

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary _____

Lead Agency Authorized to Act on Behalf of the Beneficiary _____
(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)

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

SUMMARY

Eligible Mitigation Action <input type="checkbox"/> Appendix D-2 item (specify): _____ Action Type <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):
Estimate of Anticipated NOx Reductions (5.2.3):
Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):
Describe how the Beneficiary will make documentation publicly available (5.2.7.2).
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

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

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- ☐ Attachment A Funding Request and Direction.
- ☐ Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- ☐ Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
- ☐ Attachment D Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]
- ☐ Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- ☐ Attachment F Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]

CERTIFICATIONS

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

1. This application is submitted on behalf of Beneficiary _____, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: _____



Julie Staveland

Asst. Division Director, Materials Management Division

[LEAD AGENCY]

for

[BENEFICIARY]

Appendix D-4 Details

Beneficiary's Project ID: 25-5V81-801

Beneficiary: State of Michigan

Lead Agency: Michigan Department of Environment, Great Lakes, and Energy (EGLE)

SUMMARY

Explanation of How Funding Request Fits into Beneficiary Mitigation Plan (5.2.1):

The Michigan Volkswagen (VW) Settlement Beneficiary Mitigation Plan (BMP) allocates a total of \$5,057,326.36 to eligible forklift and port cargo handling equipment projects. The two projects associated with this D-4 will spend \$5,057,326.36 of the total allocation and provide four all electric container handling cranes and one electric forklift. These projects fit into the BMP as Eligible Mitigation Action #8, Forklifts and Port Cargo Handling Equipment, and they address specific BMP goals which are:

- To reduce nitrogen oxide (NOx) emissions and maximize air quality benefits statewide with an emphasis on priority areas (areas designated as non-attainment and maintenance areas for the National Ambient Air Quality Standards).
- To increase adoption of zero emission and alternate fuel equipment.

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

The four electric container handling cranes will operate at a Norfolk Southern rail yard in metro Detroit. The one electric forklift will operate for the City of Ann Arbor.

According to USEPA's diesel emission quantifier, this project will result in the estimated emission reductions listed in Table 1 below.

Pollutant	Emission Reductions (Metric Tons)
NOx	5.25
Particulate Matter (PM2.5)	0.5
Greenhouse Gases (CO2e)	8,875

Table 1. Lifetime Benefits

Estimate of Anticipated NOx Reductions (5.2.3):

It is estimated that this project will reduce 5.25 metric tons of NOx emissions over the life of the new equipment. The estimate was calculated using USEPA's Diesel Emission Quantifier

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 Michigan Department of Environment, Great Lakes, and Energy (EGLE).

Describe How the Beneficiary Will Make Documentation Publicly Available (5.2.7.2).

EGLE has created a public website for information related to the Volkswagen Settlement, which can be accessed at Michigan.gov/EGLEFTP. The website provides information on current and upcoming requests for proposals and links to the following resources:

- Frequently Asked Questions
- Fuel Transformation Program Projects Selected for Funding 2019-2020
- Michigan Volkswagen Settlement Beneficiary Mitigation Plan
- Volkswagen Settlement Background

Michigan's funding requests and semiannual reports required by paragraph 5.3 of the Trust, can be found on Wilmington Trust's website at wvenvironmentalmitigationtrust.com that provides Volkswagen Diesel Emissions Environmental Mitigation Trust information by state.

Records and documentation submitted by the State of Michigan (SOM) supporting each funding request and all expenditures of Trust funds may be accessed pursuant to Michigan's Freedom of Information Act (FOIA), Michigan Compiled Laws (MCL) 15.231 *et seq.* The procedures for accessing such records and documentation are designed to support access and limit the burden on the general public. Upon submitting a request for public records to the FOIA Coordinator for EGLE, a person has a right to inspect, copy, or receive copies of the requested public records. SOM organizes the records and documentation, supporting each funding request and expenditures of Trust funds, thereby facilitating access to records, and reducing any fees for a record search and/or copy. FOIA also authorizes SOM to waive or reduce any such fees. In addition, information about SOM's actions pursuant to the Trust is available on the EGLE website.

