APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Commonwealth of Massachusetts

Lead Agency Authorized to Act on Behalf of the Beneficiary Department of Environmental Protection
(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:	Buses
Beneficiary's Project ID:	Buses
Funding Request No.	*(sequential)* N/A
Request Type: **(select one or more)**	☐ Reimbursement ☐ Advance ■ Other (specify): Modified general D-4 submitted for 30-day review by Wilmington Trust & funds liquidation
Payment to be made to: **(select one or more)**	☐ Beneficiary ■ Other (specify): Grantee or grantee's vendor, only after Disbursement Agreement forms filed
Funding Request & Direction (Attachment A)	■ Attached to this Certification ☐ To be Provided Separately

SUMMARY

Eligible Mitigation Action Action Type ■ Appendix D-2 item (specify): EMA 2, School, Shuttle or Transit Buses ☐ 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 attached
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): See attached
Estimate of Anticipated NOx Reductions (5.2.3): See attached
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): Massachusetts Department of Environmental Protection (MassDEP)
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See attached
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). See attached
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). See attached

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 attached

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** Massachusetts**, 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: 05/12/2026

Bonnie Heiple, Commissioner

[NAME]
[TITLE]

Department of Environmental Protection

[LEAD AGENCY]

for

Massachusetts

[BENEFICIARY]

[SAMPLE ATTACHMENT B - USE OF THIS FORMAT IS NOT MANDATORY]

PROJECT MANAGEMENT PLAN
PROJECT SCHEDULE AND MILESTONES

Milestone	Date
Lead Agency Provides Notice of Availability of Mitigation Action Funds	1/18/19
Project Sponsor Submits Proposal to Lead Agency	3/18/19
Lead Agency Provides Written Approval of Project Sponsor's Proposal	Ongoing
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	12/7/18
Trustee Acknowledges Receipt of Project Certification and Funding Direction	TBD
Trustee Allocates Share of State Funds for Approved Project	TBD
Lead Agency Directs Funding (Advance Funded Projects)	N/A
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	Ongoing
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	Ongoing
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	Ongoing
Project Installation(s) – Start	Ongoing
Project Installation(s) – Complete	Ongoing
Project Sponsor provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment (Reimbursement, Direct-to-Vendor) or final accounting (Forward Funded Projects)	-
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	Ongoing
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	-
Project Sponsor Certifies Project Completion	Ongoing
Lead Agency Reports Project Completion	Ongoing

PROJECT BUDGET

Period of Performance: EMA2 Through 12/31/26

Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	$50,831,687.38	$41,911,188.21	$8,920,499.17	$
2. Contractor Support *(Provide List of Approved Contractors as Attachment with approved funding ceilings)*	$ 0	$0	$ 0	$
3. Subrecipient Support *(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)*	$0	$0	$ 0	$
4. Administrative[1]	$1,377.50	$1,377.50	$0	$
Project Totals	$50,833,064.88	$41,912,565.71	$8,920,499.17	$
Percentage	49.46 %	49.46 %	N/A %	%

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

PROJECTED TRUST ALLOCATIONS:

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
1. Anticipated Annual Project Funding Request to be paid through the Trust	$0.00	$0.00	$61,053.00	$4,820,355.03	$9,606,750.41	$18,544,485.61	$2,859,740.13	$588,851.23	$10,472,286.64	$11,878,809.44
2. Anticipated Annual Cost Share	$0.00	$0.00	$41,262.00	$852,331.03	$6,609,649.40	$5,574,515.96	$2,246,058.08	$303,189.15	$1,775,600.86	$2,922,642.61
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	$0.00	$0.00	$102,315.00	$5,672,686.06	$16,216,399.81	$24,119,001.57	$5,105,798.21	$892,040.38	$12,247,887.50	$14,801,452.05
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	$0.00	$0.00	$0.00	$61,053.00	$4,881,408.03	$14,488,158.44	$33,032,644.05	$35,892,384.18	$36,481,235.41	$46,953,522.05
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	$0.00	$0.00	$61,053.00	$4,820,355.03	$9,606,750.41	$18,544,485.61	$2,859,740.13	$588,851.23	$10,472,286.64	$11,878,809.44
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	$0.00	$0.00	$61,053.00	$4,881,408.03	$14,488,158.44	$33,032,644.05	$35,892,384.18	$36,481,235.41	$46,953,522.05	$58,832,331.49
7. Beneficiary Share of Estimated Funds Remaining in Trust	$75,162,423.89	$75,362,154.91	$76,954,104.97	$78,418,528.54	$73,615,307.76	$64,406,364.21	$47,672,454.66	$46,914,502.35	$48,056,686.36	$37,975,155.42
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	$75,162,423.89	$75,362,154.91	$76,893,051.97	$73,537,120.51	$59,127,149.32	$31,373,720.16	$11,780,070.48	$10,433,266.94	$1,103,164.31	-$20,857,176.07
8a. Corrected Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 5)	$75,162,423.89	$75,362,154.91	$76,893,051.97	$73,598,173.51	$64,008,557.35	$45,861,878.60	$44,812,714.53	$46,325,651.12	$37,584,399.72	$26,096,345.98

