

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
DECEMBER 14, 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, December 14, 2023 at the following locations:

Carson City: Richard H. Bryan Building, Bonnie Conference Room, 901 South Stewart Street, 1st 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 SEPTEMBER 14, 2023 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 ADDITIONAL CLEANUP ALLOTMENT (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2023-03

Proposed Site Specific Board Determination to provide an Additional Allotment of Cleanup Funding in accordance with subsections 4 and 6 of NRS 445C.380 and Board Policy Resolution 2023-01, for Rebel Store #2177, located at 6400 West Lake Mead Boulevard, Las Vegas, Nevada
Petroleum Fund Case ID No. 2017000035, Facility ID No. 8-001928

RECOMMENDATION:

Adoption of Site-Specific Board Determination No. C2023-03 as proposed, granting additional cleanup funding in accordance with subsections 4 and 6 of NRS 445C.380 and Board Policy Resolution 2023-01 under the State of Nevada Petroleum Fund to Rebel Store #2177 for \$900,000.00. This represents \$1,000,000.00 in coverage minus a 10% copayment.

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 - DECEMBER 14, 2023**

<u>NEW CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2021000032; 80522 Circle K Stores, Inc.: Circle K Store #2700755	\$87,977.07	\$77,612.28
FOR POSSIBLE ACTION	2.	2022000030; 80539 Mountain View Hospital: Mountain View Hospital	\$11,220.00	\$8,078.40
SUB TOTAL:			<u>\$99,197.07</u>	<u>\$85,690.68</u>
<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80628 Clark County School District: Rc White (Arville) Transportation Satellite	\$20,010.60	\$19,945.60
FOR POSSIBLE ACTION	2.	1994000027; 80632 7-Eleven, Inc: 7-Eleven #19653	\$75,094.51	\$74,541.07
FOR POSSIBLE ACTION	3.	1995000042; 80583 FBF Inc.: Gas 4 Less	\$20,860.87	\$20,853.59
FOR POSSIBLE ACTION	4.	1996000064; 80616 The Esslinger Family Trust: Red Rock Mini Mart	\$3,037.50	\$2,799.06
FOR POSSIBLE ACTION	5.	1996000101; 80598 Phillips 66 Company: Circle K Store #2700695	\$71,886.25	\$62,912.11
FOR POSSIBLE ACTION	6.	1999000014; 80619 Al Park Petroleum, Inc.: Pit Stop #7 Conoco	\$7,412.48	\$6,671.23
FOR POSSIBLE ACTION	7.	1999000243; 80635 7-Eleven, Inc: 7-Eleven #27607	\$30,524.44	\$26,946.68

FOR POSSIBLE ACTION	8.	2007000014; 80621	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$46,749.72	\$38,436.49
FOR POSSIBLE ACTION	9.	2007000016; 80607	Golden Gate Petroleum Of Nevada LLC: Golden Gate Sun Valley #43	\$8,030.44	\$7,227.40
FOR POSSIBLE ACTION	10.	2008000009; 80581	Pilot Travel Centers LLC: Flying J Travel Plaza #770	\$45,546.71	\$36,892.84
FOR POSSIBLE ACTION	11.	2008000019; 80550	One Panou, LLC: Golden Market #3	\$15,013.72	\$13,422.35
FOR POSSIBLE ACTION	12.	2009000024; 80545	Sjk Investments LLC: Chuck's Circle C	\$16,942.33	\$14,781.54
FOR POSSIBLE ACTION	13.	2010000009; 80615	Hpt Ta Properties Trust: Mill City Travel Center	\$10,364.60	\$8,357.02
FOR POSSIBLE ACTION	14.	2011000009; 80622	Cimarron West: Cimarron West	\$9,626.17	\$8,663.55
FOR POSSIBLE ACTION	15.	2012000005; 80610	Travel Systems, LLC: Zephyr Cove Resort	\$46,950.72	\$42,255.65
FOR POSSIBLE ACTION	16.	2012000012; 80617	Clark County Department Of Aviation: Former Smart Mart	\$21,649.73	\$19,484.76
FOR POSSIBLE ACTION	17.	2013000019; 80623	Hardy Enterprises, Inc.: Elko Sinclair #53	\$34,346.49	\$30,911.84
FOR POSSIBLE ACTION	18.	2014000004; 80609	Alsaker Corporation: Broadway Colt Service Center	\$4,623.82	\$4,161.44
FOR POSSIBLE ACTION	19.	2014000007; 80634	7-Eleven, Inc: 7-Eleven #29658	\$22,061.75	\$19,855.57
FOR POSSIBLE ACTION	20.	2014000025; 80626	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$15,591.41	\$14,032.27
FOR POSSIBLE ACTION	21.	2017000019; 80596	Rebel Oil Company: Rebel Store #2197	\$6,627.50	\$5,964.75
FOR POSSIBLE ACTION	22.	2018000005; 80594	Rebel Oil Company: Rebel Store # 2153	\$12,833.50	\$11,550.15
FOR POSSIBLE ACTION	23.	2018000009; 80630	Reed Incorporated: Pacific Pride	\$80,205.35	\$72,184.81
FOR POSSIBLE ACTION	24.	2019000002; 80595	Rebel Oil Company: Rebel Store #2166	\$13,389.50	\$12,050.55
FOR POSSIBLE ACTION	25.	2019000044; 80631	7-Eleven, Inc: 7-Eleven #15829	\$35,205.61	\$31,685.05
FOR POSSIBLE ACTION	26.	2020000015; 80618	Canyon Plaza, LLC: Gas 2 Go	\$10,207.40	\$5,512.00
FOR POSSIBLE ACTION	27.	2020000016; 80481	LV Petroleum, LLC: Us Gas #7	\$24,759.44	\$22,283.50
FOR POSSIBLE ACTION	28.	2021000026; 80633	7-Eleven, Inc: 7-Eleven #25578	\$13,247.80	\$11,923.02
FOR POSSIBLE ACTION	29.	2022000015; 80597	Rebel Oil Company: Rebel Store #2197	\$24,006.61	\$17,219.96
FOR POSSIBLE ACTION	30.	2022000035; 80611	7-Eleven, Inc: 7-Eleven #29407	\$59,986.85	\$53,988.17
SUB TOTAL:				<u>\$806,793.82</u>	<u>\$717,514.02</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$905,990.89</u>	<u>\$803,204.70</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.	2023000011; 80573 James Hardesty: Residential Heating Oil Tank At 5300 Valley Vista Drive	\$8,159.25	\$8,159.25
FOR DISCUSSION	2.	2023000014; 80576 Danielle Saenz: Residential Heating Oil Tank At 551 Claremont St	\$30,494.84	\$30,244.84
FOR DISCUSSION	3.	2023000015; 80578 Kimberly Martinez: Residential Heating Oil Tank At 1386 Marlette Circle	\$21,508.93	\$21,258.93
FOR DISCUSSION	4.	2023000017; 80580 John Steinmetz: Residential Heating Oil Tank At 14465 Virginia Foothills Drive	\$26,106.69	\$25,856.69
FOR DISCUSSION	5.	2023000017; 80582 John Steinmetz: Residential Heating Oil Tank At 14465 Virginia Foothills Drive	\$10,083.75	\$10,083.75
FOR DISCUSSION	6.	2023000019; 80584 Janice Kozma: 580 & 590 Genoa Ave Residential Heating Oil Tanks	\$55,773.05	\$55,273.05
FOR DISCUSSION	7.	2023000020; 80585 Janice Kozma: Residential Heating Oil Tanks At 1560 & 1562 W 6th Street	\$46,913.13	\$46,413.13
FOR DISCUSSION	8.	2023000021; 80586 Denise Nunley: Residential Heating Oil Tank At 4000 Jasper Lane	\$33,052.13	\$32,802.13
FOR DISCUSSION	9.	2023000022; 80600 James Kress: Residential Heating Oil Tank At 50 Sonora Circle	\$23,868.21	\$23,618.21
SUB TOTAL:			<u>\$255,959.98</u>	<u>\$253,709.98</u>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>PAID</u>
FOR DISCUSSION	1.	1995000039; 80553 Al Park Petroleum, Inc.: Crescent Valley Market	\$8,308.01	\$7,477.21

