

**STATE OF NEVADA BOARD TO REVIEW CLAIMS  
AGENDA  
MARCH 10, 2022**

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 10, 2022 at the following locations:

Carson City: This meeting will be held by video/teleconference 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. PUBLIC HEARING FOR PROPOSED AMENDMENTS OF CHAPTER 445C OF THE NEVADA ADMINISTRATIVE CODE (FOR DISCUSSION)**

Staff will present a summary of proposed amendments to Petroleum Fund requirements outlined in Chapter 445C of the Nevada Administrative Code (LCB File No. R049-21) and introduce non-substantive revisions for the Board's consideration.

The proposed amendments include: (1) Revising the definition of small business as it pertains to coverage of petroleum discharges from storage tank systems and eligibility of operators to obtain grants to defray storage tank infrastructure upgrade costs; (2) Clarifying storage tank testing and record keeping requirements, (3) Establishing deadlines for submittals of applications for coverage and claims for reimbursement, (4) Amendment of requirements demonstrating proof of payment to contractors and vendors following reimbursement of a claim, (5) Clarification of grant allocations to operators that have demonstrated a financial need to defray costs to upgrade storage tanks, and (6) Updating general citations and dates. A copy of the regulation to be considered can be reviewed on the following website: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/whats-new-in-petroleum-fund>

The Board will hear oral comments from the public followed by any written comments received on the regulatory amendments and staff proposed revisions described above. The Board will consider and discuss all comments received.

**4. ADOPTION OF PROPOSED AMENDMENTS TO NAC 445C; LCB PROPOSED DRAFT R049-21 (FOR POSSIBLE ACTION)**

Staff will recommend Board adoption of proposed draft regulations under LCB File No. R049-21 with the inclusion of NDEP's proposed revisions as presented during the public hearing.

**5. APPROVAL OF THE DECEMBER 09, 2021 MINUTES (FOR POSSIBLE ACTION)**

**6. 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.

**7. AMEND CEM COST GUIDELINES TASK J.1 AND J.2 SOIL DISPOSAL RATE (FOR POSSIBLE ACTION)**

Staff will recommend the Board adopt an increase in the soil disposal rate from \$80 to \$100 per ton under Task J.1 and J.2 of the CEM Cost Guidelines (Board Policy Resolution 2001-05)

**8. 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 10, 2022**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80197	Churchill County School District: Old High School	\$4,365.46	\$4,365.46
FOR POSSIBLE ACTION	2.	2018000043; 80156	Mr. William Kennedy: William Kennedy Residential Heating Oil Tank	\$8,017.35	\$8,003.12
FOR POSSIBLE ACTION	3.	2021000010; 80131	CA Student Living Reno III, LLC: Reno Student Living III, LLC At 333 9th St	\$40,962.25	\$37,228.50
<b>SUB TOTAL:</b>				<b><u>\$53,345.06</u></b>	<b><u>\$49,597.08</u></b>
<u>NEW CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2021000026; 80104	7-Eleven Inc: 7-Eleven #25578	\$26,314.76	\$23,674.28
FOR POSSIBLE ACTION	2.	2021000027; 80208	Horizon C Stores LLC: Horizon Market #5	\$20,559.04	\$18,462.64
<b>SUB TOTAL:</b>				<b><u>\$46,873.80</u></b>	<b><u>\$42,136.92</u></b>

