

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
Revised May 2024 Budget and Implementation and Expenditures Timeline (5.2.4).
- ☐ Attachment C Detailed Plan for Reporting on Eligible Mitigation Action
Revised Sept. 2023 Implementation (5.2.11).
- ☐ Attachment D Detailed cost estimates from selected or
Revised Sept. 2023 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.]

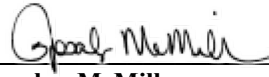
CERTIFICATIONS

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: 7/2/2024



Josalyn McMillon

Deputy Director, Air Grants Division

Texas Commission on Environmental Quality

[LEAD AGENCY]

for

State of Texas

[BENEFICIARY]

Attachment B to D-4: Eligible Mitigation Action Management Plan and Budget

I. Project Management Plan: Project Schedule and Milestones

An additional grant round was opened under this mitigation action on June 29, 2023. Key milestones for this grant round have been added to the table below.

Milestones	Date ¹	Grant Round No. 2 Dates ¹
Application period for the replacement or repower of Class 4-7 Local Freight Trucks and Class 8 Local Freight and Port Drayage Trucks	Jan. 2020 – Jan. 2021	June 2023- August 2025
Conduct application workshops in Priority Areas of Texas	Dec. 2019	June 2023
Review and select project applications on a first-come, first served basis	Jan. 2020- Jan. 2021	June 2023- October 2025
Draft and execute contracts with entities selected for award	Jan. 2020- Jan. 2021	July 2023- October 2025
Process certification of disposition for equipment being replaced submitted by Awardee	April 2020- June 2022	September 2023- October 2027
Process requests for reimbursement for the new equipment submitted by Awardee	April 2020- June 2022	September 2023- October 2027
TCEQ certifies payment direction to Trustee monthly through the submission of an Attachment A.	April 2020- June 2022	September 2023- October 2027
TCEQ will submit semi-annual reports to the trustee describing the process of implementing each eligible mitigation action included in the funding requests. These reports will include the status of each project and updates on payments to grantees and agency administrative costs.	Jan. 2020-Aug. 2022	June & January per AY
Upon confirmation of payment, Awardee begins commitment to operate the new equipment in the Priority Areas at least 51% of the equipment's total annual miles of operation.	Jan. 2020- Aug. 2027	June 2023- January 2027

¹Dates are approximate and may vary depending on the volume of applications received and awarded.

II. Project Budget

Please note: TCEQ projects that a balance of \$5,920,173.34 is remaining in Subaccount No. 123002-002. TCEQ is requesting that an additional \$4,142,440.81 be added to the project budget, leaving an available balance of \$10,062,614.15. The available balance will be used to award grants and pay for administrative expenditures under the grant round opened on June 29, 2023. **We are transferring an additional \$19,331,993.69 into account 123002-002 (Freight Class 8) to be utilized for future project and admin expenditures.**

Budget Category	Total Requested Budget	Attachment A "Freight 8 Sub.001"	Revised Budget	Attachment A "Freight 8 Sub.002"	New Revised Budget
Project Expenditures	\$16,757,936.50	\$3,976,743.18	\$20,734,679.68	\$18,558,713.94	\$39,293,393.62
Administrative Expenditures	\$670,317.46	\$165,697.63	\$836,015.09	\$773,279.75	\$1,609,294.84
Total	\$17,428,253.96	\$4,142,440.81	\$21,570,694.77	\$19,331,993.69	\$40,902,688.46

III. Project Cost Share

Awardee Type	Project Type	% of Awardee Cost Share ¹
Government	Replacements and Repowers	≥ 20%
Non-Government	Replacement-Electric	≥ 50%
Non-Government	Replacement-Diesel or Alt. Fuel	≥ 75%
Non-Government	Repower-Electric	≥ 50%
Non-Government	Repower-Diesel or Alt. Fuel	≥ 40%

¹The percentage of the cost share to be paid by the awardee is applied to each repower or replacement activity included in a contract.

TxVEMP

Revised May 2024

Revision effective June 29, 2023

An additional grant round was opened under this mitigation action on June 29, 2023. The revised project cost share amounts are provided in the table below.

Awardee Type	Project Type	% of Awardee Cost Share ¹
Government	Replacements and Repowers - Electric	≥ 0%
Non-Government	Replacement-Electric	≥ 25%

Attachment C to Appendix D-4: Detailed Plan for Reporting on Eligible Mitigation Action Implementation

1. **Purpose:** The Texas Volkswagen Environmental Mitigation Program (TxVEMP) is preparing to open the third round of funding for projects to replace or repower Class 4-7 local freight trucks and Class 8 local freight and port drayage trucks used to deliver cargo and freight. Class 4-7 local freight trucks and Class 8 local freight and port drayage trucks fall under two separate eligible mitigation action categories. The Texas Commission on Environmental Quality (TCEQ) plans to submit a D-4 for each category. However, both categories will be solicited under one Request for Grant Applications. Electric and hydrogen infrastructure may also be included in a project application for charging or refueling all-electric or hydrogen-fuel cell replacement and repower vehicles included in the project

This attachment is in reference to Class 8 local freight trucks and port drayage trucks.

2. Program Criteria

- a. **Eligible Applicants:** Eligible applicants under the TxVEMP must operate Class 8 local freight trucks and port drayage trucks at least 51% of the vehicle's annual mileage in one of the Priority Areas.
- b. **Vehicles being replaced or repowered must:**
 - have a gross vehicle weight rating greater than or equal to 33,001 lbs;
 - be powered by a diesel engine of model year 1992- 2009;
 - be used for port drayage and/ or freight/ cargo delivery;
 - be considered capable of performing its primary function for the next five years;
 - been continuously inspected and registered in Texas for the two years immediately preceding the application signature date;
 - been used routinely by the applicant in Texas for the two years immediately preceding the application signature date; and
 - been owned by the applicant for the two years immediately preceding the application signature date.
- c. **New vehicles must:**
 - be powered by electricity, diesel, or an alternative fuel (e.g., CNG, propane, hybrid);
 - have an engine model year not more than one year older than the year the application is submitted;
 - be certified by the EPA or CARB to a NO_x emissions standard or family emissions limit (FEL) of 0.2 g/bhp-hr or lower; and
 - be of the same type, weight category, and body and axle configuration as the vehicle being replaced.

Revision Effective June 29, 2023:

An additional grant round was opened under this mitigation action on June 29, 2023. Under this grant round, local freight trucks, and port drayage trucks must be powered by an electric engine.

- d. **Activity life and usage commitment:** The applicant must commit to use the grant-funded vehicle at least 51% of the vehicle's annual miles of operation in one of the Priority Areas for the duration of the five-year activity life. Annual reports on the use of the grant-funded vehicles and equipment will not be required. However, the grant recipient must agree to provide information on the use of the vehicles and equipment upon request by the TCEQ.
- e. **Eligible grant amounts will be the lesser amount of:**
 - (i) the predetermined grant amount set by the TCEQ for that type of activity; or
 - (ii) the maximum percentage of eligible costs for the actual, eligible expenditures.

3. Application Review and Selection: Eligible projects will be processed for approval on a first-come, first-served basis. Applicants may apply for the replacement or repower of up to 20 vehicles per Priority Area, either in one application or multiple applications, every three months.

Revision Effective June 29, 2023:

An additional grant round was opened under this mitigation action on June 29, 2023. Under this grant round, an entity was not limited to (applying for and being approved for) 20 vehicles during the first three months of the application period. However, TCEQ reserves the right to limit the award of more than 50% of a funding allocation to a single applicant.

4. Outreach

- a. **Program Documents:** Program documents will be available on the TxVEMP website once the round has officially opened to the public. Documents have been drafted in accordance with accessibility standards and are available in a fillable PDF format.
- b. **Program Notifications:** Notifications will be provided on the status of grant rounds through the TxVEMP email list serve and official agency press releases.
- c. **Application workshops:** TxVEMP staff will conduct application workshops in each of the Priority Areas. Webinars will also be provided for interested parties who are unable to attend a live workshop.

A webinar was held on June 27, 2023, for the grant round that opened on June 29, 2023. TCEQ did not conduct workshops in each of the priority areas.
- d. **Funds availability status:** TxVEMP staff will regularly update a report provided on the TxVEMP website to update interested parties on the availability of funding under the first round.
- e. **Project Summaries:** TxVEMP staff will provide a monthly project summary report on the TxVEMP website. The report will include project descriptions, awarded grant amounts, ~~and project emissions reductions.~~

Supplementary Form to Appendix D-4

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

The TCEQ requests ~~\$21,570,694.77~~ **\$37,916,855.49** in funds for the replacement or repower of Class 8 local freight and port drayage trucks with cleaner models. Projects funded under this request will mitigate the potential for exposure of the public to pollutants. (Page 3, Beneficiary Mitigation Plan for Texas)

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

This category includes the replacement or repower of Class 8 local freight and port drayage trucks used for port drayage and/or freight/cargo delivery (e.g. waste haulers, dump trucks and concrete mixers). Eligible vehicles must also be powered by a diesel engine with a model year between 1992-2009, and have a Gross Vehicle Weight Rating (GVWR) greater than 33,001 lbs.

The emissions from local freight trucks that operate on regular routes result in more concentrated NO_x emissions that have the potential to add to the formation of ground-level ozone in the local and regional area. In addition, these vehicles operate on routes within the community, resulting in increased potential for exposure of the public to pollutants emitted by older engines.

Eligible grantees must be in the listed Priority Area and Counties:

Priority Area	Counties
Austin Area:	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur Area:	Hardin, Jefferson, Orange
Bell County:	Bell
Dallas-Fort Worth Area:	Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, Wise
El Paso County:	El Paso
Houston-Galveston-Brazoria Area:	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller
San Antonio Area:	Bexar, Comal, Guadalupe, Wilson

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

Documents will be made publicly available through the:

- Texas Volkswagen Environmental Mitigation Program (TxVEMP) website www.TexasVWFund.org;
- TxVEMP email subscription list; and
- Texas Electronic State Business Daily website.

In addition, the Texas Commission on Environmental Quality (TCEQ) will be hosting application workshops and webinars to assist grantees with the application process.

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

Grants will be awarded on a first-come, first-served basis. An applicant may apply for and may be reimbursed for no more than the maximum percentage of cost limits or a predetermined table amount, whichever is less. See below for the maximum percentage of cost limits.

Government-Owned	
Replacement or Repower-Electric, Diesel, or Alternative Fuel	80%
Non-Government-Owned	
Replacement - Diesel or Alternative Fuel	25%
Repower - Diesel or Alternative Fuel	40%
Replacement or Repower - Electric	50%

Revision effective June 29, 2023

An additional grant round was opened under this mitigation action on June 29, 2023. The maximum percentage of cost limits for this grant round were increased and are provided in the table below.

Government-Owned	
Replacement or Repower- Electric	100%
Non-Government-Owned	
Replacement or Repower- Electric	75%

Payments will be made on a reimbursement basis for eligible expenses incurred and paid by the grant recipient. A cost may not be considered incurred until the grant-funded goods and services have been received and accepted by the grant recipient. Grant recipients will be required to provide documentation to show that equipment or services have been received and the expenses have been incurred and paid by the grant recipient before reimbursement is provided by the TCEQ.

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

In accordance with Section 4.2.8 of the State Trust Agreement, the TCEQ provided notice via email to the U.S. Department of Interior and U.S. Department of Agriculture of the opportunity to request Volkswagen mitigation action funds. This notice included a copy of the State Trust Agreement and informed them of the opportunity to comment on Texas' draft Beneficiary Mitigation Plan.

