STATE OF NEVADA BOARD TO REVIEW CLAIMS
BOARD MEETING MINUTES
SEPTEMBER 10, 2015

1. CALL TO ORDER

Chairman Haycock called the meeting to order at 10:00 a.m. from the Carson City location. The meeting was conducted via videoconference with locations in Las Vegas, at the Nevada Department of Transportation, 123 E. Washington Ave., Training Room B and in Carson City at the Nevada Department of Transportation, 1263 S. Stewart St., Room 301.

A. BOARD MEMBERS PRESENT
Chairman John Haycock, Representative of independent petroleum dealers
Maureen Tappan, Representative of the general public
Wayne Seidel, Department of Motor Vehicles
Peter Mulvihill, State Fire Marshal

BOARD MEMBERS ABSENT
Vice-Chairman George Ross, Representative of petroleum refiners
Dave Emme, Nevada Division of Environmental Protection
Michael Cox, Representative of the independent retailers of petroleum

OTHERS PRESENT
Sophia Long, State Attorney General’s Office – Las Vegas
Jeff Collins, Steve Fischenich, Valerie King, Victoria Joncas, Don Warner,
Johnathan McRae, Laurie McElhannon, Chad Schoop, Rex Heppe and Valerie Rocha – Nevada Division of Environmental Protection (NDEP)
Brett Bottenberg – McGinley & Associates
Keith Stewart – Stewart Environmental Inc.
Jon Bell – Broadbent & Associates, Inc.
Rob Gegenheimer – Converse Consultants
Kathleen Johnson – The Westmark Group
Zach Amos – The Westmark Group
Matt Grandjean – Stantec Consulting Services Inc.
Eric Ataman – High Desert Petroleum
Kurt Goebel – Converse Consultants
Branden Reiff – Broadbent and Associates
Dean Armstrong – AEEC
Joe McGinley – McGinley & Associates

2. PUBLIC COMMENTS

There were no requests to speak.

3. APPROVAL OF THE AGENDA

Mr. Seidel moved to approve the agenda. Mr. Mulvihill seconded the motion. There was no discussion. Motion carried unanimously.
4. **APPROVAL OF THE JUNE 11, 2015 MINUTES**

Ms. Tappan moved to approve the June 11, 2015. Mr. Seidel seconded the motion. Motion carried unanimously.

5. **STATUS OF THE FUND**

Ms. King reported on the status of the State of Nevada Petroleum Fund (Fund). The balance forward for fiscal year 2016 was approximately $7.5 million. $413,300.00 had been collected for storage tank enrollment. Approximately $13 million was collected from the ¾ cent per gallon fee. Total cumulative revenue was $17,936,471.83.

Ms. King reported the expenditures to the Highway Fund were pending transfer of approximately 2.7 million. The transfer to NDEP was upwards of $1.7 million. The transfer to DMV to administer the Petroleum fee was $12,714.00. The approximate transfer to NDOT, which is everything in excess of $7.5 Million at the end of the fiscal year, was $2,765,634.49. The reimbursement of claims was $8,883,509.56. The cumulative expenditure was $13,430,756.42.

Ms. King reported the liabilities for the Fund were not representative because the balance sheet is an approximate view of the closing balance for 2015.

Ms. King reported the actual funding available is $4,505,715.41.

6. **SITE SPECIFIC BOARD DETERMINATION**

Proposed Site Specific Board Determination (SSBD) to Provide Third Party Liability Coverage to Rebel Station #8, 3225 N. Las Vegas Blvd., Las Vegas, NV Petroleum Fund ID No. 1993000102, Facility ID No. 8-000523

Mr. Warner presented Item No. 6, a Site Specific Board Determination No. C2015-02, which proposes to provide third-party liability coverage to Rebel Station #8, 3225 N. Las Vegas Blvd., Las Vegas, NV, Petroleum Fund ID No. 1993000102.

Mr. Warner stated that the Board previously approved this subject site owned by Rebel Oil Company for $1,980,000, which represents $2 million in fund coverage for two UST systems, with a co-payment capped at $20,000. As of this Board meeting, the subject site has been reimbursed $1,980,000. Despite progress remediating the site, additional monies are needed to finish the corrective action activities at the site, including ground water remediation and sampling.

In accordance with Board Resolution No. 2007-10, Attachment A, 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, included in Attachment B in the Board packet. Fund staff, therefore, recommends that the subject facility receive third-party liability funds, which amounts to an additional $1 million in coverage minus the $10,000 deductible. This increases the cap for this facility to $2,970,000.

