

STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 3, 2021

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Thursday, June 03, 2021 at the following locations:

Carson City: Video/teleconference information will be posted to our website prior to meeting date (encouraged). Humboldt and Great Basin Conference Rm (limited capacity), 901 S Stewart St, Carson City, NV 89701.

Las Vegas: Video/teleconference information will be posted to our website prior to meeting date (encouraged). NDEP Red Rock Conference Rm (limited capacity), 375 E Warm Springs Rd, Las Vegas, NV 89119.

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. APPROVAL OF THE MARCH 11, 2021 MINUTES (FOR POSSIBLE ACTION)

4. 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.

5. CEM COST GUIDELINES - TASK J.2 (FOR DISCUSSION)

During the March 11, 2021 Board meeting, concerns were raised about Task J.2 of the CEM Cost Guidelines. This task sets a limit on CEM costs as well as non-CEM costs that may be claimed for Fund reimbursement during initial abatement activities (prior to the standard NTEP/bid process). This item has been placed on the agenda to allow open discussion of the task itself and possible restrictions it creates when conducting initial abatement activities.

6. UPDATE BOARD ON SECOND PETROLEUM FUND PROGRAM AUDIT (21-04) (FOR DISCUSSION)

Petroleum Fund staff will summarize progress towards addressing the findings and recommendations in the Governor's Finance Office, Division of Internal Audits Report No. 21-04.

7. 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 - JUNE 3, 2021**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 79998 Churchill County School District: Old High School	\$5,088.98	\$5,088.98
FOR POSSIBLE ACTION	2.	2020000012; 79961 Washoe County School District: Diedrichsen Elementary School	\$18,310.13	\$15,255.43
FOR POSSIBLE ACTION	3.	2021000008; 80001 Vertical Iron Works: Vertical Iron Works	\$9,795.50	\$9,545.50
			SUB TOTAL:	<u>\$33,194.61</u>
				<u>\$29,889.91</u>
<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80020 Clark County School District: Rc White (Arville) Transportation Satellite	\$68,126.64	\$68,126.64
FOR POSSIBLE ACTION	2.	1993000011; 80023 7-Eleven INC: 7-Eleven #29646	\$12,252.56	\$12,252.56
FOR POSSIBLE ACTION	3.	1993000103; 79970 Charlie Brown Construction: Charlie Brown Const.	\$2,699.00	\$2,645.02
FOR POSSIBLE ACTION	4.	1995000039; 79991 Al Park Petroleum Inc: Crescent Valley Market	\$24,456.70	\$22,011.03
FOR POSSIBLE ACTION	5.	1996000064; 80012 The Esslinger Family Trust: Red Rock Mini Mart	\$27,003.64	\$26,189.69
FOR POSSIBLE ACTION	6.	1997000071; 79975 7-Eleven INC: 7-Eleven #25586	\$79,575.91	\$71,618.32

