

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

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Thursday, September 10, 2020 at the following locations:

Carson City: Video/teleconference information will be posted to our website prior to the meeting date - No physical meeting location scheduled due to COVID-19 and Governor's Declaration of Emergency Directive 006

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 JUNE 11, 2020 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 PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2020-02

Proposed Site Specific Board Determination (SSBD) to Provide Reduced Petroleum Fund Coverage for Gas 2 Go, 6390 West Lake Mead Boulevard, Las Vegas, Nevada
Petroleum Fund Case ID No. 2020000015, Facility ID No. 8-001529

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2020-02 as proposed, granting coverage under the State of Nevada Petroleum Fund to Gas 2 Go for \$540,000.00. This represents \$1,000,000.00 in coverage for one gasoline UST system, with a 40% reduction and a 10% copayment.

6. SITE SPECIFIC BOARD DETERMINATION FOR 3RD PARTY LIABILITY (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2020-03

Proposed Site Specific Board Determination (SSBD) to Provide Third Party Liability Coverage to Former Ace Cab/Frias Transportation, 5010 South Valley View Boulevard, Las Vegas, Nevada
Petroleum Fund Case ID No. 2007000014, Facility ID No. 8-000204

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2020-03 as proposed, granting third party liability Fund coverage to the subject site for one underground storage tank system in the amount of \$1,000,000.00 with a 10% copayment.

7. SITE SPECIFIC BOARD DETERMINATION FOR 3RD PARTY LIABILITY (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2020-04

Proposed Site Specific Board Determination (SSBD) to Provide Third Party Liability Coverage to Crescent Valley Market, 3093 Crescent Ave, Crescent Valley, Nevada
Petroleum Fund Case ID No. 1995000039, Facility ID No. 6-000318

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2020-04 as proposed, granting third party liability Fund coverage to the subject site for one underground storage tank system in the amount of \$1,000,000.00 with a 10% copayment.

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

The purpose of this policy resolution is to consolidate and update existing policy resolutions that apply to Petroleum Fund reimbursed remediation equipment (95-009, 96-035, and 97-011) and commence a field audit program for this equipment.

RECOMMENDATION:

Adoption of Policy Resolution No. 2020-01 as proposed and the retirement of Policy Resolutions 95-009, 96-035, and 97-011.

9. AMENDMENT OF THE CEM COST GUIDELINES REGARDING INITIAL ABATEMENT AND TASK J.1 (FOR POSSIBLE ACTION)

Amended Policy Resolution 2001-05 allows Petroleum Fund staff to make modifications to the CEM Cost Guidelines and inform the Board to Review Claims of the changes during the next scheduled meeting. Recent amendments to the Cost Guidelines include revising language regarding initial abatement activities and updating Task J.1 to accommodate scenarios where more than one heating oil tank exists on a property.

RECOMMENDATION:

Adoption of Amendments to the CEM Cost Guidelines regarding initial abatement clarification and Task J.1.

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

Petroleum Fund staff issued a denial of coverage letter for US Gas #7 (Case ID 2020000016) for failure of the operator to be registered (i.e. enrolled) in the Fund at the time of release discovery. The operator (LV Petroleum LLC) is appealing staffs' decision to the Board.

11. 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 - SEPTEMBER 10, 2020**

<u>HEATING OIL</u>			<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>
<u>NEW CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2019000024; 79606 Jacksons Food Stores INC: Jacksons Food Stores #0169	\$34,736.57	\$25,010.33
SUB TOTAL:			<u>\$34,736.57</u>	<u>\$25,010.33</u>
<u>ONGOING CASES</u>			<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
FOR POSSIBLE ACTION	11.	† 1999000114; 79567	City Of Fallon: Fallon Maint. 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: Fmr 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 Nevada LLC: Golden Gate Facility #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>

12. 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.	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>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</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
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 (FOR DISCUSSION)

NDEP will brief the Board on tank enrollment status, Fund coverage activities, Fund expenditures to-date, current audit progress, and Eagle Gas North cleanup status.

14. 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.

**15. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION)
DECEMBER 10, 2020 (THURSDAY) AT 10:00 AM**

16. ADJOURNMENT

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

Pursuant to Governor Sisolak's Declaration of Emergency Directive 006 in response to COVID-19, physical meeting locations, postings of public meeting agendas at physical locations, and making supporting material available at a physical meeting location have been suspended. The above meeting will be conducted via videoconferencing and teleconference.

To request videoconferencing access or submit a written public comment to be read aloud during the meeting, please contact Victoria Joncas via email, send a request in writing to 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or call (775) 687-9369 no later than September 7, 2020. A teleconference access number will also be posted on the Nevada Petroleum Fund website not less than 3 working-days prior to the meeting along with supporting materials for the meeting.

This agenda has been posted on our web site at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes> and the Department of Administration's website at <https://notice.nv.gov> under State Government, Department of Conservation and Natural Resources, State of Nevada Board to Review Claims.

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