Mr. Warner stated there is a claim associated with this Site Specific Board Determination for this Board meeting. The recommended reimbursable amount is contingent upon the Board adopting this Board Determination.
Mr. Warner informed the Board those available to answer questions were him, a representative from Broadbent & Associates, Mr. Jonathan Bell, the NDEP LUST supervisor, Mr. Jonathan McRae, and the Petroleum Claims supervisor, Valerie King.

Mr. Seidel requested an update on the project.

Mr. Jonathan Bell, of Broadbent & Associates, explained the status of the cleanup.

**Mr. Seidel moved to approve Site Specific Board Determination C2015-02, as proposed. Mr. Mulvihill seconded the motion. Motion carried unanimously.**

### 7. BID POLICY RESOLUTION & INELIGIBLE CONTRACTOR COSTS

Ms. King first provided the Board some background on why the two Policy Resolutions were being presented today. She stated that NDEP had informed the Board and received input and approval from the Board to move forward on Petroleum Fund program reforms needed to strengthen the integrity of the program. There were three major things NDEP committed to addressing; the Bid process, the CEM Cost Guidelines and the Proof of Payment process. Two of the issues were addressed as Policy Resolutions, which are before the Board today for adoption. The other began as a Policy Resolution; however, based upon discussion during the workshops on specific changes the CEMs wished to see, that issue would be addressed directly through a regulation change. She stated that the two policy resolutions for adoption today had gone through an extensive collaborative process. A first version was provided for comment. Based upon the comments a second revision was created and two workshops were held. As a result of workshop comments, a third version was drafted and once again sent out for public comment. Only two comments were received. A fourth and final version was drafted.

Ms. King then began discussing the Bid Policy Resolution. She stated that Policy Resolution No. 2015-01 provides clarification regarding the Petroleum Fund bid process. Currently, NDEP does not get engaged in the bid process until all the work is done and the bid is submitted with the claim for reimbursement. This Resolution will allow NDEP to get engaged in the process before the work is conducted when a bid exceeds $25,000.00.

Ms. King stated all bid packets for contractor work or purchases with the selected bid equal to or greater than $25,000.00 must be provided to the NDEP regulatory case officer and the NDEP LUST supervisor prior to the work being initiated by the contractor or item being purchased. For Washoe County projects, bid packets must be submitted to the NDEP Petroleum Fund supervisor and the LUST supervisor.

Ms. King stated NDEP will notify, in writing, the person who submitted the bid packet that it was received and will review the bid packet no later than 10 business days after receipt. NDEP will notify the person who submitted the bid packet whether or not there is an objection.

Ms. King stated all bids, regardless of the bid amount, must be accompanied with a signed Contractor Certification Form and/or Vendor Certification Form. The form has the contractor/vendor certify that the bid was completed both ethically and lawfully.

Ms. King stated the individual bids, each paired with a signed Contractor Certification Form, are packaged, usually by the Certified Environmental Manager (CEM), with the Bid Summary Table completed, ensuring the bids are directly comparable. The CEM and Owner/Operator each must sign the “CEM Bid Summary & Certification Form” which completes the bid packet for transmittal to NDEP. This process is required for all bids, regardless of the amount.
Ms. King stated the Petroleum Fund reimburses for select corrective action equipment and corrective action work performed, including reasonable and customary profit and overhead markup. The Fund does not reimburse costs attributed to risks associated with an owner/operator or other intangible costs not related to the work being performed or item(s) being purchased.

Ms. King stated that the Eligible Contractor Costs list would be posted on the website and was amended several times to ensure it met the needs of both NDEP and the Contractors it applies to.

**Mr. Mulvihill moved to approve the Bid Policy Resolution & Ineligible Contractor Costs as proposed. Mr. Seidel seconded the motion. Motion carried unanimously.**

8. **COST GUIDELINES POLICY RESOLUTION 2001-05**

Mr. Fischenich said this resolution is to amend the State of Nevada Petroleum Fund CEM Cost Guidelines.

Mr. Fischenich presented the Resolution to Amend the State of Nevada Petroleum Fund CEM Cost Guidelines. Resolution No. 2001-05, amended, was presented at the September 2012 Board meeting. The Resolution allows Fund staff to update the Board about changes to the Guidelines with input from the CEM community without having the Board adopt the changes. Because these changes are more significant, NDEP feels the proposed changes should be adopted.

