

STATE OF NEVADA BOARD TO REVIEW CLAIMS
MEETING MINUTES - DECEMBER 11, 2025

1. CALL TO ORDER

Chair Tappan called the meeting to order at 10:00 a.m. The meeting was held in the Tahoe Conference room of the Richard Bryan Building located at 901 South Stewart Street, Carson City, NV and teleconferenced 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
Karen Stoll – Department of Motor Vehicles
Jennifer Carr – Nevada Division of Environmental Protection

B. BOARD MEMBERS ABSENT

Albert Ruiz – State Fire Marshal's Office
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, Victor Alvarez, Jeff Collins, Ben Moan, Jonathan McRae, Kevin Salls, Dean Peterson, Michael Mazziotta, John Karr, Ruby Wood, Madison Mathers, Grant Spoering, Tristin Alishio, Kim Valdez, Kelly Gearlds, Ally Hernandez and Alexa Salls – Nevada Division of Environmental Protection (NDEP)

Keith Stewart – Stewart Environmental, Inc.
William Thompson - Southern Nevada Health District
Lynn Cintron – Southern Nevada Health District
Matt Grandjean – Stantec Consulting Services
Stephanie Holst – Broadbent & Associates, Inc.
Evan Robinson - Broadbent & Associates, Inc.
Rex Heppe – Broadbent & Associates, Inc.
Carlos Cobos – Broadbent & Associates, Inc.
Collin Schaumburg – ENCORE Consulting
Anthony Bell – Circle K Stores
Jennifer Thies – Circle K Stores
Bee Bintz – Circle K Stores
Reyna Mendez – Circle K Stores
Phil Flaherty – Becker Enterprises
Caitlin Jelle – UES
Anna Henry – UES
Chad Stephens – Nevada Department of Conservation and Natural Resources

In addition to the above-named participants, one guest called into the meeting using the teleconference number.

2. PUBLIC COMMENT

There were no public comments.

3. APPROVAL OF THE SEPTEMBER 18, 2025, MINUTES

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

Vice-Chair Rod Smith abstained from this motion. LeRoy Perks moved to approve the September 18, 2025, minutes. Jennifer Carr seconded the motion. Motion passed unanimously.

4. STATUS OF THE FUND

Megan Slayden, NDEP, provided a summary of revenues into the Fund for State Fiscal Year 2026, noting that the balance forward from State Fiscal Year 2025 was \$7,500,000. Approximately \$395,575 have been received from the 2026 tank enrollment fees. Approximately \$2,517,911 were generated by the \$0.0075 Petroleum Fee. The total revenue received by the Fund this fiscal year has been \$10,413,486.03. The following are the total Fund expenditures for State Fiscal Year 2026, thus far: Board member salaries equaled approximately \$433; in-state travel costs for Board members were approximately \$64; Board meeting operating costs were approximately \$124; money transferred to NDEP for program administration, staff salaries, and ongoing program maintenance was approximately \$534,809; funding for state-led petrochemical cleanups was approximately \$67,573; and reimbursement of Petroleum Fund claims totaled approximately \$1,341,020. The total expenditures of the Fund for State Fiscal Year 2026 were \$1,944,022.97. The total funding currently available within the Petroleum Fund for State Fiscal Year 2026, is \$8,469,463.06.

5. SITE SPECIFIC BOARD DETERMINATION FOR RECONSIDERATION

Gregory Johnson, NDEP, presented a request to reconsider Site-Specific Board Determination, No. C2020-02. Which previously provided reduced coverage to Gas 2 Go, located at 6390 West Lake Mead Boulevard, Las Vegas, Nevada, and owned by Canyon Plaza, LLC. Mr. Rex Heppe, of Broadbent and Associates, the CEM for Canyon Plaza, LLC, was present to petition the Board to reconsider the original determination for this site, which approved Fund coverage with a 40% reduction. This determination was included as Attachment A.

The following is a quick summary as to why the Board, during the September 2020 meeting, approved coverage with a 40% reduction.

On January 13, 2019, the monthly continuous statistical leak detection (CSLD) test indicated the premium tank had failed. Documentation provided with the application demonstrated that premium product was transferred from the premium tank to the regular unleaded tank on August 22, 2019. However, the premium tank was not drained to within 1" of product until October 10, 2019. On January 23, 2020, the tanks at this site were permanently closed by removal from the ground. Petroleum impacted soil was apparent under the south end of the premium tank. At the time of removal 140.87 tons of source material was excavated from the site as an initial abatement action.

An application for coverage was received by NDEP on June 5, 2020. The application identified a crack at the bottom of the premium tank (identified as Tank 3 in the application) as the source of the release. Documentation demonstrating that the owner had reported the January 13, 2019, failure and investigated for a leak to the environment, was not available at the time of the coverage application submittal. This resulted in a staff recommendation for a 40% reduction. The Board approved coverage at the recommended rate based upon the facts pf the case.

On August 6, 2025, NDEP approved a Compliance Plan and Schedule for the site. On September 5, 2025, the operator submitted a request for reconsideration of the reduction. A copy of this request is included as Attachment C. NDEP has reviewed this request and determined that it meets the criteria for an approved Compliance Plan and Schedule established in Board Policy Resolution 2012-06 5.c. As such, staff recommends the Board reconsider the original site-specific board determination. Policy Resolution 2012-06 has been included as Attachment B. The Board has the authority to leave the existing coverage reduction as is, alter the reduction, or eliminate it entirely.

