

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
DECEMBER 9, 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, December 09, 2021 at the following locations:

Carson City: This meeting will be held by video/teleconference without a physical meeting location in accordance with Assembly Bill 253 (Amends NRS 241). Participation information is provided below the agenda.

Las Vegas: See above

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the Board may delay discussion relating to an item on the agenda at any time.

Public comment may be limited to ten minutes per person at the discretion of the Chair.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT (FOR DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

3. APPROVAL OF THE SEPTEMBER 09, 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. SITE SPECIFIC BOARD DETERMINATION FOR RECONSIDERATION (FOR POSSIBLE ACTION)

Request for Reconsideration of Previous Site Specific Board Determination No. C2019-02

Whiskey Pete's Stateline Stop; Petroleum Fund Case 2018000018

RECOMMENDATION:

Petroleum Fund staff recommend the Board to Review Claims reconsider Site Specific Board Determination (SSBD) C2019-02 in accordance with Board Policy Resolution No. 2012-06. On June 4, 2019, the Board approved SSBD C2019-02 providing reduced Petroleum Fund coverage to Whiskey Pete's Stateline Stop. The operator has prepared a Compliance Plan and Schedule, which has been approved by NDEP. The Board has authority to reconsider the existing coverage reduction of 45% and may choose to eliminate the reduction entirely, decrease it, or kept the reduction percentage the same.

6. LEGISLATIVE COUNSEL BUREAU PROPOSED DRAFT REGULATIONS: R049-21 (FOR DISCUSSION)

Staff are providing to the Board to Review Claims the proposed draft regulation submitted to the Legislative Counsel Bureau following discussions during the September 9, 2021 Board meeting. The Board may provide additional input prior to staff issuing a notice of public hearing. NDEP will also request a public hearing date from the Board.

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 - DECEMBER 9, 2021**

HEATING OIL

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80121 Churchill County School District: Old High School	\$1,982.57	\$1,982.57
			SUB TOTAL:	<u>\$1,982.57</u>

NEW CASES

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

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1993000103; 80143 Charlie Brown Construction: Charlie Brown Const.	\$5,678.48	\$5,564.91
FOR POSSIBLE ACTION	2.	1994000027; 80109 7-Eleven Inc: 7-Eleven #19653	\$95,062.76	\$95,042.13