The certification in paragraph 7 of Michigan's Certification for Beneficiary Status under the Trust is subject to the FOIA provisions governing the publication of confidential business information and personally identifiable information. Those provisions authorize a public body to be exempt from disclosure, information of a personal nature, if public disclosure of the information would constitute a clearly unwarranted invasion of

an individual's privacy. Those provisions also authorize a public body to exempt from disclosure, trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy, if certain conditions are met, MCL 15.243.

EGLE's website with information related to the Volkswagen Settlement will be updated until the Trust's termination date or the date required by EGLE's records retention policy, whichever is later.

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

The project on this D4 involving the four electric container handling cranes is providing 68.75 percent match of the total project costs, with EGLE VW settlement funds providing the remaining 31.25 percent of total project costs. The electric forklift project associated with this D4 is providing 30 percent match of the total project costs, with EGLE VW settlement funds providing the remaining 70 percent of total project costs.

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

On February 23, 2018, EGLE emailed a letter and a copy of the Trust to the following agencies: National Park Service, United States Fish and Wildlife Service, and the United States Department of Agriculture. The letter notified these agencies of Eligible Mitigation Action funds made available via the Trust, and that as Lead Agency, EGLE will solicit applications involving these Eligible Mitigation Actions on lands, in Michigan, within their agency's custody, control or management. The letter provided the state website where funding opportunities are posted and provided a representative's name, address, phone number and email address to answer any questions. Additionally, all funding opportunities are announced via a press release and the EGLE Grant and Loan Opportunities listserv.

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).

The projects associated with this D4 will remove the use of non-road diesel-powered equipment in high traffic areas, such as a railyard. Majority of the equipment will be in a non-attainment county and near large populations.

Attachment B

Project Management Plan

Project Schedule and Milestones

Milestone	Date
Execution of grant agreements	Spring-Summer 2025
Order equipment	Spring-Summer 2025
Begin construction	Spring-Summer 2025
Project completion expected	Winter 2025-Summer 2027
Grantees submit reimbursement request documentation to EGLE	Winter 2025-Summer 2027
EGLE completes review of documentation and certifies project completion/reimbursement eligibility	Winter 2025-Fall 2027
EGLE submits Attachment A to Trustee	Winter 2025-Fall 2027
Trustee sends payment to grantee	Winter 2025-Fall 2027

Project Budget			
Period of Performance: February 2025 – August 2027			
Budget Category	Total Approved Budget	Share to be funded by Trust	Cost-Share Grantee
Equipment Expenditure			
Norfolk Southern Railway	\$16,000,000.00	\$5,000,000.00	\$11,000,000.00
City of Ann Arbor	\$81,894.80	\$57,326.36	\$24,568.44
Administrative	\$8,500.00	\$8,500.00	\$0.00
Project Totals	\$16,090,394.80	\$5,065,826.36	\$11,024,568.44

Attachment C

Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11):

EGLE, Materials Management Division, requires reporting from the Grantee every six months until the project is complete. Reports have a complete description of the status (including actual or projected termination date), development, implementation, estimated emissions mitigated, and any modification of the project, and a summary of all costs expended on the project as specified in the grant agreement. Information from grantee's projects along with additional information from EGLE will be used to complete EGLE's report to the Trustee. EGLE will submit a report 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) to meet the semiannual reporting requirements under 5.3 of the Trust Agreement.

To calculate the emission reduction benefits and track the utilization rate for those operational DCFC stations, EGLE requires either the utility company or site hosts to share charging data with EGLE every 3 months. The grantees/utility partners in the program must track each charging event that utilizes the chargers. The event information must include

- Seasonal (summer, spring, fall, winter) number of charging events per year.
- Average time per charge and how much energy is delivered.
- Availability, or up time, of chargers per year.

