

**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)*

Action Title:		
Beneficiary's Project ID:		
Funding Request No.	(sequential)	
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement	<input type="checkbox"/> Advance
Request Type: (select one or more)	<input type="checkbox"/> Other (specify): _____	
Payment to be made to: (select one or more)	<input type="checkbox"/> Beneficiary	
Payment to be made to: (select one or more)	<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**

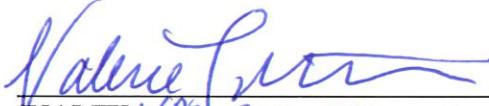
By submitting this application, the Lead Agency makes the following certifications:

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:

4/14/2025

  
[NAME] VALERIE L. TACHIKIS  
[TITLE] DEPUTY GENERAL COUNSEL  
Indiana Department of Environmental Management

[LEAD AGENCY]

for

State of Indiana

[BENEFICIARY]

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

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

Category 10: DERA Option

### **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 NOx, 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 NOx 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 NOx, 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):**

The purchase, installation, operation and maintenance of one (1) 2023 model-year, or newer, U.S. EPA Tier 4 emission compliant clean-diesel-powered excavator that will REPLACE one (1) of the Grantee's pre-Tier 4 certified existing diesel-powered excavators that will be used for the same purposes. The replacement equipment will be located and primarily operated in and around East Chicago, Indiana.

Clean-diesel-powered excavators dramatically improve air quality and the quality-of-life conditions for operators, 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 1.918 tons of nitrogen oxides (NOx) and 0.083 tons of fine particulate matter (PM<sub>2.5</sub>).

### **Estimate of Anticipated NOx Reductions (5.2.3):**

Over the lifetime of this excavator, U.S. EPA's DEQ model estimates this project will result in a NOx reduction of 1.918 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 4 – DERA Option funding opportunity via online Request for Proposals (RFP)	October 11, 2022
Deadline for Round 4 – DERA Option program applications	December 16, 2022
Indiana notifies applicants of award decisions	March 9, 2023
Funding Agreement between Indiana and Grantee is fully executed	September 14, 2023
Grantee project implementation	September 14, 2023 to September 30, 2025
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	April 17, 2025
Indiana coordinates with Trustee on any questions or issues that arise related to the submitted Appendix D-4	April 17, 2025 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
Task A  The purchase, installation, operation and maintenance of one (1) 2023 model-year, or newer, U.S. EPA Tier 4 emission compliant clean-diesel-powered excavator that will REPLACE	\$183,615.00	\$550,847.00	\$734,462.00

one (1) of the Grantee's pre-Tier 4 certified existing diesel-powered excavators that will be used for the same purposes. The replacement equipment will be located and primarily operated in and around East Chicago, Indiana.			
Percentage	25%	75%	100%

**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	\$31,821,679.15
3) State of Indiana's Net Remaining Allocation Prior to this D-4 Submittal	\$9,114,201.44
4) Current D-4 Funding Request Total	\$183,615.00
5) State of Indiana's Remaining Allocation After this D-4 Submittal	\$8,930,586.44

**Projected Allocation Totals per Project Type:**

	Total per Category	Annually Based on Expected Project Reimbursements
<b>Total Trust</b>	\$40,935,880.59	NA
<b>To EV (15%) over 5 years (2021 to 2025)</b>	\$6,140,382.09	\$2,046,794.03
<b>To Admin (3%) over 5 years (2020 to 2025)</b>	\$1,228,076.42	\$307,019.11
<b>To EMAs (82%) over 5 years (2020 to 2025)</b>	\$33,567,422.08	\$11,189,140.69

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**Projected Trust Allocations:**

	2020	2021	2022	2023	2024
1) Anticipated Annual Project Funding Request to be paid through the Trust	\$3,996,653.40	\$4,841,603.20	\$5,174,086.48	\$7,563,755.37	\$15,000,000.00
2) Anticipated Annual Cost Share (Administrative Costs)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3) Anticipated Total Project Funding by Year (Line 1 + Line 2)	\$3,996,653.40	\$4,841,603.20	\$5,174,086.48	\$7,563,755.37	\$15,000,000.00
4) Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$3,895,454.40	\$4,710,898.20	\$5,165,086.48	\$7,494,846.85	\$10,245,580.70
5) Current Beneficiary Project Funding to be paid through the Trust (Line 1)	\$101,199.00	\$130,705.00	\$9,000.00	\$68,908.52	\$183,615.00
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	\$7,563,755.37	\$10,429,195.70
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	\$19,359,782.14
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	\$19,359,782.14	\$8,930,586.44

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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:



1 Linden Ave East  
Jersey City, NJ 04726

To: Indiana Department of Environmental Management  
Attn: Shawn M. Seals  
Office of Air Quality -Mail Code 61-50  
100 N Senate Ave  
Indianapolis, IN 46204-2251

RE: IN DieselWise 2022/VW Project DOR4-007

Amount: \$183,615.00

Total Amount Paid: \$734,462.00

Grant Request: \$183,615.00

Cost Share: \$550,847.00

**Wire Instructions:**

Bank:

ABA:

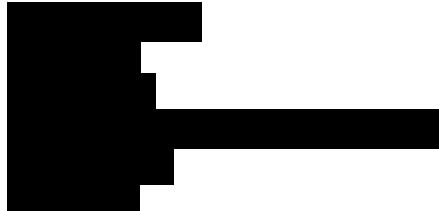
Acct. #:

Bank Address:

Bank Phone:

Swift Code:

Name on Account: Metal Management Indiana



**INVOICE**

Date: 9/18/2024

**Sold To:****Client: 3334300**  
Sims Metal Management (NJ)  
1 Linden Avenue East  
Jersey City NJ 07305 United States**Ship To:**Sims Metal Management  
425 W. 152nd Street  
East Chicago IN 46312 United States

PO Number: SMM0327087	Terms: Net 30 Days	Ship Date: 9/18/2024
Sales Rep: Mike Kane	Ordered: 7/25/2024	Ship Via: FREIGHTWAY
Packing Slip: 5077	Order: 24615	F.O.B.: FOB Shipping Point

*US Dollar*

Line	Part Number/Description	Revision	Quantity	List Unit Price	Disc. U. Prc.	Total Disc. Price
1	BN21469 B4T200-150SC, G.A.	1	1.00EA	45,331.00/1		45,331.00
					<i>PO Number:</i> SMM0327087	
					<i>Job No.:</i> 024615-1-1	
	Serial Number: B20757					
2	BN24098 CONNECTION KIT SENN. 821-850	1	1.00EA	0.00/1		0.00
					<i>PO Number:</i> SMM0327087	
					<i>Warehouse Code:</i> BATEMAN	

**-----Kit Components-----**

Display Seq	PartNum	Description	Qty. Per Parent	Unit Price	Ext Price	Warehouse
2.001	BN20019	YOKES, PIN ON,	1.00	EA	0.00000	0.00000 BATEMAN
2.002	BN1114	HANGER PIN WASHER	1.00	EA	0.00000	0.00000 BATEMAN
2.003	BN1509-1	JUMPER HOSES, OPEN &	2.00	EA	0.00000	0.00000 BATEMAN
2.004	BN1509-2	JUMPER HOSES. ROTATOR	2.00	EA	0.00000	0.00000 BATEMAN
2.005	BN20871	STICK PIN, PIN ON YOKES,	1.00	EA	0.00000	0.00000 BATEMAN
2.006	BN1113-1	MACHINED SPLIT LOCKNUT,	1.00	EA	0.00000	0.00000 BATEMAN
2.007	BN1355	SERIES 100/150/200- STD	1.00	EA	0.00000	0.00000 BATEMAN

10	FREIGHT FREIGHT CHARGE	1.00EA	1,950.00/1	1,950.00
			<i>PO Number:</i> SMM0327087	
			<i>Warehouse Code:</i> BATEMAN	

<b>Line(s) Subtotal:</b>	<b>47,281.00</b>
<b>Miscellaneous Charges:</b>	<b>0.00</b>
<b>Less Advance Billing:</b>	<b>0.00</b>
<b>Reverse Charge Tax:</b>	<b>0.00</b>
<b>Less Prepaid Deposits:</b>	<b>0.00</b>
<b>Less Deposit:</b>	<b>0.00</b>
<b>Rounding:</b>	<b>0.00</b>
<b>Total:</b>	<b>47,281.00 USD</b>

BATEMAN Manufacturing  
5, Winstar Road  
Oro-Medonte Ontario L0L 2L0  
Canada

Invoice: 107147

Phone: 705-487-5020  
Fax: 705-487-5021

**INVOICE**

Date: 9/18/2024

HST:123489767 RT0001

*Bateman Mfg. warrants all its new products to be free from defects for a period of 2 years (24 months) following delivery to original purchased or 3,000 hours of use by all persons, whichever event occurs first. Certain conditions apply. See warranty procedure details at [www.batemanmanufacturing.com](http://www.batemanmanufacturing.com) Goods listed on this invoice are the property of Bateman Manufacturing until fully paid. All orders are shipped FOB Oro-Medonte, Ontario*

**Please submit your payment to:** Bateman Manufacturing  
5 Winstar Rd.  
Oro-Medonte, ON L0L 2L0  
Tel: 705-487-5020

**Payment Advise:** [ar@batemanmanufacturing.com](mailto:ar@batemanmanufacturing.com)

**Legal Name:** Modem Fabrication Inc. o/a Bateman Manufacturing  
5 Winstar Rd, Oro-Medonte, ON L0L 2L0  
**Bank Name:** Bank of Montreal  
Address: 119, Rue Saint-Jacques Montreal, QC H2Y 1L6  
**Transit #:** 00011 **Branch:** 001  
**Acct #:** USD: 4740930 CAD: 1895807  
**Swift Code:** BOFCAM2

