

**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

**BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION**

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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)*

<b>Action Title:</b>	
<b>Beneficiary's Project ID:</b>	
<b>Funding Request No.</b>	<i>(sequential)</i>
<b>Request Type:</b> (select one or more)	<input type="checkbox"/> Reimbursement <span style="margin-left: 150px;"><input type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to:</b> (select one or more)	<input type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

**SUMMARY**

<b>Eligible Mitigation Action</b> <input type="checkbox"/> Appendix D-2 item (specify): _____ <b>Action Type</b> <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
<b>Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):</b>
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b>
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b>
<b>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):</b>
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b>
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b>
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b>

**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: 12/2/22

Brian Rockness, Commissioner  
[NAME]  
[TITLE]

Indiana Department of Environmental Management

\_\_\_\_\_  
[LEAD AGENCY]

for

State of Indiana

\_\_\_\_\_  
[BENEFICIARY]

## Appendix D-4 Summary Details

### **Eligible Mitigation Action Type:**

Category 2: School Bus

### **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<sub>x</sub>, 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<sub>x</sub> 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<sub>x</sub>, including PM<sub>2.5</sub>, hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>)
- 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) 2022 model-year, or newer, U.S. EPA emission compliant all-electric-powered school bus that will REPLACE one (1) of the Grantee's existing diesel-powered school buses that will be used for the same purpose. The replacement vehicle will be located and primarily operated in Fishers, Indiana.

All-electric-powered school buses 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 0.553 tons of nitrogen oxides (NO<sub>x</sub>) and 0.003 tons of fine particulate matter (PM<sub>2.5</sub>).

### **Estimate of Anticipated NO<sub>x</sub> Reductions (5.2.3):**

Over the lifetime of these school buses, U.S. EPA's DEQ model estimates this project will result in a NOx reduction of 0.553 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 75% of the total project cost while the Grantee and/or other programs covers the remaining 25%.

**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 3 – VW Onroad and Nonroad funding opportunity via online Request for Proposals (RFP)	March 23, 2021
Deadline for Round 3 – VW Onroad and Nonroad program applications	June 1, 2021
Indiana notifies applicants of award decisions	September 16, 2021
Funding Agreement between Indiana and Grantee is fully executed	January 19, 2022
Grantee project implementation	January 19, 2022 to December 31, 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	November 30, 2022
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	November 30, 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) 2021 model-year, or newer, U.S. EPA emission compliant all-electric-powered school bus that will REPLACE one (1) of the Grantee’s existing diesel-powered school buses that will be used for the same purpose. The replacement vehicle(s) will be operated in and around Fishers, Indiana.	\$326,930	\$108,976	\$435,906

Percentage	75%	25%	100%
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**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	\$12,787,083.08
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$28,148,797.51
4) Current D-4 Funding Request Total	\$326,930.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$27,821,867.51

**Projected Allocation Totals per Project Type:**

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



**Projected Trust Allocations:**

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
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	\$3,948,826.48	
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$130,705.00	\$326,930.00	
6) Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (Line 4 + Line 5)	\$3,996,653.40	\$4,841,603.20	\$4,275,756.48	
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	\$27,821,867.51	

## 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:

# INVOICE

Date: August 16, 2022

Hamilton Southeastern Schools  
13485 Cumberland Rd  
Fishers, IN 46038  
Attn: Zach McKinney

TO Indiana Department of Environmental Management  
Attn: Shawn M. Seals  
Office of Air Quality - Mail code 61-50  
100 N Senate Ave.  
Indianapolis, IN 46204-2251

DESCRIPTION	TOTAL
<p>RE: IN VW Settlement Round 3</p> <p>1 electric School BUs for a total cost paid of \$425,906</p> <p>ONR3-006</p> <p>Invoice due upon receipt</p>	<p>\$326,930</p> <p>TOTAL DUE \$326,930</p>



KERLIN BUS SALES & LEASING,  
INC.

9294 SOUTH STATE ROAD 15  
SILVER LAKE, IN 46982  
P: (260) 352-2722

SALES INVOICE: M101001066

BILL TO  
HAMILTON SOUTHEASTERN SCHOOLS - 10101  
13485 CUMBERLAND ROAD  
FISHERS, IN46038

DELIVER TO  
HAMILTON SOUTHEASTERN SCHOOLS - 10101  
13485 CUMBERLAND ROAD  
FISHERS, IN 46038  
P: (317) 594-4116

**SALES INVOICE: M101001066**

PRINT DATE	ORDER STATUS	DELIVERY DATE	INVOICE DATE	SALESPERSON	CUSTOMER REFERENCE
7/7/2022	QUOTE	7/7/2022	7/7/2022	PROCEDE	Letter

**NEW**

YR - MAKE - MODEL	SERIAL NUMBER / ITEM DESCRIPTION	UNIT#: 112690	PRICE
2023 - THOMAS - 311TS	4UZAEXG49PCUD4862		
	2023 Thomas Saf - T Liner C2 Jouley 72 Passenger EV Bus		435,906.00
<b>Total Price:</b>			<b>\$435,906.00</b>

This invoice was mailed to you prior to delivery so payment can be made at the time of delivery. As per our bid/quote, FOB COD. Please pre-approve this invoice and have payment ready at time of delivery. We gladly accept checks. If your check is returned unpaid, your account will be debited electronically for the original amount and electronically or via paper for the state's maximum allowable service fee. Credit Card payment is not allowed for new buses. A 3% convenience fee will be added for payment by credit card on all charges exceeding \$500.00.

SALES PRICE	\$435,906.00
TAX	+ \$0.00
TOTAL PRICE	= \$435,906.00
LESS TRADE IN	- \$0.00
LESS DOWNPAYMENT	- \$0.00
UNPAID BALANCE	= <b>\$435,906.00</b>

Please Remit Payment To:  
KERLIN BUS SALES & LEASING, INC  
PO BOX 157  
SILVER LAKE, IN, 46982

Form Approved by State Board of Accounts for Hamilton Southeastern Schools - 2019



HAMILTON SOUTHEASTERN SCHOOLS  
13485 CUMBERLAND ROAD  
FISHERS IN 46038

Teachers Credit Union 71-9182  
2712

Check Date	Check Number	Amount
07/13/2022	11799	***\$435,906.00***

This warrant void two years after December 31 of the year of issue.

PAY \*\*\*\*\*435,906 DOLLARS AND 00 CENTS

TO THE ORDER OF  
KERLIN BUS SALES & LEASING INC  
PO BOX 157  
SILVER LAKE IN 46982

*Kathleen O'Dowd*



ENDORSE HERE  
X

FOR DEPOSIT ONLY  
LAKE CITY BANK  
KERLIN BUS SALES  
& LEASING, INC.

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

LCB



1922