Mr. Fischenich stated in May of this year, after internal review, NDEP provided an initial draft of the revised Guidelines to the CEM community and industry for review. NDEP received comments and made adjustments. In June of this year NDEP had workshops in both Reno and Las Vegas to discuss NDEP’s proposed changes. NDEP received comments at the workshops as well as written comments after the workshops. Based on those comments and additional internal discussion, NDEP made further changes. The document was again sent out for review in August. NDEP received a few more comments and finalized the version of the Guidelines that NDEP has brought before the Board today for discussion.

Mr. Fischenich said the changes in the Guidelines include the addition of existing practices and policies previously not included in the Guidelines, clarification of existing items currently in the Guidelines, and a few new items.

Mr. Fischenich touched on a few of those changes, giving an example. NDEP revised portions of the Guidelines to better clarify NDEP’s policies regarding NTEPs and Change Orders, including emphasizing the importance of working closely with the case officer and making sure the documentation is complete prior to claim submittal. NDEP also added paragraphs that discuss Appeals, Proof of Payment and maintaining written records. A new task table was added based on one of NDEP’s LUST branch’s new reporting requirements. NDEP also revised the bid section in the Guidelines to be consistent with the newly adopted Bid Policy Resolution. NDEP consolidated the section on CEM markup and closed a loophole regarding markup by contracting companies owned by CEMs. NDEP added some language regarding ineligible release sources and costs.

Mr. Fischenich ended by saying with the input of the CEM community and industry, NDEP believes the changes made the Cost Guidelines more representative of current needs and also better represent current practices.
Mr. Mulvihill asked if the day tanks would be covered.

Mr. Fischenich indicated that day tanks are not covered.

Ms. King said the day tanks are considered storage tanks. Statutorily, the storage tank fee is $100.00. Therefore no matter how large or small the day tank, enrollment in the Fund is $100.00.

**Mr. Seidel moved to approve the CEM Cost Guidelines, as proposed. Ms. Tappan seconded the motion. Motion carried unanimously.**

9. **PROPOSED REGULATION AMENDMENT**

Ms. King presented Item No. 9, addressing proposed changes to the regulations that NDEP will be requesting the Board to adopt. She stated that the program reforms triggered the proof of payment process to be addressed, but also, while the regulations were open, NDEP wanted to address some standing issues and also some housekeeping items.

She stated the definition of the word “site” will be amended to eliminate future businesses that are not small businesses from requesting to receive cleanup cost benefits that are intended for actual small businesses.

Ms. King stated that the $3,000.00 bid amount that currently necessitates three bids to be acquired will be increased to a proposed $5,000.00, making less work for CEMs. She stated that the $3,000.00 was established in 1989 and using an inflation calculator, it is now closer to $5,000.00.

Mr. Mulvihill asked if NDEP could contact its deputy attorney and determine if an arm can be used instead so the rate can be adjusted automatically without having to change the regulation each time.

Ms. King stated that NDEP would investigate that option.

Ms. King said there is a housekeeping item addressed which doesn’t change the content, only makes the regulatory citation read more clearly.

Lastly, Ms. King stated two regulatory citations were being proposed for amendments that address payment by the owner to the contractor/vendor within 30 days of payment from the Fund and a deadline for submitting proof of payment to NDEP that the contractor/vendor was paid within the required timeframe.

Ms. King stated the proof of payment issue, NAC 590.780.4(b), was discussed during the workshops and the CEMs stated they needed more time than the regulatory timeframe of 30 days, requiring a regulation change. She said the timeframe discussed was between 45 – 60 days.

Ms. King said NDEP was proposing to provide 60 days because that timeframe would not disrupt NDEP’s claim process. She went on to explain that currently there are no stipulated repercussions for not providing the proof of payment as required. She said the proposed amendments would include a citation that all proof of payments received later than 60 days of Fund payment will result in all subsequent claims not being submitted to the Board for payment until the second Board meeting following receipt of the proof of payment.
Ms. King stated the other regulatory citation proposed to be amended is NAC 590.780.5 which requires the operator to pay the contractor/vendor within 30 days of receiving the money from the Fund or else refund that money back into the Fund. She stated that this regulation has not been enforced because it seems counterintuitive with the intent of the Fund, which is keeping the money in the hands of the people doing the work. She said that NDEP wished to amend the regulation to incentivize the owner to pay within the required timeframe but yet allow for a mechanism for getting the money back once refunded. The amendment would still require the owner to refund the money and until such time, all subsequent claims will not be presented to the Board for payment. Once the money is refunded, all subsequent claims, IN ADDITION to the refunded money, can be presented to the Board for approval at the following Board meeting.

