

STATE BOARD TO REVIEW CLAIMS

MEETING OF DECEMBER 11, 2003

Videoconferenced in Carson City & Las Vegas, Nevada

ITEM

IV.B.

SUBJECT:

Resolution to Adopt a Policy Delegating Authority to the State Petroleum Fund Administrator to Update Previously Approved Resolutions.

DISCUSSION:

Since the early 1990's the State Board to Review Claims has adopted Resolutions such as this one that, over time, have established the policies and guidelines that apply to the operation of the Petroleum Fund. These Resolutions often contained Attachments that included references such as an Address or Phone Number. At the time they were approved by the Board, the references in these Resolutions were accurate but some have become outdated due to bureaucratic changes.

This Resolution would give the authority to the Fund Administrator to update these types of references in Board approved Resolutions for the purpose of providing accurate information to the regulated community.

Attachment "A" of this Resolution provides an example of how an update would appear on a previously Board approved document.

RECOMMENDATION:

Adoption of Resolution #2003-16 as Proposed, Granting Authority to the Petroleum Fund Secretary to Update Board Approved Resolutions.

STATE BOARD TO REVIEW CLAIMS

RESOLUTION NO. 2003-16

Resolution to Grant Authority to the Petroleum Fund Secretary to Update Board Approved Resolutions.

Whereas, the State Board to Review Claims (hereinafter referred to as the Board) Finds:

1. The Board has previously approved Resolutions that contain addresses or phone numbers or other types of references.
2. The Board finds that these references can become outdated and inaccurate due to bureaucratic changes.
3. The Board finds that providing accurate information is in the public's best interest and therefore it is appropriate that these references be updated whenever the current ones become outdated.

THEREFORE BE IT RESOLVED:

1. The Board grants authority to the Petroleum Fund Secretary to update Board approved Resolutions with respect to references that have become outdated due to bureaucratic changes.

I, John Haycock, Chairman, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Nevada State Board to Review Claims on December 11, 2003.



John Haycock, Chairman
State Board to Review Claims

ATTACHMENT A

14. NDEP staff must ensure that costs claimed for reimbursement are associated with work scopes that have been authorized by the respective regulating agency. **Copies of appropriate regulatory agency authorization letters, therefore, must be submitted with each claim.**

Coverage Application/Claim Filing Procedures

1. The leaking petroleum tank system owner/operator (claimant) or appropriate personnel must report the petroleum discharge to NDEP at ~~(775) 687-4670~~ **1-888-331 NDEP (6337)**.
2. If the regulatory agency requires assessment and/or remediation, and costs exceed \$250.00 for each leaking heating oil tank less than 1,100-gallons in capacity, or \$5,000.00 for all other types of leaking tank systems, the claimant may request a "State of Nevada Underground Storage Tank Release & Reimbursement Packet" from the NDEP Petroleum Fund Branch at (775) 687-4670 ~~extension 3155~~ **9368**.
3. The claimant or appropriate personnel must mitigate emergencies associated with the release to prevent the rapid migration of petroleum into the environment and eliminate potential or existing hazards such as fire, explosion, and vapor.
4. The claimant must provide NDEP a completed Petroleum Fund Coverage Application form.
5. NDEP will assign a case number and evaluate the coverage application and other available records (Fund enrollment, status of UST and corrective action compliance, etc.), and respond in writing to the claimant. **If it is determined that the facility was not in compliance with UST and/or corrective action regulations at the time of leak discovery, NDEP may recommend a reduction in reimbursement.**
6. In order for the project to qualify for reimbursement, assessment/remediation costs must total at least \$5,000.00 for each leaking petroleum tank system, or \$250.00 for heating oil tanks not exceeding 1,100-gallons. A CEM must be employed if the claimant chooses to hire an outside contractor to perform assessment/remediation activities.