Attachment D

Detailed Cost Estimate

Norfolk Southern Railway

25-801-001

Attachment 1



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
MATERIALS MANAGEMENT DIVISION
FUEL TRANSFORMATION PROGRAM
VOLKSWAGEN STATE MITIGATION TRUST
BUDGET FORM

Grantee Name: Norfolk Southern Railway						
Project Name: Norfolk Southern Detroit Livemore IMF Improvement Project						
Eligible Mitigation Action: 8 - Forklifts and Port Cargo Handling Equipment						
Type: Forklifts						
Government/Non-Government Owned: Non-Government Owned						
Project Number (assigned by EGLE): 25-801-001						

CONTRACTUAL SERVICES	HOURS or UNITS	RATE or TOTAL	% of FUNDING	GRANT AMOUNT	MATCH AMOUNT	TOTAL
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
Contractual Services Subtotal:		\$ -		\$ -	\$ -	\$ -

SUPPLIES & MATERIALS (itemize)	QUANTITY	COST	% of FUNDING	GRANT AMOUNT	MATCH AMOUNT	TOTAL
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
Supplies & Materials Subtotal:		\$ -		\$ -	\$ -	\$ -

VEHICLE(S) & EQUIPMENT	QUANTITY	COST	% of FUNDING	GRANT AMOUNT	MATCH AMOUNT	TOTAL
Fully electric rubber tired gantry crane	4	\$ 4,000,000.00	31.25%	\$ 5,000,000.00	\$ 11,000,000.00	\$ 16,000,000.00
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
Vehicle(s) & Equipment Subtotal		\$ -		\$ 5,000,000.00	\$ 11,000,000.00	\$ 16,000,000.00

TOTAL PROJECT			
Total All Costs		\$ 5,000,000.00	\$ 11,000,000.00

IN-KIND / LEVERAGED FUNDS (Match that is not included in any category above):	DOLLAR VALUE PROJECTED:		
	In Kind	Cash	Total
Facility construction (infrastructure)	\$24,000,000.00	\$ -	\$ 24,000,000.00
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
Total Other Match:	\$24,000,000.00	\$ -	\$ 24,000,000.00



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
 MATERIALS MANAGEMENT DIVISION
 FUEL TRANSFORMATION PROGRAM
 VOLKSWAGEN STATE MITIGATION TRUST
 BUDGET FORM

Grantee Name: City of Ann Arbor Project Name: City of Ann Arbor Water Resource Recovery Facility Forklift Replacement Eligible Mitigation Action: 8 - Forklifts and Port Cargo Handling Equipment Type: Forklifts Government/Non-Government Owned: Government Owned Project Number (assigned by EGLE): 25-801-002						
CONTRACTUAL SERVICES	HOURS or UNITS	RATE or TOTAL	% of FUNDING	GRANT AMOUNT	MATCH AMOUNT	TOTAL
Electrical Wiring on WRRF's Side of Electrical Meter	1.0	\$ 3,000.00	70.0%	\$ 2,100.00	\$ 900.00	\$ 3,000.00
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
Contractual Services Subtotal:				\$ 2,100.00	\$ 900.00	\$ 3,000.00
SUPPLIES & MATERIALS (itemize)	QUANTITY	COST	% of FUNDING	GRANT AMOUNT	MATCH AMOUNT	TOTAL
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
Supplies & Materials Subtotal:				\$ -	\$ -	\$ -
VEHICLE(S) & EQUIPMENT	QUANTITY	COST	% of FUNDING	GRANT AMOUNT	MATCH AMOUNT	TOTAL
CAT 8000 lb. Capacity 80 Volt Electric 4-Wheel Pneumatic Tire Lift Truck	1	\$ 61,078.80	70.0%	\$ 42,755.16	\$ 18,323.64	\$ 61,078.80
Triathlon Tubular Aquasave Battery - 80V	1	\$ 15,563.00	70.0%	\$ 10,894.10	\$ 4,668.90	\$ 15,563.00
Premium Industrial Conventional Charger	1	\$ 2,253.00	70.0%	\$ 1,577.10	\$ 675.90	\$ 2,253.00
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -
Vehicle(s) & Equipment Subtotal				\$ 55,226.36	\$ 23,668.44	\$ 78,894.80
TOTAL PROJECT						
Total All Costs				\$ 57,326.36	\$ 24,568.44	\$ 81,894.80
IN-KIND / LEVERAGED FUNDS (Match that is not included in any category above):				DOLLAR VALUE PROJECTED:		
				In Kind	Cash	Total
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
Total Other Match:				\$ -	\$ -	\$ -