Chairman Haycock asked if the issues are two-fold, actual payment to the consultant in addition to providing documentation that the payment was made.

Ms. King verified that was the case.

Chairman Haycock stated that he saw a consultant’s head shaking in the audience and felt there may be some issues with the proposed changes.

There was discussion regarding the option for the payments to be made directly to the consultant if the owner fails to pay.

Ms. King stated that the failure for an owner to pay the consultant was a third party issue that should be addressed in the contract and she didn’t feel the Fund should be responsible for third party issues; however, the proposed amendments would work to be self-correcting. If an owner had to wait on payments from the Fund, he/she would likely do that one time and never again. In addition, she stated that if a consultant had concerns that he/she would not get paid in a timely manner, the Petroleum Fund has a mechanism to set up payment directly to the consultant if both parties agree. She stated this issue would be workshopped and it was her hope that it would be presented at the December Board meeting but realized it may take longer due to the nature of the issue.
10. ADOPTION OF CONSENT ITEMS

The Board will review all items as a consent calendar item, unless the item is marked by an asterisk (*), or a member of the public wishes 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, 2015

| HEATING OIL | FOR POSSIBLE ACTION | 1. 1992000102H Lyon County School District: Yerington Elementary | REQUESTED | RECOMMENDED |
|            |                    | | $2,521.90 | $2,269.71 |
|            |                    | 2. 2007000013H Churchill County School District: Bus Barn | $6,098.60 | $6,098.60 |
|            |                    | 3. 201200015H Don Sinnar: Sinnar Residence | $1,772.50 | $1,772.50 |
|            |                    | 4. 201200017H Churchill Co. School District: Old High School | $13,620.65 | $13,620.65 |
|            |                    | 5. 201300012H Roger & Gemma Mateossian: Mateossian Residence | $79,083.41 | $78,851.82 |
|            |                    | 6. 201300015H Gary Cornwall: Gary Cornwall Property | $1,907.75 | $1,907.75 |
|            |                    | 7. 2014000021H Town of Gardnerville: Former Eagle Gas - Gardnerville | $240.00 | $240.00 |
|            |                    | 8.† 2014000022H Sanders Winnemucca, LLC: Ace Hardware | $0.00 | $3,992.65 |
|            |                    | 9. 2014000043H L&G Properties, LLC: Residential Property | $44,305.29 | $43,805.29 |
|            |                    | 10. 2014000044H Washoe County School District: Reno High School | $36,243.44 | $32,619.10 |
|            |                    | 11. 2015000033H Lander County School District: Eliza Pierce Elementary | $74,927.20 | $60,635.17 |
|            |                    | 12. 2015000010H Northern Nevada HOPES: 467 Ralston Street | $14,601.40 | $14,351.40 |
|            |                    | 13. 2015000011H Northern Nevada HOPES: 580 W. 5th Street | $88,165.40 | $87,665.40 |
|            |                    | 14. 2015000017H Nathan & Kourtney Teel: Teel Residence | $87,108.25 | $86,858.25 |
|            |                    | 15. 2015000019H BPE Partners, LLC: Swiss Hotel | $8,582.78 | $8,332.78 |

HEATING OIL SUB TOTAL: $459,178.57 $443,021.07
### NEW CASES, OTHER PRODUCTS

**FOR POSSIBLE ACTION** 1. 2015000009 Travel Centers of America: Petro Stopping Center
   - REQUESTED: $38,228.45
   - RECOMMENDED: $34,091.05

**FOR POSSIBLE ACTION** 2. 2015000013 7-Eleven, Inc.: 7-Eleven #16896
   - REQUESTED: $42,541.75
   - RECOMMENDED: $38,287.57

**FOR POSSIBLE ACTION** 3. 2015000016 Travel Centers of America: TA Store #172
   - REQUESTED: $110,526.79
   - RECOMMENDED: $99,262.61

**NEW CASES, OTHER PRODUCTS SUB TOTAL:** $191,296.99 $171,641.23

### ONGOING CASES/OTHER PRODUCTS

**FOR POSSIBLE ACTION** 1. 1993000011 7-Eleven, Inc.: 7-Eleven #29646
   - REQUESTED: $19,615.67
   - RECOMMENDED: $19,615.67

