

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).

n/a

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- Attachment A** **Funding Request and Direction.**
- Attachment B** **Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).**
- Attachment C** **Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).**
- Attachment D** **Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]**
- Attachment E** **DERA Option (5.2.12). [Attach only if using DERA option.]**
- Attachment F** **Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]**

CERTIFICATIONS

By submitting this application, the Lead Agency makes the following certifications:

- 1. This application is submitted on behalf of Beneficiary Nevada, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.**
- 2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.**
- 3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.**
- 4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)**
- 5. Beneficiary will maintain and make publicly available all documentation submitted in**

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: 12/1/2021

Danilo Dragoni, PhD

[NAME]


[SIGNATURE]

Chief, Bureau of Air Quality Planning

[TITLE]

Nevada Division of Environmental Protection

[LEAD AGENCY]

for

Nevada

[BENEFICIARY]

**DETAILED DESCRIPTION OF MITIGATION ACTION ITEM INCLUDING
COMMUNITY AND AIR QUALITY BENEFITS (5.2.2)**

This Eligible Mitigation Action Category 9 project will install publicly available light duty electric vehicle charging infrastructure at Government Owned Property in Wells, Nevada. Specifically, the charging infrastructure will be installed near the intersection of Interstate-80 and US 93 at 1222 6th Street Wells, Nevada 89835. One two-port Direct Current Fast Charger (the charger will have two cords, one SAE Combo and one CHAdeMO, but only one can be in use at a time), and one two-port Level 2 charger will be installed because of this project.

This project supports the development of the Nevada Electric Highway. Once completed, the Nevada Electric Highway will provide a network of electric vehicle charging stations across the state in order to make it easier for Nevadans and our guests alike to appreciate all the state has to offer. By investing in the charging infrastructure identified in the Nevada Electric Highway and this Eligible Mitigation Action specifically, Environmental Mitigation Trust Funds will help to increase the availability of charging stations for electric vehicles and thus increase electric vehicle usage in Nevada’s metropolitan areas, as well as significantly contribute to an increase in the number of electric vehicles driven across not only Nevada, but the entire western region.

Through this Nevada Electric Highway project, the Nevada Division of Environmental Protection (NDEP) will advance funding to the Nevada Governor’s Office of Energy (GOE) who will directly oversee the completion of the project. The GOE’s project partner will then be reimbursed on actual expenditures incurred over the course of the charging infrastructure’s installation. The GOE will provide progress reports to the NDEP detailing the work done to complete the project and once completed, any unspent Trust funds will be returned to Wilmington Trust.

The expected lifetime emissions reductions are based on the Federal Highway Administration’s Congestion Mitigation and Air Quality Improvement Program’s Cost Effectiveness Tables. An important assumption associated with this project, but not considered in the below estimates, is that as the number of electric vehicles increases so too will the amount of emissions reduced due to the installation of this charging infrastructure. The emissions reductions, in short tons, are:

Pollutant	Emissions Reductions (tons)
NOx	0.10
PM _{2.5}	0.009
VOCs	0.041
CO	1.639
PM ₁₀	0.021

December 1, 2021 Revision

NDEP is requesting additional Trust funds (listed on page 9 of this submission) to cover additional, unanticipated costs incurred by Wells Rural Electric Company, the GOE’s project partner, in completing the construction and installation of this charging infrastructure project. The unanticipated costs are the result of required site development changes. There is also a time extension for their subgrant agreement to expire on October 31, 2021 instead of June 30, 2021. This is to ensure coverage for delivery of some final pieces of equipment that were delayed by the effects of COVID-19.

ATTACHMENT FOR 5.2.7.2

Describe how the Beneficiary will make documentation publicly available

Subparagraph 5.2.7.2 of the Environmental Mitigation Trust Agreement for State Beneficiaries requires that Beneficiaries include in their funding requests:

A commitment by the Beneficiary to maintain and make publicly available all documentation submitted in support of the funding request and all records supporting all expenditures of Eligible Mitigation Action funds, subject to applicable laws governing the publication of confidential business information and personally identifiable information, together with an explanation of the procedures by which the Beneficiary shall make such documentation publicly available;

The Nevada Division of Environmental Protection (NDEP), the Lead Agency for the State of Nevada, is committed to maintaining and making publicly available all documentation submitted support of the funding requests and all records supporting all expenditures of Eligible Mitigation Action funds, subject to applicable laws governing the publication of confidential business information and personally identifiable information.

