

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
BOARD MEETING MINUTES
SEPTEMBER 10, 2020**

1. CALL TO ORDER

Chair Tappan called the meeting to order at 10:00 a.m. from Carson City at the Bryan Building, 901 S. Stewart Street, Humboldt Conference Room 3-S. The meeting was also conducted via video/phone conference.

A. BOARD MEMBERS PRESENT

Chair Maureen Tappan – Representative of the General Public
Vice-Chair Dawn Lietz – Department of Motor Vehicles
Greg Lovato – Nevada Division of Environmental Protection
Mike Dzyak – State Fire Marshal’s Office
Rod Smith – Representative of Petroleum Refiners
LeRoy Perks – Representative of the Independent Retailers of Petroleum

BOARD MEMBERS NOT PRESENT

Vacant – Representative of Independent Petroleum Dealers

OTHERS PRESENT

Peter Handy, State Attorney General’s Office – Carson City
Jeff Collins, Jeff Kinder, Michael Cabble, Victoria Joncas, Kim Valdez, Megan Slayden
Don Warner, Jonathan McRae, Diondrae White, Ben Moan, Chuck Enberg, and Kevin Barnes – Nevada Division of Environmental Protection (NDEP)
Jonathan Bell – Broadbent & Associates, Inc.
Jeremy Holst – Broadbent & Associates, Inc.
Kurt Goebel – Converse Consultants
Caitlin Jelle – McGinley & Associates
Matt Becker – Canyon Plaza, LLC

2. PUBLIC COMMENT

There were no requests to speak.

3. APPROVAL OF THE JUNE 11, 2020 MINUTES

Chair Tappan invited comments, questions or changes to the minutes.

Mr. Smith moved to approve the June 11, 2020 minutes. Vice-Chair Lietz seconded the motion. Motion carried unanimously.

4. STATUS OF THE FUND

Michael Cabble provided a summary status of the Fund for State Fiscal Year 2020, representing the end of year totals. The fiscal year closed on June 30th after the last Board meeting. The balance

forward from State Fiscal Year 2019 was \$7,500,000 with approximately \$399,200 received for tank system enrollment fees for enrollment year 2020. Approximately \$13,055,936 was generated by the \$0.0075 petroleum fee. The Fund has earned approximately \$166,147 in interest with the total revenue collected for the Petroleum Fund State Fiscal Year 2020 minus the new balance for Fiscal Year 2021 was \$12,683,162.96.

Expenditures for Fiscal Year 2020 are as follows. Board member salaries totaled \$1,011. In-state travel costs for Board members totaled approximately \$183. Board meeting operating totaled approximately \$2,010. Total funds transferred to NDEP and used for State-led cleanups, staff salaries and ongoing maintenance was approximately \$1,013,271. Money administered through the UST Upgrade Grant Program totaled \$112,521. The payment to DMV for assessment of the cleanup fee on the Fund's behalf totaled \$12,714. Reimbursement of Petroleum Fund claims was approximately \$8,749,449. The annual transfer to the State Highway Fund was \$2,792,003.16. Total expenditure of the Fund for State Fiscal Year 2020 balance out with the revenue collected at \$12,683,162.96. Since the new State Fiscal Year 2021 began, the Fund has begun to collect revenues and pay out claims. The total balance is \$6,747,833.59.

5. **SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION**

Megan Slayden, NDEP, presented Site Specific Board Determination C2020-02, which proposes to provide reduced Petroleum Fund coverage to Gas 2 Go, located at 6390 West Lake Mead Boulevard in Las Vegas, Nevada, Petroleum Case ID 2020000015, Facility ID No. 8-001529. The subject site is owned by Canyon Plaza, LLC. At the time of release discovery, the facility had two underground storage tanks containing gasoline. In January of 2019, the monthly continuous statistical leak detection (CSLD) test indicated the premium tank had failed. Documentation demonstrating that the owner reported the failure at this time or contacted a service company regarding the failure was not provided with the application for coverage. The CSLD results, submitted as a part of this application, do not show a passing monthly monitoring test for the premium tank from January of 2019 through October of 2019, when the tank was emptied. Documentation provided demonstrates that premium product was transferred from the premium tank to the regular unleaded tank on August 22, 2019; however, the premium tank was not drained to within 1 inch of product until October 10, 2019. This was approximately nine months after the original failed test result.

On January 23rd, 2020, the tanks at the site were permanently closed by removal from the ground. Petroleum impacted soil was apparent under the south end of the premium tank. At the time of removal, 140.87 tons of source material was excavated from the site under initial abatement. An application for coverage was received by NDEP on June 5, 2020. The application identifies a crack at the bottom of the premium tank as the source of the release. The UST system was out of compliance with the following UST regulations at the time of the release discovery: 1) The operator did not contact the implementing agency within 24 hours or another reasonable time period to report the suspected release when the original failure happened in January of 2019; 2) The operator did not investigate for a release to the environment; 3) The premium tank was not removed from service for over seven months after the initial failed result and was not emptied to less than one inch of product for another two months after that point in time.

Pursuant to Board Policy Resolution 94-023, in the event that a site is found to have more than one noncompliance determination, Fund staff is directed to recommend to the Board that any reimbursement be reduced by the largest percentage associated with any single item.

The reduction amounts for each noncompliance issue are as follows:

- Failure to comply with UST General Operating Requirements, 40 CFR 280.30-280.34; 10 percent reduction
- Failure to comply with release reporting, investigation, and confirmation, 40 CFR 280.50-280.53; 40 percent reduction
- Failure to comply with release response and corrective action, 40 CFR 280.60-280.67; 40 percent reduction

In this case, a 40 percent coverage reduction is recommended. Therefore, staff recommends that the Board approve coverage for the subject site for one leaking UST with a 40 percent reduction and a 10 percent copayment. This would provide a maximum reimbursable cap of \$540,000 in cleanup costs and \$540,000 for damages to a person other than the operator or the State.

Chair Tappan invited questions from the Board.

LeRoy Perks asked whether there have been any notice of violations at the site and if they were current on their ABC training. **Ms. Slayden** stated she could find out about the training status.