**Check:** [REDACTED] **Customer ID:** 94-3053218  
**Document Type:** **Customer Name:** Sims Metal Management (NJ)  
**Legal Number:** **Customer Address:** Sims Metal Management  
(NJ) 1 Linden Avenue East  
Jersey City NJ 07305 United  
States  
**Payment Date:** 10/4/2024  
**Payment Method:** AR CHECK  
**Bank Code:**  
**Bank Name:**  
**Bank Address:** 119 Saint-Jacques Street  
Montreal Quebec H2Y 1L6

Invoice Number	Legal Number	Payment Amount	Tax Amount	WHT Amount	Discount Amount	Write Off Amount
107147	107147	47,281.00	0.00	0.00	0.00	0.00

**Bank Amount:** USD 47,281.00

INVOICE NO ESA000457-1	INVOICE DATE 08-05-2024
DUE DATE 08-15-2024	

SENNEBOGEN LLC  
1957 SENNEBOGEN TRAIL  
STANLEY, NC 28164 UNITED STATES  
704-347-4910

CUSTOMER NO BP0001729
CUSTOMER PO 10638084A

### EQUIPMENT SALES INVOICE

#### INVOICE TO:

Sims Metal Management  
750 The City Drive South Suite 300  
Orange, CA 92868 UNITED STATES

#### SHIP TO:

Metal Mgmt. Indiana, Inc.  
425 W. 152nd Street  
East Chicago IN 46312 US

SALESMAN	: Max Tratar	DELIVERY TERMS	: SENNEBOGEN
EQUIPMENT ORDER	: ESA000457	PAYMENT TERMS	: Net 10 Days
ORDER DATE	: 07-03-2024	CARRIER	: SENNEBOGEN TRANSPORT

- Machine Price (per unit-US\$ 672,361.00)
- K18 Reach Package-Included (reach 57'8")
- 60 Month Cummins Engine & Aftertreatment Warranty\_US \$14,820.00
- Transport to Yard\_Included
- Magnet suspension link

#### Ship to Address:

Metal Management Indiana, Inc.  
425 W. 152nd Street,  
East Chicago, IN 46312

MODEL	QTY	UNIT PRICE	TOTAL
EQ0007466 MODEL:835.0 <b>835M MATERIAL HANDLER S/N:835.0.3401</b>	1		672,361.00
Non -Standard Machine Configuration			
► K18 - reach 57'8" / straight boom 33'2" / straight stick 25'11" (ball valves)			
Lexan glass			
► SENNEBOGEN 835 M "E" series			
Engine serial #22666407			
► Cummins L9 diesel engine (6 cylinder) with direct injection, water cooled (TIER 4f emission)			
► Engine output 310 HP (231 kW) @ 2,000 rpm			
► Turbo intercooler direct driven			
► Water cooler hydraulically driven, reversible			
► Automatic idle-stop control and eco-mode for diesel engine			
Hydraulic System			
► Computer free, state-of-the-art load-sensing with flow-on-demand control			
► Hydraulic cooler hydraulically driven reversible			
► Hydro-Clean filtration system with water absorption and contamination indicator			
Upper Carriage & Swing System			
► Torsion free, precisely machined upper carriage frame			
► High torque axial piston swing motor			
► Large dimensioned, external teeth swing bearing with removable protection cover			
► Automatic central lubrication system for upper carriage			
► Manual pinion lubrication system for swing bearing			
► Handrail on top of upper carriage			
► Fire extinguisher set (1x cab, 1x storage compartment) - brackets installed, extinguisher shipped separate to dealer			

INVOICE NO ESA000457-1	INVOICE DATE 08-05-2024
DUE DATE 08-15-2024	

SENNEBOGEN LLC  
1957 SENNEBOGEN TRAIL  
STANLEY, NC 28164 UNITED STATES  
704-347-4910

CUSTOMER NO BP0001729
CUSTOMER PO 10638084A

#### EQUIPMENT SALES INVOICE

- Light Package consisting of: 2x halogen in cab roof, 2x in frame

##### Operator's Cab "maXCab"

- Hydraulic elevating cab system "E270" (elevation: 8'8")
- Catwalk with handrail beside cab
- "maXCab" with sliding door and door window as sliding window, sunshade, floor mat
- Skylight of bullet proof glass
- Windshield of bullet proof glass (fixed / no tilt out)
- Front & top cab protection guard
- Automatic climate control with AC, heater and defroster
- AM/FM radio with MP3/Bluetooth
- SENCON visual and acoustic diagnostic system for monitoring all essential machine functions
- Air suspended and adjustable operator's seat incl. armrests, seat heater, headrest, seat belt
- Camera system with display in cab (1x to rear, 1x to right side)
- LED light package on cab, rear
- Strobe light mounted on cab
- Operator's & Maintenance manual incl. hydraulic & electric schematics (1x print / 1x digital)
- Spare Parts catalogue (1x print / 1x digital)

##### Working Equipment

- K18 - reach 57'8" / straight boom 33'2" / straight stick 25'11" (ball valves)
- Boom & Stick cylinders equipped with safety check valves and end position dumping
- Light Package consisting of: 1x at boom, 2x at stick
- Attachment open/close and rotate hydraulic circuits and lines installed up to the end of the stick (ball valves)

##### Under Carriage

- Rubber tired under carriage MP41E with 4-point outriggers
- Automatic unlock of oscillating axle if upper carriage in longitudinal direction to under carriage
- Solid rubber tires 12.00-24 (8 units) inclusive intermediate protection ring
- Steering via joy stick, front wheel steering
- All wheel drive via variable hydraulic motor with 2-stage shift gear
- Protection guard for under carriage to protect gear box, hydraulic motor and drive shafts
- 2-circuit servo brake system with additional safety brake
- Centralized lubrication points (front & rear) for lubrication of under carriage components
- Audible travel alarm while driving machine (forward & backward)
- Tool box w/ basic tools, stick pin, grease gun, wheel chock, green & gray touch up paint located in under carriage tool box

##### Magnet System

- 25 kW Baldor generator, hydraulic driven with Hubbell controller
- Plug in front of stick to hook up magnet, magnet connection cable in under carriage tool box

Extended Warranty Sales	1	14,820.00	14,820.00
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##### Warranty:

Following warranty applies to new material handling equipment purchased under this agreement:

12 months / 2,000 hours of operation full equipment warranty  
60 Month Cummins Engine & Aftertreatment Warranty

The warranty is based on whichever timeline occurs first (hours or months) according to the latest edition of the SENNEBOGEN LLC warranty manual. All warranty service work and/or repairs must be performed by authorized Sennebogen distributor.

11340	Fire Extinguisher ( 10Lb )	1	0.00	0.00
10914	Fire Extinguisher ( 5Lb )	1	0.00	0.00
209217	Glass	1	0.00	0.00
209199	Glass	1	0.00	0.00

INVOICE NO ESA000457-1	INVOICE DATE 08-05-2024
DUE DATE 08-15-2024	

SENNEBOGEN LLC  
1957 SENNEBOGEN TRAIL  
STANLEY, NC 28164 UNITED STATES  
704-347-4910

CUSTOMER NO BP0001729
CUSTOMER PO 10638084A

EQUIPMENT SALES INVOICE

MODEL		QTY	UNIT PRICE	TOTAL
187974	Decal	1	0.00	0.00
187970	Decal	1	0.00	0.00
187976	Decal	1	0.00	0.00
187979	Decal	1	0.00	0.00
187979	Decal	1	0.00	0.00
187949	Decal	1	0.00	0.00
187953	Decal	1	0.00	0.00
033809	Decal	1	0.00	0.00
187971	Decal / Label	1	0.00	0.00
187975	Decal / Label	1	0.00	0.00
245486	Decal	1	0.00	0.00
202920	Magnet Suspension	1	0.00	0.00

TOTAL PRICE	672,361.00
MISC CHARGES	14,820.00
<b>TOTAL AMOUNT (USD)</b>	<b>687,181.00</b>

Payment ID: 1835497577

Payment Type: Domestic Wire

Template Name: SENNEBOGEN LLC

Template Payment Non-Restrictive

Restriction:

Payment Status: Processed

Payment Date: Sep 4, 2024

Creator Name: QSL3F00G

### Originating Party Details

Debit Account: Sims Metal Management -

Business Unit [REDACTED]

Currency:

Security Level: Default

Sender's reference:

### Payment Information

Payment Amount: 687,181.00

Payment Date: Sep 4, 2024

### Clearing Details

Clearing System Adv Type: LTR IntraNet Ref Number:

240904-012707 15:54:02

Reference:

### To-Receiver details

Name: SENNEBOGEN LCC

Address 1: 1957 SENNEBOGEN TRAIL

Receiver ID: SENNEBOGEN LCC

Address 2:

Credit Account [REDACTED]

City: STANLEY

Security Level: Default

State: NC

Secure Receiver: No

Zipcode: 28164

Country: United States

### Receiver Bank Details

Bank Name [REDACTED]

Address 1:

Bank ID Type: ABA

Address 2:

Bank ID: [REDACTED]

City: CINCINNATI

State: OH

Zipcode:

Country: United States

### Originator Information

Originator Name: Sims Metal Management

Address 1: 750 THE CITY DRIVE SOUTH

Address 2: SUITE 300

City: ORANGE

State: CA

Zipcode: 92868-6905

Bank to Bank Info:

