

**STATE OF NEVADA BOARD TO REVIEW CLAIMS  
AGENDA  
SEPTEMBER 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, September 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. ELECTION OF BOARD VICE-CHAIR (FOR POSSIBLE ACTION)**

Nominations for a new Board Vice-Chair will be heard and a vote will follow.

**4. APPROVAL OF THE JUNE 03, 2021 MINUTES (FOR POSSIBLE ACTION)**

**5. 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.

**6. AMENDMENT TO THE CEM COST GUIDELINES - TASKS J.1 AND J.2 (FOR POSSIBLE ACTION)**

The impacted soil disposal rate used to calculate maximum allowable non-CEM costs under Tasks J.1 and J.2 of the CEM Cost Guidelines will be amended to a rate of \$80 per ton. Staff will propose additional amendments to these tasks to allow adjustment of this rate in rural Nevada locations where there is a cost savings to the Fund by transporting impacted soil to a disposal facility located closer to the cleanup site. If the disposal facility has a disposal rate exceeding \$80 per ton, a cost analysis must be provided.

**RECOMMENDATION:**

Amend Tasks J.1 and J.2 of the CEM Cost Guidelines as proposed regarding initial abatement cleanup activities.

**7. REPEAL OF BOARD POLICY RESOLUTION 2007-10: POLICY TO REVIEW THIRD PARTY LIABILITY CLAIMS (FOR POSSIBLE ACTION)**

Staff will recommend to the Board repeal of Board Policy Resolution 2007-10 that previously replaced Board Policy Resolutions 94-018 and 2005-02. Terms defined in the policy are included in regulation. The current policy allows third party liability funding to be used for corrective action to prevent or mitigate third party damages. The recent passage of Assembly Bill 40 includes amendments to allow additional allotments of funding for corrective action without the use of third party liability funds, which makes this policy obsolete.

**RECOMMENDATION:**

Repeal of Policy Resolution 2007-10: Policy to Review Third Party Liability Claims

**8. DISCUSSION AND BOARD MEMBER INPUT ON PROPOSED PETROLEUM FUND REGULATION AMENDMENTS - NAC 445C (FOR DISCUSSION)**

Recent passage of Assembly Bill 40 includes an amendment allowing the Board to define "small business" in regulation. The current regulatory definition is outdated. Fund staff are proposing a new definition of "small business" for Board consideration as well as other amendments that clarify storage tank testing and record keeping requirements; establish deadlines for coverage application and claim submittals; revise requirements relating to proof of payment by an operator to a contractor or vendor after being paid by the Fund; and clarification on grant allocations to operators that have demonstrated a financial need to defray costs to upgrade storage tank systems.

**9. DISCUSSION AND SOLICITATION OF BOARD DIRECTION TO UPDATE THE CEM COST GUIDELINES (FOR DISCUSSION)**

Staff will request direction from the Board in addressing Division of Internal Audit recommendations #1 and #2 in DIA Report No. 21-04. The recommendations state project costs should be reconciled and rates should be established for CEM professional services. Staff will recommend revisions to the CEM Cost Guidelines be considered to address the recommendations of the report. Staff will provide three options for Board consideration.

**10. 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 9, 2021**

**HEATING OIL**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>
FOR POSSIBLE ACTION	1.	2012000017; 80082 Churchill County School District: Old High School	\$6,813.54	\$6,813.54
FOR POSSIBLE ACTION	2.	2018000043; 80037 Mr. William Kennedy: William Kennedy Residential Heating Oil Tank	\$6,533.50	\$6,533.50
FOR POSSIBLE ACTION	3.	2021000024; 80093 Derek Amen: Derek Amen Residence	\$19,841.89	\$19,591.89
		<b>SUB TOTAL:</b>	<b><u>\$33,188.93</u></b>	<b><u>\$32,938.93</u></b>

**NEW CASES**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>
FOR POSSIBLE ACTION	1.	2020000046; 79969 Midjit Market Inc: Green Valley Grocery #34	\$53,432.20	\$28,853.39
		<b>SUB TOTAL:</b>	<b><u>\$53,432.20</u></b>	<b><u>\$28,853.39</u></b>

**ONGOING CASES**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>
FOR POSSIBLE ACTION	1.	1992000126; 80088 Clark County School District: Rc White (Arville) Transportation Satellite	\$27,355.83	\$27,355.83

