

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
DECEMBER 10, 2020**

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 10, 2020 at the following locations:

Carson City: Video/teleconference information will be posted to our website prior to the meeting date - No physical meeting location scheduled due to COVID-19 and Governor's Declaration of Emergency Directive 006

Las Vegas: See Above

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 ten 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 10, 2020 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 PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2020-05

Proposed Site Specific Board Determination (SSBD) to Provide Reduced Petroleum Fund Coverage for Circle K Store #2701354, 1301 North Eastern Avenue, Las Vegas, Nevada
Petroleum Fund Case ID No. 2019000008, Facility ID No. 8-000118

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2020-05 as proposed, granting coverage under the State of Nevada Petroleum Fund to Circle K #2701354 for \$540,000.00. This represents \$1,000,000.00 in coverage for one gasoline UST system, with a 40% reduction and a 10% copayment.

6. SITE SPECIFIC BOARD DETERMINATION FOR 3RD PARTY LIABILITY (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2020-06

Proposed Site Specific Board Determination (SSBD) to Provide Third Party Liability Coverage to Former V & V Automotive, 2401 North Rancho Drive, Las Vegas, Nevada
Petroleum Fund Case ID No.1996000063, Facility ID No. 8-000383

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2020-06 as proposed, granting third party liability Fund coverage to the subject site for one underground storage tank system in the amount of \$1,000,000.00 with a \$50,000.00 deductible.

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 10, 2020**

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 79845 Churchill County School District: Old High School	\$2,221.97	\$2,221.97
FOR POSSIBLE ACTION	2.	2020000012; 79714 Washoe County School District: Diedrichsen Elementary School	\$23,960.04	\$19,305.00
FOR POSSIBLE ACTION	3.	2020000017; 79679 Mardian Development Company: Mardian Development Company	\$7,832.75	\$7,582.75
SUB TOTAL:			<u>\$34,014.76</u>	<u>\$29,109.72</u>
<u>NEW CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2019000011; 79640 Midjit Market Inc: Green Valley Grocery #43	\$35,813.40	\$32,232.06
FOR POSSIBLE ACTION	2.	2020000015; 79814 Canyon Plaza, LLC: Gas 2 Go	\$22,710.50	\$11,842.47
SUB TOTAL:			<u>\$58,523.90</u>	<u>\$44,074.53</u>
<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>RECOMMENDED</u>