**FOR POSSIBLE ACTION** 2. 1993000102 Rebel Oil Company: Rebel #8
   - REQUESTED: $22,090.46
   - RECOMMENDED: $12,090.46

**FOR POSSIBLE ACTION** 3. 1993000103 Russell Yardley: Charlie Brown Construction
   - REQUESTED: $12,469.26
   - RECOMMENDED: $12,219.87

**FOR POSSIBLE ACTION** 4. 1993000104 City of Fallon: Former Bootlegger Texaco
   - REQUESTED: $6,431.76
   - RECOMMENDED: $6,431.76

**FOR POSSIBLE ACTION** 5. 1994000003 Allied Washoe: Allied Petroleum
   - REQUESTED: $49,549.53
   - RECOMMENDED: $49,549.53

**FOR POSSIBLE ACTION** 6. 1994000012 Wirtz Beverage NV, Inc.: Frmr DeLuca Liquor & Wine
   - REQUESTED: $50,470.84
   - RECOMMENDED: $50,052.34

**FOR POSSIBLE ACTION** 7. 1994000027 7-Eleven, Inc.; 7-Eleven #19653
   - REQUESTED: $16,076.82
   - RECOMMENDED: $16,076.82

**FOR POSSIBLE ACTION** 8. 1994000029 7-Eleven, Inc.: 7-Eleven #20826
   - REQUESTED: $20,799.70
   - RECOMMENDED: $18,719.73

**FOR POSSIBLE ACTION** 9. 1994000067 Peppermill, Inc.: Former Peppermill Truckstop
   - REQUESTED: $22,205.56
   - RECOMMENDED: $22,205.56

**FOR POSSIBLE ACTION** 10. 1994000113 Pilot Travel Centers, LLC: Former Unocal Truck Stop
    - REQUESTED: $45,796.78
    - RECOMMENDED: $45,796.78

**FOR POSSIBLE ACTION** 11. 1994000012 N Nevada Asset Holdings LLC: Parker's Model T
    - REQUESTED: $9,021.68
    - RECOMMENDED: $8,119.51

**FOR POSSIBLE ACTION** 12. 1995000001 Al Park Petroleum, Inc.: Crescent Valley Market
    - REQUESTED: $26,804.36
    - RECOMMENDED: $24,123.92

**FOR POSSIBLE ACTION** 13. 1995000014 FBF Inc. dba Gas For Less: Gas For Less
    - REQUESTED: $13,184.20
    - RECOMMENDED: $11,865.78

**FOR POSSIBLE ACTION** 14. 1995000074 Vera Hester: Glendale Service Facility
    - REQUESTED: $59,278.08
    - RECOMMENDED: $53,282.77

**FOR POSSIBLE ACTION** 15. 1996000063 Joan Pennachio: V&V Automotive
    - REQUESTED: $4,995.98
    - RECOMMENDED: $4,969.39

**FOR POSSIBLE ACTION** 16. 1996000064 H&A Esslinger, LLC: Red Rock Mini Mart
    - REQUESTED: $12,397.50
    - RECOMMENDED: $12,025.57

**FOR POSSIBLE ACTION** 17. 1997000008 Ewing Brothers, Inc.: Ewing Brothers Facility
    - REQUESTED: $2,857.50
    - RECOMMENDED: $2,571.75

**FOR POSSIBLE ACTION** 18. 1997000071 7-Eleven, Inc.: 7-Eleven #25586
    - REQUESTED: $16,290.84
    - RECOMMENDED: $14,661.76

**FOR POSSIBLE ACTION** 19. 1998000046 Willdens Automotive Holdings: Frmr Allstate Rent A Car
    - REQUESTED: $52,012.61
    - RECOMMENDED: $46,779.85

**FOR POSSIBLE ACTION** 20. 1998000080 Seven Crown Resorts, Inc.: Echo Bay Resort
    - REQUESTED: $79,901.43
    - RECOMMENDED: $71,194.74

**FOR POSSIBLE ACTION** 21. 1999000007 Vera Hester: Glendale Service Facility
    - REQUESTED: $5,879.35
    - RECOMMENDED: $5,291.42

**FOR POSSIBLE ACTION** 22. 1999000014 Al Park Petroleum: Conoco Pit Stop #7
    - REQUESTED: $24,357.64
    - RECOMMENDED: $21,921.88

**FOR POSSIBLE ACTION** 23. 1999000022 Terrible Herbst: Terrible Herbst #129
    - REQUESTED: $9,631.25
    - RECOMMENDED: $8,668.13