Originator to Inv No. ESA000457-1; Sims Group USA-@- Holdings

Beneficiary Info: Corporation: Metal Management-@-ent Indiana, Inc.: 84

Confidential: No



**Indiana Metal Management, Inc.**  
**Sustainable Metal Management Application**  
**2022 DieselWise Indiana – DERA with Volkswagen DERA Option**  
**Submitted December 16, 2022**

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**Scoring Criteria Summary**

- I. Cost effectiveness of project (\$ per ton of NOx reduced)**  
- \$118,853 Lifetime Cost Effectiveness per NOx ton reduced.
- II. Transformational potential**  
- *This project will transform a heavy-duty fleet reliant on diesel powered equipment toward operating all-electric powered and Tier-4 Final clean-diesel equipment.*
- III. Project's total NOx emission reduction potential (based on type of project and/or the use of vehicle):**  
-*This all-electric and Tier-4 Final equipment replacement project will reduce 98.7% of NOx emissions associated with operating the current diesel equipment.*
- IV. NAAQS sensitive areas as a percentage of current standards.**  
-*This project will take place in Lake County, Indiana which is an EPA Air Quality Nonattainment Area for exceeding the 2008 8-Hour Ozone Standard and 2015 8-hour Ozone standards. Lake County is also listed on the U.S. EPA's National-Scale Air Toxics Assessment list, meaning all or part of the population is exposed to more than 2.0 ug/m3 of diesel particulate matter emissions.*
- V. Air quality benefits to areas with sensitive populations or that bear a disproportionate share of the air pollution burden.**  
-*This project will provide significant air quality benefits to minority, poverty-stricken, disabled, uninsured and under-educated populations that bear a disproportionate share of the air pollution burden.*
- VI. Leveraging of Resources (financial or resource match)**  
-*This project seeks to leverage over \$779,685.00 in private funds as project match.*
- VII. Entities registered with the Indiana Secretary of State that operate vehicles and equipment in conjunction with Indiana facilities (include Indiana Economic Impact documentation).**  
-*The equipment included in this proposal is domiciled and operates 100% of the time at the East Chicago Metal Recycling Facility. State documents are attached.*



**Project Title:** Sustainable Metal Management

**Solicitation:** 2022 DIESELWISE INDIANA – DERA with Volkswagen DERA Option

**Category:** Nonroad Vehicle and Equipment Replacement

**Grantee Information:**

Metal Management Indiana, Inc.  
Isaac Alvarado  
425 W. 152<sup>nd</sup> Street  
East Chicago, IN 46312  
Phone: 510-412-5308

**Table 1: General Fleet Information**

<b>Number of Pieces of Equipment</b>	2
<b>Annual Hours Usage (Per Peice)</b>	1,301 Hours
<b>Annual Fuel Consumption (Per Piece)</b>	13,438 Diesel Gallons
<b>Estimated Monthly Use (Hours)</b>	216.8 Hours
<b>Estimated Monthly Fuel Consumption</b>	2,240 Diesel Gallons
<b>Equipment To Be Replaced</b>	(1) 2004 Caterpillar 345B (2) 2005 Caterpillar 325CL
<b>Proposed new Equipment</b>	(1) All-Electric Sennebogen 835E Machine (2) 2023 Volvo EC480EL Crawler Excavator (Tier 4 Final)
<b>Estimated Years to Remain in Active Fleet</b>	20+ years

**Total Project Cost**

Funding Requested: **\$829,066.00 (51.5%)**

Applicant Match: **\$779,685.00. (48.5%)**

Total Project Cost: **\$1,608,751.00**



## Project Period

**Table 3: Project Timeline and Milestones**

Activity	2023												2024													
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12		
Grant Award Notification	X																									
IN Contracts Agreement		X	X																							
Submit Order for Replacement Equipment			X	X	X																					
Equipment Manufacturing				X	X	X	X	X	X	X	X	X														
New Equipment Received													X	X	X											
Quarterly Reports			X				X			X								X							X	
Vendor/Equipment Payment																		X	X	X						
Current Equipment Engine Destruction																		X	X	X						
Marketing & Outreach																					X	X	X		X	
Final Report																									X	X
Request for Reimbursement																									X	X

## Project Description

Metal Management Indiana, Inc., subsidiary of SIMS Metal Management, is a world leading metal recycler whose operations encompass buying, processing and selling ferrous and non-ferrous recycled metal products. Indiana Metal Management's East Chicago, IN scrap metal recycling facility specializes in recycling buses, vehicles, railcars, aluminum trailers and a variety of other recyclable products provided by industrial and demolition contractors. The East Chicago recycling facility is equipped with a baler, shear and mobile shear in order process the variety of recycled metal products handled at the facility. Scrap metal products are collected, sorted and processed at this facility and then transferred to a local steel mill in order for the recyclable materials to be manufactured into new products. On average, Indiana Metal Management's East Chicago facility recycles between 600-800 tons of metal materials each month.



Recycling metal products promotes environmental sustainability, conserves energy, and reduces the amount of material sent to landfills preserving land for better uses. Outdated or obsolete metal products can be recycled, processed and manufactured into new products, further reducing our need to mine for virgin iron ore materials and depleting the earth's natural resources. In addition, nonferrous metals do not degrade or lose their chemical properties in the recycling process, which allows them to be recycled an infinite number of times. The recycled metal materials industry provides critical raw materials necessary for every day items and essential infrastructure that we all depend on.

To handle and process recycled metal products at the East Chicago Facility, Indiana Metal Management primarily operates two diesel powered material handling machines in a 2004 diesel-powered Caterpillar 345B and a 2005 diesel-powered Caterpillar 325CL. These diesel powered material handling machines are utilized to unload recyclable materials from trucks, sort materials for processing and feed the facility's metal shear and baler. Each material handler is equipped with tracks in order to move around the facility to support a variety of different tasks. These material handlers are each fitted with an attachment, such as a grapple, in order to safely grab, handle and transport the recyclable materials processed at the facility. These mobile scrap metal handling machines are the workhorses at the East Chicago recycling facility and essential to the facility's overall operations.

Indiana Metal Management's two material handlers are powered by Tier 2, diesel engines and operate 2,602 hours each year while consuming 26,876 gallons of diesel fuel. These machines are properly maintained, in good-working condition and Indiana Metal Management intends to operate both machines for at least 6 more years before each machine's engine is either rebuilt or the piece of equipment is sold for use by another business.

As part of the Environmental Protection Agency's (EPA) Region 5 – Midwest Climate Reduction Initiative, DCI has partnered with Indiana Metal Management to conduct an emission inventory and equipment audit. It was through this relationship that DCI had identified these two, heavily-utilized material handlers operating within the Northwest Indiana / Chicagoland air quality non-attainment area. Due to Indiana Metal Management's efforts to reduce diesel emissions and overall commitment to innovation and sustainability, this proposed project will replace two Tier 2, diesel powered material handlers with one all-electric powered material handler and one material powered by an EPA certified Tier-4 Final engine.

As an innovative company, Indiana Metal Management has initiated a Zero Emission Scrap Metal Handling Initiative in order to reduce the company's overall carbon footprint, diesel fuel consumption and improve air quality for employees and the



surrounding communities they serve. Through the Zero Emission Scrap Metal Handling Initiative, Indiana Metal Management is working to identify eligible equipment that can be replaced with all-electric powered technologies. Through the organization's work with DCI, the facility's 2004 Caterpillar 345B was identified as an option for replacement with an all-electric powered material handler. However, due to the varied operational profile of the facility's 2005 CAT 325CL, an all-electric piece of equipment would not be a viable alternative to support operations. Therefore, a cleaner-burning Tier-4 powered material handling machine was chosen as the best alternative.

### **East Chicago Facility Operations**

Indiana Metal Management is strategically located in East Chicago, IN, nicknamed the steel capital of America, due to its proximity to some of the nation's largest steel manufacturing plants. In fact, 100% of the recycled metal products processed at this East Chicago Recycling Facility are sent to local Northwest Indiana Steel Manufacturing Facilities.

At the East Chicago Recycling Facility, recycled metal products and materials are collected, sorted and processed prior to being sent by railcar or truck to a nearby steel manufacturing facility. Indiana Metal Management's two current diesel-powered materials handlers are utilized in every step of the facility's metal recycling process. These pieces of equipment are necessary for unloading recycled products from trucks, sorting recycled products received, feeding the facility's baler & shear and loading processed materials into railcars for final transport.

The proposed all-electric Sennebogen 835E machine will be utilized in a similar capacity as the replacement machine by supporting many facets of the facility's operation. Power capacity is currently available at this facility to support operation of this new all-electric machine. The all-electric Sennebogen 835E will be equipped with rubber tires and a 300ft. power cable to allow the machine to operate in multiple areas around the recycling facility. This new all-electric machine will be primarily used to feed recycled products into the facility's shear and baler.

The Tier-4 Final powered Volvo EC480EL will be utilized in the same capacity as the current material handlers. However, the Tier-4 Final powered Volvo EC480EL material handler will be equipped with tracks in order to handle the varied terrain at the facility. This machine will be used in the facility's hard to reach areas and support the loading and unloading of recycled products from railcars and trucks.

### **Air Quality for Lake County**



The two pieces of nonroad equipment included in this application operate 100% of the time at Indiana Metal Management's East Chicago Metal Recycling Facility, located in Lake County, IN. Lake County is listed on the U.S. Environmental Protection Agency's National-Scale Air Toxics Assessment list, meaning all or part of the population is exposed to more than 2.0 ug/m<sup>3</sup> of diesel particulate matter emissions. Lake County, IN is also listed on the U.S. Environmental Protection Agency's 2021 National Priority Area County List for exceeding the 2015 8-Hour Ozone and 2008 8-Hour Ozone air quality standards.

East Chicago, IN identifies as an environmental justice community due to the number of environmental factors that have plagued the city from local industries. U.S. Census Bureau data indicates that 27.8% of East Chicago's residents live in poverty compared to Indiana's 12.2% poverty level. U.S. Census Bureau data also indicates that East Chicago has a larger number of Black or African American Residents (37% vs. 10.2%), Hispanic or Latino residents (57.2% vs. 7.7%) and residents that identify as two or more races (7.5% vs. 2.3%) when compared to Indiana state averages. East Chicago also has a larger number of residents under the age of 5 (6.9% vs. 6.0%), under the age of 18 (26.3% vs 23.3%) residents under the age of 65 living without health insurance (14.0% vs. 8.9%) and residents under the age of 65 living with a disability (11.8% vs 9.9%) when compared to the state's averages, according to U.S. Census Bureau Data. All of these residents fall under the sensitive populations' category for air pollutants.

According to the Centers for Diesel Control and Prevention Indiana State Department of Health's 2018 "Indiana Asthma Fact Sheet," 10 percent of Indiana adults and 8 percent of Indiana children have asthma. Thirty-five percent of Indiana adults with asthma reported missing at least one day of work per year due to asthma and 50 percent of Indiana children reported missing at least one day of school due to asthma. The report indicates 73 Hoosiers died as a result of their asthma between 2010 and 2014. Reducing emissions caused by the burning of fossil fuels such as diesel helps improve air quality, human health, educational success, fewer missed days of work (increasing economic development and job security) and lower mortality rates.

The designation of Lake County, IN on the U.S. Environmental Protection Agency's National-Scale Air Toxics Assessment list coupled with the large minority, poverty-stricken, disabled and underage populations living in East Chicago, make this an excellent location for a project such as this.

In the figure below, the project's emissions were calculated utilizing the United States Environmental Protection Agency's (EPA) Diesel Emission Quantifier Tool (DEQ). Through the implementation of this equipment replacement project, approximately 2.285 shorts tons of nitrogen oxides will be removed within the first year. As a result of this reduction, negative health effects from exposure to nitrogen oxides for people with asthma, children and older adults will be greatly reduced. In consideration to the other emissions quantified, Particulate Matter 2.5 and Hydrocarbons will be reduced by more



than 97.6%. This all-electric machine will continue to reduce diesel emissions throughout the life of the new bulk goods handling equipment. The new material handling equipment will operate at the East Chicago Recycling Facility throughout the equipment's expected 20-25-year lifecycle.

### **Sustainable Metal Management –Equipment Replacement Project Estimated Annual Emission Reductions**

*Data was used utilizing the most current U.S. EPA Diesel Emission Quantifier*

<b><u>Annual Results (short tons)</u></b>	<b>NO<sub>x</sub></b>	<b>PM<sub>2.5</sub></b>	<b>HC</b>	<b>CO</b>	<b>CO<sub>2</sub></b>	<b>Fuel</b>
Baseline for Upgraded Vehicles	2.285	0.099	0.100	0.781	302.4	26,876
Amount Reduced After Upgrades	2.256	0.098	0.097	0.776	190.1	16,898
Percent Reduced After Upgrades	<b>98.7%</b>	<b>98.7%</b>	<b>97.6%</b>	<b>99.4%</b>	<b>62.9%</b>	<b>62.9%</b>

<b><u>Lifetime Results (short tons)</u></b>	<b>NO<sub>x</sub></b>	<b>PM<sub>2.5</sub></b>	<b>HC</b>	<b>CO</b>	<b>CO<sub>2</sub></b>	<b>Fuel</b>
Baseline for Upgraded Vehicles	13.712	0.595	0.598	4.683	1,814.1	161,256
Amount Reduced After Upgrades	13.536	0.587	0.584	4.657	1,140.6	101,387
Percent Reduced After Upgrades	<b>98.7%</b>	<b>98.7%</b>	<b>97.6%</b>	<b>99.4%</b>	<b>62.9%</b>	<b>62.9%</b>

<b><u>Lifetime Cost Effectiveness (\$/short ton reduced)</u></b>						
<b>Total Cost Effectiveness (includes all project costs)</b>	<b>\$118,853</b>	<b>\$2,739,546</b>	<b>\$2,756,778</b>	<b>\$345,441</b>	<b>\$1,410</b>	

### **Anticipated Outcomes**



As part of Indiana Metal Management's efforts to reduce diesel emissions and overall commitment to sustainability and the community it serves, this material handler replacement project will reduce harmful diesel emissions through the deployment of these innovative all-electric and Tier-4 powered machines. Additionally, fuel costs and maintenance savings will be achieved through the deployment of these clean burning machines.

## **Project Success**

The success of this project will be based upon the continued reduction in diesel emissions, fuel savings and uptime of the new pieces of equipment. The Metal Recycling Industry is dependent on heavy-duty diesel engines and this project will help the East Chicago Facility and metal recycling industry transition toward all-electric powered and cleaner, more-efficient equipment. The success of this project will lead to the implementation of all-electric and cleaner burning equipment at other metal recycling facilities across the state.

## **Grantees and Partner Roles**

Drive Clean Indiana (DCI) is an Indiana 501(c)(3) nonprofit organization whose aim is to educate and assist both public and private fleet owners and individuals on the benefits of cleaner transportation technologies. The purpose of DCI is to help meet the requirements of the national Energy Policy Act of 1992, which is aimed at promoting national energy security; and to help meet the requirements of the federal Clean Air Act as amended in 1990, which strives to promote clean air. DCI is a SmartWay Affiliate Partner and will commit to promoting the use of alternative fuels as well as idle and fuel use reduction and air quality improvement efforts.

In addition to the purchase and deployment activities, Indiana Metal Management personnel will also work with DCI to track performance and fuel reduction on the existing equipment to provide a point of comparison to evaluate the success of the project. The same analytics will be tracked on the new equipment, once deployed. In addition to tracking performance and estimated reduction in tailpipe emissions, fuel cost savings will be assessed. The data collected will allow for evaluation of the public benefits of the project for the life of the vehicle.

DCI will also work with IDEM/VW Advisory Committee and Indiana Metal Management's personnel to implement the following aspects of this project:

- Promote diesel emission reduction projects and use policies and education and awareness programs with its employees.
- Celebrating and announcing the success of these projects with a press conference with IDEM.



Indiana Metal Management is a member of DCI's Green Fleet Program which promotes partnerships and training with:

- IDEM DieselWise
- IDEM Partners for Clean Air
- IDEM Environmental Stewardship Program
- IDEM Partners for Pollution Prevention
- U.S. EPA Midwest Clean Diesel Initiative and SmartWay Affiliate



#### Key Personnel Contact

#### Information

Contact	Organization/Title	Phone	Email
Isaac Alvarado	Indiana Metal Management – Project Manager	510-412-5308	Isaac.Alvarado@simsmm.com
Kyle Lisek	DCI - Program Manager	219-644-3690	Klisek@drivecleanindiana.org

#### Evaluation Criteria

This project aims to reduce diesel emissions and support the transition to all-electric and more-efficient material handling equipment within an industry that is dependent on heavy-duty diesel equipment. The equipment included in this project is responsible for the efficient movement and processing of recyclable materials in order for recyclables to be crafted into newly manufactured goods. This project will provide benefits across East Chicago's Environmental Justice Communities who have continually dealt with high concentrations of industrial diesel equipment which has negatively affected local air quality.

This project provides a significant reduction in diesel emissions and toxic air pollutants by transitioning current diesel equipment to All-Electric and Tier-4 Final powered



emission standards. This project will initiate Indiana Metal Management's goal of operating a zero-emission metal recycling facility. This project will be seamlessly implemented into the fleet's current operations and will continue to operate throughout the entirety of the equipment's 20-25-year lifecycle.

#### Itemized Budget

Description	Project Cost	Indiana DieselWISE Funds	Applicant Share
(1) Sennebogen 835E All-Electric	\$853,758.00	\$640,318.00	\$213,440.00
(2) 2023 Volvo EC480EL Excavator (Tier-4 Final)	\$754,993.00	\$188,748.00	\$566,245.00
<b>Totals</b>	<b>\$1,608,750.00</b>	<b>\$829,066.00</b>	<b>\$779,685.00</b>

#### Appendices

- A. Indiana Metal Management Cost Share Commitment Letters
- B. W-9
- C. State Form 51778
- D. State Form 47551
- E. Equipment Quotes
- G. DieselWise Indiana Fleet Data Spreadsheet (Attached in email)



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12/09/2022

Mr. Shawn M. Seals  
DieselWise Indiana Administrator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Mail Code 61-50 IGCN 1003  
Indianapolis, IN 46204-2251

RE: 2022 DIESELWISE INDIANA – DERA with Volkswagen DERA Option

Dear Mr. Seals:

On behalf of Metal Management Indiana, Inc., doing business as Sims Metal, I am pleased to offer this letter of support for the Indiana Office of Environmental Management's (IDEM) 2022 DIESELWISE INDIANA – DERA with Volkswagen DERA Option Program. This cost-effective clean air project will significantly reduce diesel emissions from nonroad equipment operating in Indiana. This specific project will reduce diesel emissions in Lake County, Indiana.

Sims Metal acknowledges by submission of this funding request, assures that it possesses, or will possess the local (non-federal) funding needed to pay project related expenses. Sims Metal is prepared to immediately implement this project and will complete this nonroad equipment replacement project within the required timeline.

We appreciate the opportunity to support this very beneficial project and contribute to Indiana's air quality improvements. If you have any questions about this application, please contact Isaac Alvarado at 510-221-8371.

Sincerely,

Isaac Alvarado