

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
MEETING MINUTES - DECEMBER 12, 2024**

1. CALL TO ORDER

Chair Tappan called the meeting to order at 10:00 a.m. The meeting was conducted via video/phone conference.

Megan Slayden provided an overview of the meeting procedures.

A. BOARD MEMBERS PRESENT

Maureen Tappan, Chair – Representative of the General Public
LeRoy Perks – Representative of the Independent Retailers of Petroleum
Jason Case – Representative of Independent Petroleum Dealers
Karen Stoll – Department of Motor Vehicles
Jennifer Carr – Nevada Division of Environmental Protection
Mike Dzyak – State Fire Marshal’s Office

BOARD MEMBERS NOT PRESENT

Rod Smith, Vice-Chair – Representative of Petroleum Refiners

OTHERS PRESENT

Katie Armstrong – Legal Counsel, State of Nevada Attorney General’s Office
Jeff Collins, Megan Slayden, Don Warner, Gregory Johnson, Kim Valdez, Jonathan McRae, Kevin Salls, Tristin Alishio, Ben Moan, Ruby Wood, Dean Peterson, Grant Spoering, Kandis Harvey, Alexa Salls, Ally Hernandez, Michael Mazziotta, and John Karr – Nevada Division of Environmental Protection (NDEP)

Rex Heppe – Broadbent & Associates, Inc.
Keith Stewart – Stewart Environmental, Inc.
Matt Grandjean – Stantec Consulting Services, Inc.

In addition to the above-named participants, one additional guest called into the meeting by telephone and was not identified by name.

2. PUBLIC COMMENT

There were no public comments.

3. APPROVAL OF THE SEPTEMBER 12, 2024, MINUTES

Chair Tappan called for changes to the minutes. There were no changes requested.

LeRoy Perks moved to approve the September 12, 2024, minutes as presented. Jennifer Carr seconded the motion. Motion carried unanimously.

4. **STATUS OF THE FUND**

Megan Slayden provided the summary of revenues into the Fund for the entire State Fiscal Year 2024. The balance forward from State Fiscal Year 2023 was \$7.5 million. Approximately \$411,600 was received for 2024 tank system enrollment fees. Approximately \$13,780,177 was generated by the \$0.0075 Petroleum Fund fee. The Fund earned approximately \$415,373 in interest. Total revenue received by the Fund for State Fiscal Year 2024 minus the balance forward amount for State Fiscal Year 2025 was \$14,607,149.51. Expenditures for State Fiscal Year 2024 include Board member salaries of approximately \$1,400. In-state travel costs for Board members totaled approximately \$258. Board meeting operating costs totaled approximately \$964. The annual transfer to the State Highway Fund was approximately \$8,143,510. Funds transferred to NDEP for program administration, staff salaries and ongoing program maintenance totaled approximately \$1,444,948. Funding for State led petrochemical cleanups totaled \$201,452. The annual transfer to the account for management of air quality totaled \$97,705. Payment to the Department of Motor Vehicles for assessing the cleanup fee was \$12,714. Reimbursement of Petroleum Fund claims totaled approximately \$4,704,198. Total expenditures of the Fund for State Fiscal Year 2024 balance out with the revenue collected at \$14,607,149.51.

Ms. Slayden gave a summary of the current State Fiscal Year, which began July 1st, 2024. For the summary of revenues into the Fund for State Fiscal Year 2025 thus far, the balance forward from State Fiscal year 2024 was \$7,500,000. Approximately \$394,400 has been received for tank system registration fees for enrollment year 2025. Approximately \$2,528,626 has been generated by the \$0.0075 Petroleum Fund fee. Total revenue received this fiscal year thus far is \$10,423,026. Expenditures for State Fiscal Year 2025 include Board member salaries of approximately \$477. In-state travel costs for Board Members total approximately \$61. Board meeting operating costs total approximately \$506. Money transferred to NDEP for program administration, staff salaries and ongoing program maintenance totals \$486,713. Funding for State-led petrochemical cleanups totals approximately \$47,623. Reimbursement of Petroleum Fund claims thus far totals approximately \$1,671,544. Expenditures thus far for Fiscal Year 2025 total \$2,206,924.74. Total funding currently available within the Fund for State Fiscal Year 2025 is \$8,216,101.26.

Chair Tappan invited questions regarding the status of the Fund. No questions were posed.

5. **SITE SPECIFIC BOARD DETERMINATION FOR ADDITIONAL CLEANUP ALLOTMENT**

Gregory Johnson presented this item, stating that Site Specific Board Determination (SSBD) No. C2024-05 proposes to provide an additional allotment of funding to Zephyr Cove Resort for Petroleum Fund Case ID No. 2012000005, Facility ID No. 2-000112. The subject site, Zephyr Cove Resort, located at 760 U.S. Highway 50, Zephyr Cove, Nevada was previously awarded coverage for a release from a faulty product piping and submersible turbine pump connections. The operator has requested an additional allotment of funding in accordance with Board Policy Resolution 2023-01, provided as Appendix A in the Board binders. Appendix B includes the operator's request which was prepared by their Certified Environmental Manager (CEM). On September 10, 2024, the operator submitted a request for an additional allotment of funding, in accordance with Subsection 4 of NRS 445C.380, which addressed each item listed in statute. The

request is provided in Appendix B. On August 29, 2023, the NDEP case officer completed a review and provided comments for the remaining cleanup and closure activities presented in Stantec's Biosparge Remediation Workplan, dated June 29, 2023. The accompanying email and letter are included in Appendix B.

Also included in the request is email correspondence, which demonstrates that on August 13, 2024, the NDEP case officer concurred that the operator is in compliance with the requirements from the Division concerning cleanup directives. On November 14, 2024, the NDEP case officer requested continued remediation activities occur at the site. A copy of the accompanying letter is included as Appendix C. The operator is not liable, pursuant to NRS 445C.390 and has not received money for damages pursuant to NRS 445C.380.1. The facility is in compliance with the applicable provisions of NRS 459.800 to 459.856 inclusive. In addition, Claim No. 80742 was approved for payment during the September 12th, 2024, Board meeting, which exhausted all available cleanup funding for the case. Based on a review of the documentation provided with the request for an additional allotment of cleanup funding, staff recommends that the Board approve funding in the amount of \$900,000 for Zephyr Cove Resort. This represents \$1 million in funding, minus a 10 percent copayment. The Board has the authority to approve no greater than \$1 million for this allotment.

Chair Tappan invited questions from Board members. There being no questions, she invited a motion.

LeRoy Perks moved to adopt 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 percent copayment. Mike Dzyak seconded the motion. Motion carried unanimously.

6. SITE SPECIFIC BOARD DETERMINATION FOR ADDITIONAL CLEANUP ALLOTMENT

Chair Tappan clarified that this agenda item was originally listed on the agenda as a Site Specific Board Determination for Petroleum Fund coverage with reduction for possible action, however, this has been corrected to state that it is a Site Specific Board Determination for an additional allotment of cleanup funding. She asked Ms. Armstrong for confirmation that the Board may proceed with a vote on this agenda item. **Katie Armstrong, Legal Counsel, State of Nevada Attorney General's Office**, confirmed that the original agenda contained a misprint, which included both the incorrect reference to reduction in coverage as well as the correct language referencing an additional allotment of cleanup funding. As such, proper notification has been provided.