FOR POSSIBLE ACTION	1.	1992000126; 79840	Clark County School District: Rc White (Arville) Transportation Satellite	\$16,285.49	\$16,219.49
FOR POSSIBLE ACTION	2.	1995000012; 79843	N. Nevada Asset Holdings, LLC: Parker's Model T	\$520.00	\$468.00
FOR POSSIBLE ACTION	3.	1995000039; 79846	Al Park Petroleum Inc: Crescent Valley Market	\$14,942.45	\$13,448.21
FOR POSSIBLE ACTION	4.	1996000063; 79823	Joan Pennachio: V & V Automotive	\$12,443.07	\$12,443.07
FOR POSSIBLE ACTION	5.	1996000064; 79862	The Esslinger Family Trust: Red Rock Mini Mart	\$29,251.89	\$28,374.33
FOR POSSIBLE ACTION	6.	1999000014; 79851	Al Park Petroleum Inc: Pit Stop #7 Conoco	\$4,044.53	\$3,492.59
FOR POSSIBLE ACTION	7.	1999000022; 79804	Terrible Herbst, INC.: Terrible Herbst #129	\$1,766.25	\$1,589.63
FOR POSSIBLE ACTION	8.	1999000086; 79803	Terrible Herbst, INC.: Terrible Herbst #126	\$6,058.75	\$5,452.87
FOR POSSIBLE ACTION	9.	1999000104; 79802	Terrible Herbst, INC.: Terrible Herbst #118	\$7,514.23	\$6,762.81
FOR POSSIBLE ACTION	10.	1999000135; 79801	Terrible Herbst, INC.: Terrible Herbst #106 (Gas) & #108 (Lube)	\$2,616.25	\$2,354.63
FOR POSSIBLE ACTION	11.	1999000137; 79838	Terrible Herbst, INC.: Terrible Herbst #152 (Gas) & #155 (Lube)	\$636.25	\$572.63
FOR POSSIBLE ACTION	12.	2004000011; 79856	Travel Centers Of America: Wells Petro Truck Service	\$8,537.00	\$7,683.30
FOR POSSIBLE ACTION	13.	2004000039; 79863	Clark County Dept Of Aviation: Frmr National Car Rental	\$11,157.19	\$11,136.60
FOR POSSIBLE ACTION	14.	2007000014; 79839	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$223,956.26	\$201,560.63
FOR POSSIBLE ACTION	15.	2007000016; 79858	Golden Gate Petroleum Of Nevada LLC: Golden Gate Petroleum	\$5,056.08	\$4,550.47
FOR POSSIBLE ACTION	16.	2008000018; 79731	Jacksons Food Stores INC: Jacksons Food Stores #0145	\$57,185.85	\$50,978.75
FOR POSSIBLE ACTION	17.	2008000019; 79836	One Panou LLC: Golden Market #3	\$8,468.50	\$7,621.65
FOR POSSIBLE ACTION	18.	2009000024; 79793	Parampreet Investment LLC: Chucks Circle C Market	\$29,107.16	\$25,529.70
FOR POSSIBLE ACTION	19.	2010000007; 79786	Pecos Express: Pecos Express	\$17,614.40	\$15,852.96
FOR POSSIBLE ACTION	20.	2010000009; 79857	Travel Centers Of America: Mill City Travel Center	\$25,754.39	\$20,857.49
FOR POSSIBLE ACTION	21.	2011000009; 79850	Cimarron West: Cimarron West	\$26,562.10	\$23,905.89
FOR POSSIBLE ACTION	22.	2012000005; 79827	Travel Systems, LLC: Zephyr Cove Resort	\$30,811.75	\$27,730.57
FOR POSSIBLE ACTION	23.	2013000019; 79854	Hardy Enterprises INC: Elko Sinclair #53	\$34,538.94	\$31,008.55
FOR POSSIBLE ACTION	24.	2014000004; 79853	Alsaker Corp: Broadway Colt Service Center	\$27,078.89	\$24,361.88
FOR POSSIBLE ACTION	25.	2014000016; 79847	Smitten Oil And Tire Co Inc: Former Smitten Oil	\$4,996.95	\$4,497.25
FOR POSSIBLE ACTION	26.	2014000025; 79759	Superior Campgrounds Of America LLC: Silver City Rv Resort	\$59,377.77	\$53,439.99
FOR POSSIBLE ACTION	27.	2016000005; 79848	Golden Gate S.e.t. Retail Of Nevada LLC: Golden Gate Facility #65 - Fallon	\$2,332.75	\$2,099.47
FOR POSSIBLE ACTION	28.	2016000012; 79861	DLF Corporation: Mr Ds Fastlane	\$59,082.33	\$52,796.10
FOR POSSIBLE ACTION	29.	2016000023; 79849	Al Park Petroleum Inc: Pit Stop #1	\$4,767.20	\$3,432.38
FOR POSSIBLE ACTION	30.	2016000027; 79805	Terrible Herbst, INC.: Terrible Herbst #272	\$23,014.45	\$18,641.71
FOR POSSIBLE ACTION	31.	2017000019; 79832	Rebel Oil Company: Rebel Store #2197	\$26,240.60	\$23,616.54
FOR POSSIBLE ACTION	32.	2017000035; 79833	Rebel Oil Company: Rebel Store #2177	\$305,010.00	\$274,509.00

FOR POSSIBLE ACTION	33.	2018000009; 79852	Reed Incorporated: Pacific Pride	\$24,137.14	\$21,615.88
FOR POSSIBLE ACTION	34.	2019000014; 79821	Western Cab Co: Western Cab CO	\$7,818.25	\$7,036.43
			SUB TOTAL:	<u>\$1,118,685.11</u>	<u>\$1,005,641.45</u>
			RECOMMENDED CLAIMS TOTAL:	<u>\$1,211,223.77</u>	<u>\$1,078,825.70</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.	2020000035; 79787 Mark Gilligan: Mark Richard Gilligan Property	\$18,716.22	\$18,466.22
FOR DISCUSSION	2.	2020000036; 79788 Mark Choy: Mark Leland Choy Property	\$15,943.14	\$15,693.14
FOR DISCUSSION	3.	2020000038; 79795 Jeanette Danna: Adolph Joseph Danna Residence	\$18,714.17	\$18,464.17
FOR DISCUSSION	4.	2020000039; 79797 John Capella: John A. Capella Property	\$15,732.35	\$15,482.35
FOR DISCUSSION	5.	2020000040; 79798 Carol Moss: Carol Emmazita Moss Residence	\$15,796.58	\$15,546.58
FOR DISCUSSION	6.	2020000041; 79808 Thomas Durante: Thomas Mario Durante Residence	\$17,450.26	\$17,200.26
FOR DISCUSSION	7.	2020000042; 79810 Mary Nork: William Edward Nork Residence	\$21,556.08	\$21,306.08
FOR DISCUSSION	8.	2020000043; 79815 Michael Britting: Michael Edward Britting Residence	\$16,595.77	\$16,345.77
FOR DISCUSSION	9.	2020000044; 79811 Roger Condon: Roger Paul Condon Residence	\$26,021.22	\$25,771.22
SUB TOTAL:			<u>\$166,525.79</u>	<u>\$164,275.79</u>

<u>ONGOING CASES</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	1993000102; 79826 Rebel Oil Company: Rebel Store #2008	\$32,144.95	\$32,144.95
FOR DISCUSSION	2.	1994000015; 79819 Pilger Family Holdings: Former D & G Oil Company	\$38,855.32	\$38,855.32
FOR DISCUSSION	3.	1996000063; 79800 Joan Pennachio: V & V Automotive	\$179,106.18	\$179,106.18
FOR DISCUSSION	4.	1997000071; 79812 7-Eleven INC: 7-Eleven #25586	\$50,937.96	\$45,715.99

FOR DISCUSSION	5.	1999000023; 79824	Nevada Ready Mix Corp: Nevada Ready Mix	\$28,955.14	\$25,999.86
FOR DISCUSSION	6.	1999000066; 79825	HP Management, LLC: Former Haycock Petroleum	\$33,113.87	\$29,802.48
FOR DISCUSSION	7.	1999000244; 79806	7-Eleven INC: 7-Eleven #22070	\$62,939.03	\$56,645.12
FOR DISCUSSION	8.	2013000009; 79817	Western Petroleum: Western Petroleum	\$18,038.50	\$16,234.65
FOR DISCUSSION	9.	2013000011; 79816	Har Moor Investments, LLC: Village Shop #4	\$26,326.06	\$23,693.45
FOR DISCUSSION	10.	2014000010; 79799	7-Eleven INC: 7-Eleven #29667	\$32,285.36	\$29,056.82
FOR DISCUSSION	11.	2014000033; 79818	Speedee Mart INC: Speedee Mart #108	\$16,178.87	\$14,560.98
FOR DISCUSSION	12.	2018000005; 79829	Rebel Oil Company: Rebel Store # 2153	\$5,171.25	\$4,654.13
FOR DISCUSSION	13.	2018000018; 79708	Primadonna Company LLC: Whiskey Pete's Stateline Stop	\$123,843.24	\$61,197.10
FOR DISCUSSION	14.	2019000001; 79830	Rebel Oil Company: Rebel Store #2160	\$11,030.00	\$9,927.00
FOR DISCUSSION	15.	2019000002; 79831	Rebel Oil Company: Rebel Store #2166	\$5,493.75	\$4,944.37
FOR DISCUSSION	16.	2019000004; 79828	Rebel Oil Company: Rebel Store #2142	\$4,341.25	\$3,907.13
FOR DISCUSSION	17.	2019000005; 79820	Fairway Chevrolet Co: Fairway Chevrolet CO	\$5,440.50	\$4,896.45
			SUB TOTAL:	<u>\$674,201.23</u>	<u>\$581,341.98</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$840,727.02</u>	<u>\$745,617.77</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$2,051,950.79</u>	<u>\$1,824,443.47</u>

9. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on tank enrollment status, Fund coverage activities, Fund expenditures to-date, current audit progress, and Eagle Gas North cleanup 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 11, 2021 (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:

Pursuant to Governor Sisolak's Declaration of Emergency Directive 006 in response to COVID-19, physical meeting locations, postings of public meeting agendas at physical locations, and making supporting material available at a physical meeting location have been suspended. The above meeting will be conducted via videoconferencing and teleconference.

To request videoconferencing access or submit a written public comment to be read aloud during the meeting, please contact Victoria Joncas via email, send a request in writing to 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or call (775) 687-9369 no later than December 7, 2020. A teleconference access number will also be posted on the Nevada Petroleum Fund website not less than 3 working-days prior to the meeting at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>.

This agenda has been posted on our web site (see above) and the Department of Administration's website at <https://notice.nv.gov> under State Government, Department of Conservation and Natural Resources, State of Nevada Board to Review Claims.

Note: Supporting material for this meeting and audio recordings of previous meetings are located in the Carson City Nevada Division of Environmental Protection (NDEP) office and can be obtained from Victoria Joncas by sending a request in writing to 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, via electronic mail to vjoncas@ndep.nv.gov, or by calling (775) 687-9369.