FOR DISCUSSION	2.	1999000023; 80601	Nevada Ready Mix Corp: Nevada Ready Mix	\$22,716.16	\$20,444.54
FOR DISCUSSION	3.	1999000066; 80592	HP Management, LLC: Former Haycock Petroleum	\$33,585.54	\$30,226.99
FOR DISCUSSION	4.	1999000086; 80591	Terrible Herbst, Inc.: Terrible Herbst #126	\$3,476.25	\$3,128.63
FOR DISCUSSION	5.	1999000186; 80588	Pilger Family Holdings: Former D & G Oil Company	\$85,770.00	\$77,193.00
FOR DISCUSSION	6.	2011000009; 80559	Cimarron West: Cimarron West	\$29,171.62	\$26,081.74
FOR DISCUSSION	7.	2013000011; 80587	Har Moor Investments, LLC: Village Shop #4	\$7,706.00	\$6,935.40
FOR DISCUSSION	8.	2013000019; 80560	Hardy Enterprises, Inc.: Elko Sinclair #53	\$44,957.76	\$40,461.98
FOR DISCUSSION	9.	2014000033; 80593	Speedee Mart Inc.: Speedee Mart #108	\$11,378.45	\$10,240.61
FOR DISCUSSION	10.	2016000023; 80556	Al Park Petroleum, Inc.: Pit Stop #1	\$18,780.64	\$13,522.06
FOR DISCUSSION	11.	2016000027; 80541	Terrible Herbst, Inc.: Terrible Herbst #272	\$12,137.90	\$9,768.29
FOR DISCUSSION	12.	2018000018; 80508	Primadonna Company, LLC: Whiskey Pete's Stateline Stop	\$110,383.55	\$88,287.34
FOR DISCUSSION	13.	2019000014; 80590	Western Cab Co: Western Cab CO	\$7,168.50	\$6,451.65
FOR DISCUSSION	14.	2022000012; 80589	Neissan Koroghli: City C-Store (7-11)	\$6,086.50	\$5,477.85
			SUB TOTAL:	<u>\$401,626.88</u>	<u>\$345,697.29</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$657,586.86</u>	<u>\$599,407.27</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$1,563,577.75</u>	<u>\$1,402,611.97</u>

8. EXECUTIVE SUMMARY (FOR DISCUSSION)

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

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) MARCH 14, 2024 (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 the physical meeting locations, viewing of and participation in the December 14, 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_YjkkxOGQ0OTQtNjZhMC00MjcZLTg2ODQtMzNmNGFjNmE5OTZj%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, 264313464# United States, Reno
Phone Conference ID: 264 313 464#

The agency can accommodate limited seating at the meeting locations and requests advanced 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 December 11, 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.