Rex Heppe, Broadbent & Associates, stated that there are two ownership parties involved at this site - one who owns the tanks, and one who operates the tanks. He indicated the owner of the tanks has done very well in the last five years, for compliance, with confirmation from Southern Nevada Health District for five years of compliance. He asserted that they have continued site assessment and remediation, compliant with NDEP regulations.

Chair Tappan opened the floor for questions.

LeRoy Perks asked how much money has been spent on this site, thus far.

Megan Slayden stated there is a 40% reduction, with approximately 90% of the available money spent. She indicated that to be approximately \$440,000 to \$450,000 of the \$540,000, that is eligible for reimbursement, with approximately 10% of the site funding currently remaining, under the original value.

Mr. Perks asked if remediation will continue much longer or if it is ready to be closed.

Ms. Slayden stated that, according to the compliance plan and schedule submitted with the reconsideration request, seven to eight more years of site remediation is projected.

Mr. Heppe added that the operator and their CEM are designing a remediation system for petroleum hydrocarbons in groundwater, projecting at least five years of operation with one year of post monitoring, for the six to seven years. He indicated there is an extensive LNAPL plume hampering remediation efforts but hopes the forthcoming system will help.

Vice-Chair Smith asked how much money would be spent over the seven years.

Mr. Heppe, provided a projection of \$4 million, stating there have been several iterations of site assessment so far. In recent years, the site has experienced a decline in groundwater levels. With that decline, light non-aqueous phase liquid (LNAPL, also known as free product) was observed on the surface. It has subsequently increased in the number of wells, as well as thickness, in the well monitoring network. He continued that, since 2023, they have been manually bailing free product, indicating a system wasn't designed until recently. In 2023, A pilot test was performed, with free product recovery, however it provided unfavorable results. With the change in site conditions, they are hoping the results of the original system will now be favorable. **Mr. Heppe** indicated an air sparge/soil vapor extraction system is being designed and should be operational by mid-next year.

Mr. Perks asked what the liability would be for the Fund if the 40% reduction were removed.

Ms. Slayden indicated if the 40% reduction were removed, additional funds would be added, equivalent to the percentage remaining of the current allotment. If a 0% reduction were approved, should Canyon Plaza return to request an additional allotment of funding, the additional allotment would be with a 0% reduction, which would provide \$900,000, which represents \$1,000,000 minus a 10% copayment.

Mr. Perks asked if Canyon Plaza could return for more than one additional allotment.

Ms. Slayden confirmed that his statement was accurate.

Mr. Perks asked if that 0% could be changed in the future, based upon the quality of the work.

Ms. Slayden indicated that it could not be changed from the 0%. The only way the reduction percentage would be reapplied would be non-compliance with the approved compliance plan and schedule. If the conditions set and approved in the plan and schedule are not adhered to, the Fund is required to reinstitute the 40% reduction, in full. Subsequently, Canyon Plaza, LLC would not be eligible to request another reconsideration.

Mr. Perks asked if this would be a staff decision or if it had to come from the Board.

Ms. Slayden indicated that it is a policy requirement that does not require Board approval. Staff would notify the operator if there were a change in coverage due to this requirement.

Chair Tappan provided an example of the Board approving a 20% reduction as opposed to no reduction; and requested confirmation that the 20% reduction would remain for the lifetime of the case.

Ms. Slayden confirmed this understanding.

Jennifer Carr, NDEP, asked what the depth of the LNAPL was.

Mr. Heppe stated it varied by well and could range from a couple hundredths of an inch to eight feet above the top of the water table.

Ms. Carr requested confirmation that the groundwater has dropped, and that free product has smeared in the vadose zone.

Mr. Heppe stated he didn't think it had smeared because as the water level dropped, the free product level increased. He proposed that what has happened is that a confining layer is being exposed and allowing the free product to come back into the well. He doesn't think there is a product mixing zone, rather that the free product is now hydraulically available for flow into the well.

Ms. Carr asked about the frequency of free product recovery.

Mr. Heppe stated it is currently weekly on particular wells, based upon a site-specific standard that was established. If the thickness exceeds this standard, free-product recovery is performed.

Ms. Carr asked if they are going to compliment that with air sparging and soil vapor extraction.

Mr. Heppe confirmed this understanding.

Ms. Carr asked Ms. Slayden if the corrective action plan (CAP) had been approved by NDEP.

Ms. Slayden confirmed the CAP had been approved. It was submitted in August of this year, and approved in October.

Ms. Carr asked if NDEP concurrence on the CAP occurred at the beginning of the fourth quarter of 2025.

Mr. Heppe confirmed.

Ms. Carr stated that in the Corrective Action Plan, the projected schedule stated it would have been approved in the third quarter, observing a month difference from the remediation plan system design and implementation of the mobile LNAPL recovery system completion, which was the fourth quarter of 2025.

She asked if they were on schedule or are starting behind schedule.

Mr. Heppe stated the system has been ordered and is expected to arrive the first week of January, with full operation planned for the end of January.

Ms. Carr asked what the status of the NV Energy power request and bids from construction contractors were. These items are listed in Mr. Heppe's schedule for the first quarter of 2026.

Mr. Heppe stated the mobile system will be solar operated, not requiring permitting for NV Energy. It will be a trailer mounted system with no infrastructure needed. He indicated the NV Energy permit they requested is for the fixed system, which will happen once that is designed.

Ms. Carr asked if anyone had estimated the actual volume of fuel lost. She stated that in the Broadbent report, there was discussion of 604 gallons recovered, but that in section 2.2, UST compliance, when the tank was originally drained, it wasn't fully drained below 1 inch until a couple months later. She further stated that, between August and September, the discussion suggests that 74 gallons remained in the tank during that time, and that there wasn't an additional loss of product between August and December. She asked for clarification.

Mr. Heppe stated they don't believe additional product was lost, and that the volume never changed. **Mr. Heppe** also stated that an actual calculation of fuel loss has never been done because there isn't enough information available from the system to allow for it.

Ms. Carr stated that the time period between when the leak detection initially failed and the fuel was pumped out was roughly eight months.

Mr. Heppe confirmed that this was correct.

Chair Tappan questioned how large the area of contamination is, and whether the business is still operating.

Mr. Heppe stated that the free product, more often than not, does not reflect what is in the formation. Even though eight feet of product is in a well, there could be less than one foot of product inside the formation, stating it isn't a one-to-one relationship. He stated the facility is operational, with the UST system removed and a replacement tank installed in 2019, within the old tank basin; however, oriented in a different direction. He further explained it has been in operation and in compliance since the installation of the new tank. Mr. Heppe explained the size of the plume is more extensive than at most sites, being in the northeast corner of Lakeview Boulevard and Torrey Pines, where the strip mall is located, almost all the way underneath the entire site. He again reiterated that the plume levels vary throughout the site, ranging from two hundredths to three feet.

Ms. Carr then referenced a map provided in the board packet and asked if Mr. Heppe believed there had been full delineation of the plume underneath the apartment buildings to the east.

Mr. Heppe confirmed this understanding.

Vice-Chair Smith expressed his concern that after five years, it appears this site has progressed very slowly. He requested more information regarding the efforts and participation of the operator in remediating the contamination.

Ben Moan, NDEP, confirmed there has been work on removal. He stated this was more complicated than most sites, as the LNAPL is more extensive. This led to the dissolve phase plume offsite, indicating part of the issue is getting offsite access from third party property owners to get wells installed, with a lot of negotiation required. He explained that the last two years have seen extensive LNAPL recovery, and that since the paperwork for this request was submitted, another 200 or so gallons have been recovered. This has

been with weekly, manual recovery, which is labor intensive and costly. He further clarified that, as the water table has dropped, the LNAPL is more mobile. Two years prior, very little recovery could be done. Pilot tests have been done for LNAPL recovery, with an air sparge and SVE pilot test. These took some time to be completed and get results, which look favorable. **Mr. Moan** also indicated this site is a high priority, as there are two Las Vegas Valley Water District municipal wells upgradient to the site that get used seasonally. He indicated the shallow groundwater plume is moving away from these wells, and they are screened quite a bit deeper. Despite this, conditions could change, so this site is a priority for cleanup. He continued by stating there are potential cost savings in automating some LNAPL recovery. With use of a mobile system, if recovery is minimal in one well, the system can be moved to a different well that will produce better.

Vice-Chair Smith asked what direction the plume was moving. He inquired about the wells Mr. Moan is concerned about.

Mr. Ben Moan, NDEP, stated groundwater movement is northeast, and that the wells are upgradient. In addition to the pilot tests and monitoring wells installed, soil vapor wells were also installed as a precautionary measure to monitor for vapor intrusion.

Vice-Chair Smith inquired if there was any idea how much, in total, had been released compared to the 700 gallons that had been recovered.

Mr. Moan indicated that it is unknown at this time. He affirmed Mr. Heppe's statement that it is unlikely there is eight feet of product across the entire zone, and the wells are high permeability/low pressure areas, where the LNAPL tends to gather.

Vice-Chair Smith requested clarification of rules and guidelines moving forward, if changes were made.

Ms. Slayden stated that the decision made today is what will stand for the remainder of the case. If the Board retains a 40% reduction, every additional allotment requested will be subject to that percentage.

Mr. Perks mentioned that a significant amount has been deducted from their reimbursement already.

Ms. Slayden confirmed that this was correct, as the reimbursement is 54% of every dollar requested.

Mr. Perks estimated a figure around \$400,000, citing this was a significant figure.

Ms. Slayden confirmed that this was correct.

Vice-Chair Smith expressed concern with cases that progressed slowly.

Chair Tappan inquired whether Mr. Moan could provide insight regarding the pace of the cleanup.

Mr. Moan stated this is a larger than normal case and it is quite complicated. Due to the size and complexity, some small things have taken longer and were more costly than what would occur with a normal site. A variety of activities are required for cleanup projects, and these steps will take longer with this site, due to the size. He stated that, for the last two years they have been conducting weekly LNAPL recovery, removing some mass from the ground. Manual extraction is slow, with automated systems only recently being planned, as initial pilot tests didn't warrant automated systems.

Mr. Moan added that the responsible party, has worked with NDEP on non-Petroleum Fund cases, indicating those are more challenging, as it is 100% out of pocket. He stated the operator has always worked with NDEP appropriately and cooperatively.

Mr. Perks offered that he was satisfied with the cleanup actions, mentioning the operator's effective participation in the cleanup. He suggested a motion to drop the 40% reduction for the case.

Mr. LeRoy Perks made a motion to reconsider Site-Specific Board Determination No. C2020-02 and remove the 40% reduction. Vice-Chair Rod Smith seconded the motion. There was no discussion. The motion passed unanimously.

6. SITE SPECIFIC BOARD DETERMINATION FOR ADDITIONAL ALLOTMENT

Mr. Victor Alvarez, NDEP, presented Site Specific Board Determination No. C2025-09 which proposed to provide an Additional Allotment of Cleanup Funding in accordance with Board Policy Resolution 2023-01, for Pit Stop #1, located at 275 12th Street, Elko, Nevada. This is for Petroleum Fund Case ID number 2016000023, facility ID number 6-000317.

The subject site, identified as Pit Stop #1, located at 275 12th Street, Elko, Nevada, was previously awarded coverage for a release from a gasoline aboveground storage tank system with a 20% reduction and 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. Petroleum Fund staff has reviewed this request and prepared this SSBD to help the Board determine eligibility.

The following is a brief history of what has occurred at this site recently:

On July 28, 2025, the operator was designated a small business in accordance with NAC 445C.220. This designation reduced the operator's copayment to 5% of the remediation costs. On October 21, 2025, the operator submitted a request for an additional allotment of funding. A copy of this request is included as Appendix B.

On November 4th, 2025, the NDEP case officer concurred that the operator is complaint with required assessment and cleanup directives at the site. The case officer also concurred with the Compliance Plan and Schedule in the same correspondence. A copy of this letter is provided in Appendix C. According to the provided schedule, the estimated cost to closure is approximately \$860,000.

On September 25, 2025, the case officer requested that continued remediation activities take place at the site. This request is provided in Appendix D.

Claim # 80925 was approved for payment at the September 18, 2025, Board meeting, which exhausted all available cleanup funding for the case. 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).

Therefore, staff recommends adoption of SSBD C2025-09, as proposed, granting additional cleanup funding in accordance with Board Policy Resolution 2023-01 to Pit Stop #1 for \$760,000. This represents \$1,000,000 in coverage, minus a 20% reduction and 5% copayment.

Chair Tappan opened the floor for questions.

Vice-Chair Smith requested more history and information on this case.

Caitlin Jelle, UES, indicated she was the CEM for this case. This has been a longstanding case and there has been pilot testing and a soil vapor extraction remediation system running since the beginning of January, removing 10,000 pounds of petroleum hydrocarbons. There has been LNAPL removal since 2018, for a total of 3,000 gallons removed, with a full LNAPL recovery system on site, which was installed five to six years ago. She pointed out that the LNAPL has reduced such that the recovery system has been turned off. Water levels in Elko fluctuate drastically, about 30 feet, making LNAPL recovery challenging, but indicated LNAPL levels are down to a foot or less, with the SVE system running. She stated the responsible party no

longer operates at the site. The site is operated by a different company, which has been fully supportive.

Ms. Jelle suggested that moving forward, there is an opportunity to conduct more remediation than historically. There is approximately six inches of concrete over the entirety of the site, further challenging issues. The current operators have removed an overhead rack and are planning full, permanent closure of the product lines that were identified as the source of the release. This will allow full excavation to take place and removal of significant amounts of contaminated soil. She indicated a compliance plan has been approved which contains plans to install an air sparge system in the next year, complimenting an existing soil vapor extraction system.

Vice-Chair Smith commented that it is an immense amount of product.

Ms. Jelle agreed with this statement, mentioning this site was somewhat complicated. The reduction is due to a comingled plume, containing an eligible release on the backside of the property, and an ineligible release on the front side of the property. She feels some of the LNAPL removed is from the ineligible release.

Chair Tappan reiterated that the 20% reduction will remain in place, but the business has been designated a small business, so the copayment is reduced to 5%. She stated the request is an additional \$1,000,000 to continue. She asked Ms. Jelle to confirm they are around that \$1,000,000 mark.

Ms. Jelle confirmed the \$1,000,000 figure, stating the estimate was \$860,000.

Jennifer Carr moved to adopt Site Specific Board Determination number 2025-09, as proposed, granting an additional allotment of cleanup funding, in accordance with Board Policy Resolution 2023-01 to Pit Stop #1, for \$760,000, representing \$1,000,000 in coverage, minus a 20% reduction and 5% copayment. LeRoy Perks, seconded the motion. There was no discussion. The motion passed unanimously.

7. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION

Gregory Johnson presented Site Specific Board Determination No. C2025-08 which proposed to provide reduced Petroleum Fund coverage for Circle K Store #2701951, 5685 S. Eastern Ave., Las Vegas, Nevada. This is Petroleum Fund Case number 2025000013, Facility ID number 8-000938.

The subject site is owned by Circle K Stores, Inc., and identified as Circle K Store #2701791, and is located at 5685 S Eastern Avenue, Las Vegas, Nevada. It consists of three underground storage tank (UST) systems, which contained gasoline at the time of release.

On August 26, 2024, Southern Nevada Health District (SNHD) conducted an inspection of the facility. During the inspection active periodic test fail alarms for Tank #2 were observed. SNHD sent a first notice of violation (NOV 1) to Circle K Stores, which included violation of 40 CFR 280.45 – Failure to maintain every record of release detection monitoring, and 40 CFR 280.50(a)-(c) - Failure to report a suspected release within 24 hours to the implementing agency. Documentation demonstrating compliance with UST regulations was requested to be submitted by September 25, 2024. Second and third notices were sent regarding the same violations, and violation of 40 CFR 280.50(a)-(c), on October 2, 2024, and on November 6, 2024, respectively.

September 3, 2024, Tank #2, a 10,000-gallon single walled UST, containing gasoline, was reported to have had an unknown failure during multiple tests, and was taken out of service. Documentation provided shows the tank was not placed in proper temporary closure (pumped to less than one inch of product) until November 5, 2024.

Between September 19 and September 20, 2024, two soil borings, SB-1 and SB-2, were advanced to

groundwater. Laboratory Results demonstrated that soil and groundwater are contaminated.

Between December 13, and December 16, 2024, Tank #2 passed tank and line tightness tests, and was returned to service. On February 20, 2025, Tank #2 and Tank #3, each identified as 10,000-gallon single-walled USTs containing gasoline, failed tightness tests and were taken out of service.

On June 9, 2025, an application for coverage was submitted to NDEP. The application identified the source of release as a failed tank tightness test in Tank #2 on September 3, 2024, and failed tightness tests for Tank #3 on February 20, 2025.

On October 22, 2025, documentation demonstrating the tanks were permanently closed via removal from the ground was received by NDEP.

40 CFR 280.50(a) states “Owners and Operators of UST systems must report to the implementing agency within 24 hours, or another reasonable period specified by the implementing agency, and follow the procedures in 280.52 for any of the following conditions: (a) The discovery by owners and operators or others of released regulated substances at the UST site...”

40 CFR 280.45 states, “All UST system owners and operators must maintain records in accordance with 40 CFR 280.34 demonstrating compliance with all applicable requirements of this subpart.” 40 CFR 280.34 states, “Owners and operators must maintain the following information: (b)(7) Documentation of compliance with release detection requirements.”

Board Policy Resolution No. 94-023 states: “noncompliance to certain regulations may not necessarily be proximate cause for a discharge...but may still result in increased costs for remediation.” Furthermore, “When a determination of non-compliance is made, the staff of the Nevada Division of Environmental Protection will recommend to the Board that any reimbursement awarded be reduced in accordance with the Reimbursement Reduction Schedule specified in Attachment A.”

In accordance with Board Policy Resolution 94-023, reductions for noncompliance with the state and federal UST regulations will be assessed as follows:

- LUST.001 - Failure to comply with Release Reporting, Investigation and Confirmation. 40 CFR 280.50-280.53: 40% Reduction
- UST.002 - Failure to Comply with UST General Operating Requirements. 40 CFR 280.30-280.34: 10% Reduction
- UST.003 - Failure to Comply with General Requirements for all UST Systems, Release Detection. 40 CFR 280.40-280.45: 20% Reduction

Therefore, in accordance with Board Policy Resolution 94-023, staff recommends the Board approve coverage with a 40% reduction. The Board has the authority to approve coverage at a rate other than that recommended by staff.

Chair Tappan opened the floor to questions.

Jennifer Carr noted that earlier in 2025 Circle K had come before this Board with a couple of cases, stating there was discussion about onsite operations, standard operating procedures, good communication, etc. She wondered if there had been improvement since that time with Circle K facilities, in addition to this case.

Reyna Mendez, Circle K Stores, indicated she is the in-house environmental manager. She stated that there have been a lot of changes. Bee Bintz has been handling Nevada, with more members being added to relieve her workload. She added they have included two individuals who proactively and reactively handle repairs and assist Ms. Bintz with progress and making sure vendors are set up and ready to go with repairs, permits, etc. They have added a data coordinator to assist with permit renewals, as well.

Ms. Mendez continued that other staff have been added to assist Ms. Bintz, so she may focus on compliance and all its requirements. She stated Ms. Bintz maintains a spreadsheet, where she keeps all information on hand, as well as using an in-house platform to update information on repairs and alarms. Mr. Anthony Bell can also see if there are any issues. This makes things more cohesive and efficient in providing information and record keeping to Circle K leadership, as well as the State of Nevada.

Vice-Chair Rod Smith made a motion to adopt Site Specific Board Determination number C2025-08, as proposed, granting coverage under the State of Nevada Petroleum Fund, to Circle K store number 2701951, for \$1,080,000. This represents \$2,000,000 in coverage, for two gasoline UST systems, with a 40% reduction and a 10% copay. Mr. LeRoy Perks seconded the motion. There was no discussion. The motion passed unanimously.

8. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION

Victor Alvarez, presented Site Specific Board Determination No. C2025-10 which proposed to Provide reduced Petroleum Fund coverage for Terrible Herbst #165, 1785 East Sunset Road, Las Vegas, Nevada. This is Petroleum Fund case ID number 2022000033, facility ID number 8-001334.

The subject site is owned by Terrible Herbst, Inc., and identified as Terrible Herbst Store #165. It is located at 1785 East Sunset Road, Las Vegas, Nevada, and consists of four underground storage tank (UST) systems, three of which contained gasoline and one which contained diesel at the time of release.

October 18, 2021, Tank 2, identified as the east unleaded tank, failed precision tightness testing. The failed test was reported to NDEP on October 28, 2021. Documentation demonstrating Tank 2 was emptied to less than one inch of product within 24 hours of the failed testing and placed into temporary closure was not available during application review.

On April 25, 2022, Tank 2 was repaired and subsequently returned to service. On May 27, 2025, a complete application for coverage was received by NDEP. The application identified a twelve-inch crack on the side of Tank 2 as the source of the release.