FOR POSSIBLE ACTION	3.	1995000039; 80112	Al Park Petroleum Inc: Crescent Valley Market	\$23,584.46	\$21,226.01
FOR POSSIBLE ACTION	4.	1996000064; 80146	The Esslinger Family Trust: Red Rock Mini Mart	\$12,168.12	\$11,090.13
FOR POSSIBLE ACTION	5.	1997000071; 80101	7-Eleven Inc: 7eleven #25586	\$17,616.68	\$15,855.01
FOR POSSIBLE ACTION	6.	1998000075; 80115	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$6,766.90	\$6,090.21
FOR POSSIBLE ACTION	7.	1999000014; 80117	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,036.71	\$4,524.04
FOR POSSIBLE ACTION	8.	1999000022; 80099	Terrible Herbst Oil Company Inc: Terrible Herbst #129	\$4,537.50	\$4,083.75
FOR POSSIBLE ACTION	9.	1999000086; 80096	Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$12,151.78	\$10,936.60
FOR POSSIBLE ACTION	10.	1999000104; 80097	Terrible Herbst Oil Company Inc: Terrible Herbst #118	\$1,821.25	\$1,639.13
FOR POSSIBLE ACTION	11.	1999000199; 79844	Village Springs, LLC: Lakeshore Orbit Station	\$64,499.73	\$64,499.73
FOR POSSIBLE ACTION	12.	1999000243; 80118	7-Eleven Inc: 7-Eleven #27607	\$46,516.55	\$41,807.65
FOR POSSIBLE ACTION	13.	2004000011; 80125	Hpt Ta Properties Trust: Wells Petro Truck Service	\$3,527.50	\$3,174.75
FOR POSSIBLE ACTION	14.	2007000014; 80154	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$37,224.72	\$33,502.25
FOR POSSIBLE ACTION	15.	2007000016; 80124	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$4,061.25	\$3,655.13
FOR POSSIBLE ACTION	16.	2009000020; 79789	Western Energetix LLC: Battle Mountain Bulk Plant #3006/flyers #772	\$17,337.50	\$14,827.05
FOR POSSIBLE ACTION	17.	2010000009; 80123	Hpt Ta Properties Trust: Mill City Travel Center	\$27,725.65	\$22,457.78
FOR POSSIBLE ACTION	18.	2011000009; 80122	Cimarron West: Cimarron West	\$21,874.69	\$19,687.22
FOR POSSIBLE ACTION	19.	2013000004; 80095	7-Eleven Inc: 7-Eleven #29665	\$18,341.97	\$16,507.77
FOR POSSIBLE ACTION	20.	2013000019; 80120	Hardy Enterprises INC: Elko Sinclair #53	\$25,534.51	\$22,981.06
FOR POSSIBLE ACTION	21.	2013000021; 80102	7-Eleven Inc: 7-Eleven #27700	\$7,065.00	\$6,358.50
FOR POSSIBLE ACTION	22.	2014000004; 80148	Alsaker Corp: Broadway Colt Service Center	\$15,750.56	\$14,175.50
FOR POSSIBLE ACTION	23.	2014000007; 80094	7-Eleven Inc: 7-Eleven #29658	\$16,597.43	\$14,937.69
FOR POSSIBLE ACTION	24.	2014000016; 80116	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$4,737.78	\$4,264.00
FOR POSSIBLE ACTION	25.	2014000025; 80119	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$30,590.29	\$27,531.26
FOR POSSIBLE ACTION	26.	2015000009; 80153	Hpt Ta Properties Trust: Las Vegas Travel Center	\$2,307.50	\$2,076.75
FOR POSSIBLE ACTION	27.	2016000005; 80114	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$3,064.49	\$2,758.04
FOR POSSIBLE ACTION	28.	2016000012; 80144	DLF Corporation: Mr Ds Fastlane	\$7,061.29	\$6,355.16
FOR POSSIBLE ACTION	29.	2016000023; 80113	Al Park Petroleum Inc: Pit Stop #1	\$8,302.80	\$5,978.02
FOR POSSIBLE ACTION	30.	2016000027; 80098	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$8,472.75	\$6,862.92
FOR POSSIBLE ACTION	31.	2018000009; 80111	Reed Incorporated: Pacific Pride	\$10,561.20	\$9,505.08
FOR POSSIBLE ACTION	32.	2018000018; 80069	Primadonna Company LLC: Whiskey Pete's Stateline Stop	\$157,440.83	\$76,190.62
FOR POSSIBLE ACTION	33.	2020000015; 80145	Canyon Plaza, LLC: Gas 2 Go	\$43,564.08	\$23,521.58
FOR POSSIBLE ACTION	34.	2020000016; 80062	LV Petroleum LLC: Us Gas #7	\$82,782.10	\$74,136.78

FOR POSSIBLE ACTION	35.	2020000046; 80064	Midjit Market Inc: Green Valley Grocery #34	\$31,921.52	\$17,237.62
				SUB TOTAL:	<u>\$881,288.33</u>
				RECOMMENDED CLAIMS TOTAL:	<u>\$910,086.62</u>
					<u>\$711,041.83</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

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2021000025; 80100 Michael Matheus: Michael Powell Matheus Residence	\$19,927.63	\$19,677.63
FOR DISCUSSION	2.	2021000028; 80107 Jonathon King: Jonathan H & Eve M King Family Trust Residential Heating Oil Tank	\$19,134.09	\$18,884.09
FOR DISCUSSION	3.	2021000029; 80108 Lucas & Amanda Stewart: Residential Heating Oil Tank, 14585 Rim Rock Road	\$21,442.12	\$21,192.12
FOR DISCUSSION	4.	2021000033; 80147 Elena Corpus: Residential Heating Oil Tank At 955 Belgrave Ave	\$14,926.76	\$14,676.76
FOR DISCUSSION	5.	2021000034; 80150 Marilyn Newton: Residential Heating Oil Tank At 340 Country Drive, Reno	\$17,519.09	\$17,269.09
			SUB TOTAL:	<u>\$92,949.69</u>
				<u>\$91,699.69</u>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80133 Rebel Oil Company: Rebel Store #2008	\$70,323.31	\$70,323.31
FOR DISCUSSION	2.	1994000015; 80127 Pilger Family Holdings: Former D & G Oil Company	\$29,203.67	\$29,203.67
FOR DISCUSSION	3.	1999000023; 80135 Nevada Ready Mix Corp: Nevada Ready Mix	\$26,854.46	\$23,588.23
FOR DISCUSSION	4.	1999000066; 80136 HP Management, LLC: Former Haycock Petroleum	\$28,137.97	\$25,324.17
FOR DISCUSSION	5.	2008000019; 80063 One Panou LLC: Golden Market #3	\$15,897.31	\$13,983.07

