

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: _____

Leigh Martin

[NAME]

[TITLE]

[LEAD AGENCY]

for

[BENEFICIARY]

AMENDED ATTACHMENT B

Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4)

PROJECT MANAGEMENT PLAN

AMENDED PROJECT SCHEDULE AND MILESTONES

Lead Agency – VT Agency of Natural Resources, Dept. of Environmental Conservation
 Project Sponsor – VEIC, Program Administrator
 Project Partners – School and Transit entities

Milestone	Date
Lead Agency Provides Notice of Available Mitigation Action Funds	2018, Q3-4
Project Sponsor Submits Proposal for Funding to Lead Agency	2018, Q4
Lead Agency Selects Project Sponsor	2018, Q4
Lead Agency Enters into Agreement with Project Sponsor	2019, Q2
Lead Agency & Project Sponsor Provides Notice of Available Mitigation Action Funds	2019, Q3
Project Partners Submit Applications	2019, Q3
Lead Agency Selects Project Partners to Fund	2019, Q4
Lead Agency Submits Funding Request to Trustee	2020, Q1
Trustee Acknowledges Receipt of Funding Request	2020, Q1
Trustee Directs Funds to Lead Agency and/or Project Sponsor	2020, Q2
Project Sponsor Enters into Agreements with Project Partners	2020, Q2-3
Project Partners Enter into Contracts, Purchase Orders, etc.	2020, Q2-3
Lead Agency Submits Funding Request to Trustee	2021, Q1
Trustee Acknowledges Receipt of Funding Request	2021, Q1
Trustee Directs Funds to Lead Agency, Project Sponsor and Project Partners/Vendors	2021, Q2 - 2022, Q2
Project Installation – Start	2020, Q4
Project installation – Complete	2022, Q2
Lead Agency Submits Funding Request to Trustee	2023, Q1
Trustee Acknowledges Receipt of Funding Request	2023, Q1
Trustee Directs Funds to Lead Agency and Project Sponsor	2023, Q1
Project Sponsor and Partners Provide Detailed Invoices for All Claimed Project Costs and Final Accounting	2021, Q1 - 2023, Q2-3
Project Sponsor Certified Project Completion	2023, Q2-3
Lead Agency Reports Project Completion	2023, Q3

AMENDED PROJECT BUDGET

Period of Performance: September 2018 – September 2023			
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost Share, if applicable
1. Project Expenditure	\$4,092,854	\$3,052,935	\$1,039,919
2. Contractor Support	\$0	\$0	\$0
4. Administrative	\$347,611	\$347,611	\$0
Project Totals	\$4,440,465	\$3,400,546	\$1,039,919
Percentage	100%	77%	23%

AMENDED PROJECTED TRUST ALLOCATIONS FOR ELECTRIC BUSES ELIGIBLE
MITIGATION ACTION

	AMOUNT
1. Vermont's Total Allocation	\$18,692,130
2. Previously Requested Funding Total	\$11,458,620
3. Pending Funding Request ¹	\$2,340,237
4. Amount of Previously Requested Funding to be Placed Back into Trust ²	\$639,454
6. Net Beneficiary Funds Remaining in Trust	\$5,532,727

1. Current funding request total reflects amount requested as part of Funding Request No. 001 for Beneficiary Project ID No. VW-006, submitted on January 6, 2023.
2. Amount of previously requested funding to be allocated back into the pool of Beneficiary funds remaining in the Trust reflects the difference between the original amount allocated in the Appendix D-4 for Beneficiary Project ID No. VW-002 based on estimated costs (\$4,040,000) and the refined estimated costs determined during implementation of the eligible mitigation action (\$3,400,546). The Beneficiary is requesting the difference in funds be returned to the pool of Beneficiary funds remaining in the Trust for reallocation by the Beneficiary to other eligible mitigation actions to be determined at a later date.

AMENDED ATTACHMENT C

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

The Vermont Agency of Natural Resources (ANR), as the lead agency for the state of Vermont implementing the Beneficiary Mitigation Plan, has established a webpage on the VW settlement and mitigation actions, <https://dec.vermont.gov/air-quality/vw>. ANR will post link on the website to the documentation required to be made public under Paragraph 7 of the Appendix D-3 Certification for Beneficiary Status form. ANR is also subject to the Vermont Public Records Act, 1 V.S.A. §315 et. seq., and Open Meeting Law, 1 V.S.A. §310 et. seq. These laws set forth the process for public access to records and exemptions in the case of confidential business information and personally identifiable information that meets exemption criteria. To the limited extent information is submitted to DEC that meets exemption criteria under the Public Records Law, ANR will maintain that information as confidential.

Funding requests and expenditure reporting

Records of selected projects and expenditures will be posted and made available on the ANR website listed above. Records will be retained until the termination date of the Environmental Mitigation Trust or by retention schedules determined by the State Archives and Records Administration, whichever is longer.

AMENDED ATTACHMENT D

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

Equipment	Number of Buses	Cost share	Total Paid from the Trust	Total Equipment Cost
Electric School Bus and EVSE	2	\$231,647	\$512,435	\$744,082
Electric School Bus and EVSE	2	\$200,940	\$511,900	\$712,840
Electric School Bus and EVSE	2	\$187,845	\$535,620	\$723,465
Electric Transit Bus and EVSE	2	\$419,487	\$1,492,981	\$1,912,468
TOTAL	8	\$1,039,919	\$3,052,936	\$4,092,855

*Costs above are based on actual cost estimates determined following a competitive bid process.

Vermont is deploying six electric school buses, two in each of the three selected school districts, and two electric transit buses. Buses will be deployed in different settings and in different communities across the state to demonstrate feasibility in various route conditions and types.

Amended Appendix D-4 Summary Detail

Beneficiary: Vermont

Lead Agency: Agency of Natural Resources

In support of funding request No. 008 for Beneficiary Project ID No. VW-002 - Amendment 1

SUMMARY

5.2.1: Explanation of how funding request fits into BMP

See Section I of Vermont's BMP: Overall goals. This includes demonstrating the feasibility of heavy-duty electric vehicles in Vermont.

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

This Grant Program will fund electric school and transit buses that will replace diesel buses throughout the state consistent with the goals of the BMP and regional planning. See Page 20 of Vermont's BMP for anticipated air quality benefits.

5.2.3: Anticipated NOx reductions

See Page 20 of Vermont's BMP for anticipated air quality benefits.

5.2.7.1: Identification of Government Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to ensure Compliance with Applicable Law

The Vermont Department of Environmental Conservation.

5.2.7.2: How Beneficiary will make documentation publicly available

See paragraph 7 and Attachment 1-A of Vermont's Certification for Beneficiary Status (D-3). Vermont will make all D-4 funding requests, required reporting, and other relevant program information available online and in hard copy if requested by members of the public.

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

Cost share for electric transit bus replacement is equal to 25% of the cost of the replacement electric bus and the cost share for electric school bus replacement is equal to the cost of a new conventional diesel bus (less the expected trade-in value for the buses being replaced).

5.2.9: Compliance with 4.2.8

The Agency of Natural Resources notified the required U.S. Government Agencies on February 21, 2018 in accordance with Section 5.2.9 of Appendix D.

5.2.10: Mitigation of NOx emission on communities that have historically borne a disproportionate share of the adverse impacts of such emissions

This action will mitigate impacts of NOx emissions by replacing higher polluting Class 4-8 School, Shuttle, or Transit Buses (Eligible Buses) with lower emission electric buses. Consideration of areas disproportionately impacted by air contaminants is among the project priorities.