**FOR POSSIBLE ACTION** 24. 1999000029 Terrible Herbst Oil Company: Terrible Herbst #136
    - REQUESTED: $11,356.77
    - RECOMMENDED: $10,221.09

**FOR POSSIBLE ACTION** 25. 1999000048 Estate of Robert Cowan: Former Lightning Lube
    - REQUESTED: $10,993.51
    - RECOMMENDED: $10,993.51

**FOR POSSIBLE ACTION** 26. 1999000052 Estate of Martin T Wessel: Ted's Chevron
    - REQUESTED: $10,327.65
    - RECOMMENDED: $9,294.88

**NEW CASES, OTHER PRODUCTS SUB TOTAL:** $191,296.99 $171,641.23
<table>
<thead>
<tr>
<th>#</th>
<th>Case Number</th>
<th>Company Name</th>
<th>Address</th>
<th>Amount Requested</th>
<th>Amount Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>1999000064</td>
<td>Al Park Petroleum, Inc.: Conoco Pit Stop</td>
<td></td>
<td>$9,066.03</td>
<td>$8,159.43</td>
</tr>
<tr>
<td>29</td>
<td>1999000066</td>
<td>HP Management LLC: Former Haycock Petroleum</td>
<td></td>
<td>$9,240.00</td>
<td>$8,316.00</td>
</tr>
<tr>
<td>30</td>
<td>1999000086</td>
<td>Terrible Herbst Oil Company: Terrible Herbst #126</td>
<td></td>
<td>$2,800.00</td>
<td>$2,520.00</td>
</tr>
<tr>
<td>31</td>
<td>1999000090</td>
<td>HP Management LLC: Former Haycock Petroleum</td>
<td></td>
<td>$38,278.86</td>
<td>$34,450.97</td>
</tr>
<tr>
<td>32</td>
<td>1999000104</td>
<td>Terrible Herbst Oil Co.: Terrible Herbst #118</td>
<td></td>
<td>$11,590.53</td>
<td>$10,431.48</td>
</tr>
<tr>
<td>33</td>
<td>1999000114</td>
<td>City of Fallon: Fallon Maintenance Yard</td>
<td></td>
<td>$5,880.66</td>
<td>$5,278.84</td>
</tr>
<tr>
<td>34</td>
<td>1999000115</td>
<td>Shell Oil Products US: Former Shell Services Station</td>
<td></td>
<td>$9,711.14</td>
<td>$8,256.27</td>
</tr>
<tr>
<td>35</td>
<td>1999000135</td>
<td>Terrible Herbst Oil Company: Terrible Herbst #106</td>
<td></td>
<td>$11,655.40</td>
<td>$10,489.86</td>
</tr>
<tr>
<td>36</td>
<td>1999000137</td>
<td>Terrible Herbst Oil Company: Terrible Herbst #152</td>
<td></td>
<td>$5,433.75</td>
<td>$4,890.37</td>
</tr>
<tr>
<td>37</td>
<td>1999000167</td>
<td>City of Las Vegas: Fire Station #1</td>
<td></td>
<td>$7,331.54</td>
<td>$7,331.54</td>
</tr>
<tr>
<td>38</td>
<td>1999000186</td>
<td>Gloria Gayle Pilger: Former D&amp;G Oil Facility</td>
<td></td>
<td>$36,913.20</td>
<td>$33,157.87</td>
</tr>
<tr>
<td>39</td>
<td>1999000199</td>
<td>Mary Ann Ferguson: Lakeshore Orbit Station</td>
<td></td>
<td>$126,922.48</td>
<td>$126,922.48</td>
</tr>
<tr>
<td>40</td>
<td>1999000243</td>
<td>7-Eleven, Inc.; 7-Eleven #27607</td>
<td></td>
<td>$12,799.32</td>
<td>$11,519.38</td>
</tr>
<tr>
<td>41</td>
<td>2004000011</td>
<td>TA Operating LLC: Four Way Truck Stop</td>
<td></td>
<td>$269,390.76</td>
<td>$242,451.68</td>
</tr>
<tr>
<td>42</td>
<td>2004000025</td>
<td>New Castle Corporation: Former ARCO #1580</td>
<td></td>
<td>$38,480.72</td>
<td>$34,197.37</td>
</tr>
<tr>
<td>43</td>
<td>2005000002</td>
<td>Carson Valley Oil Co., Inc.: Carson Valley Oil</td>