SIR reports for the period April 2021 through October 2021 were not available during application review. A continuous statistical leak detection report dated August 16, 2021, was submitted as a part of the coverage application, but did not include a passing result for Tank 2.

The UST system was out of compliance with the following UST regulations at the time of the release discovery: 1. Documentation demonstrating that the system was being monitored for releases was not available during application review. 2. The operator did not report the spill within 24 hours of the failed tightness test. 3. The operator did not empty Tank 2 to less than one inch of product within 24 hours of release discovery.

40 CFR 280.34 (b) states, “Owners and operators must maintain the following information... (7) Documentation of compliance with release detection requirements.” 40 CFR 280.45 clarifies, “All UST system owners and operators must maintain records in accordance with 40 CFR 280.34 demonstrating compliance with all applicable requirements of this subpart.”

40 CFR 280.50 states, “Owners and operators of UST systems must report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, and follow the procedures in 280.52 for any of the following conditions: (c) Monitoring results, including an investigation of an alarm, from a release detection method required under 280.41 and 280.42 that indicate a release may have occurred...” Additionally, 40 CFR 280.52 states, “...owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 280.50 within 7 days...”

40 CFR 280.61 states, “Upon confirmation of a release in accordance with 280.52 or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time determined by the implementing agency: (b) Take immediate action to prevent any further release of the regulated substance into the environment.” 40 CFR 280.62 further clarifies the operator “(1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment.”

Board Policy Resolution No. 94-023 states: “Non-compliance with certain regulations may not necessarily be proximate cause for a discharge... but may still result in increased costs for site remediation.” Resolution 94-023 also states, “When a determination of non-compliance is made, the staff of the Nevada Division of Environmental Protection will recommend to the Board that any reimbursement awarded be reduced in accordance with the Reimbursement Reduction Schedule specified in Attachment A. “In the case of more than one non-compliance determination, the staff recommendation to the Board will list each as a separate item for the Board's consideration and will recommend to the Board that any reimbursement awarded be reduced by the largest percentage associated with any single item.”

In accordance with Board Policy Resolution No. 94-023, reductions for non-compliance with Federal UST regulations are assessed as follows:

LUST.001 - Failure to comply with Release Reporting, Investigation and Confirmation. 40 CFR 280.50-280.53: 40% Reduction
LUST.002- Failure to comply with Release Response and Corrective Action. 40 CFR 280.60-280.67 – 40% Reduction
UST.002 - Failure to Comply with UST General Operating Requirements. 40 CFR 280.30-280.34: 10% Reduction
UST.003 - Failure to Comply with General Requirements for all UST Systems, Release Detection. 40 CFR 280.40-280.45: 20% Reduction

Therefore, in accordance with Board Policy Resolution 94-023, staff recommends the Board approve coverage with a 40% reduction. The Board has the authority to approve coverage at a rate other than that recommended by staff.

Chair Tappan, opened the floor for questions.

Carlos Cobos, Broadbent & Associates, identified himself as the CEM representing Terrible Herbst and stated that testing and compliance issues regarding this application and previous applications predate the designated environmental manager. He stated that, given the nature of the release and current phase of characterization, he is not inclined to contest the recommended coverage at this time. He added that the operator and Broadbent and Associates will be working together to facilitate better compliance and regulatory standards moving forward.

Jennifer Carr made a motion to adopt Site-Specific Board Determination number C2025-10, as proposed, granting coverage under the State of Nevada Petroleum Fund, to Terrible Herbst Station #165, for \$540,000. This represents \$1,000,000 in coverage for one gasoline UST system, with a 40% reduction and a 10% copay. LeRoy Perks seconded the motion. There was no discussion. The motion passed unanimously.

9. ADOPTION OF CONSENT ITEMS

HEATING OIL

| | | | | <u>REQUESTED</u> | <u>RECOMMENDED</u> |
|---------------------|---|-------------------|---|-------------------|--------------------|
| FOR POSSIBLE ACTION | 1 | 2025000024; 81018 | Albert W Salls Living Trust: Residence Of 95 E Richards Way | \$24,784.14 | \$24,784.14 |
| FOR POSSIBLE ACTION | 2 | 2025000025; 81019 | Nadia Gulistani: Residence Of 701 Evans Avenue | \$30,181.09 | \$30,181.09 |
| | | | | SUB TOTAL: | \$54,965.23 |

NEW CASES

| | | | | <u>REQUESTED</u> | <u>RECOMMENDED</u> |
|---------------------|---|-------------------|--|-------------------|---------------------|
| FOR POSSIBLE ACTION | 1 | 2024000001; 80977 | Circle K Stores, Inc.: Circle K Store #2700542 | \$69,816.21 | \$37,485.43 |
| FOR POSSIBLE ACTION | 2 | 2025000011; 81011 | R B Properties, Inc.: South Pointe Market | \$37,892.99 | \$33,160.85 |
| | | | | SUB TOTAL: | \$107,709.20 |

