

**STATE OF NEVADA BOARD TO REVIEW CLAIMS MEETING
MINUTES – JUNE 12, 2025**

1. CALL TO ORDER

Chair Tappan called the meeting to order at 10:00 a.m. The meeting was held in the Bonnie B. Bryan Boardroom of the Richard Bryan Building located at 901 South Stewart Street, Carson City, NV and video-conferenced to the Red Rock Conference Room of the NDEP Las Vegas office, located at 375 East Warm Springs Road, Suite 200, Las Vegas, NV. Remote participation was also available via Microsoft Teams.

A. BOARD MEMBERS' PRESENT

Chair, Maureen Tappan – Representative of the General Public
Vice-Chair, Rod Smith – Representative of Petroleum Refiners
LeRoy Perks – Representative of the Independent Retailers of Petroleum
Mike Dzyak – State Fire Marshal's Office
Karen Stoll – Department of Motor Vehicles
Jeffrey Kinder – Nevada Division of Environmental Protection

B. BOARD MEMBERS' ABSENT

Jason Case – Representative of Independent Petroleum Dealers

C. OTHERS PRESENT

Katie Armstrong – Legal Counsel, State of Nevada Attorney General's Office

Megan Slayden, Gregory Johnson, Jonathan McRae, Kim Valdez, Tristin Alishio, Ben Moan, Grant Spoering, Madi Mathers, Kelly Gearlds, Ally Hernandez, Alexa Salls, Michael Mazziotta, John Karr, and Sara Gedo – Nevada Division of Environmental Protection (NDEP)

Keith Stewart – Stewart Environmental, Inc.
Matt Grandjean – Stantec Consulting Services
Stephanie Holst – Broadbent & Associates

No additional participants called into the meeting using the teleconference number.

2. PUBLIC COMMENT

There were no public comments.

3. APPROVAL OF THE MARCH 13, 2025 MINUTES

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

Vice-Chair, Rod Smith moved to approve the March 13, 2025, minutes as presented. LeRoy Perks seconded the motion. Motion carried unanimously.

4. STATUS OF THE FUND

Megan Slayden, NDEP, provided a summary of revenues into the Fund for the state fiscal year 2025 thus far. The balance forward from state fiscal year 2024 was \$7,500,000. Approximately \$408,550 were received from 2025 tank system enrollment fees, approximately \$8,355,611 were generated by the three-quarter-cents petroleum fee. The Fund earned approximately \$226,989 in interest. The total revenue received by the Fund this fiscal year is \$16,491,150.31. The following are the total fund expenditures for state fiscal year 2025 thus far: Board member salaries equaled approximately \$1,273; in-state travel costs for Board members were approximately \$169; Board meeting operating costs were approximately \$813; money transferred to NDEP for program administration, staff salaries, and ongoing program maintenance was approximately \$1,261,882; funding for state-led petrochemical cleanups was approximately \$80,648; payment to the Department of Motor Vehicles for assessing the cleanup fee was \$12,714; and reimbursement of Petroleum Fund claims totaled approximately \$4,141,912. The total expenditures of the Fund at this time for fiscal year 2025 equal \$5,499,409.37. The total funding currently available within the Petroleum Fund for state fiscal year 2025 is \$10,991,740.94.

5. SITE SPECIFIC BOARD DETERMINATION FOR ADDITIONAL CLEANUP ALLOTMENT

Gregory Johnson, NDEP, presented a request for an additional allotment of funding under Board Policy Resolution 2023-01.

Site Specific Board Determination number C2025-06 proposes to provide an additional allotment of funding to Former Haycock Petroleum. This is for Petroleum Fund case 1999000066, Facility ID 8-001512. The subject site, identified as Former Haycock Petroleum, located at 715 West Bonanza Road, Las Vegas, Nevada, was previously awarded coverage for a release from one 25,000-gallon diesel above ground storage tank (AST) system and one 20,000-gallon gasoline AST tank system, with a 10% copayment. The operator has requested an additional allotment of funding in accordance with Policy Resolution 2023-01, which is provided as Appendix A in your binders. Petroleum Fund staff have reviewed this request and prepared this SSBD to help the Board determine eligibility.