Gregory Johnson presented this item, which included a request for an additional allotment of funding under Board Policy Resolution 2023-01. Site-Specific Board Determination No. C2024-06 proposes to provide an additional allotment of funding to Rebel Store No. 2008 for Petroleum Fund Case ID No. 1993000102, Facility ID No. 8-000523. The subject site, located at 3235 Las Vegas Boulevard North, Las Vegas, Nevada, was previously awarded coverage for a release from two gasoline underground storage tanks (USTs). The operator is requesting an additional allotment of funding in accordance with Board Policy Resolution 2023-01, provided as Appendix A in the Board's binders. Appendix B includes the operator's request, which was prepared by their CEM. Petroleum Fund staff have reviewed the request and provided the SSBD

to help the Board determine eligibility. On November 20, 2024, the operator submitted a request for an additional allotment of funding, in accordance Subsection 4 of NRS 445C.380, which addressed each item listed in the statute. This request is provided as Appendix B in the Board binders.

On November 22, 2024, the NDEP case officer concurred with cleanup and closure activities presented in Stewart Environmental, Inc's Remedial Action Plan, dated August 26, 2024. The NDEP case officer further supported the plan and schedule proposed by the operator's CEM in the same correspondence. A copy of the letter is included as Appendix C in the Board binders. The operator is not liable pursuant to NRS 445C.390 and has not received money for damages pursuant to NRS 445C.380.1. The facility is in compliance with the applicable provisions of NRS 459.800 to 459.856 inclusive. In addition, Claim Number 80802 is pending approval for payment this December 12th, 2024, Board meeting, which will exhaust all available cleanup funding for the case. Based on a review of the documentation provided with the request for an additional allotment of cleanup funding, staff recommends the Board approve the allotment of funding in the amount of \$900,000 for Rebel Store No. 2008. This represents \$1 million in funding, minus a 10 percent copayment. The Board has the authority to approve a value of not greater than \$1 million for this allotment.

Chair Tappan invited questions from Board members.

Jennifer Carr noted that this case begins with remedial case number originating in 1993; she is hopeful that this approval represents closure on this case. She encouraged the operator and the CEM to remain in close contact with the case manager.

There being no additional questions, **Chair Tappan** invited a motion.

LeRoy Perks moved to Adopt 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 No. #2008 for \$900,000.00. This represents \$1,000,000.00 in coverage, minus a 10 percent copayment. Jennifer Carr seconded the motion. Motion carried unanimously. Jason Case recused himself.

7. **ADOPTION OF CONSENT ITEMS**

The Board reviewed all items as a consent agenda item. There was no discussion regarding an individual item.

HEATING OIL

				<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>

NEW CASES

				<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>

ONGOING CASES

				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1	1992000126; 80815	Clark County School District: RC 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 55 McDermitt Crude, Llc: McDermitt Motel &	\$1,300.00	\$1,197.95
FOR POSSIBLE ACTION	7	1998000075; 80706	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 Raiders Oz Business, Llc: Former Ace Cab/frias	\$27,223.25	\$24,247.80
FOR POSSIBLE ACTION	10	2007000014; 80816	Transportation Golden Gate Petroleum Of Nevada Llc: Golden Gate	\$57,112.16	\$51,400.94
FOR POSSIBLE ACTION	11	2007000016; 80790	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 Superior Campgrounds Of America, Llc: Silver City RV	\$34,402.81	\$29,303.15
FOR POSSIBLE ACTION	17	2014000025; 80804	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>

Jennifer Carr moved for approval of the consent items requested, recommended amounts dated 12/12/24. LeRoy Perks seconded the motion. Motion carried unanimously. Jason Case recused himself from Item No. 2.

8. DIRECT PAYMENT OF UNCONTESTED CLAIMS MADE PER POLICY RESOLUTION 2017-02

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.

