

**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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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)

<b>Action Title:</b>	
<b>Beneficiary's Project ID:</b>	
<b>Funding Request No.</b>	(sequential)
<b>Request Type:</b> (select one or more)	<input 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 type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

### SUMMARY

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

**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: 11/20/23

Brian Rockness

[NAME]

[TITLE]

Indiana Department of Environmental Management

[LEAD AGENCY]

for

State of Indiana

[BENEFICIARY]

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

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

Category 1: Refuse Trucks

### **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 seven (7) 2021 model-year, or newer, U.S. EPA emission compliant compressed-natural-gas -powered refuse trucks that will REPLACE seven (7) of the Grantee's existing diesel-powered refuse trucks that will be used for the same purpose. The replacement vehicles will be located and primarily operated in Portage, Indiana.

Compressed-natural-gas -powered refuse trucks 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 2.331 tons of nitrogen oxides (NO<sub>x</sub>) and 0.112 tons of fine particulate matter (PM<sub>2.5</sub>).

### **Estimate of Anticipated NO<sub>x</sub> Reductions (5.2.3):**

Over the lifetime of these refuse trucks, U.S. EPA's DEQ model estimates this project will result in a NOx reduction of 2.331 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.

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### **Attachment B Details**

#### **Project Schedule and Milestones:**

Indiana announces Round 3 – VW Onroad and Nonroad funding opportunity via online Request for Proposals (RFP)	March 23, 2021
Deadline for Round 3 – VW Onroad and Nonroad program applications	June 1, 2021
Indiana notifies applicants of award decisions	September 16, 2021
Funding Agreement between Indiana and Grantee is fully executed	February 8, 2022
Grantee project implementation	February 8, 2022 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	November 9, 2023
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	November 9, 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:**

<b>Project Description</b>	<b>Indiana VW Mitigation Trust Grant Not to Exceed Total</b>	<b>Grantee Cost Share Not Less than Total</b>	<b>Project Total</b>
The purchase, installation, operation and maintenance of seven (7) 2021 model-year, or newer, U.S. EPA emission compliant compressed-natural-gas-powered refuse trucks that will REPLACE seven (7) of the Grantee's existing diesel-powered refuse trucks that will be used for the	\$549,689.00	\$1,657,054.52	\$2,206,743.52

same purpose. The replacement vehicle(s) will be operated in and around Portage, Indiana.			
Percentage	25%	75%	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	\$18,110,939.31
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$22,824,941.28
4) Current D-4 Funding Request Total	\$549,689.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$22,275,252.28

**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



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**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)	\$11,496,159.8	\$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	\$4,098,596.23
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$130,705.00	\$9,000.00	\$549,689.00
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	\$4,648,285.23
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	\$22,275,252.28

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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:



8/8/2023 1:43 PM

General Account

\*1344

FORM APPROVED BY STATE BOARD OF ACCOUNTS  
FOR CITY OF PORTAGE - 2000

HORIZON BANK  
MICHIGAN CITY, INDIANA  
71-132712

**CITY OF PORTAGE**  
6070 CENTRAL AVENUE  
PORTAGE, INDIANA 46368

034668

THIS WARRANT VOID TWO (2) YEARS  
AFTER DEC. 31 OF THE YEAR OF ISSUE

DATE	CHECK NUMBER	FUND	PAY EXACTLY
10/05/2022	34668	4413 COR	\$312,822.40*

\*\* Three Hundred Twelve Thousand Eight Hundred Twenty Two and 40/100 Dollars \*\*

PAY  
TO THE  
ORDER OF

BEST EQUIPMENT CO INC  
5550 POINDEXTER DR  
INDIANAPOLIS IN 46235

*Mina Rivas*

CLERK-TREASURER

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

ENDORSE HERE Pay to the Order of  
X Fifth Third Bank  
For Deposit Only  
BEST EQUIPMENT CO INC  
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