<td></td>
<td>$26,332.38</td>
<td>$23,699.14</td>
</tr>
<tr>
<td>44</td>
<td>2005000025</td>
<td>Bordertown, Inc.: Winner's Corner</td>
<td></td>
<td>$445.52</td>
<td>$400.96</td>
</tr>
<tr>
<td>45</td>
<td>2005000044</td>
<td>Ewing Brothers, Inc.: Ewing Brothers Facility</td>
<td></td>
<td>$20,746.94</td>
<td>$16,790.44</td>
</tr>
<tr>
<td>46</td>
<td>2007000003</td>
<td>7-Eleven, Inc.; 7-Eleven #29648</td>
<td></td>
<td>$29,601.96</td>
<td>$14,635.06</td>
</tr>
<tr>
<td>47</td>
<td>2007000014</td>
<td>Ace Cab Company: Ace Cab Company</td>
<td></td>
<td>$40,151.07</td>
<td>$35,956.44</td>
</tr>
<tr>
<td>48</td>
<td>2008000009</td>
<td>Pilot Travel Centers, LLC: Flying J Travel Plaza</td>
<td></td>
<td>$4,125.80</td>
<td>$3,713.22</td>
</tr>
<tr>
<td>49</td>
<td>2008000017</td>
<td>Francois Alvandi: Flamingo AM/PM #82153</td>
<td></td>
<td>$19,851.75</td>
<td>$17,190.94</td>
</tr>
<tr>
<td>50</td>
<td>2008000018</td>
<td>Jacksosn Food Stores, Inc.: Former Terrible's #830</td>
<td></td>
<td>$7,539.26</td>
<td>$6,785.33</td>
</tr>
<tr>
<td>51</td>
<td>2008000019</td>
<td>One Panou, LLC: Stop N Shop #2</td>
<td></td>
<td>$14,859.12</td>
<td>$13,373.21</td>
</tr>
<tr>
<td>52</td>
<td>2009000017</td>
<td>D&amp;J Holdings, LLC: Convenience Corner Shell</td>
<td></td>
<td>$15,662.47</td>
<td>$14,096.22</td>
</tr>
<tr>
<td>53</td>
<td>2009000020</td>
<td>Western Energetix, LLC: Flyer's Energy Bulk Plant</td>
<td></td>
<td>$2,537.50</td>
<td>$2,283.75</td>
</tr>
<tr>
<td>54</td>
<td>2009000028</td>
<td>Vegas Rainbows, Inc.: Mick &amp; Mac's Food Mart</td>
<td></td>
<td>$22,561.84</td>
<td>$19,798.01</td>
</tr>
<tr>
<td>55</td>
<td>2010000001</td>
<td>Smitten Oil &amp; Tire Company: The Gas Store</td>
<td></td>
<td>$2,784.75</td>
<td>$2,506.28</td>
</tr>
<tr>
<td>56</td>
<td>2010000005</td>
<td>7-Eleven, Inc.: 7-Eleven #27071</td>
<td></td>
<td>$9,324.61</td>
<td>$8,392.15</td>
</tr>
<tr>
<td>57</td>
<td>2010000007</td>
<td>Pecos Express, Inc.: Pecos Express</td>
<td></td>
<td>$18,989.79</td>
<td>$17,090.81</td>
</tr>
<tr>
<td>58</td>
<td>2010000010</td>
<td>Pacific Convenience &amp; Fuel: Victorian Food Mart</td>
<td></td>
<td>$5,227.75</td>
<td>$4,704.97</td>
</tr>
<tr>
<td>59</td>
<td>2010000006</td>
<td>7-Eleven, Inc.: 7-Eleven #29384</td>
<td></td>
<td>$9,561.26</td>
<td>$8,605.13</td>
</tr>
</tbody>
</table>
Chairman Haycock informed the Board that under Ongoing Cases C, item numbers 29 & 31, relative to HP Management LLC, he is the managing partner and his vote will therefore not relate to those two items.

Ms. Long, the Deputy Attorney General, informed the Board they have a quorum absent Mr. Haycock’s vote on the specified cases.

Mr. Mulvihill moved for approval of the consent items, Heating Oil, 1 through 15, New Cases/Other Products, 1 through 3, and Ongoing Cases/Other Products, 1 through 82. Ms. Tappan seconded the motion. Motion carried unanimously.