HEATING OIL

			<u>REQUESTED</u>	<u>PAID</u>	
FOR POSSIBLE ACTION	1	2024000018; 80780	Tietjen Family Trust: Residence Of 16675 Cheyenne Drive	\$15,485.59	\$15,235.59
FOR POSSIBLE ACTION	2	2024000019; 80781	Ruth Hanusa: Residence Of 620 Robin Street	\$35,639.09	\$35,389.09
FOR POSSIBLE ACTION	3	2024000020; 80783	Eric Agerholm: Residence Of 2005 Carter Drive	\$15,510.84	\$15,260.84
FOR POSSIBLE ACTION	4	2024000021; 80782	Bryce Wiele: Residence Of 1750 Royal Drive	\$30,719.50	\$30,469.50
FOR POSSIBLE ACTION	5	2024000023; 80787	Bennet McMicking: Residence Of 1336 Wright Street	\$21,195.93	\$20,945.93
FOR POSSIBLE ACTION	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>

ONGOING CASES

			<u>REQUESTED</u>	<u>PAID</u>	
FOR POSSIBLE ACTION	1	1999000023; 80796	Nevada Ready Mix Corp: Nevada Ready Mix	\$27,728.11	\$24,955.30
FOR POSSIBLE ACTION	2	2017000035; 80798	Rebel Oil Company: Rebel Store #2177	\$13,413.00	\$12,071.70
FOR POSSIBLE ACTION	3	2018000005; 80797	Rebel Oil Company: Rebel Store # 2153	\$12,571.50	\$11,314.35
FOR POSSIBLE ACTION	4	2019000014; 80793	Western Cab Co: Western Cab CO	\$7,980.00	\$7,182.00
FOR POSSIBLE ACTION	5	2021000032; 80528	Circle K Stores, Inc.: Circle K Store #2700755	\$84,399.61	\$75,314.98
FOR POSSIBLE ACTION	6	2022000012; 80750	Neissan Koroghli: City C-Store (7-11)	\$21,114.00	\$19,002.60
FOR POSSIBLE ACTION	7	2022000015; 80794	Rebel Oil Company: Rebel Store #2197	\$20,637.55	\$14,787.04
FOR POSSIBLE ACTION	8	2023000028; 80800	Anderson Dairy, Inc.: Anderson Dairy INC	\$9,916.00	\$8,924.40
			SUB TOTAL:	<u>\$197,759.77</u>	<u>\$173,552.37</u>

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**

Ms. Slayden stated that tank enrollment fees are tracked pursuant to the Federal Fiscal Year, which runs from October 1 through September 30. Annual invoices for enrollment year 2025 were issued on August 14, 2024. A total of 1,294 facilities have been invoiced as of December 1, 2024. Approximately 1,264 or about 98 percent of invoiced facilities have submitted the required tank enrollment fees. Since the inception of the Fund, a total of 1,852 remediation cases have applied for Fund coverage. Of those applications, 174 have been denied due to ineligibility or other reasons. Of the total cases provided Fund coverage, 1,606 cases have been closed and no longer receive Fund reimbursement. There are currently 70 active Fund cases. Since January 1, 2024, NDEP has received 30 new coverage applications for Fund coverage with 2 pending coverage determinations at this time. Prior to this Board meeting, the Board to Review Claims has approved a cumulative total of \$263,608,739.69 for reimbursement to petroleum storage tank operators for cleanup expenses. This includes \$324,733.74 for direct payment claims paid since the last Board meeting. With today's Board approval of claims in the amount of \$1,019,980.10, the cumulative expenditure will increase to \$264,628,719.79. There were no grants for UST upgrades this quarter.

Chair Tappan invited questions from the Board.

LeRoy Perks asked whether the 30 unpaid enrollment invoices are a result of site closures. **Ms. Slayden** stated that the reasons are unknown. Staff sends three notices in the months of August, October and November, which include requests for payment. The notices are followed up via subsequent emails. The 30 unpaid enrollment invoices have provided no responses to queries by staff. In general, when a site closes, staff will close out the invoices.

10. **PUBLIC COMMENT**

There were no public comments.

11. **CONFIRMATION OF NEXT BOARD MEETING**

It was confirmed that the next meeting date has been scheduled for Thursday, March 13, 2025, at 10:00 a.m.

12. **ADJOURNMENT**

Chair Tappan wished everyone happy holidays and expressed appreciation to staff and Board members.

The meeting adjourned at 10:30 a.m.