

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: 4/13/22


[NAME] Brian Rockensuss
[TITLE] Commissioner

Indiana Department of Environmental Management

[LEAD AGENCY]

for

State of Indiana

[BENEFICIARY]

Appendix D-4 Summary Details

Eligible Mitigation Action Type:

Category 9: Light Duty EV Infrastructure

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 one (1) light-duty electric vehicle charging station. The charging stations are located and operated in Mishawaka, Indiana.

The installation of electric vehicle charging stations can dramatically improve air quality and the quality-of-life conditions for drivers, technicians, and citizens in the areas of operation due to the zero-tailpipe-emissions character of the vehicles.

The lifetime estimated emission reductions of pollutants according to U.S. DOE's AFLEET program developed in partnership with Argonne National Labs include 11 pounds of nitrogen oxides (NO_x), 66 tons of greenhouse gases (GHG), and a reduction in petroleum use of 189 barrels.

Estimate of Anticipated NO_x Reductions (5.2.3):

Over the lifetime of these electric vehicle charging stations, U.S. DOE's AFLEET estimates this project will result in a reduction of 11 pounds of nitrogen oxides (NO_x).

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 33% of the total project cost while the Grantee and/or other programs covers the remaining 77%.

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 Level 2 and DC Fast charging station funding opportunity via online Request for Proposals (RFP)	June 23, 2020
Deadline for Level 2 and DC Fast charging station program applications	September 23, 2020
Indiana notifies applicants of award decisions	November 18, 2020
Funding Agreement between Indiana and Grantee is fully executed	March 30, 2021
Grantee project implementation	March 30, 2021 to September 30, 2022
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	March 16, 2022
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	March 16, 2022 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 one (1) Intertek or Underwriter's Laboratory certified compliant Level 2 electric vehicle charging stations to include at least two (2) SAE J1772 charging connections per station. This electric vehicle charging station shall be networked with capability for remote diagnostics, remote control of the equipment, collecting and reporting	\$9,000.00	\$18,070	\$27,070.00

usage data, and processing payments if fees are to be charged.			
Percentage	33%	67%	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	\$9,646,683.60
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$31,289,196.99
4) Current D-4 Funding Request Total	\$9,000.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$31,280,196.99

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)	\$11,496,159.8	\$13,542,953.8	\$13,542,953.8	\$2,353,813.14
4) Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$3,895,454.40	\$4,710,898.20	\$808,427.00	
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$130,705.00	\$9,000.00	
6) Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (Line 4 + Line 5)	\$3,996,653.40	\$4,841,603.20	\$817,427.00	
7) Beneficiary Share of Estimated Funds Remaining in Trust at Beginning of Year	\$40,935,880.59	\$36,939,227.19	\$32,097,623.99	
8) Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (Line 7 – Line 6)	\$36,939,227.19	\$32,097,623.99	\$31,280,196.99	

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:

Appendix H: Invoice to IDEM for Reimbursement



CITY OF MISHAWAKA
600 EAST THIRD STREET
MISHAWAKA IN 46544

Invoice No. IDEM-122021

INVOICE

Customer	
Name	INDIANA DEPT OF ENVIRONMENTAL MGMT
Address	
City	State IN ZIP
Phone	
Date	12/20/2021
Order No.	
Rep	
FOB	

Qty	Description	Unit Price	TOTAL
1	EV Charging Station per Funding Agreement with IDEM	\$9,000.00	\$9,000.00
	Total project costs: \$27,070.00		
SubTotal			\$9,000.00
TOTAL			\$9,000.00

<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	
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Office Use Only

Thank you for your prompt attention.

Pride in our Community

APPENDIX C: MACOG Purchase Order – LilyPad EV (Sourcewell Vendor)



PURCHASE ORDER

Number: 051321LP_Mishawaka

TO:
Keith Anderson
LilyPad EV
keith.anderson@lilypaddev.com

SHIP TO:
Tim Ryan
City of Mishawaka
Central Services Division
700 Union Street
Mishawaka, IN 46544
574-258-1722, tryan@mishawaka.in.gov

P.O. DATE	Sales Quote No.	SHIPPED VIA	F.O.B. Destination	TERMS
05/13/2021	2268			Net 30

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	Each	ChargePoint: CT4021-GW1	\$10,447	\$10,447
2	Each	ChargePoint CPCLD-ENTERPRISE 5	included	
1	Each	ChargePoint CT4001-CCM	included	
1	Each	ChargePoint CT 4000 ASSURE5	included	
1	Each	ChargePoint CPSSupport-SITEVALID	included	
1	Each	ChargePoint CPSSupport-ACTIVE	included	
			SUBTOTAL	\$10,447
			SALES TAX	Exempt
			SHIPPING & HANDLING	\$210
			INSTALLATION	N/A
			TOTAL	\$10,657

Send Invoice to:
MACOG Accounting
227 W. Jefferson Blvd., Room 1120
South Bend, IN 46601
Phone 574-287-1829 Fax 574-239-4072
Email: invoice@macog.com


 Authorized by: _____ Date: May 13, 2021
 James Turnwald, Executive Director

Appendix D: Invoice to City of Mishawaka from MACOG (less \$500 contribution)



INVOICE

NUMBER: 3449
DATE: JUNE 16, 2021

TO: **Derek Spier**
City of Mishawaka

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	Purchase and installation of an Electronic Vehicle Charging Stations acquired through a joint purchase through MACOG.	\$10,657.00	\$10,657.00
	Per MOU with MACOG dated 4/06/21, MACOG will contribute \$500 per unit purchased.		(500.00)
TOTAL DUE			\$10,157.00

Make all checks payable to:

Michiana Area Council of Governments
227 W. Jefferson Blvd.
1120 County-Building
South Bend, IN 46601

THANK YOU!

Appendix E: Proof of Payment to MACOG for LilyPad EV Reimbursement

THIS CHECK IS PRINTED ON CHEMICAL RECYCLED PAPER WHICH CONTAINS A WATER MARK. HOLD UP TO LIGHT TO VIEW.

CITY OF MISHAWAKA CITY HALL, 600 E. THIRD STREET MISHAWAKA, IN 46504	DATE 07/13/2021	LAKE CITY BANK AMOUNT \$10,157.00	CHECK NO. 073150
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Pay to the order of **MACOG**
 227 W. JEFFERSON BLVD.
 1120 COUNTY BUILDING
 SOUTH BEND, IN 46601

Abigail Miller
CONTROLLER

THIS CHECK VOID TWO YEARS AFTER
DECEMBER 31ST OF THE YEAR OF ISSUE
SUBJECT TO ALL DELINQUENT TAX
CHARGED AGAINST THE PAYER



DATE	INVOICE NO.	DESCRIPTION	CHECK NO.	NET AMOUNT
06/16/2021	3449	ELECTRONIC VEHICLE CHARGING STATIONS	73150	10,157.00

RECEIVED
JUL 19 2021
BY: *Gregg* Receipt # 6689

*Deposited LCO
7/20/21*

RECEIVED
JUL 19 2021

APPROVED BY STATE BOARD OF ACCOUNTS FOR CITY OF MISHAWAKA 2005

Appendix F: Invoice from Bancroft Utilities for Installation

Bancroft Utilities

(dba) BALOS
25020 SR 2
South Bend, IN 46619

Invoice

Date	Invoice #
9/28/2021	467

Bill To
Mishawaka Utilities 126 N Church St. Mishawaka, IN 46566

S/O No.	Terms	Project
	Net 30	FRONT & MAIN

Quantity	Description	U/M	Rate	Amount
32	Electrical crew labor to install EVC at Front & Main St.		228.00	7,296.00
24	Excavation crew labor to install electrical vehicle charger at Front & Main St.		260.00	6,240.00
1	Material Saw-cut and remove existing curb. Excavate for new charger pad. Excavate for power feed from existing electrical panel. Relocate irrigation head, irrigation piping, water shutoff valve cover outside charger pad foot print. Form & pour concrete charger pad with wire mesh, anchor bolts and dowel pins. Install 2 breakers in existing panel and extend 2 power feeds to charger pad. Form and pour concrete curb to tie into existing curb and set concrete filled steel bollards to provide protection for charger equipment. Unpack, transport and assemble vehicle charger. Set charger in place on anchor bolts in charger pad. Power up charger. Perform setup functions, activate cellular sim card, commission and test charger per manufacturer manuals. Label electric panel and lock cover with Mishawaka Utilities padlock. Backfill, provide topsoil, rake, level site, install grass seed and straw cover, install plastic bollard covers. Final clean up. City provided address 245 N. Main St. Mishawaka Electrical permit #21806. Installer's Chargepoint certificate #89620861		2,877.00	2,877.00
			Total	\$16,413.00

Phone # 5749682040 lynn@slbancroft.com

Appendix G: Proof of Payment to Bancroft for Installation

Note: The check amount below is greater than the payment to the contractor for the installation of the EVSE because other work for the city was performed around the same time and paid for with the same check. These other amounts billed (\$9,130; \$11,780) for work that is not part of this project is shown separate from the \$16,413 EVSE invoice in the bank statement below.



12/20/2021 2:27 PM

General

*****7322

THIS CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER WHICH CONTAINS A WATERMARK. HOLD UP TO A LIGHT TO VIEW

CITY OF MISHAWAKA CITY HALL, 600 E. THIRD STREET MISHAWAKA, IN 46544	DATE 10/19/2021	LAKE CITY BANK	AMOUNT \$37,323.00	74-574 748	CHECK NO. 075612
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PAY Thirty-Seven Thousand Three Hundred Twenty-Three and 00/100 Dollars

TO THE ORDER OF
**BALOS
DBA BALOS
25020 SR 2
SOUTH BEND, IN 46619**

Rebecca S. Maguire
CONTROLLER

THIS CHECK VOID TWO YEARS AFTER
DECEMBER 31ST OF THE YEAR OF ISSUE.
SUBJECT TO ALL DELINQUENT TAX
CHARGES AGAINST THE PAYEE.

[REDACTED]

	10/20/2021	10/21/2021	10024305
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Electronic Deposit 1st Source
07/21/2128
Account # 10024305

DO NOT WRITE STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FUTURE USE ONLY

Amount: \$-37,323.00
Statement Description: CHECK 000000052557521
Check Number: 75612
Posted Date: 10/21/2021
Type: Debit
Status: Posted

Additional Transaction Details:
Item 000000052557521 Date: 10/21/2021 12:00:00 AM Routing Number [REDACTED] Amount : 37323.00

ayment Information

 Documents

Bank Description **Lake City Bank 36**
 Bank Account Description **LCB GENERAL**
 Source **Accounts Payable**
 Current Status **Reconciled**
 Check Number **75612**
 Amount **\$37,323.00**
 Payment Date **10/19/2021**
 Reconciled Date **10/21/2021**
 Reconciled Amount **\$37,323.00**
 Payee **BALOS**
DBA BALOS
 Remittance Address **25020 SR 2**
SOUTH BEND, IN 46619
 Payment Message

291 - Consolidated TIF Area	291.101 - Cash- Lake City-7322	\$16,413.00	
610 - Electric O&M	610.101 - Cash- Lake City-7322	\$20,910.00	

1 - 2 of 2 records

Prev

• 1

Next

Show records

BALOS	472	09/28/2021	\$9,130.00
BALOS	467	09/28/2021	\$16,413.00
BALOS	469	09/28/2021	\$11,780.00