**ONGOING CASES**

			<b><u>REQUESTED</u></b>	<b><u>RECOMMENDED</u></b>	
FOR POSSIBLE ACTION	1.	1992000126; 80152	Clark County School District: Rc White (Arville) Transportation Satellite	\$19,411.52	\$19,411.52
FOR POSSIBLE ACTION	2.	1995000039; 80187	Al Park Petroleum Inc: Crescent Valley Market	\$13,663.61	\$12,297.25
FOR POSSIBLE ACTION	3.	1995000042; 80007	FBF INC: Gas 4 Less	\$21,919.24	\$19,727.32
FOR POSSIBLE ACTION	4.	1996000064; 80205	The Esslinger Family Trust: Red Rock Mini Mart	\$10,953.22	\$10,624.62
FOR POSSIBLE ACTION	5.	1998000075; 80189	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$29,405.50	\$26,464.95
FOR POSSIBLE ACTION	6.	1999000014; 80190	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,881.83	\$5,293.65
FOR POSSIBLE ACTION	7.	2004000011; 80191	Hpt Ta Properties Trust: Wells Petro Truck Service	\$2,712.50	\$2,441.25
FOR POSSIBLE ACTION	8.	2007000014; 80212	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$38,036.07	\$33,864.72
FOR POSSIBLE ACTION	9.	2007000016; 80192	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$19,386.33	\$17,339.70
FOR POSSIBLE ACTION	10.	2008000019; 80188	One Panou LLC: Golden Market #3	\$22,554.82	\$18,240.86
FOR POSSIBLE ACTION	11.	2010000009; 80200	Hpt Ta Properties Trust: Mill City Travel Center	\$23,194.19	\$18,787.29
FOR POSSIBLE ACTION	12.	2011000009; 80196	Cimarron West: Cimarron West	\$19,584.47	\$17,101.93
FOR POSSIBLE ACTION	13.	2013000019; 80201	Hardy Enterprises INC: Elko Sinclair #53	\$16,495.01	\$14,845.51
FOR POSSIBLE ACTION	14.	2014000004; 80199	Alsaker Corp: Broadway Colt Service Center	\$8,890.27	\$7,472.04
FOR POSSIBLE ACTION	15.	2014000016; 80194	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$2,613.62	\$2,352.26
FOR POSSIBLE ACTION	16.	2014000025; 80195	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$24,741.68	\$22,267.51
FOR POSSIBLE ACTION	17.	2016000005; 80203	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$2,558.62	\$2,302.76
FOR POSSIBLE ACTION	18.	2016000009; 80161	7-Eleven Inc: 7-Eleven #13685	\$20,813.05	\$18,731.75
FOR POSSIBLE ACTION	19.	2016000012; 80209	DLF Corporation: Mr Ds Fastlane	\$4,440.58	\$3,929.85
FOR POSSIBLE ACTION	20.	2016000023; 80204	Al Park Petroleum Inc: Pit Stop #1	\$14,040.79	\$10,102.17
FOR POSSIBLE ACTION	21.	2017000015; 80061	Ellen 5 LLC: Green Valley Grocery #63	\$29,677.11	\$26,709.40
FOR POSSIBLE ACTION	22.	2017000035; 80182	Rebel Oil Company: Rebel Store #2177	\$23,116.56	\$20,058.35
FOR POSSIBLE ACTION	23.	2019000044; 80159	7-Eleven Inc: 7-Eleven #15829	\$36,935.34	\$33,241.74
FOR POSSIBLE ACTION	24.	2020000015; 80206	Canyon Plaza, LLC: Gas 2 Go	\$19,729.98	\$10,654.19
FOR POSSIBLE ACTION	25.	2020000016; 80193	LV Petroleum LLC: Us Gas #7	\$6,649.50	\$5,984.55
FOR POSSIBLE ACTION	26.	2020000046; 80207	Midjit Market Inc: Green Valley Grocery #34	\$6,348.86	\$3,428.39
			<b>SUB TOTAL:</b>	<b><u>\$443,754.27</u></b>	<b><u>\$383,675.53</u></b>
			<b>RECOMMENDED CLAIMS TOTAL:</b>	<b><u>\$543,973.13</u></b>	<b><u>\$475,409.53</u></b>

**9. 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.	2021000030; 80160 597 Grand Canyon Reno LLC: 597 Grand Canyon Reno LLC	\$16,978.50	\$16,728.50
FOR DISCUSSION	2.	2021000035; 80151 Edward & Linda Halicki: Residential Heating Oil Tank At 19605 Paddlewheel Lane	\$17,238.46	\$16,988.46
FOR DISCUSSION	3.	2021000036; 80155 Richie Bednarski: Residential Heating Oil Tank At 953 Yori Ave, Reno	\$22,552.10	\$22,302.10
FOR DISCUSSION	4.	2021000037; 80158 Nicolette Paulsen: Residential Heating Oil Tank At 820 Bates Ave	\$25,405.59	\$25,155.59
FOR DISCUSSION	5.	2021000039; 80169 Craig Depolo: Residential Heating Oil Tank At 11125 Vincent Lane, Reno	\$34,815.62	\$34,565.62
FOR DISCUSSION	6.	2022000001; 80184 Robert & Judith Winzeler: Residential Heating Oil Tank At 1579 Belford Rd	\$14,962.47	\$14,712.47
FOR DISCUSSION	7.	2022000002; 80215 Bajwa Properties LLC: Bajwa Properties At 49 High Street	\$22,327.90	\$22,077.90
FOR DISCUSSION	8.	2022000003; 80217 Matthew Rutledge: Residential Heating Oil Tank At 1085 Sharon Way	\$23,794.30	\$23,544.30
<b>SUB TOTAL:</b>			<b><u>\$178,074.94</u></b>	<b><u>\$176,074.94</u></b>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80178 Rebel Oil Company: Rebel Store #2008	\$8,325.75	\$8,325.75
FOR DISCUSSION	2.	1994000015; 80170 Pilger Family Holdings: Former D & G Oil Company	\$26,409.87	\$26,353.90
FOR DISCUSSION	3.	1999000022; 80165 Terrible Herbst Oil Company Inc: Terrible Herbst #129	\$6,558.88	\$5,902.99

FOR DISCUSSION	4.	1999000023; 80177	Nevada Ready Mix Corp: Nevada Ready Mix	\$26,066.65	\$23,459.99	
FOR DISCUSSION	5.	1999000066; 80171	HP Management, LLC: Former Haycock Petroleum	\$28,467.71	\$25,620.94	
FOR DISCUSSION	6.	1999000086; 80167	Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$4,666.25	\$3,997.13	
FOR DISCUSSION	7.	1999000104; 80166	Terrible Herbst Oil Company Inc: Terrible Herbst #118	\$2,665.00	\$2,398.50	
FOR DISCUSSION	8.	2012000012; 80142	Las Vegas Land Acquisition 2020 Co., LLC: Green Valley Grocery #61	\$27,029.25	\$24,265.57	
FOR DISCUSSION	9.	2013000009; 80185	Western Petroleum: Western Petroleum Of Nevada	\$81,804.60	\$73,624.14	
FOR DISCUSSION	10.	2013000011; 80172	Har Moor Investments, LLC: Village Shop #4	\$20,185.75	\$18,167.17	
FOR DISCUSSION	11.	2014000033; 80175	Speedee Mart INC: Speedee Mart #108	\$20,655.90	\$18,590.31	
FOR DISCUSSION	12.	2016000027; 80168	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$16,050.00	\$13,000.50	
FOR DISCUSSION	13.	2017000019; 80183	Rebel Oil Company: Rebel Store #2197	\$27,165.68	\$24,449.11	
FOR DISCUSSION	14.	2018000005; 80179	Rebel Oil Company: Rebel Store # 2153	\$14,312.75	\$12,881.47	
FOR DISCUSSION	15.	2019000001; 80180	Rebel Oil Company: Rebel Store #2160	\$5,545.00	\$4,990.50	
FOR DISCUSSION	16.	2019000002; 80181	Rebel Oil Company: Rebel Store #2166	\$10,644.75	\$9,580.27	
FOR DISCUSSION	17.	2019000005; 80174	Fairway Chevrolet Co: Fairway Chevrolet CO	\$9,434.25	\$8,490.83	
FOR DISCUSSION	18.	2019000014; 80173	Western Cab Co: Western Cab CO	\$6,082.25	\$5,474.03	
				<b>SUB TOTAL:</b>	<b><u>\$342,070.29</u></b>	<b><u>\$309,573.10</u></b>
				<b>DIRECT PAYMENT CLAIMS TOTAL:</b>	<b><u>\$520,145.23</u></b>	<b><u>\$485,648.04</u></b>
				<b>BOARD MEETING CLAIMS TOTAL:</b>	<b><u>\$1,064,118.36</u></b>	<b><u>\$961,057.57</u></b>

## 10. EXECUTIVE SUMMARY (FOR DISCUSSION)

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

## 11. 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.

## 12. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION) JUNE 9, 2022 (THURSDAY) AT 10:00 AM

## 13. ADJOURNMENT

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

- Board to Review Claims meetings webpage at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>
- Department of Administration's website at: <https://notice.nv.gov>.
- Legislative Counsel Bureau's website: <https://www.leg.state.nv.us/App/Notice/A/>

Additional physical postings were requested at the following locations:

- Department of Conservation and Natural Resources, 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
- Downtown Reno Library, 301 S. Center St. Reno, NV 89501
- Elko County Library, 720 Court St., Elko, NV 89801

**Viewing of and participation in the March 10, 2022 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/12908775>

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

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

**Meeting extension: 12908775#**

The agency can accommodate limited seating at the meeting location if requested in advance. 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 should contact Michael Cabbie by email at [mcabbie@ndep.nv.gov](mailto:mcabbie@ndep.nv.gov), by calling (775) 687-9488, in writing at NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or by facsimile (775) 687-8335 no later than March 7, 2022.

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 from Tristin Alishio by sending a request in writing via email to [talishio@ndep.nv.gov](mailto:talishio@ndep.nv.gov), by mail to NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or by calling (775) 687-9369.