

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary State of Indiana

Lead Agency Authorized to Act on Behalf of the Beneficiary Indiana Department of Environmental Management
(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:	Round 2 - Onroad and Nonroad Awards
Beneficiary's Project ID:	Round 2 - City of South Bend CNG Trucks Replacement
Funding Request No.	<i>(sequential)</i> 33
Request Type: (select one or more)	<input checked="" 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 checked="" type="checkbox"/> Other (specify): <u>Grantee: City of South Bend as detailed in Attachment A</u>
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>Category 1: Class 8 Trucks</u> <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
Action Type	
Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):	See Appendix D-4 Summary Details attachment.
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):	See Appendix D-4 Summary Details attachment.
Estimate of Anticipated NOx Reductions (5.2.3):	See Appendix D-4 Summary Details attachment.
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):	See Appendix D-4 Summary Details attachment.
Describe how the Beneficiary will make documentation publicly available (5.2.7.2).	See Appendix D-4 Summary Details attachment.
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).	See Appendix D-4 Summary Details attachment.
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).	See Appendix D-4 Summary Details attachment.

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).
See Appendix D-4 Summary Details attachment.

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 State of Indiana, 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: 7/29/21



[NAME] Bruce Pigott
[TITLE] Commissioner

Indiana Department of Environmental Management

[LEAD AGENCY]

for

State of Indiana

[BENEFICIARY]

Appendix D-4 Summary Details

Eligible Mitigation Action Type:

Category 1: Class 8 Trucks

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

Indiana will generally fund all eligible mitigation action (EMA) types included in Appendix D-2 of the national consent decree. The Mission Statement and Overall Goals are described below:

In promoting the reduction of emissions of NO_x, the Indiana Volkswagen Environmental Mitigation Trust Fund Program will prioritize sustainable projects that are transformative, positively impacting the environment, enhancing the health and well-being of residents, and promoting Indiana's growing economy.

The Program will focus on technological change and advancement with resiliency and favoring use of domestic fuel, where possible.

The goals of the Indiana Volkswagen Mitigation Trust Program include:

- Improving air quality across Indiana through cost-effective NO_x emission reduction strategies
- Maximizing diesel emission reductions across Indiana, while considering various categories of sensitive populations as areas of specific focus
- Providing appropriate considerations to projects that have diesel emission reductions that go beyond just NO_x, including PM_{2.5}, hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂)
- Encouraging leveraging of project partner funds with VW Trust funds to further the reach of the Indiana program

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

This project is for the purchase, installation, operation and maintenance of two (2) 2020 model-year, or newer, U.S. EPA emission compliant compressed-natural-gas-powered end dump trucks to REPLACE two (2) of the Grantee's existing diesel-powered end dump trucks that will be used for the same purpose. The replacement vehicle(s) will be located and operated in and around South Bend, Indiana.

Compressed-natural-gas-powered trucks dramatically improve air quality and the quality of life conditions for drivers, technicians, and citizens in the areas of operation due to notably lower tailpipe emissions in addition to less noisy engine operations.

The lifetime estimated emission reductions of pollutants according to U.S. EPA's Diesel Emission Quantifier (DEQ) include 0.885 tons of nitrogen oxides (NO_x) and 0.037 tons of fine particulate matter (PM_{2.5}).

Estimate of Anticipated NOx Reductions (5.2.3):

Over the lifetime of these trucks, U.S. EPA's DEQ model estimates this project will result in a NOx reduction of 0.885 tons.

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):

Indiana Department of Environmental Management

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

In October of 2017, IDEM published a website with specific information on the national mitigation trust as well as the Indiana program. The website included an opportunity to sign up for automated updates to make sure interested parties were always kept apprised of any changes made to the program website. This web portal will be the location for all information related to the Indiana Volkswagen Mitigation Trust Program.

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

Indiana will use Volkswagen Mitigation Trust funds to reimburse non-government owned fleet and equipment owners at the levels specified in Appendix D-2 of the national mitigation trust. IDEM will also use Volkswagen Mitigation Trust funds to reimburse government-owned fleets and equipment at the same level as non-government owned fleet and equipment owners, as opposed to the full cost reimbursement permitted by Appendix D-2.

Specifically, for this project, the Indiana Volkswagen Mitigation Trust Program will cover up to 26% of the total project cost while the Grantee and/or other programs covers the remaining 74%.

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

The Indiana Department of Environmental Management notified representatives as identified in Appendix D-2 of the national consent decree via email in March of 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 to this specific project.

Attachment B Details

Project Schedule and Milestones:

Indiana announces Round 2 – VW Onroad and Nonroad funding opportunity via online Request for Proposals (RFP)	March 3, 2020
Deadline for Round 2 – VW Onroad and Nonroad program applications	May 1, 2020
Indiana notifies applicants of award decisions	May 28, 2020
Funding Agreement between Indiana and Grantee is fully executed	October 8, 2020
Grantee project implementation	October 8, 2020 to December 31, 2021
Indiana reviews programmatic, financial, and vehicle scrappage materials for compliance with Appendix D-2 of the national consent decree	Ongoing
Indiana submits Appendix D-4 to Trustee to initiate payment to Grantee in accordance with Payee Contact and Wire Information form along with other supporting documentation	July 30, 2021
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	July 30, 2021 to D-4 approval
Trustee responds to Indiana Appendix D-4	Within 60 days of submittal
Trustee disburses payment to Grantee	Within 15 days of Appendix D-4 approval

Project Budget:

Project Description	Indiana VW Mitigation Trust Grant Not to Exceed Total	Grantee Cost Share Not Less than Total	Project Total
The purchase, installation, operation and maintenance of two (2) 2020 model-year, or newer, U.S. EPA emission compliant compressed-natural-gas-powered end dump trucks that will REPLACE two (2) of the Grantee's existing diesel-powered end dump trucks that will be used for the same purpose. The replacement vehicle(s) will be operated in and around South Bend, Indiana.	\$123,272.00	\$348,946.00	\$472,218.00
Percentage	26%	74%	100%

State of Indiana Total Trust Allocation:

1) State of Indiana's Total Trust Allocation	\$40,935,880.59
2) Obligated Awards from Previous D-4 Submittals	\$6,955,545.22
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$33,980,335.37
4) Current D-4 Funding Request Total	\$123,272.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$33,857,063.37

Projected Allocation Totals per Project Type:

	Total per Category	Annually Based on Expected Project Reimbursements
Total Trust	\$40,935,880.59	NA
To EV (15%) over 3 years (2021 to 2023)	\$6,140,382.09	\$2,046,794.03
To Admin (3%) over 4 years (2020 to 2023)	\$1,228,076.42	\$307,019.11
To EMAs (82%) over 3 years (2020 to 2022)	\$33,567,422.08	\$11,189,140.69

Projected Trust Allocations:

	2020	2021	2022	2023
1) Anticipated Annual Project Funding Request to be paid through the Trust	\$11,189,140.69	\$13,235,934.72	\$13,235,934.72	\$2,046,794.03
2) Anticipated Annual Cost Share (Administrative Costs)	\$307,019.11	\$307,019.11	\$307,019.11	\$307,019.11
3) Anticipated Total Project Funding by Year (Line 1 + Line 2)	\$11,496,159.80	\$13,542,953.83	\$13,542,953.83	\$2,353,813.14
4) Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$3,895,454.40	\$2,958,891.82		
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$123,272.00		
6) Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (Line 4 + Line 5)	\$3,996,653.40	\$3,082,163.82		
7) Beneficiary Share of Estimated Funds Remaining in Trust at Beginning of Year	\$40,935,880.59	\$36,939,227.19		
8) Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (Line 7 – Line 6)	\$36,939,227.19	\$33,857,063.37		

Attachment C Details

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

The Indiana Department of Environmental Management (IDEM) is committed to meet the reporting requirements as detailed in Subparagraph 5.3 of the Environmental Mitigation Trust Agreement for State Beneficiaries. Specifically, this subparagraph states:

“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.”

IDEM will meet these obligations in coordination with our project partners. Project partners are obligated to provide IDEM the necessary information for reports to the Trustee through the Funding Agreements between IDEM and each project partner. This language states:

“4. Implementation and Reporting Requirements

A. The Grantee shall implement and complete the Project in accordance with **Attachment A** and the plans and specifications contained in its Funding Application. Modification of the Project shall require prior written approval from IDEM. If IDEM determines that the Grantee is not making adequate progress in implementation of the approved Project in accordance with **Attachment A**, IDEM may rescind the award.

B. The Grantee shall submit to IDEM written progress reports until the completion of the Project. These reports shall be submitted in accordance with the reporting schedule contained in **Attachment C** and shall contain such detail of progress or performance on the Project as is required under the terms of the Volkswagen Diesel Emissions Environmental Mitigation Trust. If additional documentation is required for IDEM to meet reporting obligations under the Volkswagen Diesel Emissions Environmental Mitigation Trust, IDEM may request such documentation as necessary at any time during the term of this Agreement.”

Attachment D Details

Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6):

Detailed in the following pages:

City of South Bend
 227 West Jefferson Blvd.
 Suite 1200N
 South Bend, IN 46601
 USA
 Central Services Division

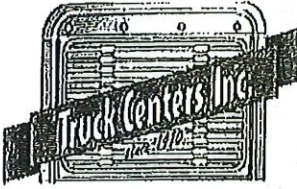


Indiana Department of Environmental
 Management
 Office of Air Quality
 100 North Senate Avenue
 Indianapolis, IN 46204
 USA

Invoice

Number FTIV-0004525
Date 3/4/2021
Department Intergovernmental
 Revenue
Payment Net 30
Invoice account C000002762
Telephone (574)-233-0311

Description	Quantity	Unit price	Amount
State Grant-Highways & Streets - Indiana Volkswagen Environmental Mitigation Trust Fund Committee; 2020 Indiana VW Settlement - ONR2 -013 - 2 CNG Snow Plow Trucks	1.00	\$123,272.00	\$123,272.00
Due date 4/3/2021		Sales subtotal amount	Amount paid Total
		\$123,272.00	\$0.00 \$123,272.00



Twelve Convenient Locations or Online at

http://www.truckcentersinc.com

IL: Decatur, Eureka, Hudson, Morton, Mt. Vernon, Springfield, Troy
IN: Elkhart, Evansville, South Bend
MO: St. Louis, St. Peters

SALES INVOICE
V210000192
Date
12/08/2020

Customer PO:

CITY OF SOUTH BEND - WEST SAMPLE
1045 W SAMPLE ST
SOUTH BEND, IN 46619-3927
(574) 235-7680

Please Rebill Payment to
2280 Farmvise Rd.
Troy, IL 62294
800-669-1454

Salesman: Richard Stopczynski

BILL OF SALE

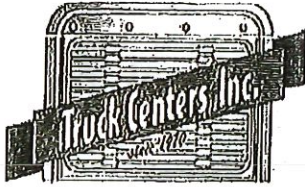
VIN	Make	Model	Year	Type	Allowance	Payoff	Amount
1FVHG3FT0MHHK3660	FREIGHTLINER	114SD	2021	Salv			190,230.00
Stock: 312934							
Additional Equipment: OPTIONS 2-3							45,879.00
Sales Price							236,109.00
Less Equity Trade-In							0.00
Net Sales Price							236,109.00
Extended Warranty							0.00
Fees For Title							0.00
Fees For License and Registration							0.00
Sales Tax							0.00
Document Fees							0.00
Fees Other							0.00
Total Tax, Title, License and Other							0.00

AMOUNT DUE 236,109.00
 Cash / Down Payment 0.00
Amount Financed/Cash Due 236,109.00

Purchased By: [Signature] Date: 12-8-20
 Truck Centers, Inc. Authorized By: [Signature] Date: 12-8-20
Signature

Delivery Date: 12/08/2020

#249



Twelve Convenient Locations or Online a

http://www.truckcentersinc.com

IL: Decatur, Eureka, Hudson, Morton, Mt. Vernon, Springfield, Troy
IN: Elkhart, Evansville, South Bend
MO: St. Louis, St. Peters

SALES INVOICE

V210000192

Date

12/08/2020

Customer PO:

BILL TO
CITY OF SOUTH BEND - WEST SAMPLE
1045 W SAMPLE ST
SOUTH BEND, IN 46619-3827
(574) 235-7600

Please Remit Payment to:
2280 Formosa Rd.
Troy, IL 62294
800-669-7454

Salesman: Richard Stopczynski

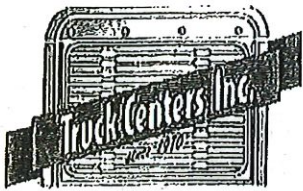
BILL OF SALE

DEALER WARRANTY DISCLAIMER: TRUCK CENTERS, INC. ("DEALER") DISCLAIMS ALL WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE. THE VEHICLE(S) DESCRIBED ABOVE IS/ARE SOLD "AS IS" BY DEALER. The vehicle(s) may or may not be covered by limited warranty(ies) provided by the manufacturer(s), but Dealer makes NO warranty, whatsoever,

X JDH
(Initials)

LIMITATION OF PURCHASER(S) DAMAGES: IN NO EVENT WILL TRUCK CENTERS, INC. ("DEALER") BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL OR PUNITIVE DAMAGES OF PURCHASER(S), INCLUDING WITHOUT LIMITATION, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF INCOME OR PROFIT, OR DAMAGE TO OR LOSS TO PROPERTY, OR COSTS OF USE OR REPLACEMENT, REGARDLESS OF WHETHER SUCH DAMAGES ARE SOUGHT IN CONTRACT, TORT OR OTHERWISE IN CONNECTION WITH THE SALE OF THE VEHICLE(S) DESCRIBED IN THIS VEHICLE BILL OF SALE. DEALER'S LIABILITY HEREUNDER IS LIMITED TO THE 'TOTAL ORDER PRICE' AS STATED ABOVE.

X JDH
(Initials)



Twelve Convenient Locations or Online a

http://www.truckcenterinc.com

IL: Decatur, Eureka, Hudson, Morton, Mt. Vernon, Springfield, Troy
IN: Elkhart, Evansville, South Bend
MO: St. Louis, St. Peters

SALES INVOICE

V210000193

Date

12/00/2020

Customer PO:

CITY OF SOUTH BEND - WEST SAMPLE
1045 W SAMPLE ST
SOUTH BEND, IN 46619-3827
(574) 235-7680

Please Remit Payment to:
2280 Farmosa Rd.
Troy, IL 62294
800-669-7454

Salesman: Richard Stopczynski

BILL OF SALE

Table with columns: VIN, Make, Model, Year, Type, Allowance, Payoff, Amount. Includes rows for Sales Price, Less Equity Trade-In, Net Sales Price, and various fees like Extended Warranty, Taxes, and Title.

AMOUNT DUE 236,109.00
Cash / Down Payment 0.00
Amount Financed/Cash Due 236,109.00

Purchased By: [Signature] Date: 12-8-20
Authorized By: [Signature] Date: 12-8-20
Delivery Date: 12/08/2020

#250

City of South Bend
Pay Request #4

Vendor Name	Invoice #	Equipment Description	VIN/Serial #	Invoice Amount
Truck Centers, Inc.	V21000192	Tandem Axle Stainless Steel Dump	1FVHG3FT0MHMK3660	\$ 236,109.00
Truck Centers, Inc.	V21000193	Tandem Axle Stainless Steel Dump	1FVHG3FT2MHMK3661	\$ 236,109.00
McCann Industries Inc.	E00035	Six Wheel Drive Motor Grader	FNH836CANZHF01273	\$ 191,672.00
				\$ 663,890.00



01/11/2021

109568599

Wealth Management & Investment Services
Questions Call 1-866-252-4360

DM/ INV# V210000192, V21000193

PAY FOUR HUNDRED SEVENTY TWO THOUSAND TWO HUNDRED EIGHTEEN DOLLARS AND 00/100

Issued by: U.S. Bank National Association, Minneapolis, MN 55480

\$ 472,218.00

Drawer: U.S. Bank

TO THE ORDER OF TRUCK CENTERS, INC

AUTHORIZED SIGNATURE

ZC 189 000001
CT HH MILWAUKEEDIRECT
0145
CT

MISCELLANEOUS DISBURSEMENT

DM/ INV# V210000192, V21000193
S1M350 CERT RECEIPT 4

SOUTH BEND JPMORGAN LSE FIN ESC 2020

210 11120

109568599

01/11/2021

472,218.00

C# 160202

STK

V210000192

312934

MK3660

V210000193

312935

MK3661

Wealth Management & Investment Services
Questions Call 1-866-252-4360

City of JB

236,109 -

each

TRUCK CENTERS, INC
2280 FORMOSA RD
TROY, IL 62294