On March 27th, 2025, the operator submitted a request for an additional allotment of funding, in accordance with Policy Resolution 2023-01, which was prepared by their CEM. A review of case records indicates that the operator is not liable pursuant to NRS 445C.390 and has not received money for damages pursuant to NRS 445C.380(1). The request is provided in Appendix B. On April 29, 2025, the Nevada Division of Environmental Protection (NDEP) case officer concurred with the plan, schedule and cost estimate proposed by the operator's certified environmental manager Appendix C. Claim #80856 was approved for payment at the March 13, 2025, Board meeting, which exhausted all available cleanup funding for the case. The total estimated value of the additional funding is \$313,996.

Based on a review of documentation submitted with the request, Fund staff recommended the Board approve an additional allotment of funding in the amount of \$900,000, which represents \$1,000,000 in funding, minus a 10 percent copayment. The Board has the authority to approve a value of not more than one million dollars for this allotment.

Chair Tappan opened the floor for questions.

Vice-Chair Rod Smith noted that the accuracy of the estimated remaining cost was down to the dollar and opined that rounding off should be to hundreds or thousands. **Vice-Chair Smith** also questioned who the responsible party was, noting that the current operator is a different company.

Megan Slayden confirmed that although the facility is now owned by and operated by a different company, the cleanup is still occurring under the former owner, Haycock Petroleum, as they retained liability and responsibility of the cleanup.

Vice-Chair Smith suggested the Board approve a total of \$500,000.

Jeffrey Kinder, NDEP, questioned if reducing the amount would in any way potentially affect the

schedule to get closure for this site.

Megan Slayden indicated that it should not affect the schedule and noted that if the value is exceeded, the operator has the opportunity to request another additional allotment. Ms. Slayden explained that the information presented in the timeline and the request indicate that this would be the value to get to closure for the site.

Vice-Chair Smith moved to adopt Site Specific Board Determination No. C2025-06 as proposed, granting an additional allotment of cleanup funding in accordance with Board Policy Resolution 2023-01 under the State of Nevada Petroleum Fund to Former Haycock Petroleum for \$450,000. This represents \$500,000 in coverage, minus a 10% copayment. LeRoy Perks seconded the motion. Motion carried unanimously.

6. **AMENDED BOARD POLICY RESOLUTION 2015-01**

Megan Slayden, NDEP, presented an amended version of Policy Resolution 2015-01. This policy was first adopted by the Board at the September 2015 meeting. The original policy was enacted to help CEMs, and operators understand the process by which they were expected to request and receive bids in relation to NAC 445C.270.4(e). Additionally, it provided an upper threshold of \$25,000, which required the bids to be sent for review by NDEP prior to the work being performed or the item being purchased. This amendment provides an update to the regulatory citations within the policy, an increase in the bid threshold values, and an update to the required forms and the format for bid packet submittal.

The citation updates include the current chapter of NAC 445C, as opposed to the previous chapter, NAC 590. This update provides clarification and enables the regulated public to more easily locate the quoted regulation. The subject regulation was previously amended from a static \$3,000 threshold to a threshold that would grow each year with inflation. As of March 1, the current value that triggers the requirement for bids is \$8,000. When a required corrective action cost is projected to be \$8,000 or greater, the operator or their CEM must obtain bids and create a bid packet for submittal with their claim.

This policy also includes a secondary threshold of \$35,000. When a required corrective action cost is projected to be \$35,000 or greater, the operator or their CEM is required to submit that bid packet to NDEP for approval prior to purchasing the item or service. NDEP will acknowledge the receipt of the bid packet in writing. NDEP then has 10 business days to approve, deny, or request additional information for the bid packet. If NDEP does not respond within the allotted timeframe, the work may proceed, or the item may be purchased.

This update has reduced the forms that are required for each bid packet. Previously there were multiple forms for vendors to sign, which were dependent upon whether the contract would be for an item or a service. The updated form includes all required information for either type of purchase and is now a combined Vendor/Contractor Certification form. The final form required for submittal also had multiple versions under the previous policy, which were dependent upon whether the operator was contracting with the vendor or if the CEM was contracting with the vendor. This form has been combined to include all information on the previous forms, and to require both the CEM and operator signatures, regardless of who initiated the bid process. The forms of this policy have caused confusion for the regulated public, and this update aims to minimize confusion and streamline this process. In addition, a Bid Excess/Justification form that has been used by the regulated public in recent years was added to the policy.

Lastly, the language dictating the expected procedures for obtaining bids, and for building the packet for submittal has been updated to provide clear and concise instruction to the regulated public.

The previous policy has caused confusion, and an abundance of questions regarding which forms to use, and the expectation of what the final packet should include. The intent of this amendment is to update citations, clarify expectations, and streamline the process overall.

This policy was sent to the CEMs for comment and was workshopped during the CEM workshops held in

Las Vegas and Carson City in April of this year. Comments received included a request to add the Bid Excess/Justification Form to the policy, to add the Contractor's License Number to the Vendor/Contractor Certification Form, and to add form IDs for each form for easier reference. These updates were all made, as each was noted as a request that would help to clarify information and reduce questions. There were no negative comments received during the revision process.

Fund staff respectfully requested the Board adopt Amended Policy Resolution 2015-01, as proposed.

LeRoy Perks made a motion to adopt the Amended Policy Resolution 2015-01, as proposed. Vice-Chair Smith seconded the motion. There was no discussion. Motion carried unanimously.

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7. **ADOPTION OF CONSENT ITEMS**

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

STATE BOARD TO REVIEW CLAIMS REQUESTED/RECOMMENDED AMOUNTS - JUNE 12, 2025

<u>ONGOING CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000126; 80913	Clark County School District: Rc White (arville) Transportation Satellite	\$15,436.96	\$15,402.96
FOR POSSIBLE ACTION	2.	1993000102; 80904	Rebel Oil Company: Rebel Store #2008	\$52,456.99	\$41,727.50
FOR POSSIBLE ACTION	3.	1995000042; 80906	Fbf, Inc.: Gas 4 Less	\$9,054.35	\$8,601.63
FOR POSSIBLE ACTION	4.	1999000086; 80873	Terrible Herbst, Inc.: Terrible Herbst #126	\$48,164.00	\$43,347.60
FOR POSSIBLE ACTION	5.	1999000243; 80827	7-Eleven, Inc: 7-Eleven #27607	\$39,764.13	\$35,761.69
FOR POSSIBLE ACTION	6.	2007000014; 80914	Raiders Oz Business, Llc: Former Ace Cab/frias Transportation	\$73,424.41	\$42,982.31
FOR POSSIBLE ACTION	7.	2008000019; 80853	One Panou, Llc: Golden Market #3	\$16,460.21	\$14,814.19
FOR POSSIBLE ACTION	8.	2010000009; 80875	Hpt Ta Properties Trust: Mill City Travel Center	\$12,651.99	\$7,940.18
FOR POSSIBLE ACTION	9.	2017000015; 80907	Ellen 5, Llc: Auto Center (green Valley Grocery #63)	\$10,299.09	\$9,242.18
FOR POSSIBLE ACTION	10.	2017000035; 80902	Rebel Oil Company: Rebel Store #2177	\$13,302.00	\$6,467.40
FOR POSSIBLE ACTION	11.	2018000005; 80898	Rebel Oil Company: Rebel Store # 2153	\$28,314.54	\$25,267.30
FOR POSSIBLE ACTION	12.	2019000010; 80738	Circle K Stores, Inc.: Circle K Store #2705399	\$88,932.66	\$79,175.03
FOR POSSIBLE ACTION	13.	2020000015; 80908	Canyon Plaza, Llc: Gas 2 Go	\$189,464.29	\$101,133.11
FOR POSSIBLE ACTION	14.	2021000014; 80911	Pilot Travel Centers Llc: Pilot Travel Centers LLC #341	\$14,419.90	\$12,950.91
FOR POSSIBLE ACTION	15.	2022000015; 80900	Rebel Oil Company: Rebel Store #2197	\$9,935.50	\$7,020.36
FOR POSSIBLE ACTION	16.	2022000018; 80912	Pilot Travel Centers Llc: Pilot Travel Centers LLC #341	\$23,796.35	\$17,089.43
FOR POSSIBLE ACTION	17.	2023000013; 80866	Terrible Herbst, Inc.: Terrible Herbst #3	\$34,911.25	\$31,420.13
FOR POSSIBLE ACTION	18.	2023000028; 80897	Anderson Dairy, Inc.: Anderson Dairy INC	\$6,616.00	\$5,954.40
FOR POSSIBLE ACTION	19.	2024000008; 80905	Midjit Market, Inc.: Green Valley Grocery #58	\$26,848.43	\$14,590.73
SUB TOTAL:				<u>\$714,253.05</u>	<u>\$520,889.04</u>
RECOMMENDED CLAIMS TOTAL:				<u>\$714,253.05</u>	<u>\$520,889.04</u>