FOR POSSIBLE ACTION	7.	1998000075; 79993	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$4,763.37	\$4,241.13
FOR POSSIBLE ACTION	8.	1999000014; 79994	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$6,667.30	\$6,000.57
FOR POSSIBLE ACTION	9.	1999000243; 79881	7-Eleven INC: 7-Eleven #27607	\$23,090.32	\$20,741.93
FOR POSSIBLE ACTION	10.	2004000011; 79995	Hpt Ta Properties Trust: Wells Petro Truck Service	\$2,203.51	\$1,983.16
FOR POSSIBLE ACTION	11.	2004000039; 79955	Clark County Dept Of Aviation: Fmr National Car Rental	\$17,208.24	\$17,208.24
FOR POSSIBLE ACTION	12.	2007000014; 80027	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$312,521.73	\$281,203.83
FOR POSSIBLE ACTION	13.	2007000016; 80004	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$13,970.94	\$12,573.85
FOR POSSIBLE ACTION	14.	2008000019; 80016	One Panou LLC: Golden Market #3	\$9,677.90	\$8,463.51
FOR POSSIBLE ACTION	15.	2009000024; 79902	Parampreet Investment LLC: Chucks Circle C Market	\$23,156.99	\$20,626.46
FOR POSSIBLE ACTION	16.	2010000009; 79996	Hpt Ta Properties Trust: Mill City Travel Center	\$21,590.93	\$17,488.66
FOR POSSIBLE ACTION	17.	2011000009; 79997	Cimarron West: Cimarron West	\$23,848.44	\$21,360.10
FOR POSSIBLE ACTION	18.	2012000003; 80006	7-Eleven INC: 7-Eleven #26627	\$22,006.91	\$15,844.98
FOR POSSIBLE ACTION	19.	2012000005; 80009	Travel Systems, LLC: Zephyr Cove Resort	\$83,193.94	\$74,569.35
FOR POSSIBLE ACTION	20.	2012000012; 79971	Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$40,341.04	\$36,274.47
FOR POSSIBLE ACTION	21.	2013000019; 80002	Hardy Enterprises INC: Elko Sinclair #53	\$34,082.97	\$30,674.67
FOR POSSIBLE ACTION	22.	2014000004; 79999	Alsaker Corp: Broadway Colt Service Center	\$25,689.28	\$23,060.21
FOR POSSIBLE ACTION	23.	2014000007; 79976	7-Eleven INC: 7-Eleven #29658	\$28,522.59	\$25,670.33
FOR POSSIBLE ACTION	24.	2014000016; 80000	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$11,300.64	\$10,170.58
FOR POSSIBLE ACTION	25.	2016000005; 80025	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$3,497.63	\$3,147.87
FOR POSSIBLE ACTION	26.	2016000009; 79973	7-Eleven INC: 7-Eleven #13685	\$28,110.13	\$25,299.12
FOR POSSIBLE ACTION	27.	2016000012; 80011	DLF Corporation: Mr Ds Fastlane	\$6,686.83	\$6,018.15
FOR POSSIBLE ACTION	28.	2016000023; 80026	Al Park Petroleum Inc: Pit Stop #1	\$3,241.25	\$2,315.70
FOR POSSIBLE ACTION	29.	2017000015; 80017	Ellen 5 LLC: Green Valley Grocery #63	\$50,086.87	\$45,062.02
FOR POSSIBLE ACTION	30.	2018000009; 80024	Reed Incorporated: Pacific Pride	\$10,400.73	\$9,271.56
FOR POSSIBLE ACTION	31.	2019000024; 79736	Jacksons Food Stores INC: Jacksons Food Stores #0169	\$45,346.91	\$32,649.78
FOR POSSIBLE ACTION	32.	2020000015; 80014	Canyon Plaza, LLC: Gas 2 Go	\$51,025.68	\$27,553.87
SUB TOTAL:				<u>\$1,116,347.52</u>	<u>\$982,317.36</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$1,149,542.13</u>	<u>\$1,012,207.27</u>