Amount: \$-312,822.40

Statement Description: CHECK

Check Number: 34668

Posted Date: 10/12/2022

Type: Debit

Status: Posted



8/8/2023 12:29 PM

General Account

\*1344

FORM APPROVED BY STATE BOARD OF ACCOUNTS  
FOR CITY OF PORTAGE - 2000

**HORIZON BANK**  
MICHIGAN CITY, INDIANA  
71-132/712

**CITY OF PORTAGE**  
6070 CENTRAL AVENUE  
PORTAGE, INDIANA 46368

**037156**

THIS WARRANT VOID TWO (2) YEARS  
AFTER DEC. 31 OF THE YEAR OF ISSUE

DATE	CHECK NUMBER	FUND	PAY EXACTLY
06/29/2023	37156	4413 COR	\$398,435.60*

\*\* Three Hundred Ninety Eight Thousand Four Hundred Thirty Five and 60/100 Dollars \*\*

PAY  
TO THE  
ORDER OF **BEST EQUIPMENT CO INC**  
5550 POINDEXTER DR  
INDIANAPOLIS IN 46235

*Mark Rivas*

CLERK-TREASURER

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

ENDORSE HERE  
X Pay to the Order of  
Fifth Third Bank  
For Deposit Only  
BEST EQUIPMENT CO INC  
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

Amount: \$-398,435.60

Statement Description: CHECK

Check Number: 37156

Posted Date: 7/6/2023

Type: Debit

Status: Posted



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General Account

\*1344

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FORM APPROVED BY STATE BOARD OF ACCOUNTS  
FOR CITY OF PORTAGE - 2000

**CITY OF PORTAGE**  
6070 CENTRAL AVENUE  
PORTAGE, INDIANA 46368

036794

HORIZON BANK  
MICHIGAN CITY, INDIANA  
71-182/712

THIS WARRANT VOID TWO (2) YEARS  
AFTER DEC. 31 OF THE YEAR OF ISSUE

DATE	CHECK NUMBER	FUND	PAY EXACTLY
05/24/2023	36794	2201 MOT	\$398,887.61*

\*\* Three Hundred Ninety Eight Thousand Eight Hundred Eighty Seven and 61/100 Dollars \*\*

PAY  
TO THE  
ORDER OF

BEST EQUIPMENT CO INC  
5550 POINDEXTER DR  
INDIANAPOLIS IN 46235

*Minakakis*

CLERK/TREASURER

FEDERAL RESERVE BOARD OF GOVERNORS REG. CO

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Pay to the Order of

X Fifth Third Bank

For Deposit Only

BEST EQUIPMENT CO INC

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Amount: \$-398,887.61

Statement Description: CHECK

Check Number: 36794

Posted Date: 5/31/2023

Type: Debit

Status: Posted



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General Account

\*1344

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FORM APPROVED BY STATE BOARD OF ACCOUNTS  
FOR CITY OF PORTAGE - 2000

**CITY OF PORTAGE**  
6070 CENTRAL AVENUE  
PORTAGE, INDIANA 46368

036389

HORIZON BANK  
MICHIGAN CITY, INDIANA  
71-132/712

THIS WARRANT VOID TWO (2) YEARS  
AFTER DEC. 31 OF THE YEAR OF ISSUE

DATE	CHECK NUMBER	FUND	PAY EXACTLY
04/14/2023	36389	6604 SAN	\$595,616.83*

\*\* Five Hundred Ninety Five Thousand Six Hundred Sixteen and 83/100 Dollars \*\*

PAY  
TO THE  
ORDER OF

BEST EQUIPMENT CO INC  
5550 POINDEXTER DR  
INDIANAPOLIS IN 46235

*Mina Kwas*

CLERK-TREASURER

FEDERAL RESERVE BOARD OF GOVERNORS REG. CO

ENDORSE HERE

Pay to the Order of  
Fifth Third Bank  
For Deposit Only  
BEST EQUIPMENT CO INC

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

Amount: \$-595,616.83

Statement Description: CHECK

Check Number: 36389

Posted Date: 4/18/2023

Type: Debit

Status: Posted



8/8/2023 12:44 PM

General Account

\*1344

**Amount:** \$-312,822.40

**Statement Description:** WIRE TO BEST EQUIPMENT COMPANY INC FIFTH THIRD BK NA IMAD 2

[REDACTED]

**Posted Date:** 2/14/2023

**Type:** Debit

**Status:** Posted





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General Account

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**Amount:** \$-260,592.00

**Statement Description:** WIRE TO BEST EQUIPMENT COMPANY INC FIFTH THIRD BK NA IMAD 2  
[REDACTED]

**Posted Date:** 2/14/2023

**Type:** Debit

**Status:** Posted