

February 25, 2025

VW Diesel Emissions Environmental Mitigation Trust
c/o Wilmington Trust, N.A., as Trustee
1100 North Market Street
Wilmington, DE 19890

Re: North Dakota Funding Request
VW Draw 10 (Eligible Medium Trucks)

Ladies/Gentlemen:

Enclosed is a copy of North Dakota's Appendix D-4 Beneficiary Eligible Mitigation Action Certification and an Attachment A Funding Request and Direction pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement (Trust Agreement).

This request (VW Draw 10) is for projects to be funded under the Category 6, Class 4-7 Local Freight Trucks (Eligible Medium Trucks) eligible mitigation action of the Trust Agreement.

If you have any questions or comments, do not hesitate to contact Keith Hinnenkamp of my staff at (701)328-5188 or by e-mail at khinnenk@nd.gov.

Sincerely,

James L. Semerad
Director
Division of Air Quality



JLS/KDH

Enc:

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary North Dakota

Lead Agency Authorized to Act on Behalf of the Beneficiary NDDEQ, Division of Air Quality

(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:	VW Draw 10
Beneficiary's Project ID:	EQ1256
Funding Request No.	(sequential) 10
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input checked="" type="checkbox"/> Appendix D-2 item (specify): Category 6 <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): See Attachment	
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): See Attachment	
Estimate of Anticipated NOx Reductions (5.2.3): See Attachment	
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): North Dakota Department of Environmental Quality, Division of Air Quality	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). All documentation will be posted on North Dakota's Air Quality website (https://deq.nd.gov/AQ/planning/VW.aspx)	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). For all replacement and repower projects, the NDDEQ plans to reimburse at 50% of the rates listed in Appendix D-2 of the Environmental Mitigation Trust Agreement (e.g. if "up to 100%" is allowed by the trust agreement, 50% will be the reimbursement rate).	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).	

Emails were sent to the National Park Service, the U.S. Fish and Wildlife Services, and the Forest Service on February 15, 2018. Letters were sent to the U.S. Army Corps of Engineers on February 21, 2018. (See Attachments)

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).
See Attachment

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 North Dakota, 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: 2/25/25



James Semerad, Division Director

[NAME]

[TITLE]

NDDEQ, Division of Air Quality

[LEAD AGENCY]

for

State of North Dakota

[BENEFICIARY]

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

The primary goal of North Dakota's Beneficiary Mitigation Plan is to reduce NO_x emissions. The transition to new, and therefore cleaner, diesel powered vehicles is one means of reducing NO_x emissions in the state of North Dakota. In addition, under North Dakota's listing of the Eligible Mitigation Actions, North Dakota estimates that between 0 and 25% of eligible mitigation funds will be spent on Class 4-7 Eligible Medium Trucks (Category 6).

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

As the beneficiary, the NDDEQ, Division of Air Quality personnel held multiple public comment periods and public meetings to hear what the citizens of North Dakota would prefer North Dakota's portion of the settlement funds be spent on. There was interest in both vehicle replacements and expanding electric vehicle charging capabilities. The current proposed Category 6 mitigation action intends to partially fund the replacement of two eligible large trucks. The applications are listed in the table below and includes one medium truck, and one medium fire truck.

Estimate of Anticipated NO_x Reductions (5.2.3):

The Environmental Protection Agency's Diesel Emissions Quantifier was used to determine emission reductions from the replacement of the trucks. The following lifetime emission reductions were determined:

Application	NO _x (tons)	PM _{2.5} (tons)	HC (tons)	CO (tons)
#19 Burleigh County Highway Department	0.381	0.029	0.061	0.186
#20 Antler Rural Fire Protection District	1.096	0.048	0.141	0.262
<i>Totals</i>	1.477	0.077	0.202	0.448

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):

As is described in North Dakota's Beneficiary Mitigation Plan, there are no areas in North Dakota that have been designated as nonattainment for any State or Federal ambient air quality standards. Therefore, North Dakota did not request that applications be submitted for specific regions within the state. Instead, North Dakota worked to spread the vehicle replacements across the state in a manner that will provide the greatest benefit to all North Dakota residents. Therefore, emissions reductions will be state-wide.

ATTACHMENT B

PROJECT MANAGEMENT PLAN
PROJECT SCHEDULE AND MILESTONES

Milestone	Date
Request for proposals announced	April 1, 2022
Request for proposal closing – application deadline	May 2, 2022
NDDEQ, Division of Air Quality selects potential grant recipients from eligible application pool and mails out grant agreements	May 2022
NDDEQ, Division of Air Quality submits funding request to Trustee – Appendix D-4: Beneficiary Eligible Mitigation Action Certification including Attachments	February 2025
Trustee acknowledges receipt of funding request	Receipt from Trustee
Trustee allocates share of state funds	Transfer Date
Grant agreements signed with selected entities	CY 2022, Q2-Q3
Grantee provides proof of scrappage, invoices, and other documents required for reimbursement	CY 2022, Q2 – CY 2025, Q1*
NDDEQ, Division of Air Quality reviews, requests corrections if necessary, certifies project completion, and provides reimbursement	CY 2022, Q2 – CY 2025, Q1*
NDDEQ, Division of Air Quality reports to the Trustee on the status of and expenditures with Mitigation Actions completed and underway	January 30 and July 30

*Subject to change based on supply chain and manufacturing delays.

PROJECT BUDGET

Budget Category	Total Project Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, Paid by Vehicle Owners
1. Equipment Expenditure	\$320,347	\$160,173.50	\$160,173.50
2. Contractor Support (<i>Provide List of Approved Contractors as Attachment with Approved funding ceilings</i>)	\$0	\$0	\$0
3. Subrecipient Support (<i>Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings</i>)	\$0	\$0	\$0
4. Administrative ¹	\$0	\$0	\$0
Project Totals	\$320,347	\$160,173.50	\$160,173.50
Percentage	100%	50%	50%

¹ Subject to Appendix D-2 15% administrative cap.

ATTACHMENT C

DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION ACTION IMPLEMENTATION

The North Dakota Department of Environmental Quality, Division of Air Quality (NDDEQ) will provide detailed reporting on the Volkswagen Environmental Mitigation Trust in two ways:

- 1) Timely updates to the NDDEQ's Volkswagen Settlement webpage
(<https://deq.nd.gov/AQ/planning/VW.aspx>)
- 2) North Dakota's semiannual reporting obligation to Wilmington Trust (the Trustee).

North Dakota maintains a website for the North Dakota Department of Environmental Quality, which is meant to keep the public informed about topics of interest. The Air Quality Division, which is the lead agency acting on behalf of the beneficiary, maintains a Volkswagen Settlement website, which is updated periodically with information about the Division of Air Quality's progress on use of the Settlement funds. The Division of Air Quality plans to use this website to provide updates as part of our reporting requirements and as a way to keep the public informed of our progress.

Subparagraph 5.3 of the Environmental Mitigation Trust Agreement for State Beneficiaries details North Dakota's Reporting Obligations: "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 and July 30 of each year, each Beneficiary shall serve upon 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 subparagraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the Trust's public-facing website upon receipt."

In North Dakota's semiannual reporting, following the Trustee's approval of this project, the Division of Air Quality will describe the progress of implementing the Category 6 eligible mitigation action. The semiannual report will include a summary of all costs expended on the Category 6 eligible mitigation action, in addition to any other eligible mitigation actions, which are also funded through the reporting date. The report will also include a complete description of the status, development, implementation, and any modification to any eligible mitigation actions.

ATTACHMENT D

**DETAILED COST ESTIMATES FROM SELECTED OR POTENTIAL VENDORS FOR EACH PROPOSED
EXPENDITURE EXCEEDING \$25,000 (5.2.6).**

North Dakota's application for vehicle replacements and repowers required that cost estimate(s) or vendor bid(s) be submitted with the application.

The following table details the vehicle replacement(s) applied for and the expected cost of each vehicle replacement.

Application Number	Vehicle Type	Number of Vehicles	Cost Estimate Provided	Award Offered
19	Maintenance Truck	1	\$107,793	\$51,367
20	Fire Truck	1	\$217,890	\$108,806.50

Documentation of the provided cost estimates are also included as part of Attachment D.

Prepared for:
 Wayne Klein
 BURLEIGH COUNTY HIGHWAY DEPT
 8100 43rd ave NE
 Bismarck, ND 58503
 Phone: 701-204-7748



Prepared by:
 RICK Opp
 I-State Truck Center
 3955 MIRIAM AVENUE
 BISMARCK, ND 58501
 Phone: 701-223-5235

Q U O T A T I O N

114SD CONVENTIONAL CHASSIS

SET FORWARD AXLE - TRUCK
 CUM X12 430V HP @ 1900 RPM, 1550 LB-FT @ 1000
 RPM, 2000 GOV RPM, VOC
 ALLISON 4000 RDS AUTOMATIC TRANSMISSION WITH
 PTO PROVISION
 RS-23-160 23,000# R-SERIES SINGLE REAR AXLE
 26,000# FLAT LEAF SPRING REAR SUSPENSION WITH
 HELPER AND RADIUS ROD
 DETROIT DA-F-16.0-5 16,000# FL1 71.0 KPI/3.74 DROP
 SINGLE FRONT AXLE
 16,000# TAPERLEAF FRONT SUSPENSION

