

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: _____

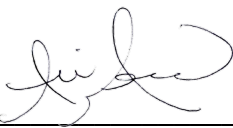
[NAME]

[TITLE]

[LEAD AGENCY]

for

[BENEFICIARY]

X  _____

**Attachment 1 to Appendix D-4 and Attachment A
DEP Funding Request 0018-44A**

Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):

This project complies with PA's stated overall goal of funding projects throughout PA that will reduce or eliminate emissions of oxides of nitrogen (NO_x), focusing on the most cost-effective projects that will maximize emission reductions, including those that focus on: large number of diesel engines and vehicles; priority areas; nonattainment or maintenance areas for National Ambient Air Quality Standards (NAAQS); high population density and high traffic density areas; and advancing PA's energy, environmental, or economic development goals. This project complies with PA's stated intent to consider funding for all Eligible Mitigation Actions and Eligible Mitigation Action Administrative Expenditures. This project is included under the on-road fleet projects funding category identified in PA's Beneficiary Mitigation Plan (BMP) and is within the percentage of funding PA expects to request for this category. If scrappage requirements apply to these Eligible Mitigation Actions, funding recipients were required to submit proof of scrappage for the project. This project will contribute to PA's expected NO_x emission reductions from the on-road fleet project category established in PA's BMP. Finally, this project was awarded funding under a rebate program, identified as an eligible funding mechanism by PA in its BMP.

Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):

The purpose of this project is to replace (2) aging diesel-powered, freight switcher locomotives with zero-emission freight switchers. This project will improve the air quality in the community where it is located by reducing exposure of NO_x and other emissions from this diesel-powered mobile source to residents and others. For vehicle and engine replacement or repower projects, this will occur because of a cleaner vehicle or engine replacing the older diesel vehicle or engine. In addition to the NO_x emission reduction listed below, this project will annually reduce 1.034 tons of volatile organic compounds (VOC), 1.973 tons of carbon monoxide (CO), 495.0 tons of carbon dioxide (CO₂), and 0.399 tons of fine particulate matter (PM_{2.5}). Additionally, this project will result in lifetime emission reductions of 20.685 tons of VOC, 39.465 tons of CO, 9,900.0 tons of CO₂, and 7.979 tons PM_{2.5}.

Estimate of Anticipated NO_x Reductions (5.2.3):

This project is expected to reduce 15.886 tons of NO_x emissions annually and 317.729 tons of lifetime NO_x emissions.

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):

The Pennsylvania Department of Environmental Protection (DEP) is the government entity responsible for reviewing and auditing expenditures of Eligible Mitigation Action funds to ensure compliance with applicable laws in accordance with subparagraph 5.2.7.1.

Describe how the Beneficiary will make documentation publicly available (5.2.7.2):

DEP created and maintains a public web site as a clearinghouse for information relating to the Environmental Mitigation Trust Agreement for State Beneficiaries, including all public information relating to PA's BMP and programs funded by the State Mitigation Trust. On this web site or an associated web site, DEP will post summary information about all funding requests submitted to the Trustee, including the funding recipient, funding amount, and a brief summary of the project. In addition to the summary information, DEP will post and comply with the following statement: "The following is a summary of all funding requests submitted to the Trustee. Public records supporting the submitted funding requests, and public records supporting all expenditures of the Trust Fund by PA, are available to the public upon request, subject to all applicable laws governing the publication of confidential business information and personally identifiable information. A public record excludes confidential proprietary information, confidential business information, and personal identification information. Please contact DEP for additional information." The web site can be accessed at: <https://www.dep.pa.gov/Business/Air/Volkswagen/Pages/default.aspx>.

Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8):

For this project, the applicant committed to funding 25.0 percent for locomotive replacements. DEP committed to reimburse 75.0 percent of the total project cost, through a direct payment from the Commonwealth. The funds used for payment will be transferred to a Commonwealth account by the Trustee from PA's allocation of the State Mitigation Trust, in accordance with approved Appendix D-4s. See Appendix D-4, Attachment B for detailed project budgets.

Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9):

DEP complied with subparagraph 4.2.8 by submitting letters to the personnel at the U.S. Department of the Interior and the U.S. Department of Agriculture on February 8, 2018. In the letters, DEP explained that PA may request Eligible Mitigation Action funds for use on lands within the custody, control, or management (including, but not limited to, Clean Air Act Class I and II areas) of these agencies. Additionally, DEP set forth in the letters the procedures by which PA will review, consider, and make a written determination on requests for funding from these agencies, in accordance with subparagraph 4.2.8. DEP provided a copy of the Trust Agreement with Attachments as an attachment to the letters.

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).

This project addresses pollution in an area which bears a disproportionate share of the air pollution burden, such as NAAQS nonattainment or maintenance areas, brownfields, Environmental Justice areas, and/or high pollution areas (ports, bus depots, etc.). This project accomplishes that goal by reducing exposure to emissions for residents where the replaced freight switchers operate. DEP's programs, through application scoring or eligibility criteria, give additional weight to projects occurring in these types of communities, thus prioritizing funding in these areas.

PA – ATTACHMENT B
ELIGIBLE MITIGATION ACTION MANAGEMENT PLAN INCLUDING
DETAILED BUDGET AND IMPLEMENTATION AND EXPENDITURES
TIMELINE

(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)

Beneficiary Project ID: 0018-44A

This attachment provides a Detailed Budget and Implementation and Expenditure Timeline for the above referenced project.

1. Detailed Project(s) Budget - The following chart provides details about the project budget.

<u>Budget Category</u>	<u>DEP/ Trust Fund Amount</u>	<u>Recipient Match Amount</u>	<u>Total</u>
Vehicle/Engine purchase costs	\$3,883,194.75	\$1,294,398.25	\$5,177,593.00
Administrative Costs	N/A	N/A	N/A
Total =	\$3,883,194.75	\$1,294,398.25	\$5,177,593.00

Descriptions of Budget Categories

- Vehicle/Engine purchase costs – This category includes the following for on-road vehicles and engines: new engine purchase cost, including taxes and fees; and new vehicle purchase costs, including taxes and fees, for similarly outfitted vehicle. This category is primarily for replacements.
- Equipment purchase costs – This category includes new equipment purchase costs, including nonroad vehicles and equipment.
- Engine installation costs – This category includes new engine installation costs, for vehicles or equipment. This category is primarily for repowers.
- EVSE with vehicle/engine purchase costs – This category includes: electric vehicle supply equipment (EVSE) purchase cost; EVSE installation costs; electric service upgrades; and connecting EVSE to electrical service. This category is for vehicle, engine, and equipment replacements and repowers.
- EVSE for Level 2 projects – This category includes the following costs for Level 2 EVSE: EVSE purchase cost; EVSE installation costs; electric service upgrades; connecting EVSE to electrical service; networking charges; EVSE maintenance contracts; signage for public access projects; and lighting for public access projects.
- EVSE for DCFC and H2FC projects – This category includes the following costs for DC fast charging (DCFC) infrastructure or hydrogen fuel cell refueling (H2FC) infrastructure projects: project/site design; DCFC & H2FC equipment costs; Level 2 EVSE costs (only when combined with new DCFC at the same location); ZEVSE installation costs; electric service upgrades; connecting ZEVSE to electrical service; charging network costs; maintenance costs; signage; onsite lighting of the ZEVSE and affiliated parking spaces; and battery storage.
- Subtotal - This category includes all project costs except administrative costs.
- Administrative Costs - This category includes administrative costs for DEP. DEP is not submitting administrative costs for funding recipients.

PA – ATTACHMENT B ELIGIBLE MITIGATION ACTION MANAGEMENT PLAN

2. Trust Allocation Budget – The following chart shows the expenditures and balance of PA’s allocation of the State Mitigation Trust.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
PA’s Trust Allocation	\$118,569,539.52	\$117,757,871.06	\$102,904,710.98	\$100,101,169.52
Previously Approved Disbursements	\$811,668.46	\$14,853,160.08	\$2,803,541.46	\$12,467,788.96
Submitted but Pending Approval	\$0.00	\$0.00	N/A	N/A
Amount of this Funding Request	\$0.00	\$0.00	N/A	N/A
Remaining Balance after Approval of Funding Request	\$117,757,871.06	\$102,904,710.98	\$100,101,169.52	\$87,633,380.56

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
PA’s Trust Allocation	\$87,633,380.56	\$78,068,862.03	---	---
Previously Approved Disbursements	\$9,564,518.53	\$2,509,669.66	---	---
Submitted but Pending Approval	\$0.00	\$4,492,834.11*	---	---
Amount of this Funding Request	N/A	\$3,883,194.75	---	---
Remaining Balance after Approval of Funding Request	\$78,068,862.03	\$67,183,163.51	---	---

* Includes Funding Requests 0016 (\$1,104,821.61); 0017 (\$243,597.00); 0018-Project Group 42 (\$1,331,145.60), and 0018-Project Group 43 (\$1,813,269.90).

3. Program Implementation Schedule – The following chart provides the implementation schedule followed for the program under which the project(s) in this funding request is/are funded. See the project schedule below for details on project implementation.

Program Activity – Marine & Rail Freight Movers Grant Program	<u>Dates</u>
Program opens for applications / public notice of program opening	March 13, 2020 & December 4, 2020
Informational webinar on program	March 25, 2020
Program closed for applications	June 5, 2020 & March 19, 2021
Awards announced	November 25, 2020 & October 18, 2021
Marine & Rail Freight Grant Program permanently closed. Remaining funds re-allocated to the Medium-& Heavy-Duty Zero Emission Vehicle Fleet Pilot Grant – funded under EMAs 1 & 6.	November 23, 2023

4. Project Implementation Schedule – The following chart provides the implementation schedule followed for the project(s). This grant program allows (3) years for project completion, with extensions possible on a case-by-case basis. Projects are complete when grantees scrap the eligible project equipment/vehicles, purchase and place into service the new, replacement equipment/vehicles, and submit a complete reimbursement application to DEP.

	<u>Action</u>	<u>Responsible Party</u>	<u>Date of Action Completion</u>
1	Purchase of (2) new, battery-electric powered, freight switcher locomotives	U.S. Steel Corp.	Project work complete for locomotive #1 on 7/14/23. Project work complete for locomotive #2 on 4/15/24.

5. Expenditures – The following chart shows the invoice amounts and the corresponding rebate voucher redemption requests (by invoice) submitted to DEP for these projects, including details of what expenditures are included in each invoice.

	<u>Invoice Date(s)</u>	<u>Invoice Total</u>	<u>Reimbursement Amount</u>	<u>Invoice ID</u>	<u>Description of Expenditures</u>
1	4/5/22	\$5,177,593.00	\$3,883,194.75	A1-202103186834– A4-202103186834	Purchase of (2) new, battery-electric powered, freight switcher locomotives

PA – ATTACHMENT C
DETAILED PLAN FOR REPORTING ON
ELIGIBLE MITIGATION ACTION IMPLEMENTATION

(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)

Reporting from Recipients to DEP (5.2.11)

Under paragraph 5.2.11, DEP, on behalf of the Commonwealth of Pennsylvania, is required to provide a detailed plan for reporting on Eligible Mitigation Action implementation. DEP has included reporting requirements, described below, for all funding recipients.

For grant programs, funding recipients are required to submit quarterly, final, and one-year follow-up reports to DEP. The quarterly reports must be submitted to DEP within 14 days of March 31, June 30, September 30, and December 31, during the term of the grant agreement. These reports include a summary of project activities during the reporting period (linked to the recipient's workplan), a summary of expenses incurred during the reporting period and whether a reimbursement request was submitted, and identification of any issues that will impact project completion. Additionally, funding recipients are required to submit a final report to DEP upon completion of the project, no later than 30 days after the end of the term of the grant agreement. The final report includes a summary of all project work completed under the grant agreement, a summary of all expenses incurred during the project period and verification that all reimbursement requests have been submitted to DEP, emission reduction estimates for the completed project, and proof of scrappage when applicable. Finally, funding recipients are required to submit a one-year follow up report one year from the completion of the project, but no later than one year and 30 days after the end of the term of the grant agreement for vehicle, engine, or equipment repower or replacement projects. The one-year follow up report for these projects includes: a brief summary of the original project; a brief summary of any positive or negative experiences the recipient had relating to the equipment/vehicles funded by the grant agreement during the year following the project completion; current operating status of equipment/vehicles funding by the grant; estimates of vehicle/equipment operating data such as estimates of operating hours, emission reductions, idling reductions, fuel use savings, and other information. For light-duty zero emission supply equipment grants, the funding recipient is required to submit annual station usage data for three years, beginning one year after project completion.

For vehicle, engine, or equipment repower or replacement rebate programs, funding recipients are required to submit annual usage data one year after project completion. For light-duty zero emission supply equipment projects, funding recipients must submit annual station usage data for three years, beginning one year after project completion.

DEP will use the information submitted by the funding recipients, as described above, to complete and submit reports to the Trustee as required by paragraph 5.3 (see next section).

PA – ATTACHMENT C DETAILED PLAN FOR REPORTING ON
ELIGIBLE MITIGATION ACTION IMPLEMENTATION

The project(s) submitted for funding under this Funding Request are:

- ☒ Grants
☐ Rebates
☐ Other: (specify)

Reporting from DEP to Trustee (5.3)

Under paragraph 5.3, for each Eligible Mitigation Action, DEP, on behalf of the Commonwealth of Pennsylvania, is required to submit to the Trustee no later than six months after receiving the 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, a semi-annual 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). These reports will include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action. 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.

Using the information submitted to DEP by the funding recipients as described above, DEP will submit the semi-annual report required by paragraph 5.3 on the schedule indicated above. The report will include the following information:

- A list or other description of all active and completed projects that have been or will be funded, partially or fully, by PA's allocation of the State Mitigation Trust fund, and completion date if applicable.
- The status (active or complete) of the projects. No projects will be listed as proposed because DEP is not requesting advance funding for any projects and will only be requesting funds for completed projects.
- Funding amount requested from State Mitigation Fund allocation for each complete project or funding amount allocated for each active project.
- For DERA projects, the most recent quarterly status report submitted to the U.S. Environmental Protection Agency.

The semi-annual report will be signed by an official with the authority to submit the report for the Commonwealth of Pennsylvania and will contain an attestation that the information is true and correct and that the submission is made under penalty of perjury.

PA – ATTACHMENT D
DETAILED COST ESTIMATES FROM SELECTED OR POTENTIAL
VENDORS FOR EACH PROPOSED EXPENDITURE EXCEEDING \$25,000

(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)

Attached on the following pages are actual cost documentation for projects including selected, potential, or actual vendor expenditures exceeding \$25,000. Invoice information is provided in a spreadsheet format. Copies of individual invoices are available upon request.

Funding Request 0018: EMA 3 Invoice Spreadsheet; Project ID 0018-44A								
Group ID	Recipient Name	Project / Invoice ID	Invoice Date(s)	Invoice Amount(s)	Vendor(s)	Reimbursement Amount	Description of Expenditures	Program Share
1/A	U.S. Steel Corp.	A1-202103186834	04/05/22	\$2,216,057.00	Innovative Rail Technologies	\$1,662,042.75	Purchase and installation of battery-powered, freight-switcher locomotive conversion.	75.0%
		A2-202103186834		\$2,561,536.00		\$1,921,152.00	Purchase and installation of battery-powered, freight-switcher locomotive conversion.	
		A3-202103186834		\$200,000.00		\$150,000.00	Purchase and installation of battery-powered locomotive charging equipment	
		A4-202103186834		\$200,000.00		\$150,000.00	Purchase and installation of battery-powered locomotive charging equipment	
				\$5,177,593.00		\$3,883,194.75		
Onroad Rebates (EMA6): Project Invoice Total =				\$5,177,593.00	Onroad Rebates (EMA6): Project Payments Total =		\$3,883,194.75	
EMA 6 Project Invoices Total =				\$5,177,593.00	EMA 6 Total Payments =		\$3,883,194.75	75.0% of project costs to be paid in FR0018

Total Freight Moving Equipment Replaced	
Freight Switcher Locomotive =	*Electric = 2