FOR POSSIBLE ACTION	2.	1995000039; 80071	Al Park Petroleum Inc: Crescent Valley Market	\$18,499.03	\$16,649.13
FOR POSSIBLE ACTION	3.	1996000064; 80076	The Esslinger Family Trust: Red Rock Mini Mart	\$28,220.65	\$27,017.56
FOR POSSIBLE ACTION	4.	1996000101; 79889	Phillips 66 Company: Circle K Store #2700695	\$45,719.76	\$41,147.78
FOR POSSIBLE ACTION	5.	1998000075; 80072	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$6,753.93	\$6,078.54
FOR POSSIBLE ACTION	6.	1999000014; 80073	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,936.08	\$5,342.47
FOR POSSIBLE ACTION	7.	1999000243; 80067	7-Eleven Inc: 7-Eleven #27607	\$59,666.03	\$53,699.43
FOR POSSIBLE ACTION	8.	2004000011; 80077	Hpt Ta Properties Trust: Wells Petro Truck Service	\$1,722.38	\$1,550.14
FOR POSSIBLE ACTION	9.	2007000014; 80091	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$35,345.77	\$31,568.53
FOR POSSIBLE ACTION	10.	2007000016; 80089	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$5,205.00	\$4,684.50
FOR POSSIBLE ACTION	11.	2008000005; 79834	Avis Rent A Car System LLC: Avis Rent A Car	\$56,330.00	\$50,697.00
FOR POSSIBLE ACTION	12.	2010000009; 80080	Hpt Ta Properties Trust: Mill City Travel Center	\$24,154.93	\$19,565.50
FOR POSSIBLE ACTION	13.	2011000009; 80083	Cimarron West: Cimarron West	\$19,022.41	\$17,120.17
FOR POSSIBLE ACTION	14.	2012000012; 80059	Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$49,574.61	\$44,617.15
FOR POSSIBLE ACTION	15.	2013000019; 80085	Hardy Enterprises INC: Elko Sinclair #53	\$22,857.02	\$20,571.32
FOR POSSIBLE ACTION	16.	2014000004; 80084	Alsaker Corp: Broadway Colt Service Center	\$13,633.97	\$12,270.57
FOR POSSIBLE ACTION	17.	2014000016; 80065	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$4,276.27	\$3,848.64
FOR POSSIBLE ACTION	18.	2014000025; 80078	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$32,545.56	\$29,291.00
FOR POSSIBLE ACTION	19.	2016000005; 80075	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$4,417.58	\$3,975.82
FOR POSSIBLE ACTION	20.	2016000012; 80060	DLF Corporation: Mr Ds Fastlane	\$7,159.14	\$6,443.23
FOR POSSIBLE ACTION	21.	2016000023; 80087	Al Park Petroleum Inc: Pit Stop #1	\$6,724.48	\$4,841.62
FOR POSSIBLE ACTION	22.	2018000009; 80074	Reed Incorporated: Pacific Pride	\$6,824.96	\$6,142.46
FOR POSSIBLE ACTION	23.	2019000024; 80038	Jacksons Food Stores Inc: Jacksons Food Stores #0169	\$16,886.84	\$12,158.52
FOR POSSIBLE ACTION	24.	2020000015; 80086	Canyon Plaza, LLC: Gas 2 Go	\$51,568.98	\$27,847.25
<b>SUB TOTAL:</b>				<b><u>\$550,401.21</u></b>	<b><u>\$474,484.16</u></b>
<b>RECOMMENDED CLAIMS TOTAL:</b>				<b><u>\$637,022.34</u></b>	<b><u>\$536,276.48</u></b>

**11. 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.	2021000011; 80028 Todd Courtney: Residential Heating Oil Tank 1401 Hillside Drive, Reno	\$20,109.58	\$19,859.58
FOR DISCUSSION	2.	2021000016; 80030 Scott Rottman: Rottman 2020 Trust Heating Oil Tank	\$19,965.62	\$19,715.62
FOR DISCUSSION	3.	2021000017; 80036 Dianne Robak: Triple R Trust Home Heating Oil Tank	\$15,668.61	\$15,418.61
FOR DISCUSSION	4.	2021000018; 80039 Rmp 36, LLC: Residential Heating Oil Tanks At 128 Stewart St And 503 & 505 Sinclair St, Reno	\$39,803.05	\$39,303.05
FOR DISCUSSION	5.	2021000019; 80040 David & Martha Schimmel: Residential Heating Oil Tank, 2100 S Arlington Ave, Reno	\$17,742.48	\$17,492.48
FOR DISCUSSION	6.	2021000020; 80041 345 Wheeler LLC: 345 Wheeler LLC Residential Heating Oil Tank	\$20,231.98	\$19,981.98
FOR DISCUSSION	7.	2021000021; 80068 Ronald Badley: Ronald William Badley Residence	\$25,933.02	\$25,683.02
FOR DISCUSSION	8.	2021000022; 80070 Abc Investors Group, Inc.: Abc Investors Group, Inc	\$21,366.71	\$21,116.71
FOR DISCUSSION	9.	2021000023; 80092 Robert Carr: Robert J. Carr Residence	\$29,951.15	\$29,701.15
<b>SUB TOTAL:</b>			<b><u>\$210,772.20</u></b>	<b><u>\$208,272.20</u></b>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80049 Rebel Oil Company: Rebel Store #2008	\$18,560.96	\$18,560.96
FOR DISCUSSION	2.	1994000015; 80057 Pilger Family Holdings: Former D & G Oil Company	\$37,942.47	\$37,942.47

FOR DISCUSSION	3.	1994000027; 79972	7-Eleven Inc: 7-Eleven #19653	\$119,457.58	\$119,457.58
FOR DISCUSSION	4.	1999000022; 80033	Terrible Herbst Oil Company Inc: Terrible Herbst #129	\$9,510.45	\$8,559.41
FOR DISCUSSION	5.	1999000023; 80055	Nevada Ready Mix Corp: Nevada Ready Mix	\$17,251.00	\$15,485.40
FOR DISCUSSION	6.	1999000066; 80056	HP Management, LLC: Former Haycock Petroleum	\$23,589.75	\$21,174.07
FOR DISCUSSION	7.	1999000086; 80035	Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$17,702.75	\$15,932.47
FOR DISCUSSION	8.	1999000104; 80031	Terrible Herbst Oil Company Inc: Terrible Herbst #118	\$12,812.38	\$11,531.14
FOR DISCUSSION	9.	2013000009; 80046	Western Petroleum: Western Petroleum Of Nevada	\$5,916.59	\$5,324.93
FOR DISCUSSION	10.	2013000011; 80045	Har Moor Investments, LLC: Village Shop #4	\$27,764.55	\$24,988.09
FOR DISCUSSION	11.	2014000025; 80005	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$25,838.06	\$23,254.25
FOR DISCUSSION	12.	2014000033; 80058	Speedee Mart INC: Speedee Mart #108	\$110,050.88	\$99,045.79
FOR DISCUSSION	13.	2016000027; 80032	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$35,774.93	\$28,977.70
FOR DISCUSSION	14.	2017000019; 80054	Rebel Oil Company: Rebel Store #2197	\$16,523.75	\$14,871.37
FOR DISCUSSION	15.	2017000035; 80053	Rebel Oil Company: Rebel Store #2177	\$25,140.25	\$22,625.71
FOR DISCUSSION	16.	2018000005; 80050	Rebel Oil Company: Rebel Store # 2153	\$7,853.75	\$7,068.37
FOR DISCUSSION	17.	2019000001; 80051	Rebel Oil Company: Rebel Store #2160	\$6,330.00	\$5,697.00
FOR DISCUSSION	18.	2019000002; 80052	Rebel Oil Company: Rebel Store #2166	\$7,113.75	\$6,402.37
FOR DISCUSSION	19.	2019000005; 80048	Fairway Chevrolet Co: Fairway Chevrolet CO	\$11,093.50	\$9,984.15
FOR DISCUSSION	20.	2019000014; 80047	Western Cab Co: Western Cab CO	\$12,630.50	\$11,367.45
FOR DISCUSSION	21.	2020000016; 80015	LV Petroleum LLC: Us Gas #7	\$39,735.76	\$35,719.88
<b>SUB TOTAL:</b>				<b><u>\$588,593.61</u></b>	<b><u>\$543,970.56</u></b>
<b>DIRECT PAYMENT CLAIMS TOTAL:</b>				<b><u>\$799,365.81</u></b>	<b><u>\$752,242.76</u></b>
<b>BOARD MEETING CLAIMS TOTAL:</b>				<b><u>\$1,436,388.15</u></b>	<b><u>\$1,288,519.24</u></b>

**12. 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.

**13. 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.

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

**15. 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/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes> 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 September 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/10345196>

**Teleconference: Call in by Phone (audio only)**

**United States: +1 (877) 422-8614**

**Meeting extension: 10345196#**

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](mailto: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 September 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/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>. Audio recordings of previous meetings are located in 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](mailto: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.