8. 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

HEATING OIL

			<u>REQUESTED</u>	<u>PAID</u>	
FOR DISCUSSION	1.	2020000032; 79870	661 Lake Property LLC: 661 Lake Street Heating Oil Tank	\$18,044.96	\$17,989.96
FOR DISCUSSION	2.	2020000037; 79871	661 Lake Property LLC: 121 E. 6th Street Heating Oil UST And 615 Lake Street Heating Oil UST	\$20,611.04	\$20,611.04
FOR DISCUSSION	3.	2020000047; 79974	Cai Development Company: Cai Investments, Inc.	\$8,876.89	\$8,376.89
FOR DISCUSSION	4.	2020000049; 79875	Glenn Ryan: Glenn Ernest Ryan Residence	\$21,373.32	\$21,123.32
FOR DISCUSSION	5.	2020000049; 79962	Glenn Ryan: Glenn Ernest Ryan Residence	\$2,080.00	\$2,080.00
FOR DISCUSSION	6.	2021000001; 79950	Mary Schmidt: Mary Schmidt Residence	\$20,163.06	\$19,913.06
FOR DISCUSSION	7.	2021000002; 79956	Trevor O'Sullivan: Heating Oil Tank - 721 Lander Street	\$18,078.70	\$17,828.70
FOR DISCUSSION	8.	2021000003; 79964	Alan & Stacie Smith: Residential Heating Oil Tank 505 Ridge Street	\$12,646.30	\$12,396.30
FOR DISCUSSION	9.	2021000004; 79963	Sharon Jacobs-Firschein: Residential Heating Oil Tank 14350 Rim Rock Drive	\$20,246.48	\$19,996.48
FOR DISCUSSION	10.	2021000005; 79966	Lane Simonian: Residential Heating Oil Tank 2800 W Moana Lane	\$20,381.99	\$20,131.99
FOR DISCUSSION	11.	2021000006; 79967	Thomas Johnson: Residential Heating Oil Tank, Johnson Living Trust	\$21,071.14	\$20,821.14
FOR DISCUSSION	12.	2021000007; 79968	Andrew Koyama: Residential Heating Oil Tank At 7 Lane Circle	\$16,905.53	\$16,655.53
FOR DISCUSSION	13.	2021000012; 79992	Rodger Liles: Residential Heating Oil Tanks 555 & 557 Ballentyne Way	\$32,565.08	\$32,065.08
FOR DISCUSSION	14.	2021000013; 80029	Martin Giudici: Residential Heating Oil Tank At 2701 Pioneer Drive, Reno	\$12,430.98	\$12,180.98
			SUB TOTAL:	<u>\$245,475.47</u>	<u>\$242,170.47</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>PAID</u>	
FOR DISCUSSION	1.	1993000102; 79984	Rebel Oil Company: Rebel Store #2008	\$2,702.50	\$2,702.50
FOR DISCUSSION	2.	1994000015; 79981	Pilger Family Holdings: Former D & G Oil Company	\$39,185.80	\$39,185.80
FOR DISCUSSION	3.	1999000022; 79959	Terrible Herbst, INC.: Terrible Herbst #129	\$5,333.75	\$4,800.37
FOR DISCUSSION	4.	1999000023; 79983	Nevada Ready Mix Corp: Nevada Ready Mix	\$16,406.25	\$14,725.13
FOR DISCUSSION	5.	1999000066; 79982	HP Management, LLC: Former Haycock Petroleum	\$32,059.43	\$28,795.89
FOR DISCUSSION	6.	1999000086; 79958	Terrible Herbst, INC.: Terrible Herbst #126	\$11,217.50	\$10,095.75
FOR DISCUSSION	7.	1999000104; 79960	Terrible Herbst, INC.: Terrible Herbst #118	\$968.75	\$871.87
FOR DISCUSSION	8.	2012000012; 79952	Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$34,533.34	\$29,847.59
FOR DISCUSSION	9.	2013000004; 79884	7-Eleven INC: 7-Eleven #29665	\$48,393.64	\$43,554.28
FOR DISCUSSION	10.	2013000009; 79979	Western Petroleum: Western Petroleum Of Nevada	\$5,463.25	\$4,916.93
FOR DISCUSSION	11.	2013000011; 79978	Har Moor Investments, LLC: Village Shop #4	\$18,069.96	\$16,217.96