Mr. Perks questioned whether people were properly trained with regard to the failure to timely report. **Michael Cabble** stated that the regulations are clear that the operator is required to have trained personnel on staff. Failure to do so is the operator's responsibility. The regulations are also clear that it is incumbent upon the operator to take the proper steps. Inspections are not done frequently enough to ensure that every time there is a failure, it is caught. In this case, the failure was caught by the inspector later on; however, months had passed during the period of failure. During this time, there should have been a light going off or an audible alarm to be silenced. The alarms would have occurred at least seven times before the tanks were emptied, based on the application documentation.

Jeremy Holst with Broadbent & Associates, Inc., was present to speak on behalf of the operator. The operator understands the decision to implement the 40 percent reduction for the project. Canyon Plaza, as the owner of the facility, has taken a much more active role at the site. At the time of the release and oversight of the alarms associated with the failed tank test reports, the site was being largely overseen by the operator. The costs for an environmental site assessment as well as potential remediation of impacted groundwater will be rather costly due to the depth of the groundwater, 60 to 70 feet below the surface. In addition, the site is located in close proximity to Las Vegas Valley Water District municipal wells, which places urgency on the project. The operator is requesting that the Board consider implementation of a lower percentage than the 40 percent reduction. This will ensure that funding is available to address the situation at the site.

Rod Smith asked whether such a decision can be made at a later date. **Mr. Cabble** said the recommendation before the Board is a 40 percent reduction. The Board is free to amend the reduction, in accordance with Policy 94-023. If the Board were to uphold the 40 percent reduction, there is another policy resolution that allows an operator to come back to the Board and request a reconsideration. That can be done as soon as the next Board meeting. In accordance with the policy, staff recommends the 40 percent reduction.

Mr. Lovato posed a question regarding the site assessment cleanup and asked for an up-to-date review of the investigation and results. Specifically, he referenced the extent of contamination, effects on groundwater, and the status of cleanup plans. **Mr. Holst** stated that the operator has submitted a work plan for environmental site assessment activities. This was approved in late August. The assessment includes the installation of three groundwater monitoring wells as well as installation of a soil boring. Bids are currently being solicited for the drilling, with the final bid

being received today. The plan is to send a proposal to Canyon Plaza later today. Upon signature, a drill rig will be onsite to initiate environmental site assessment activities immediately. To date, all that has been done is the over-excavation, where approximately 140 tons of impacted soil was removed. A thorough post-excavation sampling and analysis was completed. There are TPH concentrations as well as benzene, various PAHs, and VOCs over state action levels approximately 22 feet below the ground surface. The groundwater level is 60 feet below the ground surface.

Mr. Lovato asked if there were saturated soils or free product present at the depth of the excavation or whether they were getting more into residual petroleum concentrations at the depth of the excavation. **Mr. Holst** stated that free product was not encountered during the course of the excavation activities. It was simply petroleum-impacted soil with concentrations as high as 2,200 and 2,300 parts per million. Site restrictions prohibited other activity at the site and further activity was discontinued at the approval of Chuck Enberg of NDEP.

Mr. Lovato asked for the date of the last passed tank test or a time frame when the tank was not leaking above detectable thresholds. He also sought clarification that the leaks were ongoing for seven months with no action taken. **Ms. Slayden** stated that the site passed a tank tightness test in December of 2018. In January of 2019 and each month through July of 2019, the site received a failed monitoring result. The product was transferred from one tank to another in August. The tank was removed from service, but not fully moved to temporary closure. At that time, they reported a “no results available” result. To be clear, the site had seven months of failed CSLD testing reports.

Vice Chair Lietz followed up on Mr. Smith’s question regarding the potential to come back and appeal. She asked whether the filing for reconsideration by the operator would hold up the initial 40 percent amount or whether the funds would be available right away, as they await reconsideration by the Board. **Mr. Cabbie** stated that if the Board approves the 40 percent reduction in coverage, the 40 percent would be applied to any work done up until the reconsideration is approved. If the operator receives approval of the reconsideration, a new reduction amount or lack thereof would be applied to any corrective action from the date of the reconsideration approval forward. Some initial abatement work has already been done and whatever is decided today in terms of coverage will apply to this work. **Mike Dzyak** commented that this situation is a prime example of why the penalty structure was devised. It is as a result of the failures of the operator.

Mr. Perks inquired as to an estimate on the total expenditure. **Mr. Holst** said that as they do not know the extent of contamination or impacts to groundwater; at this time they are only aware of the initial environmental site assessment costs. The initial site assessment, based on Fund guidelines, is approximately \$43,000 for the first assessment. He estimates total costs into the hundreds of thousands of dollars, due to the depth of contamination and the potential for needed remediation. **Mr. Perks** surmised that if the project costs goes into the hundreds of thousands, the process will be slowed down considerably. This is a significant sum for the owner to come up with.

Vice Chair Lietz agreed with Mr. Dzyak that this is precisely what the policy is in place for. However, the operator received a pass test one month prior to their first fail. It is true that allowing seven months of failed tests does not demonstrate responsibility. At the same time, she agrees with Mr. Perks that there is not just a spill, but also the potential for contaminated groundwater. She would support a Board decision for a lesser penalty. **Mr. Cabbie** clarified that in regards to testing, they are not referencing a tightness test, or the most stringent test available under the rule. The reference is to an onsite tank leak detection system that looks for a lesser leak, such as 0.2 gallon per hour leak rate. There is a threshold built into the test. A smaller leak may go undetected for a while and then eventually gets just big enough to trigger the test into a failure. The reductions increase in severity in terms of what it costs to the Fund. Items such as recordkeeping violations

generally have a lower penalty than in a situation where an operator does not address the failure of a tank system. Seven months of failed testing over time significantly contributes to the amount of product released to the environment and ultimately costs the Fund more money.

Rod Smith commented that since there is no liquid or free product and that the leak is just in the soil, the process downward will go fairly slowly. If nothing else is pushing it down, the chances for cleanup are good.

Matt Becker, Canyon Plaza, LLC, requested leniency from the Board. They are working hand in hand with the operator to get the site cleaned up.

Mr. Lovato said the main goal of the Fund is to accomplish cleanups. The Board appreciates the current efforts to correct the leak and address the contamination. This may not be one of the more significant releases, as they did not have free product at depth. Nevertheless, it could be quite expensive. Once there is a better handle on the progress made, what the overall costs will be and a remediation strategy put forth, the Board may reconsider reducing the reduction further.

