

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.	(sequential)
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: 8/31/23

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 9: Light Duty EV Infrastructure

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_x, 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_x 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_x, including PM_{2.5}, hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂)
- 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) light-duty electric vehicle charging station. The charging station will be located and operated in South Bend, Indiana.

The installation of electric vehicle charging stations can dramatically improve air quality and the quality-of-life conditions for drivers, technicians, and citizens in the areas of operation due to the zero-tailpipe-emissions character of the vehicles.

The lifetime estimated emission reductions of pollutants according to U.S. DOE's AFLEET program developed in partnership with Argonne National Labs include 11 pounds of nitrogen oxides (NO_x), 66 tons of greenhouse gases (GHG), and a reduction in petroleum use of 95 barrels.

Estimate of Anticipated NO_x Reductions (5.2.3):

Over the lifetime of these electric vehicle charging stations, U.S. DOE's AFLEET estimates this project will result in a reduction of 11 pounds of nitrogen oxides (NO_x).

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 36% of the total project cost while the Grantee and/or other programs covers the remaining 64%.

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.

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Attachment B Details

Project Schedule and Milestones:

Indiana announces Level 2 and DC Fast charging station funding opportunity via online Request for Proposals (RFP)	June 23, 2020
Deadline for Level 2 and DC Fast charging station program applications	September 23, 2020
Indiana notifies applicants of award decisions	November 18, 2020
Funding Agreement between Indiana and Grantee is fully executed	May 12, 2021
Grantee project implementation	May 12, 2021 to June 30, 2023
Indiana reviews programmatic, financial, and other 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	August 31, 2023
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	August 31, 2023 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) Intertek or Underwriter's Laboratory certified compliant Level 2 electric vehicle charging station to include at least two (2) SAE J1772 charging connections per station. This electric vehicle charging station shall be networked with capability for remote diagnostics, remote control of the equipment, collecting and reporting	\$9,000.00	\$16,541.32	\$25,541.32

usage data, and processing payments if fees are to be charged.			
Percentage	36%	64%	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	\$16,934,591.45
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$24,001,289.14
4) Current D-4 Funding Request Total	\$9,000.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$23,992,289.14

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

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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	\$5,165,086.48	\$2,922,248.37
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$130,705.00	\$9,000.00	\$9,000.00
6) Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (Line 4 + Line 5)	\$3,996,653.40	\$4,841,603.20	\$5,174,086.48	\$2,931,248.37
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	\$26,923,537.51
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	\$26,923,537.51	\$23,992,289.14

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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:

Project Costs & Documentation			
Project Element	Vendor	Amount	Documentation
Hardware/Software (ZEFNET Pro)	ZEF ENERGY	\$8,575.00	Appendix C
Electrical	Koontz Wagner Services LLC	\$16,966.32	Appendix D&E
Total Cost:		\$25,541.32	

Project Funding & Sources – Upfront Costs		
Source	Amount	Notes
VW Fund	\$9,000	Full reimbursement requested
MACOG	\$500	MACOG payment
Total External Funds:	\$9,500	
City of South Bend	\$16,041.32 (63%)	The city's match covers the remainder of the cost.

The city is eligible for the full award from the Volkswagen Fund (\$9,000) as the total cost \$25,541.32 exceeds the minimum specified to limit the award to no more than 90% of project costs. The total external project funding (other than the City of South Bend) is \$9,500, and the total funding provided by the city is \$16,041.32 or 63% of the project. The VW funding covered only 35% of the project.

APPENDIX C: ZEF ENERGY INVOICE FOR HARDWARE/SOFTWARE



Building a Zero Emissions Future

Potawatomi Zoo

Koontz-Wagner Services

3801 Voorde Drive
South Bend, IN 46628
United States

Mike Dennert

mdennert@kwservices.com
574-286-7469

Reference: 20220603-124041000

Quote created: June 3, 2022

Quote expires: July 3, 2022

Quote created by: Chris Gruneth

Director of Sales

chris.gruneth@zefenergy.com

Comments from Chris Gruneth

All ZEF commercial charging stations come with the ZEF 5 Year Advantage which includes 5 year warranty, 5 years of cell connectivity, 5 years of software license, 5 years smart phone app point-of-sale capabilities and 5 years of 24/7 technical and driver app support.

Products & Services

Item & Description	SKU	Quantity	Unit Price	Total
ZEFNET-PRO-40 ZEFNET PRO 40	1000160	1	\$8,225.00	\$8,225.00
SHIP-ZEFNET-PRO SHIP-ZEFNET-PRO	4	1	\$350.00	\$350.00

One-time subtotal \$8,575.00

Total \$8,575.00

APPENDIX D: Koontz Wagner Documentation for Hardware & Installation

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING PAYMENT APPLICATION

Contractor: Koontz-Wagner Services, LLC

Work Completed from

9/1/2022 to 11/30/2022

Application No 1
Project No. 121-011
Project Name:
Installation of Electronic
Vehicle Supply Equipment

