

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
MARCH 9, 2023**

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 09, 2023 at the following locations:

Carson City: Richard H. Bryan Building - Tahoe Room, 901 South Stewart Street, 2nd Floor, Carson City, NV. Remote participation information is also provided below this agenda.

Las Vegas: Red Rock Conference Room at 375 East Warm Springs Road, Suite 200, Las Vegas, NV. Remote participation information is also provided below this agenda.

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 five 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 08, 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. REQUEST BY REGAL HOLDINGS OF NEVADA LLC TO PETITION THE BOARD TO REIMBURSE HEATING OIL TANK REMOVAL AND CLEANUP EXPENSES (FOR POSSIBLE ACTION)

Jeffrey Lowden, claimant for Regal Holding of Nevada LLC, has requested to present his case to the Board to Review Claims in an effort to seek reimbursement of expenses paid following the removal and disposal of impacted soil attributed to a heating oil underground storage tank. Fund staff have been unable to reimburse Mr. Lowden due to lack of documentation required by Fund regulations and policy resolutions.

6. 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 9, 2023**

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80441 Clark County School District: Rc White (Arville) Transportation Satellite	\$33,214.82	\$33,214.82
FOR POSSIBLE ACTION	2.	1993000102; 80428 Rebel Oil Company: Rebel Store #2008	\$11,240.25	\$11,240.25
FOR POSSIBLE ACTION	3.	1995000039; 80395 Al Park Petroleum, Inc.: Crescent Valley Market	\$8,423.76	\$7,581.38
FOR POSSIBLE ACTION	4.	1995000042; 80454 FBF INC: Gas 4 Less	\$84,360.00	\$84,360.00
FOR POSSIBLE ACTION	5.	1996000064; 80401 The Esslinger Family Trust: Red Rock Mini Mart	\$13,530.50	\$10,280.39
FOR POSSIBLE ACTION	6.	1998000075; 80448 55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$7,287.00	\$6,474.01
FOR POSSIBLE ACTION	7.	1999000022; 80438 Terrible Herbst Inc: Terrible Herbst #129	\$15,338.25	\$13,777.43
FOR POSSIBLE ACTION	8.	1999000086; 80439 Terrible Herbst Inc: Terrible Herbst #126	\$18,203.81	\$16,356.43
FOR POSSIBLE ACTION	9.	1999000104; 80437 Terrible Herbst Inc: Terrible Herbst #118	\$13,287.75	\$11,958.97
FOR POSSIBLE ACTION	10.	2007000014; 80440 Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$88,626.15	\$79,667.02
FOR POSSIBLE ACTION	11.	2007000016; 80446 Golden Gate Petroleum Of Nevada, LLC: Golden Gate Sun Valley #43	\$5,591.50	\$4,949.88
FOR POSSIBLE ACTION	12.	2008000009; 79904 Pilot Travel Centers LLC: Flying J Travel Plaza #770	\$182,780.92	\$145,404.38
FOR POSSIBLE ACTION	13.	2009000024; 80431 Sjk Investments LLC: Chucks Circle C Market	\$39,345.22	\$35,203.70

FOR POSSIBLE ACTION	14.	2010000009; 80449	Hpt Ta Properties Trust: Mill City Travel Center	\$10,582.39	\$8,571.73
FOR POSSIBLE ACTION	15.	2011000009; 80444	Cimarron West: Cimarron West	\$8,886.39	\$7,971.12
FOR POSSIBLE ACTION	16.	2012000012; 80400	Clark County Department Of Aviation: Former Smart Mart	\$10,682.40	\$9,477.49
FOR POSSIBLE ACTION	17.	2014000025; 80447	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$22,820.13	\$20,425.47
FOR POSSIBLE ACTION	18.	2016000012; 80416	DLF Corporation: Mr Ds Fastlane	\$742.50	\$668.25
FOR POSSIBLE ACTION	19.	2016000027; 80435	Terrible Herbst Inc: Terrible Herbst #272	\$44,776.42	\$35,684.30
FOR POSSIBLE ACTION	20.	2017000015; 80241	Ellen 5 LLC: Green Valley Grocery #63	\$35,391.29	\$31,664.30
FOR POSSIBLE ACTION	21.	2017000019; 80433	Rebel Oil Company: Rebel Store #2197	\$22,101.72	\$19,891.55
FOR POSSIBLE ACTION	22.	2017000035; 80434	Rebel Oil Company: Rebel Store #2177	\$30,215.06	\$27,193.55
FOR POSSIBLE ACTION	23.	2018000005; 80429	Rebel Oil Company: Rebel Store # 2153	\$11,315.00	\$10,183.50
FOR POSSIBLE ACTION	24.	2018000009; 80394	Reed Incorporated: Pacific Pride	\$24,027.25	\$21,557.03
FOR POSSIBLE ACTION	25.	2019000002; 80430	Rebel Oil Company: Rebel Store #2166	\$34,361.25	\$30,925.13
FOR POSSIBLE ACTION	26.	2019000044; 80361	7-Eleven, Inc: 7-Eleven #15829	\$21,473.37	\$19,326.03
FOR POSSIBLE ACTION	27.	2020000015; 80402	Canyon Plaza, LLC: Gas 2 Go	\$27,392.79	\$14,748.57
FOR POSSIBLE ACTION	28.	2021000014; 80399	Pilot Travel Centers LLC: Pilot Travel Centers LLC #341	\$47,771.52	\$41,244.35
FOR POSSIBLE ACTION	29.	2021000027; 80268	Horizon C Stores, LLC: Horizon Market #5	\$34,645.81	\$30,993.13
			SUB TOTAL:	<u>\$908,415.22</u>	<u>\$790,994.16</u>
			RECOMMENDED CLAIMS TOTAL:	<u>\$908,415.22</u>	<u>\$790,994.16</u>

7. 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.	2022000025; 80403 Hand Up Homes For Youth Nnv: Hand Up Homes For Youth Nnv	\$13,221.53	\$12,971.53
FOR DISCUSSION	2.	2022000034; 80398 Sbj Enterprises LLC: 4th Street At Goodsell LLC Residential Heating Oil Tank	\$26,471.65	\$26,221.65
FOR DISCUSSION	3.	2022000036; 80404 Gerald & Gloria Sbriglia: Gerald And Gloria Sbriglia Residential Heating Oil Tank	\$28,624.20	\$28,374.20
FOR DISCUSSION	4.	2023000001; 80421 Rmp 7 LLC: Rmp 7 LLC	\$21,593.74	\$21,343.74
FOR DISCUSSION	5.	2023000002; 80442 Nicole Commons: 1001 Sonora Drive Residential Heating Oil Tank	\$23,339.21	\$23,089.21
			SUB TOTAL:	<u>\$113,250.33</u>
				<u>\$112,000.33</u>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1994000015; 80420 Pilger Family Holdings: Former D & G Oil Company	\$10,908.94	\$10,908.94
FOR DISCUSSION	2.	1999000023; 80432 Nevada Ready Mix Corp: Nevada Ready Mix	\$27,575.46	\$24,817.91
FOR DISCUSSION	3.	1999000066; 80422 HP Management, LLC: Former Haycock Petroleum	\$37,718.78	\$33,946.90
FOR DISCUSSION	4.	2013000011; 80419 Har Moor Investments, LLC: Village Shop #4	\$20,788.75	\$18,709.87
FOR DISCUSSION	5.	2014000033; 80423 Speedee Mart Inc.: Speedee Mart #108	\$23,861.86	\$21,475.67
FOR DISCUSSION	6.	2018000018; 80345 Primadonna Company, LLC: Whiskey Pete's Stateline Stop	\$150,380.51	\$120,543.40

FOR DISCUSSION	7.	2019000005; 80425	Fairway Chevrolet Company: Fairway Chevrolet CO	\$19,515.00	\$17,563.50
FOR DISCUSSION	8.	2019000014; 80424	Western Cab Co: Western Cab CO	\$7,534.75	\$6,781.27
FOR DISCUSSION	9.	2022000012; 80426	Neissan Koroghli: City C-Store (7-11)	\$1,669.25	\$1,502.33
			SUB TOTAL:	<u>\$299,953.30</u>	<u>\$256,249.79</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$413,203.63</u>	<u>\$368,250.12</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,321,618.85</u>	<u>\$1,159,244.28</u>

8. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on Fund tank enrollment status, coverage activities, claim reimbursement expenditures to-date, and other quarterly program updates.

9. 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.

10. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION) JUNE 8, 2023 (THURSDAY) AT 10:00 AM

11. 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

In addition to physical meeting locations, viewing of and participation in the March 9, 2023 Board to Review Claims Meeting will be available via video/teleconference. Meeting access information is listed below:

Microsoft Teams meeting:

Join on your computer, smart phone, or tablet using the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTVmNmE4MGEtZDlhOS00NDFILTIINmMtNDliZjhjZmIxOThk%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22f5d90261-50cc-4af0-a3bb-e68b8276e5d2%22%7d

Or call in (audio only)

+1 775-321-6111,

Phone Conference ID: 374 774 807#

The agency can accommodate limited seating at the meeting locations and requests advance notice to accommodate attendees. 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 Tristin Alishio by email at 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 March 6, 2023.

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.