

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary _____

Lead Agency Authorized to Act on Behalf of the Beneficiary _____
(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:	
Beneficiary's Project ID:	
Funding Request No.	<i>(sequential)</i>
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action <input type="checkbox"/> Appendix D-2 item (specify): _____ 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):
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):
Estimate of Anticipated NOx Reductions (5.2.3):
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):
Describe how the Beneficiary will make documentation publicly available (5.2.7.2).
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

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).

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.]

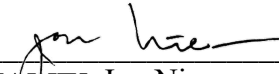
CERTIFICATIONS

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

1. This application is submitted on behalf of Beneficiary _____, 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: _____



[NAME] Jon Niermann, Chairman
[TITLE]

[LEAD AGENCY]

for

[BENEFICIARY]

Supplementary Form to Appendix D-4

Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1).

The TCEQ requests \$32,653,788.96 in funding for the administration and award of projects to supply light-duty zero emission vehicles (ZEV) with electricity or hydrogen for hydrogen fuel cells. The statewide implementation of the program will help to prepare Texas for the increased use of light-duty ZEV and will help sustain the use of those vehicles.

Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2).

Helping to sustain the use of light-duty ZEV will contribute to achieving the Texas Volkswagen Environmental Mitigation Program's (TxVEMP) two primary goals of reducing NO_x emissions and reducing the potential for exposure of the public to pollutants emitted from older gasoline and diesel vehicles.

This will include the installation of electric charging equipment in public areas, workplaces, and multi-unit residences, with consideration given to the availability of existing charging equipment at or near the project location. In addition, the TCEQ will consider funding for the installation of charging equipment along major transportation corridors of the state. Consideration will also be given for the installation of fueling equipment for hydrogen fuel cells, where there will be a sustainable market for use of the hydrogen fuel.

Describe how the Beneficiary will make documentation publicly available (5.2.7.2).

Documents will be made publicly available through the:

- TxVEMP website www.TexasVWFund.org;
- TxVEMP email subscription list; and
- Texas Electronic State Business Daily website.

In addition, the Texas Commission on Environmental Quality (TCEQ) will be hosting application workshops and webinars to assist grantees with the application process.

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

For Level 2 charging equipment, grants will be awarded on a first-come, first-served basis. An applicant may apply for and may be reimbursed for no more than the maximum percentage of cost limits or a predetermined table amount, whichever is less. See below for the maximum percentage of cost limits.

For fast charging equipment, grants will be awarded on a competitive basis. The TCEQ will review all applications submitted within a deadline established by the agency. Project selections will be made based on criteria established by the TCEQ. An applicant may apply for and may be reimbursed for no more than the maximum percentage of cost limits.

ZEV Supply	
Electric Chargers - Available to the Public	70%
Electric Chargers - Available at a Workplace or Multi-Unit Dwelling	60%
Hydrogen Supply (250 kg/day)	33%
Hydrogen Supply (100 kg/day)	25%

Payments will be made on a reimbursement basis for eligible expenses incurred and paid by the grant recipient. Grant recipients will be required to provide documentation to show that equipment or services have been received and expenses have been incurred and paid.

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

In accordance with Section 4.2.8 of the State Trust Agreement, the TCEQ provided notice via email to the U.S. Department of Interior and U.S. Department of Agriculture of the opportunity to request Volkswagen mitigation action funds. This notice included a copy of the State Trust Agreement and informed them of the opportunity to comment on Texas' draft Beneficiary Mitigation Plan.

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

While the other mitigation actions will result in immediate reductions in NO_x emissions and other pollutants, funding ZEV infrastructure will help prepare the state for the increased use of ZEV in Texas and will help sustain the use of those vehicles.

Helping to sustain the use of light-duty ZEV will contribute to achieving the plan's two primary goals of reducing NO_x emissions and reducing the potential for exposure of the public to pollutants emitted from older gasoline and diesel vehicles.

Attachment B to D-4: Eligible Mitigation Action Management Plan and Budget

I. Project Management Plan: Project Schedule and Milestones

Round 1 - Level 2 Charging Equipment

Milestones	Date ¹
Application period for Level 2 charging equipment	July 2020 - July 2021
Conduct application workshops via webinar	June 2020 - July 2020
Review and select project applications on a first-come, first served basis	July 2020 - July 2021
Draft and execute contracts with entities selected for award	July 2020 - Aug. 2021
Process requests for reimbursement for the new equipment submitted by grant recipient	July 2020- Aug. 2023
TCEQ certifies payment direction to Trustee monthly through the submission of an Attachment A.	July 2020- Aug. 2023

Round 2 - Fast Charging & Hydrogen Dispensing Equipment

Milestones	Date ¹
Application period for fast charging and hydrogen dispensing equipment	Feb. 2021 - May 2021
Conduct application workshops via webinar	Jan. 2021 - Feb. 2021
Review and select project applications on a competitive basis	May 2021- July 2021
Draft and execute contracts with entities selected for award	July 2021 - Sept. 2021
Process requests for reimbursement for the new equipment submitted by grant recipient	Sept. 2021- Aug. 2023
TCEQ certifies payment direction to Trustee monthly through the submission of an Attachment A.	Sept. 2021- Aug. 2023

¹Dates are approximate and may vary depending on the volume of applications received and awarded.

II. Project Budget

Budget Category	Total Requested Budget
Project Expenditures	\$31,397,874.00
Administrative Expenditures	\$1,255,914.96
Total	\$32,653,788.96

III. Project Cost Share

Project Type	% of Awardee Cost Share
Electric Chargers - Available to the Public	≥ 30%
Electric Chargers - Available at a Workplace or Multi-Unit Dwelling	≥ 40%
Hydrogen Supply (250 kg/day)	≥ 66%
Hydrogen Supply (100 kg/day)	≥ 75%

Attachment C to Appendix D-4: Detailed Plan for Reporting on Eligible Mitigation Action Implementation

1. Purpose

The Texas Volkswagen Environmental Mitigation Program (TxVEMP) is preparing to implement two rounds of funding statewide for projects to supply light-duty zero emission vehicles (ZEV) with electricity or hydrogen for hydrogen fuel cells. Statewide funding of light-duty ZEV supply equipment will help to prepare the state for the increased use of ZEV and will help sustain the use of those vehicles.

2. Implementation

- a. **Round 1- Level 2 Charging Equipment:** Grant funding will be available for the acquisition and installation of Level 2 charging equipment that is in a public place, workplace, or multi-unit dwelling.
- b. **Round 2- Fast Charging & Hydrogen Dispensing Equipment:** Grant funding will be available for the acquisition and installation of fast charging equipment that is in a public place, workplace, or multi-unit dwelling. Funding will also be available for the acquisition and installation of hydrogen dispensing equipment that is in a public place.

3. Program Criteria

- a. Eligible applicants must be eligible to conduct business in Texas. Eligible applicants include individuals, corporations, organizations, governments or governmental subdivisions or agencies, business trusts, partnerships, associations, or other legal entities.
- b. Eligible applicants must own or lease the land and facility where the equipment will be installed or be the operator of the supply equipment and have an agreement with the land and facility owner(s) to operate the equipment for the life of the grant.
- c. Funds may be used for the acquisition and installation of new light-duty ZEV supply equipment. Ongoing operation and maintenance costs will be the responsibility of the applicant.
- d. The equipment must be installed at a site without existing light-duty ZEV supply services, or to expand the number of vehicles that may be serviced at an existing site. Funding is not available to simply replace existing equipment with newer equipment.

4. Application Review and Selection

- a. **Round 1- Level 2 Charging Equipment:** Eligible projects will be awarded on a first-come, first-served basis. Applicants may apply for the replacement or repower of up to 50 activities, either in one application or multiple applications, every three months.
- b. **Round 2- Fast Charging & Hydrogen Dispensing Equipment:** Eligible projects will be awarded on a competitive basis. The TCEQ will review all applications submitted within a deadline established by the agency. Project Proposals may be scored and ranked based on the following criteria:
 - Proximity to a high-density traffic area.
 - Applicant qualifications and experience in building, owning, and operating ZEV supply equipment.
 - Market landscape, including:
 - projected number of vehicles served;
 - availability of supply equipment in the area; and
 - proximity to multi-unit dwellings, retail, service establishments, or tourism destinations.
 - Site plan, including:
 - public access points/signage;
 - equipment type (single or dual port) and kW output;
 - site attributes (e.g. lighting, parking garage, or covered parking);
 - local land use, zoning, and permitting requirements;
 - coordination with the local utility; and
 - activation, commissioning, and testing of equipment.

- Operations plan, including:
 - public availability;
 - warranty or maintenance agreement; and
 - electricity delivery.
- Bonus criteria may be developed and applied as a factor to a projects total score.

5. Eligible Costs

- a. For light-duty electric vehicle supply equipment available to the public, up to 70% of the cost to purchase and install the light-duty electric vehicle supply equipment may be reimbursed under a grant.
- b. For light-duty electric vehicle supply equipment available at a workplace or multi-unit dwelling, up to 60% of the cost to purchase and install the light-duty electric vehicle supply equipment may be reimbursed under a grant.
- c. Up to 33% of the eligible costs may be reimbursed for equipment capable of dispensing at least 250 kilograms (kg) per day. Up to 25% of the eligible costs may be reimbursed for equipment capable of dispensing at least 100 kg per day.

6. Outreach

- a. **Program documents:** Program documents will be available on the TxVEMP website once the grant rounds have officially opened to the public. Documents have been drafted in accordance with accessibility standards and are available in a fillable PDF format.
- b. **Program notifications:** Notifications will be provided on the status of grant rounds through the TxVEMP email list serve, official agency press-releases, and the Electronic State Business Daily.
- c. **Application workshops:** Application workshops will be provided via webinar for interested parties.
- d. **Funds availability status:** TxVEMP staff will maintain a report provided on the TxVEMP website to update interested parties on the availability of funding under the two grant rounds.
- e. **Project summaries:** TxVEMP staff will provide a monthly project summary report on the TxVEMP website. The report will include project descriptions, awarded grant amounts, and project emissions reduction estimations.