Vice-Chair Lietz asked for clarification that Mr. Lovato's intent is to let the 40 percent ride at this time, in order to get Fund coverage started and then subsequently allow the reconsideration process to evaluate the good faith efforts. **Greg Lovato** confirmed the accuracy of that understanding.

Chair Tappan invited further questions or comments from the Board. There were no additional questions. As such, she invited a motion.

Vice-Chair Dawn Lietz moved to adopt Site Specific Board Determination C2020-02, as proposed, granting coverage under the State of Nevada Petroleum Fund to Gas 2 Go for \$540,000. This represents \$1 million in coverage for one gasoline UST system with a 40 percent reduction and 10 percent copayment. Mr. Dzyak seconded the motion. Motion carried unanimously.

Chair Tappan invited the operator to return for reconsideration perhaps at the next meeting in December, when they have a more specific plan and cost details.

6. **SITE SPECIFIC BOARD DETERMINATION FOR 3RD PARTY LIABILITY**

Ms. Slayden stated that Site Specific Board Determination C2020-03 proposes to provide third party liability coverage to Former Ace Cab/Frias Transportation, located at 5010 South Valley View Boulevard, Las Vegas, Nevada. This is Petroleum Fund Case ID No. 2007000014, Facility ID No. 8-000204. The Board has previously approved coverage for the subject site in the amount of \$4,500,000, which represents \$5 million in coverage with a 10 percent copayment. As of the June, 2020 Board meeting, the subject site has been reimbursed \$2,921,165.42. In addition, there is a claim pending approval at this Board meeting with a value of \$286,339.82. Fund reimbursement thus far has been used for source material removal, installation and operation of groundwater remediation system. Despite progress in remediating the site, contamination remains at concentrations above State action levels, creating the potential for third party liability. Petroleum Fund staff and the leaking underground storage tank case officer agreed that providing third party liability coverage will facilitate remedial action and advance the case toward closure. In accordance with Board Resolution No. 2007-10, which clarifies the policy regarding the use of third party liability monies, the owner/operator has acknowledged that using third party liability funds for corrective actions will reduce the remaining funds in the event of a third party lawsuit. Fund staff recommend that the subject facility receive the third party liability funds, which amounts to an additional \$1 million in coverage minus the 10 percent copayment. This would increase the reimbursable cap for this facility to \$5,400,000.

Chair Tappan invited questions from the Board.

Mr. Smith asked whether this is the subject of a recent audit review and if there is an indication of those results. **Mr. Cabbie** said Fund staff have not heard from the Governor's Office whether a formal opinion either went to the State Attorney General's Office for review or if a determination has been made. As such, the program will continue with its established policies and efforts to clean up discharges within the State.

Mr. Lovato stated that there was a finding by the audit team that the third liability coverage was not available unless there was a settlement. It was the interpretation of NDEP, based on advice from the deputy attorney generals, that NDEP has the ability to use third party liability funds to address contamination that has or may impact third parties. It is available not only in the case of a settlement approved by a court, but also outside of that. The audit team went before the Executive Branch Audit Committee, including the Governor and several other cabinet members, recognizing that there is some uncertainty and ambiguity, even though the audit team proposed a different interpretation. They recognized that ambiguity when the Executive Branch Audit Committee stated at the February meeting that they would be seeking a formal opinion from the Attorney General's Office. There is recognition that it is not a settled issue. If the Board decides not to approve the third party liability coverage, there is risk of the contamination potentially spreading. If they do approve it, there may be issues of perception. There are potentially different legal interpretations. If the Board feels the funding is needed to continue cleanup and to minimize third party impacts, that is a reasonable position. Subject to all other inquiries, he would not let the audit finding itself prevent the Board from moving forward, if it makes sense to do so in this case.

Mr. Cabbie invited the consultant to speak about the project and explain to the Board why the additional money is being requested and what circumstances are driving it to continue cleanup. **Kurt Goebel**, Converse Consultants, stated that for this project, the remediation was initiated at a time when this was an active cab facility. The cab operations prevented the operator from initiating remediation in more robust manner by installing the number of treatment points required to speed cleanup of the site. The property has been sold and is now being developed by the Raiders as an auxiliary parking facility. Many of the buildings have been removed and there is a window of opportunity with no site activity. In conjunction with NDEP, the operator has put forth a work plan to expedite remediation of the project. Some work has already begun and they are preparing to increase treatment points to facilitate the remediation. Another factor for consideration is that this plume has distinct concentrations of benzene and MTBE. In terms of the vertical extent of the impacts, in some areas, there is as much as 80 feet of impacted groundwater. It is imperative that remediation move forward in order to mitigate the potential for a third party lawsuit.

There was an indication that Ben Moan wished to speak, but he appeared to be on mute and the other attendees could not hear him. **Mr. Cabbie** stated his understanding in speaking previously with Mr. Moan on this case was that Mr. Moan has been working hand in hand with Converse Consultants on this issue. **Mr. Cabbie** added that he has been advised that the plume is butting up to a groundwater supply (drinking water reservoir) in Las Vegas and this contributes to the urgency of mitigating the plume. The remedial technologies they are looking to use are quite expensive. It is believed to be an ozone injection system. The intent is to expand to four different systems to attack the plume.

Mr. Cabbie asked Mr. Goebel to speak to timing and costs. **Mr. Goebel** confirmed that four treatment systems are to be installed. Historically, there was one treatment system with 20 points, each installed to treat shallow groundwater. They are installing three additional treatment trailers, which takes the system from 20 points to 80 points. Not only are they having one point in each location, but because of the 80-foot impacts in groundwater, some wells include as many as three

treatment points. It is important to think of the site not only with the lateral distribution of the plume and migration but also the vertical extent in the former source area specifically. This is one of the reasons the cost is fairly significant. By the time they are complete in 2020, without the funding, they will be in a shortfall situation. They are looking for the third party funding to enable them to initiate the remediation. Without it, they will be unable to finish what they have proposed and what has been approved by NDEP in 2020. Beyond that point, they will move on to monitoring the system over time. The intent is for this to not be a legacy site that is around ten or more years from now. The Raiders have also expressed a desire that this not become a legacy site. They wish to have the site cleaned as soon as possible.

Mr. Moan, NDEP supervisor in the Las Vegas Office, provided comments. He thanked Mr. Cabble for providing an explanation of NDEP's support of the request. This is a high priority site, as the location of extensive contamination and is located adjacent to the Las Vegas Valley reservoir, which is essentially a large concrete vault. At this point, the benzene and MTB concentrations in the groundwater do not quite reach the wall of the vault; a situation they clearly wish to prevent. There is also potential for the MTBE plume to migrate offsite into a residential area. It is a high priority to aggressively pursue mitigation. The technique proposed by Converse Consultants should be effective. A similar system worked in the Las Vegas valley near McCarran Airport with success and fairly rapid cleanup on the order of years, rather than decades. It is expensive to get the system installed initially, however there have been some cost savings. Converse was able to repurpose PulseOx trailers from other sites. There will likely be retrofitting costs and maintenance issues. He supports the request, as it is important to remediate the site as quickly and as aggressively as possible.

Chair Tappan invited further questions or comments from the Board. There were no additional questions. As such, she invited a motion.

Mr. Lovato moved to adopt Site Specific Board Determination C2020-03, as proposed, granting third party liability Fund coverage to the subject site for one underground storage tank system in the amount of \$1,000,000 with a 10 percent copayment. Mr. Smith seconded the motion. Motion carried unanimously.

7. **SITE SPECIFIC BOARD DETERMINATION FOR 3RD PARTY LIABILITY**

Ms. Slayden presented Site Specific Board Determination No. C2020-04, which proposed to provide third party liability coverage to Crescent Valley Market, located at 3093 Crescent Avenue in Crescent Valley, Nevada. This is Petroleum Fund Case No. 1995000039, Facility No. 6-000318. The Board originally approved coverage with a maximum reimbursement cap of \$1,080,000.00, which represents \$2 million in coverage for with a 40 percent reduction, and 10 percent copayment. During the March 10, 2010 Board meeting, the reduction was removed and a new reimbursement cap of \$1,487,536.77 was established. As of the June 11, 2020 Board meeting, the subject site had been reimbursed \$1,411,418.76. In addition, there is a claim pending approval with a value of \$15,932.44.

Fund reimbursement thus far has been used for installation and operation of a remediation system and groundwater monitoring at this site. Despite progress in remediating the site, groundwater contaminants remain at concentrations above State Action Levels, creating the potential for third party liability. Petroleum Fund staff and the leaking underground storage tank supervisor agree that third party liability coverage will facilitate remedial action and advance this case toward closure. In accordance with Board Policy Resolution No. 2007-10, which clarifies the policy regarding the use of third party liability monies, the owner/operator has acknowledged that using third party liability funds for corrective actions will reduce the remaining funds in the event of a third party lawsuit. Fund staff recommends that the facility receive the third party liability funds,

which amounts to an additional \$1,000,000 in coverage minus the 10 percent copayment. This would increase the reimbursable cap for the facility to \$2,387,536.77.

Chair Tappan invited questions from the Board.

Caitlin Jelle, McGinley & Associates, introduced herself as the CEM of record for the Crescent Valley site. The release occurred in 1995. McGinley came on board in 2012. Prior to that, there were a series of other consultants with different plans in place. When McGinley came on board, they continued to operate an SVE system and then used the wells and infrastructure that had been installed by a previous consultant to bring an air sparge system online. Since then, they have removed 8,000 pounds of TPH from the ground. They are currently averaging between 25 and 45 pounds of TPH per month. The site is difficult because groundwater is between 95 and 100 feet below the surface, with all of the surrounding soils being tight clay, which does not support air movement. A significant takeaway is that although the site had a slower start, other remedial activities were tried which were not as successful. They are now operating a very successful remediation system. A cost estimate moving forward has been provided. Assuming that they operate the system for a year, followed by a three-year monitoring period, site closure activities and required reporting, the total budget is estimated at approximately \$263,000.

Mr. Lovato referenced the site status summary report and costs in the Board member packet. There was a note regarding a runtime of six months; he asked what this means and how it factors into the process. **Ms. Jelle** explained that the initial monthly cost estimate was to indicate how long current remediation operations and maintenance could continue with the remaining Petroleum Fund balance. They moved forward with a reduction in system maintenance, still actively running the remediation system, but reducing costs. This includes moving from weekly to biweekly site visits and reducing the frequency of the groundwater sampling program. **Mr. Lovato** thanked Ms. Jelle for the explanation, acknowledging that with available funds, there was only six months of runtime left.

Chair Tappan invited further questions or comments from the Board. There were no additional questions. As such, she invited a motion.

Mr. Perks moved to adopt Site Specific Board Determination C2020-04, as proposed, granting third party liability fund coverage to the subject site for one underground storage tank system in the amount of \$1,000,000 with a 10 percent copayment. Vice Chair Dietz seconded the motion. Motion carried unanimously.

8. **ADOPTION OF POLICY RESOLUTION NO. 2020-01 ESTABLISHING PROCEDURES REGARDING THE DISPOSITION, TRANSFER, SALE, MAINTENANCE, AND INSPECTION OF PETROLEUM FUND REIMBURSED REMEDIATION EQUIPMENT**

Mr. Cabble stated that if adopted, three existing policies would be retired and replaced by this proposed policy effective today's date. The policy was drafted to accomplish the following goals: Clarify what remediation equipment is covered under the policy and the expectations of an operator who has received State funding to pay for the remediation equipment. The methods for how to list and log remediation equipment reimbursed by the Fund were revised. Currently, the database system allows a CEM and an operator to make updates as to what equipment is onsite. The policy requires the equipment form in the database be updated when a change is made at the site on the following respective claim. The policy outlines a process to transfer, sell or otherwise dispose of Fund reimbursed remediation equipment. A request is required from the operator and CEM 30 days in advance, which identifies the site where the equipment is used, what the equipment is used for, and if transferred, where it would be moved to. The cleanup case officer must agree the system can be removed and/or is worth moving from one site to a new site for further remediation. The

Equipment Policy Manual has also been updated from a previous existing resolution and is included as Attachment A to Policy Resolution 2020-01.

The policy creates a new field inspection program. The purpose of the program is to document the presence of the equipment onsite which the Fund has paid for and also to verify that operating costs received and paid for actually go towards ensuring that the equipment is running. If staff identifies costs reimbursed to a claimant which do not comport with what is observed onsite or do not justify the operating costs, the Petroleum Fund's intent is to seek cost-recovery for those unsubstantiated costs. This can be accomplished via request of refund from the operator or by applying disallowance to future claim submissions. This component is meant to satisfy one of the five audit recommendations from last June. As such and upon adoption of the policy, NDEP would report the audit recommendation as fully implemented. It would still need to go before the Executive Branch Audit Committee in November of 2020.

The Resolution has been nine months in the making. Staff initially provided an outline and solicited discussion in December of 2019. Much of the discussion centered around how or if the Fund should set a value to the equipment over time. The overall consensus was that it is not worth staff time and is somewhat irrelevant in terms of recuperating costs. In light of this, much of the language was removed in terms of a valuing system. In addition, there were concerns with regard to setting a rigid time schedule for inspecting the site routinely. This was backed off as well. Instead, the plan is to get out to the site when the equipment is first in use or purchased in order to verify its presence. They will also assess the equipment prior to it leaving a site. An assessment is required in order to classify equipment as salvaged, distressed, or otherwise. Staff will have discretion as to when they need to be at the site, whether on an annual basis or otherwise.

Based on the input received at the December 2019 meeting, staff drafted a policy and sent it out for public comment in February of 2020. The policy was sent to all Petroleum Fund case operators, CEMs, and Board members. No responses were received from case operators. Six responses were received from CEMs, and two responses from Board members. All comments were considered, with personal responses provided to each contributor. Staff created a final revision, which was scheduled to be presented at the March, 2020 meeting. Unfortunately, the pandemic caused the meeting to be cancelled. The item was not brought to the June meeting because staff were focused on other issues that had arisen since December. During the June meeting, staff proposed another public reach-out. An additional email was sent to CEMs to solicit comments. In addition, a public forum was set up to encourage discussion. During that virtual meeting, three CEMs participated. At that time, there was general agreement that the policy was okay to move forward as is. As staff has received no opposition, they are requesting that the Board adopt the policy.

Chair Tappan invited questions from the Board, noting that staff has done an excellent job, particularly in its efforts to obtain public input and information from the CEMs. She likes the idea that it also resolves one of the audit items. **Vice-Chair Lietz** also applauded the efforts, especially in terms of capturing all the discussions that have taken place. **Mr. Cabble** added that the discussions in December were very helpful. CEMs were pleased with the removal of some of the language, which streamlines and facilitates a more robust program without excessive accounting which hampers the decision with regard to cleanup. **Mr. Smith** agreed and thanked staff for their work.

Chair Tappan invited further questions or comments from the Board. There were no additional questions. As such, she invited a motion.

Mr. Dzyak moved to adopt Policy Resolution No. 2020-01 as proposed and the retirement of Policy Resolutions 95-009, 96-035 and 97-011. Mr. Smith seconded the motion. Motion carried unanimously.

9. AMENDMENT OF THE CEM COST GUIDELINES REGARDING INITIAL ABATEMENT AND TASK J.1

Mr. Cabbie referred Board members to their packets for revisions to the CEM Cost Guidelines, which are part of Policy Resolution 2001-05. This Policy Resolution sets the expectations for CEMs and Fund staff with regard to preparation and review of claims submitted to the Fund. The guidelines were initially adopted in August of 1996 and have gone through many revisions since that time. The most recent comprehensive revision was approved in December 2018. The changes present today are specific to two sections of the cost guidelines. Both discuss initial abatement of heating oil storage tanks. Section 1.7.6 and the establishment of Task J.1 were initially adopted in the March 10, 2016 Board meeting to provide cost control measures during the initial abatement phase of storage tank cleanups. Unfortunately, the reason for this was because a contractor had exposed a vulnerability to Fund practices at that time, which led to an overcharging to the Fund for initial abatement activities. The Fund program responded with the initial language and J.1 task, which have been successful in controlling costs associated with the removal of impacted soils early on in the cleanup. Unfortunately, the language that was previously written was generally focused on residential operator tank properties, where there is generally one tank present. As such, the original language and formulas are meant to allow initial abatement and limited excavation for the one tank.

The changes in the cost guidelines will keep the same types of limitations, but expand them to be applied to more than one tank at a single property. There are examples that speak to this. For instance, at a residential property such as a duplex or multiplex may use more than one tank system. Another example is a situation where a heating oil tank comes out of the ground and immediately below it is another tank. The bottom tank was likely the initial tank for the home and probably leaked prior to the tank installed above it. A third example refers to continued development, specifically in the Reno area, where neighborhoods are being bulldozed and consolidated to build multi-family homes or university dormitories.

In consultation with NDEP's cleanup program and since there have been increased requests to cover properties with more than one tank, a revision was made to the Guidelines that will let CEMs know what to expect when they are out doing work with little oversight, since in some instances, a case has not been established. It also sets a standard for consistency among Fund staff in how they evaluate the claims. Section 1.7.6 has been consolidated to address the initial abatement expectations for all storage tank systems. Task table J.1 has also been updated to allow excavation for multiple tanks and additional excavations while maintaining the same formula caps. CEMs will be able to claim a couple of extra hours when there are multiple excavations at a property. The revised Guidelines allow an hour and a half for oversight of soil excavation and a half an hour for sampling. This only applies in a scenario with four or more tanks. Without these changes, soils significantly impacted by released petroleum may go unabated, which could lead to overall increased cleanup costs. In initial abatement, it is intended that the equipment used to pull the tank also be used to complete onsite excavation. This saves unnecessary mobilization and transport fees.

The Board Policy Resolution that includes the CEM Cost Guidelines is 2001-05 and includes a statement, which **Mr. Cabbie** read into the record: *"Future amendments to the guidelines will be completed by providing proposed changes to the regulated community for review and comment. If no comments are received which oppose the proposed changes, NDEP will proceed to update the guidelines and inform the Board of the changes at the next quarterly meeting. If comments are received which dispute the proposed changes, NDEP will either resolve the conflict or present the issue to the Board for its consideration, based upon the facts."* In August, to satisfy this requirement, Fund staff sent out the revisions to the CEMs. One comment was received; it was in support of the changes made. No negative comments were received. No action must be taken by

the Board, unless there are concerns or disagreements with the changes made. The changes will be in effect today, unless there is opposition from the Board.

