

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: 9/12/23

Brian Lockness, Commissioner
[NAME]
[TITLE]

Indiana Department of Environmental Management

[LEAD AGENCY]

for

State of Indiana

[BENEFICIARY]

Appendix D-4 Summary Details

Eligible Mitigation Action Type:

9) Light Duty Zero Emission Vehicle Supply Equipment plus Contracted Administrative Expenses

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 Light Duty Electric Vehicle Supply Equipment (EVSE) plus the contracted administration of Indiana's statewide EV and EV infrastructure Education, Outreach, and Marketing (EOM) program known as GOEVIN. Indiana allocated the maximum amount allowable under the consent decree to light-duty electric vehicle charging infrastructure. Indiana determined that without a proper EOM program, the success of the state's EV infrastructure program may be limited. As such, Indiana contracted with Drive Clean Indiana, Inc. for the administration of the statewide program. All EV owners and drivers in Indiana should benefit from this EOM program.

The lifetime estimated emission reductions of EV use across Indiana is hard to compute at this time. However, as the vehicle fleet mix becomes more saturated with EVs across Indiana the air quality benefits should increase exponentially.

Estimate of Anticipated NO_x Reductions (5.2.3):

The lifetime estimated emission reductions of EV use across Indiana is hard to compute at this time.

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 equipment located on non-government-owned sites up to 80% of the total cost or a maximum of \$8,000, whichever is lowest. IDEM will also use Volkswagen Mitigation Trust funds to reimburse equipment located at government-owned sites up to 90% of the total cost or a maximum of \$9,000, whichever is lowest. Lastly, Indiana will reimburse eligible costs related to the statewide EOM program up to 100%.

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

Light Duty Electric Vehicle Supply Equipment (EVSE) 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 Agreements between Indiana and Grantee is fully executed	Various Depending on Partner
Grantee project implementation	November 18, 2020 to December 31, 2022
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	TBD
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	TBD 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

Education, Outreach, and Marketing (EOM) Project Schedule and Milestones:

Indiana requests Comprehensive Plan for Statewide Light-Duty Electric Vehicle Education, Outreach, and Marketing via online posting to VW Trust website	June 16, 2021
Deadline for Comprehensive Plan for Statewide Light-Duty Electric Vehicle Education, Outreach, and Marketing program applications	July 16, 2021
Indiana notifies applicants of award decisions	September 14, 2021
Funding Agreement between Indiana and Grantee is fully executed	October 28, 2021
Grantee project implementation	October 28, 2021 to October 28, 2026
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	TBD

Payee Contact and Wire Information form along with other supporting documentation	
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	TBD 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

Light Duty Electric Vehicle Supply Equipment (EVSE) Project Budget:

Project Description	Project Total
Level 3 (DC Fast) EVSE Partner 1 Number of Sites: 17 Award per Site: \$90,736 Total for Partner 1 >>>>>>>	 \$1,542,543
Level 3 (DC Fast) EVSE Partner 2 Number of Sites: 12 Award per Site: \$90,736 Total for Partner 2 >>>>>>>	 \$1,088,853
Level 3 (DC Fast) EVSE Partner 3 Number of Sites: 10 Award per Site: \$90,736 Total for Partner 3 >>>>>>>	 \$907,378
Level 3 (DC Fast) EVSE Partner 4 Number of Sites: 8 Award per Site: \$90,736 Total for Partner 4 >>>>>>>	 \$725,902

Level 3 (DC Fast) EVSE Partner 5 Number of Sites: 6 Award per Site: \$90,736 Total for Partner 5 >>>>>>>	\$544,426
Level 3 (DC Fast) EVSE Partner 6 Number of Sites: 4 Award per Site: \$90,736 Total for Partner 6 >>>>>>>	\$362,950
Level 3 (DC Fast) EVSE Partner 7 Number of Sites: 3 Award per Site: \$90,736 Total for Partner 7 >>>>>>>	\$272,212
Level 3 (DC Fast) EVSE Partner 8 Number of Sites: 1 Award per Site: \$90,736 Total for Partner 8 >>>>>>>	\$90,736
The Grantee shall manage and administer statewide education, outreach, and marketing program. This task shall be accomplished in collaboration with IDEM and the Indiana Utility Group (IUG).	\$5,535,000

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Education, Outreach, and Marketing (EOM) Project Budget:

Project Description	Project Total
Year 1 – Program Development Focused	\$100,000.00
Year 2 – Program Development and Marketing Focused	\$175,000.00
Year 3 – Program Education, Outreach, and Marketing Focused	\$175,000.00
Year 4 – Program Education, Outreach, and Marketing Focused	\$175,000.00
Year 5 – Program Education, Outreach, and Marketing Focused	\$175,000.00
The Grantee shall manage and administer statewide education, outreach, and marketing program. This task shall be accomplished in collaboration with IDEM and the Indiana Utility Group (IUG).	\$800,000.00

Total Combined EVSE and EOM Budget:

Project Description	Project Total
EVSE plus EOM Budget Total	\$6,335,000.00

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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: