

**APPENDIX D-1**  
**Initial 2.0 Liter Allocation**

## APPENDIX D-1 - INITIAL ALLOCATION

INITIAL SUBACCOUNTS	INITIAL ALLOCATIONS (\$)	INITIAL ALLOCATIONS (%)
Puerto Rico	\$ 7,500,000.00	0.28%
North Dakota	\$ 7,500,000.00	0.28%
Hawaii	\$ 7,500,000.00	0.28%
South Dakota	\$ 7,500,000.00	0.28%
Alaska	\$ 7,500,000.00	0.28%
Wyoming	\$ 7,500,000.00	0.28%
District of Columbia	\$ 7,500,000.00	0.28%
Delaware	\$ 9,051,682.97	0.34%
Mississippi	\$ 9,249,413.91	0.34%
West Virginia	\$ 11,506,842.13	0.43%
Nebraska	\$ 11,528,812.23	0.43%
Montana	\$ 11,600,215.07	0.43%
Rhode Island	\$ 13,495,136.57	0.50%
Arkansas	\$ 13,951,016.23	0.52%
Kansas	\$ 14,791,372.72	0.55%
Idaho	\$ 16,246,892.13	0.60%
New Mexico	\$ 16,900,502.73	0.63%
Vermont	\$ 17,801,277.01	0.66%
Louisiana	\$ 18,009,993.00	0.67%
Kentucky	\$ 19,048,080.43	0.71%
Oklahoma	\$ 19,086,528.11	0.71%
Iowa	\$ 20,179,540.80	0.75%
Maine	\$ 20,256,436.17	0.75%
Nevada	\$ 22,255,715.66	0.82%
Alabama	\$ 24,084,726.84	0.89%
New Hampshire	\$ 29,544,297.76	1.09%
South Carolina	\$ 31,636,950.19	1.17%
Utah	\$ 32,356,471.11	1.20%
Indiana	\$ 38,920,039.77	1.44%
Missouri	\$ 39,084,815.55	1.45%
Tennessee	\$ 42,407,793.83	1.57%
Minnesota	\$ 43,638,119.67	1.62%
Connecticut	\$ 51,635,237.63	1.91%
Arizona	\$ 53,013,861.68	1.96%
Georgia	\$ 58,105,433.35	2.15%
Michigan	\$ 60,329,906.41	2.23%
Colorado	\$ 61,307,576.05	2.27%
Wisconsin	\$ 63,554,019.22	2.35%
New Jersey	\$ 65,328,105.14	2.42%
Oregon	\$ 68,239,143.96	2.53%
Massachusetts	\$ 69,074,007.92	2.56%
Maryland	\$ 71,045,824.78	2.63%
Ohio	\$ 71,419,316.56	2.65%
North Carolina	\$ 87,177,373.87	3.23%
Virginia	\$ 87,589,313.32	3.24%
Illinois	\$ 97,701,053.83	3.62%
Washington	\$ 103,957,041.03	3.85%
Pennsylvania	\$ 110,740,310.73	4.10%
New York	\$ 117,402,744.86	4.35%
Florida	\$ 152,379,150.91	5.64%
Texas	\$ 191,941,816.23	7.11%
California	\$ 381,280,175.09	14.12%
Tribal Allocation Subaccount	\$ 49,652,857.71	1.84%
Trust Administration Cost Subaccount	\$ 23,467,171.38	0.87%
Tribal Administration Cost Subaccount	\$ 4,525,885.71	0.17%
	\$ 2,700,000,000.00	100.00%

**APPENDIX D-1A**  
**Initial 3.0 Liter Allocation**

**APPENDIX D-1A – INITIAL 3.0 LITER ALLOCATION**

<b>INITIAL SUBACCOUNTS</b>	<b>INITIAL ALLOCATIONS (\$)</b>	<b>INITIAL ALLOCATIONS (%)</b>
Puerto Rico	\$ 625,000.00	0.28%
North Dakota	\$ 625,000.00	0.28%
Hawaii	\$ 625,000.00	0.28%
Mississippi	\$ 625,000.00	0.28%
West Virginia	\$ 625,000.00	0.28%
District of Columbia	\$ 625,000.00	0.28%
South Dakota	\$ 625,000.00	0.28%
Wyoming	\$ 625,000.00	0.28%
Alaska	\$ 625,000.00	0.28%
Delaware	\$ 625,000.00	0.28%
Arkansas	\$ 696,692.86	0.31%
Nebraska	\$ 719,535.25	0.32%
Maine	\$ 796,628.31	0.35%
Kansas	\$ 870,866.08	0.39%
Rhode Island	\$ 873,721.37	0.39%
Vermont	\$ 890,853.17	0.40%
Montana	\$ 1,002,209.81	0.45%
Iowa	\$ 1,022,196.90	0.45%
New Mexico	\$ 1,082,158.17	0.48%
Idaho	\$ 1,102,145.26	0.49%
Kentucky	\$ 1,330,569.15	0.59%
New Hampshire	\$ 1,370,543.33	0.61%
Alabama	\$ 1,396,241.02	0.62%
Oklahoma	\$ 1,835,957.01	0.82%
Louisiana	\$ 1,838,812.30	0.82%
Indiana	\$ 2,015,840.82	0.90%
Missouri	\$ 2,067,236.19	0.92%
South Carolina	\$ 2,258,541.20	1.00%
Nevada	\$ 2,618,308.82	1.16%
Utah	\$ 2,821,035.03	1.25%
Tennessee	\$ 3,352,120.57	1.49%
Minnesota	\$ 3,363,541.76	1.49%
Wisconsin	\$ 3,523,438.48	1.57%
Arizona	\$ 3,646,216.32	1.62%
Ohio	\$ 3,883,206.11	1.73%
Connecticut	\$ 4,085,932.31	1.82%
Michigan	\$ 4,477,108.22	1.99%
Maryland	\$ 4,668,413.23	2.07%
Oregon	\$ 4,728,374.50	2.10%
North Carolina	\$ 4,868,284.13	2.16%
Georgia	\$ 5,519,292.21	2.45%
Massachusetts	\$ 5,990,416.48	2.66%
Virginia	\$ 6,044,667.16	2.69%
New Jersey	\$ 6,886,980.25	3.06%
Colorado	\$ 7,432,342.28	3.30%
Pennsylvania	\$ 7,829,228.79	3.48%
Washington	\$ 8,788,609.12	3.91%
New York	\$ 10,299,062.08	4.58%
Illinois	\$ 10,978,623.15	4.88%
Florida	\$ 13,899,593.63	6.18%
Texas	\$ 17,377,347.34	7.72%
California	\$ 41,356,145.05	18.38%
Tribal Allocation Subaccount	\$ 4,795,063.51	2.13%
Trust Administration Cost Subaccount	\$ 1,955,597.62	0.87%
Tribal Administration Cost Subaccount	\$ 390,303.65	0.17%
<b>Grand Total</b>	<b>\$ 225,000,000.00</b>	<b>100.00%</b>

## **APPENDIX D-1B**

### **Weighted Average Allocation Formula for 2.0 and 3.0 Liter Allocation**

**Weighted Average Allocation Formula:**

$$(2.0 \text{ Allocation}_{\text{Subaccount}} + 3.0 \text{ Allocation}_{\text{Subaccount}}) / (\$2,700,000,000 + \$225,000,000)$$

where Subaccount represents an individual Beneficiary subaccount or the Tribal, Administration Cost, or Tribal Administration Cost subaccount.

State Trust Allocation	Appendix D-1		Appendix D-1A		Appendix D-1B	
	2.0 Liter Allocation Amount	2.0 Liter Allocation Percentage	3.0 Liter Allocation Amount	3.0 Liter Allocation Percentage	Total Allocation Amount	Weighted Average Allocation Percentage
Puerto Rico	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
North Dakota	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
Hawaii	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
South Dakota	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
Alaska	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
Wyoming	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
District of Columbia	\$7,500,000.00	0.28%	\$625,000.00	0.28%	\$8,125,000.00	0.28%
Delaware	\$9,051,682.97	0.34%	\$625,000.00	0.28%	\$9,676,682.97	0.33%
Mississippi	\$9,249,413.91	0.34%	\$625,000.00	0.28%	\$9,874,413.91	0.34%
West Virginia	\$11,506,842.13	0.43%	\$625,000.00	0.28%	\$12,131,842.13	0.41%
Nebraska	\$11,528,812.23	0.43%	\$719,535.25	0.32%	\$12,248,347.48	0.42%
Montana	\$11,600,215.07	0.43%	\$1,002,209.81	0.45%	\$12,602,424.88	0.43%
Rhode Island	\$13,495,136.57	0.50%	\$873,721.37	0.39%	\$14,368,857.94	0.49%
Arkansas	\$13,951,016.23	0.52%	\$696,692.86	0.31%	\$14,647,709.09	0.50%
Kansas	\$14,791,372.72	0.55%	\$870,866.08	0.39%	\$15,662,238.80	0.54%
Idaho	\$16,246,892.13	0.60%	\$1,102,145.26	0.49%	\$17,349,037.39	0.59%
New Mexico	\$16,900,502.73	0.63%	\$1,082,158.17	0.48%	\$17,982,660.90	0.61%
Vermont	\$17,801,277.01	0.66%	\$890,853.17	0.40%	\$18,692,130.18	0.64%
Louisiana	\$18,009,993.00	0.67%	\$1,838,812.30	0.82%	\$19,848,805.30	0.68%
Kentucky	\$19,048,080.43	0.71%	\$1,330,569.15	0.59%	\$20,378,649.58	0.70%
Oklahoma	\$19,086,528.11	0.71%	\$1,835,957.01	0.82%	\$20,922,485.12	0.72%
Iowa	\$20,179,540.80	0.75%	\$1,022,196.90	0.45%	\$21,201,737.70	0.72%
Maine	\$20,256,436.17	0.75%	\$796,628.31	0.35%	\$21,053,064.48	0.72%
Nevada	\$22,255,715.66	0.82%	\$2,618,308.82	1.16%	\$24,874,024.48	0.85%
Alabama	\$24,084,726.84	0.89%	\$1,396,241.02	0.62%	\$25,480,967.86	0.87%
New Hampshire	\$29,544,297.76	1.09%	\$1,370,543.33	0.61%	\$30,914,841.09	1.06%
South Carolina	\$31,636,950.19	1.17%	\$2,258,541.20	1.00%	\$33,895,491.39	1.16%
Utah	\$32,356,471.11	1.20%	\$2,821,035.03	1.25%	\$35,177,506.14	1.20%
Indiana	\$38,920,039.77	1.44%	\$2,015,840.82	0.90%	\$40,935,880.59	1.40%
Missouri	\$39,084,815.55	1.45%	\$2,067,236.19	0.92%	\$41,152,051.74	1.41%
Tennessee	\$42,407,793.83	1.57%	\$3,352,120.57	1.49%	\$45,759,914.40	1.56%
Minnesota	\$43,638,119.67	1.62%	\$3,363,541.76	1.49%	\$47,001,661.43	1.61%
Connecticut	\$51,635,237.63	1.91%	\$4,085,932.31	1.82%	\$55,721,169.94	1.90%
Arizona	\$53,013,861.68	1.96%	\$3,646,216.32	1.62%	\$56,660,078.00	1.94%
Georgia	\$58,105,433.35	2.15%	\$5,519,292.21	2.45%	\$63,624,725.56	2.18%
Michigan	\$60,329,906.41	2.23%	\$4,477,108.22	1.99%	\$64,807,014.63	2.22%
Colorado	\$61,307,576.05	2.27%	\$7,432,342.28	3.30%	\$68,739,918.33	2.35%
Wisconsin	\$63,554,019.22	2.35%	\$3,523,438.48	1.57%	\$67,077,457.70	2.29%
New Jersey	\$65,328,105.14	2.42%	\$6,886,980.25	3.06%	\$72,215,085.39	2.47%
Oregon	\$68,239,143.96	2.53%	\$4,728,374.50	2.10%	\$72,967,518.46	2.49%
Massachusetts	\$69,074,007.92	2.56%	\$5,990,416.48	2.66%	\$75,064,424.40	2.57%
Maryland	\$71,045,824.78	2.63%	\$4,668,413.23	2.07%	\$75,714,238.01	2.59%
Ohio	\$71,419,316.56	2.65%	\$3,883,206.11	1.73%	\$75,302,522.67	2.57%
North Carolina	\$87,177,373.87	3.23%	\$4,868,284.13	2.16%	\$92,045,658.00	3.15%
Virginia	\$87,589,313.32	3.24%	\$6,044,667.16	2.69%	\$93,633,980.48	3.20%
Illinois	\$97,701,053.83	3.62%	\$10,978,623.15	4.88%	\$108,679,676.98	3.72%
Washington	\$103,957,041.03	3.85%	\$8,788,609.12	3.91%	\$112,745,650.15	3.85%
Pennsylvania	\$110,740,310.73	4.10%	\$7,829,228.79	3.48%	\$118,569,539.52	4.05%
New York	\$117,402,744.86	4.35%	\$10,299,062.08	4.58%	\$127,701,806.94	4.37%
Florida	\$152,379,150.91	5.64%	\$13,899,593.63	6.18%	\$166,278,744.54	5.68%
Texas	\$191,941,816.23	7.11%	\$17,377,347.34	7.72%	\$209,319,163.57	7.16%
California	\$381,280,175.09	14.12%	\$41,356,145.05	18.38%	\$422,636,320.14	14.45%
State Trust Administration Cost Subaccount	\$23,467,171.38	0.87%	\$1,955,597.62	0.87%	\$25,422,769.00	0.87%
<b>Subtotal</b>	<b>\$2,645,821,256.54</b>	<b>97.99%</b>	<b>\$219,814,632.84</b>	<b>97.70%</b>	<b>\$2,865,635,889.38</b>	<b>97.97%</b>
Tribal Trust Allocation	\$49,652,857.71	1.84%	\$4,795,063.51	2.13%	\$54,447,921.22	1.86%
Tribal Administration Cost Subaccount	\$4,525,885.77	0.17%	\$390,303.65	0.17%	\$4,916,189.42	0.17%
<b>Subtotal</b>	<b>\$54,178,743.48</b>	<b>2.01%</b>	<b>\$5,185,367.16</b>	<b>2.30%</b>	<b>\$59,364,110.64</b>	<b>2.03%</b>
<b>Total</b>	<b>\$2,700,000,000.00</b>	<b>100.00%</b>	<b>\$225,000,000.00</b>	<b>100.00%</b>	<b>\$2,925,000,000.00</b>	<b>100.00%</b>

## **APPENDIX D-1C**

### **Weighted Average Allocation Percentage for Subparagraph 5.0.3**

## APPENDIX D-1C

State Trust Allocation	Weighted Average Allocation Percentage, net of CA, for subparagraph 5.0.3
Puerto Rico	0.33%
North Dakota	0.33%
Hawaii	0.33%
South Dakota	0.33%
Alaska	0.33%
Wyoming	0.33%
District of Columbia	0.33%
Delaware	0.40%
Mississippi	0.40%
West Virginia	0.50%
Nebraska	0.50%
Montana	0.52%
Rhode Island	0.59%
Arkansas	0.60%
Kansas	0.64%
Idaho	0.71%
New Mexico	0.74%
Vermont	0.77%
Louisiana	0.81%
Kentucky	0.83%
Oklahoma	0.86%
Iowa	0.87%
Maine	0.86%
Nevada	1.02%
Alabama	1.04%
New Hampshire	1.27%
South Carolina	1.39%
Utah	1.44%
Indiana	1.68%
Missouri	1.69%
Tennessee	1.87%
Minnesota	1.92%
Connecticut	2.28%
Arizona	2.32%
Georgia	2.61%
Michigan	2.65%
Colorado	2.81%
Wisconsin	2.75%
New Jersey	2.96%
Oregon	2.99%
Massachusetts	3.07%
Maryland	3.10%
Ohio	3.08%
North Carolina	3.77%
Virginia	3.83%
Illinois	4.45%
Washington	4.62%
Pennsylvania	4.86%
New York	5.23%
Florida	6.81%
Texas	8.57%
California	
State Trust Administration Cost Subaccount	1.00%
<b>Total</b>	<b>100.00%</b>



**APPENDIX D-2**  
**Eligible Mitigation Actions and Mitigation Action Expenditures**

**APPENDIX D-2**

**ELIGIBLE MITIGATION ACTIONS AND MITIGATION ACTION EXPENDITURES**

1. Class 8 Local Freight Trucks and Port Drayage Trucks (Eligible Large Trucks)

- a. Eligible Large Trucks include 1992-2009 engine model year Class 8 Local Freight or Drayage. For Beneficiaries that have State regulations that already require upgrades to 1992-2009 engine model year trucks at the time of the proposed Eligible Mitigation Action, Eligible Large Trucks shall also include 2010-2012 engine model year Class 8 Local Freight or Drayage.
- b. Eligible Large Trucks must be Scrapped.
- c. Eligible Large Trucks may be Repowered with any new diesel or Alternate Fueled engine or All-Electric engine, or may be replaced with any new diesel or Alternate Fueled or All-Electric vehicle, with the engine model year in which the Eligible Large Trucks Mitigation Action occurs or one engine model year prior.
- d. For Non-Government Owned Eligible Class 8 Local Freight Trucks, Beneficiaries may only draw funds from the Trust in the amount of:
  1. Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  2. Up to 25% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.
  3. Up to 75% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  4. Up to 75% of the cost of a new All-Electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.
- e. For Non-Government Owned Eligible Drayage Trucks, Beneficiaries may only draw funds from the Trust in the amount of:
  1. Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  2. Up to 50% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.

3. Up to 75% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  4. Up to 75% of the cost of a new all-electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.
- f. For Government Owned Eligible Class 8 Large Trucks, Beneficiaries may draw funds from the Trust in the amount of:
1. Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  2. Up to 100% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.
  3. Up to 100% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  4. Up to 100% of the cost of a new All-Electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.

2. Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Eligible Buses)

- a. Eligible Buses include 2009 engine model year or older class 4-8 school buses, shuttle buses, or transit buses. For Beneficiaries that have State regulations that already require upgrades to 1992-2009 engine model year buses at the time of the proposed Eligible Mitigation Action, Eligible Buses shall also include 2010-2012 engine model year class 4-8 school buses, shuttle buses, or transit buses.
- b. Eligible Buses must be Scrapped.
- c. Eligible Buses may be Repowered with any new diesel or Alternate Fueled or All-Electric engine, or may be replaced with any new diesel or Alternate Fueled or All-Electric vehicle, with the engine model year in which the Eligible Bus Mitigation Action occurs or one engine model year prior.
- d. For Non-Government Owned Buses, Beneficiaries may draw funds from the Trust in the amount of:
  1. Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  2. Up to 25% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.

3. Up to 75% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  4. Up to 75% of the cost of a new All-Electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.
- e. For Government Owned Eligible Buses, and Privately Owned School Buses Under Contract with a Public School District, Beneficiaries may draw funds from the Trust in the amount of:
1. Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  2. Up to 100% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.
  3. Up to 100% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  4. Up to 100% of the cost of a new All-Electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.

### 3. Freight Switchers

- a. Eligible Freight Switchers include pre-Tier 4 switcher locomotives that operate 1000 or more hours per year.
- b. Eligible Freight Switchers must be Scrapped.
- c. Eligible Freight Switchers may be Repowered with any new diesel or Alternate Fueled or All-Electric engine(s) (including Generator Sets), or may be replaced with any new diesel or Alternate Fueled or All-Electric (including Generator Sets) Freight Switcher, that is certified to meet the applicable EPA emissions standards (or other more stringent equivalent State standard) as published in the CFR for the engine model year in which the Eligible Freight Switcher Mitigation Action occurs.
- d. For Non-Government Owned Freight Switchers, Beneficiaries may draw funds from the Trust in the amount of :
  1. Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine(s) or Generator Sets, including the costs of installation of such engine(s).
  2. Up to 25% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) Freight Switcher.

3. Up to 75% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).
  4. Up to 75% of the cost of a new All-Electric Freight Switcher, including charging infrastructure associated with the new All-Electric Freight Switcher.
- e. For Government Owned Eligible Freight Switchers, Beneficiaries may draw funds from the Trust in the amount of:
1. Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine(s) or Generator Sets, including the costs of installation of such engine(s).
  2. Up to 100% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) Freight Switcher.
  3. Up to 100% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).
  4. Up to 100% of the cost of a new All-Electric Freight Switcher, including charging infrastructure associated with the new All-Electric Freight Switcher.

#### 4. Ferries/Tugs

- a. Eligible Ferries and/or Tugs include unregulated, Tier 1, or Tier 2 marine engines.
- b. Eligible Ferry and/or Tug engines that are replaced must be Scrapped.
- c. Eligible Ferries and/or Tugs may be Repowered with any new Tier 3 or Tier 4 diesel or Alternate Fueled engines, or with All-Electric engines, or may be upgraded with an EPA Certified Remanufacture System or an EPA Verified Engine Upgrade.
- d. For Non-Government Owned Eligible Ferries and/or Tugs, Beneficiaries may only draw funds from the Trust in the amount of:
  1. Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine(s), including the costs of installation of such engine(s).
  2. Up to 75% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).

- e. For Government Owned Eligible Ferries and/or Tugs, Beneficiaries may draw funds from the Trust in the amount of:
  - 1. Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine(s), including the costs of installation of such engine(s).
  - 2. Up to 100% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).

5. Ocean Going Vessels (OGV) Shorepower

- a. Eligible Marine Shorepower includes systems that enable a compatible vessel's main and auxiliary engines to remain off while the vessel is at berth. Components of such systems eligible for reimbursement are limited to cables, cable management systems, shore power coupler systems, distribution control systems, and power distribution. Marine shore power systems must comply with international shore power design standards (ISO/IEC/IEEE 80005-1-2012 High Voltage Shore Connection Systems or the IEC/PAS 80005-3:2014 Low Voltage Shore Connection Systems) and should be supplied with power sourced from the local utility grid. Eligible Marine Shorepower includes equipment for vessels that operate within the Great Lakes.
- b. For Non-Government Owned Marine Shorepower, Beneficiaries may only draw funds from the Trust in the amount of up to 25% for the costs associated with the shore-side system, including cables, cable management systems, shore power coupler systems, distribution control systems, installation, and power distribution components.
- c. For Government Owned Marine Shorepower, Beneficiaries may draw funds from the Trust in the amount of up to 100% for the costs associated with the shore-side system, including cables, cable management systems, shore power coupler systems, distribution control systems, installation, and power distribution components.

6. Class 4-7 Local Freight Trucks (Medium Trucks)

- a. Eligible Medium Trucks include 1992-2009 engine model year class 4-7 Local Freight trucks, and for Beneficiaries that have State regulations that already require upgrades to 1992-2009 engine model year trucks at the time of the proposed Eligible Mitigation Action, Eligible Trucks shall also include 2010-2012 engine model year class 4-7 Local Freight trucks.
- b. Eligible Medium Trucks must be Scrapped.

- c. Eligible Medium Trucks may be Repowered with any new diesel or Alternate Fueled or All-Electric engine, or may be replaced with any new diesel or Alternate Fueled or All-Electric vehicle, with the engine model year in which the Eligible Medium Trucks Mitigation Action occurs or one engine model year prior.
- d. For Non-Government Owned Eligible Medium Trucks, Beneficiaries may draw funds from the Trust in the amount of:
  - 1. Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  - 2. Up to 25% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.
  - 3. Up to 75% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  - 4. Up to 75% of the cost of a new All-Electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.
- e. For Government Owned Eligible Medium Trucks, Beneficiaries may draw funds from the Trust in the amount of:
  - 1. Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) engine, including the costs of installation of such engine.
  - 2. Up to 100% of the cost of a new diesel or Alternate Fueled (e.g., CNG, propane, Hybrid) vehicle.
  - 3. Up to 100% of the cost of a Repower with a new All-Electric engine, including the costs of installation of such engine, and charging infrastructure associated with the new All-Electric engine.
  - 4. Up to 100% of the cost of a new All-Electric vehicle, including charging infrastructure associated with the new All-Electric vehicle.

7. Airport Ground Support Equipment

- a. Eligible Airport Ground Support Equipment includes:
  - 1. Tier 0, Tier 1, or Tier 2 diesel powered airport ground support equipment; and
  - 2. Uncertified, or certified to 3 g/bhp-hr or higher emissions, spark ignition engine powered airport ground support equipment.
- b. Eligible Airport Ground Support Equipment must be Scrapped.

- c. Eligible Airport Ground Support Equipment may be Repowered with an All-Electric engine, or may be replaced with the same Airport Ground Support Equipment in an All-Electric form.
- d. For Non-Government Owned Eligible Airport Ground Support Equipment, Beneficiaries may only draw funds from the Trust in the amount of:
  - 1. Up to 75% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - 2. Up to 75% of the cost of a new All-Electric Airport Ground Support Equipment, including charging infrastructure associated with such new All-Electric Airport Ground Support Equipment.
- e. For Government Owned Eligible Airport Ground Support Equipment, Beneficiaries may draw funds from the Trust in the amount of:
  - 1. Up to 100% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - 2. Up to 100% of the cost of a new All-Electric Airport Ground Support Equipment, including charging infrastructure associated with such new All-Electric Airport Ground Support Equipment.

8. Forklifts and Port Cargo Handling Equipment

- a. Eligible Forklifts includes forklifts with greater than 8000 pounds lift capacity.
- b. Eligible Forklifts and Port Cargo Handling Equipment must be Scrapped.
- c. Eligible Forklifts and Port Cargo Handling Equipment may be Repowered with an All-Electric engine, or may be replaced with the same equipment in an All-Electric form.
- d. For Non-Government Owned Eligible Forklifts and Port Cargo Handling Equipment, Beneficiaries may draw funds from the Trust in the amount of:
  - 1. Up to 75% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - 2. Up to 75% of the cost of a new All-Electric Forklift or Port Cargo Handling Equipment, including charging infrastructure associated with such new All-Electric Forklift or Port Cargo Handling Equipment.
- e. For Government Owned Eligible Forklifts and Port Cargo Handling Equipment, Beneficiaries may draw funds from the Trust in the amount of:



1. Up to 100% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  2. Up to 100% of the cost of a new All-Electric Forklift or Port Cargo Handling Equipment, including charging infrastructure associated with such new All-Electric Forklift or Port Cargo Handling Equipment.
9. Light Duty Zero Emission Vehicle Supply Equipment. Each Beneficiary may use up to fifteen percent (15%) of its allocation of Trust Funds on the costs necessary for, and directly connected to, the acquisition, installation, operation and maintenance of new light duty zero emission vehicle supply equipment for projects as specified below. Provided, however, that Trust Funds shall not be made available or used to purchase or rent real-estate, other capital costs (e.g., construction of buildings, parking facilities, etc.) or general maintenance (i.e., maintenance other than of the Supply Equipment).
- a. Light duty electric vehicle supply equipment includes Level 1, Level 2 or fast charging equipment (or analogous successor technologies) that is located 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).
  - b. Light duty hydrogen fuel cell vehicle supply equipment includes hydrogen dispensing equipment capable of dispensing hydrogen at a pressure of 70 megapascals (MPa) (or analogous successor technologies) that is located in a public place.
  - c. Subject to the 15% limitation above, each Beneficiary may draw funds from the Trust in the amount of:
    1. Up to 100% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a Government Owned Property.
    2. Up to 80% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a Non-Government Owned Property.
    3. Up to 60% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that is available at a workplace but not to the general public.
    4. Up to 60% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that is available at a multi-unit dwelling but not to the general public.

5. Up to 33% of the cost to purchase, install and maintain eligible light duty hydrogen fuel cell vehicle supply equipment capable of dispensing at least 250 kg/day that will be available to the public.
  6. Up to 25% of the cost to purchase, install and maintain eligible light duty hydrogen fuel cell vehicle supply equipment capable of dispensing at least 100 kg/day that will be available to the public.
10. Diesel Emission Reduction Act (DERA) Option. Beneficiaries may use Trust Funds for their non-federal voluntary match, pursuant to Title VII, Subtitle G, Section 793 of the DERA Program in the Energy Policy Act of 2005 (codified at 42 U.S.C. § 16133), or Section 792 (codified at 42 U.S.C. § 16132) in the case of Tribes, thereby allowing Beneficiaries to use such Trust Funds for actions not specifically enumerated in this Appendix D-2, but otherwise eligible under DERA pursuant to all DERA guidance documents available through the EPA. Trust Funds shall not be used to meet the non-federal mandatory cost share requirements, as defined in applicable DERA program guidance, of any DERA grant.

### Eligible Mitigation Action Administrative Expenditures

For any Eligible Mitigation Action, Beneficiaries may use Trust Funds for actual administrative expenditures (described below) associated with implementing such Eligible Mitigation Action, but not to exceed 15% of the total cost of such Eligible Mitigation Action. The 15% cap includes the aggregated amount of eligible administrative expenditures incurred by the Beneficiary and any third-party contractor(s).

1. Personnel including costs of employee salaries and wages, but not consultants.
2. Fringe Benefits including costs of employee fringe benefits such as health insurance, FICA, retirement, life insurance, and payroll taxes.
3. Travel including costs of Mitigation Action-related travel by program staff, but does not include consultant travel.
4. Supplies including tangible property purchased in support of the Mitigation Action that will be expensed on the Statement of Activities, such as educational publications, office supplies, etc. Identify general categories of supplies and their Mitigation Action costs.
5. Contractual including all contracted services and goods except for those charged under other categories such as supplies, construction, etc. Contracts for evaluation and consulting services and contracts with sub-recipient organizations are included.
6. Construction including costs associated with ordinary or normal rearrangement and alteration of facilities.
7. Other costs including insurance, professional services, occupancy and equipment leases, printing and publication, training, indirect costs, and accounting.

### Definitions/Glossary of Terms

“Airport Ground Support Equipment” shall mean vehicles and equipment used at an airport to service aircraft between flights.

“All-Electric” shall mean powered exclusively by electricity provided by a battery, fuel cell, or the grid.

“Alternate Fueled” shall mean an engine, or a vehicle or piece of equipment that is powered by an engine, which uses a fuel different from or in addition to gasoline fuel or diesel fuel (e.g., CNG, propane, diesel-electric Hybrid).

“Certified Remanufacture System or Verified Engine Upgrade” shall mean engine upgrades certified or verified by EPA or CARB to achieve a reduction in emissions.

“Class 4-7 Local Freight Trucks (Medium Trucks)” shall mean trucks, including commercial trucks, used to deliver cargo and freight (e.g., courier services, delivery trucks, box trucks moving freight, waste haulers, dump trucks, concrete mixers) with a Gross Vehicle Weight Rating (GVWR) between 14,001 and 33,000 lbs.

“Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Buses)” shall mean vehicles with a Gross Vehicle Weight Rating (GVWR) greater than 14,001 lbs. used for transporting people. See definition for School Bus below.

