

APPENDIX D-4
Maine Beneficiary Eligible Mitigation Action Certification

State of Maine
Appendix D-2 FY 2020 Funding Awards
Eligible Mitigation Item 8: Light Duty Zero Emission Vehicle Supply Equipment
MaineDOT ID 23901.30
Advance Fund Request #11

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary: State of Maine

Lead Agency Authorized to Act on Behalf of the Beneficiary: Maine Department of Transportation (MaineDOT) (Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)

Action Title:	Zero Emission Vehicle Service Equipment Option 2020
Beneficiary's Project ID:	23901.30
Funding Request No.	11
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input type="checkbox"/> Other (specify): _____ <div style="text-align: right; margin-right: 100px;"><input checked="" type="checkbox"/> Advance</div>
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action <input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>EMA 8- ZEVSE Option</u> Action Type <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1): Provide funding to build out Maine's light duty zero emission vehicle charging corridors and provide public charging infrastructure strategically throughout the state per Section V.8 of Maine's Beneficiary Mitigation Plan (BMP).
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): See Maine BMP, Section VII
Estimate of Anticipated NOx Reductions (5.2.3): See Maine BMP, Section VII
Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1): MaineDOT, Bureau of Finance & Administration
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). As stated in Paragraph 7 of Maine's Appendix D-3 filing, the Beneficiary certifies that it will maintain and make publicly available all documentation and records: (i) submitted by it in support of each funding request; and (ii) supporting all expenditures of Trust Funds by the Beneficiary, each until the Termination Date of the Trust pursuant to Paragraph 6.8 of the Trust Agreement, unless the laws of the Beneficiary require a longer record retention period. Together herewith, the Beneficiary attaches an explanation of:
(i) To satisfy the procedures by which the records may be accessed, which shall be designed to support access and limit burden for the general public. MaineDOT has established a website (http://www.maine.gov/mdot/vw) to house state-specific documents, guidance, public comments, funding process descriptions, and web links to other sites for useful background information and resources related to the VW Environmental Mitigation Settlement;
(ii) As part of Maine's Beneficiary Mitigation Plan required under Paragraph 4.1 of the Trust Agreement, the

procedures by which public input will be solicited and considered included the solicitation of public comments via web notice and comment period on Maine's Beneficiary Mitigation Plan. Two public meetings were held in geographically diverse locations prior to closing of the comment period. Comments were and will continue to be considered through program implementation.

(iii) Whether and the extent to which the certification in this Paragraph 7 is subject to the Beneficiary's applicable laws governing the publication of confidential business information and personally identifiable information. The certification in Paragraph 7 is subject to Maine's Freedom of Access Act (FOAA), 1 M.R.S. §§ 400-414, and other applicable Maine law. All documentation and records submitted by the State in support of each funding request and supporting all expenditures of Trust Funds by the State shall be accessible to the public unless an exception from disclosure under Maine law applies to the document or part thereof. For example, Maine's FOAA, 1 M.R.S. § 402(3), includes in the list of exceptions a general exception for records that have been designated confidential by statute. Any claims for confidentiality under this exception, other enumerated exceptions, or under other Maine law would be reviewed by the Maine Department of Transportation and legal counsel. Documents, or parts of documents, would be protected from disclosure only to the extent required by Maine law. The State has identified the following specific provisions potentially applicable to confidential business information and personally identifiable information.

The enumerated exceptions under Maine's FOAA include records that would be within the scope of a privilege against discovery or use as evidence recognized by Maine courts in civil or criminal trials if the records were sought during the course of a court proceeding. 1 M.R.S. § 402(3)(B). Maine Rule of Civil Procedure 26(c) provides that a trade secret or other confidential research, development, or commercial information may be the subject of a protective order by a court, when sought during discovery. Also, Rule 507 of the Maine Rules of Evidence contains a privilege to refuse to disclose, and prevent others from disclosing, a trade secret. The Maine Supreme Judicial Court has looked to the definition of "trade secret" in Maine's Uniform Trade Secrets Act, 10 M.R.S. § 1542(4), in interpreting "trade secret" claims for non-disclosure under FOAA. That definition includes information that "[d]erives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

Maine's FOAA contains exceptions to disclosure for certain personally identifiable information such as social security numbers. 1 M.R.S. § 402(3)(N).

Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).

See attached Memorandum of Agreement between MaineDOT and Efficiency Maine Trust.

Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

Lead agency contact emailed the State Trust Agreement to specified recipients on February 12, 2018.

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).

Not applicable.

ATTACHMENTS
(CHECK BOX IF ATTACHED)


- | | | |
|----------|---------------------|---|
| X | Attachment A | Funding Request and Direction. |
| X | Attachment B | Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4). |
| X | Attachment C | Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11). |
| X | 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.] |
| X | Attachment E | Memorandum of Agreement between MaineDOT and Efficiency Maine |
| | Attachment F | DERA Option (5.2.12). [Attach only if using DERA option.] |
| | Attachment G | 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 State of Maine, 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: 1/17/20



David Gardner
Director, Environmental Office

Maine Department of Transportation

[LEAD AGENCY]

for

State of Maine

[BENEFICIARY]

ATTACHMENT B
Eligible Mitigation Action Management Plan

Project Schedule and Milestones

Phase I DCFC contract with ChargePoint for 7 locations

MILESTONE	DATE
Release RFP for competitive projects	July 31, 2018
Receive applications	October 2, 2018
Score applications	October 17, 2018
Notify applicants of results	October 19, 2018
Request funds from Wilmington Trust	February 22, 2020
Proponents complete installation	August 2020

Status of Individual Charging Stations: (each location has 2 DCFC stations (2 plugs each) and 1 Level 2 station with 2 plugs)

- Kennebunk Turnpike Service Plaza North
- Kennebunk Turnpike Service Plaza South
- W. Gardiner Turnpike Service Plaza
- Skowhegan (Hannaford)
- Jackman (Gulf Fueling Station)
- Farmington (Hannaford)
- N. Windham (Hannaford)

Phase II Public Level 2 Charging Stations – Round 1

MILESTONE	DATE
Release RFP for competitive projects	April 12, 2019
Receive applications	July 10, 2019
Score applications	August 5, 2019 and August 15, 2019
Notify applicants of results	August 9, 2019 and September 10, 2019
Request funds from Wilmington Trust	February 22, 2020
Proponents complete installation	Varies; some complete, remainder by June 2021

List of Funded projects:

Location Category 1 (Northern and Eastern Maine):

1. International Motel, Calais
2. Down East Community Partners, Milbridge
3. Indian Hill Trading Post, Greenville
4. Northern Maine Medical Center, Fort Kent
5. Town of Fort Kent, Downtown Fort Kent Location

Location Category 2 (Statewide):

1. Bates College, Lewiston
2. Bowdoin College, Brunswick
3. City of Auburn
4. City of Bangor
5. City of Bath

6. City of Belfast
7. City of Portland (Back Cove)
8. City of Portland (City Hall) (pending)
9. City of Portland (High Street)
10. City of Portland (Payson Park)
11. City of Portland (Westbrook Street)
12. City of Rockland
13. College of the Atlantic, Bar Harbor
14. Falmouth School District, Falmouth
15. Maine State Housing Authority, Augusta
16. Unum, Portland

Phase II Public Level 2 Charging Stations – Round 2

MILESTONE	DATE
Release RFP for competitive projects	October 7, 2019
Receive applications	November 12, 2019
Score applications	December 17, 2019
Notify applicants of results	December 18, 2019
Request funds from Wilmington Trust	February 22, 2020
Proponents complete installation	Varies; anticipate completion by August 2021

List of Funded Projects:

1. City of Augusta, Dickman Street
2. City of Augusta, Cony Street
3. Maine Behavioral Healthcare, Portland
4. Town of York Public Library
5. Town of Kennebunk
6. Nissen Building Condo Association, Portland
7. Town of Damariscotta
8. Best Western, Rumford
9. Maine Medical Center, Portland
10. Town of Thomaston

Project Budget

BUDGET CATEGORY	TOTAL APPROVED BUDGET	SHARE TO BE FUNDED BY TRUST	COST SHARE (project sponsor)
Expenditure on Appendix D-2 Item (7) Freight Trucks	\$2,157,959.60	\$2,157,959.60	0
Percentage	100%	100%	0%

Projected Trust Allocations

	FY 2019 July 2018-June 2019	FY 2020	FY 2021-2028
1. Anticipated Annual Project Funding Requests to be paid through Trust	\$6,300,000	\$10,000,000	\$3,253,064
2. Anticipated Annual Cost Share	\$3,504,600	\$4,320,000	\$5,855,515
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$9,804,600	\$14,320,000	\$9,108,579
4. Cumulative Trustee Payments made to Date against Cumulative Approved Beneficiary Allocations	\$1,500,000	7,800,000	\$17,800,000
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$6,300,000	\$10,000,000	\$3,253,064
6. Total Funding Allocated to Beneficiary, inclusive of current Action by Year (line 4 plus line 5)	\$7,800,000	\$17,800,000	\$21,053,051
7. Beneficiary Share of estimated Funds Remaining in Trust	\$19,553,064	\$13,253,064	-
8. Net Beneficiary Funds Remaining in Trust, Net of Cumulative Beneficiary Funding Actions (line 7 minus line 5)	\$13,253,064	\$3,253,064	-

ATTACHMENT C
Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11)

Records of applications and selected projects will be made available on the Maine VW webpage:
<http://www.maine.gov/mdot/vw/>.

ATTACHMENT D
COST ESTIMATES and AWARDS

Detailed Cost Estimates from Selected or Potential Vendors for each Proposed expenditure exceeding \$25,000 (5.2.6)

The quote for the seven (8) freight vehicles is \$2,157,959.60

TYPE	TOTAL COST	VW FUNDS	COST SHARE
Fast charging Stations and Level II charging stations throughout Maine	\$2,157,959.60	\$2,157,959.60	\$0

Scoring information can be located on the Maine VW webpage: <http://www.maine.gov/mdot/vw/>.

ATTACHMENT E
Memorandum of Agreement between MaineDOT and Efficiency Maine