

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 1, 2022**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:30 AM on Wednesday, June 01, 2022 at the following locations:

Carson City: This meeting will be held by video/teleconference in accordance with NRS 241. Remote 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. APPROVAL OF THE MARCH 10, 2022 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. ADOPTION OF BOARD POLICY RESOLUTION NO. 2022-01, WHICH WILL REPLACE BOARD POLICY RESOLUTION NO. 96-003 (FOR POSSIBLE ACTION)

Board Policy Resolution No. 96-003 allows the Executive Secretary of the Board to Review Claims to waive the 12-month deadlines for initial claims and final claim submittals when good cause is provided. The replacing policy (Board Policy Resolution No. 2022-01) would also allow the Executive Secretary to waive a new 12-month deadline established by NAC 445C.310(2)(b) for "subsequent claims" submitted between the initial and final claims. Lastly, the new policy incorporates amended regulations adopted by the Board on March 10, 2022.

6. COST SCHEDULE FOR GRANT FUNDED UST UPGRADES (FOR DISCUSSION)

Staff will propose differing costs schedule mechanisms for the Board's consideration regarding grant funding for UST upgrade equipment components and associated installation costs.

7. UPDATE ON PROGRESS TOWARDS NEW CEM COST GUIDELINES (FOR DISCUSSION)

Fund staff will provide examples of new tasks to the Board and discuss the proposed approach to setting an overall task cost. Current Not-To-Exceed-Proposal tasks with skill level hour tables will be compared to proposed tasks that use a cap for CEM oversight of cleanup activities. Variability in CEM skill level rates may also be considered under this item.

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 - JUNE 1, 2022**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80223 Churchill County School District: Old High School	\$2,321.50	\$2,321.50
FOR POSSIBLE ACTION	2.	2020000051; 80265 University Of Nevada Reno: 843 Lake Street Heating Oil Tank	\$67,100.98	\$66,578.48
FOR POSSIBLE ACTION	3.	2020000054; 80264 University Of Nevada Reno: 829 Lake Street Heating Oil Tank	\$11,121.12	\$10,771.12
			SUB TOTAL:	
			<u>\$80,543.60</u>	<u>\$79,671.10</u>
<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80271 Clark County School District: Rc White (Arville) Transportation Satellite	\$109,347.41	\$109,347.41
FOR POSSIBLE ACTION	2.	1994000027; 80220 7-Eleven Inc: 7-Eleven #19653	\$55,223.12	\$55,215.50
FOR POSSIBLE ACTION	3.	1995000039; 80230 Al Park Petroleum Inc: Crescent Valley Market	\$12,847.82	\$11,563.04
FOR POSSIBLE ACTION	4.	1996000063; 80242 Joan Pennachio: V & V Automotive	\$19,066.00	\$19,066.00
FOR POSSIBLE ACTION	5.	1996000064; 80269 The Esslinger Family Trust: Red Rock Mini Mart	\$9,961.39	\$9,662.55
FOR POSSIBLE ACTION	6.	1999000014; 80231 Al Park Petroleum Inc: Pit Stop #7 Conoco	\$5,945.38	\$5,341.84

FOR POSSIBLE ACTION	7.	1999000114; 80277	City Of Fallon: Fallon Maint. Yard	\$57,321.97	\$56,733.69
FOR POSSIBLE ACTION	8.	1999000243; 80229	7-Eleven Inc: 7-Eleven #27607	\$72,975.06	\$65,648.73
FOR POSSIBLE ACTION	9.	2007000016; 80222	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$7,630.47	\$6,867.42
FOR POSSIBLE ACTION	10.	2009000024; 80018	Parampreet Investment LLC: Chucks Circle C Market	\$27,077.86	\$24,370.07
FOR POSSIBLE ACTION	11.	2010000009; 80232	Hpt Ta Properties Trust: Mill City Travel Center	\$22,284.46	\$18,050.41
FOR POSSIBLE ACTION	12.	2011000009; 80233	Cimarron West: Cimarron West	\$28,267.41	\$25,188.81
FOR POSSIBLE ACTION	13.	2012000005; 80238	Travel Systems, LLC: Zephyr Cove Resort	\$75,595.90	\$68,036.31
FOR POSSIBLE ACTION	14.	2012000012; 80270	Clark County Dept Of Aviation: Former Smart Mart	\$20,210.76	\$18,189.68
FOR POSSIBLE ACTION	15.	2013000004; 80237	7-Eleven Inc: 7-Eleven #29665	\$15,681.29	\$14,113.16
FOR POSSIBLE ACTION	16.	2013000019; 80236	Hardy Enterprises INC: Elko Sinclair #53	\$22,608.99	\$20,348.09
FOR POSSIBLE ACTION	17.	2014000004; 80224	Alsaker Corp: Broadway Colt Service Center	\$7,549.54	\$6,794.59
FOR POSSIBLE ACTION	18.	2014000016; 80225	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$3,087.88	\$2,779.09
FOR POSSIBLE ACTION	19.	2014000025; 80226	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$29,610.49	\$26,610.48
FOR POSSIBLE ACTION	20.	2016000005; 80227	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Petroleum 65 - Fallon	\$3,323.01	\$2,990.71
FOR POSSIBLE ACTION	21.	2016000009; 80216	7-Eleven Inc: 7-Eleven #13685	\$13,162.80	\$11,846.52
FOR POSSIBLE ACTION	22.	2016000012; 80263	DLF Corporation: Mr Ds Fastlane	\$8,021.93	\$7,219.74
FOR POSSIBLE ACTION	23.	2016000023; 80234	Al Park Petroleum Inc: Pit Stop #1	\$11,314.62	\$8,146.53
FOR POSSIBLE ACTION	24.	2018000009; 80211	Reed Incorporated: Pacific Pride	\$16,133.82	\$13,902.86
FOR POSSIBLE ACTION	25.	2018000018; 80228	Primadonna Company LLC: Whiskey Pete's Stateline Stop	\$87,335.59	\$43,138.09
FOR POSSIBLE ACTION	26.	2019000044; 80272	7-Eleven Inc: 7-Eleven #15829	\$19,734.58	\$17,761.11
FOR POSSIBLE ACTION	27.	2020000015; 80267	Canyon Plaza, LLC: Gas 2 Go	\$18,735.23	\$10,114.33
FOR POSSIBLE ACTION	28.	2021000009; 80219	7-Eleven Inc: 7-Eleven #27111	\$31,051.31	\$27,938.98
SUB TOTAL:				<u>\$811,106.09</u>	<u>\$706,985.74</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$891,649.69</u>	<u>\$786,656.84</u>

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.	2021000038; 80240 Reno Project Owner LLC: Reno Project Owner LLC Residential Heating Oil Tank	\$26,566.25	\$26,066.25
FOR DISCUSSION	2.	2022000005; 80246 Eric Plam: Kenneth Plam Property	\$18,988.89	\$18,738.89
FOR DISCUSSION	3.	2022000006; 80245 Paul Sisson: Pt Sisson LLC	\$24,712.17	\$24,462.17
FOR DISCUSSION	4.	2022000009; 80274 Andrea West: Smith-West Family Trust	\$25,411.68	\$25,161.68
			SUB TOTAL:	<u>\$95,678.99</u>
				<u>\$94,428.99</u>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80252 Rebel Oil Company: Rebel Store #2008	\$5,005.75	\$5,005.75
FOR DISCUSSION	2.	1993000103; 80186 Charlie Brown Construction: Charlie Brown Const.	\$34,615.60	\$33,923.29
FOR DISCUSSION	3.	1994000015; 80250 Pilger Family Holdings: Former D & G Oil Company	\$9,387.84	\$9,387.56
FOR DISCUSSION	4.	1999000023; 80256 Nevada Ready Mix Corp: Nevada Ready Mix	\$19,614.94	\$17,653.45
FOR DISCUSSION	5.	1999000066; 80262 HP Management, LLC: Former Haycock Petroleum	\$27,152.14	\$24,436.93
FOR DISCUSSION	6.	1999000086; 80243 Terrible Herbst Oil Company Inc: Terrible Herbst #126	\$71,972.16	\$64,774.94
FOR DISCUSSION	7.	2012000012; 80213 Clark County Dept Of Aviation: Former Smart Mart	\$16,100.02	\$14,490.02
FOR DISCUSSION	8.	2013000011; 80251 Har Moor Investments, LLC: Village Shop #4	\$31,513.51	\$28,362.16

FOR DISCUSSION	9.	2014000033; 80255	Speedee Mart INC: Speedee Mart #108	\$20,013.79	\$18,012.41
FOR DISCUSSION	10.	2016000027; 80258	Terrible Herbst Oil Company Inc: Terrible Herbst #272	\$7,047.09	\$5,708.14
FOR DISCUSSION	11.	2017000019; 80260	Rebel Oil Company: Rebel Store #2197	\$23,859.30	\$21,473.37
FOR DISCUSSION	12.	2017000035; 80257	Rebel Oil Company: Rebel Store #2177	\$15,172.22	\$13,655.00
FOR DISCUSSION	13.	2018000005; 80253	Rebel Oil Company: Rebel Store # 2153	\$28,072.00	\$25,264.80
FOR DISCUSSION	14.	2019000001; 80261	Rebel Oil Company: Rebel Store #2160	\$14,112.90	\$12,701.61
FOR DISCUSSION	15.	2019000002; 80259	Rebel Oil Company: Rebel Store #2166	\$35,559.50	\$32,003.55
FOR DISCUSSION	16.	2019000014; 80249	Western Cab Co: Western Cab CO	\$7,888.00	\$7,099.20
			SUB TOTAL:	<u>\$367,086.76</u>	<u>\$333,952.18</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$462,765.75</u>	<u>\$428,381.17</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,354,415.44</u>	<u>\$1,215,038.01</u>

10. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on Fund coverage activities, Fund expenditures, and tank enrollment status.

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)
SEPTEMBER 8, 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:

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 June 1, 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/14594262>

Teleconference: Call in by Phone (audio only)

United States: +1 (877) 422-8614

Meeting extension: 14594262#

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 or recorded public comment to be read/played aloud during the meeting should contact Tristin Alishio by email at talishio@ndep.nv.gov, by calling (775) 687-9369, 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 May 26, 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, 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.