

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary State of Alabama

Lead Agency Authorized to Act on Behalf of the Beneficiary Alabama Department of Economic and Community Affairs (ADECA) *(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:	FY21 DERA Option for ADEM State Clean Diesel Grant Program
Beneficiary's Project ID:	ADECA-FY20-ED-01
Funding Request No.	<i>(sequential)</i> 7
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement X Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	X Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	X 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	X 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): To increase funding for Alabama's DERA program by using Environmental Mitigation Trust Funds as voluntary match per page 11 of Alabama's Beneficiary Mitigation Plan.	
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): ADEM will be partnering with school systems to replace school buses. The new school buses will meet EPA's current emissions standards, which will reduce diesel emissions and improve air quality for the children during pick up, drop off and while traveling.	
Estimate of Anticipated NOx Reductions (5.2.3): The approximate amount of NOx reductions for the five projects the DERA Program will be funding is a combined total of 10.68 tons annually over the life of the vehicles and equipment.	
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): Once funds are provided as match for the Alabama DERA Program, the ADEM will ensure that all funding will comply with applicable laws.	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). Notification of Environmental Mitigation Trust Funds to serve as voluntary match for the Alabama DERA program is publicly available on the Alabama VW Website.	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). DERA project partners are responsible for a percentage of the project to be completed. The percentage the project partner pays is dependent on the project type.	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). Pursuant to subparagraph 4.2.8, within 30 days of the filed Notice of Beneficiary Designation listing ADECA as the Beneficiary of the State Trust, ADECA mailed a copy of the State Trust Agreement to required federal agencies.	
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)**

- | | | |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | Attachment A | Funding Request and Direction. |
| <input checked="" type="checkbox"/> | Attachment B | Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4). |
| <input checked="" type="checkbox"/> | Attachment C | Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11). |
| <input checked="" type="checkbox"/> | 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.] |
| <input checked="" type="checkbox"/> | Attachment E | DERA Option (5.2.12). [Attach only if using DERA option.] |
| <input type="checkbox"/> | 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 Alabama Department of Economic and Community Affairs, 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: 8/18/21



Kenneth W. Boswell
Director

Alabama Department of Economic
and Community Affairs

[LEAD AGENCY]

for

Alabama

[BENEFICIARY]

ATTACHMENT B
PROJECT MANAGEMENT PLAN
PROJECT SCHEDULE AND MILESTONES
PROJECT BUDGET

Period of Performance: <u>FY 2020-FY2021</u>					
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)	Cost-Share, if applicable (Entity #3)
1. Equipment Expenditure	\$	\$341,567.00	\$512,351.00	\$	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$	\$
4. Administrative ¹	\$5,226.17	\$5,226.17	\$	\$	\$
Project Totals	\$859,144.17	\$346,793.17	\$512,351.00	\$	\$
Percentage	100%	40%	60%	%	%

¹ Subject to Appendix D-2 15% administrative cap.

ATTACHMENT C
REPORTING PLAN

The Alabama Department of Economic and Community Affairs (ADECA) has created a website (<https://adeca.alabama.gov/Divisions/energy/vw/Pages/default.aspx>) for public information relating to the VW Settlement. Recipients will be required to submit semi-annual reports to ADECA to aid in reporting to the Trust as part of their Grant Agreement. These reports will include:

1. Vehicle Data including the status of vehicles replaced and/or repowered, vehicles scrapped, and the amount of NOx achieved by these replacements.
2. A description of any revisions required to the project.
3. Details of any issues encountered while implementing the project.

A blank template report can be found on the ADECA VW website at <https://adeca.alabama.gov/Divisions/energy/vw/Pages/Implementation-Guidelines.aspx>. Reports will be due January 15th and July 15th of each year. ADECA will provide the Trust with semi-annual reports as designated by Section 5.3 of the Environmental Mitigation Trust Agreement for State Beneficiaries by January 30th and July 30th of each year.

ATTACHMENT D
DETAILED COST ESTIMATES FROM SELECTED POTENTIAL VENDORS FOR
EACH PROPOSED EXPENDITURE EXCEEDING \$25,000

ADEM DERA GRANT VW EQUIPMENT EXPENDITURES				
Project	Type of Expenditure	Expenditure Per Bus Covered by VW Funds	Total Expenditure Covered by VW Funds	Total Expenditure (VW, DERA and Company Match)
Randolph County Schools	5 School Buses	10,262.96	51,314.80	410,518.50
Winston County Schools	7 School Buses	11,818.50	82,729.50	661,836.00
Clay County Schools	6 School Buses	10,824.95	64,949.70	519,597.84
Lauderdale County Schools	2 Special Needs School Buses	12,992.87	49,403.70	395,229.72
	2 School Buses	11,708.98		
Boaz City School System	5 School Buses	13,045.50	65,227.50	521,820.00
Total			313,625.20	2,509,002.06

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): _____ * Other (Specify): _____
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* 3. Date Received: Completed by Grants.gov upon submission.	4. Applicant Identifier: _____
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5a. Federal Entity Identifier: _____	5b. Federal Award Identifier: 00D62519
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State Use Only:

6. Date Received by State: _____	7. State Application Identifier: _____
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8. APPLICANT INFORMATION:

* a. Legal Name: Alabama Department of Environmental Management

* b. Employer/Taxpayer Identification Number (EIN/TIN): 63-6000619	* c. Organizational DUNS: 9585505760000
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d. Address:

* Street1: P.O. Box 301463
Street2: _____
* City: Montgomery
County/Parish: Montgomery
* State: AL: Alabama
Province: _____
* Country: USA: UNITED STATES
* Zip / Postal Code: 36130-1463

e. Organizational Unit:

Department Name: Environmental Management	Division Name: Air Division
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f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr.	* First Name: Ronald
Middle Name: W.	
* Last Name: Gore	
Suffix: _____	
Title: Chief, Air Division	
Organizational Affiliation: _____	
* Telephone Number: 333-271-7808	Fax Number: 334-279-3044
* Email: rwg@adem.alabama.gov	

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date: ²⁰¹⁹

* b. End Date: ²⁰²²

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="512,351.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="341,567.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="853,918.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	State Clean Diesel Grant Program				
a. Personnel	\$ 72,645.00	\$	\$	\$	\$ 72,645.00
b. Fringe Benefits	29,058.00				29,058.00
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other	725,830.00				725,830.00
i. Total Direct Charges (sum of 6a-6h)	827,533.00				\$ 827,533.00
j. Indirect Charges	26,385.00				\$ 26,385.00
k. TOTALS (sum of 6i and 6j)	\$ 853,918.00	\$	\$	\$	\$ 853,918.00
7. Program Income					

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB (Circular A - 102) Page 1A

Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance

Note: Read Instructions before completing form.

I. A. Applicant/Recipient (Name, Address, City, State, Zip Code)

Name:
Address:
City:
State: Zip Code:

B. DUNS No.

II. Is the applicant currently receiving EPA Assistance? Yes No

III. List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective actions taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))

VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below.

Yes No

a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b).

Yes No

b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. 7.70) applies.

VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities? (40 C.F.R. 5.140 and 7.95) Yes No

a. Do the methods of notice accommodate those with impaired vision or hearing? Yes No

b. Is the notice posted in a prominent place in the applicant's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications? Yes No

c. Does the notice identify a designated civil rights coordinator? Yes No

VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves? (40 C.F.R. 7.85(a)) Yes No

IX. Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency? (40 C.F.R. Part 7, E.O. 13166) Yes No

*** See Instructions**

Instructions for EPA FORM 4700-4 (Rev. 06/2014)

General. Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment). Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities. Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities. The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission. Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution. 40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972. 40 C.F.R. Part 7 implements Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of The Rehabilitation Act of 1973. The Executive Order 13166 (E.O. 13166) entitled; "Improving Access to Services for Persons with Limited English Proficiency" requires Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Items "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25. "Recipient" means any entity, other than applicant, which will actually receive EPA assistance. 40 C.F.R. §§ 5.105, 7.25. "Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed. "Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability. Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission. If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable." In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification. * Note: Signature appears in the Approval Section of the EPA Comprehensive Administrative Review For Grants/Cooperative Agreements & Continuation/Supplemental Awards form.

EPA KEY CONTACTS FORM

Project Manager: *Individual responsible for the technical completion of the proposed work.*

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:

Title:

Complete Address:

Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address: