

**STATE OF NEVADA BOARD TO REVIEW CLAIMS  
AGENDA  
MARCH 11, 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, March 11, 2021 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 DECEMBER 10, 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. C2021-02**

Proposed Site Specific Board Determination (SSBD) to Provide Reduced Petroleum Fund Coverage for Green Valley Grocery #34, 6055 West Flamingo Road, Las Vegas, Nevada  
Petroleum Fund Case ID No. 2020000046, Facility ID No. 8-001366

**RECOMMENDATION:**

Adoption of Site Specific Board Determination No. C2021-02 as proposed, granting coverage under the State of Nevada Petroleum Fund to Green Valley Grocery #34 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 PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)**

**Site Specific Board Determination No. C2021-01**

Proposed Site Specific Board Determination (SSBD) to Provide Reduced Petroleum Fund Coverage for Circle K Store #2701364, 3285 South Nellis Boulevard, Las Vegas, Nevada  
Petroleum Fund Case ID No. 2019000009, Facility ID No. 8-000119

**RECOMMENDATION:**

Adoption of Site Specific Board Determination No. C2021-01 as proposed, granting coverage under the State of Nevada Petroleum Fund to Circle K #2701364 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.

**7. REVIEW AND APPROVE PROPOSED CEM IN-HOUSE OR RENTED EQUIPMENT RATES (FOR POSSIBLE ACTION)**

Petroleum Fund staff will provide an updated rate schedule to the Board for approval for commonly used equipment and materials that a CEM must purchase or rent to carry out monitoring and maintenance tasks related to site cleanup.

**8. UPDATE BOARD ON PETROLEUM FUND PROGRAM AUDITS (FOR DISCUSSION)**

Petroleum Fund staff will summarize the Division of Internal Audits annual follow up report to the Executive Branch Audit Committee for report 19-05. Additionally, staff will present the findings of a second audit by DIA as described in report 21-04.

**9. 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 - MARCH 11, 2021**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 79917 Churchill County School District: Old High School	\$4,716.55	\$4,716.55
FOR POSSIBLE ACTION	2.	2018000043; 79886 Mr. William Kennedy: William Kennedy Residential Heating Oil Tank	\$18,094.21	\$18,072.66
FOR POSSIBLE ACTION	3.	2020000052; 79892 North Summit Company, LLC: Apn 164-290-02 Heating Oil Tank	\$5,934.67	\$5,597.17
FOR POSSIBLE ACTION	4.	2020000053; 79947 North Summit Company, LLC: Apn 164-290-06 Heating Oil Tank	\$7,487.29	\$7,149.79
<b>SUB TOTAL:</b>			<b><u>\$36,232.72</u></b>	<b><u>\$35,536.17</u></b>
 <u>NEW CASES</u>			 <u>REQUESTED</u>	 <u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2020000016; 79903 James N And Rita H Pulsipher Trust: Us Gas #7	\$69,774.84	\$62,797.36
<b>SUB TOTAL:</b>			<b><u>\$69,774.84</u></b>	<b><u>\$62,797.36</u></b>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>RECOMMENDED</u>

FOR POSSIBLE ACTION	1.	1992000126; 79954	Clark County School District: Rc White (Arville) Transportation Satellite	\$16,797.91	\$16,797.91
FOR POSSIBLE ACTION	2.	1993000099; 79873	Reno-Tahoe Airport Authority: Reno Tahoe Airport	\$9,406.20	\$9,406.20
FOR POSSIBLE ACTION	3.	1993000103; 79944	Charlie Brown Construction: Charlie Brown Const.	\$9,178.10	\$8,994.54
FOR POSSIBLE ACTION	4.	1994000012; 79891	Breakthru Beverage: Frmr Deluca Liquor & Wine	\$73,317.93	\$73,317.93
FOR POSSIBLE ACTION	5.	1994000027; 79882	7-Eleven INC: 7-Eleven #19653	\$39,742.23	\$39,742.23
FOR POSSIBLE ACTION	6.	1995000039; 79907	Al Park Petroleum Inc: Crescent Valley Market	\$13,797.11	\$12,417.40
FOR POSSIBLE ACTION	7.	1995000042; 79842	FBF INC: Gas 4 Less	\$33,537.01	\$30,183.31
FOR POSSIBLE ACTION	8.	1996000063; 79890	Joan Pennachio: V & V Automotive	\$5,296.91	\$3,471.22
FOR POSSIBLE ACTION	9.	1996000064; 79945	The Esslinger Family Trust: Red Rock Mini Mart	\$33,256.89	\$32,259.18
FOR POSSIBLE ACTION	10.	1996000101; 79885	Phillips 66 Company: Circle K Store #2700695	\$30,521.26	\$27,349.82
FOR POSSIBLE ACTION	11.	1998000075; 79859	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$13,889.35	\$12,398.31
FOR POSSIBLE ACTION	12.	1999000014; 79910	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$7,134.39	\$6,412.85
FOR POSSIBLE ACTION	13.	1999000135; 79919	Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$8,047.58	\$7,242.82
FOR POSSIBLE ACTION	14.	1999000243; 79883	7-Eleven INC: 7-Eleven #27607	\$14,129.72	\$11,944.01
FOR POSSIBLE ACTION	15.	2004000011; 79914	Hpt Ta Properties Trust: Wells Petro Truck Service	\$6,322.25	\$5,690.03
FOR POSSIBLE ACTION	16.	2007000014; 79953	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$267,319.61	\$238,562.65
FOR POSSIBLE ACTION	17.	2007000016; 79951	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$1,470.00	\$1,323.00
FOR POSSIBLE ACTION	18.	2008000019; 79813	One Panou LLC: Golden Market #3	\$15,448.68	\$13,903.81
FOR POSSIBLE ACTION	19.	2010000009; 79915	Hpt Ta Properties Trust: Mill City Travel Center	\$26,081.52	\$21,126.03
FOR POSSIBLE ACTION	20.	2011000009; 79916	Cimarron West: Cimarron West	\$23,942.73	\$21,543.27
FOR POSSIBLE ACTION	21.	2013000019; 79918	Hardy Enterprises INC: Elko Sinclair #53	\$23,900.82	\$21,510.74
FOR POSSIBLE ACTION	22.	2014000004; 79909	Alsaker Corp: Broadway Colt Service Center	\$27,076.39	\$24,368.75
FOR POSSIBLE ACTION	23.	2014000016; 79938	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$231,790.25	\$208,611.23
FOR POSSIBLE ACTION	24.	2016000005; 79949	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$2,775.09	\$2,465.81
FOR POSSIBLE ACTION	25.	2016000012; 79934	DLF Corporation: Mr Ds Fastlane	\$10,808.44	\$9,727.60
FOR POSSIBLE ACTION	26.	2016000023; 79940	Al Park Petroleum Inc: Pit Stop #1	\$12,153.87	\$8,750.79
FOR POSSIBLE ACTION	27.	2016000027; 79913	Terrible Herbst, INC.: Terrible Herbst #272	\$16,702.78	\$13,529.25
FOR POSSIBLE ACTION	28.	2017000015; 79935	Ellen 5 LLC: Green Valley Grocery #63	\$88,459.04	\$74,703.58
FOR POSSIBLE ACTION	29.	2018000009; 79941	Reed Incorporated: Pacific Pride	\$9,438.03	\$8,486.13
FOR POSSIBLE ACTION	30.	2019000011; 79545	Midjit Market Inc: Green Valley Grocery #43	\$33,082.97	\$29,774.67
FOR POSSIBLE ACTION	31.	2020000015; 79948	Canyon Plaza, LLC: Gas 2 Go	\$61,132.72	\$32,972.79

