

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
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).**
Revised July 2025
- 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.]**

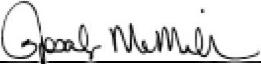
CERTIFICATIONS

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: 7/23/25


Josalyn McMillon

Deputy Director, Air Grants Division

Texas Commission on Environmental Quality

[LEAD AGENCY]

for

State of Texas

[BENEFICIARY]

percentage of cost limits or a predetermined table amount, whichever is less. See below for the maximum percentage of cost limits.

Grants will be awarded on a competitive basis for DC Fast Charging infrastructure. The TCEQ will review all applications submitted within a deadline established by the agency. Project selections will be made based on criteria established by the TCEQ.

Government-Owned	
Replacements, Repowers, and Shore Power	80%
Non-Government-Owned	
Replacement - Electric	50%
Replacement, Drayage Trucks - Diesel or Alternative Fuel	50%
Replacement, Non-Drayage - Diesel or Alternative Fuel	25%
Repower - Electric	50%
Repower - Diesel or Alternative Fuel	40%
Shore Power	25%
ZEV Supply	
Electric Chargers - Available to the Public	70%
Electric Chargers - Available at a Workplace or Multi-Unit Dwelling	60%
Hydrogen Supply (250 kg/day)	33%
Hydrogen Supply (100 kg/day)	25%

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 TCEQ does not plan to calculate emissions reductions for this particular round as these projects will not include replacing vehicles or equipment with lower emission equivalents. The goal of the ZEV category is to prepare the state for increased and sustained use of ZEV, rather than direct reductions in NO_x emissions.

Supplementary Form to Appendix D-4

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

The TCEQ requests ~~32,578,748.35~~ **\$24,501,438.96** in funds for Light-Duty Zero Emission Vehicle Supply Equipment (charging infrastructure for electric vehicles and hydrogen for hydrogen fuel cell vehicles)

The TCEQ proposes to provide up to 15% of allocated funds (approximately \$31.4 million) statewide to increase available infrastructure for providing electricity to light-duty electric vehicles and, where warranted, hydrogen for hydrogen fuel cell vehicles. The Light-Duty ZEV Supply Equipment categories are proposed for implementation statewide. Providing statewide funding will help establish additional availability of charging or refueling infrastructure so that vehicles may travel longer distances and in a greater number of areas within the state. This category of funding will help support the expected continued increase in the use of ZEV and will include funding for electric charging stations along major transportation corridors in the state.

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

Mitigation actions to install light-duty ZEV supply equipment will be eligible for funding statewide. This category includes electric charging infrastructure for light-duty plug-in electric vehicles and hydrogen for fueling a vehicle powered by a hydrogen fuel cell. This funding category will help achieve the goal of preparing for increased and sustained use of ZEV.

As provided for in the Trust Agreement, the TCEQ will consider installation of electric charging infrastructure at public areas, workplaces, and multi-unit residences, as well as considering installation along key transportation corridors.

Consideration will also be given to funding for hydrogen fueling facilities for light-duty hydrogen fuel-cell vehicles, if and where the fueling infrastructure will have a sustained market for the fuel.

The TCEQ may prioritize funding for applicants that own the land and the facility at which the equipment will be installed and will have a vested interest in the use of the equipment, in order to maximize the long-term sustainability of the equipment. The TCEQ may also prioritize project selection based on the proposed location in relation to existing services, as well as other factors that may affect the potential for sustainable use of the infrastructure.

Funding for this category will reduce the emission of pollutants statewide and will directly address the program goals.

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).

For Level 2 Chargers, 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.

Grants will be awarded on a competitive basis for DC Fast Charging infrastructure. The TCEQ will review all applications submitted within a deadline established by the agency. Project selections will be made based on criteria established by the TCEQ.

Government-Owned	
Replacements, Repowers, and Shore Power	80%
Non-Government-Owned	
Replacement - Electric	50%
Replacement, Drayage Trucks - Diesel or Alternative Fuel	50%
Replacement, Non-Drayage - Diesel or Alternative Fuel	25%
Repower - Electric	50%
Repower - Diesel or Alternative Fuel	40%
Shore Power	25%
ZEV Supply	
Electric Chargers - Available to the Public	70%
Electric Chargers - Available at a Workplace or Multi-Unit Dwelling	60%
Hydrogen Supply (250 kg/day)	33%
Hydrogen Supply (100 kg/day)	25%

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 TCEQ does not plan to calculate emissions reductions for this particular round as these projects will not include replacing vehicles or equipment with lower emission equivalents. The goal of the ZEV category is to prepare the state for increased and sustained use of ZEV, rather than direct reductions in NO_x emissions.

