

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
DECEMBER 12, 2024**

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 12, 2024 at the following locations:

Carson City: Richard H. Bryan Building, 901 South Stewart Street, Bonnie B. Bryan Boardroom (Suite 1002), Carson City, NV

Las Vegas: NDEP Las Vegas Office, 375 East Warm Springs Road, Red Rock Conference Room (Suite 200), Las Vegas, NV

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 12, 2024 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. C2024-05

Proposed Site-Specific Board Determination (SSBD) to provide an Additional Allotment of Cleanup Funding in accordance with Board Policy Resolution 2023-01, for Zephyr Cove Resort, located at 760 U.S. Highway 50, Zephyr Cove, Nevada.

Petroleum Fund Case ID No. 2012000005, Facility ID No. 2-000112

RECOMMENDATION:

Adoption of Site-Specific Board Determination No. C2024-05 as proposed, granting additional cleanup funding in accordance with Board Policy Resolution 2023-01 under the State of Nevada Petroleum Fund to Zephyr Cove Resort \$900,000.00. This represents \$1,000,000.00 in coverage, minus a 10% copayment.

6. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2024-06

Proposed Site-Specific Board Determination (SSBD) to provide an Additional Allotment of Cleanup Funding in accordance with Board Policy Resolution 2023-01, for Rebel Store #2008, located at 3235 Las Vegas Blvd N, Las Vegas, Nevada.

Petroleum Fund Case ID No. 1993000102, Facility ID No. 8-000523

RECOMMENDATION:

Adoption of Site-Specific Board Determination No. C2024-06 as proposed, granting additional cleanup funding in accordance with Board Policy Resolution 2023-01 under the State of Nevada Petroleum Fund to Rebel Store #2008 for \$900,000.00. This represents \$1,000,000.00 in coverage, minus a 10% copayment.

7. 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 12, 2024**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2024000024; 80799	David McNinch: Residence Of 5155 Ross Drive	\$15,841.56	\$15,841.56
FOR POSSIBLE ACTION	2.	2024000025; 80809	James Walsh: Residence Of 620 Lester Avenue	\$33,619.10	\$33,369.10
FOR POSSIBLE ACTION	3.	2024000026; 80820	Webb Living Trust: Residence Of 619 W 10th Street	\$33,286.83	\$33,036.83
SUB TOTAL:				<u>\$82,747.49</u>	<u>\$82,247.49</u>
<u>NEW CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2024000013; 80818	Dats Trucking Inc: Las Vegas Cardlock	\$42,086.50	\$22,726.71
SUB TOTAL:				<u>\$42,086.50</u>	<u>\$22,726.71</u>
<u>ONGOING CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80815	Clark County School District: Re White (arville) Transportation Satellite	\$31,789.07	\$31,789.07

FOR POSSIBLE ACTION	2.	1993000102; 80802	Rebel Oil Company: Rebel Store #2008	\$5,992.50	\$5,620.00
FOR POSSIBLE ACTION	3.	1994000027; 80821	7-Eleven, Inc: 7-Eleven #19653	\$44,527.11	\$44,527.11
FOR POSSIBLE ACTION	4.	1995000039; 80789	Al Park Petroleum, Inc.: Crescent Valley Market	\$7,488.23	\$6,724.83
FOR POSSIBLE ACTION	5.	1995000042; 80712	Fbf, Inc.: Gas 4 Less	\$97,167.92	\$92,309.52
FOR POSSIBLE ACTION	6.	1996000064; 80807	The Esslinger Family Trust: Red Rock Mini Mart	\$1,300.00	\$1,197.95
FOR POSSIBLE ACTION	7.	1998000075; 80706	55 McDermitt Crude, Llc: McDermitt Motel & Convenience Store	\$23,624.35	\$19,731.91
FOR POSSIBLE ACTION	8.	1999000066; 80795	HP Management, Llc: Former Haycock Petroleum	\$39,915.38	\$35,248.84
FOR POSSIBLE ACTION	9.	1999000086; 80785	Terrible Herbst, Inc.: Terrible Herbst #126	\$27,223.25	\$24,247.80
FOR POSSIBLE ACTION	10.	2007000014; 80816	Raiders Oz Business, Llc: Former Ace Cab/frias Transportation	\$57,112.16	\$51,400.94
FOR POSSIBLE ACTION	11.	2007000016; 80790	Golden Gate Petroleum Of Nevada Llc: Golden Gate Petroleum #43 - Sun Valley	\$6,359.40	\$5,723.46
FOR POSSIBLE ACTION	12.	2008000019; 80810	One Panou, Llc: Golden Market #3	\$17,091.16	\$15,382.04
FOR POSSIBLE ACTION	13.	2009000024; 80786	Sjk Investments, Llc: Chuck's Circle C	\$70,625.71	\$63,294.92
FOR POSSIBLE ACTION	14.	2010000009; 80805	Hpt Ta Properties Trust: Mill City Travel Center	\$10,463.55	\$8,313.07
FOR POSSIBLE ACTION	15.	2011000009; 80791	Cimarron West: Cimarron West	\$6,602.23	\$5,942.01
FOR POSSIBLE ACTION	16.	2013000019; 80819	Hardy Enterprises, Inc.: Elko Sinclair #53	\$34,402.81	\$29,303.15
FOR POSSIBLE ACTION	17.	2014000025; 80804	Superior Campgrounds Of America, Llc: Silver City RV Resort	\$15,663.08	\$14,096.77
FOR POSSIBLE ACTION	18.	2015000009; 80774	Hpt Ta Properties Trust: Las Vegas Travel Center	\$115,296.55	\$103,766.89
FOR POSSIBLE ACTION	19.	2016000023; 80806	Al Park Petroleum, Inc.: Pit Stop #1	\$33,954.30	\$24,445.44
FOR POSSIBLE ACTION	20.	2016000027; 80784	Terrible Herbst, Inc.: Terrible Herbst #272	\$9,356.85	\$7,579.05
FOR POSSIBLE ACTION	21.	2017000015; 80811	Ellen 5, Llc: Auto Center (green Valley Grocery #63)	\$14,503.12	\$12,961.83
FOR POSSIBLE ACTION	22.	2018000009; 80803	Reed Incorporated: Pacific Pride	\$53,390.17	\$48,051.15
FOR POSSIBLE ACTION	23.	2018000018; 80768	Primadonna Company, Llc: Whiskey Pete's Stateline Stop	\$75,904.84	\$60,060.28
FOR POSSIBLE ACTION	24.	2019000009; 80737	Circle K Stores, Inc.: Circle K Store #2701364	\$35,151.97	\$18,878.89
FOR POSSIBLE ACTION	25.	2020000015; 80812	Canyon Plaza, Llc: Gas 2 Go	\$33,601.69	\$18,144.91
FOR POSSIBLE ACTION	26.	2021000014; 80813	Pilot Travel Centers Llc: Pilot Travel Centers LLC #341	\$6,212.94	\$5,591.65
FOR POSSIBLE ACTION	27.	2022000018; 80814	Pilot Travel Centers Llc: Pilot Travel Centers LLC #341	\$10,474.71	\$7,541.79
FOR POSSIBLE ACTION	28.	2023000013; 80664	Terrible Herbst, Inc.: Terrible Herbst #3	\$96,579.98	\$86,921.98
FOR POSSIBLE ACTION	29.	2023000018; 80801	Reed Incorporated: R Place #1	\$54,365.15	\$48,928.63
FOR POSSIBLE ACTION	30.	2024000008; 80808	Midjit Market, Inc.: Green Valley Grocery #58	\$24,000.03	\$17,280.02
SUB TOTAL:				<u>\$1,060,140.21</u>	<u>\$915,005.90</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$1,184,974.20</u>	<u>\$1,019,980.10</u>