Jeffrey Kinder moved to approve the consent agenda as proposed. Vice-Chair Smith seconded the motion. There was no discussion. Motion carried unanimously.

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 DISCUSSION	1.	2024000034; 80882 Perry Intervivos Trust: Residence Of 449 Games Drive	\$20,415.03	\$20,355.03
FOR DISCUSSION	2.	2024000035; 80883 Pechnik Trust Robert & Linda: Residence Of 801 Pine Ridge Drive	\$21,114.22	\$21,114.22
FOR DISCUSSION	3.	2025000003; 80884 Harvey Lambert: Residence Of 445 Games Drive	\$31,689.06	\$31,689.06
FOR DISCUSSION	4.	2025000004; 80885 Covington Family Trust, Mark & Jody: Residence Of 972 Melba Drive	\$46,984.04	\$46,484.04
FOR DISCUSSION	5.	2025000005; 80887 Alison Lutz: Residence Of 1605 Sharon Way	\$31,164.46	\$30,914.46
FOR DISCUSSION	6.	2025000005; 80893 Alison Lutz: Residence Of 1605 Sharon Way	\$26,590.24	\$26,590.24
FOR DISCUSSION	7.	2025000006; 80894 Washoe County: Residence Of 2000 Del Monte Lane	\$36,419.37	\$32,777.43
FOR DISCUSSION	8.	2025000007; 80910 Robin Novak: Residence Of 886 Primrose Street	\$31,130.36	\$30,880.36
FOR DISCUSSION	9.	2025000008; 80909 Derek Vaughan: Residence Of 95 Hastings Drive	\$29,412.07	\$29,162.07
SUB TOTAL:			<u>\$274,918.85</u>	<u>\$269,966.91</u>

ONGOING CASES

			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1999000023; 80901 Nevada Ready Mix Corp: Nevada Ready Mix	\$17,286.63	\$15,224.97
FOR DISCUSSION	2.	1999000127; 80891 Double F Management Group, Llc.: Denio Junction	\$12,682.50	\$12,003.25
FOR DISCUSSION	3.	2018000018; 80886 Primadonna Company, Llc: Whiskey Pete's Stateline Stop	\$55,129.98	\$44,169.35
FOR DISCUSSION	4.	2019000014; 80895 Western Cab Co: Western Cab CO	\$22,796.74	\$20,517.07
FOR DISCUSSION	5.	2021000032; 80736 Circle K Stores, Inc.: Circle K Store #2700755	\$43,994.43	\$33,960.11
FOR DISCUSSION	6.	2022000012; 80896 Neissan Koroghli: City C-Store (7-11)	\$21,970.92	\$19,571.33
SUB TOTAL:			<u>\$173,861.20</u>	<u>\$145,446.08</u>
DIRECT PAYMENT CLAIMS TOTAL:			<u>\$448,780.05</u>	<u>\$415,412.99</u>
BOARD MEETING CLAIMS TOTAL:			<u>\$1,163,033.10</u>	<u>\$936,302.03</u>