Attachment to

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

SUMMARY

Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):
Funding school, shuttle and transit buses and, in the case of electric buses, associated charging infrastructure meets and fulfills the following five goals identified in the Massachusetts Beneficiary Mitigation Plan (BMP):

1) Help the Commonwealth in achieving GHG emission reduction targets and reduce air pollution in the transportation network;
2) Promote electrification of the State's transportation network;
3) Drive technological and policy progress in air pollution mitigation and GHG emissions reduction in the transportation network;
4) Serve disadvantaged communities; and
5) Promote equitable geographic distribution across the state.

New school, shuttle and transit buses and, in the case of electric buses, associated charging infrastructure support each of the five goals by: a) focusing on achieving GHG and air pollution reductions through the placement of new vehicles, electric buses and associated charging infrastructure (Goals 1 & 2); b) allowing for the introduction of new electric buses and associated charging infrastructure technology (Goal 3); c) serving disadvantaged communities (Goal 4); and d) siting the vehicles and electric buses and associated charging infrastructure in a range of geographic areas across Massachusetts (Goal 5).

Massachusetts was allocated $75,064,424.40 under the VW Settlement. MassDEP's December 2018 *Final Massachusetts Volkswagen Settlement Beneficiary Mitigation Plan* (https://www.mass.gov/doc/massachusetts-volkswagen-settlement-beneficiary-mitigation-plan-december-2018/download) requires "$7.5 million [be] made available through an open solicitation for proposals to implement projects eligible under any of the EMAs (except the EVSE EMA) allowed under the VW Settlement." MassDEP's April 2023 Amendment to the BMP (https://www.mass.gov/doc/amendment-to-massachusetts-volkswagen-settlement-beneficiary-mitigation-plan-april-2023/download) requires an additional $7.5 million be made available through an "Open Solicitation for proposals to implement electrification projects eligible under any of the EMAs (except the [EVSE EMA]) allowed under the VW Settlement" (i.e., an Electric Solicitation). All EMA 2 projects under the VW Open Solicitation have been issued payment ($2,057,629.15). MassDEP's most recent BMP amendment (June 2025 at https://www.mass.gov/doc/amendment-to-massachusetts-volkswagen-settlement-beneficiary-mitigation-plan-june-2025/download) also allocated $48,804,760.74 (plus investment earnings and unspent VW Open or Electric Solicitation or administrative funds) to electric regional transit authority (RTA) and Massachusetts Bay Transit Authority (MBTA) buses under EMA 2. Massachusetts has already issued $30,447,110.26 in payments for the purchase of electric transit buses and associated charging infrastructure in the amount of $3.9 million for Martha's Vineyard Transit Authority (VTA), $12,175,196.11 for the Pioneer Valley Transit Authority (PVTA), $6,936,725 for the Greater Attleboro-Taunton Regional Transit Authority (GATRA), $4,977,132.00 for Southeastern Reginal Transit Authority (SRTA), and $2,458,057.15 for Montachusett Regional Transit Authority (MRTA). Procurements are in process for other RTA and

MBTA projects. The Settlement also allows a maximum of 15%, or $11,259,663.66, to be used for the actual administrative expenditures associated with implementing eligible mitigation projects. MassDEP's April 2023 Amendment allocated $50,000 for administrative costs to disburse checks to grantees across all EMAs, well below the maximum allowed amount.