8. 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.	2024000018; 80780 Tietjen Family Trust: Residence Of 16675 Cheyenne Drive	\$15,485.59	\$15,235.59
FOR DISCUSSION	2.	2024000019; 80781 Ruth Hanusa: Residence Of 620 Robin Street	\$35,639.09	\$35,389.09
FOR DISCUSSION	3.	2024000020; 80783 Eric Agerholm: Residence Of 2005 Carter Drive	\$15,510.84	\$15,260.84
FOR DISCUSSION	4.	2024000021; 80782 Bryce Wiele: Residence Of 1750 Royal Drive	\$30,719.50	\$30,469.50
FOR DISCUSSION	5.	2024000023; 80787 Bennet McMicking: Residence Of 1336 Wright Street	\$21,195.93	\$20,945.93
FOR DISCUSSION	6.	2024000024; 80788 David McNinch: Residence Of 5155 Ross Drive	\$34,130.42	\$33,880.42
SUB TOTAL:			<u>\$152,681.37</u>	<u>\$151,181.37</u>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1999000023; 80796 Nevada Ready Mix Corp: Nevada Ready Mix	\$27,728.11	\$24,955.30
FOR DISCUSSION	2.	2017000035; 80798 Rebel Oil Company: Rebel Store #2177	\$13,413.00	\$12,071.70
FOR DISCUSSION	3.	2018000005; 80797 Rebel Oil Company: Rebel Store # 2153	\$12,571.50	\$11,314.35
FOR DISCUSSION	4.	2019000014; 80793 Western Cab Co: Western Cab CO	\$7,980.00	\$7,182.00
FOR DISCUSSION	5.	2021000032; 80528 Circle K Stores, Inc.: Circle K Store #2700755	\$84,399.61	\$75,314.98
FOR DISCUSSION	6.	2022000012; 80750 Neissan Koroghli: City C-Store (7-11)	\$21,114.00	\$19,002.60
FOR DISCUSSION	7.	2022000015; 80794 Rebel Oil Company: Rebel Store #2197	\$20,637.55	\$14,787.04

FOR DISCUSSION

8. 2023000028; 80800 Anderson Dairy, Inc.: Anderson Dairy INC

\$9,916.00

\$8,924.40

SUB TOTAL:

\$197,759.77

\$173,552.37

DIRECT PAYMENT CLAIMS TOTAL:

\$350,441.14

\$324,733.74

BOARD MEETING CLAIMS TOTAL:

\$1,535,415.34

\$1,344,713.84

9. EXECUTIVE SUMMARY (FOR DISCUSSION)

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

10. 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.

**11. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION)
MARCH 13, 2025 (THURSDAY) AT 10:00 AM**

12. 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 12, 2024, Board to Review Claims Meeting will be available via video/teleconference. Meeting access information is listed below:

Microsoft Teams meeting

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDFmMGM5YTAtNGZmYy00NDYzLTk2YjctZWJmNGYxNjRjMzE1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22eee1e0b0-f0d7-4894-ac9e-799c32c17775%22%7d

Meeting ID: 247 858 598 172

Dial in by phone (audio only)
+1 775-321-6111,,535158153#
Phone conference ID: 535 158 153#

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 9, 2024.

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.