FOR DISCUSSION	6.	2012000012; 80105	Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$6,671.50	\$6,004.35
FOR DISCUSSION	7.	2013000009; 80128	Western Petroleum: Western Petroleum Of Nevada	\$8,473.25	\$7,625.93
FOR DISCUSSION	8.	2013000011; 80129	Har Moor Investments, LLC: Village Shop #4	\$18,209.38	\$16,388.44
FOR DISCUSSION	9.	2014000033; 80134	Speedee Mart INC: Speedee Mart #108	\$29,679.50	\$26,711.55
FOR DISCUSSION	10.	2017000019; 80139	Rebel Oil Company: Rebel Store #2197	\$20,426.18	\$18,383.56
FOR DISCUSSION	11.	2017000035; 80140	Rebel Oil Company: Rebel Store #2177	\$19,550.94	\$17,595.85
FOR DISCUSSION	12.	2018000005; 80137	Rebel Oil Company: Rebel Store # 2153	\$18,648.75	\$16,783.87
FOR DISCUSSION	13.	2019000001; 80138	Rebel Oil Company: Rebel Store #2160	\$3,837.50	\$3,453.75
FOR DISCUSSION	14.	2019000002; 80141	Rebel Oil Company: Rebel Store #2166	\$7,557.50	\$6,801.75
FOR DISCUSSION	15.	2019000005; 80132	Fairway Chevrolet Co: Fairway Chevrolet CO	\$6,293.25	\$5,663.93
FOR DISCUSSION	16.	2019000014; 80130	Western Cab Co: Western Cab CO	\$5,008.00	\$4,507.20
			SUB TOTAL:	<u>\$314,772.47</u>	<u>\$292,342.63</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$407,722.16</u>	<u>\$384,042.32</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,317,808.78</u>	<u>\$1,121,200.86</u>

9. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on tank enrollment status, Fund coverage activities, Fund expenditures to-date, and progress towards revising current regulations and CEM Cost Guidelines to address audit recommendations.

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) MARCH 10, 2022 (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:

The Board to Review Claims meetings webpage at: <https://ndep.nv.gov/environmentalcleanup/petroleum-fund/boardmeetingagendasminutes> and the Department of Administration's website at: <https://notice.nv.gov>. Additional physical postings were requested at the following locations:

DCNR, Richard H. Bryan Bldg., 901 S. Stewart St., 1st floor, Carson City, NV 89701
NDEP Bureau of Corrective Actions, Richard H. Bryan Bldg., 901 S. Stewart St., 3rd floor, Carson City, NV 89701
NDEP Bureau of Corrective Actions, 375 E. Warm Springs Road, Suite 200, Las Vegas, NV 89119
Legislative Counsel Bureau, Nevada Legislative Bldg., 401 S. Carson St., Carson City, NV 89701
Legislative Counsel Bureau, Grant Sawyer Bldg., 555 E. Washington Ave., Rm #1003, Las Vegas, NV 89101
Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701

Viewing of and participation in the December 9, 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/10640947>

Teleconference: Call in by Phone (audio only)

United States: +1 (877) 422-8614

Meeting extension: 10640947#

Members of the public that need prior assistance to participate in the meeting or wish to submit a written public comment to be read aloud during the meeting can contact Tristin Alishio by email at talishio@ndep.nv.gov, by calling (775) 687-9369, or in writing at NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701 no later than December 7, 2021.

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