Chair Tappan commented that it was clearly important to clarify the language based on the changes in the community. She invited questions or comments from the Board.

Mr. Smith inquired whether anyone has ever come in under the cost guidelines. **Mr. Cabbie** stated that the guidelines establish reasonable costs. There is one company that primarily oversees heating oil projects in northern Nevada, which routinely comes in under the maximum allowed values. In these cases, costs are driven by how many tons of soil are removed at the site. One of the items looked at during claim review is that samples are taken before excavation. The results must indicate a release to the environment that warrants cleanup. Staff also look at confirmation samples to verify a reduction in site contamination following excavation of soil. With heating oil tanks and residential properties, there are generally many structures and obstructions prohibiting the ability to dig down to a depth that one would expect clean soil. Lastly, soil profile sampling analysis is reviewed to verify the soils removed from the site were in fact impacted. The amount of soil excavation is driven by onsite conditions, and much of the onus is placed on the CEM because they do not have coverage for the site at this point in time. It is not in their interest to perform unnecessary excavation because not only may the operator not be reimbursed by the Fund, but they may also be unable to recover costs from the operator. It is to the CEM's benefit to only remove soil that will allow for closure of the site or significantly reduce cleanup efforts thereafter. This should be evident by the sampling results.

Chair Tappan asked if the Board members were comfortable with taking no formal action and allowing staff to carry on with the revisions as outlined. There was consensus to move forward in this fashion.

10. REQUEST TO APPEAL PETROLEUM FUND STAFF DENIAL OF FUND COVERAGE FOR US GAS #7

Chair Tappan noted that Item 10 was removed from the agenda and asked whether it will be coming back for discussion in three months. **Mr. Cabbie** stated that an application for coverage initially came into the Fund. Staff did not feel there was adequate information to warrant covering the site. The application was denied, also based on the fact that the submitter of the application was an entity not enrolled in the Fund. Since that time, staff has determined that new information may be available. The operator who applied for coverage was not enrolled, however a property owner was enrolled at the time. Until the details are more clear, the item will be pulled from the agenda. If there is no resolution or if discussion is required, they will bring the item to the Board in December.

11. ADOPTION OF CONSENT ITEMS

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

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS – SEPTEMBER 10, 2020**

HEATING OIL

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1	2012000017; 79778	Churchill County School District: Old High School	\$6,664.08	\$6,476.37
FOR POSSIBLE ACTION	2	2018000043; 79711	Mr. William Kennedy: William Kennedy Residential Heating Oil Tank	\$2,542.00	\$2,542.00
SUB TOTAL:				<u>\$9,206.08</u>	<u>\$9,018.37</u>

NEW CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1	2019000024; 79606	Jacksons Food Store Inc.: Jacksons Food Stores #0169	\$34,736.57	\$25,010.33
SUB TOTAL:				<u>\$34,736.57</u>	<u>\$25,010.33</u>

ONGOING CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1	1992000126; 79792	Clark County School District: RC White (Arville) Transportation Satellite	\$9,157.83	\$9,157.83
FOR POSSIBLE ACTION	2	1993000011; 79722	7-Eleven Inc.: 7-Eleven #29646	\$21,866.60	\$21,791.96
FOR POSSIBLE ACTION	3	1995000012; 79781	N. Nevada Asset Holdings, LLC: Parker's Model T	\$2,126.25	\$1,913.63
FOR POSSIBLE ACTION	4	1995000039; 79748	Al Park Petroleum Inc.: Crescent Valley Market	\$17,763.23	\$15,932.44
FOR POSSIBLE ACTION	5	1995000042; 79620	FBF Inc.: Gas 4 Less	\$15,637.37	\$14,073.63
FOR POSSIBLE ACTION	6	1996000064; 79784	The Esslinger Family Trust: Red Rock Mini Mart	\$31,520.37	\$22,452.37
FOR POSSIBLE ACTION	7	1999000014; 79749	Al Park Petroleum Inc.: Pit Stop #7 Conoco	\$9,281.77	\$8,353.59
FOR POSSIBLE ACTION	8	1999000022; 79771	Terrible Herbst, Inc.: Terrible Herbst #129	\$535.00	\$0.00
FOR POSSIBLE ACTION	9	1999000052; 79783	Estate of Martin T. Wessel: Ted's Chevron	\$50,873.95	\$45,786.55
FOR POSSIBLE ACTION	10	1999000104; 79770	Terrible Herbst, Inc.: Terrible Herbst #118	\$610.00	\$0.00