“Class 8 Local Freight, and Port Drayage Trucks (Eligible Large Trucks)” shall mean trucks with a Gross Vehicle Weight Rating (GVWR) greater than 33,000 lbs. used for port drayage and/or freight/cargo delivery (including waste haulers, dump trucks, concrete mixers).

“CNG” shall mean Compressed Natural Gas.

“Drayage Trucks” shall mean trucks hauling cargo to and from ports and intermodal rail yards.

“Forklift” shall mean nonroad equipment used to lift and move materials short distances; generally includes tines to lift objects. Eligible types of forklifts include reach stackers, side loaders, and top loaders.

“Freight Switcher” shall mean a locomotive that moves rail cars around a rail yard as compared to a line-haul engine that moves freight long distances.

“Generator Set” shall mean a switcher locomotive equipped with multiple engines that can turn off one or more engines to reduce emissions and save fuel depending on the load it is moving.

“Government” shall mean a State or local government agency (including a school district, municipality, city, county, special district, transit district, joint powers authority, or port authority, owning fleets purchased with government funds), and a tribal government or native village. The term “State” means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“Gross Vehicle Weight Rating (GVWR)” shall mean the maximum weight of the vehicle, as specified by the manufacturer. GVWR includes total vehicle weight plus fluids, passengers, and cargo.

- Class 1: < 6000 lb.
- Class 2: 6001-10,000 lb.
- Class 3: 10,001-14,000 lb.
- Class 4: 14,001-16,000 lb.
- Class 5: 16,001-19,500 lb.
- Class 6: 19,501-26,000 lb.
- Class 7: 26,001-33,000 lb.
- Class 8: > 33,001 lb.

“Hybrid” shall mean a vehicle that combines an internal combustion engine with a battery and electric motor.

“Infrastructure” shall mean the equipment used to enable the use of electric powered vehicles (e.g., electric vehicle charging station).

“Intermodal Rail Yard” shall mean a rail facility in which cargo is transferred from drayage truck to train or vice-versa.

“Port Cargo Handling Equipment” shall mean rubber-tired gantry cranes, straddle carriers, shuttle carriers, and terminal tractors, including yard hostlers and yard tractors that operate within ports.

“Plug-in Hybrid Electric Vehicle (PHEV)” shall mean a vehicle that is similar to a Hybrid but is equipped with a larger, more advanced battery that allows the vehicle to be plugged in and recharged in addition to refueling with gasoline. This larger battery allows the car to be driven on a combination of electric and gasoline fuels.

“Repower” shall mean to replace an existing engine with a newer, cleaner engine or power source that is certified by EPA and, if applicable, CARB, to meet a more stringent set of engine emission standards. Repower includes, but is not limited to, diesel engine replacement with an engine certified for use with diesel or a clean alternate fuel, diesel engine replacement with an electric power source (e.g., grid, battery), diesel engine replacement with a fuel cell, diesel engine replacement with an electric generator(s) (genset), diesel engine upgrades in Ferries/Tugs with an EPA Certified Remanufacture System, and/or diesel engine upgrades in Ferries/Tugs with an EPA Verified Engine Upgrade. All-Electric and fuel cell Repowers do not require EPA or CARB certification.

“School Bus” shall mean a Class 4-8 bus sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events. May be Type A-D.

“Scrapped” shall mean to render inoperable and available for recycle, and, at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If any Eligible Vehicle will be replaced as part of an Eligible project, Scrapped shall also include the disabling of the chassis by cutting the vehicle’s frame rails completely in half.

“Tier 0, 1, 2, 3, 4” shall refer to corresponding EPA engine emission classifications for nonroad, locomotive, and marine engines.

“Tugs” shall mean dedicated vessels that push or pull other vessels in ports, harbors, and inland waterways (e.g., tugboats and towboats).

“Zero Emission Vehicle (ZEV)” shall mean a vehicle that produces no emissions from the on-board source of power (e.g., All-Electric or hydrogen fuel cell vehicles).

**APPENDIX D-3**  
**Certification for Beneficiary Status**  
**Under Environmental Mitigation Trust Agreement**

**APPENDIX D-3**

**CERTIFICATION FOR BENEFICIARY STATUS  
UNDER ENVIRONMENTAL MITIGATION TRUST AGREEMENT**

1. Identity of Lead Agency

\_\_\_\_\_ (“Beneficiary”), by and through the Office of the Governor (or, if not a State, the analogous Chief Executive) of the Appendix D-1 and Appendix D-1A entity on whose behalf the Certification Form is submitted: (i) hereby identifies \_\_\_\_\_ (“Lead Agency”) as the Lead Agency for purposes of the Beneficiary’s participation in the Environmental Mitigation Trust (“Trust”) as a Beneficiary; and (ii) hereby certifies that the Lead Agency has the delegated authority to act on behalf of and legally bind the Beneficiary for purposes of the Trust.

**BENEFICIARY’S LEAD AGENCY CONTACT INFORMATION:**

<b>Contact:</b>	
<b>Address:</b>	
<b>Phone:</b>	
<b>Fax:</b>	
<b>Email:</b>	

2. Submission to Jurisdiction

The Beneficiary expressly consents to the jurisdiction of the U.S. District Court for the Northern District of California for all matters concerning the interpretation or performance of, or any disputes arising under, the Trust and the Environmental Mitigation Trust Agreement (“Trust Agreement”). The Beneficiary’s agreement to federal jurisdiction for this purpose shall not be construed as consent to federal court jurisdiction for any other purpose.

3. Agreement to be Bound by the Trust Agreement and Consent to Trustee Authority

The Beneficiary agrees, without limitation, to be bound by the terms of the Trust Agreement, including the allocations of the Trust Assets set forth in Appendix D-1 and Appendix D-1A to the Trust Agreement, as such allocation may be adjusted in accordance with the Trust Agreement. The Beneficiary further agrees that the Trustee has the authorities set forth in the Trust Agreement, including, but not limited to, the authority: (i) to approve, deny, request modifications, or request further information related to any request for funds pursuant to the Trust Agreement; and (ii) to implement the Trust Agreement in accordance with its terms.

