

**PROPOSED REGULATION OF THE  
BOARD TO REVIEW CLAIMS**

**LCB File No. R001-99**

July 20, 1999

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS 590.830.

**Section 1.** Chapter 590 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. An operator shall notify the division of a civil action brought against him by another person for damages alleged to have been caused by a discharge from the storage tank of the operator. The notice must be in writing and submitted to the division within 60 days after the date the operator is properly served with the summons and a copy of the complaint that commenced the civil action.*

*2. The board may:*

*(a) Consider failure to notify the division pursuant to the provisions of subsection 1 as a basis for denial of payment from the fund.*

*(b) Excuse a failure to provide notice pursuant to the provisions of subsection 1 upon demonstration of good cause for the failure to comply.*

*3. An operator who is required to provide notice pursuant to the provisions of subsection 1 and who seeks payment from the fund for liability for damages must submit, as a supporting document:*

*(a) A copy of a final judgment that has been entered with a court and that orders the operator to pay damages; or*

*(b) If the operator and the other party to the civil action settled the claim, a copy of the settlement agreement.*

FLUSH *The board will not authorize payment from the fund unless it has received the order of judgment or it has received the settlement agreement and has approved the terms of such agreement.*

**Sec. 2.** NAC 590.700 is hereby amended to read as follows:

590.700 As used in NAC 590.700 to 590.790, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. “Board” means the board to review claims.
2. “Division” means the division of environmental protection of the state department of conservation and natural resources.
3. “Fund” means the fund for cleaning up discharges of petroleum.
4. “Portable storage tank” means a storage tank with a capacity of 60 gallons or more that is used above the ground and may be moved without disassembly of the tank to more than one location for the temporary storage of petroleum.
5. “Registered storage tank” means a storage tank operated by a person who is required to or who elects to register it.
6. “Storage tank” has the meaning ascribed to it in NAC 590.710.