9. EXECUTIVE SUMMARY

Megan Slayden, NDEP, provided the Board with the quarterly executive summary report for the Petroleum Fund. Enrollment fees are tracked pursuant to the federal fiscal year, which runs from October 1st through September 30th of each year. The annual invoices for enrollment year 2025 were issued August 14th, 2024 and a total of 1,318 facilities had been invoiced as of May 30th, 2025. Approximately 1,301 or about 99% of the invoiced facilities had submitted the required tank enrollment fees. Ms. Slayden provided a summary of facilities that are eligible for Fund coverage or have received reimbursement payments from the Fund following a release. Since the inception of the Fund, a total of 1,873 remediation cases have applied for Petroleum Fund coverage; 174 of those cases have been denied due to ineligibility or other reasons; of the total cases provided Fund coverage, 1,624 of them have been closed and no longer receive cleanup reimbursement; there are currently 71 active Fund cases. Ms. Slayden added that since January 1st, 2025, NDEP has received 12 new applications for Fund coverage. There are four applications currently under review. Prior to this Board meeting, the Board approved a cumulative total of \$266,210,502.67 for reimbursement to petroleum storage tank operators throughout Nevada for cleanup expenses. This cumulative total includes \$415,412.99 for claims paid using the direct payment method since the last Board meeting. With today's Board approval of \$520,889.04, the cumulative Fund expenditure will increase to \$266,731,391.71. Lastly, there were no grants for UST upgrades issued this quarter.

Chair Tappan opened the floor for questions.

Vice-Chair Smith questioned what happens to the people that are not submitting their enrollment payments.

Megan Slayden explained for enrollment, this would mean that they are out of compliance and the Compliance Branch would work with them, as they may have switched to private insurance. There are four different mechanisms that may be utilized for financial responsibility, of which the Fund is one. Ms. Slayden indicated that if a facility is out of compliance, the compliance inspector will notify them at their inspection.

Vice-Chair Smith asked if they would be covered should a spill occur today.

Megan Slayden explained that they would not be as they are only covered if enrolled in the fund at the time of release.

Vice-Chair Smith questioned the size of the businesses that are not enrolled.

Megan Slayden explained that the list of unenrolled facilities includes a mix of both small businesses and major companies and that NDEP would continue to work with them to finalize enrollment.

10. PUBLIC COMMENT

Chief Mike Dzyak, State Fire Marshal, thanked everyone on the Board for the hard work that happened over the years. Chief Dzyak indicated that this will be his last meeting as his retirement will come before the next scheduled meeting; and that a new state fire marshal will be appointed over the summer. Chief Dzyak thanked staff for all the work they do as well as those out on the ground, noting that although not always easy, the Board has had the right frame of mind when making these decisions.

Chair Tappan expressed her gratitude to Mr. Dzyak for his time on the Board and commitment to the cause, noting that he is always present and always responsive. Chair Tappan informed Chief Dzyak that he will be missed and expressed her hope that the next person appointed will be as great a Board member as he has been. The Chair thanked him for his service and wished him a happy retirement.

11. **CONFIRMATION OF NEXT BOARD MEETING DATE**

Chair Tappan confirmed that the next Board meeting is tentatively scheduled for September 11, 2025, at 10:00 am.

12. **ADJOURNMENT**

Chair Tappan adjourned the meeting at 10:30 am

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