

**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)*

<b>Action Title:</b>	Round 2 - Onroad and Nonroad Awards
<b>Beneficiary's Project ID:</b>	Round 2 - Lawrence Township Schools Propane Bus Replacement
<b>Funding Request No.</b>	<i>(sequential)</i> 31
<b>Request Type:</b> (select one or more)	<input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to:</b> (select one or more)	<input type="checkbox"/> Beneficiary <input checked="" type="checkbox"/> Other (specify): <u>Grantee: MSD of Lawrence Township as detailed in Attachment A</u>
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

**SUMMARY**

<b>Eligible Mitigation Action</b>	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>Category 2: School Bus</u>
<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> See Appendix D-4 Summary Details attachment.	
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b> See Appendix D-4 Summary Details attachment.	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b> See Appendix D-4 Summary Details attachment.	
<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> See Appendix D-4 Summary Details attachment.	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b> <b>See Appendix D-4 Summary Details attachment.</b>	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b> See Appendix D-4 Summary Details attachment.	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b> <b>See Appendix D-4 Summary Details attachment.</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).  
See Appendix D-4 Summary Details attachment.

**ATTACHMENTS**  
**(CHECK BOX IF ATTACHED)**

- |                                     |                     |   |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | <b>Attachment A</b> | <b>Funding Request and Direction.</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment B</b> | <b>Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment C</b> | <b>Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment D</b> | <b>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.]</b> |
| <input type="checkbox"/>            | <b>Attachment E</b> | <b>DERA Option (5.2.12). [Attach only if using DERA option.]</b>  |
| <input type="checkbox"/>            | <b>Attachment F</b> | <b>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.]</b> |

**CERTIFICATIONS**

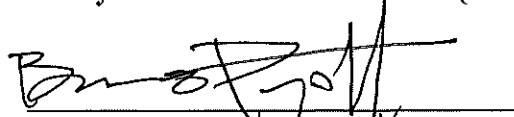
By submitting this application, the Lead Agency makes the following certifications:

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:

7/14/2021



[NAME] Bruce Pigoth  
[TITLE] Commissioner

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 ten (10) 2019 model-year, or newer, U.S. EPA emission compliant propane-powered school buses to REPLACE ten (10) of the Grantee's model year pre-2009 existing diesel-powered school buses that will be used for the same purpose. The replacement vehicle(s) will be located and operated in and around Indianapolis, Indiana.

Propane-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 5.405 tons of nitrogen oxides (NO<sub>x</sub>) and 0.058 tons of fine particulate matter (PM<sub>2.5</sub>).

**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 5.405 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 25% of the total project cost while the Grantee and/or other programs covers the remaining 75%.

**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	November 13, 2020
Grantee project implementation	November 13, 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 15, 2021
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	July 15, 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 ten (10) 2020 model-year, or newer, U.S. EPA emission compliant propane-powered school buses that will REPLACE ten (10) 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 Indianapolis, Indiana.	\$303,086.00	\$875,664.00	\$1,178,750.00
Percentage	25%	75%	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	\$6,539,204.22
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$34,396,676.37
4) Current D-4 Funding Request Total	\$303,086.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$34,093,590.37

**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)	\$11,496,159.80	\$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	\$2,542,550.82		
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$303,086.00		
6) Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (Line 4 + Line 5)	\$3,996,653.40	\$2,845,636.82		
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	\$34,093,590.37		

## 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:

# MSD of Lawrence Township

# INVOICE

## Transportation

5850 Thunderbird Road  
Indianapolis, IN 46236  
Phone 317.423.8400 Fax 317.823-5239

**FOR:** *Transportation  
services*

**Bill To:**  
IDEM  
Attn. Shawn Seals

DESCRIPTION	AMOUNT
VW Grant Funding - Agreement Number ONR2-001	\$303,086.00
<b>TOTAL</b>	<b>\$ 303,086.00</b>

Make all checks payable to MSD of Lawrence Township  
If you have any questions concerning this invoice, Matt Miles, 317.423.8400

**THANK YOU FOR YOUR BUSINESS!**

Sequence Number: 7497825 Paid Date: 11/04/2020

APPROVED BY STATE BOARD OF ACCOUNTS FOR MSD OF LAWRENCE TOWNSHIP 2007



**MSD OF LAWRENCE TOWNSHIP**

6501 Sunnyside Road  
Indianapolis, IN 46236

Fifth Third Bank 71-859746	Vendor Number 1238	Check Date 11/02/2020	Check Number 209532
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THIS CHECK VOID TWO YEARS FROM DECEMBER 31st DATE OF ISSUE.  
\$1,484,302.00

\*One Million Four Hundred Eighty-four Thousand Three Hundred Two Dollars and 00 Cents\*

Pay to the Order Of  
MIDWEST TRANSIT EQUIPMENT  
PO BOX 582  
146 ISSERT DRIVE  
KANKAKEE, IL 60901

*Michael D. Shaver*  
CHIEF FINANCIAL OFFICER  
MP



sequence Number: /49/ /825 Paid Date: 11/04/2020

ENDORSE HERE

FOR DEPOSIT ONLY

Wintrust Bank

CREDIT ACCOUNT WITHIN NAMED PAYEE  
ABSENCE OF ENDORSEMENT GUARANTEED  
3805926704  
WINTRUST BANK, N.A.  
3805926704

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

*[Faint, mostly illegible text and markings, possibly a MICR line or routing information]*



Security Features Results of document alterations:  
• ... appears BS  
• ... when photocopied  
• ... appears when photocopied  
• ... of "Original Document"  
• ... on back of check

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	INVOICE AMOUNT
10/08/2020	V104004036B	BUSES PO #: 20201388 - ADMINISTRATION CENTER GL#:B2740081 - 734	\$288,702.00
10/08/2020	V104004036A	BUSES PO #: 20201389 - ADMINISTRATION CENTER GL#:B2740081 - 734	\$1,195,600.00

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
1238	MIDWEST TRANSIT EQUIPMENT	209532	11/02/2020	\$1,484,302.00

APPROVED BY STATE BOARD OF ACCOUNTS FOR MSD OF LAWRENCE TOWNSHIP 2007

**MSD OF LAWRENCE TOWNSHIP**6501 Sunnyside Road  
Indianapolis, IN 46236Vendor  
Number  
1238Check  
Date  
11/02/2020Check  
Number  
XXXXXXXXXX

\$1,484,302.00

\*One Million Four Hundred Eighty-four Thousand Three Hundred Two Dollars and 00 Cents\*

Pay  
To the  
Order Of

MIDWEST TRANSIT EQUIPMENT  
PO BOX 582  
146 ISSERT DRIVE  
KANKAKEE, IL 60901

**FILE COPY**  
**NON-NEGOTIABLE**



MIDWEST TRANSIT EQUIPMENT

4500 S INDIANAPOLIS RD, WHITESTOWN, IN 46075

Tel: (800) 466-1287 ♦ Fax: (317) 769-2547 ♦ www.midwesttransit.com

BILL TO
MSD LAWRENCE TWP - 10443
LBCC/ACCOUNTS PAYABLE
6501 SUNNYSIDE ROAD
INDIANAPOLIS IN 46236

SALES INVOICE: V104004036B

Table with 3 columns: INVOICE DATE, SALESPERSON, CUSTOMER REFERENCE. Values: 10/8/2020, KEVIN FELDMANN, 20201388-89

SHIP TO
MSD LAWRENCE TWP - 10443
5850 THUNDERBIRD RD.
INDIANAPOLIS IN 46236

UNIT(S) FOR SALE

Table with 4 columns: UNTID, YEAR - MAKE - MODEL - CAPACITY, SERIAL NUMBER / ITEM DESCRIPTION, PRICE. Contains two rows of vehicle data.

RECEIVED

OCT 28 2020

BUSINESS OFFICE

Handwritten circled amount: 288,702.00

Summary table with 2 columns: Description, Amount. Rows include Sales Price, TAX, Total Price, Less Deposit or Down Payment, Unpaid Balance/Amount to Finance.

Please Remit Payment To:
MIDWEST TRANSIT EQUIPMENT, INC.
146 W ISSERT DRIVE
KANKAKEE, IL 60901

x Buyer Signature

x Seller Signature

Date

Date





MIDWEST TRANSIT EQUIPMENT

4500 S INDIANAPOLIS RD, WHITESTOWN, IN 46075

Tel: (800) 466-1287 ♦ Fax: (317) 769-2547 ♦ www.midwesttransit.com

BILL TO
MSD LAWRENCE TWP - 10443
LECC/ACCOUNTS PAYABLE
6501 SUNNYSIDE ROAD
INDIANAPOLIS IN 46236

SALES INVOICE: V104004036 A

Table with 3 columns: INVOICE DATE, SALESPERSON, CUSTOMER REFERENCE. Values: 10/8/2020, KEVIN FELDMANN, 20201388-89

RECEIVED

SHIP TO
MSD LAWRENCE TWP - 10443
5850 THUNDERBIRD RD.
INDIANAPOLIS IN 46236
OCT 28 2020
BUSINESS OFFICE

UNIT(S) FOR SALE

Main table with 4 columns: UNTID, YEAR - MAKE - MODEL - CAPACITY, SERIAL NUMBER / ITEM DESCRIPTION, PRICE. Contains 10 rows of vehicle data.



**MIDWEST TRANSIT EQUIPMENT**

4500 S INDIANAPOLIS RD, WHITESTOWN, IN 46075

Tel: (800) 466-1287 ♦ Fax: (317) 769-2547 ♦ www.midwesttransit.com

BILL TO  
 MSD LAWRENCE TWP - 10443  
 LECC/ACCOUNTS PAYABLE  
 6501 SUNNYSIDE ROAD  
 INDIANAPOLIS IN 46236

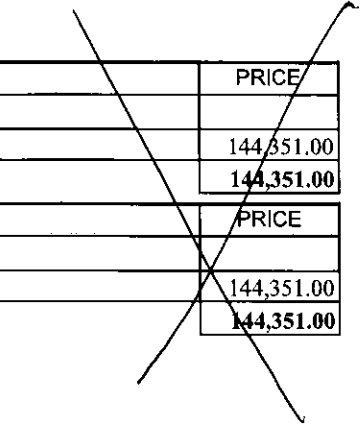
**SALES INVOICE: V104004036**

INVOICE DATE	SALESPERSON	CUSTOMER REFERENCE
10/8/2020	KEVIN FELDMANN	20201388-89

SHIP TO  
 MSD LAWRENCE TWP - 10443  
 5850 THUNDERBIRD RD.  
 INDIANAPOLIS IN 46236

UNIT(S) FOR SALE

UNTID	YEAR - MAKE - MODEL - CAPACITY	SERIAL NUMBER / ITEM DESCRIPTION	PRICE
202808	2021 - IC - RE - 76LUG	4DRBWTAR0MB363992	
		Vehicle - Price	144,351.00
			<b>144,351.00</b>
202809	2021 - IC - RE - 76LUG	4DRBWTAR2MB363993	
		Vehicle - Price	144,351.00
			<b>144,351.00</b>



Sales Price		1,484,302.00
TAX	+	0.00
	+	
Total Price	=	1,484,302.00
	-	
Less Deposit or Down Payment	-	0.00
Unpaid Balance/Amount to Finance	=	<b>1,484,302.00</b>

1,195,600<sup>00</sup>

Please Remit Payment To:  
 MIDWEST TRANSIT EQUIPMENT, INC.  
 146 W ISSERT DRIVE  
 KANKAKEE, IL 60901

x \_\_\_\_\_  
 Buyer Signature

x \_\_\_\_\_  
 Seller Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date