No.	Description	QUANTITY			UNIT	UNIT PRICE Dols. Cent	EXTENSION Dols. Cent
		Contract	This Est	Total			
1	Division 1 (Potawatomi Zoo): ZEFNET-40-PRO (purchase and installation)	1	0.2	0.2	EA	\$25,541.32	\$5,108.26
2	Division 2 (Wayne St. Parking Garage): ZEFNET-40-CWS Single plug wall mounted (installation only)	2	2	2	EA	\$2,843.71	\$5,687.41
3	Division 3 (Leighton Parking Garage): ZEFNET-40-CWS Single plug wall mounted (installation only)	2	2	2	EA	\$4,534.84	\$9,069.68
4	Division 4 (Main/Colfax Parking Garage): ZEFNET-40-CWS Single plug wall mounted (installation only)	2	2	2	EA	\$7,003.65	\$14,007.29
5	Division 5 (Century Center): ZEFNET-40-CPS Single plug (installation only)	2	2	2	EA	\$5,073.27	\$10,146.54
6	Division 5 (Century Center): Pedestal installation	1	1	1	EA	\$0.00	\$0.00
7							\$0.00
8							\$0.00

Deductions

Retainage \$2,200.96
Liq.Dam. \$0.00
\$2,200.96

Total \$44,019.18
Deductions (\$2,200.96)
Sub Total \$41,818.22
Prev. Pmts \$0.00

AMOUNT DUE \$41,818.22

Approved

Toy Villa
Construction Manager - Toy Villa

12/05/2022
Date

Mich
Contractor

12/2/22
Date

DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING
PAYMENT APPLICATION

Contractor: Koontz-Wagner Services, LLC

Work Completed from

12/1/2022 to 1/31/2023

Application No. 2
Project No. 121-011
Project Name:
Installation of Electronic
Vehicle Supply Equipment

No.	Description	QUANTITY			UNIT	UNIT PRICE Dols. Cent	EXTENSION Dols. Cent
		Contract	This Est	Total			
1	Division 1 (Potawatomi Zoo): ZEFNET-40-PRO (purchase and installation)	1	0.8	1	EA	\$25,541.32	\$25,541.32
2	Division 2 (Wayne St. Parking Garage): ZEFNET-40-CWS Single plug wall mounted (installation only)	2	0	2	EA	\$2,843.71	\$5,687.41
3	Division 3 (Leighton Parking Garage): ZEFNET-40-CWS Single plug wall mounted (installation only)	2	0	2	EA	\$4,534.84	\$9,069.68
4	Division 4 (Main/Colfax Parking Garage): ZEFNET-40-CWS Single plug wall mounted (installation only)	2	0	2	EA	\$7,003.65	\$14,007.29
5	Division 5 (Century Center): ZEFNET-40-CPS Single plug (installation only)	2	0	2	EA	\$5,073.27	\$10,146.54
6	Division 5 (Century Center): Pedestal installation	1	0	1	EA	\$0.00	\$0.00
7							\$0.00
8							\$0.00

Deductions

Retainage \$3,222.61
Liq.Dam. \$0.00
\$3,222.61

Total \$64,452.24
Deductions (\$3,222.61)
Sub Total \$61,229.63
Prev. Pmts \$41,818.22

AMOUNT DUE \$19,411.40

Approved


Construction Manager - Toy Villa

02/07/2023
Date


Contractor

2/7/2023
Date


APPENDIX E: Proof of Payment for Hardware & Installation

Karen Gatherer <kgatherer@southbendin.gov>
to Leslie, me ▾


1:13PM (1 minute ago)

These were paid by ACH. Proof that the payment was sent is below. If they want proof that the ACH was received, you will need to get that from the vendor.

I have provided both the ACH batch, and below that is proof that the payment was in the batch.

<input type="checkbox"/>	12/29/2022 12/28/2022	SLFWV2509Y COSB122822		Completed	1310820 1356001201 - COSB	CCD - Corporate Credit or Debit	View Recipients	275,135.78 (1) 275,135.78 (36)
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Koontz Wagner Services	V-00000957	Credit	1ST SOURCE BANK	071212128 10176717	41,818.22
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<input type="checkbox"/>	03/01/2023 02/28/2023	2M03RU0UYC COSB022823		Completed	1310820 1356001201 - COSB	CCD - Corporate Credit or Debit	View Recipients	1,647,602.03 (1) 1,647,602.03 (36)
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Koontz Wagner Services	V-00000957	Credit	FIFTH THIRD ...	071923909 7244533076	19,411.40
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← Options 🔍

Payment history | V-00000957: Koontz Wagner Services

My view ▾

Show
Past 12 months ▾

Search by
▾

Look for
▾

Payment information

Payment display

Date	Check number	Payment status	Amount	Method of payment	Currency	Remittance number	Promissory note number	Offset account
12/28/2022		Sent	41,818.22	ACH-Total	USD			Depository
2/28/2023		Sent	19,411.40	ACH-Total	USD			Depository
5/16/2023		Sent	15,120.15	ACH-Total	USD			Depository
6/6/2023		Sent	11,000.00	ACH-Total	USD			Depository

Invoice Vouchers Purchase orders

Invoice	Voucher	Curre...	Sales tax amou...	Amount in tra...
APP #1	IINV-0051316	USD	0.00	41,818.22