ONGOING CASES: CONTINUED

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION†	11	1999000114; 79567	City of Fallon: Fallon Main.t. Yard	\$24,310.90	\$24,489.64
FOR POSSIBLE ACTION	12	1999000135; 79769	Terrible Herbst, Inc.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$23,317.60	\$20,985.84
FOR POSSIBLE ACTION	13	1999000199; 79689	Village Springs, LLC: Lakeshore Orbit Station	\$5,900.87	\$5,900.87
FOR POSSIBLE ACTION	14	1999000243; 79735	7-Eleven Inc.: 7-Eleven #27607	\$41,327.47	\$37,194.72
FOR POSSIBLE ACTION	15	2004000011; 79773	Travel Centers of America: Wells Petro Truck Service	\$9,816.50	\$8,834.85
FOR POSSIBLE ACTION	16	2004000039; 79709	Clark County Dept of Aviation: Frmr. National Car Rental	\$54,605.39	\$54,280.27
FOR POSSIBLE ACTION	17	2007000014; 79790	Raiders Oz Business, LLC: Former Ace Cab/Frias Transportation	\$318,616.36	\$286,339.82
FOR POSSIBLE ACTION	18	2007000016; 79758	Golden Gate Petroleum of Nevada LLC: Golden Gate Petroleum	\$6,080.85	\$5,472.77
FOR POSSIBLE ACTION	19	2009000020; 79626	Western Energetix LLC: Battle Mountain Bulk Plant #3006	\$18,622.50	\$15,855.75
FOR POSSIBLE ACTION	20	2010000009; 79762	Travel Centers of America: Mill City Travel Center	\$29,988.71	\$23,917.48
FOR POSSIBLE ACTION	21	2011000009; 79753	Cimarron West: Cimarron West	\$27,187.92	\$24,469.13
FOR POSSIBLE ACTION	22	2012000003; 79720	7-Eleven Inc.: 7-Eleven #26627	\$32,654.72	\$23,511.40
FOR POSSIBLE ACTION	23	2012000004; 79715	7-Eleven Inc.: 7-Eleven #15426	\$16,172.65	\$14,192.36
FOR POSSIBLE ACTION	24	2012000005; 79774	Travel Systems, LLC: Zephyr Cove Resort	\$5,108.55	\$4,597.69
FOR POSSIBLE ACTION	25	2012000012; 79776	Dewey Has Gas, Inc.: Smart Mart	\$53,288.81	\$40,406.02
FOR POSSIBLE ACTION	26	2013000004; 79719	7-Eleven Inc.: 7-Eleven #29665	\$72,392.67	\$64,523.40
FOR POSSIBLE ACTION	27	2013000019; 79755	Hardy Enterprises Inc.: Elko Sinclair #53	\$33,225.08	\$29,029.86
FOR POSSIBLE ACTION	28	2013000021; 79721	7-Eleven Inc.: 7-Eleven #27700	\$15,353.20	\$13,600.29
FOR POSSIBLE ACTION	29	2014000004; 79751	Alsaker Corp: Broadway Colt Service Center	\$30,701.86	\$27,427.48
FOR POSSIBLE ACTION	30	2014000007; 79734	7-Eleven Inc.: 7-Eleven #29658	\$28,704.90	\$25,834.41
FOR POSSIBLE ACTION	31	2014000016; 79764	Smitten Oil and Tire Co Inc.: Former Smitten Oil	\$6,967.47	\$6,270.72
FOR POSSIBLE ACTION	32	2016000005; 79756	Golden Gate S.e.t. Retail of NV LLC: Golden Gate Fac. #65 - Fallon	\$3,079.24	\$2,771.32
FOR POSSIBLE ACTION	33	2016000009; 79718	7-Eleven Inc.: 7-Eleven #13685	\$17,810.53	\$16,029.48
FOR POSSIBLE ACTION	34	2016000012; 79785	DLF Corporation: Mr Ds Fastlane	\$12,785.88	\$11,507.29
FOR POSSIBLE ACTION	35	2016000023; 79750	Al Park Petroleum Inc.: Pit Stop #1	\$25,537.84	\$18,147.12
FOR POSSIBLE ACTION	36	2018000009; 79760	Reed Incorporated: Pacific Pride	\$43,144.20	\$37,904.87
			SUB TOTAL:	<u>\$1,116,075.04</u>	<u>\$982,956.85</u>
			RECOMMENDED CLAIMS TOTAL:	<u>\$1,160,017.69</u>	<u>\$1,016,985.55</u>

Vice-Chair Lietz moved for approval of the consent items. Heating Oil Cases 1 and 2, New Case 1, Ongoing Cases 1 through 36. Mike Dzyak seconded the motion. Motion carried unanimously.

12. 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.

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 – DIRECT PAYMENT

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR DISCUSSION	1	2020000019; 79672 Daniel Hodgins: Daniel William Hodgins Property	\$18,485.36	\$18,235.36
FOR DISCUSSION	2	2020000023; 79712 Paul Winkelman: Paul Winkelman	\$15,624.37	\$15,374.37
FOR DISCUSSION	3	2020000024; 79724 Kathleen Moore: Kathleen Ann Moore Residence	\$25,264.13	\$24,764.13
FOR DISCUSSION	4	2020000025; 79723 Betty Holcomb: Holcomb	\$18,318.06	\$18,068.06
FOR DISCUSSION	5	2020000026; 79713 Kevin Schreiber: Kevin Schreiber	\$12,945.46	\$12,695.46
FOR DISCUSSION	6	2020000027; 79726 Hilary Hobbs: Hilary F. Hobbs Residence	\$20,187.50	\$19,687.50
FOR DISCUSSION	7	2020000028; 79725 Paul McNeill: Paul James McNeill Property	\$9,337.31	\$9,087.31
FOR DISCUSSION	8	2020000029; 79767 Christopher MacKessy: Christopher James MacKessy Property	\$19,563.45	\$19,313.45
FOR DISCUSSION	9	2020000030; 79765 K & T Real Property LLC: K & T Real Property, LLC	\$35,893.98	\$35,643.98
FOR DISCUSSION	10	2020000031; 79763 Michael Ball: Michael Wayne Ball Residence	\$22,499.80	\$22,249.80
SUB TOTAL:			<u>\$198,119.42</u>	<u>\$195,119.42</u>

ONGOING CASES – DIRECT PAYMENT

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR DISCUSSION	1	1993000102; 79761 Rebel Oil Company: Rebel Store #2008	\$12,487.25	\$12,487.25
FOR DISCUSSION	2	1993000103; 79775 Charlie Brown Construction: Charlie Brown Const.	\$37,935.66	\$37,176.95
FOR DISCUSSION	3	1994000015; 79737 Pilger Family Holdings: Former D & G Oil Company	\$41,989.09	\$41,989.09
FOR DISCUSSION	4	1994000113; 79794 Pilot Travel Centers LLC: Former Unocal Truck Stop #6328	\$17,727.00	\$17,727.00
FOR DISCUSSION	5	1996000063; 79730 Joan Pennachio: V & V Automotive	\$75,177.53	\$75,149.93
FOR DISCUSSION	6	1997000008; 79727 Ewing Bros Inc.: Ewing Bros Inc.	\$3,790.00	\$2,371.50
FOR DISCUSSION	7	1999000023; 79743 Nevada Ready Mix Corp: Nevada Ready Mix	\$56,735.10	\$51,061.59
FOR DISCUSSION	8	1999000066; 79768 HP Management, LLC: Former Haycock Petroleum	\$33,192.65	\$29,873.39

ONGOING CASES – DIRECT PAYMENT

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR DISCUSSION	9	1999000086; 79772	Terrible Herbst, Inc.: Terrible Herbst #126	\$3,961.37	\$3,565.23
FOR DISCUSSION	10	2005000044; 79728	Ewing Bros Inc.: Ewing Bros Inc.	\$63,550.00	\$57,195.00
FOR DISCUSSION	11	2010000007; 79678	Pecos Express: Pecos Express	\$5,768.13	\$5,165.58
FOR DISCUSSION	12	2013000009; 79742	Western Petroleum: Western Petroleum	\$18,950.88	\$14,722.65
FOR DISCUSSION	13	2013000011; 79738	Har Moor Investments, LLC: Village Shop #4	\$27,798.22	\$25,018.40
FOR DISCUSSION	14	2014000025; 79695	Superior Campgrounds of America LLC: Silver City RV Resort	\$19,321.07	\$17,388.96
FOR DISCUSSION	15	2014000033; 79739	Speedee Mart Inc.: Speedee Mart #108	\$16,486.79	\$14,838.11
FOR DISCUSSION	16	2016000027; 79732	Terrible Herbst, Inc.: Terrible Herbst #272	\$4,646.98	\$3,764.05
FOR DISCUSSION	17	2017000015; 79621	Gmr. National A Nevada General Partnership: 24x7 Mini Mart	\$48,721.23	\$35,079.28
FOR DISCUSSION	18	2017000019; 79729	Rebel Oil Company: Rebel Store #2197	\$168,162.87	\$151,346.13
FOR DISCUSSION	19	2017000035; 79752	Rebel Oil Company: Rebel Store #2177	\$16,380.00	\$14,742.00
FOR DISCUSSION	20	2018000005; 79745	Rebel Oil Company: Rebel Store # 2153	\$6,333.75	\$5,700.37
FOR DISCUSSION	21	2019000001; 79746	Rebel Oil Company: Rebel Store #2160	\$7,275.00	\$6,547.50
FOR DISCUSSION	22	2019000002; 79747	Rebel Oil Company: Rebel Store #2166	\$9,191.75	\$8,272.57
FOR DISCUSSION	23	2019000004; 79757	Rebel Oil Company: Rebel Store #2142	\$7,606.25	\$6,845.63
FOR DISCUSSION	24	2019000005; 79741	Fairway Chevrolet Co.: Fairway Chevrolet Co.	\$32,916.72	\$29,625.05
FOR DISCUSSION	25	2019000014; 79740	Western Cab Co.: Western Cab Co.	\$9,903.25	\$8,912.93
			SUB TOTAL:	<u>\$746,008.54</u>	<u>\$676,566.14</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$944,127.96</u>	<u>\$871,685.56</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$2,104,145.65</u>	<u>\$1,888,671.11</u>

13. EXECUTIVE SUMMARY

Mr. Cabbie provided the summary. Tank enrollment fees are tracked pursuant to the Federal fiscal year from October 1st through September 30th. Invoices for enrollment year 2020 were issued on August 22nd, 2019 and a total of 1,304 facilities have been invoiced. Approximately 1,270 of these invoices, or 97.7 percent, have paid the required enrollment payment. Staff recently sent out the 2021 enrollment invoices on August 17th, 2020.

The following is a summary of facilities eligible for Fund reimbursement coverage. Since the inception of the Fund, a total of 1,699 remediation cases have applied for coverage. NDEP denied 172 cases. Of the cases provided fund coverage, 1,405 cases have been closed and are no longer receiving reimbursement monies. There are currently 116 active cases. Since January 1st, 2020, NDEP has received 41 new coverage applications. Six applications are pending. Prior to this meeting, the Board had approved \$240,895,593.78 for reimbursement for petroleum storage tank operators in Nevada. This number includes \$871,685.56 for direct payment claims. With today's Board approval of \$1,016,985.55, the total cumulative Fund expenditure to date is \$241,912,579.33.

Since the June meeting, the Fund has not issued any grant award payments. A funding agreement has been signed and an UST upgrade project is scheduled to start later this year. The grant payment will be issued to the site as they get closer to the start date.

In terms of the audit, there were five findings by the Division of Internal Audits (DIA). Staff continues to work through these items, one of them being addressed today via the equipment policy resolution. However, the DIA has deemed that a second look at the program was necessary. As such, they have sent a new team to look at other practices and procedures. The focus seems to be on actual program procedures versus policy, regulation, and statute. An update on any potential findings will be provided at the December meeting. The next Executive Branch Audit Committee meeting will take place in November. **Mr. Lovato** clarified that they are now on an annual schedule. The next time the previous audit will be addressed will be sometime in the new year. The second audit may be addressed for the first time in November. **Mr. Cabbie** noted that this is an important point, in that the Division of Internal Audits is looking at these as two separate audits, rather than combining them.

Mr. Cabbie provided a status on Eagle Gas North. A waiver request was submitted to the State Controller's Office to allow the Division to pursue collections for debt owed by Eagle Gas with the help of the Attorney General's Office. NDEP is currently putting together a Request for Proposal (RFP) to solicit proposals from qualified firms to assist with pursuing the debt. Once the contract has been awarded, an update will be provided to the Board. A definite timeline is not clear at this time.

Chair Tappan asked for an approximation of the debt. **Mr. Cabbie** stated that to date, they have spent \$1.2 million on the site. He believes that all wells and systems have been removed and it is just a matter of closing the case. The Division would first like to pursue the debt.

Mr. Lovato stated his understanding that the original claim against Eagle Gas North was based on a court judgment for penalties related to underground storage tank violations, as opposed to payment for the cleanup. The Attorney General's Office has continued to renew the judgment and has placed a lien on the property. Underground storage tank violations are also being pursued as part of the judgment.

Vice-Chair Lietz noted that the site is not operating with gas any longer, however she asked whether the same individuals are operating the car lot. **Mr. Cabbie** stated that he believes they are the same individuals, however he is not certain.

Mr. Lovato referenced the graph that accompanies the summary. The Board meeting reimbursement went down to zero a meeting or two ago and asked whether this is because no meeting was held. **Mr. Cabbie** confirmed the data point was from the March 2020 cancelled meeting. When that meeting was cancelled, all claims were transferred from the March meeting to June. **Mr. Lovato** suggested a clarification in the graph or removal of the data point.

14. **PUBLIC COMMENTS**

There were no requests to speak.

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

It was confirmed the next meeting date would be Thursday, December 10, 2020, at 10:00 am.

16. **ADJOURNMENT**

The meeting adjourned at 11:40 a.m.