FOR DISCUSSION	12.	2014000025; 79942	Superior Campgrounds Of America LLC: Silver City Rv Resort	\$28,696.35	\$25,826.71
FOR DISCUSSION	13.	2014000033; 79977	Speedee Mart INC: Speedee Mart #108	\$19,721.50	\$17,704.35
FOR DISCUSSION	14.	2016000027; 79957	Terrible Herbst, INC.: Terrible Herbst #272	\$15,625.11	\$12,607.74
FOR DISCUSSION	15.	2017000019; 79990	Rebel Oil Company: Rebel Store #2197	\$23,109.82	\$20,798.84
FOR DISCUSSION	16.	2017000035; 79989	Rebel Oil Company: Rebel Store #2177	\$67,371.13	\$60,634.02
FOR DISCUSSION	17.	2018000005; 79985	Rebel Oil Company: Rebel Store # 2153	\$5,296.25	\$4,766.63
FOR DISCUSSION	18.	2019000001; 79987	Rebel Oil Company: Rebel Store #2160	\$5,829.25	\$5,230.13
FOR DISCUSSION	19.	2019000002; 79988	Rebel Oil Company: Rebel Store #2166	\$6,623.75	\$5,961.37
FOR DISCUSSION	20.	2019000004; 79986	Rebel Oil Company: Rebel Store #2142	\$3,998.00	\$3,598.20
FOR DISCUSSION	21.	2019000005; 79980	Fairway Chevrolet Co: Fairway Chevrolet CO	\$13,121.57	\$11,764.41
FOR DISCUSSION	22.	2019000014; 80003	Western Cab Co: Western Cab CO	\$23,541.50	\$21,187.35
			SUB TOTAL:	<u>\$427,268.40</u>	<u>\$385,793.82</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$672,743.87</u>	<u>\$627,964.29</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,822,286.00</u>	<u>\$1,640,171.56</u>

9. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on Fund coverage activities, Fund expenditures, and tank enrollment status.

10. 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.

11. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION) SEPTEMBER 9, 2021 (THURSDAY) AT 10:00 AM

12. ADJOURNMENT

This agenda will be posted no later than three working days prior to the meeting at the following locations:

NDEP has posted the above agenda on our web site at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund>, the Department of Administration's website at <https://notice.nv.gov>, and requested the above agenda be posted in the following locations:

Clark County Government Center, 500 S. Grand Central Pkwy., Las Vegas, NV 89155
Department of Conservation and Natural Resources, Richard H. Bryan Bldg., 901 S. Stewart St., 1st floor, Carson City, NV 89701
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
NDEP - Bureau of Corrective Actions, 375 E. Warm Springs Rd., Ste. 200, Las Vegas, NV 89119
NDEP -Bureau of Corrective Actions, Richard H. Bryan Bldg., 901 S. Stewart St., 3rd floor, Carson City, NV 89701
Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701
State Fire Marshal's Office, 107 Jacobsen Way, Carson City, NV 89701
Washoe County Health Department – Environmental Health Services, 1001 E. 9th St., Bldg. B, 1st Floor, Reno, NV 89512
Downtown Reno Library, 301 S. Center St., Reno, NV 89501

Viewing of and participation in the June 3, 2021 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/8327651>

Teleconference: Call in by Phone (audio only)

United States: +1 (877) 422-8614

Meeting extension: 8327651#

On April 19, 2021, Governor Sisolak issued Declaration of Emergency Directive 044, which ends the suspensions of certain provisions to Nevada's Open Meeting Law. As such, a physical meeting location is mandatory as of June 1, 2021. Physical meeting locations for the June 3, 2021 Board to Review Claims meeting will have limited capacity and attendees will be required to wear face coverings for the duration of the meeting. The meeting locations are as follows:

Carson City Location: Bryan Building Humboldt and Great Basin Conference Rooms (limited capacity), 901 S. Stewart St., Carson City, NV 89701.

Las Vegas Location: NDEP Office Building Red Rock Conference Room (limited capacity), 375 E. Warm Springs Rd., Las Vegas, NV 89119.

Members of the public who wish to attend the meeting in-person or who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, NDEP, State of Nevada Board to Review Claims, in care of Tristin Alishio, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, by facsimile (775) 687-8335, or by calling (775) 687-9369 no later than May 27, 2021.

Note: Supporting material for this meeting and audio recordings of previous meetings are located at the Nevada Division of Environmental Protection (NDEP) Carson City office and can be obtained from Tristin Alishio by sending a request in writing to NDEP-Petroleum Fund, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, via electronic mail to talishio@ndep.nv.gov, or by calling (775) 687-9369.