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

I. Project Management Plan: Project Schedule and Milestones

Milestones	Date ¹
Application period for Light-Duty Zero Emission Vehicle Supply Equipment	Aug. 2020 - Aug. 2021
Conduct application workshops in Priority Areas of Texas	July 2020
Review and select project applications on a first-come, first served basis	Aug. 2020- Aug. 2021
Review and select project applications on a competitive program	Jan. 2021 - Jan. 2022
Draft and execute contracts with entities selected for award	Sept 2020 - Apr. 2022
Process certification of disposition for equipment being replaced submitted by Awardee	N/A
Process requests for reimbursement for the new equipment submitted by Awardee	Sept 2020- Apr. 2023
TCEQ certifies payment direction to Trustee monthly through the submission of an Attachment A.	Sept. 2020- Apr. 2023
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. 2021- June 2023

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

II. Project Budget

Budget Category	Total Requested Budget	ZEV Sub. 001	Revised Budget	ZEV Sub. 002	Revised Budget
Project Expenditures	\$31,397,874.00	\$0.00	\$31,397,874.00	(\$2,099,845.48)	\$29,298,028.52
Administrative Expenditures	\$1,255,914.96	\$2,112,298.43	\$3,368,213.39	(\$87,493.56)	\$3,280,719.83
Total	\$32,653,788.96	\$2,112,298.43	\$34,766,087.39	(\$2,187,339.04)	\$32,578,748.35

Budget Category	ZEV Sub. 003	New Requested Budget
Project Expenditures	(\$7,754,217.01)	\$21,543,811.51
Administrative Expenditures	(\$323,092.38)	\$2,957,627.45
Total	(\$8,077,309.39)	\$24,501,438.96

Note: We are transferring \$2,187,339.04 into Freight Class 4-7 since liquidations on contracts have occurred which means those funds should be utilized in another EMA since ZEV is no longer open or accepting applications. **We are transferring an additional \$8,077,309.39 from ZEV to Freight Switchers.**

III. Project Cost Share

Project Type	% of Awardee Cost Share
Electric Chargers - Available to the Public	≥ 30%
Electric Chargers - Available at a Workplace or Multi-Unit Dwelling	≥ 40%
Hydrogen Supply (250 kg/day)	≥ 66%
Hydrogen Supply (100 kg/day)	≥ 75%

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 fourth round of funding for projects for Zero Emission Vehicle (ZEV) infrastructure. Mitigation actions to install light-duty ZEV supply equipment will be eligible for funding statewide. This category includes electric charging infrastructure for light-duty plug-in electric vehicles and hydrogen for fueling a vehicle powered by a hydrogen fuel cell. This funding category will help achieve the goal of preparing for increased and sustained use of ZEV.

As provided for in the Trust Agreement, the TCEQ will consider installation of electric charging infrastructure at public areas, workplaces, and multi-unit residences, as well as considering installation along key transportation corridors.

Consideration will also be given to funding for hydrogen fueling facilities for light-duty hydrogen fuel-cell vehicles, if and where the fueling infrastructure will have a sustained market for the fuel.

The TCEQ may prioritize funding for applicants that own the land and the facility at which the equipment will be installed and will have a vested interest in the use of the equipment, in order to maximize the long-term sustainability of the equipment. The TCEQ may also prioritize project selection based on the proposed location in relation to existing services, as well as other factors that may affect the potential for sustainable use of the infrastructure.

