was approval for an additional \$1 million in cleanup funding. The Board approved the additional funding in December 2023. Per the suggestion by Vice Chair Smith, **Ms. Slayden** stated that she would add detail in the synopsis to explain the increase to \$2 million.

LeRoy Perks moved for approval of the consent items. Jennifer Carr seconded the motion. Motion carried unanimously. Jason Case recused himself from Items 20, 21, 23 and 29.

6. 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.	2023000024; 80637	Geoffrey Phillips: Residential Heating Oil Tank At 1575 Davidson Way	\$29,543.64	\$29,293.64
FOR DISCUSSION	2.	2023000025; 80636	Jake Sells: Residential Heating Oil At 670 Starlight Circle	\$35,751.16	\$35,501.16
FOR DISCUSSION	3.	2023000026; 80639	Steven Halme: Residential Heating Oil Tank At 3975 Lamay Lane, Washoe County	\$30,150.05	\$29,900.05
FOR DISCUSSION	4.	2023000027; 80638	Charles & Renee Krebs: Residential Heating Oil Tank At 1500 Sharon Way	\$28,836.43	\$28,586.43
FOR DISCUSSION	5.	2023000029; 80643	Samantha Schwartz: Residential Heating Oil Tank At 410 Puma Drive	\$33,077.11	\$32,827.11
FOR DISCUSSION	6.	2024000002; 80675	Lee Chanslor: Residence Of 2120 Royal Drive	\$35,539.70	\$35,289.70
FOR DISCUSSION	7.	2024000003; 80676	Jessica Maddox: Residence Of 1405 Clough Road	\$35,684.51	\$35,434.51
			SUB TOTAL:	<u>\$228,582.60</u>	<u>\$226,832.60</u>

ONGOING CASES

				<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80599	Rebel Oil Company: Rebel Store #2008	\$58,264.68	\$58,264.68
FOR DISCUSSION	2.	1993000102; 80652	Rebel Oil Company: Rebel Store #2008	\$16,038.52	\$16,038.52
FOR DISCUSSION	3.	1999000023; 80649	Nevada Ready Mix Corp: Nevada Ready Mix	\$24,324.16	\$21,891.74
FOR DISCUSSION	4.	1999000066; 80650	HP Management, LLC: Former Haycock Petroleum	\$34,741.52	\$31,243.99
FOR DISCUSSION	5.	2014000033; 80648	Speedee Mart Inc.: Speedee Mart #108	\$11,378.56	\$10,240.70
FOR DISCUSSION	6.	2018000005; 80651	Rebel Oil Company: Rebel Store # 2153	\$8,626.50	\$7,763.85
FOR DISCUSSION	7.	2022000012; 80647	Neissan Koroghli: City C-Store (7-11)	\$6,006.50	\$5,234.40
			SUB TOTAL:	<u>\$159,380.44</u>	<u>\$150,677.88</u>

DIRECT PAYMENT CLAIMS TOTAL: \$387,963.04 \$377,510.48

BOARD MEETING CLAIMS TOTAL: \$1,198,735.20 \$1,093,670.69

Vice Chair Smith inquired as to whether an additional \$1 million has been added for case 1993000102. **Ms. Slayden** stated that the case did not receive an additional \$1 million under the new statute and policy; however, the applicant was able to access additional cleanup funding under former Policy Resolution 2007-10.

7. EXECUTIVE SUMMARY

Ms. Slayden stated that tank enrollment fees are tracked pursuant to the Federal Fiscal Year, which runs from October 1 through September 30. Annual invoices for enrollment year 2024 were issued on August 23, 2023. A total of 1,292 facilities had been invoiced as of February 21, 2024. Approximately 1,263 or 98 percent of invoiced facilities have paid the required enrollment fees. Since the Fund was created, a total of 1,826 remediation cases have applied for Fund coverage. Of those applications, 174 have been denied, due to ineligibility or other reasons. Of the total cases provided Fund coverage, 1,573 cases have been closed and no longer receive Fund reimbursement. There are currently 78 active Fund cases. Since January 1, 2024, NDEP has received 4 new applications for Fund coverage with 1 application currently under review and pending a coverage determination.

Prior to this Board meeting, the Board to Review Claims approved a cumulative total of \$260,061,028.59 for reimbursement to petroleum storage tank operators for cleanup expenses. This value includes \$377,510.48 for direct payment claims paid since the last Board meeting. With today's Board approval of claims in the amount of \$716,160.21, the cumulative expenditure will increase to \$260,777,188.80. There were no grants for UST upgrades this quarter.

A cost guidelines update is being reviewed by staff. This update would establish a reimbursement rate for CEM-owned mobile remediation systems.

8. PUBLIC COMMENT

There were no public comments.

9. CONFIRMATION OF NEXT BOARD MEETING DATE

It was confirmed that the next meeting date would be Thursday, June 13, 2024 at 10:00 a.m.

10. ADJOURNMENT

The meeting adjourned at 10:30 a.m.