

To: Wilmington Trust
ATT: Russell L. Crane, Assistant Vice President, 5th Floor
1100 North Market Street/ Rodney Square North
Wilmington, DE 19890-0001

Date: _____ May 15, 2023 _____

Dear Mr. Crane,

This D4 for project ID# OK-OnRd-1 for Transit or Shuttle Buses is being submitted as an amendment. Due to supply chain difficulties during this project, many Awardees are requesting deadline extensions. This amendment extends the D4 project completion date to December 31, 2025. Terribly sorry for any inconvenience or confusion.

Sincerely,

From:
Nykkia L. Harris, CPA, CGFM
Comptroller, Revenue Management
Oklahoma Department of Environmental Quality
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Oklahoma City, OK 73101-1677
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APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary State of Oklahoma

Lead Agency Authorized to Act on Behalf of the Beneficiary Oklahoma Department of Environmental Quality
(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:	Oklahoma On-Road Program
Beneficiary's Project ID:	OK-OnRd-1
Funding Request No.	<i>(sequential)</i> 9
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input type="checkbox"/> Attached to this Certification <input checked="" type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action <input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>EMA #2, (transit or shuttle buses)</u> 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): Pages 2-3 of the Oklahoma BMP discuss the use of VW Trust funds for the On-Road Program.
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): This project will replace 2 transit buses and 2 shuttle buses currently in service in the Oklahoma City Metropolitan Statistical Area and in two high NOx emissions counties. Removing these diesel buses and replacing them with 1 electric and 3 CNG buses will reduce NOx by 3,764 lbs, PM2.5 by 103 lbs, and GHG by 136 short tons. Given the stop and go nature of buses and the urban neighborhood of operation, these replacements will reduce localized air pollution and decrease the contribution to ozone.
Estimate of Anticipated NOx Reductions (5.2.3): Expected lifetime NOx reductions are 3,764 lbs, according to the Argonne Heavy Duty Vehicle Emissions Calculator.
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): Oklahoma Department of Environmental Quality
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). Page 14 of the Oklahoma BMP describes how DEQ will make information pertinent to the VW Trust publicly available. In addition, Oklahoma DEQ maintains a website which includes webpages containing information in regard to Oklahoma VW programs. The Oklahoma VW website is at: https://www.deq.ok.gov/air-quality-division/volkswagen-settlement/ . Oklahoma DEQ also operates a mailing list for the VW programs.
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). Per page 4 of the Grant Solicitation issued by DEQ, each Government project partner was required to pay at least 25% of the project cost for a CNG vehicle and 50% for an Electric vehicle. The two project partners are Government entities and this minimum match was provided.
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). Oklahoma DEQ sent notice by USPS and email to the representatives from the U.S. Department of the Interior and the U.S. Department of Agriculture listed in subparagraph 4.2.8 of the State Trust Agreement on February 15, 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).

Impact on communities that have historically borne a disproportionate share of the adverse impacts of NOx emissions was one of the metrics by which all project applications for this program were ranked and awarded. Projects which were located along major travel corridors and in large metropolitan areas where the NOx emissions would be the most concentrated were given priority. Of the 2 project locations covered by this D-4, both are located in potential ozone nonattainment counties, both are located in counties with the highest mobile-source NOx emission ranking for Oklahoma, both are located in counties containing greater than 1% of the State's registered Volkswagen Settlement Subject Vehicles, and both are located along a major interstate.