If applicable, describe how the mitigation action will mitigate the impacts of NO_x emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).

The plan identifies seven Priority Areas that bear a disproportionate share of air pollution and particularly ozone within Texas:

- Dallas-Fort Worth Area
- Houston-Galveston-Brazoria Area
- San Antonio Area
- Austin Area
- El Paso County
- Bell County
- Beaumont-Port Arthur Area

These include the three areas of the state identified as nonattainment for the ground-level ozone National Ambient Quality Standards (NAAQS) and four other areas of the state that have monitored ground-level ozone concentrations close to the 2015 ground-level ozone NAAQS limit of 70 parts per billion.

Nonattainment Areas:

- Dallas-Fort Worth Area: Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise
- Houston-Galveston-Brazoria Area: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller
- San Antonio Area: Bexar

Attainment Areas:

- Austin Area: Bastrop, Caldwell, Hays, Travis, and Williamson
- El Paso County
- Bell County
- Beaumont-Port Arthur Area: Hardin, Jefferson, and Orange
- San Antonio Area: Comal, Guadalupe, and Wilson

The Priority Areas contain many of the major metropolitan centers of the state as well as approximately 71% of the state population. Because of ground-level ozone formation in these areas, the TCEQ has determined that 81% of the total funding (approximately \$169.5 million) will be allocated exclusively to these areas to provide beneficial impacts on air quality.

The replacement or repower of vehicles that operate within communities located in these areas will help address the goals of the program, including reducing the potential exposure of residents in within these communities to pollutants emitted from older vehicles. To be considered operating in an area, a majority (51% or more) of the annual mileage or hours of operation of the grant-funded vehicle or equipment must occur in the designated counties.

FY23 Texas Volkswagen Environmental Mitigation Program Grant Tables

Replacement or Repower of Class 8 Vehicles

For replacement and repower projects, applicants will receive up to the lesser of the following options:

- 1) The grant amounts shown in these Grant Tables; or
- 2) The reimbursement rate indicated below (see Section 3 of the RFGA).

Government Entities – 100% Reimbursement Rate

Not less than 51% of the grant-funded on-road vehicle's operation must occur in one of the priority areas (see Appendix A of the RFGA). For more details about operational commitments, please see Section 2.8 and 4.7 of the RFGA.

Model Year of Old Engine	Fuel Type of New Vehicle	Grant Amount
1992-2003 ¹	Electric/Hydrogen Fuel Cell	\$385,000
2004-2006	Electric/Hydrogen Fuel Cell	\$228,591
2007-2009	Electric/Hydrogen Fuel Cell	\$96,254

¹Some manufacturers were producing 2003 engines that met the more stringent 2.375 g/bhp-hr standard for NO_x. Vehicles that meet the 2.375 g/bhp-hr NO_x standard should use the 2004-2006 grant amounts instead. Contact TERP if you are unsure of your grant amount for your 2003 vehicle.

Non-Government Entities – 75% Reimbursement Rate

Not less than 51% of the grant-funded on-road vehicle's operation must occur in one of the priority areas (see Appendix A of the RFGA). For more details about operational commitments, please see Section 2.8 and 4.7 of the RFGA.

Model Year of Old Engine	Fuel Type of New Vehicle	Grant Amount
1992-2003 ¹	Electric/Hydrogen Fuel Cell	\$288,746
2004-2006	Electric/Hydrogen Fuel Cell	\$171,456
2007-2009	Electric/Hydrogen Fuel Cell	\$72,182

¹Some manufacturers were producing 2003 engines that met the more stringent 2.375 g/bhp-hr standard for NO_x. Vehicles that meet the 2.375 g/bhp-hr NO_x standard should use the 2004-2006 grant amounts instead. Contact TERP if you are unsure of your grant amount for your 2003 vehicle.