ONGOING CASES

| | | | | <u>REQUESTED</u> | <u>RECOMMENDED</u> |
|---------------------|----|-------------------|---|------------------|--------------------|
| FOR POSSIBLE ACTION | 1 | 1992000029; 80998 | 7-Eleven, Inc: 7-Eleven #29639 | \$60,311.85 | \$60,311.85 |
| FOR POSSIBLE ACTION | 2 | 1992000126; 81005 | Clark County School District: RC White (Arville) Transportation Satellite | \$34,864.25 | \$34,864.25 |
| FOR POSSIBLE ACTION | 3 | 1995000039; 80958 | Al Park Petroleum, Inc.: Crescent Valley Market | \$17,941.52 | \$17,708.96 |
| FOR POSSIBLE ACTION | 4 | 1995000042; 81003 | FBF, Inc.: Gas 4 Less | \$5,988.18 | \$5,688.77 |
| FOR POSSIBLE ACTION | 5 | 1998000075; 80916 | 55 McDermitt Crude, Llc: McDermitt Motel & Convenience Store | \$9,619.26 | \$7,937.33 |
| FOR POSSIBLE ACTION | 6 | 1999000022; 80678 | Terrible Herbst, Inc.: Terrible Herbst #129 | \$194,461.83 | \$161,710.75 |
| FOR POSSIBLE ACTION | 7 | 1999000023; 80989 | Nevada Ready Mix Corp: Nevada Ready Mix | \$12,120.83 | \$10,908.75 |
| FOR POSSIBLE ACTION | 8 | 1999000104; 80840 | Terrible Herbst, Inc.: Terrible Herbst #118 | \$102,520.10 | \$91,611.09 |
| FOR POSSIBLE ACTION | 9 | 1999000137; 80603 | Terrible Herbst, Inc.: Terrible Herbst #152 | \$49,449.34 | \$44,504.41 |
| FOR POSSIBLE ACTION | 10 | 2007000014; 81002 | Raiders Oz Business, Llc: Former Ace Cab/Frias Transportation | \$43,120.33 | \$38,808.30 |
| FOR POSSIBLE ACTION | 11 | 2007000016; 80967 | Golden Gate Petroleum of Nevada Llc: Golden Gate Petroleum #43 - Sun Valley | \$11,712.50 | \$10,541.25 |
| FOR POSSIBLE ACTION | 12 | 2008000019; 80899 | One Panou, Llc: Golden Market #3 | \$109,414.54 | \$97,927.56 |
| FOR POSSIBLE ACTION | 13 | 2009000024; 81000 | SJK Investments, Llc: Chuck's Circle C | \$16,884.60 | \$15,196.14 |
| FOR POSSIBLE ACTION | 14 | 2011000009; 80957 | Cimarron West: Cimarron West | \$19,838.11 | \$17,854.30 |
| FOR POSSIBLE ACTION | 15 | 2013000019; 80970 | Hardy Enterprises, Inc.: Elko Sinclair #53 | \$17,187.16 | \$15,468.44 |
| FOR POSSIBLE ACTION | 16 | 2014000025; 80972 | Superior Campgrounds Of America, Llc: Silver City RV Resort | \$10,226.50 | \$9,203.85 |
| FOR POSSIBLE ACTION | 17 | 2017000015; 81004 | Ellen 5, Llc: Auto Center (green Valley Grocery #63) | \$7,145.25 | \$6,430.73 |
| FOR POSSIBLE ACTION | 18 | 2018000009; 80973 | Reed Incorporated: Pacific Pride | \$47,488.36 | \$42,739.52 |
| FOR POSSIBLE ACTION | 19 | 2018000018; 80961 | Primadonna Company, Llc: Whiskey Pete's Stateline Stop | \$43,020.47 | \$33,581.54 |
| FOR POSSIBLE ACTION | 20 | 2019000044; 80981 | 7-Eleven, Inc: 7-Eleven #15829 | \$43,948.03 | \$39,553.23 |
| FOR POSSIBLE ACTION | 21 | 2020000015; 81008 | Canyon Plaza, Llc: Gas 2 Go | \$42,350.85 | \$22,869.46 |
| FOR POSSIBLE ACTION | 22 | 2021000014; 81009 | Pilot Travel Centers Llc: Pilot Travel Centers LLC #341 | \$13,384.30 | \$12,045.87 |
| FOR POSSIBLE ACTION | 23 | 2021000026; 80982 | 7-Eleven, Inc: 7-Eleven #25578 | \$28,537.23 | \$25,683.51 |
| FOR POSSIBLE ACTION | 24 | 2021000032; 80924 | Circle K Stores, Inc.: Circle K Store #2700755 | \$60,968.82 | \$48,748.49 |
| FOR POSSIBLE ACTION | 25 | 2022000018; 81010 | Pilot Travel Centers Llc: Pilot Travel Centers LLC #341 | \$10,791.70 | \$7,770.02 |
| FOR POSSIBLE ACTION | 26 | 2023000013; 80938 | Terrible Herbst, Inc.: Terrible Herbst #3 | \$36,311.50 | \$32,678.75 |
| FOR POSSIBLE ACTION | 27 | 2023000018; 80971 | Reed Incorporated: R Place #1 | \$22,531.88 | \$20,188.69 |
| FOR POSSIBLE ACTION | 28 | 2023000028; 80995 | Anderson Dairy, Inc.: Anderson Dairy INC | \$7,530.00 | \$6,777.00 |
| FOR POSSIBLE ACTION | 29 | 2024000008; 81007 | Midjet Market, Inc.: Green Valley Grocery #58 | \$10,634.40 | \$7,656.77 |

| | | |
|---------------------------|-----------------------|-----------------------|
| SUB TOTAL: | <u>\$1,090,303.69</u> | <u>\$946,969.58</u> |
| RECOMMENDED CLAIMS TOTAL: | <u>\$1,252,987.12</u> | <u>\$1,072,581.09</u> |

Vice-Chair Smith, Petroleum Refiners, made a motion to adopt the consent items, as listed. LeRoy Perks seconded the motion. The motion passed unanimously. The Board approved all items as a consent agenda item. There was no discussion regarding an individual item. Motion passed unanimously.

DRAFT

10. DIRECT PAYMENT OF UNCONTESTED CLAIMS

HEATING OIL

| | | | <u>REQUESTED</u> | <u>PAID</u> |
|---------------------|---|-------------------|---|---------------------|
| FOR POSSIBLE ACTION | 1 | 2025000019; 80962 | Samantha E. Terenzi: Residence Of 15105 Pinion Drive | \$10,771.65 |
| FOR POSSIBLE ACTION | 2 | 2025000020; 80963 | Majuba Llc: Residence Of 1600 Ferris Lane | \$10,773.61 |
| FOR POSSIBLE ACTION | 3 | 2025000023; 80976 | Smeath Family Trust: Residence Of 4900 Rio Pinar Drive | \$30,017.37 |
| FOR POSSIBLE ACTION | 4 | 2025000024; 80974 | Albert W Salls Living Trust: Residence Of 95 E Richards Way | \$31,659.67 |
| FOR POSSIBLE ACTION | 5 | 2025000025; 80980 | Nadia Gulistani: Residence Of 701 Evans Avenue | \$62,401.39 |
| FOR POSSIBLE ACTION | 6 | 2025000026; 80983 | Aka Llc: Residence Of 235 W Pueblo Street | \$46,594.51 |
| FOR POSSIBLE ACTION | 7 | 2025000027; 80986 | Karol F Robison-Garrett Trust: Residence Of 790 W 12th Street | \$37,235.06 |
| FOR POSSIBLE ACTION | 8 | 2025000028; 80999 | Greg Silvestro: Residence Of 1443 Langley Drive | \$33,298.27 |
| FOR POSSIBLE ACTION | 9 | 2025000028; 81016 | Greg Silvestro: Residence Of 1443 Langley Drive | \$10,508.55 |
| | | | SUB TOTAL: | \$273,260.08 |
| | | | | \$271,260.08 |

ONGOING CASES

| | | | <u>REQUESTED</u> | <u>PAID</u> |
|---------------------|---|-------------------|--|-----------------------|
| FOR POSSIBLE ACTION | 1 | 1993000102; 80997 | Rebel Oil Company: Rebel Store #2008 | \$74,085.41 |
| FOR POSSIBLE ACTION | 2 | 1999000066; 80996 | HP Management, Llc: Former Haycock Petroleum | \$26,086.00 |
| FOR POSSIBLE ACTION | 3 | 2018000005; 80992 | Rebel Oil Company: Rebel Store # 2153 | \$8,250.50 |
| FOR POSSIBLE ACTION | 4 | 2019000014; 80990 | Western Cab Co: Western Cab CO | \$7,980.00 |
| FOR POSSIBLE ACTION | 5 | 2022000012; 80991 | Neissan Koroghli: City C-Store (7-11) | \$6,357.00 |
| FOR POSSIBLE ACTION | 6 | 2022000015; 80993 | Rebel Oil Company: Rebel Store #2197 | \$5,650.50 |
| FOR POSSIBLE ACTION | 7 | 2024000013; 80994 | Ernies Truck Plaza, Inc.: Las Vegas Cardlock | \$7,439.00 |
| | | | SUB TOTAL: | \$135,848.41 |
| | | | DIRECT PAYMENT CLAIMS TOTAL: | \$409,108.49 |
| | | | BOARD MEETING CLAIMS TOTAL: | \$1,662,086.61 |
| | | | | \$1,462,409.61 |

11. EXECUTIVE SUMMARY

Megan Slayden, NDEP, provided the Board with the quarterly executive summary report for the Petroleum Fund. Tank 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 2026, were issued August 13, 2025, and a total of 1,306 facilities were invoiced as of November 25, 2025. Approximately 1,267, or about 97% of the invoiced facilities, have submitted the required tank enrollment fees.

Ms. Slayden provided the Board with 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 1,890 remediation cases have applied for Petroleum Fund coverage. 176 of those cases have been denied due to ineligibility or other reasons. Of the total cases provided Fund coverage, 1,641 of them have been closed and no longer receive cleanup reimbursement. There are currently 71 active Fund cases. Since January 1, 2025, NDEP has received 29 new applications for Fund coverage. There are two applications that were approved for coverage during this meeting. Prior to this Board meeting, the Board to Review Claims approved a cumulative total of \$268,072,411.84, for reimbursement to petroleum storage tank operators throughout Nevada for cleanup expenses. This number includes \$389,828.52 for claims paid using the direct payment method since the last Board meeting. With today's Board approval of \$1,072,581.09, the cumulative Fund expenditure will increase to \$269,144,992.93. Lastly, there were no grants for UST upgrades issued this quarter.

12. PUBLIC COMMENT

There were no public comments.

13. CONFIRMATION OF NEXT BOARD MEETING

Chair Tappan confirmed that the next Board meeting is tentatively scheduled for March 12, 2026, at 10:00 a.m.

14. ADJOURNMENT

Chair Tappan adjourned the meeting at 11:27 a.m.