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** State of Oklahoma ,
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: 5/19/2023



Kendal Stegmann, Division Director

[NAME]

[TITLE]

Oklahoma Department of Environmental Quality

[LEAD AGENCY]

for

State of Oklahoma

[BENEFICIARY]

ATTACHMENT B
PROJECT SCHEDULE AND MILESTONES

PROJECT MANAGEMENT PLAN
PROJECT SCHEDULE AND MILESTONES:

Action	Start Date	End Date
<i>Subgrant Program Development</i>	July 15, 2019	July 7, 2020
<i>Announce Funding & Accept Applications</i>	July 7, 2020	September 30, 2020
<i>Score Applications and Develop D4's</i>	October 1, 2020	November 30, 2020
<i>D4's in approval</i>	December 1, 2020	February 28, 2021
<i>Purchase Order Process</i>	March 1, 2021	April 30, 2021
<i>Make Awards</i>	May 1, 2021	May 31, 2021
<i>Project Implementation</i>	June 1, 2021	June 30, 2023
<i>Procurement and Installation of Equipment</i>	June 1, 2021	June 30, 2023
<i>Monitoring and Oversight of Project</i>	June 1, 2021	June 30, 2023
<i>Semiannual Reporting from Recipient to DEQ</i>	June 1, 2021	June 30, 2023
<i>Project Completion Date</i>	June 1, 2021	September 30, 2023 <u>December 31, 2025</u>

PROJECT BUDGET:

Project Description	Estimated Project Sub-Total	Amount Funded by Trust	Amount Funded by Project Partner
1 - Class 8 electric powered transit bus with a capacity of 32 passengers priced at \$900,000	\$900,000	\$450,000	\$450,000
1 - Class 8 CNG powered transit bus with a capacity of 39 passengers priced at \$543,628	\$543,628	\$407,721	\$135,907
2 - Class 4-8 CNG powered shuttle buses \$172,627	\$345,254	\$258,940	\$86,314
Administrative	\$47,000	\$47,000	\$0
Project Totals	\$1,835,882	\$1,163,661	\$672,221
Percentage	100%	63.38%	36.62%

PROJECTED TRUST ALLOCATIONS

	2020
1. Anticipated Project Funding Request to be paid through the Trust	\$1,163,661
2. Anticipated Cost Share	\$672,221
3. Anticipated Total Project Funding (line 1 plus line 2)	\$1,835,882
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation*	\$8,811,851.79
5. Cumulative Unused Trustee Payments Returned to Trust from Previous Funding Requests	\$370,843.84
6. Net Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation (line 4 minus Line 5)	\$8,441,007.95
7. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$1,163,661
8. Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (line 6 plus line 7)	\$9,604,668.95
9. Initial Beneficiary Share of Trust Funds	\$20,922,485.12
10. Beneficiary Share of Estimated Funds Remaining in Trust (line 9 minus line 6)	\$12,481,477.17
11. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 10 minus line 7)	\$11,317,816.17

* This line item includes the sum of cost requests from the following submitted D-4 funding requests, regardless of whether or not funds have been received by DEQ: Funding Requests #1, #2, #3, #4, #5, #6, #7, and #8.

ATTACHMENT C

DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION ACTION IMPLEMENTATION

Per Subparagraph 5.2.11 of the Environmental Trust Agreement for State Beneficiaries (“Trust Agreement”), Beneficiaries must set forth a “detailed plan for reporting on Eligible Mitigation Action implementation” to be included in an Appendix D-4 funding request. The Oklahoma Department of Environmental Quality (DEQ) plans to report per 5.3 of the Trust Agreement and Sections H and I of DEQ’s DERA Cooperative Agreement with EPA.

DEQ is committed to meeting reporting requirements consistent with Subparagraph 5.3 of the Trust Agreement, as set forth below:

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 15 of 43 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.

ATTACHMENT D

Detailed cost estimates from potential vendors for each proposed expenditure exceeding \$25,000.

The following vendor quotes are based on applicants' market research at the time of application. Actual costs will be determined by vendor cost proposals during the procurement process, but may not exceed these original estimates.

Applicant	Vehicle	Fuel	Cost
City of Norman	Gillig, Inc. 35' fixed route transit bus	Electric	\$900,000
Central Oklahoma Transportation and Parking Authority	New Flyer of America 40' fixed route transit bus	CNG	\$543,628
Central Oklahoma Transportation and Parking Authority	ARBOC Specialty Vehicles 26' shuttle bus	CNG	\$172,627