<b>SUB TOTAL:</b>	<b><u>\$1,165,957.78</u></b>	<b><u>\$1,028,987.86</u></b>
<b>RECOMMENDED CLAIMS TOTAL:</b>	<b><u>\$1,271,965.34</u></b>	<b><u>\$1,127,321.39</u></b>

**10. 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.	2020000032; 79868 661 Lake Property LLC: 661 Lake Street Heating Oil Tank	\$20,750.49	\$20,500.49
FOR DISCUSSION	2.	2020000033; 79867 661 Lake Property LLC: 644 N Center Street Heating Oil Tank	\$12,837.23	\$12,587.23
FOR DISCUSSION	3.	2020000034; 79866 661 Lake Property LLC: 109 E 6th Street Heating Oil Tank	\$14,253.04	\$13,753.04
FOR DISCUSSION	4.	2020000037; 79869 661 Lake Property LLC: 121 E. 6th Street Heating Oil UST And 615 Lake Street Heating Oil UST	\$32,093.08	\$31,593.08
FOR DISCUSSION	5.	2020000045; 79874 Chris Goodwin: Christopher Michael Goodwin Residence	\$11,559.97	\$11,309.97
FOR DISCUSSION	6.	2020000048; 79876 Diana Martin: Diana Joy Martin Residence	\$18,001.40	\$17,751.40
FOR DISCUSSION	7.	2020000050; 79877 Mary Cook: Mary Marguerite Cook Residence	\$10,219.58	\$9,969.58
FOR DISCUSSION	8.	2020000055; 79878 Sean & Karen De Queiroz: Sean Dequeiroz Property	\$25,776.97	\$25,526.97
FOR DISCUSSION	9.	2020000057; 79879 Cameron Tabucchi: Cameron Tabucchi Property	\$22,950.43	\$22,700.43
FOR DISCUSSION	10.	2020000058; 79880 Cheryl Peabody: Cheryl Lavonne Peabody Residence	\$22,470.92	\$22,220.92
FOR DISCUSSION	11.	2020000059; 79887 Eric Plam: Eric Hudson Plam Property	\$17,822.46	\$17,572.46
FOR DISCUSSION	12.	2020000060; 79901 Hannah Carlson: Hannah J. Carlson Residence	\$19,220.86	\$18,970.86
FOR DISCUSSION	13.	2020000061; 79905 Joseph Cadena: Joseph P Cadena Living Trust	\$19,185.54	\$18,685.54
<b>SUB TOTAL:</b>			<b><u>\$247,141.97</u></b>	<b><u>\$243,141.97</u></b>



**11. EXECUTIVE SUMMARY (FOR DISCUSSION)**

NDEP will brief the Board on tank enrollment status, new Fund coverage determinations, Fund expenditures to-date, and current audit progress.

**12. NOMINATE AND ELECT VICE-CHAIR FOR BOARD (FOR POSSIBLE ACTION)**

Board members may nominate and elect a new Vice-Chair to the Board to Review Claims

**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)  
JUNE 3, 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:**

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 March 8, 2021. A teleconference access number will also be posted on the Nevada Petroleum Fund website not less than 3 working-days prior to the meeting at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>.

**This agenda has been posted on our web site (see above) 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](mailto:vjoncas@ndep.nv.gov), or by calling (775) 687-9369.