

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATIONBeneficiary State of Wisconsin

Lead Agency Authorized to Act on Behalf of the Beneficiary Department of Administration (DOA)
 (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:	State Fleet Vehicle Replacement Program
Beneficiary's Project ID:	VW-MDTK-FLEET
Funding Request No.	(sequential) 4
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 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>Class 4-7 Local Freight Trucks (Medium Trucks)</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): See attached	
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): See attached	
Estimate of Anticipated NOx Reductions (5.2.3): See attached	
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 attached	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See attached	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). See attached	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). See attached	

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 attached

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 Wisconsin, 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: 2/21/2022 | 8:04 PM CST

DocuSigned by:

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Jana Steinmetz

[NAME]

[TITLE]

Department of Administration

[LEAD AGENCY]

for

State of Wisconsin

[BENEFICIARY]

State of Wisconsin

Attachment B to Appendix D-4

In accordance with section 5.2.4 of the State Trust Agreement

EMA #6 - Eligible Medium Trucks

Period of Performance SFY18 through SFY21 (July 1, 2017 through June 30, 2021)

January 12, 2022

PROJECT SCHEDULE AND MILESTONES

Milestone	Date
2017 Wisconsin Act 59 Authorizes State Fleet Replacement Program	September 21, 2017
Dept. of Administration (Lead Agency) Publishes Beneficiary Mitigation Plan (BMP)	May 1, 2018
Lead Agency Assessment of State Fleet Inventory	ongoing
Lead Agency Submits First Reimbursement Request to Trustee	First quarter 2022
Project Monitoring, Vehicle Replacement Selection, Vehicle Procurements, Vehicle Scrapping, Purchase Orders, Deliveries and Reimbursements Continue (anticipated)	2020 through 2023
Lead Agency Submits Semi-Annual Reports to Trustee	As Required by Trust
Lead Agency Submits Periodic Reimbursement Requests to Trustee (1-2/yr)	As Needed Based on Vehicle Deliveries
Lead Agency Submits Final Project Reimbursement Request to Trustee (anticipated)	2024
Lead Agency Reports Project Completion (anticipated)	2024

State of Wisconsin

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In accordance with section 5.2.4 of the State Trust Agreement

EMA #6 - Eligible Medium Trucks

Period of Performance SFY18 through SFY21 (July 1, 2017 through June 30, 2021)

January 12, 2022

PROJECT BUDGET

Period of Performance: July 1, 2017 through June 30, 2021

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)
1. Equipment Expenditure	\$ 3,100,000.00	\$ 3,100,000.00	\$ -	\$ -
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	\$ 84,524.45	\$ 84,524.45	\$ -	\$ -
Project Totals	\$ 3,184,524.45	\$ 3,184,524.45	\$ -	\$ -
Percentage	100.0%	100.0%	0.0%	0.0%

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

State of Wisconsin

Attachment B to Appendix D-4. In accordance with section 5.2.4 of the State Trust Agreement

EMA #6 - Eligible Medium Trucks

Period of Performance SFY18 through SFY21 (July 1, 2017 through June 30, 2021)

January 12, 2022

PROJECTED TRUST ALLOCATIONS:

State of Wisconsin VW Trust Allocation: \$ **67,077,457.70**

EMA #1 Eligible Large Trucks \$ **3,184,524.45**

	SFY2017	SFY2018	SFY2019	SFY2020	SFY2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$ -	\$ 4,786.70	\$ 16,812.75	\$ 5,386.14	\$ 6,245.50
2. Anticipated Annual Cost Share	\$ -	\$ -	\$ -	\$ -	\$ -
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$ -	\$ 4,786.70	\$ 16,812.75	\$ 5,386.14	\$ 6,245.50
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$ -	\$ -	\$ -	\$ -	\$ -
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$ -	\$ 4,786.70	\$ 16,812.75	\$ 5,386.14	\$ 6,245.50
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$ -	\$ 4,786.70	\$ 16,812.75	\$ 5,386.14	\$ 6,245.50
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$ 67,077,457.70	\$ 67,077,457.70	\$ 67,077,457.70	\$ 67,060,644.95	\$ 67,055,258.81
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$ 67,077,457.70	\$ 67,072,671.00	\$ 67,060,644.95	\$ 67,055,258.81	\$ 67,049,013.31

Attachment C to Appendix D-4 Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).

State of Wisconsin

EMA #6 – Eligible Medium Trucks

Period of Performance SFY18 through SFY21 (July 1, 2017 through June 30, 2021)

State Fleet Replacement Program

January 12, 2022

The VW Mitigation Program has collected, will maintain and will report on state fleet vehicle data such as vehicle information, usage details, cost estimates, emissions data and other relevant data necessary to comply with applicable State Trust Agreement provisions, state and federal law, and for purposes of reporting program information to the public and VW Trustee.

DOA shall submit semi-annual reports to the Trustee as required by the State Trust Agreement and post semi-annual reports to the VW Mitigation website. Additionally, DOA intends to issue program notifications via periodic public notices, press releases or email distribution list updates. Finally, DOA maintains a public facing website where Program materials have been posted and will continue to be made available. Program materials can be found at the following URL:

<https://doa.wi.gov/Pages/vwsettlementwisconsin.aspx>

In addition, the Program will make records available in accordance with Wisconsin's public records law (Wis. Stat. §19.31).

Attachment D to Appendix D-4 Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6).

State of Wisconsin

EMA #6 – Eligible Medium Trucks

Period of Performance SFY18 through SFY21 (July 1, 2017 through June 30, 2021)

State Fleet Replacement Program

January 12, 2022

The State Fleet Replacement Program has not made any programmatic expenditures exceeding \$25,000 during the period of performance.

State of Wisconsin

EMA #6 – Eligible Medium Trucks

Period of Performance SFY18 through SFY21 (July 1, 2017 through June 30, 2021)

State Fleet Replacement Program

January 12, 2022

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

The 2017-19 State Budget Bill, 2017 Wisconsin Act 59, authorizes up to \$10 million of Wisconsin's allocation to be utilized beginning in the 2017-19 biennium to replace eligible state fleet vehicles. 2017 Wisconsin Act 59 authorized creation of the Program through state statute. The Department of Administration (DOA) is the lead agency to develop and implement a Beneficiary Mitigation Plan (BMP). DOA incorporated Wisconsin statute pertaining to the Program in the BMP, which was published on May 1, 2018. Page 4 and 5 of Wisconsin’s BMP contains a summary of the State Fleet Replacement Program and page 7 of the BMP contains a summary of administrative activities.

This funding request totals \$33,231.09 and constitutes reimbursement of eligible administrative expenditures under Eligible Mitigation Action (EMA) #6 Eligible Medium Trucks and encompasses a four-year period from July 1, 2017 through June 30, 2021 coinciding with state fiscal years 18, 19, 20 and 21, summarized as follows.

	SFY18	SFY19	SFY20	SFY21	Subtotals
Administrative	\$4,786.70	\$16,812.75	\$5,386.14	\$6,245.50	\$33,231.09
Programmatic	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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

In accordance with the settlement guidelines, DOA may use Trust funds for all costs incurred to replace eligible state fleet vehicles. Wisconsin may distribute up to \$10 million or 15% of its initial allocation of trust funds to replace and scrap 1992- 2009 medium-duty and heavy-duty trucks in the State Fleet. These funds will be distributed to eligible state agencies after receiving the Governor’s approval per §20.915, Wis. Stats., and conducting an open and transparent bidding process per §16.75, Wis. Stats., to purchase vehicles while maximizing the Trust allocation. This process will be administered by the Wisconsin VW Mitigation Program with assistance from the Bureau of Enterprise Fleet and the State Bureau of Procurement.

The Bureau of Enterprise Fleet has established protocols for tracking all aspects of state fleet vehicles, including model, year, class, size, and engine type. This will allow the VW Mitigation Program to easily identify vehicles that fall into Eligible Mitigation Action categories as defined by the State Trust Agreement. Additionally, established State Bureau of Procurement processes for purchasing new vehicles will allow for efficient vehicle replacement following the funding award. Replacing inefficient diesel-powered engines will contribute to the main project goal of reducing NOx and associated emissions in Wisconsin. Information related to the bidding, purchase, replacement and scrapping of these vehicles will all be made public on the Wisconsin Volkswagen Mitigation Program Website allowing for a completely transparent process.

Estimate of Anticipated NOx Reductions (5.2.3):

The Program will utilize the US EPA Diesel Emissions Quantifier (DEQ) tool to estimate emissions impacts of the any state-owned fleet replacements based on the mileage and use of the old and new vehicles. At this time emissions reduction estimates have not been prepared as vehicles for replacement have not yet been replaced.

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):

Wisconsin Department of Administration, Division of Enterprise Operations (DEO).

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

DOA maintains a public facing website where Program materials have been posted and will continue to be made available. Program materials can be found at the following URL:

<https://doa.wi.gov/Pages/vwsettlementwisconsin.aspx>

In addition, the Program will make records available in accordance with Wisconsin's public records law (Wis. Stat. §19.31).

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

None.

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

DOA, acting as Lead Agency for the State of Wisconsin, complied with subparagraph 4.2.8 by supplying notice to required Federal Agencies not later than 30 Days after being deemed a Beneficiary. Wisconsin was designated a Trust Beneficiary on January 29, 2018. On February 27, 2018 DOA supplied email notices in accordance with subparagraph 4.2.8 to the following:

Bret Anderson or Designated Representative
U.S. Department of Agriculture, National Air Modeling Coordinator
Re: VW Settlement
Baanderson02@fs.fed.us

Linda Geiser or Designated Representative
U.S. Department of Agriculture, National Air Program Manager
Re: VW Settlement
lgeiser@fs.fed.us

U.S. Department of the Interior, National Park Service, Air Resources Division
VW Settlement
P.O. Box 25287
Denver, CO 80225-0287
vwsettlement@nps.gov

Tim Allen or Designated Representative

U.S. Department of the Interior, Fish and Wildlife Service, National Wildlife Refuge System, Branch of Air Quality

Re: VW Settlement

7333 W. Jefferson Ave., Suite 375

Lakewood, CO 80235-2017

VW_Settlement@fws.gov

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).

Vehicles have not been replaced during this period and emission reduction estimates have not been prepared.