114 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL
 CAB
 4550MM (179 INCH) WHEELBASE
 11/32X3-1/2X10-15/16 INCH STEEL FRAME
 (8.73MMX277.8MM/0.344X10.94 INCH) 120KSI
 1600MM (63 INCH) REAR FRAME OVERHANG
 PARTIAL INNER FRAME REINFORCEMENT AT FRONT
 SUSPENSION
 ITEM TO EVALUATE AND INSTALL FRAME RAIL
 REINFORCEMENT AS NEEDED FOR FRONT
 FRAME MOUNTED EQUIPMENT

	PER UNIT	TOTAL
VEHICLE PRICE	TOTAL # OF UNITS (1)	\$ 106,243 \$ 106,243
EXTENDED WARRANTY		\$ 1,550 \$ 1,550
DEALER INSTALLED OPTIONS		\$ 0 \$ 0
CUSTOMER PRICE BEFORE TAX		\$ 107,793 \$ 107,793

TAXES AND FEES

TAXES AND FEES	\$ 0	\$ 0
OTHER CHARGES	\$ 0	\$ 0

TRADE-IN

TRADE-IN ALLOWANCE	\$ (0)	\$ (0)
BALANCE DUE	(LOCAL CURRENCY)	\$ 107,793 \$ 107,793

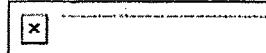
COMMENTS:

Projected delivery on ____ / ____ / ____ provided the order is received before ____ / ____ / ____.

APPROVAL:

Please indicate your acceptance of this quotation by signing below:

Customer: X _____ Date: ____ / ____ / ____.



Main Office
 Harper, Kansas
 10 NW 92 RD
 PO Box 444
 Harper, Kansas 67058-0444
 Phone: 620-896-7145
 Fax: 620-896-7178

BLANCHAT

MFG., INC.

www.blanchatmfg.com
 sales@blanchatmfg.com

California Office
 Clovis, California 93611
 Phone: 559-299-0225

Sold To: Antler Fire Department
Address: 109 Main Street
City, State, Zip: Antler, ND 58711
Phone: 505-787-3088

Invoice # **2300176**

Date 9/1/2023
Order Date 10/25/2022
Salesperson JK/GB
PO
Truck Bed ID 2305RX04

	DESCRIPTION	QTY	UOM	PRICE PER	EXT. PRICE
	Arctic Package, with Foam (2 heaters~one in Pump Panel and one at rear for pump enclosure) (removable panel on rear, warm back) (foam cell in the tank with Tankvision) (Electric Valve for Tank to Pump - On/Off Butterfly)	1	PK	\$ 7,519.00	\$ 7,519.00
TOTALS	Total Equipment Supplied by Blanchat Mfg., Inc.				
	Fire Apparatus Body & Standard Equipment:				\$ 52,030.00
	Selected Options:				\$ 97,205.00
	Total with Selected Options:				
	Chassis Provided by Blanchat Mfg., Inc./Olathe Ford:	1	EA	\$ 68,378.00	\$ 68,378.00
	TOTAL with Selected Options and Provided Chassis:				
CHANGE ORDER #20230216					
	REMOVE 24HP Kubota Diesel Engine	-1	PK	\$ 15,480.00	\$ (15,480.00)
	ADD 24HP Kohler Diesel Engine	1	EA	\$ 15,480.00	\$ 15,480.00
	Total of Change Order 20230216:				
	FINAL TOTAL PAYABLE TO BLANCHAT MFG., INC.:				
	\$ 217,613.00				

All past due accounts are subject to a **Service charge of 1-1/2% per month** (18% per annum or a rebilling charge of \$5.00) whichever is greater.

No goods returned without prior written authority.

Any dispute involving this invoice must be adjudicated in Kansas Courts.

Received by X _____ Delivered by X _____

Date _____

Hinnenkamp, Keith D.

From: Hinnenkamp, Keith D.
Sent: Thursday, February 15, 2018 11:04 AM
To: 'vwsettlement@nps.gov'
Subject: Section 4.2.8 Volkswagen Trust Agreement
Attachments: 1953_001.pdf

Dear National Park Service Representative,

In accordance with section 4.2.8 of the final Environmental Mitigation Trust Agreement for State Beneficiaries (Trust Agreement) of the Volkswagen Settlement, attached is a copy of the Trust Agreement. Section 4.2.8 of the Trust Agreement requires Beneficiaries to provide a copy of the Trust Agreement to Federal agencies that have control or management of land under which environmental mitigation actions may occur under the Trust Agreement.

The North Dakota Department of Health has been designated by the Governor as the Beneficiary for the State of North Dakota. The Beneficiary is the agency that will be working with the Environmental Mitigation Trust, and complete NOx emission mitigation projects in accordance with the Volkswagen Settlement.

Information regarding the Volkswagen Settlement in North Dakota can be found at
<https://deg.nd.gov/AQ/planning/VW.aspx>.

Keith Hinnenkamp
Environmental Scientist
North Dakota Department of Health
Division of Air Quality
918 E. Divide Ave., 2nd Floor
Bismarck, ND 58501-1947
701.328.5188
khinnenk@nd.gov

Hinnenkamp, Keith D.

From: Hinnenkamp, Keith D.
Sent: Thursday, February 15, 2018 11:06 AM
To: 'VW_Settlement@fws.gov'
Subject: Section 4.2.8 Volkswagen Trust Agreement
Attachments: 1953_001.pdf

Dear Mr. Allen or Other Designated Representative,

In accordance with section 4.2.8 of the final Environmental Mitigation Trust Agreement for State Beneficiaries (Trust Agreement) of the Volkswagen Settlement, attached is a copy of the Trust Agreement. Section 4.2.8 of the Trust Agreement requires Beneficiaries to provide a copy of the Trust Agreement to Federal agencies that have control or management of land under which environmental mitigation actions may occur under the Trust Agreement.

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<https://deq.nd.gov/AQ/planning/VW.aspx>

Keith Hinnenkamp
Environmental Scientist
North Dakota Department of Health
Division of Air Quality
918 E. Divide Ave., 2nd Floor
Bismarck, ND 58501-1947
701.328.5188
khinnenk@nd.gov

Hinnenkamp, Keith D.

From: Hinnenkamp, Keith D.
Sent: Thursday, February 15, 2018 11:09 AM
To: 'lgeiser@fs.fed.us'; 'baanderson02@fs.fed.us'
Subject: Section 4.2.8 Volkswagen Trust Agreement
Attachments: 1953_001.pdf

Dear Ms. Geiser and Mr. Anderson,

In accordance with section 4.2.8 of the final Environmental Mitigation Trust Agreement for State Beneficiaries (Trust Agreement) of the Volkswagen Settlement, attached is a copy of the Trust Agreement. Section 4.2.8 of the Trust Agreement requires Beneficiaries to provide a copy of the Trust Agreement to Federal agencies that have control or management of land under which environmental mitigation actions may occur under the Trust Agreement.

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<https://deq.nd.gov/AQ/planning/VW.aspx>.

Keith Hinnenkamp
Environmental Scientist
North Dakota Department of Health
Division of Air Quality
918 E. Divide Ave., 2nd Floor
Bismarck, ND 58501-1947
701.328.5188
khinnenk@nd.gov



ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



February 21, 2018

FILE

Omaha District
U.S. Army Corps of Engineers
1616 Capitol Avenue, Suite 9000
Omaha, NE 68102

Re: Volkswagen Settlement

Dear U.S. Army Corps of Engineers Representative:

In accordance with section 4.2.8 of the final Environmental Mitigation Trust Agreement for State Beneficiaries (Trust Agreement) of the Volkswagen Settlement, enclosed is a copy of the Trust Agreement. Section 4.2.8 of the Trust Agreement requires Beneficiaries to provide a copy of the Trust Agreement to Federal agencies that have control or management of land under which environmental mitigation actions may occur under the Trust Agreement.

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If you have any questions or comments, do not hesitate to contact me at (701)328-5188 or by e-mail at khinnenk@nd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "KH" followed by a stylized surname.

Keith Hinnenkamp
Environmental Scientist
Division of Air Quality

KH:csc
Enc:

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210



ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



February 21, 2018

FILE

St. Paul District
U.S. Army Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

Re: Volkswagen Settlement

Dear U.S. Army Corps of Engineers Representative:

In accordance with section 4.2.8 of the final Environmental Mitigation Trust Agreement for State Beneficiaries (Trust Agreement) of the Volkswagen Settlement, enclosed is a copy of the Trust Agreement. Section 4.2.8 of the Trust Agreement requires Beneficiaries to provide a copy of the Trust Agreement to Federal agencies that have control or management of land under which environmental mitigation actions may occur under the Trust Agreement.

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If you have any questions or comments, do not hesitate to contact me at (701)328-5188 or by e-mail at khinnenk@nd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "KHinnenkamp".

Keith Hinnenkamp
Environmental Scientist
Division of Air Quality

KH:csc
Enc:

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210