The public will be able to view these records on the NDEP's website (<https://ndep.nv.gov>). The NDEP will maintain these records on a Volkswagen (VW) Environmental Mitigation Trust Fund specific webpage that will be designed to support public access and limit burden for the general public. The NDEP's VW specific webpage can currently be found at <https://ndep.nv.gov/air/vw-settlement>.

The NDEP has created an electronic listserv, open to the public, used to communicate news, events, and information related the Environmental Mitigation Trust Fund (Mitigation Fund). The listserv, NevadaVWFund, is advertised through the NDEP website and at public events related to the Mitigation Fund.

Furthermore, the Senate Committee on Finance and the Assembly Committee on Ways and Means of the Nevada Legislature has requested¹ "that the Division of Environmental Protection provide semiannual reports to the Interim Finance Committee regarding the status of the Volkswagen settlement and the Mitigation Fund, including recommendations by established working groups for the proposed activities to be supported by the settlement funds, and the process established to distribute settlement funds in accordance with the settlement terms.". The meetings of the Interim Finance Committee follow the Nevada Open Meeting Law (Nevada Revised Statues Chapter 241).

This commitment by the NDEP is subject to the following Nevada laws governing the publication of confidential business information and personally identifiable information.

Chapters 603A and 239B of the Nevada Revised Statutes (NRS) provide definitions and requirements for handling *personal information*.

¹ Letter from state Senator Joyce Woodhouse, Chair of the Senate Committee on Finance - September 29, 2017

NRS Section 603A.040 defines ‘Personal Information’ as:

1. *“Personal information” means a natural person’s first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:*
 - (a) *Social security number.*
 - (b) *Driver’s license number, driver authorization card number or identification card number.*
 - (c) *Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person’s financial account.*
 - (d) *A medical identification number or a health insurance identification number.*
 - (e) *A user name, unique identifier or electronic mail address in combination with a password, access code or security question and answer that would permit access to an online account.*
2. *The term does not include the last four digits of a social security number, the last four digits of a driver’s license number, the last four digits of a driver authorization card number or the last four digits of an identification card number or publicly available information that is lawfully made available to the general public from federal, state or local governmental records.*

NRS Section 239B.030 – *Recorded, filed or otherwise submitted documents* - states that:

1. *Except as otherwise provided in subsections 2 and 6, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.*
2. *If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information is maintained in a confidential manner and may only disclose the personal information as required:*
 - (a) *To carry out a specific state or federal law; or*
 - (b) *For the administration of a public program or an application for a federal or state grant.*

➤ *Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.*
3. *A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.*
4. *A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document*

which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

5. *Each governmental agency may ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:*

(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or

(b) Obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

↪ *Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.*

6. *A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:*

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

↪ *The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.*

7. *As used in this section:*

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in [NRS 603A.040](#).

Chapter 239 of the NRS provides general principles for the definition and the handling of public records. In particular, subsection 239.010.3 states that:

A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is

confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

Chapter 445B of the NRS (Air Controls) specifically provides further directions on what is confidential information and how such information must be handle in the context of the Air Program of the NDEP. In particular section 445B.570 – *Confidentiality and use of information obtained by Department*²; penalty – states that (footnotes added for clarity):

1. *Any information which the Department obtains in the course of the performance of its duties pursuant to the provisions of this chapter is public information unless otherwise designated as confidential information pursuant to the provisions of this section.*
2. *The emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by regulation of the Commission cannot be certified as being confidential.*
3. *Any confidential information received by the Commission³, the Director⁴ or any local control authority which is certified in writing to the recipient as confidential by the owner or operator disclosing the information and verified and approved in writing as confidential by the recipient must, unless the owner expressly agrees to its publication or availability to the public, be used only:
 - (a) *In the administration or formulation of air pollution controls;*
 - (b) *In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any owner or operator or reveal any confidential information;*or
 - (c) *In complying with federal statutes, rules and regulations.**
4. *This section does not prohibit the use of confidential information in a prosecution for the violation of any statute, ordinance or regulation for the control of air pollution.*
5. *A person who discloses or knowingly uses confidential information in violation of this section is guilty of a misdemeanor, and is liable in tort for any damages which may result from such disclosure or use.*
6. *As used in this section, “confidential information” means information or records which:
 - (a) *Relate to dollar amounts of production or sales;*
 - (b) *Relate to processes or production unique to the owner or operator; or*
 - (c) *If disclosed, would tend to affect adversely the competitive position of the owner or operator.**

² Nevada Department of Conservation and Natural Resources (DCNR)

³ Nevada State Environmental Commission

⁴ Director of the Department of Conservation and Natural Resources

**DESCRIBE ANY COST SHARE REQUIREMENT TO BE PLACED ON EACH NOX
SOURCE PROPOSED TO BE MITIGATED (5.2.8)**

Original Submission

Total Project Budget	Project Costs Paid by the Trust		Cost Share Requirement
	Category 9 Funds	Project Admin Costs	
\$ 330,000.00	\$ 300,000.00	\$ 30,000.00	\$ 0.00

December 1, 2021 Revision

Total Project Budget	Project Costs Paid by the Trust		Cost Share Requirement
	Category 9 Funds	Project Admin Costs	
\$ 340,610.00	\$ 310,610.00	\$ 30,000.00	\$ 0.00
Additional Funds Requested/Changes to Original Submission			
\$ 10,610.00	\$ 10,610.00	\$ 0.00	\$ 0.00

ATTACHMENT B

**ELIGIBLE MITIGATION ACTION MANAGEMENT PLAN INCLUDING DETAILED
BUDGET AND IMPLEMENTATION AND EXPENDITURES TIMELINE**

**GOE NEH Funding Opportunity April 2018
Attachment 3: Subgrant Budget Template**

PROJECT BUDGET

Name of subcontractor or subrecipient	Justification	Task/ Milestone 1	Task/ Milestone 2	Task/ Milestone 3	Task/ Milestone 4	Task/ Milestone 5	Total Amount
Precision Canopy	Covering over chargers, parking						\$ 34,267
High Energy Engineering	Project engineering/permitting						\$ 25,800
NAVCO	Earthwork/Asphalt						\$ 130,000
WREC	Electrical Work						\$ 14,000
Greenlots	Charging network						\$ 5,000
Surveying	Surveying						\$ 5,000
Contractual Subtotal:							\$ 214,067

F. OTHER: Other costs are items required for the project which do not fit clearly into the other categories. Examples are conference fees, subscription costs, printing costs, etc.

Description	Justification	Task/ Milestone 1	Task/ Milestone 2	Task/ Milestone 3	Task/ Milestone 4	Task/ Milestone 5	Total Amount
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
Other Subtotal:							\$ -

Total Request: \$ 310,610

Project Budget Summary		Total Request:	310,610
Total In-Kind (estimated total value of in-kind services):			-
Total Other Sources (total value of other sources applied to this project):			-
Project Budget Total:			310,610

ATTACHMENT B

PROJECT MANAGEMENT PLAN PROJECT SCHEDULE AND MILESTONES

Milestone	Date
The Nevada Governor’s Office of Energy received the application from Wells Rural Electric Co for the installation of eligible electric vehicle charging infrastructure	CY 2020, Q3
GOE enters into Agreement with Wells Rural Electric Co	CY 2020, Q3
GOE submits application to NDEP	CY 2020, Q4
NDEP enters into Subgrant Agreement with GOE	CY 2020, Q4
NDEP Submits and Trustee acknowledges receipt of project certification and funding direction	CY 2020, Q4
Wells Rural Electric Co completes installation of electric vehicle charging infrastructure	CY 2021, Q4
GOE reports project completion to NDEP	CY 2021, Q4
NDEP reports project completion—any unspent VW State Trust funds will be returned to the Trustee	CY 2022, Q1

PROJECTED TRUST ALLOCATIONS

ANNUAL PROJECTIONS	2021
1. Anticipated annual project funding request to be paid through the Trust	\$340,610.00
1a. From original submission	\$330,000.00
1b. From December 1, 2021 revision	\$10,610.00
2. Portion of anticipated project funding request to be paid through the Trust to cover Eligible Mitigation Action Administrative Expenditures	\$30,000.00
2a. From original submission	\$30,000.00
2b. From December 1, 2021 revision	\$0.00
3. Portion of anticipated project funding request to be paid through the Trust to cover Eligible Mitigation Action Expenditures	\$310,610.00
3a. From original submission	\$300,000.00
3b. From December 1, 2021 revision	\$10,610.00
4. Anticipated annual cost share	\$0.00
4a. From original submission	\$0.00
4b. From December 1, 2021 revision	\$0.00
5. Anticipated total project funding by year (line 1 plus line 4)	\$340,610.00
5a. From original submission	\$330,000.00
5b. From December 1, 2021 revision	\$10,610.00

CUMULATIVE PROJECTIONS	
6. Cumulative outstanding Trustee payments requested against cumulative approved Beneficiary allocation	\$4,150,998.73
7. Cumulative Trustee payments made to date against cumulative approved Beneficiary allocation	\$11,175,781.56
8. Beneficiary funding to be paid through the Trust for this project (sum of line 1)	\$340,610.00
9. Total funding approved for Beneficiary Eligible Mitigation Actions, inclusive of current Action (sum of lines 6, 7, and 8)	\$15,337,390.29
10. Beneficiary share of estimated funds remaining in Trust	\$15,207,788.29
11. Estimated Beneficiary funds remaining in Trust after project completion (line 10 minus lines 6 and 8)	\$11,046,179.56

ATTACHMENT C

**DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION ACTION
IMPLEMENTATION**

ATTACHMENT C

DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION ACTION IMPLEMENTATION

The Nevada Division of Environmental Protection (NDEP) will provide detailed reporting on this Volkswagen (VW) Environmental Mitigation Trust Fund for State Beneficiaries Eligible Mitigation Action project in two ways: 1, timely updates to NDEP's VW Environmental Mitigation Trust Fund webpage; and 2, Nevada's semiannual reporting obligation to Wilmington Trust (the "Trustee").

NDEP maintains a VW Environmental Mitigation Trust Fund specific webpage that has been designed to support public access and limit burden for the general public. The NDEP's VW specific webpage can currently be found at <https://ndep.nv.gov/air/vw-settlement>. Timely updates to the webpage will inform the general public on the project's status as well as when this Eligible Mitigation Action has been completed.

Subparagraph 5.3 of the Environmental Mitigation Trust Agreement for State Beneficiaries details Nevada's Reporting Obligations:

"For each Eligible Mitigation Action, no later than six months after receiving its first disbursement of Trust Assets, and thereafter no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30) of each year, each Beneficiary shall submit to the Trustee a semiannual report describing the progress implementing each Eligible Mitigation Action during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Such reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action. Beneficiaries may group multiple Eligible Mitigation Actions and multiple sub-beneficiaries into a single report. These reports shall be signed by an official with the authority to submit the report for the Beneficiary and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. To the extent a Beneficiary avails itself of the DERA Option described in Appendix D-2, that Beneficiary may submit its DERA Quarterly Programmatic Reports in satisfaction of its obligations under this Paragraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the State Trust's public-facing website upon receipt."

NDEP shall, in the next semiannual report following the Trustee's approval of this project, describe the progress implementing this Eligible Mitigation Action that will include a summary of all costs expended on the Eligible Mitigation Action through the reporting date. The report will also include a complete description of the status, development, implementation (including project schedule and milestone updates), and any modification to this Eligible Mitigation Action.