2. Program Criteria:

- a. Eligible Applicants:** Applicants must be eligible to conduct business in Texas. Eligible applicants include individuals, corporations, organizations, governments or governmental subdivisions or agencies, business trusts, partnerships, associations, or other legal entities.
- b. Funds** may be used for the acquisition and installation of new light-duty ZEV supply equipment. Ongoing operation and maintenance costs will be the responsibility of the applicant.
- c.** The equipment must be installed at a site without existing light-duty ZEV supply services, or to expand the number of vehicles that may be serviced at an existing site. Funding is not available to simply replace existing equipment with newer equipment.
- d.** The TCEQ may prioritize funding for applicants that own the land and the facility at which the equipment will be installed and will have a vested interest in the use of the equipment, in order to maximize the long-term sustainability of the equipment. The TCEQ may also prioritize project selection based on the proposed location in relation to existing services, as well as other factors that may affect the potential for sustainable use of the infrastructure.
- e.** Light-duty electric vehicle supply equipment includes Level 1, Level 2, or fast charging equipment (or analogous successor technologies) that is in a public place, workplace, or multi-unit dwelling and is not consumer light-duty electric vehicle supply equipment (i.e., not located at a private residential dwelling that is not a multi-unit dwelling). Up to 70% of the eligible costs may be eligible for funding. The TCEQ may establish different funding percentages for certain grant application periods or for certain locations and use, up to the maximum allowed under the Trust Agreement.
- f.** Light-duty hydrogen fuel cell vehicle supply equipment includes hydrogen dispensing equipment capable of dispensing hydrogen at a pressure of 70 megapascals (or analogous successor technologies) that is in a public place. Up to 33% of the eligible costs may be reimbursed for equipment capable of dispensing at least 250 kilograms (kg) per day. Up to 25% of the eligible costs may be reimbursed for equipment capable of dispensing at least 100 kg per day. e. In addition to the percentage of cost limits established for electric vehicle supply and hydrogen supply equipment, the TCEQ may set maximum limits on the grant amount available for each charging or fueling facility or location.
- g. Activity life and usage commitment:** The applicant must commit to use the grant-funded equipment at least 51% of the equipment's annual usage for the duration of the five-year activity life. Annual reports on the use of the grant-funded equipment will not be required. However, the grant recipient must agree to provide information on the use of equipment upon request by the TCEQ.

3. Implementation:

- a. Round 1- Level 2 Chargers
- b. Round 2- DC Fast Chargers & Hydrogen Fueling Facilities

Grant Round for DC Fast Chargers & Hydrogen Fueling Facilities

- **Eligible applicants:**

- must be authorized to conduct business in Texas; and
- must own or lease the land and facility where the equipment will be installed or be the operator of the supply equipment and have an agreement with the land and facility owner(s) to operate the equipment for the life of the grant, as determined by the TCEQ.

- **Eligible DC Fast Charge projects must:**

- include commercial grade DC fast charging equipment 50kW or higher;
- offer both Charge de Move and Society of Automotive Engineers Combined Charging System charging protocol connectors;
- have the ability reduce power output to be compatible for use by all ZEVs;
- be located at a site in a public place, workplace, or multi-unit dwelling; and
- connect to a network and utilize open source software where payment is required.

- **Eligible Hydrogen Fueling Facility projects must be:**

- a new facility or an added service to an existing facility;
- capable of dispensing hydrogen at a pressure of 70 megapascals (or analogous successor technologies); and
- located in a public place.

3. Application Review and Selection:

For level 2 Chargers: 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 50 activities, either in one application or multiple applications, every three months.

For DC Fast Chargers: The TCEQ will use a competitive process. The TCEQ will review all applications submitted within a deadline established by the agency. Project selections will be made based on criteria established by the TCEQ.

The review and approval of applications under a competitive grant round may take one to three months after the grant round is closed, depending upon the number of applications received. The contracting process will then be dependent upon how long it takes for the applicant to sign and return the contract.

- **Project Proposals may be scored and ranked** based on the following criteria:

- Proximity to a **high-density traffic area**.
- **Applicant qualifications** and experience in building, owning, and operating ZEV supply equipment.
- **Market landscape**, including:
 - projected number of vehicles served;
 - availability of supply equipment in the area; and
 - proximity to multi-unit dwellings, retail, service establishments, or tourism destinations.
- **Site plan**, including:
 - public access points/signage;
 - equipment type (single or dual port) and kW output;
 - site attributes (e.g. lighting, parking garage, or covered parking);
 - local land use, zoning, and permitting requirements;

- coordination with the local utility; and
- activation, commissioning, and testing of equipment.
- **Operations plan**, including:
 - public availability;
 - warranty or maintenance agreement; and
 - electricity delivery.
- **Bonus criteria** may be developed and applied as a factor to a projects total score.
 - Future proofing
 - Evacuation routes

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, official agency press releases, and the Electronic State Business Daily.
- c. **Application workshops:** TxVEMP staff will conduct application workshops in areas across the state. Webinars will also be conducted for interested parties who are unable to attend a live workshop.
- d. **Funds availability status:** TxVEMP staff will maintain a report provided on the TxVEMP website to update interested parties on the availability of funding under this grant 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 reduction estimations.