State Board to Review Claims, September 10, 2015, Page 10 of 12
11. EXECUTIVE SUMMARY

Ms. King presented the Executive Summary. She informed the Board that since the inception of the Fund in 1989, 1,493 applications have been received for reimbursement. Of those, 126 cases were denied coverage and a total of 1,170 cases have been closed. Three applications are in pending status awaiting NDEP’s review or additional information. Forty-five cases have expired. There are currently 149 active remediation sites. Since January 1st of this year, 21 new cases have been received by NDEP for evaluation of Fund coverage.

Prior to this Board meeting, the Board approved approximately $191.3 million. With the approval of approximately $2.36 million today, the cumulative fund expenditures are approximately $193.66 million. With respect to tank enrollment, the tank invoices were issued in August of last year. A total of 1,402 facilities were invoiced at $100 per tank. Out of those, 1,325 facilities, or approximately 94% have submitted the required fees.

Ms. King updated the Board about the contractor who is developing the Petroleum Fund interactive database. The contractor started actively working on June 2, 2014. NDEP has recently rolled out the Enrollment component of the database for the upcoming fiscal year. Many tanks owners are currently using the new website to enroll their tanks.

Ms. King informed the Board that the Attorney General's office has contracted with Lewis Roca Rothgerber, LLP to identify potential oil companies who have “double-dipped,” or, obtained insurance money to pay for the cost of the cleanup and also obtained money from the Petroleum Fund for the very same costs. She informed the Board that in other states, specific oil companies have been identified as double-dippers and some of those same oil companies have facilities located in Nevada. The Attorney General’s contractor will audit Nevada’s records to determine if the Fund has been impacted by this activity and seek damages where appropriate. This contract will be implemented at no cost to the Fund. At this time it appears they have reviewed all necessary files.

Ms. King then asked Mr. McRae to provide the Board a status update regarding Eagle Gas North.

Mr. McRae updated the Board on the cleanup status of Eagle Gas North. He stated the remediation systems run time for 3rd quarter of 2015 was approximately 90%. The gallons of water produced in the 3rd quarter of 2015 were 50,000 gallons. The gallons of water produced since the water treatment system was activated on February 3, 2015 were 185,000 gallons. The mass recovered in the 3rd quarter of 2015 were 60 lbs. of TPH, which is approximately one pound per day.

Mr. McRae said the mass recovered since the systems activation on October 16, 2014, was approximately 1,800 lbs. of TPH. The TPH concentration in extracted vapors at the system start-up on October 16, 2014 was 690 parts per million. The TPH concentration in extracted vapors in the 3rd quarter of 2015 ranged from 13 parts per million to 16 parts per million. The highest benzene was in November 2013. McGinley & Associates’ initial groundwater sampling under the LUST/TRUST contract was the highest MTBE in November 2013 at 590 micrograms per liter at the monitoring well 6-R. The highest MTBE IN 3rd quarter 2015 was 100 micrograms per liter at the monitoring well 6-R.
Chairman Haycock asked if this had been done by protocol how much would the owner have paid his consultants.

Mr. McRae responded approximately $1 million.

Mr. Mulvihill asked if SB89 had been approved during the legislative session.

Ms. King said it had successfully been approved as proposed. She stated there is now $2 Million in Fund money that may be used for priority PCE cleanups that are led by NDEP, not the owner. More money may be accessed, if needed, if IFC approves. There would be no claims associated with the cleanups because NDEP will use the money, directly, to pay for cleanup expenses and then seek cost recovery, which will be paid back into the Fund.

Mr. Mulvihill asked if anyone has enrolled their dry cleaning business into the Petroleum Fund.

Ms. King stated that dry cleaners are not eligible to be enrolled in the Fund.

Mr. Mulvihill asked if NDEP would provide updates on this issue, including a priority list and any sites being addressed with Fund money.

Ms. King stated she would provide updates on this issue in future Board meetings.

12. **PUBLIC COMMENTS**

Mr. McGinley had a question regarding CEM/Owner Certification forms in the Bid Policy Resolution. He stated that there are two forms and asked what contract was being addressed in the title of the two forms.

Ms. King stated that the two forms were included so a CEM may choose which form to fill out and submit with the Bid Packet. If the owner contracts directly with the contractor (well driller, excavator) then use the form for that type of contract. If the CEM contracts with the contractor, then use the other form.

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

It was confirmed the next meeting date would be Thursday, December 10, 2015 at 10:00 am.

14. **ADJOURNMENT**

The meeting adjourned at 11:01 am.