This EMA 2 D-4 submittal is an increase from the prior $34,278,492.84 liquidated portion of funds for planned projects and administrative expenditures to a $41,912,565.71 liquidated portion of funds ($41,911,188.21 for projects and $1,377.50 for administrative expenditures). The increased amount to liquidate is $7,634,072.87.

The page 8 Table in this D-4 includes actual VW spending through 2025, as further detailed in MassDEP's semiannual VW reports at https://www.mass.gov/lists/past-massdep-vw-settlement-semiannual-reports, and projected VW spending in 2026.

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

MassDEP posted Open and Electric Solicitation application forms and requirements documents at: https://web.archive.org/web/20190314194108/https://www.mass.gov/how-to/apply-for-a-vw-open-solicitation-grant and https://www.mass.gov/how-to/apply-for-a-vw-or-refuse-truck-electric-solicitation-grant

In an effort to provide continuing community benefits, MassDEP requires RTA electric transit bus grantees/Open/Electric Solicitation bus grantees to:

- -Keep the buses and, if applicable, charging infrastructure in service for a minimum of 36 months;
- -Scrap existing buses;
- -Provide adequate property and casualty insurance coverage for each bus and, if applicable, the charging infrastructure;
- -Train personnel on the operation and maintenance of the buses and, if applicable, the charging infrastructure;
- -For RTAs, provide an annual report, including, but not limited to, data on vehicle miles traveled, ridership, electrical usage, bus and charging infrastructure operation and maintenance costs and records, and the driver experience;
- -For Open/Electric Solicitation bus grantees, provide, upon request by MassDEP, data on the operation of the vehicles(s) including, but not limited to, vehicle miles traveled, vehicle operation and maintenance costs and records, documentation of operation inside Massachusetts, in addition to other related information; and
- -Maintain the buses and, if applicable, the charging infrastructure in accordance with the manufacturer's recommended procedures and specifications.

Air quality benefits include the elimination of NOx, carbon dioxide (CO_2), carbon monoxide (CO), particulate matter (PM), and hydrocarbons (HC) tailpipe emissions from conventional internal combustion vehicles. Reduced exposure to these pollutants provides additional community benefits.

Estimate of Anticipated NOx Reductions (5.2.3):

Based on bus data provided by the RTAs and using MassDEP inspection data to calculate the annual vehicle miles traveled by the existing buses, MassDEP was able to use the US Environmental Protection Agency's Diesel Emissions Quantifier (DEQ) to estimate emissions reductions from the project. Reductions after upgrades would be approximately 8.65 short tons NO_x and 3,365 short tons CO_2 per year.

For Open and Electric Solicitation Grantees, estimates were calculated using the DEQ and are based on vehicle data (engine model year, annual fuel use, vehicle miles travelled (VMT) and idling hours, and remaining vehicle life) provided by funding recipients. Reductions after upgrades would be approximately 2.41 short tons NOx and 423 short tons CO_2 equivalents (CO_2e) per year. Actual VMT and fuel use will determine the actual NOx and CO_2e reductions.
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). As detailed in the Massachusetts Attachment to D-3: "In addition to compliance with the Public Records Law, and in order to enhance access and reduce the burden for the general public, MassDEP will continue to post appropriate records regarding the VW settlement agreement and MassDEP's implementation of the Beneficiary Mitigation Plan, including records submitted by MassDEP in support of funding requests and expenditures of Trust Funds, on its searchable website at http://www.mass.gov/dep. The website can be used to easily access and produce electronic copies of such records without the need for a formal public records request."
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). As defined in Appendix D-2, RTA grantees are government agencies purchasing new All-Electric Government Owned Eligible transit Buses (and charging infrastructure for two grantees), and are therefore eligible for 100% of costs, and are not required by the VW Settlement to provide a cost share. However, costs above the amounts provided to RTAs were covered from other sources (e.g., Martha's Vineyard Transit Authority (VTA) received $750,000 each for four 35-foot long buses and $550,000 each for two 30-foot long buses, with a combined maximum of $3.9 million; since the combination of individual bus costs adds to $4.1 million, VTA covered the $200,000 difference as a cost share from other sources; also, VTA funded charging infrastructure from other sources). Massachusetts VW Open Solicitation funding for EMA 2 (Buses) allowed non-government grantees up to 25% to replace a diesel vehicle with a new diesel or alternative fuel (AF) vehicle, up to 40% to repower a diesel engine with a new diesel or AF engine and up to 75% to repower with a new all-electric engine or replace with a new all-electric vehicle. Government entities were allowed up to 80% funding for all technologies. Massachusetts VW Electric Solicitation funding for EMA 2 (Buses) allowed non-government grantees in disadvantaged communities and government entities up to 60% to replace a diesel vehicle with a new electric vehicle or to repower a diesel engine with an electric motor. Non-government grantees not in disadvantaged communities were allowed up to 45% to replace a diesel vehicle with a new electric vehicle or to repower a diesel engine with an electric motor. Under both VW Solicitations, MassDEP allocates a maximum of $500,000 to a grantee. Grantees must pay the portion not covered, including 100% of the costs above $500,000, from non-VW funding sources.
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). On February 27, 2018, MassDEP, the designated lead agency for the Beneficiary, the Commonwealth of Massachusetts, notified agencies via e-mail that they could "request Eligible Mitigation Action funds for use on lands within the Department of Interior's/Department of Agriculture's custody, control or management (including, but not limited to, Clean Air Act Class I and II areas)." MassDEP notified the Department of the Interior, National Park Service, Air Resources Division; the Department of the Interior, U.S. Fish and Wildlife Service; the Department of Agriculture; and the U.S. Coast Guard Base Cape Cod.

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).

As stated in the BMP goals, MassDEP is interested in funding projects that serve disadvantaged communities, such as RTA bus routes.

For MassDEP's VW Open and Electric Solicitation, including new buses and, if applicable, charging infrastructure, one project selection criterion was whether applicants' projects are located in communities that have historically borne a disproportionate share of NOx emissions. 97% of the 31 selected OS projects and 71% of the 24 selected ES projects are located in such areas.
MassDEP will monitor the locations awarded funding, and has indicated in the Massachusetts Volkswagen Open and Electric Solicitation Application Guidance and Grant Requirements documents that "The Commonwealth seeks to promote the equitable distribution of funding across the state. Geographic areas are defined as the four MassDEP Regional Service Areas." Because one of the goals of the MA BMP is reducing NOx, the replacement of diesel vehicles in all areas of the state under the VW funding will help mitigate NOx emissions in communities that have historically borne a disproportionate share of NOx emissions.

ATTACHMENT C

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

As detailed in Massachusetts Attachment to D-3, filed November 21, 2017:
"In addition to compliance with the Public Records Law, and in order to enhance access and reduce the burden for the general public, MassDEP will continue to post appropriate records regarding the VW settlement agreement and MassDEP's implementation of the Beneficiary Mitigation Plan, including records submitted by MassDEP in support of funding requests and expenditures of Trust Funds, on its searchable website at http://www.mass.gov/dep. The website can be used to easily access and produce electronic copies of such records without the need for a formal public records request."

In addition, Wilmington Trust will post on its public facing website the semi-annual reports MassDEP is required to submit pursuant to Settlement section 5.3:

"**5.3 Beneficiary 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 1 and July 1 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. … The Trustee shall post each semiannual report on the Trust's public-facing website upon receipt."

ATTACHMENT D

Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding $25,000 (5.2.6).

As detailed above (in *Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8)*), under the VW Open and Electric Solicitations, MassDEP allocates a maximum of $500,000 to a grantee. In addition, the RTAs have been allocated the amounts listed in Section 5.2.1 above. Therefore, there is the potential for a single vendor to receive more than $25,000 for a particular project. Quotes are required to be submitted to MassDEP with VW Open and Electric Solicitation applications. MassDEP will only fund costs as detailed on Section 5.2.8 above, and in no case more than actual costs incurred. Final actual invoices are required to be submitted to MassDEP with payment requests.

As agreed by MassDEP and Wilmington Trust in a December 2019 disbursement agreement, Wilmington Trust will disburse checks to grantees or vendors. Attached is an explanatory document to be enclosed with such checks.

You are receiving the enclosed check in response to a payment request submitted to the Massachusetts Department of Environmental Protection (MassDEP) related to an award of grant funding from the Volkswagen Environmental Mitigation Trust. Should you have any questions about this check, please contact Ms. Haidee Janak at MassDEP at (857) 276-2540 or Haidee.Janak@mass.gov . Do not contact Wilmington Trust, N.A. with questions. Thank you.