4. Certification of Legal Authority

The Beneficiary certifies that: (i) it has the authority to sign and be bound by this Certification Form; (ii) the Beneficiary’s laws do not prohibit it from being a Trust Beneficiary; (iii) either (a)

the Beneficiary's laws do not prohibit it from receiving or directing payment of funds from the Trust, or (b) if the Beneficiary does not have the authority to receive or direct payment of funds from the Trust, then prior to requesting any funds from the Trust, the Beneficiary shall obtain full legal authority to receive and/or direct payments of such funds within two years of submitting this Certification Form; and (iv) if the Beneficiary does not have the authority to receive or direct payment of funds from the Trust and fails to demonstrate that it has obtained such legal authority within two years of submitting this Certification Form, it shall become an Excluded Entity under the Trust Agreement and its initial allocation shall be redistributed among the Beneficiaries pursuant to subparagraph 5.0.1 of the Trust Agreement.

5. Certification of Legal Compliance and Disposition of Unused Funds

The Beneficiary certifies and agrees that, in connection with all actions related to the Trust and the Trust Agreement, the Beneficiary has followed and will follow all applicable law and will assume full responsibility for its decisions in that regard. The Beneficiary further certifies that all funds received on account of any Eligible Mitigation Action request that are not used for the Eligible Mitigation Action shall be returned to the Trust for credit to the Beneficiary's allocation.

6. Waiver of Claims for Injunctive Relief under Environmental or Common Laws

Upon becoming a Beneficiary, the Beneficiary, on behalf of itself and all of its agencies, departments, offices, and divisions, hereby expressly waives, in favor of the parties (including the Settling Defendants) to the Partial Consent Decree (Dkt. No. 2103-1) and the parties (including the Defendants) to the Second Partial Consent Decree (Dkt. No. 3228-1), all claims for injunctive relief to redress environmental injury caused by the 2.0 Liter Subject Vehicles and the 3.0 Liter Subject Vehicles (jointly, "Subject Vehicles"), whether based on the environmental or common law within its jurisdiction. This waiver is binding on all agencies, departments, offices, and divisions of the Beneficiary asserting, purporting to assert, or capable of asserting such claims. This waiver does not waive, and the Beneficiary expressly reserves, its rights, if any, to seek fines or penalties.

7. Publicly Available Information

The Beneficiary certifies that it will maintain and make publicly available all documentation and records: (i) submitted by it in support of each funding request; and (ii) supporting all expenditures of Trust Funds by the Beneficiary, each until the Termination Date of the Trust pursuant to Paragraph 6.8 of the Trust Agreement, unless the laws of the Beneficiary require a longer record retention period. Together herewith, the Beneficiary attaches an explanation of: (i) the procedures by which the records may be accessed, which shall be designed to support access and limit burden for the general public; (ii) for the Beneficiary Mitigation Plan required under Paragraph 4.1 of the Trust Agreement, the procedures by which public input will be solicited and considered; and (iii) a description of whether and the extent to which the certification in this Paragraph 7 is subject to the Beneficiary's applicable laws governing the publication of confidential business information and personally identifiable information.



8. Notice of Availability of Mitigation Action Funds

The Beneficiary certifies that, not later than 30 Days after being deemed a Beneficiary pursuant to the Trust Agreement, the Beneficiary will provide a copy of the Trust Agreement with Attachments to the U.S. Department of the Interior, the U.S. Department of Agriculture, and any other Federal agency that has custody, control or management of land within or contiguous to the territorial boundaries of the Beneficiary and has by then notified the Beneficiary of its interest hereunder, explaining that the Beneficiary may request Eligible Mitigation Action funds for use on lands within that Federal agency's custody, control or management (including, but not limited to, Clean Air Act Class I and II areas), and setting forth the procedures by which the Beneficiary will review, consider, and make a written determination upon each such request.

9. Registration of Subject Vehicles

The Beneficiary certifies, for the benefit of the Parties (including the Settling Defendants) to the Partial Consent Decree and the Parties to the Second Partial Consent Decree (including the Defendants) and the owners from time-to-time of Subject Vehicles, that upon becoming a Beneficiary, the Beneficiary:

- (a) Shall not deny registration to any Subject Vehicle based solely on:
  - i. The presence of a defeat device or AECD covered by the resolution of claims in the Partial Consent Decree or in the Second Partial Consent Decree; or
  - ii. Emissions resulting from such a defeat device or AECD; or
  - iii. The availability of an Approved Emissions Modification, an Emissions Compliant Recall or the Buyback, Lease Termination, and Owner/Lessee Payment Program.
- (b) Shall not deny registration to any Subject Vehicle that has been modified in accordance with an Approved Emissions Modification or an Emissions Compliant Recall based solely on:
  - i. The fact that the vehicle has been modified in accordance with the Approved Emissions Modification or the Emissions Compliant Recall; or
  - ii. Emissions resulting from the modification (including, but not limited to, the anticipated emissions described in Appendix B to the Partial Consent Decree and Appendix B to the Second Partial Consent Decree); or
  - iii. Other emissions-related vehicle characteristics that result from the modification; or

iv. The availability of an Approved Emissions Modification, an Emissions Compliant Recall or the Buyback, Lease Termination, and Owner/Lessee Payment Program.

(c) May identify Subject Vehicles as having been modified, or not modified, in accordance with the Approved Emissions Modification or the Emissions Compliant Recall on the basis of VIN-specific information provided to the Beneficiary by the Defendants.

(d) Notwithstanding the foregoing, the Beneficiary may deny registration to any Subject Vehicle on the basis that the Subject Vehicle fails to meet EPA’s or the Beneficiary’s failure criteria for the onboard diagnostic (“OBD”) inspection; or on other grounds authorized or required under applicable federal regulations (including an approved State Implementation Plan) or under Section 209 or 177 of the Clean Air Act and not explicitly excluded in subparagraphs 9(a)-(b).

10. Reliance on Certification

The Beneficiary acknowledges that the Trustee is entitled to rely conclusively on, without further duty of inquiry, and shall be protected in relying upon, this Appendix D-3 Certification, or a subsequent communication from the Lead Agency designating new or additional authorized individuals, as setting forth the Lead Agency and the authorized individuals who may direct the Trustee with respect to all of the Beneficiary's rights and duties under the Trust Agreement. The Beneficiary and its delegated Lead Agency, including all authorized individuals, agree to comply with all security procedures, standard payment and signatory authorization protocols, as well as procedures for designating new or additional authorized individuals, as set forth by the Trustee.

**FOR THE GOVERNOR (or, if not a State, the analogous Chief Executive):**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Location: \_\_\_\_\_

**[FOR OTHER REQUIRED SIGNATORIES]:**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Location: \_\_\_\_\_

**[FOR OTHER REQUIRED SIGNATORIES]:**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Location: \_\_\_\_\_

**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)

<b>Action Title:</b>	
<b>Beneficiary's Project ID:</b>	
<b>Funding Request No.</b>	<i>(sequential)</i>
<b>Request Type: (select one or more)</b>	<input type="checkbox"/> Reimbursement <span style="margin-left: 150px;"><input type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to: (select one or more)</b>	<input type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

**SUMMARY**

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

If applicable, describe how the mitigation action will mitigate the impacts of NO<sub>x</sub> 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:** \_\_\_\_\_

\_\_\_\_\_  
[NAME]

[TITLE]

\_\_\_\_\_  
[LEAD AGENCY]

**for**

\_\_\_\_\_  
[BENEFICIARY]

**ATTACHMENT A**

**FUNDING REQUEST AND DIRECTION**

*(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)*

Pursuant to the authority granted to \_\_\_\_\_ [insert Lead Agency] to act on behalf of Beneficiary \_\_\_\_\_ under the Mitigation Trust, [Lead Agency] directs the Trustee to make the following payments from its subaccount no. \_\_\_\_\_ to the following payees, for the amounts specified on the dates specified below.

**LEAD AGENCY INFORMATION**

Beneficiary Name: _____	Lead Agency Contact Person: _____
Lead Agency Name: _____	Lead Agency Email Address: _____
Lead Agency Address: _____	Lead Agency Fax: _____
Lead Agency Phone: _____	Lead Agency TIN: _____

*Contact information entered above may correspond to Lead Agency or 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*

**MITIGATION ACTION INFORMATION**

Action Title: _____	Funding Request No: _____
Beneficiary's Project ID: _____	

**PAYMENTS REQUESTED**

*(attach additional pages if needed)*

<b>Amount</b>	<b>Requested Date</b>	<b>Payee</b>	<b>Request Type</b>



**PAYEE CONTACT AND WIRE INFORMATION**

*(fill out both tables below for each payee and payment identified in "Payments Requested" table on p. 1; attach additional pages if needed)*

**PAYEE CONTACT INFORMATION**

Action Title: _____	Beneficiary Project ID: _____
Payee Name: _____	Payee Contact Person: _____
Payee Address: _____	Payee Email Address: _____
Payee Phone: _____	Payee Fax: _____
Payee TIN: _____	

Payment Amount	Requested Date	Request Type

**WIRE INFORMATION**

Receiving Bank Name: _____	_____
Receiving Bank Branch: _____	_____
Receiving Bank Address: _____	_____
Bank Swift ID: _____	National Routing No. / Bank ABA Number _____ <i>(Sort Code, BLZ)</i>
Amount of Wire: _____	_____
Message to Payee: _____	_____
Instructions to Receiving Bank: _____	_____
For Credit to: _____	_____
Other Special Instructions: _____	_____

*[Signature Block]*

**[SAMPLE ATTACHMENT B - USE OF THIS FORMAT IS NOT MANDATORY]****PROJECT MANAGEMENT PLAN**  
**PROJECT SCHEDULE AND MILESTONES**

<b>Milestone</b>	<b>Date</b>
Lead Agency Provides Notice of Availability of Mitigation Action Funds	
Project Sponsor Submits Proposal to Lead Agency	
Lead Agency Provides Written Approval of Project Sponsor's Proposal	
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	
Trustee Acknowledges Receipt of Project Certification and Funding Direction	
Trustee Allocates Share of State Funds for Approved Project	
Lead Agency Directs Funding (Advance Funded Projects)	
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	
Project Installation(s) – Start	
Project Installation(s) – Complete	
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)	
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	-
Project Sponsor Certifies Project Completion	
Lead Agency Reports Project Completion	

**PROJECT BUDGET**

<b>Period of Performance: _____</b>				
<b>Budget Category</b>	<b>Total Approved Budget</b>	<b>Share of Total Budget to be Funded by the Trust</b>	<b>Cost-Share, if applicable (Entity #1)</b>	<b>Cost-Share, if applicable (Entity #2)</b>
1. Equipment Expenditure	\$	\$	\$	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative <sup>1</sup>	\$	\$	\$	\$
<b>Project Totals</b>	\$	\$	\$	\$
<b>Percentage</b>	%	%	%	%

<sup>1</sup> Subject to Appendix D-2 15% administrative cap.

**PROJECTED TRUST ALLOCATIONS:**

	2017	2018	2019	2020	2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$	\$	\$	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$	\$	\$

**APPENDIX D-5**  
**Form of Certificate of Trust of the**  
**Volkswagen Diesel Emissions Environmental Mitigation Trust**  
**for State Beneficiaries, Puerto Rico, and the District Of Columbia**

**APPENDIX D-5**

**FORM OF CERTIFICATE OF TRUST OF THE  
VOLKSWAGEN DIESEL EMISSIONS ENVIRONMENTAL MITIGATION TRUST  
FOR  
STATE BENEFICIARIES, PUERTO RICO, AND THE DISTRICT OF COLUMBIA**

This Certificate of Trust of the Volkswagen Diesel Emissions Environmental Mitigation Trust for State Beneficiaries, Puerto Rico, and the District of Columbia (the "Trust") is being duly executed and filed on behalf of the Trust by the undersigned, as Trustee, to form a statutory trust under the Delaware Statutory Trust Act, Del. Code Ann. tit.12, §§ 3801-3826 (the "Act").

1. Name. The name of the statutory trust formed by this Certificate of Trust is the Volkswagen Diesel Emissions Environmental Mitigation Trust for State Beneficiaries, Puerto Rico, and the District of Columbia.

2. Delaware Trustee. The name and business address of the Trustee of the Trust with a principal place of business in the State of Delaware are Wilmington Trust, N.A., 1100 North Market Street, Wilmington, Delaware 19890. Attn: Corporate Trust Administration.

3. Effective Date. This Certificate of Trust shall be effective upon filing.

4. IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Trust in accordance with Section 3811(a)(1) of the Act.

WILMINGTON TRUST, N.A.,  
not in its individual capacity but solely  
as Trustee

By: \_\_\_\_\_  
Name:  
Title: