# 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
	delegation of such authority to direct the Trustee delivered to the
Trustee pursuant to a Delega	ntion of Authority and Certificate of Incumbency)
Action Title:	R1 - Onroad and Nonroad Awards
Beneficiary's Project ID:	R1 - Lafayette CityBus CNG Bus Replacements
Funding Request No.	(sequential) 42
Request Type:	■ Reimbursement □ Advance
(select one or more)	Other (specify):
Payment to be made to:	☐ Beneficiary
(select one or more)	■ Other (specify); Grantee: Lafayette CityBus as detailed in Attachment A
Funding Request &	■ Attached to this Certification
Direction (Attachment A)	☐ To be Provided Separately
	SUMMARY
	Appendix D-2 item (specify): Category 2 - Transit Buses
	☐ Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal):
Explanation of how funding See Appendix D-4 Summa	request fits into Beneficiary's Mitigation Plan (5.2.1): ary Details attachment.
Detailed Description of Mitig	gation Action Item Including Community and Air Quality Benefits (5.2.2):
See Appendix D-4 Summ	ary Details attachment.
Estimate of Anticipated NO	Reductions (5.2.3):
See Appendix D-4 Su	mmary Details attachment.
	tal Entity Responsible for Reviewing and Auditing Expenditures of Eligible
Į	Ensure Compliance with Applicable Law (5.2.7.1):
	mary Details attachment.
Describe how the Beneficiary	will make documentation publicly available (5.2.7.2).
See Appendix [	D-4 Summary Details attachment.
Describe any cost share requ	irement to be placed on each NOx source proposed to be mitigated (5.2.8).
See Appendix D-4 Summ	ary Details attachment.
Describe how the Beneficiary	complied with subparagraph 4.2.8, related to notice to U.S. Government
Agencies (5,2,9).	
See Appendix [	0-4 Summary Details attachment

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)

	Attachment A	Funding Request and Direction.
☑	Attachment B	Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
<b>7</b>	Attachment C	Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
7	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 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: /30/22	Brian Rockensuss, Commissioner [NAME] [TITLE]
	Indiana Department of Environmental Management
	[LEAD AGENCY]
	for
	State of Indiana
	RENEELCIADVI

### **Appendix D-4 Summary Details**

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

Category 2: Transit 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 NOx, the Indiana Volkswagen Environmental Mitigation Trust Fund Program will prioritize sustainable projects that are transformative, positively impacting the environment, enhancing the health and wellbeing 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 NOx 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 NOx, 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 five (5) 2019 model-year, or newer, U.S. EPA emission compliant compressed-natural-gas-powered transit buses to REPLACE five (5) of the Grantee's existing diesel-powered transit buses that will be used for the same purpose. The replacement vehicle(s) will be located and operated in and around Lafayette, Indiana.

Compressed-natural-gas-powered transit 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 10.715 tons of nitrogen oxides (NOx) and 0.055 tons of fine particulate matter (PM2.5).

### Estimate of Anticipated NOx Reductions (5.2.3):

Over the lifetime of these buses, U.S. EPA's DEQ model estimates this project will result in a NOx reduction of 10.715 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 7% of the total project cost while the Grantee and/or other programs covers the remaining 93%.

# 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 1 – VW Onroad and Nonroad funding opportunity via online Request for Proposals (RFP)	April 22, 2019
Deadline for Round 1 – VW Onroad and Nonroad program applications	June 17, 2019
Indiana notifies applicants of award decisions	August 12, 2019
Funding Agreement between Indiana and Grantee is fully executed	August 28, 2019
Grantee project implementation	August 28, 2019 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	February 4, 2022
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	February 4, 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 five (5) 2019 model-year, or newer, U.S. EPA emission compliant compressed natural gas-powered transit buses that will REPLACE five (5) of the Grantee's model year 1992-2009 existing diesel-powered transit buses that will be used for the same purpose. The replacement vehicle(s) will be located and primarily	\$182,849.00	\$2,330,063.21	\$2,512,912.21

operated in-and-around Lafayette, Indiana.			
Percentage	7%	93%	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	\$9,115,114.60
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$31,820,765.99
4) Current D-4 Funding Request Total	\$182,849.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$31,637,916.99

# **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	\$276,858.00	
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$130,705.00	\$182,849.00	
6) Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (Line 4 + Line 5)	\$3,996,653.40	\$4,841,603.20	\$459,707.00	
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	\$31,637,916.99	

#### **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 sixmonth 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 sixmonth 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:

CITYBUS - GREATER LAFAYETTE PUBLIC TRANSPORTATION PO BOX 588 LAFAYETTE IN 47902-0588 PHONE: (765) 423-2666 FAX: (765) 742-4729 ACCOUNTSRECEIVABLE@GOCITYBUS.COM



# INVOICE

11/1/2021 Reference #

20211101

Customer #: 171

Bill To: IDEM

100 NORTH SENATE AVENUE INDIANAPOLIS IN 46204-2251

VW MITIGATION TRUST

Terms:

Page 1

Line	Item #	Description	Quantity	U/M	Unit Price	Extended Price
1 M		MISC INCOME	0.00	EA	\$182,849.00	

If you have questions related to the charges, please contact Accounts Receivable at accountsreceivable@gocitybus.com or at (765) 423-2666. Otherwise, we will expect payment promptly.

SubTotal:

\$182,849.00

Invoice Total:

\$182,849.00

Item	Cost
40' CNG New Flyer Transit Bus	\$450,168
Peripheral Equipment	\$38,300
Upcharge Cost to CNG propulsion system	\$38,000
Total Bus Cost	\$526,468
	x7 buses
Total Project Cost	\$3,685,276





SHIP TO:

New Flyer of America Inc. Attn: Accounts Receivable/Finance 106 National Drive Anniston, AL 36201

CORPORATION (CITY BUS)

08-Apr-20 ORDER DATE GREATER LAFAYETTE PUBLIC TRANSPORTATION CUSTOMER NUMBER B90898

DATE

28-Jul-20

PURCHASE ORDER NUMBER TBD ORDER NUMBER SR-2464 OUR REFERENCE SALES ORDER NUMBER 5287 LOCATION NUMBER

BUSPAY

9017197 INVOICE

PAGE

1 OF 1

BILL TO:

ITEM

NO

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Account #:

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Attn: Amy Burnett GREATER LAFAYETTE PUBLIC TRANSPORTATION

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remit@newflyer.com ACH Instructions: Wells Fargo Wire Routing#

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Attn: Amy Burnett
GREATER LAFAYETTE PUBLIC TRANSPORTATION
CORPORATION (CITY BUS)
1250 CANAL ROAD, P.O. BOX 588
LAFAYETTE, IN 47902-0588

REMIT TO:

New Flyer of America Inc. Attn: Accounts Receivable/Finance 106 National Drive Anniston, AL 36201

SHIP TO: GREATER LAFAYETTE PUBLIC TRANSPORTATION CORPORATION (CITY BUS) 1250 CANAL ROAD, P.O. BOX 588 LAFAYETTE, IN 47902-0588

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CUSTOMER NUMBER B90898		LOCATION NUMBER BUSPAY

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Attn: Amy Burnett
GREATER LAFAYETTE PUBLIC TRANSPORTATION
CORPORATION (CITY BUS)
1250 CANAL ROAD, P.O. BOX 588
LAFAYETTE, IN 47902-0588

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Attn: Amy Burnett GREATER LAFAYETTE PUBLIC TRANSPORTATION CORPORATION (CITY BUS) 1250 CANAL ROAD, P.O. BOX 588 LAFAYETTE, IN 47902-0588 REMIT TO:

New Flyer of America Inc. Attn: Accounts Receivable/Finance 106 National Drive Anniston, AL 36201

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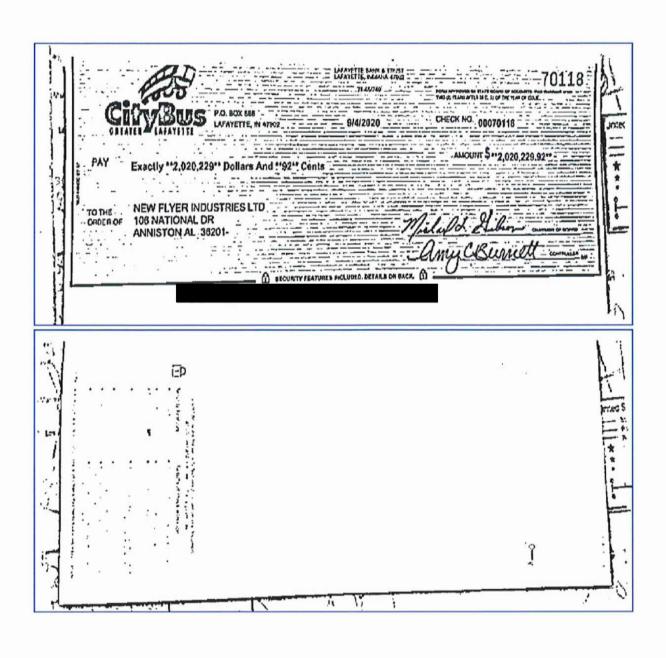
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SECURITY FEATURES INCLUDED, DETAILS ON BACK. 1





Attn: Amy Burnett GREATER LAFAYETTE PUBLIC TRANSPORTATION CORPORATION (CITY BUS) 1250 CANAL ROAD, P.O. BOX 588 LAFAYETTE, IN 47902-0588 REMIT TO:

New Flyer of America Inc. Attn: Accounts Receivable/Finance 106 National Drive Anniston, AL 36201

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